De-/Re-militarization of Japan:

Does Article 9 of the Japanese Constitution prevent Japan’s Sovereignty?

Semiha Karaoğlu

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Dr. Kadir Temiz

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Table of Contents

1  Introduction.......................................................................................................................... 2
2  De-Militarized Japan ............................................................................................................ 3
   a. Article 9 of the Japanese Constitution............................................................................. 3
   b. The Japan Self-Defense Forces....................................................................................... 4
3  Japan’s Vulnerability............................................................................................................. 5
   a. The U.S.-Japan Relations............................................................................................... 5
   b. Japan’s Dependency on the U.S. and Asia-Pacific ......................................................... 6
4  A Possible Re-militarization ............................................................................................... 7
5  The Geopolitics of the US-Japan Alliance......................................................................... 8
6  Conclusion............................................................................................................................. 10
1 Introduction

The present research discusses whether Japan is currently a sovereign state or not. It is plausible to commence by stating that Japan’s sovereignty has been a malleable and contested issue in the 21st century—which derives its roots from the history of the U.S.-Japan relations. The U.S.-Japan relations are of tremendous significance if one is to comprehend whether contemporary Japan is a sovereign polity. Japan—having become a de-militarized country through the pacifist Article 9 of the Japanese Constitution in the aftermath of World War II and the atomic bombings Hiroshima and Nagasaki—has lost its sovereignty.1 Such a thesis may sound contested, given that Japan has never been a colonized state. Historically speaking, Western powers have never formally colonized Japan, yet Japan was a colonizer itself.2 It has, however, experienced formal semi-colonial situations, and Western colonialism has profoundly influenced modern Japan in wide-ranging ways. It is, nevertheless, incontrovertible that Japan has never been a colonized state as it is the case, for instance, the British Raj. Despite having remained a non-colonized country throughout its history, nevertheless, Japan’s extreme dependence on the United States for its defensive security purports that it is not a sovereign nation (discussed in the following paragraphs). Furthermore, the question whether Japan is a sovereign state or not in the 21st century has its origins rooted in the very text of the Security Treaty between the United States and Japan—which is the most quintessential record regarding the Japanese security policies of the United States and the U.S.-Japan relations, given that it is a bilateral agreement. Therefore, it is the Security Treaty between the United States and Japan, along with its 1951 and 1960 revisions that have been the most notable deciding factor in determining whether Japan is a sovereign state or not in the 21st century.

2 De-Militarized Japan

a. Article 9 of the Japanese Constitution

The full text of the article in Japanese:

日本国憲法第二条 第 1 項　日本国民は、正義と秩序を基調とする国際平和を誠実に希求し、国権の発動たる戦争と、武力による威嚇又は武力の行使は、国際紛争を解決する手段としては、永久にこれを放棄する。

第 2 項　前項の目的を達するため、陸海空軍その他の戦力は、これを保持しない。国の交戦権は、これを認めない。

The official English translation of the article is:

ARTICLE 9. (1) 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.

(2) 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.

As is evident in the official English translation of Article 9, the Constitution of Japan suggests harboring no weaponry. Here, the discussed matter is the ‘pacifist’ nature of the Japanese constitution since the post-World War II period. Jansen elucidates the idea in the following statement

General Douglas MacArthur’s headquarters to prepare a new constitution for Japan. One of the few specific instructions the general gave them in handwritten notes was that the document should prescribe a pacifist polity [emphasis added by the author]. Uncertain how to word this, they resorted to the Pact of Paris and used its wording for Article 9 and the renunciation of war. No provision of that document has generated more discussion and debate than these famous phrases renouncing war as a sovereign right, which earned the document the description “Peace Constitution.”

Therefore, Jensen’s words (vide supra) reveal the pacifist nature of the Japanese Constitution due to Article 9. He—like many other policymakers of the time—recognizes that

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the Japanese Constitution is a peaceful one. Consequently, it is beyond doubt that Article 9 of the Japanese Constitution grants Japan with no right to defend itself through an official military army.

b. The Japan Self-Defense Forces

Japan maintains, nevertheless, de facto armed forces, referred to as the Japan Self-Defense Forces. The Japan Self-Defense Forces (自衛隊, Jieitai) are the unified military forces of Japan that were established in 1954 and are controlled by the Ministry of Defense. The establishment of the Japan Self-Defense Forces took place on 19 January 1960 when the amended Treaty of Mutual Cooperation and Security between the United States and Japan corrected the unequal status of Japan in the 1951 treaty by adding mutual defense obligations. The revised agreement required the U.S. to pre-inform Japan of any mobilization by the U.S. Army. Moreover, it prohibited the U.S. from exerting any power on domestic issues within Japan. Although this treaty made it possible for Japan to establish its self-defense force, it is not probable to claim that Japan Self-Defense Forces are military forces, given that JSDF does not go until international territories of water; it can stay only within the borders of its country. Therefore, the outlook on Japan’s constitution suggests that since the beginning of post-war Japan, Japan is dependent on the United States in terms of its all international engagements.

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3日本的脆弱性

a. 美国-日本关系

战争后美国-日本关系的演变可以追溯到1950年代，当时《旧金山和约》在1952年4月28日正式生效，成为战后外交政策的第一个重要里程碑。1950年代也是日本修订《安保条约》的时期。这些两个发展同时表明，“美国与日本的同盟进入了一个新阶段。”藤原解释了这种新一步在美日关系中的作用，指出“美国不再是一个令人畏惧的占领力量，而是成为了一种‘大哥哥’。在这种‘大哥哥-小弟弟’的关系中，两国的国家安全问题成为了1950年代的主要议程。”2

换句话说，战后日本的外交政策是《日美共同安全条约》的产物。在国会和美国占领军政府（SCAP）的领导——由道格拉斯·麦克阿瑟将军和吉田茂——铺平了这一独特的年代在美日关系中的道路，通过安全协议。分析美国-日本关系特别是两国的国家安全政策，明显可以看出现代日本不是一个主权国家，而是由于美国-日本安全联盟。相反，两国之间的安全伙伴关系成为了1950年代的典型特征。”

7 The Treaty of San Francisco (サンフランシスコ講和条約, San-Furanshisuko kōwa-jōyaku), also called the Treaty of Peace with Japan (日本国との平和条約, Nihon-koku to no Heiwa-jōyaku), re-established peaceful relations between Japan and the Allied Powers on behalf of the United Nations to officially end hostilities and to seek redress for actions up to and including World War II.
8 Kazuhiko Togo, Japan’s Foreign Policy, 1945-2003, The Quest for a Proactive Policy, (Boston: Brille, 2005), 55.
9 Kazuhiko Togo, Japan’s Foreign Policy, 1945-2003, The Quest for a Proactive Policy, 55.
10 Kazuhiko Togo, Japan’s Foreign Policy, 1945-2003, The Quest for a Proactive Policy, 55.
prominent powers is a liability on the part of Japan, for Japan has become part of the extension of the domestic and national defense of the United States. Accordingly, it is a give-and-take in terms of the sovereignty of the Japanese state, for it makes Japan like an ‘extension’ of the national defense of another nation. Therefore, the arrangement that Japan made with the United States for the normalization of the U.S.-Japan relations has annihilated Japan’s sovereignty.

b. Japan’s Dependency on the U.S. and Asia-Pacific

This dependency signifies that in case the People’s Republic of China, the Russian Federation, or the Democratic People’s Republic of Korea attack Japan on the Japanese coast, the Japanese government does not have the right to send its army due to the pacifist nature of the Constitution of Japan. The Japanese government, however, would have to demand the United States to defend its territorial waters, for the Security Treaty between the United States and Japan grants the U.S. the right to defend Japan in case of an international attack. Therefore, this dependency of Japan on the U.S. makes the military power of the United States vital for the country. The alliance with the United States in the 21st century, in this view, serves as the sole option for Japan to be able to defend itself in case of an attack—allowing Japan ‘international security.’ That the United States is the only opportunity for Japan to protect itself, nevertheless, has made Japan extremely reliant on its relations with the United States since the beginning of the post-war era; Japan and the United States, today, have to remain close to one another. Japan’s reliance and dependence on the United States, henceforth, answers the question, ‘If contemporary Japan is a sovereign polity.’ Even though Japan is—or has not been a colony throughout history—it’s reliance on the United States to defend itself signifies that it is not a sovereign polity.

The principles of the Japanese foreign policy—with its dependency on the United States—suggest that Japan has to have amicable relations with the People’s Republic of China,
South Korea, and other Asian states such as member countries of the ASEAN. Only then can Japan act as a regional power. The Japanese foreign policy due to Article 9 also reveals that Japan’s international relations with the United States are beyond cooperation; it is a total military dependency through which it is evident why Japan is dependent on the United States. Not only is Japan dependent on the United States, but also the United States, in some way, is dependent on Japan. Regarding all the countries in Asia—especially the three great powers, Japan, the People’s Republic of China, and the Russian Federation—only Japan can make—and makes—the United States global power in the Asian political context, given the relations of the United States with either the People’s Republic of China or the Russian Federation. Therefore, it is possible to infer that the United States-Japan relations prevent Japan from becoming a completely sovereign state even though it is not a colonized nation.

## 4 A Possible Re-militarization

The Japanese government, with the enactment of the Constitution of Japan on 3 May 1947 as a new constitution for a post-war Japan, give up the right to wage war as a sovereign power. People with actual independence voluntarily disregarded their legal right to sovereignty for *casus belli*—meaning the right to wage war. The current Constitution of Japan, as mentioned above (see page 3), asserts that Japan will not hold a military force to solve its international obstacles. Modern elites of Japan have so far been content with the pacifist amendment, and historically speaking, wanted the Occupation Government to remain during the post-World War II atmosphere to be able to concentrate more on Japan's industrial extension than allocating budget for the nation's military power. In other words, Japanese political elites aimed at an economic surplus that would generate a flourishing Japanese
middle-class. Thanks to the idea, Japan witnessed an economic boom—which the literature would, later on, refer to as the Japanese Economic Miracle.

What one needs to understand in contemporary Japan is that since the end of the Cold War, the project suggesting Japan's concentration on its economy rather than its military power no longer works. Currently, in contemporary Japan, there is an economic and socio-political domestic transformation—which creates conflict as to this pacifist constitution. The obstacle Japan faces now is that the Liberal Democratic Party\(^\text{11}\) and the next generation in Japan, they want to dispense with the pacifist article. In other words, they aim for the amendment of Article 9 of the Constitution of Japan. Liberal Democratic Party and its members even prepared a draft, put it on their website, and created a public survey. However, 54% oppose revision of Japan's pacifist Constitution under Abe's watch\(^\text{12}\); they opted for no amendment in the Constitution of Japan—which is a prominent manifestation of the indecisive, transitory environment into which Japan is moving.

### 5 The Geopolitics of the US-Japan Alliance

Japan's dependency determines the geo-economics of the country. The dependence of Japan on maritime traffic, which passes through the Indian Ocean, the South China Sea, and the Strait of Malacca, creates a distinct synopsis. In other words, the Indian Ocean, the South China Sea, and the Strait of Malacca are susceptible to international influences and beyond the Japanese navy’s ability to secure them. As such, Tokyo follows a subjugated foreign policy in which a maritime dependent nation endeavors to ally itself with global naval power. The task

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\(^{11}\) The Liberal Democratic Party of Japan (自由民主党, Jiyū-Minshutō), frequently abbreviated to LDP or Jimintō (自民党), is a conservative political party in Japan that has almost continuously been in power since its foundation in 1955.

of global power is to ensure the security of maritime traffic. In return, the smaller nation alleviates the needs of the more glorious power. It is a relationship based on Japan’s self-interest and cultivated in the US-Japan Alliance. In other words, to safeguard its maritime shipping, Tokyo relies on Washington for its naval security, and to ensure American cooperation, Tokyo has to advance itself invaluable to Washington. To that extent, Japan has helped to preserve the strength of the US Dollar through favorable exchange rates, and it has rendered humanitarian support in Afghanistan and Iraq.

Officials in Tokyo have expressed an aspiration to become militarily and economically independent. However, given the geopolitical circumstances, it is a gradual process whereby rushing is futile. For now, Japan—like various other nations—is part of the American hegemony. In return, Washington guarantees the maritime security of Tokyo, which is essential to Japan’s status. Henceforth, Japan’s relations with the United States have also become detrimental towards the People’s Republic of China and the Russian Federation. Of the two massive powers, China is the more immediate threat, for following the outcome of World War II, the relations between Tokyo and Beijing became determined by two essential factors. China supplied Japan with raw materials and labor-intensive manufactured commodities, while Japan supplied China with high-end technology and services. However, in the last few decades, China underwent an extensive process of industrialization. As such, Beijing is now competing with Tokyo for the same resources and raw materials to fill their respective economies.

The experts on Asia-Pacific expect a shift in China in the next few decades. Consequently, China will shift from an export-driven economy to a domestic consumption-based economic model, which will only accelerate the need for resources. In this context, an increase in the Chinese-Japanese rivalry in time is also present. All in all, considering the mountainous and sparsely populated landscape of Japan, it took the country centuries to form a coherent central government. Hence, maintaining that central authority in the home island is
Tokyo’s primary geopolitical objective—followed by several secondary aspirations, which include the following. First, Tokyo must secure the pathways into the Japanese home islands by establishing the firm stronghold in the Ryukyu Islands, as well as South Korea and Taiwan. Since the latter two are components of the American coalition, Japan has the luxury to remain passive on this issue. The next task for Tokyo is to restrict immediate access to foreign navies by gaining control over the Kurile and Sakhalin Islands. However, this objective remains beyond Japan’s capacity, and thus, remains unfulfilled. Nevertheless, should Russia ever experience another alteration of its borders, then Japan could seize the moment and gain control over the Sakhalin Islands and push over as far north as possible in the Kurile Islands. The final objective for Japan is to secure its maritime trading routes for raw materials and energy resources. Since this is beyond Tokyo’s means, Japan must instead extract security guarantees from the United States, and to accomplish this objective, Tokyo must retain US support while marginally pursuing an independent foreign policy.

6 Conclusion

Drafted under occupation, the Constitution of Japan has long divided Japan’s right and left. For the right-wingers, it was renowned as “MacArthur’s Constitution,” a reference to the American general who led the Allied Occupation of Japan after World War II. For the left-wingers, it became known as the “peace constitution,” the document that eradicated the prewar military’s hold on the Japanese state and committed Japan to a path of peace with its neighbors in the wake of a failed experiment with imperial conquest. However, the prevailing consensus was that Japan was not a sovereign country. Firstly, Japan regained its sovereignty on paper

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after it signed the Treaty of San Francisco with the Allied Powers on 8 September 1951—which recognized Japan as a sovereign nation and as a country that had the right to enter into collective security arrangements. Secondly, the Charter of the United Nations recognized that all nations possess an inherent right of individual and collective self-defense.”

Thirdly, Japan was, and still is, not a colonized state. Despite the legality of all these documents mentioned above, Japan still holds liability in terms of its national sovereignty; it has to rely on the United States to protect its territorial waters in case of an international attack. Although the revisions allowed Japan to attain Japan Self-Defense Forces, JSDF is not of international but regional nature. Henceforth, it is not plausible to perceive Japan as a sovereign state in the 21st century as long as it depends on the United States for its security policy, or as long as it does not amend the Article 9 of its post-war constitution.

Bibliography


