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The Question of Japan's Right to Collective Defense within "Globalization and Empire"

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Tanaka Shûsei

Good afternoon. It is an honor to be able to present my views today with this group of eminent scholars.

Before I begin, I ask for your understanding on one point. Because of my current affiliation at Fukuyama University, perhaps I should try to contribute to this debate as a university faculty member, but my current status is a bit like facial cosmetics. Underneath this make-up, I am a politician, so it is from that perspective that I would like to talk today. For that reason, I will speak from my own experiences, and rather than comment about the opinions of others, I will put forward my own argument.

In addition, I ask for your indulgence on one other matter. I am not sure my remarks will fit within the parameters of this symposium, but because this is a valuable opportunity, I would like to say what I have prepared and leave it at that.

The Background to the Debate over the Constitution

I was very surprised when the leader of the Democratic Party, Kan Naoto, stated at the party's recent conference that the party would announce proposed revisions to the constitution by 2006. I don't think this decision was based on the opinion that the constitution must be revised. Rather, because the debate within the government has been getting lots of attention, Kan probably decided that if the Democratic Party did not join in the debate then party members might start lose their confidence or that fissures within the party might develop, and that eventually the party was going to have to face the issue of constitutional revision, so it might as well do so sooner than later. In other words, this was a preemptive attack for self-defense—or pragmatism on the part of Kan.

I don't think that the existing constitution is perfect. I do think that someday it will need to be revised, and that the opportunity will present itself eventually. Now is not the time. A new constitution should not emerge until after a full-fledged debate about what the appropriate course for Japan is after the Cold War, about Japan's proper position within international society, and about what kind of country Japan ought to be has taken place and a consensus has emerged. Because the Democratic Party itself has not reached a conclusion about these important issues and not gained the trust of the public, it is not possible for the party to contribute to constitutional revision, so now it not the time for the party to be engaged in drafting such a proposal.

The reason that constitutional revision has become an issue is due to the realist demands of the ruling government parties. These demands originate from the question of the "exercise of the right of collective self-defense." For the government, this is a pressing issue. If the Democratic Party joins this debate it will result in the opening of a Pandora's box, and the result will be inconclusive and result in an escape from the larger questions facing Japan. If the debate proceeds without a debate and consensus about what path Japan should take, even if the constitution is revised, the result will be inconclusive.

For a long time I have insisted that historically “new constitutions are the product of a new era.” I cannot think of a single exception when this was not the case. It is ordinary for a new era to produce new constitution. The Meiji period produced the Meiji constitution, and the postwar system produced today’s constitution. I cannot think of any examples of a new constitution producing a new era.

Therefore, in my view an attempt to change the basic law of the land even though the power and governing structure and system has remained unchanged is simply a strategy to extend the life of the current governing system. I think that the current process is likely to have that result, and that a more fundamental shift in the system is necessary before things will really change.

The Democratic Party pledges that it is aiming for a “constitution that will wrestle power away from the bureaucracy.” I think that this is a worthy goal, but this can be done under the existing constitution. If politicians are unable to wrestle power away from the bureaucrats under the existing constitution, they will not be able to do even after changing the constitution. If they first win the public’s trust by succeeding in wrestling power away from the bureaucracy, then the prospects for successfully revising the constitution will emerge.

The ruling government parties would like to explicitly write the “exercise of the right of collective self-defense” into the constitution. I don’t understand why during the general election the pros and cons of the right of collective self-defense were not seriously debated. What I really find suspicious is why this debate did not take place during the election last year rather than emerging now after the election.

The Complementary Relationship Between the Constitution and the UN Charter

It is my understanding that the Japanese constitution and the UN Charter have a complementary relationship in regards to the issue of the right of collective self-defense. The two are historically connected. In 1945, the UN Charter was announced, and during February of the next year most of the work on the drafting of the constitution was done. Soon after this, Churchill—who Professor Dore just mentioned—delivered his Iron Curtain speech, which was a sign of the coming Cold War between the East and West.

In other words, the Japanese constitution was created with the presupposition that the UN Charter would function, and without an assumption that a standoff would develop between the United States and the Soviet Union. To put it more concretely, the constitution was drafted under the presumption that, as outlined in Chapter 7 of the charter, the United Nations would militarily punish rogue states.

Soon after the end of the Gulf War and before Miyazawa Kiichi became prime minister, I helped him write “The Creation of a Permanent United Nations Army and Wide-scale Disarmament” for the magazine *Gekkan Asahi*. During the writing of this piece, Miyazawa insisted that the article argue that all soldiers and units in such an army be considered international civil servants, like the employees of the United Nations. There was some disagreement on this point between Miyazawa and I, but he was adamant on this issue.

As we prepared the essay, the two of us took the time to once again carefully research the process by which the Japanese constitution was created. This is what we concluded: “On the basis the UN Charter, international society was to act as police that would chasten any rogue states. Therefore, it was unnecessary for states to engage in duels or to strike out at other states on their own in the name of self-preservation. Until this system matured, it was okay for states to exercise the right of self-defense. This privilege was derived in the ‘right of individual self-defense’ and the ‘right of collective self-defense’ as spelled out by the charter, but this right was understood as transitory. Because this was the case, it was reasonable for we in Japan to completely disarm. If anything happened, Japan believed that the United Nations—international society acting as the police—would protect us.”

However, the Cold War worsened with the victory of the communists in the Chinese civil war in 1949 and conflict on the Korean peninsula that erupted the following year. In the eat-or-be-eaten conditions that developed, only Japan was unarmed. And the international police, which Japan had placed its hopes in, did not function as promised. So in order to protect itself, Japan created the smallest unit possible for its own defense in the form of the National Police Reserve, the Police Reserve Force, and then the Self-Defense Force. In addition, Japan entered into the US-Japan Security Treaty, a bilateral, if abnormal, alliance.

For these reasons, I thought that the close of the Cold War signaled another chance for the United Nations to assume its policing and collective security functions. When I expressed this opinion to Miyazawa, he would reply, “Right on, the United Nations should create a standing army as quickly as possible.”

We then transferred this vision into the essay. At the time, Miyazawa was enthusiastic about playing a leading role in the new government, so with this in mind I prepared the article. That autumn, Miyazawa became prime minister and formed a cabinet. Because of that experience, I have doubts about the current debate about collective self-defense.

Although it may not need to precisely follow the parameters of Chapter 7 of the UN Charter, I think that Japan should promote efforts to create a collective security system and strengthen the policing functions of the United Nations. Japan ought to work to make this happen, and in the case that such a system is created, it ought to participate. In other words, for a long time I have thought that Japan ought to take a leadership role in guiding the world to a new order that completely leaves behind an era in which the right to individual and collective self-defense is needed.

Why Collective Self-Defense is Unnecessary

For a number of reasons, I think the right of collective self-defense is unnecessary for Japan. It is highly convenient that the existing constitution does not recognize the right collective self-defense. If we had a constitution that recognized this right, I would even urge that the constitution be revised so that it would no longer be recognized.

The first reason why I think the right of collective self-defense is unnecessary pertains to the question of whether the clear possession of this privilege by Japan would lead to

greater peace and security in Asia, particularly in East Asia. I think it would not. If Japan has this right, I think it will contribute to greater instability in East Asia.

Another reason is related to the nature of collective self-defense, of which there are two types or two forms. When we think about collective self-defense, we need to think in the most concrete terms as possible. Joining in an alliance with an average country like Canada or Korea is an entirely different matter than aligning oneself with a superpower. The difference can be counted in terms of the frequency that the country goes to war, and the level of flexibility and equality allowed by the treaty that defines the alliance. One can think of this in relation to democracy between nations. We can anticipate that an alliance with a superpower will mean that a country is faced with projecting its military power to many of the world's battlefields on a regular basis. I question whether we are prepared to do this?

Perhaps a golfing metaphor might be useful. If America were the golfer, then would Japan not be the caddy? The caddy asks the golfer, "What golf course will we go to next?" If the golfer replies, "I have not decided," the caddy can only say, "Oh, is that so. Well, I will accompany wherever you go." In such a relationship, the right to collective self-defense will not lead to an equal relationship.

If strengthening the US-Japan alliance means a desire for the right of collective self-defense, I think we are mistaken. We need to think about this issue more carefully.

Two Paths—A World Republic and a World Empire

I think there are two paths, or two currents, in the international security system in the post-Cold War era. At any rate, the world will probably, or be forced to, converge into one of these paths during this century. This is because there are many problems that demand a global solution, as highlighted so well by the outbreak of SARS.

These two paths can be divided cleanly into one that leads toward a world republic and the other leading toward a world empire. By a world republic, I mean a situation in which the free will, sovereignty, culture, and traditions of each nation are respected and there is equality among nations.

On the other hand, by a world empire I am referring to a situation where a single state controls the world through military power. If this was going to happen, it would have been best if Napoleon would have accomplished it some 200 years ago, because if he had been able to bring the world under his control before the development of weapons of mass destruction, then he might have been able to create a world devoid of war. Now, however, even if such an empire is created, wars would not disappear, and an attempt to create such an empire would be marked by incredible devastation. Anyhow, the creation of such an empire now is probably impossible, so it would be best if the world concentrated on strengthening the United Nations in concrete ways through steady consensus building. For that reason, I think this century will see efforts to integrate the world into a world republic or something similar.

Perhaps this is the aim of the Bush administration. Maybe they are trying to create a new order, a sort of network of countries connected by agreements of collective self-defense

with the United States, so that America is positioned as the atom at the center linked in individual alliances with each country. If this is the case, then the United Nations will surely whither away.

After the speedy end of the invasion of Iraq and U.S. troops had knocked over Hussein's statue, a number of former Japanese Foreign Ministry officials repeatedly asserted in various magazine articles that the "United Nations was now irrelevant." It appears that they believed that a new world order would be formed in the wake of America's moves, which would make the United Nations impotent. I too thought the Bush administration was attempting to close the United Nations as if it were shutting an umbrella.

For some countries, alliances are more important than membership in the United Nations, so participation, for example, in the "coalition of the willing" is an imperative.

The current United Nations is still extremely immature, despite years of difficult struggles and sacrifices. The two paths now available are to try to nurture the current system, or to abandon it and forcefully bring about integration through different means.

There are at least three forces that block the path toward a world empire, and for these reasons a world empire will not emerge. The first force is the power of China, which seems to prefer keeping a distance from America. The United States will not be able to manipulate China's economic or political power even if it is ascendant, and China will not fall in line with American hegemony. Even more important, Islamic power will not conform to American leadership. The more the Bush administration appears to be leading a coalition force of Jews and Christians, the less willing Muslims will be to follow American initiatives.

The third force that will stymie any attempt to create a world empire is international popular opinion. Public attitudes in mature democratic states, including the United States, Britain, and Japan, will not accept such efforts by the Bush administration. Resistance in many countries is already evident. Governments may follow along, but because the people have the power to at least change the government through elections, any attempt to create a world empire will collapse in midstream.

In fact, it has already collapsed. And America, the only country that could possibly lead and that possesses the conditions to gain the respect of the entire world is wandering in the clouds of anti-American feelings created by the collapse. It is a huge loss for the United States to not be trusted by international society. For that reason, I wonder why Koizumi did not say to the United States, "You are going to fail, so don't do it."

It is of course too late to be saying such things, but just before the Iraq War began I appeared on a television program and declared that, "If the United States launches an attack, this will be condemned by history," and "If Japan supports this war, that too will be condemned by history." These mistakes cannot be corrected, but because this is not directly relevant to today's theme, I hope we can talk about it afterward.

When I examine democracy, I see three different layers, or three different qualities of democracy. The first is democracy in each country. This is what we could call "domestic democracy," which includes the various elements of democracy pertaining to economics, human rights, and political procedures. Domestic democracy takes many

forms. There is the democracy of the Democratic People's Republic of Korea, and of course there is America that greatly values democracy.

In addition to internal democracy, there is also "stateless" democracy that crosses national borders. This is a universal democracy that encompasses the many global issues such as human rights, the environment, and gender equality. We might call it "international democracy."

The third layer of democracy is "democracy between nation-states." To imagine this kind of democracy, one should think of countries as individual people. If we think of nations as people, then it is clear that democracy between nations is not making progress in today's world. For a long time, it was making progress, but the actions of the Bush administration represent a fundamental challenge to this kind of democracy.

I must emphasize that no matter how mature democracy might be internally, there is the potential that the same country might not be democratic in its relations with other countries. In fact, the potential that a mature democratic state might choose to become an empire is extremely high. This is particularly the case if the country begins to think only about its own national interests. Domestic democracy and international democracy are entirely different.

In addition, the development of domestic democracy may not necessarily bring about policies that lead to international democracy. Even if every country in the world became internally democratic, this would not mean that it would instantly result in democracy among nations, or that it would guarantee democracy within international society. In contrast, it is possible that a country with a developing but still immature democracy, one that only has elections, might be more considerate of other countries on the international level and implement peaceful policies. Therefore, just because a country is an immature domestic democracy does not mean that it is democratically immature in its dealings in international society.

Breaking the Deadlock—The United Nations and the International Public Opinion

The central issue is democracy between nations, and one of the places it is played out in the United Nations. At certain times, such as when the Third World wielded substantial influence within the General Assembly, the United Nations seems to be extremely democratic in character. This occurred during the Cold War the Third World was able to use the United States as a political venue, and both the United States and the Soviet Union actively courted their favor. Because they could seek the favor of both major powers, the Third World had significant leeway to express their opinions. The Third World, though, lost its venue with the end of the Cold War and is now huddled together.

How can we break out of this situation? In order to nurture greater democracy among nations, it is necessary for us to entrust the United Nations with a greater role and to reform the United Nations.

The government has made clear its desire to become a member of the Security Council, but I would like to put a brake on this effort. Why? First of all, I cannot help but be skeptical of the government's aims to join the Security Council when it has not even

figured out what path Japan ought to take in the world. Even more importantly, if the United Nations is reformed, I strongly feel the government should use the opportunity to question whether the system of the Security Council itself needs to be reformed. The current system does not foster democracy between nations. A system where there are no elections and no term limits does not lead to democracy. Japan should take a leadership role in encouraging concrete reforms in this area.

One other way for the current dilemma to be resolved is through international public opinion. As international public opinion becomes more powerful, it will further ignite domestic opinion and be a driving force toward greater democracy between nations.

There are still many things I would like to say, but it looks like I am out of time. So now that I have laid out some of these issues, I will stop here and save my comments for the discussion period. Thank you.