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The Meaning of Nationalism in Japan Today (2)

By ITO Kenichi

3. The International Peace Cooperation Law – A “Path toward Militarism”?

There is not enough room here to examine all of the phenomena suggested as “problematic,” but let me try to examine the nature of the International Peace Cooperation Law that so concerned the people of South Korea. It is worth mentioning that in the eight years since the law was enacted in 1992, there has been absolutely no indication of a resurgence of militarism as a result of the application of this law in Japan.

When the Iraqi forces invaded Kuwait and the UN Security Council imposed sanctions on Iraq, the Japanese Self-Defense Forces (SDF) could not cooperate in this effort because such actions were not permitted under Japan’s legal system. Although Japan contributed \$13 billion to the effort, this pecuniary contribution of Japan was not appreciated by the international community. Germany likewise glossed over the issue by contributing \$12 billion. Germany, by a resolution of the German Federal Constitutional Court, has adopted an interpretation of the law that says “the deployment of German forces outside the NATO region is not unconstitutional.” During the conflict in the former Yugoslavia, Germany sent in several thousand ground troops accompanied by Leopold II tanks, and its Tornado bombers were used in the NATO air strikes.

How did Japan respond, by contrast? With the 1992 International Peace Cooperation Law. However, more than anything else, this law absolutely prohibits the SDF from participating in military sanctions, such as those imposed during the Gulf War, and in the conflict in the former Yugoslavia. Consequently, it lacked from the outset the option of sending anything like the Leopold II tanks or Tornado bombers that Germany did. It goes as far as opening up the possibility for SDF cooperation in UN Peace Keeping Operations (PKO), but stops short of going beyond, for it is a product of such a compromise that the political intent to either participate in or not participate in those operations still remains unclarified.

Traditional UN PKOs have been developed on the so-called “four principles”(a cease-fire must be in place, the parties to the conflict must have given their consent to the operation, the activities must be conducted in a strictly impartial manner, and the use of weapons shall be limited to the minimum necessary to protect the life or person of the PKO personnel), although PKOs in recent years have been initiated in response to fluid conditions in regional disputes and

have been less concerned with these four principles, but Japan's International Peace Cooperation Law has added a fifth principle with further rigidity to the original four (participation may be suspended or terminated if any of the above [the first, second, and third] principles ceases to be satisfied). Also, deeming the fourth principle to be insufficient on its own, this law permits the use of weapons only when the individual peacekeeper feels it is necessary to engage in self-defense and prohibits the PKO commander from making that judgment. It also prohibits peacekeepers from using military force to protect non-Japanese PKO members involved in the same operation. Consequently, Japanese PKO members "are protected by non-Japanese PKO members, but will not protect non-Japanese PKO members." In 1998, a minor revision was made as it was evident that this was too removed from common sense, but otherwise the law remains basically unchanged.

However, this is not even the most surprising thing about Japan's International Peace Cooperation Law. Traditional operations carried out by UN PKOs are cease-fire monitoring, buffer zone patrols, weapons inspections, weapons disposal, cease-fire assistance, and prisoner exchanges, and thus these operations are referred to as "PKO operations proper," but oddly, when Japan's International Peace Cooperation Law was enacted, the implementation of these "operations proper" had to be suspended, as the law stated that "the application of this law to those 'PKO operations proper' is suspended until new legislation is enacted." For this reason, all of the PKOs that Japan has participated in thus far have been behind-the-front logistical operations such as humanitarian aid and facility repair. This is what I was referring to earlier when I stated that the International Peace Cooperation Law does nothing at all to clarify the political intent to either participate in or not participate in those operations.

4. Japan - Not a "Normal" Nation

However, Japan's abnormalities are not limited to the way it has responded to UN Peace Keeping operations. These are emerging in all areas of the Japanese state and society as an accumulation of contradictions over the 50 years of the postwar period. If we look back at their source, we find that all of them are penalties for not resolving the various contradictions inherent in the creation of the Japanese state under the US occupation, but are also contradictions that we ourselves have magnified into their present scale. For example, the reforms imposed by General Douglas MacArthur that abolished *gunbatsu*, *zaibatsu*, absentee landowners, and the peerage served to ensure the democratization of Japan, and without them the postwar economic miracle probably would not have been possible. Consequently there is no argument advocating a criticism of these reforms. The prohibition against Japanese aggression imposed by Article 9 of the Constitution was also a natural outcome.

However, was it right to rule that "land, sea, and air forces, as well as other war potential, will never be maintained" and thus to prohibit Japan from maintaining otherwise legitimate self-defense forces? For a long time, the SDF has not been an independent military force of an independent state, and one can argue that the same is true even today. The maritime SDF, especially, did little more than

play the role of an anti-submarine unit for the US 7th fleet. The SDF does not have the capabilities of either planning or carrying out effective military operations for themselves. They rely on the US forces not only for weapons, but also for everything from intelligence to communications. They are in fact almost a part of the US military. Some might argue that this is also the case, to some degree, with other countries' forces, due to the current collective security structure. However, looking at the debates and haggling that occur between members of NATO, and especially looking at not only the special case of France but that of other countries as well, there is no case as serious as that of the Japanese SDF. There is a huge difference in degree. The problem is that because the SDF is not a military force recognized by the Constitution, it has not been given the necessary functions, systems, and rights needed for fulfilling its responsibility of defending Japan. The SDF has neither a court-martial nor military police. Even when classified military information is leaked, the cases are tried in civilian courts, and arrests are made by the civilian police. Because the Constitution does not include stipulations for a state of emergency, if an invader attacked, and SDF tanks were deployed, they would be unable to enter private property without permission. Does simply correcting these problems put us on a "path toward dangerous militarism?" Critics who argue that the New Guidelines for Defense Cooperation constitute a "path toward dangerous militarism" say it does.

If you are one who believes that Japan should continue to be a pariah of the international community and that the domestic systems and international rights that are recognized in "normal nations" should not be recognized in Japan, that is another story, but to the extent that you are not, phenomena like the International Peace Cooperation Law, the New Guidelines for Defense Cooperation (the Law on [Emergency] Situations in Areas Surrounding Japan), the Law on the National Flag and National Anthem, the Wiretapping Law, the response to suspicious ships in Japanese waters, Japan-US cooperation on TMD development, the Diet Investigation Committees on Constitution, Kobayashi Yoshinori's "*Senso-ron*", Nishio Kanji's "*Kokumin no Rekishi*", statements made by a former Parliamentary Vice Minister of the Defense Agency Nishimura Shingo, Prime Minister Mori's "divine nation" remark, and the election of Tokyo Governor Ishihara pose no problems, and are "normal debates" and "normal phenomena" that occur in nations around the world. Why is it that, for some reason, it is only in Japan that these are falsely cited as indications that "Japan is experiencing a resurgence of dangerous militarism?" (Continued)

(This is the reproduction of an article written by Prof. ITO Kenichi, President & CEO of the Japan Forum on International Relations, and carried by the January / February 2001 issue of "Journal of Japanese Trade & Industry.")