

Japan's Defence Dilemma

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America is currently benefiting from unprecedented alliance contributions from Japan. The logical next step is for Japan to breach its long-held constitutional prohibition on collective self-defence. However, freeing up the constitutional strictures on participating in collective self-defence means not only becoming a 'normal' state, but also having a 'normal' alliance with the United States. Herein lies Japan's defence dilemma. It wants to become a 'normal' state, but it does not necessarily want a 'normal' alliance with the United States. It fears entanglement in regional and global conflict and wants to preserve the strategic freedom it exercises under constitutional constraint.

Introduction

The U.S.-Japan alliance has entered a period of formative change. In both declaratory policy and military-to-military relations, Japan and the United States are demonstrating unprecedented levels of security and defence cooperation.

In February 2005, Japan and the United States declared a number of common regional and global strategic objectives.¹ The enunciation of these shared goals followed several highly significant developments in Japanese defence policy: the dispatch of ground forces to Iraq, the provision of rear-area support for the war against terrorism in Afghanistan, the decision to acquire a missile defence (MD) system, and the commitment to 'enhancing close, cooperative relations with the United States' in Japan's new National Defence Program Guideline.

These steps have been matched by plans for closer integration of US and Japanese military forces, including increased role-sharing, enhanced interoperability, joint use of base facilities, and permission for the US military to use certain commercial Japanese airports and harbours in the event of emergencies in areas surrounding Japan, such as a crisis on the Korean Peninsula or in the Taiwan Strait.

The accelerated pace of Japan's defence cooperation with the United States is being driven by Japanese concerns about North Korea's nuclear and ballistic missile threat as well as by China's military modernisation and its implications for the future balance of power in East Asia. As Prime Minister Koizumi commented at the time of the initial Japanese deployment to Iraq, his country had 'no option but to support the Iraq war'. Japan is seeking to

¹ See U.S. Department of State, *Joint Statement of the U.S.-Japan Security Consultative Committee*, <http://www.state.gov/r/pa/prs/ps/2005/42490.htm>.

make itself the indispensable ally of the United States as the lynchpin of its security strategy. As a result, America is benefiting from unprecedented alliance contributions from Japan. The logical next step in the evolution of the alliance is for Japan to breach its long-held constitutional prohibition on collective self-defence.² Such a move would allow the Japanese military to engage in combat alongside US troops and even to defend the continental United States.

The issue of collective self-defence, however, brings to the fore the fundamental question of Japan's security autonomy in its alliance with the United States. For Japan, freeing up constitutional strictures on participating in collective self-defence is like crossing the Rubicon. It means not only becoming a 'normal' state, but also having a 'normal' alliance with the United States. Herein lies Japan's defence dilemma. It wants to become a 'normal' state, but it does not necessarily want a 'normal' alliance with the United States. It fears entanglement in regional and global conflict and wants to preserve the strategic freedom it exercises under constitutional constraint.

Several factors are currently exacerbating Japan's defence dilemma: the rapidly increasing operational integration of US and Japanese military forces, uncertainty about the role of the alliance in a Sino-US conflict over Taiwan, and the intense, introspective debate about constitutional reform. The question facing Japan is how much further it can move forward as a strategic partner of the United States without resolving the collective self-defence issue.

Normalisation by Stealth

The entire course of Japan's post-war defence policy has been a slow march towards normalcy. In practice, Japan's so-called 'peace constitution' has only delayed but not prevented progress towards normal statehood. Initially,

² Article 9 of the Japanese Constitution – the so-called 'Peace Clause' – has been consistently interpreted by the Japanese government as prohibiting Japan's exercise of its right to collective self-defence (meaning military action to defend the United States or its forces) as well as Japanese participation in collective security operations under UN auspices. However, Japan's inherent right to collective self-defence as a sovereign state has never been abrogated, and indeed is recognised under the UN charter. The prevailing interpretation of Article 9 on collective self-defence was made in 1981 by the Cabinet Legislation Bureau. It stated: 'It is recognized under international law that a state has the right of collective self-defense, which is the right to use actual force to stop an armed attack on a foreign country with which it has close relations, even when the state itself is not under direct attack. It is therefore self-evident that since it is a sovereign state, Japan has the right of collective self-defense under international law. The Japanese government nevertheless takes the view that the exercise of the right of self-defense as authorized under Article NINE of the Constitution is confined to the minimum necessary level for the defense of the country. The government believes that the exercise of the right of collective self-defense exceeds that limit and is not, therefore, permissible under the Constitution'. Quoted in R J Samuels, 'Constitutional Revision in Japan: The Future of Article 9', The Brookings Institution, Center for Northeast Asian Policy, 15 December 2004, www.brookings.edu/fp/cnaps/events/20041215.pdf.

successive Japanese governments engaged in a process of 'revision by reinterpretation' as a way of circumventing constitutional prohibitions. More recently 'revision by legislation' has been the preferred method of change. Both the Iraq deployment and the dispatch of naval forces to the Indian Ocean in support of the coalition in Afghanistan have been authorised by specific items of legislation in 2001 and 2003. These capped a series of laws enacted over the past decade, which have expanded and diversified the roles and capabilities of Japan's Self-Defence Forces (SDF). Successive Japanese governments have accumulated a series of *faits accomplis*, creating the necessary precedents for the acquisition of new functions by the SDF.

The primary objective of the Japanese military and Defence Agency has been to seize opportunities to legitimise the overseas dispatch of the SDF and to widen and diversify the nature of its international participation. This is part of a broader agenda to cast off the historical legacy of WWII by restoring both the domestic and international status of the Japanese military forces. The government led by the ruling Liberal Democratic Party (LDP) has sought to exploit external pressures (*gaiatsu*) as the principal means of Japan's military emancipation. *Gaiatsu* has materialised not only as requests from the United States for increased Japanese burden sharing but also as openings for the dispatch of the SDF as international peacekeepers under the auspices of the United Nations. The ascendancy of defence hawks in the Koizumi administration, which includes the expanding power of the Defence Agency at the expense of the Foreign Ministry, the political and biological death of prominent 'doves' in the LDP,³ and the demise of the Japanese left have considerably assisted the implementation of this agenda in recent years.

In this context, the US-Japan alliance has been crucial in providing a framework of opportunity for those in Japan who want to enhance the country's security role. One of the alliance's most important functions has been to furnish cover for the process of 'mission creep' by the SDF, which has helped to validate the changes both in the eyes of the Japanese public and of the region as a whole. Whilst militating against full security autonomy, the alliance has served as the principal instrument of change in Japan's security policies.

³ One of these was Masaharu Gotōda, who died in September 2005, aged 91. He was extremely cautious about the idea of revising Japan's 'Peace Constitution' and opposed sending the SDF overseas. He single-handedly prevented the dispatch of Japanese minesweepers to the Persian Gulf in 1987.

De facto Collective Self-Defence

By any literal standards, Japan is already practising collective self-defence. SDF participation on the fringes of the war in Afghanistan⁴ as well as its activities in Iraq and other recent policy developments including accelerated integration of US and Japanese forces in joint training exercises,⁵ and the revised US-Japan Acquisition and Cross-Servicing agreement (ACSA),⁶ suggest that only a core element of the definition of collective self-defence remains intact.

This core disallows the use of force by the Japanese military in support of the United States (or other states) – including combat-zone logistical support for those using force⁷ – and quarantines the independence of the Japanese military command.⁸ Hence, activities in the Afghanistan conflict and in Iraq

⁴ The Anti-Terrorism Special Measures Law of 2001 authorising Japanese forces to provide support to the parties in the Afghanistan conflict, technically speaking, allows Japan to assist the United States in homeland defence. It comprises a series of measures in response to the terrorist attacks in the United States and was officially described by Japan's Foreign Ministry as enabling Japan to undertake 'cooperation and support activities for the armed forces of the United States and other countries which aim to eradicate the threat of terrorist attacks'. Ministry of Foreign Affairs of Japan, *Japan's Measures in Response to Terrorist Attacks in the U.S.*, 2 Nov. 2001, <http://www.mofa.go.jp/region/n-america/us/terro0109/policy/measure.html>. As one authoritative source points out: 'For Japan to cooperate with the United States for the purpose of US homeland defence is technically an exercise of the right to collective defence'. The Policy Council, The Japan Forum on International Relations, *The 24th Policy Recommendations: New World Order of No-War Community and Future of Japan-US Alliance*, April 2004, p. 16.

⁵ This has included closer troop integration in joint training exercises between the Japanese Ground Self-Defence Force (GSDF) and the US Army, in which American soldiers boarded a GSDF helicopter, and Japanese soldiers defended American soldiers, which, it was said, did not breach the ban on collective self-defence because, in the words of a senior official of the Defence Agency: 'It's within the scope of individual self-defence to protect US servicemen fighting to defend Japan...It does not correspond to exercising the right of collective self-defence.' *Nihon Keizai Shinbun*, 28 March 2005.

⁶ This now allows for the provision by Japan of military *materiel* to the United States in regional and international contingencies.

⁷ In the arcane debate about collective self-defence, the argument centres on the notion of 'the use of force' (*buryoku kōshi*) and support activities that are 'integrated with the use of force' (*buryoku kōshi to no ittaika*). According to the Japanese government, whether a support activity is 'integrated with the use of force' depends on how closely it relates to the use of force. This boils down to a distinction between support activities in a 'non-combat area' (*hisentō chiiki*) and those in a 'combat area' (*sentō chiiki*). The provision of support in a non-combat area does not legally constitute 'integration with the use of force'. Defence Agency official, personal communication with author, 23 December 2004. The legislation authorising the SDF's dispatch to Iraq, however, does not use the term 'non-combat area', but limits the SDF's activity to those areas where 'combat action' (*sentō kōi*) is not taking place. These are, by extension, non-combat zones. The English definition of 'combat action' provided by the Japanese government is 'any action taken as part of international armed conflicts to kill and injure people or destroy property'.

⁸ The Defence Agency also explains that although the SDF coordinates with the United States and other countries' forces in operations (Japan's Aegis-equipped destroyers have communications links with US naval assets in the Indian Ocean, for example), it is not under the chain of US command at any time, even if an armed attack were to occur. Japan insists on maintaining the independence of its command because of the constitutional requirement to do so. Defence Agency official, personal communication with author, 21 December 2004.

do not constitute collective self-defence because such activities are conducted in officially declared non-combat zones.⁹ As a Japanese Foreign Ministry official explains, 'this is an artificial concept that enables Japan to play a role as America's security partner without violating the constitution. It allows Japan to provide logistical support from non-combat zones.'¹⁰

The acquisition by Japan of an MD system introduces a significant new dimension to this whole question.¹¹ While the Japanese government insists that introducing such a system will not breach any constitutional prohibition, and that it will develop an independent system that defends only Japanese territory, it will be extremely difficult, if not impossible, for Japan to avoid being drawn into the collective defence of US forces in East Asia and even of the continental United States.

MD will bring about a quantum leap in bilateral command, control, communications and intelligence links with US forces. These are 'the' key to a successful MD system,¹² which 'will not function technically unless Japan and the United States cooperate.'¹³ Such will be the level of operational integration of the Japanese and American MD systems that constitutional niceties about what does and does not constitute collective self-defence will become irrelevant. It will be 'impossible to deal separately with individual self-defence and collective self-defence.'¹⁴ Integration on the ground will outpace policy and generate an unstoppable momentum that will both drive Japan's constitutional evolution and constrain its strategic options in the event of regional contingencies.

Optimising the effectiveness of the Japan's missile defence will require the US and Japanese systems to work together seamlessly. Japan and the United States are in the preliminary stages of establishing data-sharing processes for the interception of ballistic missiles, which is a major step towards operational integration.¹⁵ In the circumstances, it will be problematic

⁹ Developments in the Samawah region of Iraq where the GSDF is located are sorely testing this definition.

¹⁰ Quoted in the *Asahi Shinbun*, 24 August 2004.

¹¹ In December 2003, the Japanese government announced that it would develop and deploy a multi-layered missile defence system based on the Standard Missile-3 (SM-3) and the Patriot Advanced Capability-3 (PAC-3). Over a period of four years, four Aegis-equipped destroyers will deploy the SM-3 interceptors, while four PAC-3 systems will be deployed around Tokyo by the Air Self-Defence Force (ASDF).

¹² US military officer, personal communication with author, 16 August 2004.

¹³ *Daily Yomiuri On-Line*, 8 November 2002.

¹⁴ *Daily Yomiuri On-Line*, 8 November 2002.

¹⁵ A radar intelligence-sharing system will be used to detect and intercept ballistic missiles. Maritime Self-Defence Force (MSDF) and US Navy Aegis ships currently share radar data through a state-of-the-art system called 'Link 16', which allows ships that possess it to work seamlessly together. It is normally used to show enemy aircraft data, such as flying speed and direction. Missile defence intelligence could be shared through the Link 16 system, and also through the ASDF's BADGE (base air defence ground environment) system that links ground radar and AWACS (airborne warning and control system) aircraft. The BADGE system will be

for Japan to maintain cooperation and collaboration with the United States on missile defence, which falls short of full integration of the two systems.¹⁶ As one US military expert commented: 'You are either fully in, or fully out. It's like a pregnancy, you can't be half pregnant.'¹⁷ The Japanese military will not be able to maintain a fully independent system that compartmentalizes the defence of Japan from other objectives.

From a US perspective, Japan's prohibition on exercising the right of collective self-defence is a constraint on alliance cooperation. Hence Japan's participation in missile defence represents an opportunity to force a Japanese breach of the ban on collective self-defence through the backdoor. If Japan were to provide targeting information to US forces, for example, it would constitute collective self-defence. So would shooting down a missile bound for the United States.

Missile defence is also a means to 'bind' Japan into US regional strategy in Northeast Asia. For the United States, cooperation and collaboration with Japan on missile defence is designed to lead, inexorably, to the formation of an integrated region-wide theatre missile defence (TMD) system, which could be deployed in the event of conflict with either North Korea or China. TMD has been absorbed into the Sea-Based Midcourse Defence System (SMD), which is capable of boost-phase interception of ballistic missiles. This would make it impossible to determine which country an enemy missile had targeted before interceptor missiles were launched. It immediately raises the possibility of Japan's Aegis-based SM-3 missiles being used to intercept missiles in situations where Japan itself is not the subject of attack.¹⁸

Missile defence will also be an important mechanism for reinforcing the interconnectivity of Japan to US homeland defence,¹⁹ given that TMD is a

linked to Link 16 in the event of emergencies, and BADGE data will be transmitted to US forces. In addition, the US Air Force has suggested that when the ASDF Air Defence Command relocates its headquarters to Yokota Base in Tokyo, a Joint Coordination Centre (JCC) could be set up with the ASDF command. This would enable Japan and the United States to share real-time data from US early warning satellites sensing ballistic missile launches. *Sankei Shinbun*, 3 June 2005. In order to strengthen the joint response capability of the MD system, the Japanese and US governments are also considering the possibility of deploying in Japan the X-band radar (XBR), America's new type of surveillance system. By linking the XBR to Japan's radar net, its capability to detect and track ballistic missiles would be vastly improved. *Sankei Shinbun*, 23 July 2005.

¹⁶ For technical details of Japanese and US missile defence integration and the strategic and tactical implications of this integration, see C Hughes, *Japan's Re-Emergence as a 'Normal' Military Power*, Adelphi Paper 368-9, International Institute for Strategic Studies, London, 2004, pp. 108-114.

¹⁷ US military officer, personal communication with author, 16 August 2004.

¹⁸ D Fouse, 'Japan Gets Serious About Missile Defense: North Korean Crisis Pushes Debate', *Asia-Pacific Center for Security Studies*, vol. 2, no. 4, June 2003, pp. 2, 3.

¹⁹ Yokota Airbase with the JCC would, for example, become an important outpost of missile defence shielding of the US homeland.

subset of a national missile defence (NMD) capability.²⁰ The Japanese government has already adopted a 'new' interpretation of collective self-defence, allowing the SDF to shoot down any missile flying over Japan. The justification is that determining the ultimate destination of a missile would leave insufficient time for interception.²¹

In this way, missile defence will act as an important agent of change in the alliance. By driving policy on collective self-defence, increasing integration of US and Japanese forces, including coordination of Japanese and American MD systems, will act as bottom-up method of transforming the US-Japan alliance into a normal alliance.

Freedom under Constraint

The key issue, however, is whether Japan will be prepared to convert *de facto* collective self-defence into *de jure* collective self-defence. In relation to its alliance partner, Japan has, paradoxically, more freedom of action under constitutional constraint than it has without. Constitutional prohibitions afford protection for both Japan's sovereignty and autonomy.

The ban on Japanese military forces participating in collective self-defence has provided a shield against US pressure for Japanese military contributions to foreign deployments. Quite apart from not wanting to become enmeshed in US schemes offshore, Japan does not wish unnecessarily to alarm the two Koreas or China as an important plank in its regional diplomacy. Collective self-defence is a much bigger step than Japan has taken to date. Japan could expect a strong reaction from China to putting itself forward as a much more assertive and aggressive player.

On Iraq and Afghanistan, Japan's existing policy has enabled Japan to choose to avoid supporting the United States in war zones and to avoid the commitment of war-fighting troops to conflicts in which the United States is involved. Although the inherent asymmetry of the alliance leaves Japan little room to veto cooperation in specific contingencies, Japan has retained the right to define the nature and extent of its contribution in each case. Japan

²⁰ US military officer, personal communication with author, 16 August 2004.

²¹ A statement from the Director-General of the Defence Agency, Yoshinori Ôno, in the Japanese Diet in June 2005 categorically ruled out the possibility of intercepting a missile targeted at the United States. In reply to a question, he said: "That would correspond to the use of the right of collective self-defence....and we can't do so (due to constitutional constraints)." However, the common perception among the ruling Liberal Democratic Party's defence policy specialists is that the statement on not intercepting US-bound missiles is only pro forma. One former cabinet minister stated: "There are many loopholes or excuses we can, for example, say that we had no choice but to intercept them so as to prevent their components from dropping when flying over Japan, or we can also say we could not decide whether they were targeted at another country." In fact, the LDP's defence policy specialists deem that Japan will intercept US-bound missiles. The same thing can be said of bilateral intelligence sharing for missile detection.' *Tokyo Shinbun*, 23 July 2005.

has done what it had to do but not much more, identifying for itself roles that do not conflict with its policy on collective self-defence.

The first Gulf War was instructive in teaching Japan that it could not get away with sitting on the sidelines of a major US-led multinational operation. In Gulf War II, Japan has added a human contribution to its diplomatic and financial support. In reality, however, current SDF activities in Iraq are strictly in the style of international peacekeeping operations,²² while action in the Afghanistan conflict has been confined to rear-area logistical support.²³ In neither theatre of operations have Japanese forces engaged in combat because the constitution prohibits the use of force other than in the defence of Japan.

Officially lifting the constitutional prohibition on the exercise of Japan's right to collective self-defence would confront it with the issue of using force outside a 'defence of Japan' scenario. It would alter the whole nature of Japan's security relationship with the United States, converting an asymmetrical alliance into a 'normal' alliance. Being a 'normal' alliance partner would bring Japan's foreign and security policies even more firmly under US influence and portend not greater but less independence. In a truly reciprocal alliance, US expectations and demands of Japan would be immeasurably higher. In the current climate, they would almost automatically necessitate Japanese participation alongside the United States in regional and global conflict.

Many Japanese are fearful of being drawn into conflicts that may be incompatible with their own security and foreign policy interests as well as with their economic and trading interests. For most Japanese, being a 'normal' state means legitimising the status of the armed forces within the domestic polity and being able to deploy them in the full range of defensive and offensive operations *in the defence of Japan*. It does not mean being a junior partner in US regional and global strategy, although the alliance has been an important context in which normalisation has been advanced.

The China Conundrum

China as a security concern is a major factor shaping Japan's response to current pressure from the Bush administration for alliance enhancement. Japan sees itself as increasingly needing the United States as a hedge against the rising power of China. Japan maintains a watching brief on Chinese military modernisation and expansionism into its maritime zones, and has recently sounded a warning about China's military expansion in its 2005 Defence White Paper.

²² These have involved water purification and restoring public facilities.

²³ Japan's support to parties in the Afghanistan conflict has involved refuelling of naval ships, transporting supplies, and information-gathering for the security of forces.

A key issue for Japan, however, is whether it will allow itself to be drawn into a US conflict with China over Taiwan. At present, Japan has only a limited policy and legal framework for participation in such a conflict under the legislation supporting the 1997 revised US-Japan defence cooperation guidelines. These have clarified the nature and extent of Japanese support for the United States in regional contingencies (i.e. 'situations in areas surrounding Japan') and codified these specific support functions into Japanese law.

However, the Japanese government has never given a clear answer whether the guidelines and related laws would be invoked in a China-Taiwan conflict. It prefers an ambiguous position and sees little advantage in making the answer clear. Unlike the case of a North Korean ballistic missile attack, or a Sino-Japanese conflict over remote islands or maritime resources, no strategic clarity underlies any Japanese military deployment against China over Taiwan.²⁴

Even if the guidelines were invoked, they would place severe restrictions on the nature of the Japanese participation. Operational cooperation by the SDF would be limited to non-combat functions (minesweeping,²⁵ surveillance and intelligence-gathering), while other activities would involve only logistical support in rear areas. What is more, under law, any such action would have to be linked back directly to the security of Japan. 'Situations in areas surrounding Japan' are defined as having 'important security implications' for Japan. This is understood to mean 'likely to result in a direct military attack on Japan if not responded to immediately', making it an unequivocally Japan-centred provision. Even if the guidelines are explicitly revised to permit joint action by the SDF and US military in response to emergencies in the Taiwan Strait, the peace constitution will continue to allow Japan greater leeway to avoid military involvement in such a conflict because of the ban on collective self-defence.²⁶

²⁴ This is despite a 2004 report from Prime Minister Koizumi's private advisory panel, the Council on National Security and Defence Capability, warning: 'An emergency in the Taiwan Strait, should it break out, could become a threat to Japan.' *Nihon Keizai Shinbun*, 5 June 2005.

²⁵ A Japanese minesweeping contribution is the most likely to be called upon, for clearing South Korean ports and for dealing with a Chinese blockade of Taiwan. This is a capability in which the United States and South Korea combined are deficient and would need a significant Japanese contribution. However, 'the Japanese modified the text of the guidelines to specify that they would do minesweeping in support of UN Security Council resolutions and not just a request from the United States, leaving them an out.' US military officer, personal communication with author, 28 October 2004.

²⁶ See also the discussion in P Yang, R Kamphausen, J Auer & T Kotani, Y Soeya, M McDevitt, 'Japan-Taiwan Interaction: Implications for the United States', *NBR Analysis*, vol. 16, no. 1, October 2005, <http://nbr.org/publications/issue.aspx?ID=e391d78c-c961-c961-45bf-ba87-a5436f956f0a>.

Changing Constitutional Horizons

Constitutional reform is widely seen as the context in which the issue of collective self-defence will be resolved. It is also strongly linked in the minds of Japanese policy elites with the bid to obtain a permanent seat on the United Nations Security Council, because the constitution stands in the way of Japan's making a contribution to the international community on a par with other states.

Currently, political conditions in Japan have never been more propitious for revising the constitution, which remains unchanged from the original document implemented under the Occupation in 1947. The end of the Cold War has removed the rigid partisan divide between anti-revision and pro-revision forces, which paralleled party divisions in the Japanese Diet. Members of political parties opposing revision have dwindled to a small minority.²⁷ It is doubtful whether they number more than the third of Diet members needed to block a vote for revision. What is more, supporters of an expanded role for the Japanese military and defenders of the status quo no longer divide along party lines. From time to time, temporary cross-party coalitions have formed between the LDP-led coalition and the main opposition Democratic Party of Japan (DPJ) on specific pieces of defence legislation.

Similarly, public opinion, which was the last major hurdle facing reform, has shifted with polls showing that constitutional revision is now supported by a majority of Japanese voters. The formal conditions for constitutional revision have, therefore, prospectively been met.

Beyond generalized support for constitutional change, however, the consensus fractures. No widespread agreement exists on what kind of constitutional change should be implemented and how the constitution should be reworded. Significantly, the public majority in favour of constitutional reform does not extend to a revision of Article 9, the so-called 'peace clause'. A *Yomiuri* newspaper poll in April 2005 revealed that a little over 40 per cent of the Japanese public wish to see this clause revised²⁸ and that only 27 per cent want to amend the constitution in order to 'expressly stipulate Japan's right of self-defence and the existence of the Self-Defence Forces.'²⁹ In a nationwide survey conducted by the *Mainichi* newspaper in September 2005, 62 per cent were opposed to amending Article 9.³⁰

²⁷ They belong to the Japan Communist Party (JCP), and the Social Democratic Party (SDP), plus some former Japan Socialist Party (JSP) members in the Democratic Party of Japan (DPJ).

²⁸ In a June 2005 survey by the Japan Polling Association, only 35 per cent were in favour of revising the peace clause. *Tokyo Shinbun*, 12 June 2005.

²⁹ *Yomiuri Shinbun*, 8 April 2005. According to a *Nihon Keizai* poll, 40 per cent were in favour of expressly stipulating the Self-Defence Forces in the nation's constitution. *Nihon Keizai Shinbun*, 12 April 2005. In a June 2005 Japan Polling Association Survey, 48 per cent said the SDF should be expressly stipulated. *Tokyo Shinbun*, 12 June 2005.

³⁰ *Mainichi Shinbun*, 5 October 2005.

The difficulties associated with securing the required political and public consensus suggest that the outcome for constitutional reform over the next five to 10 years will inevitably be minimalist. Only those provisions on which the broadest possible agreement can be obtained will be amended. This signifies two basic changes in the area of defence: first, constitutional legitimisation of the SDF as a military force and of Japan's exercise of the right to individual self-defence;³¹ and second, recognition of the right to dispatch Japanese forces overseas for purposes of contributing to international peace and security.³²

The question left unanswered by such reform is whether an 'international contribution' extends to the use of force by Japan's military, either in UN-sanctioned military operations under Chapter 7 of the UN Charter, or, even more contentiously, in US-led military operations. A wide range of views can be found on this point, with prospects for agreement remaining problematic. Until the recent election of Seiji Maehara to the leadership of the DPJ, both former president Katsuya Okada and Vice-president Ichiro Ozawa envisioned 'normality' as permitting Japanese forces to participate in UN-authorized collective security operations rather than in US-led collective defence operations.³³ Deliberations on constitutional reform within the wider party also support restricting the military to collective security operations in which it could use force under a UN mandate.³⁴ Maehara's more conservative agenda on security issues, which advocates the idea of liberalising the government's interpretation of Article 9 to permit Japan to exercise the right of collective self-defence, runs the risk of dividing the party. The LDP's coalition partner, the Kōmei Party, has an even more limited position than the DPJ. It is willing to allow the dispatch of the SDF to participate in multinational forces based on UN Security Council resolutions, but only if they do not engage in combat.

What the vast majority of Japanese have in mind by an 'international contribution' is UN-sanctioned peacekeeping operations, or 'international peace cooperation' as it is called in Japan. If the Iraq deployment has clarified anything, it is the reluctance of most Japanese to support the idea of

³¹ Two-thirds or more of the membership of the Japanese House of Representatives' Research Commission on the Constitution were in favour of allowing the use of force in self-defence.

³² See also the comments by Ellis Krauss on 'Three Impossible Dreams', 22 November 2004, ssu-forum@iss.u-tokyo.ac.jp.

³³ Ozawa has long supported the idea of establishing a special standby force distinct from the SDF to take part in UN peacekeeping missions and in a multinational force based on UN resolutions. His 'logic is that although Article 9 renounces war as a sovereign right of the nation, a force distinct from the SDF does not constitute such a situation.' *Nihon Keizai Shinbun*, 28 March 2005.

³⁴ The DPJ's October 2005 policy proposal on the constitution incorporates participation in UN collective security, including multinational forces, but with Japan's use of force strongly constrained. There is no reference in the proposal to the right of collective self-defence. *Yomiuri Shinbun*, 5 October 2005.

the SDF's engaging in combat other than to defend Japan. A distinct minority of political elites and the public is in favour of dispatching the SDF for non-UN sanctioned activities or for the use of force in conflict zones. An equally small proportion supports the idea of Japan's being able officially to exercise the right of collective self-defence,³⁵ an objective that is explicitly advocated by some groups including the LDP.³⁶

Collective self-defence, in other words, is shaping up as a real sticking point on constitutional reform. Because the LDP and Kômei Party do not have the necessary two-thirds majority over both houses of the Diet, constitutional reform will require a cross-party consensus, which shows no signs of emerging. Whatever their standpoint on the issue of collective self-defence, all political parties realise that constitutional reform is not a vote-winner; in fact quite the reverse, so no momentum on this issue can be expected from the electoral cycle. Instead, initiative for change will be driven by policy elites.

Disputation over what should constitute Japan's international security contributions will continue in the context of the debate over constitutional reform. The contention that the peace clause has served as a brake on Japan's becoming a subordinate state that simply follows America's lead is giving pause to many about the issue of constitutional reform. Some Japanese fear the government's ability to get around constitutional strictures as in the past, so any opening up of Japan's security options through constitutional revision would simply give a green light to more adventurous administrations to move well beyond the changed constitutional provisions, either in terms of supporting the United States in a conflict or developing a

³⁵ In the April 2005 poll by the *Yomiuri Shinbun*, public opinion was split three ways on this issue: 31 per cent thought the constitution should be amended so that Japan could exercise the right of collective self-defence; 32 per cent were in favour of Japan's not exercising this right and 34 per cent were undecided. *Yomiuri Shinbun*, 8 April 2005. In a June 2005 Japan Polling Association Survey, 59 per cent opposed Japan's participation in collective self-defence. *Tokyo Shinbun*, 12 June 2005.

³⁶ Even the LDP is split on whether this right should be expressly stipulated in the constitution. One LDP constitutional panel member has argued: 'It's inconceivable for us to go to the other side of the globe with US forces'. *Nihon Keizai Shinbun*, 17 February 2005. The ruling Liberal Democratic Party's new constitution drafting committee, chaired by former Prime Minister Mori, released an outline of its subcommittee's views in early April 2005. The outline did not use the words 'the right of collective self-defence'. One LDP executive official admitted that this was out of consideration for the DPJ and the New Kômei party. *Yomiuri Shinbun*, 5 April 2005. Two days later it was clarified that the drafting committee would not specify the right of collective self-defence in its draft of a new constitution. Instead, the committee would simply interpret Japan's participation in collective self-defence as constitutionally allowable. *Asahi Shinbun*, 5 April 2005. The LDP's July 2005 constitutional reform outline confirmed this approach: it would allow Japan to exercise the right of collective self-defence in accordance with an interpretation of the Constitution.

much more aggressive military posture.³⁷ As one political commentator ponders:

How will the government draw a line with the United States while allowing the SDF to use the right to collective self-defence and armed force overseas? Will it choose the option of taking joint operations with the United States? Japan needs to set conditions for mobilising military troops...Some supporters of the current Constitution say, 'Article 9 has served to apply the brakes'. Before conducting discussion on whether to revise the Constitution, the government should have enough wisdom and readiness to say 'no' to the United States when necessary.³⁸

In essence, it is highly likely that the constitution will remain pacifist even after it is reformed. The first paragraph of Article 9 renouncing war as a sovereign right of the nation and the threat or use of force to settle international disputes will be retained to balance the provision relating to Japan's contribution to international peace and security.³⁹ This means that the outcome for collective self-defence may not necessarily be clear-cut. No explicit constitutional sanction to exercise this right will be granted. Such an outcome will throw the issue back into the political realm, with the possibility that collective self-defence will be exercised by constitutional interpretation rather than by explicit constitutional sanction. In this way, the constitution may continue to provide a shield against US requests for Japan to act like a 'normal' ally.

Conclusion

Japan's peace constitution has inevitably shaped its strategic culture over the past 60 years. This is firmly centred on the principle that the use of military force is only legitimate in the case of self-defence. At the same time, the alliance with the United States is a non-negotiable element of Japan's defence policy. In order to guarantee its security, Japan has no alternative other than to depend on the United States to a greater or lesser extent.

Japan's pro-tem solution to its defence dilemma is to go along with the United States sufficiently to retain the American commitment to Japanese security, but ultimately, to stick to its constraints as limiting the extent of its contribution. Such a strategy, paradoxically, has maximised Japan's autonomy within the context of its security dependence on the United States. Successive governments have walked a tortuous path between the

³⁷ Commentary by Masaki Miyashita in the Japanese media, for example, argued, 'if civilians, who control the Self-Defence Forces remain practical, Japan will not resort to a reckless act, as was the case in WWII, even if Article 9 is amended. Even so, I wonder if the government has enough wisdom and readiness to say "no" if the United States asks for Japan's cooperation based on its global security strategy'. *Mainichi Shinbun*, 19 May 2005.

³⁸ Masaki Miyashita, in *Mainichi Shinbun*, 19 May 2005.

³⁹ The constitutional research panels of both chambers of the Diet proposed that the war-renouncing clause of the constitution be maintained.

restrictions imposed by the constitution and meeting US demands. Japan appears to have reached a *modus vivendi*: while not satisfying the United States fully, it is doing more than in the past. There may be opportunities to go further in the future, particularly in the context of security crises, but the key prohibition on collective self-defence will still have to be dealt with.

Will Japan take the next step by constitutionally legitimising collective self-defence and becoming a 'normal' ally? The answer ultimately lies with how fast official policy plays catch-up to developments on the ground, such as the operational demands of missile defence and a deteriorating regional security environment. The *sine qua non* of Japan's participation in collective self-defence is constitutional revision, but when, how and in what way the constitution will be reformed remain open questions. Despite accelerating levels of bilateral defence cooperation, for the present, the Japanese government has not set a course for a full alliance partnership with the United States. Its main goal is to be a 'normal' state, not America's 'normal' alliance partner.

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