

研究論文

The Right to Collective Self-Defense and United States Forces in Japan (USFJ)

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Introduction

Article 9 of the Japanese Constitution does not mention the right to self-defense, regardless of whether it is the right to individual self-defense or the right to collective self-defense. However, the Japanese Government interprets that Japan has the right to individual self-defense. As for the right to collective self-defense, the Japanese Government had interpreted until 2014 that Japan had the right to collective self-defense as a member of the United Nations, but could not exercise its right. However, in July 2014, Prime Minister Shinzo Abe changed the interpretation of Article 9 so that Japan could exercise the right to collective self-defense. This new interpretation would bring about many problems to Japan.

The Liberal Democratic Party (LDP) has put the revision of the Constitution Article 9 in its manifesto since its inception. The LDP won 291 out of 475 seats along with the Komeito, which won 35 seats, in the House of Representatives' elections in December 2014.¹ Now, the LDP together with the Komeito has more than two-thirds of the seats in the House of Representatives. If the LDP wins more than two-thirds of the seats in the House of Councilors' elections in the summer of 2016, there is a strong possibility that Abe would propose the revision of the Constitution Article 9 into the Diet.

This paper examines the right to collective self-defense under Prime Minister Shinzo Abe's leadership and Japan's security.

The Right to Collective Self-Defense, Prime Minister Shinzo Abe, and USFJ

In July 2014, Prime Minister Shinzo Abe decided at his cabinet meeting that Japan could exercise the right to collective self-defense. Up until this time, the Japanese Government took the position that Japan would not be able to exercise its right. Now, the Self-Defense Forces (SDF) could help the United States forces beyond the Japanese territory. This is an epoch-making incident in the sense that the members of the SDF could kill enemies or be killed in a war. Since 1945, Japan is the only major country whose members

of the armed forces have not killed anyone or have not been killed in a battle field. Abe wanted to make Japan an equal status with the United States in the United States-Japan alliance. Under the old interpretation, Japan could not help the United States beyond the Japanese territory. Now, Japan can help the United States beyond the Japanese territory when the United States forces were attacked.

In May 2014, the Prime Minister's advisory committee on restructure of legal foundation of the security made a report

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recommending that Japan exercise the right to collective self-defense. The report says that Japan should interpret the exercise of the right to collective self-defense as a part of necessary minimum use of force which is one factor of the right to individual self-defense and should acknowledge the right to collective self-defense. The examples of the exercise of the right to collective self-defense according to the report include: defense of the United States Naval vessels on the high seas; interception of the ballistic missiles aiming at the United States; inspection of the foreign shipping near Japan in time of emergency; and inspection of the foreign shipping when the United States was attacked. Prime Minister Abe emphasized change of international situation and increase of threats against Japan's neighboring areas.² Abe certainly thinks about China as an example of increase of threats against Japan's neighboring areas. In recent years, China flexes her muscles in the territorial issues particularly with the Philippines and Vietnam. It is certain that these Chinese behaviors have accelerated Abe's thought about the exercise of the right to collective self-defense.

The Japanese Government also wants to rescue about 30,000 Japanese people who live in South Korea in case that the Korean War breaks out. The government assumes that the Maritime SDF would protect the United States Naval vessels which carry the Japanese nationals from South Korea. However, the United States once refused to carry the Japanese people.³ It is the United States policy that the United States Naval vessels first rescue the United States citizens. Then, the Western European nationals of the United States allies would be followed. The Japanese people would be among the last group. Abe wanted to justify reinterpretation of the exercise of the right to collective self-defense. The right to collective self-defense means that when a potential enemy of Japan such as China or North Korea attacked her ally, the United States, even though Japan was not attacked yet, she has the right to retaliate against the enemy with military forces. The right to

collective self-defense is stipulated in the Charter of the United Nations and Japan has the right as a member of the United Nations.

However, according to the past interpretation of the Japanese Government, Japan cannot exercise the right due to Article 9, which prohibits use of force as a means of solving international disputes and denies the right of belligerency. The Japanese Government stated that Japan had the right to individual self-defense, which meant that Japan could use force to defend her own country when attacked. The use of force, however, was only limited to the case which would have to deal with urgent and injustice infringement on Japan's sovereignty. Even when Japan was attacked, use of force was very limited. Therefore, under Article 9 Japan could not exercise the right to collective self-defense which would allow use of force to help her ally against the enemy that attacked the ally.⁴

In this way, all the past administrations have abided by the interpretation mentioned above. However, Prime Minister Abe had sought to revise the interpretation of the right to collective self-defense for a long time. Therefore, he gathered the experts who had the same view as his on the right to collective self-defense and let them recommend the exercise of the right to collective self-defense. This is a typical approach toward the policy which the public is reluctant to follow. The report of the advisory committee sent out a political balloon, which would influence the direction of the public opinion, and the government decided on the policy based on the report.

As Narahiko Toyoshita argues, Abe is willing to reinterpret the right to collective self-defense since Japan wants to be on equality with the United States by enhancing Japan's military contribution to the United States.⁵ It is interesting to see the difference between Hatoyama, who sought equality with the United States by relocating the Futenma Marine Corps Air Base out of Okinawa and therefore, reducing the burden of the people in Okinawa, and

Abe, who sought equality by expanding the role of the SDF and therefore eviscerated Article 9. Abe's real intention is to revise Article 9 so that Japan could have "real armed forces" and the SDF could fight along with the United States forces under the right to collective self-defense. However, it is extremely difficult to revise Article 9, so Abe compromised and decided on change of interpretation of Article 9 so that Japan could exercise the right to collective self-defense. So far, Japan is heading toward what Abe wants to accomplish.

During the discussions of the committee, some committee members complain that they were not allowed to bring home material, could not read the draft of the report during the meeting since the report was taken away, or only took notes. As a result, the committee did not fully discuss the issue. Moreover, the bureaucrats of the committee's secretariat mainly led the argument of the committee, thoroughly controlled the information, and mainly wrote the report with some committee members. The committee report argues that Japan should not limit the areas of the activities of the SDF in exercising the right to collective self-defense. The areas should be decided based on whether there is a possibility which would have serious effect on Japan's security, and if there is a possibility, then Japan should exercise the right to collective self-defense, the report says. However, some are concerned that the areas where the SDF is dispatched would be unlimited. In fact, one government official of the committee's secretariat says that the Japanese Government does not promise that the SDF would never be sent to the other side of the globe.⁶ This is a typical characteristic of the Prime Minister's advisory committee. The bureaucrats provide the discussion material, lay the foundation of the argument, and lead the direction of the report. Almost all the government advisory committees are under the control of the bureaucrats. Therefore, the committee report plays a role of a political advertising balloon, which sees the direction of the public opinion or sets up the direction of the public opinion.

John Foster Dulles once said in 1955 that the United States Government would have to give up the right to keep USFJ and bases if the Security Treaty would change into a mutual defense treaty in which case the United States Government would have to rely on the Japanese Government's approval to continue to have such privilege. According to Toyoshita, for Dulles, it would be more important for the United States strategy to keep USFJ and bases as the privilege than Japan exercising the right to collective self-defense to defend the United States. In 1958 the United States Ambassador to Japan Douglas MacArthur II said that the real valuable contribution of Japan to the United States was that Japan would allow the United States to keep the military bases, provide the supply facilities, and a cooperated action in defense of Japan.⁷ In this way, the United States was not so much interested in Japan's right to collective self-defense as the right to keep USFJ and bases at that time. However, the time passed and now the United States Government wants Japan to exercise the right to collective self-defense to defend the United States Naval vessels within the framework of the Security Treaty. Japan would exercise the right to collective self-defense if the United States asks so.

In 2000, Richard Armitage said that the fact that Japan prohibited the right to collective self-defense restricted the alliance relations between the United States and Japan. If Japan could exercise the right, both countries would be able to achieve closer and more effective security cooperation in the alliance relations, he said.⁸ It is obvious that Abe thinks that Japan would be on equal with the United States by exercising the right to collective self-defense. Therefore, responding to the United States request for Japan's exercise of the right to collective self-defense is important for him. However, Toyoshita criticizes Abe saying that Abe's idea is illusion if one sees the result of the British foreign policy under Tony Blair in supporting the United States during the Iraq War of 2003. It was because the United Kingdom was not able to

influence the United States foreign policy in any way, he says.⁹ If the United Kingdom was not able to influence the United States foreign policy, how could Japan affect the policy? The United States would go alone if necessary without the United Nation's approval or consulting with her allies. If Japan approves exercise of the right to collective self-defense, the SDF would be fighting along with the United States forces in the Korean Peninsula, the Taiwan Strait, or even the Middle East in the future. Japan is the only major country whose members of the armed forces have not killed anyone or they have not been killed for seventy years since 1945. The Japanese people should be very proud of this fact. However, Abe tries to make Japan a "normal country" that can wage a war against other countries under the name of "active pacifism."

One of the hypothetical situations for Japan to exercise the right to collective self-defense is the interception of the ballistic missiles aiming at the United States as mentioned above. Toyoshita criticizes this hypothesis saying that it would be impossible for Japan's PAC-3 or SM-3 to shoot down North Korean long-range ballistic missiles going toward the United States since they are flying at an altitude of far more than 700 kilometers. Even if Japan could shoot them down, she would be covered with radioactive contamination. North Korean Nodong missiles could destroy Japanese nuclear plants which would spread radioactive contamination all over Japan. According to Toyoshita, the United States has increased her demands and threats for Japan to exercise the right to collective self-defense.¹⁰ It is obvious that Japan responded to the United States requests in July 2014 so that Japan would be able to exercise the right to collective self-defense. Nodong whose range is said to be about 2,000 kilometers or Tepodong with the range of about 6,000 kilometers could easily attack Japan. In any case, Japan would not be able to defend herself against North Korean missiles. Japan cannot rely on the Marine Corps in Okinawa, which would be useless against

missile attacks. In this respect, Abe would push down Japan into the bottomless pit of Hell with the exercise of the right to collective self-defense. Therefore, Japan has to find an alternative way to defend the country.

Toyoshita further argues that the United States often changed her enemy in the past and pulled the ladder out from under Japan each time she did. In this way, Japan was twisted around the United States little finger.¹¹ If that is the case, Japan must be careful when she decides on exercising the right to collective self-defense. To whom does Japan exercise the right to collective self-defense? If the United States often changes her enemy, today China might be the enemy of the United States, but tomorrow she might not be. Then, Japan will be in trouble. It is more important for Japan to pursue her own national interests than exercise the right to collective self-defense against the United States enemy, which might become her friend the following day.

Kyoji Yanagisawa argues that the Abe Administration aims at use of force beyond the necessity of defending one's own country under the name of the right to collective self-defense. According to Yanagisawa, Abe wants to establish an equal relationship with the United States by fighting a war along with the United States forces. By establishing "an alliance based on blood," Japan would be able to tell the United States what she wants to say.¹² However, the United States would not listen to Japan since she did not listen to the United Kingdom, the closest ally of the United States. Given the fact that Japan has been an American protectorate or vassal and the United States does not treat Japan as an ally, it is illusion that Japan would be able to tell the United States what she wants to say even though Japan exercises the right to collective self-defense. As long as Japan remains within the framework of the Security Treaty, the United States would continue to treat Japan as her protectorate or vassal.

Yanagisawa thinks that the cause of the recent antagonistic relationship between China and Japan stems from

China's change to her hard line policy along with the failure of Japan's diplomacy under the Democratic Party of Japan (DPJ) administrations.¹³ However, it was more Japan's diplomatic failure than aggressive Chinese diplomacy that caused a problem over the Senkaku Islands. Japan should not have declared nationalization of the islands because it is Japan that actually exercises administrative right over the islands. As for collision between the Japanese Coast Guard vessel and the Chinese fishing boat in 2010, Japan should have let the Chinese Coast Guard handle the issue according to the fishing treaty between China and Japan.

Concerning the right to collective self-defense, Yanagisawa explains the past government interpretation as follows. Exercise of the right to self-defense can be possible within the range of necessary minimum to defend own country. Japan cannot exercise the right to collective self-defense, which is based on the premise that Japan is not attacked. Since Japan is not attacked, the exercise of the right to collective self-defense is beyond necessary minimum to defend own country. Therefore, Japan cannot exercise the right to collective self-defense. Yanagisawa interprets no use of the right to collective self-defense as a meaning that Japan would not militarily intervene in other countries with her own will. The question is whether Japan would abandon it or not, he says. If the United States illegally uses her military forces and Japan responds to the United States request for Japan to use military forces under the right to collective self-defense, then Japan would be also forced to illegally use force. If Japan rejected the United States request, the alliance would collapse, Yanagisawa says.¹⁴ This is an important point. Japan is the only major country that has not used military forces to solve the international disputes so that the SDF has not killed anyone or has not lost any of its members in a field of battle since 1945. Japan must continue to keep this postwar tradition that she would not militarily intervene in other countries with her own will and that the members of the SDF would not kill

anyone. In order to do so, Japan must keep Article 9 and does not exercise the right to collective self-defense.

Yanagisawa criticizes that there is little probability which four examples the advisory committee gave would be materialized. Even if Japan did not exercise the right to collective self-defense, one cannot say that the alliance would inevitably collapse.¹⁵ Since Japan is indispensable to the United States worldwide strategy due to USFJ and bases as well as her geographical location and technological superiority, the alliance would not collapse even though Japan does not exercise the right to collective self-defense. After all, the United States has not abandoned Japan since 1951 even though Japan has not exercised the right to collective self-defense.

It is obvious that the United States wants Japan to provide her with logistical support as described in the Guidelines more than exercise of the right to collective self-defense. As Yanagisawa criticizes, there are very few cases which Japan can exercise the right to collective self-defense. For the United States, receiving Host Nation Support and keeping USFJ and bases are more important than Japan exercising the right to collective self-defense. Abe emphasizes the change of the international situation and says that nowadays any country cannot defend its own country by itself. However, Japan has been dependent on the United States through the Security Treaty since 1951. Japan has never thought that she could defend her own country by herself. Therefore, in this respect, there is no change of the international situation for Japan.

Douglas Lummis argues that the SDF has not killed anyone overseas due to Article 9, but if Japan participates in the war which the United States started, the SDF would kill many people and many SDF members would be killed. The United States has a part of Japan's sovereignty under the Security Treaty. Therefore, it is up to the United States whether to have good relations with a country or make one a

potential enemy, he says.¹⁶ In fact, Japan has no choice but to follow the United States when the latter says that a country is a potential enemy and decides to attack the country. If Japan allows exercise of the right to collective self-defense, she will join the war of the United States. Even in the rear support, it is certain that the SDF would suffer casualties as the German Armed Forces has suffered in the roles of the war including logistical support in Afghanistan since 2001. The important question here is whether the Japanese people are ready to accept casualties of the SDF not in a war to defend Japan, but in a war that the United States started.

So far, the paper has discussed those who oppose the right to collective self-defense. In addition to the Abe Administration, there are many experts who support the right to collective self-defense. One of them is Richard Armitage, former Deputy Secretary of State, who argues that Article 9 and the right to collective self-defense are obstacles to the alliance relationship. He continues that Japan does not have to revise Article 9, but only to change its interpretation.¹⁷ Kevin Maher, former United States Consul General in Okinawa, argues for deterrence to prevent a war, which the right to collective self-defense would provide. He says that it is the Japanese Government that can decide on the exercise of the right to collective self-defense.¹⁸ Armitage fully knows the difficulty and the risk of revising Article 9, so he suggests the change of its interpretation. This is exactly what Abe Administration has been doing. Abe argues that since all the independent states have the right to collective self-defense, Japan also has its right. Abe does not dare to challenge the revise of Article 9. Maher emphasizes deterrence, but from the Japanese viewpoint, the right to collective self-defense would throw Japan into a war started by the United States. In other words, a possibility of Japan getting into a war would increase.

Masamori Sase argues that a war was once not prohibited and a nation had the right to wage a war as its own right. He

continues that both the right to individual self-defense and the right to collective self-defense are called the inherent right and both rights are tantamount to the natural right. The natural right is inviolable to or cannot be taken away from an individual or a state. It is an epoch-making that the United Nations Charter defined the right to individual self-defense and the right to collective self-defense as the inherent right, he argues.¹⁹ Sase points out that the International Court of Justice also concluded in 1986 in relation to a case of Nicaragua that the right to collective self-defense as the inherent right of a state was within the customary international law. Sase also criticizes the Cabinet Legislation Bureau which denounced the right to collective self-defense as an abuse of a concept of the right to self-defense saying that the bureau extremely exceeded its own authority since no state in the United Nations objected to the right to collective self-defense.²⁰ Sase asks if the Japanese Constitution denies the right to collective self-defense. According to a government unified view made by the Ichiro Hatoyama Administration in 1954, the Constitution does not deny the right to self-defense because all the independent states have the right to self-defense, Sase says. Therefore, Sase argues that the Constitution does not deny the right to collective self-defense since the 1946 Japanese Constitution does not deny the 1945 United Nations Charter, which guarantees the right to individual self-defense and the right to collective self-defense as the inherent right of all the independent states.²¹ Sase argues that all the states have these rights under the United Nations Charter. However, the Constitution does not stipulate that Japan has the right to individual self-defense or the right to collective self-defense. Moreover, Japan is not a “normal” state in the sense that she does not have the right to wage a war. A “normal” state is allowed to have armed forces, too. However, Japan is prohibited to have army, navy, air force, or any kind of war potential. Therefore, one cannot simply say that Japan has these rights, which are guaranteed to normal states by the

United Nations Charter.

In any rate, the exercise of the right to collective self-defense will make Japan participate in the war started by the United States. The SDF is founded to defend Japan, but now it will defend the United States forces and fight with them when the United States was attacked while Japan is still not attacked. Abe's decision in 2014 might change Japan's unbroken record mentioned above and would make Japan "a normal state." It is because if the United States asked Japan to exercise the right to collective self-defense to help the United States forces, it would be extremely difficult for Japan to say "No" to the United States. In the past, the Japanese Government was able to say "No" because of Article 9. However, now the Japanese Government changed its interpretation of Article 9 so that Japan could exercise the right to collective self-defense. This decision has a tremendous impact on the future of the Japanese people.

USFJ and the SDF will further cooperate with each other under the new interpretation of the right to collective self-defense and the new Guidelines. The SDF is founded to defend Japan although there is still a problem of unconstitutionality. The roles and missions of the SDF have continued to expand over the last sixty years. Now, the SDF is assigned to a new task, which would not only defend Japan, but also the United States forces in case that the latter was attacked.

The Guidelines of 2015 and the Right to Collective Self-Defense

In April 2015, the Japanese Government revised the 1997 Guidelines. There are several important points. First, the new Guidelines eliminated an idea of an emergency in the areas surrounding Japan. In the area of logistical support under the 1997 Guidelines, there was a geographical limit, which covered the Korean Peninsula and the areas surrounding

Japan. The new Guidelines emphasize the Asia-Pacific region and the areas beyond the regions. Now, the 2015 Guidelines extend the areas of defense cooperation to the global areas. Secondly, in the use of force, the Japanese Government can now exercise the right to collective self-defense whereas under the 1997 Guidelines the government only allowed the right to individual self-defense. This is the de fact revision of the Security Treaty. Both the United States and Japan would cope with an attack on the United States or the third party in cooperation with each other. Thirdly, both the United States and Japan would cooperate with each other for the defense of the isolated islands. Fourthly, in addition to the case of an armed clash, both the United States and Japan would reinforce watch even in so-called grey areas such as illegal occupation of the isolated islands before an armed attack would take place. Kyoji Yanagisawa criticizes the revised Guidelines saying that the revision went far beyond the range of the Security Treaty and changed the interpretation of the Constitution.²²

The 2015 Guidelines are indeed de fact revision of the Security Treaty. Now, the SDF is expected to help the United States forces in a global scale beyond the Japanese territories, the Far East, and the Asia-Pacific region. In other words, the SDF would go anywhere in the world if the United States asked Japan to help the former. Therefore, the new Guidelines abolished a concept of "an emergency in the areas surrounding Japan." Another important difference is that now the SDF along with the United States forces could retaliate against an attack on the United States or her allies even though the third party has not attacked Japan yet. In this respect, Japan would be dragged into a war between the United States and the third party. Japan would be a target of a terrorist attack too.

Concerning the isolated islands including the Senkaku Islands, the Guidelines state that when a country occupied the islands but has not used armed forces yet, both the United States and Japan would cooperate with each other and take

necessary measures. However, whether the United States actually militarily supports Japan is not clear. The Guidelines stipulate that the SDF has a primary responsibility for the defense of Japan. Therefore, it is the SDF that first has to cope with such situation as occupation of the Senkaku Islands by a foreign country. Given the fact that the United States heavily relies on the money invested by China, it is difficult to imagine that the United States would take antagonistic attitude toward China including military options.

As for the right to collective self-defense, as long as Japan maintains the Security Treaty, she would have no choice but to follow the United States request when Japan was asked to exercise the right to collective self-defense to help the United States. In the past, the Japanese Government was able to say “No” to the United States request because of Article 9. However, now the Abe Administration changed its interpretation. Japan lost an excuse not to support an American war. This was a significant change; nevertheless the Japanese people are indifferent to the change or have not realized its significance.

According to public opinion polls conducted by *Asahi Shimbun* in May 2015, 43 percent of those who participated in the survey said “No” whereas 33 percent said “Yes” regarding a bill which would allow Japan to exercise the right to collective self-defense. Sixty percent said that it was “Not necessary at this session of the Diet” concerning passage of eleven bills related to the Security Treaty whereas 23 percent said “Necessary.” Regarding remarks made by Prime Minister Abe that Japan would never be involved in a war started by the United States, 68 percent said “Not understanding” while 19 percent said “Understanding.” Fifty three percent said “No” concerning a bill which would allow the SDF to help the United States forces in a rear support anywhere in the world whereas 29 percent said “Yes.”²³

The opinion polls show that the Japanese people are concerned about rapid development in the change of the roles

and missions surrounding the SDF. More than half the people participated in the survey had a negative view toward the exercise of the right to collective self-defense which would allow the SDF to help the United States forces anywhere in the world. If one considers the fact that there would be no distinction between the front line and the home front in a war against a terrorist attack, the Japanese people must be ready for the loss of the SDF members for the first time since 1945 when Japan exercises the right to collective self-defense. The SDF was founded to defend Japan, but now the role of the SDF is extended to cover the entire world if the United States asks Japan to help her since the 2015 Guidelines eliminated a concept of the areas surrounding Japan. This is a de facto change of the Security Treaty.

The Abe Administration argues that new three conditions are required if Japan would exercise the right to collective self-defense. They are: First, when Japan was attacked, a country which Japan maintained close relations was attacked, or there was a clear danger that would threaten the existence of Japan and fundamentally deny lives, freedom, and the right to pursue happiness of the people; Secondly, there would be no proper way to defend the people; and Finally, use of force would not go beyond a necessity minimum level. Abe mentions that there would be some exceptions. They would include: A possibility that the SDF would defend the United States Naval vessels carrying the Japanese people even if these latter entered into other country’s territorial water; Removal of mines in such places as the Middle East before the end of the war; and Attack on enemy’s bases to prevent the launch of missiles.²⁴

Concerning the first and the second conditions, Abe assumes that if a war breaks out in the Middle East, no oil would come to Japan and the Japanese people would die without oil. Therefore, Japan would have no choice but to exercise the right to collective self-defense. However, Abe did not mention that Japan had about 200 days of oil reserves. Moreover, Japan should make every effort to search for oil

from all over the world, not just from the Middle East. While it is true that Japan heavily depends on oil from the Middle East, it is also true that there are many places that she can buy oil. For example, Russia, Mexico, Indonesia, Venezuela, the United Kingdom, and the United States are some of the major oil producing countries outside of the Middle East. Japan should negotiate with these countries if they are willing to sell oil to her before Japan decides on the exercise of the right to collective self-defense.

As for the third condition, it is extremely difficult for Japan or any country to restrain use of force once a war breaks out. It is often the case that a commanding officer on the front would ask for reinforcement. Facing tremendous casualties, the troop fighting on the front would always need more troops, which the central government would have difficulty denying such a request. There are many cases in history that use of force went beyond a necessity minimum level. The Sino-Japanese War of 1937 is a case in point. After a small clash between the Chinese troops and the Japanese troops in July 1937, both sides reached a truce several days later. However, a fighting resumed soon in Shanghai, which spread to all over China and became a full scale war between China and Japan. The war lasted for eight years.

If the SDF would defend the United States Naval vessels entering into other country's territorial water, that action would clearly violate Article 9. Removal of mines in the Middle East during the war would also mean a conduct of war and therefore violates Article 9. Attacking on enemy's bases to prevent the launch of missiles is also a clear violation of Article 9. These acts are all means to solve an international dispute, which Article 9 prohibits. Under Article 9, Japan was prohibited to possess aircraft carriers, bombers, Inter-Continental Ballistic Missiles, and long-range aircraft. Now, under the new interpretation made by the Abe Administration, Japan would be able to possess even these weapons in the future.

As for the legislation related to the security, in June 2015, three constitutional scholars, who were recommended by the different parties including the LDP and invited to the Diet as advisors, all expressed their views as unconstitutional against new legislation related to the security that would enable Japan to exercise the right to collective self-defense.²⁵ In this way, all the scholars testified at the Diet clearly denied new legislation, which indicates that Abe is trying to make law on the exercise of the right to collective self-defense which would clearly violate Article 9. One can argue that Abe is a crime of conscience.

Conclusion

Abe's real aim is to revise Article 9 of the Constitution so that Japan can officially have the right to wage a war against a foreign country, which many people consider as an inherent right of a state. Revision of Article 9 would allow Japan the right to officially establish the National Army, not the SDF. The exercise of the right to collective self-defense is simply a first step toward this aim. Therefore, Japan faces a historic turning point, but the politicians, the bureaucrats, and the Japanese people are all indifferent to the importance of the change that Abe tries to accomplish.

Exercising the right to collective self-defense and having new Guidelines are all connected to revision of Article 9. However, if Japan exercises the right to collective self-defense, Japan would be fighting a war along with the United States, which often ignores international law or the United Nations if they contradict the United States national interests. Moreover, there is often little justification in the recent war started by the United States as seen in the examples of Afghanistan in 2001 and Iraq in 2003. As a result, Japan would support the war which has little justification, which in turn would lead to creating more enemies for Japan. Such support would put the Japanese people in more dangerous position in the world.

Therefore, when Prime Minister Abe said that even if Japan exercised the right to collective self-defense, Japan would not be in danger, he was wrong. It is obvious that Abe's active pacifism has a very dangerous connotation for the Japanese people.

Under the 1997 Guidelines, Japan was already a large supply base for the United States forces. However, under the 2015 Guidelines, Japan was assigned to more active role, which the SDF would be able to engage in removing mines in the Middle East, for example, before the end of fighting. This new task clearly contradicts Article 9, which stipulates that Japan would abandon forever the threat or use of force to solve international disputes. Now, Abe can use the SDF as a means of settling international disputes. In this respect, the change of the interpretation on the right to collective self-defense was significant. Many Japanese people have not realized its importance.

Notes

- 1 *Mainichi Shimbun*, 15 December 2014.
- 2 *Asahi Shimbun*, 14 May and 29 May 2014.
- 3 *Asahi Shimbun*, 16 June 2014.
- 4 N. Toyoshita (2007), *Shudan teki Jieiken to wa nanika* (What is the right to collective self-defense?), Iwanami Shoten, pp. 5-6.
- 5 *Ibid.*, p. vi.
- 6 *Asahi Shimbun*, 14 May 2014.
- 7 N. Toyoshita (2007), *op.cit.*, pp. 60-61, 73.
- 8 *Ibid.*, p. 97.
- 9 *Ibid.*, p. 111.
- 10 *Ibid.*, pp. 128-131.
- 11 *Ibid.*, pp. 233-234.
- 12 K. Yanagisawa (2014), *Bokoku no Anpo Seisaku* (The security policy which would ruin a country), Iwanami Shoten, pp. 12, 14-15.
- 13 *Ibid.*, p. 17.
- 14 *Ibid.*, pp. 32-34, 45.
- 15 *Ibid.*, p. 63.
- 16 *Asahi Shimbun*, 6 June 2014.
- 17 R. Armitage, J. Nye, Jr., and T. Sunohara (2010), *Nichibei Domei vs. Chugoku Kitachosen* (The United States-Japan alliance vs. China and North Korea), Bungei Shunju, pp. 270-271.
- 18 *Asahi Shimbun*, 6 June 2014.

- 19 M. Sase (2012), *Shinpan Shudanteki Jieiken* (New edition: The right to collective self-defense), Ichigeisha, pp. 17-19.
- 20 *Ibid.*, pp. 23-28.
- 21 *Ibid.*, pp. 120-122.
- 22 *Asahi Shimbun*, 28 April 2015.
- 23 *Asahi Shimbun*, 19 May 2015.
- 24 *Asahi Shimbun*, 28 May 2015.
- 25 *Asahi Shimbun*, 5 June 2015.

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