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JAPAN SELF-DEFENCE FORCES – ORIGIN AND DEVELOPMENT OF THE INSTITUTION

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Abstract

The purpose of this paper is to discuss the origins and evolution of Self-Defence Forces as an institution within the Japanese constitutional system. The analysis also aims to provide answers to the question of the compatibility of Jietai with the Japanese Constitution and its formal status. In order to address the research problem, we have decided to dedicate the first part to issues related to the constitutional principles of pacifism and anti-militarism. It is followed by the description of the process that led to the formation of Japanese Self-Defence Forces. We decided that the turning point of the analysis is the appointment of Liberal Democratic Party's leader, Abe Shinzo, as the 96th Prime Minister of Japan (December 26, 2012). The reforms undertaken by the politician resulted in a rapid change in the character of Self-Defence Forces, putting an end to the hitherto functioning model of Jietai.

Key words: *Japan Self-Defence Forces, Jietai, security policy, Japanese constitution, pacifist clause, constitutional amendment*

INTRODUCTION

In today's globalized world, armed forces, despite their changing character, are still playing a significant role. Even those countries which are members of international organizations - bound by bilateral and multilateral agreements and having formal security guarantees - do not decide to abandon a national army. What is an interesting exception here, is Japan which, under article 9 of the constitution, cannot hold armed forces of any kind and renounces the right of belligerency. In contrast, however, the country still maintains 250,000-strong Self-Defence Forces (Jieitai) [Palowski 2014].

The purpose of the paper is to discuss the origins and evolution of Self-Defence Forces as an institution within the Japanese constitutional system. The analysis also aims to provide answers to the question of the compatibility of Jieitai with the Japanese Constitution and its formal status. In order to address the research problem, we have decided to dedicate the first part to issues related to the constitutional principles of pacifism and anti-militarism. It is followed by the description of the process that led to the formation of Japanese Self-Defence Forces. We decided that the turning point of the analysis is the appointment of Liberal Democratic Party's leader, Abe Shinzo, as the 96th Prime Minister of Japan (December 26, 2012). The reforms undertaken by the politician resulted in a rapid change in the character of Self-Defence Forces, putting an end to the hitherto functioning model of Jieitai as Due to the limited space we did not address the contemporary aspects of the functioning of Self-Defence Forces in the paper. There is no doubt, however, that it will help to understand the current trends in the evolution of Jieitai model.¹

1. THE CONSTITUTIONAL PRINCIPLES OF PACIFISM AND THEIR IMPLICATIONS

On 2 September 1945, the Japanese delegation signed the act of an unconditional surrender, putting an end to World War II 1945 [Wyszczelski 2008: 156]. This event marked the beginning of almost seven-year long U.S. occupation, resulting in the introduction of significant changes in, among others, the political, economic and legal order of the state (Gordon 2010: 314). Japanese people, who still remembered the power of their country in the inter-war period [Peplowski, Kuromiya 2008; Wyszczelski 2008], found it extremely difficult to adapt to the new circumstances. The American strategy in Japan, theoretically supported by all allied superpowers, focused on two main areas: demilitarization and democratization [Gordon 2010: 314–315]. It required the logistically complex operation of the dissolution of the Imperial Japanese Army (Dai-Nippon Teikoku Rikugun), followed by the repatriation of almost seven million people to the islands [Gordon 2010: 315]. Soldiers and ship crews were demobilized and most of the military equipment was dismantled [Varley 2006: 298]. Japan was also deprived of the territories it had conquered by force. This also included overseas lands [Varley 2006: 298]. As a result, the borders from before the First Sino-Japanese War of 1894-1895 were restored [Henshall 2011: 170]. The reforms implemented in the years 1945–1946 were thoroughly described by A.

¹The selected aspects of the functioning of Japanese Self-Defence Forces after Prime Minister Shinzō Abe took office have been the subject of the analyses conducted by a number of researchers of modern international relations. See: Hughes, 2017; Pajon, 2017; Liff, 2017; Cantir, Kaarbo, 2016; Dahl, 2018, pp. 28–32; Dahl, 2016, pp. 128–144; Liff, 2015; Młodawska-Bronowska, 2015.

Gordon in his monograph. According to this eminent japanologist, they were based on the assumption that militarism stemmed from the ejtslack of pluralism, tyranny and poverty, and the construction of new, peaceful Japan was possible only after the army was dissolved [Gordon 2010: 316]. As Gordon pointed out, “the country was in need of extensive reforms, which would lead to the dismantling of the authoritarian political power, the introduction of equal political rights and the rooting of completely new values” [Gordon 2010: 316].

Constant references to the principles of democracy as understood in the West were reflected in the U.S. efforts to draw up a new constitution [Gordon 2010: 316]. The currently binding fundamental law was adopted on 3 November 1946 and entered into force on 3 May 1947. The occupation authority believed that the democratization of Japan should consist in changing the previous constitutional system, based on the sovereignty of the emperor [Konstytucja... 1990: 16]. This significant change, which was a manifestation of the excessive “Americanization” of constitutional arrangements (not necessarily suited to the Japanese conditions) was not the main factor distinguishing the new fundamental law, though [Karolczak 2008: 15; Varley 2006: 299]. The most important Japanese legal act of 1946 is well-known among constitutionalists thanks to its famous pacifist clause (art. 9) [Japonia 2001: 45]. It was imposed on the Japanese government by the Commander in Chief of the U.S. Armed Forces Pacific, General Douglas MacArthur, although there is no evidence that he was the author of this idea [Henshall 2011: 171]. A separate chapter of the constitution (chapter III) was also dedicated to the principle of pacifism, which stresses its particular role. The mentioned rule was laid out in the following words: 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 belligerency of the state will not be recognized. [Konstytucja Japonii 1990: 35].

Since it was placed at the beginning of the constitution, before any references to citizens’ rights and the organization of the state apparatus, the principle of pacifism was recognized as one of the foundations of the Japanese constitutional system, along with, among others, the principles of: democracy, individualism, ensuring the rights and freedoms of an individual, welfare state and secular state [Konstytucja... 1990: 20–22]. What was the essence of the defence doctrine formulated after World War II was the prevention of remilitarization and resumption of expansionism by consecutive governments [Ho Thanh 2012: 185]. It is a matter for discussion whether some initiatives of Japanese decision-makers, such as “three principles of arms export”, “three non-nuclear principles”, or the principle of military spending not exceeding the limit of one per cent of GDP, are not in contradiction with Yoshida’s doctrine.²

Despite Americans’ initial satisfaction with the weakening military power of Japan, the Cold War period brought about new challenges in the sphere of international security. The U.S. stance on the total demilitarization of Japan changed following the outbreak of the Korean War. According to some researchers, just a few years after the Japanese army was dissolved, the process of its reconstruction began [Konstytucja...

² After the name of Shigeru Yoshida, the Prime Minister of Japan in the years 1948–1954, the author of the concept of close cooperation with the United States [Ho Thanh 2012: 185].

1990: 23]. In 1950, the Japanese government was obliged to establish the National Police Reserve [Trojnar 2008: 55]. The occupation authority ordered that the newly formed troops should consist of no more than 75,000 men [Trojnar 2009: 47]. At the same time, 8,000 men were deployed in the Coast Guard Forces [Niedbalska-Asano Asano, 2012: 158]. The decision was motivated by the need to fill in staff shortages caused by the transferring of American troops from the occupied areas to the Korean front [Niedbalska-Asano, Asano 2012: 158]. Since the US aimed to gain Japan's support as its ally in the war against Communism on the Korean front, it consented to the peace treaty proposed by Prime Minister Yoshida.³ A few days negotiations were concluded with the signing of the document by the Japanese prime minister on 8 September 1951 in San Francisco (Dover 2014). As J. Tubielewicz indicated, the treaty brought Japan back to dignity, equality and equal opportunities in the family of nations. In the preamble, Japan stressed its intention to join the United Nations and declared that it would respect the provisions of the UN Charter and the ideals of human freedoms and rights. Japan's right to self-defence was recognized, but the moment the occupation troops withdrew (within 90 days since the treaty entered into force), Japan became defenceless. Thus, it was decided that foreign armed forces could be stationed on the territory of Japan under special international arrangements. On the same day, i.e. 8 September, Japan and the U.S. signed the security treaty (*ampo-jo yaku*), which sanctioned the U.S. military presence in Japan. The text of the treaty did not specify any deadline and did not impose any military obligations on Japan. The U.S. took the whole responsibility for "ensuring the security" of its ally and its occupation forces were to be transformed into garrison forces [Tubielewicz 1984: 428–429].

As the security treaty entered into force in 1952, the National Police Reserve was renamed as the land and maritime National Safety Force and became immediately subordinate to the prime minister. It was also expanded to 110,000 men [Trojnar 2008: 55; Tersa 2014: 60].

2. THE ESTABLISHMENT OF THE JAPANESE SELF-DEFENCE FORCES

In 1954, following the growing social support to the idea of the reconstruction of real armed forces (although in line with the constitutional constraints), a decision was made to establish the Japanese Self-Defence Forces [Tersa 2014: 61], *Jieitai*, which were meant to be defence forces deployed on the territory of the Japanese archipelago. They replaced the Japanese National Safety Force established two years earlier [Trojnar 2009: 48]. Bearing in mind the previously mentioned pacifist principles included in the Japanese constitution and the provisions of the Japanese-American alliance, one might ask a question about the real reasons behind the idea of the establishment of self-defence forces with limited operational capabilities, especially in the context of the U.S. interests in the Asia-Pacific region [Tersa 2014: 58]. According to M. Tersa, those were two separate issues and "limiting the operational capacity of SDF (Japan Self-Defence Forces, M.D.'s note) was the idea of the Japanese themselves" [Tersa 2014: 58]. It is actually true, however, that it was the social factor that played a significant, if not the key role in establishing the institution – the

³The signing of the peace treaty turned out to be a necessary measure to overcome procedural conflicts that were an obstacle to reaching an international agreement in the sphere of the U.S.-Japan cooperation [Tubielewicz 1984: 428–429].

Japanese society blamed the army for the defeat in World War II and that was why there was a fear of generals being granted too much power [Tersa 2014: 58].

As regards the status of the Self-Defence Forces and the directions of their further development, it became necessary to work out a consensus that would be accepted by the largest possible number of political parties and social groups. The government proposed that the famous pacifist clause be reinterpreted depending on the current challenges in foreign and security policy and, in practice, also reflecting the interests of the government camp. This solution has been applied until today. One of the first examples of this approach was the Japanese government's official statement of 1954, according to which "renouncing war" should not be equated with the right to deter other countries from using force against Japan, because such an interpretation of this regulation does not lie in the interest of the nation [Tersa 2014: 61]. The position of some political parties on self-defence forces was dependent on the actual social support to the idea of Jieitai. For example, the Japanese Socialist Party (Nihon Shakaitō, JSP) recognized the state's constitutional right to wage a war only when Japanese people's support to the concept of self-defence forces clearly increased.

Social support became a catalyst for expanding the size of the self-defence forces and for restructuring them. They became the subject of social supervision, exercised by the Japanese Defence Agency (JDA), which was later transformed into the Ministry of Defence [Tersa 2014: 62]⁴.

In 1971, the so-called three non-nuclear principles entered into force. They were established by Prime Minister Eisaku Satō and stated that Japan would neither possess nor manufacture nuclear weapons, nor would it permit their introduction into its territory [Trojnar 2008: 56; Tersa 2014: 28–32]. Almost ten years later (in 1976), a special act was passed according to which the amount of military expenditure could not exceed the limit of 1 per cent of GDP and which forbade the export of military weapons and technologies [Trojnar 2008: 56]. It is estimated that, in the early 1980s, Jieitai, which had the annual budget of almost nine billion dollars, consisted of 300,000 soldiers, more than 150 warships and almost 100 aircraft [Konstyucja... 1990: 23]. The limit on military spending was abolished in December 1985 [Trojnar 2008: 56]. The main advocate of Japan's greater independence in international and defence issues was the-then Prime Minister, Yasuhiro Nakasone, member of the Liberal-Democratic Party [LPD; Trojnar 2009: 48]. He managed to increase military expenses and contributed to the improvement in the quality of the Self-Defence Forces and to them being more clearly defined as defensive forces.⁵

3. THE TURBULENT 1990s – JIEITAI IN THE ERA OF CHANGES

The end of the Cold War and, thus, the diminishing threat of spreading the Communist ideology, created a favourable environment for demands concerning the revision of Japanese-U.S. relations. It was the American military presence on the territory of an independent state that raised particular controversy (Gordon 2010: 445). Both the ruling and opposition parties advocated the need for the intensification of Japan's activity in the international area [Ho Thanh 2012: 187].

⁴ Detailed information on the Japanese defence Agency (since 2007, the Ministry Defence) can be found on the official website of the institution (*About Ministry*).

⁵ In 1987 and 1988, the share of military spending exceeded 6.5% of the government expenditure, amounting to, respectively, 25.5 and 28.8 billion dollars [Trojnar 2009: 48].

In 1991, a decision was made to provide financial support to Operation Desert Storm and send the Self-Defence troops to aid the allied forces in clearing the waters of the Persian Gulf [Trojnar 2009: 48]. Although Japan's participation was not of a military character (the Japanese sent four minesweepers and two auxiliary ships to clear the way for supplies and transport of oil), it was severely criticized by the society.⁶ Despite moderate strategic and military achievements, the operation turned out to be a PR success, which promoted the SDF's activity outside the country borders. [Tersa 2014: 73–74]. The society also changed its attitude regarding the participation of the Self-Defence Forces in overseas missions. In June 1991 (just two months after sending the ships), the "Asahi" daily conducted a survey the results of which showed that 65% of the respondents found participation in the mission to be a good idea, although problematic due to constitutional provisions, while only 24% considered it to be a mistake [Tersa 2014: 74]. Thanks to sending minesweepers to the Gulf War, the Japanese society began to believe that the Self-Defence Forces could take part in foreign operations, which, on the one hand, have a peaceful function and humanitarian dimension, and do not put Japanese soldiers at risk, but, on the other hand, require military expertise. It can be said that it was the first step towards reassuring the public opinion, who feared that foreign missions were inseparably linked with aggression, like in the times of World War II [Tersa 2014: 74].

At the same time, it should be pointed out that the international community's expectations concerning Japan's participation in the Persian Gulf War made Japanese decision-makers aware how important the state's direct involvement in global conflicts is for its foreign policy [Ho Thanh 2012: 187]. What followed the debate on this issue was the adoption by the Japanese parliament of the Law on Cooperation in International Peacekeeping on 15 June 1992 [Trojnar 2009: 48]. The SDF's participation in peacekeeping missions was limited to the cases in which:

- the agreement was reached regarding a suspension of military action in the area of a mission,
- the parties directly involved in the conflict agreed to the presence of peacekeeping forces, including the Japanese troops,
- the UN forces remain impartial [Trojnar 2009: 48].

The Japanese government reserved the right to withdraw the contingent in the event of the violation of the above conditions [Tersa 2014: 75]. The use of firearms was allowed only in self-defence and the number of Japanese soldiers was limited to 2,000 men. [Tersa 2014: 75–76]. The first mission with the participation of the Self-Defence Forces was organized in 1992 in Cambodia [Karolczak 2008: 16]. In the subsequent years, the forces took part in a few other peacekeeping operations of the United Nations, among others in Angola (1992), Mozambique (1993–1995), Salvador (1994) and in the Golan Heights [1996; Gordon 2010: 445; Szafraniec 2012].

The signing of the Japan-U.S. joint declaration on security and alliance for the 21st century [Ho Thanh 2012: 190] did not solve all problems in the bilateral relations. What remained a contentious issue was the scope of the SDF's tasks, which, according to Americans, was too narrow and focused on the protection of the Japanese islands [Gordon 2010: 445]. Under the pressure from Washington, the Japanese government proposed new guidelines regarding the activity of the Self-

⁶ In order to express dissatisfaction with the participation of Japanese troops in the mission, a number of protest rallies were organized. Even cars were burned, which is a rare occurrence in the Japanese public life [Tersa 2014: 73].

Defence Forces, limiting their operations to providing “the logistics support to U.S. troops outside Japan in crisis situations in the region” [Gordon 2010: 445]. The powers of Jieitai were extended to carrying out “the inspection of vessels belonging to third countries and rescue operations concerning the staff of the U.S. forces and the Japanese abroad” [Gordon 2010: 445–446].

The events of 11 September of 2001 brought about more changes in Japan’s security policy. Following the U.S. declaration on the war with terrorism, the parliament adopted a set of acts on special measures to combat it [Kosmala-Kozłowska 2012: 160]. P. Szafraniec drew attention to Prime Minister Jun’ichirō Koizumi’s quick (as for Japanese standards) response to the ensuing situation, indicating that the agreement of the most important political parties⁷ was possible in such a short time owing to the LDP’s decision to abandon its custom of internal consultations because of extraordinary circumstances [Szafraniec 2012: 142]. Under the adopted Antiterrorism Special Measures Law, Japanese soldiers could take part in overseas logistics operations (for the period no longer than two years), and it was already in November 2001 that approximately 1,000-strong Japanese forces were sent to the Indian Ocean to provide aid to the U.S. campaign in Afghanistan [Kosmala-Kozłowska 2012: 140]. The technical backup for the dispatched contingent consisted of three destroyers: “Kirisame”, “Kurama” and “Sawagiri”, two auxiliary ships: “Hamana” and “Towada”, and minesweeper “Uraga” [Trojnar 2009: 49]. In July 2003, Japan made a decision to help in the process of the reconstruction of Iraq. Consequently, from March 2004 to December 2006, the Japan Self-Defence Forces took part in the humanitarian operation in Al-Musanna province [Trojnar 2009: 49]. It should be noted that, despite Prime Minister Koizumi’s assurances that Japanese soldiers would stay outside the war zone, it was the first time since World War II that the Japanese armed forces had been stationed outside the country borders in the direct vicinity of the area of military operations [Kosmala-Kozłowska 2012: 161]. On the other hand, it is a fact that, unlike other contingents, no Japanese soldier died while serving in Iraq.⁸ During Prime Minister Koizumi’s three terms of office (2001–2006), Japan was an advocate of the UN reforms, hand in hand with Germany, Brazil and the RSA, taking efforts towards becoming a member of the Security Council. None of these countries has managed to achieve it so far [Ho Thanh 2012: 192].

The history of the establishment and evolution of the Japan Self-Defence Forces reflects the uniqueness of the Japanese political system in comparison to other South-East Asian countries, marked by the army’s significant influence on governance [Halizak 1999: 349]. However, we can still observe that the prime minister’s charisma has a considerable impact on the way in which decisions important for the interest of the state are made. Shinzō Abe, the Prime Minister of Japan in the years 2006–2007 and since 26 December 2012, is an example of such a politician. One of his priorities is to amend the pacifist constitutional provisions. He called for taking steps towards this goal on 3 May 2007, exactly 60 years after the adoption of the current fundamental law [Ho Thanh 2012: 193].

In March 2009, when Tarō Asō held the prime minister’s office, the Japan Self-Defence Forces took part in the anti-piracy coalition off the coast of Somalia [Ho Thanh 2012:

⁷ The agreement of 25 September 2001, concerning anti-terrorist legislation, was the outcome of a compromise between the Liberal-Democratic Party (LDP), the Conservative Party and the Political Federation for Clean Government (*Komeito*).

⁸ Despite the fact that the total number of 5,500 soldiers took part in ten three-month mission cycles [Trojnar 2009: 61].

193]. On 5 February 2010, a decision was made to send the SDF to join the UN mission in Haiti. This step, which undoubtedly improved the image of Japan in the international arena, is considered to have been a great achievement of Prime Minister Yukio Hatoyama from the Democratic Party [Ho Thanh 2012: 194]. Hatoyama's initial declarations concerning the closure of the American military base in Okinawa, did not make him popular (Japanese PM 2010). The main threats to Japan's security have also changed, with tensions between two Koreas and Russian and Chinese expansionism (reflected especially in the PRC's activity in the Pacific area) growing in importance [Ho Thanh 2012: 194; Kosmala-Kozłowska 2012: 165–168].⁹

The above changes in the way of operation of the Japan Self-Defence Forces, despite the significant extension of their powers, have always been based on the reinterpretation of art. 9 of the constitution. When the leader of the Liberal-Democratic Party, Shinzō Abe became the head of government again on 26 December 2012, some saw it as an opportunity to amend the pacifist regulations. The prime minister's actions, coupled with the fact that his party obtained the constitutional majority (in the parliamentary election of 2017), allow us to expect that the status of Jietai will undergo unprecedented changes within a few years.

CONCLUSIONS

Despite the fact that the Japan Self-Defence Forces were formally established in 1954, their origin dates back to the end of World War II. Our analysis proves that Japan has never definitely abandoned armed forces, although it has never officially maintained them. Taking into consideration the geopolitical position of the state, this approach of Japanese decision-makers comes as no surprise. The functioning of the Self-Defence Forces, which are de facto the army of Japan, has become possible thanks to the appropriate interpretation of the so-called pacifist clause included in the Japanese constitution (art. 9).

The new order on the Japanese political scene, which began several years ago, is marked by, among others, a more flexible approach to the anti-military provisions in the constitution [Żakowski 2009: 61]. In this context, it must be remembered that the knowledge of the history of Jietai, its origin and evolution, is necessary to properly analyze the subsequent drafts of the Japanese fundamental law. Asian cultures, including the Japanese one, are characterized by continuity (also regarding institutions), which – as we hope – this paper helped to show with reference to the Self-Defence Forces.

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⁹ The debate in the media has a considerable influence on Japanese people's attitude to the reinterpretation of the pacifist clause. See: Tökölyová, Modrzejewski 2013.

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