JAPAN-U.S. ALLIANCE FOR DEFENSE PRACTITIONERS

PLANS, WARGAMES, AND EXERCISES REFERENCE GUIDE

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This guide is for informational purposes only and does not constitute legal advice. It is a derivative reference and is not a substitute for primary source information, authoritative analysis, or official U.S. Government or Government of Japan positions. This guide reflects a Best Understanding[1] based on research undertaken as of the date of writing and contains errors.

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NOTICE ON DRAFT STATUS

This guide is in INITIAL DRAFT with significant proof-reading, reconciliation, reorganization, and editing required. This draft is available in its current state only because of the potential utility to planners during ongoing planning, wargames and exercises. Use with care.

UPDATES, QUESTIONS, & RECOMMENDATIONS

This guide is frequently updated with additions, clarifications, and corrections. Contact the author for the most up-to-date version or with any corrections, questions, or recommended additions or clarifications.

[1] 1–2. What is "Best Understanding?", p. 1.

About the Author

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About the Cover

The cover image is a map of the Ryūkyū Islands depicting the range of Japan's Nansei Shotō from the Ōsumi Strait to Yonaguni Island. The map is from "The World Atlas: Second Edition," Chief Administration of Geodesy and Cartography under the Council of Ministers of the USSR, Moscow, 1967.

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PREFACE

SENSITIVITIES DISCLAIMER

This guide contains information found in and synthesized from publicly-available sources. It contains numerous topics and issues that are politically-sensitive within Japan, domestically, within a bilateral context, and potentially within the U.S., domestically, as well.

There may be confidential (either formally classified or simply kept from the public eye) agreements, discussions, or understandings on topics that are discussed (based on publicly-available information) in this guide. Those privy to such confidential information may find this guide misleading, outdated, or simply incorrect.

Nevertheless, this guide was developed to inform those who are not privy to such information but whose professional responsibilities rely on understanding the topics in this guide. A fundamental tension exists when information relevant and necessary to a broad audience is kept by a select few. When this occurs, those who may not have a formal "need to know" may still have a 'need to understand.' This leaves them either to make uneducated guesses or educated, widely-sourced, and expert-informed "Best Understanding."[2] This guide opts for the latter as a lesser of two evils.

As a result, users of this guide should keep in mind that U.S. and Japanese counterparts may have divergent views on some of the material contained in this guide. These divergent views may stem from uneducated guesses or confidential knowledge. This guide, therefore, should be treated as an INTERNAL TRAINING REFERENCE, PREDOMINANTLY FOR U.S.-ONLY USE and not as any authority.

WHY A 508-PAGE GUIDE?

This guide is meant for reference, not to be read from front-to-back, and can best be thought of as a 188-page collection of thoroughly cross-referenced information papers.

This format allow readers to find the specific information they seek while the cross-references ensure readers both understand related issues requiring more detailed understanding and enable readers to easily explore those topics, as needed.

The remainder of the 508 pages provide more detailed analysis or deep-dives on selected topics as well as the original reference material on which these "information papers" and supporting analysis are based.

Second, while Japanese planners regularly and faithfully present GoJ authorities during bilateral engagements, these are often summarized down onto a single slide. Worse yet, these summary slides exist in a variety of forms, seemingly re-invented for each exercise, wargame, or planning session, and present sometimes-inconsistent views of the laws and procedures governing GoJ action during a crisis or conflict.

This situation is aggravated by a Japanese bureaucratic, government, and national security culture that often obscures procedure or authoritative documents to outsiders (within and without GoJ) and defers to single points of authority (depriving the wider GoJ effective working understanding of a subject while simultaneously erecting bureaucratic walls between knowledge and the U.S. defense practitioner). This, coupled with the language barrier, makes it surprisingly difficult for the U.S. defense practitioner to gain something more than a PowerPoint-deep understanding of GoJ authorities, policies, and guidelines while often leaving their Japanese interlocuters similarly under-informed.

Finally, Japanese defense law, policy, and procedure can be mind-bogglingly complex. In military planning with Japan, valuable information is often found in the footnotes, sometimes literally.

This guide seeks to begin rectifying this situation by collecting and highlighting those "footnotes" from various sources, finding the source text, and placing that information into usable context, synthesized with practical analysis.

In short, this guide represents one U.S. bilateral planner's attempt to write the guide he wished he, himself, had been able to reference.

[2] 1–2. What is "Best Understanding?", p. 1.

What Makes Japanese Defense Authorities so Complicated?

> *The linkages among the various stipulations [in Japanese defense law] are so complicated that even expert practitioners cannot under the whole picture easily.*[1]
>
> *— Atsuhiko FUJISHIGE, Center for Strategic and International Studies–Japan Chair*

The Japanese Constitution is the world's oldest unrevised constitution.[2] More than trivia, this fact demonstrates the degree to which shifting interpretations have allowed Japan to change how their Constitution shapes the operation of its defense, without changing the text itself.

> *In Japan's case, a great deal of laws that have to do with national security policy stands on an unreasonably complicated interpretation of its constitution that was created during the Cold War. As a result, the current legal framework that justifies the Japanese government's current national security policy is supported by a very obscure and fragile compilation of one interpretation of the law after another.*[3]
>
> *— Yuki TATSUMI, Henry L. Stimson Center–East Asia Program Senior Associate*

Consequently, the practical capabilities of and restraints on Japan's military often require a mutli-layered and matrixed understanding of laws, policies, and interpretations. This complexity can make Japanese defense policy highly flexible (as in the expanded Use of Weapons[3] authorities for intercept of uncrewed aerial systems or objects[4]) without any meaningful change in defense laws—though few U.S. planners who work with Japan would agree, on the surface.

> *[I]t is extremely difficult for non-Japanese practitioners, especially those who do not know Japanese, to understand the country's complex security legislation. One reason that there is no such [Law of War Manual] might come from Japanese culture, which often prefers to keep guidelines vague, especially related to national security. Talking about war has been taboo in Japan since World War II because of the country's pacifist constitution and the broad antimilitary sentiment among the populace. … mutual understanding in the legal domain is key to joint U.S.-Japan operations…*[4]

Furthermore, the Positive List[5] approach to defense authorities used by Japan places defense law and policy (and not necessarily defense capacity or capability) in a dominant position in determining Japan's approach to security or response to crises or conflict. Understanding these constraints is often the clearest way to understand the linkages between ends, ways, and means in Japan's strategy and operational approaches when employing its defense capabilities.

The necessity for a Positive List approach is in part because Japan's Constitution[6] makes no provision for defense. It grants no commander-in-chief or executive authorities to the PM to direct the JSDF in combat, and it provides no emergency authorities for responding to a national security crisis. Because the Constitution says nothing about defense after its famous renunciation of war in Article 9,[7] the only legal basis for actions in defense of Japan must be specifically-authorized in law.

Building on this sparse legal foundation for defense activities was the peace-oriented and anti-militarist (but not "pacifist") culture that emerged after World War II. This, in turn, mixed with the unique historical conditions created by the U.S.'s post-war security guarantees, the Cold War, and a long regional memory that was fearful of a militarily-powerful Japan.

The result of all this is the slow accumulation of an intricate (and sometimes contentious) legalistic basis for national defense almost unique in the world. To understand what Japan *could* do, under what conditions, when, by whom, and how, let alone to speculate as to what Japan *would* do, requires sometimes extraordinary knowledge. Readers will find evident in the footnotes the intricate web of cross-references necessary to understand the implications of Japanese defense law and policy.

In contrast, U.S. planners are often comfortable making assumptions about authorities and related limitations because of the wide latitude given to the U.S. Commander-in-Chief, who often possesses the authority to turn those assumptions into facts, almost at will.

For Japan, if a military action is not prescribed specifically in law (after being checked for consistency with a multitude of other laws), it is not permitted.

[3] 3–3.1. Use of Weapons, p. 77.
[4] 3–3.1.4. Use of Weapons Against Uncrewed Systems, p. 81.
[5] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[6] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[7] 2–1.2.1. Article 9 (War Renunciation), p. 13.

Complicating matters even further, the JNSS[8] lacks assigned legal advisors, making interpretation of Japanese law in and as applied to national security crises "dependent on government officials and politicians in the Diet[9]."[5]

For these reasons, planning for military operations with Japan requires a 508-page guide—though few will ever need more than a portion of it.

> The intricate web of cross-referenced and interdependent Japanese defense law and policy also contributes to the hesitation of Japanese planners to speculate on what the JSDF would be authorized to do in a certain scenario.
>
> U.S. planners often take this reluctance as a cultural deference to consensus decision-making or an unwillingness to take initiative without explicit approval from higher up. While these cultural features certainly contribute to this reluctance, it is important for U.S. planners to understand that:
>
> • Such answers can be incredibly difficult to determine,
> • Many Japanese planners have limited experience with such national and operational law issues, and
> • JSDF Judge Advocates often do not share the degree of formal legal training and certification as U.S. Judge Advocates.

Why is Japanese Defense Law so Restrictive?

While the restrictive nature of Japanese defense laws[10] often seems peculiar to U.S. planners, in practice, it has not been excessively limiting. The restrictions in Japanese law have effectively balanced Japan's national security needs with its constitutional principles over its post-war history.

Each time the legal limits of the JSDF become apparent, the GoJ updates defense laws, sometimes with surprising speed, ensuring Japanese law keeps pace with the evolving security environment. At the same time, constitutional limitations and the contentious political and legal debates surrounding them require a careful approach to changing defense law.

While shortfalls in JSDF authorities have generally only appeared in peacekeeping, humanitarian, or other non-combat situations (e.g., R/TJNO[11]), it is important to note that this is only because Japan has successfully secured its people and national interests in the post-war era without entering an IAC.[12]

While U.S. planners may be frustrated with the limits of what Japan could or would do in a certain scenario, the prescriptiveness of Japanese law often provides a detailed framework to describe what the options are. In contrast, U.S. planners are almost at a loss to do the same for the inverse reason: U.S. laws and executive authority to direct the U.S. armed forces are so flexible, by comparison, that the options are almost endless. This is just one of the myriad asymmetries that make the members of the Alliance so complementary.

Finally, there is a school of thought that, given the centrality of the U.S. to Japan's fundamental security strategy, Japan's restrictive laws have served to balance the U.S.'s influence in Japanese national security calculus, especially with respect to the risks of entrapment.[6]

Are the Details and Primary Sources Really Necessary for Planners?

In most circumstances many planners are adequately served by synthesis and summary. However the factors listed above often combine with a variety of translation issues to obfuscate meanings, confuse readers, or call into question the underlying validity and reliability of a such syntheses or summaries.

Even the most technical legal analyses of Japanese law make basic errors such as:

- Referring to SDF Act (Law No. 165 of 1954, as amended) Article 100-6 as ¶(6) of Article 100 or Article 95-2 as ¶(2) of Article 95
- GoJ authorities summary tables citing the Article 11 of the "SIS Act" as the source of limited Use of Weapons authority, using a non-standard translation of the IIS Act (Act No. 60 of 1999, as amended)

[8] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[9] C–3. Diet. p. 234.
[10] Annex i. Selected Annotated Japanese Laws, p. 302.
[11] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[12] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.

- Basic factual mistakes, such as referring to an Exchange of Notes from 1966 that clarifies Prior Consultation requirements when the correct citation is a 1960 Exchange of Notes

These errors are relatively easy to resolve, but only with the ability to consult the sources. And because so many of these details were once secret or otherwise remain hidden by technical obscurity, the inability to consult the primary sources or a secondary source (like this guide) that clearly cites the primary sources, often leaves planners with few options other than to take assertions and assumptions at face value.

The translation barrier also works to obfuscate understanding. Because (often technical or legal) material must be translated to be available, such information is often simply not provided, fails to capture key nuance (e.g., Use of Weapons vs. Use of Force), or previously-translated material is simply recycled (preserving and sometimes adding to errors contained in the original). By collecting difficult-to-find translated material and correcting many of the deficiencies or inaccuracies of even highly-professional translations through the extensive cross-referencing and source-triangulation, this reference aims to cut through the ambiguity and obfuscation that can bedevil even the most experienced Japan planners.

Information Currency

As a final note, at the writing of this guide, the geopolitical environment is undergoing change at a scale and pace unseen in recent decades. In response, Japan and the Japan-U.S. Alliance are attempting to keep pace with this change. In some cases, this will render important (though rarely critical) details in this guide outdated or inaccurate. For example, while the scope of the Alliance's Article V commitments is unlikely to change, the acceleration of Japanese defense modernization may shorten the fielding time-tables for critical equipment and technology.

More tectonic changes are possible. Few writing as late as 2013 might have seriously considered Japan's reinterpretation of its right to exercise limited CSD, though this was a serious possibility by early 2014 and a reality shortly thereafter. Such changes are inevitable going forward.

Where information has an obvious or likely shelf-life, this guide strives to specify the currency of the information provided while cluing readers in to the possibility that it may become outdated. This information will normally be preceded by caveats such as "As of late 2024…" or similar phases. Readers should exercise care when such caveats are present and recognize that some sections of this guide may reflect more current information that others.

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GLOSSARY

DEFINITIONS

"2+2": *See* **Security Consultative Committee (SCC)**.

3NP: *See* **Three Non-Nuclear Principles (3NP)**.

3P: *See* **Three Principles on the Transfer of Defense Equipment and Technologies**.

Access, Basing, and Overflight (ABO):[14] Agreement(s) between the U.S. and a foreign state for U.S. armed forces to operate in, from, and through territorial land, **TTA**, and **TTS** within specified limitations during peacetime, crisis, and/or conflict.

Acquisition and Cross-Servicing Agreement (ACSA):[15] A formal agreement that allows governments and their military forces to acquire logistic support, supplies, and services from each other.
See also: **Logistics Support Activities**.

Active Cyber Defense (ACD):[16] Eliminating in advance the possibility of serious cyberattacks that may cause national security concerns to the government and critical infrastructures and for preventing the spread of damage in case of such attacks, even if they do not amount to an **Armed Attack**.

Activities that Contribute to the Defense of Japan:[17] Non-combat mutual support between the JSDF and other militaries including ISR, transportation and resupply not at the **Scene of Combat** or in direct support of combat operations, and bilateral training for defense of Japan. This term implies the application of the ***Ittaika*** principle.

Affirmative Commitment:[18] The legal theory that, under the language of Article V of the **MST**, the determination of an **Armed Attack** is the independent sovereign decision of each Ally and that there is no requirement for bilateral agreement on the recognition of an **Armed Attack** for the U.S. to exercise **Collective Self-Defense (CSD)** in defense of Japan.

Agreed Minute:[19] Diplomatic correspondence that provides amplification, explanation, or shared understanding of certain elements of a referenced document (usually an **International Commitment**).

Agreed View:[20] A codification by the **JC** of the shared (joint) interpretation of an element of the **SOFA**.

Air Defense Identification Zone (ADIZ):[21] An ADIZ is a region of airspace in which a state intends to identify, locate, and control aircraft in the interest of national security. An ADIZ is not **National Airspace** and entry into an ADIZ is not a violation of sovereignty.

Alliance Coordination Group (ACG):[22] An interagency element of the **ACM** to coordinate closely with the **JC** on policy in relation to the activities of the JSDF and U.S. forces and the primary mechanism for contingency consultation. Includes the Director General level (ACG-DG), Director level (ACG-D), and Executive Secretariat level (ACG-ES).

Alliance Coordination Mechanism (ACM):[23] An "always on" protocol for GoJ-USG collaboration and coordination on defense policy issues, including for any situation that affects Japan's peace and security or other situations that may require an Alliance response. The ACM includes the **SCC**, **SSC**, **SDC**, **ACG**, **JC**, **BOCC**, **CCC-A**, **CCC-G**, and **CCC-M**. The ACM is similar to but distinct from **CC**s.
See also: **Bilateral Planning Mechanism (BPM)**; **Treaty of Mutual Cooperation and Security between the United States and Japan (MST)**.

Anticipated Armed Attack Situation (AAAS):[24] A situation that is not yet an **AAS** but in which circumstances are critical and an Armed Attack against Japan is anticipated.

Approve/Approval:[25] Passage of a Diet resolution of approval for a **Security Situation Stipulated** by the Cabinet.
See also: **Reject/Rejection**.

[14] 5–1. Overview, p. 132.
[15] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[16] 3–2.2.7. Active Cyber Defense (ACD), p. 63.
[17] 2–1.2.2.2.1. Activities that Contribute to the Defense of Japan, p. 21.
[18] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[19] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[20] 2–1.4.7. Agreed View, p. 34.
[21] A–4.8. Air Defense Identification Zone (ADIZ), p. 197.
[22] 6–2.1.5. Alliance Coordination Group (ACG), p. 149.
[23] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.
[24] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[25] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

Archipelagic Sea Lane Passage (ASLP):[26] The exercise of the non-suspendable right of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious, and unobstructed transit between one part of the **High Seas** or **EEZ** and another part of the **High Seas** or **EEZ**.

Archipelagic State:[27] A State constituted wholly by one or more archipelagos and may include other islands.

Archipelagic Waters:[28] The waters enclosed by the archipelagic **Baselines** over which the **Archipelagic State** has full sovereignty, but foreign vessels have the right of **Innocent Passage**.

Area, The:[29] The seabed and subsoil beyond the limits of national jurisdiction, not including the water column or the air space above those waters.

Armed Agent:[30] Persons committing illegal acts such as subversive activities in Japan while possessing weapons with significant wounding and killing power. Implies attribution not to a **State or Quasi-State Organization** or inability to attribute an act to a **State or Quasi-State Organization**.

Armed Attack:[31] An organized and premeditated **Use of Force** against Japan. Armed Attacks must also be attributable to a **State or Quasi-State Organization**, resulting in death, injury, damage, or destruction within Japan's territorial land, **TTA**, or **TTS** or against a Japanese **State Vessel** or **State Aircraft** anywhere. In this guide, when "armed attack" (usually appearing within a quotation) refers to inconsistent with or beyond the scope of GoJ's definition of **Armed Attack** and qualifying scenarios, the term will appears in lower case to distinguish this usage from GoJ's definition and usage.
See also: **Armed Attack Disaster**; **Armed Attack Situation (AAS)**; **National Self-Defense (NSD)**; **Survival-Threatening Armed Attack (STAA)**.

Armed Attack Disaster:[32] Human death or injury, fire, explosion, release of radioactive materials, or other human or material disasters directly or indirectly caused by an **Armed Attack**.
Also: **Armed Attack-Induced Disaster**.
See also: **Armed Attack Situation (AAS)**.

Armed Attack-Induced Disaster: *See* **Armed Attack Disaster**.

Armed Attack Situation (AAS):[33] A situation in which an **Armed Attack** against Japan from outside occurs [**AAS (Occurrence)**] or in which it is recognized that clear danger of an **Armed Attack** against Japan from outside is imminent [**AAS (Imminent)**].
See also: **Armed Attack Disaster; Basic Response Plan (BRP)**; **National Self-Defense (NSD)**; **Use of Force**.

Armed Attack Situation (Imminent):[34] A situation in which it is recognized that clear danger of an **Armed Attack** against Japan from outside is imminent.
See also: **Basic Response Plan (BRP)**; **National Self-Defense (NSD)**.

Armed Attack Situation (Occurrence):[35] A situation in which an **Armed Attack** against Japan from outside occurs.
See also: **Basic Response Plan (BRP)**; **National Self-Defense (NSD)**; **Use of Force**.

armed attack situations, etc.:[36] Collective term referring to **AAAS** and **AAS** (including **AAS [Imminent]** and **AAS [Occurrence]**). Not to be confused with **AAS**. Presented in this manual in lower case to avoid confusion.

Article 3 Outgrant:[37] The use of **Facilities and Areas** by individuals or agencies granted by a local commander to operate and maintain their base under the provisions of Article 3 of the **SOFA**.[7]

Article II 1(a) Exclusive Use:[38] **Facilities and Areas** furnished by the GoJ for the Exclusive Use of U.S. forces under the provisions of Article II 1(a) of **SOFA**.[8]

Article II 4(a) Joint Use:[39] **Facilities and Areas** furnished by the GoJ for the Joint Use of JSDF and U.S. forces under the provisions of Article II 4(a) of **SOFA**.[9]

Article II 4(b) Limited Use:[40] **Facilities and Areas** furnished by the GoJ for the Limited Use of U.S. forces under the provisions of Article II 4 (b) of **SOFA**.[10]
See also: **II 4(b)**.

Baseline:[41] The low-water line along the coast as marked on large-scale charts officially recognized by the **Coastal State**.

[26] A–4.11.1. Archipelagic Sea Lane Passage (ASLP), p. 198.
[27] A–4.1.2. Archipelagic State, p. 195.
[28] A–4.11. Archipelagic Waters, p. 198.
[29] A–4.12. The Area, p. 198.
[30] 11–5. Armed Agents, p. 187.
[31] 4–12. Definition of "Armed Attack", p. 121.
[32] 4–12.2. Armed Attack Disaster, p. 122.
[33] 4–11. Armed Attack Situation (AAS), p. 116.
[34] 4–11.1.1. AAS (Imminent), p. 117.
[35] 4–11.1.2. AAS (Occurrence), p. 117.
[36] 4–8. "Armed Attack Situations, etc.", p. 108.
[37] 2–1.4.2.2. Article 3 Outgrant, p. 33.
[38] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[39] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[40] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[41] A–4.3. Baseline, p. 195.

Basic Plan (BP):[42] An outline of response measures authorized under an **IIS Stipulation** including: (1) rationale for **Stipulating IIS** and (2) implementation policies for authorized **IIS** response measures including (2a) **Logistics Support Activities**, (2b) **RSAR** operations, (2c) **SIO** operations. A BP is a policy document, not an military order. Similar to but distinct from a **BRP**.
See also: **Approve/Approval**; **Reject/Rejection**.

Basic Response Plan (BRP):[43] An outline of response measures authorized under an **AAAS**, **STS**, or **AAS Stipulation** including: (1) confirmation of the facts regarding a **Security Situation**, (2) rationale for **Stipulating** the **Security Situation**, and (3) implementation policies for authorized response measures. A BRP is a policy document, not an military order. Similar to but distinct from **BP**.
See also: **Approve/Approval**; **Reject/Rejection**.

Belligerent Rights: *See* **Rights of Belligerency**.

Bilateral Air Operations Coordination Center (BAOCC):[44] The **CC** responsible for coordinating operational and tactical aviation and air defense operations, maneuver, and fires during contingency. May be combined with the **CCC-A**.

Bilateral Dynamic Threat Assessment (BDTA):[45] A document tasked by a **BPFG** to provide a basis for bilateral understanding of the operational environment and potential adversary COA(s) to support the development of a bilateral plan. The BDTA is the primary bilateral intelligence reference for bilateral studies and planning efforts.

Bilateral Ground Coordination Center (BGCC): *See* **Component Coordination Center-Ground (CCC-G)**.

Bilateral Ground Logistics Coordination Center (BGLCC): *See* **Bilateral Ground Sustainment Coordination Center (BGSCC)**.

Bilateral Ground Medical Coordination Center (BGMCC):[46] The **CC** responsible for coordinating necessary operational and tactical ground medical support between JSDF RAs and U.S. forces conducting combat operations in the RA's AO during contingency. May have similar or shared responsibilities with the **BGOCC-R**.

Bilateral Ground Operations Coordination Center (BGOCC):[47] The **CC** responsible for coordinating operational and tactical ground operations, maneuver, and fires during contingency. The roles and missions of BGOCCs differ between BGOCCs and across contingencies. May include a **BGOCC-C** and one or more **BGOCC-R**.

Bilateral Ground Operations Coordination Center-Central (BGOCC-C):[48] The **CC** responsible for coordinating necessary operational and tactical ground operations, maneuver, fires, and/or other support activities between U.S. ground forces the JSDF GOF during contingency. May be combined with or have shared responsibilities with the **CCC-G**.
See also: **Bilateral Ground Operations Coordination Center-Regional (BGOCC-R)**.

Bilateral Ground Operations Coordination Center-Regional (BGOCC-R):[49] The **CC** responsible for coordinating necessary operational and tactical ground operations, maneuver, fires, and/or other support activities between JSDF RAs and U.S. forces conducting operations in the RA's AO during contingency. May have similar or shared responsibilities with the **BGOCC-C**.

Bilateral Ground Sustainment Coordination Center (BGSCC):[50] The **CC** responsible for coordinating necessary operational and tactical ground logistics between JSDF RAs and U.S. forces conducting combat operations in the RA's AO during contingency. May have similar or shared responsibilities with the **BGOCC-R**.
Also: **Bilateral Ground Logistics Coordination Center (BGLCC)**.

Bilateral Ground Tactical Coordination Center (BGTCC):[51] The **CC** responsible for coordinating necessary tactical ground operations, maneuver, and fires between JSDF and U.S. forces conducting combat operations on a single island during contingency. May have similar or shared responsibilities with the **BGOCC-R**.

Bilateral Joint Operations Coordination Center (BJOCC): *See* **Bilateral Operations Coordination Center (BOCC)**.

Bilateral Operations Coordination Center (BOCC):[52] The **ACM** node responsible for conducting strategic and high-operational policy coordination related to activities of the JSDF and U.S. forces responding to contingency.

Bilateral Planning Committee (BPC):[53] A subordinate committee to the **SDC** for the conduct or direction of bilateral planning.
See also: **Bilateral Planning Mechanism (BPM)**.

[42] 4–5 .Basic Plan (BP), p. 103.
[43] 4–4. Basic Response Plan (BRP), p. 101.
[44] 6–3.2. Bilateral Air Operations Coordination Center (BAOCC), p. 154.
[45] H–1.2. Bilateral Dynamic Threat Assessment (BDTA), p. 270.
[46] 6–3.3.3.1. Bilateral Ground Medical Coordination Center (BGMCC), p. 155.
[47] 6–3.2. Bilateral Air Operations Coordination Center (BAOCC), p. 154.
[48] 6–3.3.2. Bilateral Ground Operations Coordination Center-Central (BGOCC-C), p. 155.
[49] 6–3.3. Bilateral Ground Operations Coordination Center (BGOCC), p. 154.
[50] 6–3.3.3.1. Bilateral Ground Sustainment Coordination Center (BGSCC), p. 155.
[51] 6–3.3.3.1. Bilateral Ground Tactical Coordination Center (BGTCC), p. 155.
[52] 6–2.1.7. Bilateral Operations Coordination Center (BOCC), p. 150.
[53] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.

Bilateral Planning Framework and Guidance (BPFG):[54] A directive document issued by the **SDC** under the **BPM** to provide alliance intent, policy guidance, broad concept of operations, and planning process guidance, including milestones and timelines for alliance plans directed by the **SCC**.

Bilateral Planning Mechanism (BPM):[55] The Alliance mechanism for developing bilateral plans for defense of Japan and **Far Eastern Contingency Scenarios** (i.e., those associated with requirements under Article VI of the **MST**) and undertaking associated planning activities. The BPM includes the **SCC**, **SDC**, **BPC**, and **IACF**.
See also: **Alliance Coordination Mechanism (ACM)**.

Bilateral Space Operations Coordination Center (BSOCC):[56] The **CC** responsible for coordinating operational and tactical space operations, maneuver, and fires during contingency.

Bilateral Tasking Directive (BTD):[57] A directive document issued by the **BPC** that identifies bilateral planning panels responsible for each element of the plan and outlines a detailed timeline for plan development.

Cabinet Decision:[58] A policy decision on matters under the authority of the Cabinet reflecting the unanimous intent and position of the Cabinet on a specific subject.
See also: **Cabinet Order**.

Cabinet Order:[59] An order exercising authority granted to the Cabinet by enacted legislation or the Constitution, carrying the legal status of law.
See also: **Cabinet Decision**.

Civil Aircraft:[60] A private or commercial aircraft used for purposes including leisure, trade, passenger transport, etc. **State Aircraft** that are not considered **Military Aircraft** or **Other Government Aircraft** may be considered as **Civil Aircraft** for the purposes of LOAC.

Coastal State:[61] A State that possesses an open sea coast and is entitled to assert sovereignty, jurisdiction, or other rights in these adjacent sea areas.

Collective Self-Defense (CSD):[62] The right of one State to come to the assistance of another State that is under armed attack.
See also: **Individual Self-Defense (ISD)**; **National Self-Defense (NSD)**; **Unit Self-Defense (USD)**; **Use of Force**.

Combat Search and Rescue (CSAR):[63] **SAR** conducted during contingency/crisis and where the ***Ittaika*** principle is not applied. Distinct from **RSAR**.

Coming-to-Aid Duty (*Kaketsuke-keigo*):[64] Protection of lives and bodies of individuals engaging in international peace cooperation operations or providing support for those operations, in response to urgent requests when unexpected dangers to lives or bodies of such individuals related to operations occur or are imminent. This term implies the application of the ***Ittaika*** principle.

Communiqué: see **Joint Statement**.

Component Coordination Center-Air (CCC-A):[65] The **ACM** node responsible for facilitating air component-level bilateral coordination during contingency for non-combat operations (e.g., **Guard & Protect**, RSO&I, BOS-I support).

Component Coordination Center-Ground (CCC-G):[66] The **ACM** node responsible for facilitating ground component-level bilateral coordination during contingency for non-combat operations (e.g., **Guard & Protect**, RSO&I, BOS-I support).
Also: **Bilateral Ground Coordination Center (BGCC)**.

Component Coordination Center-Joint Task Force (CCC-JTF): *See* **Joint Task Force Coordination Center (JTF-CC)**.

Component Coordination Center-Maritime (CCC-M):[67] The **ACM** node responsible for facilitating maritime component-level bilateral coordination during contingency for non-combat operations (e.g., **Guard & Protect**, RSO&I, BOS-I support).
Also: **Maritime Coordination Center (MCC)**.

Concurrent Recognition: *See* **Concurrent Stipulation**.

[54] H–1.1. Bilateral Planning Framework and Guidance (BPFG), p. 270.
[55] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[56] 6–3.1. Bilateral Space Operations Coordination Center (BSOCC), p. 155.
[57] H–2.1. Bilateral Tasking Directive (BTD), p. 270.
[58] C–2.1.4.1. Cabinet Decision, p. 225.
[59] C–2.1.4.2. Cabinet Order, p. 225.
[60] E–2.2.4. Civil Aircraft, p. 244.
[61] A–4.1.1. Coastal State, p. 195.
[62] 3–4.2. Collective Self-Defense (CSD), p. 86.
[63] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
[64] 3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty), p. 80.
[65] 6–2.1.8. Component Coordination Center-Air/-Ground/-Maritime (CCC-A/-G/-M), p. 151.
[66] 6–2.1.8. Component Coordination Center-Air/-Ground/-Maritime (CCC-A/-G/-M), p. 151.
[67] 6–2.1.8. Component Coordination Center-Air/-Ground/-Maritime (CCC-A/-G/-M), p. 151.

Concurrent Stipulation:[68] Concurrent (or Concurrent Recognitions) occur when GoJ responds to a single, overarching, or simultaneous geopolitical crisis with a single response that combines two or more Stipulations (or Recognitions). Concurrent Stipulations may happen simultaneously, with two or more **Security Situations** being **Stipulated** at the time, or non-simultaneously, with a second **Stipulation** following the first by a matter of hours, days, or weeks. This definition is unique to this guide.
Also: **Concurrent Recognition**.
See also: **Parallel Stipulation**.

Construction of Defense Facilities: *See* **Establishment of Defense Facilities**.

Consultation:[69] A broad term referencing GoJ-USG diplomatic exchange on situations and activities of mutual security interest. Consultation includes routine consultation for **SOFA** issues (under **MST** Article VI), mutual defense issues (under **MST** Article V), and **Prior Consultation** for **RMCO** (under **MST** Article VI).

Contiguous Zone (CZ):[70] The area where a sovereign state can exert limited control to prevent or punish infringements of relevant laws applicable within **TTS** (usually from 12 to 24 NM beyond the **Baseline**).

Continental Shelf (CS):[71] The seabed that extends beyond a **Coastal State's TTS**, throughout the natural prolongation of its land territory to the outer edge of the Continental Margin (the sloping of the CS down to the deep ocean floor), or to a distance of 200 NM from the **Baseline** in cases where the Continental Margin does not extend up to that distance.

Contraband:[72] Any item, ultimately destined for the enemy, that may be of use to the enemy in waging war and identified on a published Contraband list.
Also: **Foreign Military Supplies**.

Coordination Center (CC):[73] Alliance coordination node responsible for coordinating operational and tactical operations, maneuver, and fires during contingency. CCs include **BAOCC**, **BGMCC**, **BGOCC**, **BGOCC-C**, **BGOCC-R**, **BGSCC**, **BGTCC**, **BSOCC**, **JTF-CC**, **MFCC**. **CC**s are distinct from **ACM** in that they coordinate military, not policy matters.

Customary International Law:[74] Customary International Law results from a general and consistent practice of States that is followed by them from a sense of legal obligation (*opinio juris*). Customary International Law is an unwritten form of law in the sense that it is not created through a written agreement by States. Customary International Law is generally binding on all States, but States that have been persistent objectors to a Customary International Law rule during its development are not bound by that rule. Customary International Law is a *component of* **International Law**.

Declare: see **Stipulate**.

Defense Call-Up Order (DCO):[75] An order to mobilize or recall reserve and ready reserve personnel and/or to extend terms of service of reserve and ready reserve personnel.

Defense Guidelines: *See* **Guidelines for Japan-U.S. Defense Cooperation**.

Defense Operation (DO):[76] JSDF operations conducted under Article 76 of the SDF Act (Law No. 165 of 1954, as amended) for defense of Japan.

Defense Operation Alert Order (DOAO):[77] An order issued when a **DO** is anticipated, directing the increase readiness posture of JSDF units, implementing enhanced **Guard & Protect** operations, or establishing JSDF contingency task organization and COMREL.

Defense Operation Order (DOO):[78] An order to conduct a **DO** and authorizing the **Use of Force** when the **Three New Conditions for the Use of Force** are met and granting JSDF expanded authorities.

Defense Operation Preparation Order (DOPO):[79] A non-statutory order to deploy JSDF units to authorized locations. Does not require Security Situation Stipulation.

Defense Operations, etc.:[80] JSDF operations conducted for the defense of Japan. Includes **DO** and associated preparatory actions and operations.

Defense Policy Review Initiative (DPRI):[81] An ongoing process to review bilateral RMCs, including the realignment of U.S. forces in Japan. DPRI collectively refers to three agreements: the FRF, the Guam International Agreement, and Land Returns and Shared Use of Facilities.

[68] 4–2.2.2. Concurrent Stipulation (Concurrent Recognition), p. 94.
[69] 2–1.3.3. Article IV—Consultation, p. 24.
[70] A–4.6. Contiguous Zone (CZ), p. 196.
[71] A–4.9. Continental Shelf (CS), p. 198.
[72] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[73] 6–3. Coordination Centers (CC), p. 153.
[74] 2–1.2.4.1.1. Customary International Law, p. 23.
[75]
[76] 3–2.2.1. Defense Operation (DO), p. 57.
[77] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[78] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[79] 3–2.2.2. Defense Operational Preparation Order (DOPO), p. 58.
[80] 3–2.2. Defense Operations, etc., p. 57.
[81] Appendix K. Defense Policy Review Initiative, p. 279.

Duties of Neutrality:[82] The duties required of a neutral state to retain the **Rights of Neutrality**, including of impartiality, abstention, enforcement, prevention, denial of **Prize**, detention of belligerent **Warships**, and permit of passage.

Effective Contribution to Military Action:[83] Actions that qualify a State as a belligerent in an **IAC** based on the nature, location, use, and purpose of those actions. Trade or transport of goods related to **War Sustaining Efforts** may be considered an Effective Contribution to Military Action.

Employment of Arms:[84] The employment of firearms, explosives, bladed weapons, and other machines, implements, and devices that are aimed to hurt or kill people or to destroy things as a means of armed fighting (whether this employment falls under the Japanese legal definitions of **Use of Weapons** or **Use of Force**). This definition is unique to this guide.

Establishment of Defense Facilities:[85] When a **DOO** is anticipated, the establishment, modification, or reinforcement of defense facilities in an expected **PDA**.
Also: **Construction of Defense Facilities**.
See also: **Defense Operations Alert Order (DOAO)**.

***Ex Ante* Approval:**[86] "Before the event." In the context of **Security Situation Stipulation**, *Ex Ante* refers to the PM's implementation of a **BP** or **BRP** after Diet **Approval**.
See also: ***Ex Post Facto* Approval**.

***Ex Post Facto* Approval:**[87] "After the fact." In the context of **Security Situation Stipulation**, *Ex Post Facto* refers to the PM's emergency implementation of a **BP** or **BRP** prior to Diet **Approval**.
See also: ***Ex Ante* Approval**.

Exchange of Notes:[88] A set of Diplomatic Notes exchanged between government representatives to share or confirm a government's official position or interpretation on an issue related to a formal **International Agreement** such as a **Treaty**.

Exclusive Economic Zone (EEZ):[89] The area beyond and adjacent to **TTS** up to 200 NM from the **Baseline** where a **Coastal State** exercises sovereign rights for exploring, exploiting, conserving and managing natural resources.

Exclusive Use: *See* **Article II 1(a) Exclusive Use**.

Exclusively Defense-Oriented Policy (EDOP):[90] The foundational defense policy of Japan based on Article 9 of the Constitution, allowing GoJ to maintain and exercise only the minimum necessary forces and capabilities for self-defense.
See also: **Three New Conditions for the Use of Force**; **Use of Force**.

Executive Agreement:[91] An **International Agreement** not subject to a **Treaty** ratification process, considered binding under **International Law**.
See also: **Special Measures Agreement**.

Extended Deterrence Dialogue (EDD):[92] A bilateral consultative mechanism to enhance regional stability including by providing nuclear capabilities and extended deterrence.
See also: **Extended Deterrence**.

Extended Deterrence:[93] A U.S. policy that guarantees that U.S. conventional and nuclear weapons will be considered as retaliatory options to any **Armed Attack** against Japan.
See also: **Extended Deterrence Dialogue (EDD)**.

Facilities and Areas:[94] Real estate and properties to include designated air, land or water areas, buildings, structures, trees, furnishings, equipment, and fixtures provided by GoJ for the use of U.S. forces under the provisions of the **SOFA**. Real estate provided for limited time periods or easement rights for communications-electronics, utilities, and other systems are also considered to be Facilities and Areas, or parts thereof. Agreements as to specific Facilities and Areas shall be established by USFJ and GoJ through the JC.

Facilities Subcommittee (FSC):[95] A subcommittee of the **JC** responsible to make recommendations to the **JC** concerning use, acquisition and release of **Facilities and Areas**.

[82] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[83] 2–1.2.1.4.6. Effective Contribution to Military Action, p. 19.
[84] 3–3. Employment of Arms, p. 76.
[85] 3–2.2.4. Establishment of Defense Facilities, p .59.
[86] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[87] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[88] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[89] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[90] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[91] 1–6.1.1.2. Executive Agreements (Legal Status), p. 9.
[92] 2–3.3.2.1. Extended Deterrence Dialogue (EDD), p. 45.
[93] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.
[94] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[95] 6–2.1.4.1. Facilities Subcommittee (FSC), p. 149.

Far East:[96] An undefined region where aspects of the **MST** apply. GoJ has established unilateral geographical boundaries for the Far East but this definition is not shared by USG. The alliance has never mutually defined this region.
See also: **Far Eastern Contingency Scenarios**; **Prior Consultation**; **U.S. Regional Military Combat Operations (RMCO)**.

Far Eastern Contingency Scenarios:[97] Contingencies that implicate Article VI of the **MST**, including U.S. treaty commitments beyond the **MST** or other contingencies that might require **RMCO**.
See also: **Far East**; **Prior Consultation**.

Flag of Convenience:[98] A business practice whereby a ship's owners register a **Merchant Ship** in a ship register of a country other than that of the ship's owners, crew, or cargo, and the ship flies the civil ensign of that country (called the **Flag State**).

Flag State:[99] The State has the right to fly its flag as prescribed in Article 91 of UNCLOS. During an **IAC**, **Merchant Ships** assume the duties and rights associated with all **Merchant Ships** belonging to or registered in the ship register of the Flag State, even if flying under a **Flag of Convenience**.

Foreign Military Forces:[100] Armed forces of a foreign **State or Quasi-State Organization** engaged in **Armed Attacks** against Japan.

Foreign Military Supplies: *See* **Contraband**.

General Security Agreement (GSA): *See* **General Security of Information Agreement (GSOIA)**.

General Security of Information Agreement (GSOIA):[101] A binding **International Agreement** concerning the use and protection of each government's classified information, third party transfers, and proprietary rights.
Also: **General Security Agreement (GSA)**.

General Security of Military Intelligence Agreement (GSOMIA):[102] A GSOIA concerning the use and protection of each government's CMI.
See also: **Trilateral Information Sharing Agreement (TISA)**.

Grey Zone:[103] An area of action or situations that are neither peacetime nor wartime and in which on State may confront another State over territory, sovereignty, or maritime and other economic interests, using some force or forceful organization, but which does not constitute an **Armed Attack**.
See also: **Hybrid Warfare**.

Guard & Protect:[104] Operations conducted when special measures are deemed necessary to prevent damage due to likely large-scale terrorist attacks on JSDF or U.S. **Facilities and Areas** in Japan.

Guidelines for Japan-U.S. Defense Cooperation:[105] Bilateral U.S.-Japan policy defining military **RMC**s under the **MST**, establishing the **ACM** and **BPM**, and detailing concepts of operations to respond to **Security Situations**.

High Seas:[106] The area comprised of all parts of the sea that are not included in the **EEZ**, **TTS**, or **Internal Waters** of a **Coastal State**, or in the **Archipelagic Waters** of an **Archipelagic State**. GoJ definitions of High Seas include **EEZ**.

***HOSONO* Process:**[107] An informal term referring to the Joint Crisis Management Coordination Group, an interagency coordination mechanism between the USG and GoJ established during the 11 March 2011 "Triple Disaster" (also referred to as "3/11").
See also: **ACG**, **ACM**.

Host Nation Support (HNS):[108] The **International Agreement** under which the GoJ pays portions of Yen-denominated expenses for U.S. forces in Japan. Realized through periodically negotiated **SMA**.
Also: **Sympathy Budget**.

Hybrid Warfare:[109] Methods intentionally blurring the boundaries between the military and non-military realms, forcing affected actors to take complex measures that are not limited to military actions and complicating the ability to definitively identify an act as an **Armed Attack**.
See also: **Grey Zone**.

II 1(a): *See* **Article II 1(a) Exclusive Use**.

II 4(a): *See* **Article II 4(a) Joint Use**.

[96] B–1.3.1. Defining the Far East, p. 207.
[97] 2–1.3.5.1. Article VI and U.S. Regional Treaty Obligations (Far Eastern Contingency Scenarios), p. 28.
[98] 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
[99] 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
[100] 4–12.5. Applicable Foreign Military Forces, p. 124.
[101] I–1.2. General Security of Military Intelligence Agreement (GSOMIA), p. 271.
[102] I–1.2. General Security of Military Intelligence Agreement (GSOMIA), p. 271.
[103] 11–2. Grey Zone, p. 185.
[104] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[105] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[106] A–4.10. High Seas, p. 198.
[107] 6–2.1.5.3. HOSONO Process, p. 150.
[108] 7–5.2.3.2. Host Nation Support (HNS), p. 166.
[109] 11–3. Hybrid Warfare, p. 186.

II 4(b):[110] The sub-paragraph of the **SOFA** addressing **LUA**s for U.S. access to **Facilities and Areas** off U.S. **Exclusive Use** (II 1[a]) or U.S.-Japan **Joint Use** (II 4[a]) **Facilities or Areas**. The term may also be used to refer to the process by which such access is requested.
See also: **Article II 4(b) Limited Use**.

Immediate Area of Naval Operations:[111] That area within which hostilities are taking place or belligerent forces are operating.

Implementation Area:[112] An area or areas designated in an **IIS BP** where authorized activities (including **Logistics Support Activities**, **RSAR**, and **SIO**) may take place. Implementation areas facilitate the application of the ***Ittaika*** principle.

Implementation Plan:[113] Component of a **II 4(b)** request and, when approved, part of a **Limited Use Agreement (LUA)**, specifying cost sharing agreements and other stipulations, in addition to the elements of a **Provision Agreement**.
See also: **Article II 4(b) Limited Use**; **II 4(b)**.

Important Influence Situation (IIS):[114] Situations that will have an important influence on Japan's peace and security, including situations that, if left unattended, could result in a direct **Armed Attack** on Japan.
See also: **Basic Plan (BP)**.

Individual Self-Defense (ISD):[115] An individual's right to defend his or her self, or those under their immediate supervision, from ongoing or imminent attack. Distinct from **NSD** in that it can apply in peacetime or wartime. May be limited to **Use of Weapons** and not imply **Use of Force**.
Also: When in reference to a *State's* "Individual Self-Defense": see **National Self-Defense (NSD)**.
See also: **Collective Self-Defense (CSD)**; **Unit Self-Defense (USD)**.

Innocent Passage:[116] The right of a vessel to navigate through the **TTS** of a foreign state for purposes of traveling from one area of **High Seas** to another or passing between the **High Seas** and the **Internal Waters** of the **Coastal State**.

Integration: *See* ***Ittaika*** **(Integration)**.

Interagency Coordination Forum (IACF):[117] A forum hosted by the **SDC** for necessary coordination among **RMA**s of both Allies to support the **BPC**, especially with regard to validating the feasibility of U.S. requirements for use of **Facilities and Areas** in Japan associated with **BPM** activities.

Internal Waters:[118] Internal (or inland) waters are on the landward side of the **Baseline** from which the **TTS** is measured. Examples of Internal Waters include rivers, canals, and lakes.

International Agreement:[119] An **International Commitment**, including **Treaties** and **Executive Agreements**, considered binding under **International Law**

International Airspace:[120] Any airspace beyond **National Airspace**.

International Armed Conflict (IAC) (GoJ Definition):[121] A situation in which **State or Quasi-State Organizations** have a disagreement over a specific issue, stick to their own opposing positions and are not willing to concede.
See also: **Non-International Armed Conflict (NIAC)**.

International Commitment:[122] An international document or pact including **International Agreements** and **Non-Binding Instruments**.

International Law:[123] The set of rules, norms, and standards of relations between states for domains including war, diplomacy, economics, human rights, etc. as documented in **Treaties**, international jurisprudence, UN issuances, widely recognized principles, and Customary International Law. **Customary International** Law is a *component of* International Law.

International Waters:[124] An informal term referring to the area where ships are under the jurisdiction of only their **Flag State** (with some exceptions, e.g., piracy). In some uses, International Waters refers to areas beyond **TTS**, in others, this refers to areas beyond the **CZ**, and in yet others, this refers to areas beyond the **EEZ** (>200 NM). The Law of Naval Warfare may use the term International Waters but defines it as the collective area including: the **High Seas**, **the Area**, and **Coastal State CZ**s, **EEZs**, and **CS**s. International Waters is distinct from **High Seas**.

Ittaika **(Integration):**[125] The principle that acts which form an integral part of the use of military force of a foreign country can be regarded as **Use of Force** and thus must be avoided except in Japan's self-defense.

[110] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[111] 4–12.9.6.2. Belligerent Control of the Immediate Area of Naval Operations, p. 128.
[112] 4–5.1. Implementation Area, p. 103.
[113] 5–3.2.2. Implementation Plan, p. 135.
[114] 4–7. Important Influence Situation (IIS), p. 105.
[115] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[116] E–5.1. Innocent Passage, p. 249.
[117] 6–2.2.1.1.2. Interagency Coordination Forum (IACF), p. 152.
[118] A–4.2. Internal Waters, p. 195.
[119] 1–6.1.1. International Agreements (Legal Status), p. 8.
[120] A–4.5.1. International Airspace, p. 196.
[121] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[122] 1–6.1. International Commitments (Legal Status), p. 8.
[123] 2–1.2.4.1. International Law, p. 22.
[124] A–4.13.2. International Waters, p. 199.
[125] 2–1.2.2. Ittaika (Integration), p. 20.

Japanese Organizational Access (JOA):[126] Access to **Article II 1(a) Facilities and Areas** provided to private Japanese organizations under the provisions of MEMO 4003. JOA is typically requested for specific events and times such as local festivals or sports activities.[11]
See also: **Status of Forces Agreement (SOFA)**.

Joint Committee (JC):[127] The means for consultation between the GoJ and the USG regarding the implementation of **SOFA**, with particular emphasis on Article II 1(a) and II 4(b) requests. The JC includes the **FSC**.
See also: **Alliance Coordination Mechanism (ACM)**.

Joint Statement:[128] A non-binding expression of views and undertakings of a government or governments. Joint Statements are policy, not legal instruments.
Also: **Communiqué**.

Joint Task Force Coordination Center (JTF-CC):[129] The **CC** responsible for coordinating operational JTF operations, maneuver, and fires during contingency.
Also: **Component Coordination Center-Joint Task Force (CCC-JTF)**.

Joint Use: *See* **Article II 4(a) Joint Use**.

***Kaketsuke-keigo*:** *See* **Coming-to-Aid Duty (*Kaketsuke-keigo*)**.

Kobe Formula: *See* **Kobe Method**.

Kobe Method:[130] A technique employed by the Kobe city government to deny entry to U.S. Navy vessels into Kobe Port by requiring foreign navy vessels to submit a "non-nuclear certificate" to positively confirm the absence of nuclear weapons on board the ship in question. The legal basis and enforceability of this technique is disputed.
Also: **Kobe Formula**.

Law of Neutrality:[131] The legal relationships between belligerents and neutral states. Neutral states uphold their **Duties of Neutrality** in return for the **Rights of Neutrality**.
See also: **Law of State Responsibility**.

Law of State Responsibility:[132] The justification under **International Law** to take countermeasures against States waging aggressive war in violation of the UN Charter.
See also: **Law of Neutrality**.

Legislation for Peace and Security:[133] A 2015 legislation package significantly revised ten defense, peacekeeping, and security laws (through the Peace and Security Legislation Development Law) and introduced the new law, International Peace Support Act. These laws modernized Japan's security laws and provided the major basis for the current defense authorities.

Limited Disaster Preparedness/Response Access:[134] Access to **Article II 1(a) Facilities and Areas** granted solely in response to, or in preparation for, natural or man-made disasters to conduct disaster preparedness training or to conduct disaster operations under the provisions of JC MEMO dated 27 April 2007. Disaster operations include rescue, medical, services, emergency transportation, evacuation, securing of food/water and other necessities of life. Such man-man disasters do not include **Armed Attack** on Japan or U.S. **Facilities and Areas**.[12]
See also: **Status of Forces Agreement (SOFA)**.

Limited Humanitarian Access (LHA):[135] Transit through **Article II 1(a) Facilities and Areas** granted solely for the purposes of emergency transit under the provisions of MEMO 4199. Transit consists of timely ingress and egress by the most expeditious means to promote human welfare under emergency conditions in support of critical humanitarian cases.[13]
See also: **Status of Forces Agreement (SOFA)**.

Limited Use Agreement (LUA): *See* **Article II 4(b) Limited Use**.

Local Implementation Agreement (LIA):[136] An agreement between a USFJ representative and a GoJ representative specifying the conditions of use, cost sharing arrangements, and any other stipulations as determined by the responsible service and the appropriate GoJ agency. LIAs are required for the implementation of actions made under the provisions of **Article II 4(a)**, **Article II 4(b)**, **JOA**, **LHA**, and **Limited Disaster Preparedness/Response Access**.[14]
See also: **Status of Forces Agreement (SOFA)**.

Location of Combat: *See* **Scene of Combat**.

[126] 2–1.4.1.2.1. Japanese Organizational Access (JOA), p. 30.
[127] 6–2.1.4. Joint Committee (JC), p. 148.
[128] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[129] 6–3.1. Joint Task Force Coordination Center (JTF-CC), p. 153.
[130] 2–3.3.1.2. Non-Nuclear Kobe Method Refusal, p. 43.
[131] 2–1.2.1.4. Law of Neutrality, p. 18.
[132] 2–1.2.1.4.4. Law of State Responsibility, p. 19.
[133] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[134] 2–1.4.1.2.3. Limited Disaster Preparedness/Response Access, p. 31.
[135] 2–1.4.1.2.2. Limited Humanitarian Access (LHA), p. 30.
[136] 2–1.4.1.3. Local Implementation Agreements (LIA), p. 31.

Logistics Support Activities:[137] The provision of goods and services, provision of facilities, and other support measures to U.S. forces or other militaries during peacetime, when responding to a **Stipulated Security Situation** and contributing to the objectives of the **MST**, or contributing to the achievement of the objectives of the UN Charter. This logistics support generally includes: supplies, transportation, repair and maintenance, medical services and treatment, communications services and equipment, port and airfield services, base operations support, billeting and temporary use of billeting facilities, storage of goods, use of JSDF facilities, buildings, and areas, and training services.
See also: **Acquisition and Cross-Servicing Agreement (ACSA)**.

Maritime Coordination Center (MCC): *See* **Component Coordination Center-Maritime (CCC-GM)**.

Maritime Force Coordination Center (MFCC):[138] The **CC** responsible for coordinating operational and tactical maritime operations, maneuver, and fires during contingency.

Maritime Interdiction Operations (MIO):[139] The **Belligerent Right** of visit and search during a time of war, authorizing the belligerent to determine the character of ships and cargo or identify potential lawful objects of attack.
See also: **Ship Inspection Operations (SIO)**.

Maritime Militia:[140] Vessels operating as part of, but not officially designated as part of, the armed forces of a State, including paramilitary, police and maritime police, and civil coast guards.

Maritime Security Operation (MSO):[141] Deployment of the JSDF when there is a special need to protect lives or property or maintain public security at sea.
See also: **Public Security Operation (PSO)**.

Merchant Ship:[142] A non-**State Vessel** used for commercial purposes including trade, fishing, and passenger transport and including non-commercial privately-owned vessels.

Military Aircraft:[143] An aircraft (manned or unmanned) operated by the armed forces of a State, bearing the military markings of that State, commanded by a member of the armed forces; and controlled, manned, or preprogrammed by a crew subject to regular armed forces discipline.

National Airspace:[144] The airspace above the territorial land and **TTS** of a State. A state's **ADIZ** is often incorrectly referred to as **National Airspace** or "sovereign airspace."
Also: **Territorial Airspace (TTA)**.

National Self Defense (NSD):[145] The right of a State to exercise **Use of Force** to defend a State's territorial integrity or political independence. Distinct from **USD** in that NSD cannot be involved by a lower-level commander.
Also: May be replaced with "**Individual Self-Defense (ISD)**," in reference to the *Individual State's* right to self-defense.
See also: **Collective Self-Defense (CSD)**.

Naval Auxiliary:[146] Vessels, other than **Warships**, that are owned or operated by the armed forces of a State, under the command of a civilian master, and used, for the time being, only on government non-commercial service.

Non-Binding Instrument:[147] An international document or pact, such as **Communiqué** or **Joint Statement**, not considered binding under **International Law**.

Non-International Armed Conflict (NIAC):[148] An armed conflict where only one side includes State belligerents (e.g., rebellion or civi war).
See also: **International Armed Conflict (IAC) (GoJ Definition)**.

Objective Confirmation:[149] The first element of a **BP** or **BRP**, confirming the facts that support **Security Situation Stipulation**.

One China Policy:[150] USG's official policy on Taiwan, that the USG recognizes that both PRC and Taiwan maintain that there is one China and that Taiwan is a part of China. This policy does not take a position on either PRC or Taiwan's claim to be the legitimate government of the "one China."
See also: **One China Principle**.

One China Principle:[151] The PRC's official position on Taiwan, that there is only one China, Taiwan is an inherent and inseparable part of China, and that the PRC is the legitimate government of that "one China."
See also: **One China Policy**.

[137] 4–6.1.1. Logistics Support Activities, p. 104.
[138] 6–3.4. Maritime Force Coordination Center (MFCC), p. 155.
[139] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[140] E–2.2.1.2.2. Maritime Militia, p. 243.
[141] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[142] E–2.2.2. Merchant Ships, p. 243.
[143] E–2.2.3.1. Military Aircraft, p. 244.
[144] A–4.5. National Airspace (TTA), p. 196.
[145] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[146] E–2.2.1.2.1. Naval Auxiliaries, p. 243.
[147] 1–6.1.2. Non-Binding Instruments (Legal Status), p. 9.
[148] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[149] 4–4.3. Objective Confirmation, p. 102.
[150] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[151] F–3.2.1.1. Distinction from "One China Principle," etc., p. 259.

Operational Code of Conduct (OCC):[152] Rules on weapon use for the JSDF taking into account operational geographic scope, types of weapons permitted to be used, and permitted methods of employment for weapons. OCC are similar to **ROE**.
Also: **Rules of Engagement (ROE)**.

Other Government Aircraft:[153] An aircraft assigned to exclusively State service (except for **Civil Aircraft**), including police and customs aircraft.

Other Government Ships:[154] Ships owned or operated by a State and used exclusively on government noncommercial service including, **Naval Auxiliaries**, **Maritime Militia**, Coast Guard vessels, other maritime law enforcement vessels, or private vessels operating under charter to the State.

Parallel Recognition:[155] *See* **Parallel Stipulation**.

Parallel Stipulation:[156] Parallel Stipulation (or Parallel Recognition) occurs when GoJ divides a single, overarching, or simultaneous geopolitical crisis into two or more distinct crises for the purposes of **Stipulating** (or Recognizing) different **Security Situations** for each crisis. This definition is unique to this guide.
See also: **Concurrent Stipulation**.

Planned Deployment Area (PDA):[157] An area where the Self-Defense Forces units ordered to be mobilized for **DO** (for **AAS**, but excluding **STS**) are expected to be deployed.
See also: **Establishment of Defense Facilities**.

Prior Consultation:[158] The consultation required under Article VI the **MST** for **RMCO** for security of the **Far East** (i.e., operations conducted under **MST** Article VI).
See also: **Far Eastern Contingency Scenarios**.

Prize:[159] Vessels or goods captured at sea and liable to condemnation.

Provision Agreement:[160] Component of a **II 4(b)** request and, when approved, part of a **Limited Use Agreement (LUA)**, specifying the conditions for use in an **Implementation Plan**, including scope and area of the **Facilities and Areas** to be used, purpose, duration, and conditions of use, forces and equipment to be deployed, public safety measures, and responsibility for maintenance and management.
See also: **Article II 4(b) Limited Use**.

Public Security Operation (PSO):[161] Deployment of the JSDF to augment Japan law enforcement in the event of indirect aggression or **Grey Zone** activities, or when it is impossible to maintain public security with the general police force
See also: **Maritime Security Operation (MSO)**.

Quasi-State Organization:[162] Part of the broader term "**State or Quasi-State Organization**" referring to an organization that fulfills all or some of the three requirements of a state (territory, people, and political system). With some exceptions, GoJ considers **Employment of Arms** against a **Quasi-State Organizations** as **Use of Force** and generally draws equivalency between **State and Quasi-State Organizations** for the purposes of policy.

Rear-Area Search and Rescue (RSAR):[163] **SAR** conducted during peacetime or during contingency/crisis within a designated a designated **Implementation Area** where the ***Ittaika*** principle applies. Distinct from **CSAR**.

Reciprocal Access Agreement (RAA):[164] An **International Agreement** that establishes procedures for the cooperative activities conducted by militaries of one State while visiting the other State, and defines a status of the visiting force. RAAs enable shared military training and military operations.
See also: **Status of Forces Agreement (SOFA)**.

Recognize:[165] The **Approval** by the Diet of a **Security Situation** and **BP** or **BRP**.
See also: **Stipulate**; **Concurrent Recognition**; **Parallel Recognition**.

Reject/Rejection:[166] Passage of a Diet resolution of disapproval for a **Security Situation Stipulated** by the Cabinet.
See also: **Approve/Approval**.

[152] 3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE", p. 84.
[153] E–2.2.3.2. Other Government Aircraft, p. 244.
[154] E–2.2.1.2. Other Government Ships, p. 243.
[155] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[156] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[157] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[158] 5–5.2. Prior Consultation, p. 139.
[159] E–2.5.1. Prize, p. 247.
[160] 5–3.2.1. Provision Agreement, p. 134.
[161] 3–2.3.1. Public Security Operation (PSO), p. 65.
[162] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[163] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[164] 2–6.7.2. Reciprocal Access Agreements (RAA), p. 53.
[165] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[166] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

Relevant Ministries and Agencies (RMA):[167] Any set of GoJ or USG ministries, departments, agencies, or other executive bodies. RMAs may be specified in given contexts.

Rescue of Japanese Nationals Overseas (RJNO):[168] JSDF protection and rescue of Japanese nationals and limited categories of others to safety from abroad in emergency situations posing a threat to Japanese nationals' lives or bodies. Supplement or substitute for a host nation's police power. Akin to NEO in a "permissive" environment and is not intended for what U.S. doctrine would consider a NEO in a "uncertain" or "hostile" environment.
See also: **Transport of Japanese Nationals Overseas (TJNO)**.

Rights of Belligerency:[169] The rights of a State under **International Law** when engaged in an **IAC**. GoJ retains those Belligerent Rights permissible under **EDOP**.
Also: **Belligerent Rights**.

Rights of Neutrality:[170] The rights of a neutral state in return for the **Duties of Neutrality**, including inviolability and the right to enforcement.

Roles, Missions, and Capabilities (RMC):[171] The individual and mutual defense obligations of GoJ, JSDF, USG, and U.S. forces in peacetime, crisis, or contingency, as codified by the **Defense Guidelines**.

Rules of Engagement (ROE): See **Operational Code of Conduct (OCC)**.

Scene of Combat:[172] The location where combat, as part of an **IAC**, in which the people are killed or things destroyed, is taking place.
Also: **Location of Combat**.
See also: ***Ittaika* (Integration)**.

Search and Rescue (SAR):[173] The location and recovery of persons, aircraft, or vessels lost, incapacitated, damaged, or destroyed in a designated area. Includes both peacetime or **RSAR** and **CSAR**.

Security Consultative Committee (SCC):[174] The highest level of Alliance defense coordination below the POTUS/PM level, responsible for coordinating on matters that promote national security and national security-related interests of each Ally and providing guidance and direction to all Alliance defense cooperation.
Also: **"2+2"**.
See also: **Alliance Coordination Mechanism (ACM)**; **Bilateral Planning Mechanism (BPM)**.

Security Operation:[175] JSDF operations to protect lives and assets or maintain public order and public security when Japanese law enforcement lack capacity or capability.
See also: **Maritime Security Operations (MSO)**; **Public Security Operations (PSO)**.

Security Situation:[176] One of four situations (**IIS**, **STS**, **AAAS**, and **AAS**) that, if **Stipulated**, grant the GoJ authority to take crisis actions as specified in and governed by the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) or the IIS Act (Act No. 60 of 1999, as amended).
Also: **Situation**.

Security Subcommittee (SSC):[177] A subcommittee of the **SCC** for working-level coordination on security and security-related issues of mutual concern to GoJ and USG.
See also: **Alliance Coordination Mechanism (ACM)**.

Ship Inspection Operations (SIO):[178] The peacetime right to "approach and visit" a vessel to secure effective compliance with economic sanctions and request, if necessary, a change in the ship's destination. Requires consent of the ship's captain and consent of the **Flag State** or in accordance with a UNSCR.
See also: **Maritime Interdiction Operations (MIO)**.

Situation: *See* **Security Situation**.

Sovereign Immunity:[179] A concept in **Customary International Law** by which State public property is protected against the exercise of jurisdiction or control by another State, including for **Warships**, **State Aircraft**, and **Other Government Aircraft**.

[167] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[168] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[169] 2–1.2.1.3. Belligerent Rights, p. 16.
[170] 2–1.2.1.4.2. Rights of Neutrality, p. 18.
[171] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[172] 2–1.2.2.1. Scene of Combat, p. 21.
[173] 3–2.2.6. Search and Rescue (SAR), p. 60.
[174] 6–2.1.3. Security Consultative Committee (SCC) ("2+2"), p. 147.
[175] 3–2.3. Security Operations, p. 64.
[176] Chapter 4. Security Situations Framework, p. 90.
[177] 6–2.1.3.1. Security Subcommittee (SSC), p. 147.
[178] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[179] E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.

Special Action Committee on Okinawa (SACO):[180] A working group formed under the **SCC** to study ways to reduce the burden of U.S. forces on Okinawa. The SACO completed its work with the SACO Final Report which stipulated the return of land, the adjustment of training and operational procedures, noise reduction, and the improvement of operational procedures regarding the **SOFA**.

Special Measures Agreement (SMA):[181] A form of **Executive Agreement** that typically covers **HNS** for the cost of U.S. forces forward-deployed to a host nation.

Specially Protected Vessel:[182] Vessels protected from being lawful objects of attacks or capture, including hospital ships, coastal rescue craft, and medical transports. **Merchant Ships** are not considered Specially Protected Vessels.

Specified Public Facilities, etc.:[183] Ports, airfield, roads, sea areas, airspace, and radio waves whose use may be granted to JSDF or U.S. forces during **AAAS** or **AAS**.

State Aircraft:[184] An aircraft used in military, customs, and police services, and any other aircraft operated by a government exclusively for noncommercial purposes. Some State Aircraft may be considered as **Civil Aircraft** for the purposes of LOAC.

State or Quasi-State Organization:[185] A GoJ term including a recognized State organization or a **Quasi-State Organization** for the purposes of policy determinations.

State Organization: *See* **State or Quasi-State Organization**.

State Vessel:[186] A ship including **Warships** and **Other Government Ships** (including **Naval Auxiliaries** and **Maritime Militia**).
See also: **Warships, etc. (GoJ Legal Definition)**.

Status of Forces Agreement (SOFA):[187] An **International Agreement** establishing the rights and obligations of armed forces of a foreign State stationed in or operating from a host nation. SOFAs may be agreements made pursuant to **Treaties**.
See also: **Reciprocal Access Agreement (RAA)**; **Treaty of Mutual Cooperation and Security between the United States and Japan (MST)**.

Stipulate:[188] The invocation of a **Security Situation** by the PM, including the submission of a **BP** or **BRP** to the Diet for **Approval**. See § 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement) (p. 93).
See also: **Concurrent Stipulation**; **Parallel Stipulation**.

Subcommittee for Defense Cooperation (SDC):[189] A Subcommittee of the **SCC** for working-level coordination to develop or provide strategic direction, guidance, and oversight for operations, logistics, intelligence, and planning and advise the **SCC** throughout bilateral planning. Within the **BPM** the **SDC** is normally the approval authority for bilateral plans and bilateral plan-related matters
See also: **Alliance Coordination Mechanism (ACM)**.

Survival-Threatening Armed Attack (STAA):[190] An **Armed Attack** associated with an **STS Stipulation**.

Survival-Threatening Situation (STS):[191] A situation where an **Armed Attack** against a foreign country that is in a close relationship with Japan occurs, which as a result, threatens Japan's survival and poses a clear danger of fundamentally overturning Japanese people's right to life, liberty and pursuit of happiness.
See also: **Basic Response Plan (BRP)**; **Collective Self-Defense (CSD)**; **Survival-Threatening Armed Attack (STAA)**; **Use of Force**.

Sympathy Budget: *See* **Host Nation Support (HNS)**.

Territorial Airspace (TTA): *See* **National Airspace**.

Territorial Seas (TTS):[192] Sovereign territory (air and sea) of a state out to 12 NM beyond the **Baseline**. TTS is often incorrectly referred to as **TTW**.

Territorial Waters (TTW):[193] An informal and inconsistently-defined term that may refer to within the **High Seas** (including **Internal Waters**, **TTS**, **CZ**, **EEZ**, and **CS**), the combination of **TTS** and **Internal Waters**. TTW is often incorrectly use to referred to **TTS**.

[180] K–2. Special Action Committee on Okinawa (SACO), p. 279.
[181] 1–6.1.1.2.1. Special Measures Agreements (SMA) (Legal Status), p. 9.
[182] E–2.4.4. Specially Protected Vessels, p. 246.
[183] i–Q.1. Overview (Specified Public Facilities), p. 380.
[184] E–2.2.3. State Aircraft, p. 244.
[185] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[186] E–2.2.1. State Vessels, p. 242.
[187] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[188] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[189] 6–2.1.3.2. Subcommittee for Defense Cooperation (SDC), p. 148.
[190] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[191] 4–10. Survival-Threatening Situation (STS), p. 111.
[192] A–4.4. Territorial Sea (TTS), p. 196.
[193] A–4.13.1. Territorial Waters (TTW), p. 198.

Three New Conditions for the Use of Force:[194] GoJ policy restricting the **Use of Force** to when an **Armed Attack** against Japan has occurred, there is no other means to repel the attack, and **Use of Force** is limited to the minimum extent necessary.
See also: **Exclusively Defense-Oriented Policy (EDOP)**; **Use of Force**.

Three Non-Nuclear Principles (3NP):[195] Policy restrictions that prevent GoJ from possessing, producing, or permitting the introduction into Japan of nuclear weapons.

Three Principles on Arms Exports (3P): *See* **Three Principles on the Transfer of Defense Equipment and Technologies (3P)**.

Three Principles on the Transfer of Defense Equipment and Technologies (3P):[196] Policy restrictions that limit the overseas transfer of Japanese defense equipment and technology. The 3P are policy, not legal restrictions.

Transit Passage:[197] The freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the **High Seas** or an **EEZ** and another part of the **High Seas** or an **EEZ**.

Transport of Japanese Nationals Overseas (TJNO):[198] JSDF transport of Japanese nationals and limited categories of others to safety from abroad in emergency situations caused by disaster, commotion, or other emergency situation. Supplement or substitute for a host nation's transportation capacity.
See also: **Rescue of Japanese Nationals Overseas (RJNO)**.

Treaty of Mutual Cooperation and Security between the United States and Japan (MST):
See also: **Status of Forces Agreement (SOFA)**.

Treaty:[199] An **International Agreement** subject to a ratification process, considered binding under **International Law**.

Trilateral Information Sharing Agreement (TISA):[200] An **International Agreement** to share information on specified cooperative activities.
See also: **General Security of Military Intelligence Agreement (GSOMIA)**.

Unit Self-Defense (USD):[201] A military commander's right to defend his or her unit from ongoing or imminent attack. Similar to but distinct from **NSD** in that it can apply in peacetime or wartime. May be limited to **Use of Weapons** and not imply **Use of Force**.
See also: **Collective Self-Defense (CSD)**; **Individual Self-Defense (ISD)**.

U.S. Regional Military Combat Operations (RMCO):[202] Military Combat Operations that may be initiated from Japan against areas outside Japan other than under **MST** Article V.
See also: **Far East**; **Far Eastern Contingency Scenarios**; **Prior Consultation**.

Use of Force:[203] The act of combat by Japanese physical and personnel organizations as part of an **IAC**. **Employment of Arms** when the JSDF is mobilized for **Defense Operations, etc.**, and when the **Three New Conditions for the Use of Force** are met.
See also: **Collective Self-Defense (CSD)**; **Individual Self-Defense (ISD)**; ***Ittaika* (Integration)**; **National Self-Defense (NSD)**; **Unit Self-Defense (USD)**; **Use of Force**.

Use of Weapons:[204] Use of equipment, and machinery, etc., designed to directly kill or harm people, or to destroy things as a means of armed fighting, in accordance with their original usages. **Employment of Arms** when the JSDF is not mobilized for **Defense Operations, etc.**, including any lawful **Employment of Arms** that does not meet the **Three New Conditions for the Use of Force** and that is governed by the Japanese Police Duties Execution Act (Law No. 136 of 1948, as amended) and the Penal Code (Law No. 45 of 1907, as amended).
See also: **Use of Force**.

War Sustaining Effort:[205] Actions or goods that indirectly support a State's ability to wage and sustain an **IAC**, including supplies of or trade in essential goods and strategic commodities. Trade or transport of goods related to War Sustaining Efforts may be considered an **Effective Contribution to Military Action**.

Warship:[206] A ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.
See also: **Warships, etc. (GoJ Legal Definition)**.

[194] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[195] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[196] 2–3.2. Three Principles on Arms Exports (3P), p. 41.
[197] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.
[198] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p .76.
[199] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[200] I–1.3. Trilateral Information Sharing Agreements (TISA), p. 271.
[201] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[202] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[203] 3–3.3. Use of Force, p. 82.
[204] 3–3.1. Use of Weapons, p. 77.
[205] 2–1.2.1.4.7. War Sustaining Efforts, p. 20.
[206] E–2.2.1.1. Warships, p. 242.

Warships, etc. (GoJ Legal Definition):[207] A **Warship** or a ship owned or operated by government of various countries that is used only for non-commercial purposes. Effectively synonymous with the more internationally-recognized term: **State Vessel**.

[207] E–2.2.1.1.1. "Warships, etc." (GoJ Legal Definition), p. 242.

ACRONYMS

The following acronyms are only those used in this guide. Some acronyms may have alternative meanings and Alliance planners will encounter numerous other common acronyms not found in this guide. For a more comprehensive list of Alliance acronyms, see the companion reference listed in § 1–7. Companion Documents (p. 11.)

#

2.5NP	Two and a Half Non-Nuclear Principles (see 3NP)
3NP	Three Non-Nuclear Principles
3P	Three Principles on the Transfer of Defense Equipment and Technologies
5AF	Fifth Air Force

A

A2/AD	Anti-Access/Area Denial
A4T	Alliance Acronyms, Abbreviations, and Associated Terms
AAAS	Anticipated Armed Attack Situation
AAS	Armed Attack Situation
AAS(I)	Armed Attack Situation (Imminent)
AAS(O)	Armed Attack Situation (Occurrence)
AAW	Anti-Air Warfare
ABO	Access, Basing, and Overflight
ACD	Active Cyber Defense
ACG	Alliance Coordination Group
ACG-D	Alliance Coordination Group-Director level
ACG-DG	Alliance Coordination Group-Director General-level
ACG-ES	Alliance Coordination Group-Executive Secretariat-level
ACM	Alliance Coordination Mechanism
ACS	American Citizens Services
ACSA	Acquisition and Cross-Servicing Agreement
ADC	Air Defense Command
ADCON	Administrative Control
ADIZ	Air Defense Identification Zone
AGI	Auxiliary General Intelligence [hull classification]
AIT	American Institute in Taiwan
ALERTORD	Alert Order
AMCIT	American Citizen
AMM	Alliance Management Meeting
AO	Area of Operations
AOF	Air Operations Forces
AOR	Area of Responsibility
Art	Article
Arts	Articles
ASC	Air Support Command
ASCA	Acquisition and Cross-Servicing Agreement
ASD	Assistant Secretary of Defense
ASDF	(Japan) Air Self-Defense Force
ASEAN	Association of Southeast Asian Nations
ASLP	Archipelagic Sea Lane Passage
ASO	Air Staff Office
ASP	Ammunition Supply Point
ASuW	Anti-Surface Warfare
ASW	Anti-Submarine Warfare
ATARA	(2005) Alliance Transformation and Realignment Agreement
ATC	Air Traffic Control
ATLA	Acquisition, Technology & Logistics Agency
ATLA	Acquisition, Technology, and Logistics Agency
ATPA	Air Trade Protection Act
AUKUS	Australia-United Kingdom-United States Security Partnership
AUS	Australia [Country Trigraph]

B

B(J)OCC	Bilateral (Joint) Operations Coordination Center
BAOCC	Bilateral Air Operations Coordination Center
BCD	Bilateral Coordination Detachment
BCM	Bilateral Coordination Mechanism
BDP	Bureau of Defense Policy
BDTA	Bilateral Dynamic Threat Assessment
BGCC	Bilateral Ground Coordination Center (see CCC-G)
BGFWG	Bilateral Ground Force Wargame
BGLCC	Bilateral Ground Logistics Coordination Center
BGMCC	Bilateral Ground Medical Coordination Center
BGOCC	Bilateral Ground Operations Coordination Center
BGOCC(C)	Bilateral Ground Operations Coordination Center (Central)
BGOCC(R)	Bilateral Ground Operations Coordination Center (Regional)
BGOCC-C	Bilateral Ground Operations Coordination Center (Central)
BGOCC-R	Bilateral Ground Operations Coordination Center (Regional)
BGSCC	Bilateral Ground Sustainment Coordination Center
BGTCC	Bilateral Ground Tactical Coordination Center
BIAC	Bilateral Intelligence Analysis Cell
BISC	Bilateral Information Security Consultation
BJOCC	Bilateral Joint Operations Coordination Center
BLC	Bureau of Local Cooperation
BM	Ballistic Missile
BMD	Ballistic Missile Defense
BOA	Bilateral Operations Area
BOCC	Bilateral Operations Coordination Center
BOS-I	Base Operating Support-Integrator
BP	Basic Plan
BPC	Bilateral Planning Committee
BPFG	Bilateral Planning Framework and Guidance
BPM	Bilateral Planning Mechanism
BPRS	Bureau of Policy for Regional Society (see BLC)
BRP	Basic Response Plan
BSOCC	Bilateral Space Operations Coordination Center
BTD	Bilateral Tasking Directive

C

C2	Command and Control
CA	Consular Affairs
CADF	Central Air Defense Force
CAN	Canada [Country Trigraph]
CAO	Current As Of
CAS	Cabinet Secretariat
CC	Coordination Center
CCC	Component Coordination Center
CCC-A	Component Coordination Center-Air
CCC-G	Component Coordination Center-Ground
CCC-JTF	Component Coordination Center-Joint Task Force
CCC-M	Component Coordination Center-Maritime
CCG	Chinese Coast Guard
CCMD	Combatant Commander
CDP	Constitutional Democratic Party
CDPJ	Constitutional Democratic Part of Japan
CDPWG	Cyber Defense Policy Working Group
CDR	Commander
CENTRIXS-JPN	Combined Enterprise Regional Information Exchange System-Japan
CG	Commanding General
CHOD	Chief of Defense
CI/KR	Critical Infrastructure/Key Resources
CIA	Central Intelligence Agency
CIC	Cabinet Intelligence Council
CICC	Cabinet Intelligence Collection Center
CINCSDFLT	Commander-in-Chief, Self-Defense Fleet
CIRO	Cabinet Intelligence Research Office

CISCE	Cabinet Satellite Intelligence Center
CJCS	(U.S.) Chairman of the Joint Chiefs of Staff
CJCSI	(U.S.) Chairman of the Joint Chiefs of Staff Instruction
C-JJOC	Commander, JSDF Joint Operations Command
CLAS	Centimeter Level Augmentation Service
CLB	Cabinet Legislation Bureau
CLCS	UN Commission on the Limits of the Continental Shelf
CMI	Classified Military Intelligence
CMM	Chinese Maritime Militia
CNFJ	Commander, Naval Forces Japan
COA	Course of Action
COMREL	Command Relationships
CONOP	Concept of Operation
CPG	Contingency Planning Guidance
CPO	Civil Protection Operations
CS	Continental Shelf
CS/ASO	Chief of Staff, Air Staff Office
CS/GSO	Chief of Staff, Ground Staff Office
CS/JJS	Chief of Staff, Japan Joint Staff
CS/MSO	Chief of Staff, Maritime Staff Office
CSAR	Combat Search and Rescue
CSD	Collective Self-Defense
CSJJS	Chief of Staff, Japan Joint Staff
CSJSO	Chief of Staff, Joint Staff Office
CUI	Controlled Unclassified Information
CZ	Contiguous Zone

D

DAS	Deputy Assistant Secretary (of State)
DASD	Deputy Assistant Secretary of Defense
DB	Database
DBP	Defense Buildup Plan
DC	(U.S. NSC) Deputies Committee Disaster and Crisis Management (Report)
DCCSCM	Deputy Chief Cabinet Secretary for Crisis Management
DCO	Defense Call-Up Order
DCOM	Deputy Commander
DDG	Deputy Director General
DEPORD	Deployment Order
DEU	Germany [Country Trigraph]
DESRON	Destroyer Squadron
DG	Director General
DIH	(Japan) Defense Intelligence Headquarters
DO	Defense Operation
DOAO	Defense Operation Alert Order
DOO	Defense Operation Order
DoP	Dilution of Precision
DOPO	Defense Operations Preparation Order
DoS	Department of State
DPJ	Democratic Party of Japan
DPP	Democratic Party for the People
DPRI	Defense Policy Review Initiative
DPRK	Democratic People's Republic of Korea
DRO	Disaster Relief Operations
DS	Diplomatic Security
DTT	Defense Trilateral Talks

E

EA	Eastern Army
EAP	(DoS) Bureau of East Asian and Pacific Affairs
ECS	East China Sea
EDCA	Enhanced Defense Cooperation Agreements
EDD	Extended Deterrence Dialogue
EDOP	Exclusively Defense-Oriented Policy
EEZ	Exclusive Economic Zone
EPW	Enemy Prisoner of War
ES	Executive Secretariat
EU	European Union
EXORD	Execute Order

F

FAD	Foreign Affairs Division
FAH	Foreign Affairs Handbook
FAID	Foreign Affairs and Intelligence Department
FAM	Foreign Affairs Manual
FDO	Foreign Disclosure Officer
FEFA	Free Education For All Party
FGI	Foreign Government Information
FM	Foreign Minister
FMDA	Fire and Disaster Management Agency
FO	Flag Officer
FOC	Full Operational Capability
FOIA	Freedom of Information Act
FOIP	Free and Open Indo-Pacific
FON	Freedom of Navigation
FONOP	Freedom of Navigation Operation
FPB	Foreign Policy Bureau
FRA	France [Country Trigraph]
FRAGORD	Fragmentary Order
FRF	Futenma Replacement Facility
FSA	Financial Services Agency
FSC	Facilities Subcommittee
FVEY	Five Eyes (AUS, CAN, GBR, NZL, USA)
FY	Fiscal Year

G

G&P	Guard and Protect
G7	Group of Seven (CAN, FRA, DEU, ITA, JPN, GBR, USA)
GBR	United Kingdom [Country Trigraph]
GCC	Ground Component Command
GDP	Gross Domestic Product
GHQ	General Headquarters (Supreme Commander for the Allied Powers)
GIA	Guam International Agreement
GNP	Gross National Product
GNSS	Global Navigation Satellite System
GO	General Officer
GOF	Ground Operations Forces
GoJ	Government of Japan
GPR	Global Posture Review
GPS	Global Positioning System
GRIPS	National Graduate Institute for Policy Studies
GSA	General Security Agreement
GSDF	(Japan) Ground Self-Defense Force
GSO	Ground Staff Office
GSOIA	General Security of Information Agreement
GSOMIA	General Security of Military Intelligence Agreement

H

HA/DR	Humanitarian Assistance/Disaster Relief
HNS	Host-Nation Support
HQ	Headquarters
HVGP	Hyper Velocity Gliding Projectile

I

I&W	Indications and Warnings
IAC	International Armed Conflict
IACF	Interagency Coordination Forum
IAMD	Integrated Air and Missile Defense
IAMSAR	International Aeronautical and Maritime Search and Rescue
IAS	Intelligence Analysis Service
IATA	International Air Transport Association
IB	(MoD) Internal Bureau
IC	Intelligence Community
ICAN	The International Campaign to Abolish Nuclear Weapons
ICAO	International Civil Aviation Organization
ICBM	Intercontinental Ballistic Missile
ICJ	International Court of Justice
IGS	Information-Gathering Satellites
IIS	Important Influence Situation
ILAB	International Legal Affairs Bureau
IMO	International Maritime Organization
IND	India [Country Trigraph]
INF	Intermediate-Range Nuclear Forces Treaty
IOC	Initial Operational Capability
IPCA	International Peace Cooperation Activities
IPSA	International Peace Support Act (OSD) Indo-Pacific Security Affairs
ISA	Information Sharing Agreement
ISD	Individual Self-Defense
ISO	(DoS) Office of International Security Operations
ISR	Intelligence, Surveillance, and Reconnaissance
ISR-T	Intelligence, Surveillance, Reconnaissance, and Targeting
ITA	Italy [Country Trigraph] Threat Investigation and Analysis
ITICO	International Terrorism Intelligence Collation Office

J

JASDF	Japan Air Self-Defense Force
JC	Joint Committee
JCER	Japan Center for Economic Research
JCG	Japan Coast Guard
JCP	Japanese Communist Party
JCS	Joint Chiefs of Staff
JDA	Japan Defense Agency (now the Japan MoD)
JDIH	Japan Defense Intelligence Headquarters
JFACC	Joint Force Air Component Commander
JFLCC	Joint Force Land Component Commander
JFMCC	Joint Force Maritime Component Commander
JFSS	Japan Forum for Strategic Studies
JFY	Japan Fiscal Year
JGSDF	Japan Ground Self-Defense Force
JIC	Joint Intelligence Council
JIIA	Japan Institute of International Affairs
JJOC	JSDF Joint Operations Command
JJOF	JSDF Joint Operations Force
JJS	Japan Joint Staff
JMOD	Japan Ministry of Defense
JMSDF	Japan Maritime Self-Defense Force
JN	Japanese National
JNDS	Japan National Defense Strategy
JNSC	Japan National Security Council
JNSS	Japan National Security Strategy Japan National Security Secretariat
JOA	Japanese Organizational Access
JPEC	Joint Planning and Execution Community
JPN	Japan [Country Trigraph]
JPY	Japanese Yen
JS	Joint Staff
JSCP	Joint Strategic Campaign Plan
JSDF	Japan Self-Defense Force
JSLS	Joint Senior Leaders Seminar
JSO	Joint Staff Office
JSUWG	Joint Shared Use Working Group
JTF	Joint Task Force

K

KMT	Kuomintang

L

LDP	Liberal Democratic Party
LHA	Limited Humanitarian Access
LIA	Local Implementation Agreement
LNG	Liquified Natural Gas
LNO	Liaison Officer
LOAC	Law of Armed Conflict
LUA	Limited Use Agreement

M

MA	Middle Army
MAD	Mutual Assured Destruction
MADOCA-PPP	Multi-GNSS Advanced Orbit and Clock Augmentation-Previse Point Positioning
MAFF	Ministry of Agriculture, Forestry and Fisheries
MARFORJ	U.S. Marine Corps Forces Japan
MCC	Maritime Coordination Center (see CCC-M)
MCM	Mine Countermeasures
MCS	Master Control Station
MDAA	Mutual Defense Assistance Agreement
MDAO	Mutual Defense Assistance Office
MEF	Marine Expeditionary Force
METI	Ministry of Economy, Trade, and Industry
MEXT	Ministry of Education, Culture, Sports, Science, and Technology
MEZ	Maritime Exclusion Zone
MFCC	Maritime Force Coordination Center
MFDO	Military Flexible Deterrent Option
MHLW	Ministry of Health, Labor and Welfare
MIC	Ministry of Internal Affairs and Communication
MinDef	Minister of Defense
MIO	Maritime Interdiction Operations
MLIT	Ministry of Land, Infrastructure, Transport and Tourism
MLITT	Ministry of Land, Infrastructure, Transport and Tourism
MNWG	Multi-National Working Group
MoD	Ministry of Defense
MOF	Maritime Operations Forces Ministry of Finance
MOFA	Ministry of Foreign Affairs
MOJ	Ministry of Justice
MRC	Medium-Range Capability [U.S. Army Typhon system]
MS	Monitoring Station
MSDF	(Japan) Maritime Self-Defense Force
MSL	Mean Sea Level
MSO	Maritime Staff Office Maritime Security Operation
MST	The Treaty of Mutual Cooperation and Security between the United States and Japan
MTDP	Medium-Term Defense Program
MTPA	Maritime Trade Protection Act

N

NA	Northern Army
NAAB	North American Affairs Bureau
NADF	Norther Air Defense Force
NATO	North Atlantic Treaty Organization
NCE	Non-Combatant Evacuee
NCND	Neither Confirm Nor Deny policy (U.S.)
NDPG	National Defense Program Guidelines
NDPO	National Defense Program Outline
NDS	National Defense Strategy
NEA	Northeastern Army
NEO	Noncombatant Evacuation Operations
NGO	Nongovernmental Organization
NIAC	Non-International Armed Conflict
NIDS	The National Institute for Defense Studies
NISC	National Center of Incident Readiness and Strategy for Cybersecurity
NKP	New Kōmeitō Party
NM	Nautical Mile
NOFORN	Not Releasable for Foreign Nationals
NOTAM	Notice to Air Missions
NOTMAR	Notice to Mariners
NPA	National Police Agency
NPR	National Police Reserve Nuclear Posture Review
NPSC	National Public Safety Commission
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSC	National Security Council
NSD	National Self-Defense
NSDM	National Security Decision Memorandum
NSS	National Security Strategy (Japan) National Security Secretariat
NWP	(U.S.) Naval Warfare Publication
NZL	New Zealand [Country Trigraph]

O

OCC	Operational Code of Conduct
OCEAN	One Cooperative Effort Among Nations
OCS	Overseas Citizens Services
ODB	Okinawa Defense Bureau
OPCON	Operational Control
OPG	Okinawa Prefectural Government
OPORD	Operation Order
OPSEC	Operational Security
OSAC	Overseas Security Analysis Council
OSD	Office of the Secretary of Defense

P

PC	(U.S. NSC) Principals Committee
PCA	Permanent Court of Arbitration
PCC	(U.S. NSC) Policy Coordination Committee
PDA	Planned Deployment Area
PFI	Private Financial Initiative
PKO	Peacekeeping Operations
PL	Patrol Vessel, Large [hull classification]
PLA	People's Liberation Army
PLAAF	People's Liberation Army Air Force
PLAN	People's Liberation Army Navy
PLANORD	Planning Order
PM	Prime Minister
PNT	Precision Navigation and Timing
POL	Petroleum, Oil, and Lubricants
POTUS	President of the United States
POW	Prisoner(s) of War

PPC	(U.S. NSC) Policy Coordination Committee
PPR	Prior Permission Required
PRC	People's Republic of China
PRICON	Prior Consultation
PRN	Pseudorandom Noise (code) [GNSS]
PSA	Politically Sensitive Area
PSIA	Public Security Investigation Agency
PSO	Public Security Operation
PTDO	Prepare To Deploy Order

Q

QLD	Quadrilateral Security Dialogue (USA, JPN, AUS, IND)
QUAD	Quadrilateral Security Dialogue (USA, JPN, AUS, IND)
QZO	Quasi-Zenith Orbit
QZS	Quasi-Zenith Satellite
QZSS	Quasi-Zenith Satellite System

R

R/TJNO	Rescue/Transport of Japanese Nationals Overseas
RA	Regional Army
RAA	Reciprocal Access Agreement
RCBB	Regional Capacity Building Bilateral
RDB	Regional Defense Bureau
REDEPORD	Redeployment Order
REL	Releasable
RIMPAC	Rim of the Pacific [exercise]
RJNO	Rescue of Japanese Nationals Overseas
RMA	Relevant Ministries and Agencies
RMC	Roles, Missions, and Capabilities
RMCO	(U.S.) Regional Military Combat Operations
RMCWG	Roles, Missions, and Capabilities Working Group
ROC	Republic of China
ROE	Rules of Engagement
ROK	Republic of Korea
RSAR	Rear-Area Search and Rescue
RSO&I	Reception, Staging, Onward movement, and Integration

S

S	Secret
S&TF	(U.S.-Japan) Systems and Technology Forum
SACO	Special Action Committee on Okinawa
SAR	Search and Rescue
SCAP	Supreme Commander for the Allied Powers
SCAPIN	Supreme Commander for the Allied Powers Instruction Note
SCC	Security Consultative Committee
SCS	South China Sea
SDC	Subcommittee for Defense Cooperation
SDCF	Security and Defense Cooperation Forum
SDD	Seoul Defense Dialogue
SDF	(Japan) Self-Defense Force
SDFLT	Self-Defense Fleet
SDP	Social Democratic Party
SDS	Specially Designated Secret
SIASJ	Situations in Areas Surrounding Japan
SIGINT	Signals Intelligence
SIO	Ship Inspection Operations
SIS	Important Influence Situation (see IIS)
SKI	Senkaku Islands
SLAS	Sub-meter Level Augmentation Service
SLOC	Sea Line of Communication
SMA	Special Measures Agreement
SOF	Special Operations Forces
SOFA	Status of Forces Agreement
SRBM	Short-Range Ballistic Missile
SRR	Search and Rescue Region
SSA	Space Situational Awareness
SSC	Security Subcommittee
SSI	Sakishima Islands
STAA	Survival-Threatening Armed Attack
STS	Survival-Threatening Situation
SWADF	Southwestern Air Defense Force
SWI	Southwest Islands

T

TDMM	Trilateral Defense Ministers' Meeting
TDOM	Trilateral Defense Officials' Meeting
TECRO	Taipei Economic and Cultural Representative Office
THAAD	Terminal High-Altitude Area Defense
TIAS	(DoS) U.S. Treaties and Other International Acts Series
TISA	Trilateral Information Sharing Agreement
TJNO	Transport of Japanese Nationals Overseas
TJST	Trilateral Joint Staff Talks
TLAM	Tomahawk Land Attack Missile
TMM	Trilateral Ministerial Meeting
TPFDD	Time-Phased Force and Deployment Data
TPNW	Treaty on the Prohibition of Nuclear Weapons
TRA	Taiwan Relations Act [U.S.]
TTA	Territorial Airspace Taiwan Travel Act [U.S.]
TTC	Telemetry, Tracking, and Command
TTS	Territorial Sea
TTW	Territorial Waters
TTX	Table-Top Exercise

U

UCMJ	Uniform Code of Military Justice
UD	Upgraded (Improved)
UK	United Kingdom
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFA	United Nations Forces-Japan Status of Forces Agreement
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
U.S.	United States
USA	United States of America [Country Trigraph]
USARJ	U.S. Army Japan
USCAR	U.S. Civil Administration of the Ryūkyūs (Proclamation)
USD	Unit Self-Defense
USEMB	U.S. Embassy
USF	United States Forces
USFJ	U.S. Forces, Japan
USFK	U.S. Forces, Korea
USG	U.S. Government
USINDOPACOM	U.S. Indo-Pacific Command
USMILRONT	U.S. Military Representative Okinawa Negotiating Team
USS	United States Ship
USSR	Union of Soviet Socialist Republics
UTC	Coordinated Universal Time

V

W

WA	Western Army
WADF	Western Air Defense Force
WARNORD	Warning Order
WMD	Weapons of Mass Destruction
WPTO	Western Pacific Theater of Operations
WWII	World War II

X

Y

Z

Translation of Key Terms

Because certain Japanese technical terms are inconsistently rendered or translated, planners can be challenged to understand the intended meaning. Additionally, many of the terms is the following list may have very specific meanings, making imprecise translations highly problematic (for example, when "Important Influence Situation" is rendered as "Significant Influence Situation" or even simply as "SIS").

Further complicating this issue is that while Japanese planners may have strong English skills (compared to the Japanese skills of their U.S. counterparts), language skills vary in listening comprehension, reading comprehension, writing, or speaking. This adds a layer of complexity where a Japanese planner may perfectly comprehend the question but muddle their response. Or may provide a clear and precise answer to a question that they misunderstood.

When Japanese-speakers or Japanese language sources are available, the following translation of key terms can clear up confusion, mis-translation, or imprecision.

Table 1. Translation of Key Japan-U.S. Defense Terms.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
AAS Act (Act No. 79 of 2003)[208]	武力攻撃事態等及び存立危機事態における我が国の平和と独立並びに国及び国民の安全の確保に関する法律（平成十五年法律第七十九号）	*Buryoku kōgeki jitai-tō oyobi sonritsu kiki jitai ni okeru wagakuni no heiwa to dokuritsu narabini kuni oyobi kokumin no anzen no kakuho ni kansuru hōritsu*
Acknowledge (Security Situation)[209]	認定	*Nintei*
Acquisition and Cross-Servicing Agreement (ACSA)[210]	物品役務相互提供協定	*Buppin ekimu sōgo teikyō kyōtei*
Acquisition, Technology, and Logistics Agency (ATLA)[211]	防衛装備庁	*Bōei Sōbi-Chō*
Act on the Protection of Specially Designated Secrets (Act No. 108 of December 13, 2013)[212]	特定秘密の保護に関する法律（平成二十五年十二月十三日法律第百八号）	*Tokutei himitsu no hogo ni kansuru hōritsu*
Action Against Violation of Territorial Airspace[213]	対領空侵犯措置	*Tai ryōkū shinpan sochi*
Active Cyber Defense (ACD)[214]	能動的サイバー防御	*Nōdō-teki saibā bōgyo*
Activities that Contribute to the Defense of Japan[215]	わが国の防衛に資する活動	*Daitan'na bōei ni shisuru katsudō*
Administrative Vice Minister of Defense[216]	防衛事務次官	*Bōei jimujikan*
After the Fact[217]	事後的に	*Jigo-teki ni*
Agreements concerning the Transfer of Defense Equipment and Technology[218]	防衛装備品・技術移転協定	*Bōei sōbi-hin gijutsu iten kyōtei*
Air Defense Command (ADC)[219]	航空総隊	*Kōkūsōtai*
Air Defense Identification Zone (ADIZ)[220]	防空識別圏	*Bōkū shikibetsu-ken*
Air Defense Operations	防空のための作戦	*Bōkū no tame no sakusen*
Air Operations Forces (AOF)[221]	航空作戦部隊	*Kōkū Sakusen Butai*
Air Self-Defense Force (ASDF)[222]	航空自衛隊	*Kōkū Jieitai*
ASDF (Air Self-Defense Force)[223]	空自	*Kūji*
Air Staff Office (ASO)[224]	航空幕僚監部	*Kōkū bakuryōkanbu*
ASO (Air Staff Office)[225]	空幕	*Soramaku*
Air Support Command (ASC)	航空支援集団	*Kōkū shien dantai*
Alliance Coordination Group (ACG)[226]	同盟調整グループ	*Dōmei chōsei gurūpu*
Alliance Coordination Mechanism (ACM)[227]	同盟調整メカニズム	*Dōmei chōsei mekanizumu*

[208] i–D. Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), p. 336.
[209] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[210] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[211] 7–5.3. Acquisition, Technology, and Logistics Agency (ATLA), p. 166.
[212] i–HH. SDS Act (Act No. 108 of 2013), p. 416.
[213] 3–2.3.3. Measures Against Airspace (TTA) Violations, p. 67.
[214] 3–2.2.7. Active Cyber Defense (ACD), p. 63.
[215] 2–1.2.2.2.1. Activities that Contribute to the Defense of Japan, p. 21.
[216] 7–5.1.3. Administrative Vice-Minister of Defense, p. 164.
[217] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[218] 2–3.2. Three Principles on Arms Exports (3P), p. 41.
[219] 7–5.4.8.1. Air Defense Command (ADC), p. 168.
[220] A–4.8. Air Defense Identification Zone (ADIZ), p. 197.
[221] 7–5.4.6.1.3. Air Operations Forces (AOF), p. 167.
[222] 7–5.4.1.1. Air Self-Defense Force (JASDF), p. 167.
[223] 7–5.4.1.1. Air Self-Defense Force (JASDF), p. 167.
[224] 7–5.4.3.2. Air Staff Office (ASO), p. 167.
[225] 7–5.4.3.2. Air Staff Office (ASO), p. 167.
[226] 6–2.1.5. Alliance Coordination Group (ACG), p. 149.
[227] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Anti-Access/Area Denial (A2/AD)	アクセス（接近）阻止／エ リア（領域）拒否	*Akusesu (sekkin) soshi/ e ria (ryōiki) kyohi*
Anti-Air Warfare (AAW)	対空戦	*Taikūsen*
Anti-Submarine Warfare (ASW)	対潜戦	*Taisensen*
Anti-Surface Warfare (ASuW)	対水上戦	*Tai minakami-sen*
Anticipated Armed Attack Situation (AAAS)[228]	武力攻撃予測事態	*Buryoku kōgekiyosoku jitai*
Approve/Approval[229]	承認	*Shōnin*
Armed Attack[230]	武力攻撃	*Buryoku kōgeki*
Armed Attack Disaster[231]	武力攻撃災害	*Buryoku kōgeki saigai*
Armed Attack Situation (AAS)[232]	武力攻撃事態	*Buryoku kōgeki jitai*
Armed Attack Situation (Imminent) (AAS[I])[233]	武力攻撃事態（切迫）	*Buryoku kōgeki jitai (seppaku)*
Armed Attack Situation (Occurrence) (AAS[O])[234]	武力攻撃事態（発生）	*Buryoku kōgeki jitai (hassei)*
armed attack situations, etc. (AAAS & AAS)[235]	武力攻撃事態等	*Buryoku kōgeki jitai-tō*
Asset Protection for the U.S. Forces and other Forces[236]	米軍等の部隊の武器等防護	*Kome-gun-tō no butai no buki-tō bōgo*
Assistant Chief Cabinet Secretary[237]	内閣官房副長官補	*Naikakukanbōfukuchōkanho*
Ballistic Missile Destruction Order[238]	弾道ミサイル等破壊措置命令	*Dandō misairu-tō hakai sochi meirei*
Basic Plan (BP)[239]	基本計画	*Kihon keikaku*
Basic Response Plan (BRP)[240]	対処基本方針	*Taisho kihon hōshin*
Bilateral Intelligence Analysis Cell (BIAC)[241]	共同情報分析組織	*Kyōdō jōhō bunseki soshiki*
Bilateral Operations Coordination Center (BOCC)[242]	共同運用調整所	*Kyōdō un'yō chōsei-sho*
Bilateral Planning Committee (BPC)[243]	共同計画策定委員会	*Kyōdō keikaku sakutei iinkai*
Bilateral Planning Mechanism (BPM)[244]	共同計画策定メカニズム	*Kyōdō keikaku sakutei mekanizumu*
Bureau[245]	局	*kyoku*
Bureau of Defense Policy (BDP) (MoD)[246]	防衛政策局	*Bōei Seisaku-kyoku*
Bureau of Local Cooperation (BLC) (MoD)[247]	地方協力局	*Chihō Kyōryoku-kyoku*
Cabinet[248]	内閣	*Naikaku*
Cabinet Affairs Office[249]	内閣総務官室	*Naikaku sōmu-kan-shitsu*
Cabinet Councillor[250]	内閣審議官	*Naikaku Shingi-kan*
Cabinet Counselor[251]	内閣参事官	*Naikaku Sanjikan*
Cabinet Decision[252]	閣議決定	*Kakugi Kettei*
Cabinet Intelligence and Research Office (CIRO)[253]	内閣情報調査室	*Naikaku Jōhō Chōsa-shitsu*
CIRO (Cabinet Intelligence and Research Office)[254]	内調	*Naichō*
Cabinet Official	内閣事務官	*Naikaku Jimu-kan*
Cabinet Order[255]	政令	*Seirei*
Cabinet Satellite Intelligence Office (CISCE)[256]	内閣衛星情報センター	*Naikaku eisei jōhō sentā*
Cabinet Secretariat[257]	内閣官房	*Naikaku kanbō*
Central Air Defense Force (CADF)	中部航空方面隊	*Chūbu kōkūhōmentai*
Chief Cabinet Secretary (CCS)[258]	内閣官房長官	*Naikaku kanbō chōkan*
Chief of Staff of the Air Staff Office (CS/ASO)[259]	航空幕僚長	*Kōkū bakuryō-chō*
CS/ASO (Chief of Staff of the Air Staff Office)[260]	空幕長	*Soramaku-chō*

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[256] N–3. CIRO, p. 289.
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English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Chief of Staff of the Ground Staff Office (CS/GSO)[261]	陸上幕僚長	*Rikujō bakuryō-chō*
CS/GSO (Chief of Staff of the Ground Staff Office)[262]	陸幕長	*Riku maku-chō*
Chief of Staff of the Joint Staff (CS/JJS)[263]	統合幕僚長	*Tōgō bakuryō-chō*
CS/JJS (Chief of Staff of the Joint Staff)[264]	統幕長	*Tōbaku-chō*
Chief of Staff of the Maritime Staff Office (CS/MSO)[265]	海上幕僚長	*Kaijō bakuryō-chō*
CS/MSO (Chief of Staff of the Maritime Staff Office)[266]	海幕長	*Kaibakuchō*
Civil Protection Operations (CPO)[267]	国民保護等派遣	*Kokumin hogo-tō haken*
Civil Protection Operations (CPO) Order[268]	国民保護等命令	*Kokumin hogo-tō meirei*
Combat[269]	戦闘行為	*Sentō kōi*
Combat Search and Rescue (CSAR)[270]	戦闘捜索救助	*Sentō sōsaku kyūjo*
Commander-in-Chief Self-Defense Fleet (CINCSDFLT)[271]	自衛艦隊 司令官	*Jiei kantai shirei-kan*
Commander, Air Defense Command[272]	航空総隊 司令官	*Kōkūsōtai shirei-kan*
Commander, JSDF Cyber Defense Command[273]	自衛隊サイバー防衛隊司令	*Jieitai saibā bōei taishirei-kan*
Commander, JSDF Joint Operations Command (C-JJOC)[274]	統合作戦司令官	*Tōgōsakusen shirei-kan*
Commanding General, Ground Component Command (CG, GCC)[275]	陸上総隊 司令官	*Rikujōsōtai shirei-kan*
Component Coordination Center (CCC)[276]	調整所	*Chōsei-sho*
Confidential[277]	秘	*Hi*
Constitution	憲法	*Kenpō*
Constitution of Japan[278]	日本国憲法	*Nihonkoku Kenpō*
Contiguous Zone (CZ)[279]	接続水域	*Setsuzoku suiiki*
Continental Shelf (CS)[280]	大陸棚	*Tairikudana*
Control of the JCG[281]	海上保安庁の統制	*Kaijōhoanchō no tōsei*
Controlled Unclassified Information (CUI) [282]	注意	*Chūi*
Councillor[283]	審議官	*Shingi-kan*
Counselor[284]	参事官	*Sanjikan*
Counter-Piracy Operations[285]	海賊対処行動	*Kaizoku taisho kōdō*
Counterstrike Capability[286]	反撃能力	*Hangeki nōryoku*
Defense Buildup Plan (DBP)[287]	防衛力整備計画	*Bōei-ryoku seibi keikaku*
Defense Intelligence Headquarters (JDIH)[288]	情報本部	*Jōhō Honbu*
Defense Call-Up	防衛招集	*Bōei Shōshū*
Defense Call-Up Order (DCO)[289]	防衛招集命令	*Bōei Shōshū Meirei*
Defense Facilities	防御施設	*Bōgyo shisetsu*
Defense Operation (DO)[290]	防衛出動	*Bōei Shutsudō*
Defense Operation Alert Order (DOAO)[291]	防衛出動待機命令	*Bōei Shutsudō Taiki Meirei*
Defense Operation Order (DOO)[292]	防衛出動命令	*Bōei Shutsudō Meirei*
Defense Operation Preparation Order (DOPO)[293]	作戦準備の一般命令	*Sakusen junbi no ippan meirei*
Defense Operations Protecting Waters Surrounding Japan	周辺海域の防衛のための作戦	*Shūhen kaiiki no bōei no tame no sakusen*

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[292] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[293] 3–2.2.2. Defense Operational Preparation Order (DOPO), p. 58.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Defense Policy Division (MoD BDP)[294]	防衛政策課	*Bōei Seisaku-ka*
Defense Policy Review Initiative (DPRI)[295]	防衛政策見直し協議	*Bōei seisaku minaoshi kyōgi*
Defense Secrets[296]	防衛秘密	*Bōei himitsu*
Defense White Paper	防衛白書	*Bōei hakusho*
Deployment[297]	出動	*Shutsudō*
Deputy Chief Cabinet Secretary[298]	内閣官房副長官	*Naikakukanbōfukuchōkan*
Deputy Chief Cabinet Secretary for Crisis Management[299]	内閣危機管理監	*Naikakukikikanrikan*
Deputy Director General (DDG)[300]	審議官	*shingi-kan*
Deputy Prime Minister[301]	副総理	*Fuku sōri*
Destruction Measures Against Ballistic Missiles, etc.[302]	弾道ミサイル等に対する破壊措置	*Dandō misairu-tō ni taisuru hakai sochi*
Diet[303]	国会	*Kokkai*
Directive[304]	指示	*Shiji*
Director (D)[305]	課長	*ka-chō*
Director General (DG)[306]	局長	*kyoku-chō*
Director General, Cabinet Affairs Office[307]	内閣総務官	*Naikaku sōmu-kan*
Director General Level[308]	局長級	*Kyokuchō-kyū*
Director of Cabinet Intelligence[309]	内閣情報官	*Naikaku jōhō-kan*
Director-Level[310]	課長級	*Kachō-kyū*
Disaster Relief Operations[311]	災害派遣	*Saigai haken*
Distribution Limited to Event Participants Only[312]	会議参加者限定	*Kaigi sankasha gentei*
Division (Bureaucratic Echelon)[313]	課	*ka*
Document[314]	文書	*Bunsho*
Eastern Army (EA)[315]	東部方面隊	*Tōbu hōmen-tai*
Enemy Base Attack Capability (Replaced in 2022 with the term “Counterstrike Capability”)[316]	敵基地攻撃能力	*Teki kichi kōgeki nōryoku*
Emergency Situations Minister Meeting[317]	緊急事態大臣会合	*Kinkyū jitai daijin kaigō*
Establishment of Defense Facilities[318]	防御施設等構築	*Bōgyo shisetsu-tō kōchiku*
etc.	等	*Hitoshi*
Ex Ante[319]	事前	*Jizen*
Ex Ante approval[320]	事前承認	*Jizen shōnin*
Ex Post Facto[321]	事後	*Jigo*
Ex Post Facto approval[322]	事後承諾	*Jigo shōdaku*
Exclusive Economic Zone (EEZ)[323]	排他的経済水域	*Haitatekikeizaisuiiki*
Executive Secretariat-Level	担当級	*Tantō-kyū*
Executive Secretary to the Prime Minister[324]	内閣総理大臣秘書官	*Naikakusōridaijinhishokan*
Expropriation, etc.[325]	収用等	*Shūyō-tō*
Extended Deterrence[326]	拡大抑止	*Kakudai yokushi*
Extended Deterrence Dialogue (EDD)[327]	拡大抑止協議	*Kakudai yokushi kyōgi*

[294] 7–5.2.2.1. Defense Policy Division, p. 164.
[295] Appendix K. Defense Policy Review Initiative, p. 279.
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[299] C–2.1.8.1. Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM), p. 228.
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[306] C–1.2. Levels of Executive Leadership, p. 222.
[307] C–2.1.5.1. Director General (DG), Cabinet Affairs Office, p. 226.
[308] C–1.2. Levels of Executive Leadership, p. 222.
[309] N–3.1. Director of Cabinet Intelligence, p. 289.
[310] C–1.2. Levels of Executive Leadership, p. 222.
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[312] Glossary: Alliance Classification Markings, p. LI.
[313] C–1.2. Levels of Executive Leadership, p. 222.
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[322] 4–3.1.2. Ex Post Facto (“After the Fact”) Approval, p. 98.
[323] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[324] C–2.1.1.3. Executive Secretary to the Prime Minister, p. 224.
[325] i–C.64. Article 103—Expropriation, etc. of Materials during Defense Operations, etc., p. 333.
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[327] 6–4.6. Extended Deterrence Dialogue (EDD), p. 156.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
First North America Division (MOFA NAAB)[328]	北米第一課	*Hokubei Dai-Ichi-ka*
Foreign Policy Bureau (FPB) (MOFA)[329]	総合外交政策局	*Sōgō Gaikō Seisaku-kyoku*
Four Minister Meeting[330]	四大臣会合	*Shi daijin kaigō*
Free and Open Indo-Pacific (FOIP)[331]	自由で開かれたインド太平洋	*Jiyūde aka reta indotaiheiyō*
Grey Zone Situations[332]	グレーゾーン事態	*Gurēzōn*
Ground Component Command (GCC)[333]	陸上総隊	*Rikujō Sōtai*
Ground Operations Forces (GOF)[334]	陸上作戦部隊	*Rikujō Sakusen Butai*
Ground Self-Defense Force (GSDF)[335]	陸上自衛隊	*Rikujō Jieitai*
GSDF (Ground Self-Defense Force)[336]	陸自	*Rikuji*
Ground Staff Office (GSO)[337]	陸上幕僚監部	*Rikujō bakuryōkanbu*
GSO (Ground Staff Office)[338]	陸幕	*Riku maku*
Guard Operations[339]	警護出動	*Keigoshutsudō*
Guidance[340]	指針	*Shishin*
Guidance[341]	指導	*Shidō*
Guidelines for Japan-U.S. Defense Cooperation[342]	日米防衛協力のための指針	*Ni~Tsu kome bōei kyōryoku no tame no shishin*
Headquarters	司令部	*Shirei-bu*
High Seas[343]	公海	*Kōkai*
Humanitarian Assistance/Disaster Relief (HA/DR)	人道支援・災害救援	*Jindō shien saigai kyūen*
Hybrid Warfare[344]	ハイブリッド戦	*Haiburiddo-sen*
IIS Act (Act No. 60 of 1999)[345]	重要影響事態に際して我が国の平和及び安全を確保するための措置に関する法律 （平成十一年法律第六十号）	*Jūyō eikyō jitai ni saishite wagakuni no heiwa oyobi anzen o kakuho suru tame no sochi ni kansuru hōritsu*
Important Influence Situation (IIS)[346]	重要影響事態	*Jūyō eikyō jitai*
Improved (UD)	改	*Kai*
Improved (UD)	改善型	*Kaizen-gata*
In advance[347]	事前に	*Jizen ni*
Innocent Passage[348]	無害通航	*Mugai tsūkō*
Integration[349]	体化	*Ittaika*
Integration with the Use of Force[350]	武力の行使との一体化	*Buryoku no kōshi to no ittaika*
Intelligence, Surveillance, and Reconnaissance (ISR)[351]	情報収集・警戒監視・偵察	*Jōhō shūshū keikai kanshi teisatsu*
Intelligence, Surveillance, Reconnaissance, and Targeting (ISR-T)[352]	情報収集・警戒監視・偵察・ターゲティング	*Jōhō shūshū keikai kanshi teisatsu tāgetingu*
Interagency Coordination Forum (IACF)[353]	省庁間調整フォーラム	*Shōchō-kan chōsei fōramu*
Internal Bureau (IB)[354]	本省内部部局 防整 人	*Honshō naibu bukyoku bō Sei hito*
International Legal Affairs Bureau (ILAB) (MOFA)[355]	国際法局	*Kokusai Hō-kyoku*
International Policy Division (MoD BDP)[356]	国際政策課	*Kokusai Seisaku-ka*
Investigation Division (MoD BDP)[357]	調査課	*Chōsa-ka*
Japan-U.S. Defense Cooperation Division (MoD BDP)	日米防衛協力課	*Nichi-Bei Bōei Kyōryoku-ka*
Japan-U.S. Security Consultative Committee (SCC)[358]	日米安全保障協議委員会	*Ni~Tsu kome anzen hoshō kyōgi iinkai*

[328] C–2.4.1.3. First North America Division, p. 231.
[329] C–2.4.2. Foreign Policy Bureau (FPB), p. 231.
[330] C–2.2.2. Four Minister Meeting, p. 229.
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[336] 7–5.4.1.2. Ground Self-Defense Force (JGSDF), p. 167.
[337] 7–5.4.3.3. Ground Staff Office (GSO), p. 167.
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[339] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
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[356] 7–5.2.2.5. International Policy Division, p. 165.
[357] 7–5.2.2.6. Defense Intelligence Division, p. 165.
[358] 6–2.1.3. Security Consultative Committee (SCC) (“2+2)”, p. 147.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Japan-U.S. Security Treaty Division (MOFA NAAB)[359]	日米安全保障条約課	*Nichi-Bei Anzen Hoshō Jōyaku-ka*
Japan-U.S.	日米	*Ni~Tsu kome*
Japan-U.S. Bilateral Intelligence Analysis Cell (BIAC)[360]	日米共同情報分析組織	*Ni~Tsu kome kyōdō jōhō bunseki soshiki*
Japan-U.S. Joint Committee (JC)[361]	日米合同委員会	*Ni~Tsu kome gōdō iinkai*
Japan-U.S. Security Treaty (MST)[362]	日米安保条約	*Ni~Tsu kome anpo jōyaku*
Japanese Embassy in Washington, DC	在アメリカ合衆国日本国大使館	*Zai Amerika Gashū Koku Nihon Koku Taishikan*
Joint Committee (JC)[363]	合同委員会	*Gōdō iinkai*
Joint Staff Office (JSO)[364]	統合幕僚監部	*Tōgō Bakuryō Kanbu*
JSO (Joint Staff Office)[365]	統幕	*Tōbaku*
JSDF Joint Operations Command (JJOC)[366]	統合作戦司令部	*Tōgōsakusen shirei-bu*
JSDF Joint Operations Force (JJOF)[367]	統合作戦部隊	*Tōgōsakusen butai*
Kantei (Prime Minister's Office)[368]	官邸	*Kantei*
Kobe Method, non-nuclear[369]	非核神戸方式	*Hikaku Kōbe Hōshiki*
Korea Minute[370]	朝鮮議事録	*Chōsen gijiroku*
Maritime Interdiction Operations (MIO)[371]	海上阻止作戦	*Kaijō soshi sakusen*
Maritime Operations Forces (MOF)[372]	海上作戦部隊	*Kaijō Sakusen Butai*
Maritime Security (generic)[373]	海洋安全保障	*Kaiyō anzen hoshō*
Maritime Security (JCG)[374]	海上警備	*Kaijō keibi*
Maritime Security Operations (MSO)[375]	海上警備行動	*Kaijō keibi kōdō*
Maritime Self-Defense Force (MSDF)[376]	海上自衛隊	*Kaijō Jieitai*
MSDF (Maritime Self-Defense Force)[377]	海自	*Kaiji*
Maritime Staff Office (MSO)[378]	海上幕僚監部	*Kaijō bakuryōkanbu*
MSO (Maritime Staff Office)[379]	海幕	*Kaimaku*
Measures Against Airspace Violations[380]	領空侵犯に対する措置	*Ryōkū shinpan ni taisuru sochi*
Measures for Civil Protection[381]	国民の保護のための措置	*Kokumin no hogo no tame no sochi*
Measures for the Transportation and Protection for Japanese Nationals Overseas (TJNO)[382]	在外邦人等の輸送・保護措置	*Zaigai hōjin-tō no yusō hogo sochi*
Measures to Avoid Forming an Integrated Part of the Use of Force[383]	武力行使との一体化に対する 回避措置など	*Buryoku kōshi to no ittaika ni taisuru kaihi sochi nado*
Medium (range)	中	*Chū*
Middle Army (MA)[384]	中部方面隊	*Chūbu hōmen-tai*
Military Combat Operations (RMCO)[385]	軍事戦闘作戦	*Gunji sentō sakusen*
Mine Countermeasures (MCM)	対機雷戦	*Tai kirai-sen*
Mine Deployment Warfare	機雷敷設戦	*Kirai fusetsu-sen*
Minelaying[386]	機雷の敷設	*Kirai no fusetsu*
Minesweeping[387]	機雷の除去	*Kirai no jokyo*
Minister of Defense[388]	防衛大臣	*Bōei daijin*
Ministry of Defense (MoD)[389]	防衛省	*Bōei-shō*

[359] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[360] 6–4.4. Bilateral Intelligence Analysis Cell (BIAC), p. 156.
[361] 6–2.1.4. Joint Committee (JC), p. 148.
[362] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[363] 6–2.1.4. Joint Committee (JC), p. 148.
[364] 7–5.4.3.1. Joint Staff Office (JSO), p. 167.
[365] 7–5.4.3.1. Joint Staff Office (JSO), p. 167.
[366] 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
[367] 7–5.4.6.1. Japan Joint Operating Forces (JJOF), p. 167.
[368] C–2.1.1.1. Prime Minister's Office (Kantei), p. 224.
[369] 2–3.3.1.2. Non-Nuclear Kobe Method Refusal, p. 43.
[370] B–3.4. The Korea Minute, p. 215.
[371] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[372] 7–5.4.6.1.2. Maritime Operations Forces (MOF), p. 167.
[373] E–2.1. Japanese Maritime Security Terms, p. 242.
[374] E–2.1. Japanese Maritime Security Terms, p. 242.
[375] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[376] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[377] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[378] 7–5.4.3.4. Maritime Staff Office (MSO), p. 167.
[379] 7–5.4.3.4. Maritime Staff Office (MSO), p. 167.
[380] 3–2.3.3. Measures Against Airspace (TTA) Violations, p. 67.
[381] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[382] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[383] 2–1.2.2. Ittaika (Integration), p. 20.
[384] 7–5.4.8.3. Regional Armies (RA), p. 168.
[385] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[386] 3–2.2.5. Minelaying, p. 60.
[387] 3–2.3.8. Minesweeping, p. 72.
[388] 7–5.1. Minister of Defense (MinDef), p. 163.
[389] 7–5. Ministry of Defense (MoD) Structure and Roles, p. 162.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Ministry of Foreign Affairs (MOFA)[390]	外務省	*Gaimushō*
Minister of State[391]	国務大臣	*Kokumudaijin*
National Center of Incident Readiness and Strategy for Cybersecurity (NISC)[392]	内閣サイバーセキュリティセンター	*Naikaku saibāsekyuritisentā*
National Security Advisor to the Cabinet[393]	内閣特別顧問	*Naikaku tokubetsu komon*
National Security Council (JNSC)[394]	国家安全保障会議	*Kokka anzen hoshō kaigi*
National Security Policy Division (MOFA FPB)[395]	安全保障政策課	*Anzen Hoshō Seisaku-ka*
National Security Strategy (NSS)[396]	国家安全保障戦略	*Kokka anzen hoshō senryaku*
National Security Secretariat (JNSS)[397]	国家安全保障局	*Kokka Anzen Hoshō Kyoku*
Near (range)	近	*Kin*
Nine Minster Meeting[398]	九大臣会合	*Kyū daijin kaigō*
Non-Combat Zone (synonymous with "Rear Area")[399]	非戦闘地域	*Hisentōchiiki*
North American Affairs Bureau (NAAB) (MOFA)[400]	北米局	*Hoku Bei-kyoku*
Northeastern Army (NEA)[401]	東北方面隊	*Tōhokuhōmentai*
Northern Air Defense Force (NADF)	北部航空方面隊	*Hokubu kōkūhōmentai*
Northern Army (NA)[402]	北部方面隊	*Hokubu hōmen-tai*
Okinawa Coordination Division (MoD BLC)[403]	沖 縄 調 整 官	*Okinawa Chōsei-kan*
Operational Policy Division (MoD BDP)[404]	運用政策課	*Unyō Seisaku-ka*
Operation[405]	行動	*Kōdō*
Order[406]	命令	*Meirei*
Overseas Deployment	海外派兵	*Kaigai hahei*
Parliamentary Vice-Minister of Defense[407]	防衛大臣政務官	*Bōei daijin seimu-kan*
Planned Deployment Area[408]	展開予定地域	*Tenkai yotei chiiki*
Post Facto[409]	事後的	*Jigo-teki*
Prime Minister (PM)[410]	内閣総理大臣	*Naikakusōri daijin*
Prime Minister's Office[411]	内閣総理大臣官邸	*Naikaku Sōri Daijin Kantei*
Prior Consultation[412]	事前協議	*Jisenkyōgi*
Protection of U.S. Weapons, etc.[413]	米軍武器等防護	*Kome-gun buki-tō bōgo*
Protection of Weapons of U.S. Military Forces, etc.[414]	米軍等の部隊の武器等の防護	*Kome-gun-tō no butai no buki-tō no bōgo*
Public Financial Initiative (PFI)[415]	民間資金等活用事業	*Minkan shikin-tō katsuyō jigyō*
Public Security Operations (PSO)[416]	治安出動	*Chian shutsudō*
Public Security Operations (by Order)[417]	命令による治安出動	*Meirei ni yoru chian shutsudō*
Public Security Operations (by Request)[418]	要請による治安出動	*Yōsei ni yoru chian shutsudō*
Rear Area (synonymous with "Non-Combat Zone")[419]	後方地域	*Kōhō chiiki*
Rear Area Support[420]	後方地域支援	*Kōhō chiiki shien*
Rear-Area Search and Rescue (RSAR)[421]	後方地域捜索救助	*Kōhō chiiki sōsaku kyūjo*
Reciprocal Access Agreement (RAA)[422]	円滑化協定	*Enkatsu-ka kyōtei*
Recognition[423]	認定	*Nintei*

[390] C–2.4. Ministry of Foreign Affairs (MOFA), p. 230.
[391] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[392] C–2.7.1. National Center of Incident Readiness and Strategy for Cybersecurity (NISC), p. 233.
[393] C–2.2.1. National Security Advisor to the Cabinet, p. 229.
[394] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[395] C–2.4.2.1. National Security Policy Division, p. 231.
[396] 2–4.1. National Security Strategy (NSS), p. 49.
[397] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[398] C–2.2.3. Nine Minister Meeting, p. 229.
[399] 2–1.2.2.1. Scene of Combat, p. 21.
[400] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[401] 7–5.4.8.3. Regional Armies (RA), p. 168.
[402] 7–5.4.8.3. Regional Armies (RA), p. 168.
[403] 7–5.2.3.1. Okinawa Coordination Division, p. 166.
[404] 7–5.2.2.3. Operational Policy Division, p. 165.
[405] 3–2.1.1. Operation vs. Deployment (Dispatch), p. 56.
[406] 3–2.1.2.1. Order, p. 56.
[407] 7–5.1.2. Parliamentary Vice-Minister of Defense, p. 163.
[408] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[409] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[410] C–2.1.1. Prime Minister, p. 224.
[411] C–2.1.1.1. Prime Minister's Office (Kantei), p. 224.
[412] 5–5.2. Prior Consultation, p. 139.
[413] 3–2.3.5. Use of Weapons to Protect Weapons, etc., p. 69.
[414] 3–2.3.5. Use of Weapons to Protect Weapons, etc., p. 69.
[415] 8–5. Private Financial Initiative (PFI), p. 175.
[416] 3–2.3.1. Public Security Operation (PSO), p. 65.
[417] 3–2.3.1.1. PSO By Order, p. 65.
[418] 3–2.3.1.2. PSO By Request, p. 65.
[419] 2–1.2.2.1. Scene of Combat, p. 21.
[420] 4–6.1.1. Logistics Support Activities, p. 104.
[421] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[422] 2–6.7.2. Reciprocal Access Agreements (RAA), p. 53.
[423] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Recognition of the Situation[424]	事態認定	*Jitai nintei*
Regional Army (RA)[425]	方面隊	*Hōmen-tai*
Regional Defense Bureau (RDB)[426]	地方防衛局	*Chihō bōei-kyoku*
Regional Military Combat Operations (RMCO)[427]	軍事戦闘作戦	*Gunji sentō sakusen*
Registered on the Protected Information List[428]	対外厳秘	*Taigai genpi*
Reject/Rejection[429]	不承認	*Fushōnin*
Rescue and Transportation of Japanese Nationals and Others Overseas (R/TJNO)[430]	在外邦人等の保護措置および輸送	*Zaigai hōjin-tō no hogo sochi oyobi yusō*
Rescue of Japanese Nationals Overseas (RJNO)[431]	在外邦人等保護	*Zaigai hōjin-tō hogo*
Reservist Recall[432]	予備自衛官等招集	*Yobi jiei kantō shōshū*
Scene of[433]	現場	*Genba*
SDF Act (Act No. 165 of 1954)[434]	自衛隊法（昭和二十九年法律第百六十五号）	*Jieitai-hō*
Search and Rescue (SAR)[435]	捜索救助	*Sōsaku kyūjo*
Search and Rescue Activities[436]	捜索救助活動	*Sōsaku kyūjo katsudō*
Secret[437]	特定秘密	*Tokutei himitsu*
Secret[438]	極秘	*Gokuhi*
Secret Agreements[439]	密約	*Mitsuyaku*
Secretary General of the National Security Secretariat[440]	国家安全保障局長	*Kokka anzen hoshō kyokuchō*
Security Consultative Committee (SCC)[441]	安全保障協議委員会	*Anzen hoshō kyōgi iinkai*
Security Operation[442]	治安出動	*Chian shutsudō*
Self-Defense Fleet (SDFLT)[443]	自衛艦隊	*Jiei kantai*
Self-Defense Forces (JSDF)[444]	自衛隊	*Jieitai*
Self-Defense Force (JSDF) Operations	自衛隊の行動	*Jieitai no kōdō*
Ship Inspection Operations (SIO)[445]	船舶検査活動	*Senpaku kensa katsudō*
Short (range)	短	*Tan*
Shushō Kantei (Prime Minister's Office)[446]	首相官邸	*Shushō Kantei*
Situation (Security Situation)[447]	事態	*Jitai nintei*
Situations in the Areas Surrounding Japan (SIASJ)[448]	周辺事態	*Shuhen jitai*
Southwestern Air Defense Force (SWADF)	南西航空方面隊	*Nansei kōkūhōmentai*
Space Operations Group Command	宇宙作戦群司令	*Uchū sakusen-gun*
Special Action Committee on Okinawa (SACO)	沖縄に関する特別行動委員会	*Okinawa ni kansuru tokubetsu kōdō iinkai*
Special Advisor to the Cabinet	内閣官房参与	*Naikaku kanbō san'yo*
Special Advisor to the Prime Minister	内閣総理大臣補佐官	*Naikakusōridaijinhosakan*
Specially Designated Secret (SDS)[449]	特定秘密	*Tokutei himitsu*
Specified Public Facilities[450]	特定公共施設	*Tokutei kōkyō shisetsu*
Stand-Off Defense Capability	スタンド・オフ防衛能力	*Sutando ofu bōei nōryoku*
State Minister of Defense[451]	防衛副大臣	*Bōei fuku daijin*
Status of Forces Agreement (SOFA)[452]	地位協定	*Chii kyōtei*

[424] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[425] 7–5.4.8.3. Regional Armies (RA), p. 168.
[426] 7–5.5. Regional Defense Bureaus (RBD), p. 172.
[427] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[428] Glossary: Alliance Classification Markings, p. LI.
[429] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[430] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[431] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[432] 3–2.2.3. Defense Call-Up, p. 59.
[433] 2–1.2.2.1. Scene of Combat, p. 21.
[434] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.
[435] 3–2.2.6. Search and Rescue (SAR), p. 60.
[436] 3–2.2.6. Search and Rescue (SAR), p. 60.
[437] Glossary: Alliance Classification Markings, p. LI.
[438] Glossary: Alliance Classification Markings, p. LI.
[439] B–2.2. The Issue of "Secret Agreements", p. 211.
[440] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[441] 6–2.1.3. Security Consultative Committee (SCC) ("2+2"), p. 147.
[442] 3–2.3. Security Operations, p. 64.
[443] 7–5.4.8.4. Self-Defense Fleet (SDFLT), p. 168.
[444] 7–5.4. JSDF Structure, p. 166.
[445] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[446] C–2.1.1.1. Prime Minister's Office (Kantei), p. 224.
[447] 2–5. Security Situations, p. 50.
[448] 4–7. Important Influence Situation (IIS), p. 105.
[449] I–4.1. Act on Specially Designated Secrets (SDS), p. 273.
[450] i–Q.1. Overview (Specified Public Facilities), p. 380.
[451] 7–5.1.1. State Minister of Defense, p. 163.
[452] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.

English Term	Japanese Term	Rōma-ji (Japanese Phonetics)
Status of U.S. Forces Agreement Division (MOFA NAAB)[453]	日米地位協定室	*Nichi-Bei Chii Kyōtei-shitsu*
Stipulate (Security Situation)[454]	認定	*Nintei*
Transit Passage[455]	通過通航	*Tsūka tsūkō*
Straits Used for International Navigation[456]	国際航行に使用されている海峡	*Kokusai kōkō ni shiyō sa rete iru kaikyō*
Subcommittee for Defense Cooperation (SDC)[457]	防衛協力小委員会	*Bōei kyōryoku ko iinkai*
Survival-Threatening Armed Attack (STAA)[458]	存立危機武力攻撃	*Sonritsu kiki buryoku kōgeki*
Survival-Threatening Situation (STS)[459]	存立危機事態	*Sonritsu kiki jitai*
Territorial Sea (TTS)[460]	領海	*Ryōkai*
Territorial Waters Security[461]	領海警備	*Ryōkai keibi*
The Area (i.e., deep sea bed)[462]	深海底	*Shinkaitei*
To be Registered on the Protected Information List[463]	指定前秘密	*Shitei zen himitsu*
Top Secret[464]	機密	*Kimitsu*
Transport of Japanese Nationals Overseas (TJNO)[465]	在外邦人等輸送	*Zaigai hōjin-tō yusō*
Transport/Rescue of Japanese Nationals Overseas (T/RJNO)[466]	在外邦人等保護／輸送	*Zaigai hōjin-tō hogo/ yusō*
Treaties Division (MOFA ILAB)[467]	国際法課	*Jōyaku-ka*
Treaty of Mutual Cooperation and Security between the United States and Japan (MST)[468]	日本国とアメリカ合衆国との間の相互協力及び安全保障条約	*Nipponkoku to Amerikagasshūkoku to no ma no sōgo kyōryoku oyobi anzen hoshōjōyaku*
Unit	部隊	*Butai*
United Nations (UN)		
UN (United Nations)	国連	*Kokuren*
United Nations Convention on the Law of the Sea (UNCLOS)	海洋法に関する国際連合条約	*Kaiyōhōnikansurukokusairengōjōyaku*
United Nations Security Council (UNSC)	国連安全保障理事会	*Kokuren anzen hoshō riji-kai*
UNSC (United Nations Security Council)	国連安保理	*Kokuren Anpori*
U.S.-Japan Status of Forces Agreement (SOFA)[469]	日米地位協定	*Ni~Tsu kome chii kyōtei*
U.S. Regional Military Combat Operations (RMCO)[470]	軍事戦闘作戦	*Gunji sentō sakusen*
Use of Force[471]	武力の行使	*Buryoku no kōshi*
Use of Land[472]	土地の使用	*Tochi no shiyō*
Use of Weapons[473]	武器の使用	*Buki no shiyō*
Warning Shots	威嚇射撃	*Ikaku Shageki*
Warship[474]	軍艦	*Gunkan*
Warships, etc.[475]	軍艦等	*Gunkan-tō*
Western Air Defense Force (WADF)	西部航空方面隊	*Seibukōkūhōmentai*
Western Army (WA)[476]	西部方面隊	*Seibu Hōmen-tai*

[453] C–2.4.1.2. Status of U.S. Forces Agreement (SOFA) Division, p. 231.
[454] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[455] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.
[456] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.
[457] 6–2.1.3.2. Subcommittee for Defense Cooperation (SDC), p. 148.
[458] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[459] 4–10. Survival-Threatening Situation (STS), p. 111.
[460] A–4.4. Territorial Sea (TTS), p. 196.
[461] E–2.1. Japanese Maritime Security Terms, p. 242.
[462] A–4.12. The Area, p. 198.
[463] Glossary: Alliance Classification Markings, p. LI.
[464] Glossary: Alliance Classification Markings, p. LI.
[465] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[466] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[467] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[468] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[469] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[470] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[471] 3–3.3. Use of Force, p. 82.
[472] i–C.65. Article 103-2—Use of Land in Planned Area of Deployment, p. 335.
[473] 3–3.1. Use of Weapons, p. 77.
[474] E–2.2.1.1. Warships, p. 242.
[475] E–2.2.1.1.1. "Warships, etc." (GoJ Legal Definition), p. 242.
[476] 7–5.4.8.3. Regional Armies (RA), p. 168.

Alliance Military Order Types

The descriptions in Table 2 are simplified summaries of doctrinal definitions to facilitate bilateral understanding between planners. Doctrinal or legal definitions should be consulted for any more detailed comparison or use.

See also § 3–2.1.2. JSDF Types of Issuances (p. 56).

Table 2. Comparison of JSDF-U.S. Military Order Types.

Order Type	U.S.	JSDF	Description	Most Similar To
Alert Order (**ALERTORD**)			Begins execution planning on selected COA. Directs preparation of OPORD or contingency plan.	**DOAO**
Deployment Order (**DEPORD**)			Deploy forces. Establish C-day/L-hour. Increase deployability. Establish Joint Task Force.	**DOPO**
Execute Order (**EXORD**)			Implement decision directing execution of a COA or OPORD.	**DOO**
Fragmentary Order (**FRAGORD**)			Issued as needed after an OPORD to change or modify the OPORD execution.	
Mobilization Order			Activates Reserve Component forces.	**DCO**
Operation Order (**OPORD**)			Directs coordinated execution of an operation.	
Planning Order (**PLANORD**)			Begins planning for anticipated COA. Directs preparation of OPORDs or contingency plan.	
Prepare To Deploy Order (**PTDO**)			Increase/decrease deployability posture of units.	**DCO** **DOAO**
Redeployment Order (**REDEPORD**)			Redeploy forces.	
Warning Order (**WARNORD**)			Initiates development and evaluation of COAs by supported commander. Requests commander's estimate be submitted.	**DOAO**
Defense Operations Alert Order (**DOAO**)[477]			An order issued when a DO[478] is anticipated, directing the increase readiness posture of JSDF units, implementing enhanced Guard & Protect operations, or establishing JSDF contingency task organization and COMREL.	**WARNORD**
Defense Operations Preparation Order (**DOPO**)[479]			A non-statutory order to deploy JSDF units to authorized locations. Does not require Security Situation[480] Stipulation.[481]	**DEPORD** **PTDO**
Defense Call-Up Order (**DCO**)[482]			An order to mobilize or recall reserve and ready reserve personnel and/or to extend terms of service of reserve and ready reserve personnel.	**Mobilization Order** **PTDO**
Defense Operation Order (**DOO**)[483]			An order to conduct a DO and authorizing the Use of Force when the Three New Conditions for the Use of Force are met and granting JSDF expanded authorities.	**EXORD**

Additional Order Types

Each of the Operations[484] types listed in § 3–2. JSDF Operations (p. 56) requires the authorizing official (usually the PM or MinDef) to issue a separate order. For example, if CPO[485] and PSO[486] were both authorized in a BRP, independent orders for each would be required to be issued (i.e., a CPO Order[487] and a PSO Order[488]). Subsequent echelons of command (e.g., JJOC[489]) would be able to issue Orders,[490] Directives,[491] or Guidance[492] that consolidate the independent authorities granted by each Order.

[477] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[478] 3–2.2.1. Defense Operation (DO), p. 57.
[479] 3–2.2.2. Defense Operational Preparation Order (DOPO), p. 58.
[480] Chapter 4. Security Situations Framework, p. 90.
[481] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[482] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[483] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[484] 3–2. JSDF Operations, p. 56.
[485] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[486] 3–2.3.1. Public Security Operation (PSO), p. 65.
[487] 3–2.5.1.4. Civil Protection Operations (CPO) Order75.
[488] 3–2.3.1.3. PSO Order, p. 65.
[489] 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
[490] 3–2.1.2.1. Order, p. 56.
[491] 3–2.1.2.2. Directive, p. 56.
[492] 3–2.1.2.3. Guidance, p. 57.

Alliance Classification Markings

All classification markings in this guide, including in this section, are examples only. This guide remains UNCLASSIFIED in its entirety.

Classification Markings

The following table summarizes the comparisons between U.S. and Japanese classification markings, whether FDO review is required, and additional notes.

Table 3 is for reference only. Derivative classifiers should consult the applicable security classification guide(s) before any derivative classification.

"TISA" is not a valid U.S. classification marking but it may appear on FGI material. TISA refers to information shared under a Trilateral Information Sharing Agreement.

Table 3. Comparison of Japan-U.S. Classification Markings

U.S. Banner Marking	U.S. Portion Marking	JSDF Banner Marking	FDO Review Required	Notes
UNCLASSIFIED	(U)	[None]	No	
CUI//NOFORN	(CUI//NF)	注意 "*Chui*"	Yes	
CUI	(CUI)		No	1
CUI//REL TO USA, JPN	(CUI//REL TO USA, JPN)		No	1
CUI//FGI//REL TO USA, JPN	(CUI//FGI JPN//REL TO USA, JPN)	対外厳秘 会議参加者限定 "*Taigai-Gempi*"[493]	No	1, 2
//JOINT CUI JPN USA//REL TO USA, JPN	(//JOINT CUI//REL TO USA, JPN)		No	
CONFIDENTIAL	(C)	指定前秘密 (秘) "*Shitizen-Pi (Hi)*"	Yes	3
CONFIDENTIAL//REL TO USA, JPN	(C//REL TO USA, JPN)		Yes	3
CONFIDENTIAL//FGI//REL TO USA, JPN	(C//FGI JPN//REL TO USA, JPN)		Yes	2, 3
//JOINT CONFIDENTIAL JPN USA//REL TO USA, JPN	(//JOINT C//REL TO USA, JPN	秘 "*Hi*"	No	3
SECRET	(S)	指定前秘密 (秘密) "*Shitizen-Pi (Himitsu)*"	Yes	
SECRET//REL TO USA, JPN	(S//REL TO USA, JPN)		Yes	
SECRET//FGI JPN//REL TO USA, JPN	(S//FGI JPN//REL TO USA, JPN)		Yes	2
//JOINT SECRET JPN USA//REL TO USA, JPN	(//JOINT S//REL TO USA, JPN)	特定秘密 "*Tokutei-Himitsu*" or "*Toko-Hi*" 極秘 "*Gokuhi*" 防衛秘密 "*Bouei Himitsu*"	No	
TOP SECRET	(TS)	防衛秘密 (機密) "*Bouei Himitsu (Kimitsu)*"	Yes	
TOP SECRET//REL TO USA, JPN	(TS//REL TO USA, JPN)		Yes	
TOP SECRET//FGI JPN//REL TO USA, JPN	(TS//FGI JPN//REL TO USA, JPN)		Yes	2
//JOINT TOP SECRET JPN USA//REL TO USA, JPN	(//JOINT TS//REL TO USA, JPN)	機密 "*Kimitsu*"	No	

Notes:
[1] In accordance with DoD Policy Memo "Revised Policy on Sharing CUI with Foreign Entities,"[15] CUI material (other than material marked CUI//NOFORN) does not require a positive foreign disclosure decision to be released to a foreign entity.
[2] FGI is used when U.S.-produced and Japanese-produced material is intermingled
[3] Japanese Confidential ("*Shiteizen-Pi (Hi)*" and "*Hi*") may correspond to U.S. SECRET according to U.S. classification guidance

[493] "会議参加者限定" (*Kaigi sankasha gentei*): "Distribution Limited to Event Participants Only"

U.S. Banner Marking	U.S. Portion Marking	JSDF Banner Marking	FDO Review Required	Notes
Additional markings available at a higher classification.				

Anatomy of Japanese Classification Markings

The JSDF classification marking system lacks “REL” markings and does not distinguish between “Japanese NOFORN” and “Japanese REL” material.

JSDF markings with two lines generally in dictate classification on the lower line (e.g., “(秘)”) and dissemination controls on the upper line (e.g., “対外厳秘”).

Chapter 1. INTRODUCTION

1–1. PURPOSE

This guide serves to consolidate information relevant to U.S. defense planners responsible for:

- Bilateral planning or exercises with Japan; or
- Unilateral planning or exercises that consider operations in, around, and potentially with Japan

This guide consolidates and synthesizes information from numerous existing resources and provides plans-related commentary, analysis, and detail to that information. Furthermore, as an editable resource, it allows changes in law, policy, or understanding to be integrated into the guide to maintain continued relevance to planners or for segments to be extracted or deleted to tailor its content for specific uses.

This guide is not a replacement for primary source material and other authoritative sources, many of which are listed in Appendix Q. References (p.297).

Finally, this guide is meant to be a long-form companion to the BGFWG pocket reference, which further consolidates enclosed information into quick-reference format. This guide is intended to provide the detailed discussion and nuance that are impossible to achieve in quick-reference formats.

1–2. WHAT IS "BEST UNDERSTANDING?"

Military planning with Japan requires some degree of understanding from a wide array of fields, from Japanese law itself to the nuances of military requirements and operations (e.g., there is no such thing as just "ABO" but rather a fine spectrum of ABO permissions and caveats), International Law,[494] and the outcomes of exercises and wargames and more.

This guide attempts to merge all these subjects and, more dauntingly, describe or analyze how they interact in a way that usefully answers questions that arise in bilateral Japan-U.S. planning.

> This inevitably means there will be statements in this guide that turn out to be technically false but practically true (or the opposite), lack important nuance that makes them misleading under some circumstances, or information that turns out to be simply wrong.

This has been minimized to the greatest extent possible with specificity, caveats, or citations. But some degree of error is unavoidable.

The unavoidability stems from the complex *and* complicated nature of the subject matter, the fact that some of the material requires interpretation (which itself may be incorrect), the fact that what constitutes a correct answer often depends on the level of detail required, that context is supremely important (and answers are sensitive to minor adjustments of context), and finally that the truth itself changes (as laws and policies shift, as existing guidelines are applied in novel ways, and as Japan continues to surprise the U.S. by setting new precedent in the realm of defense).

Finally, some of the inaccuracies are purely the fault of the compiler's own misunderstanding or mistakes made in the process of learning more.

But this guide is not meant to be authoritative, merely to start others on an improved foundation so they can skip re-learning what others have already learned the hard way. The goal is to help planners make new mistakes, not old ones.

[494] 2–1.2.4.1. International Law, p. 22.

1–3. Using this Guide

1–3.1. Callout Notices

1–3.1.1. Caution Boxes

When importation information that may require nuanced understanding or application appears, it will be highlighted with a callout box like the example below.

> This is an example Caution Box. Use caution when applying or interpreting the information and context contained or referenced in these boxes.

1–3.1.2. Notice Boxes

When important caveats, notes, or other key amplifying information appears, it will be highlighted with a callout box like the example below.

> This is an example Notice Box. Carefully consider the information and context contained or referenced in these boxes.

1–3.1.3. Alternate Rendering Boxes

When key terms may be rendered or translated differently or when proper terms are longer than conventional abbreviations or truncations, these alternate renderings will be highlighted with a callout box like the example below.

> This is an Alternate Rendering Box. Alternate presentations of the terms used by this guide will be contained or referenced in these boxes.

1–3.2. Block Quotations

When key references are cited directly, they will appear in block quotations like the example below.

> *This is an example block quotation. Always reference the original source material when derivative citations are necessary.*

Machine-translated[495] quotations appear in block quotations like the example below.

> *This is an example block quotation translated into English by machine-translation. Always reference the original source material when derivative citations are necessary and exercise caution in use as machine-translations are of low reliability. See § 1–5.2.2. Machine Translations (p. 7).*

1–3.2.1. Translated Quotations

When possible and applicable, English translations from the original Japanese have been taken from official sources (e.g., USG or GoJ documents/websites). However, conventions for translation of specific terms change over the years, are inconsistent, or may not exist, leading to ambiguities in terminology and meaning.

Additionally, the syntax of Japanese and English differ dramatically, leading key passages in even official and carefully-translated documents (like the Japanese Constitution) to have either:

- Clear meaning or connotations in Japanese with ambiguity in English; or
- Ambiguity in Japanese with a false impression of clarity in English

This cannot be avoided and is a metaphorical representation of the constant hard work it takes to maintain the Alliance.

[495] 1–5.2.2. Machine Translations, p. 7.

1–3.2.2. Modifications of Quotations

1–3.2.2.1. Convention for Specific Phrases

To maintain consistency and facilitate understanding, where source documents or translation differ from clear conventions used by official USG or GoJ sources, the block quotation may replace the original text or the translated English with [the conventional phase] indicated by brackets or include the conventional phase after the original text or translation. For example the phrase "Armed Aggression" in a source or original translation will appear as:

> *…Armed [Attack]…*

or as

> *…Armed Aggression [Armed Attack]*

1–3.2.2.2. Clarification of Cross-References

[Red text in brackets] are clarifications or resolved references to laws, order, situations, or other items that are not present in the original text or translation.

For example, SDF Act (Law No. 165 of 1954, as amended) Article 77 includes the passage: "…where a situation becomes more tense, and the Defense Operation Order as prescribed in ¶(1) of the previous Article is imminent…" Paragraph 1 of the previous article (Article 76) refers to STS, AAS (Imminent), and AAS (Occurrence).

To facilitate reader understanding, this text will appear as:

> *…where a situation becomes more tense, and the Defense Operation Order [DOO] as prescribed in ¶(1) of the previous Article [for STS, AAS (Imminent), or AAS (Occurrence)] is imminent…*

1–3.2.2.3. Added Emphasis

When additional emphasis is necessary to highlight specific conditions or circumstances that facilitate understanding (such as highlighting necessary processes or approval authorities), this emphasis is added with underlined words.

For example, SDF Act (Law No. 165 of 1954, as amended) Article 76 grants the PM authority to order the JSDF into action under a DOO. To highlight this the authority for such an order as residing with the PM, this text will appear as:

> *…the Prime Minister may order…*

In rare instances, this emphasis may be present in the original.

1–3.3. Footnotes and Endnotes

Footnotes are primarily used to cross-reference a section (§), sections (§§), a paragraph (¶), or paragraphs (¶¶) with explanatory, background, amplifying, or related detail. They are also used to provide brief explanatory notes that facilitate understanding. Footnotes appear as superscript dark red, underlined Arabic numerals like this[1] and are found at the bottom of each page (Roman numerals are avoided for readability concerns).

Occasionally, for essential information, in-text cross-references are made. For example: "see § 1–3.3 (p. 3)."

While the extent of cross-referencing footnotes may at first appear excessive, this guide is designed to be referenced in parts, as the planner requires. By footnoting terms, authorities, concepts, or other relevant information (often precise legal or policy constructs), readers will be made aware of the nuances embedded by references to these terms and find them easy to cross-reference. Additionally, extensive cross-referencing ensures clarity of intended meaning while reducing complex sentences with excessive clauses or parentheticals.

Endnotes are used for citations when direct citations are useful or required. They appear as superscript green Arabic numerals like this[1] and are found in § vi–B (p. 452). Readers of black-and-white printed copies will have to infer the distinction between footnotes and endnotes by referencing an endnote numeral against the footnote sequence at the bottom of the page. Conventional numbering of footnotes by Roman numerals was avoided due to readability of small font super-scripts, especially for larger numbers.

Endnote citations are made for direct quotations (when the source is not otherwise specified), for specific sources that readers are likely to want to check for clarity or context (such as non-obvious claims about policy or interpretation,

especially in edge-cases), or when information is either subject to change (such as a current policy or interpretation that may be modified in the near future) or when the information or interpretation provided might be challenged by an authority with a different view.

1–4. Standardized Terminology

1–4.1. Prefixes: "Japan" and "J"

Japanese terms for organizations or entities (e.g., JSDF or JNSC) do not include the letter "J" or the words "Japan" or "Japanese" in their native rendering. For example, the proper name of the JSDF would be literally rendered as "Self-Defense Forces" or "SDF."

Thus, Japanese documents, officials, and military planners often internally refer to these entities without such prefixes. In English-language documents (aimed at a U.S. or international audience), however, such prefixes will be used to distinguish these organizations from counterparts (e.g., the U.S. National Security Council or the U.S. Joint Staff).

To avoid ambiguity, this guide uses J/Japan prefixes with some exceptions where clear convention omits such prefixes (e.g., "SDF Law").

1–4.2. Capitalization of Proper Terms

In most cases, terms with formal and important meanings (e.g., "Armed Attack,") have been capitalized or specific acronyms (e.g., "STS") have been used to highlight when specific and formal meanings are intended and/or are important for understanding. These terms and related acronyms are included in Glossary: Definitions (p. XXII) and Glossary: Acronyms (p. XXXVII).

When applicable, these formal terms are footnoted[496] to cross-reference the section of this guide that explains their meaning and relevant context.

> In the case of "armed attack situations, etc.," which is a collective term referring to *both* AAAS and AAS, this manual renders the term entirely in the lower case to avoid any inadvertent confusion with AAS.

1–4.3. Legal Article and Paragraph Numbering

For consistency and clarity, this guide uses Arabic numerals to reference articles, paragraphs, sub-paragraphs, etc. of legal documents such as constitutions, Treaties,[497] International Agreements,[498] domestic laws, etc. In Japan-U.S. planning and exercises, there are a few exceptions where clear convention uses Roman numerals, usually in reference to articles (but not paragraphs or sub-paragraphs, etc.)

These exceptions are:

- MST Articles IV,[499] V,[500] VI,[501] and X[502]
- SOFA Article II[503] (e.g., "II 4(b)"[504])

In these cases, this guide uses the Roman numeral convention.

In legal discourse, the Japanese Constitution's articles are most often rendered in Roman numerals ("i.e., Article IX,"). However, as direct reference to the Japanese Constitution is uncommon in Japan-U.S. military contexts, for consistency this guide uses Arabic numeral rendering of Japanese constitutional articles.

[496] 1–3.3. Footnotes and Endnotes, p. 3.
[497] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[498] 1–6.1.1. International Agreements (Legal Status), p. 8.
[499] 2–1.3.3. Article IV—Consultation, p. 24.
[500] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[501] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[502] 2–1.3.6. Article X—Termination, p. 29.
[503] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[504] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.

1–4.3.1. Japanese Law Article and Paragraph Numbering Conventions

In Japanese law, articles are numbered sequentially, omitting replaced articles (i.e., skipping from Article 98 to 100 if Article 99 has been moved or deleted).

Articles moved or added within an existing sequence will maintain sequential numbering but add hyphenated sub-numbers (e.g., when SDF Act (Law No. 165 of 1954, as amended) Article 99 was revised and moved between Articles 84 and 85 [i.e., when it was "mutated"], it was numbered as "84-2"). Hyphenated articles (i.e., ##-1, ##-2) may be related, but they are considered independent articles (vice "sub-articles"); thus, references to "Article 84" do not imply "Article 84-2."

Conventions for numbering and referencing specific sections of articles vary with author and translation (e.g., "Article 84 (1), "Art. 84(1)," etc.). For consistency, this guide standardizes article numbering according to the scheme below. Exceptions are made for the cases referenced above.[505]

When articles have only one major paragraph, the "(1)" highlighted in red, below, is normally omitted, even if the major paragraph has sub-paragraphs. For clarity in cross-references, this guide will include paragraph (1) numbering in such cases (as appears below).

For example:

> *(Article Title)*
>
> *Article 12-3*
>
> *(1) Major Paragraph (1) text. This would be referred to as "Article 12-3 ¶(1)," "¶(1), Article 12-3," or "(1), Article 12-3."*
>
> *(i) Sub-paragraph (i) text. This would be referred to as "Article 12-3 ¶(1), No. (i)" "No. (i), ¶(1), Article 12-3," or "item (i)(1), Article 12-3." If there is only one major paragraph, the item may be listed as "Article 12-3 No. (i)," etc.*
>
> *(a) Point (a) text. This item would be referred to as "Article 12-3 ¶(1), No. (i), Point (a)," "Point (a), No. (i), ¶(1), Article 12-3," or "Point (i)(1), Article 12-3." If there is only one major paragraph, the item may be listed as "Article 12-3 No. (i), Point (a)," etc.*
>
> *(2) Paragraph (2) text. This would be referred to as "Article 12-3 ¶(2)" or "¶(2), Article 12-3," or "(2), Article 12-3."*

1–4.4. Romaji Conventions

This guide employs the following conventions when adapting the Hepburn system for transliterating Japanese words and names into the Latin character set (i.e., Romanizing Japanese words into "Romaji").

1–4.4.1. Macrons and Spelling

A common modifications of the Hepburn system use macrons (¯) to indicate a long vowel sound. For example, the Japanese city name 東京 (Tokyo) is properly Romanized as Tōkyō, though may also be rendered as:

- Tôkyô
- Tohkyoh
- Toukyou
- Tookyoo

For all but the most common Japanese words and names (like Tokyo), this guide uses macrons to indicate proper Japanese pronunciation.

1–4.4.2. Japanese Names

In Japanese, a person's family name will appear first, followed by the given name (i.e., LastName FirstName). Specialist books often maintain this sequence except for well-known persons where their name is most familiar with family name last (as it might appear in a U.S. newspaper headline). For example, the name of a lesser-known bureaucrat might be presented as Abe Shinzō while a former PM might be presented as Shinzō Abe.

[505] 1–4.3. Legal Article and Paragraph Numbering, p. 4.

To avoid this inconsistenct but maintain clarity, this guide presents given names first (most familiar to U.S. readers) but capitalizes family names, for example: Shinzō ABE.

When quoting directly from English language sources, this guide maintains the sequence of the source, but capitalizes the family name. For example source text that reads “Abe Shinzo” will be modified as “ABE Shinzō.”

1–4.5. Japanese Island-Related Terminology

Japanese uses a variety of terms to refer to island groupings, including:

- Shotō: Archipelago
- Guntō: Cluster of Islands
- Rettō: String of Islands

A similar variety of terms refers to individual islands, including:

- Shima: Island
- Jima: Island
- Ōshima: Large Island
- Kōjima: Small Island

When appended to the name of an island, “shima” or “jima” distinguish between references to the main island of a cluster (e.g., “Miyakojima”) versus the cluster itself (e.g., “Miyako Rettō” or just “Miyako”).

While in general these terms can often be used interchangeably, there are usually conventions for specific islands. For example, the island of Shimoji is normally presented as “Shimoji-shima” rather than “Shimoji-jima.”

1–5. Translations

1–5.1. Official Translations

1–5.1.1. Provisional Translations

The GoJ often provides English translations of key documents or excerpts from such documents. While these are “official” GoJ-provided translations, sometimes they are provided as “provisional.” Provisional translations are not comprehensively reviewed and may not represent precise formal or legal terminology. Provisional translations are helpful for understanding but care should be exercised in using the terminology, syntax, or other presentations of the translated Japanese in constructing precise or nuanced interpretations.

1–5.1.2. Formal Translations

GoJ will occasionally (though rare) provide formal (non-provisional) translations of critical documents, such as the Japanese Constitution. These translations are more thoroughly reviewed for correctness and preciseness in the English language presentation of the original Japanese. However, as with the case of Article 9(1),[506] even formal translations may add or mask either ambiguity or clarity in the original language as a result of the significant differences in English and Japanese.

1–5.2. Unofficial Translations

1–5.2.1. Human Translations

Human translations of Japanese texts often have the benefit of subject matter expertise, however translators may rely on conventions in translation that complicate understanding by defense practitioners. For example, some translators insist on using the most correct or precise translation of terms, even if it runs counter to clear Allied or even GoJ convention (for example, using “standby” instead of “alert” in the phrase “Defense Operations Alert Order”). In an effort to standardize terminology,[507] these non-conventional translations are either modified or annotated in this guide.

[506] 2–1.2.1.2. Parsing Article 9, p. 14.

[507] 1–4. Standardized Terminology, p. 4.

1–5.2.2. Machine Translations

Machine translations are avoided to the maximum extent possible in this guide. In general, they are used only for the translation of important articles of Japanese law when no human translation (official or unofficial) is available. This guide corrects obvious errors in machine translations and uses the same guidelines for standardized terminology as it applies to human translation.[508]

Machine translations that have been modified as described above appear in modified block quotations[509] like the example below:

> *This is an example block quotation translated into English by machine-translation.*

Machine translations that have been provisionally-reviewed by a professional Japanese linguist or compared with existing professional translations to verify the machine translation reasonably reflects the content and intent of the Japanese original appear in normal block quotations like the example below:

> *This is an example block quotation translated into English by machine-translation but later reviewed by a professional Japanese linguist. This review has only provisionally verified that the machine-translated texts reflects the general content and intent of the original Japanese and does not indicate any further corrections to the English except to correct any gross inaccuracies in the machine-translated English.*

> When machine translation is used in this guide, readers should exercise caution in applying it to any military planning, even as a baseline understanding or assumption, unless it is clearly corroborated by alternative authoritative sources.

This guide corrects certain obvious errors in machine translations (e.g., referring to ¶(3), Article 82, rather than 82-3 as the article regarding Missile Destruct/BM Destruction) and applies consistency and GoJ convention to paragraph and sub-paragraph numbering (e.g., changing "Point To," referring to the katakana character that would be rendered "g" in a numbered list, to "Point (g)."

This guide also adds substantial annotation, cross-referencing, and other supplemental contextualization or analysis to the baseline machine translation.

1–5.2.2.1. Challenges in Machine Translation

Machine translations from Japanese to English are particularly problematic in the context of legal documents or documents with significant legal implications (such as those relevant to military planning) due to the high-level of context required to properly render the meaning of a Japanese passage into English as well as the peculiar structure of legal or legalistic passages. It is possible that the entire meaning of a passage might be inverted by machine translation.

When machine translation is used, this guide validates the basic content of the machine translation against professionally-translated versions of the same content. When such professional translations are unavailable, this guide "triangulates" the English translation by controlling how machine translation parses the Japanese text (see below), replacing non-standard or ambiguous terms with their conventional and formal English renderings (e.g., "Situation in which an armed attack is predicted" has been changed to "Situation in which an Armed Attack is anticipated [AAAS]") as confirmed by official dual-language documents (e.g., Defense of Japan whitepaper).

1–5.3. Representations of Japanese Terms

In some cases, especially regarding specialized terminology, it is useful for planners to be able to reference both the English language term/acronym as well as the Japanese term in both Japanese characters as well as Romanized (phonetic) characters (often called "Romaji"). This can be especially useful when terms lack conventions for translation, conventions change, or terms are translated inconsistently (for example, inconsistency in the English translation of 地方協力局 as either Bureau of Local Cooperation or Bureau of Policies for Regional Society).

In these cases, this guide will provide the English term, English acronym, Japanese term, and Romaji. For a more comprehensive dictionary of relevant terms, see the companion guide to this document, "Decoding the Alliance."

[508] 1–4. Standardized Terminology, p. 4.

[509] 1–3.2. Block Quotations, p. 2.

1–6. International Commitments and Diplomatic Correspondence

Understanding bilateral, especially diplomatic, documents requires planners to understand the type of document, its nature, and its legal and political authority.

Broadly, and under U.S. law, there are two categories of and three kinds of International Commitments.[510] The first category of commitment is an International Agreement[511] which includes both Treaties[512] and Executive Agreements.[513] The second category of commitment is a Non-Binding Instrument.[514]

1–6.1. International Commitments (Legal Status)

1–6.1.1. International Agreements (Legal Status)

International Agreements is a blanket term for Treaties[515] and Executive Agreements[516] that are considered binding under International Law.[517]

There are few firm rules for what should distinguish whether an International Agreement should take the form of a Treaty or an Executive Agreement, but the DoS generally considers:[16]

- The extent to which the agreement involves commitments or risks affecting the nation as a whole
- Whether the agreement is intended to affect state laws
- Whether the agreement can be given effect without the enactment of subsequent legislation by the
- Congress;
- Past U.S. practice as to similar agreements;
- The preference of the Congress as to a particular type of agreement;
- The degree of formality desired for an agreement;
- The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement; and
- The general international practice as to similar agreements.

1–6.1.1.1. Treaties (Legal Status)

Treaties are: "International Agreements[518] (regardless of their title, designation, or form) whose entry into force with respect to the United States takes place only after the Senate has given its advice and consent" may be on "any subject genuinely of concern in foreign relations, so long as the agreement does not contravene the United States Constitution."[17]

The U.S. Constitution's Supremacy Clause (Art 6, Clause 2) makes Treaties legally-binding within the U.S. system:

> *This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*[18]

The Japanese Constitution's Supremacy Clause[519] similarly makes Treaties legally-binding within the Japanese system.

The 1969 Vienna Convention on the Law of Treaties, sometimes called the "treaty on treaties," establishes rules and procedures for drafting, ratifying, interpreting, and enforcing treaties.[19]

[510] 1–6.1. International Commitments (Legal Status), p. 8.
[511] 1–6.1.1. International Agreements (Legal Status), p. 8.
[512] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[513] 1–6.1.1.2. Executive Agreements (Legal Status), p. 9.
[514] 1–6.1.2. Non-Binding Instruments (Legal Status), p. 9.
[515] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[516] 1–6.1.1.2. Executive Agreements (Legal Status), p. 9.
[517] 2–1.2.4.1. International Law, p. 22.
[518] 1–6.1.1. International Agreements (Legal Status), p. 8.
[519] i–B.15. Article 98—Supremacy of the Constitution, p. 305.

1–6.1.1.1.1. Executory Treaties (Legal Status)

1–6.1.1.1.2. Territorial Treaties (Legal Status)

1–6.1.1.2. Executive Agreements (Legal Status)

> *International Agreements[520] brought into force with respect to the United States on a constitutional basis other than with the advice and consent of the Senate are International Agreements other than Treaties.*[20]

International Agreements other than Treaties (abbreviated for this guide as "Executive Agreements") are binding International Agreements that the head of state (or other designated official) enters into without a formal Treaty[521] ratification process (in the U.S., receiving advice, consent, and ratification by the Senate).

This includes:

- Agreements that are made pursuant to Treaties (such as the SOFA)
- Congressional-Executive where Executive Agreements are authorized by Congress through legislation (rather than the Treaty ratification process
- Sole Executive Agreements made based exclusively on the President's constitutional authority

Executive Agreements are considered to have the status of law (i.e., they are legally-binding). However, the lack of Treaty ratification gives them a somewhat less concrete status as legally-binding documents (unless otherwise authorized by a state's legislative body as in Congressional-Executive Agreements). In many cases, this practical distinction may not matter.

1–6.1.1.2.1. Special Measures Agreements (SMA) (Legal Status)

> The SMA for HNS[522] may be referred to as the "HNS SMA."

SMAs are special forms of International Agreements that have historically covered HNS for the cost of U.S. forces deployed to Japan or Korea. SMAs are typically time-bound, addressing specific nominal costs or percentages of costs (either recurring or one-time) and corresponding currency denominations, exchange, or equivalency rates within a multi-year period. SMAs are periodically re-negotiated as they approach expiration or if there is political desire to renegotiate SMA terms prior to the expiration of an SMA in-force.

In the case of Japan-U.S. SMA, the legal status has historically derived from the MST[523] through the Article 24[524] (Cost Sharing) of the SOFA.

The terms agreed to in an SMA require authorization under existing laws or, for novel agreement areas, legislative ratification or authorization through new laws. For example, HNS budgetary contributions agreed to in an SMA must be included in subsequent national budgets through existing constitutional and legislative budgetary processes or be covered by existing budgetary authorities.

SMAs that address novel areas require existing executive authorities and constitutional procedures for the novel areas of agreement. For example, an SMA addressing increased port and airfields access would need to derive its authority from applicable SOFA provisions (e.g., Articles 2[525] or 5[526]) and be supported by existing or new Japanese domestic legislation that provides GoJ the authority to meet agreed upon access.

1–6.1.2. Non-Binding Instruments (Legal Status)

Non-Binding Instruments, such as Communiqués or Joint Statements,[527] are not considered binding under International Law,[528] but may carry legal or other incentives or sanctions for compliance or non-compliance.

[520] 1–6.1.1. International Agreements (Legal Status), p. 8.
[521] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[522] 7–5.2.3.2. Host Nation Support (HNS), p. 166.
[523] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[524] 2–1.4.5. Article 24—Cost Sharing, p. 33.
[525] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[526] 2–1.4.3. Article 5—U.S. Access to Air and Sea Ports, p. 33.
[527] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[528] 2–1.2.4.1. International Law, p. 22.

1–6.2. Other Diplomatic Correspondence (Legal Status)

The legal status or authority of Diplomatic Correspondence may be considered to derive from any International Agreement[529] to which it refers. For example, an Exchange of Notes[530] regarding a Treaty[531] may clarify understandings or interpretations about a clause in the Treaty in a way that creates a legally-binding obligation to adhere to the agreed to understanding or interpretation.

Proximity in time between the Diplomatic Correspondence and any International Agreement to which it refers may also affect its legal status. For example, an Exchange of Notes regarding a Treaty signed at the same time as the Treaty may be accorded greater legal authority than an Exchange of Notes signed years after the Treaty's signature, especially if the signatories are from subsequent political administrations.

1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status)

Under International Law,[532] neither party to a bilateral International Agreement[533] is bound to any particular interpretation of an element of that agreement unless that interpretation is jointly understood and accepted. Exchanges of Notes therefore play an important role in establishing such bilaterally-agreed interpretations to International Agreements.

An "Exchange of Notes" is a set of Diplomatic Notes exchanged between government representatives and is the most formal inter-governmental form of communication.[21] Diplomatic Notes are used

> *(1) For correspondence between the U.S. Government and a foreign government. The Secretary of State corresponds with diplomatic representatives of foreign governments at Washington, DC, U.S. embassies abroad, and foreign offices or ministries;*
>
> *(2) When the chief of mission corresponds with the foreign ministry of the host government at posts and other foreign office representatives; and*
>
> *(3) When diplomatic notes are used to negotiate International Agreements*[534]*.*[22]

Diplomatic Notes may be used to share or confirm a government's official position or interpretation on an issue related to a formal International Agreement such as a Treaty.[535]

1–6.2.2. Agreed Minute(s) (Legal Status)

Under International Law,[536] neither party to a bilateral International Agreement[537] is bound to any particular interpretation of an element of that agreement unless that interpretation is jointly understood and accepted. Agreed Minutes therefore play an important role in establishing such bilaterally-agreed interpretations to International Agreements.

Agreed Minutes provided amplification and explanation of certain elements of a referenced document. This often includes understanding or context reached during negotiations for the referenced document and formally memorialized in an Agreed Minute as shared understanding.

Agreed Minutes are generally considered to have the legal effect of the referenced document. For example, an Agreed Minute to a Treaty[538] (e.g., the Korea Minute[539]) would likely be considered to have the legal effect of an International Agreement[540] whereas an Agreed Minute to a Communiqué or Joint Statement[541] would have the legal effect of a statement of views and undertakings.

[529] 1–6.1.1. International Agreements (Legal Status), p. 8.
[530] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[531] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[532] 2–1.2.4.1. International Law, p. 22.
[533] 1–6.1.1. International Agreements (Legal Status), p. 8.
[534] 1–6.1.1. International Agreements (Legal Status), p. 8.
[535] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[536] 2–1.2.4.1. International Law, p. 22.
[537] 1–6.1.1. International Agreements (Legal Status), p. 8.
[538] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[539] B–3.4. The Korea Minute, p. 215.
[540] 1–6.1.1. International Agreements (Legal Status), p. 8.
[541] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.

1–6.2.3. Communiqués and Joint Statements (Legal Status)

> Under International Law,[542] neither party to a bilateral International Agreement[543] is bound to any particular interpretation of an element of that agreement unless that interpretation is jointly understood and accepted. Communiqués and Joint Statements therefore play an important role in establishing such bilaterally-agreed interpretations to International Agreements.

Communiqués and Joint Statements are "both expressions of views (recognition and appreciation, as well as descriptions and shared hopes) and undertakings (agreements, intentions, and representations of future actions)"[23] of a government or governments. But they are one step removed from actual policies (unless referenced by official policies), agreements, or actions. In this way, they are not legal instruments, but more akin to a "diplomatic press release" that represents a "present assurance" and not "assurances with regard to the future."[24]

Despite this legal status, their role as expression of policy gives Communiqués and Joint Statements similar, if somewhat lesser, status as the formal agreements or policies such instruments lead to or take the place of.

1–6.2.4. Memorandum of Understanding (MOU) (Legal Status)

> Under International Law,[544] neither party to a bilateral International Agreement[545] is bound to any particular interpretation of an element of that agreement unless that interpretation is jointly understood and accepted. MOUs can therefore play an important role in establishing such bilaterally-agreed interpretations to International Agreements.

An MOU is an non-binding agreement between two States that does not carry the legal status of an International Agreement.[546]

1–6.2.5. Non-Paper (Legal Status)

A Non-Paper is an unofficial document that might be drafted or disseminated to assist in negotiations or preparing for negotiations, outlining a concept or proposal, or other subjects of a tentative and pre-decisional nature. Non-Papers imply that the subject material is pre-decisional and does not carry the legal status of an International Agreement[547] or imply any legal commitments.

1–7. Companion Documents

This guide is designed to be used in conjunction with companion documents including:

- Japan-U.S. Alliance Pocket Reference
- Decoding the Alliance: A Guide to A4T (Alliance Acronyms, Abbreviations, and Associated Terms)

The latest version of this guide and these companion documents can be found at:

- https://go.intelink.gov/Yuhcq-9
- https://christopherdenzel.com/

[542] 2–1.2.4.1. International Law, p. 22.
[543] 1–6.1.1. International Agreements (Legal Status), p. 8.
[544] 2–1.2.4.1. International Law, p. 22.
[545] 1–6.1.1. International Agreements (Legal Status), p. 8.
[546] 1–6.1.1. International Agreements (Legal Status), p. 8.
[547] 1–6.1.1. International Agreements (Legal Status), p. 8.

Chapter 2. Basic Defense Policy of Japan

2–1. Basic Policy of Japanese Defense

2–1.1. Introduction

As with the U.S., all GoJ authorities derive from the Japanese Constitution.[548]

Article 65[549] vests the State's executive control in the Cabinet,[550] led by the PM.[551] Article 66[552] makes the Cabinet collectively responsible to the Diet[553] in the exercise of executive power. Article 41[554] establishes the Diet (legislative branch) as the highest organ of State power.

Additionally, the Japanese Constitution makes no provision for defense or military forces.

> These articles and the omission of any provision for defense results in a situation where the JSDF is commanded as an administrative action of the PM, as the head of the Cabinet, on behalf of the Diet. This is the basis for strict legislative control of permissible JSDF actions.

Furthermore, the "Asymmetric Bargain"[555] struck between Japan and the U.S. in the form of the MST[556] has hindered Japan's ability to respond to modern security threats by establishing a weak constitutional basis for defense and strong legal and cultural opposition to responsive and flexible JSDF authorities.

2–1.1.1. Positive vs. Negative List Approach to Authorities

Because the fundamental basis of Japanese defense (Article 9[557]) begins with an extreme rejection (of Belligerent Rights[558]), everything in Japanese defense law and policy[559] is reasoned down from that absolute ceiling. This is a fundamentally different philosophical approach to defense than is taken by the U.S., resulting in many of the unique features of Japanese defense policy that seem peculiar to U.S. planners.

2–1.1.1.1. Japanese "Positive List" Approach

As a result of the weak constitutional basis for Japanese defense, Japan operates on a Positive List approach to authorities whereby if an action is not enumerated in Japanese law, it is not permissible.

The JSDF is legally treated as an administrative organization and is employed as an administrative action of the GoJ through precise procedural and legislative policies.

All JSDF operations require specific statutory authorization. This places similar restrictions on the JSDF as might be seen in other states' police forces.

2–1.1.1.2. U.S. "Negative List" Approach

This contrasts with the U.S. constitutional basis for defense, where the U.S. military conducts operations at the direction of POTUS, as Commander-in-Chief, through executive power, by the issuance of an EXORD by the SecDef.

This provides simple, flexible use of U.S. military force inherent in the authority of POTUS (Article 2, U.S. Constitution), with minimal constraints by U.S. law. This is a Negative List approach to authorities (if it is not prohibited by U.S. or International Law,[560] it is permissible).

2–1.1.1.3. Inherent Limitations of a Positive List Approach

> *In the SDF, when there are no regulations, no action can be taken.*
>
> *— CDR Hideki Nakamura, JMSDF (ret.)*[25]

[548] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[549] i–B.9. Article 65—Executive Power, p. 304.
[550] C–2.1. Cabinet, p. 224.
[551] C–2.1.1. Prime Minister, p. 224.
[552] i–B.10. Article 66—The Cabinet, p. 304.
[553] C–3. Diet. p. 234.
[554] i–B.5. Article 41—The Diet and Legislative Power, p. 303.
[555] 2–1.3.1. An "Asymmetric Bargain", p. 24.
[556] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[557] 2–1.2.1. Article 9 (War Renunciation), p. 13.
[558] 2–1.2.1.3. Belligerent Rights, p. 16.
[559] 2–3. Defense Policies, p. 41.
[560] 2–1.2.4.1. International Law, p. 22.

JSDF activities are restricted by a wide array of law and policies, sometimes with no clear hierarchy of applicability.[561] When considering if the JSDF would be authorized to conduct an activity, each applicable law and policy must be considered within the unique scenario. This is why MoD and JSDF planners often do not know what their response would be or what the legal options are unless presented with a concrete scenario, allowing these laws and policies to be considered in turn. But the answer only applies to that exact scenario.

> Positive List approaches are inherently more reactive than Negative List approaches beyond the fact of their inherent restrictiveness.
>
> Crisis scenarios and the requisite authorities are imagined during peacetime. Such scenarios and the required authorities to deal with often do not address unanticipated contingencies that arise in genuine crises.

2–1.1.1.3.1. Importance of Wargames and Exercises with Positive List Approaches

Because of the limitation of Positive List approaches, bilateral wargames and exercises must provide realistic, varied, unpredictable, and novel crisis scenarios to explore likely Japanese responses and to stimulate Japanese policy changes that close gaps.

2–1.1.2. Basis for Change

Japan's outlook on its defense, defense policy, and defense imperatives has changed over the years based on:

- Changes in the Japan-U.S. Alliance
- Changes in the threat
- Changes in domestic politics

2–1.2. Japanese Constitution (Kenpō)

The Japanese Constitution, rendered in Japanese as *Nohonkoku Kenpō* is the legal foundation for the GoJ's organizations, authorities, and actions.

> The Constitution may also be rendered as the abbreviated:
>
> - *Kenpō*
> - *Kempō*

2–1.2.1. Article 9 (War Renunciation)

See § i–B.2. Article 9—Renunciation of War (p. 303).

Article 9 contains three distinct ideas:

- Renunciation of war
- Prohibition on the maintenance of war potential
- Rejection of the Rights of Belligerency[562]

> Article 9 of the Japanese Constitution is the primary legal basis of all Japanese defense activities.

2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP)

> EDOP is also rendered as:
>
> - Posture of a Passive Defense Strategy
> - Defensive Defense (Policy)
> - Defensive Denial
> - Exclusively National Defense-Oriented Policy

[561] 3–1.4.1. Restrictions on Activities of the JSDF, p. 55.

[562] 2–1.2.1.3. Belligerent Rights, p. 16.

- Exclusive Defense Orientation

Article 9 (normally rendered as "Article IX" in legal discourse[563]) renounces war and establishes the principle of *senshu bōei*[564] (専守防衛). But while Japan is often mischaracterized as "pacifist," a more accurate characterization is anti-militarist or, in Japanese, *heiwa-shugi* (平和主義) which means having a "peaceful foreign policy."

EDOP provides the legal basis and limitations for all JSDF operations and authorities including:

- Use of Weapons[565] vs. Use of Force[566]
- Bilateral (or coordinated) vice combined alliance command relationships[567]
- Day-to-day and contingency alliance coordination[568]
- JSDF authorities in crisis and conflict[569]
- JSDF's ability to interact with third party nations beyond the Japan-U.S. Alliance

Article 9 is also the basis of the MST's "Asymmetric Bargain."[570]

2–1.2.1.1.1. Minimum Extent Necessary Criteria

GoJ interprets Article 9 to permit Japan to maintain the minimum necessary armed forces for self-defense. This is the basis for subsequent conditions on the Use of Weapons[571] or the Use of Force[572] in the form of "Minimum Extent Necessary."

This limit is subject to change according to the international situation and military technology, with changes legitimized by agreement by the Diet through approved budget, laws, and other deliberations.[26]

Generally, the "Minimum Extent Necessary" condition refers to the means, forms, and degree of force.[27]

Minimum Necessary forces exclude weapons and weapon systems deemed to be exclusively offensive in nature, such as "ICBMs, long-range strategic bombers, and attack carriers."[28]

2–1.2.1.2. Parsing Article 9

Because defense is not mentioned apart from Article 9, parsing its 73 (English) words is essential to unpacking the foundations of Japanese Defense. Article 9 states:

> *(1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or Use of Force[573] as means of settling international disputes.*
>
> *(2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The Right of Belligerency[574] of the state will not be recognized.*

¶(1): "as a means of settling international disputes": excludes offensive war and conflict for purposes other than self-defense but does not exclude self-defense.

- In the English translation, this phase is clearly connected to "the threat or Use of Force" but it is unclear whether this phrase is connected to "war as a sovereign right of the nation"
  - As rendered in Japanese, this phrase is clearly connected to both
  - The following would be a more explicit translation: "…the Japanese people forever renounce war as a sovereign right of that nation as a means of settling international disputes and forever renounce the threat or Use of Force as a means of settling international disputes"
- This phase is commonly interpreted to mean "invading other countries" based on similar phases in legal and diplomatic documents of the time

[563] 1–4.3. Legal Article and Paragraph Numbering, p. 4.

[564] The term *senshu bōei* came into vogue in the 1970s with PM NAKASONE's turn away from the "YOSHIDA doctrine" of the earlier post-war decades (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 165-7). Evolving Japanese defense policies and concepts have consistently been "back-cast" with an attitude of "retroactive continuity" (or "retconned"). Thus, the idea that *senshu bōei* derives from the constitution (rather than *later interpretations of* the Constitution) is historically anachronistic but accurately reflective of present-interpretations of what the Constitution authorized at its adoption.

[565] 3–3.1. Use of Weapons, p. 77.

[566] 3–3.3. Use of Force, p. 82.

[567] 6–5. Challenges to Combined Command, p. 157.

[568] Chapter 6. Alliance Management and Coordination, p. 145.

[569] Chapter 3. JSDF Operations and Authorities, p. 54.

[570] 2–1.3.1. An "Asymmetric Bargain", p. 24.

[571] 3–3.1. Use of Weapons, p. 77.

[572] 3–3.3. Use of Force, p. 82.

[573] 3–3.3. Use of Force, p. 82.

[574] 2–1.2.1.3. Belligerent Rights, p. 16.

- The Kellog-Briand Pact (officially the "1928 General Treaty for the Renunciation of War", to which Imperial Japan was a signatory) used the phase "war for the solution of international controversies" which, in the context of the Pact, did not refer to war in self-defense
  - Some Japanese constitutional scholars disagree with this interpretation and insist the phrasing is not related to the Kellog-Briand Pact and, even if it were, would still include the prohibition of even self-defensive war;[29] these dissents have never gained traction, to include in legal challenges to Japan's defense establishment or defensive operations

¶(2):

- "war potential" is interpreted to mean capacity beyond the Minimum Extent Necessary[575] for self-defense
  - Under current GoJ interpretations,[576] this implies both NSD[577] and CSD[578]
  - If ¶(1) is interpreted as renouncing "offensive war," then ¶(2) only prohibits "war potential" for non-self-defensive purposes and would permit self-defense capacity—this is the traditional interpretation of the GoJ with respect to the constitutionality of the JSDF[579]
- "Rights of Belligerency": includes the items listed in § 2–1.2.1.3. Belligerent Rights (p. 16), even under the conditions of self-defensive actions

Additionally, Article 66,[580] ¶(2) of the Constitution requires the PM and other Ministers of State[581] be civilians. This is conventionally interpreted to imply that uniformed (self-defense) forces are permitted, but minority interpretations[30] hold that this was meant only to exclude former members of the Imperial Japanese military.

One analysis of Article 9 summarizes the challenges of its construction as mixing the principles of *jus ad bellum* (Article 9[1]) and *jus in bello* (Article 9[2]):

> *Article 9 did not simply incorporate principles of jus ad bellum in a straightforward manner. Article 9(2) grafted on to jus ad bellum principles a unique prohibition on the maintenance of all armed forces and a principle from jus in bello apparently intended to achieve jus ad bellum objectives. This jury-rigged provision thus contained internal conflicts that created inconsistencies with Japan's treaty obligations and its perceived international responsibilities. These, in turn, are the primary reasons that Article 9 has been the lightning rod for such visceral political conflict, and arguably why the judiciary has been so reluctant to enforce Article 9 as a legal norm.*[31]

2–1.2.1.2.1. The ASHIDA Amendment

When the Imperial Diet passed the language for Article 9, it included the phase "in order to accomplish the aim of the preceding paragraph." This phrase was included at the behest of Hitoshi ASHIDA and became known as the ASHIDA Amendment. This phrase was later used as part of the basis for interpreting Article 9 as permitting self-defense capabilities.[32] In 1957, ASHIDA explained his logic for submitting the amended language as follows:

> *Inserting the phrase "In order to accomplish the aim of the preceding paragraph," meant that the unconditional undertaking to not possess war potential as detailed in the original draft became an undertaking to not possess force of arms under certain conditions. It is clear that Japan does not unconditionally renounce force of arms. … In so doing, the amendment substantively influenced the original draft, and therefore any discussion that the substance of Article 9 is unchanged, even with the amendment in place, is clearly mistaken.*[33]

The "ASHIDA Amendment Theory"[582] refers to an unorthodox interpretation of the ASHIDA Amendment that would theoretically justify unlimited self-defense capabilities and full CSD[583].

2–1.2.1.2.2. Interpreting Article 9 in the Context of the Preamble

The Preamble[584] of the Constitution states that that "We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want," and that "We believe that no nation is responsible to itself alone."

[575] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[576] ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People, p. 428.
[577] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[578] 3–4.2. Collective Self-Defense (CSD), p. 86.
[579] Appendix J. Constitutionality of the JSDF and Japan's Right to Self-Defense, p. 276.
[580] i–B.10. Article 66—The Cabinet, p. 304.
[581] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[582] 3–4.2.2.1.2. ASHIDA Amendment Theory, p. 88.
[583] 3–4.2. Collective Self-Defense (CSD), p. 86.
[584] i–B.1. Preamble, p. 303.

These sections of the Preamble are used to interpret the Constitution on the principle of international cooperation and therefore the obligation to contribute to peace and security through the possession of minimal self-defense capabilities.[34]

2–1.2.1.2.3. Interpreting Article 9 in the Context of Article 13

Because there is no explicit accommodation for defense in the Japanese Constitution, Article 13[585] has been interpreted as source of authority for exercising self-defense. Article 13 states:

> *[the Japanese people's] right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.*

By interpretation, Article 13 grants the GoJ the authority to maintain a *self-defense* force within the constraints of Article 9.

2–1.2.1.3. Belligerent Rights

See § E–2.4. Belligerent Rights at Sea (p. 245) for a discussion of specific considerations for Belligerent Rights at sea.

Under International Law,[586] a belligerent state has recognized rights (e.g., deaths that occur under lawful combat cannot be prosecuted as murder). GoJ retains limited Belligerent Rights (as defined under International Law) but defines these rights as those permissible under self-defense and its EDOP[587].[35]

Belligerent Rights are generally considered to include those listed below.[36]

GoJ's interpretation of Article 9 clearly rejects the right to "offensive wars," but in "defensive wars" GoJ neither rejects nor permits all of these rights. While this leaves open to interpretation exactly which belligerent rights GoJ retains in theory, Japan's Positive List[588] approach side-steps this ambiguity by positively enumerating all permissible actions or categories of actions in conflict.

Generally, GoJ's interpretation of "Belligerency" is any action beyond the Minimum Extent Necessary[589] for self-defense.[37]

GoJ's general position on each right is annotated in the list below.

- Right to conduct hostilities (e.g., conduct Armed Attacks[590] under the constraints of International Law)
  - GoJ rejects this right *other than in self-defense*.[591]
  - This includes Minelaying[592] outside Japan's TTS,[593] which GoJ considers a Use of Force[594]
- Prize[595] Law (Visit, Search, and Diversion): the right to subject enemy or a neutral state's Merchant Ships[596] or Civil Aircraft[597] outside Neutral Sea Areas[598] to visit, search, diversion, or, if carrying Contraband[599] (violating the Duty of Neutrality[600]), to capture such ships and aircraft, and to inspect Specially Protected Vessels[601] (e.g., hospital ships)[38]
  - GoJ generally accepts this right under the provisions of MIO[602] and authorizing laws and policies
- Prize Law (Confiscation/Destruction): the right to capture or confiscate, or destroy an enemy's Merchant Ships or Civil Aircraft and cargo (located outside Neutral Sea Areas) simply by virtue of its ownership by the enemy[39]
  - The Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended)[603] provides a limited legal mechanism to exercise this right to the extent that is does not exceed the minimum actions necessary for self-defense.[604]
- Right to Inspect Specially Protected[605] enemy vessels (e.g., hospital ships)
  - There is no clear limit on GoJ exercising this right

585 i–B.3. Article 13—Fundamental Rights of the People, p. 303.
586 2–1.2.4.1. International Law, p. 22.
587 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
588 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
589 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
590 4–12. Definition of "Armed Attack", p. 121.
591 3–4. Japan's Rights to Self-Defense, p. 85.
592 3–2.2.5. Minelaying, p. 60.
593 A–4.4. Territorial Sea (TTS), p. 196.
594 3–3.3. Use of Force, p. 82.
595 E–2.5.1. Prize, p. 247.
596 E–2.2.2. Merchant Ships, p. 243.
597 E–2.2.4. Civil Aircraft, p. 244.
598 E–2.4.1. Neutral Sea Areas, p. 245.
599 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
600 2–1.2.1.4.1. Duties of Neutrality, p. 18.
601 E–2.4.4. Specially Protected Vessels, p. 246.
602 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
603 i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
604 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
605 E–2.4.4. Specially Protected Vessels, p. 246.

- Right to control neutral vessels and aircraft in vicinity of naval operations[606]
  - GoJ retains a limited version of this right[607]
- Right to establish and enforce a Blockade[608]
  - GoJ lacks a legal mechanism to exercise this right and would consider it in excess of the minimum actions necessary for self-defense, failing to meet Three New Conditions[609] standard for Use of Force[610]
- Right to establish and enforce Exclusion Zones[611]
  - GoJ retains a limited version of this right[612]
- Right to demand surrender of enemy military personnel
  - There is no clear limit on GoJ for demanding surrender, however limitations on escalation[613] would likely be applied to limiting GoJ to demanding conditional rather than unconditional surrender
- Right to conduct convoy operations
  - GoJ has no limit on this right aside from Law of Neutrality[614] considerations[615]
- Right of reprisal (i.e., "extreme measures of coercion used to help enforce the law of war by seeking to persuade an adversary to cease violations"[40])
  - GoJ would likely reject this right, considering reprisals to exceed the minimum actions necessary for self-defense, failing to meet Three New Conditions standard for Use of Force
- Occupation/Administration of an Occupation: the placement of another nation's territory under the authority of an armed force
  - GoJ rejects this right

> Because of Article 9's rejection of the Rights of Belligerency but GoJ's recognition of its own self-defense rights,[616] GoJ draws a nuanced distinction between Rights of Belligerency and "Belligerency" or "Belligerent."
>
> Under International Law, any party to an IAC[617] is considered a "Belligerent." In GoJ interpretation, the Rights of Belligerency refer to a voluntary rejection of the rights listed above, granted (by International Law[618]) to any lawful party to an IAC. GoJ recognizes that participation in an IAC would change its status to a belligerent with the rights and immunities associated with belligerent status, it would simply voluntarily decline exercising the above-listed rights. In this sense, and because Article 9 does not enumerate the belligerent rights its rejects, the rejection of belligerency contained in Article 9 is merely a domestic policy restriction or self-limitation on Japan's *jus in bello* rights.
>
> In most cases, this distinction is either minor or does not arise. However, in some cases this distinction may be critical. For example, failure to uphold *Ittaika*,[619] intentionally or otherwise, would make Japan a belligerent in an IAC and therefore subject to legitimate attack by opposing states. As another example, RMCO,[620] whether assented to by GoJ through Prior Consultation[621] or not, would make Japan a "co-belligerent."

2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC)

International Law[622] provides no clear definition for an IAC, where Rights of Belligerency would be lawfully exercised, but generally outlines IAC as an armed conflict between two or more states. Some states may consider a formal declaration of war as necessary for an IAC to exist.[41]

GoJ defines IAC as "a situation in which State or Quasi-State Organizations[623] have a disagreement over a specific issue, stick to their own opposing positions and are not willing to concede."[42]

A NIAC exists when only one (or neither) side of an armed conflict has state belligerents, such as in a rebellion or civil war. In a Taiwan crisis, before any state other than Taiwan enters into armed hostilities on Taiwan's side (e.g., at a time

606 4–12.9.6.2. Belligerent Control of the Immediate Area of Naval Operations, p. 128.
607 See, for example, i–C.67. Article 105—Restriction or Prohibitions on Fishing Vessels Operating for Training. P. 336.
608 4–12.8.7. Blockade, p. 126.
609 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
610 3–3.3. Use of Force, p. 82.
611 4–12.9.6.3. Exclusion Zones or War Zones, p. 128.
612 See, for example, i–C.67. Article 105—Restriction or Prohibitions on Fishing Vessels Operating for Training. P. 336.
613 2–1.2.3. Requirement for Continued Deterrence Efforts, p. 22.
614 2–1.2.1.4. Law of Neutrality, p. 18.
615 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p .89.
616 3–4. Japan's Rights to Self-Defense, p. 85.
617 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
618 2–1.2.4.1. International Law, p. 22.
619 2–1.2.2. Ittaika (Integration), p. 20.
620 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
621 5–5.2. Prior Consultation, p. 139.
622 2–1.2.4.1. International Law, p. 22.
623 3–3.3.3.1. State or Quasi-State Organization, p. 83.

when only the PRC and Taiwan are engaged in hostilities), the distinction between IAC and NIAC and its consequences for what is permissible under International Law may be relevant for GoJ's actions and decisions as a consequence of its obligation[624] to adhere to International Law.

2–1.2.1.3.2. JSDF Operations in the Territory of Another State

Generally, the JSDF may only employ Use of Force in the territorial land, TTA[625] or TTS[626] of another State under one of the two following conditions:[43]

- For the CSD[627] of the foreign State when the Requirements for CSD[628] are met
- Against a State that has:
  - Conducted an Armed Attack[629] against Japan
  - Conducted an Armed Attack against a State that Japan is exercising CSD to defend

2–1.2.1.4. Law of Neutrality

In International Law,[630] the Law of Neutrality defines legal relationships between belligerents and neutral states. Neutral states uphold their Duties of Neutrality[631] in return for the Rights of Neutrality.[632] Some states consider that such duties and rights only apply in a state of declared (vice *de facto*) war.[44]

2–1.2.1.4.1. Duties of Neutrality

The Duties of Neutrality include:[45]

- Impartiality: requires neutral states to exercise their duties and rights in a nondiscriminatory manner
- Abstention: prevents neutral states from providing belligerents with Effective Contribution to Military Action[633] to from undertaking War-Sustaining Efforts[634]
- Enforcement: take action to prevent belligerents from violating their neutrality (e.g., operating from neutral TTA[635] or TTS[636])
- Prevention of fitting out and arming of vessels: take action to prevent the arming of vessels within a neutral state's territory that it reasonably believes are intended to engage in the IAC
- Denial of Prize:[637] prevent belligerents from bringing a Prize into a neutral port except for on account of unseaworthiness, weather, etc. (and within specified conditions and timeframes outlined in International Law)
- Detention of belligerent Warships:[638] detain belligerent Warships in neutral port except where it is entitled to remain (within specified conditions and timeframes outlined in International Law)
- Permit passage through international straights and Archipelagic Waters[639]

Limited exceptions to the Duties of Neutrality may exist under the concepts of Qualified/Benevolent Neutrality[640] and the Law of State Responsibility,[641] although these concepts are not universally recognized.[46]

2–1.2.1.4.2. Rights of Neutrality

The Rights of Neutrality include:[47]

- Inviolability: prevents a neutral state, its state[642] and non-state[643] vessels and aircraft, and vessels flying under its flag[644] from becoming lawful objects of attack (unless the Duties of Neutrality[645] are not upheld)
- The right to enforcement: permits a neutral state to use force to resist any violations of its neutrality as well as to close its ports, roads, TTS.

Under the Law of Maritime Neutrality, a Belligerent State's naval units are permitted to pass through Neutral Sea Areas[646] and call on neutral ports for replenishment and repair.[48]

624 2–1.2.4. Japan's Constitutional Compliance with International Law, p. 22.
625 A–4.5. National Airspace (TTA), p. 196.
626 A–4.4. Territorial Sea (TTS), p. 196.
627 3–4.2Collective Self-Defense (CSD)86
628 3–4.2.3Requirements for CSD (Nicaragua Case)88
629 4–12. Definition of "Armed Attack", p. 121.
630 2–1.2.4.1. International Law, p. 22.
631 2–1.2.1.4.1. Duties of Neutrality, p. 18.
632 2–1.2.1.4.2. Rights of Neutrality, p. 18.
633 2–1.2.1.4.6. Effective Contribution to Military Action, p. 19.
634 2–1.2.1.4.7. War Sustaining Efforts, p. 20.
635 A–4.5. National Airspace (TTA), p. 196.
636 A–4.4. Territorial Sea (TTS), p. 196.
637 E–2.5.1. Prize, p. 247.
638 E–2.2.1.1. Warships, p. 242.
639 A–4.11. Archipelagic Waters, p. 198.
640 2–1.2.1.4.3. Qualified/Benevolent Neutrality, p. 19.
641 2–1.2.1.4.4. Law of State Responsibility, p. 19.
642 E–2.2.1. State Vessels, p. 242; E–2.2.3. State Aircraft, p. 244.
643 E–2.2.2. Merchant Ships, p. 243; E–2.2.4. Civil Aircraft, p. 244.
644 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
645 2–1.2.1.4.1. Duties of Neutrality, p. 18.
646 E–2.4.1. Neutral Sea Areas, p. 245.

2–1.2.1.4.3. Qualified/Benevolent Neutrality

Under International Law,[647] there exists a concept of Qualified/Benevolent Neutrality, though it is not universally recognized. This concept holds that states may supply weapons and other war materiel to the victim of aggression without forfeiting their neutral status.[648] States that reject this concept would likely classify such acts as Effective Contributions to Military Action.[649]

2–1.2.1.4.4. Law of State Responsibility

Under the concept of the Law of State Responsibility (which is not universally recognized),

> *By engaging in a war of aggression in violation of the UN Charter, a State endangers international peace and security, an internationally wrongful act for which it bears State responsibility. Thus, any member State [of the UN] may take lawful countermeasures (to include acts inconsistent with the Law of Neutrality[650]) against the aggressor State for its internationally wrongful act of breaching international peace and security.*[49]

2–1.2.1.4.5. U.S. Obligations to Japan's Neutrality

If the U.S. is engaged in combat operations that Japan has a declared neutral policy towards, under International Law,[651] then:

- The U.S. must not violate Japan's Duty of Neutrality[652] by conducting unauthorized (by GoJ) RMCO[653] from Japan
- And Japan must not provide support to U.S. combat operations (the *Ittaika*[654] principle applies)

Japan's failure to enforce its Duty of Neutrality on U.S. forces operating from Japan in such a case may establish a basis to classify Japan as a "co-belligerent," subject to retaliation from U.S. adversaries.

> Prior Consultation[655] is the mechanism established under MST Article VI[656] to negotiate situations where the U.S. might violate Japan's Rights of Neutrality.[657]

2–1.2.1.4.6. Effective Contribution to Military Action

What constitutes an Effective Contribution to Military Action (and thus might qualify the contributor as a co-belligerent and subject to retaliation or qualify a belligerent State's Merchant Ships[658] as a lawful object of attack) is not concretely defined in International Law.[659] However, it is generally accepted that four criteria are considered for determining what constitutes an Effective Contribution:[50]

- Nature: the type of objects being used to provide support (e.g., Warships,[660] Military Aircraft,[661] military communications networks, military bases, infrastructure, or other equipment)
- Location: the location being supported (e.g., if the location is militarily important or a valid military objective such as a vital line of communication or vital base of military operations)
- Use: the current function being served by the support (e.g., using non-military vessels to conduct surveillance actively used for military targeting); examples include:[51]
  - Engaging in belligerent acts
  - Engaging in activities otherwise performed by lawful objects of attack (e.g., Merchant Ships serving in the function of Naval Auxiliaries[662])
  - Incorporation into or assisting a belligerent's intelligence system
  - Actively resisting lawful attempts to visit, search, capture, stop, divert, etc.
  - Sailing under convoy with enemy Warships and Military Aircraft
  - Armament beyond the extent reasonably required for self-defense

[647] 2–1.2.4.1. International Law, p. 22.
[648] 2–1.2.1.4. Law of Neutrality, p. 18.
[649] 2–1.2.1.4.6. Effective Contribution to Military Action, p. 19.
[650] 2–1.2.1.4. Law of Neutrality, p. 18.
[651] 2–1.2.4.1. International Law, p. 22.
[652] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[653] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[654] 2–1.2.2. Ittaika (Integration), p. 20.
[655] 5–5.2. Prior Consultation, p. 139.
[656] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[657] 2–1.2.1.4.2. Rights of Neutrality, p. 18.
[658] E–2.2.2. Merchant Ships, p. 243.
[659] 2–1.2.4.1. International Law, p. 22.
[660] E–2.2.1.1. Warships, p. 242.
[661] E–2.2.3.1. Military Aircraft, p. 244.
[662] E–2.2.1.2.1. Naval Auxiliaries, p. 243.

- Engaging in or intending to engage in any other activity that would classify the state, ship, or aircraft as a belligerent or lawful object of attack
- Purpose: the future function being served by the support (e.g., a civilian airfield where there is sufficient indication the airfield will be used for military purposes)

States are divided in distinguishing War-Sustaining efforts (see § 2–1.2.1.4.7. War Sustaining Efforts [p. 20)) from Effective Contributions to Military Action.

> These definitions and examples reflect general international views and may not reflect the GoJ, USG, or PRC's definitions during crisis or conflict. The specifics of the definitions used by parties to a Taiwan contingency will impact strategic decisions in crisis and conflict escalation.

2–1.2.1.4.7. War Sustaining Efforts

States vary in their distinction of Effective Contributions to Military Action and War-Sustaining Efforts with some classifying War-Sustaining Efforts as constituting Effective Contributions to Military Action (in addition to the items listed in § 2–1.2.1.4.6. Effective Contribution to Military Action [p. 19]).

War-Sustaining efforts are those that indirectly support a state's ability to wage and sustain war, including:[52]

- Essential goods (e.g., crude oil)
- Strategic commodities (e.g., specialized materials necessary for wartime production)

> These definitions and examples reflect general international views and may not reflect the GoJ, USG, or PRC's definitions during crisis or conflict. The specifics of the definitions used by parties to a Taiwan contingency will impact strategic decisions in crisis and conflict escalation.

2–1.2.2. Ittaika (Integration)

As early as 1959, GoJ's interpretation of Article 9 included the prohibition of *Ittaika* (体化) or "integration" (with the use of force), referring to the principle that acts which form an integral part of the use of military force of a foreign country can be regarded as Use of Force[663] and thus must be avoided except in Japan's self-defense.[664]

> It is most common to refer to this principle in a shortened for as simply "*Ittaika*" but the primciple may be referred to in a variety of other forms including:
>
> - *Ittaika (no kaihi)* or "integration (avoidance of)"
> - *Ittaika* with the use of force
> - *Buryoku kōshi no ittaika* or "integration in the use of force"
> - Unification with the use of force, forming an integral part of it
> - Integral use of force

Ittaika has no explicit basis in Japanese or International Law[665] and has not been the subject of any rules in Japanese jurisprudence, rendering it a political, not legal concept.[53] Nonetheless, it remains a long-held traditional interpretation of the consequences of Article 9.

The *Ittaika* principle exists to ensure the following ends:

- Ensure Japan's Rights of Neutrality[666]
- Preserve Japan's Duty of Neutrality[667] and avoid making Japan a lawful object of attack by support to a belligerent (e.g., the U.S.)
- Avoid "tactical entrapment" where JSDF may be drawn into engagements by nearby armed forces employing force where JSDF personnel inadvertently employ the Use of Force (vice Use of Weapons[668]) due to such integration

In practice, the implementation of *Ittaika* manifests in two primary ways:

663 3–3.3. Use of Force, p. 82.
664 3–4. Japan's Rights to Self-Defense, p. 85.
665 2–1.2.4.1. International Law, p. 22.
666 2–1.2.1.4.2. Rights of Neutrality, p. 18.
667 2–1.2.1.4.1. Duties of Neutrality, p. 18.
668 3–3.1. Use of Weapons, p. 77.

- Prohibition of logistics support at the Scene of Combat[669] during peacetime[670] or IIS[671] (though logistics support at the Scene of Combat is permitted under other conditions)
- Prohibition against combined command and control[672] that might subject JSDF units to orders incompatible with Japanese law (e.g., exercising Rights of Belligerency[673] that GoJ rejects)

The 2014 Cabinet Decision[674] and 2015 Legislation[675] establish that support to a foreign country not at the Scene of Combat does not violate the *Ittaika* principle.[676]

The MinDef designates areas for approved operations where the *Ittaika* principle must be observed.

In cases where the JSDF is operating under the *Ittaika* principle and combat occurs or is expected to occur, the commanding officer of the JSDF unit(s) affected must order the temporary suspension of activities to prevent unintentional *Ittaika*.

> In cases where the JSDF is operating as a belligerent or otherwise exercising its rights of Self-Defense[677] in an IAC,[678] the *Ittaika* principle does not apply (although GoJ may place national caveats on the JSDF's support and operations).

2–1.2.2.1. Scene of Combat

> JSDF planners may use the term "現場" (*Genba*) which means "scene of" or "on site" to refer to the "Scene of" Combat.

"Combat" (in the context of "Scene of Combat") is defined in ¶(1)(i), Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO)[679] of SDF Act (Law No. 165 of 1954, as amended) as:

> *Part of an international conflict [IAC[680]] in which the people are killed or things destroyed.*

An area does not need to be safe to be considered free of hostilities but rather there must be no force used systematically by a State or Quasi-State Organization.[681]

2–1.2.2.2. Assessing Ittaika

While *Ittaika*[682] assessments are made on a case-by-case basis and may change as situations evolve, the Cabinet has clarified to the Diet that the following elements are relevant to determining when GoJ actions would be considered "integrated" with another armed force:[54]

1. The geographical relationship between the JSDF and the place of hostilities (e.g., proximity)
2. The concrete actions taken by the JSDF
3. The closeness of the personnel who are in charge of the force used by the other State [being aided by Japan]; and
4. The actual situation of the state [using force] Japan is to aid
5. Whether mutual support activities can be considered as directly contributing to the defense of Japan[683]

2–1.2.2.2.1. Activities that Contribute to the Defense of Japan

Activities that Contribute to the Defense of Japan refers to non-combat mutual support between the JSDF and other militaries including:[55]

- ISR[684] activities including those in support of BMD Operations[685]
- Transport and resupply activities in IIS[686] (not at the Scene of Combat[687])

669 2–1.2.2.1. Scene of Combat, p. 21.
670 4–6.1. Routine Support to U.S. Forces, p. 104.
671 4–7. Important Influence Situation (IIS), p. 105.
672 6–5. Challenges to Combined Command, p. 157.
673 2–1.2.1.3. Belligerent Rights, p. 16.
674 ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People, p. 428.
675 2–1.6. 2015 Legislation for Peace and Security, p. 34.
676 ¶ 2.(1).C in ii–A.2. 2014 Cabinet Decision Full Text, p. 428.
677 3–4. Japan's Rights to Self-Defense, p. 85.
678 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
679 i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
680 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
681 3–3.3.3.1. State or Quasi-State Organization, p. 83.
682 2–1.2.2. Ittaika (Integration), p. 20.
683 2–1.2.2.2.1. Activities that Contribute to the Defense of Japan, p. 21.
684 4–6.1. Routine Support to U.S. Forces, p. 104.
685 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
686 4–7. Important Influence Situation (IIS), p. 105.
687 2–1.2.2.1. Scene of Combat, p. 21.

- Bilateral training for defense of Japan (i.e., excluding training for Disaster Relief, etc.)[688]

This term implies the application of the *Ittaika*[689] principle.

2–1.2.3. Requirement for Continued Deterrence Efforts

Collectively, all the principles of and deriving from Article 9 have consistently been interpreted as permitting self-defense action only when *essential* and *inevitable*. In some interpretations, this creates a constitutional obligation for GoJ to attempt to continue deterrence[690] efforts up to the point of Armed Attack,[691] regardless of the direness or deterioration of the situation.

> An implicit requirement to continue deterrence as long as there remains possibility of escalation (to be deterred) will be aggravated by differences in how the Allies perceive of or approach deterrence.[692]
>
> This has the potential to be especially challenging as vertical[693] and political escalation[694] nearly always present potential targets for deterrence. However, escalation and deterrence are fundamentally political judgments, opening up "continued pursuit of deterrence" to either narrow or expansive interpretations.

2–1.2.4. Japan's Constitutional Compliance with International Law

Article 98[695] states:

> *(1) This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.*
>
> *(2) The Treaties concluded by Japan and established laws of nations [e.g., International Law[696]] shall be faithfully observed.*

Article 99[697] states:

> *(1) The Emperor or the Regent as well as Ministers of State,[698] members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.*

Taken together, this requires that Japanese law must be compliant with International Law and that GoJ officials' actions must be consistent with both Japanese law and (by extension, through Article 98[699]) International Law.

> There are issues, however, where GoJ's position (typically on the issue of the territorial status of an area) differs from the interpretation of other States in how International Law[700] should be applied. Aside from obvious territorial disputes, like the land of the SKIs themselves,[701] other examples include the area surrounding the SKIs,[702] the Tokara Strait,[703] etc.

2–1.2.4.1. International Law

The definition of International Law is debated but is considered to cover the rules, norms, and standards of relations between states for domains including war, diplomacy, economics, human rights, etc.

Sources of International Law include:

- Treaties[704] and International Agreements[705] (applicable to states that are party to the agreement)
- Jurisprudence of relevant international bodies (i.e., legal decisions and precedents established by international courts [including courts of arbitration] or similar bodies)
- Select UN issuances (e.g., the UN Charter, UNSCRs)

688 3–2.4. Disaster Relief, etc., p. 73.
689 2–1.2.2. Ittaika (Integration), p. 20.
690 10–2.2. GoJ Requirements to Continue Deterrence, p. 184.
691 4–12. Definition of "Armed Attack", p. 121.
692 Chapter 10. Alliance Conceptions of Deterrence, p. 183.
693 10–1.3.2.1. Vertical Escalation, p. 183.
694 10–1.3.2.3. Political Escalation, p. 183.
695 i–B.15. Article 98—Supremacy of the Constitution, p. 305.
696 2–1.2.4.1. International Law, p. 22.
697 i–B.16. Article 99—Obligation to Uphold the Constitution, p. 305.
698 C–2.1.2. Ministers of State (Cabinet Members), p. 225.
699 i–B.15. Article 98—Supremacy of the Constitution, p. 305.
700 2–1.2.4.1. International Law, p. 22.
701 G–5. PRC Policy on the SKIs, p. 268; G–6. Taiwan's Policy on the SKIs, p. 268.
702 G–4.5. U.S. Position on SKI TTS, TTA, CZ, p. 268.
703 A–3.2.1. Tokara Strait, p. 193.
704 1–6.1.1.1. Treaties (Legal Status), p. 8.
705 1–6.1.1. International Agreements (Legal Status), p. 8.

- Widely recognized principals of law
- Customary International Law[706]

Implementation or enforcement of International Law is subject to national determinations of scope and applicability and vary, especially in times of crisis or issues of dispute.

2–1.2.4.1.1. Customary International Law

Customary International Law is a component of International Law.[707]

> *Customary International Law results from a general and consistent practice of States that is followed by them from a sense of legal obligation (opinio juris). Customary International Law is an unwritten form of law in the sense that it is not created through a written agreement by States. Customary International Law is generally binding on all States, but States that have been persistent objectors to a Customary International Law rule during its development are not bound by that rule.*[56]

Customary International Law provides both principles and rules. The "rules" of Customary International Law typically outline a binding obligation whereas "principles" are less specific and normally guidance decision-making regarding the legality of various situations.

2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST)

The MST, signed in 1960, revises the 1951 Treaty[708] that restored Japan's sovereignty and ended the U.S. occupation after World War II.

In Japanese, the name of the MST is rendered as *Nihon-koku to Amerika-gasshūkoku to no Aida no Sōgo Kyōryoku oyobi Anzen Hoshō Jōyaku*.

> More commonly, the MST is referred to as *Anpo Jōyaku* ("Security Treaty"), or just *Anpo* ("Security") (also sometimes rendered as *Ampo*).

The MST provides the legal basis for mutual defense cooperation between the Allies, from basing of U.S. personnel in Japan, to mutual defense obligations,[709] to the framework for consultation and coordination[710] on issues of regional security.

The main pillars of the treaty are

- Article IV[711] (consultation when the security of Japan or regional security is threatened)
- Article V[712] (mutual defense clause if either the U.S. or Japan is attacked in the "territories under the administration of Japan"
- Article VI[713] (granting of bases to the U.S. in order for it to support Article IV and fulfill Article V obligations)

The MST establishes three principle obligations:

- Self-help and mutual aid[714] (generally interpreted today as each ally being obligated to develop and maintain the capacity to resist armed attack, individually and in cooperation with each other)
- Mutual defense[715] against attacks within Japanese territory[716]
- Provision of bases in Japan for U.S. Forces[717]

[706] 2–1.2.4.1.1. Customary International Law, p. 23.
[707] 2–1.2.4.1. International Law, p. 22.
[708] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[709] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[710] Chapter 6. Alliance Management and Coordination, p. 145.
[711] 2–1.3.3. Article IV—Consultation, p. 24.
[712] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[713] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[714] 2–1.3.2. Article III—Self-Help and Mutual Aid, p. 24.
[715] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[716] 4–12.6. Applicable Geography, p. 124.
[717] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.

Under U.S. law International Law,[718] the *text* of the 1960 MST and SOFA[719] have the status of law for the U.S.. However, matters requiring interpretation (e.g., Prior Consultation[720]) have a more ambiguous legal status.

2–1.3.1. An "Asymmetric Bargain"

The MST establishes an "Asymmetric Bargain" (asymmetric in both structure and function) that Japan will provide basing for U.S. forces and the U.S. will deploy forces to provide for the defense of Japan and the Far East.[721] While asymmetric, this "bargain" has nevertheless been characterized as balanced or reciprocal[57] and generally characterized the San Francisco System[722] of Treaties[723] the U.S. forged in Asia in the post-War period, with U.S. strategists conceiving of the benefits to the U.S. of a "forward defense."[58]

Analysts still use then-DG of the Treaty Bureau[724] of MOFA, Kumao NISHIMURA's description of the 1951 treaty as a "cooperation between goods [i.e., Japanese bases and access] and people [i.e., U.S. military forces]"[59] to characterize the asymmetric nature of the MST.

The MST has also been characterized as a shield (盾) and spear (矛) relationship, with Japan as the "shield" Japan and U.S. forces in Japan, and the U.S. as the "spear," striking out beyond Japan to maintain regional security (though this framework changes somewhat with the acquisition of counterstrike[725] capabilities by Japan).

The MST establishes no obligation for Japan to support U.S. military operations or defend the U.S. if U.S. territory is attacked, however STS[726] creates a practical reciprocal defense support relationship in the event the U.S. is attacked outside "territories under the administration of Japan."[727]

At the same time, some observers have highlighted Japan's outsized interest in security in the Western Pacific, with its heavy reliance on free and open sea routes for both imports and exports.[60] Japan has never been in the position to unilaterally ensured its trade routes during the post war period nor, given its historically-fraught relations with many neighbors, has it been in a position to do so bilaterally or multilaterally. Under this interpretation, Japan has benefitted extraordinarily from its security partnership with the U.S. both for securing regional trade but also for checking potential rivals through their mutual reliance on the U.S..

Ultimately, the history of the Japan-U.S. alliance has been one of both coercion and consent with the solidification of the alliance as "common sense in the view of Japanese foreign policymakers."[61]

2–1.3.2. Article III—Self-Help and Mutual Aid

Secondary to the Constitutional justifications of the JSDF,[728] Article III is occasionally referenced as supporting justification to Japan's requirement to maintain self-defensive capabilities as part of the MST's "self-help" clause (later underscored by the Nixon Doctrine [1969-1974] which emphasized the obligation of U.S. treaty allies "to assume the primary responsibility of providing the manpower for [their] defense"[62]).

> *The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.*

2–1.3.3. Article IV—Consultation

Article IV establishes the consultation mechanism, from which the ACM[729] and related concepts are derived.

> *The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East[730] is threatened.*

The definition of the Far East has not been mutually determined. See § B–1.3.1. Defining the Far East (p. 207).

[718] 2–1.2.4.1. International Law, p. 22.
[719] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[720] 5–5.2. Prior Consultation, p. 139.
[721] B–1.3.1. Defining the Far East, p. 207.
[722] F–1.2.3.1. The San Francisco System (Hub-and-Spoke Treaty System), p. 255.
[723] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[724] C–2.4.1.1. Japan-U.S. Security Treaty Division, p. 230.
[725] 2–3.5. Counterstrike, p. 47.
[726] 4–10. Survival-Threatening Situation (STS), p. 111.
[727] 2–1.3.4, Article V—Mutual Defense (the "MoD Clause"), p. 25.
[728] Appendix J. Constitutionality of the JSDF and Japan's Right to Self-Defense, p 276.
[729] Chapter 6. Alliance Management and Coordination, p. 145.
[730] B–1.3.1. Defining the Far East, p. 207.

Prior Consultation[731] is derived from MST Article VI,[732] not Article IV.

2–1.3.4. Article V—Mutual Defense (the "MoD Clause")

Article V commits the allies to defend each other if attacked "in the territories under the administration of Japan."

> *Each Party recognizes that an Armed Attack[733] against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such Armed Attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.*

Article V is not self-executing and there is no "trigger." Determinations of Armed Attack are made on a case-by-case basis and through close consultations (though such determinations remain independent sovereign rights of each Ally[734]).

Armed Attack[735] is interpreted as the "organized and premeditated" use of force (e.g., does not include Grey Zone[736] activity) and is discussed further in § 4–12 Definition of "Armed Attack" (p. 121).

See § 4–12.1. Distinction between Armed Attack and Article V (p. 122).

Japanese "territories" applies to Japanese sovereign territory, including territorial land, TTA,[737] and TTS[738] (out to 12 NM), including areas agreed by the allies as applicable (i.e., Senkaku Shotō[739] and surrounding TTS).[740]

Some analysts describe Article V as establishing a defense of Japan "zone of use" for U.S. and Japanese activities under the MST (whereas Article VI[741] establishes a Far East[742] "zone of use" for U.S. activities under the MST).

Article V is sometimes considered the "MoD clause" of the MST, where Japan is attacked and therefore MoD considerations predominate. This is in contrast to Article VI, which is sometimes considered the "MOFA clause."

2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment"

Article V's language, "either Party … would act to meet the common danger" is an "Affirmative Commitment" to act to a common danger, obligating action by the respective governments.

The provision "in accordance with its constitutional provisions and processes" allows action under Article V in accordance with each nation's laws. In GoJ's case, this requires adherence to the Positive List[743] approach of the Security Situations[744] framework. For the U.S., this permits military action at the direction of POTUS (and the established chain of command).

This creates a legal context in which recognition of an Armed Attack[745] is the independent sovereign decision of each nation. Article V does not establish any requirement for bilateral agreement on the recognition of an Armed Attack.[63]

This creates a legal condition whereby the U.S. could either:

- Case 1[746] (Unilateral invocation of Article V): Unilaterally interpret a hostile act against Japan as an Armed Attack and thereby "self-authorize" combat operations from Japan under Article V (against GoJ's implicit or explicit desires or in advance of Japan's own formal recognition of an Armed Attack)
- Case 2[747] (Unilateral Scoping of Article V Response): Unilaterally interpret the scope of a hostile act against Japan as necessitating a regional response beyond the actions to immediately defend Japan (against either GoJ's recognition

731 5–5.2. Prior Consultation, p. 139.
732 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
733 4–12. Definition of "Armed Attack", p. 121.
734 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
735 4–12. Definition of "Armed Attack", p. 121.
736 11–2. Grey Zone, p. 185.
737 A–4.5. National Airspace (TTA), p. 196.
738 A–4.4. Territorial Sea (TTS), p. 196.
739 Appendix G. Policy on the Senkaku Islands, p. 263.
740 4–12.6. Applicable Geography, p. 124.
741 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
742 B–1.3.1. Defining the Far East, p. 207.
743 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
744 Chapter 4. Security Situations Framework, p. 90.
745 4–12. Definition of "Armed Attack", p. 121.
746 2–1.3.4.1.1. The Argument for Case 1 (Unilateral Invocation of Article V), p. 26.
747 2–1.3.4.1.2. The Argument for Case 2 (Unilateral Scoping of Article V Response), p. 26.

of an Armed Attack or, in the case of Japan's recognition of an Armed Attack, against GoJ's implicit or explicit scoping of such an attack and the extent of responses authorized [in GoJ's view] under Article V

Regardless of these legal conditions, there are political and diplomatic realities[748] likely to militate against U.S. interpretations of its Affirmative Commitment that are grossly out of sync with those of GoJ.

2–1.3.4.1.1. The Argument for Case 1 (Unilateral Invocation of Article V)

International Law allows CSD[749] for any State to come to the aid of any other State or its people under two conditions (see § 3–4.2.3. Requirements for CSD (Nicaragua Case) [p. 88]):

- The State being aided issues a request for assistance
- The State being aided must declare itself a victim of an armed attack

The language of MST Article V[750] creates an Affirmative Commitment[751] which, in the context of the Nicaragua Case,[752] can be interpreted as a "standing request for U.S. military assistance should Japan become the victim of an Armed Attack[753]"[64] This "standing request" for assistance, combined with the authority arguably conferred by Article V for either Ally to determine whether Japan is the victim of Armed Attack, can be argued to meet both criteria for lawful exercise of CSD by the U.S. in protection of GoJ.

2–1.3.4.1.2. The Argument for Case 2 (Unilateral Scoping of Article V Response)

Planners often assumed that an MST Article V[754] response is limited to actions directly related to the defense of Japan, and not necessarily to regional security. However the identification and scope of the "common danger" potentially allows a wider interpretation of authorized activities.

Thus, if the U.S. were to define the common danger to Japan as including an inherently regional threat as well (e.g., hostilities against Taiwan), this scoping would arguably obviate the requirement to consult under Article VI[755] for RMCO[756] after the invocation of Article V.

Under this argument, the U.S. has the sovereign right to define the (scope of) "common danger," independent of GoJ, and might thus define the common danger broadly enough to authorize RMCO under an Article V response. Because Article V only establishes a requirement to report such measures to the UNSC and establishes no requirement for consultation, such scoping would theoretically eliminate the requirement for Prior Consultation,[757] which both Allies have agreed is not required for Article V responses[758] under the Expanded Prior Consultation Formula.[759]

2–1.3.4.1.3. The Argument against Case 1 and 2

It seems unlikely that the U.S. would lean on such legalistic arguments to act against the interests of its Ally based purely on the political and diplomatic costs of such unilateral action.

But beyond this practical argument against Case 1[760] and Case 2,[761] one observed highlights that U.S. insistence on its right to use force for the CSD[762] "of Japan under Article V of the Treaty against the express wishes of the Japanese government would be contrary to the object and purpose of the Treaty, which is to facilitate *mutual* cooperation in dealing with the *common* dangers affecting the peace and safety of the two nations [emphasis in original]."[65] Thus, even on a legalistic basis, there is a case to be made that the "legal loopholes" of Cases 1 and 2 are opposed to the intent of the instrument on which they are based (the MST) and thus, legalistic arguments *for* these cases would be specious.

Furthermore, GoJ's interpretation of Article V is that invocation must be determined jointly and that the exercise of U.S. CSD in defense of Japan is only permitted when Japan exercises its right to NSD[763].[66]

[748] 2–1.3.4.1.3. The Argument against Case 1 and 2, p. 26.
[749] 3–4.2. Collective Self-Defense (CSD), p. 86.
[750] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[751] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[752] 3–4.2.3. Requirements for CSD (Nicaragua Case), p. 88.
[753] 4–12. Definition of "Armed Attack", p. 121.
[754] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[755] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[756] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[757] 5–5.2. Prior Consultation, p. 139.
[758] 5–5.2.2.1. The Prior Consultation Formula, p. 140; B–2.1. The Expanded Prior Consultation Formula, p. 208.
[759] B–2.1. The Expanded Prior Consultation Formula, p. 208.
[760] 2–1.3.4.1.1. The Argument for Case 1 (Unilateral Invocation of Article V), p. 26.
[761] 2–1.3.4.1.2. The Argument for Case 2 (Unilateral Scoping of Article V Response), p. 26.
[762] 3–4.2. Collective Self-Defense (CSD), p. 86.
[763] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.

2–1.3.4.1.4. Would/Could Japan Halt U.S. Unilateralism?

Putting aside the practical question of why Japan would consider abandoning a security guarantor at the outset of a potentially existential conflict (even if that security guarantor was acting as a "reckless passenger"), there is a case to be made that Japan could "revoke" the "standing request" for U.S. assistance (Case 1[764]) by terminating the source that "authorizes" such unilateralism: the MST.

Article X[765] of the MST provides the mechanism for termination of the treaty with the Treaty terminating one year after notice of intent to terminate is given by either party. Mechanically, this would not affect the unilateralism authorized under Article V (either Case 1 or 2[766]).

Alternatively (and more plausibly), Japan might instead "revoke" the Affirmative Commitment interpretation of Article V or otherwise assert a unilateral rejection of the U.S.'s rights or obligations under Article V (e.g., stating as a policy that Article V does not represent such a "standing request" for assistance in the case of an attack and that Japan reserves the right to approve the U.S.'s fulfillment of its "obligations" under Article V). However, jurisprudence suggests that the mutually-obligatory nature of Article V denies Japan a legal basis to unilaterally mediate or otherwise constrain the U.S.'s "fulfillment" of its obligations.[67]

2–1.3.4.2. Article V vs. AAS (Occurrence) and U.S. Collective Self-Defense of Japan

> AAS (Occurrence) does not, by itself, authorize U.S. military combat operations from and through Japan, including for defense of Japan.

U.S. forces are authorized to conduct military combat operations from and through Japan (either for Security of the Far East[767] or for the defense of Japan) under one of two conditions:

- A positive response from GoJ under Prior Consultation[768] for RMCO[769]
- Invocation of Article V by the USG

While AAS (Occurrence)[770] is closely related to an Article V situation, these two events are distinct in the following ways:

- Legal Distinction: AAS[771] (and other Security Situations[772]) are independent of U.S. authorities and laws. Under Article V, each Ally may conduct operations from Japan in defense of Japan, but AAS itself does not immediately or automatically implicate or trigger Article V, even when the attack occurs within Japan. An attack on Japan may lead to both AAS and invocation of Article V, but the legal authority provided by each action (AAS Stipulation[773] vs. Article V invocation) differs.
- Geographic Distinction: An Armed Attack[774] that occurs outside Japanese territorial land, TTA,[775] and TTS[776] does not implicate Article V. See § 4–12.1. Distinction between Armed Attack and Article V (p. 122) for more detail.

2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause")

Sometimes referred to as the "Far East[777] Clause" or the "MOFA Clause," Article VI of the 1960 MST grants U.S. forces ABO in Japan, for the purposes of defending Japan and "security in the Far East" as governed by the SOFA.[778] Prior Consultation[779] derives from Article VI.[780]

Some analysts describe Article VI as establishing a Far East "zone of use" for U.S. activities under the MST (whereas Article V[781] establishes a defense of Japan "zone of use" for U.S. and Japanese activities under the MST).

> The definition of the Far East has not been mutually determined. See § B–1.3.1. Defining the Far East (p. 207).

[764] 2–1.3.4.1.1. The Argument for Case 1 (Unilateral Invocation of Article V), p. 26.
[765] 2–1.3.6. Article X—Termination, p. 29.
[766] 2–1.3.4.1.2. The Argument for Case 2 (Unilateral Scoping of Article V Response), p. 26.
[767] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[768] 5–5.2. Prior Consultation, p. 139.
[769] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[770] 4–11.1.2. AAS (Occurrence), p. 117.
[771] 4–11. Armed Attack Situation (AAS), p. 116.
[772] Chapter 4. Security Situations Framework, p. 90.
[773] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[774] 4–12. Definition of "Armed Attack", p. 121.
[775] A–4.5. National Airspace (TTA), p. 196.
[776] A–4.4. Territorial Sea (TTS), p. 196.
[777] B–1.3.1. Defining the Far East, p. 207.
[778] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[779] 5–5.2. Prior Consultation, p. 139.
[780] As specified in ¶(1) of the Record of Discussion. See § B–3.1. 6 January 1960 Record of Discussion, p. 211.
[781] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.

> *For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of Facilities and Areas[782] in Japan. The use of these Facilities and Areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement [SOFA] replacing the Administrative Agreement under Article 3 of the Security Treaty between Japan and the United States of America,[783] signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.*

The authorizations of Article VI concerned Japan, who feared entanglement in U.S. conflicts. The Prior Consultation process was seen by some on the Japanese side of MST negotiations as the mechanism for putting a "brake" on U.S. abilities to operate on Japan without unduly impairing the U.S.'s ability to maintain security in the region.[68]

> Article VI is sometimes considered the "MOFA clause" of the MST, where Japan is exercising its sovereign rights through Prior Consultation and therefore MOFA considerations predominate. This is in contrast to Article V, which is sometimes considered the "MoD clause."

2–1.3.5.1. Article VI and U.S. Regional Treaty Obligations (Far Eastern Contingency Scenarios)

Article VI is often interpreted as granting ABO that allows the U.S. to use its Japan-based forces and U.S. bases in Japan to uphold its Treaty[784] commitments beyond the MST (sometimes termed Far Eastern Contingency Scenarios and under the purview of the BPM[785] for bilateral planning considerations).

The logic underlying Article VI in 1960, reinforced by the Korean War and the intensification of the Cold War, was that the power-vacuum caused by the World War II defeat of Imperial Japan could either be filled by the U.S. (then and still serving as Japan's security guarantor) or potentially-adversarial states in ideological opposition to Japan and/or with historical grievances or mistrust of Japan. In 2024, More than 60 years on from the signing of the MST, that logic still obtains in Japan's appreciation for its security environment. With the establishment and maturation of the San Francisco System,[786] there still remain no strong multilateral security pacts or alignments beyond the U.S.-centric hub-and-spoke alliances that stand as dependable counters to perceived PRC hegemonic aspirations.

Today, those U.S. regional treaty obligations include Korea and the Philippines. However, at the signature of the MST, this also included the U.S. treaty obligations to Taiwan.

With the normalization of relations with the PRC (by both the U.S. and Japan) and the termination of the U.S.'s defense Treaty with Taiwan, the GoJ sought to downgrade or minimize the "Taiwan and Korea clauses" of the 1969 Communiqué[787] and, by extension, the applicability of Article VI to Taiwan.[69] ¶(4) of the Communiqué stated:

> *4. The President and the Prime Minister specifically noted the continuing tension over the Korean peninsula. The Prime Minister deeply appreciated the peacekeeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security. The President and the Prime Minister shared the hope that Communist China would adopt a more cooperative and constructive attitude in its external relations. The President referred to the Treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan. The President described the earnest efforts made by the United States for a peaceful and just settlement of the Viet-Nam problem. The President and the Prime Minister expressed the strong hope that the war in Viet-Nam would be concluded before return of the administrative rights over Okinawa to Japan. In this connection, they agreed that, should peace in Viet-Nam not have been realized by the time reversion of Okinawa is scheduled to take place, the two governments would fully consult with each other in the light of the situation at that time so that reversion would be accomplished without affecting the United States efforts to assure the South Vietnamese people the opportunity to determine their own political future without outside interference. The Prime Minister stated that Japan was exploring what role she could play in bringing about stability in the Indochina area.[70]*

At signature, the idea that Article VI was closely tied to concrete U.S. Regional Treaty Obligations was useful and both Allies clearly, if implicitly, understood that the areas of primary concern were Korea, Taiwan, and the Philippines.[71] Over time the strategic landscape changed to potentially include Vietnam before later excluding it and also to exclude Taiwan. Even the prospect of renewed conflict on the Korean peninsula is a different geostrategic concern for each Ally

[782] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[783] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.
[784] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[785] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[786] F–1.2.3.1. The San Francisco System (Hub-and-Spoke Treaty System), p. 255
[787] B–3.7.1. Criticism of the Emergency Nuclear Re-Entry Agreement, p. 220.

than it was in 1960, calling into question whether the way the two governments viewed Article VI's applicability to Korea has changed, even if both consider it to still apply.

Ultimately, while there is some utility in conceiving of Article VI as a "U.S. Regional Treaty Obligations" clause distinct from Article V as a "Japan defense obligation clause," it has been useful to both Allies to leave the precise purpose of Article VI open to interpretation and thus it should not be thought of as exclusively enabling ABO for other U.S. Treaty commitments.

2–1.3.6. Article X—Termination

> *(1) This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.*

2–1.4. U.S.-Japan Status of Forces Agreement (SOFA)

Unless otherwise specified, the term "SOFA" in this guide refers to the U.S.-Japan SOFA.

The SOFA is formally titled "Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan."

As its full title states, the SOFA derives from Article VI[788] of the MST, clarifying MST[789] terms and conditions and outlining legal rights and responsibilities of U.S. forces in Japan, and provides a framework for coordination on administration and operational issues that arise from having a permanent U.S. presence in Japan.

Generally the term "SOFA" refers to:

- The actual text of the agreement (i.e., the SOFA proper)
- Agreed Minutes[790] to the SOFA
- Exchange of Notes[791] regarding the SOFA
- Special Measures Agreements which formally document updates to SOFA implementation (e.g., agreeing to increased costs or rates applicable to provisions where the Allies are responsible for certain expenses)

Under U.S. and International Law,[792] the *text* of SOFA has the status of law. However, matters that are not fully documented or require interpretation (e.g., Prior Consultation[793]) have a less clear legal status.

Some analysts argue that as an executive agreement between national governments, the SOFA's application is limited by Japan's system of government (which often diffuses power from the national level down to the prefectural level or even lower) and Japan's laws (which, in some case, grant local governments the authority to administer resources the SOFA appears to grant).[794] This argument has an unclear legal basis.

2–1.4.1. Article 2—Use of Facilities and Areas

Article II 1(a) provides U.S. forces "Exclusive Use" of designated Facilities and Areas[795] (e.g., permanent U.S. bases).

Article II 4(a) permits GoJ "Joint Use" of U.S. facilities for specified purposes and times.

Article II 4(b)[796] permits U.S. "Limited Use" of Japanese public and private areas for specified purposes and times. This is accomplished through a LUA[797] requested through the II 4(b) process.[798]

> *1(a) The United States is granted, under Article [6] of the Treaty of Mutual Cooperation and Security, the use of Facilities and Areas in Japan. Agreements as to specific Facilities and Areas shall be concluded by the two Governments through*

[788] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[789] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[790] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[791] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[792] 2–1.2.4.1. International Law, p. 22.
[793] 5–5.2. Prior Consultation, p. 139.
[794] 2–1.4.3.1. Limitations of SOFA Article 5, p. 33.
[795] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[796] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[797] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[798] 5–3.2. II 4(b) Request Components, p. 134.

the Joint Committee [JC[799]] provided for in Article [25] of this Agreement. "Facilities and Areas" include exiting furnishings, equipment and fixtures necessary to the operation of such facilities and Areas.

…

4(a) When Facilities and Areas are temporarily not being used by the United States armed forces, the Government of Japan may make, or permit Japanese nationals to make, interim use of such Facilities and Areas provided that it is agreed between the two Governments through the Joint Committee [JC] that such use would not be harmful to the purposes for which the Facilities and Areas are normally used by the United States armed forces.

4(b) With respect to Facilities and Areas which are to be used by United States armed forces for limited periods of time, the Joint Committee [JC] shall specify in the agreements covering such Facilities and Areas the extent to which the provisions of this Agreement shall apply.[72]

Various sources inconsistently render Article II sub-paragraphs and may appear as:

- II.4.(b)
- II 4(b)
- II.4 (b)
- II-4-b
- 2.4.(b)
- 2 4(b)
- 2.4 (b)
- 2-4-b

USFJ uses "II 4(b)," etc. in official documentation,[73] and this guide adopts this rendering.

2–1.4.1.1. Definition of "Facilities and Areas"

The SOFA defines Facilities and Areas only indirectly by context. USFJ uses the following formal definition:

Facilities and Areas include designated air, land or water areas, buildings, structures, trees, furnishings, equipment, and fixtures provided by GoJ for the use of USFJ under the provisions of the SOFA. Real estate provided for limited time periods or easement rights for communications-electronics, utilities, and other systems are also considered to be Facilities and Areas, or parts thereof. Agreements as to specific Facilities and Areas shall be established by USFJ and GoJ through the Joint Committee (JC)[800].[74]

2–1.4.1.2. Other Types of Article II Access

2–1.4.1.2.1. Japanese Organizational Access (JOA)

Access to Article II 1(a) Facilities and Areas[801] *provided to private Japanese organizations under the provisions of MEMO 4003. JOA is typically requested for specific events and times such as local festivals or sports activities.*[75]

MEMO 4003 establishes a JOA request process that is functionally identical to the II 4(a) process. JOA is implemented through an LIA.[802]

2–1.4.1.2.2. Limited Humanitarian Access (LHA)

Transit through Article II 1(a) Facilities and Areas[803] *granted solely for the purposes of emergency transit under the provisions of MEMO 4199. Transit consists of timely ingress and egress by the most expeditious means to promote human welfare under emergency conditions in support of critical humanitarian cases.*[76]

MEMO 4199 establishes the LHA process. LHA is implemented through an LIA.[804]

[799] 6–2.1.4. Joint Committee (JC), p. 148.
[800] 6–2.1.4. Joint Committee (JC), p. 148.
[801] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[802] 2–1.4.1.3. Local Implementation Agreements (LIA), p. 31.
[803] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[804] 2–1.4.1.3. Local Implementation Agreements (LIA), p. 31.

2–1.4.1.2.3. Limited Disaster Preparedness/Response Access

> *Access to Article II 1(a) Facilities and Areas[805] granted solely in response to, or in preparation for, natural or man-made disasters to conduct disaster preparedness training or to conduct disaster operations under the provisions of JC[806] MEMO dated 27 April 2007. Disaster operations include rescue, medical, services, emergency transportation, evacuation,[807] securing of food/water and other necessities of life. Such man-man disasters do not include Armed Attack[808] on Japan or USFJ Facilities and Areas.*[77]

This access is implemented through an LIA.[809]

2–1.4.1.3. Local Implementation Agreements (LIA)

An LIA is:

> *An agreement between a USFJ representative and a GoJ representative specifying the conditions of use, cost sharing arrangements, and any other stipulations as determined by the responsible service and the appropriate GoJ agency. LIAs are required for the implementation of actions made under the provisions of Article II 4(a), Article II 4(b),[810] JOA,[811] LHA,[812] and Limited Disaster Preparedness/Response Access[813].*[78]

2–1.4.1.4. Joint Shared Use

2–1.4.2. Article 3—Establishing and Operating Facilities and Areas

Article 3 provides the U.S. authority to "take all the measures necessary for [the] establishment, operation, safeguarding and control" of Facilities and Areas[814] granted to the U.S. for use.

> Some sources[79] describe Article 3 as "granting" exclusive use of Article II 1(a)[815] Facilities and Areas. This is inaccurate as Article 2 "grants" exclusive use while Article 3 enumerates approved activities the U.S. may take in the operation of Facilities and Areas granted to the U.S.. This typically applies to "Exclusive Use" II 1(a) Facilities and Areas, but the language of Article 3 does not preclude its application to temporary Facilities and Areas granted under Article II 4(b).

> *(1) Within the Facilities and Areas, the United States may take all the measures necessary for their [Facilities and Areas used by the U.S.] establishment, operation, safeguarding and control. In order to provide access for the United States armed forces to the Facilities and Areas for their support, safeguarding and control, the Government of Japan shall, at the request of the United States armed forces and upon consultation between the two Governments through the Joint Committee [JC[816]], take necessary measures within the scope of applicable laws and regulations over land, territorial waters and airspace adjacent to, or in the vicinities of the Facilities and Areas. The United States may also take necessary measures for such purposes upon consultation between the two Governments through the Joint Committee [JC].*
>
> *(2) The United States agrees not to take the measures referred to in ¶(1) in such a manner as to interfere unnecessarily with navigation, aviation, communication, or land travel to or from or within the territories of Japan. All questions relating to frequencies, power and like matters used by apparatus employed by the United States designed to emit electric radiation shall be settled by arrangement between the appropriate authorities of the two Governments. The Government of Japan shall, within the scope of applicable laws and regulations, take all reasonable measures to avoid or eliminate interference with telecommunications electronics required by the United States armed forces.*
>
> *(3) Operations in the Facilities and Areas in use by the United States armed forces shall be carried on with due regard for the public safety.*[80]

[805] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[806] 6–2.1.4. Joint Committee (JC), p. 148.
[807] Chapter 9. Evacuation, Refugees, p. 176.
[808] 4–12. Definition of "Armed Attack", p. 121.
[809] 2–1.4.1.3. Local Implementation Agreements (LIA), p. 31.
[810] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[811] 2–1.4.1.2.1. Japanese Organizational Access (JOA), p. 30.
[812] 2–1.4.1.2.2. Limited Humanitarian Access (LHA), p. 30.
[813] 2–1.4.1.2.3. Limited Disaster Preparedness/Response Access, p. 31.
[814] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[815] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[816] 6–2.1.4. Joint Committee (JC), p. 148.

2–1.4.2.1. Misreading of Article 3

Some U.S. planners have hypothesized that Article 3 might be used by the U.S. to gain access to Facilities and Areas (via an Article 3 Outgrant[817]) for operational purposes in a crisis without resorting to the II 4(b) process.[818]

The theory put forth by these planners is that the "safeguarding" actions assured by Article 3 might be stretched to include the operational deployment of forces outside "Article 2 areas" (i.e., Exclusive Use [II 4(a)[819]] and Limited Use [II 4(b)][820]) for the purposes of "safeguarding" those areas in a crisis.

Additionally, some U.S. planners have posited that the "operation" of Facilities and Areas under Article II authorizes the U.S. to conduct any and all U.S. operations, exclusively under the authority of the U.S. chain of command, without regard to GoJ consideration, Prior Consultation,[821] or other coordination.

However, with one apparent exception (see § 2–1.4.2.1.1. Article 3 as an Access Mechanism [p. 32]), the Agreed Minutes[822] below demonstrate these theories are incompatible with the shared understanding of Article 3 implementation memorialized in the minutes.

Agreed Minutes explain this provision as including the following measures:

> *The measures that may be taken by the United States under paragraph 1 shall, to the extent necessary to accomplish the purposes of this Agreement, include, inter alia, the following:*
>
> *1. To construct (including dredging and filling), operate, maintain, utilize, occupy, garrison and control the Facilities and Areas;*
>
> *2. To remove buildings or structures, make alterations, attach fixtures, or erect additions thereto and to construct any additional buildings or structures together with auxiliary facilities;*
>
> *3. To improve and deepen the harbors, channels, entrances and anchorages, and to construct or maintain necessary roads and bridges affording access to such Facilities and Areas;*
>
> *4. To control (including measures to prohibit) in so far as may be required by military necessity for the efficient operation and safety of the Facilities and Areas, anchorages, moorings, landings, takeoffs and operation of ships and water-borne craft, aircraft and other vehicles on water, in the air or on land comprising, or in the vicinity of, the Facilities and Areas;*
>
> *5. To construct on rights of way utilized by the United States such wire and radio communications facilities, including submarine and subterranean cables, pipe lines and spur tracks form railroads, as may be required for military purposes; and*
>
> *6. To construct, install, maintain and employ in any facility or area any type of installation, weapon, substance, device, vessel or vehicle on or under the ground, in the air or on or under the water that may be requisite or appropriate, including meteorological systems, aerial and water navigation lights, radio and radar apparatus and electronic devices.*[81]

2–1.4.2.1.1. Article 3 as an Access Mechanism

One apparent exception to the theory that Article 3 can theoretically be used as an access mechanism in lieu of the II 4(b) process[823] is the operation of (currently dormant) U.S. ranges on the SKI.

Until 1978, the U.S. used Taishojima and Kubajima, two of the SKI, as a training range, voluntarily suspending this use during the process of U.S.-PRC normalization of relations. Some observers have suggested that, were active use of these ranges to be resumed, Article 3 would provide access justification for U.S. forces to operate around the SKI and potentially to occupy one or more or the eithers and/or to actively expel CCG or other PRC vessels.[82]

This may be a valid, if speculative, application of SOFA Article 3. However, it is difficult to imagine a situation in which both Allies would agree to such access or operations on the basis of Article 3 and not on the basis for higher political

[817] 2–1.4.2.2. Article 3 Outgrant, p. 33.
[818] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[819] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[820] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[821] 5–5.2. Prior Consultation, p. 139.
[822] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[823] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.

and diplomatic objectives. In such a case, Article 3 would provide only one of a number of valid justifications for actions both Allies would otherwise be incentivized to take.

2–1.4.2.2. Article 3 Outgrant

Facilities and Areas[824] provided under Article 3 are considered an Article 3 Outgrant:

> *The use of Facilities and Areas by individuals or agencies granted by a local commander to operate and maintain their base under the provisions of Article 3 of the SOFA.*[83]

2–1.4.3. Article 5—U.S. Access to Air and Sea Ports

> For clarity, this guide uses the Arabic numeral to refer to the SOFA Article 5 and the Roman numeral to refer to the MST Article V.[825]

Article 5 grants U.S. forces access to airfields and ports in Japan, however Japanese law (which the SOFA and MST do not supersede), grants local governments administration and management rights over ports and most airfields.[826]

> *(1) United States and foreign vessels and aircraft operated by, for, or under the control of the United States for official purposes shall be accorded access to any port or airport of Japan free from toll or landing charges. …*[84]

2–1.4.3.1. Limitations of SOFA Article 5

U.S. planners often interpret SOFA Article 5 as granting U.S. forces access to all airfields and ports in Japan.

However, with some exceptions, GoJ law establishes local governments are the managing authority for airfields and ports. Because the SOFA is an agreement between two national governments and neither the SOFA nor the MST supersede national laws, its provisions are not obviously binding on local governments.[85] The most obvious case of this ambiguity is the YARA Memorandum,[827] which places restrictions on Shimoji-jima Airport that appear counter to the access guaranteed by SOFA Article 5.

Specifically, the Port Act (Act No. 218 of 1950, as amended), Article 2, ¶(1)[828] establishes local governments or an incorporated port authority as administrators and managers of ports in Japan.

The Airport Act (Act No. 80 of 1965, as amended), Article 5, ¶(1)[829] establishes local governments as administrators and managers of airports in Japan with the exception of the "big 5" airports outlined in Article 4, ¶(1).[830]

These laws effectively require local government (or port authority) consent for military use until GoJ has authority to directly authorize their use in [security situation]

The seemingly-deliberate ambiguity and care with which the GoJ has handled the YARA Memorandum issue suggests that it prefers to retain this ambiguity rather than attempt to definitively address the issue (e.g., through the legal system or legislation that expands the national government's authority in this area) and risk either a judicial determination that neuters SOFA Article 5 or creates major domestic political costs that have no obvious immediate benefit that makes those costs worthwhile.

2–1.4.4. Article 17—Disciplinary and Criminal Jurisdiction and Protections

Article 17 establishes the scope of U.S. disciplinary and criminal jurisdiction over and legal protections for SOFA personnel.

2–1.4.5. Article 24—Cost Sharing

> *(1) It is agreed that the United States will bear for the duration of this Agreement without cost to Japan all expenditures incident to the maintenance of the United States armed forces in Japan except those to be borne by Japan as provided in ¶(2).*

[824] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[825] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[826] 2–1.4.3.1. Limitations of SOFA Article 5, p. 33.
[827] Annex iii. YARA Memorandum, p. 438.
[828] i–S.1. Article 2—Definitions, p. 388.
[829] i–T.2. Article 5 - Establishment and management of airports that play an important role in forming international or domestic air transportation networks, p. 391.
[830] i–T.1. Article 4—Establishment and management of airports that serve as bases for international air transport networks or domestic air transport networks, p. 390.

> *(2) It is agreed that Japan will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all Facilities and Areas[831] and rights of way, including Facilities and Areas jointly used such as those at airfields and ports, as provided in Articles 2[832] [Use of Facilities and Areas] and 3[833] [Establishing and Operating Facilities and Areas].*
>
> *(3) It is agreed that arrangements will be effected between the Governments of Japan and the United States for accounting applicable to financial transactions arising out of this Agreement.*

2–1.4.6. Article 25—Joint Committee (JC)

Article 25 establishes the JC[834] to oversee all matters of SOFA implementation, with specific emphasis on II 1(a)[835] and II 4(b)[836] requests.

> *(1) A Joint Committee [JC] shall be established as the means for consultation between the Government of Japan and the Government of the United States on all matters requiring mutual consultation regarding the implementation of this Agreement [the SOFA]. In particular, the Joint Committee [JC] shall serve as the means for consultation in determining the Facilities and Areas[837] in Japan which are required for the use of the United States in carrying out the purpose of the Treaty of Mutual Cooperation and Security [MST[838]].*
>
> *...[86]*

2–1.4.7. Agreed View

When SOFA matters require a joint interpretation to augment the clear text of the agreement, the JC issues an Agreed View that codifies the joint interpretation.[87] This is akin to a diplomatic Agreed Minute.[839]

The Agreed View protocol was established under the U.S.-Japan Administrative Agreement that preceded the SOFA, however Agreed Views under the Administrative Agreement were incorporated into the current SOFA.

Agreed Views are numbered (as in "U.S.-Japan Joint Committee Agreed View Number 26, approved 22 October 1953").

2–1.5. 1954 Mutual Defense Assistance Agreement (MDAA)

After recognizing the need to rebuild Japan's defense capabilities, the allies signed the MDAA, outlining the how the allies would cooperation on defense issues. The MDAA is the basis for numerous specific defense cooperation agreements, including on the development, manufacture, sale, or safeguarding of defense technology, information, training, and services.

The MDAA was amended via Exchange of Notes[840] when the MST[841] was signed.

The MDAA is also the basis for USEMB Tokyo's Mutual Defense Assistance Office (MDAO).

2–1.6. 2015 Legislation for Peace and Security

The 2015 Legislation for Peace and Security may also appear as:

- Security Legislation

The 2015 Legislation for Peace and Security was designed to enable Japan to play a more proactive role in its defense and in the peace and stability in the region, generally.

The legislation package significantly revised ten defense, peacekeeping, and security laws (through the Peace and Security Legislation Development Law) and introduced the new law, International Peace Support Act.[842]

[831] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[832] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[833] 2–1.4.2. Article 3—Establishing and Operating Facilities and Areas, p. 31.
[834] 6–2.1.4. Joint Committee (JC), p. 148.
[835] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[836] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[837] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[838] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[839] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[840] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[841] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[842] M–2. International Peace Support Act (IPSA) Operations, p. 286.

As part of the national debate during consideration of the 2015 Legislation for Peace and Security, the ABE Cabinet proposed 15 Cases Regarding the Peace and Security of Japan.[843] These cases became the core examples for the legislation and its expansion of applicable situations where Japan could exercise its rights of ISD/NSD[844] as well as those where it would be able to exercise the newly-interpreted right to CSD.[845]

2–1.6.1. Timelines for 2015 Legislation and Related Policies

Sources variously use 2014, 2015, and 2016 in reference to the Legislation for Peace and Security and related policies, such as the reinterpretation of the constitution to allow for CSD.[846]

The 2015 legislation drew heavily from an advisory panel's 15 May 2014 report, recommending a Constitutional reinterpretation and associated changes, was passed into law on 19 September 2015 and entered into force on 29 March 2016.

Furthermore, this timeline is often associated or conflated with the 2014[847] Cabinet Decision[848] reinterpreting the Constitution to allow for the exercise of CSD and the adoption of the 2015 Defense Guidelines[849]

2–1.6.2. 15 Cases Regarding the Peace and Security of Japan

As part of the development of the Legislation for Peace and Security, the ABE government explored 15 cases in which current policies, laws, or interpretations of the Constitution would cause Japan to fall short of its obligation to defend the peace and security of Japan. These 15 cases (sometimes referred to as "policy simulations" have been described as the prototypes of the 2015 Legislation for Peace and Security and are useful in understanding how GoJ understands its new defense authorities as well as for interpreting how these authorities may be applied in real-world scenarios.[88]

The 15 cases are divided up into Grey-Zone situations, international peace and security situations, and Use of Force Situations.

During Diet proceedings, many of the 15 cases were criticized as being unrealistic or as already adequately addressed under existing rights of ISD.[850]

2–1.6.2.1. Cases 1-3: Grey Zone Situations

2–1.6.2.1.1. Case 1: Measures Against Unlawful Actions on a Remote Island, etc.

Case 1 involves a foreign ship approaching a remote Japanese island and landing personnel, armed with weapons, ashore. For uninhabited islands, there are no Japanese police forces to respond and JCG does not patrol the island ashore. The only lawful Japanese response requires a PSO[851] or MSO[852] order to be issued, which might delay response.[89]

GoJ addressed Case 1 by issuing a Cabinet Decision[853] permitting the necessary ministerial meetings for the issuance of PSO and MSO orders to be held over the phone.[854]

2–1.6.2.1.2. Case 2: Measures Against Unlawful Actions during Training of SDF on the High Seas

Case 2 involves JMSDF vessels, conducting military drills, witnessing an armed foreign ship subjecting Japanese private vessels on the High Seas[855] to illegal activities. While the JCG would have primarily responsibility in this situation, it is not present. While the JMSDF vessel awaits authorizing orders, the situation escalates.[90]

GoJ addressed Case 2 by issuing a Cabinet Decision[856] permitting the necessary ministerial meetings for the issuance of MSO[857] orders to be held over the phone.[858]

[843] 2–1.6.2. 15 Cases Regarding the Peace and Security of Japan, p. 35.
[844] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[845] 3–4.2. Collective Self-Defense (CSD), p. 86.
[846] 3–4.2. Collective Self-Defense (CSD), p. 86.
[847] ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People, p. 428.
[848] C–2.1.4.1. Cabinet Decision, p. 225.
[849] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[850] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[851] 3–2.3.1. Public Security Operation (PSO), p. 65.
[852] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[853] C–2.1.4.1. Cabinet Decision, p. 225.
[854] ii–C. Cabinet Decision on the Government's Response to Cases of Armed Groups Illegally Landing on Remote Islands, etc., p. 434.
[855] A–4.10. High Seas, p. 198.
[856] C–2.1.4.1. Cabinet Decision, p. 225.
[857] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[858] ii–D. Cabinet Decision on Measures to be Taken when Self-Defense Force Vessels or Other Vessels Recognize a Foreign Vessel Committing an Infringement against a Japanese Civilian Vessel on the High Seas, p. 436.

2–1.6.2.1.3. Case 3: Protection of U.S. Aegis Destroyer in Operation for Missile Defense System

Case 3 involves a U.S. Aegis Destroyer postured to provide defense against indications of a ballistic missile launch (not against Japan). The USG requests Japan to help defend the U.S. Destroyer against air or other threats while it prepares to intercept the ballistic missile. Because Japan has not been attacked, this could be considered unlawful Use of Force[859] and an exercise of CSD[860].[91]

However, Article 95-2[861] authorities appear to enable JSDF to provide this defense.

2–1.6.2.1.4. Extra Case: Measures Against a Foreign Military Submarine under Japanese TTS

Referenced as the "extra case," this case involves a submerged foreign submarine transiting Japanese TTS.[862] In such a situation, not only is there a potential delay in a JMSDF response, but the JMSDF lack authorities to coerce the submarine to either surface or depart TTS.[92]

GoJ addressed this extra case by issuing a Cabinet Decision[863] (augmenting an existing 1996 Cabinet Decision[864] that partially addressed this case), permitting the necessary ministerial meetings to be held over the phone.[865]

2–1.6.2.2. Cases 4-7: International Peace and Security Situations

2–1.6.2.2.1. Case 4: Support for International Cooperation against an Act of Aggression

Case 4 involves a UNSC-approved operation to restore peace and security with requests to the SDF to provide logistical support to the operation. When such activities are provided in a combat zone, this would be considered a violation of *Ittaika*[866].[93]

This case resulted in the International Peace Support Law.

2–1.6.2.2.2. Case 5: Coming to the Aid of Geographically Distant Units Under Attack during PKO

Case 5 involves Japanese PKO where other UN PKO forces and Japanese NGO personnel are operating. If other UN PKO forces or Japanese NGO personnel, operating distant from JSDF PKO forces, come under attack and request JSDF assistance, the JSDF lacked the authority to come to their aide.[94]

This case resulted in Type 2b *kaketsuke-keigo*[867] Use of Weapons[868] authorities

2–1.6.2.2.3. Case 6: Use of Weapons for the Purpose of the Execution of Missions

Case 6 involves Japanese PKO forces, alongside other UN PKO forces, rescuing injured NGO personnel. An armed group blocks the path to the injured NGO personnel and there is no other path available. While the other UN PKO forces are authorized Use of Weapons to repel the armed group, Japanese PKO forces are not.[95]

This case resulted in Type 2c Mission Requirements[869] Use of Weapons[870] authorities.

2–1.6.2.2.4. Case 7: RJNO with Approval of the Territorial State

Case 7 involves a terrorist group threatening the lives of Japanese nationals overseas. While the host nation lacks the capability to rescue the Japanese nationals, it permits the GoJ to conduct RJNO.[96]

2–1.6.2.3. Cases 8-15: Use of Force Situations

2–1.6.2.3.1. Case 8: Protection of a U.S. Vessel Transporting Japanese Citizens

Case 8 involves an Armed Attack[871] on a third country and U.S. vessels on the High Seas,[872] creating urgency that GoJ evacuate its citizens in that country. Transportation support is available from a U.S. vessel, but the defense of the U.S.

[859] 3–3.3. Use of Force, p. 82.
[860] 3–4.2. Collective Self-Defense (CSD), p. 86.
[861] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.
[862] A–4.4. Territorial Sea (TTS), p. 196.
[863] C–2.1.4.1. Cabinet Decision, p. 225.
[864] ii–E. Cabinet Decision on Measures for Dealing with Foreign Submarines Operating Submerged in Japan's Territorial Waters and Inland Waters, p. 437.
[865] ii–B. Cabinet Decision on Measures Against Foreign Warships Navigating in Japan's Territorial Waters and Internal Waters in a Manner that does not fall under the Category of Innocent Passage under International Law, p. 433.
[866] 2–1.2.2. Ittaika (Integration), p. 20.
[867] 3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty), p. 80.
[868] 3–3.1. Use of Weapons, p. 77.
[869] 3–3.1.3.3. Type 2c: "Mission Requirements" Use of Weapons, p. 81.
[870] 3–3.1. Use of Weapons, p. 77.
[871] 4–12. Definition of "Armed Attack", p. 121.
[872] A–4.10. High Seas, p. 198.

vessel is insufficient. GoJ is unable to assist in the protection of the U.S. vessel without exercising unconstitutional Use of Force[873] (i.e., CSD[874]).[97]

2–1.6.2.3.2. Case 9: Protection of a U.S. Vessel Under Armed Attack

Case 9 involves an Armed Attack[875] on a third country and U.S. vessels on the High Seas,[876] U.S. vessels have been deployed from Japan to support logistics and combat support activities but lack sufficient defensive capabilities. USG requests GoJ to augment the defense of these vessels. GoJ is unable to provide this support without exercising unconstitutional Use of Force[877] (i.e., CSD[878]).[98]

2–1.6.2.3.3. Case 10: Coercive Ship Inspection

Case 10 involves an Armed Attack[879] on a third country and U.S. vessels. Japan has not yet been attacked but may be. A ship that might possess arms is en route to the aggressor state and these arms could be used to attack the U.S. or, eventually Japan. GoJ lacks the authority for a coercive ship inspection (i.e., MIO[880]) and cannot take action to stop the possible weapons transport.[99]

2–1.6.2.3.4. Case 11: Interception of Ballistic Missiles Crossing Over Japan to the U.S.

Case 11 involves an aggressor state launching a ballistic missile at the U.S., specifically Guam or Hawaii, where the missile crosses over Japanese territory and where USG requests GoJ to intercept the missile. GoJ is unable to provide this support without exercising unconstitutional Use of Force[881] (i.e., CSD[882]).[100]

2–1.6.2.3.5. Case 12: Protection of U.S. Aegis Destroyer in an Operation Relating to the Missile Defense System

Case 12 involves a U.S. Aegis Destroyer conducting operations in defense of Japan under the MST.[883] In the case, the aggressor state has already attacked a neighboring state where U.S. forces are stationed and is attempting to attack the U.S. and Japan. In this situation, because Japan has not yet been attacked, it is not possible for Japan to provide defense of this U.S. Aegis Destroyer against a complex saturation attack that might overwhelm its ability to defend itself and, by extension, maintain the ability to defend Japan.[101]

2–1.6.2.3.6. Case 13: Protection of U.S. Vessels when the U.S. is Militarily Attacked

In Case 13, the U.S. homeland is struck by ballistic missiles from an aggressor state, the U.S. has commenced operations against the aggressor in the vicinity of Japan, but Japan has not yet been attacked. The USG requests GoJ to protect U.S. vessels participating in the operations against the aggressor state when they use U.S. bases in Japan for repair or replenishment.[102]

2–1.6.2.3.7. Case 14: Participation in International Minesweeping Operations

Case 14 involves an Armed Attack[884] near straits Japan is dependent on for critical imports such as oil (in most of the Diet debates, the Strait in questions was normally the Strait of Hormuz). The U.S. has commenced operations against the aggressor but the aggressor has laid mines in the straits as a naval blockade. The UN and other states request GoJ participation in international Minesweeping,[885] which is also essential to Japan's survival. Without a ceasefire,[886] such Minesweeping operations would be an unconstitutional Use of Force[887].[103]

2–1.6.2.3.8. Case 15: International Cooperation to Protect Private Vessels

Case 15 involves an Armed Attack[888] near straits Japan is dependent on for critical imports such as oil (in most of the Diet debates, the Strait in questions was normally the Strait of Hormuz). The U.S. has commenced operations against the aggressor but the aggressor's attack have damaged or destroyed numerous private shipping vessels. The USG requests GoJ participate in international cooperation to protect private shipping vessels.[104]

[873] 3–3.3. Use of Force, p. 82.
[874] 3–4.2. Collective Self-Defense (CSD), p. 86.
[875] 4–12. Definition of "Armed Attack", p. 121.
[876] A–4.10. High Seas, p. 198.
[877] 3–3.3. Use of Force, p. 82.
[878] 3–4.2. Collective Self-Defense (CSD), p. 86.
[879] 4–12. Definition of "Armed Attack", p. 121.
[880] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[881] 3–3.3. Use of Force, p. 82.
[882] 3–4.2. Collective Self-Defense (CSD), p. 86.
[883] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[884] 4–12. Definition of "Armed Attack", p. 121.
[885] 3–2.3.8. Minesweeping, p. 72.
[886] SDF Act (Law No. 165 of 1954, as amended) Article 84-2—Mine Disposal (p. 317) is not considered Use of Force when a ceasefire is in effect or during peacetime. Only during active hostilities would minesweeping be considered Use of Force.
[887] 3–3.3. Use of Force, p. 82.
[888] 4–12. Definition of "Armed Attack", p. 121.

2–1.7. Self-Defense Force (SDF) Law

The SDF Act (Law No. 165 of 1954, as amended)[889] is the primary but not exclusive law governing JSDF activity. Annex i Selected Annotated Japanese Laws (p. 302) includes the relevant portions of SDF Act (Law No. 165 of 1954, as amended) and other laws impacting JSDF operations.

The purpose of the SDF Act (Law No. 165 of 1954, as amended) is to closely restrict the JSDF's actions well below the threshold outlined in UN Charter Article 2, ¶(4), which prohibits states' Use of Force[890] except in self-defense.

2–1.8. Free and Open Indo-Pacific (FOIP)

FOIP provides the alliance basis for maintaining a law-based maritime order, including implicit competition with China, around three basic pillars:

> *1. Promotion and establishment of the rule of law, freedom of navigation, and free trade;*
>
> *2. Pursuit of economic prosperity (connectivity, and strengthening of economic cooperation through EPAs/FTAs and investment agreements), and*
>
> *3. Commitment to peace and stability (establishing maritime law enforcement, humanitarian assistance, and emergency disaster relief.*[105]

The concepts underpinning FOIP trace back to at least 2007, though then-PM ABE first articulated Japan's FOIP strategy in 2016. The term and general concept has been adopted by the U.S., India, Australia, the United Kingdom, France, ASEAN, and others.

2–1.8.1. One Cooperative Effort Among Nations (OCEAN)

DM NAKATANI announced the OCEAN cooperative framework at the 2025 Shangri-La Dialogue, which has been generally interpreted as expanding the FOIP concept to explicitly include security cooperation with ASEAN nations.

2–2. Defense Doctrine

Scholars of post-War Japanese defense have characterized Japan defense doctrine in either two or three eras. The first era of post-war defense doctrine is widely characterized as the YOSHIDA Doctrine.[891] Some identify a subsequent NAKASONE Doctrine[892] (while others characterize this period as part of the YOSHIDA Doctrine).

The current defense doctrine (and associated Japanese grand strategy) is referred to as the ABE Doctrine.[893]

2–2.1. YOSHIDA Doctrine (1948–1982/2012)

> The YOSHIDA Doctrine was never formally articulated in formal strategy documents nor even explicitly referred to by PM YOSHIDA himself. Its interpretations have evolved over time and various observers or proponents may interpret it in different, sometimes conflicting manners.[106]

The YOSHIDA Doctrine, named after PM Shigeru YOSHIDA (1948-1954) represented a defense policy whereby Japan chose to be reliant on the U.S. (and the protection of world opinion as a democratic and anti-militarist state) for national security to preference its ability to economically recover in the early post-war period. This doctrine eschewed collective security involvements or any entanglement in international security controversies and sought to placate potential domestic political strife with a focus on economic recovery.[107]

The YOSHIDA Doctrine is generally characterized by three core ideas:[108]

- Focusing the means of the state on economic recovery (in the immediate post-war era) and economic development
- Reliance on the U.S. for basic security for the state
- Rearmament only to the extent necessary to supplement the Japan-U.S. Alliance

[889] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.
[890] 3–3.3. Use of Force, p. 82.
[891] 2–2.1. YOSHIDA Doctrine (1948–1982/2012), p. 38.
[892] 2–2.1.1. NAKASONE Doctrine (1982–2012), p. 39.
[893] 2–2.2. ABE Doctrine (2012–Present), p. 39.

While the YOSHIDA Doctrine is characterized as accepting dependence on the U.S. for security, it sought "autonomy and freedom of maneuvering" in the realm of economics.[109]

2–2.1.1. NAKASONE Doctrine (1982–2012)

Named after PM Yasuhiro NAKASONE (1982–1987), the NAKASONE Doctrine is sometimes characterized by Japan defense scholars as a distinct period in post-War Japanese defense thought. Other scholars consider this period part of the YOSHIDA Doctrine era, evolving Japanese defense strategy for the late Cold War but retaining the YOSHIDA Doctrine's essential elements.

The NAKASONE Doctrine can be characterized by:

- Open acknowledgement of the MST[894] as a military alliance
- Emphasis on the Japan's military contributions to competition with the Soviets and defense against aggression
- Focus on developing Japanese and Alliance capabilities to contain Soviet naval forces within the First Island Chain in any U.S.-Soviet conflict or confrontation
- Emphasis on strengthening Japan's economic and cultural role in regional cooperation

2–2.2. ABE Doctrine (2012–Present)

The ABE Doctrine, named after PM Shinzō ABE (2005-2006, 2012-2020), sometimes described as "Proactive Pacifism[895]" or "Proactive Contribution to Peace" (*sekkyokuteki heiwashugi*), is considered by Japan defense scholars as a significant shift in Japanese defense doctrine and a new Japanese grand strategy.[110] The logic underlying this shift was that Japan's security could no longer be guaranteed merely by the ability to secure its territory, but that its national security was inextricably linked to regional and global security and that it must be better positioned to make proactive contributions to regional and global security efforts.[111]

The ABE Doctrine bases Japan's foreign and security policy on the normalization of Japan's military and increasing Japan's international cooperation as the means to pursue regional and international peace.[112]

The most significant elements of the ABE Doctrine are GoJ's reinterpretation of MST Article 9[896] to permit the exercise of CSD[897] as well as major legislative reforms to provide greater flexibility to GoJ to be proactive or more capable in a crisis that directly or indirectly threatens Japan.

In addition to its non-defense elements (e.g., "Abenomics"), major elements of the ABE Doctrine include:

- Passage of the 2015 Legislation for Peace and Security[898]
- Updated 2015 Defense Guidelines[899]
- Reorganization of the JDA into the MoD (during ABE's first term)
- Creation of the JNSC[900]
- Formulation of the JNSS[901]
- Development of a Dynamic Joint Defense Force[902] concept more capable to respond to grey zone threats
- Defense Reforms including:
  - Updating the Alliances RMCs[903]
  - Creation of the ACM[904]
  - Creation of the Security Situation Framework[905] (a significant update to similar, but more limited framework)

2–2.3. Defense Concepts

In addition to Defense Doctrines, eras Japanese defense thinking are sometimes framed within evolving Defense Concepts.

[894] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[895] 2–2.4. Various Concepts of Pacifism and Peace, p, 40.
[896] 2–1.2.1. Article 9 (War Renunciation), p. 13.
[897] 3–4.2. Collective Self-Defense (CSD), p. 86.
[898] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[899] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[900] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[901] 2–4.1. National Security Strategy (NSS), p. 49.
[902] 2–2.3.2. Dynamic Defense Force, etc., p. 40.
[903] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[904] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.
[905] Chapter 4. Security Situations Framework, p. 90.

2–2.3.1. Basic Defense Concept

The Basic Defense Concept is variously known as:

- Basic Defense Force Concept
- KUBO Concept

In the early 1970s, Japan abandoned ideas that it might build up a robust JSDF in the face of political and economic factors that prevented it from doing so. Takuya KUBO, then-Director General of the Defense Bureau of the JDA (now MOD[906]), outlined a concept for a minimal defense establishment that relied on the defense commitments of the Japan-U.S. Alliance in the face of a geopolitical landscape largely devoid of probably military threats to Japan.[113]

This concept was later codified in 1976 NDPO.[907]

2–2.3.2. Dynamic Defense Force, etc.

The 2004 NDPG[908] began Japan's shift away from the Basic Defense Force.[909] This shift was given a new name in the 2010 NDPG with a concept variously known as:

- Dynamic Defense Force
- Dynamic Joint Defense Force
- Dynamic Deterrence

This concept emphasized forces that were readier, more mobile, and able to conduct joint operations in multiple domains.

The 2018 NDPG further developed this concept developed further into the Multi-Domain Defense Force, emphasizing the fusion of capabilities in all domains including space, cyberspace, and the electromagnetic spectrum.

2–2.4. Various Concepts of Pacifism and Peace

The ideas behind Proactive Contribution to Peace surround the sometimes-nuanced differences between the following terms, which have been core to the debate about how to best interpret Japan's post-war anti-militarism and the application of Article 9[910] of the Constitution. While to some U.S. planners, these terms may appear largely interchangeable, within the context of Japan's defense policy, they represent the entire spectrum of acceptable defense policy, making the understanding of the nuanced differences in terms important for understanding the cognitive framework within which Japanese defense policy operates.

Pacifism is the idea that there is no justification for taking another human's life, even when authorized by competent authorities. This term is subdivided into Absolute Pacifism and Relative Pacifism. Absolute Pacifism (sometimes also referred to as Passive Pacifism or Negative Pacifism) holds that no circumstances or conditions permit exceptions to pacifist principles while Relative Pacifism (sometimes also referred to as Active Pacifism or Positive Pacifism) holds that such actions are justifiable under certain conditions.[114]

The state of Peace is understood as either Negative or Positive. The term Negative Peace describes the absence of any *direct* violence, such as war or terrorism. Positive Peace (*sekkyokuteki heiwa*) describes the absence of *direct* and *indirect* or *structural* violence, with indirect or structural violence referring to such issues as poverty, economic inequality, or discrimination.[115]

In the context of Japanese defense policy, Article 9 of the constitution appears to advocate for Absolute/Negative Pacifism, seeking a world of Negative Peace.

In contrast, the Preamble[911] to the Constitution aspires to Positive Peace (i.e., the "right to leave in peace" and opposition to "tyranny, slavery, oppression, intolerance, fear, and want") and appears to advocate for Relative/Positive Pacifism.[116]

906 7–5. Ministry of Defense (MoD) Structure and Roles, p. 162.
907 2–4.3.1. National Defense Program Guidelines (NDPG), p. 50.
908 2–4.3.1. National Defense Program Guidelines (NDPG), p. 50.
909 2–2.3.1. Basic Defense Concept, p. 40.
910 2–1.2.1. Article 9 (War Renunciation), p. 13.
911 i–B.1. Preamble, p. 303.

An additional related concept is that of Unilateral Pacifism (sometimes also termed "one-country pacifism") that refers to a State's self-imposed constraint to be responsible only for its own security. By some interpretations, Unilateral Pacifism describes Japan's EDOP,[912] however the ABE Doctrine's Proactive Contribution to Peace pushes up against this self-imposed constraint.

This dichotomy is the root of debates over Japanese defense policy. And the paradox of two divergent perspectives on peace and pacifism, enshrined in the same document, has required Japanese leaders to negotiate their views (and the security environment Japan finds itself in) into a constitution that offers strong support to either position.

Revisit constitution and constitutionality sections to cross-reference this section

2–3. Defense Policies

2–3.1. "Three New Conditions" for the Use of Force

To keep within the bounds of Article 9,[913] GoJ has established three conditions for the legal Use of Force[914] (distinct from Use of Weapons[915]):

- An Armed Attack[916] against Japan has occurred (i.e., AAS [Occurrence][917] but not AAS [Imminent][918]) or 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[919] (i.e., STS[920])
  - See § i–C.39.A. Article 88 Use of Force During AAS (Imminent) (p. 320)
- There is no [other] appropriate means available to repel the attack and ensure Japan's survival and protect its people
- Use of Force is limited to the Minimum Extent Necessary[921]

When all three of these conditions are met, JSDF may be authorized the Use of Force through a DOO[922] (after Stipulation[923] of a Security Situation[924]).

Use of Weapons is permitted in a wider range of situations, but is a more restrictive authority for force, more akin to law enforcement than military operations.

2–3.2. Three Principles on Arms Exports (3P)

Until 2014, Japan practiced a *de facto* ban on arms exports. In 2014, this ban was eased until the "Three Principles on the Transfer of Defense Equipment and Technologies" or 3P.

The 3P are policy guidelines (not legal restrictions) that restricts the overseas transfer of Japanese defense equipment and technology under the following principles:

1. Cases where transfers are prohibited:
   1a. Cases that violate obligations under treaties and other International Agreements[925] that Japan has concluded
   1b. Cases that violate obligations under UNSC resolutions
   1c. Cases where the transfer is to a country that is a party to an IAC[926]
2. Cases where transfer may be permitted (and strict examination of information disclosure)
   2a. Cases that contribute to the active promotion of peace contribution and international cooperation
   2b. Cases that contribute to the security of Japan
   2c. Other cases (on a case-by-case basis)
3. GoJ must ensure appropriate control regarding subsequent use or transfer

[912] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[913] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[914] 3–3.3. Use of Force, p. 82.
[915] 3–3.1. Use of Weapons, p. 77.
[916] 4–12. Definition of "Armed Attack", p. 121.
[917] 4–11.1.2. AAS (Occurrence), p. 117.
[918] 4–11.1.1. AAS (Imminent), p. 117.
[919] 2–1.2.1.2.3. Interpreting Article 9 in the Context of Article 13, p. 16.
[920] 4–10. Survival-Threatening Situation (STS), p. 111.
[921] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[922] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[923] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[924] Chapter 4. Security Situations Framework, p. 90.
[925] 1–6.1.1. International Agreements (Legal Status), p. 8.
[926] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.

3a. Recipient country must agree to GoJ prior-consent before "extra-purpose" (use beyond that agreed to at the time of the transfer) use or transfer to third parties

2–3.2.1. 3P Reforms

Historically, GoJ has demonstrated a willingness to apply the 3P in flexible ways.[117] Most recently, in 2023, GoJ authorized an exception for the export of finished (lethal) weapon systems built under license to nations where the patent holders of the weapon systems are based (e.g., Japanese-build Patriot missiles being exported to the U.S.). Re-export of these Japanese-made systems to third party countries may be permitted with prior GoJ consent.

In December 2023, GoJ announced major changes to the 3P in at least two phases. GoJ hopes to conclude negotiations on the final format of Phase 1[927] changes as early as March 2024.

2–3.2.1.1. 3P Phase 1 Changes

Phase 1 changes includes:

- Allowances for the provision of parts and services for products co-developed with a partner to a third nation
- Allowances for the provision of licensed produced products back to the licensing nation or to a third country under the request of the licensing nation
- The ability to conduct repair and servicing of partner nation (other than U.S.) defense equipment in Japan
- Defines "parts" permissible for export as any item/component that is not in and of itself lethal (fighter wings and engine parts, missiles, and cannons are "finished products")
- Allows for rescue, transport, warning, surveillance, and Minesweeping finished products to be exported with self-defense arms onboard
- Expands the list of counties who can receive non-lethal aid during a conflict beyond Ukraine
- Outlines a process for government review and examination of exports that function like a U.S. Congressional Notification[928]

2–3.2.2. 3P and Taiwan

There is no clear GoJ policy on how the 3P policy applies to Taiwan. The fundamental restrictiveness of the 3P policy suggests a default policy of refraining from arms sales to Taiwan, but the transfer[929] of 36 retired F-104J and F-104DJ Starfighter fighter aircraft from Japan to Taiwan in the 1980s suggests some flexibility in the application of this policy for transfers to Taiwan.

The argument for 3P allowing arms transfers to Taiwan relies on the case-by-case nature of arm transfer reviews, the classification of Taiwan as not constituting a conflict zone, the contribution to international peace and Japanese security (e.g., as helping to maintain the cross-strait status quo as critical to Japan's security, as outlined in the 2022 NSS). Indirect or joint transfer (e.g., through the U.S.) is also possible, as recent discussions related to weapons transfers for Ukraine suggest. When considering arms transfers once crisis or conflict has begun, the application of the 3P policy will most likely be subordinated to Japan's estimation that such transfers support active defense of Japan with such a decision being fundamentally political rather than policy-driven.

The argument for 3P disallowing arms transfers to Taiwan is more straightforward. This argument could rely on the assessment that such a transfer would be destabilizing for the cross-strait status quo and the ambiguity of Japan's position on the status of Taiwan[930] (i.e., the transfer might force the resolution of Japan's strategic ambiguity).

2–3.3. Nuclear Policies

See Appendix O. Japanese Nuclear Deterrence (p. 291) for a discussion on Japan's Nuclear Policies with respect to deterrence, including Nuclear Hedging[931] and Latent Nuclear Weapons Capability.[932]

Japan's nuclear policies are centered around four pillars:[118]

927 2–3.2.1.1. 3P Phase 1 Changes, p. 42.

928 The US Arms Export Control Act requires congressional notification for Foreign Military Sales (FMS) or Direct Commercial Sales (DCS) expected to meet or exceed pre-approved established amounts for designated countries.

929 Sources are not clear on the details of this transfer, whether it was classified as a sale or transferred through a mechanism which side-stepped 3P restrictions. These details would be relevant to assessing hypothetical future arms sales.

930 F–2. Japan's National Position on Taiwan, p. 256.

931 O–2. Nuclear Hedging, p. 291.

932 O–3. Latent Nuclear Weapons Capability, p. 292.

- 3NP[933]
- Reliance on U.S. Extended Nuclear Deterrence[934]
- Nuclear disarmament and arms control[935]
- Peaceful use of nuclear energy[936]

2–3.3.1. Three Non-Nuclear Principles (3NP)

With some exceptions,[937] the 3NP are declaratory policy and are not legally binding. As a result, this provides the Alliance flexibility during crisis for Extended Deterrence[938] operations.

The 3NP were established by PM Eisaku SATŌ in 1967 during the negotiations for the Okinawa Reversion, in part to facilitate the non-nuclear reversion of Okinawa. The 3 "N"s are:

1. Not possessing nuclear weapons
2. Not producing nuclear weapons
3. Not permitting the introduction of nuclear weapons into Japanese territory[939]

Historically, GoJ's maintenance of these principles has been contingent in large part on the U.S.'s Extended Deterrence guarantees.

The third principle has caused some historic friction with the U.S. due to divergent interpretations of "introduction" (vice "transit").[940] This has led some to refer to these as the "Two-and-a-Half" Non-Nuclear Principles ("2.5NP") and has led some GoJ leaders to regret the third principle with respect to the constraints it potentially places on U.S. Extended Deterrence[941] and the prospect of undesirable escalation if the principle were to be relaxed in a time of crisis (e.g., by Prior Consultation[942]).

Additionally, since the 1990s, commentators in Japan have questioned Japan's 3NP in the context of its three nuclear-armed neighbors (China, North Korea, and Russia) and the potential threats they pose. These concerns are underlined by the unresolved territorial dispute with Russia[943]

2–3.3.1.1. Exceptions to the 3NP

Aside from the issue of "introduction" vs. "transit,"[944] in routine operations, there have been some statements indicating GoJ's probably exceptions to the "third N." These include then-FM Katsuya OKADA's 2010 statement that:

> *If an emergency situation arises and Japan's security cannot be assured without allowing a temporary port call of nuclear weapons to Japan, the administration of the day will make a decision.*

This statement may conflict with the historically established confidential (albeit ambiguous) interpretations of "introduction" vs "transit" of U.S. nuclear weapons.[945]

See §§ 5–5.2.4. Scope of Prior Consultation (p. 141).

2–3.3.1.2. Non-Nuclear Kobe Method Refusal

The Kobe Method may also appear as:

- Kobe Formula

The so-called "non-nuclear Kobe Method" (非核神戸方式, *hikaku Kōbe Hōshiki*) refers to the Kobe city government's refusal in 1995 to allow visits by U.S. Navy vessels. A Kobe city ordnance required that foreign navy vessels to confirm they are not carrying nuclear weapons by submitting a "non-nuclear certificate" before entering port. Because of the

[933] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[934] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.
[935] 2–3.3.1.3.3. Articles 1 and 2 of the NPT, p. 44; 2–3.3.1.4. Three Reductions, p. 44.
[936] 2–3.3.1.3.2. Atomic Energy Basic Law, p. 44.
[937] 2–3.3.1.3. Legally-Binding Aspects of 3NP, p. 44.
[938] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.
[939] 5–5.2.2.1. The Prior Consultation Formula, p. 140.
[940] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[941] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.
[942] 5–5.2. Prior Consultation, p. 139.
[943] A–1.2.4. Northern Territories, p. 191.
[944] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[945] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.

U.S.'s NCND policy,[946] the vessels in question would not be able to comply with the ordnance and therefore would have been refused by the city.

The fact that this occurred during the 1995 Great Hanshin-Awaji earthquake (which killed 6,400 people and destroyed 105,000 homes) and the U.S. Navy vessels were being offered in support highlights the power of even Municipal governments in Japan's governmental system.[947]

On 23 March 2025, the *USS Warrior*, an MCM ship, was permitted entry into Kobe Port. Critics decried this event as an attack on the Kobe Method whereas proponents pointed to MOFA's guarantee (that the *USS Warrior* did not carry nuclear weapons) as a reasonable compromise.

2–3.3.1.3. Legally-Binding Aspects of 3NP

Japan's Atomic Energy Basic Act (Act No. 186 of 1955, as amended)[948] and its status as a signatory of the NPT[949] create some legally-binding aspects of the 3NP.

2–3.3.1.3.1. Constitutionality of Japanese Nuclear Weapons

A 7 May 1957 statement by then-PM KISHI held that nuclear weapons were permissible under Article 9 of the Constitution if they were intended and used for exclusively self-defensive[950] purposes.[119] This position was reiterated in the Diet again in 1958 and 1965.[120]

2–3.3.1.3.2. Atomic Energy Basic Law

Article 2[951] of Japan's Atomic Energy Basic Act (Act No. 186 of 1955, as amended) states that Japan may only use atomic energy for peaceful purposes.

2–3.3.1.3.3. Articles 1 and 2 of the NPT

Article 1 and 2 of the NPT[952] (to which Japan is a signatory) would appear to establish the first and second "Ns" as legally binding (at least without a withdrawal from the NPT).

2–3.3.1.4. Three Reductions

In 2014, then-FM KISHIDA proposed "three reductions" as goals for Japan's policy towards nuclear disarmament. These include the reduction (globally) of:

- The number of nuclear weapons
- The role of nuclear weapons
- The incentive for possession of nuclear weapons[121]

2–3.3.2. U.S. Extended (Nuclear) Deterrence

The U.S.'s Extended Nuclear Deterrence policy, as a component of the U.S.'s broader Extended Deterrence policy (including conventional deterrence capabilities), guarantees that U.S. nuclear weapons will be considered as retaliatory options to any Armed Attack[953] against Japan, in support of the MST's Article V[954] commitments. Stated another way, Extended Deterrence is the U.S.'s willingness to risk nuclear war for the defense of Japan by extending the U.S. "nuclear umbrella" to Japan.

Since the beginning of the Cold War, the U.S. has seen its bases in Japan as critical to maintaining regional security and pursuing the national interests of the Allies.

The Alliance consult on Extended Deterrence through a variety of venues that include:

- SCC[955]
- EDD[956]
- U.S. Nuclear Posture Review (unofficial Japan-U.S. consultation)

[946] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[947] C–1.1. Levels of Administration, p. 222.
[948] 2–3.3.1.3.2. Atomic Energy Basic Law, p. 44.
[949] 2–3.3.1.3.3. Articles 1 and 2 of the NPT, p. 44.
[950] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[951] i–Z.1. Article 2—Basic Policy, p. 398.
[952] 2–3.7.3. Treaty on the Non-Proliferation of Nuclear Weapons (NPT), p. 48.
[953] 4–12. Definition of "Armed Attack", p. 121.
[954] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[955] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[956] 6–4.6. Extended Deterrence Dialogue (EDD), p. 156.

Historically, Japan's ability and willingness to maintain its 3NP[957] has been contingent in large part on the U.S.'s Extended Deterrence policy.[958] Japan's reliance on the protection offered by U.S. nuclear weapons has presented a dilemma for Japan as an advocate for nuclear nonproliferation and disarmament, revealing paradoxical elements of Japan's relationship to nuclear weapons.

In the 1970s, PM NAKASONE's efforts to establish an "Autonomous Defense Posture" explored the Japanese defense capacity that would be necessary to replace Japan's reliance on U.S. extended nuclear deterrence guarantees. The study commissioned demonstrated that the required defense build-up of conventional Japanese forces would be so large as to be unrealistic and that development of Japanese nuclear capabilities would be neither economically nor politically palatable.[122] The result was a doubling-down on Japanese reliance on U.S. nuclear defense guarantees. The rise of the PRC (and its nuclear capabilities) and Japanese economic slowdowns in the decades since NAKASONE's search for an Autonomous Defense Posture have not likely altered the calculus that U.S. defense guarantees, to include extended nuclear deterrence, are essential core elements of Japanese national security.

2–3.3.2.1. Extended Deterrence Dialogue (EDD)

The EDD was established in 2010 "as a consultative mechanism to determine the most effective ways to enhance regional stability, including those provided by nuclear capabilities in the near- and long-term."[123]

In 2024, the Alliance announced the creation of the Guidelines for Extended Deterrence to "[reinforce] the Alliance's existing consultation and communication procedures related to extended deterrence" and "address strategic messaging to maximize deterrence and enhance measures for U.S. extended deterrence, bolstered by Japan's defense capabilities."[124]

Held regularly since the 2010 NPR. Led by Deputy Assistant Secretary[959] and DDG[960]-level.

2–3.3.2.1.1. U.S. Nuclear Posture Review (NPR)

The NPR provides the declaratory policy of the U.S.'s nuclear strategy with the goal of assuring allies and deterring adversaries.

The U.S. consults with Japan on the NPR with Japan providing inputs to the review process.

2–3.3.2.1.2. Treaty on the Prohibition of Nuclear Weapons (TPNW)

Developed in 2017, the TPNW was developed in part from the frustration of non-nuclear powers than the NPT bound non-nuclear weapon states from developing nuclear weapons while only requiring nuclear weapon states to *start negotiations* on disarmament. Advocates of the TPNW viewed this "Grand Bargain" of the NPT (allowing the development of nuclear power in exchange for non-proliferation) as merely solidifying the status quo between the "nuclear haves" and "nuclear have-nots." The TPNW was supposed to establish stronger requirements to encourage not just non-proliferation but eventually prohibition of all nuclear weapons.

To this end, the TPNW establishes the legal obligation of treaty signatories to (among other things) never "use or threaten to use nuclear weapons or other nuclear explosive devices."[125] Among other faults with the TPNW, many saw this as placing Japan in a position of potentially having to reject U.S. Extended Nuclear Deterrence. As a result, Japan has rejected the TPNW.

2–3.3.2.2. Nuclear Sharing

Nuclear Sharing is a practice where one state's nuclear weapons (e.g., the U.S.) are permanently or semi-permanently stored/based in another state (e.g., participating NATO states) with agreed-upon terms, processes, or authorities for their use. Agreements for use vary and while NATO Nuclear Sharing (with U.S. weapons stored in some other NATO member states' territories) is often used as an example, the details and nature of each Nuclear Sharing agreement will be tailored for each bilateral relationship.

While nuclear sharing would violate the third principle in the 3NP policy, the idea has occasionally been explored within Japan's policy circles. Most recently this was in the wake of Russia's renewed invasion of Ukraine in 2022, with former PM ABE suggesting that GoJ should explore the concept of nuclear sharing with the U.S..

[957] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[958] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[959] C–1.2. Levels of Executive Leadership, p. 222.
[960] C–1.2. Levels of Executive Leadership, p. 222.

While some contend that any Nuclear Sharing would violate Articles I and II of the NPT[961] (prohibiting any transfer of nuclear weapons between nuclear-weapon and non-nuclear weapon states), NATO Nuclear Sharing Agreements are considered compliant with the NPT because U.S. nuclear weapons remain under the full custody and control of the U.S..

2–3.3.2.3. Conventional-Nuclear Integration

2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation

The 2015 "Defense Guidelines" are a bilateral U.S.-Japan policy implementation (e.g., not legally-binding) of Japan's 2015 Legislation for Peace and Security.[962]

The Defense Guidelines:

- Established military RMCs[963] under the MST[964]
- Established the ACM[965] to improve the Alliance's ability to address situations that affect Japan's peace and security or situations that may require an Alliance response
- Established the BPM[966] to improve bilateral contingency planning
- Details broad concepts for bilateral action in Peacetime[967] and in response to Security Situations[968]

> Because the 2015 Defense Guidelines do not obligate legislative, administrative, or budgetary actions by either nation, the Cabinet determined they were not subject to the Diet's approval and did not submit the Defense Guidelines to the Diet, despite the objections of some in the Diet.
>
> Thus, while the Defense Guidelines and the Legislation for Peace and Security are closely associated, there are important legal and constitutional distinctions between the two.

2–3.4.1. Roles/Missions/Capabilities (RMC)

The Defense Guidelines codify the RMCs of each Ally within the MST's mutual defense obligations[969] and U.S. regional operations[970]

In the event of AAS,[971] specifically, the Defense Guidelines provide broad guidance for each Ally's priorities and responsibilities in defending Japan and responding to a regional contingency.

Japan: "Japan will maintain primary responsibility for defending the citizens and territory of Japan and will take actions immediately to repel an armed attack against Japan as expeditiously as possible. The Self-Defense Forces will have the primary responsibility to conduct defensive operations in Japan and its surrounding waters and airspace, as well as its air and maritime approaches."[126]

U.S.: "The United States will coordinate closely with Japan and provide appropriate support. The United States Armed Forces will support and supplement the Self-Defense Forces to defend Japan. The United States will take actions to shape the regional environment in a way that supports the defense of Japan and reestablishes peace and security. … The United States will employ forward-deployed forces, including those stationed in Japan, and introduce reinforcements from elsewhere, as required. Japan will establish and maintain the basis required to facilitate these deployments."[127]

This reflects the "shield and spear" approach of the MST's "Asymmetric Bargain"[972] which respects the EDOP[973] derived from the Japanese Constitution's Article 9.[974]

[961] 2–3.7.3. Treaty on the Non-Proliferation of Nuclear Weapons (NPT), p. 48.
[962] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[963] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[964] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[965] Chapter 6. Alliance Management and Coordination, p. 145.
[966] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[967] 4–6. Peacetime Authorities, p. 104.
[968] Chapter 4. Security Situations, p. 90.
[969] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[970] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[971] 4–11. Armed Attack Situation (AAS), p. 116. § IV. C.2.a. uses the terminology when/if "an armed attack against Japan occurs." It is unclear if the Defense Guidelines intend to make any distinction between AAS (Imminent) (§ 4–11.1.1, p. 117) and AAS (Occurrence) (§ 4–11.1.2, p. 117). Such a distinction does not obviously change the sprit or text of the Defense Guidelines
[972] 2–1.3.1. An "Asymmetric Bargain", p. 24.
[973] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[974] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.

2–3.5. Counterstrike

In May 2022, GoJ changed the term "enemy base attack capability" (敵基地攻撃能力) to "counterstrike capability" (反撃能力). The former term was seen by some as inadvertently implying a doctrine of pre-emption.

GoJ first established its interpretation of the legality of counterstrike in 1956, when then-PM Ichirō HATOYAMA said that striking enemy missile bases should be permissible within certain limits.[975] Out of a lack of necessity (not legal prohibition), Japan opted not to acquire counterstrike capabilities.

In 2022, Japan decided to acquire counterstrike capabilities based on the following rationale:

- Intercept capabilities are being outstripped by the capabilities and magazine depth of potential adversaries' long-range missiles, making interception of incoming missiles ("shoot the arrow") increasingly infeasible
- Acquiring the capability to counterstrike (e.g., "shoot the archer") poses the only credible deterrent to long-range attack on Japan and therefore the only (and Minimum Extent Necessary[976]) way for the JSDF to protect Japan and its people from such attacks

GoJ has announced the position that Counterstrike capabilities are permissible under either AAS[977] or STS[978].[128]

Japanese planners sometimes remind U.S. planners that this changes the "shield and spear" approach of the MST's "Asymmetric Bargain,"[979] stating that "we will have a spear now, too."

"Counterstrike" as a concept and in reference to specific counterstrike-capable weapon systems have previously been referred to under the term "enemy base strike capabilities."

2–3.5.1. Timelines for Deployment

In Fall of 2023, GoJ announced an acceleration of its TLAM purchase with delivery of the first missiles in JFY25[980] and operational capability established by the end of JFY25.

200 Block IV and 200 Block V TLAMs are projected to be deployed by the end of JFY27 with plans for installation aboard 8 DDGs. JMSDF[981] is expected to demonstrate the first TLAM launch capability by March 2026.

Japan also plans to develop a HVGP with the intent of deploying it in JFY26.

2–3.6. (Defunct) 1% Defense Spending Cap

In 1976, by Cabinet Decision,[982] GoJ established an annual defense spending cap of 1% of GNP (sometimes reported as 1% of GDP[983]).

In 1987, the 1% cap was formally rescinded, although GoJ would continue to adhere to this precedent and observe this informal limit until 2023.

Alongside the release of the 2022 National Security Strategy, GoJ announced its intent to double defense spending to 2% of GDP over five years (from JFY23-27). Critics of this policy highlight that the actual budget requested in the 2022 DBP[984] fails to amount to a full doubling (from 1-2%) and that assumptions about inflation, the strength of the Yen, and other economic factors mean the realized defense budget increases, which a measurable departure from the 1% cap, will fall meaningfully short of the purported "2%" policy.[129]

2–3.7. Munition Limitations

Japan is a signatory to the Oslo[985] and Ottawa[986] Treaties, limiting its ability to use proscribed munitions (cluster munitions and anti-personnel mines).

[975] This statement was provided by then-Defense Agency Director General Naka FUNADA on behalf of PM HATOYAMA. (Minister of Defense 2023a, 234)
[976] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[977] 4–11. Armed Attack Situation (AAS), p. 116.
[978] 4–10. Survival-Threatening Situation (STS), p. 111.
[979] 2–1.3.1. An "Asymmetric Bargain", p. 24.
[980] L–1. Japan Fiscal Year, p. 283/
[981] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[982] C–2.1.4.1. Cabinet Decision, p. 225.
[983] GDP replaced GNP as the conventional measure of a State's total market size in the early 1990s. Thus, figures stated in GNP prior to about 1991 are typically stated in GDP afterwards.
[984] 2–4.3. Defense Build-Up Plan (DBP), p. 49.
[985] 2–3.7.1. Oslo Treaty, p. 48.
[986] 2–3.7.2. Ottawa Treaty, p. 48.

Japan's acceptance of the U.S.'s "Nuclear Umbrella"[987] despite its 3NP[988] suggests that GoJ would not necessarily prohibit the U.S. from employing munitions banned by the Treaties, but any U.S. intent to use such munitions would likely be a consideration in any Prior Consultations.[989]

2–3.7.1. Oslo Treaty

The "Convention on Cluster Munitions," sometimes referred to as the Oslo Treaty, obligates signatories to:

- Never use cluster munitions
- Never develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions
- Naver assist, encourage or induce anyone to engage in any activity prohibited by the convention

The Oslo Treaty permits limited types of weapons with submunitions that do not share the indiscriminate effects or unexploded ordnance risk of traditional cluster munitions.

The U.S. is not a signatory of the Oslo Treaty.

2–3.7.2. Ottawa Treaty

The "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction," commonly known as the Ottawa Treaty, obligates signatories to:

- Cease all production and development of anti-personnel mines
- Destroy any stockpiles of anti-personnel mines (with limited exceptions for those retained for training purposes like mine-clearing and mine detection)
- Clear all areas currently mined with anti-personnel mines

The U.S. is not a signatory of the Ottawa Treaty.

2–3.7.3. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

The NPT establishes obligations on non-proliferation and disarmament of nuclear weapons as well as the peaceful use of nuclear technology. Japan jointed the NPT as a signatory on 3 February 1970.

> *Article 1*
>
> *Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.*
>
> *Article 2*
>
> *Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.*[130]

2–3.8. UN SOFA

The UN SOFA may be referred to as the UNFA.

2–3.9. Domestic Arms Production (Kokusanka)

Japan has historically employed a policy of *kokusanka* or the domestic production of arms-related technologies over their import. This has been a core element of Japan's defense industrial policy, attempting to develop the autonomous capability to produce what Japan requires for its own defense. Critics have claimed this has put Japan generations behind in certain equipment, limiting its ability to procure the best defense alternatives the market offers. Supporters

[987] 2–3.3.2.1. Extended Deterrence Dialogue (EDD), p. 45.
[988] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[989] 5–5.2. Prior Consultation, p. 139.

have highlighted its ability to bring production techniques for some of the most sophisticated weapon systems into Japan while also alleviating the U.S.'s defense industrial base production requirements.[131]

2–3.10. Critical Infrastructure

Japan identifies 15[990] critical infrastructure sectors:[132]

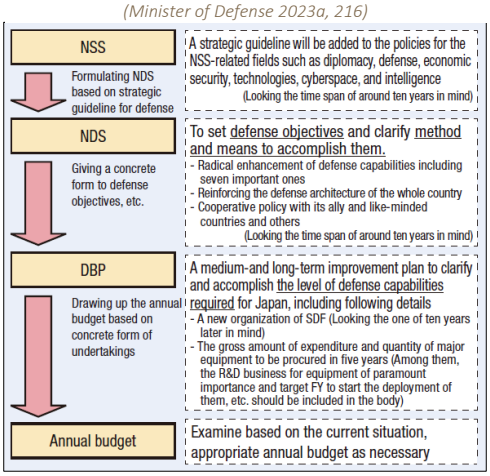
- Information and communication services
- Financial services
- Aviation services
- Airports
- Railway services
- Electric power supply services
- Gas supply services
- Government and administrative services
- Medical services
- Water services
- Logistics services
- Chemical industries
- Credit card services
- Petroleum industries
- Ports and harbors

2–4. Defense Strategic Documents

2–4.1. National Security Strategy (NSS)

GoJ's hierarchy of defense strategy begins with the NSS,[991] which provides the basic policy on national security, including national security objectives, focusing on diplomatic and defense strategies.

Figure 1. Relationship among NSS, NDS, DBP, and Budget (Minister of Defense 2023a, 216)



2–4.2. National Defense Strategy (NDS)

The NDS[992] sets defense objectives in support of the NSS with the ways and means necessary to achieve the ends (objectives).

2–4.3. Defense Build-Up Plan (DBP)

The DBP[993] is a force development document that provides a medium-to-long-term plan to establish Japan's defense capabilities, including a 10-year outlook on the necessary supporting JSDF structure and a 5-year outlook on major equipment and weapons capabilities and expenditures. The DBP consolidates the National Defense Program Guidelines[994] (NDPG) and Medium-Term Defense Program[995] (MTDP) which were a pair of complimentary documents that served a similar purpose to the consolidated DBP.

Annual defense budget requests are based on the DBP.

The DBP may also be rendered as:

- Defense Capability Development plan

[990] Ports and harbors were added on 8 March 2024 as a 15th sector. Legacy documents may only refer to 14 sectors.
[991] 2–4.1. National Security Strategy (NSS), p. 49.
[992] 2–4.2. National Defense Strategy (NDS), p. 49.
[993] 2–4.3. Defense Build-Up Plan (DBP), p. 49.
[994] 2–4.3.1.National Defense Program Guidelines (NDPG), p. 50
[995] 2–4.3.2. Medium-Term Defense Program (MTDP), p. 50.

2–4.3.1. National Defense Program Guidelines (NDPG)

The NDPG established Japan's basic defense policies in the context of current and future defense capabilities, setting JSDF structure and defense procurement targets.

The NDPG was typically paired with the MTDP.[996]

The NDPG succeeded the NDPO (issued first in 1976 and then again in 1996) with NDPGs issued in 2004, 2010, 2013, and 2018.

2–4.3.2. Medium-Term Defense Program (MTDP)

The MTDP was a five-year plan that was typically been issued alongside or subsequent to releases of the NDPG.[997] The MTDP provided MoD's estimates for expenses and acquisitions of major defense programs by fiscal year to achieve the goals of the NDPG.

The MDTP was previously named the Mid-Term Defense Estimate.

2–5. Security Situations

There is no Japanese term that corresponds to "Security Situations" as used in this guide (collectively referring to IIS, AAAS, STS, and AAS).

Some JSDF planners may use 各種事態 (*Kakushu-jitai*), which means "various situations," to refer to Security Situations, generally. However, this is not a precise term and will not be universally understood to refer to Security Situations.

The JSDF's crisis and contingency authorities and actions are legislatively defined in the Securities Situations[998] framework. Security Situation Stipulations[999] (sometimes referred to as "declarations") are context dependent with similar scenarios leading to different Stipulations in slightly different contexts.

Planners should expect Japan and the U.S. to be out of sync in authorities phasing until AAS.[1000]

There are four Security Situations:

- Important Influence Situation (IIS)[1001]
- Anticipated Armed Attack Situation (AAAS)[1002]
- Survival-Threatening Situation (STS)[1003]
- Armed Attack Situation (AAS)

Security Situations are discussed in detail in Chapter 4 Security Situations Framework (p. 90).

2–5.1. Three Security Situations? Or Four?

Various sources may refer only to three Security Situations (AAAS,[1004] STS,[1005] and AAS[1006]). These three situations and the related authorities and conditions are defined by the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended).[1007]

IIS[1008] and its related authorities and conditions are defined by a separate law, the IIS Act (Act No. 60 of 1999, as amended).[1009]

[996] 2–4.3.2. Medium-Term Defense Program (MTDP), p. 50.
[997] 2–4.3.1.National Defense Program Guidelines (NDPG), p. 50.
[998] Chapter 4. Security Situations Framework, p. 90.
[999] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1000] 4–11. Armed Attack Situation (AAS), p. 116.
[1001] 4–7. Important Influence Situation (IIS), p. 105.
[1002] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1003] 4–10. Survival-Threatening Situation (STS), p. 111.
[1004] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1005] 4–10. Survival-Threatening Situation (STS), p. 111.
[1006] 4–11. Armed Attack Situation (AAS), p. 116.
[1007] i–D. Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), p. 336.
[1008] 4–7. Important Influence Situation (IIS), p. 105.
[1009] i–E. IIS Act (Act No. 60 of 1999, as amended), p. 343.

Because IIS is governed by a separate law it is does not permit Defense Operations, etc.,[1010] the issuance of a DO[1011] or the Use of Force,[1012] some sources may not include IIS in their categories of Security Situations or address IIS in discussions related to Security Situations.

2–6. Security Forums and Regional Partnerships

2–6.1. Bilateral Japan-U.S. Forums

See Chapter 6. Alliance Management and Coordination (p. 145), especially including § 6–4. Other Consultation and Coordination Venues (p. 156).

2–6.2. Quadrilateral Security Dialogue (QUAD)

The QUAD (also "QLD") is a strategic security dialogue, initiated in 2007 by then-PM ABE and then revived in 2017, between Australia, India, Japan, and the U.S.. The QUAD seeks to maintain a rules-based maritime order in the East and South China seas. The QUAD is often characterized as a bloc to counter PRC maritime claims.

2–6.3. Australia-United Kingdom-United States Partnership (AUKUS)

AUKUS is a trilateral security partnership focused on the Indo-Pacific between Australia, the UK, and the U.S..

AUKUS includes two "tiers" or "pillars."

Pillar I covers U.S. and UK sharing of nuclear propulsion technology for submarines with Australia.

Pillar II covers the sharing of advanced technology related to:

- Undersea capabilities
- Quantum technology
- Artificial intelligence and autonomy
- Advanced cyber technologies
- Hypersonic and counter-hypersonic technology
- Electronic warfare
- Defense innovation
- Information sharing
- Advanced radar technologies

There is interest about expanding AUKUS to include Japan in "Pillar II."

2–6.4. Core 4

"Core 4" refers to informal defense partnerships (including working groups) between Japan, U.S., Australia, and the Philippines.

Core 4 activities are focused on collaborative exercises among the land forces of each nation, although some observers use the term to refer to broader defense cooperation among the states.

2–6.5. Other Bilateral 2+2 Ministerial Meetings

SDD

In addition to "2+2" dialogues with the U.S.,[1013] Japan holds or has held 2+2 meetings with:

- Australia
- Russia
- France
- UK
- Indonesia
- India

[1010] 3–2.2. Defense Operations, etc., p. 57.
[1011] 3–2.2.1. Defense Operation (DO), p. 57.
[1012] 3–3.3. Use of Force, p. 82.
[1013] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.

- Others?

2–6.6. Other Multilateral Forums

2–6.6.1. Chiefs of Defense (CHODs) Conference

Hosted in a rotational manner, the CHODs Conference is an annual event that seeks to strengthen multilateral military cooperation.

2–6.6.2. Japan-U.S.-Australia Trilateral Forums

2–6.6.2.1. Security and Defense Cooperation Forum (SDCF)

2–6.6.2.2. Trilateral Defense Ministers' Meeting (TDMM)

2–6.6.2.3. Trilateral Defense Officials' Meeting (TDOM)

2–6.6.3. Japan-U.S.-ROK Trilateral Forums

The TMM,[1014] DTT,[1015] and Tri-CHOD[1016] are a series of Japan-U.S.-ROK trilateral meetings at the Ministerial (TMM), Vice-Ministerial (DTT), and CHOD (Tri-CHOD) levels.

2–6.6.3.1. Trilateral Ministerial Meeting (TMM)

The TMM may refer to the Trilateral Defense Ministers' Meeting, held between the Japanese MinDef, U.S. SecDef, and RoK Minister of National Defense, or TMM may refer to the Trilateral Foreign Ministers' Meeting, held between the Japanese Foreign Minister, U.S. Secretary of State, and RoK Foreign Minister.

2–6.6.3.2. Defense Trilateral Talks (DTT)

The DTT is held between the MoD's DG for Defense Policy, the U.S. ASD for Indo-Pacific Affairs, and the ROK Deputy Minister for National Defense Policy.

2–6.6.3.1. Tri-Chief of Defense (Tri-CHOD)

The Tri-CHOD is held between the CSJJS, CJCS, and Chairman of the ROK JCS. It is a semi-annual meeting that seeks to strengthen military cooperation against the North Korean threat. By invitation, USINDOPACOM, USFK, and USFJ commanders participate.

2–6.6.4. Trilateral Joint Staff Talks (TJST)

TJST is a USINDOPACOM J-5 FO/GO-level engagement that seeks to strengthen military cooperation among the participating nations against common threats. There is a U.S.-Australia-Japan TJST and a U.S.-Japan-Philippines TJST.

2–6.6.5. Multi-National Working Group (MNWG)

Membership of the MNWG includes FVEY nations (U.S., Canada, Great Britain, Australia, and New Zealand), France, and Japan. This forum, coordinated through the USINDOPACOM J-5, aims to voluntarily harmonize the capacity-building efforts of the MNWG member nations through a process of regular collaboration, leading to prioritized and synchronized regional activities that support the fair sharing of responsibilities of a FOIP.[1017]

2–6.7. Mutual Logistics Support Agreements

2–6.7.1. Acquisition and Cross-Servicing Agreements (ACSA)

As of 2024, in addition to the Japan-U.S. ACSA, Japan also has ACSA agreements with:

- Australia
- Canada
- France
- Germany

[1014] 2–6.6.3.1. Trilateral Ministerial Meeting (TMM), p. 52.
[1015] 2–6.6.3.2. Defense Trilateral Talks (DTT), p. 52.
[1016] 2–6.6.3.1. Tri-Chief of Defense (Tri-CHOD), p. 52.
[1017] 2–1.8. Free and Open Indo-Pacific (FOIP), p. 38.

- India
- UK

As of early 2024, Japan has ACSAs under negotiation/discussion with:

- New Zealand

2–6.7.2. Reciprocal Access Agreements (RAA)

RAAs establish procedures between governments for the cooperative activities conducted by militaries of one country while visiting the other country, and defines a status of the visiting force. RAAs enable shared military training and military operations.

As of 2024, Japan has established RAAs with:

- Australia
- UK
- Philippines

As of 2024, Japan has RAAs under negotiation/discussion with:

- France

The SOFA[1018] makes a Japan-U.S. RAA unnecessary.

2–6.8. Intelligence and Information Sharing

[1018] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.

Chapter 3. JSDF Operations and Authorities

3–1. Overview

JSDF authorities generally fall into those supporting one of the following operations:[1019]

- Defense Operations, etc.[1020]
- Security Operations[1021]
- Disaster Relief, etc.[1022]
- Civil Protection, etc.[1023]
- Peacekeeping Operations (PKO)[1024]

Within these categories of operations, the JSDF may be granted one or both authorities for the Employment of Arms:[1025]

- Use of Weapons[1026]
- Use of Force[1027]

Finally, Japan recognizes two forms of Self-Defense:[1028]

- Individual and National Self-Defense[1029]
- Collective Self-Defense[1030]

The dominant characteristics of Japanese defense law[1031] make the employment of the JSDF a highly legalistic and often rigidly-constrained prospect.

3–1.1. Distinction Between "Security Situations" and Operations

The Security Situations[1032] are political declarations and positions of policy whereas the specific operations addressed in this chapter are legal mechanisms to authorize specific JSDF action under authorizing laws.

3–1.2. Reliance on Non-SDF Laws for Authorizing Statutory Processes

On its face, the SDF Act (Law No. 165 of 1954, as amended) authorizes the JSDF to conduct operational actions. However, each provision for such activity within the SDF Act merely creates the legal category of such an action and does not provide for the processes or authorities to initiate or authorize the action. The actual authorities to create the conditions which, in turn, allow the JSDF to take action under a provision of the SDF Act are normally provided for separate laws.[133]

As a result, in many ways the SDF Act itself does not permit the JSDF to conduct operations but merely permits the JSDF to conduct operations when conditions or approvals are granted under the provision of other laws.

For example, despite the Defense Operations[1033] provisions (i.e., Article 76[1034]) of the SDF Act (Law No. 165 of 1954, as amended) existing since the law's creation, it took half a century for another law to create the statutory process that allowed for a DO to be authorized (first through Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended).[134]

3–1.3. Summary Table

Orders table

Authority table (2x separate)

Format/contents:

[1019] 3–2. JSDF Operations, p. 56.
[1020] 3–2.2. Defense Operations, etc., p. 57.
[1021] 3–2.3. Security Operations, p. 64.
[1022] 3–2.4. Disaster Relief, etc., p. 73.
MSO
[1023] 3–2.5. Civil Protection, etc., p. 73.
[1024] 3–2.6. Peacekeeping Operations (PKO), p. 76.
[1025] 3–3. Employment of Arms, p. 76.
[1026] 3–3.1. Use of Weapons, p. 77.
[1027] 3–3.3. Use of Force, p. 82.
[1028] 3–4. Japan's Rights to Self-Defense, p. 85.
[1029] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1030] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1031] 3–1.4. Characteristics of Japanese Defense Law, p. 55.
[1032] Chapter 4. Security Situations Framework, p. 90.
[1033] 3–2.2. Defense Operations, etc., p. 57.
[1034] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.

- Operation Description
  - Authorizing Laws
  - Related Operations
- Conditions (to qualify)
- Requirements (to implement)
  - Approval
  - Authority
  - Notification
  - Procedure
  - Geographic Boundaries
- Authorities
  - UoF/UoW
  - Limitations/caveats
- Alternative Translations/Renderings/Abbreviations

3–1.4. Characteristics of Japanese Defense Law

Japanese defense law has six major characteristics that are interrelated but distinct in nuanced ways:

- Article 9[1035] of the Japanese Constitution renunciates aggressive war (offensive and defensive) but not self-defense
- The Japanese Constitution provides no provision for defense; defense and security are governed in laws that stipulate purposes, duties, organizations, conduct, personnel, service, penalties, etc.[1036]
- Actions (both traditional defense and police-like functions such as PSO[1037]/MSO[1038]) by the JSDF must be grounded in law (i.e., must derive from Japanese constitutional and legal principles)
- Authorized actions by the JSDF must be positively enumerated[1039] in law
- New situations not addressed by existing law must be resolved with new legislation[1040]
- JSDF is required to comply with International Law[1041]

3–1.4.1. Restrictions on Activities of the JSDF

These characteristics combine to create Positive List[1042] restrictions on the JSDF, requiring GoJ to consider the overlapping and occasionally conflicting principles of all of the following laws, policies, and principles:

- The EDOP[1043] derived from the Japanese Constitution[1044]
- The Minimum Necessary[1045] level of self-defense capability (force structure)
- The Three New Conditions[1046] for the Use of Force[1047]
- The prohibition of the exercise of Rights of Belligerency[1048]
- The prohibition of the right to CSD[1049] except as permitted by 2015 Legislation for Peace and Security[1050]
- The prohibition of the Use of Force abroad
- The prohibition of armaments deemed to be offensive weapons[1051]
- The unconstitutionality of conscription
- The prohibition of establishing a court-martial[1052]
- The peaceful use of the space domain
- The 3NP[1053]
- The 3P[1054]

[1035] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[1036] 2–1.1. Introduction, p. 12.
[1037] 3–2.3.1. Public Security Operation (PSO), p. 65.
[1038] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1039] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1040] 2–1.1.1.3. Inherent Limitations of a Positive List Approach, p. 12.
[1041] 2–1.2.4.1. International Law, p. 22.
[1042] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1043] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1044] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[1045] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[1046] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[1047] 3–3.3. Use of Force, p. 82.
[1048] 2–1.2.1.3. Belligerent Rights, p. 16.
[1049] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1050] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1051] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1052] 7–1.1. Lack of a Military Justice System, p. 159.
[1053] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[1054] 2–3.2. Three Principles on Arms Exports (3P), p. 41.

Additionally, JSDF personnel, while considered outside Japan as military personnel, have the status of civil servant within Japan, subjecting them to "the same legal restrictions as police officers and JCG inspectors"[135] unless mobilized for Defense Operations, etc.[1055]

3–2. JSDF Operations

JSDF Operations generally fall into one of the following four categories:

- Defense Operations, etc.[1056]
- Security Operations[1057]
- Disaster Relief, etc.[1058]
- Civil Protection, etc.[1059]
- PKO, etc. (not covered in this manual)

As a general rule, the JSDF may be mobilized for various operations either based on requests from the local government or unilaterally at the direction of the GoJ. When deployed unilaterally, the following three requirements must generally be met to justify unilateral GoJ deployment are:

- The need is urgent
- A lack of available or appropriate alternatives
- Necessity to maintain public order

3–2.1. JSDF Operational Terms

3–2.1.1. Operation vs. Deployment (Dispatch)

出動 (Deployment) connotes action from mobilization to deployment.

> 出動 may also be rendered as:
>
> - Dispatch

行動 (Operation) literally translates as "action" and refers to the conduct of the referenced activity.

出動 (Deployment) and 行動 (Operation) may generally be used interchangeably, however 出動 (Deployment) may tend to be used in the context of higher-echelon activities or direction (e.g., 防衛出動 [Defense Operation (DO)]) whereas 行動 (Operation) may tend to be used in the context of lower-echelons activities or direction (e.g., 自衛隊の行動 [JSDF Operations]).

3–2.1.2. JSDF Types of Issuances

3–2.1.2.1. Order

命令 (Order) has the same directive, legal, and authorizing connotations as the term Order has for the U.S. military. An 命令 (Order) provides authoritative and lawful direction from a commander to the force or forces under his or her command.

An 命令 (Order) may be accompanied by a 指示 (Directive)[1060] to amplify the 命令 (Order)'s implementation. In certain cases, subsequent/subordinate 命令 (Orders) that derive from a higher-echelon 命令 (Order) may also be referred to as 指示 (Directives).

3–2.1.2.2. Directive

> 指示 may also be rendered as:
>
> - Instructions

[1055] 3–2.2. Defense Operations, etc., p. 57.
[1056] 3–2.2. Defense Operations, etc., p. 57.
[1057] 3–2.3. Security Operations, p. 64.
[1058] 3–2.4. Disaster Relief, etc., p. 73.
[1059] 3–2.5. Civil Protection, etc., p. 73.
[1060] 3–2.1.2.2. Directive, p. 56.

- Policy

指示 may also be rendered as Guidance, however, this is a distinct term from 指針 or 指導 (Guidance).[1061]

In limited contexts, 指示 may be translated as Order as in 避難指示 (“Evacuation Order”).

A 指示(Directive) is less authoritative than an 命令 (Order)[1062] but may be provided in conjunction with an 命令 (Order) to provide amplifying information or policy for the 命令 (Order)’s implementation.

Additionally, a 指示 (Directive) may be used to refer to a lower-level issuance to implement an Order that, in some cases, would be considered a supporting or derivative 命令 (Order) (e.g., an 命令 [Order] issued by the MinDef to the JJOC may result in implementation 指示 (Directives) to the AOF, GOF, MOF, etc.

3–2.1.2.3. Guidance

指針 or 指導 (Guidance) refers to non-binding direction or feedback, often provided from seniors to subordinates (personnel or units) but without the legally directive connotations of an 命令 (Order)[1063] or 指示(Directive).[1064]

指示 may also be rendered as:

- Directive

However, this is a distinct term from 指示 (Directive).

3–2.1.2.4. Document

Document “文書” refers to a written issuance and does not necessarily implicate the authority or direction of an 命令 (Order),[1065] 指示(Directive),[1066] or 指針 or 指導 (Guidance),[1067] however any of these issuances may be referred to as a 文書 (Document).

文書 may also be rendered as:

- Publication

3–2.2. Defense Operations, etc.

Defense Operations, etc. are JSDF operations conducted for the defense of Japan, including DO[1068] and associated preparatory actions and operations.

3–2.2.1. Defense Operation (DO)

DOs are JSDF operations conducted under Article 76[1069] of SDF Act (Law No. 165 of 1954, as amended) for defense of Japan.

3–2.2.1.1. Defense Operation Order (DOO)

A DOO authorizes the Use of Force[1070] when the “Three New Conditions”[1071] are met (i.e., under AAS[1072] or STS[1073]).

A DOO can grant JSDF specific expanded authorities such as:

- The requisition of hospitals, vehicle maintenance facilities, shipyards, or port facilities
- Seizure of private property and homes

[1061] 3–2.1.2.3. Guidance, p. 57.
[1062] 3–2.1.2.1. Order, p. 56.
[1063] 3–2.1.2.1. Order, p. 56.
[1064] 3–2.1.2.2. Directive, p. 56.
[1065] 3–2.1.2.1. Order, p. 56.
[1066] 3–2.1.2.2. Directive, p. 56.
[1067] 3–2.1.2.3. Guidance, p. 57.
[1068] 3–2.2.1. Defense Operation (DO), p. 57.
[1069] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1070] 3–3.3. Use of Force, p. 82.
[1071] 2–3.1. “Three New Conditions” for the Use of Force, p. 41
[1072] 4–11. Armed Attack Situation (AAS), p. 116.
[1073] 4–10. Survival-Threatening Situation (STS), p. 111.

- Exception to Class V storage requirements.[1074]

The DOO will designate an authorized AO for JSDF operations. Military operations beyond the designated AO will require additional approvals.

3–2.2.1.1.1. Class V Storage Exceptions

Under routine conditions, the JSDF must store Class V (munitions) in approved storage areas (e.g., ASPs). Because of the island geography of Japan, especially in the SWI, this practically prevents the pre-position of Class V except for training (at locations with approved live-fire ranges, which are limited) and when exceptions are authorized under a DOO or other authorizing order (e.g., BM Destruction[1075]). Also authorizable under DOAO[1076]?

3–2.2.1.1.2. BMD under DO

Peacetime BMD operations[1077] are carried out under Security Operations[1078] authorities. BMD operations for the defense of Japan under a DO are conducted pursuant to the authorizing DO.

See § 3–2.3.6. Ballistic Missile Defense (BMD) Operations (p. 70).

3–2.2.1.2. Defense Operation Alert Order (DOAO)

> Inconsistent translations can easily confuse DOAO and DOPO.[1079] See Glossary: Translation of Key Terms (p. XLI) for English-Japanese translations.

Under Article 77[1080] of the SDF Act (Law No. 165 of 1954, as amended), when a DO[1081] is anticipated, a DOAO can be issued as an alert or warning order to generally increase the readiness of JSDF units and may include the following actions:

- Establish contingency COMREL
- Implement enhanced Guarding Operations[1082] actions at U.S. and JSDF facilities
- Direct increased force readiness levels

> DOAO may also be rendered as:
>
> - Defense Operation Warning Order
> - Defense Operation Standby Order

3–2.2.2. Defense Operational Preparation Order (DOPO)

> Inconsistent translations can easily confuse DOPO and DOAO.[1083] See Glossary: Translation of Key Terms (p. XLI) for English-Japanese translations.

A DOPO is a non-statutory order issued by the MinDef that directs JSDF to deploy forces to authorized locations. The extent of authorized locations is dependent on the Security Situation[1084] and related authorities, such as the Establishment of Defense Facilities.[1085]

A DOPO may be issued without Stipulating[1086] a Security Situation,[1087] although it is expected that a DOPO would follow a Four[1088] or Nine Minister Meeting[1089] of the JNSC[1090] at strategic warning of a crisis.

> DOPO may appear as:
>
> - Order for Defense Preparation

[1074] 3–2.2.1.1.1. Class V Storage Exceptions, p. 58.
[1075] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[1076] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1077] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[1078] 3–2.3. Security Operations, p. 64.
[1079] 3–2.2.2. Defense Operational Preparation Order (DOPO), p. 58.
[1080] i–C.17. Article 77—Defense Operation Alert Order (DOAO), p. 313.
[1081] 3–2.2.1. Defense Operation (DO), p. 57.
[1082] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[1083] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p..58.
[1084] Chapter 4. Security Situations Framework, p. 90.
[1085] 3–2.2.4. Establishment of Defense Facilities, p. 59.
[1086] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1087] Chapter 4. Security Situations Framework, p. 90.
[1088] C–2.2.2. Four Minister Meeting, p. 229.
[1089] C–2.2.3. Nine Minister Meeting, p. 229.
[1090] C–2.2. (Japan) National Security Council (JNSC), p. 228.

- Operational Preparation Order
- General Order for Operational Preparation

Because of the non-statutory nature of DOPO, its rendering may be highly variable.

3–2.2.3. Defense Call-Up

Defense Call-Up for a DO,[1091] DOAO,[1092] CPO,[1093] PSO,[1094] or Disaster Call-Up.[1095]

3–2.2.3.1. Defense Call-Up Order (DCO)

DCO may also be rendered as:

- Defense Mobilization Order

- Extend terms of service for JSDF Reserve personnel (Article 68[1096])
- Mobilize JSDF Reserve personnel (Article 70[1097])
- Mobilize JSDF Ready Reserve personnel (Article 75-4[1098])

When a DOO[1099] (i.e., under STS,[1100] AAS (Imminent),[1101] or AAS (Occurrence)[1102])or DOAO[1103] has been issued, the MinDef may issue a DCO to call-up JSDF Reserve personnel.

Under a DCO, SDF Act (Law No. 165 of 1954, as amended) provides the MinDef the authority to:

Available at AAAS.[1104]

For JCG-related authorities, see § i–C.24 Article 80—Control of the Japan Coast Guard (JCG (p. 315).

3–2.2.4. Establishment of Defense Facilities

Establishment of Defense Facilities may also be rendered as:

- Construction of Defense Facilities

When a DO[1105] is anticipated (e.g., with the issuance of a DOAO[1106] during AAAS,[1107] but not STS[1108]), JSDF may conduct the establishment, modification, or reinforcement of defense facilities expected to be required in the case of a DOO.

SDF Act (Law No. 165 of 1954, as amended) Article 77-2[1109] provides legal authority for the Establishment of Defense Facilities.

SDF Act (Law No. 165 of 1954, as amended) Article 92-4[1110] provides legal authority for Use of Weapons in PDAs,[1111] when establishing defense facilities.

SDF Act (Law No. 165 of 1954, as amended) Article 103-2[1112] provides legal authority for the expropriation of property and land in PDAs.[1113]

3–2.2.4.1. Planned Deployment Area (PDA)

PDA may also appear as:

[1091] 3–2.2.1. Defense Operation (DO), p. 57.
[1092] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1093] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[1094] 3–2.3.1. Public Security Operation (PSO), p. 65.
[1095] 3–2.4.4. Disaster Call-Up Order, p..73.
[1096] i–C.13. Article 68—Terms of Appointment and Extension, p. 311.
[1097] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.
[1098] i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel, p. 312.
[1099] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1100] 4–10. Survival-Threatening Situation (STS), p. 111.
[1101] 4–11.1.1. AAS (Imminent), p. 117.
[1102] 4–11.1.2. AAS (Occurrence), p. 117.
[1103] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1104] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1105] 3–2.2.1. Defense Operation (DO), p. 57.
[1106] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1107] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1108] 4–10. Survival-Threatening Situation (STS), p. 111.
[1109] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[1110] i–C.47. Article 92-4—Use of Weapons in a Planned Area of Deployment, p. 325.
[1111] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[1112] i–C.65. Article 103-2—Use of Land in Planned Area of Deployment, p. 335.
[1113] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.

- Planned Area(s) of Deployment
- Planned Deployment Area(s)
- Proposed Area(s) of Deployment
- Proposed Deployment Area(s)
- Deployment Area(s)

Article 77-2[1114] of the SDF Act (Law No. 165 of 1954, as amended) defines PDA as "an area where the Self-Defense Forces units ordered to be mobilized pursuant to [Article 76[1115]] are expected to be deployed [for DO[1116] for AAS (Imminent)[1117] and AAS (Occurrence);[1118] but excluding STS[1119]]."

3–2.2.5. Minelaying

GoJ considers Minelaying outside of Japan's TTS[1120] as a Use of Force.[1121] It is not clear whether GoJ makes a distinction between Minelaying within and without of Japan's TTS.

International Law[1122] requires that "notifications of minefields must be made to avoid harm to innocent shipping."[136]

3–2.2.5.1. Offensive Minelaying

3–2.2.5.2. Defensive Minelaying

3–2.2.6. Search and Rescue (SAR)

GoJ effectively bifurcates SAR into RSAR[1123] and CSAR[1124] based on whether it is permitted at the Scene of Combat.[1125]

3–2.2.6.1. Rear-Area Search and Rescue (RSAR)

RSAR is search and rescue conducted during peacetime or during contingency/crisis within a designated Implementation Area[1126] where the *Ittaika*[1127] principle applies.

In peacetime, RSAR is conducted under routine authorities and agreements. See § 3–2.2.6.3. SAR Responsibilities (p. 61).

During crisis, RSAR conducted under Articles 2[1128] and 7[1129] of the IIS Act (Act No. 60 of 1999, as amended) is limited to a designated Implementation Area.

If combat activities begin taking place or appear imminent in the RSAR Implementation Area, RSAR activities must be suspended (unless the rescue of a distressed person is already underway, in which case the rescue may be completed if the rescuing JSDF unit's safety can be ensured).

3–2.2.6.2. Combat Search and Rescue (CSAR)

CSAR is search and rescue conducted during contingency/crisis and where the *Ittaika*[1130] principle is not applied. CSAR is authorized during STS[1131] and AAS.[1132]

2015 Defense Guideline[1133] language on GoJ support to and conduct of CSAR between STS and AAS differs. This may imply different levels of direct Japanese CSAR support, involvement, or conduct between STS and AAS. See § 3–2.2.6.3.2. 2015 Defense Guidelines CSAR RMCs (p. 61).

1114 i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
1115 i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
1116 3–2.2.1. Defense Operation (DO), p. 57.
1117 4–11.1.1. AAS (Imminent), p. 117.
1118 4–11.1.2. AAS (Occurrence), p. 117.
1119 4–10. Survival-Threatening Situation (STS), p. 111.
1120 A–4.4. Territorial Sea (TTS), p. 196.
1121 3–3.3. Use of Force, p. 82.
1122 2–1.2.4.1. International Law, p. 22.
1123 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
1124 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
1125 2–1.2.2.1. Scene of Combat, p. 21.
1126 4–5.1. Implementation Area, p. 103.
1127 2–1.2.2. Ittaika (Integration), p. 20.
1128 i–E.2. Article 2 - Basic Principles, p. 344.
1129 i–E.7. Article 7 - Implementation of SAR Operations, etc., p. 348.
1130 2–1.2.2. Ittaika (Integration), p. 20.
1131 4–10. Survival-Threatening Situation (STS), p. 111.
1132 4–11. Armed Attack Situation (AAS), p. 116.
1133 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.

Unlike the explicit specification of RSAR[1134] authorities during IIS (see § 3–2.2.6.1. Rear-Area Search and Rescue (RSAR) [p. 60]), CSAR is not enumerated as an authorized activity in any defense law or policy. Despite this omission, GoJ sources consistently list CSAR as an authorized activity during STS and AAS. The most probable explanation for this apparent deviation from the Positive List[1135] approach is a GoJ policy determination that CSAR is inherently included in DO[1136] authorities and would be implicitly or explicitly authorized through a DOO[1137]

3–2.2.6.3. SAR Responsibilities

3–2.2.6.3.1. U.S.-Japan SAR Agreement (1986, amended 1998)

In December 1986, the U.S. and Japan concluded the Agreement between the Government of the United States of America and the Government of Japan on Maritime Search and Rescue (U.S.-Japan SAR Agreement). The agreement was updated by Exchange of Notes[1138] in 1998.

The (amended) agreement[1139] establishes Japan's responsibility for coordinating SAR (Japan's SRR) north from 17° North and west from 165° East (see § A–1. Japan [p. 188] for map). This region connects the following three points: 52° 30'N, 165°E; 17°N, 165°E; and 17°N, 130°E).

This agreement is generally reflected in the U.S.-delimited SRR regions in the U.S. National SAR Supplement (Version 2.0) to the IAMSAR Manual[1140] with overlap in SRRs created by the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011).[1141]

3–2.2.6.3.2. 2015 Defense Guidelines CSAR RMCs

The 2015 Defense Guidelines[1142] build upon the U.S.-Japan SAR Agreement (1986, amended 1998)[1143] responsibilities to specify RMCs[1144] under IIS,[1145], AAAS,[1146] or AAS.[1147]

¶ IV.B.4. of the 2015 Defense Guidelines states that in IIS, Japan will support U.S. CSAR[1148] operations:

> *The two governments will cooperate and provide mutual support, as appropriate, in search and rescue operations. The Self-Defense Forces, in cooperation with relevant agencies, will provide support to combat search and rescue operations by the United States, where appropriate, subject to Japanese laws and regulations.*[137]

The 2015 Defense Guidelines use slightly different language to describe CSAR support during STS[1149] and AAS.

¶ IV.D.2. states that in STS:

> *The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide support in search and rescue operations, including combat search and rescue, as appropriate.*[138]

¶ IV.C.2.c.ii. states that in AAS:

> *The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide mutual support in search and rescue operations, including combat search and rescue, as appropriate.*[139]

Whether the difference in language implies different policies for CSAR between STS and AAS is ambiguous. It is possible that GoJ interprets the Defense Guideline language as stating that Japan will support U.S. CSAR in STS (but not directly conduct CSAR with GoJ assets) and that Japan will only directly conduct CSAR with GoJ assets in AAS.

[1134] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[1135] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1136] 3–2.2.1. Defense Operation (DO), p. 57.
[1137] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1138] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[1139] Annex iv. U.S.-Japan SAR Agreement (as Amended), p. 441.
[1140] 3–2.2.6.3.4. U.S. National SAR Supplement (Version 2.0) to the IAMSAR Manual, p. 62.
[1141] 3–2.2.6.3.3. Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011), p. 62.
[1142] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[1143] 3–2.2.6.3.1. U.S.-Japan SAR Agreement (1986, amended 1998), p. 61.
[1144] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[1145] 4–7..Important Influence Situation (IIS), p. 105.
[1146] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1147] 4–11. Armed Attack Situation (AAS), p. 116.
[1148] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
[1149] 4–10. Survival-Threatening Situation (STS), p. 111.

Additional operational planning to delineate CSAR areas responsibilities with Japan will be required in contingency and crisis.

3–2.2.6.3.3. Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011)

The U.S. is a party to the Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011) which is a binding international Treaty[1150] among the member states of the Arctic Council (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States). The agreement harmonized U.S. SRRs in the North Pacific. The agreement creates an overlap between the U.S. and Japan maritime SRRs (the region of overlap is bounded by the coordinates: 52°30'N, 165°E; 50°05'N, 159°E; 43°N, 165°E). Eliminating this overlap requires renegotiations of U.S.-Japan maritime SRRs.

3–2.2.6.3.4. U.S. National SAR Supplement (Version 2.0) to the IAMSAR Manual

The United States National Search and Rescue Supplement (Version 2.0) to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual establishes the following SRRs for Japan.

The U.S.-recognized aeronautical SRR coordinates for Japan are:[140]

- 50°05'N, 159°E
- 43°N, 165°E
- 27°N, 165°E
- 27°N, 155°E
- 21°N, 155°E
- 21°N, 130°E

The U.S.-recognized maritime SRR coordinates for Japan are:[141]

- 50°05'N, 159°E
- 43°N, 165°E
- 17°N, 165°E
- 17°N, 130°E

3–2.2.6.3.5. Maritime and Aeronautical SRRs

There are two international SAR organizations responsible for delimiting SRRs and associated responsibilities. These are the International Maritime Organization (IMO), which coordinates agreements on "maritime SAR" under the International Convention on Maritime Search and Rescue (1979), and the International Civil Aviation Organization (ICAO), which coordinates agreements on "aeronautical SAR" under the Convention on International Civil Aviation (1944).

Aeronautical SAR is defined as:

> *Search and rescue operations involving persons in distress aboard aircraft.*[142]

Maritime SAR is defined as:

> *Search and rescue operations involving persons in distress aboard maritime vessels.*

A Search and Rescue Region (SRR) is defined as:

> *An area of defined dimensions, associated with a rescue coordination center, within which search and rescue services are provided.*[143]

The IAMSAR Manual explains:

> *The surface of the globe is divided into a patchwork of regions for aeronautical SAR, and a similar arrangement of regions for maritime SAR. A nation or group of nations is responsible for coordinating SAR operations for each of these regions. ...*

[1150] 1–6.1.1.1. Treaties (Legal Status), p. 8.

SRRs are established to ensure provision of adequate land-based communications infrastructure, efficient distress alert routing, and proper operational coordination to effectively support SAR services. SRRs provide clarity concerning those geographic regions where nations have accepted primary responsibility for coordinating or providing SAR services.[144]

3–2.2.7. Active Cyber Defense (ACD)

ACD may also be rendered as:

- Proactive Cyber Defense

In 2022, GoJ announced the intention to authorize the JSDF or other authorities to take "proactive" measures to head off cyberattacks, known as ACD. As of early 2024, GoJ has announced it plans to delay submission of an authorizing bill to the Diet to enable more time to debate how to balance ACD and the constitutional protection of communication privacy. As of late 2024, confirmed its plans to delay submitting an ACD bill until some point after the end of the calendar year.

Public reporting on ACD suggests authorities will derive from amendments to the Police Duties Execution Act (Law No. 136 of 1948, as amended). The nature of these future authorities and the responsible actors (e.g., police forces vs. JSDF) remain unclear.

Critics of ACD authority cite the Japanese Constitution's Article 21[1151] as guaranteeing secrecy of communication and therefore complicating the legal basis for ACD. Advocates for ACD assert that limited restrictions on guarantees for the secrecy of communication may be imposed for the public welfare.

ACD authorities do not currently exist and the extent of their scope is undetermined.

The national Cybersecurity Strategy defines ACD as "[involving] cooperating with cyber-related enterprises and implementing active preventative measures against threats in advance."[145]

An ACD bill may not be submitted until the 2025 regular Diet session. Press reporting indicates GoJ will amend both SDF Act (Law No. 165 of 1954, as amended) and Police Duties Execution Act (Law No. 136 of 1948, as amended) to enable the JSDF and NPA[1152] to conduct ACD short of AAS.[1153]

3–2.2.8. Maritime Interdiction Operations (MIO)

MIO is generally considered the Belligerent Right[1154] of "Visit and Search" during a time of war, authorizing the belligerent to determine the character of ships and cargo or identify potential lawful objects of attack by:[146]

- Querying the master of a vessel
- Ordering a ship to halt
- Boarding, inspecting, and searching
- Seizing the vessel and cargo (even aboard ships of Neutral States as such support would violate the neutral state's Duty of Neutrality[1155] if found to be carrying Contraband[1156])
- Firing warning shots

Because of Japan's rejection of the Rights of Belligerency,[1157] GoJ's implementation of MIO is more limited, excluding the authority to seize or destroy ships and cargo and applying only to Merchant Ships.[1158] If found to be carrying Contraband,[1159] ships may be diverted to a Japanese port.

Does not apply against foreign Warships.[1160]

[1151] i–B.4. Article 21—Freedom of Expression, p. 303.
[1152] C–2.1.5.2.1. National Police Agency (NPA), p. 226.
[1153] 4–11. Armed Attack Situation (AAS), p. 116.
[1154] 2–1.2.1.3. Belligerent Rights, p. 16.
[1155] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[1156] i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
[1157] 2–1.2.1.3. Belligerent Rights, p. 16.
[1158] E–2.2.2. Merchant Ships, p. 243.
[1159] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[1160] E–2.2.1.1. Warships, p. 242.

During STS[1161] and AAS,[1162] MIO is permitted under Article 94-8[1163] of the SDF Act (Law No. 165 of 1954, as amended) as authorized by the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended).[1164]

MIO may also be permitted to enforce UNSC mandates.

Under International Law,[1165] if a neutral ship actively resists Visit and Search, it may render itself a lawful object of attack (enemy Merchant Ships are not obliged to comply with Visit and Search orders, but non-compliance is at their own risk).[147] How GoJ would interpret such a situation (e.g., whether this would warrant Use of Force[1166]) is unclear and would likely be highly situation-dependent.

Requires PM approval.

3–2.2.8.1. Contraband (Foreign Military Supplies)

The Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), Article (2), ¶(2)[1167] establishes the following items as subject to MIO (cause for stopping and inspecting a ship and seizing goods or ships):

- Foreign Military Forces[1168]
- Nuclear, chemical, biological or toxic weapons or anti-personnel land mines
- Weapons
- Ammunition or military explosives
- Military Aircraft,[1169] rockets, ships or vehicles
- Military communication equipment or electronics
- Components or accessories of the above
- Military fuel
- Armor plates, helmets, body armor and other military equipment
- Parts or components for repair or maintenance of aircraft, rockets, ships or vehicles
- Fuel or POL
- Food (directed for the support of Foreign Military Forces)

Under International Law ,[1170] Contraband is "any item that may be of use to the enemy in waging war and which is ultimately destined for the enemy."[148] International Law considers it a requirement[149] for belligerents publish Contraband lists of items that, while potentially lawful, are subject to capture if destined for the enemy.

Under MIO operations, a Cabinet Order[1171] serves as the published Contraband list, specifying items from the above categories subject to capture.

3–2.2.9. Rear Area Support

3–2.3. Security Operations

JSDF are activated for Security Operations when Japanese law enforcement lack the capacity or capability to protect lives and assets or maintain public order and public security.

> Security Operation may also be rendered as
>
> - Security Mobilization
> - Security Dispatch

The types of Security Operation include:

- Public Security Operation[1172]

[1161] 4–10. Survival-Threatening Situation (STS), p. 111.
[1162] 4–11. Armed Attack Situation (AAS), p. 116.
[1163] i–C.56. Article 94-8—Authority to Regulate Maritime Transportation during Defense Call-Up, p. 329.
[1164] i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
[1165] 2–1.2.4.1. International Law, p. 22.
[1166] 3–3.3. Use of Force, p. 82.
[1167] i–M.1. Article 2—Definitions of Foreign Military Supplies, p. 368.
[1168] 4–12.5. Applicable Foreign Military Forces, p. 124.
[1169] E–2.2.3.1. Military Aircraft, p. 244.
[1170] 2–1.2.4.1. International Law, p. 22.
[1171] C–2.1.4.2. Cabinet Order, p. 225.
[1172] 3–2.3.1. Public Security Operation (PSO), p. 65.

- PSO by Order[1173]
- PSO by Request[1174]

- Maritime Security Operation[1175]
- Measures Against Airspace Violations [1176]
- Guarding Operations[1177]
- BMD[1178]
- Counter-Piracy Operations[1179]
- Minesweeping[1180]
- SIO[1181]

3–2.3.1. Public Security Operation (PSO)

In PSO operations, the JSDF augments Japan law enforcement in the event of "indirect aggression" (e.g., Grey zone[1182] activity). PSO operations may be conducted by order[1183] or by request.[1184]

PSO Orders may include partial application of the Police Duties Execution Act (Law No. 136 of 1948, as amended) (including authority for interrogation and crime prevention/control) and Use of Weapons.[1185]

PSO is a law enforcement action.

3–2.3.1.1. PSO By Order

PSO by Order occurs when the PM determines it is impossible to maintain public security with the general police force. Diet Approval[1186] required within 20 days.

PSO by Order may include limited application of JCG Law.

3–2.3.1.2. PSO By Request

When Prefectural Governors determine a situation jeopardizes public security and cannot be handled by general police forces they may request JSDF Call-Up for PSO. No Diet Approval[1187] is required.

PSO by Request does not include application of JCG Law.

3–2.3.1.3. PSO Order

3–2.3.1.4. PSO Alert Order

When it is anticipated that a PSO order will be issued, a PSO Alert Order may be issued under Article 79[1188] of SDF Act (Law No. 165 of 1954, as amended).

PSO Alert Orders may grant the JSDF increased information collection authorities to facilitate PSO under Information Gathering before PSO Order.[1189]

PSO Alert Order also appear as:

- PSO Standby Order

3–2.3.1.4.1. Information Gathering before PSO Order

Authorized under Article 79-2[1190] of SDF Act (Law No. 165 of 1954, as amended).

[1173] 3–2.3.1.1. PSO By Order, p. 65.
[1174] 3–2.3.1.2. PSO By Request, p. 65.
[1175] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1176] 3–2.3.3. Measures Against Airspace (TTA) Violations, p. 67.
[1177] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[1178] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[1179] 3–2.3.7. Counter-Piracy Operations, p. 71.
[1180] 3–2.3.8. Minesweeping, p. 72.
[1181] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[1182] 11–2. Grey Zone, p. 185.
[1183] 3–2.3.1.1. PSO By Order, p. 65.
[1184] 3–2.3.1.2. PSO By Request, p. 65.
[1185] 3–3.1. Use of Weapons, p. 77.
[1186] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1187] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1188] i–C.22. Article 79—Public Security Operation Alert Order, p. 315.
[1189] 3–2.3.1.4.1. Information Gathering before PSO Order, p. 65.
[1190] i–C.23. Article 79-2—Information Gathering before PSO Order, p. 315.

3–2.3.2. Maritime Security Operation (MSO)

MSO may also appear as (see note in the Caution Box, below):

- Defense Operations at Sea
- Maritime Police Operation
- Maritime Patrol Operations

Various sources portray MSO as a policing authority and may intentionally use alternative translations of the term into English as a method to reinforce their interpretation of MSO as such. While conceiving of MSO as a policing authority may be a helpful metaphor for U.S. planners to distinguish between MSO and what U.S. planners might consider traditional military activities, this metaphor should be used carefully so as not to imply legal frameworks and constraints to MSO activities that are not actually present in law or policy.

When there is a special need to protect lives or property or maintain public security at sea, the MinDef can order the JSDF units to take necessary actions at sea upon approval by the PM.

MSO is not geographically restricted and may apply to Japan's EEZ[1191] as well as the High Seas.[1192] Historic examples demonstrate both hesitation and willingness to conduct MSO operations beyond Japan's EEZ. For example, when GoJ decided to deploy forces to the Gulf of Aden for Counter-Piracy Operations,[1193] GoJ issued MSO on March 13, 2009 until GoJ enacted the Counter-Piracy Act (Law No. 55 of 2009, as amended).[1194] This suggests that while GoJ is able to conduct MSO operations beyond Japan's EEZ, it may be reluctant to do so or reluctant to sustain long-term MSO without additional, explicit authorization..

"Life and property" refers to those of Japanese citizens but "public security" applies more broadly.

There are three types of measures permissible under MSO:

- Measures against merchant shipping
  - JMSDF[1195] may confirm violations and hand off the offense to JCG for enforcement (as JMSDF officers lack investigative authorities[1196])
  - Expel ship from TTS[1197] if believed to pose a threat to or contribute to deterioration of public order
  - Use of Weapons[1198] is permitted for self-defense and to overcome resistance
    - For example: a foreign ship ignores an order to stop or attempts to resist the JMSDF
- Measures against foreign Warships:[1199]
  - Request departure from Japan's TTS
  - Use of Weapons may be permitted[1200]
- Measures against submarines:
  - (Prior to MSO orders, JMSDF may report and track underwater contacts)
  - JMSDF may request submarines to surface (within innocent passage limits)
  - Use of Weapons may be permitted if the submarine continues to navigate submerged

Use of Weapons to "overcome resistance" under MSO may be permitted under one of two conditions:

- Type 1: "Self-Preservation Type" Use of Weapons[1201] based on Article 7—Use of Weapons[1202] of the Police Duties Execution Act (Law No. 136 of 1948, as amended).
- Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")[1203] as authorized by the MinDef when the following conditions are met:

[1191] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[1192] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[1193] 3–2.3.7. Counter-Piracy Operations, p. 71.
[1194] i–N. Counter-Piracy Act (Law No. 55 of 2009, as amended), p. 373.
[1195] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[1196] 7–4.1.1. JCG Investigative Authorities, p. 161.
[1197] A–4.4. Territorial Sea (TTS), p. 196.
[1198] 3–3.1. Use of Weapons, p. 77.
[1199] E–5.1.4.1. JCG Enforcement Against Foreign Warships, p. 252.
[1200] There is academic debate regarding the authority and limitations of Use of Weapons against foreign Warships under MSO. Some sources may assert the extent of this authority is more or less limited or more or less firm that may actually be the case.
[12011201] 3–3.1.2Type 1: "Self-Preservation Type" Use of Weapons79
[1202] i–I.5. Article 7—Use of Weapons, p. 358.
[1203] 3–3.1.3Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")79

- The ship is a foreign-flagged vessel conducting non-Innocent Passage[1204] in Japan's TTS and has no justification for its passage; and
- If left unchallenged, it is highly likely the harmful conduct will be repeated in the future; and
- The ship is suspected of preparing for some "serious and heinous" crime (i.e., felony); and
- It is impossible to prevent these criminal acts from simply obtaining information from, stopping, and visiting the suspect ship; and
- The commanding officer of the JMSDF ship must believe there is no alternative to firing at the suspect ship to stop it

Requires PM approval and MinDef authorization.

No Diet Approval[1205] required.

3–2.3.2.1. Conditions for Initiating Maritime Security Operations

Generally, situations are assessed on a case-by-case basis by assessing the following factors:

- Level of intensity of the activity
- Availability and readiness of appropriate capabilities (e.g., sensors, speed, size, armament, defenses, damage control)
- Number of ships subject to MSO
- Domestic and international political sentiment

However, Cabinet Decisions[1206] have anticipated the following scenarios that generally warrant MSO initiation:

- Submarines conducting non-Innocent Passage[1207]
- Foreign Warships[1208] conducting non-Innocent Passage and with armaments beyond the ability of JCG's defenses, armament, and damage control[1209]

3–2.3.2.2. Limitations of Maritime Security Operations

Because State Vessels[1210] are granted Sovereign Immunity[1211] by International Law,[1212] a Coastal State's[1213] laws cannot be applied to State Vessels or enforced aboard them. For example, Japan cannot arrest the crew of foreign State Vessels. However, a Coastal State may take the necessary steps in its TTS[1214] to prevent Non-Innocent Passage.[1215]

3–2.3.2.1. MSO in a Taiwan Contingency

In the event of a Taiwan contingency (whether invasion, missile attack, Blockade,[1216] or Blockade-like action) there will almost certainly be civilians of Taiwan and foreign nationals on Taiwan who will flee by boat to Japan and through Japanese waters. In such an event, the humanitarian response, processing and protection of refugees and displaced persons, and screening for potential saboteurs is likely to require MSO, if not also PSO, to support JCG and other law enforcement actions, even in the absence of any defense response from Japan or U.S. forces in Japan.

See also § 4–10.5.2. Application of STS to Taiwan (p. 114).

3–2.3.3. Measures Against Airspace (TTA) Violations

Measures Against Airspace Violations may also be rendered as:

- Measures Against Intrusion of Territorial Airspace
- Action Against Violation of Territorial Airspace
- Counter Airspace Intrusion/Incursion Measures

[1204] E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage), p. 251.
[1205] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1206] C–2.1.4.2. Cabinet Order, p. 225.
[1207] E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage), p. 251.
[1208] E–2.2.1.1. Warships, p. 242.
[1209] i–K.2. Article 4—Structure, Equipment, and Functions of Coast Guard Vessels, p. 361.
[1210] E–2.2.1. State Vessels, p. 242.
[1211] E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.
[1212] 2–1.2.4.1. International Law, p. 22.
[1213] A–4.1.1. Coastal State, p. 195.
[1214] A–4.4. Territorial Sea (TTS), p. 196.
[1215] E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage), p. 251.
[1216] 4–12.8.7. Blockade, p. 126.

SDF Act (Law No. 165 of 1954, as amended) Article 84[1217] permits JASDF[1218] to monitor Japanese airspace and respond to airspace intrusions including:

- Violation of International Law[1219]
- Violations of Japanese domestic law and regulations.

These operations are an exercise of "the right of policing intended to maintain public order."[150] Because there is no aviation policing force (as there is with the JCG and regular police for the maritime and land domains), Air Intercept operations should be considered like standing form of PSO[1220] or MSO[1221] for Japan's airspace.

JSDF aircraft may take the following actions to respond to airspace intrusions:

- Warn the offending aircraft
- Order it to depart the airspace or land
- Use of Weapons (see § 3–2.3.3.1. Use of Weapons under Measures Against Airspace (TTA) Violations [p. 68])

3–2.3.3.1. Use of Weapons under Measures Against Airspace (TTA) Violations

There are no clear provisions for Use of Weapons[1222] in Measures Against Airspace Violations,[1223] but MoD interprets Use of Weapons authorities to be included under the "necessary measures" specified in SDF Act (Law No. 165 of 1954, as amended) Article 84[1224].[151]

Type 1: "Self-Preservation Type" Use of Weapons[1225] is authorized against manned aircraft but is "permissible only when such measures fall under the requirements of legitimate self-defense or necessity."[152]

GoJ has recently clarified that Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")[1226] is permissible against unmanned aircraft or objects, stating:

> *In such a case where the safety of aircraft cannot be ensured if the situation is left as it is, and when deemed necessary to use weapons to protect legal interests, such as the lives and property of people within Japanese territory as well as the safety of aircraft flying along air routes, such Use of Weapons can be permitted even if it does not fall under the requirements of legitimate self-defense or necessity [e.g., the requirements for Type 1: "Self-Preservation Type" Use of Weapons].*[153]

MinDef authorization is required.

No Diet Approval[1227] is required.

3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas

Guard & Protect Operations may also appear as:

- Guarding Operations
- G&P

Guard & Protect Operations are conducted under Articles 81-2[1228] and 91-2[1229] of SDF Act (Law No. 165 of 1954, as amended) when special measures are deemed necessary to prevent damage due to likely large-scale terrorist attacks on JSDF or U.S. Facilities and Areas[1230] in Japan.

Guard & Protect Operations are distinct from protection of weapons under Article 95[1231] or 95-2.[1232]

A Guard & Protect Operations Order grants the JSDF authority to protect JSDF and U.S. bases within Japan.

[1217] i–C.31. Article 84—Measures Against Airspace (TTA) Violations, p. 317.
[1218] 7–5.4.1.1. Air Self-Defense Force (JASDF), p. 167.
[1219] 2–1.2.4.1. International Law, p. 22.
[1220] 3–2.3.1. Public Security Operation (PSO), p. 65.
[1221] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1222] 3–3.1. Use of Weapons, p. 77.
[1223] 3–2.3.3. fMeasures Against Airspace (TTA) Violations, p. 67.
[1224] i–C.31. Article 84—Measures Against Airspace (TTA) Violations, p. 317.
[12251225] 3–3.1.2Type 1: "Self-Preservation Type" Use of Weapons79
[1226] 3–3.1.3Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")79
[1227] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1228] i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc., p. 316.
[1229] i–C.43. Article 91-2—Authority During Guarding Operations, p. 323.
[1230] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1231] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.
[1232] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.

Guard & Protect Operations may include partial application of the Police Duties Execution Act (Law No. 136 of 1948, as amended) (including authority for interrogation and crime prevention/control) and Use of Weapons.[1233]

Guard & Protect requests are coordinated through the JC[1234] with PM and MinDef authorization. No Diet Approval[1235] required.

3–2.3.5. Use of Weapons to Protect Weapons, etc.

"Protection of weapons, etc." may be translated as "protection of assets."

Under SDF Act (Law No. 165 of 1954, as amended) Articles 95[1236] (protection of SDF "weapons, etc.") and 95-2[1237] (protection of U.S. and other foreign militaries' "weapons, etc."), JSDF personnel can exercise Use of Weapons[1238] to guard weapons and equipment belonging to the SDF, U.S., or other militaries operating with the JSDF in Activities that Contribute to the Defense of Japan,[1239] but not involving combat operations[1240] (e.g., the *Ittaika*[1241] principle applies).

Article 95-3[1242] (protection of SDF facilities, etc.), extends this protection to SDF facilities that "facilities or equipment for storing, housing, or maintaining SDF weapons, etc., or facilities or equipment related to barracks, harbors, or airports"

Article 95 defines the "weapons, etc." eligible for such protection as:

- Weapons
- Ammunition
- Explosives
- Vessels
- Aircraft
- Vehicles
- Wired electric communication equipment
- Radio equipment
- Liquid fuel

JSDF's right to use weapons ceases if the objects protected are destroyed or if the attacker abort the attack and break off contact (e.g., pursuit is not permitted).

The following procedure is used to request Article 95-2 protection:

- U.S. or other forces request protection; requests must include:
  - Clear definition of the operation (area, dates, purpose, etc.)
  - Identification that the operation supports Japan's defense
  - Scope of the defense support expected
- MinDef determines necessity under prescribed conditions
- JNSC[1243] deliberates and provides guidance on operational guidelines
- JNSS[1244] coordination may be required
- MinDef issues order

See § 3–4.2.4. CSD "Reflex Effect" (p. 88) for 95-2 as a "CSD-like"[1245] authority.

Article 95-2 protection may be applied under IIS[1246] when combat associated with an IIS situation is not yet occurring. If IIS-related combat is occurring elsewhere, Article 95-2 protection may be denied under the principle of *Ittaika*.[1247] If

[1233] 3–3.1. Use of Weapons, p. 77.
[1234] 6–2.1.4. Joint Committee (JC), p. 148.
[1235] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1236] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.
[1237] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.
[1238] 3–3.1. Use of Weapons, p. 77.
[1239] 2–1.2.2.2.1. Activities that Contribute to the Defense of Japan, p. 21.
[1240] 2–1.2.2.1. Scene of Combat, p. 21.
[1241] 2–1.2.2. Ittaika (Integration), p. 20.
[1242] i–C.60. Article 95-3—Use of Weapons When Protecting SDF Facilities, p. 330.
[1243] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[1244] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[1245] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1246] 4–7. Important Influence Situation (IIS), p. 105.
[1247] 2–1.2.2. Ittaika (Integration), p. 20.

Article 95-2 protection is included as a Response Measure within the IIS BP,[1248] this protection requires Diet Approval[1249] (as a component of the BP rather than as an authority exercised independent of the BP).[154]

For example, if IIS was Recognized[1250] based on a cross-strait crisis resulting in massive civilian departures from Taiwan, etc., then Article 95-2 protection could potentially be granted for U.S. Navy vessels operating in proximity to Taiwan. However, if the PRC were conducting hostilities in the Taiwan strait (even if not yet involving the U.S.), it is likely that Article 95-2 protection would be denied to U.S. vessels within a designated proximity of the Taiwan strait (for example, 95-2 protection might not extend beyond Japan's EEZ[1251] or might be limited to only within Japan's CZ[1252]).

Article 95-2 protection is technically available under any Security Situation,[1253] however its restrictions and the existence of more robust authorities limit its applicability in Situations beyond IIS.

3–2.3.6. Ballistic Missile Defense (BMD) Operations

Outside of STS[1254] or AAS,[1255] under Articles 82-3[1256] and 93-3[1257] of SDF Act (Law No. 165 of 1954, as amended) when BMs or similar objects (but not aircraft) pose a risk of damage or threat to lives or property, MinDef, with approval from the PM, may order JSDF to destroy the BM when it is within Japan's TTA[1258] or in airspace over the High Seas[1259] and only if the BM is projected to land in Japanese territory.

A Missile Destruct Order establishes a JSDF BMD JTF and grants the JSDF authority to destroy qualifying BMs or similar objects. The Missile Destruct Order may specify limitations such as applicable geography, origin country nations, timeframes, etc.

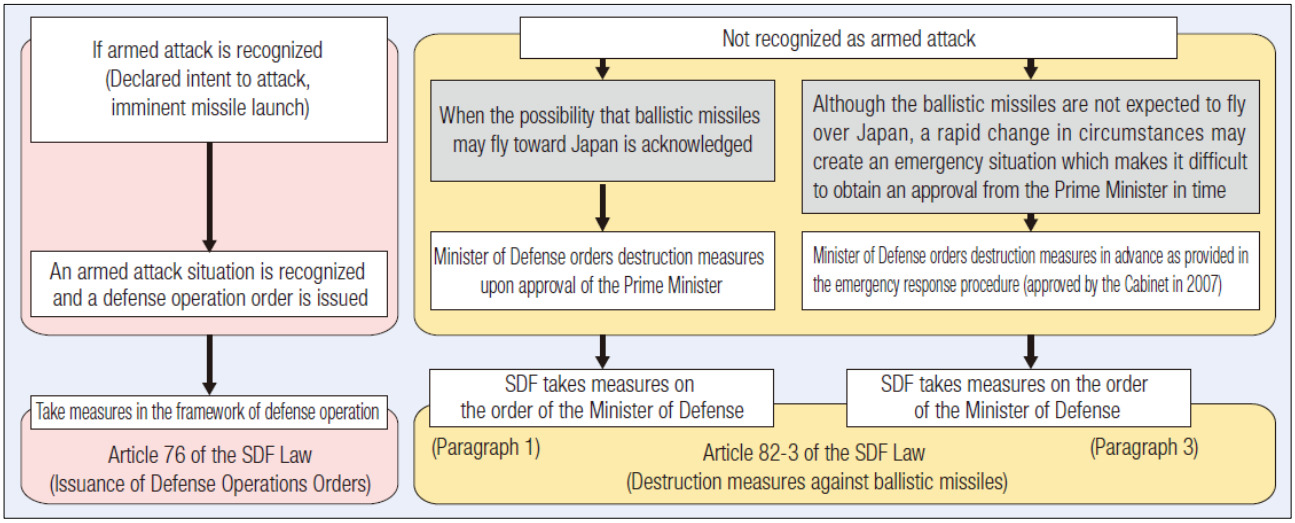
If necessary, the MinDef may take emergency action without PM approval, under emergency response guidelines established by the PM. No Diet Approval[1260] is required.

BM destruction is considered Use of Weapons.[1261]

During STS or AAS, when operating under a DOO,[1262] response to BMs is conducted under the provisions of Article 76[1263] of SDF Act (Law No. 165 of 1954, as amended).

[1248] 4–5. Basic Plan (BP), p. 103.
[1249] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1250] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1251] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[1252] A–4.6. Contiguous Zone (CZ), p. 196.
[1253] Chapter 4. Security Situations Framework, p. 90.
[1254] 4–10. Survival-Threatening Situation (STS), p. 111.
[1255] 4–11. Armed Attack Situation (AAS), p. 116.
[1256] i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.
[1257] i–C.51. Article 93-3—Use of Weapons against Destruction of Ballistic Missiles, p. 326.
[1258] A–4.5. National Airspace (TTA), p. 196.
[1259] A–4.10.1. GoJ Definition of High Seas, p. 198.
[1260] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1261] 3–3.1. Use of Weapons, p. 77.
[1262] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1263] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.

Figure 2. Processes for Response to Ballistic Missiles, etc. (Minister of Defense 2023a, 286)



3–2.3.6.1. Standing BMD Orders

In response to a 3 August 2016 DPRK missile launch where the missile landed within Japan's EEZ,[1264] off the coast of Akita Prefecture, the MinDef issued a standing order ot destroy BMDs launched against Japanese territory, with the order to be reviewed and updated every 3 months.[155]

3–2.3.6.2. BMD RMCs

§ IV.C.2.b.ii. of the 2015 Defense Guidelines[1265] states that in AAS:[1266]

> *The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ballistic missile attacks against Japan. The Self-Defense Forces and the United States Armed Forces will exchange real-time information for early detection of ballistic missile launches. When there is an indication of a ballistic missile attack, the Self-Defense Forces and the United States Armed Forces will maintain an effective posture to defend against ballistic missile attacks heading for Japan and to protect forces participating in ballistic missile defense operations.*
>
> *The Self-Defense Forces will have primary responsibility for conducting ballistic missile defense operations to defend Japan.*
>
> *The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.*[156]

3–2.3.6.3. Class V Storage Exceptions

When BMD units are deployed under BM Destruction Orders, the authorizing order may provide exemptions for Class V storage restrictions normally applicable under peacetime operations. When deployed under STS[1267] or AAS,[1268] such exemptions are provided by the authorizing DOO.[1269]

Ammo storage laws?

3–2.3.7. Counter-Piracy Operations

The MinDef submits response guidelines to the PM for approval.

Actions by a State or Quasi-State Organization[1270] are excluded from GoJ's definition of piracy.[157]

[1264] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[1265] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[1266] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1267] 4–10. Survival-Threatening Situation (STS), p. 111.
[1268] 4–11. Armed Attack Situation (AAS), p. 116.
[1269] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1270] 3–3.3.3.1. State or Quasi-State Organization, p. 83.

3–2.3.8. Minesweeping

Minesweeping on the High Seas[1271] when there are not active hostilities[1272] (i.e., during peacetime or under a ceasefire) does not constitute Use of Force.[1273] The GoJ classifies minesweeping as an act to ensure maritime safety.

Historically, GoJ has referenced minesweeping as permitted as a measure to protect Japan's SLOCs.[1274] In turn, this has previously been associated with the possibility of interpreting SLOC defense as triggering[1275] NSD[1276] and thus possible pretense for Stipulating[1277] a Security Situation.[1278]

When Minesweeping is conducted under SDF Act (Law No. 165 of 1954, as amended) Article 84-2,[1279] JSDF vessels may employ Use of Weapons[1280] based on SDF Act (Law No. 165 of 1954, as amended) Article 95.[1281]

Minesweeping is not geographically-bound.

3–2.3.9. Ship Inspection Operations (SIO)

SIO is the peacetime right to "Approach and Visit" to secure effective compliance with economic sanctions.

GoJ describes SIO as:

> *Operations to inspect and confirm the cargo and destination of ships (excluding Warships[1282] and others) and to request, if necessary, a change in sea route, destination port, or destination, for the purposes of strictly [e.g., "strictly for the purposes of"] enforcing the regulatory measures concerning trade and other economic activities to which Japan is a party, conducted based on UN Security Council resolutions or with the consent of the Flag State[1283] (the state that has the right to fly its flag as prescribed in Article 91 of [UNCLOS]).*[158]

SIO allows for the JCG or JMSDF[1284] to

- Inspect a ship with consent of
  - The ship's captain and
  - Consent of the Flag State or in accordance with a UNSCR
- Request change of destination
- Use of Weapons[1285] for self-defense authorized
  - Warning shots are not permitted for non-compliant ships

SIO is permitted under IIS,[1286] AAAS,[1287] AAS,[1288] STS,[1289] and IPSA[1290] operations. Under IIS, SIO is not geographically-bound.

> SIO is a law enforcement action. International Law[1291] does not generally qualify law enforcement measures as armed force under the Law of Naval Warfare.

Article 5[1292] of the Ship Inspection Act (Act No. 145 of 2000, amended) makes the Logistics Support Activities[1293] authorized under IIS applicable to SIO operations.

3–2.3.9.1. Segregation Requirements

SIO operations require that the area used for GoJ ship inspections and areas used by inspections conducted by other states are clearly distinguished. This is often referred to in GoJ-provided English-language material as a "segregation requirement."

[1271] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[1272] 2–1.6.2.3.7. Case 14: Participation in International Minesweeping Operations, p. 37.
[1273] 3–3.3. Use of Force, p. 82.
[1274] E–4.2. Key Milestones in the 1,000-Mile Defense Concept, p. 249.
[1275] E–4.1. Contemporary Relevance for SLOC Defense, p. 248.
[1276] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1277] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1278] Chapter 4. Security Situations Framework, p. 90.
[1279] i–C.32. Article 84-2—Mine Disposal, p. 317.
[1280] 3–3.1. Use of Weapons, p. 77.
[1281] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.
[1282] E–2.2.1.1. Warships, p. 242.
[1283] 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
[1284] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[1285] 3–3.1. Use of Weapons, p. 77.
[1286] 4–7. Important Influence Situation (IIS), p. 105.
[1287] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1288] 4–11. Armed Attack Situation (AAS), p. 116.
[1289] 4–10. Survival-Threatening Situation (STS), p. 111.
[1290] M–2. International Peace Support Act (IPSA) Operations, p. 286.
[1291] 2–1.2.4.1. International Law, p. 22.
[1292] i–L.4. Article 5—Mode of Implementation of Ship Inspection Activities, etc., p. 366.
[1293] 4–6.1.1. Logistics Support Activities, p. 104.

3–2.4. Disaster Relief, etc.

3–2.4.1. Disaster Relief Operations (DRO)

DROs do not apply to Armed Attack Disasters.[1294]

3–2.4.2. Earthquake Disaster Prevention Operations

May also be translated as:

- Earthquake Disaster Prevention Dispatch
- Containment of Damage after Earthquakes

3–2.4.3. Nuclear Disaster Relief Operations

May also be translated as:

- Response to Nuclear-Related Accidents
- Nuclear Disaster Relief Dispatch

3–2.4.4. Disaster Call-Up Order

3–2.5. Civil Protection, etc.

3–2.5.1. Civil Protection Operations (CPO)

Under CPO, JSDF may assist the Japanese police with security, evacuation, or other measures to protect the population.

In situations covered by the Civil Protection Act (e.g., during AAAS[1295] or AAS[1296]), the GoJ may authorize JSDF priority use of airfields and ports and/or issue warning and evacuation orders.

May also be translated as:

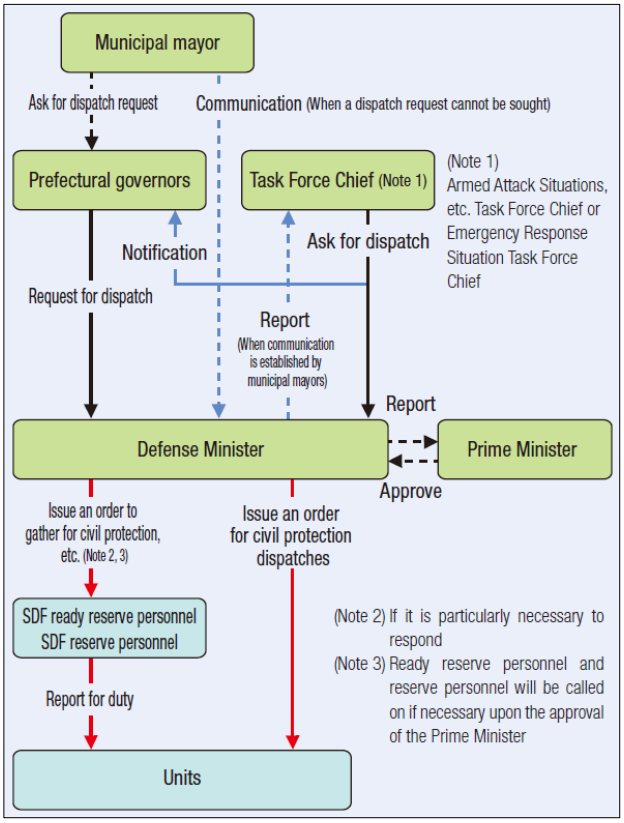
- Civil Protection Dispatch

[1294] 4–12.2. Armed Attack Disaster, p. 122.

[1295] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.

[1296] 4–11. Armed Attack Situation (AAS), p. 116.

Figure 3. Mechanism for Civil Protection Operations (CPO) (Minister of Defense 2023a, 285)



3–2.5.1.1. Basic Guidelines for the Protection of the People

March 2005 guidelines, based on Article 32[1297] of the Civil Protection Act (Act No. 112 of 2004, as amended), anticipates and provides guidelines for four types of Armed Attack:[1298]

- Land invasion
- Attack by guerillas or special forces
- BM attack
- Air attack

Under these guidelines, the JSDF is responsible for:

- Confirming damage from the attack
- Saving lives
- Assisting with the evacuation[1299] of residents.

3–2.5.1.2. CPO by Request

CPO by Request occurs under SDF Act (Law No. 165 of 1954, as amended) Article 77-4[1300] ¶(1), under the authority of Article 15[1301] of Civil Protection Act (Act No. 112 of 2004, as amended), upon request by prefectural governors.

3–2.5.1.3. CPO by Order

CPO by Order occurs under SDF Act (Law No. 165 of 1954, as amended) Article 77-4[1302] ¶(2), under the authority of Article 15[1303] of Civil Protection Act (Act No. 112 of 2004, as amended), upon direction by the MinDef, with the approval of the PM.

[1297] i–G.6. Article 32, p. 356.
[1298] 4–12. Definition of "Armed Attack", p. 121.
[1299] Chapter 9. Evacuation, Refugees, p. 176.
[1300] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[1301] i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc., p. 356.
[1302] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[1303] i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc., p. 356.

3–2.5.1.4. Civil Protection Operations (CPO) Order

Authorized under Article 77-4[1304] of SDF Act (Law No. 165 of 1954, as amended).

3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO)

> See (ISHII 2023) for an in-depth exploration of Japanese legal challenges in R/TJNO.

See Chapter 9 Evacuation, Refugees (p. 176) for additional details on Evacuation, including R/TJNO.

3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO)

Under Article 84-3[1305] of SDF Act (Law No. 165 of 1954, as amended), in emergency situations posing a threat to Japanese nationals' lives or bodies abroad, at the request of MOFA, the PM can direct JSDF to protect and rescue Japanese nationals and limited categories of others, as specified, and transport them to safety from abroad.

RJNO is intended to enable the JSDF to supplement or substitute for the police powers of that host nation when the capacity of the host nation is inadequate (whereas TJNO[1306] supplements or substitutes for a host nation's transportation capacity).

> In U.S. doctrinal terms, RJNO is an authority for conducting NEO in a "permissive" environment and is not intended for what U.S. planners would consider a NEO in a "uncertain" or "hostile" environment.
>
> The host nation or UN approval required may be implicit (as was the case during the Kabul evacuation in 2021, when the Taliban provided a window and conditions for nations to evacuate their citizens but did not explicitly extend approval directly to Japan).

Procedure:

- MOFA requests assistance from MoD
- Consultation between MOFA and MoD
  - Coordination with the JNSS[1307]
- Approval of the PM
- MinDef Issuance of an RJNO order

Requirements:

- Host nation authorities are maintaining public safety and order
  - No active combat[1308] at the location of the rescue
- Host nation consent to the operation (may be implicit)
- Coordination and cooperation can be ensured between JSDF and host nation authorities

These requirements are determined based on deliberations at the JNSC.[1309]

Use of Weapons[1310] is permitted. (Type 1 and 2)

> The requirement for host nation authorities to maintain public safety and order is one mechanism for avoiding the possibility that Use of Weapons in RJNO might be used against State or Quasi-State Organizations,[1311] which would generally be considered to transform[1312] the Use of Weapons into Use of Force,[1313] instead.

Authorized by SDF Act (Law No. 165 of 1954, as amended) Article 84-3.[1314] The host nation or UN approval in ¶(1), No. (ii) may be implicit (as was the case during the Kabul evacuation in 2021, when the Taliban provided a window and conditions for nations to evacuate their citizens but did not explicitly extend approval directly to Japan).

[1304] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[1305] i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
[1306] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p .76.
[1307] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[1308] 2–1.2.2.1. Scene of Combat, p. 21.
[1309] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[1310] 3–3.1. Use of Weapons, p. 77.
[1311] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[1312] 3–3.3.2. GoJ Definition of Use of Force, p. 83.
[1313] 3–3.3.Use of Force, p. 82.
[1314] i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.

3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO)

Under Article 84-4[1315] of SDF Act (Law No. 165 of 1954, as amended), in emergency situations "caused by disaster, commotion, or other emergency situation" abroad, the MinDef can direct JSDF to transport Japanese nationals and limited categories of others to safety from abroad.

> RJNO[1316] supplements or substitutes for a host nation's police power. TJNO supplements or substitutes for a host nation's transportation capacity.

In contrast to RJNO, TJNO does not explicitly require the host nation's consent. However, because under TJNO, the JSDF merely provides supplementary transportation, host nation consent is required by International Law[1317] and, by extension (through Article 98[1318] and 99[1319] of the Japanese Constitution) GoJ Law.[1320]

Procedure:

- MOFA requests assistance from MoD
- Consultation between MOFA and MoD
- MinDef Issuance of an TJNO order

Use of Weapons[1321] is permitted. (Type 1 only)

Approval[1322] of the Diet is not required.

Authorized by SDF Act (Law No. 165 of 1954, as amended) Article 84-4.[1323]

3–2.6. Peacekeeping Operations (PKO)

3–2.6.1. IPCA

3–2.6.2. International Peace Support Act (IPSA)

IPSA allows GoJ to contribute to international or multinational forces involved in peacekeeping or stabilization operations.

Ex Ante[1324] Diet approval is required for IPSA activities.

3–3. Employment of Arms

Employment of Arms is term unique to this guide that includes the use of lethal instruments (including weapons, explosives, destructive instruments, and other arms) by the JSDF, including the sub-categories of Use of Weapons and Use of Force.

Because of Japan's EDOP,[1325] it is key to understand the distinction between not only the terminology of "Use of Force"[1326] and "Use of Weapons,"[1327] but also when each is authorized. While the distinction is similar to concepts within the U.S. military, it is less frequently relevant in U.S. military operations and reflect the difference between Positive List[1328] and Negative List[1329] approaches to authorities.[1330]

> While the U.S., International Law,[1331] and other nations use a variety of terms to refer to the use of arms, this manual uses the term Employment of Arms to refer to "the employment of firearms, explosives, bladed weapons, and other machines, implements, and devices that are aimed to hurt or kill people or to destroy things as a means of armed fighting" (whether this employment falls under the Japanese legal definitions of Use of Weapons or Use of Force).

[1315] i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO), p. 318.
[1316] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[1317] 2–1.2.4.1. International Law, p. 22.
[1318] i–B.15. Article 98—Supremacy of the Constitution, p. 305.
[1319] i–B.16. Article 99—Obligation to Uphold the Constitution, p. 305.
[1320] I.e., respecting state sovereignty by gaining consent to deploy JSDF units.
[1321] 3–3.1. Use of Weapons, p. 77.
[1322] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1323] i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO), p. 318.
[1324] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1325] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1326] 3–3.3. Use of Force, p. 82.
[1327] 3–3.1. Use of Weapons, p. 77.
[1328] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1329] 2–1.1.1.2. U.S. "Negative List" Approach, p. 12.
[1330] 2–1.1.1. Positive vs. Negative List Approach to Authorities, p. 12.
[1331] 2–1.2.4.1. International Law, p. 22.

Some legal texts may use the term "Use of Arms" synonymously with Use of Force.

The distinction between Use of Force and Use of Weapons is often treated in Japanese defense law as though the two can be clearly defined. And while certain policies act as criteria to determine when the Employment of Arms qualifies as either Use of Weapons or Use of Force, these criteria and this distinction has not been thoroughly explored in Japanese jurisprudence and, therefore, there are few legal precedents to ensure this distinction is clear in practice. This blurs the lines between the two forms of Employment of Arms and, with the ability for Use of Weapons to quickly become considered Use of Force, GoJ can be expected to apply restrictive interpretations when attempting to carefully calibrate responses or control escalation.

The factors that may be used to distinguish between Use of Force and Use of Weapons[159] include:

- Nature of the situation
  - Context
  - Scale of the situation
  - Intent
    - Actual
    - Perceived
- Measures
  - Specific acts
  - Types of weapons/arms

3–3.1. Use of Weapons

MoD defines Use of Weapons as:

> *Use of equipment, and machinery, etc., designed to directly kill or harm people, or to destroy things as a means of armed fighting, in accordance with their original usages.*[160]

Some sources will refer to Use of Weapons as a right of "minor self defense" to actions below the threshold of an Armed Attack.[1332]

Unless the JSDF is mobilized for Defense Operations, etc.[1333] under Article 76[1334] of the SDF Act (Law No. 165 of 1954, as amended), where Article 88—Use of Force under DO (STS, AAS [Occurrence])[1335] applies, any Employment of Arms is limited to Use of Weapons, subject to Article 7—Use of Weapons[1336] of the Police Duties Execution Act (Law No. 136 of 1948, as amended).

The most definitive criteria for Use of Weapons is a negative criteria: any lawful Employment of Arms that does not meet the criteria for UN Charter's definition (Article 2 ¶[4][1337]) for Force or GoJ's definition for Use of Force[1338]. Because the distinction between Use of Weapons and Use of Force is based on intent, it can be difficult to distinguish between the two in practice, if not in principle.

Use of Weapons is authorized under the SDF Act (Law No. 165 of 1954, as amended).[1339] In most cases, authorizing articles apply the measures and standards of Article 7—Use of Weapons[1340] of the Police Duties Execution Act (Law No. 136 of 1948, as amended). In these cases, JSDF Use of Weapons is governed by the same laws and standards as applies to Japanese police under criminal, not military law (Japan does not have a military law code like the UCMJ[1341]).

In limited cases, such as Article 90[1342] of the SDF Act (Law No. 165 of 1954, as amended), JSDF Use of Weapons may not be governed by the same standards contained in the Police Duties Execution Act (Law No. 136 of 1948, as amended).

Japanese law recognizes two categories of Use of Weapons: "Self-Preservation Type"[1343] and "Execution of Mission Type."[1344]

[1332] 4–12. Definition of "Armed Attack", p. 121.
[1333] 3–2.2. Defense Operations, etc., p. 57.
[1334] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1335] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[1336] i–I.5. Article 7—Use of Weapons, p. 358.
[1337] 3–3.3.1. UN Definition of Use of Force, p. 82.
[1338] 3–3.3. Use of Force, p. 82.
[1339] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.
[1340] i–I.5. Article 7—Use of Weapons, p. 358.
[1341] 7–1.1. Lack of a Military Justice System, p. 159.
[1342] i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
[1343] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p .79.
[1344] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.

GoJ materials do not number the types or sub-types of Use of Weapons. For clarity, this guide uses the type numbering below (e.g., "Type 1," Type 1a"). This is non-standard terminology/designation.

3–3.1.1. Applicable Standards for Use of Weapons

Because the JSDF is governed by the same standards as a law enforcement entity (unless mobilized for Defense Operations, etc.[1345]), the overarching standard for when Use of Weapons is permissible is Article 7—Use of Weapons[1346] of the Police Duties Execution Act (Law No. 136 of 1948, as amended). Article 7 permits Use of Weapons under any of the following three situations:

- Arrest or prevention of escape
- Protection of self or others from harm
- Overcoming or deterring resistance in carrying out official duties

In each article of SDF Act (Law No. 165 of 1954, as amended) (or other applicable Japanese laws) authorizing Use of Weapons, the applicable standards will be cited. The three standards that may be used are:

- Self-Preservation (Penal Code (Law No. 45 of 1907, as amended), Art. 36[1347]): Use of Weapons for the purpose of protecting:
  - "the rights of oneself or any other person against imminent and unlawful infringement"
- Necessity (Penal Code (Law No. 45 of 1907, as amended), Art. 37[1348]): Use of Weapons to:
  - "avert a present danger to the life, body, liberty or property of oneself or any other person;" and
  - "when the harm produced by such act does not exceed the harm to be averted"
  - overcoming resistance and accomplishing duties
- Performance of Public Duty (Police Duties Execution Act (Law No. 136 of 1948, as amended), Art. 7)[1349]: Use of Weapons to:
  - arrest a criminal
  - prevent escape of a criminal
  - protect one's self or others
  - "suppress resistance to [obstruction of] the performance of public duty"

Generally the standard applied to all of these Uses of Weapons is that the action must be judged as reasonable, necessary, and proportionate.

3–3.1.1.1. Degree of Force Authorized

The permissible force authorized under Type 1[1350] Use of Weapons is generally considered to be more expansive than that authorized under Type 2[1351] Use of Weapons. This is because the extermination of hostile persons or other targets (e.g., vehicles) may be necessary and proportionate to preserve life and limb. However, mission execution normally does not require the annihilation of hostile entities.[161]

The JCG[1352] (and JMSDF[1353] under MSO[1354]) may employ Use of Weapons on the High Seas,[1355] however the legal justification for such Use of Weapons grows weaker at greater distance from Japan.

Use of Weapons may have unusual limitations in MSO.

As a general rule, any arms used against a "State or Quasi-State Organization"[1356] is considered Use of Force[1357] instead.

[1345] 3–2.2. Defense Operations, etc., p. 57.
[1346] i–I.5. Article 7—Use of Weapons, p. 358.
[1347] i–H.1. Article 36—Self-Defense, p. 357.
[1348] i–H.2. Article 37—Necessity, p. 357.
[1349] i–I.5. Article 7—Use of Weapons, p. 358.
[1350] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[1351] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[1352] E–5.1.6. JCG Use of Weapons, p. 252.
[1353] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[1354] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1355] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[1356] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[1357] 3–3.3. Use of Force, p. 82.

3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons

Type 1 Use of Weapons provides authority for the Employment of Arms in an individual's self-defense[1358] or in the defense of personnel under the direct supervision or protective responsibility[1359] of the individual using weapons.

MoD defines Type 1 Use of Weapons as:

> *Use of Weapons only for the protection of oneself and others (oneself, SDF members who are at the same scene as oneself, or those under the supervision of oneself).*[162]

In addition to the distinction between applicable situations, Type 1 and Type 2 are different in that the GoJ does not consider it possible for Type 1 Use of Weapons to inadvertently transform[1360] into Use of Force[1361] if it is misapplied or if State or Quasi-State Organizations[1362] are involved in Type 1 Use of Weapons.

3–3.1.2.1. Type 1a: "Individual Self-Defense" Use of Weapons

The Type 1a sub-category is for an individual's direct self-defense in cases where the individual is being harmed or there is an imminent danger of the individual being harmed.

When discussing Type 1a Use of Weapons, the term "Use of Weapons" should be included or specified to avoid confusion with ISD Use of Force[1363] under NSD.[1364]

3–3.1.2.2. Type 1b: "Defense of Personnel Under Supervision [Direct Protection]" Use of Weapons

The Type 1b sub-category is for self-defense of personnel under the direct supervision of protective responsibility of an individual. This includes situations like:

- Personnel being rescued (e.g., in RJNO[1365] or other situations)
- Escort of personnel (e.g., as in maritime convoy or escort operations)
- Joint Defense of a Camp[1366] during PKO[1367]
- Protection of designated personnel or populations during PKO

There is no standard GoJ English terminology for Type 1b Use of Weapons. This guide uses"Defense of Personnel Under Supervision" for clarity but this is not a standard rendering.

3–3.1.2.2.1. Joint Defense of a Camp Use of Weapons

The 2015 PKO Act added the Joint Defense of a Camp as a specific activity permitted under Type 1b Use of Weapons. This authority permits JSDF to employ arms in defense of the peacekeeping camps in which JSDF units are stationed if those camps come under attack. While this is an expansion of the more narrow Type 1a[1368] subcategory, GoJ's logic argued that the security of JSDF units was inherently tied to the security of the camps in which they were stationed or operating and that "CSD-like"[1369] actions to defend the camp and those forces guarding and protecting the camp were inherently tied to the ISD[1370] and unit self-defense of the JSDF units in question.

This rationale is similar to the extension of Japan's right to exercise CSD in STS.[1371]

Because it is considered a sub-category of Type 1 Use of Weapons, employment of arms against State or Quasi-State Organizations[1372] under Joint Defense of a Camp Use of Weapons is permitted and does not constitute Use of Force.[1373]

3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")

MoD defines Type 2 Use of Weapons as:

1358 3–3.1.2.1. Type 1a: "Individual Self-Defense" Use of Weapons, p. 79.
1359 3–3.1.2.2. Type 1b: "Defense of Personnel Under Supervision [Direct Protection]" Use of Weapons, p. 79.
1360 3–3.2. When "Use of Weapons" Transforms into "Use of Force", p. 81.
1361 3–3.3. Use of Force, p. 82.
1362 3–3.3.3.1. State or Quasi-State Organization, p. 83.
1363 3–3.3. Use of Force, p. 82.
1364 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
1365 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
1366 3–3.1.2.2.1. Joint Defense of a Camp Use of Weapons, p. 79.
1367 3–2.6. Peacekeeping Operations (PKO), p. 76.
1368 3–3.1.2.1. Type 1a: "Individual Self-Defense" Use of Weapons, p. 79.
1369 3–4.2. Collective Self-Defense (CSD), p. 86.
1370 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
1371 4–10. Survival-Threatening Situation (STS), p. 111.
1372 3–3.3.3.1. State or Quasi-State Organization, p. 83.
1373 3–3.3.1. UN Definition of Use of Force, p. 82.

> *The Use of Weapons beyond self-preservation [Type 1 Use of Weapons[1374]], for example, to protect the lives and bodies, etc., of other people or to repel obstructions on the performance of duties of SDF personnel.*[163]

GoJ differs from International Law[1375] and many other State's in its categorization of a second type of Use of Weapons. GoJ maintains conceptualizes a category of Use of Weapons sometimes referred to as "minor [national] self-defense," allowing GoJ to respond to violence or infringements on its rights that remain below the threshold of Armed Attack[1376] (as defined by International Law,[1377] UN Charter Article 51,[1378] or by GoJ) without resorting to what it or International Law might classify as Use of Force.

Type 2 Use of Weapons applies only when the JSDF is assigned a specific duty, through a formal order or operation.[1379] By definition, Type 2 Use of Weapons exceeds the necessity of Self-Preservation Type (Type 1[1380]) Type 2 Use of Weapons authorizes the employment of arms when there is no direct harm or imminent danger of harm to the individual (or personnel under the individuals supervision or responsibility) but such employment of arms are still limited to police-like or public-safety activities.

When rendered from Japanese, this may appear as:

- Use of Weapons for the purpose of execution of missions
- Use of Weapons in defense of the mission mandate

Type 2 Use of Weapons includes situations like:

- Provision of Protection[1381]
- *Kaketsuke-keigo* (Coming-to-Aid Duty)[1382]
- Other mission requirements[1383]

3–3.1.3.1. Type 2a: "Provision of Protection" Use of Weapons

Provision of Protection is defined as:

> *The use of weapons to the extent necessary to protect the lives, bodies, and properties of the local population, affected people and other populations requiring protection, or to repel obstructions to the execution of [tasked] duties.*[164]

Provision of Protection is distinct from Type 1b[1384] Use of Weapons because the protected personnel are not considered under the supervision or direct protection of the JSDF unit.

Type 2a Use of Weapons requires prior Diet Approval.[1385]

3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty)

Kaketsuke-keigo[1386] is a specific sub-category specific to PKO,[1387] defined as:

> *The coming to the aid of individuals related to UN PKO (or other missions), other than the JSDF personnel themselves in the same contingent, who are at a distant location where they are under attack or are facing imminent danger, in response to an urgent request for protection.*

Kaketsuke-keigo may be rendered in English as "Coming-to-Aid Duty."

Kaketsuke-keigo may also be rendered as "Defense of Mandate" or "Defense of Mission Mandate" (which distinct from the UN term "defense of the mandate").

[1374] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[1375] 2–1.2.4.1. International Law, p. 22.
[1376] 4–12. Definition of "Armed Attack", p. 121.
[1377] Nicaragua ICJ case
[1378]
[1379] Chapter 3. JSDF Operations and Authorities, p. 54.
[1380] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[1381] 3–3.1.3.1. Type 2a: "Provision of Protection" Use of Weapons, p. 80.
[1382] 3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty), p. 80.
[1383] 3–3.1.3.3. Type 2c: "Mission Requirements" Use of Weapons, p. 81.
[1384] 3–3.1.2.2. Type 1b: "Defense of Personnel Under Supervision [Direct Protection]" Use of Weapons, p. 79.
[1385] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1386] M–1.2. Use of Weapons during Peacekeeping Operations (PKO), p. 286.
[1387] 3–2.6. Peacekeeping Operations (PKO), p. 76.

Kaketsuke-keigo is distinct from Type 1b[1388] Use of Weapons (especially Joint Defense of a Camp[1389]) because the geographic distance between the personnel requiring aid and the JSDF unit exercising *kaketsuke-keigo*.

Kaketsuke-keigo, as an emergency measure, does not require prior Diet Approval.[1390] However the potential of *kaketsuke-keigo* will be considered in any dispatch of JSDF to PKOs.

3–3.1.3.3. Type 2c: "Mission Requirements" Use of Weapons

There is no clear convention for the Type 2c sub-category of Use of Weapon. This guide uses this sub-category to capture all Type 2 Use of Weapons not addressed under the specifically-delineated Types 2a[1391] and 2b.[1392]

This sub-category includes situations like (but not limited to):

- BM Destruction[1393]
- Overcoming resistance or obstacles in the conduct of tasked missions
- Employment of arms to enforce laws or halt crimes

Generally, in the case of employment of arms against personnel, Type 2c Use of Weapons permits warning shots, but "shooting to wound remains permissible only in self-defense or emergency evacuation situations."[165]

3–3.1.4. Use of Weapons Against Uncrewed Systems

GoJ's recently clarified Use of Weapons authorities for Air Intercept operations, permit Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense")[1394] against uncrewed systems or objects based on the principle that such Use of Weapons "would not directly harm people."[166]

Traditionally, Air Intercept was limited to Type 1: "Self-Preservation Type" Use of Weapons[1395] under the assumption that the objects in question were crewed.[167]

This clarification and its supporting logic suggest that operations limited to Type 1 authorities may, with future clarifications, gain additional Type 2 authorities for uncrewed systems. This might include the authority to engage uncrewed maritime vessels or for PSO[1396] operations to include Type 2 authorities to engage drones, etc.

3–3.2. When "Use of Weapons" Transforms into "Use of Force"

In 2015-DG of the CLB,[1397] Yusuke YOKOBATAKE, explained to the Diet that:

> *…even if an adversary party [against which JSDF Use of Weapons is directed] is a State or Quasi-State Organization, the Use of Weapons for self-preservation [Type 1 Use of Weapons[1398]] as the natural right and the protection of armament and the other [equipment of the SDF] does not constitute the Use of Force[1399] … the Use of Weapons for "Execution of Missions" [Type 2 Use of Weapons[1400]] or for "coming-to-aid" duty [Type 2b Use of Weapons[1401]] would constitute the Use of Force if an adversary party is a State or Quasi-State Organization[1402]…*[168]

This means Type 1 Use of Weapons, by definition, cannot become Use of Force, but Type 2 Use of Weapons can transform into Use of Force when restrictions on the application of Use of Weapons are not or cannot be observed.

Japanese defense law differs from the UN standard in that Type 2 Use of Weapons strictly excludes employment of arms against State or Quasi-State Organizations whereas the UN standard and the standard includes no such restriction.

1388 3–3.1.2.2. Type 1b: "Defense of Personnel Under Supervision [Direct Protection]" Use of Weapons, p. 79.
1389 3–3.1.2.2.1. Joint Defense of a Camp Use of Weapons, p. 79.
1390 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
1391 3–3.1.3.1. Type 2a: "Provision of Protection" Use of Weapons, p. 80.
1392 3–3.1.3.3. Type 2c: "Mission Requirements" Use of Weapons, p. 81.
1393 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
1394 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
1395 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
1396 3–2.3.1. Public Security Operation (PSO), p. 65.
1397 C–2.1.7. Cabinet Legislation Bureau (CLB), p. 227.
1398 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
1399 3–3.3. Use of Force, p. 82.
1400 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
1401 3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty), p. 80.
1402 3–3.3.3.1. State or Quasi-State Organization, p. 83.

3–3.2.1. Inadvertent Use of Weapons Against State of Quasi-State Organizations

If Japan inadvertently employed Type 2[1403] Use of Weapons against a State or Quasi-State Organization,[1404] it would consider what was known at the time by the entities employing Use of Weapons[1405] in determining both its political and diplomatic interpretation of the event as well as the application of domestic law (e.g., Penal Code Articles 36[1406] and 37[1407]) to those involve in the event.

For example, if the JCG (or JMSDF operating under MSO[1408]) were to employ arms under Type 2 Use of Weapons against a CMM vessel (i.e., a vessel of the PRC state) while under the reasonable belief that it was a civilian (i.e., non-state) fishing vessel, the GoJ position would be that such Use of Weapons did not transform into Use of Force. If it was determined that the Japanese vessel employed arms with the knowledge that the vessel was CMM, this might constitute Use of Force unless the situation was otherwise authorized (e.g., maintaining "good order"[1409] at sea).

This circumstance may be particularly applicable when considering Grey Zone[1410] operations and deterrence[1411] or escalation management.

3–3.3. Use of Force

MoD defines Use of Force as:

> *The act of combat by Japanese physical and personnel organizations as part of an International Armed Conflict [IAC[1412]].*[169]

The JSDF is authorized to employ the Use of Force mobilized for Defense Operations, etc.[1413] under Article 76[1414] of SDF Act (Law No. 165 of 1954, as amended) pursuant to:

- Article 88—Use of Force under DO (STS, AAS [Occurrence])[1415]
  - See § i–C.39.A. Article 88 Use of Force During AAS (Imminent) (p. 320)
- i–C.44. Article 92—Authority for Maintenance of Public Order During DO (p. 323)

GoJ bases its definition for Use of Force on the UN Charter's use of the term, with additional restrictions. Use of Force is authorized by a DOO[1416] and only when the "Three New Conditions"[1417] are met. Limitations on Use of Force are imposed through OCC[1418] ("ROE").

3–3.3.1. UN Definition of Use of Force

Article 2, ¶(4) of the UN Charter states:

> *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.*

Article 51 of the UN Charter authorizes use of force for a state's NSD[1419] or CSD[1420]:

> *Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.*

[1403] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[1404] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[1405] 3–3.1. Use of Weapons, p. 77.
[1406] i–H.1. Article 36—Self-Defense, p. 357.
[1407] i–H.2. Article 37—Necessity, p. 357.
[1408] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1409] 3–2.3.2.2. Limitations of Maritime Security Operations, p. 67.
[1410] 11–2. Grey Zone, p. 185.
[1411] Chapter 10. Alliance Conceptions of Deterrence, p. 183.
[1412] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[1413] 3–2.2. Defense Operations, etc., p. 57.
[1414] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1415] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[1416] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1417] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[1418] 3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE", p. 84.
[1419] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1420] 3–4.2. Collective Self-Defense (CSD), p. 86.

3–3.3.2. GoJ Definition of Use of Force

Japan defines Use of Force as an act of combat[1421] by an organization:

- consisting of Japanese people; and
- carried out with materials provided by Japan; and
- part of an IAC[1422]

In terms more symmetrical with the definition of Use of Weapons,[1423] Use of Force is the employment of arms for the purposes of inflicting damage or casualties on an enemy to achieve military ends (vice for the purposes of law enforcement). This is a traditional "military" employment of force.

Use of Force is permitted by SDF Act (Law No. 165 of 1954, as amended) Article 88[1424] and requires the issuance of a DOO[1425] and requires that the "Three New Conditions" for the Use of Force[1426] be met.

> As a general rule, any arms used against a "State or Quasi-State Organization"[1427] is considered Use of Force, not Use of Weapons.[1428]

U.S. positions on inherent rights to self-defense potentially apply to any illegal use of force, potentially including Grey Zone[1429] activities, however GoJ defines Grey Zone activities as not constituting Armed Attack,[1430] meaning Use of Force would not be authorized for JSDF.[1431]

In principle, Use of Force is not geographically bound.[170]

3–3.3.2.1. STS vs. AAS Use of Force

Article 88[1432] Use of Force may be authorized under STS[1433] or AAS.[1434] Because the purpose of the authorized Use of Force differs (CSD[1435] for STS, NSD[1436] for AAS), the scope and limits of authorized Use of Force, as outlined in Japan's OCC,[1437] may differ. With Concurrent Stipulations,[1438] this distinction may have little practical difference at the tactical or operational level. However, in the event of Parallel Stipulations,[1439] this distinction may be tactically or operationally relevant. Use of Force OCC for CSD will typically be more permissive in terms of eligible defended entities and potentially even the geographic scope of Use of Force.

3–3.3.3. Criteria for Use of Force

Because the distinction between Use of Weapons[1440] and Use of Force is based on intent, it can be difficult to distinguish between the two. The following is a non-comprehensive list of criteria scholars, analysts, and others have used (or implied through example) to distinguish Use of Force:

- Organized, collective, or directed/ordered Employment of Arms (by JSDF)
- "Rear-area" activities (not necessarily lethal force) integrated (e.g., the *Ittaika*[1441]) into the employment of force of another state's armed forces
- Support to another nation's armed forces that are engaged in the Use of Force, but not for the direct purpose of defending Japan (i.e., CSD[1442] in an STS[1443] or STS-like scenario)

3–3.3.3.1. State or Quasi-State Organization

Because of GoJ's definition of IAC,[1444] the concept of a "State or Quasi-State Organization" is important to distinguishing Use of Force from Use of Weapons[1445] (as Employment of Arms in an IAC would qualify as Use of Force).

[1421] 2–1.2.2.1. Scene of Combat, p. 21.
[1422] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[1423] 3–3.1. Use of Weapons, p. 77.
[1424] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[1425] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1426] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[1427] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[1428] ¶ 2.(2).A in ii–A.2. 2014 Cabinet Decision Full Text, p. 428
[1429] 11–2. Grey Zone, p. 185.
[1430] 4–12. Definition of "Armed Attack", p. 121.
[1431] 4–12.9.3. Grey Zone Activities, p. 127.
[1432] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[1433] 4–10. Survival-Threatening Situation (STS), p. 111.
[1434] 4–11. Armed Attack Situation (AAS), p. 116.
[1435] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1436] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1437] 3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE", p. 84.
[1438] 4–2.2.2. Concurrent Stipulation (Concurrent Recognition), p. 94.
[1439] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[1440] 3–3.1. Use of Weapons, p. 77.
[1441] 2–1.2.2. Ittaika (Integration), p. 20.
[1442] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1443] 4–10. Survival-Threatening Situation (STS), p. 111.
[1444] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[1445] 3–3.1. Use of Weapons, p. 77.

State organizations are presumably clearly identified as those with:

- UN member states status
- Formal diplomatic relations with Japan
- Or otherwise fall under the Japanese legal category of Foreign Military Forces[1446]

Quasi-State Organizations are less well defined. GoJ considers Quasi-State Organizations as those which fulfill all or some of the three requirements of a state (territory, people, and political system). In 2003 Diet proceeding, then-DG of Defense (equivalent to the position of MinDef prior to the JDA's elevation to MoD) Shigeru ISHIBA presented his personal view that it is impossible to define exactly what a Quasi-State Organization would be, that determination would be on a case-by-case basis, and that the decision would fundamentally be a political one.[171] In the same proceedings, DG of Defense ISHIBA offered the Taliban (circa 2003) as an example of a Quasi-State Organization (but that a much smaller-sized group would not qualify).

3–3.3.3.1.1. Taiwan's Status as a State

> *Countries with which Japan does not have diplomatic relations can but included, but it is difficult to answer this question because the meaning of 'regarded as countries' is not always clear.*

By the criterial of state requirements (territory, people, and political system), Taiwan would potentially qualify as a Quasi-State Organization, though GoJ's stance that it takes no position on the territorial status of Taiwan[1447] provides room for debate.

In reference to whether an attack against Taiwan might qualify for an STS[1448] Stipulation,[1449] the GoJ's position was deliberately ambiguous, but clarified that (for the purposes of STS), Japan did not have to have formally-established diplomatic relations:

> *Countries with which Japan does not have diplomatic relations can but included, but it is difficult to answer this question because the meaning of 'regarded as countries' is not always clear.*[1450]

3–3.4. U.S. Rules of Engagement Terminology

While Japanese definitions of the following terms may differ, U.S. terms related to hostilities are helpful in categorizing or describing how JSDF elements might respond in similar circumstances.

The U.S. defines Hostile Intent as:

> *The threat of Imminent Use of Force against the United States, U.S. forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital USG property.*[172]

The U.S. defines Imminent Use of Force as:

> *The determination of whether the use of force against U.S. forces is imminent will be based on an assessment of all facts and circumstances known to U.S. forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous.*[173]

The U.S. defines Hostile Act as:

> *An attack or other use of force aginast the United States, U.S. forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital USG property.*[174]

3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE"

While Japanese planners will use the term "ROE" in English, the term is referred to as "Operational Code of Conduct" (*butai kōdō kijun*) or "rules on weapon use" (*buki shiyō kitei*) when rendered in Japanese.

[1446] 4–12.5. Applicable Foreign Military Forces, p. 124.
[1447] F–2. Japan's National Position on Taiwan, p. 256.
[1448] 4–10. Survival-Threatening Situation (STS), p. 111.
[1449] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1450] 4–10.5.2.1. Rationale for "Taiwan STS", p. 114.

OCC are a "formulated criteria" which take into account political decisions and, in accordance with the situation, ensuring compliance with domestic policy by setting criteria for:

- Operational geographical scope
- Types of weapons permitted to be used
- Permitted methods of employment for types of weapons

Because of Japan's EDOP[1451] and Positive List[1452] approach to authorities, Japan limits on ROE are political, with a "ceiling" set below the maximum extent authorized under Japanese law and well below the extent permitted under International Law.[1453]

> OCC are not mission specific.

Japanese ROE are created by the following process:

1. JJS[1454] drafts OCC
   1a. JJS consults DG Defense Policy Bureau,[1455] MoD
2. JJS sends OCC to MoD for approval
3. MinDef reviews and modifies/approves OCC
4. Approved OCC routed through JJS to units

Implementation of OCC requires both:

- Approved OCC; and
- A separate MinDef instruction that addresses the application of the OCC, detailing the concrete limits of the Use of Force[1456]

3–4. Japan's Rights to Self-Defense

Under Article 51 of the UN Charter,[1457] Japan has an inherent right to CSD.[1458] However, because of its Exclusive Defense Orientation,[1459] the Japanese constitution limits the exercise of this right to instances where Japan's survival would otherwise be in jeopardy (i.e., STS[1460]). Any exercise of CSD beyond STS would constitute a Use of Force[1461] in excess of the "Minimum Extent Necessary"[1462] limited in Article 9[1463] of the Japanese Constitution.

Japanese law and policy recognize both NSD[1464] and CSD, although GoJ's interpretation of permissible forms of self-defense have varied significantly over the years.[175]

While the

JSDF force are geographically bound by other nations' territorial land, TTA,[1465] and TTS[1466] (but not bound *within* Japan's TTA and TTS)

The Rights of Belligerency[1467] renounced by Article 9[1468] of the Japanese Constitution[1469] includes:

Infliction of casualties and damage upon the enemy not in the exercise of self-defense

Occupation of enemy territory

3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD)

> Some sources use ISD to refer to NSD in the sense that ISD/NSD is the right of an "individual" state (vice *collective* self defense[1470]) to defend itself.

[1451] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1452] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1453] 2–1.2.4.1. International Law, p. 22.
[1454] 7–5.4.2. Japan Joint Staff (JJS), p. 167.
[1455] 7–5.2.2. Bureau of Defense Policy, p. 164.
[1456] 3–3.3. Use of Force, p. 82.
[1457] 3–3.3.1. UN Definition of Use of Force, p. 82.
[1458] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1459] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1460] 4–10. Survival-Threatening Situation (STS), p. 111.
[1461] 3–3.3. Use of Force, p. 82.
[1462] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[1463] 2–1.2.1. Article 9 (War Renunciation), p. 13.
[1464] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1465] A–4.5. National Airspace (TTA), p. 196.
[1466] A–4.4. Territorial Sea (TTS), p. 196.
[1467] 2–1.2.1.3. Belligerent Rights, p. 16.
[1468] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[1469] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[1470] 3–4.2. Collective Self-Defense (CSD), p. 86.

ISD and USD are generally considered legally distinct from NSD. They can apply in peacetime or wartime and authorize individuals or units to defend themselves from Armed Attack[1471] USD specifically refers to a military commander to defend his or her unit from ongoing or imminent attack. ISD and Unit-Self Defense are generally characterized by immediate responses to emergent threats and the cessation of force employment once the threat has been countered.[176]

NSD applies to the direct defense of Japan (e.g., defense of Japanese territorial integrity and political independence) or Japanese people against Armed Attack[1472] from another State or Quasi-State Organization.[1473]

NSD is distinct from ISD in that NSD "cannot be invoked by a lower-level commander as it necessarily involves high-level political decisions."[177]

Because NSD is in response to another state's attack, its invocation requires some degree of attribution of an attack.[1474]

> Because of GoJ's Security Situation[1475] framework, requiring national authorization even for ISD, if it is considered Use of Force[1476] (e.g., if it is against a State or Quasi-State Organization), there are few meaningful distinctions for Japan between NSD and ISD/Unit Self-Defense.
>
> GoJ sources (including Diet proceedings about distinctions between CSD and ISD) rarely, if ever, distinguish between NSD and ISD/Unit-Self-Defense.
>
> This guide therefore treats NSD and ISD/Unit-Self Defense as a single category of self-defense authority.

NSD includes ISD or self-defense of individual JSDF members as well as unit self-defense or self-defense of collective JSDF units.

The right of NSD does not have concrete boundaries, geographically or otherwise, and has even been used to justify CSD-like[1477] acts without requiring the explicit right of CSD.

3–4.2. Collective Self-Defense (CSD)

CSD is the right to come to the assistance of another State under armed attack under certain conditions.[1478]

While most nations interpret the right of CSD to apply broadly, because of the Japanese Constitution's Article 9[1479] and Japan's Positive List[1480] approach, Japan defines CSD far more narrowly than International Law.[1481]

Japan did not recognize a right to CSD until a reinterpretation of Article 9 by Cabinet Decision[1482] in 2014.[1483]

> Some observers have noted that the 2014 Cabinet Decision that reinterpreted Article 9 was careful not to acknowledge CSD but rather expand the existing standards for Use of Force.[1484] By some interpretations, this does not authorize CSD "on paper," but expands NSD[1485] to the degree that (during STS[1486] and AAS[1487]) it is indistinguishable from CSD. GoJ statements, decisions, and Diet proceedings have been less ambiguous and embraced the right and language of CSD under the 2014 reinterpretation.
>
> In 1959, the CLB[1488] Director, describing the right to CSD in response to a hypothetical attack on a U.S. base in Japan, stated: "If we then use the word [CSD] as such, Japan has the right to collective self-defense. However, at the same time, such an act can be explained by Japan's right to National Self-Defense[1489]."

[1471] 4–12. Definition of "Armed Attack", p. 121.
[1472] 4–12. Definition of "Armed Attack", p. 121.
[1473] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[1474] 4–12.8.5. Attribution of Armed Attack Source and Intent, p. 125.
[1475] Chapter 4. Security Situations Framework, p. 90.
[1476] 3–3.3. Use of Force, p. 82.
[1477] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1478] 3–4.2.3. Requirements for CSD (Nicaragua Case), p. 88.
[1479] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[1480] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[1481] 2–1.2.4.1. International Law, p. 22.
[1482] C–2.1.4.1. Cabinet Decision, p. 225.
[1483] ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People, p. 428.
[1484] 3–3.3. Use of Force, p. 82.
[1485] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1486] 4–10. Survival-Threatening Situation (STS), p. 111.
[1487] 4–11. Armed Attack Situation (AAS), p. 116.
[1488] C–2.1.7. Cabinet Legislation Bureau (CLB), p. 227.
[1489] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.

> In practice, both U.S. and JSDF planners use the term CSD to discuss Use of Force authorities in STS and AAS but strict interpretations may draw legal distinctions that have few, if any, practical distinctions for defense planners.

While GoJ had previously defined CSD to be beyond the Minimum Extent Necessary[1490] for Japan's self-defense, the 2014 Cabinet Decision used the logic that strategic conditions had expanded the authorities necessary to meet the minimum self-defense capabilities of the state.[178]

The JSDF can exercise CSD only:

- For nations in a close relationship to Japan;[1491] and
- When the attack threatens Japan's survival and Japanese peoples' rights to life, liberty, and the pursuit of happiness; and
- When that state is engaged in activities contributing to the defense of Japan

These are the requirements to Stipulate[1492] STS.

Additionally, Japan may exercise CSD during AAS. The criteria above remain essentially unchanged in AAS as any nation responding with Japan in an IAC[1493] where Japan was attacked (including a broader conflict) would presumably be considered to be in a close relationship and be contributing to the defense of Japan, even if responding outside the area of Japan in a regional conflict.

> It is possible that under STS, the BRP[1494] may implement limited geographic, functional, domain, or mission-based restrictions on CSD to prevent or control conflict escalation, especially to Japan's people and territory.[1495]

3–4.2.1. GoJ vs. U.S. Conceptions of CSD: Implications for Armed Attack Timing and NSD

The GoJ has shown deference to the ICJ's ruling in the Nicaragua Case[1496] and has generally agreed to its conclusions in its own conception of CSD and its requirements. In contrast, USG has challenged the ICJ's ruling.[179] These interpretations lead to potentially divergent legal theories for invoking CSD in the context of the MST.[1497] See § 3–4.2.3. Requirements for CSD (Nicaragua Case) (p. 88).

GoJ's policy is that the Article V of the MST[1498] requires Japan to make a determination of an Armed Attack[1499] and therefore be entitled to exercise NSD[1500] in order for the U.S. to invoke CSD to defend Japan.

In contrast, the USG's policy on CSD requirements theoretically entitles it to exercise the Affirmative Commitment[1501] of Article V without necessarily requiring an independent Japanese determination of an Armed Attack. See § 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment" (p. 25).

These divergent interpretive policies on CSD would not impact the bilateral view of the U.S. right to exercise NSD if U.S. personnel, bases, or equipment were attacked. However, U.S. policy on anticipatory or preemptive response to Armed Attack (in exercising either NSD or CSD) is more permissive than GoJ policy, allowing for the possibility that the U.S. may be willing to exercise NSD or CSD in anticipation of an imminent attack far earlier than GoJ policy would allow. In such a circumstance, GoJ's estimation of the situation might determine that U.S. response measures were a "preemptive strike" that GoJ does not recognize as lawful under International Law[1502] either as NSD of the U.S. (although this is outside the scope of the MST) or CSD of Japan (which Japan considers within the scope of the MST).

[1490] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[1491] 4–10.5.2. Application of STS to Taiwan, p. 114.
[1492] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1493] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[1494] 4–4. Basic Response Plan (BRP), p. 101.
[1495] 10–2. Divergent Concepts of Deterrence, p. 184.
[1496] 3–4.2.3. Requirements for CSD (Nicaragua Case), p. 88.
[1497] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[1498] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[1499] 4–12. Definition of "Armed Attack", p. 121.
[1500] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1501] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[1502] 2–1.2.4.1. International Law, p. 22.

3–4.2.2. Limited CSD

3–4.2.2.1. Full/Unlimited CSD

Full or Unlimited CSD is the right to exercise military power purely for the defense of another country, especially as authorized under Article 51 of the UN Charter,[1503] contingent on the requirements for the exercise of CSD being met.[1504]

3–4.2.2.1.1. Normal State

Japanese defense policy debates often discuss Japan becoming a "Normal State" or "military normalization." This alludes the the classical realist position that military power secures a state's peace and independence and that Japan's EDOP[1505] and Limited CSD[1506] are constraints on "normal" military power that prevent Japan from being a Normal State.[180]

3–4.2.2.1.2. ASHIDA Amendment Theory

The ASHIDA Amendment Theory is an unorthodox constitutional theory that the ASHIDA Amendment[1507] provides for an interpretation of Article 9[1508] that allows unlimited self-defense and full participation in collective security. In theory, the ASHIDA Amendment Theory allows for an interpretation of Article 9 that permits full CSD.

During consideration of the 2015 Legislation for Peace and Security,[1509] PM ABE stated that GoJ would not adopt the ASHIDA Amendment Theory in its reinterpretation of Article 9.[181]

3–4.2.3. Requirements for CSD (Nicaragua Case)

International Law[1510] allows CSD for any nation to come to the aid of any other nation or its people under two conditions:

- The State being aided issues a request for assistance
- The State being aided must declare itself a victim of an armed attack

The ICJ clarified these conditions in its decision on The Republic of Nicaragua v. The United States of America (1986). As part of this decision, the ICJ determined that:

> *There is no rule in Customary International Law[1511] permitting another State to exercise the right of Collective Self-Defence on the basis of its own assessment of the situation. Where Collective Self-Defence is invoked, it is to be expected that the State for whose benefit this right is used will have declared itself to be the victim of an armed attack.*[182]

The language of MST Article V[1512] creates an "Affirmative Commitment"[1513] which, in the context of the Nicaragua Case, can be interpreted as a "standing request for U.S. military assistance should Japan become the victim of an Armed Attack."[183]

See §§ 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment" (p. 25) and 3–4.2.1. GoJ vs. U.S. Conceptions of CSD: Implications for Armed Attack Timing and NSD (p. 87).

3–4.2.4. CSD "Reflex Effect"

When JSDF forces are not authorized CSD, their co-location with U.S. forces, combined with the inability to discriminate between an impending attack targeting JSDF vs. U.S. forces creates an ambiguous area where JSDF forces may be authorized to exercise ISD[1514] in a manner that simulates CSD. This is termed the "reflex effect."[184]

3–4.2.5. CSD Limitations in Conflict

Japan's highly regulated authorization for Use of Force[1515] in NSD,[1516] let alone CSD, may manifest in limited CSD during some conflict scenarios.

[1503] 3–3.3.1. UN Definition of Use of Force, p. 82.
[1504] 3–4.2.3. Requirements for CSD (Nicaragua Case), p. 88.
[1505] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[1506] 3–4.2.2. Limited CSD, p. 88.
[1507] 2–1.2.1.2.1. The ASHIDA Amendment, p. 15.
[1508] 2–1.2.1. Article 9 (War Renunciation), p. 13.
[1509] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1510] 2–1.2.4.1. International Law, p. 22.
[1511] 2–1.2.4.1.1. Customary International Law, p. 23.
[1512] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[1513] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[1514] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1515] 3–3.3. Use of Force, p. 82.
[1516] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.

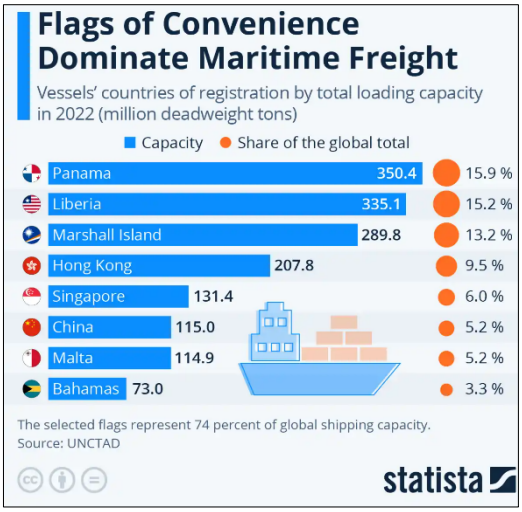
3–4.2.5.1. Geographic/Mission-Based Limitations

Proximity v. stipulation patterns

3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience)

Under International (and Japanese[1517]) law, defending a Neutral State's[1518] ships may provide an enemy the legal grounds to attack, board, seize, etc. the defended ships. Many Japanese-owned or -operated Merchant Ships[1519] sail under "Flags of Convenience" and are therefore not considered Japanese for the legal determination of Belligerency or Neutrality.[1520]

Flags of Convenience is a business practice whereby a ship's owners register a merchant ship in a ship register of a country other than that of the ship's owners, and the ship flies the civil ensign of that country (called the Flag State).



The same is true for many other nations, including the U.S., as shipping companies often flag their ships under nations unrelated to the ship-owner, crew, or cargo, based on favorable financial conditions.

In an IAC[1521] where Japan was a belligerent, protection of shipping operated under the flag of a neutral state (e.g., convoy operations) may be deemed by an adversary to violate the Merchant Ship's (or the Flag State's) Duty of Neutrality[1522] and subject the Flag State or its flagged ships as a lawful object of attack (neutral Merchant Ships sailing under convoy with neutral Warships[1523] only do not violate their Duty of Neutrality; the same is true for neutral aircraft under neutral convoy).[185]

Thus, GoJ may prohibit the JSDF from providing such protection to Merchant Ships unless flagged as a Japanese ship or under a Flag State authorized for CSD by a DOO.[1524] This, in turn, may require an STS[1525] Recognition[1526] for each Flag State.

As an example, if GoJ successfully Recognized STS for an attack on the U.S., the JSDF may not be able to provide protection for Philippine-flagged ships without jeopardy to the Philippines' Rights of Inviolability[1527] unless and until the Philippines became a co-belligerent in the IAC (and thus forfeited their Rights of Neutrality).[1528]

> This limitation may lead to significant challenges in ensuring Japan's critical maritime imports[1529] (e.g., fuel, food).

[1517] i–P.1. Article 3—Definitions, p. 378.
[1518] 2–1.2.1.4. Law of Neutrality, p. 18.
[1519] E–2.2.2. Merchant Ships, p. 243.
[1520] 2–1.2.1.4. Law of Neutrality, p. 18.
[1521] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[1522] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[1523] E–2.2.1.1. Warships, p. 242.
[1524] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1525] 4–10. Survival-Threatening Situation (STS), p. 111.
[1526] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1527] 2–1.2.1.4. Law of Neutrality, p. 18.
[1528] 2–1.2.1.4.2. Rights of Neutrality, p. 18.
[1529] D–7. Sea Lines of Communication (SLOC), p. 240.

Chapter 4. Security Situations Framework

4–1. Summary of Japanese Defense Authorities by Security Situation

Table 4 summarizes the application of relevant laws, policies, and bilateral agreements across Security Situations.[1530] Applicability of any given authority, access authorization, or operations is subject to case-by-case determination and the contents of the relevant BRP.[1531]

Table 4. Summary of Japanese Defense Authorities by Security Situation

	Peacetime[1532] / Grey Zone[1533]	IIS[1534] Important Influence Situation 重要影響事態	AAAS[1535] Anticipated Armed Attack Situation 武力攻撃予測事態	STS[1536] Survival-Threatening Situation 存立危機事態	AAS[1537] Armed Attack Situation 武力攻撃事態	
					AAS(I)[1538] AAS (Imminent) 武力攻撃事態(切迫)	AAS(O)[1539] AAS (Occurrence) 武力攻撃事態(発生)
Definition		Situations that will have an important influence on Japan's peace and security, including situations that, if left unattended, could result in a direct Armed Attack[1540] on Japan	A situation that is not yet an Armed Attack Situation [AAS] but in which circumstances are critical and an Armed Attack against Japan is anticipated	A situation where an Armed Attack against a foreign country that is in a close relationship with Japan occurs,[1541] which as a result, threatens Japan's survival and poses a clear danger of fundamentally overturning Japanese people's right to life, liberty and pursuit of happiness	A situation in which it is recognized that clear danger of an Armed Attack against Japan from outside is imminent	A situation in which an Armed Attack against Japan from outside occurs
Diet Approval[1542]		*Ex Ante*[1543] or *Ex Post Facto*[1544]				
U.S. Offensive Operations[1545]						
RMCO[1546]	Prior Consultation[1547] Required					Authorized for Article V Defense of Japan Operations
U.S. Access[1548]						
JSDF Bases GoJ Land	II 4(b)[1549]		GOJ-Granted			
Airfields and Ports	II 4(b)	Cooperation Request (IIS Act, Art. 9[1550])	GoJ-Granted (Use of Specified Public Facilities Act[1551])	II 4(b)	GoJ-Granted (Use of Specified Public Facilities Act)	
Public Land Private Land	II 4(b)				MinDef Emergency Access (U.S. Military Action Support Act, Art. 15[1552])	
II 4(b) Process	*Routine*[1553]		*Expedited Requests Possible*[1554]			
JSDF Operations[1555]						
ISR[1556]	Yes (Art. 79-2;[1557] MoD Establishment Act, Art. 4[1558])					
Logistics Support[1559]	ACSA[1560] (Art. 100-6[1561])					
		PFI[1562]				
SAR[1563]	RSAR[1564]	RSAR (IIS Act, Art. 7[1565])	RSAR	CSAR[1566]		
Task Organization of Units	Under PSO, Guarding JSDF Facilities (Art.22[1567])					
				Under DOO[1568] (Art. 22)		

[1530] Chapter 4. Security Situations Framework, p. 90.
[1531] 4–4. Basic Response Plan (BRP), p. 101.
[1532] 4–6. Peacetime Authorities, p. 104.
[1533] 11–2. Grey Zone, p. 185.
[1534] 4–7. Important Influence Situation (IIS), p. 105.
[1535] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1536] 4–10. Survival-Threatening Situation (STS), p. 111.
[1537] 4–11. Armed Attack Situation (AAS), p. 116.
[1538] 4–11.1.1. AAS (Imminent), p. 117.
[1539] 4–11.1.2. AAS (Occurrence), p. 117.
[1540] 4–12. Definition of "Armed Attack", p. 121.
[1541] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[1542] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1543] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1544] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1545] 5–5. Prior Consultation for (Regional) Military Combat Operations (RMCO), p. 136.
[1546] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[1547] 5–5.2. Prior Consultation, p. 139.
[1548] Chapter 5. Access, Basing, and Overflight (ABO), p. 132.
[1549] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[1550] i–E.9. Article 9 - Cooperation by Parties Other than the State, p. 348.
[1551] i–Q. Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended), p. 380.
[1552] i–F.15. Article 15—Use of Land, etc., p. 353.
[1553] 5–3.3.2. Peacetime Timeline, p. 135.
[1554] 5–3.4. Crisis II 4(b) Requests, p. 135.
[1555] 3–2. JSDF Operations, p. 56.
[1556] 4–6.1Routine Support to U.S. Forces104
[1557] i–C.23. Article 79-2—Information Gathering before PSO Order, p. 315.
[1558] i–EE.1. Article 4—Duties of Jurisdiction, p. 410.
[1559] 4–6.1.1. Logistics Support Activities, p. 104.
[1560] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[1561] i–C.61. Article 100-6—Provision of Supplies/Services to the U.S. Armed Forces, p. 330.
[1562] 8–5. Private Financial Initiative (PFI), p. 175.
[1563] 3–2.2.6. Search and Rescue (SAR), p .60.
[1564] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[1565] i–E.7. Article 7 - Implementation of SAR Operations, etc., p. 348.
[1566] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
[1567] i–C.7. Article 22—Organization of Special Units, p. 308.
[1568] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.

	Peacetime[1532] / Grey Zone[1533]	IIS[1534] Important Influence Situation 重要影響事態	AAAS[1535] Anticipated Armed Attack Situation 武力攻撃予測事態	STS[1536] Survival-Threatening Situation 存立危機事態	AAS[1537] Armed Attack Situation 武力攻撃事態	
					AAS(I)[1538] AAS (Imminent) 武力攻撃事態(切迫)	AAS(O)[1539] AAS (Occurrence) 武力攻撃事態(発生)
Guarding[1569]	Guard & Protect (Art. 81-2[1570])					
	Protection of JSDF Weapons, Facilities (Arts. 95,[1571] 95-3[1572])					
	Use of Weapons to Protect U.S. Weapons (Art. 95-2) not at the Scene of Combat[1573]					
BMD[1574]	Under BMD Order (Art. 82-3[1575]) Flying towards Japan Only			Under DOO (Art. 88[1576]) Not flying towards Japan		
Air Intercept[1577]	Non-Lethal Intercept (Art. 84[1578])			DCA under DOO (Art. 88)		
Civil Protection[1579]	CPO by Request or Order (Art. 77-4[1580])					
R/TJNO[1581]	RJNO (Art. 84-3[1582]), TJNO (Art. 84-4[1583])					
Security Operations[1584]	PSO (Arts. 78,[1585] 81[1586]), MSO (82[1587]), Counter-Piracy (82-2[1588]), BMD Destruction (82-3)					
Minesweeping[1589]	Not at the Scene of Combat (Art. 84-2[1590])			Yes (Art. 84-2, 88)		
Minelaying[1591]				Beyond TTS (Art. 88)		Beyond TTS (Art. 88)
Establishment of Defense Facilities[1592]			Under DOAO[1593] (Art. 77-2,[1594] 103-2[1595])		Under DOO (Arts. 77-2, 103-2)	
MOD Control of JCG[1596]	Under PSO by Order (Art. 80[1597])					
					Under DOO (Art. 80)	
Maintenance of Public Order					Under DOO (Art. 92[1598])	
Expropriation					Expropriation of hospitals, transport, land, materials (Art. 103[1599])	
Counterstrike[1600]				Under DOO (Art. 88)		Under DOO (Art. 88)
Defense Orders[1601]		DOPO[1602]	DOAO (Art. 77[1603])	DOO (Art. 76[1604])		
Mobilization				Active Duty Terms of Service/Retirement Extension (Arts. 36,[1605] 45[1606])		
			Reserve Terms of Service/Retirement Extension for DOAO, DOO (Art. 68[1607])			
	Reserve Terms of Service/Retirement Extension for CPO, PSO (Art. 68)					
	Defense Call-Up Under CPO, PSO (Arts. 70,[1608] 75-4[1609])					
			Defense Call-Up under DOAO or DOO (Arts. 70, 75-4)			
JSDF Force[1610]						

[1569] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[1570] i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc., p. 316.
[1571] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.
[1572] i–C.60. Article 95-3—Use of Weapons When Protecting SDF Facilities, p. 330.
[1573] 2–1.2.2.1. Scene of Combat, p. 21.
[1574] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[1575] i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.
[1576] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[1577] 3–2.3.3. Measures Against Airspace (TTA) Violations, p. 67.
[1578] i–C.31. Article 84—Measures Against Airspace (TTA) Violations, p. 317.
[1579] 3–2.5.1. Civil Protection Operations (CPO)73.
[1580] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[1581] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[1582] i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
[1583] i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO), p. 318.
[1584] 3–2.3. Security Operations, p. 64.
[1585] i–C.21. Article 78—Public Security Operation (PSO) by Order, p. 314.
[1586] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[1587] i–C.27. Article 82—Maritime Security Operations (MSO), p. 316.
[1588] i–C.28. Article 82-2—Counter-Piracy Operations, p. 316.
[1589] 3–2.3.8. Minesweeping, p. 72.
[1590] i–C.32. Article 84-2—Mine Disposal, p. 317.
[1591] 3–2.2.5. Minelaying, p. 60.
[1592] 3–2.2.4. Establishment of Defense Facilities, p. 59.
[1593] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1594] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[1595] i–C.65. Article 103-2—Use of Land in Planned Area of Deployment, p. 335.
[1596] 7–4.3. MoD Control over the JCG, p. 161.
[1597] i–C.24. Article 80—Control of the Japan Coast Guard (JCG), p. 315.
[1598] i–C.44. Article 92—Authority for Maintenance of Public Order During DO, p. 323.
[1599] i–C.64. Article 103—Expropriation, etc. of Materials during Defense Operations, etc., p. 333.
[1600] 2–3.5. Counterstrike, p. 47.
[1601] 3–2.2. Defense Operations, etc., p. 57.
[1602] 3–2.2.2. Defense Operational Preparation Order (DOPO), p. 58.
[1603] i–C.17. Article 77—Defense Operation Alert Order (DOAO), p. 313.
[1604] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1605] i–C.10. Article 36—Terms of Appointment, etc. of Chief Sergeant, Chief Petty Officer, and Chief Airman, etc., p. 310.
[1606] i–C.11. Article 45—Special Provisions Regarding the Retirement Age and Retirement due to the Retirement Age for SDF Personnel, p. 310.
[1607] i–C.13. Article 68—Terms of Appointment and Extension, p. 311.
[1608] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.
[1609] i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel, p. 312.
[1610] 3–3. Employment of Arms, p. 76.

	Peacetime[1532] / Grey Zone[1533]	IIS[1534] Important Influence Situation 重要影響事態	AAAS[1535] Anticipated Armed Attack Situation 武力攻撃予測事態	STS[1536] Survival-Threatening Situation 存立危機事態	AAS[1537] Armed Attack Situation 武力攻撃事態	
					AAS(I)[1538] AAS (Imminent) 武力攻撃事態(切迫)	AAS(O)[1539] AAS (Occurrence) 武力攻撃事態(発生)
Use of Weapons[1611]	PSO (Arts. 89,[1612] 90,[1613] 91[1614]), Guard & Protect (Art. 91-2[1615]), CPO (Art. 92-3[1616]), Gathering Information before PSO (Art. 92-5[1617]), MSO (Art. 93[1618]), Counter-Piracy (Art. 93-2[1619]), BMD (Art. 93-3[1620]), R/TJNO (Arts. 94-5,[1621] 94-6[1622]), Logistics Support Activities/RSAR/SIO (Art. 94-7[1623]), Protection of Weapons, Facilities (Arts. 95,[1624] 95-2, 95-3[1625])					
		Possible (IIS Act, Art. 11[1626])	Establishment of Defense Facilities (Art. 92-4[1627])		Establishment of Defense Facilities (Art. 92-4)	
Use of Force[1628]				CSD[1629] (Art. 88)		NSD[1630] (Art. 88)
Ittaika[1631]	No Combat Support		Support not at the Scene of Combat	Does not apply		
JSDF Access						
Airfields and Ports			JSDF Priority (Civil Protection Act, Art. 15[1632])		JSDF Priority (Civil Protection Act)	
Public Land			MinDef Emergency Access (Art. 103-2[1633])		MinDef Emergency Access (Art. 103-2)	
Private Land						
Unless otherwise specified, authorizing articles are from SDF Act (Act No. 79 of 2003)[1634]						

4–2. Overview

Because the Japanese Constitution[1635] makes no provisions for contingency situations, the basis for GoJ to respond to emergency situations stems solely from specific legislation passed for crisis response.

Phase transitions in military plans alone do not grant additional authorities for U.S. force actions without further political action.

The JSDF's authorities in crisis are legally defined in the Securities Situations crisis management framework. Situation Stipulations[1636] are context dependent with the same scenario leading to different Stipulations in slightly different situations.

There is no Japanese term that corresponds to "Security Situations" as used in this guide (collectively referring to IIS, AAAS, STS, and AAS).

Some JSDF planners may use 各種事態 (*Kakushu-jitai*), which means "various situations," to refer to Security Situations, generally. However, this is not a precise term and will not be universally understood to refer to Security Situations.

Stipulation of a Security Situation is a political act and subject to interpretation and domestic and international political conditions. Situations Stipulated by the PM[1637] require Diet Approval.[1638]

[1611] 3–3.1. Use of Weapons, p. 77.
[1612] i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
[1613] i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
[1614] i–C.42. Article 91—Use of Weapons while in Public Security Operation (PSO), p. 322.
[1615] i–C.43. Article 91-2—Authority During Guarding Operations, p. 323.
[1616] i–C.46. Article 92-3—Authority During Civilian Protection Operations, p. 325.
[1617] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.
[1618] i–C.49. Article 93—Authority while in MSO, p. 326.
[1619] i–C.50. Article 93-2—Authority During Counter-Piracy Operations, p. 326.
[1620] i–C.51. Article 93-3—Use of Weapons against Destruction of Ballistic Missiles, p. 326.
[1621] i–C.53. Article 94-5—Authority when Protecting Japanese Nationals and Others Abroad, p. 327.
[1622] i–C.54. Article 94-6—Authority for Transportation of Japanese Nationals and Others Abroad, p. 328.
[1623] i–C.55. Article 94-7—Authority During Logistics Support Activities, etc., p. 328.
[1624] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.
[1625] i–C.60. Article 95-3—Use of Weapons When Protecting SDF Facilities, p. 330.
[1626] i–E.11. Article 11 - Use of Weapons, p. 349.
[1627] i–C.47. Article 92-4—Use of Weapons in a Planned Area of Deployment, p. 325.
[1628] 3–3.3. Use of Force, p. 82.
[1629] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1630] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[1631] 2–1.2.2. Ittaika (Integration), p. 20.
[1632] i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc., p. 356.
[1633] i–C.65. Article 103-2—Use of Land in Planned Area of Deployment, p. 335.
[1634] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.
[1635] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[1636] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1637] i–D.4. Article 9—Basic Response Plan, p. 339.
[1638] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

While Security Situation authorities are constructed in a progressive manner, their Stipulation is neither linear nor predictable, although there are some expected patterns of Stipulation.[1639]

Stipulation of an actual Security Situation may limit the authorities implemented to less than the maximum authorized under Japanese law.

The framework provides maximum decision space for the GoJ. This is useful to manage escalation but hinders the quick establishment of a crisis force posture.

Planners should expect Japan and the U.S. to be out of sync in authorities until AAS[1640]and continued national caveats after AAS.

- The GoJ has never Stipulated a security situation.
- Security Situations are not self-executing. There are no "triggers" and even after an obvious Armed Attack.[1641] Even AAS must be actively Stipulated.
- The authorities listed in this chapter are the maximum authorities permitted by Japanese law.

4–2.1. Distinction Between "Security Situations" and Operations

See § 3–1.1. Distinction Between "Security Situations" and Operations (p. 54).

4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement)

The term for Security Situation recognition (認定) is variously translated as:

- Acknowledge
- Recognize
- Declare

Some GoJ planners prefer to render the Japanese term (認定) into English as "Stipulate" because it preserves a legal connotation as used in Japanese law relating to Security Situations that is not as apparent with the English word "Declare." In contrast, most U.S. planners lack a legal background and are arguably best served by rendering the term as "Declare."

Use of the English term Stipulate allows for the nuanced connotation that the PM is (at maximum, during an *Ex Post Facto*[1642] Stipulation) *invoking* a Security Situation and only *provisionally* implementing a BP[1643] or BRP[1644] that the Diet must then consider for Approval. While U.S. planners may correctly use the terms "Stipulate" and "Declare" interchangeably, "Stipulate" preserves the legal sense that the PM is *specifying the requirement* for a Security Situation that the Diet then Approves (or Rejects). The term "Declare" can inadvertently imply the PM possesses unilateral authority that he/she lacks.

Thus, this guide predominantly renders 認定 as "Stipulate" to preserve this nuanced distinction while relying on the ease of clarification offered by the cross-referencing footnotes.[1645]

The only other legal terms associated with the Stipulation Process[1646] are Approve (承認) and Reject (不承認), referring to the Diet's passage of a resolution of approval or disapproval regarding a BP or BRP.

Japanese legal terminology does not distinguish Stipulated Security Situations or submitted BPs or BRPs that have yet to receive Diet Approval or Disapproval from those that have received Approval or Disapproval. There is not formal Japanese term for a *provisionally-implemented* BP or BRP or a *tentatively-declared* Security Situation.

Yet this distinction remains useful in understanding the Stipulation Process and potentially distinguishing *Ex Ante*[1647] and *Ex Post Facto* Stipulations.

[1639] 4–13. Expected Patterns of Stipulation (Taiwan Crisis), p. 130.
[1640] 4–11. Armed Attack Situation (AAS), p. 116.
[1641] 4–12. Definition of "Armed Attack", p. 121.
[1642] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1643] 4–5. Basic Plan (BP), p. 103.
[1644] 4–4. Basic Response Plan (BRP), p. 101.
[1645] 1–3.3. Footnotes and Endnotes, p. 3.
[1646] 4–3. Stipulation Process, p. 96.
[1647] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.

Thus, while artificial and unique to this document, this guide distinguishes Stipulation in the following ways.

"Stipulate" is used to refer to the PM's proposal of or provisional (*Ex Post Facto* Approval) implementation of a BP or BRP.

"Approve" and "Reject" are used to refer to the Diet's passage of a resolution of approval or disapproval, whether *Ex Ante* or *Ex Post Facto*.

"Recognize" or "Acknowledge" is used to refer to a Stipulation that has received Diet Approval.

Other sources or translations of Japanese sources generally do not make this same distinction and use the terms "Stipulate," "Acknowledge," and "Recognize" interchangeably.

Thus, as used in this guide, the following reflects the predominant usage and relationship of these terms.

$$(Stipulation) + (Approval) = (Recognition)$$

For U.S. planners, the most important term to be precise about is "Stipulate" as a "Stipulated situation" is in some ways only a proposal and does not imply the authorities granted by a "Recognized situation" once the Diet "Approves."

Even in the case where *Ex Post Facto* Approval is permitted and the PM may act with emergency authorities prior to Diet Approval (IIS,[1648] AAAS,[1649] AAS [Imminent],[1650] AAS [Occurrence][1651]), "Stipulate" retains the implication that such emergency actions may be halted or reversed by later Diet Rejection of a Stipulation.

4–2.2.1. Parallel Stipulation (Parallel Recognition)

Parallel Stipulations (or Parallel Recognitions) occur when GoJ divides a single, overarching, or simultaneous geopolitical crisis into two or more distinct crises for the purposes of Stipulating (or Recognizing) different Security Situations for each crisis. This definition is unique to this guide.

Security Situations can be declared in parallel, with the Stipulation of one situation for one aspect of a contingency and a separate situation for another aspect. For example, in 2022, players in a TTX held by JFSS were confronted with Taiwan crisis that included confrontations over the Senkakus. In the TTX, players representing GoJ's decision-making Recognized STS[1652] for the Taiwan crisis but AAS[1653] for the Senkaku crisis.[186]

Parallel Stipulations may impact U.S. access to Facilities and Areas,[1654] GoJ/JSDF support to U.S. forces, or RMCO,[1655] based on the nature of the U.S. mission supported.

The mechanics of Parallel Stipulation are not clear, but it is likely that the BRPs[1656] for each Stipulation would provide geographic boundaries or other criteria to attempt to distinguish where authorities for each Security Situation would apply.

Parallel Stipulation (or Parallel Recognition) is distinct from Concurrent Stipulation[1657] (or Concurrent Recognition).

4–2.2.2. Concurrent Stipulation (Concurrent Recognition)

Concurrent Stipulations (or Concurrent Recognitions) occur when GoJ responds to a single, overarching, or simultaneous geopolitical crisis with a single response that combines two or more Stipulations (or Recognitions). Concurrent Stipulations may happen simultaneously, with two or more situations being Stipulated at the time, or non-simultaneously, with a second Stipulation following the first by a matter of hours, days, or weeks. This definition is unique to this guide.

[1648] 4–7. Important Influence Situation (IIS), p. 105.
[1649] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1650] 4–11.1.1. AAS (Imminent), p. 117.
[1651] 4–11.1.2. AAS (Occurrence), p. 117.
[1652] 4–10. Survival-Threatening Situation (STS), p. 111.
[1653] 4–11. Armed Attack Situation (AAS), p. 116.
[1654] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1655] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[1656] 4–4. Basic Response Plan (BRP), p. 101.
[1657] 4–2.2.2. Concurrent Stipulation (Concurrent Recognition), p. 94.

For example, an STAA[1658] on the U.S. would result in the Stipulation of STS.[1659] But if GoJ's anticipated that its response to STS would result in horizontal escalation of the conflict to Japan, GoJ may Concurrently Stipulate AAAS[1660] or even AAS (Imminent)[1661]

Concurrent Stipulation (or Concurrent Recognition) is distinct from Parallel Stipulation[1662] (or Parallel Recognition).

See §§ 4–10.1.1. Relationship between STS and IIS (p. 111) and 4–10.5.1. Concurrent STS/AAAS or STS/AAS (Imminent)(p. 114).

4–2.3. Authorities Quick Reference Diagrams

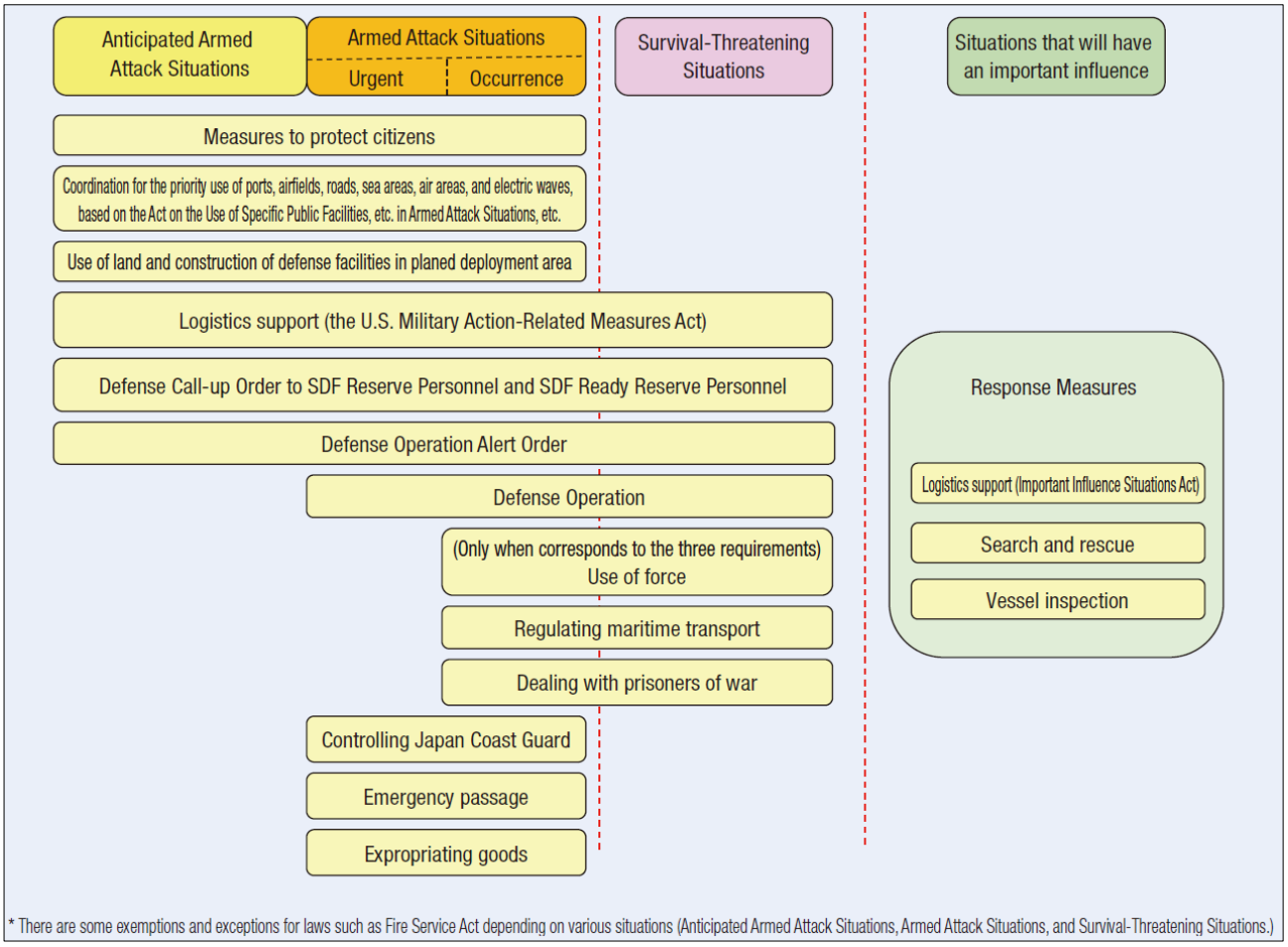
STS[1663] and AAS[1664] require the U.S. or Japan to be attacked. There is no legal mechanism to declare STS/AAS without an attack.

AAS (Imminent)[1665] may be declared upon credible I&W of an imminent Armed Attack[1666], but this is a national command-level decision and military formations below the CCMD would have negligible involvement, including requests for its consideration.

STS/AAS "authorities" (e.g., dispersion to private land) must be requested through II 4(b)[1667] process or other non-combat authorities.

Same summary table format as in Ch 3?

Figure 4. Summary of JSDF Actions in Security Situations (Minister of Defense 2023a, 284)



[1658] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[1659] 4–10. Survival-Threatening Situation (STS), p. 111.
[1660] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1661] 4–11.1.1. AAS (Imminent), p. 117.
[1662] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[1663] 4–10. Survival-Threatening Situation (STS), p. 111.
[1664] 4–11. Armed Attack Situation (AAS), p. 116.
[1665] 4–11.1.1. AAS (Imminent), p. 117.
[1666] 4–12. Definition of "Armed Attack", p. 121.
[1667] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.

4–2.4. Non-Conflict Situations

The 2015 Legislation for Peace and Security[1668] also included two additional situations not addressed in this guide. These are:

- Situations Threatening International Peace That the International Community is Collectively Addressing
- Emergency Response Situation

The first addresses a situation where Japan cooperations and supports responses to a UN resolution addressing international peace and security while the second addresses Japan's response to a non-Armed Attack[1669] emergency, such as terrorism.[187]

4–3. Stipulation Process

> IIS[1670] Stipulations[1671] include a BP[1672] rather than a BRP.[1673] While these two plans are similar, they are regulated by different laws. Unless otherwise stated, in the following section "BRP" may be read as "BP" for IIS Stipulations.

The process for the Stipulation and Approval[1674] (or Rejection[1675]) of a Security Situation follows:

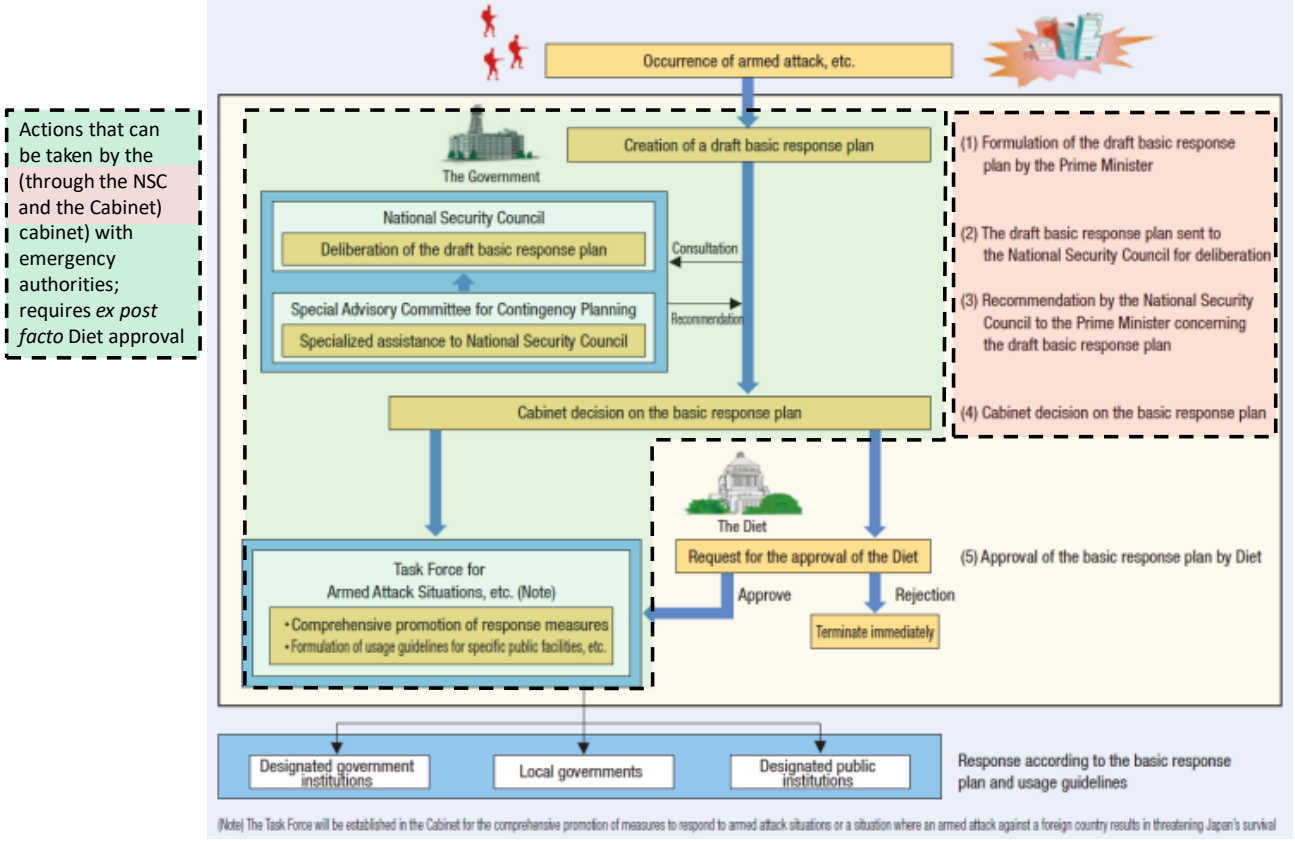
1. Formulation of a BRP
2. Draft BRP[1676]sent to the JNSC[1677] for deliberation (Japanese law requires the PM to consult with the JNSC on BRPs)
3. JNSC makes recommendation to PM (i.e., approves/modified/rejects draft BRP)
   3a. Special Advisory Committee for Contingency Planning
4. PM submits BRP to Cabinet for Approval/Rejection
5. Cabinet issues a Cabinet Decision[1678] to Stipulate a Security Situation and submits a BRP to Diet for Approval/Rejection
   5a. *In extremis*, the Cabinet may implement the BRP with *Ex Post Facto*[1679] Diet Approval/Rejection
6. Diet Approves/Rejects BRP

> One source estimates 36 hours as an optimistic timeframe for steps 1-5a.[188]

When the Cabinet decides to implement the BRP, either with *Ex Post Facto* (step 5a) or with *Ex Ante* (step 6) Diet Approval, the PM then orders the MinDef to issue a DOO[1680] or other applicable order(s).[1681]

[1668] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1669] 4–12. Definition of "Armed Attack", p. 121.
[1670] 4–7. Important Influence Situation (IIS), p. 105.
[1671] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1672] 4–5. Basic Plan (BP), p. 103.
[1673] 4–4. Basic Response Plan (BRP), p. 101.
[1674] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1675] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1676] 4–4. Basic Response Plan (BRP), p. 101.
[1677] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[1678] C–2.1.4.2. Cabinet Order, p. 225.
[1679] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1680] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1681] Chapter 3. JSDF Operations and Authorities, p. 54.

Figure 5. Security Situation Crisis Process (Minister of Defense 2023a, 283)



4–3.1. Diet Approval/Rejection

Diet Approval[1682] or Rejection[1683] is reached by a resolution of approval or disapproval passed by a simple majority[1684] of House members present. If the House of Representatives has been dissolved, Approval is provided by an emergency meeting of the House of Councillors, as for in provided for in Article 54[1685] of the Constitution[1686] (e.g., an "Article 54 Approval").

If a Stipulation is Approved under Article 54, it must be approved by the House of Representatives within 10 days of the next session of the Diet (when the House of Representatives is brought back into session). If the House of Representatives Rejects the "Article 54 Approval," it becomes null and void (according to the provisions of Article 54).

There are two forms of Approval or Rejection:

- *Ex Ante*[1687] ("before the event") is when the Diet reviews a BP[1688] or BRP[1689] prior to implementation (step 6 in § 4–3. Stipulation Process [p. 96])
- *Ex Post Facto*[1690] ("after the fact") is when the Diet reviews a BP or BRP after the PM has directed its implementation (step 5a in § 4–3. Stipulation Process [p. 96])

4–3.1.1. Ex Ante ("Before the Event") Approval

In circumstances where the PM has sufficient time to seek prior Diet Approval,[1691] the BP[1692] or BRP[1693] is submitted to the Diet for review prior to its implementation.

[1682] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1683] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1684] C–3.3. Diet Approvals and Passage of Bills, p. 235.
[1685] i–B.6. Article 54—Dissolution of the House of Representatives, p. 304.
[1686] i–D.4. Article 9—Basic Response Plan, p. 339.
[1687] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1688] 4–5. Basic Plan (BP), p. 103.
[1689] 4–4. Basic Response Plan (BRP), p. 101.
[1690] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1691] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1692] 4–5. Basic Plan (BP), p. 103.
[1693] 4–4. Basic Response Plan (BRP), p. 101.

When the Diet Rejects[1694] a BP/BRP, the Cabinet's proposed action is denied. Depending on the situation, the Cabinet might immediately resubmit an adjusted BP/BRP or may desist action. As a veto of Executive Branch action by the Legislative Branch, this would be a serious political blow to the Cabinet's political power. As such, Rejection of an *Ex Ante* review is unlikely as the Cabinet would likely avoid submitting any BP/BRP that would be Rejected except as an extreme political maneuver.

The Rejection mechanism is unclear as GoJ has never Stipulated[1695] a Security Situation. It is possible that the Diet might Reject the facts supporting the Stipulation, asserting that the circumstances do not rise to the threshold for a Security Situation. Or it is possible that the Diet might accept the existence of a Security Situation but Reject the PM's proposed plan for response.

It is unclear the implications of the Diet Rejecting a plan for response but agreeing to the existence of a Security Situation. It is likely that if the Diet agreed a specific crisis constituted the Stipulated Security Situation, it would defer to the PM in its proposed response, potentially restraining itself to modifying elements of the response (e.g., adjusting ROE,[1696] geographic boundaries, or specific authorities for sensitive actions such as Counterstrike[1697]) rather than Rejecting the BRP outright.

> When referring to Diet approval, GoJ documents will often use the phrase "prior Diet approval is required in principle." This rendering implies that *Ex Ante* Approval is the normal or preferred method for seeing Diet approval and that *Ex Post Facto* Approval is reserved for emergency cases.

4–3.1.2. Ex Post Facto ("After the Fact") Approval

Under emergency circumstances, the PM may implement a BP[1698] or BRP[1699] prior to Diet review. In such circumstances, the PM must immediately submit the BP/BRP to the Diet for consideration and, if Rejected,[1700] immediately terminate all activity associated with the BP/BRP.

It's unclear either the likelihood or implications of the Diet Rejecting the existence of a Security Situation or a plan for response under *Ex Post Facto* review. It is difficult to imagine an emergency situation demanding immediate Cabinet action (step 5a in § 4–3. Stipulation Process [p. 96]) where the situation would not escalate or entrench. In such conditions, it seems unlikely it would be *possible* to halt implementation of the BP/BRP without catastrophic (military or political) consequences.

As Approval[1701]/Rejection is an action with potentially as much political as military consequence, it seems unlikely the Diet would Reject the implementation of a BP/BRP *Ex Post Facto* except in extreme cases.

4–3.1.2.1. Sourcing for Ex Post Facto Approval

The ability of the PM to implement a BRP[1702] prior to Diet Approval[1703] (seeking *Ex Post Facto*[1704] Diet Approval) is somewhat ambiguous. What is unambiguous under *Ex Post Facto* Approval is that the PM's is empowered to implement DO,[1705] through the issuance of a DOO,[1706] when there is not sufficient time to obtain *Ex Ante*[1707] Diet Approval.

At issue is the PM's authority (or lack thereof) to implement a BRP or elements of a BRP beyond any included DO prior to Diet Approval (i.e., emergency implementation prior to seeking *Ex Ante* Approval). The law and supporting sources are not clear on this fact and boilerplate caveats often found in GoJ documents state that "prior Diet approval is required in principle," which can sometimes be misinterpreted or incorrected reinterpreted as assertions that prior Diet approval is required without exception. However, in contrast, when *Ex Ante* Approval is necessary for an authority, such documents will more comprehensively and unambiguously state "Approval of the Diet: required (prior consent required with no exception)"[189]

The statement that "prior Diet approval is required in principle" serves to underscore that *Ex Ante* Approval is the normal or preferred method for seeing Diet approval and that *Ex Post Facto* Approval is reserved for emergency cases.

[1694] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1695] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1696] 3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE", p. 84.
[1697] 2–3.5. Counterstrike, p. 47.
[1698] 4–5. Basic Plan (BP), p. 103.
[1699] 4–4. Basic Response Plan (BRP), p. 101.
[1700] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1701] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1702] 4–4. Basic Response Plan (BRP), p. 101.
[1703] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1704] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1705] 3–2.2.1. Defense Operation (DO), p. 57.
[1706] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1707] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.

But it may also serve to obfuscate controversial or contentious emergency authorities the PM possesses to at least provisionally implement a BRP prior to Diet Approval. This obfuscation may be amplified by a tendency of Japanese planners to insist on hypothetical Stipulations[1708] following the normal or preferred method for seeking Approval (i.e., *Ex Ante*).

> This guide adheres to the interpretation, supported by the following analysis, that the PM possesses emergency authorities to implement a BRP, or at least its most critical component: a DO, without prior Diet Approval (i.e., *Ex Post Facto* Approval).

¶(4), Article 9[1709] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) outlines the ability of the PM to request *Ex Ante* Diet Approval for the issuance of a DOO (item [i]) or for the PM to issue a DOO prior to Diet Approval "only where there is a particularly urgent necessity and no opportunity to obtain prior approval of the Diet" (after which the PM is required to request *Ex Post Facto* Approval):

> See § Article 9—Basic Response Plan (p. 339) for the complete article text.

> ...
>
> *(4) In the event of an Armed Attack Situation [AAS (Imminent),[1710] or AAS (Occurrence)[1711]] or Survival Threatening Situation [STS[1712]], in addition to what is prescribed in the preceding paragraph [PM approval for response measures to be implemented], the Basic Response Plan [BRP] shall also include, as matters prescribed ¶(2) item (iii) [response measures], a statement indicating that if the Prime Minister seeks the Diet's Approval prescribed in item (i) [request for Diet approval for a DO] below (or, if the House of Representatives is dissolved, approval by the House of Councillors in an emergency session under Article 54[1713] of the Constitution of Japan; the same applies hereinafter in this Article), that fact shall be stated; and if the Prime Minister intends to order a Defense Operation [DO] as prescribed in item (ii) [the actual issuance of a DOO], that fact shall be stated. However, any statement indicating that the Prime Minister will order a Defense Operation [DO] under that item [item (ii), the actual issuance of a DOO] may be included only where there is a particularly urgent necessity and no opportunity to obtain prior approval of the Diet.*
>
> *(i) A request for the Diet's approval to order a Defense Operation [DO] under Article 76[1714] ¶(1) of the SDF Act (Law No. 165 of 1954, as amended). [DOO submitted for Ex Ante Approval]*
>
> *(ii) A Defense Operation [DO] ordered by the Prime Minister under Article 76[1715] ¶(1) of the SDF Act (Law No. 165 of 1954, as amended). [DOO submitted for Ex Post Facto Approval]*
>
> ...

Further, ¶(11) specifies that Diet Rejection[1716] of a BRP requires any response measures related to the BRP to be "promptly terminated," including the withdrawal of the SDF units involved in a DO issue under ¶(4)(ii) [DOO submitted for *Ex Post Facto* Approval].

> *(11) If a resolution of disapproval [i.e., Rejected[1717]] is adopted by the Diet with respect to the request for approval of the Basic Response Plan [BRP] under ¶(7), the response measures related to that resolution must be promptly terminated. In that event, the Prime Minister shall immediately issue an order for the withdrawal of the Self-Defense Forces carrying out the Defense Operation [DO] prescribed in ¶(4)(ii) [DOO submitted for Ex Post Facto Approval].*

Finally, supporting the interpretation of *Ex Post Facto* Approval is Figure 5. Security Situation Crisis Process (p. 97), which both depicts Diet Rejection of a BRP as necessitating that BRP response measures must "Terminate Immediately," and depicts BRP response measures as following directly from the Cabinet Decision[1718] on a BRP, not Diet Approval.

In contrast, if the Cabinet Decision adopting a BRP is interpreted as merely agreeing to the response measures to be taken and agreement to seeking Diet Approval, it is possible to read ¶(7) as implying that only *Ex Ante* approval is possible:

[1708] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1709] i–D.4. Article 9—Basic Response Plan, p. 339.
[1710] 4–11.1.1. AAS (Imminent), p. 117.
[1711] 4–11.1.2. AAS (Occurrence), p. 117.
[1712] 4–10. Survival-Threatening Situation (STS), p. 111.
[1713] i–B.6. Article 54—Dissolution of the House of Representatives, p. 304.
[1714] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1715] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[1716] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1717] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1718] C–2.1.4.2. Cabinet Order, p. 225.

> *(7) Once the Cabinet Decision in the preceding paragraph has been made, the Prime Minister shall immediately seek the Diet's Approval regarding the Basic Response Plan [BRP] (excluding the portion relating to the Diet's Approval request set forth in ¶(4)(i) [DOO submitted for Ex Ante Approval]).*

However, the provisions of ¶¶(4)(ii) and (11) do not support this reading and allow for the possibility that a Cabinet Decision may approve both the response measures to be included in the BRP and approval to initiate the DO included in the BRP (¶[4][ii]) while seeking *Ex Post Facto* Diet Approval.

Article 5[1719] of the IIS Act (Act No. 60 of 1999, as amended) is more explicit in authorizing BP[1720] implementation under IIS[1721] with *Ex Post Facto* Approval:

> *(1) Regarding Logistics Support Activities,[1722] search and rescue [SAR[1723]] operations, or ship inspection activities [SIO[1724]] carried out by Self-Defense Forces units, etc. as specified in the Basic Plan [BP[1725]], the Prime Minister must obtain approval from the Diet to implement these response measures before implementing them [i.e., Ex Ante Approval]. However, if there is an urgent need, such Logistics Support Activities, search and rescue [SAR] operations, or ship inspection activities may be carried out without obtaining approval from the Diet [i.e., Ex Post Facto Approval].*
>
> *…*

4–3.2. Stipulation Decision Calculus

As with any state's major national security matters, the decision to Stipulate[1726] a Security Situation is a political one, taking into account countless factors within both international and domestic politics. There is no manual for statesmen to navigation national crises and there is no checklist for when to Stipulate a Security Situation or how any specific Stipulation will manifest given the circumstances.

However, GoJ is likely to consider the following factors:

- The international response of:
  - The U.S.
  - "Like-minded nations" (especially including other nations similarly impacted by the situation)
  - International and multinational organizations (e.g., UN, G7, NATO, EU)
- The perceived narrative
  - Who is seen as the aggressor?
  - Would Japan been perceived as an aggressor or cause of escalation?
- Domestic political conditions
  - Strength of the party in power
  - Strength of the Cabinet
  - Relationship between the Diet and Cabinet
  - Popular sentiment
- Economic impacts
  - Near-, mid-, and long-term
- Escalation
  - Possible severity
  - Ability to avoid/inevitability of escalation

4–3.2.1. "Legalistic"/Literal Approach to Stipulation

GSO's legal analysis of how GoJ's Security Situation framework would have applied in the 2022 large-scale invasion of Ukraine[1727] suggests that the examples given during Diet proceedings for the 2015 Legislation for Peace and Security[1728] might be taken literally as "triggers" to Stipulate[1729] a Security Situation.

[1719] i–E.5. Article 5—Approval of the Diet, p. 347.
[1720] 4–5. Basic Plan (BP), p. 103.
[1721] 4–7. Important Influence Situation (IIS), p. 105.
[1722] 4–6.1.1. Logistics Support Activities, p. 104.
[1723] 3–2.2.6. Search and Rescue (SAR), p. 60.
[1724] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[1725] 4–5. Basic Plan (BP), p. 103.
[1726] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1727] Annex v. Japan Legal Analysis of the 2022 Full-Scale Invasion of Ukraine by Russia: Implications, p. 443.
[1728] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1729] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

While this no doubt reflects the views of some in Japan, to include potentially some Diet members, there is little evidence that this literalistic approach to Stipulation is realistic in a crisis.

However, the post-war history of Japanese defense policy contains numerous examples of such literalism when non-existential threats are concerned (e.g., Japan's difficulties in supporting the 1991 Gulf War). Applying these lessons to existential threats should be done with extreme caution.

4–4. Basic Response Plan (BRP)

BRP may also be rendered as:

- Basic Response Guidelines
- Basic Response Policy
- Basic Response Principles

A BRP is a political document that is part of the Cabinet Stipulation[1730] of a particular Security Situation that provides the GoJ justification for exercising crisis authorities as well as outlining the specific authorities to be executed.

BRPs also serve to outline the specific JSDF operations[1731] authorized under the plan and associated Security Situation.

Article 9[1732] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) requires the BRP to contain:

- Confirmation of the situation with facts supporting Stipulation (e.g., facts of an Armed Attack[1733] or preparations for an Armed Attack)
- Rationale for why a Security Situation response is required and no other appropriate means are available[1734]
- Overall plan for the response including:
  - The specific actions or requested authorities from the list of those permissible under law including the following:
    - DCO[1735] pursuant to Articles 70[1736] or Article 75-4[1737] of the SDF Act (Law No. 165 of 1954, as amended)
    - DOAO[1738]
    - Establishment of Defense Facilities[1739]
    - The provision of services pursuant to Article 10,[1740] ¶(3) of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended)
    - MIO[1741] operations
  - Specific operational details such as force composition/disposition and/or the operating locations of U.S. or JSDF units is not necessarily required in the BRP and would almost certainly be omitted
- Request for Approval from the Diet[1742]

BRPs are subject to a political paradox whereby:

- Once Approved,[1743] any changes may be difficult to get re-Approved, incentivizing broad authorities that allow the Cabinet flexibility to address unanticipated conditions and act responsively in a crisis; and
- The Diet may want narrowly-scoped and highly-specific authorities that allow it to exercise its constitutional check on the Executive Branch and avoid writing a "blank check"

As a result, Stipulation of a Security Situation too early may result in a BRP that is more narrowly scope and difficult to change as compared to a BRP for a Security Situation that is Stipulated after a crisis has more fully developed.

[1730] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1731] 3–1.1. Distinction Between "Security Situations" and Operations, p. 54.
[1732] i–D.4. Article 9—Basic Response Plan, p. 339.
[1733] 4–12. Definition of "Armed Attack", p. 121.
[1734] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[1735] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[1736] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.
[1737] i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel , p. 312.
[1738] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1739] 3–2.2.4. Establishment of Defense Facilities, p .59.
[1740] i–F.10. Article 10—Implementation of Provision of Goods and Services as Operation-Related Measures by the Self-Defense Forces, p. 352.
[1741] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[1742] Diet Approval is achieved through simple majority. See § C–3.3. Diet Approvals and Passage of Bills (p. 235).
[1743] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

4–4.1. BRP Timelines

Article 9[1744] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) only requires that the PM "immediately:"

- Request Approval[1745] of the Diet (¶[7])
- Publicize and disseminate the BRP (¶[8])
- Publicly announce approval of the BRP if submitted for Ex Post Facto[1746] Diet Approval (¶[9])

If the BRP is Rejected,[1747] the PM must "immediately" halt DOO[1748] activities associated with the BRP (¶[11]).

4–4.1.1. Pre-Stipulation Planning and Coordination for BRPs

GoJ can be expected to undergo some degree of pre-Stipulation[1749] planning and coordination within GoJ and in coordination with the USG and U.S. forces.

At a minimum, this planning and coordination can be expected to address GoJ executive and JSDF/U.S. forces military actions requiring authorization within or derivative from a BRP to ensure the BRP includes the necessary authorities. Because Stipulating a Security Situation is fundamentally a political decision, this coordination is also expected to include a detailed assessment of the second and third order political ramifications of a Stipulation.

The degree and duration of this pre-Stipulation coordination will depend on the time available and severity of the prospective crisis. Planning and coordination conducted in advance of an IIS[1750] Stipulation may be substantial if the crisis situation develops over enough time whereas a planning and coordination for a transition from AAAS[1751] to AAS (Imminent)[1752] may be possible in comparatively less time.

4–4.2. BRP Modification

Article 9[1753] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) allows for the modification of BRPs but subjects modifications to the same issuance and approval processes of the initial BRP.

4–4.3. Objective Confirmation

Some GoJ sources use the term Objective Confirmation when describing or defining Security Situation definitions. This refers to the first element of the BRP:

> *Confirmation of the situation with facts supporting Stipulation[1754] (e.g., facts of an Armed Attack[1755] or preparations for an Armed Attack)*

This Objective Confirmation is based on factors such as international affairs and the military activities of the belligerent country, as well as "clear intention" of an Armed Attack against Japan.

> "Objective Confirmation" may require intelligence sharing of I&W with Japan. See § 4–4.3. Objective Confirmation (p. 102).

4–4.4. Cabinet Decision

In addition to the BRP, the Cabinet will issue a formal Cabinet Decision[1756] to Stipulate[1757] a Security Situation.

4–4.5. Countermeasures

+ section

[1744] i–D.4. Article 9—Basic Response Plan, p. 339.
[1745] Diet Approval is achieved through simple majority. See § C–3.3. Diet Approvals and Passage of Bills (p. 235).
[1746] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1747] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1748] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1749] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1750] 4–7. Important Influence Situation (IIS), p. 105.
[1751] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1752] 4–11.1.1. AAS (Imminent), p. 117.
[1753] i–D.4. Article 9—Basic Response Plan, p. 339.
[1754] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1755] 4–12. Definition of "Armed Attack", p. 121.
[1756] C–2.1.4.2. Cabinet Order, p. 225.
[1757] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

Key Terms/translation

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Definition

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4–4.1. U.S. Involvement in BRP Formulation

While the BRP[1758] is a GoJ document, the U.S. is likely to be directly or indirectly involved in helping the Cabinet or otherwise inform elements of the plan.

This will include information and intelligence sharing that strengthens the justification for Stipulating[1759] a Security Situation (i.e., "Objective Confirmation"[1760]) as well as details of the U.S.'s intended response and desired Alliance actions, to help shape GoJ's plan as part of a coherent Alliance response.

Bilateral contingency plans may also be used to inform or establish the broad military requirements for the BRP but military plans and their specific requirements are distinct from any related BRPs.

Additionally, the Japan-U.S. Alliance has demonstrated a strong tendency to be "led" by the U.S., whereby Japanese planners often admit that certain domestic political decisions are eased "if the U.S. asks for them" or if the U.S. makes the case for their necessity.

4–5. Basic Plan (BP)

Article 4[1761] of IIS Act (Act No. 60 of 1999, as amended) requires the PM to outline response measures authorized under an IIS[1762] Stipulation[1763] in a BP.

The BP outlines:

- Rationale for Stipulating IIS including:
  - Background of the situation
  - Impact on the peace and security of Japan
  - Rationale for why Japan must implement IIS response measures
- Implementation policies for authorized IIS activities, including
  - Logistics Support Activities[1764]
    - Type of support
    - Implementation Area[1765] for support
  - RSAR Operations[1766]
    - Implementation Area for support
  - SIO Operations[1767]
    - Implementation Area for support
    - Size and composition of JSDF units conducting SIO
    - Goods or Contraband[1768] subject to regulation

4–5.1. Implementation Area

Article 4[1769] of the IIS Act (Act No. 60 of 1999, as amended) requires the BP to specify an Implementation Area for authorized IIS activities. Implementation areas facilitate the application of the *ittaika*[1770] principle by scoping IIS support activities outside areas that are the Scene of Combat[1771] and such that they do not constitute integration with the supported military's Use of Force.[1772] If combat takes place or is imminent in an Implementation Area, the supporting JSDF commander is required to suspect support activities to maintain the *Ittaika* principle

[1758] 4–4. Basic Response Plan (BRP), p. 101.
[1759] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1760] 4–4.3. Objective Confirmation, p. 102.
[1761] i–E.4. Article 4 - Basic Plan, p. 345.
[1762] 4–7. Important Influence Situation (IIS), p. 105.
[1763] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1764] 4–6.1.1. Logistics Support Activities, p. 104.
[1765] 4–5.1. Implementation Area, p. 103.
[1766] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[1767] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[1768] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[1769] i–E.4. Article 4 - Basic Plan, p. 345.
[1770] 2–1.2.2. Ittaika (Integration), p. 20.
[1771] 2–1.2.2.1. Scene of Combat, p. 21.
[1772] 3–3.3. Use of Force, p. 82.

If the Implementation Area is in a foreign territory, that foreign State must consent to the authorized support activities and BPs must specify the size, composition, equipment, and deployment period for supporting JSDF units that will conduct supporting operations abroad.

4–5.2. BP Timeline

Article 5[1773] of the IIS Act (Act No. 60 of 1999, as amended) only requires that the PM "promptly:"

- Request Approval[1774] of the Diet (¶[2])

If the BP is Rejected,[1775] the PM must "promptly" halt activities associated with the BP (¶[3]).

4–5.2.1. Pre-Stipulation Planning and Coordination for BPs

See § 4–4.1.1. Pre-Stipulation Planning and Coordination for BRPs (p. 102).

4–5.3. BP Modification

Article 4[1776] of the IIS Act (Act No. 60 of 1999, as amended) requires that any modifications to the activities authorized in the BP or changes to the Implementation Areas[1777] of activities authorized in the BP requires a new Cabinet Decision.[1778]

4–5.4. Cabinet Decision

The PM issues a formal Cabinet Decision[1779] to implement a BP.

4–5.5. U.S. Involvement in BP Formulation

See § 4–4.1. U.S. Involvement in BRP Formulation (p. 103).

4–6. Peacetime Authorities

GoJ/JSDF does not have the authority to use commercial airfields and ports with priority in peacetime

4–6.1. Routine Support to U.S. Forces

During peacetime operations, the JSDF is authorized to provide limited support to U.S. forces when co-located with the JSDF and conducting similar activities. This support includes:

- ISR
  - Pursuant to (1)(ix) and (1)(xviii) of Article 4—Duties of Jurisdiction[1780] of the MoD Establishment Act (Act No. 165 of 1954)
- Air and missile defense
- Maritime security
- Bilateral training
- Logistics Support Activities
- Coordinate for airfield and port access on a case-by-case basis based on U.S. needs
- "Protection of assets" (Article 95-2[1781] of the SDF Act (Law No. 165 of 1954, as amended))
  - Not at the Scene of Combat[1782]

4–6.1.1. Logistics Support Activities

Throughout peacetime, crisis, and conflict, the JSDF can provide mutual logistics support to the U.S. and other militaries. This support generally includes the following:

- Supplies (water, fuel, food, limited types of ammunition)

[1773] i–E.5. Article 5—Approval of the Diet, p. 347.
[1774] Diet Approval is achieved through simple majority. See § C–3.3. Diet Approvals and Passage of Bills (p. 235).
[1775] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1776] i–E.4. Article 4 - Basic Plan, p. 345.
[1777] 4–5.1. Implementation Area, p. 103.
[1778] C–2.1.4.2. Cabinet Order, p. 225.
[1779] C–2.1.4.2. Cabinet Order, p. 225.
[1780] i–EE.1. Article 4—Duties of Jurisdiction, p..410.
[1781] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.
[1782] 2–1.2.2.1. Scene of Combat, p. 21.

- Excluded ammunition generally includes missiles, torpedoes, and other large munitions
- Transportation (persons and goods)
- Repair and maintenance of equipment
- Medical services and treatment of injured personnel
- Communications services and equipment
- Airfield and port services (arrival/departure, loading/unloading)
- Base operations support including disposal of waste
- Billeting and temporary use of billeting facilities
- Storage of goods
- Use of JSDF facilities, buildings, and areas
- Training services (materials for educational and training purposes)

Logistics Support Activities are authorized under:

- Article 100-6[1783] of the SDF Act (Law No. 165 of 1954, as amended)
- Article 6[1784] of the IIS Act (Act No. 60 of 1999, as amended)
- And generally require established ACSAs.[1785]

Logistical support may also be limited based on:

- The *Ittaika*[1786] principle
  - When Logistics Support Activities are provided
- The activities of the supported military (i.e., the JSDF and foreign military must normally be conducting similar activities or the foreign military must be contributing to the objectives of the UN Charter of MST.[1787]
  - See § 8–2.2. Applicable Conditions for U.S. ACSA Support (p. 174)

4–7. Important Influence Situation (IIS)

4–7.1. Definition

Japan legally defines IIS in the IIS Act (Act No. 60 of 1999, as amended).[1788] There are no official translations of this law. The definition below is provided in non-legal officially-translated GoJ documents.

> *Situations that have an important influence on Japan's peace and security including situations that could result in a direct Armed Attack[1789] on Japan if left unattended.*[190]

situations that have an important influence on Japan' s peace and security including situations that could result in a direct armed attack on Japan if left unattended.

The full rendering of IIS is "Situations that will have an important influence on Japan's peace and security."

IIS may also be rendered as:

- Situations of Significant Influence (SSI)
- Significant Influence Situation (SIS)
- Serious Influence Situation (SIS)
- Serious Impact Situation (SIS)
- Situations that Constitute Grave Circumstances
- Situations of Great Consequence

IIS is sometimes interpreted or presented as an Armed Attack around Japan, but there is scant evidence this reflects a meaningful or practical interpretation.

[1783] i–C.61. Article 100-6—Provision of Supplies/Services to the U.S. Armed Forces, p. 330.
[1784] i–E.6. Article 6 - Implementation of Provision of Goods and Services as Logistics Support Activities by the SDF, p. 347.
[1785] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[1786] 2–1.2.2. Ittaika (Integration), p. 20.
[1787] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[1788] i–E.3. Article 3—Definitions, p. 344.
[1789] 4–12. Definition of "Armed Attack", p. 121.

IIS is not geographically-bound.

Because of the interpretation permitted and required by Security Situations, Stipulating[1790] the first Situation (normally IIS) may be the largest hurdle. By formally entering a crisis situation, the GoJ may face less reluctance or resistance to subsequent Situation Stipulations.

IIS replaced the legacy term "Situations in Areas Surrounding Japan" (SIASJ—sometimes rendered "SIAS-J").

4–7.1.1. Relationship between IIS and STS

GoJ describes STS[1791] and IIS as related in the following manner:

> *While both situations [IIS and STS] … are different legal concepts that are determined separately based on the requirements set forth in the respective laws, they share common requirements such as the likelihood that Japan may be embroiled in a war and the extent of damage that may be suffered by Japanese nationals. In other words, [STS] may be conceptually subsumed under [IIS]. Accordingly, depending on how a situation evolves, [an IIS] may also satisfy the requirements of [an STS] and may be determined as such.*[191]

4–7.2. Authorized Actions in IIS

The authorities granted during an IIS are not significantly more expansive than those authorized during peacetime (non-crisis) operations.

4–7.2.1. JSDF Operations in IIS

In IIS, the JSDF may conduct the following activities:

- RSAR[1792] under Article 2[1793] of the IIS Act (Act No. 60 of 1999, as amended)
  - Including for those lost/injured as the result of combat
  - Prohibited at the Scene of any Combat[1794]
- SIO[1795] (peacetime "Approach and Visit") as regulated by Ship Inspection Act (Act No. 145 of 2000, amended)[1796]

The JSDF may also conduct the following activities, although they are not inherent in IIS and are conducted under their own authorities:

- Rescue/Transport of Japanese Nationals Overseas (R/TJNO)[1797]
- MoD maintains a contract (called PFI[1798]) for two high-speed civilian vessels, taskable within 72 hours of a crisis.

4–7.2.2. JSDF Support Activities in IIS

In IIS, the JSDF may provide the following support to U.S. forces supporting the objectives of the MST,[1799] the armed forces of militaries supporting the objectives of the UN Charter (including U.S. forces), and other similar organizations:

- ISR
- Logistics Support Activities[1800]
  - Routine (non-combat) support[1801] to U.S. forces responding to IIS (including for combat-related activities but excluding at the Scene of Combat[1802] [e.g., *Ittaika*[1803] principles apply])
    - Supply of combat-related ammunition (but no weapons), refueling, and maintenance is permitted outside the Scene of Combat
  - Routine ACSA procedures and limitations apply[1804]

[1790] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1791] 4–10. Survival-Threatening Situation (STS), p. 111.
[1792] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[1793] i–E.2. Article 2 - Basic Principles, p. 344.
[1794] 2–1.2.2.1. Scene of Combat, p. 21.
[1795] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[1796] i–L. Ship Inspection Act (Act No. 145 of 2000, amended), p. 364.
[1797] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[1798] 8–5. Private Financial Initiative (PFI), p. 175.
[1799] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[1800] 4–6.1.1. Logistics Support Activities, p. 104.
[1801] 4–6.1. Routine Support to U.S. Forces, p. 104.
[1802] 2–1.2.2.1. Scene of Combat, p. 21.
[1803] 2–1.2.2. Ittaika (Integration), p. 20.
[1804] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.

4–7.2.3. Ittaika Considerations in IIS

Ittaika[1805] principles apply during IIS, prohibiting any activities or support that might constitute integration with the Use of Force[1806] of supported or adjacent militaries.

4–7.2.4. Employment of Arms in IIS

Article 11 - Use of Weapons[1807] of IIS Act (Act No. 60 of 1999, as amended) authorizes Type 1[1808] and Type 2[1809] Use of Weapons[1810] under IIS.

4–7.2.5. U.S. Access Authorizations in IIS

IIS provides no additional access authorities for U.S. forces in Japan. U.S. use of Facilities and Areas[1811] must be requested through routine II 4(b) procedures.[1812]

Article 9[1813] of the IIS Act (Act No. 60 of 1999, as amended) provides the GoJ with limited authorities to request cooperation from land owners, local governments, or facility operators in providing access to U.S. Forces but there is no obligation for port and airport operators to provide the requested support and no legal mechanism to compel support.

4–7.2.6. Geographic Bounds in IIS

There are no geographic boundaries for activities that may be authorized under IIS. The BP[1814] may specify geographic areas or other restrictions that bound the implementation of IIS activities or otherwise limit IIS authorizations.

4–7.3. Requirements and Approval

A Recognition[1815] of IIS requires:

- BP[1816]
- PM Authorization
- Diet Approval[1817] (*Ex Ante*[1818] or *Ex Post Facto*[1819]) pursuant to Article 5—Approval of the Diet.[1820]

4–7.4. IIS Scenarios

During Diet proceedings for the 2015 Legislation for Peace and Security,[1821] the following examples were provided as possible conditions that would justify Stipulation[1822] of IIS:

> Neither GoJ nor other sources number potential situations that might precipitate a Security Situation Stipulation. The scheme below (number and letter) is used to facilitate cross-references throughout this guide and is unique to this guide and related documents.

(1a) When the occurrence of an armed conflict[1823] in areas surrounding Japan is imminent, and the situation will have an important influence on Japan's peace and security.

(1b) When an armed conflict in areas surrounding Japan is happening, and the situation will have an important influence on Japan's peace and security.

(1c) When an armed conflict in areas surrounding Japan itself is ceased but restoring and maintaining order has not [been] achieved, and the situation will have an important influence on Japan's peace and security.

[1805] 2–1.2.2. Ittaika (Integration), p. 20.
[1806] 3–3.3. Use of Force, p. 82.
[1807] i–E.11. Article 11 - Use of Weapons, p..349.
[1808] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[1809] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[1810] 3–3.1. Use of Weapons, p. 77.
[1811] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1812] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[1813] i–E.9. Article 9 - Cooperation by Parties Other than the State, p. 348.
[1814] 4–5. Basic Plan (BP), p. 103.
[1815] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1816] 4–5. Basic Plan (BP), p. 103.
[1817] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1818] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1819] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1820] i–E.5. Article 5—Approval of the Diet, p. 347.
[1821] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1822] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1823] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.

(1d) When situations such as "rebellion" or "civil war" occur in a country, and the situations have expanded to a global-scale from domestic issues, and the situation will have an important influence on Japan's peace and security.

(1e) When it is highly likely that a large number of people would be displaced to Japan from a country due to political disorder, and the situation will have an important influence on Japan's peace and security.

(1f) When the UNSC determines that [the] act of a country is a threat to the peace, breach of the peace, or act of aggression and economic sanctions are imposed against the country based on UNSCR, and the situation will have an important influence on Japan's peace and security.

(1g) When grave military tensions rise or an armed clash occurs in the region such as the Middle East and the Indian Ocean, it is likely that serious damage is inflicted on Japanese ships carrying goods to Japan, and the U.S. forces and others are conducting activities to respond to these circumstances.[192]

Other conditions that might warrant consideration of a situation as IIS include:

- The infringement on the sovereignty or sovereign rights of neighboring countries (e.g., a Exclusion Zone, etc.[1824] short of Blockade[1825])
- Hybrid[1826] or Grey Zone[1827] warfare against neighboring countries that is liable to expand and impact Japan's overall security

4–8. "Armed Attack Situations, etc."

GoJ uses "armed attack situations, etc." as a collective term to refer to both/either AAAS[1828] and AAS[1829] (including AAS [Imminent][1830] and AAS [Occurrence][1831]). While this term is normally found only in the titles of laws (e.g., Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)), it is occasionally used in operational materials (e.g., ROE briefs, etc.). In these latter cases, the term is sometimes rendered merely as "armed attack situations" which creates ambiguity with the plural of AAS.

To make this distinction clear and avoid confusion, this guide presents the collective term in lower case.

Planners should take care when dealing with the term to both ensure they are clearly communicating what they intend or clearly understanding what they are reading/hearing. Especially when involving language barriers (e.g., translation or interpretation) one or both parties may unintentionally use the incorrect term or ambiguous language.

4–9. Anticipated Armed Attack Situation (AAAS)

4–9.1. Definition

Japan legally defines AAAS in Article 2[1832] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended). There are no official translations of this law. The definition below is provided in non-legal officially-translated GoJ documents.

Situations that are not yet an Armed Attack Situation[1833] *[AAS] but in which circumstances are critical and an Armed Attack*[1834] *against Japan is anticipated.*[193]

The machine translation of the legal definition of AAAS, from Article 2, ¶(1)(iii) is:

A situation in which an Armed Attack has not yet occurred, but the situation has become so tense that an Armed Attack is anticipated.

AAAS may be rendered as:

- Expected Armed Attack Situation
- Armed Attack Prediction Situation
- Armed Attack Predicted

[1824] 4–12.9.6. Exclusion Zones, etc., p. 127.ß
[1825] 4–12.8.7. Blockade, p. 126.
[1826] 11–3. Hybrid Warfare, p. 186.
[1827] 11–2. Grey Zone, p. 185.
[1828] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1829] 4–11. Armed Attack Situation (AAS), p. 116.
[1830] 4–11.1.1. AAS (Imminent), p. 117.
[1831] 4–11.1.2. AAS (Occurrence), p. 117.
[1832] i–D.3. Article 2—Definitions, p. 337.
[1833] 4–11. Armed Attack Situation (AAS), p. 116.
[1834] 4–12. Definition of "Armed Attack", p. 121.

> Armed Attack is anticipated when armed aggression is expected but the aggressor has not taken any tangible steps towards conducting an attack.

Perception or public sentiment that an evacuation[1835] out of fear of an Armed Attack would be a strong qualifying criteria or indicator for AAAS Stipulation.[1836]

4–9.2. Authorized Actions in AAAS

4–9.2.1. JSDF Operations in AAAS

In AAAS, the JSDF may conduct the following activities:

- Civil Protection Operations[1837] as regulated by the Civil Protection Act (Act No. 112 of 2004, as amended)[1838]
  - GoJ may issue warning and voluntary evacuation[1839] orders
  - Civil Protection Act (Act No. 112 of 2004, as amended)[1840] authorizes GoJ priority use of commercial airfields and ports
- SAR[1841]
  - Including for those lost/injured as the result of combat
  - Prohibited at the Scene of any Combat (i.e., RSAR[1842] only)
- SIO[1843] (peacetime "Approach and Visit") as regulated by the Ship Inspection Act (Act No. 145 of 2000, amended)[1844]

The following JSDF orders may be issued during AAAS:

- DOAO[1845]
  - Including the Establishment of Defense Facilities[1846]
- DCO[1847]
- MoD control of part/whole of JCG[1848]

The JSDF may also conduct the following activities, although they are not inherent in IIS and are conducted under their own authorities:

- Rescue/Transport of Japanese Nationals Overseas (R/TJNO)[1849]
- MoD maintains a contract (called PFI[1850]) for two high-speed civilian vessels, taskable within 72 hours of a crisis.

4–9.2.2. JSDF Support Activities in AAAS

In AAAS, the JSDF may provide the following support to U.S. forces supporting the objectives of the MST,[1851] the armed forces of militaries supporting the objectives of the UN Charter (including U.S. forces), and other similar organizations:

- ISR
- Logistics Support Activities[1852]
  - Routine support[1853] to U.S. forces responding to AAAS (including for combat-related activities but excluding the Scene of Combat[1854])
    - Supply of combat-related ammunition (but no weapons), refueling, and maintenance is permitted outside the Scene of Combat
  - Routine ACSA procedures and limitations apply[1855]

[1835] 9–2. Evacuation, p. 176.
[1836] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1837] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[1838] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[1839]
[1840] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[1841] 3–2.2.6. Search and Rescue (SAR), p. 60.
[1842] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[1843] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[1844] i–L. Ship Inspection Act (Act No. 145 of 2000, amended), p. 364.
[1845] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[1846] 3–2.2.4. Establishment of Defense Facilities, p .59.
[1847] 3–2.2.3. Defense Call-Up, p. 59.
[1848] 7–4.3. MoD Control over the JCG, p. 161.
[1849] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[1850] 8–5. Private Financial Initiative (PFI), p. 175.
[1851] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[1852] 4–6.1.1. Logistics Support Activities, p. 104.
[1853] 4–6.1. Routine Support to U.S. Forces, p. 104.
[1854] 2–1.2.2.1. Scene of Combat, p. 21.
[1855] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.

4–9.2.3. Ittaika Considerations in AAAS

Limited *Ittaika*[1856] principles apply during AAAS. Logistics Support Activities[1857] to U.S. forces responding to the AAAS situation are permitted, including for combat-related activities, but excluding the Scene of Combat.[1858]

Other activities or support that might constitute integration with the Use of Force[1859] of supported or adjacent militaries is governed by the *Ittaika* principle and are prohibited.

4–9.2.4. Employment of Arms in AAAS

AAAS provides the JSDF no special authorities for Use of Weapons,[1860] although additional Use of Weapons authorities may be provided by operations (e.g., PSO,[1861] MSO[1862]) conducted under other authorities.

Use of Force[1863] is not authorized in AAAS.

4–9.2.5. U.S. Access Authorizations in AAAS

AAAS allows the GoJ to grant the U.S. the joint/shared use of GoJ-controlled Facilities and Areas[1864] (e.g., national parks, government-owned land) and grant U.S. use of JSDF bases.

Under the Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended),[1865] the GoJ can direct local governments or commercial operators to provide access for U.S. forces to port and airfield facilities or other specified public facilities or, if the local government or operator refuses, directly grant access for U.S. forces.

U.S. use of other Facilities and Areas[1866] owned or operated privately or by local governments must be requested through II 4(b) procedures,[1867] though a modified process[1868] is possible.

4–9.2.6. Geographic Bounds of AAAS

There are no necessary geographic boundaries for activities that may be authorized under AAAS. The BRP[1869] may specify geographic areas or other restrictions that bound the implementation of AAAS activities or otherwise limit AAAS authorizations.

4–9.3. Requirements

- BRP[1870]
- PM Authorization
- Diet Approval[1871] (*Ex Ante*[1872] or *Ex Post Facto*[1873])

4–9.4. AAAS Scenarios

During Diet proceedings for the 2015 Legislation for Peace and Security,[1874] the following examples were provided as possible conditions that would justify Stipulation[1875] of AAAS:

> Neither GoJ nor other sources number potential situations that might precipitate a Security Situation Stipulation. The scheme below (number and letter) is used to facilitate cross-references throughout this guide and is unique to this guide and related documents.

> *(2a) A situation when a country calls up reserves, orders military personnel to stay at home [e.g., cancels leave], or has an emergency call-up as well as constructs new military facilities that seems to be footing for attacking Japan.*[194]

[1856] 2–1.2.2. Ittaika (Integration), p. 20.
[1857] 4–6.1.1. Logistics Support Activities, p. 104.
[1858] 2–1.2.2.1. Scene of Combat, p. 21.
[1859] 3–3.3. Use of Force, p. 82.
[1860] i–E.11. Article 11 - Use of Weapons, p..349.
[1861] 3–2.3.1. Public Security Operation (PSO), p. 65.
[1862] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1863] 3–3.3. Use of Force, p. 82.
[1864] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1865] i–Q. Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended), p. 380.
[1866] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1867] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[1868] 5–3.4. Crisis II 4(b) Requests, p. 135.
[1869] 4–4. Basic Response Plan (BRP), p. 101.
[1870] 4–4. Basic Response Plan (BRP), p. 101.
[1871] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1872] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1873] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[1874] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1875] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

If STS[1876] has been Stipulated and the STS conflict is expected to expand to an Armed Attack[1877] on/in Japan, AAAS or even AAS (Imminent)[1878] may be Stipulated concurrently[1879] or near-concurrently with STS.

4–9.5. Notes/Caveats

For likely JSDF RMCs[1880] in evacuation during AAAS, see § 9–5.1 JSDF Evacuation Operations (p. 179).

See § 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition (p. 131).

4–10. Survival-Threatening Situation (STS)

4–10.1. Definition

Japan legally defines STS in Article 2[1881] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended). There are no official translations of this law. The definition below is provided in non-legal officially-translated GoJ documents.

> *Situations where an Armed Attack[1882] against a foreign country that is in a close relationship with Japan occurs, which as a result, threatens Japan's survival and poses a clear danger of fundamentally overturning Japanese people's right to life, liberty and pursuit of happiness.*[195]

The machine translation of the legal definition of STS, from Article 2, ¶(1)(iv) is:

> *A situation in which an Armed Attack has occurred against another country with which Japan has a close relationship, which threatens the very existence of our country and poses a clear danger of fundamentally overturning the people's rights to life, liberty, and the pursuit of happiness.*

STS may be rendered as:

- Existential Crisis Situation
- Existence-Threatening Situation
- Threat of National Existence for Japan

STS is not geographically-bound.

4–10.1.1. Relationship between STS and IIS

GoJ describes STS and IIS[1883] as related in the following manner:

> *While both situations [IIS and STS] … are different legal concepts that are determined separately based on the requirements set forth in the respective laws, they share common requirements such as the likelihood that Japan may be embroiled in a war and the extent of damage that may be suffered by Japanese nationals. In other words, [STS] may be conceptually subsumed under [IIS]. Accordingly, depending on how a situation evolves, [an IIS] may also satisfy the requirements of [an STS] and may be determined as such.*[196]

4–10.1.2. Survival-Threatening Armed Attack (STAA)

Armed Attacks[1884] associated with STS Stipulations[1885] are called Survival-Threatening Armed Attacks (STAA).[1886]

Because Article 2 of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) uses the same term, Armed Attack,[1887] for the definition of STS and AAS,[1888] the technical standards for what qualifies as an STAA are the same as those for an Armed Attack against Japan.[1889]

[1876] 4–10. Survival-Threatening Situation (STS), p. 111.
[1877] 4–12. Definition of "Armed Attack", p. 121.
[1878] 4–11.1.1. AAS (Imminent), p. 117.
[1879] 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition, p. 131.
[1880] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[1881] i–D.3. Article 2—Definitions, p. 337.
[1882] 4–12. Definition of "Armed Attack", p. 121.
[1883] 4–7. Important Influence Situation (IIS), p. 105.
[1884] 4–12. Definition of "Armed Attack", p. 121.
[1885] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1886] i–D.3. Article 2—Definitions, p. 337.
[1887] 4–12. Definition of "Armed Attack", p. 121.
[1888] 4–11. Armed Attack Situation (AAS), p. 116.
[1889] 4–12. Definition of "Armed Attack", p. 121.

However, while AAS concerns itself with any Armed Attack, whether existential or not, STS adds the explicit geostrategic criteria of a situation that "poses a clear risk of threatening Japan's survival." This means, that the political calculus will differ when evaluating an STAA.

In addition to the issue of geographic proximity and strategic relevance, GoJ may find it politically challenging or unpalatable to use certain types of Armed Attacks against the U.S. to Stipulate STS. Such situations may include:

- Attacks against the U.S. in Taiwan's territory, TTA,[1890] or TTS[1891]
- Attacks against the U.S. which are difficult to publicly attribute (e.g., the loss of a submarine)
- Indirect attacks against the U.S. (e.g., a U.S. ship striking a mine associated with a PRC Exclusion Zone, etc.[1892])
- Attacks against the U.S. which fall short of presenting a definitive or convincing case to the Japanese public; this may include:
  - Attacks in space or cyberspace
  - Attacks against non-state U.S. territories (e.g., Guam)
  - Attacks against U.S. forces taking part in activities considered in Japan as controversial or escalatory

4–10.2. Authorized Actions in STS

4–10.2.1. JSDF Operations in STS

In STS, the JSDF may conduct the following activities:

- CSAR[1893]
- MIO[1894] under Article 94-8[1895] of the SDF Act (Law No. 165 of 1954, as amended) as authorized by the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended).[1896]
  - Includes inspection of Merchant Ships[1897] and diversion to a Japanese port to restrict maritime transportation of Contraband[1898]
- Counterstrike[1899]

The following JSDF orders may be issued during STS:

- DOO[1900]

The JSDF may also conduct the following activities, although they are not inherent in STS and are conducted under their own authorities:

- Rescue/Transport of Japanese Nationals Overseas (R/TJNO)[1901]
- MoD maintains a contract (called PFI[1902]) for two high-speed civilian vessels, taskable within 72 hours of a crisis.

Under STS, the Civil Protection Act (Act No. 112 of 2004, as amended)[1903] does not apply and Civil Protection Operations[1904] or other activities under Civil Protection activities are not permitted.

Under STS, Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended)[1905] does not apply and GoJ cannot compel access to port and airfield facilities or other specified public facilities for either JSDF or U.S. forces.

Concurrent Stipulation[1906] (or Concurrent Recognition) of other Security Situations may otherwise authorize these activities.

[1890] A–4.5. National Airspace (TTA), p. 196.
[1891] A–4.4. Territorial Sea (TTS), p. 196.
[1892] 4–12.9.6. Exclusion Zones, etc., p. 127.
[1893] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
[1894] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[1895] i–C.56. Article 94-8—Authority to Regulate Maritime Transportation during Defense Call-Up, p. 329.
[1896] i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
[1897] E–2.2.2. Merchant Ships, p. 243.
[1898] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[1899] 2–3.5. Counterstrike, p. 47.
[1900] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1901] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[1902] 8–5. Private Financial Initiative (PFI), p. 175.
[1903] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[1904] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[1905] i–Q. Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended), p. 380.
[1906] 4–2.2.2. Concurrent Stipulation (Concurrent Recognition), p. 94.

4–10.2.2. JSDF Support Activities in STS

In STS, the JSDF may provide the following support to U.S. forces responding to the STAA[1907] and other STS-related activities:

- ISR
- Logistics Support Activities[1908]
  - Routine support[1909] to U.S. forces responding to STS (including for combat-related activities and including the Scene of Combat[1910])
  - Routine ACSA procedures and limitations apply[1911]

4–10.2.3. Ittaika Considerations in STS

Ittaika[1912] principles do not apply in STS.

> In the event of Parallel Stipulation[1913] (or Parallel Recognition), *Ittaika* principles may be applied outside boundaries applicable to the STS Stipulation.[1914]

4–10.2.4. Employment of Arms in STS

STS provides the JSDF Use of Force[1915] authorities when the Three New Conditions[1916] are met.

> See § 3–3.3.2.1. STS vs. AAS Use of Force (p. 83).

STS provides no special authorities for Use of Weapons,[1917] although additional Use of Weapons authorities may be provided by operations (e.g., PSO,[1918] MSO[1919]) conducted under other authorities.

4–10.2.5. U.S. Access Authorizations in STS

STS provides no additional access authorities for U.S. forces in Japan. U.S. use of Facilities and Areas[1920] must be requested through routine II 4(b) procedures[1921] though a modified process[1922] is possible.

GoJ can request cooperation from local governments or commercial operators of ports and airports use but there is no obligation for port and airport operators to provide the requested support and no legal mechanism to compel support.

4–10.2.6. Geographic Bounds of STS

There are no necessary geographic boundaries for activities that may be authorized under STS. The BRP[1923] may specify geographic areas or other restrictions that bound the implementation of STS activities or otherwise limit STS authorizations

4–10.3. Requirements

- BRP[1924]
- PM Authorization
- Diet Approval[1925] (*Ex Ante*[1926] or *Ex Post Facto*[1927])

[1907] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[1908] 4–6.1.1. Logistics Support Activities, p. 104.
[1909] 4–6.1. Routine Support to U.S. Forces, p. 104.
[1910] 2–1.2.2.1. Scene of Combat, p. 21.
[1911] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[1912] 2–1.2.2. Ittaika (Integration), p. 20.
[1913] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[1914] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1915] 3–3.3. Use of Force, p. 82.
[1916] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[1917] i–E.11. Article 11 - Use of Weapons, p..349.
[1918] 3–2.3.1. Public Security Operation (PSO), p. 65.
[1919] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[1920] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[1921] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[1922] 5–3.4. Crisis II 4(b) Requests, p. 135.
[1923] 4–4. Basic Response Plan (BRP), p. 101.
[1924] 4–4. Basic Response Plan (BRP), p. 101.
[1925] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1926] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[1927] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.

4–10.4. STS Scenarios

During Diet proceedings for the 2015 Legislation for Peace and Security,[1928] the following examples were provided as possible conditions that would justify Stipulation[1929] of STS:

> Neither GoJ nor other sources number potential situations that might precipitate a Security Situation Stipulation. The scheme below (number and letter) is used to facilitate cross-references throughout this guide and is unique to this guide and related documents.

> *(3a) An Armed Attack[1930] against a country in a close relationship with Japan, for example, the United States, occurs in areas close to Japan.*
>
> *(3b) At that moment, it is not confirmed as an Armed Attack against Japan, but an attacking country possesses a large number of ballistic missiles whose range covers Japan. The country's behavior suggests that an Armed Attack against Japan is imminent to occur.*
>
> *(3c) There is a clear risk of suffering irrecoverable and serious damage from the first attack by a ballistic missile, if Japan does not respond to the situation until an Armed Attack against Japan occurs instead of promptly preventing an Armed Attack against U.S. ships (the U.S. ia an ally with capability of defending Japan from ballistic missile attacks by a foreign country [i.e., Aegis-capable ships] and conducting counter-attacks).*[197]

See § 4–10.5.2. Application of STS to Taiwan (p. 114) for a discussion on STS scenarios as they might apply to Taiwan.

> A Stipulation of STS may result in a concurrent or near-concurrent[1931] Stipulation of AAAS[1932] if Japan expects the STS conflict to expand to an Armed Attack on/in Japan.

4–10.5. Notes/Caveats

4–10.5.1. Concurrent STS/AAAS or STS/AAS (Imminent)

See § 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition (p. 131).

4–10.5.2. Application of STS to Taiwan

Whether GoJ would Stipulate[1933] STS based on an attack on Taiwan alone (with no attack on U.S. forces) and then Approve[1934] such a Stipulation is ambiguous.

As with any Stipulation, the decision is a political one based on major factors such as those listed in § 4–3.2. Stipulation Decision Calculus (p. 100).

4–10.5.2.1. Rationale for "Taiwan STS"

The rationale for GoJ to Stipulate[1935] STS based on an attack on Taiwan can be made on at least three grounds:

- An attack on the government and people of Taiwan, as the country in close relationship with Japan[1936]
- The threat to Japanese nationals in Taiwan as a result of an attack on the government and people of Taiwan[1937]
- The risk of undermining the Japan-U.S. alliance through limited support to a U.S. defense of Taiwan[1938]

See also § 3–2.3.2.1. MSO in a Taiwan Contingency (p. 67).

4–10.5.2.1.1. Attack on the Government and People in Taiwan

During Diet proceedings for the 2015 Legislation for Peace and Security,[1939] the GoJ's position on this question was:

[1928] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1929] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1930] 4–12. Definition of "Armed Attack", p. 121.
[1931] 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition, p. 131.
[1932] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1933] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1934] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1935] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1936] 4–10.5.2.1.1. Attack on the Government and People in Taiwan, p. 114.
[1937] 4–10.5.2.1.2. Attack (or Hybrid Warfare) on Japanese Nationals in Taiwan, p. 115.
[1938] 4–10.5.2.1.3. Undermining the Japan-U.S. Alliance, p. 115.
[1939] 2–1.6. 2015 Legislation for Peace and Security, p. 34.

> *Countries with which Japan does not have diplomatic relations can be included, but it is difficult to answer this question because the meaning of 'regarded as countries' [i.e., status as a sovereign state[1940]] is not always clear.*[198]

In 2021, Deputy PM[1941] ASŌ stated:

> *If a major problem took place in Taiwan, it would not be too much to say that it could relate to a Survival-Threatening Situation.*[199]

Furthermore, the 2014 Advisory Panel on Reconstruction of the Legal Basis for Security, which set the groundwork for the 2015 Legislation for Peace and Security,[1942] recommended the following. While these specific recommendations were not adopted into law or otherwise affirmatively stated in the policy adopted after passage of the legislation, they suggest the plausibility that Japan could rationalize an STS Stipulation in response to an attack on the government and people in Taiwan.

> *With regard to whether a certain situation would fall under such a case, the Government should take responsibility for making a decision, taking the following points into consideration comprehensively whether there is a high possibility the situation could lead to a direct attack against Japan, whether not taking action could significantly undermine trust in the Japan-U.S. alliance, thus leading to a significant loss of deterrence, whether international order itself could be significantly affected, whether the lives and rights of Japanese nationals could be harmed severely and whether there could otherwise be serious effects on Japan.*[200]

4–10.5.2.1.2. Attack (or Hybrid Warfare) on Japanese Nationals in Taiwan

A more speculative case might be made for GoJ Stipulating[1943] STS based on the threat to or attacks on Japanese Nationals in Taiwan. While STS is constructed around an attack on a State or State-like entity that threatens the "rights to life, liberty and pursuit of happiness" of the Japanese people, it is possible to make the case that GoJ might consider a direct attack on the "rights to life, liberty and pursuit of happiness" of Japanese people abroad in Taiwan as a qualifying condition to Stipulate STS (or, even more speculative, violence and attacks attributed to a PRC Hybrid Warfare[1944] campaign in and against Taiwan).

Indeed, the 2014 Advisory Panel on Reconstruction of the Legal Basis for Security, which set the groundwork for the 2015 Legislation for Peace and Security,[1945] recommended the "lives and rights of Japanese nationals" be a consideration for STS Stipulation. While this specific recommendations was not adopted into law or otherwise affirmatively stated in the policy adopted after passage of the legislation, it suggests the plausibility that Japan could rationalize an STS Stipulation in response to the threat to Japanese Nationals in Taiwan during an attack on Taiwan.

> *With regard to whether a certain situation would fall under such a case, the Government should take responsibility for making a decision, taking the following points into consideration comprehensively whether there is a high possibility the situation could lead to a direct attack against Japan, whether not taking action could significantly undermine trust in the Japan-U.S. alliance, thus leading to a significant loss of deterrence, whether international order itself could be significantly affected, whether the lives and rights of Japanese nationals could be harmed severely and whether there could otherwise be serious effects on Japan.*[201]

Conventionally, such a scenario might be considered as warranting RJNO,[1946] not STS. However, RJNO requires the host nation to maintain public safety and order and for no active combat to be taking place at the location of the rescue. In a PRC attack on Taiwan that endangers Japanese nationals' lives, such conditions are not probable and GoJ may face extraordinary pressure to rationalize action that protects Japanese lives in Taiwan. In such a situation, STS may present the most obvious solution to enable such defensive action.

4–10.5.2.1.3. Undermining the Japan-U.S. Alliance

The Report of the Advisory Panel on Reconstruction of the Legal Basis for Security calls for consideration of "whether not taking action could significantly undermine trust in the Japan-U.S. alliance" when in evaluating an STS scenario.[202]

[1940] 3–3.3.3.1.1. Taiwan's Status as a State, p. 84.

[1941] Deputy PM statements are not necessarily considered authoritative (in a similar way to how a US Vice President might make a statement that does not imply administration policy). See § C–2.1.1.2. Deputy Prime Minister, p. 224. Additionally, Tarō ASŌ has a domestic reputation as "the King of Absurd Comments" (Li 2024).

[1942] 2–1.6. 2015 Legislation for Peace and Security, p. 34.

[1943] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

[1944] 11–3Hybrid Warfare, p. 186.

[1945] 2–1.6. 2015 Legislation for Peace and Security, p. 34.

[1946] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.

While this criteria was ultimately not included in the definition of an STS, its inclusion in the report indicates plausible political considerations that may weigh in any Stipulation of STS.[1947]

The risk of undermining the Japan-U.S. alliance through limited support to a U.S. defense of Taiwan

4–10.5.2.2. Rationale against "Taiwan STS"

The "legalistic" argument against an attack on Taiwan resulting in STS focuses on three criteria:

- Japan does not have formal diplomatic relations with Taiwan
- Japan is not in a "close" relationship with Taiwan
- Japan does not formally recognize Taiwan as a sovereign state[1948]

More practical arguments against a "Taiwan STS" focus on the implications of such a Stipulation:[1949]

- STS would functionally shift GoJ's position on Taiwan[1950] and severely damage the GoJ/PRC relationship, most probably escalating the crisis when GoJ would be seeking to deescalate and/or set conditions to restore the *antebellum* status quo
- STS would permit CSD[1951] for the subject "foreign country" which might give the JSDF more latitude to inadvertently escalate a conflict than the GoJ desires (or give the PM more latitude to do the same than the Diet or popular sentiment desires)
  - CSD for Taiwan could logically be extended to allow JSDF combat forces to be deployed abroad
  - The actual STS Recognition[1952] may scope any Taiwan-based Recognition to exclude or narrowly scope such CSD for Taiwan including JSDF actions in Taiwan territorial land, TTA,[1953] and TTS[1954] or Taiwan civilians/military forces within Japan's territorial land, TTA, or TTS
  - However, the mere existence of this possibility would likely result in paralyzing debate that makes a Taiwan-based STS Stipulation difficult to conceive
- Public polling suggests those who join the JSDF do so out of the motivation to defend Japan with only weak appeal for more vague ideas of international contributions (e.g., PKO[1955]) or CSD
  - Such political realities further militate against an expansive interpretation of STS to apply to Taiwan

4–10.5.2.2.1. Taiwan Blockade and STS

For the U.S. or Japan to classify any enforcement of a PRC "Blockade"[1956] of Taiwan (distinct from mere declaration of a Blockade[1957] or Exclusion Zone, etc.[1958]) as a belligerent act (i.e., act of war), thus bolstering any case for intervention, or even as a justification to Stipulate[1959] STS[1960] on behalf of Taiwan,[1961] Japan or the U.S. would be required to recognize Taiwan as not under the sovereignty or administration of PRC in order to counter the PRC's claims that the enforcement of any Exclusion Zones, etc. was merely a domestic security measure.

With both Japan and the U.S.'s official positions that they take no position on the sovereignty of Taiwan,[1962] any such change in that position would almost certainly be escalatory and be avoided in a Blockade-related crisis.

A Taiwan Blockade (or enforcement of any Exclusion Zones, etc.) that infringed upon Japanese sovereignty or sovereign rights could plausibly[1963] result in an AAS[1964] Stipulation.

4–11. Armed Attack Situation (AAS)

4–11.1. Armed Attack Situation (AAS) Definition

See § 4–12. Definition of "Armed Attack" (p. 121).

[1947] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1948] F–2. Japan's National Position on Taiwan, p. 256.
[1949] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1950] F–2. Japan's National Position on Taiwan, p. 256.
[1951] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1952] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1953] A–4.5. National Airspace (TTA), p. 196.
[1954] A–4.4. Territorial Sea (TTS), p. 196.
[1955] 3–2.6. Peacekeeping Operations (PKO), p. 76.
[1956] 4–12.8.7. Blockade, p. 126.
[1957] 4–12.9.5. Declaring a Blockade, p. 127.
[1958] 4–12.9.6. Exclusion Zones, etc., p. 127.
[1959] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1960] 4–10. Survival-Threatening Situation (STS), p. 111.
[1961] 4–10.5.2. Application of STS to Taiwan, p. 114.
[1962] Appendix F. Alliance Positions on Taiwan, p. 253.
[1963] 4–11.4. AAS Scenarios, p. 120.
[1964] 4–11. Armed Attack Situation (AAS), p. 116.

Japan legally defines AAS in Article 2[1965] of Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended). There are no official translations of this law. The definition below is provided in non-legal officially-translated GoJ documents.

> *Situations in which an Armed Attack[1966] against Japan from outside occurs or in which it is recognized that clear danger of an Armed Attack against Japan from outside is imminent.*[203]

The machine translation of the legal definition of AAS, from Article 2, ¶(1)(ii) is:

> *A situation in which an Armed Attack has occurred [AAS Occurrence], or a situation in which there is a clear and imminent danger of an armed attack [AAS Imminent].*

"Armed Attack Situation" is distinct from "armed attack situations, etc."[1967] The latter refers to AAAS[1968] and AAS, collectively. See § 4–8. "Armed Attack Situations, etc." (p. 108).

4–11.1.1. AAS (Imminent)

> *A situation where an imminent and clear danger of an Armed Attack[1969] against Japan is acknowledged [Recognized[1970]].*

During Diet proceedings for the 2015 Legislation for Peace and Security,[1971] the following example was provided as a possible condition that would justify Stipulation[1972] of AAS (Imminent):

Neither GoJ nor other sources number potential situations that might precipitate a Security Situation Stipulation. The scheme below (number and letter) is used to facilitate cross-references throughout this guide and is unique to this guide and related documents.

> *(4i) A country clearly indicates its intention to attack Japan and gathers multiple ships and aircraft for launching an attack.*

Because an Armed Attack has yet to occur,[1973] JSDF does not have Use of Force[1974] authority (see § i–C.39.A. Article 88 Use of Force During AAS (Imminent) [p. 320]).

AAS (Imminent) may be rendered as:

- AAS(I)
- Pressing AAS or AAS (Pressing)
- Urgent AAS or AAS (Urgent)
- Expected AAS or AAS (Expected)—Any use of an "expected" rendering should be clarified as it is easily confused with renderings of AAAS.[1975]

4–11.1.1.1. STS/AAS (Imminent) Combination

See § 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition (p. 131).

4–11.1.2. AAS (Occurrence)

AAS (Occurrence) does not, by itself, authorize U.S. military combat operations from and through Japan, including for defense of Japan. See § 2–1.3.4.2. Article V vs. AAS (Occurrence) and U.S. Collective Self-Defense of Japan (p. 27).

AAS (Occurrence) may be rendered as:

[1965] i–D.3. Article 2—Definitions, p. 337.
[1966] 4–12. Definition of "Armed Attack", p. 121.
[1967] 4–8. "Armed Attack Situations, etc.", p. 108.
[1968] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[1969] 4–12. Definition of "Armed Attack", p. 121.
[1970] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1971] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[1972] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1973] 2–3.1. "Three New Conditions" for the Use of Force, p. 41; i–C.39.A. Article 88 Use of Force During AAS (Imminent), p. 320.
[1974] 3–3.3. Use of Force, p. 82.
[1975] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.

- AAS(O)

Neither GoJ nor other sources number potential situations that might precipitate a Security Situation Stipulation.[1976] The scheme below (number and letter) is used to facilitate cross-references throughout this guide and is unique to this guide and related documents.

(4o) A situation where an Armed Attack[1977] against Japan from outside has occurred.

Stipulation of AAS (Occurrence) is not automatic and still requires positive action from the Cabinet. Some actions that appear to U.S. planners to objectively constitute Armed Attack may not be considered by the PM or Diet as such (see § 4–12.9. Situations Excluded from Armed Attack [p. 126]).

Under AAS (Occurrence) the MinDef can authorize Use of Force[1978] through a DOO.[1979]

4–11.2. Authorized Actions in AAS

- Logistics Support
  - Routine support[1980] to U.S. forces responding to AAS (including for combat-related activities and including the Scene of Combat[1981])
  - Routine ACSA procedures and limitations apply[1982]
- CSAR[1983]
- MIO Operations[1984]
- DOO[1985] is issued
  - CSD[1986] may be authorized
- MoD may control part/whole of JCG[1987]
- Use of Facilities by U.S. Forces
  - II 4(b)[1988] does not apply
  - GoJ may grant U.S. Forces access to areas and facilities
    - GoJ can order local authorities to permit U.S. usage or, if refused, directly grant access to privately-owned land
    - Access is not automatic
- MIO Operations[1989]
- Civil Protection
  - GoJ may issue warning and voluntary evacuation[1990] orders
  - Civil Protection Act[1991] applies, authorizing GoJ use of commercial airfields and ports
- Counterstrike[1992]

4–11.2.1. JSDF Operations In AAS

In AAS, the JSDF may conduct the following activities:

- Civil Protection Operations[1993] as regulated by the Civil Protection Act (Act No. 112 of 2004, as amended)[1994]
  - GoJ may issue warning and voluntary evacuation[1995] orders
  - Civil Protection Act (Act No. 112 of 2004, as amended)[1996] authorizes GoJ use of commercial airfields and ports
- CSAR[1997]

[1976] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[1977] 4–12. Definition of "Armed Attack", p. 121.
[1978] 3–3.3. Use of Force, p. 82.
[1979] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
Use of Force is not authorized [1980] 4–6.1. Routine Support to U.S. Forces, p. 104.
[1981] 2–1.2.2.1. Scene of Combat, p. 21.
[1982] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[1983] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.
[1984] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[1985] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[1986] 3–4.2. Collective Self-Defense (CSD), p. 86.
[1987] 7–4.3. MoD Control over the JCG, p. 161.
[1988] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[1989] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[1990]
[1991]
[1992] 2–3.5. Counterstrike, p. 47.
[1993] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[1994] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[1995]
[1996] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[1997] 3–2.2.6.2. Combat Search and Rescue (CSAR), p. 60.

- MIO[1998] under Article 94-8[1999] of the SDF Act (Law No. 165 of 1954, as amended) as authorized by the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended).[2000]
  - Includes inspection of Merchant Ships[2001] and diversion to a Japanese port to restrict maritime transportation of Contraband[2002]

The following JSDF orders may be issued during AAS:

- DOO[2003]

The JSDF may also conduct the following activities, although they are not inherent in IIS and are conducted under their own authorities:

- Rescue/Transport of Japanese Nationals Overseas (R/TJNO)[2004]
- MoD maintains a contract (called PFI[2005]) for two high-speed civilian vessels, taskable within 72 hours of a crisis.

4–11.2.2. JSDF Support Activities in AAS

In AAS, the JSDF may provide the following support to U.S. forces responding to the Armed Attack[2006] and other AAS-related activities:

- ISR
- Logistics Support Activities[2007]
  - Routine support[2008] to U.S. forces responding to AAS (including for combat-related activities and including the Scene of Combat[2009])
  - Routine ACSA procedures and limitations apply[2010]

4–11.2.3. Ittaika Considerations in AAS

Ittaika[2011] principles do not apply in AAS.

> In the event of Parallel Stipulation[2012] (or Parallel Recognition), *Ittaika* principles may be applied outside boundaries applicable to the AAS Stipulation.[2013]

4–11.2.4. Employment of Arms in AAS

AAS provides the JSDF Use of Force[2014] authorities when the Three New Conditions[2015] are met.

> During AAS (Imminent),[2016] Use of Force may be authorized but because the Three New Conditions have not yet been met (until AAS [Occurrence][2017]), Use of Force may not be exercised.

> See § 3–3.3.2.1. STS vs. AAS Use of Force (p. 83).

4–11.2.5. U.S. Access Authorizations in AAS

AAS allows the GoJ to grant the U.S. the joint/shared use of GoJ-controlled Facilities and Areas[2018] (e.g., national parks, government-owned land) and grant U.S. use of JSDF bases.

[1998] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[1999] i–C.56. Article 94-8—Authority to Regulate Maritime Transportation during Defense Call-Up, p. 329.
[2000] i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
[2001] E–2.2.2. Merchant Ships, p. 243.
[2002] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[2003] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[2004] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[2005] 8–5. Private Financial Initiative (PFI), p. 175.
[2006] 4–12. Definition of "Armed Attack", p. 121.
[2007] 4–6.1.1. Logistics Support Activities, p. 104.
[2008] 4–6.1. Routine Support to U.S. Forces, p. 104.
[2009] 2–1.2.2.1. Scene of Combat, p. 21.
[2010] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[2011] 2–1.2.2. Ittaika (Integration), p. 20.
[2012] 4–2.2.1. Parallel Stipulation (Parallel Recognition), p. 94.
[2013] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2014] 3–3.3. Use of Force, p. 82.
[2015] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[2016] 4–11.1.1. AAS (Imminent), p. 117.
[2017] 4–11.1.2. AAS (Occurrence), p..117.
[2018] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.

Under the Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended),[2019] the GoJ can direct local governments or commercial operators to provide access for U.S. forces to port and airfield facilities or other Specified Public Facilities[2020] or, if the local government or operator refuses, directly grant access for U.S. forces.

U.S. use of other Facilities and Areas[2021] owned or operated privately or by local governments may be granted directly by GoJ under Article 15[2022] of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended).

U.S. access to Facilities and Areas not granted through the authorities above must be requested through II 4(b) procedures,[2023] though a modified process[2024] is possible.

4–11.2.6. Geographic Bounds of AAS

There are no necessary geographic boundaries for activities that may be authorized under AAS. The BRP[2025] may specify geographic areas or other restrictions that bound the implementation of AAS activities or otherwise limit AAS authorizations

4–11.3. Requirements

- BRP[2026]
- PM Authorization
- Diet Approval[2027] (*Ex Ante*[2028] or *Ex Post Facto*[2029])

> *Ex Post Facto* Diet Approval is possible.

4–11.4. AAS Scenarios

Qualifying direct attacks[2030] on Japan are described in § 4–12. Definition of "Armed Attack" (p. 121).

In addition to these situations, it is plausible for Japan to interpret gross infringements of its sovereignty or sovereign rights as warranting consideration for Stipulation[2031] of AAS. Such a situation might include a neighboring Blockade[2032] that infringes upon Japan's exercise of its sovereign rights in its TTA[2033]/TTS[2034], or even CZ[2035] and EEZ.[2036] In such circumstances, GoJ would need to overcome political resistance to generally-acceptable principles for defining Armed Attacks,[2037] especially including the principle of qualifying Armed Attacks[2038] causing "death, injury, damage, or destruction."

4–11.4.1. Conditions

Roll into "rule of thumb" section?

- Geographic Boundaries: Within Japanese territorial land, TTA,[2039] or TTS[2040] (including against U.S. Forces in Japan) or against JSDF personnel, assets, or vessels anywhere
- Attribution[2041] of attack and hostile intent to an enemy state combatant
  - Hostile Intent: AAS does not apply to the actions of a "Rogue Commander," miscalculation, or accident.[2042]

4–11.5. Notes/Caveats

For possible JSDF RMCs[2043] in evacuation during AAS, see § 9–5.1. JSDF Evacuation Operations (p. 179).

See § 4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition (p. 131).

[2019] i–Q. Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended), p. 380.
[2020] i–Q.1. Overview (Specified Public Facilities), p. 380.
[2021] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2022] i–F.15. Article 15—Use of Land, etc., p. 353.
[2023] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
[2024] 5–3.4. Crisis II 4(b) Requests, p. 135.
[2025] 4–4. Basic Response Plan (BRP), p. 101.
[2026] 4–4. Basic Response Plan (BRP), p. 101.
[2027] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2028] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[2029] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[2030] 4–12.8. Applicable Situations, p. 124.
[2031] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2032] 4–12.8.7. Blockade, p. 126.
[2033] A–4.5. National Airspace (TTA), p. 196.
[2034] A–4.4. Territorial Sea (TTS), p. 196.
[2035] A–4.6. Contiguous Zone (CZ), p. 196.
[2036] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2037] 4–12.3. General Principles for Defining an Armed Attack, p. 122.
[2038] 4–12. Definition of "Armed Attack", p. 121.
[2039] A–4.5. National Airspace (TTA), p. 196.
[2040] A–4.4. Territorial Sea (TTS), p. 196.
[2041] 4–12.8.5. Attribution of Armed Attack Source and Intent, p. 125.
[2042] 4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander"), p. 126.
[2043] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.

It is unclear that even an overt kinetic attack on Japan/U.S. forces in Japan would be considered an Armed Attack[2044] if it was not clearly attributable[2045] (e.g., PRC SOF or CMM, lethal drones, etc.). GoJ's decision-making would be heavily influenced by the information environment. If such an attack were unattributable, it is likely GoJ would feel compelled to respond to the attack as a law enforcement matter.

4–12. Definition of "Armed Attack"

GoJ does not have a comprehensive definition Armed Attack, however it can be synthesized from various GoJ documents, laws, and policies as:

> *An organized and premeditated[2046] attack against Japan, attributable to a State or Quasi-State Organization,[2047] resulting in death, injury, damage, or destruction[2048] within Japan's[2049] territorial land, TTA,[2050] or TTS[2051] or against a Japanese State Vessel or State Aircraft anywhere.[2052]*

Internationally, there are various legal definitions and interpretations of Armed Attack and related terms such as "Attack," "Armed Conflict," "IAC"[2053] etc., and no single agreed upon definition for these terms.

Because of the Japanese Constitution's Article 9[2054] and Japan's Positive List[2055] approach, Japan defines Armed Attack more narrowly than other states, especially considering the legalistic nature of the Security Situation framework.

Japanese legal definitions for Armed Attack can be derived from two sources:

- ¶(1)(i) of Article 2 of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended):
  - An "Armed Attack[2056] against our country from outside."[2057]
- ¶(4), Article 2[2058] of the Civil Protection Act (Act No. 112 of 2004, as amended) defines Armed Attack Disaster[2059] as:
  - "human death or injury, fire, explosion, release of radioactive materials, or other human or material disasters directly or indirectly caused by an armed attack"

In clarifying remarks to the Diet, the GoJ has explained that this refers to "organized and premeditated external attacks on Japan."[204]

"Premeditated" is also translated as "planned" by some sources.

An Armed Attack against Japan may be referred to as an "Article V[2060] Contingency" or "Article V Situation" however these two terms are not perfectly equivalent. See § 4–12.1. Distinction between Armed Attack and Article V (p. 122).

Even this requires case-by-case interpretation in the context of the international situation. Furthermore, because the Stipulation[2061] of Security Situations is a political act, domestic and international political circumstances must also be considered.

While this may seem peculiar to U.S. planners, it is not dissimilar in principle to the U.S.'s approach to the same issue. For example, U.S. policy in cyberspace is to reserve the right to consider and respond to cyber attacks as it would conventional attacks, but in practice, most such activity, even in crisis, would be considered below the threshold for kinetic retaliation. As another example, in 2020, following the U.S. killing of Iranian Major General Qasem Soleimani, Iran launched over a dozen BMs at U.S. forces stationed at al-Asad Air Base in Iraq. While there was no question of whether this was considered an armed attack, what was at issue was whether the U.S. would respond as if it was or (implicitly) consider it an acceptable retaliation and forgo any immediate or overt response.

2044 4–12. Definition of "Armed Attack", p. 121.
2045 4–12.8.5. Attribution of Armed Attack Source and Intent, p. 125.
2046 4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander"), p. 126.
2047 3–3.3.3.1. State or Quasi-State Organization, p. 83.
2048 4–12.8.3. Armed Attack in Cyberspace, p. 125.
2049 4–12.6. Applicable Geography, p. 124.
2050 A–4.5. National Airspace (TTA), p. 196.
2051 A–4.4. Territorial Sea (TTS), p. 196.
2052 4–12.7. Applicable Worldwide Targets, p. 124.
2053 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
2054 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
2055 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
2056 4–12. Definition of "Armed Attack", p. 121.
2057 i–D.3. Article 2—Definitions, p. 337.
2058 i–G.1. Article 2—Definitions, p. 354.
2059 4–12.2. Armed Attack Disaster, p. 122.
2060 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
2061 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

Assessment of an Armed Attack is performed on a case-by-case basis and remains the independent sovereign right[2062] of each Ally.

A Stipulation of AAS[2063] can be expected to be made concurrently with invocation of MST's Article V's[2064] mutual defense obligations.

4–12.1. Distinction between Armed Attack and Article V

AAS (Occurrence) does not, by itself, authorize U.S. military combat operations from and through Japan, including for defense of Japan. See § 2–1.3.4.2. Article V vs. AAS (Occurrence) and U.S. Collective Self-Defense of Japan (p. 27).

While Armed Attack and Article V[2065] are often spoken of as equivalent, Article V applies only "in the territories under the administration of Japan." In contrast, an Armed Attack may occur against a State Vessel[2066] or Aircraft[2067] in any geographic location.[2068]

Thus, any Armed Attack does not necessarily implicated Article V—only Armed Attacks within Japan's[2069] territorial land (including territory under the administration of Japan), TTA,[2070] or TTS.[2071]

Add reciprocal section in art v

4–12.2. Armed Attack Disaster

Armed Attack Disaster may also be rendered as:

- Armed Attack-Induced Disaster

¶(4), Article 2[2072] of the Civil Protection Act (Act No. 112 of 2004, as amended) defines Armed Attack Disaster as "human death or injury, fire, explosion, release of radioactive materials, or other human or material disasters directly or indirectly caused by an armed attack.[2073]"

4–12.3. General Principles for Defining an Armed Attack

While each potential Armed Attack scenario will be evaluated on a case-by-case basis, the following serve as principles generalized from the specific factors detailed in the remaining subsections of § 4–12. Definition of "Armed Attack" (p. 121).

As a general rule, attacks that meet all of the criteria below are likely to be considered Armed Attacks.

1. Clearly attributable (i.e., "organized") to a State or Quasi-State Organization[2074]
2. Clearly intended (i.e., "premeditated") by the State or Quasi-State Organization and not the result of an accident, miscalculation, or "Rogue Commander"[2075]
3. Either:
   3a. Occur within Japan's[2076] territorial land, TTA,[2077] or TTS[2078] (see § G–3.2.3. U.S. Position on SKI TTS, TTA, CZ [p. 267])
   3b. Or occur against a State Vessel[2079] or Aircraft[2080] in any geographic location[2081]
4. The impact of the attack results in "death, injury, damage, or destruction" (potentially including non-kinetic or indirect attacks that have comparable impact)[2082]
5. Are not lawful action or retaliation in response to an unlawful Japanese action[2083]

[2062] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p..25.
[2063] 4–11. Armed Attack Situation (AAS), p. 116.
[2064] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2065] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2066] E–2.2.1. State Vessels, p. 242.
[2067] E–2.2.3. State Aircraft, p .244.
[2068] 4–12.7. Applicable Worldwide Targets, p. 124.
[2069] 4–12.6. Applicable Geography, p. 124.
[2070] A–4.5. National Airspace (TTA), p. 196.
[2071] A–4.4. Territorial Sea (TTS), p. 196.
[2072] i–G.1. Article 2—Definitions, p. 354.
[2073] 4–12. Definition of "Armed Attack", p. 121.
[2074] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[2075] 4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander"), p. 126.
[2076] 4–12.6. Applicable Geography, p. 124.
[2077] A–4.5. National Airspace (TTA), p. 196.
[2078] A–4.4. Territorial Sea (TTS), p. 196.
[2079] E–2.2.1. State Vessels, p. 242.
[2080] E–2.2.3. State Aircraft, p .244.
[2081] 4–12.7. Applicable Worldwide Targets, p. 124.
[2082] 4–12.8.3. Armed Attack in Cyberspace, p. 125.
[2083] This criteria is not specified or discussed in any materials on Armed Attack but can be implied from the overall context of other restrictions on qualifying Armed Attacks. For example, if a Japanese State Vessel that unlawfully entered the TTS of another state and did not comply with lawful directions

4–12.3.1. Attempts to Unilaterally Alter the Status Quo

There are some indications that Japan might consider actions to unilaterally alter the geopolitical status quo, even if such actions do not meet all of the criteria listed in § 4–12.3. General Principles for Defining an Armed Attack (p. 122), as achieving the same effect of an Armed Attack and thus, potentially warranting consideration of Security Situations that are normally considered to require Armed Attacks (i.e., STS[2084] or AAS[2085]).

For example, the national Cybersecurity Strategy of Japan states:

> *Cyberspace has become a realm of competition that reflects geopolitical tensions, even during normal times. The situation in cyberspace can no longer be deemed purely peacetime nor wartime, as alleged cases of cyberattacks by a military unit with advanced cyber capabilities targeting the critical infrastructure of another country. As greater segments of society become increasingly digitalized, cyberattacks have the risk of rapidly developing into a graver situation. Influence operations carried out using cyberspace and cyberattacks, which are difficult to attribute and whose incurred damages are hard to assess, can, at times, be conducted in combination with military operations and used in an attempt to change the status quo without engaging in armed attacks.*[205]

This does not clearly state how criteria from § 4–12.3. General Principles for Defining an Armed Attack (p. 122), might be applied to such cyberattacks and hybrid warfare. But a close reading of criteria #4 (attacks whose impact resulting in death, injury, damage, or destruction) could be argued to apply to non-lethal attacks that gravely threaten to overturn the status quo unilaterally. Such a reinterpretation of policy and precedent would be characteristic of Japanese defense policy (with the 2014 reinterpretation of Article 9 of the Japanese Constitution[2086] being the most obvious example).

4–12.4. Timing in Armed Attacks

Various sources semantically distinguish between the terms “imminent,” “initiation,” “anticipatory (self-defense),” “preemptive,” “preventative,” etc. in relation to an Armed Attack or defensive strikes in response to an Armed Attack.

These terms are not used consistently across sources and have meanings which are various, ambiguous, or undefined.

The key concept for understanding GoJ’s position is there is a legally-meaningful transition between:

- “Preventative” or “preemptive” response—which is not permitted
- Response to an Armed Attack here the harm has not yet been suffered (e.g., missiles have not yet impacted and may not yet have been launched)—which is permitted.

This transition occurs when GoJ judges that the adversary has committed to conducting the Armed Attack and that there is no other means[2087] to stop the attack aside from the Use of Force.[2088]

GoJ sources uses demonstrative examples such as ‘when the missiles are being fueled’ or ‘when the launch order has been given.’ However, a judgment that an adversary nation has committed to go to war is fundamentally a political judgment and cannot be reduced to a checklist of intelligence indications warnings.

Considering AAS, the JSDF is not authorized the Use of Force against the source of danger until the attack has commenced (i.e., pre-emptive or preventative strikes are not permitted).

However, this does not prohibit retaliation until after harm has started. For example, in a missile attack, the JSDF does not have to wait until the missiles have launched, but may be permitted to strike the missiles or otherwise exercise Use of Force when attacking missiles are readied into position, fueled, or the attack is otherwise considered to be irreversible. This would be recognized as the moment when the attack is considered to have “commenced” and would not be considered a pre-emptive or preventative strike.

to withdraw and, in response, was attacked by the other State, GoJ would likely be disinclined to define the event as an Armed Attack and, even if inclined, would be challenged to make a sufficiently convincing case for an AAS Recognition.

[2084] 4–10. Survival-Threatening Situation (STS), p. 111.
[2085] 4–11. Armed Attack Situation (AAS), p. 116.
[2086] ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan’s Survival and Protect its People, p. 428.
[2087] 2–3.1. “Three New Conditions” for the Use of Force, p. 41.
[2088] 3–3.3. Use of Force, p. 82.

The determination of attack "commencement" is obviously a complicated issue considering the policy that pre-emption is not permitted but neither is it required for waiting for the harm to have occurred.

This is further complicated by the Use of Force restrictions during[2089] AAS (Imminent)[2090] due to the fact that the Three New Conditions[2091] are not yet met. This exceptional interpretation of policy (if not exception to policy itself) would likely require the highest political decision.

4–12.5. Applicable Foreign Military Forces

Foreign Military Forces are the armed forces of a foreign state and other similar organizations[2092] engaged in Armed Attacks (as defined in Article 2,[2093] ¶(1)(i) of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended).[2094]

4–12.6. Applicable Geography

Qualifying[2095] attacks within Japanese territorial land, TTA,[2096] or TTS[2097] (i.e., within 12 NM) clearly constitute an Armed Attack (the U.S. recognizes the SKI as territory applicable[2098] to Article 5 mutual defense,[2099] but does not recognize[2100] the surrounding airspace or seas as the TTA, TTS, or CZ[2101] of Japan).

> International Law[2102] recognizes a state's authority to exercise sovereignty in its TTS and the airspace above, as well as and specified (i.e., limited) sovereign rights and jurisdiction in its CZ and EEZ.[2103] In disputed areas or areas one party insists are disputed (e.g., SKIs[2104]), this creates ambiguity over whether the Use of Force[2105] is an Armed Attack or simply authorized Use of Force to enforce sovereign rights. Such ambiguity may not be recognized by parties to such disputes but would impact international perceptions of the legitimacy of one or all involved parties.

4–12.7. Applicable Worldwide Targets

Attacks outside TTA[2106] or TTS[2107] potentially qualify if they target State Vessels[2108] or State Aircraft.[2109]

4–12.8. Applicable Situations

In addition to obvious, overt, and traditional Armed Attacks, the following are situations subject to consideration as an Armed Attack.

4–12.8.1. Lethal or Kinetic Armed Attack in the Maritime, Air, or Land Domains

Attacks against Japanese persons, property, or land within the territory of Japan, land under the administration of Japan,[2110] Japanese TTA,[2111] and Japanese TTS.[2112] Or attacks against U.S. forces within the same.

4–12.8.1.1. Minelaying (as Armed Attack)

The laying of a minefield[2113] with automatic contact mines for protection or area denial is generally not considered Armed Attack. However, the activation of the minefield is considered Armed Attack.[206]

4–12.8.2. Non-Lethal or Non-Kinetic Armed Attacks

There are few resources addressing how Japan would assess non-kinetic or non-lethal attacks that did not obviously constitute an Armed Attack in terrestrial domains.[2114]

[2089] i–C.39.A. Article 88 Use of Force During AAS (Imminent), p. 320.
[2090] 4–11.1.1. AAS (Imminent), p. 117.
[2091] 2–3.1. "Three New Conditions" for the Use of Force, p. 41.
[2092] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[2093] i–D.3. Article 2—Definitions, p. 337.
[2094] i–M.1. Article 2—Definitions of Foreign Military Supplies, p. 368.
[2095] 4–12.8. Applicable Situations, p. 124.
[2096] A–4.5. National Airspace (TTA), p. 196.
[2097] A–4.4. Territorial Sea (TTS), p. 196.
[2098] G–3.2. U.S. Position after PRC Normalization, p. 267.
[2099] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2100] G–3.2.3. U.S. Position on SKI TTS, TTA, CZ, p. 267.
[2101] A–4.6. Contiguous Zone (CZ)196.
[2102] 2–1.2.4.1. International Law, p. 22.
[2103] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2104] G–3.2.3. U.S. Position on SKI TTS, TTA, CZ, p. 267.
[2105] 3–3.3. Use of Force, p. 82.
[2106] A–4.5. National Airspace (TTA), p. 196.
[2107] A–4.4. Territorial Sea (TTS), p. 196.
[2108] E–2.2.1. State Vessels, p. 242.
[2109] E–2.2.3. State Aircraft, p .244.
[2110] G–2. Bilateral Policy on SKIs, p. 265.
[2111] A–4.5. National Airspace (TTA), p. 196.
[2112] A–4.4. Territorial Sea (TTS), p. 196.
[2113] 3–2.2.5. Minelaying, p. 60.
[2114] 4–12.8.1. Lethal or Kinetic Armed Attack in the Maritime, Air, or Land Domains, p. 124.

Applying the logic behind the few resources addressing attacks in space[2115] and cyberspace[2116] (combined with GoJ policy determinations regarding Use of Weapons[2117] against uncrewed systems[2118]), it is reasonable to conclude that Japan would evaluate the impact of such attacks in terms of whether they caused "death, injury, damage, or destruction."[207]

4–12.8.3. Armed Attack in Cyberspace

A 19 April 2019 SCC[2119] Joint Statement[2120] the Allies agreed that attacks in cyberspace could constitute an Armed Attack covered under MST Article V,[2121] stating:

> *The Ministers affirmed that International Law[2122] applies in cyberspace and that a cyber attack could, in certain circumstances, constitute an Armed Attack for the purposes of Article V[2123] of the U.S.-Japan Security Treaty [MST]. The Ministers also affirmed that a decision as to when a cyber attack would constitute an Armed Attack under Article V would be made on a case-by-case basis, and through close consultations between Japan and the United States, as would be the case for any other threat.*[208]

While norms continue to develop in cyberspace, it is generally considered that a cyberspace operation would qualify as an Armed Attack:

> *…where it has a physical effect that is equivalent to an attack conducted by kinetic means: namely, if it results, or is designed to result, in death, injury, damage, or destruction.*[209]

When considering actions in cyberspace as an Armed Attack, the issue of attribution can be problematic, especially for "patriotic hackers" or other entities not actually or obviously directed by an adversarial State.

4–12.8.4. Armed Attack in Space

In an 11 January 2023 SCC[2124] Joint Statement,[2125] the Allies agreed that attacks in space could constitute an Armed Attack covered under MST Article V,[2126] stating:

> *The Ministers consider that attacks to, from, or within space present a clear challenge to the security of the Alliance, and affirmed such attacks, in certain circumstances, could lead to the invocation of Article V[2127] of the Japan-U.S. Security Treaty [MST]. The Ministers also affirmed that a decision as to when such an attack would lead to an invocation of Article V would be made on a case-by-case basis, and through close consultations between Japan and the United States, as would be the case for any other threat.*[210]

4–12.8.5. Attribution of Armed Attack Source and Intent

The definition of Armed Attack requires GoJ not only to attribute Armed Attacks to their source, but also attribute the source of their intent.

Hybrid Warfare[2128] techniques complicate the attribution of attacks by calling into question whether they are excluded from consideration as an Armed Attack as "non-organized" combat[2129] or by concealing State or Quasi-State Organization[2130] sponsorship (i.e., attribution only to an Armed Agent[2131]).

For maritime attacks, International Law[2132] considers the employment of arms from Warships,[2133] Naval Auxiliaries,[2134] and vessels used by Maritime Militia[2135] as potentially qualifying as use of force by the State. Customary International Law[2136] allows the conduct of every state-operated entity to be attributable to that state.[211] GoJ, however, may establish a more restrictive standard[2137] for attribution even from state-operated entities.

[2115] 4–12.8.4. Armed Attack in Space, p. 125.
[2116] 4–12.8.3. Armed Attack in Cyberspace, p. 125.
[2117] 3–3.1. Use of Weapons, p. 77.
[2118] 3–3.1.4. Use of Weapons Against Uncrewed Systems, p. 81.
[2119] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2120] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2121] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2122] 2–1.2.4.1. International Law, p. 22.
[2123] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2124] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2125] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2126] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2127] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2128] 11–3. Hybrid Warfare, p. 186.
[2129] 4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander"), p. 126.
[2130] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[2131] 11–5. Armed Agents, p. 187.
[2132] 2–1.2.4.1. International Law, p. 22.
[2133] E–2.2.1.1. Warships, p. 242.
[2134] E–2.2.1.2.1. Naval Auxiliaries, p. 243.
[2135] E–2.2.1.2.2. Maritime Militia, p. 243.
[2136] 2–1.2.4.1.1. Customary International Law, p. 23.
[2137] 4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander"), p. 126.

Armed Attacks originating from space may be considered a National Space Activity under Rule 102 of the McGill Manual if they are conducted by a government or national entity or if the activity has a "territorial nexus with or is otherwise attributable to that State" and with States responsible for such activities under Rule 130[212]

For Armed Attack to trigger an IAC,[2138] an attack attributable to one state (e.g., conducted by a state-operated entity) must be directed against another state. Generally, this is considered as any attack "directed against the objects or persons on the land territory, in the Territorial Sea,[2139] or in the Archipelagic Waters[2140] of an Archipelagic State,[2141] including the TTA"[2142] or "against Sovereign Immune[2143] platforms" anywhere.[213]

4–12.8.6. Armed Attacks on U.S. Areas and Facilities

In 1959, the CLB[2144] Director stated to the Diet that if a U.S. base in Japan were attacked, this would involve invasion of Japan's territorial land, TTA,[2145] and TTS[2146]meeting the criteria of an Armed Attack.

This position has been repeatedly reinforced at all levels of government, since.

4–12.8.7. Blockade

A Blockade is "a belligerent operation intended to prevent vessel traffic from all States from entering or leaving specified coastal areas that are under sovereignty, occupation, or control of an enemy."[214]

Enforcement of a Blockade, recognized by International Law[2147] as a belligerent act,[215] could be considered an Armed Attack (for the purposes of both AAS[2148] and STS[2149]). However, mere declaration[2150] of a Blockade is insufficient. Furthermore, Exclusion Zones, etc.,[2151] that are not called Blockades will complicate the legal case for determination of an Armed Attack.

See § 4–10.5.2.2.1. Taiwan Blockade and STS (p. 116) for why a "Blockade" of Taiwan would be difficult to define as an Armed Attack.

4–12.9. Situations Excluded from Armed Attack

Just as characterizing an Armed Attack is a political act and not automatic, the same is true for excluding acts from characterization as an Armed Attack..

4–12.9.1. "Non-Organized" Combat (e.g., "Rogue Commander")

Because combat must be "organized and premeditated" to be considered Armed Attack, any violence or combat that is sporadic or occasional may not be considered Armed Attack. The intent or state control behind such attacks must be interpreted.

> Attribution to a State invokes the issue of "State Responsibility" which involves some degree of direction and intent. This potentially excludes "rogue commander" situations, miscalculation, or accident.

Accidental or unauthorized action by foreign armed forces (e.g., actions by a "rogue" commander, operating independent from State direction) may not be considered Armed Attack. As a result, even violence intentionally premeditated and directed by a subordinate commander (e.g., ship captain) may not be considered Armed Attack. In ambiguous circumstances (or situations made to appear ambiguous[2152]), either the PM or Diet may require that the origins of orders for violent acts be attributed[2153] to senior political or military commanders.

> Because of the requirement for intent or attribution to be determined even for certain obvious acts of violence, Hybrid Warfare[2154] methods potentially pose a particularly difficult challenge for the GoJ in acknowledging an Armed Attack.

2138 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
2139 A–4.4. Territorial Sea (TTS), p. 196.
2140 A–4.11. Archipelagic Waters, p. 198.
2141 A–4.1.2. Archipelagic State, p. 195.
2142 A–4.5. National Airspace (TTA), p. 196.
2143 E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.
2144 C–2.1.7. Cabinet Legislation Bureau (CLB), p. 227.
2145 A–4.5. National Airspace (TTA), p. 196.
2146 A–4.4. Territorial Sea (TTS), p. 196.
2147 2–1.2.4.1. International Law, p. 22.
2148 4–11. Armed Attack Situation (AAS), p. 116.
2149 4–10. Survival-Threatening Situation (STS), p. 111.
2150 4–12.9.5. Declaring a Blockade, p. 127.
2151 4–12.9.6. Exclusion Zones, etc., p. 127.
2152 Chapter 11. Grey Zone and Hybrid Warfare, p. 185.
2153 4–12.8.5. Attribution of Armed Attack Source and Intent, p. 125.
2154 11–3. Hybrid Warfare, p. 186.

4–12.9.2. Intrusions into TTA and TTS

The GoJ does not consider intrusions into Japanese TTA[2155] or TTS[2156] as Armed Attack (see § E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage) [p. 251]).

See also § 3–2.3.3. Measures Against Airspace (TTA) Violations (p. 67).

4–12.9.2.1. Intrusions into Japanese Territory

It is unclear—but unlikely—if intrusions into Japanese territory would be considered Armed Attack. However, the logic of excluding intrusions into TTA or TTS,[2157] combined with the general requirement for hostile actions in cyberspace to amount to "death, injury, damage, or destruction"[2158] to be considered an Armed Attack, combine to make it unlikely that even uniformed personnel from a potentially hostile state discovered in Japanese territory would be considered an Armed Attack without conclusive proof of violent intent or responsibility for a violent act.

Territorial intrusions by non-unformed personnel, difficult to definitively attribute to a State actor would likely fall under the excluded category of Grey Zone Activities[2159] or Attacks by Armed Agents.[2160]

4–12.9.3. Grey Zone Activities

By (Japan's) definition, Grey Zone[2161] activity does not constitute Armed Attack.

See Chapter 11. Grey Zone and Hybrid Warfare (p. 185).

4–12.9.4. Attacks by Armed Agents

Japan has defined a category of Armed Agents[2162] as persons conducting illegal or subversive activities while armed with weapons. Even while this may be applied to State-directed forces, such as guerillas, SOF, etc., this term avoids the attribution implications[2163] that would qualify hostile or violent acts by Armed Agents as Armed Attack.

Because actions by Armed Agents fall below the threshold of Armed Attack (unless and until attributed to a State actor), they are, by definition, police matters (although in severe cases, PSO[2164] may be enacted).

4–12.9.5. Declaring a Blockade

While a formal Blockade[2165] is a belligerent act, not only do States sometimes avoid calling such actions Blockades, but the *declaration* of a Blockade itself does not qualify as an Armed Attack.

Activities to enforce a Blockade may qualify as an Armed Attack.

Blockades are distinct from embargo or sanction enforcement operations which are domestic security measures by a State to restrict access to its own coasts, ports, or harbors.[216]

See § 4–10.5.2.2.1 Taiwan Blockade and STS (p. 116) for why a "Blockade" of Taiwan would be difficult to define as an Armed Attack.

4–12.9.6. Exclusion Zones, etc.

There are a variety of terms, many ill-defined or with no recognized definition or legal status under International Law.[2166] Often states use these terms and associated concepts to avoid legal use of or labeling with the term Blockade,[2167] given that term's status as a belligerent act.

The declaration of Exclusion Zones, etc., or otherwise implementing restrictions in the vicinity of naval operations does not qualify as Armed Attack.[217]

Activities to enforce an Exclusion Zone, etc. may qualify as an Armed Attack under limited cases where such enforcement activities were deemed unlawful.

[2155] A–4.5. National Airspace (TTA), p. 196.
[2156] A–4.4. Territorial Sea (TTS), p. 196.
[2157] 4–12.9.2. Intrusions into TTA and TTS, p. 127.
[2158] 4–12.8.3. Armed Attack in Cyberspace, p. 125.
[2159] 4–12.9.3. Grey Zone Activities, p. 127.
[2160] 4–12.9.4. Attacks by Armed Agents, p. 127.
[2161] 11–2. Grey Zone, p. 185.
[2162] 11–5. Armed Agents, p. 187.
[2163] 4–12.8.5. Attribution of Armed Attack Source and Intent, p. 125.
[2164] 3–2.3.1. Public Security Operation (PSO), p. 65.
[2165] 4–12.8.7. Blockade, p. 126.
[2166] 2–1.2.4.1. International Law, p. 22.
[2167] 4–12.8.7. Blockade, p. 126.

4–12.9.6.1. Warning Area

States may establish Warning Areas in International Waters[2168] and International Airspace[2169] to advise vessels of activities that may be hazardous, such as for missile testing or gunnery exercises. The establishing State may exercise the use of proportionate force to protect its activities from interference.[218]

Advanced notice of such areas must be provided, such as NOTMAR, NOTAM, etc.

Ships and aircraft not required to remain outside a Warning Area but have an obligation to avoid interference with the activities (i.e., the requirement of Due Regard) being conducted within the area. States may conduct commercial and military activities within Warning Areas, including intelligence collection or other forms of observation.

4–12.9.6.2. Belligerent Control of the Immediate Area of Naval Operations

Within the Immediate Area of Naval Operations, belligerents have the right[2170] to may establish special control of neutral vessels and aircraft, exercising special restrictions on their activities or even prohibiting their entry into the designated area.[219] Such restrictions may include control over the communication of neutral Merchant Ships[2171] or Civil Aircraft.[2172] Neutral vessels that fail to follow a belligerent's direction may assume enemy character and become a lawful object of attack.

The Immediate Area of Naval Operations is "that area within which hostilities are taking place or belligerent forces are operating."[220]

The control exercised is belligerent in nature because it derives from the right to attack enemies, self-defense without suffering neutral interference, and the right to ensure the security of belligerent forces.

The control exercised may not deny access to neutral States (e.g., form a *de facto* Blockade[2173]) or close international straits (unless alternative routes of similar convenience remain available).

4–12.9.6.3. Exclusion Zones or War Zones

Historically, during times of war, some belligerents have established broad "Exclusion Zones" or "War Zones" that either prohibited neutral shipping or placed neutral shipping at additional risk. These zones, which may assume various names, are broad and purport to remove protections from neutral vessels that they retain, even during an IAC[2174].[221] By contrast, Belligerent Control of the Immediate Area of Naval Operations[2175] is narrow in scope and respects lawful neutral vessel protections.

4–12.9.6.4. Security Zone, Defense Zone, Defensive Sea Area, Maritime Control Area

Historically, during times of war or other national emergencies, some belligerents have established Security Zones, Defense Zones, Defensive Sea Areas, Maritime Control Areas, etc. to exercise control over foreign entities in designated areas beyond their TTS[2176] in the interests of their national security and defense.[222]

> *[The Charter of the UN] and general principles of International Law recognize that a State may exercise measures of ISD and CSD against an Armed Attack or imminent threat of Armed Attack. Those measures may include the establishment of Defense Zones, Defensive Sea Areas, or Maritime Control Areas in which the threatened State seeks to enforce some degree of control over foreign entry into those areas.*[223]

Some States have attempted to assert similar rights in peacetime, seeking to control foreign Warships[2177] and Military Aircraft[2178] (i.e., vessels with Sovereign Immunity[2179]) beyond their TTS. International Law[2180] does not recognize any such peacetime right.

[2168] A–4.13.2. International Waters, p. 199.
[2169] A–4.5.1. International Airspace, p. 196.
[2170] 2–1.2.1.3. Belligerent Rights, p. 16.
[2171] E–2.2.2. Merchant Ships, p. 243.
[2172] E–2.2.4. Civil Aircraft, p. 244.
[2173] 4–12.8.7. Blockade, p. 126.
[2174] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[2175] 4–12.9.6.2. Belligerent Control of the Immediate Area of Naval Operations, p. 128.
[2176] A–4.4. Territorial Sea (TTS), p. 196.
[2177] E–2.2.1.1. Warships, p. 242.
[2178] E–2.2.3.1. Military Aircraft, p. 244.
[2179] E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.
[2180] 2–1.2.4.1. International Law, p. 22.

4–12.9.6.5. Quarantine

While Quarantine is not a clearly-defined legal or operational term, it is often used to refer to customs-like inspection enforcement operations that provides a legal basis for "blockade-like" operations that bolster the narrative that such operations are short of belligerent acts.

A Quarantine may take numerous forms or names, but in Taiwan scenarios, ATPA[2181] and MTPA[2182] are often used as PRC justifications for enforcing a quarantine.

4–12.9.6.5.1. Air Trade Protection Act (ATPA)

The ATPA is a hypothesized future PRC law that would authorize PRC to divert aircraft bound for Taiwan to mainland PRC airports for inspection, providing a legal pretense for Blockade-like[2183] operations. The PRC would categorize such action as an Enforcement of its Sovereign Right[2184] to control vessels, trade, etc. or Maritime Law Enforcement[2185] within its claimed territory.

See § 4–10.5.2.2.1. Taiwan Blockade and STS (p. 116).

4–12.9.6.5.2. Maritime Trade Protection Act (MTPA)

The MTPA is a hypothesized future PRC law authorizing PRC to divert shipping bound for Taiwan to mainland PRC ports for inspection, providing a legal pretense for Blockade-like[2186] operations. The PRC would categorize such action as an Enforcement of its Sovereign Right[2187] to control vessels, trade, etc. or Maritime Law Enforcement[2188] within its claimed territory and TTS[2189]/TTA.[2190]

See § 4–10.5.2.2.1. Taiwan Blockade and STS (p. 116).

4–12.9.7. Attacks Against Non-Government Japanese Entities outside TTS

For Armed Attack to trigger an IAC,[2191] an attack attributable to one state (e.g., conducted by a state-operated entity) must be directed against another state (e.g., a State Vessel[2192] or State Aircraft[2193]).

4–12.9.8. Enforcement of Sovereign Rights

Generally, force used in a state's enforcement of its sovereign rights in its TTS,[2194] TTA,[2195] CZ,[2196] or EEZ,[2197] are not considered Armed Attacks.

> Divergent interpretations of the boundaries of sovereign rights (e.g., in disputed regions) have implications for crisis phases or escalation management in conflict. See § G–3.2.3. U.S. Position on SKI TTS, TTA, CZ (p. 267).

In the context of a Taiwan crisis, the PRC would likely justify what would otherwise seem like illegal or even belligerent acts as Enforcement of Sovereign Rights or Maritime Law Enforcement.[2198] In the cast of the ATPA[2199] or MTPA,[2200] this would include the sovereign right of a State to control vessels and trade, etc. within its territory and TTS/TTA.

4–12.9.9. Maritime Law Enforcement

In addition to the Enforcement of Sovereign Rights,[2201] International Law[2202] considers maritime law enforcement (as permitted by various conventions, Treaties,[2203] or Customary International Law[2204]) as not constituting Armed Attack.

[2181] 4–12.9.6.5.1. Air Trade Protection Act (ATPA), p. 129.
[2182] 4–12.9.6.5.2. Maritime Trade Protection Act (MTPA), p. 129.
[2183] 4–12.9.6. Exclusion Zones, etc., p. 127.
[2184] 4–12.9.8. Enforcement of Sovereign Rights, p. 129.
[2185] 4–12.9.9. Maritime Law Enforcement, p. 129.
[2186] 4–12.9.6. Exclusion Zones, etc., p. 127.
[2187] 4–12.9.8. Enforcement of Sovereign Rights, p. 129.
[2188] 4–12.9.9. Maritime Law Enforcement, p. 129.
[2189] A–4.4. Territorial Sea (TTS), p. 196.
[2190] A–4.5. National Airspace (TTA), p. 196.
[2191] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[2192] E–2.2.1. State Vessels, p. 242.
[2193] E–2.2.3. State Aircraft, p. 244.
[2194] A–4.4. Territorial Sea (TTS), p. 196.
[2195] A–4.5. National Airspace (TTA), p. 196.
[2196] A–4.6. Contiguous Zone (CZ), p. 196.
[2197] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2198] 4–12.9.9. Maritime Law Enforcement, p. 129.
[2199] 4–12.9.6.5.1. Air Trade Protection Act (ATPA), p. 129.
[2200] 4–12.9.6.5.2. Maritime Trade Protection Act (MTPA), p. 129.
[2201] 4–12.9.8. Enforcement of Sovereign Rights, p. 129.
[2202] 2–1.2.4.1. International Law, p. 22.
[2203] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2204] 2–1.2.4.1.1. Customary International Law, p. 23.

> Divergent interpretations of the boundaries of sovereign rights (e.g., in disputed regions) have implications what various states consider permissible Maritime Law Enforcement and therefore for how states navigate crisis phases or escalation management in conflict. See § G–3.2.3. U.S. Position on SKI TTS, TTA, CZ (p. 267).

In the context of a Taiwan crisis, the PRC would likely justify what would otherwise seem like illegal or even belligerent acts as Maritime Law Enforcement or Enforcement of Sovereign Rights.[2205] In the cast of the ATPA[2206] or MTPA,[2207] this would include Maritime Law Enforcement within its claimed TTS[2208]/TTA.[2209]

4–12.9.10. Other Lawful Activities

Lawful capture or destruction of Booty of War[2210] or Prize[2211] or lawful MIO[2212] do not qualify as Armed Attack.[224]

4–13. Expected Patterns of Stipulation (Taiwan Crisis)

Different geopolitical crises (e.g., Korean Peninsula vs. SKI vs. Taiwan crises) will manifest different patterns or sequences of probable Stipulation.[2213]

However, when considering a Taiwan contingency, there are two broad patterns of probably Stipulation that planners may expect, derivable from common Taiwan contingency scenarios and close reading of the relevant GoJ authorities and laws. These patterns should not be taken prescriptively but as demonstrations of how GoJ may tend to view evolving crises and implement responses.

Exclusion Zone/Quarantine/MTPA, etc. on Taiwan=IIS

Blockade=STS (AAS upon infringement of JPN sov)

4–13.1. "Fishbone"

Op Prep Order

95-2 protection

BMD defense

4–13.2. Initial Threat to Japan and the U.S.

In this scenario, the PRC does not distinguish clearly between the U.S. and Japan in its initial actions to deter intervention in a Taiwan unification campaign. Initial PRC actions in crisis might include cyberspace attacks and/or Grey Zone[2214] activity against both the U.S. and Japan.

Because the U.S. is not drawn into conflict with the PRC in a meaningful way before Japan is also drawn in, STS and AAS[2215] (or at least AAS [Imminent][2216]) will probably be declared concurrently.

4–13.3. Initial Threat to U.S. Only

In a scenario where the PRC attempts to clearly distinguish its efforts between deterring the U.S. and deterring Japan from intervention, it is likely that Japan will remain at IIS[2217] until the U.S. is attacked.

When the U.S. comes under Armed Attack,[2218] the GoJ is likely to Stipulate[2219] STS.[2220] If the GoJ determines the conflict will likely spread to Japan or U.S. bases and forces in Japan (which is probable), then this also would meet the criteria of

[2205] 4–12.9.8. Enforcement of Sovereign Rights, p. 129.
[2206] 4–12.9.6.5.1. Air Trade Protection Act (ATPA), p. 129.
[2207] 4–12.9.6.5.2. Maritime Trade Protection Act (MTPA), p. 129.
[2208] A–4.4. Territorial Sea (TTS), p. 196.
[2209] A–4.5. National Airspace (TTA), p. 196.
[2210] E–2.5.2. Booty of War, p. 247.
[2211] E–2.5.1. Prize, p. 247.
[2212] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[2213] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2214] 11–2. Grey Zone, p. 185.
[2215] 4–11. Armed Attack Situation (AAS), p. 116.
[2216] 4–11.1.1. AAS (Imminent), p. 117.
[2217] 4–7. Important Influence Situation (IIS), p. 105.
[2218] 4–12. Definition of "Armed Attack", p. 121.
[2219] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2220] 4–10. Survival-Threatening Situation (STS), p. 111.

AAAS.[2221] If and when I&W of PRC expansion of attack to Japan or U.S. forces in Japan, GoJ would likely consider Stipulating AAS (Imminent).[2222]

In such a scenario, U.S. planners can expect some reluctance by GoJ in Recognizing[2223] STS. Because STS authorizes CSD[2224] of the U.S., this potentially authorizes Japanese entry into the IAC[2225] as a Belligerent. Such authorization is likely to be considered by both the PRC and Diet as escalatory. With not ability for *Ex Post Facto* Approval[2226] of STS, the PM would require *Ex Ante* Approval,

4–13.4. Concurrent STS/AAAS or STS/AAS (Imminent) Recognition

In cases where STS and AAS (Imminent)[2227] are Concurrently Stipulated or Recognized,[2228] the combined authorities for the JSDF effectively amount to the authorities that would be made available under AAS (Occurrence).[2229] Such a condition might occur if GoJ's estimate of an STS was that horizontal escalation of the STAA[2230] to Japan and/or U.S. forces in Japan[2231] was imminent.

If GoJ's estimate that STS was that horizontal escalation was likely, but not imminent, STS and AAAS[2232] might be Concurrently Stipulated or Recognized, instead. A Concurrent AAAS/STS Stipulation would provide GoJ the authorities to grant U.S. forces airfield and port access under AAAS authorities.

[2221] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2222] 4–11.1.1. AAS (Imminent), p. 117.
[2223] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2224] 3–4.2. Collective Self-Defense (CSD), p. 86.
[2225] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[2226] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2227] 4–11.1.1. AAS (Imminent), p. 117.
[2228] 4–2.2.2. Concurrent Stipulation (Concurrent Recognition), p. 94.
[2229] 4–11.1.2. AAS (Occurrence), p..117.
[2230] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[2231] 4–12. Definition of "Armed Attack", p. 121.
[2232] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.

Chapter 5. Access, Basing, and Overflight (ABO)

5–1. Overview

ABO is a commonly used (but not formally defined) term referring to: agreements between the U.S. and a foreign state for U.S. armed forces to operate in, from, and through territorial land, TTA,[2233] and TTS[2234] within specified limitations during peacetime, crisis, and/or conflict.

ABO normally includes SOFA[2235] agreements, specific restrictions or authorizations, and any national caveats.

> The MST[2236] grants the U.S. ABO in Japan. The SOFA governs procedures to exercise this ABO. The Security Situations[2237] framework authorizes the GoJ to grant ABO outside SOFA procedures.

Article VI[2238] of the MST grants the U.S. ABO in Japan:

> *For the purposes of contributing to the security of Japan and the maintenance of international peace and security in the Far East,[2239] the United States of America is granted the use by its land, air and naval forces of Facilities and Areas[2240] in Japan. The use of these Facilities and Areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement…*

The separate agreement is the SOFA. SOFA Article II[2241] establishes that the specific Facilities and Areas to be granted are agreed to through the JC.[2242] These include Facilities and Areas for Exclusive Use (e.g., permanent bases) as well as Limited Use[2243] (e.g., training or temporary deployment areas).

SOFA Article II 4(b)[2244] governs Limited Use Facilities and Areas:

> *With respect to Facilities and Areas which are to be used by United States armed forces for limited periods of time, the Joint Committee shall specify in the agreements covering such Facilities and Areas the extent to which the provisions of this Agreement shall apply.*

Article II 4(b) establishes the fact of the process, but the specifics of the II 4(b) process is established by JC policy.

5–1.1. Issues in Exercising ABO

During steady-state operations, the U.S. does not always exercise its fully-authorized ABO as understood by some U.S. planners (e.g., full access to airfields and ports in Japan[2245]). While this may be an incorrect understanding of the applicability of the SOFA, it is often in the interest of the U.S. not to press the issue and potentially damage the Alliance (by similar logic, the GoJ may have an interest not to press the issue through domestic legislative or legal means; see § 2–1.4.3.1. Limitations of SOFA Article 5 [p. 33]). Nonetheless, ABO limitations can lead to major operational challenges, even in "peacetime crises" such as SAR[2246] operations.

There may also be reluctance for U.S. planners to request ABO they believe is already authorized (e.g., a PPR[2247] for routine operations to an airfield) when they anticipate the request will be denied. This may be done to avoid setting or reinforcing precedent for entities (private or at various echelons of GoJ) to deny ABO when U.S. planners believe the authority for such denial does not exist.

2233 A–4.5. National Airspace (TTA), p. 196.
2234 A–4.4. Territorial Sea (TTS), p. 196.
2235 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
2236 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
2237 Chapter 4. Security Situations Framework, p. 90.
2238 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
2239 B–1.3.1. Defining the Far East, p. 207.
2240 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
2241 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
2242 6–2.1.4. Joint Committee (JC), p. 148.
2243 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p.134.
2244 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.
2245 2–1.4.3.1. Limitations of SOFA Article 5, p. 33.
2246 3–2.2.6. Search and Rescue (SAR), p. 60.
2247 5–4.2. PPRs, p. 136.

5–2. MST, SOFA, AND ABO

5–2.1. ABO Limitations

5–2.1.1. SOFA Article 5: Limitations in Application

See § 2–1.4.3.1. Limitations of SOFA Article 5 (p. 33) for a discussion on the limits of SOFA Article 5's authority and application.

The YARA Memorandum[2248] is one of the most high-profile case of these limitations.

5–2.1.1.1. YARA Memorandum

See Annex iii. YARA Memorandum (p. 438)

5–2.1.2. Operational Limitations and Prioritization

While U.S. planners can sometimes treat ABO as if it is all-or-nothing, on-or-off, competing priorities will likely limit U.S. ABO even in full-scale combat where Japan is "all in."

These competing priorities for limited ABO resources will include but are not limited to:

- JSDF and JCG requirements for defensive military operations
- Civil requirements for humanitarian assistance, evacuation, refugee processing, etc.

Limited ABO resources include:

- Land space
- Port berthing
- Apron or hanger space
- Ground support equipment or maintenance capacity
- ATC and runway operating capacity

Limitations placed on U.S. ABO to achieve desired prioritization may include:

- Apportionment of resources
  - By percentage (e.g., a designated percentage of sortie capacity at an airfield)
  - By time (e.g., civil operations prioritized during daytime hours, military operations prioritized during nighttime hours)
- Use of vacant or unused resources (e.g., vacant apron spaces)
- Exclusive use or non-use of selected resources (e.g., segregation of selected ports and airfields for exclusive civilian or military use)

Other considerations for ABO apportionment and prioritization may include facility suitability (e.g., port draft and pier size/strength or airfield runway durability and length).

5–2.1.3. De Facto Limitations

Over the years, as U.S. forces have exercised ABO or negotiation conditions for the exercise of ABO, convention and precedent have established other *de facto* limitations on ABO. For example, some airfields may have limited use by certain types or numbers of airframes due to engineering limitations and concern over heavier aircraft damaging runways over time. Or ports may negotiate limited U.S. access based on heavy commercial traffic or infrastructure limitations.

While such quotas may be negotiated during routine operations (for example, permitting only 4x C-130 flights into a given airfield per year), in practice these often harden over time into upper limits that can be difficult to change, even in "peacetime crises" such as SAR or disaster relief.

[2248] 5–2.1.1.1. YARA Memorandum, p. 133.

5–3. Limited Use Agreements (LUA) and II 4(b) Requests

5–3.1. Overview

II 4(b) may alternatively be rendered as:

- II.4.b
- II.4.(b)
- II, 4(b)

LUAs are required for U.S. forces to conduct exercises or operations off U.S. Exclusive Use (II 1[a][2249]) or U.S.-Japan Joint Use (II 4[a][2250]) facilities or areas. LUAs are requested under the provisions of SOFA Article II, ¶ 4, sub-paragraph (b), rendered and referred to as the "II 4(b) process" or "II 4(b) requests."

This II 4(b) process requires U.S. forces to detail the scope, purpose, and duration of the activity and for the GoJ to consult with local authorities and publish approved II 4(b) requests, making routine II 4(b) requests essentially unclassified CONOP. This process is subject to policy interpretation and may be more flexible in crisis.[2251]

The II 4(b) process is required in all situations short of AAS[2252] for private land. In AAAS,[2253] STS,[2254] or AAS, the GoJ can grant U.S. forces access to public or government-owned land, making II 4(b) requests potentially unnecessary in Security Situations[2255] beyond IIS[2256] for public land. Under an AAS Stipulation,[2257] the II 4(b) still applies, although GoJ has additional authorities to directly grant access outside of the II 4(b) process, if it so desires.

5–3.1.1. ACSA and "Propositioning" without II 4(b)

Since LUAs are only required when U.S. forces require access for exercises or operations, under certain conditions, use of the ACSA can enable U.S. forces to preposition or forward-stage equipment and/or supplies without necessitating a II 4(b) request.

See § 8–2.2.1. Prepositioning via U.S. ACSA, in lieu of II 4(b) (p. 174).

5–3.2. II 4(b) Request Components

II 4(b) requests include the following elements:

- Provision Agreement[2258]
- Implementation Plan[2259]

When requests are approved, these components become part of a "Limited Use Agreement" (LUA).

5–3.2.1. Provision Agreement

Provision Agreements must specify the following requested conditions for use in an Implementation Plan, submitted to the GoJ through the JC[2260] or ACG:[2261]

- Scope of Facilities and Areas[2262] (including areas to be used)
- Purpose, duration, conditions of use
- Forces and equipment to be deployed
- Public safety measures
- Responsibility for maintenance and management

[2249] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[2250] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29
[2251] 5–3.4. Crisis II 4(b) Requests, p. 135.
[2252] 4–11. Armed Attack Situation (AAS), p. 116.
[2253] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2254] 4–10. Survival-Threatening Situation (STS), p. 111.
[2255] Chapter 4. Security Situations Framework, p. 90.
[2256] 4–7. Important Influence Situation (IIS), p. 105.
[2257] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p, 93.
[2258] 5–3.2.1. Provision Agreement, p. 134.
[2259] 5–3.2.2. Implementation Plan, p. 135.
[2260] 6–2.1.4. Joint Committee (JC), p. 148.
[2261] 6–2.1.5. Alliance Coordination Group (ACG), p. 149.
[2262] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.

5–3.2.2. Implementation Plan

In addition to the elements of the Provision Agreement, Implementation Plans may include:

- Cost sharing agreements
- Other stipulations determined

5–3.3. II 4(b) Process

The LUA process follows:

- Coordination with MoD/MOFA AO-level representatives
- MoD/MOFA leadership approval
- Gain local understanding
  - The GoJ "shall conduct hearings with relevant local public entities and shall respect their opinions" prior to approval, including governors, mayors, and administrators of key facilities
- Political leader approval
- Formal signature by MOFA DG North America
- The GoJ "shall" publish the final Limited Use Agreement, including Provision Agreement and Implementation Plan

The JC[2263] is the approval authority for all II 4(b) requests.

5–3.3.1. Agreement Termination

U.S. use of the Facilities and Areas[2264] terminates when:

- The duration of the Provision Agreement expires
- The Facilities and Areas are no longer needed for the purposes of the Provision Agreement
- When the conditions of the agreement are found not to be fulfilled
- The GoJ may terminate the agreement or change the conditions of the request in the interests of Japan or public safety

5–3.3.2. Peacetime Timeline

The following timelines are generally acknowledged peacetime planning factors:

- JSDF facility: 30 days
- GoJ public land: 45 days
- Private land: 160 days

5–3.4. Crisis II 4(b) Requests

During crisis, some observers have theorized that II 4(b) procedures may be modified from peacetime standards to meet political and military requirements. Such modifications may include processing requests that might be:

- Expedited (accelerating the timeline for approval)
- Blanket (limited in required detail or broad in scope of approved activities or areas)
- With delayed notification (with public notification delayed to preserve OPSEC)

Article 9[2265] of the IIS Act (Act No. 60 of 1999, as amended) provides the GoJ with limited authorities to request cooperation from land owners, local governments, or facility operators in providing access to U.S. Forces.

The likelihood of such expediencies is difficult to anticipate but probably increases with the severity of a crisis and with the impact to private land owners (e.g., expedited LUAs in IIS[2266] might be expected for government-owned land or expedited LUAs [consistency – LUA: agreement, II 4(b): process] during AAAS[2267] for land where owners are being/have been evacuated).

[2263] 6–2.1.4. Joint Committee (JC), p. 148.
[2264] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2265] i–E.9. Article 9 - Cooperation by Parties Other than the State, p. 348.
[2266] 4–7. Important Influence Situation (IIS), p. 105.
[2267] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.

5–4. Other ABO Mechanisms

5–4.1. Contingency Use

5–4.2. PPRs

5–4.3. Sovereign Right

5–5. Prior Consultation for (Regional) Military Combat Operations (RMCO)

Prior Consultation is a highly sensitive issue with history of confidential or closely-held understandings, clarifications, and formal governmental positions. The information contained in this section and the entirety of this guide is reconstructed based only on publicly-available information and analysis. Additional information may exist that substantively alters some of the information contained in this section.

U.S. planners should take care when discussing Prior Consultation, and are advised to generally avoid discussing the information in this guide (which is speculative) in bilateral settings related to real-world military planning or exercises.

See Appendix B. Prior Consultation (p. 206) for an extended discussion of Prior Consultation.[2268]

While Prior Consultation is a considered by many as legal obligation under the MST, its implications have unavoidable political and diplomatic consequences. Thus, any discussion of the real-world employment of Prior Consultation must consider not only the legal obligations it explicitly imposes (e.g., specified Subjects of Prior Consultation[2269]) but also the political and diplomatic obligations it implicitly imposes (e.g., sensitive actions that may technically be outside the formal scope of Prior Consultation).

In its post-war history, Japan has had to navigate a fine line between fears of entrapment in U.S. crises or conflicts and its dependence, as a maritime nation (especially one with the restrictions of Article 9[2270]), on regional stability (as guaranteed under the MST[2271] by U.S. forces based in Japan). This requires it to both permit RMCO[2272] from Japan while still retaining a brake on such U.S. operations.

Prior Consultation is the mechanism developed to help the Alliance walk this fine line.[2273]

In principle, Prior Consultation allows:

- Japan to exercise some degree of influence or control over U.S. 'unilateral actions'
- Japan to benefit from the regional security offered by the deterrence provided by the prospect of U.S. forces operating from Japan or the security provided by the actual employment of those forces
- The U.S. at least a conditional promise that it may undertake 'unilateral action' from U.S. bases in Japan
- The U.S. an enhanced ability to support its other regional security commitments (e.g., to Korea or Taiwan) or otherwise to pursue its national interests in the region

However, when discussing such unilateral actions in crisis or conflict, U.S. planners will often use ill-defined terms such as "Unilateral ABO" or "Lethal ABO," sometimes interchangeably and often with flexible meanings. This is problematic for two reasons.

First, these terms are not formally or consistently defined, either for U.S. planners or for GoJ planners. This leads to confusion, presumptions, unstated assumptions, and miscommunication.

[2268] 5–5.2. Prior Consultation, p. 139.
[2269] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2270] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[2271] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2272] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2273] For an in-depth exploration of the history of Prior Consultation, see (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018).

Second, even when used with clear meaning, these are not "black and white" issues (whether "approved" or "unapproved") and, in any crisis or conflict, are likely to be treated by both sides as a spectrum.

5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO")

First referenced in the 6 January 1960 "Record of Discussion,"(see § B–3.1. 6 January 1960 Record of Discussion [p. 211]) the term "Military Combat Operations" has been used to refer to Military Combat Operations that may be initiated from Japan against areas outside Japan[2274] or what many U.S. planners refer to as "unilateral ABO."

> Because "Military Combat Operations," as a specific term in this context, is not well-known to U.S. planners and is ambiguous in its plain language sense, this guide modifies this term for clarity.
>
> To distinguish (U.S.) Military Combat Operations other than under Article V[2275] defense of Japan from (U.S.) military combat operations for Article V defense of Japan, this guide modifies this term to "(U.S. Regional) Military Combat Operations" and uses the acronym "RMCO" (an acronym unique to this guide) to emphasize this distinction.

RMCO includes:

- Direct combat operations (including lethal, non-lethal, kinetic, or non-kinetic attacks):
  - Originating from Japan (e.g., an airborne maritime strike operation flown from bases in Japan or ground-based anti-ship fires)
  - Supported from Japan (e.g., an airborne maritime strike operation launched from outside of Japan but landing in Japan to refuel en route to or from the strike)
  - Terminating in Japan (e.g., an airborne maritime strike operation launched from outside of Japan landing in Japan to conduct follow-on combat operations from Japan)
- Indirect combat operations:
  - Direct support to combat operations such as aerial refueling support from Japan
- Return of homeported ships involved in combat
  - (U.S. planners often assume that while 7th Fleet ships homeported in Japan may conduct combat operations without Prior Consultation once they exit the TTS[2276] of Japan, their re-entry into Japanese TTS or return to port in Japan would require Prior Consultation[2277])

5–5.1.1. Non-Kinetic Operations and Prior Consultation for RMCO

Some sources asset that non-kinetic operations do constitute RMCO and therefore do not require Prior Consultation.[225] While certain non-kinetic operations provide greater legal and political ambiguity, many non-kinetic operations are legally characterized as hostile acts that are not legally distinct from kinetic attacks. Thus, in the absence of specific legal reviews and intergovernmental political understandings or agreements, non-kinetic operations cannot be claimed or assumed to be outside of the scope of RMCO activities that would be subject to Prior Consultation.

5–5.1.2. Authorized Unilateral Actions

Based on legal interpretations of the Affirmative Commitment of Article V[2278], U.S. actions to meet the "common danger" once Article V of the MST[2279] is invoked do not require consultation under Article VI.[2280] The scope of this "common danger" may permit RMCO[2281] without further consultation (e.g., Prior Consultation[2282]).

5–5.1.2.1. Unauthorized U.S. Unilateral Actions

Some U.S. planners have hypothesized that Article III[2283] of the SOFA grants the U.S. authority to "operate" from U.S. bases and installations without regard to Prior Consultation,[2284] further agreement, or other GoJ consideration. This is a misreading[2285] of Article III.

[2274] B–3.1. 6 January 1960 Record of Discussion, p. 211.
[2275] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2276] A–4.4. Territorial Sea (TTS), p. 196.
[2277] 5–5.2. Prior Consultation, p. 139.
[2278] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[2279] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2280] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2281] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2282] 5–5.2. Prior Consultation, p. 139.
[2283] 2–1.4.2. Article 3—Establishing and Operating Facilities and Areas, p. 31.
[2284] 5–5.2. Prior Consultation, p. 139.
[2285] 2–1.4.2.1. Misreading of Article 3, p. 32.

5–5.1.2.1.1. Why the U.S. Would not Conduct Unauthorized U.S. Unilateral Actions

As described in § 5–5.2.3.1. GoJ Approval vs. Authorization of (p. 140), POTUS and the U.S. chain of command are the sole authority for the conduct of U.S. military operations. This fact, combined with various conditions and interpretations, means the U.S. can theoretically conduct unilateral actions against the intent, desires, or stated prohibitions of GoJ and even that there might be cases to be made that such actions were legal (e.g., under the Affirmative Commitment under Article V of the MST[2286]). Despite such possibilities, there are a variety of reasons why the U.S. would refrain from doing so.

The first and dominant reason is the Alliance itself. Such actions would likely present an existential threat to the Alliance and it is difficult to conceive of any short-term gains from such actions that would be worth the long-term strategic consequences of permanent damage to (or even dissolution of) the Alliance.

The second reason is that GoJ would likely 'retaliate' against such actions. This might take the form of relatively passive action such as withdrawing support for U.S. actions (e.g., access to certain non-U.S. airfields), placing burdensome limitations on U.S. operations or support activities (e.g., requiring additional time-consuming inspections). Or it may take the form of more active actions such as:

- Refuse aircraft re-entry into Japanese airspace
- Seize equipment
- Detain personnel
- Withdraw critical support (e.g., power/fuel, force protection)
- Impede future operations (e.g., block runways, base gates)

Finally, if Japan has declared a policy of neutrality under the Laws of Neutrality,[2287] U.S. actions would likely breach Japan's Duty of Neutrality,[2288] establishing a basis to classify Japan as a "co-belligerent" subject to retaliation from U.S. adversaries.

5–5.1.3. Complicating Factors

The following factors complicate discussions of RMCO.[2289]

- Lack of definition for MST[2290] "security[2291] in the Far East"[2292]
  - This ambiguity make it difficult to have a discussion of RMCO outside specific, detailed scenarios; bilateral plans provide such scenarios, but are military documents whereas ABO is a political decision

> The ABO assumed in any bilateral plans is a planning assumption, not a political decision or agreement.

- Ambiguous definition of Prior Consultation[2293]
- Lack of formal definition of Military Combet Operations associated terms
  - RMCO will probably need to be scoped[2294]
- Lack of GoJ legislation addressing RMCO (i.e., U.S. operations from Japan outside MST Art. V[2295]) due to Prior Consultation being a political vice legal act[2296]
  - The authorizing authority for ABO and the associated process is unclear (e.g., Diet vs. PM, *in extremis* PM decision with *Ex Post Facto*[2297] Diet Approval[2298] permitted or not)
- U.S. self-limitation[2299] and precedent during 60+ of peacetime operations under the MST

[2286] 2–1.3.4.1. U.S. Unilateralism under Article V: The "Affirmative Commitment", p. 25.
[2287] 2–1.2.1.4. Law of Neutrality, p. 18.
[2288] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[2289] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2290] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2291] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2292] B–1.3.1. Defining the Far East, p. 207.
[2293] 5–5.2. Prior Consultation, p. 139.
[2294] 5–5.4. (U.S.) Regional Military Combat Operations (RMCO) Spectrum, p. 141.
[2295] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2296] 5–5.2. Prior Consultation, p. 139.
[2297] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[2298] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2299] 5–1.1. Issues in Exercising ABO, p. 132.

5–5.2. Prior Consultation

See Appendix B. Prior Consultation (p. 206) for an extended discussion of Prior Consultation.

Prior Consultation may also appear as:

- PRICON
- Consultation in Advance
- Pre-Consultation
- Pre-Notification
- Advanced Consent (not to be confused with "Advanced (or Standing) Prior Consultation"[2300])
- Advanced Consultation (not to be confused with "Advanced (or Standing) Prior Consultation"[2301])

In simplest terms, Prior Consultation is the consultation required under Article VI[2302] the MST if Japan is not attacked but the U.S. wants to conduct RMCO[2303] for security of the Far East[2304] (i.e., operations conducted under MST Article VI).

In a conflict where Japan is attacked, Prior Consultation is not required for U.S. combat operations directly for the defense of Japan (i.e., U.S. combat operations authorized under MST Article V[2305]) but are, in principle, still required for combat operations beyond those directly supporting the defense of Japan.

Prior Consultation is a sovereign right of Japan and thus a diplomatic/political, not legal act.[2306] U.S. executive authority is the legal basis for RMCO, not any mechanism within Japanese law or government. Prior Consultation is the mechanism for seeking Japanese sovereign consent to such actions from Japan.

The issue of Prior Consultation has three components:

- The Subjects of Prior Consultation[2307]
- The mechanism or Modality of Prior Consultation[2308]
- The Scope of Prior Consultation[2309]

5–5.2.1. Standing Prior Consultation

This guide uses the informal term "Standing Prior Consultation" to refer to Prior Consultation concluded pre-crisis in anticipation of exercising the agreed-to actions during the anticipated crisis.

Other sources may refer to Standing Prior Consultation as:

- Advanced Prior Consultation (not to be confused with "Advanced Consultation"[2310]
- Standing Consultation
- Standing Prior Consultation
- Completed Prior Consultation

See also §§ B–1.3. Reluctance Towards "Standing Prior Consultation" (p. 206), B–2.1.4. Standing Prior Consultations Completed (p. 210), and B–3.4. The Korea Minute (p.215).

5–5.2.2. Subjects of Prior Consultation

MST Article VI[2311] grants the U.S. ABO in Japan for "maintaining security in the Far East.[2312]"

The term "Far East" is not bilaterally defined. See § B–1.3.1. Defining the Far East (p. 207).

[2300] 5–5.2.1. Standing Prior Consultation, p. 139.
[2301] 5–5.2.1. Standing Prior Consultation, p. 139.
[2302] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2303] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2304] B–1.3.1. Defining the Far East, p. 207.
[2305] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2306] B–1.1. Prior Consultation as a Political, not Legal Act, p. 206.
[2307] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2308] 5–5.2.3. Modality of Prior Consultation, p. 140.
[2309] 5–5.2.4. Scope of Prior Consultation, p. 141.
[2310] 5–5.2. Prior Consultation, p. 139.
[2311] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2312] B–1.3.1. Defining the Far East, p. 207.

A Joint Japan-U.S. Statement at the signing of the MST[2313] pronounced:

> *The Prime Minister [KISHI] discussed with the President [Eisenhower] the question of Prior Consultation under the new Treaty [MST]. The President assured him that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving Prior Consultation under the Treaty [MST].*[226]

5–5.2.2.1. The Prior Consultation Formula

A diplomatic Exchange-of-Notes[2314] at the MST[2315] signing, known as the Prior Consultation Formula,[2316] establishes the following items is issues subject to Prior Consultation:

- Major changes in the deployment into Japan of United States forces (including forces of or larger than a division-, or wing-, or naval task force-sized element)[2317]
- Major changes in U.S. force equipment
- The use of Facilities and Areas[2318] in Japan as bases for RMCO[2319] to be undertaken from Japan other than those conducted under Article V[2320] of the MST (i.e., other than combat operations in defense of Japan)

An Expanded Prior Consultation Formula[2321] also identifies issues not requiring Prior Consultation.

See §§ B–2.1. The Expanded Prior Consultation Formula (p. 208) and B–2.1.2. Issues Not Requiring Prior Consultation (p. 208).

5–5.2.3. Modality of Prior Consultation

The mechanism or *modality* for Prior Consultation, or what exactly it means to consult and how in this context, is not publicly defined. Various sources argue for whether Prior Consultation is or should be *notification* only or a method for Japan to grant (or withhold) explicit *consent*. Few public sources provide any insight into how the two governments view this issue and most analysis is based on speculation or statements or analysis by those who might not be fully informed on the issue. However, ¶(b) of March 1962 Guidelines of U.S. Policy and Operations Towards Japan[2322] strongly suggests that the USG's official policy towards Prior Consultation is that requests are subject to GoJ's consent as Japan's sovereign right.

Furthermore, there is almost not publicly-available analysis on what level of detail would be required in Prior Consultation, whether multiple Prior Consultations would be required for different issues or across time during a single contingency, or whether such Prior Consultation would be comprehensive.

5–5.2.3.1. GoJ Approval vs. Authorization of RMCO

U.S. planners often discuss "GoJ Authorization" for U.S. actions such as RMCO.[2323] This is a confusion of terms that muddies the issue.

"Authority/Authorization" is the legal basis for U.S. force activities. It provides the "left and right lateral limits" within which a commander has freedom of action. "Authority" has five elements:

- Mission: Tasks from a higher command to conduct the authorized activities
- Authorized use of resources: Proper use of the right/required people, money, equipment, facilities, etc.
- COMREL: Appropriate orders and tasks to the parties involved
- Specific Permissions: If required, approval for specified activities from the appropriate authority
- Coordination: If required, seeking concurrence from, or conducting coordination with, entities outside the organization prior to acting

"Approval/Permission" is the sanction of or assent/consent to an action within authority of a U.S. force.

2313 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
2314 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
2315 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
2316 B–3.2. Prior Consultation Formula (1960), p. 212.
2317 B–3.1.1. FUJIYAMA-MacArthur (Oral) Understanding, p. 212.
2318 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
2319 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
2320 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
2321 B–2.1. The Expanded Prior Consultation Formula, p. 208.
2322 B–3.6. March 1962 Guidelines of U.S. Policy and Operations Towards Japan, p. 218.
2323 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.

> Coordinated (vice combined) C2 (see Chapter 6 Alliance Management and Coordination [p. 145]) means authority for U.S. military action stems solely from U.S. command chains. The GoJ cannot "authorize" or "disauthorize" the employment of U.S. military force(s) but can only express "consent" or "non-consent."

See § 5–5.1.2.1.1. Why the U.S. Would not Conduct Unauthorized U.S. Unilateral Actions (p. 138).

5–5.2.4. Scope of Prior Consultation

With confidential assurances that the U.S. would be permitted to "introduce"[2324] U.S. nuclear weapons to Japan (under the U.S. interpretation of "introduce," which included placement of such weapons on Japanese soil), Japan created a final dimension of Prior Consultation: how "emergency" situations might allow the U.S. to assume the Japanese response to Prior Consultation to introduce U.S. nuclear weapons to Japan in an emergency.

Generally, the Japanese view of "emergency" tended to be narrowly-scoped with specific conditions that would allow Japan to articulate a clear "yes" or "no" without major complicating conditions and caveats. The U.S. view entailed a more flexible and broader vision of "emergency," that would allow U.S. policy-makers flexibility in exercising Alliance "rights" in pursuit of national and Alliance interests.

The result of this intractable divergence of views was (with the exception of the Korea Minute[2325] and ambiguous statements about "emergency" introduction of U.S. nuclear weapons) a default to Prior Consultation for specific crises when they arose. The reluctance to conduct "Pre Crisis Consultation"[2326] in anticipation of prospective crises.

5–5.3. Venue for Prior Consultation

There is no specified venue for Prior Consultation in public materials and it may take place in a variety of forms or through a variety of forums.

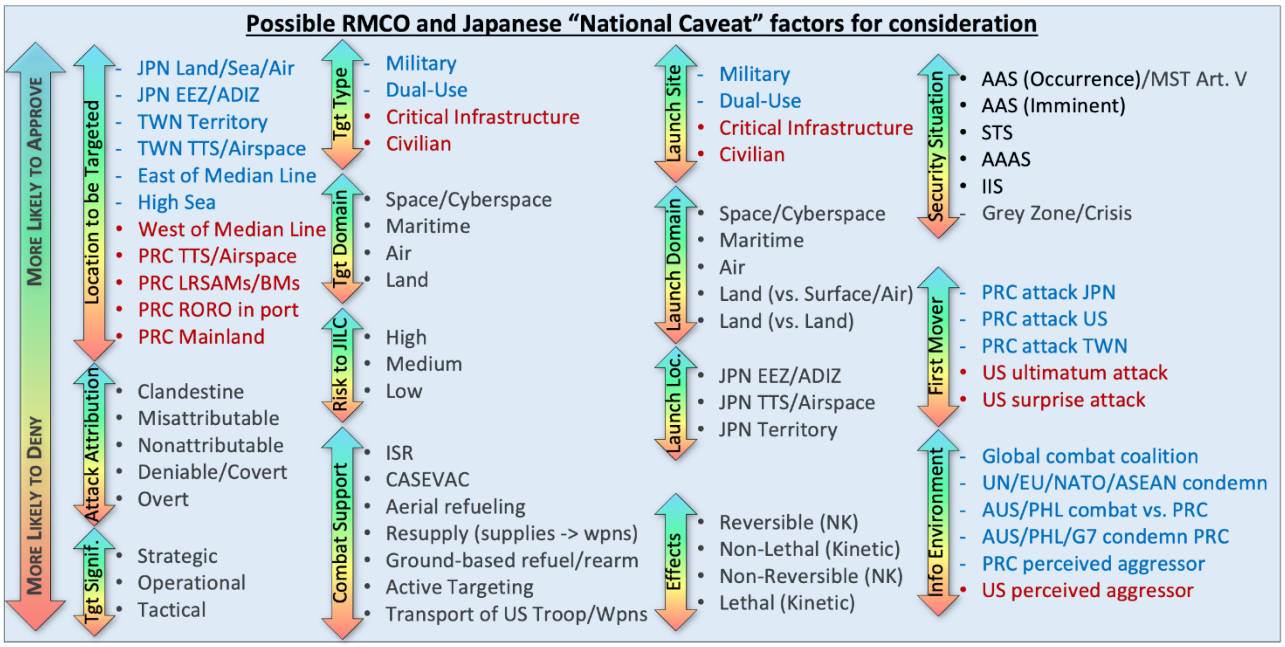
5–5.4. (U.S.) Regional Military Combat Operations (RMCO) Spectrum

U.S. defense planners and analysts may assume ABO and consent to RMCO[2327] as "all-or-nothing."[227] In reality, the issue of RMCO is likely to be treated by both members of the Alliance as a question of permissibility (Frederick, et al. 2023) along a spectrum. This spectrum may consider the criteria below.

> The considerations in § 5–5.4. (U.S.) Regional Military Combat Operations (RMCO) Spectrum are purely speculative and not based on any source aside from extremely limited historical examples of minor security incidents or similarly speculative foreign affairs or defense policy articles.

[2324] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[2325] B–3.4. The Korea Minute, p. 215.
[2326] B–1.3. Reluctance Towards "Standing Prior Consultation", p. 206.
[2327] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.

Figure 6. U.S. Regional Military Combat Operations (RMCO) Spectrum



5–5.4.1. (When) Would Japan Fight?

Considering a Taiwan Contingency, the question of would Japan "fight" and, if so, when has significant implications for defense planning at all echelons. This question has two major components:

- When Japan would authorize a DO under wither AAS[2328] or STS?[2329]
- When Japan would agree to RMCO[2330] through Prior Consultation?[2331]

These two questions are not independent for a Taiwan contingency, for agreement to RMCO would almost certainly be seen as accepting eventual horizontal escalation of the conflict to Japan (even if this horizontal escalation did not occur, the presumption of such expansions of a conflict would almost certainly be factored into Japan's decision-making process).

While the first question appears easier to answer by considering scenarios for AAS[2332] or STS,[2333] the Security Situation[2334] framework is designed to provide Japan's national leadership flexibility in such decisions.

Because the second question is not necessarily immediately reactive to adversary actions and is, instead, presumably reactive to a U.S. request for RMCO through Prior Consultation, there is presumably more space for a more deliberate consideration of all relevant factors. While there is no checklist for this decision and no way to calculate in advance what combination of factors would lead Japan to join an IAC either through Effective Contribution to Military Action[2335] for the U.S. (as an active belligerent) or by Japan becoming an active belligerent itself.

However, a review of commentary and analysis on this subject allows for the following "reconstruction" of probably decision-making calculus. The following analysis (comprising §§ 5–5.4.1. and 5–5.4.2. and their sub-sections) uses the foundational analysis of RAND's "Improving Conflict-Phase Access: Identifying U.S. Policy Levers" report, enriched by similar analysis from additional sources.[228]

Japan's decision would be based around the following factors:

- The Government's political survival
  - Public opinion
    - Perceived cause of conflict (e.g., unwarranted PRC aggression vs. inflammatory Taiwanese action)
    - Perception and initial aggressor (e.g., U.S. vs. PRC)
    - Attitudes towards PRC

[2328] 4–11. Armed Attack Situation (AAS), p. 116.
[2329] 4–10. Survival-Threatening Situation (STS), p. 111.
[2330] 5–5.4. (U.S.) Regional Military Combat Operations (RMCO) Spectrum, p. 141.
[2331] 5–5.2. Prior Consultation, p. 139.
[2332] 4–11.4. AAS Scenarios, p. 120.
[2333] 4–10.4. STS Scenarios, p. 114.
[2334] Chapter 4. Security Situations Framework, p. 90.
[2335] 2–1.2.1.4.6, Effective Contribution to Military Action, p. 19.

        - Attitudes towards PM/Cabinet
        - Support for the U.S./alliance
    - Strength of PM/Cabinet
        - Individual strength of PM
        - Position/alignment of key Cabinet members
        - Diet/Cabinet alignment
- Impact to Japan's security position
    - Threat to JNs
        - In Japan
        - In Taiwan
        - In PRC
        - Regionally
    - U.S. sense of crisis
        - Clear indications of U.S. reactions to perceived threat (draw down of personnel, travel warnings, increased protection/dispersion/deployment of high-value military assets)
        - Ability to maintain adequate defensive posture after U.S. force dispersion/deployment/redeployment/forecast losses (e.g., adequate BMD coverage by Aegis capable vessels)
    - PRC threats/assurances
    - Nature of conflict
        - Intensity
        - Regional containment
            - Russian and North Korean actions
        - Perception of threat/violations to or consequences for Japanese sovereignty
    - Escalation Management
        - Perceived ability to control escalation
        - Perception of escalation inevitability
    - Short-term
        - Likelihood/intensity of military retaliation for Japanese support
        - Defensive posture (e.g., IAMD) to mitigate military retaliation
    - Long-term
        - Viability/strength of the U.S.-Japan alliance
    - Impact to the U.S.'s extended deterrence
- Impact to outcome of the conflict
    - Likelihood of U.S./U.S.-led coalition victory vs. loss
    - Criticality of Japanese ABO or other support
- Impact to global and regional decisions
    - Previous U.S. ABO approval from regional allies, partners, and like-minded countries
    - Perception that Japanese-granted ABO will cause band-wagoning with U.S.-led coalition
    - Perception of competition for "alliance support" from other U.S. allies (e.g., ROK, Philippines)
    - Ability to demonstrate regional leadership
    - Global consensus, diplomatic or military support to U.S./Taiwan/U.S.-led coalition from:
        - Australia, Philippines
        - ROK, India
        - G7
        - Vietnam, Indonesia
        - UNGA
- Japan's economic position
    - Economic dependence
        - U.S./U.S.-led coalition
        - Taiwan
        - PRC
    - Direct economic consequences to Japan
        - From support
        - From abstaining from support
    - Economic security
        - Trade security

- Food security
- Energy security
- SCS and SLOC impacts

- General (worldwide) economic consequences regardless of Japan support
- Perceived ability to mitigate or sustain economic costs

5–5.4.2. (When) Would Japan Grant Consent to RMCO?

While domestic Japanese laws and agreements under the MST[2336] (including the SOFA,[2337] any Secret Agreements,[2338] etc.) guide the Japan's decision to consent to RMCO, this is fundamentally a political decision for Japan based on domestic politics and national security concerns. One RAND report summarizes the issue succinctly:

> *… a prime minister who is less hawkish and may seek to avoid a war coming to Japan's shores could choose to deny or delay U.S. access to bases in Japan for combat purposes. A more forward-leaning prime minister may choose the opposite. The fact is that this decision is purely a political one and rests with the sitting prime minister at that time. The closer the situation edges to conflict, however—for example, if China were to implement a full blockade around Taiwan—the more likely Japan will support U.S. access requests because this will start to have immediate effects on Japan's economy. Still, the point remains that in the crisis phase, nothing is automatic. And a decision is likely to take time. If the United States is seeking rapid military action, this political decision-making timeline may not match up with U.S. operational timelines.*
>
> *…*
>
> *… approval for any U.S. access request is largely a political decision. This, in turn, depends on how realistic Japanese leaders can be about the prospect of Japan being attacked and how difficult it would be to stay out of a looming conflict. The more likely that hostilities appear, the easier access discussions become. The more hostilities appear contained or at least unlikely to spread to Japan, there is only "a 50-50 chance Japan will allow the United States to use its forces" from U.S. bases in Japan. Japanese leaders do not want to voluntarily join a war with China by granting the United States access to U.S. bases in Japan for a conflict if Japan has not been attacked, but there is also a realistic understanding that if Tokyo rejects U.S. requests, the alliance would be negatively affected. One respondent said, if there were to occur, "our alliance would be broken." Another said the "alliance would be done." Having to choose between involvement and sitting out will be difficult for any Japanese leader, made harder by political pressures.*
>
> *Finally, until Japan is attacked, "the GoJ [government of Japan] would agonize over the situation," likely resulting in taking a lot of time before deciding. While there is an expectation that Japan will eventually grant access in a conflict in which it has been attacked, Japan's decisionmaking timelines for everything short of that scenario are unlikely to match U.S. operational timelines.*[229]

[2336] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.

[2337] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.

[2338] B–2.2. The Issue of "Secret Agreements", p. 211.

Chapter 6. Alliance Management and Coordination

6–1. Overview

The Japan-U.S. Alliance has developed a number of mechanisms for coordination. These are often mistakenly conflated as the ACM,[2339] however that particular mechanism has a more specific meaning and scope.

Generally speaking, Alliance coordination can be thought of as having three distinct levels:

- Consultative bodies, consulting on bilateral policy and strategic-level issues, including:
  - ACM
  - BPM[2340]
- Coordination bodies, conducting coordination of bilateral action during crisis or conflict (at operational and tactical levels)
- Other steady-state, task-specific consultative forms

6–2. Consultative Bodies

U.S.-Japan consultative bodies are expansive. The names and nick-names for these meetings can fluctuate over the years and sometimes unrelated or tangentially-related events (such as major bilateral exercises or policy TTDs) bring most of the participants for lower-level bodies together, during which ad hoc or side-bar meetings of the consultative body may occur.

The “Security Octopus” (安全保障蛸) depicted in Figure 7 (p. 146) provides a humorous diagram of these consultative bodies that demonstrates the point.

[2339] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.

[2340] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.

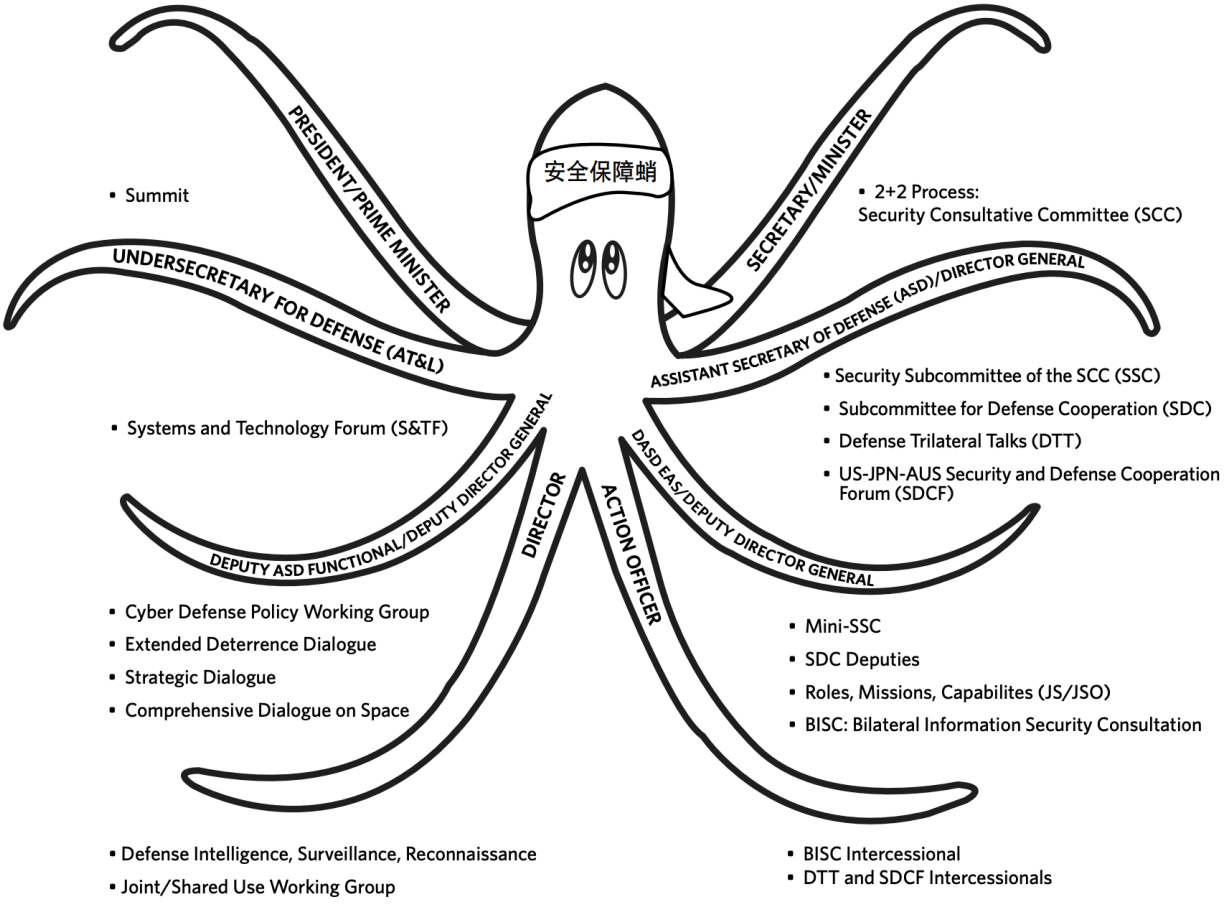


Figure 7. The "Security Octopus" (Schoff 2017, 32)

6–2.1. Alliance Coordination Mechanism (ACM)

6–2.1.1. Overview

In November 2015, the Japanese and U.S. governments established the ACM to improve the Alliance's ability to effectively address any situation that affects Japan's peace and security or any other situation that may require an Alliance response. It includes mechanisms for coordination on policy and strategic issues.

The ACM is an "always on" protocol for collaboration and coordination on defense. It provides a roadmap for how the two countries coordinate.

> The ACM does not include military-only coordination centers such as the JTF-CC,[2341] BGOCC,[2342] etc. (see § 6–2.1.1.1. The ACM as a Policy (not Military) Coordination Body [p. 146]).

The "always on" status breaks from the Bilateral Coordination Mechanism (replaced with the ACM), which required the mechanism to be positively activated. GoJ was reluctant to activate the Bilateral Coordination Mechanism as it might have set a constraining precedent and, in adversarial crisis situations, might have been seen as escalatory.

6–2.1.1.1. The ACM as a Policy (not Military) Coordination Body

The ACM coordinates government-to-government action within the Alliance. As a result, it is fundamentally a policy body. And while the militaries of both Allies operate at the direction of their governments and fulfill the policy objectives each nation's leadership lays out, the policy nature of the ACM makes it distinct from the military-to-military coordination bodies like the JTF-CC.[2343]

[2341] 6–3.1. Joint Task Force Coordination Center (JTF-CC), 153.

[2342] 6–3.3. Bilateral Ground Operations Coordination Center (BGOCC), p. 154.

[2343] 6–3.1. Joint Task Force Coordination Center (JTF-CC), p. 153.

While the functional distinction between policy- and military-coordination bodies may appear minor to some planners, the line between the two preserves the operational freedom of military commanders to operate within their tasked mission and constraints without undue policy interference while relieving those same commanders from being mired in policy discussions while attempting to manage crises or conflict.

This distinction is important in unilateral operations. But in coordinated Alliance action, the necessity for this distinction is amplified, ensuring military commanders can focus on crisis and conflict management without undue policy interference or distraction from the other nation's government policy bodies.

This arrangement preserves the civilian-military relationships of each Ally while also preserving the distinct roles of Executive Branch agencies (e.g., DoD/MoD and DoS/MOFA) and operational military commanders (e.g., JTF or JJOC commanders).

6–2.1.1.2. ACM's Role in Trilateral or Multilateral Defense Cooperation

Because Japan's only defense alliance is with the U.S. and its defense coordination mechanisms with the U.S. are so robust,

A number of factors make the ACM is the most obvious mechanism to incorporate third-country defense cooperation in crisis or contingency. First, Japan's only defense alliance is with the U.S. and its defense coordination mechanisms are robust (including the ACM and other Coordination Bodies.[2344] Second, in contingencies, third country forces that necessitate close coordination with Japan (whether operating around Japan or in, from, and through Japan) are likely to be placed under U.S. command or otherwise have a closer C2 or support relationships with U.S. forces than with the JSDF (which, as with the U.S., require coordinated command).

6–2.1.2. Leadership Summits

Leadership summits between heads of state, represent the pinnacle of the ACM.

6–2.1.3. Security Consultative Committee (SCC) ("2+2)"

Also known as the "2+2," the SCC provides the forum for government-level alliance consultation. While the SCC meets as needed, it normally convenes biennially.[230]

The SCC discusses issues that promote understanding between the GoJ and USG and contribute to the strengthening of cooperative relations in the areas of security, which form the basis of security, and are related to security.

The SCC includes the Minister for Foreign Affairs and MinDef on Japan's side and the SecState and SecDef on the U.S. side.

Through the Cold War into the 1990s, the U.S. representatives to the SCC were the U.S. Ambassador to Japan and the Deputy Commander of USFJ.[231]

6–2.1.3.1. Security Subcommittee (SSC)

The SSC is a subcommittee of the SCC[2345] for working-level coordination to exchange views on security issues of mutual concern to Japan and the U.S..

The four principals that co-chair the SSC are:

- ASD for Indo-Pacific Security Affairs (ASD(IPSA))
- DAS of State for East Asian and Pacific
- DG[2346] of the Bureau of Defense Policy[2347] (MoD)
- DG of the NAAB[2348] (MOFA)

These principals are sometimes referred to as the "4P," especially in relation to DPRI[2349] implementation.[2350]

[2344] 6–3. Coordination Centers (CC), p. 153.
[2345] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2346] C–1.2. Levels of Executive Leadership, p. 222.
[2347] 7–5.2.2. Bureau of Defense Policy, p. 164.
[2348] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[2349] Appendix K. Defense Policy Review Initiative, p. 279.
[2350] 6–2.1.3.1.2. Delegation to the 4P for DPRI Implementation, p. 148.

6–2.1.3.1.1. Alliance Manager's Meeting (AMM)

The AMM may also be referred to as the "Mini-SSC" or the "SSC's Security Subcommittee."

The AMM is generally comprised of the deputies or staff of the 4P, supported by staff from USINDOPACOM, USFJ, JJS, and other RMAs[2351].[232]

6–2.1.3.1.2. Delegation to the 4P for DPRI Implementation

While the details are not clear from publicly-available documents, numerous SCC[2352] Joint Statement[2353] have stated or implied the delegation of authority to develop and implement alliance transformation measures, including DPRI.[2354] Additionally, the roles of responsibilities of these sub-cabinet[2355] positions, especially in the structure of the ACM,[2356] are directly relevant to the implementation of DPRI for matters above the JC[2357] level.

6–2.1.3.2. Subcommittee for Defense Cooperation (SDC)

The SDC is a subcommittee of the SCC[2358] for working-level coordination on operations, logistics, and intelligence. See § 6–2.2.1.1. SDC (for BPM) (p. 152) for SDC roles in the BPM.[2359] The SDC studies and considers consultative measures for Japan and the U.S. including guidelines to ensure consistent joint responses covering the activities of the JSDF and U.S. forces in emergencies. The SDC is convened periodically as directed or required.

On the Japan side, the SDC is chaired by the DG[2360] of MoD's Bureau of Defense Policy[2361] and the DG of MOFA's NAAB,[2362] MOFA. Other Japan SDC members include representatives from JJS.[2363]

On the U.S. side, the SDC is chaired by the Assistant Secretary[2364] of Defense for Indo-Pacific Security Affairs and the Assistant Secretary of State, Bureau of East Asian and Pacific Affairs. Other U.S. SDC members include representatives from USEMB Tokyo, USFJ, JS, and USINDOPACOM.

6–2.1.3.2.1. SDC Background

In 1976, the SCC[2365] decided to establish an SDC[2366] to explore matters concerning Prior Consultation,[2367] including matters related to an actual[2368] or imminent[2369] Armed Attack, regional situations with important influence[2370] on Japan's security, and other related issues such as joint exercises and training.[233]

The SDC would explicitly exclude exploring issues related to Japanese constitutional limitations[2371] or the 3NP[2372] and would avoid making *recommendations* to the SCC that would create legal, budgetary, or administrative obligations for either Ally.

The result of the SDC's first comprehensive study was the first Guidelines for Japan-U.S. Defense Cooperation (1978).

6–2.1.3.3. RMC Working Group?

6–2.1.4. Joint Committee (JC)

The JC is the primary venue for routine consultation[2373] regarding the SOFA.[2374]

The JC is established by SOFA Article 25.[2375]

[2351] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[2352] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2353] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2354] Appendix K. Defense Policy Review Initiative, p. 279.
[2355] C–1.2. Levels of Executive Leadership, p. 222.
[2356] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.
[2357] 6–2.1.4. Joint Committee (JC), p. 148.
[2358] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2359] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[2360] C–1.2. Levels of Executive Leadership, p. 222.
[2361] 7–5.2.2. Bureau of Defense Policy, p. 164.
[2362] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[2363] 7–5.4.2. Japan Joint Staff (JJS), p. 167.
[2364] C–1.2. Levels of Executive Leadership, p. 222.
[2365] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2366] 6–2.1.3.2. Subcommittee for Defense Cooperation (SDC), p. 148.
[2367] 5–5.2. Prior Consultation, p. 139.
[2368] 4–11.1.2. AAS (Occurrence), p. 117.
[2369] 4–11.1.1. AAS (Imminent), p. 117.
[2370] 4–7. Important Influence Situation (IIS), p. 105.
[2371] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13; 2–1.2.1.3. Belligerent Rights, p. 16; 2–1.2.1.4. Law of Neutrality, p. 18; 2–1.2.2. Ittaika (Integration), p. 20; 2–1.2.4. Japan's Constitutional Compliance with International Law, p. 22.
[2372] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[2373] 2–1.3.3. Article IV—Consultation, p. 24.
[2374] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[2375] 2–1.4.6. Article 25—Joint Committee (JC), p. 34.

Purpose: Consultation concerning implementation of the SOFA

Active: "Always on;" meetings are convened monthly

Japan Participants: DG[2376] of NAAB,[2377] MOFA; DG of the BLC,[2378] MoD; and others

U.S. Participants: Deputy Commander of USFJ; Minister at the USEMB Tokyo; and others

6–2.1.4.1. Facilities Subcommittee (FSC)

The FSC is a subcommittee of the JC responsible to make recommendations to the JC concerning use, acquisition and release of Facilities and Areas.[2379]

6–2.1.5. Alliance Coordination Group (ACG)

The ACG is an interagency element of the ACM to coordinate closely with the JC on policy in relation to the activities of the JSDF and U.S. forces and the primary mechanism for crisis consultation.

The ACG includes three three levels.

- DG[2380]-Level (ACG-DG)
  - Includes representatives at the DG/DASD level and above
- Director-Level (ACG-D)
  - Includes representatives at the Director/O-6 level (e.g., Director for OSD's Japan Desk, USFJ's J5, and USINDOPACOM's Chief, Northeast Asia)
  - Policy Division J51
- Executive Secretariat-Level (ACG-ES)
  - Includes representatives at the action officer-level

These levels operate to handle issues at the lowest level while refining issues for consideration at higher levels.

In this way, the ACG operates like the U.S. NSC which uses a Principals Committee (PC) for Presidential and Secretary-level discussion and decisions, a Deputies Committee (DC) for executive leadership below the principals level, and a Policy Coordination Committee (PCC) for action officer-level coordination.

Purpose: To coordinate closely with the JC[2381] in policy coordination on all matters requiring coordination in relation to activities of the JSDF and U.S. forces

Active: Established during crisis

Japan Participants: DG-level, Director-level, and action officer-level representatives from the Cabinet Secretariat[2382] (including the JNSS[2383]), MOFA,[2384] MoD,[2385] JSDF,[2386] and other RMAs[2387] as needed

U.S. Participants: Representatives from the NSC, DoS, USEMB Tokyo, OSD, JS, USINDOPACOM, USFJ, and other relevant ministries, departments, and agencies as needed

6–2.1.5.1. Types of Coordination

The ACG conducts two basic types of coordination:

- Policy coordination
  - MFDOs
  - Strategic messaging
  - Information sharing
  - Etc.
- Operational/interagency coordination
  - Requests/responses

[2376] C–1.2. Levels of Executive Leadership, p. 222.
[2377] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[2378] 7–5.2.3. Bureau of Location Cooperation (BLC), p. 165.
[2379] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2380] C–1.2. Levels of Executive Leadership, p. 222.
[2381] 6–2.1.4. Joint Committee (JC), p. 148.
[2382] C–2.1.6. Cabinet Secretariat (CAS), p. 227.
[2383] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[2384] C–2.4. Ministry of Foreign Affairs (MOFA), p. 230.
[2385] 7–5. Ministry of Defense (MoD) Structure and Roles, p. 162.
[2386] 7–5.4. JSDF Structure, p. 166.
[2387] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.

- HNS[2388]
- Etc.

6–2.1.5.2. Relevant Ministries and Agencies (RMA)

RMA refers to any set of GoJ or USG ministries, departments, agencies, or other executive bodies. RMAs may be specified in given contexts (e.g., Cabinet Decision on the Government's Response to Cases of Armed Groups Illegally Landing on Remote Islands, etc.[2389]).

6–2.1.5.3. HOSONO Process

The *HOSONO* Process is an informal term used to refer to the Joint Crisis Management Coordination Group, an interagency coordination mechanism between the USG and GoJ established during the 11 March 2011 "Triple Disaster" (also referred to as "3/11"). The process and participating organization established an ad hoc bilateral interagency coordination group for U.S. support to GoJ, consolidating inter-governmental coordination and communication across multiple echelons and RMAs[2390] to facilitate a bilateral whole-of-governments response to the crisis.[234]

The process was named after the Japanese head of the coordination group and special adviser to the PM, Goshi HOSONO.

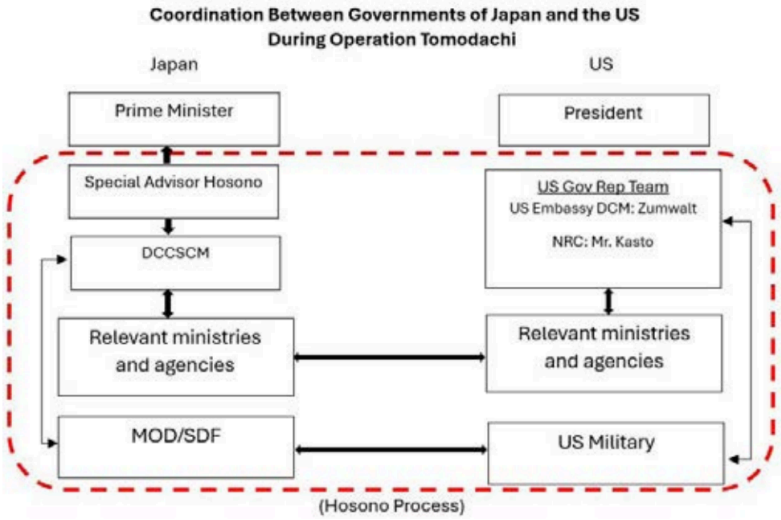


Figure 8. The "HOSONO Process" (ISOBE 2004, 40)

The *HOSONO* process helped serve as a model for what would become the ACG[2391].[235]

6–2.1.6. Other

The policy-level also includes other minister/secretary-level discussions or bilateral meetings as appropriate.

6–2.1.7. Bilateral Operations Coordination Center (BOCC)

Purpose: Responsible for conducting strategic and high-operational coordination related to activities of the JSDF and U.S. forces

Active: Established during crisis

Japan Participants: JJS,[2392] ASO,[2393] GSO,[2394] MSO[2395]

U.S. Participants: USINDOPACOM, USFJ

> The BOCC may also be referred to as the BJOCC or the B(J)OCC.

[2388] 7–5.2.3.2. Host Nation Support (HNS), p. 166.
[2389] ii–C. Cabinet Decision on the Government's Response to Cases of Armed Groups Illegally Landing on Remote Islands, etc., p. 434.
[2390] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[2391] 6–2.1.5. Alliance Coordination Group (ACG), p. 149.
[2392] 7–5.4.2. Japan Joint Staff (JJS), p. 167.
[2393] 7–5.4.3.2. Air Staff Office (ASO), p. 167.
[2394] 7–5.4.3.3. Ground Staff Office (GSO), p. 167.
[2395] 7–5.4.3.4. Maritime Staff Office (MSO), p. 167.

6–2.1.8. Component Coordination Center-Air/-Ground/-Maritime (CCC-A/-G/-M)

The CCC-G may also be called the BGCC (Bilateral Ground Coordination Center) in legacy documents.

The CCC-M may also be called the MCC (Maritime Coordination Center) in legacy documents.

CCC-A functions may be combined with BAOCC[2396] functions.

Purpose: Facilitate component-level bilateral coordination for non-combat operations (e.g., Guard & Protect, RSO&I, BOS-I support)

Active: Established during crisis

Japan Participants: ASO,[2397] GSO,[2398] MSO[2399] (may include GCC[2400] upon establishment of the JJOC[2401]) [does this change to GOF MOF AOF with JJOC?]

U.S. Participants: 5AF, CNFJ, USARJ, MARFORJ

6–2.2. Bilateral Planning Mechanism (BPM)

See also Appendix H. Bilateral Planning Process (p. 270).

The BPM is the Alliance's mechanism for developing bilateral plans for Far Eastern Contingency Scenarios (i.e., those associated with requirements under Article VI[2402] of the MST) and undertaking associated planning activities.

While outside of the formal definition of the ACM,[2403] the BPM practically functions as a parallel but synchronized element.

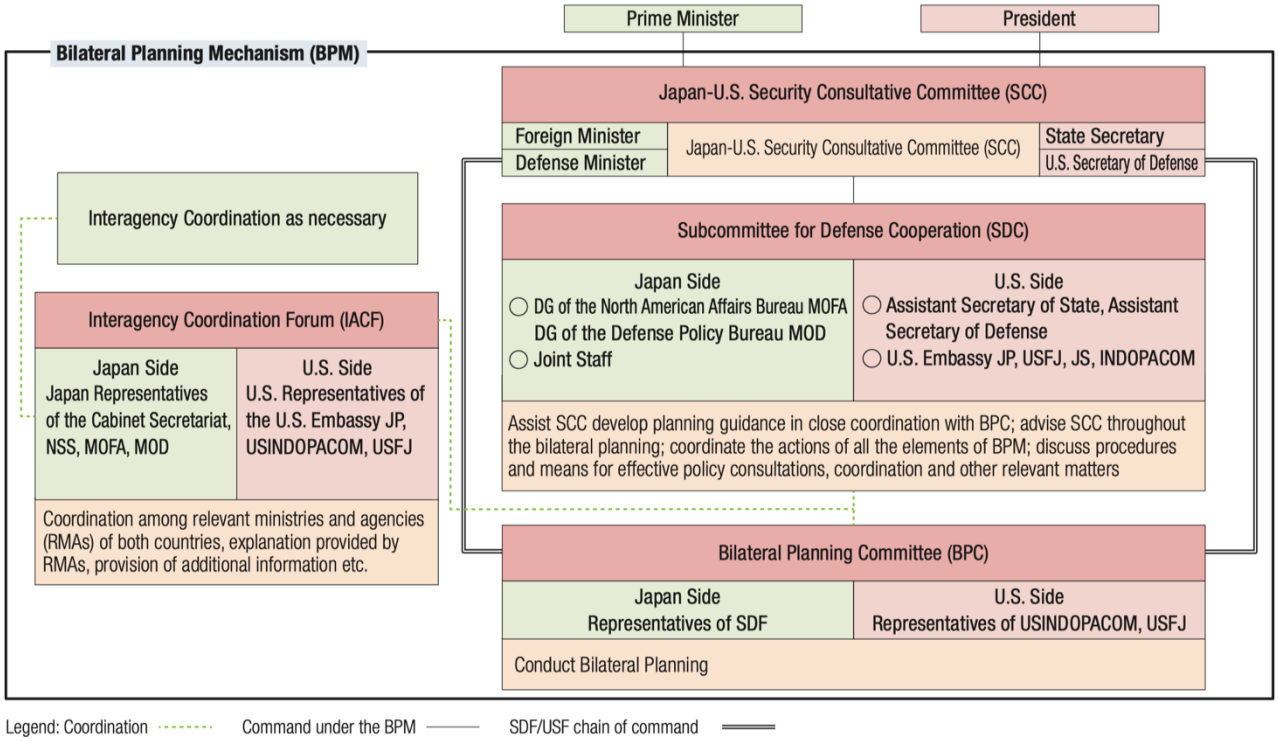
The 2015 Defense Guidelines[2404] upgraded the previous CM to the BPM.

The BPM is comprised of:

- Security Consultative Committee (SCC)[2405]
- Subcommittee for Defense Cooperation (SDC)[2406]
- Bilateral Planning Committee (BPC)[2407]
- Interagency Coordination Forum (IACF)[2408]

[2396] 6–3.2. Bilateral Air Operations Coordination Center (BAOCC), p. 154.
[2397] 7–5.4.3.2. Air Staff Office (ASO), p. 167.
[2398] 7–5.4.3.3. Ground Staff Office (GSO), p. 167.
[2399] 7–5.4.3.4. Maritime Staff Office (MSO), p. 167.
[2400] 7–5.4.8.2. Ground Component Command (GCC), p. 168.
[2401] 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
[2402] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2403] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.
[2404] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[2405] 6–2.2.1. SCC (for the BPM), p. 152.
[2406] 6–2.2.1.1. SDC (for BPM), p. 152.
[2407] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[2408] 6–2.2.1.1.2. Interagency Coordination Forum (IACF), p. 152.

Figure 9. The Framework of the BPM (Minister of Defense 2024, 346)



6–2.2.1. SCC (for the BPM)

See § 6–2.1.3. Security Consultative Committee (SCC) (“2+2)” (p. 147).

6–2.2.1.1. SDC (for BPM)

See § 6–2.1.3.2 Subcommittee for Defense Cooperation (SDC) (p.148) for SDC membership and SDC roles outside of the BPM.[2409]

The SDC provides strategic direction and policy and planning guidance to the BPC[2410] and is the government-to-government policy component of the BPM. The SDC advises the SCC[2411] throughout bilateral planning, coordinating the actions of all the elements of the BPM. The SDC validates progress of bilateral planning, resolves policy and planning issues that cannot be resolved within the BPC, and discuss procedures and means for effective policy consultations, coordination, and other relevant matters.

6–2.2.1.1.1. Bilateral Planning Committee (BPC)

The BPC is a subordinate committee to the SDC[2412] for the conduct and direction of bilateral planning and is the military-to-military component of the BPM.[2413] The BPC refers any policy or planning issues that cannot be resolved to the SDC.

The BPC is co-chaired by the USINDOPACOM J-5 and the JJS Vice Chief of Staff and supported by representatives from USINDOPACOM staff, USFJ, service components to USINDOPACOM, JJS staff, JSDF service staff office representatives, JDIH,[2414] and other organizations as designated.

6–2.2.1.1.2. Interagency Coordination Forum (IACF)

The IACF conducts coordination among RMAs[2415] of both countries, as necessary to support the BPC[2416] especially with regard to validating the feasibility of U.S. requirements for use of Facilities and Areas[2417] in Japan associated with BPM activities.

[2409] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[2410] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[2411] 6–2.2.1. SCC (for the BPM), p. 152.
[2412] 6–2.2.1.1. SDC (for BPM), p. 152.
[2413] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[2414] 7–5.4.7.(Japan) Defense Intelligence Headquarters (DIH), p. 167.
[2415] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[2416] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[2417] 2–1.4.1.1. Definition of “Facilities and Areas”, p. 30.

The IACF includes representatives of the Cabinet Secretariat,[2418] JNSS,[2419] MOFA,[2420] MoD,[2421] representatives of USEMB Tokyo, USINDOPACOM, USFJ, and other RMAs, as required.

6–2.2.2. Bilateral and Unilateral Plans

Coordination vs. executable plan

No TPFDD

All bc no combined C2

Bilateral plans != BRPs but may be used to inform[2422] (cross-ref this up in 4–6)

6–2.2.3. Feasibility of Support Studies

6–3. Coordination Centers (CC)

Revise section and organization

Operating to coordinate the unilateral direction from their respective chains of command, Alliance coordination centers are responsible for:

- Executing policy- and operational-level direction, plans, and policy
- Carrying out operational- and tactical-level bilateral coordination to facilitate policy execution
- Providing COAs/recommendations for policy-level decision-making
- Keeping the policy level informed of situations and developments
- Providing bilateral/joint functional component commander advice to the JTF commanders

Tactical coordination bodies include:

- Joint Task Force Coordination Center (JTF-CC)[2423]
- Bilateral Air Operations Coordination Center (BAOCC)[2424]
- Bilateral Ground Operations Coordination Center (BGOCC)[2425]
- Bilateral Ground Tactical Coordination Center (BGTCC)[2426]
- Maritime Force Coordination Center (MFCC)[2427]
- Bilateral Space Operations Coordination Center (BSOCC)[2428]

> Tactical coordination centers take various forms, including combining with CCCs (e.g., BAOCC and CCC-A) into a single organization, execution through robust LNO networks, or stand-alone entities. While functions remain the same, the form is dictated by domain, COMREL, geographic constraints, staffing, and other factors.

6–3.1. Joint Task Force Coordination Center (JTF-CC)

Purpose: Facilitate JTF-level bilateral coordination for operational maneuver and fires

Active: Established during crisis

Japan Participants: JJOC[2429]

U.S. Participants: U.S. JTF HQ

[2418] C–2.1.6. Cabinet Secretariat (CAS), p. 227.
[2419] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[2420] C–2.4. Ministry of Foreign Affairs (MOFA), p. 230.
[2421] 7–5. Ministry of Defense (MoD) Structure and Roles, p. 162.
[2422] 4–4.1. U.S. Involvement in BRP Formulation, p. 103.
[2423] 6–3.1. Joint Task Force Coordination Center (JTF-CC), p. 153.
[2424] 6–3.2. Bilateral Air Operations Coordination Center (BAOCC), p. 154.
[2425] 6–3.3. Bilateral Ground Operations Coordination Center (BGOCC), p.154.
[2426] 6–3.3.3.1. Bilateral Ground Tactical Coordination Center (BGTCC), p. 155.
[2427] 6–3.4. Maritime Force Coordination Center (MFCC), p. 155.
[2428] 6–3.1. Bilateral Space Operations Coordination Center (BSOCC), p. 155.
[2429] 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.

The JTF-CC may appear as the CCC-JTF (Component Coordination Center-Joint Task Force) or JTF-CCC in legacy documents. This CC's name has evolved as Joint C2 for each nation develops with various crisis and contingency planning.

6–3.2. Bilateral Air Operations Coordination Center (BAOCC)

BAOCC functions may be combined with CCC-A[2430] functions.

Purpose: Facilitate aviation bilateral coordination for air tactical maneuver and fires

Active: Established during crisis

Participants: AOF[2431] and U.S. JFACC representatives

6–3.3. Bilateral Ground Operations Coordination Center (BGOCC)

A BGOCC or BGOCCs are established in crisis to coordinate land force operations. BGOCC-C may be established between an appropriate U.S. counterpart and GCC[2432] and one or more BGOCC-Rs[2433] may be established between appropriate U.S. counterparts and one or more RAs.[2434]

The roles and missions of each BGOCC differ between BGOCCs and across contingencies. The roles, missions, counterparts, and make-up of each BGOCC vary and are driven by factors including:

- Nature of contingency
- Actual and expected locations of contingency conflict
- Nature of conflict at various locations (i.e., long-range missile attacks only vs. missile and invasion threat)
- Roles and missions of U.S. counterparts in each location
- U.S. and JSDF COMREL

The distinctions between ground coordination structures and those for other domains and services derives from the comparatively centralized command of both U.S. and JSDF forces in most contingencies for air, maritime, space, and cyber forces. For land forces, both U.S. and JSDF forces adopt a more segmented approach where, even with a centralized JFLCC-like organization (i.e., the GOF[2435]) the roles, responsibilities, missions vary significantly from the GOF level to the RA level and vary even more substantially across RAs, depending on the location and nature of the conflict.

Combined with the smaller geographic span of control of land operations, land force coordination requires a more granular coordination structure, sometimes with multiple BGOCCs and, even under a single BGOCC, multiple BGTCCs.[2436]

6–3.3.1. BGOCC-C vs. BGOCC-R

While BGOCC-R[2437] counterparts, roles, and responsibilities may be clear from a basic analysis of U.S. and JGSDF tactical missions and capabilities in a given contingency, BGOCC-C[2438] counterparts, roles, and responsibilities can be more ambiguous.

Some U.S. and Japanese planners seek to designate a U.S. counterpart for GCC's[2439] roles and responsibilities (e.g., specialized amphibious operations or as the JFLCC-like GOF[2440]) and establish BGOCC-C as the location of coordination for all bilateral land force operations within Japan. This approach tends to privilege command and COMREL alignment over symmetry in combat coordination.

Other U.S. and Japanese planners seek a BGOCC-C whose functions and counterpart relationships are dictated by the overlap in GCC and U.S. force operating areas, missions, and roles (rather than attempting to achieve symmetry). Thus,

[2430] 6–2.1.8. Component Coordination Center-Air/-Ground/-Maritime (CCC-A/-G/-M), p. 151.
[2431] 7–5.4.6.1.3. Air Operations Forces (AOF), p. 167.
[2432] 7–5.4.8.2.Ground Component Command (GCC), p. 168.
[2433] 6–3.3. Bilateral Ground Operations Coordination Center (BGOCC), p. 154.
[2434] 7–5.4.8.3. Regional Armies (RA), p. 168.
[2435] 7–5.4.6.1.1. Ground Operations Forces (GOF), p. 167.
[2436] 6–3.3.3.1. Bilateral Ground Tactical Coordination Center (BGTCC), p. 155.
[2437] 6–3.3. Bilateral Ground Operations Coordination Center (BGOCC), p. 154.
[2438] 6–3.3.2. Bilateral Ground Operations Coordination Center-Central (BGOCC-C), p. 155.
[2439] 7–5.4.8.2.Ground Component Command (GCC), p. 168.
[2440] 7–5.4.6.1.1. Ground Operations Forces (GOF), p. 167.

regardless of GCC's full scope of responsibilities, if U.S. land forces are conducting rear-area land operations in mainland Japan, BGOCC-C functions and partnerships would focus on coordinating such rear-area land operations. Compared to the alternative concept above, this approach privileges aligned combat coordination (i.e., ensuring U.S.-JGSDF alignment in AOs, missions, and capabilities focused in a single RA's[2441] AO) over command and COMREL alignment.

The approach must be tailored to each contingency.

6–3.3.2. Bilateral Ground Operations Coordination Center-Central (BGOCC-C)

The BGOCC-C provides land-force bilateral coordination for ground operations conducted and coordinated with Japanese GOF.[2442]

The nature of this coordination, focus of operations, and U.S. counterpart organizations vary by contingency as they are dictated by where U.S. forces are located, their command relationships, and their primary missions and roles.

6–3.3.3. Bilateral Ground Operations Coordination Center-Regional (BGOCC-R)

A BGOCC-R facilitates land force bilateral coordination within the respective RA's[2443] AO. Based on the nature of the U.S. or JGSDF land forces, this coordination may be for ground tactical maneuver and fires, ground security operations, RSO&I, or some combination thereof.

BGOCC-Rs are established during crisis and include representatives from the respective RA and co-located U.S. ground force, tailored base on coordination requirements.

6–3.3.3.1. Bilateral Ground Tactical Coordination Center (BGTCC)

Purpose: Facilitate island-level bilateral coordination for ground tactical maneuver and fires

Active: Established during crisis

Participants: Japanese and U.S. representatives for ground forces by each island

6–3.3.3.1. Bilateral Ground Sustainment Coordination Center (BGSCC)

BGSCCs may also be referred to as BGLCCs or Bilateral Ground Logistics Coordination Centers.

Purpose: Facilitate main island-level bilateral coordination for ground tactical sustainment

Active: Established during crisis

Participants: Japanese and U.S. representatives for ground sutainment forces for main island(s)

6–3.3.3.1. Bilateral Ground Medical Coordination Center (BGMCC)

Purpose: Facilitate main island-level bilateral coordination for ground tactical medical operations

Active: Established during crisis

Participants: Japanese and U.S. representatives for ground medical forces for main island(s)

6–3.4. Maritime Force Coordination Center (MFCC)

Purpose: Facilitate fleet bilateral coordination for maritime tactical maneuver and fires

Active: Established during crisis

Participants: Japanese MOF[2444] and U.S. JFMCC representatives

6–3.1. Bilateral Space Operations Coordination Center (BSOCC)

Purpose: Facilitate bilateral coordination for space operations

[2441] 7–5.4.8.3. Regional Armies (RA), p. 168.
[2442] 7–5.4.6.1.1. Ground Operations Forces (GOF), p. 167.
[2443] 7–5.4.8.3. Regional Armies (RA), p. 168.
[2444] 7–5.4.6.1.2. Maritime Operations Forces (MOF), p. 167.

Active: Established during crisis

Participants: Japanese and U.S. representatives for spaces forces

6–4. Other Consultation and Coordination Venues

Beyond the coordination bodies described above, Japan and the U.S. have numerous other bilateral coordination or consultation bodies.

6–4.1. Mount Fuji Dialogue

The Mt. Fuji Dialogue is an annual meeting of experts in the Japan-U.S. Alliance under the U.S.-Japan Business/Policy Dialogue Program, a program launched by JIIA and JCER to bring together leaders involved in policy and business to developing shared understanding and strengthening the Japan-U.S. Alliance.

6–4.2. Cyber Defense Policy Working Group (CDPWG)

6–4.3. Systems and Technology Forum (S&TF)

6–4.4. Bilateral Intelligence Analysis Cell (BIAC)

6–4.5. Bilateral Information Security Consultation (BISC)

Since 2007, GoJ and USG have held an extended dialogue to strengthen information security and ensure the protection of defense-related classified information, advanced systems, and technological advantages. BISC is an inter-ministerial forum to bolster government-wide GoJ security posture, practices, and procedures. As of early 2024, BISC had four lines of effort:

- Security professionalization
- Handling of classified information in the Japanese courts
- Background investigations
- Industrial security

6–4.6. Extended Deterrence Dialogue (EDD)

See § 2–3.3.2.1. Extended Deterrence Dialogue (EDD) (p. 45).

6–4.7. Joint Senior Leader Seminar (JSLS)

The JSLS is co-chaired by the Commander, USINDOPACOM and Chief of Staff, JJS.[2445] JSLS is an annual mil-to-mil engagement on exercises and strategic military topics. JSLS may also serve as a venue for making bilateral joint decisions, including approval of planning efforts or major exercise objectives. JSLS decisions may be codified in bilateral "Eight-Star Memos"

The meeting location typically alternates between Japan (odd years) and Hawaii (even years).

6–4.8. Joint Shared Use Working Group (JSUWG)

The JSUWG is co-chaired by the OSD IPSA Director for Japan Policy, State Department EAP Director for Japan, and their Japanese counterparts. The JSUWG coordinates the use of shared facilities between the JSDF and U.S. forces.

Cross-ref Joint Shared Use section

6–4.9. Roles, Missions, and Capabilities Working Group (RMCWG)

The RMCWG is co-chaired by the OSD IPSA Director for Japan Policy, State Department EAP Director for Japan, and their Japanese counterparts. The RMCWG seeks to broaden the roles of the JSDF. USEMB Tokyo Political Minister Counselor and USFJ DCOM participate at the principle level. U.S. JS and USINDOPACOM participate at the working level

[2445] 7–5.4.2. Japan Joint Staff (JJS), p. 167.

6–4.10. Regional Capacity Building Bilateral (RCBB)

The RCBB is co-chaired by the USINDOPACOM J5 Policy and the MoD's Indo-Pacific Policy Division. The RCBB enables collaboration between the GoJ and the U.S. security cooperation enterprise, especially in the USINDOPACOM Sub-Regional Policy Desks and in-country Security Cooperation Organizations on developing security capacity of key partners in the Indo-Pacific.

6–5. Challenges to Combined Command

Combined Command, where U.S. and Japanese forces are integrated in a single command structure, is often considered by U.S. planners, many of whom have experience with combined commands in Korea, NATO, Iraq, or Afghanistan, etc.

Although not explicitly prohibited, it is GoJ's current interpretation that Combined Command is not permitted by the Japanese Constitution because of the principles listed below.

In addition to and supporting this interpretation (that might conceivably change), there are a number of obstacles to combined command within the Japan-U.S. alliance. These can be understood in the fundamental differences with which the two Allies approach decisions to go to war (i.e., justification for legitimate employment of force: *jus ad bellum*) and how war should be conducted (i.e., how legitimate force should be applied: *jus in bello*).

Resolving any of the below obstacles would fundamentally alter the constitutional basis for Japan's defense,[2446] cultural landscape with respect to national security, and the political relationships among the branches of GoJ. Such changes are difficult to imagine outside a major crisis.

6–5.1. Jus ad Bellum (Justification for Use of Force) Challenges

Change to paragraph form

- Article 9's[2447] EDOP[2448]
  - In 1959, the Japanese Supreme Court rejected an argument that U.S. bases in Japan violated Article 9 on the basis that Japan did not command U.S. forces based in Japan and therefore forces not under the command of GoJ could not be interpreted as violating the Japanese Constitution[2449]
    - This judgement highlights the legal dilemma of Japan either placing JSDF units under a U.S. commander who is not bound by Japan's EDOP or a JSDF commander exercising command over (and responsibility for) U.S. forces unbound by those same restrictions
    - Rejection of the Rights of Belligerency[2450]
- Defense policy preference for "political validity" vs. "military rationality"
- Approaches to deterrence and escalation management[2451]
- Divergent national interests and boundaries for military action
  - Given Japan's constitutional limitations and the U.S.'s role in the alliance of protecting the security of the Far East,[2452] any combined command would likely place burdensome national caveats on elements of any combined force that might be more restrictive than Japanese and U.S. commands operating in *coordination*
  - Differing scale of desired response/retaliation to attacks on Japan or in the region
  - Different geographic boundaries for response activities (e.g., the deployment of forces within the territorial land, TTA,[2453] or TTS[2454] of another nation or different interpretations of Far East)
  - Alliance asymmetries create asymmetries in partnered unit RMCs[2455]
    - Japan's "theater" is Japan; the U.S. "theater" is USINDOPACOM AOR
    - JSDF missions are limited to defense of Japan; U.S. unit missions may extend regionally
    - JSDF peacetime AO boundaries are to a certain extent enduring; U.S. unit boundaries may be flexible/changeable

6–5.2. Jus in Bello (Just Use of Force) Challenges

- Positive vs Negative List approaches to sauthorities[2456]

[2446] 2–1. Basic Policy of Japanese Defense, p. 12.
[2447] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[2448] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[2449] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[2450] 2–1.2.1.3. Belligerent Rights, p. 16.
[2451] Chapter 10. Alliance Conceptions of Deterrence, p. 183.
[2452] B–1.3.1. Defining the Far East, p. 207.
[2453] A–4.5. National Airspace (TTA), p. 196.
[2454] A–4.4. Territorial Sea (TTS), p. 196.
[2455] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[2456] 2–1.1.1. Positive vs. Negative List Approach to Authorities, p. 12.

- Because of Japan's Positive List[2457] approach, it's unclear whether the PM has a legal basis to transfer command of JSDF units to a U.S. command or for a JSDF commander to exercise command over non-Japanese forces

- Homeland defense prioritization[2458]
- The Japanese constitutional principle of *Ittaika*[2459]
- CSD[2460] gaps
  - JSDF authorization for CSD only after STS[2461]/AAS[2462]
- Executive vs. Administrative authority for directing armed forces[2463]

6–5.3. Examples of U.S.-Japan Combined Command

During RIMPAC 2012, the U.S. placed an element of a U.S. fleet under the command of a JMSDF officer.[236]

[2457] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[2458] 10–2.3. Homeland Defense Prioritization, p. 184.
[2459] 2–1.2.2. Ittaika (Integration), p. 20.
[2460] 3–4.2. Collective Self-Defense (CSD), p. 86.
[2461] 4–10. Survival-Threatening Situation (STS), p. 111.
[2462] 4–11. Armed Attack Situation (AAS), p. 116.
[2463] 7–1. Command of the JSDF, p. 159.

Chapter 7. JSDF Command and MoD Structure

7–1. Command of the JSDF

From a legal standpoint, PM command of the JSDF is executed through administrative orders to an administrative branch of the GoJ. Furthermore, because of Japan's Positive List[2464] approach, such command is only authorized through a legislatively-defined emergency management and administrative control framework (i.e., Security Situations[2465]).

The PM, on behalf of the Cabinet, holds supreme command and supervision of the JSDF. Because the Constitution[2466] grants the PM no inherent executive C2 authority over the JSDF, the PM cannot order a deployment of the JSDF without a specific authorizing law.

C2 of JSDF is based on Article 72[2467] of the Constitution, which states that the PM represents the Cabinet and submits bills to the Diet for the "exercise of control and supervision over various administrative branches." This is the root of constraints on JSDF employment in crisis and conflict. Article 65[2468] of the Constitution vests "executive control and supervision" over GoJ administrative branches with the PM.

The MinDef exercises general control and directs the functions of the JSDF.

Chiefs of Staff of the Staff Offices (JSO, GSO, MSO, ASO) supervise the functions of the JSDF.

7–1.1. Lack of a Military Justice System

Article 76[2469] of the Japanese Constitution[2470] vests "whole judicial power" in the Supreme Court, placing JSDF members under the jurisdiction of domestic (not military) courts.

No Japanese military justice system exists (e.g., no UCMJ or courts martial).

7–2. JSDF Command and Support Relationships

JSDF have similar concepts for COMREL and Support Relationships as exist in U.S. doctrine, but use slightly different definitions and some distinct terms.

- Assignment: A permanent subordinate relationship to MinDef or a force commander
- Attachment: A temporary operational subordinate relationship to a force commander (OPCON-like)
- General Support: A support relationship where support is given to the supported force as a whole and not a specific element of that force
- Direct Support: A support relationship where support is given to the specific supported force
- Reinforcement: An increase to a force to strengthen its combat power, and its capability of support or cooperation.
- Direct Command: The temporary command of a subordinate attached or assigned force more than one echelon down (e.g., a battalion commander commands a platoon under an assigned company)
- Control: Control over specified functions, activities, or matters of non-subordinate force
- Partial Command: Temporary operational and tailored administrative command (similar to the combination of U.S. OPCON and ADCON authorities)

7–3. Creation of Japan Joint Operations Command (JJOC)

7–3.1. Overview

Poor communication and coordination after the 2011 earthquake, tsunami, and nuclear meltdowns in northeastern Japan, combined with increasingly challenging contingency scenarios, revealed the need to split Chief of Staff, JSO's policy and operational responsibilities.

[2464] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[2465] Chapter 4. Security Situations Framework, p. 90.
[2466] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[2467] i–B.12. Article 72—The Prime Minister, p. 304.
[2468] i–B.9. Article 65—Executive Power, p.304.
[2469] i–B.14. Article 76—The Supreme Court, p. 305.
[2470] 2–1.2. Japanese Constitution (Kenpō), p. 13.

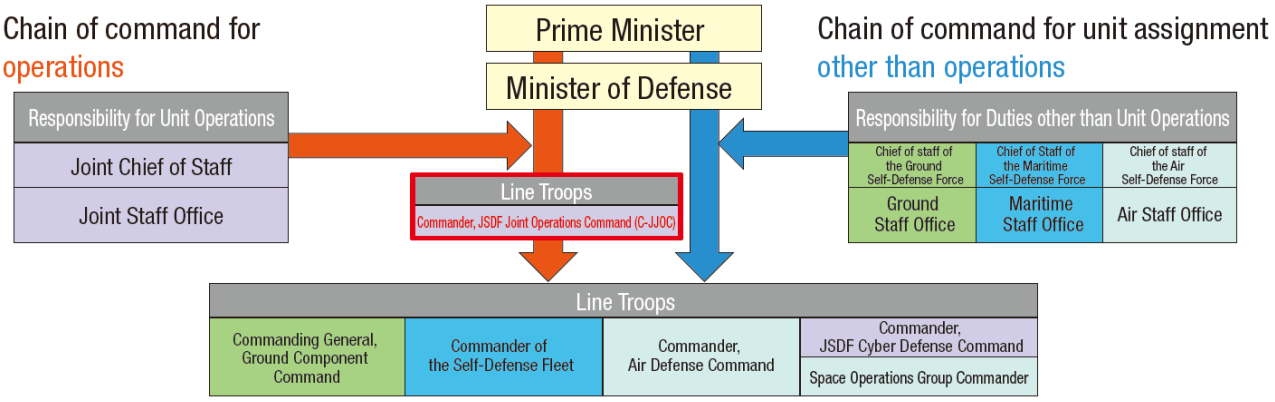
Japan's 2022 National Defense Strategy announced the creation of a JJOC to improve joint command of JSDF forces.

JJOC will be located at the Japan MoD in Ichigaya, Tokyo.

7–3.1.1. Activation Timeline

The JJOC will reach IOC at the end of JFY24[2471] (March 2025). And FOC by the beginning of JFY27 (April 2027).

Figure 10. Chain of Command for JSDF Operations Under JJOC ((Minister of Defense 2024, 250))



7–3.1.1.1. Pre-JJOC

- Service-aligned combat formations in contingencies
- Complicated bilateral coordination with U.S. JTF in contingencies
- Chief of Staff, JSO commands JSDF, serves as military advisor to the cabinet, coordinates between U.S. forces and JSDF

7–3.1.1.2. Post-JJOC

- Unified JTF headquarters (JJOC) with subordinate functional component commands in contingencies
- Simplified and mirrored bilateral coordination with U.S. JTF in contingencies
- Chief of Staff, JSO serves as military advisor to the cabinet
- Commander, JJOC serves as operational commander of JSDF, coordinates between U.S. forces and JSDF
- Both Chief of Staff, JSO and Commander, JJOC report directly to the MinDef

7–3.2. JJOC Roles and Responsibilities, and Counterparts

Move to JJOC section below

7–3.2.1. Chief of Staff, Japan Joint Staff (Strategic)

- Support the MinDef and others in decision-making
- Formulate strategic guidelines, etc. for deterrence and response
- Coordinate and cooperate with allies and like-minded countries

7–3.2.2. Commander, Japan Joint Operations Command (Operational)

- Develop and implement joint and bilateral operational plans
- Continuously refine and monitor the joint operational capabilities of units
- OPCON of JJOF[2472]
- Joint exercises and training

7–3.2.3. Chief of Staff, Staff Offices (Service)

- Force development
- Service exercises and training
- ADCON of operational forces

[2471] L–1. Japan Fiscal Year, p. 283.

[2472] 7–5.4.6.1. Japan Joint Operating Forces (JJOF), p. 167.

- Organize, train, and equip
- Oversee functional component bilateral and unilateral planning

7–4. Japan Coast Guard (JCG) Operations

7–4.1. Routine JCG Operations

The JCG's duties and functions are defined by Articles 2[2473] and 5[2474] of the Coast Guard Act (Law No. 28 of 1948, as amended). These include:

- Maintaining good order at sea (including in the High Seas[2475])
  - Non-Innocent Passage[2476] is considered by Japan to be disruptions of Good Order at Sea,[2477] allowing JCG to take "administrative measures"
- Patrolling Japan's TTS[2478]
- Suppressing and investigating[2479] crime
- Conducting SAR[2480]
- Protecting the maritime environment
- Carrying out hydrographic surveillance
- Ensuring the safety of maritime traffic

7–4.1.1. JCG Investigative Authorities

JCG officers are authorized to act as judicial police, including the authority to:

- Conduct investigations
- Perform arrests
- Execute search and seizure warrants
- Refer investigations for prosecution
- Contribute to follow-up investigations

When operating under MSO,[2481] JMSDF officers lack these law enforcement authorities, requing the JMSDF to hand-off vessels violating Japanese law to the JCG for investigation, etc.

7–4.2. Armament

Under the Dual-Layer Security System[2482] and limited by Coast Guard Act (Law No. 28 of 1948, as amended) Articles 4[2483] and 25,[2484] GoJ has continued to limit the armament JCG vessels. Many JCG vessels are armed only with small arms and heavy machine guns up to 12.7mm (.50 caliber) or 14mm, but some JCG ships (hull classification PL: Patrol Vessel, Large) are equipped with 20mm rotary cannons, 30mm chain guns, and/or 35mm and 40mm auto cannons.

7–4.3. MoD Control over the JCG

Article 80[2485] of SDF Act (Law No. 165 of 1954, as amended) allows the PM to place all or part of the JCG under the control of the MoD during AAAS[2486] or AAS[2487] (but not during STS[2488]).

> When exercised, this authority brings the JCG (in whole or part) under the control of the MoD and not the JSDF. This distinction is a key aspect of the legislation and a sensitive political and cultural issue within the JSDF, JCG, and the broader GoJ.

[2473] i–K.1. Article 2—Japan Coast Guard Mission, p. 360.
[2474] i–K.3. Article 5—Functions of the Coast Guard, p. 361.
[2475] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2476] E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage), p. 251.
[2477] E–7. Maintaining "Good Order" at Sea, p. 252.
[2478] A–4.4. Territorial Sea (TTS), p. 196.
[2479] 7–4.1.1. JCG Investigative Authorities, p. 161.
[2480] 3–2.2.6. Search and Rescue (SAR), p. 60.
[2481] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[2482] E–3. Dual-Layer Security System, p. 248.
[2483] i–K.2. Article 4—Structure, Equipment, and Functions of Coast Guard Vessels, p. 361.
[2484] i–K.8. Article 25—Prohibition Against Paramilitarization of the Coast Guard, p. 364.
[2485] i–C.24. Article 80—Control of the Japan Coast Guard (JCG, p. 315.
[2486] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2487] 4–11. Armed Attack Situation (AAS), p. 116.
[2488] 4–10. Survival-Threatening Situation (STS), p. 111.

When this occurs, there is no change in JCG missions, jurisdiction, authority, and non-military nature, and the control of the JCG is not "incorporation of the JCG into the JSDF" or "paramilitarization of the JCG.[2489]"

The MoD and JSDF concentrate on combat operations, while the JCG plays a maximum role in measures for the protection of the people and the preservation of human life at sea. Examples of tasks envisioned for the JCG under such circumstances include:

- Evacuation[2490] and rescue of civilians
- SAR[2491] and life-saving operations
- Provision of information to vessels and evacuation support
- Alerting port facilities to terrorist attacks, etc.
- Measures for mass evacuation

7–4.3.1. Limitations to Coordination between the JSDF and JCG

Coast Guard Act (Law No. 28 of 1948, as amended) Article 4[2492] limits the construction of JCG vessels to ensure the avoidance of the paramilitarization of the JCG (Coast Guard Act (Law No. 28 of 1948, as amended) Article 25[2493]). Because of this, vessels of the JCG are more similar to merchant ships than JMSDF ships in terms of operating systems, equipment, communications capabilities, etc. In crisis or conflict coordination, this may lead to significant challenges in interoperability.

7–5. Ministry of Defense (MoD) Structure and Roles

The MoD is organized as follows:

- MinDef?
- IB[2494]
- ATLA[2495]
- JSDF[2496]
- Regional Defense Bureaus[2497]
- Educational Institutions
- Defense Boards

[2489] i–K.8. Article 25—Prohibition Against Paramilitarization of the Coast Guard, p. 364.
[2490] Chapter 9. Evacuation, Refugees, and Detainees, p. 176.
[2491] 3–2.2.6. Search and Rescue (SAR), p. 60.
[2492] i–K.2. Article 4—Structure, Equipment, and Functions of Coast Guard Vessels, p. 361.
[2493] i–K.8. Article 25—Prohibition Against Paramilitarization of the Coast Guard, p. 364.
[2494] 7–5.2. Internal Bureau (IB), p. 164.
[2495] 7–5.3. Acquisition, Technology, and Logistics Agency (ATLA), p. 166.
[2496] 7–5.4. JSDF Structure, p. 166.
[2497] 7–5.5. Regional Defense Bureaus (RBD), p. 172.

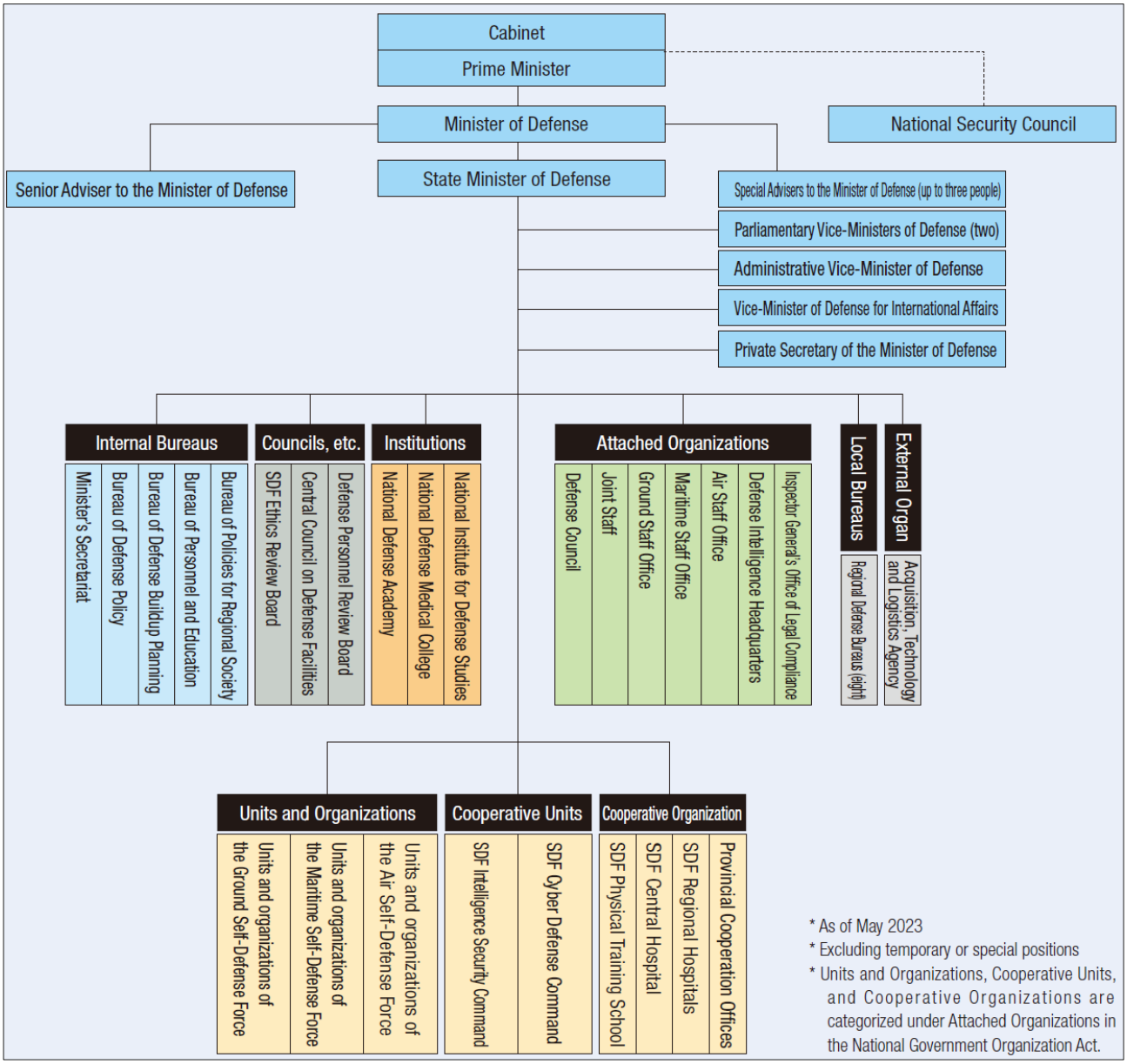


Figure 11. Organizational Chart of the MoD (Minister of Defense 2023a, 275)

7–5.1. Minister of Defense (MinDef)

The MinDef is a Cabinet[2498] post with command and authority over the JSDF.[2499] The MinDef is appointed by the PM and is a member of the JNSC.[2500] The State Minister of Defense and two Parliamentary Ministers of Defense assist the MinDef in policy planning and political affairs. Special Advisers to the Minister of Defense provide the MinDef with advice on important affairs under the jurisdiction of the MoD based on their expertise and experience. A Defense Council consists of political appointees, civilian officials and uniformed JSDF personnel and deliberates on basic principles concerning affairs under the MoD's jurisdiction.

7–5.1.1. State Minister of Defense

7–5.1.2. Parliamentary Vice-Minister of Defense

> *The Parliamentary Vice-Minister of Defense is the Secretary of State for the Japan Ministry of Defense. There are two people with this rank.*

[2498] C–2.1. Cabinet, p. 224.

[2499] i–C.4. Article 8—Command and Supervision by the Minister of Defense, p. 307.

[2500] C–2.2. (Japan) National Security Council (JNSC), p. 228.

7–5.1.3. Administrative Vice-Minister of Defense

7–5.2. Internal Bureau (IB)

IB manages the operation, personnel, planning, and acquisition of the JSDF, making it the most consequential organization within MoD for management of the military parts of the Japan-U.S. Alliance. It serves similar functions as the U.S. OSD and is the civilian component of MoD.

IB reviews everything going to the MinDef for conformity with legal restrictions, giving IB tremendous influence over all MoD actions.

IB is comprised of five sections.

- Minster's Secretariat[2501]
- Bureau of Defense Policy[2502]
- Bureau of Defense Buildup Planning
- Bureau of Personnel and Education
- Bureau of Location Cooperation[2503]

7–5.2.1. Minister's Secretariat

The Minister's Secretariat is comprised of seven Councillors[2504] who function as Deputies to the MoD for specific functional areas, similar to U.S. Under Secretaries of Defense.

7–5.2.2. Bureau of Defense Policy

The Bureau of Defense Policy is IB's most important section, responsible for developing Japan's defense strategy and considering issues impacting Japan's national interest and national security policy. It is a direct counterpart to MOFA's Foreign Policy Bureau.[2505]

The Bureau of Defense Policy is comprised of four Divisions

- Defense Policy Division[2506]
- Japan-U.S. Defense Cooperation Division[2507]
- Operational Policy Division[2508]
- Strategy Planning Division[2509]
- International Policy Division[2510]
- Defense Intelligence Division[2511]

7–5.2.2.1. Defense Policy Division

The Defense Policy Division defines Japan's defense policy and JSDF structure and posture. The Division's responsibilities include:

- Formulating basic defense and security policy for Japan.
- Setting and reviewing policy related to the structure, authorized personnel strength, organization, equipment, and deployment posture of the JSDF.
- Collecting and managing information essential for those policy functions including strategic-level threat assessments, security environment analysis, etc.
- Handling information security in the defense and security realm such as safeguarding classified information, ensuring compliance with secrecy protocols, controlling sensitive data flows for defense policy.
- Overseeing and administrating relevant research and analytic institutions under MoD.
- Coordinating foreign and external defense-policy relations other than those coordinated by the Japan–U.S. Defense Cooperation Division.[2512]

[2501] 7–5.2.1. Minister's Secretariat, p. 164.
[2502] 7–5.2.2. Bureau of Defense Policy, p. 164.
[2503] 7–5.2.3. Bureau of Location Cooperation (BLC), p. 165.
[2504] C–1.2. Levels of Executive Leadership, p. 222.
[2505] C–2.4.2. Foreign Policy Bureau (FPB), p. 231.
[2506] 7–5.2.2.1. Defense Policy Division, p. 164.
[2507] 7–5.2.2.2. Japan-U.S. Defense Cooperation Division, p. 165.
[2508] 7–5.2.2.3. Operational Policy Division, p. 165.
[2509] 7–5.2.2.4. Strategy Planning Division, p. 165.
[2510] 7–5.2.2.5. International Policy Division, p. 165.
[2511] 7–5.2.2.6. Defense Intelligence Division, p. 165.
[2512] 7–5.2.2.2. Japan-U.S. Defense Cooperation Division, p. 165.

7–5.2.2.2. Japan-U.S. Defense Cooperation Division

The Japan-U.S. Defense Cooperation Division in responsible for all aspects of Japanese defense policy related to the U.S., including RMCs,[2513] basic framework issues,[2514] and matters pertaining to U.S. force realignment under DPRI[2515] and SACO.[2516]

When JSDF RMCs change, U.S. defense cooperation (including bilateral plans and planning guidelines[2517]) must be changed to reflect new expectations of the Alliance's duties and responsibilities.

The Japan-U.S. Defense Cooperation Division is the direct counterpart to MOFA's Japan-U.S. Security Treaty Division[2518] with responsibilities between the divisions split along military-diplomatic issues.

The Division shares responsibility with the BLC[2519] for HNS.[2520]

7–5.2.2.3. Operational Policy Division

The Operational Policy Division is responsible for legal and policy aspects of JSDF operations in Japan and abroad. The Division interprets the laws passed by the Diet and is responsible for formulating the laws necessary for implementation of higher-level laws and guidance.

7–5.2.2.4. Strategy Planning Division

The Strategy Planning Division is responsible for mid- to long-term strategic planning on issues including outer space policy, missile defense policy, and cyber policy.

7–5.2.2.5. International Policy Division

The International Policy Division is responsible for bilateral defense exchanges and cooperations with foreign defense organizations other than the U.S..

7–5.2.2.6. Defense Intelligence Division

The Defense Intelligence Division is responsible for ensuring that all defense-intelligence activities, outputs, and security protocols align with national policy, legal standards, and Japan's defense strategy. It provides policy oversight, information-security management, and strategic integration across JDIH,[2521] the JJS,[2522] and service intelligence elements. It's roles and functions include:

- Set MoD-wide intelligence policies, priorities, and standards aligned with national strategies.
- Provide civilian, policy-level supervision of JDIH's mission focus and strategic alignment.
- Integrate intelligence activities across JDIH, JSO/J2,[2523] service intelligence units, and civilian bureaus.
- Establish and enforce classified-information protection rules and security-clearance protocols across MoD.
- Ensure strategic intelligence assessments inform defense policy, force structure decisions, and capability planning.
- Coordinate intelligence-related policy issues with JNSS,[2524] MOFA,[2525] CIRO,[2526] NPA,[2527] and allied counterparts.
- Direct policy guidance for intelligence support during crises and ensures alignment with national decision-making.

7–5.2.3. Bureau of Location Cooperation (BLC)

BLC may occasionally be translated as Bureau of Policies for Regional Society.

The BLC is responsible for engaging with Japanese communities with (U.S. or JSDF) base-related issues, serving to communicate those concerns to the U.S. or JSDF. In a secondary capacity, it maintains communications with the U.S. on daily base management issues that arise. BLC has some overlap with MOFA's SOFA Division.[2528]

[2513] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[2514] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46..
[2515] Appendix K. Defense Policy Review Initiative, p. 279.
[2516] K–2. Special Action Committee on Okinawa (SACO), p. 279.
[2517] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[2518] C–2.4.1.1. Japan-U.S. Security Treaty Division, p. 230.
[2519] 7–5.2.3. Bureau of Location Cooperation (BLC). 165
[2520] 7–5.2.3.2. Host Nation Support (HNS), p. 166.
[2521] 7–5.4.7. (Japan) Defense Intelligence Headquarters (DIH), p. 167.
[2522] 7–5.4.2. Japan Joint Staff (JJS), p. 167.
[2523] 7–5.4.3.1. Joint Staff Office (JSO), p. 167.
[2524] C–2.2.5. (Japan) National Security Secretariat (JNSS), p. 229.
[2525] C–2.4. Ministry of Foreign Affairs (MOFA), p. 230.
[2526] N–3. CIRO, p. 289.
[2527] C–2.1.5.2.1. National Police Agency (NPA), p. 226.
[2528] C–2.4.1.2. Status of U.S. Forces Agreement (SOFA) Division, p. 231.

BLC has the following divisions:

- Local Cooperation Planning Division: Supervises all BLC Divisions and chairs Japan-U.S. meetings on related issues
- Local Coordination Division: Coordinates relations between U.S. forces and local communities in areas other than Okinawa
- Okinawa Coordination Division[2529]
- Living Environment Improvement Division: Manages subsidies from GoJ to local base-housing communities
- Soundproof Measures Division: Manages noise mitigation around U.S. bases
- Compensation Division: Responsible for compensation following accidents or incidents related to U.S. personnel
- Facilities Administration Division: Administers U.S. force facilities
- Facilities Improvement Program Division: Implements the Facilities Improvement Program budget
- Labor Management Division: Addresses issues related to Japanese laborers on U.S. bases

7–5.2.3.1. Okinawa Coordination Division

Coordinates relations between U.S. forces and local communities in Okinawa.

7–5.2.3.2. Host Nation Support (HNS)

The SMA[2530] for HNS may be referred to as the "HNS SMA."

HNS is the Japan-U.S. agreement under which the GoJ pays portions of yen-denominated expenses for U.S. forces in Japan.

The HNS program was initiated in 1978 to increase Japan's share of the burden of the Alliance by paying a portion of the U.S.'s Yen-denominated costs of operating forces stationed in Japan. HNS has also been called the *omoiyari yosan* or "sympathy budget."[237]

HNS is realized through periodically negotiated SMAs, normally covering five years.

7–5.3. Acquisition, Technology, and Logistics Agency (ATLA)

ATLA (*Bōei Sōbi-Chō*) manages project management, technology management, research and development, and procurement of defense equipment for the JSDF.

ATLA is organized as follows:

- Secretariat
- Department of Equipment Policy
- Department of Project Management
- Department of Technology Strategy
- Department of Procurement Management
- Department of Procurement Operations
- Research and Test Centers

ATLA is considered an "external bureau," meaning that it is not one of the units of IB.[2531]

7–5.4. JSDF Structure

Use DoJ diagram

- JJS[2532]
- JSO[2533]
- GSO[2534]
- MSO[2535]
- ASO[2536]
- Cyber[2537]

[2529] 7–5.2.3.1. Okinawa Coordination Division, p. 166.
[2530] 1–6.1.1.2.1. Special Measures Agreements (SMA) (Legal Status), p. 9.
[2531] 7–5.2. Internal Bureau (IB), p. 164.
[2532] 7–5.4.2. Japan Joint Staff (JJS), p. 167.
[2533] 7–5.4.3.1. Joint Staff Office (JSO), p. 167.
[2534] 7–5.4.3.3. Ground Staff Office (GSO), p. 167.
[2535] 7–5.4.3.4. Maritime Staff Office (MSO), p. 167.
[2536] 7–5.4.3.2. Air Staff Office (ASO), p. 167.
[2537] 7–5.4.4. Cyber, p. 167.

- Space[2538]
- JJOC[2539]
- JDIH[2540]
- Defense Council
- Major Commands[2541]

7–5.4.1. JSDF Branches

7–5.4.1.1. Air Self-Defense Force (JASDF)

With an increased emphasis on the importance of the space domain for its defense, Japan has announced plans to strengthen the space domain capabilities of the JASDF and rename it to the Air and Space Self-Defense Force.[238] As of late-2024, this redesignation is expected by 2027.

7–5.4.1.2. Ground Self-Defense Force (JGSDF)

7–5.4.1.3. Maritime Self-Defense Force (JMSDF)

7–5.4.2. Japan Joint Staff (JJS)

Distinct from JSO

7–5.4.3. Staff Offices

7–5.4.3.1. Joint Staff Office (JSO)

7–5.4.3.2. Air Staff Office (ASO)

7–5.4.3.3. Ground Staff Office (GSO)

7–5.4.3.3.1. G-Codes

7–5.4.3.4. Maritime Staff Office (MSO)

7–5.4.4. Cyber

7–5.4.5. Space

7–5.4.6. Japan Joint Operations Command (JJOC)

7–5.4.6.1. Japan Joint Operating Forces (JJOF)

7–5.4.6.1.1. Ground Operations Forces (GOF)

7–5.4.6.1.2. Maritime Operations Forces (MOF)

7–5.4.6.1.3. Air Operations Forces (AOF)

7–5.4.6.1.4. Cyber Operations Forces (CyOF)

7–5.4.6.1.5. Space Operations Forces (SpOF)

7–5.4.7. (Japan) Defense Intelligence Headquarters (DIH)

(See § N–5. DIH [p. 289.])

[2538] 7–5.4.5. Space, p. 167.
[2539] 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
[2540] 7–5.4.7. (Japan) Defense Intelligence Headquarters (DIH), p. 167.
[2541] 7–5.4.8. Major Commands, p. 168.

7–5.4.8. Major Commands

7–5.4.8.1. Air Defense Command (ADC)

7–5.4.8.2. Ground Component Command (GCC)

7–5.4.8.2.1. Bilateral Coordination Detachment (BCD)

7–5.4.8.3. Regional Armies (RA)

7–5.4.8.4. Self-Defense Fleet (SDFLT)

7–5.4.8.5. Cyber Defense Command?

Newly formed March 2022

7–5.4.9. JSDF Order of Battle

The following graphics provide an unclassified peacetime overview of the JSDF order of battle.

Figure 12. Organizational Diagram of the Self-Defense Forces (CAO 31 March 2023) (Minister of Defense 2023a, 277)

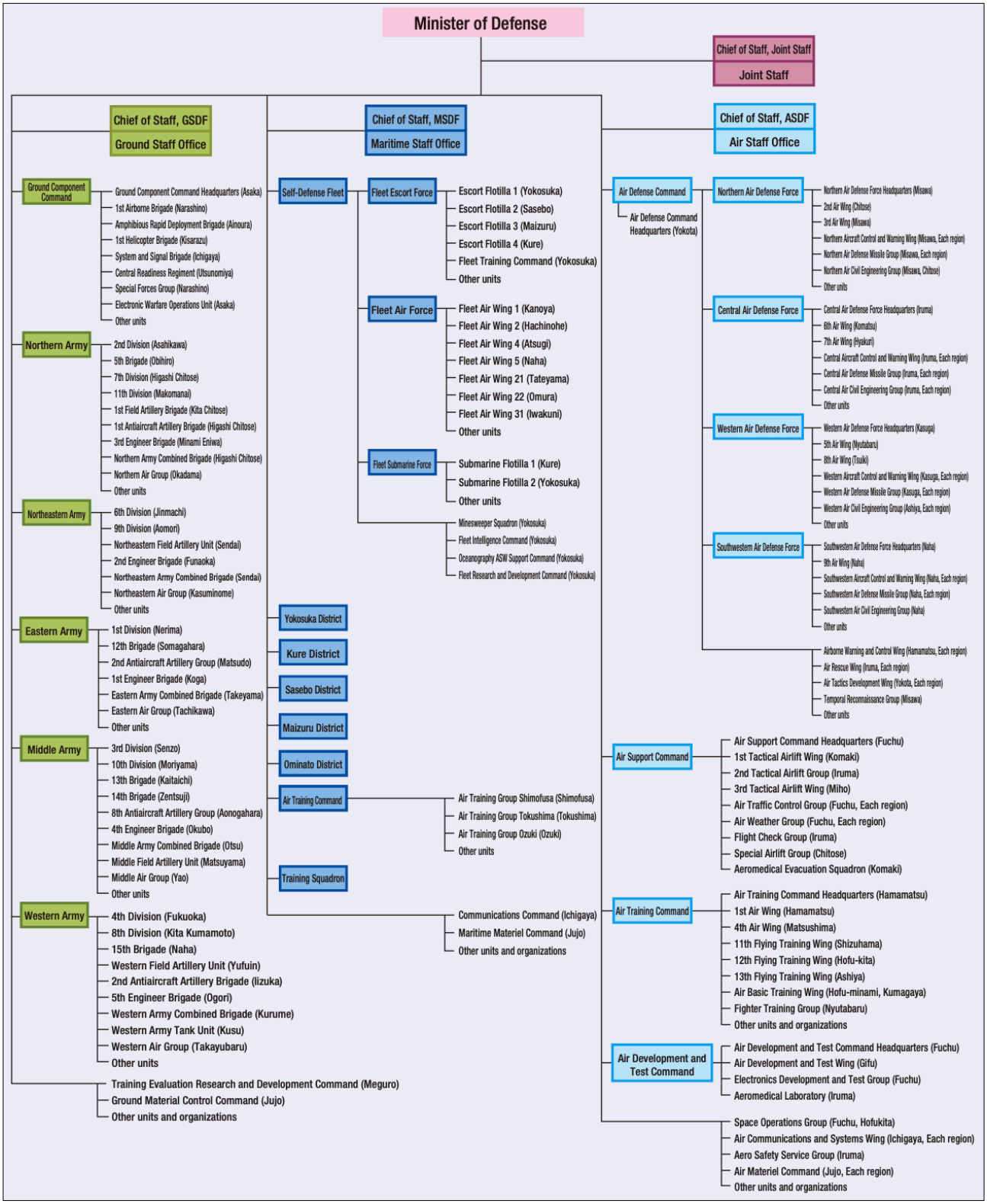


Figure 13. Location of Principal JSDF Units (CAO 31 March 2022) (Minister of Defense 2023a, 278)

Table 5. Number of Tanks and Major Artillery Owned (CAO 31 March 2023) (Minister of Defense 2023b, 106)

Type	Recoilless Guns	Mortars	Field Artillery	Rocket Launchers, etc.	Anti-aircraft Machine Guns	Tanks	Armored Vehicles	Mobile Combat Vehicles
Approximate number owned	2,600	1,200	370	40	50	450	980	160

Table 6. Number of Major Aircraft and Performance Specifications (CAO 31 March 2023) (Minister of Defense 2023b, 107)

Service	Type	Model	Use	Number Owned	Maximum Speed (knots)	Crew (number)	Full Length (m)	Full Width (m)	Engine
GSDF	Fixed-wing	LR-2	Liaison and Reconnaissance	8	300	2 (8)	14.2	17.7	Turboprop, twin-engines
	Rotary-wing	AH-1S	Anti-tank	44	120	2	13.6	3.6	Turboshaft, single-engine
		OH-1	Observation	37	140	2	12.0	3.3	Turboshaft, twin-engines
		UH-1J	Utility	112	110	2 (11)	12.7	2.8	Turboshaft, single-engine
		UH-2	Utility	7	130	2 (11)	13.1	2.9	Turboshaft, twin-engines
		CH-47J/JA	Transport	50	150/140	3 (55)	15.9	3.8/4.8	Turboshaft, twin-engines
		UH-60JA	Utility	40	150	2 (12)	15.6	5.5	Turboshaft, twin-engines
		AH-64D	Combat	12	150	2	15.0	5.7	Turboshaft, twin-engines
	Tilt Rotor	V-22	Transport	13	280	3 (24)	17.5	15.5	Turboshaft, twin-engines
MSDF	Fixed-wing	P-1	Patrol	34	450	11	38.0	35.4	Turbofan, quadruple-engine
		P-3C	Patrol	35	400	11	35.6	30.4	Turboprop, quadruple-engine
		US-2	Rescue	7	320	11	33.3	33.2	Turboprop, quadruple-engine
	Rotary-wing	SH-60J	Patrol	10	150	4	15.3	4.4	Turboshaft, twin-engines
		SH-60K	Patrol	73	140	4	15.9	4.4	Turboshaft, twin-engines
		MCH-101	Minesweeping and transport	10	150	4	19.5	5.1	Turboshaft, triple engine
ASDF	Fixed-wing	F-15J/DJ	Fighter	200	Mach 2.5	1/2	19.4	13.1	Turbofan, twin-engine
		F-2A/B	Fighter	91	Mach 2	1/2	15.5	11.1	Turbofan, single-engine
		F-35A	Fighter	33	Mach 1.6	1	15.6	10.7	Turbofan, single-engine
		C-1	Transport	6	Mach 0.76	5 (60)	29.0	30.6	Turbofan, twin-engine
		C-2	Transport	16	Mach 0.82	2–5 (110)	43.9	44.4	Turbofan, twin-engine
		C-130H	Transport	13	320	6 (92)	29.8	40.4	Turboprop, quadruple-engine
		KC-767	Aerial refueling transport	4	Mach 0.84	4–8 (200)	48.5	47.6	Turbofan, twin-engine
		KC-46A	Aerial refueling transport	2	Mach 0.86	3–14 (104)	50.4	47.6	Turbofan, twin-engine
		KC-130H	Aerial refueling transport	3	320	6 (92)	29.8	40.4	Turboprop, quadruple-engine
		E-2C	Early warning	10	320	5	17.6	24.6	Turboprop, twin-engines
		E-2D	Early warning	3	350	5	17.6	24.6	Turboprop, twin-engines
		E-767	Early warning and control	4	450	20	48.5	47.6	Turbofan, twin-engine
		RQ-4B	Surveillance	2	570 km/h	0	14.5	39.9	Turbofan, single-engine
	Rotary-wing	CH-47J	Transport	15	160	5 (48)	15.9	4.8	Turboshaft, twin-engines
		UH-60J	Rescue	37	140	5	15.7	5.4	Turboshaft, twin-engines

Notes: 1. The number of aircraft possessed indicates numbers registered in the national property ledger as of March 31, 2023.
2. Parenthetical figures in the item "Crew" represents the number of people transported.
3. The full lengths and widths of rotary-wing aircraft and tilt-rotor aircraft do not include the rotor diameter.
4. Maximum speed is approximate.

Table 7. Number of Major Ships Commissioned into Service (CAO 31 March 2023) (Minister of Defense 2023b, 107)

Category	Destroyer	Submarine	Mine Warfare Ship	Patrol Combatant Craft	Amphibious Ship	Auxiliary Ship
Number (vessels)	50	22	21	6	10	29
Standard Displacement (1,000 tons)	279	63	22	1	28	130

Notes: Figures are rounded off, so the totals may not tally.

7–5.4.10. JSDF Reserve Components

7–5.4.10.1. JSDF Ready Reserves

Introduced 1998

7–5.5. Regional Defense Bureaus (RBD)

The MoD has 8 RDBs, each led by a DG.

Each RDB is civilian-led and responsible for the smooth execution of daily defense-related matters in their assigned region. JSDF commanders operating within each region have "tenant command" like relationships to the respective RDB with the RDB exercising broad authority for defense-related operations within their area of responsibility.

While the RDBs take day-to-day direction from IB[2542] (especially BLC[2543] and Bureau of Defense Policy[2544]), the DG of any RDB may bypass the IB for any issues of serious disagreement. As a result, the RDBs hold significant bureaucratic power within the MoD.

[2542] 7–5.2. Internal Bureau (IB), p. 164.

[2543] 7–5.2.3. Bureau of Location Cooperation (BLC), p. 165.

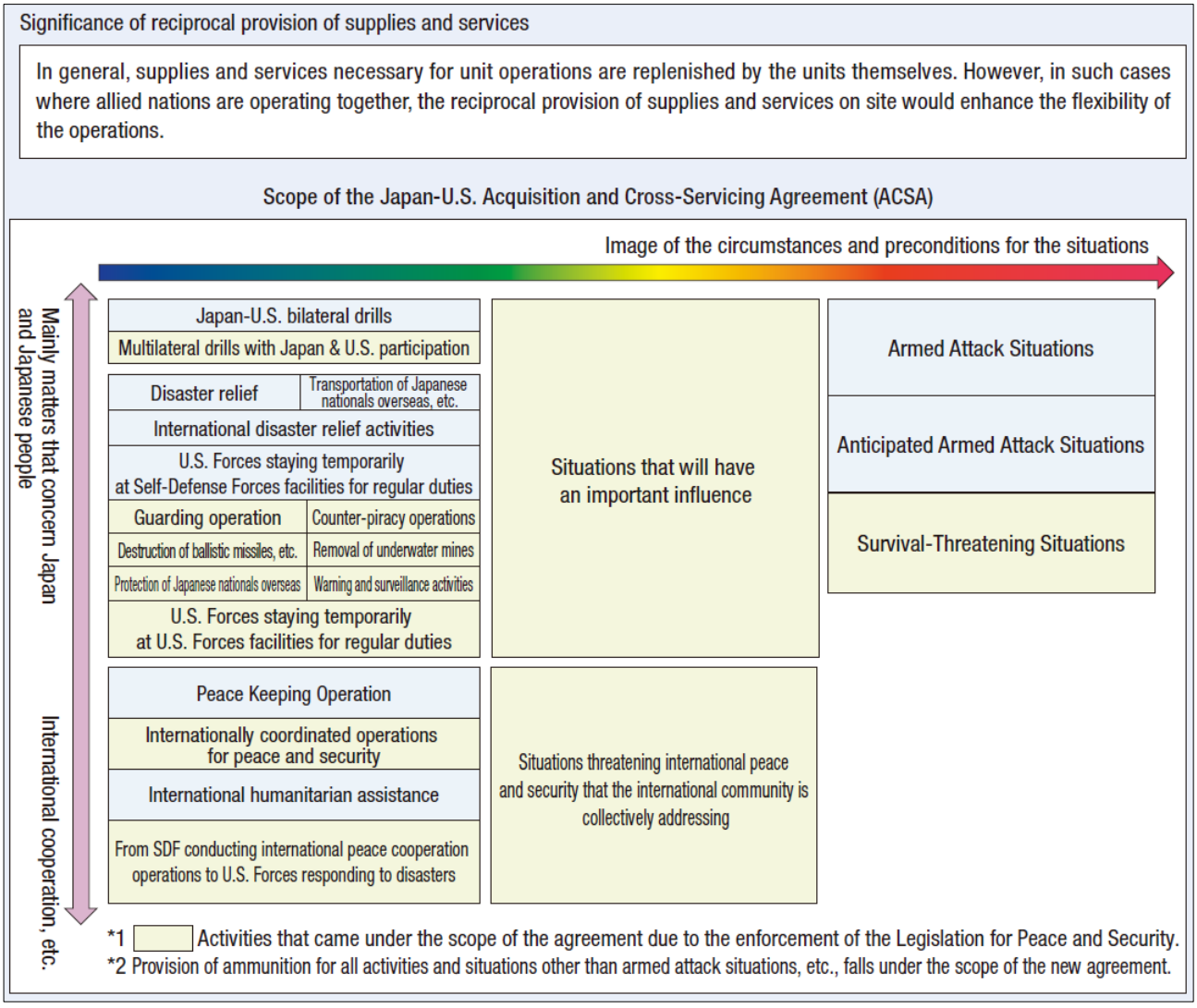
[2544] 7–5.2.2. Bureau of Defense Policy, p. 164.

Chapter 8. Mutual Logistics Support

8–1. Overview

8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA)

The Japan-U.S. ACSA is a formal agreement that allows the governments and their military forces to acquire logistic support, supplies, and services from each other.



8–2.1. Other ACSA Agreements with Japan

As of early 2024, Japan also has ACSA agreements with:

- Australia
- Canada
- France
- Germany
- India
- UK

As of early 2024, Japan has ACSAs under negotiation/discussion with:

- New Zealand

8–2.2. Applicable Conditions for U.S. ACSA Support

- Article 2: Exercises and training with participation by both the JSDF and U.S. forces
- Article 3: UN Peacekeeping, internationally-coordinated peace and security operations, or disaster relief conducted by either force
- Article 4: Operations that contribute to the achievement of the purposes of the MST[2545] or the UN Charter, conducted by either the JSDF or U.S. forces during IIS[2546]
  - While not stipulated in the ACSA, these operations may include:
    - Guard & Protect Operations[2547]
    - Counter-Piracy Operations[2548]
    - BMD Operations[2549]
    - Domestic and International Disaster Relief, etc.[2550]
    - Minesweeping[2551]
    - R/TJNO[2552]
    - ISR[2553]
    - Other Activities that Contribute to the Defense of Japan[2554]
- Article 5: During AAAS,[2555] STS,[2556] or AAS,[2557] either party may request or provide logistics support, supplies, and services
- Article 6: Operations in support of international community efforts that address: international peace and security, disaster relief, or other purposes

8–2.2.1. Prepositioning via U.S. ACSA, in lieu of II 4(b)

When applicable conditions apply (see § 8–2.2. Applicable Conditions for U.S. ACSA Support [p. 174]), ACSA support can enable U.S. forces (or other governments with compatible ACSAs[2558]) to preposition approved supplies or equipment on GoJ or JSDF facilities. Because such propositioning may not require U.S. access, a LUA[2559] and II 4(b) request would not necessarily be required. Without a II 4(b), maintenance of prepositioned stores could, if agreed to, be conducted contractually by non-U.S. force personnel (e.g., civilian contractors or JSDF personnel) or otherwise conducted episodically under conditions that would not necessitate a II 4(b) request.

8–2.3. Applicable Classes of Supply

- Class I: Food, water
- Class II: Clothing
- Class III: POL
- Class V: Ammunition
- Class IX: Spare parts and components
- Services
  - Billeting, transportation (including airlift)
  - Communications
  - Medical
  - Base Operations Support
  - Storage
  - Use of Facilities
  - Training
  - Airport and seaport services

[2545] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2546] 4–7. Important Influence Situation (IIS), p. 105.
[2547] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[2548] 3–2.3.7. Counter-Piracy Operations, p. 71.
[2549] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[2550] 3–2.4. Disaster Relief, etc., p. 73.
[2551] 3–2.3.8. Minesweeping, p. 72.
[2552] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.
[2553] 4–6.1. Routine Support to U.S. Forces, p. 104.
[2554] 2–1.2.2.2.1. Activities that Contribute to the Defense of Japan, p. 21.
[2555] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2556] 4–10. Survival-Threatening Situation (STS), p. 111.
[2557] 4–11. Armed Attack Situation (AAS), p. 116.
[2558] 8–2.1. Other ACSA Agreements with Japan, p. 173.
[2559] 5–3. Limited Use Agreements (LUA) and II 4(b) Requests, p. 134.

8–3. Medical

8–4. Restriction on Class V Movement

8–4.1. U.S.

8–4.2. JSDF

8–5. Private Financial Initiative (PFI)

MoD maintains a contract with the private company Kosoku Marine Transport under PFI for two high-speed civilian ferries (*Natchan World* and *Hakuo*), taskable within 72 hours of a crisis. For security crises, this authority is generally considered to be available at IIS.[2560] However, threat perceptions under IIS may preclude commercial operation of PFI vessels and either result in their non-use or require operation of the vessels by JSDF or GoJ personnel.

As of early 2025, GoJ budgets plan for expansion of the PFI program to up to 6 additional vessels.

[2560] 4–7. Important Influence Situation (IIS), p. 105.

Chapter 9. Evacuation, Refugees, and Detainees

9–1. Overview

As with the U.S.'s DoS, for Japan the primary duty of safeguarding citizens abroad falls to MOFA.

There are a few broad authorities the JSDF have for conducting evacuation-related operations:

- Domestically
  - CPO?
- Abroad
  - RJNO
  - TJNO[2561]
- Bi-/Multilateral support
  - Rear Area Support[2562] under IIS[2563]
    - The JSDF may support rear-area evacuation operations, potentially even to include transportation

9–1.1. Non-Combatant Evacuees (NCE)

9–2. Evacuation

9–3. Refugees

Reorganize

9–3.1. Evacuation RMCs

§ IV.B.1. of the 2015 Defense Guidelines[2564] state the following with respect to RMCs[2565] for evacuation (under IIS,[2566], AAAS,[2567] or AAS[2568]):

> *When Japanese and U.S. noncombatants need to be evacuated from a third country to a safe haven, each government is responsible for evacuating its own nationals, as well as dealing with the authorities of the affected area. As appropriate, the two governments will coordinate in planning and cooperate in carrying out evacuations of Japanese or U.S. noncombatants. These evacuations will be carried out using each country's capabilities such as transportation means and facilities in a mutually supplementary manner. The two governments may each consider extending evacuation assistance to third-country noncombatants.*
>
> *The two governments will conduct early-stage coordination through the Alliance Coordination Mechanism,[2569] as appropriate, to carry out cooperation in fields such as the safety of evacuees, transportation means and facilities, customs, immigration and quarantine processing, safe havens, and medical services.*
>
> *The two governments will enhance coordination in noncombatant evacuation operations from peacetime, as appropriate, including by conducting training and exercises.*[239]

9–3.2. Refugee RMCs

§ IV.B.3. of the 2015 Defense Guidelines[2570] state the following with respect to RMCs[2571] for handling refugees (under IIS,[2572], AAAS,[2573] or AAS[2574]):

> *If a situation develops such that a flow of refugees into Japan becomes likely or actually begins, the two governments will cooperate to maintain Japan's peace and security while handling refugees in a humane manner consistent with*

[2561] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[2562] i–C.35. Article 84-5—Logistics Support Activities, etc. (Rear Area Support), p. 319.
[2563] 4–7. Important Influence Situation (IIS), p. 105.
[2564] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[2565] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[2566] 4–7..Important Influence Situation (IIS), p. 105.
[2567] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2568] 4–11. Armed Attack Situation (AAS), p. 116.
[2569] 6–2.1. Alliance Coordination Mechanism (ACM), p. 146.
[2570] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.
[2571] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[2572] 4–7..Important Influence Situation (IIS), p. 105.
[2573] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2574] 4–11. Armed Attack Situation (AAS), p. 116.

applicable obligations under international law. Primary responsibility for such refugee response lies with Japan. The United States will provide appropriate support upon a request from Japan.[240]

9–3.3. GoJ View of Evacuation

The GoJ's view of evacuation tends to focus on three populations:

- Japanese nationals attempting to depart Taiwan
- Japanese nationals attempting to depart from the SSIs (and possibly Okinawa)
- Third country nationals (e.g., refugees) departing Taiwan to Japan

GoJ acknowledges the need to screen third country nationals entering Japan for routine customs and immigration purposes, but also to identify possible foreign agents or saboteurs.

9–3.4. Populations Estimates in and Surrounding Japan (as of 2023)

Japan

- Mainland
  - U.S.:
- Okinawa
  - Japanese nationals: 1,400,000
  - U.S.:
- SSI
  - JN
    - Miyako: 50,000
    - Ishigaki: 50,000
    - Yonaguni: 2,000
  - Tourists: up to 10,000

Taiwan

- U.S.
- Japanese nationals: 17,000
- Philippine Nationals: 150,000

PRC

- U.S.
- Japanese nationals:
- Philippine Nationals: 150,000

9–3.5. Evacuation SOFA Article II Access

Limited Disaster Preparedness/Response Access[2575] provides specified access to Facilities and Areas[2576] for the purposes of evacuation operations (and other disaster activities). Limited Disaster Preparedness/Response Access does not apply to Armed Attack[2577] as a human-made disasters, but it is unclear if this access might be granted (or would even be necessary) for man-made disasters that were caused indirectly as a result of an Armed Attack.

9–4. Policy

9–4.1. Bilateral

9–4.1.1. 2015 Defense Guidelines

The 2015 Defense Guidelines[2578] provide the following guidance on evacuation:

[2575] 2–1.4.1.2.3. Limited Disaster Preparedness/Response Access, p. 31.
[2576] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2577] 4–12. Definition of "Armed Attack", p. 121.
[2578] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.

- "When Japanese and U.S. noncombatants need to be evacuated from a third country to a safe haven, each government is responsible for evacuating its own nationals, as well as dealing with the authorities of the affected area."
- "As appropriate, the two governments will coordinate in planning and cooperate in carrying out evacuations of Japanese of U.S. noncombatants."
- "Evacuations will be carried out using each country's capabilities such as transportation means and facilities in a mutually supplementary manner."
- "The two governments may each consider extending evacuation assistance to third-country noncombatants."
- "The two governments will conduct early-stage coordination through the Alliance Coordination Mechanism, as appropriate, to carry out cooperation in fields such as the safety of evacuees, transportation means and facilities, customs, immigration and quarantine processing, safe havens, and medical services."
- "Primary responsibility for … refugee response lies with Japan. The United States will provide appropriate support upon a request from Japan."
- "If a situation develops such that a flow of refugees into Japan becomes likely or actually begins … Primary responsibility for such refugee response lies with Japan."

9–4.2. Japan

If the U.S. evacuates AMCITs from areas around Japan, the GoJ can accept evacuees who temporarily stay in Japan in addition to coordinating use of airfields and ports for U.S. evacuation operations.

GoJ cannot force civilians to leave (i.e., evacuation orders are not mandatory). But Japanese police can remove civilians from unsafe areas.

Japan's Civil Protection Law requires Okinawa (all prefectures?) to draft evacuation plans

9–4.3. U.S.

9–4.3.1. No Double Standard

The DoS "No Double Standard" policy requires security threat information provided to U.S. officials in-country (e.g., military or embassy personnel) also be provided to non-official U.S. personnel in-country if the information applies to them as well. The policy also requires the same evacuation opportunities/assistance be provided to both official and non-official U.S. communities in-country.

In the context of a Taiwan contingency, this means that DoS cannot provide information or evacuation opportunities/assistance to military or DoS personnel on Okinawa, for example, without providing that same information or evacuation opportunity/assistance to the non-official U.S. population on Okinawa, which includes significant numbers of expatriates, etc.

The policy officially states:

> *In administering the Consular Information Program, the Department of State applies a "No Double Standard" policy to important security threat information, including criminal information.*
>
> - *Generally, if the Department shares information with the official U.S. community, it should also make the same or similar information available to the non-official U.S. community if the underlying threat applies to both official and non-official U.S. citizens/nationals.*
> - *If a post issues information to its employees about potentially dangerous situations, it should evaluate whether the potential danger could also affect private U.S. citizens/nationals living in or traveling through the affected area.*
> - *If so, post should notify the Department and request approval of dissemination of the post-issued information to the public. In such cases, the CA/OCS/ACS Director will coordinate with the CA/OCS Managing Director, CA/OCS/ACS staff, the Bureau of Diplomatic Security, Threat Investigations and Analysis (DS/ITA) country officer, the regional desk officer, and others as appropriate to the situation at hand.*
> - *The policy is not intended to prevent the limited distribution of information about threats to specific U.S. citizens/nationals or U.S. organizations. The Department may share credible security-related information on a limited basis when directed toward a specific target or when appropriate to counter a particular threat. The Regional Security Officer normally performs this "duty to warn" function at post.*
> - *All "duty to warn" threat notifications made to U.S. private sector organizations at post must be coordinated with the Bureau of Diplomatic Security, Threat Investigations and Analysis, Overseas Security Advisory Council*

(DS/TIA/OSAC) to ensure simultaneous or near-simultaneous threat warning is also conveyed to the domestic headquarters of the U.S. organization.[241]

9–5. Roles, Missions, and Capabilities

9–5.1. JSDF Evacuation Operations

The 2005 Basic Guidelines for the Protection of the People[2579] provides a basic policy for JSDF responsibility in Armed Attack,[2580] including assisting in the evacuation of residents.

The JSDF would likely have the following evacuation-related roles in the following Security Situations:[2581]

- AAAS:[2582] When the governor or the Task Force Chief[2583] (normally the PM) makes a request, the MinDef, following the approval of the PM, will issue a CPO[2584] order to relevant units to implement civil protection measures. Deployed units will assess damage, save lives, and support civil evacuation as part of the civil protection measure.
- AAS:[2585] Work with police and fire authorities to provide the same support as in AAAS, but while conducting its primary mission of terminating an Armed Attack.

JSDF may consider utilizing its vessels and aircraft to evacuate civilians, depending on the situation (outer islands with limited transportation options).

A Civil Protection Recall Order may be considered with the approval of the PM to recall JSDF Ready Reserve Personnel and/or JSDF Reserve Personnel.

9–6. Considerations for Evacuation Scenarios

9–6.1. Selection of Transports

In a situation where conflict has begun or is imminent (or expansion of conflict to Japan is imminent) or when attempting to control escalation, GoJ is likely to give strong consideration to the specific selection of vessels used for civilian evacuation.

As with the U.S., GoJ's strong preference will likely be for Merchant Ships[2586] and Civil Aircraft,[2587] as well as government-chartered or -contracted vessels (e.g., PFI[2588]) (government charter classifies the vessel as State operated[2589]).

Because GoJ places the safety of its civilian population beyond almost all other national security objectives (even to a greater extent than most states), any use of GoJ-operated vessels will be limited to unarmed craft that are easily-distinguishable (by type of craft but also behavior) from craft being used to support operations involving the Use of Force.[2590] In this way, GoJ is likely to attempt to draw a bright red line between "defensive" and CPO.[2591] This distinction may extend to attempts to separate even Provision of Protection[2592] Use of Weapons[2593] and Civil Protection Operations.

Ref law of war auxiliary ships?

Unarmed JMSDF[2594] Auxiliary[2595] vessels such as training support ships, cable laying ships, submarine rescue vessels, oceanographic surveillance vessels, icebreakers, diving support vessels, etc. may be considered to support evacuation.

The use of hospital ships for civilian evacuation is not an authorized function and may subject the ship to the loss of its Specially Protected status.[2596]

Use of JCG?

[2579] 3–2.5.1.1. Basic Guidelines for the Protection of the People, p. 74.
[2580] 4–12. Definition of "Armed Attack", p. 121.
[2581] Chapter 4. Security Situations Framework, p. 90.
[2582] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[2583] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[2584] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[2585] 4–11. Armed Attack Situation (AAS), p. 116.
[2586] E–2.2.2. Merchant Ships, p. 243.
[2587] E–2.2.4. Civil Aircraft, p. 244.
[2588] 8–5. Private Financial Initiative (PFI), p. 175.
[2589] E–2.2.1. State Vessels, p. 242; E–2.2.3. State Aircraft, p. 244.
[2590] 3–3.3. Use of Force, p. 82.
[2591] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[2592] 3–3.1.3.1. Type 2a: "Provision of Protection" Use of Weapons, p. 80.
[2593] 3–3.1. Use of Weapons, p. 77.
[2594] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[2595] E–2.2.1.2.1. Naval Auxiliaries, p. 243.
[2596] E–2.4.4.1. Conditions of Protection, p. 246.

9–6.2. Taiwan Evacuation

In considering RJNO[2597] in Taiwan during a crisis, one of the issues involved would be whether the Taiwan government would qualify as a competent authority under the required conditions for RJNO in Article 84-3,[2598] ¶(1):

- Host nation authorities are maintaining public safety and order
  - No active combat[2599] at the location of the rescue
- Host nation consent to the operation (may be implicit)
- Coordination and cooperation can be ensured between JSDF and host nation authorities

Such an operation might require a legal judgment by GoJ that the government in Taipei, not Beijing, had authority to provide such confirmation and coordination and to grant such consent (or the reverse determination). Since normalization of PRC-Japan relations in 1972, Japan has avoided making such a determination.

However, there is some precedent GoJ might lean on to avoid addressing the issue. GoJ has occasionally provided humanitarian assistance to Taiwan. For example after an earthquake in 1999, GoJ sent an international fire and rescue team, including the National Police Agency and JCG personnel to Taiwan.

Additionally, during the Third Taiwan Strait Crisis in 1996, GoJ considered sending the JSDF to rescue Japanese citizens from Taiwan but lacked the legal authority to do so. The SDF Act (Law No. 165 of 1954, as amended)[2600] was amended the following year to provide such authorities, suggesting GoJ was willing to conduct an evacuation from Taiwan.

9–7. Evacuation Drills

9–7.1. 17 March 2023 Okinawa Prefectural Government (OPG) Drill

Date/Time: 17 March 2023 (Fri) / 1300-1600

Major Participants: OPG, Ishigaki City, Miyakojima City, Tarama Village, Taketomi Town, Yonaguni Town, Cabinet Secretariat, Fire and Disaster Management Agency, Okinawa Prefectural Police, Okinawa General Bureau, 11th Regional Coast Guard, JGSDF,[2601] JMSDF,[2602] JASDF,[2603] JSDF Okinawa Provincial Cooperation Office, JJS, Okinawa Defense Bureau (ODB), private entities

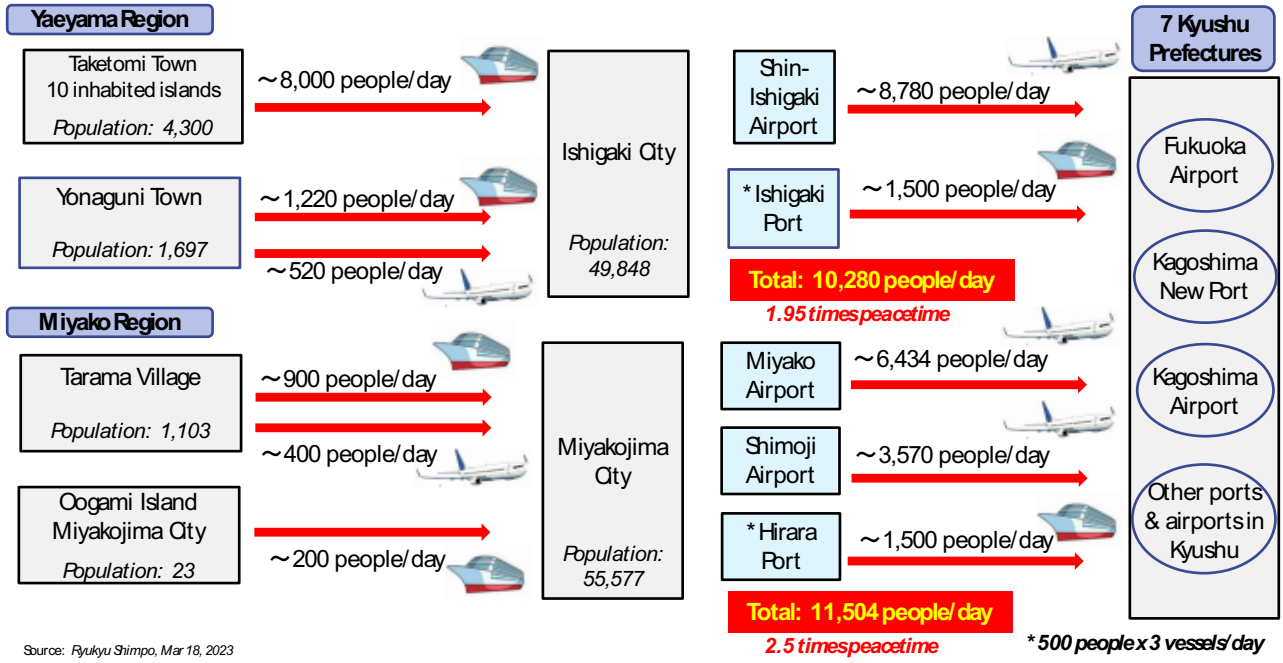
Objective: Improve effectiveness of civil protection measures by confirming and sharing understanding of cooperation guidelines as well as evacuation implementation guidelines at the time of initial response prior to and following the Recognition[2604] of AAS.[2605] Specifically, practice cooperation and coordination between relevant agencies for civil protection measures in a deteriorating situation in the Sakishima Area.

Lessons Learned:

- Municipalities must secure transportation for personnel requiring special assistance.
- Medical and Welfare departments must be included when considering such transportation, and coordination mechanism must be established.
- Must consider guidelines for support by police and fire authorities.
- Must establish guidelines for municipalities receiving evacuees
- Must confirm guidelines for coordination with municipalities (outside Okinawa) where evacuation shelters are located.

[2597] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[2598] i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
[2599] 2–1.2.2.1. Scene of Combat, p. 21.
[2600] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.
[2601] 7–5.4.1.2. Ground Self-Defense Force (JGSDF), p. 167.
[2602] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[2603] 7–5.4.1.1. Air Self-Defense Force (JASDF), p. 167.
[2604] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2605] 4–11. Armed Attack Situation (AAS), p. 116.

17 March 2023 OPG Civil Evacuation TTX



Source: *Ryukyu Shimpo, Mar 18, 2023*

9–7.1.1. Estimated Throughput

- 20,000 per day (~17.5k by air, ~3k by sea) with expanded flight and ship traffic (6 days to evac)
  - No nighttime evacuation or weather impacts
  - No competing military use of airfields and ports
  - Transportation capacity 2.36x higher than the usual level if the numbers of flights and passengers were raised to the maximum
- 10 days without expanded operations (12,000/day)
  - No nighttime evacuation or weather impacts
  - No competing military use of airfields and ports

9–8. Detainees and POWs

Army Regulation 190-8, ¶3-11 requires SecDef approval prior to the transfer of EPWs and a bilateral agreement with the country to which the transfer is to be conducted.[242]

SDF Act (Law No. 165 of 1954, as amended) Articles 24[2606] and 29-2[2607] provides for the establishment of JSDF POW camps.

9–8.1. Physical vs. Legal Custody

In bilateral detainee operations, the distinction between physical custody and legal custody can be significant.

When authorized, one State may authorize physical custody other support activities whereby that State's forces conduct supporting detainee operations under another State's legal authority. In such a situation, for example,

[2606] i–C.8. Article 24—Organs of the JSDF, p. 309.

[2607] i–C.9. Article 29-2—Prisoner of War Camps, p. 310.

detainees may be under the legal custody of Japan but under the partial physical custody of U.S. forces (such as U.S. guards maintaining watch over a detainee facility or otherwise supporting the facility's operation).

Chapter 10. Alliance Conceptions of Deterrence

10–1. Basic Concepts of Deterrence

10–1.1. Credibility

10–1.2. Assurances and Threats

Assurance + threat (x credibility of each)

Assurances without threats is appeasement. Threats without assurances is escalation

10–1.3. Escalation

10–1.3.1. Mechanisms and Motives of Escalation

10–1.3.1.1. Deliberate Escalation

Actions of an actor cross an escalatory threshold in a conflict or confrontation intentionally. Results may not be precisely as expected.

10–1.3.1.2. Inadvertent Escalation

Intentional actions are unintentionally escalatory, usually due to crossing a threshold of intensity or scope that matters to the adversary, but appears insignificant to the party taking action.

10–1.3.1.3. Accidental Escalation

The consequences of events were not intended in the first place. Sources usually reside at the front line, instead of centers of command, underscoring the need for appropriate ROE.

10–1.3.2. Dimensions of Escalation

10–1.3.2.1. Vertical Escalation

Expansion in:

- Types of weapons
- Types of targets
- Frequency of attacks
- Number of targets

10–1.3.2.2. Horizontal Escalation

Expansion in:

- Boundaries of conflict
- Locations of targets
- Locations of bases
- Elimination of sanctuaries
- Violation of neutrality[2608]

10–1.3.2.3. Political Escalation

Expansion of:

- Objectives, demands, rhetoric, and other characteristics
- Relaxing or abandoning behavioral constraints or ROE

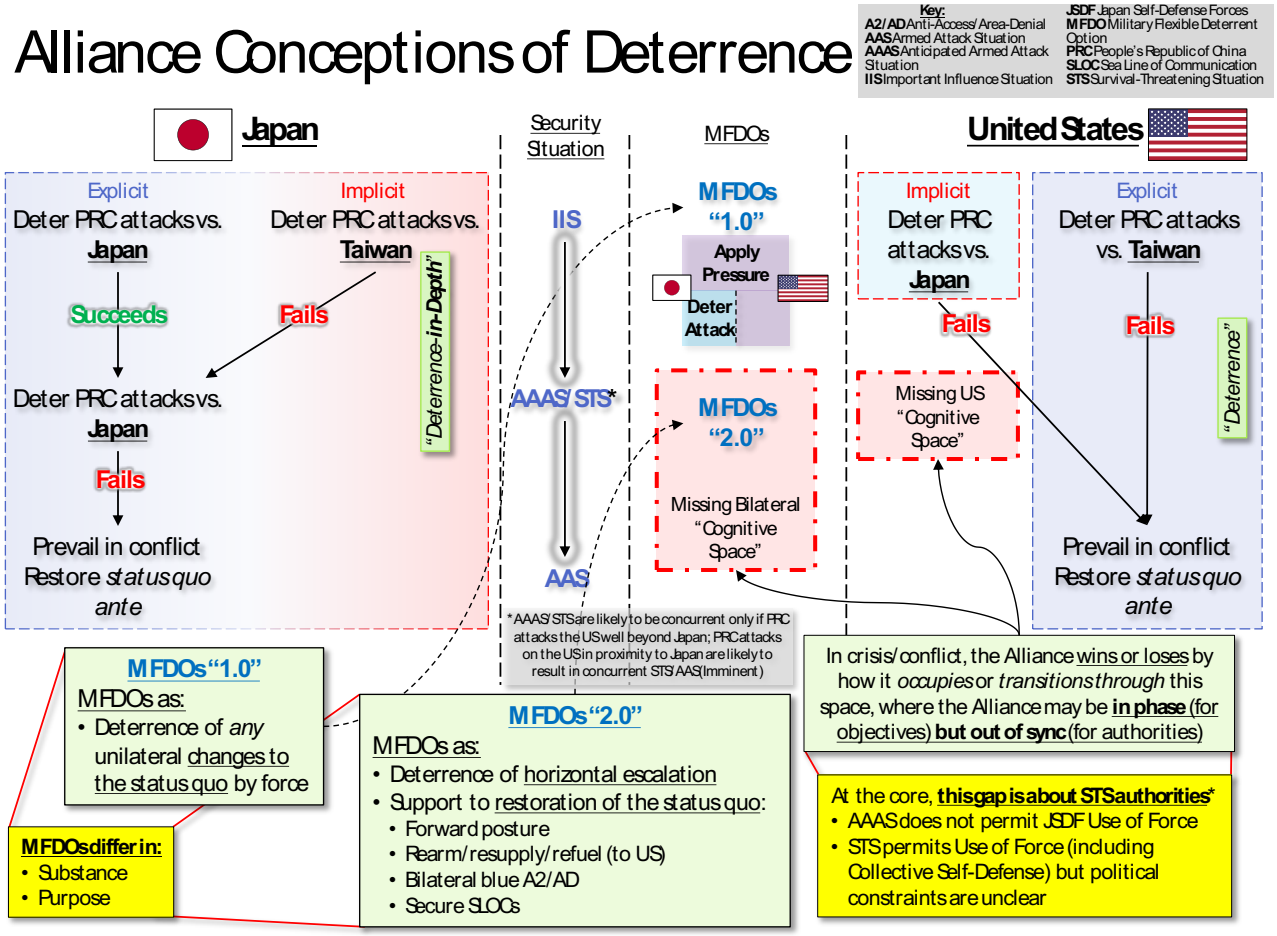
[2608] 2–1.2.1.4. Law of Neutrality, p. 18.

10–1.4. Half-Life of Deterrence

Deterrence has a "half-life" whereby the effect of deterrence tends to diminish over time. The rate of this diminishing is effected in part by the "background level" of violence or instability. In a volatile environment (such as where norms are regularly challenged or where there is a constant low-level of violence or threat of violence), the deterrent effect of actions will tend to diminish more rapidly. When environments are relatively peaceful and stable, deterrent actions will tend to maintain their deterrent value for longer after they are taken.

10–2. Divergent Concepts of Deterrence

Add "offramps" and divergent placement between U.S. and JPN



10–2.1. Implicit vs. Explicit

10–2.2. GoJ Requirements to Continue Deterrence

The principles derived from GoJ's interpretations of Article 9[2609] collectively establish an implicit requirement[2610] to continue pursuing deterrence regardless of the severity of a crisis or deterioration of a situation.

When would Japan consider deterrence no longer viable? When Japan believes the PRC no longer has a chouice to offramp.

10–2.3. Homeland Defense Prioritization

10–3. Military Flexible Deterrent Options (MFDO)

[2609] 2–1.2.1. Article 9 (War Renunciation), p. 13.

[2610] 2–1.2.3. Requirement for Continued Deterrence Efforts, p. 22.

Chapter 11. Grey Zone and Hybrid Warfare

11–1. Overview

Competition	Crisis	Conflict
Grey zone to compel	Hybrid warfare to delay TPI	Hybrid warfare to complicate Tgting/ROE Hybrid warfare to delay Japan entry into conflict

Without a Stipulation[2611] of AAS,[2612] attacks by guerillas, SOF, saboteurs, etc. are consider criminal acts and require response by police or JSDF under PSO[2613] authorities only.

11–1.1. Competitive Coercion

Competitive Coercion describes a technique to reduce the effectiveness of an alliance by exploiting gaps in alliance structures and advancing an adversary's aims below the threshold of Treaty[2614] provisions.[243]

Competitive Coercion encompasses terms like Grey Zone,[2615] Hybrid Warfare,[2616] or other related concepts (like Information Warfare[2617]).

Competitive Coercion, while frustrating for alliance managers to contend with, is in some ways a product of otherwise functioning deterrence.[244] If deterrence were failing, potential adversaries would have little incentive to pursue strategies of Competitive Coercion in place of more direct, aggressive approaches.

11–2. Grey Zone

11–2.1. Definitions

The concept of "Grey Zone" refers to the area between wholly peacetime (i.e., "white") and wholly wartime (i.e., "black"). The Grey Zone features a mix of civilian and military capabilities, authorities, and assets, both on the parts of the aggressor and the recipient of such Grey Zone aggression. Grey Zone activities often include violating norms and laws but doing so in a manner calibrated to complicate any response or retaliation, including by complicating attribution.

In the context of PRC Grey Zone activity, the term "little blue men" may be used to refer to CMM, other paramilitary forces, or apparent civilians believed to be acting at the direction of the PRC.

11–2.1.1. Japanese Definition

By (Japan's) definition, Grey Zone activity does not constitute[2618] an Armed Attack[2619] and Use of Force[2620] would not be authorized.

The Defense of Japan 2020 white paper defines Grey Zone as:

> *The so-called gray-zone situations simply represent a wide range of situations that are neither peacetime nor wartime. In a gray-zone situation, for example, a country that confronts another over territory, sovereignty or maritime and other economic interests uses some forceful organization [to the extent in which the action does not constitute an Armed*

[2611] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2612] 4–11. Armed Attack Situation (AAS), p. 116.
[2613] 3–2.3.1. Public Security Operation (PSO), p. 65.
[2614] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2615] 11–2. Grey Zone, p. 185.
[2616] 11–3. Hybrid Warfare, p. 186.
[2617] 11–4. Information Warfare, p. 186.
[2618] 4–12.9.3. Grey Zone Activities, p. 127.
[2619] 4–12. Definition of "Armed Attack", p. 121.
[2620] 3–3.3. Use of Force, p. 82.

> *Attack] to demonstrate its presence in the relevant disputed region in a bid to alter the status quo or force other countries to accept its assertions or demands.*

> [Underlined, bracketed red] text was contained in the original Japanese but omitted in the English language translation.

The 2023 white paper stated more simply:

> *So-called "grey zone" situations simply represent a wide range of situations that are neither peacetime nor wartime.*
>
> *In a grey-zone situation, for example, a country that confronts another over territory, sovereignty or maritime and other economic interests uses some forceful organization to demonstrate its presence in the relevant disputed region in a bid to alter the status quo or force other countries to accept its assertions or demands.*[245]

11–2.1.1.1. Implications for Use of Force/Use of Weapons

Because Grey Zone activity is neither a military act nor a matter purely for law enforcement, it creates another 'Grey Zone' between Use of Weapons[2621] (authorized for law enforcement) and Use of Force[2622] (authorized for NSD[2623] and CSD[2624]).

International Law[2625] may permit acts of hostility conducted from vessels by non-State armed groups to be considered piracy, allowing GoJ to potentially employ Counter-Piracy[2626] authorities in maritime Grey Zone situations.

11–2.1.2. U.S. Definition

11–2.2. Alliance Vulnerabilities in the Grey Zone

One observer identifies four major vulnerabilities in an Alliance response to grey zone activities:[246]

•

11–3. Hybrid Warfare

11–3.1. Definition

The Defense of Japan 2023 white paper defines Hybrid Warfare as:

> *The so-called "hybrid warfare" represents methods intentionally blurring the boundaries between the military and non-military realms, forcing affected actors to take complex measures that are not limited to military actions. The means of hybrid warfare include operations using military units of unidentified nationality, cyberattacks to affect communications and other critical infrastructure, the spread of false information through the internet and the media, and other influential operations. The combination of these measures is considered as amounting to hybrid warfare. In hybrid warfare, a country takes measures that are difficult to identify definitively as an "Armed Attack"*[2627] *based on its outward appearance. It is said that such an approach is taken with an intent to make it difficult for the target country to address the situation, such as delaying the military's initial response, while denying the attacker country's own involvement.*[247]

11–4. Information Warfare

11–4.1. Definition

While not always considered distinct, Japan's concept of information warfare is:

> *Attempts to create a favorable security environment by influencing the public opinion and decision-making of other countries through disinformation and strategic communications, etc., and minimizing the impact to one's own decision-making, even when conflict has yet to arise.*[248]

[2621] 3–3.1. Use of Weapons, p. 77.
[2622] 3–3.3. Use of Force, p. 82.
[2623] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[2624] 3–4.2. Collective Self-Defense (CSD), p. 86.
[2625] 2–1.2.4.1. International Law, p. 22.
[2626] 3–2.3.7. Counter-Piracy Operations, p. 71.
[2627] 4–12. Definition of "Armed Attack", p. 121.

11–5. Armed Agents

Because of Japan's clear delineation between hostilities or violent actions that constitute attributable Armed Attacks[2628] that qualify for a Stipulation[2629] of AAS,[2630] it uses the term "Armed Agent" as a category to refer to the perpetrators of such actions and avoid implying attribution that would constitute an obvious Armed Attack.

Armed Agent is defined as:

> *Persons committing illegal acts such as subversive activities in Japan while possessing weapons with significant wounding and killing power.*[249]

In response to Armed Agents, the police have primary responsibility.

Law?

11–5.1. The Agreement on the Maintenance of Public Order in the Event of PSO

JDA and NPSC in 1954, revised 2000

11–5.1.1. Guidelines for Dealing Jointly with PSO in the event of Armed Agent Incidents

2004

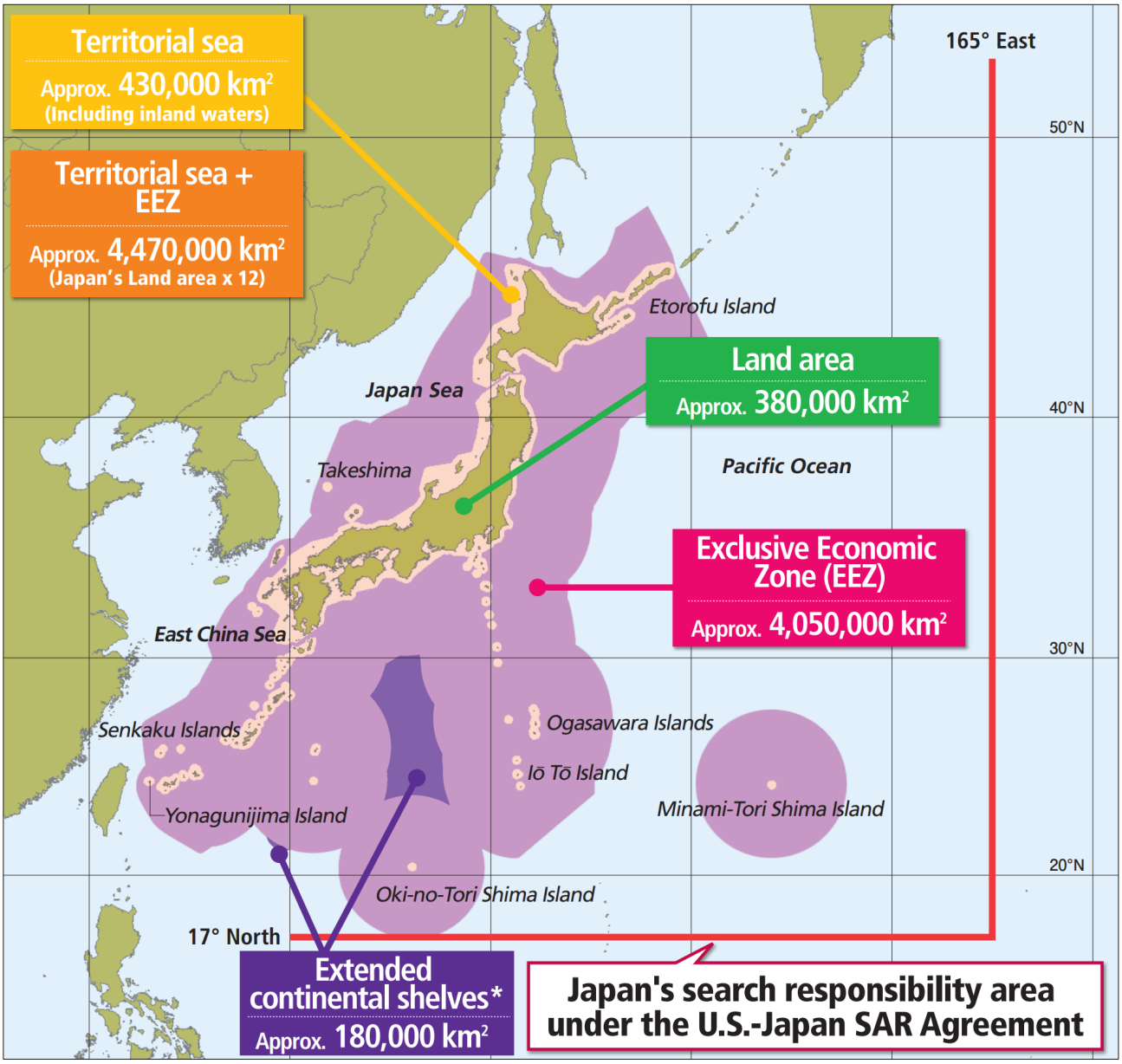
[2628] 4–12. Definition of "Armed Attack", p. 121.

[2629] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

[2630] 4–11. Armed Attack Situation (AAS), p. 116.

Appendix A. Physical and Political Geography of Japan and the WPTO

A–1. Japan



A–1.1. Japanese Territories

A–1.1.1. Mainland

The islands of Hokkaidō, Honshū, Shikoku, and Kyūshū are collectively referred to as the Japanese mainland.

A–1.1.2. Southwest Islands (SWI)

A–1.1.2.1. Ryūkyū Islands

The term Ryūkyū Islands (or Ryūkyū Arc) is often used synonymously with either the SWI or the islands that comprise Okinawa Prefecture. This term is ambiguous as it alludes to the historic domain of the Ryūkyū Kingdom, which extended north of Okinawa, but does not clearly refer to any specific set of islands or historic extent of the Ryūkyū Kingdom. The term "Ryūkyūs" is then more useful as a general cultural or historical region rather than a specific geographic zone.

A–1.1.2.2. Sakishima Islands (SSI)

Sometimes referred to as "SWI" (sometimes in context of "the SWI of the Ryukyu Island Chain")

A–1.1.2.2.1. Senkaku Islands (SKI)

"Territories Under the Administration of Japan"

See also Appendix G. Policy on the Senkaku Islands (p. 263).

A–1.1.3. Ogasawara Islands

A–1.1.4. Volcano Islands

The Volcano Island chain includes Kitaiwo Island, Iwo Island, and Minamiiwo Island.

A–1.1.5. Okinotorishima

Okinotorishima Island is an uninhabited island that was claimed by Japan in 1931 and Japan's southernmost island territory. The nearby Kitakojima and Higashikojima Islands were eroded by seawater to become reefs of Okinotorishima.

A–1.1.6. Minamitorishima

Minamitorishima is Japan's easternmost island territory.

A–1.2. "Disputed" Territories

A–1.2.1. What is (and Isn't) a "Dispute?"

Regional nations, including Japan, draw diplomatic distinctions between regions or territories that are "disputed" and those over which there are differing positions. This distinction can sometimes seem tortured to military planners but holds real significance in the domain of diplomacy.

Generally, regional states consider an area "disputed" if there is a mutual agreement (explicit or implicit) that the degree of control is unresolved. The degree of control in question could extend from full sovereignty to less-than sovereign administration to limited rights such as in an EEZ. Key to this concept is the implicit acknowledgement that the dispute might be resolved in more than one way.

In contrast, countries rhetorically reject the "existence of a dispute" when they are asserting that there is only one acceptable resolution for a disagreement. For example, Japan rejects that the SKIs are "disputed" territories because its national position is that its control is wholly legitimate and incontestable and that the islands are an "integral" (and thus non-negotiable) part of Japan.

Under International Law,[2631] a contributing factor in the resolution of disagreements or disputes is a nation's consistent application and manifestation of its claims. Thus, to acknowledge a "dispute" weakens a nation's claims both rhetorically and legally.

> For the purposes of readability and clarity, this guide may use the term "disputed territories" loosely with non-diplomatic connotations and does not imply the formal diplomatic recognition of a "dispute."

A–1.2.2. Senkaku Islands (SKI)

See Appendix G. Policy on the Senkaku Islands (p. 263).

[2631] 2–1.2.4.1. International Law, p. 22.

A–1.2.2.1. Vs. "Nine-Dash Line"?

A–1.2.3. Takeshima Islands

The Takeshima islands, including Ojima Island and Mejima Island, called the Dokdo islands by the Republic of Korea and also known as the Liancourt Rocks, are a grouping of islets located in the Sea of Japan approximately halfway between the Japan and the Republic of Korea and are claimed by both states.

The Japanese claim to the Takeshimas dates at least to the 17th century, citing old maps and documentation of GoJ granting its people passages to the islands. The South Korean claim dates back to the 6th century, however Japan maintains that these claims refer to different islands and have no bearing on the claim to the island grouping identified as the Takeshimas, today. North Korea also maintains a claim to the island grouping.

During the U.S. occupation of Japan, the Allies established what became known as the MacArthur Line (which South Korea would later call the Syngman Rhee Line) based on a demarcation made by SCAPIN 677[2632] and SCAPIN 1033.[2633] This line was intended as temporary occupation policy and not a determination of territorial control. However, South Korea construed the fact that Takeshima was on the South Korean side of the MacArthur Line as justification for its territorial claim. South Korean maritime police occupied Takeshima in 1954 and have maintained control since.[250]

During the negotiations for the Treaty of San Francisco,[2634] South Korea requested that Japan renounce its claims to the Takeshima islands. The U.S. secretly communicated to South Korea (via the "Rusk Documents") that it held the islands to have never been a part of Korea, implying support for Japan's territorial claim. This resulted in South Korea issuing a proclaimation of its maritime sovereignty prior to the Treaty's signature and exercising de facto administration over the islands, beginning in 1952.[251]

South Korea maintains the position that:

> *Article 2(a) of the Treaty of Peace with Japan of 1951 [Treaty of San Francisco] provides, "Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet." Of Korea's some 3,000 islands, the said article refers to only Jejudo (Quelpart), Geomundo (Port Hamilton), and Ulleungdo (Dagelet) as examples. Therefore, the mere fact that Dokdo [Takeshima] is not explicitly mentioned in the said article does not suggest that Dokdo [Takeshima] is not included among those territories of Korea separated from Japan.*[252]

Since 1953, the U.S. has maintained neutrality over the question of sovereignty for the islands.

Some Japanese see maintaining control of the Takeshima islands as imperative to validating or supporting their claims to other contested islands in the region.

A–1.2.3.1. SCAPIN 677

SCAPIN 677 "Governmental and Administrative Separation of Certain Outlying Areas from Japan," issued 29 January 1946, defines for the purpose of occupation policy, the boundaries of Japan. The geographic boundaries and definition used in the note excludes the Liancourt Rocks.

The instruction states:

> *1. The Imperial Japanese Government is directed to cease exercising, or attempting to exercise, governmental or administrative authority over any area outside of Japan, or over any government officials and employees or any other persons within such areas.*
>
> *…*
>
> *3. For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu and Shikoku) and the approximately 1,000 smaller adjacent islands, including the Tsushima Islands and the Ryukyu (Nansei) Islands north of 30° North Latitude (excluding Kuchinoshima Island); and excluding (a) Utsuryo (Ullung) Island, Liancourt Rocks (Take Island) and Quelpart (Saishu or Cheju) Island, (b) the Ryukyu (Nansei) Islands south of 30° North Latitude (including Kuchinoshima Island), the Izu, Nanpo, Bonin (Ogasawara) and Volcano (Kazan or Iwo) Island Groups, and all other outlying Pacific Islands including the Daito (Ohigashi or Oagari) Island Group, and Parece Vela (Okino-tori), Marcus (Minami-tori) and Ganges (Nakano-tori) Islands, and (c) the Kurile (Chishima) Islands, the Habomai (Hapomaze) Island Group (including Suisho, Yuri, Akiyuri, Shibotsu and Taraku Islands) and Shikotan Island.*

[2632] A–1.2.3.1. SCAPIN 677, p. 190.
[2633] A–1.2.3.1. SCAPIN 1033, p. 191.
[2634] F–1.2.3Treaty of San Francisco, p. 255.

> ...
>
> *6. Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration*[2635]*.*[253]

A–1.2.3.1. SCAPIN 1033

SCAPIN 1033 "Area Authorized for Japanese Fsishing and Whaling," issued 22 June 1946, authorizes Japanese fishing, whaling, and similar activities within a specified area.

The instruction states:

> *2. Effective this date and until further notice Japanese fishing, whaling and similar operations are authorized within the area bounded as follows: From a point midway between Nosappu Misaki and Kaigara Jima at approximately 43°23' North Latitude, 145°51' East Longitude; to 43° North Latitude, 146°30' East Longitude: thence to 45° North Latitude, 165° East Longitude; thence south along 165th Meridian to 24° North Latitude; west along the 24th Parallel to 123° East Longitude: thence north to 26° North Latitde, 123° East Longitude; thence to 32°30' North Latitude, 125° East Longitude; thence to 33° North Latitude, 127°40' East Longitude; thence to 40° North Latitude, 135° East Longitude; to 45°30' North Latitude, 140° East Longitude: thence east to 45°'30' North Latitude 145° East Longitude ronnding Soya Misaki at a distance of three (3) from shore; south along 145th Meridian to a point three (3) miles off the coast of Hokkaido; thence along a line three (3) miles off the coast of Hokkaido rounding Shiretoko Saki and passing through Nemuro Kaikyo to the starting point midway between Nosappu Misaki and Kaigara Jima.*
>
> ...
>
> *5. The present authorization is not an expression of allied policy relative to ultimate determination of national jurisdiction, international bonndaries or fishing rights in the area concerned or in any other area.*[254]

A–1.2.4. Northern Territories

Japan claims the southernmost islands of the Kuril (or Kurile) Island chain (a collection of islands extending approximately 1,300 km from Hokkaido to the Kamchatka Peninsula known in Japan as Kuriru rettō or Chishima rettō).

These islands claimed by Japan are Kunashiri, Etorofu, Shikotan, and the Habomai island group (Hamomai guntō). Japan refers to these as the "Northern Territories" and the GoJ stance is that these are inherent territories of Japan.

The Soviet Union maintained that the 1945 Yalta Agreement transferred sovereignty of the Kuril Islands to the USSR and refused to sign the Treaty of San Francisco[2636] on the basis that Article 2(c)[2637] did not transfer the islands to the USSR.[255] The Yalta conference promised the USSR control over South Sakhalin and the Kuril islands if it entered the war against Japan. Since 1956, the U.S. position is that the Yalta Agreement was a statement of common purpose and did not have legal effect; as a result, the U.S. position is that the islands should be acknowledged as Japanese sovereign territory.[256]

The islands have remained under Soviet and then Russian Federation control since 1945 and their return to Japanese control has been a precondition set by Tokyo for a peace Treaty[2638] with the Soviets (and then the Russian Federation). In 1956, the USSR promised to transfer Habomai and Shikotan Islands to Japan as an expression of goodwill, however, since the signing of the MST,[2639] the USSR has made the removal of U.S. military installations in Japan a precondition for the return of these two isslands.[257] The continuation of this dispute means Japan and Russia have still not signed a peace Treaty ending their state of hostility from World War II.

A–1.2.4.1. Treaty of Portsmouth

The Treaty of Portsmouth, which ended the 1904-1905 Russo-Japanese War, ceded control of the Sakhalin islands from Russia to Japan.

Article 9 of the Treaty[2640] states:

> *(1) The Imperial Russian Government cedes to the Imperial Government of Japan in perpetuity and full sovereignty the southern portion of the Island of Saghalin [Sakhalin] and all the islands adjacent thereto and the public works and properties thereon. The fiftieth degree of north latitude is adopted as the northern boundary of the ceded territory. The*

[2635] F–1.2.1. The Potsdam Declaration, p. 254.
[2636] F–1.2.3. Treaty of San Francisco, p. 255.
[2637] A–1.2.4.2. Treaty of San Francisco (Northern Territories), p. 192.
[2638] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2639] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2640] 1–6.1.1.1. Treaties (Legal Status), p. 8.

> *exact alignment of such territory shall be determined in accordance with the provisions of the additional article II annexed to this treaty.*
>
> *(2) Japan and Russia mutually agree not to construct in their respective possessions on the Island of Saghalin [Sakhalin] or the adjacent islands any fortification or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Strait of La Perouse[2641] and the Strait of Tartary.*[258]

A–1.2.4.2. Treaty of San Francisco (Northern Territories)

Article 2 of the Treaty of San Francisco[2642] states:

> *(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.*[259]

The Treaty of San Francisco did not determine the residual sovereignty over the islands.[260]

A–2. Oceans and Seas

A–2.1. Sea of Japan

The Sea of Japan extends from the northwestern coast of Honshū and Hokkaidō to the eastern coast of the Korean peninsula and the Russian far east.

The RoK uses the name "East Sea" to refer to the same region.

A–2.2. Okhotsk Sea

A–2.3. Japan's EEZ and CS

Multiple parts of Japan's EEZ[2643] and CS[2644] are pending delimitations with neighboring countries and are, therefore, either in dispute or not mutually agreed upon.[261]

There are no delimitation agreements between Japan and the PRC for the EEZ and CS, however the two nations reached an agreement[2645] on the joint development of the CS in 2008.[262]

A–2.3.1. 2008 Cooperation between Japan and China in the East China Sea

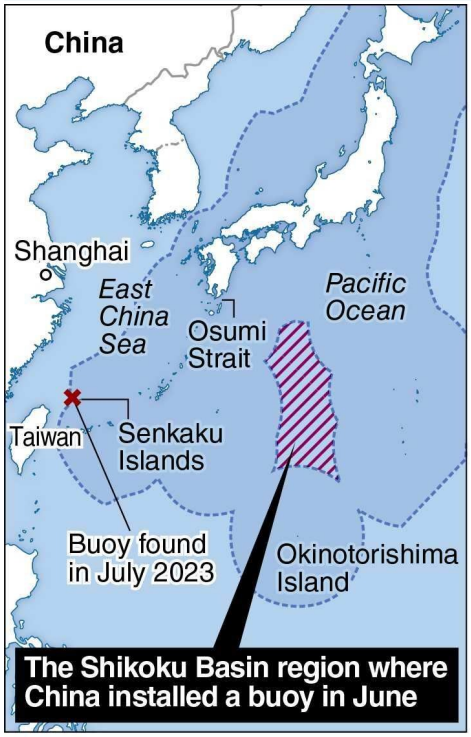
The 2008 agreement establishes joint development zones in areas that cross over the median line between Japan and the PRC.

A–2.4. Takeshima Islands

A–2.5. Shikoku Basin

> *The Shikoku Basin region is surrounded by Japan's EEZ and covers an area almost equivalent to half the size of Japan, which is 378,000 square kilometers. Since there are no islands in or around the region, it is supposed to be outside the EEZ. However, the UN Commission on the Limits of the Continental Shelf (CLCS) recognized the Shikoku Basin region as Japan's Continental Shelf [CS[2646]] in 2012, with Okinotorishima Island as its base point. Under the UN Convention on the Law of the Sea, Japan exercises sovereign rights over the Continental Shelf [CS] for the purpose of exploring the sea bed and exploiting its natural resources. China Installs Buoy on Japan's Continental Shelf in Shikoku Basin Region; Government to Examine Purpose of Unusual Move in Pacific Ocean - The Japan News (yomiuri.co.jp)*

[2641] A–3.1.1. Soya Strait (La Perouse), p. 193.
[2642] F–1.2.3. Treaty of San Francisco, p. 255.
[2643] A–4.7, Exclusive Economic Zone (EEZ), p. 197.
[2644] A–4.9, Continental Shelf (CS), p. 198.
[2645] A–2.3.1. 2008 Cooperation between Japan and China in the East China Sea, p. 192.
[2646] A–4.9, Continental Shelf (CS), p. 198.



A–3. Key Straits

A–3.1. Designated Straits Used for International Navigation

Article 1[2647] of the TTS Law (Act No. 30 of 1977, as amended) and pursuant Cabinet Order[2648] (Cabinet Order No. 206 of 1993[263]) identify the following five straits as

- Soya Strait (also known as La Perouse)[2649]
- Tsugaru Strait[2650]
- Tsushima Strait-Eastern Channel[2651]
- Tsushima Strait-Western Channel[2652]
- Ōsumi Strait[2653]

A–3.1.1. Soya Strait (La Perouse)

A–3.1.2. Tsugaru Strait

A–3.1.3. Tsushima Strait

A–3.1.3.1. Tsushima Strait-Eastern Channel

A–3.1.3.2. Tsushima Strait-Western Channel

A–3.1.4. Ōsumi Strait

A–3.2. Other Straits

A–3.2.1. Tokara Strait

Article 1[2654] of the TTS Law (Act No. 30 of 1977, as amended) and pursuant Cabinet Order[2655] (Cabinet Order No. 206 of 1993[264]) do not designate the Tokara Strait as a Strait Used for International Navigation. Thus, under Japanese Law, navigation through the Tokara Strait is not regarded as Transit Passage[2656] and is instead considered by GoJ as Innocent

[2647] i–X.1. Article 1—Extent of Territorial Sea, p. 395.
[2648] C–2.1.4.2. Cabinet Order, p. 225.
[2649] A–3.1.1. Soya Strait (La Perouse), p. 193.
[2650] A–3.1.2. Tsugaru Strait, p. 193.
[2651] A–3.1.3.1. Tsushima Strait-Eastern Channel, p. 193.
[2652] A–3.1.3.2. Tsushima Strait-Western Channel, p. 193.
[2653] A–3.1.4. Ōsumi Strait, p. 193.
[2654] i–X.1. Article 1—Extent of Territorial Sea, p. 395.
[2655] C–2.1.4.2. Cabinet Order, p. 225.
[2656] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.

Passage.[2657] This impacts the mode of navigation of foreign ships, especially Warships[2658] and Military Aircraft[2659] (see § E–5.1.1. Transit Passage (through Straits Used for International Navigation) [p. 250]).

The U.S., PRC, and other States assert that the Tokara Strait is a Strait Used for International Navigation and vessels transiting the strait should be subject to the restrictions of Transit Passage rather than Innocent Passage.

A–3.2.2. Miyako Strait

The Miyako Strait is also rendered as:

- Kerama Gap
- Okimiya Strait

A–3.2.3. Yonaguni Strait

The Yonaguni Strait is also rendered as:

- Yonaguni Gap
- Yonaguni Passage
- Yonaguni Channel

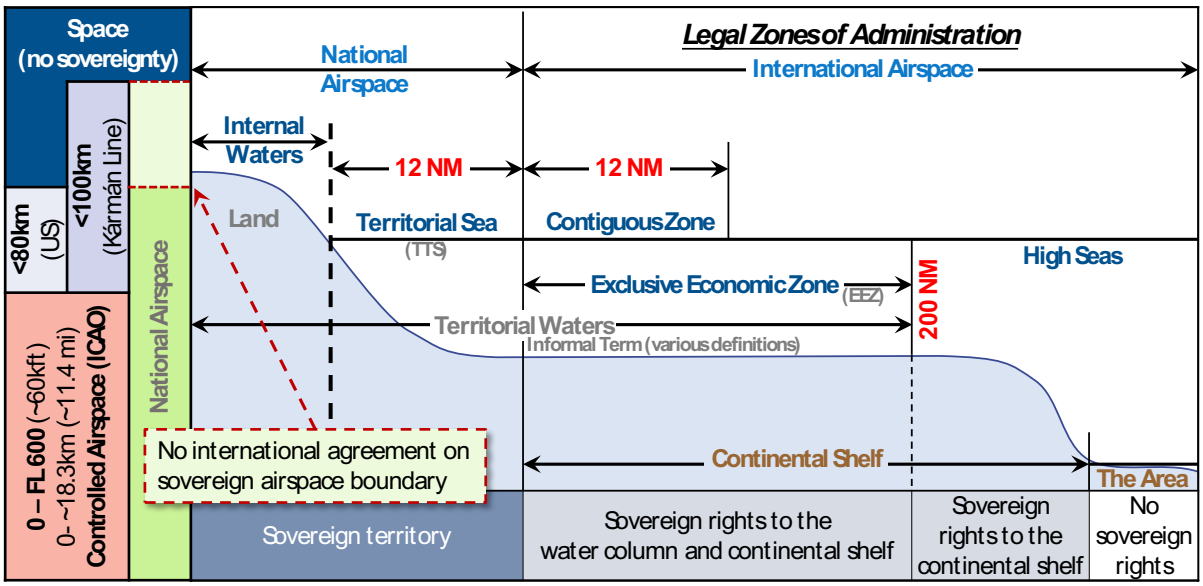
A–4. Zones of Administration

Understanding the various distances and levels of jurisdiction GoJ exercises over various waters requires familiarity with various zones of administration or legal regimes of oceans and airspace. For this, UNCLOS is the primary reference as it formally defines many of these zones and does so in the way that is generally internationally-recognized, even by non-signatories (e.g., the U.S.).

Various zones of administration are formally- or informally-recognized by precedent, convention, or in international Agreements.[2660] Exact distances and applications are variable according to numerous caveats.

[2657] E–5.1. Innocent Passage, p. 249.
[2658] E–2.2.1.1. Warships, p. 242.
[2659] E–2.2.3.1. Military Aircraft, p. 244.
[2660] 1–6.1.1. International Agreements (Legal Status), p. 8.

Zones of Administration



Key:
EEZ Exclusive Economic Zone
FL Flight Level
ICAO International Civil Aviation Organization
NM Nautical Mile
TTS Territorial Sea

A–4.1. State Definitions

A–4.1.1. Coastal State

UNCLOS does not define the term "Coastal State," however it is broadly understood as any State that possesses an open sea coast and would, under the provisions of UNCLOS, be entitled to assert sovereignty, jurisdiction, or other rights in these adjacent sea areas.

A–4.1.2. Archipelagic State

Article 46 of UNCLOS defines an Archipelagic State as "a State constituted wholly by one or more archipelagos and may include other islands."

Archipelagic States may establish Baselines that joint the outermost points of their outermost islands, enclosing the sea within, leading to a TTS that may encompass more area than strict 12 NM beyond physical Baselines.

Archipelagic States may designated archipelagic sea lanes to permit continuous and expeditious passage of ships and aircraft. If archipelagic sea lanes are not established by an Archipelagic State, other states may still be able to exercise archipelagic sea lane passage.

A–4.2. Internal Waters

Internal (or inland) waters are on the landward side of the Baseline[2661] from which the TTS[2662] is measured. The Coastal State[2663] has full sovereignty over its Internal Waters as if they were part of its land territory. The Coastal State may exclude foreign flag vessels from its Internal Waters subject to the right of entry of vessels in distress. The right of Innocent Passage[2664] does not apply in Internal Waters. Examples of Internal Waters include rivers, canals, and lakes.

A–4.3. Baseline

The Baseline is the low-water line along the coast as marked on large-scale charts officially recognized by the Coastal State.[2665]

[2661] A–4.3. Baseline, p. 195.
[2662] A–4.4. Territorial Sea (TTS), p. 196.
[2663] A–4.1.1. Coastal State, p. 195.
[2664] E–5.1. Innocent Passage, p. 249.
[2665] A–4.1.1. Coastal State, p. 195.

A–4.4. Territorial Sea (TTS)

Sovereign territory (air and sea) of a state (out to 12 NM beyond the Baseline[2666]).[265]

The Coastal State[2667] exercises sovereignty over its TTS, the airspace above it, and the seabed and subsoil beneath it. Foreign flag ships enjoy the right of Innocent Passage[2668] while transiting the TTS subject to laws and regulations adopted by the Coastal State that are in conformity with UNCLOS and other rules of International Law[2669] relating to such passage.

> The TTS is often incorrectly referred to as "Territorial Waters"[2670] (TTW), which is a less well-defined and less formal term that can refer to anything from TTS with Internal Waters[2671] or refer to zones out to the High Seas,[2672] including the EEZ.[2673]

A–4.4.1. U.S. FONOPs

Under the U.S. Oceans Policy of 1983, where the U.S. does not recognize a (sovereign) territorial claim (either a claim the U.S. rejects as unlawful or one the U.S. does not take a position on), it may conduct FONOPs to assert the principles of International Law[2674] and free passage.[266]

FONOPs involve naval units transiting disputed areas to avoid setting the precedent that the international community has accepted unlawful or unrecognized claims. ISO coordinates DoS clearance for FON operations.

Where military operations, to include FONOPs would have significant diplomatic or political implications, the DoS maintains a PSA list, identifying the additional level of notification, coordination, or approval required prior to such military operations.[267]

A–4.5. National Airspace (TTA)

National Airspace (also called Territorial Airspace or TTA) is the airspace above the territorial land and TTS of a State.

> A state's ADIZ[2675] is often incorrectly referred to as TTA or "sovereign airspace."

There is no consensus on the vertical limit of a State's TTA, although the Kármán line is often used to bound the upper limit of TTA sovereignty.[268]

The Kármán line is the boundary where the atmosphere is too thin to allow conventional aircraft to maintain controlled flight. This boundary is approximately 100 km MSL.

The U.S. has generally treated 80 km MSL as the upper boundary of national sovereignty. ICAO-controlled airspace extends up to ~60,000 ft (~18.3 km).

A–4.5.1. International Airspace

International Airspace is any airspace outside TTA.

A–4.6. Contiguous Zone (CZ)

> Ships and aircraft enjoy High Seas[2676] freedoms and overflight in the CZ.

Area where a sovereign state can exert limited control to prevent or punish infringements of relevant laws applicable within TTS[2677] (12 out to 24 NM beyond the Baseline[2678]).

In its CZ, a Coastal State[2679] may exercise the control necessary to prevent the infringement of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or TTS, and punish infringement of those laws and regulations committed within its territory or TTS.[269] Additionally, to control trafficking in archaeological and historical

[2666] A–4.3. Baseline, p. 195.
[2667] A–4.1.1. Coastal State, p. 195.
[2668] E–5.1. Innocent Passage, p. 249.
[2669] 2–1.2.4.1. International Law, p. 22.
[2670] A–4.13.1. Territorial Waters (TTW), p. 198.
[2671] A–4.2. Internal Waters, p. 195.
[2672] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2673] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2674] 2–1.2.4.1. International Law, p. 22.
[2675] A–4.8. Air Defense Identification Zone (ADIZ), p. 197.
[2676] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2677] A–4.4. Territorial Sea (TTS), p. 196.
[2678] A–4.3. Baseline, p. 195.
[2679] A–4.1.1. Coastal State, p. 195.

objects found at sea, a Coastal State may presume that their removal from the seabed of the CZ without its consent is unlawful.

A Coastal State's enforcement authorities in the CZ do not affect or limit any State's right to exercise Belligerent Rights at Sea[2680] in this zone.[270]

A–4.7. Exclusive Economic Zone (EEZ)

Each Coastal State[2681] may claim an Exclusive Economic Zone (EEZ) beyond and adjacent to its TTS[2682] up to 200 NM from the Baseline[2683] (or out to a maritime boundary with another Coastal State).

Within its EEZ, a Coastal State has:

- Sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, whether living or nonliving, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- Jurisdiction as provided for in International Law[2684] with regard to the establishment and use of artificial islands, installations, and structures, marine scientific research, and the protection and preservation of the marine environment
- Other rights and duties provided for under International Law

> UNCLOS does not clearly define the legal status of EEZs.[271]
>
> Additionally, because UNCLOS does not define the geographic extent of the High Seas,[2685] there is no clear consensus on whether EEZs "constitute a unique body water distinct from the territorial sea and the High Seas, on the one hand, or whether they are bodies of water within the High Seas to which special regulations have been applied."[272]

A Coastal State's sovereign rights and jurisdiction in its EEZ do not affect or limit any State's right to exercise Belligerent Rights at Sea[2686] in this zone.[273]

A–4.8. Air Defense Identification Zone (ADIZ)

An ADIZ is a region of airspace in which a state intends to identify, locate, and control aircraft in the interest of national security. It is declared unilaterally and may extend beyond a country's territory to give the country more time to respond to possibly hostile aircraft.

Aircraft within an ADIZ may be required to provide identification and other fight path information but only as a condition of entry into the TTA[2687] of the State enforcing the ADIZ. Enforcement of ADIZ procedures on aircraft transiting an ADIZ with no intent to enter the TTA associated with the ADIZ is not consistent with International Law[2688].[274]

> Non-compliance with ADIZ requirements is often incorrectly referred to as an "ADIZ violation," but non-compliance is only an ADIZ violation if the aircraft in question intends to enter TTA.

"ADIZ incursions" are often referred to as "airspace violations" or "airspace intrusions" but are not a violation of state sovereignty unless there is an intrusion within 12 NM of a state's Baseline.[2689]

Additionally, entry into an ADIZ without complying with ADIZ procedures may be incorrectly referred to as an "ADIZ violation," but compliance with ADIZ procedures is only required as a

> A state's ADIZ is often incorrectly referred to as TTA or "sovereign airspace." And entry into an ADIZ may incorrectly be referred to as an "airspace intrusion,"

[2680] E–2.4. Belligerent Rights at Sea, 245.
[2681] A–4.1.1. Coastal State, p. 195.
[2682] A–4.4. Territorial Sea (TTS), p. 196.
[2683] A–4.3. Baseline, p. 195.
[2684] 2–1.2.4.1. International Law, p. 22.
[2685] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2686] E–2.4. Belligerent Rights at Sea, 245.
[2687] A–4.5. National Airspace (TTA), p. 196.
[2688] 2–1.2.4.1. International Law, p. 22.
[2689] A–4.3. Baseline, p. 195.

A–4.9. Continental Shelf (CS)

The CS includes the seabed that extends beyond a state's TTS,[2690] throughout the natural prolongation of its land territory to the outer edge of the Continental Margin (i.e., the sloping of the CS down to the deep ocean floor), or to a distance of 200 NM from the Baseline[2691] in cases where the Continental Margin does not extend up to that distance.

A–4.9.1. Okinawa Trough

A–4.10. High Seas

High Seas (plural) is the terminology used by UNCLOS but it may also be rendered as:

- High sea
- High sea(s)

UNCLOS does not clearly define the geographic extent of the High Seas.[275]

Additionally, because UNCLOS does not define the geographic extent of the High Seas, there is no clear consensus on whether EEZs[2692] "constitute a unique body water distinct from the territorial sea and the High Seas, on the one hand, or whether they are bodies of water within the High Seas to which special regulations have been applied."[276]

The High Seas is comprised of all parts of the sea that are not included in the EEZ, TTS,[2693] or Internal Waters[2694] of a State, or in the Archipelagic Waters[2695] of an Archipelagic State.[2696]

The High Seas is where no state exercises any form or degree of jurisdiction or rights.

A–4.10.1. GoJ Definition of High Seas

GoJ legally[2697] defines High Seas[2698] to include the EEZ[2699].[277]

A–4.11. Archipelagic Waters

Archipelagic Waters are the waters enclosed by the archipelagic Baselines[2700] drawn in accordance with UNCLOS. The Archipelagic State[2701] has full sovereignty over these waters, but foreign vessels have the right of Innocent Passage[2702] through Archipelagic Waters subject to UNCLOS.

A–4.11.1. Archipelagic Sea Lane Passage (ASLP)

ASLP means the exercise of the non-suspendable right of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious, and unobstructed transit between one part of the High Seas[2703] or EEZ[2704] and another part of the High Seas or EEZ.[278]

A–4.12. The Area

The Area is comprised of the seabed and subsoil beyond the limits of national jurisdiction. It does not include the water column or the air space above those waters. The Area and its resources are the common heritage of humanity, and no state may claim or exercise sovereignty or sovereign rights over any part of the Area or its resources.

A–4.13. Informal/Ambiguous Terms

A–4.13.1. Territorial Waters (TTW)

TTW is an informal term referring to an inconsistently-defined set of areas inside International Waters.[2705]

[2690] A–4.4. Territorial Sea (TTS), p. 196.
[2691] A–4.3. Baseline, p. 195.
[2692] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2693] A–4.4. Territorial Sea (TTS), p. 196.
[2694] A–4.2. Internal Waters, p. 195.
[2695] A–4.11. Archipelagic Waters, p. 198.
[2696] A–4.1.2. Archipelagic State, p. 195.
[2697] i–N.1. Article 2—Definitions, p. 373.
[2698] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2699] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2700] A–4.3. Baseline, p. 195.
[2701] A–4.1.2. Archipelagic State, p. 195.
[2702] E–5.1. Innocent Passage, p. 249.
[2703] A–4.10. High Seas, p. 198.
[2704] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2705] A–4.13.2. International Waters, p. 199.

Japan occasionally defines the term as all areas within the High Seas.[2706]

> *Japan's Internal Waters,[2707] Territorial Sea,[2708] Contiguous Zone,[2709] Exclusive Economic Zone,[2710] and Continental Shelf.[2711]*

But in other locations, GoJ defines TTW as the combination of TTS and Internal Waters.[279]

> TTW is inconsistently used.
>
> In some uses, TTW refers to areas within the TTS (<12 NM), in others, this refers to areas within the CZ (<24 NM), and in yet others, this refers to areas within the EEZ[2712] (<200 NM). This ambiguity makes it more useful to use formally defined UNCLOS terms and/or specify demonstrative mile distances (e.g., "within 12 NM") to ensure clarity.

A–4.13.2. International Waters

International Waters is an informal term referring to the area where ships are under the jurisdiction of only their Flag State[2713] (with some exceptions, e.g., piracy).

> In some uses, International Waters refers to areas beyond TTS[2714] (>12 NM), in others, this refers to areas beyond the CZ[2715] (>24 NM), and in yet others, this refers to areas beyond the EEZ[2716] (>200 NM). This ambiguity makes it more useful to use formally defined UNCLOS terms and/or specify demonstrative mile distances (e.g., "beyond 12 NM") to ensure clarity.

The Law of Naval Warfare may use the term International Waters but defines it as[280] the collective area including: the High Seas,[2717] the Area,[2718] and Coastal State CZs, EEZs, and CSs.[2719] This is more unambiguously termed "Waters Beyond the Sovereignty of the Coastal State."

[2706] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[2707] A–4.2. Internal Waters, p. 195.
[2708] A–4.4. Territorial Sea (TTS), p. 196.
[2709] A–4.6. Contiguous Zone (CZ), p. 196.
[2710] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2711] A–4.9.Continental Shelf (CS), p. 198.
[2712] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2713] 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
[2714] A–4.4. Territorial Sea (TTS), p. 196.
[2715] A–4.6. Contiguous Zone (CZ), p. 196.
[2716] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[2717] A–4.10. High Seas, p. 198.
[2718] A–4.12. The Area, p. 198.
[2719] A–4.9. Continental Shelf (CS), p. 198.

A–5. Selected Maps of the WPTO

Western Pacific – Island Chains and Key SLOCs

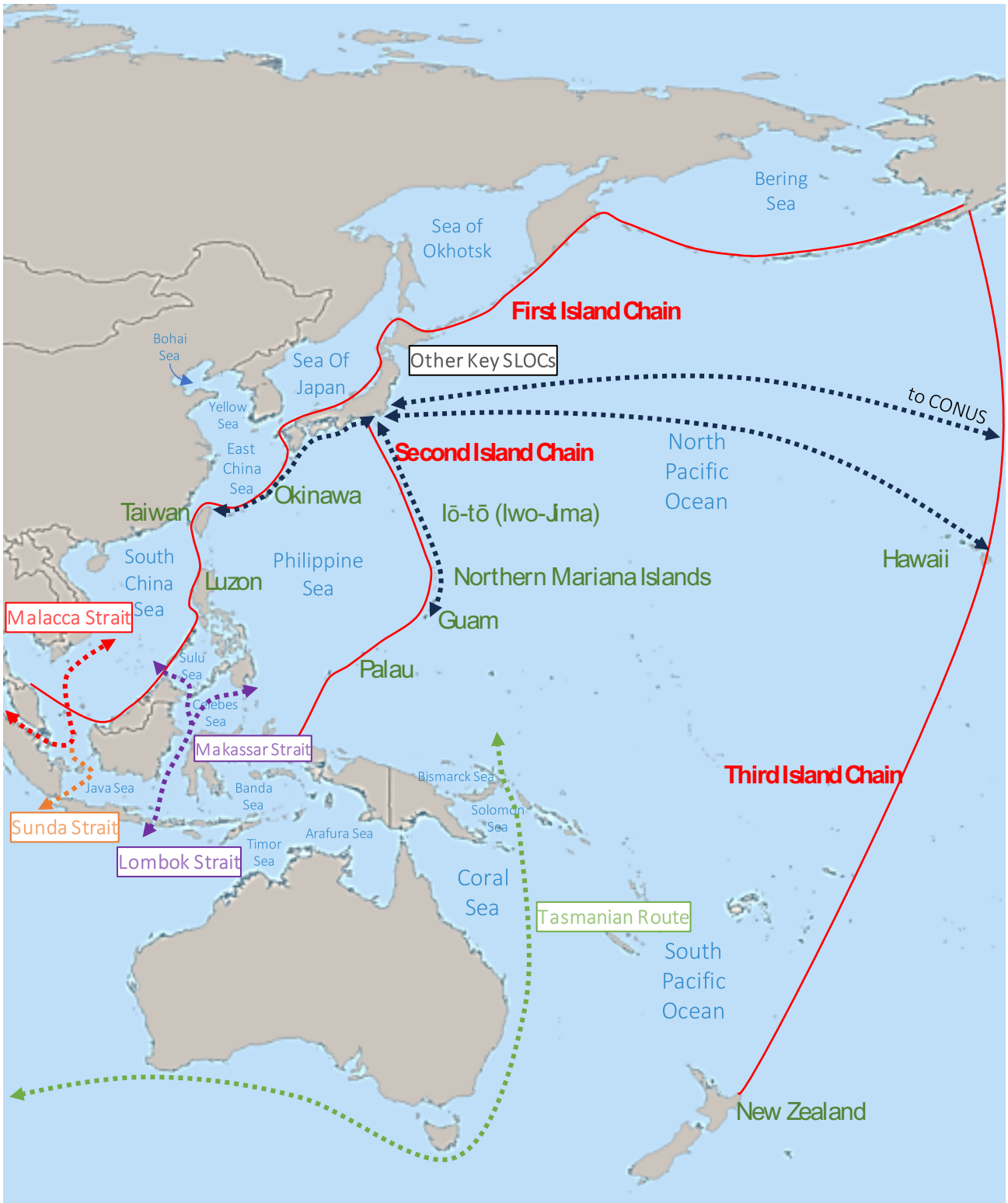


Figure 14. Japan Overview

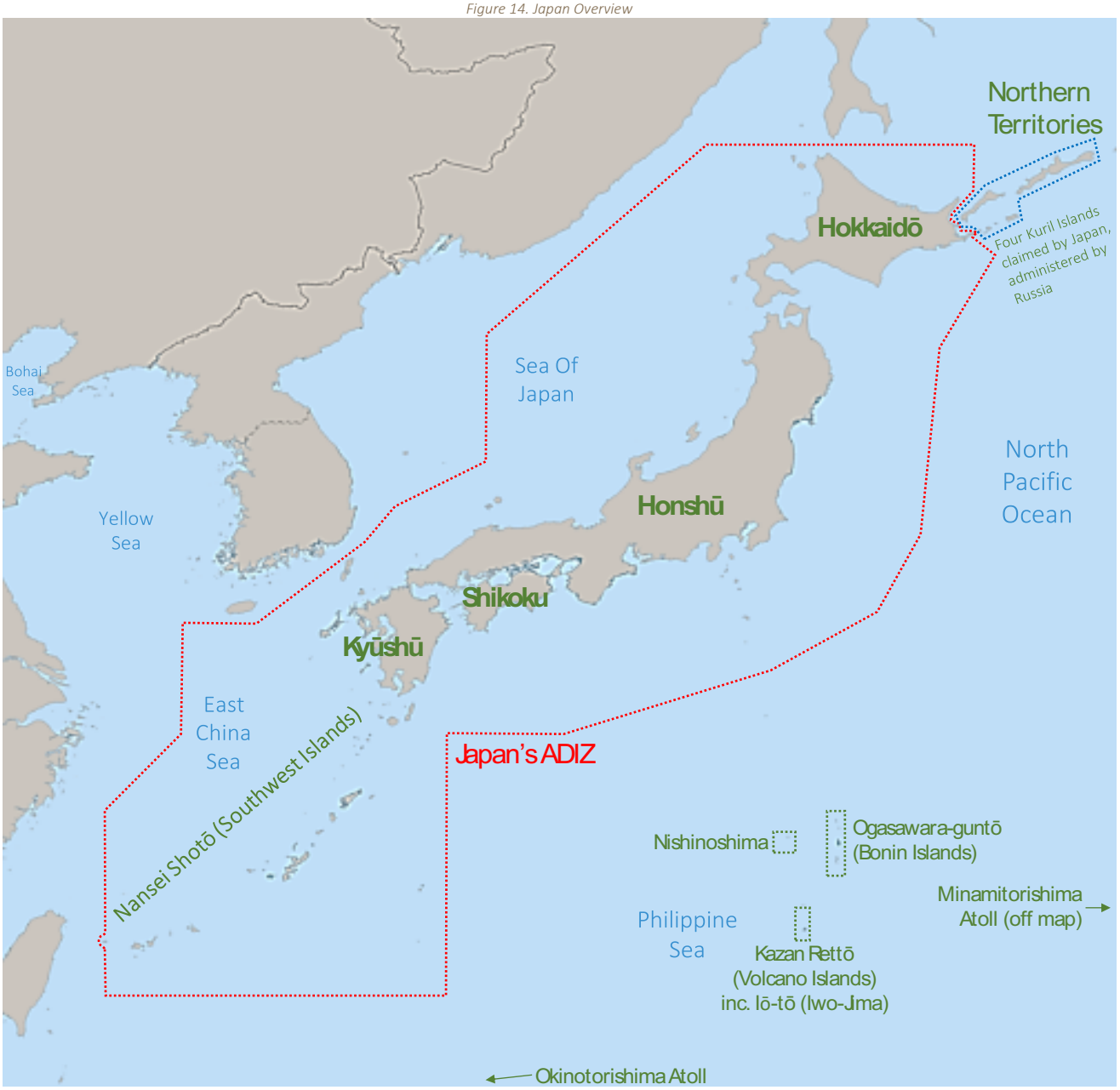
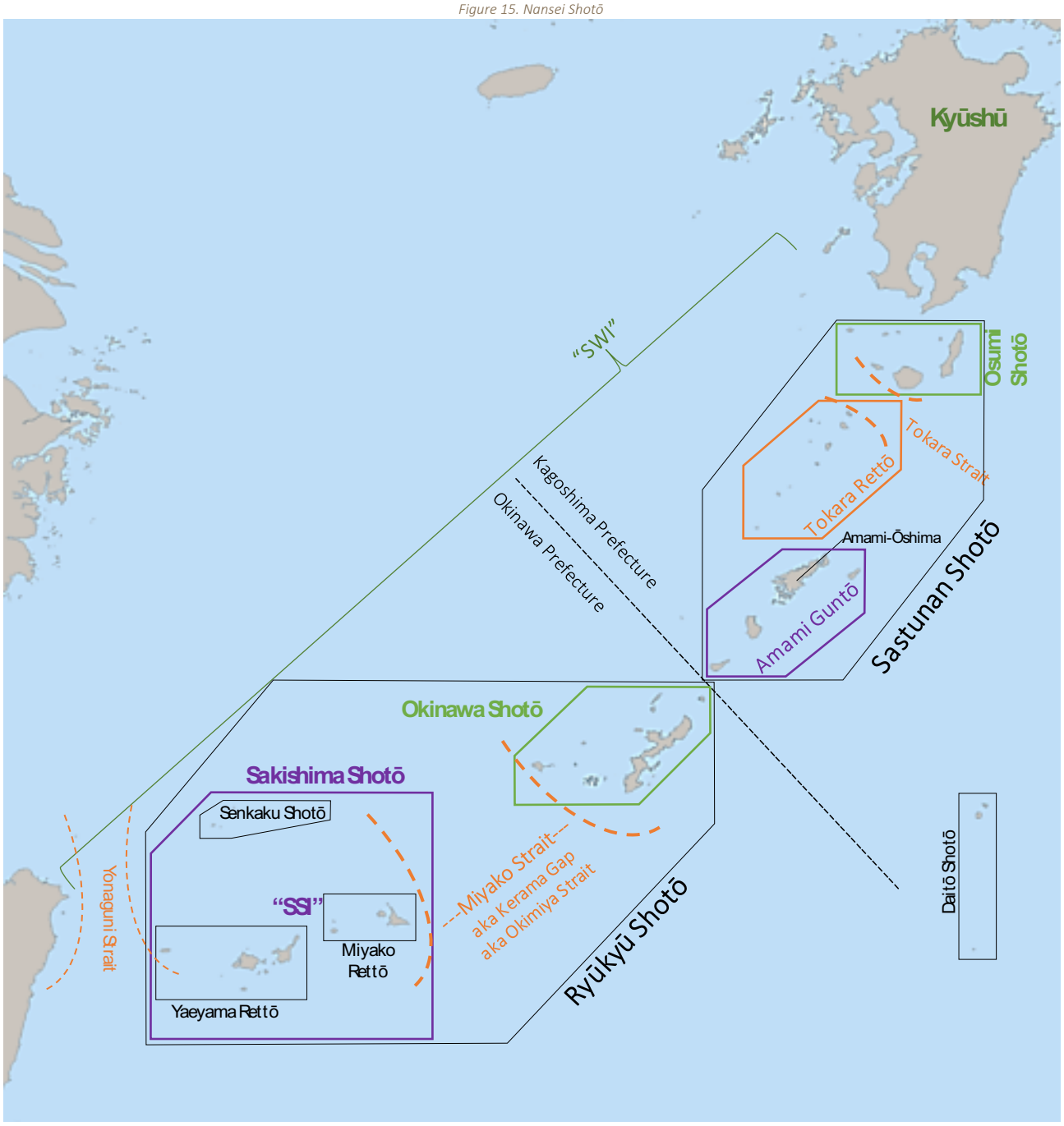


Figure 15. Nansei Shotō



Sakishima Shotō ("SSI")

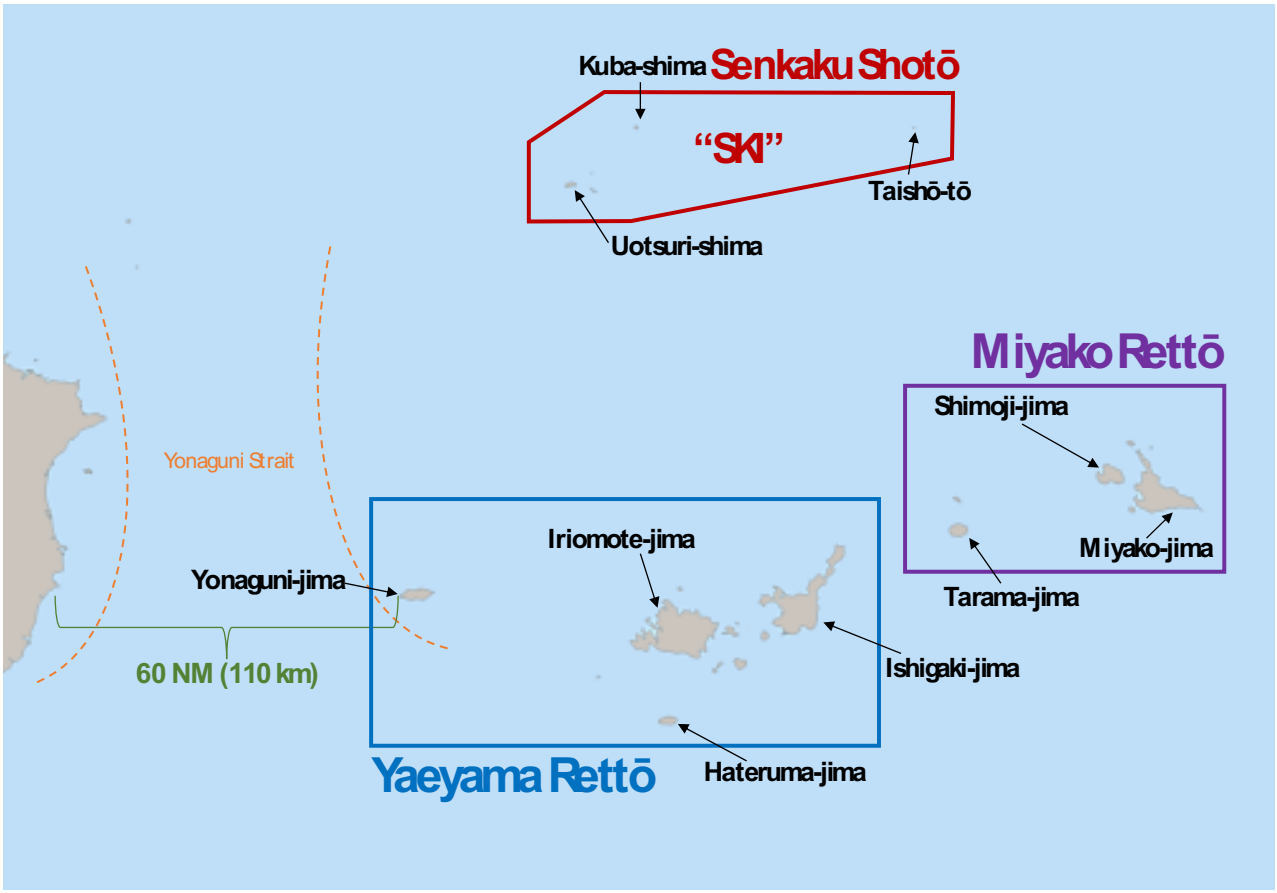


Figure 16. Taiwan and Luzon Straits

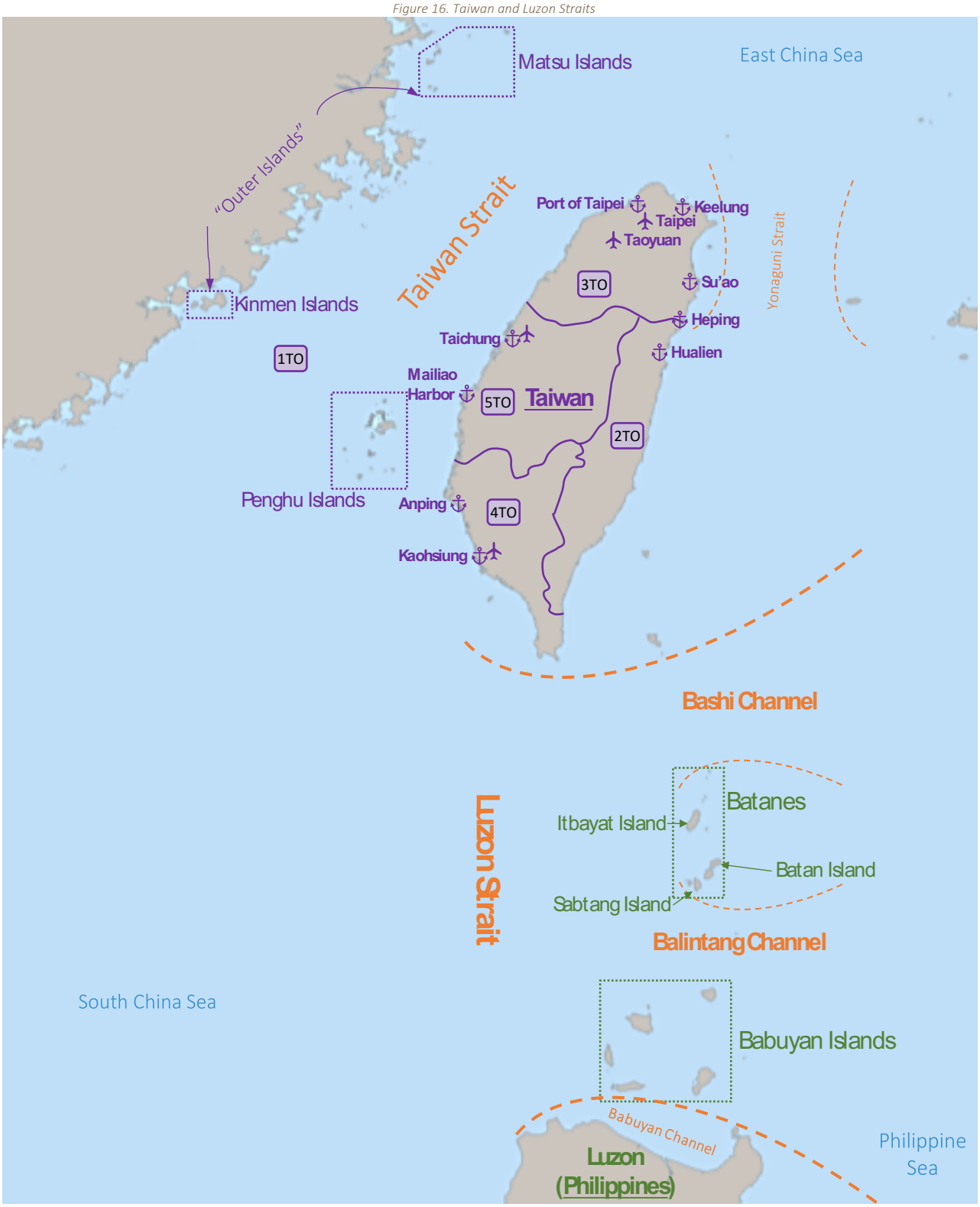
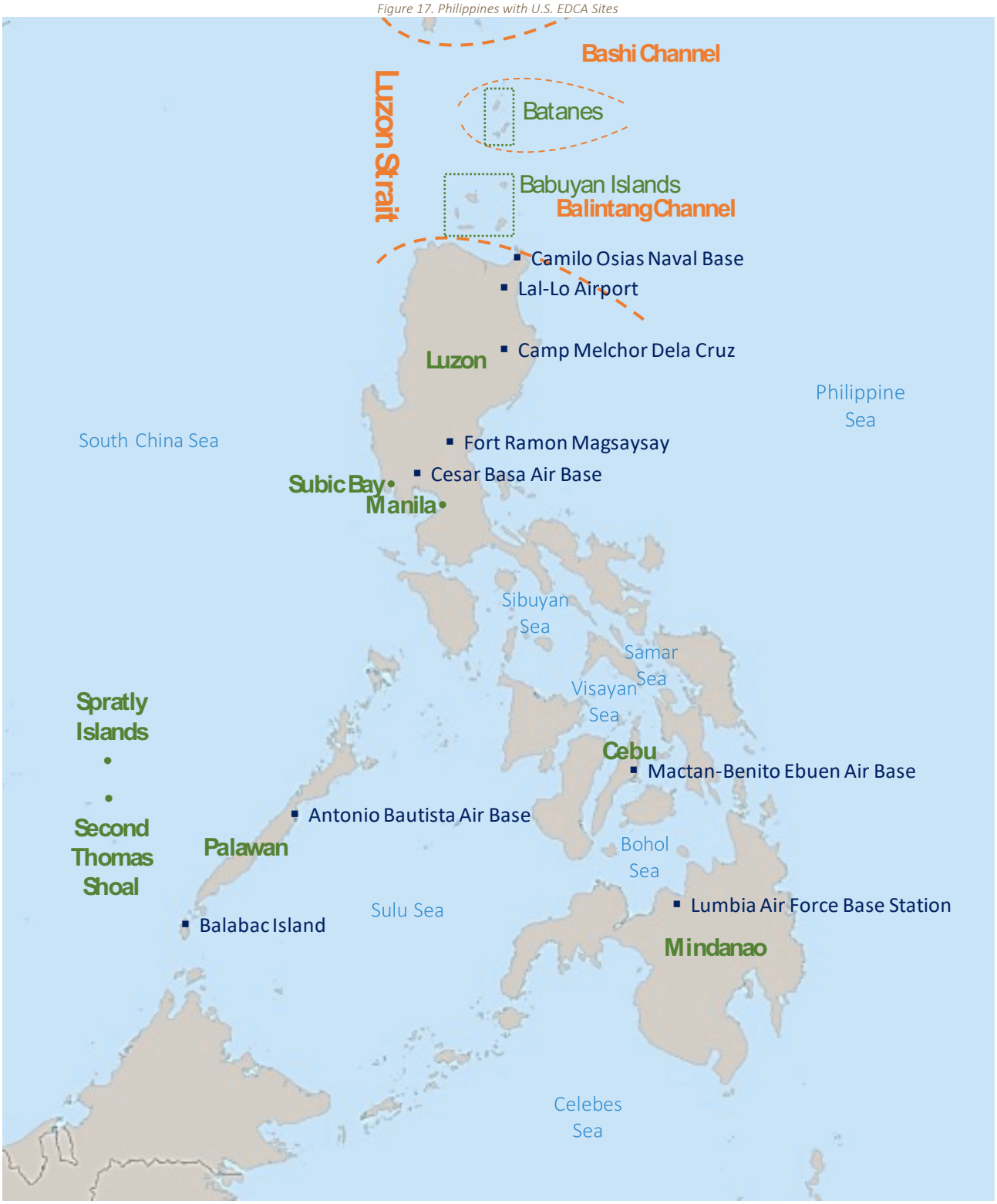


Figure 17. Philippines with U.S. EDCA Sites



Sub-terranean geography

Australia (Tyndall, Clark, Buttersworth)

Appendix B. Prior Consultation

Prior Consultation is a highly sensitive issue with history of confidential or closely-held understandings, clarifications, and formal governmental positions. The information contained in this section and the entirety of this guide is reconstructed based only on publicly-available information and analysis. Additional information may exist that substantively alters some of the information contained in this section.

U.S. planners should take care when discussing Prior Consultation, and are advised to generally avoid discussing the information in this guide (which is speculative) in bilateral settings related to real-world military planning or exercises.

B–1. Overview

While the MST does not use the term Prior Consultation (*jizen-kyôgi*),[2720] the term appears in the Prior Consultation Formula[2721] and, by convention, refers to non-routine consultation regarding the subjects agreed to as requiring such consultation.[2722]

Historically, Japan has viewed the Prior Consultation mechanism as a brake on RMCO[2723] from bases in Japan and a tool to avoid entrapment in regional crises or conflicts involving the U.S..

B–1.1. Prior Consultation as a Political, not Legal Act

As assessed by MOFA's Treaties Bureau,[2724] and as a result of parallel (vice combined) military C2,[2725] Prior Consultation is a diplomatic/political act, not a legal or military one. As an independent sovereign nation, Japan has no legal basis to Authorize[2726] any U.S. military action, though it does retain a sovereign right to refuse consent to RMCO[2727] from Japan. This makes Prior Consultation a diplomatic/political act to allow U.S. action, not a legal or military one that sanctions such actions under any Japanese law.

B–1.2. Origins of Prior Consultation (MST Joint Statement)

Following the Second Taiwan Strait Crisis in 1958 and Japanese fears of "entrapment" in a U.S. conflict, Japan sought to restore some of its sovereign rights over RMCO[2728] through revisions to the 1951 U.S.-Japan Security Treaty[2729].[281] The mechanism Japan sought to do so was Prior Consultation. At the signature of the MST[2730] in 1960, a Joint Statement[2731] pronounced:

> *The Prime Minister [KISHI] discussed with the President [Eisenhower] the question of Prior Consultation under the new Treaty [MST]. The President assured him that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving Prior Consultation under the Treaty [MST].*[282]

B–1.3. Reluctance Towards "Standing Prior Consultation"

Apart from the Korea Minute,[2732] the Allies have demonstrated a reluctance towards Standing Prior Consultation.[2733]

During negotiations for the Okinawa reversion, both sides discussed the possibility of Standing Prior Consultation that might assuage U.S. fears of undue (in U.S. eyes) restrictions on U.S. combat operations from Okinawa (then used for supporting U.S. operations in the Vietnam war) while easing and speeding the agreement to revert full sovereignty of Okinawa back to Japan. Not only did the Japanese negotiators find it difficult to establish advanced criteria for what

[2720] 5–5.2. Prior Consultation, p. 139.
[2721] B–3.2. Prior Consultation Formula (1960), p. 212.
[2722] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2723] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2724] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[2725] 6–5. Challenges to Combined Command, p. 157.
[2726] 5–5.1.2.1. Unauthorized U.S. Unilateral Actions, p. 137.
[2727] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2728] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2729] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.
[2730] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2731] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2732] B–3.4. The Korea Minute, p. 215.
[2733] 5–5.2.1. Standing Prior Consultation, p. 139.

they might agree to ahead of time, but they were concerned that such criteria might change or, if leaked, be weaponized in domestic politics.[283]

In the end, initiating such a discussion in peacetime about procedures for crisis- or conflict-management risked developing overly-restrictive or insufficiently-responsive procedures (due in part to the limitations of the Positive List[2734] approach). Furthermore, any such peacetime discussion would be likely to incur some political or diplomatic cost without an obvious or guaranteed benefit to either side. In contrast, addressing and authorizing RMCO[2735] *for an ongoing a crisis is likely* to be less politically costly than pre-authorizing lethal ABO *during peacetime* for a hypothetical crisis in the future.

Furthermore, the Emergency Nuclear Re-Entry Agreed Minute[2736] provides a case study on why Standing Prior Consultations may have marginal value[2737] (especially with the passage of time and changing of strategic conditions).

Some observers have concluded that the relative absence of Prior Consultation's use indicates that is was deemed ineffective and, thus, ignored.[284]

B–1.3.1. Defining the Far East

> Many U.S. planners, especially including those directly involved in alliance management, avoid using the term "Far East," preferring the term "the region." Not only is the "Far East" a dated term with colonialist or imperialist connotations, but it risks implying the appearance of specificity on a region that the Allies have not mutually agreed or implying specific historical connotations that no longer pertain.
>
> Using an obviously ambiguous term, such as "the region," maintains ambiguity where ambiguity is intended or desired.

In 1960, the CLB[2738] (unilaterally) defined the Far East as "the Philippines and northward, Japan and its neighborhood, South Korea and Taiwan."[285]

The Allies have never jointly defined the Far East. In the 1960s and 1970s it had been generally, if informally, understood to include the three areas presenting the greatest likelihood of geopolitical flare-up: Korea, Taiwan, and Vietnam.[286] However, with the end of the Vietnam War, the Korean War solidifying into a frozen conflict, and the normalization of relations with the PRC by both the U.S. and Japan, the implicit regions intended by the term "Far East" have become less clear and both Allies have found it useful to maintain a degree of ambiguity on the issue, often by referring to "the region" instead.

B–2. Issues of Prior Consultation

A diplomatic Exchange-of-Notes[2739] at the MST[2740] signing, known as the Prior Consultation Formula,[2741] establishes the following items is issues subject to Prior Consultation:[2742]

- Major changes in the deployment into Japan of United States armed forces
- Major changes in [U.S. armed forces in Japan] equipment
- The use of Facilities and Areas[2743] in Japan as bases for RMCO[2744] to be undertaken from Japan other than those conducted under MST Article V[2745]

[2734] 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
[2735] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2736] B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion"), p. 218.
[2737] B–3.7.3. Relevance of Standing Prior Consultation Agreements, p. 220.
[2738] C–2.1.7. Cabinet Legislation Bureau (CLB), p. 227.
[2739] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[2740] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2741] B–3.2. Prior Consultation Formula (1960), p. 212.
[2742] 5–5.2. Prior Consultation, p. 139.
[2743] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2744] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.136
[2745] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.

B–2.1. The Expanded Prior Consultation Formula

A declassified DoS memo from 1 June 1960,[2746] prepared for Secretary of State Christian Herter to use in testifying before Congress on the MST,[2747] expands on Prior Consultation Formula[2748] by establishing the following more detailed issues as elements of major changes in U.S. equipment:

- Introduction into Japan of nuclear weapons[2749]
- Introduction into Japan of intermediate or long-range missiles
- Construction in Japan of bases for nuclear weapons, including intermediate and long-range missiles

This list was repeated in Diet proceedings by then-PM FUJIYAMA, who added:

- If the Seventh Fleet engages in strategic combat using Japan as its base

In 1968, then-PM SATŌ stated that:

- Any visit to Japan by a nuclear-armed submarine would be subject to Prior Consultation[2750]

When the DoS announced in 1969 that it would remove chemical weapons from Okinawa, then-FM AICHI stated that:

- Introduction of biological or chemical weapons [to Okinawa, after its reversion] would require "Pre-Consultation"

B–2.1.1. Compiled Prior Consultation Requirements

Combining the above lists, the following represents the publicly-available list of situations requiring Prior Consultation:[2751]

1. Major changes in the deployment into Japan of U.S. armed forces greater or equal to:[2752]
   1a. Land forces: one division
   1b. Air forces: one wing
   1c. Naval forces: combined task force
2. Major changes in [U.S. armed forces in Japan] equipment including:
   2a. Introduction of nuclear weapons into Japan
      - Any port-visit by nuclear-armed vessels (see § B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit" [p. 210])
   2b. Introduction of biological or chemical weapons into Japan
   2c. Introduction of intermediate or long-range missiles into Japan
   2d. Construction in Japan of bases for nuclear weapons, including intermediate and long-range missiles
3. Use of Japan as a base for RMCO[2753] other than those conducted under MST Article V[2754] including:
   3a. Strategic combat by Seventh Fleet using bases in Japan

> While apparently straightforward, the actual application of these criteria to real-world circumstances can require interpretation and expert analysis.
>
> See § B–2.1.2.1. Prior Consultation Requirement Edge-Cases, "Exceptions," and Interpretations (p. 209).

B–2.1.2. Issues Not Requiring Prior Consultation

One of the Prior Consultation[2755] memos from 1 June 1960,[2756] outlines the following issues as not requiring Prior Consultation:

- "Use of bases in Japan for logistic purposes"
- "Transfer of U.S. forces and their equipment from Japan, whether to the U.S. or to other areas in the Far East"[2757]

[2746] B–3.3.2. The Description of Consultation Arrangements Under the MST, p. 214.
[2747] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2748] B–3.2. Prior Consultation Formula (1960), p. 212.
[2749] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[2750] 5–5.2. Prior Consultation, p. 139.
[2751] 5–5.2. Prior Consultation, p. 139.
[2752] B–3.1. 6 January 1960 Record of Discussion, p. 211.
[2753] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2754] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2755] 5–5.2. Prior Consultation, p. 139.
[2756] B–3.3.2. The Description of Consultation Arrangements Under the MST, p. 214.
[2757] B–1.3.1. Defining the Far East, p. 207.

  - In the context of Korean contingencies, the Allies determined that the movement of combat aircraft to Korea with direct combat operations originating from Korea would be considered a "transfer" of units and would not be subject to Prior Consultation (only aircraft conducting combat *originating* from Japan would be subject to Prior Consultation)[287]
- "Transit of ports or airbases in Japan by United States vessels and aircraft, regardless of their armament"
- "Introduction into Japan of non-nuclear weapons, including short-range missiles without nuclear components"

In addition to these four issues, the following also does not require Prior Consultation[2758]:

- Facilities and Areas[2759] in Japan as bases for combat operations to be undertaken from Japan conducted under Article V[2760] (e.g., not RMCO[2761]).

B–2.1.2.1. Prior Consultation Requirement Edge-Cases, "Exceptions," and Interpretations

The language of the Prior Consultation Formula,[2762] while apparently clear, quickly becomes ambiguous when considering:

- The ambiguity of language in legal and semi-legal situations (as in the obligation of the U.S. to conduct Prior Consultation)
- The bilingual nature of the issue, including the necessity for shared bilateral understanding of meanings and interpretations (and overlapping legal ambiguity of two languages)
- The wrinkles of real-world operations in both peacetime and crisis

To demonstrate the point, consider the first criteria for Prior Consultation:

- "Major changes in the deployment into Japan" speaks only of additional forces being introduced into Japan.
- "Naval forces: combined task force" speaks only of a force echelon of the combined task force.

Were existing U.S. forces to be reorganized, it is not immediately clear how this would apply.

- Numbered U.S. fleets have regularly reorganized over time, sometimes with a Destroyer Squadron (DESRON) designated as an independent task force and sometimes as a task group under an existing task force.
- It seems clear that the deployment of one or two additional destroyers to Japan would not meet the criteria requiring Prior Consultation.
- And it can be argued that if a DESRON task force is reorganized (downgraded) to a task group and then later reorganized (upgraded) back into an independent task force, this would not constitute a "change" in the forces "deploy[ed] into Japan" and thus would not meet the criteria requiring Prior Consultation.
- But what if this upgrading of a DESRON back into a task force coincided with the deployment of one or two additional destroyers to Japan?

If seems reasonable that under routine circumstances, the combination of these activities (reorganizing the DESRON back into a task force and reinforcement with one or two additional vessels) would not be considered by either ally an issue requiring formal Prior Consultation (though, of course, routine coordination and consultation would be expected to take place). In this case, the apparently straightforward language of the Prior Consultation Formula gains substantial nuance.

Were the combination of these activities to be considered by either ally an issue requiring formal Prior Consultation, this raises the obvious question of how much time would be required between the two events to fall back below the threshold of Prior Consultation requirements? One day? One month? One year? Even in the case of "strict" application of the apparently straightforward language of the Prior Consultation Formula, substantial nuance is inherent.

> If nothing else, the potential for such "edge cases" underscore the importance of close and continual coordination and consultation between allies, at all echelons, formal and informal.

[2758] See § B–3.3.1. Status of U.S.-Japan Treaty Negotiations (p. 213) for the exception (Prior Consultation required for military combat operations "other than under Article V") proving the rule (that military combat operations for Article V) are not subject to Prior Consultation. Also see § 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO") (p. 137).

[2759] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.

[2760] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.

[2761] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.

[2762] B–3.2. Prior Consultation Formula (1960), p. 212.

B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit"

Both governments agreed to Prior Consultation[2763] before the U.S. would "introduce" nuclear weapons into Japan. But the two governments held differing views on the threshold for "introduction."

GoJ held that "transit" (including port calls and entry into Japan's TTS[2764]) was included in the term "introduction." (During these debates, then Director of the MOFA Treaties Bureau[2765] Michitoshi TAKAHASHI stated in the Diet that the "transit" of vessels carrying nuclear weapons would constitute Innocent Passage[2766] and would therefore not be subject to Prior Consultation. There were similar efforts in the GoJ to formally resolve the issue in favor of the U.S. view and thereby change the 3NP[2767] to the 2.5NP, but GoJ ultimately decided to leave the issue unresolved.[288])

The USG held that "introduction" constituted *only* placement of nuclear weapons on Japanese soil and that "transit" through Japan (including in Japanese TTS or ports calls in Japan [and presumably, by extension, overflight through Japanese TTA[2768]]) was not included in "introduction."[289]

Based on publicly-available information, both governments have consistently maintained a tacit agreement to avoid resolving the disagreement.

Because of the U.S.'s NCND policy[2769] (neither confirming nor denying the presence or non-presence of nuclear weapons aboard Navy ships), the GoJ was able to insist to the Diet that no U.S. nuclear weapons had transited Japan because the U.S. had never asked for Prior Consultation to do so. This claim was made with the full knowledge that for transit only, the U.S. would not have asked for Prior Consultation. This allowed the U.S. the freedom for nuclear-armed ships to transit through Japanese waters or make port calls in Japan[2770] while allowing the GoJ to plausibly (if not always credibly) deny that U.S. nuclear-armed ships had ever done so.

Some historians of Prior Consultation have noted that the Allies arrive at "secret *disagreements*" (such as the introduction vs. transit issue) as often or more often as they arrive at "secret *agreements*" about Prior Consultation and related issues.[290]

B–2.1.3.1. 1963 Request for Nuclear-Armed Submarine Port Calls

On 9 January 1963, then-U.S. Ambassador to Japan Reischauer "made an oral request for 'permission' to bring nuclear-powered submarines into Japanese ports. The Japanese government maintained that without Prior Consultations under the Security Treaty, Japan would not allow the entry of Polaris-type nuclear submarines because they carried strategic nuclear weapons."[291]

This created concern on the U.S. side that the ambiguity over the term "introduction" might finally require formal clarification. Subsequent debate, however, resulted in concern from both governments that resolving the ambiguity might ultimately be detrimental to both Allies. The result was to maintain a confidential oral agreement that nuclear weapons aboard ship would not constitute introduction while also maintaining the established ambiguity of any public debate or statements related to the matter.[292]

B–2.1.4. Standing Prior Consultations Completed

The so-called Korea Minute[2771] served as the first and currently only publicly-known Prior Consultation completed (i.e., Standing Prior Consultation[2772]). This practically pre-authorized the U.S. to conduct RMCO[2773] from Japan in the event of a sudden renewal of hostilities on the Korean peninsula.

The Emergency Nuclear Re-Entry Agreed Minute comes close to a Standing Prior Consultation but falls short by GoJ's standard.[2774]

[2763] 5–5.2. Prior Consultation, p. 139.
[2764] A–4.4. Territorial Sea (TTS), p. 196.
[2765] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[2766] E–5.1. Innocent Passage, p. 249.
[2767] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.
[2768] A–4.5. National Airspace (TTA), p. 196.
[2769] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[2770] On 10 September 1974, retired Admiral LaRocque stated during a Congressional hearing, "US naval vessels, which are capable of carrying nuclear weapons, always carry nuclear weapons" and that they would make port calls in Japan but not offload the weapons. (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 204) This became known as the "LaRocque Shock" and caused considerable consternation in Japan, especially in light of then then-only rumored existence of the Emergency Nuclear Re-Entry Agreed Minute (B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion") [p. 218]). Despite the LaRocque Shock, both Allies were able to maintain their "secret disagreement" on the issue.
[2771] B–3.4. The Korea Minute, p. 215.
[2772] 5–5.2.1. Standing Prior Consultation, p. 139.
[2773] 5–5.4. (U.S.) Regional Military Combat Operations (RMCO) Spectrum, p. 141.
[2774] B–3.7.1. Criticism of the Emergency Nuclear Re-Entry Agreement, p. 220.

B–2.2. The Issue of "Secret Agreements"

Some sources may refer to "Secret Agreements" as

- Secret Minutes
- Secret Treaties

The publicly-available record only indicates two "Secret Agreements:"[293] the Korea Minute[2775] and the Emergency Nuclear Re-Entry Agreed Minute.[2776]

Declassified documents demonstrate that Japan and the U.S. have historically had "secret agreements" (on Prior Consultation[2777] topics and related issues (which some critical sources describe as "revisions" to the MST[2778]).[294] Such confidential understandings may reinforce, terminate, or add to those agreements or understandings that are publicly known. This guide relies on and relays only publicly-available knowledge on such issues.

Histories of the Alliance refer to sometimes-extreme measures the Alliance took to ensure such consultations remained confidential, not just from adversaries but also from the Japanese public and sometimes elements of the GoJ. For example, when debating the Prior Consultation Formula,[2779] the PM and Foreign Minister sought to avoid even a classified Exchange of Notes[2780] which might be subject to Diet scrutiny.[295] What resulted was a Record of Discussion.[2781] This compromise aided in keeping such Prior Consultations more confidential than they might have been otherwise.[296]

As a result, completed Prior Consultations or updated understandings about the Subjects[2782] and Modalities[2783] for consultation may remain closely-held secrets and simply be unavailable to the public or even high-level planners from both nations.

B–3. Prior Consultation Documents

B–3.1. 6 January 1960 Record of Discussion

From 1958-1960, then-Foreign Minister FUJIYAMA and then-U.S. Ambassador to Japan, Douglas MacArthur II discussed the details of what would come to be known as the Prior Consultation Formula[2784] (which did not specify the Subjects[2785] for Prior Consultation agreed to in the Record of Discussion). Initially, the mutual understanding only took oral form, with FUJIYAMA initially reluctant to document the agreement in written form[297] before agreeing to sign a confidential note (later declassified),[298] as a Record of Discussion.

This agreement, known as the FUJIYAMA-MacArthur (Oral) Understanding[2786] until documented as the Record of Discussion, clarified details of the consultation mechanism referenced in the soon-to-be-signed MST,[2787] including Subjects for Prior Consultation. This Record of Discussion served as Secret Agreement[2788] on the understanding of details of Prior Consultation.[2789]

> *1. Reference is made to the Exchange of Notes[2790] which will be signed on January 19, 1960 [the Prior Consultation Formula], concerning the implementation of Article VI[2791] of the "Treaty of Mutual Cooperation and Security between the United States of America and Japan", the operative part of which reads as follows:*
>
> *"Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of Facilities and Areas[2792] in Japan as bases for Military Combat Operations [RMCO[2793]] to be undertaken from Japan*

[2775] B–3.4. The Korea Minute, p. 215.
[2776] B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion"), p. 218.
[2777] 5–5.2. Prior Consultation, p. 139.
[2778] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2779] B–3.2. Prior Consultation Formula (1960), p. 212.
[2780] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[2781] B–3.1. 6 January 1960 Record of Discussion, p. 211.
[2782] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2783] 5–5.2.3. Modality of Prior Consultation, p. 140.
[2784] B–3.2. Prior Consultation Formula (1960), p. 212.
[2785] 5–5.2.2. Subjects of Prior Consultation, p. 139.
[2786] B–3.1.1. FUJIYAMA-MacArthur (Oral) Understanding, p. 212.
[2787] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2788] B–2.2. The Issue of "Secret Agreements" ,p. 211.
[2789] 5–5.2. Prior Consultation, p. 139.
[2790] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[2791] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2792] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2793] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.

> *other than those conducted under Article V[2794] of the said Treaty, shall be the subjects of prior consultation with the Government of Japan."*
>
> *2. The Notes were drawn up with the following points being taken into consideration and understood:*
>
> *a. "Major changes in their equipment" is understood to mean the introduction into Japan of nuclear weapons, including intermediate and long-range missiles as well as the construction of bases for such weapons, and will not, for example, mean the introduction of non-nuclear weapons including short-range missiles without nuclear components.*
>
> *b. "Military Combat Operations [RMCO]" is understood to mean Military Combat Operations [RMCO] that may be initiated from Japan against areas outside Japan.*
>
> *c. "Prior Consultation" will not be interpreted as affecting present procedures regarding the deployment of United States armed forces and their equipment into Japan and those for the entry of United States military aircraft and the entry into Japanese waters and ports by United States naval vessels, except in the case of major changes in the deployment into Japan of United States armed forces.*
>
> *d. Nothing in the Exchange of Notes will be construed as requiring "Prior Consultation" on the transfer of units of United States armed forces and their equipment from Japan.*[299]

B–3.1.1. FUJIYAMA-MacArthur (Oral) Understanding

A 25 April 1968 MOFA document submitted to Diet members (but not the entire Diet—although it was referred to openly in Diet committee deliberations) stated that GoJ's understanding of the Prior Consultation Formula,[2795] based on an oral understanding reached in during MST[2796] negotiations from 1958-1960 (later documented as the Record of Discussion[2797]) between then-Foreign Minister FUJIYAMA and then-U.S. Ambassador to Japan Douglas MacArthur II, was that Prior Consultations would be held:

> *When "major changes in the deployment into Japan of United Stated Armed Forces" which means deployment of U.S. forces the minimum size of which would be about one divisional strength in the case of land forces, a comparable air force unit and a navy task force, is made.*
>
> *When "major change in their equipment" which means introduction into Japan of nuclear warheads or intermediate and long range missiles and the construction of bases for such weapons is made.*
>
> *When the use is made of Facilities and Areas[2798] in Japan as bases for Military Combat Operations [RMCO[2799]] to be undertaken from Japan other than those conducted under Article V[2800] of the Treaty [MST[2801]].*[300]

B–3.2. Prior Consultation Formula (1960)

The Prior Consultation Formula[2802] was affirmed by Exchange of Notes[2803] on 19 January 1960.

B–3.2.1. Japanese Note

> *Excellency:*

[2794] 2–1.3.4Article V—Mutual Defense (the "MoD Clause")25

> [2795] *0. The Prime Minister [KISHI] discussed with the President [Eisenhower] the question of Prior Consultation under the new Treaty [MST]. The President assured him that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving Prior Consultation under the Treaty [MST].*

The Prior Consultation Formula, p. 140.

[2796] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.

[2797] B–3.1.1. FUJIYAMA-MacArthur (Oral) Understanding, p. 212.

[2798] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.

[2799] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.

[2800] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.

[2801] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.

> [2802] *0. The Prime Minister [KISHI] discussed with the President [Eisenhower] the question of Prior Consultation under the new Treaty [MST]. The President assured him that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving Prior Consultation under the Treaty [MST].*

The Prior Consultation Formula, p. 140.

[2803] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.

I have the honour to refer to the Treaty of Mutual Cooperation and Security [MST] between Japan and the United States of America[2804] signed today, and to inform Your Excellency that the following is the understanding of the Government of Japan concerning the implementation of Article VI[2805] [SOFA] thereof:

[1] Major changes in the deployment into Japan of United States armed forces, [2] major changes in their equipment, and [3] the use of Facilities and Areas[2806] in Japan as bases for Military Combat Operations [RMCO[2807]] to be undertaken from Japan other than those conducted under Article V[2808] [Mutual Defense] of the said Treaty, shall be Subjects of Prior Consultation[2809] with the Government of Japan. [This can be interpreted as the exception that proves the (implied existence of) the rule that military combat operations conducted from Japan for Article V are not subject to Prior Consultation.]

I should be appreciative if Your Excellency would confirm on behalf of your Government that this is also the understanding of the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

B–3.2.2. U.S. Reply

Excellency:

I have the honor to acknowledge the receipt of Your Note of today's date, which reads as follows:

[text of note]

I have the honor to confirm on behalf of my Government that the foregoing is also the understanding of the Government of the United States of America.

Accept, Excellency, the renewed assurances of my highest consideration.

B–3.3. DoS Memos

B–3.3.1. Status of U.S.-Japan Treaty Negotiations

A 26 December 1959 memo from Deputy Assistant Secretary of State for Far Eastern Affairs to then-Secretary of State Herter outlined the U.S. position on the Modality of Prior Consultation.[2810]

...

1. Consultation Interpretation

The Japanese have long considered crucial a public indication that under the new consultation agreement [under the then-yet unsigned MST[2811]], we [the U.S.] will not ignore the views of the Japanese Government. While we have resisted any specific public reference to the need for Japanese "agreement," we had agreed to a proposal that Prime Minister KISHI state after his meeting with the President that: "Prime Minister KISHI stated that he had discussed the problem of consultation with the President under the new Treaty[2812] arrangements. The President had assured him that the U.S. Government had no intention of acting with respect to the matters involving consultation in a manner contrary to the wishes of the Japanese Government."[2813] This language has been accepted by the Japanese. Prime Minister KISHI considers it essential to Diet ratification that this language be included in the Communiqué[2814] to be issued after his meeting with the President. The questions of U.S. introduction of nuclear weapons[2815] and use of Japanese bases in the event of hostilities elsewhere in the Far East[2816] have been the subject of prolonged Diet debate for some years. From a political viewpoint, we would agree that it is most important for KISHI to have included in the Communiqué, rather than as a unilateral statement by him, the President's assurances that our agreement to consult on these matters is not a pro-forma exercise.

[2804] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2805] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.
[2806] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2807] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2808] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[2809] 5–5.2. Prior Consultation, p. 139.
[2810] 5–5.2.3. Modality of Prior Consultation, p. 140.
[2811] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2812] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2813] B–1.2. Origins of Prior Consultation (MST Joint Statement), p. 206.
[2814] B–1.2. Origins of Prior Consultation (MST Joint Statement), p. 206.
[2815] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[2816] B–1.3.1. Defining the Far East, p. 207.

...[301]

B–3.3.2. The Description of Consultation Arrangements Under the MST

This memo (dated 1 June 1960) is the first of two documents (alongside Summary of Unpublished Agreements Reached in Connection with the MST[2817]) prepared for then-Secretary of State Christian Herter before his testimony to Congress in 1960.

Okinawa had not been reverted to the sovereign control of Japan at this time and thus was not subject to the requirements of Prior Consultation.[2818]

Description of Consultation Arrangements Under the
Treaty of Mutual Cooperation and Security
with Japan

There is set forth below a summary of our arrangements with the Japanese for consultation regarding major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of United States basis in Japan for Military Combat Operations [RMCO[2819]] outside Japan. The texts of the relevant agreements are attached [omitted].

In addition to the specific arrangements for consultation set forth below, Article IV of the Treaty [MST[2820]] provides in general for consultation to implement the Treaty and whenever the security of Japan or international peace and security in the Far East[2821] is threatened.

I. Consultation with Japan Required

A. Military Combat Operations [RMCO] that are initiated from Japan against areas outside Japan.

B. The introduction into Japan of nuclear weapons.

C. The introduction into Japan of intermediate or long-range missiles.

D. The construction in Japan of bases for nuclear weapons, including intermediate and long-range missiles.

E. Major changes in the deployment into Japan of United States armed forces.

II. Presidential Assurance on Consultation

(Extract from Eisenhower-KISHI Joint Communiqué of January 19, 1960[2822])
"The President assured [the Prime Minister] that the United States Government has no intention of acting in a manner contrary to the wishes of the Japanese Government with respect to the matters involving Prior Consultation under the Treaty.

III. Consultation with Japan not Required

A. Use of bases in Japan for logistics purposes

B. Transfer of United States armed forces units and their equipment from Japan, whether to the United States or other areas in the Far East.

C. Transit of ports or airbases in Japan by United States vessels and aircraft, regardless of their armament.

D. Introduction into Japan of non-nuclear weapons, including short-range missiles without nuclear components.

IV. Arrangements for Prior Consultation Already Completed

At the first meeting of the United States-Japan Security Consultative Committee[2823] following the entry into force of the new Treaty arrangements, Foreign Minister FUJIYAMA will state the view of the Japanese Government that "as an exceptional measure in the event of an emergency resulting from an attack against the United Nations Forces in Korea,

[2817] B–3.3.3. Summary of Unpublished Agreements Reached in Connection with the MST, p. 215.
[2818] 5–5.2. Prior Consultation, p. 139.
[2819] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2820] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2821] B–1.3.1. Defining the Far East, p. 207.
[2822] B–1.2. Origins of Prior Consultation (MST Joint Statement), p. 206.
[2823] 6–2.1.3. Security Consultative Committee (SCC) ("2+2"), p. 147.

Facilities and Areas[2824] in Japan may be used for such Military Combat Operations [RMCO] as need be undertaken immediately by the United Nations as the response to such an armed attack in order to enable the United Nations Forces in Korea to repel an armed attack made in violation of the Armistice."[302] [Korea Minute[2825]]

B–3.3.3. Summary of Unpublished Agreements Reached in Connection with the MST

This memo (dated 1 June 1960) is the second of two documents (alongside The Description of Consultation Arrangements Under the MST[2826]) prepared for then-Secretary of State Christian Herter before his testimony to Congress in 1960.

Okinawa had not been reverted to the sovereign control of Japan at this time and thus was not subject to the requirements of Prior Consultation.[2827]

Summary of Unpublished Agreements Reached in Connection with the Treaty of Mutual Cooperation and Security with Japan

1. Consultation—Record of Discussion.

This is a confidential interpretation defining more precisely the consultation arrangements combined in the public Exchange of Notes.[2828] This has the effect of restricting our obligations to consult on "deployment" to the introduction into Japan of nuclear weapons and large missiles and on "operations" to Military Combat Operations [RMCO[2829]] that may be initiated from Japan against areas outside Japan. (See also description of consultation arrangements.)

2. Consultation—Consultative Committee Minute[2830]

This is a secret arrangement for advance consultation that permits us to react immediately from Japanese bases to a renewal of the Communist attack in Korea. (See also description of consultation arrangements.)

3. Agreements of the Joint Committee Established by Article XXVI of the Administrative Agreement [the agreement replaced by the SOFA[2831]]—Minute.

The Joint Committee established by Article XXVI of the Administrative Agreement has developed, over the past eight years, a large body of detailed arrangements implementing the Administrative Agreement [e.g., Agreed Views[2832]]. These arrangements will be preserved intact by a minute initialed by the negotiators for adoption at the first meeting of the Joint Committee established by Article 25 of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.

4. United States Base Rights and Waiver of Private Claims—Minute

The negotiators initialed an interpretive minute for the guidance of the new Joint Committee clarifying the meaning of Article 3, ¶(1), and rescinding in part an agreed view relating to Article 18, ¶(4) of the Japan Status of Forces Agreement. This minute bears a low classification at Japanese request in conformity with standard Japanese practice for classifying Joint Committee transactions.[303]

B–3.4. The Korea Minute

During the first meeting of the SCC[2833] on 6 January 1960, immediately after the signing of the MST,[2834] the following was recorded as a secret Agreed Minute[2835] (later declassified[304]) on the U.S.'s ability to use U.S. Facilities and Areas[2836] in Japan for combat operations under UN Command, in the event hostilities resumed in Korea.

The Korea Minute is also known as the "KISHI Minute," in reference to Nobusuki KISHI, the PM that Foreign Minister FUJIYAMA served under when he agreed to the minute.

[2824] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2825] B–3.4. The Korea Minute, p. 215.
[2826] B–3.3.2. The Description of Consultation Arrangements Under the MST, p. 214.
[2827] 5–5.2. Prior Consultation, p. 139.
[2828] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[2829] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2830] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[2831] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[2832] 2–1.4.7. Agreed View, p. 34.
[2833] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[2834] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2835] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[2836] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.

The Korea Minute may also be referenced as the "1961 KISHI Minute." This a typo in a variety of original source documents and these references are to the 1960 Korea Minute.

Whether the Korea Minute still stands is (deliberately) ambiguous.[2837] While NSDM 251 of 29 March 1974 outlined the USG decision seek an explicit extension of the Korea Minute,[305] U.S. negotiators ultimately dropped this request out of fear that GoJ would confirm a position that the Korea Minute was no longer valid.[306] NSDM 262 of 29 July 1974 established a revised U.S. policy to "[retain] at least the effect of the Korean Minute without seeking an explicit, formal extension of the Minute" and "Not raise the question of the Korean Minute itself directly with the Japanese Government."[307]

This Korea Minute may be considered by some as a Standing Prior Consultation.[2838]

Minutes for Inclusion in the Record of the First Meeting of the Security Consultative Committee [SCC]

At the meeting of the Security Consultative Committee [SCC] today the situation in Korea was discussed and the following statements were made by Ambassador MacArthur and Foreign Minister Fujiyama respectively.

Ambassador MacArthur:

Fortunately, since the Armistice Agreement was reached there has been no resumption of the armed attack against the United Nations forces in Korea. It is our hope that a final settlement involving the peaceful reunification of Korea in accordance with the United Nations resolutions can be reached without a recurrence of hostilities. However, the possibility of a renewal of the armed attack cannot be ruled out. In this event, the preservation of the Republic of Korea against aggression not only is essential to the continued effectiveness of the United Nations but has a particular importance for the security of Japan and the other nations of the Far East[2839] endangered by such aggression. While it might be possible to detect in advance preparations for a large-scale armed attack, the possibility of an emergency arising out of an attack cannot be ruled out. Thus it could happen that, unless the United States armed forces undertook Military Combat Operations [RMCO[2840]] immediately from Japan, the United Nations forces could not repel an armed attack made in violation of the Armistice. I hereby request, therefore, the views of the Japanese Government regarding the operational use of bases in Japan in the event of an exceptional emergency as mentioned above.

Foreign Minister FUJIYAMA:

The Japanese Government shares with the United States Government the hope that a final settlement in accordance with the resolution of the United Nations can be brought about in Korea without a recurrence of hostilities.

I have been authorized by Prime Minister KISHI to state that it is the view of the Japanese Government that, as an exceptional measure in the event of an emergency resulting from an attack against the United Nations forces in Korea, Facilities and Areas in Japan may be used for such Military Combat Operations [RMCO[2841]] as need be undertaken immediately by the United States armed forces in Japan under the Unified Command of the United Nations as the response to such an armed attack in order to enable the United Nations forces in Korea to repel an armed attack made in violation of the Armistice.[308]

The Korea Minute addresses the issue of Prior Consultation, which is an arrangement under the MST and therefore applicable only to U.S. forces. But the operations it approves are for RMCO conducted under UN Command, not U.S. unilateral command.

B–3.4.1. Criticisms of the Korea Minute

Some analysts criticize the Korea Minute (and, by extension, any other Standing Prior Consultations[2842]) because it grants "almost automatic affirmative consent for the use of U.S. bases in Japan for conventional combat operations without any approval by the Diet and, thus, exempted the U.S. from the obligation to hold Prior Consultation[2843]."[309] Some have gone so far as to classify it as an "exception" to Prior Consultation.[310]

This criticism is likely exaggerated as there is little evidence that Prior Consultation presumes or would (in a crisis) be immediately subject to approval by the Diet. However, it is useful in underlining the point that Standing Prior

2837 B–3.4.1. Criticisms of the Korea Minute, p. 216.
2838 B–2.1.4. Standing Prior Consultations Completed, p. 210.
2839 B–1.3.1. Defining the Far East, p. 207.
2840 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
2841 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
2842 5–5.2.1. Standing Prior Consultation, p. 139.
2843 5–5.2. Prior Consultation, p. 139.

Consultations risk removing from Japan the sovereign decision to consent to RMCO.[2844] During a crisis, the very time Standing Prior Consultations are intended to address, the GoJ would want to exercise its sovereign rights in the political/diplmatic decision to consent to RMCO from Japan.

Furthermore, as an Agreed Minute[2845] to a Treaty (the MST[2846]), the MOFA Treaties Bureau[2847] assessed that the Korea Minute "held legal effect as an [legally-binding] International Agreement[2848]"[311] and sources suggest the U.S. interpreted the minute as legally-binding as well.[312]

Finally, during the course of the Okinawa reversion debates, negotiators for the U.S. sought ways to confirm that the Korea Minute still stood while Japanese officials pressed for an interpretation of the reversion agreement and associated policies (e.g., the Joint Communiqué of United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969[2849]) that would at least implicitly terminate or void the Korea Minute.

Ultimately, the publicly-available record shows that the Allies avoided clarifying known opposing views and opted instead for the ambiguity of not formally terminating the Korea Minute while also not confirming that it was formally extended.[313]

Whether the Korea Minute has legal effect and still stands is considered by some analysts an academic question and not one relevant to modern Alliance managers. As one source explains:

> *…it is difficult to imagine … that the Government of Japan would say "No" to such USFJ operations [RMCO in support of renewed hostilities in Korea] in the prior consultation … Moreover, if the U.S. Government were to utilize the Korean Minute to override this position of the Japanese Government [objection to RMCO in support of renewed hostilities in Korea], it would likely cause irreparable harm to the relationship of trust of the Japan-U.S. Alliance…*[314]

B–3.4.1.1. Korea Clause

The 1969 SATO-Nixon Joint Communiqué[2850] included what some have referred to as the "Korea Clause," linking the security of RoK with the security of Japan.

> *The Prime Minister deeply appreciated the peacekeeping efforts of the United Nations in the area and stated that the security of the Republic of Korea was essential to Japan's own security.*[315]

Some have argued that this public "Korea Clause" was Japan's attempt to nullify the Korea Minute, however this attempt was largely ignored by the U.S..[316]

When this statement was reaffirmed by 1975 Ford-MIKI Joint Communiqué,[2851] some considered it the "New Korea Clause."

B–3.4.2. 1951 YOSHIDA-Acheson Exchange of Notes

Some analysts link the Korea Minute, the UN SOFA,[2852] and an 8 September 1951 Exchange of Notes[2853] between PM Shigeru YOSHIDA and Secretary of State Dean Acheson as necessary to complete the picture of the agreement the Korea Minute represents.

The 1951 Exchange of Notes established that Japan would provide "every assistance" to UN actions in the Far East[2854]

The 1951 Exchange of Notes stated:

> *Upon the coming into force of the Treaty of Peace [1951 U.S.-Japan Security Treaty[2855]] signed today, Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of "every assistance in any action it takes in accordance with the present Charter".*
>
> *As we know, armed aggression has occurred in Korea, against which the United Nations and its members are taking action. There has been established a unified command of the United Nations under the United States pursuant to Security Council Resolution of July 7, 1950, and the General Assembly, by Resolution of February 1, 1951, has called upon*

[2844] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2845] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[2846] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2847] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[2848] 1–6.1.1. International Agreements (Legal Status), p. 8.
[2849] B–3.7.1. Criticism of the Emergency Nuclear Re-Entry Agreement, p. 220.
[2850] B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion"), p. 218.
[2851] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2852] 2–3.8. UN SOFA, p. 48.
[2853] 1–6.2.1. Exchange of (Diplomatic) Notes (Legal Status), p. 10.
[2854] B–1.3.1. Defining the Far East, p. 207.
[2855] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.

> *all states and authorities to lend every assistance to the United Nations action and to refrain from giving any assistance to the aggressor. With the approval of SCAP, Japan has been and now is rendering important assistance to the United Nations action in the form of facilities and services made available to the members of the United Nations, the Armed Forces of which are participating in the United Nations action.*
>
> *Since the future is unsettled and it may unhappily be that the occasion for facilities and services in Japan in support of United Nations action will continue or recur, I would appreciate confirmation, on behalf of your Government, that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action; the expenses involved in the use of Japanese facilities and services to be borne as at present or as otherwise mutually agreed between Japan and the United Nations member concerned. In so far as the United States is concerned the use of facilities and services, over and above those provided to the United States pursuant to the Administrative Agreement which will implement the Security Treaty between the United States and Japan, would be at United States expense, as at present.*[317]

This 1951 Exchange of Notes was confirmed to remain in force by an notes exchanged on 19 January 1960[318] at the signing of the MST.[2856]

B–3.5. NSC Report 6008/1 U.S. Policy Towards Japan

Released on 11 June 1960, NSC Report 6008/1 United States Policy Towards Japan provided a summary of U.S. policy and guidelines towards Japan. These guidelines included the following items related to Prior Consultation:

> *41. Under the provisions of the security arrangements with Japan:*
>
> *a. Assist in the defense of Japan in the event of an armed attack against the territories under the administration of Japan.*
>
> *b. Consult with the Japanese Government prior to (1) major changes in the deployment into Japan of U.S. armed forces, (2) the introduction into Japan of nuclear weapons and intermediate and long-range missiles, and (3) the launching of U.S. military combat operations [RMCO[2857]] from bases in Japan against areas outside Japan when Japan is not a party to the conflict, other than those operations outlined in subparagraph c below.*
>
> *c. In the event of an emergency resulting from an attack against the UN Forces in Korea, use the Facilities and Areas in Japan for such military combat operations as needed be undertaken immediately by the U.S. armed forces in Japan under the unified command of the UN as the response to such an armed attack in order to enable the UN Forces in Korea to repel an armed attack made in violation of the Korean Armistice.*[319] *[a reference to the Korea Minute[2858]]*

B–3.6. March 1962 Guidelines of U.S. Policy and Operations Towards Japan

Released in March 1962, the Guidelines of U.S. Policy and Operations Towards Japan provided a summary of U.S. policy and guidelines towards Japan. These guidelines included the following items related to Prior Consultation:

> *b) Adhere rigidly to the provisions of the consultation arrangements, avoiding actions contrary to the wishes of the Japanese Government as expressed in such consultations. [This effectively subjects U.S. decisions for RMCO to Japan's sovereign right to consent (or not) to the U.S.'s request.]*
>
> *c) Implement the (less than 1 line of source text not declassified [a reference to the Korea Minute[2859]]) response to an attack against the United Nations Forces in Korea only with the authorization of the President.*[320]

B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion")

As the ten-year anniversary of the MST[2860] approached in 1970, the issue of "automatic renewal" began to loom. Under Article X,[2861] the MST remained in force for ten years, after which either party could declare its intent to terminate the treaty. This created an obvious opportunity for either government to request changes to the terms of the MST. Such a change would require re-ratification by both governments' legislatures. The U.S. government favored automatic renewal because they feared that modified treaty terms would not be ratified by the Senate without demands for burden-sharing that Japan was unlikely to agree to.[321] For Japan's part, an agreement on Okinawa reversion was critical

[2856] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2857] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2858] B–3.4. The Korea Minute, p. 215.
[2859] B–3.4. The Korea Minute, p. 215.
[2860] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2861] 2–1.3.6. Article X—Termination, p. 29.

to automatic renewal. For the U.S.'s part, the Nixon administration required assurances that non-nuclear reversion would not prejudice the U.S.'s strategic position in the Western Pacific with respect to nuclear weapons. The secret Emergency Nuclear Re-Entry Agreed Minute was one of the key compromises that allowed for the automatic renewal of the MST under conditions both governments felt met their national security and political requirements.

Under the utmost caution and secrecy, on 19 November 1969, President Nixon and PM SATŌ signed the Agreed Minute to Joint Communiqué of United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969 (the Joint Communiqué[2862] agreeing to some of the terms of the forthcoming Okinawa reversion agreement):

> *United States President:*
>
> *As stated in our Joint Communiqué, it is the intention of the United States Government to remove all the nuclear weapons from Okinawa by the time of actual reversion of the administrative rights to Japan; and thereafter the Treaty of Mutual Cooperation and Security[2863] and its related arrangements will apply to Okinawa, as described in the Joint Communiqué.*
>
> *However, in order to discharge effectively the international obligations assumed by the United States for the defense of countries in the Far East including Japan, in time of great emergency the United States Government will require the re-entry of nuclear weapons and transit rights[2864] in Okinawa with Prior Consultation[2865] with the Government of Japan. The United States Government would anticipate a favorable response.*
>
> *The United States Government also requires the standby retention and activation in time of great emergency of existing nuclear storage locations in Okinawa:*
>
> *Kadena, Naha, Henoko and Nike Hercules units.*
>
> *Japanese Prime Minister:*
>
> *The Government of Japan, appreciating the United States Government's requirements in time of great emergency stated above by the President will meet these requirements without delay when such Prior Consultation takes place.*
>
> *The President and the Prime Minister agreed that this Minute,[2866] in duplicate, be kept each only in the offices of the President and the Prime Minister and be treated between only the President of the United States and the Prime Minister of Japan.*[322]

This Agreed Minute may be referred to as a "Record of Discussion" or "Record of Conversation," not to be confused with the 1960 Record of Discussion.[2867]

Many pre-2010 sources cite this minute either as a document available unofficially only in memoirs or as not officially recognized by either government. After the 2009 elections placed the DPJ[2868] in power, breaking almost half a century of uninterrupted LDP[2869] control of the GoJ, the DPJ-controlled government commissioned an expert panel to study the issue of Secret Agreements[2870] and their final report both published the existence of this Agreed Minute while providing their analysis. Ultimately, while officially revealing the Agreed Minute, the panel concluded that it did not, legally, constitute a secret *agreement* because it both subject the request to Prior Consultation and was an Agreed Minute to a Communiqué, denying the Minute the legal status of a legally-binding International Agreement.[2871]

On 27 September 1991, then-President Bush announced that the U.S. would withdraw all land-and sea-based tactical nuclear weapons overseas and aboard ship apart from Ohio-class submarines armed with strategic nuclear weapons.[323] This public announcement, in effect, ended both the NCND policy[2872] as well as the debate about the U.S.'s nuclear transit rights.

[2862] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2863] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2864] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.
[2865] 5–5.2. Prior Consultation, p. 139.
[2866] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[2867] B–3.1. 6 January 1960 Record of Discussion, p. 211.
[2868] C–6. Major Japanese Political Parties, p. 236.
[2869] C–6.2. Liberal Democratic Party (LDP), p. 236.
[2870] B–2.2. The Issue of "Secret Agreements", p. 211.
[2871] 1–6.1.1. International Agreements (Legal Status), p. 8.
[2872] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.

B–3.7.1. Criticism of the Emergency Nuclear Re-Entry Agreement

In addition to its confidential nature, criticism of this "Secret Agreement" in Japan generally revolves around its perceived inconsistency with ¶(8) of the Communiqué[2873] it augments (Joint Communiqué of United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969), which states:

> *8. The Prime Minister described in detail the particular sentiment of the Japanese people against nuclear weapons and the policy of the Japanese Government reflecting such sentiment. The President expressed his deep understanding and assured the Prime Minister that, without prejudice to the position of the United States Government with respect to the prior consultation system under the Treaty of Mutual Cooperation and Security, the reversion of Okinawa would be carried out in a manner consistent with the policy of the Japanese Government as described by the Prime Minister.*[324]

The rumored existence of and later discovery, declassification, and publication of the Agreed Minute, signed two days before the publication of the Joint Communiqué, highlighted the deliberately ambiguous phrasing of ¶(8), suggesting that it was carefully tailored to appear to assuage public Japanese sentiment that sought a reversion of a nuclear-free Okinawa while retaining the ability of the U.S. to use Okinawa as a base for U.S. nuclear weapons in an emergency. When revealed, the GoJ's role in this perceived betrayal of the Japanese public's desires caused a relatively short-lived political scandal, but one that retains rhetorical value among those who seek to check the U.S.'s ability to use its bases in Japan for regional operations.

Ultimately MOFA's Report of the Expert Committee on the So-Called "Secret Agreements Issue" criticized the Minute for going beyond the public meaning of ¶(8) but concluded that it did not constitute a "Secret Agreement" because it did not directly agree to any actions or create any obligations—it merely outlined the parameters and expectations of a potential *future* Prior Consultation.

B–3.7.2. Emergency Re-Entry Agreement Applicability to a Taiwan Crisis

At least one source[325] asserts that, in conjunction with the SATŌ-Nixon Joint Communiqué issued on November 21, 1969, PM SATŌ provided verbal assurance that Japan would favorably respond to Prior Consultations regarding RMCO[2874] in response to an attack on Taiwan.

It seems unlikely that if such a verbal agreement existed, such a sensitive and highly secretive agreement as the Emergency Nuclear Re-Entry Agreed Minute would exclude the comparatively less controversial approval for RMCO to uphold what were then U.S. mutual defense treaty commitments to Taiwan. Regardless, the same source states that normalization of U.S. and Japanese relations with the PRC and termination of U.S. treaty obligations to defend Taiwan would have nullified any such verbal agreement, if one existed.

B–3.7.3. Relevance of Standing Prior Consultation Agreements

Until declassified and published by the GoJ in 2010, evidence of the Emergency Nuclear Re-Entry Agreed Minute existed only as rumors or as partial recounting in memoirs. During this time commentators grappling with uncertainty as to the veracity of such rumors resolved the question by instead addressing the relevance of such Standing Prior Consultations[2875] in general, considering them of little practical relevance:

> *Former [MOFA] Treaties Bureau[2876] official KURIYAMA describes the "Agreed Minute" prepared by Kissinger and WAKAIZUMI as being some kind of ceremonial garnishment, which was "meaningless" as a diplomatic document in U.S.-Japan relations. In his memoirs, Kissinger states, "In a sense we were arguing about window dressing: a decision of the magnitude of introducing nuclear weapons would not depend on quoting clauses from long-ago Communiqué, but on the conditions prevailing at the time."*[326]

In assessing the agreement (Joint Communiqué of United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969[2877]) to remove nuclear weapons from Okinawa at reversion, combined with the Emergency Nuclear Re-Entry Agreed Minute, the Treaties Bureau assessed the political and legal aspects of the Prior Consultations implied by the communiqué, concluding:

> *The Treaties Bureau appraised Japan's possible affirmative responses, expressing "yes," to the U.S. in Prior Consultations as a political, but not legal, commitment.*[327]

[2873] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[2874] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[2875] 5–5.2.1. Standing Prior Consultation, p. 139.
[2876] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[2877] B–3.7.1. Criticism of the Emergency Nuclear Re-Entry Agreement, p. 220.

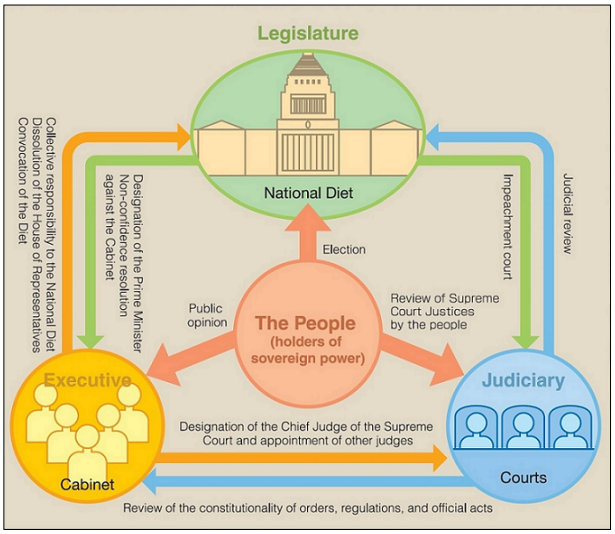
This logic extends to greater or lesser degrees to other existing or hypothetical Standing Prior Consultation agreements.

Appendix C. GOVERNMENT OF JAPAN

C–1. OVERVIEW

Like the U.S., the Japanese Constitution[2878] provides for the principle of the separation of powers. Three independent organs—the Diet, the Cabinet, and the Judiciary—are established, and each limits the power of the others through a system of checks and balances. This prevents the abuse of power and guarantees the rights and freedom of the people.

Figure 18. Japan's Branches of Government. (The House of Representatives, Japan 2007)



C–1.1. Levels of Administration

Japan has three levels of governmental administration:

- National
- Prefectural
- Municipal

The national level of Japan's government (GoJ) includes the executive, legislative, and judicial branches.

The prefectural level is the first level of jurisdiction below the national government. Prefectures have directly-elected governors and pass ordinances and budgets through a unicameral assembly. There are 47 prefectures in Japan. As with U.S. states, while prefectures possess significant legal autonomy, the national government is able to exert additional control or influence through indirect mechanism such as budgets, taxation, etc. Also as with U.S. states, a combination of political factors give some prefectures outsized independence, influence, or control within Japanese politics.

The municipal level ranks below the prefectural level and typically governs at the level of village, town, or city. Especially large cities, such as Tokyo, may be broken up into multiple wards, each acting as a somewhat independent municipality.

C–1.2. Levels of Executive Leadership

Japanese bureaucracy generally relies on a bottom-up approach to decision-making. Within executive structures, this typically results in policies being shaped at the Division level before being communicated up and out by leadership positions at or above the Division.[328]

See Glossary: Translation of Key Terms (p. XLI) for English-Japanese translations.

Councilor and Councillor are variant spellings of the same word. The English language website for the House of Councillors[2879] uses the second variant, which is adopted by this guide.

[2878] 2–1.2. Japanese Constitution (Kenpō), p. 13.

[2879] C–3.2. House of Councillors, p. 235.

> Counselor and Counsellor are similarly variant spellings of the same word. This guide adopts the former variant to assist in distinguishing Counselor and Councillor.
>
> Counselor and Councillor are generally distinguished by the former (Counselor) referring to one who provides counsel (e.g., and advisor) and the latter (Councillor) referring to a member of a council or legislative body. English language sources may not render these two distinct words correctly or consistently and may sometimes present Counselor as Councillor or vice versa.

Figure 19. Comparison of Japan-U.S. Titles for Executive Branch Levels of Leadership.

Level	Japan	U.S.
Cabinet/Ministerial	Minister	Secretary
Sub-Cabinet	Vice Minister	Under Secretary
"Senior Official"		
Bureau	Director General (DG) Cabinet Counselor Councillor	Assistant Secretary
	Deputy Director General (DDG)	Deputy Assistant Secretary
Division	Director	O-6

C–2. Executive Branch

The Executive Branch of the GoJ is comprised of:

- PM,[2880] as head of the Cabinet
- Cabinet Office
- 11 Ministries
  - Ministry of Internal Affairs and Communications
  - Ministry of Justice
  - Ministry of Foreign Affairs
  - Ministry of Finance
  - Ministry of Education, Culture, Sports, Science and Technology
  - Ministry of Health, Labour and Welfare
  - Ministry of Agriculture, Forestry and Fisheries
  - Ministry of Economy, Trade and Industry
  - Ministry of Land, Infrastructure, Transport and Tourism
  - Ministry of the Environment
  - Ministry of Defense

Executive power is vested in the Cabinet, which consists of the PM and other Ministers of State.[2881] The Cabinet is collectively responsible to the Diet in the exercise of executive power.

A system where the Cabinet, or Executive Branch of government, is dependent on the support of the Diet,[2882] or Legislative Branch, to exist is called a *parliamentary cabinet system*.

> The Executive Branch may be referred to by Japanese sources as "the Government," especially in reference to *executive action* taken by the GoJ. For example, when discussing Security Situations,[2883] Japanese sources may refer to "the Government" Stipulating[2884] a Security Situation to the Diet, meaning that the Cabinet, as advised by its bodies (e.g., JNSC[2885]) and ministries (e.g., MoD) is taking the executive action of Stipulating[2886] a Security Situation for the legislature (Diet) to Approve.[2887]

[2880] C–2.1.1. Prime Minister, p. 224.
[2881] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[2882] C–3. Diet, p. 234.
[2883] Chapter 4. Security Situations Framework, p. 90.
[2884] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2885] C–2.2. (Japan) National Security Council (JNSC), p. 228.
[2886] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[2887] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

U.S. military sources are typically concerned with the actions or approvals (executive actions) of Japan. Thus, U.S. sources often use "GoJ" to refer to the Executive Branch. But U.S. interactions with Japan are often concerned with the holistic operation of the Japanese government and thus "GoJ" may refer to the government writ large.

C–2.1. Cabinet

The Cabinet is comprised of the PM[2888] and other Ministers of State,[2889] the organizations and committees established to facilitate the Cabinet's Operations, and the 11 Ministries established by respective Establishment Laws and enumerated in the National Government Organization Law.

To a certain extent, the Cabinet is an extension of the PM. But the parliamentary cabinet system is designed to diffuse power among the Cabinet and limit the PM's sole authority. Cabinet Decisions[2890] or Orders[2891] can only be made unanimously,[2892] which slows and limits the Cabinet's decision-making authority.[329]

C–2.1.1. Prime Minister

The PM is the leader of the Cabinet and *de facto* chief executive of the GoJ. However,

> *Japan's Prime Minister is institutionally inhibited from exercising strong leadership in setting policy agendas, providing strategic guidance and supervision of his/her government. The current arrangement compels the Prime Minister to rely too heavily on the expertise of a bureaucracy that is fundamentally risk-averse, self-preserving and status quo-oriented.*[330]

The PM is designated from among the Members of the Diet by a resolution of the Diet, although the PM is nearly always[2893] the leader of the majority party in the House of Representatives.[2894]

The PM appoints the Ministers of States and may dismiss them as he chooses. The PM, representing the Cabinet, submits bills to the Diet, reports to the Diet on general national affairs and foreign relations, and exercises control and supervision over various administrative branches.

C–2.1.1.1. Prime Minister's Office (Kantei)

The Kantei refers to the PM and his/her staff. A loose U.S. analog to the term and its use would be "the White House" or "the West Wing."

C–2.1.1.2. Deputy Prime Minister

The Deputy PM is not a permanent position and exists at the discretion of the PM.

When established, the Deputy PM is appointed by the PM from Ministers of State.[2895] If the PM is incapacitated or resigns, the Deputy PM is the first in the line of succession to the PM, with authority to exercise the duties of the PM until the Diet elects a successor.

C–2.1.1.3. Executive Secretary to the Prime Minister

C–2.1.1.4. Prime Minister Selection and Party Elections

The PM is almost always the leader of the majority party (or leader of the senior partner in governing coalitions) in the House of Representatives.[2896]

The term for members of the House of Representatives is four years. Historically, however, Prime Ministers and their Cabinets typically dissolve the House of Representatives, resulting in General Elections to elect all members of the House of Representatives at once (i.e., a "snap election"). This is often done when the leading party either feels their national political position is strongest (allowing the party to convert national political sentiment into additional seats within the House of Representatives) or in as national political favor is perceived as on the decline (seeing to head off a scheduled General Election when the party may be in a weaker position and lose more seats than in a snap election).

[2888] C–2.1.1. Prime Minister, p. 224.
[2889] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[2890] C–2.1.4.2. Cabinet Order, p. 225.
[2891] C–2.1.4.2. Cabinet Order, p. 225.
[2892] C–2.1.4.3. Unanimous Cabinet Consent/Agreement, p. 226.
[2893] C–2.1.1.4. Prime Minister Selection and Party Elections, p. 224.
[2894] C–3.1. House of Representatives, p. 234.
[2895] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[2896] C–3.1. House of Representatives, p. 234.

The Constitution requires a Cabinet to resign en masse upon the convocation of the first Diet session after a General Election of the House of Representatives and Prime Ministers are selected by votes of both chambers of the Diet (though the House of Representatives has the decisive vote). This may result in a "reshuffling" of the Cabinet.

Furthermore, in practice, the President of the leading political party (during Japan's post-war history, almost always the LDP) is voted by the House of Representatives to fill the post of Prime Minister. This makes party politics and elections within the LDP central factors in the political strength and longevity of the Prime Minister and Japan's Cabinet.

These factors can have a major influence in Japan's willingness to either push foreign policy or defense agendas or to hold back in periods of political weakness. These dynamics may also make senior defense officials, even those who are not political appointees, highly sensitive to Japan-U.S. defense issues. An awareness of Japanese domestic and party politics can often explain the JSDF's willingness (or lack thereof) to advance issues that have political implications.

C–2.1.2. Ministers of State (Cabinet Members)

Ministers of State are members of the Cabinet other than the PM.

C–2.1.3. Cabinet Dissolution

The Constitution requires the Cabinet to resign *en masse* when the post of PM becomes vacant or at the convocation of the first session of the Diet after a General Election of members of the House of Representatives.

If the House of Representatives passes a no-confidence resolution or rejects a confidence resolution the Cabinet is also required to resign *en masse*, unless the House of Representatives is dissolved within ten days.

C–2.1.4. Cabinet Authority

Article 73[2897] of the Japanese Constitution establishes the Cabinet as the executive arm of the GoJ. The Cabinet Act (Act No. 5 of 1947, as amended) establishes the Cabinet and scopes its composition and authorities, which is supplemented and various other laws that grant the Cabinet general authorities and grant individual Ministers specific administrative authorities to direct their ministry.

For matters beyond the authority granted in issue- or Ministry-specific laws, the Cabinet may exercise its authority by Cabinet action, which includes Cabinet Decisions[2898] and Cabinet Orders.[2899]

C–2.1.4.1. Cabinet Decision

As a deliberative body, the Cabinet makes decisions through unanimous consent.[2900] The Cabinet memorializes these positions in Cabinet Decisions which may announce related Cabinet actions, such as the issuance of a Cabinet Order[2901] (thus, there is often "Cabinet Decision on Cabinet Order on the Matter of xyz…" accompanying a separate "Cabinet Order on the Matter of xyz…")

Cabinet Decisions serve as policy statements or political commitments and themselves do not carry authoritative enforceable weight. Cabinet Decisions represent the intent and position of the Cabinet and may aid in the interpretation of subsequent actions, such as the issuance and content of a Cabinet Order.

C–2.1.4.2. Cabinet Order

"Cabinet Order" may also be rendered as "government ordinance."

A Cabinet Order is an order exercising authority granted to the Cabinet by enacted legislation or the Constitution, issued under the authority of Article 73[2902] of the Constitution and carrying the legal status of law.

Cabinet Orders have a similar legal status to U.S. Executive Orders, which have the legal weight of federal law though they are subordinate in authority and status to enacted legislation.

Article 11[2903] of the Cabinet Act (Act No. 5 of 1947, as amended) limits the authority of the Cabinet to impose obligations or restrict rights through Cabinet Orders unless otherwise authorized by law. This authorization often takes the form of an article within the respective law titled "Delegation to Cabinet Order" and authorizing specific authorities

[2897] i–B.13. Article 73—The Cabinet, p. 305.
[2898] C–2.1.4.1. Cabinet Decision, p. 225.
[2899] C–2.1.4.2. Cabinet Order, p. 225.
[2900] C–2.1.4.3. Unanimous Cabinet Consent/Agreement, p. 226.
[2901] C–2.1.4.2. Cabinet Order, p. 225.
[2902] i–B.13. Article 73—The Cabinet, p. 305.
[2903] i–DD.3. Article 11, p. 410.

that the Cabinet may exercise through Cabinet Oder. This is one of the forms of Positive List[2904] restrictions on the authority of GoJ.

C–2.1.4.3. Unanimous Cabinet Consent/Agreement

Article 1[2905] of the Cabinet Act (Act No. 5 of 1947, as amended) establishes the Cabinet's collective responsibility to the Diet. Article 3[2906] establishes that Ministers of State[2907] share in the management and administration of the government, as provided for in separate laws.

The CLB[2908] has traditionally held the view that the Cabinet's collective responsibility requires unanimous agreement for Cabinet actions such as Cabinet Decisions[2909] and Orders[2910] under the "shared management principle," diffusing administrative responsibility and authority to each ministry under the Cabinet.[331] This requirement flows from Article 66, ¶(3)[2911] of the Japanese Constitution and, Article 1[2912] of the Cabinet Act (Act No. 5 of 1947, as amended)

Stated in other terms, Article 1 establishes shared responsibility for the Cabinet except for (Article 3) where separate authorizing laws specify the authority of an individual Ministers. Combined with the CLB's interpretation, this requires any action by the Cabinet, within its authority to administer the government, not otherwise specified as the sole responsibility of an individual Minister, to be unanimous.

Article 68, ¶(2)[2913] of the Japanese Constitution, grants the Prime Minister the authority to dismiss Ministers of State[2914] at his discretion. This potentially allows the Prime Minister to dismiss ministers unwilling to agree to proposed Cabinet Decisions or Orders, though there is an obvious political cost to such action.

C–2.1.5. Cabinet Affairs Office

The Cabinet Affairs Office manages the daily affairs of the Cabinet.

> The Cabinet Affairs Office may also be rendered as:
>
> - Cabinet Office

C–2.1.5.1. Director General (DG), Cabinet Affairs Office

C–2.1.5.2. National Public Safety Commission

Chaired by a Minister of State,[2915] the National Public Safety Commission is an external office of the Cabinet Office, run independently of the Cabinet. The Commission's role is to ensure the neutrality and democratic methods of the police system.

The Commission administers the National Police Agency.[2916]

C–2.1.5.2.1. National Police Agency (NPA)

The NPA is a Cabinet office that supports the National Public Safety Commission's management of the national police organization, including in a significant advisory role in determining how to respond to situations impacting national public safety, including natural disasters, domestic disturbances, etc.

The NPA does not possess any operational law enforcement units but sets policies and supervises prefectural police agencies and can command designated police agencies in a national emergency.

In crisis, the NPA is responsible for security of U.S. forces' Facilities and Areas, sharing key threat-related intelligence and information, and coordinating detainee operations.

> See also § N–4. Public Security Bureau, NPA (p. 289).

2904 2–1.1.1.1. Japanese "Positive List" Approach, p. 12.
2905 i–DD.1. Article 1, p. 410.
2906 i–DD.2. Article 3, p. 410.
2907 C–2.1.2. Ministers of State (Cabinet Members), p. 225.
2908 C–2.1.7. Cabinet Legislation Bureau (CLB), p. 227.
2909 C–2.1.4.1. Cabinet Decision, p. 225.
2910 C–2.1.4.2. Cabinet Order, p. 225.
2911 i–B.10. Article 66—The Cabinet, p. 304.
2912 i–DD.2. Article 3, p. 410.
2913 i–B.11. Article 68—Ministers of State, p. 304.
2914 C–2.1.2. Ministers of State (Cabinet Members), p. 225.
2915 C–2.1.2. Ministers of State (Cabinet Members), p. 225.
2916 C–2.1.5.2.1. National Police Agency (NPA), p. 226.

C–2.1.6. Cabinet Secretariat (CAS)

The CAS is the highest level of policy coordination below the Cabinet itself. The CAS is responsible for overall coordination with RMAs,[2917] shaping policies important to the PM and Cabinet, and has the authority to independently draft policies at the direction of the PM.

In a crisis the CAS is responsible for coordination of Civil Protection, etc.[2918]

C–2.1.6.1. Chief Cabinet Secretary (CCS)

Second to the PM, the Chief Cabinet Secretary is the most important position with regard to Japanese national security policy. This position oversees the Cabinet Secretariat and is a Minister of State.[2919] In U.S. terms, the Chief Cabinet Secretary is the Vice President, National Security Advisor, and White House Chief of Staff, all combined into one position.[332]

C–2.1.6.1.1. Deputy Chief Cabinet Secretary

C–2.1.6.1.2. Assistant Chief Cabinet Secretary

C–2.1.6.2. National Security Secretariat (JNSS)

See § C–2.2.5. (Japan) National Security Secretariat (JNSS) (p. 229).

C–2.1.6.3. Cabinet Intelligence and Research Office (CIRO)

See § N–3. CIRO (p. 289).

C–2.1.7. Cabinet Legislation Bureau (CLB)

Japan's CLB is responsible for legal interpretations of the Constitution,[2920] acting as legal counsel to the Cabinet, similar to how the U.S. Justice Department's Office of Legal Council provides legal opinions to the U.S. Executive regarding the legality of proposed policies or actions. CLB has presented authoritative constitutional interpretations that have been deferred as established precedent by all branches of the GoJ with remarkable consistency (until 2005, no bill examined by Japan's Supreme Court had ever been judged unconstitutional, making the CLB a highly-respected and authoritative body).

The CLB is comprised of 26 Counselors who are experts on legal matters. All ministries, the National Police Agency, and the Cabinet office contribute at least one Counselor to the CLB

The CLB has two primary duties:

- Giving opinions on legal issues to the PM and to individual Ministers as well as to the Cabinet as a whole ("opinion-giving work")
  - Interpretation of law is normally carried out by legal counsels within each respective Ministry
  - The CLB provides an authoritative Executive Branch legal opinion when:
    - Ministries have doubts about interpretation
    - Ministries have disagreements about interpretation
    - The Diet requests a legal interpretation of existing laws (including the Constitution)
- Examining legislative bills, draft Cabinet Orders[2921] and draft Treaties[2922] that are to be brought before Cabinet meetings ("examination work")

The CLB has provided major constitutional interpretations about the Use of Force[2923] including:

- 2014 reinterpretation of Article 9[2924] of the Japanese Constitution
- The prohibition and subsequent allowance for CSD[2925]
- Expanded roles of the JSDF in international peacekeeping or logistical support to other militaries

Short of a constitutional amendment, the CLB is the main way to the GoJ to gain legal maneuver space for the employment of the JSDF.

[2917] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[2918] 3–2.5. Civil Protection, etc., p. 73.
[2919] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[2920] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[2921] C–2.1.4.2. Cabinet Order, p. 225.
[2922] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2923] 3–3.3. Use of Force, p. 82.
[2924] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[2925] 3–4.2. Collective Self-Defense (CSD), p. 86.

C–2.1.8. Cabinet Crisis Management Center

C–2.1.8.1. Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM)

The DCCSCM position was established in 1998 with the responsibilities to "assist the CCS[2926] and the Deputy CCS[2927] and shall preside over the affairs with regard to crisis management … by order among the affairs of the CAS[2928] (except for those of the national defense."[333]

The DCCSCM's role is to "make primary decisions on necessary measures to be taken by the CAS departments regarding initial response measures, and undertake comprehensive coordination of relevant ministries and agencies."[334]

In a crisis, the DCCSCM acts in a chief of staff-like role and "takes charge of immediate initial measures" (through supervision of the ERT[2929]) while the NSS[2930] "formulates future response policies."[335]

C–2.1.8.2. Emergency Response Office (ERO)

The ERO serves as central coordination hub during major crises, whether security-related or non-security disasters. When activated, it consolidates information from ministries, the SDF, prefectural governments, and foreign partners to establish a coherent national picture and prioritize government action. Functionally, it operates as Japan's interagency "nerve center" to validate situational updates, coordinate decision support for senior leaders, review legal and policy constraints, harmonize requests and offers of assistance, and ensure that ministries and the SDF are aligned in both message and action.

The ERO functions as the PM's integrator for whole-of-government crisis response. The ERO informs the PM's crisis decicions through consolidated analysis of authoritative information, vetted options, and coordinated interagency positions. The ERO works directly under the CAS[2931] and, therefore, the CCS.[2932] The ERO is the DCCSCM's[2933] staff with the DCCSCM providing operational guidance, prioritization, and political direction that the ERO translates into actionable decisions and coordinated ministry tasking.

ERT[2934]

C–2.1.8.2.1. Emergency Response Team (ERT)

The ERT serves as the operational arm of the ERO,[2935] executing decisions and priorities established through the ERO. It consists of personnel drawn from relevant ministries, the SDF, emergency services, and other technical agencies, forming a deployable or semi-deployable cadre capable of conducting field assessments, coordinating local-level response, and translating national objectives into practical action. The ERT manages on-the-ground activities such as logistics support, evacuation coordination, infrastructure assessment, and embedded liaison with local governments and foreign partners.

The ERT executes tasks derived from PM-level decisions routed through the CAS,[2936], CCS[2937] and ERO. The ERT is effectively the DCCSCM's[2938] operational instrument, executing the DCCSCM's direction. This includes dispatching assessment teams, coordinating with prefectures, managing logistics tasks, and synchronizing activities with U.S. or other foreign partner responders. The DCCSCM uses ERT reporting to adjust national-level decisions and update the PM.

C–2.2. (Japan) National Security Council (JNSC)

The JNSC is often described as the "control tower" of Japanese national security policies and is a rough counterpart to the U.S. NSC.

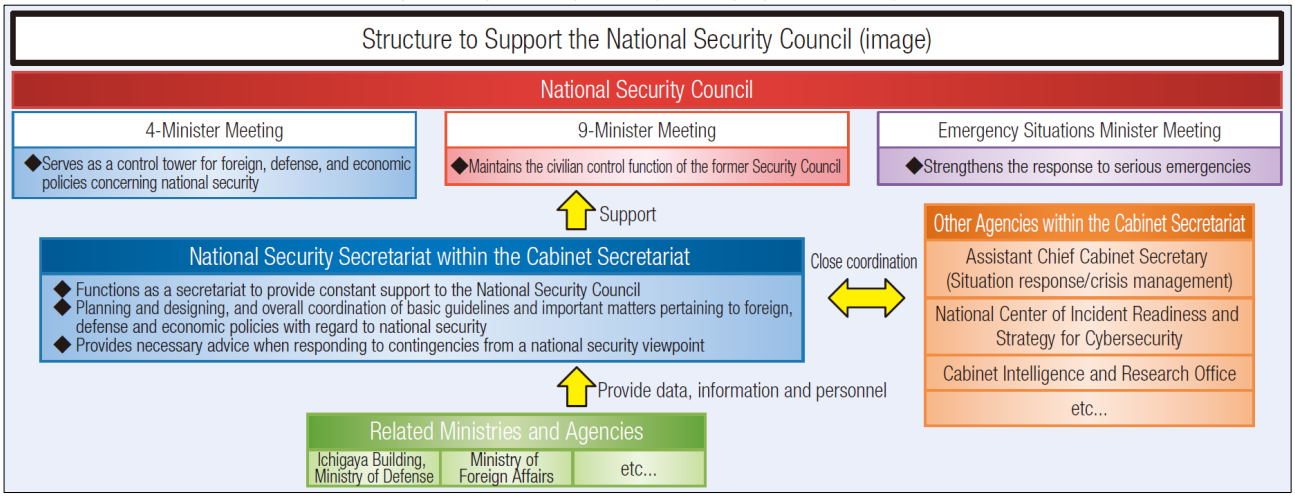
The JNSC acts as a consultation forum for relevant ministers to coordinate advise to the PM on national security issues.

JNSC membership includes:

2926 C–2.1.6.1. Chief Cabinet Secretary (CCS), p. 227.
2927 C–2.1.6.1.1. Deputy Chief Cabinet Secretary, p. 227.
2928 C–2.1.6. Cabinet Secretariat (CAS), p. 227.
2929 C–2.1.8.2.1. Emergency Response Team (ERT), p. 228.
2930 C–2.1.6.2. National Security Secretariat (JNSS), p. 227.
2931 C–2.1.6. Cabinet Secretariat (CAS), p. 227.
2932 C–2.1.6.1. Chief Cabinet Secretary (CCS), p. 227.
2933 C–2.1.8.1. Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM), p. 228.
2934 C–2.1.8.2.1. Emergency Response Team (ERT), p. 228.
2935 C–2.1.8.2. Emergency Response Office (ERO), p. 228.
2936 C–2.1.6. Cabinet Secretariat (CAS), p. 227.
2937 C–2.1.6.1. Chief Cabinet Secretary (CCS), p. 227.
2938 C–2.1.8.1. Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM), p. 228.

- Core (called the Four Minister Meeting)
  - PM
  - Chief Cabinet Secretary
  - Minister for Foreign Affairs
  - MinDef
- Expanded members (called the Nine Minster Meeting)
  - Deputy PM
  - Minister of Finance
  - Minster of Economy, Trade, and Industry
  - Minster of Public Management, Home Affairs, Posts, and Telecommunications
  - Minister of Land, Infrastructure, and Transportation
  - Chairman of the National Public Safety Commission[2939]

Figure 20. Organization of the JNSC (Minister of Defense 2023a, 273)



C–2.2.1. National Security Advisor to the Cabinet

C–2.2.2. Four Minister Meeting

Four Ministers' Meetings, held once every two weeks, host "substantive discussions on diplomatic and defense policies related to national security and determine the basic policy direction from a strategic viewpoint."[336]

C–2.2.3. Nine Minister Meeting

C–2.2.4. Emergency Situations Minister Meeting

C–2.2.5. (Japan) National Security Secretariat (JNSS)

The JNSS, established within the Cabinet Secretariat, provides support to the JNSC.[2940] The JNSS also supports the "planning, design, and overall coordination of basic guidelines and important matters with regard to foreign, defense, and economic policies pertaining to national security."[337]

The JNSS is responsible for supporting the smooth operations of the JNSC,[2941] including planning, design, and overall coordination of basic guidelines and important matters with regard to foreign, defense, and economic policies pertaining to national security.

The JNSS is an advisory and coordinating office rather than a lead agency, responsible for preparing meetings with the PM and other ministers. In this capacity, the JNSS is often consulted on defense issues by MoD and MOFA.

The JNSS is organized according to the following structure:

- Secretary General
  - 2x Deputy Secretaries General representing MOFA and MoD
    - MOFA Councilor

[2939] C–2.1.5.2. National Public Safety Commission, p. 226.

[2940] C–2.2. (Japan) National Security Council (JNSC), p. 228.

[2941] C–2.2. (Japan) National Security Council (JNSC), p. 228.

    - Administrative Division (each division is led by a Cabinet Counselor)
    - Second Policy Division
  - Director-General level MoD Councilor
    - First Policy Division
    - Strategic Planning Division
  - Director-General level JSDF Councilor
    - Third Policy Division
    - Intelligence Division

The JNSS is responsible for coordinating actions to defend, deter, and maintain situational awareness of cyber attacks,

C–2.3. Ministry of Defense (MoD)

Part of the Executive Branch, …

See § 7–5 Ministry of Defense (MoD) Structure and Roles (p. 162).

C–2.4. Ministry of Foreign Affairs (MOFA)

MOFA is responsible for overall coordination with the U.S. and for providing Facilities and Areas[2942] to U.S. forces under the SOFA.[2943]

MOFA is divided into twelve regional and functional Bureaus.[2944]

Most issues are managed within Divisions (*ka*), subordinate to the Bureaus, each led by Directors (*ka-chō*).

- Regional Bureaus
  - Asian and Oceanian Affairs
  - North American Affairs[2945]
  - Latin American and Caribbean Affairs
  - European Affairs
  - Middle Eastern and African Affairs
- Functional Bureaus
  - Minister's Secretariat
  - Foreign Policy[2946]
  - Economic Affairs
  - International Cooperation
  - International Legal Affairs[2947]
  - Consular Affairs
  - Intelligence and Analysis Service

C–2.4.1. North American Affairs Bureau (NAAB)

NAAB exclusively focuses on the Japan-U.S. alliance and is organized into four Divisions:

- Japan-U.S. Security Treaty Division[2948]
- SOFA Division[2949]
- First North America Division[2950]
- Second North America Division

C–2.4.1.1. Japan-U.S. Security Treaty Division

The Japan-U.S. Security Treaty Division shares responsibility for various elements of the Alliance with other Divisions, but takes the prominent position as manager of the Alliance, overall.

[2942] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[2943] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[2944] C–1.2. Levels of Executive Leadership, p. 222.
[2945] C–2.4.1. North American Affairs Bureau (NAAB), p. 230.
[2946] C–2.4.2. Foreign Policy Bureau (FPB), p. 231.
[2947] C–2.4.3. International Legal Affairs Bureau (ILAB), p. 231.
[2948] C–2.4.1.1. Japan-U.S. Security Treaty Division, p. 230.
[2949] C–2.4.1.2. Status of U.S. Forces Agreement (SOFA) Division, p. 231.
[2950] C–2.4.1.3. First North America Division, p. 231.

C–2.4.1.2. Status of U.S. Forces Agreement (SOFA) Division

The SOFA[2951] Division primarily handles SOFA-related matters such as SOFA interpretations, incidents and accidents involving U.S. service members in Japan, and other related issues.

C–2.4.1.3. First North America Division

The First North America Division oversees political aspects of the Alliance including state visits, visas, exchanges, etc.

Economic issues are overseen by the Second North America Division.

C–2.4.2. Foreign Policy Bureau (FPB)

The Foreign Policy Bureau coordinates all policies formulated by MOFA's other Bureaus and formulates broad middle- and long-term foreign policy for GoJ. The Foreign Policy Bureau has twelve divisions:

- Policy Coordination Division
- National Security Policy Division[2952]
- United Nations Planning and Administration Division
- United Nations Policy Division
- United Nations Sanctions Division
- Human Rights and Humanitarian Affairs Division
- Arms Control and Disarmament Division
  - Biological and Chemical Weapons Conventions Division
  - Conventional Arms Division
- Non-Proliferation, Science and Nuclear Energy Division
  - International Science Cooperation Division
  - International Nuclear Energy Cooperation Division

C–2.4.2.1. National Security Policy Division

The National Security Policy Division (*Anzen Hoshō Seisaku-ka*) provides policy input to the other Bureaus in issues involving the U.S. and maintains the ability to veto Division-level decisions within MOFA that are inconsistent with existing policy.

C–2.4.3. International Legal Affairs Bureau (ILAB)

The International Legal Affairs Bureau is responsible for concluding Treaties[2953] and International Agreements[2954] and for matters regarding International Law[2955] and foreign relations. The Bureau has 7 Divisions:

- International Legal Affairs Division
  - Law of the Sea Division
  - International Judicial Proceedings Division
- Treaties Division[2956]
- Economic Treaties Division
- Economic Dispute Settlement Division
- Social Treaties Division

C–2.4.3.1. Treaties Bureau (Treaties Division)

The Treaties Division, often appearing as "Treaties Bureau" addresses issues synchronizing Japanese domestic law with political and security related Treaties,[2957] including (for the Japan-U.S. relationship) the MST,[2958] SOFA,[2959] transfer of defense equipment and technologies,[2960] ACSA,[2961] and GSOMIA.[2962]

[2951] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[2952] C–2.4.2.1. National Security Policy Division, p. 231.
[2953] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2954] 1–6.1.1. International Agreements (Legal Status), p. 8.
[2955] 2–1.2.4.1. International Law, p. 22.
[2956] C–2.4.3.1. Treaties Bureau (Treaties Division), p. 231.
[2957] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2958] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[2959] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[2960] 2–3.2. Three Principles on Arms Exports (3P), p. 41.
[2961] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[2962] I–1.2. General Security of Military Intelligence Agreement (GSOMIA), p. 271.

C–2.5. Ministry of Land, Infrastructure, Transport and Tourism (MLIT)

MLIT provides access to sea ports and airports and coordinates Japan's TTA[2963] and maritime areas. MLIT is also the advisor for matters concerning the construction of government facilities.

C–2.5.1. Japan Coast Guard (JCG)

JCG is an agency of MLIT and is responsible for conducting SAR,[2964] navigational control, and coastal, port, and harbor security in maritime areas around critical facilities.

In crisis, JCG also coordinates on detainee operations.

See § 7–4. Japan Coast Guard (JCG) Operations (p. 161).

C–2.6. Ministry of Economy, Trade, and Industry (METI)

In crisis, METI is responsible for coordination for supplies, such as fuel, equipment repair, and maintenance. METI also coordinates procedures for the export[2965] of weapons, equipment, and technology with potential military applications.

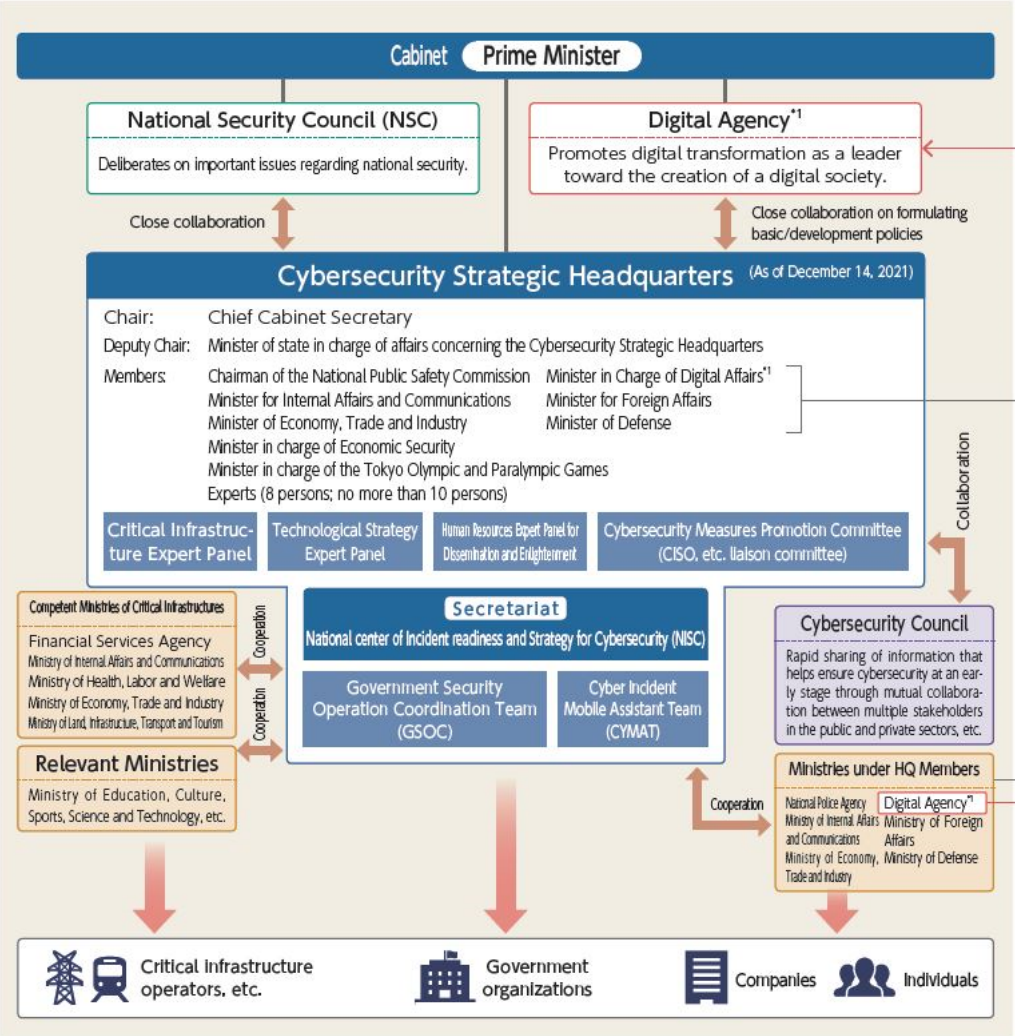
METI is a significant actor in military-industrial issues with respect to their role in the Japanese economy.[338]

C–2.7. Cybersecurity Strategic Headquarters

The Cabinet established the Cybersecurity Strategic Headquarters in November of 2014 to promote cybersecurity policies. The organization is headed by the Chief Cabinet Secretary.[2966]

[2963] F–3.4. Taiwan Travel Act (TTA), p. 261.
[2964] 3–2.2.6. Search and Rescue (SAR), p. 60.
[2965] 2–3.2. Three Principles on Arms Exports (3P), p. 41.
[2966] C–2.1.6.1. Chief Cabinet Secretary (CCS), p. 227.

Figure 21. Cabinet Cybersecurity Structure and Organizations (National Center of Incident Readiness and Strategy for Cybersecurity 2024)



(*1) Basic Act on Creation of a Digital Society (Act No. 35 of 2021), Act for Establishment of the Digital Agency (Act No. 36 of 2021). (effective since September 1, 2021)

C–2.7.1. National Center of Incident Readiness and Strategy for Cybersecurity (NISC)

The NISC is operated as a secretariat under the Cybersecurity Strategy Headquarters and coordinates Japan's cybersecurity policy.

C–2.8. Other Ministries and Agencies

C–2.8.1. Ministry of Justice (MOJ)

In crisis, MOF is responsible for immigration processing for NCEs[2967] and refugees as well as for coordination of detainee operations.

C–2.8.2. Ministry of Education, Culture, Sports, Science, and Technology (MEXT)

In crisis, MEXT provides medical care for the injured admitted to University Hospital.

C–2.8.3. Ministry of Health, Labor and Welfare (MHLW)

In crisis, MHLW is responsible for medical care for the injured (including detainees) admitted to national hospitals and Japan Red Cross hospitals, provides information to civilian hospitals, and is responsible for quarantine of NCE and refugees. MHLW is the principal advisor on labor conditions regarding Japanese employees of U.S. forces.

[2967] 9–1.1. Non-Combatant Evacuees (NCE), p. 176.

C–2.8.4. Ministry of Finance (MOF)

In crisis, MOF is responsible for customs processing for NCE and refugees.

C–2.8.5. Ministry of Agriculture, Forestry and Fisheries (MAFF)

In crisis, MAFF is responsible for animal quarantine for NCE and refugees.

C–2.8.6. Ministry of Internal Affairs and Communication (MIC)

In crisis, MIC provides frequencies and secures cooperation of local municipalities

C–2.8.7. Fire and Disaster Management Agency (FDMA)

In crisis, FDMA is responsible for rescue and transportation of the injured.

C–3. DIET

Article 41[2968] of the Japanese Constitution[2969] provides that:

> *The Diet shall be the highest organ of State power, and shall be the sole law-making organ of the State.*

The National Diet is a bicameral parliamentary-style legislature composed of two houses:

- House of Representatives
- House of Councillors

Both Houses have the same power with some exceptional cases in which the decision of the House of Representatives precedes that of the House of Councillors.

The Diet begins its 150-day ordinary session from January each year, which may be extended only once by the Diet. The Cabinet may determine to convoke extraordinary sessions whenever necessary.

There are three types of Diet sessions:

Type	Convocation	Term of Session
Ordinary session	Once a year, starting in January	150 days (one extension possible)
Extraordinary session	1. When deemed necessary by the Cabinet 2. When requested by one-quarter or more of the total Members of either House 3. After a general election called due to the expiration of the term of office of the Members of the House of Representatives or after a regular election of the House of Councillors	Determined by agreement of both Houses (two extensions possible)
Special session	After a general election called after the dissolution of the House of Representatives	

C–3.1. House of Representatives

The House of Representatives is composed of 480 members, of whom 300 are elected from the single-seat constituencies and 180 by the proportional representation system in which the nation is divided into 11 electoral blocs which according to size return between 6 and 30 members. Their term of office is 4 years, but shall be terminated, before the full term is up, if the House is dissolved.

The House of Representatives is the more powerful chamber in the Diet. If the House of Councillors rejects, amends, or fails to approve a bill (passed by the House of Representatives) within 60 days, the House of Representatives can force its passage by adopting the bill by a two-thirds majority after the 60 day period. Additionall, it is only the House of Representatives that can eject a PM through loss of confidence.

[2968] i–B.5. Article 41—The Diet and Legislative Power, p. 303.

[2969] 2–1.2. Japanese Constitution (Kenpō), p. 13.

C–3.2. House of Councillors

The total membership of the House of Councillors is 242, of whom 96 are elected by the proportional representation system from a single nationwide electoral district and 146 from 47 prefectural constituencies, each returning 2 to 8 members. Their term of office is 6 years, and a half of the members being elected every 3 years.

C–3.3. Diet Approvals and Passage of Bills

The Article 56 of the Japanese Constitution and Diet procedure[339] establishes a simple majority for the passage of bills, resolutions, and approval of other business (except where a super-majority or other percentage of specified by the Constitution).

C–3.4. Diet Interpellations

"Interpellate" in Parliamentary systems of government refers to the formal questioning of a government minister regarding policy matters. Interpellation is akin to Congressional hearings in the U.S..

C–4. Judiciary

The whole judicial power is vested in the Supreme Court, and in such inferior courts as High Courts, District Courts, Family Courts and Summary Courts. (This eliminates the possibility of a military justice system like the UCMJ[2970]).

No extraordinary court can be established, nor can any organ of the Executive have final judicial power.

The Justices of the Supreme Court, except the Chief Justice who is appointed by the Emperor, are appointed by the Cabinet. The Judges of inferior courts are also appointed by the Cabinet but only from a list of persons nominated by the Supreme Court.

C–5. Emperor

The Emperor remains the symbol of the nation and performs the following duties, with the advice and approval of the Cabinet:

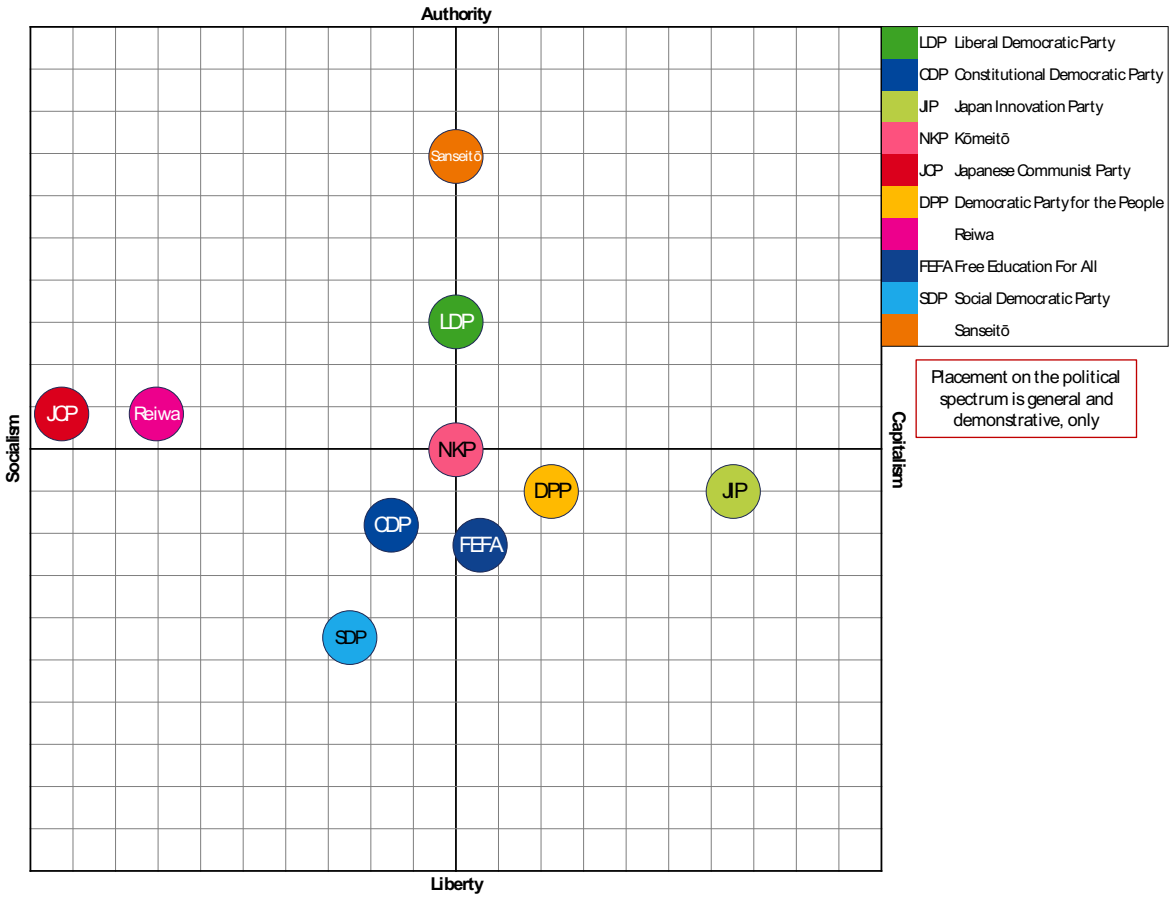
- Promulgation of amendments of the Constitution,[2971] laws, Cabinet Orders,[2972] and Treaties[2973]
- Convocation of the Diet
- Dissolution of the House of Representatives
- Proclamation of general election of members of the Diet
- Attestation of the appointment and dismissal of Ministers of State[2974] and other officials as provided by laws, and of full powers and credentials of Ambassadors and Ministers
- Awarding of honors
- Attestation of instruments of ratification and other diplomatic documents as provided by laws
- Receiving foreign Ambassadors and Ministers
- Performance of ceremonial functions
- Appointment of the PM and the Chief Justice of the Supreme Court as designated by the Diet and the Cabinet respectively

The Emperor has no powers related to government.

[2970] 7–1.1. Lack of a Military Justice System, p. 159.
[2971] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[2972] C–2.1.4.2. Cabinet Order, p. 225.
[2973] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[2974] C–2.1.2. Ministers of State (Cabinet Members), p. 225.

C–6. Major Japanese Political Parties

C–6.1. Overview



C–6.2. Liberal Democratic Party (LDP)

The LDP is the historically dominant national ruling party of Japan, characterized by conservatism and nationalism. While the LDP's historical dominance has sometimes led Japan to be characterized as a *de facto* one party state, the LDP generally requires a second party to join it in a coalition[2975] to form a government.

Since 1999, the junior member of LDP governments has been the Kōmeitō.[2976]

C–6.3. Kōmeitō

The Kōmeitō (formerly named "New Kōmeitō") is generally characterized by centrism and conservatism. It is often described as the "pacifist party," though its stance on related issues such as the constitutionality of the JSDF[2977] has become less absoluteist since its founding.

C–6.4. Implications of Coalition Rule

When the LDP[2978] (or another governing majority party) joins with a minority party in a cloaition to form a government, one or more Cabinet positions are likely to be filled by members of the minority party. Especially when the minority party is the Kōmeitō[2979] (a pacifist-leaning party), Cabinet Decisions[2980] will be directly impacted by inter-party

[2975] C–6.4. Implications of Coalition Rule, p. 236.
[2976] C–6.3. Kōmeitō, p. 236.
[2977] Appendix J. Constitutionality of the JSDF and Japan's Right to Self-Defense, p. 276.
[2978] C–6.2. Liberal Democratic Party (LDP), p. 236.
[2979] C–6.3. Kōmeitō, p. 236.
[2980] C–2.1.4.2. Cabinet Order, p. 225.

dynamics. Furthermore, decisions falling to a Ministry led by a minority party may be more reflective of the minority party than the majority member of the coalition.

For example, as of 2024, the Minister for MLIT is a Kōmeitō party member, meaning that decisions regarding land use or employment of the JCG[2981] may reflect more pacifist Kōmeitō views than those of the rest of the GoJ during a crisis.

C–6.5. Keidanren

"Keidanren" is a portmanteau/acronym of organization's full proper name: Nippon Keizai-dantai Rengōkai.

In 2002, the Japan Federation of Economic Organizations (Keidanren) and Japan Federation of Employers' Associations (Nikkeiren) merged into the Japan Business Federation which is still commonly referred to as "Keidanren."

The Keidanren is not a political party or governmental organization but rather a lobbying organization representing powerful Japanese business interests. As a lobbying organization, Keidanren frequently recommends policies, produces reports, and drafts other policy proposals that many elements of the Japanese government (especially METI[2982]) pay close attention to.

Keidanren has a long-standing and very close relationship with the LDP.[2983]

[2981] 7–4. Japan Coast Guard (JCG) Operations, p. 161.

[2982] C–2.6. Ministry of Economy, Trade, and Industry (METI), p. 232.

[2983] C–6.2. Liberal Democratic Party (LDP), p. 236.

Appendix D. Japan's Strategic Position

D–1. Overview

Japan's 2022 National Security Strategy states:

> *At this time of an inflection point in history, Japan is finding itself in the mist of the most severe and complex security environment since the end of WWII.*

Then-PM KISHIDA has said:

> *Ukraine today may be East Asia tomorrow.*

Japan recognizes has long recognized that it lacks the defense capabilities to defend itself without outside assistance. But recent changes in the security environment have led it to conclude that no one state can provide for its own defense and that security must be a cooperative effort among like-minded countries.[340]

D–2. United Nations

Japan, long a supporter of the multilateralism centered on the UN and believer in the UN's power and authority, is beginning to turn away from reliance on the UN or its actions as a reliable defender of the rules-based international order based on the threats posed by two permanent members of the UNSC.

> *It is difficult to say that the United Nations (UN) is adequately fulfilling the expected functions in face of the crises to which the international community urgently needs to respond,*
>
> *…*
>
> *The act of a permanent member of the UN Security Council blatantly violating the principles of the UN Charter, such as sovereignty, territorial integrity, and the general prohibition of the use of force, is an outrageous act that shakes the very foundation of the existing international order, …*[341]

D–3. People's Republic of China

Role as a permanent member of UNSC[2984]

In Japan's estimation, Ukraine's lack of defense capabilities contributed to its inability to effectively deter Russia.[342] This has led Japan to emphasize increasing defense capabilities as not only necessary for defense of Japan in light of an increasingly-capable PLA, but also as an essential contribution to deterrence of aggression that might destabilize the region.

Japan also recognizes the difficulty in assessing the PRC's intentions, given its closed system, stating:

> *When threats materialize through a combination of capability and intention, difficulties arise in accurately gauging [a] party's intention from the outside. If a nation's decision-making process is opaque, there will always exist conditions under which threats may materialize.*[343]

> *China is reinforcing its military capabilities, primarily A2/AD capabilities, aimed at transforming the U.S. forces-led security order in East Asia. By physically obstructing U.S. military operations and conducting more joint exercises and coordinated activities with Russian forces in China's periphery, Beijing seeks to ratchet up pressure on the United States and Japan and weaken the presence of U.S. forces.*[344]

D–3.1. SCS Activity

Perceived as foreshadowing of ECS activity

[2984] D–10. United Nations and International Law, p. 241.

Low-Tide Elevation reclamation and conversion into military bases

D–3.2. ECS Activity

13 Nov 2013 declared ADIZ in ECS

D–4. Taiwan

Japan's third- or fourth largest trading partner

A PLAAF Command College handbook titled *The Japanese Air Self Defense Force* state the following expected impacts on Japan from a PRC-controlled Taiwan:

> *As soon as Taiwan is reunified with Mainland China, Japan's maritime lines of communication will fall completely within the striking ranges of China's fighters and bombers…. Our analysis shows that, by using blockades, if we can reduce Japan's raw imports by 15-20%, it will be a heavy blow to Japan's economy. After import have been reduced by 30%, Japan's economic activity and war-making potential will be basically destroyed. After imports have been reduced by 50%, even if they use rationing to limit consumption, Japan's national economy and war-making potential will collapse entirely … blockages can cause sea shipments to decrease and can even create a famine within the Japanese islands.*[345]

D–5. U.S.

Dependent on U.S. for security

D–5.1. U.S. Intervention in a Taiwan Crisis

Because of Japan's reliance on the U.S. for its national security and Japan's close proximity to Taiwan, many Japanese national security experts consider the U.S.'s intervention or non-intervention in a Taiwan conflict as well as its messaging on Taiwan in competition and crisis to be important bellwethers of the U.S.'s long-term commitment to the Japan-U.S. Alliance (or, at a minimum, the U.S.'s long-term ability to uphold its commitments to the Alliance).

The immediate impact of a forcible PRC unification with Taiwan presents its own physical and economic security threats to Japan, including the presumptive stationing of PLA forces on Taiwan and their proximity to the Nansei Shotō.

However, the issue of U.S. intervention or non-intervention as well as the ultimate success of a potential intervention are significant strategic security concerns for Japan.

In the event of U.S. non-intervention in a forcible PRC unification campaign, the U.S.'s commitment to the status quo in the Western Pacific would be destroyed and its commitment to its treaty allies called into serious question. Such non-intervention would lead to destabilizing debates about the development of Japanese and Korean nuclear weapons (with neither state likely comfortable with asymmetry in nuclear capability) and other actions to ensure physical security in the absence of reliable U.S. military commitments.

In the event of failed U.S. intervention, with a PRC military victory and/or U.S. withdrawal of forces, not only would the U.S.'s enduring commitment to security and treaty alliances be called into question, but the U.S.'s military capability to back any residual commitments up with force in the defense of Japan, Korea, the Philippines, or other regional allies and partners would also be called into question. Furthermore, a U.S. military defeat could turn U.S. public opinion against existing or expanded military commitments for regional allies.

In either event, PRC control over Taiwan would almost by necessity extend PLA military influence deep into Japan's EEZ, increasing the potential for harassment and coercion, especially in areas of territorial dispute, such as the Senkaku Islands.[2985]

Even a partially successful U.S. intervention that leaves the PRC with expanded or unchecked military influence over the SCS and/or freedom of maneuver for the PLAN into the Philippine Sea would be existentially threatening to Japan given its extraordinary reliance on trade flowing through the region.

In sum, it is difficult to imagine any forcible PRC unification campaign that does not dramatically and negatively alter Japan's security situation except one that results in an unambiguous defeat of the PRC's unification attempt.

[2985] Appendix G. Policy on the Senkaku Islands, p. 263.

D–6. Nansei Shotō

PRC threats to Ryukyus, etc.

PRC cites UNCLOS CS clause to claim EEZ almost to Okinawa

In 1879, Japan dethroned the Luchu (Okinawan) Prince, converting the Okinawan islands to a Japanese prefecture. At the time, China contested Japan's actions and the legitimacy of Japan's possession of the islands. In 1895 the Treaty of Shimonoseki[2986] transfer of Formosa from China to Japan and concluded China's dispute over Japan's possession of the Ryukyu islands.[346] With the PRC's general perception of the illegitimacy of the Treaty of Shimonoseki, the PRC has brought into question the legitimacy of Japan's sovereignty over the historic Ryukyu Kingdom as well.

When the PRC became more assertive and aggressive in the SKIs over its territorial claims, it began a "semiofficial campaign … to question Japanese rule of [the Ryukyu islands]," using PLA officials to outright state that "'the Ryukyus do not belong to Japan.'"[347]

In part, this argument rests on a minority reading of the Cairo Declaration's[2987] intent to strip Japan of "all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914," combined with claimed (ROC) Abrogation of the Treaty of Shimonoseki[2988] to assert that the Cairo Declaration should be interpreted as stripping Japan of all territorial gains as far back as the Treaty of Shimonoseki[2989] in 1895. While this logic may seem outlandish to some, it is a core element of the PRC's asserted legal territorial claim to Taiwan and, therefore, there would be no logical inconsistency in the PRC using this logic also as the basis for assertions that Japan has no territorial claim to the Ryukyus.

D–7. Sea Lines of Communication (SLOC)

Japan depends on imports for nearly all raw materials necessarily for the daily lives of most Japanese, including majors materials such as oil, coal, iron, food, clothing, and materials for shelter and construction. Maritime transport accounts for 99.6% of all Japan's trade volume.

GoJ has identified that "if our country comes under armed attack, etc. [the Japanese text uses the term "Armed Attack"[2990] and not "armed attack, etc."], maritime transportation routes will be the foundation to maintain war sustainability and enable U.S. Forces to come and assist in the defense of Japan."[348]

JMSDF[2991] required to operate "beyond the BOA" to secure SLOCs

D–7.1. Economic Figures

D–7.1.1. Import Figures

- 97% of Energy imported (crude oil and LNG) (Yes, Japan Will Defend Taiwan – The Diplomat)
  - 90% from Middle East via maritime shipping (Yes, Japan Will Defend Taiwan – The Diplomat)
    - 80% through Taiwan Strait (Yes, Japan Will Defend Taiwan – The Diplomat)
- 99% Mineral Resources[349]
- 100% Nuclear Fuel[350]
- 500 million tons[351]
  - 80% through Taiwan strait[352]

D–7.1.2. Trade with PRC

D–7.1.3. Trade with Taiwan

D–8. Russia

Unresolved territorial dispute[2992]

[2986] F–1.1. Pre-WWII: 1895 Treaty of Shimonoseki, p. 253.
[2987] F–1.2.2. The Cairo Declaration, p. 254.
[2988] F–1.1.1. Abrogation of the Treaty of Shimonoseki, p. 254.
[2989] F–1.1Pre-WWII: 1895 Treaty of Shimonoseki253
[2990] 4–12. Definition of "Armed Attack", p. 121.
[2991] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[2992] A–1.2.4. Northern Territories, p. 191.

This has especially concerned Japan in light of Russia's apparent willingness to threaten nuclear use over the conflict in Ukraine.

Role as a permanent member of UNSC[2993]

Russia-DPRK alliance

D–9. DPRK

D–10. United Nations and International Law

Japan has historically placed a great deal of trust in the UN and has codified in Japanese law both respect and compliance with international governance bodies and International Law.[2994] This esteem in the UN has made it particularly distressing to Japan that Russia, a permanent member of the UNSC, has so flagrantly violated International Law.[353] This has brought into question the role of the UN, its ability to uphold and encourage International Law, and, as a consequence, also brought into question one of Japan's basic concepts for pursuing its national security interests.

In the context of the PRC (another permanent member of the UNSC), Japan has turned increasingly to its own ability to ensure its defense in concert with its closest ally, the U.S..

It remains to be seen how the 2022 renewal of Russia's invasion of Ukraine impact's Japan's deference to and reliance on international laws and consensus-based international governance bodies and activities.

[2993] D–10. United Nations and International Law, p. 241.

[2994] 2–1.2.4.1. International Law, p. 22.

Appendix E. Japanese Maritime Security

E–1. Overview

It is an obvious fact, but worth stating, that as an island nation, Japan has no land borders, only maritime boundaries. This heightens the importance of maritime security and its unique characteristics in Japan's overall defense.

E–2. Maritime Security Terms

E–2.1. Japanese Maritime Security Terms

Japan has multiple terms and definitions for "maritime security" and related concepts

Kaiyo anzen hosho may be translated as "maritime security" and refers to general maritime safety.

Kaijou keibi may also be translated as "maritime security" and refers more specifically to security activities by the JCG to maintain Good Order at Sea.[2995]

Adding *koudou* to *kaijou keibi* (*kaijou keibi koudou*) is the term for MSO.[2996]

Ryokai keibi is a related term meaning security operations within TTS[2997] and Internal Waters[2998] (e.g., operations around SKI).

E–2.2. Vessel and Aircraft Classifications

Ground up rework

E–2.2.1. State Vessels

State Vessels include

- Warships[2999]
- Other Government Ships[3000]
  - Naval Auxiliaries[3001]
  - Maritime Militia[3002]

E–2.2.1.1. Warships

A Warship is formally defined under International Law[3003] as:

> *A ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.*
>
> *Warships include both manned and unmanned surface ships, submarines, and other submersibles that have been designated as Warship by the Flag State[3004] and are included in the respective State's list/registry of Warships.*[354]

A Warship is, by its nature, a military object (and thus a lawful object of attack) and may be attack anywhere beyond Neutral Sea Areas.[3005]

E–2.2.1.1.1. "Warships, etc." (GoJ Legal Definition)

¶(1)(iv), Article 2—Definitions of Foreign Military Supplies[3006] of Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended) defines Foreign Warships as "meaning a Warship[3007] and [or] a ship owned or operated by government of various countries that is used only for non-commercial purposes."

2995 7–4. Japan Coast Guard (JCG) Operations, p. 161.
2996 3–2.3.2. Maritime Security Operation (MSO), p. 66.
2997 A–4.4. Territorial Sea (TTS), p. 196.
2998 A–4.2. Internal Waters, p. 195.
2999 E–2.2.1.1. Warships, p. 242.
3000 E–2.2.1.2. Other Government Ships, p. 243.
3001 E–2.2.1.2.1. Naval Auxiliaries, p. 243.
3002 E–2.2.1.2.2. Maritime Militia, p. 243.
3003 2–1.2.4.1. International Law, p. 22.
3004 3–4.2.5.2. Limitations on Protecting/Escorting Merchant Ships (Flag State/Flags of Convenience), p. 89.
3005 E–2.4.1. Neutral Sea Areas, p. 245.
3006 i–M.1. Article 2—Definitions of Foreign Military Supplies, p. 368.
3007 E–2.2.1.1. Warships, p. 242.

This is effectively synonymous with the more internationally-recognized term: State Vessel.[3008]

E–2.2.1.2. Other Government Ships

Other Government Ships include:

> *Ships owned or operated by a State and used exclusively on government noncommercial service.*[355]

This category includes:[356]

- Naval Auxiliaries[3009]
- Maritime Militia[3010]
- Coast guard vessels (if not designed as a Warship[3011])
- "Other maritime law enforcement vessels that are clearly marked and identifiable as being on government noncommercial service and authorized to that effect"
- Private vessels flying their State flag while operating under charter to the State

> Japan's PFI[3012] vessels would be considered Other Government Ships when operating under charter to GoJ.

Because only Warships[3013] may exercise Belligerent Rights at Sea,[3014] "private vessels operated by a State-sponsored Maritime Militia that have not been converted into Warships are not entitled to engage in offensive belligerent acts or to exercise Prize[3015] measures."[357] Maritime Militia engaging in Belligerent Rights at Sea during an IAC[3016] may be subject to classification as pirates and subject to Counter-Piracy[3017] measures and authorities.[3018]

E–2.2.1.2.1. Naval Auxiliaries

Naval Auxiliaries are:

> *Vessels, other than Warships,*[3019] *that are owned or operated by the armed forces and used, for the time being, only on government noncommercial service. Such vessels are under the command of a civilian master and not a commissioned officer.*

A Naval Auxiliary is, by its nature, a military object (and thus a lawful object of attack) and may be attacked anywhere beyond Neutral Sea Areas.[3020]

Some states classify ocean surveillance ships, troop transports, and replenishing ships as Warships, though the norm is for these vessels to be classified as Naval Auxiliaries.

Japan classifies its fleet replenishment oilers as Warships.[358]

E–2.2.1.2.2. Maritime Militia

Maritime Militia is not a legal term. In the Law of Naval Warfare, Maritime Militia are considered civilians operating from civilian vessels, augmenting the naval forces of a state.[359]

> *Paramilitary, police, or other forces at sea—for example, civil (non-armed forces) coast guards, maritime police, and so on—are to be considered as part of the armed forces of the adversary…*[360]

E–2.2.2. Merchant Ships

A Merchant Ship is a non-State Vessel used for commercial purposes including trade, fishing, and passenger transport. Non-commercial privately-owned vessels are considered Merchant Ships for the purposes of the Law of Naval Warfare.[361]

3008 E–2.2.1. State Vessels, p. 242.
3009 E–2.2.1.2.1. Naval Auxiliaries, p. 243.
3010 E–2.2.1.2.2. Maritime Militia, p. 243.
3011 E–2.2.1.1. Warships, p. 242.
3012 8–5. Private Financial Initiative (PFI), p. 175.
3013 E–2.2.1.1. Warships, p. 242.
3014 E–2.4. Belligerent Rights at Sea, p. 245.
3015 E–2.5.1. Prize, p. 247.
3016 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
3017 3–2.3.7. Counter-Piracy Operations, p. 71.
3018 E–2.4.2. Exceptions During Non-International Armed Conflicts, p. 246.
3019 E–2.2.1.1. Warships, p. 242.
3020 E–2.4.1. Neutral Sea Areas, p. 245.

Merchant Ships of a belligerent party to an IAC[3021] are always subject to capture, but are not a lawful object of attack unless making an Effective Contribution to Military Action.[3022]

Passenger ships are categorized as Merchant Ships and, if they have an enemy character, are lawful objects of attack.[362]

E–2.2.3. State Aircraft

> *State Aircraft include aircraft used in military, customs, and police services, and any other aircraft operated by a government exclusively for noncommercial purposes.*[363]

Some State Aircraft are assimilated into the category of Civil Aircraft[3023] for the purposes of LOAC.

E–2.2.3.1. Military Aircraft

> *Military Aircraft include all aircraft (manned or unmanned) operated by the armed forces of a State, bearing the military markings of that State, commanded by a member of the armed forces; and controlled, manned, or preprogrammed by a crew subject to regular armed forces discipline.*[364]

A Military Aircraft is, by its nature, a military object (and thus a lawful object of attack) and may be attacked anywhere beyond Neutral Sea Areas.[3024]

E–2.2.3.2. Other Government Aircraft

During an IAC,[3025] any aircraft assigned to exclusively State service (except for considered Civil Aircraft[3026]) are considered State Aircraft.[365] This category includes:

- Police Aircraft
- Customs Aircraft

E–2.2.4. Civil Aircraft

Civil Aircraft are any private or commercial aircraft used for purposes including leisure, trade, passenger transport, etc.

For the purposes of LOAC, any state-operated aircraft (or aircraft operated for the state under charter) that do not fall under the categories of Military Aircraft[3027] of Other Government Aircraft[3028] are considered Civil Aircraft.[366]

E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft

Sovereign Immunity is a concept in Customary International Law[3029] by which "all State public property is protected against the exercise of jurisdiction or control by another State under the doctrine of State immunity."[367] This immunity exempts such vessels and aircraft from foreign taxation, requirements to fly the flag of the foreign State, or any foreign State control over the persons on board.

Vessels with Sovereign Immunity include:

- Warships[3030]
  - Military small watercraft deployed from larger surface ships (regardless of the status of the launching ship)[368]
- Other Government Ships[3031]
- State Aircraft[3032]

Under Article 32 of UNCLOS (block quote add), "Warships[3033] and Other Government Ships operated for non-commercial purposes" have Sovereign Immunity, excepting them from jurisdiction of another states' laws. Even within the TTS[3034] of a state, Article 30 of UNCLOS limits that state to requests for foreign Warships to leave. Use of force beyond such a request might be considered force employed beyond the purposes of law enforcement (i.e., a military act of hostilities).

[3021] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3022] 2–1.2.1.4.6. Effective Contribution to Military Action, p. 19.
[3023] E–2.2.4. Civil Aircraft, p. 244.
[3024] E–2.4.1. Neutral Sea Areas, p. 245.
[3025] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3026] E–2.2.4. Civil Aircraft, p. 244.
[3027] E–2.2.3.1. Military Aircraft, p. 244
[3028] E–2.2.3.2. Other Government Aircraft, p. 244.
[3029] 2–1.2.4.1.1. Customary International Law, p. 23.
[3030] E–2.2.1.1. Warships, p. 242.
[3031] E–2.2.1.2. Other Government Ships, p. 243.
[3032] E–2.2.3. State Aircraft, p. 244.
[3033] E–2.2.1.1. Warships, p. 242.
[3034] A–4.4. Territorial Sea (TTS), p. 196.

A state whose sovereignty is being violated by a foreign Warship conducting non-innocent passage Articles 30 and 31 authorize the state to exercise limited coercive measures either:[369]

- without those measures being considered a violation of the foreign Warship's immunity; or
- as an authorized exception to violate the immunity of the foreign Warship as an exception under the *conditions* of that immunity (i.e., because immunity is based on respect for sovereignty, a violation of sovereignty may be grounds for denial of immunity rights)[370]

Because the exact legal parameters for such actions are not well defined, the GoJ may be expected to take any such actions in a highly deliberate and conservative manner.

E–2.4. Belligerent Rights at Sea

See § 2–1.2.1.3. Belligerent Rights (p. 16) for a discussion of Belligerent Rights, generally.

Unlike land warfare under the law of armed conflict, under the Law of Naval Warfare, the status of the platform determines its belligerent rights.

Only Warships[3035] and Military Aircraft[3036] can exercise belligerent rights at sea during an IAC.[3037] These rights include:[371]

- Conduct of hostilities
- Visit, search, and divert enemy and neutral vessels
- Capture
- Inspect Specially Protected[3038] enemy vessels (e.g., hospital ships)
- Control neutral vessels and aircraft in proximity to naval operations
- Establish and enforce a Blockade[3039]
- Establish and enforce Exclusion Zones[3040]
- Demand the surrender of enemy personnel
- Undertake convoy operations
- Minelaying[3041]

Ships other than Warships are entitled to defend themselves from attack without such resistance being classified as exercising Belligerent Rights at Sea.[372]

Belligerents may exercise Belligerent Rights at Sea anywhere outside Neutral Sea Areas[3042] (except as otherwise prohibited, such as by International Agreements[3043]).

E–2.4.1. Neutral Sea Areas

With limited exceptions,[3044] parties to an IAC[3045] may not exercise Belligerent Rights at Sea within Neutral Sea Areas.

> *Neutral Sea Areas are the Internal Waters,[3046] Archipelagic Waters,[3047] and TTS[3048] of Neutral States.*[373]

The CZ,[3049] EEZ,[3050] and CS[3051] of a Neutral State are not considered Neutral Sea Areas.

A Coastal State's enforcement authorities in the CZ or its sovereign rights and jurisdiction in its EEZ do not affect or limit any State's right to exercise Belligerent Rights at Sea in these areas.[374]

A neutral state may, but is not obligated to, allow passage of belligerents (in a nondiscriminatory manner) through its TTS. Neutral states are also entitled to bar access to their TTS (in a nondiscriminatory manner).[375]

[3035] E–2.2.1.1. Warships, p. 242.
[3036] E–2.2.3.1. Military Aircraft, p. 244.
[3037] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3038] E–2.4.4. Specially Protected Vessels, p. 246.
[3039] 4–12.8.7. Blockade, p. 126.
[3040] 4–12.9.6.3. Exclusion Zones or War Zones, p. 128.
[3041] 3–2.2.5. Minelaying, p. 60.
[3042] E–2.4.1. Neutral Sea Areas, p. 245.
[3043] 1–6.1.1. International Agreements (Legal Status), p. 8.
[3044] E–2.4.1.1. Lawful Exercise of Belligerent Rights within Neutral Sea Areas, p. 246.
[3045] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3046] A–4.2. Internal Waters, p. 195.
[3047] A–4.11. Archipelagic Waters, p. 198.
[3048] A–4.4. Territorial Sea (TTS), p. 196.
[3049] A–4.6. Contiguous Zone (CZ), p. 196.
[3050] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3051] A–4.9. Continental Shelf (CS), p. 198.

"Belligerent ships (including submarines) and aircraft retain the right of non-suspendable ASLP[3052] in the normal mode of operation through, under, and over all normal passage routes used for international navigation through neutral Archipelagic Waters[3053] whether or not sea lands have been formally designated by the neutral state."[376]

E–2.4.1.1. Lawful Exercise of Belligerent Rights within Neutral Sea Areas

If neutral states are unable or unwilling to enforce they Duty of Neutrality,[3054] under the Right of Self-Help, belligerents "may take necessary measures in neutral territory, waters, and airspace to counter the acts of the enemy force, including the use of force."[377]

Under the right to self-defense, belligerents may "act in self-defense if attacked or under threat of imminent attack while in, or transiting to or from, neutral waters, airspace, or territory."[378]

E–2.4.2. Exceptions During Non-International Armed Conflicts

The limitations of Belligerent Rights at Sea to Warships[3055] and Military Aircraft[3056] during an IAC[3057] do not apply to NIACs.[3058] During a NIAC, "any State Vessel[3059] may be used to conduct offensive attacks against vessels operated by a non-State armed group or to visit, board, search, detain, and/or seize such vessels during a NIAC. In some cases, acts of hostility by vessel-borne non-State armed groups directed against a vessel on the High Seas[3060] may be regarded as piracy."[379]

This exception has consequences for how GoJ might classify Grey Zone[3061] or Hybrid Warfare[3062] activities by Chinese fishing vessels that are or are made to appear not operated by the State.

If GoJ determines such vessels are non-State vessels, it may have the legal basis to apply Counter-Piracy[3063] measures.

E–2.4.3. Law Enforcement Exclusions from Belligerent Rights at Sea

Within the TTS[3064] and Internal Waters,[3065] states possess civil and criminal jurisdiction over State Vessels[3066] operated for commercial purposes and foreign-flagged Merchant Ships.[3067] Within this area, law enforcement action, like MSO,[3068] is not considered exercising Belligerent Rights at Sea. A Neutral State may exercise this law enforcement authority without jeopardy to their status as a Neutral.[3069]

E–2.4.4. Specially Protected Vessels

Under the Law of Naval Warfare, the following vessels have specially protected status:

- Hospital ships (both military and non-military)
- Coastal rescue craft (an unclearly defined category that may include some coast guard craft)
- Medical transports

As long as these vessels comply with Conditions of Protection,[3070] their specially protection status excludes them from being lawful objects of attack or capture.[380]

Passenger ships are categorized as Merchant Ships[3071] and have no specially protected status.

E–2.4.4.1. Conditions of Protection

The following are Conditions of Protection for Specially Protected Vessels to maintain their status:

- For hospital ships:[381]
  - Parties to the IAC[3072] are notified of the names and descriptions ten days before employment
  - Must comply with the conditions of Article 30 of Geneva Convention II:
    - Impartial relief and assistance to wounded, sick, and shipwrecked without distinction of nationality

[3052] A–4.11.1. Archipelagic Sea Lane Passage (ASLP), p. 198.
[3053] A–4.11. Archipelagic Waters, p. 198.
[3054] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[3055] E–2.2.1.1. Warships, p. 242.
[3056] E–2.2.3.1. Military Aircraft, p. 244.
[3057] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3058] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3059] E–2.2.1. State Vessels, p. 242.
[3060] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.
[3061] 11–2. Grey Zone, p. 185
[3062] 11–3. Hybrid Warfare, p. 186.
[3063] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3064] A–4.4. Territorial Sea (TTS), p. 196.
[3065] A–4.2. Internal Waters, p. 195.
[3066] E–2.2.1. State Vessels, p. 242.
[3067] E–2.2.2. Merchant Ships, p. 243.
[3068] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[3069] 2–1.2.1.4. Law of Neutrality, p. 18.
[3070] E–2.4.4.1. Conditions of Protection, p. 246.
[3071] E–2.2.2. Merchant Ships, p. 243 .
[3072] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.

        - Evacuation of civilians fleeing an area of conflict is not an authorized function of hospital ships
    - No use for any military purpose (e.g., gathering of information, relay of messages or carriage of dispatches, or hydrographic surveys of military value)
    - No (intentional) hampering of the movement of combatants
    - During and after engagements, vessels act at their own risk
  - Must comply with the control measures taken by the enemy in accordance with Article 31 of Geneva Convention II (affording parties to an IAC the right to control and search such craft within limits)
  - Marking with a distinctive emblem (i.e., Red Cross, Red Crescent, etc.)
- For coastal rescue craft:[382]
  - Operated by a party to the IAC (i.e., the State) or by an officially-recognized SAR[3073] organization
  - Parties to the IAC are notified of the names and descriptions ten days before employment (except for States party to Additional Protocol I to the Geneva Conventions)
  - Must comply with the conditions of Article 30 of Geneva Convention II:
    - Impartial relief and assistance to wounded, sick, and shipwrecked without distinction of nationality
    - No use for any military purpose (e.g., gathering of information, relay of messages or carriage of dispatches, or hydrographic surveys of military value)
    - No (intentional) hampering of the movement of combatants
    - During and after engagements, vessels act at their own risk
  - Must comply with the control measures taken by the enemy in accordance with Article 31 of Geneva Convention II (affording parties to an IAC the right to control and search such craft within limits)
- For medical transports:[383]
  - Exclusively transport medical equipment
  - "Particulars regarding their voyage" to be notified and approved by the enemy
  - Comply with legitimate visit and search
  - If agreed by parties to the IAC, permit neutral observers aboard and afford them access to verify the equipment
  - Fulfill the Conditions of Protection of hospital ships.

E–2.5. Capture, Confiscation, and Condemnation

Generally, there are two legal classifications for objects that may be lawfully captured, confiscated, and/or condemned [i.e., transfer of ownership] (destruction may be a lawful alternative in lieu of condemnation[384]): Prize[3074] and Booty of War.[3075]

Generally, Prize refers to commercial objects subject to capture, whereas Booty refers to state objects or other lawful objects of attack subject to capture.

E–2.5.1. Prize

A Prize is a legal classification "denoting vessels or goods captured at sea and liable to condemnation [i.e., transfer of ownership]."[385]

> *The law of prize allows belligerent maritime forces to capture enemy Merchant [Ships][3076] and [Commercial] Aircraft[3077] as a right, and neutral Merchant [Ships] or [Commercial] Aircraft for cause [e.g., for violating their Duty of Neutrality[3078]].*[386]

A Prize is captured through Visit and Search, which is a Belligerent Right at Sea[3079] reserved to Warships.[3080]

Prizes captures are required to be adjudicated by a Prize court.

E–2.5.2. Booty of War

Belligerents may capture enemy State Vessels,[3081] State Aircraft,[3082] and other military equipment, as well as enemy Merchant Ships[3083] that have become military objects (e.g., by making Effective Contribution to Military Action[3084]) as

[3073] 3–2.2.6. Search and Rescue (SAR), p. 60.
[3074] E–2.5.1. Prize, p. 247.
[3075] E–2.5.2. Booty of War, p. 247.
[3076] E–2.2.2. Merchant Ships, p. 243 .
[3077] E–2.2.4. Civil Aircraft, p. 244.
[3078] 2–1.2.1.4.1. Duties of Neutrality, p. 18.
[3079] E–2.4. Belligerent Rights at Sea, p. 245.
[3080] E–2.2.1.1. Warships, p. 242.
[3081] E–2.2.1. State Vessels, p. 242.
[3082] E–2.2.3. State Aircraft, p. 244.
[3083] E–2.2.2. Merchant Ships, p. 243.
[3084] 2–1.2.1.4.6. Effective Contribution to Military Action, p. 19.

lawful Booty of War. Lawfully captured Booty is exempt from Prize[3085] law (e.g., requirements for the capture to be adjudicated by a Prize court).

Military hospital ships, medical aircraft, and medical transports are immune from capture as Booty of War.

E–3. Dual-Layer Security System

The Dual-Layer (Maritime) Security System refers to Japan's system of employing the JCG for law enforcement[3086] while reserving the JMSDF[3087] for maritime security beyond law enforcement, including higher-intensity operations such as MSO[3088] or conflict and war.

This systems allows GoJ more efficient maritime security operations by allocating and optimizing layers. Maritime Security is also made more effective by separating enforcement and deterrence activities (avoiding excessive power at a scene that may be politically sensitive, make the GoJ vulnerable to adversary narratives that the GoJ is escalating, or allow for greater potential miscalculation). This allows the GoJ message potential adversaries on maritime security enforcement with greater control, using a deliberately non-escalatory force (the JCG) for day-to-day enforcement activities while preserving a combat-capable force (the JMSDF) in reserve to deter and, if necessary, escalate at the time and place of the GoJ's choosing.

Finally, the Dual-Layer Security System also facilitates cooperation on maritime security issues with politically-sensitive partners, including the ROK, Russia, a China, by allowing the JCG, a non-military entity, to be the face of Japanese maritime security.

E–4. 1,000 Mile Operational Responsibility for SLOC Defense

The JMSDF may be referenced to have or have had an intent or obligation to patrol SLOCs out to 1,000 miles from mainland Japan (sometimes termed "Sea Lane Defense"). This predominantly originates from internal shifts in Japanese defense thought in the 1970s, combined with the perception that the U.S.'s ability to unilaterally provide for the defense of the Western Pacific was challenged and might need to be augmented by Japan for its own defense (e.g., as U.S. Navy forces were drawn away into the Arabian Gulf during the Iran crisis, with the increasing conventional military might of the Soviet Navy, including in the Pacific, and with the withdrawal from Vietnam).

A number of key events mark the progress of this defense concept and it has changed shape over the years from implicit desire to explicit policy to complete omission. While military planners should not consider this defense concept as a hard-and-fast policy, backed up with adequate military capability and capacity, it is useful insight into GoJ's perception of its own national defense.

E–4.1. Contemporary Relevance for SLOC Defense

The 1983 Defense of Japan white paper explained the 1,000-mile SLOC defense concept as an exercise in self-defense in part because of Japan's extreme dependence on its sea lanes for critical food and energy supplies. Contemporary interpretations of such extended military operations as self-defense relied on the idea that Japan's dependence on SLOCs for its national survival eliminated the need for an adversary to invade Japan. Thus, requiring such overt and direct attack (invasion or mainland strike) to trigger self-defense eliminated the most likely and (for an adversary) most favorable course of action of controlling Japan through SLOC denial.

This dependence continues today. And similar rationales can be seen in the 2014 constitutional reinterpretation[3089] of Article 9, permitting CSD.[3090] While speculative, in a major regional crisis or conflict, where Japan's SLOCs are actively or potentially threatened, there is precedent for Japan to extend its concepts of self-defense (NSD[3091] and CSD) to exercise self-defense actions (to include potentially Stipulating[3092] Security Situations[3093]) based on hostilities or potential hostilities as far south as Indonesia and the Malacca and Lombok Straits.[3094]

[3085] E–2.5.1. Prize, p. 247.
[3086] 7–4.1. Routine JCG Operations, p. 161.
[3087] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[3088] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[3089] ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People, p. 428.
[3090] 3–4.2. Collective Self-Defense (CSD), p. 86.
[3091] 3–4.1. Individual, Unit, and National Self-Defense (ISD/USD/NSD), p. 85.
[3092] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3093] Chapter 4. Security Situations Framework, p. 90.
[3094] A–5. Selected Maps, p. 200.

E–4.2. Key Milestones in the 1,000-Mile Defense Concept

In the 1970s retired JMSDF officers began publicly stating that Japan must possess greater capabilities to defend its commercial sea lanes, on which the nation relied for vital food and energy supplies. In some cases, these statements included geographic boundaries as far south as Indonesia.

In 1977, the DG of the JDA (predecessor to the MoD), declared that Japan should defend "key sea transport lanes" within 1000 miles of Japan.

In 1981, PM Zenko SUZUKI stated that Japan would provide defense of its SLOCs out to 1,000 miles (this did not necessarily include all maritime operations out to this distance, but merely those conducting protection of commercial sea lanes).

In 1983, PM Yasuhiro NAKASONE stated "For the ocean, our defense should extend several hundred miles, and if we are to establish sea lanes, then our desire would be to defend the sea lanes between Guam and Tokyo and between the Strait of Taiwan and Osaka."[387] In 1983 the Defense of Japan white paper later included this goal as a semi-formal policy for Japan's defense.

In 1987, Yushifumi MATSUDA, a MOFA spokesperson stated, "The government's 'legal position' … is that minesweeping by Japanese forces in international waters is not barred, but that the interpretation is based on protecting sea lanes around Japan."[388]

E–4.3. Interpretations of the Sea Lane Defense Concept

A number of studies[389] have concluded that the JMSDF has never possessed the capability or capacity to carry out defense of sea lanes out to 1,000 miles. This policy may be interpreted as sincere aspiration that was just never realized or sufficiently resourced.

A more convincing explanation was that this policy was targeted to both appease the U.S., as the senior military partner in the Alliance, who was pushing Japan to take more responsibility for their defense (while the U.S. attempted to prioritize resources elsewhere in the world during the 1970s and 1980s) while at the same time drawing the U.S. closer to Japan for defense planning, by creating conditions that necessitated closer U.S.-Japan military planning. Whether this was the intent of the policy or not, it was incontrovertibly realized by Japan, creating more favorable defense conditions.

E–5. The Challenges of Innocent Passage

E–5.1. Innocent Passage

Article 19 of UNCLOS ("Meaning of Innocent Passage") defines innocent passage as the following:

> *(1) Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of International Law*[3095]*.*[390]

Innocent Passage is the right of a vessel to navigate through the TTS[3096] of a foreign state for purposes of traveling from one area of High Seas[3097] to another or passing between the High Seas and the Internal Waters[3098] of the Coastal State.[3099]

There is no right of Innocent Passage through the Internal Waters[3100] of a state and the right of Innocent Passage does not apply to aircraft overflight.

> Innocent Passage may be suspended (by belligerent or neutral state, alike) in both times of peace and war. Such suspension must be on a nondiscriminatory basis, must be temporary, must take place in a specified area of the state's TTS, and must be essential for the protection of the state's security.[391]

Submarines exercising Innocent Passage must navigate on the surface and show their flag.

[3095] 2–1.2.4.1. International Law, p. 22.
[3096] A–4.4. Territorial Sea (TTS), p. 196.
[3097] A–4.10. High Seas, p. 198.
[3098] A–4.2. Internal Waters, p. 195.
[3099] A–4.1.1. Coastal State, p. 195.
[3100] A–4.2. Internal Waters, p. 195.

Japan does not acknowledge that the right of Innocent Passage extends to ships carrying nuclear weapons.

E–5.1.1. Transit Passage (through Straits Used for International Navigation)

Part III of UNCLOS establishes the regime of Straits Used for International Navigation as a special category of strait. For such straits, UNCLOS does not affect the legal status of such Straits (e.g., does not modify their status of TTS,[3101] etc.), but it does establish that navigation through such straits is governed by Transit Passage.

While UNCLOS provides some conditions under which a Coastal State[3102] may suspend Innocent Passage,[3103] Coastal State may not suspend Transit passage.

Transit Passage is the "freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the High Seas[3104] or an EEZ[3105] and another part of the High Seas or an EEZ"[392]

> *This type of transit would allow submarines to transit submerged (which is not allowed through the Territorial Sea in the absence of coastal State consent). Surface warships would be allowed to transit in a manner necessary to provide the necessary security for the transiting battle group.*[393]

Transit Passage does not permit other activity such as maritime research or survey activity or intelligence collection (without prior authorization from the Coastal State[3106]).

The primary distinction between Transit Passage and Innocent Passage navigation and overflight regimes is the ability (or inability) of Warships[3107] and Military Aircraft[3108] to operate in a different manner (e.g., transit submerged, etc.)

Article 39 (Duties of ships and aircraft during transit passage) of UNCLOS places the following duties on ships and aircraft exercising Transit Passage:

> *1. Ships and aircraft, while exercising the right of Transit Passage, shall:*
>
> *(a) proceed without delay through or over the strait;*
>
> *(b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of International Law*[3109] *embodied in the Charter of the United Nations;*
>
> *(c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by force majeure or by distress;*
>
> *(d) comply with other relevant provisions of this Part [Part III of UNCLOS].*
>
> *2. Ships in Transit Passage shall:*
>
> *(a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea [COLREGs];*
>
> *(b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.*
>
> *3. Aircraft in transit passage shall:*
>
> *(a) observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft; state aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation;*
>
> *(b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.*[394]

[3101] A–4.4. Territorial Sea (TTS), p. 196.
[3102] A–4.1.1. Coastal State, p. 195.
[3103] E–5.1. Innocent Passage, p. 249.
[3104] A–4.10. High Seas, p. 198.
[3105] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3106] A–4.1.1. Coastal State, p. 195.
[3107] E–2.2.1.1. Warships, p. 242.
[3108] E–2.2.3.1. Military Aircraft, p. 244.
[3109] 2–1.2.4.1. International Law, p. 22.

E–5.1.2. Warships and Innocent Passage

All Warships, regardless of cargo, armament, or means of propulsion enjoy the right of Innocent Passage through the TTS in accordance with International Law. Neither prior notification nor authorization is required.

If a Warship does not comply with Coastal State regulations that conform to established principles of International Law and disregards a request for compliance, the Coastal State may require the Warship immediately to leave the TTS in which case the Warship shall do so immediately.

E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage)

Article 19 ¶(2) of UNCLOS defines the following activities as "prejudicial to the peace, good order or security of the coastal State" and therefore Non-Innocent Passage:

> *(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;*
>
> *(b) any exercise or practice with weapons of any kind;*
>
> *(c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State; [e.g., collection or "shadow" operations by an AGI vessel or ISR aircraft; however, if the navigation regime of Transit Passage[3110] applies, as in Straits used for International Navigation, such operations would be considered lawful under UNCLOS]*
>
> *(d) any act of propaganda aimed at affecting the defence or security of the coastal State;*
>
> *(e) the launching, landing or taking on board of any aircraft;*
>
> *(f) the launching, landing or taking on board of any military device;*
>
> *(g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;*
>
> *(h) any act of willful and serious pollution contrary to this Convention;*
>
> *(i) any fishing activities;*
>
> *(j) the carrying out of research or survey activities;*
>
> *(k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;*
>
> *(l) any other activity not having a direct bearing on passage.*[395]

GoJ interprets "failures to exercise" Innocent Passage as law enforcement matters. Thus, even while they are violations of a state's sovereignty, they do not justify Use of Force.[3111]

- Any act "prejudicial to the peace" (e.g., harassment or endangering of other vessels)
- Foreign vessels operated by a foreign authority conducting maritime scientific research (e.g., oceanographic surveys) within another nation's EEZ[3112] without the consent of that nation
- Foreign vessels not transiting TTS[3113] (e.g., loitering, hovering, or drifting for extended periods)
- Foreign vessels conducting law enforcement activities (e.g., CCG ships in the TTS surrounding SKI)
- A state may deem the behavior of a foreign Warship[3114] to constitute use of force when it maintains its presence in the TTS and does not comply with a request to leave
  - Japan does not acknowledge this interpretation as it does not consider[3115] intrusions into TTS as Armed Attack.[3116]

E–5.1.4. Enforcement Against Violations

Article 25 of UNCLOS permits states to "take necessary steps to prevent passage which is not innocent," including:

[3110] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.
[3111] 3–3.3. Use of Force, p. 82.
[3112] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3113] A–4.4. Territorial Sea (TTS), p. 196.
[3114] E–2.2.1.1. Warships, p. 242.
[3115] 4–12.9.2. Intrusions into TTA and TTS, p. 127.
[3116] 4–12. Definition of "Armed Attack", p. 121.

- Requesting the ship to stop for inspection
- Arresting persons on board
- Detaining the ship
- Shouldering and bumping the ship to expel it from the TTS[3117]
- Use of force (as a last resort)

However, Article 32 of UNCLOS recognizes the Sovereign Immunity[3118] of Warships[3119] and therefore does not provide the right of the "victim" state to conduct law enforcement actions against foreign Warship.

> For Japan, which considers such violations of Innocent Passage as an exclusively law enforcement matter, this creates a dilemma where Japan has limited itself to a law enforcement response in situations where foreign Warships are not subject to such a response.

E–5.1.4.1. JCG Enforcement Against Foreign Warships

JCG is generally limited to sailing side-by-side with offending foreign Warships[3120] to prevent them from approaching TTS.[3121] The JCG may not board, inspect, search, seize, or arrest offending ships or crew as these actions would constitute law enforcement activities.

E–5.1.5. Temporary Suspension of Innocent Passage

A Coastal State may temporarily suspend Innocent Passage in specified areas of its TTS when it is essential for the protection of its security. Such a suspension must be preceded by a published notice to the international community and may not discriminate in form or fact among foreign ships.

E–5.1.6. JCG Use of Weapons

The JCG is authorized Use of Weapons:[3122]

1. To approach criminals or prevent criminals from escaping
2. For self-protection of the protection of others
3. To suppress resistance to the execution of official duties

When the subject of such enforcement is considered a foreign Warship[3123] (e.g., CCG, CMM):

- The first case does not apply (as foreign Warships have Sovereign Immunity[3124] from law enforcement, even in another state's TTS.[3125]
- The second case is the most likely justification for JCG Use of Weapons against a foreign Warship
  - However, Use of Weapons is restricted to cases where the Use of Weapons would not cause harm exceeding the harm to be prevented; thus, foreign Warships would need to be employing weapons or other destructive means themselves to justify JCG Use of Weapons (e.g., not simply harassing other ships or using non-destructive or minimally-destructive means such as water cannons)
- The third case applies only when JCG must take coercive measures to suppress resistance; however, because of the Sovereign Immunity of foreign Warships, there are limited cases in which JCG would be authorized to take such coercive measures.

E–6. Lawful Targeting of Maritime Militia

Maritime Militia (e.g., CMM) are lawful targets for the JSDF under the following conditions:

-

E–7. Maintaining "Good Order" at Sea

[3117] A–4.4. Territorial Sea (TTS), p. 196.
[3118] E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.
[3119] E–2.2.1.1. Warships, p. 242.
[3120] E–2.2.1.1. Warships, p. 242.
[3121] A–4.4. Territorial Sea (TTS), p. 196.
[3122] 3–3.1. Use of Weapons, p. 77.
[3123] E–2.2.1.1. Warships, p. 242.
[3124] E–2.3. Sovereign Immunity of Maritime Vessels and Aircraft, p. 244.
[3125] A–4.4. Territorial Sea (TTS), p. 196.

Appendix F. Alliance Positions on Taiwan

F–1. Legal Disposition of Taiwan (1895-1971)

F–1.1. Pre-WWII: 1895 Treaty of Shimonoseki

The Treaty of Shimonoseki, signed on 17 April 1985, ended the First Sino-Japanese War. The Treaty ceded the island of Formosa (now the main island of Taiwan) and the Penghu (Pescadores) Islands to Japan.

Because the terms of the Cairo Declaration[3126] stripped Japan of "all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914," some interpret it as intending to leave the island of Taiwan and the Penghus under Japanese control.

The Potsdam Declaration[3127] stated that it implements the terms of the Cairo Declaration but added "and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine." This left the issue of Japan's sovereignty over the island of Taiwan and the Penghus unresolved.

Regardless, both declarations were issued as Communiques[3128] and therefore were Non-Binding Instruments.[3129] Under International Law,[3130] the Treaty of Shimonoseki, the Treaty of San Francisco,[3131] and the Treaty of Taipei[3132] are considered binding International Agreements.[3133]

None of these documents formally recognized the transfer of sovereignty over the island of Taiwan and the Penghus to either the ROC or the PRC. Complicating factors was the fact that Chiense Nationalists, under Chaing Kai-shek had (illegally) occupied these territories in 1945, before they could have been legally transferred to either Chinese government when Treaty of San Francisco went into effect in 1952. Regardless, the Treaty of San Francisco did not address the issue of Taiwan's sovereignty beyond stripping Japan of its sovereignty over the islands in question.

In a legal sense, when the Declarations are set aside as Non-Binding Instruments, the question of Taiwan's sovereignty is very much a legally unsettled issue (scholars sometimes call this the Theory of the Undetermined Status of Taiwan). However, the PRC's view of the Treaty of Shimonoseki as one of the "Unequal Treaties" during its "Century of Humiliation" provide the PRC a rhetorical basis to reject the legal basis of the Treaty of Shimonoseki and emphasize the intent of the less legally-authoritative Declarations.

Article 2 of the Treaty of Shimonoseki states:

https://www.taiwanbasic.com/treaties/Shimonoseki.htm

> *China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon:—*
>
> *(a) The southern portion of the province of Fêngtien within the following boundaries:*
>
> *The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping, from thence the line runs to Fêng-huang, from thence to Hai-cheng, from thence to Ying-kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying-kow, it follows the course of the stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.*
>
> *This cession also includes all islands appertaining or belonging to the province of Fêngtien situated in the eastern portion of the Bay of Liao-tung and the northern portion of the Yellow Sea.*
>
> *(b) The island of Formosa, together with all islands appertaining or belonging to the said island of Formosa.*
>
> *(c) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.*

The Treaty is generally considered one of the "Unequal Treaties" imposed upon China.

[3126] F–1.2.2. The Cairo Declaration, p. 254.
[3127] F–1.2.1. The Potsdam Declaration, p. 254.
[3128] 1–6.2.3, Communiqués and Joint Statements (Legal Status), p. 11.
[3129] 1–6.1.2. Non-Binding Instruments (Legal Status), p. 9.
[3130] 2–1.2.4.1. International Law, p. 22.
[3131] F–1.2.3. Treaty of San Francisco, p. 255.
[3132] F–1.2.5. Treaty of Taipei, p.256.
[3133] 1–6.1.1. International Agreements (Legal Status), p. 8.

F–1.1.1. Abrogation of the Treaty of Shimonoseki

In 1941 the ROC declared war on Japan and issued a proclamation abrogating all Treaties[3134] with Japan, including the Treaty of Shimonoseki.

Those who support ROC claims over Taiwan cite this abrogation as effectively "returning" Taiwan to the ROC, establishing a legal territorial status following the end of World War II (1945) and the Chinese Civil War (1949).

Critics of this position assert that Executory Treaties[3135] (or executory provisions) may be abrogated, legally terminating obligations and responsibilities established by the Treaty. However, Territorial Treaties[3136] (or territorial provisions) are permanent and represent a final exchange or agreement to the bounds of territory, territorial control, or sovereignty. On this basis, the Treaty of Shimonoseki *cannot* be abrogated. This logic reiterates the unsettled nature of Taiwan's territorial status as outlined in § F–1.1. Pre-WWII: 1895 Treaty of Shimonoseki (p. 253).

F–1.2. Post-WWII Disposition of Taiwan

F–1.2.1. The Potsdam Declaration

> The Potsdam Declaration is also referred to as the Potsdam Proclamation.

> The Potsdam Declaration is a is not to be confused with the Potsdam Agreement, issued 1 August 1945, that ended World War II in Europe and addressed occupation and reconstruction in Germany.

The Postsdam Declaration, issued by the U.S., UK, and ROC (as represented by Chaing Kai-shek) on 26 July 1945, outlined the terms of Japanese surrender at the end of World War II (2 September 1945) and, among other things, implemented the terms of the Cairo Declaration.[3137]

Article 8 states:

> *The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.*[396]

F–1.2.2. The Cairo Declaration

> The Cairo Declaration is also known as the Cairo Communiqué.

The Cairo Declaration (issued in the form of a Communiqué[3138]) was the result of the Cairo Conference on 27 November 1943 where the Allies of World War II set their goals for the post-war order. The terms of the Communiqué were later implemented by the Potsdam Declaration.[3139]

The Cairo Declaration states:

> *The several military missions have agreed upon future military operations against Japan. The Three Great Allies [the U.S., UK, and Republic of China as represented by Chaing Kai-shek] expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.*
>
> *The Three Great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.*
>
> *With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan.*[397]

[3134] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3135] 1–6.1.1.1.1. Executory Treaties (Legal Status), p. 9.
[3136] 1–6.1.1.1.2. Territorial Treaties (Legal Status), p. 9.
[3137] F–1.2.2. The Cairo Declaration, p. 254.
[3138] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3139] F–1.2.1. The Potsdam Declaration, p. 254.

Both the PRC and Taiwan have cited the Cairo Declaration as the basis of the One-China Principle[3140] (that Taiwan and Penghu are part of China—with differing understandings of who the rightful government of that one China is).

The controversy over the citation of the Cairo Declaration within the Potsdam Proclamation, in the context of the 1972 Shanghai Communiqué[3141] stems from the following factors:

- The Cairo Declaration was a statement of intent and not a binding resolution
- The Potsdam Proclamation:
  - Provides no mechanism for implementation
  - Provides no timeline
  - Provides no conditions or lack of conditions
  - "Possesses the nature of armistice" and not the "nature of territorial disposition" (FM statement to the Diet in March 1961 (i.e., the Potsdam Proclamation has no legal status to execute the transfer of possession, administration, or sovereignty over territories from one nation to another
    - The islands of Formosa and Pescadores were under Japanese sovereignty until 1952, when the Treaty of San Francisco[3142] (the peace Treaty[3143] that re-established peaceful relations between Japan and the Allied powers) went into effect
    - Chinese Nationalists had occupied Formosa and Pescadores since 1945
    - This left the question of to whom these territories were transferred (i.e., to the PRC or the Government of Taiwan)

F–1.2.3. Treaty of San Francisco

The Treaty of San Francisco, also known as the San Francisco Peace Treaty, was signed on 8 September 1951 (and took effect 28 April 1952) and ended the state of hostilities and re-established peaceful relations between Japan and the Allied Powers (on behalf of the United Nations).

The Treaty[3144] renounced all Japanese rights, privileges, and demands regarding Taiwan, but maintained ambiguous wording regarding Taiwan's political and territorial status. Article 2 of the Treaty states:

> *(b) Japan renounces all right, title and claim to Formosa and the Pescadores.*[398]

Treaty signatories did not include the Soviet Union, ROC, or PRC. Neither the PRC nor the ROC were invited to sign the Treaty due to disagreements over the legitimacy of either government during the Chinese Civil War. The Soviet Union was invited to sign the Treaty but refused.

The San Francisco System,[3145] combined with the 1951 Security Treaty between the U.S. and Japan,[3146] defined Japan's relationships with the U.S. and marks the beginning of Japan's post-war foreign relations history.

> The San Francisco Peace Treaty is not to be confused with the Security Treaty between the U.S. and Japan, signed 8 September 1951 (also signed in San Francisco on the same day as the San Francisco Peace Treaty).

See also §§ G–4.2.1. Treaty of San Francisco (SKIs) (p. 268) and A–1.2.4. Northern Territories (p. 191).

F–1.2.3.1. The San Francisco System (Hub-and-Spoke Treaty System)

The Treaty of San Francisco, combined with a series of bilateral Treaties[3147] signed shortly before and afterwards (including Treaties with ROK, Taiwan, Australia and New Zealand, and the 1951 Security Treaty between the U.S. and Japan[3148]) established the "San Francisco System," also called the "Hub-and-Spoke Treaty System" whereby many regional actors maintained bilateral security relationships and obligations to the U.S., but not among each other.[399]

[3140] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3141] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3142] F–1.2.3. Treaty of San Francisco, p. 255.
[3143] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3144] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3145] F–1.2.3.1. The San Francisco System (Hub-and-Spoke Treaty System), p. 255.
[3146] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.
[3147] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3148] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.

F–1.2.4. (1951) Security Treaty Between the U.S. and Japan

This Treaty,[3149] distinct from the Treaty of San Francisco,[3150] was signed on 8 September 1951 (and took effect 28 April 1952) ended the U.S. occupation of Japan and restored Japan's sovereignty.

This treaty is the predecessor to the MST.[3151]

F–1.2.5. Treaty of Taipei

Formally called the Treaty of Peace between the Republic of China and Japan, and also called the Sino-Japanese Peace Treaty, this Treaty,[3152] signed 28 April 1952 (and taking effect 5 August 1952) re-established peaceful relations between the ROC and Japan, marking the formal end to the Second Sino-Japanese War (1937-1945).

The Treaty states:

> ...
>
> *Article 2*
>
> *It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands.*
>
> *Article 3*
>
> *The disposition of property of Japan and of its nationals in Taiwan (Formosa) and Penghu (the Pescadores), and their claims, including debts, against the authorities of the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores) and the residents thereof, and the disposition in Japan of property of such authorities and residents and their claims, including debts, against Japan and its nationals, shall be the subject of special arrangements between the Government of the Republic of China and the Government of Japan. The terms nationals and residents whenever used in the present Treaty include juridical persons.*
>
> *Article 4*
>
> *It is recognized that all treaties, conventions and agreements concluded before December 9, 1941, between China and Japan have become null and void as a consequence of the war.*
>
> ...[400]

F–1.2.6. Treaty of Peace between the Republic of China and Japan of 1952

F–1.2.7. United Nations General Assembly Resolution 2758

UNGA Resolution 2758, "Restoration of the lawful rights of the People's Republic of China in the United Nations," was passed on 25 October 1971 and recognized the PRC as "the only legitimate representative of China to the United Nations," removing ROC representatives from the UN.

The PRC uses this resolution to support its claim over Taiwan and extends the resolution's implications to implicate the status of Taiwan's sovereignty (i.e., as a part of the PRC rather than as an independent or sovereign nation).

However, the resolution only strictly addresses Taiwan/PRC representation in the UN and does not explicitly implicate any questions of Taiwan's status.

F–2. Japan's National Position on Taiwan

Japan maintains unofficial relations with Taiwan through civilian representative organizations. Since renouncing all rights, titles, and claims to Taiwan in 1952, when the Treaty of San Francisco[3153] went into effect, GoJ has avoided assessing the territorial status of Taiwan, stating that it is not in a position to make such a determination.

[3149] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3150] F–1.2.3. Treaty of San Francisco, p. 255.
[3151] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[3152] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3153] F–1.2.3. Treaty of San Francisco, p. 255.

F–2.1. Potsdam and Cairo Declarations

The Potsdam Declaration[3154] (and by extension Cairo Declaration[3155]), accepted by Japan through its Instrument of Surrender, has been interpreted as Japan's official position that Taiwan should be returned to the ROC.

Combined with the 1972 Normalization Communiqué,[3156] which recognizes the PRC as a "sole legal government of China," this is interpreted by some as Japan "obliquely" accepting Taiwan as a part of the PRC,[401] however the 1972 Communiqué's[3157] statement that Japan "understands and respects" takes a similarly ambiguous position on the territorial status of Taiwan as the U.S.'s "One China Policy."[3158]

F–2.2. 1969 SATŌ-Nixon Joint Statement

The 1969 Joint Statement[3159] includes the following statement related to Taiwan:

> *The President referred to the treaty obligations of his country to the Republic of China which the United States would uphold. The Prime Minister said that the maintenance of peace and security in the Taiwan area was also a most important factor for the security of Japan.*[402]

F–2.2.1. The "Taiwan Clause"

Some commentators refer to these two sentences from the 1969 Joint Statement[3160] as the "Taiwan Clause," going so far as to claim that "the Japanese government would guarantee the deployment of U.S. military personnel stationed in Japan" and describing it as creating a legal obligation for the GoJ.[403] The wording of the clause, while recognizing the importance of peace and stability surrounding the Taiwan issue, provides only loose support to such an assertion. Those who advocate this view sometimes also refer to the following sentence in the 2021 SUGA-Biden Joint Statement as the "New Taiwan Clause:"[404]

> *We underscore the importance of peace and stability across the Taiwan Strait and encourage the peaceful resolution of cross-Strait issues.*[405]

Even if such a "guarantee" were read into the Taiwan Clause, it was nullified with the termination of the Mutual Defense Treaty between the United States and the Republic of China on 1 January 1980. Furthermore, even if the statement were intended to conceal a Secret Agreement[3161] related to Taiwan, Joint Statements do not create legally-binding International Agreements[3162] nor would any such Standing Prior Consultation[3163] be a legal act (being a political act,[3164] instead).

See § B–3.7.2. Emergency Re-Entry Agreement Applicability to a Taiwan Crisis (p. 220) regarding assertions of a Secret Agreement[3165] (the Record of Discussion[3166]) approving RMCO[3167] in the event of an attack on Taiwan.

F–2.3. 1972 Normalization of Japan-PRC Relations

The 1972 normalization Communiqué[3168] between GoJ and PRC ("Joint Communiqué of the Government of Japan and the Government of the People's Republic of China") states:

> ...
>
> *2. The Government of Japan recognizes that Government of the People's Republic of China as the sole legal Government of China.*
>
> *3. The Government of the People's Republic of China reiterates that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of the*

[3154] F–1.2.1. The Potsdam Declaration, p. 254.
[3155] F–1.2.2. The Cairo Declaration, p. 254.
[3156] F–2.3. 1972 Normalization of Japan-PRC Relations, p. 257.
[3157] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3158] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3159] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3160] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3161] B–2.2. The Issue of "Secret Agreements", p. 211.
[3162] 1–6.1.1. International Agreements (Legal Status), p. 8.
[3163] 5–5.2.1. Standing Prior Consultation, p. 139.
[3164] B–1.1. Prior Consultation as a Political, not Legal Act, p. 206.
[3165] B–2.2. The Issue of "Secret Agreements", p. 211.
[3166] B–3.7. Emergency Nuclear Re-Entry Agreed Minute ("Record of Discussion"), p. 218.
[3167] 5–5.1. (U.S. Regional) Military Combat Operations (RMCO) (aka "Unilateral ABO" or "Lethal ABO"), p. 137.
[3168] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.

> *People's Republic of China, and it firmly maintains its stand under Article 8 of the Postsdam Proclamation. [see § F–1.2 Post-WWII Disposition of Taiwan [p. 254]; the Proclamation does not "recognize" or "affirm" the PRC's position]*
>
> *...*[406]

GoJ's position on Taiwan, in the context of 1972 normalization is that Japan agrees with peaceful unification and cannot agree to coercive behavior.

Since 1972, Japan has maintained unofficial relations with Taiwan.

F–2.4. Other

GoJ and Taiwan have both recently changed the names of their diplomatic exchanges (*de facto* Embassies) to more explicitly reference "Taiwan" vice the PRC's preferred "Chinese Taipei."

Deputy PM statements[3169] (ref STS[3170] or STS ref this?)

In December 2021, former PM ABE stated:

> *A Taiwan contingency is a contingency for Japan.*

Ref NSS linking of Taiwan stability to JPN stability

F–2.5. 2022 National Strategy Documents

Japan's 2022 NSS states:

> *Japan's basic position regarding Taiwan remains unchanged. Taiwan is an extremely important partner and a precious friend of Japan, with whom Japan shares fundamental values, including democracy, and has close economic and personal ties. Peace and stability across the Taiwan Strait is an indispensable element for the security and prosperity of the international community, and Japan will continue to make various efforts based on its position that the cross-strait issues are expected to be resolved peacefully.*[407]

Japan's 2022 NDS states:

> *It is believed that through the series of activities around Taiwan, China seeks to create a fait accompli where (the) Chinese military is continuously operating and improve its actual combat capabilities. Moreover, China has launched nine ballistic missiles on August 4, 2022, five of which landed within Japan's Exclusive Economic Zone (EEZ). This was perceived as a threat to local residents.*[408]

F–3. U.S.'s National Position on Taiwan

F–3.1. Overall Policy

The USG's official position on Taiwan, known as the "One China Policy," was established in 1972 by the Shanghai Communiqué[3171] and is guided by the Three Joint Communiqués,[3172] TRA,[3173] Six Assurances,[3174] and the TTA.[3175] Collectively, these form the legal basis for U.S. policy regarding Taiwan

The position of the United States can be summed up in five points:[409]

- The United States did not explicitly state the sovereign status of Taiwan in the three U.S.-PRC Joint Communiqués[3176] of 1972,[3177] 1979,[3178] and 1982[3179]
- The United States "acknowledged" the "One China" position of both sides of the Taiwan Strait
- U.S. policy has not recognized the PRC's sovereignty over Taiwan
- U.S. policy has not recognized Taiwan as a sovereign country

[3169] Deputy PM statements not considered authoritative (in a similar way to how a US Vice President might make a statement that does not imply administration policy). See § C–2.1.1.2. Deputy Prime Minister, p. 224.
[3170] 4–10. Survival-Threatening Situation (STS), p. 111.
[3171] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3172] F–3.2. Three Joint Communiqués, p. 259.
[3173] F–3.3. Taiwan Relations Act (TRA), p. 261.
[3174] F–3.2.3.1. 1982 "Six Assurances", p. 261.
[3175] F–3.4. Taiwan Travel Act (TTA), p. 261.
[3176] F–3.2. Three Joint Communiqués, p. 259.
[3177] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3178] F–3.2.2. 1979: The Normalization Communiqué, p. 259.
[3179] F–3.2.3. 1982: Arms Sales Communiqué, p. 260.

- U.S. policy has considered Taiwan's status as unsettled.

The "Three No's" Policy[3180] refers to a general restatement of the U.S. policy on Taiwan, made in 1998.

> While broad U.S. policy on Taiwan remains consistent, detailed implementation of such policies are occasionally updated. The information below is for reference purpose only and may not reflect the most current policy interpretations or implementation guidance.

F–3.2. Three Joint Communiqués

The Three Joint Communiqués refer to:

- 1972: Shanghai Communiqué ("One China Policy")[3181]
- 1979: The Normalization Communiqué[3182]
- 1982: Arms Sales Communiqué[3183]

F–3.2.1. 1972: Shanghai Communiqué ("One China Policy")

> The "One China Policy" is distinct from the "One China Principle." See § F–3.2.1.1. Distinction from "One China Principle," etc. (p. 259).

The USG's official position on Taiwan, known as the "One China Policy," was established in 1972 by the Shanghai Communiqué which stated:

> *The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.*[410]

This policy does not take a position on issue (i.e., does not agree with or validate either the PRC or Taiwan government's claim to being the legitimate government of the "one China."

F–3.2.1.1. Distinction from "One China Principle," etc.

The "One China Policy" is distinct from the "One China Principle," which is the PRC's position that there is only one sovereign state known as "China," its legitimate government is the PRC, and that Taiwan is an inherent and inseparable part of China.

There is also the "one China with respective interpretations" consensus of 1992 between the (then-KMT) government of Taiwan and the PRC which agreed on "one China" but with disagreement on which was the legitimate government.

These various positions and their intentional ambiguities are often conflated out of ignorance, by mistake, or intentionally.

F–3.2.2. 1979: The Normalization Communiqué

The 1979 Communiqué, known variously as "The Normalization Communiqué " and the "The Joint Communiqué on the Establishment of Diplomatic Relations" established diplomatic relations between the U.S. and PRC while also reaffirming the Shanghai Communiqué.[3184]

The Communiqué[3185] states:

> *The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.*
>
> *…*
>
> *—Both wish to reduce the danger of international military conflict.*

[3180] F–3.5. "Three No's" Policy (1998), p. 262.
[3181] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3182] F–3.2.2. 1979: The Normalization Communiqué, p. 259.
[3183] F–3.2.3. 1982: Arms Sales Communiqué, p. 260.
[3184] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3185] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.

> *—Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.*
>
> *—Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.*
>
> *—The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.*
>
> *—Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American peoples but also contributes to the cause of peace in Asia and the world.*[411]

The Communiqué further terminated official diplomatic relations and mutual defense Treaty[3186] obligations with Taiwan and committed to withdrawing U.S. military forces from Taiwan.

F–3.2.2.1. Differences in English and Chinese Wording

In English, the Communiqué[3187] states:

> *The United States of America **recognizes** the Government of the People's Republic of China as the sole legal Government of China. ... The Government of the United States of America **acknowledges** the Chinese position that there is but one China and Taiwan is part of China.*

In the Chinese text, the Communiqué states:

> *美利坚合众国**承认**中华人民共和国政府是中国的唯一合法政府。…… 美利坚合众国政府**承认**中国的立场，即只有一个中国，台湾是中国的一部分。*

The Chinese verb "承认" is equivalent to the English word "recognizes." This discrepancy was noted at the time by both nations but the Communiqué was signed without a joint agreement on the proper way to interpret or reconcile the text.

Since its signature, the PRC has used this language discrepancy to insist the U.S. "recognized" (i.e., agreed to) the Chinese position. When combined with the U.S. "recognition" of the PRC as "the sole legal Government of China," the PRC has insisted that this constitutes U.S. concurrence to the PRC's claim to be the rightful government over Taiwan. This is often used as the basis for the PRC's occasional claims that the U.S. is violating its own policy on "One China."[3188]

For its part, the U.S. government has insisted on the English language text and that the Communiqué should be read as the U.S. "acknowledging" (i.e., "knowing without necessarily agreeing") the PRC's position.[3189]

F–3.2.3. 1982: Arms Sales Communiqué

The third of the "Three Communiqués," known variously as the "Arms Sales Communiqué" and the "August 17th Communiqué," reaffirms the positions of the previous two Communiqués[3190] while attempting to address the issue of U.S. arms sales to Taiwan.

While acknowledging that "The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations," the Communiqué states:

> *…the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.*[412]

This Communiqué was followed by confidential assurances to Taiwan, known as the Six Assurances.[3191]

[3186] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3187] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3188] F–3.2.1. 1972: Shanghai Communiqué ("One China Policy"), p. 259.
[3189] F–3.2.1.1. Distinction from "One China Principle," etc., p. 259.
[3190] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3191] F–3.2.3.1. 1982 "Six Assurances", p. 261.

F–3.2.3.1. 1982 "Six Assurances"

In 1982, the U.S. secretly communicated "Six Assurances" to Taipei as guiding principles for U.S. policy (declassified in 2020) to clarify :

> *(1) The U.S. has no agreed to set a date for ending arms sales to Taiwan.*
>
> *(2) The U.S. has not agreed to consult with the PRC on arms sales to Taiwan.*
>
> *(3) The U.S. will not play a mediation role between Taipei and Beijing.*
>
> *(4) The U.S. has not agreed to revise the Taiwan Relations Act.*
>
> *(5) The U.S. has not altered its position regarding Taiwan's sovereignty.*
>
> *(6) The U.S. will not exert pressure on Taiwan to enter into negotiations with the PRC.*

These assurances have also appeared in slightly modified forms in other forms, such as a 2016 U.S. Senate resolution.

F–3.3. Taiwan Relations Act (TRA)

The TRA of 1979 outlines unofficial U.S. relations with Taiwan and U.S. commitments to Taiwan's self-defense. The TRA covers Taiwan's main island and the Penghu Island Group (historically known as the Pescadores).

Generally the TRA:

- Preserves and promotes ties to Taiwan, the PRC, and Pacific nations
- Clarifies that U.S. diplomatic relations with the PRC are based upon the expectation that the future of Taiwan will be determined through peaceful means
- Considers any effort to determine the future of Taiwan by other than peaceful means (including boycotts or embargoes) a threat and of graver concern to the U.S.
- Provides Taiwan with arms of a defensive character
- Maintains U.S. capacity to resist any resort to force or coercion that jeopardizes the security, the social, or economic system of the people of Taiwan

The TRA states that it is U.S. policy to:

> *Sec. 2. (b)*
>
> *…*
>
> *(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concerns to the United States [reserve the right to respond to forceful unification];*
>
> *(5) to provide Taiwan with arms of a defensive character [sell arms to Taiwan];*
>
> *(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, or the people on Taiwan [obligates the U.S. to maintain the capability to defend Taiwan from forceful unification but does not oblige the U.S. to take action to do so]*

U.S. implementation of the TRA:

- Allows the U.S. to make available to Taiwan such defensive articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability
- Permits POTUS and Congress to determine the nature and quantity of such defense articles and services based soley on their judgment of the needs of Taiwan
- Requires POTUS to inform Congress promptly of any threat to the security or the social or economic system of the people of Taiwan and any danger to the interest of the U.S.

F–3.4. Taiwan Travel Act (TTA)

The TTA (Public Law 115-135; effective 16 March 2018) expresses the sense of Congress that:

- the USG should encourage visits between the U.S. and Taiwan officials at all levels

- it should be U.S. policy for U.S. officials to visit Taiwan, Taiwan officials to visit the U.S., and encourages TECRO to conduct business in the U.S.

Policy implementation of the TTA allows U.S. General Officers and Cabinet Officials to travel to Taiwan in an unofficial capacity (such travel had been previously restricted).

F–3.5. "Three No's" Policy (1998)

In 1998, the U.S. President stated:

> *I had a chance to reiterate our Taiwan policy, which is that we don't support independence for Taiwan, or 'two China's,' or 'one Taiwan, one China,' and we don't believe that Taiwan should be a member in any organization for which statehood is a requirement.*[413]

This statement became known as the "Three No's" which, restated, are:

> *(1) Not supporting Taiwanese independence*
>
> *(2) Not recognizing two Chinas*
>
> *(3) Not supporting Taiwan's efforts to join international organizations where sovereignty is a membership requirement*

The PRC often interprets or restates the second No as the U.S. "opposing" Taiwan's independence but the U.S. position stated was "not supporting" independence.

F–4. Bilateral

F–4.1. The MST and Taiwan

Article VI[3192] of the MST has often been viewed as grating the ABO for U.S. Regional Treaty Obligations[3193] outside of Japan (subject to Prior Consultation[3194]). While this has never been explicitly and formally stated as the interpretation of Article VI, prior to the termination of the U.S.-Taiwan defense Treaty, it was understood that the MST would (subject to Prior Consultation) allow for U.S. operations in defense of Taiwan. This, combined with other (more recent) national security statements (formal and informal) from GoJ regarding the relationship between peace in the Taiwan Strait and Japan's national security, gives Article VI of the MST limited value in terms of indirectly characterizing the Alliance stance on Taiwan.

F–5. Diplomatic Organizations

As neither the U.S. nor Japan have formal diplomatic relationships with Taiwan as a sovereign state, there are no formal embassies representing the U.S. or Japan in Taiwan nor Taiwan in the U.S. and Japan. Nevertheless, there are established organizations that conduct pseudo-diplomatic relations that are often characterized as *de facto* embassies.

U.S. exchange to Taiwan: **American Institute in Taiwan (AIT)**

Taiwan exchange to U.S.: **Taipei Economic and Cultural Representative Office (TECRO) in the United States**

Japan exchange to Taiwan: **Japan–Taiwan Exchange Association**

Taiwan exchange to Japan: **Taipei Economic and Cultural Representative Office (TECRO) in Japan**

[3192] 2–1.3.5. Article VI—Access, Basing, and Overflight (ABO) (the "Far East Clause" or "MOFA Clause"), p. 27.

[3193] 2–1.3.5.1. Article VI and U.S. Regional Treaty Obligations (Far Eastern Contingency Scenarios), p. 28.

[3194] 5–5.2. Prior Consultation, p. 139.

Appendix G. Policy on the Senkaku Islands

G–1. Overview and Early History of the SKI Issue

The SKIs are a group of uninhabited islands (sometimes referred to as "islets") located within the SSI archipelago, approximately 90 NM (170 km) north of Ishigaki.

The SKIs include five "major islands" and three reefs (under UNCLOS, the five the SKI "islands" would almost certainly be classified as "rocks," instead[3195]) with the largest island (Uotsuri-shima) approximately 1.5 square miles in size. The major islands are:

- Uotsuri-shima
- Taishō-tō
- Kuba-shima
- Kita-Kojima
- Minami-Kojima

The PRC and Taiwan also claim the islands with PRC referring to them as the Diaoyu islands (or less commonly the Pinnacle Islands) and Taiwan referring to them as the Daioyutai/Tiaoyutai Islands.

China claims ownership of the SKIs beginning with Chinese discovery in the 14th century, using the islands as navigation markers between mainland China and the Ryūkyū Kingdom.

Japan annexed the islands in 1895 during the First Sino-Japanese War. During most of the period of Japanese administration, the islands have remained in private possession. From approximately 1900-1940, operated a fish processing plant on the islands (the islands have remained uninhabited since the business failure of the fish processing plan).

In 1945, the SKIs were placed under U.S. occupation along with the rest of the Japan.

In 1952, when the Treaty of San Francisco[3196] restored Japanese sovereignty, the SKIs remained under U.S. control along with Okinawa and the rest of the Ryūkyū Shotō.[3197]

In 1969, the UN Economic Commission for Asia and the Far East identified possible oil and gas reserves in vicinity of the SKI, making the issue of ownership or administration one with potentially significant economic consequences.

In 1971, the PRC began to claim sovereignty over the SKIs.

In 1972, when Okinawa and the Ryūkyū Shotō was reverted from U.S. to GoJ control, the SKIs were included with this reversion, formally passing their administration to Japan.

G–1.1. Military Significance

The islands are well-recognized as having limited military significance. However, within any military context it is important to account for the proximity of the islands in estimating the viability of any military action against them or in their defense. Three of the islands (Uotsuri-shima, Kita-Kojima, Minami-Kojima) and the three reefs are within visual range of each other, making them of greatest value in terms of the ability of involved military forces to mutually-support, whether ashore or at sea.

G–1.1.1. SKI Crisis Scenarios

Some have posited that the most likely SKI crisis would be for the PRC to Blockade the islands. There is also speculation that the PRC might attempt to seize the islands and would do so through airborne operations (for which there would be exceptionally little warning or time for a response before initial forces were landed).[414]

The former mayor of Ishigaki stated, "The situation I am worried about is this: a Chinese ship or fishing boat would come to the island, and fishermen land on the island. Then Japanese police and coastguard officials would go on the

[3195] G–7.1. Rocks or Islands?, p. 268.
[3196] F–1.2.3. Treaty of San Francisco, p. 255.
[3197] D–6. Nansei Shotō, p. 240.

island to remove them. Then the Chinese will give a reason to deploy warships to the island, saying 'we need to protect our citizens.'"[415]

Outside of a SKI-only scenario, it is also plausible in a Taiwan scenario that the SKIs could be a source of destabilization either the PRC or GoJ

G–1.1.1.1. Challenges of a PRC Blockade of the SKIs

In any scenario involving the SKIs, the issue of their sovereignty would be key. However, the legality and severity of PRC blockade actions beyond the watermark (i.e., in the seas within 12 NM of the islands) would depend in large part on thow parties to the crisis recognized the islands, with GoJ recognizing Japanese sovereignty[3198] (making PRC actions at sea within 12 NM illegal and violations of GoJ sovereignty), PRC recognizing Chinese sovereignty[3199] (making their actions plausibly legal defense of PRC sovereignty), and the U.S. taking no formal position on their sovereignty.[3200]

In this context, the U.S. position (of taking no position) could seriously disadvantage GoJ in the information environment and theoretically abet PRC "lawfare" techniques, placing significant strain on the Alliance and/or forcing the U.S. to appear to take a position and thus "take unilateral action to change the status quo" (exactly what the U.S.'s formal position has stated it discourages).

G–1.2. Recent History of Senkaku Confrontations

UN

2005: A Japanese fisherman who owned a lighthouse on Uotsuri Island relinquished his ownership of the lighthouse, making it national property of Japan and falling under the operation of the JCG.

2008 saw the first intrusion of PRC maritime patrol vessels (two China's State Oceanic Administration) into Japan's TTS[3201] around SKI.

2010: PRC fishing boat deliberately collided with JCG patrol ships

In 2012, the GoJ purchased Uotsuri-shima, Minami-Kojima, and Kita-Kokima from Japanese private citizens and renting Kuba island (the fifth island, Taisho, is also owned by GoJ). This purchase was made to preempt a the purchase of the islands from a Japanese nationalist. GoJ feared the private purchase by the Japanese nationalist would aggravate tensions with the PRC and that government purchase would be less inflammatory.

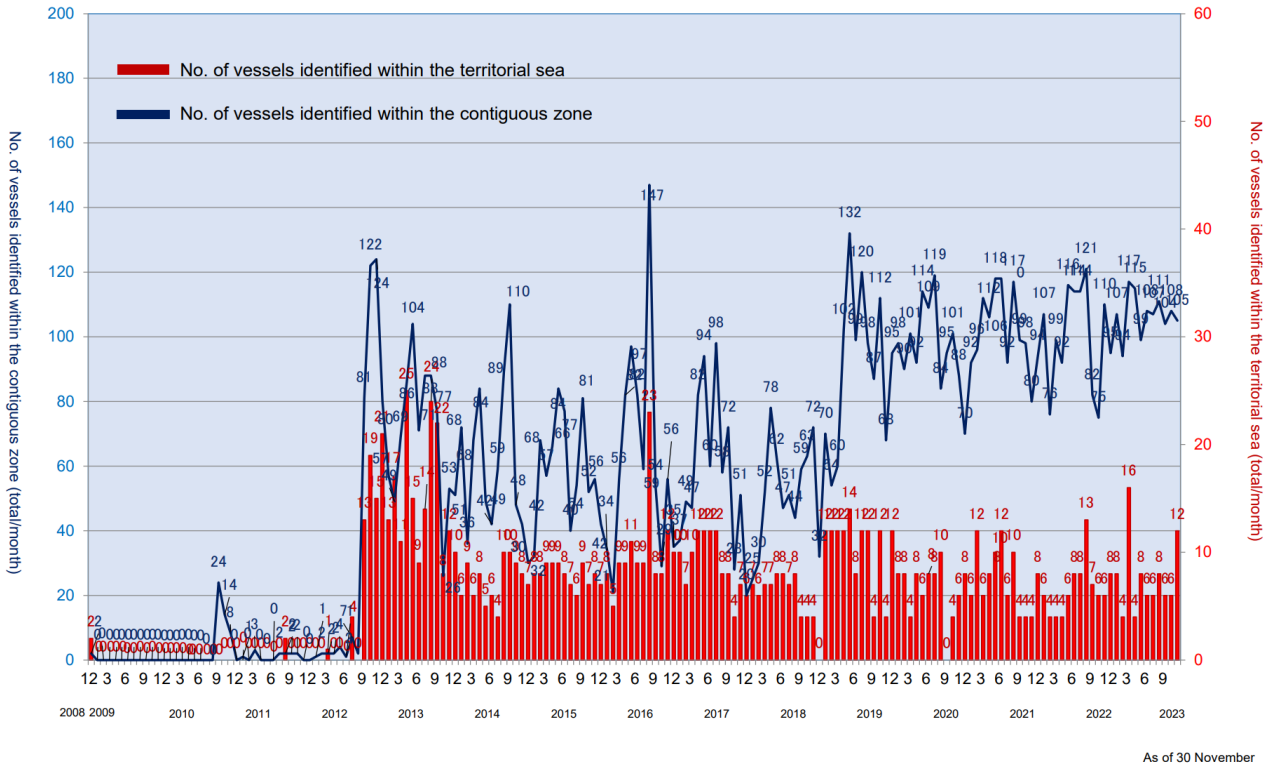
2016: Swarm of 300 PRC fishing boats

In 2021, the PRC passed the Coast Guard Law, authorizing the CCG to operate in PRC-claimed waters including around the SKI.

G–1.2.1. Intrusions of PRC Vessels into Senkaku Waters

The chart below is provided by MOFA and contains information current as of 30 November 2023.

[3198] G–4.1. Basic Policy, p. 267.
[3199] G–5. PRC Policy on the SKIs, p. 268.
[3200] G–3.2.3. U.S. Position on SKI TTS, TTA, CZ, p. 267.
[3201] A–4.4. Territorial Sea (TTS), p. 196.



G–2. Bilateral Policy on SKIs

The U.S. and Japan have routinely bilaterally reiterated that the MST[3202] covers the Senkaku Islands.

See § G–3.2.3. U.S. Position on SKI TTS, TTA, CZ (p. 267).

On example of this bilateral statement is the 2024 Joint Statement[3203] declaring:

> *President Biden also reaffirmed that Article V[3204] [of the MST] applies to the Senkaku Islands. We reiterated our strong opposition to any attempts by the People's Republic of China (PRC) to unilaterally change the status quo by force or coercion in the East China Sea, including through actions that seek to undermine Japan's longstanding and peaceful administration of the Senkaku Islands.*[416]

G–3. U.S. Policy on SKIs

U.S. policy on the SKIs can be defined by two eras, before and after PRC normalization.

G–3.1. U.S. Position before PRC Normalization

The Treaty of San Francisco[3205] transferred administration of the SKI, as part of the Ryūkyū Islands, to the U.S. as the occupying power.[3206]

G–3.1.1. USCAR Proclamation 27

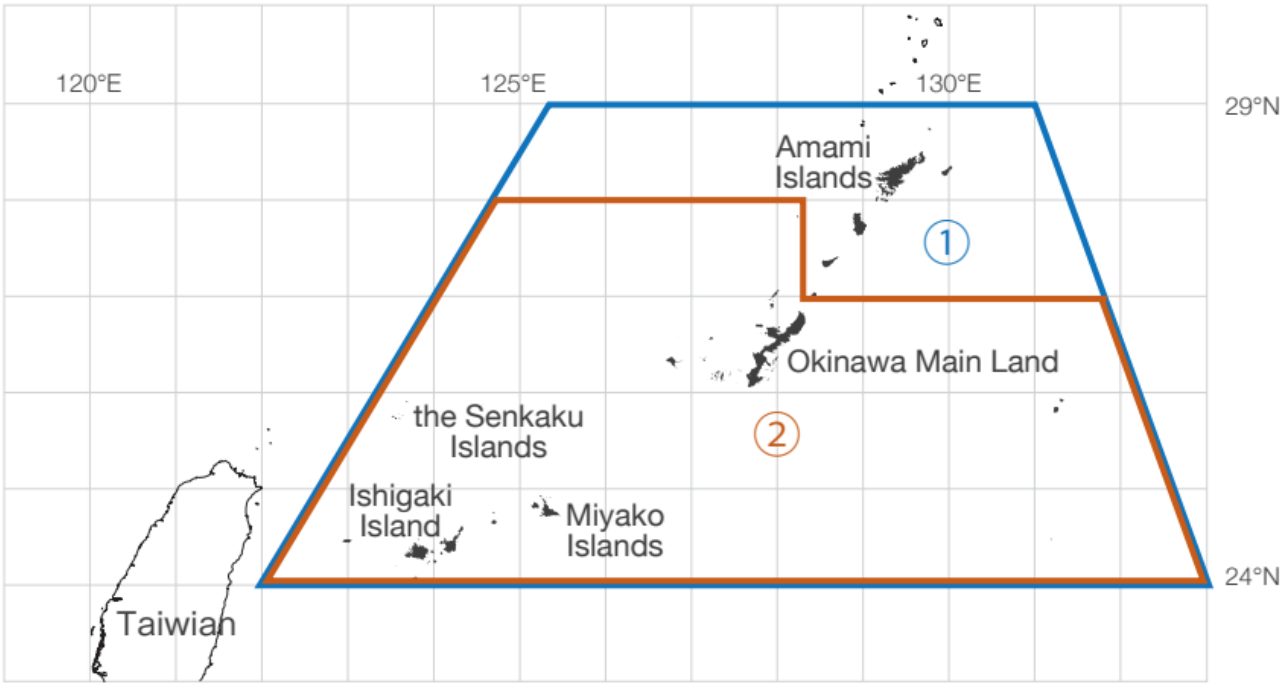
In 1953, U.S. Civil Administration of the Ryūkyūs Proclamation 27 (USCAR 27) defined the area of "Nansei Shotō south of 29 north latitude (including the Ryūkyū Islands and the Daito Islands)," transferred to U.S. administration by Article 3 Treaty of San Francisco[3207] as the area falling within:

> *28° North Latitude, 124°40′ East Longitude; thence*
> *24° North Latitude, 122°′ East Longitude; thence*

[3202] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[3203] 1–6.2.3. Communiqués and Joint Statements (Legal Status), p. 11.
[3204] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[3205] F–1.2.3. Treaty of San Francisco, p. 255.
[3206] G–4.2.1. Treaty of San Francisco (SKIs), p. 268.
[3207] G–4.2.1. Treaty of San Francisco (SKIs), p. 268.

> *24° North Latitude, 133° East Longitude; thence*
> *27° North Latitude, 131°50′ East Longitude; thence*
> *27° North Latitude, 128°18′ East Longitude; thence*
> *28° North Latitude, 128°18′ East Longitude; thence*
> *to the point of origin.*[417] *[depicted in Figure 22]*[418]

Figure 22. The Limit of the area of the Ryukyu Islands shown by USCAR 27 (Office of Policy Planning and Coordination on Territory and Sovereignty, Cabinet Secretariat 2022, 10)



From 1953-1971 the U.S. administered the SKIs as part of its administration of Okinawa Prefecture.[419]

G–3.1.2. Okinawa Reversion Treaty

The 1971 Treaty Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, commonly called the Okinawa Reversion Treaty, returned the SKIs to Japanese administration as a part of the broader return of the Ryukyu Islands.

An Agreed Minute[3208] to the Treaty states:

> *Regarding Article I: The territories denned in paragraph 2 of Article I are the territories under the administration of the United States of America under Article 3 of the Treaty of Peace with Japan, and are, as designated under Civil Administration Proclamation Number 27 [USCAR 27*[3209]*] of December 25, 1953, all of those islands, islets, atolls and rocks situated in an area bounded by the straight lines connecting the following coordinates in the listed order: [coordinates as listed in USCAR 27]*[420]

At the time of the signing of the Treaty[3210] several DoS officials stated that "Nansei Shotō south of 29 north latitude"[3211] was "understood by the United States and Japan to include the Senkaku Islands."[421]

During the U.S. Senate deliberations on the Treaty, then-U.S. Secretary of State William Rogers stated the U.S. position that reversion of the Senkakus with Okinawa would "not affect the legal status of those islands at all."[422] Explaining this position further, acting Assistant Legal Advisor Robert Starr stated:

> *The Governments of the Republic of China and Japan are in disagreement as to sovereignty over the Senkaku Islands. You should know as well that the People's Republic of China has also claimed sovereignty over the islands. The United States believes that a return of administrative rights over those islands to Japan, from which the rights were received, can in no way prejudice any underlying claims. The United States cannot add to the legal rights Japan possessed before it transferred administration of the islands to us, nor can the United States, by giving back what it received, diminish the*

[3208] 1–6.2.2. Agreed Minute(s) (Legal Status), p. 10.
[3209] G–3.1.1. USCAR Proclamation 27, p. 265.
[3210] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3211] G–4.2.1. Treaty of San Francisco (SKIs), p. 268.

> *rights of other claimants. The United States has made no claim to the Senkaku Islands and considers that any conflicting claims to the islands are a matter for resolution by the parties concerned.*[423]

Essentially, this outlines of the U.S. position that prior to the occupation, Japan maintained only administrative control over the SKI due to their disputed sovereignty, thus the U.S. received only administrative control and therefore could only return administrative, not sovereign control over the SKI with the Okinawa Reversion Treaty.

G–3.2. U.S. Position after PRC Normalization

Since 1972, when the U.S.-PRC normalization or relations began, the U.S. has officially taken no position on the sovereignty of the SKIs.[424]

G–3.2.1. Prohibition on Military Use of the SKI

While the SKI have historically been used by the U.S. for military training including target practice, the Department of State has established policies preventing the military use of the SKI by the U.S. since 1979.[425]

G–3.2.2. Armitage Doctrine

Throughout the 1990s, a series of bungled statements by U.S. officials that included incorrect, confusing, or misleading statements about the U.S. position on the SKIs (and subsequent corrections, retractions, and caveats to those statements) led to the need for the U.S. to clarify its stance. This clarification, made in 2004 by then-Deputy Secretary of State Richard Armitage, became known as the "Armitage Doctrine:"

> *The Senkaku Islands have been under the administrative control of Japan since having been returned as part of the reversion of Okinawa in 1972. Article V*[3212] *of the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security [MST] states the treaty applies to the territories under the administration of Japan; thus, Article V of the Mutual Security Treaty applies to the Senkaku Islands. Sovereignty of the Senkakus is disputed. The U.S. does not take a position on the question of the ultimate sovereignty of the Senkaku Diaoyu Islands. This has been our longstanding view. We expect the claimants will resolve this issue through peaceful means and urge all claimants to exercise restraint.*[426]

G–3.2.3. U.S. Position on SKI TTS, TTA, CZ

Because the U.S. does not take a position on sovereignty over the SKIs, it does not recognize the status of the associated airspace or surrounding waters as the TTS,[3213] CZ,[3214] or TTA[3215] of Japan.[3216]

G–4. Japanese Policy on SKIs

G–4.1. Basic Policy

Japan outlines its comprehensive position on the SKIs in a pamphlet published by the Cabinet Secretariat's Office of Policy Planning and Coordination on Territory and Sovereignty. The pamphlet states the basic position of Japan as:

> *There is no doubt that the Senkaku Islands are clearly an inherent part of the territory of Japan, in light of historical facts and based upon international law. Indeed, the Senkaku Islands are under the valid control of Japan.*
>
> *There exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands.*
>
> *Japan will act firmly and calmly to maintain its territorial integrity. Japan continues to strive for peace and stability in the region, which is to be established through the observance of international law.*[427]

G–4.2. Japanese History of Control over the SKIs

Japan first claimed the SKIs in January 1895, by Cabinet Decision,[3217] incorporating them into Japan's territory, arguing that they were previously uninhabited and thus *terra nullius* (a designation under International Law[3218] that permits acquisition of territory by occupation).[428] This was followed by limited Japanese settlements on the islands to extract materials.

[3212] 2–1.3.4. Article V—Mutual Defense (the "MoD Clause"), p. 25.
[3213] A–4.4. Territorial Sea (TTS), p. 196.
[3214] A–4.6. Contiguous Zone (CZ), p. 196.
[3215] A–4.5. National Airspace (TTA), p. 196.
[3216] G–7.2. Sovereignty vs. Administrative Control, p. 269.
[3217] C–2.1.4.1. Cabinet Decision, p. 225.
[3218] 2–1.2.4.1. International Law, p. 22.

The Treaty of Shimonoseki,[3219] which ceded Formosa and associated to Japan, did not mention the SKIs. On this basis, Japan claimes its possession of the SKIs as separate from the Treaty.[3220] By separating its claim to the SKIs from the Treaty of Shimonoseki, Japan attempts to isolates its SKI claim from any arguments that, as an "unequal treaty" the Treaty of Shimonoseki is illegitimate, other claims about the nullification of the Treaty of Shimonoseki based on the Treaty of Taipei,[3221] or arguments that the Potsdam[3222] and Cairo Declarations[3223] should be interpreted as intention of force Japan to forfeit any territorial gains (potentially including those from the Treaty of Shimonoseki).

The 1945 reliquishment of Japanese authority over Taiwan also did not mentioned the SKI.

G–4.2.1. Treaty of San Francisco (SKIs)

Article 3 of the Treaty of San Francisco[3224] transfers administration of the SKI to the U.S. as the occupying power, stating:

> *Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shotō south of 29 north latitude (including the Ryūkyū Islands and the Daito Islands), Nanpo Shotō south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters*[429]

G–4.3. 2008 Japan-China Consensus on the East China Sea Issue

G–4.4. Stance of "Disputes"

Japan denies the status of the SKIs as "disputed,"

> *The Senkaku Islands are indisputably an inherent part of the territory of Japan in light of historical facts and based upon International Law,*[3225] *and are, in fact, effectively under the Japanese control. In the first place, there exists no issue of territorial sovereignty to be resolved concerning the Senkaku Islands*

G–4.5. U.S. Position on SKI TTS, TTA, CZ

Because Japan asserts sovereignty over the SKIs, it recognizes the status of the associated airspace or surrounding waters as the TTS,[3226] CZ,[3227] and TTA[3228] of Japan.[3229]

G–5. PRC Policy on the SKIs

The PRC asserts that the Ming Dynasty, from 1368-1644, considered the SKIs as part of its territory, with the Qing Dynasty, from 1644-1911, placing the SKIs under the jurisdiction of its Taiwan province.

In February 2021, the PRC passes a law permitting CCG to use weapons against foreign ships illegally entering its waters.

G–6. Taiwan's Policy on the SKIs

G–7. Status Under International Law

G–7.1. Rocks or Islands?

UNCLOS Article 121 "Regime of Islands" defines Islands as:

> *(1) An island is a naturally formed area of land, surrounded by water, which is above water at high tide.*

[3219] F–1.1. Pre-WWII: 1895 Treaty of Shimonoseki, p. 253.
[3220] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3221] F–1.2.5. Treaty of Taipei, p. 256.
[3222] F–1.2.1. The Potsdam Declaration, p. 254 .
[3223] F–1.2.2. The Cairo Declaration, p. 254.
[3224] F–1.2.3. Treaty of San Francisco, p. 255.
[3225] 2–1.2.4.1. International Law, p. 22.
[3226] A–4.4. Territorial Sea (TTS), p. 196.
[3227] A–4.6. Contiguous Zone (CZ), p. 196.
[3228] A–4.5. National Airspace (TTA), p. 196.
[3229] G–7.2. Sovereignty vs. Administrative Control, p. 269.

> *(2) Except as provided for in ¶(3), the Territorial Sea,[3230] the Contiguous Zone,[3231] the Exclusive Economic Zone[3232] and the Continental Shelf[3233] of an island are determined in accordance with the provisions of this Convention applicable to other land territory.*
>
> *(3) Rocks which cannot sustain human habitation or economic life of their own shall have no Exclusive Economic Zone or Continental Shelf.*[430]

Based on this definition, it is unclear that the SKIs would constitute "islands" under International Law.[3234] The UNCLOS

The PCA Tribunal, in the case of the South China Sea Arbitration (between the Philippines and PRC over claims in the SCS) restated the meaning of Article 121 ¶(3) as: "an island that is able to sustain either human habitation *or* an economic life of its own." It further clarified that the "ability to sustain human habitation" means that "a feature be able to support, maintain, and provide food, drink, and shelter to some humans to enable them to reside there permanently or habitually over an extended period of time." And that the terms "economic life of their own" means that an Article 121 ¶(1) feature must be able to "support an independent economic life, without relying predominantly on the infusion of outside resources or serving as an object for extractive activities, without the involvement of a local population."[431]

Collectively, this determination would suggest that the SKIs would not be Article 121 ¶(1) features (i.e., Islands) and instead would be considered Article 121 ¶(3) features (i.e., Rocks).

Thus, the SKIs would generate a TTS (and TTA[3235]) and CZ, but no EEZ or CS. However, formal recognition of a TTS or CZ is dependent on recognition of sovereignty claims over the SKIs.[3236]

G–7.2. Sovereignty vs. Administrative Control

UNCLOS makes no provision for "non-sovereign territory" (e.g., "territory under the administration of Japan"). Thus, the territorial properties of the SKIs and associated waters and airspace, derive from sovereignty recognition and not any lesser territorial status (e.g., administration).

As a consequences, the recognized status of land, airspace, and waters associated with the SKIs only have the status of TTS,[3237] CZ,[3238] or TTA[3239] for states that recognize a sovereign claim over the SKIs.

[3230] A–4.4. Territorial Sea (TTS), p. 196.
[3231] A–4.6. Contiguous Zone (CZ), p. 196.
[3232] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3233] A–4.9. Continental Shelf (CS), p. 198.
[3234] 2–1.2.4.1. International Law, p. 22.
[3235] A–4.5. National Airspace (TTA), p. 196.
[3236] G–7.2. Sovereignty vs. Administrative Control, p. 269.
[3237] A–4.4. Territorial Sea (TTS), p. 196.
[3238] A–4.6. Contiguous Zone (CZ), p. 196.
[3239] A–4.5. National Airspace (TTA), p. 196.

Appendix H. Bilateral Planning Process

H–1. Plan Direction

U.S. direction for unilateral, bilateral, and multilateral contingency planning guidance is issued through the CPG and JSCP, including specific planning scenarios and required planning level. The JSCP implements the CPG and provides any amplifying direction and guidance.

GoJ planning direction is provided on an annual basis by MoD through guidance similar in function to the U.S.'s CPG, directing the creation, refinement, or maintenance of JSDF unilateral plans.

Bilateral planning direction is provided through the BPM.[3240] At SCC[3241] direction, the SDC[3242] issues a BPFG.[3243]

H–1.1. Bilateral Planning Framework and Guidance (BPFG)

A BPFG provides alliance intent, policy guidance, broad concept of operations, and planning process guidance, including milestones and timelines to the BPC.[3244]

The BPFG will direct the creation of a BDTA[3245] and may be updated or supplemented as required, to include direction to upgrade a plan in level of detail or to direct a revision (i.e., "change 1") to an existing plan.

H–1.2. Bilateral Dynamic Threat Assessment (BDTA)

The BDTA provides a basis for bilateral understanding of the operational environment and potential adversary COA(s) to support the development of a bilateral plan. The BDTA is the primary bilateral intelligence reference for bilateral studies and planning efforts.

H–2. Plan Tasking

H–2.1. Bilateral Tasking Directive (BTD)

Once broad planning guidance and requirements are issued through the BPFG,[3246]the BPC[3247] issues a BTD which is a directive document that identifies bilateral planning panels responsible for each element of the plan and outlines a detailed timeline for plan development.

H–3. Plan Approval

Bilateral plans are subject to each Ally's unilateral review and approval process.

H–3.1. Bilateral Review

Upon completion of a completed draft plan, the BPC[3248] submits the plan to the SDC for review and bilateral approval. Bilateral plans are subject to each Ally's unilateral plan approval process.

H–3.2. Unilateral Review and Approval

For the U.S., this approval process includes a JS-run JPEC review, followed by a review by at least OSD and DoS to ensure plan alignment to policy.

H–3.3. Bilateral Approval

Once both Allies have approved the plan through their unilateral processes, the BPC[3249] co-chairs sign the finalized plan.

[3240] 6–2.2. Bilateral Planning Mechanism (BPM), p. 151.
[3241] 6–2.2.1. SCC (for the BPM), p. 152.
[3242] 6–2.2.1.1. SDC (for BPM), p. 152.
[3243] H–1.1. Bilateral Planning Framework and Guidance (BPFG), p. 270.
[3244] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[3245] H–1.2. Bilateral Dynamic Threat Assessment (BDTA), p. 270.
[3246] H–1.1. Bilateral Planning Framework and Guidance (BPFG), p. 270.
[3247] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[3248] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.
[3249] 6–2.2.1.1.1. Bilateral Planning Committee (BPC), p. 152.

Appendix I. SECURITY

I–1. INFORMATION SECURITY

I–1.1. Information Sharing

I–1.2. General Security of Military Intelligence Agreement (GSOMIA)

A General Security Agreement (GSA) or General Security of Information Agreement (GSOIA) is a government-to-government agreement concerning the use and protection of each government's classified information, third party transfers, and proprietary rights.

A General Security of Military Intelligence Agreement, or GSOMIA, is a narrower form of a GSOIA focused on Classified Military Intelligence (CMI).

GSOIA/GSOMIA are legally-binding International Agreements[3250] that establish terms for the protection and handling of classified information provided by either partner to the other.

The U.S.-Japan GSOMIA covers:

- Destruction, Reproduction, Release, Transmission and Storage of CMI
- Protection of CMI
- Security and Classification Markings
- Personnel Access to CMI
- Facility Security
- Translation
- Loss or Compromise of CMI

As of 2023, Japan established Information Sharing Agreements (ISA) with the following countries/organizations:

- Australia
- France
- Germany
- India
- Italy
- NATO
- RoK
- UK
- U.S.

As of 2023, Japan was under negations/discussions for ISAs with the following countries:

- Canada
- New Zealand
- Ukraine

I–1.3. Trilateral Information Sharing Agreements (TISA)

TISAs provide for information sharing on specified subjects. Unlike a GSOMIA,[3251] information sharing under TISA is restricted to the specified cooperative activities.

> TISA information is marked "[Country Name] TISA//REL to AUS, JPN, USA." TISA markings are not considered a U.S. classification marking and TISA materials must also be marked with recognized U.S. markings.

[3250] 1–6.1.1. International Agreements (Legal Status), p. 8.

[3251] I–1.2. General Security of Military Intelligence Agreement (GSOMIA), p. 271.

I–1.3.1. Japan-U.S.-RoK TISA

The Japan-U.S.-RoK TISA provides for information sharing on the subject of DPRK nuclear weapons and missiles.

I–1.3.2. Japan-U.S.-Australia TISA

The Japan-U.S.-Australia TISA consolidates the following "Security of Information Agreements" and provides a framework for the sharing of classified information pertaining to the planning or conduct of "Cooperative Activities."

- 2012 Japan-Australia GSOIA
- 2002 Australia-U.S. GSOIA
- 2007 Japan-U.S. GSOIA

Cooperative Activities are mutually determined activities specified in an Annex to the TISA. These currently include: "Planning or conduct of defense exercises or operations in which all of the participants are involved, taking into account situational awareness of the region." Annex contents are currently UNCLASSIFIED but an expansion of the Annex may result in its classification.

I–1.4. Bilateral Information Security Consultation

See § 6–4.5. Bilateral Information Security Consultation (BISC) (p. 156).

I–2. Classification Markings

I–2.1. //JOINT Production Guidance

JOINT production refers to CUI or CMI material bilaterally produced with the JSDF, derived from bilateral plans marked as //JOINT SECRET JPN USA//REL TO USA, JPN.

Material derived exclusively from //JOINT SECRET JPN USA//REL TO USA, JPN is not subject to FDO review/release approval.

Material that combines //JOINT SECRET JPN USA//REL TO USA, JPN and SECRET//REL TO USA, JPN material must be marked SECRET//REL TO USA, JPN and is subject to FDO review/release approval and must undergo Foreign Disclosure procedures.

//JOINT SECRET JPN USA//REL TO USA, JPN material may not be released to third parties without approval from both the U.S. and Japanese governments.

Joint Secret or Joint CUI materials are marked in accordance with derivative classification instructions no differently than unilateral U.S.-owned CMI or CUI.

//JOINT SECRET or //JOINT CUI material is derived from Joint Secret or Joint CUI bilateral planning efforts that jointly created by the U.S. and Japan. Material exclusively derived from //JOINT S material is jointly-owned and marked as //JOINT S, regardless of whether they are created in the presence or with the immediate collaboration of JSDF personnel.

I–2.1.1. //JOINT vs. U.S. SECRET Precedence

Because //JOINT classified information (e.g., "//JOINT SECRET …") requires approval of all owning states for release, it is a **more restrictive** marking than U.S. Secret.

However, under current classification marking guidance, in U.S. documents, banner and overall classification markings use the U.S. classification and **not** the JOINT classification. Extracted or derivative //JOINT classified information retains its //JOINT markings.

For example, in a U.S. SECRET document that uses //JOINT SECRET JPN USA information, the //JOINT SECRET JPN USA information will be portion-marked //JOINT S JPN USA//REL but the overall and banner markings will be SECRET//REL.

I–2.2. CENTRIXS-JPN Marking Guidance

All material created or transferred to CENTRIXS-JPN must include the marking "REL TO USA, JPN," whether the material is U.S.-owned (e.g., S//REL) or Joint-owned (e.g., //JOINT SECRET JPN USA//REL).

S//REL material, whether approved for disclosure or not, is authorized on CENTRIXS-JPN. S//REL material on CENTRIXS-JPN that has not been approved for disclosure or release must be stored in a location that is not available to JSDF (e.g., a U.S.-only share drive, within an e-mail inbox, or stored locally on a U.S. user's account).

I–2.3. MoD Dissemination Markings

MoD classification markings lack dissemination markings to specify releasability beyond Japan. This complicates information sharing when working in trilateral or multilateral environments where Japan's information security policies may permit sharing of information with the U.S. that is not permitted to third countries.

I–2.4. TISA

TISA information is marked "[Country Name] TISA//REL to AUS, JPN, USA." TISA markings are not considered a U.S. classification marking but may appear on FGI material. Derivative classifieds must add the appropriate U.S.-recognized classification marking to any TISA-derived material.

I–3. Physical Security

Designated sites law

I–4. Japanese Secrecy Law

I–4.1. Act on Specially Designated Secrets (SDS)

SDS Law establishes punitive sanctions on the unauthorized disclosure/receipt (intentional or negligent) of classified material.

Exceptions may be made for freedom of news reporting which furthers the public interest

Protected subjects include:

- Defense
- Diplomacy
- Counterintelligence
- Counterterrorism

I–4.1.1. Designation of Secrets

The SDS authorizes the head of a GoJ administrative organ to designate the following as protected secrets:

- Designated types of protected information;[3252]
- Which is not publicly disclosed; and
- Which, if disclosed without authorization, has the risk of causing severe damage to Japan's National Security

The duration of protection may not exceed a (renewable) period of 5 years. The total period of renewed protection shall not exceed 30 years without approval of the Cabinet. The Cabinet may extend protection to a maximum total period of 60 years.

I–4.1.1.1. Protected Information

I–4.1.1.1.1. Defense

(a) Operation of the Self-Defense Forces or assessments, plans or studies relevant thereto
(b) Signal information, image information and other important information collected in relation to defense
(c) Collection and sorting of the information set forth in (b) or the capacity thereof
(d) Assessments, plans or studies relevant to the defense capability build-up
(e) Type or quantity of weapons, ammunition, aircraft and other goods provided for use in defense
(f) Structure of the communications network or means of communications provided for use in defense
(g) Cryptology provided for use in defense

[3252] I–4.1.1.1. Protected Information, p. 273.

(h) Specifications, performance or method of Use of Weapons, ammunition, aircraft and other goods provided for use in defense or of those in the research and development stage
(i) Methods of production, inspection, repair or test of weapons, ammunition, aircraft and other goods provided for use in defense or of those in the research and development stage
(j) Designs, performance or internal use of facilities provided for use in defense

I–4.1.1.1.2. Diplomacy

(a) Policies or contents of negotiations or cooperation with the government of a Foreign Country or an international organization which are important to National Security, such as the protection of the lives and bodies of citizens or territorial integrity
(b) Prohibition of import or export or other measures taken by Japan for National Security or the policy thereof
(c) Important information pertaining to the protection of the lives and bodies of citizens, territorial integrity or peace and security of the international community or information that requires protection based on Treaties[3253] and other International Agreements[3254], which has been collected in relation to National Security
(d) Collection and sorting of the information set forth in (c) or the capacity thereof
(e) Cryptology provided for use in communications between the Ministry of Foreign Affairs and overseas diplomatic establishments and other diplomatic purposes

I–4.1.1.1.3. Prevention of Specified Harmful Activities (e.g., Counterintelligence)

(a) Measures for Prevention of Specified Harmful Activities or plans or studies relevant thereto
(b) Important information pertaining to the protection of the lives and bodies of citizens or information from the government of a Foreign Country or an international organization, which has been collected in relation to Prevention of Specified Harmful Activities
(c) Collection and sorting of the information set forth in (b) or the capacity thereof
(d) Cryptology provided for use in the Prevention of Specified Harmful Activities

I–4.1.1.1.4. Prevention of Terrorist Activities

(a) Measures for Prevention of Terrorist Activities or plans or studies relevant thereto
(b) Important information pertaining to the protection of the lives and bodies of citizens or information from the government of a Foreign Country or an international organization, which has been collected in relation to the Prevention of Terrorist Activities
(c) Collection and sorting of the information set forth in (b) or the capacity thereof
(d) Cryptology provided for use in the Prevention of Terrorist Activities

I–4.1.2. Handling Designated Secrets

I–4.1.2.1. Individual Security Clearances

SDS handling is limited to the following categories of people:

- Government personnel
- Employees of eligible contractors
- Prefectural police officers

Such personnel are required to undergo a security clearance process and been found to have no risk of unauthorized disclosure of SDS. Exceptions include:

- The heads of administrative organs, Ministers of States,[3255] Deputy Chief Cabinet Secretaries, Special Advisors to the PM, Parliamentary, Senior Vice-Ministers, Parliamentary Vice-Ministers and other persons who are specified by Cabinet Order[3256] in consideration of the nature of their duties
- Those receiving SDS for the sake of the public interest[3257]

[3253] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3254] 1–6.1.1. International Agreements (Legal Status), p. 8.
[3255] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[3256] C–2.1.4.2. Cabinet Order, p. 225.
[3257] I–4.1.2.3. Disclosure for the Sake of the Public Interest, p. 275.

I–4.1.2.2. Handling Between Government Agencies

SDS exchange between government agencies is not automatic. When SDS are required to be exchanged between agencies, the two ministries consult on the scope of the officials handling SDS and other necessary measures for protection.

I–4.1.2.3. Disclosure for the Sake of the Public Interest

SDS may be disclosed under the following conditions:

- To foreign governments or international organizations: when measures necessary for ensuring the protection of SDS are taken (e.g., a GSOMIA[3258])
- To undisclosed reviews or research by the Diet: when
  - Measures specified by the Diet pursuant to Article 10 of the Supplementary Provisions are taken
  - The head of the providing administrative organ confirms such provision would not cause severe damage to the national security of Japan
- For criminal investigations and other activities for the sake of special public interest: when
  - Measures necessary for ensuring the protection of SDS are taken
  - The head of the providing administrative organ confirms such provision would not cause severe damage to the national security of Japan
- To courts: in accordance with ¶(6), Article 223 of the Code of Civil Procedure
- To review boards for examinations: when
  - In accordance with ¶(1), Article 9 of the Act on the Establishment of the Information Disclosure and Personal Information Protection Review Board
  - When SDS is presented under so-called “in-camera” (i.e., eyes only) procedure

I–4.1.3. Exceptions for News Reporting

The SDS act requires due consideration be given to freedom of news reporting or freedom of news coverage that contributes to guaranteeing the right of citizens to know. The act also outlines that news coverage of protected secrets performed shall be considered lawful as long as it is conducted solely for the benefit of the public and is not found to have been performed through violation of laws or regulations or by extremely unreasonable means.

I–4.1.4. SDF Law Obligation to Preserve Secrecy

See § i–C.12 Article 59—Obligation to Preserve Secrecy (p. 311) for SDF Act (Law No. 165 of 1954, as amended) Article 59, which applies SDS law to SDF personnel.

[3258] I–1.2. General Security of Military Intelligence Agreement (GSOMIA), p. 271.

Appendix J. Constitutionality of the JSDF and Japan's Right to Self-Defense

As outlined in § 2–1.2.1.2 Parsing Article 9 (p. 14), there are a number of constitutional arguments to be made against the existence of the JSDF[432] and Japan's right(s) to self-defense[3259] though they tend to be in the minority.

The Japanese courts have assiduously avoided addressing the constitutionality of the JSDF and the GoJ has paid no attention to constitutional scholars who insist on stricter interpretations of Article 9[3260] that would prohibit the existence of the JSDF and almost all of Japan's modern defense apparatus. This is based on the philosophy of "judicial negativism," which is the policy of not ruling on constitutional issues unless absolutely necessary. While a number of cases have been brought before the Japanese Supreme Court regarding the constitutionality of the JSDF, the court's judgements have never addressed the issue, instead rendering judgments based on other aspects of the cases.

Furthermore, like the U.S. courts, Japan's courts generally apply the "state governance" theory, which holds that certain aspects of state activity are fundamentally political, not legal matters, and are therefore outside the scope of judicial review. The Sapporo High Court applied this theory to the question of the constitutionality of the JSDF, stating:

> *The choice of means of defense is nothing other than a determination of the most fundamental national policy, requiring both a high level of specialized technical judgment and a high level of political judgment.*[433]

The Japanese Supreme Court confirmed the overall judgment of the Sapporo High Court in the case, implicitly endorsing this view that the constitutionality of the JSDF is outside the scope of judicial review.

Separate from the issue of the JSDF's constitutionality as an organization, the Japanese Supreme Court has recognized the inherent right to self-defense of Japan, ruling that Article 9:

> *…renounces the so-called war and prohibits the maintenance of the so-called war potential, but certainly there is nothing in it which would deny the right of self-defense inherent in our nation as a sovereign power. The pacifism advocated in our Constitution*[3261] *was never intended to mean defenselessness or nonresistance.*[434]

As a practical matter, since the establishment of the JSDF in 1954, the courts have largely ignored cases involving Article 9 and the Japanese electorate continues to vote for the same ruling parties, suggesting that the constitutionality of the JSDF is moot, especially given the tight legislative constraints that have been placed on its operations.

Observers have pointed out that polling consistently indicates an apparently paradoxical attitude among the Japanese populace: strong support for the anti-militarism of Article 9 at the same time as strong support for both the increasing capabilities of the JSDF and cooperation with the U.S. to secure Japan's national defense.[435]

From a utilitarian view, Japan's security relies on the U.S.. As established by the principles of the MST[3262] and reinforced over the decades of Alliance cooperation, continued U.S. willingness to maintain the MST and extend Japan security guarantees requires Japan to cooperate with the U.S. on mutual defense issues. Since 1954, when the JSDF was established, this has included the maintenance of the ability for Japan to exercise the "self-help" principle of the MST through its own defense forces. Japan has successfully balanced its own interests and constitutional values against U.S. demands to do more through its restrictions on JSDF activities.

Despite what appears on one hand to be a "hollowing out" of Article 9 and a series of new laws, policies, and (re)interpretations that authorized expanded activities for the JSDF, the war renunciation of the Constitution has indisputably placed strong normative constraints on Japanese defense.

Finally, even advocates for constitutional revision have reason to accept Article 9 as written. There is a case to be made that revision of Article 9 might be perceived as *required* to legitimize the creation and maintenance of the JSDF.[436] Any public debate regarding revisions to Article 9 is bound to feature opponents to revision using this argument (that revisions are required to legitimize the JSDF) during public and legislative debate. While there is no serious risk of such an argument unraveling the existing case for JSDF constitutionality, it presents a real rhetorical challenge and political cost for advocates of revision. Given that Japan has successfully maintained and evolved its organs of defense, such a cost might appear unwise for what is likely to only be a marginal increase in defense capabilities.

[3259] 3–4. Japan's Rights to Self-Defense, p. 85.
[3260] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[3261] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[3262] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.

J–1. Issues Surrounding Japan's Right to Self-Defense

At least two cases comprised the judicial review of the question of Japan's right to self-defense:

- The 1957 Sunakawa Case[3263]
- The 1982 Naganuma Case[3264]

J–1.1. 1952 Sunakawa Case

The Sunakawa Case is also known as SAKATA v. Japan.

In 1957,, residents of Sunakawa (also Sunagawa), brought suit to halt the expansion of a runway at a nearby U.S. base, arguing that U.S. forces in Japan and the 1951 Security Treaty[3265] violated Article 9 ¶(2).[3266] After rulings in favor of the defendants, the Japanese Supreme Court ruled that Article 81 of the Constitution limited its ability to review only concrete cases, not those where the harm was hypothetical. It furthermore decided that the Treaty was beyond the scope of judicial review unless "obviously unconstitutional and void," because it "featured with an extremely high degree of political consideration … having a direct bearing upon the very existence of our country [as a sovereign power]."[437]

> *All the opinions, including those of the three dissenting justices, accepted without any analysis that Japan had an inherent right of self-defense, and that nothing in Article 9 foreclosed the exercise of that right. This part of the judgment was not necessary to the decision, but it remains the only Supreme Court pronunciation on the issue of the right to self-defense. The Court also held that the U.S. forces, not being under the command and control of the Japanese government, did not constitute the armed forces or other war potential prohibited by Article 9(2).*[438]

J–1.2. 1982 Naganuma Case

The Naganuma Case is also known as UNO et al. v. Minister of Agriculture and Forestry.

In 1969, residents of Naganuma brought suit against the GoJ to prevent the reclassification of a nearby forest removed environmental protections to enable the construction of a JSDF missile base. The residents argued that because the JSDF was unconstitutional, the cancellation of the designation on the basis of public benefit was invalid. The courts initially ruled in favor of the defendants that decided the JSDF constituted war potential that was prohibited by Article 9 ¶(2)[3267] and rejected the Supreme Court's political question doctrine established by the 1952 *Sunakawa* Case[3268].[439]

In 1982, upon review, the Supreme Court denied the claim on the basis the residents lacked standing because the missile base had been constructed by then and a series of mitigations had prevented the environmental harm residents sought to avoid. Thus, the Supreme Court's decision side-stepped the question of constitutionality and avoided addressing the Sapporo District Court's rejection of the *Sunakawa* Case reasoning.

J–2. Issues Surrounding Creation of the JSDF

Because the U.S. occupation powers (GHQ) was the authority for the creation of the National Police Reserve, there was no GoJ legislative act to create the NPR, making the NPR's creation an extra-constitutional act.

When the NPR was reorganized into the JSDF, GoJ was forced to rationalize its constitutionality through interpretations of Article 9.[3269] In the (continual) process of legitimizing the JSDF, GoJ

> *created an elaborate and meticulous legal argument on why the existence of the JSDF does not violate Article 9 of the Japanese Constitution. The legal labyrinth created henceforth, together with the JSDF's original nature as a constabulary force, has prevented the JSDF from gaining an identity as a professional military organizations.*[440]

This "continues to handicap it today."[441]

At least two cases comprised the judicial review of the question of the JSDF's constitutionality:

[3263] J–1.1. 1952 Sunakawa Case, p. 277.
[3264] J–1.2. 1982 Naganuma Case, p. 277.
[3265] F–1.2.4. (1951) Security Treaty Between the U.S. and Japan, p. 256.
[3266] i–B.2. Article 9—Renunciation of War, p. 303.
[3267] i–B.2. Article 9—Renunciation of War, p. 303.
[3268] J–1.1. 1952 Sunakawa Case, p. 277,
[3269] i–B.2. Article 9—Renunciation of War, p. 303.

- The 1952 SUZUKI Case[3270]
- The 1962 Eniwa Case[3271]

J–2.1. 1952 SUZUKI Case

In 1952, Mosaburo SUZUKU, then-Secretary-General of the Social Democratic Party, brought a case before the Supreme Court, arguing that the creation of the NPA, predecessor to the JSDF, constituted war potential and was therefore unconstitutional under Article 9.[3272] The court refused to hear the case on the basis that SUZUKI lacked standing as no concrete legal dispute had occurred.[442]

J–2.2. 1962 Eniwa Case

In 1962, farmers in Hokkaido were charged with destroying defense equipment after they cut telephone cables on a JSDF base. The argued that because the JSDF was unconstitutional, the law criminalizing the destruction of defense equipment was void. The Sapporo High Court acquitted the defendants on the basis that the telephone cables did not constitute "defense equipment" and avoided ruling on the issue of JSDF constitutionality.[443]

J–2.3. Hyakuri Base Case

J–3. GoJ Position on the Constitutionality of the JSDF

The GoJ' official view on the constitutionality of the JSDF, established in 1954, outlined that:

> *(i) the Constitution did not deny the right of self-defense;*
>
> *(ii) Japan renounced war, but did not renounce the right to struggle in order to defend itself;*
>
> *(iii) establishment of the SDF was not contrary to the Constitution because the SDF's mission was self-defense and its ability was limited to necessary and adequate levels of self-defense*[444]

In 2004, GoJ stated:

> *The provisions of Article 9*[3273] *of the Constitution seem to prohibit Japan completely from using force in international relations, but in light of the preamble of the Constitution which confirms the right of the Japanese people to live in peace and Article 13*[3274] *of the Constitution which states that people's right to life, liberty, and the pursuit of happiness shall be the supreme consideration in legislation and in other governmental affairs, the government interprets that Article 9 of the Constitution does not prohibit Japan from using minimum and necessary force to remove the risk caused to the people's lives and persons by an armed attack from the outside.*[445]

[3270] J–2.1. 1952 SUZUKI Case, p. 278.
[3271] J–2.2. 1962 Eniwa Case, p. 278.
[3272] i–B.2. Article 9—Renunciation of War, p. 303.
[3273] i–B.2. Article 9—Renunciation of War, p. 303.
[3274] i–B.3. Article 13—Fundamental Rights of the People, p. 303.

Appendix K. Defense Policy Review Initiative

K–1. Overview

> DPRI has become short-hand for a series of related programs and agreements, some of which have been incorporated into DPRI formally, and others which have not. When speaking in specific terms or discussing DPRI with an expert, it is important to lay out these distinctions, where they exist.

"DPRI" used to refer to a set of three agreements:

- FRF[3275]
- Force Reductions and Relocations to Guam
- Land Returns and Shared Use of Facilities

Okinawa comprises <1% of Japan's land area but hosts more than half of the 54,000 U.S. military personnel in Japan and approximately 70% of all "exclusive use" (II.1.[a][3276]) U.S. Facilities and Areas[3277] in Japan.

The SCC[3278] established DPRI in 2002 with the aim of drawing down U.S. military forces in Okinawa, increasing Alliance interoperability, and enhancing Alliance capability. A 2006 "Realignment Roadmap" was updated in 2012, becoming what is now sometimes referred to as the "Program of Record"

https://www.mofa.go.jp/region/n-america/us/security/agree0902.pdf

K–2. Special Action Committee on Okinawa (SACO)

On 4 September 1995, two U.S. Marines and a U.S. Sailor kidnapped and raped a 12-year old Okinawan girl. The brutality of the crime caused shock and anger than incited both GoJ and USG to action, forming the SACO on 2 November 1995.

This rape forced both governments to confront the disproportionate burden Okinawa carried in hosting U.S. forces. SACO's mandate (formed as a working group under the SCC[3279]) was to recommend ways to realign, consolidate, and reduce U.S. facilities and adjust operations while maintaining deterrence, thereby relieving local burdens without degrading alliance capability.

SACO represented the first major institutionalized mechanism to address base-hosting inequities and marked Tokyo and Washington's recognition that long-term alliance sustainability required tangible burden-reduction measures for Okinawa.

K–2.1. SACO Final Report

The SACO completed its work with the issuance of a Final Report which:

> *stipulates the return of land the adjustment of training and operational procedures, noise reduction, and the improvement of operational procedures regarding the SOFA…*[446]

The SACO Final Report laid out a package of land returns, relocations, noise-reduction steps, and operational adjustments while affirming that U.S. force readiness and obligations under the security treaty would be preserved.

The report detailed a plan to accelerate land returns originally agreed to in the 1970s, specifying major returns such as Futenma Air Station (contingent on a replacement facility—the FRF[3280]), the Northern Training Area (NTA), and multiple smaller sites, alongside changes to training (e.g., ending artillery over Highway 104) and strengthened SOFA-related procedures. The report became the baseline for all subsequent posture realignment debates, but its implementation proved slow and politically contentious, especially the FRF.

[3275] K–2.1.1. Futenma Replacement Facility (FRF), p. 280.
[3276] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[3277] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[3278] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[3279] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[3280] K–2.1.1. Futenma Replacement Facility (FRF), p. 280.

K–2.1.1. Futenma Replacement Facility (FRF)

The FRF emerged directly from the SACO commitment to close and return MCAS Futenma while preserving Marine Corps operational capability. The FRF became the central and most contentious element of alliance realignment.

Further negotiated through DPRI[3281] and codified in subsequent SCC documents, the FRF was intended to reduce the burden on local communities while sustaining deterrence against regional contingencies; yet it also became the symbolic core of Okinawan resistance, reflecting deep mistrust toward Tokyo and Washington and the island's long-standing sense of disproportionate burden.

K–3. Global Posture Review (GPR)

In August 2001, SecDef directed a review of worldwide U.S. defense posture, which at the time was based largely on Cold War-era conditions, in light of the changing strategic environment. Whereas U.S. force posture has previously been seen thought regional lenses, the GPR sought to treat global defense posture in a holistic, integrated manner (leading, in part, to significant perception gap[3282] in U.S.-Japan DPRI talks).[447]

K–4. Defense Policy Review Initiative (DPRI)

> DPRI was and remains a subject of contention and political importance to the alliance and each ally respectively. The path of DPRI negotiations (and the path of predecessor and related programs) was turbulent and continues, decades on.
>
> The literature available on DPRI is extensive, but many resources only treat very narrow aspects of DPRI and are often written from one or a limited number of perspectives. These perspectives range from Japanese to U.S. views, defense to state/foreign ministry views, and the views of action officers or tactical commanders to those of policy planers and political appointees. Reading multiple accounts of the same phase of DPRI negotiations can leave readers wondering if the authors of each account were indeed speaking about the same negotiations.
>
> The information below should only be treated as an initial orientation.

DPRI was directed in 2002 by the to review bilateral RMCs that strengthen the Alliance and ensure relevancy in future strategic environments. This review process resulted in an April 2012 agreement that set the framework for a reduction of Marines in Okinawa by redistributing them to Guam, Hawaii, and the continental U.S.. A recent review, in January 2023, amended the final location of certain units allowing them to remain in Okinawa while still adhering to the previous tenets of approximately 9,000 Marines and their families moving out of Okinawa and force flow starting in the first half of the 2020s. The DPRI served both as a sub-component of the GPR[3283] as well as to address the "Okinawa Problem."

DPRI had a troubled start, with stalled negotiations and significant perception gap[3284] issues from December 2002 until the end of 2004. Once negotiations were restarted, DPRI is generally described as proceeding in three phases:

- Establishing a common strategic agenda[3285]
- Defining RMCs[3286] for Japan and the U.S.[3287]
- Finalizing the plan for realignment of U.S. forces[3288].[448]

The three elements that are generally considered to comprise the core of DPRI are the following three major bilateral documents that were the product of the negotiations:

- February 2005 Joint Statement[3289]
- October 2005 U.S.-Japan Alliance: Transformation and Realignment for the 21st Century (ATARA Report)[3290]

[3281] Appendix K. Defense Policy Review Initiative, p. 279.
[3282] K–4.1. DPRI Perception Gaps, p. 281.
[3283] K–3. Global Posture Review (GPR), p. 280.
[3284] K–4.1. DPRI Perception Gaps, p. 281.
[3285] K–4.2. February 2005 Joint Statement, p. 281.
[3286] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.
[3287] K–4.3. October 2005 U.S.-Japan Alliance: Transformation and Realignment for the 21st Century (ATARA Report), p. 281.
[3288] K–4.4. May 2006 U.S.-Japan Alliance: Roadmap for Implementing the Realignment, p. 282.
[3289] K–4.2. February 2005 Joint Statement, p. 281.
[3290] K–4.3. October 2005 U.S.-Japan Alliance: Transformation and Realignment for the 21st Century (ATARA Report), p. 281.

- May 2006 U.S.-Japan Alliance: Roadmap for Implementing the Realignment[3291]

K–4.1. DPRI Perception Gaps

DPRI's troubled initial years, from 2002–2004, can be characterized by major perception gaps about the cause and intent of the initiative.

Japanese alliance managers described DPRI as *beigun saihen kyogi* or "U.S. force realignment talks," focusing on the realignment of U.S. forces *out of* Japan and *out of* Okinawa. They also tended to view DPRI in bilateral terms, as an attempt to resolve issues that specifically stemmed from U.S. force presence in Japan.[449]

In contrast, U.S. alliance managers described DPRI talks in Japanese terms as *bouei seisaku minaoshi kyogi* or "defense policy review talks," approached the talks as part of a broader unilateral effort (the GPR[3292]), and focused on maintaining adequate deterrent capabilities in Japan.[450]

K–4.2. February 2005 Joint Statement

The 19 February 2005 Joint Statement of the SCC[3293] outlined the "common strategic objectives" of DPRI.

The common strategic objectives for the region included:

- *Ensure the security of Japan, strengthen peace and stability in the Asia- Pacific region, and maintain the capability to address contingencies affecting the United States and Japan.*
- *Support peaceful unification of the Korean Peninsula.*
- *Seek peaceful resolution of issues related to North Korea, including its nuclear programs, ballistic missile activities, illicit activities, and humanitarian issues such as the abduction of Japanese nationals by North Korea.*
- *Develop a cooperative relationship with China, welcoming the country to play a responsible and constructive role regionally as well as globally.*
- *Encourage the peaceful resolution of issues concerning the Taiwan Strait through dialogue.*
- *Encourage China to improve transparency of its military affairs. Encourage Russia's constructive engagement in the Asia-Pacific region. Fully normalize Japan-Russia relations through the resolution of the Northern Territories issue.*
- *Promote a peaceful, stable, and vibrant Southeast Asia.*
- *Welcome the development of various forms of regional cooperation, while stressing the importance of open, inclusive, and transparent regional mechanisms.*
- *Discourage destabilizing sales and transfers of arms and military technology.*
- *Maintain the security of maritime traffic.*[451]

The common global strategic objectives included:

- *Promote fundamental values such as basic human rights, democracy, and the rule of law in the international community.*
- *Further consolidate U.S.-Japan partnership in international peace cooperation activities and development assistance to promote peace, stability, and prosperity worldwide.*
- *Promote the reduction and nonproliferation of weapons of mass destruction (WMD) and their means of delivery, including through improved reliability and effectiveness of the Non-Proliferation Treaty, the International Atomic Energy Agency, and other regimes, and initiatives such as the Proliferation Security Initiative.*
- *Prevent and eradicate terrorism.*
- *Coordinate efforts to improve the effectiveness of the United Nations Security Council by making the best use of the current momentum to realize Japan's aspiration to become a permanent member.*
- *Maintain and enhance the stability of the global energy supply.*[452]

K–4.3. October 2005 U.S.-Japan Alliance: Transformation and Realignment for the 21st Century (ATARA Report)

On 29 October 2005, the SCC[3294] released an interim report entitled U.S.-Japan Alliance: Transformation and Realignment for the 21st Century. This report announced an evolution of the RMCs[3295] outlined in the 1997 Defense

[3291] K–4.4. May 2006 U.S.-Japan Alliance: Roadmap for Implementing the Realignment, p. 282.
[3292] K–3. Global Posture Review (GPR), p. 280.
[3293] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[3294] 6–2.1.3. Security Consultative Committee (SCC) ("2+2)", p. 147.
[3295] 2–3.4.1. Roles/Missions/Capabilities (RMC), p. 46.

Guidelines, setting a foundation that would further evolve into what would be codified in the 2015 Defense Guidelines.[3296]

The report is also known as:

- Alliance Transformation and Realignment Agreement (ATARA)
- ATARA Report.

At least one source renders the Japanese title into English as: *U.S.-Japan Alliance: The Revolution and Reorganization for the Future*.

K–4.4. May 2006 U.S.-Japan Alliance: Roadmap for Implementing the Realignment

K–5. The Guam International Agreement (GIA)

The Guam International Agreement is a legally-binding International Agreement.[3297]

"The Agreement Between the Government of Japan and the Government of the United States of America Concerning the Implementation of the Relocation of the III MEF Personnel and Their Dependents from Okinawa to Guam."

8k MEF + 9k dependents

K–6. Timelines

[3296] 2–3.4. 2015 Guidelines for Japan-U.S. Defense Cooperation, p. 46.

[3297] 1–6.1.1. International Agreements (Legal Status), p. 8.

Appendix L. Japanese Year Numbering

L–1. Japan Fiscal Year

The GoJ Fiscal Year (JFY) begins on 1 April and uses the current calendar year's numbering (e.g., 1 April 2024 begins JFY24).

Defense reporting often refers to IOC or acquisition dates in terms of "fiscal year" without specifying and may occasionally conflate JFY and U.S. FY (beginning 1 October and using the following calendar year's numbering). This may result in inadvertently incorrect information, such as stating or implying that something occurring at the end of JFY26 (March 31, 2027) will occur as early as 1 January 2026 (JFY25).

L–2. Traditional Era Names

The traditional Japanese calendar counts years of the Emperor's reign. Each era begins with the ascension of an Emperor to the throne.

- First element: *gengō* or "year name" (i.e., "Reiwa")
- Second element: year number (i.e., "05")

Upon death, the emperor is thereafter referred to by the era of his reign.

> It is protocol in Japan that the reigning emperor be referred to as *Tennō Heika* ("His Majesty the Emperor") or *Kinjō Tennō* ("current emperor").
>
> To call the current emperor by the current era name, i.e. "*Reiwa*", even in English, is a faux pas, as this is—and will be—his posthumous name
>
> Use of the emperor's given name is rare and is considered vulgar.

The Era Name Law of 1979 established the traditional "*gengō*" system as Japan's official method of naming the years. Japan's shortest law, it states:

> *(1) The era name shall be determined by cabinet ordinance.*
>
> *(2) The era name shall be changed only in the case of a succession to the imperial throne.*

L–2.1. Reiwa Era

The current era began on 1 May 2019 and assumes the *gengō* "*Reiwa*." *Reiwa* means "beautiful harmony."

The year number rolls over with the Julian calendar year on 1 January

- 1 May 2019-31 December 2019 was "*Reiwa* 01" or "R01"
- 2023 is *Reiwa* 05 or "R05"
- 2024: R06
- 2025: R07
- 2026: R08
- 2027: R09
- Etc.

L–2.2. Previous Eras

- *Heisei*: 8 January 1989–30 April 2019
- *Shōwa*: 25 December 1926–7 January 1989
- *Taishō*: 30 July 1912–25 December 1926
- *Meiji*: 23 October 1868–30 July 1912

L–2.3. Traditional Era Name–Western Year Conversion Table

1867	*M01*	1897	*M31*	1927	*S02*	1957	*S32*	1987	*S62*	2017	*H29*
1868	*M02*	1898	*M32*	1928	*S03*	1958	*S33*	1988	*S63*	2018	*H30*
1869	*M03*	1899	*M33*	1929	*S04*	1959	*S34*	1989	*S64/H01*	2019	*H31/R01*
1870	*M04*	1900	*M34*	1930	*S05*	1960	*S35*	1990	*H02*	2020	*R02*
1871	*M05*	1901	*M35*	1931	*S06*	1961	*S36*	1991	*H03*	2021	*R03*
1872	*M06*	1902	*M36*	1932	*S07*	1962	*S37*	1992	*H04*	2022	*R04*
1873	*M07*	1903	*M37*	1933	*S08*	1963	*S38*	1993	*H05*	2023	*R05*
1874	*M08*	1904	*M38*	1934	*S09*	1964	*S39*	1994	*H06*	2024	*R06*
1875	*M09*	1905	*M39*	1935	*S10*	1965	*S40*	1995	*H07*	2025	*R07*
1876	*M10*	1906	*M40*	1936	*S11*	1966	*S41*	1996	*H08*	2026	*R08*
1877	*M11*	1907	*M41*	1937	*S12*	1967	*S42*	1997	*H09*	2027	*R09*
1878	*M12*	1908	*M42*	1938	*S13*	1968	*S43*	1998	*H10*	2028	*R10*
1879	*M13*	1909	*M43*	1939	*S14*	1969	*S44*	1999	*H11*	2029	*R11*
1880	*M14*	1910	*M44*	1940	*S15*	1970	*S45*	2000	*H12*	2030	*R12*
1881	*M15*	1911	*M45*	1941	*S16*	1971	*S46*	2001	*H13*	2031	*R13*
1882	*M16*	1912	*M46/T01*	1942	*S17*	1972	*S47*	2002	*H14*	2032	*R14*
1883	*M17*	1913	*T02*	1943	*S18*	1973	*S48*	2003	*H15*	2033	*R15*
1884	*M18*	1914	*T03*	1944	*S19*	1974	*S49*	2004	*H16*	2034	*R16*
1885	*M19*	1915	*T04*	1945	*S20*	1975	*S50*	2005	*H17*	2035	*R17*
1886	*M20*	1916	*T05*	1946	*S21*	1976	*S51*	2006	*H18*	2036	*R18*
1887	*M21*	1917	*T06*	1947	*S22*	1977	*S52*	2007	*H19*	2037	*R19*
1888	*M22*	1918	*T07*	1948	*S23*	1978	*S53*	2008	*H20*	2038	*R20*
1889	*M23*	1919	*T08*	1949	*S24*	1979	*S54*	2009	*H21*	2039	*R21*
1890	*M24*	1920	*T09*	1950	*S25*	1980	*S55*	2010	*H22*	2040	*R22*
1891	*M25*	1921	*T10*	1951	*S26*	1981	*S56*	2011	*H23*	2041	*R23*
1892	*M26*	1922	*T11*	1952	*S27*	1982	*S57*	2012	*H24*	2042	*R24*
1893	*M27*	1923	*T12*	1953	*S28*	1983	*S58*	2013	*H25*	2043	*R25*
1894	*M28*	1924	*T13*	1954	*S29*	1984	*S59*	2014	*H26*	2044	*R26*
1895	*M29*	1925	*T14*	1955	*S30*	1985	*S60*	2015	*H27*	2045	*R27*
1896	*M30*	1926	*T15/S01*	1956	*S31*	1986	*S61*	2016	*H28*	2046	*R28*

Appendix M. International Cooperation Activities

M–1. International Peace Cooperation Activities (IPCA) for Peacekeeping Operations (PKO)

The 2015 PKO Act establishes three categories of UN PKO operations

1. Operations conducted without partiality when consent exists among the warring parties concerning the cessation of cease-fire of an armed conflict and the consent from a host nation and warring parties concerning the acceptance of such operations
   1a. All 5 conditions must be met
2. Operations conducted with the consent of the host nation when an armed conflict has been concluded and warring parties have ceased to exist and the consent from a host nation and warring parties concerning the acceptance of such operations
   2a. Conditions 2, 4, and 5 must be met
3. Operations conducted without partiality for the purpose of conflict prevention when an armed conflict has not yet occurred wit the consent of the host nation concerning the acceptance of such operations
   3a. Conditions 2, 4, and 5 must be met

Cross-walk (& fix) the below with the principle requirements above

IPCA provides the legal basis for JSDF contributions to UN PKOs under Five Conditions.[3298]

In addition to the Five Conditions, any of the following conditions must be met:

> *(1) Based on resolutions adopted by the General Assembly, Security Council, or Economic and Social Council of the United Nations.*
>
> *(2) At the request of:*
>
> *(i) The United Nations*
>
> *(ii) Organizations established by the UN General Assembly or UN specialized agencies, such as the Office of the UN High Commissioner for Refugees or otherwise specified by a Cabinet Order.*[3299]
>
> *(iii) Regional agencies with a track record of relevant operations or with professional capacity set forth under Article 52 of the UN Charter or organizations established under multilateral Treaties,*[3300] *and by the European Union (EU) and others set forth by ordinances.*
>
> *(3) At the requests of countries to which the area where those operations are to be conducted belongs (limited to only those supported by principal UN organizations prescribed in Article 7-1 of the UN Charter.*

Diet Approval[3301] (*Ex Ante*[3302] or *Ex Post Facto*[3303]) is required.

M–1.1. Five Conditions for UN Peacekeeping Operations (PKO)

For Japan to authorize participation in UN PKO, the following five conditions must be met:

> *(1) Agreement on a ceasefire shall have been reached among the parties to armed conflict.*
>
> *(2) Consent for the understanding 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 conflict.*
>
> *(3) The operation shall strictly maintain impartiality, not favoring any of the parties to armed conflict.*
>
> *(4) Should any of the requires in the above-mentioned guidelines [¶¶(1)-(3)] cease to be satisfied, the Government of Japan may terminate the Deployment of the personnel engaged in International Peace Cooperation Assignments.*

[3298] M–1.1. Five Conditions for UN Peacekeeping Operations (PKO), p. 285.
[3299] C–2.1.4.2. Cabinet Order, p. 225.
[3300] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3301] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3302] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[3303] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.

(5) The Use of Weapons[3304] shall be limited to the Minimum Necessary[3305] 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 [i.e., including "kaketsuke-keigo," which is coming to the aid of geographically distant unit or personnel under attack] is allowed.

M–1.2. Use of Weapons during Peacekeeping Operations (PKO)

JSDF personnel engaged in PKO are authorized Use of Weapons[3306] for self-preservation and *kaketsuke-keigo*.

M–2. International Peace Support Act (IPSA) Operations

IPSA is the second legal basis for JSDF to participate in international activities. When the International Community is acting collectively for international peace, Japan may implement cooperation and support activities for the armed forces of foreign countries engaging in such collective activities where:

- Situations threaten the peace and security of the international community; and
- The international community undertakes joint response in accordance with the objectives of the UN Charter to remove the threat; and
- When Japan, as a member of the international community, needs to independently and proactively contribute to these operations

IPSA covers logistics support, SAR, and SIO.[3307]

M–2.1. Requirements

The following UN resolutions (by the General Assembly or the Security Council) are required:

- Resolutions that decide, call upon, recommend, or authorize that foreign countries subject to IPSA support conduct operations to respond to situations that threaten the peace and security of the international community; and
- Resolutions that recognize that the situation is a threat against peace or breach of the peace and call on UN members states to respond to the situation concerned.

Ex Ante[3308] Diet Approval[3309] is required.

M–2.2. Response Measures

The response measures authorized by IPSA include:

- Cooperation and Support Activities
  - Provision of goods and services to armed forces of foreign countries
  - Supply, transportation, repair and maintenance, medical activities, communications, airfield and port services (arrival/departure, loading/unloading), billeting, storage, use of facilities, training services, and construction
  - Provisions of weapons is not included
- SAR operations
- SIO operations[3310]
- Use of Weapons[3311] ("Self-Preservation Type"[3312] only)

M–3. Japan Disaster Relief Team Law

The Japan Disaster Relief Team Law allows GoJ to contribute to the following activities overseas, especially in less-developed regions

- Rescue
- Medical treatment (including the prevention of epidemics)

[3304] 3–3.1. Use of Weapons, p. 77.
[3305] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[3306] 3–3.1. Use of Weapons, p. 77.
[3307] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3308] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[3309] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3310] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3311] 3–3.1. Use of Weapons, p. 77.
[3312] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.

- Activities for disaster emergent response and recovery
- Transportation of personnel or equipment and goods for related activities

Appendix N. Japanese Intelligence Community

N–1. Overview

Japan's IC has five major government agencies and operates in a relatively decentralized manner, with coordination at the CIC[3313] and JIC[3314]:

- CIRO[3315]
- Security Bureau, NPA[3316]
- DIH, MoD[3317]
- IAS, MOFA[3318]
- PSIA, Ministry of Justice[3319]
- FSA[3320]
- Ministry of Finance[3321]
- METI[3322]
- JCG[3323]

Japan's IC is generally characterized by insiders, and scholars both within Japan and abroad as undersized and underfunded, relying heavily on intelligence sharing and liaison, especially with the U.S..[453]

N–2. IC Coordination and Direction

N–2.1. Cabinet Intelligence Council (CIC)

The CIC is a sub-cabinet (vice-ministerial) level organization that meets twice yearly to coordinate IC activities and associated issues. The CIC includes the following standing members:[454]

- Chief Cabinet Secretary (Chair of the CIC)
- Deputy Chief Cabinet Secretaries
- Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM)[3324]
- Assistant Chief Cabinet Secretary in charge of National Security and Crisis Management
- Director of Cabinet Intelligence
- DG, NPA
- Vice Minister, MoD
- DG, PSIA
- Vice Minister, MOFA

N–2.2. Joint Intelligence Council (JIC)

The JIC is a senior official-level organization that meets twice monthly to coordinate IC activities and associated issues. The JIC's standing members include senior officials of the agencies that comprise standing members of the CIC[3325]:[455]

- Deputy Chief Cabinet Secretary for Administration (Chair of the JIC)
- Assistant Chief Cabinet Secretary in charge of National Security and Crisis Management
- Director of Cabinet Intelligence
- DG, Security Bureau, NPA
- Deputy Director, PSIA
- DG, Intelligence and Analysis Service,[3326] MOFA
- DG, Defense Policy Bureau, MoD

[3313] N–2.1. Cabinet Intelligence Council (CIC), p. 288.
[3314] N–2.2. Joint Intelligence Council (JIC), p. 288.
[3315] N–3. CIRO, p. 289.
[3316] N–4. Public Security Bureau, NPA, p. 289.
[3317] N–5. DIH, p. 289.
[3318] N–6. Intelligence Analysis Service (IAS), MOFA, p. 290.
[3319] N–7. Public Security Investigation Agency (PSIA), MOJ, p. 290.
[3320] N–8. Financial Services Agency (FSA), p. 290.
[3321] N–9. Ministry of Finance, p. 290.
[3322] N–10. Ministry of Economy, Trade, and Industry (METI), p. 290.
[3323] N–11. Japan Coast Guard (JCG) Intelligence, p. 290.
[3324] C–2.1.8.1. Deputy Chief Cabinet Secretary for Crisis Management (DCCSCM), p. 228.
[3325] N–2.1. Cabinet Intelligence Council (CIC), p. 288.
[3326] N–6. Intelligence Analysis Service (IAS), MOFA, p. 290.

N–3. CIRO

CIRO is Japan's national intelligence agency responsible to the Cabinet for intelligence on high-priority policy issues and reports to the Prime Minister. While it is sometimes characterized as "Japan's CIA," it lacks its own information collection capabilities and relies on collection from other elements of Japan's IC and it staffed mostly with "secondees" from other ministries and agencies throughout the GoJ.[456]

CIRO works closely with the JNSC.[3327]

CIRO has five departments and three centers:[457]

- General Affairs Department: personnel, budget, and public relations
- Economic Affairs Department: economic activities
- Domestic Affairs Department: domestic issues
- International Affairs Department: foreign affairs
- Research Department: in-depth analysis on foreign affairs
- Cabinet Satellite Intelligence Center (CISCE): operation of Japan's intelligence satellites including imagery analysis (officially termed Information-Gathering Satellites or IGS)
- Cabinet Intelligence Collection Center (CICC): 24-hour operations center to monitor and collect information related to national emergencies or incidents/situations that might lead to national emergencies
- International Terrorism Intelligence Collation Office (ITICO): performs liaison across Japan's IC on terrorism-related matters

N–3.1. Director of Cabinet Intelligence

N–4. Public Security Bureau, NPA

NPA's[3328] Public Security Bureau focuses on intelligence related to organized crime, counter-terrorism, and cyber-crime. NPA has been characterized as the most influential organization in Japan's IC due in large part to its budget and staffing, which significantly exceeds that of other Japanese IC elements.[458]

Foreign intelligence activities of the Public Security Bureau are organized under its Foreign Affairs and Intelligence Department (FAID) which has two divisions: the Foreign Affairs and Counter International Terrorism Division and the Foreign Affairs Division (FAD).

N–5. DIH

DIH provides MoD with national defense- and military-related strategic intelligence necessary to MoD and JSDF operations. The creation of DIH consolidated intelligence organizations within the MoD, organizing them to report directly to the MinDef.

DIH is headed by a three-star general officer and includes the following directorates:[459]

- General Affairs Directorate: responsible for human resources, budget, acquisition, and administrative procedures
- Planning Directorate: responsible for intelligence collection and analyses plans, coordination with other intelligence-related organizations within MoD)
- Analyses Directorate: responsible for collecting open source, imagery, and signals intelligence as well as intelligence gained through intelligence cooperation activities
- Joint Intelligence Directorate: responsible for supporting the CSJSO on JSDF operations
- Imagery and Geography Directorate: responsible for collection and analysis of satellite imagery, to include that purchased from commercial providers
- Signals Directorate: Japan's only SIGINT organization (formerly operated by JGSDF's Annex Chamber of the Second Section of the Intelligence Division [*Rikujo Jieitai Daini Chousa Besshitsu*, better known by its acronym *Cho-betsu*])

[3327] C–2.2. (Japan) National Security Council (JNSC), p. 228.

[3328] C–2.1.5.2.1. National Police Agency (NPA), p. 226.

N–6. Intelligence Analysis Service (IAS), MOFA

Intelligence Analysis Service or IAS (*Kokusai Jōhō Tōkatsukan Soshiki*) is MOFA's intelligence service, analogous to DoS's Bureau of Intelligence and Research.

Intelligence Analysis Service is organized into four divisions:[460]

- First Division: coordinator of activities across the IAS and processes publicly-available intelligence, human intelligence
- Second Division: analyses intelligence on functional issues, such as counter-terrorism, proliferation of WMD, etc.
- Third Division: regional issues for Asia and Oceania
- Fourth Division: regional issues for Europe, the Americas, the Middle East, and Africa

N–7. Public Security Investigation Agency (PSIA), MOJ

PSIA (*Kōanchōsachō*) is MOJ's law enforcement-oriented intelligence organization, focused on intelligence related to domestic terrorism and domestic threats from regional adversaries. PSIA is generally analogous to the U.S. Federal Bureau of Investigation.

Domestically, the First Division of PSIA's Internal Bureau is tasked with the intelligence and analysis that supports the enforcement of

- Subversive Activities Prevention Act (Act No. 240 of 1952)
- Act on the Control of Organizations Which Have Committed Acts of Indiscriminate Mass Murder (Act No. 147 of 1999)

The Second Division of PSIA's Internal Bureau is tasked with international liaison. The Third, Fourth, and Fifth Divisions focus on collection and analysis of intelligence related to domestic activities related to regional threats including North Korea (Third Division), other countries (Fourth Division), and Islamic fundamentalism (Fifth Division).

Due to concerns over potential government restriction of citizen's activities, PSIA is tightly regulated and its authorizing laws explicitly prohibit any expansive interpretation of their authorities. As a result, PSIA can only collect and analyze intelligence. Actual enforcement of law or arrests based on PSIA activities must be conducted by operational law enforcement organizations.

N–8. Financial Services Agency (FSA)

N–9. Ministry of Finance

N–10. Ministry of Economy, Trade, and Industry (METI)

N–11. Japan Coast Guard (JCG) Intelligence

Appendix O. Japanese Nuclear Deterrence

O–1. Japan's "Nuclear Allergy"

For an extended discussion on Japan's Nuclear Policies, focusing on Nuclear Hedging,[3329] read "Japan's Nuclear Hedge: Beyond 'Allergy' and Breakout."[461]

While some describe Japan as having a "Nuclear Allergy," a detailed examination of the history of Japan's nuclear policy debates reveals a more complicated picture:

> *Japan's non-nuclear bona fides are well established. Until its revision in 2012,[3330] Article 2 of Japan's Atomic Energy Basic Law[3331] (1955) stated clearly that research, development, and utilization of atomic energy is limited to peaceful purposes. Japan joined the International Atomic Energy Agency (IAEA) in 1957 and has generously supported the agency's work. After considerable debate and delay—and the receipt from the United States of much greater latitude for nuclear fuel handling and reprocessing—Japan ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)[3332] in 1976 and supported the treaty's indefinite extension in 1995. Japan also ratified the Comprehensive Nuclear Test Ban Treaty in 1997 and was the first to sign the IAEA's Additional Protocol in 1998, allowing a stricter regimen for IAEA inspections of Japanese nuclear facilities.*
>
> *Consequently, it was surprising to some in 2013 when Japan declined to join 74 other nations and sign a statement in advance of the next NPT review stating that nuclear weapons are inhumane and should not be used under any circumstance. This illuminates the other, more realistic side of Japan's approach to nuclear weapons. The Japanese government does indeed believe that some circumstances might warrant the acquisition and use of nuclear weapons, and the fact that Japan's ability to act on this belief rests solely in U.S. hands is unnerving for certain politicians and bureaucrats in Tokyo.*[462]

O–2. Nuclear Hedging

Nuclear Hedging is also referred to as:

- KISHI Doctrine
- Virtual Nuclear Weapons State

Since the 1950s, Japan has established that it maintains the right (and has developed "viable—and unconcealed—options") to develop its own nuclear weapons.[463] Nevertheless, Japan has also established a position of opposing the proliferation of nuclear weapons, including deployment of such weapons into Japan. This strategy has been described as "lying between nuclear pursuit and nuclear rollback," a "balancing act between nuclear approval and nuclear denial," or, more simply, "Nuclear Hedging."[464]

Japan's defense leadership has described its Nuclear Hedge as a signal to the U.S., more than a signal to Japan's adversaries: "[Japan should] establish a structure to develop considerable nuclear armament capability at any time… [so] the United States will get worried about unstable international relations due to nuclear proliferation and will desire to maintain the U.S.-Japan security regime included Extended Deterrence.[3333]"[465]

Japan's Nuclear Hedge contains two components:

- "confirming (and serially reconfirming) the U.S. commitment and capability to use nuclear weapons in defense of Japan."
- "Japan's maintenance of the foundation for its own nuclear weapons program, should the country every make that choice." (Latent Nuclear Weapons Capability[3334])

[3329] O–2. Nuclear Hedging, p. 291.

[3330] "The 2012 amendment to the law adds 'national security' as one of several reasons why nuclear safety should be guaranteed. Although the government and individual lawmakers claim this addition does not conflict with the 'peaceful use' of nuclear energy, the revised law is arguably less clear on this point." (Samuels and Schoff 2013, 2)

[3331] i–Z. Atomic Energy Basic Act (Act No. 186 of 1955, as amended), p. 398.

[3332] 2–3.3.1.3.3. Articles 1 and 2 of the NPT, p. 44.

[3333] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.

[3334] O–3. Latent Nuclear Weapons Capability, p. 292.

O–3. Latent Nuclear Weapons Capability

Japan's Latent Nuclear Weapons Capability has also been termed:

- Latent Deterrent
- Latent Nuclear Capability

O–3.1. Threshold (Breakout) Status

Sources differ in their estimation of the speed with which Japan could realize a nuclear weapon. Most estimates cite 1-2 years as an optimal timeline,[466] others suggest six months or less, and yet others expect a decade or more.[467] One reason for the divergence in such estimates is their differing definitions of when a nuclear capability is realized, with some referring to the construction of a single nuclear device, others include in their definitions of nuclear capability a missile delivery system, and yet others describe a "robust, survivable arsenal."[468]

O–4. Nuclear Autonomy

Japan has explored the possibility of Nuclear Autonomy in the past and determined that, as an option, it is inferior to continued reliance on U.S. Extended Deterrence.[3335] In addition to the economic and cultural obstacles, there are serious imbalances in autonomous nuclear deterrence that call into question the credibility of a Nuclear Autonomous Japan.

O–4.1. Arguments Against Nuclear Autonomy

1968/70 Internal Report

One source[469] outlines the following rationale against Japanese Nuclear Autonomy:

- Imbalance of Conflict Costs (the "Smallness" of Japan)
  - The overconcentration of the Japanese population in a small number of metropolitan areas increases the risks to Japan of nuclear conflict while presenting nuclear adversaries a critical vulnerability (informally put: the U.S. as a nation would survive if it lost New York, Japan would not survive if it lost Tokyo)
    - This means a potential nuclear adversary need only possess a relatively limited nuclear arsenal to impose a substantial nuclear cost on Japan
      - This dynamic is also relative to a potential nuclear adversary; for example, the PRC's 'largeness' in terms of population, geography, industrial capacity, etc. means a nominally equal nuclear exchange would have outsized effects against Japan but 'undersized' effects against the PRC (by comparison)
  - Japan lacks strategic depth to even hypothetically absorb the costs of even limited nuclear conflict
  - In contrast, under Extended Deterrence, the credibility of Japan nuclear deterrence is bolstered by the 'largeness' of the U.S. as the "nuclear deterrer," which balances this "smallness" factor
- Imbalance of Nuclear Offensive Power from Proximity
  - Proximity to potential nuclear adversaries…
  - Reduces BMD effectiveness by shortening response times (which reduces aggregate P_K of any BMD network)
  - Increases the number of nuclear delivery systems an adversary can use (i.e., allows the use of artillery rocket, SRBM, or aircraft-based delivery systems), increasing the nuclear threat that must be credibly deterred
  - Reduces national decision-making time in response to a first-strike (reducing the credibility and deterrent value of a second-strike capability)
  - Increases the ambiguity when rapidly identifying attack indications For example, a nuclear autonomous Japan would have to definitively identify any nuclear launches towards parts of Japan from either the PRC or DPRK as being directed at Japan (thus requiring a second-strike retaliation) instead of being directed *over* Japan (e.g., at the U.S.). By contrast, the U.S. can have higher confidence that any nuclear launches west over the Atlantic, east over the Pacific, or across the Arctic Circle, over Canada are directed at the U.S. and not another target.
- Imbalance of Resolve from Lack of Weaponization Experience
  - The "smallness" and proximity challenges increase the need for high confidence in the effectiveness of any nuclear weapon used for deterrence. With no nuclear weaponization experience, the effectiveness of any Japanese-developed nuclear weapon would be in question both by the GoJ and any target of nuclear

[3335] 2–3.3.2. U.S. Extended (Nuclear) Deterrence, p. 44.

deterrence, overall reducing the credibility of such a deterrent. The timelines required for testing would mean that any threshold development of a nuclear weapons capability[3336] might result in limited deterrent value until extensive testing could be conducted and the weapon's effectiveness proved. This would take the "A" out of "MAD."

It is also often recognized that a superpower's Extended Deterrence will (if credible) always be more potent than a weaker state could accomplish with its own nuclear weapons.[470]

[3336] O–3.1. Threshold (Breakout) Status, p. 292.

Appendix P. Japan's GNSS - Quazi-Zenith Satellite System (QZSS)

P–1. Overview

QZSS, also known as Michibiki (**みちびき**) is Japan's domestic GNSS constellation with (as of early 2024) 4 satellites (known as Quazi-Zenith Satellites or QZS) operational, 7 planned, with possible future expansion to 11.[3337]

U.S. planner familiarity with QZSS is limited and, with focus on GPS-contested or GPS-denied environments, U.S. planners often have basic questions about QZSS and how it might complement or substitute for U.S. GPS-based PNT.

> QZSS may be referred to as Japan's "domestic GPS," implying that it is a redundant or alternative system, independent of GPS. But QZSS augments and integrates with GPS and provides its services using the same signals and frequencies as GPS, increasing reliability and accuracy, but providing limited protection from attacks on GPS.

P–2. QZSS Basics

Japan's extensive urban and mountainous terrain makes sole reliance on the U.S.-operated GPS system unreliable due to factors like satellite availability (e.g., too few satellites in view) or multipath errors (e.g., signals reflected off terrain or buildings, resulting in positioning errors or reduced precision).

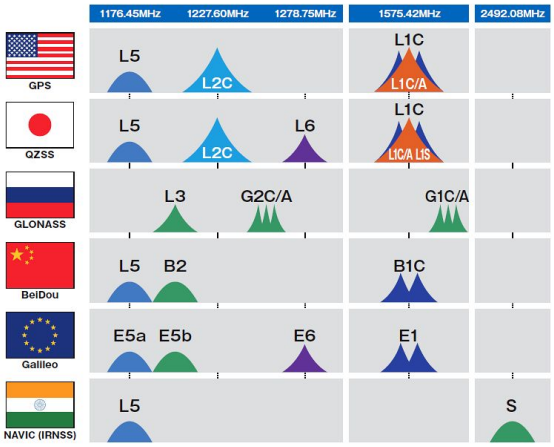
To reduce these issues, QZSS was launched to augment the U.S. GPS constellation, providing Japan-based users a higher number of available satellites and thus providing a similar level of GPS-based PNT as is available elsewhere.

> As a result, QZSS increases GPS-signal availability in Japan, with limited benefits for PNT resilience against GPS-denial (or other interference). QZSS does not offer an "alternative" to GPS in the sense of a PNT availability in a GPS-degraded environment.

P–2.1. QZSS Signals and Frequencies

As a GPS-augmentation system, QZSS uses on the same signals, frequencies, and timing as GPS with the addition of the L6 signal (1278.75 MHz), which provides additional capabilities suitable for high-lag civilian applications.

Figure 23. Comparison of GNSS Signals and Frequencies (Cabinet Office, National Space Policy Secretariat 2021)



> Because QZSS is designed to augment GPS, its current and planned orbits do not support PNT for real-time use cases (with low DoP[3338]) from QZSS satellites alone. The U.S.-operated GPS constellation must also be accessible by users of QZSS for real-time and near-real-time uses.

[3337] P–3. Future Plans, p. 295.

[3338] P–4.1.1. Physical Challenges (the DoP Problem), p. 296.

P–2.1.1. Services

Through its provided signals, QZSS provides the following services:

- PNT services integrated with GPS
- SLAS (Sub-meter Level Augmentation Service): Processes L1S signals to reduce precision errors from sources such as ionospheric delay, orbit errors, and clock errors; suitable for moderate-lag use cases such as shipping, pedestrians, and bicycles.
- CLAS (Centimeter Level Augmentation Service): Processes L6D signals received from mobile users, fixed user control stations, and QZSS control stations to provide precise location data; suitable for high-lag use cases such as land surveys, automated construction, and automated agriculture
- MADOCA-PPP (Multi-GNSS Advanced Orbit and Clock Augmentation-Previse Point Positioning): Processes observations from multiple GNSS services to provide highly-precise location information; suitable for high-lag use cases
- DC Report: Satellite-based broadcasts over the L1S signal to provide information related to disaster or crisis management (e.g., text for display on user devices or traffic signs)

P–2.2. Orbit

The current QZSS constellation (with 4 satellites, as of early 2024), employs one geostationary satellite with the other three satellites in "Tundra" orbits (with ground traces drawing asymmetric figures-8 patterns known as analemmas), with each orbit 120° from the other two. This orbit may also be referred to as Quazi-Zenith Orbit (QZO). The QZSS orbits ensure at least one satellite is always almost directly overhead of Japan (at or near a zenith, hence the system's name).

P–2.1. QZSS Clocks and Ground Control System

The QZSS ground segment provides Japan a completely independent ability to maintain the QZSS constellation and all of its services, including maintaining independent timing (which can be synchronized with the UTC standard, just as U.S. GPS does).

The QZSS ground segment includes the Master Control Station (MCS), Monitoring Stations (MS), and Telemetry, Tracking, and Command (TTC) stations.

The MCS controls QZS navigation processes telemetry data to maintain awareness of satellite location and health.

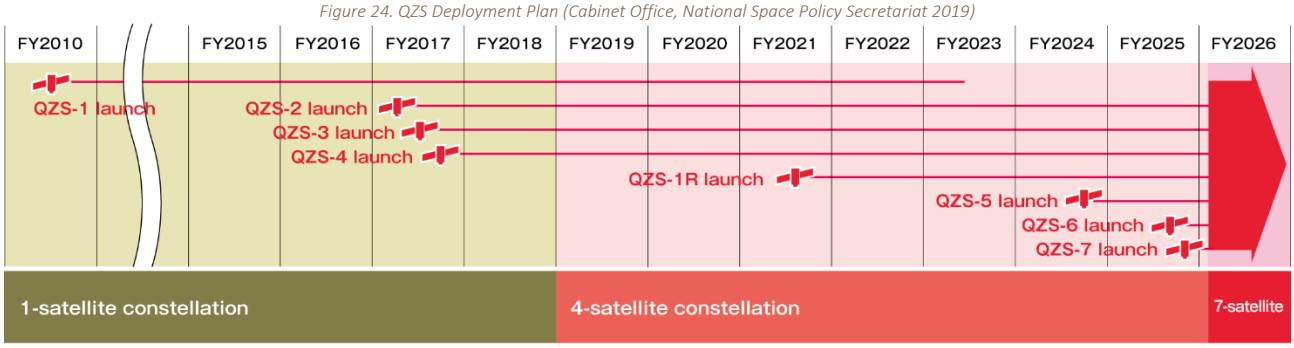
MSs are located domestically within Japan and at foreign sites under QZSS orbits. QZSS MSs are collocated with GPS MSs.

Unlike MSs, QZSS maintains its own TTCs, located in Ishigaki, Miyako, Kumejima, Okinawa, Tanegashima, and Hitachi Ota, with MCSs located at Kobe and Hitachi-Ohta

P–3. Future Plans

Japan's updated July 2023 Basic Space Law and Space Security Initiative announced plans to grow the QZSS program up to an 11-satellite constellation, beginning in 2030. The 4 additional satellites are to be developed with input from the JSDF to integrate military signals into a resilient satellite bus.

Figure 24. QZS Deployment Plan (Cabinet Office, National Space Policy Secretariat 2019)



In addition to PNT capabilities, GoJ has plans to include SSA payloads on satellites 6 and 7 with deployment projected in 2025.

P–4. QZSS AS A GPS FALLBACK

P–4.1. Challenges

P–4.1.1. Physical Challenges (the DoP Problem)

In GNSS, Dilution of Precision (DoP) refers to a measure of the geometric distribution of satellites in view of a given receiver. Closely positioned satellites result in a higher DoP with lower precision. When fully-fielded, QZSS will provide two geostationary and one pseudo-geostationary satellites with four satellites in QZO.

Without augmentation by the U.S. GPS constellation, QZSS alone will provide PNT only at high DoP values and only in regions immediately surrounding Japan. At greater distances from Japan, DoP values will increase and QZSS-based PNT is not possible.

P–4.1.2. Technical Challenges (PRN Codes)

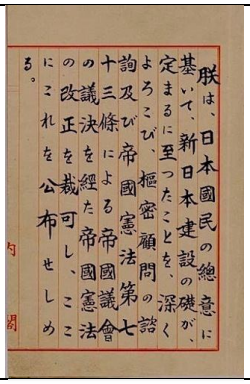
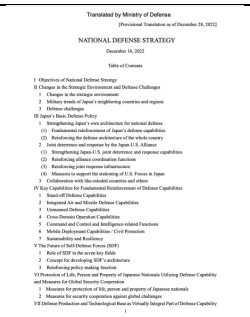
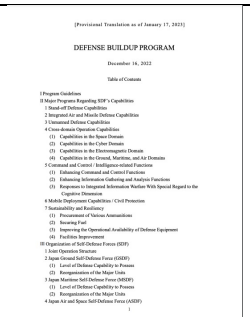
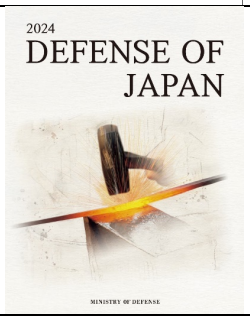
GPS-based systems identify satellites by their unique PRN code. Legacy versions of the GPS technical interface specification IS-GPS-200 only accounted for 32 PRNs. While updated versions of this specification allow for PRNs above 32, legacy receivers may have implemented the 32 PRN limit such that PRNs above 32 are not able to be processed as valid signals by the receiver (making the receiver functionally "blind" to signals from such satellites).

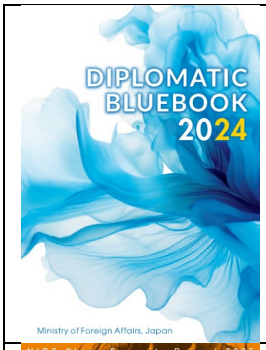
QZSS PRNs are greater than 32, meaning that legacy GPS receivers may be unable to process QZSS signals.

P–4.1.3. Policy Challenges

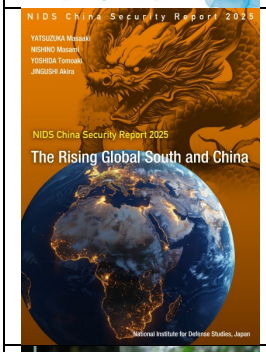
Appendix Q. REFERENCES

The following references are provided as general sources for additional or important information. See vi–A. Bibliography (p. 447) for a complete list of sources used in this guide.

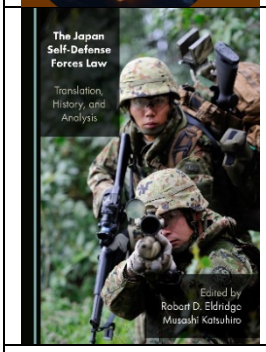
	**The Constitution of Japan** *https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html*
	National Security Strategy Japan's supreme national security policy document. It outlines the Government's strategy to respond with a whole-of-government approach in a wide range of areas including economic security, technology, and intelligence, in addition to the traditional areas of diplomacy and defense. *https://www.mod.go.jp/j/approach/agenda/guideline/pdf/security_strategy_en.pdf*
	**National Defense Strategy** Outlines Japan's defense objectives and its approaches and means by which Japan accomplishes those objectives. The NDS establishes a policy for the fundamental reinforcement of defense capabilities, including the possession of counterstrike capabilities. (10-year outlock) *https://www.mod.go.jp/j/approach/agenda/guideline/strategy/pdf/strategy_en.pdf*
	**Defense Buildup Program** Prescribes levels of defense capabilities for Japan to possess, JSDF's architecture (10-year outlook), and total sum of 5-year expenditures and quantity of major equipment. (5-year outlook) *https://www.mod.go.jp/j/approach/agenda/guideline/plan/pdf/program_en.pdf*
	**Defense of Japan 2024 White Paper** *By Japan Ministry of Defense* Comprehensively explains Japan's defense approach, capabilities, legal foundation, and authorities. Provides detailed explanations and graphics for all aspects of Japan's defense, including the U.S.-Japan Alliance *https://www.mod.go.jp/en/publ/w_paper/index.html* *(Issued annually in the **July-August** timeframe; digest version normally precedes full translation by approx. **6 weeks**)*



Japan Diplomatic Blue Book 2024
By Japan Ministry of Foreign Affairs
Annual report on Japan's Foreign Policy and Activities
https://www.mofa.go.jp/policy/other/bluebook/index.html
*(Issued annually in the **July-August** timeframe; digest version normally precedes full translation by approx. **6 weeks**)*



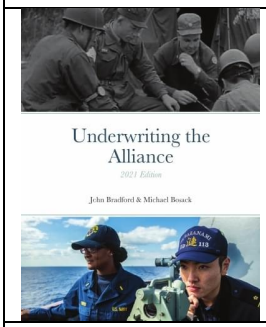
China Security Report 2025
By National Institute for Defense Studies
Annual report on the strategic and military trends of China.
https://www.nids.mod.go.jp/english/publication/chinareport/index.html
*(Issued annually in the **mid-November** timeframe)*



The Japan Self-Defense Forces Law: Translation, History, and Analysis
Ed. Robert D. Eldridge and Musashi Katsuhiro
The first and only English-language translation of the Japan Self-Defense Forces Law.
https://cambridgescholars.com/product/978-1-5275-3351-6

Japanese Law Translation
By Government of Japan
Full text translation of select Japanese laws (excluding SDF Act (Law No. 165 of 1954, as amended) and select other laws). Translations are GoJ-provided but considered "unofficial" or "provisional."
https://www.japaneselawtranslation.go.jp/en/

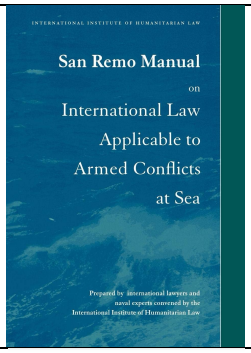
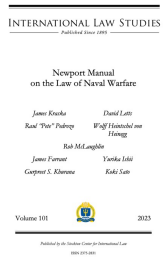
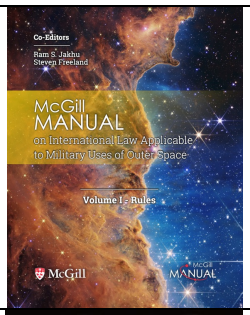
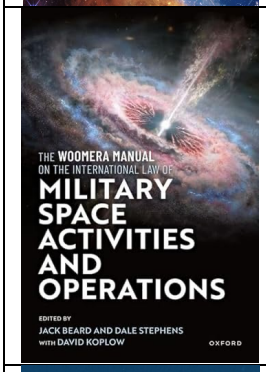
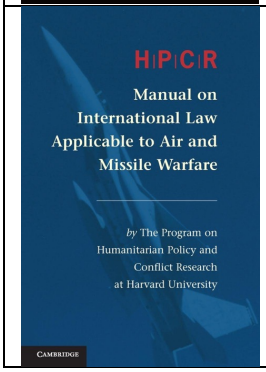
Japanese Law Text
By Government of Japan
Full Japanese language text of Japanese laws.
https://elaws.e-gov.go.jp/

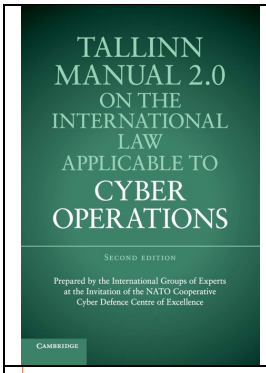


Underwriting the Alliance (2021 Edition)
By John Bradford and Mike Bosack
An annotated collection of the key bilateral treaties, agreements, and policy documents that provide the structure of the U.S.-Japan Alliance
https://www.ycaps.org/blog/underwriting-the-alliance

SOFA, Agreed Minutes, and Exchange of Notes
The "Agreed Minutes" and "Exchange of Notes" add agreed to understandings of specific provisions of the SOFA
https://www.mofa.go.jp/region/n-america/us/q&a/ref/2.html

U.S. Treaties and Other International Acts Series (TIAS)
The U.S. Department of State publishes Treaties and other International Agreements to which the U.S. is a party through the TIAS.

	https://www.state.gov/tias/
	**San Remo Manual on International Law Applicable to Armed Conflicts at Sea** *By Louise Doswald-Beck, et al.* The "San Remo Manual" presents International Law and the Law of Naval Warfare as it exists (*lex lata*) regarding military conflict at sea. The San Remo manual is viewed as the template for a variety of similar projects that followed (including the Newport, McGill, Woomera, and Harvard Manuals). While it is dated, an update is currently underway, although the Newport Manual provides a more current reference that corrects some of the acknowledged shortcomings of the San Remo Manual.
	**Newport Manual on the Law of Naval Warfare** *By James Kraska, et al.* The "Newport Manual" presents International Law and the Law of Naval Warfare as it exists (*lex lata*) regarding military conflict at sea. The Newport Manual is the result of a group of experts participating in the San Remo Manual update who felt an alternative publication, completed in a more rapid manner, would be a valuable addition to the community. *https://digital-commons.usnwc.edu/ils/vol101/iss1/1/*
	**McGill Manual on International Law Applicable to Military Uses of Outer Space (MILAMOS)** *By Ram S. Jakhu, et al.* The "McGill Manual" presents International Law as it exists (*lex lata*) regarding military uses of space. The manual summarizes the application of International Law to space in the form of 52 consensus rules as agreed to by subject matter experts and institutions. Volume I presents the 52 rules. Volume II (unpublished) will present accompanying commentary and analysis. *https://www.mcgill.ca/milamos/files/milamos/mcgill_manual_volume_i_-_rules_final_0.pdf*
	**The Woomera Manual on the International Law of Military Space Operations** *By Jack Beard, et al.* The "Woomera Manual" draws upon space law, national security law, technology, international law, and diplomacy to present International Law as it exists (*lex lata*) regarding military uses of space. *https://law.adelaide.edu.au/woomera/*
	**HPCR Manual on International Law Applicable to Air and Missile Warfare** *By Program On Humanitarian Policy And Conflict Research At Harvard University* The "Harvard Manual" presents International Law as it exists (*lex lata*) regarding air and missile warfare, listing rules and analysis and commentary regarding their application. *https://www.cambridge.org/core/books/hpcr-manual-on-international-law-applicable-to-air-and-missile-warfare/EB28F7A1701637CA2390B25FB4840629*

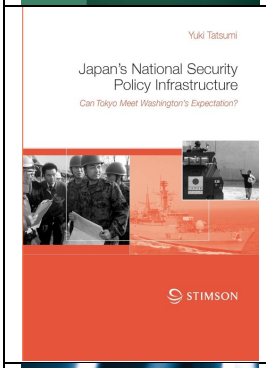


Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations

By Michael Schmitt, et al.

The "Tallinn Manual 2.0" is an update to the original, presenting International Law as it exists (*lex lata*) regarding cyber operations, listing rules and analysis and commentary regarding their application.

https://www.cambridge.org/core/books/tallinn-manual-20-on-the-international-law-applicable-to-cyber-operations/E4FFD83EA790D7C4C3C28FC9CA2FB6C9

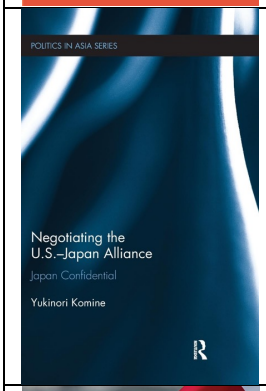


Japan's National Security Policy Infrastructure

By Yuki TATSUMI

Provides a comprehensive review of the organizations and organizational dynamics involved in Japan's national security policy. Despite its 2008 publishing date, much of the information remains current and relevant.

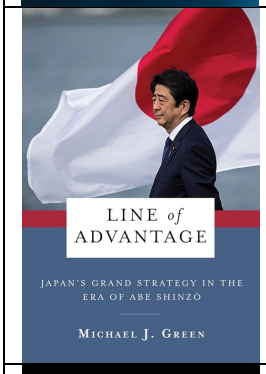
https://www.stimson.org/wp-content/files/file-attachments/Tatsumi_%20Japan's_Security_Policy_Infrastructure_Final_Version.pdf



Negotiating the U.S.-Japan Alliance: Japan Confidential

By Yukinori KONIME

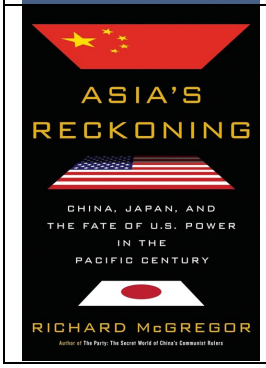
Provides a comprehensive review of U.S. and Japanese perspectives on Alliance negotiations, to include major issues related to Prior Consultation.



Line of Advantage: Japan's Grand Strategy in the Era of ABE Shinzō

By Michael J. Green

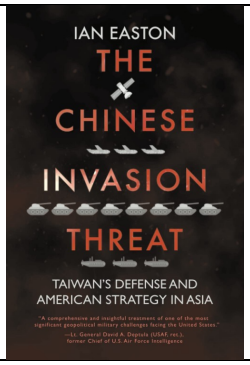
Provides a comprehensive account of Japan's grand strategy, developed under former PM ABE, including its roots, nuances, and unique features.



Asia's Reckoning: China, Japan, and the Fate of U.S. Power in the Pacific Century

By Richard McGregor

An overview of the trilateral dynamics between Chia, Japan, and the U.S..



The Chinese Invasion Threat: Taiwan's Defense and American Strategy in Asia
By Ian Easton
Provides a detailed "unclassified Intelligence Preparation of the Battlespace" of the PRC's cross-strait campaigns and the challenges of an island landing campaign or alternative campaign options to seize Taiwan by force.

Annex i. Selected Annotated Japanese Laws

i–A. Overview

Scrub to remove unnecessary articles, etc.

i–A.1. Purpose

The purpose of this section is not to replace authoritative sources on or translations of Japanese laws but to provide and annotate the body of selected text for militarily-relevant SDF law[3339] and related laws often referenced in operational planning documents that enable or constrain JSDF operations.

This section provides additional analysis beyond the mere translation of the law's text, providing specific context for operational military planners. The intent is for this appendix to provide an educational resource that transforms the mere text of the law into a resource specifically for U.S. planners to understand how the SDF Act (Law No. 165 of 1954, as amended) impacts their official duties and responsibilities.

This Appendix also seeks to "de-obfuscate" the text of the translations by explaining applicable situations in operational planning terms, transforming "legalese" such as "in accordance with the provisions of ¶(1), Article 76 (limited to No. (i))" into "[during AAS (Imminent) and AAS (Occurrence) but not during STS].

i–A.2. Other Defense Laws Not Listed

This Annex lists selected articles from selected Japanese laws relevant to defense, specifically necessary or useful for issues addressed in this guide.

The Japanese Law Index provided by the National Diet Library categorizes laws, Cabinet Orders,[3340] Act Enforcement Orders, Ministerial Ordinances, and other related issuances by subject. The following link provides search results for all issuances classified under the category "dealing with defense/armed attacks" and may be used to discover applicable laws and other issuances not referenced in this guide:
https://hourei.ndl.go.jp/#/result?cc=%E5%9B%BD%E9%98%B2/%E6%AD%A6%E5%8A%9B%E6%94%BB%E6%92%83%E4%BA%8B%E6%85%8B%E7%AD%89%E3%81%B8%E3%81%AE%E5%AF%BE%E5%87%A6

i–A.3. Basic Law vs. Special Law

Japanese laws or references to Japanese laws may sometimes use the term "Basic Law," "Basic Act," or "General Law," etc. This refers to laws intended to outline the basic policies or other legal requirements for the issue at hand. By contrast, a "Special Law" or "Special Measures Law" may provide more specialized policies or legal requirements that, if in conflict, generally take precedence over Basic or General Laws. Such Special laws may also have a sunset period, requiring them to be reauthorized or, if not, automatically expire.

i–A.4. Japanese Act Naming: "Law No. ## of YYYY"

Japanese law names are translated inconsistently, even by official GoJ sources. Furthermore, law titles are occasionally updated when the content of laws is modified (for example, changing "…in Armed Attack Situations, etc." to "…in Armed Attack Situations, etc. and Survival-Threatening Situations." For this reason, references to law titles may be ambiguous and readers consulting two different sources may see what appear to be references to two distinct laws without realizing they are, in fact, references to the same law.

To facilitate readability, this guide uses the short name of Japanese laws. For example, Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) rather than "Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc., and Survival-Threatening Situations."

To remove ambiguity, this guide always references the law number of the base law (i.e., "Act No. ## of YYYY").

Subsequent updates to a law do not change its base reference. For example, while the SDF Act (Law No. 165 of 1954, as amended) has been continuously amended, it remains "Act No. 165 of 1954."

[3339] i–C. SDF Act (Law No. 165 of 1954, as amended), p. 305.

[3340] C–2.1.4.2. Cabinet Order, p. 225.

i–B. Japanese Constitution

Unless otherwise noted, all block quotations[3341] found within this section are from GoJ's official Japanese Constitution translation.[3342]

i–B.1. Preamble

> *(1) We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.*
>
> *(2) We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.*
>
> *(3) We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.*
>
> *(4) We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.*

i–B.2. Article 9—Renunciation of War

> *(1) Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or Use of Force[3343] as means of settling international disputes.*
>
> *(2) In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The Right of Belligerency[3344] of the state will not be recognized.*

i–B.3. Article 13—Fundamental Rights of the People

> *(1) All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.*

i–B.4. Article 21—Freedom of Expression

For some critics, Article 21 presents challenges to the constitutionality of future ACD[3345] authorities.

> *(1) Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.*
>
> *(2) No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.*

i–B.5. Article 41—The Diet and Legislative Power

> *(1) The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.*

[3341] 1–3.2. Block Quotations, p. 2.
[3342] Appendix Q. References, p. 297.
[3343] 3–3.3. Use of Force, p. 82.
[3344] 2–1.2.1.3. Belligerent Rights, p. 16.
[3345] 3–2.2.7. Active Cyber Defense (ACD), p. 63.

i–B.6. Article 54—Dissolution of the House of Representatives

(1) When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

(2) When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

(3) Measures taken at such session as mentioned in the proviso of the preceding paragraph [an emergency session of the House of Councillors] shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

i–B.7. Article 56—Deliberation

(1) Business cannot be transacted in either House unless one-third or more of total membership is present.

(2) All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

i–B.8. Article 59—Passage of Bills

(1) A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

(2) A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives, becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

(3) The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

(4) Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

i–B.9. Article 65—Executive Power

(1) Executive power shall be vested in the Cabinet.

i–B.10. Article 66—The Cabinet

(1) The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State,[3346] as provided for by law.

(2) The Prime Minister and other Ministers of State must be civilians.

(3) The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

i–B.11. Article 68—Ministers of State

(1) The Prime Minister shall appoint the Ministers of State.[3347] However, a majority of their number must be chosen from among the members of the Diet.

(2) The Prime Minister may remove the Ministers of State as he chooses.

i–B.12. Article 72—The Prime Minister

(1) The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

[3346] C–2.1.2. Ministers of State (Cabinet Members), p. 225.

[3347] C–2.1.2. Ministers of State (Cabinet Members), p. 225.

i–B.13. Article 73—The Cabinet

> *(1) The Cabinet, in addition to other general administrative functions, shall perform the following functions:*
>
> *(i) Administer the law faithfully; conduct affairs of state.*
>
> *(ii) Manage foreign affairs.*
>
> *(iii) Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.*
>
> *(iv) Administer the civil service, in accordance with standards established by law.*
>
> *(v) Prepare the budget, and present it to the Diet.*
>
> *(vi) Enact Cabinet Orders[3348] in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such Cabinet Orders unless authorized by such law.*
>
> *(vii) Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.*

The Cabinet Act (Act No. 5 of 1947, as amended)[3349] establishes the Cabinet under the authority of Article 73 and establishes its scope and authorities.

i–B.14. Article 76—The Supreme Court

> *(1) The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.*
>
> *(2) No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.*
>
> *(3) All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.*

i–B.15. Article 98—Supremacy of the Constitution

Combined with Article 99,[3350] this article is generally understood to create an obligation[3351] for GoJ (and its laws) to comply with International Law.[3352]

> *(1) This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.*
>
> *(2) The Treaties[3353] concluded by Japan and established laws of nations [International Law] shall be faithfully observed.*

i–B.16. Article 99—Obligation to Uphold the Constitution

Combined with Article 98,[3354] this article is generally understood to create an obligation[3355] for GoJ (and its laws) to comply with International Law.[3356]

> *(1) The Emperor or the Regent as well as Ministers of State,[3357] members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.*

i–C. SDF Act (Law No. 165 of 1954, as amended)

This law establishes authorities for the operation of the JSDF during peacetime, crisis, and conflict.

The full title of this law is:

[3348] C–2.1.4.2. Cabinet Order, p. 225.
[3349] i–DD. Cabinet Act (Act No. 5 of 1947, as amended), p. 409.
[3350] i–B.16. Article 99—Obligation to Uphold the Constitution, p. 305.
[3351] 2–1.2.4. Japan's Constitutional Compliance with International Law, p. 22.
[3352] 2–1.2.4.1. International Law, p. 22.
[3353] 1–6.1.1.1. Treaties (Legal Status), p. 8.
[3354] i–B.15. Article 98—Supremacy of the Constitution, p. 305.
[3355] 2–1.2.4. Japan's Constitutional Compliance with International Law, p. 22.
[3356] 2–1.2.4.1. International Law, p. 22.
[3357] C–2.1.2. Ministers of State (Cabinet Members), p. 225.

- Self-Defense Force Act

Unless otherwise noted, all block quotations[3358] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[3359] The Japanese has been machine translated[3360] with the content of the machine translation generally validated against Robert Eldridge's *The Japan Self-Defense Forces Law: Translation, History, and Analysis*.[3361]

> The source text was published on 19 May 2021 and reflects all amendments up to and including Act No. 24 of 2024.
>
> Amendments made after 2024 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–C.1. Self-Defense Force (SDF) Law Organization

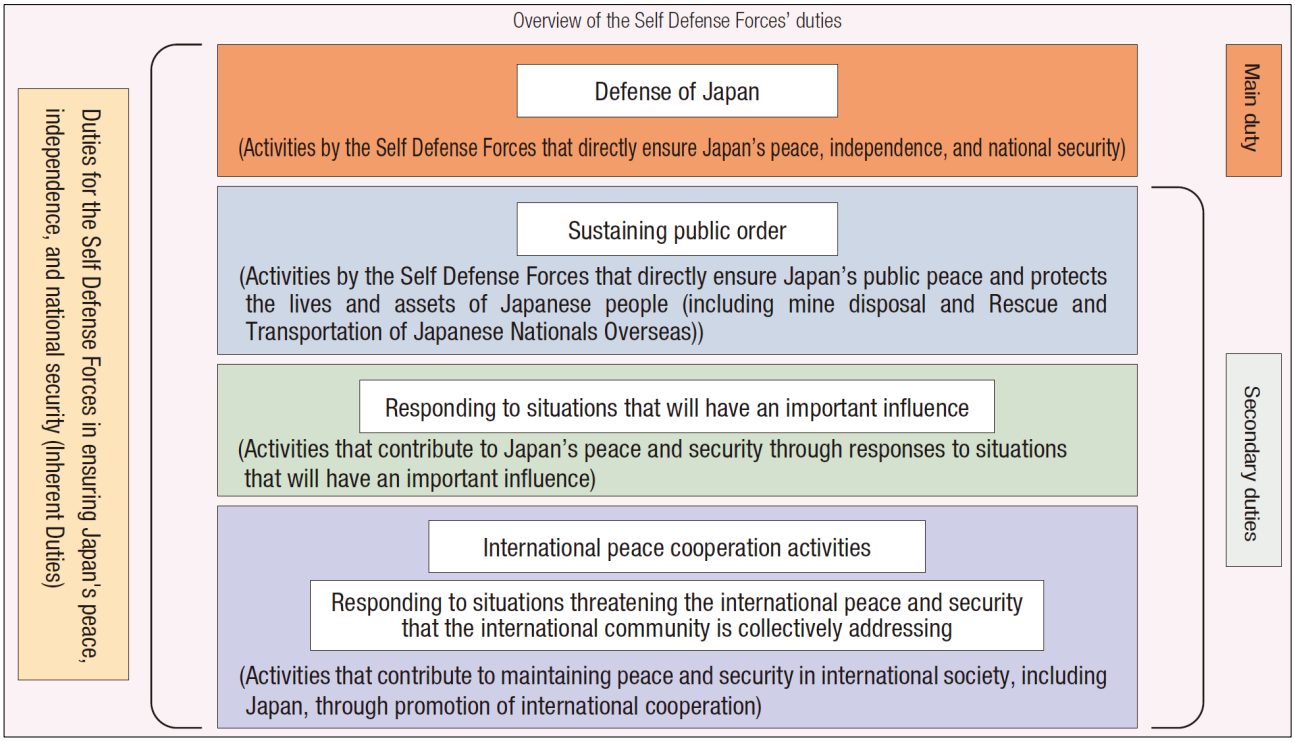
SDF Act (Law No. 165 of 1954, as amended) is organized into 9 chapters with sections and sub-sections for certain chapters and supplementary provisions:

- Chapter I—General Provisions (Articles 1 to 6)
- Chapter II—Command and Supervision (Articles 7 to 9-2)
- Chapter III—Units
  - Section 1—Structure and Organization of Units of the JGSDF[3362] (Articles 10 to 14)
  - Section 2—Structure and Organization of Units of the JMSDF[3363] (Articles 15 to 19)
  - Section 3—Structure and Organization of Units of the JASDF[3364] (Articles 20 and 21)
  - Section 4—Joint Units (Article 21-2)
  - Section 5—Provisions for Exceptions to Unit Organization and Delegation of Authority (Articles 24 to 30)
- Chapter IV—Organs (Articles 24 to 30)
- Chapter V—Self-Defense Personnel
  - Section 1—General Rules (Articles 30-2 to 34)
  - Section 2—Appointment and Dismissal (Articles 35 to 41)
  - Section 3—Status, Disciplinary Punishment, and Guarantees (Articles 42 to 51)
  - Section 4—Service (Articles 52 to 65)
  - Section 5—Managing Retirement
    - Subsection 1—Restrictions for Reemployment after Leaving One's Job (Article 65-2 to 65-4)
    - Subsection 2—Investigations Into Violations (Article 65-5 to 65-9)
    - Subsection 3—Various Stipulations (Article 65-10 to 65-13)
  - Section 6—Self-Defense Force Reserve Personnel
    - Subsection 1—Self-Defense Force Reserve Personnel (Articles 66 to 75)
    - Subsection 2—Self-Defense Force Ready Reserve Personnel (Article 75-2 to 75-8)
    - Subsection 3—Candidates for Self-Defense Force Reserve Personnel (Article 75-9 to 75-13)
- Chapter VI—Activities of the Self-Defense Forces (Articles 76 to 86) [provides authorization for each operation]
- Chapter VII—Powers of the Self-Defense Forces (Articles 87 to 96-2) [provides the rules for execution of each operation, including the rules on using weapons]
- Chapter VIII—Miscellaneous Provisions (Articles 97 to 117-2)
- Chapter IX—Penal Provisions (Articles 118 to 126)
- Supplementary Provisions

i–C.2. Article 3—Mission of the Self-Defense Forces

This article establishes the primary and secondary missions of the JSDF and establishes the various branches of the JSDF[3365] as primarily responsible for JSDF operations within their domain.

[3358] 1–3.2. Block Quotations, p. 2.
[3359] Appendix Q. References, p. 297.
[3360] 1–5.2.2. Machine Translations, p. 7.
[3361] Appendix Q. References, p. 297.
[3362] 7–5.4.1.2. Ground Self-Defense Force (JGSDF), p. 167.
[3363] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[3364] 7–5.4.1.1. Air Self-Defense Force (JASDF), p. 167.
[3365] 7–5.4.1. JSDF Branches, p. 167.



(1) The primary mission of the Self-Defense Forces is to defend our country in order to protect our peace and independence and maintain our national security, and, as necessary, to maintain public order.

(2) In addition to what is provided for in the preceding paragraph, the Self-Defense Forces shall be responsible for the following activities, which are to be implemented by the Self-Defense Forces pursuant to a separate law, to the extent that they do not impede the performance of their primary mission under the preceding paragraph [i.e., on a not-to-interfere basis with the primary mission of the JSDF] and do not involve the threat or Use of Force[3366] [i.e., non-combat missions such as defense cooperation, PKO,[3367] etc.].

(i) Activities that contribute to ensuring the peace and security of our country in response to situations that have a significant impact on our country's peace and security.

(ii) Activities that contribute to maintaining the peace and security of the international community, including our country, through contributions to international peace efforts centered on the United Nations and other international cooperation.

(3) The mission of the Ground Self-Defense Force is to operate primarily on land, the Maritime Self-Defense Force primarily at sea, and the Air Self-Defense Force primarily in the air.

i–C.3. Article 7—The Prime Minister's Power of Command and Supervision

(1) The Prime Minister, representing the Cabinet, shall have supreme command and supervision over the Self-Defense Forces.

i–C.4. Article 8—Command and Supervision by the Minister of Defense

(1) The Minister of Defense shall supervise the affairs of the Self-Defense Forces in accordance with the provisions of this Act. However, the command and supervision by the Minister of Defense over the units and organs of the Ground Self-Defense Force, the Maritime Self-Defense Force, or the Air Self-Defense Force (hereinafter referred to as "units, etc.") shall be exercised through the person specified in each of the following items according to the classification of service affairs.

(i) Chief of Staff of the Joint Staff for the affairs of the Ground Self-Defense Force, the Maritime Self-Defense Force, or the Air Self-Defense Force under the jurisdiction of the Joint Staff Office

[3366] 3–3.3. Use of Force, p. 82.

[3367] 3–2.6. Peacekeeping Operations (PKO), p. 76.

(ii) Chief of Ground Staff for the affairs of the Ground Self-Defense Force under the jurisdiction of the Ground Staff Office.

(iii) Chief of Maritime Staff for the affairs of the Maritime Self-Defense Force under the jurisdiction of the Maritime Staff Office.

(iv) Chief of Air Staff for the affairs of the Air Self-Defense Force under the jurisdiction of the Air Staff Office.

i–C.5. Article 21-2—Organization (of JJOC)

The text for Article 21-2 is from the GoJ's official (Japanese language) Japanese Law e-Library.[3368] The Japanese has been machine translated.[3369]

(1) A Joint Operations Headquarters [JJOC[3370]] shall be established as a joint unit of the Ground Self-Defense Force, the Maritime Self-Defense Force, and the Air Self-Defense Force.

(2) In addition to what is provided for in the preceding paragraph, the units of the Ground Self-Defense Force, the Maritime Self-Defense Force, or the Air Self-Defense Force directly under the control of the Minister of Defense (excluding the Ground Component Command, Regional Armies, Self-Defense Fleet, Local Forces, Air Education Command, Training Fleet, Air Defense Command, Air Support Command, Air Training Command, and Air Development and Test Command) may be established as a joint unit of the Ground Self-Defense Force, the Maritime Self-Defense Force, and the Air Self-Defense Force when it is necessary to ensure unified operation for the smooth execution of missions through joint operations.

(3) The Minister of Defense's command over the operation of the joint units referred to in the preceding two paragraphs shall be exercised through the Chief of Staff of the Joint Staff, and the orders of the Minister of Defense in this regard shall be executed by the Chief of Staff of the Joint Staff, and the duties of the Chief of Staff regarding the Minister of Defense's command and supervision of said units shall be determined by the Minister of Defense.

i–C.6. Article 21-3—Joint Operations Commander

The text for Article 21-3 is from the GoJ's official (Japanese language) Japanese Law e-Library.[3371] The Japanese has been machine translated.[3372]

(1) The head of the Joint Operations Headquarters [JJOC[3373]] shall be the Joint Operations Commander [C-JJOC].

(2) The Joint Operations Commander [C-JJOC] shall be under the command and supervision of the Minister of Defense and shall oversee the operations of the Joint Operations Headquarters [JJOC].

(3) When it is necessary to ensure the smooth execution of missions through joint operations in relation to actions provided for in Chapter VI, the transportation of state guests, etc. provided for in Article 100-5, ¶(1), those investigations and research related to operations provided for in Article 4, ¶(1), item 18 of the MoD Establishment Act (Act No. 165 of 1954),[3374] and other operations of the Self-Defense Forces, the Minister of Defense may have the Joint Operations Commander [C-JJOC] give partial command of all or part of the Self-Defense Forces units.

i–C.7. Article 22—Organization of Special Units

Article 22 authorizes the task-organization of JSDF units.

(1) When the Prime Minister orders the mobilization of the Self-Defense Forces pursuant to the provisions of ¶(1), Article 76[3375] [DO[3376] for STS,[3377] AAS (Imminent),[3378] or AAS (Occurrence)[3379]], ¶(1), Article 78[3380] [PSO by Order[3381]], ¶(2) Article 81[3382] [PSO by Request[3383]], or ¶(2)(i), Article 81-2[3384] [Guarding Operations at SDF Facilities[3385]], he/she may organize

3368 Appendix Q. References, p. 297.
3369 1–5.2.2. Machine Translations, p. 7.
3370 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
3371 Appendix Q. References, p. 297.
3372 1–5.2.2. Machine Translations, p. 7.
3373 7–5.4.6. Japan Joint Operations Command (JJOC), p. 167.
3374 i–EE. MoD Establishment Act (Act No. 165 of 1954), p. 410.
3375 i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
3376 3–2.2.1. Defense Operation (DO), p. 57.
3377 4–10. Survival-Threatening Situation (STS), p. 111.
3378 4–11.1.1. AAS (Imminent), p. 117.
3379 4–11.1.2. AAS (Occurrence), p. 117.
3380 i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
3381 3–2.3.1.1. PSO By Order, p. 65.
3382 i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
3383 3–2.3.1.2. PSO By Request, p. 65.
3384 i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc., p. 316.
3385 3–2.5.1. Civil Protection Operations (CPO), p. 73.

special units or place necessary units under the partial command of a commander other than the commander to which they are [normally] subordinate.

(2) When necessary for civil protection and other deployments pursuant to Article 77-4,[3386] [CPO[3387]], Maritime Security Operations [MSO[3388]] pursuant to Article 82,[3389] Counter-Piracy Operations[3390] pursuant to Article 82-2,[3391] destruction measures against ballistic missiles, etc.[3392] pursuant to ¶(1), Article 82-3,[3393] disaster deployments pursuant to ¶(2), Article 83[3394] [Disaster Relief Operations[3395]], earthquake disaster prevention deployments pursuant to Article 83-2 [Earthquake Disaster Prevention Operations[3396]], nuclear disaster deployments pursuant to Article 83-3 [Nuclear Disaster Relief Operations[3397]], protective measures pursuant to Article 84-3, paragraph 1, training, or other reasons, the Minister of Defense may temporarily organize special units or place necessary units under the partial command of a commander other than the commander to which they are [normally] subordinate.

(3) In the case where a unit organized in accordance with the provisions of the preceding two paragraphs or placed under the same commander consists of two or more units of the Ground Self-Defense Forces, the Maritime Self-Defense Force, or the Air Self-Defense Force, the Minister of Defense's command of the operation of said unit shall be exercised through the Chief of Staff of the Joint Staff, and the orders of the Minister of Defense in this regard shall be executed by the Chief of Staff of the Joint Staff. In addition, the duties of the Chief of Staff regarding the command and supervision of the Minister of Defense over said unit shall be determined in accordance with the provisions of the Minister of Defense.

i–C.8. Article 24—Organs of the JSDF

Article 24 establishes elements of the SDF branches, including the authority to establish POW camps.

(1) The types of organs of the Ground Self-Defense Force, Maritime Self-Defense Force, or Air Self-Defense Force are as follows. However, some of them may not be established.

(i) Schools

(ii) Supply Depots

(iii) Hospitals

(iv) Regional Cooperation Headquarters

(2) In addition to those provided for in the preceding paragraph [¶(1)], the Education and Training Research Headquarters and the Supply Control Headquarters may be established as organs of the Ground Self-Defense Force, and the Supply Headquarters as organs of the Maritime Self-Defense Force or Air Self-Defense Force.

(3) In addition to those provided for in the preceding two paragraphs [¶¶(1)-(2)], prisoner-of-war camps may be established temporarily as organs of the Ground Self-Defense Force, Maritime Self-Defense Force, or Air Self-Defense Force.

(4) In addition to those provided for in the preceding three paragraphs [¶¶(1)-(3)], in cases where it is particularly necessary for the performance of the Self-Defense Force's duties, organs of the Ground Self-Defense Force, Maritime Self-Defense Force, or Air Self-Defense Force may be established temporarily, as provided for by Cabinet Order.[3398]

(5) The organs provided for in ¶¶(1), (3), and (4) may be established as joint organs of the Ground Self-Defense Force, Maritime Self-Defense Force, and Air Self-Defense Force, in cases where it is necessary to ensure unified management in the performance of the Self-Defense Force's duties.

(6) In the event that a joint organization is established pursuant to the provisions of the preceding paragraph [¶(5)], the duties of the Chief of Staff in relation to the command and supervision of said organization by the Minister of Defense shall be determined in accordance with the provisions of the Minister of Defense.

[3386] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3387] 3–2.5. Civil Protection, etc., p. 73.
[3388] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[3389] i–C.27. Article 82—Maritime Security Operations (MSO), p. 316.
[3390] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3391] i–C.28. Article 82-2—Counter-Piracy Operations, p. 316.
[3392] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[3393] i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.
[3394] i–C.30. Article 83—Disaster Relief Operations (DRO), p. 317.
[3395] 3–2.4.1. Disaster Relief Operations (DRO), p. 73.
[3396] 3–2.4.2. Earthquake Disaster Prevention Operations, p. 73.
[3397] 3–2.4.3. Nuclear Disaster Relief Operations, p. 73.
[3398] C–2.1.4.2. Cabinet Order, p. 225.

i–C.9. Article 29-2—Prisoner of War Camps

(1) Prisoner of war camps shall carry out the detention and repatriation of prisoners of war as provided for in the POW Law (Law No. 117 of 2004, as amended),[3399] *as well as other duties as determined by the Minister of Defense.*

(2) Prisoner of war camps shall have a director who shall be a Self-Defense Forces official (limited to a person of the rank of 2nd Lieutenant in the Ground Self-Defense Force, Ensign in the Maritime Self-Defense Force, and 2nd Lieutenant in the Air Self-Defense Force, or higher).

(3) The Commandant of the Prisoner of War Camp shall administer the affairs of the camp as determined by the Minister of Defense.

i–C.10. Article 36—Terms of Appointment, etc. of Chief Sergeant, Chief Petty Officer, and Chief Airman, etc.

This article provides for extension of enlistment for junior enlisted JSDF personnel for up to 1 year in the case of their Call-Up for a DO.[3400]

[(1)-(7) omitted]

(8) When the Minister of Defense finds that the retirement of a first sergeant, etc., a senior seaman, etc., or a first airman, etc., who has been appointed for a fixed term of employment, due to the expiration of his/her term of employment, will cause serious hindrance to the performance of the missions of the Self-Defense Forces, he/she [Minister of Defense] may extend the term of enlistment for a period not exceeding one year in cases where the first sergeant, etc., a senior seaman, etc., or a first airman, etc., has been ordered to engage in Defense Call-Up pursuant to the provisions of ¶(1), Article 76 [DO for STS,[3401] *AAS (Imminent),*[3402] *or AAS (Occurrence)*[3403]*], or for a period not exceeding six months in other cases.*

i–C.11. Article 45—Special Provisions Regarding the Retirement Age and Retirement due to the Retirement Age for SDF Personnel

This article provides for extension of retirement age for less than 1 year for JSDF personnel in the case of their Call-Up for a DO.[3404]

(1) When an SDF personnel (excluding ground sergeants, etc., sea sergeants, etc., and air force sergeants, etc.; the same applies in this article and the following article) reaches the retirement age, he/she shall retire on the day following the day on which he/she reaches the retirement age.

(2) The retirement age in the preceding paragraph shall be determined by government ordinance for each rank according to the nature of the service.

(3) If the Minister of Defense determines that the retirement of an SDF personnel due to reaching the retirement age would seriously impede the performance of the SDF's missions, he/she may have the SDF personnel continue to work as an SDF personnel after reaching the retirement age for a period of up to one year if the SDF personnel has been ordered to deploy in accordance with the provisions of ¶(1), Article 76 [DO for STS,[3405] *AAS (Imminent),*[3406] *or AAS (Occurrence)*[3407]*], or for a period of up to six months in other cases.*

(4) When the period prescribed in the preceding paragraph or this paragraph expires and the Minister of Defense finds that the circumstances of the preceding paragraph still exist, he may, with the consent of the Self-Defense Forces Personnel, have them continue to serve as Self-Defense Forces Personnel for a period not exceeding one year, provided, however, that the last day of such period may not exceed three years counting from the day after the day on which the Self-Defense Forces Personnel reach the retirement age.

[3399] i–P. POW Law (Law No. 117 of 2004, as amended), p. 378.
[3400] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[3401] 4–10. Survival-Threatening Situation (STS), p. 111.
[3402] 4–11.1.1. AAS (Imminent), p. 117.
[3403] 4–11.1.2. AAS (Occurrence), p. 117.
[3404] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[3405] 4–10. Survival-Threatening Situation (STS), p. 111.
[3406] 4–11.1.1. AAS (Imminent), p. 117.
[3407] 4–11.1.2. AAS (Occurrence), p. 117.

i–C.12. Article 59—Obligation to Preserve Secrecy

Article 59 establishes the JSDF obligation for secrecy, including the provisions applied separately by the SDS Act (Act No. 103 of 2014).[3408]

> *(1) A member of the Self-Defense Forces must not disclose any secrets that he or she has come to know in the course of his or her official duties. This applies even after leaving his or her position [i.e., after leaving uniformed service].*
>
> *(2) When a member of the Self-Defense Forces becomes a legal witness, expert witness, etc. and discloses any matter that is classified as a secret in the course of his or her official duties, he or she must obtain permission from the Minister of Defense. This applies even after leaving his or her position [i.e., after leaving uniformed service].*
>
> *(3) The permission in the preceding paragraph cannot be refused, except as otherwise provided by law.*
>
> *(4) The provisions of the preceding three paragraphs do not apply to cases in which a member of the Self-Defense Forces makes a statement or testifies about any matter that is classified as a secret in the course of his or her official duties, or submits or presents documents or other objects in which such matters are stated, recorded, or labeled, during an investigation conducted by the Reemployment Monitoring Committee, which has been delegated authority pursuant to the provisions of Article 18-4 of the National Public Service Act, as applied mutatis mutandis[3409] pursuant to the provisions of ¶(1), Article 18-3 of the same Act, as applied mutatis mutandis pursuant to the provisions of ¶(1), Article 65-8.*

i–C.13. Article 68—Terms of Appointment and Extension

This article provides for extension of terms of service for Reserve personnel under a Defense Call-Up[3410] for a DO,[3411] DOAO,[3412] CPO,[3413] PSO,[3414] or Disaster Call-Up.[3415]

> *(1) The term of appointment of an SDF reserve member pursuant to the provisions of ¶¶(1) or (2) of the preceding Article shall be three years from the date of appointment.*
>
> *(2) When a SDF reserve member (including a member who has received a Defense Call-Up Order [DCO[3416]] pursuant to the provisions of each item of ¶(1) Article 70[3417] [Defense Call-Up Order for Reserve Personnel] and who has become a SDF member pursuant to the provisions of ¶(3) of the same Article) has completed his/her term of appointment, the Minister of Defense may, if he/she [SDF reserve member] volunteers, appoint him/her [SDF reserve member] as a SDF reserve member for a period of three years (or, in the case of a member who will have reached 62 years of age at the time of completion of his/her term of appointment, a period not exceeding three years as separately determined by the Minister of Defense). In this case, the starting date of the term of appointment shall be the date of the continued appointment.*
>
> *(3) In the case where a reserve SDF member has received a Defense Call-Up Order [DCO] pursuant to any of the provisions of ¶(1), Article 70, and has become a SDF member pursuant to the provisions of ¶(3) of the same Article, if the Minister of Defense finds that the SDF member's retirement upon expiration of his/her term of appointment as a reserve SDF member would seriously impede the performance of the missions of the Self-Defense Forces, the Minister of Defense may extend the member's term of appointment for a period not exceeding one year if the member has been ordered to deploy for defense purposes pursuant to the provisions of Defense Call-Up Order [DCO] or for a period not exceeding six months in other cases.*
>
> *(4) The period during which a reserve SDF member received a convocation order pursuant to any of the provisions of ¶(1) Article 70, and has become a SDF member pursuant to the provisions of ¶(3) of the same Article shall be included in the calculation of the period of appointment of the reserve SDF member.*

[3408] I–4.1. Act on Specially Designated Secrets (SDS), p. 273.
[3409] Making necessary changes to account for differing situations, but the basic point remains the same.
[3410] 3–2.2.3. Defense Call-Up, p. 59.
[3411] 3–2.2.1. Defense Operation (DO), p. 57.
[3412] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3413] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[3414] 3–2.3.1. Public Security Operation (PSO), p. 65.
[3415] 3–2.4.4. Disaster Call-Up Order, p. 73.
[3416] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[3417] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.

i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel

This article provides for the mobilization of Reserve personnel under Defense Call-Up[3418] for a DO,[3419] DOAO,[3420] CPO,[3421] PSO,[3422] or Disaster Call-Up.[3423]

> *(1) In the cases listed below, the Minister of Defense may, with the approval of the Prime Minister, issue a Call-Up Order to reserve SDF personnel using the Call-Up order prescribed in the relevant item.*
>
> *(i) When a Defense Operation Order [DOO[3424]] has been issued pursuant to ¶(1), Article 76 [DO for STS,[3425] AAS (Imminent),[3426] or AAS (Occurrence)[3427]], or when the situation has become tense and a Defense Operation Order [DOO] is expected to be issued [e.g., with the issuance of a DOAO[3428]] pursuant to the same paragraph [¶(1), Article 76], a written Defense Call-Up Order [DCO[3429]] is issued when it is deemed particularly necessary.*
>
> *(ii) Pursuant to Article 77-4[3430] [CPO], measures for the protection of the people (meaning measures for the protection of the people prescribed in ¶(3), Article 2[3431] [measures for the protection of the people] of the Civil Protection Act (Act No. 112 of 2004, as amended)[3432], excluding those related to the maintenance of public order; the same applies below) or emergency response protection measures. (This refers to emergency response protection measures stipulated in ¶(1), Article 172 of the same law [Civil Protection Act (Act No. 112 of 2004, as amended)], excluding those related to maintaining public order. The same applies below.) When units, etc. are dispatched to carry out such measures, a written Civil Protection Operation [CPO] Order[3433] is issued when it is deemed particularly necessary.*
>
> *(iii) When units, etc. are dispatched for relief pursuant to the provisions of ¶(2), Article 83[3434] [Disaster Relief Operation[3435]], and it is deemed particularly necessary, a written Disaster Call-Up Order is issued when it is deemed particularly necessary.*
>
> *(2) Reserve SDF personnel who receive a Call-Up Order under any of the preceding paragraphs must report to the designated place on the designated date and time to respond to the Call-Up.*
>
> *(3) A reserve SDF member who is mobilized under any of the preceding paragraphs will not be issued an appointment order and will become an SDF member of the designated rank on the day he or she reports in response to the Call-Up. In this case, the number of such SDF members will not be included in the number of employees of the Ministry of Defense.*
>
> *[(4)-(9) omitted]*

i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel

This article provides for the mobilization of Ready Reserve personnel under Call-Up Orders.

> *(1) In the cases listed below, the Minister of Defense may, with the approval of the Prime Minister, issue a written Call-Up Order to the Ready Reserve SDF personnel as specified in the relevant item when he deems it necessary.*
>
> *(i) When a Defense Operation Order [DOO[3436]] has been issued pursuant to ¶(1), Article 76 [DO for STS,[3437] AAS (Imminent),[3438] or AAS (Occurrence)[3439]], or when the situation has become tense and a Defense Operation Order [DOO] is expected to be issued [i.e., with the issuance of a DOAO[3440]] pursuant to the same paragraph [¶(1), Article 76]: a written Defense Call-Up Order [DCO[3441]].*

[3418] 3–2.2.3. Defense Call-Up, p. 59.
[3419] 3–2.2.1. Defense Operation (DO), p. 57.
[3420] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3421] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[3422] 3–2.3.1. Public Security Operation (PSO), p. 65.
[3423] 3–2.4.4. Disaster Call-Up Order, p. 73.
[3424] 3–2.2.3. Defense Call-Up, p..59.
[3425] 4–10. Survival-Threatening Situation (STS), p. 111.
[3426] 4–11.1.1. AAS (Imminent), p. 117.
[3427] 4–11.1.2. AAS (Occurrence), p. 117.
[3428] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3429] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[3430] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3431] i–G.1. Article 2—Definitions, p. 354.
[3432] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[3433] 3–2.5.1.4. Civil Protection Operations (CPO) Order, p .75.
[3434] i–C.30. Article 83—Disaster Relief Operations (DRO), p. 317.
[3435] 3–2.4.1. Disaster Relief Operations (DRO), p. 73.
[3436] 3–2.2.3. Defense Call-Up, p..59.
[3437] 4–10. Survival-Threatening Situation (STS), p. 111.
[3438] 4–11.1.1. AAS (Imminent), p. 117.
[3439] 4–11.1.2. AAS (Occurrence), p. 117.
[3440] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3441] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.

(ii) When units, etc. are dispatched to implement measures for the protection of the people or emergency response protection measures pursuant to Article 77-4[3442] [CPO]: a written Civil Protection Operations [CPO] Order.[3443]

(iii) When a Public Security Operation Order[3444] is issued pursuant to ¶(1), Article 78[3445] [PSO by Order[3446]], and ¶(2), Article 81[3447] [PSO by Request[3448]], or when the situation is tense and it is expected that a Public Security Operation Order will be issued pursuant to the provisions of ¶(1), Article 78 [PSO by Order]: a written Public Security Operation Order.

(iv) When a unit, etc. is dispatched for relief pursuant to the provisions of ¶(2), Article 83[3449] [DRO[3450]], or when a unit, etc. is dispatched for support pursuant to the provisions of ¶(2), Article 83: a written Disaster Call-Up Order.

[(2)-(7) omitted]

i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence])

(1) In the following situations [AAS[3451] and STS[3452]], if the Prime Minister deems it necessary to defend Japan, he may order the mobilization of all or part of the Self-Defense Forces. In such cases, approval of the Diet must be obtained pursuant to Article 9[3453] [BRP[3454]] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended).

(i) A situation in which an Armed Attack[3455] against Japan from outside has occurred [AAS (Occurrence)[3456]], or a situation in which it is recognized that there is a clear and imminent danger of an Armed Attack against Japan from outside [AAS (Imminent)[3457]].

(ii) A situation in which an Armed Attack against a foreign country that has a close relationship with Japan has occurred, threatening the existence of Japan and creating a clear danger of fundamentally overturning the lives, liberty, and right to pursue happiness of the people [STS].

(2) When the need for deployment no longer exists, the Prime Minister must immediately order the withdrawal of the Self-Defense Forces.

i–C.17. Article 77—Defense Operation Alert Order (DOAO)

A DOAO[3458] permits the JSDF to conduct preparation activities for a DO[3459] and may be issued during or prior to AAAS.[3460]

(1) When the situation becomes tense and it is predicted that a Defense Operation Order [DOO[3461]] pursuant to the provisions of the preceding Article, ¶(1) [DO for STS,[3462] AAS (Imminent),[3463] or AAS (Occurrence)[3464]], will be issued, the Minister of Defense may, with the approval of the Prime Minister, issue a Defense Operations Alert Order [DOAO[3465]] for all or part of the Self-Defense Forces when he/she deems it necessary.

i–C.18. Article 77-2—Measures to Construct Defense Facilities

When operating under the authority of this article, SDF Act (Law No. 165 of 1954, as amended) Article 92-4[3466] provides the JSDF authority for Use of Weapons[3467] and Article 103-2[3468] provides authority for the expropriation of property and land. Expected to be authorized during AAAS.[3469]

(1) In cases where the situation is tense and a Defense Operation Order [DOO[3470]] is expected to be issued [i.e., with the issuance of a DOAO[3471]] pursuant to ¶(1), Article 76[3472] (limited to No. [i]. Same hereinafter. [DO[3473] for AAS

[3442] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3443] 3–2.5.1.4. Civil Protection Operations (CPO) Order, p .75.
[3444] 3–2.3.1.3. PSO Order, p. 65.
[3445] i–C.21. Article 78—Public Security Operation (PSO) by Order, p. 314.
[3446] 3–2.3.1.1. PSO By Order, p. 65.
[3447] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[3448] 3–2.3.1.2. PSO By Request, p. 65.
[3449] i–C.30. Article 83—Disaster Relief Operations (DRO), p. 317.
[3450] 3–2.4.1. Disaster Relief Operations (DRO), p. 73.
[3451] 4–11. Armed Attack Situation (AAS), p. 116.
[3452] 4–10. Survival-Threatening Situation (STS), p. 111.
[3453] i–D.4. Article 9—Basic Response Plan, p. 339.
[3454] 4–4. Basic Response Plan (BRP), p. 101.
[3455] 4–12. Definition of "Armed Attack", p. 121.
[3456] 4–11.1.2. AAS (Occurrence), p. 117.
[3457] 4–11.1.1. AAS (Imminent), p. 117.
[3458] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3459] 3–2.2.1. Defense Operation (DO), p. 57.
[3460] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3461] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[3462] 4–10. Survival-Threatening Situation (STS), p. 111.
[3463] 4–11.1.1. AAS (Imminent), p. 117.
[3464] 4–11.1.2. AAS (Occurrence), p. 117.
[3465] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3466] i–C.47. Article 92-4—Use of Weapons in a Planned Area of Deployment, p. 325.
[3467] 3–3.1. Use of Weapons, p. 77.
[3468] i–C.65. Article 103-2—Use of Land in Planned Area of Deployment, p. 335.
[3469] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3470] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[3471] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3472] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3473] 3–2.2.1. Defense Operation (DO), p. 57.

(Imminent)[3474] and AAS (Occurrence);[3475] limitation to No. (i) excludes STS,[3476] which is Article 76, ¶(1), No (ii)]), if there is an area where the Self-Defense Forces units ordered to be mobilized pursuant to the provisions of the same paragraph are expected to be deployed and where it is deemed necessary to strengthen defenses in advance (hereinafter referred to as the "Planned Deployment Area [PDA][3477]"), the Minister of Defense may, with the approval of the Prime Minister, specify the scope of the area and order the Self-Defense Forces units, etc. to take measures to construct positions and other defensive facilities (hereinafter referred to as "defensive facilities") within the Planned Deployment Area [PDA].

i–C.19. Article 77-3 Measures to be Taken before a DOO

Authorizes provision of support and services to the U.S. Military under a DOAO.[3478] Expected to be authorized during AAAS.[3479]

(1) When the situation is tense and a Defense Operation Order [DOO[3480]] is expected to be issued [i.e., with the issuance of a DOAO[3481]] pursuant to the provisions of ¶(1), Article 76 [for STS,[3482] AAS (Imminent),[3483] or AAS (Occurrence)[3484]], the Minister of Defense or a person delegated by him may provide goods as an action-related [i.e., authorized] measure pursuant to the provisions of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended).[3485]

(2) In the cases prescribed in the preceding paragraph [in advance of a DOO issued under STS, AAS (Imminent), or AAS (Occurrence); e.g., with the issuance of a DOAO], the Minister of Defense may have the Ministry of Defense agencies and units, etc. provide services as action-related [i.e., authorized] measures pursuant to the provisions of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended).[3486]

i–C.20. Article 77-4—Civil Protection Operations

Authorizes CPO by Request[3487] and CPO by Order[3488] under the Civil Protection Act (Act No. 112 of 2004, as amended).[3489]

(1) When the Minister of Defense receives a request from a prefectural governor pursuant to ¶(1), Article 15[3490] [Prefectural requests for SDF deployment] of the Civil Protection Act (Act No. 112 of 2004, as amended), and deems the situation unavoidable, or when the Task Force Chief[3491] makes a request pursuant to under ¶(2) of the same Article [Article 15] of the same Law, he/she [Minister of Defense] may, with the approval of the Prime Minister, deploy units, etc. to implement the emergency response protection measures related to the request or request, if he deems the situation unavoidable.

(2) When the Minister of Defense receives a request from a prefectural governor pursuant to ¶(1), Article 15 [Prefectural requests for SDF deployment] of the Civil Protection Act (Act No. 112 of 2004, as amended), as applied mutatis mutandis[3492] by Article 183 [Mutatis Mutandis provisions] of the same Law, he/she [Minister of Defense] may, with the approval of the Prime Minister, dispatch units, etc. to implement the emergency response protection measures related to the request or request, if he deems the situation unavoidable, or when the Task Force Chief[3493] makes a request pursuant to under ¶(2), Article 15 of the same Law, as applied mutatis mutandis by Article 183 of the same Law.

i–C.21. Article 78—Public Security Operation (PSO) by Order

Authorizes PSO by Order.[3494]

(1) In the event of indirect aggression or other emergency, when it is deemed that public order cannot be maintained by ordinary police forces alone, the Prime Minister may order the deployment of all or part of the Self-Defense Forces.

(2) When the Prime Minister orders a deployment pursuant to the provisions of the preceding paragraph, he/she must submit the matter to the Diet for its Approval[3495] within 20 days from the date of the order. However, if the Diet is not in

[3474] 4–11.1.1. AAS (Imminent), p. 117.
[3475] 4–11.1.2. AAS (Occurrence), p. 117.
[3476] 4–10. Survival-Threatening Situation (STS), p. 111.
[3477] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[3478] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3479] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3480] 3–2.2.1.1. Defense Operation Order (DOO), p. 57.
[3481] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3482] 4–10. Survival-Threatening Situation (STS), p. 111.
[3483] 4–11.1.1. AAS (Imminent), p. 117.
[3484] 4–11.1.2. AAS (Occurrence), p. 117.
[3485] i–F. U.S. Military Action Support Act (Law No. 113 of 2004, as amended), p. 350.
[3486] i–F. U.S. Military Action Support Act (Law No. 113 of 2004, as amended), p. 350.
[3487] 3–2.5.1.2. CPO by Request, p. 74.
[3488] 3–2.5.1.3. CPO by Order, p. 74.
[3489] i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
[3490] i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc., p. 356.
[3491] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[3492] Making necessary changes to account for differing situations, but the basic point remains the same.
[3493] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[3494] 3–2.3.1.1. PSO By Order, p. 65.
[3495] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

session or the House of Representatives has been dissolved, he must promptly seek approval at the first Diet convened thereafter.

(3) In the case of the preceding paragraph, when a resolution of disapproval [i.e., Rejection[3496]] is passed or the need for deployment has ceased, the Prime Minister must promptly order the withdrawal of the Self-Defense Forces.

i–C.22. Article 79—Public Security Operation Alert Order

Authorizes a PSO Alert Order.[3497]

(1) When the situation becomes tense and it is predicted that a Public Security Operation Order[3498] pursuant to the provisions of ¶(1) of the preceding article [Article 78—PSO by Order] will be issued, the Minister of Defense may, with the approval of the Prime Minister, issue a Public Security Operation Alert Order for all or part of the Self-Defense Forces if he deems it necessary.

(2) In the case of the preceding paragraph, the Minister of Defense shall maintain close liaison with the National Public Safety Commission.[3499]

i–C.23. Article 79-2—Information Gathering before PSO Order

Authorizes the limited deployment of the JSDF for information-gathering in advance of PSO.[3500]

(1) When the situation becomes tense and it is predicted that a Public Security Operation Order[3501] pursuant to the provisions of ¶(1) Article 78[3502] [PSO by Order[3503]], and when an illegal act is predicted to be committed by a person possessing a rifle, machine gun (including a handgun), artillery, chemical weapon, biological weapon, or other weapon with similar lethality, the Minister of Defense may, in consultation with the National Public Safety Commission[3504] and with the approval of the Prime Minister, order a unit of the Self-Defense Forces to be armed and to deploy to gather the relevant information in or near the location where the person is expected to be located.

i–C.24. Article 80—Control of the Japan Coast Guard (JCG)

Permits the PM to, under an armed attack situation, etc.[3505] (AAAS[3506] or AAS[3507] but not STS[3508]) or through PSO by Order,[3509] bring all or part of the JCG under the control of the MoD[3510] when he/she issues a Defense Call-Up Order.[3511] (where are AAAS or DCO bits from?)

(1) When all or part of the Self-Defense Forces are ordered into operation pursuant to the provisions of ¶(1), Article 76[3512] (limited to No. [i]) [DO[3513] for AAS (Imminent)[3514] and AAS (Occurrence);[3515] limitation to No. (i) excludes STS, which is Article 76, ¶(1), No (ii)], or ¶(1), Article 78[3516] [PSO by Order], and the Prime Minister deems it necessary, he/she may place all or part of the Japan Coast Guard under the control of the Minister of Defense [distinct from under the control of the JSDF].

(2) When the Prime Minister has placed all or part of the Japan Coast Guard under the control of the Minister of Defense pursuant to the provisions of the preceding paragraph, he shall have the Minister of Defense command it as provided for by Cabinet Order.[3517]

(3) When the Prime Minister deems it no longer necessary to exercise control pursuant to the provisions of ¶(1), he/she must promptly remove such control.

i–C.25. Article 81—Public Security Operation (PSO) by Request

Authorizes PSO by Request.[3518]

[3496] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3497] 3–2.3.1.4. PSO Alert Order, p. 65.
[3498] 3–2.3.1.3. PSO Order, p. 65.
[3499] C–2.1.5.2. National Public Safety Commission, p. 226.
[3500] 3–2.3.1.4.1. Information Gathering before PSO Order, p. 65.
[3501] 3–2.3.1.3. PSO Order, p. 65.
[3502] i–C.21. Article 78—Public Security Operation (PSO) by Order, p.314.
[3503] 3–2.3.1.1. PSO By Order, p. 65.
[3504] C–2.1.5.2. National Public Safety Commission, p. 226.
[3505] 4–8. "Armed Attack Situations, etc.", p. 108.
[3506] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3507] 4–11. Armed Attack Situation (AAS), p. 116.
[3508] 4–10. Survival-Threatening Situation (STS), p. 111.
[3509] 3–2.3.1.1. PSO By Order, p. 65.
[3510] 7–4.3. MoD Control over the JCG, p. 161.
[3511] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[3512] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3513] 3–2.2.1. Defense Operation (DO), p. 57.
[3514] 4–11.1.1. AAS (Imminent), p. 117.
[3515] 4–11.1.2. AAS (Occurrence), p. 117.
[3516] i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
[3517] C–2.1.4.2. Cabinet Order, p. 225.
[3518] 3–2.3.1.2. PSO By Request, p. 65.

(1) When a prefectural governor deems it unavoidable in the event of a serious situation in terms of maintaining public order, he/she may, in consultation with the Prefectural Public Safety Commission of the prefecture, request the Prime Minister to deploy a unit, etc., into operation.

(2) When a request as provided for in the preceding paragraph is made and the Prime Minister deems the situation unavoidable, he/she may order the deployment of a unit, etc., into operation.

(3) When a prefectural governor deems the situation has been resolved and there is no longer any need to deploy forces, etc., he/she must request the Prime Minister to withdraw forces, etc. without delay.

(4) When a request as provided for in the preceding paragraph is made or when the Prime Minister deems there is no longer any need to deploy forces, etc., he/she must immediately order the withdrawal of forces, etc.

(5) When a prefectural governor has made a request as provided for in ¶(1), he/she must report to that effect to the prefectural assembly as soon as the situation has been resolved.

(6) The procedures for making requests as provided for in ¶¶(1) and (3) shall be determined by Cabinet Order.[3519]

i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc.

Provides authority to conduct Guard & Protect Operations[3520] for SDF and U.S. Facilities and Areas.[3521]

(1) When the Prime Minister determines that there is a risk of acts being carried out in any of the following facilities or Facilities and Areas within Japan that will result in the killing or injuring of many people or the destruction of important facilities or other objects, based on political or other principles, with the intent of coercing the state or other people or causing anxiety or fear in society, and that there is a special need to prevent such damage, s/he may order the deployment of units, etc. to guard the facility or Facilities and Areas in question.

(i) Facilities of the Self-Defense Forces

(ii) Facilities and Areas under the ¶(1), Article 2[3522] *[e.g., SOFA II 1(a)*[3523] *"Exclusive Use" U.S. facilities, such as permanent U.S. bases] of the Agreement Under Article VI of the Treaty of the Mutual Cooperation and Security between Japan and the United States of America [SOFA*[3524]*] (limited to those designated by the Joint Committee under Article 25*[3525] *[Establishment of the JC] of the Agreement [SOFA] as being guarded by Self-Defense Force units, etc.)*

(2) When ordering the deployment of units, etc. pursuant to the provisions of the preceding paragraph, the Prime Minister must designate the facility or Facilities and Areas to be guarded, as well as the period, after first hearing the opinions of the governors of the prefectures concerned and having the Minister of Defense and the National Public Safety Commission[3526] *hold consultations.*

(3) If the Prime Minister finds that the deployment of units, etc. is no longer necessary, even during the period specified in the preceding paragraph, he/she must promptly order the withdrawal of units, etc.

i–C.27. Article 82—Maritime Security Operations (MSO)

Provides authority to conduct MSO.[3527]

(1) When there is a special need for the protection of human life or property at sea or for the maintenance of public order, the Minister of Defense may, with the approval of the Prime Minister, order units of the Self-Defense Forces to take necessary actions at sea.

i–C.28. Article 82-2—Counter-Piracy Operations

Provides authority to conduct Counter-Piracy Operations.[3528]

(1) The Minister of Defense may have units of the Self-Defense Forces carry out Counter-Piracy Operations[3529] *pursuant to the Counter-Piracy Act (Law No. 55 of 2009, as amended).*[3530]

[3519] C–2.1.4.2. Cabinet Order, p. 225.
[3520] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[3521] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[3522] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[3523] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[3524] 2–1.4. U.S.-Japan Status of Forces Agreement (SOFA), p. 29.
[3525] 6–2.1.4. Joint Committee (JC), p. 148.
[3526] C–2.1.5.2. National Public Safety Commission, p. 226.
[3527] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[3528] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3529] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3530] i–N. Counter-Piracy Act (Law No. 55 of 2009, as amended), p. 373.

i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc.

Provides the JSDF authority to conduct BMD Operations.[3531]

> *(1) When the Minister of Defense deems it necessary to prevent damage to human life or property in Japan's territory [i.e., within Japanese TTS[3532] and TTA[3533]] due to the risk of a ballistic missile, etc. (meaning a ballistic missile or other object other than an aircraft that is deemed to cause serious damage to human life or property if it falls; the same applies hereinafter) flying into Japan [i.e., within Japanese TTA], and [the Minister of Defense] obtaining the approval of the Prime Minister, s/he [Minister of Defense] may order Self-Defense Forces units to take measures to destroy ballistic missiles, etc. currently flying toward Japan in the airspace above Japan's territory [i.e., within Japanese TTA] or the High Seas[3534] (including the Exclusive Economic Zone [EEZ[3535]] as provided for in the United Nations Convention on the Law of the Sea).*
>
> *(2) When the Minister of Defense deems that the risk prescribed in the preceding paragraph has been eliminated, he must promptly cancel the order in the same paragraph with the approval of the Prime Minister.*
>
> *(3) In addition to the cases referred to in ¶(1), in the case of an emergency in which a ballistic missile or other similar object is launched toward Japan without the time to obtain the Prime Minister's approval under the same paragraph due to a sudden change in the situation, the Minister of Defense may issue the order referred to in ¶(1) to Self-Defense Force units in advance in accordance with the emergency response guidelines prepared by the Minister of Defense and approved by the Prime Minister, in order to prevent damage to human life or property within Japan's territory. In this case, the Minister of Defense shall determine the period within which the measures related to the order are to be taken.*
>
> *(4) Necessary measures concerning the establishment of the emergency guidelines and the approval of it by the Prime Minister as found in the previous paragraph will be provided by Cabinet Order.[3536]*
>
> *(5) When the measures under the provisions of ¶¶(1) and (3) have been taken, the Prime Minister shall promptly report the results to the Diet.*

i–C.30. Article 83—Disaster Relief Operations (DRO)

Authorizes DRO.[3537]

> *[¶¶(1) through (4) omitted]*
>
> *(5) The provisions of ¶¶(1) through (3) shall not apply to Armed Attack Disasters[3538] as provided for in ¶(4), Article 2[3539] [Definitions] of the Civil Protection Act (Act No. 112 of 2004, as amended), and disasters in emergency response situations as provided for in ¶(1), Article 14[3540] [Acting by Prefectural Governors] of the same law mutated in Article 183 [Mutatis Mutandis[3541] provisions] in the same law.*

i–C.31. Article 84—Measures Against Airspace (TTA) Violations

Authorizes Measures Against Airspace Violations.[3542]

> *(1) When a foreign aircraft invades the airspace above our country [TTA[3543]] in violation of International Laws[3544] or the Civil Aeronautics Act (Act No. 231 of 1950, as amended), or other laws and regulations, the Minister of Defense may order Self-Defense Forces units to take the necessary measures to have the aircraft land or withdraw from the airspace above our country.*

i–C.32. Article 84-2—Mine Disposal

Article 84-2 permits the JMSDF to conduct mine-clearing operations.[3545] This authority is specific to the JMSDF and is not geographically bound.

[3531] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[3532] A–4.4. Territorial Sea (TTS), p. 196.
[3533] A–4.5. National Airspace (TTA), p. 196.
[3534] A–4.10.1. GoJ Definition of High Seas, p. 198.
[3535] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3536] C–2.1.4.2. Cabinet Order, p. 225.
[3537] 3–2.4.1. Disaster Relief Operations (DRO), p. 73.
[3538] 4–12.2. Armed Attack Disaster, p. 122.
[3539] i–G.1. Article 2—Definitions, p. 354.
[3540] i–G.3. Article 14—Acting by Prefectural Governors, p. 355.
[3541] Making necessary changes to account for differing situations, but the basic point remains the same.
[3542] 3–2.3.3. Measures Against Airspace (TTA) Violations, p. 67.
[3543] A–4.5. National Airspace (TTA), p. 196.
[3544] 2–1.2.4.1. International Law, p. 22.
[3545] 3–2.3.8. Minesweeping, p. 72.

When hostilities are underway, minesweeping may be considered Use of Force.[3546] During peacetime or when a ceasefire is in effect, minesweeping operations are not considered Use of Force.[3547]

(1) Under the orders of the Minister of Defense, the Maritime Self-Defense Forces shall remove and dispose of mines and other explosive hazards at sea.

i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO)

Authorizes the JSDF to protect and rescue Japanese nationals abroad and transport them to safety (TJNO[3548] is an independent authority from RJNO;[3549] RJNO includes the authority to transport).

(1) When the Minister of Defense is requested by the Minister of Foreign Affairs to provide guarding, rescue, or other measures (including transportation; hereinafter referred to as "protective measures") for Japanese nationals whose lives or bodies are at risk in the event of an emergency in a foreign country, the Minister of Defense may, in consultation with the Minister of Foreign Affairs, have units, etc., carry out the protective measures if it is deemed that any of the following items apply:

(i) In the place [i.e., the location of RJNO] in the territory of the foreign country where the protective measures are to be carried out, the competent authorities of the foreign country are currently maintaining public safety and order, and it is deemed that no combat actions (meaning actions that kill or injure people or destroy property as part of an International Armed Conflict [IAC[3550]]; the same applies in ¶(1), Article 95-2[3551] [Use of Weapons to Protect Weapons]) are taking place. [Ensures the JSDF will not be required to suppress armed forces to protect Japanese nationals.]

(ii) The consent of the foreign country (or, in the case where a foreign country has an organ exercising government in accordance with a resolution of the General Assembly or Security Council of the United Nations, that organ) has been obtained for the Self-Defense Forces to implement the protective measures (including the Use of Weapons[3552]). [Ensures the JSDF does not violate the sovereignty of a nation by entering it without consent—which can be implicit.]

(iii) It is expected that coordination and cooperation will be ensured between the units, etc. and the competent authorities of the foreign country as provided for in No. (i) in order to implement the protective measures as smoothly and safely as possible in response to anticipated dangers. [Ensures the JSDF are able to implement protective measures smoothly and without excessive necessity to overcome resistance.]

(2) The Prime Minister shall grant the approval under the preceding paragraph only if he/she finds that the case falls under all of the items of the same paragraph, taking into account the results of the consultation between the Minister of Foreign Affairs and the Minister of Defense pursuant to the provisions of the preceding paragraph.

(3) When implementing protective measures pursuant to the provisions of ¶(1), the Minister of Defense may have the units, etc. take measures to protect the lives or bodies of persons who have been requested by the Minister of Foreign Affairs to be protected as foreigners (referred to as "other persons subject to protection" in ¶(1), Article 94-5[3553] [Authority when Protecting Japanese Nationals and Others Aboard]) who are at risk of harm to their lives or bodies in the event of an emergency as provided for in the same paragraph. [i.e., MOFA may designate non-Japanese nationals as persons to be protected and rescued during RJNO.]

i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO)

Authorizes TJNO.[3554]

(1) When the Minister of Foreign Affairs requests the transport of a Japanese national whose life or body requires protection in the event of a disaster, disturbance, or other emergency overseas (including the spouse or child of a Japanese national, an honorary consul general or honorary consul as provided for in Article 24 of the Foreign Service Officers Act (Act No. 41 of 1952), or a person employed pursuant to the provisions of ¶(2), Article 25 of the same Act, or a person employed overseas to work for an independent administrative institution under a contract with said institution and who does not have Japanese nationality; the same applies hereinafter in this paragraph and Article 94-6[3555]

[3546] 3–3.3. Use of Force, p. 82.
[3547] 2–1.6.2.3.7. Case 14: Participation in International Minesweeping Operations, p. 37.
[3548] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[3549] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[3550] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3551] i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries, p. 330.
[3552] 3–3.1. Use of Weapons, p. 77.
[3553] i–C.53. Article 94-5—Authority when Protecting Japanese Nationals and Others Abroad, p. 327.
[3554] 3–2.5.2.2 Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[3555] i–C.54. Article 94-6—Authority for Transportation of Japanese Nationals and Others Abroad, p. 328.

[Authority for TJNO[3556]]), the Minister of Defense may, after consulting with the Minister of Foreign Affairs regarding anticipated dangers in the transport and measures to avoid them, transport the Japanese national if he or she deems it possible to implement such measures. In this case, the Minister of Defense may allow on board a person who has been requested by the Minister of Foreign Affairs to accompany the Self-Defense Forces personnel engaged in the duties of the transport in order to take liaison and coordination with the foreign country and other measures required for the implementation of the transport, or a family member or other related person of the Japanese national or foreign national who is deemed appropriate to meet with or accompany the Japanese national or foreign national at an early stage.

(2) The transport referred to in the preceding paragraph may be carried out by the following aircraft or vessels.

(i) Aircraft used primarily transportation [i.e., non-combat aircraft].

(ii) Ships suitable for the transportation referred to in the preceding item [(i); i.e., non-combat transport ships].

(iii) Rotary-wing aircraft other than those listed in item (i) that are based on ships listed in the preceding item [(ii); non-combat transport ships] (limited to those used for transportation between said ships and land)

(3) In addition to the aircraft or ships listed in the preceding paragraph, the transportation referred to in ¶(1) may be carried out by vehicles suitable for said transportation (including those rented and used for said transportation; the same applies in Article 94-6 [Authority for TJNO]) when it is deemed particularly necessary.

i–C.35. Article 84-5—Logistics Support Activities, etc. (Rear Area Support)

(1) The Minister of Defense or a person delegated by him may carry out the activities set forth in each of the following items as activities set forth in ¶(2), Article 3[3557] [JSDF secondary missions not involving the threat of or Use of Force[3558]], pursuant to the provisions of the respective laws.

(i) Provision of goods as logistical support activities pursuant to IIS Act (Act No. 60 of 1999, as amended).[3559]

(ii) Provision of goods as logistical support activities or cooperative support activities pursuant to Ship Inspection Act (Act No. 145 of 2000, amended)[3560] [during IIS].

(iii) Provision of goods to the armed forces of the United States, Australia, the United Kingdom, France, Canada, India, or Germany responding to large-scale natural disasters Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended).[3561]

(iv) Provision of goods as cooperative support activities pursuant to Law on Cooperative Support Activities for Foreign Armed Forces, etc. Carried Out by Japan in the Event of an International Peace Cooperation Situation (Law No. 77 of 2015).

(2) The Minister of Defense may, as the activities prescribed in ¶(2), Article 3 [JSDF secondary missions not involving the threat of or Use of Force], have the activities prescribed in each of the following items carried out pursuant to the provisions of the respective laws.

(i) Provision of services as logistical support activities by Ministry of Defense agencies or units, etc., and search and rescue activities [RSAR[3562]] by units, etc. pursuant to IIS Act (Act No. 60 of 1999, as amended).

(ii) Provision of services as logistical support activities or cooperative support activities associated with ship inspection activities by units, etc. pursuant to Ship Inspection Act (Act No. 145 of 2000, amended) [during IIS].

(iii) International emergency relief activities by units, etc. or [SDF] members, and the transportation of personnel engaged in such activities or materials necessary for such activities pursuant to Law on the Dispatch of Japan Disaster Relief Teams (Act No. 93 of 1987).

(iv) International peace cooperation activities by units, etc., transportation based on commission, and provision of services to the armed forces of the United States, Australia, the United Kingdom, France, Canada, India, or Germany responding to large-scale disasters pursuant to Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended).

[3556] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[3557] i–C.2. Article 3—Mission of the Self-Defense Forces, p. 306.
[3558] 3–3.3. Use of Force, p. 82.
[3559] i–EIIS Act (Act No. 60 of 1999, as amended)343
[3560] i–LShip Inspection Act (Act No. 145 of 2000, amended)364
[3561] i–OAct on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended)375
[3562] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.

(v) Provision of services as cooperative support activities by units, etc., and search and rescue [RSAR] activities by units, etc. pursuant to Law on Cooperative Support Activities for Foreign Armed Forces, etc. Carried Out by Japan in the Event of an International Peace Cooperation Situation (Law No. 77 of 2015).

i–C.36. Article 85—Mutual Liaison between the Minister of Defense and the National Public Safety Commission

(1) When issuing a Call-Up order pursuant to the provisions of ¶(1), Article 78[3563] [PSO by Order], or ¶(2), Article 81[3564] [PSO by Request], the Prime Minister shall ensure that the Minister of Defense and the National Public Safety Commission[3565] maintain close mutual liaison.

i–C.37. Article 86—Liaison and Cooperation with Related Organizations

(1) When a unit, etc. operates pursuant to the provisions of ¶(1), Article 76[3566] [DO[3567] for STS,[3568] AAS (Imminent),[3569] or AAS (Occurrence)[3570]], Article 77-2[3571] [Establishment of Defense Facilities], Article 77-4[3572] [Civil Protection Operations[3573]], ¶(1), Article 78[3574] [PSO by Order[3575]], ¶(2), Article 81[3576] [PSO by Request[3577]], ¶(1), Article 81-2[3578] [when guarding JSDF or U.S. facilities], ¶¶(1) and (3), Article 82-3[3579] [BMD Operations], ¶(2), Article 83[3580] [Disaster Relief Operations[3581]], Article 83-2 [Earthquake Disaster Prevention Operations[3582]], or Article 83-3 [Nuclear Disaster Relief Operations[3583]] the unit, etc. and the prefectural governor, mayor, police and fire department, and other national or local government organizations related to the unit, etc. shall maintain close mutual liaison and cooperation.

i–C.38. Article 87—Possession of Weapons

(1) The Self-Defense Forces may possess weapons necessary for the performance of their missions.

i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence])

Article 88 authorizes "necessary force" (i.e., Use of Force[3584]) to defend Japan during a DO[3585] during AAS[3586] or STS[3587] (including Use of Force for CSD[3588]), within the bounds of both International Law[3589] or international convention as well as the "Minimum Extent Necessary"[3590] provisions of the Japanese Constitution's[3591] Article 9[3592] and the "Three New Conditions."[3593]

(1) The Self-Defense Forces ordered to deploy pursuant to the provisions of ¶(1), Article 76[3594] [DO[3595] for STS or AAS (Occurrence)[3596]], may use force necessary to defend our country. [see §§ i–C.39.A. Article 88 Use of Force During AAS (Imminent) [p. 320] and i–C.39.B. Article 88 Use of Force during STS [p. 321]]

(2) When using force as provided for in the preceding paragraph, international laws and customs must be observed when appropriate, and the Use of Force must not exceed the limits deemed reasonably necessary depending on the circumstances.

i–C.39.A. Article 88 Use of Force During AAS (Imminent)

Article 88 authorizes Use of Force[3597] for SDF units ordered into operation under ¶(1), Article 76.[3598]

[3563] i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
[3564] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[3565] C–2.1.5.2. National Public Safety Commission, p. 226.
[3566] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3567] 3–2.2.1. Defense Operation (DO), p. 57.
[3568] 4–10. Survival-Threatening Situation (STS), p. 111.
[3569] 4–11.1.1. AAS (Imminent), p. 117.
[3570] 4–11.1.2. AAS (Occurrence), p. 117.
[3571] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[3572] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3573] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[3574] i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
[3575] 3–2.3.1.1. PSO By Order, p. 65.
[3576] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[3577] 3–2.3.1.2. PSO By Request, p. 65.
[3578] i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc., p. 316.
[3579] i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.
[3580] i–C.30. Article 83—Disaster Relief Operations (DRO), p. 317.
[3581] 3–2.4.1. Disaster Relief Operations (DRO), p. 73.
[3582] 3–2.4.2. Earthquake Disaster Prevention Operations, p. 73.
[3583] 3–2.4.3. Nuclear Disaster Relief Operations, p. 73.
[3584] 3–3.3. Use of Force, p. 82.
[3585] 3–2.2.1. Defense Operation (DO), p. 57.
[3586] 4–11. Armed Attack Situation (AAS), p. 116.
[3587] 4–10. Survival-Threatening Situation (STS), p. 111.
[3588] 3–4.2. Collective Self-Defense (CSD), p. 86.
[3589] 2–1.2.4.1. International Law, p. 22.
[3590] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.
[3591] 2–1.2. Japanese Constitution (Kenpō), p. 13.
[3592] 2–1.2.1. Article 9 (War Renunciation), p. 13; i–B.2. Article 9—Renunciation of War, p. 303.
[3593] 2–3.1. "Three New Conditions" for the Use of Force,p. 41.
[3594] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3595] 3–2.2.1. Defense Operation (DO), p. 57.
[3596] 4–11.1.2. AAS (Occurrence), p. 117.
[3597] 3–3.3. Use of Force, p. 82.
[3598] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.

¶(1), Article 76 authorizes DO[3599] to respond to STS[3600] or AAS,[3601] including AAS (Occurrence)[3602] and AAS (Imminent).[3603]

However, during AAS (Imminent), while Use of Force is *authorized*, the necessary conditions (the "Three New Conditions"[3604]) have not been met to Use of Force to be *exercised*.

While formal transition from AAS (Imminent) to AAS (Occurrence) may require the Stipulation[3605] process (or aspects of it, including Cabinet-level action or decisions), the "Three New Conditions" do not necessarily specify this as a requirement. Thus, Article 88 authorization for the Use of Force during AAS (Imminent) enables SDF members or unit commanders the ability to *exercise* Use of Force when attacked, without any requirement to wait for Stipulation of AAS (Occurrence) or any other formal recognition of transition.

Such procedures may be specified in OCC.[3606]

Also see § 4–12.4. Timing in Armed Attacks (p. 123).

i–C.39.B. Article 88 Use of Force during STS

Some commentators[471] highlight that the 2015 Legislation for Peace and Security[3607] did not result in a change to Article 88, which specifies "may use force necessary to defend our country," and that, as a result, CSD[3608] under STS[3609] may remain geographically bound (for example, within Japan's EEZ[3610] or ADIZ[3611]) or that Article 88 Use of Force[3612] may not apply under STS. The legal reasoning of this argument is questionable and is not supported by GoJ's statements and official documents describing the Use of Force under STS or GoJ's explicit statements that STS is not geographically-bound.

i–C.40. Article 89—Powers while in Public Security Operation (PSO)

This article applies the laws governing and authorities of police officials onto JSDF units operating under PSO[3613] "as if" they were law enforcement bodies.

This article should be read in conjunction with SDF Act (Law No. 165 of 1954, as amended) Articles 90[3614] Article 91.[3615]

(1) The provisions of the Police Duties Execution Act (Law No. 136 of 1948, as amended)[3616] shall apply mutatis mutandis[3617] to the execution of duties by SDF personnel who are ordered to deploy pursuant to the provisions of ¶(1), Article 78[3618] [PSO by Order[3619]] or ¶(2), Article 81[3620] [PSO by Request[3621]]. In this case, "Public Safety Commission" in ¶(2), Article 4[3622] [Measures for Refuge], of the same law shall be read as "person designated by the Minister of Defense."

(2) In order for SDF personnel to use weapons [i.e., Use of Weapons[3623]] pursuant to the provisions of Article 7[3624] of the Police Duties Execution Act (Law No. 136 of 1948, as amended), which apply mutatis mutandis in the preceding paragraph, they must do so under the orders of the unit commander, except in cases falling under Article 36[3625] [Self-Defense] or 37[3626] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended).

[3599] 3–2.2.1. Defense Operation (DO), p. 57.
[3600] 4–10. Survival-Threatening Situation (STS), p. 111.
[3601] 4–11. Armed Attack Situation (AAS), p. 116.
[3602] 4–11.1.2. AAS (Occurrence), p. 117.
[3603] 4–11.1.1. AAS (Imminent), p. 117.
[3604] 2–3.1. "Three New Conditions" for the Use of Force,p. 41.
[3605] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3606] 3–3.5. Operational Code of Conduct (OCC)—Japanese "ROE", p. 84.
[3607] 2–1.6. 2015 Legislation for Peace and Security, p. 34.
[3608] 3–4.2. Collective Self-Defense (CSD), p. 86.
[3609] 4–10. Survival-Threatening Situation (STS), p. 111.
[3610] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[3611] A–4.8. Air Defense Identification Zone (ADIZ), p. 197.
[3612] 3–3.3. Use of Force, p. 82.
[3613] 3–2.3.1. Public Security Operation (PSO), p. 65.
[3614] i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
[3615] i–C.42. Article 91—Use of Weapons while in Public Security Operation (PSO), p. 322.
[3616] i–I. Police Duties Execution Act (Law No. 136 of 1948, as amended), p. 357.
[3617] Making necessary changes to account for differing situations, but the basic point remains the same.
[3618] i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
[3619] 3–2.3.1.1. PSO By Order, p. 65.
[3620] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[3621] 3–2.3.1.2. PSO By Request, p. 65.
[3622] i–I.2. Article 4—Measures for Refuge, p. 358.
[3623] 3–3.1. Use of Weapons, p. 77.
[3624] i–I.5. Article 7—Use of Weapons, p. 358.
[3625] i–H.1. Article 36—Self-Defense, p. 357.
[3626] i–H.2. Article 37—Necessity, p. 357.

i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO)

Provides JSDF authority for Use of Weapons[3627] during PSO operations.[3628]

This article should be read in conjunction with SDF Act (Law No. 165 of 1954, as amended) Articles 89[3629] and 91.[3630]

(1) Self-Defense Force personnel who are ordered to deploy pursuant to the provisions of ¶(1), Article 78[3631] [PSO by Order] or ¶(2), Article 81[3632] [PSO by Request] may use weapons [i.e., Use of Weapons[3633]] pursuant to the provisions of the previous article [Article 89[3634]], and may use weapons to the extent that is deemed reasonably necessary depending on the situation, when there is sufficient reason to deem that any of the following applies:

(i) When there is a clear danger that a person, facility or property being guarded in the course of duty is being assaulted or violated, or is about to be assaulted, and there is no other appropriate means to eliminate this other than by Use of Weapons.

(ii) When there is a clear danger that a large group of people will assemble and commit assault or intimidation, or are about to commit assault or intimidation, and there is no other appropriate means to suppress or prevent this other than by Use of Weapons.

(iii) In addition to the cases listed in the preceding paragraph, when there is a high probability that a person who possesses, or who is reasonably suspected to possess, a rifle, machine gun (including a handgun), artillery, chemical weapon, biological weapon, or other weapon with similar lethality will commit assault or intimidation, and there is no other appropriate means to suppress or prevent this other than by Use of Weapons.

(2) The provisions of the ¶(2) of the preceding Article [granting JSDF Use of Weapons "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis[3635] to the cases in the preceding paragraph.

i–C.42. Article 91—Use of Weapons while in Public Security Operation (PSO)

This article should be read in conjunction with SDF Act (Law No. 165 of 1954, as amended) Articles 89[3636] and 90.[3637]

(1) Article 16[3638] [Request of Cooperation for Citizen and Ship], ¶(1), Article 17[3639] [Ship Boarding and Inspection], and Article 18[3640] [Control of a Ship] of the Coast Guard Act (Law No. 28 of 1948, as amended), shall apply mutatis mutandis[3641] to the performance of duties of Maritime Self-Defense Force personnel of the rank of petty officer 3rd class or higher who are ordered to deploy pursuant to the provisions of ¶(1), Article 78[3642] [PSO by Order[3643]] or ¶(2), Article 81[3644] [PSO by Request[3645]]

(2) The provisions of ¶(2), Article 20[3646] [Use of Weapons] of the Coast Guard Act (Law No. 28 of 1948, as amended) shall apply mutatis mutandis to the performance of duties of Maritime Self-Defense Force personnel who are ordered to deploy pursuant to the provisions of ¶(1), Article 78 [PSO by Order] or ¶(2), Article 81 [PSO by Request]. In this case, in ¶(2), Article 20 of the same Act, "Police Duties Execution Act (Law No. 136 of 1948, as amended) Article 7[3647] as applied mutatis mutandis pursuant to the preceding paragraph" shall be read as "Article 7 and ¶(1) of the preceding Article of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis pursuant to ¶(1), Article 89", "¶(1), Article 17" shall be read as "¶(1), Article 17, paragraph 1 of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis pursuant to the preceding paragraph", "the duties of a coast guard officer or assistant coast guard officer" shall be read as "the duties of a self-defense force official who is ordered to deploy

3627 3–3.1. Use of Weapons, p. 77.
3628 3–2.3.1. Public Security Operation (PSO), p. 65.
3629 i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
3630 i–C.42. Article 91—Use of Weapons while in Public Security Operation (PSO), p. 322.
3631 i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
3632 i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
3633 3–3.1. Use of Weapons, p. 77.
3634 i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
3635 Making necessary changes to account for differing situations, but the basic point remains the same.
3636 i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
3637 i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
3638 i–K.4. Article 16—Request of Cooperation for Citizen and Ship, p. 362.
3639 i–K.5. Article 17—Query, Order to Submit Documents, Order to Stop Ship, and Ship Visit, p. 362.
3640 i–K.6. Article 18—Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel, p. 363.
3641 Making necessary changes to account for differing situations, but the basic point remains the same.
3642 i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
3643 3–2.3.1.1. PSO By Order, p. 65.
3644 i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
3645 3–2.3.1.2. PSO By Request, p. 65.
3646 i–K.7. Article 20—Use of Weapons, p. 363.
3647 i–I.5. Article 7—Use of Weapons, p. 358.

pursuant to the provisions of ¶(1), Article 78 [PSO by Order] or ¶(2), Article 81 [PSO by Request]", and "the Commandant of the Japan Coast Guard" shall be read as "the Minister of Defense".

(3) The provisions of ¶(2), Article 89 shall apply mutatis mutandis to cases where a self-defense force official of the Maritime Self-Defense Force uses a weapon pursuant to the provisions of ¶(2), Article 20[3648] of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis pursuant to the preceding paragraph.

i–C.43. Article 91-2—Authority During Guarding Operations

Authorizes police authorities (¶[1]) and Use of Weapons[3649] (¶¶[2]-[5]; including Types 1[3650] and 2[3651]) during Guard & Protect Operations.[3652]

(1) The provisions of Articles 2[3653] [Questioning] 4[3654] [Measures for Refuge] and ¶¶(1), (3), and (4) of Article 6[3655] [Entry] of the Police Duties Execution Act (Law No. 136 of 1948, as amended), shall apply mutatis mutandis[3656] to the performance of duties by Self-Defense Force members of units, etc., ordered to deploy pursuant to the provisions of ¶(1), Article 81-2[3657] [when guarding JSDF or U.S. facilities], only when no police officers are present at the scene. In this case, "Public Safety Commission" in ¶(2), Article 4[3658] [Measures for Refuge] of the same law shall be read as "person designated by the Minister of Defense."

(2) The provisions of Articles 5[3659] [Prevention and Suppression of Crime] and 7[3660] [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) shall apply mutatis mutandis to the performance of duties by Self-Defense Force members of units, etc., ordered to deploy pursuant to the provisions of ¶(1), Article 81-2 [when guarding JSDF or U.S. facilities].

(3) In addition to the cases where weapons are used pursuant to the provisions of Article 7 [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis in the preceding paragraph, Self-Defense Forces personnel of a unit, etc. who have been ordered to deploy pursuant to the provisions of ¶(1), Article 81-2 [when guarding JSDF or U.S. facilities] may use weapons to the extent that is deemed reasonably necessary in accordance with the circumstances when there is a clear danger that the facility which they are guarding in the course of their duties will be subjected to an infringement that may result in large-scale destruction and there is sufficient reason to believe that there is no appropriate means of eliminating this other than using weapons [i.e., Use of Weapons].

(4) The authority pursuant to the provisions of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis in ¶¶(1) and (2) and the authority in the preceding paragraph may be exercised outside the facility or Facilities and Areas[3661] designated pursuant to the provisions of ¶(2), Article 81-2 [when guarding JSDF or U.S. facilities], to the extent necessary, when there is an unavoidable need for the guarding of such facilities or Facilities and Areas.

(5) The provisions of ¶(2), Article 89[3662] [Use of Weapons under PSO "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis to cases where Self-Defense Forces personnel use weapons pursuant to the provisions of ¶(3), Article 7[3663] [Use of Weapons], of the Police Duties Execution Act (Law No. 136 of 1948, as amended).as applied mutatis mutandis in ¶(2).

i–C.44. Article 92—Authority for Maintenance of Public Order During DO

Authorizes JSDF units to take action to maintain public order, including the authority for the Use of Weapons[3664] and Use of Force,[3665] during a DO.[3666]

(1) The Self-Defense Forces ordered to deploy pursuant to the provisions of ¶(1), Article 76[3667] (limited to the part relating to item (i) [DO for AAS (Imminent)[3668] and AAS (Occurrence);[3669] limitation to item (i) excludes STS,[3670] which is Article 76,

[3648] i–K.7. Article 20—Use of Weapons, p. 363.
[3649] 3–3.1. Use of Weapons, p. 77.
[3650] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[3651] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[3652] 3–2.3.4. Guard & Protect Operations at SDF and U.S. Facilities and Areas, p. 68.
[3653] i–I.1. Article 2—Questioning, p. 357.
[3654] i–I.2. Article 4—Measures for Refuge, p. 358.
[3655] i–I.4. Article 6—Entry, p. 358.
[3656] Making necessary changes to account for differing situations, but the basic point remains the same.
[3657] i–C.26. Article 81-2—Guarding Operation at Self-Defense Force Facilities, etc., p. 316.
[3658] i–I.2. Article 4—Measures for Refuge, p. 358.
[3659] i–I.3. Article 5—Prevention and Suppression of Crime, p. 358.
[3660] i–I.5. Article 7—Use of Weapons, p. 358.
[3661] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[3662] i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
[3663] i–I.5. Article 7—Use of Weapons, p. 358.
[3664] 3–3.1. Use of Weapons, p. 77.
[3665] 3–3.3. Use of Force, p. 82.
[3666] 3–2.2.1. Defense Operation (DO), p. 57.
[3667] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3668] 4–11.1.1. AAS (Imminent), p. 117.
[3669] 4–11.1.2. AAS (Occurrence), p. 117.
[3670] 4–10 Survival-Threatening Situation (STS), p. 111.

¶(1), item (ii)]; the same applies hereinafter in this Article) may, in addition to using force [i.e., Use of Force] pursuant to the provisions of Article 88[3671] [Use of Force under a DO], take action to maintain public order as necessary.

(2) The provisions of the Police Duties Execution Act (Law No. 136 of 1948, as amended) and ¶(1), Article 90[3672] [Use of Weapons during PSO] shall apply mutatis mutandis[3673] to the performance of duties for the maintenance of public order by Self-Defense Force personnel who are ordered to deploy pursuant to the provision of ¶(1), Article 76 [DO for STS, AAS (Imminent), and AAS (Occurrence], pursuant to the provision of the preceding paragraph; the provisions of Article 16[3674] [Request of Cooperation for Citizen and Ship], ¶(1), Article 17[3675] [Ship Boarding and Inspection], and Article 18[3676] [Control of a Ship] of the Coast Guard Act (Law No. 28 of 1948, as amended) shall apply mutatis mutandis to the performance of duties for the maintenance of public order by Self-Defense Force personnel of the rank of petty officer 3rd class or higher who are ordered to deploy pursuant to the provision of ¶(1), Article 76 [STS, AAS (Imminent), and AAS (Occurrence)], pursuant to the provision of the preceding paragraph; and the provision of ¶(2), Article 20[3677] [Use of Weapons] of the same Law shall apply mutatis mutandis to the performance of duties for the maintenance of public order by Self-Defense Force personnel of the Maritime Self-Defense Force who are ordered to deploy pursuant to the provision of ¶(1), Article 76 [STS, AAS (Imminent), and AAS (Occurrence)], pursuant to the provision of the preceding paragraph. In this case, "Public Safety Commission" in ¶(2), Article 4[3678] [Measures for Refuge] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) is read as "person designated by the Minister of Defense," "Article 7[3679] [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis in the preceding paragraph" in ¶(2), Article 20 [Use of Weapons] of the Coast Guard Act (Law No. 28 of 1948, as amended) is read as "Article 7 [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) and ¶(1), Article 90[3680] [Use of Weapons while in PSO] of this Law as applied mutatis mutandis in this paragraph," "¶(1), Article 17," is read as "¶(1), Article 17, of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis in this paragraph," "duties of a coast guard officer or assistant coast guard officer" is read as "duties performed by a member of the Self-Defense Forces who has been ordered to deploy pursuant to the provisions of ¶(1), Article 76[3681] (limited to the part relating to item (i) [AAS (Imminent)[3682] and AAS (Occurrence);[3683] limitation to item (i) excludes STS,[3684] which is Article 76, ¶(1), item (ii)] for the maintenance of public order," and "Commandant of the Japan Coast Guard" is read as "Minister of Defense."

(3) The provisions of ¶(2), Article 89[3685] [Use of Weapons under PSO "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis to cases where a Self-Defense Forces official uses a weapon pursuant to the provisions of Article 7 [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) or ¶(1), Article 90[3686] [Use of Weapons while in PSO] of this Act, as applied mutatis mutandis in the preceding paragraph, and where a Maritime Self-Defense Force official uses a weapon pursuant to the provisions of ¶(2), Article 20 [Use of Weapons] of the Coast Guard Act (Law No. 28 of 1948, as amended), as applied mutatis mutandis in the preceding paragraph.

(4) Self-Defense Forces personnel who have been ordered to deploy pursuant to the provisions of ¶(1), Article 76 [DO for STS, AAS (Imminent), and AAS (Occurrence)], who is engaged in duties for the maintenance of public order pursuant to the provisions of ¶(1) [acting to preserve public order under a DO during AAS (Imminent) or AAS (Occurrence)], may take the measures provided for in ¶(1) of Article 114-5[3687] of The Road Traffic Act (Law No. 105 of 1960, as amended) [Regulation of Traffic When SDF Are Mobilized; Related Considerations] pursuant to the provisions of the same Article and the orders thereunder.

i–C.45. Article 92-2—Emergency Passage During Defense Operations (DO)

Authorizes JSDF units to conduct passage through areas not open to the general public when necessary under a DO[3688] during AAS.[3689]

(1) Self-Defense Force personnel who have been ordered to deploy pursuant to the provisions of ¶(1), Article 76[3690] (limited to first clause only [DO for AAS (Imminent)[3691] and AAS (Occurrence);[3692] limitation to No. (i). excludes STS,[3693]

[3671] i–C.39. Article 88—Use of Force under DO (STS, AAS [Occurrence]), p. 320.
[3672] 3–3.1. Use of Weapons, p. 77.
[3673] Making necessary changes to account for differing situations, but the basic point remains the same.
[3674] i–K.4. Article 16—Request of Cooperation for Citizen and Ship, p. 362.
[3675] i–K.5. Article 17—Query, Order to Submit Documents, Order to Stop Ship, and Ship Visit, p. 362.
[3676] i–K.6. Article 18—Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel, p. 363.
[3677] i–K.7. Article 20—Use of Weapons, p. 363.
[3678] i–I.2. Article 4—Measures for Refuge, p. 358.
[3679] i–I.5. Article 7—Use of Weapons, p. 358.
[3680] i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
[3681] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3682] 4–11.1.1. AAS (Imminent), p. 117.
[3683] 4–11.1.2. AAS (Occurrence), p. 117.
[3684] 4–10 Survival-Threatening Situation (STS), p. 111.
[3685] i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
[3686] i–C.41. Article 90—Use of Weapons while in Public Security Operation (PSO), p. 322.
[3687] i–J.1. Article 114-5—Regulation of Traffic When Self-Defense Forces (SDF) Are Mobilized; Related Considerations, p. 359.
[3688] 3–2.2.1. Defense Operation (DO), p. 57.
[3689] 4–11. Armed Attack Situation (AAS), p. 116.
[3690] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3691] 4–11.1.1. AAS (Imminent), p. 117.
[3692] 4–11.1.2. AAS (Occurrence), p. 117.
[3693] 4–10. Survival-Threatening Situation (STS), p. 111.

which is Article 76, ¶(1), No. (ii)]), when making an emergency move within the area related to the Self-Defense Forces' operations, may pass through passages not used for general traffic or open spaces or water surfaces not used for public purposes if it is necessary to go around a place where passage is impeded. In this case, if a person who has suffered damage as a result of said passage requests compensation for the loss, the loss shall be compensated as provided for by government ordinance.

i–C.46. Article 92-3—Authority During Civilian Protection Operations

(1) The provisions of Articles 4[3694] [Measures for Refuge], 5[3695] [Prevention and Suppression of Crime], and ¶¶(1), (3), and (4), Article 6[3696] [Entry] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) shall apply mutatis mutandis[3697] to the performance of duties by SDF members of units, etc., ordered to be dispatched pursuant to the provisions of Article 77-4[3698] [Civil Protection Operations[3699]], only when no police officers are present at the scene. In this case, "Public Safety Commission" in ¶(2), Article 4 [Measures for Refuge], of the same law shall be read as "person designated by the Minister of Defense."

(2) The provisions of ¶(2)of the Police Duties Execution Act (Law No. 136 of 1948, as amended) shall apply mutatis mutandis to the performance of duties by SDF members of units, etc., ordered to be dispatched pursuant to the provisions of Article 77-4 [Civil Protection Operations], only when no police officers, coast guard officers, or assistant coast guard officers are present at the scene.

(3) The provisions of ¶(2), Article 89[3700] [granting JSDF Use of Weapons "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis to cases in which SDF members use weapons pursuant to the provisions of Article 7 [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended), as applied mutatis mutandis in the preceding paragraph.

(4) The provisions of Article 16[3701] [Request of Cooperation for Citizen and Ship] of the Coast Guard Act (Law No. 28 of 1948, as amended) shall apply mutatis mutandis to the performance of duties by Maritime Self-Defense Force personnel of the rank of petty officer third class or higher who are ordered to be dispatched pursuant to the provisions of Article 77-4 [Civil Protection Operations], and the provisions of Article 18[3702] [Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel] of the same Act shall apply mutatis mutandis to the performance of duties by Maritime Self-Defense Force personnel of the rank of petty officer third class or higher who are ordered to be dispatched pursuant to the provisions of Article 77-4 [Civil Protection Operations], only when a coast guard officer is not present at the scene.

(5) When a Self-Defense officer of a unit, etc. who is ordered to be dispatched pursuant to the provisions of Article 77-4 [Civil Protection Operations] has taken any of the measures provided for in Article 5 [Prevention and Suppression of Crime] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis in ¶(1) or Article 7 [Use of Weapons] of the same Act as applied mutatis mutandis in ¶(2), or when s/he [Self-Defense officer of a unit, etc.] has taken any of the measures provided for in Article 18 [Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel] of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis in the preceding paragraph, s/he shall immediately notify the police officer or coast guard officer to that effect.

i–C.47. Article 92-4—Use of Weapons in a Planned Area of Deployment

Authorizes Use of Weapons[3703] when operating under the authority of Article 77-2[3704] for Establishment of Defense Facilities.[3705]

(1) When a SDF member engaged in duties under the provisions of Article 77-2 [Establishment of Defense Facilities] performs said duties within the Planned Deployment Area [PDA],[3706] if there is sufficient reason to deem it unavoidable for the protection of his/her life or body or that of members of the Self-Defense Forces who are engaged in said duties together with him/her, he/she may use weapons to the extent that is deemed reasonably necessary according to the circumstances. However, except in cases falling under Articles 36[3707] [Self-Defense] or 37[3708] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

[3694] i–I.2. Article 4—Measures for Refuge, p. 358.
[3695] i–I.3. Article 5—Prevention and Suppression of Crime, p. 358.
[3696] i–I.4. Article 6—Entry, p. 358.
[3697] Making necessary changes to account for differing situations, but the basic point remains the same.
[3698] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3699] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[3700] i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
[3701] i–K.4. Article 16—Request of Cooperation for Citizen and Ship, p. 362.
[3702] i–K.6. Article 18—Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel, p. 363.
[3703] 3–3.1. Use of Weapons, p. 77.
[3704] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[3705] 3–2.2.4. Establishment of Defense Facilities, p .59.
[3706] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[3707] i–H.1. Article 36—Self-Defense, p. 357.
[3708] i–H.2. Article 37—Necessity, p. 357.

i–C.48. Article 92-5—Use of Weapons for Gathering Information before Order for Call-Up

Authorizes Use of Weapons[3709] when operating under the authority of Article 79-2[3710] for Information Gathering before PSO Order[3711]

> *(1) Self-Defense Force personnel engaged in information-gathering duties pursuant to Article 79-2 [Information Gathering before a PSO Order] may, in the course of performing said duties, use weapons to the extent that is deemed reasonably necessary depending on the circumstances if there is sufficient reason to deem it unavoidable for the protection of their own life or body or that of members of the Self-Defense Forces engaged in said duties together with them. However, except in cases falling under Articles 36[3712] [Self-Defense] or 37[3713] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.*

i–C.49. Article 93—Authority while in MSO

Authorizes use of Weapons,[3714] and SIO[3715] authorities to JSDF operating under MSO.[3716]

> *(1) The provisions of Article 7[3717] [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) shall apply mutatis mutandis[3718] to the performance of duties by SDF personnel who are ordered to act pursuant to Article 82[3719] [MSO].*
>
> *(2) The provisions of Article 16[3720] [Request of Cooperation for Citizen and Ship], ¶(1), Article 17[3721] [Ship Boarding and Inspection], and Article 18[3722] [Control of a Ship] of the Coast Guard Act (Law No. 28 of 1948, as amended) shall apply mutatis mutandis to the performance of duties by SDF personnel of the rank of petty officer 3rd class or higher who are ordered to act pursuant to Article 82 [MSO].*
>
> *(3) The provisions of ¶(2), Article 20[3723] [Use of Weapons] of the Coast Guard Act (Law No. 28 of 1948, as amended) shall apply mutatis mutandis to the performance of duties by SDF personnel of the Japan Coast Guard who are ordered to act pursuant to Article 82 [MSO]. In this case, in ¶(2), Article 20 [Use of Weapons] of the same Act, "the preceding paragraph" shall be read as "¶(1)," "¶(1), Article 17 [Ship Boarding and Inspection]" shall be read as "¶(1), Article 17 [Ship Boarding and Inspection] of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis pursuant to the preceding paragraph," "the duties of a coast guard officer or an assistant coast guard officer" shall be read as "the duties of a self-defense force official who is ordered to act pursuant to the provisions of Article 82 [MSO]," and "the Commandant of the Japan Coast Guard" shall be read as "Minister of Defense."*
>
> *(4) The provisions of ¶(2), Article 89[3724] [granting JSDF Use of Weapons "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis to cases where a self-defense force official uses a weapon pursuant to the provisions of Article 7 [Use of Weapons] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) as applied mutatis mutandis pursuant to ¶(1), and where a self-defense force official of the Maritime Self-Defense Force uses a weapon pursuant to the provisions of ¶(2), Article 20 [Use of Weapons] of the Coast Guard Act (Law No. 28 of 1948, as amended) as applied mutatis mutandis pursuant to the preceding paragraph.*

i–C.50. Article 93-2—Authority During Counter-Piracy Operations

> *(1) Self-Defense Force personnel who are ordered to take Counter-Piracy Operations[3725] pursuant to Article 82-2[3726] [Counter-Piracy Operations[3727]] may exercise the authority provided for in the Counter-Piracy Act (Law No. 55 of 2009, as amended).*

i–C.51. Article 93-3—Use of Weapons against Destruction of Ballistic Missiles

Authorizes the Type 2 Use of Weapons[3728] for BMD Operations.[3729]

[3709] 3–3.1. Use of Weapons, p. 77.
[3710] i–C.23. Article 79-2—Information Gathering before PSO Order, p. 315.
[3711] 3–2.3.1.4.1. Information Gathering before PSO Order, p. 65.
[3712] i–H.1. Article 36—Self-Defense, p. 357.
[3713] i–H.2. Article 37—Necessity, p. 357.
[3714] 3–3.1. Use of Weapons, p. 77.
[3715] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3716] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[3717] i–I.5. Article 7—Use of Weapons, p. 358.
[3718] Making necessary changes to account for differing situations, but the basic point remains the same.
[3719] i–C.27. Article 82—Maritime Security Operations (MSO), p. 316.
[3720] i–K.4. Article 16—Request of Cooperation for Citizen and Ship, p. 362.
[3721] i–K.5. Article 17—Query, Order to Submit Documents, Order to Stop Ship, and Ship Visit, p. 362.
[3722] i–K.6. Article 18—Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel, p. 363.
[3723] i–K.7. Article 20—Use of Weapons, p. 363.
[3724] i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
[3725] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3726] i–C.28. Article 82-2—Counter-Piracy Operations, p. 316.
[3727] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3728] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[3729] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.

(1) Self-Defense Force units who are ordered to take measures pursuant to the provisions of ¶¶(1) and (3), Article 82-3[3730] [BMD Operations], may use weapons necessary to destroy ballistic missiles, etc.

i–C.52. Article 94-2—Authority of Measures for Civil Protection

(1) The following SDF personnel may, in accordance with the provisions of the the Civil Protection Act (Act No. 112 of 2004, as amended) and the orders thereunder, take measures related to the guidance of evacuated residents as stipulated in Chapter II Section 3 of said Law, emergency measures, etc. as stipulated in Chapter IV, Section 2 of said Law, and measures related to traffic control, etc. as stipulated in Article 155 of said Law.

(i) SDF personnel ordered to deploy pursuant to ¶(1), Article 76[3731] (limited to the part relating to item (i) [AAS (Imminent)[3732] and AAS (Occurrence);[3733] limitation to item (i) excludes STS,[3734] which is Article 76, ¶(1), item (ii)], who are engaged in duties for maintaining public order pursuant to ¶(1), Article 92[3735] [Powers for Maintenance of Public Order while in DO[3736] for AAS (Imminent) and AAS (Occurrence) but not STS].

(ii) SDF personnel of units ordered to deploy pursuant to ¶(1), Article 77-4 [CPO[3737]].

(iii) SDF personnel ordered to deploy pursuant to ¶(1), Article 78[3738] [PSO by Order[3739]] or ¶(2), Article 81[3740] [PSO by Request[3741]] (limited to SDF personnel who are ordered to deploy when the Prime Minister orders such deployment as specified in ¶(2) item (iii) of the Basic Policy for Responses stipulated in Article 9, ¶(1), Article 9[3742] [BRP[3743]] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)).

(2) The following SDF personnel may take measures to respond to emergency response situations stipulated in Chapter VIII [Measures to Deal with Emergency Situations] of the Civil Protection Act (Act No. 112 of 2004, as amended) and orders thereunder.

(i) SDF personnel of units etc. ordered to be dispatched pursuant to the provisions of ¶(2), Article 77-4 [CPO].

(ii) SDF personnel ordered to be deployed pursuant to the provisions of ¶(1), Article 78 [PSO by Order] or ¶(2), Article 81 [PSO by Request] (limited to Self-Defense Forces personnel who are ordered to be deployed in emergency response situations stipulated in ¶(1), Article 22[3744] [Emergency Response Plan] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), in order to respond to attacks equivalent to Armed Attacks stipulated in of ¶(1), Article 14[3745] [Acting by Prefectural Governors] of the Civil Protection Act (Act No. 112 of 2004, as amended), as applied mutatis mutandis pursuant to Article 183 [Mutatis Mutandis Provisions] of the same Law).

i–C.53. Article 94-5—Authority when Protecting Japanese Nationals and Others Abroad

Authorizes Use of Weapons[3746] during RJNO.[3747]

(1) When a Self-Defense Forces official engaged in protective measures in the territory of a foreign country pursuant to the provisions of ¶(1), Article 84-3[3748] [RJNO] falls under both items (i) and (ii) of the same paragraph, and there is reasonable cause to deem it unavoidable to protect the life or body of the Self-Defense Forces official or the Japanese nationals or other protected persons who are the subject of the protective measures, or to eliminate acts that interfere with the performance of the duties, the Self-Defense Forces official may use weapons to the extent that is deemed reasonably necessary according to the circumstances. However, except in cases falling under Articles 36[3749] [Self-Defense] or 37[3750] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

(2) The provisions of ¶(2), Article 89[3751] [granting JSDF Use of Weapons "in conformance with the order of the commanding official of the unit concerned"] shall apply mutatis mutandis[3752] to cases in which a Self-Defense Forces official uses weapons pursuant to the provisions of the preceding paragraph.

3730 i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.
3731 i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
3732 4–11.1.1. AAS (Imminent), p. 117.
3733 4–11.1.2. AAS (Occurrence), p. 117.
3734 4–10 Survival-Threatening Situation (STS), p. 111.
3735 i–C.44Article 92—Authority for Maintenance of Public Order During DO323
3736 3–2.2.1. Defense Operation (DO), p. 57.
3737 3–2.5.1. Civil Protection Operations (CPO), p. 73.
3738 i–C.21.Article 78—Public Security Operation (PSO) by Order, p. 314.
3739 3–2.3.1.1. PSO By Order, p. 65.
3740 i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
3741 3–2.3.1.2. PSO By Request, p. 65.
3742 i–D.4. Article 9—Basic Response Plan, p. 339.
3743 4–4. Basic Response Plan (BRP), p. 101.
3744 i–D.7. Article 22—Emergency Response Plan, p. 342.
3745 i–G.3. Article 14—Acting by Prefectural Governors, p. 355.
3746 3–3.1. Use of Weapons, p. 77.
3747 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
3748 i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
3749 i–H.1. Article 36—Self-Defense, p. 357.
3750 i–H.2. Article 37—Necessity, p. 357.
3751 i–C.40. Article 89—Powers while in Public Security Operation (PSO), p. 321.
3752 Making necessary changes to account for differing situations, but the basic point remains the same.

(3) Even if the SDF personnel prescribed in ¶(1) do not fall under ¶(1)(i) of Article 84-3[3753] [no combat taking place[3754] in the location of RJNO[3755]], when performing their duties and there is sufficient reason to deem it necessary to protect the life or body of their own SDF personnel or that of other SDF members engaged in said duties together with them, or of persons who have come under their control [supervision/responsibility of protection] in the course of performing said duties, they may use weapons to the extent that is deemed reasonably necessary according to the circumstances, provided, except in cases falling under Articles 36[3756] [Self-Defense] or 37[3757] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

i–C.54. Article 94-6—Authority for Transportation of Japanese Nationals and Others Abroad

Authorizes the Use of Weapons[3758] for TJNO.[3759]

(1) A Self-Defense Forces official engaged in the transport duties set forth in in ¶(1), Article 84-4[3760] [TJNO] in the territory of a foreign country may use weapons to the extent deemed reasonably necessary in accordance with the circumstances when performing his/her duties in the location of the aircraft, vessel, or vehicle used for said transport, the route leading the person to be transported (meaning a Japanese national who has come under the control [supervision/responsibility of protection] of said Self-Defense Forces official or a person who is to be brought aboard under the latter provision of said paragraph; the same applies hereinafter in this Article) to said aircraft, vessel, or vehicle, the location where the person to be transported is waiting to board said aircraft, vessel, or vehicle, or the location where confirmation of the status of the transport route or other duties necessary for the implementation of the transport by said vehicle carried out away from the location of said vehicle is performed, if there is reasonable cause to deem it unavoidable to protect the life or body of himself/herself, or of members of the Self-Defense Forces engaged in said transport duties [TJNO] together with him/her, the person to be transported, or any other person who has come under his/her control [supervision/responsibility of protection] in the course of performing said duties. However, except in cases falling under Articles 36[3761] [Self-Defense] or 37[3762] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

i–C.55. Article 94-7—Authority During Logistics Support Activities, etc.

Authorizes the Use of Weapons[3763] for Rear-Area Support.[3764]

(1) Self-Defense Force personnel engaged in activities prescribed in ¶(2), Article 3[3765] [secondary missions of the JSDF], or Self-Defense Force personnel of a unit, etc., who have been ordered to carry out such activities and who fall under any of the following items, may use weapons in accordance with the provisions of the law governing the said activities in the cases specified in the respective items.

(i) When there is a reasonable justification to deem it necessary to protect the life or body of the Self-Defense Forces member of a unit, etc., who has been ordered to provide services as a rear support activity or to conduct search and rescue activities [RSAR] as prescribed in No. (i), ¶(2), Article 84-5[3766] [rear area support for SIO[3767] during IIS[3768]], him/herself, or other members of the Self-Defense Forces who are present at the site with him/her, or a person who has come under his control [supervision/responsibility of protection] in the course of performing said duties, or a person who is present at the camp (meaning the camp as prescribed in ¶(5), Article 11[3769] [Use of Weapons] of the IIS Act (Act No. 60 of 1999, as amended)) where he is camped with him/her.

(ii) SDF personnel of a unit, etc., who have been ordered to carry out ship inspection activities [SIO[3770]] as provided for in No. (ii), ¶(2), Article 84-5 [rear area support for SIO during IIS]. When there is reasonable cause to deem it unavoidable to protect the life or body of the Self-Defense Forces personnel themselves, other members of the Self-Defense Forces who are present at the site with the Self-Defense Forces personnel, or persons who come under the Self-Defense Forces' control in the course of carrying out said duties.

(iii) A Self-Defense Force member (excluding those set forth in the following item [No. (iv)] and in No. [v]) engaged in International Peace Cooperation Activities[3771] prescribed in No. (iv), ¶(2), Article 84-5 [rear area support for SIO during

[3753] i–C.33. Article 84-3—Measures to Rescue Japanese Nationals Overseas (RJNO), p. 318.
[3754] 2–1.2.2.1. Scene of Combat, p. 21.
[3755] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.
[3756] i–H.1. Article 36—Self-Defense, p. 357.
[3757] i–H.2. Article 37—Necessity, p. 357.
[3758] 3–3.1. Use of Weapons, p. 77.
[3759] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.
[3760] i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO), p. 318.
[3761] i–H.1. Article 36—Self-Defense, p. 357.
[3762] i–H.2. Article 37—Necessity, p. 357.
[3763] 3–3.1. Use of Weapons, p. 77.
[3764] 3–2.2.9. Rear Area Support, p. 64.
[3765] i–C.2. Article 3—Mission of the Self-Defense Forces, p. 306.
[3766] i–C.35. Article 84-5—Logistics Support Activities, etc. (Rear Area Support), p. 319.
[3767] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3768] 4–7. Important Influence Situation (IIS), p. 105.
[3769] i–E.11. Article 11 - Use of Weapons, p. 349.
[3770] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3771] 3–2.6.1. IPCA, p. 76.

IIS], when there is reasonable cause to deem it unavoidable to protect the life or body of himself/herself, or of other members of the Self-Defense Forces (meaning members as prescribed in ¶(5), Article 2) who are present at the site with him/her, members of the International Peace Cooperation Corps (meaning members of the Cooperation Corps as prescribed in Article 10 of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended)), or persons who have come under his/her control in the course of performing said duties, or persons who are present with him/her in the camp where he/she is camped (meaning the camp as prescribed in ¶(7), Article 25 of the same Act).

(iv) Self-Defense Forces personnel engaged in international peace cooperation duties prescribed in No. (iv), ¶(2), Article 84-5 [rear area support for SIO during IIS], which are listed in Point (u), No. (v), Article 3, to of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended), or those specified by Cabinet Order[3772] in the same item, Point (g), as being similar to them. In the case specified in the preceding item, or when performing such duties, there is a reasonable reason to deem it unavoidable to protect the life, body, or property of oneself or others, or to eliminate acts that interfere with such duties.

(v) In the case specified in No. (iii) of the Self-Defense Forces engaged in international peace cooperation activities prescribed in No. (iv), ¶(2), Article 84-5 [rear area support for SIO during IIS], which are listed in Point (v), No. (v), Article 3 of the of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended), or when there is reasonable cause to deem that there is an unavoidable need to protect the life or body of the Self-Defense Forces member or the persons involved in the activities that he/she wishes to protect (meaning the persons involved in the activities prescribed in Point (v), No. (v), Article 3 of the same Law) when performing such activities.

(vi) In the case specified in No. (iii) of the Self-Defense Forces member of a unit, etc., who has been ordered to provide services as cooperative support activities or to conduct search and rescue activities prescribed in No. (v), ¶(2), Article 84-5 [RSAR[3773]], there is reasonable cause to deem that there is an unavoidable need to protect the life or body of the Self-Defense Forces member himself/herself, other members of the Self-Defense Forces member who are present at the scene together with him/her, persons who have come under his/her control in the course of performing such duties, or persons who are present at the camp where he/she is camped together with him/her (meaning the camp as prescribed in ¶(5), Article 11 of the Law on Cooperation and Support Activities for Foreign Armed Forces, etc. Implemented by Japan in the Event of Situations of Joint Response to International Peace).

i–C.56. Article 94-8—Authority to Regulate Maritime Transportation during Defense Call-Up

(1) Self-Defense Force personnel who are ordered to deploy pursuant to the provisions of ¶(1), Article 76[3774] [DO[3775] for STS,[3776] AAS (Imminent),[3777] and AAS (Occurrence)[3778]], may exercise the authority provided for in the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended).[3779]

i–C.57. Article 94-9—Concerning the Treatment of Prisoners of War and Other Detainees

During AAS,[3780] this article grants authority to the JSDF to conduct POW/detainee operations as authorized under the separate law, "Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations."

(1) Self-Defense Force personnel may exercise the authority provided for in the POW Law (Law No. 117 of 2004, as amended).[3781]

i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc.

Article 95 permits the Use of Weapons[3782] to protect JSDF weapons and other equipment as a law-enforcement act.

"Protection of weapons, etc." may be translated as "protection of assets."

See § 3–2.3.5 Use of Weapons to Protect Weapons, etc. (p. 69).

[3772] C–2.1.4.2. Cabinet Order, p. 225.
[3773] 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
[3774] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3775] 3–2.2.1. Defense Operation (DO), p. 57.
[3776] 4–10. Survival-Threatening Situation (STS), p. 111.
[3777] 4–11.1.1. AAS (Imminent), p. 117.
[3778] 4–11.1.2. AAS (Occurrence), p. 117.
[3779] i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), p. 368.
[3780] 4–11. Armed Attack Situation (AAS), p. 116.
[3781] i–P. POW Law (Law No. 117 of 2004, as amended), p. 378.
[3782] 3–3.1. Use of Weapons, p. 77.

(1) When on duty guarding SDF weapons, ammunition, explosives, vessels, aircraft, vehicles, wired electric communication equipment, radio equipment, or liquid fuel (hereinafter referred to as "weapons, etc."), SDF personnel may use weapons to the extent deemed reasonably necessary depending on the situation if there is sufficient reason to deem it necessary to protect people or weapons, etc. However, except in cases falling under Articles 36[3783] [Self-Defense] or 37[3784] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

i–C.59. Article 95-2—Use of Weapons to Protect the Weapons, etc. of Units of the United States and Other Militaries

Article 95-2 authorizes the Use of Weapons[3785] for "asset protection" of U.S. and other foreign armed forces' weapons and other assets not at the Scene of Combat[3786].

"Protection of weapons, etc." may be translated as "protection of assets."

See § 3–2.3.5 Use of Weapons to Protect Weapons, etc. (p. 69).

(1) When on duty guarding weapons, etc. of units of the United States armed forces, other foreign armed forces, or similar organizations (referred to in the following paragraph as "United States armed forces, etc.") currently engaged in activities contributing to the defense of Japan in cooperation with the Self-Defense Forces (including joint training, excluding those conducted at sites where combat is currently taking place), Self-Defense Force personnel may use weapons to the extent deemed reasonably necessary depending on the situation, if there is sufficient reason to deem it necessary to protect persons or weapons, etc. However, except in cases falling under Articles 36[3787] [Self-Defense] or 37[3788] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

(2) The guard referred to in the preceding paragraph shall be provided by Self-Defense Force personnel only when requested by the United States armed forces, etc., and when the Minister of Defense deems it necessary.

i–C.60. Article 95-3—Use of Weapons When Protecting SDF Facilities

(1) When an SDF official guards an SDF facility in Japan that contains facilities or equipment for storing, housing, or maintaining SDF weapons, etc., or facilities or equipment related to barracks, harbors, or airports, he/she may use weapons within the facility to the extent that is deemed reasonably necessary depending on the situation, if there is sufficient reason to deem it necessary to perform said duties or to protect himself/herself or others. However, except in cases falling under Articles 36[3789] [Self-Defense] or 37[3790] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

i–C.61. Article 100-6—Provision of Supplies/Services to the U.S. Armed Forces

This article implements the Japan-U.S. ACSA[3791] under the following conditions, granting the MoD and JSDF the authority to execute the ACSA under specific situations (Nos. [i]-[xi]).

¶¶ (1) and (2) authorize the following support on a not-to-interfere basis with JSDF missions.

- No. (i): U.S. forces conducting training
- No. (ii): U.S. forces conducting U.S. facility Guard & Protect during PSO by Request[3792]
- No. (iii): U.S. forces conducting Counter-Piracy[3793]with JSDF
- No. (iv): U.S. forces conducting BMD[3794] with JSDF
- No. (v): U.S. forces conducting disaster relief with JSDF
- No. (vi): U.S. forces conducting mine disposal with JSDF
- No. (vii): U.S. forces conducting civil protection outside Japan with JSDF conducting R/TJNO[3795]
- No. (viii): U.S. forces conducting international emergency response with JSDF
- No. (ix): U.S. forces conducting ISR contributing to defense of Japan with JSDF
- No. (x): U.S. forces transiting JSDF facilities

[3783] i–H.1. Article 36—Self-Defense, p. 357.
[3784] i–H.2. Article 37—Necessity, p. 357.
[3785] 3–3.1. Use of Weapons, p. 77.
[3786] 2–1.2.2.1. Scene of Combat, p. 21.
[3787] i–H.1. Article 36—Self-Defense, p. 357.
[3788] i–H.2. Article 37—Necessity, p. 357.
[3789] i–H.1. Article 36—Self-Defense, p. 357.
[3790] i–H.2. Article 37—Necessity, p. 357.
[3791] 8–2. Japan-U.S. Acquisition and Cross-Servicing Agreement (ACSA), p. 173.
[3792] 3–2.3.1.2. PSO By Request, p. 65.
[3793] 3–2.3.7. Counter-Piracy Operations, p. 71.
[3794] 3–2.3.6. Ballistic Missile Defense (BMD) Operations, p. 70.
[3795] 3–2.5.2. Rescue and Transportation of Japanese Nationals Overseas (R/TJNO), p. 75.

- No. (xi): U.S. forces at locations where JSDF are transiting U.S. facilities

¶(3) authorizes the following types of services under the situations in ¶¶(1) and (2)

- Services during situations Nos. (i), (x), and (xi):
  - Supply
  - Transportation
  - Repair or Maintenance
  - Medical Treatment
  - Communications
  - Service concerning airfields and ports
  - Base Operations Support
  - Billeting
  - Storage
  - Use of Facilities
  - Training
- Services during situations Nos. (ii)-(ix):
  - The same services listed above for Nos. (i), (x), and (xi) except training

¶(4) excludes the provision of weapons and ammunition under ¶(1) (i.e., ammunition and weapons may be provided on a not-to-interfere basis [¶(2)], but not when it would interfere with JSDF missions [¶(1)]).

(1) When requested by any of the following United States armed forces (meaning the armed forces of the United States of America; the same applies hereinafter in this Article and the next Article [Article 100-7]), the Minister of Defense or a person delegated by him/her may provide supplies belonging to the Self-Defense Forces to the said United States armed forces, to the extent that this does not impede the performance of the Self-Defense Forces' missions.

(i) United States armed forces participating in training conducted with the participation of both the Self-Defense Forces and the United States armed forces (excluding United States armed forces that fall under the United States armed forces, etc. prescribed in No. (i), ¶(1), Article 3[3796] of the IIS Act (Act No. 60 of 1999, as amended), specific United States armed forces prescribed in No. (vi), ¶(1), Article 2,[3797] of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended), United States armed forces that fall under the foreign armed forces prescribed in No. (vii), ¶(1), Article 3, of the Act on Cooperation and Support Activities for Foreign Armed Forces, etc. Implemented by Japan in Situations of Joint Response to International Peace. The same applies in the following [No. (ii)] to No. (iv), and Nos. (vi)-(xi) [No. (v), excluded from this listing, refers to U.S. forces conducting disaster relief with JSDF]).

(ii) When a unit, etc., guards the Facilities and Areas[3798] set forth in No. (ii), ¶(1), Article 81[3799] [SOFA II 1(a)[3800] U.S. "exclusive use" (e.g., permanent bases) during PSO by Request[3801]], the United States armed forces that are present in the Facilities and Areas together with the unit, etc. and guard the facilities and Facilities and Areas.

(iii) When a unit of the Self-Defense Forces conducts counter-piracy operations as provided for in Article 82-2[3802] [Counter-Piracy Operations], the United States armed forces that are present at the scene together with the unit and conduct activities similar to the counter-piracy operations.

(iv) When a unit of the Self-Defense Forces takes necessary actions to destroy ballistic missiles, etc. pursuant to the provisions of ¶¶(1) and (3), Article 82-3[3803] [Missile Destruct/BM Destruction], the United States armed forces that are present at the scene together with the unit and conduct activities similar to the actions.

(v) United States armed forces that carry out disaster emergency response activities at the request of the government in the event of a natural disaster or other disaster and that are present at the scene together with the [SDF] units, etc. dispatched pursuant to the provisions of ¶(2), Article 83 [Disaster Relief Operation] or Article 83-3 [Nuclear Disaster Relief Operation].

[3796] i–E.3. Article 3—Definitions, p. 344.
[3797] i–F. U.S. Military Action Support Act (Law No. 113 of 2004, as amended), p. 350.
[3798] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[3799] i–C.25. Article 81—Public Security Operation (PSO) by Request, p. 315.
[3800] 2–1.4.1. Article 2—Use of Facilities and Areas, p. 29.
[3801] 3–2.3.1.2. PSO By Request, p. 65.
[3802] i–C.28. Article 82-2—Counter-Piracy Operations, p. 316.
[3803] i–C.29. Article 82-3—Destruction Measures Against Ballistic Missiles, etc., p. 317.

(vi) United States armed forces that are present at the scene together with the units and carry out activities similar to those activities when Self-Defense Force units remove and dispose of mines and other explosive hazards as provided for in ¶(2), Article 84-2 [Mine Disposal].

(vii) When a unit, etc. implements the protective measures prescribed in ¶(1), Article 84-3 [RJNO[3804]] in the event of a foreign emergency as prescribed in the same paragraph, or when a unit, etc. transports Japanese nationals as prescribed in ¶(1), Article 84-4[3805] [TJNO[3806]] in the event of a foreign emergency as prescribed in the same paragraph, the United States armed forces that are present at the scene together with the unit, etc. and perform activities similar to those protective measures or transport.

(viii) When a unit, etc., is engaged in international emergency relief activities as provided for in No. (iii), ¶(2), Article 84-5 [providing transportation during disaster relief], or when transporting personnel engaged in such activities or materials necessary for such activities, the United States armed forces that are present at the site together with the unit, etc. to carry out activities of the same kind in order to respond to the same disaster.

(ix) When a unit of the Self-Defense Forces is engaged in activities to collect information on the movements of foreign armed forces and other information that contributes to the defense of Japan by ship or aircraft, the United States armed forces that are present at the site together with the unit, etc. to carry out activities of the same kind in order to respond to the same disaster.

(x) In addition to those listed in the preceding paragraphs [Nos. (i)-(ix), above], United States armed forces that arrive at a facility of the Self-Defense Forces in Japan by aircraft, vessel or vehicle and stay there temporarily for training, liaison and coordination, or other daily activities.

(xi) In addition to those listed in Nos. (i) through (ix), United States armed forces that are present at the site together with a [JSDF] unit, etc. that arrives at a facility of the United States armed forces by aircraft, vessel or vehicle and stays there [U.S. facility] temporarily for training, liaison and coordination, or other daily activities, and that conduct training, liaison and coordination, or other daily activities.

(2) When requested by any of the United States armed forces listed in the preceding paragraph, the Minister of Defense may have an organ or unit of the Ministry of Defense provide services to the United States armed forces, to the extent that this does not impede the performance of the Self-Defense Forces' missions.

(3) The provision of goods belonging to the Self-Defense Forces and the provision of services by an organ or unit of the Ministry of Defense pursuant to the provisions of the preceding two paragraphs shall be as stipulated in the following paragraphs according to the classification of the United States armed forces listed in the following paragraphs.

(i) The United States armed forces supply, transportation, repair or maintenance, medical care, communications, airport or port-related services, base-related services, lodging, storage, use of facilities, or training services set forth in Nos. (i), (x), and (xi), ¶(1) (including services incidental to [associated with providing] each of these services).

(ii) The United States armed forces supply, transportation, repair or maintenance, medical care, communications, airport or port-related services, base-related services, lodging, storage, or use of facilities set forth in Nos. (ii)-(ix), ¶(1) (including services incidental to [associated with providing] each of these services).

(4) The provision of goods as provided for in ¶(1) does not include the provision of weapons.

i–C.62. Article 100-7—Procedures for Providing Goods and Services to U.S. Forces

Article 100-7 designates the procedures of the Japan-U.S. ASCA as the authoritative procedures for the provisioning of support to U.S. forces outlined in Article 100-6.

(1) When the Minister of Defense or a person designated by him provides supplies belonging to the Self-Defense Forces to the United States armed forces pursuant to the provisions of this Act or other laws, and when an agency or unit of the Ministry of Defense provides services, settlement and other procedures shall be governed by the Agreement between the Government of Japan and the Government of the United States of America Concerning the Mutual Provision of Logistical Support, Supplies, or Services between the Self-Defense Forces of Japan and the United States of America Armed Forces [i.e., the Japan-U.S. ASCA], except as otherwise provided by law.

[3804] 3–2.5.2.1. Rescue of Japanese Nationals Overseas (RJNO), p. 75.

[3805] i–C.34. Article 84-4—Transportation of Japanese Nationals Overseas (TJNO), p. 318.

[3806] 3–2.5.2.2. Transportation of Japanese Nationals Overseas (TJNO), p. 76.

i–C.63. Article 101—Relations with Coast Guard, etc.

Article 101 requires the JCG, other non-defense government agencies and bodies, to comply with MoD requests necessary for performance of the JSDF mission, unless otherwise prevented from compliance.

> *(1) The Self-Defense Forces and the Japan Coast Guard, Regional Aviation Bureaus, Air Traffic Control Departments, Meteorological Offices, the Geospatial Information Authority of Japan, the companies prescribed in ¶(3), Article 1 of the Act on Passenger Railway Companies and Japan Freight Railway Company (Act No. 88 of 1986, as amended), East Nippon Telegraph and Telephone Corporation prescribed in ¶(3), Article 1-2, of the Act on Nippon Telegraph and Telephone Corporation, etc. (Act No. 85 of 1984, as amended), and West Nippon Telegraph and Telephone Corporation prescribed in ¶(3) of the same Article (hereinafter referred to in this Article as the "Japan Coast Guard, etc.") must maintain close contact with each other at all times.*
>
> *(2) The Minister of Defense may request cooperation from the Japan Coast Guard, etc. when he deems it particularly necessary for the performance of the Self-Defense Forces' missions. In such cases, the Japan Coast Guard, etc. must comply with such request unless there are special circumstances.*

i–C.64. Article 103—Expropriation, etc. of Materials during Defense Operations, etc.

Article 103 authorizes Prefectural Governor, the MinDef, or designated official to expropriate property and land, administer critical facilities (such as hospitals), and direct the personnel involved in the operation of critical facilities in support of a DO.[3807]

> *(1) When the Self-Defense Forces are ordered to deploy pursuant to the provisions ¶(1), Article 76[3808] (limited to No. [i]) [DO[3809] for AAS (Imminent)[3810] and AAS (Occurrence);[3811] limitation to No. (i) excludes STS, which is Article 76, ¶(1), No (ii)]; the same applies hereinafter in this Article), and it is deemed necessary for the Self-Defense Forces to carry out their mission in the area in which the Self-Defense Forces are to operate, the prefectural governor, upon request from the Minister of Defense or a person designated by Cabinet Order,[3812] may order those [i.e., direct or compel compliance with SDF operational requirements related to the personnel, workers, facilities, or supplies specified] who manage hospitals, clinics, and other facilities designated by Cabinet Order (hereinafter referred to as "facilities" in this Article), use land, buildings, or materials (hereinafter referred to as "land, etc." in this Article), and are engaged in the business of producing, collecting, selling, distributing, storing, or transporting materials to store the materials they handle, or may requisition such materials. However, when it is deemed necessary in light of the situation, the Minister of Defense or a person designated by Cabinet Order may exercise these powers himself after notifying the prefectural governor. [i.e., broad authority to support or enable DOO under AAS[3813]; MinDef or designated official can exercise this authority directly but, in contrast to ¶(2), only in the area of DOO operations and not during STS]*
>
> *(2) In the event that the Self-Defense Forces are ordered to be mobilized pursuant to the provisions of Article under ¶(1), Article 76 [STS, AAS (Imminent), and AAS (Occurrence)], even in areas other than [outside of] those involved in the Self-Defense Forces' operations, prefectural governors, upon request of the Minister of Defense or a person designated by Cabinet Order, may, when they deem it particularly necessary for the Self-Defense Forces to carry out their missions, manage facilities, use land, etc., or expropriate supplies, or issue orders to store supplies handled, only within the areas designated by public notice by the Minister of Defense, and may order persons engaged in medical care, civil engineering and construction work, or transportation within those areas to engage in work of the same type as the medical care, civil engineering and construction work, or transportation work in which they are currently engaged, which is designated by the Minister of Defense or a person designated by Cabinet Order. [i.e., a similar authority to ¶(1), applicable outside areas of JSDF operations, but only at the Prefectural Governor's direction, not "personally exercised" by the MinDef or designated official]*
>
> *(3) When land is used pursuant to the provisions of the preceding two paragraphs, if standing trees or other objects fixed to the land (excluding buildings; hereinafter referred to as "standing trees, etc.") on said land are deemed to be an impediment to the performance of the Self-Defense Forces' missions, the prefectural governor (in the case of the proviso to ¶(1) [AAS (Imminent) and (Occurrence) but not STS], the Minister of Defense or a person specified by government ordinance under the proviso to the same paragraph; the same applies in the following paragraph [¶(4)], ¶(7), ¶(13), and ¶(14)) may relocate said standing trees, etc. in accordance with the provisions of ¶(1). In this case, if it is deemed that relocation is extremely difficult in light of the circumstances, he/she may dispose of [destroy] said standing trees, etc. in accordance with the provisions of the same paragraph.*

[3807] 3–2.2.1. Defense Operation (DO), p. 57.
[3808] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3809] 3–2.2.1. Defense Operation (DO), p. 57.
[3810] 4–11.1.1. AAS (Imminent), p. 117.
[3811] 4–11.1.2. AAS (Occurrence), p. 117.
[3812] C–2.1.4.2. Cabinet Order, p. 225.
[3813] 4–11. Armed Attack Situation (AAS), p. 116.

(4) When a building is used pursuant to the provisions of ¶(1) [AAS (Imminent) and (Occurrence) but not STS], and it is deemed to be unavoidable for the performance of the duties of the Self-Defense Forces, the prefectural governor may change the shape of the building to the extent necessary, in accordance with the provisions of the same paragraph.

(5) The scope of persons engaged in medical care, civil engineering and construction work, or transportation, as provided for in ¶(2) [Prefectural expropriation during STS, AAS (Imminent), AAS and (Occurrence)], shall be determined by Cabinet Order.

(6) The matters necessary to make facilities, land, etc., or materials subject to disposition pursuant to the provisions of the main text of ¶(1) [AAS (Imminent) and (Occurrence) but not STS] or ¶(2) [Prefectural expropriation during STS, AAS (Imminent), AAS and (Occurrence)] available for use by the Self-Defense Forces ordered to deploy pursuant to the provisions of ¶(1), Article 76 [STS, AAS (Imminent), and AAS (Occurrence)], shall be determined in consultation between the prefectural governor and the person who requested the disposition.

(7) When taking measures pursuant to the provisions of ¶¶(1) to (4), the prefectural governor must do so by issuing a Written Official Order as provided for by Cabinet Order. However, in cases where the location of the party to whom a Written Official Order should be issued at the time of land use is unknown or in other cases as provided for by Cabinet Order, it shall be sufficient to issue the Written Official Order after the fact as provided for by Cabinet Order.

(8) The Written Official Order in the preceding paragraph must contain the following items.

(i) Name of the person to whom the official order is issued (or, in the case of a corporation, the name of the company) and address

(ii) Provision of this Act on which the disposition is based

(iii) The following items are specified according to the following disposition categories:

(a) Management of facilities: Location of the facilities to be managed and period of management

(b) Use of land or buildings: Location of the land or buildings to be used and period of use

(c) Use of materials: Type, quantity, location and period of use of materials to be used

(d) Order to store materials handled: Type, quantity, location and period of storage of materials to be stored

(e) Acquisition [expropriation] of materials: Type, quantity, location and date of expropriation of materials

(f) Order to engage in work: Work to be engaged in, location and period

(g) Relocation or disposal [destruction] of standing trees, etc.: Type, quantity and location of standing trees, etc. to be relocated or disposed of

(h) Change in shape of building: Location of building and details of change

(iv) Reason for carrying out the disposition [destruction]

(9) In addition to what is provided for in the preceding two paragraphs, the format of official orders and other necessary matters concerning official orders shall be prescribed by Cabinet Order.

(10) When a disposition [destruction] pursuant to the provisions of ¶¶(1) to (4) (excluding an order to engage in work pursuant to the provisions of ¶(2) [Prefectural expropriation during STS, AAS (Imminent), and AAS (Occurrence)]) is taken, the prefecture (or the national government) must compensate for losses that would ordinarily arise from said disposition [destruction].

(11) Prefectures must reimburse actual expenses to persons who have engaged in work pursuant to an order to engage in work pursuant to the provisions of ¶(2) [Prefectural expropriation during STS, AAS (Imminent), and AAS (Occurrence)], in accordance with the standards prescribed by Cabinet Order.

(12) When a person who has engaged in work pursuant to a work order under the provisions of ¶(2) [Prefectural expropriation during STS, AAS (Imminent), and AAS (Occurrence)] dies, is injured, or becomes ill or disabled as a result, the prefecture must compensate that person or his/her surviving family members or dependents for the damages suffered as a result of such work, as may be provided for by Cabinet Order.

(13) Prefectural governors, when necessary to manage facilities, use land, etc., order the storage of handled materials, or expropriate materials pursuant to the provisions of ¶¶(1) or (2) [Prefectural or GoJ expropriation during AAS (Imminent) or (Occurrence), and Prefectural expropriation during STS], may have their officials enter the facilities, land, buildings, or

places where the materials are located, or the places where the handled materials are stored, and inspect the conditions of the facilities, land, buildings, or materials.

(14) Prefectural governors, when they have stored handled materials pursuant to the provisions of ¶¶(1) or (2) [Prefectural or GoJ expropriation during AAS (Imminent) or (Occurrence), and Prefectural expropriation during STS], may request necessary reports from the person who ordered the storage, or have their officials enter the places where the materials are stored and inspect the conditions of the storage of the materials.

(15) When an on-site inspection is conducted pursuant to the provisions of the preceding two paragraphs, the governor must notify the manager of the place in advance.

(16) Officials conducting on-site inspections pursuant to the provisions of ¶¶(13) or (14)must carry identification cards and present them when requested by the relevant parties.

(17) In addition to what is provided for in the preceding paragraphs, the procedures necessary for dispositions [destruction] pursuant to the provisions of ¶¶(1) to (4) shall be prescribed by Cabinet Order.

(18) No request for review may be made for dispositions [destruction] pursuant to the provisions of ¶¶(1) to (4).

(19) The expenses required for the implementation of the provisions of ¶¶(1)-(4), (6), (7), and (10)-(15) [i.e., all expropriation authorized under this Article] shall be borne by the national treasury.

i–C.65. Article 103-2—Use of Land in Planned Area of Deployment

This article provides authority for expropriation of facilities, land, and goods when required to Construct Defense Facilities.[3814] This article applies similar authorities, restrictions, and guidelines to activities under Article 77-2[3815] (Establishment of Defense Facilities) as are applied to expropriation under DOO[3816] (during STS,[3817] AAS (Imminent),[3818] or AAS (Occurrence).[3819]

(1) When it is deemed necessary for the performance of the missions of the Self-Defense Forces units, etc. that have been ordered to take measures pursuant to the provisions of Article 77-2[3820] [Establishment of Defense Facilities], the prefectural governor may use land within the Planned Deployment Area [PDA[3821]] at the request of the Minister of Defense or a person specified by Cabinet Order.[3822]

(2) When using land pursuant to the provisions of the preceding paragraph, if it is deemed that standing trees, etc. will hinder the performance of the missions of the Self-Defense Forces, the prefectural governor may relocate the standing trees, etc. in accordance with the provisions of the same paragraph. In this case, if it is deemed that relocation is extremely difficult in light of the circumstances, the prefectural governor may dispose of [destroy] the standing trees, etc. in accordance with the provisions of the same paragraph.

(3) The provisions of ¶¶(7) to (10) [destruction of facilities, land, and goods] and ¶¶(17) to (19) [destruction of other necessary obstacles] of the preceding article [Article 100-3[3823]] shall apply mutatis mutandis[3824]to cases where land is used or standing trees, etc. are relocated or disposed of in accordance with the provisions of the preceding two paragraphs, and the provisions of ¶¶(6), (13), (15), and (16) [expropriation of facilities, land, or goods] of the same article shall apply mutatis mutandis to cases where land is used pursuant to the provisions of ¶(1). In this case, the phrase "the Self-Defense Forces ordered to be mobilized pursuant to the provisions of ¶(1), Article 76[3825] [STS, AAS (Imminent), or AAS (Occurrence)]" in ¶(6) of the preceding Article [Article 100-3], shall be deemed to be replaced with "Self-Defense Forces units, etc. ordered to take measures pursuant to the provisions of Article 77-2 [Establishment of Defense Facilities]."

(4) When land is being used pursuant to the provisions of ¶(1) [when required for Establishment of Defense Facilities], if the Self-Defense Forces are ordered to be mobilized pursuant to the provisions of ¶(1), Article 76 (limited to the part relating to No. (i) [AAS (Imminent) and AAS (Occurrence); limitation to No. (i) excludes STS, which is Article 76, ¶(1), No 2]) and the land in question becomes included in an area subject to the provisions of the preceding Article, ¶¶(1) and (2) [Prefectural or GoJ expropriation during AAS (Imminent) or (Occurrence), and Prefectural expropriation during STS], the

[3814] 3–2.2.4. Establishment of Defense Facilities, p .59.
[3815] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[3816] i–C.64. Article 103—Expropriation, etc. of Materials during Defense Operations, etc., p. 333.
[3817] 4–10. Survival-Threatening Situation (STS), p. 111.
[3818] 4–11.1.1. AAS (Imminent), p. 117.
[3819] 4–11.1.2. AAS (Occurrence), p. 117.
[3820] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[3821] 3–2.2.4.1.Planned Deployment Area (PDA), p. 59.
[3822] C–2.1.4.2. Cabinet Order, p. 225.
[3823] i–C.64. Article 103—Expropriation, etc. of Materials during Defense Operations, etc., p. 333.
[3824] Making necessary changes to account for differing situations, but the basic point remains the same.
[3825] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.

dispositions [destruction], procedures and other actions taken by the prefectural governor pursuant to the provisions of the preceding three paragraphs shall be deemed to be dispositions [destruction], procedures and other actions taken pursuant to the provisions of the preceding [Article 100-3].

i–C.66. Article 104—Use, etc., of Communications Facilities

(1) When the Minister of Defense deems it necessary for the Self-Defense Forces ordered to deploy pursuant to the provisions of ¶(1), Article 76[3826] *(limited to the part relating to No. (i) [AAS (Imminent) and AAS (Occurrence); limitation to No. (i) excludes STS, which is Article 76, ¶(1), No 2]), he may request the Minister for Internal Affairs and Communications to take necessary measures to ensure urgent communications by giving priority to the use of telecommunications facilities used by telecommunications carriers stipulated in Article 2, paragraph 5 of the Telecommunications Business Law (Law No. 86 of 1984) for their business, or to use telecommunications facilities installed by persons listed in No. (iii), ¶(4), Article 4 of the Wire Telecommunications Act (Law No. 96 of 1953).*

(2) When a request under the preceding paragraph is made, the Minister for Internal Affairs and Communications shall take appropriate measures to meet the request.

i–C.67. Article 105—Restriction or Prohibitions on Fishing Vessels Operating for Training

Article 105 establishes the PM's authority to establish restrictions functionally similar to a MEZ (a widely accepted but legally informal measure that controls maritime traffic during a crisis or conflict situation—Maritime Operational Zone[472] is a form of MEZ during IAC,[3827] Article 105 is distinct from a MEZ in that it is intended for) for the purposes of JSDF training.

(1) When it is necessary to use water surfaces for training and test and research conducted by the Self-Defense Forces, the Minister of Defense may, after hearing the opinions of the Minister of Agriculture, Forestry and Fisheries and the prefectural governors concerned, determine certain areas and periods and restrict or prohibit fishing vessels from operating.

(2) The State shall compensate persons who have previously engaged in lawful fishing in the area for losses incurred in the management of fishing operations due to the restrictions or prohibitions imposed under the provisions of the preceding paragraph.

[¶¶(3) through (12) detail procedures for the compensation process]

i–C.68. Article 112—Exemption of Application of the Radio Act

(1) Notwithstanding the provisions of Article 104 of the Radio Act (Act No. 131 of 1950, as amended), the provisions of said Law relating to the licensing, registration, and inspection of radio stations and radio operators shall not apply when the Self-Defense Forces use the radio equipment of their radar and mobile bodies.

(2) When the Self-Defense Forces use the radio equipment of their radar and mobile bodies, the Minister of Defense must obtain approval from the Minister of Internal Affairs and Communications for the frequencies to be used.

(3) When the Self-Defense Forces use the radio equipment of their radar and mobile bodies, the use of the frequencies prescribed in the preceding paragraph shall be in accordance with the provisions of the Minister of Internal Affairs and Communications in order to prevent interference that may hinder the operation of other radio stations.

(4) In order to ensure the smooth operation of radio communications, the Minister of Defense must establish the necessary standards for the establishment and inspection of radio stations and for persons engaged in radio communications at said radio stations when the Self-Defense Forces use the radio equipment of their radar and mobile bodies.

i–D. Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)

This law establishes a system for GoJ to respond to AAAS,[3828] STS,[3829] and AAS[3830] situations.

[3826] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3827] 2–1.2.1.3.1. International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC), p. 17.
[3828] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3829] 4–10. Survival-Threatening Situation (STS), p. 111.
[3830] 4–11. Armed Attack Situation (AAS), p. 116.

The full title of this law is:

- Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations, etc., and Survival-Threatening Situations[3831]

Prior to this law the JSDF lacked a statutory process to conduct Defense Operations[3832].[473]

> The full title of this law may also appear as:
>
> - Act on Ensuring the Peace and Independence of Japan and the Security of Japan and its People in Armed Attack Situations, etc., and Survival-Threatening Situations
> - Act on Ensuring the Peace and Independence of Japan and the Security of the State and People in Armed Attack Situations, etc., and Survival-Threatening Situations
>
> This law's shortened title may appear as:
>
> - Defense Against an Armed Attack Law

Unless otherwise noted, all block quotations[3833] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[3834] The Japanese has been machine translated.[3835]

> The source text was published on 19 May 2021 and reflects all amendments up to and including Act No. 36 of 2021.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister

Article 11[3836], ¶(1) states:

> *(1) The Director of the Crisis Management Headquarters (hereinafter referred to as the "Task Force Chief") shall be the Prime Minister (or the Minister of State[3837] designated in advance by the Prime Minister if there is an emergency).*

Because the positions of PM and Task Force Chief are regulated as separate entities and because Task Force Chief *may* be designated to a Minister of State, the relevant laws refer to this position as "Task Force Chief" and not PM. (Minister of Defense 2023a, 283)

> "Task Force Chief" is the shortened title of "Director of the Crisis Management Headquarters." This full title may also be rendered as "Head of the Emergency Response Situation Task Force."[3838]

i–D.2. Article 1—Purpose

> *(1) This law applies to armed attack situations, etc. (meaning Armed Attack Situations and Anticipated Armed Attack Situations; the same shall apply hereinafter). By establishing basic principles, the responsibilities of the national government, local governments, etc., cooperation of the people, and other basic matters regarding dealing with situations that pose an existential crisis, we will establish a system for dealing with armed attack situations, etc. and Survival Threatening Situations. The purpose is to contribute to ensuring the peace and independence of our country and the security of the country and its people.*

i–D.3. Article 2—Definitions

> *(1) In this Act (for the terms listed in ¶(1), excluding items (iv) and viii c (1)), the meanings of the terms listed in each of the following items shall be as defined in each respective item. It shall be in accordance with the provisions.*

[3831] The is the English rendering used in the Defense of Japan 2023 white paper. (Minister of Defense 2023a, 282)
[3832] 3–2.2. Defense Operations, etc., p. 57.
[3833] 1–3.2. Block Quotations, p. 2.
[3834] Appendix Q. References, p. 297.
[3835] 1–5.2.2. Machine Translations, p. 7.
[3836] i–D.6. Article 11—Organization of the Task Force, p. 342.
[3837] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[3838] "Director of the Crisis Management Headquarters" is the English rendering used by the Defense of Japan 2023 white paper. (Minister of Defense 2023a, 283)

(i) Armed Attack: refers to an Armed Attack[3839] against our country from outside.

(ii) Armed Attack Situation [AAS]: A situation in which an Armed Attack has occurred [AAS Occurrence], or a situation in which there is a clear and imminent danger of an armed attack [AAS Imminent].

(iii) Situation in which an Armed Attack is anticipated [AAAS]: A situation in which an Armed Attack has not yet occurred, but the situation has become so tense that an Armed Attack is anticipated.

(iv) Survival-Threatening Situation [STS]: A situation in which an Armed Attack has occurred against another country with which Japan has a close relationship, which threatens the very existence of our country and poses a clear danger of fundamentally overturning the people's rights to life, liberty, and the pursuit of happiness.

(v) Designated Administrative Agencies: The following organizations specified by Cabinet Order:[3840]

(a) The Cabinet Office, the Imperial Household Agency, the agencies stipulated in Article 49, ¶¶(1) and (2) of the Cabinet Office Establishment Act (Act No. 89 of 1999), the Digital Agency, and the National Administrative Organization Act (1949) (Act No. 120 of 2003) Organs prescribed in Article 3, ¶(2).

(b) Organs prescribed in Articles 37 and 54 of the Cabinet Office Establishment Act, Article 16, ¶(1) of the Imperial Household Agency Act (Act No. 70 of 1947), and Article 8 of the National Administrative Organization Act.

(c) Organs prescribed in Articles 39 and 55 of the Cabinet Office Establishment Act, Article 16, ¶(2) of the Imperial Household Agency Act, and Article 8-2 of the National Administrative Organization Act.

(d) Organs prescribed in Articles 40 and 56 of the Cabinet Office Establishment Act and Article 8-3 of the National Administrative Organization Act.

(vi) Designated local administrative organs, local branch departments of Designated Administrative Agencies (Articles 43 and 57 of the Cabinet Office Establishment Act [including cases where applied mutatis mutandis[3841] pursuant to Article 18, ¶(1) of the Imperial Household Agency Act] and the Imperial Household Agency Act) (Refers to local branch bureaus in Article 17, ¶(1) and Article 9 of the National Administrative Organization Law.) Refers to local administrative organs in other countries specified by Cabinet Order.

(vii) Designated public institutions: Independent Administrative Agencies (independent administrative agencies as defined in Article 2, ¶(1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)), Bank of Japan, Japanese Red Cross Society, Nippon Broadcasting Corporation Associations and other public institutions, as well as corporations that operate electricity, gas, transportation, communications, and other public interest businesses, as specified by Cabinet Order.

(viii) Response Measures: The following measures to be implemented by Designated Administrative Agencies, local governments, or designated public institutions based on the provisions of law between the time the Basic Response Plan set forth in Article 9, ¶(1) is established until its abolition.

(a) The following measures to be implemented in accordance with the situation in order to end armed attack situations, etc.[3842] [AAAS, AAS (Imminent), AAS (Occurrence)]

(1) Use of Force, deployment of troops, etc. and other actions carried out by the Self-Defense Forces necessary to eliminate Armed Attacks.

(2) The actions of the Self-Defense Forces listed in (1) and the actions of the United States military to eliminate Armed Attacks pursuant to the Treaty of Mutual Cooperation and Security between Japan and the United States (hereinafter referred to as the "Japan-U.S. Security Treaty") [MST[3843]] Provision of goods, facilities, or services and other measures taken to ensure smooth and effective actions necessary to eliminate armed attacks in cooperation with the Self-Defense Forces carried out by other foreign militaries.

(3) Diplomatic measures and other measures in addition to those listed in (1) and (2)

(b) In order to protect the lives, bodies, and property of the people from Armed Attacks, or to minimize the impact of Armed Attacks on people's lives and the national economy, depending on the progress of armed attack situations, etc. [AAAS, AAS (Imminent), AAS (Occurrence)] The following measures will be implemented:

[3839] 4–12. Definition of “Armed Attack”, p. 121.
[3840] C–2.1.4.2. Cabinet Order, p. 225.
[3841] Making necessary changes to account for differing situations, but the basic point remains the same.
[3842] 4–8. “Armed Attack Situations, etc.”, p. 108.
[3843] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.

(1) Issue of warnings, evacuation instructions, rescue of disaster victims, emergency restoration of facilities and equipment, and other measures

(2) Price stabilization, allocation and other measures for daily life-related goods, etc.

(c) The following measures to be implemented according to the situation in order to end the Survival-Threatening Situation [STS]:

(1) Use of Force,[3844] deployment of troops, etc. and other actions necessary by the Self-Defense Forces to eliminate an Armed Attacks against other countries that have a close relationship with Japan, where there is a clear danger that the existence of Japan will be threatened and the rights of the people to life, liberty, and the pursuit of happiness will be fundamentally overturned (hereinafter referred to as an "Survival-Threatening Armed Attack" [STAA[3845]]). [Authorizes Use of Force in responding to STS and defines Armed Attacks associated with STS Stipulations[3846] as STAA]

(2) Goods and facilities carried out in order to smoothly and effectively carry out the actions of the Self-Defense Forces listed in (1) and the actions necessary to eliminate Survival-Threatening Armed Attacks in cooperation with the Self-Defense Forces carried out by foreign militaries, or provision of services or other measures.

(3) Diplomatic measures and other measures in addition to those listed in (1) and (2).

(d) To protect the lives, bodies, and property of the people from the serious and significant effects of a Survival-Threatening Armed Attack [STAA], or to minimize the impact when a Survival-Threatening Armed Attack [STAA] affects the lives of the people and the national economy, actions may be implemented to ensure the security of public facilities, ensure the stable supply of daily necessities, etc., and other measures in accordance with the evolution of the Survival-Threatening Situation [STS].

i–D.4. Article 9—Basic Response Plan

(1) In the event of an armed attack situation, etc.[3847] [AAAS,[3848] AAS (Imminent),[3849] AAS (Occurrence)[3850]] or a Survival-Threatening Situation [STS[3851]], the government shall establish basic policies for dealing with the armed attack situation, etc. [AAAS, AAS (Imminent), AAS (Occurrence)] or Survival-Threatening Situation [STS] (hereinafter referred to as the "Basic Response Plan" [BRP[3852]]).

(2) The matters stipulated in the Basic Response Plan [BRP] are as follows:

(i) The following matters regarding the situation to be addressed:

(a) The sequence of events leading to the situation; the recognition that the situation is an Armed Attack Situation [AAS[3853] including (Imminent), or AAS (Occurrence)], an Anticipated Armed Attack Situation [AAAS], or a Survival-Threatening Situation [STS]; and the facts underlying that recognition.

(b) If recognized as an Armed Attack Situation [AAS including (Imminent), or AAS (Occurrence)] or a Survival-Threatening Situation [STS], the reasons for judging that, in order to preserve Japan's existence and protect its people, there is no other appropriate means and it is necessary to use force in response.

(ii) The general policy for responding to the relevant [AAAS, AAS (Imminent), AAS (Occurrence)] or Survival-Threatening Situations [STS].

(iii) Important matters regarding response measures.

(3) In the event of an Armed Attack Situation [AAS including (Imminent), or AAS (Occurrence)] or Survival-Threatening Situations [STS], the Basic Response Plan [BRP] shall also include, as part of the matters prescribed in item (iii) of the preceding paragraph [response measures], a statement indicating that the following approvals by the Prime Minister will be sought when applicable: [i.e., the BRP must state the PM's approval for the response measures listed in ¶(3), items (i)-(vi)]

[3844] 3–3.3. Use of Force, p. 82.
[3845] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[3846] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3847] 4–8. "Armed Attack Situations, etc.", p. 108.
[3848] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[3849] 4–11.1.1. AAS (Imminent), p. 117.
[3850] 4–11.1.2. AAS (Occurrence), p. 117.
[3851] 4–10. Survival-Threatening Situation (STS), p. 111.
[3852] 4–4. Basic Response Plan (BRP), p. 101.
[3853] 4–11. Armed Attack Situation (AAS), p. 116.

(i) Approval granted by the Prime Minister, pursuant to Article 70,[3854] ¶(1) or ¶(8) of the SDF Act (Law No. 165 of 1954, as amended), concerning the Defense Call-Up Order [DCO[3855]] prescribed in Article 70 ¶ (1)(i) of the same Act, which is issued by the Minister of Defense.

(ii) Approval granted by the Prime Minister, pursuant to Article 75-4[3856] [DCO for Ready Reserve Personnel], ¶(1) or ¶(6) of the SDF Act (Law No. 165 of 1954, as amended), concerning the Defense Call-Up Order [DCO] prescribed in Article 75-4 ¶(1)(i) of the same Act, which is issued by the Minister of Defense.

(iii) Approval granted by the Prime Minister, pursuant to Article 77[3857] of the SDF Act (Law No. 165 of 1954, as amended), concerning a Defense Operations Alert Order [DOAO[3858]] issued by the Minister of Defense.

(iv) Approval granted by the Prime Minister, pursuant to Article 77-2[3859] of the SDF Act (Law No. 165 of 1954, as amended), concerning measures for the Establishment of Defense Facilities,[3860] which are ordered by the Minister of Defense.

(v) Approval granted by the Prime Minister, pursuant to Article 10,[3861] ¶(3) of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended), with regard to the provision of services as "action-related measures" ordered by the Minister of Defense.

(vi) Approval granted by the Prime Minister, pursuant to Article 4[3862] of the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended), with regard to measures under Chapter IV of the same Act, which are ordered by the Minister of Defense.

(4) In the event of an Armed Attack Situation [AAS (Imminent), or AAS (Occurrence)] or Survival Threatening Situation [STS], in addition to what is prescribed in the preceding paragraph [PM approval for response measures to be implemented], the Basic Response Plan [BRP] shall also include, as matters prescribed ¶(2) item (iii) [response measures], a statement indicating that if the Prime Minister seeks the Diet's Approval[3863] prescribed in item (i) [request for Diet approval for a DO[3864]] below (or, if the House of Representatives is dissolved, approval by the House of Councillors in an emergency session under Article 54[3865] of the Constitution of Japan; the same applies hereinafter in this Article), that fact shall be stated; and if the Prime Minister intends to order a Defense Operation [DO] as prescribed in item (ii) [the actual issuance of a DOO], that fact shall be stated. However, any statement indicating that the Prime Minister will order a Defense Operation [DO] under that item [item (ii), the actual issuance of a DOO] may be included only where there is a particularly urgent necessity and no opportunity to obtain prior approval of the Diet.

(i) A request for the Diet's approval to order a Defense Operation [DO] under Article 76[3866] ¶(1) of the SDF Act (Law No. 165 of 1954, as amended). [DOO submitted for Ex Ante Approval]

(ii) A Defense Operation [DO] ordered by the Prime Minister under Article 76[3867] ¶(1) of the SDF Act (Law No. 165 of 1954, as amended). [DOO submitted for Ex Post Facto Approval]

(5) In the event an Armed Attack is anticipated [i.e., AAAS], the Basic Response Plan [BRP] shall also include, as matters prescribed in¶(2), item (iii), a statement indicating that if any of the following approvals by the Prime Minister are to be carried out, that fact shall be stated:

(i) Approval granted by the Prime Minister, pursuant to Article 70,[3868] ¶(1) or ¶(8) of the SDF Act (Law No. 165 of 1954, as amended), concerning a Defense Call-Up Order [DCO[3869]] prescribed in Article 70, ¶(1)(i) of the same Act (limited to cases in which the situation is tense and it is anticipated that a Defense Operation Order [DOO] under Article 76, ¶(1) of the Act [for STS, AAS (Imminent), or AAS (Occurrence)] will be issued).

(ii) Approval granted by the Prime Minister, pursuant to ¶(1) [MinDef issuance of DCO for SDF Ready Reserve Personnel] or ¶(6) of Article 75-4[3870] [DCO for Ready Reserve Personnel] of the SDF Act (Law No. 165 of 1954, as amended), concerning a Defense Call-Up Order [DCO] prescribed in Article 75-4 ¶(1)(i) of the same Act (limited to cases

[3854] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.
[3855] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[3856] i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel
, p. 312.
[3857] i–C.17. Article 77—Defense Operation Alert Order (DOAO), p. 313.
[3858] 3–2.2.1.2. Defense Operation Alert Order (DOAO), p. 58.
[3859] i–C.18. Article 77-2—Measures to Construct Defense Facilities, p. 313.
[3860] 3–2.2.4. Establishment of Defense Facilities, p .59.
[3861] i–F.10. Article 10—Implementation of Provision of Goods and Services as Operation-Related Measures by the Self-Defense Forces, p. 352.
[3862] i–M.2. Article 4—Measures by the Maritime Self-Defense Force, p. 369.
[3863] Diet Approval is achieved through simple majority. See § C–3.3. Diet Approvals and Passage of Bills (p. 235).
[3864] 3–2.2.1. Defense Operation (DO), p. 57.
[3865] i–B.6. Article 54—Dissolution of the House of Representatives, p. 304.
[3866] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3867] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[3868] i–C.14. Article 70—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Reserve Personnel, p. 312.
[3869] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[3870] i–C.15. Article 75-4—Defense Call-Up, Civil Protection Call-Up, etc., and Disaster Call-Up for Ready Reserve Personnel, p. 312.

in which the situation is tense and it is anticipated that a Defense Operation Order [DOO] under Article 76, ¶(1) of the Act [for STS, AAS (Imminent), or AAS (Occurrence)] will be issued).

(iii) Approval granted by the Prime Minister, pursuant to Article 77[3871] [Defense Operations Alert Order] of the SDF Act (Law No. 165 of 1954, as amended), concerning a Defense Operation Alert Order [DOAO] issued by the Minister of Defense.

(iv) Approval granted by the Prime Minister, pursuant to Article 77-2 of the SDF Act (Law No. 165 of 1954, as amended), concerning measures for the Establishment of Defense Facilities, which are ordered by the Minister of Defense.

(v) Approval granted by the PM Prime Minister pursuant to Article 10,[3872] ¶(3) of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended), with regard to the provision of services as "action-related measures" ordered by the Minister of Defense.

(6) The Prime Minister shall prepare a draft of the Basic Response Plan [BRP] and seek a Cabinet Decision thereon.[3873]

(7) Once the Cabinet Decision in the preceding paragraph has been made, the Prime Minister shall immediately seek the Diet's Approval regarding the Basic Response Plan [BRP] (excluding the portion relating to the Diet's Approval request set forth in ¶(4)(i) [DOO submitted for Ex Ante Approval]).

(8) When the Cabinet Decision under ¶(6) has been made, the Prime Minister shall immediately make a public announcement of the Basic Response Plan [BRP] and endeavor to disseminate them widely.

(9) When the Basic Response Plan [BRP] has been Approved under ¶(7) [Ex Ante Diet Approval], the Prime Minister shall immediately announce that fact publicly.

(10) If the Diet grants the Approval requested under ¶(4)(i) [DOO submitted for Ex Ante Approval] to order a Defense Operation [DO], the Basic Response Plan [BRP] shall be amended to include a statement indicating that the relevant Defense Operation [DO] will be ordered.

(11) If a resolution of disapproval [i.e., Rejected[3874]] is adopted by the Diet with respect to the request for approval of the Basic Response Plan [BRP] under ¶(7), the response measures related to that resolution must be promptly terminated. In that event, the Prime Minister shall immediately issue an order for the withdrawal of the Self-Defense Forces carrying out the Defense Operation [DO] prescribed in ¶(4)(ii) [DOO submitted for Ex Post Facto Approval].

(12) In implementing response measures, the Prime Minister shall, based on the Basic Response Plan [BRP], direct and supervise all administrative organs on behalf of the Cabinet.

(13) The provisions of ¶¶(6)-(9) and ¶(11) shall apply mutatis mutandis[3875] to any revisions to the Basic Response Plan [BRP]. However, ¶¶(7), (9), and (11) do not apply to revisions made pursuant to ¶(10), or to revisions that solely effect termination of the measures comprising the response measures.

(14) If the Prime Minister determines that there is no longer a need to implement the response measures, or if the Diet adopts a resolution requiring an end to the response measures, the Prime Minister shall seek a Cabinet Decision to abolish the Basic Response Plan [BRP].

(15) Once the Cabinet has made such a decision under the preceding paragraph, the Prime Minister shall promptly report to the Diet that the Basic Response Plan [BRP] have been abolished and on the outcome of the response measures stipulated therein, and shall publicly announce that fact.

i–D.5. Article 10—Establishment of the Task Force

(1) When a Basic Response Plan is established, in order to promote the implementation of response measures related to the Basic Response Plan, the Prime Minister shall, notwithstanding the provisions of Article 12, ¶(4) of the Cabinet Act (Act No 5 of 1947) [establishment of necessary organizations to assist in the affairs of the cabinet], make an extraordinary decision at a Cabinet meeting to temporarily appoint a situation response headquarters (hereinafter referred to as the "Task Force Headquarters.").

[3871] i–C.17. Article 77—Defense Operation Alert Order (DOAO), p. 313.
[3872] i–F.10. Article 10—Implementation of Provision of Goods and Services as Operation-Related Measures by the Self-Defense Forces, p. 352.
[3873] C–2.1.4.2. Cabinet Order, p. 225.
[3874] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3875] Making necessary changes to account for differing situations, but the basic point remains the same.

(2) When the Prime Minister establishes a task force, he must report the name of the task force, the location and period of its establishment to the Diet, and publicly announce the same.

i–D.6. Article 11—Organization of the Task Force

(1) The Director of the Crisis Management Headquarters (hereinafter referred to as the "Task Force Chief") shall be the Prime Minister (or the Minister of State[3876] designated in advance by the Prime Minister if there is an emergency).[3877]

(2) The Task Force Chief shall oversee the affairs of the Task Force and direct and supervise the staff of the department.

(3) The Task Force will have a Deputy Director of Emergency Response Situation Task Force (hereinafter referred to as the "Deputy Director of the Task Force"), members of the Emergency Response Situation Task Force (hereinafter referred to as "Members of the Task Force"), and other staff.

(4) The Deputy Director of the Task Force shall be filled by a Minister of State.

(5) The Deputy Director of the Task Force shall assist the Task Force Chief and act in his/her place if the Task Force Chief is incapacitated. If there are two or more Deputy Directors of the Task Force, their duties will be delegated to them in the order determined in advance by the Task Force Chief.

(6) The Members of the Task Force shall be all Ministers of State[3878] other than the Task Force Chief and the Deputy Director of the Task Force. In this case, if a Minister of State is absent, a Vice Minister designated in advance (including the Deputy Chief Cabinet Secretary) may act in his/her place.

(7) Staff of the Task Force other than the Deputy Director of the Task Force and Members of the Task Force are Cabinet Secretariat officials, heads of Designated Administrative Agencies (excluding the Ministers of State) and staff, or heads of related designated local government organizations and staff, as designated by the Prime Minister.

i–D.7. Article 22—Emergency Response Plan

(1) When an emergency response situation (referring to an urgent national situation in which a large number of people are killed or injured using means similar to an Armed Attack, or in which there is a clear and imminent danger of such an act occurring (this includes situations that will later be recognized as armed attack situations in the Basic Response Plan [BRP[3879]]); the same applies hereinafter) arises, the government shall establish a policy for dealing with the emergency response situation (hereinafter referred to as the "Emergency Response Plan.").

(2) The matters stipulated in the emergency response policy are as follows.

(i) Certification that it is an emergency response situation and the facts that are the premise for such certification

(ii) General policy regarding handling of the emergency response situation

(iii) Important matters regarding emergency response measures

(3) The emergency response measures set forth in item (iii) of the preceding paragraph refer to the following measures that a designated administrative agency, local government, or designated public agency implements based on the provisions of law between the time the emergency response policy is established and the time it is abolished.

(i) Attack prevention, suppression, and other measures in the emergency response situation to be implemented according to the progress of the emergency response situation in order to end the emergency response situation.

(ii) Issuance of warnings, evacuation instructions, rescue of disaster victims, emergency restoration of facilities and equipment, and other measures to be implemented according to changes in the situation, in order to protect the lives, bodies, and property of the people from attacks during emergency response situations, or to minimize the impact of attacks on the lives of the people and the national economy.

(4) The Prime Minister must prepare a draft Emergency Response Plan and request a Cabinet Decision.[3880]

(5) When the Cabinet decision set forth in the preceding paragraph is made, the Prime Minister must refer the matter to the Diet within 20 days from the date of the decision and request the Diet's approval of the policy for dealing with

[3876] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[3877] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[3878] C–2.1.2. Ministers of State (Cabinet Members), p. 225.
[3879] 4–4. Basic Response Plan (BRP), p. 101.
[3880] C–2.1.4.2. Cabinet Order, p. 225.

emergency situations. However, if the Diet is in recess or the House of Representatives has been dissolved, approval must be promptly sought at the first Diet session convened thereafter.

(6) When the Cabinet decision under paragraph 4 is made, the Prime Minister must immediately publicize the emergency response policy and disseminate it.

(7) When the Prime Minister has approved the emergency response policy based on the provisions of paragraph 5, he must immediately make a public announcement to that effect.

(8) If a request for approval of the emergency response policy based on the provisions of paragraph 5 is disapproved [i.e., Rejected[3881]], the emergency response measures related to the resolution must be promptly terminated.

(9) In implementing emergency response measures, the Prime Minister will direct and supervise each administrative department on behalf of the Cabinet based on the emergency response policy.

(10) The provisions of paragraphs 4 to 8 shall apply mutatis mutandis[3882] to changes in the emergency response policy. However, the provisions of paragraphs 5, 7, and 8 do not apply to changes that involve the termination of measures that constitute emergency response measures.

(11) When the Prime Minister deems that there is no longer a need to implement emergency response measures, or when the Diet has resolved to end emergency response measures, the Prime Minister must request a Cabinet decision to abolish the emergency response policy.

(12) When the Cabinet decision in the preceding paragraph is made, the Prime Minister shall promptly report to the Diet that the Emergency Response Policy has been abolished and the results of the emergency response measures specified in the Emergency Response Policy and make this publicly announced.

i–E. IIS Act (Act No. 60 of 1999, as amended)

During IIS,[3883] provides for support to the U.S. or other foreign countries responding to IIS situations. *Ittaika*[3884] principle applies.

The full title of this law is:

- Law Concerning Measures to Ensure the Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security[3885]

> The full title of this law may appear as:
>
> - Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Constitute Grave Circumstances Affecting Japan
>
> This law may appear in some GoJ documentation as the "SIS Act" (Significant Influence Situation or Serious Influence Situation).

Unless otherwise noted, all block quotations[3886] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[3887] The Japanese has been machine translated.[3888]

> The source text was published on 19 May 2021 and reflects all amendments up to and including Act No. 36 of 2021.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

[3881] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3882] Making necessary changes to account for differing situations, but the basic point remains the same.
[3883] 4–7. Important Influence Situation (IIS), p. 105.
[3884] 2–1.2.2. Ittaika (Integration), p. 20.
[3885] This is the English rendering used in the Defense of Japan 2023 white paper. (Minister of Defense 2023a, 284)
[3886] 1–3.2. Block Quotations, p. 2.
[3887] Appendix Q. References, p. 297.
[3888] 1–5.2.2. Machine Translations, p. 7.

i–E.1. Overview

This law provides for the GoJ authority to take the following measures under a Stipulation[3889] of IIS:[3890]

- SIO[3891] Operations (Article 2, p. 344)
  - via Article 2[3892] of the Ship Inspection Act (Act No. 145 of 2000, amended)
- Logistics Support Activities[3893] (Article 6, p. 347)
- RSAR[3894] Operations (Article 7, p. 348)

i–E.2. Article 2 - Basic Principles

(1) In the event of an Important Influence Situation [IIS[3895]], in order to ensure the peace and security of the country, the government shall appropriately and promptly carry out Logistics Support Activities,[3896] search and rescue [RSAR[3897]] operations, and ship inspection activities [SIO[3898]], in accordance with Article 2[3899] of the Ship Inspection Act (Act No. 145 of 2000, amended) (limited to those carried out in the event of a Important Influence Situation [IIS]; hereinafter referred to as "ship inspection activities"), and other necessary measures in response to an Important Influence Situation [IIS] (hereinafter referred to as "response measures").

(2) The implementation of response measures must not amount to the threat or Use of Force.[3900]

(3) Logistics Support Activities and search and rescue [SAR[3901]] operations shall not be conducted at the site of active hostilities[3902] (refers to acts that kill or injure people or destroy property as part of an international armed conflict, same hereinafter). However, this shall not apply to search and rescue [SAR] operations conducted pursuant to the provisions of Article 7, ¶(6).

(4) Response measures in the territory of a foreign country shall be implemented only if the foreign country (or, if there is an organization that administers the country in accordance with a resolution of the General Assembly or Security Council of the United Nations, that organization) has consented to such response measures being taken.

(5) In implementing response measures, the Prime Minister shall direct and supervise each administrative department on behalf of the Cabinet based on the Basic Plan [BP[3903]] prescribed in Article 4, ¶(1).

(6) The heads of relevant administrative agencies shall cooperate with each other in implementing response measures in order to achieve the objectives set forth in the preceding article.

i–E.3. Article 3—Definitions

(1) In this Act, the meanings of the terms listed in each of the following items shall be as specified in each of the respective items:

(i) United States Armed Forces, etc.: Armed forces of the United States that respond to Important Influence Situations [IIS[3904]] and conduct activities that contribute to the achievement of the objectives of the Japan-U.S. Security Treaty, as well as the armed forces of foreign countries and other similar organizations engaged in activities that contribute to the achievement of the objectives of the Charter of the United Nations.

(ii) Logistics Support Activities:[3905] Refers to the provision of goods and services, provision of facilities, and other support measures to the United States Armed Forces, etc., which are carried out by Japan.

(iii) Search and rescue [SAR[3906]] operations: Refers to activities carried out by Japan to search for or rescue participants in combat who have been lost due to combat operations conducted in situations of significant impact (including transportation of rescued persons).

(vi) Relevant administrative agencies: The following agencies are specified by Cabinet Order:

3889 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
3890 4–7. Important Influence Situation (IIS), p. 105.
3891 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
3892 i–L.1. Article 2—Definitions, p. 364.
3893 4–6.1.1. Logistics Support Activities, p. 104.
3894 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
3895 4–7. Important Influence Situation (IIS), p. 105.
3896 4–6.1.1. Logistics Support Activities, p. 104.
3897 3–2.2.6.1. Rear-Area Search and Rescue (RSAR), p. 60.
3898 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
3899 i–L.1. Article 2—Definitions, p. 364.
3900 3–3.3. Use of Force, p. 82.
3901 3–2.2.6. Search and Rescue (SAR), p. 60.
3902 2–1.2.2.1. Scene of Combat, p. 21.
3903 4–5. Basic Plan (BP), p. 103.
3904 4–7. Important Influence Situation (IIS), p. 105.
3905 4–6.1.1. Logistics Support Activities, p. 104.
3906 3–2.2.6. Search and Rescue (SAR), p. 60.

(a) The Cabinet Office and the agencies stipulated in Article 49, paragraphs 1 and 2 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), the Digital Agency, and the institutions specified in Article 3, Paragraph 2 of the National Administrative Organization Act (Act No. 120 of 1945).

(b) Special organs stipulated in Articles 40 and 56 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) and Article 8-3 of the National Administrative Organization Act (Act No. 120 of 1945).

(2) The provision of goods belonging to the Self-Defense Forces and the provision of services by the Self-Defense Forces (excluding those prescribed in the latter part of the next paragraph) carried out as Logistics Support Activities shall be listed in Attached Table 1.

(3) Search and rescue [SAR] operations shall be carried out by units of the Self-Defense Forces (meaning units, etc. prescribed in Article 8 of the SDF Act (Law No. 165 of 1954, as amended); the same shall apply hereinafter). In this case, the Self-Defense Forces, etc. conducting search and rescue [SAR] operations may provide supplies belonging to the Self-Defense Forces as Logistics Support Activities to units such as the United States Armed Forces that conduct activities equivalent to those activities, shall be listed in Table 2.[3907]

i–E.3.A. Table 2

Kinds	*Content*
Supply	*Provision of water, fuel, meals, and similar goods and services*
Transportation	*Transportation of personnel and goods, provision of transportation materials, and provision of similar goods and services*
Repair and Maintenance	*Repair and maintenance, provision of repair and maintenance equipment, parts and components, and provision of similar goods and services.*
Medical Care	*Provision of medical care, sanitary equipment, and similar goods and services to the injured and sick.*
Communication	*Use of communication facilities, provision of communication equipment, and provision of similar goods and services*
Use of Facilities	*Use of accommodation facilities, provision of bedding, and provision of similar goods and services*
Disinfection	*Disinfection, provision of disinfection equipment, and provision of similar goods and services*
Remarks *The provision of goods shall not include the provision of weapons.*	

i–E.4. Article 4 - Basic Plan

(1) If the Prime Minister deems it necessary to implement any of the following measures in the event of a Important Influence Situation [IIS], a Cabinet Decision[3908] *must be sought regarding the implementation of the measures and the draft Basic Plan [BP*[3909]*] for response measures (hereinafter referred to as the "Basic Plan" [BP]).*

(i) Logistics Support Activities[3910] *set forth in ¶(2) of the preceding article [i.e., Logistics Support Activities conducted by the JSDF]*

(ii) In addition to what is listed in the previous item, measures that are implemented as Logistics Support Activities by related administrative agencies and that need to be implemented comprehensively and effectively, especially with the involvement of the Cabinet. [i.e., Logistics Support Activities conducted by the elements of the GoJ other than the JSDF]

(iii) Search and rescue operations [SAR[3911]*]*

(iv) Ship inspection activities [SIO[3912]*]*

(2) The matters stipulated in the Basic Plan [BP] are as follows.

(i) The following matters regarding significant impact situations:

(a) Background of the situation and its impact on the peace and security of Japan

(b) Reasons why it is deemed necessary for Japan to implement response measures

[3907] i–E.3.A. Table 2, p. 345.
[3908] C–2.1.4.2. Cabinet Order, p. 225.
[3909] 4–5. Basic Plan (BP), p. 103.
[3910] 4–6.1.1. Logistics Support Activities, p. 104.
[3911] 3–2.2.6. Search and Rescue (SAR), p. 60.
[3912] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.

(ii) In addition to what is listed in the previous item, basic policies regarding the implementation of response measures.

(iii) The following matters when implementing the logistical support activities listed in item (i) or (ii) of the preceding paragraph [i.e., Logistics Support Activities conducted by the JSDF or the elements of the GoJ other than the JSDF]:

(a) Basic matters related to the relevant Logistics Support Activities

(b) Type and content of the relevant Logistics Support Activities

(c) Matters regarding the scope of the area where the relevant Logistics Support Activities will be carried out and the designation of the area.

(d) If the Self-Defense Forces carry out the relevant Logistics Support Activities in foreign territory, the size, composition, equipment, and dispatch period of the Self-Defense Forces units, etc. that will carry out the relevant Logistics Support Activities in the foreign territory.

(e) Other important matters regarding the implementation of the relevant Logistics Support Activities

(iv) The following matters when conducting search and rescue [SAR] operations:

(a) Basic matters related to the search and rescue operations [SAR]

(b) Matters regarding the scope of the area where the search and rescue [SAR] operations will be carried out and the designation of the area [i.e., Implementation Area[3913]].

(c) Important matters regarding the implementation of the Logistics Support Activitiesset forth in the latter part of ¶(3) of the preceding Article in conjunction with the implementation of the search and rescue [SAR] operations (including matters regarding the scope of the area where the Logistics Support Activities will be carried out and the designation of the area [i.e., Implementation Area[3914]]).

(d) If the Self-Defense Forces carry out the relevant search and rescue [SAR] operations or the Logistics Support Activities referred to in the latter part of ¶(3) of the preceding article in conjunction with the search and rescue [SAR] operations in foreign territory, the size and composition of the Self-Defense Forces units, etc. that carry out these activities in the foreign territory. as well as equipment and dispatch period.

(e) Other important matters regarding the implementation of search and rescue [SAR] operations.

(v) Matters stipulated in Article 4,[3915] ¶(1) of the Ship Inspection Act (Act No. 145 of 2000, amended) to be carried out in the event of a Important Influence Situation [IIS], etc. when carrying out ship inspection activities [SIO].

(vi) In addition to what is listed in the preceding three items, the types and contents of important response measures implemented by the Self-Defense Forces, and important matters regarding their implementation.

(vii) In addition to the items listed in items 3 to 3 above, important matters related to the implementation of response measures implemented by related administrative agencies that particularly need to be implemented comprehensively and effectively with the involvement of the Cabinet.

(viii) Type and content of cooperation when requesting or requesting cooperation from local governments or other parties outside the country regarding the implementation of response measures, and important matters regarding that cooperation.

(ix) Matters related to communication and coordination among related administrative agencies for implementing response measures

(3) If the Logistics Support Activities or search and rescue [SAR] operations referred to in ¶(2) of the preceding Article, or the Logistics Support Activities associated with the implementation referred to in the latter part of ¶(3) of the same article, are carried out in the territory of a foreign country (or, if there is an organization prescribed in Article 2 ¶(4), that organization), the scope of the area to be implemented shall be determined in consultation with the foreign country.

(4) The provisions of ¶(1) and the preceding paragraph shall apply mutatis mutandis[3916] to changes to the Basic Plan [BP].

[3913] 4–5.1. Implementation Area, p. 103.
[3914] 4–5.1. Implementation Area, p. 103.
[3915] i–L.3. Article 4—Matters Stipulated in the Basic Plan, p. 365.
[3916] Making necessary changes to account for differing situations, but the basic point remains the same.

i–E.5. Article 5—Approval of the Diet

Article 5 proves for both *Ex Ante*[3917] and *Ex Post Facto*[3918] Diet Approval.[3919]

(1) Regarding Logistics Support Activities,[3920] *search and rescue [SAR*[3921]*] operations, or ship inspection activities [SIO*[3922]*] carried out by Self-Defense Forces units, etc. as specified in the Basic Plan [BP*[3923]*], the Prime Minister must obtain approval from the Diet to implement these response measures before implementing them [i.e., Ex Ante Approval]. However, if there is an urgent need, such Logistics Support Activities, search and rescue [SAR] operations, or ship inspection activities may be carried out without obtaining approval from the Diet [i.e., Ex Post Facto Approval].*

(2) If Logistics Support Activities, search and rescue [SAR] operations, or ship inspection activities are carried out without the approval of the Diet pursuant to the provisions to the preceding paragraph [i.e., under Ex Post Facto Approval], the Prime Minister shall promptly obtain the approval of the Diet for the implementation of these response measures.

(3) In the case referred to in the preceding paragraph, if there is a resolution of disapproval [i.e., Rejection[3924]*], the government must promptly terminate the relevant Logistics Support Activities, search and rescue [SAR] activities, or ship inspection activities [SIO].*

i–E.6. Article 6 - Implementation of Provision of Goods and Services as Logistics Support Activities by the SDF

(1) The Minister of Defense or a person authorized by the Minister of Defense shall carry out the provision of goods belonging to the Self-Defense Forces as part of the Logistics Support Activities[3925] *set forth in Article 3, ¶(2), in accordance with the Basic Plan [BP*[3926]*].*

(2) In accordance with the Basic Plan [BP], the Minister of Defense shall establish implementation guidelines for the provision of services by the Self-Defense Forces as Logistics Support Activities under Article 3, ¶(2), and, with the approval of the Prime Minister, agencies of the Ministry of Defense or units of the Self-Defense Forces, etc. shall be ordered to implement them.

(3) The Minister of Defense shall, in the implementation guidelines set forth in the preceding paragraph, take into consideration the specific details of the provision of services that need to be performed, and provide the necessary measures to enable Ministry of Defense agencies or units of the Self-Defense Forces, etc. to perform them smoothly and safely, and shall designate the area (hereinafter referred to as the "implementation area" in this article) in which such Logistics Support Activitieswill be carried out.

(4) If the Minister of Defense deems it difficult for Self-Defense Forces units, etc. to smoothly and safely carry out the Logistics Support Activitiesset forth in Article 3, ¶(2) in all or part of the implementation area, or when such Logistics Support Activitiesare carried out in foreign territory, if it is determined that the consent set forth in Article 2, ¶(4) no longer exists, the designation must be promptly changed or the activities carried out therein must be ordered to be suspended.

(5) The head of a unit of the Self-Defense Forces or a person designated by him who is ordered to carry out the Logistics Support Activitiesset forth in Article 3, ¶(2) outside the territory of Japan shall be at the location where the Logistics Support Activities is being carried out or in the vicinity thereof. In the event that a combat act has taken place, or if it is predicted that a combat act will take place in light of the surrounding situation, etc., we may temporarily suspend the implementation of the relevant Logistics Support Activities, etc. to prevent the risk of such a combat act. The government shall wait for measures pursuant to the provisions of the preceding paragraph while avoiding the above.

(6) The provisions of ¶(2) shall apply mutatis mutandis[3927] *to changes to the implementation guidelines of the same paragraph (excluding changes that reduce the implementation area pursuant to the provisions of ¶[4]).*

[3917] 4–3.1.1. Ex Ante ("Before the Event") Approval, p. 97.
[3918] 4–3.1.2. Ex Post Facto ("After the Fact") Approval, p. 98.
[3919] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3920] 4–6.1.1. Logistics Support Activities, p. 104.
[3921] 3–2.2.6. Search and Rescue (SAR), p. 60.
[3922] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.
[3923] 4–5. Basic Plan (BP), p. 103.
[3924] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[3925] 4–6.1.1. Logistics Support Activities, p. 104.
[3926] 4–5. Basic Plan (BP), p. 103.
[3927] Making necessary changes to account for differing situations, but the basic point remains the same.

i–E.7. Article 7 - Implementation of SAR Operations, etc.

(1) The Minister of Defense shall establish implementation guidelines for search and rescue [SAR[3928]] operations in accordance with the Basic Plan [BP[3929]], obtain the approval of the Prime Minister, and order units of the Self-Defense Forces, etc. to implement them.

(2) The Minister of Defense shall, in the implementation guidelines set forth in the preceding paragraph, take into consideration the specific details of the search and rescue [SAR] operations that need to be performed, and provide the necessary measures to enable Ministry of Defense agencies or units of the Self-Defense Forces, etc. to perform them smoothly and safely, and shall designate the area (hereinafter referred to as the "implementation area" in this article) in which such search and rescue [SAR] operations will be carried out.

(3) When carrying out search and rescue [SAR] operations, if there are people in distress other than combat participants, they shall be rescued.

(4) The provisions of ¶(4) of the preceding article shall apply mutatis mutandis[3930] to changes in the designation of implementation areas and suspension of activities.

(5) The provisions of ¶(5) of the preceding article shall apply mutatis mutandis to the head of a unit of the Self-Defense Forces, etc. or a person designated by him who is ordered to conduct search and rescue [SAR] operations outside the territory of Japan. In this case, the term "the preceding paragraph" in the same paragraph shall be deemed to be replaced with "the preceding paragraph as applied mutatis mutandis pursuant to ¶(4) of the following article."

(6) Notwithstanding the provisions of ¶(5) of the preceding Article, which applies mutatis mutandis in the preceding paragraph, if a person in distress has already been found and a Self-Defense Forces unit, etc. has begun rescuing the person, as long as the safety of the unit, etc. is ensured, search and rescue [SAR] operations can continue.

(7) The provisions of ¶(1) shall apply mutatis mutandis to changes to the implementation guidelines set forth in the same paragraph (excluding changes that reduce the implementation area pursuant to the provisions of ¶(4) of the preceding Article, which are applied mutatis mutandis in ¶[4]).

(8) The provisions of the preceding article shall apply mutatis mutandis to the Logistics Support Activities[3931] set forth in the latter part of Article 3, ¶(3), associated with the implementation of search and rescue [SAR] operations.

i–E.8. Article 8 - Implementation of Response Measures by Relevant Administrative Agencies

(1) In addition to what is provided for in the preceding two articles, the Minister of Defense and the heads of other relevant administrative organs shall implement response measures in accordance with laws and Basic Plans [BP[3932]].

i–E.9. Article 9 - Cooperation by Parties Other than the State

(1) The heads of relevant administrative organs may, in accordance with laws and regulations and Basic Plans [BP[3933]], request the necessary cooperation from the heads of local governments in the exercise of their authority.

(2) In addition to what is provided for in the preceding paragraph, the heads of relevant administrative organs may request necessary cooperation from parties other than the state in accordance with laws and Basic Plans [BP].

(3) If a person other than the country requested or requested to cooperate pursuant to the provisions of the preceding two paragraphs suffers a loss as a result of that cooperation, the government shall take necessary financial measures regarding the loss.

i–E.10. Article 10 - Report to the Diet

(1) The Prime Minister must report to the Diet the matters listed in the following items without delay:

(i) If there is a decision or change to the Basic Plan [BP], its details;

(ii) When the response measures specified in the Basic Plan [BP] are completed, the results.

[3928] 3–2.2.6. Search and Rescue (SAR), p. 60.
[3929] 4–5. Basic Plan (BP), p. 103.
[3930] Making necessary changes to account for differing situations, but the basic point remains the same.
[3931] 4–6.1.1. Logistics Support Activities, p. 104.
[3932] 4–5. Basic Plan (BP), p. 103.
[3933] 4–5. Basic Plan (BP), p. 103.

i–E.11. Article 11 - Use of Weapons

Article 11 authorizes Type 1[3934] and Type 2[3935] Use of Weapons.[3936]

(1) Units of the Self-Defense Forces that are ordered to provide services as Logistics Support Activities pursuant to the provisions of Article 6, ¶(2) (including cases where it applies mutatis mutandis[3937] pursuant to Article 7, ¶(8); the same shall apply in ¶¶(5) and (6), or ordered to carry out search and rescue [SAR] operations pursuant to the provisions of Article 7, ¶(1), if it is unavoidable for such Self-Defense Forces to protect the lives or bodies of themselves, other Self-Defense Forces personnel (refers to the personnel stipulated in Article 2, ¶(5) of the Self-Defense Forces Act; the same shall apply in ¶(6)) who are present with them at the scene, or persons who come under their control while performing their duties, if there are reasonable grounds to believe that this is the case, weapons (if the Self-Defense Forces are conducting the relevant Logistics Support Activities or the relevant search and rescue [SAR] operations in foreign territory, limited to equipment that falls under the equipment specified in the Basic Plan [BP[3938]] pursuant to the provisions of Article 4, ¶¶ (2)(iii)(d) or (2)(iv)(d); the same shall apply hereinafter in this article) may be used to the extent deemed reasonably necessary depending on the situation.

(2) The use of weapons pursuant to the provisions of the preceding paragraph shall be made in accordance with the orders of superiors, if they are present at the scene. However, this shall not apply when there is an imminent threat of harm or danger to life or body and there is no time to obtain the order.

(3) In the case referred to in ¶(1), the superior at the scene must take steps to prevent the uncontrolled use of weapons from causing danger to life or limb or chaos, and to prevent the use of such weapons from occurring. In accordance with the provisions of the same paragraph and the following paragraph, necessary orders shall be given from the standpoint of ensuring that the work is carried out properly within the scope of the purpose.

(4) When using weapons pursuant to the provisions of ¶(1), except in cases falling under Articles 36[3939] [Self-Defense] or 37[3940] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), use of weapons must not cause harm to persons.

(5) Units of the Self-Defense Forces that are ordered to provide services as Logistics Support Activities pursuant to the provisions of Article 6, ¶(2), or ordered to carry out search and rescue [SAR] operations pursuant to the provisions of Article 7, ¶(1), in the event that there is an attack on a camp (an area used for deployment that is distinguished from other areas by the installation of fences; the same applies in this section below) set up in a foreign territory where the relevant [SDF] troops, etc. are camped, and where U.S. military personnel are camped together [with the SDF], if there is no place other than the camp in question that can ensure the safety of Self-Defense Forces units, etc., in the vicinity of the camp, they will work together with the relevant personnel to take measures to protect the lives or bodies of the people located in the camp, Use of Weapons conjunction with such personnel who are taking measures to protect the lives or bodies of persons located at the camp, is permitted, pursuant to the provisions of ¶(1). In this case, with regard to the application of the provisions of the same paragraph to ¶(3) and the following paragraph, in ¶(1), "Other Self-Defense Forces personnel present at the scene (refers to the personnel stipulated in Article 2, ¶(5) of the Self-Defense Forces Act; the same in ¶(6)) or persons who came under their control while performing their duties" refers to "Persons located in the encampment (refers to the encampment prescribed in ¶(5); the same applies to the next and third paragraphs)," "The situation" refers to "the situation, taking into account the measures taken by United States military personnel as provided in ¶(5)," in the second and third paragraphs, the term "site" refers to "encampment," and in the following paragraph, "Self-Defense Forces personnel"' refers to "Self-Defense Forces personnel (refers to the members prescribed in Article 2, ¶(5) of the same law)."

(6) For Self Defense Personnel ordered to provide services as Logistics Support Activitiespursuant to the provisions of Article 6, ¶(2) (limited to those outside the territory of Japan) or those who are ordered to carry out search and rescue [SAR] operations pursuant to the provisions of Article 7, ¶(1) (limited to those outside the territory of Japan, the provisions of Article 96 [Authorities for JSDF personnel maintaining order within their unit], ¶(3) of the SDF Act (Law No. 165 of 1954, as amended)do not apply to crimes committed by persons other than Self-Defense Forces personnel.

i–E.12. Article 12 - Delegation to Cabinet Order

(1) In addition to any special provisions in this Act, procedures for implementing this Act and other necessary matters regarding the enforcement of this Act shall be specified by Cabinet Order.[3941]

[3934] 3–3.1.2. Type 1: "Self-Preservation Type" Use of Weapons, p. 79.
[3935] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[3936] 3–3.1. Use of Weapons, p. 77.
[3937] Making necessary changes to account for differing situations, but the basic point remains the same.
[3938] 4–5. Basic Plan (BP), p. 103.
[3939] i–H.1. Article 36—Self-Defense, p. 357.
[3940] i–H.2. Article 37—Necessity, p. 357.
[3941] C–2.1.4.2. Cabinet Order, p. 225.

i–F. U.S. Military Action Support Act (Law No. 113 of 2004, as amended)

The full title of this law is:

- Act on Measures Conducted by the Government in Line with U.S. and Other Countries' Military Actions in Armed Attack Situations, etc., and Survival Threatening Situations

> This law may also appear as:
>
> - Related Measures Law for U.S. Forces
> - Law Related to Measures Conducted by the Government in Line with U.S. and Others' Military Actions in Armed Attack Situations, etc.

This law provides for support measures to operations of the U.S. Forces and other military forces:

- In STS;[3942] or
- In AAS[3943] to repel an Armed Attack[3944] against Japan in accordance with the MST[3945]

Unless otherwise noted, all block quotations[3946] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[3947] The Japanese has been machine translated.[3948]

> The source text was published on 30 September 2015 and reflects all amendments up to and including Act No. 76 of 2015.
>
> Amendments made after 2015 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–F.1. Article 1—Purpose

(1) This law is a measure to ensure that the actions of the United States military necessary to eliminate an Armed Attack[3949] are carried out smoothly and effectively in accordance with the Mutual Cooperation and Security Treaty between Japan and the United States (hereinafter referred to as the "Japan-U.S. Security Treaty") in the event of an armed attack, etc. The purpose of this Act is to contribute to ensuring the peace and independence of Japan as well as the safety of the country and its people by stipulating the measures to be implemented by Japan for the smooth and effective implementation of the actions of Foreign Military Forces[3950] necessary to eliminate armed attacks or Survival-Threatening Armed Attacks[3951] in cooperation with the Self-Defense Forces in armed attack situations, etc. or Survival-Threatening Situations, and other such actions.

i–F.2. Article 2—Definitions

(1) In this Act, the meanings of the terms listed in each of the following items shall be as specified in each of the respective items.

(i) armed attack situation, etc.[3952] refers to an armed attack situation, etc. as defined in Article 1[3953] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) (hereinafter referred to as the " Situation Response Act ").

(ii) Armed Attack:[3954] refers to an Armed Attack prescribed in Article 2, Item 1 of the Situation Response Act.

(iii) Armed attack situation: refers to an armed attack situation stipulated in Article 2, Item 2 of the Situation Response Act.

(vi) Survival Threatening Situation [STS]: means an existentially endangered situation as stipulated in Article 2, Item 4 [definition of STS] of the Situation Response Act.

[3942] 4–10. Survival-Threatening Situation (STS), p. 111.
[3943] 4–11. Armed Attack Situation (AAS), p. 116.
[3944] 4–12. Definition of "Armed Attack", p. 121.
[3945] 2–1.3. The Treaty of Mutual Cooperation and Security between the United States and Japan (MST), p. 23.
[3946] 1–3.2. Block Quotations, p. 2.
[3947] Appendix Q. References, p. 297.
[3948] 1–5.2.2. Machine Translations, p. 7.
[3949] 4–12. Definition of "Armed Attack", p. 121.
[3950] 4–12.5. Applicable Foreign Military Forces, p. 124.
[3951] 4–10.1.2. Survival-Threatening Armed Attack (STAA), p. 111.
[3952] 4–8. "Armed Attack Situations, etc.", p. 108.
[3953] i–D.2. Article 1—Purpose, p. 337.
[3954] 4–12. Definition of "Armed Attack", p. 121.

(v) Armed attack with existential threat: refers to an armed attack with existential threat as stipulated in Article 2, Item 8, C (1) of the Situation Response Act.

(vi) Specified United States Armed Forces: In the event of an armed attack, etc., it refers to the armed forces of the United States that carry out the necessary actions to eliminate the armed attack in accordance with the Japan-U.S. Security Treaty.

(vii) Foreign Military Forces refers to Foreign Military Forces (excluding certain United States armed forces) that cooperate with the Self-Defense Forces and carry out the necessary actions to eliminate armed attacks or existentially endangering armed attacks in situations such as armed attacks or existentially endangering situations.

(viii) Operation-Related Measures: The following measures are implemented by the Self-Defense Forces and other designated administrative agencies based on the Basic Response Plan (refers to the Basic Response Plan prescribed in Article 9, ¶(1) of the Situation Response Act; the same shall apply hereinafter).

(a) Measures to ensure that the actions of specified United States forces (referring to the actions prescribed in item 6 (in the case of an armed attack situation other than a situation where an armed attack has occurred, the actions prescribed in the same item for the preparations necessary to eliminate the armed attack in accordance with the Japan-U.S. Security Treaty); the same shall apply hereinafter) are carried out smoothly and effectively in armed attack situations, and other measures that Japan takes in conjunction with the actions of specified United States forces.

(b) Measures to ensure that the actions of Foreign Military Forces (actions prescribed in the previous item (in cases of armed attack situations other than situations where an armed attack has occurred, actions prescribed in the same item for the preparations necessary to eliminate the armed attack in cooperation with the Self-Defense Forces); the same shall apply hereinafter) are carried out smoothly and effectively in armed attack situations, etc. or Survival Threatening Situation [STS], and other measures that Japan takes in conjunction with the actions of Foreign Military Forces.

i–F.3. Article 3—Government Responsibility

(1) In the event of an armed attack, etc. or a situation in which existence is threatened, the government shall accurately and promptly implement Operation-Related Measures and strive to ensure the peace and independence of our country as well as the safety of the country and its people.

i–F.4. Article 4—Basic Principles of Operation-Related Measures

(1) Operation-Related Measures must not exceed the limits that are judged to be reasonably necessary depending on the situation, within the scope of the purpose of eliminating armed attacks and existentially endangering armed attacks.

i–F.5. Article 5—Responsibilities of Local Governments and Businesses

(1) Local governments and business operators shall endeavor to respond to requests from designated administrative agencies for cooperation in Operation-Related Measures in armed attack situations, etc.

i–F.6. Article 6—Communication with the United States Government, etc.

(1) In order to fulfill its obligations under Article 3, the government shall strive to maintain close contact with the United States government at all times, based on the Japan-U.S. Security Treaty, with regard to recognizing situations such as armed attack situations and responding to armed attack situations.

(2) In addition to what is provided for in the preceding paragraph, in order to fulfill its responsibilities under Article 3, the government shall communicate with relevant foreign governments regarding the recognition of armed attack situations, etc. or existentially endangering situations, and the response to armed attack situations, etc. or existentially endangering situations.

i–F.7. Article 7—Information Sharing

(1) In situations such as armed attack situations or existential crisis situations, the government will inform the public of the situation regarding the areas related to the actions of specified United States armed forces or foreign forces (hereinafter referred to as "Specified United States Armed Forces Operations"), the situation regarding the actions of other specified United States forces, etc., and the implementation status of Operation-Related Measures.

i–F.8. Article 8—Communication and Coordination with Local Governments

(1) The government shall liaise and coordinate with the local governments concerned when there is a risk that the actions or Operation-Related Measures of specified United States armed forces, etc. will affect response measures taken by local governments (referring to the countermeasures prescribed in Article 2, Item 8 of the Situation Response Act).

i–F.9. Article 9—Notification Regarding Acts of Specified United States Armed Forces

(1) When the Minister of Defense, in an armed attack situation (limited to cases where there is a Defense Operation Order [DOO] pursuant to the provisions of Article 76, ¶(1) of the SDF Act (Law No. 165 of 1954, as amended); he same applies in Article 14, ¶[1]), receives notification from Specified United States Armed Forces of the actions prescribed in Article 115-11, ¶¶(1) or (2) or Article 115-16, ¶(1) the same Act, notice shall be given in accordance pursuant to these provisions.

i–F.10. Article 10—Implementation of Provision of Goods and Services as Operation-Related Measures by the Self-Defense Forces

(1) The Minister of Defense or a person authorized by the Minister of Defense may implement the provision of items belonging to the Self-Defense Forces as an Operation-Related Measures [in response to AAAS, AAS, or STS].

(2) The Self-Defense Forces, which has been ordered to mobilize pursuant to the provisions of Article 76, ¶(1) of the SDF Act (Law No. 165 of 1954, as amended), may provide services as Operation-Related Measures.

(3) In addition to what is provided for in the preceding paragraph, the Minister of Defense may, with the approval of the Prime Minister, order organs of the Ministry of Defense or units of the Self-Defense Forces, etc. (referring to the units stipulated in Article 8 of the SDF Act (Law No. 165 of 1954, as amended). The same shall apply hereinafter) to provide services as Operation-Related Measures.

(4) The provision of goods belonging to the Self-Defense Forces pursuant to the provisions of ¶(1) and the provision of services by the Self-Defense Forces pursuant to the provisions of the preceding two paragraphs shall include supply (excluding supplies that provide weapons), transportation, repair or maintenance, medical care, communications, services related to airports or ports, services related to bases, accommodation, storage, use of facilities, or training (including operations incidental to each of these operations).

i–F.11. Article 11—Implementation of Operation-Related Measures by Designated Administrative Agencies

(1) In addition to what is provided for in the preceding two articles, Designated Administrative Agencies shall implement necessary Operation-Related Measures based on laws and regulations and basic response policies.

i–F.12. Article 12—Use of Weapons

(1) Self-Defense Force personnel of units of the Self-Defense Forces who are ordered to provide services as Operation-Related Measures pursuant to the provisions of Article 10, ¶(3) shall, when carrying out their duties, provide for themselves or the Self-Defense Forces personnel who are engaged in the duties together with them, if there are reasonable grounds to believe that it is unavoidably necessary to protect the life or body of oneself, other Self-Defense Forces personnel engaged in the relevant duties, or those who come under one's control while performing such duties, may use weapons to the extent deemed reasonably necessary under the circumstances. However, except in cases falling under Articles 36[3955] [Self-Defense] or 37[3956] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

i–F.13. Article 13—Creation of Guidelines Regarding Operation-Related Measures

(1) In order to implement Operation-Related Measures accurately and promptly, the Situation Headquarters Director (Referring to the Chief of the Situation Response Headquarters as provided in Article 11, ¶(1) of the Situation Response Act.) may establish guidelines regarding Operation-Related Measures based on the Basic Response Plan.

[3955] i–H.1. Article 36—Self-Defense, p. 357.

[3956] i–H.2. Article 37—Necessity, p. 357.

(2) When the guidelines prescribed in the preceding paragraph are established, designated administrative agencies must appropriately implement the necessary Operation-Related Measures based on the guidelines.

i–F.14. Article 14—Compensation for Loss

(1) If any person suffers a loss due to the acts listed in the following items by specified United States armed forces, the state must compensate the person for that loss in accordance with the provisions of the laws specified in each item.

(i) In an armed attack situation, when moving urgently within an area where specified United States military forces are operating, passing through areas stipulated in the first sentence of Article 92-2 [use of land, water, and air space not open to general traffic] of the SDF Act (Law No. 165 of 1954, as amended) in order to bypass areas that pose a hindrance to passage; second part of the same article [i.e., pursuant to the provisions of Article 92-2 regarding requests for compensation for loss when such action causes damage]

(ii) In an armed attack situation, pursuant to the provisions of ¶(1) of Article 114-5[3957] of the The Road Traffic Act (Law No. 105 of 1960, as amended) [Regulation of Traffic When SDF Are Mobilized; Related Considerations], vehicles other than those used by the Self-Defense Forces, etc. as prescribed in the same paragraph are prohibited from passing on the road; or when a Specified United States Armed Forces vehicle (refers to vehicles used by Specified United States Armed Forces; the same shall apply hereinafter in this item) is passing through a restricted area or road section, there is a risk that the vehicles or other objects that obstruct traffic and are likely to significantly impede the performance of Specified United States Armed Forces Operations, and that neither police officers nor the occupants, owners, or managers of the vehicles or other property is present; damage to vehicles and other property carried out within unavoidable limits in order to take necessary measures to ensure the smooth passage of Specified United States Armed Forces vehicle Article 82 [Compensation for Loss]; ¶(1) of the Basic Act on Disaster Management (Act No. 223 of 1961) [i.e., pursuant to the provisions of Article 82 regarding requests for compensation for loss when such action causes damage]

(2) The provisions of the preceding paragraph shall not apply to losses for which the State is responsible for compensation or loss compensation pursuant to the provisions of other laws.

i–F.15. Article 15—Use of Land, etc.

(1) The Minister of Defense shall, in an Armed Attack Situation [AAS[3958]], if land or a house (hereinafter referred to as "land, etc.") is urgently needed for use by the Specified United States Armed Forces, if it is appropriate and reasonable to use the land, etc. for the use of the Specified United States Armed Forces, and it is essential to eliminate Armed Attacks, notwithstanding the provisions of the Act on Special Measures Concerning Use, etc. of Land, etc. Attendant upon the Enforcement of the "Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America regarding Facilities and Areas[3959] and the Status of United States Armed Forces in Japan" (Act No. 140 of 1952), the land, etc. can be used for a fixed period of time.

(2) When using land pursuant to the provisions of the preceding paragraph, if standing trees or other objects fixed on the land (excluding houses; hereinafter referred to as "standing trees, etc.") are deemed to impede the implementation of Specified United States Armed Forces Operations, the Minister of Defense may relocate the standing trees, etc. or, if relocation is deemed to be extremely difficult in light of the circumstances, the trees, etc. in question may be disposed of [e.g., destroyed].

(3) When using a house pursuant to the provisions of ¶(1), if it is deemed to be unavoidably necessary for the conduct of Specified United States Armed Forces Operations, the Minister of Defense may change the shape of the house to the extent necessary.

(4) The provisions of Article 103, ¶¶(7) through (10), and (17) and (18) of the SDF Act (Law No. 165 of 1954, as amended) apply to the use of land, etc., relocation or disposal of standing trees, etc. pursuant to the provisions of the preceding three paragraphs, or In the case of changing the shape of a house, the provisions of ¶¶(13), (15), and (16) of the same article [Article 103] shall apply mutatis mutandis[3960] to the case of using land, etc., pursuant to the provisions of ¶(1). In this case, "prefectural governor" in ¶¶(7) and (13) of the same article is the same as "Minister of Defense," and "Prefecture (in the case of the proviso to ¶(1), country)" in ¶(10) of the same article is the same as "country."

[3957] i–J.1. Article 114-5—Regulation of Traffic When Self-Defense Forces (SDF) Are Mobilized; Related Considerations, p. 359.
[3958] 4–11. Armed Attack Situation (AAS), p. 116.
[3959] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[3960] Making necessary changes to account for differing situations, but the basic point remains the same.

(5) Affairs that fall under the authority of the Minister of Defense pursuant to the provisions of each of the preceding paragraphs may be delegated to officials under the Minister of Defense, as specified by Cabinet Order.[3961]

i–F.16. Article 16—Delegation to Cabinet Order

(1) In addition to any special provisions in this Act, procedures for implementing this Act and other necessary matters regarding the enforcement of this Act shall be specified by Cabinet Order.[3962]

i–F.17. Article 17—Penalties

(1) A person who refuses, obstructs, or evades an on-site inspection pursuant to the provisions of Article 13, ¶(13) of the Self-Defense Forces Act, as applied mutatis mutandis[3963] *by replacing the terms in Article 15, ¶(4), shall be punished by a fine of not more than 200,000 yen.*

(2) If a representative of a corporation, or an agent, employee, or other employee of a corporation or person commits a violation of the preceding paragraph in connection with the business of that corporation or person, in addition to punishing the offender, the law shall also be imposed against the corporation or person, the punishment set forth in the same [preceding] paragraph shall be imposed.

i–G. Civil Protection Act (Act No. 112 of 2004, as amended)

This law establishes the responsibilities different levels of government (i.e., national, prefectural, and municipal) and measures that may be taken for evacuation, relief, and response to armed attack situations, etc.,[3964] for civil protection (encompassing the protection of lives, bodies, and property) and otherwise minimizing the impacts of such situations on peoples' lives.

The full title of this law is:

- Act Concerning the Measures for the Protection of the People in Armed Attack Situations, etc.[3965]

> The full title of this law may also appear as:
>
> - Act on Measures for the Protection of the People in Armed Attack Situations, etc.

Unless otherwise noted, all block quotations[3966] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[3967] The Japanese has been machine translated.[3968]

> The source text was published on 26 May 2020 and reflects all amendments up to and including Act No. 36 of 2020.
>
> Amendments made after 2020 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–G.1. Article 2—Definitions

(1) In this law, "armed attack situations, etc.",[3969] *"Armed Attack",*[3970] *"Armed Attack Situation",*[3971] *"Designated Administrative Agency", "Designated Local Administrative Agency", "Designated Public Institution", "Basic Response Plan",*[3972] *"Task Force Headquarters" and "Task Force Chief*[3973]*" are defined in Article 1*[3974] *[armed attack situations, etc.], Article 2,*[3975] *¶(2)(i)-(vii) [(i) Armed Attack; (ii) AAS, (v) Designated Administrative Agency, (vi) Designated Local Administrative Agency, (vii) Designated Publish Institution] (excluding items (iii) [AAAS] and (iv) [STS]), Article 9,*[3976] *¶(1) [BRP*[3977]*], and Article 10,*[3978] *¶(1) [what?], and Article 11,*[3979] *¶(1) [Task Force Chief] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), respectively.*

[3961] C–2.1.4.2. Cabinet Order, p. 225.
[3962] C–2.1.4.2. Cabinet Order, p. 225.
[3963] Making necessary changes to account for differing situations, but the basic point remains the same.
[3964] 4–8. "Armed Attack Situations, etc.", p. 108.
[3965] This is the English rendering used in the Defense of Japan 2023 white paper. (Minister of Defense 2023a, 283)
[3966] 1–3.2. Block Quotations, p. 2.
[3967] Appendix Q. References, p. 297.
[3968] 1–5.2.2. Machine Translations, p. 7.
[3969] 4–8. "Armed Attack Situations, etc.", p. 108.
[3970] 4–12. Definition of "Armed Attack", p. 121.
[3971] 4–11. Armed Attack Situation (AAS), p. 116.
[3972] 4–4. Basic Response Plan (BRP), p. 101.
[3973] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[3974] i–D.2.Article 1—Purpose, p. 337.
[3975] i–D.3.Article 2—Definitions, p. 337.
[3976] i–D.4. Article 9—Basic Response Plan, p. 339.
[3977] 4–4. Basic Response Plan (BRP), p. 101.
[3978] i–D.5. Article 10—Establishment of the Task Force, p. 341.
[3979] i–D.6. Article 11—Organization of the Task Force, p. 342.

(2) In this law, " Designated Local Public Institutions" refer to corporations that operate electricity, gas, transportation, communications, medical care, and other public services in prefectural areas, local road public corporations (referring to local road public corporations under Article 1 of the Local Road Public Corporation Act (Act No. 82 of 1970)), and corporations that manage other public facilities and local independent administrative agencies (meaning local independent administrative agencies under Article 2, ¶(1) of the Local Independent Administrative Corporation Act (Act No. 118 of 2003)), which are designated by the governor of the prefecture after consulting with the corporation in advance.

(3) In this law, "measures for the protection of the people" refers to measures taken by designated administrative agencies, local governments, designated public organizations, or designated local public organizations that comply with the law between the establishment of the Basic Response Plan and its termination, taken in order to protect the lives, bodies, and property of citizens from Armed Attacks, including the following measures implemented by designated local public institutions based on the provisions of the law, or in cases where Armed Attacks affect the lives of the people and the national economy (measures listed in item (vi) include those implemented by these persons based on the provisions of the law after the Basic Response Plan [BRP] is terminated).

(i) Measures related to issuing warnings, evacuation instructions, rescuing evacuated residents, firefighting, etc.

(ii) Measures for emergency restoration of facilities and equipment

(iii) Measures related to ensuring health and hygiene and maintaining social order

(iv) Measures regarding transportation and communication

(v) Measures related to stabilizing the lives of the people

(vi) Measures related to damage recovery

(4) The term "armed attack disaster"[3980] as used in this law refers to human death or injury, fire, explosion, release of radioactive materials, or other human or material disasters directly or indirectly caused by an armed attack.

i–G.2. Article 4—Citizens' Cooperation, etc.

(1) When requested to cooperate in the implementation of measures for the protection of the people pursuant to the provisions of this Act, the people shall endeavor to provide the necessary cooperation.

(2) The cooperation referred to in the preceding paragraph is left to the voluntary will of the people, and such requests must not involve coercion.

(3) The State and local public entities must endeavor to provide necessary support for voluntary activities that contribute to measures for the protection of the people, carried out by voluntary disaster prevention organizations (meaning voluntary disaster prevention organizations as defined in Article 2-2, ¶ (2) of the Disaster Countermeasures Basic Act (Act No. 223 of 1961); the same applies hereinafter) and volunteers.

i–G.3. Article 14—Acting by Prefectural Governors

(1) When a city, town or village is unable to carry out all or most of its affairs due to the occurrence of an Armed Attack Disaster,[3981] the prefectural governor must implement all or part of the measures for the protection of the people in the area of that city, town or village that should be implemented by the mayor of that city, town or village on behalf of the mayor.

(2) When a prefectural governor begins or ends acting for the mayor of a city, town or village pursuant to the provisions of the preceding paragraph, he/she must give public notice to that effect.

(3) Necessary matters concerning the acting of prefectural governors pursuant to the provisions of ¶(1) shall be determined by government ordinance.

[3980] 4–12.2. Armed Attack Disaster, p. 122.

[3981] 4–12.2. Armed Attack Disaster, p. 122.

i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc.

Authorizes the deployment of JSDF units for CPO by Request[3982] (¶[1]) or CPO by Order[3983] (¶[2]), under Article 77-4[3984] (CPO[3985]) of the SDF Act (Law No. 165 of 1954, as amended)

(1) When a prefectural governor deems it necessary for the smooth implementation of measures for the protection of the people in the area of the prefecture (excluding matters related to the maintenance of public order; the same applies in the next paragraph and Article 20[3986] [Municipal request to the Prefectural government for JSDF CPO]), the Prime Minister may request the Minister of Defense to Deploy units, etc. (hereinafter referred to as "Self-Defense Forces units, etc.") under Article 8[3987] [Command of the SDF] of the SDF Act (Law No. 165 of 1954, as amended).

(2) In the event that a request pursuant to the provisions of the preceding paragraph is not made, the Task Force Chief[3988] may request the Minister of Defense to Deploy Self-Defense Forces units, etc. when he/she deems it urgently necessary to smoothly implement measures to protect the people in the area of the prefecture concerned.

(3) When the Task Force Chief makes a request pursuant to the provisions of the preceding paragraph [¶(2), CPO by Order], he shall promptly notify the prefectural governor to that effect.

i–G.5. Article 20—(Municipal) Requests for Deployment of Self-Defense Forces units, etc.

(1) When the mayor of a municipality deems it particularly necessary for the smooth implementation of measures for the protection of citizens pertaining to the area of the municipality concerned, the mayor shall make a request to the prefectural governor pursuant to the provisions Article 15,[3989] ¶(1) [Prefectural request for JSDF Civil Protection Operations] may be made.

(2) If the mayor of a municipality is unable to make a request pursuant to the provisions of the preceding paragraph [Municipal request to the Prefectural government for JSDF Civil Protection Operations], he/she may notify the Minister of Defense to that effect and any matters that he/she deems necessary for the smooth implementation of measures for the protection of the people pertaining to the area of the municipality concerned. In this case, the Minister of Defense must promptly report the details to the Task Force Chief.[3990]

i–G.6. Article 32—Basic Guidelines

(1) The government shall establish in advance the Basic Guidelines for the Protection of the People (hereinafter referred to as the "Basic Guidelines") regarding the implementation of measures for the protection of the people in preparation for armed attack situations, etc.

(2) The matters stipulated in the basic guidelines are as follows.

(i) Basic policy regarding the implementation of measures for the protection of citizens

(ii) Plans for the protection of citizens of designated administrative organs pursuant to the provisions of ¶(1) of the following Article; plans for the protection of citizens of prefectures pursuant to the provisions of Article 34, ¶(1); plans for the protection of the people of designated public institutions and implementing measures for the protection of the people pursuant to the provisions of matters related to the assumption of an armed attack situation

(iii) Matters related to the measures listed in each item of Article 10, ¶(1), implemented by the state regarding measures for the protection of citizens.

(iv) Matters related to the policy for designating local governments that should establish prefectural task force or municipal task force.

(v) Matters that should serve as standards when creating a national protection plan and a national protection work plan listed in item (ii)

(vi) Matters related to ensuring wide-area coordination and cooperation between local governments and other related organizations in implementing measures for the protection of citizens.

[3982] 3–2.5.1.2, CPO by Request, p. 74.
[3983] 3–2.5.1.3. CPO by Order, p. 74.
[3984] i–C.20. Article 77-4—Civil Protection Operations, p. 314.
[3985] 3–2.5.1. Civil Protection Operations (CPO), p. 73.
[3986] i–G.5. Article 20—(Municipal) Requests for Deployment of Self-Defense Forces units, etc., p. 356.
[3987] i–C.4. Article 8—Command and Supervision by the Minister of Defense, p. 307.
[3988] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[3989] i–G.4. Article 15—(Prefectural) Request for Deployment of Self-Defense Forces units, etc., p. 356.
[3990] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.

(vii) In addition to what is listed in the preceding items, necessary matters regarding the implementation of measures for the protection of citizens.

(3) The Prime Minister must prepare a draft of the basic guidelines and request a Cabinet decision.[3991]

(4) When the Cabinet decision set forth in the preceding paragraph is made, the Prime Minister must report the basic guidelines to the Diet without delay and make a public announcement to that effect.

(5) When the government deems it necessary to establish basic guidelines, it may request the heads of local governments, designated public institutions, and other relevant parties to provide materials or information, express opinions, and otherwise provide necessary cooperation.

(6) The provisions of the preceding three paragraphs shall apply mutatis mutandis[3992] *to changes to the basic guidelines.*

i–H. Penal Code (Law No. 45 of 1907, as amended)

Unless otherwise noted, all block quotations[3993] found within § i–H are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[3994]

This translation was published on 31 October 2017 and reflects all amendments up to and including Act No. 72 of 2017 (passed July 2017).

Amendments made after 2017 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–H.1. Article 36—Self-Defense

(1) An act a person was compelled to take to protect the rights of oneself or any other person against imminent and unlawful infringement is not punishable.

(2) An act exceeding the limits of self-defense may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

i–H.2. Article 37—Necessity

(1) An act a person was compelled to take to avert a present danger to the life, body, liberty or property of oneself or any other person is not punishable only when the harm produced by such act does not exceed the harm to be averted; provided, however, that an act causing excessive harm may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

(2) The preceding paragraph does not apply to a person under special professional obligation.

i–I. Police Duties Execution Act (Law No. 136 of 1948, as amended)

Unless otherwise noted, all block quotations[3995] found within § i–I are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[3996]

This translation was published on 16 March 2022 and reflects all amendments up to and including Act No. 94 of 2006 (passed 23 December 2006).

Amendments made after 2022 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–I.1. Article 2—Questioning

(1) A police official may stop and question any person for whom there is sufficient probable cause to suspect that the person has committed or is about to commit a crime or who is deemed to possess information on a crime which has

[3991] C–2.1.4.2. Cabinet Order, p. 225.
[3992] Making necessary changes to account for differing situations, but the basic point remains the same.
[3993] 1–3.2. Block Quotations, p. 2.
[3994] Appendix Q. References, p. 297.
[3995] 1–3.2. Block Quotations, p. 2.
[3996] Appendix Q. References, p. 297.

already been committed or is about to be committed, judging reasonably on the basis of unusual behavior and/or other surrounding circumstances.

(2) In the event that a police official considers that conducting questioning as set forth in the preceding paragraph on the spot will disadvantage the subject person or impede traffic, the police official may request the subject person to accompany the police official to a nearby police station, police box or residential police box for the purpose of questioning.

(3) No person provided for in the preceding two paragraphs is taken into custody, or be conducted to a police station, police box or residential police box by force, or be coerced to answer questions against his or her will unless this is based on the provisions of an act concerning criminal proceedings.

(4) With regard to a person who is under arrest pursuant to an act concerning criminal procedure, a police official may search his or her body to check whether he or she possesses weapons.

i–I.2. Article 4—Measures for Refuge

(1) In the event of a dangerous situation, such as a natural disaster, incident, destruction of a structure, traffic accident, explosion of a hazardous materials, appearance of a rabid dog or runaway horse, severe crush, or the like, which is likely to endanger the lives or bodies of people or cause serious damage to property, a police official may provide necessary warning to persons who happen to be at the scene, the controller of relevant items and other persons concerned; and in cases of extreme urgency, the police official may restrain or evacuate persons who are liable to suffer harm within the limits of necessity to escape harm at the scene, or order persons who happen to be at the scene, controller of relevant items and any other persons concerned to take measures generally considered necessary for the prevention of harm, or take such measures himself or herself.

(2) With regard to actions taken by a police official pursuant to the provisions of the preceding paragraph, the police official must report such actions through due steps to the Public Safety Commission to which the police official belongs. In such cases, the Public Safety Commission must take appropriate measures to request other public institutions for such cooperation as is deemed necessary for subsequent actions.

i–I.3. Article 5—Prevention and Suppression of Crime

(1) A police official may, if they notice that a crime is about to occur, give necessary warning to the persons concerned in order to prevent such occurrence, and may restrain the actions of such persons in the event that such actions may endanger the lives or bodies of persons or cause serious damage to property and the matter is urgent.

i–I.4. Article 6—Entry

(1) In the event that any dangerous situation provided for in the preceding two Articles [Article 4: Measures for Refuge; Article 5: Prevention and Suppression of Crime] has occurred and the lives, bodies or property of persons are liable to suffer harm, if a police official considers it unavoidable in order to prevent such danger, restrain the spread of damage or rescue victims, such police officer may, to the extent judged reasonably necessary, enter any person's land, building, vessel or vehicle.

(2) The manager or any person in the equivalent position, of a place of entertainment, hotel, restaurant, railway station or any other place accessed by large numbers of patrons, may not, without justifiable grounds, deny entry to a police official who demand entry to such premises during its business hours for the purpose of preventing any crime or danger imperiling the lives, bodies or property of persons.

(3) In making entry under the provisions of the preceding two paragraphs, a police official must not interfere with the lawful operation of the business of the person concerned without good reason.

(4) In making entry under the provisions of either ¶(1) or ¶(2), a police official, if requested, must inform the manager or person in the equivalent position of the reason for his or her entry, and present such person his or her certificate of identification.

i–I.5. Article 7—Use of Weapons

Establishes three conditions for the Use of Weapons:[3997]

[3997] 3–3.1. Use of Weapons, p. 77.

- Arrest or prevention of escape
- Protection of self or others from harm
- Overcoming or deterring resistance in carrying out official duties

Articles 36[3998] (Self-Defense) or 37[3999] (Necessity) of the Penal Code (Law No. 45 of 1907, as amended) require the harm created by Use of Weapons not to exceed the harm prevented by their use.

> *(1) In the event that there is probable cause to deem it necessary for the arrest of a criminal or the prevention of a criminal's escape, for self-protection or the protection of others, or for suppression of resistance to the performance of public duty, a police official may use a weapon within the limits judged reasonably necessary in the situation; Provided, however, that the police official must not inflict injury upon any person except in cases falling under Articles 36 [Self-Defense] or 37 [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), or a case falling under one of the following items:*
>
> *(i) In the event that a person who is actually in the act of committing, or is suspected on sufficient grounds of having committed, a violent and dangerous crime which is subject to the death penalty, life imprisonment or life imprisonment without work, or imprisonment or imprisonment without work for a maximum period of not less than three years, resists a police official's performance of duty regarding such person or attempts to escape, or a third party resists the police official in order to allow the subject person to escape; provided there is sufficient probable cause on the part of the police official to believe that there are no other means but to do so either for the prevention of such resistance or escape or for the arrest of such persons.*
>
> *(ii) In event of arrest of a person under an arrest warrant, or execution of a writ of physical escort or detention warrant, if the subject person resists the police official's performance of duty with respect to such subject person or attempts to escape, or a third person resists the police official in order to allow the subject person to escape; provided there is sufficient probable cause on the part of the police official to believe that there are no other means but to do so either for the prevention of such resistance or escape or for the apprehension of the such persons.*

i–J. The Road Traffic Act (Law No. 105 of 1960, as amended)

Unless otherwise noted, all block quotations[4000] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4001]

> This translation was published on 26 October 2017 and reflects all amendments up to and including Act No. 76 of 2015.
>
> Amendments made after 2015 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–J.1. Article 114-5—Regulation of Traffic When Self-Defense Forces (SDF) Are Mobilized; Related Considerations

> *(1) If a Defense Call-Up Order [DCO[4002]] is issued under Article 76,[4003] ¶(1) [DO[4004] for STS,[4005] AAS (Imminent),[4006] or AAS (Occurrence)[4007]] of the Self-Defense Forces Act and a public safety commission finds it urgently necessary to do so in order for the actions of the Self-Defense Forces or United States Armed Forces prescribed in Article 2, item (iv) of the Act on Measures Implemented by the Government in Line with U.S. Military Actions in Armed Attacks (Act No. 113 of 2004) (hereinafter referred to as the "SDF or [USF[4008]]") to be implemented reliably and smoothly to repel an Armed Attack[4009] from the exterior against Japan, it may prohibit or restrict vehicle traffic on roads other than those being used by the SDF or [USF], as per Article 155, ¶(1) of the Act on Measures to Protect the People in Armed Attacks (Act No. 112 of 2004).*
>
> *(2) Article 76, ¶(2), Article 76-2, Article 76-3 (other than ¶(4)), Article 76-5, and Article 82, ¶(1) of The Basic Act on Disaster Management (Act No. 223 of 1961) apply mutatis mutandis[4010] to the prohibition or restriction of entry onto a road pursuant to the preceding paragraph. In such a case, the term "vehicle allowed emergency entry" in Article 76-2, ¶(1) and ¶(2) and Article 76-3, ¶(1) of that Act is deemed to be replaced with "vehicle used by the SDF or [USF]"; the*

[3998] i–H.1. Article 36—Self-Defense, p. 357.
[3999] i–H.2. Article 37—Necessity, p. 357.
[4000] 1–3.2. Block Quotations, p. 2.
[4001] Appendix Q. References, p. 297.
[4002] 3–2.2.3.1. Defense Call-Up Order (DCO), p. 59.
[4003] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[4004] 3–2.2.1. Defense Operation (DO), p. 57.
[4005] 4–10. Survival-Threatening Situation (STS), p. 111.
[4006] 4–11.1.1. AAS (Imminent), p. 117.
[4007] 4–11.1.2. AAS (Occurrence), p. 117.
[4008] The source English translation uses the acronym "USAF" for "US Armed Forces." This guide uses the modified "USF" for clarity.
[4009] 4–12. Definition of "Armed Attack", p. 121.
[4010] Making necessary changes to account for differing situations, but the basic point remains the same.

phrase "¶(1) of the preceding Article" in Article 76-2, ¶(5) of that Act and the phrase "Article 76, ¶(1)" in Article 76-3, ¶(5) of that Act are deemed to be replaced with "Article 114-5, ¶(1) of the Road Traffic Act"; the term "emergency disaster control measures" in ¶(1) of that Article and Article 76-5 of that Act is deemed to be replaced with "actions to repel an Armed Attack[4011] from the outside against Japan"; the phrase "a unit, etc. ordered to serve in a disaster relief operation, etc." in the first sentence of Article 76-3, ¶(3) and ¶(6) of that Act is deemed to be replaced with "the Self-Defense Forces ordered to serve in a defense operation pursuant to Article 76, ¶(1) of the Self-Defense Forces Act"; the phrase "¶(1)" in the second sentence of ¶(3) of that Article is deemed to be replaced with "¶(1) as applied mutatis mutandis pursuant to Article 114-5, ¶(2) of the Road Traffic Act"; the term "vehicle allowed emergency entry" in that paragraph is deemed to be replaced with "vehicle used by the SDF or [USF]"; the phrases "SDF vehicle allowed emergency entry (meaning a vehicle allowed emergency entry that is used by the Self-Defense Forces and that is in operation to execute emergency disaster control measures; the same applies hereinafter in this paragraph)" and "SDF vehicle allowed emergency entry" in that paragraph are deemed to be replaced with "vehicle used by the Self-Defense Forces"; and the word "immediately" in ¶(6) of that Article is deemed to be replaced with "without delay".

(Applicable Penal Provisions: Article 118-3 [of the Road Traffic Act: fining or imprisoning drivers who fail to comply with public safety prohibitions or restrictions] applies to ¶(1) of this Article.)

i–J.2. Article 118-3—Regulation of Traffic When Self-Defense Forces (SDF) Are Mobilized; Related Considerations

Allows for the imprisonment or fining of drivers failing to comply with public safety prohibitions or restrictions.

(1) The driver of a vehicle who fails to comply with the prohibition or restriction of a public safety commission as under Article 114-5 (Regulation of Traffic When Self-Defense Forces Are Mobilized; Related Considerations), ¶(1) is subject to imprisonment for not more than three months or a fine of not more than 300,000 yen.

i–K. Coast Guard Act (Law No. 28 of 1948, as amended)

Unless otherwise noted, all block quotations[4012] found within § i–K are from the Nippon Foundation's CANPAN Translation.[474]

https://fields.canpan.info/report/download?id=10846

This translation reflects all amendments up to and including Act No. 71, enacted 5 September 2012.

Amendments made after 2012 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

Segregation requirement? Mil vs. neutral?

i–K.1. Article 2—Japan Coast Guard Mission

(1) The Japan Coast Guard has the mission of securing the safety and security of the sea by performing the administrative affairs relating to enforcement at sea of the laws and regulations, sea rescues, the prevention of marine pollution, the maintenance of order in the navigation of vessels at sea, the prevention and suppression of crimes at sea, investigation and arrests of criminals at sea, regulation on the traffic of vessels at sea, hydrography and navigational aids, and other administrative affairs relating to securing safety at sea as well as administrative affairs incidental to the aforementioned.

(2) The administrative affairs relating conventionally to the Secretariat of the Ministry of Transport, the Secretariat of the Commissioner of the Maritime Bureau of the Ministry of Transport, the Shipping Commissioner, the ship stations and mariners stations, the investigators of the Marine Accident Tribunal, the Lighthouse Bureau, the Hydrographic Department, and other administrative affairs coming under the jurisdiction of other government agencies, which come under the administrative affairs set forth under the preceding paragraph, shall be transferred to the jurisdiction of the Japan Coast Guard

[4011] 4–12. Definition of "Armed Attack", p. 121.

[4012] 1–3.2. Block Quotations, p. 2.

i–K.2. Article 4—Structure, Equipment, and Functions of Coast Guard Vessels

Article 4 outlines the limits of JCG vessel capabilities to avoid violating Article 25[4013] (Prohibition Against Paramilitarization of the JCG). These limitations create "force mismatch" in scenarios where JCG, with only the capability to warn or disable ships (and not destroy them) must contend with ships that possess ship destruction capabilities (e.g., CCG). In such cases, MSO operations[4014] may be required.

> *(1) The vessels and aircraft of the Japan Coast Guard shall be vessels and aircraft with the structure, equipment, and functions appropriate to maintain the navigational aids, carry out the hydrographic survey and oceanographic observation, maintain security at sea, give assistance to mariners in distress, or to protect human lives and property in marine accidents.*
>
> *(2) Numbers and other signs enabling clear differentiation from other vessels shall be attached to the vessels of the Japan Coast Guard, and they shall hoist the national flag and the flag of the Japan Coast Guard.*
>
> *(3) Numbers and other signs enabling clear differentiation from other vessels shall be attached to the aircraft of the Japan Coast Guard.*

i–K.3. Article 5—Functions of the Coast Guard

Authorizes specific functional areas of operations to fulfill the requirements of the JCG missions set out by Article 2 of the Coast Guard act.

> *(1) The Japan Coast Guard shall take charge of the following administrative affairs in order to achieve the mission set forth under ¶(1) of Article 2 [JCG Missions].*
>
> *(i) Matters relating to the enforcement of laws and regulations at sea.*
>
> *(ii) Matters relating to relief assistance to save human lives, cargo, and vessels in marine accidents and in natural disasters and other cases necessitating relief.*
>
> *(iii) Matters relating to relief of vessels in distress and the system of processing wreckage and sinking goods.*
>
> *(iv) Matters relating to the investigation of marine accidents (except for those performed by the Japan Transport Safety Board and the Japan Marine Accident Tribunal).*
>
> *(v) Matters relating to the removal of obstacles to vessel traffic.*
>
> *(vi) Matters relating to supervision of people, other than officers of the Japan Coast Guard, who carry out relief to save human lives, cargo, and vessels in marine accidents and remove obstacles to marine traffic.*
>
> *(vii) Matters relating to supervision necessary for security at sea for passengers or people engaged in the maritime transport of cargo.*
>
> *(viii) Matters relating to navigation and signals for vessel traffic.*
>
> *(ix) Matters relating to port regulations.*
>
> *(x) Matters relating to securing the safety of vessel traffic in waters where vessel traffic is congested.*
>
> *(xi) Matters relating to preventing marine pollution, etc. (referring to the marine pollution, etc. provided for in item (xv), ¶(2) of Article 3 of the Act on the Prevention of Marine Pollution and Maritime Disasters (Act No. 136 of 1970)) and marine disasters.*
>
> *(xii) Matters relating to the maintenance of order in the navigation of vessels at sea.*
>
> *(xiii) Matters relating to patrolling and guarding in coastal waters.*
>
> *(xiv) Matters relating to the suppression of riots and disturbances at sea.*
>
> *(xv) Matters relating to the prevention and suppression of crimes at sea.*

[4013] i–K.8. Article 25—Prohibition Against Paramilitarization of the Coast Guard, p. 364.

[4014] 3–2.3.2. Maritime Security Operation (MSO), p. 66.

(xvi) Matters relating to the investigation and arrest of criminals at sea.

(xvii) Matters relating to detention work.

(xviii) Matters relating to international assistance in investigations.

(xix) Matters relating to cooperation, mutual assistance, and contact with the National Police Agency and the prefectural police (hereinafter referred toas "police administrative agencies"), customs, quarantine stations, and other relevant administrative agencies.

(xx) Matters relating to international disaster relief activities pursuant to the Act on Dispatchment of the Japan Disaster Relief Team (Act No. 93 of 1987).

(xxi) Matters relating to the hydrographic survey and oceanographic observation. (xxii) Matters relating to the preparation and supply of hydrographic publications and aeronautical information publications.

(xxiii) Matters relating to the notification of matters necessary for the safety of vessel traffic.

(xxiv) Matters relating to the construction, maintenance, operation, and supplies of lighthouses and other navigational aids.

(xxv) Matters relating to the observation of weather and its reports based on equipment attached to lighthouses and other navigational aids.

(xxvi) Matters relating to the supervision of people other than the Japan Coast Guard who perform the construction, maintenance, or operation of lighthouses or other navigational aids.

(xxvii) Matters relating to international cooperation pertaining to the administrative affairs under its jurisdiction.

(xxviii) Matters of holding training relating to the administrative affairs under its jurisdiction at the educational training facilities specified in a Cabinet Order.[4015]

(xxix) Matters relating to the construction, maintenance, and operation of vessels and aircraft to be used to carry out the administrative affairs under its jurisdiction.

(xxx) Matters relating to the construction, maintenance, and operation of communications facilities to be used to carry out the administrative affairs under its jurisdiction.

(xxxi) In addition to those matters given in each of the preceding items, the administrative affairs provided for in ¶(1) of Article 2[4016] *[JCG Missions].*

i–K.4. Article 16—Request of Cooperation for Citizen and Ship

(1) The Coast Guard Officers may seek cooperation from people and vessels in the vicinity, where necessary, to perform the duties given in item (ii) of Article 5 [relief assistance to save human lives, cargo, and vessels in marine accidents and in natural disasters and other cases necessitating relief] or when arresting a criminal or in emergency events.

i–K.5. Article 17—Query, Order to Submit Documents, Order to Stop Ship, and Ship Visit

Article 17 grants JCG the authority to board and visit a ship. For a ship to be subject to boarding and inspection, it must be subject to Japanese jurisdiction (i.e., operating within TTS[4017] and, in certain cases, within the CZ[4018]). Ships not subject to Japanese jurisdiction may be boarded by the JCG only under SIO[4019] authorities.

If such boarding is resisted, JCG may board the ship using coercive force.

(1) The Coast Guard Officers may, when it is necessary for the performance of their duties, order the master of a vessel or a person who is directing a vessel on behalf of the master to submit documents that should be furnished in the ship in accordance with laws and regulations, or stop the vessel and conduct an onboard inspection in order to check the identity of the vessel, the port of registry, the name of the master, the immediate departure port or place of departure, the destination port or place of destination, the nature of its cargo or the presence or absence of cargo, and other matters deemed to be important in relation to the vessel, cargo, or voyage, or may ask questions necessary to perform

[4015] C–2.1.4.2. Cabinet Order, p. 225.
[4016] i–K.1. Article 2—Japan Coast Guard Mission, p. 360.
[4017] A–4.4. Territorial Sea (TTS), p. 196.
[4018] A–4.6. Contiguous Zone (CZ), p. 196.
[4019] 3–2.3.9. Ship Inspection Operations (SIO), p. 72.

their duties to crewmembers and passengers, the owner, lessee or charterer of the vessel, or other persons deemed to know of matters recognized to be important to secure safety and security at sea.

(2) The Coast Guard Officers shall wear uniforms and carry a certificate of identification with them when making the on-site inspection or asking questions as provided for in the preceding paragraph.

(3) The uniform of the Coast Guard Officers shall be provided for by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

i–K.6. Article 18—Measures of Displacement, Expulsion, Takedown, and Stopping a Vessel

When JCG determines that a crime is about to be committed at sea or good order at sea (see §§ 3–2.3.2.2 Limitations of Maritime Security Operations [p. 67] and E–5.1 Innocent Passage [p. 249]) is likely to be disturbed, the JCG is authorized to take the measures of Article 18.

(1) In addition to those matters specified in other laws and regulations, the Coast Guard Officers make take the following measures in cases where it is deemed that a crime is definitely to take place at sea or in cases where there is a dangerous situation such as a natural disaster, marine accident, destruction of a structure, or an explosion of hazardous materials, and where there is the risk of damage extending to the lives or bodies of people or serious damage to property, and moreover, is a case requiring urgency.

(i) To start or stop the navigation of a vessel or to halt the departure of a vessel.

(ii) To change the route of a vessel, or to have a vessel moved to a specified place.

(iii) To have a crew member, passenger, or some other person onboard the vessel (hereinafter referred to as "crew member, etc.") disembark, or to restrict or prohibit their disembarkation.

(iv) To have cargo unloaded, or to restrict or prohibit its unloading.

(v) To restrict or prohibit traffic among other vessels or between a vessel and shore.

(vi) In addition to the measures set forth in the preceding items, to restrain an act that is likely to cause danger to the lives or bodies of people or to seriously damage property at sea.

(2) The Coast Guard Officers may take the measures given in item (i) or item (ii) of the preceding paragraph [to control movement of a vessel] in cases where the Coast Guard Officers deem that it is clear that a crime is to be committed at sea or in cases where they otherwise deem that it is likely that the public order [good order] at sea will be seriously disturbed, and there are no other appropriate means, based on a reasonable judgment from the appearance of the vessel, mode of navigation, abnormal behavior of the crew members, etc., or from other surrounding circumstances.

i–K.7. Article 20—Use of Weapons

(1) The provisions of Article 7[4020] of the Police Duties Execution Act (Act No.136 of 1948) [Use of Weapons[4021]] shall apply mutatis mutandis[4022] to the use of the weapons by the Coast Guard Officers and assistant Coast Guard Officers.

(2) In addition to cases of using a weapon in accordance with the provisions of Article 7 of the Police Duties Execution Act [Use of Weapons] in cases applied mutatis mutandis pursuant to the preceding paragraph, the Coast Guard Officers or assistant Coast Guard Officers may use a weapon within the extent judged reasonably necessary corresponding to the situation if there are reasonable grounds to believe that there are no other means to stop the vessel in cases where an order is given repeatedly to a crew member, etc. to stop a vessel pursuant to the provisions of ¶(1) of Article 17 [ordering a ship to stop for inspection] and the crewmember, etc. does not comply, and further, resists the performance of the duties of the Coast Guard Officers or assistant Coast Guard Officers, or attempts to flee, and if the Commandant of the Japan Coast Guard deems that it is a situation which comes under all of the following items based on a reasonable judgment from the appearance of the said vessel, mode of navigation, abnormal behavior of the crew members, etc., or from other surrounding circumstances or related information.

(i) The said vessel is considered to be a foreign vessel (except Warships[4023] and vessels owned or operated by governments which are used only for non-commercial purposes) [exclusively applies to foreign surveillance vessels], and moreover, it is deemed that it is currently conducting navigation which is not an Innocent Passage[4024] in the Internal

[4020] i–I.5. Article 7—Use of Weapons, p. 358.
[4021] 3–3.1. Use of Weapons, p. 77.
[4022] Making necessary changes to account for differing situations, but the basic point remains the same.
[4023] E–2.2.1.1. Warships, p. 242.
[4024] E–5.1.3. Non-Innocent Passage (Violations of Innocent Passage), p. 251.

Waters[4025] or Territorial Sea[4026] of Japan as provided for in the provisions of Article 19 of the United Nations the Law of the Sea [UNCLOS] (except when there is a legitimate reason for the navigation).

(ii) It is deemed that if said navigation is left alone, it is likely to be repeated in the future.

(iii) It is deemed that it is not possible to dispel the suspicion that said navigation is being carried out for preparations necessary to commit a violent and dangerous crime which is punishable by the death penalty, a life sentence, or imprisonment with or without work for three years or more (hereinafter referred to as "serious violent crime") in the territories of Japan.

(iv) It is deemed that it is not possible to prevent the future occurrence of a serious violent crime unless proper measures are taken based on information obtained through suspending said navigation and conducting an onboard inspection

i–K.8. Article 25—Prohibition Against Paramilitarization of the Coast Guard

Description Ref Article 4[4027]

(1) None of the provisions of this Act shall be interpreted as permitting the organization or training of the Japan Coast Guard or its officers as armed forces or as permitting them to engage in the functions of armed forces.

i–L. Ship Inspection Act (Act No. 145 of 2000, amended)

The full title of this law is:

- Act on Ship Inspection Operations Implemented in Situations that Will Have an Important Influence on Japan and Other Situations

Unless otherwise noted, all block quotations[4028] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4029] The Japanese has been machine translated.[4030]

The source text was published on 30 May 2015 and reflects all amendments up to and including Act No. 76 of 2015.

Amendments made after 2015 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–L.1. Article 2—Definitions

(1) In this law, "ship inspection activities" are defined as "vessel inspection activities" for the purpose of ensuring strict implementation of regulatory measures related to trade and other economic activities in which Japan participates in Important Influence Situations [IIS[4031]] or joint international peace response situations. The cargo and destination of the ship (excludes warships and vessels owned or operated by governments that are used solely for non-commercial purposes (hereinafter referred to as "warships, etc.")) on the basis of a resolution of the United Nations Security Council requesting that the necessary measures be taken to ensure its implementation, or with the consent of the Flag State (a state that has the right to fly its flag as provided for in Article 91 of the United Nations Convention on the Law of the Sea); Activities to inspect, confirm, and request changes to the ship's route, destination port, or destination as necessary, which are carried out by Japan.

i–L.2. Article 3—Implementation of Ship Inspection Activities

(1) Vessel inspection activities in Important Influence Situations [IIS[4032]] shall be carried out by units of the Self-Defense Forces (meaning units, etc. prescribed in Article 8 of the SDF Act (Law No. 165 of 1954, as amended); the same shall apply hereinafter). In this case, a unit of the Self-Defense Forces, etc. that conducts ship inspection activities in an Important Influence Situation [IIS] may carry out Logistics Support Activities[4033] (refers to the Logistics Support Activities prescribed in item 2 of the same paragraph. same as below) for units of the United States Armed Forces, etc. (refers to the United States military, etc. as provided in Article 3, ¶(1), Item 1 of the IIS Act (Act No. 60 of 1999, as amended)) that

[4025] A–4.2. Internal Waters, p. 195.
[4026] A–4.4. Territorial Sea (TTS), p. 196.
[4027] i–K.2. Article 4—Structure, Equipment, and Functions of Coast Guard Vessels, p. 361.
[4028] 1–3.2. Block Quotations, p. 2.
[4029] Appendix Q. References, p. 297.
[4030] 1–5.2.2. Machine Translations, p. 7.
[4031] 4–7. Important Influence Situation (IIS), p. 105.
[4032] 4–7. Important Influence Situation (IIS), p. 105.
[4033] 4–6.1.1. Logistics Support Activities, p. 104.

conduct activities equivalent to said activities. The provision of goods belonging to the Self-Defense Forces and the provision of services by the Self-Defense Forces shall be listed in Appended Table 2 of the IIS Act (Act No. 60 of 1999, as amended).

(2) Ship inspection activities in joint international peace response situations shall be carried out by units of the Self-Defense Forces, etc. In this case, units of the Self-Defense Forces, etc. that carry out ship inspection activities in a joint international peace response situation may carry out cooperative support activities for units of the militaries, etc. (armed forces of foreign countries stipulated in Article 3, ¶(1), Item 1 of the International Peace Cooperation Support Activities Act (Act No. ## of YYYY)) of other countries that carry out activities equivalent to the activities in question. The provision of goods belonging to the Self-Defense Forces and the provision of services by the Self-Defense Forces as described in (refers to the cooperative support activities prescribed in item 2 of the same paragraph; same as below. etc.) above shall be listed in Schedule 2 of the International Peace Cooperation Support Activities Act.

i–L.3. Article 4—Matters Stipulated in the Basic Plan

(1) When carrying out ship inspection activities in Important Influence Situations [IIS[4034]], the following matters shall be stipulated in the Basic Plan [BP[4035]] prescribed in Article 4, ¶(1) of the IIS Act (Act No. 60 of 1999, as amended).

(i) Basic matters related to the relevant ship inspection activities

(ii) The size and composition of the Self-Defense Forces units, etc. that conduct the ship inspection activities, and if the ship inspection activities or the Logistics Support Activities[4036] associated with the implementation described in the second sentence of ¶(1) of the preceding article are carried out in foreign territory, these activities will be carried out in foreign territory. Equipment and dispatch period of Self-Defense Force units, etc. to be carried out in the area.

(iii) Matters regarding the scope of the area where the ship inspection activities will be carried out and the designation of the area.

(iv) Scope of goods subject to regulatory measures prescribed in Article 2

(v) Important matters related to the implementation of the Logistics Support Activitiesset forth in the latter part of ¶(1) of the preceding article in conjunction with the implementation of the ship inspection activities (including matters regarding the scope of the area where the Logistics Support Activitieswill be carried out and the designation of the area)

(vi) Other important matters related to the implementation of the relevant ship inspection activities

(2) When conducting ship inspection activities in joint international peace response situations, the following matters shall be stipulated in the Basic Plan [BP] prescribed in Article 4, ¶(1) of the International Peace Cooperation Support Operations Act.

(i) Basic matters related to the relevant ship inspection activities

(ii) The size and composition of the Self-Defense Forces units, etc. that conduct the ship inspection activities, and if the ship inspection activities or the cooperation support activities associated with the implementation described in the second sentence of ¶(2) of the preceding article are carried out in foreign territory, these activities will be carried out in foreign territory. Equipment and dispatch period of Self-Defense Force units, etc. to be carried out in the area.

(iii) Matters regarding the scope of the area where the ship inspection activities will be carried out and the designation of the area.

(iv) Scope of goods subject to regulatory measures prescribed in Article 2

(v) Important matters related to the implementation of the cooperation support activities set forth in the latter part of ¶(2) of the preceding article in conjunction with the implementation of the ship inspection activities (including matters regarding the scope of the area in which the cooperation support activities will be carried out and the designation of the area)

(vi) Other important matters related to the implementation of the relevant ship inspection activities

(3) Logistics Support Activities referred to in the second sentence of ¶(1) of the preceding article in conjunction with the implementation of ship inspection activities or ship inspection activities in a situation of significant impact, or cooperation support activities referred to in the second sentence of ¶(2) of the same article in conjunction with the implementation of ship inspection activities in a joint international peace response situation. In the case of

[4034] 4–7. Important Influence Situation (IIS), p. 105.
[4035] 4–5. Basic Plan (BP), p. 103.
[4036] 4–6.1.1. Logistics Support Activities, p. 104.

implementation in the territory of a foreign country, if there is an organization prescribed in Article 2, ¶(4) of the or Article 2, ¶(4) of the International Peace Cooperation Support Activities Act, The scope of the implementation area shall be determined in consultation with the relevant organization.

i–L.4. Article 5—Mode of Implementation of Ship Inspection Activities, etc.

(1) The Minister of Defense shall establish implementation guidelines for ship inspection activities in accordance with the Basic Plan [BP[4037]] set forth in ¶(1) or (2) of the preceding article (simply referred to as the " Basic Plan" [BP] in ¶[5]), and shall obtain the approval of the Prime Minister, the Self-Defense Forces units, etc. shall be ordered to implement the same.

(2) The Minister of Defense shall take into account the specific details of the ship inspection activities that need to be carried out in the implementation guidelines set forth in the preceding paragraph, and shall ensure that the relevant ship inspection activities are carried out smoothly and safely by the Self-Defense Forces, etc. (hereinafter referred to as the "implementation area" in this article) shall be designated. In this case, the implementation area must be clearly distinguished from the area where such activities will be conducted so that the ship inspection activities are not mixed with activities equivalent to ship inspection activities conducted by foreign countries.

(3) The manner of implementation of ship inspection activities shall be listed in the attached table.

(4) The Minister of Defense may conduct ship inspections in foreign territory in cases where it is deemed difficult for Self-Defense Forces units, etc. to carry out ship inspection activities smoothly and safely in all or part of the implementation area, or in situations of significant impact. Consent pursuant to Article 2, ¶(4) of the Act on Security of Significant Impact Situations for activities or Article 2, ¶(4) of the International Peace Cooperation Support Activities Act regarding ship inspection activities conducted in foreign territory in joint international peace response situations. If it is determined that the facility no longer exists, the designation must be changed or the activities being carried out there must be ordered to be suspended.

(5) In addition to what is provided for in the preceding paragraph, if all or part of the implementation area does not meet the requirements set forth in this Act or the Basic Plan [BP], the Minister of Defense shall promptly change the designation or must order the suspension of the activities being carried out there.

(6) The provisions of ¶(1) shall apply mutatis mutandis[4038] to any changes to the implementation guidelines set forth in the same paragraph (excluding changes that reduce the implementation area pursuant to the provisions of the preceding two paragraphs).

(7) The provisions of Article 6[4039] of the IIS Act (Act No. 60 of 1999, as amended) apply to the Logistics Support Activitiesset forth in the second half of Article 3, ¶(1) accompanying the implementation of ship inspection activities in Situations with Significant Impact, and the provisions of Article 7 of the International Peace Cooperation Support Operations Act apply to international This shall apply mutatis mutandis to the cooperation and support activities set forth in the latter part of Article 3, ¶(2), associated with the implementation of ship inspection activities in joint peace response situations.

[4037] 4–5. Basic Plan (BP), p. 103.

[4038] Making necessary changes to account for differing situations, but the basic point remains the same.

[4039] i–E.6. Article 6 - Implementation of Provision of Goods and Services as Logistics Support Activities by the SDF, p. 347.

i–L.4.A. Attached Table

Number	*Classification*	*Mode of Implementation*
1	*Navigation status monitoring*	*To monitor the navigation status of ships.*
2	*Manifestation of one's existence*	*To indicate one's presence to navigating vessels by calling out, using signal rounds, flares, or other appropriate means (excluding the use of live ammunition) as necessary.*
3	*Inquiry about ship name etc.*	*Using radio or other means of communication, inquire about a ship's name, port of registration, captain's name, previous port or place of departure, port or destination, cargo, and other necessary information.*
4	*Inspection and confirmation on board*	*Request the captain of a vessel (excluding warships, etc.; the same shall apply hereinafter) or a person who commands the vessel on behalf of the captain (hereinafter referred to as the "captain, etc.") to stop the vessel, and with the consent of the captain, etc., stop the vessel. board the vessel concerned and inspect and confirm the documents and cargo.*
5	*Request for change of route etc.*	*If it cannot be confirmed that a ship is not loaded with goods subject to the regulatory measures prescribed in Article 2, request the captain of the ship to change the route, port of destination, or destination.*
6	*Persuading the captain etc.*	*Persuading the captain, etc. of a ship who does not respond to the request under ¶(4) or the request for change under ¶(5) to do so.*
7	*Approaching, tracking, etc.*	*To approach, follow, follow, and stand by in front of the vessel to the extent necessary for persuasion under ¶(6).*

i–L.5. Article 6—Use of Weapons

(1) Ship inspection activities in situations where ship inspection activities are ordered pursuant to the provisions of ¶(1) of the preceding article, or in situations where significant impact occurs pursuant to the provisions of ¶(2) of Article 6 of the Act on Safety Ensuring the Safety of Significant Impact Situations as applied mutatis mutandis[4040] pursuant to ¶(7) of the same article. is ordered to provide Self-Defense Forces services as a logistics support operation under the latter part of Article 3, ¶(1), or the provisions of Article 7, ¶(2) of the International Peace Cooperation Support Operations Act as applied mutatis mutandis pursuant to ¶(7) of the preceding Article. Self-Defense Force personnel, such as units of the Self-Defense Forces, who are ordered to provide Self-Defense Force services as a cooperative support activity under the latter part of Article 3, ¶(2), in conjunction with the implementation of ship inspection activities in joint international peace response situations, shall and the lives of other Self-Defense Forces personnel (referring to the personnel prescribed in Article 2, ¶(5) of the Self-Defense Forces Act; the same shall apply in ¶[5]) who are present at the scene, or of persons who come under their control while performing their duties. or if there are reasonable grounds to believe that it is unavoidably necessary for personal protection, the Self-Defense Forces may use weapons (such as weapons for the ship inspection activities in foreign territory or When carrying out logistics support activities or related cooperation support activities, this applies only to equipment that falls under the basic plan pursuant to the provisions of Article 4, ¶(1), Item 2 or ¶(2), Item 2. The same can be used in Article 1.

(2) The use of weapons pursuant to the provisions of the preceding paragraph shall be based on the orders of superiors if they are present at the scene. However, this shall not apply when there is an imminent threat of harm or danger to life or body and there is no time to obtain the order.

(3) In the case referred to in ¶(1), the superior officer at the scene shall prevent the uncontrolled use of a weapon from causing danger to life or body or causing chaos, and shall refrain from using the weapon. shall issue the necessary orders from the standpoint of ensuring that the above is carried out properly within the scope of the purpose in accordance with the provisions of the same paragraph and the following paragraph.

[4040] Making necessary changes to account for differing situations, but the basic point remains the same.

(4) When using weapons pursuant to the provisions of ¶(1), except in cases falling under Articles 36[4041] [Self-Defense] or 37[4042] [Necessity] of the Penal Code (Law No. 45 of 1907, as amended), SDF personnel must not cause harm to persons.

(5) The provisions of Article 96, ¶(3) of the Self-Defense Forces Act apply mutatis mutandis pursuant to ¶(7) of the same Article when ship inspection activities (limited to those outside the territory of Japan) are ordered pursuant to the provisions of ¶(1) of the preceding Article. In accordance with the provisions of Article 6, ¶(2) of the IIS Act (Act No. 60 of 1999, as amended), the Self-Defense Forces provide services as logistics support activities under the second half of Article 3, ¶(1) in conjunction with the implementation of ship inspection activities in IIS (outside the territory of Japan), or pursuant to the provisions of Article 7, ¶(2) of the International Peace Cooperation Support Activities Act as applied mutatis mutandis pursuant to ¶(7) of the preceding Article. Regarding Self-Defense Force personnel such as Self-Defense Force units ordered to provide Self-Defense Forces services (limited to those outside the territory of Japan) as part of cooperation and support activities under the second sentence of Article 2, It does not apply to crimes committed.

i–L.6. Article 7—Delegation to Cabinet Order

(1) In addition to any special provisions in this Act, procedures for implementing this Act and other necessary matters regarding the enforcement of this Act shall be specified by Cabinet Order.[4043]

i–M. Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended)

The full title of this law is:

- Law Concerning the Restrictions of Maritime Transportation of Foreign Military Supplies, and Others in Armed Attack Situations, etc., and Survival-Threatening Situations

This act provides for procedures for stopped ship inspection and measures conducted by the JMSDF[4044] to restrict maritime transportation of weapons, ammunition and military personnel, etc. (supplies to foreign armed forces, etc.) to armed forces, etc., of foreign countries involving in Armed Attack[4045] against Japan in AAS[4046] or during STS.[4047] Procedures and measures are restricted to Japanese TTS,[4048] the High Seas,[4049] and the TTS of a foreign nation when that foreign nation's consent is granted.

Unless otherwise noted, all block quotations[4050] found within § i–M are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4051]

> This translation was published on 10 September 2021 and reflects all amendments up to and including Act No. 118 of 2006.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–M.1. Article 2—Definitions of Foreign Military Supplies

Sets forth relevant definitions, to include categories of prohibited Contraband[4052] under MIO[4053] operations.

(1) In this Act, the meanings of the terms listed in the following items are as prescribed respectively in those items:

(i) "Foreign Military Forces[4054]" mean armed forces of a foreign state and other similar organizations engaged in armed attack situations (meaning the Armed Attacks[4055] prescribed in Article 2, item (i) of the Act on Ensuring the Peace and Independence of Japan and the Security of the State and People in Armed Attack Situations; the same applies in Article 16 [Stopped Ship Inspection; MIO]);

(ii) "foreign military supply" means the objects listed in any of sub-items (a) through (h) (limited to those specified by Cabinet Order[4056]) whose destination is the area where the Foreign Military Forces are located and the objects listed in

[4041] i–H.1. Article 36—Self-Defense, p. 357.
[4042] i–H.2. Article 37—Necessity, p. 357.
[4043] C–2.1.4.2. Cabinet Order, p. 225.
[4044] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[4045] 4–12. Definition of "Armed Attack", p. 121.
[4046] 4–11. Armed Attack Situation (AAS), p. 116.
[4047] 4–10. Survival-Threatening Situation (STS), p. 111.
[4048] A–4.4. Territorial Sea (TTS), p. 196.
[4049] A–4.10.1. GoJ Definition of High Seas, p. 198.
[4050] 1–3.2. Block Quotations, p. 2.
[4051] Appendix Q. References, p. 297.
[4052] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4053] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[4054] 4–12.5. Applicable Foreign Military Forces, p. 124.
[4055] 4–12. Definition of "Armed Attack", p. 121.
[4056] C–2.1.4.2. Cabinet Order, p. 225.

any of the sub-items (i) through (l) (limited to those specified by Cabinet Order) whose destination is the area within Japan's territory where the Foreign Military Forces are located or an area in the High Seas[4057] surrounding Japan;

(a) nuclear, chemical, biological or toxic weapons (including missiles used for transporting these weapons and other means), or anti-personnel land mines;

(b) firearms;

(c) ammunition or military explosives (excluding those listed in (a));

(d) military weapons (excluding those listed in (a) through (c));

(e) Military Aircraft,[4058] rockets, ships or vehicles (excluding those listed in (a));

(f) military communication equipment or electronics;

(g) components or accessories of those things listed in (a) through (f);

(h) military gunpowder (excluding explosives) or fuel;

(i) armor plates, military helmets, body armors and other military equipment (excluding those listed in (a) through (g));

(j) devices for the repair or maintenance of aircraft, rockets, ships or vehicles, or their components or accessories;

(k) fuel (excluding those listed in (h)), lubricants or operating oil for aircraft, rockets, ships or automobiles;

(l) food (limited to that directed at Foreign Military Forces).

(iii) "Foreign Military Supplies" [Contraband[4059]] means foreign military supply or members of the foreign military forces;

(iv) "ship" means a ship other than Warships[4060] (meaning a Warship and a ship owned or operated by government of various countries that is used only for non-commercial purposes; the same applies hereinafter) [i.e., "ship" is limited to merchant ships];

(v) "master of ship" means a master of ship or a person who commands a ship on behalf of the master of ship;

(vi) "commanding officer" means the head of a self-defense ship or other unit of the Maritime Self-Defense Force who is ordered to take measures pursuant to the provisions of Chapter IV [Stopped Ship Inspection and Taking Ship Measures: Article 16–38] in accordance with the provisions of Article 4, ¶(1) [restriction of maritime transportation of Contraband; MIO];

(vii) "stopped ship inspection" means stopping a ship and making an on-site inspection or asking members of the crew or passengers (hereinafter referred to as "members of crew, etc.") necessary questions in order to confirm whether they are transporting Foreign Military Supplies [Contraband];

(viii) "taking ship measure" means ordering the master of ship of the ship for which stopped ship inspection has been carried out to take the ship to a certain port in Japan (limited to those specified by Cabinet Order; the same applies in Article 28, ¶(1) [seizure of a ship]) and performing the necessary supervision to ensure the performance of such order.

i–M.2. Article 4—Measures by the Maritime Self-Defense Force

(1) The Minister of Defense, if all or part of the Maritime Self-Defense Force is given the defense operation order pursuant to the provisions of Article 76,[4061] ¶(1) [STS,[4062] AAS (Imminent),[4063] or AAS (Occurrence)[4064]] of the Self-Defense Forces Act and the Minister finds it necessary to restrict the maritime transportation of Foreign Military Supplies [Contraband[4065]] in Japan's Territorial Sea[4066] or the High Seas[4067] surrounding Japan, may order units of the Maritime Self-Defense Force that were called out pursuant to the provisions of that paragraph to take the measures pursuant to

[4057] A–4.10.1. GoJ Definition of High Seas, p. 198.
[4058] E–2.2.3.1. Military Aircraft, p. 244.
[4059] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4060] E–2.2.1.1. Warships, p. 242.
[4061] i–C.16. Article 76—Defense Operation (STS, AAS [Imminent], AAS [Occurrence]), p. 313.
[4062] 4–10. Survival-Threatening Situation (STS), p. 111.
[4063] 4–11.1.1. AAS (Imminent), p. 117.
[4064] 4–11.1.2. AAS (Occurrence), p. 117.
[4065] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4066] A–4.4. Territorial Sea (TTS), p. 196.
[4067] A–4.10.1. GoJ Definition of High Seas, p. 198.

the provisions of Chapter IV [Stopped Ship Inspection and Taking Ship Measures: Article 16–38] by obtaining the approval of the Prime Minister.

(2) The Minister of Defense, when giving an order pursuant to the provisions of the preceding paragraph, must give public notice and determine the area to implement stopped ship inspection (hereinafter referred to as the "implementation area").

i–M.3. Article 6—Restriction of Transportation of Foreign Military Supplies

(1) In the cases where the cargo referred pursuant to the provisions of Article 27, ¶(3) [seized Contraband[4068]] or the cargo of the ship involved in the case referred pursuant to the provisions of Article 34 [referral to tribunal] (hereinafter collectively referred to as "cargo" in this Article and Article 52, ¶¶(1) through (3) [trial concerning qualifying Contraband as listed in Article 2, ¶(1), No 2., (a) through (l)]) is the foreign military supply that falls under Article 2, item (ii), (a) [nuclear, chemical, biological or toxic weapons (including missiles used for transporting these weapons and other means), or anti-personnel land mines], the Foreign Military Supply Tribunal must dispose of the cargo in accordance with the procedures prescribed in Chapter V [Trial Proceedings; Articles 39–60].

(2) In the cases where the cargo is the foreign military supply that falls under one of Article 2, item (ii), sub-items (b) through (h) [firearms, ammunition or explosives, weapons, aircraft, rockets, ships, or vehicles, communications or electronics equipment, military explosives or fuel, or any components thereof], the Foreign Military Supply Tribunal must suspend transportation of such cargo in accordance with the procedures prescribed in Chapter V [Trial Proceedings; Articles 39–60].

(3) In the cases where the cargo is the foreign military supply that falls under one of Article 2, item (ii), sub-items (i) through (l) [armor plates, helmets, body armor, etc., maintenance or repair parts for aircraft, rockets, ships, or vehicles, fuel/POL, food directed at Foreign Military Forces[4069]], the Foreign Military Supply Tribunal, when it finds it necessary, may suspend transportation of such cargo in accordance with the procedures prescribed in Chapter V [Trial Proceedings; Articles 39–60].

(4) In the cases where the ship involved in the case that has been referred pursuant to the provisions of Article 34 [referral to tribunal] transports Foreign Military Supplies [Contraband] and falls under any of the following sub-items, the Foreign Military Supply Tribunal, if it finds it necessary for preventing the ship from conducting maritime transportation of Foreign Military Supplies [Contraband] repeatedly, may suspend the navigation of the ship in accordance with the procedures prescribed in Chapter V [Trial Proceedings; Articles 39–60]:

(i) cases where the charterer of the ship is a foreign military force;

(ii) beyond what is set forth in the preceding item, cases where the master of ship of the ship is under the command of a foreign military force;

(iii) cases where a considerable number of passengers of the ship are members of Foreign Military Forces;

(iv) cases where Cabinet Order[4070] provides the case as equivalent to those listed in the preceding three items.

i–M.4. Article 16—Stopped Ship Inspection

(1) In a situation where an Armed Attack[4071] occurs [i.e., AAS (Occurrence)], if there are sufficient grounds to suspect that a ship navigating the implementation area is transporting Foreign Military Supplies [Contraband[4072]], the commanding officer may carry out stopped ship inspection [MIO[4073]] of the ship in the implementation area pursuant to the provision of this Section; provided, however, that this does not apply to the cases where the ship is escorted by Warships.[4074]

i–M.5. Article 17—Order to Stop

(1) When the commanding officer seeks to carry out stopped ship inspection [MIO[4075]], the officer is to order the ship to stop using radio communication or other means of communication in advance.

[4068] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4069] 4–12.5. Applicable Foreign Military Forces, p. 124.
[4070] C–2.1.4.2. Cabinet Order, p. 225.
[4071] 4–12. Definition of "Armed Attack", p. 121.
[4072] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4073] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.
[4074] E–2.2.1.1. Warships, p. 242.
[4075] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.

(2) In the cases where the commanding officer has ordered a ship to stop pursuant to the provisions of the preceding paragraph, if the ship does not comply with the order, the commanding officer is to repeatedly order the ship to stop by approaching, tracking or accompanying the ship, or keeping on standby ahead of the route of the ship.

(3) In the cases set forth in the preceding two paragraphs, the commanding officer, in addition to hoisting the ensign of self-defense, make their presence known by calling, using pyrotechnic signal or illuminating projectile or other appropriate means, as necessary

i–M.6. Article 18—Implementation of On-Board Inspection

(1) When a ship that is ordered to stop pursuant to the provisions of ¶(1) [radio communication to stop] or (2) [approaching, accompanying, or keeping on standby] of the preceding Article [Article 17] comes to a stop, the commanding officer is to have an Ensign or higher-ranked Maritime Self-Defense Force personnel go on board the ship and carry out inspection pursuant to the provisions of Articles 20 through 22 (hereinafter referred to as "on-board inspection").

i–M.7. Article 20—Inspection of the Ship's Documents

(1) The on-board inspector may require the master of ship to present the following documents (hereinafter referred to as "ship's document"):

(i) certificate of a vessel's nationality or other document certifying the nationality of the vessel;

(ii) list of crew members, etc.;

(iii) logbook or other documents on navigation record;

(iv) bill of lading or other documents pertaining to the cargo.

i–M.8. Article 21—Questions to the Crew Members, etc.

(1) The on-board inspector, when they find it necessary, may ask questions to the crew members, etc.

i–M.9. Article 22—Inspection of the Cargo

(1) Even in the cases where the inspection has been carried out pursuant to the provisions of the preceding two Articles, the on-board inspector, when they still suspect that the ship is transporting Foreign Military Supplies [Contraband[4076]], may inspect the cargo in attendance of the master of ship.

i–M.10. Article 24—Presentation of Identification Card

Prohibits inspections under MIO[4077] for being used for law enforcement purposes.

(1) The on-board inspector, when carrying out on-board inspection, must carry their identification card and present the identification card upon request by the master of ship and other persons concerned.

(2) The authorities provided for in Article 20 through the preceding Article [inspection under MIO] may not be construed as being approved for the purposes of criminal investigation.

i–M.11. Article 25—Report to the Commanding Officer

(1) The on-board inspector, when carrying out on-board inspection, must immediately report the result of the on-board inspection to the commanding officer.

i–M.12. Article 26—Termination of Stopped Ship Inspection

(1) The commanding officer, when they receive the report set forth in the preceding Article, must promptly terminate the stopped ship inspection except for the cases where they demand delivery of the cargo pursuant to the provisions of ¶(1)

[4076] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.

[4077] 3–2.2.8. Maritime Interdiction Operations (MIO), p. 63.

of the following Article [delivery of Contraband[4078]] or give an order pursuant to the provisions of Article 28, ¶(1) [diversion of ship to Japanese port].

i–M.13. Article 27—Delivery of Foreign Military Supplies

(1) In the cases where the cargo of the ship for which the report under Article 25 [report on inspection results] has been received by the commanding officer is found to be Foreign Military Supplies [Contraband[4079]] and the cargo can be loaded on the self-defense ship, the commanding officer, if they find that the cargo does not fall under any of the items of Article 6, ¶(4) [suspension of navigation of ships found to be carrying Contraband[4080] military equipment], may demand delivery of the cargo from the master of ship of that ship.

(2) The commanding officer, when they have received the delivery set forth in the preceding paragraph, must make a written statement and deliver it to the master of ship of that ship.

(3) The commanding officer, when they have received the delivery set forth in ¶(1), must promptly refer the case to the Foreign Military Supply Tribunal along with documents and the cargo.

i–M.14. Article 28—Order to Take the Ship

(1) In the cases that fall under any of the following items, the commanding officer who has received the report set forth in Article 25 [report on inspection results] may order the master of ship of the ship for which the report is made to take the ship to a port in Japan:

(i) when the master of ship does not comply with the request for delivery [transfer of Contraband[4081] to JMSDF[4082] control] of Foreign Military Supplies [Contraband] as provided for by ¶(1) of the preceding Article;

(ii) when it is found that the ship is transporting Foreign Military Supplies [Contraband] (except for the cases where delivery of Foreign Military Supplies [Contraband] may be requested pursuant to the provisions of ¶(1) of the preceding Article); or

(iii) when the ship is still suspected of transporting Foreign Military Supplies [Contraband] judging from, in addition to the report, the external appearance of the ship, mode of navigation, abnormal behavior of the crew members, etc. or other surrounding facts, etc.(except for the cases that fall under the preceding two items).

(2) When the commanding officer seeks to give an order pursuant to the provisions of the preceding paragraph, the officer must give the master of ship an opportunity to submit a document stating an explanation in advance.

i–M.15. Article 29—Surveillance Measures

Provides for the sealing of Contraband[4083] during a diversion of a ship to Japanese port.

(1) The commanding officer, when they have given an order pursuant to the provisions of ¶(1) of the preceding Article [diversion of ship to a Japanese port], may have the on-board inspectors put a seal or establish apparatus necessary for the surveillance of the removal of the document of the ship and Foreign Military Supplies [Contraband] among the cargo of the ship (including those suspected to be Foreign Military Supplies [Contraband]).

i–M.16. Article 30—Deployment of the Taking Ship Supervisor

(1) The commanding officer, when they have given an order pursuant to the provisions of Article 28, ¶(1) [diversion of ship to Japanese port], may have an Ensign or higher-ranked Maritime Self-Defense Force personnel go on board the ship for which the order has been given (hereinafter referred to as "taking ship") in order to have the personnel provide necessary supervision to secure performance of the order.

i–M.17. Article 32—Authority of the Taking Ship Supervisor

(1) The taking ship inspector, when they find that it is necessary for securing the performance of the order under the provisions of Article 28, ¶(1) [diversion of ship to Japanese port] or maintaining safety of navigation or order inside the ship, may direct the master of ship of the taking ship to take necessary measures.

[4078] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4079] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4080] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4081] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4082] 7–5.4.1.3. Maritime Self-Defense Force (JMSDF), p. 167.
[4083] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.

(2) If the master of ship does not follow the direction under the provisions of the preceding paragraph, the taking ship supervisor, when it is unavoidable, may take measures pertaining to the direction themselves.

(3) The commanding officer may have the taking ship supervisor take measures provided for under Article 29 [Surveillance Measures; sealing suspected cargo].

i–M.18. Article 37—Use of Weapons

(1) The provisions of Article 7[4084] of The Police Duties Execution Act (Law No. 136 of 1948, as amended) [Use of Weapons[4085]] apply mutatis mutandis[4086] to implementation of duties by Maritime Self-Defense Force personnel of the unit that is ordered to take the measures provided for in this Chapter [Stopped Ship Inspection and Taking Ship Measures].

(2) In addition to the cases where weapons are used pursuant to the provisions of Article 7 of the Police Duties Execution Act (Law No. 136 of 1948, as amended) [Use of Weapons] as applied mutatis mutandis to the preceding paragraph, if the crew members, etc. of the subject ship do not obey the repeated orders to stop given by the commanding officer under the provisions of Article 17, ¶(2) [refusal to comply with orders to stop], and persistently resists the execution of duty or tries to escape, and when there are sufficient grounds to believe that there are no other means to stop the ship, the Maritime Self-Defense Force personnel prescribed in the preceding paragraph may use their weapons within the limits judged to be reasonably necessary in accordance with the circumstances, following the orders of the commanding officer.

i–M.19. Article 38—Treatment of the Person Subject to Detention

(1) If there is any person subject to detention (meaning the person subject to detention prescribed in Article 3, item (iv)[4087] of the Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations (Act No. 117 of 2004)) on board the ship subject to stopped ship inspection or the taking ship, the person is to be treated pursuant to the provisions of that Act [Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations].

i–N. Counter-Piracy Act (Law No. 55 of 2009, as amended)

The full title of this law is:

- Act on Penalization of Acts of Piracy and Measures against Acts of Piracy

Unless otherwise noted, all block quotations[4088] found within this section are from the Nippon Foundation's CANPAN Translation.[475]

> This translation reflects all amendments up to and including Act No. 71, enacted 5 September 2012.
>
> Amendments made after 2012 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–N.1. Article 2—Definitions

(1) The "acts of piracy" in this Act shall mean the acts given in the following items which are carried out by a person who mans or has embarked on a vessel (except for Warships[4089] or vessels owned or operated by a government) for a private purpose on the High Seas[4090] (including the Exclusive Economic Zone [EEZ[4091]] provided for in the United Nations Convention on the Law of the Sea [UNCLOS]) or the Territorial Sea [TTS[4092]] or Internal Waters[4093] of Japan.

(i) An act to seize some other vessel while underway or an act to freely control its operation by trapping a person so as to be in a state in which the person is unable to resist through the use of violence or intimidation or some other method.

[4084] i–I.5. Article 7—Use of Weapons, p. 358.
[4085] 3–3.1. Use of Weapons, p. 77.
[4086] Making necessary changes to account for differing situations, but the basic point remains the same.
[4087] i–P.1. Article 3—Definitions, p. 378.
[4088] 1–3.2. Block Quotations, p. 2.
[4089] E–2.2.1.1. Warships, p. 242.
[4090] A–4.10.1. GoJ Definition of High Seas, p. 198.
[4091] A–4.7. Exclusive Economic Zone (EEZ), p. 197.
[4092] A–4.4. Territorial Sea (TTS), p. 196.
[4093] A–4.2. Internal Waters, p. 195.

(ii) An act to seize property onboard some other vessel while underway or to obtain an illegal profit in terms of property, or to have another person obtain such illegal profit by trapping the person so as to be in a state in which the person is unable to resist through the use of violence or intimidation or some other method.

(iii) An act to abduct a person who is onboard another vessel while underway for the purpose of taking the person hostage in order to have a third party deliver property or to carry out an act for which there is no obligation or not to exercise a right.

(iv) An act demanding a third party to deliver property or to carry out an act for which there is no obligation or not to exercise a right having taken hostage a person who was abducted or who was on board another vessel while underway whose operations are being freely controlled or a person who was abducted onboard some other vessel while underway.

(v) An act of invading some other vessel while underway or of damaging it for the purpose of committing an act of piracy pertaining to any one of the preceding items.

(vi) An act of navigating a vessel and of coming significantly close to or of following some other vessel while underway or of interfering with its progress for the purpose of committing an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive.

(vii) An act of navigating a vessel having prepared a weapon for the purpose of committing an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive.

i–N.2. Article 3—Crimes Relating to Acts of Piracy

(1) A person who has committed an act of piracy pertaining to any of the items from item (i) to item (iv) inclusive of the preceding Article shall be punished by imprisonment with work for life or for a definite term of not less than five years.

(2) Any attempt to commit a crime (except for those pertaining to the act of piracy pertaining to item (iv) of the preceding Article (acts) set forth under the preceding paragraph shall be punished.

(3) A person who has committed an act of piracy pertaining to item (v) or item (vi) of the preceding Article [seizing a vessel or navigating unsafely so as to enable piracy acts] shall be punished by imprisonment with work for a definite term of not more than five years.

(4) A person who has committed an act of piracy pertaining to item (vii) of the preceding Article shall be punished by imprisonment with work for a definite term of not more than three years; provided, however, that the sentence shall be mitigated or remitted for a person who surrendered before commencing to commit the crime set forth under ¶(1) or the preceding paragraph [qualifying acts of piracy].

i–N.3. Article 6- Use of Weapons to Stop Piracy

Permits the Use of Weapons[4094] to stop piracy acts.

(1) The Coast Guard Officers or assistant Coast Guard Officers may use a weapon to the extent judged to be reasonably necessary in light of the circumstances if there are sufficient grounds to believe that there are no other means to stop the vessel when suppressing an act of piracy (limited to those pertaining to item (vi) of Article 2) which comes under a crime set forth under ¶(3) of Article 3 that is in the process of being committed, in cases where the person committing the act of piracy does not comply with other measures for suppression and continues to commit such act of piracy while navigating the vessel, in addition to cases where the Coast Guard Officers or assistant Coast Guard Officers use a weapon in accordance with the provisions of Article 7[4095] of the Police Duties Execution Act (Law No. 136 of 1948, as amended) [Use of Weapons[4096]] as applied mutatis mutandis[4097] to the provision of ¶(1) of Article 20[4098] of the Coast Guard Act (Law No. 28 of 1948, as amended) [Use of Weapons].

[4094] 3–3.1. Use of Weapons, p. 77.
[4095] i–I.5. Article 7—Use of Weapons, p. 358.
[4096] 3–3.1. Use of Weapons, p. 77.
[4097] Making necessary changes to account for differing situations, but the basic point remains the same.
[4098] i–K.7. Article 20—Use of Weapons, p. 363.

i–O. Act on Cooperation with United Nations Peacekeeping Operations and Other Operations (Act No. 79 of 1992, as amended)

Unless otherwise noted, all block quotations[4099] found within § i–O are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4100]

> This translation was published on 8 December 2015 and reflects all amendments up to and including Act No. 76 of 2015.
>
> Amendments made after 2015 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–O.1. Article 3—Definitions

(1) In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items.

(i) "United Nations Peacekeeping Operations" means the operations that are conducted under the control of the United Nations, based on resolutions of the United Nations General Assembly or the United Nations Security Council, to respond to conflicts and maintain international peace and security, by means such as ensuring the observance of agreements to prevent the recurrence of armed conflict between conflicting parties (hereinafter referred to as the "Parties to Armed Conflict"), protection of local populations under imminent threat of violence associated with disruption caused by conflicts and assisting in the establishment and reestablishment of governance systems by democratic means after the cessation of such conflict, and that are implemented by two or more participating countries at the request of the Secretary-General of the United Nations (hereinafter referred to as the "Secretary-General") and by the United Nations, and which are listed as follows.:

(a) operations that are conducted without partiality to any of the Parties to Armed Conflict, in cases where agreements to cease armed conflict and maintain the cessation have been reached among the Parties to Armed Conflict, and where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs (or from the authority that administers the relevant area of that country in accordance with resolutions of the United Nations General Assembly or the United Nations Security Council, if such authority exists. The same applies hereinafter) as well as from the Parties to Armed Conflict;

(b) operations that are conducted when armed conflicts have ceased and the Parties to Armed Conflict have ceased to exist in the area where the operations are to be conducted, and in cases where consent for conducting of such operations has been obtained from the countries to which the area where those operations are to be conducted belongs;

(c) the operations that are conducted without partiality to any specific positions, aimed primarily at preventing the occurrence of armed conflicts, in cases where an armed conflict has not yet arisen but the possibility of such a conflict is developing, and where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs.

(ii) "Internationally Coordinated Operations for Peace and Security" means the operations other than those implemented as United Nations Peacekeeping Operations, listed as follows, based on resolutions of the United Nations General Assembly, the United Nations Security Council or the United Nations Economic and Social Council, at the request of the international organizations listed in Appended Table 1, or at the request of the countries to which the area where those operations are to be conducted belongs (this is limited to cases that are supported by any of the principle organs of the United Nations as prescribed in Article 7, ¶(1) of the United Nations Charter), to respond to conflict situations and maintain international peace and security, by means such as ensuring the observance of agreements to prevent the recurrence of armed conflict among the Parties to Armed Conflict, protection of local populations under imminent threat of violence associated with disruptions caused by conflicts and assisting in the establishment and reestablishment governance systems by democratic means after the cessation of such conflicts, provided that such operations are implemented under the coordination of two or more participating countries which are listed as follows:

(a) operations that are conducted without partiality to any of the Parties to Armed Conflict, in cases where agreement to cease armed conflict and maintain the cessation has been reached among the Parties to Armed Conflict and where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs, as well as from the Parties to Armed Conflict;

[4099] 1–3.2. Block Quotations, p. 2.

[4100] Appendix Q. References, p. 297.

(b) operations that are conducted when the armed conflicts have ceased and the Parties to Armed Conflict have ceased to exist in the area where the operations are to be conducted and in cases where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs;

(c) operations that are conducted without partiality to any specific positions, aimed primarily at preventing the occurrence of armed conflicts, in cases where an armed conflict has not yet arisen but the possibility of such a conflict is developing, and where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs.

(iii) "International Humanitarian Relief Operations" means the operations other than those implemented as United Nations Peacekeeping Operations or Internationally Coordinated Operations for Peace and Security, conducted with humanitarian intentions, and based on resolutions of the United Nations General Assembly, the United Nations Security Council or the United Nations Economic and Social Council, or conducted at the request of the international organizations listed in Appended Table 2, for the purpose of rescuing inhabitants and other persons who are suffering or likely to suffer (hereinafter referred to as "Affected People") due to a conflict that could potentially compromise on the verge of endangering international peace and security (hereinafter simplified as "Conflicts") or restoring damage caused by conflicts, implemented by the United Nations, other international organizations, Member States of the United Nations or other countries (referred to in items (iv) and (vi) below as the "United Nations, etc."), in cases where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs and, should such countries be the Parties to Armed Conflict, agreement to cease armed conflict and maintain the cessation has been reached among the Parties to Armed Conflict;

(iv) "International Election Observation Operations" means the operations other than those implemented as United Nations Peacekeeping Operations or Internationally Coordinated Operations for Peace and Security, conducted based on resolutions of the United Nations General Assembly or the United Nations Security Council, or at the request of the international organizations listed in Appended Table 3, to ensure the fair execution of elections or voting by democratic means in areas disrupted by conflicts, with the intention of establishing governance systems and held in the process of eliminating such disruption, implemented by the United Nations, etc. where consent for conducting such operations has been obtained from the countries to which the area where those operations are to be conducted belongs and, should such countries be the Parties to Armed Conflict, agreement to cease armed conflict and maintain the cessation has been reached among the Parties to Armed Conflict;

(v) "International Peace Cooperation Assignments" means the following tasks implemented for United Nations Peacekeeping Operations, the following tasks implemented for Internationally Coordinated Operations for Peace and Security, the tasks provided for below in (m) to (s), (u) and (v) implemented for International Humanitarian Relief Operations, and the tasks provided for below in (h) and (u) implemented for International Election Observation Operations, wherein the incidental tasks are included respectively, provided that those tasks are conducted Overseas:

(a) monitoring the observance of cessation of armed conflict or the implementation of relocation, withdrawal or demobilization of armed forces agreed upon among the Parties to Armed Conflict;

(b) stationing in and patrolling of buffer zones and other areas demarcated to prevent the occurrence of armed conflict;

(c) inspection or identification of weapons, their parts and ammunition brought in or carried out by vehicle, by other means of transportation, or by pedestrians;

(d) collection, storage or disposal [destruction] of abandoned weapons, their parts and ammunition;

(e) assistance with the designation of ceasefire lines or other similar boundaries by the Parties to Armed Conflict;

(f) assistance with the exchange of prisoners of war among the Parties to Armed Conflict;

(g) monitoring, stationing, patrolling, inspections at checkpoints and escorts for the security of specified areas, and for the prevention and suppression of injury or harm against the lives, person and property of local populations, Affected People and other populations requiring protection;

(h) observations or managements of the fair executions of elections for representative assemblies, referendums or any other similar elections or voting events;

(i) provision of advices or guidance and supervisions related to police administrative matters;

(j) provisions of advices or guidance and supervisions related to correctional administrative works;

(k) in addition to what is provided for in (h) and (i) above, provisions of advices or guidance related to legislative, administrative (except for those related to organization as specified in (l) below), and judicial matters;

(l) tasks as specified below for the purpose of establishing or re-establishing organizations of the Government relating to national defense or other organizations in charge of works equivalent to tasks specified in (a) to (g) or (m) to (t) in this item:

(1.) Provision of advices or guidance related to works equivalent to tasks specified in (a) to (f) or (m) to (t) in this item;

(2.) Provision of education or training for the purpose of providing the basic knowledge and skills required to conduct works as prescribed in ([sub-item] 1.) [immediately] above.

(m) medical services (including sanitation measures);

(n) search or rescue of Affected People or assistance in their repatriation;

(o) distribution of food, clothing, medical supplies and other daily necessities to Affected People;

(p) installation of facilities or equipment to accommodate Affected People;

(q) measures for the repairs or maintenance of facilities or equipment damaged by Conflicts, which are necessary in the daily lives of Affected people;

(r) measures for the restoration of natural environments subjected to pollution and other damages caused by Conflicts;

(s) transportation, storage (or stockpiling), communication, construction, installation, inspection or repair of machines and apparatus or replenishment (except for provisions of weapons) in addition to what is listed in (a) to (o) above;

(t) planning, drafting coordination, or collection and updating of information in headquarters offices or coordination offices conducting United Nations Peacekeeping Operations or Internationally Coordinated Operations for Peace and Security, for implementation of tasks listed in (a) to (s);

(u) other tasks similar to those listed in (a) to (t) above, as specified by Cabinet Orders;[4101]

(v) protection of the lives and bodies of individuals engaging in United Nations Peacekeeping Operations, Internationally Coordinated Operations for Peace and Security or International Humanitarian Relief Operations or providing support for those operations (hereinafter referred to as "Individuals Engaged in Operations" in this (v) and Article 26, ¶ [2]), in response to urgent requests when unexpected danger to the lives and bodies of such Individuals Engaged in Operations occurs or is imminent, while implementing tasks listed in (l) to (s) or (u) as tasks similar to these as specified by Cabinet Orders;

(vi) "Contributions in Kind" means the transfer, either free of charge or at a cost below market value, of goods that are required for the United Nations, etc. to conduct the following operations:

(a) United Nations Peacekeeping Operations;

(b) Internationally Coordinated Operations for Peace and Security;

(c) International Humanitarian Relief Operations (including operations prescribed in item (iii) above without the resolution, request, and/or agreement prescribed in the same item, if they are implemented by international organizations listed in appended Table 4; the same applies to Article 30, ¶¶(1) and (3));

(d) International Election Observation Operations

(viii) "Receiving Countries" means foreign countries, not inclusive of the High Seas,[4102] *where International Peace Cooperation Assignments are implemented;*

(ix) "Relevant Administrative Organs" means the following organs as specified by Cabinet Orders:

[4101] C–2.1.4.2. Cabinet Order, p. 225.

[4102] A–4.10.1. GoJ Definition of High Seas, p. 198.

(a) the Cabinet Office or organs prescribed in Article 49, ¶¶(1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or in Article 3, ¶(2) of the National Government Organization Act (Act No. 120 of 1948);

(b) special organs set forth in Articles 40 and 56 of the Act for Establishment of the Cabinet Office or in Article 8-3 of the National Government Organization Act.

i–P. POW Law (Law No. 117 of 2004, as amended)

The full title of this law is:

- Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations

Provides for matters necessary for the holding, detention, and other treatment of POWs and other detainees in STS[4103] and AAS[4104] and to ensure the adequate enforcement of international humanitarian law regarding the treatment of POWs and detainees.

Unless otherwise noted, all block quotations[4105] found within § i–P are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4106]

> This translation was published on 31 August 2021 and reflects all amendments up to and including Act No. 5 of 2008.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–P.1. Article 3—Definitions

(1) In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

(i) "Armed Attack"[4107] means Armed Attack as prescribed in item (i) of Article 2[4108] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended);

(ii) "Armed Attack Situations" means Armed Attack Situations as prescribed in item (ii) of Article 2 of the Act on Response to Armed Attack Situations;

(iii) "enemy's armed forces, etc." means armed forces of foreign state and other similar organizations engaging in Armed Attacks in Armed Attack Situations;

(iv) "person subject to detention" means a foreign national who falls under any of the following items (a) through (k):

(a) member of enemy's armed forces, etc. (except for those set forth in (e), (g), (i) and (j));

(b) person who accompanies the enemy's armed forces, etc. (except for the members of the enemy's armed forces, etc.) and has received an authorization to accompany from the relevant enemy's armed forces, etc. (except for those set forth in (f) and (h));

(c) member of a crew (limited to those who have foreign nationality engaging in Armed Attack) of vessels (except for Warships,[4109] and ships owned or operated by governments of other states which are used only for non-commercial purposes (hereinafter referred to as "Warships, etc.")), which are escorted by Warships, etc. of enemy's armed forces, etc., or of ships which transport Foreign Military Supplies [Contraband[4110]], etc. (referred to as "Foreign Military Supplies, etc." in the following (d)) as prescribed in item (iii) of Article 2[4111] of the Maritime Transportation Restriction Law (Law No. 116 of 2004, as amended);

(d) member of a crew (limited to operating crew as prescribed in Article 32 (a) of the Convention on International Civil Aviation who has foreign nationality engaging in Armed Attack) of Civil Aircraft[4112] prescribed in Article

[4103] 4–10. Survival-Threatening Situation (STS), p. 111.
[4104] 4–11. Armed Attack Situation (AAS), p. 116.
[4105] 1–3.2. Block Quotations, p. 2.
[4106] Appendix Q. References, p. 297.
[4107] 4–12. Definition of "Armed Attack", p. 121.
[4108] i–D.3. Article 2—Definitions, p. 337.
[4109] E–2.2.1.1. Warships, p. 242.
[4110] 3–2.2.8.1. Contraband (Foreign Military Supplies), p. 64.
[4111] i–M.1. Article 2—Definitions of Foreign Military Supplies, p. 368.
[4112] E–2.2.4. Civil Aircraft, p. 244.

3 of the Convention, which are escorted by enemy's Military Aircraft[4113] (meaning aircraft of the enemy's armed forces, etc. and are used for military purposes) or of aircraft that transport Foreign Military Supplies, etc. [Contraband];

(e) medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of diseases, or staff exclusively engaged in the administration of medical units and medical facilities of the enemy's armed forces, etc. as prescribed in Article 24 of the Geneva Convention for the Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 (hereinafter referred to as the "First Convention") [wearing "Red Cross," etc. emblems in accordance with the Geneva Conventions];

(f) staff of foreign National Red Cross Societies and those of other foreign Voluntary Aid Societies, as prescribed in ¶(1) of Article 26 of the First Convention [under the direction of a Commander-in-Chief issuing lawful orders in accordance with the Geneva Conventions], and duly recognized and authorized by their governments engaged in Armed Attack, who perform the same duties as the personnel or staff set forth in (e);

(g) chaplain prescribed in Article 24 of the First Convention [wearing "Red Cross," etc. emblems in accordance with the Geneva Conventions], attached to the enemy's armed forces, etc.;

(h) staff of foreign National Red Cross Societies and those of other foreign Voluntary Aid Societies, as prescribed in ¶(1) of Article 26 of the First Convention [under the direction of a Commander-in-Chief issuing lawful orders in accordance with the Geneva Conventions], and duly recognized and authorized by their governments engaged in Armed Attack, who perform the same duties as the persons set forth in (g);

(i) member of enemy's armed forces, etc. who fails to meet the obligation prescribed in Article 44, ¶(3) of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (hereinafter referred to as the "First Additional Protocol") [failing to wear uniforms or insignia distinguishing one's self as a lawful armed combatant] thereby forfeiting the right to be treated as a prisoner of war;

(j) member of enemy's armed forces, etc. who may be treated as a spy pursuant to the provisions of Article 46 of the First Additional Protocol [Spies];

(k) mercenary[4114] as prescribed in Article 47, ¶(2) of the First Additional Protocol [Mercenaries];

(v) "prisoner of war" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in the (a) through (d) of the preceding item pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

(vi) "medical personnel" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (e) or (f) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

(vii) "chaplain" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (g) or (h) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

(viii) "violator of obligations of distinction" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (i) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

(ix) "spy" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (j) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

(x) "mercenary" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (k) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II [Certification of Detainee Status] or Section 2 of Chapter IV [Procedures for Request for Administrative Review of the Certification of Detainee Status];

[4113] E–2.2.3.1. Military Aircraft, p. 244.

[4114] First Additional Protocol Definition

(xi) a "request for administrative review of the certification of detainee status" means a request for administrative review of a certification of detainee status pursuant to the provisions of the ¶(1) of Article 14 [Requests for Administrative Review of the Certification of Detainee Status], ¶(4) of Article 17 [Release; provisions for request for administrative review] and ¶(1) of Article 106 [Request for Administrative Review of the Certification of Detainee Status by Interned Persons];

(xii) a "request for administrative review of disciplinary action" means a request for administrative review of disciplinary action pursuant to the provisions of Article 125 [Request for Administrative Review of Disciplinary Actions];

(xiii) "prisoner-of-war camp" means a prisoner-of-war camp prescribed in ¶(3) of Article 24[4115] of the Self-Defense Forces Act (Act No. 165 of 1954) [Authority for JSDF to Establish POW Camps];

(xiv) a "superintendent of prisoner-of-war camp" means a superintendent prescribed in ¶(2) of Article 29-2[4116] of the Self-Defense Forces Act [establishing that POW camps shall have a JSDF Commandant in the grade of O-1 or above];

(xv) "prisoners' representative" means a person who is designated by a superintendent of prisoner-of-war camp as those who perform the duties prescribed in Article 80 of the Third Convention;

(xvi) "protecting power" means protecting power as prescribed in Article 2 (c) of the First Additional Protocol [a neutral or other state not a party to the conflict mutually agreed upon by parties to the conflict];

(xvii) a "substitute for the protecting power" means a substitute as prescribed in Article 2 (d) of the First Additional Protocol [a non-state entity acting the in capacity as a "protecting power"];

(xviii) a "representative of the protecting power" means those who carries out the missions as a protecting power or a substitute for the protecting power, pursuant to the provisions of the Third Convention or the First Additional Protocol, in the territory of Japan and is duly approved by the Government of Japan.

i–Q. Act on the Use of Specified Public Facilities (Act No. 114 of 2004, as amended)

The full title of this law is:

- Act on the Use of Specified Public Facilities, etc., in Armed Attack Situations, etc.

During AAAS[4117] or AAS,[4118] provides for coordination of civil protection measures with local (e.g., prefectural) governments and coordination for the use of specific public facilities (e.g., airfields and ports) managed by the local governments for use by the JSDF and U.S. Forces and other foreign militaries responding with Japan to AAAS or AAS or other Civil Protection, etc.[4119] activities.

> This act does not apply in STS.[4120]

Unless otherwise noted, all block quotations[4121] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4122] The Japanese has been machine translated.[4123]

> The source text was published on 17 June 2020 and reflects all amendments up to and including Act No. 68 of 2020.
>
> Amendments made after 2020 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–Q.1. Overview (Specified Public Facilities)

This law provides for the GoJ to grant U.S. forces access to or use of the following areas (within specified limitations):

- Ports (Article 6, p. 383)
- Airfields (Article 7, p. 383)
- Roads (Article 12, p. 384)
- Sea areas (Article 13, p. 384)

[4115] i–C.8. Article 24—Organs of the JSDF, p. 309.
[4116] i–C.9. Article 29-2, p. 310.
[4117] 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
[4118] 4–11. Armed Attack Situation (AAS), p. 116.
[4119] 3–2.5. Civil Protection, etc., p. 73.
[4120] 4–10. Survival-Threatening Situation (STS), p. 111.
[4121] 1–3.2. Block Quotations, p. 2.
[4122] Appendix Q. References, p. 297.
[4123] 1–5.2.2. Machine Translations, p. 7.

- Airspace (Article 15, p. 386)
- Electromagnetic spectrum (Article 17, p. 386)

i–Q.2. Article 2—Definitions

Make consistent with i–G.1Article 2—Definitions:

(1) In this law, "armed attack situations, etc.",[4124] "Armed Attack",[4125] "Armed Attack Situation",[4126] "Designated Administrative Agency", "Designated Local Administrative Agency", "Designated Public Institution", "Basic Response Plan",[4127] "Task Force Headquarters" and "Task Force Chief"[4128] are defined in Article 1[4129] [armed attack situations, etc.], Article 2,[4130] ¶(2)(i)-(vii) [(i) Armed Attack; (ii) AAS, (v) Designated Administrative Agency, (vi) Designated Local Administrative Agency, (vii) Designated Publish Institution] (excluding items (iii) [AAAS] and (iv) [STS]), Article 9,[4131] ¶(1) [BRP[4132]], and Article 10,[4133] ¶(1) [what?], and Article 11,[4134] ¶(1) [Task Force Chief] of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), respectively.

Is vi below vi or vii?

(1) In this law, the meanings of "armed attack situations, etc.",[4135] "Armed Attack",[4136] "Designated Administrative Agencies", "Designated Public Institution", "Basic Response Plan",[4137] and "Task Force Chief"[4138] are defined by Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)[4139] Article 1[4140] [armed attack situations, etc.], Article 2,[4141] ¶(2)(i) [Armed Attack], (v) [Designated Administrative Agency], and (vi) [defining Designated Public Institution], Article 9,[4142] ¶(1) [BRP[4143]], and Article 11,[4144] ¶(1) [Task Force Chief].

(2) In this law, "Response Measures, etc." refer to the measures listed in Article 2, ¶¶(1)(viii)(a) and (1)(viii)(b) of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) as well as measures taken in cooperation with the United States military, in the event of an Armed Attack and during the period from the establishment of the Basic Response Plan until its termination, in accordance with the Treaty of Mutual Cooperation and Security between Japan and the United States, to eliminate Armed Attacks and Foreign Military Forces[4145] (armed attack situations, etc.) (Foreign Military Forces is defined in Article 2,[4146] Item 7 of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended),[4147] and actions necessary to eliminate Armed Attacks in cooperation with the Self-Defense Forces and measures for the protection of the people (Measures for the Protection of the People is defined in Article 2,[4148] ¶(3) of the Civil Protection Act (Act No. 112 of 2004, as amended).[4149] The same shall apply in Article 18, ¶(1), Item 1).

(3) In this law, "Specified Public Facilities, etc." refers to port facilities, airfield facilities, roads, sea areas, airspace, and radio waves.

(4) In this law, "Port Facilities" refer to the port facilities specified in each item of Article 2,[4150] ¶(5) of the Port Act (Act No. 218 of 1950, as amended)[4151] excluding those that are ordinary property under Article 3,[4152] ¶(3) [State property other than Administrative Property] of the National Government Asset Act (Act No. 73 of 1948, as amended) or Article 238 [Scope and Classification of Public Property],[4153] ¶(4) of the Local Autonomy Act (Act No. 67 of 1948, as amended).

(5) In this law, "Airfield Facilities" refer to Airports listed in each item of Article 4,[4154] ¶(1) of the Airport Act (Act No. 80 of 1965, as amended)[4155] and Locally Managed Airports prescribed in Article 5,[4156] ¶(1) of the same Act, facilities and airfields designated by Cabinet Order[4157] for public use other than [in addition to] said Airports and Locally Managed Airports (including airfields established by the Self-Defense Forces that have landing strips and other facilities designated

4124 4–8. "Armed Attack Situations, etc.", p. 108.
4125 4–12. Definition of "Armed Attack", p. 121.
4126 4–11. Armed Attack Situation (AAS), p. 116.
4127 4–4. Basic Response Plan (BRP), p. 101.
4128 i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
4129 i–D.2.Article 1—Purpose, p. 337.
4130 i–D.3.Article 2—Definitions, p. 337.
4131 i–D.4. Article 9—Basic Response Plan, p. 339.
4132 4–4. Basic Response Plan (BRP), p. 101.
4133 i–D.5. Article 10—Establishment of the Task Force, p. 341.
4134 i–D.6. Article 11—Organization of the Task Force, p. 342.
4135 4–8. "Armed Attack Situations, etc.", p. 108.
4136 4–12. Definition of "Armed Attack", p. 121.
4137 4–4. Basic Response Plan (BRP), p. 101.
4138 i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
4139 i–D. Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), p. 336.
4140 i–D.2.Article 1—Purpose, p. 337.
4141 i–D.3.Article 2—Definitions, p. 337.
4142 i–D.4. Article 9—Basic Response Plan, p. 339.
4143 4–4. Basic Response Plan (BRP), p. 101.
4144 i–D.6. Article 11—Organization of the Task Force, p. 342.
4145 4–12.5. Applicable Foreign Military Forces, p. 124.
4146 i–F.2. Article 2, p. 350.
4147 i–F. U.S. Military Action Support Act (Law No. 113 of 2004, as amended), p. 350.
4148 i–G.1. Article 2, p. 354.
4149 i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
4150 i–S.1. Article 2—Definitions, p. 388.
4151 i–S.1. Article 2—Definitions, p. 388.
4152 i–V.1. Article 3—Classification and Types of National Property, p. 394.
4153 i–W.1. Article 238—Scope and Classification of Public Property, p. 394.
4154 i–T.1. Article 4—Establishment and management of airports that serve as bases for international air transport networks or domestic air transport networks, p. 390.
4155 i–T. Airport Act (Act No. 80 of 1965, as amended), p. 390.
4156 i–T.2. Article 5 - Establishment and management of airports that play an important role in forming international or domestic air transportation networks, p. 391.
4157 C–2.1.4.2. Cabinet Order, p. 225.

for public use pursuant to the provisions of Article 56-4 [Designation of Facilities for Public Use],[4158] ¶(1) of the Civil Aeronautics Act (Act No. 231 of 1950, as amended)).

(6) The term "road" as used in this Act refers to roads as defined in Article 2, ¶(1) of the Road Act (Act No. 180 of 1952), general motorways as defined in Article 2, ¶(8) of the Road Transportation Act (Act No. 183 of 1951), and other roads used for general traffic.

(7) The term "radio waves" as used in this Act means the radio waves set forth in Article 2,[4159] Item 1 of the Radio Act (Act No. 131 of 1950, as amended).[4160]

i–Q.2.A. Inapplicability to STS

Within this act the term "Response Measures, etc." refers to measures "listed in Article 2,[4161] ¶¶(1)(viii)(a) and (1)(viii)(b) of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)."[4162]

The Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) specifies:

- Article 2 ¶(1)(viii)(a) specifies measures to be implemented to end armed attack situations, etc.[4163] (including AAAS,[4164] AAS (Imminent),[4165] AAS (Occurrence)[4166])
- Article 2 ¶(1)(viii)(b) specifies measures to protect lives, bodies, and property of the people from or to minimize the impact of Armed Attacks[4167]

This definition does not extend the term "Response Measures, etc." beyond armed attack situations, etc. (I.e., it does not apply to STS.[4168])

i–Q.3. Article 3—Responsibilities of the Task Force Chief

(1) In view of the fact that ensuring the smooth and effective use of Specified Public Facilities, etc. is essential for the accurate and prompt implementation of countermeasures, etc., the Task Force Chief[4169] shall take comprehensive measures regarding the use of specified public facilities, etc.; when making adjustments, they shall be carried out appropriately while gaining the understanding and cooperation of the people.

i–Q.4. Article 4—Responsibilities of Port Administrators, etc.

(1) In view of the fact that ensuring the smooth and effective use of Port and Airfield Facilities is essential for the accurate and prompt implementation of countermeasures, etc., Port and Airfield Facility managers shall: shall manage and operate Port and Airfield Facilities based on the guidelines regarding their use and in close cooperation with the Task Force Chief.[4170]

i–Q.5. Article 5—Responsibilities of Designated Administrative Agencies, etc.

(1) In addition to what is prescribed in the preceding article [Article 4[4171]], Designated Administrative Agencies, local governments, and Designated Public Institution, and Designated Local Public Institutions (Designated Local Public Institutions is defined in Article 2[4172], ¶(2) of the Civil Protection Act (Act No. 112 of 2004, as amended)[4173]), in view of the fact that ensuring the smooth and effective use of Specified Public Facilities, etc. is essential for the accurate and prompt implementation of countermeasures, etc., when implementing countermeasures, etc., the Task Force Chief[4174] shall use or allow to be used such facilities, taking into account the guidelines regarding their use that are established for each Specified Public Facility, etc.

4158 i–U.2. Article 56-4 - Designation of Facilities for Public Use, p. 393.
4159 i–R.1. Article 2—Definitions, p. 388.
4160 i–R. Radio Act (Act No. 131 of 1950, as amended), p. 388.
4161 i–D.3. Article 2—Definitions, p. 337.
4162 i–D. Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended), p. 336.
4163 4–8. "Armed Attack Situations, etc.", p. 108.
4164 4–9. Anticipated Armed Attack Situation (AAAS), p. 108.
4165 4–11.1.1. AAS (Imminent), p. 117.
4166 4–11.1.2. AAS (Occurrence), p. 117.
4167 4–12. Definition of "Armed Attack", p. 121.
4168 4–10. Survival-Threatening Situation (STS), p. 111.
4169 i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
4170 i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
4171 i–Q.4.Article 4—Responsibilities of Port Administrators, etc., p. 382.
4172 i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
4173 i–G. Civil Protection Act (Act No. 112 of 2004, as amended), p. 354.
4174 i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.

i–Q.6. Article 6—Guidelines for the Use of Port Facilities, etc.

(1) In order to ensure accurate and prompt implementation of countermeasures in the event of an armed attack, etc., the Task Force Chief[4175] may establish guidelines regarding the use of Port Facilities based on the Basic Response Plan (hereinafter referred to as "Port Facility Usage Guidelines" in this article and the next article).

(2) The Port Facility Usage Guidelines for Port Facilities in specified areas shall include: the outline of countermeasures, etc. that are necessary to ensure preferential use by specific persons, their period, and other basic matters deemed necessary for the accurate and prompt implementation of countermeasures, etc.

(3) When establishing Port Facility Usage Guidelines, the Task Force Chief must hear the opinions of the heads of relevant local governments, other executive bodies, and Designated Public Institutions.

(4) The Task Force Chief may request the heads of relevant local governments, other executive agencies, and Designated Public Institutions to provide necessary information when he/she deems it necessary to establish Port Facility Usage Guidelines.

(5) When the Task Force Chief has established Port Facility Usage Guidelines, he will notify the heads of related Designated Administrative Agencies, heads of local governments, other executive agencies, and Designated Public Institutions; the contents shall be made public, except for matters that may harm national security if made public.

(6) The Task Force Chief shall review the Port Facility Usage Guidelines in a timely manner according to the progress of the situation.

(7) The provisions of ¶¶(3) to (5) shall apply mutatis mutandis[4176] to cases where the Port Facility Usage Guidelines are changed or abolished.

i–Q.7. Article 7—Request for Use of Port Facilities

(1) When the Task Force Chief[4177] deems it particularly necessary to secure preferential use of a specific Port Facility in order to accurately and promptly implement countermeasures, etc., the Task Force Chief shall, based on the Port Facility Usage Guidelines, request of a port administrator to allow a specific person to preferentially use all or part of the particular Port Facility, specifying the name of the specific Port Facility, the content and period of countermeasures necessary to ensure preferential use by specific persons, and other specific matters.

(2) A port administrator who receives a request under the preceding paragraph may submit an opinion to the Task Force Chief regarding the request under the same paragraph.

i–Q.8. Article 8—Changes in Permissions for Port Facilities, etc.

(1) When a port administrator allows the use of specific Port Facility under its management based on the request set forth in ¶(1) of the preceding article, permission and other dispositions related to the use of the specific Port Facility may be changed or canceled if deemed necessary.

(2) If the port administrator changes or cancels the permission or other disposition related to the use of the specific Port Facility pursuant to the provisions of the preceding paragraph, and if the port administrator deems that it is necessary to move the vessel currently at berth, the captain of the vessel or any other person responsible for the operation of the vessel (in ¶[4] of the following article, referred to as "the captain of the vessel, etc.") may be ordered to move the vessel.

i–Q.9. Article 9—Measures by the Prime Minister Regarding the use of Port Facilities, etc.

(1) The Prime Minister shall, in the event that the required use of specific Port Facilities is not secured based on the request in Article 7 ¶(1), when it is deemed particularly necessary to protect the lives, bodies, or property of the people or to eliminate armed attacks, upon the request of the Task Force Chief,[4178] may instruct the port administrator of the specific Port Facility to ensure the required use of the facility.

[4175] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.

[4176] Making necessary changes to account for differing situations, but the basic point remains the same.

[4177] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.

[4178] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.

(2) The provisions of the preceding article shall apply mutatis mutandis[4179] to cases where a port administrator allows use of specific Port Facilities under its management in accordance with the instructions set forth in the preceding paragraph.

(3) In the event that the required use of specific Port Facilities is not secured even after giving the instructions set forth in ¶(1), or when it is deemed particularly necessary to protect the lives, bodies, or property of the people or to eliminate armed attacks and when it is deemed to be urgent in light of the situation, the Prime Minister may, at the request of the Task Force Chief, after notifying the port administrator, direct the Minister of Land, Infrastructure, Transport and Tourism to issue permission or other dispositions related to the use of the specific Port Facilities, or change or cancel permissions or other dispositions related to the use of the specific Port Facilities.

(4) In cases where the Prime Minister has ordered permission or other disposition regarding the use of the specific Port Facility, or change or cancellation of permission or other disposition, pursuant to the provisions of the preceding paragraph, if the Minister of Land, Infrastructure, Transport and Tourism is deemed to need to move a vessel currently at berth, the Minister of Land, Infrastructure, Transport and Tourism may direct the captain of the vessel, etc. to order the vessel to be moved.

i–Q.10. Article 10—Guidelines for the Use of Airfield Facilities

(1) In order to ensure accurate and prompt implementation of countermeasures in the event of an armed attack, etc., the Task Force Chief[4180] may establish guidelines regarding the use of Airfield Facilities (hereinafter referred to as "Airfield Facility Usage Guidelines" in this article and the following article) based on the Basic Response Plan.

(2) The provisions of Article 6, ¶¶(2) to (7) shall apply mutatis mutandis[4181] to the usage guidelines for Airfield Facility. In this case, the phrase "Port Facilities in specified areas" in ¶(2) of the same Article shall be deemed to be replaced with "Airfield Facilities in specified areas."

i–Q.11. Article 11—Applicable Mutatis Mutandis

Article 11 makes Articles 7 through 9 equally applicable to Airfield Facilities.

(1) The provisions of Articles 7 through 9 shall apply mutatis mutandis[4182] to securing the use of specific Airfield Facilities. In this case, the words and phrases listed in the middle column of the following table among the provisions listed in the upper column of the same table shall be replaced with the words and phrases listed in the lower column of the same table, respectively.

[Table omitted]

i–Q.12. Article 12—Road Usage Guidance

(1) In order to ensure accurate and prompt implementation of countermeasures in the event of an armed attack, etc., the Head of the Countermeasures Headquarters may establish guidelines regarding the use of roads (hereinafter referred to as "road usage guidelines" in this article) based on the Basic Response Plan.

(2) The provisions of Article 6, ¶¶(2) to (7) shall apply mutatis mutandis[4183] to road usage guidelines. In this case, the phrase "Port Facilities in specified areas" in ¶(2) of the same Article shall be deemed to be replaced with "Roads in specified areas."

i–Q.13. Article 13—Guidelines for the Use of Sea Areas

(1) In order to ensure the accurate and prompt implementation of countermeasures in the event of an armed attack, etc., the Head of the Countermeasures Headquarters may establish guidelines regarding the use of sea areas (hereinafter referred to as "Guidelines for the Use of Sea Areas" in this article, the following article, and Article 21) based on the Basic Response Plan.

(2) The provisions of Article 6, ¶

[4179] Making necessary changes to account for differing situations, but the basic point remains the same.
[4180] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[4181] Making necessary changes to account for differing situations, but the basic point remains the same.
[4182] Making necessary changes to account for differing situations, but the basic point remains the same.
[4183] Making necessary changes to account for differing situations, but the basic point remains the same.

2) to (7) shall apply mutatis mutandis[4184] to road usage guidelines. In this case, the phrase "Port Facilities in specified areas" in ¶(2) of the same Article shall be deemed to be replaced with "specified sea areas."

i–Q.14. Article 14—Ship Navigation Restrictions, etc.

(1) In order to ensure the safety of vessel navigation based on the Guidelines for the Use of Sea Areas, the Commissioner of the Japan Coast Guard shall, by public notice, specify the range or period for specific Sea Areas, and determine the number of ships or vessels that can navigate in said specific Sea Areas. However, if there is an urgent need to restrict the vessels or time that can navigate in a particular Sea Area, and there is no time to specify the Sea Area by public notice, other appropriate methods may be used.

(2) The Commissioner of the Japan Coast Guard shall promptly provide the ship's crew with information regarding the contents of the Guidelines for the Use of Sea Areas and the dispositions referred to in the preceding paragraph.

i–Q.15. Article 15—Guidelines for the Use of Airspace

(1) The Task Force Chief[4185] may establish guidelines regarding the use of airspace (hereinafter referred to as "Airspace Usage Guidelines" in this article and the next article) based on the Basic Response Plan in order to ensure the accurate and prompt implementation of countermeasures in the event of an armed attack.

(2) The provisions of Article 6, ¶¶(2) to (7) shall apply mutatis mutandis[4186] to airspace usage guidelines. In this case, the phrase "Port Facilities in a specific area" in ¶(2) of the same Article shall be deemed to be replaced with "specific Airspace."

i–Q.16. Article 16—Aircraft Flight Restrictions, etc.

(1) The Minister of Land, Infrastructure, Transport and Tourism must appropriately implement measures pursuant to the provisions of Articles 80 [No-Fly Zone],[4187] 96 [Air Traffic Control Instruction], and 99 [Provision of Information] of the Civil Aeronautics Act (Act No. 231 of 1950, as amended) must be appropriately implemented in order to ensure the safety of aircraft navigation.

i–Q.17. Article 17—Guidance for the Use of Radio Waves

(1) The Task Force Chief[4188] may establish guidelines regarding the use of radio waves (hereinafter referred to as "Radio Wave Usage Guidelines" in this article and the next article) based on the Basic Response Plan [BRP[4189]] in order to ensure the accurate and prompt implementation of countermeasures in the event of an armed attack.

(2) The provisions of Article 6, ¶¶(2) to (7) shall apply mutatis mutandis[4190] to airspace usage guidelines. In this case, the phrase "Port Facilities in a specific area" in ¶(2) of the same Article shall be deemed to be replaced with "specific Radio Waves."

i–Q.18. Article 18—Adjustments for Radio Wave Usage

(1) When the Minister of Internal Affairs and Communications deems it particularly necessary to give priority to a specific radio communication listed in item (i) carried out by a radio station (referring to the radio station specified in Article 2, Item 5 of the Radio Act (Act No. 131 of 1950, as amended)[4191]; the same shall apply hereinafter in this article) over the radio communication listed in the same item or item (ii) carried out by another radio station, based on the Radio Wave Usage Guidelines, the radio station conducting the specific radio communication shall be subject to changes to the conditions of the license granted pursuant to the provisions of Article 104-2, ¶(1) [Conditions of Provisional Licenses] of the Radio Act (Act No. 131 of 1950, as amended) for radio stations that carry out the specified radio communications based on the Radio Wave Usage Guidelines; the Minister of Internal Affairs and Communications may make changes pursuant to the provisions of Article 112,[4192] ¶(3) [providing for JSDF use of radio waves in a manner prescribed by the

[4184] Making necessary changes to account for differing situations, but the basic point remains the same.
[4185] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[4186] Making necessary changes to account for differing situations, but the basic point remains the same.
[4187] i–U.3. Article 80—No Fly Zone, p. 393.
[4188] i–D.1. Note on the Positions of "Task Force Chief" vs. Prime Minister, p. 337.
[4189] 4–4. Basic Response Plan (BRP), p. 101.
[4190] Making necessary changes to account for differing situations, but the basic point remains the same.
[4191] i–R. Radio Act (Act No. 131 of 1950, as amended), p. 388.
[4192] i–C.68. Article 112—Exemption of Application of the Radio Act, p. 336.

Minister of Internal Affairs and Communications] of the SDF Act (Law No. 165 of 1954, as amended), and take other necessary measures regarding the operation of the radio station concerned.

(i) Radio communications necessary to implement the measures listed in Article 2, ¶¶(1)(viii)(a)(1) and (1)(viii)(a)(2) of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended) or measures for the protection of the public.

(ii) Radio communications listed in each item of Article 102-2 [Designation of Radio Propagation Obstruction Prevention Areas], ¶(1) of the Radio Act (Act No. 131 of 1950, as amended) (excluding radio communications listed in the preceding item)

(2) In the event that the Minister of Internal Affairs and Communications takes the necessary measures regarding a radio station that conducts specific radio communications pursuant to the provisions of the preceding paragraph, the person who conducted the specified radio communication using the radio station must report this to the Minister of Internal Affairs and Communications without delay in order to help the Minister maintain order in radio communications and ensure proper operation of the radio station.

(3) In the event that the Minister of Internal Affairs and Communications takes the necessary measures regarding a radio station that conducts specific radio communications pursuant to the provisions of ¶(1)(i) shall be able to conduct such specific wireless communications in a manner that does not cause interference that would impede the operation of other radio stations conducting radio communications listed in the items of the same paragraph.

(4) The provisions of Article 56 [Prevention of Radio Interference] of the Radio Act (Act No. 131 of 1950, as amended) shall not apply to radio stations that perform radio communications listed in ¶(1)(i).

i–Q.19. Article 19—Compensation for Loss

(1) When dispositions pursuant to the provisions of Article 8, ¶(1) (including cases where it applies mutatis mutandis[4193] pursuant to Article 9, ¶(2) and Article 11 [including cases where it applies mutatis mutandis pursuant to Article 11]) and Article 9, ¶(3) (including cases where it applies mutatis mutandis pursuant to Article 11) are taken, the State must compensate for the losses that would normally arise as a result of the respective dispositions.

(2) In addition to what is provided for in the preceding paragraph, necessary matters regarding compensation for loss shall be specified by Cabinet Order.[4194]

i–Q.20. Article 20—Penalties

(1) A person who commits an act that constitutes a violation of the disposition of the Commissioner of the Japan Coast Guard pursuant to the provisions of Article 14, ¶(1) shall be punished by imprisonment with work for not more than three months or a fine of not more than 300,000 yen.

i–Q.21. Article 21—Use of Specified Public Facilities, etc. in Emergency Response Situations

(1) In order to respond accurately and promptly in emergency response situations (referring to the emergency response situation set forth in Article 22, ¶(1) of the Armed Attack Situations, etc. Act (Act No. 79 of 2003, as amended)) and to ensure the smooth and effective use of specified public facilities, etc., the government shall comply with Article 6 [Guidelines for the Use of Port Facilities], Article 7[4195] [Requests for the Use of Port Facilities] (including cases where it applies mutatis mutandis[4196] pursuant to Article 11 [Applicable Mutatis Mutandis for Airfield Facilities]), Article 10 [Guidelines for the Use of Airfield Facilities], Article 12 [Road Usage Guidance], Article 13 [Guidelines for the Use of Sea Areas], ¶(2) of Article 14 [Ship Restrictions by JCG] (limited to the part related to the content of Guidance for the Use of Sea Areas), and Articles 15 to 17 [Guidelines for the Use of Airspace, Aircraft Flight Restrictions, and Guidance for the Use of Radio Waves], guidelines for the use of specified Public Facilities, etc. shall be formulated and other necessary measures shall be appropriately taken.

i–Q.22. Article 22—Delegation to Cabinet Order

(1) In addition to what is provided for in this Act, matters necessary for the implementation of this Act shall be specified by Cabinet Order.[4197]

[4193] Making necessary changes to account for differing situations, but the basic point remains the same.

[4194] C–2.1.4.2. Cabinet Order, p. 225.

[4195]

[4196] Making necessary changes to account for differing situations, but the basic point remains the same.

[4197] C–2.1.4.2. Cabinet Order, p. 225.

i–R. Radio Act (Act No. 131 of 1950, as amended)

Unless otherwise noted, all block quotations[4198] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4199]

> This translation was published on 23 December 2023 and reflects all amendments up to and including Act No. 40 of 2023.
>
> Amendments made after 2023 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–R.1. Article 2—Definitions

> *(1) This Act and the orders pursuant to this Act are to be interpreted in accordance with the following definitions:*
>
> *(i) "radio waves" means electronic or magnetic waves of frequencies not exceeding 3,000,000 MHz.*
>
> *(ii) "radiotelegraphy" means communication equipment devoted to transmitting or receiving codes utilizing radio waves.*
>
> *(iii) "radiotelephony" means communication equipment devoted to transmitting or receiving voices and other sounds utilizing radio waves.*
>
> *(iv) "radio equipment" means radiotelegraphy, radiotelephony, or any other electric equipment used for the transmission or reception of radio waves.*
>
> *(v) "radio station" means a unit of radio equipment using a person to operate the radio equipment. However, this does not include those used solely for receiving purposes.*
>
> *(vi) "radio operator" means a person who operates radio equipment or supervises that operation, and holds a license granted by the Minister of Internal Affairs and Communications.*

i–S. Port Act (Act No. 218 of 1950, as amended)

The full title of this law is:

- Port and Harbor Act

Unless otherwise noted, all block quotations[4200] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4201]

> This translation was published on 19 May 2020 and reflects all amendments up to and including Act No. 89 of 2018.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–S.1. Article 2—Definitions

> *(1) In this Act, the term a "port management body" means a port authority incorporated pursuant to the provisions of Section 1 of Chapter II or a local government under the provisions of Article 33.*
>
> *(2) In this Act, the term a "strategic international hub port" means a port serving as the hub of an international ocean freight transportation network for long-distance international ocean freight shipping, having advanced functions to connect the international ocean freight transportation network and the domestic ocean freight transportation network, which is specified by Cabinet Order[4202] as a port and harbor that requires intensive efforts to strengthen its international competitiveness; the term a "international hub port" means a port other than strategic international hub ports, which is specified by Cabinet Order as a port serving as the hub of the international ocean freight transportation network; the term a "major port" means a port other than strategic international hub ports or international hub ports which is*

[4198] 1–3.2. Block Quotations, p. 2.
[4199] Appendix Q. References, p. 297.
[4200] 1–3.2. Block Quotations, p. 2.
[4201] Appendix Q. References, p. 297.
[4202] C–2.1.4.2. Cabinet Order, p. 225.

specified by Cabinet Order as a port serving as the hub of a maritime transportation network or as a port having a great bearing on the national interests; and the term a "regional port" means a port other than strategic international hub ports, international hub ports, or major ports.

(3) In this Act, the term "port limits" means the waters for which the consent or notification under the provisions of Article 4, ¶(4) or ¶(8) (including as applied mutatis mutandis[4203] pursuant to the provisions of Article 9, paragraph (2) and Article 33, ¶(2)) has been obtained or filed.

(4) In this Act, the term "waterfront district" means a district designated as a water front district pursuant to the provisions of Chapter II of the City Planning Act (Act No. 100 of 1968) or a district designated by the port management body pursuant to the provisions of Article 38.

(5) In this Act, the term "port and harbor facilities " means a facility set forth in item (i) through item (xi) which is located within port limits or a waterfront district, or a facility set forth in item (xii) through item (xiv) which is required for the use or management of a port and harbor:

(i) harbor facilities: waterways, anchorage, and berthage for small boats;

(ii) protective facilities for harbor: breakwaters, sediment control groins, seawalls, training jetties, sluices, locks, revetments, dikes, groins, and parapets

(iii) mooring facilities: quay walls, mooring buoys, mooring piles, landing piers, floating piers, shallow draft wharves, and dry docking yards;

(iv) port transportation facilities: roads, parking lots, bridges, railways, tramways, canals, and heliports;

(v) navigation assistance facilities: navigation aids and signaling, lighting, and port communication facilities for the entry and clearance of vessels;

(vi) cargo handling facilities: stationary cargo handling machinery, rail-mounted cargo handling equipment, cargo handling areas, and transit sheds;

(vii) passenger facilities: stationary passenger boarding facilities, baggage check-in and pick-up areas, lounges, and temporary living quarters;

(viii) storage facilities: warehouses, open storage yards, timber yards and timber ponds, coal storage yards, dangerous goods storage facilities, and oil storage facilities;

(viii-2) facilities designed to provide services to ships: water supply facilities, bunkering facilities and coal supply facilities (except facilities set forth in item (xiii)), ship repair facilities, and ship storage facilities;

(viii-3) port information providing facilities: facilities designed for public relations, facilities for visitors, and other facilities designed to provide information on the use of a port and harbor;

(ix) port pollution control facilities: water conveyance facilities for purifying contaminated water, buffer zones for pollution control, and other facilities designed for pollution control of a port and harbor;

(ix-2) waste treatment facilities: dikes used for waste dumping, waste receiving facilities, waste incinerators, waste crushers, waste oil treatment facilities, and other facilities designed for waste treatment (except facilities set forth in item (xiii));

(ix-3) facilities designed for the improvement of a port and harbor environment: beaches, green areas, open spaces, plants, resting areas, and other facilities designed to improve the port and harbor environment;

(x) welfare facilities for port workers: break rooms and temporary living quarters, infirmaries, and other facilities for ships' crews and harbor workers;

(x-2) port management facilities: port management offices, warehouses to store materials used in port management, and other facilities designed for port management (except facilities set forth in item (xiv));

(xi) sites of port facilities: the premises of the facilities referred to in the preceding items;

(xii) movable facilities: movable cargo handling machinery and movable passenger boarding facility;

[4203] Making necessary changes to account for differing situations, but the basic point remains the same.

(xiii) movable facilities designed for port services: tugboats for assisting vessel berthing and unberthing; vessels and vehicles for supplying water, fuel, and coal to ships; and vessels and vehicles used for transporting waste to be treated;

(xiv) movable facilities for port management: water surface cleaning vessels, ferry boats, and other movable facilities used for port management.

(6) Facilities set forth in item (i) through item (xi) of the preceding paragraph, even if those are not located within the port limits or waterfront district, are deemed to be port and harbor facilities if approved by the Minister of Land, Infrastructure, Transport and Tourism at the request of the port management body.

(7) In this Act, the term "port and harbor construction works" means construction, improvements, maintenance, or restoration of port and harbor facilities, or works other than those undertaken to remove sludge accumulation or other substances that cause pollution in the port and harbor, to purify contaminated seawater, to remove floating debris, or other works to maintain the port and harbor.

(8) In this Act, the term a "waterway to be developed and preserved" means a waterway that requires construction works to develop or maintain it so as to secure the navigation of vessels in the waters other than port limits or a river area of the river prescribed in Article 3, ¶(1) of the River Act (Act No. 167 of 1964) (hereinafter referred to as a "river area"), which includes the facilities required for maintaining the structures of waterways, for safe navigation of vessels and for vessel evacuation; and the relevant areas are prescribed by Cabinet Order.

(9) In this Act, the term a "port of refuge" means a port provided for by Cabinet Order, which is designed mainly for small craft to anchor during a storm, and is not used for loading and unloading cargo or for passenger boarding and disembarkation under normal circumstances.

(10) In this Act, the term a "wharf" means port and harbor facilities as a whole, other than quay walls, other mooring facilities, ancillary cargo handling facilities thereof, and other mooring facilities prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

i–T. Airport Act (Act No. 80 of 1965, as amended)

Unless otherwise noted, all block quotations[4204] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4205] The Japanese has been machine translated.[4206]

The source text was published on 10 June 2020 and reflects all amendments up to and including Act No. 62 of 2020.

Amendments made after 2020 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–T.1. Article 4—Establishment and management of airports that serve as bases for international air transport networks or domestic air transport networks

(1) The following airports shall be established and managed by the Minister of Land, Infrastructure, Transport and Tourism:

(i) Narita International Airport

(ii) Tokyo International Airport [i.e., Haneda]

(iii) Chubu Centrair International Airport

(iv) Kansai International Airport

(v) Osaka International Airport [i.e., Itami]

(vi) In addition to those listed in the preceding items, airports specified by Cabinet Order[4207] as bases for international air transport networks or domestic air transport networks.

[4204] 1–3.2. Block Quotations, p. 2.
[4205] Appendix Q. References, p. 297.
[4206] 1–5.2.2. Machine Translations, p. 7.
[4207] C–2.1.4.2. Cabinet Order, p. 225.

(2) The locations of the airports listed in items (i) to (v) of the preceding paragraph shall be determined by a Cabinet Order, and the name and location of the airport shall be specified in the Cabinet Order set forth in item (vi) of the same paragraph.

(3) Notwithstanding the provisions of ¶(1), Narita International Airport will be established and managed by Narita International Airport Corporation, and Kansai International Airport and Osaka International Airport will be established and managed by New Kansai International Airport Corporation.

(4) Notwithstanding the provisions of ¶(1), when Chubu Centrair International Airport is designated pursuant to the provisions of Article 4, ¶(1) of the Law Concerning the Establishment and Management of Chubu Centrair International Airport (Law No. 36 of 1998), it shall be established and managed by the person designated.

i–T.2. Article 5 - Establishment and management of airports that play an important role in forming international or domestic air transportation networks

(1) Airports other than those listed in the items of ¶(1) of the preceding article [Article 4[4208]], which are designated by Cabinet Order[4209] as those that play an important role in forming the international air transport network or the domestic air transport network, (hereinafter referred to as "Locally Managed Airports") shall be established and managed by local governments determined through consultation among the relevant local governments specified by Cabinet Order. [i.e., other than the "big 5" airports identified in Article 4 (and any additional airports specially designated by Cabinet Order) are considered "locally managed airports" and are managed by local governments (in consultation with national government agencies as specified by the Cabinet Order)]

(2) The name and location of the airport shall be made clear in the Cabinet Order specifying the airport referred to in the preceding paragraph.

(3) Consultations pursuant to the provisions of ¶(1) must be approved by the assembly of the local government concerned.

(4) When the Minister of Land, Infrastructure, Transport and Tourism deems it necessary, the Minister of Land, Infrastructure, Transport and Tourism may mediate upon the application of the relevant local government regarding the consultation pursuant to the provisions of ¶(1).

i–U. Civil Aeronautics Act (Act No. 231 of 1950, as amended)

Unless otherwise noted, all block quotations[4210] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4211]

> This translation was published on 30 July 2021 and reflects all amendments up to and including Act No. 118 of 2006.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–U.1. Article 2—Definition

(1) The term "aircraft" as used in this Act means any aeroplane, rotorcraft, glider and airship which can be used for air navigation with a person on board and any other apparatus used for air navigation as may be specified by Cabinet Order.[4212]

(2) The term "air navigation service" as used in this Act means any operation onboard an aircraft (including operation of radio equipment on board), and confirmation work as specified in Article 19 [Maintenance or Alteration of Aircraft], ¶(2), to be performed on repaired or remodeled aircraft.

(3) The term "airman" as used in this Act means any person who has obtained competence certification for an airman under Article 22 [Airmen Competence Certification].

[4208] i–T.1. Article 4—Establishment and management of airports that serve as bases for international air transport networks or domestic air transport networks, p. 390.
[4209] C–2.1.4.2. Cabinet Order, p. 225.
[4210] 1–3.2. Block Quotations, p. 2.
[4211] Appendix Q. References, p. 297.
[4212] C–2.1.4.2. Cabinet Order, p. 225.

(4) The term "air navigation facility" as used in this Act means any facility to aid the navigation of aircraft by means of radio wave, lights, colors or signs as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(5) The term "landing strip" as used in this Act means a rectangular area of an aerodrome which is provided for the takeoff (including that area on water; hereinafter the same) or landing (including that area on water; hereinafter the same) of aircraft in a definite direction.

(6) The term "approach area" as used in this Act means a plain surface defined by two connected points parallel to the shorter side of the landing strip 375 meters (600 meters in the case of a landing strip used for the landing, performed by using an instrument landing apparatus, or performed in accordance with a landing guidance by using precision approach radar, while in the case of a landing strip used for the heliport, the length in which the distance between the shorter side and the straight line multiplied by tangent 15 plus half the length of the shorter side) distant from a point on a straight line crossing at a point 3,000 meters (not more than 2,000 meters as may be specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the case of a landing strip of the heliport) distant from that side and forming a rectangle, with the extension to the center-line of the landing strip bisecting this rectangle.

(7) The term "approach surface" as used in this Act means an area abutting on the shorter side of a landing strip and sloping upwards at a gradient of more than 1/50th from the horizontal plane, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the projection of which corresponds to the approach area.

(8) The term "horizontal surface" as used in this Act means that section of the horizontal plane including a point 45 meters vertically above the aerodrome reference point, which is surrounded by a circle drawn with that point at its center and with a radius of a length of not more than 4,000 meters as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(9) The term "transitional surface" as used in this Act means an area including the slopes of the approach surfaces and the longer sides of the landing strip at a gradient of 1/7th, (in the case of a heliport, at a gradient of not more than 1/4th as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism) from the horizontal plane to the intersection with the vertical surface, including the center-line of the strip and including the areas as defined above. It is enclosed by the lines, including the intersection with the plane including the slopes of the approach surfaces and the plane including the longer sides of the strip abutting those slopes, the intersection with those planes and the areas including the horizontal plane, the slopes of the approach surfaces, and the longer sides of the strip.

(10) The term "aeronautical lights" as used in this Act means any light used by an air navigation facility to aid the navigation of aircraft, as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(11) The term "air traffic control area" as used in this Act means any airspace, 200 meters or more above the land or water, and designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism.

(12) The term "air traffic control zone" as used in this Act means any airspace above any aerodrome and its vicinity where frequent takeoff and landing of aircrafts are performed, as designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in that aerodrome and the air space above it.

(13) The term "air traffic information zone" as used in this Act means any airspace above any aerodrome and its vicinity designated in the public notice by the Minister of Land, Infrastructure, Transport and Tourism other than aerodromes prescribed in the previous paragraph, as designated for the safety of air traffic in the public notice by the Minister of Land, Infrastructure, Transport and Tourism in that aerodrome and the air space above it.

(14) The term "instrument meteorological condition" as used in this Act means bad weather conditions with a range of vision, specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, taking the visibility and cloud conditions into consideration.

(15) The term "instrument flight" as used in this Act means a flight which is performed relying solely on flight instruments to measure the attitude, altitude, position, and course of the aircraft.

(16) The term "instrument flight rules" as used in this Act means a method of flight as listed below:

(i) a method of flight in which any takeoff and climb or descent and landing at any aerodrome as specified by the Minister of Land, Infrastructure, Transport and Tourism under ¶(12) is performed in any air traffic control zone or air traffic control area in compliance with the routes specified by the Minister, or instructed by the Minister pursuant to the provisions of Article 96 [Air Traffic Instructions], ¶(1), while always following the instructions on other methods of flight given by the Minister pursuant to the provisions of the same paragraph.

(ii) a method of flight in which any takeoff and climb or descent and landing at any aerodrome as specified by the Minister of Land, Infrastructure, Transport and Tourism under ¶(13) is performed in the air traffic information zone (excluding the area designated as an air traffic control area) in compliance with the routes specified by the Minister of Land, Infrastructure, Transport and Tourism, while always listening to information given by the Minister pursuant to the provisions of Article 96-2 [Communication to Obtain Air Traffic Information], ¶(1).

(iii) a method of flight in which any flight in the air traffic control area other than those prescribed under item (i) is always performed in compliance with the instructions given by the Minister of Land, Infrastructure, Transport and Tourism relating to routes and other methods of flight under the provisions of Article 96 [Air Traffic Instructions], ¶(1).

(17) The term "air transport services" as used in this Act means any business using aircraft to transport passengers or cargo for remuneration upon demand.

(18) The term "international air transport services" as used in this Act means any air transport services operating between one point within Japan and another within a foreign country, or between one point and another in foreign countries.

(19) The term "domestic scheduled air transport services" as used in this Act means any air transport services operating between one point and another in the country on a scheduled date and time along a specified route.

(20) The term "aerial work" as used in this Act means any business using aircraft other than for the transport of passengers or cargo for remuneration upon demand.

i–U.2. Article 56-4 - Designation of Facilities for Public Use

(1) The Minister of Land, Infrastructure, Transport and Tourism may, when the Minister deems it necessary in enhancing the public interest, designate landing strips and any other facilities in an aerodrome established by the Self-Defense Forces as facilities for public use.

(2) The designation set forth in the preceding paragraph is conducted by giving public notice of the name and location of the facilities concerned and the outline of the installations and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) The Minister of Land, Infrastructure, Transport and Tourism must, when there have been any modifications to the particulars of which the public notice under the preceding paragraph was given, pertaining to the facilities designated under ¶(1), notify any particulars pertaining to those modifications without delay.

(4) The Minister of Land, Infrastructure, Transport and Tourism must give public notice of any revocation of the designation under ¶(1) without delay.

(5) The Minister of Land, Infrastructure, Transport and Tourism must, when the Minister intends to establish that designation under ¶(1), or to revoke the designation set forth in the preceding paragraph [¶(4)], consult with the Minister of Defense.

(6) The Minister of Defense must open the facilities for public use, when the facilities are designated under ¶(1); provided, however, that this does not apply when there are unavoidable reasons.

(7) The Minister of Defense must not condone any unfair and discriminatory treatment of any users concerning use conditions of the facilities pertaining to the designation under ¶(1).

i–U.3. Article 80—No Fly Zone

(1) No aircraft must be flown over such area as is likely to endanger the safe navigation of other aircraft specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that the same does not apply when permitted by the Minister of Land, Infrastructure, Transport and Tourism.

i–V. National Government Asset Act (Act No. 73 of 1948, as amended)

Unless otherwise noted, all block quotations[4213] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4214] The Japanese has been machine translated.[4215]

[4213] 1–3.2. Block Quotations, p. 2.
[4214] Appendix Q. References, p. 297.
[4215] 1–5.2.2. Machine Translations, p. 7.

The source text was published on 18 May 2022 and reflects all amendments up to and including Act No. 37 of 2021.

Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–V.1. Article 3—Classification and Types of National Property

(1) National property shall be classified into administrative property and ordinary property.

(2) Administrative property refers to the following types of property:

(i) Public property: Used in the country for national affairs, business, or the residence of its employees (referring to the employees specified in Article 2, item 2 of the National Public Officers' Housing Act (Act No. 117 of 1944)); or what is decided to be provided.

(ii) Public property: Property that is directly used or determined to be used by the national government.

(iii) Property for the Imperial Household: Items that are provided or determined to be provided for the use of the Imperial Family in the country.

(iv) Property for forest management: Property that is used or determined to be used for forest management by the government.

(3) Ordinary property refers to all state-owned property other than administrative property.

i–W. Local Autonomy Act (Act No. 67 of 1948, as amended)

Unless otherwise noted, all block quotations[4216] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4217] The Japanese has been machine translated.[4218]

The source text was published on 1 April 2024 and reflects all amendments up to and including Act No. 84 of 2024.

Amendments made after 2024 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–W.1. Article 238—Scope and Classification of Public Property

(1) In this law, "public property" refers to the following properties (excluding those belonging to funds) belonging to ordinary local governments:

(i) Real estate.

(ii) Ships, buoys, floating piers, floating docks, and aircraft.

(iii) Accessories to the real estate and movables listed in the preceding two items.

(iv) Surface rights, easements, mining rights, and other similar rights.

(v) Patent rights, copyrights, trademark rights, utility model rights, and other similar rights.

(vi) Stocks, corporate bonds (including rights that should be indicated on bonds issued by corporations established under special laws, excluding short-term corporate bonds, etc.), local bonds, national bonds, and other similar rights.

(vii) Rights based on investment.

(viii) Beneficiary rights in property trusts.

(2) "Short-term corporate bonds, etc." in item (vi) of the preceding paragraph refers to the following:

[4216] 1–3.2. Block Quotations, p. 2.
[4217] Appendix Q. References, p. 297.
[4218] 1–5.2.2. Machine Translations, p. 7.

(i) Short-term corporate bonds prescribed in Article 66, Item 1 of the Act on Book-Entry Transfer of Corporate Bonds and Shares (Act No. 75 of 2001)

(ii) Short-term investment corporation bonds prescribed in Article 139-12, ¶(1) of the Act on Investment Trusts and Investment Corporations (Act No. 198 of 1951)

(iii) Short-term bonds prescribed in Article 54-4, ¶(1) of the Shinkin Bank Act (Act No. 238 of 1951)

(vi) Short-term corporate bonds prescribed in Article 61-10, ¶(1) of the Insurance Business Act (Act No. 105 of 1995)

(v) Specified short-term corporate bonds as prescribed in Article 2, ¶(8) of the Act on the Securitization of Assets (Act No. 105 of 1998)

(vi) Short-term agricultural and forestry bonds prescribed in Article 62-2, ¶(1) of the Norinchukin Bank Act (Act No. 93 of 2001)

(3) Public property shall be classified into administrative property and ordinary property.

(4) Administrative property generally refers to property that a local government uses or has decided to provide for public use, and general property refers to any public property other than administrative property.

i–X. TTS Law (Act No. 30 of 1977, as amended)

The full title of this law is:

- Act on the Territorial Sea and the Contiguous Zone

Unless otherwise noted, all block quotations[4219] found within this section are from the GoJ's official English language translation, contained in the DoS's "Limits in the Seas No. 120: Straight Baseline[4220] and Territorial Sea Claims: Japan."[476]

> This translation was published on 30 April 1998 and reflects all amendments up to and including Act No. 73 of 1996.
>
> Amendments made after 1996 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–X.1. Article 1—Extent of Territorial Sea

(1) The Territorial Sea [TTS[4221]] of Japan comprises the areas of the sea extending from the Baseline[4222] to the line 12 nautical miles seaward thereof. Provided that, where any part of that line lies beyond the median line as measured from the Baseline, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

(2) "The median line" referred to in the preceding paragraph shall be the line every point of which is equidistant from the nearest point on the Baseline and the nearest point on the Baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite to the coast of Japan is measured.

i–X.1.A. Supplemental Provisions 2 and 3 - Extent of the Territorial Sea Pertaining to the Designated Areas

This Supplemental Provision, combined with the referenced Cabinet Order[4223] (Cabinet Order No. 206 of 1993[477]), narrows GoJ's claimed TTS[4224] from 12 NM to 3 NM around the five designated straits.

GoJ does not include Tokara Strait[4225] as a designated Strait Used for International Navigation and therefore subject to Transit Passage[4226] navigation rights for foreign vessels. The U.S., PRC, and other States hold that the Tokara Strait should be subject to Transit Passage navigation.

[4219] 1–3.2. Block Quotations, p. 2.
[4220] A–4.3. Baseline, p. 195.
[4221] A–4.4. Territorial Sea (TTS), p. 196.
[4222] A–4.3. Baseline, p. 195.
[4223] C–2.1.4.2. Cabinet Order, p. 225.
[4224] A–4.4. Territorial Sea (TTS), p. 196.
[4225] A–3.2.1. Tokara Strait, p. 193.
[4226] E–5.1.1. Transit Passage (through Straits Used for International Navigation), p. 250.

(2) For the time being, the provisions of article 1 shall not apply to the Soya Kaikyo [Soya Strait,[4227] also known as the La Perouse], the Tsugaru Kaikyo [Tsugaru Strait[4228]], the Tushima Kaikyo Higasi Suido [Tsushima Strait-Eastern Channel[4229]], the Tushima Kaikyo Nisi Suido [Tsushima Strait-Western Channel[4230]], and the Ōsumi Kaikyo [Ōsumi Strait[4231]] (including areas of the sea which are adjacent to these waters and which are recognized as forming respectively integral parts thereof from the point of view of the course normally used for navigation by vessels [i.e., Straits used for International Navigation]; hereinafter referred to as "the designated areas"). The Territorial Sea pertaining to the designated areas shall be respectively the areas of the sea extending from the Baseline[4232] to the line 3 nautical miles seaward thereof and to the line drawn connecting with the said line.

(3) The limits of the designated areas and the lines referred to in the preceding paragraph shall be prescribed by Cabinet Order [Cabinet Order No. 206 of 1993].

i–X.2. Article 2—Baseline

(1) The Baseline shall be the low-water line, the straight Baseline, and the straight line drawn across the mouth of or within a bay, or across the mouth of a river. Provided that, with respect to the Seto Naikai, which is internal waters, the Baseline shall be the lines prescribed by Cabinet Order[4233] as the boundaries with other areas of the sea adjacent thereto.

(2) Straight Baselines referred to in the preceding paragraph shall be prescribed by Cabinet Order, in accordance with article 7 of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the UN Convention on the Law of the Sea").

(3) In addition to the provision of the preceding paragraph, the criteria to be used in employing, as Baseline, the lines provided for in ¶(1) and any other matters necessary for the drawing of Baselines shall be prescribed by Cabinet Order.

i–X.3. Article 3 - Application of the Laws and Regulations of Japan Pertaining to Hot Pursuit from within the Internal Waters or the Territorial Sea

(1) The laws and regulations of Japan (including penal provisions. The same shall apply in article 5) shall apply with respect to the execution of official duties by public officials of Japan in relation to hot pursuit from within the internal waters or the territorial sea of Japan undertaken in accordance with article 111 of the UN Convention on the Law of the Sea and the conduct obstructing such execution.

i–X.4. Article 4—Contiguous Zone

(1) There is hereby established the contiguous zone, as a zone in which Japan takes necessary measures to prevent or punish infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory in accordance with Article 33, ¶(1) of the UN Convention on the Law of the Sea.

(2) The contiguous zone referred to in the preceding paragraph (hereinafter referred to as "the contiguous zone" for brevity) comprises the areas of the sea extending from the Baseline[4234] to the line 24 nautical miles seaward thereof (excluding therefrom the territorial sea). Provided that where any part of that line lies beyond the median line ("the median line" here is defined in Article 1, ¶(2). The same shall apply hereinafter) as measured from the Baseline, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

(3) In a part of the areas of the sea in which the mutual application with a foreign country beyond the median line of the measures prescribed in Article 33, ¶(1) of the UN Convention on the Law of the Sea is deemed appropriate, the contiguous zone may extend from the Baseline to the line 24 nautical miles seaward thereof (excluding therefrom the territorial sea of a foreign country), as prescribed by Cabinet Order,[4235] notwithstanding the provision of the preceding paragraph.

i–X.5. Article 5 - Application of Japanese Laws and Regulations to the Contiguous Zone

(1) The laws and regulations of Japan shall apply with respect to the execution of official duties by public officials of Japan in the contiguous zone in relation to measures prescribed in ¶(1) of the preceding article (including the execution of official duties in relation to hot pursuit from within the contiguous zone pertaining to the said execution of official

[4227] A–3.1.1. Soya Strait (La Perouse), p. 193.
[4228] A–3.1.2. Tsugaru Strait, p. 193.
[4229] A–3.1.3.1. Tsushima Strait-Eastern Channel, p. 193.
[4230] A–3.1.3.2. Tsushima Strait-Western Channel, p. 193.
[4231] A–3.1.4. Ōsumi Strait, p. 193.
[4232] A–4.3. Baseline, p. 195.
[4233] C–2.1.4.2. Cabinet Order, p. 225.
[4234] A–4.3. Baseline, p. 195.
[4235] C–2.1.4.2. Cabinet Order, p. 225.

duties undertaken in accordance with article 111 of the UN Convention on the Law of the Sea) and the conduct obstructing such execution.

i–Y. EEZ and CS Law (Act No. 74 of 1996)

The full title of this law is:

- Act on Exclusive Economic Zone and Continental Shelf

Unless otherwise noted, all block quotations[4236] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4237] The Japanese has been machine translated.[4238]

> The source text was published on 1 August 2015 and has not been amended.
>
> Amendments made after 2015 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–Y.1. Article 1—Exclusive Economic Zone

(1) Japan will establish an exclusive economic zone as the waters within which it exercises the sovereign rights and other rights of coastal states stipulated in Part V of the United Nations Convention on the Law of the Sea (hereinafter referred to as the "UNCLOS").

(2) The exclusive economic zone referred to in the preceding paragraph (hereinafter simply referred to as the "exclusive economic zone") shall consist of the sea area (excluding the territorial sea) from Japan's Baseline[4239] (meaning the Baseline prescribed in Article 2, ¶(1) of the Act on the Territorial Sea and Contiguous Zone (Act No. 30 of 1977); the same applies hereinafter) to a line every point of which is 200 nautical miles from the nearest point on Japan's Baseline (and, in the case where this line extends beyond the median line (meaning a line every point of which is equidistant to the nearest point on Japan's Baseline and to the nearest point on the Baseline from which the breadth of the foreign country's territorial sea is measured relative to the coast of that foreign country facing Japan; the same applies hereinafter), the median line (or, in the case where there is a line in lieu of the median line agreed upon between Japan and a foreign country, that line shall be used)) as well as the seabed and subsoil thereof.

i–Y.2. Article 2—Continental Shelf

(1) The continental shelf over which Japan exercises its sovereign and other rights as a coastal state pursuant to the United Nations Convention on the Law of the Sea (hereinafter referred to simply as the "continental shelf") includes the seabed and subsoil of the following waters:

(i) The waters (excluding the territorial sea) extending from Japan's Baseline[4240] to a line every point of which is 200 nautical miles from the nearest point on Japan's Baseline (if that line extends beyond the median line as measured from Japan's Baseline, the median line (or, if there is a line agreed upon between Japan and a foreign country in lieu of the median line, that line and a line to be drawn adjacent to it by Cabinet Order[4241]) shall be used for that part).

(ii) The waters bordering the outer side of the waters mentioned in the preceding paragraph (limited to the part of the limits of which is a line every point of which is 200 nautical miles from the nearest point on Japan's Baseline), as specified by Cabinet Order in accordance with Article 76 of the United Nations Convention on the Law of the Sea.

i–Y.3. Article 3—Application of Japanese Laws and Regulations

(1) The laws and regulations of Japan (including penal provisions; the same applies below) shall apply to the following matters:

(i) Exploration, development, conservation and management of natural resources in the exclusive economic zone or on the continental shelf, installation, construction, operation and use of artificial islands, facilities and structures, protection and conservation of the marine environment, and marine scientific research

(ii) Activities of exploration and development carried out for economic purposes in the exclusive economic zone (excluding those listed in the preceding item)

4236 1–3.2. Block Quotations, p. 2.
4237 Appendix Q. References, p. 297.
4238 1–5.2.2. Machine Translations, p. 7.
4239 A–4.3. Baseline, p. 195.
4240 A–4.3. Baseline, p. 195.
4241 C–2.1.4.2. Cabinet Order, p. 225.

(iii) Drilling on the continental shelf (excluding those listed in item 1)

(iv) The performance of duties by Japanese public officials in the exclusive economic zone or in waters related to the continental shelf in relation to the matters listed in the preceding three items (including the performance of duties related to pursuit under Article 111 of the United Nations Convention on the Law of the Sea conducted from these waters in relation to the performance of said duties), and acts that impede such performance.

(2) In addition to what is provided for in the preceding paragraph, the artificial islands, facilities and structures referred to in item 1 of the same paragraph shall be deemed to be located within Japan, and the laws and regulations of Japan shall apply to them.

(3) With regard to the application of Japan's laws and regulations pursuant to the provisions of the preceding two paragraphs, necessary matters for the streamlining or adjustment of the application of those laws and regulations may be prescribed by government ordinance to the extent that is deemed reasonably necessary, taking into account the fact that the waters to which those laws and regulations apply are outside the territory of Japan and other special circumstances of those waters.

i–Y.4. Article 4—Effect of Treaties

(1) If a treaty provides otherwise regarding the matters prescribed in this Act, the treaty shall prevail.

i–Z. Atomic Energy Basic Act (Act No. 186 of 1955, as amended)

Unless otherwise noted, all block quotations[4242] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4243]

> This translation was published on 30 June 2021 and reflects all amendments up to and including Act No. 155 of 2004.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–Z.1. Article 2—Basic Policy

(1) The research, development and utilization of nuclear energy is limited to peaceful purposes, is to aim at ensuring safety, and is performed independently under democratic administration, and the results obtained is made public so as to actively contribute to international cooperation.

i–AA. Act on Navigation of Foreign Ships through the TTS (Act No. 64 of 2008)

The full title of this law is:

- Act on Navigation of Foreign Ships through the Territorial Sea and Internal Waters

Unless otherwise noted, all block quotations[4244] found within this section are from Jun TSURUTA's English language translation.[478]

> This translation was published in August of 2021.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–AA.1. Article 1—Purpose

(1) Given that Japan is surrounded by the oceans and it is therefore important to ensure the safety and security of the oceans in the context of ensuring national security, the purpose of this Act is to maintain order for navigation of foreign ships through Japan's territorial sea, etc. and deter their suspicious activities and thereby ensure the safety and security

[4242] 1–3.2. Block Quotations, p. 2.
[4243] Appendix Q. References, p. 297.
[4244] 1–3.2. Block Quotations, p. 2.

in Japan's territorial sea, etc., by providing for methods for navigation of foreign ships in Japan's territorial sea and internal waters, measures for regulation of the navigation of foreign ships, and other necessary matters.

i–AA.2. Article 2—Definitions

(1) In this Act, the meanings of the terms set forth in the following items shall be as prescribed respectively in those items.

(i) The term "territorial sea, etc." means Japan's territorial sea and internal waters.

(ii) The term "newly specified internal waters" means such water areas that are newly specified as Japan's internal waters based on the straight Baselines[4245] set forth in Article 2, ¶(1) of the TTS Law (Act No. 30 of 1977, as amended).

(iii) The term "foreign ship" means a ship other than Japanese-registered shipsas defined in Article 1 of the Ship Act (Act No .46 of 1899) which excludes warships and any ships owned or operated by any national government solely for non-commercial purposes.

(iv) The term "Captain, etc." means the captain of a ship or other individual commanding a ship on behalf of the captain.

(v) The term "waterways and basins" means such waterways and basins located in the ports in Japan as specified by an Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter abbreviated as the "MLIT") as basins for anchorage or other facilities or places used for ships to stay or to be anchored.

(vi) The term "mooring facilities" means such mooring facilities located in th eports in Japan that are specified by an Ordinance of the MLIT as quay walls or other facilities or places used to moor ships.

(vii) The term "waterways and basins, etc." means waterways and basins or mooring facilities.

i–AA.3. Article 3—Methods for Navigation of Foreign Ships through Territorial Seas, etc.

(1) Navigation of foreign ships through the territorial seas, etc. shall be continuous and expeditious with the purpose of passage (limited to the one pertaining to the newly specified internal waters, if navigating through Japan's inland waters) or traffic to or from the waterways and basins, etc.

i–AA.4. Article 4

(1) The Captains of foreign ships shall not have the foreign ships navigate in the territorial sea, etc. in a way involving any of the following acts (hereinafter referred to as "anchorage, etc."), provided, however, that this shall not apply in the case where such anchorage is intended to avert bad weather, marine accidents or any other dangers, rescue human lives or other ships or aircrafts, or ensure compliance with the provisions of the Act on Preventing Collision at Sea (Act No.62 of 1977) or any other applicable act or ordinance, or where such anchorage, etc. involves any other unavoidable reason specified by an Ordinance of the MLIT.

(i) staying anywhere other than the waterways and basins

(ii) anchoring anywhere other than the waterways and basins

(iii) mooring anywhere other than the mooring facilities

(iv) hovering (meaning navigation on such a route or at a such speed that is not found necessary for navigation of ships in general in light of meteorological characteristics, sea circumstances, marine traffic conditions, existence or nonexistence of obstacles ahead of the route of the foreign ship in question, or other surrounding circumstances)

(2) In addition to what is provided for in the preceding paragraph, the Captains of foreign ships shall not have the foreign ships conduct navigation for any purpose other than arrival at or departure from any waterways and basins, etc. (hereinafter referred to as "transit passage") in Japan's internal waters (excluding newly specified internal waters; the same shall apply hereinafter); provided, however, that this shall not apply in the case set forth in the proviso of the preceding paragraph.

[4245] A–4.3. Baseline, p. 195.

i–AA.5. Article 5—Duty of Notification of Foreign Ships

(1) When a foreign ship needs anchorage, etc. in the territorial sea, etc. or transit passage through the internal waters, the Captain, etc. of the foreign ship shall notify the nearest office of the JCG, in advance, of the name of the foreign ship, its port of registry, the reason for the intended anchorage, etc. or transit passage and other matters specified by an Ordinance of the MLIT (collectively referred to as "reportable matters" in the following paragraph) pursuant to the provisions of the Ordinance of the MLIT; provided, however, that this shall not apply in the cases specified by the Ordinance of the MLIT where the reasons for the intended anchorage, etc. or transit passage is determined obvious.

(2) In the case referred to in the preceding paragraph, if the Captain, etc. of a foreign ship is unable to give advance notification due to the necessity of averting any imminent danger, the Captain, etc. shall notify the nearest office of the JCG of the reportable matters immediately after averting such danger.

(3) The notification that is supposed to be given by the Captain, etc. of a foreign ship pursuant to the provisions of the preceding two paragraphs may be given by the owner of the foreign ship or an agent for the Captain, etc. or the owner.

(4) When it is found necessary to do so, the head of the office of the JCG receiving the notification pursuant to the provision of ¶¶(1) or (2) above (including what has been given pursuant to the provision of the preceding paragraph; the same shall apply in ¶(1) of the following Article) shall provide advice or guidance to the Captain, etc. of the foreign ship pertaining to the notification.

i–AA.6. Article 6—Boarding Inspection of Foreign Ships

(1) In the case where a certain ship is actually navigating in a way involving anchorage, etc. in the territorial sea or transit passage through the internal waters and it appears to be a foreign ship, for which anchorage, etc. or transit passage no advance notification has been given pursuant to the provision of ¶¶(1) or (2) of the preceding Article or the advance notification given is suspected to contain false information, if the Captain, etc. of the ship is suspected to be in violation of the provisions of Article 4 based on the reasonable judgment from surrounding circumstances and it is found necessary to ascertain the reason for the navigation involving such anchorage, etc. or transit passage in order to achieve the purpose of this Act, the Commandant of the Japan Coast Guard may direct coast guard officers to enter the ship in question, inspect documents and other items, or ask questions to crew members and other relevant persons on board.

(2) When conducting on-board inspection pursuant to the provision of the preceding paragraph, coast guard officers shall wear their respective uniforms or carry with them a proper identification card indicating their official status and present it when requested by the person(s) concerned.

(3) The authority of on-board inspection pursuant to the provision of ¶(1) shall not be interpreted as having been permitted for criminal investigation.

i–AA.7. Article 7—Recommendation to Foreign Ships

(1) In the case where a certain ship is actually navigating in a way involving anchorage, etc. in the territorial seas, etc. and appears to be a foreign ship, if it is found obvious, based on the coast guard officer's reasonable judgment from the external appearance of the ship, its mode of navigation, abnormal behavior of the crew members or others on board, or other surrounding circumstances, that the Captain, etc. of the foreign ship is in violation of the provision of Article 4, ¶(1), the coast guard officer may recommend the Captain, etc. to have the foreign ship navigate in a way not involving anchorage, etc.

i–AA.8. Article 8—Deportation Order to Foreign Ships

(1) If it is found, as a result of the on-board inspection pursuant to the provision of Article 6, ¶(1), that the Captain, etc. of the foreign ship is in violation of the provisions of Article 4, the Commandant of the JCG may order the Captain, etc. to have the foreign ship depart from the territorial seas, etc.

(2) In the case where the Captain, etc. in question does not accord to the expulsion recommendation received under the preceding Article, if it is found necessary for maintenance of order for navigation of foreign ships through the territorial sea, etc., the Commandant of the JCG may order the Captain, etc. to have the foreign ship depart from the territorial sea, etc.

i–AA.9. Article 9—Delegation of Authority

(1) Matters falling under the authority of the Commandant of the JCG pursuant to the provisions of this Act may be delegated to the Commanders of the Regional Coast Guard Headquarters pursuant to the provisions of an Ordinance of MLIT.

i–AA.10. Article 10—Exclusion from Application of the Administrative Procedures Act

(1) The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to orders pursuant to the provisions of Article 8 hereof.

i–AA.11. Article 11—Sincere Implementation of International Commitments

(1) This Act shall be enforced with due consideration not to preclude sincere implementation of the treaties or other international commitments concluded by Japan.

i–AA.12. Article 12—Penal Provisions (1)

(1) A Captain, etc. who has violated an order issued pursuant to the provisions of Article 8 shall be punished by imprisonment with work of one year or less or fined JPY 500,000 or less.

i–AA.13. Article 13—Penal Provisions (2)

(1) A person who has refused, obstructed, or avoided an entry or inspection pursuant to the provision of Article 6, ¶(1) or who has failed to answer or given a false answer to any question pursuant to the same Article shall be punished by imprisonment with work of six months or less or fined JPY 300,000 or less

i–BB. Subversive Activities Prevention Act (Act No. 240 of 1952, as amended)

The full title may also be translated as:

- Prevention of Destructive Action Law

Unless otherwise noted, all block quotations[4246] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4247]

> This translation was published on 16 March 2022 and reflects all amendments up to and including Act No. 91 of 1995.
>
> Amendments made after 2022 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–BB.1. Article 1—Purpose of this Act

(1) The purpose of this Act is to prescribe necessary control measures on an organization which has conducted a terroristic subversive activity as an organizational activity, and to supplement penalties for terroristic subversive activities, thereby contributing to ensuring public security.

i–BB.2. Article 2—Interpretation and Application of this Act

(1) Since this Act has a grave bearing upon the fundamental human rights of the citizens, it must be applied only to the minimum extent necessary to ensure public security, and its interpretation must not be expanded under any circumstances.

i–BB.3. Article 3—Criteria for Controlling Organizations

(1) Controls and investigations for controls under this Act must be conducted only to the minimum extent necessary to achieve the purpose prescribed in Article 1, and must not, under any circumstances, be conducted beyond the prescribed

[4246] 1–3.2. Block Quotations, p. 2.
[4247] Appendix Q. References, p. 297.

authority, to unreasonably restrict freedom of thought, freedom of religion, freedom of assembly and association, freedom of expression, academic freedom, the right of workers to organize and act collectively, or any other freedom or right of the citizens which is guaranteed by the Constitution of Japan.

(2) Controls and investigations for controls under this Act must not, under any circumstances, be abused to restrict or interfere with any legitimate activities conducted by labor unions or other organizations.

i–BB.4. Article 4—Definitions

(1) The term "terroristic subversive activity" as used in this Act means any of the following acts:

(i)

(a) committing an act prescribed in Article 77 (Insurrection), Article 78 (Preparations; Plots), Article 79 (Accessoryship to Insurrection), Article 81 (Instigation of Foreign Aggression), Article 82 (Assistance to the Enemy), Article 87 (Attempts) or Article 88 (Preparations; Plots) of the Penal Code (Law No. 45 of 1907, as amended);

(b) inducing an act prescribed in (a) of this item;

(c) inciting an act prescribed in Article 77, 81 or 82 of the Penal Code (Law No. 45 of 1907, as amended) with the intent to cause someone to commit the act;

(d) printing, distributing any document or picture asserting the propriety or necessity of the commitment of an act prescribed in Article 77, 81 or 82 of the Penal Code (Law No. 45 of 1907, as amended) or posting it in public places, with the intent to cause someone to commit the act ; or

(e) communicating any assertion of the propriety or necessity to commit an act prescribed in Article 77, 81 or 82 of the Penal Code (Law No. 45 of 1907, as amended) via wireless communications or cable broadcasting, with the intent to cause someone to commit the act .

(ii) with the intent to promote, support or oppose any political doctrine or policy, performing any of the following acts:

(a) an act prescribed in Article 106 of the Penal Code (Law No. 45 of 1907, as amended) (Disturbance);

(b) an act prescribed in Article 108 (Arson of Inhabited Buildings) or Article 109, ¶(1) (Arson of Uninhabited Buildings) of the Penal Code (Law No. 45 of 1907, as amended);

(c) an act prescribed in the first sentence of Article 117, ¶(1) of the Penal Code (Law No. 45 of 1907, as amended) (Detonation of Explosives);

(d) an act prescribed in Article 125 of the Penal Code (Law No. 45 of 1907, as amended) (Traffic Hazards);

(e) an act prescribed in Article 126, ¶¶(1) or (2) of the Penal Code (Law No. 45 of 1907, as amended) (Overturning Trains);

(f) an act prescribed in Article 199 of the Penal Code (Law No. 45 of 1907, as amended) (Homicide);

(g) an act prescribed in Article 236, ¶(1) of the Penal Code (Law No. 45 of 1907, as amended) (Robbery);

(h) an act prescribed in Article 1 of the Penal Provisions for Explosives Control (Cabinet Ordinance No. 32 of 1884) (Use of Explosives);

(i) an act prescribed in Article 95 of the Penal Code (Law No. 45 of 1907, as amended) (Obstructing or Compelling Performance of a Public Duty) and committed collectively by carrying any weapon or poisonous or deleterious substance, against any person engaged in prosecutorial or police duties, or assisting such official, or any person who guards or escorts a person detained or confined in accordance with laws and regulations, or any person engaged in an investigation pursuant to the provisions of this Act; or

(j) preparing for, plotting or inducing any of the acts prescribed in (a) through (i) of this item, or inciting any of the acts prescribed in (a) through (i) of this item with the intent to cause someone to commit the act.

(2) The term "incitement" as used in this Act means stimulating a person, with the intent to cause someone to commit a specific act, by means of any document, picture, speech or action, to make the decision to commit the act or to strengthen such decision that has already been made.

(3) The term "organization" as used in this Act means a continuous association of persons, or a federation of such associations, organized to achieve any particular common purpose. Any branch, chapter or subsidiary body of an organization may be subject to control under this Act if it meets this requirement.

i–CC. Land Use Regulation Law (Act No. 81 of 2021)

The full title of this law is:

- Act on the Review and Regulation of the Use of Real Estate Surrounding Important Facilities and on Remote Territorial Islands

Unless otherwise noted, all block quotations[4248] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4249]

> This translation was published on 29 June 2021 and has not been amended.
>
> Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–CC.1. Article 1—Purpose

(1) The purpose of this Act is to prevent real estate in areas surrounding important facilities and on remote territorial islands from being used for acts that impede the functions of those facilities and islands, to formulate a basic policy, designate monitored areas and special monitored areas, review the use of real estate in monitored areas, establish regulations for the use of the real estate, and measures for giving notification of contracts relating to real estate in special monitored areas, in order to support the lives of the public and contribute to protecting the territorial waters and national security of Japan.

i–CC.2. Article 2—Definitions

(1) The term "real estate" as used in this Act means land or buildings.

(2) The term "important facilities" as used in this Act means the following facilities:

(i) facilities of the Japan Self Defense Forces, and Facilities and Areas[4250] under Article 2, ¶(1) of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan (referred to as "defense facilities" in ¶(4), item (i));

(ii) facilities of the Japan Coast Guard;

(iii) facilities used to support the lives of the public, which could cause serious damage to the lives, physical well-being, or property of the public if acts that impede their functions were carried out, as designated by Cabinet Order[4251] (referred to as "facilities supporting the public" in ¶(4), item (iii) and in Article 14, ¶(2), item (i)).

(3) The term "remote territorial islands" as used in this Act means:

(i) islands which have a Baseline[4252] used for determining the boundary limits of the sea areas under Article 1, ¶(1) of the Act on Territorial Waters and Contiguous Water Area (Act No.30 of 1977) (meaning the Baseline as prescribed in Article 2, ¶(1) of the same Act, and including the base points between which the straight Baseline as prescribed in that paragraph is drawn);

(ii) beyond what is provided for in the preceding item, the islands within populated remote territorial island areas prescribed in Article 2, ¶(1) of the Act on Special Measures for the Conservation of Populated Remote Territorial Island Areas and Local Communities of Specified Populated Remote Territorial Island Areas (Act No.33 of 2016) (referred to as "islands within remote populated territorial island areas" in ¶(5)(ii)).

(4) The term "functions of facilities" as used in this Act means:

[4248] 1–3.2. Block Quotations, p. 2.
[4249] Appendix Q. References, p. 297.
[4250] 2–1.4.1.1. Definition of "Facilities and Areas", p. 30.
[4251] C–2.1.4.2. Cabinet Order, p. 225.
[4252] A–4.3. Baseline, p. 195.

(i) the functions of defense facilities for national defense;

(ii) the functions of the facilities of the Japan Coast Guard for protecting territorial waters, the exclusive economic zone under Article 1, ¶(1) of the EEZ and CS Law (Act No. 74 of 1996), and the Continental Shelf under Article 2 of that Act (referred to as "Territorial Waters" in item (ii) of the following paragraph);

(iii) the functions of facilities supporting the public which are fundamental to their lives.

(5) The term "functions of remote islands" as used in this Act means:

(i) the functions of remote islands listed in ¶(3)(i) which are used for determining the sea areas under Article 1, ¶(1) of the TTS Law (Act No. 30 of 1977, as amended), or under Article 1, ¶(2) or Article 2, item (i) of the EEZ and CS Law (Act No. 74 of 1996);

(ii) the functions of islands within remote populated territorial island areas which are used for activities serving to preserve the territorial waters.

(6) When enacting, amending or repealing the Cabinet Order set forth in ¶(2)(iii), the Prime Minister must hear the opinions of the Council on the Use of Real Estate in advance.

i–CC.3. Article 3—Items for Consideration in the Implementation of the Measures Provided for in this Act

(1) The Prime Minister must ensure that measures taken under this Act are limited to the bare minimum necessary to prevent use of real estate in monitored areas that impedes the functions of important facilities and remote territorial islands, while giving due consideration to the protection of personal information.

i–CC.4. Article 4—Basic Policy

(1) The Government must formulate a basic policy (hereafter in this Article referred to as the "Basic Policy") to prevent the use of real estate that impedes the functions of important facilities and remote territorial islands.

(2) The Basic Policy is to establish the following:

(i) basic direction on preventing use of real estate that impedes the functions of important facilities and remote territorial islands;

(ii) basic matters concerning designation of monitored areas and special monitored areas (including economic and social matters to be taken into consideration);

(iii) basic matters on reviewing the use of real estate in monitored areas;

(iv) basic matters on recommendations and orders to users of real estate (meaning owners or those with titles other than ownership who use or make profit from real estate; the same applies hereinafter) in monitored areas (including those on details of acts that impede the functions of important facilities and remote territorial islands in relation to those recommendations and orders);

(v) beyond what is provided for in the preceding items, necessary matters to prevent the use of real estate that impedes the functions of important facilities and remote territorial islands.

(3) The Prime Minister must formulate a draft of the Basic Policy and seek Cabinet approval of the Policy.

(4) If the Cabinet approval as prescribed in the preceding paragraph is given, the Prime Minister must make the Basic Policy public without delay.

(5) The provisions of preceding two paragraphs apply mutatis mutandis[4253] to any changes to the Basic Policy.

[4253] Making necessary changes to account for differing situations, but the basic point remains the same.

i–CC.5. Article 5—Designation of Monitored Areas

(1) The Prime Minister may designate as monitored areas those within a range of approximately 1,000 meters from important facilities or within remote territorial islands, if it is particularly necessary to prevent the use of real estate in those monitored areas that impedes the functions of the important facilities and remote territorial islands.

(2) When designating monitored areas, the Prime Minister must consult with the heads of relevant administrative organs and hear the opinion of the Council on the Use of Real Estate in advance.

(3) When designating monitored areas, the Prime Minister must make this fact and the relevant areas public in the Official Gazette.

(4) The designation of monitored areas comes into effect through publication under the preceding paragraph.

(5) After publicizing pursuant to the provisions of ¶(3), the Prime Minister must promptly notify the heads of the relevant local government of the designated areas and other particulars provided for by Cabinet Office Order.

(6) The provisions of ¶(2) to the preceding paragraph apply mutatis mutandis[4254] to deletion and changes to the designation of monitored areas. In cases in which this applies to the deletion of monitored areas, the phrase "this fact and the relevant areas" in ¶(3) and the phrase "the designated areas and other particulars provided for by Cabinet Office Order" in the preceding paragraph are deemed to be replaced with "that fact".

i–CC.6. Article 6—Review of the Use of Real Estate

(1) The Prime Minister is to conduct a review of the use of real estate in monitored areas (referred to as a "review of the use of real estate" in ¶(1) of the following Article and in Article 8).

i–CC.7. Article 7—Provision of Information on Users of Real Estate

(1) When necessary for reviews of the use of real estate, the Prime Minister may ask the heads of relevant administrative organs and local governments, and other executive agencies of relevant local governments to provide information on the names, addresses, and other matters provided for by Cabinet Order[4255] of users and related parties of the relevant real estate in monitored areas subject to those reviews.

(2) The heads of relevant administrative organs and local governments, and other executive agencies of relevant local governments are to provide the information prescribed in the preceding paragraph if required pursuant to the provisions of that paragraph.

i–CC.8. Article 8—Collection of Reports and Documentation

(1) The Prime Minister may request users or related parties of real estate in monitored areas to provide reports or written materials on its use if the Prime Minister finds it necessary for reviews of the use of real estate, even after requesting the information under ¶(1) of the preceding Article.

i–CC.9. Article 9—Recommendations and Orders to Users of Real Estate in Monitored Areas

(1) If the Prime Minister finds that a user of real estate in a monitored area uses it in a way which impedes the functions of important facilities or remote territorial islands or that there is a clear risk that the user will do so, they may recommend, after consulting with the Council on the Use of Real Estate, that the user takes necessary measures to prevent the real estate being used in a way that interferes with their functions.

(2) If a person who received a recommendation under the preceding paragraph does not take the recommended action without any justifiable ground for not doing so, the Prime Minister may order that person to take that action.

i–CC.10. Article 10—Compensation for Losses

(1) If a person who received a recommendation under ¶(1) of the preceding Article or order under ¶(2) of that Article (hereinafter referred to as a "recommendation" in this paragraph and ¶(1) of the following Article) suffers a loss or inflicts a loss on others as a result of taking measures under that recommendation, the Prime Minister compensates the

[4254] Making necessary changes to account for differing situations, but the basic point remains the same.

[4255] C–2.1.4.2. Cabinet Order, p. 225.

persons who suffered a loss for the amount of loss that would normally occur; provided, however, that, if any other law exists (including orders based on laws and ordinances) that stipulates that permission from or a disposition by an administrative agency should be obtained to conduct an act under that recommendation (excluding those that stipulate that losses should be compensated to persons who suffered a loss due to the inability to obtain that permission or other disposition), this does not apply to measures under that recommendation in cases in which the application for the permission or other disposition is rejected or falls under a case in which it should be rejected.

(2) The Prime Minister and any person who suffered a loss must hold a consultation with each other on the compensation under the preceding paragraph.

(3) If the consultation under the preceding paragraph is unsuccessful, the Prime Minister or the person who suffered the loss may apply to the Expropriation Committee for a determination under Article 94, ¶(2) of the Land Expropriation Act (Act No. 219 of 1951) pursuant to the provisions of Cabinet Order.[4256]

i–CC.11. Article 11—Purchase of Real Estate Rights

(1) The Prime Minister is to purchase real estate in monitored areas if the owner offers the purchase of its real estate right (meaning the right of ownership of land or buildings (including superficies or leasehold rights of land for the purpose of owning that building); the same applies hereinafter in this Article), due to the fact that measures under the abovementioned recommendation will cause significant hindrance to the use of that real estate, unless it is to be purchased under ¶(3) or there are special circumstances preventing this.

(2) If the Prime Minister has received an offer set forth in the preceding paragraph and a national administrative agency wishes to purchase those rights, the Prime Minister may determine the head of that agency as the counterparty to purchase those rights.

(3) In a case under the preceding paragraph, the head of the agency designated as the counterparty for the purchase of the rights is to purchase those rights.

(4) The price of the purchase under ¶(1) or the preceding paragraph is to be the market price.

i–CC.12. Article 12—Designation of Special Monitored Areas

(1) The Prime Minister may designate monitored areas as special monitored areas if important facilities in those areas are specified important facilities (facilities whose functions are of particular importance or are vulnerable, and cannot be easily substituted; the same applies in ¶(1) of the following Article) or if remote territorial islands in those areas are specified remote territorial islands (islands whose functions are of particular importance or are vulnerable, and cannot be easily substituted; the same applies in ¶(1) of the following Article).

(2) When designating special monitored areas, the Prime Minister must consult with the heads of relevant administrative organs and hear the opinion of the Council on the Use of Real Estate in advance.

(3) When designating special monitored areas, the Prime Minister must make this fact and the designated areas public in the Official Gazette.

(4) Designation of special monitored areas becomes effective through the publication under the preceding paragraph.

(5) After publicizing pursuant to ¶(3), the Prime Minister must promptly notify the heads of the relevant local governments of the designated monitored areas and other particulars provided for by Cabinet Office Order.

(6) If there is any change to the coverage of monitored areas based on which special monitored areas have been designated, the designation of those special monitored areas is deemed to have changed to cover the monitored areas after the change. In this case, the Prime Minister must make this public in the Official Gazette.

(7) The provisions of ¶¶(2) through (5) apply mutatis mutandis[4257] *to the deletion of special monitored areas. In this case, the phrase "this fact and the designated areas" in ¶(3), and the phrase "the designated monitored areas and other particulars provided for by Cabinet Office Ordinance" in ¶(5) are deemed to be replaced with "that fact".*

[4256] C–2.1.4.2. Cabinet Order, p. 225.

[4257] Making necessary changes to account for differing situations, but the basic point remains the same.

(8) If monitored areas were also designated as special monitored areas, and the designation of those monitored areas has been discontinued, the designation of those special monitored areas is deemed to be discontinued. In this case, the provisions of the second sentence of ¶(6) apply mutatis mutandis.

i–CC.13. Article 13—Notification of Changes to Real Estate Ownership Rights in Special Monitored Areas

(1) Before concluding a contract of the transfer or establishment of an ownership right on the real estate in special monitored areas (excluding real estate having an area which is smaller than prescribed by Cabinet Order[4258] as not less than 200 square meters; the same applies in this paragraph and ¶(3) (or in cases of buildings, those having a floor area which is smaller than that; the same applies in item (ii))) or any other right for the purpose of owning that real estate (hereinafter referred to as a "real estate ownership right"), the parties must notify the Prime Minister in advance of the following particulars pursuant to the provisions of Cabinet Office Order (the contract mentioned above includes plans to form the contract, and excludes contracts in which the national government, a local government, or another person as provided for by Cabinet Order is a party to whom the real estate ownership right is transferred or under whose title it is established, and also excludes contracts as provided for by Cabinet Order as having little risk of leading to use of the relevant real estate that impedes the functions of important facilities and remote territorial islands after the real estate ownership right has been transferred or established; hereafter in this Article and in Article 26, ¶(1) referred to as a "real estate transaction contract"):

(i) the names and addresses of the parties, and in the case of corporations, the names of their representatives;

(ii) the location and area subject to the real estate transaction contract;

(iii) type and details of the real estate ownership right pertaining to the real estate transaction contract;

(iv) the purpose of use of the real estate after the transfer or establishment of the real estate ownership right due to the real estate transaction contract;

(v) beyond what is set forth in the preceding items, the particulars defined by Cabinet Office Order.

(2) The provisions of the preceding paragraph do not apply to real estate transaction contracts concluded through conciliation under the Civil Conciliation Act (Act No. 222 of 1951) or due to other causes provided for by Cabinet Order.

(3) If a real estate transaction contract is concluded on the real estate in special monitored areas due to the causes under the preceding paragraph, the parties to that real estate transaction contract must file a notification providing the information listed in each item of ¶(1) to the Prime Minister within two weeks from the date of the contract pursuant to the provisions of Cabinet Office Order.

(4) Upon receiving notification under ¶(1) or the preceding paragraph, the Prime Minister is to conduct a review of the matters listed in each item of ¶(1).

(5) The provisions of Articles 7 and 8 apply mutatis mutandis[4259] to the review under the preceding paragraph.

i–CC.14. Article 14—Establishment of the Council on the Use of Real Estate

(1) The Council on the Use of Real Estate (hereinafter referred to as "the Council") is to be established in the Cabinet Office.

(2) The Council is responsible for the following administrative affairs:

(i) with regard to facilities supporting the public, handling the matters prescribed in Article 2, ¶(6);

(ii) with regard to the designation of monitored areas, handling the matters prescribed in Article 5, ¶(2) (including as applied mutatis mutandis[4260] pursuant to ¶(6) of that Article);

(iii) with regard to recommendations to users of real estate in monitored areas, handling the matters prescribed in Article 9, ¶(1);

(iv) with regard to the designation of special monitored areas, handling the matters provided for in Article 12, ¶(2) (including as applied mutatis mutandis to ¶(7) of that Article);

[4258] C–2.1.4.2. Cabinet Order, p. 225.

[4259] Making necessary changes to account for differing situations, but the basic point remains the same.

[4260] Making necessary changes to account for differing situations, but the basic point remains the same.

(v) beyond what is provided for in each of the preceding items, when necessary, giving opinions to the Prime Minister after deliberating on important matters for the prevention of use of real estate that impedes the functions of important facilities and remote territorial islands.

i–CC.15. Article 15—Organization

(1) The Council is to consist of ten members or less.

(2) Expert advisors may be assigned to the Council if it is necessary for research on specialized matters.

i–CC.16. Article 16—Appointment of Council Members

(1) Members of the Council are appointed by the Prime Minister from among those who have outstanding insight into law, international affairs, domestic and foreign social and economic circumstances, and trends in the management and use of real estate.

(2) Expert advisors are appointed by the Prime Minister from among those who have outstanding insight into the specialized matters referred to in ¶(2) of the preceding Article.

i–CC.17. Article 17—Term of Appointment of Council Members

(1) The term of office for council members is two years; provided, however, that the term of office for replacement committee members is for the remaining term of the replaced member.

(2) Council members may be re-appointed.

(3) Expert advisors are to be dismissed upon conclusion of the relevant research on specialized matters referred to in Article 15, ¶(2) which they have been assigned to conduct.

(4) Council members and expert advisors are employed on a part-time basis.

i–CC.18. Article 18—Chairperson

(1) The Council appoints a chairperson, who is elected by council members.

(2) The chairperson is in charge of the affairs of the Council and represents the Council.

(3) If the chairperson is unable to perform their duties, a pre-nominated council member performs chairperson's duties in their place.

i–CC.19. Article 19—Purpose

(1) If the Council finds it necessary to do so in order to conduct administrative affairs under its jurisdiction, it may request the heads of relevant administrative organs to provide relevant written materials, opinions, and explanations, and cooperate in other necessary ways.

i–CC.20. Article 20—Delegation to Cabinet Order

(1) Beyond what is provided for in this Act, necessary matters involving the Council are provided for by Cabinet Order.[4261]

i–CC.21. Article 21—Requests for Implementation of Measures Based on the Provisions of Other Laws

(1) If finding it necessary for the prevention of the use of real estate in monitored areas that impedes their functions of important facilities and remote territorial islands, the Prime Minister may provide the heads of relevant administrative organs with information that helps prevent impairing the functions of those facilities and islands.

(2) If there are measures provided for in the provisions of other laws that can be implemented to prevent the use of real estate in monitored areas that impedes the functions of important facilities and remote territorial islands, and the Prime

[4261] C–2.1.4.2. Cabinet Order, p. 225.

Minister finds it necessary to implement those measures promptly for that purpose, they may request the minister with jurisdiction over the relevant administrative affairs for their implementation promptly.

(3) If the Prime Minister makes a request for the prompt implementation of the measures pursuant to the preceding paragraph, they may request the minister in charge to report on the status of the implementation.

i–CC.22. Article 22—Cooperation with Relevant Administrative Organs

(1) If the Prime Minister finds it necessary for the accomplishment of the purpose of this Act, they may request the heads of relevant administrative organs and local governments, and other executive agencies of relevant local governments to provide relevant written materials and opinions, and cooperate in other ways.

i–CC.23. Article 23—Purchase of Real Estate by the Government

(1) If the Government finds it necessary to appropriately manage real estate in monitored areas in order to prevent use of that real estate that impedes the functions of important facilities and remote territorial islands, the Government is to endeavor to purchase the real estate ownership right, superficies or other rights for the purpose of use and revenue, or take other necessary measures.

i–CC.24. Article 24—Delegation to Cabinet Office Order

(1) Beyond what is provided for in this Act, necessary matters for the implementation of this Act are established by Cabinet Office Order.

i–CC.25. Article 25—Penal Provisions (1)

(1) A person who violates an order under Article 9, ¶(2) is subject to imprisonment for not more than two years or a fine not exceeding 2,000,000 yen, or both.

i–CC.26. Article 26—Penal Provisions (2)

(1) A person who falls under any of the following items is subject to imprisonment for not more than six months or a fine not exceeding 1,000,000 yen:

(i) a person who has concluded a real estate transaction contract without filing a notification, in violation of the provisions of Article 13, ¶(3);

(ii) a person who has failed to file a notification, in violation of the provisions of Article 13, ¶(3);

(iii) a person who has filed a false notification in place of the notification under Article 13, ¶¶(1) or (3).

i–CC.27. Article 27—Penal Provisions (3)

(1) A person who has failed to provide a report or written materials under Article 8 (including as applied mutatis mutandis[4262] to Article 13, ¶(5); the same hereafter in this Article) or has submitted a false report or material in place of that under Article 8, is subject to a fine not exceeding 300,000 yen.

i–CC.28. Article 28—Penal Provisions (4)

(1) If a representative of a corporation, or an agent, employee or other worker of a corporation or individual, commits a violation under any of the three preceding Articles, the violator is subject to punishment, and the relevant corporation and individual is also subject to the fine prescribed in each of those Articles.

i–DD. Cabinet Act (Act No. 5 of 1947, as amended)

Unless otherwise noted, all block quotations[4263] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4264] The Japanese has been machine translated.[4265]

[4262] Making necessary changes to account for differing situations, but the basic point remains the same.

[4263] 1–3.2. Block Quotations, p. 2.
[4264] Appendix Q. References, p. 297.
[4265] 1–5.2.2. Machine Translations, p. 7.

The source text was published on 1 April 2024 and reflects all amendments up to and including Act No. 14 of 2023.

Amendments made after 2023 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–DD.1. Article 1

(1) The Cabinet shall, in accordance with the principle of popular sovereignty, exercise the powers provided for in Article 73 of the Constitution of Japan and other powers provided for in the Constitution of Japan.

(2) In the exercise of executive power, the Cabinet shall be collectively responsible to the Diet, whose members represent all the people.

i–DD.2. Article 3

(1) Each minister, as the competent minister, shall share in the management of administrative affairs as provided for by a separate law.

(2) The provisions of the preceding paragraph shall not preclude the existence of ministers who do not share in the management of administrative affairs.

i–DD.3. Article 11

(1) Without delegation by law, Cabinet Orders[4266] may not contain provisions which impose obligations or restrict rights.

i–EE. MoD Establishment Act (Act No. 165 of 1954)

The full title may also be translated as:

- Act for Establishment of the Ministry of Defense

Unless otherwise noted, all block quotations[4267] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4268]

This translation was published on 16 March 2022 and reflects all amendments up to and including Act No. 91 of 1995.

Amendments made after 2022 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–EE.1. Article 4—Duties of Jurisdiction

Article 4 authorizes the MoD to conduct the enumerated activities.

(1) The Ministry of Defense shall be responsible for the following duties.

(i) Matters relating to defense and security.

(ii) Matters relating to the actions of the Self-Defense Forces (meaning the Self-Defense Forces as defined in Article 2, ¶(1) of the SDF Act (Law No. 165 of 1954, as amended); the same applies below).

(iii) Matters relating to the organization, manpower, composition, equipment and deployment of the Ground Self-Defense Force, the Maritime Self-Defense Force and the Air Self-Defense Force.

(iv) Matters relating to the collection and organization of information necessary for the duties listed in the previous three items.

(v) Matters relating to personnel affairs.

[4266] C–2.1.4.2. Cabinet Order, p. 225.
[4267] 1–3.2. Block Quotations, p. 2.
[4268] Appendix Q. References, p. 297.

(vi) Matters relating to the replacement of personnel.

(vii) Matters relating to ceremonies and uniform regulations.

(viii) Matters relating to early retirement benefits pursuant to the Act on Remuneration, etc. of Ministry of Defense Personnel (Law No. 266 of 1952).

(ix) Matters relating to education and training necessary for the performance of the duties of the Ministry of Defense.

(x) Matters relating to the health and hygiene of personnel.

(xi) Matters relating to the budget and settlement of expenses and income, as well as accounts and audits of accounts.

(xii) Matters relating to the acquisition and management of facilities related to the duties of the Ministry of Defense.

(xiii) Matters relating to the procurement, supply and management of equipment, vessels, aircraft, food and other supplies (hereinafter referred to as "equipment, etc.") related to the affairs under its jurisdiction, as well as the procurement of services.

(xiv) Matters relating to research and development of equipment, etc.

(xv) Matters relating to the implementation of technical surveys and studies, designs, prototypes and tests based on commission related to the research and development referred to in the previous item.

(xvi) Matters relating to restrictions and prohibitions on fishing vessel operations pursuant to the provisions of Article 105,[4269] *¶(1) of the SDF Act (Law No. 165 of 1954, as amended), and compensation for losses associated therewith.*

(xvii) Disseminating and publicizing knowledge related to defense.

(xviii) Conducting surveys and research necessary for the execution of the affairs under its jurisdiction.

(xix) Matters relating to the determination, acquisition and provision of Facilities and Areas[4270] *to be made available for use by foreign armed forces in Japan (hereinafter referred to as "Parliamentary Forces") pursuant to treaties, as well as changes to the conditions of use and return of Facilities and Areas provided to the Parliamentary Forces.*

(xx) Matters relating to the clarification of the location boundaries of each parcel of land related to the U.S. military bases, etc., as provided for in Article 2, ¶(3) of the Special Measures Law Concerning Clarification of the Location Boundaries of Each Plot in Areas of Unknown Boundaries Within Okinawa Prefecture (Law No. 40 of 1977), and measures related thereto.

(xxi) Matters relating to measures pursuant to Articles 3 to 9 of the Law Concerning the Improvement of Living Environments Surrounding Defense Facilities (Law No. 101 of 1974).

(xxii) Matters relating to the procurement of goods and services (excluding construction and labor) for the U.S. military bases, and the management, return, and disposal of goods returned by the U.S. military bases.

(xxiii) Matters relating to the provision of yen funds for the implementation of the Mutual Defense Assistance Agreement, and the procurement, provision, and management of real estate, equipment, supplies, and services (excluding labor).

(xxiv) Matters relating to the settlement of disputes arising from contracts for the procurement of goods and services by or for the U.S. Government officials who perform in Japan the responsibilities of the U.S. Government stipulated in the U.S. Stationery and Mutual Defense Assistance Agreement (referred to as the "U.S. Stationery, etc." in the next paragraph).

(xxv) Matters relating to the hiring, employment, dismissal, labor management, salary, and welfare of persons who work for the U.S. Stationery, etc. and various organizations (referring to the various organizations stipulated in Article 15, ¶(1)(a) of the Agreement under Article 6 of the Treaty of Mutual Cooperation and Security between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan (hereinafter referred to as the "U.S. Stationery Agreement" in this paragraph)).

[4269] i–C.67. Article 105—Restriction or Prohibitions on Fishing Vessels Operating for Training, p. 336.

[4270] 2–1.4.1.1. Definition of “Facilities and Areas”, p. 30.

(xxvi) Matters relating to the accounting of the special procurement fund (referring to the special procurement fund stipulated in Article 1 of the Special Procurement Fund Establishment Order (Cabinet Order No. 205 of 1951)).

(xxvii) Matters concerning the restriction and prohibition of fishing boat operations as well as compensation for losses associated therewith under the provisions of Article 1 of the Law Concerning Restrictions on Fishing Boat Operations Associated with the Use of Water Surfaces by the United States Armed Forces in Japan Based on the Treaty of Mutual Cooperation and Security between Japan and the United States of America (Law No. 243 of 1952).

(xxviii) Matters concerning compensation for losses as prescribed by Article 13, ¶(1) of the Law Concerning the Improvement of Living Environments Surrounding Defense Facilities and Article 1, ¶(1) of the Law Concerning Compensation for Special Losses Caused by the Actions of the United States Armed Forces, etc. Stationed in Japan (Law No. 246 of 1953).

(xxix) Matters concerning compensation for losses as prescribed by Article 14,[4271] ¶(1) of the U.S. Military Action Support Act (Law No. 113 of 2004, as amended).

(xxx) Matters concerning the processing of claims under the provisions of Article 18 of the United States Armed Forces Agreement and Article 18 of the Agreement Concerning the Status of United Nations Forces in Japan [UN SOFA].

(xxxi) Matters relating to mediation and other necessary assistance in claims for compensation for damages not covered by other provisions of Article 18, ¶(5)(g) of the United States Armed Forces Agreement.

(xxxii) Matters relating to the processing of claims pursuant to Article 12 or Article 13 of the Act on the Implementation of the Agreement between Japan and Australia Concerning Facilitating Mutual Access and Cooperation between the Self-Defense Forces of Japan and the Australian Defence Forces (Act No. 26 of 2023) and assistance in claims for compensation for special maritime damages pursuant to Chapter 5 of the same Act, and matters relating to the processing of claims pursuant to Article 12 or Article 13 of the Act on the Implementation of the Agreement between Japan and the United Kingdom of Great Britain and Northern Ireland Concerning Facilitating Mutual Access and Cooperation between the Self-Defense Forces of Japan and the Armed Forces of the United Kingdom of Great Britain and Northern Ireland (Act No. 27 of 2023) and assistance in claims for compensation for special maritime damages pursuant to Chapter 5 of the same Act.

(xxxiii) Matters relating to international cooperation related to the affairs under its jurisdiction.

(xxxiv) To conduct education and training and research at the National Defense Academy of Japan, the National Defense Medical College, and other educational and training facilities as specified by Cabinet Order.[4272]

(xxxv) In addition to the matters listed in the preceding items, affairs assigned to the Ministry of Defense pursuant to law (including orders based on law).

(2) In addition to the matters specified in the preceding paragraph, in order to accomplish the mission of Article 3, ¶(3), the Ministry of Defense shall be responsible for the planning, drafting, and overall coordination of specific important Cabinet policies related to the mission of Article 3, ¶¶(1) and (2), necessary to unify the policies of each administrative department based on the basic guidelines decided by the Cabinet regarding said important policies.

i–FF. Explosives Control Act (Act No. 149 of 1950)

Unless otherwise noted, all block quotations[4273] found within this section are from the GoJ's official (Japanese language) Japanese Law e-Library.[4274] The Japanese has been machine translated.[4275]

> The source text was published on 17 June 2022 and reflects all amendments up to and including Act No. 68 of 2020.
>
> Amendments made after 2020 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

[4271] i–F.14. Article 14—Compensation for Loss, p. 353.
[4272] C–2.1.4.2. Cabinet Order, p. 225.
[4273] 1–3.2. Block Quotations, p. 2.
[4274] Appendix Q. References, p. 297.
[4275] 1–5.2.2. Machine Translations, p. 7.

i–FF.1. Article 1—Purpose

(1) The law aims to prevent explosives disasters and ensure public safety by regulating the manufacture, sale, storage, transportation, consumption and other handling of gunpowder.

i–FF.2. Article 2—Definitions

(1) In this Act, "explosives" refers to the following gunpowder, explosives, and pyrotechnics.

(i) Gunpowder

(a) Black powder and other explosives mainly composed of nitrates

(b) Smokeless powder and other explosives mainly composed of nitrate esters

(c) Other explosives used for propulsive explosions equivalent to those listed in a. or b. and specified by the Ministry of Economy, Trade and Industry Ordinance

(ii) Explosives

(a) Thunderbolt, lead azide, and other detonators

(b) Ammonium nitrate explosives, potassium chlorate explosives, potassium carbonate, and other explosives mainly composed of nitrates, chlorates, or perchlorates

(c) Nitroglycerin, nitroglycerin, and other nitrate esters used for explosive purposes

(d) Dynamite and other explosives mainly composed of nitrate esters

(e) Trinitrobenzene, trinitrotoluene, picric acid, trinitrochlorobenzene, tetryl, trinitroanisole, hexanitrodiphenyl ether, and other explosives used for explosive purposes nylamine, trimethylenetrinitramine, other nitro compounds containing three or more nitro groups, and explosives mainly composed of these.

(f) Liquid oxygen explosives and other liquid explosives.

(g) Other explosives used for destructive explosions equivalent to those listed in a to f and specified by the Ordinance of the Ministry of Economy, Trade and Industry.

(iii) Pyrotechnics

(a) Industrial detonators, electric detonators, gun detonators and signal detonators.

(b) Live cartridges and blank cartridges.

(c) Fuzes and fire tubes.

(d) Detonating cords, fuses and electric fuses.

(e) Signal flares and signal flares.

(f) Fireworks and other pyrotechnics using gunpowder or explosives listed in the preceding two items (excluding those specified by the Ordinance of the Ministry of Economy, Trade and Industry).

(2) In this Act, "toy fireworks" refers to fireworks used as toys and other similar fireworks specified by the Ordinance of the Ministry of Economy, Trade and Industry.

i–GG. Fire Service Act (Act No. 186 of 1948)

Unless otherwise noted, all block quotations[4276] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4277]

> This translation was published on 30 June 2021 and reflects all amendments up to and including Act No. 41 of 2008.

[4276] 1–3.2. Block Quotations, p. 2.

[4277] Appendix Q. References, p. 297.

Amendments made after 2021 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–GG.1. Article 1—Purpose

(1) The purpose of this Act is to prevent, guard against, and suppress fires in order to protect the lives, bodies and property of citizens from fires, and to reduce the damage arising from fires or disasters such as earthquakes, thereby maintaining peace and order and contributing to the promotion of social and public welfare.

i–GG.2. Article 2—Definitions

(1) In this Act, the meanings of the terms listed in the following paragraphs are as prescribed respectively in those paragraphs.

(2) The term "property under fire prevention measures" means a forest, or a vessel or vehicle, a ship moored at a dock or a pier, a building or other structure or property belonging thereto.

(3) The term "property under fire defense measures" means a forest, or a vessel and vehicle, a ship moored at a dock or a pier, a building or other structure or any other object.

(4) The term "person concerned" means the owner, manager or possessor of a property under fire prevention measures or a property under fire defense measures.

(5) The term "place concerned" means the place where a property under fire prevention measures or a property under fire defense measures is located.

(6) The term "vessel and vehicle" means a ship, cutter, lighter, tugboat or other vessel to which the provisions of Article 2, ¶(1) of the Ship Safety Act (Act No. 11 of 1933) do not apply, and a vehicle.

(7) The term "hazardous materials" means the materials listed in the Names of Items column of Appended Table 1,[4278] *which have the properties listed in the Nature column of that table according to the Categories specified in that table.*

(8) The term "firefighting team" means a unit of firefighters or fire corps volunteers equipped with firefighting equipment or a prefectural aviation firefighting team under the provisions of Article 30, ¶(30) of the Fire Defense Organization Act (Act No. 226 of 1947).

(9) The term "ambulance services" means the services for transporting a person who has suffered an injury or contracted a disease as a result of an accident that occurred due to a disaster or an accident that occurred in the open air or at a place with public access (hereinafter referred to as an "accident due to a disaster, etc." in this paragraph) or as a result of an accident equivalent to an accident due to a disaster, etc. or another cause specified by Cabinet Order[4279] *that occurred in cases specified by Cabinet Order, and who needs to be transported urgently to a medical institution or any other place, by means of an ambulance team, to a medical institution (meaning a medical institution specified by Order of the Ministry of Health, Labor and Welfare) or any other place (including the services for providing a person who has suffered an injury or contracted a disease with first-aid treatment, as an urgent and unavoidable measure, until that person is placed under the care of a doctor).*

i–GG.3. Article 10—Handling and Storage of Hazardous Materials

(1) Hazardous materials of the designated quantity or a larger quantity must not be stored at facilities other than a storage facility (including a storage facility for storing or handling hazardous materials by means of a tank mounted on a vehicle (hereinafter referred to as a "mobile tank storage facility"); the same applies hereinafter), nor must they be handled at facilities other than a manufacturing facility, storage facility and handling facility; provided, however, that this does not apply where the designated quantity or a larger quantity of hazardous materials are stored or handled temporarily for not more than ten days with the approval of the competent fire chief or fire station chief.

(2) When storing or handling, at the same facility, two or more types of hazardous materials which are categorized by different material names as listed in Appended Table 1[4280] *(simply referred to as "names of materials" in Article 11-4, ¶(1)) or for which different quantities are designated, if the sum of the quotients obtained by dividing the quantities of these types of hazardous materials stored or handled at that facility by the designated quantities for respective types of*

[4278] i–GG.4. Appended Table 1, p. 415.
[4279] C–2.1.4.2. Cabinet Order, p. 225.
[4280] i–GG.4. Appended Table 1, p. 415.

hazardous materials equals or exceeds one, that facility is deemed to be storing or handling the designated quantity or a larger quantity of hazardous materials.

(3) The storage or handling of hazardous materials to be conducted at a manufacturing facility, storage facility or handling facility must be conducted in accordance with the technical standards specified by Cabinet Order.[4281]

(4) The technical standards for the position, structure and equipment of a manufacturing facility, storage facility and handling facility must be specified by Cabinet Order.

i–GG.4. Appended Table 1

Category	*Nature*	*Names of Items*
Category I	*oxidizing solids*	*(i) chlorates* *(ii) perchlorates* *(iii) inorganic peroxides* *(iv) chlorites* *(v) bromates* *(vi) nitrates* *(vii) iodates* *(viii) permanganates* *(ix) dichromates* *(x) other substances specified by a Cabinet Order*[4282] *(xi) substances containing any of those listed in the preceding items*
Category II	*combustible solids*	*(i) phosphorus sulfide* *(ii) red phosphorus* *(iii) sulfur* *(iv) iron powder* *(v) metal powders* *(vi) magnesium* *(vii) other substances specified by a Cabinet Order* *(viii) substances containing any of those listed in the preceding items* *(ix) inflammable solids*
Category III	*spontaneously combustible substances and water-reactive substances*	*(i) potassium* *(ii) sodium* *(iii) alkyl aluminiums* *(iv) alkyl lithiums* *(v) yellow phosphorus* *(vi) alkali metal (excluding potassium and sodium) and alkaline-earth metal* *(vii) organometallic compounds (excluding alkyl aluminiums and alkyl lithiums)* *(viii) metal hydrides* *(ix) metal phosphides* *(x) carbide of calcium or carbide of aluminum* *(xi) other substances specified by a Cabinet Order* *(xii) substances containing any of those listed in the preceding items*
Category IV	*inflammable liquids*	*(i) special inflammable materials* *(ii) class I petroleums*

[4281] C–2.1.4.2. Cabinet Order, p. 225.

[4282] C–2.1.4.2. Cabinet Order, p. 225.

Category	*Nature*	*Names of Items*
		(iii) alcohols *(iv) class II petroleums* *(v) class III petroleums* *(vi) class IV petroleums* *(vii) oil extracted from plants and animals*
Category V	*self-reactive substances*	*(i) organic peroxides* *(ii) nitric esters* *(iii) nitro compounds* *(iv) nitroso compounds* *(v) azo compounds* *(vi) diazo compounds* *(vii) hydrazine derivatives* *(viii) hydroxylamine* *(ix) hydroxylamine salts* *(x) other substances specified by a Cabinet Order* *(xi) substances containing any of those listed in the preceding items*
Category VI	*oxidizing liquids*	*(i) perchloric acid* *(ii) hydrogen peroxide* *(iii) nitric acid* *(iv) other substances specified by a Cabinet Order* *(v) substances containing any of those listed in the preceding items*

i–HH. SDS Act (Act No. 108 of 2013)

The full title may also be translated as:

- Act on the Protection of Specially Designated Secrets

Unless otherwise noted, all block quotations[4283] found within this section are from the GoJ's government-provided unofficial (provisional) Japanese Law Translation.[4284]

> This translation was published on April 2014 and has not been amended.
>
> Amendments made after 2014 may add, combine, move, or otherwise change the content and numbers of the Articles as they appear below.

i–HH.1. Article 1—Purpose

> *(1) In view of the fact that, under the situation where the increasingly complex international situation amplifies the significance of information related to securing the safety of Japan and its citizens and where the development of an advanced information and telecommunications network society gives rise to concern over the risk of unauthorized disclosure of such information, it is important to establish a system for properly protecting information, among information concerning Japan's national security (meaning ensuring that the State and its citizens are secure from outside aggression, etc. that could affect the nation's existence; the same shall apply hereinafter), which is particularly required to be kept secret, and then to collect, coordinate and utilize said information, this Act aims to prevent unauthorized disclosure of such information by providing for the designation of specially designated secrets, restrictions on the persons who handle them, and other necessary matters with regard to the protection of such information, and to thereby contribute to securing the safety of Japan and its citizens.*

[4283] 1–3.2. Block Quotations, p. 2.

[4284] Appendix Q. References, p. 297.

i–HH.2. Article 2—Definitions

(1) The term "Administrative Organ" as used in this Act means the following organs:

(i) organs within the Cabinet (excluding the Cabinet Office) and organs under the jurisdiction of the Cabinet, that were established pursuant to the provisions of law;

(ii) the Cabinet Office, the Imperial Household Agency and organs provided for in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (among these organs, in the case of the National Public Safety Commission, excluding the National Police Agency, and in the case of organs within which organs specified by Cabinet Order[4285] which are referred to in item (iv) are established, excluding such organs specified by Cabinet Order);

(iii) organs provided for in Article 3, ¶(2) of the National Government Organization Act (Act No. 120 of 1948) (in the case of organs within which organs specified by Cabinet Order which are referred to in item (v) are established, excluding such organs specified by Cabinet Order);

(v) organs such as facilities set forth in Article 8-2 of the National Government Organization Act and extraordinary organs set forth in Article 8-3 of the same Act, which are specified by Cabinet Order; and

(vi) the Board of Audit.

i–HH.3. Article 3—Designation of SDS

(1) The Head of an Administrative Organ (if the Administrative Organ is an organ under the collegial system, this means the Administrative Organ itself; and if the Administrative Organ is an organ specified by Cabinet Order[4286] which is referred to in items (iv) and (v) of the preceding Article (excluding an organ under the collegial system), this means the person specified by Cabinet Order for each such organ; hereinafter the same shall apply except in Article 11, item (i)) shall designate, as a specially designated secret, information concerning the matters set forth in the Appended Table in connection with the affairs under the jurisdiction of the Administrative Organ, which is publicly undisclosed and which is particularly required to be kept secret due to the risk of causing severe damage to Japan's national security, if disclosed without authorization (excluding information which falls within the category of a special defense secret provided for in Article 1, ¶(3) of the Act on Protection of Secrets Incidental to the "Mutual Defense Assistance Agreement Between Japan and the United States of America" (Act No. 166 of 1954)); provided, however, that this shall not apply to the Heads of Administrative Organs specified by Cabinet Order after the Prime Minister hears the opinions from the persons provided for in Article 18, ¶(2).

(2) When making a designation under the preceding ¶(hereinafter simply referred to as a "Designation" except in Article 5 of the Supplementary Provisions), the Head of the Administrative Organ shall prepare a record concerning the Designation as provided for by Cabinet Order, and in order to clarify the scope of the specially designated secret subject to said Designation, take any of the measures set forth in the following items with regard to the information that is a specially designated secret:

(i) marking, as a specially designated secret, the document, picture, electromagnetic record (meaning a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses; hereinafter the same shall apply in this item) or object which records the information that is a specially designated secret (in the case of an electromagnetic record, including a record of said marking) or any object which embodies said information, as provided for by Cabinet Order; or

(ii) if it is difficult to take the measure set forth in the preceding item due to the nature of the information that is a specially designated secret, giving notice to the person handling such information of the fact that the provisions of the preceding paragraph apply to such information, as provided for by Cabinet Order.

(3) If, after the Head of an Administrative Organ takes the measure set forth in item (ii) of the preceding paragraph with regard to the information that is a specially designated secret, it becomes possible to take the measure set forth in item (i) of the same paragraph with regard to such information, the Head of the Administrative Organ shall take said measure immediately.

i–HH.4. Article 4—Effective Period and Termination of Designation

(1) When making a Designation, the Head of an Administrative Organ shall specify its effective period not exceeding five years from the date of the Designation.

[4285] C–2.1.4.2. Cabinet Order, p. 225.

[4286] C–2.1.4.2. Cabinet Order, p. 225.

(2) If, at the time the effective period of a Designation (including an effective period as extended pursuant to this paragraph) expires, the information for which said Designation has been made meets the requirements provided for in ¶(1) of the preceding Article, the Head of an Administrative Organ shall extend the effective period for up to five years, as provided for by Cabinet Order.[4287]

(3) The effective period of a Designation may not exceed 30 years in total.

(4) Notwithstanding the provisions of the preceding paragraph, the Head of an Administrative Organ may extend the effective period of a Designation for more than 30 years in total if the Head of the Administrative Organ obtains approval of the Cabinet (excluding the case where the Administrative Organ is the Board of Audit) of the fact that, even when viewed from the perspective of the accountability of the government to the citizens for its various activities, it is unavoidable to keep the information subject to the Designation publicly undisclosed in order to actually ensure the safety of Japan and its citizens, by indicating the reasons therefor; provided, however, that the effective period of the Designation shall not exceed 60 years in total, except with regard to the information concerning the matters set forth in the following items:

(i) weapons, ammunition, aircraft and any other objects used for defense (including vessels; the same shall apply in item (i) of the Appended Table[4288]*);*

(ii) information likely to be detrimental to negotiations actually being conducted with a government of a foreign country (meaning a country or region outside the territory of Japan; the same shall apply hereinafter) or an international organization;

(iii) methods or capabilities of information collecting activities;

(iv) information concerning human intelligence sources;

(v) cryptology;

(vi) information provided by a government of a foreign country or an international organization on the condition that it be subject to a Designation for more than 60 years; and

(vii) material information specified by Cabinet Order, which is equivalent to information concerning the matters set forth in the preceding items.

(5) When seeking approval of the Cabinet referred to in the preceding paragraph, the Head of an Administrative Organ may provide the Cabinet with the specially designated secret subject to the relevant Designation after taking the measures specified by Cabinet Order as being necessary for the protection of said specially designated secret.

(6) Notwithstanding the provisions of Article 8, ¶(1) of the Public Records and Archives Management Act (Act No. 66 of 2009), if the Head of an Administrative Organ fails to obtain approval of the Cabinet referred to in ¶(4), the Head of the Administrative Organ must transfer the administrative document files, etc. (meaning Administrative Document Files, etc. provided for in Article 5, ¶(5) of the same Act) in which the information subject to the Designation has been recorded to the National Archives of Japan, etc. (meaning a National Archives of Japan, etc. provided for in Article 2, ¶(3) of the same Act), upon the expiration of their retention period.

(7) The Head of an Administrative Organ shall terminate a Designation promptly as provided for by Cabinet Order even before the expiration of the effective period if the information for which the Head of the Administrative Organ made the Designation no longer meets the requirements provided for in ¶(1) of the preceding Article.

i–HH.5. Article 5—Protective Measures for SDS

(1) Upon making a Designation, the Head of the Administrative Organ, in addition to the measures provided for in Article 3, ¶(2), shall determine the scope of officials at the Administrative Organ who are assigned to perform the duty of handling the specially designated secret subject to said Designation, among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and take any other measures specified by Cabinet Order[4289] *as being necessary for the protection of said specially designated secret.*

(2) If the Commissioner General of the National Police Agency makes a Designation and the specially designated secret subject to said Designation (excluding one provided pursuant to Article 7, ¶(1)) is held by a Prefectural Police, the Commissioner General of the National Police Agency shall give notice to the Prefectural Police of the fact that said Designation has been made.

[4287] C–2.1.4.2. Cabinet Order, p. 225.
[4288] i–HH.23. Appended Table, p. 426.
[4289] C–2.1.4.2. Cabinet Order, p. 225.

(3) In the case referred to in the preceding paragraph, the Commissioner General of the National Police Agency shall give instructions to the Prefectural Police with regard to the scope of officials who are assigned to the duty of handling the specially designated secret held by the Prefectural Police and other measures specified by Cabinet Order as being necessary for the protection of the specially designated secret by the Prefectural Police. In this case, the Superintendent General or the Chief of the Prefectural Police Headquarters (hereinafter referred to as the "Chief of Police") shall take the necessary measures for the appropriate protection of said specially designated secret and assign its officials to perform the duty of handling the specially designated secret, in accordance with said instructions.

(4) Upon making a Designation, if the Head of an Administrative Organ finds it particularly necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may, based on a contract with a person that is engaged in the business of manufacturing goods or providing services and that has in place necessary facilities and equipment for protecting specially designated secrets and conforms to other criteria specified by Cabinet Order (hereinafter referred to as an "Eligible Contractor"), have said Eligible Contractor hold the specially designated secret subject to said Designation (excluding secrets to be provided pursuant to Article 8, ¶(1)) after giving notice to Said Eligible Contractor of the fact that said Designation has been made.

(5) The contract referred to in the preceding paragraph shall provide for the scope of the representatives, agents, employees and other workers (hereinafter simply referred to as "Workers") whom an Eligible Contractor holding a specially designated secret pursuant to the same paragraph nominates and assigns to perform the duty of handling the specially designated secret, from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and other matters specified by Cabinet Order as being necessary for the protection of the specially designated secret by said Eligible Contractor.

(6) The Eligible Contractor holding a specially designated secret pursuant to ¶(4) shall take the necessary measures for the appropriate protection of the specially designated secret and assign its Workers to perform the duty of handling the specially designated secret, in accordance with the contract referred to in the same paragraph.

i–HH.6. Article 6—Provision of SDS based on Other Public Interest Needs (1)

(1) If the Head of an Administrative Organ holding a specially designated secret finds it necessary for another Administrative Organ to use the specially designated secret in order to execute the affairs concerning Japan's national security which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide said Administrative Organ with the specially designated secret; provided, however, that if the Head of an Administrative Organ other than the Administrative Organ holding the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to this paragraph by the Head of the Administrative Organ holding it), the Head of the Administrative Organ holding the specially designated secret must obtain the consent of the Head of the Administrative Organ making said designation to do so.

(2) The Head of the Administrative Organ who provides another Administrative Organ with a specially designated secret pursuant to the preceding paragraph shall consult with the Head of said Administrative Organ in advance with regard to the scope of officials who are assigned to perform the duty of handling the specially designated secret and other matters specified by Cabinet Order[4290] as being necessary for the protection of the specially designated secret by said Administrative Organ.

(3) The Head of another Administrative Organ that is provided with a specially designated secret pursuant to ¶(1) shall take the necessary measures for the protection of the specially designated secret and assign its officials to perform the duty of handling the specially designated secret in accordance with the consultation under the preceding paragraph.

i–HH.7. Article 7—Provision of SDS based on Other Public Interest Needs (2)

(1) The Commissioner General of the National Police Agency may provide a specially designated secret that the National Police Agency holds to the Prefectural Police if the Commissioner General of the National Police Agency finds it necessary to have the Prefectural Police use the specially designated secret in order to execute the affairs under the jurisdiction of the National Police Agency which pertain to the matters set forth in the Appended Table.

[4290] C–2.1.4.2. Cabinet Order, p. 225.

(2) When a specially designated secret is provided to the Prefectural Police pursuant to the preceding paragraph, Article 5, ¶(3) shall apply mutatis mutandis.[4291]

(3) The Commissioner General of the National Police Agency may request the Chief of Police to provide a specially designated secret which said Prefectural Police holds and which is subject to the notice under Article 5, ¶(2).

i–HH.8. Article 8—Provision of SDS based on Other Public Interest Needs (3)

(1) If the Head of an Administrative Organ holding a specially designated secret finds it particularly necessary to have an Eligible Contractor use the specially designated secret in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide the Eligible Contractor with the specially designated secret based on a contract with the Eligible Contractor; provided, however, that when the Head of an Administrative Organ other than the Administrative Organ that holds the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to Article 6, ¶(1) by the Head of the Administrative Organ holding it), the Head of the Administrative Organ that holds the specially designated secret must obtain the consent of the Head of the Administrative Organ making said Designation to do so.

(2) Article 5, ¶(5) shall apply mutatis mutandis[4292] *to the contract referred to in the preceding paragraph, and ¶(6) of the same Article shall apply mutatis mutandis to an Eligible Contractor that is provided with a specially designated secret pursuant to the preceding paragraph. In this case, the term "the preceding paragraph" in ¶(5) of the same Article shall be deemed to be replaced with "Article 8, ¶(1)" and the term "holding" in that paragraph shall be deemed to be replaced with "that is provided with".*

(3) The Head of an Administrative Organ who has an Eligible Contractor hold a specially designated secret pursuant to Article 5, ¶(4) may request the Eligible Contractor to provide the specially designated secret based on the contract referred to in the same paragraph.

i–HH.9. Article 9—Provision of SDS based on Other Public Interest Needs (4)

(1) If the Head of an Administrative Organ holding a specially designated secret finds it necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide the specially designated secret to a government of a foreign country or an international organization taking measures equivalent to the measures that an Administrative Organ is supposed to take in order to protect said specially designated secret pursuant to this Act; provided, however, that when the Head of an Administrative Organ other than the Administrative Organ holding the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to Article 6, ¶(1) by the Head of the Administrative Organ holding it),the Head of the Administrative Organ holding the specially designated secret must obtain the consent of the Head of the Administrative Organ making said designation to do so.

i–HH.10. Article 10—Provision of SDS based on Other Public Interest Needs (5)

(1) In addition to the cases provided for in Article 4, ¶(5), Article 6 through the preceding Article, and the second sentence of Article 18, ¶(4), the Head of an Administrative Organ shall provide a specially designated secret only in the following cases:

(i) if the person who is provided with a specially designated secret uses the specially designated secret for any of the following duties or equivalent duties which are found to be particularly necessary for the public interest (excluding the cases set forth in the following item through item (iv)), and such person limits the scope of persons who are to use or know the specially designated secret, disallows the use of the specially designated secret for purposes other than said duties, and takes other measures specified by the Diet pursuant to Article 10 of the Supplementary Provisions, with regard to the duties set forth in (a), or measures specified by Cabinet Order[4293] *with regard to duties other than those set forth in (a), as measures which need to be taken in order for the persons who use or know the specially designated secret to protect it, and if the Head of the Administrative Organ finds that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security:*

(a) an examination or research conducted by each House or by a committee of each House or research committee of the House of Councillors pursuant to Article 104, ¶(1) of the Diet Act (Act No. 79 of 1947) (including the

[4291] Making necessary changes to account for differing situations, but the basic point remains the same.

[4292] Making necessary changes to account for differing situations, but the basic point remains the same.

[4293] C–2.1.4.2. Cabinet Order, p. 225.

cases where applied mutatis mutandis[4294] pursuant to Article 54-4, ¶(1) of the same Act) or Article 1 of the Act on Witnesses' Oath, Testimony, etc. Before Both Houses of the Diet (Act No. 225 of 1947), and which, pursuant to Article 52, ¶(2) of the Diet Act (including the cases where applied mutatis mutandis pursuant to Article 54-4, ¶(1) of the same Act) or Article 62 of the same Act, has been decided not to make public; and

(b) the investigation of a criminal case or maintenance of prosecution, when it is found that the specially designated secret will not be provided to persons other than those who are engaged in the duties necessary for said investigation or maintenance of prosecution, in addition to the case where the specially designated secret is presented to the court pursuant to Article 316-27, ¶(1) of the Code of Criminal Procedure (Act No. 131 of 1948) (including the cases where applied mutatis mutandis pursuant to ¶(3) of the same Article and Article 316-28, ¶(2) of the same Code);

(ii) when presenting the specially designated secret to the court pursuant to Article 223, ¶(6) of the Code of Civil Procedure (Act No. 109 of 1996);

(iii) when presenting the specially designated secret to the Information Disclosure and Personal Information Protection Review Board pursuant to Article 9, ¶(1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board (Act No. 60 of 2003); and

(iv) when presenting the specially designated secret to the Information Disclosure and Personal Information Protection Review Board of the Board of Audit pursuant to Article 9, ¶(1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board as applied mutatis mutandis through a replacement of terms pursuant to Article 19-4 of the Board of Audit Act (Act No. 73 of 1947).

(2) In addition to the case of providing a specially designated secret to the National Police Agency at its request under Article 7, ¶(3), the Chief of Police may provide a specially designated secret only in the case set forth in item (i) of the preceding ¶(in cases other than the case where the specially designated secret which the Chief of Police is to provide is one provided for use in the duties set forth in (b) of the same item, the Chief of Police may provide the specially designated secret only after obtaining the consent of the Commissioner General of the National Police Agency for the Chief of Police to find that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security as provided for in the same item); in the case set forth in item (ii) of the same paragraph; or the case where, pursuant to the provisions equivalent to Article 9, ¶(1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board in an ordinance of a prefecture providing for the right of residents, etc. to request the disclosure of information held by said prefecture (including a prefectural ordinance providing for the establishment of a prefectural organization to conduct deliberations in response to the consultation under said prefectural ordinance), the specially designated secret is presented to such organization.

(3) In addition to the case of providing an Administrative Organ with a specially designated secret at its request under Article 8, ¶(3), an Eligible Contractor may provide a specially designated secret only in the case set forth in ¶(1), item (i) (limited to cases where the Eligible Contractor has obtained the consent of the Head of the Administrative Organ who has made the Designation with regard to the specially designated secret to find, as provided for in the same item, that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security) or the cases set forth in item (ii) or item (iii) of the same paragraph.

i–HH.11. Article 11—Restrictions on Persons Who Handle SDS

(1) No person may perform the duty of handling a specially designated secret unless the person has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret (excluding a person to whom notification has been made under ¶(3) of the following Article as applied directly or as applied mutatis mutandis[4295] through a replacement of terms pursuant to Article 15, ¶(2), as the person set forth in ¶(1), item (iii) of the following Article or Article 15, ¶(1), item (iii)) in the security clearance assessment referred to in ¶(1) of the following Article or Article 15, ¶(1) which was conducted most recently for the person by the Head of the Administrative Organ who assigns said duty to the person, the Head of the Administrative Organ who has an Eligible Contractor that assigns said duty to the person hold the specially designated secret or provides such an Eligible Contractor with the specially designated secret, or the Chief of Police who assigns said duty to the person (limited to such security clearance Assessment for which five years have not yet elapsed since the day on which the notice under Article 13, ¶(1) (including the cases where applied mutatis mutandis pursuant to Article 15, ¶(2)) was given to the person); provided, however, that the following persons shall not be required to undergo the Security Clearance Assessment referred to in ¶(1) of the following Article or Article 15, ¶(1):

[4294] Making necessary changes to account for differing situations, but the basic point remains the same.

[4295] Making necessary changes to account for differing situations, but the basic point remains the same.

(i) Heads of Administrative Organs;

(ii) Ministers of State (excluding those set forth in the preceding item);

(iii) Deputy Chief Cabinet Secretaries;

(iv) Special Advisors to the Prime Minister;

(v) Parliamentary Senior Vice-Ministers;

(vi) Parliamentary Vice-Ministers; and

(vii) in addition to persons set forth in the preceding items, a person specified by Cabinet Order[4296] as a person who may perform the duty of handling a specially designated secret without undergoing the security clearance assessment referred to in ¶(1) of the following Article or Article 15, ¶(1), in consideration of the nature of such person's duties and other circumstances concerned.

i–HH.12. Article 12—Conduct of Security Clearance Assessment by Head of Administrative Organ

(1) The Head of an Administrative Organ shall conduct an assessment of each of the following persons as provided for by Cabinet Order[4297] to verify that the person has no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret (such an assessment shall hereinafter be referred to as the "Security Clearance Assessment"):

(i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of said Administrative Organ (if said Administrative Organ is the National Police Agency, including as a Chief of Police; the same shall apply in the following item) or as a Worker of an Eligible Contractor that holds a specially designated secret or is provided with a specially designated secret based on a contract referred to in Article 5, ¶(4) or Article 8, ¶(1) (simply referred to as a "Contract" in the following item) with said Administrative Organ (excluding a person who has been found to have no risk of unauthorized disclosure of any specially designated secret if the person performs the duty of handling a specially designated secret in the Security Clearance Assessment which the Head of the Administrative Organ conducted most recently for said person and for which five years have not yet elapsed since the day on which the Head of the Administrative Organ gave the notice under ¶(1) of the following Article to the person, and is found to continue to be free from the risk of unauthorized disclosure);

(ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of said Administrative Organ or as a Worker of an Eligible Contractor that holds a specially designated secret or is provided with a specially designated secret based on a Contract with said Administrative Organ, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official or a Worker on and after the day on which five years have elapsed from the day on which the notice under ¶(1) of the following Article was given to the person in connection with the Security Clearance Assessment which the Head of the Administrative Organ conducted most recently for said person; and

(iii) a person who has been found to have no risk of unauthorized disclosure of any specially designated secret if the person performs the duty of handling specially designated secrets in the Security Clearance Assessment which the Head of said Administrative Organ conducted most recently for said person, but whose circumstances raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.

(2) The Security Clearance Assessment shall be conducted based on the results of an examination with regard to the following matters for the person to be assessed through the Security Clearance Assessment (hereinafter referred to as a "Person subject to Assessment"):

(i) matters concerning the relationship of the Person subject to Assessment with any specified harmful activities (meaning activities intended to obtain publicly undisclosed information whose unauthorized disclosure has a risk of causing damage to Japan's national security; activities intended to import or export nuclear weapons, military chemical warfare agents or bacterial agents or devices for spraying such agents, rockets or unmanned aerial vehicles capable of transporting these, or objects which are found highly likely to be used for developing, manufacturing, using, or storing any of these; and any other activity that is carried out for the purpose of promoting the interests of a foreign country and which is or is likely to be extremely harmful to the safety of Japan and its citizens; the same shall apply in item (iii) of the Appended Table) and with any terrorist activities (meaning activities intended to kill or injure people or destroy important facilities or other objects for the purpose of forcing a political or other principle or belief upon the State or other persons

[4296] C–2.1.4.2. Cabinet Order, p. 225.

[4297] C–2.1.4.2. Cabinet Order, p. 225.

or causing fear or terror in society based on such principle or opinion; the same shall apply in item (iv) of the same table) (including the names, dates of birth, nationalities (including any former nationality) and addresses of family members of the Person subject to Assessment (meaning the spouse (including a person who is in a de facto marital relationship although the marriage notification has not been made; hereinafter the same shall apply in this item), parents, children and siblings of the Person subject to Assessment, as well as the spouse's parents and children other than these persons; hereinafter the same shall apply in this item) and any person living with the Person subject to Assessment (excluding a family member));

(ii) matters concerning criminal and disciplinary records;

(iii) matters concerning records of improper conduct in connection with the handling of information;

(iv) matters concerning abuse and the influence of drugs;

(v) matters concerning mental disorders;

(vi) matters concerning moderation in drinking alcohol; and

(vii) matters concerning credit status and other financial situation.

(3) The Security Clearance Assessment shall be conducted after notifying the Person subject to Assessment of the following matters and obtaining the consent of the person in advance, as provided by Cabinet Order:

(i) that an examination will be conducted with regard to the matters set forth in the items of the preceding paragraph;

(ii) that the Head of the Administration Organ, pursuant to the following paragraph, may have persons questioned, may have requests made for the person to submit materials, and may make inquiries and request reports, to the extent that doing so is necessary for conducting the examination referred to in the preceding paragraph; and

(iii) if the Person subject to Assessment is the person set forth in ¶(1), item (iii), a statement to that effect.

(4) The Head of an Administrative Organ may have officials of the Administrative Organ question the Person subject to Assessment or acquaintances of the Person subject to Assessment or other persons concerned or may have such officials request the Person subject to Assessment to submit materials, or may make inquiries to public offices or public or private organizations and request reports on the necessary matters from them, to the extent that doing so is necessary for conducting the examination referred to in ¶(2).

i–HH.13. Article 13—Notice of Results of Security Clearance Assessment

(1) After conducting a Security Clearance Assessment, the Head of the Administrative Organ shall give notice of the results to the Person subject to Assessment.

(2) After conducting a Security Clearance Assessment of a Worker of an Eligible Contractor, the Head of the Administrative Organ shall give notice of the results to the Eligible Contractor, and if a Security Clearance Assessment of said Worker is not conducted due to the Worker's refusal to give the consent referred to in ¶(3) of the preceding Article, the Head of the Administrative Organ shall notify the Eligible Contractor of this.

(3) An Eligible Contractor which has received notice under the preceding paragraph shall give notice of the content of the notice to the business operator employing the Person subject to Assessment if said Person subject to Assessment is a dispatched worker (meaning a dispatched worker provided for in Article 2, item (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers (Act No. 88 of 1985); the same shall apply in Article 16, ¶(2)) working under the instruction of the Eligible Contractor.

(4) When giving notice to a Person subject to Assessment, pursuant to ¶(1), that the person has not been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret, the Head of the Administrative Organ shall give notice to the Person subject to Assessment of the reasons for not finding that such risk does not exist, to the extent that this does not interfere with ensuring the smooth conduct of the Security Clearance Assessment; provided, however, that this shall not apply if the Person subject to Assessment notifies in advance that the person does not wish to receive notice of said reasons.

i–HH.14. Article 14—Filing Complains with Heads of Administrative Organs

(1) A Person subject to Assessment may file a complaint with the Head of the Administrative Organ in writing, with regard to the results of the Security Clearance Assessment of which notice has been given to the person pursuant to ¶(1)

of the preceding Article or with regard to the Security Clearance Assessment conducted for the Person subject to Assessment.

(2) When receiving a complaint referred to in the preceding paragraph, the Head of the Administrative Organ shall process the complaint sincerely and give notice of the results to the person filing the complaint.

(3) No Person subject to Assessment shall be subjected to adverse treatment on the grounds having filed a complaint referred to in ¶(1).

i–HH.15. Article 15—Conduct of Security Clearance Assessment by the Chief of Police

(1) The Chief of Police shall conduct a Security Clearance Assessment of each of the following persons, as provided for by Cabinet Order:[4298]

(i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of the Prefectural Police (excluding the Chief of Police; the same shall apply in the following item) (excluding a person who has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret, in the Security Clearance Assessment which the Chief of Police conducted most recently for said person and for which five years have not elapsed since the day on which the Chief of Police gave the notice under Article 13, ¶(1) as applied mutatis mutandis[4299] *pursuant to the following paragraph to the person, and is found to continue to be free from the risk of unauthorized disclosure);*

(ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of the Prefectural Police, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official on and after the day on which five years have elapsed from the day on which the notice under Article 13, ¶(1) as applied mutatis mutandis pursuant to the following paragraph was given to the person in connection with the Security Clearance Assessment which the Chief of Police conducted most recently for said person; and

(iii) a person who has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling specially designated secrets in the Security Clearance Assessment which said Chief of Police conducted most recently for said person, but whose circumstances raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.

(2) The preceding three Articles (excluding Article 12, ¶(1) and Article 13, paragraphs (2) and (3)) shall apply mutatis mutandis to the Security Clearance Assessment conducted by the Chief of Police pursuant to the preceding paragraph. In this case, the phrase "¶(1), item (iii)" in Article 12, ¶(3), item (iii) shall be deemed to be replaced with "Article 15, ¶(1), item (iii)".

i–HH.16. Article 16—Restriction on the Use and Provisions of Personal Information Concerning Security Clearance Assessment

(1) The Head of an Administrative Organ and the Chief of Police shall not personally use or provide others with, for purposes other than the protection of specially designated secrets, information as to the fact that a Person subject to Assessment did not give the consent referred to in Article 12, ¶(3) (including the cases where applied mutatis mutandis[4300] *through a replacement of terms pursuant to ¶(2) of the preceding Article), the results of the Security Clearance Assessment of a Person subject to Assessment, or any personal information (meaning information about a living individual, which can identify the specific individual by name, date of birth and other description contained in such information (including information that can be compared with other information and thereby identify the specific individual); hereinafter the same shall apply in this paragraph) acquired in conducting the Security Clearance Assessment; provided, however, that this shall not apply if the Security Clearance Assessment raises doubts as to whether the specific individual to whom the said personal information pertains falls under any of the following: the items of Article 38 of the National Public Service Act (Act No. 120 of 1947), the clauses provided for by rules of the National Personnel Authority as provided for in Article 75, ¶(2) of the same Act, the items of Article 78 of the same Act, the items of Article 79 of the same Act or the items of Article 82, ¶(1) of the same Act; the items of Article 20 of the Public Prosecutor's Office Act (Act No. 61 of 1947); the category of persons provided for in Article 7, ¶(1) of the Diplomats Act (Act No. 41 of 1952); the items of Article 38, ¶(1), the items of Article 42, the items of Article 43 or the items of Article 46, ¶(1) of the Self-Defense Forces Act (Act No. 165 of 1954), the cases provided for in Article 48, ¶(1) of the same Act, or the items of ¶(2) or ¶(3) of the same Article; the items of Article 16, the items of Article 28, ¶(1) or the items of ¶(2) of the*

[4298] C–2.1.4.2. Cabinet Order, p. 225.

[4299] Making necessary changes to account for differing situations, but the basic point remains the same.

[4300] Making necessary changes to account for differing situations, but the basic point remains the same.

same Article, or the items of Article 29, ¶(1) of the Local Public Service Act (Act No. 261 of 1950); or the grounds specified by Cabinet Order[4301] as equivalent to these.

(2) An Eligible Contractor and a business operator employing a dispatched worker working under the instruction of an Eligible Contractor shall not personally use or provide others with, for purposes other than the protection of specially designated secrets, information as to the content of the notice given pursuant to Article 13, ¶(2) or ¶(3).

i–HH.17. Article 17—Delegation of Authority or Affairs

The Head of an Administrative Organ may delegate the authority or affairs provided for in this Chapter to the officials of the Administrative Organ, as provided for by Cabinet Order[4302] (in the case of an organ under the jurisdiction of the Cabinet and in the case of the Board of Audit, as provided for by order of said organ or the Board of Audit).

i–HH.18. Article 18—Implementation Standards for the Designation of SDS

(1) The government shall formulate standards to ensure uniform implementation in connection with the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment.

(2) When intending to formulate or revise the standards referred to in the preceding paragraph, the Prime Minister must prepare a draft of the standards after hearing the opinions of persons with distinguished insight into matters such as the protection of information concerning Japan's national security, the disclosure of information held by Administrative Organs, etc., and the management of public records, etc., and must seek a Cabinet decision on the draft.

(3) The Prime Minister must report each year the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment based on the standards referred to in ¶(1) to the persons provided for in the preceding paragraph and must hear the opinions of such persons.

(4) With regard to the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance, in order to ensure that these affairs are implemented properly, the Prime Minister shall represent the Cabinet in exercising control and supervision over the administrative branches, based on the standards referred to in ¶(1).In this case, if the Prime Minister finds it necessary in order to ensure that the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment comply with said standards, the Prime Minister may request the Head of an Administrative Organ (excluding the Board of Audit) to submit and explain materials that contain the information that is a specially designated secret, and may give instructions to the Head of the Administrative Organ that improvement needs to be made with regard to the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment.

i–HH.19. Article 19—Report to the Diet

(1) The government shall report each year the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment with the opinions referred to in ¶(3) of the preceding Article to the Diet and publicize the report.

i–HH.20. Article 20—Cooperation of Related Administrative Organs

(1) The Heads of related Administrative Organs shall cooperate with one another in connection with the Designation of specially designated secrets, the conduct of the Security Clearance Assessment and other measures to be taken pursuant to this Act, in order to prevent the unauthorized disclosure of information, among information involved in Japan's national security, which is particularly required to be kept secret.

i–HH.21. Article 21—Delegation to Cabinet Order

(1) In addition to what is provided for in this Act, procedures for implementing this Act and other necessary matters in connection with the enforcement of this Act shall be provided for by Cabinet Order.[4303]

[4301] C–2.1.4.2. Cabinet Order, p. 225.
[4302] C–2.1.4.2. Cabinet Order, p. 225.
[4303] C–2.1.4.2. Cabinet Order, p. 225.

i–HH.22. Article 22—Interpretation and Application of This Act

(1) When this Act is applied, its interpretation must not be expanded to unfairly violate the fundamental human rights of the citizens, and due consideration must be paid to the freedom of news reporting or news coverage, which contributes to guaranteeing the citizens' right to know.

(2) The act of news coverage by persons engaged in publishing or news reporting shall be treated as an act in the pursuit of lawful business as long as it has the sole aim of furthering the public interest and is not found to have been done in violation of laws or regulations or through the use of extremely unjustifiable means.

i–HH.23. Appended Table

(i) Matters concerning defense:

(a) operation of the Self-Defense Forces or assessments, plans or studies relevant thereto;

(b) signal information, image information and other important information collected in connection with defense;

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

(d) assessments, plans or studies relevant to the development of defense capabilities build-up;

(e) type or quantity of weapons, ammunition, aircraft and other objects used for defense;

(f) structure of communications networks or means of communications used for defense;

(g) cryptology used for defense;

(h) specifications, performance or method of use of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage;

(i) methods of production, inspection, repair or test of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage;

(j) design, performance or internal use of facilities used for defense (excluding those set forth in (f)).

(ii) Matters concerning diplomacy:

(a) policies for or contents of negotiations or cooperation with a government of a foreign country or an international organization which are important to national security, such as the protection of the lives and bodies of the citizens or maintaining territorial integrity;

(b) prohibition on the import or export of goods or other measures that Japan implements for national security or the policies thereof (excluding those set forth in item (i), (a) or (d), item (iii), (a), or item (iv), (a));

(c) important information pertaining to the protection of the lives and bodies of the citizens, maintaining territorial integrity or the peace and security of the international community or information that requires protection based on a treaty or other international agreement, which has been collected in connection with national security (excluding those set forth in item (i), (b), item (iii), (b), or item (iv), (b));

(d) collection and coordination of the information set forth in (c) or the capacity thereof;

(e) cryptology used in communications between the Ministry of Foreign Affairs and overseas diplomatic establishments and for other diplomatic purposes.

(iii) Matters concerning prevention of specified harmful activities:

(a) measures to prevent the occurrence or spread of damage that is caused by specified harmful activities (hereinafter referred to as "Prevention of Specified Harmful Activities" in this item) or plans or studies relevant thereto;

(b) important information concerning the protection of the lives and bodies of the citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the Prevention of Specified Harmful Activities;

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

(d) cryptology used in the Prevention of Specified Harmful Activities.

(iv) Matters concerning the prevention of terrorist activities:

(a) measures to prevent the occurrence or spread of damage that is caused by terrorist activities (hereinafter referred to as "Prevention of Terrorist Activities" in this item) or plans or studies relevant thereto;

(b) important information pertaining to the protection of the lives and bodies of the citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the Prevention of Terrorist Activities;

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

(d) cryptology used in the Prevention of Terrorist Activities.

Annex ii. Cabinet Decisions

ii–A. 2014 Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People

ii–A.1. Overview

The 2014 Cabinet Decision ("Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People") is the product of then-PM ABE's efforts to modernize GoJ's defense laws and reinterpret Article 9[4304] of the Constitution.

In 2007, during his first tenure as PM, ABE established an Advisory Panel on Reconstruction of the Legal Basis for Security" and directed the panel to consider the adequacy of GoJ's defense laws in four hypothetical cases:

- An attack on U.S. military vessels operating with the JSDF
- The launch of BMs at the U.S. with trajectories flying over Japan
- The employment of arms in PKO[4305]
- Logistical support operations to international peace and security efforts

In 2013, the Panel was reconstituted during ABE's second tenure as PM and added consideration of a fifth hypothetical case:

- Grey zone activities

The 2014 Cabinet Decision outlined the political position of the Cabinet in seeking amendments of GoJ's defense laws which were ultimately passed in 2015. While the Cabinet Decision[4306] is not legally binding, it's text is important for understanding the basic premise of the defense reforms passed in 2015 as well as the specific rationale for certain nuances in the law and its interpretation.

For a in-depth exploration of this reform effort, see "Line of Advantage: Japan's Grand Strategy in the Era of ABE Shinzō" by Michael J. Green.[4307]

ii–A.1.A. Section References

Sources may refer to portions of the Cabinet Decision[4308] by the following convention:

> *Preamble Text*
>
> *1. This is "¶ 1" or simply "1."*
>
> *(1) This is "¶ 1.(1)." or simply "1.(1)."*
>
> *A. This is "¶ 1.(1).A" or simply "1.(1).A."*
>
> *(a) This is "¶ 1.(1).A.(a)." or simply "1.(1).A.(a)."*

ii–A.2. 2014 Cabinet Decision Full Text

Official provisional English translation:

> *Cabinet Decision[4309] on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People*
>
> *July 1, 2014*
>
> *Since the end of World War II, Japan has consistently followed the path of a peace-loving nation under the Constitution of Japan. While adhering to a basic policy of maintaining an exclusively national defense-oriented policy,[4310] not becoming a military power that poses a threat to other countries, and observing the Three Non-Nuclear Principles [3NP[4311]], Japan has flourished as an economic power through continuous efforts of its people and built a stable and*

[4304] 2–1.2.1. Article 9 (War Renunciation), p. 13.
[4305] 3–2.6. Peacekeeping Operations (PKO), p. 76.
[4306] C–2.1.4.2. Cabinet Order, p. 225.
[4307] Appendix Q. References, p. 297.
[4308] C–2.1.4.2. Cabinet Order, p. 225.
[4309] C–2.1.4.2. Cabinet Order, p. 225.
[4310] 2–1.2.1.1. Exclusively Defense-Orientated Policy (EDOP), p. 13.
[4311] 2–3.3.1. Three Non-Nuclear Principles (3NP), p. 43.

affluent livelihood. Japan, as a peace-loving nation, has also been cooperating with the international community and international organizations including the United Nations (UN), and has proactively contributed to their activities, adhering to the Charter of the United Nations. The course that Japan has taken as a peace-loving nation has garnered significant praise and respect from the international community, and Japan must continue these steps to further fortify such a position.

During the 67 years since the Constitution of Japan came into effect, the security environment surrounding Japan has fundamentally transformed and is continuing to evolve, and Japan is confronted by complex and significant national security challenges. There exist no prospects of the realization of the so-called formal "UN forces", an ideal proclaimed in the Charter of the United Nations. Moreover, even when considering only the quarter-century since the end of the Cold War, the shift in the global power balance, rapid progress of technological innovation, development and proliferation of weapons of mass destruction and ballistic missiles, and threats such as international terrorism have given rise to issues and tensions in the Asia-Pacific region, and there exists a situation in which any threats, irrespective of where they originate in the world, could have a direct influence on the security of Japan. Furthermore, in recent years, risks that can impede the utilization of and free access to the sea, outer space and cyberspace have been spreading and become more serious. No country can secure its own peace only by itself, and the international community also expects Japan to play a more proactive role for peace and stability in the world, in a way commensurate with its national capability.

Maintaining the peace and security of Japan and ensuring its survival as well as securing its people's lives are the primary responsibility of the Government. In order to adapt to the changes in the security environment surrounding Japan and to fulfill its responsibility, the Government, first and foremost, has to create a stable and predictable international environment and prevent the emergence of threats by advancing vibrant diplomacy with sufficient institutional capabilities, and has to pursue peaceful settlement of disputes by acting in accordance with International Law[4312] *and giving emphasis to the rule of law.*

Moreover, it is important to appropriately develop, maintain and operate Japan's own defense capability, strengthen mutual cooperation with the United States, which is Japan's ally, and deepen trust and cooperative relations with other partners both within and outside the region. In particular, it is essential to avoid armed conflicts before they materialize and prevent threats from reaching Japan by further elevating the effectiveness of the Japan-United States security arrangements and enhancing the deterrence of the Japan-United States Alliance for the security of Japan and peace and stability in the Asia-Pacific region. On that basis, 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, it is necessary to develop domestic legislation that enables seamless responses.

In accordance with the basic orientation presented by Prime Minister ABE at the May 15 press conference which took place after the report of "the Advisory Panel on Reconstruction of the Legal Basis for Security" was submitted on the same day, discussions have been repeatedly held in the ruling parties and examination has also been conducted by the Government. Based on the result of the discussions of the ruling coalition, the Government will promptly develop domestic legislation necessary for securing the lives and peaceful livelihood of its people, in accordance with the following basic policies:

1. Response to an Infringement that Does Not Amount to an Armed Attack

(1) 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 such situations of infringement that does not amount to an armed attack, it is an even more important task to prepare and ensure seamless and sufficient responses to any unlawful acts through closer cooperation between relevant agencies, including police organizations, and the Self-Defense Forces (SDF), premised on the basic allocation of their roles.

(2) Specifically, in order to respond to various unlawful acts, 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, which include enhancing the respective agency's response capabilities, strengthening collaboration among agencies including information sharing, examining and developing concrete response guidelines, accelerating procedures to issue orders, and improving exercises and training.

(3) As for accelerating procedures, in cases of responding to a situation where an infringement from the outside that does not amount to an armed attack occurs in areas surrounding remote islands, etc., and police forces are not present nearby or police agencies cannot respond immediately (including situations in which police agencies cannot respond because of the weapons possessed by the armed groups, etc.), the Government will thoroughly examine the application

[4312] 2–1.2.4.1. International Law, p. 22.

of related provisions to order public security operations or maritime security operations in advance and establish a common understanding among relevant agencies. At the same time, in order to avoid the spread of damages caused by unlawful acts while internal administrative procedures are taken, the Government will also make concrete considerations on measures for issuing orders swiftly and accelerating procedures in light of circumstances.

(4) Moreover, for ensuring Japan's security, it is important for the SDF and the United States armed forces to respond seamlessly in close cooperation to a situation where an attack occurs against the units of the United States armed forces currently engaged in activities which contribute to the defense of Japan and such situation escalates into an armed attack depending on its circumstances. Assuming a situation where an infringement that does not amount to an armed attack occurs in the course of various peacetime activities carried out in coordination between the SDF and the United States armed forces and referring to the concept of "use of weapons" for the purpose of protecting its own weapons and other equipment under Article 95[4313] of the SDF Act (Law No. 165 of 1954, as amended), the Government will develop legislation that enables the SDF to carry out very passive and limited "use of weapons" to the Minimum Extent Necessary[4314] 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 which contribute to the defense of Japan (including joint exercises), in line with the provisions of Article 95 of the SDF Act (Law No. 165 of 1954, as amended), premised on request or consent by the United States.

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

(1) So-called Logistics Support and "Ittaika with the Use of Force"

A. So-called logistics support is an activity that does not in itself constitute a "use of force". For instance, when international peace and security are threatened and the international community is united in responding to the situation in accordance with a UN Security Council resolution, there exist situations in which it is necessary for Japan to conduct such support activities to armed forces of other countries carrying out legitimate "use of force" based on the resolution. As for Japan's support activities, however, legal frameworks limiting the area of such activities to "rear area" or so-called "non-combat area",[4315] etc. have been established in past legislations to ensure that the issue of "Ittaika 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 ("Ittaika with the use of force") by other countries.

B. The SDF, even under such legal frameworks, has steadily accumulated its records of various support activities, and the expectations to and trust in Japan have been growing. Amid a major change in the security environment, from the perspective of "Proactive Contribution to Peace" based on the principle of international cooperation, it is necessary to enable the SDF to play sufficient roles in wide-ranging support activities for peace and stability of the international community. It is also vital from the viewpoint of ensuring Japan's peace and security to enable the carrying out of such activities more than before without hindrance.

C. The Government, while premising on the theory of so-called "Ittaika with the use of force" itself, based on the accumulation of discussions related to the "ittaika with the use of force" and considering factors such as the SDF's actual experiences to date and the reality of UN collective security measures, no longer takes the current framework uniformly limiting SDF's activities to such areas as "rear area" or so-called "non-combat area" where the issue of "Ittaika with the use of force" does not arise. Instead, 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 "Ittaika 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 to armed forces of foreign countries engaging in activities for ensuring Japan's security or for peace and stability of the international community:

(a) Do 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.

(b) 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.

(2) Use of Weapons Associated with International Peace Cooperation Activities

A. To date, Japan has developed necessary legislation and has conducted international peace cooperation activities for over 20 years. In conducting such activities, Japan has limited the right of SDF personnel to use weapons

[4313] i–C.58. Article 95—Use of Weapons for Protection of Weapons, etc., p. 329.

[4314] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.

[4315] 2–1.2.2.1. Scene of Combat, p. 21.

when engaging in international peace cooperation activities to so-called self-preservation type and protection of its own weapons and other equipment since use of weapons associated with so-called "kaketsuke-keigo"[4316] (coming to the aid of geographically distant unit or personnel under attack) or "use of weapons for the purpose of execution of missions"[4317] could constitute the "use of force" prohibited by Article 9 of the Constitution, if such use of weapons are directed against "a state or a quasi-state organization."[4318]

B. From the perspective of a "Proactive Contribution to Peace" based on the principle of international cooperation, Japan needs to enhance its efforts to promote the peace and stability of the international community. To that end, it is important to be able to participate in international peace cooperation activities including peace keeping operations (PKOs[4319]) sufficiently and proactively. Moreover, given that many Japanese nationals are actively working overseas and face risks of being involved in emergency situations such as terrorism, it is necessary to enable the rescuing of Japanese nationals abroad by use of weapons subject to the consent of acceptance from the territorial State which, under International Law, has the obligation to extend protection to foreigners who are within its territories.

C. Based on the above, 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 purpose of execution of missions" in international peace cooperation activities that do not invoke "use of force" including UN 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, through ensuring that "a state or a quasi-state organization" does not appear as the adversary:

(a) As for UN peacekeeping operations, etc., since "consent by the State to which the areas in which activities are conducted belong" and "consent by the parties to the conflict to activities conducted" are necessary under the framework of the Five Principles for PKOs, "a quasi-state organization" other than parties to the conflict who have given consent of acceptance is, in principle, not expected to appear as the adversary. For more than 20 years, this has been demonstrated by Japan's experience of UN peacekeeping operations, etc. When the use of weapons for the execution of missions is expected to exceed self-preservation and protection of its own weapons and other equipment including when the SDF is tasked with the maintenance of order such as the protection of population, which is deemed as an important mission in recent UN peacekeeping operations, it is necessary that consent from the parties to the conflict is stably maintained, especially because of the nature of the activities.

(b) 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.

(c) 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.

(d) Use of weapons in these activities is subject to the inherent constraint of the strict principle of proportionality which is similar to the principle of police proportionality.

3. Measures for Self-Defense Permitted under Article 9 of the Constitution

(1) In order to adapt to the changes in the security environment surrounding Japan and secure the lives and peaceful livelihood of its people under any situations, the Government has examined what constitutional interpretation would be appropriate, as sufficient responses would not necessarily be possible if the constitutional interpretation to date were maintained. In this regard, logical consistency and legal stability are required for the Government's constitutional interpretation. Accordingly, it is necessary to draw a logical conclusion for securing the lives and peaceful livelihood of its people within the limit of the basic logic of the interpretation of Article 9 of the Constitution as expressed by the Government to date.

(2) The language of Article 9 of the Constitution appears to prohibit "use of force" in international relations in all forms. However, when considered in light of "the right (of the people) to live in peace" as recognized in the Preamble[4320] of the Constitution and the purpose of Article 13 of the Constitution which stipulates, "their (all the people's) right to life, liberty, and the pursuit of happiness" shall be the supreme consideration in governmental affairs, Article 9 of the Constitution cannot possibly be interpreted to prohibit Japan from taking measures of self-defense necessary to maintain

[4316] 3–3.1.3.2. Type 2b: Kaketsuke-keigo (Coming-to-Aid Duty), p. 80.
[4317] 3–3.1.3. Type 2: "Execution of Mission Type" Use of Weapons ("Minor Self-Defense"), p. 79.
[4318] 3–3.3.3.1. State or Quasi-State Organization, p. 83.
[4319] 3–2.6. Peacekeeping Operations (PKO), p. 76.
[4320] i–B.1. Preamble, p. 303.

its peace and security and to ensure its survival. Such measures for self-defense are permitted only when they are inevitable for dealing with imminent unlawful situations where the people's right to life, liberty and the pursuit of happiness is fundamentally overturned due to an armed attack by a foreign country, and for safeguarding these rights of the people. Hence, "use of force" to the Minimum Extent Necessary[4321] to that end is permitted. This is the basis, or so-called the basic logic, of the view consistently expressed by the Government to date with regard to "use of force" exceptionally permitted under Article 9 of the Constitution, and clearly shown in the document "Relationship between the Right of Collective Self-Defense and the Constitution" submitted by the Government to the Committee on Audit of the House of Councillors on October 14, 1972.

This basic logic must be maintained under Article 9 of the Constitution.

(3) To date, the Government has considered that "use of force" under this basic logic is permitted only when an "armed attack" against Japan occurs. However, in light of the situation in which the security environment surrounding Japan has been fundamentally transformed and continuously evolving by shifts in the global power balance, the rapid progress of technological innovation, and threats such as weapons of mass destruction, etc. as mentioned at the outset, in the future, even an armed attack occurring against a foreign country could actually threaten Japan's survival, depending on its purpose, scale and manner, etc.

Japan, as a matter of course, will make the utmost diplomatic efforts, should a dispute occur, for its peaceful settlement and take all necessary responses in accordance with the existing domestic laws and regulations developed based upon the constitutional interpretation to date. It is still required, however, to make all necessary preparations in order to ensure Japan's survival and protect its people.

Under such recognition and as a result of careful examination in light of the current security environment, the Government has reached a conclusion 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[4322] 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.

(4) As a matter of course, Japan's "use of force" must be carried out while observing International Law. At the same time, a legal basis in International Law and constitutional interpretation need to be understood separately. In certain situations, 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.

(5) Moreover, even when "use of force" is permitted under the Constitution, since they are carried out to secure the lives and peaceful livelihood of the people, it is natural to require an assurance of democratic control. The Government will stipulate in the draft legislation that prior Approval[4323] of the Diet is in principle required upon issuing orders of 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.

4. The Way Forward for Developing Domestic Legislation

When these activities are to be conducted by the SDF, the Cabinet shall make a decision in accordance with deliberations, etc. at the National Security Council. Including such procedures, domestic legislation which serves as the legal basis is necessary in order to enable the SDF to actually conduct such activities. Based on the basic policies described above, the Government will herewith commence the tasks of drafting legislation that enables seamless responses to any situations in order to secure the lives and peaceful livelihood of its people. The Government will give adequate consideration, and as soon as it completes its preparation, it will submit the draft legislation to the Diet for its deliberations.

[4321] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.

[4322] 2–1.2.1.1.1. Minimum Extent Necessary Criteria, p. 14.

[4323] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

ii–B. Cabinet Decision on Measures Against Foreign Warships Navigating in Japan's Territorial Waters and Internal Waters in a Manner that does not fall under the Category of Innocent Passage under International Law

Cabinet Decision of May 14, 2015

When foreign warships navigate in Japan's territorial waters or internal waters in a manner that does not fall under the category of innocent passage under international law, the Government will take the following measures to protect Japan's sovereignty and ensure the safety of its citizens, in order to ensure that relevant agencies cooperate more closely and to ensure a seamless and sufficient response to any unlawful acts.

Regarding foreign warships, foreign submarines operating submerged in Japan's territorial waters and inland waters will be dealt with in accordance with the "Measures for dealing with foreign submarines operating submerged in Japan's territorial waters and inland waters" (Cabinet decision of December 24, 1996).

Notes

1. Accurately understanding the situation

In the event that there is a possibility that a foreign warship will navigate in Japan's territorial waters or inland waters in a manner that does not fall under the category of innocent passage under international law, the Japan Coast Guard or the Ministry of Defense, upon becoming aware of the situation, will promptly report and communicate the situation to the Prime Minister, the Chief Cabinet Secretary, the Deputy Chief Cabinet Secretary, the Deputy Cabinet Secretary for Crisis Management, and the Director-General of the National Security Secretariat (hereinafter referred to as the "Prime Minister, etc.") through the Cabinet Intelligence and Research Office, and will also promptly notify the Cabinet Secretariat, the Ministry of Foreign Affairs, and other Relevant Ministries and Agencies [RMA[4324]] of the situation, and will cooperate with each other to further understand the situation.

In addition to the above reporting routes, this does not preclude the Japan Coast Guard or the Ministry of Defense from reporting to the Prime Minister, etc. through their respective routes.

2. Response to Situations

In the case of foreign warships navigating in Japan's territorial waters or internal waters that do not fall under the category of innocent passage under international law, the government will immediately take measures such as requesting the withdrawal of such vessels outside Japan's territorial waters in accordance with international law, and from the perspective of ensuring a seamless and sufficient response to any unlawful acts, such measures will be basically carried out by Self-Defense Force units by issuing an order for maritime security operations pursuant to Article 82 of the Self-Defense Forces Law. In this regard, the Ministry of Defense, the Ministry of Foreign Affairs, and the Japan Coast Guard will share information, coordinate, and cooperate closely and promptly with each other.

3. Expedited Cabinet Procedures, etc.

(1) In cases where there is a special need for the protection of human life or property at sea or the maintenance of public order in dealing with a foreign warship that is determined to be navigating in the territorial waters or inland waters of Japan in a manner that does not fall under the category of innocent passage under international law, and where it is necessary to hold a Cabinet meeting for the Prime Minister's approval to issue a command for security operations at sea as provided for in Article 82 of the Self-Defense Forces Law, and where a particularly urgent decision is required and it is difficult to hold an emergency Cabinet meeting promptly with the attendance of all the Ministers of State, the Prime Minister shall preside over a Cabinet decision by telephone, etc., with the consent of each Minister of State. In such cases, any Minister of State who was not able to be contacted shall be contacted promptly after the fact.

(2) When the National Security Council is to hold deliberations, etc., at the time of issuing the order under (1) above, such deliberations may be held by telephone, etc.

4. Close cooperation before an incident occurs

In addition to the above, the Cabinet Secretariat and Relevant Ministries and Agencies [RMA] will work closely together even before an incident occurs to share awareness of how to respond to foreign warships that navigate in Japan's territorial waters and inland waters in a manner that does not fall under the category of innocent passage under

[4324] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.

international law, and will work to improve response capabilities through training, etc., in order to prepare for a rapid response in the event of an incident.[479]

ii–C. Cabinet Decision on the Government's Response to Cases of Armed Groups Illegally Landing on Remote Islands, etc.

Cabinet Decision of May 14, 2015

In the event that an armed group or a group that is highly likely to be armed illegally lands on a remote island or its surrounding waters (hereinafter referred to as "remote islands, etc.") or an incident of landing (hereinafter referred to as "incident of illegal landing, etc. by an armed group on a remote island, etc."), the Government will, from the perspective of protecting Japan's sovereignty and ensuring the safety of its citizens, implement the following measures to ensure that relevant agencies cooperate more closely and to ensure a seamless and sufficient response to any illegal acts.

We will take appropriate measures.

Notes

1. Accurate understanding of the situation

In the event of an illegal landing by an armed group on a remote island, etc., the Relevant Ministries and Agencies [RMA[4325]*] listed in Attachment 1*[4326] *(hereinafter referred to as "Relevant Ministries and Agencies [RMA]") that become aware of such a situation will promptly report to the Prime Minister, the Chief Cabinet Secretary, the Deputy Chief Cabinet Secretary, the Deputy Cabinet Secretary for Crisis Management, and the Director-General of the National Security Secretariat (hereinafter referred to as "the Prime Minister, etc.") through the Cabinet Intelligence and Research Office, and will cooperate with each other to further understand the situation.*

In addition to the above reporting routes, the Relevant Ministries and Agencies [RMA] may also report to the Prime Minister, etc. This does not prevent advertisements from being made through different channels.

2. Establishment of a Task Force

In the event of an incident involving illegal landing on a remote island by an armed group, etc., and it is necessary for the government to take comprehensive and powerful measures, the government will promptly establish a Task Force within the Cabinet, at the discretion of the Prime Minister, with the Prime Minister as the Task Force Chief and the Chief Cabinet Secretary or other members of the headquarters who are Ministers of State, as designated by the head of the headquarters, as Deputy Head of the Task Force, if necessary. The members of the Task Force will be as set out in Attachment 2,[4327] *and its operation will be similar to that of the task force established under "Government's Initial Response Measures in the Event of a Major Terrorist Attack, etc." (Cabinet decision of April 10, 1998).*

3. Responses during tense situations

In the event that a tense situation develops and the issuance of a maritime security operation (maritime security operations as provided for in Article 82[4328] *[MSO*[4329]*] of the SDF Act (Law No. 165 of 1954, as amended); the same applies below) order or a public security deployment order (public security deployment as provided for in Article 78*[4330] *[PSO by Order*[4331]*] of the SDF Act (Law No. 165 of 1954, as amended); the same applies below) order is predicted, the Cabinet Secretariat, the Ministry of Foreign Affairs, the Japan Coast Guard, the National Police Agency, and the Ministry of Defense will cooperate to the greatest extent possible under the Response Headquarters to consider in advance response policies related to the issuance of a maritime security operation order or a public security deployment order, confirm the division of roles and cooperation between the Self-Defense Forces, the Japan Coast Guard, the police, etc., confirm consistency with international law, share necessary information, etc., and will be prepared to take rapid and powerful measures when a maritime security operation order or a public security deployment order is issued.*

4. Expedited Cabinet Procedures, etc.

(1) Maritime Security Operations [MSO]

In cases where it is deemed that the Japan Coast Guard alone cannot handle the situation and it is necessary to hold a Cabinet meeting to obtain the Prime Minister's approval for the issuance of a maritime security operation order, and

[4325] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[4326] ii–C.1. Attachment 1: Relevant Ministries and Agencies (RMA), p. 435.
[4327] ii–C.2. Attachment 2: Members of the Task Force Headquarters, p. 435.
[4328] i–C.27. Article 82—Maritime Security Operations (MSO), p. 316.
[4329] 3–2.3.2. Maritime Security Operation (MSO), p. 66.
[4330] i–C.21. Article 78—Public Security Operation (PSO) by Order, p. 314.
[4331] 3–2.3.1.1. PSO By Order, p. 65.

where an especially urgent decision is required and it is difficult to hold an extraordinary Cabinet meeting promptly with the attendance of all the Ministers of State, the Prime Minister will preside over a Cabinet decision with the consent of each Minister of State by telephone, etc. In such cases, Ministers of State who could not be contacted will be contacted promptly after the fact.

(2) Public Security Operations, etc. [PSO[4332]]

In cases where it is difficult for police agencies to respond quickly and the situation is tense and the issuance of a public security response order is predicted, the Prime Minister must approve the Minister of Defense's public security standby order and the intelligence gathering order for armed Self-Defense Force units, or the Prime Minister must issue a public security response order in the event of a situation in which it is deemed that public order cannot be maintained by ordinary police forces, and in cases where a Cabinet meeting needs to be held to make an urgent decision and it is difficult to hold an emergency Cabinet meeting attended by all the Ministers of State, the Prime Minister must preside over a Cabinet decision by obtaining the consent of each Minister of State by telephone, etc. In such cases, the Ministers of State who could not be contacted must be contacted promptly after the fact.

(3) When issuing the orders under (1) [MSO] or (2) [PSO] above, the National Security Council shall hold deliberations, etc. If so, this may be done by telephone, etc.

5. Close cooperation before an incident occurs

In addition to the above, the Cabinet Secretariat and Relevant Ministries and Agencies [RMA]will work closely together even before an incident occurs to collect and exchange information on cases that may develop into incidents such as illegal landings by armed groups on remote islands, share awareness of how to respond to such incidents, and work to improve response capabilities through training, etc. In the event that an incident occurs, a system will be established to enable a rapid response.[480]

ii–C.1. Attachment 1: Relevant Ministries and Agencies (RMA)

Attachment 1

Relevant Ministries and Agencies [RMA[4333]]:

- *National Police Agency*
- *Ministry of Justice*
- *Public Security Intelligence Agency*
- *Ministry of Foreign Affairs*
- *Japan Coast Guard*
- *Ministry of Defense*
- *Other ministries and agencies deemed necessary by the Director-General*[481]

ii–C.2. Attachment 2: Members of the Task Force Headquarters

Attachment 2

Members of the Task Force Headquarters:

- *Ministers of State who are the heads of Relevant Ministries and Agencies*[4334] *[RMA*[4335]*] (including the Chairman of the National Public Safety Commission)*
- *Deputy Chief Cabinet Secretary*
- *Cabinet Crisis Management Officer*
- *Chief of the National Security Secretariat*
- *Commissioner General of the National Police Agency*
- *Commissioner General of the Japan Coast Guard*
- *Others deemed necessary by the Task Force Chief*[482]

[4332] 3–2.3.1. Public Security Operation (PSO), p. 65.
[4333] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.
[4334] ii–C.1. Attachment 1: Relevant Ministries and Agencies (RMA), p. 435.
[4335] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.

ii–D. Cabinet Decision on Measures to be Taken when Self-Defense Force Vessels or Other Vessels Recognize a Foreign Vessel Committing an Infringement against a Japanese Civilian Vessel on the High Seas

Cabinet Decision of May 14, 2015

In the event that the Government becomes aware of a foreign vessel engaging in illegal acts of violence, detention, or plunder (hereinafter simply referred to as "infringement") against a Japanese civilian vessel (a civilian vessel registered in Japan) on the High Seas,[4336] which do not constitute acts of piracy or other armed attacks against Japan from the outside, during the Self-Defense Forces' surveillance and surveillance activities or other activities, the Government will, from the perspective of dealing with this, protecting Japan's sovereignty, and ensuring the safety of its citizens, request that relevant agencies cooperate more closely and take decisive action against any illegal acts.

In order to ensure an adequate response without any problems, we will take the following measures.

Notes

1. Accurate understanding of the situation

When the Ministry of Defense becomes aware of a foreign vessel that is or may be committing an infringement, it will report the situation to the Prime Minister, the Chief Cabinet Secretary, the Deputy Chief Cabinet Secretary, the Deputy Chief Cabinet Secretary, the Deputy Cabinet Secretary for Crisis Management, and the Director General of the National Security Council (hereinafter referred to as the "Cabinet Intelligence and Research Office") through the Cabinet Intelligence and Research Office. The government will promptly report the situation to the "Prime Minister or Other Officials" (hereinafter referred to as the "Minister of State"), as well as promptly notify the Cabinet Secretariat, the Ministry of Foreign Affairs, the Japan Coast Guard, and other Relevant Ministries and Agencies [RMA[4337]], and cooperate with each other to further understand the situation.

In addition to the above reporting routes, the Ministry of Defense will report to the Prime Minister, etc. This does not prevent things from being done on each route.

2. Dealing with the situation

In addressing such violations, the Cabinet Secretariat, the Ministry of Foreign Affairs, the Japan Coast Guard, the Ministry of Defense and other Relevant Ministries and Agencies [RMA] will share information, coordinate and cooperate closely and promptly with each other.

3. Expedited Cabinet Procedures, etc.

(1) When it is deemed that the Japan Coast Guard alone cannot respond to the ongoing infringement and it is necessary to hold a Cabinet meeting to obtain the Prime Minister's approval for the following items (a) or (b), an especially urgent decision is required and it is difficult to promptly hold an extraordinary Cabinet meeting with the attendance of all the Ministers of State.

The Prime Minister presides over a Cabinet decision, and with the consent of each Minister of State via telephone, etc., makes a Cabinet decision. In this case, any Minister of State who cannot be contacted will be contacted promptly after the fact.

A. Issuance of an order for Counter-Piracy Operations[4338] stipulated in Article 7, ¶(1) of the Law on the Punishment of Acts of Piracy and Countermeasures against Acts of Piracy (only in cases stipulated in the proviso of ¶(2) of the same Article).

B. Issuance of orders for maritime security operations as provided for in Article 82 of the Self-Defense Forces Law.

(2) Deliberations at the National Security Council when issuing the orders set forth in (1) (A) or (B) above. When making such request, this may be done by telephone, etc.

4. Close cooperation before an incident occurs

In addition to the above, the Cabinet Secretariat and Relevant Ministries and Agencies [RMA] will cooperate closely even before an incident occurs to share an understanding of how to respond to such infringements, and will work to improve

[4336] A–4.10. High Seas, p. 198; A–4.10.1. GoJ Definition of High Seas, p. 198.

[4337] 6–2.1.5.2. Relevant Ministries and Agencies (RMA), p. 150.

[4338] 3–2.3.7. Counter-Piracy Operations, p. 71.

their response capabilities through training, etc., in order to prepare a system that will enable them to respond swiftly in the event an incident occurs.

ii–E. Cabinet Decision on Measures for Dealing with Foreign Submarines Operating Submerged in Japan's Territorial Waters and Inland Waters

Cabinet Decision of December 24, 1996

1. Upon discovering a foreign submarine navigating submerged in Japan's territorial waters or inland waters, the Defense Agency shall promptly notify the Ministry of Foreign Affairs and the Japan Coast Guard of the discovery, and the Defense Agency, the Ministry of Foreign Affairs and the Japan Coast Guard shall closely coordinate and cooperate with each other in dealing with the foreign submarine.

2. In accordance with the provisions of Article 82 of the Self-Defense Forces Law, when the Director-General of the Defense Agency requests the Prime Minister to give approval to order Self-Defense Force units to request a foreign submarine navigating submerged in Japan's territorial waters or inland waters to navigate on the surface of the sea and hoist its flag, and to request the foreign submarine to leave Japan's territorial waters if it does not comply with this request, the Prime Minister shall, in accordance with the provisions of Article 82 of the Self-Defense Forces Law, notify the Ministry of Foreign Affairs and the Japan Coast Guard of the discovery of the foreign submarine.

Annex iii. YARA Memorandum

iii–A. Overview

The "YARA Memorandum"[4339] refers to a 1971 official memorandum from Mr. Chobyo YARA, Chief Executive of the Government of the Ryukyu Islands (the predecessor local government to the OPG, prior to the reversion of Okinawa to Japanese sovereign control in 1972) to the GoJ's Minister of Transportation.

The memo[4340] and its response[4341] confirm that the intended use for Shimoji-jima Aviation Training Airfield (IATA: SKI; ICAO: RORS) was for civil aviation (and civil aviation training) purposes, and that, as a Locally-Managed Airport[4342] the Minister of Transportation did not have a legal basis to order the local government to permit its use for other purposes.[4343]

In 1979, OPG requested the airport be converted to public use as Locally-Managed Airport. Locally-Managed Airport managed by local governments but are considered public airports. As a public airport, U.S. force access to the airfield is addressed by the SOFA's Article 5.[4344]

However, a 1979[4345] "Confirmation Letter" from OPG requested the Minister of Transportation to confirm the airport would continue to be operated by the policies of the 1971 YARA Memo. The GoJ's response[4346] confirmed "the management policy of Shimoji-jima Airport is to be primarily determined by Okinawa Prefecture," which merely confirms the airport's management status as a Locally-Managed Airport under Article 5[4347] ¶(1) of the Airport Act (Act No. 80 of 1965, as amended).

OPG's stance[4348] is that the 1971 memo, combined with the 1979 confirmation letter confirms Shimoji-jima airport's excepted status as not required to support military aviation operations.[4349] The GoJ has not explicitly accepted this legal reasoning and the airfield has been used for limited military operations, including stopovers during regional exercises.

These divergent interpretations have yielded occasional controversy and protest.

iii–B. Summary of the Memorandum and Associated Documents

The collection of letters below represent a situation where:

1. In 1971 (prior to Okinawa's reversion), Chief Executive of the Government of the Ryukyu Islands YARA requested confirmation from the GoJ that Shimoji-jima Airfield would not be used for non-civilian (i.e., military) purposes.
   1a. The GoJ confirmed this YARA's understanding of the airport's use and management.
2. In 1979 (after Okinawa's reversion and Shimoji-jima's change in status to a public airport), Okinawa Prefectural Governor NISHIME requested confirmation from GoJ that the 1971 YARA memo policy (civilian use only) still applied to Shimoji-jima Airport
   2a. The GoJ confirmed only that management of the airport would "be primarily determined by Okinawa Prefecture"
3. GoJ later stated that Shimoji-jima Airport could be used by Military Aircraft[4350] "while taking into account the unique circumstances of the area such as wishes of local residents" with the Okinawa Prefectural Governor insisting that the YARA memo still applied and should be respected

Some U.S. planners hold the following interpretation of these letters:

1. Prior to the Okinawa reversion and while Shimoji-jima was a training (not public) airfield, there were few issues with YARA's proposed policy and a questionable basis for GoJ to exert jurisdiction over Okinawa's government (as it had not yet transferred back to Japanese sovereignty from U.S. governorship)

[4339] Annex iii. YARA Memorandum, p. 438.
[4340] iii–C.1. Original Memo, p. 439.
[4341] iii–C.2. Cabinet Response, p. 439.
[4342] i–T.2. Article 5 - Establishment and management of airports that play an important role in forming international or domestic air transportation networks, p. 391.
[4343] iii–C. Original Memorandum and Response (Translations), p. 439.
[4344] 2–1.4.3. Article 5—U.S. Access to Air and Sea Ports, p. 33.
[4345] iii–D.1. Okinawa Governor Confirmation to Minster of Transportation, p. 440.
[4346] iii–D.2. Minister of Transportation Response, p. 440.
[4347] i–T.2. Article 5 - Establishment and management of airports that play an important role in forming international or domestic air transportation networks, p. 391.
[4348] iii–E. Okinawa Prefectural Government's Position on the YARA Memorandum (Translation), p. 440.
[4349] iii–E. Okinawa Prefectural Government's Position on the YARA Memorandum (Translation), p. 440.
[4350] E–2.2.3.1. Military Aircraft, p. 244.

1a. Thus there were few reasons why GoJ should not acquiesce to YARA's request and GoJ may even have felt it had no legal grounds for rejecting YARA's policy.

2. After Okinawa's reversion and Shimoji-jima's change in status to a public airport, OPG sought to clarify the continued applicability of the YARA memo
   2a. GoJ sought to avoid the political or legal confrontation with OPG that would result from attempting to clearly resolve the question and instead offered an equivocal response that merely restated Japanese law regarding airfield management in a manner that would appear to confirm the special status OPG sought for Shimoji-jima Airport without actually doing so

3. This mutually ambiguous position continues, with Shimoji-jima having seen limited use over the years by Military Aircraft in training but with a largely stable standoff between GoJ and OPG on the use of the airfield that neither party is eager to formally resolve (either out of concern for an unfavorable outcome or a perceived unfavorable political cost/benefit analysis)

This interpretation is consistent with the "see no evil, hear no evil" approach GoJ took to the transit of U.S. nuclear weapons through Japanese territory.[4351]

iii–C. Original Memorandum and Response (Translations)

iii–C.1. Original Memo

(13 August 1971) (No.702)

To: Mr. NIWA Kyoshiro, Minister of Transportation
From: Mr. YARA Chobyo, Chief Executive of the Government of the Ryukyu Islands

Subject: Accelerating the Construction of Shimoji-jima Aviation Training Airfield

While you have been giving special consideration on the construction project of Shimoji-jima Aviation Training Airfield, this is to request for confirmation on following two points which are required in order to proceed with the construction.

1. Shimoji-jima Aviation Training Airfield will be owned and managed by the Government of the Ryukyu Islands (Okinawa Prefecture after reversion of Okinawa). Therefore, the purpose of use of the training airport will be determined by the Government of the Ryukyu Islands (Okinawa Prefecture after the reversion)

2. Ministry of Transportation does not have intention to use this training airfield for other purpose than civil aviation and training of Civil Aircraft,[4352] and does not have a legal basis to order the Government of the Ryukyu Islands (Okinawa Prefecture after the reversion), the managing authority, to permit the use of the airfield for purpose other than civil aviation and training of Civil Aircraft.[483]

iii–C.2. Cabinet Response

(17 August 1971) (No.2956) (No.390)

To: Mr. YARA Chobyo, Chief Executive of the Government of the Ryukyu Islands
From: Mr. YAMANAKA Sadanori, Director General for General Affairs, Prime Minister's Secretariat
Mr. NIWA Kyoshiro, Minister of Transportation

Subject: The view of Japanese Government on inquiry from the Government of the Ryukyu Islands regarding management and operation of Shimoji-jima Training Airfield

This is to provide the answer as following to the received inquiry No. 702, dated 13 August 1971;

Japanese Government confirms that there is no objection to the two items requested by the Chief Executive of the Government of the Ryukyu Islands.

[4351] B–2.1.3. Nuclear Weapon "Introduction" vs. "Transit", p. 210.

[4352] E–2.2.4. Civil Aircraft, p. 244.

iii–D. NISHIME Confirmation Letter (Translations)

iii–D.1. Okinawa Governor Confirmation to Minster of Transportation

(24 April 1979) (No.61)

To: Mr. MORIYAMA Kinji, Minister of Transportation
From: Mr. NISHIME Junji, Governor of Okinawa Prefecture

Subject: Management of Shimoji-jima Airport (Inquiry)

Your special consideration on the construction of Shimoji-jima Training Airfield is greatly appreciated. As Okinawa Prefecture previously requested to change the purpose of this airport to public airport (category 3), the prefecture would like to manage the airport by the policy in below. Confirmation from the Minister is requested.

(Omit)
2. Shimoji-jima airport is going to be managed by the policy that, the airport will be only used by Civil Aircraft[4353] *except for unavoidable cases such as rescue or urgent evacuation.*

iii–D.2. Minister of Transportation Response

(22 June 1979) (No.137)

To: Mr. NISHIME Junji, Governor of Okinawa Prefecture
From: Mr, MORIYAMA Kinji, Minister of Transportation

Subject: Management of Shimoji-jima Airport (Answer)

This is to provide the answer as following to your inquiry No. 61.

(Omit)
2. [The GoJ] sees that the management policy of Shimoji-jima Airport is to be primarily determined by Okinawa Prefecture, the management authority of the installation.

iii–E. Okinawa Prefectural Government's Position on the YARA Memorandum (Translation)

iii–E.1. From the 7th General Questioning in 2022, Okinawa Prefectural Assembly

Interpellator:[4354] *HIGA Mizuki (Japan Communist Party, Okinawa Assembly Group)*
Date: Tuesday 13th December, 2022

Mr. HIGA: "Defense Minister HAMADA stated in the Diet regarding Shimoji-jima airport that 'Use of the (Shimoji-jima) airport by SDF aircraft has to be considered while taking into account the unique circumstances of the area such as wishes of local residents.' I believe this statement indicates future possibility of military use (of the airport). We should make them strictly abide by 'YARA Memorandum' which confirmed that no military use of Shimoji-jima airport is allowed. "

(OPG) Director, Civil Engineering and Construction Department: "In what so-called 'YARA Memorandum' and 'NISHIME Confirmation Letter,' the use of Shimoji-jima airport is confirmed as 'the airport will be only used by Civil Aircraft[4355] *except for unavoidable cases such as rescue or urgent evacuation.' OPG believes these documents should be respected, and therefore is making effort to encourage more civil entities to use this airport."*

[4353] E–2.2.4. Civil Aircraft, p. 244.
[4354] C–3.4. Diet Interpellations, p. 235.
[4355] E–2.2.4. Civil Aircraft, p. 244.

Annex iv. U.S.-Japan SAR Agreement (as Amended)

iv–A. Text as Amended

The following reflects the original text[484] of the U.S.-Japan SAR Agreement (1986, amended 1998)[4356] with the 1998 amendments.[485]

AGREEMENT BETWEEN THE GOVERNMENT
OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF JAPAN
ON MARITIME SEARCH AND RESCUE [SAR[4357]]

The Government of the United States of America (hereinafter referred to as "the USA") and the Government of Japan,

Under the International Convention on Maritime Search and Rescue, 1979 (hereinafter referred to as " the Convention"),

Recognizing the great importance of cooperation in maritime search and rescue and of the provision of expeditious and effective search and rescue services,

Have agreed as follows:

Article 1

1. The Parties delimit, in accordance with the relevant provisions of the Convention, their respective search and rescue regions in the North Pacific as follows :

The search and rescue regions of the Parties are limited on the eastern and southern sides for Japan and the western and northern sides for the USA by the line connecting the coordinates 52°30'N, 165°E; 17°N, 165°E; 17°N, 130°E.

2. The establishment of search and rescue regions is intended only to effect an understanding concerning the regions within which each Party accepts primary responsibility for coordinating maritime search and rescue operations.

Article 2

Either Party, on receiving information of any person in distress at sea within its search and rescue region as provided in ¶(1) of Article 1, shall take urgent measures to provide the most appropriate assistance available regardless of the nationality or status of such a person or the circumstances in which that person is found.

Article 3

1. The Parties, in conducting their search and rescue operations including the urgent measures referred to in Article 2, shall cooperate with each other when necessary and coordinate their search and rescue operations for that purpose.

2. In order to facilitate the coordination referred to in ¶(1), the Parties shall endeavor to ensure the use of common search and rescue procedures and to provide the necessary means of communication.

Article 4

1. The Parties shall report to each other on maritime search and rescue cases of common interest when necessary or appropriate.

2. The Parties shall endeavor to exchange information, in addition to that related to specific search and rescue cases, that may serve to improve the effectiveness of maritime search and rescue operations.

Article 5

The Parties, to promote mutual cooperation in the field of maritime search and rescue, will pay due consideration to various collaborative efforts including :

[4356] 3–2.2.6.3.1. U.S.-Japan SAR Agreement (1986, amended 1998), p. 61.

[4357] 3–2.2.6. Search and Rescue (SAR), p. 60.

(a) Mutual visits between search and rescue program managers and Rescue Coordination Center personnel,

(b) Conduct of joint exercises of search and rescue operations, and of training in search and rescue services,

(c) Mutual use of ship reporting systems for search and rescue,

(d) Development of search and rescue procedures, techniques, equipment, and facilities, and

(e) Provision of services in support of search and rescue operations such as use of fueling or medical facilities.

Article 6

1. Nothing in this Agreement shall affect in any way the rights and duties based on other International Agreements[4358] *pertaining to either Party.*

2. The Parties will implement this Agreement in accordance with International Law[4359] *and their respective laws and regulations.*

Article 7

1. This Agreement shall enter into force on the date of signature.

2. This Agreement shall remain in force for a period of three years, and shall continue in force thereafter subject to termination on the date of expiration of six months after written notice by either Party to the other of its intention to terminate this Agreement, or on the date of the entering into force of a superseding agreement.

3. Termination as referred to in ¶(2) shall not affect the maritime search and rescue operations which have been undertaken hereunder and are not yet completed at the time of termination as referred to in ¶(2) unless otherwise agreed to by the Parties.

4. This Agreement may be amended by written agreement between the Parties. IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Signed at Tokyo on the twelfth day of the month of December, 1986 in duplicate in the English language,

[Signatures/Seals]

iv–B. Original Text

¶1 of Article 1 originally read:

1. The Parties delimit, in accordance with the relevant provisions of the Convention, their respective search and rescue regions in the North Pacific as follows :

The search and rescue region of the USA is limited on the western and northern sides by the line connecting the coordinates 52°30'N, 165°E; 21°N, 165°E; 21°N, 130°E; and 17°N, 130°E.

The search and rescue region of Japan is limited on the eastern and southern sides by the line connecting the coordinates 52°3'N, 165° E; 17°N, 165° E; and 17°N, 130°E.

Article 2 originally includes a paragraph between ¶¶(1) and (3) that read (the deleted paragraph was originally numbered ¶(2) and the amended ¶(2) was originally numbered ¶(3)):

2. For any search and rescue operation involving the rescue units of both Parties in the area where the search and rescue regions of both Parties overlap, the Parties shall decide in each case which Party will have primary responsibility for coordinating the search and rescue operations through consultation.

[4358] 1–6.1.1. International Agreements (Legal Status), p. 8.

[4359] 2–1.2.4.1. International Law, p. 22.

Annex v. Japan Legal Analysis of the 2022 Full-Scale Invasion of Ukraine by Russia: Implications

v–A. Overview

In early 2024, GSO's Legal Office began providing a summary presentation of the findings from an internal lessons learned report on Russia's 2022 invasion of Ukraine.

> The following implications and analysis are offered by the compiler of this guide based solely on the contents of the briefing slides and the information contained in this guide and do not represent a legal or intelligence analysis.

v–B. Analysis & Implications

> Caveats
>
> There are obvious differences between the 2022 Russian invasion and Ukraine and any potential Taiwan contingency. These differences make it difficult to draw direct conclusions about GSO's legal analysis of the Russia-Ukraine war and the decisions of GoJ in a Taiwan contingency.
>
> Additionally, while the legal analysis of a military staff office is valuable and reflects significant insight into the potential thinking of senior defense leaders, there are often critical differences in the analysis and positions of uniformed military leaders (or even civilian defense leaders in an MoD) and the political analysis and decisions of a nation's political leadership (in the executive and legislative branches) or the views of a nation's public.
>
> It also tends to be within any uniformed service's bureaucratic interests to inflate threats and create an imminent sense of crisis when a more measured approach might be warranted. This is generally true of any nation's armed forces and is not a critique of disingenuousness but a recognition that any bureaucratic entity tasked defense will tend to have a more severe appreciation of a threat whether warranted or not. Thus, for example, GSO's analysis that AAS (Imminent) might precede AAAS should be evaluated with the awareness that the MoD will tend to benefit from assertions that the current Security Situation framework is inadequate.
>
> That said, as of early 2024, the Russia-Ukraine war is by far the most seminal moment for modern Japanese defense thinking and its impact on Japan's view of its security situation, at all levels and by all stakeholders, cannot easily be overstated. It is therefore prudent to pay close attention to how Japan views the conflict, even if some observers may find some comparisons "false" or mistaken.

v–B.1. Indications and Warnings

v–B.1.A. I&W Analysis

GSO acknowledged the challenge of correctly interpreting I&W from exercises. Additionally, the pretense of innocent explanations (e.g., an annual exercise series like Zapad, even if conspicuously larger than normal) may challenge GoJ in the information environment and create vulnerabilities to belligerent misinformation claiming that GoJ (or the U.S.) was at fault for escalation.

Even if I&W are "correctly" identified by a nation's leadership, the ability to make a convincing domestic and international case will be challenged by misinformation and competing narratives.

GSO also highlighted the implementations of Russian laws or other legal mechanisms as key I&W.

v–B.1.B. I&W Implications

Japan may draw conclusions from Ukraine's "late" response that while a delayed mobilization or increase in defensive posture may be militarily or operationally disadvantageous, it bestows strategic advantages, especially in the information environment.

The long-term implications of legitimacy, especially as it relates to support from like-minded nations (and the domestic political "cover" offered by such multilateral support) may create an appeal to disadvantage Japan's military posture in the opening days, weeks, or months of a conflict in the belief that it is an "investment" in long-term advantage. Such a tradeoff may seem more appealing if a protracted conflict seems more likely. Additionally, Japan's emphasis on continued deterrence[4360] may further enhance the appeal of a "second mover legitimacy" approach.

Additionally, the need to make a domestic and international political case for the interpretation of "exercises" that cover preparations for hostilities highlights the necessity for multiple independent claims (e.g., claims by not just the U.S. but other, potentially more disinterested parties, such as European nations, and ensuring those claims appear somewhat independent from the U.S. and Japan).

The recognition of Russian laws mobilizing reservists, providing security guarantees to the Donetsk and Luhansk "Republics," and similar "lawfare" measures attempting to create a legal pretense for Russian invasion and annexation highlights not just anticipation of these techniques (e.g., PRC implementing an ATPA[4361] or MTPA[4362]) but the possibility they may be interpreted by GoJ as concrete I&W for conflict.

By the same token, GoJ may be wary of any "last minute" legalizing measures taken by those seeking to defend Taiwan in a crisis as weakening a strategic narrative focused on highlighting the illegality of the PRC attempting to change the status quo by force. Furthermore, GoJ's self-perception as adhering more closely to International Law[4363] than even its close allies and partners (e.g., the briefing questions the legal basis for the 1999 NATO intervention in Yugoslavia) may motivate it to maintain an appearance of legal, political, and/or military independence from other co-belligerents seeking to defend Taiwan.

v–B.2. Political Calculus for Security Situations.

AAAS vs. AAS (Imminent) Timing & Sequencing under Enemy Deception

v–B.2.A. Analysis

GSO's viewed Russia's massing of ~120,000 troops at the Ukrainian border in March-April 2021 (11-10 months before conflict) and the increase of these troop numbers to ~190,000 in October 2021 (4 months before conflict) as constituting criteria for Stipulating AAS (Imminent).

GSO viewed President Putin's activation of military reservists on 18 February 2022 as constituting criteria for Stipulating AAAS.

GSO highlights this 'inversion' of intended Security Situation sequence as an indication that the current framework is based on assumptions that might be invalidated and that the ability of the JSDF to conduct "quick operational preparations" might need to be enhanced.

This analysis also underscores the term commonly translated as "objective" as in "objectively judged" or "objectively confirmed," suggesting that tangible, material indicators might play even more of a prominent role in Stipulation[4364] that one might suspect.

v–B.2.B. Implications

U.S. planners often think of AAAS as occurring days or possibly weeks before AAS.

GSO's analysis of Security Situation application to the Russia-Ukraine war timeline highlights two possibilities that are not entirely mutually exclusive:

1. GSO is taking the examples of Security Situations provided to the Diet in 2015[4365] too literally
2. The 2015 examples may reflect genuine criteria for Stipulation[4366] in the minds of some leaders

It is difficult to believe that GoJ would adhere so closely to the 2015 Security Situation examples as to potentially Recognize a Security Situation as severe as AAAS almost 12 months before the commencement of hostilities. However,

[4360] 2–1.2.3. Requirement for Continued Deterrence Efforts, p. 22; 10–2.2. GoJ Requirements to Continue Deterrence, p. 184.
[4361] 4–12.9.6.5.1. Air Trade Protection Act (ATPA), p. 129.
[4362] 4–12.9.6.5.2. Maritime Trade Protection Act (MTPA), p. 129.
[4363] 2–1.2.4.1. International Law, p. 22.
[4364] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.
[4365] 4–7.4. IIS Scenarios, p. 107; 4–9.4. AAAS Scenarios, p. 110; 4–10.4. STS Scenarios, p. 114; 4–11.1.1. AAS (Imminent), p. 117; 4–11.1.2. AAS (Occurrence), p. 117.
[4366] 4–2.2. Terminology: Stipulation (vs. Declaration), Approval/Rejection, and Recognition (vs. Acknowledgement), p. 93.

in the common (if ill-defined) terms of "strategic/operational/tactical warning," GSO's 'inversion' implies that the 'proper' sequence in the Russia-Ukraine scenario would have been to Recognize AAS (Imminent) around February 18, 2022, linking the situation loosely with 'tactical warning.' If this implication holds, an extended implication may be that AAAS is appropriate for 'operational warning' (4 months) and IIS is appropriate for 'strategic warning' (11-10 months).

An alternative interpretation of this 'inversion' is that GSO is implying the fundamental concept of a slow progression of discernable strategic, operational, and tactical warning is invalid. This alternative interpretation is suggested by the presentation of "lessons" and the (translated) language. But Japanese legal and cultural approaches to defense, defense policy, and defense law, suggest a somewhat formulaic approach (similar to U.S. self-critiques of a false peace- war-time dichotomy).

Even if some individuals believe the basic premise of discernable strategic, operational, and tactical warning is invalid, it is reasonable to believe that others might use such a linear progression (reflected in the 2015 Security Situation examples) to retard political debate on Stipulation.

Finally, such potentially extended timelines for AAAS (or as GSO analyzes, AAS [Imminent]) Recognitions (11-10 months) has possible implications for the approach the PM may take to implementing a BRP under emergency authorities and seeing an *Ex Post Facto* Approval from the Diet. Even if conflict is imminent in actuality, the perception that conflict may be discernable as much as a year out might create a stronger preference for *Ex Ante* Approval than otherwise exists.

v–B.3. Weapons Use and Access, Basing, and Overflight (ABO)

v–B.3.A. Weapons Use Analysis

GSO highlights the use of weapon types banned by International Law,[4367] agreements, or conventions (e.g., cluster munitions) or employment methods that are banned by similar agreements (e.g., use of fuel vapor bombs in indiscriminate attacks.

GSO similarly highlights attacks on protected objects such as civilian populations, hospitals, and cultural sites.

v–B.3.B. ABO Implications

Early in phases of crisis or conflict, GoJ may feel compelled to apply ABO limitations to weapons types or methods of weapons employment that it considers illegal or even questionable. This may not only limit the ABO of U.S. forces operating from or through Japan but place Alliance management constraints on U.S. forces *not* operating from Japan that are conducting operations GoJ is unwilling to consent to. This may require U.S. operations to be clearly segregated along these lines such that GoJ, the Japanese people, the PRC, and the international community can distinguish between those U.S. operations GoJ assets to (and supports from its territory) and those U.S. operations GoJ does not assent to.

By the same token, GoJ's position may practically influence U.S. target lists, either placing similar segregation requirements on operations attacking targets the GoJ finds objectionable or even GoJ caveats on targets that may be attacked from U.S. forces operating from or through Japan.

Ultimately, U.S. operations from and through Japan must be cognizant of GoJ's own perception of its legitimacy in any conflict, but U.S. operations conducting without Japan's support or asset may face functional (if more mild) constraints in demonstrating (to a multitude of audiences) the distinction between U.S. operations conducting with Japan's support and those conducted independent of it.

As the severity of any conflict increases, history suggests these constraints will be moderated or erode. However, U.S. planners may be prudent in assuming changes may lag operational needs and U.S. planners at all levels must clearly communicate both the operational requirements and potential costs of lifting constraints that hinder campaign success.

v–B.4. Evacuation

v–B.4.A. Evacuation Analysis

GSO's briefing recognizes the role of international humanitarian organizations facilitating civilian evacuation as well as the need for the establishment of humanitarian corridors to enable this evacuation.

[4367] 2–1.2.4.1. International Law, p. 22.

v–B.4.B. Evacuation Implications

U.S. planners should assume GoJ seeking a role for international humanitarian organizations in Japanese civil populations affected by any conflict or threat of conflict, especially in areas such as the SSI or Okinawa that are likely to be PRC targets. These organizations (and GoJ's prioritization of civil protection) are likely to compete for limited resources, such as lift or airfield and port use. At the same time, U.S. planners may find that "dual use" military operations (that both support these civil protection and evacuation operations while also increasing force posture to defend Japan's sovereignty) will not only find greater favor and prioritization with GoJ and the affected Japanese population, but reinforce the U.S.'s role in helping to defend Japan while supporting strategic narratives about legitimacy that will be important to both GoJ and USG.

Annex vi. SOURCES

vi–A. BIBLIOGRAPHY

Acheson, Dean, and Shigeru YOSHIDA. 1951. "National Graduate Institute for Policy Studies (GRIPS) - The World and Japan." *Notes Exchanged between Prime Minister YOSHIDA and Secretary of State Acheson at the Time of the Signing of the Security Treaty between Japan and the United States of America.* September 8. https://worldjpn.net/documents/texts/docs/19510908.T3E.html.

AKIMOTO, Daisuke. 2018. *The ABE Doctrine: Japan's Proactive Pacifism and Security Strategy.* Singapore: Palgrave Macmillan.

Allied Powers; Japanese Government. 1951. "Treaty of Peace with Japan." San Francisco, September 8. https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf.

Basalla, Suzanne , William Berger, and C. Spencer Abbot. 2013. "Managing Foreign Assistance in a CBRN Emergency: The US Government Response to Japan's "Triple Disaster"." *Joint Force Quarterly* 1 (68): 25-31.

Bradford, John, and Michael Bosack. 2021. *Underwriting the Alliance: 2021 Edition.* Yokosuka: Yokosuka Council on Asia Pacific Studies. https://uploads.strikinglycdn.com/files/67cc2671-02f3-4b42-9c5f-22d9f311b974/Underwriting%20the%20Alliance_2021%20edition.pdf.

Cabinet Office, National Space Policy Secretariat. 2021. *Advantages of QZSS.* November 8. https://qzss.go.jp/en/overview/services/superiority.html.

—. 2019. *What is the Quasi-Zenith Satellite System (QZSS)?* July 15. https://qzss.go.jp/en/overview/services/sv02_why.html.

Cabinet Secretariat. 2015b. "離島等に対する武装集団による不法上陸等事案に対する政府の対処に ついて." *Cabinet Secretariat.* May 14. https://www.cas.go.jp/jp/gaiyou/jimu/pdf/huhoujourikutaisho.pdf.

—. 2015a. "我が国の領海及び内水で国際法上の無害通航に該当しない航行を行う 外国軍艦への対処について." *Cabinet Secretariat.* May 14. https://www.cas.go.jp/jp/gaiyou/jimu/pdf/gaikokugunkantaisho.pdf.

CANPAN Project. 2016. "Japanese Laws and Regulations for Maritime Safety and Security Policy Program (Tentative Translation)." *CANPAN Fields.* April 20. https://fields.canpan.info/report/download?id=10846.

Cha, Victor D. 2018. *Powerplay: The Origins of the American Alliance System in Asia.* Princeton: Princeton University Press.

Chansoria, Monika. 2018. "1969 Report by UN Economic Commission for Asia and the Far East: A Turning Point in the Historical Debate over Senkaku Islands." *Japan Review* (The Japan Institute of International Affairs) 2 (3): 36-47.

CHIJIWA, Yasuaki. 2020. "Chapter 4: The Crisis Management System in the Kantei." In *10-year Investigation Commission on the Fukushima Nuclear Accident Final Report by Investigation Commission on the Fukushima Nuclear Accident*, by Asia Pacific Initiative, 112-140. Tokyo: Asia Pacific Initiative.

—. 2021. ""The US-Japan/US-South Korea Alliance" and "the Far East 1905 System": Perspectives on the 70th Anniversary of the San Francisco Peace Treaty and the US-Japan Security Treaty." *National Institute for Defense Studies.* July. https://www.nids.mod.go.jp/english/publication/briefing/pdf/2021/briefing_e202107.pdf.

—. 2018. "NIDS Commentary No. 80: The "Termination" of the Korean War, the "Dissolution" of the United Nations Forces and Their Influence on Japan." *The National Institute for Defense Studies.* July 11. https://www.nids.mod.go.jp/english/publication/commentary/pdf/commentary080e.pdf.

Commander, United States Forces Japan. 2024. "USFJ Instruction 32-7: Facilities, Civil Engineering, & Real Estate." Yokota, AB: United States Forces Japan, February 01.

Congressional Research Service. 2017. "Taiwan: Issues for Congress." Washington, DC, October 30. https://crsreports.congress.gov/product/pdf/R/R44996.

—. 2021. "The Senkakus (Diaoyu/Diaoyutai) Dispute: US Treaty Obligations." Washington, DC, March 21. https://crsreports.congress.gov/product/pdf/R/R42761.

Department of the Navy. 2022. *NWP 1-14M, The Commanders Handbook on the Law of Naval Operations.* Norfolk: Department of the Navy.

Didvalis, Linas, and Jiabin Song. 2023. "Between Nuclear Autonomy and Foreign Extended Nuclear Deterrence Protection: the Case of Japan." *Lithuanian Annual Strategic Review* 21. doi:10.47459/lasr.2023.21.1.

Easton, Ian. 2019. *The Chinese Invasion Threat: Taiwan's Defense and American Strategy in Asia.* Manchester: Eastbridge Books.

Eldridge, Robert D. 2024. "A restart of Senkaku firing ranges is long overdue: The US decision to suspend their use has cast a long shadow over the East China Sea." *The Japan Times.* December 10. https://www.japantimes.co.jp/commentary/2024/12/10/japan/senkaku-firing-range/.

—. 2006. "The Japan Institute of International Affairs Resource Library." *US Senkakus Policy and its Contradictions.* September 23. https://www.jiia-jic.jp/en/resourcelibrary/pdf/ResourceLibrary_Territory_Eldridge_230906_r.pdf.

Frederick, Bryan, Kristen Gunness, Gabrielle Tarini, Andrew Stravers, Michael J. Mazarr, Emily Ellinger, Jonah Blank, et al. 2023. "Improving Conflict-Phase Access: Identifying US Policy Levers." *RAND.* November 28. https://www.rand.org/pubs/research_reports/RRA1742-1.html.

FUJII, Kenji. 2021. "Article 2 of the Treaty of San Francisco and Takeshima –With a Focus on the Negotiation Process in 1951." *Japan Review* 4 (2): 55-78.

FUJISHIGE, Atsuhiko. 2016. "New Japan Self-Defense Force Missions under the "Proactive Contribution to Peace" Policy: Significance of the 2015 Legislation for Peace and Security." *Center for Strategic and International Studies.* July 21. https://www.csis.org/analysis/new-japan-self-defense-force-missions-under-proactive-contribution-peace-policy.

FUJISHIGE, Hiromi Nagata, Yuji UESUGI, and Tomoaki HONDA. 2022. *Japan's Peacekeeping at a Crossroads: Taking a Robust Stance or Remaining Hesitant?* Cham: Palgrave Macmillan.

FUJITA, Naotaka. 2024. "The Asahi Shimbun." *Documents trace secret 1960 deal on US warships carrying nukes.* May 19. https://www.asahi.com/ajw/articles/15272348.

Fujiyama, Aiichiro, and Douglas MacArthur II. 1960. "Record of Discussion." *National Graduate Institute for Policy Studies (GRIPS) - The World and Japan.* 01 06. https://worldjpn.net/documents/texts/JPUS/19630413.O1J.html.

Gallagher, Daniel I. 1987. *Sea Lane Defense: Japanese Capabilities and Imperatives.* Naval Postgraduate School, Monterey: Naval Postgraduate School.

General Headquarters, Supreme Commander for the Allied Powers. 1946. "SCAPIN DB." *SCAPIN-677: Governmental and Administrative Separation of Certain Outlying Areas from Japan.* January 26. https://jahis.law.nagoya-u.ac.jp/scapindb/docs/scapin-677.

—. 1946. "SCAPIN DB." *SCAPIN-1033: Area Authorized for Japanese Fishing and Whaling.* June 22. https://jahis.law.nagoya-u.ac.jp/scapindb/docs/scapin-1033.

Green, Michael J. 2022. *Line of Advantage: Japan's Grand Strategy in the Era of ABE Shinzō.* New York: Columbia University Press.

HARADA, Yu, and Seiya EIFUKU. 2018. "The Security of the Sea: Significance of the Freedom of Navigation and Related Challenges." *East Asian Security Review* (The National Institute for Defense Studies) 7-42.

Harding, Shawn. 2024. *Bolstering the Fortress of Regional Stability: The Changing Indo-Pacific Security Environment and Military Bases in Japan.* Washington, DC: Sasakawa Peace Foundation US. https://spfusa.org/publications/bolstering-the-fortresses-of-regional-stability-the-changing-indo-pacific-security-environment-and-military-bases-in-japan/.

Headquarters, Department of the Army. 1997. "Army Regulation 190–8: Enemy Prisoners of War, Retained Personnel, Civilian Interees, and Other Detainees." Washington, DC, October 1. https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r190_8.pdf.

Hook, Glenn D., and Gavan McCormack. 2001. *Japan's Contested Constitution: Documents and Analysis.* New York: Routledge.

Hornung, Jeffrey W. 2020. "Japan's Potential Contributions in an East China Sea Contingency." *RAND Corporation.* December 14. https://www.rand.org/pubs/research_reports/RRA314-1.html.

Hornung, Jeffrey W., Kristen Gunness, Brian Rooney, Dan McCormick, Lydia Grek, Ryan A. Schwankhart, Gian Gentile, and Marisa R. Lino. 2024. *Fighting Abroad from an Ally's Land: Challenges and Opportunities for US Forces in the Indo-Pacific.* September 16. https://www.rand.org/pubs/research_reports/RRA1985-1.html.

IIDA, Masafumi, Hiromu ARAKAKI, and Takeyuki HASEGAWA. 2023. "National Insititute for Defense Studies." *China Security Report 2024: China, Russia, and the United States Striving for a New International Order.* https://www.nids.mod.go.jp/publication/chinareport/pdf/china_report_EN_web_2024_A01.pdf.

INOUE, Masaya. 2022. *Japan's stance on the Taiwan Strait.* September 09. https://eastasiaforum.org/2022/09/09/japans-stance-on-the-taiwan-strait/.

International Court of Justice. 1986. "Militarv and Puramilitary Activities in and aguinst Nicaragua (Nicaragua v. United States of America). Merits, Judgment." Hague: International Court of Justice, June 27. https://www.icj-cij.org/sites/default/files/case-related/70/070-19860627-JUD-01-00-EN.pdf.

ISHII, Yurika. 2023. "Japanese Legal Challenges in Rescuing Nationals Abroad." *International Law Studies* (Stockton Center for International Law) 100.

ISHIZUKA, Nobuhisa, Masahiro KUROSAKI, and Matthew C. Waxman, . 2020. *Strengthening the U.S.-Japan Alliance: Pathways for Bridging Law and Policy,.* New York: Columbia Law School.

ISOBE, Koichi. 2004. *On the Frontlines of Operation TOMODACHI: Japan-US Coordination During Crisis.* Translated by James L. Schoff. Washington, DC: Sasakawa Peace Foundation.

Jakhu, Ram S., and Steven Freeland. 2022. *McGill Manual on International Law Applicable to Military Uses of Outer Space: Volume I - Rules.* Montreal: Centre for Research in Air and Space Law.

Japanese Government. 2022. "National Security Strategy." *Ministry of Foreign Affairs.* December 16. https://www.cas.go.jp/jp/siryou/221216anzenhoshou/nss-e.pdf.

Japanese Government; PRC Government. 1972. "Ministry of Foreign Affairs." *Joint Communiqué of the Government of Japan and the Government of the People's Republic of China.* September 29. https://www.mofa.go.jp/region/asia-paci/china/joint72.html.

Japanese Government; ROC Government. 1952. "Treaty of Peace between the Republic of China and Japan." *Taiwan Documents Project.* April 28. http://www.taiwandocuments.org/taipei01.htm.

Japanese Government; Russian Government. 1905. "Treaty of Portsmouth." Portsmouth, September 5.

Japan-US Security Consultative Committee. 1960. "Minutes for Inclusion in the Record of the First Meeting of the Security Consultative Committee." Tokyo, January 6. https://worldjpn.net/documents/texts/JPUS/19590509.O1J.html.

Japan-US Subcommittee for Defense Cooperation. 1978. "Report by the Subcommittee for Defense Cooperation, Submitted to and Approved by the Japan-US Security Consultative Committee." Tokyo, November 27.

Joint Staff. 2005. "CJCSI 3121.01B: Standing Rules of Engagement / Standing Rules for the Use of Force for US Forces." Washington, DC, June 13. https://www.esd.whs.mil/Portals/54/Documents/FOID/Reading%20Room/Joint_Staff/20-F-1436_FINAL_RELEASE.pdf.

Kan, Shirley A. 2007. *China/Taiwan: Evolution of the "One China" Policy—Key Statements from Washington, Beijing, and Taipei.* Washington, DC: Congressional Research Service.

KANEHARA, Atsuko. 2021. "Maritime Security in the East China Sea: Japan's Perspective." *Pacific Forum Issues & Insights* (Pacific Forum International) 21 (2): 16-21.

KANEHARA, Atsuko. 2022. "Reconsideration of the Distinction between the Use of Arms in Law Enforcement and the Use of Force Prohibited by International Law: With an Analysis of the Inherent Significance of This Issue to Japan." *Japan Review* 5: 13-48. https://www.jiia-jic.jp/en/japanreview/pdf/JapanReview_Vol5_02_%20Kanehara.pdf.

KANEHARA, Atsuko. 2021. "Refining Japan's Integrative Position on the Territorial Sovereignty of the Senkaku Islands." *International Law Studies* 97: 1588-1632.

KANEHARA, Atsuko. 2019. "The Use of Force in Maritime Security and the Use of Arms in Law Enforcement under the Current Wide Understanding of Maritime Security." *Japan Review* 3 (2): 35-53. https://www.jiia-jic.jp/en/japanreview/pdf/JapanReview_Vol3_No2_05_Kanehara.pdf.

KAWAKAMI, Takashi. 2008. "The Defense Policy Review Initiative: The Japanese Perspective." In *Strategic Yet Strained: US Force Realignment in Japan and its Effects on Okinawa*, edited by Yuki TATSUMI, 91-104. Washington, DC: The Henry L. Stimson Center.

Keating, Steven Geoffrey. 2018. "Rock of Island? It Was an UNCLOS Call: The Legal Consequences of Geospatial Intelligence to the 2016 South China Sea Arbitration and the Law of the Sea." *Journal of National Security Law and Policy.* Vol. 9. https://jnslp.com/wp-content/uploads/2018/09/Rock_or_Island_It_Was_an_UNCLOS_Call_3.pdf.

KISHIDA, Fumio. 2014. "Nuclear Disarmament and Non-proliferation Policy Speech (Summary)." *Ministry of Foreign Affairs.* January 20. https://www.mofa.go.jp/dns/ac_d/page18e_000041.html.

KOMINE, Yukinori. 2018. *Negotiating the US-Japan Alliance: Japan Confidential.* New York: Routledge.

KOMINE, Yukinori. 2013. "Okinawa Confidential, 1969: Exploring the Linkage between the Nuclear Issue and the Base Issue." *Diplomatic History* 37 (4): 807-840.

KOTANI, Tetsuo. 2020. "China's "Nine Gates" and Security Policy in the Indo-Pacific Challenges for Japan." *Japan Review* (The Japan Institute of International Affairs) 4 (1): 21-30.

—. 2021. *The New Taiwan Clause: Taiwan and the Security of Japan.* June 1. https://www.jiia.or.jp/en/strategic_comment/2021/06/2021-01.html.

Kraska, James, David Letts, Raul "Pete" Pedrozo, Wolf Heintschel von Heinegg, Rob McLaughlin, James Farrant, Yurika Ishii, Gurpreet S. Khurana, and Koki Sato. 2023. *Newport Manual on the Law of Naval Warfare.* Newport: Stockton Center for International Law.

Kuhn, Anthony. 2021. "After Being SIlent For Decades, Japan Now Speaks Up About Taiwan - And Angers China." Washington, DC: NPR, 07 26. https://www.npr.org/2021/07/26/1020866539/japans-position-on-defending-taiwan-has-taken-a-remarkable-shift.

KUROSAKI, Masahiro. 2020. "Legal Framework of Japan's Self-Defense with the United States." In *Strengthening the U.S.-Japan Alliance: Pathways for Bridging Law and Policy*, edited by Nobuhisa ISHIZUKA, Masahiro KUROSAKI and Matthew C. Waxman, 28-45. New York: Columbia Law School. https://www.law.columbia.edu/sites/default/files/2021-06/Legal%20Framework%20of%20Japan%27s%20Self%20Defense%20with%20the%20United%20States.pdf.

—. 2018. "The 'Bloody Nose' Strategy, Self-Defense and International Law: A View from Japan." *Lawfare.* February 15. https://www.lawfaremedia.org/article/bloody-nose-strategy-self-defense-and-international-law-view-japan.

Lee, Dong-jun. 2012. "From the Secret "Korean Minute" to the Open "Korea Clause": The United States and Japan and the Security of the Republic of Korea." *Asian Perspective* (The Johns Hopkins University Press) 36 (1): 123-145.

Li, Zhuoran. 2024. *No, Japan Will Not Defend Taiwan.* March 18. https://thediplomat.com/2024/03/no-japan-will-not-defend-taiwan/.

Liff, Adam P. 2023. *No, Japan is not planning to "double its defense budget".* May 22. https://www.brookings.edu/articles/no-japan-is-not-planning-to-double-its-defense-budget/.

Liff, Adam P. 2017. "Policy by Other Means: Collective Self-Defense and the Politics of Japan's Postwar Constitutional Reinterpretations." *Asia Policy* (24): 139-172.

Mainichi Shimbun. 2016. "Mainichi Shimbun." *稲田防衛相: 常時破壊措置を発令　対北朝鮮ミサイル*. August 9. https://mainichi.jp/articles/20160809/k00/00m/010/124000c.

Martin, Craig. 2008. "Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum." *University of Pennsylvania Journal of International Law* 30 (1): 267-257.

Martin, Craig. 2017. "The Legitimacy of Informal Constitutional Amendment and the "Reinterpretation" of Japan's War Powers." *Fordham International Law Journal* 40 (2): 427-521.

MATSUOKA, Misato. 2019. *Hegemony and the US-Japan Alliance.* New York: Routledge.

Minister for Foreign Affairs of Japan. 2010. "Report of the Expert Committee on the So-Called "Secret Agreements Issue"." Tokyo, March 9. https://www.mofa.go.jp/mofaj/gaiko/mitsuyaku/pdfs/hokoku_yushiki.pdf.

Minister of Defense. 2019. *Defense of Japan 2019 (English Translation).* Tokyo: Ministry of Defense.

—. 2023a. *Defense of Japan 2023 (English Translation).* Tokyo: Ministry of Defense.

—. 2023b. *Defense of Japan 2023 Reference (English Translation).* Tokyo: Ministry of Defense.

—. 2024. *Defense of Japan 2024 (English Translation).* Tokyo: Ministry of Defense.

Minister of Foreign Affairs. 2024. *Diplomatic Bluebook 2024.* Tokyo: Ministry of Foreign Affairs.

Ministry of Defense. 2020. *Japan Detailed Legal Framework (PowerPoint Brief).* Tokyo.

—. 2022. "National Defense Strategy." *Ministry of Defense.* December 16. https://www.mod.go.jp/j/policy/agenda/guideline/strategy/pdf/strategy_en.pdf.

Ministry of Foreign Affairs of Japan. 2024. *Government of the United States of America-Government of Japan Guidelines for Extended Deterrence.* December 27. https://www.mofa.go.jp/press/release/pressite_000001_00883.html.

Mitchell, Derek J. 2008. "The Global Posture Review of the United States: "Reduce, Maintain, and Enhance"." In *Strategic Yet Strained: US Force Realignment in Japan and its Effects on Okinawa*, edited by Yuki TATSUMI, 13-24. Washington, DC: The Henry L. Stimson Center.

Mochizuki, Mike. 2022. "Tokyo's Taiwan Conundrum: What Can Japan Do to Prevent War?" *The Washington Quarterly* 45 (3): 81-107.

Modly, Thomas B. 1985. "The Rhetoric and Realities of Japan's 1,000-Mile Sea-Lane Defense Policy." *Naval War College Review* (Na) 38 (1): 25-36.

MORI, Tadashi. 2016. "Duke-Japan Conference on Comparative Foreign Relations Law." *Decisions on Using Military Force and Participating in Collective Security: Japan.* September 19. https://law.duke.edu/sites/default/files/centers/cicl/discussionpapertadashi_mori20160919.pdf.

NAKAMURA, Hideki. 2020. *Japan's Military Power: The True Ability of the Self-Defense Forces.* Translated by Robert D. Eldridge and Graham B. Leonard. Newcastle on Tyne: Cambridge Scholars Publishing.

NAKAMURA, Susumu. 2021. "The Japanese Response to a Taiwan Crisis - How to Prepare and Respond." Tokyo: Sasakawa Peace Foundation, 06 15. https://www.spf.org/iina/en/articles/nakamura_01.html.

National Center of Incident Readiness and Strategy for Cybersecurity. 2021. "Cyber Security Strategy." September 28. https://www.nisc.go.jp/eng/pdf/cs-senryaku2021-en.pdf.

—. 2024. "National Center of Incident Readiness and Strategy for Cybersecurity." *National Center of Incident Readiness and Strategy for Cybersecurity.* https://www.nisc.go.jp/eng/index.html.

—. 2024. "The Cybersecurity Policy for Critical Infrastructure Protection." *National Center of Incident Readiness and Strategy for Cybersecurity.* March 8. https://www.nisc.go.jp/eng/pdf/cip_policy_2024_eng.pdf.

Nixon, Richard. 1969. "Address on the Vietnam War." *Teaching American History.* November 03. https://teachingamericanhistory.org/document/address-on-the-vietnam-war/.

Nixon, Richard, and Eisaku SATŌ. 1969. "The American Presidency Project." *Joint Communiqué of United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969.* November 21. https://www.presidency.ucsb.edu/documents/joint-statement-following-discussions-with-prime-minister-sato-japan.

Office of Policy Planning and Coordination on Territory and Sovereignty, Cabinet Secretariat. 2022. *The Senkaku Islands.* Tokyo: Office of Policy Planning and Coordination on Territory and Sovereignty. https://www.cas.go.jp/jp/ryodo_eg/img/data/pamph-senkaku.pdf.

Office of the General Counsel of the Department of Defense. 2023. *Department of Defense Law of War Manual - June 2015 (Updated July 2023).* Washington, DC: Office of the General Counsel of the Department of Defense.

OGUMA, Eiji. 2024. ""Liberal" and pacifism in postwar Japan—their given conditions and historical background." *Discuss Japan* (Japan Foreign Policy Forum, Ministry of Foreign Affairs) (80).

OGUMA, Shinya. 2024. "Japan's Security Policy Making after Political Reforms: Centralization and Constraints since the First ABE administration." *Security & Strategy* (The National Institute for Defense Studies) 4: 67-88.

O'Hanlon, Michael. 2019. *The Senkaku Paradox: Rising Great Power War Over Small States.* Washington, DC: Brookings Institute Press.

Pedrozo, Raul. 2017. "International Law and Japan's Territorial Disputes." *Japan Review* (The Japan Institute of International Affairs) 1 (2): 26-50.

Pedrozo, Raul. 2016. "International Law and Japan's Territorial Disputes." *International Law Studies* (Naval War College) 92: 119-152.

Perlez, Jane. 2013. "Calls Grow in China to Press Claim for Okinawa." *The New York Times.* June 13. https://www.nytimes.com/2013/06/14/world/asia/sentiment-builds-in-china-to-press-claim-for-okinawa.html.

Priebe, Miranda, Mina Pollmann, Naoko Aoki, Alexandra T. Evans, Kristen Gunness, Garrett Hinick, Samuel J. Leiter, et al. 2025. *Anticipating Allies' Responses to U.S. Retrenchment: Lessons from Limited Military Withdrawals During the Cold War.* Santa Monica: RAND Corporation. https://www.rand.org/content/dam/rand/pubs/research_reports/RRA700/RRA739-8/RAND_RRA739-8.pdf.

Rapp-Hooper, Mira. 2020. *Shields of the Republic: The Triumph and Peril of America's Alliances.* Cambridge: Harvard University Press.

Samuels, Richard J., and James L. Schoff. 2013. "Japan's Nuclear Hedge: Beyond "Allergy" and Breakout." *MIT Open Access Articles.* July 15. https://dspace.mit.edu/bitstream/handle/1721.1/85865/Samuels_Japan%27s%20nuclear%20%28final%29.pdf?sequence=1.

Sari, Aurel, and Hitoshi NASU. 2018. *Collective Self-Defense and the "Bloody Nose Strategy": Does it Take Two to Tango?* January 26. https://www.justsecurity.org/51435/collective-self-defense-bloody-nose-strategy-tango/.

Schoff, James L. 2017. *Uncommon Alliance for the Common Good: The United States and Japan After the Cold War.* Washington, DC: Carnegie Endowment for International Peace.

Seymour, Robert. 1974. "Japan's Self-Defense: The Naganuma Case and Its Implications." *Pacific Affairs* (University of British Columbia) 47 (4): 421-636.

SHINODA, Tomohito. 2023. "The Japanese Prime Minister and the Executive Institutional Setting." *Asian Journal of Comparative Politics* 8 (2): 68-82.

Silliman, Douglas, and Eunice Reddick. 2024. "Diplomatic Reporting and Communication." Chap. 8 in *Diplomatic Tradecraft*, by Nicholas Kralev, edited by Nicholas Kralev, 192. New York: Cambridge University Press.

Stone, Timothy D. 2004. "US-Japan SOFA: A Necessary Document Worth Preserving." *Naval Law Review* 53: 229-258.

SUSUMU, Takai. 2019. "Debates Concerning the Incorporation of Peipheral Islands into the Territory of Japan." *Japan Review* (The Japan Institute of International Affairs) 3 (2): 20-27.

TAKAHASHI, Kosuke. 2022. "How Would Japan Respond to a Taiwan Contingency?" *The Diplomat.* August 20. https://thediplomat.com/2022/08/how-would-japan-respond-to-a-taiwan-contingency/.

TAKAHASHI, Sugio. 2015. "Japan: Revising Security Legislation and the Japan-US Defense Cooperation Guidelines." *East Asian Security Review* (The National Institute for Defense Studies) 37-58.

TAKEI, Tomohisa. 2020. "Gray Zones and Vulnerability in the US-Japan Alliance: Operational and Legal Dimensions." *Asia Policy* 15 (3): 19-29.

TATSUMI, Yuki. 2008. *Japan's National Security Policy Infrastructure: Can Tokyo Meet Washington's Expectations?* Washington, DC: The Henry L. Stimson Center. https://www.stimson.org/sites/default/files/file-attachments/Tatsumi_%20Japan's_Security_Policy_Infrastructure_Final_Version.pdf.

TATSUMI, Yuki, and Arthur Lord. 2008. "Introduction." In *Strategic Yet Strained: US Force Realignment in Japan and its Effects on Okinawa*, edited by Yuki TATSUMI, 1-12. Washington, DC: The Henry L. Stimson Center.

The Advisory Panel on Reconstruction of the Legal Basis for Security. 2014. "The Prime Minister's Office of Japan." *Report of the Advisory Panel on Reconstruction of the Legal Basis for Security (English Translation).* May 15. https://web.archive.org/web/20140903095410/http://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku_en.pdf.

The House of Representatives, Diet of Japan. 2015. *Deliberation of Bills.* August 24. https://www.shugiin.go.jp/internet/itdb_english.nsf/html/statics/guide/deliberation.htm.

The House of Representatives, Japan. 2007. "Separation of Powers." *The House of Representatives, Japan.* October 17. https://www.shugiin.go.jp/internet/itdb_english.nsf/html/statics/guide/separation.htm.

The National Institute for Defense Studies. 2014. "Japan: New Development of National Security Policy." *East Asian Security Review* (The National Institute for Defense Studies) 37-72.

n.d. *The so-called "YARA Memorandum".* http://tamutamu2015.web.fc2.com/yaraoboegai.htm.

TSURUTA, Jun. 2021. "The Japanese Act on Navigation of Foreign Ships through the Territorial Sea and Internal Waters." Tokyo, August. https://meigaku.repo.nii.ac.jp/record/3622/files/hougaku_111_215-226.pdf.

Under Secretary of Defense for Intelligence and Security. 2024. "DOPSR 24-P-0363 Change to Policy on Sharing Controlled Unclassified Information with Foreign Entities." *DoD CUI Program.* January 31. https://www.dodcui.mil/Portals/109/Documents/Policy%20Docs/Revised%20Policy%20on%20Sharing%20CUI%20with%20Foreign%20Entities%2020240131.pdf.

United Nations. 2017. "Full text of the Treaty on the Prohibition of Nuclear Weapons." *The International Campaign to Abolish Nuclear Weapons (ICAN).* July 7. https://d3n8a8pro7vhmx.cloudfront.net/tectodevms/pages/2417/attachments/original/1571248124/TPNW-English1.pdf?1571248124.

—. 1968. "Treaty on the Non-Proliferation of Nuclear Weapons." *United Nations Office for Disarmament Affairs Treaty Database.* July 1. https://treaties.unoda.org/t/npt.

—. 1982. "United Nations Convention on the Law of the Sea." December 10. https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

—. 1969. "Vienna Convention on the Law of Treaties ." *United Nations Office of Legal Affairs.* May 23. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.

United States Civil Administration of the Ryukyu Islands. 1953. "Civil Administration Proclaimation No. 27: Geographic Boundaries of the Ryukyu Islands." December 25. https://www.spf.org/islandstudies/jp/wp/infolib/docs/01_history040_doc01.pdf.

United States National Search and Rescue Committee. 2018. *United States National Search and Rescue Supplement (Version 2.0) to the International Aeronautical and Maritime Search and Rescue Manual.* Washington, DC: US National Search and Rescue Committee. https://www.dco.uscg.mil/Portals/9/CG-5R/nsarc/NSS_2018_Version/National%20SAR%20Plan%202018.pdf.

United States of America. 1787. "Constitution Annotated." *Constitution of the United States* . September 17. https://constitution.congress.gov/constitution/.

US Department of Defense. 2017. "US Department of Defense Freedom of Navigation (FON) Program." Washington, DC, February 28. https://policy.defense.gov/Portals/11/DoD%20FON%20Program%20Summary%2016.pdf?ver=2017-03-03-141350-380.

US Department of State. 2024. "7 FAM 050: No Double Standard Policy." In *7 FAM Consular Affairs*, by US Department of State. Washington, DC: US Department of State. https://fam.state.gov/FAM/07FAM/07FAM0050.html.

US Department of State. 2006. "7 FAM 723: Exercise of International Agreements Power." In *7 FAM Consular Affairs*, by US Department of State. Washington, DC: US Department of State.

US Department of State Bureau of Oceans and International Environmental and Scientific Affairs. 1998. "Limtis in the Seas No. 120: Straight Baseline and Territorial Sea Claims: Japan." Washington, DC, April 30. https://www.state.gov/wp-content/uploads/2020/01/LIS-120.pdf.

US Department of State. 1960a. "Description of Consultation Arrangements Under the Treaty of Mutual Cooperation and Security with Japan." *Memo.* Washington, DC, June 1. https://nsarchive.gwu.edu/document/19416-national-security-archive-doc-02-description.

—. 1994. "Foreign relations of the United States, 1958-1960: Volume XVIII Japan; Korea." Washington, DC: United Stated Government Printing Office. https://history.state.gov/historicaldocuments/frus1958-60v18/d129.

—. 1996. "Foreign Relations of the United States, 1961-1963: Volume XXII, Northeast Asia." Washington, DC: United Stated Government Printing Office. https://history.state.gov/historicaldocuments/frus1961-63v22/pg_736.

US Department of State. 2023. "H-611 Using Diplomatic Notes." In *5 FAH-1 Correspondence Handbook*, by US Department of State. Washington, DC: US Department of State. https://fam.state.gov/FAM/05FAH01/05FAH010610.html.

—. 2009. *Office of International Security Operations: Military Operational Issues.* January 20. https://2001-2009.state.gov/t/pm/iso/c21539.htm.

—. 1960b. "Summary of Unpublished Agreements Reached in Connection with the Treaty of Mutual Cooperation and Security with Japan." Washington, DC, June 1. https://nsarchive.gwu.edu/document/19417-national-security-archive-doc-03-description.

US Government; Japan Government. 1971. "United Nations Treaty Collection." *Agreement Concerning the Ryukyu Islands and the Daito Islands (with agreed minutes and exchange of notes).* June 17. https://treaties.un.org/doc/publication/unts/volume%20841/volume-841-i-12037-english.pdf.

US Government; Japanese Government. 1986. "Agreement Between the Government of the United States of America and the Government of Japan on Maritime Search and Rescue." Tokyo, December 12. https://babel.hathitrust.org/cgi/pt?id=uc1.31210024809269.

—. 1969. "Joint Communiqué of the United States President Nixon and Japanese Prime Minister SATŌ Issued on November 21, 1969." Washington, DC, November 21. https://www.presidency.ucsb.edu/documents/joint-statement-following-discussions-with-prime-minister-sato-japan.

—. 1960. "Joint Statement Following Discussions With Prime Minister Kishi of Japan." *The American Presidency Project.* January 19. https://www.presidency.ucsb.edu/documents/joint-statement-following-discussions-with-prime-minister-kishi-japan.

—. 2023. "Joint Statement of the 2023 US–Japan Security Consultative Committee ("2+2")." Washington, DC, January 11. https://www.defense.gov/News/Releases/Release/Article/3265559/joint-statement-of-the-2023-usjapan-security-consultative-committee-22/.

—. 2005. "Joint Statement of the U.S.-Japan Security Consultative Committee." *Ministry of Foreign Affairs.* February 19. https://www.mofa.go.jp/region/n-america/us/security/scc/joint0502.html.

—. 2024. "The White House." *United States-Japan Joint Leaders' Statement.* April 10. https://www.whitehouse.gov/briefing-room/statements-releases/2024/04/10/united-states-japan-joint-leaders-statement/.

—. 2011. "Toward a Deeper and Broader US-Japan Alliance: Building on 50 years of Partnership." June 21. http://www.state.gov/r/pa/prs/ps/2011/06/166597.htm.

—. 1998. "US Government; Japanese Government." *Agreement Between the Untied States of American and Japan Amending the Agreement of December 12, 1986.* Washington, DC, September 30. https://www.state.gov/wp-content/uploads/2019/02/12986-Japan-Maritime-Matters-9.30.1998.pdf.

—. 2021. "US- Japan Joint Leaders' Statement: "US–Japan Global Partnership for a New Era"." Washington, DC, April 16. https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/16/u-s-japan-joint-leaders-statement-u-s-japan-global-partnership-for-a-new-era/.

US Government; PRC Government. 1972. "Joint Communiqué between the United States and China." Shanghai, February 27. https://digitalarchive.wilsoncenter.org/document/joint-communique-between-united-states-and-china.

—. 1979. "Joint Communiqué on the Establishment of Diplomatic Relations." January 1. https://www.cia.gov/readingroom/docs/CIA-RDP84B00049R001303190013-6.pdf.

—. 1982. "Joint Communiqué on United States Arms Sales to Taiwan." August 17. https://www.reaganlibrary.gov/archives/speech/united-states-china-joint-communique-united-states-arms-sales-taiwan.

US Government; UK Government; ROC Government. 1943. "Cairo Communiqué." *National Diet Library of Japan.* December 1. https://www.ndl.go.jp/constitution/e/shiryo/01/002_46shoshi.html.

—. 1945. "Potsdam Declaration." *National Diet Library of Japan.* July 26. https://ndl.go.jp/constitution/e/etc/c06.html.

US Military Representative Okinawa Negotiating Team (USMILRONT) Staff. 1972. "A History of the Special Representative of the Secretary of Defense and Chairmand Joint Chiefs of Staff And Senior US Military Representative Okinawa Negotiating Team." Tokyo, June 15. https://riis.skr.u-ryukyu.ac.jp/images/ddc_20191217-03.pdf.

US National Security Council. 1960. "National Security Council Report 6008/1: United States Policy Towards Japan." *Department of State: Office of the Historian.* June 11. https://history.state.gov/historicaldocuments/frus1958-60v18/d175.

—. 1974a. "NSDM 251: Termination of the UN Command in Korea." *Intelligence Resaource Program: Federation of American Scientists.* March 29. https://irp.fas.org/offdocs/nsdm-nixon/nsdm_251.pdf.

—. 1974b. "NSDM 262: Use of US Bases in Japan in the Event of Aggression Against South Korea." *Richard M. Nixon Presidential Library and Museum.* June 29. https://www.nixonlibrary.gov/sites/default/files/virtuallibrary/documents/nsdm/nsdm_262.pdf.

Weisman, Steven R. 1981. "Japanese Premier Vows Even Greater Efforts on Defense." *New York Times.* New York, NY: New York Times, May 09. https://www.nytimes.com/1981/05/09/world/japanese-premier-vows-even-greater-efforts-on-defense.html.

Williams, Brad. 2021. "Japanese Foreign Intelligence and Grand Strategy: From the Cold War to the Abe Era." Washington, DC: Georgetown University Press.

YOSHIDA, Shigeru, and Christian Herter. 1960. "Exchanged Notes, Regarding Exchanged Notes between Prime Minister Yoshida and Secretary of State Acheson." *National Graduate Institute for Policy Studies (GRIPS) - The World and Japan.* January 19. https://worldjpn.net/documents/texts/docs/19600119.T3E.html.

vi–B. Citations

[1] (A. FUJISHIGE 2016)
[2] (Hook and McCormack 2001, 3)
[3] (TATSUMI 2008, 31)
[4] (TAKEI 2020, 28)
[5] (TAKEI 2020, 28)
[6] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 50)
[7] (Commander, United States Forces Japan 2024, 6)
[8] (Commander, United States Forces Japan 2024, 5)
[9] (Commander, United States Forces Japan 2024, 6)
[10] (Commander, United States Forces Japan 2024, 6)
[11] (Commander, United States Forces Japan 2024, 6)
[12] (Commander, United States Forces Japan 2024, 6)
[13] (Commander, United States Forces Japan 2024, 6)
[14] (Commander, United States Forces Japan 2024, 7)
[15] (Under Secretary of Defense for Intelligence and Security 2024)
[16] (US Department of State 2006)
[17] (US Department of State 2006)
[18] (United States of America 1787)
[19] (United Nations 1969)
[20] (US Department of State 2006)
[21] (Silliman & Reddick, 2024, p. 192)
[22] (US Department of State 2023)
[23] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 140)
[24] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 140)
[25] (H. NAKAMURA 2020, 38)
[26] (Minister of Defense 2023a, 212)
[27] (KUROSAKI, Legal Framework of Japan's Self-Defense with the United States 2020, 35)
[28] (Minister of Defense 2023a, 212)
[29] (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008, 309)
[30] (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008); (Martin, The Legitimacy of Informal Constitutional Amendment and the "Reinterpretation" of Japan's War Powers 2017)
[31] (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008, 357)
[32] (E. OGUMA 2024)
[33] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 25)
[34] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 12)
[35] (Minister of Defense, 2024, p. 211)
[36] (Kraska, et al. 2023, 37)
[37] (Minister of Defense 2023a, 213)
[38] (Kraska, et al. 2023, 2, 37)
[39] (Kraska, et al. 2023, 2)

[40] (Office of the General Counsel of the Department of Defense 2023, 1124)
[41] (Kraska, et al. 2023, 18-20)
[42] (FUJISHIGE, UESUGI and HONDA 2022, 66)
[43] (Hornung, Japan's Potential Contributions in an East China Sea Contingency 2020, 100)
[44] (Kraska, et al. 2023, 19)
[45] (Kraska, et al. 2023, 236-239)
[46] (Kraska, et al. 2023, 227)
[47] (Kraska, et al. 2023, 236-237)
[48] (Kraska, et al. 2023, 2)
[49] (Kraska, et al. 2023, 228)
[50] (Kraska, et al. 2023, 136-137)
[51] (Kraska, et al. 2023, 142-3)
[52] (Kraska, et al. 2023, 138)
[53] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 34-35)
[54] (ISHII 2023, 655)
[55] (Minister of Defense 2024, 259)
[56] (Office of the General Counsel of the Department of Defense 2023, 29-30)
[57] (MATSUOKA 2019, 145-146)
[58] (Rapp-Hooper 2020, 49, 79)
[59] (CHIJIWA, "The US-Japan/US-South Korea Alliance" and "the Far East 1905 System": Perspectives on the 70th Anniversary of the San Francisco Peace Treaty and the US-Japan Security Treaty 2021, 3)
[60] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 54)
[61] (MATSUOKA 2019, 3)
[62] (Nixon 1969)
[63] (KUROSAKI 2018)
[64] (Sari and NASU 2018)
[65] (Sari and NASU 2018)
[66] (KUROSAKI 2018)
[67] (Sari and NASU 2018)
[68] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 109)
[69] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 187)
[70] (US Government; Japanese Government 1969)
[71] (US Military Representative Okinawa Negotiating Team (USMILRONT) Staff 1972, 6)
[72] (Bradford and Bosack 2021, 35)
[73] (Commander, United States Forces Japan 2024, 6)
[74] (Commander, United States Forces Japan 2024, 5)
[75] (Commander, United States Forces Japan 2024, 6)
[76] (Commander, United States Forces Japan 2024, 6)
[77] (Commander, United States Forces Japan 2024, 6)
[78] (Commander, United States Forces Japan 2024, 7)
[79] (Hornung, Gunness, et al. 2024, 33)
[80] (Bradford and Bosack 2021, 35-36)
[81] (Bradford and Bosack 2021, 55)
[82] (Eldridge, A restart of Senkaku firing ranges is long overdue: The US decision to suspend their use has cast a long shadow over the East China Sea 2024)
[83] (Commander, United States Forces Japan 2024, 6)
[84] (Bradford and Bosack 2021, 36)
[85] (Harding 2024, 24)
[86] (Bradford and Bosack 2021, 53)
[87] (Stone 2004, 235)
[88] (AKIMOTO 2018, 35)
[89] (AKIMOTO 2018, 38-40)
[90] (AKIMOTO 2018, 40-41)
[91] (AKIMOTO 2018, 41-42)
[92] (AKIMOTO 2018, 42-43)
[93] (AKIMOTO 2018, 44-45)
[94] (AKIMOTO 2018, 45-46)
[95] (AKIMOTO 2018, 46-47)
[96] (AKIMOTO 2018, 47-48)
[97] (AKIMOTO 2018, 48-49)
[98] (AKIMOTO 2018, 50-51)
[99] (AKIMOTO 2018, 51-52)
[100] (AKIMOTO 2018, 52-53)
[101] (AKIMOTO 2018, 53)
[102] (AKIMOTO 2018, 54-55)
[103] (AKIMOTO 2018, 55-56)
[104] (AKIMOTO 2018, 56)
[105] (KOTANI, China's "Nine Gates" and Security Policy in the Indo-Pacific Challenges for Japan 2020, 27)
[106] (Williams 2021, 26)
[107] (MATSUOKA 2019, 48)
[108] (Williams 2021, 26)
[109] (Green 2022, 3)
[110] (Green 2022); (AKIMOTO 2018)
[111] (The National Institute for Defense Studies 2014, 52)
[112] (AKIMOTO 2018, 2, 10)
[113] (Samuels and Schoff 2013, 8)
[114] (AKIMOTO 2018, 12)
[115] (AKIMOTO 2018, 12)
[116] (AKIMOTO 2018, 13)
[117] (MATSUOKA 2019, 81)
[118] (Samuels and Schoff 2013, 8)
[119] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 39)
[120] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 39, 52)
[121] (KISHIDA 2014)
[122] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 166)
[123] (US Government; Japanese Government 2011)
[124] (Ministry of Foreign Affairs of Japan, 2024)
[125] (United Nations 2017, Art. 1 ¶1.(d))
[126] (Bradford and Bosack 2021, 14)
[127] (Bradford and Bosack 2021, 14)
[128] (Minister of Defense, 2024, p. 220)
[129] (Liff 2023)
[130] (United Nations 1968)
[131] (MATSUOKA 2019, 91)
[132] (National Center of Incident Readiness and Strategy for Cybersecurity 2024, 9)
[133] (TATSUMI 2008, 125)
[134] (TATSUMI 2008, 126)
[135] (TATSUMI 2008, 95)
[136] (Kraska, et al. 2023, 117)
[137] (Bradford and Bosack 2021, 13)
[138] (Bradford and Bosack 2021, 18)
[139] (Bradford and Bosack 2021, 17)
[140] (United States National Search and Rescue Committee 2018, B-1-6)
[141] (United States National Search and Rescue Committee 2018, B-1-7)
[142] (United States National Search and Rescue Committee 2018, xvi)
[143] (United States National Search and Rescue Committee 2018, xliv)
[144] (United States National Search and Rescue Committee 2018, 1-8)
[145] (National Center of Incident Readiness and Strategy for Cybersecurity 2021, 27)
[146] (Department of the Navy 2022, 7-9)
[147] (Kraska, et al. 2023, 173-174)
[148] (Kraska, et al. 2023, 169)
[149] (Kraska, et al. 2023, 170)
[150] (Minister of Defense 2023a, 306)
[151] (Minister of Defense 2019, 256)
[152] (Minister of Defense 2023a, 307)
[153] (Minister of Defense 2023a, 308)
[154] (Minister of Defense 2023a, 88)
[155] (AKIMOTO 2018, 50); (Mainichi Shimbun 2016)
[156] (Bradford and Bosack 2021, 15)
[157] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 42)
[158] (Minister of Defense 2023a, 285)
[159] (KANEHARA 2022)
[160] (Minister of Defense 2019, 251)
[161] (KANEHARA 2019, 48)
[162] (Minister of Defense 2019, 256)
[163] (Minister of Defense 2019, 256)
[164] (FUJISHIGE, UESUGI and HONDA 2022, 70)
[165] (AKIMOTO 2018, 47)
[166] (Minister of Defense 2023a, 308)
[167] (Minister of Defense 2023a, 307)
[168] (FUJISHIGE, UESUGI and HONDA 2022, 67)
[169] (Minister of Defense 2019, 251)
[170] (Minister of Defense 2023a, 212)
[171] (FUJISHIGE, UESUGI and HONDA 2022, 67)
[172] (Joint Staff 2005, A-4)
[173] (Joint Staff 2005, A-4)
[174] (Joint Staff 2005, A-4)
[175] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 4-10)
[176] (Kraska, et al. 2023, 33)
[177] (Kraska, et al. 2023, 32)
[178] (S. TAKAHASHI 2015, 41)
[179] (ISHIZUKA, KUROSAKI and Waxman 2020, 31)
[180] (AKIMOTO 2018, 22-23), (Williams 2021, 13-14)
[181] (OGUMA 2024, 84)

[182] (International Court of Justice 1986, ¶(195))
[183] (Sari and NASU 2018)
[184] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 2)
[185] (Kraska, et al. 2023, 171-172)
[186] (TAKAHASHI 2022)
[187] (Hornung, Gunness, et al. 2024, 37)
[188] (H. NAKAMURA 2020, 28)
[189] (Minister of Defense 2023b, 112)
[190] (Minister of Defense 2024, 260)
[191] (Minister of Defense 2023a, 285)
[192] (Ministry of Defense, 2020, p. 8)
[193] (Minister of Defense 2024, 254)
[194] (Ministry of Defense, 2020, p. 10)
[195] (Minister of Defense 2024, 254)
[196] (Minister of Defense 2023a, 285)
[197] (Ministry of Defense, 2020, p. 11)
[198] (S. NAKAMURA 2021)
[199] (Kuhn 2021)
[200] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 30)
[201] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 30)
[202] (The Advisory Panel on Reconstruction of the Legal Basis for Security 2014, 30)
[203] (Minister of Defense 2024, 254)
[204] (TAKEI 2020, 22)
[205] (National Center of Incident Readiness and Strategy for Cybersecurity 2021, 34)
[206] (Kraska, et al. 2023, 132)
[207] (Kraska, et al. 2023, 133)
[208] (Bradford and Bosack 2021, 116)
[209] (Kraska, et al. 2023, 133)
[210] (US Government; Japanese Government 2023)
[211] (Kraska, et al. 2023, 23)
[212] (Jakhu and Freeland 2022, 9, 16)
[213] (Kraska, et al. 2023, 23-24)
[214] (Kraska, et al. 2023, 119)
[215] (Kraska, et al. 2023, 119)
[216] (Kraska, et al. 2023, 119)
[217] (Kraska, et al. 2023, 131)
[218] (Department of the Navy 2022, 2-14)
[219] (Department of the Navy 2022, 7-12)
[220] (Department of the Navy 2022, 7-12)
[221] (Department of the Navy 2022, 7-12- 7-13)
[222] (Department of the Navy 2022, 2-14- 2-15)
[223] (Department of the Navy 2022, 2-15)
[224] (Kraska, et al. 2023, 132)
[225] (Hornung, Gunness, et al. 2024, 34)
[226] (US Government; Japanese Government 1960)
[227] (Hornung, Gunness, et al. 2024, 10)
[228] (Frederick, et al. 2023)
[229] (Hornung, Gunness, et al. 2024, 45-46)
[230] (Schoff 2017, 26)
[231] (Schoff 2017, 25)
[232] (Schoff 2017, 26)
[233] (Japan-US Subcommittee for Defense Cooperation 1978)
[234] (Basalla, Berger, & Abbot, 2013)
[235] (ISOBE 2004, 44)
[236] (MATSUOKA 2019, 74)
[237] (MATSUOKA 2019, 52)
[238] (Minister of Defense 2023a, 328)
[239] (Bradford and Bosack 2021, 12-13)
[240] (Bradford and Bosack 2021, 13)
[241] (US Department of State 2024)
[242] (Headquarters, Department of the Army 1997, 12-13)
[243] (Rapp-Hooper 2020, 12)
[244] (Rapp-Hooper 2020, 148)
[245] (Minister of Defense 2023a, 29)
[246] (TAKEI 2020, 25-27)
[247] (Minister of Defense 2023a, 29)
[248] (Minister of Defense 2023a, 180)
[249] (Minister of Defense 2023a, 336)
[250] (SUSUMU 2019, 26)
[251] (SUSUMU 2019, 26)
[252] (FUJII 2021, 57)
[253] (General Headquarters, Supreme Commander for the Allied Powers 1946)
[254] (General Headquarters, Supreme Commander for the Allied Powers 1946)
[255] (SUSUMU 2019, 26)
[256] (Pedrozo 2016, 32, 34)
[257] (SUSUMU 2019, 27)
[258] (Japanese Government; Russian Government 1905)
[259] (Allied Powers; Japanese Government 1951)
[260] (Pedrozo, International Law and Japan's Territorial Disputes 2017, 29)
[261] (KANEHARA, Refining Japan's Integrative Position on the Territorial Sovereignty of the Senkaku Islands 2021, 1590)
[262] (KANEHARA, Maritime Security in the East China Sea: Japan's Perspective 2021, 16)
[263] (US Department of State Bureau of Oceans and International Environmental and Scientific Affairs 1998, 19-21)
[264] (US Department of State Bureau of Oceans and International Environmental and Scientific Affairs 1998, 19-21)
[265] (Kraska, et al. 2023, 70)
[266] (US Department of Defense 2017, 1)
[267] (US Department of State 2009)
[268] (Kraska, et al. 2023, 8)
[269] (Kraska, et al. 2023, 77)
[270] (Kraska, et al. 2023, 77)
[271] (HARADA and EIFUKU 2018, 15)
[272] (HARADA and EIFUKU 2018, 15-16)
[273] (Kraska, et al. 2023, 77)
[274] (Kraska, et al. 2023, 81)
[275] (HARADA and EIFUKU 2018, 15)
[276] (HARADA and EIFUKU 2018, 15-16)
[277] (HARADA and EIFUKU 2018, 15-16); (Minister of Defense 2023a, 300)
[278] (Kraska, et al. 2023, 75)
[279] (Minister of Defense 2023a, 308)
[280] (Kraska, et al. 2023, 76)
[281] (Mochizuki 2022, 87); (CHIJIWA, "The US-Japan/US-South Korea Alliance" and "the Far East 1905 System": Perspectives on the 70th Anniversary of the San Francisco Peace Treaty and the US-Japan Security Treaty 2021, 4)
[282] (US Government; Japanese Government 1960)
[283] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 110)
[284] (MATSUOKA 2019, 47)
[285] (Green 2022, 86)
[286] (KOMINE, Okinawa Confidential, 1969: Exploring the Linkage between the Nuclear Issue and the Base Issue 2013, 814)
[287] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 220)
[288] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 208-209)
[289] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 83)
[290] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 5)
[291] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 35-36)
[292] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 36)
[293] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 235)
[294] (CHIJIWA, "The US-Japan/US-South Korea Alliance" and "the Far East 1905 System": Perspectives on the 70th Anniversary of the San Francisco Peace Treaty and the US-Japan Security Treaty 2021, 1); (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 3)
[295] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 34)
[296] (KOMINE, Okinawa Confidential, 1969: Exploring the Linkage between the Nuclear Issue and the Base Issue 2013, 837)
[297] (FUJITA 2024)
[298] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 34)
[299] (Fujiyama and MacArthur II 1960)
[300] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 227)
[301] (US Department of State 1994, 257)
[302] (US Department of State 1960a)
[303] (US Department of State 1960b)
[304] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 31)
[305] (US National Security Council 1974a)
[306] (KOMINE, Okinawa Confidential, 1969: Exploring the Linkage between the Nuclear Issue and the Base Issue 2013, 837)
[307] (US National Security Council 1974b)
[308] (Japan-US Security Consultative Committee 1960)
[309] (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 141)
[310] (CHIJIWA, "The US-Japan/US-South Korea Alliance" and "the Far East 1905 System": Perspectives on the 70th Anniversary of the San Francisco Peace

Treaty and the US-Japan Security Treaty 2021, 1)

311 (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 141)

312 (Lee 2012, 134)

313 (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 141)

314 (CHIJIWA, NIDS Commentary No. 80: The "Termination" of the Korean War, the "Dissolution" of the United Nations Forces and Their Influence on Japan 2018, 4)

315 (Nixon and SATŌ, The American Presidency Project 1969)

316 (Lee 2012); (CHIJIWA, NIDS Commentary No. 80: The "Termination" of the Korean War, the "Dissolution" of the United Nations Forces and Their Influence on Japan 2018)

317 (Acheson and YOSHIDA 1951)

318 (YOSHIDA and Herter 1960)

319 (US National Security Council 1960); (Lee 2012, 133)

320 (US Department of State 1996)

321 (Priebe, et al., 2025, p. 124)

322 (Minister for Foreign Affairs of Japan 2010, 73-74)

323 (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 237)

324 (US Government; Japanese Government 1969)

325 (KOMINE, Okinawa Confidential, 1969: Exploring the Linkage between the Nuclear Issue and the Base Issue 2013, 836-837)

326 (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 137)

327 (KOMINE, Negotiating the US-Japan Alliance: Japan Confidential 2018, 141)

328 (TATSUMI 2008, 33)

329 (TATSUMI 2008, 149)

330 (TATSUMI 2008, 162)

331 (SHINODA 2023, 72); (CHIJIWA, Chapter 4: The Crisis Management System in the Kantei 2020, 112)

332 (TATSUMI 2008, 53)

333 (ISOBE 2004, 81)

334 (ISOBE 2004, 81)

335 (ISOBE 2004, 103)

336 (The National Institute for Defense Studies 2014, 42, 45)

337 (Minister of Defense 2023a, 273)

338 (MATSUOKA 2019, 26)

339 (The House of Representatives, Diet of Japan 2015)

340 (Minister of Defense 2023a, 211)

341 (Minister of Foreign Affairs 2024)

342 (Minister of Defense 2023a, 44)

343 (Minister of Defense 2023a, 44)

344 (IIDA, ARAKAKI and HASEGAWA 2023, 28)

345 (Easton 2019, 13)

346 (US Military Representative Okinawa Negotiating Team (USMILRONT) Staff 1972, 1)

347 (Perlez 2013)

348 (Minister of Defense 2023a, 324)

349 (Easton 2019, 12-13)

350 (Easton 2019, 12-13)

351 (Easton 2019, 12-13)

352 (Easton 2019, 12-13)

353 (Minister of Defense 2023a, 44)

354 (Kraska, et al. 2023, 38)

355 (Kraska, et al. 2023, 47)

356 (Kraska, et al. 2023, 47)

357 (Kraska, et al. 2023, 48)

358 (Kraska, et al. 2023, 46)

359 (Kraska, et al. 2023, 49)

360 (Kraska, et al. 2023, 213)

361 (Kraska, et al. 2023, 54)

362 (Kraska, et al. 2023, 188)

363 (Kraska, et al. 2023, 59)

364 (Kraska, et al. 2023, 61)

365 (Kraska, et al. 2023, 60)

366 (Kraska, et al. 2023, 63)

367 (Department of the Navy 2022, 2-1)

368 (Kraska, et al. 2023, 40)

369 (KANEHARA 2022, 41)

370 (KANEHARA 2022, 46)

371 (Kraska, et al. 2023, 37, 47)

372 (Kraska, et al. 2023, 56)

373 (Kraska, et al. 2023, 67)

374 (Kraska, et al. 2023, 77)

375 (Kraska, et al. 2023, 233)

376 (Kraska, et al. 2023, 234)

377 (Kraska, et al. 2023, 230)

378 (Kraska, et al. 2023, 231)

379 (Kraska, et al. 2023, 38)

380 (Kraska, et al. 2023, 187)

381 (Kraska, et al. 2023, 194-196)

382 (Kraska, et al. 2023, 204)

383 (Kraska, et al. 2023, 205-206)

384 (Kraska, et al. 2023, 175)

385 (Kraska, et al. 2023, 160)

386 (Kraska, et al. 2023, 160)

387 (Modly 1985, 28)

388 (Gallagher 1987, 72)

389 (Modly 1985) (Gallagher 1987)

390 (United Nations 1982, 31)

391 (Kraska, et al. 2023, 237)

392 (United Nations 1982, Article 38(2))

393 (US Department of State Bureau of Oceans and International Environmental and Scientific Affairs 1998, 13)

394 (United Nations 1982, Article 39)

395 (United Nations 1982, 31)

396 (US Government; UK Government; ROC Government 1945)

397 (US Government; UK Government; ROC Government 1943)

398 (Allied Powers; Japanese Government 1951)

399 (Cha 2018, 8)

400 (Japanese Government; ROC Government 1952)

401 (Mochizuki 2022, 84)

402 (US Government; Japanese Government 1969)

403 (INOUE 2022)

404 (KOTANI 2021)

405 (US Government; Japanese Government 2021)

406 (Japanese Government; PRC Government 1972)

407 (Japanese Government 2022, 14)

408 (Ministry of Defense 2022, 6)

409 (Kan 2007, i)

410 (US Government; PRC Government 1972)

411 (US Government; PRC Government 1979)

412 (US Government; PRC Government 1982)

413 (Congressional Research Service 2017, 12)

414 (O'Hanlon 2019, 38-51)

415 (O'Hanlon 2019, 81)

416 (US Government; Japanese Government 2024)

417 (United States Civil Administration of the Ryukyu Islands 1953)

418 (Allied Powers; Japanese Government 1951)

419 (Congressional Research Service 2021, 6)

420 (US Government; Japan Government 1971, 280)

421 (Congressional Research Service 2021, 6)

422 (Congressional Research Service 2021, 7)

423 (Congressional Research Service 2021, 7)

424 (Congressional Research Service 2021, ii)

425 (Eldridge, The Japan Institute of International Affairs Resource Library 2006, 15)

426 (Eldridge, The Japan Institute of International Affairs Resource Library 2006, 5)

427 (Office of Policy Planning and Coordination on Territory and Sovereignty, Cabinet Secretariat 2022, 1)

428 (Chansoria 2018, 37)

429 (Allied Powers; Japanese Government 1951)

430 (United Nations 1982, 66)

431 (Keating 2018, 538-539)

432 (Martin, The Legitimacy of Informal Constitutional Amendment and the "Reinterpretation" of Japan's War Powers 2017); (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008)

433 (Liff, Policy by Other Means: Collective Self-Defense and the Politics of Japan's Postwar Constitutional Reinterpretations 2017, 152)

434 (Liff, Policy by Other Means: Collective Self-Defense and the Politics of Japan's Postwar Constitutional Reinterpretations 2017, 153)

435 (Hook and McCormack 2001, 14)

436 (Hook and McCormack 2001, 41)

437 (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008, 336-337); (Seymour 1974, 424-425)

[438] (Martin, Binding the Dogs of War: Japan and the Constitutionalizing of Jus Ad Bellum 2008, 337)
[439] (Seymour 1974, 426-435)
[440] (TATSUMI 2008, 95)
[441] (TATSUMI 2008, 66)
[442] (Seymour 1974, 424)
[443] (Seymour 1974, 424)
[444] (MORI, Tadashi 2016, 2)
[445] (MORI, Tadashi 2016, 2-3)
[446] (Minister of Defense 2023a, 397)
[447] (Mitchell 2008, 13, 15)
[448] (KAWAKAMI 2008, 93)
[449] (TATSUMI and Lord, Introduction 2008, 2)
[450] (TATSUMI and Lord, Introduction 2008, 2)
[451] (US Government; Japanese Government 2005)
[452] (US Government; Japanese Government 2005)
[453] (Williams 2021, 12)
[454] (TATSUMI 2008, 100)
[455] (TATSUMI 2008, 100)
[456] (Williams 2021, 5)
[457] (TATSUMI 2008, 109); (Williams 2021, 5)
[458] (Williams 2021, 8)
[459] (TATSUMI 2008, 109)
[460] (TATSUMI 2008, 111)
[461] (Samuels and Schoff 2013)
[462] (Samuels and Schoff 2013, 2)
[463] (Samuels and Schoff 2013, 3)
[464] (Samuels and Schoff 2013, 3)
[465] (Samuels and Schoff 2013, 9)
[466] (Didvalis and Song 2023, 23)
[467] (Samuels and Schoff 2013, 11)
[468] (Samuels and Schoff 2013, 11)
[469] (Didvalis and Song 2023)
[470] (Rapp-Hooper 2020, 58)
[471] (Mochizuki 2022, 87)
[472] (Kraska, et al. 2023, 113)
[473] (TATSUMI 2008, 126)
[474] (CANPAN Project, 2016)
[475]
[476] (US Department of State Bureau of Oceans and International Environmental and Scientific Affairs 1998, 19-21)
[477] (US Department of State Bureau of Oceans and International Environmental and Scientific Affairs 1998, 19-21)
[478] (TSURUTA 2021)
[479] (Cabinet Secretariat 2015a)
[480] (Cabinet Secretariat 2015b)
[481] (Cabinet Secretariat 2015b)
[482] (Cabinet Secretariat 2015b)
[483] (The so-called "YARA Memorandum" n.d.)
[484] (US Government; Japanese Government 1986)
[485] (US Government; Japanese Government 1998)