

# FIIA 15/2014 COMMENT

Bart Gaens  
Senior Fellow  
The Finnish Institute of International Affairs

## Japan warms to collective self-defence > The constitutional reinterpretation is in line with other recent shifts in defence policy

The Japanese government has issued a reinterpretation of the constitution in order to allow Japan to exercise its right to collective self-defence. While seemingly of minor importance, the new procedure, together with other recent changes in defence policy, risks exacerbating the arms race in Asia in the longer term.

On 1 July 2014 the cabinet of Japan's Prime Minister Shinzō Abe formally decided to reinterpret the well-known 'pacifist' Article 9 of the Japanese Constitution in order to lift Japan's self-imposed ban on exercising the right to collective self-defence. In practice, this means that henceforth it will become much easier for Japan, under certain conditions, to come to the aid of foreign allied forces under attack, or defend friendly nations in the course of a UN mission.

The new policy has resulted in a renewed domestic debate between those who deplore the 'demise' of Article 9, which was recently nominated for the Nobel Peace Prize, and those who assert that no fundamental changes should be expected in the short term.

Three major forces are driving Tokyo's new policy line. First, for Abe, collective self-defence is crucial to 'ensure Japan's survival and protect its people' in the light of regional security threats from an assertive China and an unpredictable North Korea. It allows for enhanced cooperation with allies, primarily the US, but also significantly helps to bolster less formal alliances with countries such as India and Australia.

Furthermore, it also increases opportunities for cooperation with

NATO. In short, collective self-defence enables Abe to advance towards his envisaged 'Democratic Security Diamond', a diamond-shaped security alliance between Japan and the US, Australia, and India. In the past year, Japan has markedly stepped up security cooperation with the three other countries in terms of shared military technology, arms sales deals, and planned joint exercises.

A second important driving force is external pressure. The style, content and adoption process of Japan's 1946 constitution make it clear that the US played a major role in crafting the document, including its 'non-aggression' and 'non-military' provisions. Nevertheless, it is equally well known that ever since the early 1950s, the US has exerted strong pressure on Tokyo to expand its self-defence capabilities and assume a more active role. The creation of a National Police Reserve in 1950, the precursor of the Self-Defence Forces (SDF), was the result of US pressure, for example.

In more recent years the US has actively sought to enhance the alliance cooperation by allowing collective self-defence, for example in order to allow for the joint operation of Ballistic Missile Defence (BMD) systems. Accepting collective self-

defence is furthermore a necessary tool to revise the US-Japan Security Alliance guidelines for the first time in 17 years, scheduled for completion by the end of 2014.

A third driver is related to national identity and domestic politics. Japanese conservative parties have been attempting to revise the constitution since 1952, mainly based on the claim that foreign occupying forces imposed the text. The same idea relating to national identity underscores the current shift. Collective self-defence stands for more autonomy and equality in the alliance with the US, and a more self-reliant role in international missions, without the humiliating dependence on other nations for the security of Japanese forces.

For at least two reasons the reinterpretation, which will be followed by a legislative process in the Diet this autumn, is highly significant and may have weighty outcomes. First, the new interpretation further hollows out the constitution. A gap has always existed between policy practice and the constitutional text, which has not been amended in 67 years.

For example, the constitution renounces 'the threat or use of force as a means of settling international disputes', but Japan has recognized

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Finnish Institute of  
International Affairs

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Kruunuvuorenkatu 4

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POB 400

---

00161 Helsinki

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Telephone

---

+358 (0)9 432 7000

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Fax

---

+358 (0)9 432 7799

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[www.fiia.fi](http://www.fiia.fi)

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its sovereign right to self-defence using the minimal force necessary. While the text asserts that ‘land, sea, and air forces, as well as other war potential’ are not maintained, the country does possess a Ground, Maritime, and Air Self-Defence Force, legally a police force but in 2013, for example, backed by the seventh highest defence budget in the world.

Yet, since 1954 when the SDF came into being, successive governments have consistently argued that exercising collective self-defence exceeds ‘the minimum force necessary’ and is hence unconstitutional. Can coming to the defence of another country when Japan is not directly under attack still be seen as being congruous with the constitutional renunciation of the use of force as a means of settling international disputes? The Abe administration’s most recent move therefore risks overstressing the constitutional rubber band.

Second, the policy change can have far-reaching implications for regional stability in the long term. The constitutional reinterpretation should be seen as part and parcel of other recent shifts in defence policy, including the reallocation of the defence budget, the creation of a US-style National Security Council,

the passing of a Secrecy Bill, and the revision of the self-imposed ban on the joint development and export of weapons or military technology.

In the short run, Japan will not acquire offensive weapons to project power, but informal contacts between Japan and the US on the issue of offensive capabilities have already begun, reflecting the Japanese government’s aim to establish more ‘dynamic and assertive’ armed forces. Viewed in the framework of Tokyo’s new defence policy and alliance-building efforts, collective self-defence will only further fuel Asia’s ongoing arms race.