

## Japan's Constitution and Defense Policy: Entering a New Era?

by Rust Deming

### Key Points

**C**hanges in the security environment and the rise of a new generation have ended Japan's taboo on discussion of amending the 1947 "peace constitution." While many wish to maintain the current document, the center of gravity in the debate has shifted.

The movement to amend the constitution is connected to and stimulated by a parallel debate on defense policy. The Japanese government's third National Defense Program Outline is due in late 2004, and its recommendations will affect the ongoing constitutional debate.

Few Japanese leaders suggest that the nation should become an independent strategic actor, and the vast majority of the public supports a nonthreatening posture dedicated to cooperation. Thus, the philosophy behind Article IX—that Japan forswears the threat or use of force to settle international disputes—is not seriously at issue. Rather, the focus is on the need to legitimize the existing Self-Defense Forces fully and their right to self-defense; the issue of *collective* self-defense; and the future direction of defense policy.

However this debate plays out, the alliance with the United States almost certainly will retain a central place in Japan's defense policy. At the same time, the emerging policy will likely emphasize expanding Japan's capacity for a more autonomous defense as well as its wherewithal to participate fully in internationally sanctioned operations.

Japan's postwar defense policy was set by the 1947 constitution. Early in the occupation, General Douglas MacArthur and his staff concluded that the 19<sup>th</sup>-century Meiji constitution needed to be revised or entirely replaced if Japan were to become a true democracy, with the Emperor removed from any political role. In January 1946, convinced that the elitist and authoritarian Japanese establishment was incapable of producing a democratic constitution, MacArthur ordered his staff to produce a draft. One week later, an entirely rewritten constitution emerged and was presented to the Japanese. Included in the draft was Article IX:

*War as a sovereign right of the nation is abolished. The threat or use of force is forever renounced as a means of settling disputes with any other nation. No Army, Navy, Air Force, or other war potential will ever be authorized and no right of belligerency will ever be conferred upon the state.<sup>1</sup>*

War and defeat had produced strong pacifist sentiment in Japan, and there had been previous discussion between MacArthur and senior Japanese leaders about the possibility of a "no war" clause in the constitution, along the lines of the Kellogg-Briand Pact. Nevertheless, some Japanese were shocked by the American version, which went beyond their intentions.

During the course of Diet deliberations over the draft, Hitoshi Ashida, chairman of the Lower House Committee on the Constitution, proposed the addition of two clauses. The clauses, accepted by both MacArthur and the Diet, have provided the basis for the argument that the article does not impinge upon Japan's inherent right of self-defense. Article IX as it now exists (with Ashida's changes in italics) reads:

(1) *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 a means of settling international disputes.

(2) *In order to accomplish the aim of the preceding paragraph*, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

Ashida later testified that the new phrase at the beginning of the second paragraph preserved Japan's inherent right of self-defense and "clearly recognizes that (the article) does not constitute the unconditional renunciation of military force."<sup>2</sup> This interpretation was far from universally accepted in Japan, and a Talmudic debate developed over the meaning of Article IX that continues to this day.

### Interpreting Article IX

When Japan regained sovereignty in 1952, several attempts were made to amend the constitution, including Article IX, but the debate became frozen by the Cold War polarization of Japanese politics.

*The Political Setting.* The Liberal Democratic Party (LDP), representing conservative business, agricultural, and bureaucratic interests, controlled the Diet and dominated the policy process. The LDP argued that the best course for Japan was to focus on economic recovery and to align itself strategically with the United States. This meant relying on American extended deterrence (the nuclear umbrella) implicit in the U.S.-Japan Security Treaty, supporting the basing of American

## Positions of Political Parties on Article IX

(based on position papers for the July 2004 upper house election)

Liberal Democratic Party	Democratic Party of Japan	Komeito	Social Democrats
Authorize military capability for self-defense purposes	Stipulate a limited right to self-defense based on Japan's strictly defense-oriented policy	Uphold Article IX, with possible additional clarifying language	Maintain Japan's independence by upholding Article IX; oppose any amendment to the constitution
Define the right of collective self-defense*	Specify Japan's right to join collective security operations based on a United Nations Resolution		

\*In a June 27, 2004, television debate, Prime Minister Junichiro Koizumi was more explicit. He said he would like to amend the constitution "so that Japan will be able to take joint action with the U.S. in the event of an armed attack against Japan."

forces in Japan, and responding cautiously to U.S. requests that Japan build up its own self-defense capabilities.

The Japan Socialist Party (JSP), representing labor and the intellectual left, countered that alliance with the United States and the existence of American bases in Japan were lightning rods that would only drag Japan further into the Cold War and endanger Japanese security. The JSP advocated unarmed neutrality centered on the United Nations (UN)—a stance that appealed to the strong pacifist sentiment in postwar Japan.

The JSP leadership recognized that its party had little chance of winning a majority of lower house seats and forming a government. Thus the only way it could have any influence on defense policy was to be the guardian of the peace constitution by blocking attempts to alter it and by challenging the constitutionality of the Self-Defense Forces (SDF) themselves and specific defense programs as they developed.

*Pacifism versus Pragmatism.* The fundamental position of the JSP and the intellectual left has been that Article IX prohibits even defensive wars and the maintenance of defensive war potential on the grounds that it is difficult to distinguish between wars of aggression and wars of defense. Thus, they conclude, the Self-Defense Forces are unconstitutional.

In the 1960s, when faced with the reality of the Self-Defense Forces and the fact that 80 percent of the Japanese public supported their existence, then-JSP Chairman Ishibashi

Masashi suggested the oxymoronic formula that while the forces were unconstitutional, they were legal since the law establishing the SDF went through the legislative process.

But the LDP and its supporters argued that while the constitution prohibited "wars of aggression," the concept of defensive wars was constitutional. To assuage pacifist sentiment in Japan, however, the LDP adopted the position in 1954 that maintaining "war potential," even for the purposes of self-defense, was not permissible. Thus, it concluded that the Self-Defense Forces are constitutional, but their armaments must be restricted to "the minimum requirement for self-defense."

The debate between the left and the right has focused on the definition of *war potential* and the *minimum needs for self-defense*. Specific issues have included:

*WEAPON SYSTEMS.* There has been broad agreement that Japan cannot possess *offensive* capability, but the definition of such capability has steadily evolved. For example, F-4 fighters acquired in the 1960s were not equipped with air-refueling capability, which was seen as potentially "offensive." When the next-generation F-15 was acquired in the 1980s, however, refueling equipment was included without much debate. Now Japan is acquiring long-range tankers. While strategic bombers, aircraft carriers, and long-range missiles are still considered out-of-bounds, the government has argued that the constitution does not ban defensive nuclear weapons, although it

acknowledges that Japan's self-declared three nonnuclear principles and its adherence to the Non-Proliferation Treaty forbid Japan from developing such weapons.

*OVERSEAS SDF DISPATCH.* When the Self-Defense Forces were established in 1954, the law did not provide for units to be sent abroad, although the government maintained that the constitution permitted overseas dispatch for missions that did not involve the use of force. In the aftermath of the Gulf War, the Diet passed specific legislation in 1992 to allow SDF units to participate in peacekeeping operations in Cambodia, basing its decision on language in the preamble of the constitution calling for Japan to achieve "an honored place in an international society" and by the obligations Japan undertook in joining the United Nations. In response to September 11, the Diet authorized, by specific legislation, the dispatch of units to Afghanistan and, later, to Iraq for noncombat support operations. The Japanese government plans to submit to the Diet in 2005 generic legislation to allow the SDF to participate in similar missions.

*RIGHT OF COLLECTIVE SELF-DEFENSE.* The Cabinet Legislative Bureau, which has the responsibility for interpreting the constitution, maintains that Japan possesses the sovereign right to engage in collective self-defense (the right to respond to an attack against an ally or against a partner in a UN operation) but that under Article IX the exercise of this right exceeds "the minimum needs of self-defense" and is therefore unconstitutional. The use of the right of self-defense is only permissible if it involves defending Japan itself. This principle has proved one of the most inflexible of all the limitations on Japan's defense activities, primarily because the left in Japan has seen this constraint as essential to preventing Japan from being pressured by the United States into defending American interests.

*RIGHT OF PREEMPTION.* The Japanese government has maintained since 1956 that in the event of an imminent missile attack upon Japan and with no other recourse, it would be an act of self-defense and thus permissible to attack the missile base before launch. Defense Minister Shigeru Ishiba recently reiterated this right in the context of the North Korean threat. The question that has been debated is how Japan could be certain that the threat was directed at it and not a third party.

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Over the last 57 years, Japan has stretched the interpretation of Article IX to allow it to develop a small (240,000) but highly capable military, with a navy (Maritime Self-Defense Force) that may rank behind only those of the United States and United Kingdom in size and proficiency. Its defense budget (\$40 billion) ranks fourth in the world (behind France and ahead of Germany), although personnel costs consume more than half of defense expenditures.

In the last 5 years, however, there has been a growing feeling in Japan that to meet the challenges of the post-Cold War world, Japan needs greater flexibility in its defense policy that may require not only further reinterpretation of the constitution but also its formal amendment.

## Pressures for Change

A number of factors have ended the taboo on advocating constitutional change:

*Generational Change.* The generation that experienced war, defeat, and occupation has all but disappeared from the political scene, taking with it the reflexive pacifism and risk avoidance that has colored Japan's international posture for the last 50 years. The new generation is much less encumbered by history, more overtly nationalistic, and more willing to see Japan play an assertive international role.

*The End of the Cold War.* The collapse of the Soviet Union was less profound in East Asia than in Europe, but the repercussions undermined the Japan Socialist Party and ended the ideological split in Japanese politics. When the LDP persuaded JSP chairman Tomiichi Murayama in 1994 to endorse the U.S.-Japan Security Treaty as the price of becoming prime minister of a coalition government, the left in Japan was fatally compromised. Over the last decade, Japanese politics has evolved toward two large groupings, one center-right (the LDP), and one center-left (the Democratic Party of Japan), with one potential swing party (the Komeito) and several fringe elements, including the Japan Communist Party. Divisions on national security policy remain, but the debate now crosses party lines and is more pragmatic than ideological. More fundamental, there is no longer a "blocking one-third" in the Diet committed to preserving the 1947 constitution intact.

*The Gulf War.* Notwithstanding Japan's \$13 billion donation to the effort, the United States and the international community broadly

criticized Japan for failing to make a "human contribution" to the coalition that responded to Iraq's invasion of Kuwait in 1991. This criticism had a profound effect on the way Japanese regarded their role in the world, with a consensus quickly developing that Japan could no longer limit itself to financial contributions. In 1992, the Diet passed the Peace Keeping Operations Law that allowed Japan to send SDF units to Cambodia as part of UN peacekeeping operations. The SDF subsequently carried out successful peacekeeping missions in Mozambique, the Golan Heights, and East Timor, building public support for such deployments.

*Changing Attitudes toward North Korea.* During the post-Korean War period, the left in Japan supported North Korea, while the conservative establishment supported South Korea, with the majority of the one-million-member Korean community in Japan sympathetic to the North. Japanese of all political persuasions feared the implications of a renewed conflict on the peninsula because of the polarizing effect it would have on Japanese politics and the likely outflow of refugees toward Japan, but did not view North Korea as a direct threat.

All of this has changed over the last 10 years. The revelations about the North Korean nuclear program in the early 1990s, the testing of long-range missiles over Japan in 1998, and the acknowledgment by Kim Jong-Il in 2003 that North Korea had in fact kidnapped a number of Japanese have combined to change Japanese attitudes. Even the North's traditional friends on the left have distanced themselves from the regime.<sup>3</sup> In addition, the North Korean missile and nuclear programs have increased Japanese public support for ballistic missile defense (BMD) cooperation with the United States. Some senior Japanese have linked growing public support for revising the constitution directly to North Korean provocations.<sup>4</sup> In any event, Pyongyang's behavior has stimulated the reexamination of Japanese defense policies.

*China's Growing Power.* Official relations between Beijing and Tokyo are correct, and economic ties are booming to the extent that China is on the verge of replacing the United States as Japan's largest economic partner. At the same time, while reluctant to characterize China as a threat, Japanese leaders watch with misgivings the rise of China's economic and military power and political influence in East Asia. There is also a growing backlash in Japan to Chinese leaders' perceived use of the "Japan

history card" as a tool to stimulate nationalism at home. The effect has been to increase appreciation in Japan for the strategic importance of the alliance with the United States.

*Efforts to Redefine the U.S.-Japan Security Relationship.* Three documents over the last 8 years have played an important role in stimulating and shaping the debate in Japan about defense policy. The first was the 1996 U.S.-Japan Security Declaration, issued at a summit meeting in Tokyo between President Bill Clinton and Prime Minister Ryutaro Hashimoto. The declaration set forth a post-Cold War rationale for the alliance based on providing the regional stability necessary for economic growth and political development and helped reaffirm public support in Japan for the continuing relevance of the U.S.-Japan security relationship.

The Revised Guidelines for Defense Cooperation that followed in 1997 established the framework for U.S.-Japan cooperation in response to "situations in areas surrounding Japan," not only improving the alliance's ability to plan for and respond to a crisis, but also stimulating a debate in Japan about the appropriate limits of its defense activities in the post-Cold War world.

The Armitage-Nye Report<sup>5</sup> may have played an even more important role in stimulating debate on amending the constitution. The report, compiled in October 2000 by a bipartisan study group, held up the U.S.-U.K. relationship as the model for the United States and Japan and called for enhancing bilateral defense cooperation in East Asia and globally.

In addition, the report stated unequivocally that "Japan's prohibition against collective self-defense is a constraint on the alliance. Lifting this constraint would allow for closer and more efficient security cooperation." Several LDP Diet members have said that they saw this statement as a clear signal of bipartisan support in the United States for amending Article IX, removing lingering doubts among Japanese leaders about American attitudes, and opening the door within the LDP to all-out advocacy of constitutional reform.

*September 11 and Iraq.* Prime Minister Junichiro Koizumi, determined not to repeat the mistakes of the Gulf War, was among the first foreign leaders to voice total support for the U.S. invasion of Iraq, and he moved

## Defense Policy Reform

<p><b>Fall 2004</b> Advisory Commission on the National Defense Policy Outline (NDPO) submits report to the government of Japan</p>	<p><b>Winter 2004</b> Government issues new NDPO, setting policy objectives on ballistic missile defense deployment, weapons, exports, force structure, international cooperation, and so forth</p>	<p><b>Winter 2004–2005</b> New Mid-Term Defense Plan is developed, incorporating NDPO recommendations</p>	<p><b>Spring 2005</b> Generic legislation is submitted to Diet authorizing security defense forces to engage in international peacekeeping</p>	<p><b>2005–2010</b> Budgeting implements Mid-Term Defense Plan</p>
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## Constitutional Reform

<p><b>Winter–Spring 2005</b> Legislation submitted to Diet establishes procedures for referendum on constitutional amendments</p>	<p><b>Spring 2005</b> Lower and Upper House Committees issue reports on recommendations for constitutional reform</p>	<p><b>Fall 2005</b> Liberal Democratic Party (LDP) Committee issues report on recommendations for constitutional reform</p>	<p><b>Fall 2005–Spring 2006 (?)</b> Democratic Party of Japan (DPJ) issues reports on recommendations for constitutional reform</p>
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quickly to pass special legislation allowing Japan to send Maritime Self-Defense Forces to the Indian Ocean to provide rear-area support for coalition forces in Afghanistan. Koizumi also used the heightened security awareness in Japan to move forward with long-stalled defense-related issues, including legislation to give the government emergency powers in a crisis and deployment of a BMD system in cooperation with the United States. The most dramatic step taken by the prime minister was his decision in 2003, in the face of strong domestic opposition, to obtain Diet approval for the deployment of Ground Self-Defense Force Units to southern Iraq to engage in humanitarian and reconstruction activities, putting Japanese forces into a “semi-combat zone” for the first time since World War II.

In response to charges from then-Democratic Party of Japan (DPJ) leader Naoto Kan and others that sending SDF units to Iraq was unconstitutional, Koizumi, in a December 9, 2003, press conference, argued that sending units to Iraq to engage in humanitarian activities and reconstruction was in accord with the ideals of the constitution, citing language from the preamble pledging Japan to international cooperation in pursuit of peace.<sup>6</sup>

Koizumi’s argument apparently struck a chord with the Japanese: public support for the dispatch of SDF forces has increased to over 50 percent. Public support for amending the constitution has also increased, reaching on April 2, 2004, a record high 65 percent, 11 points higher than the year before. The most common reason given (52 percent) for amending the constitution was “Japan is expected to make international contributions, and there are various challenges that Japan cannot meet under its current constitution.”

Thus, over the last 14 years, changes in the external setting, combined with generational and political evolution within Japan, have created the environment for the most fundamental review of Japan’s constitution and defense policy since the end of World War II.

### Focal Points of Debate

The Japanese decisions to cooperate with the United States on BMD and to dispatch SDF units to Iraq have brought the constitutional issue to the fore. Defense planners, conservative politicians, journalists, and other right-of-center opinion leaders argue that if Japan is to be able to cooperate effectively with the United States on BMD and in other areas, as well as to participate fully in international peacekeeping and humanitarian operations, Article IX needs to be adjusted to clarify the nation’s right to engage in collective self-defense.<sup>7</sup>

Within the Japanese political world, there are still many, including some members of the LDP<sup>8</sup> who argue against amending the constitution. Some express concern that tampering with Article IX will end Japan’s “exceptionalism” and open the door to the nation becoming a major military power. Others fear that amendments will not be limited to Article IX and may include provisions that erode civil liberties. However, even some staunch defenders of the current constitution, faced with the possibility of amendments that could remove all constraints on the role of the Japanese military, are now considering proposing their own revisions in order to lock in Japan’s defense-only policy by spelling out more specifically what Japan can and cannot do.

Both houses of the Diet have established committees on constitutional reform, as have

the LDP, DPJ, and Komeito. To obtain the two-thirds vote in both houses necessary for an amendment, the LDP will need the support of not only its coalition partner, the Komeito, but also the DPJ, so there will need to be consensus before a specific text is submitted to the Diet for ratification. The LDP and DPJ are also working on legislation to establish the procedures for the national referendum called for in the constitution as the final step in the ratification process, and this legislation is likely to be submitted to the Diet next year.

While Article IX is not the only element of the constitution open for amendment, it is the focus of attention. Suggestions on specific language have yet to emerge, but the outline of the debate is forming, with particular focus on several issues.<sup>9</sup>

*Whether to Rewrite or Amend the Constitution.* Although there are proponents of completely rewriting the constitution (former Prime Minister Yasuhiro Nakasone is in the process of writing his own draft), a consensus appears to be emerging that it would prove extremely difficult to gain ratification of a completely new text and that the only practical route is to amend the current document.

*How to Handle Paragraph One of Article IX.* While some on the political right want to change or scrap this paragraph, there is a consensus in the LDP, DPJ, and Komeito to maintain at least the spirit and probably the language that renounces war as a sovereign right and the threat or use of force to settle international disputes. This is seen as necessary to maintain Japan’s postwar legacy as a nonthreatening nation and to respond to the strong pacifist sentiment that still exists.

**Wildcard possibilities**  
 New constitutional interpretation and/or legislation to authorize/ redefine collective self-defense

**2006 (?)**  
 Joint Diet committee established and consolidates recommendations

**Fall 2006–2007**  
 LDP, DPJ, and Komeito put forward their respective texts as basis for lower house election

**2007 (?)**  
 Winning party attempts to put together a “grand coalition” to gain required two-thirds majority, possibly provoking a fundamental realignment of Japanese political parties

**2007–2010 (?)**  
 Diet approves constitutional amendments

**2008–2012 (?)**  
 National referendum approves constitutional amendments

*The Need to Legitimize Military Forces and to Clarify the Right of Self-Defense.* The LDP and DPJ proponents of constitutional revision agree that the second paragraph of Article IX needs to acknowledge current reality and to give Japan greater flexibility in the future. The LDP is considering proposing language that would authorize “war potential” for self-defense and international cooperation. The Komeito wants to keep the existing language but add a clarifying third paragraph.

*Whether to Specify Japan’s Right to Engage in Collective Self-Defense.* This is the heart of the debate, and there is no consensus. This issue is being driven by Japan’s decision to cooperate with the United States on BMD and by the desire to give the SDF more flexibility as it engages in peacekeeping and humanitarian activities. A number of conservatives argue that this issue should be dealt with, at least initially, either by another Cabinet Legislative Bureau reinterpretation or by special legislation, since full cooperation on BMD should not be held hostage to the drawn-out amendment process. Other defense hawks in the LDP and DPJ want to use this issue as pressure to amend the constitution, arguing that it is important to gain public support and understanding by “going through the front door.” A third group—made up largely of doves in the DPJ, JSP, and LDP and many in the Komeito, and supported at this stage by a majority of the Japanese public—remains cautious about specifying in any form the right of collective self-defense unless it is carefully circumscribed, out of concern that this could prove to be a slippery slope that will lead to Japan’s increasing military engagement abroad, particularly at the behest of the United States.<sup>10</sup> Some in the DPJ, including current

chairman Katsuya Okada and former vice chairman Ichiro Ozawa, want a distinction drawn between Japan’s right to engage in “collective security” under a UN mandate and the ban on “collective self-defense” (for example, defending the United States), which should continue to be prohibited.<sup>11</sup>

## Defense Policy Debate

While the debate on altering the constitution is not likely to come to fruition for many years, a parallel discussion (see above) on the direction of defense policy is moving much faster. Tokyo is preparing its third National Defense Program Outline (NDPO) that establishes the framework of defense policy. The first NDPO in 1976 focused on “the minimum level of defense capability” needed to maintain the credibility of the U.S.-Japan Alliance. The second outline in 1995 pointed to the need for Japan to rationalize its defense posture with the end of the Cold War and raised WMD and international peacekeeping as new challenges. Prime Minister Koizumi has just inaugurated the Advisory Committee on Japan’s Security and Defense Capabilities, which submitted its report in October on recommendations for the next NDPO to be completed by the government by the end of 2004. The defense policy that emerges from this process will in turn shape the ongoing constitutional debate.

The development of a new defense policy will be shaped by interplay between adherents of three broad schools of thought: the *alliance nationalists*, who argue that Japan should place primary emphasis on expanding cooperation under the framework of the U.S.-Japan Security Treaty; the *internationalists*, who give greater importance to cooperation with the United Nations; and the *neo-nationalists*, who

focus on building up Japan’s autonomous defense capabilities.<sup>12</sup> These groups are not necessarily mutually exclusive. Some neo-nationalists, for example, advocate increased cooperation with the United States in the midterm as a path to greater Japanese long-term independence.

## Alliance Nationalists

Led by former ambassador Hisahiko Okazaki, the alliance nationalists argue that Japan’s future security policy should remain centered on the U.S.-Japan Security Treaty and that the boundaries of U.S.-Japan defense cooperation should be steadily expanded, both in areas around Japan and globally. They believe that Japan can best maximize its interests through close association with the world’s only superpower and that it can better influence American positions by becoming its indispensable partner. In the background is their concern about China’s growing power, instability on the Korean Peninsula, and the need to ensure energy supplies from the Middle East.

This group does not advocate an offensive combat role for Japan or the modification of the first paragraph of Article IX, but it does support a broad interpretation of the right of self-defense and collective self-defense, including more active rear-area support for U.S. forces, full cooperation with the United States on BMD, and the right of Japan to take pre-emptive action against missile sites that are preparing to launch.

The alliance nationalists accept the need for Japan to participate more actively in UN peacekeeping and peace enforcement activities and indeed argue that the current constitution

places no limits on Japan's ability to participate fully in such activities, given the obligations that Japan undertook in subsequently adhering to the UN charter to support such operations.<sup>13</sup>

To accomplish these objectives, the alliance nationalists urge removing the constraints on collective self-defense, either by constitutional reinterpretation, amendment, legislation, or even a political declaration by the prime minister, and giving priority to Japan's obligations in the U.S.-Japan Security Treaty and the UN charter over the constraints in its constitution. A few in this group argue that after the constitution is amended, the U.S.-Japan Security Treaty should also be revised to include a reciprocal obligation by Japan to come to the defense of the United States.

Most observers describe the alliance nationalists as an important but limited group. Prime Minister Koizumi, JDA Minister Ishiba, Transportation Minister Taro Aso, and former Prime Minister Hashimoto are sometimes identified as fitting in this category.<sup>14</sup> However, many in the group appear to be older "American school" diplomats and LDP members, with fewer adherents among the new generation of bureaucrats and politicians.

## Internationalists

A large group in the center of Japanese politics, including members of the LDP, Komeito, and DPJ, wants to see defense policy increasingly oriented toward cooperation under a UN or other multinational or regional framework. They recognize UN limitations and importance of the Security Treaty, particularly with respect to a potential crisis in the Far East, but argue that Japan's defense activities beyond this area should be under some kind of an international umbrella. Some also would like to develop a formal East Asian security framework, along the lines of the Six-Party Talks on North Korea, to complement and perhaps eventually supplant the U.S.-Japan bilateral security arrangements in the region around Japan. Internationalist leader Ichiro Ozawa, the former deputy chief of the DPJ, advocates that Japan lift the restrictions on engaging in collective security under the United Nations, as opposed to "collective self-defense" under the alliance with the United States, and that Japan establish a separate force outside the SDF dedicated to participation in UN-led operations.

Members of this group put forward various arguments for putting Japan's defense

policy under a more international umbrella. These include reassuring the international community that Japan is not becoming an independent military power; continuing its legacy of contributing to human security in cooperation with the UN system; and serving as an obstacle to U.S. pressure for Japan to participate in missions that do not have broad international support, such as the Iraq venture.

With respect to amending Article IX of the constitution, this group generally supports language to legitimize the SDF and clarify the right of self-defense but tends to be cautious with respect to specifying the right of collective self-defense unless focused on operations in "areas around Japan" or under a UN umbrella.

## Neo-Nationalists

The neo-nationalist school advocates that Japan become a "normal" country, with few legal constraints on defense policy. While few in this group call for major change in Japan's military posture or an abrupt rupture with the United States, they do argue that Japan needs a more independent security policy, both as a hedge against a weakening of the U.S. commitment and to give Japan more foreign policy and strategic room for maneuver. Implicit here is the position that Japan should keep open the possibility of acquiring nuclear weapons, although few publicly advocate that Japan move in this direction now.

Members of this group generally advocate replacing the "MacArthur-imposed constitution" as a matter of national pride and independence. Some want to see not only the removal of restrictions in Article IX but also other changes in the document, including reinstating the emperor as head of state, allowing state support for the Shinto religion, and instilling patriotic values (for example, reforming the education system and requiring respect for the national anthem and flag).

By most accounts, the neo-nationalists represent no more than 10 percent of the political spectrum and have little chance of becoming the dominant voice in Japan, barring a catastrophic collapse of the U.S.-Japan alliance or a major conflict in the region. At the same time, a growing number of younger politicians across the political spectrum are attracted by the theme of greater independence from the United States, and Ishihara himself enjoys wide personal popularity.<sup>16</sup>

These schools represent areas of emphasis rather than mutually exclusive divisions. All three groups accept the importance of the alliance with the United States, particularly with respect to defense of Japan and areas around Japan, and all advocate an active Japanese role in UN peacekeeping operations. The major difference between them is the degree to which Japan should allow itself to participate in military activities unrelated to the defense of Japan that are not sanctioned by the UN Security Council.

## Emerging LDP Vision

The new NDPO will be shaped not only by the results of the work of the advisory committee appointed by Prime Minister Koizumi, but also by thinking within the LDP. The LDP Policy Research Council Subcommittee of Defense Studies issued a report on March 30, 2004, entitled "Recommendations on Japan's New Defense Policy." To address both traditional threats of state aggression, focused on North Korea and 21<sup>st</sup>-century threats by non-state actors, the LDP report argues that Japan needs to enhance the credibility of the U.S.-Japan alliance, play a more active role in international organizations such as the United Nations, and strengthen regional cooperation by utilizing the Association of Southeast Asian Nations Regional Forum and Six-Party Talks.

With respect to amending Article IX of the constitution, the report recommends:

- a clear statement that Japan possesses the right of individual and collective self-defense
- a new definition of the SDF as a national defense force that is tasked not only with the defense of Japan but also with participation in activities for the maintenance and restoration of international peace
- a delineation of emergency powers that the prime minister may exercise in response to an internal or external crisis or a natural disaster, subject to subsequent Diet approval.

With respect to the exercise of the right of collective self-defense, the report argues that the constitutionality of this "natural right to which Japan is already entitled" can be made clear through either an amendment to or reinterpretation of the constitution, new legislation defining the constitutional boundaries, or parliamentary resolutions.

Concerning the specifics of defense policy, the LDP report recommends, *inter alia*:

- enacting a general law governing international cooperation activities of the SDF to replace the ad hoc approach of passing specific legislation for each overseas mission

- transforming SDF force structure with an orientation toward rapid-response units for ground forces and increased maritime and air transport capability to support the new importance of Japan's involvement in international activities

- ensuring the smooth introduction of a BMD system by streamlining command and control arrangements in view of the compressed decision-making timeframe, spelling out the operational arrangement with U.S. forces, and examining whether Japan should develop the capability to strike preemptively enemy missile bases<sup>16</sup>

- deepening U.S.-Japan defense cooperation by building on the 1997 Guidelines for Defense Cooperation to allow SDF and U.S. forces, "whenever Japan deems necessary," to work together beyond the treaty area of the Far East in such areas as international peace and stability operations and in response to other emerging threats.

Viewed in the context of the larger debate, the views put forward by the LDP Defense Policy Subcommittee tilt toward the alliance nationalist and neo-nationalist schools by calling for a more activist Japanese role with respect to the U.S.-Japan Security Treaty and reducing the constraints on Japan's autonomous defense activities. However, the group also gives a nod to the internationalist school in supporting Japan's expanded cooperation with UN activities.

The Advisory Committee report issued in October is consistent with the LDP Defense Policy Subcommittee views in that it emphasizes the need to strengthen both the alliance with the United States and Japan's ability to contribute to building a peaceful international environment. The committee did not directly address the issues of constitutional revision and collective self-defense, arguing that while these questions were of great importance, no national consensus had yet been reached. However, in an addendum, the committee did make two important comments stating that Japan needs to:

- distinguish between, and debate separately, the right of collective self-defense by the nation itself, and collective actions undertaken by the United Nations (implicitly supporting the positions of Okada and Ozawa of the DSP)

- distinguish between the use of force to protect U.S. troops that are in and around the nation to defend it from an armed attack, and to help the United States expel invaders from a third

country. No committee member found the latter use of force acceptable, but the group agreed that the former needs further discussion.

Most commentators expect that, following the lead of the Advisory Committee, the National Defense Program Outline will also avoid addressing directly the constitutional and collective self-defense issues.

## The Road Ahead

The LDP's poor showing in the July 11, 2004, upper house election, coupled with the gains of the DPJ and Komeito,<sup>17</sup> has weakened Koizumi's ability to take on major new initiatives and likely delayed substantial movement toward revision of the constitution until after the next lower house election, expected in late 2006 or early 2007.<sup>18</sup> The process, however, will keep moving forward.

The next step will be the release of the reports by the various committees studying constitutional reform. The Lower House Committee will issue its report in May 2005, followed by the Upper House Committee. The LDP Research Committee on the Constitution is due to conclude its work in November 2005,<sup>19</sup> and the DPJ will issue its report in late 2005 or early 2006. Once these reports are out, the plan is to form a joint Diet committee to consolidate the findings and make specific recommendations.

Most observers believe that it will prove impossible to come up with a consolidated text and that the three major parties—the LDP, DPJ, and Komeito—will put forward their own proposals for amending the constitution as the basis for their campaigns in the 2006–2007 lower house election. The winning party will then use its text as the basis for trying to negotiate a "grand coalition" with the necessary two-thirds vote to pass amendments, a process that some predict could provoke a major realignment of Japanese political parties.

In the interim, the process of revising Japan's defense policy will gain momentum. The government's new NDPO is due by the end of 2004. The next step will be to implement the report recommendations in the form of a new Mid-Term Defense Plan, followed by legislative and budget authorizations, a process that could take years. A key question will be the degree to which the NDPO makes policy recommendations that go beyond the current constitutional constraints on collective self-defense, without waiting for the constitutional amendment

process to catch up. The domestic political balance of forces and the external security environment in turn will influence this.

With respect to the domestic political scene, the impact of Koizumi's weakened position on the substance of the NDPO is unclear. On the one hand, Tokyo may be reluctant to push the boundaries of existing constraints too far in view of the strengthened position of the DPJ and Komeito. On the other hand, with the prospects fading for early amendment of the constitution, the defense hawks will want to use the NDPO process to advance on collective self-defense as far as possible. Much will depend on the priority that Koizumi gives to breaking new ground on defense policy in comparison to his domestic legislative priorities.

## External Influences?

The future direction of debate on both the NDPO and the timing and substance of the constitutional question will be influenced by a number of external factors. First, there is Iraq. If the Iraqi transition turns out well, both those advocating a closer alliance with the United States and a more active Japanese role in international peacekeeping activities will be strengthened. Conversely, if the Iraqi experience is widely seen as a mistake, both advocates of a more autonomous defense and of a more explicit UN mandate for the future dispatch of SDF units will gain strength.

Within the region, the Korean situation will loom large. A breakthrough on the kidnapping issue and success in the Six-Party Talks would reduce the threat perception in Japan, thereby lessening pressure to strengthen the U.S. alliance. On the other hand, a crisis in North Korea would cement support for BMD cooperation and harden Japanese defense policy. With respect to China, a Taiwan Strait crisis, particularly if provoked by Beijing, would strengthen Japanese support for the alliance with the United States and for increasing defense capabilities and loosening legal and policy constraints. But a breakthrough in cross-strait dialogue, coupled with a softer Chinese line toward Japan, could reduce pressure to strengthen Japan's defense posture.

Harder to gauge, but also influential, will be the broader question of confidence in the United States. The Bush administration's emphasis on the importance of the alliance and Japan's support for the United States after

September 11 and in Iraq have resulted in what many on both sides of the Pacific call the “best ever” U.S.-Japan relationship. There is growing criticism of Koizumi’s “lock-step” alignment with Washington, however, not only from the opposition DPJ and the media, but also from many in the bureaucracy and LDP. This objection relates to the American strategy in Iraq, but there are also those who question U.S. unilateralism and self-centeredness more broadly. Perceived American missteps with respect to a provocation on the Korean Peninsula or to a Taiwan Strait crisis, for example, could give further ammunition to both the Japanese left and right advocating more independence from the United States. If Washington is seen as fully consulting Tokyo and renewing its commitment to multilateral cooperation and institutions, however, these concerns in Japan are likely to dissipate.

Japan is turning a historic corner toward amending Article IX of its constitution, but the process is likely to be protracted and the implications for Japan’s defense policy evolutionary rather than revolutionary. Japan will almost certainly maintain the spirit if not the letter of the first paragraph of Article IX, thereby preserving to some degree its unique status. At the same time, the second paragraph of Article IX is likely to be amended to legitimize the Self-Defense Forces and clarify Japan’s right of self-defense.

A key question will be how Japan handles the issue of collective self-defense. There is a near-consensus in the LDP and among the DPJ hawks that either by amendment, reinterpretation, or legislation in order to allow more effective cooperation with the United States on BMD and to give Japan more flexibility with respect to international peacekeeping operations. Many in Japan remain concerned, however, that the removal of this constraint risks Japan’s being drawn into adventures abroad, particularly at the behest of the United States. The most likely outcome is a compromise that will establish the right of collective self-defense but, at least initially, restrict its application to the areas noted above.

Both the new NDPO and the later emergence of a revised constitution should provide the framework for strengthening the U.S.-Japan alliance. Bilateral cooperation is likely to increase with respect to ballistic missile defense, support for contingencies on the Korean Peninsula and in the Taiwan Strait, and on sea line protection. Japan also will likely emphasize

developing the force structure, transportation capabilities, and policy flexibility it needs to participate more fully in UN and other peace-keeping operations.

Indeed the biggest variable in the evolution of Japan’s defense policy will be the degree to which Japan continues to consider the United States a reliable partner that gives full weight to Japan’s interests and international norms as it carries out its responsibilities as the world’s only superpower.

#### Notes

<sup>1</sup> “The Price of a Constitution,” Tetsuya Kataoka, 8.

<sup>2</sup> *Ibid.*, 10.

<sup>3</sup> In a recent poll, 80 percent of the Japanese public supported placing sanctions on North Korea now.

<sup>4</sup> The report, issued on October 11, 2000, by the Institute for National Strategic Studies at the National Defense University, is formally titled “The United States and Japan: Advancing Toward a Mature Partnership,” but it is universally known as the Armitage-Nye report, or, more often, as the “Armitage Report.”

<sup>5</sup> “We believe that no nation is responsible to itself alone, but that the laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations. We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.”

<sup>6</sup> One of the most straightforward statements in this regard was made by Prime Minister Koizumi in a June 27, 2004, NHK Television interview when he stated, “In order to defend Japan, the U.S. has worked with Japan under the Mutual Security Treaty, but Japan cannot take joint action with U.S. forces and is not allowed to exercise the right of collective self-defense. Such a situation is strange.” *Asahi Shimbun*, June 29, 2004.

<sup>7</sup> Former LDP president Yohei Kono openly opposes amending the constitution; former LDP secretary general Koichi Kato is described by one monthly magazine as “hidden protector of the constitution.”

<sup>8</sup> Article 96 of the current constitution stipulates that an amendment must receive a two-thirds affirmative vote of both houses of the Diet, followed by a majority of all votes cast in a national referendum, but leaves to the Diet the specific arrangements for the latter.

<sup>9</sup> Analysis in this section is based upon Japanese press reporting and the author’s conversations with Japanese politicians, scholars, bureaucrats, and journalists.

<sup>10</sup> The April 8, 2004, *Mainichi Shimbun* reports that at an April 7 meeting of the Upper House Research Commission on the Constitution, a number of LDP supporters of the right of collective self-defense voiced concern that Japan will become involved in “America’s unilateralism” unless “limits are put in place.”

<sup>11</sup> Okada, in a July 29, 2004, address in the United States, took the position that Japan could use force overseas only if the constitution was revised and if there was a “clear UN Security Council resolution.” Ozawa argues that Japan can participate in UN-sanctioned military actions under the present constitution. Both agree that Japan should not be permitted to join the United States if it takes “unilateral” military action in the absence of a UN Security Council resolution.

<sup>12</sup> This analysis is based upon the author’s interviews with more than 50 political leaders, senior bureaucrats, academics, journalists, and other opinion leaders.

<sup>13</sup> For example, Article 43 of the Charter which states, inter alia, “All member of the United Nations . . . undertake to make available to the Security Council . . . armed forces, assistance . . . necessary for the purpose of maintaining international peace and security.”

<sup>14</sup> The May 2004 edition of the monthly magazine *Shokun!* produced a diagram purporting to show the orientation of Japanese political leaders on an axis of “reliance on the U.S.” or “Independent Defense.”

<sup>15</sup> In an April 24, 2004, *Yomiuri Shimbun* poll that posed the question, “Who would you like to see as the next Prime Minister?” Ishihara topped the list with 26.5 percent.

<sup>16</sup> As noted above, the government of Japan has taken the position since 1956 that such action represents a constitutionally permissible act of self-defense.

<sup>17</sup> The constitutional issue figured little in the election campaign. The poor LDP showing is attributed to unhappiness with the handling of pension reform, continuing economic stagnation at the local level, and Koizumi’s announcement at the G-8 Summit, without prior consultation with the Diet, that Japan would put its forces in Iraq under the control of the multinational force established after the transfer of sovereignty.

<sup>18</sup> In July 6, 2004, remarks at a Center for Strategic and International Studies conference in Washington, DC, former LDP policy chief and defense expert Taku Yamazaki predicted that the next lower house election would be fought over specific recommendations on constitutional reform.

<sup>19</sup> According to the May 10, 2004, *Tokyo Shimbun*, the LDP Commission has already decided to maintain the first paragraph of Article IX and to rewrite the second paragraph to stipulate Japan’s right of self-defense and to maintain armed forces.

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