

# **Act on Measures to be Taken by the National Government in Relation to Actions by the Armed Forces of the United States of America, etc. in Armed Attack Situations, etc., and Survival-Threatening Situations (Tentative translation)**

(Act No. 113 of June 18, 2004)

(Purpose)

Article 1 The purpose of this Act is to contribute to the peace and independence of Japan and maintenance the security of the Nation and the people by establishing measures to ensure the smooth and effective implementation of U.S. military actions necessary to repel armed attacks in accordance with the Treaty of Mutual Cooperation and Security between Japan and the United States of America (hereinafter referred to as the "Japan-U.S. Security Treaty") during armed attack situations, etc., measures to ensure the smooth and effective implementation of foreign military actions necessary to repel armed attacks or survival-threatening armed attacks, in cooperation with the Self-Defense Forces in armed attack situations, etc., or survival-threatening situations, and other measures conducted by the national government in line with these actions.

(Definitions)

Article 2 In this Act, the terms listed in the following items have the meanings provided in those items:

- (i) "armed attack situations, etc." means armed attack situations, etc., as prescribed in Article 1 of the Act on the Peace and Independence of Japan and Maintenance of the Security of the Nation and the People in Armed Attack Situations, etc., and Survival-Threatening Situations (Act No. 79 of 2003; hereinafter referred to as the "Armed Attack Situation Response Act");
- (ii) "armed attack" means the armed attack as prescribed in Article 2, item (i) of the Armed Attack Situation Response Act;
- (iii) "armed attack situation" means the armed attack situation as prescribed in Article 2, item (ii) of the Armed Attack Situation Response Act;
- (iv) "survival-threatening situation" means the survival-threatening situation as prescribed in Article 2, item (iv) of the Armed Attack Situation Response Act;
- (v) "survival-threatening armed attack" means the survival-threatening armed attack as prescribed in Article 2, item (viii), (c) (1) of the Armed Attack

Situation Response Act;

- (vi) "Specified United States Armed Forces" means the United States Armed Forces conducting actions necessary to repel armed attacks in accordance with the Japan-U.S. Security Treaty during armed attack situations, etc.;
- (vii) "foreign armed forces" means the foreign armed forces (excluding specified United States Armed Forces) conducting actions necessary to repel armed attacks or survival-threatening armed attacks, in cooperation with the Self-Defense Forces, during armed attack situations, etc., or survival-threatening situations; and
- (viii) "action-related measures" means the measures listed below that are implemented by the Self-Defense Forces and other Designated Administrative Organs (means the Designated Administrative Organs prescribed in Article 2, item (v) of the Armed Attack Situation Response Act; the same applies hereinafter) in accordance with the Basic Response Plan (means the Basic Response Plan prescribed in Article 9, paragraph (1) of the Armed Attack Situation Response Act; the same applies hereinafter);
  - (a) measures implemented to ensure the smooth and effective implementation of specified U.S. military actions (means the actions prescribed in item (vi) (in armed attack situations, etc., other than those in which an armed attack has occurred, the actions prescribed in the same item for preparations necessary to repel an armed attack in accordance with the Japan-U.S. Security Treaty); the same applies hereinafter) in armed attack situations, etc., and other measures conducted by the national government in relation to specified U.S. military actions; and
  - (b) measures implemented to ensure the smooth and effective implementation of foreign military actions (meaning the actions prescribed in the preceding item (in armed attack situations, etc., other than those in which an armed attack has occurred, the actions prescribed in the same item for preparations necessary to repel an armed attack, in cooperation with the Self-Defense Forces); the same applies hereinafter) in armed attack situations, etc., or survival-threatening situations, and other measures conducted by the national government in relation to foreign military actions.

(Responsibilities of the National Government)

Article 3 In armed attack situations, etc., and survival-threatening situations, the national government is to endeavor to maintenance of the security of the nation and the people e by implementing action-related measures accurately and promptly.

(Basic Principles of Action-Related Measures)

Article 4 Action-related measures must not exceed the limits deemed reasonably necessary in accordance with the situation, within the scope of the purpose of repelling armed attacks and survival-threatening armed attacks.

(Responsibilities of Local Governments and Businesses)

Article 5 Local governments and businesses are to endeavor to respond to requests for cooperation in connection with action-related measures when Designated Administrative Organs make such requests in armed attack situations, etc.

(Liaison with the Government of the United States, etc.)

Article 6 (1) The national government, in order to fulfill its responsibilities referred to in Article 3, is to endeavor to always maintain close liaison with the Government of the United States with regard to recognizing the status of and responding to armed attack situations, etc., based on the Japan-U.S. Security Treaty.

(2) Beyond what is prescribed in the preceding paragraph, the national government, in order to fulfill its responsibilities referred to in Article 3, is to endeavor to maintain close liaison with relevant foreign governments with regard to recognizing the status of and responding to armed attack situations, etc., or survival-threatening situations.

(Provision of Information)

Article 7 In armed attack situations, etc., or survival-threatening situations, the national government is to appropriately provide the necessary information to the people regarding the area of specified U.S. military actions or foreign military actions (hereinafter referred to as "specified U.S. Military Actions, etc."), the status of other specified U.S. Military Actions, etc., and the status of implementation of action-related measures.

(Liaison and Coordination with Local Governments)

Article 8 When there is a risk that the implementation of specified U.S. Military Actions, etc., or action-related measures may affect response measures implemented by local governments (means the response measures prescribed in Article 2, item (viii) of the Armed Attack Situation Response Act), the national government is to liaise and coordinate with the relevant local governments.

(Notification Related to Acts by Specified United States Armed Forces)

Article 9 In an armed attack situation (limited to when there is a defense operation order under the provisions of Article 76, paragraph (1) of the Self-Defense Forces Act (Act No. 165 of 1954); the same applies in Article 14,

paragraph (1)), the Minister of Defense is to notify in accordance with these provisions when there is a communication from specified United States Armed Forces about committing or having committed the act prescribed in Article 115-11, paragraph (1) or (2) or Article 115-16, paragraph (1) of the same Act.

(Implementation of the Provision of Goods and Services as Action-Related Measures by the Self-Defense Forces)

- Article 10 (1) The Minister of Defense or a person who is delegated by the Minister may implement the provision of goods belonging to the Self-Defense Forces as action-related measures.
- (2) The Self-Defense Forces that have been ordered to engage in defense operations under the provisions of Article 76, paragraph (1) of the Self-Defense Forces Act may implement the provision of services as action-related measures.
- (3) Beyond what is prescribed in the preceding paragraph, the Minister of Defense, with the approval of the Prime Minister, may order the Ministry of Defense agencies or SDF units, etc., (means the units, etc., prescribed in Article 8 of the Self-Defense Forces Act; hereinafter the same applies) to implement the provision of services as action-related measures.
- (4) The operations to be performed for the provision of goods belonging to the Self-Defense Forces under the provisions of paragraph (1) and the provision of services by the Self-Defense Forces under the provisions of the preceding two paragraphs are operations concerning supply (excluding supply of weapons), transportation, repair or maintenance, medical care, communications, operations concerning airports or ports, operations concerning bases, accommodation, storage, use of facilities, or training (including operations incidental to each of these operations).

(Implementation of Action-Related Measures by Designated Administrative Organs)

Article 11 Beyond what is prescribed in the preceding two articles, Designated Administrative Organs are to implement necessary action-related measures in accordance with laws and regulations and the Basic Response Plan.

(Use of Weapons)

Article 12 SDF officials of SDF units, etc., who have been ordered to implement the provision of services as action-related measures pursuant to the provisions of Article 10, paragraph (3) may use weapons when performing their duties, within limits judged reasonably necessary under the circumstances, if there are reasonable grounds for believing that it is unavoidably necessary to do so for the protection of their own lives and bodies, or of the Self-Defense Forces personnel engaged in such duties along with the SDF officials, or of individuals

who have come under the control of the SDF officials in performing such duties. However, they must not cause harm to persons except in cases falling under Article 36 or 37 of the Penal Code (Act No. 45 of 1907).

(Preparation of Guidelines on Action-Related Measures)

Article 13 (1) The chairperson of the Headquarters (means the chairperson of the crisis management headquarters prescribed in Article 11, paragraph (1) of the Armed Attack Situation Response Act) may establish guidelines on action-related measures based on the Basic Response Plan, to ensure the accurate and prompt implementation of action-related measures.

(2) When the guidelines prescribed in the preceding paragraph are established, Designated Administrative Organs must appropriately implement the necessary action-related measures based on the guidelines.

(Compensation for Losses)

Article 14 (1) If any person has incurred any loss as a result of the acts by specified United States Armed Forces stated in the following items, the national government must compensate for such losses pursuant to the provisions of the laws specified in each of the items:

(i) passage through a place prescribed in the first sentence of Article 92-2 of the Self-Defense Forces Act in order to circumvent a place where there are obstacles to passage when moving urgently within the area of specified U.S. military actions in an armed attack situation: Second sentence of the same Article; and

(ii) in an armed attack situation, when specified U.S. military vehicles (means the vehicles used by specified United States Armed Forces; hereinafter the same applies in this item) pass through an area or a section of a road where the passage of vehicles other than those used by the Self-Defense Forces, etc., prescribed in Article 114-5, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960) on the road is prohibited or restricted pursuant to the provisions of the same paragraph, damage to vehicles and other objects to the extent unavoidable in taking measures necessary to ensure the smooth passage of specified U.S. military vehicles, when the vehicles and other objects are likely to impede the passage and thereby extremely hinder the implementation of specified U.S. military actions and when police officials or the occupants, owners, or managers of the vehicles and other objects are not present at the site: Article 82, paragraph (1) of Basic Act on Disaster Management (Act No. 223 of 1961).

(2) Provisions of the preceding paragraph do not apply to losses for which the national government is liable for compensation or indemnification under the provisions of other laws.

(Use of Land, etc.)

Article 15 (1) If land or buildings (hereinafter referred to as "land, etc.") are urgently needed for use by specified United States Armed Forces in an armed attack situation, when the Minister of Defense finds it appropriate and reasonable to provide such land, etc., for the use of specified United States Armed Forces and essential for repelling the armed attack, they may, 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 and the Status of United States Armed Forces in Japan" (Act No. 140 of 1952), use such land, etc., for a specified period, only within an area notified and specified by the Minister.

(2) When land is used pursuant to the provisions of the preceding paragraph, if it is deemed that standing timber on the relevant land and other objects fixed to the land (excluding buildings; hereinafter referred to as "standing timber, etc.") impede the implementation of specified U.S. military actions, the Minister of Defense may relocate the standing timber, etc. In this case, if the relocation is deemed to be extremely difficult in light of the situation, the standing timber, etc., may be disposed of.

(3) When buildings are used pursuant to the provisions of paragraph (1), if it is deemed unavoidably necessary for the implementation of specified U.S. military actions, the Minister of Defense may modify the shape of the relevant buildings within the necessary limits.

(4) The provisions of Article 103, paragraphs (7) through (10), paragraphs (17) and (18) of the Self-Defense Forces Act apply mutatis mutandis when land, etc., is used, standing timber, etc., is relocated or disposed of, or the shape of buildings is modified pursuant to the provisions of the preceding three paragraphs, while the provisions of paragraphs (13), (15), and (16) of the same Article apply mutatis mutandis when land, etc., is used pursuant to the provisions of paragraph (1). In this case, the following terms are deemed to be replaced as follows – the term "a prefectural governor" in paragraphs (7) and (13) of the same Article, with "the Minister of Defense"; the term "prefecture (the national government, in the case of the proviso to paragraph (1))" in paragraph (10) of the same Article, with "the national government"; and the term "the Minister's officials" in paragraph (13) of the same Article, with "officials designated by the Minister".

(5) The affairs belonging to the authority of the Minister of Defense pursuant to the provisions of the preceding paragraphs may be delegated to the Minister's officials, as provided for by Cabinet Order.

(Delegation to Cabinet Order)

Article 16 Beyond what is specifically provided for in this Act, the procedures for implementing this Act and other matters necessary for the execution of this Act are specified by Cabinet Order.

(Penal Provisions)

Article 17 (1) A person who refuses, obstructs, or evades an onsite inspection under the provisions of Article 103, paragraph (13) of the Self-Defense Forces Act, as applied mutatis mutandis by replacing the terms in Article 15, paragraph (4), is punished by a fine of not more than 200,000 yen.

(2) If a representative of a judicial person, or an agent, employee, or other worker of a judicial person or an individual commits an act in violation of the preceding paragraph in connection with the business of such judicial person or individual, the concerned judicial person or individual in addition to the violator is punished by a fine under the same paragraph.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date on which the Agreement amending the "Agreement Between the Government of Japan and the Government of the United States of America Concerning Reciprocal Provision of Logistic Support, Supplies, or Services Between the Self-Defense Forces of Japan and the Armed Forces of the United States of America" enters into force. However, the provisions of Article 13, Article 14, paragraph (1), item (ii), Articles 15 and 17, and Article 4 of the Supplementary Provisions come into effect as of the date specified by Cabinet Order within a period not exceeding three months from the date of promulgation.