

Chapter 2

The Basics of Japan's Defense Policy

- Section 1. The Basic Concepts on Japan's Defense Policy
- Section 2. The National Defense Program Guidelines and Defense Build-Up
- Section 3. Framework for Responses to Armed Attack Situation and Other Situations
- Section 4. Toward an Organization That Can Take on New Roles



Prime Minister Koizumi giving a speech at the air review



F-15 fighter



Volleying of Type-99 155mm self-propelled howitzers



Loading an air cushioned landing craft on a transport vessel

Section 1. The Basic Concepts on Japan's Defense Policy

This section describes measures to guarantee Japan's security, the relationship between the Constitution and the right of self-defense, and the basis of Japan's defense policy.

1. Measures to Ensure Japan's Security

Peace and security are indispensable for ensuring that lives and property of the people are protected allowing them to live without anxiety, and that the nation can continue its development and prosperity. In addition, the independence of a country should be safeguarded, in order for the country to determine its political, economic, and social directions on its own initiative, and to preserve its culture, tradition, and sense of values.

Peace, security and independence are not brought about merely by wishful thinking. The international community is today witnessing deepening of interdependent relations. In view of this situation, the only way for Japan to obtain peace, security and independence is to take comprehensive approach, including diplomatic efforts, Japan's own-defense efforts, cooperation with allies and various other measures, as well as its own defense forces. In particular, given the fact that Japan is heavily dependent on other countries for many resources and has its basis for development and prosperity on free trade, sustained peace and cooperation within international society is therefore extremely important for Japan.

Japan is making efforts to promote both regional cooperation in the Asia-Pacific region and global cooperation through organizations such as the United Nations (U.N.), while strengthening bilateral cooperation with other countries, including the Japan-U.S. Alliance¹. Moreover, Japan is working to prevent and resolve disputes and hostilities, bring about economic development, promote arms control and disarmament and help deepen mutual understanding and trust.

Also within the country, Japan has striven to build the foundation of security by seeking to bring stability to national life, engendering in its people a spirit to defend their country, and implementing various measures in the fields of economy, education, etc. to prevent the kind of unguarded moment that could lead to foreign aggression.

Given the reality of the international community, however, these efforts alone are not always enough to obviate the threat of real aggression by an outside force and could not repel such aggression if, in the worst-case scenario, Japan were actually to be the subject of aggression. It is therefore difficult to guarantee the security of the country purely by non-military means.

Defense capability is in itself an expression of a nation's will and ability to repel aggression, and provides the ultimate guarantee of a country's security, and its function cannot be easily replaced with any other means. For these reasons, the Government has made efforts to build an appropriate defense capability and upheld the Japan-U.S. Security Arrangements, thereby improving the credibility of those arrangements and allowing the Government to adopt watertight defense measures. Moreover, the role of defense capability has become increasingly important, in terms of peacekeeping activity, reconstruction assistance and other efforts to im-



Prime Minister Koizumi shaking hands with a graduate at the graduation ceremony of the National Defense Academy for FY 2005

prove the international security environment and so as to prevent any threat from reaching the country.

With the recognition of the important role played by defense capability, Japan will make utmost efforts in various fields to guarantee the security of the country. At the same time, Japan will work to achieve peace and security in the Asia-Pacific region and eventually those in the rest of the world, which provides the pre-conditions for the security of Japan.

2. The Constitution and the Right of Self-Defense

(1) The Constitution and the Right of Self-Defense

Determined never to relive the miseries of war, Japan has made every effort to build itself into a peace-loving nation since the end of World War II. Lasting peace is the most earnest wish of the Japanese people, and the idea of pacifism is enshrined in the Constitution, of which Article 9 sets forth the renunciation of war, non-possession of war potential, and a denial of the right of belligerence by the state. Nonetheless, as long as Japan remains as independent nation, it is recognized beyond doubt that these provisions do not deny the inherent right of self-defense that Japan is entitled to maintain as a sovereign state.

Since the right of self-defense is thus not denied, the Government interprets this to mean that the Constitution allows Japan to possess the minimum level of armed strength needed to support the exercise of that right. On the basis of this understanding, the Government has, as part of its exclusively defense oriented policy for national defense under the terms of the Constitution, maintained the Self-Defense Forces (SDF) as an armed organization, continued to equip it, and sought to prepare it for operational use.

(2) The Government's View on the Significance of Article 9 of the Constitution

1) Self-Defense Capability Permitted

The self-defense capability that Japan is permitted to possess under the Constitution is limited to the minimum necessary level.

The specific limit may vary depending upon the prevailing international situation, the standard of technologies available, and various other factors, and it is decided through deliberations concerning annual budgets, etc. by the members of the Diet, which represents the people. Whether the said capability should be regarded as the "war potential" that Japan is forbidden to possess under Article 9, Paragraph 2 of the Constitution is a matter to be considered within the context of Japan's total military strength. The question of whether the SDF should be allowed to possess certain specific armaments will thus be settled by deciding whether or not the possession of such armaments would cause its total military strength to exceed the constitutional limit.

Among such armaments, possession of those that are characterized as offensive weapons that, by the nature of their performance, are intended to be used only for the mass destruction of another country, would in any case mean that the parameters of the minimum necessary level were exceeded by definition; thus, under no circumstances are these weapons permissible. The SDF is therefore, for example, not allowed to possess Intercontinental Ballistic Missiles (ICBMs), long-range strategic bombers, or attack aircraft carriers.

2) Conditions for the Exercise of the Right of Self-Defense

From the past, the Government has interpreted that the use of armed force is permissible as a means to exercise the right of self-defense under Article 9 of the Constitution only when the following three conditions are met:

- i) there is an imminent and illegitimate act of aggression against Japan;
- ii) there is no appropriate means to deal with such an act of aggression other than by resorting to the right

of self-defense; and
iii) the use of armed strength is confined to the minimum necessary level.

3) Geographic Boundaries within which the Right of Self-Defense May Be Exerted

The use of minimum necessary force to defend Japan in the exercise of the right of self-defense is not necessarily confined to the geographic boundaries of Japanese territory, territorial waters and airspace. It is, however, difficult to give a general definition of the actual extend to which the use is allowed, as this would vary according to the details of the case.

The Government, however, believe that the Constitution does not permit the dispatch of armed troops to foreign territory, territorial waters and airspace with the aim of using force, because such an overseas deployment of troops would generally go beyond the limits of the minimum necessary level of self-defense.

4) The Right of Collective Self-Defense

It is recognized under international law that a state has the right of collective self-defense, which is the right to use actual force to stop an Armed Attack on a foreign country with which it has close relations, even when the state itself is not under direct attack. Since Japan is a sovereign state, it naturally has the right of collective self-defense under international law. The Japanese Government, nevertheless, believes that the exercise of the right of collective self-defense exceeds the limit of self defense authorized under Article 9 of the Constitution and is not therefore permissible under the Constitution.

5) The Right of Belligerence

Article 9, Paragraph 2 of the Constitution provides that "the right of belligerence of the State shall not be recognized." Yet here, the "right o belligerence" does not mean the right to exchange hostilities; rather, it is the general term for various rights a belligerent nation has under international law, including the authority to inflict casualties and damage upon the enemy's military force and to occupy enemy territory.

On the other hand, it is recognized as a matter of course that Japan should use the minimum level of force necessary to defend itself. For example, if Japan inflicts casualties and damage upon an enemy's military force in exercising its right of self defense, it will not constitute the exercise of the right of belligerence, although there may be seemingly no differences in what was actually done. The occupation of the enemy's territory, however, exceeds the limits of the minimum necessary level of self-defense and is, therefore, not permissible.



The Senior Vice-Minister for Defense Kimura making a round
(Aomori garrison)

3. The Basis of Defense Policy

(1) Basic Policy on National Defense

The defense policy that Japan has pursued under the Constitution is based on the Basic Policy on National Defense, adopted by the National Defense Council² and approved by the Cabinet in May 1957.

The basic policies stated in the Basic Policy on National Defense are to first establish the foundation of security by promoting the efforts for international harmonization and peace as well as by achieving political stability and stabilizing the livelihood of the people, and then to establish efficient defense capabilities and

to maintain the Japan-U.S. Security Arrangements as the base.

(2) Other Basic Policies

Under the Basic Policy on National Defense, Japan has been making efforts on its own initiative to build a modest defense capability under the Constitution in accordance with the fundamental principles of maintaining an exclusively defense-oriented policy and not becoming a military power that might pose a threat to other countries, while adhering to the principle of civilian control of the military and observing the Three Non-Nuclear Principles, together with firmly maintaining the Japan-U.S. Security Arrangements.

1) Exclusively Defense-Oriented Policy

The exclusively defense-oriented policy means that defensive force may not be employed unless and until an armed attack is mounted on Japan by another country in which case, it must be limited to the minimum level necessary to defend itself, and furthermore that the extent of the defense forces retained and the use of these forces should be kept to the minimum level necessary for self-defense. This exclusively defense-oriented policy thus refers to a passive defense strategy that is consistent with the spirit of the Constitution.

2) Not Becoming a Military Power

There is no established definition for the term "military power." For Japan, however, not becoming a military power that might pose a threat to the security of other countries means that Japan will not possess military forces over the minimum level necessary for self-defense and enough to pose a threat to other countries.

3) Adherence to the Three Non-Nuclear Principles

The Three Non-Nuclear Principles are those of not possessing nuclear weapons, not producing nuclear weapons, and not permitting the introduction of nuclear weapons into Japan. Japan adheres to the Three Non-Nuclear Principles as a fixed line of national policy.

Japan is prohibited from manufacturing or possessing nuclear weapons also by the terms of Atomic Energy Basic Law³. In addition to this, Japan ratified the NPT(Treaty on the Non-Proliferation of Nuclear Weapons), in 1976, placing itself under the obligation as a non-nuclear weapons state, not to produce or acquire nuclear weapons⁴.

4) Ensuring Civilian Control of the Military

Civilian control of the military refers to the precedence of political will over the military and to democratic political control of the military in a democratic state.

Partly by learning lessons from what happened in the country up to the end of World War II, Japan has adopted the following systems of uncompromising civilian control that are entirely different from those that existed under the former constitution⁵. Civilian control ensures that the SDF is developed and run in accordance with the will of the people.

The Japanese people are represented in the Diet, which makes legislative and budgetary decisions on matters such as the authorized number of SDF personnel and principal institutions of the SDF. It also approves defense operations.

Administration work related to defense falls entirely under the authority of the Cabinet as part of its general administrative functions. The Constitution requires the Prime Minister and other Ministers of State who make up the Cabinet to be civilians. The Prime Minister, acting on behalf of the Cabinet, holds the authority of supreme commander in control of the SDF. The Director-General of the Defense Agency (hereinafter,

"Minister of State for Defense"), who exercises general control over SDF activities, is appointed from among the Ministers of State. The Security Council of Japan⁶ is established within the Cabinet as an organ to deliberate on important defense matters.

The Minister of State for Defense is assisted in planning the administration and management of the SDF by the Senior Vice Minister for Defense and two Parliamentary Secretaries for Defense⁷

As mentioned above, a system of civilian control of the military has been established, and for the system to work successfully, it requires continued political and administrative efforts as well as public interests in defense issues.



Parliamentary Secretary for Defense Takagi making a round
(at the event for his arrival)