

## The political and diplomatic hard-yards still to be done on collective self-defence

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On 1 July, the Japanese cabinet, led by Prime Minister Shinzo Abe, made an historic change to post-war security policy, expanding the scope for interpretation of the Constitution's Article 9. Japan may now hold the right to collective self-defence — the use of military force to defend a foreign country that is in a close relationship with Japan when it comes under armed attack.



While international law allows for the right to collective self-defence, the constitutional interpretation of post-war Japanese governments denied this right, asserting that measures for self-defence should be 'limited to the minimum extent necessary'. In order to give effect to this new interpretation, more than ten laws, including the Self-Defense Forces Act, will need to be amended in the coming Diet session. The coalition comprised of the Liberal Democratic Party (LDP) and the New Komeito hold a majority in both houses of the Diet, making passage of amendments likely.

In this new constitutional paradigm, Japan will be permitted to act in concert with the United States in Northeast Asia. The scope of military cooperation will be expanded, for example, from peacetime intelligence, surveillance and reconnaissance activities, to wartime protection of US military ships.

In the political process with its coalition partner, the LDP has limited the scope of the right to [collective self-defence](#) <sup>[1]</sup> compared to what was suggested in the original advisory report, and

the prime minister has publicly assured people that, under the new rules, Japan will not be able to participate in multinational operations such as the 2003 war in Iraq. The Self-Defense Force will not become an expeditionary force. Japan can exercise the right of collective self-defence only if there is an imminent threat to its people's life, freedom and human rights. The concern that Japan will be trapped into going to war, as many Japanese protestors warn, is misguided.

In addition to collective self-defence, the document suggests that the rules of engagement in peacekeeping operations, including the use of weapons for policing and protecting residents, should be amended to comply with UN standards. Response to an infringement that does not amount to an armed attack, termed 'grey zone contingencies', is also debated, and measures will be taken to allow for speedier reactions to situations with which law enforcement agencies cannot cope.

Some argue that the amendment granting the right of collective self-defence deepens the security dilemma in East Asia, but this is not the case.

The Chinese arms build-up has continued for the last twenty years, and its effect on the security status quo is becoming more obvious. China's unilateral declaration of an air identification zone over the East China Sea, overlapping the Japanese one, as well as rising tensions with Vietnam and the Philippines in the South China Sea, are signs of a deteriorating regional security environment.

North Korea's development of nuclear devices and missile technology and its prolonged provocations are also of great salience to Japanese strategic policy. Thus, what East Asia is facing is not a security dilemma between status quo powers. Japan, like other Asian neighbours, has been responding to such challenges through upgrading its defensive capabilities to secure its territorial rights. Changing the interpretation of Article 9 allows Japan to deter threats, not acquire offensive capability. Japan, like other nations, should be entitled to secure its territory, with its own choice of alliance partners and legal actions.

However, the handling of this issue up to 1 July has left a lot of concerns and challenges outstanding. A large majority of lawyers and legal scholars strongly oppose allowing collective self-defence from a constitutionalist viewpoint. They also fear that this reinterpretation could expand in the future and Japan could end up using force without limit.

Over the last two months, the quality of public debate has been quite low. The ruling parties were busy bargaining over the legal and technical aspects of various scenarios and failed to raise awareness of Japan's overarching national goals, the country's security identity, the world order it envisions and the potential challenges to these objectives. Determined opponents focused their criticism on notions of entrapment, security dilemmas and constitutionalism. As a result, most polls suggest the majority of Japanese people have a negative view on this change.

To achieve a solid foundation of self-defence, nations need unified public support for national strategic policy.

But the sentiment of pacifism in post-war Japanese society has been preserved. Many

Japanese people hold the view that use of force itself is unjust, regardless of the purpose. That remains a constraint on Japan's participation in high-risk but legitimate and humanitarian missions abroad.

While this change will help Japan consolidate its alliances and maintain its posture in Northeast Asian affairs, it is far from risk-free. As Sheila Smith [states in a recent post](#) <sup>[2]</sup>, '[i]t is in the interest of the United States to ensure that any changes Abe makes are fully supported by the Japanese people. Otherwise, any decision on collective self-defence would undermine confidence in the alliance if it was perceived as appeasing Washington rather than serving Japan's own interests'. To manage the alliance, public support as well as military coordination is essential, but this perspective has been lacking.

South Korea is neglected in the grand design of Japan's new security policy. Even though Japan, South Korea and the United States share a common challenge from North Korea, trilateral security cooperation to prepare for any kind of instability on the Korean peninsula is yet to be realised. But even though Japan is changing the [interpretation of Article 9](#) <sup>[3]</sup>, the likelihood of cooperation is still low, and the recent report by the Japanese cabinet office on the drafting process of the Kono statement on comfort women has led to a deteriorating political relationship between Seoul and Tokyo.

It is necessary for Japan to enhance deterrence by its own efforts and by strengthening its alliances. Still, this raises the possibility of miscalculations that could lead to crisis in the Japan–China relationship. Shinzo Abe's seeming belief in the deterrence effect of a [more powerful Japanese military](#) <sup>[4]</sup> may well be misguided. An alternative approach to the East Asian security order, one founded more on diplomacy, is needed.

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[1] collective self-defence:

<http://www.eastasiaforum.org/2014/05/25/abes-quest-for-collective-self-defence-will-asias-sea-lanes-bind-or-divide/>

[2] states in a recent post:

<http://blogs.cfr.org/asia/2014/07/02/reinterpreting-japans-constitution/>

[3] interpretation of Article 9:

<http://www.eastasiaforum.org/2014/06/18/japans-article-9-will-it-be-revised-or-get-the-nobel-peace-prize/>

[4] more powerful Japanese military:

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