

The Abe Doctrine

Japan's **Proactive** Pacifism
and Security Strategy

Daisuke Akimoto



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ABBREVIATIONS

ADIZ	Air Defense Identification Zone
AIRBOSS	Advanced Infra-Red Ballistic Missile Observation Sensor System
AMM	Aceh Monitoring Mission
ASEAN	Association of Southeast Asian Nations
ASDF	Air Self-Defense Force
A2/AD	Anti-Access/Area-Denial
BMD	Ballistic Missile Defense
CBRN	Chemical, Biological, Radiological, and Nuclear
CLB	Cabinet Legislation Bureau
CSIS	Center for Strategic and International Studies
DPJ	Democratic Party of Japan
DSP	Defense Support Program
EEZ	Economic Exclusive Zone
GSDF	Ground Self-Defense Force
GSOMIA	General Security of Military Information Agreement
G7	Group of Seven
HA/DR	Humanitarian Assistance and Disaster Relief
ICBM	Inter-Continental Ballistic Missile
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
INTERFET	International Force for East Timor
ISR	Intelligence, Surveillance, and Reconnaissance
JAXA	Japan Aerospace Exploration Agency
JCG	Japan Coast Guard

JCP	Japanese Communist Party
JDA	Japan Defense Agency
JFIR	Japan Forum on International Relations
JICA	Japan International Cooperation Agency
JIP	Japan Innovation Party
LDP	Liberal Democratic Party of Japan
MDA	Missile Defense Agency
MDGs	Millennium Development Goals
MOD	Ministry of Defense of Japan
MOFA	Ministry of Foreign Affairs of Japan
MSDF	Maritime Self-Defense Force
NDL	National Diet Library of Japan
NDPG	National Defense Program Guidelines
NGO	Non-Governmental Organization
NHK	Nippon Hoso Kyokai
NIDS	National Institute for Defense Studies
NIRA	National Institute for Research Advancement
NPT	Nuclear Non-Proliferation Treaty
NSC	National Security Council
NSS	National Security Strategy
ODA	Official Development Assistance
PAC-3	Patriot Advanced Capability-3
PAC-3 MSE	Patriot Advanced Capability-3 Missile Segment Enhancement
PKO	Peacekeeping Operations
POC	Protection of Civilians
PSAJ	Peace Studies Association of Japan
PSC	Peace and Security Council
RAMSI	Regional Assistance Mission to Solomon Islands
RIMPAC	Rim of the Pacific Exercise
R2P	Responsibility to Protect
SCC	Security Consultative Committee
SDF	Self-Defense Forces
SDGs	Sustainable Development Goals
SDP	Social Democratic Party
SIPRI	Stockholm International Peace Research Institute
SLBM	Submarine Launched Ballistic Missile
SLOC	Sea Lines of Communication
SM-3	Standard Missile-3

THAAD	Terminal (Theater) High Altitude Area Defense
TICAD	Tokyo International Conference on African Development
TPP	Trans-Pacific Partnership
TRDI	Technical Research and Development Institute
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nation Security Council
UNSG	United Nations Secretary-General
USA	United States of America
WESTPAC	Western Pacific Missile Defense Architecture Study

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Introduction

Abstract This research scrutinizes policy implications of the Peace and Security Legislation for Japan's Ballistic Missile Defense system, the Japan–USA alliance system, and Japan's policy on international peace-keeping operations in South Sudan. It attempts to reveal the emergence of the 'Abe Doctrine' by anatomizing its components of security strategy as well as the strategic implication of Prime Minister Abe's policy toward the Trans-Pacific Partnership. The significance of this research lies in the fact that whereas earlier work examined the possible existence of the Abe Doctrine by analyzing its ideological elements, this book identifies domestic/bilateral/global implications of Prime Minister Abe's 'proactive contribution to peace' policy and the Peace and Security Legislation as concrete examples of the Abe Doctrine.

Keywords Abe Doctrine • Ballistic Missile Defense (BMD) • Japan–USA alliance • Peacekeeping operations (PKO) • Grand strategy

This book examines Japan's foreign and security policy, especially under the Shinzo Abe government. Prime Minister Shinzo Abe came to power after his predecessor Prime Minister Junichiro Koizumi stepped down in September 2006. Although Prime Minister Abe planned to enhance Japan's security policy and strengthen the Japan–USA alliance in his first cabinet (September 2006–August 2007), he ended up resigning within a year. After the fall of

the Democratic Party of Japan (DPJ) government (September 2009–December 2012), Prime Minister Abe came back to power in December 2012. Since then his government has reinvigorated Japan's foreign and security policy in various ways. There are a number of books about Prime Minister Abe both in Japanese and in English. Much attention seems to be paid to the prime minister's economic policy, also known as 'Abenomics', and most of the Japanese-language titles resulted in one-sided and over-heated criticism of or applause for the prime minister.

Understandably, most Japanese economists tend to focus on the economic policy of the Abe administration,¹ and international economists have also paid much attention to the prime minister's economic initiative, namely Abenomics.² On the contrary, political scientists have examined Japanese political system under the Abe government, such as the '2012 political system' being a new phase in Japanese politics,³ and the 'prime ministerial executive' in comparison with the Westminster system.⁴ Meanwhile, Japanese political scientists have conducted a thorough review on the Abe government from multiple perspectives in an edited book.⁵ In particular, Seiji Endo of Seikei University has critically analyzed the foreign and security policy of the Abe administration under the policy of 'proactive contribution to peace'.⁶ Endo pointed out that the Abe government intentionally did not utilize the term 'pacifism' but chose the words 'proactive contribution to peace' (*sekkyokuteki heiwashugi*), so that the government could promote both Japan's international cooperation and military normalization at the same time.⁷

More specifically, Kyoji Yanagisawa, the former Director of the National Institute for Defense Studies (NIDS), observed that the policy of the Abe administration under the concept of proactive contribution to peace coincides with Japan's military cooperation with the United States.⁸ In regard to Japan's military normalization through the enactment of the Peace and Security Legislation, Marta Ross described the strategic policy facilitated by Prime Minister Abe as the 'Abe restoration', and observed that 'it is not only an effort to restore Japan's confidence and pride, but is also an opportunity for Japan to demonstrate that it can exercise the responsible use of national power – economic, political, and military'.⁹ Likewise, Craig Mark conducted a comprehensive analysis of the Abe administration at political, economic, and strategic levels, and also described the leadership of the prime minister as 'Abe restoration'.¹⁰

Another distinguished earlier study by Christopher Hughes investigated the foreign and security policy under the Abe government, including the

issues of history problems, defense policy, and US bases in Okinawa, as well as the relationship with Asian neighbor countries; he described the policy as the ‘Abe Doctrine’.¹¹ In Japan, Akira Kato, Professor in International Politics at J. F. Oberlin University, critically examined this, arguing that the doctrine seeks to strengthen Japan’s military capability in a way that is more than necessary.¹² However, the term Abe Doctrine has not been commonly used by the Japanese people, and the prime minister himself has not defined his national security strategy in this way. Is the Abe Doctrine really identifiable in Japanese politics and international relations? If this is the case, what are the policy implications and components of the Abe Doctrine as Japan’s new grand strategy? Will it be sustainable and widespread in Japanese politics?

Notably, less attention has been paid to the legal and political implications of the Peace and Security Legislation based on the policy of proactive contribution to peace during the Abe administration for Japan’s foreign and security policy, especially Japan’s Ballistic Missile Defense (BMD) system, the Japan–USA alliance, and Japan’s policy on international peace-keeping operations in South Sudan. Moreover, exploring the characteristics of Japan’s security strategy under the Abe government and Japan’s policy toward the Trans-Pacific Partnership (TPP) is important in order to comprehend the strategic nature of the Abe Doctrine. These case studies can be regarded as filling a research gap for the Abe administration.

In an attempt to answer the main questions and to fill in the research gap noted above, this book aims to investigate the policy implications of Prime Minister Abe’s proactive contribution to peace (proactive pacifism) for Japan’s foreign and security policy (domestic/national), the Japan–USA alliance (bilateral/regional), and Japan’s policy toward international peace operations (international/global). To this end, this book investigates Prime Minister Abe’s policy-making process through the Peace and Security Legislation, which upgraded Japan’s security policy and enabled Japan to exercise the right of collective self-defense, which used to be unconstitutional. The main argument of the book is that the domestic, bilateral, and global implications of the prime minister’s proactive contribution to peace concept are policy components of the Abe Doctrine as a new grand strategy.

Accordingly, this book will specifically explore the areas mentioned above: the policy implications of the Peace and Security Legislation for Japan’s BMD system, the Japan–USA alliance system, and Japan’s policy on international peacekeeping operations in South Sudan. Finally, it seeks

to reveal the emergence of the Abe Doctrine by anatomizing its policy elements of security strategy as well as the strategic implication of Japan's TPP policy. The significance of this lies in the fact that whereas earlier research examined the possible existence of the Abe Doctrine by analyzing its ideological elements, such as the prime minister's attitude toward historical issues, official visits to the Yasukuni Shrine, and his foreign and security policy, this book identifies the domestic/bilateral/global implications of the proactive contribution to peace policy and the Peace and Security Legislation as a concrete example of the Abe Doctrine.¹³

Immediately after his return to power, Prime Minister Abe established the National Security Council (NSC), formulated the National Security Strategy (NSS), and adopted the policy of proactive contribution to peace, or proactive pacifism, as a basic principle of Japan's national security strategy in December 2013. At the same time, the prime minister has steadily increased Japan's defense budget in order to normalize its military capability as shown in Fig. 1.1, and the defense budget request for the fiscal year 2018 reached a record high in post-war Japanese politics.

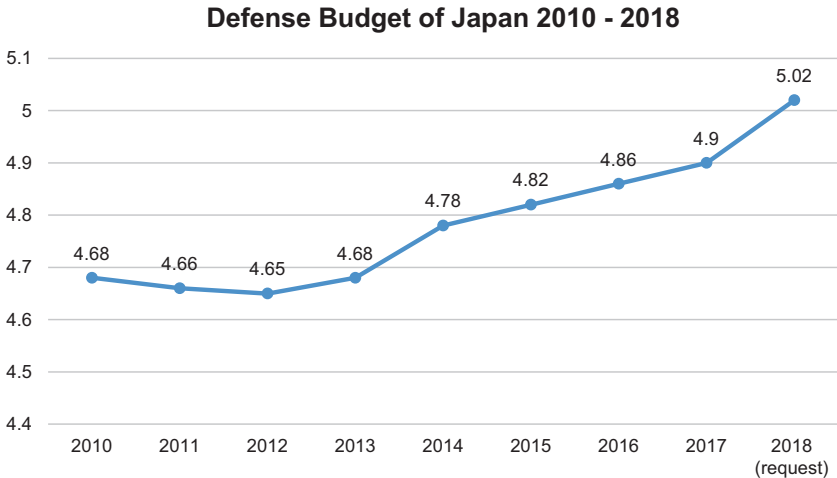


Fig. 1.1 Changes in defense-related expenditures 2010–2018 (fiscal year) (Note: the digit number = trillion yen (MOD. 2017d. ‘Wagakuni no Boei to Yosan: Hesei 30 Nendo Gaisan Yokyu no Gaiyo (Defense Programs and Budget of Japan: Overview of FY 2018 Budget Request)’. Tokyo: Ministry of Defense, Japan, p. 3))

The steady increase in Japan's defense budget during the Abe administration indicates that the prime minister has sought to facilitate Japan's military normalization under the name of the proactive contribution to peace. Academically, the concept of positive peace (*sekkyokuteki heima*) was originally used and proposed by Johan Galtung as early as 1958, and the two concepts, proactive contribution to peace and positive pacifism, are seemingly identical.¹⁴ Yet are they really the same concepts in meaning and purpose? Are the two types of Japanese pacifism completely different or do they overlap to some degree?

In an attempt to answer these questions, Chap. 2 aims to examine differences and similarities between Japan's positive pacifism based on Galtung's definition and Prime Minister Abe's proactive contribution to peace (proactive pacifism), and to investigate the implications for changing Japanese foreign and security policy. To this end, a brief overview of the concept of pacifism as an analytical framework in the context of Japanese politics will be given. Next, the conceptualization of Japan's negative and positive pacifism is examined as an application of Galtung's definition. The origin and development of Japan's proactive contribution to peace is contextualized in relation to Japan's negative and positive pacifism. In order to clarify the similarities and differences, this research employs analytical eclecticism in combination with orthodox theories of international relations. Finally, it investigates whether or not Abe's proactive contribution to peace contains similar policy elements of negative and positive pacifism, in light of the prime minister's foreign and security policy.

Chapter 3 reviews the so-called 15 Cases regarding the peace and security of Japan and the international community that was suggested by the Abe government to the Liberal Democratic Party (LDP) and Komeito as the ruling parties on 27 May 2014. The 15 Cases were critically covered by Japanese newspapers, because the simulations included several scenarios that could entail exercise of the right to collective self-defense, which was considered to be unconstitutional. The review of the 15 Cases is of significance, given the fact that the 15 Cases could be regarded as one of the prototypes of Japan's Legislation of Peace and Security, which allows the country to partially exercise the right of collective self-defense; this was enacted on 19 September 2015 and came into force on 29 March 2016. The chapter also attempts to re-examine the legal and policy validity of the 15 Cases in relation to the Peace and Security Legislation.

The successive Japanese government consistently concluded that Japan has the right of collective self-defense, but that it cannot be exercised because of Article 9, the so-called ‘peace clause’ of the Japanese Constitution. Despite this official interpretation, the Second Abe Cabinet (December 2012–December 2014) made a decision to ‘partially’ exercise the right of collective self-defense on 1 July 2014. Based on the cabinet decision, the Third Abe cabinet (December 2014–November 2017) made another decision regarding the Peace and Security Legislation on 14 May 2015, and this was eventually enacted on 19 September 2015. Chapter 4 examines the legislative process of the Peace and Security Legislation that was deliberated upon in the Special Committee on the Peace and Security Legislation during the 189th ordinary session at the Japanese National Diet. In order to comprehend the constitutionality of the legislation, the chapter thoroughly anatomizes the proceedings of the committee.

Chapter 5 attempts to contextualize the development of Japan’s policy toward the BMD system, since its enhancement was one of the major reasons why the Abe government needed to enact the Peace and Security Legislation in the first place. The political background of the BMD system from the Cold War period to the present is contextualized, while the legal framework of BMD policy is explored in terms of the revision of the Self-Defense Forces (SDF) Law and the creation of the Peace and Security Legislation. In this context, the three phases in Japan’s BMD system, boost phase, mid-course phase, and terminal phase, are examined. Finally, the chapter provides an analysis of Japan’s strike capability against adversary’s missile bases within the framework of the current defense policy; that is, exclusively defense-oriented policy or defensive defense policy (*senshu boei*).

The Guidelines for Japan–US Defense Cooperation were revised on 27 April 2015 for the first time in eighteen years. Domestically, the Abe government enacted Japan’s Legislation for Peace and Security on 19 September 2015. The 2015 Guidelines and the Peace and Security Legislation are of significance in that the bilateral arrangement and the legal framework enabled Japan to exercise the right of collective self-defense, which was regarded as unconstitutional under the Japanese Constitution. With a view to clarifying the bilateral and regional implications of the Peace and Security Legislation, Chap. 6 examines the development of the Japan–USA military alliance from the 1951 Japan–USA Security Treaty to the 2015 Guidelines for Japan–US Defense Cooperation, in order to investigate how the Japan–USA alliance has been transformed or strengthened by the Abe government. First, the Japan–USA Security

Treaty as a core of bilateral security cooperation is briefly overviewed in the historical context. Next, the chapter reviews the Defense Guidelines originally signed in 1978, revised in 1997, and last upgraded in 2015. Finally, it attempts to substantiate a correlation between the 2015 Guidelines and Japan's Legislation for Peace and Security.

After the independence of South Sudan from Sudan on 9 July 2011, the Japanese government decided to dispatch its SDF to South Sudan under the auspices of the United Nations Mission in the Republic of South Sudan (UNMISS). Despite post-conflict military clashes in South Sudan, the Japanese government did not withdraw the SDF, but instead the Abe administration assigned a new mission, the so-called *kaketsuke-keigo*, to rescue staff of international organizations and non-governmental organizations (NGOs) in the event of possible armed attacks during peacekeeping operations. The new mission can be regarded as Prime Minister Abe's proactive contribution to peace in action. Therefore, Chap. 7 aims to investigate the implication of the Peace and Security Legislation for Japan's peacekeeping operations in South Sudan, and to investigate some dilemmas that the United Nations, the Japanese government, and the Japanese peacekeepers had to contend with.

Chapter 8 seeks to reveal the emergence of the Abe Doctrine, which could be Japan's new 'grand strategy'. It confirms the changing security environment surrounding Japan by paying attention to three neighboring countries, Russia, China, and North Korea, as potential military and strategic threats to peace and security. The chapter provides an analysis on five strategic levels of the Abe Doctrine and visualizes a hierarchical image of the strategic levels as Japan's 'strategy pyramid'. In addition to this, Chap. 8 examines the foreign and economic strategy of the Abe Doctrine by shedding light on Prime Minister Abe's strategy toward the TPP. The chapter reconsiders whether the Abe Doctrine is identifiable in the study of Japanese politics or not. Finally, concluding comments and an observation on the fate of the Abe Doctrine are provided, considering whether the doctrine is sustainable and will become widespread in the foreseeable future.

NOTES

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Prime Minister Shinzo Abe and the Proactive Contribution to Peace

Abstract This chapter aims to examine differences and similarities between Japan's positive pacifism and the concept of proactive contribution to peace (so-called proactive pacifism), and to investigate some policy implications for changing Japanese foreign and security policy. To this end, the concept of pacifism as an analytical framework is briefly reviewed in the context of Japanese politics. Next, a conceptualization of Japan's negative and positive pacifism is investigated as an application of Galtung's definition. In comparison with Japan's negative and positive pacifism, the origin and development of the country's proactive contribution to peace is contextualized. In order to clarify similarities and differences, this chapter employs analytical eclecticism in combination with orthodox theories of international relations. Finally, it argues that the prime minister's foreign and security policy contains similar policy and normative elements of negative and positive pacifism as part of Japan's proactive contribution to peace.

Keywords Article 9 • Galtung • Negative peace • Positive peace
• Proactive contribution to peace

INTRODUCTION

Shinzo Abe was born into a family of politicians in 1954, having former Foreign Minister Shintaro Abe as a father and former Prime Minister Nobusuke Kishi as a grandfather. In his early political career, Abe started working as a secretary to Foreign Minister Shintaro Abe in 1982, and he became a legislator of the Liberal Democratic Party (LDP) after the death of his father in 1993.¹ During the Junichiro Koizumi government, Abe served as Chief Cabinet Secretary, and in September 2006 he became the youngest prime minister in post-war Japan. Although this was a brief stint, Abe came back to power in December 2012, and became the third-longest serving prime minister of post-war Japanese politics behind Eisaku Sato and Shigeru Yoshida.²

In his second cabinet, on 17 December 2013 Prime Minister Abe hoisted a flag of proactive contribution to peace (*sekkyokuteki heiwashugi*) based on international cooperationism (*kokusai kyochoshugi*) as a basic concept of Japan's foreign and security policy in the National Security Strategy (NSS). What is this concept of proactive contribution to peace? How does Japan make a proactive contribution to international peace and security based on the new foreign and security concept?

According to the Abe government, especially the Ministry of Foreign Affairs (MOFA), the policy of proactive contribution to peace means Japan's proactive contribution to regional and international peace and stability.³ There are various global agendas to which Japan has made diplomatic and proactive contributions. Among them, the Millennium Development Goals (MDGs) as well as Sustainable Development Goals (SDGs) may be raised as the primary goals that Japan, as a member of the international community, should tackle. These MDGs and SDGs are composed of global issues, such as 'poverty, climate change, global environmental issues, disaster risk reduction, water and sanitation, health, education, agriculture, and women's issues'.⁴

Likewise, the MOFA also emphasized that Japan has contributed to international peace operations to resolve and minimize global issues, such as those defined as MDGs and SDGs. Moreover, Japan's role in nuclear disarmament and non-proliferation as the sole country that experienced atomic bombs during the Second World War could become more and more important. In order to deal with the global problems mentioned above, the Abe administration set forth the concept of a proactive contribution to peace.⁵ Accordingly, this covers a wide range of global issues.

The prime minister has also upgraded Japan's defense and security policy by enacting the Peace and Security Legislation, while pursuing constitutional revision, especially of Article 9 of the Japanese Constitution, as an ultimate political goal.

Regarding the prime minister's proactive contribution to peace, Johan Galtung, who conceptualized the terms 'negative peace and positive peace', was strongly critical: 'The use of "positive peace" by the Japanese government now is a totally complete misunderstanding', and stated that Japan's 'proactive contribution to peace' is the opposite of 'positive peace' in peace studies.⁶ Galtung's criticism was broadcast on television in the middle of the Diet deliberation of the Peace and Security Legislation.⁷ But are Japan's positive pacifism based on Galtung's definition and proactive contribution to peace promoted by Prime Minister Abe totally and completely different in nature?

The purpose of this chapter is to analyze the research question posed here and to investigate the differences and similarities between Japan's positive pacifism and the policy of proactive contribution to peace (proactive pacifism), investigating the implications for Japan's changing foreign and security policy.⁸ To this end, conceptualization of the country's negative and positive pacifism is examined as an application of Galtung's peace concept. In comparison with Japan's negative and positive pacifism, the origin and development of the proactive contribution to peace will be contextualized. In order to clarify similarities and differences, this research employs analytical eclecticism in combination with orthodox international relations theories. Finally, the chapter investigates whether the foreign and security policy of the Abe administration contains some elements of negative and positive pacifism in its proactive contribution to peace, or not.

POSITIVE PACIFISM AND NEGATIVE PACIFISM IN JAPANESE POLITICS

The concept of pacifism has been analyzed as one of the fundamental norms in the study of political science and international relations. Theoretically, in the study of international relations pacifism can belong to 'the liberal idealist school of ethical thought that recognizes no conditions that justify the taking of another human's life, even when authorized by a head of state'.⁹ In a narrow definition, however, the word can be divided into absolute pacifism and relative pacifism. While the former denies any

kind of war and violence, the latter can justify some types of war or the use of force on certain occasions.¹⁰ Pacifism is often regarded as non-violence in the study of politics, and strictly speaking, this can be categorized as absolute pacifism.¹¹

The distinction between two different types of pacifism can be applied to this examination of Japanese pacifism, which can be regarded as both absolute and relative. For instance, Japanese constitutional scholars tend to categorize the pacifism of the Japanese Constitution as absolute pacifism.¹² Indeed, to a casual observer, Article 9 of the Japanese Constitution seems to be absolute pacifism or non-violence in its legal and political implications. It reads:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.

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 the belligerency of the state will not be recognized.

The content and relevant historical background regarding the Japanese Constitution are available from the National Diet Library (NDL).¹³ According to the NDL's sources, before the promulgation of the Japanese Constitution, Prime Minister Shigeru Yoshida originally interpreted the peace clause as absolute pacifism and non-violence, which denies the 'use of force even for self-defense'.¹⁴ In the context of Cold War politics, however, the prime minister decided to interpret it as meaning that Japan could use force for self-defense.¹⁵ With this in mind, it could be interpreted that in political terms post-war Japanese pacifism is relative rather than absolute.

In addition to the classification of absolute and relative pacifism, the pacifism of Japan can be categorized either as negative or positive based on the definition of peace, negative peace and positive peace, theorized by Johan Galtung.¹⁶ According to Galtung, the absence of direct violence, such as war, conflict, and terrorism, means negative peace, while the absence of structural violence or indirect violence, such as poverty, economic inequity, injustice, and discrimination, for example, is defined as positive peace.¹⁷

In an application of the concept of negative and positive pacifism, Japanese pacifism can be conceptualized as negative based on Article 9 and positive based on the Preamble of the Constitution. This is because the primary purpose of Article 9 is the ‘renunciation of war’ and ‘illegalization of use of force’, which is consistent with negative peace as the absence of direct violence. On the other hand, the Preamble emphasizes the significance of guaranteeing the ‘right to live in peace’ and removing ‘tyranny, slavery, oppression, intolerance, fear, and want’, which could be regarded as structural violence and indirect violence. In other words, the purpose of the Preamble is to achieve positive peace based on international cooperation.¹⁸ The analogy between Galtung’s definition of peace and the Japanese Constitution, and a conceptualization of negative and positive pacifism, is illustrated as Table 2.1.

Notably, some Japanese peace researchers and constitutional scholars have already employed the definition of peace by Galtung to conceptualize Japan’s negative and positive pacifism.¹⁹ As examined in earlier research, it seems that the Japanese government, based on the concept of positive pacifism, has made contributions to international peace and security, especially in the field of official development assistance (ODA) and international peace operations in post-conflict countries authorized by the United Nations (UN).²⁰

Interestingly, the Second Cabinet of Prime Minister Shinzo Abe adopted the concept of a proactive contribution to peace, with its Japanese translation being *sekkyokuteki heiwashugi*—identical to the translation of positive pacifism. Regarding this issue, it was incorrectly reported that

Table 2.1 Analogy between Galtung’s definition of peace and the Japanese constitution

Negative peace Absence of direct violence (war, conflict and terrorism) Presence of negative peace (ceasefire, peace treaty and disarmament)	Positive peace Absence of structural violence (poverty, inequity and oppression) Presence of positive peace (reconciliation, post-war peace operations, human security)
Japan’s negative pacifism Article 9 of the Japanese Constitution (renunciation of war and non-possession of offensive military capability beyond self-defense)	Japan’s positive pacifism The Preamble of the Constitution (the right to live in peace, responsibility for international peace, international cooperation)

Note: The contents are a modified interpretation by the author (Ibid, p. 30.)

Johan Galtung criticized that the use of the words ‘proactive contribution to peace’ by Prime Minister Abe was ‘plagiarism’.²¹ Precisely, Galtung himself denied that he used the term ‘plagiarism’ in criticizing Prime Minister Abe, but he argued that Abe’s use of these words was abuse of the concept of positive peace.²² The Peace Studies Association of Japan (PSAJ) also noted that the concept of positive peace and the policy of proactive contribution to peace are the same in the Japanese language, but different in nature from each other.²³

THE DEVELOPMENT OF JAPAN’S PROACTIVE CONTRIBUTION TO PEACE

What then is the difference between the two concepts of *sekkyokuteki heiwashugi*? Why did the Abe government not use the term pacifism in its English translation? To clarify these puzzles, it is important to comprehend the origin and development of the notion of a proactive contribution to peace in Japanese politics.

In Japan, positive pacifism (*sekkyokuteki heiwashugi*) was proposed by Takuya Kubo, the former Administrative Vice-Minister of Defense, in 1977. As early as the 1970s, Kubo suggested that the Japanese government should establish the National Security Council (NSC), and argued that Japan should contribute to international stability and creation of peace by shifting ‘passive/negative pacifism’ to ‘active/positive pacifism’.²⁴ Academically, the term positive pacifism was used and proposed in the book *Futatsu no Shogeki to Nihon (Japan’s Response to the Two Shocks)*, written by Kenichi Ito in 1991. Ito argued that the Japanese Constitution is composed of both ‘negative pacifism’ as ‘ascetic self-constraint’ and ‘positive pacifism’ as ‘altruistic self-sacrifice’.²⁵ It can be observed that the former represents Article 9 of the Japanese Constitution, while the latter indicates international cooperation based on the Preamble of the Constitution. In order to develop and propose the concept of positive pacifism, Ito wrote another book, *Shin Senso Ron: Sekkyokuteki Heiwashugi eno Teigen (The New Argument on War: Proposal of ‘Positive Pacifism’)*, in 2007, and emphasized the importance of the policy implication of positive pacifism.²⁶ The term positive pacifism was also used in 1992 by the Special Committee on Japan’s Role in the International Community of the Liberal Democratic Party, or the so-called Ozawa Committee named after Ichiro Ozawa who was its chairman.²⁷

In March 2001, the National Institute for Research Advancement (NIRA) published a research monograph, *Sekkyokuteki Heiwashugi o Mezashite (Japan's Proactive Peace and Security Strategies)*, and suggested that Japan should become a country that values *sekkyokuteki heiwashugi* (proactive peace or positive peace) to contribute to international peace and security, such as nuclear disarmament and international peacekeeping operations (PKO), instead of sticking to one-nation pacifism (*ikkoku heiwashugi*), which is based on Japan's passive security policy.²⁸

In April 2004, the Japan Forum on International Relations (JFIR) published a policy paper, 'Atarashii Sekai Chitsujo to Nichibei Domei no Shorai (The New World Order and the Future of the Japan-US Alliance)', and proposed that the Japanese government should revise Article 9 of the Japanese Constitution on the basis of positive rather than negative pacifism, which is based on 'repentance' for the conduct during the Asia Pacific War. The JFIR also proposed that Japan needs to be able to exercise the right of collective self-defense.²⁹ Moreover, the JFIR published another policy paper, 'Positive Pacifism and the Future of the Japan-US Alliance' as its 32nd policy recommendation in October 2009. Kenichi Ito as JFIR President and Chairman of the Policy Council suggested in the report that Japan should adopt a foreign and security policy based on positive pacifism.³⁰ Thus, he made an academic contribution to the development of Japan's policy of positive pacifism, which eventually evolved into a proactive contribution to peace.

At the political level, the second cabinet of Prime Minister Abe drafted the NSS and adopted the policy of proactive contribution to peace based on the principle of international cooperation as a central concept of Japan's foreign and defense policy on 17 December 2013.³¹ In particular, the NSS emphasized Japan's proactive contribution to the peace and stability of the international community, through international PKO and the UN peace-building commission.³²

The Policy Council of the JFIR, moreover, published a policy paper entitled 'Positive Pacifism and Japan's Course of Action' as its 37th policy recommendation in August 2014. It was suggested that it is important to switch 'Japan's national credo' from 'one-nation pacifism' to 'world pacifism', with the thought that Japan's response to the Crimean Crisis could be a touchstone of its positive pacifism.³³ Notably, this was set forth in the context of Japan being a 'global no-war regime' within the collective security system of the UN.³⁴

The PSAJ made the criticism that although positive pacifism and proactive contribution to peace are the same in Japanese, they are fundamentally different in their meanings. It was pointed out that the reason why Prime Minister Shinzo Abe does not use the term positive pacifism in overseas speeches is that the concept of proactive contribution to peace is incongruous with the notion of pacifism.³⁵ Either way, it seems that they can be regarded as two different concepts, given the theoretical background and political context.

PRIME MINISTER ABE'S SECURITY STRATEGY IN ANALYTICAL ECLECTICISM

So far, this chapter has examined Japan's negative and positive pacifism based on Galtung's peace concept in comparison with Japan's proactive contribution to peace as a core concept of the country's fundamental security strategy as facilitated by the Abe government. It turns out that both concepts are related to Japan's security policy, but they cannot necessarily provide comprehensive theoretical explanations for the changing foreign and security policy of the Abe administration.

In an attempt to overcome the research limitation, this section applies international relations theory as well as analytical eclecticism to investigate the foreign and security policy of the Abe administration. As a research method regarding Japan's security policy, analytical eclecticism was proposed by Peter Katzenstein in his book *Rethinking Japanese Security* (2008).³⁶ As methodological characteristics of the eclectic analysis in the research of Japan's security policy, Katzenstein noted the following:

Some writings on Japanese security may, in the future, be able to take a more eclectic turn, by incorporating elements drawn from three different styles of analysis – the testing of alternative explanations, the rendering of synthetic accounts, and historically informed narratives.³⁷

Usually, theorists of international politics tend to stick to a particular theoretical framework and avoid shedding light on other possible perspectives.³⁸ Although a particular theoretical framework can provide a focused observation, it cannot be completely sufficient. Thus, the application of analytical eclecticism can be a useful research tool to analyze complicated and seemingly contradictory political phenomena and policy processes. By utilizing this research method in combination with international relations

theory, Japan's security policy can be divided into the following four perspectives: classical liberalism, neo-liberalism, classical realism, and neo-realism.³⁹

In terms of classical liberalism, it is possible for the international community to achieve international peace, as argued by Immanuel Kant,⁴⁰ by applying 'reason and universal ethics to international relations'.⁴¹ In this regard, the classical liberalist perspective is consistent with negative pacifism based on Article 9 of the Japanese Constitution. In the light of neo-liberalism, which premises that 'international cooperation' is possible and desirable in international relations, it is natural for Japan to contribute to international peace and security through international PKO and its ODA policy.⁴²

From the viewpoint of classical realism, sovereign states are supposed to maximize their power and national interests.⁴³ The classical realist perspective justifies Japan's military normalization process, which could be completed by constitutional revision. From a perspective of neo-realism or structural realism, balance of power and military alliance are important security strategies, and the behavior of sovereign states could be determined by a 'hegemonic state' and would be influenced by the 'anarchic nature' of the international system.⁴⁴ For neo-realists, it is understandable that Japan should strengthen the Japan–United States (USA) military alliance for 'anarchic' international relations.

These four theoretical perspectives as a method of analytical eclecticism could be taken into consideration in this analysis of Japan's changing pacifism and security policy, as they will help us to examine some research questions. Does Prime Minister Abe deny and diminish the importance of Article 9 as a core norm of Japan's negative pacifism? To what extent does Abe's proactive contribution to peace contribute to the maintenance of international peace and security? Does the prime minister wish to revise Article 9 in order to normalize Japan's military capabilities? How is the concept of proactive contribution to peace compatible with the Japan–USA alliance? These research questions are to be explored in the following sections through the lens of analytical eclecticism.

CLASSICAL LIBERALISM: JAPAN'S NEGATIVE PACIFISM IN THE ABE ADMINISTRATION

From a classical liberal perspective, one may say, on the basis of Article 9 of the Japanese Constitution, that Prime Minister Abe sought to diminish the normative influence of Japan's negative pacifism. Indeed, it has been

observed that there has existed a so-called culture of antimilitarism in the Japanese society,⁴⁵ but the prime minister's nationalism and patriotism can be problematic for peace and security in the region.⁴⁶ Nonetheless, it can be argued that Prime Minister Abe's proactive contribution to peace is congruent with negative pacifism, based on the anti-war pacifism that stemmed from the devastation of the Second World War.

For example, it could be interpreted that Prime Minister Abe's 'Statement on the 70th Anniversary of the End of War' issued on 14 August 2015 is consistent with negative pacifism and simply represents his attitude toward war and peace. In the statement, the prime minister emphasized the importance of peace as follows:

We must calmly reflect upon the road to war, the path we have taken since it ended, and the era of the 20th century. We must learn from the lessons of history the wisdom for the future ... Upon the innocent people did our country inflict immeasurable damage and suffering ... The peace we enjoy today exists only upon such precious sacrifices. And therein lies the origin of post-war Japan. We must never again repeat the devastation of war.⁴⁷

Thus the prime minister stressed the importance of the 'lessons of history', which is consistent with the renunciation of war that is embodied as Article 9 of the Japanese Constitution. Prime Minister Abe continued with the statement that 'Japan will fulfil its responsibility in the international community, aiming at the non-proliferation and ultimate abolition of nuclear weapons.'⁴⁸ It indicates that the prime minister wishes the abolition of war and nuclear weapons, and he showed his determination that Japan will 'contribute to peace and prosperity of the world more than ever before' by hoisting the flag of 'proactive contribution to peace'.⁴⁹ Although the Abe government did not support the recent Nuclear Weapon Prohibition Treaty because the approach manifested a gap between nuclear-armed states and non-nuclear countries, it instead proposed an alternative resolution plan toward nuclear abolition, and this approach was supported by wider UN member states, including the USA.⁵⁰ In this sense, it is fair to analyze that Prime Minister Abe's policy of 'proactive contribution to peace' overlaps with the abolition of war and nuclear weapons; that is, negative peace.

From a perspective of classical liberalism, Prime Minister Abe's official visit to the Yasukuni Shrine on 26 December 2013 might be regarded as justification of the Asia Pacific War waged by Japan. Indeed, some

observers pointed out the prime minister's 'revisionist stance of history',⁵¹ and it was noted that 'the image of Abe as a historical revisionist who wishes to turn the clock back to the 1930s' was widespread not only in Asia but also in the USA and Europe.⁵² In fact, when Abe paid his official visit to the shrine, the US Embassy in Tokyo expressed an official statement to state that the 'US government was disappointed' by the prime minister's action.⁵³

However, Abe explained that he conducts official visits to the Yasukuni Shrine because he wishes to pay respect to those who fought for the defense of Japan and because he would like to express a 'vow' for 'non-war' (*fusen no chikai*).⁵⁴ Undoubtedly, an official visit to the Yasukuni Shrine by Japanese prime ministers could be domestically and internationally problematic, yet the same statements and comments about a vow for non-war or a vow for peace have been repeated by Abe. This means that the prime minister does not deny the normative value of anti-war pacifism and negative pacifism. Indeed, the Abe administration did not change Japan's fundamental security policy, its defensive defense policy or its exclusively defense-oriented policy (*senshu boei*) so that Japan could use force only for self-defense or the defense of Japan even after the enactment of the Peace and Security Legislation.

On the contrary, it is also true that Prime Minister Abe values Japan's negative pacifism based on anti-war pacifism. The prime minister's speech at Pearl Harbor on 27 December 2016 exemplifies this. He stated:

We must never repeat the horrors of war again. This is the solemn vow we, the people of Japan, have taken. And since the war, we have created a free and democratic country that values the rule of law and has resolutely upheld our vow never again to wage war. We, the people of Japan, will continue to uphold this unwavering principle, while harboring quiet pride in the path we have walked as a peace-loving nation over these 70 years since the war ended.⁵⁵

Obviously, the speech by Abe at Pearl Harbor describes negative pacifism, which is consistent with Article 9 which stipulates renunciation of war. To put it another way, it is possible to interpret that Prime Minister Abe's foreign and security policy based on a proactive contribution to peace is consistent with negative pacifism.

Prime Minister Abe also made a diplomatic endeavor to conclude a peace treaty with Russia. As a first step to this goal, Prime Minister Abe invited Russian President Vladimir Putin to Yamaguchi Prefecture, a

hometown of the prime minister, in order to have summit talks on 15 and 16 December 2016.⁵⁶ In these talks, Abe and Putin agreed that the two countries would cooperate with joint economic activities rather than focusing on the bilateral territorial dispute over the Northern Territories.⁵⁷ Thus, although the prime minister's political stances on foreign and security policy as well as history issues have been described as conservative and nationalistic, the proactive contribution to peace policy is congruent with the theoretical implication of classical liberalism and negative pacifism.

NEO-LIBERALISM: PROACTIVE CONTRIBUTION TO PEACE AS INTERNATIONAL COOPERATION

The premise of neo-liberalism is that international cooperation is possible and desirable in the anarchic world. In this sense, neo-liberalism can be paraphrased as international pacifism based on international cooperation. From a neo-liberal perspective, Prime Minister Abe's proactive contribution to peace seems to be nearly identical with positive pacifism, which is based on the Preamble of the Japanese Constitution: both are based on international cooperation.

Indeed, Prime Minister Abe's proactive contribution to peace has repeatedly and consistently been referred to alongside the concept of international cooperation or international cooperationism (*kokusai kyochoshugi*). In the plenary session of the 185th Diet Session in the Lower House on 15 October 2013, for instance, Abe stated that Japan should not only chant international cooperation, but also proactively contribute to international peace and stability based on the concept of proactive contribution to peace as well as international cooperation.⁵⁸

One of the examples of a proactive contribution to peace based on the spirit of international cooperation is Japan's policy on the ODA for developing countries and post-conflict peacebuilding activities. The Japanese government has made a proactive contribution to peacebuilding operations through its ODA policy as well as its PKO participation. Since there are legal and constitutional limitations on the activities of Japanese peacekeepers, the country's economic contribution to peacebuilding and human security in areas affected by conflicts and disasters is of significance. In combining its policies on PKO and ODA, Japan can provide a proactive and seamless contribution to peacebuilding, and Japan's ODA policy is consistent with the policy of a proactive contribution to peace.⁵⁹

On the basis of this concept and international cooperation, Prime Minister Abe created the Peace and Security Legislation (*heiwa anzen hosei*) on 19 September 2015. This is composed of two laws: the Peace and Security Legislation Development Law (*heiwa anzen hosei seibihō*), including a revision of the Self-Defense Forces (SDF) Law and the PKO Law; and the International Peace Support Law (*kokusai heiwa shienhō*), which is a new independent law. Japan's Legislation for Peace and Security came into force on 29 March 2016.⁶⁰

By the creation of this Peace and Security Legislation, including the revision of the PKO Law, Japanese peacekeepers will be able to conduct safety-ensuring operations and the so-called *kaketsuke-keigo* operations in order to rescue civilians under attack during international PKO. The new legislation will also enable the SDF to join international peace operations, or 'internationally coordinated operations for peace and security', which are not under the control of the UN. Indeed, there were international peace operations outside UN PKO, such as the Aceh Monitoring Mission (AMM), which was implemented at the request of the European Union (EU), and the Regional Assistance Mission to Solomon Islands (RAMSI), which was implemented at the request of the countries in the area.⁶¹ Thus, the purpose of proactive contribution to peace coincides with the expansion of Japan's role in international peace operations outside the conventional UN PKO framework.

The International Peace Support Law, moreover, seems to be consistent with the policy of proactive contribution to peace. Under the new law, the Japanese government can provide logistical support for military operations authorized by the UN in accordance with the object of the UN Charter. Previously, the Japanese government had to create an ad hoc special legal framework, such as the Anti-Terrorism Special Measures Legislation to dispatch the SDF to the Indian Ocean.⁶² Instead of spending time creating new special legislation each time, the Japanese government will be able to make much smoother and more effective contribution to the maintenance of international peace and security as a primary purpose of the UN Charter. In this sense, it is fair to argue that Japan's Legislation for Peace and Security, created by the Abe government and based on the policy of proactive contribution to peace, is consistent with the premise of neo-liberalism, in other words international cooperation.

Prime Minister Abe's proactive peace diplomacy under the policy of proactive contribution to peace and international cooperation was reflected in its diplomatic endeavor at the G7 Japan Ise-Shima Summit held in Mie

Prefecture on 26 and 27 May 2016. The G7 leaders discussed not only global economy but also global issues caused by structural violence, such as economic instability, poverty, refugee, health, corruption, development, climate change, energy, and gender.⁶³ As a leader of the host nation, Abe also mentioned the importance of eliminating violent extremism, adhering to peaceful conflict resolution, and seeking a world without nuclear weapons. These issues are related to the absence of direct violence as negative pacifism, and it indicates that Abe's proactive contribution to peace includes elements of both negative and positive pacifism.

CLASSICAL REALISM: JAPAN'S MILITARY NORMALIZATION AND DESIRE FOR POWER

From the viewpoint of classical realism, sovereign states tend to maximize their national interests and power, especially military and economic power, and it seems natural for Japan to normalize its military power and revise the Japanese Constitution so that it becomes a normal state that possesses a normal military capability. This is because classical realists argue that the possession of military power secures a sovereign state's peace and independence. And indeed, Prime Minister Abe has sought to normalize Japan's military power and taken some important steps toward constitutional revision.

For example, the first Abe cabinet successfully reorganized the Japan Defense Agency (JDA), which was an external defense organization of the Cabinet of Japan, as the Ministry of Defense (MOD), which is part of the defense administrative organ of the cabinet, on 9 January 2007. In the second Abe cabinet, the prime minister took a lead in the establishment of the NSC on 4 December 2013 and on the issue of the NSS on 17 December 2013. Importantly, a proactive contribution to peace was proposed in the NSS as a central policy concept of the Abe government. As observed by Tomohiko Satake, defense and security policy under the Abe administration was a 'relaxation of self-binding policies', and could be regarded as part of Japan's 'military normalization'.⁶⁴

Without doubt, the Abe administration tremendously upgraded Japan's security policy with the enactment of the Peace and Security Legislation on 19 September 2015, and this 'upgrade' is consistent with military normalization.⁶⁵ The Peace and Security Legislation is a comprehensive security legislation, being composed of a revision of ten security-related laws

and the creation of a new law. Although this allows Japan to exercise the right of collective self-defense, this is strictly limited to the defense of Japan in a 'survival threatening situation'. Accordingly, the legislation does not allow Japan to exercise the right of collective self-defense purely for the defense of other countries, unlike other UN member states. Despite this, the legislation was a critical step toward Japan's military normalization, in line with other UN member states.

The process of Japan's military normalization will be completed by the revision of the Japanese Constitution and the establishment of a normal military capability by transforming the SDF. Prime Minister Abe's ultimate political goal is constitutional revision, which is one of the main goals of the LDP.⁶⁶ Needless to say, many of the LDP legislators, including Abe, wanted to revise or delete Article 9, which is regarded as a hindrance to military normalization. To this end, Abe succeeded in legislating the National Referendum Law on 18 May 2007 in an attempt to formulate the process of constitutional revision. The National Referendum Law took into effect on 18 May 2010, and the Abe government is technically capable of initiating constitutional revision thanks to it.

Therefore, it is clear that the prime minister has sought to normalize Japan's military power by creating related legislation and pursuing constitutional revision. Yet does a proactive contribution to peace have something to do with Japan's military normalization? The answer to this can be found in the statement made by Prime Minister Abe during the legislative process. In the Special Committee on the Peace and Security Legislation in the Upper House on 28 July 2015, Abe explained that the exercise of the right to collective self-defense in accordance with the legislation was important in order to 'prevent and deter war and conflict' or a military attack against Japan.⁶⁷ To put it another way, it is possible to perceive that the purpose of enacting this legislation under the policy of proactive contribution to peace is absence of war and conflict or negative peace. Likewise, as previously noted, the Peace and Security Legislation is aimed at strengthening international cooperation by proactively contributing to the maintenance of international peace and security. Hence, the legislation is surely consistent with both Japan's military normalization and the creation of positive peace. This seems to be contradictory on the surface, but the policy of proactive contribution to peace is composed of Japan's military normalization process in pursuit of its military power, as well as elements of negative and positive pacifism.

NEO-REALISM: THE JAPAN–USA ALLIANCE AND BALANCE OF POWER

From a neo-realist perspective, it is important for a weaker country to form a military alliance with a stronger country in an anarchic international system. Moreover, in terms of the same premise, foreign and defense policies of sovereign states are unavoidably influenced by the behavior and national interests of a hegemonic state. In this regard, it is natural for Japan to maintain and strengthen the Japan–USA military alliance, and it is true that Japan’s foreign and security policy has been influenced by the alliance system. Indeed, Abe was strongly motivated to make constitutional the exercising of the right to collective self-defense in order to strengthen the Japan–USA alliance by changing the interpretation of the Japanese Constitution rather than through formal constitutional revision before he became the prime minister of Japan.⁶⁸ He stated that the Peace and Security Legislation that constitutionalizes the exercise of the right to collective self-defense intends to proactively prevent conflict in advance by utilizing the Japan–USA military alliance system.⁶⁹ In this sense, it is possible to observe that the Japan–USA military alliance is aimed at attaining negative peace in the Asia Pacific area.

As for the importance of military alliances for peace and security, Yuichi Hosoya, Professor of International Politics at Keio University, argued that Japan has been able to enjoy peace because of the existence of the SDF as well as the Japan–USA alliance during the post-war period and the post-Cold War era. Hosoya insisted that if Japan dissolves the SDF and the Japan–USA alliance, it would lead to a power vacuum and that aggression would follow, just as in the cases of the Philippines and Ukraine. In addition, he observed that the Peace and Security Legislation would contribute to the defense of Japan as well as the maintenance of international peace and security in a changing global security environment.⁷⁰ It is fair to observe that Hosoya’s analysis of the proactive contribution to peace and the relevant legislation are consistent with the viewpoint of neo-realism.

Likewise, Satoshi Morimoto, Professor of International Relations at Takushoku University and the former Defense Minister in the DPJ government, also contended that Prime Minister Abe’s proactive contribution to peace and the Peace and Security Legislation should be understood in the context of the Japan–USA military alliance. According to Morimoto, the Abe administration revised the Guidelines for Japan–US Defense Cooperation and enacted the Peace and Security Legislation

so that the domestic and international legal frameworks could enhance the functionality of the Japan–USA alliance, especially its function as deterrent.⁷¹

From a structural perspective, the revised Defense Guidelines and the Peace and Security Legislation under the policy of a proactive contribution to peace should coincide with the national interests of the USA. The USA values the Japan–USA alliance not only for the defense of Japan, but also for the USA’s military supremacy in the Asia Pacific region. For this reason, the USA will protect Japan in the event of emergency in the Senkaku Islands, in accordance with Article 5 of the Japan–USA Security Treaty as observed by Michael E. O’Hanlon, a senior fellow of the Brookings Institution.⁷² In short, similarly to the argument of neo-realism, Japan’s security policy based on a proactive contribution to peace has been influenced by the strategic interests of Washington.

Some neo-realists have insisted that great powers tend to compete for the status as a hegemon and to confront each other in an offensive way rather than a defensive one.⁷³ Yet, as James Steinberg, the former US Deputy Secretary of State, pointed out, it is important for Japan and the USA to make a diplomatic effort to explain that the military alliance is not a containment strategy against the rising Chinese military power.⁷⁴ That is to say, Japanese policymakers and government officials under the policy of proactive contribution to peace need to be aware of a balance between the Japan–USA alliance and Japan–China relations in a diplomatic manner. In any case, it is fair to argue that Prime Minister Abe’s proactive contribution to peace is not incongruent with the Japan–USA military alliance. Therefore, eclectic theoretical perspectives can assist in examining this policy, as facilitated by Prime Minister Abe, and it appears that the policy seems to be in line with negative and positive pacifism to a certain extent.

CONCLUSION

So far, this chapter has examined Japan’s negative and positive pacifism originally suggested by Johan Galtung and the country’s policy of proactive contribution to peace endorsed and facilitated by Prime Minister Shinzo Abe. The analysis from eclectic theoretical perspectives indicates that Abe’s proactive contribution to peace includes both elements of negative and positive pacifism, yet a fundamental conceptual discrepancy can be identified between these notions.

As examined in the eclectic analysis, Abe's foreign and defense policy pursues essential elements of negative pacifism, which is absence of violence, such as the prevention of war and nuclear disarmament. Meanwhile, Japan's proactive contribution to peace also consists of some elements of positive pacifism, such as international cooperation through international PKO and its ODA policy; although it has been said that Prime Minister Abe's proactive contribution to peace is different from the positive and negative peace proposed by Johan Galtung, since the prime minister's security policy justifies use of force in the first place.⁷⁵ For a similar reason, some have examined whether Prime Minister Abe's proactive contribution to peace is oxymoronic or not.⁷⁶

In principle, Galtung's peace concept is based on absolute pacifism, whereas Prime Minister Abe's proactive contribution to peace is based on relative pacifism. While the conceptualization of negative and positive pacifism originally proposed by Galtung values 'peace by peaceful means',⁷⁷ Prime Minister Abe desires to change Article 9 of the Japanese Constitution to normalize Japan's military power.⁷⁸ This is why Prime Minister's concept of a proactive contribution to peace is fundamentally different from positive pacifism, although they have the same Japanese translation (*sekkyo-kuteki beiwashugi*). Still, it might be premature to jump to the conclusion that Prime Minister Abe desires Japan's remilitarization for war, conflict, or regional hegemony in the name of proactive contribution to peace. In sum, the analyzed data in this chapter can be enumerated as in Table 2.2.

Of course, it is evident that Prime Minister Abe has sought to normalize Japan's military capability through constitutional revision in the future, but Japan's proactive contribution to peace as Abe's security strategy has a lot in common with Galtung's concept of negative and positive peace as substantiated in this chapter. As summarized in Table 2.2, Prime Minister Abe's proactive contribution to peace is composed of negative pacifism based on his vow for non-war (*fusen no chikai*) as well as positive pacifism based on international cooperation.

Opposed to his realistic and conservative stance on security and defense policy, constitutional revision, and historical issues, such as the Yasukuni Shrine and comfort women problems as examined in earlier research,⁷⁹ Prime Minister Abe has proactively contributed to reconciliation with the USA, Russia, and countries of the Asia Pacific region that Japan invaded in the Asia Pacific War, as represented by his statement on the 70th anniversary of the end of the Second World War, the reconciliation speech at Pearl

Table 2.2 Japan's proactive contribution to peace and elements of negative and positive pacifism

<i>Japan's proactive contribution to peace</i>	
<i>Elements of negative pacifism</i>	<i>Elements of positive pacifism</i>
A key norm = Vow for non-war	A key norm = International cooperation
The Abe statement on the seventieth anniversary of the end of war	Peace diplomacy through G7 Ise-Shima summit to remove 'structural violence' (poverty, economic inequity, disease, etc.)
The reconciliation speech at Pearl Harbor	Japan's ODA policy for peacebuilding and global human security
Defensive defense policy (<i>senshu boei</i>)	Revision of the PKO Law (rescue of civilians in peace operations, etc.)
Deterrence of war and external invasion (the Peace and Security Legislation)	International Peace Support Law
Pursuit of a peace treaty with Russia	
Pursuit of a world without nuclear weapons	

Note: Data is compiled by the author in accordance with this chapter

Harbor, and his talks with President Putin. As a top political leader of the sole country that suffered from atomic bombs in the war, the prime minister has explored the feasibility of nuclear abolition, while sticking to the conventional defensive defense security policy.

Likewise, the prime minister has proactively contributed to the removal of structural violence under the policy of proactive contribution to peace, which can be identical with positive pacifism in this sense. On the basis of proactive contribution to peace based on the ideal of international cooperation, Abe showed his proactive peace diplomacy by facilitating and hosting the G7 Ise-Shima Summit with a view to discussing and exploring some solutions to global issues that include indirect and structural violence, such as poverty, economic instability, and preventable disease. Without a doubt, Japan's initiative to tackle these global issues contributes to the attainment of positive peace as defined by Galtung.

Moreover, Japan's proactive commitment to a more secure and peaceful world by supporting international peace operations and official development assistance for human security in areas affected by war, conflict, and natural disaster is also consistent with the realization of positive peace. In conclusion, Galtung's peace concept and Prime Minister Abe's proactive

contribution to peace are fundamentally different as theoretical and analytical concepts, but politically overlap in a variety of fields. This seemingly contradictory pacifism (positive pacifism and proactive pacifism) may be comprehended by examining respective components of the proactive contribution to peace policy as well as the Abe Doctrine, as we do in the following chapters.

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The 15 Cases: Simulations for the Peace and Security Legislation

Abstract This chapter reviews the so-called 15 Cases regarding the peace and security of Japan and the international community that were suggested by the Abe government to the Liberal Democratic Party and Komeito as the ruling parties on 27 May 2014. The 15 Cases were critically covered by Japanese newspapers because the simulations included several scenarios that could entail exercise of the right to collective self-defense, which was considered to be unconstitutional. The review is of significance given that the 15 Cases may be regarded as one of the prototypes of Japan's Peace and Security Legislation, enacted on 19 September 2015 and enforced from 29 March 2016, which allows the country to partially exercise the right of collective self-defense. This chapter also attempts to re-examine the legal and policy validity of the 15 Cases in relation to the Peace and Security Legislation.

Keywords Collective self-defense • Grey-zone situation • Peace and Security Legislation • Peacekeeping Operations (PKO) • The 15 Cases

INTRODUCTION

This chapter reviews the so-called 15 Cases regarding the peace and security of Japan and the international community suggested by the Abe government to the Liberal Democratic Party (LDP) and Komeito as the

ruling parties on 27 May 2014. The 15 Cases were critically covered by Japanese newspapers, because the simulations included several scenarios that could entail exercise of the right to collective self-defence, which was considered to be unconstitutional.¹ The 15 Cases can be divided into three sections: gray-zone situations between peacetime and contingencies, international peace and security, including peacekeeping operations (PKO), and situations related to the use of force, especially the right of collective self-defense:²

I. Gray-Zone Situations

1. Measures against unlawful actions on a remote island, etc.
2. Measures against unlawful actions during training of Self-Defense Forces (SDF) on the high seas
3. Protection of US Aegis destroyer in operation for missile defense system
Extra: Measures against a foreign military submarine under the Japanese territorial seas

II. International Peace and Security Including PKO

4. Support for international cooperation against an act of aggression
5. Coming to the aid of geographically distant units under attack during PKO
6. Use of weapons for the purpose of the execution of missions
7. Rescue of Japanese nationals overseas with approval of the territorial state

III. Situations Related to Use of Force

8. Protection of a US vessel transporting Japanese citizens
9. Protection of a US vessel under armed attack
10. Coercive ship inspection
11. Interception of ballistic missiles crossing over Japan to the USA
12. Protection of US Aegis destroyer in an operation relating to the missile defense system
13. Protection of US vessels when the USA is militarily attacked
14. Participation in international minesweeping operations
15. International cooperation to protect private vessels

Most of the simulations were originally raised in reports by the Advisory Panel on Reconstruction of the Legal Basis for Security, yet the 15 Cases are more concrete and comprehensive policy proposals with relevant images.³ This review of the 15 Cases is of significance, given the fact that they could be regarded as one of the prototypes of Japan's Peace and Security Legislation, which allows the country to partially exercise the right of collective self-defense enacted by the Abe administration. Nevertheless, the 15 Cases were not necessarily discussed, because more attention was paid to the constitutionality of the exercise of the right to collective self-defense during the Special Committee on the Peace and Security Legislation at the Japanese National Diet in 2015. This chapter attempts to re-examine the legal and policy validity of the 15 Cases in relation to Japan's Legislation for Peace and Security.

A COMPARATIVE ANALYSIS OF THE 15 CASES AND THE OPPOSITION

Although the LDP was supportive of the 15 Cases, the LDP's coalition partner, Komeito, was cautious of the simulations as a pacifist political party, since some situations would necessitate the exercise of the right to collective self-defense.⁴ Understandably, opposition parties, especially the DPJ as the largest, showed their objection to the 15 Cases.⁵ Kantoku Teruya of the Social Democratic Party (SDP) was critical, because the main purpose of the simulations was to make exercising the right to collective self-defense constitutional.⁶ Unsurprisingly, the Japanese Communist Party (JCP) showed its strong opposition to the 15 Cases by calling them unrealistic.⁷

Earlier works on the 15 Cases tended to criticize them or deny their constitutionality. For instance, Jieitai o Ikasukai (Committee to pacify the dispute over JSDF's role and Article 9, or JSDF for 9), a group for policy research and advocacy related to the SDF and Article 9 of the Japanese Constitution, composed of notable researchers, former officials of the Ministry of Defense of Japan (MOD), and former SDF staff, denounced the 15 Cases in their coauthored book, *Shin/Jieitai Ron (New Theory of the Self-Defense Forces)* (2015).⁸ Among them, Kyoji Yanagisawa, the former MOD senior official and the former Director of the National Institute for Defense Studies (NIDS), critically analyzed the 15 Cases based on his experience as a former Assistant Chief Cabinet Secretary.⁹ From the perspective of the Air Self-Defense Force (ASDF), Yoshinaga Hayashi, the former ASDF staff, argued that the 15 Cases are not complete, because they are simulations

related to the Ground Self-Defense Force (GSDF) and the Maritime Self-Defense Force (MSDF), and do not take the role of the ASDF into account.¹⁰ Moreover, Akira Kato, a military analyst and Professor of J. F. Oberlin University, pointed out that the 15 Cases could be handled by exercising the right to individual self-defense, rather than collective self-defense.¹¹ The same argument had already been made by a constitutional scholar, Setsu Kobayashi, Professor of Keio University.¹² In the Diet debate, some opposition politicians made the same point.¹³

Notably, although some researchers touched on the 15 Cases, there are few academic writings on the subject or about the relationship between the 15 Cases and the Peace and Security Legislation. One exception is a book supervised by Masashi Nishihara, Emeritus Professor of the National Defense Academy of Japan, which examined 26 simulations relating to Japan's security policy.¹⁴ Yet the book does not include criticism of the 15 simulations by the Japanese government, unlike the opposition expressed by the JSDF for 9. Consequently, the purpose of this chapter is to conduct a comparative analysis of the 15 Cases by investigating the proposed situations as well as the opposition by Kyoji Yanagisawa and the JSDF for 9. The 15 Cases are translated by the author with reference to the original source from the House of Representatives Research Bureau (2015).¹⁵ The chapter also attempts to consider the policy validity and applicability of the 15 Cases to the Peace and Security Legislation.

THE 15 CASES AS POLICY SIMULATIONS BY THE ABE GOVERNMENT

In Case 1 (Fig. 3.1), a country's ship approaches a remote Japanese island, and part of the crew, seemingly armed with weapons, lands on the island. Since there are no Japanese police on the island and the Japan Coast Guard (JCG) does not patrol this island, it could be difficult for Japan to deal with the situation. On the other hand, the SDF is capable of preventing or coping with illicit actions by such an armed group. Regarding Japanese land and sea, the police and the JCG have the primary responsibility to maintain safety, but the SDF cannot take proper action until an order for a safety or marine patrol is issued.¹⁶

The problem is that illicit actions could escalate and other damage could be caused while the SDF waits for the order to be processed. Therefore, the Abe government argued that the SDF should be able to

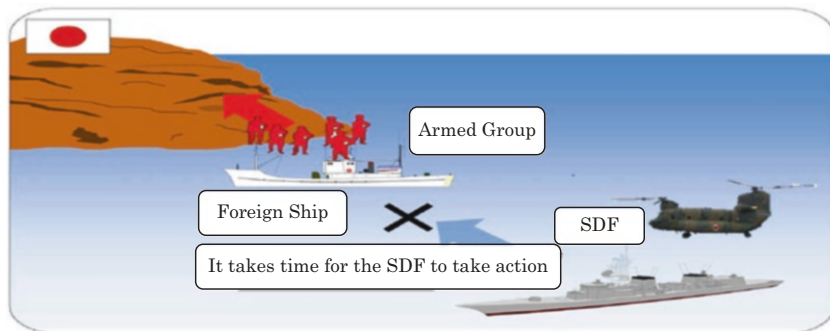


Fig. 3.1 Measures against unlawful actions on a remote island, etc.

take smoother action against this kind of gray-zone situation, which is between peacetime and contingencies.¹⁷ This can be equated with the territorial dispute over the Senkaku Islands between Japan and China, in which Chinese vessels have been actively involved in such a situation.¹⁸ The legal bases relating to the gray-zone situation are the following Articles of the SDF Law: Article 78 (public security operation), Article 82 (maritime security operation), Articles 89–91 (authority for a public security operation), and Article 93 (authority for a maritime security operation).¹⁹

According to Kyoji Yanagisawa, the former senior official of the Ministry of Defense, it is unrealistic for the SDF to conduct a military drill near an isolated island, because the SDF needs to keep its distance from islands in order for the practice to be thorough. He also commented that this kind of gray-zone situation could be dealt with by the SDF on the basis of Paragraph 3 of Article 90, which enables the SDF to crack down on an armed group during a public security operation.²⁰ Yanagisawa argued that this kind of public security operation could be conducted after making a cabinet decision, although the Abe government explained that there would not be enough time for this to take place. Moreover, Yanagisawa said that situations like this could escalate very easily, and that a cabinet decision (a political commitment) should be made, rather than leaving it to the judgement by the SDF on the spot.²¹

To deal with this kind of gray-zone situation, Prime Minister Abe made a cabinet decision, ‘The Government’s Responses to Illegal Landing on a Remote Island or Its Surrounding Seas by an Armed Group’, on 14 May 2015, and minimized the process by stating that ministerial meetings

could be held over the phone, for example. In this revised cabinet procedure, maritime security operations (*kaijo keibi kodo*) and public security operations (*chian shutsudo*) were smoothed.²²

Although US President Barack Obama explicitly guaranteed that Article 5 of the Japan–USA Security Treaty should be applied to the Senkaku Islands,²³ the 2015 Guidelines for Japan–US Defense Cooperation stipulated that the Japanese government is ‘primarily responsible’ for the defense of Japan, including remote islands inside the territory.²⁴ Hence, the cabinet decision to cope with gray-zone situations would make Japan’s security policy more seamless and effective.

In Case 2 (Fig. 3.2), in the midst of a military drill the MSDF witnesses that Japanese private vessels are being faced with illicit actions by an armed group from another country’s vessel. The JCG might not be able to take swift action as does not have a presence near the scene. Unlike the JCG, the SDF would be able to take smooth measures to prevent and deal with the illegal action. Although the JCG has the primary responsibility for safety, it is possible that the illicit actions might escalate and further damage might be caused while the SDF waits for its order.²⁵

Therefore, similar to Case 1, the Abe government argued that the SDF should be able to take much smoother action in this kind of gray-zone situation. Legal bases related to the gray-zone situation are, as before, the following Articles of the SDF Law: Article 78 (public security operation), Article 82 (maritime security operation), Articles 89–91 (authority for a public security operation), and Article 93 (authority for a maritime security operation).²⁶

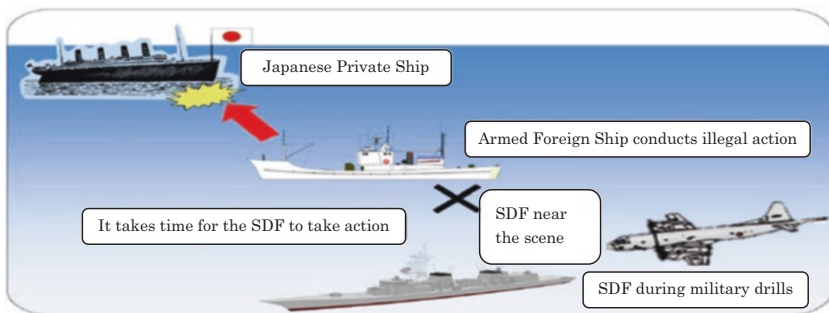


Fig. 3.2 Measures against unlawful actions during training of SDF on the high seas

Kyoji Yanagisawa argued that there is less of a possibility that armed groups will attack Japanese private ships in Japanese territory. He contended that even if this kind of situation occurs, the armed groups are likely to escape once the MSDF vessels approach them. If the armed groups are pirates, the counter-piracy activities in the Gulf of Aden that Japan has already committed to would apply. In this situation, the MSDF would be able to use weapons to ‘protect weapons’ on the basis of Article 95 of the SDF Law. Yanagisawa, therefore, contended that the current SDF Law should suffice to deal with this type of situation.²⁷

Similarly to Case 1, the Abe government responded to this with a cabinet decision on 14 May 2014 that made the decision process smoother by convening a ministerial meeting over the telephone or by other means rather than by revising the current law.²⁸ As Yanagisawa pointed out, the current legal framework, the Act concerning the Punishment of Acts of Piracy and Measures to Deal with Acts of Piracy, enacted on 19 June 2009, might be sufficient to deal with Case 2, but the Japanese government would be able to swiftly implement cabinet decisions via the phone.²⁹

In Case 3 (Fig. 3.3), there is a sign of a missile launch by a country, and a US Aegis destroyer is on alert. In this situation, military attacks against Japan or other countries have not occurred yet, and therefore it would be categorized as a peacetime or gray-zone situation. It is considered in this scenario that the defense capability of the US destroyer is weakened in terms of its ability to protect itself against other air attacks while it prepares to intercept ballistic missiles. For this reason, the USA requests Japan to protect the US destroyer based on the Japan–USA Security Treaty.

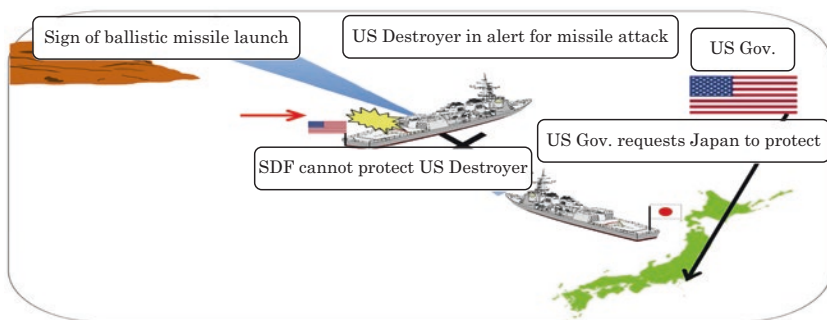


Fig. 3.3 Protection of US Aegis destroyer in operation for missile defense system

However, even though the USA recognizes a threat to its destroyer, the threat and the following military attack are not against Japan. If Japan protects the US destroyer at this stage, it could be regarded as an unconstitutional use of force. Yet the Abe government argued that Japan should be able to protect the US destroyer during peacetime on the basis of Article 95 of the SDF Law.³⁰

Kyoji Yanagisawa pointed out that the latest US Aegis destroyers are able to deal with multiple attacks, even when they are preparing to intercept ballistic missiles. Case 3 is based on an actual incidence in April 2009 when North Korean military aircraft were in action as North Korea attempted to launch an artificial satellite. Nonetheless, Yanagisawa argued that US military fighters are supposed to be immediately deployed from Misawa Air Base in order to protect US destroyers in the Sea of Japan. Either way, the SDF would be able to destroy the missile as a dangerous object by the exercise of police power in peacetime.³¹

Legally, this situation can be categorized as peacetime and not war. The SDF will be able to protect US Aegis destroyers that contribute to the defense of Japan even in peacetime on the basis of Article 95 (Paragraph 2) of the SDF Law in the Peace and Security Legislation. Even if the MSDF vessels protect the US destroyers in peacetime, the act is not regarded as collective self-defense. If a missile launched by an aggressor state is targeted toward Japanese territory, the defense minister shall issue an order to destroy the missile on the basis of Article 82 (Paragraph 3) of the SDF Law.³²

In the extra case (Fig. 3.4), a submerged foreign military submarine enters the Japanese territorial sea. The SDF can order the foreign submarine to broach (surface) or to leave Japanese territory. If the foreign sub-

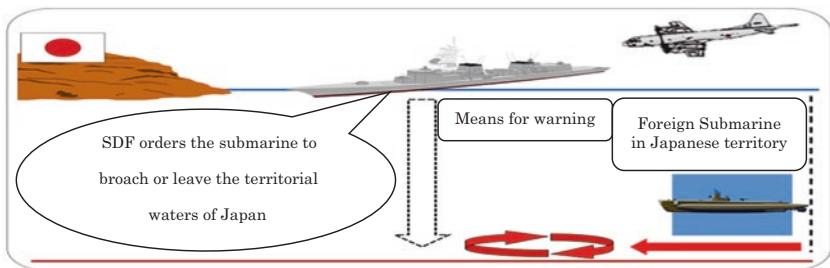


Fig. 3.4 Measures against a foreign military submarine under the territorial sea of Japan

marine ignores the order and remains, the SDF can take alarm measures against it. Since there is no armed attack against Japan, these measures are limited.³³ The Abe government pointed out that the measures the SDF can take in this kind of situation should be clarified in terms of international law. Likewise, it was argued that the SDF would be able to take more efficient measures against the foreign submarine than the mere order to broach or to leave. The related legal bases for this situation are the following Articles of the SDF Law: Article 82 (maritime security operation), Article 93 (authority of the maritime security operation), Article 7 concerning execution of duties of police officials (use of weapons); together with Article 16, Article 17 (Paragraph 1), Article 18, and Article 20 (Paragraph 2) of the Japan Coast Guard Act.³⁴

When Kyoji Yanagisawa worked for the prime minister's cabinet, in November 2004, a Chinese submarine passed through the territorial waters of Japan. The MSDF ordered the Chinese submarine to broach by using active sonar, but was not able to stop the submarine in a coercive manner. Yanagisawa argued that it is legally difficult to crack down on a foreign submarine, unless there is a military attack against the MSDF. He also pointed out that the MSDF is capable of preventing foreign submarines from intruding into Japanese territorial waters. From a military perspective, he emphasized that foreign submarines that are already detected are vulnerable, and that the MSDF can take effective measures against them in the event of military emergency.³⁵

In order to deal with the extra case regarding a submerged foreign submarine, the Japanese government can take relevant measures on the basis of a cabinet decision, Responses to Foreign Submarines Carrying Out Submerged Navigation through the Territorial Sea or the Internal Waters of Japan, approved by the Cabinet on 24 December 1996.³⁶ Yet in order to specify a response to this type of gray-zone situation, the Abe government made a further cabinet decision, Responses to Foreign Naval Vessels Carrying Out Navigation through the Territorial Sea or the Internal Waters of Japan that Does Not Fall Under Innocent Passage in International Law, on 14 May 2015.³⁷ As in Case 1 and Case 2, ministerial meetings could be convened by telephone or other means to facilitate cabinet procedures.

On 16 February 2016, a foreign submarine entered into the contiguous zone of the Japanese territory.³⁸ On 15 June 2016, a Chinese navy reconnaissance vessel entered Japanese territorial waters, for the first time since 2004.³⁹ In such cases, a cabinet decision was promptly made, once the gray-zone situation had escalated.

In Case 4 (Fig. 3.5), an act of aggression occurs. The United Nations Security Council (UNSC) adopts a resolution to authorize the use of force in order to maintain and restore international peace and security. Based on the UNSC resolution, a multinational forces is organized and starts a military operation to put an end to the act of aggression. Needless to say, the international community agrees that the act of aggression should not be tolerated.⁴⁰

The UN and the USA requests Japan to dispatch the SDF to support such activities as transport, supply of water and fuel, and medical care for injured people. Still, there is a constitutional constraint on these activities, which, for example, may only take place in a non-combat area, because there is a possibility that support activities will be categorized as unification with the use of force, forming an integral part of it; this could be regarded as unconstitutional. The Abe government, however, argued that the SDF should be able to contribute to support activities like this without constitutional constraints. The main legal frameworks for the support activities are the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan, the Anti-Terrorism Special Measures Legislation, and the Iraq Special Measures Legislation.⁴¹

Kyoji Yanagisawa pointed out that Japan's support activities were limited to non-combat zones, but according to the 15 Cases it is necessary to expand SDF's sphere of action so that it is able to contribute to other activities. Some support activities, such as medical treatment and supply of food and water, could be conducted in a place where there is no combat, but Yanagisawa stressed that the SDF might need to go to a place near the

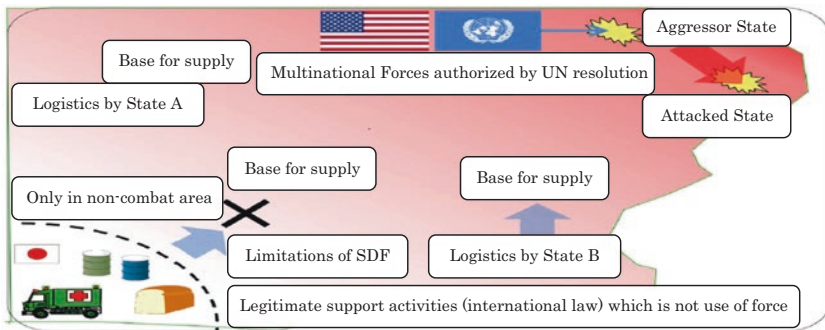


Fig. 3.5 Support for international cooperation against an act of aggression

combat zone in order to supply ammunition, for example. From a military perspective, he insisted that this kind of support activity might entail risks for the SDF, because bullets from a combat zone could reach them. In addition, he noted that it is technically difficult for the SDF to stop the supply of ammunition, even when SDF members are targeted and attacked as they undertake support activities.⁴²

The Abe government decided to create a new law, the International Peace Support Law, so that the SDF could conduct logistics support for UN authorized military operations. Even so, the SDF does not conduct these support activities in the ‘scene where combat operations are actually being conducted’.⁴³ In this regard, the geographical scope is strictly limited to non-combat scene and non-combat scenario, although this is much wider than non-combat area in the previous legal framework.

Thanks to the enactment of the Peace and Security Legislation, the SDF will be able to contribute to international military operations authorized by the UN, such as the International Force for East Timor (INTERFET). The INTERFET was a multinational force authorized by the UNSC, but the Japanese government ended only financially contributing to the operation owing to the constitutional constraint.⁴⁴ Thus it is evident that the Peace and Security Legislation enables the SDF to make a greater contribution to the maintenance of international peace and security, which is the purpose of the UN Charter.

In Case 5 (Fig. 3.6), Japanese peacekeepers participating in the UN PKO and Japanese non-governmental organization (NGO) personnel are also conducting peace activities in a country. However, the safety of the

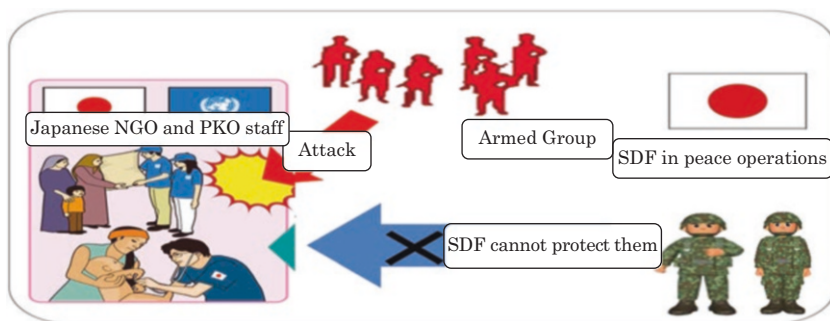


Fig. 3.6 Coming to the aid of geographically distant units/personnel under attack during PKO

country is not yet stable. In this situation, the Japanese NGO staff and peacekeepers of other countries are attacked by an armed group. They ask the SDF to rescue them, because the SDF has enough capability to deal with the situation, and peacekeepers of other countries do not operate around the area.⁴⁵

It was suspected that it would be unconstitutional for the SDF to conduct a so-called *kaketsuke-keigo*, or come to the aid of geographically distant units or personnel under attack. This is because the operation could increase the possibility that weapons would be used for the purpose of the execution of missions, and the SDF cannot direct weapons against a state or a quasi-state organization. The Abe government insisted that Japanese peacekeepers should be able to come to the aid of geographically distant units or personnel under attack on the basis of Article 24 of the PKO Law.⁴⁶

Kyoji Yanagisawa commented that it is problematic for unarmed civilians to conduct PKO in a situation where they need protection by military forces. Moreover, he pointed out that the SDF might need to have stronger weapons in order to protect other countries' forces. Yanagisawa also warned that Japanese peacekeepers could be targeted by armed groups, and that the SDF might be victimized during PKO, if they faced those groups.⁴⁷ Takashi Watanabe, the former chief for Japan's peacekeeping mission in Cambodia, pointed out that it would be difficult for the SDF to come to the aid of geographically distant units or personnel under attack without proper joint drills with armed forces of other countries.⁴⁸

As Yanagisawa and Watanabe pointed out, the SDF should be retrained for new peacekeeping missions under the Peace and Security Legislation. Indeed, Defense Minister Tomomi Inada announced on 24 August 2016 that the SDF would start peacekeeping training in preparation for PKO in South Sudan. Inada stated that the SDF would conduct the training so that the Japanese peacekeepers could conduct *kaketsuke-keigo* as well as joint protection of bases.⁴⁹

In Case 6 (Fig. 3.7), Japanese peacekeepers cooperate with other UN peacekeepers to rescue injured NGO staff. During this peace operation, an armed group blocks the way of the Japanese peacekeepers. There is only one route to save the injured staff, and it is difficult for the Japanese peacekeepers to save their lives without repelling the armed group. The peacekeepers other than the SDF use weapons to repel the armed group, so they can transport the NGO staff to medical facilities.⁵⁰

The Japanese peacekeepers, however, cannot use weapons for the purpose of the execution of missions or use them against a state or a quasi-

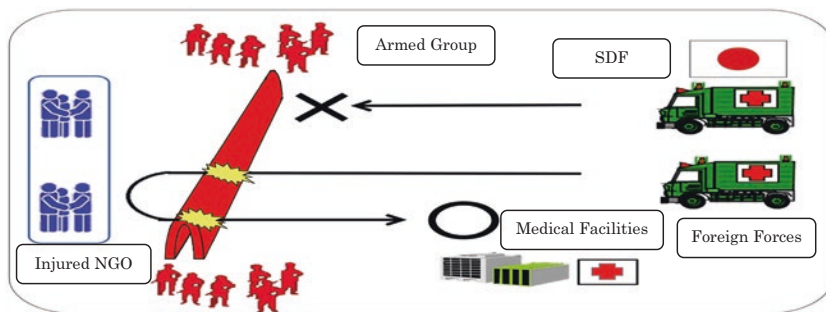


Fig. 3.7 Use of weapons for the purpose of the execution of missions

state organization. In order to save lives in such a case, the Abe government argued that the Japanese peacekeepers should be able to use weapons for the execution of missions, by confirming that they are not directing their weapons against a state or a quasi-state organization on the basis of Article 24 of the PKO Law.⁵¹

Kyoji Yanagisawa argued that Case 6 is unrealistic, because the SDF should be able to utilize helicopters or armoured vehicles in such a situation. Furthermore, he warned that the use of weapons for the execution of missions could vary depending upon each mission's characteristics. According to Yanagisawa, it was highly likely that use of weapons by the SDF could be expanded in accordance with changes in missions, and that risks to the SDF would increase as a result.⁵²

The enactment of the Peace and Security Legislation allows the SDF to use weapons for the execution of missions in international peace operations. Japanese peacekeepers will be able to fire warning shots (*ikaku shageki*) into the air rather than harming people or armed groups who are hindering the SDF's peacekeeping activities. Nevertheless, it is critical to note that 'shooting to wound remains permissible only in self-defense or emergency evacuation situations'.⁵³

In Case 7 (Fig. 3.8), a terrorist group occupies a facility in a country where the lives of Japanese and other foreign people are threatened. The Japanese government requests the government of the country to protect the Japanese citizens, but the country lacks the capability to rescue them. On the other hand, the country permits the Japanese government to rescue their nationals from the country's territory, so the dispatch of the SDF is considered.⁵⁴

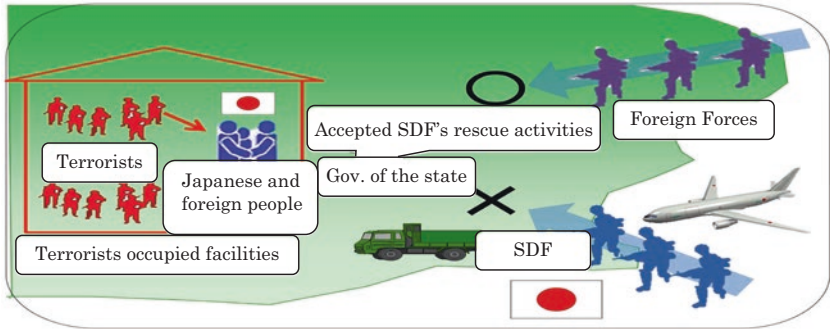


Fig. 3.8 Rescue of Japanese nationals overseas with approval from the state of the territory

Nonetheless, it is legally difficult for the SDF to conduct a rescue of nationals in such a situation, and the SDF might need to use weapons in an emergency. In order to cope with such a situation, the Abe government proposed that the SDF should be able to conduct this kind of rescue on the basis of Paragraph 3, Article 84 of the SDF Law (transportation of nationals overseas), Paragraph 5, Article 94 (authority in transportation of nationals overseas), and Article 95 (use of weapons to protect weapons, etc.).⁵⁵

According to Kyoji Yanagisawa, it is natural that if placed in such a situation the Japanese government should rescue its citizens with a secret mission. This is because top secret information might be leaked to the terrorists. For this reason, Yanagisawa insisted that the SDF should conduct a raid via airplane or helicopter, and reconsider their equipment as well.⁵⁶ Rescue activities tended to be conducted as a secret mission, and some rescues that had been approved by a state of the territory turned out to be successful in the past. The Peace and Security Legislation, incidentally, does not allow the SDF to rescue Japanese citizens in North Korea or the Islamic State, as they would not approve of rescue missions by the SDF, even though the Japanese government revised the SDF Law in response to hostage crises brought about by terrorist groups.⁵⁷

In Case 8 (Fig. 3.9), an armed attack has occurred against a country and a US vessel on the high seas. This is not an armed attack against Japan, but the aggressor might attack in the future given the country's remarks and previous behaviour. It is urgent that the Japanese government should rescue its citizens from the attacked country, and transportation support by a US vessel is necessary. Still, the defense capability of the US vessel might not be sufficient, and it would therefore necessitate protection by a

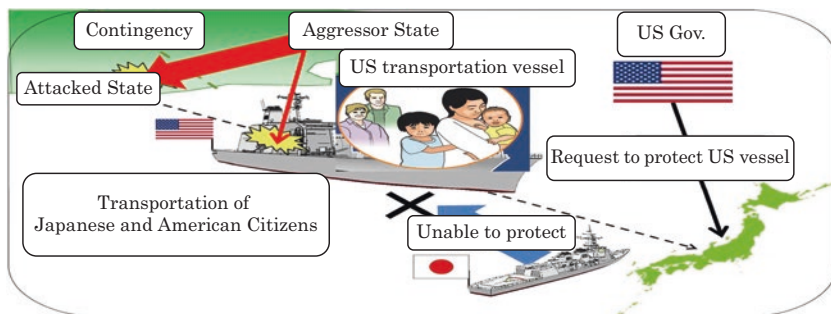


Fig. 3.9 Protection of a US vessel transporting Japanese citizens

Japanese vessel. If the Japanese vessel protects the US vessel despite the fact that an armed attack against Japan has not occurred, it could be regarded as an unconstitutional use of force.⁵⁸

Needless to say, this is because the Japanese government interpreted that only exercise of the right to individual self-defense is constitutional. Nevertheless, the Abe government argued that it should be regarded as constitutional to save the Japanese children and mothers on the vessel on the basis of Article 76 of the SDF Law (defense operation), Paragraph 3 of Article 84 (transportation of nationals overseas), and Article 95 (use of weapons to protect US weapons, etc.).⁵⁹

According to Kyoji Yanagisawa, Japan and the USA agreed that not the USA but Japan is responsible for transporting Japanese citizens in the event of military emergency, in accordance with the 1997 Japan–US Defense Guidelines. In a situation such as Case 8, Japanese private aircraft are supposed to transport most Japanese citizens, and the SDF is responsible for the transportation of the others. Yanagisawa even insisted that the Japanese government can exercise the right to individual self-defense to protect its own citizens.⁶⁰

The SDF will be able to protect a US vessel in peacetime on the basis of the revised Paragraph 2 of Article 95 of the SDF Law under the Peace and Security Legislation. Nonetheless, the Japanese government cannot exercise the right to collective self-defense unless the case is recognized as a survival-threatening situation. Furthermore, Defense Minister General Nakatani stated that the Japanese government should judge the survival-threatening situation regardless of whether Japanese citizens were on the US vessel or not.⁶¹

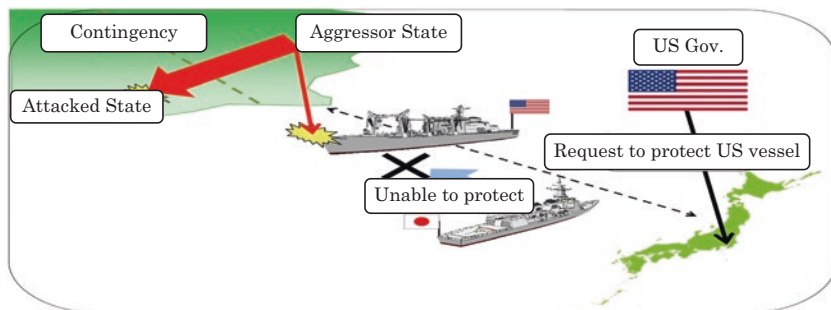


Fig. 3.10 Protection of a US vessel under armed attack

In Case 9 (Fig. 3.10), a country and several US vessels on the high seas are attacked by an aggressor. It is likely that the aggressor is attacking Japan, because the US vessels have been dispatched from the US bases in Japan. In this situation, some of the US vessels have been deployed mainly for oil replenishment or transportation activities, and they might not be able to defend themselves sufficiently.⁶² Even if the USA requests Japan to protect its vessels in this kind of situation, it would be unconstitutional for the Japanese vessels to protect the US vessels as this could be defined as a use of force, which is banned by Article 9 of the Japanese Constitution. Therefore, the Abe government put forward that Japan should protect US vessels in this situation on the basis of Article 76 and Article 95 of the SDF Law.⁶³

According to Kyoji Yanagisawa, Japanese vessels should conduct oil replenishment activities in a safe place where an aggressor state cannot target the vessels involved. He also pointed out that North Korean aircraft do not possess sufficient offensive capability against US military vessels, unlike China. Yanagisawa further commented that a simulation on the lines of Case 9 is worthwhile if the SDF is preparing for military attacks by China rather than North Korea.⁶⁴

Although Yanagisawa argued that North Korean aircraft might not possess modernized offensive capability against US vessels, the country has strengthened its military capabilities. Indeed, North Korea launched a missile against the offshore of Akita Prefecture on 3 August 2016, and it landed in Japan's Economic Exclusive Zone (EEZ). In response, Defense Minister Tomomi Inada decided to issue an order to destroy ballistic missiles at all times if they were launched against Japanese territory.⁶⁵ Furthermore, North Korea also succeeded in developing and testing its

Submarine Launched Ballistic Missile (SLBM), which finally landed in Japanese territorial waters on 24 August 2016.⁶⁶ North Korea also successfully fired surface-to-ship cruise missiles as part of a military drill on 8 June 2017.⁶⁷ This indicates that the military capabilities of North Korea should not be underestimated, and that Case 9 is strategically significant for the peace and security of Japan.

In Case 10 (Fig. 3.11), a country and some US vessels are attacked by an aggressor. There is no armed attack against Japan at this point, but the aggressor might attack Japan given its remarks and behaviour. In the meantime, there is a ship which could possess weapons heading for the aggressor state. These weapons might be used to attack the USA and its ally, Japan, and as a result the weapons on the ship would victimize the Japanese citizens. However, it could be unconstitutional to conduct a coercive ship inspection, as this could be regarded as the use of force. The Abe government contended that Japan should be able to conduct this type of coercive ship inspection on the basis of Article 76 of the SDF Law, the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan, and the Maritime Transport Restriction Act.⁶⁸

Kyoji Yanagisawa pointed out that the SDF is not allowed to conduct coercive ship inspection without approval of the country or that of the ship's captain. According to Yanagisawa, it is unrealistic that a ship, which is transporting weapons and ammunition, should be navigating toward North Korea, because the country would receive that kind of military support from Russia or China via air or land. He continued that it is important for the UN to impose sanctions on North Korea with the support of Russia and China.⁶⁹

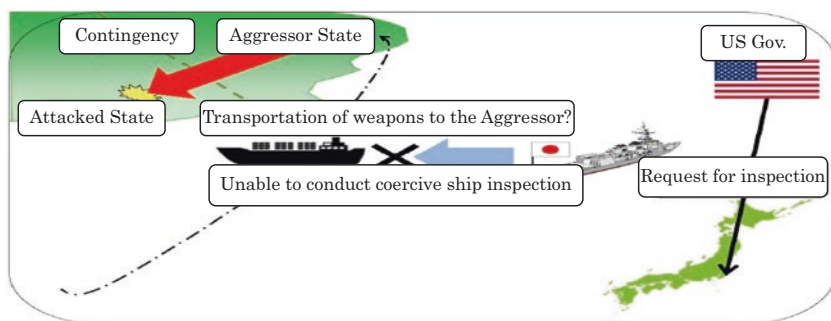


Fig. 3.11 Coercive ship inspection

Case 10 could be categorized as an important influence situation rather than a survival-threatening situation in the Peace and Security Legislation. If the international community conducts a ship inspection based on a UN resolution, the Japanese government can participate in the operation based on the International Peace Support Law of the Peace and Security Legislation. Therefore, Japan cannot exercise the right to collective self-defense, but can conduct logistic support for the US Forces and other foreign forces that contribute to the defense of Japan.⁷⁰

In Case 11 (Fig. 3.12), an armed attack against a country and US Forces stationed in the country occurs. The aggressor state does not attack Japan, but the aggressor launches a ballistic missile against the USA, or to be precise Guam or Hawaii. It is considered that the ballistic missile might cross over Japanese territory, and therefore the USA requests Japan to intercept the missile before it reaches US territory. Moreover, the aggressor could attack Japan at any moment given its remarks and behavior.⁷¹

Still, it could be unconstitutional for the SDF to intercept ballistic missiles unless they are specifically launched against Japan. More precisely, it could be regarded as the exercise of the right to collective self-defense, banned in Article 9 of the Japanese Constitution. Nonetheless, Japanese citizens in the USA could be victimized in this situation. Therefore, the Abe government argued that Japan should be able to intercept the ballistic missiles in this kind of situation on the basis of Article 76 of the SDF Law (defense operation) and Paragraph 3 of Article 82 of the SDF Law (destruction measure against ballistic missile).⁷²

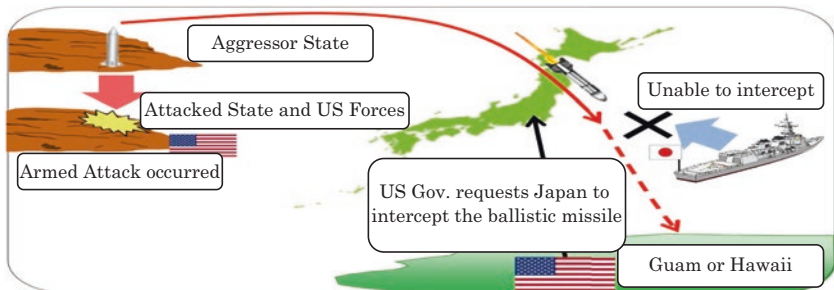


Fig. 3.12 Interception of ballistic missiles crossing over Japan to the USA

According to Kyoji Yanagisawa, a missile attack against Guam or Hawaii could be regarded as an armed attack against Japan. Yanagisawa's argument is that if an armed attack against Guam or Hawaii occurs, the US Forces in Japan will be deployed to counter-attack the aggressor state, and the aggressor might attack the US bases in Japan.⁷³ He argued that six Japanese Aegis destroyers should prepare for missile defense to protect Japan rather than the USA, which possesses as many as 30 Aegis destroyers.

Militarily, it might be difficult for Japan to destroy the ballistic missiles crossing over the territory of Japan toward Guam and on other courses, because the missiles that do not land in Japan could be too high to be intercepted. This point had been confirmed in the Diet already, and Prime Minister Abe avoided clarifying whether Japan could intercept such missiles or not, although it would be technically possible to intercept them in the future.⁷⁴ It can be argued that Japan's cooperation in such a situation as Case 11 is extremely important from Washington's strategic viewpoint, because North Korea has successfully launched Musudan, which could target Guam—as will be discussed in Chap. 5.

In Case 12 (Fig. 3.13), a US Aegis destroyer, undertaking an operation based on the Japan–US Security Treaty, prepares to intercept missiles fired by an aggressor that is trying to attack both the USA and Japan. The aggressor has already attacked Japan's neighbor state in which US military forces are stationed. It has been recognized that it is relatively difficult for an Aegis destroyer to deal with multiple and simultaneous attacks by fighter aircraft when the destroyer is preparing for missile defense.⁷⁵

Kyoji Yanagisawa argued that the SDF should protect the Japanese people as well as the US bases in Japan rather than the US Aegis destroyers during a military emergency. In addition, he argued that the US destroyers should be able to protect themselves expecting possible attacks by North Korea.⁷⁶ As mentioned before, the latest and upgraded US destroyers would be capable of handling multiple ballistic missiles as well as fighter aircraft simultaneously in the first place.

In this situation, if Japan protects US destroyers, the action is regarded as the exercise of the right to collective self-defense, but the purpose itself is the defense of Japan. If Japan does not take any appropriate measures in the situation, it is highly likely that the aggressor will launch another missile against Japan. In this regard, the protection of the US destroyer can be regarded as the defense of Japan. This is a typical example of a survival-threatening situation as constitutionalized in the Peace and Security Legislation with the revision of Article 76.

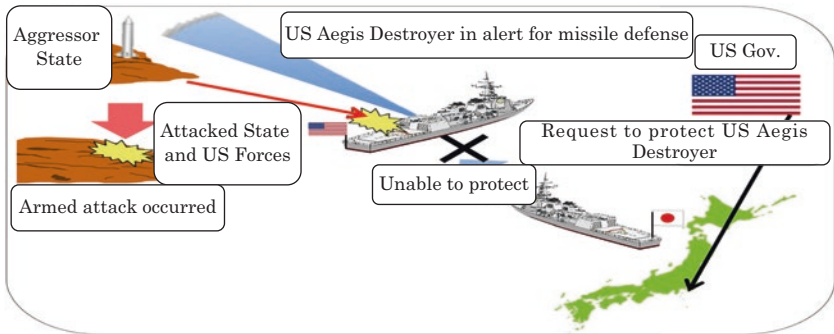


Fig. 3.13 Protection of a US Aegis destroyer in operation for missile defense system

In Case 13 (Fig. 3.14), the homeland of the USA is attacked by ballistic missiles of an aggressor state. In this case, the USA has already begun military operations against the aggressor near Japanese territory. Japan has not been attacked yet, but the aggressor could attack at any moment given previous remarks and behavior. Some of the US vessels dispatched from the USA and a neighbor state of Japan could utilize the US bases in Japan for repair and oil replenishment. These vessels cannot necessarily protect themselves, and the USA requests that Japan should dispatch the MSDF in order to protect them.⁷⁷

Yet it could be unconstitutional for Japan to protect the US vessels in this situation if the Japanese Constitution is conventionally interpreted. Nonetheless, it is important for Japan to cooperate with the USA in this case, so that it can guarantee its survival and protect its people. Therefore, the Abe government contended that Japan should be able to protect US vessels in this situation on the basis of Article 76 and Article 95 of the SDF Law.⁷⁸

Kyoji Yanagisawa commented that Case 13 is out of the question, because if the USA loses its deterrents, there is no point in protecting the US Aegis destroyers and in sticking to the military alliance with the USA. He continued that if the attack is by a terrorist group, the USA would deploy its military forces, as is the case in Afghanistan.⁷⁹

Indeed, this is a nightmare scenario for Washington, now that North Korea has succeeded in developing Inter-Continental Ballistic Missiles (ICBM) and is operating SLBM capabilities. Yanagisawa described this case as out of the question in 2015, but North Korea reportedly succeeded in

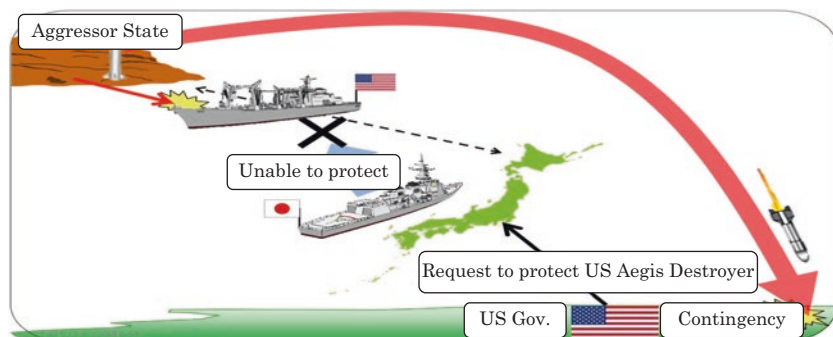


Fig. 3.14 Protection of US vessels when the USA is militarily attacked

developing the ICBM on 4 July 2017.⁸⁰ Even if the USA destroys the military bases in North Korea, the SLBM will remain capable of targeting the USA. If the Japanese government judges that the situation may be regarded as a survival-threatening situation, the SDF will be able to exercise the right of collective self-defense on the basis of the Peace and Security Legislation.

In Case 14 (Fig. 3.15), an armed attack occurs near the Strait that Japanese vessels navigate through in order to transport crude oil to Japan. Oil imports to Japan depend on the Strait of Hormuz, with some 3,000 ships passing through each year. As Japan depends on the import of crude oil, this event affects the Japanese economy and people's lives. Therefore, it is argued that the government should take appropriate action to protect Japanese vessels.⁸¹ The USA and its allies have started military actions against the aggressor. In response, the aggressor has laid mines in the Strait as a naval blockade. As a result, many private vessels are affected. In this context, the UN and related countries request Japan to participate in international minesweeping operations as Japan internationally excels in minesweeping capability. It is also important for Japan to participate in the activities in order to secure its national survival.⁸²

Yet it could be unconstitutional for the SDF to conduct minesweeping operations unless there is an official ceasefire. This could be regarded as the use of force, which is forbidden by Article 9 of the Japanese Constitution. In order to deal with this kind of situation, the Abe government discussed the possibility that Japan should be able to participate in international minesweeping operations on the basis of Paragraph 2 of Article 84 of the SDF Law (minesweeping operation).⁸³

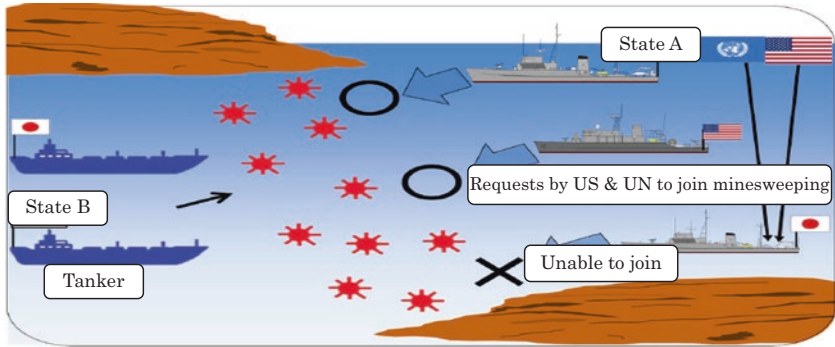


Fig. 3.15 Participation in international minesweeping operations

In light of the Peace and Security Legislation, the exercise of the right to collective self-defense is permitted only in a survival-threatening situation. The minesweeping operations prior to an official ceasefire could be regarded as the use of force and the exercise of the right to collective self-defense in terms of international law. Still, Japan's participation in such minesweeping activities can be constitutionally and legally permitted as long as the Japanese government identifies such a situation as a survival-threatening situation, in light of the Peace and Security Legislation.

In Case 15 (Fig. 3.16), an armed attack occurs near the Strait which Japanese ships pass through in order to transport crude oil to Japan, just as in the previous case. Accordingly, the USA and its allies start military actions against the aggressor. In response, the aggressor begins military attacks, and hundreds of private and commercial vessels are victimized. Because Japanese private vessels pass through the Strait, the USA requests Japan to participate in international cooperation to protect private vessels from all countries. This kind of international cooperation is also considered to be important in order to secure Japan's national survival. Therefore, the Abe government argued that the SDF should be able to join this international cooperation, although activities like this were regarded as unconstitutional under the current interpretation of the Japanese Constitution.⁸⁴

With regard to Case 14 and 15, Kyoji Yanagisawa contended that there is little possibility that Iran would lay mines because its negotiations with Iran were still in progress, and that it was illogical for Iran to block its own sea lines of communication, which are critical to export its crude oil. Moreover, Yanagisawa argued that the Japanese government would be

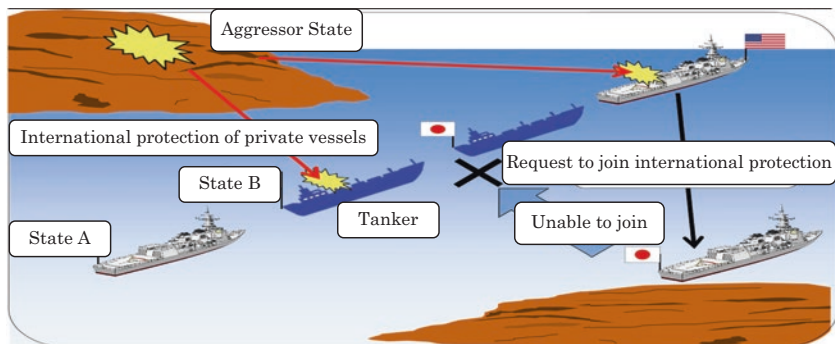


Fig. 3.16 International cooperation to protect private vessels

able to deal with a situation similar to Case 15 by exercising the right to individual self-defense, as the purpose is to protect the Japanese people on private vessels. In addition, he pointed out that the MSDF cannot conduct minesweeping operations in wartime, so he noted that Japanese minesweepers should be dispatched after combats are completely terminated.⁸⁵

During the Diet deliberations about the Peace and Security Legislation, Prime Minister Abe stated that it would be unrealistic for Japan to dispatch the SDF to minesweeping operations to the Strait of Hormuz at this stage, but he did not rule out the legal feasibility of the operations, as will be examined in the following chapter. In other words, as simulated in Case 15, the Peace and Security Legislation legalized the overseas dispatch of the SDF to international minesweeping operations. In short, it is evident that almost all of the 15 Cases, as policy simulations by the Abe government, overlapped with the Peace and Security Legislation. Although there are criticisms of the 15 Cases, the simulations were meaningful as preparation for the enactment of the Peace and Security Legislation.

CONCLUSION

This chapter has examined the 15 Cases simulated by the Abe government for the defense of Japan and international peace and security. It has been observed that the 15 Cases were criticized by opposition parties, researchers, former bureaucrats, former SDF staff, and others. Nonetheless, they were significant policy simulations regarding Japan's national defense and

the country's contribution to international peace and security. The chapter has also detected the correlation between the 15 scenarios and the Peace and Security Legislation. Given the fact that secret military research on armed attack simulations used to be taboo in the early stage of the Cold War period, deliberation about the 15 Cases and the enactment of the Peace and Security Legislation was critical to Japan's security and defense policy.

The Peace and Security Legislation came into force on 29 March 2016, and the Abe government is now capable of dealing with most situations from peacetime to contingencies, as shown in the 15 Cases. It is not an exaggeration to argue that the Peace and Security Legislation, which constitutionalized the exercise of the right to collective self-defense, was a historic turning point in Japan's security policy. By enacting this legislation, the SDF can be dispatched to support activities by the military forces of other countries on the basis of the Japan–US Security Treaty and the UN Charter, without geographical limitations. Hence, it can be concluded that the 15 Cases as simulations to enact Japan's Legislation for Peace and Security have profound legal and strategic implications for Prime Minister Abe's policy toward national defense and international peace and security.

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The Abe Government and the Right to Collective Self-Defense

Abstract The Japanese government consistently interpreted that Japan has the right of collective self-defense, but it cannot be exercised because of Article 9 of the Japanese Constitution. Despite the official interpretation, the second Abe cabinet (December 2012–December 2014) made a decision to partially exercise this right on 1 July 2014. Based on this decision, the third Abe cabinet (December 2014–November 2017) made another decision on the Peace and Security Legislation on 14 May 2015, which was eventually enacted on 19 September 2015. This chapter examines the legislative process of the Peace and Security Legislation deliberated upon in the Special Committee on the Peace and Security Legislation during the 189th ordinary session at the Japanese National Diet. In order to comprehend the debate on the constitutionality of the legislation, the proceedings of the committee are fully anatomized.

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Keywords Collective self-defense • Constitutionality • Individual self-defense • Peace and Security Legislation • Proactive contribution to peace

INTRODUCTION

Successive Japanese governments consistently explained that Japan has the right of collective self-defense, but that this cannot be exercised because of Article 9, the so-called peace clause of the Japanese Constitution. Therefore, it was interpreted that only exercising the right to individual self-defense was permitted under the current Constitution. The second Abe cabinet, however, made a decision to partially exercise the right of collective self-defense on 1 July 2014.

Based on this cabinet decision, the third Abe cabinet made another decision on the Peace and Security Legislation on 14 May 2015, and the legislation was eventually enacted on 19 September 2015. It is composed of a revision of ten laws (the Peace and Security Legislation Development Law) and a new law (the International Peace Support Law) to dispatch the Self-Defense Forces (SDF) to rear-support activities for the maintenance of international peace and security, such as multinational forces authorized by the United Nations (UN) (Table 4.1).

This chapter examines the enactment process of the Peace and Security Legislation that was deliberated upon by the Special Committee of the Peace and Security Legislation during the 189th ordinary session at the Japanese National Diet. As an analysis of primary source materials, it provides an overview of the Peace and Security Legislation, and investigates relevant official documents of the Japanese government as well as proceedings of the National Diet while the Special Committee was in session. Special attention will be paid to statements by Diet members regarding the constitutionality of the legislation. The analysis of Diet proceedings is of significance given that most analysts tend not to utilize them. This could be because most previous publications were written before or during the Diet deliberation, and hence could not provide an analysis of the entire proceedings.¹ Moreover, the proceedings are recorded in the Japanese language, and earlier research in English tended not to report everything in English.²

It took 116 hours in the Lower House and 100 hours in the Upper House to enact the Peace and Security Legislation. The author carefully watched the entire Diet deliberation, then read the proceedings in order to extract relevant statements. As secondary sources, publications about the legislation, such as books, journal articles, and newspapers, were utilized to supplement the primary source material. First, this chapter confirms the pros and cons of the Peace and Security Legislation in general. Second, the Peace and Security Legislation itself is analyzed. Third, the proceedings of the Special Committee on the Peace and Security Legislation relevant to its constitutionality will be investigated in detail. Finally, the chapter visualizes the constitutionality of the Peace and Security Legislation, particularly the exercise of the right to collective self-defense that was constitutionalized by the Abe administration's initiative.

Table 4.1 The enactment process of the Peace and Security Legislation

<i>Year/month/day</i>	<i>Sequence of the relevant events</i>
2012/Dec/26	The second Abe cabinet initiated
2014/May/15	The Council on Security Legislation submitted a report to Prime Minister Abe
2014/May/20	The first meeting of the Liberal Democratic Party (LDP) and Komeito on security legislation
2014/Jul/1	The cabinet decision on the 'three new conditions for self-defense'
2014/Dec/24	The third Abe cabinet initiated
2015/Feb/13	The meeting of the LDP/Komeito resumed
2015/Mar/20	The LDP and Komeito agreed on basic points of security legislation
2015/Apr/27	The new guidelines for Japan-US defense cooperation announced
2015/May/14	The LDP/Komeito approved the Peace and Security Legislation The Abe cabinet made a decision on the legislation
2015/May/15	The Peace and Security Legislation was submitted to the Diet
2015/May/22	The deliberation on the legislation initiated in the Lower House
2015/Jul/16	The Peace and Security Legislation passed by the Lower House
2015/Jul/27	The deliberation on the legislation initiated in the Upper House
2015/Sep/17	The Peace and Security Legislation passed in the Upper House
2015/Sep/19	The Peace and Security Legislation enacted

Note: The timeline by Nakauchi, Yokoyama and Kohiyama, modified by the author (Nakauchi, Yasuo, Ayako Yokoyama, Tomoyuki Kohiyama. 2015. 'Heiwa Anzen Hosei Seibi Hoan to Kokusai Heiwa Shien Hoan: Kokkai ni Teishutsu saretai Anzen Hoshō Kanren 2 Hoan no Gaiyō (The Peace and Security Legislation Development Bill and the International Peace Support Bill: The Outline of Two Security-related Bills Submitted to the Diet)'. *Rippo to Chosa (Lawmaking and Research)*. No. 366. Tokyo: The House of Councillors. July 2015, p. 7)

PROS AND CONS FOR THE EXERCISE OF JAPAN'S RIGHT TO COLLECTIVE SELF-DEFENSE

As mentioned before, successive Japanese governments consistently explained that although Japan has the right of collective self-defense, it cannot be exercised owing to Article 9 of the Japanese Constitution. To a casual observer, Article 9 seems to forbid any kind of use of force, including self-defense, as follows:

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.

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.³

Indeed, most traditional Japanese constitutional scholars tend to regard the SDF as unconstitutional in terms of Article 9. Nobuyoshi Ashibe, for instance, noted that Article 9 forbids not only aggressive war (act of aggression) but also defensive war (self-defense).⁴ Ashibe also argued that the SDF could be regarded as 'forces' or 'war potential', which were banned in Paragraph 2 of Article 9.⁵ Nevertheless, it is important to consider that whereas the MacArthur Note as a prototype of Article 9 explicitly banned even defensive war or self-defense, Article 9 does not explicitly deny Japan's right of self-defense. Indeed, the MacArthur Note reads: '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.'⁶ This is because the sentence of the MacArthur Note regarding self-defense was deliberately deleted in the drafting process.⁷

Unlike the usual interpretation by constitutional scholars, the Japanese government explained that 'use of force' in Article 9 means 'act of aggression' but not 'self-defense'. This is how the successive Japanese government justified the existence of the SDF as well as use of force for self-defense on the basis of Articles 76 and 88 of the SDF Law.⁸

Moreover, the Japan-US Security Treaty has been justified on the basis of the so-called Sunagawa Judgement by the Supreme Court, which stipulates that 'measures for self-defense', including the alliance with other countries, shall be 'constitutional' in light of Article 13 of the Japanese Constitution, which guarantees Japanese people's right to 'life, liberty, and the pursuit of happiness'.⁹

Likewise, the Japanese government, especially the Cabinet Legislation Bureau (CLB), which is responsible for the government's official view on legality and constitutionality, explained that Japan can exercise the right of 'individual self-defense', but not the so-called right to 'collective self-defense'.¹⁰ In terms of Article 13 of the Japanese Constitution, the Japanese government established the 'Three Conditions for Self-Defense'; and on 27 September 1985, the government provided 'Three Conditions on Japan's Self-Defense' (Former Three Conditions for Self-Defense) allowed under Article 9 of the Constitution, as follows:

1. An imminent and illegitimate act of aggression against Japan;
2. Lack of other appropriate means of eliminating the threat;
3. Exercise of no more than the minimum amount of force required.¹¹

Despite the interpretation by successive Japanese governments, the second Abe cabinet passed the Development of Seamless Security Legislation to Ensure Japan's Survival and Protect Its People on 1 July 2014, which approved limited exercise of the right to collective self-defense. The 'Three New Conditions' were:

1. Not only when an armed attack against Japan occurs but also when an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness;
2. When there is no other appropriate means available to repel the attack and ensure Japan's survival and protect its people;
3. Use of force to the minimum extent necessary.¹²

Obviously, the first point of the cabinet decision approves the partial exercise of collective self-defense. On the basis of the cabinet decision of 1 July 2014, the third Abe cabinet made a new decision on the Peace and Security Legislation on 14 May 2015.

Most Japanese constitutional scholars expressed their objection to the Peace and Security Legislation submitted by the LDP–Komeito coalition government. Indeed, according to a survey by Nippon Hoso Kyokai (NHK), Japan's national broadcasting corporation, 377 out of 422 members (89 %) of the Japan Public Law Association replied that the Peace and Security Legislation could be unconstitutional, whereas only 28 members (7 %) supported its constitutionality.¹³

Notably, although there are books in favor of the Peace and Security Legislation,¹⁴ most are not.¹⁵ For instance, Sota Kimura, Associate Professor in Constitutional Studies at Tokyo Metropolitan University, insisted that the exercise of the right of collective self-defense is unconstitutional because there is no explicit legal basis for it in the Japanese Constitution.¹⁶ Internationally, some experts recognized the significance of the legislation, although they also pointed to problems with the enactment process by the Abe administration.¹⁷

Unsurprisingly, Japanese opposition parties, especially the Democratic Party of Japan (DPJ), the Social Democratic Party (SDP), and the Japanese Communist Party (JCP), showed their opposition to the legislation. The JCP leader Kazuo Shii, for example, criticized the Peace and Security Legislation as ‘deceptive’ and the name of the bills, which includes the term peace, as being ‘extremely inappropriate’. Shii issued a sharp reprimand, arguing that ‘The Abe administration is using the phrase “peace and security”, but in reality, this legislation is for “war”.’¹⁸ Instead, the JCP called the Peace and Security Legislation ‘war legislation’ or ‘war bills’, which might allow Japan to engage in possible future wars led by the USA.¹⁹ The Peace and Security Legislation therefore provoked strong opposition not only from most Japanese constitutional scholars, but also from opposition parties and the supporters.

AN OVERVIEW OF JAPAN’S PEACE AND SECURITY LEGISLATION

In the press conference after the cabinet decision on 14 May 2015, Prime Minister Abe stated that the Peace and Security Legislation was important and necessary in a changing international security environment where Japanese citizens were being victimized by terrorists in Algeria, Syria, and Tunisia. In addition, the prime minister mentioned the hundreds of North Korea’s missiles that target Japan, and insisted that the right of collective self-defense should be permitted under ‘very limited circumstances’ in order to protect Japan. Moreover, he argued that Japan should make more proactive contributions to the maintenance of international peace and security under the banner of a ‘proactive contribution to peace’.²⁰

According to the Abe government, the Peace and Security Legislation is composed of two parts: peace and security for Japan, and international peace and security. It was explained that the new legislation would enable

Japan to make seamless responses to and take measures against military threats, and to make more proactive contributions to international peace and security. The Abe government also ensured that Japan's fundamental position as a peace-loving nation would not alter, and that the legislation could enhance the deterrence of the Japan–USA alliance in the Asia Pacific region.²¹

As well as the enactment of the International Peace Support Law as a new law, the following ten laws were revised as the Peace and Security Legislation Development Law:

1. Self-Defense Forces Law (SDF Law);
2. International Peace Cooperation Law or UN Peacekeeping Operations Cooperation Act (PKO Law);
3. Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan;
4. Ship Inspection Operations Law;
5. Legislation for Responses to Armed Attack Situations;
6. Act on Measures Conducted by the Government in Line with US Military Actions in Armed Attack Situations;
7. Law Concerning the Use of Specific Public Facilities;
8. Marine Transport Restriction Act;
9. Prisoner Treatment Act;
10. National Security Council (NSC) Establishment Act.

In general, the Peace and Security Legislation is aimed at enhancing Japan's defense capability in a seamless manner from peacetime to wartime. In peacetime, the Japanese government is able to transport its nationals overseas in case of emergency, but the revised SDF Law (Paragraph 3 of Article 84) enables the government to 'rescue' the nationals. Moreover, the new SDF Law (Paragraph 2 of Article 95) enables Japan to protect not only the SDF's weapons but also those of the USA and other countries which contribute to Japan's defense in peacetime. The revised SDF Law (Paragraph 6 of Article 100) is designed to strengthen the supplies and services to the US Armed Forces in peacetime. Moreover, Paragraph 2 of Article 122 was revised for development of provisions for the punishment of those who commit crimes overseas.²²

With regard to Japan's contribution to international peace and security, the new legislation includes revision of the PKO Law enacted in 1992, so that Japan can make further contributions not only to UN PKO but also

to ‘internationally coordinated peace and security operations’ outside the UN PKO framework. The revised PKO Law would enable the Japanese peacekeepers to use weapons not only for themselves but for other civilians under their protection. Moreover, the Japanese peacekeepers would be able to conduct the so-called *kaketsuke-keigo* or coming to the aid of geographically distant units or personnel under attack, and to use weapons for the purpose of the execution of missions. The revised PKO Law adheres to the so-called ‘Five Principles’ on Japan’s PKO participation (1. ceasefire; 2. acceptance by conflict parties; 3. neutrality; 4. withdrawal if the three conditions are not satisfied; and 5. minimum necessary use of weapons).²³

When a military contingency that would eventually threaten the peace and security of Japan occurred, the Japanese government was supposed to take appropriate measures to prevent it from spreading on the basis of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan, which was enacted in 1999. The new legislation could be applied in situations that had an ‘important influence’ on Japan’s peace and security, and the law was renamed the Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan’s Peace and Security, or Important Influence Situations Law. The new legislation does not have any geographical limitations regarding SDF’s operation, and also expands Japan’s support activities not only to the USA but also to countries that contribute to the defense of Japan. Furthermore, the Ship Inspection Operations Law in the new legislation would enable Japan to conduct ship inspection operations based either on the Important Influence Situations Law or the International Peace Support Law.²⁴

As mentioned previously, a survival threatening situation is a situation ‘when an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and pursuit of happiness’. In order to respond to situations like this, the new legislation enables Japan to exercise the limited right of collective self-defense. To this end, Paragraph 76 of the SDF Law was revised.²⁵

Similarly, other laws, such as the Act on Measures Conducted by the Government in Line with US Military Actions in Armed Attack Situations, the Use of Specific Public Facilities Act, the Marine Transport Restriction Act, the Prisoner Treatment Act, and the NSC Establishment Act were partially revised to be consistent with the cabinet decision of 14 May 2015, especially regarding survival threatening and important influence situations.

In addition to the revision of these security-related laws above, a new permanent law, the International Peace Support Law, enabled Japan to make contributions to UN-authorized multinational forces by providing logistic support. By enacting the permanent law, the Japanese government would be able to dispatch the SDF to international peace operations authorized by the UN without enacting a special measures law. The Japanese government had needed to enact two special measures laws to dispatch the SDF to the Indian Ocean and Iraq on the basis of related UN resolutions.²⁶

In the deliberation process, Komeito, as a pacifist political party, suggested that there should be clear conditions for the overseas dispatch of the SDF based on the new legislation.²⁷ The conditions proposed by Komeito and accepted by the government are:

1. The dispatch is consistent with international law;
2. Civilian control and public support are maintained;
3. Necessary measures are implemented to ensure the safety of SDF personnel deployed overseas.²⁸

The first point means that there should be a legal basis for SDF dispatch, especially UN resolutions based on the UN Charter as international law. The second point signifies that the Diet should be involved in the decision-making process as a representative of the Japanese people. In the case of SDF dispatch on the basis of the International Peace Support Law, Komeito successfully persuaded the LDP to include Diet approval prior to the dispatch ‘without exception’. This is a critical legal constraint to guarantee civilian control of the military. The third point promises that the Japanese government will ensure the safety of SDF personnel. Importantly, the three conditions shall be satisfied whenever the Japanese government attempts to dispatch the SDF on the basis of the Peace and Security Legislation.

Thus, the Peace and Security Legislation, composed of the revision of ten laws and the enactment of a new permanent law, is comprehensive and significant for Japan’s security policy. Still, this legislation is complicated, and therefore it is important to examine the Diet debates and explanations made by the Abe government in the Special Committee of the Lower House and the Upper House.

THE ENACTMENT PROCESS OF THE PEACE
AND SECURITY LEGISLATION

Deliberation in the House of Representatives (Lower House)

The Peace and Security Legislation was submitted to the Diet on 15 May 2015, and deliberation was initiated in the House of Representatives one week later. On 22 May, Yasukazu Hamada of the LDP, as Chairman of the Committee on the Peace and Security Legislation, delivered an inauguration address in the first committee meeting.²⁹ On 26 May 2015, Defense Minister Gen Nakatani briefly explained the necessity of the legislation. He argued that the security environment surrounding Japan had changed, and hence it was judged that the right to collective self-defense should be partially exercised in order to protect the country. In addition, the defense minister contended that Japan should make a proactive contribution to international peace and security in accordance with the purpose of the UN Charter.³⁰

On 27 May, Masataka Komura, as Vice-President of the LDP, confirmed that the Peace and Security Legislation would enable Japan to exercise the partial right of collective self-defense. He also confirmed that the SDF could use weapons only for self-defense and emergency evacuation even under the legislation. In contrast, Katsuya Okada, as DPJ President, pointed out that whereas the Japan–USA alliance enhances deterrence, there are some risks to being involved in wars waged by the USA. Likewise, Hiroshi Ogushi of the DPJ stated that there would be more risk, if the SDF members were dispatched on the basis of the Peace and Security Legislation. Moreover, Kazuo Shii, as JCP Chairperson of the Executive Committee, expressed his opinion that there could be a greater psychological burden on the SDF staff if they were deployed overseas in support of the military activities of other countries.³¹

On 28 May, Komeito Vice-Representative Kazuo Kitagawa supported the Peace and Security Legislation on the basis of its ‘constitutionality, legal system, and policy judgement’. He emphasized the point that there should be prior Diet approval, without exception, on SDF dispatch to logistical support for other countries’ forces on the basis of the International Peace Support Law. Meanwhile, Kenji Eda and Sakihito Ozawa of the Japan Innovation Party (JIP or Ishinnoto) expressed their concern that the modification of the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan could expand

the role of the SDF to outside the periphery of Japan. JCP Chairperson Shii stated that the Peace and Security Legislation would enable the SDF to join international peace operations that might entail some risk, such as the International Security Assistance Force (ISAF) in Afghanistan.³²

On 29 May, Akinori Eto of the LDP asked Defense Minister Gen Nakatani how the government planned to minimize risk that was related to expanded activities of the SDF. In response, the defense minister explained that this could be addressed by decisions about the areas where the SDF members were deployed and by further training of the SDF staff.³³ On 1 June, Takeshi Iwaya of the LDP and Kiyohiko Toyama of Komeito mentioned the possibility of minimizing risk in SDF's missions under the Peace and Security Legislation. Toyama asked Defense Minister Nakatani to confirm that the use of weapons by the SDF would not escalate into the use of force, which is unconstitutional under the current Constitution. By contrast, Yuichi Goto of the DPJ asked Defense Minister Nakatani whether there would be a risk of SDF staff being involved in combats. Manabu Terada, also of the DPJ, argued that if Japan exercised the right of collective self-defense, it would be beyond Japan's defense only policy. Hodaka Maruyama of the JIP asked Prime Minister Abe whether the SDF could be dispatched to the Straits of Malacca and Lombok. The prime minister replied that he would not make assumptions about any cases except for the Strait of Hormuz at that point.³⁴

On 4 June, the Abe government invited three legal experts, Professor Yasuo Hasebe, Professor Setsu Kobayashi, and Professor Eiji Sasada, to the Examination Committee on the Constitution in order to ask their opinions regarding the Peace and Security Legislation. Ironically, all of them, including Professor Hasebe, who had been recommended by the LDP, expressed their conviction that the Peace and Security Legislation would violate Article 9 and could be unconstitutional.³⁵ On 5 June, Kiyomi Tsujimoto and Hiroshi Ogushi of the DPJ contended that the legislation must be unconstitutional given the remarks by the three constitutional scholars. In response to Tsujimoto's question, Defense Minister Nakatani explained that the legislation was constitutional, because the government had considered how to apply the Constitution to the legislation.³⁶

On 10 June, Tsujimoto argued that Nakatani's remark regarding the constitutionality of the legislation should be withdrawn. She continued that the legal validity of the legislation should be explained in terms of the 1972 government's view on the unconstitutionality of exercising the right to collective self-defense. Meanwhile, Masahito Moriyama of the LDP asked

CLB Chief Yusuke Yokobatake to explain the constitutionality of the legislation. In response, Yokobatake said that the legislation maintains the basic logic of the Constitution, that is, constitutional minimum necessary self-defense, which is consistent with the Sunagawa Judgement and the 1972 government's opinion. Meanwhile, Shinichi Isa of Komeito asked Yokobatake to explain how the SDF would be able to avoid participating in the use of force by other countries during its support activities. Yokobatake replied that the SDF would not be connected with the use of force because it should conduct its support activities in 'non-combat scenes'.³⁷

On 12 June, Yasushi Adachi of the JIP reported to Defense Minister Nakatani, Foreign Minister Kishida, and CLB Chief Yokobatake about the constitutionality of the legislation in relation to opposition by some 200 constitutional scholars. Importantly, Masami Kawano of the JIP asked Yokobatake how the government would respond if the Supreme Court judged the legislation to be 'unconstitutional'. Yokobatake replied that it was unlikely that this would occur.³⁸ On 15 June, Akihisa Nagashima and Manabu Terada of the DPJ questioned the constitutionality of the legislation in relation to the Sunagawa Judgement. In response, CLB Chief Yokobatake explained that the legislation was consistent with the basic logic of that Judgement, that is, the constitutionality of measures for self-defense that were permitted under Article 9 of the Constitution.³⁹

On 19 June, Kiyomi Tsujimoto and Manabu Terada of the DPJ asked the government to clarify the constitutionality of the legislation, especially the partial exercise of the right to collective self-defense. Chief Cabinet Secretary Yoshihide Suga explained that the legislation was within the basic logic of the 1972 government view. Interestingly, Terada likened the partial exercise of the right to collective self-defense to partially rotten miso soup, which is not edible. In response, CLB Chief Yokobatake compared it to the balloon fish (*fugu*), which is edible except for poisonous organs. Yokobatake implied that as *fugu* is edible after cooking, the partial exercise of the right to collective self-defense could be constitutional after the enactment of the legislation.⁴⁰

On 22 June, legal experts and political scientists were invited to the Diet for hearing sessions. In the committee meeting, Setsu Kobayashi, Emeritus Professor of Keio University, criticized the legislation as war legislation and unconstitutional. Reiichi Miyazaki, the former Chief of the CLB, contended that even limited exercise of the right to collective self-defense in the legislation was unconstitutional, given the government's official answer to the question by Satoshi Shima, the former Diet member,

in June 2004. On the other hand, Osamu Nishi, Professor of Komazawa University, and Satoshi Morimoto, the former Defense Minister during the DPJ government, supported the legislation from legal and political perspectives. In addition, Masahiro Sakata, the former Chief of the CLB, expressed his opinion that the legislation was within the logic of the conventional government views on self-defense. Yet Sakata did not agree with dispatching the SDF to the Strait of Hormuz in the name of collective self-defense.⁴¹

On 26 June, Hiroshi Imazu of the LDP asked Prime Minister Abe to confirm the constitutionality of the legislation. The prime minister explained that the legislation was constitutional because it was within the basic logic of the Sunagawa Judgement by the Supreme Court as well within the 1972 government's official view. On the other hand, Hiroshi Ogushi of the DPJ argued that the legislation should be withdrawn, given an opinion survey that showed 56 % of responders regarded it to be unconstitutional. Moreover, Kazumi Ohta of the JIP pointed out that 57 % of responders to an opinion poll by Kyodo News Site on 20 and 21 June considered it to be unconstitutional. Ohta also pointed out that the definition of 'defense only policy' (*senshu boei*) in the Japanese version of the *Defense White Paper* is different from the English version.⁴²

On 29 June 2015, Sakihito Ozawa of the JIP mentioned the opposition to the legislation that had been expressed by the three constitutional scholars invited to the Diet. Sekio Masuta of the JIP argued that about 70 % of responders to an opinion poll did not think that the explanation by the Abe government was sufficient. In response, Chief Cabinet Secretary Yoshihide Suga stated that the government would make efforts to explain the legislation to the public in more detail. As for the opposition by constitutional scholars, Suga noted that about 80 % of constitutional scholars were against the legislation even during the Diet deliberation of the PKO Bill in the early 1990s, whereas some 90 % of Japanese citizens currently supported Japan's contribution to UN PKO.⁴³

On 1 July, experts on military and security issues were invited to the Diet to express their opinions on the Peace and Security Legislation. Kenji Isezaki, Professor of Tokyo University of Foreign Studies, pointed out that the nature of UN PKO has changed and that it would be difficult for Japanese peacekeepers to withdraw even after a ceasefire had been violated. Isezaki also warned that Japanese peacekeepers might be responsible for murder in other countries. Likewise, Kyoji Yanagisawa, the former senior official of the Ministry of Defense, warned that the risk to SDF's

activities based on the legislation would be increased, and that the SDF staff could be involved in criminal activities. On the other hand, Kazuhisa Ogawa, a military analyst, assured the Diet that Japan did not possess sufficient offensive weapons to invade other countries.⁴⁴

On 3 July, Seiji Kihara of the LDP confirmed that traditional constitutional scholars in Japan have regarded the existence of the SDF as unconstitutional, and that it was therefore natural for constitutional scholars to interpret the legislation as unconstitutional. Likewise, Prime Minister Abe pointed out that the most popular civics textbook used in junior high schools in Japan noted that the SDF could be regarded as unconstitutional. Abe, however, argued that the Sunagawa Judgement and the 1972 government's official view that generally recognized Japan's right to self-defense could be legal bases for the Peace and Security Legislation.⁴⁵

On 6 July, a meeting to hear opinions was held in Okinawa. In the meeting, Susumu Inamine, Mayor of Nago City, opposed the Peace and Security Legislation in terms of Article 9, constitutionalism, and the risks posed for Okinawa. On the other hand, Keishun Koja, Mayor of Anjo City supported the legislation as long as it was within the current Constitution and the Abe government made an effort to reduce the burden of military bases in Okinawa. Similarly, Yoshitaka Nakayama, Mayor of Ishigaki City, expressed his support for the legislation given the missile threat from North Korea as well as the necessity to protect the Senkaku Islands from intrusion into territorial waters.⁴⁶ On the same day, another opinion hearing meeting was held in Saitama Prefecture. In the meeting, Yuichi Hosoya, Professor of Keio University, expressed his support for the legislation in the light of international politics, whereas Yoji Ochiai, Professor of Tokai University, opposed the legislation in relation to the current Constitution.⁴⁷

On 8 July, Kazuo Kitagawa of Komeito confirmed the procedure to exercise the right of collective self-defense based on international law, especially in the light of the 1986 case between Nicaragua and the USA that had been judged by the International Court of Justice. In the meantime, the JIP submitted its alternative legislation to the Lower House. Kazuhiko Shigetoku of the JIP stressed that the JIP's alternative legislation did not allow the Japanese government to exercise the right of collective self-defense. He furthermore contended that the JIP legislation could therefore be constitutional, supported by constitutional scholars and the former Chief of the CLB.⁴⁸

On 10 July, Itsunori Onodera, the former Defense Minister, emphasized the point that it was not constitutional scholars but Diet members who had the responsibility to make a final decision on security policy. Meanwhile, Mito Kakizawa of the JIP argued that the alternative legislation submitted by the JIP enabled Japan to protect the USA by exercising the right to individual self-defense rather than collective self-defense on the basis of the 2003 statement by the former Chief of the CLB, Osamu Akiyama. Nonetheless, Takeo Akiba, Director-General of the International Legal Affairs Bureau at the Foreign Ministry, contradicted the legitimacy of the JIP legislation in the light of international law. Onodera supported Akiba's statement and suggested that the JIP legislation could be regarded as a pre-emptive strike, in other words a violation of international law.⁴⁹

On 13 July, the main deliberations were on the alternative legislation submitted by the JIP. Takeshi Iwaya of the LDP pointed out that Komeito originally supported a similar alternative to the JIP, but eventually agreed with the Peace and Security Legislation because of its necessity and legitimacy.⁵⁰ On the same day, some legal experts and political scientists were invited to a hearing of the special committee. In this hearing, Koji Murata, Professor of International politics at Doshisha University, supported the legislation because of its necessity in the changing international security environment. On the other hand, Sota Kimura, Associate Professor of Constitutional Studies at Tokyo Metropolitan University, noted that the legislation could be unconstitutional because it was beyond the constitutional interpretation.⁵¹ On 14 July, the DPJ and JCP were absent from the committee meeting in the Diet, and the deliberation on the Peace and Security Legislation was not deepened. Yet Yasushi Adachi of the JIP stated that most constitutional scholars were unsupportive of the legislation, in line with public opinion.⁵²

On 15 July, Kiyohiko Toyama of Komeito argued that the Peace and Security Legislation was consistent with the defense only policy and within the framework of the current Constitution. Notably, Toyama pointed out that a survival threatening situation and a military attack situation could overlap. On the other hand, the JIP contended that its legislation should be deliberated more, and the other opposition parties only disagreed with the idea of taking a vote on the day.⁵³ Based on the Peace and Security Legislation, Japan would be able to exercise the right to collective self-defense in survival threatening situations, and the right to individual self-defense in military attack situations. However, if Japan exercised the right

to individual self-defense on the basis of the JIP's legislation during a period when a military attack against Japan did not occur, the use of force would be illegal in terms of international law. Therefore, in terms of international law, the Peace and Security Legislation was legitimate, although it necessitated a change in interpretation of the Japanese Constitution. Either way, in the plenary session of the Lower House on 16 July the legislation was passed by a majority vote of the LDP, Komeito, and the Party for Future Generations after a 116 hour long deliberation.

The Deliberation in the House of Councillors (Upper House)

On 27 July, deliberations about the Peace and Security Legislation were initiated in the House of Councillors. On the next day, the deliberation process began with the statement of Masahisa Sato of the LDP. Sato stressed that the Peace and Security Legislation was necessary given the reality of international politics, giving the example of the military takeover of the Crimean Peninsula by Russia. Jiro Aichi of the LDP also expressed his support for the legislation based on his experience as a parliamentary vice-defense minister. According to Aichi, the number of 'scramble flights' by the SDF were 36 times higher than ten years previously. On the contrary, Tetsuro Fukuyama of the DPJ pointed out that the notion of limited exercise of the right to collective self-defense had already been discussed and denied during Diet deliberations. Nonetheless, CLB Chief Yusuke Yokobatake explained that the Abe cabinet officially formulated the limited exercise of the right to collective self-defense as well as the 'Three New Conditions for Self-Defense'.⁵⁴

On 29 July, Makoto Nishida of Komeito confirmed the threefold constraint regarding the Peace and Security Legislation: constitutional, legislative, and policy constraint. Toranosuke Katayama of the JIP pointed out that the so-called crossover between the right of individual self-defense and the right of collective self-defense could be recognized. Katayama furthermore explained that the JIP legislation was constitutional because the legislation only dealt with the crossover.⁵⁵

On 30 July, Masako Mori of the LDP asked Prime Minister Abe to confirm that the Peace and Security Legislation did not include a conscription system. The prime minister assured him that this was the case, especially given Article 18 of the Japanese Constitution that stipulates that 'No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.' Hajime Hirota of the DPJ insisted

that the definition of ‘defense only policy’ could be changed by the enactment of the Peace and Security Legislation. Hirota argued that the existing definition of defense only policy is related to the right to ‘individual self-defense’ but not ‘collective self-defense’. In response, Prime Minister Abe, Defense Minister Nakatani and Foreign Minister Kishida explained that Japan’s defensive defense policy is consistent with the limited exercise of the right to collective self-defense. Kiyonari Maekawa of the DPJ pointed out the fact that 97.6 % of constitutional scholars were against the legislation, whereas only 1.6 % supported it in an academic journal, *Kenpo Hanrei Hyakusen*.⁵⁶

On 3 August, Yosuke Isozaki, Special Adviser to the Prime Minister, who had mentioned that legal stability was irrelevant to the legislation, was summoned as an unsworn witness in the Diet. Isozaki officially admitted that his remark was inappropriate.⁵⁷ On 4 August, Masahisa Sato of the LDP stated that not only opinions of constitutional scholars but also those of political scientists and international law scholars need to be considered with regard to the legislation. In the meantime, Katsuo Yakura of Komeito pointed out the possible miniaturization of a North Korean nuclear warhead was a threat to Japanese security. With reference to this specific threat, Yakura pointed to the significance of a missile defense system as well as the Peace and Security Legislation. By contrast, Mizuho Fukushima of the SDP exemplified 14 cases in which the right to collective self-defense was exercised, and argued that those cases, such as the Vietnam War, were illegitimate in terms of international law. Prime Minister Abe responded by explaining that Japan would not be able to exercise the right to full-size collective self-defense, unlike other countries.⁵⁸

On 5 August, answering a question by Tsuneo Kitamura of the LDP, Foreign Minister Fumio Kishida stated that the USA, Australia, and countries in Europe, the Association of Southeast Asian Nations (ASEAN), Africa, the Middle East, and Latin America expressed their support for the legislation. According to Foreign Minister Kishida, the prime ministers of Australia and Sri Lanka were explicitly supportive. Kenzo Fujisue of the DPJ asked Defense Minister Gen Nakatani whether Japan would be able to transport nuclear weapons as logistical support for the USA. In response, Defense Minister Nakatani explained that this should be impossible for all weapons of mass destruction, especially nuclear weapons.⁵⁹

On 11 August, opposition parties made the criticism that Prime Minister Abe did not refer to the ‘Three Non-Nuclear Principles’ (non-possession, non-production, non-introduction of nuclear weapons) in his

speech in Hiroshima. Kohei Otsuka of the DPJ asked Foreign Minister Fumio Kishida and Defense Minister Gen Nakatani if Japan would be able to deliver nuclear weapons based on the Peace and Security Legislation. Both Kishida and Nakatani denied this, and confirmed that Japan should stick to the Principles. Otsuka also pointed out that the definition of ‘defense only policy’ differs between the Japanese version of the *Defense White Paper 2015* and the English version. Nakatani explained that although the new *Defense White Paper* admitted partial exercise of the right to collective self-defense, the nature of the defensive defense policy would not be altered.⁶⁰

On 19 August, Taro Yamamoto stated that the Peace and Security Legislation might stem from the third report by Joseph Nye Jr, a Harvard professor, and Richard Armitage, a former Deputy State Secretary, who had strong political influence on Japan’s security policy. Indeed, the ‘Third Armitage-Nye Report’ implied that Japan should be able to exercise the right to collective self-defense for the sake of the Japan–USA alliance, and proposed that Japan should be able to dispatch the SDF to the Hormuz Strait for minesweeping and to the South China Sea for monitoring activity. In response, Foreign Minister Kishida explained that the Japanese government did not draft the legislation in reference to the ‘Armitage–Nye Report’. Meanwhile, Defense Minister Nakatani commented that it was true that some parts of the report overlapped with the legislation, although the government did not adopt the proposals in the report. Furthermore, Taro Yamamoto stressed that the Sunagawa Judgement was made under pressure by the USA. In this way, Yamamoto attempted to refute the authenticity of the Sunagawa Judgement as one of the legal bases for the constitutionality of the Peace and Security Legislation. Foreign Minister Kishida stated that the Japanese government refrained from making any comments on this matter (NDL, 19 August 2015).⁶¹

On 21 August, some female Diet members discussed the Peace and Security Legislation. Kuniko Inoguchi of the LDP, the former Professor in International Politics at Sophia University, pointed out that the international tone, especially expressed by the *Wall Street Journal* and *Financial Times*, was relatively favorable to the legislation. Inoguchi argued that the Japanese government should simultaneously strengthen its peace diplomacy in the field of development assistance, disarmament, disaster relief, and human security. On the other hand, Renho (Lian Fang) of the DPJ disagreed with the legislation as it could be regarded as unconstitutional. Sayaka Sasaki of Komeito pointed to the change in opinion polls by Fuji

News Network, in which the number of female supporters of the legislation in August was larger than in the previous month.⁶² Likewise, Mizuho Onuma of the LDP asked Foreign Minister Kishida how many countries supported the legislation. Kishida replied that the USA, ASEAN member states, and European countries welcomed the legislation, while China and South Korea had not expressed any official disagreement. Onuma continued that if the legislation was literally ‘war legislation’, as was argued by opposition parties, both China and South Korea should have expressed official opposition.⁶³

On 26 August, Katsunori Takahashi of the LDP argued that the Peace and Security Legislation was necessary for the defense of Japan just as the revision of the Japan–US Security Treaty in 1960, which split Japan’s public opinion in two and caused a protest demonstration by some 100,000 surrounding the National Diet, was necessitated. Kohei Otsuka of the DPJ asked Foreign Minister Kishida whether there was any definition of limited exercise of the right to collective self-defense in international law. Kishida replied that there was no such definition, but that it was partial exercise of the right to collective self-defense which is defined in international law.⁶⁴

On 28 August, the legislation submitted by the JIP on 20 August was formally announced in the Upper House.⁶⁵ On 2 September, the JIP legislation was deliberated upon by the commission members. Jiro Ono of the JIP argued that Japan should report exercise of the right to self-defense rather than individual or collective self-defense to the UN. Indeed, according to Ono, most UN member states reported exercise of the right to self-defense regardless of whether it was individual or collective self-defense. However, Kiyohiro Araki of Komeito insisted that exercise of the right to self-defense should be specified as individual or collective in terms of international law.⁶⁶

On 4 September, Ryuhei Kawada of the JIP asked if the Japanese government employed the term ‘proactive contribution to peace’ (*sekkyo-kuteki heiwashugi*), so that the country could use force proactively rather than reactively. Defense Minister Gen Nakatani denied this interpretation. Kawada continued by saying that Johan Galtung, a Norwegian peace scholar, had accused the Abe administration of plagiarizing Galtung’s definition of ‘positive peace’ (*sekkyokuteki heiwa*). In response, Foreign Minister Fumio Kishida explained that the Japanese government had made a diplomatic contribution to positive peace, especially in terms of human security.⁶⁷

On 8 September, Masasuke Omori, the former Chief of the CLB, and Makoto Ito, a well-known lawyer, were summoned and provided their opinions regarding the legislation. Both Omori and Ito expressed their views that the Peace and Security Legislation could be regarded as unconstitutional and that the Sunagawa Judgment should not be used as a legal basis for the legislation. On the other hand, Katsuo Yakura of Komeito referred to the comment by Setsu Kobayashi, summoned in the Lower House, and stated that the Diet, the Cabinet, and the Supreme Court all had authority to interpret the Constitution. In the law-making process in Japan, the Cabinet makes a final decision about the interpretation regarding constitutionality by referring to the Cabinet Legislation Bureau. Afterwards, the legislation is deliberated upon before enactment in the Diet. If legal troubles happen regarding constitutionality, the Supreme Court is supposed to make a final judgment on the constitutionality.⁶⁸ Needless to say, the same is true for the legislative process and legal operation of the Peace and Security Legislation.

On 9 September, the revised PKO Bill submitted by the JIP on 8 September was deliberated upon. During this process, Kenzo Fujisue pointed out that it would be difficult to dispatch the SDF for post-war humanitarian assistance based on the Peace and Security Legislation, even if a similar situation to the 2003 Iraq War occurred; the Japanese government would need to create special measures legislation. But Defense Minister Nakatani denied this possibility because there had been no official ceasefire in Iraq.⁶⁹ In other words, the Japanese government would strictly stick to the ‘Five Principles’ on PKO participation, especially the existence of ceasefire, even under the Peace and Security Legislation.

On 11 September, Ichita Yamamoto of the LDP referred to some research by the National Defense Academy of Japan and emphasized the necessity of the Japan–USA alliance. According to this research, the cost of the so-called host nation support (*omoiyari yosan*) to maintain the US military forces in Japan is approximately 1.8 trillion yen per year, whereas it costs about 22 or 23 trillion yen if Japan defends itself without the US military presence. Thus Yamamoto argued that the partial exercise of the right to collective self-defense is indispensable for the defense of Japan.⁷⁰

On 14 September, Masahisa Sato of the LDP stated that the former representatives of the DPJ, such as Katsuya Okada and Yoshihiko Noda, had previously insisted that limited exercise of the right to collective self-defense should be justified. Likewise, Foreign Minister Fumio Kishida confirmed that the limited exercise of this right was still part of the ‘full-set’ exercise authorized by the UN Charter.⁷¹

Significantly, Natsuo Yamaguchi, Chief Representative of Komeito, asked CLB Chief Yusuke Yokobatake whether armed attack situations and survival threatening situations could overlap in some cases. Yokobatake replied that they could be overlapped on the basis of Article 13 of the Japanese Constitution, i.e. the right to life, liberty and the pursuit of happiness. Yamaguchi also asked Foreign Minister Kishida and Prime Minister Abe if there was a necessity to dispatch the SDF to the Strait of Hormuz for minesweeping. The foreign minister explained that Japan never assumed that Iran would spread mines in the Hormuz Strait. The prime minister added that it was unrealistic to dispatch the SDF to the Hormuz Strait as the situation stood. Meanwhile, Toranosuke Katayama of the JIP contended that there would be some cases where individual self-defense and collective self-defense could overlap, and that the JIP believed that Japan should deal with the situation by exercising the right to individual self-defense. Prime Minister Abe explained that Japan should exercise the right to collective self-defense in order to abide by international law.⁷²

On 15 September, Aki Okuda, a graduate student of Meiji Gakuin University and a representative of Students Emergency Action for Liberal Democracies, stated that a large number of university students in Japan were against the Peace and Security Legislation.⁷³ It is unusual for a student to be invited to a hearing session of Diet deliberation, but the DPJ considered that the student group had become a politically influential student organization.

On 16 September, a meeting to hear opinions was held in Yokohama. At this meeting, Seigo Hirowatari, Professor of Senshu University and the former President of Science Council of Japan, expressed his opposition to the legislation as a representative of the academic groups at 137 universities in Japan who opposed it. Professor Hirowatari explicitly accused the legislation of being unconstitutional. Takahisa Mizukami, Assistant Professor of Aoyama Gakuin University, showed his opposition to the legislation and to the Abe administration by stating that the legislation was based on majoritarianism, but not necessarily on democracy. In the meantime, Daisaku Hiraki of Komeito stressed that the legislation would not cause a so-called security dilemma between Japan and its neighbor states. Regarding this issue, Tsuneo Watanabe, policy research senior fellow of the Tokyo Foundation, stated that it was important to conduct proper communication with Japan's neighbors, especially China and South Korea.⁷⁴

On 17 September, Yoshitada Konoike, Chairman of the Commission in the Upper House, changed the deliberation room where a vote on the legislation was taking place without notifying Diet members of opposition parties, so that they would not physically block the door. In response, the opposition parties held a no-confidence motion against Chairman Konoike. Although this was rejected in the Upper House, the opposition parties did not stop their objection to the legislation. For instance, Mizuho Fukushima of the SDP mentioned the House of Peers of the Empire of Japan, which could not prevent the military elite from plunging into the Second World War. She also referred to the Enabling Act under the Weimar Constitution during Nazi Germany, condemning the Peace and Security Legislation as ‘war legislation’ and implicitly comparing Prime Minister Abe to Adolf Hitler.⁷⁵

The same afternoon, the Peace and Security Legislation, supported by the LDP, Komeito, and three opposition parties (the Assembly to Energize Japan, the Party for Future Generations, and the New Renaissance Party), passed the Upper House. In the plenary session, members of the opposition parties attempted to block the enactment of the legislation in a physical manner. For example, Taro Yamamoto conducted the so-called ox-walk tactics (*gyuho senjutsu*) and made a filibuster speech in order to delay the voting. In a storm of shouts and physical contact between the committee members, the Peace and Security Legislation was eventually enacted in the early hours of 19 September 2015.

AN IMAGE OF THE CONSTITUTIONALITY OF THE PEACE AND SECURITY LEGISLATION

As reviewed in the previous sections, most constitutional scholars, legal experts, and Diet members of the opposition parties criticized the legislation as unconstitutional. Similar debates, however, have already been conducted in the Diet. Indeed, some politicians pointed out that there could be some cases in which the right to individual self-defense and the right to collective self-defense overlapped.⁷⁶ Nevertheless, they are different legal concepts in terms of international law, although it is fair to argue that there could be some cases in which defense of Japan and defense of other countries overlap. The Japanese government provided a typical example in which Japan would need to partially exercise the right of collective self-defense as shown in Fig. 4.1.

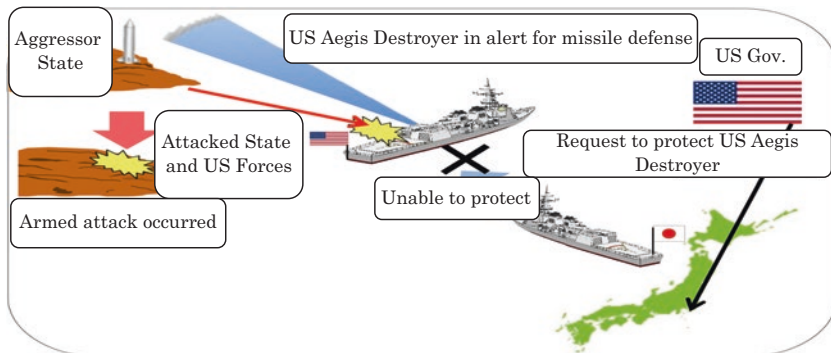


Fig. 4.1 Protection of US Aegis destroyer in operation for missile defense system. Note: The 12th Case in the 15 Cases (House of Representatives Research Bureau, 2015. *Heiwa Anzenhosei Kanren Horitsuan ni Kansuru Shiryo*. (Source on the Peace and Security Legislation). Tokyo: The House of Representatives, p. 204)

In this case, a US Aegis destroyer, its operations based on the Japan–US Security Treaty, prepares to intercept missiles by an aggressor who tries to attack both the USA and Japan. In the case, the aggressor has already attacked the neighbor state in which the US military forces are stationed. It was assumed that it could be relatively difficult for an Aegis destroyer to deal with multiple and simultaneous attacks by fighter aircrafts, especially when the destroyer is in preparation for missile defense.⁷⁷

In this situation, if Japan protects the destroyer, the action is regarded as the exercise of the right to ‘collective self-defense’, but the purpose itself is ‘defense of Japan’. If Japan does not take any appropriate measures in the situation, it is highly likely that the aggressor launches another missile against Japan. In this sense, the protection of the US Aegis destroyer can be the defense of Japan. This is the overlapped part of the survival threatening situation that is constitutionalized in the Peace and Security Legislation. In order to comprehend the debate, an image of the constitutionality of the Peace and Security Legislation can be visualized, and is shown in Table 4.2.

First, exercise of the right to individual self-defense has been regarded as constitutional, whereas exercise of the right to collective self-defense is unconstitutional. The Japanese government explained that defense of Japan (left circle in Table 4.2) is constitutional, whereas defense of other countries (right circle in Table 4.2) is unconstitutional in the light of the

1959 Sunagawa Judgement that judged on constitutionality of the existence of US military forces in Japan as well as measures for self-defense. This judgment admitted the constitutionality of measures for self-defense based on Article 13 of the Japanese Constitution, which guarantees Japanese people's right to 'life, liberty, and the pursuit of happiness' regardless of individual self-defense or collective self-defense. Still, the successive government's official views, especially that of the 1972 government, have stipulated that the exercise of the right to so-called collective self-defense is unconstitutional.

Second, the Abe government adopted a new interpretation of so-called collective self-defense that states two types exist: collective self-defense purely for the defense of other countries (right part of the right circle in Table 4.2), and collective self-defense for the defense of Japan (overlapped part of both circles in Table 4.2). There is no such classification or definition in Article 51 of the UN Charter or international law, but the Abe government explained that both are part of the same right to collective self-defense recognized in the UN Charter. In the Peace and Security Legislation, the former (collective self-defense for other countries) could be regarded as unconstitutional, whereas the latter (collective self-defense for defense of Japan) shall be considered to be constitutional. Therefore, exercising the partial right to collective self-defense for the defense of Japan was constitutionalized in the enactment process of the Peace and Security Legislation.

As for the dispatch of the SDF to the Strait of Hormuz, the House of Councillors added a legal constraint on it as an additional resolution to the Peace and Security Legislation on 17 September 2015.⁷⁸ In the collateral resolution, the term Hormuz Strait was not used, but it was described as a situation where an armed attack situation and a survival threatening situation did not overlap. In principle, 'defense of Japan' and 'defense of other countries' could be overlapped, and the right of 'collective self-defense' shall be exercised in such a situation as shown in Table 4.2. In most cases, armed attack situations and survival threatening situations overlap, but the SDF dispatch to the Strait of Hormuz is not one such. In such an exceptional situation, prior Diet approval should be adopted without exception, based on the collateral resolution.

Third, support activities as logistics, or rear support, for multinational forces authorized by the UN Security Council (UNSC) and other relevant international organizations, such as the General Assembly of the UN, are legalized under the International Peace Support Law. Likewise, support

Table 4.2 An image of the constitutionality of Japan’s Legislation for Peace and Security

○ Constitutional	× Unconstitutional
<p>a) Purpose: Defense of Japan (Means: Individual Self-defense)</p>	<p>b) Purpose: Defense of Other Countries (Means: Collective Self-defense)</p>
<p>* Generally, exercise of the right to ‘individual self-defense’ is ‘constitutional’, but exercise of the ‘full-set’ right to ‘collective self-defense’ is ‘unconstitutional’.</p> <p>* Overlapped part = ‘collective self-defense for defense of Japan’ is ‘constitutional’.</p> <p>* Legal bases = Article 13 of the Japanese Constitution + 1959 Sunagawa Judgement</p> <p>* Legal constraints = Article 9 + ‘Three New Conditions for Self-Defense’</p>	
<p>c) ‘Support Activities’ for International Peace and Security / Important Influence Situations (in non-combat scenes)</p> <p>* Legal constraint = Three Conditions for SDF Dispatch</p> <ol style="list-style-type: none"> 1) Authorization by international law 2) Civilian control by Diet approval 3) Safety of SDF personnel 	<p>d) ‘Use of Force’ for International Peace and Security / Participation in the Integral Part of the Use of Force (in combat scenes)</p> <p>* Constitutionally, the SDF is not allowed to use force in military operations, even if it is authorized by the United Nations.</p> <p>* Legal constraint = Article 9 of the Japanese Constitution</p>

Note: The explanation is related to use of force, excluding the peacetime laws, such as the revised PKO Law, which are naturally regarded as constitutional (Akimoto, Daisuke. 2015. ‘Kokumin no Seimei, Jiyu, Kofuku o Mamoru “Heiwa Anzen Hosi” (‘The Peace and Security Legislation’ to Protect the Right to Life, Liberty, and Pursuit of Happiness)’. *Komei* (Monthly Journal, November), p. 44)

activities for military forces which are undertaking operations for the defense of Japan are legalized under the Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security. Nevertheless, the Japanese governments should adhere to the new conditions for overseas dispatch of the SDF. Significantly, prior Diet approval to dispatch the SDF on the basis of the International Peace Support Law became a must owing to the request by Komeito as a coalition partner of the LDP.

Fourth, Japan, however, cannot use force even in military operations authorized by the UNSC, but shall be able to conduct logistic support instead. In addition, Japan cannot provide any logistic support for the UN authorized multinational forces in combat scenes. In other words, if the Japanese government wishes to exercise the right to collective self-defense purely for defense of other countries and to use force in UN authorized military operations to contribute to collective security, the government needs to revise the current Constitution, despite the politically difficult hurdle that exists.

CONCLUSION

This chapter has examined the Peace and Security Legislation enacted on 19 September 2015. It has been clarified that although successive Japanese governments did not recognize the constitutionality of exercising the right to collective self-defense under Article 9 of the Constitution, the Third Abe Cabinet constitutionalized the partial exercise of the right to collective self-defense with the 'Three New Conditions for Self-Defense'.

The analysis has shown that the Peace and Security Legislation is comprehensive, composed of the revision of ten laws (the Peace and Security Legislation Development Law) as well as a new law (the International Peace Support Law). The constitutionality of exercising the right to collective self-defense became a center of the Diet debates in the special committee on the Peace and Security Legislation during the 189th Diet session. The Abe government employed a new concept (survival threatening situation) in the 'Three New Conditions for Self-Defense' in order to constitutionalize the limited exercise of the right to collective self-defense. In order to comprehend the constitutionality of this legislation, as

explained by the government, this chapter has anatomized the proceedings of the Diet debates in the House of Representatives as well as in the House of Councillors.

As a result of this thorough investigation, it is clear that the Abe government classified the right to collective self-defense into two types: collective self-defense for defense of Japan and collective self-defense purely for defense of other countries. The Abe government has explained that the former should be regarded as constitutional in the light of the 1959 Sunagawa Judgement by the Supreme Court, which officially recognized the constitutionality of measures for self-defense and the existence of US military bases in Japan. It has also been explained that the measures for self-defense in the Sunagawa Judgement are constitutionally legitimate in terms of Article 13 of the Constitution, which guarantees the right to 'life, liberty, and the pursuit of happiness'. As for the SDF dispatch to the Strait of Hormuz as an exercise of the right to collective self-defense, this could be a situation where defense of Japan and defense of other countries overlap, but not a situation where an armed attack situation and a survival threatening situation overlap. In such an exceptional case, prior Diet approval is necessary without exception. This is also required in the International Peace Support Law, when the SDF is dispatched to logistic support for international military operations authorized by the UNSC.

In conclusion, Japan cannot exercise the normal right to collective self-defense in typical cases, such as the Vietnam War or the 2001 Afghanistan War, even if the USA officially requests dispatch of the SDF. Moreover, SDF dispatch to the Strait of Hormuz is legally possible but politically constrained by the additional resolution of the Upper House. In order to exercise the 'full-size' right to collective self-defense solely for the defense of other countries, the future Japanese government will need to revise Article 9 of the current Constitution. Nevertheless, Prime Minister Abe finally succeeded in making the limited exercise of the right to collective self-defense constitutional by the enactment of the Peace and Security Legislation, which could influence and strengthen Japan's foreign and security policy as well as the Japan–USA military alliance, as will be examined in the following chapters. Either way, it may be observed that the enactment of the Peace and Security Legislation signifies an emerging Japanese security strategy that can be defined as the Abe Doctrine.

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The Domestic Implication: Japan's Ballistic Missile Defense Policy

Abstract This chapter attempts to contextualize the development of Japan's policy on the Ballistic Missile Defense (BMD) system, since the enhancement of Japan's BMD system was one of the major reasons why the Abe government needed to enact the Peace and Security Legislation, as pointed out in Chap. 4. First, the political background of the BMD system from the Cold War period to the present is contextualized. Next, the legal framework of Japan's BMD policy is confirmed in terms of the revision of the Self-Defense Forces Law and the creation of the Peace and Security Legislation. In this context, the three phases in Japan's BMD system, boost, mid-course and terminal, are examined. Finally, this chapter provides an analysis on the possibility of Japan's strike capability against adversaries' missile bases within the framework of the current defense policy, that is, exclusively defense-oriented policy or defensive defense policy (*senshu boei*).

Keywords Aegis Ashore • Ballistic Missile Defense (BMD) • Patriot Advanced Capability-3 (PAC-3) • Standard Missile-3 (SM-3) • Strike capability against enemy bases

INTRODUCTION

The security environment surrounding Japan has become increasingly severe after the end of the Cold War. Given its rising military power and expansionist policy, China as a regional superpower seems to be the most serious threat to the country's security. Nonetheless, the most imminent and perceivable threat is the North Korean nuclear missiles pointing at Japan. Once ballistic missiles with nuclear warheads are launched toward Japanese territory, the Japanese government must take prompt and appropriate measures to destroy them in about ten minutes. Even one ballistic missile with one nuclear warhead would cause irreparable devastation.

The significance of the Ballistic Missile Defense (BMD) policy has been argued and shared by policy-makers in Japan and the USA since North Korea's missile launches, especially Nodong-1 in 1993 and Taepodong-1 in 1998. The policy has also been criticized by a large number of researchers and politicians, for a variety of reasons. Domestically, for example, Gensuikin (Japan Congress against A- and H-Bombs), an anti-nuclear organization, expressed its opposition to Japan's BMD policy, arguing that the introduction of a BMD system in Japan would cause an 'arms race' in Northeast Asia.¹ Moreover, the technical feasibility of intercepting North Korean ballistic missiles was doubted by some analysts.² Internationally, David Krieger, President of the Nuclear Age Peace Foundation, with other 19 researchers, including Professor Richard Falk at Princeton University as well as Nobel Peace Prize Laureate Joseph Rotblat, denounced the BMD policy that was being promoted by the George W. Bush administration.³

This chapter attempts to contextualize Japan's policy on a BMD system from the Cold War period to the Abe administration rather than praising or criticizing it. First, the political background will be contextualized. Next, the legal framework is confirmed in terms of the revision of the Self-Defense Forces (SDF) Law and the creation of the Peace and Security Legislation. In this context, the three phases in Japan's BMD system, boost, mid-course, and terminal, are examined. This chapter also provides an analysis of Japan's strike capability against adversaries' missile bases within the framework of the current defense policy, that is, the defense only policy (*senshu boei*). It finally examines the implication for Japan's BMD system of the proactive contribution to peace policy of the Abe administration.

THE COLD WAR CONTEXT: JAPAN'S INVOLVEMENT IN THE 'STAR WARS PROGRAM'

In the Cold War period, the USA and the Soviet Union developed a variety of ballistic missiles as well as nuclear weapons, too many to number. In order to cope with missile threats, US President Ronald Reagan proposed the so-called Strategic Defense Initiative (SDI) or the Star Wars Program in March 1983. Meanwhile, Prime Minister Yasuhiro Nakasone backed up the SDI research during the Japan–USA summit meeting with President Reagan in January 1985, on condition that the SDI was a non-nuclear weapons program, defensive, and contributing to nuclear abolition.⁴

Notably, Prime Minister Nakasone proposed the 'Five Conditions' for Japan's participation in the SDI: (1) denial of unilateral predominance, (2) maintenance of deterrence for the Western countries, (3) abiding by the Anti-Ballistic Missile (ABM) Treaty, (4) prior consultation with the Soviet Union on deployment, and (5) reduction of offensive nuclear weapons.⁵ It can be argued that Nakasone's stance on the SDI program was influenced by the pacifism of the Japanese Constitution.

The USA requested that Japan should provide technological cooperation for the SDI program, and the two governments conducted negotiations.⁶ At domestic level, the Japanese government explained that Japan's participation in SDI research should not be regarded as military use of outer space.⁷ On 21 July 1987, the Japanese government eventually decided to participate in SDI research, as long as Japanese corporations could secure the right to utilize the research outcomes, although the intellectual property rights would belong to the USA.⁸

The US government and Japanese corporations unofficially but directly made a contract regarding a joint research program on missile defense, the Western Pacific Missile Defense Architecture Study (WESTPAC); this was initiated in 1989.⁹ WESTPAC cost some \$8 million and took four years to complete its research report. In the meantime, North Korea launched a ballistic missile, Nodong-1, on 29 May 1993. As a result of this launch, the WESTPAC report concluded that the Nodong-1 was the 'major threat to Japan' and examined the feasibility of the BMD for the Western Pacific and Japan as a measure against North Korean ballistic missile threats.¹⁰

MISSILE THREATS OF NORTH KOREA AND JAPAN'S BMD AS 'DEFENSE ONLY POLICY'

In the wake of the launch of the Nodong-1 by North Korea, the Japanese government was forced to develop its missile defense capability. The Japan Defense Agency (JDA) and the US Department of Defense discussed joint research on the BMD, and in August 1993 the Japanese government showed its interest in the improvement of the Theater High Altitude Area Defense, later known as the Terminal High Altitude Area Defense (THAAD), system and the US Patriot missile.¹¹ Prime Minister Tomiichi Murayama, as Chairman of the Japan Socialist Party, opposed the missile defense program owing to its estimated cost, however.¹²

Since North Korea conducted a test launch of a ballistic missile, Taepodong-1, which flew over the Tsugaru Strait and landed in the Pacific Ocean on 31 August 1998, the Japanese government was all the more motivated to acquire its missile defense capability. In response to the launch of Taepodong-1, Prime Minister Keizo Obuchi made a cabinet decision to conduct a joint research on missile defense technology, especially Navy Theater Wide Defense, currently named Aegis BMD, on 25 December 1998. Moreover, Prime Minister Obuchi made another cabinet decision to approve an official arrangement with the USA regarding the joint research on missile defense on 16 August 1999.¹³

In the meantime, the USA reinvigorated its missile defense program in the post-9/11 period. President Bush announced that the USA should secede from the ABM Treaty on 13 December 2002, and five days later decided to deploy a missile defense system, such as the Ground-Based Mid-Course Defense System, the Sea-Based Mid-Course Defense System, and the Patriot Advanced Capability-3 (PAC-3).¹⁴

As observed by Richard P. Cronin, Japan's financial and technological contribution to bilateral missile defense development is critical to the USA.¹⁵ Moreover, given the geopolitical significance of Japan and burden-sharing issues stemming from the Japan-USA military alliance, Japan's active involvement in BMD cooperation in terms of research and development (R&D) and the country's acquisition of BMD capability were regarded as strategically important to Washington.¹⁶

On 19 December 2003, Prime Minister Junichiro Koizumi made a cabinet decision about an official introduction of the BMD system. This confirmed that the system is purely defensive and a sole means to protect Japanese citizens, and is therefore consistent with the so-called defense only or defensive defense policy, which is Japan's security policy.¹⁷

On 10 February 2005, North Korea's Foreign Ministry declared that the country possessed nuclear weapons, and the Japanese government reconfirmed the necessity of acquiring a ballistic missile system.¹⁸ On 24 December 2005, Chief Cabinet Secretary Shinzo Abe announced a cabinet decision on the 'Japan-US Joint Development of Upgraded Interceptor for Ballistic Missile Defense'.¹⁹ Significantly, this decision allowed Japan and the USA to cooperatively develop the Standard Missile-3 Block IIA (SM-3 Block IIA), also known as the 21-inch diameter SM-3 interceptor. Japan basically focused on the development of nose cone and rocket-motor.²⁰

On 5 July 2006, North Korea launched a series of ballistic missiles: three Scud missiles, three Nodong missiles, and a Taepodong-2 missile.²¹ In the midst of the missile launches, Japanese Aegis destroyers were able to track the trajectories of fired ballistic missiles, but were still incapable of intercepting them.²² Moreover, North Korea conducted a test of bombing nuclear weapons for the first time on 9 October 2006.²³ In response, the first Abe cabinet accelerated the deployment of the PAC-3 system originally scheduled for March 2008, and eventually deployed it for the first time at Iruma Air Base in Saitama Prefecture in March 2007.²⁴

In short, Japan's BMD policy was initiated and facilitated in response to missile threats from North Korea particularly since 1993. Even since the deployment of the BMD system, the Japanese government has conducted missile interception tests by the SM-3 of Aegis destroyers as well as by the PAC-3, as shown in Table 5.1.

As illustrated in Table 5.1, Japan's BMD policy was caused by the missile threats of North Korea, and was also stimulated by US pressure on Japan to cooperatively conduct research and development of the BMD technology on the basis of the Japan-USA military alliance. In the next section, it will be briefly confirmed how the Japanese government prepared and developed a legal framework for Japan's BMD policy.

LEGAL FRAMEWORK AND DEMOCRATIC PROCEDURE IN JAPAN'S BMD POLICY

In terms of legal framework and democratic procedure regarding the BMD system, the SDF Law was revised in July 2005 in order to properly operate the BMD system by Article 82-2, currently Article 82-3. Still, Article 82-3 of the SDF Law shall take into consideration that 'prompt and appropriate response' and 'secure strict civilian control'.²⁵ Moreover,

Table 5.1 The chronology of Japan's policy on Ballistic Missile Defense

<i>Year/month</i>	<i>Major incidents and initiatives</i>
1993/May	<u>North Korea launched its first Nodong-1</u>
1993/Dec.	Japan started consultation with the USA on BMD
1995/Apr.	JDA commenced BMD study (possible architecture, cost estimation, etc.)
1998/Aug.	<u>North Korea launched its first Taepodong-1 that crossed over Japan</u>
1998/Dec.	Japan–USA cooperative research was approved by the cabinet of Japan
2003/May	Koizumi–Bush summit meeting (Koizumi's remark on missile defense)
2003/Aug.	JDA requested BMD-related budget to Ministry of Finance for the first time
2003/Dec.	The Japanese government decided to introduce BMD system
2005/Feb.	<u>North Korea declared possession of nuclear weapon</u>
2005/Jul	The SDF law was revised in accordance with BMD system
2005/Dec.	Japan decided to start SM-3 Joint Cooperative Development
2006/June	SM-3 Block IIA Cooperative Development Project initiated (Japan–USA)
2006/Jul.	<u>North Korea launched its first Taepodong-2</u>
2006/Oct.	<u>North Korea conducted its first A-Bomb test</u>
2007/Mar.	PAC-3 was deployed at Iruma Air Base (Japan's first-ever missile interceptor)
2007/Dec.	Kongo successfully conducted first SM-3 flight test (Japan's first SM-3)
2008/Sep.	PAC-3 firing test was conducted and successfully intercepted the target
2008/Nov.	Chokai conducted SM-3 firing test and resulted in failure
2009/Sep.	PAC-3 firing test was conducted and successfully intercepted the target
2009/Oct.	Myoko conducted SM-3 firing test and successfully intercepted the target
2010/Apr.	PAC-3 deployed at Ashiya Air Base
2010/Oct.	Kirishima conducted SM-3 firing test and successfully intercepted the target
2016/Jan.	<u>North Korea allegedly conducted its first H-Bomb test</u>
2017/Jul.	<u>North Korea reportedly succeeded in its first launch test of the inter-continental ballistic missile (ICBM)</u>
2017/Sep	<u>North Korea conducted the sixth nuclear test</u>

Note: Based on this chapter and several relevant sources (MOD (Ministry of Defense). 2008b. 'Japan's BMD'. http://www.mod.go.jp/e/d_act/bmd/bmd.pdf (accessed 10 September 2016), p. 6; MOD. 2015b. *Defense of Japan 2015 (Annual Defense White Paper)*. http://www.mod.go.jp/e/publ/w_paper/pdf/2015/DOJ2015_2-1-3_web.pdf (accessed 11 September 2016), p. 380)

a cabinet decision on 'emergency response procedure for destruction measures against ballistic missiles or other objects' was made on 23 March 2007.²⁶

According to Article 82-3 (3) of the SDF Law, defense minister shall order destruction measure when 'It is likely that ballistic missiles have been launched or are likely to be launched' and 'Objects such as satellite launch rockets are likely to fall from the sky due to some accident'. In

accordance with Article 82-3 (3) and the order by the defense minister, the SDF will be able to destroy missiles or flying objects by the SM-3 or the PAC-3.²⁷

Yet if a state has no intention to attack Japan and it launches ballistic missiles toward Japanese territory, the situation would not be regarded as an armed attack situation. The SDF shall therefore only conduct destruction measures of missiles and other objects in accordance with Article 82-3 of the SDF Law. On the other hand, though, if the Japanese government identifies that the state that launched ballistic missiles has a clear intention to attack Japan, the situation can be recognized as an armed attack situation, and the prime minister shall issue an order for defense operation, as stipulated in Article 76 of the SDF Law.²⁸

The legal framework was reinforced by the Peace and Security Legislation, which was enacted on 19 September 2015 and came into force on 29 March 2016. In particular, Article 76 of the SDF Law was revised so that Japan can exercise not only the right to individual self-defense, but also the right to collective self-defense. Indeed, Article 76 of the revised SDF Law in the Peace and Security Legislation stipulates defense operation as ‘a situation where an armed attack against Japan from the outside occurs, or a situation where imminent danger of an armed attack against Japan from the outside occurring is clearly perceived’, and ‘a situation where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan’s survival and poses a clear danger to fundamentally overturn people’s right to life, liberty and pursuit of happiness’.²⁹

The former is regarded as an armed attack situation or an anticipated armed attack situation, whereas the latter is defined as a survival threatening situation. In an armed attack situation, Japan can exercise the right to individual self-defense, and importantly, the Peace and Security Legislation enables Japan to exercise the right to collective self-defense in a survival threatening situation.

The exercise of the right to collective self-defense had been regarded as unconstitutional until the Peace and Security Legislation was enacted. In other words, it was unconstitutional for the SDF to provide any military assistance to US Aegis destroyers that operate as part of the BMD to protect Japan. As a result of the creation of the Peace and Security Legislation enacted by the Abe government, the SDF can exercise the right to collective self-defense to protect US destroyers in the middle of a joint BMD operation in a survival threatening situation.

BOOST PHASE: JAPAN'S BMD AND THE EARLY WARNING SYSTEM

As an integral part of the missile defense system, the USA possesses an early warning satellite, or Defense Support Program (DSP) Satellite, in order to perceive the moment when ballistic missiles are launched. Unlike in the case of the USA, however, Japan only possesses the Information Gathering Satellite, which cannot detect the exact moment of missile launch. This is because the Japanese government decided that Japan would use the outer space solely for peaceful and non-military purposes in accordance with a resolution in the Plenary Session in the House of Representatives on 9 May 1969.³⁰ According to an official view by the Japanese government on 6 February 1985, the SDF shall utilize artificial satellite for the purpose of peaceful use, except for aggression or military attack.³¹

The Basic Space Law, created on 21 May 2008, fundamentally adhered to the peaceful use of outer space expressed by the Japanese government in 1985. According to Article 14 of the Basic Space Law, the Japanese government is allowed to utilize outer space for the sake of international peace and security as well as the security of Japan.³² In order to improve the BMD system, the JDA in cooperation with the Mitsubishi Electric Corporation created an active phased array radar, or the so-called Gamera Radar, to detect missiles.³³ Moreover, the Japanese government decided to develop an infrared ray sensor for an early warning satellite in conjunction with the Japan Aerospace Exploration Agency (JAXA).³⁴ The development of this early warning satellite is expensive, but it is logical to assume that the Japanese government has been eager to acquire it.³⁵ Indeed, if Japan succeeds in developing its own original early warning satellite, like the DSP Satellite of the US Forces, the SDF will be able to supplement the early warning information from the USA, and it is considered that Japan's BMD system will be considerably enhanced.

In addition to the development of an early warning satellite and the Gamera Radar, the Japanese government created an Advanced Infra-Red Ballistic Missile Observation Sensor System (AIRBOSS) for the purpose of early detection of ballistic missile launch. Even if Japan develops an early warning satellite like the DSP Satellite, the satellite might be affected by weather conditions, such as clouds covering the surface of the earth. The AIRBOSS would be able to overcome these. The US Air Force possesses the so-called 'Cobra Ball', a reconnaissance aircraft manufactured by the Boeing Corporation, to detect missile launch, and the AIRBOSS could be deployed as the Japanese version of this.³⁶

The AIRBOSS conducted joint tests with a US Aegis destroyer to detect and track the infrared rays of a missile launched from the Kauai Island of Hawaii on 18 November 2005 and on 18 December 2007.³⁷ Thus the boost phase in Japan's BMD system has been progressing, but there exists room for improvement in terms of defense technology.

MID-COURSE PHASE: JAPAN'S AEGIS BMD WITH THE SM-3 BLOCK IA/IIA

In the mid-course phase, Kongo-class Aegis destroyers of the Maritime Self-Defense Force (MSDF), the *Kongo*, *Chokai*, *Myoko*, and *Kirishima*, are responsible for the interception of ballistic missiles outside the atmosphere of the earth. On 18 December 2007, *Kongo*, equipped with the SM-3 Block IA, conducted a missile intercept flight test and intercepted a ballistic missile near the Kauai Island of Hawaii, and was then deployed to Sasebo Naval Base in Nagasaki Prefecture.³⁸ The second Aegis destroyer, *Chokai*, equipped with the SM-3 Block IA, conducted its first missile intercept flight test on 20 November 2008, but it failed to intercept the target in mid-course.³⁹ The third and fourth Aegis destroyers, however, succeeded in intercepting their target missiles in the mid-course phase on 28 October 2009 and on 29 October 2010.⁴⁰

In an attempt to upgrade the bilateral Aegis BMD system, the Japanese government and the US government have facilitated a cooperative development of SM-3 Block IIA interceptors. On 6 June 2015, the Technical Research and Development Institute (TRDI) of the Japanese Ministry of Defense (MOD), the US Missile Defense Agency (MDA), and the US Navy succeeded in a flight test of the SM-3 Block IIA launched from the Point Mugu Sea Range, San Nicolas Island, California.⁴¹ Notably, it was analyzed that the US government would be able to save as much as US\$431 million up to the end of 2015, or 18 % of the US defense expenditure on the BMD system, through the joint program with Japan.⁴² In this sense, the joint development of the SM-3 Block IIA can be regarded as Japan's alliance burden in sharing policy as a US ally.

The capability of the SM-3 Block IIA is clearly superior to that of the SM-3 Block IA. Whereas the SM-3 Block IA is incapable of intercepting ballistic missiles higher than approximately 500 km, the SM-3 Block IIA can shoot down targets higher than 1000 km, including ballistic missiles launched in a lofted trajectory, which is higher than a normal trajectory. The SM-3 Block IIA is also capable of intercepting multiple warheads and

decoys simultaneously.⁴³ On 22 June 2016, North Korea succeeded in launching Musudan in a lofted trajectory, faster than a ballistic missile in a normal trajectory.⁴⁴ As was pointed out by Shigeki Sato, a Komeito parliamentary politician, in the Cabinet Commission of the House of Representatives in the 190th Diet Session, it was considered that Japan needed at least three Aegis destroyers equipped with the SM-3 Block IA to protect itself from ballistic missiles, but only two destroyers equipped with the SM-3 Block IIA should suffice.⁴⁵ In this regard, the development and deployment of SM-3 Block IIA is strategically important for strengthening Japan's BMD system.

For the purpose of enhancing Japan–USA BMD cooperation, the USA deployed an Aegis destroyer equipped with SM-3. However, it was impossible for the SDF to protect the destroyer in BMD operation for the defense of Japan owing to Article 9 of the Japanese Constitution. With a view to rectifying this legal constraint, the Abe government enacted the Peace and Security Legislation on 19 September 2015. Through this legislation, Japan can exercise the right to collective self-defense in a survival threatening situation, as previously observed.

In the enactment process of the Peace and Security Legislation, it was pointed out that it might be difficult for Aegis destroyers in BMD operation to cope with multiple and simultaneous military attacks by aircraft and missiles. If US Aegis destroyers defending Japan are attacked and cannot intercept nuclear ballistic missiles targeting that country, it could lead to devastating damage, and might even risk Japan's survival. In such a survival threatening situation, the Peace and Security Legislation enables the SDF to protect US Aegis destroyers. Therefore, the Abe government contributed to strengthening the bilateral BMD operation in the mid-course phase by enacting domestic legislation.

TERMINAL PHASE: A COMBINATION OF THE PAC-3 AND THE THAAD?

In the terminal phase after ballistic missiles re-enter the atmosphere, Japan plans to intercept missiles with the PAC-3. The first PAC-3 was deployed by the Abe government in Iruma (Saitama) on 30 March 2007 prior to the deployment of SM-3 System in Kongo.⁴⁶

Since then, the Japanese government has continued to deploy the PAC-3: in Narashino (Funabashi, Chiba) on 29 November 2007, Takeyama

(Yokosuka, Kanagawa) on 30 January 2008, Kasumigaura (Ibaraki) on 29 March 2008, Hamamatsu (Shizuoka) on 14 May 2008, Gifu on 26 February 2009, Aibano (Shiga) on 28 April 2008, Hakusan (Mie) on 23 June 2009, Gifu on 21 August 2009 for another fire unit, Ashiya and Kasuga (Fukuoka) on 28 October 2009, Tsuiki (Fukuoka) on 22 December 2009, Kouradai (Fukuoka) on 24 February 2010, Ashiya for another fire unit on 26 April 2010, Naha and Chinen (Okinawa) on 18 April 2013, and Chitose (Hokkaido) on 28 October 2015.⁴⁷ Furthermore, Defense Minister Gen Nakatani announced on 22 March 2016 that the Abe government planned to conduct a regular deployment of PAC-3 in Ichigaya (Tokyo) and Asaka (Saitama and Nerima).⁴⁸

Although the Japanese government explained that the PAC-3 system is trustworthy, it has been also discussed that the interception potentials of the PAC-3 could be dubious.⁴⁹ Yet it is important to consider that the PAC-3 and the SM-3 are combined in Japan's BMD operation. If successful interception by the SM-3 runs at 80 %, it means that it might fail to destroy 20 % of missiles. Still, if successful interception by the PAC-3 is 90 %, it would fail to destroy 10 % of missiles. In total, however, the interception percentage of Japan's BMD combined with the SM-3 and the PAC-3 could be some 98 %, with only 2 % of missiles not intercepted.⁵⁰ Technically, it is all but impossible for the SM-3 Block IA to intercept multiple decoys as well as simultaneous missile attacks.⁵¹ The leakage percentage of the BMD system, however, is variable depending upon which sources are believed.⁵²

According to the USA's MDA, the PAC-3 system is a hit-to-kill weapon system and provides 'simultaneous air and missile defense capabilities as the Lower Tier element'; it 'works with THAAD to provide an integrated, overlapping defense against missile threats in the terminal phase of flight'.⁵³ Here, it is emphasized that not only the SM-3 but also the THAAD is regarded as a supplemental BMD operation for the PAC-3 in the terminal phase. It was also stressed that the THAAD element provides 'globally-transportable, rapidly-deployable capability to intercept and destroy ballistic missiles inside or outside the atmosphere during their final, or terminal phase of flight'.⁵⁴ Although there are some analyses that suggest the THAAD might not necessarily suffice as a counter-measure against Musudan missiles, Japan's BMD system in the terminal phase could be strengthened by the introduction of the THAAD system to a considerable degree.⁵⁵ The Abe government considered whether to introduce the THAAD system or the Aegis Ashore system, as will be discussed later.

A LAST RESORT: JAPAN'S STRIKE CAPABILITY AGAINST ENEMY BASES?

As discussed above, the Japanese government has made an energetic endeavor to develop and deploy a BMD capability to deal with the threat of North Korean ballistic missiles. Nevertheless, it turns out that interception potentials of the BMD system combined with the SM-3 and the PAC-3 are not necessarily sufficient. Likewise, even though Japan will acquire the THAAD or the Aegis Ashore in the future, it could be impossible to guarantee the interception of all North Korea's ballistic missiles. Moreover, since it is likely that North Korea might have succeeded in miniaturizing its nuclear warheads,⁵⁶ it is imperative for Japan to improve the interception capability of its BMD system.

As one of the solutions, and a last resort to supplement the BMD system, it has been argued that Japan should possess a capability to strike enemy bases. The most famous example of this argument was the official view by Prime Minister Ichiro Hatoyama presented on 29 February 1956. This stated that when an imminent and illegitimate act of aggression on Japan occurs, such as missile attacks, it should be constitutionally possible for Japan to defend itself by attacking enemy bases if there are no other means.⁵⁷ The official view on the constitutionality of Japan's enemy base strike capability expressed by the Hatoyama government reads:

If Japan were in imminent danger of an illegal invasion, and the method of invasion were a missile attack against Japan's national territory, I simply cannot believe that the spirit of the Constitution requires that we merely sit and wait to die. In such a case, I believe that we should take the absolute minimum measures that are unavoidably necessary to defend against such an attack, so that in defending against a missile attack, for example, if no other suitable means are available, striking the missile base should be legally acceptable and falls within the range of self-defense.⁵⁸

Needless to say, Prime Minister Ichiro Hatoyama did not mention the strike capability against enemy's missile bases in relation to the BMD system. A similar logic was, however, applied and repeated in the context of Japan's BMD policy. At a political level, Seiji Maehara of the Democratic

Party of Japan (DPJ) discussed the possibility of Japan's strike capability against enemy bases on 27 March 2003. Likewise, Ichita Yamamoto of the Liberal Democratic Party (LDP) pointed out that such a strike capability against enemy bases should be considered in research simulation.⁵⁹

At an academic level, the *East Asian Strategic Review* (2004) published by the National Institute for Defense Studies (NIDS) of the Japanese Ministry of Defense, analyzed the necessity of a strike capability against missile launching sites in combination with Japan's BMD capability as follows:

The defense posture, under which one can launch simultaneously offensive operations against an adversary's missile sites and defense operations of intercepting incoming ballistic missiles, will go a long way toward beefing up the defense of Japan against missile attacks.⁶⁰

Based on the defense strategy, Sugio Takahashi of the NIDS categorized a strike capability against enemy bases as having three options: deterrence, first strike, and pre-boost phase defense, and argued that Japan should acquire the strike capability against enemy bases as a 'pre-boost phase' defense.⁶¹ Strategically, the strike capability against enemy bases, of course, will be able to improve the deterrence and effectiveness of Japan's BMD system.

From an international perspective, it is fair to argue that Japan's BMD policy could be regarded as Japan's re-militarization process.⁶² However, it has to be noted that such a strike capability in the pre-boost phase should not be misinterpreted as a pre-emptive strike, which is illegal in terms of international law. For instance, after Fukushiro Nukaga, then Director-General of the JDA, referred to the necessity of Japan's strike capability against enemy bases on 9 July 2006, Roh Moo-hyun, President of South Korea, expressed his opposition to such a policy on 11 July 2006, saying that it was a pre-emptive strike. On the next day, however, Shinzo Abe, then Chief Cabinet Secretary, emphasized that Japan's strike capability against enemy bases would be conducted under strict conditions for self-defense, and hence it should not be regarded as pre-emptive.⁶³

A similar argument by the LDP and misinterpretation by the public could be observed after the discussion by the LDP's National Defense Division in May 2013. In the LDP's National Defense Division, a number of LDP lawmakers supported Japan's capability to hit enemy bases for self-defense, but the argument was misunderstood and reported as a 'pre-emptive strike

capability’ or a ‘first-strike doctrine’.⁶⁴ Precisely, however, officials of the MOD denied such an interpretation and argued that the strike capability should not be used for a pre-emptive strike. Likewise, Itsunori Onodera, then Defense Minister, reassured that ‘there is no change at all to our basic policy of exclusively defensive security policy’ and that ‘of course, we are not assuming pre-emptive strikes’.⁶⁵ In other words, Japan’s enemy bases strike capability might seem to be strategically significant and constitutionally justifiable as a last resort, but was still a politically and militarily unattainable option at this stage.

THE DEVELOPMENT OF JAPAN’S BMD POLICY UNDER THE ABE ADMINISTRATION

So far, this chapter has contextualized and examined the development, limitations and possible options of Japan’s BMD policy. How then did Prime Minister Abe contribute to the development of Japan’s BMD policy other than by the enactment of the Peace and Security Legislation? The Abe government increased the defense budget for the BMD system, initiated the development of Japan’s original early warning satellite to strengthen the missile defense in the boost phase, decided to introduce the Aegis Ashore first rather than the THAAD to reinforce Japan’s BMD system in the mid-course phase, and improved the capability of PAC-3 to extend the firing range of the interception in the terminal phase.

First, the Abe government increased the defense budget for BMD-related expenditure in response to the changing security environment surrounding Japan, especially the North Korean missile threats. In comparison with the DPJ government, the Abe government clearly increased the budget for BMD policy, as shown in Table 5.2. From 2011 to 2013, the defense budget for BMD system was 44.2 billion yen on average; the Abe government spent 174.9 billion yen on average from 2014 to

Table 5.2 Japan’s defense expenditure for BMD system from 2010 to 2017 fiscal year

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Budget	53.8	47.3	57.0	28.3	60.6	244.9	219.3	214.0

Note: The budget number is based on billion yen (Asagumo Shimbunsha. 2017. *Boei Handbook 2017 (Handbook for Defense 2017)*, p. 146)

2016. The BMD expenditure for 2017 fiscal year amounted to 214 billion yen in total (64.9 requested budget + 149.1 supplementary budget).⁶⁶ Furthermore, the Ministry of Defense requested 179.1 billion yen as the BMD budget for the 2018 fiscal year.⁶⁷

Second, the Abe government pursued the creation of Japan's own early warning satellite in order to detect ballistic missile launches.⁶⁸ The Abe administration also planned to double its Information Gathering Satellites. The upgrade of Japan's space policy was regarded as Prime Minister Abe's proactive strategy rather than passive defense based on the 2013 National Security Strategy.⁶⁹ By the creation of the early warning satellite, Japan's BMD system could be strengthened in a way that would supplement the US BMD system.

Third, the Abe administration conducted research on the possibility of the introduction of a new BMD system, such as the Aegis Ashore and the THAAD, and concluded that the government should prioritize introduction of the Aegis Ashore over that of the THAAD in light of cost–benefit performance as shown in Table 5.3.⁷⁰ In concrete terms, some 200–300 SDF staff are necessary for an Aegis destroyer that operates the BMD system, but only 20–30 SDF personnel would be necessary for the Aegis Ashore system. In terms of defense budget, the Aegis Ashore costs some 80 billion yen per unit, but the THAAD costs about 125 billion yen per unit. Moreover, whereas only two units of the Aegis Ashore are necessary to protect the entire territory of Japan, six THAAD units are required.⁷¹

Table 5.3 Comparison of ‘cost–benefit performance’ between the Aegis Ashore and the THAAD

	<i>Aegis Ashore</i>	<i>THAAD</i>
(a) Characteristics	Interception of missiles outside the atmosphere (Ground-based Aegis system)	Interception of missiles outside the atmosphere or in the higher atmosphere
(b) Estimated cost per unit	80 billion yen	125 billion yen
(c) The number of units to fully protect Japan	2 units	6 units
(d) Examples of deployment	The USA deployed the system to Romania and plans to deploy it to Poland (2018)	The USA operated five units of the system (2015) and deployed it to South Korea

Note: Created by the author based on the data by *Yomiuri Shimbun* (Yomiuri Shimbun Chokan, 13 May 2017. ‘Misairu Boei Shin Sobi (New Equipment for Missile Defense)’)

Fourth, the Abe government decided to deploy the Patriot Advanced Capability-3 Missile Segment Enhancement (PAC-3 MSE) to improve the interception capability in the terminal stage.⁷² Reportedly, the SDF will be able to double the altitude and range of interception in the terminal phase in this way. Although the deployment of the PAC-3 MSE does not guarantee 100 % interception and would not prevent nuclear material from spreading in case of nuclear missile attacks, it could surely improve Japan's BMD capability.⁷³

In the meantime, the LDP policy commission made a proposal regarding the upgrade of Japan's BMD equipment as well as the possession of enemy bases strike capability to Prime Minister Abe on 30 March 2017.⁷⁴ In response, the prime minister replied that he would 'firmly take the proposal to heart'.⁷⁵ Itsunori Onodera, the former Defense Minister and a member of LDP Security Research Commission, played a central role in completing the proposal and made sure that the enemy bases strike capability should not be used for pre-emptive strike.⁷⁶ Since Prime Minister Abe is the President of the LDP, the proposal could be consistent with the prime minister's strategic policy to complement Japan's BMD system.

CONCLUSION

This chapter has contextualized the development of Japan's policy on the BMD system. Japan's involvement in the research into the missile defense system dates back to the USA Star Wars Program in the Cold War period, but this chapter focused on Japan's BMD system as a response to the missile threats of North Korea, which launched its first ballistic missile toward Japan in 1993. As well as providing an analysis of the incremental progress of Japan's BMD policy, this chapter has also confirmed the legal framework which guarantees its civilian control of Japan's BMD system. It has been clarified that the Japanese government revised Article 82 of the SDF Law in 2005 so that the prime minister and the SDF could deal with possible missile threats from other countries.

In this chapter, some issues regarding the three phases of Japan's BMD system: boost, mid-course, and terminal phase, have been pointed out. The first issue is that Japan does not possess its own early warning satellite and depends on the DSP Satellite of the USA. The second issue is that

Japan and the USA cooperatively developed the SM-3 Block IIA to enhance interception capability in the mid-course phase. It has also been noted that the Peace and Security Legislation enabled Japan to exercise the right to collective self-defense in a survival threatening situation, during which the SDF would be able to protect US Aegis destroyers in BMD operation for the purpose of defending Japan. The third issue discussed is that the interception capability of the PAC-3 cannot be 100 %, and therefore that Japan might as well consider the deployment of the THAAD and the Aegis Ashore in order to supplement the BMD system.

This chapter, furthermore, has examined the policy implication of acquiring an enemy bases strike capability in combination with Japan's BMD system. Through an interpretation of the Japanese Constitution, the Japanese government has consistently explained that the SDF shall be able to conduct a military operation to strike enemy's missile bases as long as the operation can be limited to minimum necessary self-defense. Having said that, the Japanese government has ruled out the military option, as the SDF does not possess offensive weapons necessary for such a military operation. In short, Japan has developed its BMD capability as military cooperation with the USA in response to increasing North Korean missile threats. There exists room for improvement in three phases of the BMD system, and the Abe government has substantially enhanced Japan's BMD capability by the enactment of the Peace and Security Legislation, expansion of the BMD budget, and the decision to introduce the Aegis Ashore as well as the PAC-3 MSE. Therefore, the domestic implication of Prime Minister Abe's proactive contribution to peace policy is discernible in the development of Japan's BMD capability as the prime minister's security strategy.

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The Bilateral Implication: Development of the Japan–USA Alliance

Abstract The Guidelines for Japan–US Defense Cooperation were revised on 27 April 2015 for the first time in 18 years. Domestically, the Abe government enacted Japan’s Legislation for Peace and Security on 19 September 2015. The 2015 Guidelines and the Peace and Security Legislation are of significance in that the bilateral arrangement and the legal framework enabled Japan to exercise the right of collective self-defense, which was regarded as unconstitutional. With a view to clarifying bilateral and regional implications of the Peace and Security Legislation, Chap. 6 examines the development of the Japan–USA military alliance from the 1951 Japan–US Security Treaty to the 2015 Guidelines for Japan–US Defense Cooperation in order to investigate how the Japan–USA alliance has been transformed or strengthened by the Abe government. First, the Japan–US Security Treaty as a core arrangement of the bilateral security cooperation is to be briefly overviewed in the historical context. A review of the Defense Guidelines, originally signed in 1978, revised in 1997 and last upgraded in 2015 follows. Finally, substantiation of a policy correlation between the 2015 Guidelines and Japan’s Legislation for Peace and Security is attempted.

Keywords Collective self-defense • Guidelines for Japan–US Defense Cooperation • Japan–USA Alliance • Japan–US Security Treaty • Peace and Security Legislation

INTRODUCTION

The Guidelines for Japan–US Defense Cooperation were upgraded on 27 April 2015 for the first time in 18 years. Domestically, the Abe government enacted Japan’s Legislation for Peace and Security on 19 September 2015 in conjunction with this. The 2015 Guidelines and the Peace and Security Legislation are of significance in that the bilateral arrangement and the legal framework enabled the Self-Defense Forces (SDF) to exercise the right of collective self-defense, which was regarded as unconstitutional in terms of the Japanese Constitution.

A simple question naturally arises. How and to what extent has the Japan–USA military alliance been changed or strengthened as a result of the upgrade of the Defense Guidelines and the enactment of the Peace and Security Legislation? A large number of books and papers on Japan–USA relations, the Japan–USA alliance, and the Guidelines for Japan–US Defense Cooperation have been published already, but these earlier studies have tended not to conduct a comparative text analysis of the Japan–US Security Treaty, the Defense Guidelines, and the Peace and Security Legislation.¹ Therefore, it is important to do this.

To this end, the Japan–US Security Treaty as a core legal framework of the bilateral security cooperation is briefly overviewed in the historical context. Next, this chapter comparatively analyzes the Guidelines for Japan–US Defense Cooperation, originally signed in 1978, revised in 1997, and last upgraded in 2015. Finally, it attempts to reveal a policy correlation between the 2015 Guidelines and Japan’s Legislation for Peace and Security that was revised and enacted by the Abe administration.

COMPARATIVE TEXT ANALYSIS OF THE JAPAN–US DEFENSE GUIDELINES

The Japan–USA alliance has officially developed since the conclusion of the Japan–US Security Treaty in 1951. In this period, the Japanese government decided to depend upon the military power of the USA, while incrementally building up its defense capability and primarily concentrating on the economic growth based on the Yoshida line. In this sense, it is fair to argue that the history of post-war Japanese foreign and security policy and that of the Japan–USA alliance are fundamentally overlapped.

There were innumerable milestones and turning points in the history of Japan–USA relations, but this chapter mainly sheds light on the development of the Japan–USA military alliance by focusing on the

following major milestones: the Japan–US Security Treaty, the revised Security Treaty, the 1978 Guidelines for Japan–US Defense Cooperation (1978 Defense Guidelines), the 1997 Defense Guidelines, and the 2015 Defense Guidelines, as shown in Table 6.1.²

A large number of academic books on the Japan–USA alliance, which examined the historical background of the bilateral relations itself and that of the bilateral military alliance, have already been published.³ Most are supportive of the credibility of the Japan–USA alliance, but some doubt its functionality after examining the Defense Guidelines both in English and Japanese.⁴

Table 6.1 Chronology of the Japan–US Alliance

<i>Year</i>	<i>Major milestones</i>
1951	<u>The former Japan–US Security Treaty was signed</u>
1952	The Security Treaty entered into force
1958	Fujiyama–Dulles Talks (agreement on the revision of the Security Treaty)
1960	<u>The revised Japan–US Security Treaty was signed and entered into force</u>
1972	Okinawa was returned to Japan
1978	<u>The 1978 Guidelines for Japan–US Defense Cooperation were formulated</u>
1996	Japan–US Joint Declaration on Security (Hashimoto–Clinton Talks)
1997	<u>The 1997 Guidelines for Japan–US Defense Cooperation were formulated</u>
2003	The Japan–US Alliance in the Global Context (Koizumi–Bush Talks)
2006	The US–Japan Roadmap for Realignment Implementation was formulated
2007	Irreplaceable Japan–US Alliance (Abe–Bush Talks)
2012	Japan–US Joint Statement: A Shared Vision for the Future (Noda–Obama Talks)
2014	Shaping the Future of the Asia Pacific and Beyond (Abe–Obama Talks)
2015	<u>The new Guidelines for Japan–US Defense Cooperation were formulated</u>
2016	The Peace and Security Legislation came into effect
2017	The Japan–US Summit Meeting (Abe–Trump Talks)

Note: Combined sources of the Ministry of Defense and the Ministry of Foreign Affairs (MOD (Ministry of Defense). 2015b. *Defense of Japan 2015 (Annual Defense White Paper)*. http://www.mod.go.jp/e/publ/w_paper/pdf/2015/DOJ2015_2-1-3_web.pdf (accessed 11 September 2016), p. 181. MOFA (Ministry of Foreign Affairs). 10 February 2017. ‘Japan-US Summit Meeting’)

Unsurprisingly, earlier works by Japanese constitutional scholars tended to criticize the revision of the Guidelines without Diet deliberation on the basis of Article 73 of the Japanese Constitution.⁵ As previously discussed, almost all Japanese constitutional scholars denied the Peace and Security Legislation's constitutionality. Moreover, a large number of research papers on the Japan–USA alliance and the Guidelines for Japan–US Defense Cooperation have already been published.⁶

Still, the earlier studies did not comparatively analyze the original texts of the Japan–US Security Treaty and the Defense Guidelines as well as the Peace and Security Legislation. Similarly, although some papers examined the 2015 Defense Guidelines as well as the Peace and Security Legislation, the analysis was conducted before the latter's enactment, and hence its implications are not necessarily clarified. Even after the enactment of this legislation, earlier research has tended not to provide a comparative document analysis of the Japan–US Security Treaty, the three Defense Guidelines, and the implications of the 2015 Guidelines for the Peace and Security Legislation.

Accordingly, this chapter attempts to fill a gap in the earlier research by analyzing official government texts and undertaking a policy correlation between the new Defense Guidelines and the Peace and Security Legislation. To this end, the chapter mainly utilizes official government documents, such as the Japan–US Security Treaty (1951, 1960), the Defense Guidelines (1978, 1997, and 2015), as well as *Defense of Japan*, or *Annual Defense White Paper (Boei Hakusho)*, published by the Japan Defense Agency (JDA) and the Ministry of Defense (MOD). Finally, this chapter aims to discuss the implications of the changing Japan–US alliance for Prime Minister Abe's security policy, especially the Peace and Security Legislation.

THE LEGACY OF THE KISHI GOVERNMENT: REVISION OF THE JAPAN–US SECURITY TREATY

The Japan–US Security Treaty and the San Francisco Peace Treaty were concluded on 8 September 1951. Yet the obligation of the USA to defend Japan was not necessarily clear in the former. Article 1 stipulates: 'Japan grants, and the United States of America accepts, the right upon the coming into force of the Treaty of Peace and of this Treaty, to dispose United States land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and

security in the Far East...⁷ Moreover, also according to Article 1, it was stipulated that US Forces could be utilized to crack down on large-scale ‘internal riots’ in Japan.⁸

In order to rectify these unfair issues, Prime Minister Nobusuke Kishi, a grandfather of Prime Minister Shinzo Abe, revised the Japan–US Security Treaty on 19 January 1960. As many as 330,000 people surrounded the National Diet and the Prime Minister’s Office to protest against this revision, yet it finally came into effect on 19 June that year.⁹ Abe believes that the revision was vital for the autonomy of Japan and a more equal Japan–USA alliance, noting that he is ‘proud’ of his grandfather.¹⁰ This revision can be regarded as a legacy of Prime Minister Kishi’s thinking, which must have influenced the political view of Prime Minister Abe.

Importantly, the Preamble of the revised Japan–US Security Treaty declares that the Security Treaty is consistent with the purpose of the United Nations (UN) Charter, and also confirms that both countries possess the right to individual and collective self-defense in order to contribute to the maintenance of international peace and security in the Far East as a common concern.¹¹

Article 1 of the 1960 Security Treaty confirms the UN Charter, which makes the threat or use of force in international relations illegitimate and obliges its member states to settle international disputes by peaceful means. Similarly, Article 7 of the Security Treaty guarantees that the ‘Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security’.¹²

In the Preamble, Article 1, and Article 7, it is emphasized that the Japan–US Security Treaty is consistent with and, more precisely, under the UN Charter. Yet Article 2 indicates that the Security Treaty will encourage bilateral economic collaboration and strengthen the ‘free institutions’.¹³ These could be regarded as the free trade economy as opposed to communism and socialism, in the Cold War political context.

While the Preamble and Article 1 clarify that the Security Treaty is congruous with the purpose of the UN Charter, Article 3 guarantees that the Treaty is subject to the constitutional provisions of both countries.¹⁴ At the same time, Article 3 facilitates that both countries should maintain and develop defense capacities to ‘resist armed attack’. As prescribed in Article 3, the Japanese government has developed the country’s defense capability within the frame of Article 9 of the Japanese Constitution.¹⁵

Article 4 of the Security Treaty confirms that both countries will ‘consult together from time to time’ concerning the Treaty’s implementation. Moreover, both countries will consult each other ‘whenever the security of Japan or international peace and security in the Far East is threatened’ at the request of each state.¹⁶

Significantly, unlike the 1951 Security Treaty, Article 5 of the 1960 Security Treaty explicitly stipulates the obligation of the USA to defend Japan: ‘Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.’¹⁷

In exchange for being protected, as based on Article 5, the Japanese government allows the USA to station its forces in the country’s territory. Article 6 stipulates: ‘For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces and areas in Japan.’¹⁸

In Article 8, it is determined that the Security Treaty shall enter into force on the date on which the instruments of ratification are exchanged in Tokyo. Article 9 states that the 1951 Security Treaty shall expire upon the entering into force of the 1960 Security Treaty.¹⁹ According to Article 10, the Treaty shall remain in force until both countries recognize that the UN arrangements satisfactorily provide for the maintenance of international peace and security ‘in the Japan area’. It was also decided that the Security Treaty should remain in force for at least ten years, but after that either party could give notice to the other to terminate it. If this were to occur, the Security Treaty should terminate one year after the notification.²⁰

In short, the 1960 Security Treaty was concluded for the sake of the defense of Japan as well as for international peace in the Far East, which is geopolitically critical to the military strategy of the USA in Cold War politics.²¹ Yet it is obvious that the nature of the Japan–USA alliance is asymmetrical in that Japan depends upon the military power of the USA. The legacy of the Kishi government was still an important step toward Japan’s status as a more equal US ally, and the Japanese government later formulated bilateral defense guidelines. Eventually, Abe constitutionalized the exercise of the right to collective self-defense, as will be discussed later.

THE 1978 DEFENSE GUIDELINES FOR JAPAN-US DEFENSE COOPERATION

In addition to the conclusion of the 1960 Japan-US Security Treaty, both countries formulated defense cooperation by drafting the Guidelines for Japan-US Defense Cooperation in 1978. This was an attempt to deal with the threat of the Soviet Union in Cold War politics.

The Japanese government wanted to institutionalize bilateral defense cooperation in order to provide a legal obligation for the USA to protect Japan in the event of armed attack. Indeed, US President Richard Nixon announced the so-called Nixon Doctrine to gradually withdraw US troops from allied countries as a result of the prolonged Vietnam War. Moreover, the USA normalized its diplomatic relationship with China in 1972, and facilitated détente negotiations with the Soviet Union. The changes in US foreign policy in the early 1970s caused the so-called 'fear of abandonment', and this is why the Takeo Fukuda government attempted to reconfirm the US obligation to protect Japan via the defense guidelines.²²

First, the 1978 Defense Guidelines guaranteed that the arrangements were consistent with and under the 1960 Japan-US Security Treaty as well as the relevant laws and regulations of Japan. The Guidelines are divided into the following three sections: posture for deterring aggression, actions in response to an armed attack against Japan, and Japan-USA cooperation in the case of situations in the Far East outside Japan which will have an important influence on Japanese security.²³

The first section confirms that Japan possesses defense capability necessary for self-defense in line with its defense policy, and that the USA maintains a nuclear deterrent capability as well as the forward deployment of combat-ready forces for Japan's security. To this end, it was arranged that the SDF and the US Forces should conduct research into joint defense planning, to develop and exchange intelligence, and to study and coordinate such functions as supply, transportation, maintenance, and facilities.²⁴

The second section examines two situations: when an armed attack against Japan is imminent, and when an armed attack takes place. In the former situation, Japan and the USA shall strengthen their liaison and take necessary measures, especially the maximization of combat readiness regarding intelligence activities, unit readiness, movements, logistics, and

so on. In the second situation, Japan is primarily responsible for repelling limited, small-scale aggression. If Japan's defense capability is not sufficient in these circumstances, the SDF and the US Forces shall conduct joint military operations, such as operational concepts, ground operations, maritime operations, air operations, intelligence activities, logistic activities, supply, transportation, maintenance, and facilities.²⁵ These two situations are consistent with the armed attack situations and anticipated armed attack situations formulated in the Contingency Legislation.²⁶

According to the third section, Japan and the USA can consult together from time to time in order to deal with a changing circumstances in the Far East outside Japan. These may have an important influence on the defense of Japan, but are not categorized as armed attack or anticipated armed attack. In regard to these situations, Japan and the USA can conduct joint research in advance on the facilitative assistance, including joint use of the SDF bases by US Forces.²⁷ This third section is relatively short compared to the other two, and the 1997 Guidelines attempted to improve bilateral cooperation in situations like this in the post-Cold War context.

THE 1997 DEFENSE GUIDELINES FOR JAPAN–US DEFENSE COOPERATION

In the post-Cold War period, the international security environment surrounding Japan changed. This led Japan to reconsider its security policy as well as the role of the Japan–US military alliance. For instance, the 1990 Gulf Crisis and the following 1991 Gulf War caused the Japanese government to create the International Peace Cooperation Law, or the so-called Peacekeeping Operations (PKO) Law, in order to dispatch the SDF to international PKO being undertaken by the UN.

In the meanwhile, North Korea expressed its secession from the Nuclear Non-Proliferation Treaty (NPT) in 1993 in an attempt to develop offensive military capability, such as ballistic missiles and nuclear weapons.²⁸ In 1995 and 1996, China launched missiles near the Taiwan Strait in order to dissuade Taiwan from declaring independence, causing political tensions and missile crisis in the area. In response to the missile crisis, the USA deployed two aircraft carriers and China threatened to launch nuclear missiles against Los Angeles. The USA ignored China's bluff, and the Taiwan missile crisis did not escalate into a military confrontation.²⁹

In an attempt to deal with possible crisis and contingency in the areas surrounding Japan, such as the Korean Peninsula and Taiwan Strait, Japan and the USA initiated the bilateral defense cooperation, and the Japan-US Joint Declaration on Security: Alliance for the 21st Century was announced by Prime Minister Ryutaro Hashimoto and President Bill Clinton on 17 April 1996. In the Hashimoto–Clinton Joint Declaration, the President ‘emphasized the U.S. commitment to the defense of Japan as well as to peace and stability in the Asia-Pacific region’.³⁰

To embody the 1996 Joint Declaration, Japan and the USA revised the 1978 Defense Guidelines on 23 September 1997. The aim of these Guidelines was to ‘create a solid basis for more effective and credible U.S.-Japan cooperation under normal circumstances, in case of an armed attack against Japan, and in situations in areas surrounding Japan’.³¹

The 1997 Defense Guidelines have four basic premises and principles. First, it is clarified that the Guidelines are under the Japan–US Security Treaty. Second, they do not affect Japan’s exclusively defense-oriented policy and the ‘Three Non-Nuclear Principles’, and Japan conducts operations within the limitations of the Japanese Constitution. Third, the Guidelines are consistent with the basic principles of international law, especially the UN Charter. Fourth, it is confirmed that the Guidelines will not give rise to obligations to take legislative, budgetary, or administrative measures. At the same time, however, both governments are expected to reflect the contents of the Guidelines in their policies.³²

On the basis of the premises and principles above, the 1997 Defense Guidelines plan for bilateral security cooperation: cooperation under normal circumstances, actions in response to an armed attack against Japan, and cooperation in situations occurring in areas surrounding Japan that will have an important influence on the country’s peace and security.³³ Under normal circumstances or in peacetime, both governments are supposed to enhance bilateral cooperation in the areas of information sharing and policy consultations, such as the Security Consultative Committee (SCC), the so-called 2+2 meeting, Security Sub-Committee meetings, and various types of security cooperation, including UN PKO.³⁴

Actions in response to an armed attack against Japan are divided into two phases: when an armed attack is imminent and when an armed attack takes place. In the former situation, both governments will intensify their information/intelligence sharing and policy consultations to prevent further deterioration of the situation and to prepare for escalation. If an armed attack takes place, Japan has a primary responsibility to repel it, and

the USA will provide support. The SDF and the US Forces shall conduct multiple operations to counter air attack against Japan, to defend surrounding waters, to protect sea lines of communication, to counter airborne and seaborne invasions, and to deal with other threats, such as guerrilla and commando-type attacks. Moreover, the SDF and the US Forces plan to synchronize their operations through bilateral coordination mechanisms, communications and electronics, intelligence activities, logistic support activities, supply, transportation, maintenance, facilities, and medical services.³⁵

Situations in areas surrounding Japan (*shubenjitai*) are defined as situations that have an important influence on Japan's peace and security. They are divided into two phases: when a situation is anticipated, and responses to an ongoing situation. When a situation is anticipated, both governments will intensify their information/intelligence sharing and policy consultations.

On the other hand, both governments will also take concrete military action in response to situations in areas surrounding Japan, such as relief activities and measures to deal with refugees, search and rescue, non-combatant evacuation operations, and activities that ensure the effectiveness of economic sanctions for the maintenance of international peace and security. In such cases, Japan will provide logistic support to the USA, such as use of facilities and rear area support, basically in Japan's territory. Yet this rear area support could also be conducted on the high seas and in the international airspace around Japan, 'which are distinguished from areas where combat operations are being conducted'.³⁶ Moreover, the 1997 Guidelines established a bilateral coordination mechanism under normal circumstances to smooth bilateral defense cooperation in armed attack situations as well as in situations in areas surrounding Japan.³⁷

Therefore, the 1997 Defense Guidelines strengthened bilateral security cooperation from peacetime to contingencies that took place not only in Japan, but also in areas surrounding the country. Whereas the 1978 Defense Guidelines intended to maintain the peace and security of Japan and the Far East, the 1997 Defense Guidelines aimed to prepare for situations in areas surrounding Japan. As noted in the 1997 Guidelines, 'the concept, situations in areas surrounding Japan, is not geographic but situational', but as emphasized in the 1996 Joint Declaration on Security, the Japan-USA alliance should be functional for the peace and security of the Asia Pacific region.³⁸ Furthermore, the Japanese government created the Law Concerning the Measures for Peace and Security of Japan in Situations

in Areas Surrounding Japan (*shubunjitai anzenkakubo ho*, or *shubunjitaiho*) in 1999 to legalize defense cooperation in order to deal with situations in areas surrounding Japan, as set forth in the 1997 Defense Guidelines.

THE 2015 DEFENSE GUIDELINES: NEW LEGACY FOR THE JAPAN-USA ALLIANCE?

The 1997 Defense Guidelines were revised by the Abe government on 27 April 2015 to ensure Japan's peace and security 'under any circumstances, from peacetime to contingencies' and to promote peace and stability of the Asia Pacific region and beyond.³⁹ The 2015 Defense Guidelines were described as 'essence of Japan-US alliance' or 'historic reform of Japan-US alliance' by the mainstream Japanese media.⁴⁰ The 'seamless', 'synergetic', and 'global' nature of the Japan-US military alliance were emphasized in the Guidelines. Although the basic premises and principles are similar to those of the 1997 Guidelines, the new version could be regarded as a legacy of the Abe government, making the exercise of the right to collective self-defense constitutional to enhance the functionality of the Japan-USA alliance system.⁴¹

The 2015 Defense Guidelines were intended to strengthen the Japan-USA military alliance by facilitating consultative dialogue and policy/operational coordination whether in peacetime or during conflict. In particular, the Alliance Coordination Mechanism was established in order to address any situations in a seamless manner. Operational coordination and bilateral planning were to be smoothed at the same time.⁴² As part of the cooperative measures in peacetime, the SDF and the US Forces will enhance interoperability, readiness, and vigilance by conducting peacetime operations such as intelligence, surveillance, and reconnaissance (ISR) activities, air and missile defense, maritime security, asset protection, as well as training and exercises, and by providing logistic support and specific facilities.⁴³

The 2015 Defense Guidelines stipulated that the alliance would 'respond to situations that will have an important influence on Japan's peace and security'. The new Guidelines described that 'such situations cannot be defined geographically'.⁴⁴ They are similar to the situations in areas surrounding Japan that were set forth in the 1997 Defense Guidelines. Accordingly, the 2015 Guidelines officially and explicitly deleted the geographical limitations to SDF activities in these situations. More precisely, they can be interpreted as 'important influence situations', as explained by

the Abe government in the Diet deliberations on the Peace and Security Legislation in 2015. In these important influence situations, the SDF and the US Forces shall cooperate over non-combatant evacuation operations, maritime security, measures to deal with refugees, search and rescue, protection of facilities and areas, and so on.⁴⁵

The 2015 Defense Guidelines regard actions in response to an armed attack against Japan as a core aspect of the bilateral security cooperation. As outlined in the 1997 Defense Guidelines, the SDF and the US Forces are supposed to cope with both phases: when an armed attack against Japan is anticipated (an anticipated armed attack situation), and when an armed attack occurs (armed attack situation). In the anticipated armed attack situations, both governments will intensify their information/intelligence sharing and policy consultations. In armed attack situations, Japan is primarily responsible for protecting Japanese citizens and defending Japanese territory. Similarly, the US Forces are supposed to support and supplement the SDF. The bilateral security cooperation in the situations is composed of a variety of military operations to variously defend airspace, counter ballistic missile attacks, defend maritime areas, counter ground attacks, and conduct cross-domain cooperation, such as in the space and cyberspace domains. As operational support activities, the SDF and the US Forces will cooperate in such fields as communications, electronics, search and rescue, logistic support, use of facilities, as well as chemical, biological, radiological, and nuclear (CBRN) protection.⁴⁶

Importantly, the 2015 Defense Guidelines referred to the exercise of Japan's right to collective self-defense before the Peace and Security Legislation was enacted. The 2015 Guidelines paraphrased the exercise of this right as 'actions in response to an armed attack against a country other than Japan'.⁴⁷ The Guidelines explicitly stipulated the situations in which Japan can exercise the right of collective self-defense as follows:

Situations where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result, threatens Japan's survival and poses a clear danger to overturn fundamentally its people's right to life, liberty, and pursuit of happiness.⁴⁸

The situations in the 2015 Defense Guidelines are identical with the survival threatening situations set forth in the Peace and Security Legislation created after the announcement of the Guidelines. In these situations, the SDF and the US Forces are supposed to conduct military operations, such

as asset protection, search and rescue, maritime operations, operations to counter ballistic missile attacks, and logistic support.⁴⁹ Furthermore, the 2015 Guidelines added bilateral cooperation in response to a large-scale disaster in the post-3/11 (Fukushima disaster) context. As bilateral cooperation for regional and global peace and security, the 2015 Guidelines plan to expand cooperation in international activities, such as PKO, international humanitarian assistance and disaster relief (HA/DR), maritime security, partner capacity building, non-combatant evacuation operations, ISR, training and exercises, and logistic support. In addition, bilateral cooperation for the security of the space domain and cybersecurity were added.⁵⁰

As investigated above, the 2015 Defense Guidelines are the most comprehensive arrangements for seamless and global bilateral security cooperation. Obviously, the Japan–USA military alliance has been strengthened by the upgrade of the Defense Guidelines in response to the changing security environment. The background and influence of the international security environment, the objects of threat, as well as the main contents of the three Defense Guidelines can be clarified as shown in Table 6.2.

As encapsulated in Table 6.2, the new Guidelines included ‘the Abe government’s decision to reinterpret a constitutional provision to allow for Japanese participation in collective self-defense’, and the changes in the

Table 6.2 Comparison of the three Guidelines for Japan-US Defense Cooperation

	<i>Background</i>	<i>Objects of threat</i>	<i>Main contents</i>
1978 Guidelines	The Cold War	Soviet Union	Division of labor by the SDF and the US forces
1997 Guidelines	Tensions in the Korean Peninsula, the Taiwan Strait	North Korea, China	Defense cooperation in 1. Peacetime, 2. Contingency of Japan, 3. Contingency in the areas surrounding Japan
2015 Guidelines	Expansionistic policy of China, nuclear weapons of North Korea	China, North Korea, international terrorism	Global security cooperation from peacetime to contingencies, limited exercise of the right to collective self-defense

Note: Comparative analysis based on some earlier research modified by the author (Asai and Hitoshi. 2015. ‘Aratana Nichibeī Boei Kyoryoku notameno Shishin (New Guidelines for Japan-US Defense Cooperation)’, p. 4)

new Guidelines reflected ‘Japan’s worries over China’s rise and enduring concerns over North Korea’s nuclear program’.⁵¹ Although the new Guidelines were designed to cope with ‘a nuclear armed North Korea and a rapidly expanding Chinese military’, it is regarded that the 2015 Guidelines ‘do not significantly alter the regional balance of power’.⁵² In order to make the 2015 Guidelines functional, the Abe government needed to enact the Peace and Security Legislation. In this sense, it is important to analyze to what extent the 2015 Guidelines are reflected in the Peace and Security Legislation.

APPLICABILITY OF THE 2015 DEFENSE GUIDELINES TO THE PEACE AND SECURITY LEGISLATION

It can be argued that the new Guidelines for Japan–US Defense Cooperation announced on 27 April 2015 were revised based on the prospect that the Abe government would create the Peace and Security Legislation, which was enacted on 19 September 2015. This is because the revision of the Guidelines was originally scheduled to be completed in 2014, on the basis of the SCC meeting or the 2+2 ministerial meeting in October 2013. Indeed, the ministers directed the Sub-Committee for Defense Cooperation to draft the revised Guidelines by the end of 2014. However, the revision of the Guidelines was rescheduled to be completed during the first half of 2015, ‘taking into account the progress of Japan’s legislative process’.⁵³

In this regard, it can be considered that there exists a close correlation between the 2015 Defense Guidelines and the Peace and Security Legislation as Prime Minister Abe’s new security policy. Therefore, this section attempts to consider to what extent the Peace and Security Legislation is consistent with the 2015 Guidelines and to clarify how the legislation is designed to enhance the policy and operation of the Japan–USA military alliance.

The Peace and Security Legislation is divided into two laws: the Peace and Security Legislation Development Law composed of the revision of ten laws, such as the Self-Defense Forces Law (SDF Law); and the International Peace Support Law, which is the new legal framework as investigated in Chap. 4.

First, Article 95 of the SDF Law was revised so that the SDF could protect the weapons of the US Forces and other countries’ forces in peacetime, based on Paragraph 2 of Article 95.⁵⁴ Thanks to this revision, it

could be much smoother for the US Forces to cooperate with the SDF in a so-called gray-zone situations. In principle, the Japan Coast Guard (JCG) is responsible for gray-zone situations, but when their police power turns out to be insufficient, the JCG should be replaced by the SDF. If the SDF can protect the US Navy in peacetime and conduct military drills and mutual defense activities, such as ISR, it could be possible for the SDF and US Navy to cooperatively prevent and deal with the gray-zone situations. Likewise, Paragraph 6 of Article 100 of the SDF Law was revised so that the SDF can provide supplies and services to the US Forces, in such cases as guarding of facilities, counter-piracy operations, operations necessary to take measures to destroy ballistic missiles, removal and disposal of mines and other explosive objects, protection measures or transportation of Japanese nationals in emergency situations in foreign countries, and activities to collect information by ships or aircraft about the movements of foreign countries' armed forces and other information that contributes to the defense of Japan.⁵⁵ Through the revision, the bilateral peacetime military drills and ISR activities should deter the occurrence and escalation of illegal gray-zone activities, and moreover the military cooperation would be enhanced more seamlessly.

Second, the PKO Law was revised so that the SDF can use weapons to complete mandate missions and conduct protection of local people, as well as the so-called *kaketsuke-keigo* or coming to the aid of geographically distant units or personnel under attack.⁵⁶ Moreover, the Japanese peacekeepers will be able to participate in internationally coordinated peace operations outside the control of the UN. Still, the so-called 'Five Principles' on Japan's PKO participation should be satisfied: these are ceasefire, acceptance by conflict parties, neutrality, withdrawal if the three conditions are not satisfied, and minimum necessary use of weapons. In addition to the 'Five Principles', there should be resolutions by the UN (the Security Council, the General Assembly, or the Economic and Social Council), requests by international/regional organizations, such as the UN and the European Union, or requests by the countries where the peace operations are being conducted.⁵⁷ Thanks to the revised PKO Law, the Japanese peacekeepers might be able to reduce the burden of other peacekeepers. This can be considered to be a peacekeeping burden sharing between Japanese peacekeepers and other UN peacekeepers, including those from the USA.

Third, the Law Concerning Measures to Ensure Peace and Security of Japan in Situations in Areas Surrounding Japan enacted in 1999 was

revised and renamed the Law Concerning Measures to Ensure Peace and Security of Japan in Situations that Will Have an Important Influence on Japan's Peace and Security, or the Important Influence Situations Law. Important influence situations can be defined as situations that will have an important influence on Japan's peace and security, such as 'situations that could lead to a direct armed attack against Japan if left unattended'.⁵⁸ In the revision process, the phrase 'in areas surrounding Japan' was deleted from the definition, and therefore there is no specific geographical limitation to support the SDF's activities. Moreover, the SDF is able to provide support activities not only to US Forces but also to other foreign forces that contribute to the purpose of the Japan-US Security Treaty. Still, the support activities should be conducted outside 'the scene where combats are actually being conducted'.⁵⁹ After this revision, the SDF will be able to make support activities of the US Forces on a global scale. Furthermore, in response to the needs of the US Forces, provision of ammunition, except for weapons, and refueling and maintenance of aircraft ready to take off for combat operations are allowed as well.

Fourth, the Ship Inspection Operations Law was revised so that it could be applied to the Important Influence Situations Law and to the International Peace Support Law. Yet there exists the so-called 'no-mixture requirement', and the SDF cannot conduct ship inspection operations with other countries' forces, including US Forces, although the SDF can conduct ship inspection operations without geographical limitation in accordance with the Important Influence Situations Law or the International Peace Support Law.⁶⁰

Fifth, the Armed Attack Situations Response Law was revised so that Japan can exercise the right of collective self-defense in so-called survival threatening situations. Thanks to this revision, the SDF will be able to protect US Aegis destroyers that contribute to the defense of Japan in a survival threatening situation. A survival threatening situation is defined that 'a situation where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness'.⁶¹ This revision is a central part of Prime Minister Abe's longstanding ambition to make the exercise of the right to collective self-defense constitutional.⁶²

Sixth, the Act on Measures Conducted by the Government in Line with U.S. Military Actions in armed attack situations was revised to the US and Others' Military Actions Related Measures Act, so that Japan can

extend its support to military forces of foreign countries other than US Forces in case of emergency, in other words armed attack situations and survival threatening situations.⁶³ Seventh, the Specific Public Facility Use Act was revised so that the military forces of foreign countries other than the USA can utilize specific Japanese public facilities, such as roads, harbors, and airports.⁶⁴ This means Japan can strengthen the Japan-US military alliance as the revision extends military assistance to US allies that contribute to the purpose of the Japan-US Security Treaty.

Eighth, the Maritime Transportation Restriction Act was revised so that the SDF could conduct coercive ship inspection in armed attack and survival threatening situations. In this case, Japan might be able to conduct operations with the US Forces, because the ship inspection operation during contingency of Japan is not limited by the so-called no-mixture requirement, unlike the fourth revision. Ninth, the Prisoner of War Act was modified for the same reasons as the eighth revision. Tenth, the National Security Council (NSC) Establishment Act was revised so that the NSC can hold emergency meetings in armed attack as well as survival threatening situations.⁶⁵ The tenth revision meant that the NSC can hold meetings regarding these situations with the NSC of the USA in peace or war. This alliance coordination mechanism will enhance the interoperability of the SDF and the US Forces.

Finally, the International Peace Support Law was created as a new legal framework to dispatch the SDF to overseas countries in order to provide logistical support for UN-authorized peace activities and military operations. The purpose of the law is to deal with situations ‘threatening international peace and security that the international community is collectively addressing’. More specifically, the law is designed to cope with ‘situations that threaten peace and security of the international community, and the international community is collectively addressing the situations in accordance with the objects of the UN Charter to remove the threat, and Japan, as a member of the international community, needs to independently and proactively contribute to these activities’.⁶⁶

In order to conduct support activities, resolutions of the UN Security Council or the General Assembly shall ‘decide, call upon, recommend or authorize foreign countries subject to Japan’s support conduct operations to respond to situations that threaten the peace and security of the international community’.⁶⁷ In addition, resolutions that recognize the ‘situations as a threat to peace or a breach of the peace and call on UN member states to respond to the situations concerned’ are also required.⁶⁸ Based on

the new law, the Japanese government will be able to dispatch the SDF in order to provide logistic support for international military operations authorized by the UN Security Council.

CONCLUSION

This chapter has examined the development of the Japan–USA military alliance by investigating the major official documents, such as the Japan–US Security Treaty (1951, 1960), and the Guidelines for Japan–US Defense Cooperation (1978, 1997, 2015). The chapter has also analyzed the policy implications of the 2015 Guidelines for Prime Minister Abe’s security policy; that is, the Peace and Security Legislation that enables Japan to exercise the right of collective self-defense, which used to be regarded as ‘unconstitutional’ but is critical to the functionality of the Japan–USA defense partnership.

It has been observed that official documents from Japan and the USA have become more and more complicated and comprehensive as they respond to the changing international security environment. The geographical scope of the Japan–USA alliance has been expanded from the Far East (the Security Treaty and the 1978 Guidelines), to the Asia Pacific region (the Hashimoto-Clinton Joint Statement), to the areas surrounding Japan (the 1997 Guidelines), and to a global scale (the 2015 Guidelines). Clearly, the recent upgrade by the 2015 Defense Guidelines has enhanced the functionality of the Japan–USA military alliance system.

Significantly, the chapter has provided an analysis of the implications of the 2015 Defense Guidelines for the Peace and Security Legislation as an embodiment of Prime Minister Abe’s proactive contribution to peace policy. By conducting a comparative text analysis, it has been revealed that both the 2015 Defense Guidelines and the Peace and Security Legislation overlap in nearly every aspect. It is no exaggeration to contend that the Peace and Security Legislation was enacted in order to formalize and reinforce the bilateral defense arrangements between Japan and the USA.

Nonetheless, it is important to keep in mind that Japan cannot exercise the right of collective self-defense purely for the defense of the USA. The purpose should be the defense of Japan, and therefore the 2015 Guidelines and the Peace and Security Legislation do not fully rectify the asymmetric nature of the bilateral military alliance. In other words, the future Japanese government will need to revise the current Constitution if it desires Japan to become an equal US ally. Having said that, Prime Minister Abe has

successfully made the nature of the Japan–USA alliance more equal, seamless, and global, in response to the changing regional and global security environment. For this reason, the 2015 Defense Guidelines can be regarded as the legacy of the Abe Doctrine in making the bilateral alliance more equal and functional, just as the legacy of Kishi did.

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The Global Implication: Japan's Peace Operations in South Sudan

Abstract After the declaration of independence of South Sudan from Sudan on 9 July 2011, the Japanese government decided to dispatch its Self-Defense Forces (SDF) to South Sudan under the auspice of the United Nations Mission in the Republic of South Sudan. Despite post-conflict military clashes in South Sudan, the Japanese government did not withdraw the SDF but instead the Abe administration assigned a new mission, the so-called *kaketsuke-keigo*, to rescue staff of international organizations and non-governmental organizations in preparation for possible armed attacks during peacekeeping operations. The new mission can be regarded as Prime Minister Abe's proactive contribution to peace policy in action. Therefore, this chapter aims to investigate the implication of the Peace and Security Legislation for Japan's contribution to peace operations in South Sudan as a case study that investigates the associated dilemmas of the United Nations, the Japanese government, and the Japanese peacekeepers.

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Keywords *Kaketsuke-keigo* • United Nations Mission in the Republic of South Sudan (UNMISS) • Peace and Security Legislation • Peacekeeping Operations (PKO) • Protection of civilians (POC)

INTRODUCTION

This chapter examines the implication of the Peace and Security Legislation for Japan's policy on international peacekeeping operations (PKO) in South Sudan. Since the enactment of the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, or the so-called PKO Law, in 1992, the Japanese government has contributed to a range of post-conflict international peace operations authorized or supported by the United Nations (UN). After the independence of South Sudan from Sudan was declared on 9 July 2011, Japan's Democratic Party of Japan (DPJ) administration decided to dispatch its Self-Defense Forces (SDF) to South Sudan with the stated goal of peacekeeping and nation-building of the newest country in the world under the auspice of the UN Mission in the Republic of South Sudan (UNMISS).¹

The security situation in South Sudan has not always been stable, and some military clashes have sporadically erupted from time to time. Despite the outbreak of military clashes, especially the occurrence of violence in Juba in July 2016, the Abe government did not withdraw the SDF, but instead assigned a new mission, the so-called *kaketsuke-keigo*, to rescue staff of international organizations or non-governmental organizations (NGO) in case of armed attacks during PKO. The addition of this new mission was based on the Peace and Security Legislation enacted by the Abe government in September 2015, which was regarded as unconstitutional by almost all Japanese constitutional scholars.²

Domestically, there were some concerns and debates that the Japanese peacekeepers, who have never killed or been killed, might be involved in actual battles during their peacekeeping missions, and that this could lead to casualties.³ With a view to investigating the nature of these and associated dilemmas regarding the peacekeeping missions in South Sudan, this chapter applies three levels of analysis: international, national, and individual.⁴ This way, the political dilemmas of the UN, the Japanese government, and the Japanese peacekeepers, which need to be resolved better in the future, can be assessed.

To conduct the analysis on the three levels, this chapter begins with the historical background of the civil wars and ethnic conflicts in Sudan and South Sudan. Next, from an international perspective, Japan's response to the peacekeeping missions in UNMISS from 2011 to 2017 and the dilemmas that the UN and the international community have been faced with will be examined. From a national perspective, the debate on the new mission, *kaketsuke-keigo*, will be discussed, with a focus on the Japanese government's dilemmas. From an individual perspective, this chapter seeks to analyze the dilemmas of Japanese peacekeepers in UNMISS by examining their on-site experience and daily reports. Finally, it will consider the implication of Prime Minister Abe's proactive contribution to peace for Japan's PKO in South Sudan.

HISTORICAL BACKGROUND: FROM THE ARMED CONFLICTS TO INDEPENDENCE

In 2017 the Republic of South Sudan was the newest sovereign state, having declared independence from Sudan in July 2011, but the region as a part of Sudan has a long history that dates back to the colonial occupation—having been cooperatively governed by the United Kingdom and Egypt from 1899. In 1955, the First Sudanese Civil War broke out, with the aim of autonomy and independence, and Sudan (including the southern region) became independent from the United Kingdom in the following year. In the 1960s, the southern region deepened its independence from the rest of Sudan, and the Addis Ababa Peace Accord was concluded in 1972. This established the southern government, and its partial autonomy was acknowledged. However, the Peace Accord was torn up, and violence escalated into the Second Sudanese Civil War in 1983. The second civil war continued until a peace agreement was signed in 2005, having turned out to be the longest civil war in Africa up to this time.⁵

In 2005, a ceasefire was established under the Comprehensive Peace Agreement, and the UN Mission in Sudan (UNMIS) was established on the basis of the UN Security Council Resolution 1590 in March 2005. As a result of the general election conducted in April 2010, Omar al-Bashir, President of Sudan, and Salva Kiir Mayardit, President of the government of southern Sudan, were re-elected. In January 2011, the southern government of Sudan carried out its own referendum for independence,

and finally the Republic of South Sudan was established on 9 July 2011. In response, the UN established UNMISS, composed of some 7,000 peacekeepers, based on the UN Security Council Resolution 1996 which was adopted on 8 July 2011.⁶

In January 2012, South Sudan decided to stop the production of crude oil as a result of the negotiation with the government of Sudan. In September that year, the governments of Sudan and South Sudan signed nine agreement documents to resolve unsettled issues. In December 2013, however, military clashes between escort corps of President Kiir and those of former Vice-President Riek Machar Teny, who was discharged by the President in July of the year, occurred in Juba, the capital city of South Sudan. In January 2014, the government of South Sudan and the anti-government group led by former Vice-President Machar initiated a peace negotiation in collaboration with the Inter-Governmental Authority on Development (IGAD), a regional organization in Eastern Africa, in Addis Ababa, the capital of Ethiopia. In August 2015, President Kiir, former Vice-President Machar, and other related parties signed a ceasefire agreement facilitated by IGAD. In April 2016, the new tentative government of South Sudan was created, but owing to the recurrence of military clashes between Kiir-led military forces and Machar-led armed corps, the security situation was temporarily aggravated, especially in July of that year in Juba.⁷

ANALYTICAL LEVELS: DILEMMAS IN PEACEKEEPING AND CIVILIAN PROTECTION MISSIONS

In order to understand the multilayered levels of a contemporary conflict in depth, it is effective to analyze five levels of the conflict: global, regional, national, organizational, and individual, as proposed by Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall.⁸ An analysis of these five levels is important in examining the conflict of South Sudan itself, but simplified analytical levels could be applicable and appropriate for clarifying associated dilemmas regarding Japan's contribution to the PKO. For convenience, therefore, this chapter conducts the analysis of dilemmas at three levels: international, national, and individual. These three levels were originally proposed by Kenneth Waltz as an analytical framework to examine the causes of war.⁹ This chapter seeks to clarify the three analytical

levels, especially the endeavors and the dilemmas of the UN, the Japanese government, and the Japanese peacekeepers in the UNMISS operation, from 2011 to 2017.

A key analytical concept of this chapter is the shedding of light on the concept of human security and protection of civilians (POC) in terms of the PKO in South Sudan. The issue of POC in international peacekeeping in Sudan has been observed in earlier research, and Japan's PKO in South Sudan can also be discussed in relation with the POC mandate.¹⁰ The concept of human security was proposed by the UN Development Program (UNDP) in 1994, and the Japanese government promoted the realization of the concept as one of the diplomatic pillars. The human security concept is mainly composed of two types of freedom: freedom from want and freedom from fear. The Japanese government has contributed to the human security of post-conflict countries through financial contributions (freedom from want) and PKO (freedom from fear).¹¹

The UN Security Council currently tends to authorize use of force in terms of responsibility to protect (R2P) and POC in PKO. The R2P mandate is regarded as one of 'the most significant normative advances' of UN PKO, and the POC mandate is connected with the R2P concept.¹² It is noteworthy that use of force based on the POC mandate has been authorized by the UN Security Council in almost all of the recent PKO in Africa.¹³ Nevertheless, it seems that civilian protection mandates are 'extremely challenging' and difficult in these military operations.¹⁴

Meanwhile, the Abe government decided to add a new mission, *kaketsuke-keigo*, to the Japanese peacekeepers' workload; this was in order to rescue UN and NGO civilian staff working in the PKO in South Sudan. Strictly speaking, the new mission differs from the UN's POC mission, which is mainly for local populations, but their purposes are similar in the light of POC. This chapter focuses on the endeavors and dilemmas in PKO in South Sudan in terms of the civilian protection mandate by examining official Japanese government documents, Japanese and international newspapers, and on-site reports by Japanese peacekeepers. Accordingly, this chapter will scrutinize international dilemmas in relation to the Japanese government, national dilemmas regarding the *kaketsuke-keigo* mission added by the Abe government, and individual dilemmas of Japanese peacekeepers dispatched to the PKO in South Sudan.

THE DPJ GOVERNMENT AND PKO IN SOUTH SUDAN, 2011–2012

Japan's commitment to PKO in South Sudan dates back to the period of the DPJ government (September 2009–December 2012). In a meeting with Prime Minister Naoto Kan on 8 August 2011, UN Secretary-General (UNSG) Ban Ki-moon stated that the UN expected Japan to contribute to UNMISS. In response, Prime Minister Yoshihiko Noda, as a successor to Prime Minister Kan, mentioned in his meeting with UNSG on 21 September 2011 that the Japanese government intended to support UNMISS. Moreover, Prime Minister Noda delivered a speech at the UN General Assembly in which he stated that Japan planned to dispatch the SDF to UNMISS after the investigation in South Sudan on 23 September 2011. On 15 November 2011, the DPJ government decided to dispatch two SDF personnel to UNMISS as staff officers. It was decided that the unarmed Japanese staff officers would work as a logistic officer at the logistics planning office and as a database manager in the joint mission analysis center at UNMISS headquarters.¹⁵

Based on the cabinet decision of 11 November 2011, two staff officers were dispatched to Juba on 28 November 2011. As well as the two staff officers who had already been sent to the UNMISS headquarters, the Japanese government decided to send an engineering unit composed of about 330 SDF personnel to UNMISS in order to improve infrastructure, undertaking maintenance and repair of roads and buildings. Another engineering unit, which consisted of 40 SDF personnel, was sent to South Sudan, Uganda, and Kenya to support transportation and supply in those areas.¹⁶

The decision to dispatch the SDF to UNMISS was made on the basis of the ceasefire between Sudan and South Sudan. Nonetheless, on the morning of 26 March 2012, it was reported that military clashes between Sudan and South Sudan had broken out and that military forces of South Sudan had occupied a major oil mine in the Heglig area, which is located inside Sudanese territory. On the next day, the Sudanese government dropped bombs on an oil mine in South Sudan as retaliation. The UN Security Council issued a press statement on 27 March 2012 to demand that both Sudan and South Sudan refrain from escalating the military clashes into another full-blown military conflict. On 28 March 2012, the Japanese government expressed its concern about the military clashes in the border region, and called on both governments to settle

the issue by peaceful rather than military means.¹⁷ The military clashes signify that oil was a crucial factor in the border conflict between Sudan and South Sudan.¹⁸

On 24 April 2012, the Peace and Security Council (PSC) of the African Union held a ministerial meeting and issued a communiqué on the arrangement, which required Sudan and South Sudan to cease their adversarial behavior within 48 hours with a view to reducing bilateral military tension. Moreover, the UNSC adopted a resolution based on the PSC communiqué, which demanded that the two governments should cease hostilities and provocations, including bombing, withdraw their armed forces, and start negotiations under the leadership of the African Union on 2 May 2012. The Japanese government expressed its intention to welcome the PSC statement as well as the UNSC resolution the next day.¹⁹

Besides the SDF dispatch, Japan made a financial contribution to human security in South Sudan. On 13 July 2012, the Japanese government decided to donate US\$2.04 million as emergency grant aid in order to support Sudanese refugees who had fled to South Sudan as a result of the deterioration in the humanitarian situation in the southern part of Sudan. This humanitarian aid was aimed at enhancing living conditions and basic services, especially water, healthcare, and hygiene, and was allocated in cooperation with the UN High Commissioner for Refugees (UNHCR).²⁰

The governments of Sudan and South Sudan decided to withdraw their troops from Abyei and to start negotiations over the issues, including oil-fields. On 3 September 2012, the Japanese government welcomed the progress in these negotiations, which were based on the PSC communiqué and UNSC Resolution 2046.²¹ At the conclusion of the bilateral negotiations that took place under the auspice of the African Union High Level Implementation Panel, both Sudan and South Sudan signed agreements on security arrangements, oil, and nationality. In response, the Japanese government welcomed the agreements and expressed its support for the peaceful coexistence of the two nations.²²

Meanwhile, the UN Security Council adopted Resolution 2057 to renew the mandate of UNMISS for another year, until 15 July 2013. In response to the UNSC resolution, a cabinet decision was made on 16 October 2012 to extend the term of the SDF contribution to UNMISS for another year, until 31 October 2013.²³ Therefore, the commitment by the UN to international PKO in South Sudan seemed to remain, and Japan under the reign of the DPJ, while reactive, was also cooperative in international peace operations that were based on human security diplomacy.

THE ABE GOVERNMENT AND PKO IN SOUTH SUDAN, 2013–2014

Prime Minister Abe's proactive contribution to peace policy is consistent with human security policy, and it further developed Japan's commitment to human security and PKO in South Sudan. On the basis of its human security policy, the Abe government welcomed the decision by the Human Security Trust Fund to extend its financial assistance for South Sudan to US\$321,000 as part of a project entitled Human Security in Africa: Assessment and Capacity Building to Promote Sustainable Peace and Development. This was designed to resolve human security issues, such as conflicts, poverty, environmental degradation, health problems, and involuntary resettlements.²⁴

On 31 May 2013, Prime Minister Abe had official talks with South Sudan President Salva Kiir, who visited Japan to attend the Tokyo International Conference on African Development (TICAD), in Yokohama. President Kiir expressed his expectations for Japan's contribution to infrastructure building and human resources development, and the prime minister stated that Japan would expand its peace operations to these fields and to the states of the Eastern and Western Equatoria in addition to the safe capital city.²⁵ The Abe–Kiir talks in TICAD exemplify the prime minister's proactive peace diplomacy.

On 22 October 2013, the Ministry of Foreign Affairs of Japan announced that Hilde Johnson, Special Representative of the Secretary-General in the Republic of South Sudan and the Head of UNMISS, would visit Japan from 26 to 31 October. The main purpose for Johnson's visit was to inspect the training of the SDF in preparation for PKO in UNMISS. In response to the visit, the Abe government expressed its willingness to continue its proactive contributions toward the achievement of peace and stability in South Sudan.²⁶ In this respect, it is evident that the concept of proactive contribution to peace was reflected in Prime Minister Abe's decision on Japan's policy toward South Sudan.

On 15 December 2013, the security situation in South Sudan deteriorated owing to military clashes between the military forces of South Sudan and the military groups loyal to former Vice-President Machar, who was discharged by the President in July of that year. On 17 December 2013, government forces attacked the residence of the former Vice-President and detained some ministers and related suspects. From 4 January 2014, negotiations about a peace process were started by conflict parties in Addis

Ababa, and the IGAD proposed an agreement that would cease adversarial conduct by all parties. The number of internally displaced persons (IDPs) amounted to some 923,000 by the end of April 2014. In this context, Japanese Foreign Minister Fumio Kishida organized a ministerial meeting to resolve the South Sudan issues on 4 May 2014. Moreover, the foreign minister sent a message that the Abe government welcomed an agreement signed by the conflict parties on 9 May, and that Japanese peacekeepers would continue their nation-building operations in South Sudan.²⁷

In response to the increased number of IDPs in South Sudan, the Abe government decided to extend its donation of US\$12 million as emergency grant aid through the World Food Program, the UN Children's Fund (UNICEF), UNHCR, the International Organization for Migration, the International Committee of the Red Cross, and the UN Office for the Coordination of Humanitarian Affairs. Thus the Abe administration contributed to the human security of South Sudan, especially in the field of water, food, sanitation, health and medical care, and shelters—which were all perceived as basic human needs.²⁸

On 25 November 2014, UNSC Resolution 2187 was adopted to extend the mandate of UNMISS until 30 May 2015. In response, on 10 February 2015, the Abe government decided to extend the SDF dispatch to UNMISS for about six months until 31 August 2015. This required the prime minister to report the change in the mission to the Diet, in accordance with Article 7 of the PKO Law.²⁹ Therefore, Japan's contribution to the human security of South Sudan was mainly made by its financial contributions, supplemented by the PKO, especially engineering activities, on the basis of Prime Minister Abe's proactive contribution to peace policy.

THE ABE GOVERNMENT AND PKO IN SOUTH SUDAN, 2015–2016

Despite the peacekeeping endeavors of UNMISS, it turned out that the UN and its member states were failing to prevent military clashes and the humanitarian crisis in South Sudan, including the widespread killing of civilians and sexual assault. After an outbreak of military clashes in December 2015, it was reported that serious human rights violations, especially sexual assault in refugee camps, were continuously occurring, and that the refugee camps were being described as the 'rape camps' of South Sudan.³⁰ Human Rights Watch noted in its annual report that its staff had witnessed attacks on civilians and civilian property, the use and

recruitment of child soldiers, arbitrary detentions, torture, and enforced disappearances during 2015, while freedom of expression was being violated in the country.³¹ Still, the Abe government decided to extend the SDF dispatch to UNMISS for international peace cooperation until 31 October 2016.³²

On the night of 8 July 2016, fighting between troops who belonged to President Salva Kiir and soldiers loyal to former Vice-President Riek Machar occurred in Juba, near South Sudan's parliament. It was reported that at least 272 people died in three days of clashes between the two armed groups. Control of the South Sudanese army was fragmented along ethnic lines, and it was difficult to integrate the various disparate ethnically dominated factions into a more unified and cooperative national army owing to ethnic confrontation. After President Kiir fired former Vice-President Machar in July 2013, especially, it became almost impossible for the two dominant ethnic groups, Dinka and Nuer, to unite their troops.³³

In the crossfire, two Chinese peacekeepers tasked with a POC mandate were killed, and some experts on African studies and South Sudan warned that the situation would escalate into another civil war. For instance, Clemence Pinaud, Assistant Professor of Indiana University, observed: 'We most likely witnessed an acceleration ... into a full-on war in Juba between the two parties.' Meanwhile, the UN Security Council demanded that Kiir and Machar rein in their forces and end the fighting, and shortly thereafter the two leaders ordered their soldiers to cease hostilities.³⁴

In response to the worsened security situation, the Abe government decided to evacuate Japanese nationals from South Sudan. To this end, three ASDF C-130 transport planes were dispatched from Komaki Air Base in Aichi Prefecture. The Japan International Cooperation Agency (JICA) also chartered an airplane to withdraw their staff from South Sudan. Other Japanese personnel who were in charge of official development assistance (ODA) were transported by C-130 airplanes from Juba to Nairobi in Kenya.³⁵

Despite the military clashes, Chief Cabinet Secretary Yoshihide Suga stated: 'We don't consider that any armed conflict as defined by the PKO Law has broken out in the operation area of UNMISS.'³⁶ Moreover, Defense Minister Gen Nakatani decided not to withdraw SDF personnel from South Sudan, explaining that the situation was not one that should

be classified as an armed conflict and that no direct attack against the seventh division dispatched from Chitose Air Base in Hokkaido had been conducted.³⁷

On 17 July 2016, *The Japan Times* described the security situation of South Sudan as 'the anarchy of war' and food aid for 220,000 South Sudanese was stolen from warehouses. The UN announced that the 'war-torn nation' was in danger of a 'hunger catastrophe', and the World Food Program also warned that the 'latest conflict is going to push even more people into hunger and despair'.³⁸ Although Defense Minister Gen Nakatani stated that the situation in South Sudan did not fall under the category of armed conflict in terms of the PKO Law, as both ethnic groups had stopped their skirmishes, the report by *The Japan Times* noted that order within the country 'has yet to be restored, with fighters reportedly engaging in looting'.³⁹

Among the military assaults in 2016, the rampage in the Terrain Hotel in Juba on 11 July was the most problematic incident for the UN. Despite this occurrence of violence in the capital city of South Sudan, the UN was not able to crack down on the military clashes, and it was reported that UN peacekeepers 'ignored rape and assault of aid workers'.⁴⁰ It was stressed that the South Sudanese soldiers killed a local journalist, targeted aid workers, beat and robbed people, and raped several female foreigners, especially Americans. It was also testified that no embassies, including the embassy of the USA, responded to the desperate calls for help. In addition, UN peacekeepers from Ethiopia, China, and Nepal refused to rescue and protect civilians in Juba.⁴¹

In order to strengthen the UNMISS mission, the UNSC decided to increase the number of peacekeepers from 12,000 to 17,000 troops, based on UNSC Resolution 2304 adopted on 12 August 2016. Among them, 4,000 troops were planned to be deployed as the Regional Protection Force that was authorized by Resolution 2304. The establishment of this force was heralded as a sign that the UN was 'finally getting serious about protecting South Sudan's civilians'.⁴² However, this incident simply indicates the dilemma of the UN PKO in a post-conflict area. Simply put, the POC mandate in international PKO is not necessarily successful, as is the case with UNMISS. This is the limitation and the dilemma of international peace operations that are authorized by the UN Security Council. Although international peace operations are meaningful, there are still limitations in operations owing to the anarchic nature of the international system.

THE NEW MISSION OF JAPANESE PEACEKEEPERS UNDER THE ABE ADMINISTRATION

In the case of Japan's PKO policy, the Japanese peacekeepers were not officially assigned to conduct such a mission as POC, even for its own nationals who were involved in international peace operations. Japanese peacekeepers in UNMISS stayed in a safe area, and therefore did not conduct the POC mandate. Yet UNSG Special Representative Hilde Johnson complained in July 2013 that 'the SDF cannot be deployed to dangerous zones, while Koreans are dispatched to unstable areas such as Jonglei'.⁴³ Indeed, the security situation in Jonglei was unstable, which led to acts of mass killing or genocide, and the Japanese government decided to dispatch the SDF to Juba without the POC mission.⁴⁴ Still, the 2015 Peace and Security Legislation legitimated a new rescue mission of the SDF for civilians in PKO.⁴⁵ On 15 November 2016, the Abe government made a cabinet decision to dispatch the 11th contingent of the SDF engineering unit to South Sudan with a new mission. In accordance with the cabinet decision, the SDF personnel were formally allowed to conduct the so-called *kaketsuke-keigo* or rush and rescue missions, to help UN or NGO staff under attack in the midst of peace operations in South Sudan.⁴⁶

In the light of Article 9 of the Japanese Constitution, which forbids the use of force in international conflict resolution, it was considered that the new mission, *kaketsuke-keigo*, could be regarded as unconstitutional if the SDF ended up directing weapons against a state or quasi-state organization.⁴⁷ However, there were arguments on the constitutionality of the *kaketsuke-keigo* mission in limited conditions. For instance, the Japanese peacekeepers were requested to rescue Japanese NGO staff who worked in a refugee camp in Goma in former Zaire in 1994. Although such an activity was not an official mission of the Japanese peacekeepers, the SDF helped the NGO staff.⁴⁸ In the Diet debate, Mizuho Fukushima of the Social Democratic Party (SDP) pointed out that Masahisa Sato as head of the Japanese peacekeepers in Iraq had argued that the SDF should protect Dutch forces in the event of armed attack against the Dutch peacekeepers during post-war reconstruction activities.⁴⁹ In other words, the concept of *kaketsuke-keigo* technically includes not only POC, but also the protection of foreign soldiers in the same peacekeeping operation.

The legalization of *kaketsuke-keigo* was considered in the Report of the Advisory Panel on Reconstruction of the Legal Basis for Security that was submitted by the advisory panel, made up of 14 Japanese political scientists,

to Prime Minister Abe on 15 May 2014.⁵⁰ The advisory panel suggested that the Abe government should interpret that it is constitutional for the SDF to use weapons 'to come to the aid of geographically distant unit or personnel participating in the same operations who are under attack (so-called "*kaketsuke-keigo*") and to remove obstructive attempts against its missions'.⁵¹ The advisory panel also referred to the official view of the Japanese government that the use of weapons during international peace operations based on a ceasefire agreement under the authority of the UN Security Council should not be regarded as use of force, which is forbidden by Article 9 of the Japanese Constitution.⁵²

To a large extent in reference to the report by the advisory panel, the Abe government enacted the Peace and Security Legislation, including the revision of the PKO Law, on 19 September 2015. In this legislation, the *kaketsuke-keigo* operation is described as 'coming to protection of individuals related to operations in response to urgent request'.⁵³ The term is also defined as 'protection of lives and bodies of individuals engaging in international peace cooperation operations or providing support for those operations, in response to urgent requests when unexpected dangers to lives or bodies of such individuals related to operations occur or are imminent'.⁵⁴

Although the expansion of peacekeeping missions by the SDF aroused public concerns, the Abe government argued that it made sure that 'appropriate limits are in place'.⁵⁵ How did the government place these 'appropriate limits' on the *kaketsuke-keigo* mission? As LDP's coalition partner, Komeito contended that the new mission was designed to rescue those defined as civilians such as UN personnel and NGO staff working in South Sudan, but not to protect those defined as soldiers of other countries, who could in principle defend themselves. Natsuo Yamaguchi, as Chief Representative of Komeito, contended that Japan's contribution should be based on the 'Five Principles' on Japan's PKO participation: ceasefire between conflict parties, acceptance by the conflict parties, neutrality, withdrawal when the three conditions are not met, and minimum necessary use of weapons. Yamaguchi also highlighted that even if the 'Five Principles' are met, the Japanese government should withdraw the SDF in case of the degradation of security in South Sudan.⁵⁶

Therefore, the Japanese government's dilemma stems from the relationship between Article 9 of the Constitution and the *kaketsuke-keigo* mission as part of the civilian protection mandate in the UNMISS operation. As the UN decided to strengthen the POC mandate, Japan made a

decision to implement a limited part of its POC mission as *kaketsuke-keigo*. Even after the addition of the new mission, however, the Japanese peacekeepers were and remained unable to conduct *kaketsuke-keigo* activities for other peacekeepers. In addition to the issue of the new mission, Japanese Defense Minister Tomomi Inada was forced to resign from the cabinet on 27 July 2017 owing to ‘allegations of a cover-up of SDF’s South Sudan mission logs’.⁵⁷ Her resignation indicates the national-level dilemma regarding Japan’s contribution to peace operations in South Sudan. This stems from a constitutional limitation on the SDF, which is not a formal military organization.

INDIVIDUAL DILEMMAS OF JAPANESE PEACEKEEPERS IN SOUTH SUDAN

It can be argued that SDF members were faced with individual dilemmas as well. As examined before, the Japanese peacekeepers could have been forced to make a decision to fire directly against those who intended to attack them during the UNMISS operation. Regarding this issue, Shigeru Suzuki pointed out that overseas missions would increase the mental burden on SDF personnel during the post-war peacebuilding operation in the non-combat area of Iraq.⁵⁸ Indeed, it has been reported that 56 SDF members who were sent to post-war international missions in Iraq and the Indian Ocean committed suicide after overseas dispatch.⁵⁹

With the addition of the new mission mandate, Japanese peacekeepers conducted special training to use weapons and wearable cameras were placed on their helmets in order to prove that their shootings were legally justifiable.⁶⁰ Nevertheless, if a Japanese peacekeeper kills a civilian by mistake, ‘there are no rules to punish him for committing the crime of professional negligence ... leaving him in legal limbo’.⁶¹ This is the individual dilemma of Japanese peacekeepers who are with the *kaketsuke-keigo* mission in South Sudan.

On 19 November 2016, SDF personnel of Aomori City, the 11th contingent, conducted a ceremony prior to their dispatch to South Sudan. Family members, including their children and a wife with a baby, attended the ceremony, but it was reported that mass media was not allowed to record their feelings in terms of their mental burden, and it was noted that there was a tension in the atmosphere of the ceremony. On the same day in the city, there was a demonstration opposing SDF dispatch to South Sudan.⁶²

With the addition of the new peacekeeping mission to the SDF in UNMISS, the Ministry of Defense made a decision to increase condolence money from 60 to 90 million yen if Japanese peacekeepers should pass away in the line of duty. It was also decided that 8,000 yen as an additional allowance should be paid to the SDF staff each time they conducted *kaketsuke-keigo*.⁶³ Although there were opposing opinions inside the Japanese government, with some arguing that the increase in condolence money might make the public more wary about the risks of the new mission mandate, some officials in the Ministry of Defense insisted on the necessity of raising the allowance, explaining that the SDF would conduct risky and dangerous activities in accordance with the new mission.⁶⁴

Meanwhile, Japanese peacekeepers in South Sudan may well have faced stressful and difficult missions. For example, a Japanese peacekeeper told a *Mainichi Shimbun* reporter that the SDF contingents in UNMISS had tried to reduce their mental stress by deliberately overturning a table with a sense of humor imitating an angry and old-fashioned Japanese father. The Japanese peacekeepers in the UNMISS operation were in a difficult environment, where the temperature was over 40 °C.⁶⁵

Captain Takuhiko Hosokawa, who worked as an information staff officer of UNMISS, noted that 'there are only a few paved roads in Juba. Many of the roads around the city are not surface.' As for safety, it was reported that 'there are intertribal conflicts over cows and bordering issues with Sudan', although 'the situation in Juba is stable'.⁶⁶ Lieutenant Yoshitaka Hashimura described the security situation in Juba as 'improving' and 'stable', and noted that 'I was never put in danger during my three months stay there' in his on-site report of April 2012.⁶⁷ Captain Nobuhiro Arai noted the difficulty of the engineering and construction tasks undertaken during the rainy season in South Sudan. Owing to heavy rain, the engineering unit needed to repeatedly reschedule their operations.⁶⁸ Major Yuichiro Koma who worked as a logistics officer in UNMISS, noted in his on-site report that there were no serious violent crimes or criminal activities in Juba except for minor offences, such as theft; yet he refrained from walking outside at night or going to the off-limits areas as designated by the UN.⁶⁹

The on-site reports above are public or official statements, but some Japanese peacekeepers might have gone through a stressful and traumatic experience during their missions in South Sudan that might have been left unsaid. According to an interview by *Mainichi Shimbun*, about 20 SDF members who were dispatched to PKO in South Sudan and witnessed traumatic

scenes needed special medical treatment for post-traumatic syndrome disorder that was related to the PKO in UNMISS.⁷⁰ The necessity of special mental care for former Japanese peacekeepers who were sent to UNMISS indicates the untold individual dilemmas of the SDF staff.

More specifically, some daily reports from the Japanese peacekeepers involved in the UNMISS operation described the aggravated situation in South Sudan under the term ‘combat’, but the Japanese government explained that it was not combat or armed conflict, but shooting cases or military clashes. Some parts of the report were covered in black ink in order to conceal specific experiences or activities.⁷¹ Furthermore, a Japanese peacekeeper who was sent to the UNMISS operation committed suicide immediately after he returned from South Sudan in April 2017.⁷² These individual-level perspectives offer an insight into the dilemmas and mental stress experienced by Japanese peacekeepers, although it signifies at the same time Japan’s proactive contribution to the PKO for the human security of the South Sudanese people.

THE IMPLICATION OF THE PROACTIVE CONTRIBUTION TO PEACE FOR JAPAN’S CONTRIBUTION

So far, it has been argued that the UN, the Japanese government, and the Japanese peacekeepers were confronted with international, national, and individual dilemmas in PKO in South Sudan. The existence of these dilemmas, however, does not mean that UNMISS, the Abe government, and the Japanese peacekeepers did not contribute to peacekeeping/nation-building operations in the country. On the contrary, the Japanese peacekeepers dispatched by the Abe government, working hand in hand with the UN, made a significant contribution to international peace operations, especially in the field of engineering activities. These engineering operations by Japanese peacekeepers can be defined in terms of engineering peace in South Sudan.⁷³

Some analysts have pointed out that Japan’s contribution to PKO in Africa, especially in South Sudan, could have been motivated by realistic and strategic reasons based on national interests or international prestige.⁷⁴ Regardless of the motivations or proactive contribution to peace ideal, the Japanese peacekeepers were appreciated by an orphanage in Juba and were highly praised by the President of Juba University for contribution to peacebuilding operations and cultural exchange with the local

people through the Sports for Peace and Nebuta Festival in March 2017.⁷⁵ In this context, Defense Minister Tomomi Inada ordered that the SDF would be withdrawn from South Sudan by the end of May 2017.⁷⁶ The Japanese peacekeepers completed withdrawal from South Sudan, and safely returned to Aomori Airport on 27 May 2017.⁷⁷

Since the *kaketsuke-keigo* mission was added in the end of 2016 and was terminated by the end of May 2017, evidence of the implication of the Peace and Security Legislation to Japan's peace operations in South Sudan seems to be unclear so far, but Prime Minister Abe at least succeeded in implementing the legislation at a policy level to UN PKO even for a short period. Still, Japan's commitment to UNMISS amounted to more than five years, and the engineering activities in South Sudan were the longest ever in the history of Japan's peacekeeping cooperation, with those in Cambodia lasting for about a year, in East Timor for two years and three months, and in Haiti for about three years, as Fig. 7.1.⁷⁸

Moreover, Japan's contribution to road repairs in South Sudan was twice as large as in Cambodia, and Japan's contribution to building construction in South Sudan was four times larger than in Haiti.⁷⁹ In response to Japan's decision to withdraw the SDF from UNMISS, President Kiir

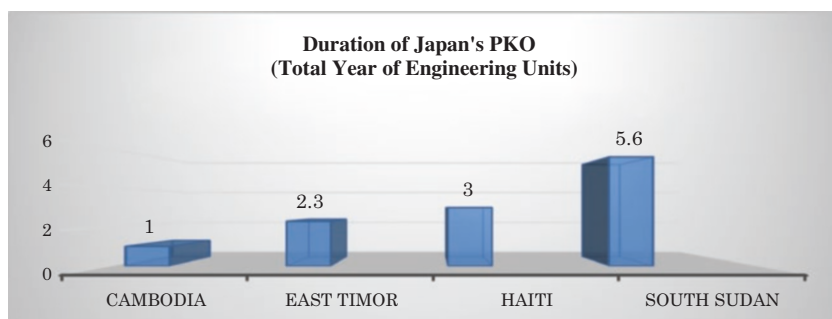


Fig. 7.1 Comparison of duration of Japan's peacekeeping operations (engineering units) (Note: Created by the author based on Secretariat of the International Peace Cooperation Headquarters: Secretariat of the International Peace Cooperation Headquarters. 10 June 2017. 'Wagakuni no Kokusai Heiwa Kyoryoku Gyomu no Gyoseki (Japan's Contribution to International Peace Cooperation Operations)'. http://www.pko.go.jp/pko_j/info/other/pdf/data03.pdf (accessed 30 June 2017))

expressed his personal gratitude toward Prime Minister Abe and the Japanese government for the contribution to nation-building in South Sudan through ODA and PKO.⁸⁰ Therefore, although the Abe government eventually withdrew the SDF from UNMISS, the contribution to PKO for South Sudan under the policy of proactive contribution to peace can be considered to be measurable and meaningful.

CONCLUSION

This chapter has examined Japan's commitment to international PKO in UNMISS in terms of the dilemmas of the UN, the Japanese government, and Japanese peacekeepers who were responding to the changing security situation in South Sudan. Through the analysis of three perspectives, international, national, and individual, it has been confirmed that the UN, the Japanese government, and Japanese peacekeepers have respectively been confronted with dilemmas related to PKO, including the POC mandate in UNMISS.

Internationally, it has been revealed that UN peace missions are not necessarily effective in the maintenance of solid ceasefires in post-conflict peace operations. In the case of South Sudan, the fighting parties are not only countries but also different ethnic groups. In this situation, the international community did not recognize the military clashes in South Sudan as a violation of ceasefire. This is why the UN Security Council did not withdraw UN peacekeepers from South Sudan, even after sporadic but serious military clashes. In this context, the UN peacekeepers failed to protect civilians and humanitarian aid workers in Juba in July 2016. Although the UNSC decided to increase the number of peacekeepers to strengthen UNMISS, the POC mission still remains a difficult and challenging military operation. It has become clear that the POC mission authorized with the use of force is the international dilemma of UN PKO, which is supposed to be conducted under ceasefire conditions.

Domestically, the Abe government added a new mission, *kaketsuke-keigo*, to the SDF, in spite of military clashes and the worsening security situation in South Sudan. The new mission was suspected as being unconstitutional in terms of Article 9 of the Japanese Constitution, but it was legitimized by the enactment of the 2015 Peace and Security Legislation. The Japanese peacekeepers became legally capable of rescuing civilians, especially the staff of international organizations and NGOs, during the UNMISS operation. Still, the Abe government decided not to conduct missions to rescue peacekeeping soldiers from other countries, although it

was legally feasible under the Peace and Security Legislation. This is the national dilemma of the Japanese government, which is restrained by the peace clause of the Constitution and the UN PKO mandate, which includes the use of force as part of the POC mission.

From an individual perspective, there was an obvious dilemma for Japanese peacekeepers who were conducting the new mission, *kaketsuke-keigo*, in the UNMISS operation. Personal dilemmas recorded in on-site reports by the Japanese peacekeepers in South Sudan have been scrutinized, and it has turned out that those who provided official statements did not report that the security situation in South Sudan, especially in Juba, was dangerous. Yet they reported that PKO activities in the country were difficult, stressful, and even traumatic in various ways. The new mission could have increased the risk to the Japanese peacekeepers, and might have led to a nightmare scenario where they needed to direct fire against other people or be shot themselves. This is the individual dilemma regarding self-defense measures during PKO.

Therefore, it would be significant if the UN, the Japanese government, and Japanese peacekeepers were to overcome these dilemmas related to international PKO in the future. In particular, it is imperative for the UN to strengthen peacekeeping forces so that there exist a ceasefire and a peace to maintain. The Japanese government needs to explain the necessity of the *kaketsuke-keigo* mission as part of its POC mandate in UN PKO. In addition, proper military training and special mental treatment for Japanese peacekeepers should be implemented. Despite these three dilemmas, the Japanese peacekeepers have contributed to human security and engineering peace in South Sudan, and the Japanese government will need to continue its commitments to the nation-building of South Sudan under the policy of proactive contribution to peace.

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The Abe Doctrine: Emergence of Japan's New Grand Strategy

Abstract This chapter seeks to examine the policy components of the Abe Doctrine as an emerging Japanese grand strategy. It confirms the changing security environment surrounding Japan by paying attention to three neighboring countries, Russia, China, and North Korea, as potential and manifest threats to the peace and security of Japan. Then there is an analysis of the five strategic levels of the Abe Doctrine, and a hierarchical image of the strategic levels is visualized as Japan's strategy pyramid. In addition to the security strategy of the Abe Doctrine, this chapter also examines the foreign and economic strategy of the Abe Doctrine by shedding light on Prime Minister Abe's strategy toward the Trans-Pacific Partnership. The chapter finally considers if the Abe Doctrine is identifiable in the study of Japanese politics, concluding that whether the doctrine is to be politically sustainable and widespread or not is still uncertain.

Keywords Abe Doctrine • Five levels of strategy • Grand strategy • Security environment surrounding Japan • Strategy pyramid

INTRODUCTION

So far, this book has examined the domestic, bilateral, and international implications of Prime Minister Abe's proactive contribution to peace for the enactment of the Peace and Security Legislation, Japan's Ballistic Missile Defense (BMD) policy, the Japan–US military alliance, and Japan's

policy toward international peacekeeping operations (PKO) in South Sudan. In a sense, the previous chapters are examinations of Prime Minister Abe's foreign and security policy in terms of domestic, bilateral, and international perspectives. They indicate that the prime minister's strategy is consistently based on the proactive contribution to peace policy. What then are the policy implications of the prime minister's proactive pacifism policy in light of Japan's grand strategy?

This chapter investigates the strategic implication of Prime Minister Abe's foreign and security policy based on the proactive contribution to peace in the changing security environment. More specifically, it seeks to identify the emerging structure of Japan's grand strategy under the Abe administration. Is it politically and academically possible to recognize the existence of the Abe Doctrine as Japan's new grand strategy? Although there are some publications regarding the grand strategy of Prime Minister Abe, the term Abe Doctrine has not been widespread in Japanese society or the political arena yet, and the concept seems to be politically variable and elusive. Therefore, it is important to visualize its strategic components.

In order to address the issue, this chapter attempts to investigate the concept of the Abe Doctrine as an emerging Japanese grand strategy. Next, it confirms the changing security environment surrounding Japan by paying attention to three neighboring countries, Russia, China, and North Korea, as potential military and strategic threats to the peace and security of Japan. Then an analysis is provided of the five strategic levels of the Abe Doctrine and a hierarchical image of strategic levels is visualized: Japan's strategy pyramid. In addition to the security strategy of the Abe Doctrine, this chapter examines the foreign and economic strategy of the Abe Doctrine by shedding light on Prime Minister Abe's policy toward the Trans-Pacific Partnership (TPP). The conclusion is drawn that the Abe Doctrine is identifiable in Japanese politics, but whether the doctrine is sustainable or not is still uncertain.

THE ABE DOCTRINE: EMERGENCE OF JAPAN'S NEW GRAND STRATEGY?

The general understanding is that the Abe Doctrine signifies the five principles of Japanese diplomacy that were proposed by Prime Minister Abe in an official document, 'The Bounty of the Open Seas: Five New Principles

for Japanese Diplomacy', expressed on 13 January 2013 in Jakarta, Indonesia.¹ These are protection of freedom of thought, expression, and speech, rule of law rather than rule of might, free, open, and interconnected economies, fruitful intercultural ties, and promotion of youth exchange in the region.² This Abe Doctrine values the Japan–Association of Southeast Asian Nations (ASEAN) relations, includes opposition to the rise of Chinese power, and could be regarded as counter-productive diplomatic doctrine, as some analysts warn.³ Indeed, the second principle of the doctrine is a counter-measure against 'China's assertive maritime activities' and might affect Japan–China relations adversely.⁴ Moreover, some analysts have observed that the Abe Doctrine should transcend the Fukuda Doctrine by strengthening Japan–ASEAN relations and securing strategically important Sea Lines of Communication (SLOC) in Southeast Asia.⁵ Still, the prime minister's five principles are limited to the field of Japanese diplomacy, and cannot be regarded as a grand strategy.

Meanwhile, though, Christopher Hughes has described the foreign and security policy of Prime Minister Abe, such as the establishment of the National Security Council (NSC), the formulation of the National Security Strategy (NSS), and the enactment of the Peace and Security Legislation, as possibly being Japan's 'grand strategy'.⁶ According to Hughes, the ideological drivers of the Abe Doctrine are termination of the post-war regime, restoration of great power status, historical revisionism, and patriotic education.⁷ Nonetheless, it has been argued that the Abe Doctrine 'has a strong probability of ultimate failure' on account of 'problems in execution and conception', and would aggravate tensions with neighboring countries in the East Asian region.⁸ Likewise, some journalists and scholars have described the Abe Doctrine as 'a radical departure' or 'a strategic shift away' from the Yoshida Doctrine, which prioritized economic recovery over military normalization.⁹

In addition, Hugo Dobson investigated elements of the Abe Doctrine as being relevant to the restoration of Japan's great power status, a termination of the post-war regime, historical revisionism, and the revitalization of the Japanese economy.¹⁰ Dobson observed that 'Japan's behavior in global governance may be more consistent, strategic even, as a result of pursuing the Abe Doctrine'.¹¹ He also commented that 'jettisoning any internationalist normative impulse, vision of global governance, or sense of global leadership in favor of a narrow focus on national interest runs the risk of unintended, opposite outcomes'.¹²

In retrospect, it may be seen that Prime Minister Yoshida himself did not set forth the idea of the Yoshida Doctrine as Japan's foreign and security policy or as the country's grand strategy in the post-war period, but the concept was eventually shared by analysts of Japanese politics.¹³ Similarly, Prime Minister Abe has not announced the Abe Doctrine as Japan's grand strategy in the twenty-first century. A clear difference between the Yoshida Doctrine and the Abe Doctrine lies in the fact that whereas the former preferred to take advantage of Article 9 of the Japanese Constitution as a perfect justification against US pressure to remilitarize Japan, the latter evidently wishes to revise the current Constitution in order for the country to possess a formal military power.¹⁴ Indeed, constitutional revision is one of Abe's political goals.¹⁵ In addition, it should be remembered that his grandfather Kishi strongly argued that the Japanese Constitution should be revised in the future.¹⁶ Even before constitutional revision, scholars and journalists have already described his foreign and security policy as the Abe Doctrine, and it is likely that the proactive contribution to peace policy will be regarded as the essential concept of the Abe Doctrine that intends the normalization of Japan's military capability, as opposed to the Yoshida Doctrine which valued the minimum necessary defense capability. If Abe succeeds in constitutional revision, the Abe Doctrine will be established as a solid Japanese grand strategy and a legacy of the prime minister.

CHANGING INTERNATIONAL SECURITY ENVIRONMENT SURROUNDING JAPAN

Why did Prime Minister Abe propose a proactive contribution to peace strategy as a core concept in the NSS? The principal reason lies in the fact that the security environment surrounding Japan has become more and more adverse in the post-Cold War world.¹⁷ From a geopolitical viewpoint, the main threats to the peace and security of Japan are three nuclear-armed states, namely Russia, China, and North Korea.

First, the military threat of the Soviet Union had disappeared by the end of the Cold War, but Japan and Russia have yet to conclude a Peace Treaty and there have been territorial disputes between the two countries. Even after the end of the Cold War, Russia still remains a nuclear power and adopts an expansionist policy: it invaded Georgia in 2008 and Ukraine in 2014, expanding its anti-access/area-denial (A2/AD) sphere. Although

Russia does not have areas of serious military tension in East Asia, the country strengthened its A2/AD capabilities in the region, and it poses a military threat to Japan.¹⁸ In fact, Russian military aircrafts have frequently entered Japan's Air Defense Identification Zone (ADIZ) and the Japanese Air Self-Defense Force (ASDF) fighters needed to conduct emergency flights or scrambles on 301 occasions during the fiscal year 2016.¹⁹

Second, China has strengthened and modernized its military power commensurate with its economic power. In comparison with Russia, the number of nuclear warheads that China maintains is smaller, but it has developed and possesses aircraft carriers and stealth fighters. Recently, it has been noted that China has unreasonably increased pressure on Japan in the East China Sea and claimed its territorial rights over the South China Sea.²⁰ In the East China Sea, Chinese official vessels have entered the waters surrounding the Senkaku Islands many times, as shown in Fig. 8.1.²¹

According to the Japan Coast Guard (JCG), Chinese official vessels increased their entries into the contiguous zone and the Japanese territorial sea around the Senkaku Islands after a Chinese fishing boat collided with JCG patrol vessels on 7 September 2010. Their presence became even more frequent after the Japanese government decided on the nationalization of the Senkaku Islands on 11 September 2012.²² In the South China Sea, China created an artificial island despite the fact that this is unlawful in terms of international law. In response, the USA has conducted Freedom of Navigation operations as a measure against the increasing number of unlawful activities by the Chinese.²³

The number of scrambles conducted by the ASDF has been increasing year by year as shown in Fig. 8.2. In the fiscal year 2016, the ASDF conducted scramble flights against Chinese aircrafts 851 times, about 76 % of the total number, and against Russian aircrafts 301 times, some 26 % of the total number. The ASDF also conducted scramble flights eight times against Taiwan, and eight times against other countries. In total, the ASDF conducted scrambles on 1,168 occasions during the fiscal year.²⁴

As demonstrated in Fig. 8.2, there were 141 scrambles in the fiscal year 2004, showing that the total number of scrambles in 2017 was eight times greater than in 2004. Moreover, the number of scrambles in fiscal year 2016 (1,168) is larger than the highest number of scrambles during the Cold War era (944 in fiscal year 1984) indicating the aggravation of the security environment surrounding Japan in the post-Cold War period.²⁵ These figures simply represent the fact that the security environment surrounding Japan has been getting more and more difficult.

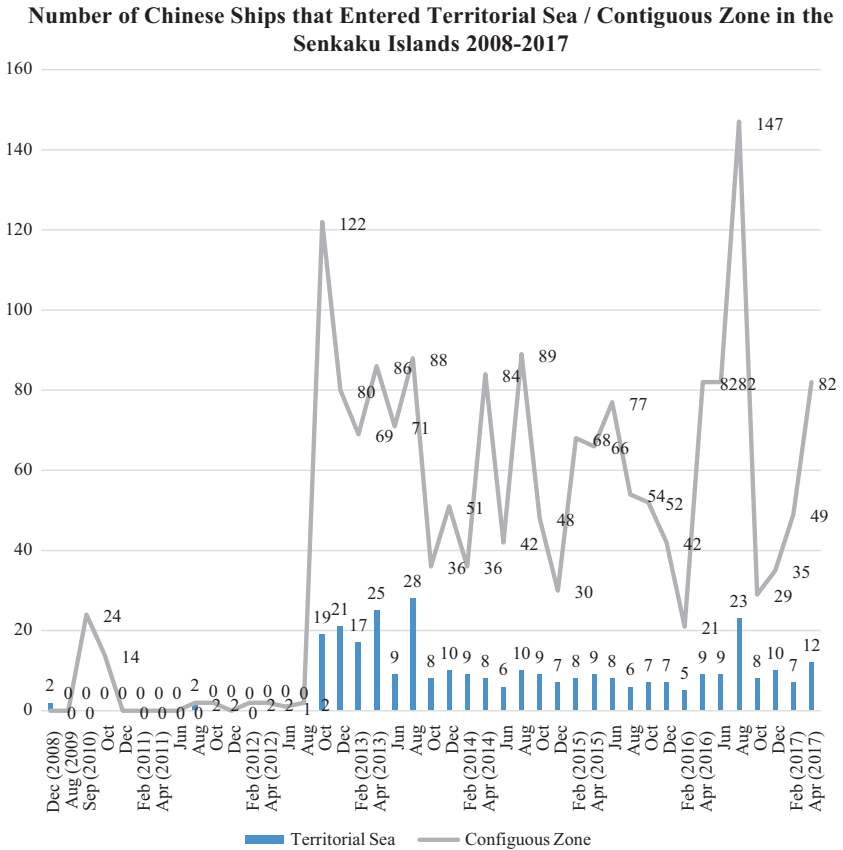


Fig. 8.1 Chinese vessels identified within the contiguous zone/territorial sea in Senkaku Islands (Note: Data by the JCG and the MOFA expressed in 2017 modified by the author (JCG. 2017. ‘Trends in Chinese Government and Other Vessels in the Waters Surrounding the Senkaku Islands, and Japan’s Response’. (English version is available at Ministry of Foreign Affairs, Japan). http://www.mofa.go.jp/region/page23e_000021.html, <http://www.kaiho.mlit.go.jp/mission/senkaku/senkaku.html> (accessed 11 July 2017).))

Third, North Korea has threatened the peace and security of Japan in the post-Cold War world. North Korea declared to withdraw from the Nuclear Non-Proliferation Treaty (NPT) in 1993 and from the International Atomic Energy Agency in 1994. In 1998, North Korea

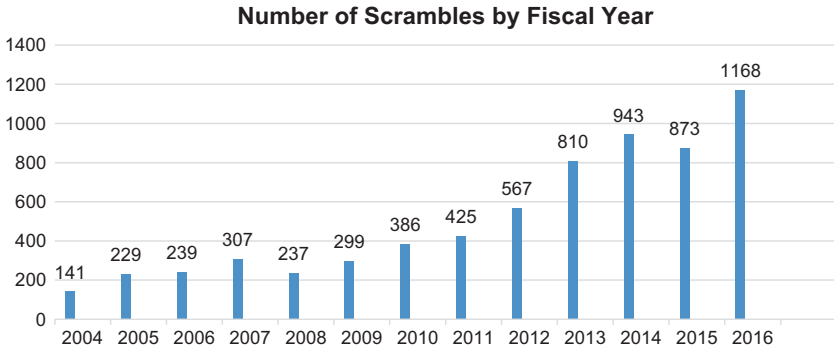


Fig. 8.2 The number of scrambles by the ASDF 2004–2016 (fiscal year). Note: Data from the Joint Staff Press Release edited by the author (Ibid, pp. 1–3.)

launched a ballistic missile, Taepodong-1, which flew over the Tsugaru Strait of Aomori Prefecture. In response, the Clinton administration considered a limited military operation to destroy North Korea's nuclear facilities, but decided not to take any military action.²⁶ As a consequence, North Korea declared its possession of nuclear weapons in February 2005, and tested its first nuclear bomb in October 2006—as examined in Chap. 5.

Currently, North Korea possesses Scud missiles that target South Korea, Nodong that target Japan, Musudan that could attack Guam, and continues to develop Taepodong-2, KN-08, and KN-14 as Inter-Continental Ballistic Missiles (ICBM) that could reach the mainland of the USA. On 3 September 2017, North Korea conducted its sixth nuclear explosion test and insisted that it had succeeded in a hydrogen bomb test.²⁷ It also succeeded in a test flight of a Submarine Launched Ballistic Missile (SLBM) and in the so-called lofted trajectory launch. At present, hundreds of North Korean Nodong missiles are capable of attacking Japan, and it is technically difficult for Japan to intercept simultaneous and multiple ballistic missile attacks.

According to the Stockholm International Peace Research Institute (SIPRI), North Korea has already developed some 20 nuclear warheads that are real threats to the peace and security of Japan. Needless to say, Russia still possesses approximately 7,000 nuclear warheads and China maintains about 270.²⁸ In other words, Japan is surrounded by states that between them possess 7,290 nuclear warheads. The military threats of Russia, China, and North Korea to the peace and security of Japan are identifiable and measurable.

THE FIVE LEVELS OF JAPAN'S SECURITY STRATEGY IN THE ABE DOCTRINE

In this strategic context, Prime Minister Abe has upgraded Japan's foreign and security policy, based on the proactive contribution to peace policy. Nonetheless, Japan's grand strategy seems to have been vague in the post-Cold War period, and this continues to be the case during the Abe administration. This could be one of the reasons why Michael Green used to ask, 'Does Japan has a grand strategy? Is Japan capable of grand strategy?'²⁹ In earlier research, it was argued that 9/11 terrorist attacks in the USA were a turning point in Japan's security strategy in the Cold War period,³⁰ although the strategy was influenced by Japanese public opinion.³¹

With regard to Japan's grand strategy under the Abe administration, Michael Green analyzed the strategy in terms of internal balancing (military normalization) and external balancing (enhancement of the bilateral alliance and alignment system).³² Likewise, Thomas Wilkins examined an emerging grand strategy in the post-9/11 period in terms of internal strategies, which can be identified in the *Defense White Paper* and the National Defense Program Guidelines (NDPG), and external strategies, such as the Japan–USA alliance, strategic partnerships, and regional organizations.³³ Wilkins, moreover, observed Japan's new grand strategy from the Abe administration, and concluded that the Abe Doctrine is not radical or revolutionary, but more of a continuous trend in Japanese foreign and security policy.³⁴

In an attempt to clarify and visualize Japan's grand strategy while building on earlier studies, this chapter seeks to anatomize each component of Japan's strategic levels. A notable strategist, Edward Luttwak, proposed five levels of strategy in his book *Strategy: The Logic of War and Peace*. They are: grand strategy, theater strategy, operational, tactical, and technical.³⁵ These seem to overlap each other to a certain extent, and 'the boundaries of grand strategy' in international politics are 'very wide'.³⁶ Japan's grand strategy encapsulates internal and external strategies, as Wilkins observed.³⁷ At the same time, strategic levels can be horizontal or vertical.³⁸ Still, the SDF is not an official Japanese Army, and the Abe government has not proposed an official military strategies as Luttwak commented. For this reason, modified application of the five strategic levels can be a useful research tool in an analysis of Japan's grand strategy in terms of the Abe Doctrine.

First, at a grand strategy level, Prime Minister Abe expressed his state vision as a 'beautiful country' and 'new country' in his books, and established the NSC and formulated the NSS in December 2013.³⁹ The NSS is Japan's first-ever grand strategy since the Basic Policy for National Defense of 1957.⁴⁰ According to the NSS, Japan as a pacifist nation decided to make a more proactive contribution to international peace and security based on the concepts of international cooperation and proactive contribution to peace as fundamental ideals. In this sense, Prime Minister Abe's proactive contribution to peace concept is a central policy concept of the Abe Doctrine as Japan's new grand strategy.

Based on the NSS, the Japanese government shall formulate the NDPG as a fundamental defense policy for ten years as well as the Medium Term Defense Program to decide on defense expenditure and the concrete equipment of the SDF for five years. Needless to say, Japan's security strategy was influenced by President Barack Obama's rebalance strategy.⁴¹ It is also dependent upon the grand strategy of the USA, especially President Donald Trump's Peace through Strength based on the America First policy.⁴²

Not only the NSS, but also the NDPG should be taken into consideration in examining the strategic implication of the Abe Doctrine. In retrospect, the Japanese government set forth a Basic Policy for National Defense as a security strategy in 1957. From 1968 to 1976, the First to Fourth Defense Programs (multi-year government plans) were outlined. After that, the Japanese government formulated the NDPG in 1976, 1995, 2004, 2010, and 2013. In 1976, the Japanese government set forth the NDPG in the middle of the *détente* period of the Cold War. In the 1976 NDPG, the concept of Basic Defense Force was set forth as a fundamental role of the SDF. The purpose of this was to develop the minimum necessary defense capability to protect Japan and so as not to become a security vacuum in the area.⁴³

In the post-Cold War period, the threat of the Soviet Union disappeared, but the Gulf War broke out, and there remained uncertainty and instability in Asia, examples being the Korean Peninsula and the Taiwan Strait in the 1990s. In the meantime, the Japanese government enacted the International Peace Cooperation Law (or the PKO Law) and dispatched the SDF to Cambodia in 1992. In this context, the Japanese government formulated the NDPG in 1995. This maintained the concept of a Basic Defense Force as the security policy for national defense, but emphasized the importance of measures against large-scale natural disasters and a contribution to a better international security environment at the same time.⁴⁴

In the post-9/11 period, the Japanese government was faced with new threats, such as international terrorism, the ballistic missiles and nuclear development program of North Korea, and the proliferation of weapons of mass destruction. In response to the 9/11 terrorist attacks and the following US-led War on Terror, the Japanese government enacted the Special Measures Legislation to dispatch the SDF to the Indian Ocean for oil replenishment activities and to Iraq for post-war reconstruction and humanitarian assistance. In a context where the peace of the international community was linked to that of Japan, the NDPG was formulated in 2004. The purpose of this was to develop a multifunctional, flexible, effective defense force and to contribute to international peace and security. The 2004 NDPG was, moreover, consistent with the introduction of Japan's ballistic missile defense system.⁴⁵

In 2010, the Japanese government formulated the NDPG in response to the shift in the balance of global power and the changing security environment surrounding Japan. In particular, China became an economic superpower and modernized its military power, and the so-called gray-zone situations over territorial disputes in the East China Sea increased. In order to deal with these situations, the 2010 NDPG set out the concept of a Dynamic Defense Force that valued active deterrence rather than passive deterrence in gray-zone situations.⁴⁶

In 2013, the Abe government established the NSC, adopted the NSS, and formulated the NDPG in response to the changing security environment surrounding Japan as well as the so-called rebalance strategy of the USA. The 2013 NDPG set out the concept of a Dynamic Joint Defense Force in order to deal with prolonged gray-zone situations that involved territorial issues and maritime economic interests. The 2013 NDPG was formulated to deal with the military threat of North Korea, international terrorism, security issues in outer space and cyberspace. The Dynamic Joint Defense Force of the SDF was designed to prevent international conflicts and to adapt to the changing security environment surrounding Japan based on the policy of proactive contribution to peace proposed in the NSS. Based on the NSS and the 2013 NDPG, the Abe government upgraded its security related laws as the Peace and Security Legislation that constitutionalizes the exercise of the right to collective self-defense.⁴⁷ Thus the NSS and the NDPG based on the proactive contribution to peace policy created during the Abe administration are basic components of the prime minister's grand strategy for a new and beautiful country based on the Abe Doctrine.

As a theater level strategy, Prime Minister Abe proposed the so-called Security Diamond Strategy for Japan, the USA, Australia, and India.⁴⁸ The prime minister believed that it was strategically important for Japan's national interests to cooperate with these democratic countries in the Asia Pacific.⁴⁹ This could be regarded as a regional strategy for the Asia Pacific area, where a diamond-shaped zone falls between Japan, the USA (Hawaii), Australia, and India.⁵⁰ Abe also made a speech, entitled 'Free and Open Indo-Pacific Strategy', during the TICAD VI conference. The strategy is that Japan will make proactive contributions to the peace and prosperity of African countries, the Asian and African continents, and the Indian and Pacific oceans.⁵¹ The Free and Open Indo-Pacific Strategy is a Japanese diplomatic strategy in principle, but is consistent with the Security Diamond Strategy in its strategic nature.⁵²

Third, as an operational level strategy, the Abe government has conducted military drills for cooperative operations with the US Forces. Japan, the USA, and South Korea conducted a joint military drill as a cooperative missile defense operation, Pacific Dragon 2016, in the waters off Hawaii on 28 June 2016.⁵³ The SDF participated in a joint military drill with the US Forces: Iron Fist was a joint operation to defend remote islands.⁵⁴ It also joined the US–Australia military drill Talisman Sabre in order to enhance defense cooperation on an operational level.⁵⁵ In addition, on 10 July 2017 Japan participated in a joint naval exercise with India and the USA, Malabar, in order to strengthen their anti-submarine operation.⁵⁶ To be sure, Japan's operational training in Iron Fist, Talisman Sabre, and Malabar will contribute to the operational alignment of the Security Diamond Strategy. Moreover, the Abe government has normalized Japan's military capability in international peace operations by adding the *kaketsuke-keigo* mission to rescue non-governmental organization (NGO) staff and civilians in South Sudan as discussed in Chap. 7. The new PKO mission in this sense has strategic implications at policy and operational levels.

Fourth, on the tactical level, the Abe government has attempted to improve the tactics of the SDF through military drills, as argued above. Specifically, Japan, the USA, and South Korea conducted a joint military drill for cooperative missile defense as a measure against North Korea's missile launches. In the drill, Aegis destroyers of the three countries cooperatively detected and traced imaginary missiles and shared the information via a tactical data link.⁵⁷ Moreover, Japan decided to cooperate with South Korea in terms of military information and the sharing of tactical data based on the

so-called Japan–Korea General Security of Military Information Agreement (GSOMIA).⁵⁸ Recently, the Liberal Democratic Party (LDP) suggested that the Japanese government should consider to adopt the so-called enemy basis strike capability, such as Tomahawks, in order to complement Japan’s ballistic missile defense system within the policy and legal framework of the current Japanese Constitution, that is, the exclusively defense-oriented policy (*senshu boei*) and Article 9.⁵⁹

Fifth, on the technical level of strategy, the Abe administration created the ‘Three Principles on Transfer of Defense Equipment and Technology’, so that Japan can export its defense equipment and exchange military technology for the purpose of the defense of Japan, the Japan–USA alliance, and international peace and security.⁶⁰ By these ‘Three Principles’, Japan will be able to enhance the technical and technological level of its military strategy. In addition, Japan and the USA have cooperated on a technological level in the cooperative development of an enhanced missile defense system. As examined in Chap. 5, both countries have the improved Standard Missile of Aegis BMD system and created SM3 Block IIA. Furthermore, the Abe government has considered acquiring the Aegis Ashore System and has attempted to strengthen its space development and artificial satellite launch technology, which will contribute to the development of Japan’s security strategy on a technical level.

As an analytical framework, a structure of strategic levels can be illustrated as a ‘strategy pyramid’ or hierarchy of strategy. In an application of the analytical framework, the Abe Doctrine’s five levels of security strategy can be visualized as shown in Fig. 8.3.

In combination with the earlier research, it is possible to depict the strategic components of the Abe Doctrine as a strategy pyramid. Notably, the data and analyses in the previous chapters indicate that the Abe Doctrine is composed of a series of security and defense policies, especially the proactive contribution to peace policy, Japan’s BMD system based on the Peace and Security Legislation, the 2015 Defense Guidelines based on the Japan–USA military alliance, and Japan’s proactive contribution to international peace and security through its participation in UN PKO. All the examples in the case studies are consistent with the components of the security pyramid illustrated here.

Accordingly, from a strategic perspective, the Abe government has made endeavors to strengthen every level of strategy as Japan’s security and foreign policy, which has emerged and been recognized as the Abe Doctrine. The examination of Japan’s strategic levels as security and

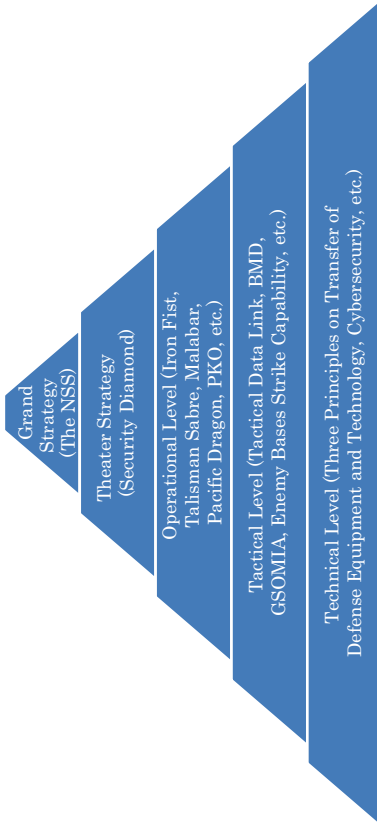


Fig. 8.3 The 'strategy pyramid' of the Abe Doctrine. Note: Created by the author based on earlier research (Luttwak 1987. *Strategy: The Logic of War and Peace*; Andaleeb, Syed Saad, and David M. Gardner 1987. 'The Strategy Pyramid: A Framework for Strategic Analysis for Facilitating Market Transactions for Low Income Economies,' Faculty Working Paper No. 1415. University of Illinois, p. 10. <https://www.ideals.illinois.edu/bitstream/handle/2142/28793/strategypra-midf1415anda.pdf> (accessed 31 July 2017); Okuyama, Shinji. 2012-2013. 'Senryaku no Kaiso (The Hierarchy of Strategy)'. <http://www.realist.jp/strata.html> (accessed 31 July 2017).)

military policy is of importance, yet it is also necessary to take foreign and economic policy into consideration. In particular, Japan's TPP policy has been promoted by the Abe administration and could be a strategic component of the Abe Doctrine as Japan's new grand strategy.

THE ABE DOCTRINE AND ITS STRATEGIC IMPLICATION FOR THE TPP

From a Japanese strategic perspective, Prime Minister Abe's policy toward the TPP Agreement needs to be examined as part of the foreign and economic strategy of the Abe Doctrine. In addition to Prime Minister Abe's security strategy examined above, the prime minister's TPP policy can be considered to be strategically significant. For instance, Matthew Goodman of the Center for Strategic and International Studies (CSIS) observed that 'Joining TPP is one of the key pillars of Japanese Prime Minister Shinzo Abe's strategy to revitalize the Japanese economy', and described his economic policy 'Abenomics'.⁶¹ In fact, the 2013 NSS emphasized the strategic importance of the TPP as foreign and economic policy within the national security strategy.⁶²

From a US strategic perspective, the TPP was regarded as strategically important for the Japan–USA alliance in terms of bilateral economic cooperation as well as US leadership in the Asia Pacific region.⁶³ In addition, Christopher Hughes stated that 'Abe has sought to buttress US–Japan relations through committing Japan to negotiations for the Trans-Pacific Partnership', which could contribute to the 'third arrow' of Abenomics, those three arrows being massive quantitative easing, fiscal stimulus, and economic restructuring.⁶⁴

A prototype of the TPP had an explicit strategic implication and was named the Trans-Pacific Strategic Economic Partnership Agreement. The LDP was not supportive of Japan's entry into the TPP negotiations at first, but Prime Minister Abe decided to participate in the negotiations after he officially visited the USA to meet President Obama in February 2013. According to the prime minister, the US President took into consideration bilateral trade sensitivities, such as certain agricultural products for Japan and certain manufactured products for the USA. Obama promised Abe that the USA would not force Japan to eliminate all tariffs as part of the TPP negotiations. For this reason, Prime Minister Abe finally made a decision that Japan should join the TPP negotiations.⁶⁵

In this context, on 15 March 2013, Prime Minister Abe made an official announcement to this effect. In his speech, he described the TPP as ‘the opening of the Asia Pacific Century’ and emphasized that the TPP was an important first step toward a wider regional free trade framework.⁶⁶ Indeed, with Japan’s entry, the TPP negotiation countries amounted to nearly 40 % of global gross domestic product.⁶⁷ During Japan’s participation in the negotiations, the Abe government successfully protected the so-called ‘five criteria’, rice, wheat, pork and beef, dairy, and sugar, which are vital for Japan’s national interests, and the TPP was officially signed by 12 participants in Auckland, New Zealand, on 4 February 2016.

Strategically, it is natural for Prime Minister Abe to strengthen Japan–USA relations, because Japan structurally depends on the military power of the USA on the basis of the Japan–USA alliance. The prime minister ‘hailed the conclusion of the TPP as a success that would bring great benefit to the Japanese economy’, but the agreement was also conditioned by ‘American purpose’.⁶⁸ In this respect, the prime minister might have expected that Japan’s economic cooperation with the USA in the TPP negotiations would enhance the functionality of the Japan–USA alliance.

Given the bilateral alliance, it is logical to recognize that the TPP contains strategic implications for Japan–USA relations. For example, Kazuya Sakamoto argued that the TPP is consistent with the bilateral political values and economic collaboration based on the Japan–US Security Treaty.⁶⁹ Moreover, Shotaro Yachi contended that military and security aspects of the TPP are consistent with the purpose of the Japan–US military alliance, and pointed out that the TPP could eventually contribute to the maintenance of the balance of power in the Asia Pacific region.⁷⁰

Likewise, Thomas Kato observed strategic aspects of the TPP and argued that Japan’s TPP policy is congruent with Prime Minister Abe’s strategy regarding the right to collective self-defense, which would help to strengthen Japan–USA relations. Kato moreover argued that strategic connotation of the TPP can be seen in the fact that Japan has participated in the Rim of the Pacific Exercise (RIMPAC) composed of the military forces of the TPP participants.⁷¹ In line with these strategic connotations, some researchers warned that China might regard the TPP as an economic containment policy.⁷² At any event, Japan’s TPP policy can be highly political and strategic in the Asia Pacific region where the so-called power transition could be in progress.⁷³

Meanwhile, Robert Manning argued that US policy on the TPP should be perceived as a counterbalancing strategy rather than a containment strategy against China.⁷⁴ Similarly, Kazuya Sakamoto observed that it

should not be regarded as a strategic containment policy against China just yet, because China could not be perceived as a real imminent threat to the USA at this stage.⁷⁵ Either way, the USA under the Bush and Obama administrations recognized that Japan's participation in the TPP amplified 'both the economic and strategic importance of the TPP' for the USA.⁷⁶ Thus it appears that the strategic implications of Japan's TPP policy are observable, and are embedded in Prime Minister Abe's foreign and economic strategy as well as in the Abe Doctrine.

CONCLUSION

This chapter has analyzed the emergence of the Abe Doctrine as Japan's new grand strategy that could replace the Yoshida Doctrine, which shaped the fundamental trajectory of post-war Japanese foreign and security policy. The Abe Doctrine was first examined by Christopher Hughes in a critical manner, and this chapter attempted to provide a rather neutral perspective and strategic analysis on the policy components of the Abe Doctrine.⁷⁷ The Abe Doctrine, based on the concept of proactive contribution to peace, was inevitably influenced by the changing security environment surrounding Japan, as reviewed in this chapter.

Russia still remains a regional nuclear power, and the ASDF conducted emergency flights on account of Russian aircraft 301 times during the fiscal year 2016. Chinese military capability has been rapidly modernized and upgraded, and the ASDF conducted scramble flights against Chinese aircrafts 851 times that year. Furthermore, North Korea succeeded in developing a variety of ballistic missiles, including ICBM and SLBM, and possibly in miniaturizing nuclear warheads. This is the political and strategic background of the recent emergence of the Abe Doctrine as Japan's new grand strategy.

In an attempt to investigate the Abe Doctrine, this chapter has employed the five levels of strategy: grand strategy, theater strategy, operational, tactical, and technical. Although these overlap to a certain degree and are interconnected in their characteristics, this chapter has provided multiple strategic levels for the Abe Doctrine. First, it was confirmed that the Abe Doctrine is based on the NSS and the policy of proactive contribution to peace, from a grand strategy perspective. Second, it was identified that the theater level strategy can be regarded as the Security Diamond Strategy proposed by the prime minister. On an operational level, the Abe government conducted joint military drills with the USA, Australia, India, and South Korea.

This chapter has also pointed out that Japan's new peacekeeping mission, *kaketsuke-keigo*, will be able to enhance the country's operational standards. It has been argued that joint military drills on an operational level contribute to the improvement of Japan's tactical level strategy. In addition, Japan's technical and technological level strategy has been strengthened by the 'Three Principles on Transfer of Defense Equipment and Technology' for the purpose of international peace and security, the Japan–USA alliance, and the defense of Japan. The analysis of the five strategic levels assisted in visualizing the strategy pyramid of the Abe Doctrine.

As well as the security strategy of the Abe Doctrine, this chapter has also discussed the strategic implication of Prime Minister Abe's foreign and economic policy toward the TPP as part of the Abe Doctrine. It has been confirmed that Japan's TPP policy is connected with the protection of domestic agricultural products and strategic implications in the Asia Pacific region. It has been observed that Japan's TPP policy under the Abe administration has been shaped based on its strategic significance as well as on the Abe Doctrine. In sum, it can be concluded that Prime Minister Abe's proactive contribution to peace policy is a core normative concept, and all these strategic levels are components of the Abe Doctrine that could be perceived as Japan's new grand strategy; yet whether the doctrine is to be widespread and accepted by the Japanese people as a new grand strategy might take more time, and could be dependent upon the sustainability of the doctrine itself amid changing Japanese politics and an uncertain international security environment.

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Conclusion

Abstract This book examines the implications of Prime Minister Abe's proactive contribution to peace (proactive pacifism) for the domestic, bilateral, and international security policies that are policy components of the Abe Doctrine. Is this proactive contribution to peace policy the prime minister's ultimate ideal and real political goal? There is a Japanese proverb that states 'a clever hawk hides its claws', which means 'still waters run deep', and the same could be true of the prime minister's statecraft. Abe is known as a conservative and hawkish politician, but he has taken incremental actions toward Japanese military normalization through the establishment of the National Security Council, the creation of the National Security Strategy, and the enactment of the Peace and Security Legislation. Yet it can be argued that the Abe government will be confronted with a political dead end if the prime minister fails to manage constitutional revision. If he succeeds in revising the Japanese Constitution, the legacy of the Abe Doctrine will unalterably become Japan's grand strategy. In conclusion, this book identifies the emerging structure of the Abe Doctrine, based on the proactive contribution to peace ideal and leading toward a 'new country' with a new military capability; but the policy sustainability of the doctrine is subject to the support of the Japanese people.

Keywords Abe Doctrine • Collective self-defense • Constitutional revision • Proactive contribution to peace • Yoshida Doctrine

THE CONNOTATIONS OF THE PROACTIVE CONTRIBUTION TO PEACE IN THE ABE DOCTRINE

In the previous chapters, this book examines implications of Prime Minister Abe's proactive contribution to peace (proactive pacifism) for Japan's domestic, bilateral, and international security policies, which are policy components of the Abe Doctrine. Is this proactive contribution to peace policy the prime minister's ultimate ideal and real political goal? There is a Japanese proverb that states 'a clever hawk hides its claws', which means 'still waters run deep', and the same could be true of the prime minister's statecraft. Abe is known as a conservative and hawkish politician, but he has taken incremental actions toward Japanese military normalization through the establishment of the National Security Council (NSC), the creation of the National Security Strategy (NSS), and the enactment of the Peace and Security Legislation, rather than radical constitutional revision.

In a way, it is possible to interpret Abe's proactive contribution to peace policy as strategic rhetoric that hides his real intention and ultimate political goal, namely constitutional revision to establish a 'normal' military capability. For this reason, some may argue that the prime minister's proactive contribution to peace policy is political rhetoric as a public stance (*tatemaē*), and that Abe's real intention (*honne*) could be regarded as the establishment of a 'new country' with a great power status and a new and 'normal' military organization through a variety of legal and political reforms in Japanese security policy, and finally constitutional revision.¹

Having said that, the prime minister's proactive contribution to peace policy contains both elements of negative pacifism, based on the vow for non-war, and positive pacifism based on international cooperation, as examined in Chap. 2. The prime minister has upgraded Japan's security policy with a view to strengthening deterrents against threats in the changing security environment surrounding Japan, improving the stability of the Asia Pacific region through the reinvigoration of the Japan–USA alliance, and contributing to the peacekeeping operations (PKO) in South Sudan—as investigated in this book. In this sense, it can be perceived that the proactive contribution to peace concept as an essential policy norm of the Abe Doctrine has two sides, that is, political rhetoric (*tatemaē*) and strategic goals (*honne*) in Japanese politics.

THE LEGACY OF THE ABE DOCTRINE: ITS DOMESTIC, BILATERAL, AND GLOBAL IMPLICATIONS

Prime Minister Shigeru Yoshida successfully established the Self-Defense Forces (SDF) as a *fait accompli* under Article 9 of the Japanese Constitution, despite strong public opposition. In this respect, the establishment of the SDF could be considered to be a legacy of the Yoshida Doctrine. The leftist parties and constitutional scholars have criticized the SDF's existence as unconstitutional. Indeed, it is recognized as a military organization in the light of international law, but Prime Minister Yoshida explained that it should not be regarded as an official military force; and as a result of this most Japanese people finally came to accept the existence and constitutionality of the SDF. In other words, the legacy of the Yoshida Doctrine was not only Japan's economic recovery, but also an incremental military normalization without constitutional revision. Yet the Yoshida Doctrine differs from the Abe Doctrine in that the former formulated a minimum defense capability for Japan, whereas the latter desires complete normalization or possibly maximization of Japan's defense capability.

In a similar manner to the Yoshida Doctrine, which prioritized Japan's economic recovery over its remilitarization, the Abe administration initiated Abenomics as its economic policy, while promoting Japan's military normalization. Yet unlike Yoshida, Abe succeeded in 'restoring a responsible use of force' (collective self-defense), while pushing past Japan's 'wartime legacy', as observed by Marta Ross.² Through an examination of the 15 Cases, the Abe government conducted policy simulations regarding the defense of Japan and Japan's proactive contribution to international peace and security. Although opponents pointed out negative aspects of the scenarios, the 15 Cases were meaningful simulations that served as a prototype of the Peace and Security Legislation. With the enactment of this, the exercise of the right to collective self-defense became constitutionally permissible in a survival threatening situation. The exercise of this right had been unconstitutional throughout the post-war history of Japanese politics, and therefore the creation of the Peace and Security Legislation can be regarded as a remarkable political accomplishment and a legacy of the Abe Doctrine.

As examined in the case studies, it has come to light that Prime Minister Abe's proactive contribution to peace policy has domestic, bilateral, and global implications. Domestically, the prime minister established the NSC,

adopted the NSS, and enacted the Peace and Security Legislation, which enabled Japan to exercise the right to collective self-defense. In particular, the Abe administration considerably increased the defense budget in order to improve the country's Ballistic Missile Defense (BMD) system, so that it is able to exercise the right to collective self-defense and protect US Forces in a survival threatening situation. The upgrade of the BMD system based on the Peace and Security Legislation automatically signified the enhancement in functionality of the Japan–USA military alliance. Importantly, the Liberal Democratic Party (LDP) submitted a proposal to the Abe government regarding Japan's possession of enemy bases strike capability, to which the prime minister agreed—in order to supplement the BMD system.

From a bilateral strategic viewpoint, the improvement of Japan's BMD capability is strategically important, since it facilitates the country's military normalization, and eases its fear of abandonment at the same time, while the USA will be able to supplement its BMD capability against North Korea. Internationally, the Peace and Security Legislation, especially the revised PKO Law and the International Peace Support Law, could contribute to Japan's policy toward international peace operations and its role in the maintenance of international peace and security. The latter enables Japan to make a greater commitment to a collective security system based on the United Nations, and hence might be helpful in Japan's pursuit of a permanent seat on the United Nations Security Council. From the national, bilateral, and international aspects, the proactive contribution to peace policy has been an essential concept and effective rhetoric for the formation of Japan's new grand strategy based on the Abe Doctrine.

THE FATE OF THE ABE DOCTRINE: TOWARD A 'NEW COUNTRY' BY CONSTITUTIONAL REVISION?

The case studies in this book show that the Abe administration substantially upgraded its domestic, bilateral, and global strategic policies that make up the Abe Doctrine, based on the proactive contribution to peace. This research, furthermore, has identified the emergence of the Abe Doctrine, which could replace the Yoshida Doctrine as Japan's new grand strategy. In this sense, the Abe government has surely paved the way for Japanese foreign and security policy's new trajectory.

Regarding the future of the Abe Doctrine, Christopher Hughes has critically and rather pessimistically concluded that it will result in failure owing to the prime minister's contradictory ideologies, which could eventually lead to a dead end.³ It is impossible to foresee the future of the Abe Doctrine, yet the possible dead end scenario cannot be ruled out. Indeed, this book has paid attention to sharp criticism of the Peace and Security Legislation from opposition parties, constitutional scholars, and peace activists, who have raised issues that could be recognized as the political limitations of the Abe Doctrine.

It is beyond the scope of this book to explore the subject, but whether or not the Abe Doctrine remains sustainable could depend on how the prime minister facilitates constitutional revision.⁴ If the Abe government attempts to pursue this in a radical manner, which completely deletes Article 9, the prime minister will not be able to maintain a unifying force and may end up at a political dead end, as in the case of the Kishi government. This would be a nightmare scenario for the LDP–Komeito coalition government and might cause another political earthquake. Therefore, a clear difference between the conclusion of earlier research and that of this book is that the Abe government would be confronted with a political dead end if the prime minister fails to manage the Japanese constitutional revision debate.

With regard to the enactment of the Peace and Security Legislation, Craig Mark noted that Prime Minister Abe 'finally fulfilled the legacy of his grandfather Kishi in passing the bills, even at the cost of risking the LDP's political capital, in arousing public agitation against his government', and it can be observed that the prime minister might 'fulfill' the legacy of Prime Minister Kishi on account of constitutional revision.⁵ It would be an ironic coincidence if Abe repeats the political dead end that his grandfather faced in the past. Needless to say, Abe would not want to do this, and to sacrifice his political life. If Abe seeks less drastic constitutional revision, this will only add some necessary amendments to the Japanese Constitution, while preserving the current content of Article 9. Such constitutional revision could be acceptable for those who are skeptical about the prime minister's real intentions, including Komeito as LDP's coalition partner, which has been reluctant about constitutional revision in general, and particularly Article 9.⁶

At all events, constitutional revision should be supported not only by a two-thirds majority in the both Lower and Upper Houses, but also by the majority of Japanese voters. Therefore, the prime minister's statecraft as

well as the understanding of the Japanese people are essential for constitutional revision. If the prime minister succeeds in revising the current Japanese Constitution, the legacy of the Abe Doctrine will become unalterably Japan's grand strategy. In conclusion, it may be observed that this book has identified the emerging structure of the Abe Doctrine based on the proactive contribution to peace policy that leads toward a 'new country', but that the policy sustainability of the doctrine is subject to the Japanese constitutional revision debate, Abe's successors, and the support of the Japanese people.

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