SUMMARY AND CONCLUSION

The history of Japan as a state and its behaviour, as has been discussed in previous chapters, indicates that it has been a reactive state and has tried to align its foreign policies and international relations only when it has been pushed to do that. Its transformation from a closed country to an open country in 1868 is enough to conclude that it changed itself following a defeat by the US naval force led by William Perry.

Feeling of being let down, sense of humiliation and non-acknowledgement among the Japanese establishment of its international role by the world community are another factors which has pushed it to change its foreign policy. The story of Iraq war tells that Japan’s contribution of $13 billion in the war fund was termed by the west as equating loss of blood with money. This generated a sense of betrayal among the ranks and files of the Japanese administration and coincided with non-acknowledgement of its contribution by Kuwait which thanked victor nations through full page advertisements in worlds leading Journals and newspapers but Japan did not find mention.

The feeling among the Japanese establishment can be understood by the sentiment expresses 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 1990: 66). Thus the Iraq war 1991 was yet another phenomenon which generated sense of humiliation and betrayal among the Japanese administration and pushed it to gain hard power which can only be done through military contribution for international security and revision in its Constitution which bans deployment of troops for international contribution.

Talks of expansion of United Nations Security Council was gaining momentum around the end of Cold War and there had been debates on making it more representative. Japan which has expressed its aspiration to get a permanent membership in the Council
expedited its effort. However, the leaders from west turned down its bid terming that the country does not have legal mechanism because of its pacifist Constitution to assume the kind of role UNSC plays.

Thus, Japanese administration thought it was an opportune moment to push for Constitutional amendment to expand its international security role and a kind of consensus emerged at home to add some provision in the Constitution, with riders attached, so that Japanese troops can take part in international security.

The security scenario in the region has also been a determining factor in change of its defense posture and preparedness. The rise of China and nuclear tests by North Korea has also generated a sense of crisis in the Japanese minds and the nation which thought that security threat, was over after the political demise of Soviet Union, woke up to strengthen its defense and have gone with further strengthening US-Japan security relations and is seeking new like minded allies to contain the emerging threat and have been mulling to interpret or amend the Constitution, especially for Collective defense to make the US-Japan security mechanism more effective.

But criticism and concern both from neighbouring countries and pacifists groups at home which view the Constitutional revision process combined with defense upgradation as resurgence of militarism have pushed the Japanese administration to tread cautiously in this regard so as not to disturb public sentiments at home and overseas.

Despite these hurdles in the process of Constitutional amendment, Japanese administration have gained desired result which include participation of its troops in peace missions overseas, legislation to go for Constitutional referendum, changes in SDF laws and transformation of Japan’s Defense Agency into Ministry of Defence. These developments are certainly significant considering the stances taken by the governments
in the Cold war period which viewed these actions are not allowed under the provisions of the Constitution.

Japan on the other hand has taken various alternative measures considering the hurdles in the process of Constitutional revision. The concluding chapters therefore summarises the debate on why the amendment it has been talking from so long has not been realized and what are the measures it has taken to adjust its Constitution and present international realities.

Summarising the Debate:

In the post Cold war period, Japan has been debating Constitutional amendment so vigorously as has been never before. However, the Constitutional amendment debate seen in the historical perspective tells a different story. It is a fact that the Japanese government’s evasive policies on amending the pacifist Constitution has led the issue to linger it without reaching to a logical conclusion. Yoshida’s cold response to MacArthur’s letter in which he has suggested that Japan could “reexamine, review, and if deemed necessary amend the constitution” can be cited as an example.

Flexible rewording of Article 9, by the interim Japanese government during US occupation can be cited as another example which has led to so many interpretation of the clause so far and thus blocked the need of an amendment. It should be reminded that the MacArthur drafted Constitution having the pacifist provision was very rigid and read as follows:

“War, as a sovereign right of the nation, and the threat or use of force, is forever renounced as a means of settling disputes with other nations. The maintenance of land, sea and air forces, as well as war potential, will never be authorized. The right of belligerency of the state would never be recognized.”
But this constitution was modified in the Japanese diet as follows:  
Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation, or the threat or use of force, as a means of settling disputes with other nations.

"In order to achieve the purpose of the preceding paragraph, the land, sea and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state would never be recognized."

The suffixing statements (which have been italicized) in MacArthur’s Draft provided much scope to raise an army for self defense and gave room for building up capability to achieve this purpose.

Thus in practicality the successive government felt no need for an amendment to revise this clause and relied on interpretation. Had the provision been left untouched, the need to revise the constitution sooner or later could have been a necessity for Japan as the MacArthur’s provision was rigid and had no scope for rearming the country even for its self defense.

But the Gulf war and its inability to send military to Iraq, which was beyond the scope of self defense, provided impetus to debate and need for an amendment in the Constitution.

The hope of constitutional amendment for renouncing “one nation pacifism” in Japan however faded with the proclamation that the “Realism is dead” as the world was becoming more peaceful. The US-USSR confrontations with the end of Cold war also demonstrated that there would be no need for Japan to assert its military might in the region and at the international scene. But in the wake of Gulf war (1990) and the September 11 (2000) and Iraq war (2003), this optimism faded and realism made a comeback. At the same time nationalism –which glorifies the state- emerged as a powerful ideology in Japan under Koizumi’s leadership who talked of “normalizing

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1 The Ashida amendment is italicized,
Japan” by Constitutional amendment and SDF participation in US led mission in Iraq though in the name of reconstruction.

The North Korean nuclear tests, Rise of China and brewing Taiwan crisis in its backyard provided basis in fanning nationalism in Japan which helped Koizumi embark on his policies such as Constitutional amendment, defense build up on Japanese archipelago and justifying its support to US war on terror from Afghanistan to Iraq. The support of Japanese masses for Constitutional amendment and the SDF deployment in overseas UN peace missions rose to a historic high. In line with the public sentiments the Japanese Diets’ Research Commission on Constitution set up during Koizumi regime gave its findings suggesting some changes to align the constitution with the present world reality.

At the same time Japan was considering how to engage in Collective Self defense in the wake of crises brewing in the region and to make its Structural Alliances with the US and Australia meaningful. The Abe government went a step ahead by constituting high level panel to seek ways how Japan could engage in collective Self Defense which after two years of its deliberations suggested reinterpreting the Constitution. But the Yanai panel gave its recommendation at the time when Abe has already stepped down and his successor Yasuo Fukuda expressed no intention to implement those recommendations.

The public opinion which hold the nerve of Japanese policies because of unique feature of Article 96 giving them ultimate authority to decide the fate of amendment, suggests sentiments of masses keep shifting regarding the measures to revise the Constitution. The Yomiuri surveys during the last five years indicate that the public psyche was in favour of amending the Constitution and touched the highest point (65%) in 2004 when Koizumi tried to fan nationalism citing North Korean and Chinese threat and talked of need for Constitutional revision. However it touched the lowest ebb in 2008 when respondents opposing the amendment outnumbered those who were in favour of amendment. A March 2008 Yomiuri Shimbun survey indicated that among 1786 respondents 43.1%
were opposed to a constitutional revision while those supported were 42.5%, remaining 14.4% were indecisive. (International Herald Tribune, April 8, 2008). The main reason behind the fading enthusiasm towards Constitutional revision that touched low in 2008 was that around that time North Korea had dismantled its Yongbyong cooling tower-the most visible sign of its nuclear program and a thaw was witnessed in cross straits relations as both China and Taiwan had started direct talks and had resumed their aviation links. It must be mentioned here that the North Korean nuclear crisis and the escalating tension in Cross-Straits relations were cited as a reason to fan nationalism and amend Constitution to prepare itself for a worst situation fearing that the war in the region may push Japan into a military quagmire.

The Yomiuri Shimbun Survey in March 2009, however, indicated that public sentiment yet again favour an amendment in the Constitution with 51.6% of the respondents supporting the revision while those opposed were 36.1%. (The Yomiuri Daily, March 8, 2009) The North has not conducted nuclear and missiles test around the time of survey but the six party talks had already broken down which made the Japanese apprehensive about its intentions towards nuclearising the peninsula and that can be attributed to a possible rise in the sentiment towards amending the Constitution. (See Figure 29)
Surveys conducted by the Asahi—considered to be an anti-amendment group—also suggested that the public pulse in Japan is in favour of amending the Constitution. Its surveys conducted from 2004 to 2009 suggest that the supports for amending the Constitution has been above 50% far higher than those oppose amendment. (See Figure 30)

But taking the opinion polls for deciding the fate of Constitutional revision may be misleading. The government’s focus is on amending the war renouncing Article 9, while the people who are in favour of revision of the Constitutional want new issues such as environment, local autonomy and privacy right which have not been adequately dealt with, in the present Constitution to be included in case of an amendment in the Constitution2. And on the issue of government’s thrust on Constitution-amendment in Article 9, it was overwhelmingly rejected by the people.

When a March 2008 Yomiuri Shimbun survey presented the question whether the first paragraph renouncing war need to be revised, among 1786 respondents an overwhelming 81.6% responded in “No” while only 12.5% replied in “Yes” and rest 5.9% had no answer. (See Figure 31)

2 Public opinion on the issue has been dealt in Chapter 5 in details.
Do you think paragraph 1 of Article 9 renouncing war need revision?

Figure 31

On the issue of revising second paragraph of Article 9, which stipulates that armed forces and other war potential will not be maintained, 54.5% of the respondents considered that there is no need to revise this clause while 36.8% responded that it needs an amendment and remaining 8.6% did not know what needs to be done with the clause.

(www.mansfieldfdn.org/polls/poll-08-06.htm)

(See figure 32)
On the issue of exercising collective self defense, the Yomiuri survey indicated that 51.6% of the respondents were of the view that this right should not be exercised, 18.7% thought that there should be a constitutional revision to exercise this right while 22.1% said that it should be exercised through a change in Constitutional interpretation.

**Constitutional Amendment Process in Japan: Speculating the Future**

The shifts and swings in the Japanese opinion have been influenced by external and internal situations. For example, when Shinzo Abe vigorously pushed the agenda of Constitutional revision as well as need for change in Japan’s stated position on Collective Self Defence and later constituted a panel to suggest ways how Japan could engage itself in Collective Defence with the US, a provision presently ban by the present interpretation of Article 9, the people in Japan viewed these efforts as embarking on greater remilitarization and thus the public opinion on revising the Constitution plummeted for the first time in 2008, after 1993. The external situations such as Korean missile tests and nuclear explosions as well as Taiwan crisis have acted as another determinant. Whenever there has been a crisis in Japan’s backyard, sense of insecurity have propelled their psyche for amending Japanese peace Constitution so that their Self Defense Force could play a greater role to secure the country.

Given the trends in present public opinion surveys, especially on Article 9, it would be difficult to put the Constitution on referendum. Thus the fate of the referendum bill enacted during Abe regime to conduct a referendum by 2010 to asses the public sentiments for Constitutional revision, seems hanging in balance.

But to its cheers, Japanese administration has scored few points from the Constitutional amendment debate. There has been greater acceptance of the SDF which was considered illegal and the public has accepted Japan’s participation in the rear area support to the UN peacekeeping missions and are in favour of legitimizing these changes with the
Constitutional amendment. Consensus still eludes on revising pacifist clause of the Constitution, Japan’s participation in combat zone and opting for Collective Self defense.

The fate on the Constitutional amendment in Japan will also depend on the external circumstances such as US policies, China’s Rise, Cross straits relations and North Korean scenario.

It should be noted that the fear consciousness in the Japanese people and administration following North Korean nuclear and missile tests, rising military might of China and a fear to be drawn in Cross straits military quagmire in the wake of Chinese using its military might to resolve Taiwanese crisis has led Japan to raise its defense preparedness and legislative changes (including debate on Constitutional revision).

The US, which has pushed Japan to rethink its security policy in the post cold war period, has undergone an administrative change with the Democrats assuming the helm of US affairs. It has adopted a policy of aggressive diplomacy rather than use of force and have appointed interlocutor Stephen Bosworth to negotiate with the hermit nation. Even after the May 25 nuclear test, the US has not shown indication that it would use force against the DPRK. Thus the use of force to resolve North Korean nuclear issue seems out of sight. On Iraq, Obama has already announced a time frame for the complete withdrawal of its troops and on Afghanistan it has announced an alternative policy of “Development, Diplomacy and Defense” and have realized that use of force is not yielding results. And the recent statements during US Secretary of state’s visit to China indicate that the US is adopting a policy of engagement rather than containment.

Thus, as comparison to the previous US administration, which expected Japan to contribute militarily in its international security, triggering a debate to revise the Constitution, there would not be enough pressure on Japan to revise its security policies. Thus it is most likely the US would not push Japan to revise its security and defense
policies beyond the present position. Thus a factor which was consistently pushing it to change its constitution no more exists.

At the same time, the world is reeling under a global meltdown and in the current scenario, no world power would think to flex its muscle and think of another billion dollars war for settling international dispute. Thus the scenario which compelled Japan to think for revising its Constitution to contribute militarily in international security is unlikely to emerge in near future.

Japan, in the past has undergone a change only when it sensed an imminent threat for its security and a greater support by the public at home as was seen during Korean War (1951), which compelled the unarmed country to have a Self Defense Force. Despite a greater determination by the establishment for a complete overhaul of pacifist Constitution, public consensus still eludes. To justify its decision to go for a Constitutional amendment Japan-the reactive state- would once again need a crisis or a war like situation in its backyard which could fan nationalism at home and open up debate to conclude the issue with swiftness. Thus, it is expected that Japanese administration will adopt a wait and watch policy and probably will not put the Constitution in near future. But it would certainly keep on mulling ways and scope for Constitutional interpretation and may be a revision, to justify its international security contributions and also to justify a hard fact—the existence of Self Defense Force having all capability of a full fledged army—which contradicts the present war renouncing clause of the Constitution.