



PKO Cooperation Act with Serious Flaws Finally Improved after a Quarter Century

# Issues Left for *Kaketsuke-Keigo* in UN Peacekeeping Operations

A task known in Japan as *kaketsuke-keigo* (coming to the aid of a geographically distant unit or personnel under attack) will be added to assignments for the Self-Defense Forces (SDF) unit to be sent to South Sudan in November 2016, at the earliest. Armed forces dispatched by emerging nations will perform the role of guarding the United Nations (UN) peacekeeping operations in the country. The SDF unit will be mobilized in a limited way. However, changing the procedural standard is necessary for the SDF unit to properly perform the newly assigned task of *kaketsuke-keigo*.

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Located in the center of the African continent, South Sudan, which gained independence in 2011, is the youngest nation in the world. Japan is involved in the UN peacekeeping operations (PKOs) aimed at helping the country build and stabilize itself. In July 2016, a large-scale armed conflict broke out between antagonistic factions led by President Salva Kiir Mayardit and Vice President Riek Machar in Juba, the capital of South Sudan, leaving more than 200 people dead, including civilians. In reaction to this incident, non-governmental organization (NGO) members and embassy staff members from other countries, including Japan, fled South Sudan for safety. The bloodshed also caused approximately 350 members of the Ground Self-Defense Force (GSDF), mainly consisting of an engineering unit who were taking part in the United Nations Mission in South Sudan (UNMISS), to postpone all of their operations, including road maintenance and improvement in the suburbs of Juba.

The Japanese government began sending GSDF troops to the UNMISS in January 2012. About 350 GSDF members, mainly consisting of an engineering unit, have since engaged in UNMISS operations, including a project for boosting the capacity of a filtration plant in cooperation with the Japan International Cooperation Agency (JICA) under whole-nation arrangements, in addition to maintaining and improving roads, airports and other facilities. However, factions led by President Kiir belonging to the majority of the Dinka tribe and Machar from the rival Nuer tribe have repeatedly engaged in armed clashes in South Sudan since its independence. No sign has yet appeared of a course that will stabilize the country.



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Under such conditions, the addition of so-called *kaketsuke-keigo* (coming to the aid of a geographically distant unit or personnel under attack) to the tasks assigned to SDF units in South Sudan based on the security-related acts enforced in March 2016, has become a focal point for the future. The Ministry of Defense is presently preparing a new procedural standard for SDF units and the like. The Ministry is reportedly planning to assign a new mission to the 11th SDF unit to be dispatched to South Sudan in November 2016 at the earliest. How will the activities of the SDF change while the local security conditions remain uncertain? Before considering this point, the author would like to turn back the clock a little.

Looking back on the SDF's international cooperation activities in Cambodia in 1992, based on the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, a SDF unit went around a dozen polling stations staffed with election monitors two times or more each day to protect the volunteer election monitors from Japan amidst successive guerrilla attacks and massacres. Members of the unit continued training to sweep for guerrillas for legitimate self-defense because they were likely to become the so-called human shields or guerrilla targets in the event of an attack on the election monitors.

In the relief activities for Rwandan refugees undertaken in Zaire (presently known as the Democratic Republic of the Congo) in 1994, the SDF sent troops to armed refugee camps where disturbances broke out several times and transported many dead or injured people at the request of the United Nations High Commissioner for Refugees (UNHCR). In PKOs in East Timor in 2002, a riot, including arson, broke out in Dili, the capital, causing the Japanese citizens there to ask the SDF for help. Based on their reports, the SDF repeated rapid deployment, protected forty-one citizens from seven countries, including seventeen from Japan, who fled to UN facilities and restaurants and accommodated them at its stockade.

In the case of Cambodia, the SDF performed an activity called guarding that is not prescribed in the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations in the name of "patrolling maintained and improved roads." In Zaire, guarding by the SDF materialized only as a result of the common sense from refugees that they would be killed if they went against armed forces. They did not know that SDF members were only allowed to use firearms for legitimate self-defense, as stipulated by criminal law. In East Timor, too, the SDF unit was able to transport stranded Japanese and other foreign citizens based on the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, because the riot did not leave them isolated and surrounded by a mob. The same operation could constitute a rescue, which is not permitted in the same Act, if those Japanese and other citizens had been surrounded by rioters. The SDF could have abandoned them in such a case.

In an interview with the author, Nishimoto Tetsuya, former Chief of Staff of the GSDF who headed the SDF operations in Cambodia, stated, "The GSDF unit could not have protected volunteer election monitors in Cambodia if it had acted according to the law. The idea of guarding people under the name of patrolling bridges and roads was ridiculous." The Act on Cooperation with United Nations Peacekeeping Operations and Other Operations has had serious flaws from the very

beginning. Knowing that, politicians forced troop commanders to make difficult decisions at the actual PKO sites.

### **Guarding and Riot Suppression Are Assigned to Troops from Other Countries Opportunities for Kaketsuke-Keigo Are Limited**

In response to these conditions, the sentence stating that the SDF may protect people engaged in PKOs and international rescue operations and their supporters when such people are exposed to danger or face the risk of such exposure will be added to the Act Concerning the Measures for Protection of the People in Armed Attack Situations, Etc. (Article 3, Paragraph 5, (v)) through deliberations on security-related acts, including the reviews of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, in September 2015. People in Japan call this task “kaketsuke-keigo.”

The media has reported that the addition of the new task to the SDF units currently operating in the UNMISS in South Sudan will enable them to travel for rescue when an armed group and the like attacks civilians, such as UN and NGO staff members and soldiers from other countries. This is not a mistake, but there is a huge misunderstanding behind this view. We must accurately understand PKOs to resolve the misunderstanding.

The Peacekeeping Force (PKF) of the UNMISS consists of approximately 13,000 people. The Force undertakes operations such as road and facility maintenance and improvement while maintaining public order in the areas under its jurisdiction. The SDF is a member of this PKF. Approximately 9,000 foot soldiers dispatched by eight participating states in the UNMISS, including India, Ethiopia, Rwanda and China, comprise the main force in this PKF. The Force maintains public order through its activities, such as guarding, patrolling, and the suppression of riots in four regions in South Sudan.

Based on the consensus of its citizens, Japan has decided not to send the SDF to any infantry force in the PKF whose tasks include military actions. Engineering, medical and other backup forces consisting of troops from various countries, including the SDF unit, are continuing tasks assigned by the UN in parts of South Sudan where public order has been maintained by infantry forces. The unit dispatched by the SDF includes a guarding platoon formed by about forty infantry members. However, the platoon does not possess heavy weapons like those carried by other countries’ infantry forces. In the UNMISS, platoons are positioned as national support elements. The role assigned to the SDF is to guard the surrounding area when undertaking operations, such as road maintenance and improvements.

As stated above, the roles assigned to forces from various countries are clear in the PKF. The PKF commander who leads forces from various nations asks the infantry corps in charge of rescue, relief and riot suppression for rapid deployment in cases where civilians such as UN and NGO staff members and soldiers from participating nations face a crisis. Infantry battalions from Rwanda, Ethiopia, Nepal and China are in charge of maintaining public order in the area where the SDF operates (a suburb of Juba). That is the case because forces from various countries can fall into the

same trap as the US force in the PKOs in Somalia, which experienced a tragic slaughter, as depicted in the film “Black Hawk Down.”

Will there be no case where the SDF can perform its new duty known of *kaketsuke-keigo*? The correct answer to the question will have several conceivable scenarios, although the operations will be limited. Possibilities include cases where NGO members from Japan and other workers in the field directly ask the SDF for rescue as in East Timor and cases where an unexpected crisis arises in a neighborhood where the SDF operates. In such cases, the author thinks that the SDF will report the situation to the PKF headquarters and take actions in concert with the infantry force in charge of the concerned area.

### **Conversion to a Negative List Is Necessary for Speedily and Properly Undertaking Operations**

Readers may find it a matter of course, but the SDF has been unable to take actions at this level prior to the revision of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations. The Act itemized actions that the SDF was able to take. It was a so-called positive list. Furthermore, the Act limited the use of firearms to cases of personal self-defense (legitimate self-defense).

In that sense, the use of firearms for duty execution approved with the addition of so-called *kaketsuke-keigo* to the duties of the SDF was a step forward. The use of firearms, which allows troops in a critical situation to fire warning shots and make a counterattack according to the circumstances when an enemy fires back. This is a procedural standard that the United Nations has permitted for forces from various countries from the beginning.

We cannot predict what will happen in regions such as those where PKOs are in progress. To speedily cope with future risks in such regions, the legal structure must be changed to expressly state actions that should be avoided at all costs or to produce a so-called negative list. Unless such changes are made, the SDF might face danger, hesitate to act in response to the danger, and make a big mistake someday.

In Cambodia and East Timor, it would have been easy for the SDF to travel to the areas of its operations as part of the activities for gathering information required for its operations, confirm the safety of the Japanese residents there, and judge whether a riot would escalate if the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations had been turned into a negative list. I believe the SDF could protect Japanese citizens using firearms from a humanitarian point of view when fellow countrymen are encountered in a critical situation in the course of information gathering.

However, high hurdles have been set for converting the Act into a negative list. As evident in discussions over security-related actions, there is a certain group of citizens who always links the defunct Japanese military that existed prior to the end of World War II with the SDF and loudly argues that armed forces are organizations that grow out of control. I think it is a mistake to link how

things are today with how things were prior to the end of World War II, when military officers in active service took office as state ministers and the rejection of their office assumption meant the inability to form a cabinet. At this point, we must clearly state our opinions and say how Japan will deal with the events that are taking place in the world. We are not sending the SDF to PKOs to wage war (use of force).

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