

Self-Defense Forces Personnel Ethics Act

(Act No. 130 of August 13, 1999)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent acts of self-defense forces personnel that may bring about suspicion and distrust from the citizens in regard to the fairness of execution of duty to ensure public trust in public services by taking necessary measures that contribute to the maintenance of ethics pertaining to the duties of self-defense forces personnel in light of the fact that self-defense forces personnel are public servants of all citizens and that their duty is public service entrusted by the citizens.

(Definitions)

Article 2 (1) The term "self-defense forces personnel" as used in this Act means personnel as provided for in Article 2, paragraph (5) of the Self-Defense Forces Act (Act No. 165 of 1954) (excluding those who do not require full-time service (excluding those who occupy part-time government positions as provided for in Article 44-5, paragraph (1) of the same Act)).

(2) The term "self-defense forces personnel at the rank of staff or higher rank " as used in this Act means the self-defense forces personnel (regarding the self-defense forces personnel listed in items (i), (iii), and (iv), limited to those who receive the payment of the managerial allowance pursuant to the provisions of Article 11-3, paragraph (1) of the Act on Remuneration, etc. of Ministry of Defense Personnel (Act No. 266 of 1952, hereinafter referred to as "Remuneration Act")) listed below:

- (i) self-defense forces personnel to whom the Self-Defense Forces Personnel Instructor Salary Schedule in the Appended Table No. 1 of the Remuneration Act is applied and who are at the second grade in the service of the same

- salary schedule;
- (ii) self-defense forces personnel to whom the Administrative Service Salary Schedule (I) in the Appended Table No. 1 (a) of the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950, hereinafter referred to as "Regular Service Remuneration Act") is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the fifth grade or higher grade in the service of the same salary schedule;
 - (iii) self-defense forces personnel to whom the Education Service Salary Schedule (I) in the Appended Table No. 6 (a) of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the third grade or higher grade in the service of the same salary schedule;
 - (iv) self-defense forces personnel to whom the Education Service Salary Schedule (II) in the Appended Table No. 6 (b) of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the third grade or higher grade in the service of the same salary schedule;
 - (v) self-defense forces personnel to whom the Research Service Salary Schedule in the Appended Table No. 7 of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the fourth grade or higher grade in the service of the same salary schedule;
 - (vi) self-defense forces personnel to whom the Medical Service Salary Schedule (I) in the Appended Table No. 8 (a) of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the third grade or higher grade in the service of the same salary schedule;
 - (vii) self-defense forces personnel to whom the Medical Service Salary Schedule (II) in the Appended Table No. 8 (b) of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the sixth grade or higher grade in the service of the same salary schedule;
 - (viii) self-defense forces personnel to whom the Medical Service Salary Schedule (III) in the Appended Table No. 8 (c) of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act and who are at the sixth grade or higher grade in the service of the same salary schedule;
 - (ix) self-defense forces personnel to whom the Designated Service Salary Schedule in the Appended Table No. 10 of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act;

- (x) self-defense forces personnel who receive the salary in the amount provided for in the salary schedule set forth in Article 7, paragraph (1) of the Act on Special Measures of Employment and Remuneration of Officials with Fixed Term of Office in the Regular Service (Act No. 125 of 2000; referred to as the "Act on Officials with Fixed Term of Office" in the following Article) pursuant to the provisions of Article 4, paragraph (2) of the Remuneration Act;
 - (xi) self-defense forces personnel who receive the salary in the amount provided for in the salary schedule set forth in Article 6, paragraph (1) of the Act on Special Measures of Employment, Remuneration and Working Hours of Researchers with Fixed Term of Office in Regular Service (Act No. 65 of 1997) pursuant to the provisions of Article 4, paragraph (3) of the Remuneration Act; and
 - (xii) self-defense forces personnel who are at the rank of Major of Ground Self-Defense Force (GSDF), Lieutenant Commander of Maritime Self-Defense Force (MSDF), or Major of Air Self-Defense Force (ASDF), or higher rank.
- (3) The term "self-defense forces personnel at the rank of Deputy Director General or higher rank" as used in this Act means the following personnel:
- (i) self-defense forces personnel to whom the Designated Service Salary Schedule in the Appended Table No. 10 of the Regular Service Remuneration Act is applied pursuant to the provisions of Article 4, paragraph (1) of the Remuneration Act;
 - (ii) self-defense forces personnel who receive the salary in the amount provided for in the salary schedule in Article 7, paragraph (1) of the Act on Officials with Fixed Term of Office (limited to the monthly salary of the sixth pay step in that salary schedule or more) pursuant to the provisions of Article 4, paragraph (2) of the Remuneration Act;
 - (iii) self-defense forces personnel to whom the Self-Defense Forces Regular Personnel Salary Schedule in the Appended Table No. 2 of the Remuneration Act is applied, and who receive the salary in the amount provided for in the column for Generals of GSDF, Admirals of MSDF, and Generals of ASDF, or receive the salary in the amount provided for in the column (I) for Major Generals of GSDF, Rear Admirals of MSDF, and Major Generals of ASDF in that salary schedule.
- (4) The term "businesses, etc." as used in this Act means corporations (including associations or foundations that are not corporations and have provisions concerning a representative or an administrator prescribed) and other organizations, and individuals doing business (limited to individuals in cases where they perform acts for the profit of the business).
- (5) In applying the provisions of this Act, officers, employees, representatives, and other persons in cases where they perform the acts for the profits of the businesses, etc. are deemed to be the businesses, etc., set forth in the preceding

paragraph.

(Ethical Principles Pertaining to the Duties Which Self-Defense Forces Personnel Should Observe)

Article 3 (1) Self-defense forces personnel must be conscious that they are public servants of all citizens and not of a part of citizens, must not give unjust and discriminatory treatment to citizens such as handling information that they have learned in the course of duties for the mere benefit of a part of the citizens, and must perform the duties fairly at all times.

(2) Self-defense forces personnel must always make a proper distinction between the public and private, and must not use their duties or positions for their own private interests or private interest of an organization to which they belong.

(3) In exercising the authority granted by laws, self-defense forces personnel must not perform any acts that may bring about suspicion or distrust from the citizens, such as receiving any gifts, etc. from persons upon whom the self-defense forces personnel exercise their authority.

(Reports to the Diet)

Article 4 The Cabinet must annually submit to the Diet a report on the state of the maintenance of ethics pertaining to the duties of the self-defense forces personnel and the measures taken concerning the maintenance of ethics pertaining to the duties of the self-defense forces personnel.

Chapter II Self-Defense Forces Personnel Ethics Code

Article 5 (1) The Cabinet is to provide Cabinet Order concerning necessary matters for the maintenance of ethics pertaining to the duties of the self-defense forces personnel (hereinafter referred to as the "Self-Defense Forces Personnel Ethics Code"), in view of the ethical principles listed in Article 3, in accordance with the National Public Service Ethics Code provided for in Article 5, paragraph (1) of the National Public Service Ethics Act (Act No. 129 of 1999). In this case, the Self-Defense Forces Personnel Ethics Code must include the matters which the self-defense forces personnel should observe concerning the prevention of acts that may bring about suspicion and distrust from the citizens such as contacting with those who have interests with the duties of the self-defense forces personnel, such as the prohibitions and restrictions of receiving gifts, etc. from those who have interests in the duties of the self-defense forces personnel.

(2) The Minister of Defense may provide official directives concerning ethics pertaining to the duties of the self-defense forces personnel.

(3) The Minister of Defense must hear the opinion of the Self-Defense Forces

Personnel Ethics Board in establishing the official directives in the preceding paragraph.

- (4) When the Self-Defense Forces Personnel Ethics Code and the official directives pursuant to the paragraph (2) have been established, revised, or repealed, the Cabinet must report the fact to the Diet.

Chapter III Report on Gifts and Its Disclosure

(Reports of Gifts)

- Article 6 (1) When self-defense forces personnel at the rank of staff or higher rank receive a give of money, objects, or other economic benefits, or provided entertainment or a treat (hereinafter referred to as "gifts, etc.") from businesses, etc., or when they receive payment of remuneration provided for in the Self-Defense Forces Personnel Ethics Code as the remuneration for a personal service offered, based on the relationship between the businesses, etc. and the duties of self-defense forces personnel (limited to cases where they are self-defense forces personnel at the rank of staff or higher rank when they receive the gifts, etc. or the payment of remuneration, and limited to cases where a profit received the gifts, etc. or the payment of remuneration, and limited to cases where a profit received through the gifts, etc. or a value of the remuneration receive in payment exceeds 5,000 yen per case), the self-defense forces personnel must submit a written report on the gifts, etc., stating the following information to the Minister of Defense, within 14 days from the first day of the quarter following the current quarter, for each term of January through March, April through June, July through September, and October through December (hereinafter referred to as "quarter"),
- (i) the profit received through the gifts, etc. or the value of the remuneration received in payment;
 - (ii) the date of receipt of profit by the gifts, etc. or payment of the remuneration and the underlying fact;
 - (iii) name and address of the businesses, etc. who gave the gifts, etc. or paid the remuneration; and
 - (iv) beyond what is set forth in the preceding three items, matters prescribed in the Self-Defense Forces Personnel Ethics Code.
- (2) When the Minister of Defense receives the submission of a written report on gifts, etc. pursuant to the provisions of the preceding paragraph, that Minister must send a copy of the written report on gifts, etc. to the Self-Defense Forces Personnel Ethics Board.

(Report on Share Trading)

- Article 7 (1) Self-defense forces personnel at the rank of Deputy Director

General or higher rank must annually submit a written report on share trading, regarding the acquisition or transfer of share certificates (meaning share certificates, certificates of share options or certificates of bond with share options, and in the case where the share certificates, certificates of share options or certificates of bond with share options are not issued, the rights to be indicated on them if they have been issued; hereinafter the same applies in this paragraph) made in the previous year (limited to the share trading they conduct while they are self-defense forces personnel at the rank of Deputy Director General or higher rank; hereinafter referred to as "share tradings, etc."), stating the kinds, names, numbers, and amounts of consideration pertaining to the share trading, etc. and the dates of the share trading, etc., to the Minister of Defense during the period from March 1 to March 31.

- (2) When the Minister of Defense receives the submission of a written report on share tradings, etc. pursuant to the provisions of the preceding paragraph, that Minister must send a copy of the written report on share tradings, etc. to the Self-Defense Forces Personnel Ethics Board.

(Report on Income)

Article 8 (1) Self-defense forces personnel at the rank of Deputy Director General or higher rank (limited to those who are the self-defense forces personnel at the rank of Deputy Director General or higher rank throughout the previous year) must annually submit a written report on income, stating the following amounts and taxation amounts to the Minister of Defense during the period from March 1 to March 31:

- (i) amounts listed below pertaining to the income in the previous year for which income tax for the same year is imposed (the amount and the underlying fact if the amount exceeds 1,000,000 yen):
- (a) the amount of various types of income (meaning the total amount of various types of income provided for in Article 2, paragraph (1), item (xxii) of the Income Tax Act (Act No.33 of 1965); the same applies hereinafter) pertaining to the aggregate income amount (meaning the aggregate income amount provided for in Article 22, paragraph (2) of the same Act) and the amount of timber income (meaning the amount of the timber income provided for in paragraph (3) of the same Article).
- (b) the amount of income calculated separate from other income notwithstanding the provisions of Article 22 of the Income Tax Act, pursuant to the provisions of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957), out of the amount of various income (excluding the amount of retirement income (meaning the amount of retirement income provided for in Article 30, paragraph (2) of the Income Tax Act) and the amount of timber income (meaning the amount of the

- timber income provided for in Article 32, paragraph (3) of the same Act));
- (ii) the assessed value of gift tax (meaning the assessed value of the gift tax provided for in Article 21-2 of the Inheritance Tax Act (Act No. 73 of 1950)) pertaining to the property in the case of where the gift tax for the previous year is imposed on a property acquired by a gift in the same year.
- (2) Self-defense forces personnel may submit a report of income, etc. set forth in the preceding paragraph by submitting a copy of the tax return form (meaning the tax return provided for in Article 2, item (vi) of the Act on General Rules for National Taxes (Act No. 66 of 1962); the same applies hereinafter). In this case, if the amount listed in (a) or (b) of item (i) in the same paragraph exceeds 1,000,000 yen, the underlying fact must be additionally stated in the copy of the tax return form.
- (3) When the Minister of Defense receives the submission of the written report on income, etc. pursuant to the provisions of the preceding two paragraphs (this report refers to a report of income, etc., set forth in paragraph (1) or a copy of the tax return form set forth in the preceding paragraph. The same applies in paragraph (1) of the following Article), that Minister must send a copy of the written report on income, etc. to the Self-Defense Forces Personnel Ethics Board.

(Preservation and Inspection of Written Report)

- Article 9 (1) When the Minister of Defense receives the submission of the written report on gifts, etc., a written report on share trading, etc., or a written report on income, etc. (hereinafter referred to as "reports of the relevant kind") pursuant to the provisions in the preceding three Articles, that Minister must preserve them until the day when 5 years have elapsed from the day following the last day of the period in which they were to be submitted.
- (2) Any person may request the Minister of Defense to allow the inspection of written reports on gifts, etc. preserved pursuant to the provisions of the preceding paragraph (limited to parts where the profit received as gifts, etc. or the amount of remuneration paid exceeds 20,000 yen per case); provided, however, that this does not apply to the part pertaining to matters which the Minister of Defense approves in advance as that falls under any of the following items, after the Minister of Defense hears the opinion of the Self-Defense Forces Personnel Ethics Board:
- (i) a matter that may pose a risk of imperiling the security of the State, damaging trust relationship with other countries or international organizations, or suffering disadvantages in negotiations with other countries or international organizations, if made known to the public;
 - (ii) a matter that may pose a risk of hindering the prevention, suppression, or investigations of crimes, or maintenance of other public safety and order, if it

made known to the public.

Chapter IV Self-Defense Forces Personnel Ethics Board and Disciplinary Proceedings

(Establishment of Self-Defense Forces Personnel Ethics Board)

Article 10 The Self-Defense Forces Personnel Ethics Board (hereinafter referred to as the "Board") is to be established in the Ministry of Defense to assist the Minister of Defense with the Minister's affairs in relation to the maintenance of ethics pertaining to the duties of the self-defense forces personnel.

(Affairs under the Jurisdiction and Authority)

Article 11 (1) The affairs under the jurisdiction and authority of the Board are to be as follows:

- (i) studying and deliberating the following matters, and proposing the matters found necessary in connection with them to the Minister of Defense:
 - (a) matters concerning the Self-Defense Forces Personnel Ethics Code;
 - (b) matters concerning the standards of disciplinary action in cases of violation of this Act or orders based on this Act (including official directives pursuant to the provisions of Article 5, paragraph (2); the same applies hereinafter);
 - (c) matters concerning research, study, and plan for the maintenance of ethics pertaining to the duties of the self-defense forces personnel;
 - (d) matters concerning training for the maintenance of ethics pertaining to the duties of the self-defense forces personnel; and
 - (e) matters concerning development system for observing the Self-Defense Forces Personnel Ethics Code;
 - (ii) examining written reports of the relevant kinds;
 - (iii) investigating acts that are suspected to violate or that violate this Act or orders under this Act, after receiving an order issued by the Ministry of Defense pursuant to the provisions of paragraph (1) of the following Article;
 - (iv) stating its opinion in response to a consultation by the Minister of Defense under Article 5, paragraph (3), under the proviso in Article 9, paragraph (2), and under paragraphs (2) and (3) of the following Article; and
 - (v) beyond what is set forth in the preceding items, the affairs under jurisdiction and authority that vested in the Board pursuant to laws or orders based on laws.
- (2) The organization, members and other necessary matters of the Board are provided by Cabinet Order.

(Disciplinary Proceedings by Minister of Defense)

Article 12 (1) If the Minister of Defense considers it suspicious that a member of the self-defense forces has committed an act that violates this Act or orders based on this Act, the Minister of Defense must order the Board to investigate the act.

(2) If the Minister of Defense seeks to take a disciplinary action for the reason that the member of the Self-defense forces has committed an act that violates this Act or orders based on this Act, as a result of the investigation in the preceding paragraph, the Minister of Defense must hear the opinion of the Board.

(3) When the Minister of Defense has taken a disciplinary action against a member of the self-defense forces for the reason the member has committed an act that violates this Act or orders based on this Act and the Minister of Defense finds it particularly necessary in order to maintain ethics pertaining to the duties of the self-defense forces personnel, the Minister of Defense may publicize an outline of the disciplinary action (including the publication of the part about share trading, etc. pertaining to the disciplinary action in the written report on the share trading, etc. set forth in Article 7, paragraph (1)) after hearing the opinion of the Board.

Chapter V Ethics Supervisory Officer

Article 13 (1) In order to maintain ethics pertaining to the duties of the self-defense forces personnel, the Ministry of Defense is to have an Ethics Supervisory Officer.

(2) The Ethics Supervisory Officer is to provide necessary guidance and advice, and to develop a system to maintain ethics pertaining to the duties of the self-defense forces personnel.

(3) The Ethics Supervisory Officer must always keep a close communication with the National Public Service Ethics Board in exercising the duties prescribed in the preceding paragraph.

Chapter VI Miscellaneous Provisions

Article 14 Beyond what is provided for in this Act, necessary matters concerning the implementation of this Act are prescribed by Cabinet Order.