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THE JAPANESE LAW CONCERNING THE SPECIAL MEASURES ON HUMANITARIAN AND RECONSTRUCTION ASSISTANCE IN IRAQ: TRANSLATOR'S INTRODUCTION

Mika Hayashi[†]

I. INTRODUCTION

The legal framework concerning Japan's physical contribution to international peace and security through the presence of its Self-Defense Forces abroad underwent *ad hoc* changes twice since the beginning of the Twenty-First Century. The first change was brought about by the September 11 terrorist attacks in 2001 and the second was the result of the war in Iraq in 2003. In both cases, Japan enacted laws that specifically enabled the Self-Defense Forces to operate abroad: the Anti-Terrorism Special Measures Law¹ and the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq,² respectively.

The latter and most recent legislation, the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq, is the object of this note. As its name indicates, it is a very specific law concerning the situation in Iraq that resulted from its war with coalition forces in 2003. The legislation is valid for four years, unless this expiration date is modified by the Diet.³ In the short term, this law is of immediate importance to the foreign policy of Japan, because it provides the legal basis for Japanese activities regarding Iraq and the international community there. Through supporting reconstruction work in Iraq, the legislation concretely

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¹ Heisei Jusan-nen Ku-gatsu Juichi-nichi no Amerika Gasshukoku ni oite Hassei shita Terorisuto niyoru Kogeki to ni Taio shite Okonawareru Kokusairengokensho no Mokuteki-tassei no tameno Shogaikoku no Katsudo ni taishite Waga Kuni ga Jisshi suru Sochi oyobi Kanren suru Kokusairengo Ketsugi to ni Motozuku Jindoteki-sochi ni kansuru Tokubetsu-sochi Ho [Anti-Terrorism Special Measures Law] (Law No. 113, 2001, amended by Law No. 147, 2003). Its Japanese text is available at <http://www.ron.gr.jp/law/law/h13terro.htm> (last visited Apr. 20, 2004).

² Iraku ni okeru Jindofukko-Shienkatsudo oyobi Anzenkakuho-Shienkatsudo no Jisshi ni kansuru Tokubetsu-sochi Ho [Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq] (Law No. 137, 2003) [hereinafter Law concerning the Special Measures in Iraq]. Its Japanese text is available at <http://law.e-gov.go.jp/htmldata/H15/H15HO137.html> (last visited Apr. 20, 2004).

³ *Id.* arts. 2-3 of the Supplementary Provisions. The Anti-Terrorism Special Measures Law was also originally valid for two years, but was amended by the Diet in 2003 and is now valid until 2005.

demonstrates Japan's political desire to actively participate in and tangibly contribute to the international effort to strengthen peace and security in the world. In addition, the law also has long-term impact. For though an *ad hoc* law, together with the Anti-Terrorism Special Measures Law, it is likely to provide a basis for a more permanent and comprehensive law pertaining to the Self-Defense Forces and their overseas activities, a possibility that the present Government plans to explore.

II. GENERAL OVERVIEW OF THE LAW CONCERNING THE SPECIAL MEASURES ON HUMANITARIAN AND RECONSTRUCTION ASSISTANCE IN IRAQ AND THE CURRENT SITUATION

A. *Legal Context Prior to the Law Concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq*

At the end of the Twentieth Century, three legal instruments were relevant in discussing the overseas activities of Japanese Self-Defense Forces: the Japanese Constitution,⁴ the Self-Defense Forces Law ("SDF Law"),⁵ and the Law concerning Cooperation for United Nations Peace-Keeping Operations and Other Operations.⁶ Very briefly, the heart of the tension in allowing the Self-Defense Forces to operate abroad is in the Constitution, which provides in Article 9: "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes."⁷

When, in spite of Article 9, the Self-Defense Forces were established in 1952 by the SDF Law, it was never intended that such forces would operate abroad—they were created solely for the purpose of defense. However, the national and international scenes gradually changed through the years, and Japan began to seek more active participation in international cooperation that increasingly required its physical presence abroad. Despite this evolution, full-fledged and comprehensive overseas activities of the

⁴ KENPO [Constitution]. Many translations of the Japanese laws including the Constitution, though unofficial, can be located through the collection of links at http://homepage2.nifty.com/paper/law_english.htm (maintained by the author).

⁵ Jieitai Ho [Self-Defense Forces Law] (Law No. 165, 1952) [hereinafter SDF Law].

⁶ Kokusairengo Heiwaiji-Katsudo to ni taisuru Kyoryoku ni kansuru Horitsu [Law concerning Cooperation for United Nations Peace-Keeping Operations and Other Operations], (Law No. 79, 1992, amended by Law No. 157, 2001) [hereinafter Peacekeeping Operations Law]. An unofficial translation of the version prior to the amendment can be found at 36 Japanese Annual Int'l L. 272 (1993); 32 I.L.M. 215 (1993).

⁷ KENPO [Constitution].

Self-Defense Forces have been prevented on the following logic: the use of force is renounced by an article of the Constitution, and thus, any activity that takes place abroad must never amount to a use of force. If an action abroad amounts to use of force it is clearly unconstitutional. Given the unstable circumstances in which multinational forces or U.N.-led contingents operate, avoiding the use of force abroad is perceived to be difficult in practice, and thus Japanese Self-Defense Forces cannot participate in such actions.

Against this background, legal developments that would enable overseas activities of the Self-Defense Forces have always been slow and cautious. The first legislation to allow the Self-Defense Forces to operate abroad, the Peacekeeping Operations Law, covers only international relief activities and U.N. peacekeeping operations.⁸ However, the situations that the world faced in the aftermath of the September 11 terrorist attacks and following the 2003 war in Iraq were not envisioned by the Peacekeeping Operations Law. New legislation was necessary. Since consensus on a comprehensive and permanent law pertaining to the overseas activities of the Self-Defense Forces was difficult to achieve, the Japanese Government resorted to *ad hoc* legislation in each case. It also explicitly defended the constitutionality of operations undertaken within the framework provided by such legislation.⁹

B. Characteristics of the Law Concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq

As previously mentioned, there is no comprehensive legislation regarding overseas activities of Japan's Self-Defense Forces. The Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq ("The Law") is highly specific and strictly limited in purposes and duties. Its aim is to implement the measures of assistance in Iraq.¹⁰ The measures will be implemented on one hand, by the Cabinet

⁸ The development of the overseas activities undertaken by the Self-Defense Forces under this law has already been an object of extensive studies elsewhere. Akiho Shibata, *Japanese Peacekeeping Legislation and Recent Developments in U.N. Operations*, 19 *Yale J. Int'l L.* 307 (1994); Akiho Shibata, *Japan: Moderate Commitment within Legal Strictures*, in *DEMOCRATIC ACCOUNTABILITY AND THE USE OF FORCE IN INTERNATIONAL LAW* 207 (Charlotte Ku & Harold K. Jacobson eds., 2003).

⁹ For example, see the press conference of the Prime Minister on December 9, 2004, regarding the operations under the Law concerning the Special Measures in Iraq, available in English at http://www.kantei.go.jp/foreign/koizumispeech/2003/12/09press_e.html (last visited Apr. 19, 2004).

¹⁰ Law concerning the Special Measures in Iraq, *supra* note 2, art. 1.

Office, through the staff that the Prime Minister employs,¹¹ and on the other hand by the Self-Defense Forces.¹²

One important condition imposed on any activities undertaken by the Self-Defense Forces is the absence of combat.¹³ At first glance, this limitation appears to be a logical consequence of the Law's purpose. The Law is intended to aid humanitarian and reconstruction assistance, both of which are impossible in the presence of combat. However, from a legal viewpoint, this limitation is a logical consequence of the Japanese Constitution's prohibition on the use of force. According to the Japanese Government's interpretation of the Constitution, "if the purpose and duties of a particular operation involve the use of force, the Self-Defense Forces cannot participate."¹⁴ The Government's position has been consistent since the Peacekeeping Operations Law. That is why the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq, like its predecessor, contains an article specifying that the activities undertaken by the Self-Defense Forces must not amount to a use of force.¹⁵ That is also the reason why there is a specific provision on the "Use of Weapons," as distinguished from the use of force, which explicitly permits Self-Defense Forces to use weapons under certain circumstances.¹⁶

C. *Activities Undertaken Under the Law Concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq*

The activities based on the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq are divided into two categories. One category is humanitarian and reconstruction assistance,¹⁷ and the other is assistance to ensure security and safety.¹⁸ The Self-Defense Forces have previously performed some of these activities, in places such as East Timor, in accordance with the Peacekeeping Operations Law.

¹¹ *Id.* art. 7.

¹² *Id.* art. 8.

¹³ *Id.* art. 2, para. 3.

¹⁴ Shibata, *Japanese Peacekeeping Legislation and Recent Developments in U.N. Operations*, *supra* note 8, 213.

¹⁵ Law concerning the Special Measures in Iraq, *supra* note 2, art. 2, para. 2.

¹⁶ *Id.* art. 17.

¹⁷ *Id.* art. 3, para. 2.

¹⁸ *Id.* art. 3, para. 3.

According to the Basic Plan established on December 9, 2003,¹⁹ the Self-Defense Forces are to conduct the humanitarian and reconstruction activities, which include medical services, water supply, rehabilitation and maintenance of schools and other public facilities, as well as transportation of materials for humanitarian and reconstruction use. The staff for the reconstruction assistance in Iraq, attached to the Cabinet Office, is to carry out the humanitarian and reconstruction assistance, which includes medical services, rehabilitation and maintenance of facilities necessary for reconstruction assistance in Iraq and improvement in irrigation. The units of the Self-Defense Forces may also undertake activities for ensuring security and safety such as medical services, transportation, storage of goods, communication, construction, repair or maintenance, replenishment or decontamination, provided that such activities do not affect the activities for humanitarian and reconstruction assistance. The Basic Plan of December 9, 2003 also delimits the areas in which these activities of the Self-Defense Forces may take place. For example, medical services, water supply, rehabilitation and maintenance of schools and other public facilities are provided as activities for humanitarian and reconstruction assistance by the Self-Defense Forces in the southeastern part of Iraq, mainly in the governorate of Al Muthanna.

This legal framework does not currently, therefore, authorize the Self-Defense Forces in Iraq to carry out a rescue operation of Japanese nationals taken hostage in Iraq, even where a situation may call for such a rescue operation. Indeed, such an operation is legally prevented by the limitations placed upon their activities, both in scope and in geographical reach.

The Basic Plan gives the Self-Defense Forces a term in Iraq that expires on December 14, 2004. This term is subject to modification if the situation in Iraq becomes unstable and no longer satisfies the prerequisites of the Law or the Basic Plan.²⁰

D. Domestic Procedures

Procedurally, the executive branch, in particular the Prime Minister, has the initiative for implementing the activities based on the Law concerning the Special Measures on Humanitarian and Reconstruction

¹⁹ The outline of the Basic Plan in English is available at http://www.mofa.go.jp/region/middle_e/iraq/issue2003/law_o.html (last visited Apr. 19, 2004). The statement in English by the Prime Minister of Japan regarding the Basic Plan can be found at http://www.kantei.go.jp/foreign/koizumispeech/2003/12/09danwa_e.html (last visited Apr. 19, 2004).

²⁰ Law concerning the Special Measures in Iraq, *supra* note 2, art. 8, para. 4.

Assistance in Iraq. For example, in accordance with Article 4, the Prime Minister obtained a decision of the Cabinet for the Basic Plan on December 9, 2003. Later, on December 18, 2003 the Prime Minister approved the Scheme of Implementation determined by the Director General of the Defense Agency.²¹ In accordance with the Scheme of Implementation, the Ground Self-Defense Force, the Maritime Self-Defense Force and the Air Self-Defense Force received the order from the Director General of the Defense Agency to implement activities based on the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq on December 19, 2003. According to the Japanese media, 550 members of the Ground SDF, 300 members of the Maritime SDF and 200 members of the Air SDF will be operating under the Law.²²

Activities based on the Law are also subject to Diet approval. If the Diet disapproves, activities under the Law must be terminated.²³ The House of Representatives approved of the activities on January 31, 2004, as did the House of Councilors on February 9, 2004. In both cases, the ruling parties of the coalition, the Liberal Democratic Party and the New Komeito, voted for approval while the opposition parties such as the Democratic Party, the Social Democratic Party, and the Communist Party, voted against it.

III. NOTES FOR THE TRANSLATION

Literally translated, the full name of the Law in Japanese is “Law concerning the Special Measures with Regard to the Implementation of Humanitarian and Reconstruction Assistance Activities and Activities to Ensure Security in Iraq.” Though there is no official translation of this law, since the shorter name that appears as the title of this note has been consistently employed in official statements and on official websites, I used this shorter name in this note. For the same reason, “Anti-Terrorism Special Measures Law” is used as the name for the 2001 law, though the official name in Japanese is much longer. For laws where there is a translated name in use on official websites of the Government and Administration, I have used those names. For example, I used the name “National Government

²¹ *Id.* art. 8, para. 2. The outline of the Scheme of Implementation in Japanese is available at <http://www.jda.go.jp/j/news/2003/12/18b.htm> (last visited Apr. 20, 2004).

²² Nihon Keizai Shimbun [Nikkei Newspaper] (morning ed.), Feb. 21, 2004.

²³ Law concerning the Special Measures in Iraq, *supra* note 2, art. 6.

Organization Law” that appears in an official website²⁴ instead of “National Administration Organization Law” used elsewhere.²⁵

The construction of sentences in the translation is as faithful to the Japanese text as possible. However, when a phrase is too long and incomprehensible in English it is divided into multiple sentences. Article 1 is an example of such a division.

²⁴ This is the name used in http://www.kantei.go.jp/foreign/constitution_and_government/the_national_government_low.html (last visited on April 20, 2004).

²⁵ This is the name employed in the unofficial translations of the Peacekeeping Operations Law, *supra* note 6.

イラクにおける人道復興支援活動及び安全確保支援活動の実施に関する特別措置法

(平成十五年八月一日法律第百三十七号)

第一章 総則

(目的)

第一条 この法律は、イラク特別事態(国際連合安全保障理事会決議第六百七十八号、第六百八十七号及び第千四百四十一号並びにこれらに関連する同理事会決議に基づき国際連合加盟国によりイラクに対して行われた武力行使並びにこれに引き続く事態をいう。以下同じ。)を受けて、国家の速やかな再建を図るためにイラクにおいて行われている国民生活の安定と向上、民主的な手段による統治組織の設立等に向けたイラクの国民による自主的な努力を支援し、及び促進しようとする国際社会の取組に関し、我が国がこれに主体的かつ積極的に寄与するため、国際連合安全保障理事会決議第千四百八十三号を踏まえ、人道復興支援活動及び安全確保支援活動を行うこととし、もってイラクの国家の再建を通じて我が国を含む国際社会の平和及び安全の確保に資することを目的とする。

(基本原則)

第二条 政府は、この法律に基づく人道復興支援活動又は安全確保支援活動(以下「対応措置」という。)を適切かつ迅速に実施することにより、前条に規定する国際社会の取組に我が国として主体的かつ積極的に寄与し、もってイラクの国家の再建を通じて我が国を含む国際社会の平和及び安全の確保に努めるものとする。

LAW CONCERNING THE SPECIAL MEASURES ON HUMANITARIAN AND RECONSTRUCTION ASSISTANCE IN IRAQ[†]

Law No. 137, 2003

Effective on 1 August, 2003

CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1, PURPOSE

Given the special situation in Iraq (“Special situation in Iraq” means, throughout this Law, the use of force against Iraq by the Member States of the United Nations in accordance with U.N. Security Council Resolutions 678, 687 and 1441 as well as its resolutions related to them, and the situation that followed), the international community is trying to assist and promote the voluntary efforts of the Iraqi people, being undertaken in Iraq for the stability and improvement of the life of the people, and the establishment of a governing organ through democratic means. Japan wishes to contribute to these efforts of the international community, on its own initiative in an active manner. The purpose of this Law is to provide the humanitarian and reconstruction assistance as well as the assistance to ensure security, based on the U.N. Security Council Resolution 1483, so that Japan, through the restoration of the State in Iraq, can make a contribution to the realization of peace and security in the international community including Japan.

ARTICLE 2, BASIC PRINCIPLES

1. The Government purports to contribute to the efforts of the international community referred to in Article 1 on its own initiative and in an active manner, through the adequate and prompt implementation of the humanitarian and reconstruction assistance and the assistance to ensure security based on this Law (hereinafter “the activities based on this Law”), thereby ensuring the peace and security

[†] Translated by Mika Hayashi. Special thanks to *Pacific Rim Law & Policy Journal* Staff member Kyoko Ishida, Ph.D. Candidate, for her assistance in helping to prepare this translation.

- 2 対応措置の実施は、武力による威嚇又は武力の行使に当たるものであってはならない。
- 3 対応措置については、我が国領域及び現に戦闘行為(国際的な武力紛争の一環として行われる人を殺傷し又は物を破壊する行為をいう。以下同じ。)が行われておらず、かつ、そこで実施される活動の期間を通じて戦闘行為が行われることがないと認められる次に掲げる地域において実施するものとする。
 - 一 外国の領域(当該対応措置が行われることについて当該外国の同意がある場合に限る。ただし、イラクにあっては、国際連合安全保障理事会決議第千四百八十三号その他の政令で定める国際連合の総会又は安全保障理事会の決議に従ってイラクにおいて施政を行う機関の同意によることができる。)
 - 二 公海(海洋法に関する国際連合条約に規定する排他的経済水域を含む。第八条第五項及び第十四条第一項において同じ。)及びその上空
- 4 内閣総理大臣は、対応措置の実施に当たり、第四条第一項に規定する基本計画に基づいて、内閣を代表して行政各部を指揮監督する。
- 5 関係行政機関の長は、前条の目的を達成するため、対応措置の実施に関し、内閣総理大臣及び防衛庁長官に協力するものとする。

(定義等)

第三条 この法律において、次の各号に掲げる用語の意義は、それぞれ当該各号に定めるところによる。

- 一 人道復興支援活動 イラクの国民に対して医療その他の人道上の支援を行い若しくはイラクの復興を支援することを国際連合加盟国に対して要請する国際連合安全保障理事会決議第千四百八十三号又はこれに関連する政令で定める国際連合の総会若しくは安全保障理事会の決議に基づき、人道的精神に基づいてイラク特別事態によって

of the international community including Japan, through the restoration of the State in Iraq.

2. The implementation of the activities based on this Law shall not be tantamount to the threat or use of force.

3. The activities based on this Law are implemented in the Japanese territory and the following areas where no combat (“Combat” means, throughout this Law, an act, undertaken as part of an international armed conflict, of killing or injuring a person, or destroying an object) is taking place and it is deemed that there will be no combat through the period of the implementation of these activities.

(1) Foreign territories (Only when there is a consent of that foreign State regarding the implementation of the activities based on this Law. Concerning Iraq, this consent may be obtained from an organ governing Iraq in accordance with U.N. Security Council Resolution 1483 and other resolutions of the General Assembly or the Security Council of the United Nations that are specified by a Cabinet Order.);

(2) High seas (including the exclusive economic zones provided in the United Nations Convention on the Law of the Sea. The same applies to Article 8, paragraph 5 and Article 14, paragraph 1.) and the airspace above.

4. Based on the Basic Plan provided in Article 4, paragraph 1, the Prime Minister, on behalf of the Cabinet, shall direct and supervise each branch of the administration in order to implement the activities based on this Law.

5. In the implementation of the activities based on this Law, heads of the administrative agencies concerned shall cooperate with the Prime Minister and the Director General of the Defense Agency in order to achieve the purpose stated in Article 1.

ARTICLE 3, DEFINITIONS

1. For the purpose of this Law, the following terms shall have the following meaning.

(1) “Humanitarian and reconstruction assistance” These activities are based on U.N. Security Council Resolution 1483 requesting the Member States of the United Nations to provide the medical and other humanitarian assistance to the Iraqi people or to assist the reconstruction in Iraq, as well as other resolutions of the General Assembly or the Security Council of the United Nations specified by a Cabinet Order. They are implemented by Japan on the basis of the humanitarian spirit in order to rescue the inhabitants and others in

被害を受け若しくは受けるおそれがあるイラクの住民その他の者(以下「被災民」という。)を救援し若しくはイラク特別事態によって生じた被害を復旧するため、又はイラクの復興を支援するために我が国が実施する措置をいう。

二 安全確保支援活動 イラクの国内における安全及び安定を回復するために貢献することを国際連合加盟国に対して要請する国際連合安全保障理事会決議第千四百八十三号又はこれに関連する政令で定める国際連合の総会若しくは安全保障理事会の決議に基づき、国際連合加盟国が行うイラクの国内における安全及び安定を回復する活動を支援するために我が国が実施する措置をいう。

三 関係行政機関 次に掲げる機関で政令で定めるものをいう。

イ 内閣府並びに内閣府設置法(平成十一年法律第八十九号)第四十九条第一項及び第二項に規定する機関並びに国家行政組織法(昭和二十三年法律第二十号)第三条第二項に規定する機関

ロ 内閣府設置法第四十条及び第五十六条並びに国家行政組織法第八条の三に規定する特別の機関

四 人道復興関係国際機関 国際連合難民高等弁務官事務所その他国際連合の総会若しくは安全保障理事会によって設立された機関若しくは国際連合の専門機関又は我が国が締結した条約その他の国際約束により設立された国際機関であつて人道復興支援活動に関するものとして政令で定める国際機関をいう。

2 人道復興支援活動として実施される業務は、次に掲げるもの(これらの業務にそれぞれ附帯する業務を含む。)とする。

一 医療

二 被災民の帰還の援助、被災民に対する食糧、衣料、医薬品その他の生活関連物資の配布又は被災民の収容施設の設置

Iraq who have incurred a damage or are susceptible of incurring a damage (hereinafter “affected people”), to repair the damage incurred by the special situation in Iraq or to assist the reconstruction in Iraq.

(2) “Assistance to ensure security” These activities are based on U.N. Security Council Resolution 1483 requesting the Member States of the United Nations to contribute to the restoration of security and stability within Iraq, as well as other resolutions of the General Assembly or the Security Council of the United Nations that are specified by a Cabinet Order. They are implemented by Japan in order to assist the restoration of security and stability within Iraq.

(3) “Administrative agencies concerned” They are the following agencies, as designated by a Cabinet Order.

(a) The Cabinet Office, agencies provided in Article 49, paragraphs 1 and 2 of the Law concerning the Establishment of the Cabinet Office (Law No. 89, 1999), and agencies provided in Article 3, paragraph 2 of the National Government Organization Law (Law No. 120, 1999);

(b) Special agencies provided by Articles 40 and 56 of the Law concerning the Establishment of the Cabinet Office and Article 8(3) of the National Government Organization Law.

(4) “International humanitarian agencies” They are: the Office of the United Nations High Commissioner for Refugees; other agencies established by the General Assembly or the Security Council of the United Nations; U.N. Specialized Agencies; international organizations established by treaties concluded by Japan or other international commitment, designated by a Cabinet Order as those related to humanitarian and reconstruction assistance.

2. The duties carried out as humanitarian and reconstruction assistance consist of the following activities (including the duties that accompany each of these duties).

(1) Medical service

(2) Assistance of the return of the affected people, distribution of food, clothing, medical supplies, and other daily necessities or installation of accommodations for the affected people.

三 被災民の生活若しくはイラクの復興を支援する上で必要な施設若しくは設備の復旧若しくは整備又はイラク特別事態によって汚染その他の被害を受けた自然環境の復旧

四 行政事務に関する助言又は指導

五 前各号に掲げるもののほか、人道的精神に基づいて被災民を救済し若しくはイラク特別事態によって生じた被害を復旧するため、又はイラクの復興を支援するために我が国が実施する輸送、保管(備蓄を含む。)、通信、建設、修理若しくは整備、補給又は消毒

3 安全確保支援活動として実施される業務は、国際連合加盟国が行うイラクの国内における安全及び安定を回復する活動を支援するために我が国が実施する医療、輸送、保管(備蓄を含む。)、通信、建設、修理若しくは整備、補給又は消毒(これらの業務にそれぞれ附帯する業務を含む。)とする。

第二章 対応措置等

(基本計画)

第四条 内閣総理大臣は、対応措置のいずれかを実施することが必要であると認めるときは、当該対応措置を実施すること及び当該対応措置に関する基本計画(以下「基本計画」という。)の案につき閣議の決定を求めなければならない。

2 基本計画に定める事項は、次のとおりとする。

一 対応措置に関する基本方針

二 対応措置を実施する場合における次に掲げる事項

イ 当該対応措置に係る基本的事項

ロ 当該対応措置の種類及び内容

ハ 当該対応措置を実施する区域の範囲及び当該区域の指定に関する事項

- (3) Repair or maintenance of facilities or equipment necessary to assist the life of the affected people or the reconstruction in Iraq, or the restoration of natural environment subjected to contamination and other damages by the special situation in Iraq.
 - (4) Advice or guidance for administrative matters
 - (5) Transportation, storage (including the reserve), communication, construction, repair, or maintenance, replenishment or decontamination that Japan carries out, and not covered by (1), (2), (3) or (4), in order to assist the reconstruction in Iraq, or to repair the damage incurred by the special situation in Iraq, or to assist the affected people based on the humanitarian spirit.
3. The activities implemented as the assistance to ensure security consist of medical services, transportation, storage (including the reserve), communication, construction, repair, or maintenance, replenishment or decontamination (including duties that accompany each of these duties) that Japan carries out, in order to assist the activities of the Member States of the United Nations to restore security and stability within Iraq.

CHAPTER 2: ACTIVITIES BASED ON THIS LAW, ETC.

ARTICLE 4, BASIC PLAN

1. The Prime Minister shall seek a decision of the Cabinet meeting for the implementation of the activities based on this Law as well as for the draft of the Basic Plan for the activities based on this Law (hereinafter "Basic Plan"), when the implementation of one or more of these activities is deemed to be necessary.
2. The following matters are provided by the Basic Plan.
 - (1) The basic guideline concerning the activities based on this Law
 - (2) The following matters when these activities are implemented
 - (a) basic matters related to these activities;
 - (b) the types and content of these activities;
 - (c) the delimitation of the area where these activities are implemented, and the matters related to the designation of this area;

ニ 当該対応措置を自衛隊が外国の領域で実施する場合には、当該対応措置を外国の領域で実施する自衛隊の部隊等(自衛隊法(昭和二十九年法律第百六十五号)第八条に規定する部隊等をいう。以下同じ。)の規模及び構成並びに装備並びに派遣期間

ホ 国際連合、人道復興関係国際機関又は国際連合加盟国(第十八条において「国際連合等」という。)に無償又は時価よりも低い対価で譲渡するために関係行政機関がその事務又は事業の用に供し又は供していた物品以外の物品を調達する場合には、その実施に係る重要事項

へ その他当該対応措置の実施に関する重要事項

三 対応措置の実施のための関係行政機関の連絡調整に関する事項

3 第一項の規定は、基本計画の変更について準用する。

4 対応措置を外国の領域で実施する場合には、当該外国(イラクにあつては、第二条第三項第一号の政令で定める国際連合の総会又は安全保障理事会の決議に従つてイラクにおいて施政を行う機関を含む。)及び人道復興関係国際機関その他の関係機関と協議して、実施する区域の範囲を定めるものとする。

(国会への報告)

第五条 内閣総理大臣は、次に掲げる事項を、遅滞なく、国会に報告しなければならない。

- 一 基本計画の決定又は変更があつたときは、その内容
- 二 基本計画に定める対応措置が終了したときは、その結果

(d) if the activities are implemented in a foreign territory by the SDF, the size, composition, equipment and the period of dispatch of the units of the SDF [etc.] (units of the SDF [etc.] is defined in Article 8 of the Self-Defense Forces Law (Law No. 165, 1954)) implementing these activities in that foreign territory;

(e) if the administrative agencies concerned procure goods that are not or were not used for their duties and projects, in order to transfer them to the United Nations, international humanitarian agencies or Member States of the United Nations (referred to as “the United Nations, etc.” in Article 18), at a price lower than the current market price, or to transfer these goods to them *gratis*, the important matters related to this procurement;

(f) other important matters related to the implementation of the activities.

(3) Matters related to the contacts and coordination among the administrative agencies concerned with respect to the implementation of the activities based on this Law.

3. The provision of paragraph 1 is applied, *mutatis mutandis*, to the revision of the Basic Plan.

4. When the activities based on this Law are implemented on a foreign territory, the delimitation of the area of implementation shall be determined after the consultation with that foreign State (in the case of Iraq, including the organ governing Iraq in accordance with U.N. Security Council Resolution 1483 and other resolutions of the General Assembly or the Security Council of the United Nations determined by a Cabinet Order) as well as the international humanitarian agencies and other agencies concerned.

ARTICLE 5, REPORT TO THE DIET

The Prime Minister shall report the following matters without delay to the Diet.

(1) In case of a decision or revision of the Basic Plan, its content

(2) In case of the termination of the activities based on this Law provided by the Basic Plan, their results

(国会の承認)

第六条 内閣総理大臣は、基本計画に定められた自衛隊の部隊等が実施する対応措置については、当該対応措置を開始した日(防衛庁長官が第八条第二項の規定により当該対応措置の実施を自衛隊の部隊等に命じた日をいう。)から二十日以内に国会に付議して、当該対応措置の実施につき国会の承認を求めなければならない。ただし、国会が閉会中の場合又は衆議院が解散されている場合には、その後最初に召集される国会において、速やかに、その承認を求めなければならない。

- 2 政府は、前項の場合において不承認の議決があったときは、速やかに、当該対応措置を終了させなければならない。

(本府による対応措置の実施)

第七条 内閣総理大臣又はその委任を受けた者は、基本計画に従い、対応措置として実施される業務としての物品の提供(次条第一項に規定する物品の提供を除く。)を行うものとする。

- 2 内閣総理大臣は、基本計画に従い、対応措置として実施される業務としての役務の提供(次条第二項に規定する役務の提供を除く。)を行うものとする。この場合において、内閣総理大臣は、イラク復興支援職員(一般職に属する国家公務員のうち対応措置に従事する内閣府本府(以下「本府」という。)の職員をいう。以下同じ。)にその実施を命ずるものとする。

- 3 前二項に定めるもののほか、本府による対応措置の実施に関し必要な事項は、政令で定める。

(自衛隊による対応措置の実施)

第八条 内閣総理大臣又はその委任を受けた者は、基本計画に従い、対応措置として実施される業務としての物品の提供(自衛隊に属する物品の提供に限る。)を行うものとする。

ARTICLE 6, APPROVAL BY THE DIET

1. Concerning the implementation of the activities based on this Law implemented by the units of the SDF [etc.] provided by the Basic Plan, the Prime Minister shall submit the matter to the Diet within a period of 20 days of the commencement of these activities to seek its approval (the day of the commencement of these activities is the day on which the Director General of the Defense Agency ordered their implementation to the units of the SDF [etc.] in accordance with Article 8, paragraph 2). If the Diet is at recess or the House of Representatives has been dissolved, such approval shall be sought without delay in the first subsequent Diet session.
2. The Government shall terminate the activities based on this Law without delay when the Diet resolves upon disapproval in the procedure under paragraph 1.

ARTICLE 7, IMPLEMENTATION BY THE CABINET OFFICE OF THE ACTIVITIES BASED ON THIS LAW

1. The Prime Minister or those who are delegated by the Prime Minister shall, as a duty implementing the activities based on this Law, provide the goods in accordance with the Basic Plan (except goods specified in Article 8, paragraph 1).
2. The Prime Minister shall, as a duty implementing the activities based on this Law, provide the service in accordance with the Basic Plan (except the service specified in Article 8, paragraph 2). In such a case, the Prime Minister shall order this implementation to the staff for the reconstruction assistance in Iraq ("Staff for the reconstruction assistance in Iraq" means, throughout this Law, the staffs of the Cabinet Office (hereinafter "Office") that are national civil servants of regular service, and who are engaged in the activities based on this Law).
3. Other matters not stipulated in paragraphs 1 and 2 and necessary for the implementation by the Office of the activities based on this Law shall be determined by a Cabinet Order.

ARTICLE 8, IMPLEMENTATION BY THE SDF OF THE ACTIVITIES BASED ON THIS LAW

1. The Prime Minister or those who are delegated by the Prime Minister shall, as a duty implementing the activities based on this Law, provide goods in accordance with the Basic Plan (limited to the goods that belong to the SDF).

- 2 防衛庁長官は、基本計画に従い、対応措置として実施される業務としての役務の提供(自衛隊による役務の提供に限る。)について実施要項を定め、これについて内閣総理大臣の承認を得て、自衛隊の部隊等にその実施を命ずるものとする。
- 3 防衛庁長官は、前項の実施要項において、対応措置を実施する区域(以下この条において「実施区域」という。)を指定するものとする。
- 4 防衛庁長官は、実施区域の全部又は一部がこの法律又は基本計画に定められた要件を満たさないものとなった場合には、速やかに、その指定を変更し、又はそこで実施されている活動の中断を命じなければならない。
- 5 対応措置のうち公海若しくはその上空又は外国の領域における活動の実施を命ぜられた自衛隊の部隊等の長又はその指定する者は、当該活動を実施している場所の近傍において、戦闘行為が行われるに至った場合又は付近の状況等に照らして戦闘行為が行われることが予測される場合には、当該活動の実施を一時休止し又は避難するなどして当該戦闘行為による危険を回避しつつ、前項の規定による措置を待つものとする。
- 6 自衛隊の部隊等が対応措置として実施する業務には、次に掲げるものを含まないものとする。
 - 一 武器(弾薬を含む。第十八条において同じ。)の提供
 - 二 戦闘作戦行動のために発進準備中の航空機に対する給油及び整備
- 7 自衛隊の部隊等は、外国の領域において対応措置を実施するに当たり、外務大臣の指定する在外公館と密接に連絡を保つものとする。
- 8 外務大臣の指定する在外公館長は、外務大臣の命を受け、自衛隊による対応措置の実施のため必要な協力を行うものとする。
- 9 第二項の規定は、同項の実施要項の変更(第四項の規定により実施区域を縮小する変更を除く。)について準用する。

2. In accordance with the Basic Plan, the Director General of the Defense Agency determines the Scheme of Implementation for the supply of service (limited to the supply of service by the SDF) as a duty implementing the activities based on this Law. After obtaining the approval of the Prime Minister, he shall order its implementation to the units of the SDF [etc.].

3. The Director General of the Defense Agency shall designate the area in which the activities based on this Law will be implemented (“area of implementation” throughout this Article) in the Scheme of Implementation provided in paragraph 2.

4. If the entirety or a part of the area of implementation no longer satisfies the requirements provided in this Law or the Basic Plan, the Director General of the Defense Agency shall promptly change the designation of the area, or order the suspension of the activities undertaken there.

5. Heads of the units of the SDF [etc.] that are ordered to implement the activities based on this Law on the high seas, the airspace above them, or in foreign territories, or those who are designated by them, shall suspend this implementation or take refuge [etc.] if combat breaks out in the vicinity of the spot of implementation of these activities or if it is projected to break out in the light of the conditions in the vicinity. By doing so, they shall avoid the danger of this combat and wait for the measure in the provision of paragraph 4.

6. The duties performed as activities based on this Law by the units of the SDF [etc.] do not include the following matters.

(1) Supplying weapons (including munitions. The same applies in Article 18);

(2) Supplying fuel to aircrafts preparing to take off for combat operations, or their maintenance.

7. In implementing the activities based on this Law in a foreign territory, the units of the SDF [etc.] shall maintain a close contact with the diplomatic missions designated by the Minister of Foreign Affairs.

8. Upon the order of the Minister of Foreign Affairs, the heads of the diplomatic missions designated by the Minister of Foreign Affairs shall provide the necessary cooperation for the implementation of the activities based on this Law by the SDF.

9. Provision of paragraph 2 shall apply, *mutatis mutandis*, to the modification of the Scheme of Implementation in the same paragraph (except the modification to reduce the area of implementation in accordance with paragraph 4).

(配慮事項)

第九条 内閣総理大臣及び防衛庁長官は、対応措置の実施に当たっては、その円滑かつ効果的な推進に努めるとともに、イラク復興支援職員及び自衛隊の部隊等の安全の確保に配慮しなければならない。

(イラク復興支援職員の採用)

第十条 内閣総理大臣は、対応措置に従事させるため、当該対応措置に従事することを志望する者のうちから、選考により、任期を定めてイラク復興支援職員を採用することができる。

2 内閣総理大臣は、前項の規定による採用に当たり、関係行政機関若しくは地方公共団体又は民間の団体の協力を得て、広く人材の確保に努めるものとする。

(行政機関の職員の定員に関する法律の特例)

第十一条 行政機関の職員の定員に関する法律（昭和四十四年法律第三十三号）第一条及び第二条の規定にかかわらず、前条第一項の規定により採用されるイラク復興支援職員の定員は、政令で定めるところにより、同法第一条第一項及び第二条の定員に含まないものとする。

(関係行政機関の職員の派遣)

第十二条 内閣総理大臣は、関係行政機関の長に対し、基本計画に従い、対応措置を実施するため必要な技術、能力等を有する職員（国家公務員法（昭和二十二年法律第二十号）第二条第三項各号に掲げる者を除く。）を本府に派遣するよう要請することができる。

2 関係行政機関の長は、前項の規定による要請があったときは、その所掌事務に支障を生じない限度において、同項の職員に該当する職員を期間を定めて本府に派遣するものとする。

ARTICLE 9, CONSIDERATION

In implementing the activities based on this Law, the Prime Minister and the Director General of the Defense Agency shall try their seamless and effective promotion, and take into consideration the securing of the safety of the staff for the reconstruction assistance in Iraq and units of the SDF [etc.].

ARTICLE 10, EMPLOYMENT OF THE STAFF FOR THE RECONSTRUCTION ASSISTANCE IN IRAQ

1. The Prime Minister may employ, through a selection, the staff for the reconstruction assistance in Iraq for the purpose of the activities based on this Law, with a specified period of time, from those who volunteer to undertake these activities.
2. With regard to the employment provided in paragraph 1, the Prime Minister shall endeavor to seek cooperation from the administrative agencies concerned, local public authorities or private entities in order to ensure the extensive mobilization of human capital.

ARTICLE 11, SPECIAL EXCEPTION TO THE LAW CONCERNING THE QUOTA OF THE PERSONNEL OF ADMINISTRATIVE AGENCIES

Despite Articles 1 and 2 of the Law concerning the Quota of the Personnel of Administrative Agencies (Law No. 33, 1969), the number of the staff for the reconstruction assistance in Iraq, employed in accordance with the provision of Article 10, paragraph 1, shall not be included in the quota of Article 1, paragraph 1 and Article 2 of the said Law.

ARTICLE 12, ASSIGNING THE PERSONNEL OF ADMINISTRATIVE AGENCIES CONCERNED TO THE CABINET OFFICE

1. The Prime Minister may, in accordance with the Basic Plan, request the heads of the administrative agencies concerned to assign their personnel possessing the skills, capabilities and other qualifications necessary for the implementation of the activities based on this Law to the Office (except those who are listed in Article 2, paragraph 3 of the National Civil Servants Law (Law No. 120, 1947)).
2. Upon the request under the provision of paragraph 1, the heads of the administrative agencies concerned shall, as far as it does not hinder the performance of their respective duties, assign the personnel that qualifies for the description in paragraph 1 to the Office, for a specified period of time.

- 3 前項の規定により派遣された職員は、従前の官職を保有したまま、同項の期間を任期としてイラク復興支援職員に任用されるものとする。
- 4 前項の規定により従前の官職を保有したままイラク復興支援職員に任用される者は、内閣総理大臣の指揮監督の下に対応措置に従事する。

(国家公務員法 の適用除外)

第十三条 第十条第一項の規定により採用されるイラク復興支援職員については、イラク復興支援職員になる前に、国家公務員法第百三条第一項 に規定する営利企業(以下この条において「営利企業」という。)を営むことを目的とする団体の役員、顧問若しくは評議員(以下この条において「役員等」という。)の職に就き、若しくは自ら営利企業を営み、又は報酬を得て、営利企業以外の事業の団体の役員等の職に就き、若しくは事業に従事し、若しくは事務を行っていた場合においても、同項 及び同法第百四条 の規定は、適用しない。

(イラク人道復興支援等手当)

- 第十四条** 我が国以外の領域(公海を含む。)において対応措置に従事する者には、対応措置が行われる地域の勤務環境及び対応措置の特質にかんがみ、イラク人道復興支援等手当を支給することができる。
- 2 前項のイラク人道復興支援等手当に関し必要な事項は、政令で定める。
 - 3 内閣総理大臣は、前項の政令の制定又は改廃に際しては、人事院の意見を聴かなければならない。

3. The personnel assigned to the Office under the provision of paragraph 2 shall be employed as the staff for the reconstruction assistance in Iraq during the period of time referred to in the said paragraph, while maintaining their original government posts.
4. Those who are employed as the staff for the reconstruction assistance in Iraq while maintaining their original government posts shall be engaged in the activities based on this Law under the direction and supervision of the Prime Minister.

ARTICLE 13, EXCLUSION OF THE APPLICATION OF THE NATIONAL CIVIL SERVANTS LAW

Concerning the staff for the reconstruction assistance in Iraq employed under the provision of Article 10, paragraph 1, even in the following cases, Article 103, paragraph 1 and Article 104 of the National Civil Servants Law shall not be applied: those who were, prior to this employment, a board member, advisor or trustee (“board member etc.” throughout this Article) of an organization whose purpose was to run a commercial company specified in Article 103, paragraph 1 of the National Civil Servants Law (“commercial company” throughout this Article); those who ran the commercial companies themselves; those who received a remuneration as a board member etc. of an organization other than those running commercial companies, those who were engaged in their activities and were remunerated, or had a work there and were remunerated.

ARTICLE 14, ALLOWANCE FOR THE HUMANITARIAN AND RECONSTRUCTION ASSISTANCE IN IRAQ

1. Allowance for the humanitarian and reconstruction assistance in Iraq may be paid to those who engage in activities based on this Law outside the Japanese territory (including the high seas), with the consideration for the working conditions of the area in which these activities take place and their characteristics.
2. The necessary matters related to the allowance for the humanitarian and reconstruction assistance in Iraq, stipulated in paragraph 1, shall be determined by a Cabinet Order.
3. The Prime Minister shall consult the National Personnel Authority when he enacts, revises or abolishes the Cabinet Order provided in paragraph 2.

(国家公務員災害補償法等の読替え)

第十五条 イラク人道復興支援等手当が支給される者に係る国家公務員災害補償法(昭和二十六年法律第九十一号)第四条第二項及び防衛庁の職員の給与等に関する法律(昭和二十七年法律第二百六十六号)第二十七条第二項ただし書の規定の適用については、これらの規定中「及び国際平和協力手当」とあるのは、「、国際平和協力手当及びイラク人道復興支援等手当」とする。

(関係行政機関の協力)

第十六条 内閣総理大臣及び防衛庁長官は、対応措置を実施するため必要があると認めるときは、関係行政機関の長に対し、その所管に属する物品の管理換えその他の協力を要請することができる。

2 関係行政機関の長は、前項の規定による要請があったときは、その所掌事務に支障を生じない限度において、同項の協力を行うものとする。

(武器の使用)

第十七条 対応措置の実施を命ぜられた自衛隊の部隊等の自衛官は、自己又は自己と共に現場に所在する他の自衛隊員(自衛隊法第二条第五項に規定する隊員をいう。)、イラク復興支援職員若しくはその職務を行うに伴い自己の管理の下に入った者の生命又は身体を防衛するためやむを得ない必要があると認める相当の理由がある場合には、その事態に応じ合理的に必要と判断される限度で、第四条第二項第二号二の規定により基本計画に定める装備である武器を使用することができる。

2 前項の規定による武器の使用は、当該現場に上官が在るときは、その命令によらなければならない。ただし、生命又は身体に対する侵害又は危難が切迫し、その命令を受けるいとまがないときは、この限りでない。

ARTICLE 15, REPHRASING OF THE LAW CONCERNING THE COMPENSATION FOR NATIONAL CIVIL SERVANTS AFFECTED BY DISASTERS AND OTHER LAWS

When the provisions of Article 4, paragraph 2 of the Law concerning the Compensation for National Civil Servants Affected by Disasters (Law No. 191, 1951) and the proviso of Article 27, paragraph 2 of the Law concerning the Salaries of the Staffs of the Defense Agency (Law No. 266, 1952) are applied to those who receive the allowance for the humanitarian and reconstruction assistance in Iraq, the phrase “and the allowance for the international peace cooperation” shall be read as “the allowance for the international peace cooperation, and the allowance for the humanitarian and reconstruction assistance in Iraq.”

ARTICLE 16, COOPERATION OF ADMINISTRATIVE AGENCIES CONCERNED

1. If it is deemed to be necessary for the implementation of the activities based on this Law, the Prime Minister and the Director General of the Defense Agency may request the cooperation of the heads of the administrative agencies concerned, such as the transfer of ownership of goods under their respective jurisdiction.
2. Upon the request under the provision of paragraph 1, the heads of the administrative agencies concerned shall, as far as it does not hinder the performance of their respective duties, carry out the cooperation of the said paragraph.

ARTICLE 17, USE OF WEAPONS

1. Members of the units of the SDF [etc.], ordered to implement the activities based on this Law, may use the weapons that constitute the equipment determined by the Basic Plan in accordance with Article 4, paragraph 2(2)(d), within the limits considered reasonably necessary under the circumstances concerned, if there is a reasonable ground to recognize the unavoidable necessity of protecting life or person of their own or other personnel of SDF (Personnel of the SDF means the personnel under Article 2, paragraph 5 of the SDF Law) present on the spot with them.
2. If a superior officer is present on the spot, the use of weapons provided in paragraph 1 shall be upon his or her order unless there is an imminent injury or danger to the life or body and there is no time to receive such an order.

- 3 第一項の場合において、当該現場に在る上官は、統制を欠いた武器の使用によりかえって生命若しくは身体に対する危険又は事態の混乱を招くこととなることを未然に防止し、当該武器の使用が同項及び次項の規定に従いその目的の範囲内において適正に行われることを確保する見地から必要な命令をするものとする。
- 4 第一項の規定による武器の使用に際しては、刑法（明治四十年法律第四十五号）第三十六条又は第三十七条の規定に該当する場合を除いては、人に危害を与えてはならない。

第三章 雑則

（物品の譲渡及び無償貸付け）

第十八条 内閣総理大臣又はその委任を受けた者は、本府又は自衛隊に属する物品（武器を除く。）につき、国際連合等からその活動の用に供するため当該物品の譲渡又は無償貸付けを求める旨の申出があった場合において、当該活動の円滑な実施に必要であると認めるときは、その所掌事務に支障を生じない限度において、当該申出に係る物品を当該国際連合等に対し無償若しくは時価よりも低い対価で譲渡し、又は無償で貸し付けることができる。

（民間の協力等）

第十九条 内閣総理大臣及び防衛庁長官は、前章の規定による措置によっては対応措置を十分に実施することができないと認めるときは、関係行政機関の長の協力を得て、物品の譲渡若しくは貸付け又は役務の提供について国以外の者に協力を求めることができる。

2 政府は、前項の規定により協力を求められた国以外の者に対し適正な対価を支払うとともに、その者が当該協力により損失を受けた場合には、その損失に関し、必要な財政上の措置を講ずるものとする。

（その他の措置）

第二十条 政府は、前章の規定による措置を実施するほか、イラク特別事態を受けて、国家の速やかな再建を図るためにイラクにおいて行われている国民生活の安定と向上、民主的な手段による統治組織の設立

3. In the case of paragraph 1, the superior officer on the spot shall issue necessary orders to prevent the disorderly use of weapons that may endanger the life or body, or may produce a confusion in such a situation, and to ensure that the use of weapons is appropriate and within its purpose in accordance with paragraphs 1 and 2.

4. The use of weapons under the provisions of paragraph 1 shall not cause a harm to anyone except for cases that fall under the provisions of Article 36 or 37 of the Penal Code (Law No. 45, 1907).

CHAPTER 3: MISCELLANEOUS PROVISIONS

ARTICLE 18, TRANSFER OF GOODS AND THEIR LEASE WITHOUT CHARGE

When the United Nations, etc. requests a transfer of goods (except weapons) belonging to the Office or the SDF or their lease *gratis* for its activities, if it is deemed necessary for the seamless implementation of these activities, the Prime Minister or those who are delegated by him may, as far as it does not hinder the performance of their own duties, make the requested transfer of the goods at no charge or at a price lower than the current market price, or make a lease without charge.

ARTICLE 19, COOPERATION OF THE ENTITIES OTHER THAN THE STATE

1. If the activities based on this Law are deemed impossible to implement through measures of Chapter 2, the Prime Minister and the Director General of the Defense Agency may, with the cooperation of the heads of the administrative agencies concerned, seek the cooperation such as the transfer or lease of goods or the supply of service from entities other than the State.

2. The Government shall make a proper corresponding payment to those who are not the State and were asked to cooperate under the provision of paragraph 1. If they suffer a loss because of this cooperation, the Government shall make necessary financial arrangements for that loss.

ARTICLE 20, OTHER MEASURES

Besides the implementation of the measures provided in the provisions of Chapter 2, given the special situation in Iraq, the Government shall endeavor to assist and promote the voluntary efforts of the Iraqi people for the stability and improvement of the life of the people, and the

等に向けたイラクの国民による自主的な努力を支援し、及び促進するよう努めるものとする。

(政令への委任)

第二十一条 この法律に特別の定めがあるもののほか、この法律の実施のための手続その他この法律の施行に関し必要な事項は、政令で定める。

附則(省略)

establishment of a governing organ through democratic means, undertaken in Iraq for the swift restoration of the State.

ARTICLE 21, DELEGATION TO A CABINET ORDER

Unless specifically provided in this Law, procedures for the execution of this Law and other matters necessary for its enforcement shall be prescribed by a Cabinet Order.

SUPPLEMENTARY PROVISIONS (omitted)

