CHAPTER- 3

THE POST COLD WAR DEBATE: THE JAPANESE CONSTITUTION, UN AND NEW WORLD ORDER

Introduction:

The end of the Cold War with the fall of the Soviet Union combined with other developments such as the Gulf War and North Korean nuclear crisis marked a major turning point in Japan’s pacifist foreign policy which it has maintained after its defeat in WWII. With the demise of the hypothetical enemy, primary goal of the US-Japan Security Treaty- containing the spread of communism by providing strategic and logistic support to the US- was achieved. Thus the Treaty became uni-dimensional as the US still has to contribute to Japan by providing defense shield from two emerging hypothetical enemies- North Korea and China-while Japan has nothing much to contribute from its part.

Thus, there were proposals to redefine fundamentally the nature, form and content of the US-Japan mutual Security Treaty with an aim to push Japan for greater “burden sharing”, militarily and financially. But in the post cold war period, Japan was reluctant to play its global role as per the US dictates as it was tied with US imposed pacifist constitution which forbade Japan from “deploying its troops overseas” and “use of force to settle international disputes.”

The growing criticism and pressure from the US and other allies for not doing enough militarily, resulted in changes in Japan’s pacifist foreign policy compelling it to liberally interpret its Constitution to play a wider role in international security. To meet the needs of its ally-the US as well as driven by its ambition to find its rightful place among the world powers with the aim to secure a permanent seat in the UN Security Council, Japan started re-examining its pacifist Constitution.
The chapter in this context discusses the factors that resulted in change in Japan’s post Cold War security policies. It discusses that all the external pressures that pushed the need for interpretation and amendment of the Japanese Constitution. It also discusses how Japan’s desire to get a permanent seat in the UN Security Council so as to play a greater role both at the international and regional level provided impetus to the Constitutional amendment process. It also analyses how masses within Japan and the people as well as statesmen in the region are responding to these developments.

Factors Resulting Change in Japan’s Foreign Policy:

The post-cold war period witnessed swift developments in international politics and rapid global changes. The post Cold War era was more challenging for Japan, since varied opposition, from its political parties and masses, came to question the continuing need for the Treaty; which was primarily aimed at containing spread of Communism and its influence, while on the other hand, criticism in the US about “Japan’s free ride” on the US defense gained momentum.

The Security analysts at the end of the Cold War speculated that unresolved territorial disputes which were contained during Cold War period because of fears that regional conflicts may threatened to expand into global hostilities between military lock, would resurface in the East Asian region, and may lead to major conflicts in the region. Japan which had territorial dispute with China, Taiwan, Russia, North and South Korea considered it in a vexed situation. Japan therefore was forced by the US to play an active global and regional role compelling it to re-examine its security policy and further strengthening US-Japan defense relations.

Incidents such as, Iraq’s invasion of Kuwait in 1990 and nuclear crisis in the Korean peninsula, demonstrated that the end of cold war did not mean the end of security concerns. Instead it may be the beginning to a new security situation calling from Japan to respond. Japan however, had no legal framework to respond to the situation taking
place beyond its territory as Article 9 of its Constitution forbade deployment of troops overseas and use of force to settle international dispute. Japan took first decisive step in this regard by reinterpreting its pacifist clause. To understand this shift from strict adherence to liberal interpretation, it is necessary to trace its UN centered pacifism with special reference to Article 9.

**Japanese Constitution and the UN**

Japan had renounced the war and enshrined pacifism in its Constitution with the hope that in case of an external aggression they would be defended by the UN. But it has changed its position and interpretation of the Constitution with the passage of time in different phases.

**Phase I (1946 to 1955): Strict adherence to Constitutional Pacifism**

With the belief that Japan would be defended by the UN in case of external invasion, Prime Minister Yoshida in his reference to the relationship between the UN and Japanese constitution had opined –

> "What we have in mind is that an international peace body is being established...According to Article 43 of the Charter of the United Nations they would have the obligation to provide the armed forces....when Japan becomes a member of the organization, after it receives its independence, then it will be protected by this Charter."  

(Dore 1997:56).

The statement generated wider debate and analysts pointed out that according to Article 43 of the UN Charter\(^1\), Japan would not only be protected but would also be required to

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\(^1\) Article 43 of UN Charter: All members of the United Nations in order to contribute to the maintainence of international peace and security, undertake to make available to the Security Council, on its Call or in accordance with the agreement or agreements, armed forces, assistance, facilities including rights of passage necessary for the purpose of maintaining international peace and security. Such agreement or agreements shall govern the number and type of forces, their degree of readiness and general location and the nature of facilities to be provided. The agreement and agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and member or between the Security Council or group of members and shall be subject to ratification by signatory states in accordance with their respective Constitutional process.
contribute troops, which it cannot do since it is constitutionally prevented from maintaining an army. Responding to these issues, Prime Minister Yoshida responded:

"The first and most important thing we are required to do is to restore our national rights and independence. The government is now devoting its time and efforts for the attainment of this important object" *(Japan, Imperial Diet, Official Gazette extra (English Edition), Minutes of the Proceedings of the House of Representatives, 90th session, No.8, 28 June 1946, p.15.)

It was clear with the statement that he wanted that the whole question to Japan’s membership in the UN should be left until Japan gets its membership.

Till 1954, the question whether Japan will contribute militarily to the UNPKO remained an issue of political debates. In all the debates the government maintained right of individual defense and denied right of collective defense. The debate was put to back burner once the House of Councillors passed a resolution prohibiting any overseas dispatch of the SDF on June 2, 1954 (Ogata 1990:141-165). Following the House of Councillor, the SDF law was enacted and article 3 of the Law ‘prohibited the dispatch of troops overseas’. With these two measures Japan had already shelved the issue of military contribution in the UNPKO.

**Phase II (1956 to 1979): No to SDF participation in UNPKO**

Barely two years after Japan’s entry into the UN as a member of General Assembly Golan Height crisis broke out in Lebanon, it declined the UN request to send it personnel in United Nations Observation Group in Lebanon (UNOGIL), citing hostile domestic climate and lack of legal provisions for the dispatch of personnel.

The issue of personnel participation once again became the issue of debate in 1960s during the United Nations Operation in Congo (ONUC). This Time Japan’s ambassador to the UN Matsudaria Koto pushed the issue of Japan’s participation in ONUC, which
required policing and maintaining law and order. He stated that “it is not logical that the Japanese government emphasizes the importance of the UN, while at the same time it avoids participating in the UN peacekeeping operations” (Go Ito 2007:75-93). He was forced by the Diet to withdraw his comments and the opposition parties demanded his resignation. (Dobson 2003: 52)

**Phase III (1980 to 1990): Extending logistic support to UN**

In the 1980s, the situation seemed slightly improving when the Prime Minister Suzuki Zenko while addressing 37th General Assembly of the UN, suggested establishing a mechanism to monitor global and regional security situations. Later that year Japan also suggested creation of small group of experts under UN Secretary General to undertake technical studies regarding the strengthening and expansion of UN peacekeeping function which unfortunately could not materialized. At the same time a private panel report on Japan’s participation in PKO which included UN ambassador Saito Sazo and Sadako Ogata, suggested a more active and wider role and advocated a step by step participation in police operation, logistic support and medical activities, supervising election and dispatch of military personnel on patrol and supervision missions.

These attempts aimed at expanding Japan’s role in the UN conflicted with anti militarist norm imbued in Japanese society. The anti militarist norms sought to maintain Japan’s low security profile and ensured that Japan’s policy towards peacekeeping would be minimal.

Thus it is clear that despite the continued exhortation from the world body and form MOFA to contribute personnel, the Japanese leadership remained reluctant to take major initiative and never seemed to antagonize their masses. Though Prime Minister Suzuki Zenko took some initiative but his initiative in the UN remained limited to achieve the goal of greater disarmament and ensuring containment of regional and global security, which Japan believed, escalates with armaments. (Dobson 2003)
The Japanese participation to the UN remained limited to the non-combat situations and this trend continued till the end of Cold War period. The shifts in Japan’s policy from previous refusal to participate in PKO (in 1958 UNOGIL) to sending first civilians on a monitoring missions and increasing financial commitments have been termed by the Japanese security experts as a major shift in its UN policy. By the end of 1990s and the outbreak of Gulf crisis, the situation in Japanese administration started changing. Japan, which at earlier occasion had been citing Article 9 and SDF laws as an impediment to the personal contribution in the UNPKO, had started interpreting the same clause for participation in the UN. As the issue has stirred greater debate on violation of Japanese Constitution, it needs to be discussed in details.

**The End of Gulf War: Beginning of Renewed Interpretation of Article 9**

The changing political scenario in the Middle East, following Saddam’s annexation of Kuwait, placed Japan in a vexed situation. The US exhorted Japan to play its role by committing troop’s deployment in Iraq. For Japan, on the one hand, committing troops to Iraq could have been violation of the ‘Article 9’ of its constitution and at the same time it could have been, the end of “omni directional foreign policy”2 towards the Arab world codified during Prime Minister Masayoshi Ohira’s regime.

The policy makers in Japan were also worried that its troop deployment overseas might affect its good relations with the Arab world and will also be a disturbing factor to its Asian neighbors. It was in this regard that the ruling Liberal Democratic Party’s effort to send Japan’s Self Defense Forces (SDF) by enacting UN Peace Cooperation Bill in October 1990 failed to gain Diet’s majority approval. The central point of the opposition parties questioning the Law was whether the dispatch of SDF violates the principle of Article 9. The government was not able to defend its decision, given the fact that it already had taken a position in 1980 ‘that the SDF’s participation in the UN-led forces

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2The omni directional foreign policy was adopted following OAPEC’s denial of its oil resources to Japan, which resulted in oil crisis of 1971 in the country. Japan succeeded in getting oil resources, when it took pro-Arab stand on Palestine issue.
would be against Article 9 as it would include the use of weapons’ (Go Ito 2007:81). Amid the stiff resistance of the opposition, the Kaifu government abandoned the Bill as the opposition was in majority in Upper House and it failed to muster support from the New Komeito.

**Shifting political Stance: From “No to the PKO” to “Three Party Accords”:**

In 1990, the political parties had severe differences over enactment of UN Peace Cooperation Bill. The most prevalent view among the parties was that sending the SDF overseas would be violation of the Constitution and they found it difficult to strike a balance between the war renouncing Constitution and the SDF’s participation in a Conflict zone. The Socialists and communists were at the forefront in opposing the Bill.

Opposing the peace Cooperation bill, the then JSP President Takako Doi expressed opposition to the Bill arguing that:

> “Why must pacifist Japan take the same action as a military big powers, going so far as to oppose the ideal of the Constitution? The UN Peace Cooperation Corps is the overseas dispatch of the military (kaigai hahei), with the SDF dressed in beautiful clothing, which even contradicts the governments own position of regarding this as prohibited by the first clause Article 9.” (Hook 1996: 87)

The SDPJ, however, later outlined a report suggesting creation of UN Peace Organization and dispatch of Japanese civilians to assist with a limited role of peacekeeping.

The JCP declared its position on UNPKO in its letter written to the UN Secretary General. In the letter the Party expressed its support for the non-military aspects of the UN’s work but stressed the importance of Japanese Constitution which conflicts with Japan’s possession of an army and bans its overseas dispatch. Regarding the legislation to allow the dispatch of SDF on an overseas mission, it disapproved governments effort. However, it did talk of international support based on the Constitution and UN Charter, rather than US-led effort.
The centrist DSP had agreed that the government could send personnel to Iraq so long as they were unarmned and do not wear their SDF uniform. Another centrist party, the Komeito Party suggested that the government should send retired SDF personnel and duties of these ‘old guards’ should be limited to medical, relief and rehabilitation works.

The LDP, on the issue of legislation of UN Peace cooperation Bill faced divisions within its ranks with each faction taking divergent stands. Miyazawa, Watanabe and Abe faction was against the bill while Komoto and Takeshita faction was in support of the proposed legislation bill. Due to the opposition within the party and the divergent stand of opposition parties, the bill could not reach to a consensus and was eventually withdrawn.

However, the situation took a shift there after. The conditional support form the DSP and Komeito party for the overseas dispatch of the SDF hinted the LDP towards a possibility to hammer out an agreement. The differing point between the parties were use of arms by defense force and whether the SDF should participate during or before a ceasefire among the groups in conflict.

In an effort to strike a balance between the War renouncing clause of the Constitution which bans deployment of troops overseas and UN participation through troops dispatch, the LDP, DSP and Komeito Party agreed for a three party accord where the LDP diluted some of its stances to incorporate opposition’s points. The three parties Accord reached in September 1991, agreed on following five points:

i. Agreement on ceasefire shall have been reached among the parties in conflict.

ii. Parties in conflict including the territorial state(s) shall have given their consent to deployment of peacekeeping forces and Japan’s participation.

iii. The peace keeping forces must maintain impartiality, not favouring any party in conflict.
iv. Should any of the above guidelines requirements cease to be satisfied, the Government of Japan may withdraw its contingent.

v. Use of weapons shall be limited to the minimum necessary to protect the lives of personnel *(Diplomatic Bluebook of Japan 1993: 53).

This accord resulted into an amendment of the UNPKO bill and was now entitled as International Peace Cooperation Bill that was approved in 123rd session of the Diet in June 1992 with 329 votes in favour, 17 against and 141 abstention.

**What Led to the Enactment of the Peace Cooperation Bill?**

The failure from the part of the Japanese government for not committing its troops generated a renewed debate on Japan's inactivism and it was blamed as a mute spectator at a time when major powers contributed towards maintaining international peace. Continuing on its early practice of non-participation of Japanese self-defense forces personnel, it preferred to share the financial burden and contributed a huge amount of 13 billion US dollars to war fund. Japan thought that with this effort, it had saved the situation of not fighting shoulder to shoulder with its military ally, the US.

But Japan felt betrayed and let down when this effort was termed as its "checkbook diplomacy" and drew flak from the world community and this initiative of Japan was seen as equating loss of blood with money³. Japan was still to overcome the shock it received following the Gulf War, it received yet another shock, when after the liberation from Iraqi occupation, Kuwait gave full-page advertisements in major newspapers of the world thanking countries of the world but Japan, which had shared major financial burden of the war, was not even mentioned.

³ Ichiro Ozawa the then Liberal Party president and present DPJ President quotes a conversation between a US officer who fought at the forefront in Iraq during Gulf War and a JSDF officer. In their conversation about Japan's role in the war the SDF officer defends Japan's contribution saying "Japan sent no personnel but each citizen gave more than $100 to the effort"-pointing to the fact that Japan paid $13 billion bearing the cost of war efforts. The American officer responded, "Fine, I'll give you $100 and you go and fight in my place". Ichiro Ozawa, “Blueprint for a new Japan; the rethinking of a nation”, Kodansha International, Tokyo, (1994); p.38-39.
Further Japan also realized that it cannot play an international role in the changing world politics through its “Checkbook diplomacy” alone. Feeling strongly betrayed and let down by these criticisms, Japan went on to examine its own foreign policy mechanism and sought a renewed international role. The feeling among the Japanese establishment can be understood by the sentiment expressed by the Japanese ambassador to the UN during the Gulf War Hatano Yoshi who stated that “not being a permanent Security Council member had deprived Japan of an opportunity to react more appropriately to the crisis and instead has exposed Japan to serve international criticism and loss of face” (Drifte 1995: 56).

Iraq War (2003): Yet another Litmus Test for Japan

The US invasion on Iraq in February 2003 for ousting Saddam Hussein’s regime for allegedly possessing the Weapons of Mass Destoructions, was yet again a testing time for Japan as there was mounting pressure on Koizumi regime to join “Coalitions of willing” under the US command in Iraq. Due to growing criticism of US led war in Iraq, Japanese government despite its willingness to contribute militarily to its ally’s efforts, postponed this issue till the General election to be held in July that year. Koizumi along with its coalition partner, widely expected to regain majority in the Diet, pushed a basic plan under Iraq Assistance Measures Law adopted in July 2003. The government emphasized that the SDF would be dispatched to non-combat areas where danger was slight.

The Iraq war of once again stirred the debate of constitutionality of Japan’s overseas troops dispatch. Once again the opposition as well as the pacifist groups questioned the issue of constitutionality of the dispatch. The opposition-criticized government move saying that the US led coalition forces have been unable to find Weapon of Mass Destruction (WMD), and neither the war nor the dispatch of SDF can be justified. Japanese Communist Party head Tadayoshi Ichida said, “I still believe that SDF should not go there. SDF activities will fall under the control of the coalition forces, which would violate the war renouncing Constitution” (Japan Times February 4, 2004). DPJ
leader Naoto Kan said that Prime Minister Junichiro Koizumi bears a grave responsibility for making the wrong decision in ordering the dispatch.

The decision to deploy the SDF in Iraq also raised the issue of government’s non-compliance of International Peace Cooperation Bill 1992 as the Bill bans deploying SDF in Conflict zone as Iraq was still a conflict zone and guerilla war was continuing between the Occupation forces and the pro-Saddam resistant groups. Also Japanese government was not asked to send its troops by the Iraqi government or by the UN on the behest of Iraqi government, a condition stipulated in 1992 Bill. The opposition therefore termed the dispatch as government’s effort to broaden the scope of the SDF overseas in a view to strengthen the Japan US alliance.

From Gulf War to SDF deployment in Samawah: Mapping Public Opinion in Japan

At the time when the government was pushing through legislation to send SDF in UN mission overseas, masses in home consistent on its Constitutional norms of “deploying troops to settle international disputes” were largely opposed to this move. An Asahi survey conducted in August 1990, showed that 67% those polled considered the dispatch of SDF overseas as unconstitutional with only 15% thought that the dispatch of SDF abroad unproblematic. (Dobson 2003: 68) (See figure 7)
Whether the dispatch of SDF abroad constitutional?

Don't Know + Can't Say 18%
Constitutional 15%
Unconstitutional 67%

(figure 7)

Only 21% of those polled were in support of the legislation to send SDF in UNPKO while 57% were opposed to the proposed bill. (See Figure 8).

Do you support the legislation to send the SDF overseas?

Don't Know + Can't Say 22%
Opposed 57%
Support 21%

(figure 8)
Much before presenting the Bill in the Diet, the government had published appeal in the newspapers seeking support for the Bill. It seems the debate in the Diet widely covered by the newspapers and opinion columns by the policymakers and academician helped in changing the perception of the people they held earlier.

The opinion poll conducted in 1991 reflects that the public opinion regarding the SDF dispatch has slightly improved. Domestic poll suggested that the Japanese people would support a limited role in PKOs for the SDF. 54% were in favour of some kind of role in disaster relief and 30% were against. (See Figure 9) In addition to this, 48% now supported a non-combat peacekeeping role, with 38% against.

Yet another poll conducted in 1992 reflected public support for the Peacekeeping role of the SDF. 45.7% of people supported a role encompassing medical, election observation and so on and a further 21% supported an unarmed ceasefire observation role while 10% supported an armed role.

Subsequent public opinion polls indicate that the public opinion, however, is rising for greater UNPKO participation. According to a public opinion poll conducted by Cabinet Office (formerly Prime Ministers Office) in 1993, a year after Japan’s first participation
in UNPKO, support to PKO rose to 48% while 31% were opposed the move. (Japan’s defence whitepaper 2003:264) (See Figure 10A)

When the same question was put to a public opinion poll by the Cabinet office in 2002, the ratio of those who supported SDF’s participation in UNPKO risen to 70% while those opposed slide down to 13% (Japan’s defence whitepaper 2003:264) (See Figure 10B).

The opinion poll however does not reflect to the fact that how many people will support Japan’s participation in a Peace Enforcement activity of the UN in a war zone.

Figure 10A
The changes in people's perceptions towards the SDF partly reflect an increased understanding of Japan's role in international peace cooperation. The changes can also be attributed to the fact the SDF has executed its job without resorting to force during the entire peacekeeping operations which has allayed the concerns that SDF's overseas deployment will result to resurgence of Japanese militarism, in abroad as well as at home. As a result of this rate of acceptance of Japan's UNPKO participation is rising.

However, Japanese people opinion regarding SDF deployment in Iraqi city Samawah, tells a different story. Citizen's opinion is also evenly divided over the SDF deployment. In an opinion poll conducted by the Asahi Shimbun on December 10 and 11, 2003, only 34% of respondents supported the SDF dispatch, while 55% were opposed and remaining 11% were undecided (Japan Echo, Vol.31 N.1, February 2004) (see figure 11)
Opinion poll conducted on the same issue by Mainichi Daily in which 1096 people responded, showed that 54% were opposed to the dispatch of SDF troops to Iraq, while 35% were in favour of the move. When asked why they are opposed to the dispatch, 41% said that Japan should contribute to building Iraq in ways that did not involve use of the military. 22% said that SDF should not go because Iraq was still volatile, while 19% said that they do not support the move because they believe the US led war in Iraq was wrong (Dobson 2003).

As regards to Japan’s humanitarian assistance to the UN an opinion survey conducted by the cabinet office (in which 1756 responded) indicated that around 25% of respondents wanted that Japan should participate more actively while around 50% wanted that the Japan should keep its assistance should be kept at the present level. Only 2.8% of the respondent wanted that Japan should not participate in humanitarian assistance (See figure 12).
As regards to the key question and Japan’s aspiration to get a permanent member of the UN Security Council the same survey conducted by the Cabinet office indicated that 32.7% of the respondents supported Japan’s bid while 35.6% respondent tend to support. Only 3.9% of the respondent opposed Japan’s bid to the UNSC. (see Figure 13)

(http://www8.cao.go.jp/survey/h17/h17-gaikou/3.html)
Over all, the public opinion surveys indicate that people in Japan have accepted Japan’s greater role in UNPKO but their support to UNPKO is limited only to rear area support and the majority of them are still opposed to a UNPKO’s core area support such as Peace enforcement and deployment in combat zone. Constitutional violation in Japan’s SDF deployment overseas is still a thorny issue among the public.

**Government’s Justification for SDF Deployment in Samawah**

Government on the other hand tried to convince the opposition and the public that the Samawah the area that, it has chosen to deploy its SDF is a stable region. Koizumi justified his decision on the basis of UNSC resolution 1546 adopted in July 2004, which called on the international community to contribute their bit for the rehabilitation and reconstruction for Iraq (Suryanama 2004). Japanese administration argued that as there exists no Iraqi government in the country; Japan should not wait to an Interim Iraqi
government to be installed and should expedite its reconstruction to help the war weary Iraqi masses.

But later Japan’s decision to join Multinational force was a major development to its earlier traditional norms. To avoid the Constitutional debate that by joining Multinational Forces in Iraq, Japan has violated article 9, which prohibits “right of Collective Self defense”, Japan decided to keep its troops under its own command.

Japanese Media: The Constitution and the UNPKO Issue

The Japanese media has played a larger role in shaping the attitude of Japanese people majority of whom considered Constitutional amendment a taboo to be discussed during the postwar period. Japan’s non-participation and criticism for its “yen only” contribution in UN led Gulf war, pushed media group to opine their position on this issue. Almost all leading media group including the conservative, left leaning and liberals, presented their views through their publications aimed at formulating public opinion based on their ideological positions.

The point that is common in their proposals are that- they favour Japanese troop’s participation in a UN approved overseas missions. This is a major shift considering the fact that suggesting to send Japanese personnel overseas during the Cold War period could have created much furor. Media proposals on amending Article 9 for participation in UNPKO have been dealt in detail in Chapter 4 of this thesis.

Reactions of International Community: From Japan’s Participation in UNPKO to the JSDF “boots on the ground” in Samawah:

Japan’s moves, be it altering its pacifist security policy, effort to amend the constitution or expanding defense budget have drawn flak from its neighbours. Like other moves, Japan’s initial effort to send its troops to Iraq, provoked strong concerns from East Asian
countries. In October 1990s, when Japan was still amid the debate in the domestic front, China was first to voice its annoyance saying:

“the People of China and some other Asian countries can not but be concerned over the Japanese government’s plan to dispatch members of its SDF to [the] UN peace cooperation corps abroad as that unfortunate part of the history remains fresh in our minds...It is our hope that the Japanese government will deal with this matter prudently.”

The then Chinese President Yang Shang Kun, went as far as to say that dispatch that would cause ‘severe and emotional repulsion’ among the Chinese people. (Dobson 2003)

When Japan was sending its SDF on a PKO in Cambodia first time ever after its defeat in World war II, Lee Kuan Yew, Singapore’s former Prime Minister, termed it as offering whisky chocolate to an alcoholic. He criticized the SDF dispatch saying- “call it a PKO if you like, the overseas dispatch of the self defense forces are like offering whiskey bonbon to an alcoholic”. (Abe and Kwato: 1994: 111)

Japan’s decision to send SDF in Samawah, Iraq was yet another occasion when the move drew criticism from its neighbours. When Japan was all prepared to send its SDF troops to Iraq, China voiced its concern saying, “China hopes that Japan will stick to its policy of exclusive self defense”. China Youth Daily, the newspaper of the Chinese Communist League, criticized Japan’s involvement, saying it could set the country on a new quest for modern military power adding that “this large scale military action has fundamentally undermined the Peace Constitution and pushed Japan a large step forward towards becoming a major military power”

North Korea too harshly criticized Japan’s moves. The ruling party’s newspaper, Nodong Sinmun stated that the talk in Tokyo of a revamp of Japan’s defense posture “reveals the aggressive nature of Japan turning to the right and heading for its militarization”. The

4 http://news.bbc.uk/go/pr/fr/-/hi/world/asia-pacific/3413769.stm
North Korean state news agency KCNA quoted Nodong Sinmun as saying that plans by Japan to boost participation in UN mission overseas were "nothing but a plan for overseas attack and war". The news agency further added that "the US is now escalating its war of aggression worldwide under the pretext of the 'war on terrorism' and urging Japan to render active military support to it". The news agency criticized that Japan is taking this situation as a golden opportunity for revising the article in the present constitution, which bans war, and going for overseas aggression without hindrance.

Japan did get appreciation for its SDF deployment in Iraq from Singapore's Straits Times newspaper. The newspaper in its editorial said it was "churlish and short sighted" to argue that the troop deployment was a sign of rising militarism; rather, Japan could help create a secure and stable Iraq. The daily stated that "for the sake of Iraq, political stability in the middle east, the security of oil supplies and the cut-no-corners war on terror, Japan and other countries must preserve with the hard work of bringing Iraq to normal".

Japan also got acclaim and support from some of Arab countries for its reconstruction efforts in Iraq. The Deputy Prime Minister of UAE, Sheikh Hamdan Bin Zayed Al-Nahyan, appreciated the role played by Japan in assisting Iraq within the UN frame work. (The Japan Times April21, 2004). While visiting Tokyo following the formation of Iraqi governing Council, Chairman of Iraqi governing Council Sayyed Mohammad Baharul Ulom praised Prime Minister Koizumi for his courageous decision to dispatch SDF troops to Iraq.

One of the leading Arab nations Egypt also supported Japan's "Soft Power" role in Iraq. Egyptian Ambassador to Japan Hisham Badr said, "after Iraq war, people in the Middle

5 http://news.bbc.uk/go/pr/fr/-/hi/world/asia-pacific/3413769.stm
6 http://news.bbc.uk/go/pr/fr/-/hi/world/asia-pacific/3413769.stm
East were turned off by hard power. They see Japan not only as the second biggest economy but as a new role model of soft power” (The Japan Times Dec 25, 2004).

The success of Japan’s mission in Iraq is reflected from the fact that the Iraqi interim government’s Foreign Minister Hoshyar Zebari requested Japan to extend SDF deployment until late 2005. He made this request during a meeting with his Japanese counterpart Nobutaka Machimura at the sideline of Sharm El Shaikh (Egypt) Summit to resolve the deadlock in Middle East Peace process. Later considering this request Japan extended its mission till December 2005.

However, the resentment expressed by the East Asian countries indicates that they are not worried about Japan’s participation in the UN, rather they fear that the momentum generated by the developments that started with Japan’s participation in UN PKO will continue with the unshackling of measures put in place to prevent it from becoming a military power.

These statements suggest that Asian countries, which still bear the scars of Japanese aggression, view these developments as resurgence of Japan’s militarism.

The Japanese Government’s Response to Assuage East Asian Concern

Japanese government took efforts to allay the fears or concerns of East Asian nations and it instructed its ambassadors throughout the world to explain to their host governments that Japanese contribution of personnel would be conducted through the UN. In this context then Prime Minister Kaifu stated that ‘the law should be implemented after getting the consent of all neighbouring countries’. (Dobson 2003) The government sent its envoy to talk the respective governments and ministers to allay their concerns and assure about non-aggressive nature of the legislation. The then Komeito Party’s President Ishida in a one on one meeting with Chinese President Jiang Zemin conveyed that Japan
would be participating in a traditional kind of peacekeeping in line with its Constitution. The Defense White Paper (2004) of Japan also notes to this effect:

"The government of Japan has explained Japan’s position to its neighbouring countries on various occasions so as to get their understanding on the International Peace Cooperation Law. Such efforts resulted in many countries coming to understand how Japan is trying to play a role commensurate with its economic power for the promotion of international peace and stability. Government perceives it is necessary for Japan to continue to make efforts to garner further support and understanding from neighbouring countries.” *(Defense of Japan 2004:259)*

**Pressure from Western Ally for Revamping Security and Constitutional revision**

For Japan the pressure from the US and western allies have always worked as a push factor in altering its pacifist Security policy. There has been consistent pressure on Japan from different US administrations and Western allies to a larger international security role and amending the Constitution to that effort. Admitting that United States had “made a mistake” in imposing constitutional restrictions on defence spending on the Japanese after World War II, former US President Richard Nixon has suggested Japan that .. “Japan must realize that, for a great power, playing a role on the world stage is not a privilege; it is a responsibility…. Japan must also rise to do its duty as a world power.” *(Nixon 1999)*

Amid the Gulf crisis during which Japan showed its reluctance to send its troop overseas, Canadian Foreign Minister M Andre Quellet told Tokyo that Canada would welcome JSDF in Middle East and in return support Japan’s bid for a permanent seat on the Security Council if Japan lived up to this role in the world. And later when the debate over the expansion of UN Security Council generated heat in the international body, Italian Foreign Minister Lamberto Dini declared in 1997 to the General Assembly that without participating in PKO, Japan would not have the qualification for permanent Security Council membership. *(Drifte 1999: 79)*
The US has always linked Japan's inclusion in the UNSC as a permanent member with that of assuming "full range of responsibility". Japan on the other hand has adopted a policy of liberal interpretation of the Constitution for its participation in the UN framework but it has not participated in peace enforcement activity of the UN citing the pacifist clause of the law, though it had to face isolation and criticism for its checkbook diplomacy.

But the US sought to take advantage of Tokyo's fear of isolation to push it onto world stage and transform the security relations to a global alliance. The declassified documents consisting of communication between Washington and its envoy in Tokyo reveal the fact that US saw the gulf war as an opportunity to prod it to play a greater role at the international level. Shortly after gulf war, in a cable sent to the State Department US ambassador to Japan Michael Armacost said that the Japanese government took an essentially passive approach to the war and that the Diet debate failed to educate the public on the fundamental principles at stake.

Armacost's message to Washington indicates about the real intention how it wanted to capitalize on Japan's sense of isolation. He wrote:

"In pursuing our interest here we have the opportunity to take advantage of Japan's defensiveness and fear of isolation in the wake of the gulf war crisis to gain greater GOJ (government of Japan) cooperation. In sum, we have a real opportunity to influence the direction of Japanese foreign policy and to point Japan's financial and political influence in directions supportive of US interest if we devote the time necessary for consultations and if we give the GOJ some room for maneuver within the context of different approaches to achieving shared objective." (The Japan Times December 18, 2005)

The US expectation from Japan to discharge military responsibility in the UNPKO is reflected from the policy decision it adopted in the senate. On 15 July 1994, the US senate passed a resolution initiated by Senator William Roth demanding that Japan should only be admitted as a permanent Security Council member if it is 'capable of
discharging the full range of responsibilities accepted by the all current permanent members of the Security Council’ (Drifte 1999: 96).

However, the US, till 2004 did not make an explicit statement that it wishes that Japan makes amendment in Article 9 to pave way for its desire to get a permanent seat in the UNSC. The then US Secretary of State Collin Powell was first to make an explicit reference to the need for a revision of Article 9. Talking to Japanese reporters he said –

“If Japan is going to play a full role on the world stage and become a full active participation of the Security Council, and have the kind of obligations that it would pick up as a member of the Security Council, Article 9, would have to be examined in that light.” (The Japan Times, August 12, 2004).

Powell’s remark was reassertion of a similar remark made a month earlier by the then Deputy Security of State Richard Armitage who told a group of Japanese lawmakers that it would be difficult for Japan to become a permanent U.N. Security Council member if it cannot play a greater military role for international peace. But Armitage did not make a reference to the need of an amendment in Japan’s Constitution.

On the other hand, Japan still believes that it can play its role in the UN without reviewing article 9 and termed Powell’s remark as “not official stand of the US government.” Chief Cabinet Secretary Horoki Hosoda said, “the United States has supported Japan’s quest for permanent membership in the UNSC.” He further added, “We have confirmed (the stance) that Constitutional revision is neither a prerequisite nor a restraint.” (The Japan Times, August 25, 2004)

It is evident from the security measures that Japan has taken in the post cold war period that it has owed to the US by upgrading its defense stature. Relenting to the US pressure to extend its military cooperation to contribute American military ambitions overseas, Japan adopted various legislations. In the post cold war period, it strengthened the US-
Japan mutual Security alliance further by signing, the two defense agreements-Guideline for Japan-US defense cooperation (1997) and Law Situation in Areas surrounding Japan (1999).

The US Japan defense guideline confirmed that Japan and the US will work jointly not only for their own mutual defense but also for the broader international good namely the creation and maintenance of security regime spanning to the entire Asia pacific region. The Guidelines, which defines the scope of the two countries security arrangement calling for Japan to adopt a greater military role. According to the guideline Japan would be obliged to provide mine sweepers, help enforce UN embargos and assist in communication and surveillance. The law on Situation in Areas Surrounding Japan, defined the range of actions in which SDF can lend support to the US “in situation in areas surrounding Japan that will have an important influence on Japan’s peace and security.” Seen in the comparison of Japan’s Defense policies during the Cold war period, these two legislations explicitly declared to extend its cooperation to the US beyond its territorial limit. Now it would be binding on Japan to support US troops in conflicts in “areas surrounding Japan”- which would be a great departure in its policies adopted after World War II.

Meanwhile, incidents like September 11, 2001, terrorist attack on the World Trade Centre acted as factors destroying sense of security that has existed in post- Cold war Japanese Society. This gave Japanese government an opportunity to further extend its cooperation to the US. Japanese Diet was quick at enacting Anti-Terrorism Law in October 2001 allowing the SDF to operate in non-combat areas, provide fuel and supplies to US forces and those of other countries, transport weapons and ammunition by sea, provide medical care to wounded soldiers and refugees.
The anti-terror legislation like other occasion opened debate on Constitutional legality of the government measures. But this time contention was that the law violates constitutional ban on the exercise of Collective Self-defense as SDF troops would be working with the US military force.

In short it can be said that Japanese establishment has taken various measures to respond to international situation which is aimed at assuaging US criticism of non-cooperation, but without reviewing government’s official position on Constitutional interpretation of Article 9. Thus with the policy shifts in the mid-1990s and debates on international contribution by Japan issue of revision of article 9 became one of central issue in Japanese politics and this debate was carried to the public by the media, this time more vigorously.

**Anti-piracy pushes Japan to undertake greater international Security role**

Incidents of hijacking of cargo ships and crew members passing through the Gulf of Aden off Somalia had caused anxiety and concern among the international community and the world naval powers sent their vessels to check the incidents of piracy. As compared to earlier incidents where it had shown reluctance in sending SDF beyond its geographical boundary citing the pacifist Constitution, Japan acted swiftly and sent its two destroyers --Samidare and Sazanami to the Gulf of Aden. This action by the Japanese administration was a departure from its earlier actions as it sent its SDF fleet without Diet’s approval and sought to seek the assent of the parliament with retrospective effect by amending anti-piracy bill through the lower house. A temporary law has previously been enacted each time to send SDF overseas such as to Iraq and Indian Ocean off Afghanistan, essentially requiring Diet’s approval for its international security mission. However the ruling coalition argued that a new legislation was unnecessary as this mission is not related to military action but is limited to policing.
The provisions of anti-piracy laws allow the MSDF to escort Japanese linked ships and to use weapons against pirates in limited circumstances, including in self defense. But the government intends to protect any ship regardless of its Japanese connection by passing another legislation. The legislation will also authorize the SDF to open fire on pirate boats that despite repeated warnings approach commercial ships—- the provision that concern some lawmakers who worry about its potential conflict with the constitution, which limits use of force. Some opposition lawmakers have expressed concern that legalizing the use of weapons in such a manner could pave the way for wider and more liberal use of weapons by the SDF when it is dispatched overseas in different mission.

This effort by Japanese administration to send its MSDF destroyers abroad without prior approval to play its international security role alongside other naval powers like the US, China and India hints to the fact that it is ready to expanding its global power and trying to seize the opportunity to legitimize its effort. (Kyodo News, March 4, 2009)

UNPKO and Constitutional interpretation: Japan’s aspirations

Finally, does the measure Japan has taken to respond international situation is merely aimed at meeting US criticism or it goes beyond that? It must be mentioned here that Japan which has been vying for a permanent seat in the UNSC for long on the basis of its soft power contribution such as ODA loan worldwide, financial contributor to the UN, and its commitment to promoting international disarmament and non-proliferation has now added its hard power contribution to substantiate its claim in the UN.

In 1993 Prime Minister Hosokawa Morihito for the first time pointed to the fact ambiguously appealing that “Japan is prepared to do all it can do to discharge its responsibilities” in a reformed UN (Hiroshi Fujita 1995:436-442). But Prime Minister Koizumi was more open to present Japan’s claim to the UNSC seat based on its hard power contribution. Japanese Prime Minister Junichiro Koizumi recounted all its contribution to the world community in his address to UN General Assembly saying that
"the role Japan played provides solid basis for assumption of permanent membership on the Security Council". Addressing the session he presented Japan's claim for a permanent seat and argued that—

"The realization of peace requires comprehensive efforts ranging from peace building to the nation building. Japan's role has thus become increasingly vital to the maintenance of international peace and security, which is precisely the mandate of the Security Council. We believe that the role that Japan played provides a solid basis for its assumption of permanent membership on the Security Council." (Text of Japanese PM's address in 59th session of the UNGA, Japan Times Dec 22, 2004).

Conclusion:

It is clear from above discussion that Japan did not show much interest in playing a wider role in the UN during the cold war period and pacifist clause of the Constitution especially the Article 9 was a greater impediment in this regard. The measures such as adoption of a resolution prohibiting any overseas dispatch of the SDF in the House of Councillors in 1954 and the SDF law enacted in the same year, spelled out prohibition of the dispatch of troops overseas, indicate that Japan was willing to maintain its Constitutional norm when it joins the UN. But these norms were gradually eroded due to continued exhortation by the UN to contribute in UN missions with personnel. Some of the officials in MOFA also gave impetus to the debate that Japan should contribute militarily to the UN missions and stated that it was inconsistent for Japan to adhere to UN principles and not make its troops available for peacekeeping operations. These pressures later resulted into Japan's civilian contribution to the UNPKO and remained limited to the peace observation and election monitoring in various countries.

In the post Cold war period, however, various external and internal phenomena resulted in change of Japanese pacifist policies. The external phenomena like the Iraq wars and 9/11 terrorist attacks have pushed Japan for a new role in multilateral diplomacy. In the home, policy makers in JDA, MOFA, the ruling LDP all have been undergoing
generational changes. They do not necessarily stick to the foreign policy stance adopted by their leaders of the previous generation. The strong opposition forces like the Socialists and the Communists have been marginalized politically and a new political force, the DPJ, came to occupy the lacuna left by the marginalization of the opposition. The new opposition—the DPJ’s security stance is converging towards that of LDP and public opinion is largely shifting towards the acceptance of SDF’s constitutionality, revision in Constitution to align it with the existing reality and a wider participation in UN security frameworks. This phenomenal change has encouraged Japanese establishment to push for a proactive security policy in the world affairs and participation in the UN through financial as well as personnel Contribution aimed at fulfilling its aspiration to secure a permanent seat in the UNSC.

Now to legitimize its SDF dispatches overseas, Japan has shifted debate from Article 9 to the preamble of the Constitution, which states that ‘Japan would work with international society for the preservation of peace’. Japan has used the Preamble to argue that it should support the UN as international society’s highest representative. Thus Japan has made remarkable progress from total non-existence of Japan’s participation in UNPKO to a limited participation in traditional UN peacekeeping. To play a bigger role, however, Japanese people would have to find a way to modify their pacifism so that Japan’s participation from rear area support to a core of UNPKO becomes possible. This will most likely provide legitimacy to its UNSC bid as a permanent member.