JAPANESE CONSTITUTIONAL REFORM AND EAST ASIAN MARITIME SECURITY

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Introduction

A common misconception found across much of the world is that Japan has no security policy of its own. Many people believe that Japan's defense activities are dictated by the United States. Others assume that Japan's disarmament after World War II and subsequent occupation by the Allied powers left it with no need to defend itself at all. Both views are seriously mistaken - in fact, security issues are a more prominent part of Japanese political discourse today than they have been in years. The end of the 20th century and the dawn of the 21st have seen Japan become more confident, more ambitious, and better able to cope with the dangers around it.

Of the many challenges presently facing the Japanese security establishment, two in particular have sparked considerable debate. One is maritime security, which is fast becoming one of the dominant themes in East Asian international relations. The other is Japan's pacifist constitution, which many in Japan feel is overdue for reform. At first glance, it might appear that these two issues have little to do with each other. In fact, they are deeply intertwined; and together they hold the key to the development of Japan as an influential security actor in its own right. For this reason, studying the importance of each issue and how they interact with each other can tell us much about how Japan will fit into the evolving East Asian regional order.

This essay discusses the connections between regional maritime security and constitutional reform, and the implications thereof for Japan and East Asia in general. The first section examines the state of maritime security in East Asia and identifies four major areas where Japan might take on a greater role. The second section deals with the origins and possible outcomes of the controversial movement to reform Article Nine, the anti-war clause of the Japanese constitution. The third section analyzes the impact of Article Nine reform on Japan's involvement in East Asian maritime security.

1. Japan's Evolving Role in East Asian Maritime Security

East Asia is on the rise. Over the past two decades, the region has dazzled the rest of the world with its economic and cultural vitality. It is home to some of the world's richest countries, as well as many of the fastest growing. But East Asia is also home to some of the world's most complex and troubling security problems. In particular, maritime security has emerged as a key concern of governments in the region. The seas of East Asia are among the busiest in the world, carrying a substantial portion of the world's trade. However, they are still relatively ungoverned, and the future stability of the maritime security order remains in doubt. With rising powers such as China and the ASEAN countries placing greater emphasis on strengthening their navies, and increasing numbers of pirates and terrorists preying on the region's shipping corridors, the security of the seas will surely grow in importance.

As the region's leading economic power, Japan is in a unique position to influence the future of maritime security in East Asia. Its interests in preserving the safety of the seas are vital, and its capability to do so potentially formidable. Moreover, there are a number of security issues in which Japanese influence may be decisive. While it is not yet clear how far the nation is willing to extend its naval power, Japan's role in maritime security will prove instrumental in determining the shape of the maritime security environment.

Japanese Maritime Security Interests and the JMSDF

As an island nation, Japan has a particularly vital interest in maintaining the security of the seas of East Asia. Historically, external threats to the Japanese home islands have necessarily come from the sea, and maritime defense has proved crucial to the survival of the nation. Since fish makes up a large part of the Japanese diet, the nation's fishing fleet also represents an important security concern. Moreover, as Japan's economy has grown and become more

globalized in modern times, the importance of maritime security has substantially increased. Japan lacks natural resources such as fossil fuels and cultivable land, and must rely on seaborne trade to fulfill its needs for energy, food, and raw materials. The nation's export industries, meanwhile, depend on access to sea transport to carry goods to foreign markets. A major disruption in sea traffic would thus strike a devastating blow to Japan's well-being. In light of this vulnerability, maritime security has become a top priority for Japanese defense planners.

Since 1954, Japan's maritime defense needs have been provided by the Japanese Maritime Self-Defense Force, or JMSDF. The JMSDF is one of three service branches in the Japanese military apparatus, along with the Ground and Air Self-Defense Forces. Together, the three service branches effectively function as the nation's army, navy, and air force. For its part, the JMSDF's mission is "to defend [Japan] from maritime invasion and to secure the safety of maritime traffic around Japan."[1] The JMSDF's primary jurisdiction lies outside of Japan's territorial waters, which are protected by the Maritime Safety Agency.

The use of the term "self-defense force" rather than "navy" to describe Japan's military presence on the sea is both deliberate and quite apt. Several key differences distinguish the JMSDF from a traditional navy. Most importantly, Article Nine of Japan's 1947 constitution prevents Japan from using force offensively. Consequently, the JMSDF follows "an exclusively defense-oriented policy" dedicated to "not becoming a military power that might pose a threat to other countries."[2] The policy has necessitated a symbiotic relationship with the United States Navy, which provides offensive power projection to complement the JMSDF's defensive and

[1] Japanese Maritime Self Defense Force, "Mission of JMSDF" (accessed November 30, 2004), available from http://www.jda.go.jp/JMSDF/basic/MISSIO_E.HTM.
[2] Japan Defense Agency, "Overview of Japan's Defense Policy 2002" (accessed November 30, 2004), available from http://www.jda.go.jp/e/pab/ojdp02/english.htm.

support operations. This "spear and shield" arrangement[3] with the USN has thus far constrained the types of tasks the JSMDF is capable of performing and ensured a relatively low profile for Japanese maritime security forces in the region.

The JMSDF's focus on defense does not mean, however, that it is a "weak" military force. On the contrary, it is regarded as the second most powerful naval presence in East Asia behind its partner the USN. Continuous improvements in technology, combined with the decline of the Russian navy and the failure of China to modernize its own navy, have placed Japan in a very strong position on the sea vis-à-vis its closest neighbors.[4] The JMSDF emphasizes and excels in anti-submarine warfare (ASW), anti-aircraft warfare (AAW), and minesweeping, reflecting both the force's defensive orientation and its technological sophistication. Within the context of the JSDF as a whole, moreover, the JMSDF stands out as the most prominent and potent of the service branches. A long record of overseas training and joint exercises with allied navies have made it the most cosmopolitan of Japan's armed forces,[5] and the JMSDF constitutes the nation's most important military contribution to the U.S.-Japan security alliance.

Not only is the JMSDF already a powerful force, but its capabilities and mission have greatly expanded in recent years. Responding to the changing needs of a post-Cold War and post-September 11 security environment, Japanese defense planners are taking steps to transform the JMSDF into a flexible, responsive force capable of operating in a wider geographical range. The 1983 announcement that the JMSDF would be prepared to defend SLOCs up to 1,000 nautical miles from Japan represented the first of these steps.[6] More recently, JMSDF support ships were dispatched to the Arabian Sea in 2001 to support the U.S.-led invasion of

[3] Toru Ishikawa, "There Are No Borders at Sea," *Proceedings* 128, no. 6 (2004): 72.
[4] Peter J. Woolley, *Japan's Navy* (Boulder, CO: Lynne Rienner, 2000), 83.
[5] Ibid., 1.
[6] Ibid., 29-30.

Afghanistan, a mission that one Japanese officer has described as no less than "epoch-making."[7] In addition, upcoming additions to the fleet, including amphibious support ships and heavy lift ships, will enhance the JMSDF's ability to operate in distant waters.[8] For its part, the U.S. is encouraging these moves as a way to increase Japan's share of responsibility in maintaining its own maritime security as well as its support for U.S. military efforts worldwide.

With its newly strengthened capabilities and ever-broadening sense of purpose, the JMSDF has the potential to become involved in a much wider range of maritime security issues in East Asia. Whether or not Japan chooses to exercise this potential remains to be seen. But four security challenges in particular - the rise of Chinese naval power, territorial and economic competition, piracy and terrorism, and missile defense - present significant opportunities for the JMSDF to take on a greater role.

China's Growing Naval Power

Japan is not alone in pondering its future role in East Asian maritime security. The People's Republic of China, Japan's neighbor and greatest potential rival, has its sights set on expanding its oceanic military presence, both in its own waters and on the high seas. China's emergence as a naval power will not occur overnight, but it is inevitable, and the prospect of a formidable Chinese navy poses a significant challenge to the JMSDF's operations in the region.

Historically, China has tended to neglect the ocean, considering it irrelevant to its interest. The country's tremendous economic growth over the past decade, however, has transformed the nation into an economic giant and fueled a search for new growth opportunities. The PRC leadership recognizes that the best prospects for an expansion of Chinese wealth and

[7] Ishikawa: 70.
[8] Alan Dupont, "Unsheathing the Samurai Sword: Japan's Changing Security Policy," Lowy Institute for International Policy (accessed November 23, 2004), available from http://www.lowyinstitute.org/PublicationGet.asp?i=180: 30.

influence lie beyond the country's borders - on the ocean. Beijing's State Oceanic Administration declares that the government's goal is to make China "a major marine economic power by 2010."[9] Already, China has laid the foundations for its maritime economic expansion. The nation has become the third largest shipbuilder in the world in terms of raw tonnage,[10] and low labor costs as well as rising domestic demand for shipping will likely continue to spur growth in the Chinese shipbuilding industry.

This newfound economic power has given rise to ambitions among China's policymakers to expand the country's strategic power on the seas as well. China's strategic planning is geared toward three objectives: unifying Taiwan with the mainland, asserting control over the South China Sea, and increasing Chinese influence in the western Pacific.[11] The main disadvantage China must overcome in achieving these objectives is its lack of power projection capabilities. The Chinese navy is a "brown-water" force designed mainly for coastal defense and is ill-suited to operate in more distant "green" and "blue" water. To remedy this, observes Michael J. Barron, "China now very much desires a stronger military able to project force swiftly beyond its borders" to protect its maritime interests.[12] In fact, without such a military, China will remain hemmed in by and unable to compete with superior American and Japanese maritime forces.

The Chinese leadership has made expanding and modernizing China's naval forces one of its top defense priorities. This is evidenced by the government's decision to increase the

[9] "New Office Aimed at Building Marine Sector," *China Daily*, February 26, 2004.
[10] Organization for Economic Cooperation and Development, "Statistics on Ship Production, Exports and Orders in 2003" (accessed October 4, 2004), available from http://www.oecd.org/dataoecd/29/60/31837098.pdf.
[11] Lee Jae-Hyung, "China's Maritime Ambitions in the Western Pacific and Indian Ocean," *Contemporary Southeast Asia* 24, no. 2 (2002): 550.
[12] Michael J. Barron, "China's Strategic Modernization: The Russian Connection," *Parameters* 31, no. 4 (2001-2002): 79.

navy's share of the total armed forces budget to 30%,[13] as well as efforts to acquire new hardware and technology. Over the past decade, China has imported a great deal of used naval equipment from abroad, especially from cash-strapped Russia. Some 70% of all Russian arms sales go to the PRC.[14] Among China's most significant acquisitions from Russia are several Sovremenny-class destroyers, which may enable the PLA Navy to neutralize the vaunted Aegis cruisers deployed by the U.S. and Japan.[15] Four Russian Kilo submarines have also been added to the fleet, giving China increased ability to control and even interdict SLOCs in the region.[16] At the top of China's wish list for future acquisitions is an aircraft carrier. No country has thus far been willing to sell Beijing a working aircraft carrier; although China has bought decommissioned carriers from Australia, Ukraine, and South Korea, possibly to study and eventually reverse-engineer the technology. If China succeeds in developing and building its own carrier, it could seriously challenge the U.S. Navy's dominance of the seas.[17]

Furthermore, China possesses not only a growing ability but also the will to exercise naval power in promoting its interests. Conflicts between Chinese forces and Vietnamese and Philippine vessels in the Spratly Islands in 1988 and 1995 demonstrated that the PLA Navy was prepared to use force to assert control over the South China Sea, and China will likely resort to force in the future as well.[18] Other areas have seen increased Chinese naval activity as well, as evidenced by the intrusion of a Chinese nuclear submarine into Japanese waters in November 2004. There have also been reports of the PLA navy stopping and boarding Japanese, Russian,

[13] Lee Choong Min, "Asia-Pacific at Sea," *Journal of the Singapore Armed Forces* 25, no. 1 (1999) (online version, accessed November 17, 2004), available from http://www.mindef.gov.sg/safti/pointer/back/journals/1999/Vol25_1/5.htm.
[14] Barron: 73.
[15] Ibid., 75.
[16] Dupont, 41-2.
[17] Lee Jae-Hyung: 552.
[18] Ibid., 558.

and Taiwanese civilian vessels passing through the East and South China Seas.[19] These incidents show the extent to which China desires to make its presence felt beyond its territorial waters. Should China's capabilities grow to match its ambitions, the Chinese navy could emerge as a new competitor with the U.S. for domination of the seas of East Asia, fundamentally altering the strategic balance of the region.

From Japan's point of view, Chinese maritime expansion represents a troubling shift in the East Asian maritime security order - not only for itself, but for other countries as well. The JMSDF, as a likely rival of the PLA Navy, can respond to the rise of Chinese naval power in several ways. Japan certainly possesses the resources, economic and technological, to match or outpace China's buildup if it so desires. The question is, does it have the will to do so? The prospect of a strong and perhaps even dominant Chinese maritime presence across East Asia could accelerate moves to transform the JMSDF into a more versatile, wider-reaching force that can operate anywhere the PLA Navy can. Japan could, in effect, project its already formidable naval power further outwards to check Chinese expansion. Such an outcome depends, however, on two factors. First, there would have to be a loss of confidence in the U.S. Navy's commitment to maintaining its present dominance. As long as the U.S. continues to act as a reliable sword to Japan's shield, the JMSDF will not feel pressured to take on additional responsibility. Second, any decision to expand Japan's naval presence would have to take into account the Chinese response to that expansion. Beijing is already very apprehensive about any moves toward militarism from Tokyo; a purely reciprocal response to growing Chinese maritime power, therefore, might trigger a dangerous arms race that would end up making everyone in the region less safe.

[19] Ibid., 562.

Territorial and Economic Competition in the East and South China Seas

No part of the world has enjoyed such a dramatic rise in economic prosperity in recent times as East Asia. Simultaneously, the end of the Cold War and the resolution of internal and international conflicts have brought relative peace and stability to the region. Yet even as struggles over territory and resources have somewhat subsided on the Asian continent, eyes have turned outward to the ocean. There, the borders are still ill-defined,[20] and untapped economic opportunities await enterprising nations. As a result, new arenas of competition have opened up in the seas of East Asia. These arenas stretch from the far northern reaches of the Sea of Okhotsk to the tropical waters of Indonesia. Two areas in particular, however, are noteworthy for their potential to erupt into armed strife and thus threaten maritime security. These are the Senkaku/Diaoyu Islands in the East China Sea and the Spratly Islands in the South China Sea. Both areas present opportunities for Japan to play a greater role in maintaining peace and stability.

The Senkaku, or Diaoyu as they are known in China, are a group of uninhabited rocks lying between the Chinese mainland and the Ryukyu Islands. Both China and Japan claim the islands as their own, although Japan maintains de facto control over them. In and of themselves, the Senkaku/Diaoyu are of little value. However, they do occupy a key strategic location in the East China Sea. Even more importantly, in the seabed underneath the islands lie potentially rich deposits of oil and natural gas. The islands are thus a tempting prize for both countries.

The dispute over Senkaku/Diaoyu resources has already created sparks between China and Japan. Beijing sees the islands as a key element in its "energy security policy," under which

[20] Jin-Hyun Paik and Anthony Bergin, "Maritime Security in the Asia-Pacific," in William T. Tow et al., ed., *Asia's Emerging Regional Order* (New York: United Nations University Press, 2000), 183.

China seeks to meet its energy needs through domestic sources.[21] Japan, meanwhile, relies on imports for 90% of its energy and has its own plans to developing the oil and gas in the area. The revelation in 2004 of a major Chinese natural gas drilling project triggered renewed confrontation over control of the islands, and the resulting aggressive posturing may have led to the intrusion of a Chinese submarine into Japanese waters later in the year. In addition, the Senkaku/Diaoyu dispute constitutes a volatile element of domestic politics on each side of the dispute.[22] Right-wing nationalists from both countries have made private visits to the rocks to stake their respective countries' claims, prompting the two governments to take steps to defuse a potentially explosive situation. As competition between China and Japan grows, the Senkaku/Diaoyu issue has become a "crucial indicator on how far either government will go to demonstrate its regional dominance."[23]

The Spratly Islands are a much more complicated affair. Located in the South China Sea between Vietnam, the Philippines, and the island of Borneo, the Spratlys are claimed by no fewer than six parties - China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines. Much like the Senkaku/Diaoyu, the islands are of no real practical use themselves. However, they may lie on top of large untapped oil and gas deposits, and are also a rich fishing ground. Furthermore, the Spratlys are of concern to the entire region because they occupy a key position in the SLOCs between Northeast and Southeast Asia; about one-quarter of all seaborne trade in the world

[21] Ted Osius, *The U.S.-Japan Security Alliance: Why It Matters and How to Strengthen It* (Westport, CT: Center for Strategic and International Studies, 2002), 41.
[22] Paik and Bergin, 180.
[23] Charles K. Smith, "Senkaku/Diaoyu Island Dispute Threatens Amiability of Sino-Japanese Relations," *Power and Interest News Report*, May 3, 2004 (online version, accessed November 21, 2004), available from http://www.pinr.com/report.php?ac=view_printable&report_id=165&language_id=1.

passes through the area, including vital oil shipments bound for the industrialized economies to the north.[24]

The dispute over ownership of the Spratly Islands is especially vexing because it constitutes what Liselotte Odgaard calls an "essential dispute": the countries involved have overlapping claims and offer conflicting justifications, leaving little room for a negotiated settlement of the issue.[25] Consequently, most of the claimants have used their militaries to back up their claims, stationing forces in the area. A 1988 clash between the Chinese and Vietnamese navies marked the first time actual force was used, and transformed the dispute from a diplomatic debate into a heated six-way competition.[26] Another incident in 1995, this time between the Chinese navy and Philippine fishermen on Mischief Reef, prompted the United States to issue a warning that it would not tolerate any disruption of trade arising from armed conflict in the region.[27] China's claims to the Spratlys are especially problematic, as they encompass the entire island group to the exclusion of other claimants as well as the waters in between them and the Chinese mainland. The 1988 and 1995 incidents have demonstrated China's willingness to use force to assert its position, and growing Chinese naval power will likely embolden China even further in the South China Sea. Partially in response to China's naval expansion, the countries of Southeast Asia are also building up their own navies.[28] These developments do not bode well for a peaceful resolution of the Spratlys dispute, and as

[24] Donna J. Nincic, "Sea Lane Security and U.S. Maritime Trade: Chokepoints as Scarce Resources," in Sam J. Tangredi, ed., *Globalization and Maritime Power* (Washington, DC: National Defense University Press, 2002), 156.
[25] Liselotte Odgaard, *Maritime Security between China and Southeast Asia: Conflict and Cooperation in the Making of Regional Order* (Burlington, VT: Ashgate, 2002), 59-60.
[26] Ibid., 71-2.
[27] John H. Noer, "Southeast Asian Chokepoints: Keeping Sea Lines of Communication Open," *Strategic Forum*, December 1996 (online version, accessed December 10, 2004), available from http://www.ndu.edu/inss/strforum/SF_98/forum98.html.
[28] Lee Choong Min.

competition for resources increases, the area may degenerate into a liability to maritime security in the region.

Japan has a vital interest in maintaining the stability of both the Senkaku/Diaoyu and the Spratlys. In the case of the Senkaku/Diaoyu, the race to develop seabed gas and oil resources will prove difficult to resolve by diplomatic means, particularly given the nationalistic sentiments involved on both sides. Increasing Chinese blue-water naval power, as well as a demonstrated intention to use that power, may threaten to tip the delicate balance in China's favor and elicit a response in kind from the JMSDF. Deploying more ships to the area to police the Japanese side of the demarcation line could maintain security through a preponderance of force, but only at the cost of a civil entente with China over the islands. As for the Spratly Islands, Japan's ability to influence the situation is limited by the fact that it is not a party to the dispute. However, its stake in preserving the SLOCs that form the basis of its economic vitality is no less important than that of the U.S., and probably more so. If the U.S. were prepared to threaten to intervene with military force in the case of a violent conflict in the Spratlys, Japan may well feel compelled to do the same. Should the security situation in the South China Sea deteriorate, the JMSDF could share in the role of sheriff for the region.

Maritime Piracy and Terrorism

Nations and their navies may be the chief architects of the maritime security order, but they are by no means the only actors. Technology and the forces of globalization have given non-state actors the ability to affect maritime security on an unprecedented scale. Non-state threats may be divided into two main categories, piracy and terrorism. At the greatest risk are the heavily traveled and lightly guarded waters of Southeast Asia, where pirates and terrorists have substantially increased their activities in recent years. The region's function as a crucial venue

for maritime shipping between Asia and the rest of the world makes the problem all the more urgent. With its considerable maritime policing capabilities, Japan can make a great contribution to combating these emerging threats.

Long considered a problem of the lawless past, piracy has resurfaced in the last decade as the number one threat to maritime security in Southeast Asia. Maritime chokepoints such as the Straits of Malacca offer an easy target to criminals who attack ships, seize the cargo, and sometimes hold the crew for ransom. The number of such incidents worldwide has tripled in the last decade.[29] Moreover, the attacks are becoming better organized and more violent, a sign that international crime syndicates are getting more involved in the "business" of piracy.[30] Financial losses from pirate attacks are estimated to run into the billions. Combating piracy is complicated, however, by the fact that most incidents take place in the territorial waters of countries in the region.[31] Although Malaysia, Singapore, and Indonesia have signed bilateral agreements to cooperate in anti-piracy activities, none of these countries is very well-equipped to deal with the problem.[32] In addition, modern piracy often involves actors from many different countries, necessitating a multi-national response to the problem.[33] Despite the need for international cooperation, however, Indonesia and Malaysia have insisted that piracy in their own waters is an internal affair.

Even more daunting is the specter of terrorism on the seas. In contrast to pirates, who are motivated primarily by financial gain, maritime terrorists aim to cripple the seaborne "lifeline" of

[29] Gail Luft and Anne Korin, "Terrorism Goes to Sea," *Foreign Affairs* 83, no. 6 (2004): 61.
[30] Alex Dali, "Piracy Attacks in the Malacca Strait" (accessed November 30, 2004), available from http://www.riskworld.com/Nreports/2002/MalaccaStrait/piracy.pdf.
[31] National Institute for Defense Studies, *East Asian Strategic Review 2004* (accessed November 11, 2004), available from http://www.nids.go.jp/english/dissemination/east-asian/e2004.html, 35.
[32] Luft and Korin: 69.
[33] *East Asian Strategic Review 2004*, 36-7.

the global economy.[34] The rise of Islamist radical groups such as Jemaah Islamiyah and the Free Aceh separatist movement has triggered fears of a devastating terrorist assault on shipping lanes. Oil tankers are an especially juicy target; in addition to disrupting energy supplies to and from the region, a single well-placed attack on a large tanker could block a chokepoint like the Straits of Malacca altogether, throwing the entire shipping industry into chaos. There is evidence that terrorist groups have their sights set on just such an attack; recent incidents in which terrorists seize a ship, only to pilot it through a strait and leave it intact indicate that they may be "practicing for a later attack. In addition, terrorism and piracy are not always entirely distinguishable. With governments cracking down on the financing of terrorist groups, piracy can be an attractive and potentially lucrative source of funds.[35]

Fighting piracy and terrorism on the seas is not an easy task; it will require a combined effort from many nations to make a significant dent in the problem. With its reliance on shipping through Southeast Asian SLOCs, Japan has as great an interest as any in ensuring the safety of these waters. The JMSDF could augment the anti-piracy and counterterrorist capabilities of local states and assist them in patrolling the Straits of Malacca and other vulnerable areas. Indeed, Japan has made such offers in the past, but has so far been rebuffed by the Malaysian and Indonesian governments. Nevertheless, the potential for cooperation exists. It will depend in large part on the extent to which Japan is able to build trust among Southeast Asian governments through multilateral institutions such as the ASEAN Regional Forum. Japan could, in fact, prove to be the most attractive partner for Southeast Asians. Whereas Malaysia and Indonesia have expressed concern that U.S. involvement might act as a "lightning rod" for Islamic terrorists,[36]

[34] Luft and Korin: 64.
[35] Ibid.: 62-3.
[36] Ibid.: 70.

Japanese assistance would pose no such problem; indeed, Japan's contributions to securing Southeast Asian SLOCs would go far toward promoting regional integration in security matters.

Missile Defense

If the threat of conventional warfare has subsided since the end of the Cold War, the danger posed by missile-bound weapons of mass destruction (WMD) has only increased. Northeast Asia remains one of the most heavily fortified regions of the world in terms of missile deployment; Russia, China, North Korea, South Korea, and Taiwan all have their own arsenals ready to strike at a moment's notice. What has made this danger even more urgent in recent years is that North Korea, widely considered the most likely actor to launch a missile attack, has likely acquired biological, chemical, and now nuclear weapons, putting the entire region in dire peril. Consequently, some nations, including Japan, have turned to missile defense systems as a means to ensure their security against potential strikes. While not technically a maritime security issue per se, missile defense in East Asia has a very important seaborne component. In this context, the JMSDF's participation in missile defense could significantly affect the security configuration of East Asia.

Missile defense first gained prominence on the Japanese defense agenda in 1998, when North Korea launched an intermediate-range Taepodong ballistic missile over the island of Honshu into the Pacific. Subsequently, the Japanese government formed an agreement with the U.S. to participate in joint research and development on new missile defense technologies to counter the emerging threat. These efforts accelerated in 2001 with the accession to power of the Bush administration in the U.S. and the Koizumi cabinet in Japan. Both governments expressed renewed interest in deploying a working missile defense system in the near future. The cooperation between the two countries on missile defense has brought them closer together on

security policy and evolved into a defining characteristic of their alliance. The issue may now have become so important, in fact, that a failure to participate on Japan's part could rupture the alliance.[37]

The seaborne component of the missile defense system as it is currently envisioned centers on the Aegis cruiser, an advanced warship that specializes in intercepting aircraft and missiles. Both the U.S. Navy and the JMSDF already possess several of these cruisers, and converting them to missile defense would involve simply installing the necessary anti-missile weapons systems. The Japanese government took a large step toward realizing the Aegis system in 2003 by authorizing the acquisition and deployment of PAC-3 missile interceptors to the JMSDF's Aegis vessels.[38] Tests of the new system are to begin in 2005, and deployment is scheduled for 2007.[39] For the time being, then, Japan is committed to participating in seaborne missile defense.

Nevertheless, serious obstacles remain to be overcome in employing missile defense to improve regional security. One major problem to consider is how other countries will react. China, Russia, and South Korea have also voiced objections to missile defense on principle.[40] The first two are concerned that a missile defense system may render their strategic deterrent forces ineffective, while South Korea worries that such a system would only provoke North Korea into acting out of desperation. Critics of the U.S.-Japan joint plan point out that missile defense could undermine non-proliferation efforts by encouraging potential targets of the system

[37] Dupont, 33.
[38] Amy L. Freedman and Robert C. Gray, "Implications of Missile Defense for Northeast Asia," *Orbis* 48, no. 2 (2004): 344.
[39] Dupont, 31.
[40] Umemoto Tetsuya, "Ballistic Missile Defense and the U.S.-Japan Alliance," in G. John Ikenberry and Takashi Inoguchi, ed., *Reinventing the Alliance: U.S.-Japan Security Partnership in an Era of Change* (New York: Palgrave Macmillan, 2003), 188.

to build up their arsenals in response.[41] There are also questions as to what areas the missile defense shield is intended to protect. The Japanese archipelago and the U.S. forces stationed therein will certainly lie within the shield, but including South Korea and Taiwan would generate a storm of controversy. Taiwan, in particular, is a "no-go zone" for China; should the U.S. and Japan designate Taiwan as part of the defended area, China may feel pressured to use force to capture Taiwan before its "window of opportunity" for missile attacks closes.[42]

Another set of obstacles stems from Japan's missile defense participation itself. From a legal perspective, the use of JMSDF ships to intercept missiles could be problematic. The Japanese component of the Aegis system would need to rely on U.S. assets to function effectively, and there is no way to tell when a missile is launched where exactly it is headed. Under these circumstances, missile defense can be construed as collective self-defense, which the Japanese government maintains is illegal under its pacifist constitution. Lingering suspicions between Japan and its neighbors also complicate the situation. China, in particular, views all military actions by Japan with apprehension for historical reasons, and some Chinese analysts are of the opinion that the real target of a Japanese missile defense system would not be North Korea but China.[43] Furthermore, Beijing fears that missile defense technology transferred by the U.S. could be utilized by Japan to develop its own offensive missiles capable of striking Chinese territory.[44] Whether these perceptions are justified is a matter for debate, but they must be taken into account in deciding how far Japan will go in promoting missile defense.

The inherent difficulties in deploying a sea-based missile defense shield do not necessarily imply, however, that the JMSDF cannot contribute to regional security in this regard.

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[41] Osius, 88.
[42] Freedman and Gray: 347.
[43] Evan S. Medeiros, rapporteur, *Ballistic Missile Defense and Northeast Asian Security: Views from Washington, Beijing, and Tokyo* (Muscatine, IA: Stanley Foundation, 2001), 14.
[44] Freedman and Gray: 348.

On the contrary, it may actually facilitate the implementation of missile defense and make it more palatable for countries in the region. Most importantly, JMSDF vessels equipped for missile defense would provide boost-phase interception, which targets missiles during their initial period of ascent. Boost-phase interception only works within a range of about 1,000 kilometers; this would allow JMSDF ships stationed in the Sea of Japan to target North Korean missile launch sites, but not those further inland in China and Russia, thereby assuaging fears of strategic neutralization in those countries.[45] In the end, the most potent contribution of Japanese seaborne missile defense may be assurance: making the inhabitants of Japan feel safe against attack from weapons of mass destruction.[46] If the Japanese feel safe, they will be less inclined to perceive changes in the regional security environment as threats, and this will create more room for cooperation rather than confrontation with the other nations of East Asia.

Conclusion

There is no doubt that Japan's role in maritime security in East Asia will evolve in the coming years. External changes in the regional security environment, as well as changing domestic attitudes toward Japan's armed forces in general, will create new opportunities and new demands for the JMSDF to take on a wider range of responsibilities. Future developments in the four areas of concern examined above will depend greatly on the extent to which Japan decides to become more involved. To be sure, many factors still constrain the expansion of Japan's influence in maritime security affairs. The U.S. will continue to be the dominant naval power in the region for the foreseeable future. Reactions from other East Asian countries, most notably China, are difficult to predict and may make Japanese involvement a liability rather than an asset. Perhaps most significantly of all, Japan's ability to assert its power beyond its borders is

[45] Hans Binnendijk and George Stewart, "Toward Missile Defenses from the Sea," *Washington Quarterly* 25, no. 3 (2002): 195.
[46] Umemoto, 195.

kept in check by the legal (and sentimental) restraints imposed by its pacifist constitution. In the final analysis, however, the nature and extent of Japan's role in maritime security on a regional level is a matter for the Japanese themselves to decide. Japan can make its presence felt on the seas of East Asia, but only if it possesses the will to do so.

2. Article Nine: Reconsidering the Anti-War Clause

Given Japan's vast military potential and the ample opportunities that exist to expand its influence in regional maritime security, one might expect that Japan would have little trouble mustering the will to overcome its self-imposed limits on exercising military power. Yet such is not the case. The issue of political will is especially problematic in Japan's situation because the limits on its military are not merely a matter of policy. They are an integral part of the legal foundation of the modern Japanese state, as enshrined in the country's 1947 constitution. The key clause in the constitution relating to Japan's security is Article Nine, which states:

> 1) 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) In order 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.

The significance of these words can hardly be underestimated. They are the reason that Japan's political power lags behind its economic might. Taken at face value, they would appear to deny Japan the right to possess any kind of military or engage in any kind of armed conflict. Few today would interpret the language in such drastic terms, but the basic guiding principle behind Article Nine - that the nation denies itself the right to use aggressive force - is still generally accepted. Even more importantly, the vast majority of the Japanese people have embraced this pacifist spirit and adopted it as a kind of national creed. And so Article Nine has remained, untouched, at the heart of the Japanese security establishment.

Today, however, there is a growing consensus among politicians, and growing sentiment among the general public, that Article Nine cannot survive in its present form much longer. The same global changes that have opened up new opportunities for Japan in the security arena have also led many to question the wisdom of restricting the use of force. Should Japan have more

leeway to use its military as it sees fit for its own security? Does Japan's pacifism hinder it from taking its rightful place in international society? Are constitutional restraints even necessary? The answers to these questions will determine what kind of role Japan plays in East Asian maritime security. But they will not come easily. Constitutional reform could take any of a number of paths, and each will lead to a different outcome for the East Asian maritime security environment.

The Evolution of Article Nine

One of the most remarkable features of Article Nine, and indeed of the 1947 constitution as a whole, is that it has never been amended. Compare this to Germany, which adopted a similar pacifist constitution after World War II but has since amended it over 40 times to facilitate military cooperation with its allies.[47] In Japan's case, the sheer weight of Article Nine in the nation's post-war identity is such that rewriting it was virtually unthinkable until quite recently. This is not to say that the legal significance of Article Nine has not evolved over time. Rather, that evolution has occurred in the form of a series of incremental reinterpretations, carried out by the government in order to implement a more robust defense policy without having to change the language of the constitution. Over the years, these gradual changes have, in effect, transformed Article Nine into a much weaker and more flexible provision that was originally intended.

The origins of Article Nine lie in the demilitarization policy of the Allied forces occupying Japan in the aftermath of World War II. General Douglas MacArthur and his staff felt that, in light of Japan's history of aggression against its neighbors, the country could no longer be trusted with its own armed forces. This led the American drafters of the 1947 constitution to incorporate a strict disarmament clause, which became Article Nine. When it was first presented

[47] Mayumi Itoh, "Japanese Constitutional Revision: A Neo-Liberal Proposal for Article Nine in Comparative Perspective," *Asian Survey*, 41, no. 2 (2001): 311.

to the Japanese government, the article provoked vehement protests from conservative nationalists, who favored a return to the pre-war status quo and balked at what they saw as an affront to their national dignity. Nevertheless, Article Nine was accepted along with the rest of the constitution under strong U.S. pressure. Later governments eventually came to see the benefits of obligatory pacifism. Prime Minister Yoshida Shigeru, a prominent conservative who led the government in the 1950's, even adopted Article Nine as the centerpiece of his "Yoshida Doctrine," under which Japan would rely on the U.S. for its defense so that it could concentrate on economic development.[48]

Initially, both the U.S. and the Japanese government interpreted Article Nine literally as denying Japan the right to possess any kind of armed forces. However, reality soon intervened in the form of the Korean War. Suddenly, the U.S. saw the wisdom of having Japan as a key ally in the anti-Communist front in East Asia, and encouraged the establishment of a Japanese defense force. The Japanese government complied, creating a National Police Reserves in 1950. This was followed by the National Security Force in 1952, and finally a full-fledged Self-Defense Force in 1954. The very idea of reviving the Japanese military generated considerable controversy at the time, especially among left-wing politicians who favored a strict interpretation of Article Nine's disarmament language. Despite such objections, the cabinet ruled in 1955 that Article Nine did not prohibit self-defense and thus the SDF was constitutional.[49] This landmark decision established a degree of latitude in interpretation that later governments would exploit to further extend the boundaries of what was allowable.

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[48] Kazufumi Hamai and Peter Mauch, "Defining Japan's Role in the Post-Taliban World Order: Tokyo's Path to Great Power Status," Electronic Journal of Japanese Studies website (accessed January 14, 2005), available from http://www.japanesestudies.org.uk/discussionpapers/HamaiandMauch.html.

[49] James Auer, "Article Nine: Renunciation of War," in Percy R. Luney, Jr., and Kazuyuki Takahashi, ed., *Japanese Constitutional Law* (Tokyo: University of Tokyo Press, 1993), 76.

In its early years, the SDF's mission was defined very narrowly as consisting in defending Japanese territory under direct attack. Over the following decades, however, this mission was gradually expanded to encompass more ambitious objectives. In 1959, the Kishi Cabinet raised the prospect of sending the SDF overseas for the first time, stating that Japan could counter-attack enemy bases if it were attacked first.[50] This was followed in 1981 by Prime Minister Suzuki Zenko's declaration that the JMSDF would assume responsibility for defending sea lanes up to 1,000 miles from the archipelago, thereby extending "self-defense" to cover areas far removed from Japanese territory. Subsequently, in 1983, the government decided that JMSDF ships could assist U.S, ships on their way to defend Japan, rather than simply waiting for help to arrive.[51] The major turning point in reinterpretation, though, came after the 1991 Gulf War, in which Japan was widely criticized for not making a "human" contribution to the U.S.-led coalition.[52] In response, the Kaifu government decided under pressure that the SDF could be sent overseas in non-combat roles, and accordingly dispatched four JMSDF minesweepers to the Gulf.[53] Left-wing political forces raised an outcry against each of these adjustments to the government's interpretation of Article Nine; nevertheless, each change was accepted in turn as part of the SDF's natural adaptation to changing circumstances.

Since the Gulf War and the collapse of the Soviet Union, the process of reinterpretation has accelerated dramatically. In 1992, the Japanese Diet passed a law permitting SDF forces to participate in U.N. peacekeeping operations (PKOs) abroad. North Korea's launching of its Taepodong missile prompted Japan Defense Agency chief Ishiba Shigeru to assert in 1999 that a

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[50] Ibid.
[51] Phar Kim Bang, "China Wary of Japan's Anti-War Stance," commentary in *Asia Times*, November 5, 2002.
[52] Glenn D. Hook and Gavan McCormack, ed., *Japan's Contested Constitution: Documents and Analysis* (New York: Routledge, 2001), 31.
[53] Masahiro Kohno, "In Search of Proactive Diplomacy: Increasing Japan's International Role in the 1990s," Center for Northeast Asian Policy Studies Working Paper (online version, accessed February 10, 2005), available from http://www.brookings.edu/fp/cnaps/papers/1999_kohno.htm.

pre-emptive attack against North Korean missile bases would not violate Article Nine because it constitutes legitimate self-defense.[54] The terrorist attacks against the U.S. in September 2001 triggered another dramatic shift in the official interpretation of Article Nine. In October 2001 the Diet passed a law authorizing the use of SDF forces in support of American counterterrorism operations, further expanding the acceptable legal limits of military deployment.[55] Another set of laws passed in 2003 gave the prime minister and the cabinet the power to dispatch the SDF as they see fit without consulting the legislature in the event of a national emergency.[56] Thus, by the beginning of the 21st century, the Japanese government had done away with many of the restrictions initially held to be inherent in Article Nine, significantly weakening the influence of the anti-war clause on defense policy.

Public opinion, another crucial factor in determining the influence of Article Nine, has displayed a similar trend over the years toward favoring a looser interpretation. Throughout the post-World War II era, the Japanese public has consistently shown a strong commitment to the constitutional principle of pacifism, and that commitment has generally caused popular support for reform of Article Nine to lag behind political support. But recent polls indicate that developments in the 1990s and 2000s are reshaping the public's view of Japan's military role. Whereas opinion on the constitutionality of the SDF's participation in U.N. PKOs was divided in the early 1990s, by 2001 - nine years after the first PKO law was passed - a solid majority of almost 70% saw no problem with it.[57].Meanwhile, an increasing number of people cite the need for Japan to make a greater international contribution as a reason to re-examine the restrictions

[54] Shane Green, "New Hawks Bloom under Korea Threat," commentary in *The Age*, April 5, 2003.
[55] Yoshibumi Wakamiya, "Japan Must Take a Look at Article Nine," commentary in *Taipei Times*, January 7, 2002.
[56] Foreign Press Center of Japan, June 12, 2003.
[57] Yomiuri Shimbun, *Nihon no Yoron* (Tokyo: Koubundou, 2002), 56.

on dispatching the military.[58] Perhaps most significantly, there is clear evidence that the social taboo on discussing constitutional amendment is steadily eroding. Up until the mid-1990s most Japanese opposed revising the constitution; that trend is now reversed, with over 50% favoring change of some kind. And although a majority still opposes making explicit changes to Article Nine, support for amending the anti-war clause is growing, especially among young males,[59] and increasing sentiment for constitutional revision in general will likely facilitate discussion of changes to Article Nine as well.

The Current Environment

Today, the debate surrounding Article Nine reform is livelier and less inhibited than at any other time in history. From a political perspective, pressure to change Article Nine is at an all-time high, and the issue is now prominent on the agenda of all major political parties. Several factors have combined to create this wide-open environment. The first is the virtual demise of the political left in Japan. For a long time, efforts in the political sphere to initiate constitutional revision were quashed by the so-called *goken* (constitution protectionist) faction in the Diet. This faction, consisting mostly of members of the Socialist and Communist parties, identified strongly with constitutional pacifism and favored unarmed neutrality over alliance with the U.S.[60] The strong presence of *goken* politicians discouraged proponents of revision from even raising the subject. However, in the post-Cold War era, the ranks of the *goken* parties have been decimated, with voters viewing them as increasingly out of touch with reality. Now, only a handful of left-wing legislators remain in the Diet, and one senior official from the ruling Liberal Democratic

[58] Ibid., 53.
[59] Ibid., 479.
[60] John H. Miller, "The Outlier: Japan between Asia and the West," Asia-Pacific Center for Security Studies Occasional Paper Series (March 2004): 9.

Party (LDP) remarked that none of the most recent class of freshman lawmakers identifies with the *goken* camp.[61]

More important than the lifting of political obstacles to reforming Article Nine, however, are a range of factors that underscore the need for making substantial changes to Japan's defense policy. The most basic argument for reforming Article Nine is the apparent contradiction between the language of Paragraph Two, which forbids Japan from possessing "land, sea, and air forces," and the existence of the SDF. Constitutional scholars have asserted that Japan's natural right to self-defense under international law is "superior and anterior" to the constitution's anti-war provisions, thus overriding the prohibition in Paragraph Two.[62] Consequently, a broad consensus has developed among politicians that the meaning of Paragraph Two must be clarified, either by rewriting it or by supplementing it with language justifying Japan's military forces. Even liberal politicians who tend toward a protectionist view of the constitution agree that the situation is ridiculous, as pointed out by opposition leader Hatoyama Yukio when he called for new constitutional language to eliminate the legal contradiction.[63]

Many politicians also agree that Article Nine hinders Japan from achieving its full potential in the international community. It is worth noting that, despite the restrictions on exercising force, Japan's defense budget is now quite possibly the second largest in the world.[64] The question facing Japanese leaders is whether the nation's influence in security matters might not grow to match that budget if the military were free to engage in more active and far-reaching operations. Beyond the question of potential influence, there are also serious concerns about Japan's ability to fulfill its international commitments. Nakagawa Hidenao, an influential

[61] Nihon Keizai Shimbun, August 10, 2004.
[62] Hook and McCormack, 16.
[63] Itoh: 311.
[64] Auer, 69.

member of the LDP, recently argued that continuing SDF participation in U.N. PKOs would become problematic unless Article Nine were revised.[65] Japan's inability to participate in combat missions abroad also casts a shadow on the nation's bid to gain a permanent seat on the U.N. Security Council. Former U.S. Undersecretary of State Richard Armitage opined in July 2004 that Security Council membership is contingent on the ability to deploy military force, which Japan cannot do within its current constitutional framework.[66] Coming from one of the strongest supporters of Japan's Security Council ambition, this warning underscores fears that Article Nine renders Japan incapable of meeting the demands of the post-Cold War era.

A third major concern fueling calls for reform is the perceived need to strengthen Japan's security alliance with the United States. In many respects, the U.S.-Japan relationship has never been closer, especially given Japan's active cooperation in the recent American operations in Afghanistan and Iraq. Analyst John Miller notes, however, that this support, while groundbreaking in scope and character, still reflects an aversion to militarism.[67] Japan is unwilling to exercise military force even in support of its closest ally, a policy which some elites feel relegates Japan to an inferior status in the alliance.[68] Added to these Japanese concerns is external pressure from the U.S. to accept more responsibility for regional security. A prominent report released by the U.S. government in 2000 concluded that "lifting [the prohibition on the use of force] would allow for closer and more efficient cooperation" between the U.S. and Japan.[69] Richard Armitage went one step further in 2004 and declared that Article Nine would

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[65] Hannah K. Strange, "Japan Likely to Become Military Power as Counterbalance to China," Insight Magazine website (accessed August 13, 2004), available from http://www.insightmag.com/news/2004/07/19/National/Analysis.Japan.Likely.To.Become.Military.Power.As.Counterbalance.To.China-694792.shtml.
[66] Asahi Shimbun, July 23, 2004.
[67] Miller: 12.
[68] Denny Roy, "Stirring Samurai, Disapproving Dragon: Japan's Growing Security Activity and Sino-Japan Relations," Asia-Pacific Center for Security Studies Occasional Paper Series (September 2003): 2.
[69] Wakamiya.

have to be revised in order to strengthen the alliance.[70] While it may appear that such statements intrude on what is essentially a Japanese domestic matter, they must nevertheless be taken seriously. Whatever regional security role Japan might define for itself in the future, it cannot do without the U.S. alliance altogether. If the U.S. concludes that Japan is too timid to hold up its end of the bargain, the consequences for Japanese security would be dire indeed. This sense of apprehension about the future of the U.S.-Japan security relationship strengthens the hand of politicians who call for constitutional reform.[71]

The above factors have combined in the past few years to create a political environment in which change to Article Nine is not only possible, but feasible. Yet while there is a consensus that Article Nine needs to be reformed, there is little agreement on how to go about it. If Article Nine reform does proceed, it can take one of two main paths. One is *revision*, or actually changing the language of the constitution. This could take the form of rewriting Article Nine from scratch, changing certain parts, adding supplementary paragraphs, or even doing away with it altogether. The other path is *reinterpretation*, or changing the way the government applies the language of Article Nine to its policy. This could be enacted through an executive decision by the Prime Minister and his Cabinet or as legislation passed by the Diet. Each of these methods carries different implications for Japanese security.

Revision

By its very nature, revision is necessarily the more difficult form of constitutional reform. Not only is the amendment process lengthy and complicated, requiring a two-thirds majority vote in the Diet as well as a nationwide referendum, but the present constitution carries with it both sentimental attachment and 60 years of inertia. But it also has much greater potential. To its

[70] Asahi Shimbun, July 23, 2004.
[71] Roy: 5.

proponents, revision offers the chance to make a fresh start and establish a better, stronger foundation for Japan's defense.

Political support for Article Nine revision is nothing new. In the early post-war years, prominent conservatives such as Prime Minister Hatoyama Ichiro and Nakasone Yasuhiro advocated rewriting Article Nine to strengthen the position of the SDF and make Japan more independent of U.S. influence.[72] However, the need to compromise with liberals who supported unarmed pacifism encouraged more pragmatic leaders such as Yoshida Shigeru to work with the existing language despite their revisionist sympathies. As a result, most proposals for revision that emerged during the Cold War period came from reactionaries,[73] and were largely ignored. This all changed with the end of the Cold War and the ensuing rise in support for Article Nine reform. Now, revisionists are part of the political mainstream, with more than 80% of legislators favoring constitutional change.[74] Even the leadership is getting involved. In 2004, Prime Minister Koizumi Junichiro became the first head of government to issue a public call to lift constitutional restrictions on the use of force. In addition, the parliamentary process leading to amendment is finally underway: each of the leading parties in the Diet is drafting its own revision proposal, to be submitted and reviewed by the Constitutional Research Council by the end of 2005.[75]

Mainstream proposals for Article Nine revision can be grouped into any number of ideological categories according to the type and degree of change they envision. To this end, Mayumi Itoh presents a particularly useful framework. She divides the revision movement into

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[72] Jens Wilkinson, "Don't Believe the Hype: The New Push for Constitutional Revision," Japan Watch website (accessed February 2, 2005), available from http://www.zmag.org/Japanwatch/0003-constitution.html.
[73] Hook and McCormack, 34.
[74] Asahi Shimbun, "Article Nine, Iraq and the Revision of the Japanese Constitution," ZNet website (accessed August 13, 2004), available from http://www.zmag.org/content/showarticle.cfm?SectionID=17&ItemID=4450.
[75] Keizo Nabeshima, "Changing the Constitution," commentary in *Japan Times*, January 27, 2004.

three schools of thought: the liberal, the traditional conservative, and the neo-conservative.[76] While these broad categories cannot possibly cover the entire spectrum of the revisionist debate, they do provide a good way to characterize the intent behind the proposals - that is, what kind of effects the drafter expects the proposal to have on Japan's security policy. Each ideological school, along with the various methodological approaches associated with it, is discussed below.

The Liberal School

The liberal school of Article revision is best represented in politics by the center-left Democratic Party of Japan, or DPJ. Advocates of the liberal school are generally the least ambitious in their proposals. Liberals in Japan tend to be pacifistic by nature, and while most on the left are no longer averse to constitutional revision in the broadest sense, they are still highly suspicious of perceived moves toward greater militarization. As a result, moderate liberals who favor revising Article Nine take a very limited view of SDF activities outside of Japanese territory and territorial waters, preferring to stay as close as possible to a purely self-defensive mission. From the liberal perspective, the best way to deal with potential threats is not to project military power, but to forge closer ties with neighbors through multilateral institutions.[77] Additionally, liberals are less enthusiastic than conservatives about the security alliance with the United States, especially when the question of collective self-defense comes into play. For its part, the DPJ stresses the need to distinguish between collective security under international (i.e. U.N.) auspices on the one hand, and collective self-defense with allied nations on the other.[78] Most liberal proposals favor the former over the latter.

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[76] Itoh: 312.
[77] "Background Information of International Relations in East Asia," Earlham College website (accessed August 13, 2004), available from http://www.earlham.edu/~pols/ps17971/asahiri/background.html.
[78] Rust Deming, "Japan's Constitution and Defense Policy: Entering a New Era?", *Strategic Forum* 213 (online version, accessed December 10, 2004), available from http://www.ndu.edu/inss/strforum/SF213/SF213_Final.pdf: 5.

A leading example of a liberal proposal for revision is that put forth by former DPJ Secretary Hatoyama Yukio in October 1999. Prior to Hatoyama's proposal, virtually no one on the left had spoken out in favor of revising Article Nine, and the *goken* philosophy was still seen as one of the defining characteristics of Japanese liberalism. Hatoyama broke with this tradition, however, in arguing that Article Nine could no longer stand in its present form. He pointed to the inherent legal contradiction between Paragraph Two and the existence of the SDF and argued that that contradiction, at least, had to be resolved. He therefore proposed a complete rewriting of Article Nine, as follows:

> 1) Japan shall maintain land, sea, and are forces, as well as other war potential.
> 2) Japan shall neither use these forces for acts of aggression nor shall Japan employ conscription.[79]

In most respects, Hatoyama's revised version is a classic representation of the liberal perspective. His primary objective appears to be to resolve the legal contradiction while keeping as much of Article Nine's original pacifist spirit intact. Still, Hatoyama is quite bold for a liberal in his assertion of Japan's right to possess a military; His Paragraph One is a complete reversal of the original Paragraph Two. Moreover, his Paragraph Two, while remaining close to the original's renunciation of the right of "belligerency," leaves much more room for flexibility in deciding when, where, and how the SDF may be employed. Hatoyama justifies these provisions in terms of the need to make Japan more independent from the U.S. in security. As long as it must rely on the U.S. to defend itself, Japan will not be free to pursue its own goal of peaceful coexistence with its neighbors.[80] In this sense, Hatoyama's position strongly reflects the liberal preference for an internationalist approach over the traditional alliance system.

Other prominent liberal proposals for Article Nine reform continue to reject the idea of revision. The left-leaning Asahi newspaper envisions Japan as a civilian power, keeping its

[79] Itoh: 316-7.
[80] Ibid.: 325.

military out of international affairs. Japan should not withdraw from its international commitments, but rather reinforce them by enacting a new law enshrining international humanitarian assistance.[81] Meanwhile, the political journal *Sekai* proposes legislation establishing a so-called Minimum Defensive Force, which "cannot engage in defensive activities beyond the boundaries of Japanese sovereign air, sea, or land space" and whose activities would be subject to prior approval by the Diet.[82] It should be noted that neither of these proposals sees Japan as disavowing any role in regional security. Instead, they espouse the view that Japan's military is little more than a necessary evil, to be used only when absolutely necessary to Japan's survival, and that the best way to contribute to security is with non-military aid. Under these circumstances, they argue, there is no need to revise the constitutional provisions against war.

The Traditional Conservative School

The traditional conservative school can be seen in many ways as the polar opposite of the liberal school. Represented by the "old-guard" elements in the ruling conservative Liberal Democratic Party (LDP), traditional conservatives desire what they see as a natural continuation of the process of constitutional reform that has taken place over the past 50 years. Most conservatives feel that the reform process has reached a point where the restrictions of Article Nine are no longer meaningful or relevant. They favor making significant changes that would empower the SDF (possibly renamed to the Self-Defense Military or even just the Army/Navy/Air Force) to engage in a much broader array of activities. The key distinguishing feature of the traditional conservative position is its strong emphasis on maintaining and strengthening the U.S.-Japan security alliance, a position that Rust Deming terms "alliance

[81] Hook and McCormack, 38.
[82] Ibid., 97.

nationalism."[83] Traditionalists take the realist view that the best way to ensure security for Japan and East Asia is to cooperate with the U.S. against potential threats.[84] In order to facilitate this cooperation, Japan must be able to engage in collective self-defense and send its forces abroad to support its ally. In short, the surest way to promote Japanese security interests is to follow the same patterns used during the Cold War, altered to capitalize on Japan's economic power and the opportunities presented by the demise of the Soviet Union.

The doyen of the traditional conservative school is former Prime Minister and current LDP elder statesman Nakasone Yasuhiro, a longtime advocate of Article Nine reform. In 2000, Nakasone announced his own proposal for revising the anti-war clause. Unlike Hatoyama, he advocated leaving Paragraph One and its renunciation of war intact. However, he proposes revising Paragraph Two and adding a third paragraph, to read as follows:

> 2) Japan shall maintain land, sea, and air forces, as well as other war potential, for self-defense purposes.
> 3) Japan retains the right to exercise its right to collective self-defense.[85]

Nakasone's modified version of Paragraph Two closely resembles Hatoyama's Paragraph One, and appears to serve much the same purpose - namely, resolving the legal contradiction of the SDF's existence. The newly added Paragraph Three, however, is the real cornerstone of Nakasone's proposal. Collective self-defense, hitherto considered incompatible with the constitutional provisions against the aggressive use of force, is very specifically and unambiguously enshrined as a "right" of the nation. The intent of this part of the proposal is clear: Nakasone aims to establish Japan as an equal partner in the alliance with the U.S. by enabling the SDF to participate in joint operations. This would, in Nakasone's view, both strengthen the alliance - and hence Japan's overall security - and leave ample room for Japan to

[83] Deming: 5.
[84] "Background Information of International Relations in East Asia."
[85] Itoh: 318.

extend its influence in security matters beyond mere defense of its own territory. Far from entangling Japan further into unwanted adventures with the U.S. military, the codification of Japan's right to fight alongside its allies would in fact make the nation more independent.[86] Nakasone's vision wields great influence among LDP lawmakers, so much so that the party's upcoming draft proposal for revision has been termed the "Nakasone draft."

If Nakasone represents a "status quo" brand of conservatism, others in the traditional conservative school advocate a more reactionary approach to the constitution. Tokyo Governor Ishihara Shintaro, an unapologetic nationalist and the author of the anti-American book *A Japan That Can Say No*, has expressed his desire to get rid of the anti-war clause entirely and return Japan to great power status, minus the U.S. military presence in the archipelago. Some even call for a return to the pre-World War II system, as typified by Nakagawa Yatsuhiro's proposal to eliminate Article Nine and place the Emperor at the head of the armed forces.[87] It is fairly clear, however, that traditional conservatives, especially those in the political mainstream, are far more likely to embrace Nakasone's realist version of alliance nationalism. Few outside of the far right see a need for Japan to pursue a completely independent defense policy in the near term.

The Neo-Conservative School

The term "neo-conservative" as Itoh applies it can be somewhat misleading, since it signifies something rather different from the American political movement of the same name. The neo-conservative school in Japan is, in some ways, a hybrid of the liberal and traditional conservative schools. Like their American counterparts, Japanese neo-conservatives stress the value of proactively utilizing Japan's resources to shape the international order. To this end, they advocate revising Article Nine to give Japan a wider range of tools with which to work,

[86] Ibid.
[87] Hook and McCormack, 34.

including military power if necessary. They owe a great deal to traditional conservatives in their unwavering support for a stronger, more assertive Japan. But they also share with liberals an idealistic belief in the principles of non-aggression and international cooperation, which traditionalists often dismiss as naïve. Like liberals, neo-conservatives are internationalists who favor collective security over collective self-defense.[88] Consequently, neo-conservative proposals for Article Nine revision generally combine power with responsibility, giving Japan more room to use force while setting strict guidelines on when and why it may do so.

By far the most outstanding figure in the neo-conservative school is Ozawa Ichiro, a former LDP leader who left to form his own party and has since joined the opposition DPJ. Ozawa is perhaps best known for coining the phrase "normal country" to describe his ideal vision of a Japan that has the same rights to maintain armed forces as any other nation. He first popularized the neo-conservative philosophy on Article Nine in 1999 with his own proposal for revision. Ozawa goes beyond Hatoyama and Nakasone in leaving both paragraphs of the original article intact. He does, however, add a third paragraph:

> 3) The regulation in Paragraph Two does not prevent the maintenance of military power for the purpose of exercising Japan's right of self-defense against military attack by a third country.

Furthermore, Ozawa inserts an entirely new article to follow Article Nine, which reads:

> In order to maintain, and restore, international peace and safety from threats to, the collapse of, or aggressive action against, peace, the Japanese people shall contribute positively to world peace, through various means including taking the lead in participating in international peacekeeping activities, and supplying troops.[89]

The new third paragraph says basically the same thing as Hatoyama's Paragraph One and Nakasone's Paragraph Two, but is less ambitious in tackling the contradictions of the old wording. The new article, however, makes up for that lack of ambition by laying out a far-reaching international mission for Japan. Ozawa is almost fanatical in his devotion to the United

[88] Deming: 6.
[89] Hook and McCormack, 166.

Nations. He declares that "Japan must align itself further with international society. There is no other way to do this than to participate actively in all activities led by the U.N."[90] Ozawa even proposes the creation of a special U.N. Force within the SDF specifically for this purpose.[91] For Ozawa, the traditional bilateral alliance system is insufficient to provide for Japan's security. Although he agrees that Japan should have the right of collective self-defense, he argues that the notion of broad-based collective security under U.N. mandate will prove more effective in maintaining peace with Japan's neighbors and securing Japanese interest abroad.

The prominent Yomiuri newspaper has also endorsed the neo-conservative theme of strength through international activism. Yomiuri has published a revision proposal that legitimizes the SDF and overseas dispatch of forces, but adds an article obliging participation in "the activities of the relevant well-established and internationally recognized organizations," and a clause stating that "Japan shall not manufacture, possess or use" weapons of mass destruction.[92] Both of these provisions demonstrate a willingness to entrust a large portion of Japan's security to the international community, something that traditional conservatives are unwilling to do. Whether or not this model of multilateral collective security would function in reality is highly uncertain, however, and the neo-conservatives high expectations may make their objectives for Article Nine difficult to achieve.

Reinterpretation

Revision inevitably gets most of the attention in debates surrounding Article Nine reform, but another option exists which may well prove more viable in the short term: reinterpretation. In sharp contrast to revision, reinterpretation of Article Nine has a long and rich history in Japanese politics. Gradual adjustments in interpretation over time have allowed Japan to adapt its defense

[90] Ibid., 167.
[91] Itoh: 316.
[92] Hook and McCormack, 59.

policy to shifting internal and external circumstances without having to engage in the painful process of changing the constitution. But the cumulative effects of decades of reinterpretation - and particularly the rash of new legislation following the September 11 terrorist attacks and the invasion of Iraq - have left Article Nine stretched and distorted, and many feel it cannot be pushed much further in its current form. Thus, while reinterpretation may represent the easier and safer road, it offers much less opportunity to enact real change.

There is, however, one critical aspect of Japan's security policy on which reinterpretation may have a significant impact. Collective self-defense remains as the last significant legal right not claimed by the government, but not specifically denied by the constitution. Most proposals for Article Nine revision include some reference to securing the right of collective self-defense, either implicitly or, in the case of some traditional conservative proposals, explicitly. But such provisions, while convenient as part of more comprehensive changes to Article Nine, are in fact unnecessary. The government asserts that Japan, like all countries, already possesses the right to collective self-defense under international law.[93] Nevertheless, the official position, taught in law schools across the country, is that Article Nine forbids the exercise of this right.[94] In the most basic sense, this position is voluntary, and although it has endured longer than other interpretations such as the ban on sending troops abroad for peacekeeping missions, it is subject to the same political pressures that have thus far radically altered the meaning of Article Nine in practice. The issue is still a controversial one, with public opinion divided roughly evenly over whether or not to revise or reinterpret the constitution to allow for collective self-defense.[95] Yet herein lies reinterpretation's greatest advantage: there is no need to get the public involved. Proponents of reinterpretation argue that one more adjustment, made at the political world's

[93] Yomiuri Shimbun, *Nihon no Yoron*, 478-9.
[94] Auer, 74.
[95] Yomiuri Shimbun, *Nihon no Yoron*, 478.

convenience, should be enough to address many of the security challenges currently facing Japan.

There are two primary methods by which reinterpretation may be carried out. The first is executive decision by the Prime Minister and the Cabinet. The government's official interpretation of Article Nine is enunciated by the Cabinet Legal Affairs Bureau, which oversees legal policy. Although the bureau currently holds that the SDF can only participate in combat activities directly related to the defense of Japanese territory, it can alter its position at the Cabinet's discretion, as it did in the 1990s to allow JMSDF ships to transport weapons.[96] Now, with political pressure to loosen restrictions on the SDF mounting, signs indicate that the Cabinet may be ready to reconsider its position against collective self-defense. Chief Cabinet Secretary Fukuda Yasuo hinted as much in September 2001 after the terrorist attacks in the U.S., saying that the government would closely monitor other U.S. allies' responses to the crisis before deciding whether to change its position.[97] Reinterpretation through executive decision could potential to make sweeping changes to Japan's defense policy in a short period of time, and has the added advantage of requiring only a limited consensus to enact. On the other hand, any decision made by such a small group of people would necessarily provoke an outcry among both politicians and the general public if it were perceived as ignoring the due process of constitutional debate, and thus an executive reinterpretation would need to gain widespread approval before it could take effect.

An alternative to executive decision is legislation, in the form of supplementary laws that stipulate how Article Nine is to be applied. This is the method preferred by many prominent

[96] Yukio Okamoto, "Japan and the United States: The Essential Alliance," *Washington Quarterly*, 25, 2 (2002): 66.
[97] Japan Times, September 14, 2001.

politicians, including Nakasone Yasuhiro.[98] Japan has made extensive use of legislative reinterpretation in the past few years. Notable examples include the 2002 national emergency law giving discretionary authority over the SDF to the Cabinet in the event of a crisis, and the 2003 act authorizing the deployment of the SDF to Iraq for non-combat support of the U.S.-led occupation. A law giving Japan the right to collective self-defense could be the next logical step in this vein, provided that proponents can muster the necessary support within the Diet. Legislative reinterpretation, while necessarily more difficult and time-consuming than a simple Cabinet decision, would provide a firmer legal foundation for the use of collective self-defense. It would also give Japan something concrete to show the U.S. as evidence that it is willing to assume greater responsibility within the alliance, thus strengthening U.S.-Japan security cooperation.

Side Effects of Article Nine Reform

Reforming Article Nine, whether in a limited fashion or through sweeping revision, offers a world of possibilities for Japan to enhance its security presence in East Asia and across the globe. As with any endeavor of this magnitude, however, there are bound to be repercussions beyond the intended effects. In the case of Article Nine, serious concerns exist about what kind of impact tampering with the anti-war clause will have outside the realm of security policy. Article Nine occupies such an integral place in Japanese society and wields such an influence on Japan's relations with other countries that any change, however innocuous in the eyes of those proposing it, would send shockwaves running inside and outside Japan. Therefore, the merits of any proposal for reform must be weighed against the potential negative side effects it may create.

One apprehension frequently expressed about removing restraints on the use of force by opponents of reform is the fear that Japan will find itself entangled in battles it does not want or

[98] Yomiuri Shimbun, *Nihon no Yoron*, 479.

need. Giving Japan the right to engage in collective self-defense, it is argued, also employs the obligation to do so whenever Japan's allies demand it. The example most often cited is, of course, the U.S., whose recent operations in Afghanistan and Iraq found little support among the Japanese public and opposition political parties.[99] The government of Koizumi Junichiro has already invoked the U.S.-Japan security treaty to justify sending non-combat units in support of both of these operations. With the ban on participating in combat missions weakened or removed, Japan may find itself compelled to make a sacrifice of blood the next time America calls for military aid.

And yet entanglement could end up being the least of Japan's worries. Proponents of changing Article Nine often overlook one crucial benefit that the peace constitution has provided over the years: stable and peaceful relations with Japan's neighbors. China and South Korea, in particular, still harbor deep resentment over Japan's brutal conduct during World War II, and the anti-war provisions have done much to allay suspicion that Japan will one day become an aggressive military power again. Recent moves toward greater assertiveness, including the deployment of Japanese troops to Iraq, have alarmed many in China and South Korea, and reactions from both government officials and the general public indicate that changing Article Nine will likely prove disastrous for Japan's relations with these two countries.

As a surging economic power and potential strategic rival, China's reaction to Article Nine reform bears close examination. No less than Japan, the PRC is acutely aware of the potential for future conflict as the two countries compete for resources and influence in East Asia, and is reluctant to accept Japan's continuing claims to pacifism as sincere. Chinese leaders are dismayed at what perceive as a "piecemeal redefinition" of the U.S.-Japan security alliance

[99] Asahi Shimbun, "Article Nine, Iraq and the Revision of the Japanese Constitution."

that gives Japan greater freedom to flex its muscles independently.[100] Of particular concern are cooperation on missile defense, which could pose a threat to Chinese interest in Taiwan, and the war on terrorism, which has already given the SDF license to increase its activities abroad.[101] Moreover, anti-Japanese sentiment among ordinary Chinese is growing, especially among the younger generation, as evidenced by provocative actions by Chinese nationalists in the Senkaku/Diaoyu Islands and violence against Japanese fans at the 2004 Asia Cup soccer finals. Should Japan take the next step and alter Article Nine, a backlash from the PRC leadership and the Chinese public would be inevitable. Chinese scholar Pang Zhongyang asserts that "[p]rotecting Japan's peace Constitution is protecting Japan's external relations."[102] In China's case, this statement is probably not far from the truth. The fragile trust that exists between the two countries depends on the PRC's perception of Japan as a partner instead of a competitor and rival, and repudiating Article Nine risks shattering that rust.

Likewise, Japan's current ties with South Korea owe much to its commitment to remain demilitarized. Memories of Japanese brutality run even deeper in Korea than they do in China, and modern Korean patriotism identifies strongly with historical anti-Japanese struggles.[103] Still, Japan and South Korea have managed in recent years to overcome many of their differences and forge a cordial relationship based on common political and economic values and their status as allies of the United States. But tensions still simmer under the surface, and conflict regularly erupts over issues such as the depiction of World War II in Japanese history textbooks. In 2003, Korean sensitivity to Article Nine reform became apparent when the timing of the passage of a wartime contingency bill to coincide with President Roh Moo-hyun's visit to Tokyo provoked an

[100] Phar Kim Beng.
[101] Roy: 9.
[102] Ralph Jennings, "China Suspicious of Moves to Alter Constitution," Japan Times, February 10, 2004.
[103] Miller, 10.

outcry in South Korea.[104] Relations between the two countries may be warmer, but South Korea is still not ready to accept an increased security role for Japan, and is anxious about the debate over changing the constitution.[105] Former President Kim Dae-Jung expressed precisely this sentiment during a 2001 visit to Japan when he said, "I hope the SDF behaves within the limits of the Peace Constitution."[106] If Japan is to assert a larger role for itself in East Asian security, it must consider its relationship with South Korea as an important determining factor. Japan cannot afford to alienate a potential ally, especially one so close to home.

Thus far, the question of Japan's relations with its neighbors has evoked a variety of responses from actors in the debate over Article Nine reform. Some liberals, including Hatoyama Yukio, have at least paid lip service to the need to appease China and Korea by acknowledging Japan's past crimes before proceeding with reform.[107] Conservative internationalists such as Ozawa Ichiro, while not explicitly addressing the problem, imply that part of Japan's "integration into international society" will necessarily involve coming to terms with historical issues. Others, mostly conservative nationalists, see little need to consider other nations' feelings when determining what is best for Japan's security. Overall, the attitude among politicians has tended toward the last view. Perhaps this is inevitable, as the current generation of Japanese leaders, most of whom do not remember the war years, have difficulty comprehending why Japan's militarization should provoke such a visceral reaction from Chinese and Koreans. Whatever the case, it seems unlikely that Article Nine reform will be tempered by conciliatory gestures to Japan's neighbors.

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[104] Seongho Sheen, "Japan-South Korea Relations: Slowly Lifting the Burden of History?", Asia-Pacific Center for Security Studies Occasional Paper Series (October 2003): 3.
[105] Ibid., 8.
[106] Wakamiya.
[107] Itoh: 317.

Conclusion

Japan appears to be on the verge of a constitutional revolution. Support for changing Article Nine has never been higher, and the political process that will eventually lead to reform is already underway. Now is the time, then, to reflect on the benefits and drawbacks that Article Nine reform will bring to Japan's security, and that of greater East Asia. Certainly, removing some or all of the restrictions on the use of force outside of Japanese territory and waters will enable Japan to shape the regional security environment on an unprecedented scale. But with greater power comes greater responsibility and greater risk. If Japan wishes to resume its former place among the great military powers of the world, it must come prepared to answer to the international community and bear the burden of its imperialist past. The question now facing Japanese leaders is whether the material advantages of abandoning pacifism are worth the social, political, and diplomatic costs.

3. Implications of Article Nine Reform for Maritime Security

The door is now open for a dramatic shift in Japanese security policy. Constitutional reform will enable Japan to enlarge its security role in terms of both the types of activities it engages in and the geographical scope of those activities. Moreover, the maritime security environment in East Asia offers a wealth of opportunities for Japan to actively shape the course of events, should it choose to do so. Both factors seem to portend a much greater involvement for Japan in East Asian maritime security affairs in the coming years. But the nature and extent of that involvement - which security problems Japan chooses to address, and how - will depend to a large extent on the eventual outcome of the Article Nine reform process. If Japan's maritime security presence is a reflection of the nation's political will, then Article Nine reform represents a major reconstruction of the legal and philosophical foundation upon which that will is built. The crucial question, therefore, is this: What consequences will the various possible outcomes of Article Nine reform have for East Asian maritime security? The final section of this essay re-examines each of the four key maritime security issues identified previously - Chinese naval power, territorial and economic competition, maritime piracy and terrorism, and missile defense - and predicts how varying types of constitutional reform will affect the overall picture.

China's Growing Naval Power

Without a doubt, the dramatic expansion of Chinese naval power will prove the single largest influence on maritime security in East Asia in the next few decades. Although the PLA Navy is still in no position to challenge the U.S. Navy for dominance of the seas, it could tip the balance of power significantly in China's favor, especially if America's commitment to maintaining military hegemony wavers or its interest in the region declines. Japan's response to this trend will help define the limits of Chinese expansion and, perhaps more importantly, alter

China's perception of its own security interests and how it pursues them. The constitutional status of Japan's armed forces will necessarily play a large part in shaping its response.

A revised Article Nine along the lines of the traditional conservative school - that is, one that provides the greatest latitude for the JMSDF - would allow Japan to deploy forces over a much wider geographical area, encompassing all of East Asia. The JMSDF could operate anywhere it felt its maritime interests were threatened, including seas which China considers to be part of its own sphere of interest. A broad revision would also likely open the way to acquiring and deploying offensive weapons systems that could be used to challenge Chinese power directly rather than simply defending against it. In such a case, Japan's already daunting technological edge over China would become even more of a decisive factor, as Japan could outmatch China's acquisition program with superior weapons of its own. Of particular interest is the possibility that the JMSDF might add aircraft carriers to its fleet; this would give Japan a huge tactical advantage over China, which has yet to build or buy a carrier of its own.

Less sweeping revisions or reinterpretation would still have a considerable impact on the strategic balance between Japan and China. An internationalist revision that opens the way to participation in multilateral collective security operations, while not directly challenging Chinese expansion, would act as a constraint on China's behavior. In the Taiwan Strait, for example, the PRC would exercise more caution if it knew that any multilateral response to belligerent action on its part would include the world's second most powerful navy. Likewise, allowing for collective self-defense through revision or reinterpretation would counterbalance China by strengthening Japan's alliance with the United States and providing greater incentives for the U.S. to maintain its forward presence in the region.[108] The JMSDF is already formidable on its

[108] Riichi Furugaki, "Collective Self-Defense for Japan," CSIS Japan Watch website (accessed November 12, 2004), available from http://www.csis.org/japan/japanwatch/jw000501.pdf.

own; in active concert with the U.S. Navy it would be nearly unstoppable, and no amount of naval expansion by China could pose a threat to Japanese and American maritime interests for the foreseeable future.

In the end, however, the gains in Japanese naval power vis-à-vis China achieved by changing Article Nine would almost certainly be wiped out by the resulting destabilization of the regional security environment. As noted earlier, Beijing views any change to the existing constitutional status quo as a threat to its security, and has repeatedly stated that it will respond in kind. If Japan opts to remove or relax restrictions on deploying JMSDF forces outside Japanese territorial waters, China will move to preempt Japanese expansion by extending its own naval presence, thus negating the benefits of geographical freedom. Furthermore, employing Article Nine reform in a way that directly targets China will have far-reaching and disastrous consequences. Revising the constitution to allow the JMSDF to possess offensive weaponry alone might prove enough to shatter what little trust exists between the two nations; actually deploying such weapons near Chinese waters would trigger military confrontation and a regional arms race, ultimately leaving everyone far less secure than before. In the face of such tremendous costs to overall regional security, therefore, it is highly unlikely that Article Nine reform would be an effective or desirable way to counter Chinese naval power.

Territorial and Economic Competition in the East and South China Seas

Growing competition over maritime territory and economic resources in the seas of East Asia threatens the security of all countries in the region. Japan has an especially strong stake in ensuring that competition in places such as the Senkaku/Diaoyu and the Spratlys remains peaceful, and will use every means at its disposal to that end. Current restraints on the use of naval force limit Japan's ability to use coercive means to deal with territorial and resource

conflicts. Article Nine reform will not help in all situations, but it may add some useful tools to Japan's toolbox if pursued with restraint.

Changing Article Nine would have little effect on competition in the East China Sea. Japan already has a clear right to use force in this area because it lies close enough to the Japanese archipelago to fall under the existing definition of self-defense. Hence, extending the geographical scope of the JMSDF's mandate would prove irrelevant in situations such as the Senkaku/Diaoyu dispute. Conservative proposals to allow for more assertive use of force might reinforce Japan's territorial and economic claims and make the nation's sea lane defense more credible. However, there is little in the current environment to suggest that the JMSDF will require additional capabilities to keep territorial and resource conflicts under control in the seas surrounding Japan. These issues are mainly political in nature and require diplomatic solutions, not military coercion. Adding force to the mix would only exacerbate the problem, especially considering that Japan's closest neighbors, China and Korea, remain skeptical about Japan's commitment to peaceful resolution of disputes.

Competition in the South China Sea provides a stronger case for Article Nine reform. Here, the JMSDF would certainly benefit from being permitted to operate outside Japanese territorial waters, even if only on a joint basis with other navies. Furthermore, it would require only a modest relaxation of constitutional restrictions to produce the desired results. Because Southeast Asian maritime disputes like the one in the Spratly Islands typically involve many parties, a collective security system of the sort envisioned in liberal and neo-conservative reform proposals would be an ideal way to resolve conflict in the region. Under such a system, Japanese involvement in multilateral interventions would be tolerated by ASEAN countries as a counter to

Chinese power.[109] In effect, the fact that Japan is not directly involved in South China Sea disputes makes it easier for the JMSDF to contribute to security at a minimum of expense to the status quo. Conversely, going too far with Article Nine reform - opting for alliance-based collective self-defense, for example, or insisting on greater operational freedom - runs the risk of projecting an image of belligerence and ambition. Japan needs the cooperation and trust of Southeast Asian nations to secure SLOCs and other maritime interests, and it cannot afford to be seen as an imperialist aggressor again.

Maritime Piracy and Terrorism

Piracy and terrorism in Southeast Asian maritime chokepoints threaten the safety and economic well-being of all countries in East Asia, and all countries must therefore share responsibility for confronting the problem. Japan is no exception: it should - indeed, must - be part of the solution. Furthermore, as noted earlier, the Japanese government has shown its willingness to use its military resources to help combat pirates and terrorists wherever they are found. Under such circumstances, the impact of Article Nine reform is especially noteworthy, since it may provide crucial capabilities that complement the will to act.

As in the case of territorial and economic competition, the key to effective Japanese participation in anti-piracy and anti-terrorism efforts is multilateral cooperation. To this end, creating a flexible constitutional framework for collective security would pave the way for joint operations with other regional maritime security forces. JMSDF ships could engage in joint patrols with Indonesian, Malaysian, and Singaporean vessels, while intelligence sharing between the various countries could assist in identifying and eliminating threats before they become serious. These efforts may also have the added benefit of building trust between Japan and its security partners in East Asia and quelling fears that Article Nine reform is aimed at restoring

[109] Roy, 11.

Japanese dominance over the region. The end result would be a relaxations of tensions and a considerable improvement in the maritime security environment overall. Alternatively, Japan could use Article Nine reform to forge a more autonomous, nationalistic policy aimed at taking anti-piracy and anti-terrorism efforts into its own hands. This would prove counterproductive, however. While Japan stands to lose considerably more than most from disruptions to Southeast Asian SLOCs and has a legitimate right to take action, it must respect the authority of states in the region over their own what is in essence a local problem. Being perceived as a meddler in other countries' affairs would jeopardize both Japan's economic interests in particular and the security environment in general.

Even so, Article Nine reform can do little toward overcoming another major obstacle - convincing other governments to accept Japanese help. Because piracy and terrorism occur mainly in territorial rather than international waters, there is nothing Japan can do legally to allow the JMSDF to pursue suspected pirates and terrorists without the permission of the state in whose waters they operate. Japan has already offered to send JMSDF ships to the Straits of Malacca to assist in patrols. However, it has been turned down by all three states bordering the Straits, and those states have thus far refused to join existing multilateral frameworks as well.[110] Simply put, these states do not want to rely on outside help to handle their domestic security problems, Part of this stems from their fear of being seen as weak, and part stems from their reluctance to want to give up control over their lucrative position astride some of the richest trade routes in the world. Japan can still make a valuable contribution, but neither the capability to deploy forces outside its waters nor the will to tackle the issue will suffice. Hence, if Article Nine reform is to have any effect at all on piracy and terrorism, Japan and its would-be partners

[110] *East Asian Strategic Review 2004*, 38.

will need to find a political *modus vivendi* that enables them to work together on terms agreeable to all parties.

Missile Defense

Of the four major regional maritime security issues in which Japan can make a difference, missile defense is perhaps the easiest to approach from a constitutional standpoint. The activities involved are well defined and concrete, and the legal requirements for Japan to achieve its objectives are fairly self-evident. Japan has already initiated the process of building a missile defense network with the U.S. and possesses most of the necessary technology. In addition, a sea-based missile shield minimizes the strategic threat perceived by other states. Assuming that missile defense is viable as a concept, altering Article Nine to resolve legal questions could help make the entire region safer from missile attacks.

As discussed earlier, missile defense can be construed as a kind of collective self-defense in certain situations, as there is no way for an interceptor to distinguish a missile headed for Japan from a missile headed anywhere else. Changing Article Nine to permit collective self-defense would eliminate this quandary. Such a change, combined with legislation giving field commanders the authority to act immediately against missile launches, would greatly enhance Japan's ability to neutralize threats from North Korea. And since Japan's missile defense program has reached an advanced stage under current legal guidelines, there is probably no need to alter the existing language of Article Nine; a simple reinterpretation would be enough, and easier to accomplish if justified specifically in terms of missile defense needs.

Another legal question facing Japan is what type of function the JMSDF will perform in a missile defense shield. As they stand now, Japan's plans for missile defense in Northeast Asia depend on the U.S. military to provide the power projection capabilities needed to shoot down

missiles at longer ranges. The Japanese government currently holds that Article Nine prevents the JMSDF from possessing such capabilities as they constitute offensive force. Rewriting Paragraph Two of Article Nine, as many on both sides of the political spectrum have proposed, would make it feasible for JMSDF ships to acquire longer-range interceptors of its own, thus augmenting the joint U.S.-Japan missile shield. But this would inevitably provoke outrage from China, South Korea, and perhaps Russia as well. From these countries' point of view, defensive missile interception technology translates too easily into offensive missile launching technology, which would give Japan the ability to launch preemptive attacks on its neighbors. These concerns could easily lead to countermeasures by other regional powers that would undermine the security advantages gained by deploying a missile defense system. Again, this is a case where less is more: the least ambitious constitutional changes will be the most effective.

Conclusion

This essay has attempted to analyze the connection between two disparate subjects: Japan's role in East Asian maritime security, and the prospects for reforming Japan's pacifist constitution. Due to the highly speculative nature of the analysis, significant uncertainties remain about the actual outcome of events. Ultimately, future developments in maritime security and the constitutional reform process will depend to a large extent on the foibles of Japanese politics and an unpredictable regional environment. Nevertheless, a few general conclusions can be drawn.

First, there is no quick and easy answer to the maritime security challenges facing Japan. Each issue presents its own set of conflicting demands, and it is quite impossible to respond to all of them at once. Some situations require a firm hand, while others need a delicate touch. Some call for individual initiative, while others are more conducive to patient multilateralism. In a few cases, most notably the rise of Chinese naval power, Japan may not even have any good options. Consequently, Article Nine reform should not be viewed as a cure-all solution to Japan's regional security ills. Every proposal for revision or reinterpretation favors certain priorities over others, and none can provide Japan with everything it needs to be effective in every aspect of maritime security. Japanese leaders face difficult choices over what kind of role they want their country to play in keeping the seas of East Asia safe.

Second, there are big differences between what Japan can do, what it wants to do, and what it should do in maritime security. The first section of this essay identified ways in which Japan could become more involved in tackling the region's most serious problems. This is not to say, however, that Japanese are eager to do everything in their power. The heated debate over what to do with Article Nine shows that Japanese themselves do not even agree on their country's security agenda or how to carry it out. Likewise, the fact that Japan can choose to

become more active on a given issue does not necessarily mean that it is a good idea. In certain situations, the economic and social costs associated with Japanese involvement may outweigh the benefits to security, particularly when that involvement has a negative impact on Japan's relations with its neighbors. The ideal maritime security role for Japan, therefore, should represent a balance of ability, will, and appropriateness.

Finally, Article Nine signifies much more than simply a promise not to use force for the wrong purposes. It is part of the glue that holds international society in East Asia together. It has helped establish trust between Japan and the victims of its past aggression where no trust could otherwise exist. In short, Article Nine has made the region a safer place. Today, with Japanese military power at levels not seen since World War II, the principles set forth in Article Nine may be no more than a fiction. But they are a convenient fiction, accepted by Asians as a necessary fact of life. The constitutional reform movement underway looks set to shatter the illusion of Japanese pacifism. In the long run, perhaps this is for the best, as it will allow Japan to develop into a mature global power embraced by its erstwhile enemies, the "normal country" that Ozawa Ichiro envisions. Until that happens, however, the process of adjusting to life without Article Nine will be a long and painful one for Japan and the rest of East Asia.

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