

Overstepping the Boundaries of the Exclusively Defense-Oriented Policy: Turning Japan's Self-Defense Force into a Military without Constitutional Amendments

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Due to restrictions set forth in the Japanese Constitution which stipulate the renunciation of war, Japan's Self-Defense Force (SDF) is only permitted to use military force for self-defense when there is an invasion by another country. This exception to using military force is stated in the Exclusively Defense-Oriented Policy. The SDF are not permitted to carry out preemptive attacks nor use military forces to protect other countries through collective defense. In September 2015, however, the Abe administration enacted security legislation that allows the right to collective defense, thereby changing the roles and duties of the SDF. Many constitutional law scholars criticize this security legislation as "unconstitutional," as it would allow, for example, the SDF to participate in a U.S.-initiated war.

In December 2018, the National Defense Program Guideline (NDPG) and the Medium-Term Defense Program (MTDP), a five-year plan for purchasing weapons, were also revised under security legislation. The new guidelines called for the conversion of the destroyer, Izumo, into an aircraft carrier capable of standoff strike attacks. Izumo is a defensive weapon that detects and repels enemy submarines in the event that Japan is invaded by another country. Nonetheless, by upgrading and equipping it with F-35 fighter jets, Izumo has been transformed into an offensive weapon.

The government has stated that with regards to attacks on enemy military bases, "If it is determined that there is no other option to prevent a missile flying in from another country, it is within the scope of 'self-defense' and is legally possible to attack the military base in which the missile was launched" (Prime Minister Ichiro Hatoyama's response at the Diet in 1951). Each time the Democratic People's Republic of Korea (DPRK) has test-fired a ballistic missile, the members of the Diet, including those from the Liberal Democratic Party (LDP), have called for an Enemy Base Attack Capability, but it has not been implemented. However, following the suspension of the planned deployment of the Aegis Ashore ballistic missile defense system in June 2020, then-Prime Minister Shinzo Abe and the LDP Defense Committee considered and proposed the Enemy Base Attack Capability as an alternative policy. Prime Minister Yoshihide Suga, who has acknowledged his role as the Abe Administration's successor, stated in a cabinet meeting in December 2020 that they will continue discussions on the Enemy Base Attack Capability. Nevertheless,

despite postponing the decision on this issue, the government decided to extend the attack range of Japan's surface-to-ship missiles. If the range of the missile is extended, it can be diverted to attack enemy military bases. The government is now faced with a seeming contradiction in stating that, "Although the policies for the Enemy Base Attack Capability are still under consideration, we will hold weapons that can be used for this attack."

This inconsistency has been present since the 2018 NPDG allowed weapons to have standoff strike capabilities. For example, there is the Joint Strike Missile (JSM), a Norwegian-made missile with a range of approximately 500 kilometers that Japan has begun importing under the defense budget of fiscal year 2018, and the Joint Air-to-Surface Standoff Missile (JASSM) and Long-Range Anti-Ship Missile (LRASM), which are both U.S.-made missiles with a range of approximately 900 kilometers that Japan is considering importing. If the Japan Air SDF launches these missiles from fighter aircraft above the Sea of Japan, they can reach the DPRK; if they are launched above the East China Sea they can reach China.

In the past, the Japanese government stated that "Any offensive weapon that exceeds the minimum force necessary for self-defense is not permitted" (Director General of the Defense Agency Tsutomu Kawara's response at the Diet in 1988). These banned weapons included intercontinental ballistic missiles, long-range strategic bombers, and three types of attack aircraft carriers. However, long-range missiles, including the JSM, have the same effect as the long-range strategic bomber, and the destroyer Izumo is an attack aircraft carrier. As a consequence, the SDF has had offensive weapons that are not permitted by the Constitution.

Weapons are not the only things that are changing. Due to the restrictions of the Exclusively Defense-Oriented Policy, the SDF has been carrying out training in seas and air space within the Japanese territory and its vicinity. In 2016, then-Prime Minister Shinzo Abe proposed the Free and Open Indo-Pacific (FOIP) strategy to counter the Belt and Road Initiative (BRI), a global infrastructure development strategy adopted by the Chinese government in 2013. After this proposal, the training of the Japan Maritime Self-Defense Force (JMSDF) went beyond the Japanese territory and its vicinity. Beginning in 2017, the JMSDF began annual joint training with the U.S. and India called Malabar Exercise. The JMSDF dispatched two destroyers to the Indian Ocean to conduct training that simulate actual warfare. Beginning in 2018, in addition to the Malabar Exercise, the JMSDF regulated the Indo-Pacific Deployment (IPD) every year and dispatched two to three destroyers to the Indian Ocean and the South China Sea for approximately two months. Since then, the training has been based on the premise of using military force.

Especially in the South China Sea, the JMSDF have repeatedly conducted anti-submarine warfare drills to contain Chinese Navy submarines. The military tension between the U.S. and China has been increasing in the South China Sea because the U.S. Navy sent out naval vessels to conduct Freedom of Navigation Operations (FONOPs) in response to China reclaiming atolls to build a military base. The presence of the JMSDF and the U.S. Navy naval vessels in the South China Sea will restrain activity by the Chinese Navy. Additionally, the four countries that make up the QUAD - Japan, the U.S., India, and Australia - are also conducting joint training in the Indian Ocean to restrain the Belt and Road Initiative. The training conducted by the JMSDF in the Indian Ocean and the South China Sea, which is far beyond Japanese territory, is to "prepare for actual warfare" rather than "for the sake of training." Needless to say, the potential enemy is China. It is significant that in the summer of 2021, the Biden Administration ended the 20-year-long War on Terror in the Middle East, thus possibly making U.S. forces available to East Asia.

The 2018 NPDG clearly states the strengthening of the Japan-U.S. alliance and proposes the joint use of the U.S. military bases in Japan and the SDF bases. The Nansei Islands, which stretch out 1200 kilometers from Kyushu to Okinawa, act as a breakwater to prevent the Chinese Navy from advancing to the Pacific Ocean. There are more than 70% of U.S. military-dedicated facilities and bases for Ground, Maritime, and Air SDF on the main island of Okinawa. Furthermore, the Ground SDF has established garrisons to deploy surface-to-ship and surface-to-air missile units on islands scattered throughout the Nansei Islands, such as Amami Oshima, Miyakojima, and Ishigakijima. At the same time, using the Force Design 2030, announced in 2020, the U.S. Marine Corps conducted a major overhaul of its operations and has adopted the Expeditionary Advanced Base Operations (EABO).

EABO deploy small military units to remote islands in strategic locations in advance, to create bases for attack and military supply to stop the Chinese military from advancing to the Pacific Ocean. If a counterattack is expected, the entire military unit will move to another remote island. Although the U.S. military is the strongest regular army in the world, the Marine Corps is trying to engage in guerrilla warfare. When this occurs, the SDF bases in Nansei Islands will be the perfect stepping-stone for the U.S. Marine Corps to operate from.

In conclusion, the role of the SDF has gone beyond the boundaries of the Exclusively Defense-Oriented Policy and is working in unity with the U.S. military to act as a powerful deterrent to the Chinese military. It can be said that the SDF has become a military without constitutional amendments. As a result of the Pacific War, Japan has been trying to maintain peace in Asia through diplomatic, cultural, economic, and human exchanges but these intentions are becoming uncertain.

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