STEPPING INTO AMERICAN BOOTS: JAPAN'S EVOLVING STANCE ON SECURITY

by

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Abstract

The meaning of Article 9 of the Japanese constitution renouncing war and military forces has been reinterpreted extensively over the past half-century, diluting the original intent to the point that it offers few real checks on Tokyo’s use of military force. Yet despite the weakening of antiwar provisions, polls show half the Japanese public favors revising the constitution, including Article 9. To explain the significance of a continuing drive to revise Article 9, this thesis first examines the creation and evolution of Japan’s military forces from 1946 to present. It shows the precedents that have removed most constraints on the JSDF and how these same processes could be used to further the militarization of Japan. This thesis then critiques the major political arguments that are used to promote revision using a process of elimination to determine that a growing unease about the threat from North Korea is a primary factor in the drive for revision. Finally, this thesis looks at 3 conservative proposals for a revised constitution in the context of escalating tensions between Japan and North Korea to show the increasingly militarist nature of these texts and how they correspond with the changing international situation. The most recent draft proposal by the LDP, if adopted, would give Japan the capability of assuming much greater responsibility for ensuring the peace and security of Northeast Asia: a position in line with the wishes of both a resurgent Japan and an America increasingly focused on the Middle East. In combination, these steps indicate moves by Japanese leaders to take over responsibility for containing North Korea from the United States - to step into American boots for Northeast Asia’s security regime.
# TABLE OF CONTENTS

Abstract ................................................................................................................................. ii

Table of Contents .................................................................................................................. iii

List of Abbreviations .............................................................................................................. iv

Acknowledgments .................................................................................................................... v

CHAPTER I  Overview and Context of Japanese Remilitarization Debate ....................... 1
  1.1 Introduction ....................................................................................................................... 1
  1.2 Context of the Debate in Japan and East Asia ................................................................. 3

CHAPTER II  Japan’s Current Capability .............................................................................. 8
  2.1 Rebuilding Japan’s military (1946-1991) ....................................................................... 8
  2.2 Peacekeeping Operations .............................................................................................. 12
  2.3 Cabinet Legislation Bureau Authority ......................................................................... 16
  2.4 Japan’s Current Capability ............................................................................................ 19

CHAPTER III Arguments on Revision .............................................................................. 20
  3.1 Pacifist Proposals .......................................................................................................... 21
  3.2 Realist Proposals .......................................................................................................... 28
  3.3 North Korean Threats ................................................................................................. 35

CHAPTER IV Balancing North Korea .............................................................................. 41
  4.1 The Evolution of Revisionist Proposals ....................................................................... 42
  4.2 Nuclear Deterrence ....................................................................................................... 50
  4.3 American Absence and Endorsement ......................................................................... 52

CHAPTER V Conclusion and Recommendations for Further Work .......................... 55

Bibliography ......................................................................................................................... 59

Appendix ............................................................................................................................... 63
List of Abbreviations

Air Self-Defense Forces (ASDF)
Cabinet Legislation Bureau (CLB)
Democratic Party of Japan (DPJ)
Department of Peacekeeping Operations (DPKO)
Fiscal Year (FY)
Gross National Product (GNP)
Ground Self-Defense Forces (GSDF)
International Community (IC)
Japanese Coast Guard (JCG)
Japanese Communist Party (JCP)
Japan Defense Agency (JDA)
Japanese Self-Defense Forces (JSDF)
Korean Peninsula Energy Development Organization (KEDO)
Liberal Democratic Party (LDP)
Maritime Self-Defense Forces (MSDF)
National Defense Program Outline (NDPO)
National Police Reserve (NPR)
National Safety Force (NSF)
North Atlantic Treaty Organization (NATO)
North Korean People's Army (NKPA)
Nuclear Non-Proliferation Treaty (NPT)
Official Development Assistance (ODA)
Operation Enduring Freedom (OEF)
Peacekeeping Operations (PKO)
Prime Minister (PM)
Rules of Engagement (ROE)
Self-Defense Forces (SDF)
Six-Party Talks (SPT)
Social Democratic Party (SDP)
Social Democratic Party of Japan (SDPJ)
Supreme Command for the Allied Powers (SCAP)
United Nations (UN)
United Nations Security Council (UNSC)
United Nations Transitional Authority in Cambodia (UNTAC)
Union of Soviet Socialist Republics (USSR)
United States (US)
Weapons of Mass Destruction (WMD)
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CHAPTER I: Overview and Context of Japanese Remilitarization Debate

Introduction?

"Japan, following a mistaken national policy, advanced along the road to war, only to ensnare the Japanese people in a fateful crisis, and, through its colonial rule and aggression, caused tremendous damage and suffering to the people of many countries, particularly to those of Asian nations."¹

Following WWII, American authorities under General Douglas MacArthur imposed a new constitution on Japan, which was designed to prevent any recurrence of the militarism that had dominated recent Japanese politics. Control of the government was restored to civilian hands, the Imperial military was disarmed and disbanded, and Article 9 of the new constitution renounced war and prohibited rearmament. Stringent standards were set to prevent the document from being easily revised by a militarist faction. Japan was to become a pacifist example for a war-weary world to emulate.

However, the idealism of the time soon faded as the Cold War emerged, and within 3 years Japan was supporting the American forces in Korea by the creation of the National Police Reserve (NPR) to replace the deploying American army and the involvement of a fleet of Japanese Coast Guard (JCG) minesweepers to clear Inchon harbor in preparation for MacArthur’s 1950 landing.² By 1954 the NPR reorganized into Ground, Maritime, and Air Self-Defense Forces (GSDF, MSDF, and ASDF, respectively). The repeated legal reinterpretations to excuse and authorize military cooperation with the United States since World War II have severely weakened the Article 9 prohibitions by Japan’s ‘Peace Constitution’ against the existence and use of armed forces. MSDF ships patrolling in the Indian Ocean are actively assisting the

American fleet with its bombardment of Taliban positions in Afghanistan, GSDF units deployed to support the United States in the occupation of Iraq, and the Chief of the Japan Defense Agency (JDA) publicly announced that Japan has the right to preemptively attack other nations which it deems as a threat.3

Article 9 has been a hotly debated provision ever since its creation, with many nationalist and conservative politicians advocating its abolition. Japan’s ruling Liberal Democratic Party (LDP) has opposed the provision since the founding of the party in 1955. Yet for much of the Cold War, this position was mostly symbolic, with few serious steps taken to actually challenge the article and attempt to overturn it.4 However, after the fall of the USSR, reformists have begun drafting proposals for new constitutions and the Diet has begun to seriously consider constitutional reform.

Given the changes that have led to the Japanese Self-Defense Forces’ (JSDF) current military capabilities, it seems striking that Japanese leaders would be currently pushing for revisions to the Peace Constitution. Such a move was certain to trigger a diplomatic backlash from China and the Koreas, whose concerns over the remilitarization of Japan have never been fully satisfied, and with whom relations are at a particularly low point due to Prime Minister Koizumi’s repeated visits to the Yasukuni Shrine and the recent controversies over Japanese history textbooks. Erasing Constitutional provisions that symbolize Japan’s commitment to peaceful coexistence with its neighbors offers only marginal opportunities for Japan while ensuring the alienation and hostility of other regional powers. However, these moves are the result of an intentional effort by the

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3 Hook & McCormack, Japan’s Contested..., p. 33
4 There were a series of legal challenges that will be discussed in further detail in Chapter II.
Japanese right to foster a closer relationship with the United States against their common rivals in Northeast Asia, particularly North Korea.

This paper will demonstrate that the principal factor that is driving the Japanese right to try to change Article 9 is concern over a perceived North Korean threat, and as a result the Japanese leadership is seeking the capacity to provide a deterring hard balance to Pyongyang. In order to show this, it will seek to establish the following points. The transformation of the JSDF into a traditional military force free from the original pacifist shackles of Article 9 has continued beyond a level necessary for effectively participating in UN peacekeeping operations, Japan’s current push for revising Article 9 is primarily based upon the perceived threat from North Korea, and the constitutional changes which are being proposed would enable Japan to develop the means of balancing North Korean power independently of US support.

**Context of the Debate in Japan and East Asia**

Japanese politicians and academics continue to debate a number of issues related to its Peace Constitution, not the least of which is the future status of Article 9 and the desired role, if any, the JSDF should play in international affairs. Few people believe that the status quo of creative constitutional reinterpretation by the Prime Minister (PM) and Cabinet Legislation Bureau (CLB) should continue indefinitely. On the political left in Japan, the two major pacifistic parties have both indicated an increased acceptance of the legitimacy of the JSDF despite the provisions of Article 9; in 1994 and 2000 respectively, the Social Democratic Party (SDP) and Japanese Communist Party (JCP) endorsed the

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constitutionality of the JSDF and its use during emergency situations. These moves further splintered the Japanese left, which was already weakened following the collapse of the Soviet Union in 1991. Remaining leftist organizations have few supporters and generally refuse to even discuss constitutional change, perhaps explaining why only the monthly journal Sekai and the Asahi newspaper group have submitted major proposals on Article 9 which would maintain the current Peace Constitution. These two plans advocate using supplemental legislation to reduce or eliminate the current JSDF and substitute a separate non-military force for involvement in UN peacekeeping operations.

Conservative politicians, on the other hand, recommend amending or even replacing entirely the Peace Constitution in such a way that explicitly authorizes the existence of the JSDF and allows Japan to engage in collective defense arrangements. Formèr LDP PM Nakasone and current Democratic Party of Japan (DPJ) President Ozawa have both proposed drafts which would keep at least part of the current pacifist Article intact while adding clauses to revise the constitutionality of the JSDF & collective defense. Other proposals, such as those by former DPJ leader Hatoyama or the daily Yomiuri Shimbun advocate replacing Article 9 altogether and substituting articles with varying degrees of assurance on Japan’s commitment to non-aggression but which

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7 Hook & McCormack, Japan’s Contested ...., p. 38. The Ministry of Defense has since created a permanent PKO force.
8 Foreign Minister Aso Taro. “Building a Strong, Small Government.” Japan Echo, 33.1 (February 06) and Itoh. “Japanese Constitutional ....”
9 Ozawa’s position has evolved over the years. He submitted a proposal for changes to Article 9 in September 1999. He then stated that the Constitution did not prohibit Japanese involvement in UN operations in 2004. Itoh. “Japanese Constitutional ....”, pp. 315-16 and Hanaoka Nobuaki. “The Opposition's New Leader.” Japan Echo, 31.5 (October 04), p. 26
explicitly authorize the two conservative objectives. These proposals will be covered in more detail in Chapter IV.

It is important to note two similarities common to all of these proposals: increased foreign intervention capability and a sense of unavoidability. The failure of checkbook diplomacy during the First Gulf War has had a profound impact on the Constitutional debate, and even the “conscientious objector” status proposed by the Asahi did not prevent them from including a measure to allow organized and armed teams of specially-trained engineering, medical, and communications professionals to assist countries in need in a style highly similar to a military peacekeeping force.

With all major proposals authorizing Japan to send armed forces overseas in at least some capacity, the swift negative backlash by neighboring countries toward any discussion on revision is only natural, if not expected. And despite the difficulty of reforming Japan’s Constitution due to its stringent amendment process, only Hanaoka seems to view revision as anything short of inevitable. Even those writing from an external and generally pro-Chinese standpoint, like Garrett et. al., Xinbo, and editorials in China’s People’s Daily, discuss the rising threat of Japanese militarism with the assumption that these reform attempts will eventually pass.

Typical of some of the far-left in Japan, Okonogi Masao argues that remilitarization is unnecessary, because the effective long-term use of economic sanctions can contain North Korea’s nuclear development by depriving them of the funds

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10 Itoh, “Japanese Constitutional ...”, and Hook & McCormack, Japan’s Contested ...
11 Hook & McCormack, Japan’s Contested ..., p. 38
12 Hanaoka Nobuaki, “The Long Road to Amending the 1947 Constitution.” Japan Echo, 32.4 (August 05), p.30
with which to pursue their nuclear program,\textsuperscript{13} He does not address the revision issue, and believes that the status quo is good enough to ensure Japan’s future security.

Neoliberal IR security theory describes Japan’s remilitarization as an attempt to become an equal partner in international institutions. Changing Article 9 in such a manner that Japan can clearly participate in UN operations and collective security arrangements ultimately could create a more secure Japan through preventing outside conflicts from escalating to engulf Japan and by creating a history of cooperative partnerships with neighboring countries. Iokibe Makoto, in particular, cites the positive reaction in Southeast Asia to Japanese efforts at promoting peace and stability through economic means, and Takeda Isami’s study of maritime security in Southeast Asia suggests that using the JSDF as a regional policing force would further help improve relations with formerly occupied states through the active demonstration of Japan’s benign intent.\textsuperscript{14} However, this neoliberal model does not clearly explain why revision to create explicitly offensive capabilities is necessary, nor does it account for Japanese feelings of concern over the changing military threat in the region.

Neorealists, on the other hand, believe that Japan’s remilitarization is due to security concerns and that the pacifism of the later half of the 20\textsuperscript{th} century was an anomaly arising from the US occupation. Revision is a means of correcting the unnatural state of unilateral pacifism and providing a deterrent to neighboring countries. Itoh

\textsuperscript{14} Iokibe Makoto. “How Japan Has Fulfilled Its Postwar Responsibilities.” \textit{Japan Echo}, 32.6 (December 05)
Mayumi argues that Article 9 is obsolete and that Japan should revise it to allow for national defense. Next, Bhubhindar Singh’s study of Japan’s normalization process focused on its vulnerability triggered by the growth of China’s economy and military as the US begins to reduce its presence in Northeast Asia. Finally, Jennifer Lind follows these works by focusing on the strength of the existing Japanese military, as she calls for the JSDF to assume a larger role in maintaining the security of the region.¹⁵

Lastly, some authors take the approach that the drive for revision is the result of pressure by various interest groups attempting to promote hard-line agendas. Christopher W. Hughes have focused on the effectiveness of the anti-kidnapping movement in forcing Japanese politicians to assume a harder line against North Korea during the Six Party Talks (SPT), Edward J. L. Southgate attributes the hard-line position and the growing militarism of Japan to consistent American pressure, and Linus Hagström and Marie Söderberg discuss the impact of these pressures in conjunction with North Korea’s missile and nuclear programs, which combine to build support for a strong deterrent capability.¹⁶


Chapter II: Japan’s Current Capability

Since the 1947 Peace Constitution abolished the Japanese Imperial Army, a number of legal reinterpretations have been used to allow the country to slowly remilitarize. This section will demonstrate that the JSDF is no longer as constrained by Article 9 as some neoconservatives claim. Japanese politicians used CLB rulings to authorize the creation of a new military and have steadily increased its power. Japan is now able to deploy its armed forces worldwide, without needing UN authorization. The same process which has provided this justification, namely the exercise of sufficient political will by the Prime Minister over the CLB, could remove the last remaining distinction between the JSDF and a ‘normal’ military: explicitly offensive units. This creates a context for Chapter III’s discussion of the various arguments on revising Article 9 and Chapter IV’s proposal that Japanese politicians are using the debate to enable Japan to assume from the US a greater role in maintaining security in Northeast Asia.

Rebuilding Japan’s military (1946-1991)

As part of the Allied plan for restructuring the defeated Japanese government, the Supreme Command for the Allied Powers (SCAP) insisted on making a number of changes to the Meiji Constitution that would prevent Japan from ever threatening its neighbors again. An original draft by a Cabinet committee headed by Minister of State Jōji Matsumoto failed to adequately create safeguards to prevent a resurgence of Japanese militarism, and was subsequently rejected. Instead, the SCAP created a committee to write a new constitution as a model for the Japanese to follow. In this model, Gen. MacArthur proposed the following text that would eventually form the basis of Article 9:

War as a sovereign right of the nation is abolished. Japan renounces it as an instrumentality for settling its disputes and even for preserving its own security. It relies upon the higher ideals which are now stirring the world for its defense and its protection.
No Japanese Army, Navy, or Air Force will ever be authorized and no rights of belligerency will ever be conferred on any Japanese force.\textsuperscript{18}

This version has none of the ambiguity that has plagued the current version of Article 9. It clearly prohibits Japan from going to war under any circumstances, denies it the right to any military forces including one for self-defense, and does not allow Japan to engage in collective defense. However, this proposal was watered down by the deputy chief of the Government Section, Colonel Charles L. Kades, who deleted the phrase "even for preserving its own security" on the grounds that all countries possess the right to self-preservation.\textsuperscript{19} The prohibition on war was further weakened by the Japanese government's House of Representatives Constitution Committee when it modified the SCAP proposal to comply with the specific requirements of the Far Eastern Commission's Basic Principles and submitted a final draft for approval by the Diet.

(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 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.\textsuperscript{20}

Committee Chairman Hitoshi Ashida inserted the two opening qualifying clauses into Article 9, "Aspiring sincerely to an international peace based on justice and order" and "In order to accomplish the aim of the preceding paragraph", which had a significant impact on subsequent interpretations. The former phrase "fundamentally redirected the

\textsuperscript{18} McNelly, "American Influence ...", p. 592
\textsuperscript{19} Southgate, "From Japan ...", p. 1608
\textsuperscript{20} The Constitution of Japan (1947), Article 9. Quoted from Hook & McCormack, \textit{Japan's Contested ...}
thrust of the first paragraph of Article 9 from a per se renunciation of war to a pro forma repudiation of militarism.\textsuperscript{21} In listing a justification for renouncing war, it switched the objective of the article from prohibiting war to promoting peace. The later clause, however, provided the key ambiguity that has allowed Japan to repeatedly reinterpret the meaning of Article 9 and thereby expand their military capabilities. So long as Japanese forces and ‘war potential’ do not violate international peace, justice, and order, they are not strictly prohibited. “Instead, the prohibition only reaches ‘war potential’ maintained for offensive purposes; ‘war potential’ is acceptable so long as it is maintained for the purpose of self-defense and not for disturbing international peace.”\textsuperscript{22} Chairman Ashida, like Col. Kades, believed that Japan should continue to possess the right to self-defense and deliberately included the clause to provide a loophole for Japan. “My opinion at that time was, and now is that to prohibit the maintenance and employment of armed forces even for self-defense is absurd, and that the prohibition is limited by the phrase ‘in order to accomplish the aim of the preceding paragraph.’”\textsuperscript{23}

In the early 50’s, the Japanese government institutionalized these loopholes. In 1950 the NPR was created to fill the void of American troops suddenly needed in Korea, and challenges to its legitimacy were silenced by the interpretation that the 75,000-man force did not have the capability to participate in a modern war, and therefore did not qualify as ‘war potential.’\textsuperscript{24} “War potential” itself was defined in 1954 as “an organization with capabilities greater than the minimum necessary for self-defense”\textsuperscript{25} and the National Safety Force (NSF, successor to the NPR) was restructured as the JSDF underneath the

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{21} Southgate, “From Japan ...”, p. 1610
\item\textsuperscript{22} Southgate, “From Japan ...”, p. 1610
\item\textsuperscript{23} McNelly, “American Influence ...”, p. 597
\item\textsuperscript{24} Samuels, “Constitutional Revision ...”, p. 3
\end{itemize}
\end{footnotesize}
Defense Agency. The JSDF was forbidden to send forces abroad or participate in collective defense, and could only respond to invasion with the minimum necessary force, which remained an ambiguous definition.26

However, Japanese leaders were not the only ones pressing for reform and rearmament. Zisk argues “Over time, it has not been uncommon for Japanese leaders to first claim that some defense-related policy change would be unconstitutional, and then later to adopt that policy under pressure, especially pressure from the world community.”27 By 1951, Gen. MacArthur advocated deleting Article 9 completely from the Constitution and in 1953 Vice-President Richard Nixon called it a ‘mistake’28 The U.S.-Japan Security Treaty (1951) clearly states that Japan possesses the right to engage in “individual and collective self-defense”, and is expected to “increasingly assume responsibility for its own defense against direct and indirect aggression.”29 In exchange for American military and economic assistance, Japan was ultimately pressured into building up the military capabilities of the JSDF against the Soviet threat. By 1983, Japan had become the ‘unsinkable aircraft carrier’, providing bases and rear-echelon support for the United States in the Cold War.30 While the 1976 National Defense Program Outline capped the budget for military forces at 1% of the GNP, this limit was breached by PM Nakasone in FY 1987, and remained above the 1% level through the end of the Cold

25 Nishi Osamu. “Bringing Article 9 into the Twenty-first Century,” Japan Echo, 32.4 (August 05), p. 33
26 Samuels, “Constitutional Revision …”, pp. 3-4
29 Preamble. Quoted in Southgate, “From Japan …” p.1614. However, as with the right to possess nuclear weapons, Japan has considered itself constitutionally prohibited from exercising the right to collective security, since these would exceed the minimum necessary force with which to defend the country. See Hanaoka, “The Long …”, p. 29 and Samuels, “Constitutional Revision …”, p. 18
30 PM Nakasone. Quoted in Hook & McCormack, Japan’s Contested …, p. 17
Japan’s booming economy has allowed it the 2nd largest military budget in the world. As Wu notes, these expenditures have not gone unnoticed by Japan’s neighbors:

On the one hand, they [Chinese policy & academic elites] share the public’s concern over the growth in Japan’s military strength and the possibility that the country will become a major military power. Some even argue that, given Japan’s huge defense expenditures and the sophisticated weaponry of its forces, it already is one.

Yet the deeply ingrained ideal of pacifism and the influence of the political left provided a counterbalance to those seeking to rearm Japan as a Cold War ally of the United States. PM Yoshida Shigeru used the threat of having to revise the Constitution as a deterrent against developing war potential and PM Takeshita Noboru confessed that the Liberal Democrats had used the potential for Socialist criticism in order to avoid buckling to American pressures for greater involvement internationally. Article 9 allowed Japan to avoid entanglement in the Vietnam War, and it was used to resist dispatching troops to the 1991 Gulf War in favor of merely making a hefty financial contribution to the alliance. However, Japan’s use of ‘checkbook diplomacy’ instead of making a human contribution to the war effort was ill received by allied powers, and the backlash intensified the right-wing calls within Japan to revise or eliminate Article 9.

**Peacekeeping Operations**

A key step in expanding Japan’s military capability came in 1992, following the failure of checkbook diplomacy. Japan’s experiences in conducting UN peacekeeping operations led to the creation of a number of precedents for greater JSDF operation.

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32 Southgate, “From Japan...”, p. 1600


35 Lind, “Pacifism or...”, p. 113
worldwide. In June of 1992, the Diet passed the International Peace Cooperation Law enabling Japan to participate in United Nations Peacekeeping Operations (PKO) for the first time.\textsuperscript{36} In September, Japan dispatched 1,200 JSDF troops to Cambodia to assist the United Nations Transitional Authority in Cambodia (UNTAC).\textsuperscript{37} This would be followed with deployments to Angola, Mozambique, El Salvador, Rwanda, Zaire, the Golan Heights, Bosnia and Herzegovina, Honduras, East Timor, Afghanistan, Kosovo, and Iraq.\textsuperscript{38} Japanese forces have assisted with election monitoring, humanitarian relief, and the construction of transportation and telecommunications infrastructure, refugee camps, schools, sanitation, medical facilities, power plants, and other public works.\textsuperscript{39}

However, these deployments have also contributed to the ongoing debate in Japan over the proper role for the JSDF to play in peacekeeping. As Nishi Osamu explains,

The focus of the debate was the idea that although the SDF were prohibited by the Constitution from using force outside Japan, they were permitted to use weapons to protect themselves or those under their supervision. But what is the difference between the use of force and the use of weapons? And even assuming that the use of weapons is permitted, what kinds of weapons are SDF troops allowed to carry, and where is the boundary between use that is permitted and use that is not?\textsuperscript{40}

Furthermore, Ozawa Ichirō proposed that the JSDF could fully participate in any UN force authorized by the UNSC without violating the terms of the constitution,\textsuperscript{41} and Kakizawa Koji, the head of the LDP’s national security division and former Minister for

\textsuperscript{36} Nishi, “Bringing Article ...”, p. 33
\textsuperscript{37} Zisk, “Japan's United ...”, p. 22
\textsuperscript{38} Nishi, “Bringing Article ...”, p. 33 and Hook & McCormack, Japan's Contested ..., p. 33
\textsuperscript{40} Nishi, “Bringing Article ...”, p. 33
\textsuperscript{41} Hanaoka, “The Opposition’s ...”, p. 26
Foreign Affairs\(^\text{42}\), goes so far as to argue for Japan to develop an ‘international outlook’ for the JSDF: promoting joint military exercises, allowing “the SDF to shoulder part of the responsibility for maintaining peace and security in the Asia-Pacific region”, and encouraging its participation in a new UN-authored ‘Asian peacekeeping force’.\(^\text{43}\)

Included in the 1992 International Peace Cooperation Law are Five Principles that were designed to limit Japanese involvement except under certain specific conditions. [1] All parties must agree to a cease fire; [2] all parties must consent to both the UN deployment and specifically to Japanese participation in that deployment; [3] the UN operation must be completely impartial; [4] Japan reserves the right to withdraw its forces if any of the first three principles are violated; and [5] Japan will only use its weapons for the minimal defense of Japanese personnel. This doctrine was designed in response to initial leftist criticism that Japan’s involvement in collective defense operations “where there was no direct threat to Japanese territory involved ‘the threat or use of force to settle international disputes’ and were therefore constitutionally off limits.”\(^\text{44}\)

The constraints imposed by the Five Principles soon became glaringly apparent. Few scenarios in modern peacekeeping meet the first three conditions, where all parties are eager for an end to fighting.\(^\text{45}\) Any incident where one party violates a cease-fire could easily trigger an immediate halt in Japanese participation in the PKO and its subsequent withdrawal. Japan technically could not participate in interventions designed


\(^{44}\) Zisk, “Japan’s United pp. 26-29

\(^{45}\) Zisk, “Japan’s United …”, p. 27
to stop ongoing civil war or to prevent acts of genocide. The second principle requires special negotiations with warring parties and undermines the authority of the UN’s Department of Peacekeeping Operations (DPKO). 46 In 1993 two incidents involving the JSDF in Mozambique demonstrated the weakness of the 5th principle. Part of the UN’s emergency evacuation plan had to be rewritten to accommodate Japan’s inability to guard non-Japanese personnel during a retreat, and later Japan was forced to request guards from other UN forces to protect the Japanese equipment because the JSDF would have been unable to use force to do so. This same weakness was repeated during Japan’s involvement in Zaire in 1994, when Japanese troops responsible for manning the Goma airfield were unable to provide security for a German transport plane stuck on the airstrip overnight.47

But the 5th principle’s use of the term ‘minimal defense’ is also subject to interpretation. Nishi Osamu recalls, “Many Japanese still recall the scenes in the Diet as lawmakers earnestly debated whether or not SDF troops were constitutionally permitted to take a single machine gun with them to Zaire.”48 Political debates over the exact meaning of this term and whether it ultimately varies from ‘war potential’ led to a decade of JSDF policy requiring officers to have the unanimous approval of the Prime Minister and his Cabinet prior to taking any action involving the use of force to protect Japanese lives and property.

While the Five Principles were intended to provide a framework for Japan to participate in international peacekeeping without violating the spirit of Article 9, they have also provided an impetus for the right to advocate further changes and greater

46 Zisk, “Japan’s United ...”, p. 27-28
47 Zisk, “Japan’s United ...”; p. 29
militarization. The incidents in Mozambique, Zaire, and the Diet have been used by neoconservative realists to trigger changes to the JSDF's Rules of Engagement (ROE), which were revised under the 2001 Anti-Terrorism Law to allow Japanese soldiers to eventually be able to return fire without consulting Tokyo first. Under these changes, Japan could theoretically dispatch the JSDF today on a peacekeeping operation and quickly find itself in a shooting war, leading to officers of the JSDF planning and conducting a military occupation of foreign territory in the name of self-defense and securing the peace.

Cabinet Legislation Bureau Authority

Japan has been able to make these dramatic changes in its legal capacity to use force through the decisions of the powerful and influential CLB. The unique role of this group within the Japanese government and its subordinate position to the dictates of the Prime Minister are critical to explaining both the remilitarization of Japan and the potential for further diluting Article 9's anti-war provisions. The CLB is an appointed body of legal scholars that provides the official interpretation of the constitution and ensures that all new legislation is consistent with its precedents. It has assumed this role in the absence of Supreme Court rulings on purely political matters, which defers to the judgment of the Diet and Cabinet. In a series of cases (the 1959 Sakata v. Japan (Sunakawa), the 1973 Ito v. Minister of Agriculture, Forestry, and Fisheries, the 1989

48 Nishi, "Bringing Article ...", p. 33
49 Samuels, "Constitutional Revision ...", p. 4
50 This possibility is similar to the 1931 Manchurian Incident, which ultimately led to Japan's occupation of most of China during WWII.
Ishizuka v. Japan, and the 1991 X v. Japan) the Supreme Court overruled challenges to
the constitutionality of the JSDF.\textsuperscript{51} As the Supreme Court of Japan upheld:

\begin{quote}
[T]he problem of whether or not the existence, and so on of the SDF conforms to
Article 9 of the Constitution is a decision concerning state governance, and as a
political act of the Diet and Cabinet would ultimately be entrusted to the political
judgment of the entire people. It should not be construed to be a matter that courts
are to determine.\textsuperscript{52}
\end{quote}

CLB officials provide legal decisions on all prospective bills prior to their enactment,
whereas the Supreme Court can only rule on challenges to existing laws. While the court
has the capacity to overrule any CLB decision, it only did so once in the period from
1947 to 2001.\textsuperscript{53} "Some insisted that it was the Cabinet Legislation Bureau that had taken
over – people who no one elected and who have a very protected place within the
Japanese bureaucracy."\textsuperscript{54}

However, the CLB has shown a flexible position on the exact nature of the
constraints of Article 9. It established the ‘war potential’ decision to permit the creation
of the JSDF, determined that nuclear weapons are not inherently prohibited by the
constitution, and that Japan can use force to preemptive attack other nations which pose
an imminent threat. The CLB has defined the concept of ‘areas surrounding Japan’ as not
a geographic zone but rather is determined by the specific situation, which in turn is
considered anything which “will have an important influence on Japan’s peace and
security.”\textsuperscript{55} Its acceptance of the MSDF deployment to refuel American naval forces in
the Indian Ocean during Operation Enduring Freedom (OEF), despite the active

\textsuperscript{51} Southgate, “From Japan ...”, p. 1624-27
\textsuperscript{52} Ruling in Ito by the Sapporo High Court and upheld by the Supreme Court. See Southgate, “From Japan ...
\textsuperscript{53} Samuels, Richard J. "Politics, Security Policy, and Japan's Cabinet Legislation Bureau: Who Elected
\textsuperscript{54} Samuels, “Constitutional Revision ...”, p. 18
participation of the American fleet in the fighting in Afghanistan, has further blurred the distinction between participating in collective security arrangements and the operation of JSDF forces inside a war zone. The CLB is responsible for the policy of Japan possessing rights, such as the right to collective security, which the UN recognizes as belonging to all nations, which Japan is uniquely constitutionally unable to exercise due to the rights exceeding the minimum necessary force for exercising self-defense. Ultimately, because of the CLB’s rulings, in Lind’s words, "... the pacifist article 9 has proven to be as malleable as Tokyo wants to make it." ³⁶

But the purpose of the CLB is to ensure stability and consistency of policy throughout the government. The senior legal experts who compose the bureau consider the entire legal history of Japan as they evaluate each proposal and give their legal opinions, and breaking from these traditions to draft new policies is difficult. As Samuels states, "In the absence of prodding from the Prime Minister (and sometimes despite such prodding), they do not stake out new positions that, in their view, might dilute the CLB's institutional integrity." ⁵⁷ Each new policy change requires the CLB to create the legal precedent and justification through increasingly complex reinterpretations of older decisions, which it is reluctant to do since these new positions undermine their overall authority. According to Samuels, “Satō Tatsuo, a former CLB Director General, acknowledges that the views of the CLB are not legally binding but that they are accepted as authoritative and politicians cannot easily overturn them." ⁵⁸

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⁵⁵ Southgate, “From Japan ...”, p. 1617
⁵⁶ Lind, “Pacifism or ...” p. 120
⁵⁷ Samuels, “Politics, Security ...”
⁵⁸ Samuels, “Politics, Security ...”
Why, then, has the CLB made so many changes over the years and expanded the capabilities of the JSDF? Quite simply, the CLB is ultimately subject to the will of the Prime Minister. The PM appoints its Director General, orders the CLB to issue legal decisions, and has even openly overruled CLB on occasion. Prime Ministers Yoshida, Kishi, Nakasone, and Koizumi all have forced the CLB to give its official approval to their policy decisions. As Narita Yorihiro says, “All it takes is leadership from the prime minister for the CLB to make changes.” In short, Article 9 does not constrain Japan from expanding its military; sufficient political will by the Prime Minister is enough to make the CLB endorse even radical expansion of the functions of the JSDF.

**Japan’s Current Capability**

So where does this leave Japan? It has slowly rebuilt the military and provided a legal justification for it which bypasses the constitutional limitations imposed in 1947. The open-ended definition of ‘areas surrounding Japan’ gives the Japanese PM the ability to dispatch the JSDF worldwide in pursuit of its interests, independent of any UN Security Council decision. Japan has dispatched the JSDF to Iraqi war zones where it has no clear personal self-interest and no UN peacekeeping mandate, where it easily has the potential to get involved in combat operations. While the Iraqi deployment required special approval by the Diet, this constraint is similar to that of other democracies. The strict limits placed by Article 9 upon the use of force by Japan are ultimately subject only to the ability of the PM to force his will upon the CLB, an event which has repeatedly happened to expand Japanese military power since 1947. Should PM Abe Shinzō make

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59 Samuels, “Politics, Security ...”
61 Ina, “Sending the ...”, p. 58
the political decision that another nation poses an imminent threat to Japan, Article 9 would not inherently prevent Japan from conducting an aggressive war; much less hinder Japan from participating in a benign UN PKO.

Despite generally capping the JSDF’s budget at only 1% of the GDP, the booming Japanese economy has allowed the JSDF to purchase highly advanced military technology and equipment. While this equipment is defensive in nature, Japan still possesses an offensive capability because it can use its forces to deny territory, particularly sea lanes and airspace, to hostile forces. It does lack equipment that is traditionally offensive in nature, but the principle of preemptive self-defense, which was cited by former DPJ leader Maehara Seiji (among others) as a Japanese right, could easily be used to give Japan the justification to build and maintain first-strike war potential for self-defense purposes. Article 9’s prohibition on war potential and the use of force has been diluted through reinterpretation to the point where it no longer limits Japan from possessing a strong military with offensive and defensive capabilities. Revising Article 9 to become a ‘normal’ country is therefore an unnecessary argument, as is the argument for changing Article 9 in order to participate in UN Peacekeeping. And so, we will next examine the other common arguments advocating revision in Chapter III.

Chapter III: Arguments on revision

Justifications for amending or completely revising Article 9 of the constitution tend to fall into two broad categories: pacifist and realist. The distinction comes is made based upon the perceived likelihood for the JSDF to actually use its expanded powers to

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62 Lind, Jennifer M., “Pacifism or …”, p. 117
63 Yakushiji Katsuyuki, “The Opposition’s Tenacious New Face.” Japan Echo, 33.1 (February 06), pp. 44-45
project force. Pacifists argue that reform is necessary because of perceived limitations on participation in peacekeeping operations, a bid for permanent UN Security Council (UNSC) membership, or to clarify the tortuous interpretations that currently justify the existence of the JSDF. They do not focus upon the JSDF being called upon to actually engage in collective defense operations, either with the United States or with UN PKO partners. Realists, on the other hand, advocate change based upon the potential dangers surrounding Japan, the need for a strong deterrent force, nationalism, and a consideration of the risks involved with the United States alliance. They make the case that the issue is not whether Japan will need to exercise the use of force to defend its interests, but when. It is important to note, however, that the political left tends not to discuss revision on the general principle that it undermines the strength of the constitution. The debate on Article 9, therefore, tends to be between the right-wing realists and the more pacifistic moderates. There are many good arguments advocating change for one purpose or another, but it is essential to consider these in context and to ask why revision has become such a pressing issue now.

Pacifist Proposals:  
*Peacekeeping, Revisited*

One of the remaining difficulties for Japan is the degree to which it can participate in UN operations, particularly PKOs like the ones listed above. “Indeed, the principal motivations for seeking to amend the strictly pacifist Constitution of Japan have been to enable fuller engagement in UN peacekeeping and other multinational activities.”

The constraints of the Five Principles hinder the rapid deployment of the JSDF to global hotspots, and they still bar Japan from using the JSDF offensively to support UN

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64 Soeya Yoshihide. “The Misconstrued Shift in Japan’s Foreign Policy.” *Japan Echo*, 33.3 (June 06), p. 16
resolutions. The internal wrangling that delayed Japanese support for the 1991 Gulf War and ultimately resulted in exclusive use of checkbook diplomacy could theoretically be repeated, leading to further international criticism. Therefore, some Japanese leaders, such as former DPJ president Okada Katsuya, promote Constitutional revision "to enable it to use force overseas in response to explicit resolutions by the United Nations Security Council."65 Greater international peacekeeping efforts by the JSDF is credited by Kenneth Pyle as a responsible way to demonstrate Japanese goodwill toward other nations, build trust and cooperation, and ultimately help maintain peace and security with the Asia-Pacific region.66 Additionally, removing barriers to full participation in PKOs may improve morale in the JSDF forces that do deploy, as members would no longer feel embarrassed by special legal limitations.67

However, the restrictions of the Five Principles have not prevented Japan from creating "an impressive record of participation in United Nations peacekeeping operations, to the point that their involvement in logistical and other forms of non-combat support is becoming almost indispensable."68 Nor has the Five Principles blocked significant Japanese involvement in supporting American military operations in Afghanistan or reconstruction efforts in the war zones of Iraq. Following a revision in 2001 to the 1992 Peacekeeping Operations Law, the JSDF can now engage in collective defense and protect foreign troops through the use of force.69 While the Fourth Principle gives Japan the right to withdraw should its forces come under fire, they are not required to do so.

65 Iwao Sumiko. "Chronology." Japan Echo, 31.5 (October 04), p. 5
66 Pyle, "The Japanese ...", pp. 144-145
67 Zisk, "Japan's United ..." p. 32
68 Takeda Isami. "Taking the Lead in Regional Maritime Security." Japan Echo, 31.6 (December 04), p. 47
Additionally, nonmilitary forces are capable of having a significant impact, whether as comprehensive civilian teams of doctors, lawyers, business advisors, media, election advisors, and engineers, or as simply a strong police force to assist other nations in providing stability and security.\textsuperscript{70} If Japan truly sought to improve its relations with other states, then why not continue its policy of commitment to unarmed neutrality to reassure them of its peaceful intentions? The use of ‘soft power’ in Samawah was critical to creating a positive response by the local Iraqis, leading even to a spontaneous demonstration in favor of JSDF involvement in the city.\textsuperscript{71} Finally, while members of the JSDF may find greater morale from increased participation in PKOs, the JSDF has a long history as a strictly peaceful organization. Changing the mission to a more dangerous one of military involvement would greatly increase its challenges in recruiting sufficient members.\textsuperscript{72}

UNSC Membership

The second pacifist position for revising Article 9 is the belief that lifting the restrictions on the JSDF would facilitate Japan’s election as a permanent member of the UNSC. “Japan provides approximately 20.6 per cent of the UN budget, second only to the United States, exceeding the combined contributions of four permanent members of the UNSC (excluding the United States).\textsuperscript{73} Japan greatly increased its participation in UN PKO through the 90’s, which is considered critically important for getting a seat on the UNSC\textsuperscript{74}, but Deputy Secretary of State Richard Armitage still indicated in August 2004

\textsuperscript{69} Singh, “Japan’s Post-Cold ...”, p. 93
\textsuperscript{70} Takeda, “Taking the ...”, p. 50 and Zisk, “Japan’s United ...”, p. 34
\textsuperscript{71} Kondō, “A New ...”, p. 34 and Banshō Kōichirō, in Ishiba Shigeru, Banshō Kōichirō, Saitō Tsuyoshi, and Kiyota Yasushi. “The SDF’s Accomplishments in Iraq.” Japan Echo, 33.6 (December 06), p. 63
\textsuperscript{72} Zisk, “Japan’s United ...” p. 31
\textsuperscript{73} Singh, “Japan’s Post-Cold ...”, p. 92
\textsuperscript{74} Zisk, “Japan’s United ...” p. 22
that Article 9 was an obstacle to Japan’s membership on the UNSC.75 One month later, PM Koizumi addressed the UN General Assembly, stating, “We believe that the role that Japan has played provides a solid basis for its assumption of permanent membership on the Security Council.”76 By revising Article 9 to allow Japan to develop a more powerful military, Japanese leaders hope to strengthen their bid and eventually assume a seat in a revised UNSC.

However, this explanation for the revision of the Peace Constitution does not take into account the numerous other related aspects of UN reform. First and foremost, while Japan has worked together in its campaign with other prospective UNSC members such as India, Brazil, and Germany; its membership is certain to be opposed by China over fears of resurgent militarism and a realist desire to maintain its regional power and authority. Japan has not held the public debate on the role it would like to play on a revised UNSC or how it hopes to convince China not to veto Japan’s bid considering diplomatic relations are at an especially low point following the Koizumi era, continuing Chinese complaints over WWII aggression, and this associated move to significantly increase the power of the Japanese military. Without finding a solution to China’s position, reforming Article 9 in the hopes of eventually getting a permanent seat seems to be putting the cart before the horse.

Second, while the U.S. has stated its endorsement of Japan joining the UNSC, this move has the potential to seriously damage U.S.-Japan relations if Japan fails to fully support American policies, as shown by the rift between the US and France following

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76 Iwao Sumiko, “From the Editor.” Japan Echo, 31.6 (December 04), pp. 2-3
Paris’s objection and threatened vetoes to the 2003 Iraq invasion. While the remilitarization of Japan would make such a shift less damaging to Japanese national security, Tokyo still relies upon the US nuclear arsenal as a deterrent. Would Japan choose to be the only non-nuclear UNSC state? Does revision with the goal of UNSC membership entail a shift on Japan’s historic policy of supporting its three non-nuclear principles? There are a number of implications to this policy change that are not being discussed in the context of Article 9 reform, making it less likely that the bid for UNSC membership is the driving force for change.

Third, Ahn points out that there are three basic camps to the UNSC position: ‘doves’ who do not object to membership provided that Japan is not required to use force; ‘hawks’ who are primarily interested in gaining the seat even if it means Article 9 reform; and ‘reformers’ (including Koizumi) who insist that the UN must be reformed prior to Japanese membership on the UNSC.\(^7\)\(^7\) Among these, the push for Article 9 reform is only a priority for the hawks. Yet Koizumi’s tenure as PM and head of the LDP saw the government initiate its Constitutional Research Commissions and the official LDP proposal revising Article 9. While it is possible that he shifted to the hawk camp following Ahn's 1997 article, this prospect seems less likely given his 2004 address to the UN advocating the reformist position. Instead, his advocacy of Article 9 reform is probably based upon other considerations.

Modernization

The third major position of the pacifist revisionists is that of promoting national honesty and updating the Constitution to reflect modern realities. Changing the text of Article 9 would clarify the legitimacy of the JSDF, removing any potential challenges to its constitutionality. CLB interpretations and the Supreme Court’s abstention in addressing the issue have allowed the JSDF to operate up to its current capacity; however, they are subject to change and could theoretically reverse their positions to outlaw the existence of the JSDF. Explicitly authorizing a military force removes the threat of suddenly needing to demilitarize based upon the opinions of new members to the CLB & Supreme Court. At the same time, revising the Article gives Japan the opportunity to insert a clause recognizing Japan’s legal right to engage in collective defense arrangements, which confirms and strengthens Japan’s role as an equal partner in the US-Japan security alliance.

Advocates for this position also emphasize that Japan has the oldest unaltered Constitution in the world, and “they believe it is out of step with the times.” World War II was viewed as a watershed moment, where the destructive power of the atomic bombs now meant that nations would no longer go to war with one another. The optimism surrounding the creation of the United Nations as a means of resolving disputes allowed for the hope that a truly pacifistic nation like Japan was intended to become would be a model for other states to follow. However, with the pacifist optimism of the postwar period unrealized, the Constitution itself has become obsolete. “The international situation today is completely different from the one that existed when this language was

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78 Watanabe Akio. “Revising the Constitution and Reforming the UN: Japan’s Parallel Agenda.” Japan Echo 32 Special Issue (2005), p. ?
drawn up. Revising the Constitution allows Japan to adjust Article 9 as well as adjusting sections on human rights, the status of the Imperial Family, and modern technology.

Unfortunately, the modernization perspective also has shortcomings in explaining the current initiatives to revise the Constitution. Why would Japan, a nation with a long tradition of respecting tradition, need to amend its Constitution simply because it has stood unchanged for over 60 years? This long history would be a point of pride at the adaptability and quality of the document if not for other issues encouraging revision. Article 9 has been reinterpreted numerous times over the past half-century, yet the CLB has consistently argued that Japan is authorized the right to self-defense, a point which the Supreme Court has also agreed upon through its refusal to tolerate lower court rulings against the JSDF. Furthermore, most polls show that the 80% of the Japanese public feel that the JSDF is constitutional already.

Similarly, Tokyo has begun to increase its participation with American military forces by engaging in collective security operations in Iraq and Afghanistan. The desire to actively name these operations as collective defense does not become a reasonable calculation knowing that it would entail significantly damaging Sino-Japanese relations. Finally, why are these amendments necessary now, when the CLB and Court have been good enough to manage these concerns through legal interpretations up to this point? For example, in their revision proposals, Ozawa, Nakasone, and Hatoyama have all proposed authorizing various degrees of collective defense, as have the Yomiuri Shimbun and the

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79 Nishi, “Bringing Article ...” p. 37
80 Asō, “Building a ...” p. 48
81 Hook & McCormack, Japan’s Contested.... pp.18-20
82 Hook & McCormack, Japan’s Contested.... p. 88

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LDP.\textsuperscript{83} Pushing for constitutional revision based upon a desire to entrench a legal justification for collective security operations seems unnecessary given the success of reinterpretation and the diplomatic risks associated with revision.

**Realist Proposals:**

*Proactive Pacifism, Normalcy, and Nationalism*

In contrast with the pacifist proposals listed above, a number of positions advocate revising Article 9 with the full knowledge that this change may likely involve using the JSDF in expanded roles which include possibly exercising the use of force to accomplish Japanese goals. In the most benign form, proactive pacifism, revisionists suggest that changing Article 9 would enable Japan to take a greater leadership role in international diplomacy. Through increasing its commitments to support peacekeeping and being able to back up those commitments with force, if necessary, Japan can create 'a new regional order'.\textsuperscript{84}

Indeed, the principal motivations for seeking to amend the strictly pacifist Constitution of Japan have been to enable fuller engagement in UN peacekeeping and other multinational activities. And as many opinion polls show, support for amendment derives chiefly from the public's desire for a 'proactive pacifism' that would enable Japan to play a bigger role in maintaining the peace and stability of the international community.\textsuperscript{85}

Proactive pacifists are not as militarist as most other realist revisionists, yet they do recognize that the JSDF may ultimately be required to use fight should Article 9 be changed. For instance, the *Yomiuri Shimbun*'s plan for revising the Constitution would keep the first paragraph of Article 9 renouncing the use of force to settle international disputes, but eliminate the second that declared, "land, sea, and air forces, as well as other

\textsuperscript{83} Hook & McCormack, *Japan's Contested...,* pp.36-40, Itoh, "Japanese Constitutional ...", pp. 316-321, and LDP Draft Revision Article 9.3

\textsuperscript{84} Ashizawa, "Tokyo's Quandary ...", p. 417

\textsuperscript{85} Soeya, "The Misconstrued ...", p. 16
war potential, will never be maintained.” In its place, it would explicitly declare Japan’s right to possess armed forces and add a third paragraph “committing Japan to dispatch its armed forces ‘for the maintenance and promotion of peace and for humanitarian support activities.’”

Ozawa Ichirō’s 1999 proposal was designed to achieve the same goals through merely adding to the existing text; he included a paragraph which stated that Japan could maintain self-defense forces and a new article to follow Article 9 on Japan using its armed forces to “maintain and restore international peace and security from threats to peace and acts of destruction and aggression, and actively contribute to world peace….”

Another realist tactic is to consider militarization in an all-or-nothing sense – either Japan should possess a fully functional military on par with ‘normal’ nations, or it should revert to pre-1950 total demilitarization.

If they truly believe that renouncing war and weapons is the right course, surely they should be arguing for a revised Constitution that sets out in crystal-clear, unequivocal terms a commitment that Japan absolutely rejects any form of war or the threat or use of force and will not possess any war potential, even for the purpose of self-defense.

This degree of pacifism has never been the case under the Japanese Constitution, due to Col. Kades’s and Chairman Ashida’s efforts to ensure that Japan was not denied the right to self defense. However, while there is a minority who does believe in total demilitarization, they also tend to respect the Constitution as a document and are against any revisions on general principle.

The proactive pacifism argument works hand in hand with the ‘normal country’ argument created by Ozawa Ichirō following the inability of Japan to participate

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86 Hook & McCormack, Japan’s Contested ..., p. 36
87 Itoh, “Japanese Constitutional …”, pp. 315-16
militarily in the coalition to liberate Kuwait. By becoming a ‘normal country’ again, Japan would no longer be constrained from operating in these situations. This has a strong appeal to nationalists, who see Article 9 revision as “a prerequisite for Japan to become a truly independent and self-confident nation.” Yet most advocates of this position are careful to deny that nationalism is truly a motive behind it, e.g. Soeya’s “Reading a hidden nationalist agenda to return to major-power status in this argument is virtually impossible” due to the immediate connection this makes to the ultranationalist militarism which contributed to World War II. Still, with the claim of ‘return to major-power status’, it is easy to see how China and the Koreas would find this position unsettling, regardless of whether the intent is benign or not.

And while the utilitarian motives of using the JSDF to provide for the safety, security, and welfare of others is admirable, it could be argued that this is already the case with its use in PKO. Japan has been engaging in proactive pacifism since its 1992 dispatch to Cambodia. Are Japanese leaders envisioning a scenario where the JSDF would need to intervene and impose a truce upon warring parties? Plans for combined operations with other UN forces would not necessitate revision of Article 9, given Japan’s long and successful history of providing rear-echelon support. Insisting on exposing JSDF troops to hostile fire by placing them in an offensive position could theoretically be explained if Japan was searching for national prestige. However, Chinese and Korean opposition to remilitarization gives Japan an easy excuse to not endanger their troops while still making a contribution, which is similar to the LDP’s use of Socialist opposition to avoid unpleasant American demands for greater involvement.

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88 Nishi, “Bringing Article …”, p. 36
89 Itoh, “Japanese Constitutional …”, p. 325
Either Japanese political leaders are willing to risk a significant public backlash over JSDF fatalities in an intervention for the sake of this prestige, or there must be other factors influencing the drive toward revision.

**Neorealism**

Some advocated for changes to Article 9 explicitly do so in realist terms. They stress a dangerous and unpredictable world in which Japan needs to be able to protect itself. A stronger military would deter rivals from attacking, strengthen Japan’s diplomatic negotiating power, and give Japan the option of preemptive strikes in the event that Tokyo discovers an imminent threat. "What really concerns Chinese elites is that the increase in Japan's military capabilities will shift the balance of power in Japan's favor."91 Up to this point, Japan has only limited diplomatic leverage based upon economic aid & economic sanctions, especially in regards to negotiations with North Korea.92

It would also provide Japan the option of greater independence from Washington, since Tokyo would no longer need to rely upon the American military for national defense. The terrorist attacks of September 11th also demonstrated to Japanese realists that the pacifist nature of Japan would not necessarily protect them from extremists, particularly those who wish to oppose Japan’s alliance with the US.

[9/11] added momentum to the drive to amend the Constitution by making the Japanese more aware of their position within the international community and convincing many that Japan could no longer afford to take refuge behind an idealistic and unilateral pacifism.93

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90 Soeya, “The Misconstrued ...”, p. 16
91 Wu, “The Security ...”, p. 301
92 Ashizawa, “Tokyo's Quandary ...”, p. 429
93 Hanaoka, “The Long ...”, p. 31
Former DPJ President Hatoyama’s 1999 proposal fits this category well. It explicitly declared the right to maintaining armed forces and war potential, although it did promise that Japan would not use these forces for acts of aggression. His reluctance to include measures authorizing collective defense and his desire to reduce Japan’s reliance upon the US both show neorealist skepticism over cooperative agreements. Former PM Nakasone’s 2000 proposal was similar, although he did endorse collective self-defense in his. In either case, revising Article 9 gives Japan a permanent framework to address deploying the JSDF, so that the Diet is not forced to reinvent the wheel with every new mission.

However, these neorealist philosophies are subject to both traditional criticisms (e.g., “the constitutional commitment never to go to war is the greatest self-defense capability we have”) and they fail to explain the currency of the revision debate. Revision has been part of the LDP plank for over 50 years, and throughout that time neorealist philosophy on remilitarizing Japan has been sought. Yet only within the past decade has constitutional revision been pursued so openly by leading Japanese politicians. Neorealism only explains this initiative if Japan’s security environment has recently become more dangerous.

The American Alliance

When the US was attacked on September 11th, Article 5 of the NATO charter immediately allowed for all NATO members to come to its aid as part of that collective security agreement. However, the terms of the US-Japan Security Treaty did not

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94 Itoh, “Japanese Constitutional …”, pp. 316-21
automatically require Japan to send the JSDF to support its alliance partner, and the Diet had to pass the Antiterrorism Measures Special Law of 2001 in order for Japan to assist its ally. This unprecedented bill took nearly two months to pass, repeating the slow response of 1992 that ultimately resulted in the JSDF not participating in Desert Storm. Revising Article 9 to allow Japan to join in collective security agreements would give the country the opportunity to become a more equal partner in the alliance, capable of defending its ally through deploying the JSDF rather than merely being the recipient of American protection.97

"In the Diet, discussion of this subject tends to focus on the highly fanciful idea that if we acknowledge our right of collective self-defense we will be forced to send the SDF to the other side of the world to fight alongside US troops."98 However, there are risks in not participating in collective defense in hypothetical conflicts in East Asia. Should Taiwan declare full independence, China and the United States could be drawn into open conflict. While Japan would be able to use the current security arrangement to assist the US if China shot first, Japan would legally be under no obligation to do so if the Americans preemptively struck against the Chinese. While the US would certainly request assistance from Japan, it is possible that Diet lawmakers would block any move to assist the aggressor – a snub which would critically damage or destroy the alliance altogether. Similarly, potential US-North Korean conflict may have severe repercussions on Japan if it does not actively assist the US. “Whither the alliance, however, if the

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96 Shinagawa Masaji and Ogoura Kazuo. “Improving Japan's Relations with China and South Korea.” Japan Echo, 33.2 (April 06), p. 24
97 Okamoto, “Japan and...”, p. 64-65
98 Nishi, “Bringing Article...”, p. 34
United States finds it necessary to mount military operations against North Korea from US bases in Japan and needs active Japanese assistance?"99

However, as the Asahi Shimbun points out, drawing too close to the United States is risky as well. "The paper observed that since the end of the Cold War, the bilateral alliance has been extended to broadly cover the Asia-Pacific region, and it warned that Japan is becoming overly integrated into America's worldwide strategy."100 In an elegantly ironic twist, revising Article 9 is also seen as a potential means of reducing Japan’s reliance on the US alliance, since Japan could then militarize to the point where it no longer needed American protection. This aspect is particularly worrisome to those who fear a resurgence of Japanese militarism. "From the perspective of countries in Southeast Asia, it appears that the Japan-US alliance is in fact so rigid that it keeps Japan from taking the initiative on security issues."101

Washington has consistently supported Japan’s remilitarization and the removal or revision of Article 9. However, as Samuels points out, the revision process may in fact produce a text which severely restricts how and when Japan may engage in collective defense. Article 9 may change to “only in multinational, multilateral peacekeeping activities authorized by the United Nations and not in anything that’s simply collective security, collective defense, narrowly defined, with its alliance partner.”102 Given the precedent of the Bush administration’s decision to act unilaterally against Iraq without UN approval, a revision to Article 9 may ultimately result in reducing Japan’s ability to assist its ally. In the Taiwan scenario mentioned above, no UNSC resolution, sanction, or

100 Watanabe Hirotaka, “Military Realignment,” Japan Echo, 33.1 (February 06), p. 51
101 Takeda, “Taking the …”, p. 47
peacekeeping operations would escape veto, necessitating Japan to be able to act independently if it hoped to support the United States. With the increasing push with Japan for remilitarization, it “… is becoming a more assertive but less predictable security partner for the US.”

North Korean Threats: Escalating Tensions

The Korean peninsula has long been characterized as ‘a dagger pointing at the heart of Japan’, and the final realist justification for revising Article 9 involves considering the potential threat from North Korea. Tensions with North Korea over Japan’s occupation of the peninsula have largely remained since 1945, and the Cold War rivalry between each state’s respective allies also contributed to the hostility. However, normalization talks between Japan and North Korea did begin in 1990, and Japan was to become an active participant in supplying aid to North Korea in the event of Pyongyang’s normalization of relations with the West. However, following the heavy media exposure of North Korea’s admission in 2002 of abducting numerous Japanese nationals, the detention of 2 Japanese fishermen by the North Korean government from 1983 to 1990, multiple suspicious incidents involving suspected North Korean spying ships, one of which was sunk in December 2001, multiple test launches of missiles that could strike targets in Japan (in 1993, 1998, and 2006), and North Korea’s continuing efforts to develop nuclear weapons, the Japanese public has increasingly seen the North

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102 Samuels, “Constitutional Revision…”, p. 15
103 Hagström & Söderberg, “Taking Japan-North…”, p. 375
104 Hughes, “The Political…”, p. 460
Korean military as a threat and endorsed taking a strong position against it.\textsuperscript{105} As Tanaka Akihiko argues, “Tokyo must strengthen its security policy based on the premise that North Korea is in possession of nuclear weapons.”\textsuperscript{106} In the event of hostilities between NK and either Japan or the US, Japanese cities would be likely be attacked by the North Korean People’s Army (NKPA), and its nuclear power plants targeted for sabotage or destruction by NKPA Special Forces.

While Japan already has taken some steps to challenge North Korean missile tests, such as the 1998 suspension of Japan’s KEDO contributions and the imposition of some sanctions, but Japanese realists believe that a military balance is also necessary to protect Japan from further Korean provocations or escalations.\textsuperscript{107} Obviously, the degree of this threat is in large part dependent upon the outcome of the SPT and relations between the US and North Korea, but as Ashizawa Kunkiko states, “…among the participants, Japan faces, arguably, the most direct and serious threat to its security in the even of the SPT’s failure…”\textsuperscript{108} Japan is more threatened by North Korea than its American ally because the Japanese islands are within range of Pyongyang’s Rodong missiles, while North Korea has not yet successfully tested the Taepodong 2, which is its only missile theoretically capable of hitting the United States.\textsuperscript{109} Prime Minister Abe Shinzō himself stated, “Japan is the nation placed under the greatest threat [by North Korea], and there is also the serious problem of the abduction issue.”\textsuperscript{110} According to a

\textsuperscript{106} Tanaka Akihiko. “Poor prospects for a Nonnuclear North Korea.” Japan Echo, 34.1 (February 07), p. 15
\textsuperscript{107} Hagström & Söderberg, “Taking Japan-North …” pp. 379-80
\textsuperscript{108} Ashizawa, “Tokyo’s Quandary …”, p. 411
\textsuperscript{109} Tanaka, “Poor prospects …”, p. 15
\textsuperscript{110} Okonogi, “The US-Japan …”, p. 19
recent poll by the *Yomiuri Shimbun*, 80% of Japanese citizens believe that North Korea poses a threat to Japan.\(^\text{111}\)

**Revision**

But it is no coincidence that the push for revising Article 9 emerged from being an ignored plank of the LDP to becoming the center of a major constitutional debate following North Korea’s missile tests and the breakdown of normalization talks. However, given Japan’s history of using economic aid to create peace, why has Tokyo refused to provide such aid to North Korea?\(^\text{112}\) Because taking a hard line in diplomatic relations has been “an expression of the people’s will”, and overcoming these objections as well as those of allied nations would be politically extremely difficult.\(^\text{113}\) “It is highly doubtful, however, if it [refusing to provide ODA] has any effect as a negative sanction …as a punishment for bad behaviour or in an attempt to get the North Korean government to change its behaviour (as at present). [sic]”\(^\text{114}\) “… [T]he overall trend has been towards a harder line on engagement, with progressively fewer signs of a willingness to backslide on sanctions.”\(^\text{115}\) “[I]t is important to note that at least since the North Korean missile launch in 1998, there has been a growing tendency in Japan to favour more coercive measures while strongly opposing normalization.”\(^\text{116}\) Watanabe Hirotaka believes the hard-line position stretches back farther to the North Korean admission of abducting Japanese nationals, “The Japanese public, which until then had

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\(^\text{112}\) Söderberg, Marie. “Can Japanese Foreign Aid to North Korea Create Peace and Stability?” *Pacific Affairs*, 79.3 (Fall 2006), p. 434
\(^\text{113}\) Ashizawa, “Tokyo’s Quandary …”, p. 428
\(^\text{114}\) Söderberg, “Can Japanese …”, p. 453
\(^\text{115}\) Hughes, “The Political …”, p. 478
\(^\text{116}\) Hagström, “The Dogma …”, p. 405
been rather optimistic about prospects for settling the issue, also expressed shock, and there was a sudden stiffening of hard-line attitudes toward North Korea.117

Proposals for revision emerged as the Japanese public became increasingly aware that North Korea posed a threat to Japan, and the design of the proposals to allow for Japan to build up the JSDF in such a manner to better defend against North Korea or possibly initiate a first strike against Pyongyang confirm that this perceived threat is central to the current Japanese debates on revising Article 9. “North Korea is a major external factor in the rise and growth of assertive Japanese nationalism.”118 “[T]he Japanese government has long regarded North Korea’s suspected development of nuclear weapons as one of the most destabilizing factors in the Asia-Pacific region, if not the world, and this issue clearly has all the necessary potential to turn Japan into a ‘military power’.”119

Revising Article 9 to allow Japan to balance this threat therefore has a great appeal.120 Revision allows Japan to create an offensive capability that could take part in preemptive strikes against North Korean missile launching sites. This evolution in public opinion from idealistic pacifism to hard-line opposition to North Korea has been somewhat slow in developing, but it has been steadily growing as well. Should the neorealist revisionists succeed in changing the peace constitution to allow Japan to balance North Korea militarily as well, it would likely contribute to an escalation of tensions and a greater threat to both countries.

117 Watanabe, “Impediments, ...”, p. 8
118 Hagström, “The Dogma...”, p. 401
119 Hagström & Söderberg, “Taking Japan-North ...”, p. 374
120 Watanabe H., “Military Realignment”, p. 49
Japanese hard-line leadership

Another consideration that supports this theory that North Korean concerns are the primary reason for the revision of Article 9 is the recognition that a number of influential Japanese politicians believe in strongly opposing North Korea. As Hughes notes,

In many cases, Japan’s domestic policy makers have been motivated to pursue both instrumental sanctions that are aimed at undermining the North Korean regime, and ‘expressive’ sanctions that, despite talk of ‘regime change,’ may not inflict critical damage on the North but do demonstrate general abhorrence towards the regime over the abductions and other security issues.\(^\text{121}\)

While PM Koizumi has repeatedly tried to engage North Korea, with summits in 2002 and 2004, he was opposed by the US and largely unsuccessful.\(^\text{122}\) Other officials responsible for diplomatic efforts, such as Makita Kunihiko and Tanaka Hitoshi, “have been the subject of acerbic media and political attacks”, as Hughes continued to observe.\(^\text{123}\)

Meanwhile, many other prominent Japanese officials have taken strong positions against North Korea. As Victor Fic described, In the DPJ, former leaders Hatoyama Yukio, Okada Katsuya, Maehara Seiji, and current president Ozawa Ichirō have all advocated tough opposition to North Korea.\(^\text{124}\) PM Abe Shinzō, as the former chief negotiator for Japan on the abduction issue, used his hard-line position to catapult himself into the Chief Cabinet Secretary position and eventually the Prime Minister’s Office. Hughes also described his chief rival for the position, Foreign Minister Asō Tarō, as “a

\(^{121}\) Hughes, “The Political …”, p. 479
\(^{122}\) Hughes, “The Political …”, pp. 463-466
\(^{123}\) Hughes, “The Political …”, p. 467
\(^{124}\) Hughes, “The Political …”, p. 475 and Yakushiji, “The Opposition’s …”, pp. 44-45
known hard liner against North Korea.” Victor Fic adds that Koizumi’s Defense Minister Ishiba Shigeru endorsed imposing sanctions, and Tokyo governor Ishihara Shintaro has gone so far as to advocate ‘revenge’ against North Korea. Ultimately, Hughes explains,

... [T]he LDP has shifted from being a party of engagement to one of containment; the SDPJ has evaporated as a force for engagement and been replaced by the DPJ, increasingly seeking to rival the LDP on its hard-line stance; local government has reinforced the containment trend; the North Korean community in Japan has declining resources to generate support for engagement; and the business community is currently disinterested in engagement.

US Role, US Vacuum

While the US alliance does provide Japan with a credible nuclear deterrent, there is also the risky possibility of the US dragging Japan into a war with North Korea. The US already approached Japan to discuss this possibility once, immediately following North Korea’s withdrawal from the nuclear Non-Proliferation Treaty (NPT). North Korea’s prospects for directly attacking the US and triggering Japanese support through the alliance are limited and unlikely; however, the possibility that the US may attack North Korean nuclear sites and request Japanese wartime support is not unforeseeable.

But considering the North Korean threat does offer a clear explanation on why the push for revision emerged when it did and with the focus it has. It followed a series of provocations by North Korea when prospects for a peaceful settlement seemed increasingly bleak. The key to answering Hagström’s implied question on why Japan’s foreign policy in regards to North Korea is changing now as opposed to during the

125 Hughes, “The Political …”, p. 468
127 Hughes, “The Political …”, pp. 478-479
128 Hagström, “The Dogma …”, pp. 395-396
tensions of the mid-1990s is to examine the impact of America’s recent preoccupation with the Middle East, and the security vacuum that subsequently emerged in Northeast Asia.

Of all the justifications for changing Article 9 of the Japanese Constitution, few reasons make sense in regards to the current context. Japan’s ability to participate in peacekeeping is not limited by the constitution, there are a number of important hurdles to overcome prior to Japan being able to become a permanent member of the UNSC, and modernizing the Constitution would seem a deliberate means of provoking the animosity of Japan’s neighbors given the alternative of continued reinterpretation. Attempting to play a more influential leadership role through the dispatch of JSDF troops is equally likely to generate local hostilities. But the increasing perception that Japan may need to counter a future threat from North Korea or get dragged into an American war against North Korea does explain why the Japanese may feel a need to revise Article 9, especially given the hard-line positions of many leading Japanese politicians. How these proposals for revision demonstrate a Japanese movement to assume greater responsibility for securing the region will be covered in Chapter IV.

Chapter IV: Balancing North Korea

There are two main aspects to the changes being debated that further indicate that Japanese leaders are pushing to balancing the perceived North Korean threat. First, there are the ways in which the various proposed revisions of Article 9 are designed to counter specific North Korean threats. Second, these changes are taking place at the same time as a drawdown of American forces in the region and with the endorsement of the United

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129 Hagström, “The Dogma...”, pp. 410
States. In combination, these steps indicate moves by Japanese leaders to take over responsibility for containing North Korea from the United States.

**The Evolution of Revisionist Proposals**

Many common features run through various revision proposals, but primarily focus on the explicit authorization of the JSDF and the ability for Japan to participate in collective defense arrangements. Yet examining the specific proposals by the *Yomiuri Shimbun* in 1994, Ozawa Ichirō in 1999, and the revised LDP draft in 2005 shows how the right has adjusted its position over the past decade. The *Yomiuri* draft appeared just a few months after the crisis over North Korea's threatened withdrawal from the NPT in June of that year, during which Japanese officials had been strongly against a military strike on the Yongbyon nuclear plant. Ozawa’s text appeared following the 1998 Taepodong launch and several incidents with suspected North Korean spying vessels, and the 2005 revised draft LDP proposal was formulated after the United States had begun reducing its military presence in South Korea to support its war in Iraq.

**The Yomiuri Proposal**

On 3 November 1994, the *Yomiuri* printed its proposed text for a new constitution. The editors stated that the point was not to reject the pacifism of the Peace Constitution, but rather to reinforce the principles through clarifying and updating the document. Article 9 was no longer placed in a section entitled “Renunciation of war”. Instead, two chapters were created to deal with the use of the JSDF: ‘National security’ and ‘International cooperation’. The first contained the original pacifist principle of the

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130 Hagström, “The Dogma ...”, pp. 395-396
131 The US redeployed a brigade of combat troops in the 2nd Infantry Division from bases near the DMZ back to the US so that they could be then rotated to fight in Iraq. – Author’s note.
132 Hook & McCormack, *Japan’s Contested....*, pp. 36-37
first paragraph of Article 9, with only the minor semantic change of a single word in order to imply that aggressive war was not a right to be renounced but a claim that the Japanese people would not recognize. The contentious second paragraph of Article 9, the prohibition of armed forces and the non-recognition of the right of belligerency, was deleted. Yomiuri editors substituted in its place the following provision: “Seeking to eliminate from the world inhuman and indiscriminate weapons of mass destruction, Japan shall not manufacture, possess or use such weapons.”

At first glance, this resembles Japan’s three non-nuclear principles, which prohibit the manufacture, possession, or use of nuclear weapons. But this paragraph goes much further than this policy. While it prohibits the use of weapons of mass destruction (WMD) by Japan, the initial clause sets the goal of eliminating WMD from other nations as well. The Yomiuri editors make a point of specifically describing in their attached commentary that, “nuclear proliferation among smaller powers is... a serious threat to world peace.” This is obviously a reference to the 1993-94 crisis over North Korea’s threatened withdrawal from the NPT, and the fact that this paragraph is in the place of Japan’s previous commitment banning military forces, war potential, and the right of belligerency is a powerful indication that Japan was looking for ways to counter North Korea. Furthermore, the Yomiuri proposal gives this goal of eradicating WMD worldwide as a crucial part of Japan’s national security, implying by extension that countries that do pursue WMD development are threats to Japan. While aggressive war for settling international disputes is prohibited in paragraph one, there is the possibility that an attack against a country developing WMD could be considered an act of self-defense under this

133 Article 10.1. Hook & McCormack, Japan’s Contested..., pp. 59, 87
134 Article 10.2. Hook & McCormack, Japan’s Contested..., p. 59
measure. After all, the first measure of the *Yomiuri*’s next article states “Japan shall form an organization for self-defense to secure its peace and independence **and to maintain its safety**.” [Emphasis added]¹³⁶

The section on International Cooperation lists a number of conditions that the government would ideally seek to prevent through the intervention of civilian officials or the JSDF, as part of a larger international force. These include “... military conflicts, natural disasters, environmental destruction, economic deprivation in particular areas and regional disorder.”¹³⁷ While the later is vague enough to offer numerous interpretations, these potential deployments are limited by the requirement that Japan merely cooperate with “the relevant well-established and internationally recognized organizations”¹³⁸ instead of taking the lead or acting unilaterally. Finally, while Article 14 is a significantly modified version of Article 98 from the 1947 constitution on observing international laws and treaties, it still clearly indicates that international law has precedence over the government. So while theoretically under this system the Diet may pass a law to authorize a war, without a broader international approval this would not be permissible.¹³⁹

*The Ozawa Proposal*

However, five years later Ozawa Ichirō offered a new program for constitutional revision, taking into account a number of missile tests and the suspicious fishing vessels that appeared to come from North Korea. He proposed adding a paragraph to the existing Article 9, stating “The regulation in paragraph 2 does not prevent the maintenance of

¹³⁵ Hook & McCormack, *Japan’s Contested* ..., p. 87
¹³⁶ Article 11, Hook & McCormack, *Japan’s Contested* ..., p. 59
¹³⁷ Article 12, Hook & McCormack, *Japan’s Contested* ..., pp. 59-60
¹³⁸ Article 13, Hook & McCormack, *Japan’s Contested* ..., p. 60
military power for the purpose of exercising Japan's right of self-defense against military attack by a third country.\textsuperscript{140} Itoh has criticized Ozawa's proposal by pointing out that it does not address the existing problems of ambiguity within the existing first two paragraphs of Article 9, and that Ozawa's suggested third paragraph may also contradict them as well, which would only worsen Japan's Constitutional dilemma.\textsuperscript{141} These changes also do not consider the track record and probable future of further constitutional reinterpretation by the CLB, which would likely make these changes only a temporary stage in the normalization of Japan's military.

Ozawa also proposed a new Article on International Peace, and this offers an interesting perspective on the how the opinions on the use of the JSDF had started to change among the right.

The Japanese people shall take the initiative in participating in international peace activities, in order to maintain and restore international peace and security from threats to peace and acts of destruction and aggression, and actively contribute to world peace, through every means including the supply of armed forces.\textsuperscript{142}

He suggests a more active and interventionist role for Japan in preventing both threats to peace and acts of aggression through the supply of armed forces, implying Japanese membership as a member of a larger coalition, but yet he proposes that "The Japanese people shall take the initiative in participating in international peace activities...", opening the possibility for Japan to be the head of such an interventionist force, if not acting unilaterally. "Every means including the supply of armed forces" may also even conflict with his revision of Article 9, since such means may include offensive forces that are prohibited.

\textsuperscript{140} Hook & McCormack, Japan's Contested ..., pp. 60, 91
\textsuperscript{141} Itoh, "Japanese Constitutional ...", p. 319
\textsuperscript{142} Article 9. Hook & McCormack, Japan's Contested ..., p. 166
While “acts of destruction and aggression” offers a straightforward sign to deter nations from launching attacks upon other countries, using the JSDF against “threats to peace” is an authorization for preemptive, if not preventative, warfare. This notion should be of even greater concern for Japan’s neighbors given that there is no explicit definition of “acts of aggression”. Would North Korea’s repeated missile test launches be considered a provoking act of aggression? What’s worse, could legitimately civilian satellite launches from North Korea be misinterpreted as an act of aggression?

Pyongyang stated that the 31 August 1998 Taepodong launch was an attempt to place a satellite in orbit; Tokyo criticized it as a missile test, suspended its contributions to KEDO, and increased its commitment to developing a missile defense system with the US. This proposal ultimately would give Japanese leaders much greater decision-making leeway in balancing or militarily countering a threat from North Korea.

Ozawa’s position is more stringent than the Yomiuri in every respect. Rather than seeking to reinforce the pacifism of the constitution, he lays a framework for actively using the JSDF in order to promote international peace. He does not mention a constitutional prohibition on Japan’s possession or use of WMD, possibly as a result of the recent WMD attack on Japanese citizens by members of an extremist cult: namely, the sarin gas attacks in the Tokyo subway system in 1995. Nor does he require Japan to gain the permission of the international community (IC) prior to deploying the JSDF. Rather than merely cooperating with the IC for the common good, he views Japan’s role as an enforcer of international peace, with associated military commitments to intervene.

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142 Itoh, “Japanese Constitutional ...”, pp. 315-316

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in outside conflicts. However, the most recent draft of the LDP’s proposal for a new constitution goes further still.

The LDP Draft Proposal

Like the Yomiuri and Ozawa, the LDP version retains the first paragraph of Article 9. However, this is relabeled from the clear “Renunciation of war” to merely “The Pacifist Principle” of the chapter on Security. This change is a significant dilution of the prohibitive authority of the section: rather than outright banning of war or the threat thereof as a means of settling international disputes, this behavior is relegated to merely a goal towards which the state aspires. Changing this subheading is a means of signaling that the LDP authors wished to alter the strict rejection of war and militarism in all respects that is essential to the Peace Constitution text.

Under the sections on the SDF, a number of interesting points arise. It begins with, “In order to ensure the peace and independence of our country as well as the security of the country and our people, we maintain the self-defense military under the prime minister as supreme commander.” The 1947 decision to not recognize the international rights of belligerency has been lifted, and the legal justification for the maintenance of the JSDF is spelled out. Interestingly, the security of the country and Japanese people are identified separately from the peace and independence of the Japanese state. The LDP is making a point to imply that the government will not limit the use of the JSDF to responding to incidents of open warfare or attempted conquest of Japanese territory. ‘Security of the country’ offers an open-ended framework of possible uses, ranging from promoting economic security through policing sea lanes, to focusing on health security through enforcing quarantines and vaccinations, to responding to
human security crises during natural disasters, to more traditional interpretations of national security through military deterrent responses to escalating provocations that endanger the lives or welfare of Japanese citizens. Additionally, ensuring the security of the Japanese people gives the JSDF the ability to act overseas to protect Japanese nationals, such as those the North Korean government admitted to kidnapping during the 70’s and 80’s.

Furthermore, the LDP draft specifies in Section 2.3,

In addition to accomplish the aims enacted in section one, the defense forces can take part in efforts to maintain international peace and security under international cooperation as required by law, as well as to keep fundamental public order in our country. 143

This section openly gives the PM the authority to use the JSDF to maintain martial law, a nuance which must be unsettling to countries like North Korea that were formerly occupied by a militarist Japan. But perhaps the most essential part of this paragraph is the phrasing of the opening clause: the participation “in efforts to maintain international peace and security under international cooperation as required by law” is an additional option for the use of the JSDF, not the sole justified use as under the Yomiuri text. This gives Japan much greater freedom to act as a full partner in its security arrangements with the US, since this section annuls the pacifist excuse of Article 9 prohibiting Japanese involvement in collective security. But it also frees Japan’s ability to act unilaterally through the clear distinction that the JSDF may participate in international security exercises in addition to its other duties of protecting the state, Japanese citizens, and international peace.

143 LDP revised draft, Chapter II, Article 9, Section 2.
Draft Summaries

Tracking the changes in these three drafts demonstrate how conservatives in Japan have responded to their changing security environment, particularly in regards to North Korea. In the early 90’s, Tokyo was seeking to normalize relations with Pyongyang, a process that was derailed due to the nuclear crisis of 1993-94. The other key event at this time was the international backlash over Japan’s attempts to merely use checkbook diplomacy, and the Yomiuri text clearly reflects both of these events. As Pyle states, “To assuage foreign concerns over this change [replacing the second paragraph of Article 9 with one that authorized military force], the provision included the three nonnuclear principles and prohibited a military draft.”146 In 1999, the situation had changed; MSDF forces were encountering suspicious vessels in Japanese waters, North Korea had launched a ballistic missile over Japanese territory, and pressure for the Japanese government to act on the abductions issue was growing. Tensions over the abductions had “effectively blocked the restarting of [normalization] negotiations between 1995 and 1998”147 and the additional provocations contributed to a more stringent proposal for Article 9 by Ozawa allowing for Japan to potentially act unilaterally against a potential threat to international peace. Finally, after the resumption of North Korean nuclear activity, their admission of guilt in kidnapping Japanese citizens, and the decreasing ability of their American ally to take the lead in maintaining security in the Pacific Rim, the LDP proposed a draft that essentially normalizes the Japanese military.

145 LDP revised draft, Chapter II, Article 9, Section 2.3.
147 Hagström & Söderberg, “Taking Japan-North …”, p. 379
While these selected drafts are all from right-wing conservatives in Japan, instead of across the political spectrum, they still demonstrate the shifting debate within Japan.

The left-wing pacifists have been weak and fractured since the end of the Cold War, and their position on Article 9 has consistently been one of non-alteration. As the conservatives have moved further and further right in response to North Korean activities, they have also pulled Japanese moderates to the right as well. Hence polls from the early 1990s by the NHK and Yomiuri Shimbun tend to show either a minority of support or an undecided Japanese public on supporting constitutional revision, while Hanaoka Nobuaki points out "recent public opinion polls indicate that 60% to 70% of the Japanese people now favor revision." Finally, the Ozawa and LDP drafts give Japan the flexibility to act unilaterally against a threat, independent from decisions by the UNSC. Given China's history of sheltering the DPRK with its veto power, the freedom to potentially use force against Pyongyang despite the protection of Beijing's vote would be a powerful negotiating tool for Tokyo. This ability is increasingly important for Japan as its major military ally, the United States, has sought to decrease its focus on Northeast Asia.

**Nuclear Deterrence**

One aspect that these revisions have not addressed is the possibility of Japan developing its own nuclear weapons instead of relying upon the American nuclear umbrella. Yomiuri Shimbun editor-in-chief Watanabe Tsuneo believes that the sole reason for continuing with the US alliance “… is just to cope with North Korea. If the Japan-US

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148 A 1992 poll by the NHK showed 35% favored revision, whereas the Yomiuri reported an average of 50% support from 1993-1999. Samuels, “Constitutional Revision …”, p. 8, and Itoh, “Japanese Constitutional …”, pp. 324-25

149 Hanaoka, “The Long …”, p. 31
alliance ceased to exist, we'd probably hear calls for Japan to develop its own nuclear weapons. In fact, as Watanabe Hirotaka explains, there are some hawks in Japan who have begun to discuss the possibility of Japan becoming a nuclear state to balance the North Korean threat.

More recently, Pyongyang's development of nuclear weapons has elicited the concern that Japan may now feel it must seriously contemplate an extreme policy option: the acquisition of nuclear arms for itself. Nakagawa Shōichi, chairman of the Policy Research Council of the ruling Liberal Democratic Party, set off waves at home and abroad when he suggested in October that the nuclear option was a matter deserving of discussion.

While defensive nuclear weapons have been a theoretical possibility since 1957 when PM Kishi forced the CLB to authorize Japan's right to them, Japan has continued to rely upon the US nuclear umbrella to deter aggression. Hagström notes how Director General Yabunaka Mitōji from MOFA opposed US moves prior to the launch of the SPT "...promising not to use nuclear weapons against the DPRK, because without the protection afforded to Japan by the US nuclear deterrent, North Korea could attack it with either chemical or biological weapons." Ashizawa states that the North's continuing development of nuclear weapons since that time is considered a crisis for both Japan and the US, and Soderberg adds that, in return, Japan currently has little capability to influence North Korea:

The Japanese Self-Defense Forces are not considered an immediate security threat to the North Korean government. Nor does Japan have any nuclear weapons. The threat that North Korea sees as most imminent comes from the US, and Japanese ODA cannot be used to deal with that.

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150 Wakamiya & Watanabe, “Yasukuni, War …”, p. 14
151 Watanabe H., “Impediments to …”, pp. 10-11
152 Samuels, “Constitutional Revision …”, p. 18
154 Ashizawa, “Tokyo's Quandary …” p. 430
155 Soderberg, “Can Japanese …”, p. 452
However, Hagström does note that, "...following the second nuclear crisis ... North Korea is a major external factor in the rise and growth of assertive Japanese nationalism."\(^{156}\) This sense of nationalism fuels the movement within Japan to become wholly self-sufficient and no longer dependent upon the American security agreement.

**American Absence and Endorsement**

Japan’s alliance with the United States has been critical to the growth of its military forces. Southgate describes the connection as: "...at every point in the SDF's evolution, from police force to military, the impetus for change has been Japan's bilateral security partner, the United States."\(^{157}\) But, as Kokubun points out, the US "... is too preoccupied with Iraq to keep a close eye on East Asia."\(^{158}\) As a consequence, Japanese political leaders are being forced to take the diminished American presence into account as they plan for Japan’s future. "Washington was inclined to see North Korean nuclear weapons as a local issue"\(^{159}\), as Watanabe explains, and "In this way a large perception gap opened up between Japan and the United States on the threat posed by North Korea as a nuclear state, and the gap is still in existence."\(^{160}\) American policy makers do not want to get involved in another conflict while their forces are strained fighting in Afghanistan and Iraq, and so have a strong incentive to downplay rising tensions elsewhere. Tanaka explains the American position as "With many Americans clamoring loudly for a pullout of the US forces from Iraq, the last thing Washington would want to see on the East Asian scene is a situation that could lead into a military conflict."\(^{161}\)

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156 Hagström, “The Dogma ...”, p. 401
157 Southgate, “From Japan ...”, p. 1630
159 Watanabe H., “Impediments to ...”, p. 10
160 Watanabe H., “Impediments to ...”, p. 10
161 Tanaka, “Poor prospects ...”, p. 15
However, the proximity of Japan to North Korea and their historical rivalry magnifies the relative impact in Tokyo of North Korean rhetoric and threats. America may want to focus its attentions elsewhere, but Japan cannot ignore its dangerous neighbor and does not want to lose US support.

Therefore, Japan has sought in recent years to work closely with its powerful ally, increasing the levels of collaboration between the two nations. Watanabe Hirotaka states, "Now that North Korea is in possession of nuclear arms, Japan has no choice but to cooperate closely with the United States and strive to restrain impulsive behavior by North Korea, making explicit use of the US nuclear deterrent"162 in addition to describing plans between the two nations to increase cooperation and the integration of forces in the future.163 Such measures help the JSDF increase its readiness while ensuring that Washington does not forget Tokyo's security concerns.

In a similar fashion, Watanabe discusses how Japan has increased its willingness to work alongside American forces overseas:

This was shortly before the war in Iraq, and some Japanese spoke persuasively about how Japan, in view of the threat from Pyongyang, should enroll on the American side in the Iraqi conflict. If Japan wanted the United States to stand behind it in dealing with North Korea, they reasoned, it only made sense for Japan to support the United States in Iraq.164

In turn, the US is eager for Japan to adopt a greater role in providing for its own security and exerting more influence in the region. Former US Deputy Secretary of State Robert Zoellick explains that "... Washington has encouraged Japan to assume greater security

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162 Watanabe H., "Impediments to …", p. 11
163 Watanabe H., "Military Realignment", p. 49
164 Watanabe H., "Impediments to …", p. 10
and economic responsibilities globally."\(^{165}\) Whether via advocating changes to Article 9, as Deputy Secretary Richard Armitage did\(^{166}\), or through supporting Japanese participation in the SPT or KEDO, or even by its continual push for greater Japanese military involvement in the region, the US has urged its ally to undertake positions of greater authority and accountability as it transitions toward ‘normal country’ status.

This is not to argue that the US is pushing for Japanese military development as a proxy force for its own military. Samuels points out

And just because Japan could have the capability of joining the United States to clean up all the bad guys around the world doesn’t mean that it will. Japan has its own national security interests, interests that are often divergent from those of the United States in important ways and in important areas of the world, some of which are in the neighborhood.\(^{167}\)

Nor can the US rely upon Japanese support for its military interventions, especially on occasions without UN authorization, simply because of the Japanese government changing its constitution.\(^{168}\) However, the US is willing to take advantage of a stronger Japan taking the lead in East Asia. Hagström quotes Armacost and Pyle in stating that the harsher Japanese response to North Korean missile testing was “... an unusual but felicitous reversal of roles between Tokyo and Washington.”\(^{169}\) And Zoellick adds that, “Yet, now that a more unrelenting North Korea policy again seems to be developing in Japan, one must ask if this policy is not precisely the result of the tougher approach instigated by the US government in 2002.”\(^{170}\)


\(^{166}\) Armitage & Kashiyama, “Interview by ...”

\(^{167}\) Samuels, “Constitutional Revision ...”, p. 16

\(^{168}\) Samuels, “Constitutional Revision ...”, p. 15


\(^{170}\) Hagström, “The Dogma ...”, p. 405
While the shifting proposals for the Japanese constitution show a progression towards an increasingly ‘normal’ country in regards to military capability combined with growing public support for such a revision, and though the US has encouraged this change as part of its reorganization of its overseas forces, this paper does not intend to suggest a causal link between the two. However, the simultaneous nature of these two measures does indicate a possible transition is underway in the security dynamic of East Asia. Japanese leaders are showing a willingness to overcome or ignore historical biases against the use of military force by Japan, and they are seeking to create a framework through which Japan can freely operate in the future. They are not rejecting the security alliance with the US, as shown by the continuing close cooperation between the two nations, but rather trying to become a more equal partner with the US in the alliance. With the US seeking to transfer its forces from the Pacific Rim in order to meet its military commitments elsewhere, though, the combination results in the US trusting Japan to be able to shoulder more of the burden for maintaining peace and security in East Asia.

Chapter V: Conclusion and Recommendations for Further Work

Since it was disarmed following WWII with the promise of creating a truly pacifist state that would never again threaten its neighbors, Japan has slowly rebuilt a powerful military force through a series of reinterpretations of its ‘imposed’ constitution. While the limits of its legal capacity to exercise force have expanded in the decades since the end of the war, for the most part the Japanese public adopted the ideal of pacifism as part of the Japanese national identity, limiting the right-wing Japanese hawks’ ability to dramatically swing the country in a militarist direction. Each incremental step towards
normalization has required intense debate over the direction and interests of the nation. Yet because of the steady moves towards the normalization of Japan, it seems as though the question of the revision of Article 9 is not whether Japan will make this change but rather when Japan will overcome the last vestiges of the Peace Constitution's military prohibition, namely the creation of explicitly offensive forces and the open acknowledgement of Japan's right to a military.

And while this thesis asserts that the policy makers in the Japanese government who are pushing for Article 9 revision are heavily influenced by a desire to balance the perceived threat from North Korea, this is certainly not the only factor involved. However, this hypothesis does explain the recent behavior of a majority of Japanese politicians and the government as a whole in regards to the revision issue, one that also fits a certain historical model for Japan. As part of the Meiji Restoration, Japanese leaders chose to reject the traditional Asian power structure and align the nation with Western powers, and this process seems to be repeating with the postwar governments as well, especially in regards to the Asian mainland. Japan quickly modernized at the turn of the century, eventually conquering its own colonies in Asia before Allied forces defeated the empire in 1945. The pacifist movement to end all warfare was first imposed upon the defeated nation through the Peace Constitution and then ultimately embraced by the Japanese people through their strong support of the Article 9. Zoellick describes the pattern as:

The international system has had a powerful effect on Japan's foreign policy, but it has also exercised an extraordinary role in shaping Japan's domestic institutions. Repeatedly, Japan sweepingly reversed its domestic order to meet the needs of new configurations of the international order.\textsuperscript{171}

\textsuperscript{171} Zoellick, "Japan is ..."
Following the Cold War, as the multiple conflicts in the Middle East since 1991 and increased tensions between North Korea and the West have shown, the remainder of the world has rejected policies of unilateral pacifism in favor of policing, containment, and military interventions. And so many Japanese leaders are once again embracing the international system (or at least that of the US) through their attempts to revise Article 9.

John Dower cautions that,

What is the problem with what Japan has done in the post-war world [by pursuing revision] is that by adhering to that policy it is totally subordinate to American policy and that it has just followed along with American policy and it's lost it's sense of real sovereignty and that's the problem.\textsuperscript{172}

However, this concern assumes that the Japanese government will be a silent partner to the US, a common theory which Hagström refutes. But while the revision of Article 9 would be in line with US wishes for a more influential Japanese ally in the region, it may also have other unintended consequences. Hagström goes on to warn that,

...a more assertive Tokyo, which continues to have slightly different views on both the means and the ends of foreign policy, will prove a far bigger problem for Washington than a Tokyo that continues to express its own, different position by exercising power as it appears to have done so far – i.e., by being quietly and cautiously obstructionist.\textsuperscript{173}

In addition, revising the constitution to enable Japan to openly balance North Korea, whether assuming this responsibility from the US or not, poses other inherent risks as well. PM Koizumi warned the Diet in March of 2004 that, “sanctions may be ‘a ‘glittering sword’, that, once unsheathed, may prove double-edged in effectiveness, because it may indicate the seriousness of Japan’s intent to North Korea, but also set Japan on a path to using this tool, and to conflict with the North.”\textsuperscript{174}

\textsuperscript{172} Hagström, “The Dogma . . .”, p. 409
\textsuperscript{173} Hughes, “The Political . . .”, p. 469

57
remilitarization may also prove to be glittering swords as well, filled with attractive possibilities for hawks in the Japanese government. Yet these may also be the first steps along an equally dangerous road, one that Japan has traveled before in a failed quest to achieve great power status.
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Appendix

(LDP Draft Revision)

CHAPTER II. SECURITY

The Pacifist Principle

Article 9.
Section 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 means of settling international disputes.

Self-defense Military (Force?)

Section 2.
In order to ensure peace and independence of our country as well as the security of the country and our people, we maintain the self-defense military under the prime minister as supreme commander.

2. The self-defense forces accept diet authorization and other controls as required by law in order to accomplish the activities enacted in the preceding paragraph.

3. In addition to accomplish the aims enacted in section one, the defense forces can take part in efforts to maintain international peace and security under international cooperation as required by law, as well as to keep fundamental public order in our country.

4. The law provides items regarding the organization and control of the self-defense forces in addition to the two preceding paragraphs.