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(More or less) normal military power

Axel Berkofsky

Introduction

A lot has been written about the qualitative and quantitative transformation of Japanese security and defence policies over the last 10 years. While there is a lot of disagreement amongst scholars and analysts on the level of the quantitative and qualitative transformation of Tokyo's security and defence policies, there is none the less wide agreement that Japan's former Prime Minister Junichiro Koizumi (2001–06) initiated and adopted many of the changes on Japan's security and defence policy agenda which are—more often than not—discussed controversially until today.

During and after Koizumi's tenure, Japan's armed forces were dispatched to the Indian Ocean, Iraq and the Gulf of Aden, the country's Self-Defence Forces (SDF) were equipped with the legal framework to defend Japanese territory in the case of on an attack, Japan officially committed itself to co-finance the development and deployment of a joint US-Japanese missile defence system, (briefly) considered the acquisition of offensive military capabilities for a pre-emptive military strike against North Korean missile and nuclear sites, the issue of nuclear armament was (albeit very briefly) brought onto the agenda and constitutional revision, i.e. the revision of the constitution's war-renouncing Article 9, looked like a real possibility.¹

Put bluntly, under Koizumi's Liberal Democratic Party's (LDP) leadership Japan did everything 'real' pacifist and war-renouncing countries should not be doing. Koizumi's successors—either from the LDP or the Democratic Party of Japan (DPJ), which has governed in Japan since 2009—have arguably made further progress in rendering Japan as Koizumi and his like-minded nationalist and revisionist party friends wanted in terms of defence and security policy 'normality' for Japan in the early to mid-2000s.

Over the last 10 years, Japan has come a fairly long way as regards the quality and reach of its security and defence policies. The adoption of Japan's National Defence Programme Guidelines (NDPG) in December 2010 is relevant in this context as the issues and areas of Japanese security and defence policies discussed below: the country's weapons export ban, Tokyo's 'Non-Nuclear Principles', collective self-defence, contributions to international peace-keeping missions, the expansion of bilateral security ties or constitutional revision, all—in one way or the other—feature in Tokyo's (relatively) new defence guidelines (in the sense that the guidelines leave some of Japan's decade-old fundamentals and principles in place while they stipulate the revision of others) (Ministry of Defence 2010a).

While this chapter will not provide a detailed analysis of the contents and trends of the December 2010 defence guidelines, they are none the less an important background reference for the contents and objectives of this chapter (Berkofsky 2011).

Chinese (and to a lesser extent Republic of Korea—South Korean) claims and fears that Tokyo is turning slowing but surely again into an aggressive military regional power threatening Chinese security and territorial integrity on the other hand will not be discussed in detail as they are—at least in this author’s view—unfounded and disingenuous. Chinese policy makers and scholars (working and writing for Chinese policy makers) who should and do indeed know better, typically argue and indeed warn that Japan is on the brink of once again becoming an aggressive power threatening Chinese national security and territorial integrity. In reality, however, nothing could be further away from the truth and given that Beijing typically uses its warnings of Japan ‘militarizing’ its security and defence policies as a justification for the rapid modernization of its own armed forces.

Given the constraints, the analysis of Japanese security and defence policies below is far from exhaustive and this author reserves the right to select and examine those issues and areas of Japanese security and defence policies which in the months and years ahead will continue most to shape and influence the debate on the quality and scope of Tokyo’s security and defence policies. The analysis of the issues and areas on Tokyo’s security and defence policy agenda does not follow a chronological order, but is instead of what Tokyo’s policy makers have and have not achieved as regards qualitative and quantitative changes on Tokyo’s security and defence policy agenda.

We start with attempts to revise Japan’s war-renouncing Article 9, which strictly speaking does not allow Japan to maintain armed forces, not to mention state-of-the-art armed forces equipped with an annual budget of US \$47 billion.²

The ‘National Referendum Law’ (2007)

Japan’s nationalist and revisionist Prime Minister Koizumi not only wanted to terminate the, at times, very awkward (and arguably only comprehensible for those inside and outside of Japan with in-depth knowledge on the issues and controversies on Tokyo’s security and defence policy agenda) debate on collective self-defence by officially allowing Japanese soldiers to execute that right abroad, but also put constitutional revision at the very top of his domestic policy agenda when he took office in April 2001.

Japan, he announced dramatically on numerous occasions, must ‘restore’ its ‘national dignity’ and ‘national sovereignty’, a euphemism for revising the constitution ‘imposed by a foreigner’ (the ‘foreigner’ being the Supreme Commander of the Allied Forces—SCAP—General Douglas MacArthur in 1946).

Koizumi’s ambitions to get rid of constitutionally prescribed pacifism during his tenure, however, did not produce the desired result of making constitutional revision a policy goal any more achievable than before his tenure.

In September 2006 Koizumi retired from his post and handed over to his hand-chosen successor Shinzo Abe, arguably one of Japan’s most unsuccessful and incompetent post-war prime ministers. Constitutional revision—accompanied by Koizumi-style high-sounding rhetoric pleasing the country’s nationalists and revisionists (as opposed to the overall electorate), continued to be on the top of the LDP’s policy agenda. However, Abe—who lacked Koizumi’s charisma, dynamism and eloquence capable of e.g. ‘selling’ the navy’s refuelling mission in the Indian Ocean necessary to keep Afghan Taleban from entering into Japan, however—found out fairly quickly that constitutional revision was not nearly as important for the Japanese public than it was for himself and his revisionist followers inside and outside of the LDP.

None the less, Abe's ambitions to re-introduce constitutional revision to the centre of Japan's policy agenda produced some results. In 2007 his administration adopted the so-called 'National Referendum Law'. The law stipulates the procedures for the amendment of the Japanese constitution and went into effect in May 2010.

As a result of the May 2010 law, lawmakers can submit proposals for constitutional amendments to the parliament, a practice that had been interrupted for three years since the bill was adopted in 2007.³ Until today, however, Japan's lawmakers have not made use of the May 2010 law and have not submitted any proposals related to constitutional revision. The law stipulates that a draft constitution can be put to a national referendum should a constitutional draft amendment be approved by both the Lower and Upper Houses of the Japanese parliament. However, constitutional constraints formulated in Article 96 of Japan's constitution that a national referendum must be preceded by a two-thirds majority approval in both chambers of the Japanese parliament will continue to make it very unlikely—if not impossible—that a draft constitution will be put in front of the Japanese electorate through a national referendum any time soon.

In sum, constitutional revision will continue to remain a long-term goal and the 'National Referendum Law' is unlikely to speed up constitutional revision in the years ahead. Even if the Japanese voters today increasingly lean towards constitutional revision enabling Japan to increase its contributions to international security *per se*, opinion polls provide solid evidence that a majority of the public would not endorse the revision of Article 9 if it were to enable the Japanese armed forces to participate in international combat missions.

Not lifting and then lifting Tokyo's weapons export ban

In 1967 the Japanese government issued the so-called Three Principles on Arms Exports, which banned weapons sales to communist countries, countries involved in international conflicts and countries subject to United Nations (UN) sanctions. In 1976 the weapons export ban was expanded when Tokyo decided to ban the export of Japanese weapons and weapons technology to all countries and not only to those falling into the category of countries affected by one or more of Tokyo's Three Principles. Until mid-December 2010 and in the run-up to the adoption of the above-mentioned new Japanese defence guidelines, Japanese pro-defence policy makers and scholars were optimistic that the government would lift the export ban to allow Japanese defence contractors to export weapons used either in UN peace-keeping and peace-enforcement missions or missions combating international terrorism.

In the framework of such missions, Japanese defence contractors were planning to get involved in joint projects with defence contractors in the USA, South Korea and the European Union (EU). In November 2010, the government published a set of three rules, which in the case of the lifting of the embargo in December 2010 would: 1) limit the export of weapons to peace-building and humanitarian missions; 2) limit Japan's participation in weapons development projects involving defence contractors in the USA and North Atlantic Treaty Organization (NATO) member states; and 3) prevent the transfer of defence technologies to countries other than the USA and NATO member states. Shortly before the adoption of the defence guidelines, however, the government—owing to opposition to the lifting of the ban amongst the DPJ's government coalition partners—was obliged to give up (or postpone by one year as it turned out, as will be shown) its plan to lift the weapons export ban.

However, the defence guidelines did not exclude the possibility of revisiting the weapons export ban later: 'Measures to follow the international trends of defence equipment will be studied', the December 2010 guidelines read.⁴ On 27 December 2011 Japan's government led

by Prime Minister Yoshihiko Noda did even more than that. He announced the official easing of Japan's weapons ban, allowing Japanese defence contractors to take part in the joint development and production of weapons with other countries such as Australia, European countries and South Korea (as opposed to only the USA). On the same day, the Japanese government announced the establishment of new guidelines on the relaxation of Japan's weapons export ban—criteria dealing with the possibilities and limits of overseas transfers of defence equipment.

Shortly after the ban's lifting, Mitsubishi announced that it would contribute to the development of Lockheed Martin's F-35 fighter, which the Japanese government earlier in December chose as the country's future frontline fighter. In the years ahead, Japan's Ministry of Defence plans to acquire 42 F-35 fighters at an estimated cost of more than US \$7 billion.

Not going nuclear (yet)

Japan scholar Christopher W. Hughes suggested that the perceived threat from the Democratic People's Republic of Korea (North Korea) is not yet strong enough to let Japanese mainstream policy makers seriously consider the option of equipping the country with nuclear weapons. This, he argues, was not even the case when North Korea conducted its first nuclear test in October 2006. The same was true for Pyongyang's second nuclear test in May 2009: it did not lead—at least officially and publicly—to a sustainable revival of a discussion about nuclear armament (Hughes 2007). While Japan—like South Korea and Taiwan—has the know-how and resources to develop and deploy nuclear weapons, scholars and analysts widely agree that Japanese nuclear weapons would in terms of both quantity and quality be an insufficient substitute for the US nuclear umbrella (Self and Thompson 2003).

After North Korea's nuclear test in 2009, some LDP policy makers sought to trigger discussion on Japan exercising its so-called 'nuclear option' to develop and deploy Japanese nuclear weapons to counterbalance the threat posed by North Korea's nuclear weapons and missile programmes. However, LDP North Korea hardliners were unable to get significant support within the party to revisit Japan's 'Non-Nuclear Principles' to break with the decade-long taboo of thinking out loud about nuclear armament. Today, there is none the less some on-the-record 'appetite' among some policy makers and Japanese scholars—including, for example, some scholars from the National Institute for Defence Studies (NIDS), a think tank affiliated with Japan's Ministry of Defence—to discuss more actively and openly Japan's 'nuclear option'.

Claims made by NIDS scholars⁵ that the perceived threat posed by North Korean nuclear weapons has over recent years allegedly 'cured' the public's 'nuclear allergy' against Japan's nuclear armament are simply not credible and have not been supported by any opinion poll conducted by Japanese newspapers in recent years. In fact, opinion polls clearly indicate that nuclear armament remains—with or without a threat posed by North Korean nuclear arms—a taboo issue for a vast majority of the Japanese electorate. Japanese defence hawks advocating a discussion on Japanese nuclear armament were triggered by (arguably misguided) concerns that US President Barack Obama's plans to reduce the US nuclear arsenal could have negative implications for the protection of Japan under the US 'nuclear umbrella', not least because North Korea is—to say the very least—very unlikely to join Obama's vision for a nuclear-free world.⁶ Japan, it was argued back then, could be obliged to develop and deploy its own nuclear weapons (Hughes 2007b).

In July 2010 a so-called Advisory Council Report, drafted by the Advisory Council Group—a government-nominated advisory group charged with the task of producing a draft version of Japan's new defence guidelines—recommended considering reviewing at least one of Japan's Non-Nuclear Principles in order to allow the introduction of US nuclear weapons into Japan in the case of a North Korean nuclear attack (Toki 2011).

The Japanese government, however, did not take that controversial advice and the December 2010 defence guidelines do not stipulate the revision of the Non-Nuclear Principles. The principles are a parliamentary resolution and stipulate that ‘Japan shall neither possess, nor manufacture nuclear weapons, nor shall it permit their introduction into Japanese territory’. The Japanese parliament formally adopted the Principles in 1971, and they remain principles as opposed to laws until today.⁷

To be sure, the debate on the possible revision of one of Japan’s Non-Nuclear Principles in 2010 did not come without prior warning. A debate on the Principles’ revision emerged when the existence of US-Japanese so-called ‘Secret Agreements’ was revealed. These agreements authorized the US military to introduce nuclear weapons into the country throughout the Cold War.⁸ The Japanese government reacted by nominating a foreign ministry panel to investigate whether Japanese governments had since the late 1960s indeed violated one of Japan’s Non-Nuclear Principles—i.e. whether the political leaders had allowed the introduction of nuclear weapons into Japan during the Cold War. The foreign ministry’s panel published its findings in March 2010 and concluded that there were indeed four secret agreements: one to allow US warships to introduce nuclear weapons into Japanese ports, one to permit the US military to use bases in Japan without prior consultation in the event of a military crisis on the Korean Peninsula, one to allow nuclear weapons into Okinawa prefecture in the case of a regional military crisis, and one by which Japan agreed to bear the costs of the return of Okinawa to Japan in 1972 (Johnston 2009).

Not defending collectively (officially)

Japan does not authorize its armed forces to execute the right to collective self-defence, arguably the basis of ‘real world’ military co-operation. Japan’s defence establishment had hoped that the defence guidelines would not only revive the currently *de facto* dormant Japanese debate on the revision of war-renouncing Article 9 but also trigger the debate on officially allowing Japanese soldiers to execute the right to collective self-defence—i.e. the right to defend soldiers from other countries in the framework of, for example, international and military and peace-keeping operations. While Tokyo in principle acknowledges that it, like all sovereign nations, has the right to collective self-defence as formulated in Article 51, Chapter VII of the UN Charter, it interprets Article 9 of the Japanese constitution as not allowing Japanese soldiers to execute that right.

There is certainly wide agreement that Japan’s refuelling mission in the Indian Ocean (2001–09) in support of the US-led war in Afghanistan, Japan’s mission in Iraq (2004–06) and the navy’s current anti-piracy operation in the Gulf of Aden (since March 2009) are to be understood as operations of collective self-defence. In order to avoid accusations of violating Article 9 of the Japanese constitution, Japan’s policy makers referred to the above-mentioned Japanese missions in the Indian Ocean, Iraq and the Gulf of Aden as missions of individual as opposed to collective self-defence. Supporting other countries to fight terrorists and pirates in Afghanistan, Iraq and the Gulf of Aden, Tokyo argued (for the first time under Prime Minister Junichiro Koizumi in 2001 in the wake of the deployment of Japanese Navy vessels to the Indian Ocean), directly contributes to the defence and protection of Japanese national security (under threat from global terrorism).

In sum, the inner-Japanese debate on what exactly Japanese soldiers are allowed to do abroad—i.e. whether or not they are authorized to execute the right to collective self-defence (as opposed to ‘only’ individual self-defence)—remains disingenuous, prone to contradictions deceiving the Japanese public on the nature and quality of Japanese missions abroad.

Legal base with expiry date

The defence establishment's urging to adopt a permanent law (as opposed to a law with a 'date of expiry', i.e. a specific law that has to be adopted in parliament for each individual mission), authorizing the deployment of Japanese armed to international military (non-combat) missions did not make it into the December 2010 defence guidelines. Japan's defence establishment and the military have requested such a law for years in order to equip Japanese armed forces with a permanent and sustainable legal framework for missions abroad. Today, the deployment of Japanese soldiers to missions abroad has to be authorized by 'made-to-measure' laws, which have to be re-adopted on an annual basis.

On the basis of this practice, Tokyo deployed navy vessels to the Japanese refuelling mission in the Indian Ocean (2001–09) in support of the war in Afghanistan, ground forces to a humanitarian and reconstruction mission in Iraq (2004–06) as well as the navy (since March 2009) to the ongoing anti-piracy mission in the Gulf of Aden off the coast of Somalia. The adoption of a permanent legal basis for Japanese armed forces abroad remains unlikely in the years ahead. There is no consensus amongst Japanese policy makers (let alone Japan's political parties) that such a legal framework is necessary—in fact, the critics of such a legal framework fear that such a law would equip the government with an instrument to deploy the armed forces as it sees fit, bypassing parliamentary control. Furthermore, the Japanese parliament is unlikely to disempower itself by passing a law that would no longer oblige the government to get the military's missions approved by both chambers of the Japanese parliament.

More peacekeeping, maybe

Through the adoption of the defence guidelines, Tokyo foresees the expansion of global peace-keeping and peace-monitoring and humanitarian missions as well as the expansion of Japanese contributions to operations dealing with non-traditional security threats such as piracy, disaster relief and non-proliferation of weapons of mass destruction. In order to enable Japan to make more frequent and substantive contributions to UN peace-keeping missions, Tokyo's defence guidelines call for the loosening of the many legal restrictions with which Japanese soldiers are confronted when participating in UN peace-keeping operations (PKOs). These restrictions are stipulated in Japan's 1992 Peace-keeping Law and centred around the use of military force Japanese peace-keepers are allowed to use during PKOs. Japan's PKO Law stipulates that Japanese soldiers can use military force only for individual self-defence as opposed to collective self-defence in the framework of UN PKOs. Hence, Japanese soldiers are not authorized to defend soldiers from other countries with military force, arguably one precondition for a sustainable and frequent contribution to UN peace-keeping missions.

In order to increase Japan's contributions to PKOs, the government in March 2012 announced that it would ease some of the restrictions regarding the use of military force formulated in the above-mentioned PKO Law. The Japanese government led by Prime Minister Yoshihiko Noda was considering a review of Japan's above-mentioned 1992 PKO Law seeking to expand the range of situations in which Japan's armed forces can use military force in their missions. In this context, the government envisions allowing Japanese soldiers to protect civilians working for international non-governmental organizations (NGOs), with military force when deemed necessary. Furthermore, the government argues that Japanese soldiers should be allowed to use military force to defend military bases of other countries. Given that this kind of use of military force would unambiguously constitute acts of collective self-defence (for which there is no inner-DPJ consensus whatsoever), it remains unlikely that Noda's plans to expand to

Japanese contributions to peace-keeping missions through the easing of the above-mentioned restrictions will lead to results any time soon.

US-Japanese-driven encirclement, Beijing fears

Tokyo's new defence guidelines strengthen the operational basis for US-Japanese military co-operation in the framework of the US-Japanese Security Treaty. The guidelines stipulate that Japanese contributions to US-led military operations in East Asia with a direct impact on Japanese national security (such as, for example, a military contingency on the Korean Peninsula or the Taiwan Strait) will go beyond so-called rear area support, i.e. Japanese logistical support for the US military in times of a military emergency. In other words, the guidelines are—at least on paper—another step towards enabling Japanese armed forces to fight alongside US troops in times of war in East Asia (as opposed to providing the US military with logistic and medical support behind the front line).

The defence guidelines are also aimed at facilitating security and military co-operation with countries such as India and Australia.⁹ The envisioned diversification of Japanese security and defence ties through the expansion of security and defence ties with India and Australia is considered to be compatible with the US-led 'hub-and-spoke' alliance system in Asia and—at least in theory—also fits into the ongoing restructuring of US security policies in East Asia characterized by, for example, the intensification of US bilateral and trilateral security ties in the region (such as the 2006 USA-Japan-Australia Trilateral Strategic Dialogue—TSD).¹⁰

The December 2010 defence guidelines follow-up on what Tokyo already adopted with Canberra and Delhi in terms of bilateral security co-operation in the late 2000s. Japan and Australia adopted the so-called Joint Declaration on Security Co-operation in 2007 and the Japan-Australia Joint Foreign and Defence Ministerial Consultations, a 2+2 ministerial meeting, were initiated in the same year (Tow 2007). The joint security declaration was followed by the adoption of an Action Plan on Security, first signed in September 2007 and then revised and expanded in December 2009. Japanese-Australian security co-operation formulated in the Action Plan on Security foresees amongst others intelligence co-operation in areas such as counter-terrorism and satellite surveillance. Furthermore, Tokyo and Canberra plan to conduct joint missile defence research, disaster relief and joint peace-keeping. At the 2+2 ministerial meeting in Tokyo in May 2010, Japan and Australia then adopted an acquisition and cross servicing agreement (ACSA). The ACSA is aimed at facilitating the reciprocal provision of supplies and services between Japan and Australia through simplified and common procedures in carrying out joint military exercises, for example. The provision of supplies and services includes logistical support, military goods such as foods, water and fuels (Takamine 2010).

The strengthening of Japan-India security ties on the other hand was initiated in 2006 when Tokyo and New Delhi regularized prime minister-level exchanges dealing with regional security issues such as maritime security, disaster relief, non-proliferation, counter-terrorism and counter-piracy. In October 2008 Tokyo and Delhi adopted the Japan-India Joint Declaration on Security Co-operation (Mulgan 2010). In 2009, that joint declaration was followed-up by the adoption of an Action Plan on Security Co-operation, the Joint Statement Vision for Japan-India Strategic and Global Partnership in the Next Decade and the Joint Statement on the Advancement of the Strategic and Global Partnership between Japan and India (Koga 2011). Amongst others, the bilateral Action Plan on Security Co-operation stipulates the establishment of military-to-military dialogues, a range of naval exercises and defence exchanges, and coastguard co-operation.

Analysts and scholars, however, are sceptical that India agrees to be formally and institutionally included in a US-Japanese-driven Asian military alliance system in view of India's traditional aversion to extending security obligations in the framework of bilateral and multilateral security arrangements.

Predictably, Tokyo's plans to expand security ties with countries such as the USA, India and Australia are observed with suspicion in Beijing. Indeed, Beijing tends to consider Japanese initiatives to intensify defence or military-to-military relations with regional powers as part of a US-Japanese-driven strategy of 'encirclement' aimed at containing Chinese regional political and military influence. Or, as the literature suggests, an alliance system of the People's Republic of China versus the democracies—from Beijing's perspective nothing less than the institutionalization of US-led Asian containment policies towards China.

Issues with China

Speaking of China, the clash between a Chinese fishing trawler and the Japanese coastguard in September 2010 alerted Japan's policy makers to Beijing's rapidly growing assertiveness as regards disputed territories in the East China Sea, both claimed by Tokyo and Beijing. The September 2010 incident led to the cancellation of a series of official Japanese-Chinese bilateral encounters during and after the controversy centred around the intrusion of a Chinese trawler into what Japan claims as its own territorial waters. The Japanese government was criticized for giving in to Chinese pressure to free the Chinese captain when it was revealed through video footage of the incident that the Chinese trawler intentionally rammed into the coastguard's ship.¹¹ Japanese conservative and pro-defence scholars back then accused the Japanese government of having lost credibility and should have continued to detain and bring the Chinese captain before a Japanese court. Such reasoning amongst Japanese conservatives, defence hawks and nationalists is at times accompanied by arguments and complaints about what is at times dismissively referred to as 'ridiculous pacifism' which supposedly stands in the way of Japan being taken seriously and respected as a credible regional actor equipped with the instruments to respond to Chinese intimidation with determination backed up by military capabilities.¹²

The September 2010 Japanese-Sino clash in disputed territorial waters near the Japanese-controlled Senkaku Islands claimed both by Tokyo and Beijing (which calls the uninhabited islands the Diaoyu Islands)¹³ probably put an indefinite halt to earlier joint Japanese-Chinese efforts to exploit gas and oil resources in the East China Sea.¹⁴ In 2008 then Japanese Prime Minister Yasuo Fukuda launched negotiations on concluding a treaty over a joint gas development project in the disputed waters in the East China Sea. However, Beijing has yet officially to agree to the idea of institutionalizing Sino-Japanese exploration and after further escalation of the bilateral dispute in the course of 2011 and 2012, Chinese policy makers are unlikely to do that anytime soon (some progress, however, was made in November 2011 when both Tokyo and Beijing again confirmed their willingness to consider 'functional co-operation', a euphemism to consider the joint exploitation of natural resources while temporarily shelving issues related to sovereignty over the islands).

Territorial disputes aside, Japan's default strategy towards China will continue to be one of economic and political engagement (Hughes 2009). Bilateral trade between Japan and China amounted to US \$440 billion in 2011. Japan remains next to Taiwan the biggest investor in China. What's more, during a December 2011 Japanese-Chinese summit, Noda and his Chinese counterpart Wen Jiabao agreed to allow and promote direct trading of the yen and yuan without using dollars. While currently roughly 60% of Japanese-Chinese trade transactions are settled in dollars, direct yen-yuan trade could significantly reduce bilateral trading costs.

Furthermore, Tokyo and Beijing agreed in December 2011 to allow Japan to buy Chinese government bonds in 2012, something requested by Tokyo for some time.

Prime Minister Noda and China: 'assertive continuity'

Japan's current Prime Minister Yoshihiko Noda—known for his hawkish views on China's economic and military rise and occasional history revisionism—has shown himself to be aware of the importance of continuing economically to engage and trade with China. Consequently, Noda's China policies will most probably continue to be driven and restrained by the country's multinational companies' interest in expanding business and investment ties with Beijing. China has in 2009 become Japan's biggest trading partner and Japan's business elites have not forgotten that the rapid expansion of trade and business ties with China in the early 2000s contributed very significantly to Japan overcoming a decade-long recession characterized by deflation and more often than not zero economic growth.

Noda's (relatively tame) China policies must have surprised Beijing's political leadership as he is not nearly as hawkish or indeed anti-China as Beijing, its state-controlled media and scholars feared (and Japanese nationalists hoped) when Noda took office in September 2011 (Economy 2011). To be sure, Noda had one final go at interpreting history the way Japanese ultra-nationalists and revisionist do when he announced (before taking office) that Japanese wartime leaders convicted by the Allied Tribunal in Tokyo after the Second World War were not war criminals under Japanese domestic law at the time. Noda, however, then backed off within a day, confirming Tokyo's official position, which accepts the legality of the Tokyo Trials guilty verdicts.

Much to the chagrin of Japanese nationalists and China-bashers, Noda then early during his tenure announced that he would not visit the controversial Yasukuni Shrine in Tokyo, the last resting place of a number of convicted A-Class war criminals. Indeed, since taking office in 2011 he has become fairly (by his standards) cautious about infuriating China over the microphone. If he is a nationalist suspicious about everything Chinese, he is certainly hiding it fairly well, at least for now.

Conclusions

British Japan scholar Christopher W. Hughes argues that Japan will become a 'normal' country when it is able, and authorized by its constitution, to deploy military to international military missions going beyond the defence of national territory (Hughes 2002; Hirata 2008). US scholar Richard Samuels goes a step further, arguing that a 'normal' country is a 'country that can go to war' (Samuels 2007). While Japan today can do neither of these things, Japan is none the less arguably already pretty much a 'normal' country as regards its defence and military policies, even if we will most probably continue not to see Japanese soldiers fighting alongside soldiers from other countries in the framework of UN-sanctioned military operations. To be sure, if North Korea (or any other country, such as China) decided to attack Japanese territory or US soldiers stationed on Japanese territory, that would change very quickly and the above-mentioned debate on whether or not Japanese soldiers are allowed to execute the right to collective self-defence would very quickly become obsolete.

The analysis of some selected parts of Japan's security and defence policies above allow for the following conclusions:

- Japan's policy-makers—and who can blame them—will continue to cite the restrictions imposed by the country's war-renouncing Article 9 onto Tokyo defence and security

policies to limit the country's involvement in international security unless, for example in the case of the international UN-sanctioned anti-piracy mission in the Gulf of Aden, a security issue with a direct impact on Japanese national and economic security.

- The constitution's war-renouncing Article 9 will continue not to stand in the way of Japan making (non-combat) contributions to international UN-sanctioned military missions if and when of interest to Japan's national security. The reinterpretation and bending of war-renouncing Article 9 will continue to be 'enough' when foregoing and indeed ignoring the constitutionally prescribed restrictions of what Japanese armed forces can and cannot do abroad and at home.
- Japan will continue not to acquire offensive military capabilities and will not equip itself with nuclear weapons, even if North Korea continues to develop and, in the long run, deploy nuclear weapons. Those in Japan who argue that even pacifist Japan has the right to develop and deploy nuclear weapons in Japan in self-defence will continue to be a small (albeit vocal) minority.
- Japan's constitution and with it the war-renouncing Article will continue to remain unrevised over the years. The political and procedural obstacles to achieving constitutional revision will remain in place and the above-mentioned 'National Referendum Law' will continue to have very little, if any, impact on the currently quasi-dormant debate on constitutional revision.
- The lifting of Japan's ban on exporting weapons and weapons technology confirms that it is becoming increasingly incorrect to refer to Japan as 'pacifist'. 'Real' pacifist countries do not sell weapons to other countries and the government reassuring the Japanese and international public that Japanese arms and arms technology will not be sold to countries subject to or involved in military conflicts is as credible and reassuring as Germany in the 1990s claiming that German tanks sold to Turkey will be not be used to fight Kurdish PKK paramilitary forces.
- Japan will continue—at least officially and formally—not to execute the right to collective self-defence even if there is wide agreement amongst scholars and analysts that Japan's refuelling mission in the Indian Ocean (2001–09) and its current anti-piracy mission in the Gulf of Aden unambiguously constitute the execution of the right to collective self-defence.
- Japan is very unlikely to adopt a permanent, as opposed to the above-mentioned 'made-to-measure', law authorizing the deployment of the country's armed forces to international missions abroad. While this will mean that Japanese contributions to international missions will continue to be 'late', Tokyo will continue to be able to avoid entrapment into US-led military operations and wars against its will.

In conclusion, those inside and outside of Japan who fear that Japan is on the road to fundamentally changing the quality of its security and defence policies from 'defence-oriented' to 'offensive' can continue to sleep peacefully. However, some of them—as ever—will probably opt to do so with one eye open.

Notes

- 1 Article 9 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 means of settling international disputes. (2) 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'.
- 2 Only the USA, China and Russia spend more on defence.

- 3 In order to stimulate and promote debate on constitutional revision amongst Japan's political parties, policy makers and the public during that three-year period.
- 4 Already in 2004 the Japanese government partially eased the country's weapons export ban, allowing Mitsubishi Heavy Industries and Kawasaki Heavy Industries to co-operate with US counterparts on the development of the US-Japanese missile defence system. Even before 2004, Mitsubishi Heavy Industries already co-operated on joint military projects with US defence contractors such as Raytheon, the world's largest missile maker, and Lockheed Martin, the biggest US defence contractor. Furthermore, in 2006 Tokyo sold three fast patrol vessels to Indonesia and the Philippines—in order to avoid accusations that it was violating the weapons export ban, Tokyo referred to the sales as 'development aid'.
- 5 During a conference at the Institut Français des Relations Internationales (IFRI) in Paris in April 2010.
- 6 Author's conversations with Japanese scholars affiliated with the NIDS, in Paris, April 2010.
- 7 LDP-led governments have over the last 20 years repeatedly announced that they would embed the Principles into a legally binding framework without, however, ever actually following up on the announcement. The DPJ, too, has since taking power promised to consider embedding the principles into a legally binding framework. However, this has yet to take place.
- 8 The agreements were declassified until 1999. A researcher from a think tank in Washington, DC, made a copy of them, before they were again reclassified in view of their politically sensitive nature.
- 9 The conceptual background of the expansion of Japanese security and defence ties with Australia and India is what then Japanese Prime Minister Abe in 2006 called an 'arch of democracies' in Asia, i.e. US-Japanese-led strengthening of defence ties amongst Asian democracies.
- 10 Japan's SDF, for example, participated for the first time in the US-Australian joint exercise in June 2007 as an observer and the first trilateral P-3C exercise was held in October of the same year.
- 11 The captain of the Chinese trawler was arrested and briefly imprisoned. He was later freed—a decision taken by the Japanese government in order to end diplomatic tensions with Beijing, which insisted that the captain's imprisonment was 'illegal', as the Chinese trawler, at least in Beijing's view, was sailing in Chinese territorial waters.
- 12 Japanese pro-defence (and more often than not anti-China) conservatives, ultra-conservatives and nationalists have in recent years become very vocal and outspoken about the alleged 'necessity' to respond forcefully and if necessary with military force against the intrusion of Chinese vessels into Japanese territorial waters.
- 13 As well as other controversies centred around the ownership of the disputed islands, in 2012 Tokyo's ultra-nationalist and notorious China-bashing governor Shintaro Ishihara announced that the city of Tokyo wanted to buy some of the islands from the islands' private owners. In an attempt to defuse tensions with Beijing, the Japanese government announced that it would buy some of the islands in order not to let Tokyo's revisionist and ultra-conservative Ishihara control the disputed islands. That attempt, however, backfired, and led to even more protests from Beijing.
- 14 In the past, Chinese vessels (Beijing usually refers to them as 'research ships') have repeatedly entered into what Tokyo calls its 'economic exclusive zone' (EEZ), in the vicinity of the disputed territories in the East China Sea.

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