

# **Act Concerning Measures Implemented by Japan in Connection with Actions of the United States Armed Forces and Others in Armed Attack Situations, etc. , and Survival-Threatening Situations**

(Act No. 113 of June 18, 2004)

## **(Purpose)**

Article 1 The purpose of this Act is to contribute to securing the peace and independence of Japan and the safety of the State and the people by establishing: measures to enable the United States armed forces to smoothly and effectively take actions necessary to repel armed attacks, in accordance with the Treaty of Mutual Cooperation and Security between Japan and the United States of America (referred to below as the "Japan-U.S. Security Treaty"), during armed attack situations, etc.; measures to enable foreign armed forces, in cooperation with the Self-Defense Forces, to smoothly and effectively take actions necessary to repel armed attacks or armed attacks threatening Japan's survival, in armed attack situations, etc., or survival-threatening situations; and other measures to be implemented by Japan in line with these actions.

## **(Definitions)**

Article 2 In this Act, the meanings of the terms stated in the following items are as follows:

- (i) "armed attack situations, etc." means the armed attack situations, etc., 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; referred to below as the "Armed Attack Situation Response Act");
- (ii) "armed attack" means the armed attack prescribed in Article 2, item (i) of the Armed Attack Situation Response Act;
- (iii) "armed attack situation" means the armed attack situation prescribed in Article 2, item (ii) of the Armed Attack Situation Response Act;
- (iv) "survival-threatening situation" means the survival-threatening situation prescribed in Article 2, item (iv) of the Armed Attack Situation Response Act;
- (v) "survival-threatening armed attack" means the survival-threatening armed attack 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 that take 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 foreign armed forces (excluding specified United States armed forces) that take 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 stated below, taken by the Self-Defense Forces and other designated administrative organs (meaning the designated administrative organs prescribed in Article 2, item (v) of the Armed Attack Situation Response Act; the same applies below) in accordance with the Basic Response Plan (meaning the Basic Response Plan prescribed in Article 9, paragraph (1) of the same Act; the same applies below);

(a) measures that allow the United States armed forces to take actions smoothly and effectively (meaning the actions prescribed in item (vi) (in armed attack situations, etc., in which an armed attack has not occurred, the actions necessary to prepare to repel an armed attack in accordance with the Japan-U.S. Security Treaty, as prescribed in the same item); the same applies below), and other measures taken by Japan that accompany actions of specified United States armed forces, during armed attack situations, etc.; and

(b) measures that allow the foreign armed forces to take actions smoothly and effectively (meaning the actions prescribed in the preceding item (in armed attack situations, etc., in which an armed attack has not occurred, the actions necessary to prepare to repel an armed attack in cooperation with the Self-Defense Forces, as prescribed in the same item); the same applies below), and other measures taken by Japan that accompany actions of foreign armed forces during armed attack situations, etc., or survival-threatening situations.

(Responsibilities of the National Government)

Article 3 In armed attack situations, etc., and survival-threatening situations, the national government is to endeavor to secure the peace and independence of Japan, and the safety of the State and the people, by taking action-related measures accurately and promptly.

(Basic Principles of Action-Related Measures)

Article 4 The scope of action-related measures aimed at repelling armed attacks and survival-threatening armed attacks must not exceed the limits reasonably deemed necessary in accordance with the situation.

(Responsibilities of Local Governments and Businesses)

Article 5 When local governments and businesses are requested by designated administrative organs to cooperate in taking action-related measures in the event of an armed attack situation, etc., they are to strive to comply with the request.

(Liaison with the Governments of the United States and Other Relevant Foreign Countries)

Article 6 (1) To fulfill its responsibilities referred to in Article 3, in accordance with the Japan-U.S. Security Treaty, the national government is to strive to maintain at all times close liaison with the Government of the United States in recognizing the status of and responding to armed attack situations, etc.

(2) In addition to what is prescribed in the preceding paragraph, in order to fulfill its responsibilities referred to in Article 3, the national government is to strive to maintain close liaison with relevant foreign governments in 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 necessary information to the public regarding the areas in which actions are taken by specified United States armed forces or foreign armed forces (referred to below as "specified United States armed forces actions, etc."), the status of other specified United States armed forces actions, etc., and the status of action-related measures taken.

(Liaison and Coordination with Local Governments)

Article 8 When there is a risk that specified United States armed forces actions, etc., or action-related measures may affect response measures taken by local governments (meaning 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 relevant local governments.

(Notification Concerning Acts by Specified United States Armed Forces)

Article 9 In an armed attack situation (limited to cases in which 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 make a notification in accordance with these provisions when there is communication from specified United States armed forces concerning the performance or completion of an act prescribed in Article 115-11, paragraph (1) or (2), or Article 115-16, paragraph

(1) of the same Act.

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

Article 10 (1) The Minister of Defense or a person delegated by the Minister may provide goods of the Self-Defense Forces as an action-related measure.

(2) The Self-Defense Forces ordered to conduct defense operations under the provisions of Article 76, paragraph (1) of the Self-Defense Forces Act may provide services as an action-related measure.

(3) In addition to what is prescribed in the preceding paragraph, the Minister of Defense, with the approval of the Prime Minister, may order Ministry of Defense agencies or Self-Defense Forces units, etc., (meaning the units, etc., prescribed in Article 8 of the Self-Defense Forces Act; the same applies below) to provide services as an action-related measure.

(4) The operations of providing goods of the Self-Defense Forces under the provisions of paragraph (1) and the operations of providing services by the Self-Defense Forces under the provisions of the preceding two paragraphs constitute operations concerning supply (excluding the 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).

**(Action-Related Measures Taken by Designated Administrative Organs)**

Article 11 In addition to what is prescribed in the preceding two articles, designated administrative organs are to take necessary action-related measures in accordance with laws and regulations and the Basic Response Plan.

**(Use of Weapons)**

Article 12 Uniformed members of Self-Defense Forces units, etc., who have been ordered to provide services as an action-related measure pursuant to the provisions of Article 10, paragraph (3) may, when performing their duties, use weapons within limits reasonably judged 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 life or physical safety, the lives or physical safety of Self-Defense Forces personnel engaged in those duties with them, or the lives or bodies of individuals who have come under their control as a result of performing those duties. However, they must not inflict harm on any person except in cases falling under Article 36 or 37 of the Penal Code (Act No. 45 of 1907).

(Formulation of Guidelines on Action-Related Measures)

Article 13 (1) The chairperson of the Headquarters (meaning the chairperson of the crisis management headquarters prescribed in Article 11, paragraph (1) of the Armed Attack Situation Response Act) may, based on the Basic Response Plan, establish guidelines on action-related measures to ensure that such measures are taken accurately and promptly.

(2) When the guidelines prescribed in the preceding paragraph are established, designated administrative organs must take necessary action-related measures in accordance with those guidelines.

(Compensation for Losses)

Article 14 (1) If acts by specified United States armed forces stated in the following items cause any person to incur a loss, the State must compensate the affected party for such loss pursuant to the provisions of the laws specified in each of the items:

(i) In an armed attack situation, to bypass locations where passage is impeded during urgent movement within areas related to the actions of specified United States armed forces, passage through the locations prescribed in the first sentence of Article 92-2 of the Self-Defense Forces Act: the second sentence of the same Article; and

(ii) in an armed attack situation, when specified United States armed forces vehicles (meaning the vehicles used by specified United States armed forces; the same applies below in this item) pass through an area or a section of 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) is prohibited or restricted pursuant to the provisions of that paragraph, when the vehicles and other objects have a risk of impeding the passage, thereby significantly hindering the specified United States armed forces from taking action, and when police officials or the occupants, owners, or managers of the vehicles and other objects are not present at the site, damage to specified United States armed forces vehicles and other objects to an extent unavoidable in taking measures necessary to ensure their smooth passage: Article 82, paragraph (1) of the Basic Act on Disaster Management (Act No. 223 of 1961).

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

(Use of Land)

Article 15 (1) If land or residential buildings (referred to below 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 that providing this land, etc., for the use of specified United States armed forces is appropriate, reasonable, and essential for repelling the armed attack, the United States armed forces may use this land, etc., for a specified period, limited to the area specified by public notice, 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).

- (2) Where land is used pursuant to the provisions of the preceding paragraph, if it is deemed that standing timber on the relevant land or other objects fixed to the land (excluding residential buildings; referred to below as "standing timber, etc.") impede the specified United States armed forces from taking action, the Minister of Defense may relocate the standing timber, etc. If relocation is deemed extremely difficult in light of the circumstances, the standing timber, etc., may be disposed of.
- (3) When residential buildings are used pursuant to the provisions of paragraph (1), the Minister of Defense may modify their shape to the extent necessary if such modification is deemed unavoidably necessary for the actions of specified United States armed forces.
- (4) The provisions of Article 103, paragraphs (7) through (10) and (17) and (18) of the Self-Defense Forces Act apply mutatis mutandis when land, etc. is used, when standing timber, etc. is relocated or disposed of, or when the shape of residential buildings is modified pursuant to the provisions of the preceding three paragraphs, and 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 term "prefectural governor" in paragraphs (7) and (13) of the same Article is to be read as "the Minister of Defense"; the phrase "prefecture (the State, in the case of the proviso to paragraph (1))" in paragraph (10) of the same Article is to be read as "the State"; and the phrase "the Minister's officials" in paragraph (13) of the same Article is to be read as "officials designated by the Minister".
- (5) The affairs under the authority of the Minister of Defense pursuant to the provisions of the preceding paragraphs may be delegated to the Minister's officials, as prescribed by Cabinet Order.

**(Matters to Be Determined by Cabinet Order)**

Article 16 Other than as specifically prescribed in this Act, the procedures for its implementation and other matters necessary for its enforcement are prescribed

by Cabinet Order.

(Penal Provisions)

Article 17 (1) A person who refuses, obstructs, or evades an on-site inspection under the provisions of Article 103, paragraph (13) of the Self-Defense Forces Act, as applied mutatis mutandis with the terms in Article 15, paragraph (4) replaced accordingly, is to be punished by a fine not exceeding 200,000 yen.

(2) If a representative of a corporation, or an agent, employee, or other staff of a corporation or an individual commits an act in violation of the preceding paragraph in connection with the business of that corporation or individual, the corporation or individual is also to be subject to the fine prescribed in the same paragraph, in addition to the violator.

**Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the same day as 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" takes effect. However, the provisions of Article 13, Article 14, paragraph (1), item (ii), Articles 15 and 17, and Article 4 of the Supplementary Provisions take effect on the day specified by Cabinet Order, within three months from the date of promulgation.