

Japan's Inevitable Shifting Security Framework ¹

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Introduction

In the aftermath of the Second World War, Japan entrenched a tradition of pacifism in Article 9 of its new Constitution.² Since his re-election in 2012, and again in late 2014, much of Prime Minister Shinzo Abe's focus has been on the delivery of 'Abenomics', aiming to revitalise the Japanese economy.³ However, the Prime Minister's other significant agenda has been the reinterpretation and revision of Japan's Constitution, untouched since 1947, particularly by reviewing the self-imposed ban on collective defence.

This article argues that any reinterpretation of Japan's Constitution, including Article 9, may initially have some adverse though limited impact on Northeast Asian security and that, over the next 10 years, it should ultimately see Japan normalise the use of its national power, including the use of military power for the purposes of national security, within the global security framework.

The article begins by broadly outlining recent Japanese developments in relation to constitutional interpretation. It examines the key drivers for change, focusing primarily on the regional security architecture in Northeast Asia, and then focuses on the key aspects of domestic and regional concerns related to Japan's evolving security framework.⁴

It concludes that notwithstanding some regional concerns, the reinterpretation of Japan's Constitution should allow Japan to better utilise its national power within the global security framework. Moreover, provided it is supported by a domestic mandate, any reinterpretation should contribute to strengthening the regional security architecture of Northeast Asia.

Prime Minister Abe's legislative approach to change

Not long after being first elected to office in 2007, Prime Minister Abe created an 'Advisory Panel on Reconstruction of the Legal Basis of Security' to progress the idea of the need to reinterpret the Constitution.⁵ Domestically, however, any reinterpretation of the Constitution is a highly-sensitive issue, with the majority of Japanese sceptical as to the need for change.⁶ Accordingly, limited progress occurred during Abe's first term of office.

Since Abe's re-election in 2012, his Liberal Democratic Party (LDP) has been working to progressively reinterpret the Constitution through legislative changes. Based on the recommendations of the Advisory Panel, which had resumed its deliberations following Abe's re-election, Japan's Cabinet in 2013 reinterpreted the Constitution regarding Japan's right to collective self-defence, although it included quite circumscribed conditions for the use of the Japanese Self Defense Force (JSDF).⁷ Further legislation to underpin the proposed changes is expected to be progressed in mid 2015.

The key argument that Abe has used as the basis for the LDP's reinterpretation of the Constitution has primarily related to the changing security environment in Northeast Asia, with the key factor being the rise of China.⁸ Each of the Japan's recent Defence White Papers has highlighted the unpredictable nature of China's military assertiveness and capability.⁹ Moreover, the context of the Chinese-Japanese relationship has been changing significantly since the mid-1990s, with continued Chinese economic growth and increased assertiveness in regional diplomacy and force posture clearly impacting the Japanese calculus.

Japanese defence officials have been closely monitoring China's efforts to build a 'blue-water' navy and increasingly frequent Chinese naval movements in regional waters. Additionally, the increasing ballistic missile and nuclear weapon capability of North Korea adds to this view of a significantly changed security environment for Japan. Within this changed environment, Abe's Government has signalled that Japanese pacifism may no longer serve Japan's best interests. However, while the regional security calculus is

driving the Japanese Government's view for change, there also remain significant domestic and regional challenges to any change from the pacifist tradition that has served Japan for the last 70 years.

Domestic and regional concerns

Although changes in the international environment, as articulated by the Japanese Government in its *2014 Defense of Japan White Paper*, provide a clear rationale for an altered security posture, Japan's pacifist tradition remains entrenched within its society.¹⁰ Accordingly, it is generally agreed that domestic considerations potentially provide the most significant challenges for Abe's continuing push for reinterpretation and ultimate review of the Constitution.¹¹

With laws being passed through the Diet in May 2015, the task of building a national consensus around the decision remains a significant challenge for Abe's political future.¹² Japanese opinion polls indicate that the majority of the public still supports the pacifist framework of the Constitution.¹³ Furthermore Abe's LDP has a coalition partner (New Komeito) which is ideologically linked to pacifist beliefs.¹⁴

Perhaps less controversial, but nonetheless a consideration for Abe, are concerns held by Japan's neighbours, primarily China and South Korea, regarding any potential broadening of Japan's security posture. Both China and South Korea, when appealing to national identity, frequently remind their people—and the rest of Asia—about Japan's actions before and during World War Two. Similarly, Chinese and South Korean commentators, critical of any changes to Japan's security policy and changed force posture, highlight Abe's nationalist agenda on security affairs, and evoke images of a pre-World War Two Japanese mindset. Any such vision of Japan, with a normal military posture and a revisionist view of its history, further deepens mistrust among China and South Korea in particular.¹⁵

Although Japan has a longstanding domestic tradition of anti-militarism,¹⁶ Abe has successfully managed to push through defence budget increases in 2013 and 2014.¹⁷ Japan's growing confidence in using the military with democratic legitimacy to protect its interests and to contribute to international security, as a natural evolution of Japan's security posture, is not always shared by its neighbours, particularly China. China, for example, has been critical of Japan's 2013 *National Defense Program Guidelines*, which have resulted in a new defence orientation known as 'Dynamic Joint Defense Force', including a southwest shift of the JSDF force posture to islands closer to China.¹⁸

Additionally, Japan's release of a 2013 National Security Strategy and actions to bolster US and regional alliances indicate that Japan's previously low-key security profile and pacifist tradition are undergoing changes and institutional reforms of potentially long-term significance. Aside from competition generated by energy security, strategic rivalry between Japan and China is compounded by a clear view, from a Chinese perspective, that Japan and the US are on the same team regarding defence strategies in relation to Taiwan and hedging against China.

This posture is viewed by China as essentially against its core national interests. Chinese populist nationalism, fuelled by sentiments that Japan does not sincerely acknowledge its past aggression and atrocities, makes it that much harder to manage longstanding territorial disputes, such as tensions over the Senkaku/Diaoyu Islands.¹⁹ But ironically, it is also China's lack of acknowledgement of Japan's pacifist tradition over the last 70 years that is fuelling an argument by the Japanese Government for normalisation of its security framework as a responsible, international stakeholder.²⁰

The idea of an enhanced strategic posture for Japan as part of a broader US security strategy has also been greeted with some anxiety in Seoul, mainly because of the perceived change in the *status quo* that would see South Korea increasingly having to make a choice between the US security alliance and Chinese economic primacy.²¹ Similar to China, South Korea has historical grievances with Japan, particularly relating to Japan's occupation of the Korean peninsula between 1910 and 1945, which continue to affect their bilateral relationship.

The normalisation of bilateral relations in 1965, improving trade and investment contacts, and the common threat of North Korea has somewhat tempered these underlying tensions.²² However, there continues to be elements of mistrust in the relationship between Japan and South Korea. Major tension points include a territorial dispute over maritime borders and controversy over compensation for the war-time abuse of Korean women by the Japanese army.²³

Another source of tension is the negative view of Sino-Japan rivalry and its potential impact on South Korea's national interest, with a number of commentators asserting that Japan's military build-up is primarily aimed at China rather than the oft-used justification of North Korea's increasing nuclear threat.²⁴ Heightened Sino-Japan tensions are not in South Korea's interest—and South Korea could be expected to oppose any constitutional reinterpretation by Japan that impacted the *status quo* of Sino-Japan security relations.²⁵

Chinese and South Korean sensitivities with Japan over historical issues remain central to the resolution of other territorial issues. Prime Minister Abe will need to manage these concerns astutely. However, with continued strong economic growth by Japan, and notwithstanding regional concerns by China and South Korea, Abe is expected to continue making incremental reforms to Japan's security apparatus and JSDF force posture that will normalise the use of its national power, including military power, within the global security framework.

The inevitability of incremental constitutional change

The July 2014 decision by Japan's Cabinet to permit the JSDF to participate in collective self-defence activities marks an important change in a longstanding Japanese pacifist tradition.²⁶ These legislative changes, if affirmed by the Diet, will provide greater flexibility to the Japanese Government in its employment of the JSDF. Although strict caveats apply to the legislative changes being proposed, they also imply a growing gap between what is stated in Article 9 and the declared use of the JSDF.

The employment of the JSDF in Afghanistan, Iraq and a number of UN missions over the last 20 years, alongside some increasingly 'offensive' defence capability purchases, indicates a growing confidence and increasing flexibility in the operational employment of the JSDF. The strict caveats that remain in place for the employment of the JSDF, however, remain rooted within Japan's pacifist security framework contained within Article 9 of the Constitution. Chinese and South Korean sensitivities are sparked not so much by these legislative changes but from specific incidents where nationalist tendencies come to the fore, generally over territorial disputes or the history issue.

In addition to legislative changes, the Japanese Government has also tightened its alliances, not only with the US but also with other partners in the region. Abe has also incrementally normalised Japan's security and defence policy within mainstream government business. This has seen the publication of Japan's 2013 National Security Strategy, numerous iterations of the *National Defense Program Guidelines*, and the normalisation of the *Defense of Japan* white papers within a whole-of-government framework.²⁷

The establishment within its Cabinet of the National Security Council of Japan has also seen further government centralisation of security and defence policy.²⁸ Revised defence policy, as articulated by the 'Dynamic Joint Defense Force' policy and the shift of the JSDF's force posture to islands closer to China, is also indicative of a changing Japanese security posture. Taken collectively, these measures facilitate Abe's preference for a more proactive security policy for Japan, albeit at an incremental pace.²⁹ This graduated change and incremental pace, however, is also reflective of both domestic and regional concerns about any significant shift in Japan's security posture.

Certainly, Abe has demonstrated a nuanced understanding of the need for a graduated response to any reinterpretation of Japan's Constitution because of strongly-held popular views of a pacifist tradition that has served Japan effectively since World War Two. The sensitive regional relationships with China and South Korea, primarily over maritime territorial issues and longstanding historical grievances, are additional considerations for Abe. In dealing with Northeast Asian sensitivities, Abe's LDP has remained aware of being too pragmatic about past Japanese apologies.

Sensitivities between China, South Korea and Japan are such that minor issues have the potential to generate significant nationalist reaction within these countries. So suppressing any perceived revisionist instincts that would inflame Sino-Japan or South Korean-Japan relationships would ultimately support Abe's domestic agenda.³⁰ Conversely, any adverse reaction by China or South Korea would likely impact negatively on Japan's economic future and security architecture, in addition to straining the US security alliance with South Korea. Resolving specific issues such as the Senkaku/Diaoyu Islands dispute, as well as mitigating any specific view of a capabilities race between China and Japan, and ensuring a path for

reconciliation over the past between these three countries are all issues to be managed in parallel with a changing Japanese security framework.³¹

Whether Abe continues to evolve policy in line within the existing framework of pacifism or develops security practices with a growing gap in relevance and subsequent discarding of pacifism, remains to be seen. What has worked thus far has been a nuanced approach focused on developing a domestic mandate through continued economic success and legislative changes supporting reinterpretation of the Constitution, as well as continuing reforms in security policies and changes in JSDF force posture. With his re-election in late 2014, and continued success with 'Abenomics', which has strengthened his political support, Abe may ultimately achieve his longer-term proclaimed goal of constitutional revision before the end of his third term.³²

Conclusion

It has been argued in this article that the continued reinterpretation of Japan's Constitution, including Article 9, will likely have an adverse but limited impact on Northeast Asian security over the next 10 years. Ultimately, it can be expected that Japan will normalise the use of its national power, including military power, within the global security framework.

The article has outlined a number of recent developments and key drivers in relation to Japan's constitutional reinterpretation. And it has argued that although regional concerns remain considerable and particularly sensitive to any perceived revisionist Japanese view of World War Two, domestic opposition to any change in Japan's pacifist tradition is potentially the more significant issue for Prime Minister Abe.

The article concludes that Japan will need to carefully manage existing and potential areas of friction with China and South Korea, regardless of any future developments in constitutional reinterpretation. However, further reinterpretation, and ultimately some revision of Japan's Constitution, should allow Japan to better utilise its national power within the global security framework. To that end, it can be expected that Abe will engineer the assumption of Japan's place as a fully-contributing nation in the international order, through his long-term goal of constitutional revision, without undue long term impact on the existing Northeast Asian security architecture.

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Colonel Duncan has deployed on numerous operations in the South Pacific and the Middle East, including as the Officer Commanding the Special Operations commitment to East Timor, on Operation FALCONER/CATALYST in Iraq, and multiple tours on Operation SLIPPER in Afghanistan. In 2014, he deployed as Commander Joint Task Force 659 for Operation HAWICK, the humanitarian assistance mission to recover victims from the MH-17 incident in the Ukraine.

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Notes

- 1 This is an edited version of an essay, with the same title, submitted by the author while attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015.
- 2 Prime Minister of Japan and His Cabinet, *The Constitution of Japan*, 3 November 1946, available at <http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html> accessed 15 February 2015.
- 3 Mike M. Mochizuki and Samuel Parkinson Porter, 'Japan under Abe: toward moderation or nationalism?', *The Washington Quarterly*, Vol. 36, No. 4, p. 27.
- 4 For the purposes of this paper, Northeast Asia is limited to China, the Koreas and Japan (whereas some definitions include Russia, Taiwan and Mongolia).
- 5 Advisory Panel on Reconstruction of the Legal Basis of Security, 'Report of the Advisory Panel on Reconstruction of the Legal Basis of Security', 15 May 2014, available at <http://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku_en.pdf> accessed 5 March 2015.
- 6 Linus Hagstrom, 'The Democratic Party of Japan's security policy and Japanese politics of constitutional revision: a cloud over Article 9?', *Australian Journal of International Affairs*, Vol. 64, No. 5, p. 511.
- 7 Mochizuki and Porter, 'Japan under Abe', p. 31. The three conditions that have to be met for the use of force include: when there is an imminent and illegitimate act of aggression against Japan; when there is no appropriate means to deal with such aggression other than by resorting to the right of collective self-defence; and when the use of armed force is confined to the minimum necessary level.
- 8 Hitoshi Tanaka and Adam P. Liff, 'Japan's Foreign Policy and East Asian Regionalism', Council on Foreign Relations: New York, 9 December 2009, p. 7.
- 9 Ministry of Defense, *Defense of Japan 2014 White Paper*, Ministry of Defense: Tokyo, 2014, pp. 2-4.
- 10 Ministry of Defense, *Defense of Japan 2014 White Paper*, pp. 2-4.
- 11 See, for example, Andrew L. Oros, 'International and domestic challenges to Japan's post-war security identity, "norm constructivism", and Japan's new "proactive pacifism"', *The Pacific Review*, Vol. 28, No. 1, p. 145.
- 12 Malcolm Cook and Thomas S. Wilkins, 'Aligned Allies: the Australia-Japan strategic partnership', The Tokyo Foundation website, December 2014 available at <<http://www.tokyofoundation.org/en/articles/2014/aligned-allies>> accessed 4 March 2015.
- 13 Cameron Stewart, 'Possible subs snub seen as a blow to Japan's shifting military posture', *The Australian*, 14-15 February 2015.
- 14 Mochizuki and Porter, 'Japan under Abe', p. 29.
- 15 Teng Jianqun, 'Chinese Perspectives on Japan's Defense Transparency', Policy Brief 2012, Institute of Global Conflict and Cooperation, University of California: Berkeley, 6 March 2012, available at <<https://escholarship.org/uc/item/1149q1kt>> accessed 20 June 2015.
- 16 Oros, 'International and domestic challenges to Japan's post-war security identity, "norm constructivism", and Japan's new "proactive pacifism"', p. 140.
- 17 Adam P. Liff and G. John Ikenberry, 'Racing Towards Tragedy?', *International Security*, Vol. 39, No. 2, p. 73.
- 18 Liff and Ikenberry, 'Racing Towards Tragedy?', p. 73.
- 19 Jianqun, 'Chinese Perspectives on Japan's Defense Transparency'.
- 20 William Choong, 'Japan's New Politics', *Survival: Global Politics and Strategy*, Vol. 55, No. 3, p. 50.
- 21 Jae Ho Chung, 'China's Ascendancy and the Korean Peninsula: from interest re-evaluation to strategic realignment?' in David Shambaugh (ed.), *Power Shift: China and Asia's new dynamics*, University of California Press: Berkeley, 2005, p. 151.
- 22 Scott Snyder, *China's Rise and the Two Koreas – Politics, Economics, Security*, Lynne Rienner: Boulder, 2009, p. 163.
- 23 Jane's, *Jane's Sentinel Security Assessment – China and Northeast Asia*, IHS Global Limited: London, 26 January 2015.

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- 24 See, for example, Isabel Reynolds, 'China Overtakes North Korea as Japan's Top Security Concern', Bloomberg Business website, 8 March 2015, available at <<http://www.bloomberg.com/news/articles/2015-03-08/china-overtakes-north-korea-as-japan-s-top-security-concern>> accessed 19 June 2015.
- 25 Snyder, *China's Rise and the Two Koreas – Politics, Economics, Security*, p. 196.
- 26 Oros, 'International and domestic challenges to Japan's post-war security identity, "norm constructivism", and Japan's new "proactive pacifism"', p. 153.
- 27 Jithin S. George, 'Defence of Japan: decision-makers and trends', *Maritime Affairs: Journal of the Maritime Foundation of India*, Vol. 8, No. 2, Winter 2012, p. 20.
- 28 Ministry of Foreign Affairs of Japan, 'Japan's Security Policy', Ministry of Foreign Affairs of Japan website, 16 June 2015, available at <<http://www.mofa.go.jp/policy/security/>> accessed 19 June 2015.
- 29 Oros, 'International and domestic challenges to Japan's post-war security identity, "norm constructivism", and Japan's new "proactive pacifism"', p. 153.
- 30 Alexander Nicoll, 'Beyond Abenomics: Japan's grand strategy, strategic comments', *The International Institute for Strategic Studies*, Vol. 19, No. 4, p. 2.
- 31 Richard C. Bush, *The Perils of Proximity: China-Japan security relations*, Brookings Institution Press: Washington DC, 2010, pp. 278-302.
- 32 Oros, 'International and domestic challenges to Japan's post-war security identity, "norm constructivism", and Japan's new "proactive pacifism"', p. 158.