Japan's constitutional debate on the use of military power

Since its entry into force after the Second World War, Japan's pacifist constitution has never been amended, and any attempt to revise it has always been a major political issue. Prime Minister Shinzo Abe's new foreign policy aims at a more assertive role for the country as a global actor, including in security and defence. In July 2014, his coalition government put forward a proposal to reinterpret Article 9 of the country's constitution so as to allow the exercise of the right to collective self-defence, including (for the first time) the right to defend allies if they are under attack.

A 'peace constitution'

The Constitution of Japan was drafted and came into effect in 1947, during the period of post-war occupation by the United States. Article 9 provides that 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'. For that purpose, 'land, sea, and air forces, as well as other war potential, will never be maintained'. However, the Liberal Democratic Party (LDP), the dominant force in Japanese politics for over six decades and the main component in the current Abe coalition government, has consistently advocated a revision of the charter. Prime Minister Abe himself has labelled it a product of the post-war occupation regime, imposed to prevent Japan from emerging again as a great power.

Article 9 has been interpreted by successive Japanese governments as permitting the creation of a national military force for the purpose of self-defence. Accordingly, Japanese Self-Defence Forces (SDF) were established in 1954 and their capabilities were enhanced with the country's economic growth during the decades up to 1990. However, the outbreak of the Gulf War in 1990 represented a turning point in what had been generally benign attitudes to this process, as it generated international criticism of Japan due to its absence from the multinational military force. The country's new position as one of the world's leading economies required, in the government's view, a reform of the constitution so that Japan could meet its international responsibilities in the security and defence sectors, as in other areas.

International background

Since the conclusion of the Japan-US Security Treaty in 1960, the two countries have enjoyed a long-standing and stable relationship in this domain. They share common priorities, such as addressing the North Korean threat and, more recently, the issue of Chinese military build-up. Japan also has a shared interest with the US in containing China’s increasingly assertive strategy in the East China Sea. In recent years, a territorial dispute between Tokyo and Beijing on the Senkaku/Diaoyu islands has been reignited on economic grounds, with the discovery of gas and oil reserves in the area. Japan is an essential stakeholder within the US Pacific Pivot policy, namely, the Obama administration’s shift of military and economic focus to the Asia-Pacific region, considered as a ‘key driver of global politics’. The Abe administration has tried to reinforce security ties with ASEAN countries, offering capacity-building and training in particular to the Philippines and Vietnam, which are also concerned by maritime disputes with China. The revision of the bilateral Guidelines for US-Japan Defence Cooperation is expected to be completed soon, with a view to strengthening the Pacific pivot. According to the LDP Party and Prime Minister Abe, all these factors call for a stronger Japan as global and regional actor, to be supported by an enhanced national defence policy.
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During his first spell in office in 2006-07, Abe had already established a panel to investigate potential scenarios for the exercise of Japan's right to collective self-defence. After returning to power in December 2012, the Prime Minister and the LDP have moved towards a reinterpretation of Article 9 which could allow this. In July 2014, the Japanese government adopted a decision on the exercise of the right to collective self-defence. Resulting from a compromise with LDP’s ally in the coalition, the Buddhist-inspired and pacifist Komeito Party, the decision details three conditions under which this right can be exercised.

i) It could be triggered not only by an armed attack against Japan itself, but also by an attack on another country with close ties to Japan, representing therefore a 'clear danger' to Japan itself or to Japanese citizens' right to life, liberty and pursuit of happiness, as enshrined in Article 13 of the Constitution;

ii) There should be no other available means of repelling the attack; and

iii) The use of force must be limited to the minimum necessary. This new interpretation of Article 9 would only become effective once Abe manages to get relevant legislation approved by the Parliament in the present session.

Domestic debate

Prime Minister Abe intends to reinforce Japan's role as both a global and a regional actor, developing a more assertive national defence policy. Japan already boasts one of the largest military forces in the world, and ranks as the eighth highest military spender internationally. Over the past two decades, Tokyo has so far dispatched the SDF to participate in 13 United Nations peacekeeping operations and is the second biggest financial contributor to the specific UN budget for this purpose. Following his Cabinet’s decision to expand the SDF’s scope of action, Abe intends Japan to participate even more proactively in UN peacekeeping operations in the future.

On the other hand, Japan has now had a long tradition of pacifism, spanning almost 70 years, and most Japanese citizens consider the 'peace constitution' to be a component of their national identity. Therefore, the announcement of the decision on the new right to collective self-defence was greeted with strong protests, and a request to submit any change to the Constitution to a public referendum. Recent opinion polls suggest that the issue is divisive, with a majority of Japanese citizens opposed to the reinterpretation of Article 9 proposed by the government. The main opposition parties – the Democratic Party of Japan (DPJ), the Social Democratic Party (SDP) and the Japanese Communist Party (JCP) – have called for the withdrawal of the Cabinet’s proposal.

International reactions

Prime Minister Abe's efforts aimed at making Japanese security and defence strategy more assertive have sparked a range of quite diverse reactions. The US State Department welcomed Abe's new policy on collective self-defence, underlining that the alliance with Japan is one of the most important security partnerships for the country. South Korea's ruling and opposition parties alike, on the other hand, strongly condemned the initiative, while the Korean Ministry of Foreign affairs said that Japan's new collective self-defence right should not undermine Korea's sovereignty. The Chinese authorities have urged Japan to respect the legitimate security concerns of its Asian neighbours, not to harm China's national sovereignty and its security interests, and not to undermine regional peace and stability.

In the report of the 34th EU-JAPAN Interparliamentary Meeting of February 2013, the last to be held during the seventh parliamentary term (2009-14), the European Parliament’s Delegation for relations with Japan noted that their Japanese counterparts stressed that at the time there was no policy to seek a revision of the Constitution, including Article 9, although there was a wide variety of opinion on whether this article might be reinterpreted. More recently, in a resolution on the negotiations of the EU-Japan Strategic Partnership Agreement, the Parliament has recommended that the potential of enhanced cooperation with Japan on global security issues should be explored, including peacekeeping initiatives, while also recognising the growing political role played within an increasingly multipolar world by regional and national players, including Japan.