



Japan: National Service

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JAPAN

National Service

There has been no mandatory military service system in Japan since 1945. The Japanese military, the Self Defense Forces (SDFs), are on voluntary basis. Recently, the reserve system was reinforced. Some civilians have duties to cooperate with the SDFs during emergencies.

SDFs

There are several routes to become a part of the SDFs, all of which are on a voluntary basis.¹ SDFs have about 260,000 personnel.²

Reserves

When the Self Defense Agency chief calls up reserve personnel at a time of defense operations or disaster relief operations, he/she serves as SDF personnel.³ Reserve personnel are selected from resigned or retired uniformed personnel who have applied for the positions.⁴ This reserve personnel to engage in assignments with relatively less burden, such as guarding and logistic support, when they are called to duty. They shall engage in training for no longer than 20 days per a year.⁵ Currently, a period of five days of training per year is offered for the reservists. As of March 2001, Ground SDF, Maritime SDF, and Air SDF have a total of about 48,000 reserve personnel.⁶

Aside from these reserve personnel, a new group of reserve personnel, ready reserve personnel, was introduced into the Ground SDF in order to mobilize some reservists for immediate action in 1997.⁷ Ready reserve personnel are required to be better trained with more readiness than reserve personnel, so that ready reserve personnel can operate along side non-reserve personnel as members of front-line forces. Ready reserve personnel are also selected from volunteer uniformed personnel who have resigned or retired.⁸ A ready reserve personnel

¹ The Self Defense Forces Law, Law No. 165 of 1954, as amended by Law No. 98 of 2002, art. 35-2.

² Boeicho □Jieitai no jinin kosei (Personnel structure of Defense Agency and Self Defense Forces) at <http://www.jda.go.jp/>.

³ The SDFs Law, supra note 1, arts. 66, ¶ 2 and 70.

⁴ Id. art. 67.

⁵ Id. art. 71, ¶ 3.

⁶ Boeicho, supra note 2.

⁷ Law No. 43 of 1997.

⁸ The SDFs Law, supra note 1, art. 75-8.

engages in 30 days of training per year.⁹ As of March 2001, Ground SDF, Maritime SDF, and Air SDF have a total of about 4,900 ready reserve personnel.¹⁰

In addition, the candidate for reserve personnel was introduced in 2001.¹¹ Experience as an SDF personnel is not required to be registered as a candidate for reserve personnel.¹² The candidate for reserve personnel will engage in rear service. Some candidates for reserve personnel are hired based on their special skills, such as medical and foreign language. The candidate for reserve personnel must attend educational training sessions held by SDF,¹³ but does not have obligations to serve as SDF personnel when they are called up at a time of defense operations or disaster relief operations. The system is designed to secure a stable force level of SDF reservists for the future and to leverage civilian expertise.

Civilian's Obligation During the Defense Operation

SDF may control hospitals and clinics; use lands, houses, and goods; order persons who produce, collect, sell, deliver, store, or transport goods to hold the goods; and expropriate the goods within the SDFs' activity area by an order of the prefectural governor or the Minister of State for Defense during the defense operation.¹⁴ Even outside of the SDFs' activity area, SDFs may do the same and order persons who engage in medical practice, construction, and transportation business to serve for SDFs, if the prefectural governor recognized the great necessity for SDFs duties and issues such order and if the Prime Minister defines the geographical area for such order.¹⁵

Although certain activities which disturb SDFs' operation during the defense operation will be punished under the crime of Obstructing Performance of Official Duties,¹⁶ the SDFs Law does not provide any sanction for civilians who do not obey orders stated in the above paragraph.

The detailed and precise procedures for the execution of such orders or payment of compensation have not been set. The Cabinet and the Defense Agency submitted a bill to amend the SDFs Law in order to clarify these issues to the Diet in 2002. The bill was carried over to the Diet session starting in January 2003. The bill clarifies that SDFs can cut trees on a private person's land and modify a private person's house, if necessary, during the defense operation. The bill makes SDFs able to take up positions and use arms, if necessary, before the defense

⁹ Id. art. 75-5 ¶3.

¹⁰ Boeicho, *supra* note 2.

¹¹ Law No. 40 of 2001.

¹² The SDFs Law, *supra* note 1, art. 36-2.

¹³ Id. art. 75-9.

¹⁴ Id. art. 103, ¶ 1.

¹⁵ Id. art. 103, ¶ 2.

¹⁶ The Criminal Code, Law No. 45 of 1907, as amended by Law No. 153 of 2001, art.95.

operation is called up. The criminal sanctions for persons who do not obey orders are provided in the bill. Observers expect that the Diet will pass this bill and the other two contingency bills during the current session.

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