

**Studies in Criminal Justice,  
Terrorism, and International  
Political Conflicts**



# **Studies in Criminal Justice, Terrorism, and International Political Conflicts**

**by Frank Fuller**



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and International Political Conflicts*

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## Introduction

This collection of studies concerns topics on criminal justice, terrorism, and international political conflicts. The aim is that these are ideally suited for those interested in how the two fields of criminal justice and political science bridge one another and is a good introduction to these areas for high-school students, college students, professors, and teachers as a primarily academic and scholarly text. Much of this research was conducted over the course of my academic career between 1996 to the present, with the value of it being that the studies reflect timely issues that help us understand how historical events have evolved to the present in the fields of criminal justice and politics. Perhaps by observing how my research interests have evolved over time, the scholar poring through these documents will be able to develop a panorama of images reflecting not just my academic career, but be able to apply it to their own developing interests. Readers will learn about the profiles of terrorist groups, international conflicts involving violent outbreaks and terrorism, personal profiles of extremist persons or groups, and issues that revolve around political stability and the outbreak of wars. In addition, several contemporary criminal justice and political science topics will be discussed, such as gun ownership and several types of electoral systems. What may be different about this book is that the fields of political science and criminal justice are not treated as separate genres aimed at those particular fields. Instead they are tied together, as they once were in previous decades.

The importance of learning about how these fields tie together is that by seeing how they complement each other, one can better understand how in recent decades the fields have developed from political science and have gradually grown to have their own areas of expertise and their own scholars. At the university level, there are presently many departments of political science, criminal justice, international relations, and public policy and administration, usually separated by distinct philosophies and areas of focus within each specific discipline—each with their own set of faculty. However, this does not mean that they cannot overlap frequently, which they do. In fact, it is important to emphasize how political science and criminal justice can be studied jointly in such a book at this.

One of the aims of this collection is to also inspire budding scholars out there who wish to publish academic research. Many of these studies started as classroom papers and were later presented at conferences, in my undergraduate and graduate school days. I can only hope that the quest for continuing knowledge will continue to drive young researchers who wish to make a difference. Hopefully, this will also lead many to become scholars themselves at some point.

## Chapter 1

# Japan's Stance on International Terrorism

*Chapter 1 covers Japan's stance on terrorism, Japan's policies regarding international terrorism and outlines the post-9/11 policies of the country towards combating it. It also gives an overview of its supporting role regarding the sending of troops into Iraq and Afghanistan. The chapter gives one insight into the close security arrangement the US shares with Japan and the tense time period that immediately followed the 9/11 attacks as the US was fighting in Afghanistan, and Bush was preparing a coalition to move into Iraq at some point. The piece was first thought up in a late 2002 International Organizations class while at Clark Atlanta University.*

Japan has decided to take a leadership stance in the fight against international terrorism. In general, Japan fully supports the actions of the United States in Afghanistan and Iraq and will continue to support US as well as UN troops in the region. In particular:

We express our firm support for the military operations undertaken by the United States and other countries fighting against terrorism. We renew our determination to exert all our energy and resources to stand firm with the United States in the fight against international terrorism.<sup>1</sup>

The government of Japan is committed to providing relief to the peoples of Afghanistan, Iraq, and the surrounding countries in the form of monetary funds, humanitarian aid, and other economic assistance. In addition, Japan will help to restructure the damaged economies of these countries and invest in rebuilding in the region. Japan has already provided the United States with some monetary assistance (\$10 million) immediately after the terrorist attacks.<sup>2</sup> Also, militarily, Japan will provide logistics support to US troops in the form of destroyers and supply ships, mainly for refueling of British and U.S. navy vessels. In addition, Japan is

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1 "10th EU-Japan Summit: EU-Japan Joint Declaration on Terrorism." Brussels: Dec. 8, 2001. <[http://www.kantei.go.jp/foreign/koizumispeech/2001/1208eu\\_tero\\_e.html](http://www.kantei.go.jp/foreign/koizumispeech/2001/1208eu_tero_e.html)>

2 "U.S. Welcomes Japan's Anti-Terrorism Assistance Package." Washington, D.C.: The White House, Office of the Press Secretary, US Department of State, Sep. 20, 2001. <<http://usinfo.state.gov/topical/pol/terror/01092018.htm>>

offering airlift support to US forces. With this stance, Japan itself is not involved in combat situations directly but is assisting those who would be fighting such a war.<sup>3</sup> Even today, the Department of Defense continues to bring pressure on Japan to develop its own forces, which also appears obvious as the United States asks for additional support in fighting the war on terror in Iraq and Afghanistan.<sup>4</sup>

With the terrorist attacks of September 11, 2001, the Japanese parliament has made several additions to Article Nine<sup>5</sup> that allow for supplies to be given to the United States, medical care, and transportation for US personnel. In addition, the new bills permit extended use of firearms for Japanese troops. Japan is allowed to have air power, naval ships, and troops to give back support for “US and humanitarian assistance for refugees.”<sup>6</sup> Also, existing laws allow Japanese soldiers to retaliate in response to a threat to themselves and anyone under their protection. They have additional powers to oversee Japanese and US bases in Japan and to fire on suspicious vessels in surrounding waters. These must all be under non-combat roles however, because of the limits of Article Nine in not allowing force to resolve international conflicts. This law is subject to a two-year renewal period and does not permit troops to stay overseas for more than twenty days without the approval of parliament, or they must be withdrawn.<sup>7</sup> These laws are currently applied to the Iraqi situation as Japan is providing support for US personnel stationed there. This legislation sounds reminiscent of the US model. In the United States, Congress has to approve the deployment of troops within ninety days also. Koizumi obviously followed many of the tactics of our military and our Congressional actions. The influence of this country is very strong in our assessment of the actions through which Article Nine is interpreted.

With the ever-increasing danger of terrorism looming throughout the world, Japan also will commit itself to freezing the assets of all suspected terrorists, including the Taliban and Al-Quaida. Japan will fight to bring terrorists to justice, and it is already a member of the International Convention for the Suppression of the Financing of Terrorism. For example, Japan has stated the following as one of its commitments:

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<sup>3</sup> “The Fight Against Terrorism—Japan’s Measures.” Washington, D.C.: Embassy of Japan, Sep. 9, 2002. <<http://www.us.emb-japan.go.jp/pressreleases/090902.htm>>

<sup>4</sup> Johnson, Chalmers, and E.B. Keehn. 1995. “The Pentagon’s Ossified Strategy.” *Foreign Affairs* 74 (4): 103–114.

<sup>5</sup> Chapter II Renunciation Of War  
Article Nine of the Japanese Constitution  
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.  
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 aggression of the state will not be recognized.

<sup>6</sup> Watts, Jonathan. 2001. “Tokyo to Change Law So its Forces Can Aid America.” *The Guardian*, Oct. 19, pg. 1.

<sup>7</sup> Ibid.



In order to give substance to our common fight against terrorism, we have therefore resolved to cooperate towards the prevention and eradication of terrorism. We are determined to protect our citizens from acts as terrorism, while safeguarding the rule of law, human rights, and the right to equitable justice. We have considered together the various concrete measures which each has already taken. We express our determination to strengthen consultation, cooperation, and coordination in fighting terrorism with each other as indicated in the Action Plan for EU-Japan cooperation.<sup>8</sup>

Japan is also currently developing a draft to counter international terrorism and is especially engaging in establishing a convention to combat nuclear terrorism, which can be considered the much greater threat, especially with the rise of North Korea's nuclear ambitions.

Developing an independent ability to combat issues as terrorism will only prove more critical in the future as the United States seeks to dispel global challenges and may need additional, reliable allies. The incidents surrounding the terrorist attacks are the perfect opportunity for the Japanese to prove to the rest of the world that they may not need complete reliance on US troops in the future and that they can perhaps be a "junior partner" not only in the war against terrorism, but in seeking to dispel various global challenges for the future. However, because of the current security arrangement, "Japan's subordination to the United States and the connected passivity of its foreign policy constrains Japan's will, ability, and diplomatic leeway to carve out a leading role in multilateral diplomacy."<sup>9</sup> Japan seeks to go hand-in-hand with the United States as one of its main partners in helping it in its international efforts. Already, Japan has decided to supply the United States with arms and ammunition and to send Aegis ships for surveillance in the Indian Ocean. Also, the ex-Deputy Secretary of State Dick Armitage has argued the importance of allowing Japan to be able to send troops abroad so that Japan can more fully participate in the world community. Koizumi even supported these measures, promising to push legislation allowing Japanese troops to provide additional support to the United States. Koizumi promises "maximum support" with the blessing of the Japanese people, since he asserts that Japan can be depended on in the war on terrorism.<sup>10</sup> It is only a matter of time before Japan's role will increase and it will feel obligated to have a permanent military. How long will it take? Based on the way that current events have been moving towards change in Article Nine, despite its opposition, the next major crisis of epic proportions, such as the terrorist one, will probably send an active military force into effect. This is the first set of bills that has actually given Japan the right to use fire-

<sup>8</sup> "Japan-EU Joint Declaration on Terrorism." 10th EU Japan Summit, Brussels: The Japanese Mission to the European Union, Dec. 8, 2001. <<http://www.jmission-eu.be/relation/basicdoc/10sumter.htm>>

<sup>9</sup> Drifte, Reinhard. 1999. "An Old Architecture for Peace? Reconfiguring Japan Among Unreconfigured Great Powers." *The Pacific Review* 12(3): 479-489.

<sup>10</sup> Shorrock, Tim. Sep. 26, 2001. "Japan's Military Undergoes a Sea Change." Asia Times Online Co., LLC. <<http://www.atimes.com/japan-econ/CI26D01.html>> (accessed April 20, 2004).

power. Although it is very limited, and though those particular bills were only designed to last two years, this opening in Article Nine will no doubt lead to and has brought more policies that will surely call for a military response at some point.<sup>11</sup>

To acquire policy that promotes lifting logistical support restrictions for US troops, for example, the Diet must have enough support throughout to pass a bill that has implications for changing the constitution, which is rarely amended. A major international crisis might prompt this, as the terrorist attacks have, which have allowed room for and freedom of otherwise unpopular measures to be supported; therefore, it is possible in this time period to show this change:

For this purpose, some Diet members should submit a “Basic National Security Bill,” and push it through the Diet with necessary resolutions to make such logistics support possible. Of course, a close consultation with the US regarding the content of such a bill is indispensable.<sup>12</sup>

As explained earlier in the report, after the terrorist attacks a bill was established that gave primacy for the SDF to send troops abroad and to make the necessary steps in supplying aid without actually participating in the war(s) itself.

For other methods at fighting terrorism, Japan is determining at the present time new ways of structuring their immigration laws and tightening aviation security in terms of monitoring potential terrorists. On another note, Japan will provide humanitarian aid, as mentioned earlier, in the form of education and health to Pakistan and other countries in the surrounding region to help promote stability and peace.<sup>13</sup> Many of the countries now that have successful relationships with the United States normally also participate in international missions with our nation, especially in the United Nations, and Japan supports the UN Security Council Resolutions in the fight against terrorism. The prevailing trend is to send some kind of aid abroad and at least cooperate with us, especially with the current situation in Afghanistan, with a massive global effort to stop the remaining forms of terrorism. There is to some extent a similar situation in Iraq, though many opposed the actions of the US initially and later sent aid. In addition, the EU and Japan are working closely to develop a close system of policing terrorist threats in both of their respective regions of the world. This includes but is not limited to reducing and effectively eliminating much of the drug trafficking in related countries to enhance the life and well-being of the European and Japanese peoples, respectively.<sup>14</sup>

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<sup>11</sup> Shorrock 1.

<sup>12</sup> Ibid.

<sup>13</sup> Embassy 1.

<sup>14</sup> 10th 1.

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## Chapter 2

# The Self-Defense Force: A Military — What the SDF Just Might Be

*Chapter 2 clearly defines what the Japanese Self-Defense Force may be regarded as (whether or not it can be called a military) and raises questions about its role in Japan's defense, particularly as dictated by Article Nine of the Japanese Constitution. Since the end of World War II, there have been many arguments among Japanese politicians regarding whether or not Japan should have a military. The SDF's existence has remained one where perhaps cases can be made for both sides. I was first inspired to write this in a Spring 2005 class in East Asian Politics at Georgia State; this issue periodically surfaces every so often, especially when Japan was fully engaged in the Afghanistan and Iraq conflicts at the time as a base of support for the US and for supplies, with future questions as to whether its role should be clearly defined or continue to be a defensive force.*

## Chapter II Renunciation of War

### Article Nine of the Japanese Constitution

- I. 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.
- II. 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.
- III. The right of aggression of the state will not be recognized.

### Introduction

This is Article Nine of the Japanese Constitution in its entirety. The implications of this small passage go quite far in determining to what extent Japan is allowed to have a military force, since a “military” technically cannot be maintained under this article. Thus, the introduction of the SDF, or Self-Defense Force, is deemed allowable by the Constitution but is officially not considered a military, only a de-

fensive force. Article Nine explicitly bans the maintenance of an army and forbids Japan from using military force in resolving international disputes.<sup>15</sup> Following its evolution over time, however, one may notice that SDF troops were permitted in East Timor in 1998 after the passage of the PKO Cooperation Law in 1992. This further extended the duties of the SDF, but only in a limited way, for the dispatch was meant to maintain neutrality and limit the use of weapons by the SDF in special situations. What were Japan's true intentions for containment of troops when the Constitution was created after World War II in all war situations, including the East Timor one? Is Article Nine relevant in the post-Cold War world or has it become obsolete? This paper will examine the major arguments about the SDF's capabilities and its implications for the future from a realist standpoint. The major question that will be asked is if Article Nine of the Constitution permits the SDF, and in essence, if the SDF stays true to the idea of promoting a defensive system without violating its pacifist intentions, including through the use of nuclear weapons as well as if international cooperation efforts fall under the category of the prohibited measure of collective security.

### **Cold War Reasons for Establishment of the SDF**

One of the main reasons for the creation of the SDF was to establish a strategic defensive area that was critical for United States' security interests during the Cold War. Besides having troops stationed in the area, the idea of Japan having its own defense mechanism was tolerated in a part of the world where common threats from powerful states surrounded this island nation. China, the Soviet Union, and North Korea were three looming Communist dangers to U.S. and Japanese interests in the area, and the United States felt that it needed not only to protect its interests in Japan but also to allow for additional support so that Japan could actually defend itself in the case of an attack or against the threat of invasion:

The United States felt that it was engaged in a life-or-death struggle with the Soviet Union and that U.S. allies on the periphery of the Eurasian landmass were particularly important, because their defection might tip the global balance in favor of the Soviet Union.<sup>16</sup>

Originally, the Self-Defense Force could only attack in the threat of an invasion, as it did when it sank a North Korean sub in 2001.<sup>17</sup> Although its duties have extended over the years, it is still very limited in its scope.

### **History of the SDF and its Cold War Implications**

The Self-Defense Force first began as the National Police Reserve in 1950 to serve as replacements for departing U.S. troops in the Korean War, but the forces' role was changed over time. It was then transformed into the Self Defense Force in 1954 by the Japanese government. The purpose was intended merely to serve for self-

<sup>15</sup> Matsuno, Akihisa. 2001. "Comments on the Proposed SDF Dispatch to East Timor," *Back Door Newsletter on East Timor*, July 29.

<sup>16</sup> Heginbotham, Eric and Richard Samuels. 1998. "Mercantile Realism and Japanese Foreign Policy." *International Security* 22(4): 171–203.

<sup>17</sup> Warren, Marcus. 2001. "Japan Sink 'North Korean Spying Ship.'" *The Telegraph*, Dec. 12, pg 1.

defense and not as an offensive unit. It is only much later that the role of the SDF is expanded when Japan feels that it is capable of upgrading the organization's status while ensuring that the country has the resources to support its own military.

Shifting now to matters of Japanese transition of the SDF beyond the post-World War II occupation period, what was the general goal of establishing the Self-Defense Force in Japan? The primary intention was to find a way to contain the Communist threat in the Pacific. Although there was a public outcry against Japan establishing its own military presence, at the urging of U.S. officials, Japan embarked on joining in containing possible communist expansion by building up its arms. The U.S. endorsed this idea, provided funds, and gave arms to Japan to create this force. It started out, as previously mentioned, as a lightly armored National Police Reserve but, as the Communist threats expanded, it started to grow until it became a quasi-military organization with considerable power.

The U.S. military also provided substantial financial aid for reconstructing Japan's heavy industry and technological base. This help came in the form of U.S. defense contracts that backed new industrial plants and transfer of technology programs for Japanese industrial enterprises, all of which produced significant amounts of military equipment "to U.S. standards and design."<sup>18</sup> With this in mind, it can be observed that the U.S. indeed had a heavy hand in promoting this development early on in a deliberate attempt to stop the spread of Communism, and this was perceived as one method to combat it. This enormous U.S. aid would undoubtedly assure Japan that communism would never be given the opportunity to "rear its ugly head," as Masuda has examined, since we were "beset by emerging military-strategic concerns in the Far East and the growth of international communism, knew that Japan's rearmament was necessary to regional security."<sup>19</sup>

With the fall of China and North Korea into the hands of Communism, the U.S. had obvious reasons to believe that it was within their interests to protect Japan against these countries as well as the Soviet Union; this is a perfect example from the Realist standpoint, which explains a great deal of the actions by the United States during the late 1940s and early 1950s. They encouraged democratic ideals, including capitalism, early on in Japan with the varying forms of U.S. aid, and because of these surrounding threats, allowing Japan to expand into such a large force was justified in the face of all the tension from the Cold War. This was a zero-sum game, and the ongoing war was between the U.S. and its allies and the Soviet Union in an endless struggle for positioning and power throughout the world. Also, Japan recognized the need to defend itself and have its own force if it wanted to maintain its autonomy. Ultimately, though, the signing of the Peace Treaty of 1951 ensured that the U.S. and Japan would be linked to help each other in the ensuing years. The Self-Defense Force was established as a support structure for the U.S. presence in Ja-

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<sup>18</sup> Masuda, Hiroshi. "The Occupation of Japan—The Rearmament of Japan," *LexisNexis Academic and Library Solutions*, 1999, pg. 1. Masuda, Hiroshi. 1999. "The Occupation of Japan—The Rearmament of Japan." *LexisNexis Academic and Library Solutions*. <<http://www.lexis-nexis.com/academic/2upa/las/OccupationJapanRearmament.asp>> (accessed April 20, 2004).

<sup>19</sup> *Ibid.*

pan and to lessen the U.S.'s burden in defending the island nation. The importance of the relationship between the two nations can be described thus:

The end of U.S. Occupation in 1952 marked the beginning of a new and complex relationship between the United States and Japan. Gone was the Occupation experiment in which the victor nations attempted to redefine the sovereignty of Japan with the goal of eradicating militarism. By 1953, the United States and Japan were equal nations but, according to the Peace Treaty of 1951, still interdependent. When the United States signed that treaty and assumed responsibility for the security of Japan and the Far East, it ensured that the two nations' military and economic resources would become inextricably linked.<sup>20</sup>

A significant question on the SDF that must be answered is, "How does one get around the anti-war stance of Japan in establishing a Self-Defense Force?" By naming it the National Police Reserve, the U.S. was able to sidestep around the imposition of Article Nine. The U.S. felt it was necessary to protect the U.S. and Japanese national interests with the formation of this force. The Constitution was interpreted as allowing the idea of a force to come into existence to support the U.S. interests. Furthermore, since the Constitution was based on the U.S. model, and if it functioned like the U.S. model, it was subject to the interpretation of each administration in power.

Eiichi Nakamura goes further with this idea by explaining that Thomas Jefferson knew that any constitution's imperfections would become more obvious over time. Therefore, it must be written in a way that makes it suitable for future generations to interpret it properly and amend it.<sup>21</sup> Since General Douglas MacArthur wrote the Constitution, and therefore, in the eyes of many, he set forth the future policy for the Constitution, he and the General Headquarters, as the Occupation leaders were known in Japan, gave the orders. Eiichi Nakamura of the Liberal Party remarks in an interview that "My view is that the role of GHQ in the establishment of the Constitution under the Occupation was so coercive that it was essentially giving orders."<sup>22</sup>

Up until the present time, Japan had confined military spending to a small percentage of the budget, having no real need for its own armed forces because of the considerable U.S. presence in the country, which the U.S. also backed financially. However, the U.S. does not have intentions of staying in Japan forever, and along with the idea that Japan desires its own military as the U.S. presence continues to fade out, the duties of the SDF will increasingly expand until it is felt that Japan can rely on its own.

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<sup>20</sup> Ibid.

<sup>21</sup> Nakamura, Eiichi. "Matters Relating to the Constitution of Japan," *Meeting Agenda: Details of How the Constitution was Formulated*, March 9, 2000 (Fourth Meeting), Shugiin, pg. 1. Nakamura, Eiichi. March 9, 2000. "Matters Relating to the Constitution of Japan," Meeting Agenda: Details of How the Constitution was Formulated. <[http://www.shugiin.go.jp/itdb\\_main.nsf/html/kenpou/english/2000309f.htm#ito1](http://www.shugiin.go.jp/itdb_main.nsf/html/kenpou/english/2000309f.htm#ito1)> (accessed April 20, 2004).

<sup>22</sup> Ibid.

## Structure of the SDF

The Self-Defense Force is divided into three main branches, which are the Ground Self-Defense Force, the Maritime Self-Defense Force, and the Air Self-Defense Force. Several quotes will be given as to explain each branch's position as relating to Japan's defense and how each defines a defensive role for Japan. The official government stance of the SDF is that it is to "preserve peace public order and Japan's independence and safety. Over 6% of the national budget is spent on the SDF (1999). Military Service is not mandatory."<sup>23</sup> Also, "the force has about 250,000 members, Supreme Commander is the Prime Minister."<sup>24</sup> The website for the Ground Force details that its role is to "prevent aggression by external forces and, if invaded, to repel that aggression thereby preserving national peace and security." Additionally, the GSDF plays extensive roles "to contribute to the building of a more stable security environment' and "'in response to large-scale disasters and various other situations."<sup>25</sup> It is widely dispersed throughout Japan. The Maritime Self-Defense Force is dispatched to "defend our country from maritime invasion and to secure the safety of maritime traffic around Japan."<sup>26</sup> Its maritime ports are also strategically located throughout the country. Finally, the mission of the Air Self-Defense Force is to "defend Japan mainly in the air against seaborne and/or airborne landing invasions. And besides, maintaining constant alert status in peace time, the JASDF deters an invasion from happening."<sup>27</sup> As noted, in addition to the obligation to keep the peace, there is a great deal in the descriptions of the organizations about preventing aggression and defending against it. This is what any military's functions are presumed to be: keeping the peace, preventing aggression, and defending against a threat.

## The SDF: Becoming a Military

It can be said plausibly that the Self-Defense Force is an actual military, and if one explores the websites of the various divisions of the Force, one will find weaponry that can be used in many combat situations. One can understand that Japan is able to use these weapons as a means of self-defense against outside invaders, yet this remains a form of armed forces. In addition, the SDF further retreated from being a self-defense organization when it was allowed to go into East Timor (Japan sent 690 troops in 2002) and help resolve the dispute, along with the 1000 troops sent to Iraq.<sup>28</sup>

<sup>23</sup> "Politics: Self-Defence Force," *Japan-Guide.Com*, 2001, Kinboshi Media, pg. 1 "Politics: Self-Defence Force." 2001. Kinboshi Media. <<http://www.japan-guide.com/e/e2138.html>> (accessed April 20, 2004).

<sup>24</sup> Ibid.

<sup>25</sup> "Role of the Ground Self-Defense Force (GSDF)." 2004. JGSDF. <[http://www.jda.go.jp/jgsdf/message/meaning\\_e.html](http://www.jda.go.jp/jgsdf/message/meaning_e.html)> (accessed April 20, 2004).

<sup>26</sup> "Mission of JMSDF," JMSDF, 2004, pg. 1. "Mission of JMSDF" 2004. JMSDF. <[http://www.jda.go.jp/JMSDF/basic/MISSIO\\_E.HTM](http://www.jda.go.jp/JMSDF/basic/MISSIO_E.HTM)> (accessed April 20, 2004).

<sup>27</sup> "Mission of the JASDF," JASDF, 2004, pg. 1. "Mission of the JASDF" 2004. JASDF. <<http://www.jda.go.jp/jasdf/asdf/missione.htm>> (accessed April 20, 2004).

<sup>28</sup> Shorrock, Tim. Dec. 17, 2003. "Iraq Deployment Shows the East German Syndrome." Inter-



A peacekeeping force of such a large magnitude that takes part in international missions is also one important goal that the U.S. military fulfills, however, still proving that Japan may need some preparation in advance of establishment of an official military. Based on these facts, one could presume that Japan would probably want to remove the label of Self-Defense Force to Military Force, but still, Japan may need time to adjust for such a plan. Also, the rest of the world, especially some of the surrounding East Asian countries, still feel hesitant about Japan having its own military. The experiences of the past, especially the Japanese occupation of Korea and China in World War II, have not helped to contribute a favorable opinion to this concept. For example, as Japan can be compared to Germany, it was not desirable for Germany for many years to be able to expand its military because of the fears, especially by France and Britain, that came out of what happened in World War II. However, Germany's powers gradually increased later on as many of the surrounding nations fully realized that Germany was more concerned about developing its economic markets.

### **Various Interpretations of Article 9**

Several alternative views of Article Nine and the SDF exist to a certain degree. One alternative view on the SDF held by a small minority, the Japanese Communist Party, holds that this article clearly states that Japan should not possess a military that it maintains. According to the JCP, the Self-Defense Force serves as a temporary solution until some undisclosed future date when its services are no longer needed and is eventually phased out. Its presence provides reassurance for Japan protecting itself from outside threats and defends the country in situations of crisis. The increasing trend towards world peace, the JCP asserts, has been leading the Japanese to say that the threat of war is decreasing considerably as many nations provide mutual assistance in times of need. Globalization and nuclear non-proliferation seem to be the wave of the Twenty-First Century, which is likely to continue and will unlikely be reversed. The Japanese Communist Party wants the SDF to be known for humanitarian missions instead of ones that involve resolving international issues while simultaneously providing greater authority to protect Japan's own citizenry, with less reliance on U.S. forces. The U.S. presence, the JCP argues, has been overextended and is unnecessary now that many other nations are promoting peace. Finally, because the SDF was never meant to serve as a large standing army and only as a temporary force, the JCP feels that it should be gradually phased out with respect to the people's wishes, as evidenced by protests when the SDF was first implemented. World diplomatic efforts leading to promotion of peace and themes of neutrality in all nations is the goal of the JCP to address this issue. Japan is simply adhering to the modern example of peaceful resolution through Article Nine's denouncement of war. The views of the JCP can best be summarized through the following quote on this issue:

The world is now giving renewed attention to the true significance of Article 9, as is clear from the appeal made by the action guideline

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Press Service News Agency. <<http://www.ipsnews.net/interna.asp?idnews=21611>> (accessed April 20, 2004).

of the World Citizens Peace Conference held last year in The Hague, the Netherlands. It is called on the world's parliaments to adopt a war-renouncing resolution similar to Japan's Article 9...The 21<sup>st</sup> century will be an era in which international disputes are not "settled" by military force...world politics will be driven by diplomatic efforts based on international reason through peaceful talks. In the new century, Article 9 of the Japanese Constitution will be visible globally... particularly in Asia in which a strong movement toward peace and progress is now gaining momentum.<sup>29</sup>

The views of the JCP reflect a view of discontent against the unnecessary use of force throughout the world in a time when many exist who would like to maintain peace. The Japan Information Network, which gives views and other statistics on all kinds of issues in Japan, states clearly in a children's section of a website that the Japanese Constitution is known for promoting a pacifist point of view and calls for denouncing war and explicitly states that Japan renounces war.<sup>30</sup> Another viewpoint stresses the fact that Japan does contain a military force because of the sheer numbers in the SDF organization. Also, its military budget is considerably large and since it has extended to overseas operations, it is perceived as a definite military presence. It contains over 250,000 troops and is a powerful army in comparison to others, though it is defensive in nature. Legally and politically it is opposed at times but to no effect. It contributes to defense of sea-lanes and assists in UN peacekeeping operations overseas, yet these minor expanded roles are distrusted by past war victims and domestic opponents alike, such as Takako Doi.<sup>31</sup> He is on the opposite end, representing various interest groups expressing a concern that allowing recognition and establishment of a permanent military force could bring back memories of a regime prior to World War II. Doi is head of the opposition Social Democrats and recently told 5,000 anti-revisionists at a rally that amending the constitution could lead to revived militarism once again. Doi warned those attending that disaster could result from any revision of the Constitution.<sup>32</sup>

### **Nuclear Opposition: An Alternative Perspective**

As far as the nuclear issue is concerned, the SDF may have its hands full if ultimately decides on constructing a nuclear plan, since the technology is costly and quite time-consuming. Some in Japan and even throughout the world have called for an end to nuclear weapons, and the establishment of a Northeast Asian Nu-

<sup>29</sup> *Japan Press Weekly*. 1996. "JCP's View on Relationship Between Constitution's Article 9 and the Self-Defense Forces." Sep. 30, pg. 1.

<sup>30</sup> "What Does the Japanese Constitution Emphasize?" 2001. Japan Information Network, <<http://jin.jcic.or.jp/kidsweb/japan/j/q2.html>> (accessed April 20, 2004).

<sup>31</sup> Stanley, Thomas and R.T.A. Irving. "Self-Defense Forces," *Nakasendo Highway: A Journey to the Heart of Japan*, 1996, pg. 1. Stanley, Thomas and R.T.A. Irving. 1996. "Self-Defense Forces," *Nakasendo Highway: A Journey to the Heart of Japan*. <<http://hkuhist2.hku.hk/nakasendo/g097.htm>> (accessed April 20, 2004).

<sup>32</sup> Specht, Wayne and Horoshi Chida. 2001. "New Japanese Leader Finds Little Support in Call to Revise Pacifist Constitution." *Stars and Stripes*, May 6.

clear-Free Zone is perhaps the soundest alternative. A number of nations today are committed to stopping the purchase, sale, and making of all nuclear weapons because of the danger in not only using them, but in “rogue” states having the opportunity to deploy them before a major disaster occurs. Since the collapse of the Soviet Union and the end of the Cold War, there is less need to worry about developing nuclear technology, and the importance of setting up a nuclear-free zone not only obligates others around it to start thinking about reducing weapons, but may change other policy behaviors as well, making countries such as North Korea less likely to realize that using force is necessary for defense and that other, peaceful ways of settling issues can be observed. Japan could provide transparency to its nuclear power and missile programs and take steps to make things difficult for nuclear weapons transition. Japan could negotiate a nuclear-weapons-free zone in Northeast Asia, forbidding Japan possess, develop, or allow them on Japanese territory. In addition, Japan could rely on the five nuclear weapons states to disallow using these in the nuclear free zone, responding if any state made such a threat. The U.S.-Japan security treaty would remain effective, with the U.S. continuing its obligation to defend Japan.<sup>33</sup>

### Right Vs. Left

Left-wingers in Japan argue that the Constitution does not allow the establishment of a military force. The Right-Wingers, especially the Liberal Democratic Party, which ruled Japan solidly from 1955 to 1993, believe that this is constitutional and passed a law in 1992 that extended the operations of the SDF abroad in peacekeeping resolutions and similar operations that required aid, such as a UN peacekeeping force.<sup>34</sup> It is quite interesting to note that initially, the Constitution fully denounced war after a few phrases were extended to Article Nine following the demilitarization of Japan, which state that Japan renounces war and cannot maintain a military.<sup>35</sup> The last phrase of Article Nine is quite compelling. If one provides some critical analysis here, it is true that the U.S. was quite belligerent in encouraging the Japanese to develop its own force and to ensure that the Japanese were following U.S. policy for many years. Even today, the Department of Defense brings pressure on Japan to develop its own forces, which also appears obvious as the U.S. asks for support in fighting the war on terror in Iraq and Afghanistan.<sup>36</sup>

### The Constitution and the Occupation

The GHQ Headquarters, as MacArthur’s main headquarters were called, carried out and dictated policy throughout the entire occupation. Also, during the Cold War period, the Constitution itself was quite clever in its use of the word “maintained” so as to provide some stability for the United States in the region yet also compromising Japan’s military capabilities to assist U.S. interests. As stated previ-

<sup>33</sup> Halloran, 1.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Johnson, Chalmers, and E.B. Keehn. 1995. “The Pentagon’s Ossified Strategy.” *Foreign Affairs* 74 (4): 103–114.

ously, the maintenance of a military force was never specifically stated as to what time period, how long, or to what extent. Therefore, there is reason to believe that the Constitution was subject to the interpretation of the party or the administration that was carrying it out. For example, in the current administration, one must note that the Constitution was interpreted as being violated with the addition of the Self-Defense Forces by several of its critics, but this does not mean that it was outright violated by Koizumi. A similar analogy can be made when discussing the U.S. Constitution and whether or not the administration in power is following a strict or loose interpretation of it. The Japanese Constitution, as evidenced by the Jefferson quote and because it is based on the U.S. Constitution, merely reflects the attempt to use language with broad generalizations in mind but with laws that are not necessarily subject to change. The ambiguity of the words themselves show that the U.S. perhaps realized the importance of Japan being able to maintain itself in the case of a national emergency and perhaps even to provide the U.S. with assistance. The language itself is open to debate, and it can be said that perhaps like the U.S. one, it was written with the intent of being purposefully ambiguous so that less confusion would arise as to clear limitations as future administrators argued amongst themselves. The U.S. also knew that undoubtedly it would be assured many trading privileges with Japan if it assisted the country in its efforts to rebuild after the war. The Constitution had intended effects so as to be compatible with U.S. interests when the time arose for Japan to take a stand on an issue, and the U.S. realized that it had a guaranteed ally because of this arrangement.

### **Has the U.S. Worn Out Its Welcome?**

However, this view of a standing military in Japan and reliance on the U.S. is becoming more and more obsolete as time passes and the mainstay U.S. presence there is continually questioned, especially since the U.S. imposition is so large and difficult to contain, militarily and legally for the Japanese government. U.S. armed forces are subject to enforcement of the laws by the local police, and since the military police would rather have the local police uphold the law since the legal wrangling involving U.S. military personnel are difficult for Japan to handle, it is sometimes hard to identify who is keeping justice, as the rape of the 12-year-old girl on a military base in recent times shows us. The public outcry from this incident has questioned the continued U.S. presence in Japan along with the difficulty of administering justice to U.S. military personnel. This Okinawan schoolgirl incident in September 1995 has also been used to express Japanese discontent about the large U.S. military presence in Okinawa.<sup>37</sup> A recent argument on why the U.S. is still on the Okinawan base points out a certain violation of the renouncement of war in the Japanese Constitution, which asserts this by the continued American occupation there and ownership of the land by the Japanese government, despite the lease running out, is an obvious breach of Article Nine:

Article 9 clearly prohibits the government from maintaining armed forces, meaning that the Self-Defense Forces are themselves unconstitutional. Allowing a foreign power to station its armed forces in

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<sup>37</sup> Mochizuki, Mike. 1996. "Toward a New Japan-U.S. Alliance." *Japan Quarterly* 43(3): 4-16.

Japan is also prohibited by Article 9 because doing so means that the Japanese government has itself accepted these forces, even though they are not technically under Japanese sovereignty. This is an important if subtle point; we need to interpret the Constitution in this way in order to remain true to the ideals espoused within it.<sup>38</sup>

From a strict interpretation then, the SDF and the American deployment are obvious breaches of Article Nine, yet there are few indications that the SDF will cease to exist anytime soon, and the American forces cannot immediately withdraw simply because there are too many of them at this point.

### Defensive Vs. Offensive Weapons

On another note, the Japanese government has an interesting point of view when it concerns the right to own certain types of weaponry. It has interpreted the Constitution to say that specific types of weapons are permissible, so long as they are defined as “defensive” weapons. These are weapons that are not designed for total destruction of other countries but are only specified as weapons that do not exceed the “minimum level” of self-defense. Defensive weapons refer to non-possession of “ICBMs, long-range strategic bombers or offensive aircraft carriers.”<sup>39</sup> These matter because long-range weapons are significantly more destructive and present more serious implications for potential enemies than short-range ones do. Again, these are not to exceed the minimum level of self-defense, which varies on several conditions, such as the present international situation, military technology standards, and others. War potential is examined from overall strength of the forces. If the total strength exceeds the constitutional limitations, then it is said to have violated Article Nine.<sup>40</sup> When, one can wonder, is Japan allowed to fulfill or exercise its right to defend itself? The extension of situations abroad has already been mentioned (only not to exceed the minimum level of self-defense), and using force exceeds this level, but there are basically three conditions under which Japan can exert itself militarily: there is an imminent and illegitimate act of aggression against Japan; there is no appropriate means to deal with this aggression other than resort to the right of self-defense; and the use of armed strength is confined to the minimum necessary level.<sup>41</sup>

The term “self-defense” is never to be confused with force, although in some situations it can be difficult to discern. This is why some situations in Japanese policy are somewhat confusing when orders are carried out to follow through with certain actions. Force and self-defense are very different terms in the eyes of the Japanese government. However, initially some might see the context of the word self-defense and immediately think of a military presence as being force. One cannot fully comprehend this unless one examines a scenario carefully though. The

<sup>38</sup> Hagiwara, Shigeo. 1996. “The Land Lease Issue in Okinawa.” *Social Science Japan*, No. 7: 1.

<sup>39</sup> “Government View on Purpose of Article 9 In Constitution.” 2001. Boeicho Jieitai. <[http://www.jda.go.jp/e/policy/f\\_work/frame12\\_htm](http://www.jda.go.jp/e/policy/f_work/frame12_htm)> (accessed April 20, 2004).

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

idea of self-defense means, literally, self-defense, “a plea of justification for the use of force or homicide or the act of defending oneself, one’s property or a close relative.”<sup>42</sup> This is conceived as a threat against one’s nation and the right of a nation to stop a threat from occurring on its own soil. The United Nations Charter allows the use of the right of a nation to have a force to defend itself.

On the surface, the Japanese Self-Defense Force presents a paradox in that it is not technically a military but it has certain types of weaponry and is even limited in its actions. Japan does not use *aggression* when it fights but can only use minimal self-defense. With a closer look, however, one observes that Japan’s military possesses no long-range weapons and is constrained in its overall duties. Even in conjunction with U.S. forces, it is limited in scope. Holding to the idea in the Japanese Constitution of keeping the peace, the U.S. cannot fight wars in Japan but can utilize Japan for assembling its forces there and then go abroad to fight wars. What exactly can Japan do, then, in times of war? In the relationship between the U.S. military and the Self-Defense Force in combat situations, the Japanese are strong advocates of individual self-defense as opposed to collective self-defense. NATO, for example, is based on collective security, of which Japan is obviously not a member. The Treaty of Mutual Cooperation and Security between Japan and the U.S. from 1960, states that if Japan is attacked the U.S. will protect it. If U.S. troops are attacked in Japan, Japan will fight alongside the U.S. but only because Japan is being attacked. If the U.S. is attacked outside Japan, Japan will not help the United States, so the U.S. bears most of the burden.<sup>43</sup>

### **Koizumi Cabinet, Other Reactions**

One might inquire how the current Japanese Cabinet and other political leaders feel about the SDF’s expanding obligations and Article Nine, particularly as they affect political and social change. Koizumi is very much an advocate of changing the Constitution, favoring recognition of Japan’s SDF as an actual military force. He would also like to see a few words changed to being able to maintain a force, also desiring to address the fact that Japan has a right to collective defense, that citizens should feel obligated to protect the country, and that executive powers should be given to the prime minister instead of the Cabinet. This has stirred great controversy throughout Japan because it addresses many critical changes, especially to the Japanese Constitution, which, if tampered with, could lead to disaster. On the opposite end, various interest groups express a concern that allowing recognition and establishment of a permanent military force could bring back memories of a regime prior to World War II. Koizumi, feels a very strong obligation to have a military presence for Japan’s own nation, since it is in the country’s best interests because Japan is capable of mobilizing itself if that particular duty is so required of it. However, Japan cannot deny that it has a readily

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<sup>42</sup> “Self-Defense.” *Merriam-Webster Online Dictionary*. Springfield, MA: Merriam-Webster, Inc., 2004. “Self-Defense.” 2004. Merriam-Webster, Inc. <<http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=self-defense&cx=0&cy=0>> (accessed April 20, 2004).

<sup>43</sup> Sallis, Carolyn. 2000. “Pacifism and Article 9 of the Japanese Constitution,” *ALSA Japan Forum Report*.

available military and must acknowledge that so it can expand its capabilities. In order for Japan to play a more interactive role in global security arrangements, it also must realize that having forces on hand to dispatch will relieve other nations, including the U.S., of the added burden of defending Japan, which detracts from another military's own forces, seriously hampering its role in other conflicts. National pride, Koizumi insists, can be shown in a nation's defense, its own military force; the citizenry will have more incentive to be patriotic. Koizumi believes there is no reason why Japan cannot have its own military, and now is the time for Japan to show the world that Japan is ready to assist others in times of crisis. He insists that any argument stating that the SDF is a violation of the Constitution is "absurd."<sup>44</sup>

### **A Military: What the SDF Just Might Be**

For one to address the Self-Defense Force as anything less than a military is an understatement for some, for its military budget is three times more than China's, it has highly sophisticated technical equipment, and it contains over 240 thousand military personnel.<sup>45</sup> If this "military" has been able to grow this large, no doubt that its duties will also grow in the future. With the terrorist attacks occurring on September 11, 2001, the Japanese parliament has made several additions to Article Nine that allow for supplies to be given to the United States, medical care, and transportation for U.S. personnel. In addition, the new bills permit extended use of firearms for Japanese troops. Japan is allowed to have air power, naval ships, and troops to give back support for "US and humanitarian assistance for refugees."<sup>46</sup> Also, existing laws allow Japanese soldiers to retaliate in response to a threat to themselves and anyone under their protection. They have additional powers to oversee Japanese and US bases in Japan and to fire on suspicious vessels in surrounding waters. These must all be under non-combat roles however, because of the limits of Article Nine in not allowing force to resolve international conflicts. This law is subject to a two-year renewal period and does not permit troops to stay overseas for more than twenty days without the approval of parliament, or they must be withdrawn.<sup>47</sup> These laws are currently applied to the Iraqi situation as Japan is providing support for U.S. personnel stationed there. This legislation sounds reminiscent of the U.S. model. In the United States, Congress has to approve the deployment of troops within ninety days also. Koizumi is obviously following many of the tactics of our military and our Congressional actions. The

<sup>44</sup> "Koizumi's Views Spark Regional Concerns," *CNN.Com World*, April 25, 2001, Cable News Network. "Koizumi's Views Spark Regional Concerns." April 25, 2001. Cable News Network. <<http://www.cnn.com/2001/WORLD/asiapcf/east/04/25/koizumi.react.02/>> (accessed April 20, 2004).

<sup>45</sup> "New Japanese PM Wants Active Regional Defence Role," ABC Online, 2001, Australian Broadcasting Corporation, pg. 1. "New Japanese PM Wants Active Regional Defence Role." 2001. Australian Broadcasting Corporation. <<http://www.abc.net.au/ra/asiapac/archive/2001/apr/raap-26apr2001-1.htm>> (accessed April 20, 2004).

<sup>46</sup> Watts, Jonathan. 2001. "Tokyo to Change Law So its Forces Can Aid America." *The Guardian*, Oct. 19, pg. 1.

<sup>47</sup> Ibid.

influence of this country is very strong in our assessment of the actions through which Article Nine is interpreted.

These last actions that allow troops to be used abroad and for restricted use of firearms spread the Article Nine declaration even further from the non-war clause. In a similar way, the United States supplied aid to Britain in World War II before it became inevitable that we ourselves would be in the war, despite the fact that we tried to avoid conflict at all costs. Eventually, the Japanese will have to come to grips with the fact that Article Nine is indeed becoming more outdated as Japan seeks to become an accepted member of Western industrialized democracies, which primarily have strong armed forces (except Germany). Japan itself can afford to provide a military; the question is how it will do this without worrying many of its Asian neighbors. Many of them feel threatened that Japan can rise again to be the great Japan that stood in World War II, with a great deal of weaponry, firepower, and ability to dominate in the Pacific. However, if one takes a closer look, Japan is less concerned about dominating in the Pacific than in preserving itself in light of all the ensuing chaos around them, with the situation in Taiwan and China and the subject of North Korean missiles. With the rest of the world joining in on cooperative defense efforts, everyone appears to be playing the game of peacekeeper. Japan is aware of this and is unlikely to be left out, especially when it realizes that it can only benefit by coming to the aid of others. Other countries will notice this and understand that perhaps Japan can protect the interests of not only themselves but others as well. The incidents surrounding the terrorist attacks are the perfect opportunity for the Japanese to prove to the rest of the world that they may not need complete reliance on U.S. troops in the future and that they can perhaps be a “junior partner” not only in the war against terrorism, but in seeking to dispel various global challenges for the future. However, because of the current security arrangement, “Japan’s subordination to the US and the connected passivity of its foreign policy constrains Japan’s will, ability and diplomatic leeway to carve out a leading role in multilateral diplomacy.”<sup>48</sup> Japan seeks to go hand-in-hand with the United States as one of its main partners in helping it in its international efforts. Already, Japan has decided to supply the U.S. with arms and ammunition and to send Aegis ships for surveillance in the Indian Ocean. Also, the Deputy Secretary of State Dick Armitage has argued the importance of allowing Japan to be able to send troops abroad so that Japan can more fully participate in the world community. Koizumi even supports these measures, promising to push legislation allowing Japanese troops to provide additional support to the US. Koizumi promises “maximum support” with the blessing of the Japanese people, since he asserts that Japan can be depended on in the war on terrorism.<sup>49</sup>

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<sup>48</sup> Drifte, Reinhard. 1999. “An Old Architecture for Peace? Reconfiguring Japan Among Unreconfigured Great Powers.” *The Pacific Review* 12(3): 479–489.

<sup>49</sup> Shorrock, Tim. Sep. 26, 2001. “Japan’s Military Undergoes a Sea Change.” Asia Times Online Co., LLC. <<http://www.atimes.com/japan-econ/CI26D01.html>> (accessed April 20, 2004).



## Moving into the International Arena and Facing the Inevitable

Many of the countries now that have successful relationships with the United States normally also participate in international missions with our nation, especially in the United Nations. The prevailing trend is to send some kind of aid abroad and at least cooperate with us, especially with the current situation in Afghanistan, with a massive global effort to stop the remaining forms of terrorism. There is to some extent a similar situation in Iraq, though many opposed the actions of the U.S. initially and later sent aid. Every one of the major industrialized countries, from France and Britain to South Africa and Turkey, normally send supplies and equipment and troops to fight and to resolve major international problems in the United Nations' peacekeeping force (though the results were split in Iraq). Japan did send aid in both recent conflicts, taking major steps in going to both Afghanistan and Iraq. However, the aid in Afghanistan was still somewhat restrained, for soon after Koizumi's speech, the fundamental Japanese foreign policy approach had not changed. Japan backtracked on Koizumi's grand ambitions, providing little military support to the Afghan war, far less than Germany or Italy, which also have anti-war clauses in their constitutions.<sup>50</sup>

As stated beforehand, it is only a matter of time before Japan's role will increase and it will feel obligated to have a permanent military. How long will it take? Based on the way that current events have been moving towards change in Article Nine, despite its opposition, the next major crisis of epic proportions, such as the terrorist one, will probably send an active military force in effect. This is the first set of bills that has actually given Japan the right to use firepower. Although it is very limited, and though those particular bills were only designed to last two years, this opening in Article Nine will no doubt lead to and has brought more policies that will surely call for a military response at some point. The deepening conflict between China and Taiwan will only further progress the stages of Japan feeling an obligation to mobilize against the threat of an attack and perhaps come to the aid of one of its neighbors. Japan, besides the U.S., is a major contender in the world market. Although it has been in a recession, no one else in the Pacific region seems to possess the wealth or the defensive abilities of Japan. Japan will no doubt step up, according to local politicians. Things have changed greatly, since on September 10th Tokyo governor and conservative politician Shintaro Ishihara was in Washington giving a speech in support of a stronger SDF role in defending Japanese territorial waters. He pressed Washington officials, including Armitage, to allow Japanese Maritime SDF to enforce their own waters militarily, believing that Japan should acquire fast vessels with ship-to-ship and ship-to-air missiles for domestic defense purposes. If the SDF could be more active in territorial waters, he said, the US-Japan Security Treaty would be of no consequence.<sup>51</sup>

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<sup>50</sup> Heginbotham, Eric and Richard Samuels. 2002. "Japan's Duel Hedge." *Foreign Affairs* 81(5): 110-121.

<sup>51</sup> Ibid.