

Japanese Security and Defense Policies Trends, Threat Perceptions and Prospects

Axel Berkofsky

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Institute for Security and Development Policy
Västra Finnbodavägen 2, 131 30 Stockholm-Nacka, Sweden
www.isdp.eu

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The Central Asia-Caucasus Institute
Paul H. Nitze School of Advanced International Studies
1619 Massachusetts Ave. NW, Washington, D.C. 20036
Tel. +1-202-663-7723; Fax. +1-202-663-7785
E-mail: caci2@jhuadig.admin.jhu.edu

Editorial correspondence should be addressed to Dr. Bert Edström at: bedstrom@isd.eu

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Executive Summary

With the adoption of the New Defense Program Guidelines at the end of December 2010, Japan's security and defense policies changed fundamentally, more so than at any other time in Japanese postwar history.

In December, Japan's defense and security policies were transformed from "basic" to "flexible/dynamic," meaning that Japan, from now on, reserves the right to upgrade (and no longer – if deemed necessary – to limit its defense expenditures to one percent of its GDP) and increase its military and defense capabilities if the security environment should call for such changes.

That does not mean that Japan will spend more than one percent of its GDP on defense, but it does mean that Tokyo might do so if China or North Korea should become "threatening" enough. To be sure, as is shown in this paper, North Korea has for years been Japan's "catch-all" threat and the development of North Korea's missile and nuclear programs have been evidently and exhaustively exploited to justify changes and upgrade the country's defense and security policy agenda. For example, the upgrade of Japan's Coast Guard and the development of the envisioned U.S.-Japan missile defense system.

Until now, Japanese defense and security policies were guided by the principle of maintaining the minimum military capabilities necessary for the defense of Japanese territory (on Japanese territory in the case of an attack on Japan).

That principle no longer applies, which means that Japan is preparing to defend its security and territorial interests (East China Sea, Korean Peninsula/North Korea, regular North Korean intrusions into Japanese territorial waters) outside the Japanese "mainland." That is not a real surprise (in 2001 the Japan Coast Guard had already sunk a North Korean warship), but the spelling out of Japan's preparedness to defend its security interests militarily in the region is noteworthy, not least because Japan is still officially a "pacifist" country equipped with a pacifist Constitution.

Changes and transformations aside, Japan will not go nuclear and will not lift its decade-long ban to export weapons and weapons technology (both of which do not feature in the defense guidelines), but both nuclear

armament and lifting the ban to export weapons are not entirely off the agenda either. Especially, the ban to export weapons will remain on the agenda as Japan's defense industry is very eager to become a global player as regards the export and development of weapon systems.

Many of the changes regarding the restructuring and the upgrade of Japan's armed forces, however, have been a long time coming and are analyzed in this paper.

Be it missile defense, the upgrade of the equipment of Japan's Coast Guard – considered by some as Japan's "second navy" in terms of equipment and missions" – ambitions to revise the "pacifist" Article 9 of Japan's Constitution, plans to acquire and deploy offensive military equipment such as ballistic missiles able to hit North Korean missile and nuclear sites have been on the agenda for years.

All said and done, Japan is getting more serious about defending its regional security and territorial interests beyond the defense of Japanese territory on Japanese territory. The recent intensification of Japanese-Chinese friction over disputed territories in the East China Sea have confirmed Japanese policymakers and the defense establishment likewise that Tokyo has every reason to do.

Introduction

Japan's foreign and security policies are changing. From the perspective of Japan's wary neighbors, such as South Korea and probably more importantly China (not to mention North Korea which, according to Tokyo, is the main reason Japan is "obliged" to upgrade its defense and military capabilities), not for the better. North Korea's recent attack on the South Korean Yeonpyeong Island near the disputed border is yet another confirmation for Japan that economic and political engagement should be at the very bottom of its North Korea policy agenda. On November 23, North Korean armed forces fired 170 shells into the island, which is located near the border between South and North Korea on the peninsula's west coast, and populated mainly by fishermen and farmers who live near the bases where the South Korean marines were operating. The shelling killed two South Korean soldiers and two civilians. The North Korean attack followed revelations that Pyongyang has built a new sophisticated facility to enrich uranium in the Yongbyon nuclear complex. At the end of November, a U.S. scientist was shown a small-scale industrial uranium enrichment facility that he referred to as "astonishingly modern, fitting into any modern American processing facility." While Pyongyang referred to the facility and the 2,000 centrifuges as being designed to manufacture uranium for civilian nuclear power, the U.S. scientist concluded that the centrifuges could be "readily converted to produce highly enriched uranium bomb fuel."¹

Although Japan is without doubt in the process of reassessing and partly re-defining its role and contributions to regional security and stability, it is not about to turn into a regional military bully and is not equipping itself with offensive military capabilities and equipment to threaten other countries militarily. Consequently, concerns voiced above all in China that Japan is about to do just that do realistically not correspond with the reality of Japanese foreign and security policy in the years ahead. As will be shown below, fears that Tokyo is about to revise its so-called "pacifist"

¹ Associated Press, "Scientist: NKorea has 'stunning' new nuke facility," Yahoo News, November 21, 2010, http://news.yahoo.com/s/ap/20101121/ap_on_re_as/koreas_nuclear (accessed January 4, 2011).

Constitution in general and its “pacifist” Article 9 in general, abolishing its Three Non-Nuclear Principles – which would, at least in theory, “allow” Japan to develop and deploy nuclear weapons – and acquire offensive military capabilities posing a threat to Japan’s neighbors are largely misplaced.

Writing in *Asian Survey* in 2009, Japan scholar Christopher W. Hughes called North Korea Japan’s “catch-all threat”² – the analysis below will, among other things, show how and why this is the case. In this context, this paper will seek to analyze and evaluate how the recent changes to the Japanese regional security and defense agenda and the upgrade and modernization of Japan’s military equipment are at least partially influenced and accelerated by North Korea’s missile and nuclear programs.³ This paper argues that Tokyo has since the early 2000s used the perceived – or, as critics claim, “imaginary” – military threat from North Korea to justify an upgrade of its defensive and military capabilities, including missile defense, the launch of reconnaissance satellites and significant investments to upgrade the capabilities and equipment of the Japan Coast Guard (JCG), e.g. equipping it with the means and capabilities to deal more effectively and rapidly with the intrusion of North Korean vessels into Japanese territorial waters, and that Japan will continue to use the North Korean threat as a justification for improving its military capabilities in the future. Consequently, the analysis below will put a particular focus on how the perceived threat from North Korea “helps” Japanese policymakers and the defense establishment to justify the upgrade of Japan’s defense capabilities. As will be shown below, Japan’s foreign and security policies are changing and evolving and the country’s policymakers will continue to use the perceived threats from North Korea and China to justify the qualitative, and to a lesser extent quantitative, upgrade of Japanese military equipment.

² Christopher W. Hughes, “Super-Sizing’ the DPRK Threat: Japan’s Evolving Military Posture and North Korea,” *Asian Survey*, Vol. 49, No. 2 (March/April 2009), pp. 291–311.

³ For a brilliant analysis of how Japan’s defense and security policies have changed over the last 10 years, see Richard J. Samuels, *Securing Japan: Tokyo’s grand strategy and the future of East Asia* (Ithaca and London: Cornell University Press, 2007); Michael J. Green, *Japan’s Reluctant Realism: Foreign Policy Challenges in an Era of Uncertain Power* (New York, N.Y.: Palgrave Press, 2001), and Mike M. Mochizuki, “Japan’s Changing International Role,” in Thomas U. Berger, Mike M. Mochizuki and Jitsuo Tsuchiyama, eds., *Japan in International Politics: The Foreign Policies of an Adaptive State* (Boulder, CO: Lynne Rienner Publishers, 2007), pp. 1–22.

However, this in turn does not mean that the country is about to revise or indeed abolish the fundamentals of its decade-long so-called “defense-oriented” security and military policies. Japan is not equipping itself with offensive military capabilities to actively pose a threat to countries in the region and is certainly not (as Beijing and Seoul at times argue and fear) on the brink of turning into a country securing its economic and political interests with military power. Nonetheless, Tokyo is equipping itself with the capabilities to project military power in the region in deterrence of those who are already equipped to pose a threat to Japan’s national security and territorial integrity. Jointly developing a missile defense system with the United States to intercept and destroy incoming North Korean⁴ rogue ballistic missiles as well as equipping the JCG with the capabilities and equipment to deter North Korean intrusions into Japanese territorial waters and monitor Chinese naval activities in the East China Sea (subject to a territorial dispute with China) will in the years ahead continue to be part of Japan’s military deterrence policies and strategies.

In this context, parts of Japan’s conservative defense establishment urge Japan to finally become a so-called “normal country” (*futsu no kuni*), that is, a country able and willing to defend itself with military force, with or without U.S. assistance.⁵

⁴ And Chinese ballistic missiles, even if the potential threat posed by China’s growing number of ballistic missiles is hardly mentioned in the official and on-the-record discourse on why Japan is seeking to develop and deploy a missile defense system on Japanese territory.

⁵ A concept (or slogan) introduced into Japan’s foreign and security policy discourse by Japanese politician Ichiro Ozawa in the early 1990s.

Upgrading Japan's Military Capabilities

The recent qualitative, and to a limited extent quantitative, upgrade of Japan's military and defense capabilities seems to indicate that the Tokyo is preparing itself to deal with an attack on its national territory. Japan's Maritime Self-Defense Force (MSDF) has in recent years reduced its number of traditional destroyers, replacing them with at least six destroyers equipped with the Aegis sea-mobile ballistic missile defense system, which enables Japan's navy (at least in theory) to intercept incoming (North Korean and to be sure also Chinese) ballistic missiles. Furthermore, Japan's Air Self-Defense Force (ASDF) has in recent years been equipped with in-flight refueling capabilities and, since 2008, with precision-guided munitions able to strike North Korean missile bases. The ASDF completed its deployment of Patriot Advanced Capability-3 (PAC) ballistic missile systems around Tokyo in 2008. Furthermore, since the early 2000s, Japan's Ground Self-Defense Forces (GSDF) have reduced the number of its main battle tanks and instead put a focus on developing GSDF so-called "rapid-reaction forces" through, amongst others, the establishment of the so-called "Central Readiness Group" (CRG). The CRG's main purpose is to enable the country's ground forces to respond to and counter North Korean guerilla-style incursions.

Other crisis scenarios involving North Korea but also China (e.g. a Japanese-Chinese military crisis in disputed waters in the East China Sea) featured in a July 2010 advisory council draft report written by Japanese private-sector experts advising the Japanese government on defense and security issues. The advisory council was commissioned by the Japanese government earlier in 2010 to draft recommendations regarding the quality and scope of Japanese defense and security policies, including recommendations on what kind of military hardware and equipment Japan would need to best address and deal with the challenges to national and regional security in the years ahead. The report, which was supposedly to be the basis for the review of Japan's national defense guidelines due in December 2010 amongst others advises the Japanese government to revise the decade-long self-imposed rule and guideline which allowed Japan to maintain only minimum defense and military capabilities to defend Japanese territory as opposed to maintaining capabilities and military equipment to project

military power outside of Japan and in the region. In this context, the draft report calls on Japan to equip itself with the military capabilities and equipment to contribute to regional stability (through the projection of military force) without solely depending on U.S. military power. Until now, and in the framework of the U.S.–Japan security alliance, Japan’s role was at least on paper limited to rear area support – above all logistical and medical support on Japanese territory – for the U.S. military in the case of a regional contingency. Furthermore, the report notes that Chinese submarines and other advanced ships belonging to the Chinese navy have passed near Japanese territorial waters close to Okinawa and Miyakojima islands on training exercises in recent months. However, the report’s authors not only warn of increasing Chinese submarine fleets, but also declare themselves concerned about Chinese plans to build and deploy aircraft carriers, which are viewed as part of a Chinese so-called “anti-access strategy,” aimed at making it more difficult for the United States to project military power in the Pacific. Therefore, the reports suggest that Japan should improve its navy’s anti-submarine warfare and minesweeping capabilities. The report also warns that terrorist attacks on Japanese domestic facilities or cyber terrorism targeting key governmental entities could occur simultaneously in the future. “Japan needs to draw up capabilities effective enough to cope with such multiple contingencies,” the report reads. In this context, the draft report calls on the government to equip Japan with missiles capable of hitting bases outside of Japanese territory, in essence a request to allow Japan to acquire offensive missiles able to hit missile and nuclear sites in North Korea.

As a follow-up to the draft report, the Japanese Ministry of Defense announced at the end of October 2010 an increase of the navy’s submarine fleet to 22 from the current 16 as part of the fiscal 2011–15 basic defense program. According to the ministry, Japan’s need to enlarge its submarine fleet has been influenced and indeed triggered by the rapid modernization and equally rapid growth of China’s submarine fleet. Currently, the Chinese navy is estimated to have 60 submarines⁶ and has recently reportedly completed the construction of an underground base on Hainan Island to accommodate a nuclear-powered attack submarine. There is likely to be little if any public or political resistance to the plans to upgrade Japan’s navy and coast guard capabilities in December, especially in view of recently

⁶ This is an estimate, as China does not reveal the exact number of its submarines.

stepped-up Sino–Japanese territorial disputes in the East China Sea. Furthermore, recently leaked YouTube video footage⁷ which clearly shows that a Chinese trawler intentionally ramming into a Japanese Coast Guard ship close to disputed territories in the East China Sea in September will confirm to policymakers and the public that the navy and coast upgrades are justified and necessary.

Japan is planning to prepare itself to deal with and react to regional contingencies, be it a guerilla intrusion, a missile attack from North Korea or a clash with China’s navy in disputed waters in the East China Sea. That is not to say that Japan is not about to enter military conflict with North Korea, let alone China, but the above-mentioned upgrade of the country’s defense capabilities and the “restructuring” of Japan’s armed forces requested in the above mentioned advisory council report addressing the perceived potential threats from North Korea and, to a lesser extent, China are indications that Tokyo plans, at least to a certain extent, to be able to respond to an attack on Japanese territory efficiently and potentially without having to rely on U.S. military deterrence capabilities in the years ahead.

None of the efforts above listed to upgrade Japan’s military capabilities means, however, that Tokyo is on the brink of becoming a military power equipped with offensive military equipment projecting military power in the region and beyond. The defense of Japanese territory is and will remain the centerpiece and overall focus of the country’s defense and security policy strategies – next to, at least on paper, the expansion of Japan’s contributions to international and UN-sanctioned military missions. In view of the fact, however, that the definition and “universally agreed” boundaries of Japanese territories in the East China Sea are subject to Japanese–Chinese controversy and increasingly friction, qualitative and quantitative upgrade of Japan’s military capabilities in general and the country’s coast guard capabilities in particular, will continue to be observed with suspicion in China. This is not least due to the fact that Tokyo has over recent months repeatedly stressed that the coast guard’s mandate and will continue to include the “protection” of Japanese national territories in the East China Sea.

⁷ “China Japan collision (both strikes),” <http://www.youtube.com/watch?v=fsT1rroXljQ> (accessed December 16, 2010).

U.S.–Japan Missile Defense

Since North Korea launched a missile over northern Japan in August 1998, Japan and the United States have been jointly working on developing a regional missile defense system.⁸ The August 1998 launch was considered to be a “wake-up call” for Japanese policymakers to consider and actively pursue (officially since 2005, after having unconvincingly argued for years that Japan is interested in the “research phase,” but not necessarily in the “development phase,” of the system⁹) the development and deployment of a regional missile defense system in Japan. The Japanese Ministry of Defense estimates that hundreds of North Korean missiles are aimed at Japan (and South Korea for that matter). North Korea’s short-range Nodong missiles are able to reach downtown Tokyo in less than ten minutes. Although Japan’s current missile interceptor systems – either land-based or deployed on Aegis destroyers – have significantly been improved in recent years through regular tests, including joint tests with the United States, both analysts and the Japanese government fear that Japan’s existing systems would not yet necessarily be able to intercept and destroy one or more incoming North Korean missiles. Before Tokyo officially committed itself to the development phase of the system in 2005, Washington urged Japan for years to increase its contributions not only to the research but also to the costly development phase of the missile defense system. To be sure, given the funds invested into the system over the last decade, Tokyo’s year-long refusal to officially declare its interest in the development and eventual deployment phase of the system had always lacked credibility making the official commitment to missile defense in 2005 no surprise to anyone (the budget allocated to the development of the system for 2008 amounted to US\$1.8 billion).

In December 2007, a Japanese warship stationed off Hawaii launched a U.S.–developed Standard-3 interceptor missile and successfully destroyed a mock target fired from onshore. This was long-awaited progress in the development of the system. Land-based so-called Patriot Advanced Capability 3 (PAC-3) missile defense systems have already been installed at two

⁸ See Christopher W. Hughes, C. Hughes and Richard K. Beardsley, *Japan’s Security Policy and Ballistic Missile Defense* (London and New York: Routledge/Curzon, 2008).

⁹ “Unconvincingly” as it was always clear that Japan would not invest significant funds into the “research phase” of a system without being interested in the development and eventual deployment phase of the missile defense system.

bases in Japan and further installations are planned for the years ahead. Furthermore, Tokyo ultimately plans to install the state-of-the-art missile interceptor systems on four of its destroyers equipped with the U.S.-made Aegis tracking system. However, despite successful testing in recent years, it remains yet to be seen whether the envisioned missile defense system will function effectively, that is, whether it will be able to intercept and shoot down several incoming missiles simultaneously.

In the recent past (the start of 2010) some policymakers within the ruling Democratic Party of Japan (DPJ), notably Foreign Minister Katsuya Okada,¹⁰ questioned the effectiveness of the system and recommended verifying whether the invested funds would bring the desired results in the years ahead. The “desired results” would be the system’s ability to track, intercept and shoot down one or more incoming missiles with certainty and accuracy, something that in Japan and amongst DPJ policymakers is not universally acknowledged to be the capability and ability of the U.S.–Japan missile defense system (at least in its current development stage). In fact, there are doubts –not only in Japan – whether missile defense systems will ever be able to accurately track, intercept and destroy incoming missiles launched at the same target at the same time.

Technical feasibility and the system’s actual effectiveness to shoot down missiles aimed at targets in Japan will continue to be a subject of controversy in Japan. Recent temporary budget cuts implemented by the DPJ-led government (see below) indicate that DPJ policymakers – or at least some of the key figures, including Katsuya Okada – are, unlike previous LDP policymakers and governments, not prepared to commit themselves to support and co-finance the development of the system without questioning and examining its effectiveness. The first DPJ-led government under Prime Minister Yukio Hatoyama was committed to jointly developing ballistic missile defense (BMD), with Japan allocating funds in 2010 and beyond, but in December 2009 it announced the suspension of the allocation of additional funds requested from Japan’s Ministry of Defense for the deployment of new Patriot Advanced Capability-3 (PAC-3) surface-to-air interceptors. These were first requested by Japan’s Ministry of Defense after North Korea’s missile tests in 2009.

¹⁰ Okada became DPJ Secretary-General under Prime Minister Naoto Kan in September 2010.

In December 2009, Japan's cabinet approved Japan's defense spending guidelines for FY 2010–11, which, however, excluded the allocation of additional funds after April 2011 for additional PAC-3 units envisioned by the previous LDP-led government. These budget cuts (if they stay in place, which is to be decided in December 2010) will delay the ministry's plans to deploy PAC-3 units at three more Japanese military bases over the next five years. Japan's missile shield, made up of Patriot Advanced Capability-3 (PAC-3) surface-to-air missiles and the warship-installed Standard Missile 3 (SM-3), has been set for completion by early 2011. In view of the December 2009 budget cuts, however, this may no longer be achievable. However, the possibility cannot be excluded that the government's decision to cut funds for PAC-3 will be revised over the course of 2010, should the government's review of its defense policy guidelines (due in December 2010) conclude that additional PAC-3 capabilities are necessary.

While the cost-effectiveness of the PAC-3 element of the ballistic missile defense system is a subject to controversy amongst DPJ policymakers, Japan's Ministry of Defense is in reality making most of the day-to-day decisions on procurement, meaning that opponents of the system within the ruling DPJ might not necessarily have a veto over the ministry's decision to expand Japan's missile defense capabilities. What's more, there is overall public support for missile defense in Japan and a realization that in terms of national security Japan cannot afford to stop continuing to develop the system after having invested significant resources into it for over a decade.

Equipping Japan's Coast Guard (JCG)

In 2001, Tokyo adopted a revised version of Japan's Coast Guard Law expanding the JCG's authority to use military power when defending Japanese territory against ships or submarines intruding into Japanese territorial waters. Given the experience and incidents of recent years, "defending Japanese territory against intruders" refers primarily – if not exclusively – to intrusions by North Korean military vessels. Consequently and in retrospect, the 2001 revision of the JCG law was aimed at equipping the JCG with the authority and the actual mandate to stop North Korean intruders with military force. According to the scholar David Leheny, the revision of the law in 2001 was a "canary in the coal mine," testing the acceptance of further expansion of Japanese military roles and missions given to the JCG,

exceeding those previously enjoyed by the MSDF. While the MSDF is not allowed to open fire unless shot at first, the JCG is through the revised JCG law authorized to shoot at vaguely defined “suspicious” ships before being shot at. Roughly one month after the JCG law was adopted in the Japanese parliament, the JCG did just that, sinking a North Korean vessel. The JCG opened fire at what in Japan was typically referred to as a so-called “suspicious ship” (*fusen*), i.e. a North Korean vessel intruding into Japanese territorial waters. After having been detected by the JCG, the North Korean vessel refused to follow JCG instructions to stop, prompting the JCG to shoot at the North Korean vessel, resulting in it sinking.

In recent years Tokyo significantly upgraded the JCG’s capabilities, enabling it to deal even more effectively, that is, sink, North Korean vessels intruding into Japanese territorial waters. While Japan’s overall defense budget was reduced in 2005, the JCG’s budget was increased, adding amongst others 21 new ships and 7 new jets. In 2006, Japan’s defense budget was again reduced while at the same time the JCG budget was increased. Two long-range (12,000 mile) Gulfstream V jets, as well as two patrol ships with advanced fire-control systems and advanced targeting night-vision capabilities, were added to the JCG. Furthermore, JCG vessels were equipped with 30mm long-range machine guns able to shoot at North Korean intruders.¹¹ The recent JCG upgrades, however, do not mean that the JCG is now equipped with capabilities to project military power regionally, as its vessels neither have torpedoes nor anti-ship cruise missiles, surface-to-surface missiles, air or missile defenses, air-searching radars, anti-satellite weapons capabilities or sonars. The JCG employs 13,000 personnel, roughly one-quarter of the size of the MSDF, and its budget in 2007 amounted to US\$1.6 billion. Until 2012, 21 new ships and seven new jets will be added to the JCG to be among others dispatched to the East China Sea. The JCG has also assumed an increasingly active role in regional security, e.g. through its involvement in anti-piracy training in Southeast Asia.

In sum, Japan’s coast guard is today equipped with state-of-the-art military equipment and will continue to receive sufficient (or more than sufficient) funds to enable the JCG to play a crucial role in protecting Japanese

¹¹ For further details, see Richard J. Samuels, “New Fighting Power: Japan’s Growing Maritime Capabilities and East Asian Security,” *International Security*, Vol. 32, No. 3 (Winter 2007/2008), pp. 84–112.

territorial waters with military force, including in disputed waters in the East China Sea. In fact, as the recent intrusion of a Chinese fishing boat into Japanese territorial waters in the East China Sea demonstrates, the JCG is determined and equipped with the legal and military instruments to defend Japanese territory and territorial waters with determination and military if deemed necessary. The same is of course true in terms of how the JCG is able and ready to deal with North Korean intrusions into Japanese territorial waters, as recent years have shown.

Should Japanese–Chinese disagreements on disputed territories continue to remain a source of friction and “encounters” between the JCG and the Chinese navy on a (relatively) regular basis and tension remain high in the months and years ahead – which seems likely – the coast guard’s role and assignments in disputed territories in the East China Sea will continue to become more important and concrete. In fact, the advisory council report of July 2010 predicts just that, urging the Japanese government to continue providing JCG with the funds and political mandate to operate in the East China Sea.

Keeping a (High-Tech) Eye on North Korea

Since the early 2000s, Japan has significantly upgraded its intelligence capabilities in general and reconnaissance satellite capabilities in particular. Between 2003 and 2007, Tokyo has launched four intelligence-gathering satellites (commonly referred to as “spy satellites”) with the main purpose of monitoring possible preparations for North Korean missile launches.¹² The launch of Japanese reconnaissance satellites from 2003–07 has de facto led Japan to use space for military purposes, even if Tokyo continues to refer to the satellites as “multi-purpose intelligence-gathering satellites.” By launching reconnaissance satellites, Tokyo – at least the Tokyo led by the Liberal Democratic Party (LDP) until 2009 – has in recent years shifted the decades-long interpretation of the country’s anti-militaristic principle from the one defined in the late 1960s as “peaceful” (*heiwa no mokusetsu*) (use of space) and non-military (*hi-gunji*) to one which authorizes the “defensive military use of space.”

¹² See Andrew L. Oros, “Explaining Japan’s Tortured Course to Surveillance Satellites,” *Review of Policy Research*, Vol. 24, No. 1 (January 2007), pp. 32–36.

This changed Japanese approach towards the use of space received its legal basis in 2008 with the passing of the so-called “Basic Law for Space Activities” which authorizes the use of space for defensive purposes “in accordance with the principles of the Japanese Constitution.” According to the interpretation of Article 9 of the Constitution by Japan’s political mainstream, Japan is allowed to maintain armed forces and military equipment for the purpose of self-defense, that is, the defense of Japanese territory.¹³

¹³ For further details on how Japan is planning to “use” space to defend Japanese territory, see, e.g. Kazuto Suzuki, “Space: Japan’s New Security Agenda,” *RIPS Policy Perspectives*, No. 5 (October 2007), http://www.rips.or.jp/english/publications/policy_perspectives/pdf/RPP05_suzuki.pdf (accessed December 16, 2010).

Japan's "Nuclear Option"

Japan scholar Christopher W. Hughes suggests that the perceived threat from North Korea is not yet strong enough to let Japanese policymakers seriously consider the option of equipping the country with nuclear weapons. This, he argues, was not even the case when North Korea conducted its first nuclear test in October 2006. The same was true for Pyongyang's second nuclear test in May 2009: it did not lead – at least officially and publicly – to a “sustainable”¹⁴ revival of a discussion of the alleged necessity of equipping Japan with nuclear weapons. Like South Korea and Taiwan, Japan has the technological capability to develop nuclear weapons, but Hughes argues that a Japanese nuclear capability would not constitute a sufficient substitute for the U.S. nuclear deterrent, leaving the country – at least in theory – more vulnerable to a nuclear attack than it would be without its own nuclear weapons.¹⁵ Furthermore, as Hughes put it, Japan has only a “minimal vested economic interest in nuclear weapons development and the overall international economic costs militate against nuclear armament.” Nonetheless, the possibility of nuclear disarmament was discussed in Japan after North Korea tested a nuclear device in October 2006, but this debate was very short-lived and was led only by a small minority within the ruling LDP. After North Korea's nuclear test in 2006, some high-ranking LDP policymakers sought to initiate a discussion on Japan exercising its so-called “nuclear option” to develop and deploy Japanese nuclear weapons to counterbalance the threat posed by North Korea's nuclear weapons and missile programs.

Among policymakers and scholars who have recommended that the government should take Pyongyang's nuclear tests in 2006 and 2009 as a justification and occasion to re-activate the discussion on arming Japan with nuclear weapons were former Foreign Minister Taro Aso and then chairman

¹⁴ Not sustainable in the sense that the debate on the possibility and alleged “necessity” of equipping Japan with nuclear weapons after North Korea's second nuclear test in 2009 was led by a very small minority within Japanese policymaking circles.

¹⁵ For more detail and analysis, see Christopher W. Hughes, “North Korea's Nuclear Weapons: Implications for the Nuclear Ambitions of Japan, South Korea, and Taiwan,” *Asia Policy*, No. 3 (January 2007), pp. 75–104, http://www.nbr.org/publications/asia_policy/Preview/AP3_NKImplications_preview.pdf (accessed December 16, 2010).

of the LDP's Policy Affairs Research Council (PARC), Shoichi Nakagawa. However, Aso and Nakagawa (together with Shinzo Abe, like Nakagawa and Aso, North Korea hardliners within the LDP) were unable to get significant support within the LDP to revisit Japan's "Non-Nuclear Principles" (see details below) and consider the development and deployment of nuclear weapons. Nonetheless, there currently seems to be some on-the-record "appetite" among some Japanese scholars – including scholars from the National Institute for Defense Studies (NIDS), a think tank affiliated with Japan's Ministry of Defense – and policymakers – including policymakers from Japan's Ministry of Foreign Affairs – to more actively and openly discuss Japan's "nuclear option." This discussion was partly inspired or triggered by alleged¹⁶ concerns that U.S. President Obama's plans to reduce the U.S. nuclear arsenal could have negative implications for the protection of Japan under the U.S. "nuclear umbrella," not least because North Korea is very unlikely to join Obama's vision for a nuclear-free world.¹⁷

A decreased or allegedly less "reliable" U.S. nuclear umbrella, it is argued in this context, would make Japan more vulnerable to North Korea. It was argued in interviews with this author that an overall reduction of U.S. nuclear weapons could have an impact on the U.S. ability to continue "covering" Japan with an umbrella, which in turn would oblige Japan to develop and station its own nuclear weapons.

Revision of Japan's "Three Non-Nuclear Principles"?

The July 2010 advisory council report mentioned above calls, albeit indirectly, for a revision of Japan's so-called "Three Non-Nuclear Principles." The principles are a parliamentary resolution (meaning that the principles were never adopted into law) that served as the basis for Japan's nuclear policies since their inception in the late 1960s. The principles state that "Japan

¹⁶ "Alleged," as U.S. President Barack Obama has stressed several times that the overall reduction of the number of U.S. nuclear weapons will not have a negative impact on the quality of the U.S. nuclear umbrella over Japan.

¹⁷ Author's conversations with Japanese scholars affiliated with the National Institute for Defense Studies (NIDS), a think tank affiliated with Japan's Ministry of Defense, in Paris, April 2010; also present were officials from Japan's Ministry of Foreign Affairs and the Ministry of Defense who did not "protest" when scholars close to the Ministry of Defense discussed Japan's "nuclear option" as an option that should at least be considered in the future.

shall neither possess nor manufacture nuclear weapons nor shall it permit their introduction into Japanese territory." The principles were introduced by former Japanese Prime Minister Eisaku Sato in a speech in the Japanese parliament 1967 in the context of negotiations over the return of Okinawa from the United States to Japan. The Japanese parliament formally adopted the principles in 1971 and they remain just that to the present: "principles," as opposed to law, a fact that has been pointed out numerous times by scholars, policymakers and parts of the Japanese press – above all the influential pro-defense, pro-armament, pro-constitutional revision daily newspaper *Yomiuri Shimbun* – in favor of revisiting and indeed abolishing the principles making, at least in principle, nuclear armament possible for Japan. The report does not directly recommend their revision, but instead limits itself to saying that "It may not necessarily be wise to have as a principle anything that unilaterally limits what the United States can do beforehand." To be sure, such wording indicates that Japan should consider reviewing the principle of not allowing nuclear weapons to be introduced into Japanese territory.

Although nuclear armament or allowing the United States to introduce nuclear weapons into Japan does not feature on the DPJ's (official) policy agenda, Foreign Minister Okada suggested during a parliamentary committee in March 2010 that Japan has the right to let the U.S. introduce nuclear weapons into Japan during what he called a "defense emergency" (meaning a nuclear attack from North Korea). "If Japan's security cannot be protected without temporary... calls by U.S. vessels carrying nuclear weapons, the government would have to make a decision, even if it has political consequences," Okada said during the committee meeting in March. Okada, however, retreated from the position only a few days later, saying that Japan would not allow the introduction of nuclear weapons into Japan, including port calls by nuclear-armed vessels.

The influential conservative daily newspaper *Yomiuri Shimbun* urged the government in an editorial in July 2010 to consider revising the Three Non-Nuclear Principles: "In order to make the U.S. military's nuclear deterrent work for Japan, the government should give serious thought to exempting the port calls and transit through Japanese territorial waters by U.S. vessels carrying nuclear weapons from the principle of not permitting the introduction of such weapons into Japan." The *Yomiuri Shimbun* (with a circulation

of roughly 11 million copies daily) will continue to make its “case” in favor of revisiting the non-nuclear principles, as it has done since the early 1990s with regard to constitutional revision in general and abolishing Japan’s pacifist Article 9 in particular.¹⁸

To be sure, realistically the revision of Japan’s non-nuclear principles is not on the policy agenda of Japan’s current government. Instead, Prime Minister Naoto Kan announced in August that he plans to embed the country’s non-nuclear principles into a legal framework, that is, forbidding Japan by law to introduce, stockpile or manufacture nuclear weapons in Japan. “I would like to consider enshrining the principles into law,” Kan said while visiting Nagasaki to attend the memorial service for the 65th anniversary of the U.S. atomic bombing of the city during World War II. On the same occasion, however, he also stressed that it is both a fact and the position of his government that Japan will continue to rely on the U.S. nuclear umbrella: “Regrettably we cannot afford not to rely on nuclear deterrence because North Korea’s nuclear development program is still under way,” Kan said in an interview with Kyodo News on August 9, 2010.

Whether codifying Japan’s non-nuclear principles through a legal framework will actually take place in the months ahead remains to be seen, but Kan’s speech in Nagasaki at least on paper confirmed that the suggested revision of Japan’s Non-Nuclear Principles would not be embraced and sanctioned by a DPJ-led government. There is a consensus that the revision of the Non-Nuclear Principles will not take place when the government presents Japan’s revised defense guidelines this December, a Japanese Foreign Ministry official told this author in an interview in November (many other official and scholars this author has spoken with over recent months expressed similar sentiments): “Reviewing any of the Non-Nuclear Principles will remain a taboo in December and long after that.”

To be sure, in the future it is likely that discussions of Japan’s “nuclear option” or revising one or more of its will be resumed should North Korea continue, among other things Non-Nuclear Principles, to refuse to honor its 2007 commitment to dismantle its nuclear program, or worse continue to weaponize plutonium, turning it into weapons-grade plutonium needed

¹⁸ The *Yomiuri Shimbun* has for almost 20 years been on the very forefront of the constitutional revision issue and has in numerous articles and editorial “explained” why Japan should or indeed “must” abolish its pacifist Article 9.

for nuclear bombs. In November 2009, Pyongyang announced that it had completed reprocessing 8,000 spent fuel rods, enough plutonium for perhaps two nuclear bombs. Whether such possible discussions will lead to the actual revision of the principles in the near or not so near future, however, remains yet to be seen.

U.S.–Japan (Not So) Secret Agreements

In December 2009, secret U.S.-Japan agreements under which Japan allowed the U.S. military to introduce nuclear weapons into the country throughout the Cold War leaked to the Japanese media and public. In reality, the existence of such agreements was known for many years among Japanese policymakers and the defense establishment, but for decades LDP-led Japanese governments successfully denied their existence. The documents were in fact declassified for the public in 1999, and a U.S. researcher even made a copy of them before they were reclassified on grounds of national security. A six-member panel working on behalf of the Foreign Ministry found that Japan, led by the LDP, had made four secret agreements with the United States.

1. An agreement to allow U.S. naval vessels to carry nuclear weapons into Japanese ports.
2. An agreement to permit the U.S. military to use bases in Japan without prior consultation in the event of war on the Korean Peninsula.
3. An agreement between Prime Minister Eisaku Sato and U.S. President Richard Nixon to allow nuclear weapons into Okinawa Prefecture in times of emergency.
4. An agreement through which Japan agreed to bear the costs of the 1972 return of Okinawa to Japanese rule (according to some analysts in order to avoid revealing that nuclear weapons had been present in Okinawa).¹⁹

After these revelations, the Japanese government led by Prime Minister Yukio Hatoyama nominated a foreign ministry panel to investigate

¹⁹ For details, see, e.g. "Japan confirms secret pact on US nuclear transit," BBC News March 9, 2010 <http://news.bbc.co.uk/2/hi/asia-pacific/8557346.stm>

whether Japanese governments had since the late 1960s indeed violated one of Japan's Non-Nuclear Principles, namely the one prohibiting the introduction of nuclear weapons into Japan. The panel took roughly three months to publish its results and presented them to the prime minister and the public in March 2010. The report concluded that there were four secret agreements between Japan and the United States, including one allowing the United States to introduce nuclear weapons into Japan, which was concluded when the Japan–U.S. Security Treaty was revised in 1960. Although the panel did not confirm that there was a secret agreement over bringing nuclear weapons to Japan by U.S. forces made at the time of the revision of the treaty, the report mentions a “tacit agreement” which de facto and in reality tolerated port calls by U.S. vessels carrying nuclear weapons over decades. The panel also concluded that the minutes of a meeting between Sato and Nixon during negotiations on the return of Okinawa to Japan in 1969 revealed a U.S.–Japan agreement secret to allow nuclear weapons into Okinawa Prefecture “in times of emergency.”²⁰

In essence, the panel confirmed what was known amongst Japanese policymakers for decades that the possible entry of U.S. nuclear-armed warships and submarines entering Japanese ports without prior consultation was agreed in the early 1960s and again confirmed in a Japanese Foreign Ministry briefing document in January 1968. That document stated that “there is no option but to continue in our present position of allowing nuclear-armed U.S. warships to enter Japan.” Until Okinawa's return to Japan in 1972, the United States had stationed both tactical and strategic weapons on the island, aimed primarily at China. During the negotiations over the return of Okinawa, the minutes of a meeting in October 1969 show that the United States opposed Tokyo's position of making Okinawa nuclear-free. Prime Minister Sato, however, gave in to U.S. pressure: “If they inform us, it's necessary to reintroduce nuclear weapons because of an emergency, then we will say ‘yes’.”

After the collapse of the Soviet Union in 1991, it became U.S. policy to stop loading tactical nuclear weapons onto its surface warships and submarines, which led Foreign Minister Okada to claim in March 2010 that this meant that nuclear weapons had not been brought into Japan for the

²⁰ See Eric Johnston, “Slowly Secret US Nuke Deals Come to Light,” *The Japan Times*, November 20, 2009, <http://search.japantimes.co.jp/cgi-bin/nn20091120f3.html>

past two decades. However, the U.S. military continues to deploy strategic nuclear weapons, such as cruise missiles and long-range ballistic missiles, on its warships and submarines, possibly including to ports in Japan.

Japan's Non-Nuclear Reality

Well-informed and moderate Japanese scholars like Yoshihide Soeya – and indeed many other scholars and “serious” Japanese policymakers – dismiss discussions in Japan on a possible Japanese nuclear armament as “irresponsible” and “unrealistic.” In an interview with this author in July 2010, Soeya maintained that the discussion on Japanese nuclear armament is not only led by a minority of what he called scholars and policymakers with a “misguided” perception of the reality of Japanese foreign and security policies. Nuclear armament is a “totally unrealistic option” for Japanese foreign and security policies, he says. Developing and stationing nuclear weapons, Soeya maintains, would de facto mean the end of the U.S.–Japan Security Alliance, the very cornerstone of Japan’s regional and global security and defense strategies and policies. This in turn would increase Japan’s vulnerability to military threats in East Asia, including those from North Korea. Consequently, given that the military alliance with the United States is at the center of Japan’s security and defense strategies and policies, developing and stationing nuclear weapons would be counterproductive to Japanese security. Such a view is without a doubt shared by the mainstream of Japanese scholars and policymakers.

Even if extreme views and suggestions to equip Japan with nuclear weapons will continue to make occasional headlines in the Japanese and international press, it would be inaccurate to suggest that Japan is actively considering the development and deployment of nuclear weapons to counterbalance the perceived nuclear threat posed by North Korea. Leaving aside the public’s overwhelming opposition to arming Japan with nuclear weapons, the United States itself would be strongly opposed to Japan going nuclear, as this would almost inevitably jeopardize any efforts and initiatives to convince North Korea to abandon its nuclear ambitions and would possibly lead other powers in the region – such as South Korea and possibly Taiwan – to consider equipping themselves with nuclear weapons. Furthermore, Japan relies heavily on importing civilian and nuclear fossil fuels and the strategy to develop and deploy nuclear bombs in Japan could lead

exporters of civilian and nuclear fossils to reconsider exporting to Japan, potentially exposing Japan to extreme economic vulnerability.

Unless there is a radical change in Japan's nuclear policy, which is very unlikely, Tokyo will continue to stick to the policy of Japan relying on the U.S. nuclear umbrella,²¹ even if it has without a doubt the technological capabilities to develop and eventually deploy nuclear weapons. The costs associated with deploying nuclear weapons and warheads are extremely high, however, since Japan would have to acquire delivery systems, submarines and command-to-command control systems. What's more, Japanese nuclear weapons would be an insufficient substitute for the U.S. nuclear umbrella for many years to come.²² Furthermore, Japan arming itself with nuclear weapons would increase the so-called "security dilemma" in East Asia, whereby a Japanese strategy to increase its deterrence capabilities is being interpreted as an offensive policy, leading others in Asia – above all China and North Korea – to increase their military capabilities.

²¹ Llewellyn Hughes, "Why Japan Will Not Go Nuclear (Yet): International and Domestic Constraints on the Nuclearization of Japan," *International Security*, Vol. 31, No. 4, (Spring 2007), pp. 83–91.

²² Benjamin L. Self and Jeffrey W. Thompson, "Nuclear Energy, Space Launch Vehicles, and Advanced Technology: Japan's Prospects for a Nuclear Break-out," in Benjamin L. Self and Jeffrey W. Thompson, eds., *Japan's Nuclear Option: Security, Politics and Policy in the 21st Century* (Washington D.C.: Henry L. Stimson Center, 2003), pp.162–66.

Revisiting Japan's Ban on Exporting Weapons?

The above-mentioned advisory council report, like other reports commissioned by the Japanese government to independent private-sector scholars and industrialists in previous years, also calls for a relaxation of Japan's ban on exporting weapons and weapons technology.²³ Japan has a policy of not exporting weapons or weapons technology that dates back to the 1960s. This ban was placed on weapons exports to communist states, countries to which the United Nations bans such exports, and parties to international conflicts. The report also calls for a review of the ban on exporting weapons to allow Japanese companies to take part in joint development and production of military equipment, even with companies from countries other than the United States. The self-imposed ban on exporting weapons meant a ban on arms exports and the development or production of weapons with countries other than the United States, hurting the competitiveness of defense contractors such as Mitsubishi Heavy Industries. Nippon Keidanren, Japan's largest business association has for years called for an easing of the restriction on arms exports, which has in the past has kept Japan's defense industry from joining multinational projects such as the Lockheed Martin-led F-35 Joint Strike Fighter. Under pressure from the country's defense industry and its lobby, requests to allow the Japanese defense industry to sell its products outside of Japan are not new and have been made repeatedly since the end of the 1990s and beginning of 2000s. For example, in December 2004 Mitsubishi Heavy Industries and Kawasaki Heavy Industries were allowed to establish a business relationship with U.S. defense contractors to cooperate in the development and deployment of the above-mentioned U.S.–Japan missile defense system. Before the ban was officially eased in 2004, Mitsubishi Heavy Industries and other Japanese defense contractors had already joint military projects with U.S. defense contractors such as Raytheon, the world's largest missile maker, and Lockheed Martin, the biggest U.S. defense contractor. The 2004 easing of the ban on exporting weapons and weapons technology meant that Mitsubishi Heavy Industries was allowed to sell and export components used in the U.S.–Japan missile defense system.

²³ "Defense Draft Urges Upgrade," *The Japan Times*, July 29, 2010.

Mitsubishi supplied U.S. partner companies with nose cones, motors and other components for sea-based antimissile systems. In 2006, Tokyo sold three fast patrol vessels to Indonesia and the Philippines – in order to avoid accusations that it was violating its self-imposed restriction on exporting weapons and weapons technologies to other countries, Tokyo referred to the sales as “development aid.” This October the issue of possibly reviewing and revising Japan’s ban on exporting weapons and weapons technology made it again into the headlines when Japanese Defense Minister Toshimi Kitazawa hinted during a meeting with U.S. secretary of defense at the possibility that the government might consider reviewing Japan’s self-imposed ban on exporting weapons and weapons technology.²⁴

To be sure, Chief Cabinet Secretary Yoshito Sengoku was quick to announce on behalf of the government that Kitazawa’s remarks on the ban on exporting weapons did not necessarily reflect the official government position on the issue. Sengoku said that the government has yet to decide whether or whether not to review the principles any time soon, while at the same time saying that “The ban was established based on the fundamental principle of Japan as a pacifist nation. The discussion from now on will be about whether there is a need to review those principles to match the 21st century.” It will probably be business over principles for the defense minister at some point in the future, a Japanese scholar affiliated with a think tank close to the government told this author in an interview in November: “Kitazawa has always been keen to help Japan’s defense industry to remain profitable and gain access to the global market, not only to sell equipment but also to take part in research and development on a global level.”²⁵

²⁴ “Kitazawa: Review of arms ban may be on the cards,” *The Asahi Shimbun*, October 13, 2010, <http://www.asahi.com/english/TKY201010120151.html>

²⁵ The final editing of this paper coincided with the publication of Japan’s new National Defense Guidelines (published on December 19, 2010) in which the government decided not to review the ban to export weapons and weapons technology.

Constitutional Revision

In 2000, the then ruling LDP set up the so-called “Constitutional Research Councils” in both houses of the Japanese parliament. Ten years after these councils were set up, however, the Constitution is still unrevised and it is unlikely that a change will change any time soon. To be sure, in view of the fact that Japan in 2010 is already able to participate in many international missions requiring the dispatch of armed forces in spite of its pacifist Constitution, the question of constitutional revision has somehow seemingly lost its urgency in recent years. This is in spite of the fact that constitutional revision has for decades been a policy goal of Japan’s conservative – and nationalist – political establishment, most of whom found a political “home” in the ranks of the LDP, which governed Japan from 1955–2009 (with a eleven-month interruption in 1993–94). In fact, revising Japan’s Constitution in general and the pacifist Article 9 in particular was part of the LDP policy platform from the very beginning of its existence in 1955. There was and still is a consensus among those in Japan who advocate the revision of the constitution that it was “imposed” onto Japan by the United States during the occupation (which is technically accurate, in view of the fact that Japan’s 1947 postwar Constitution came into being when Japan was occupied).²⁶ Hence it is not a “truly” Japanese Constitution, reflecting Japanese traditions and so-called “Japaneseness.” The technical (not to mention political) hurdles to revising Japan’s Constitution are high and, contrary to reports in the international media in recent years, Japan is by no means about to revise it, that is, revise or abolish Article 9 of the Constitution. A two-thirds majority in both houses of the parliament in favor of constitutional would have to be followed by a popular referendum and, even if the Japanese voters increasingly lean towards constitutional revision, recent survey data has shown that the majority of the public would not vote for the abolition of Article 9.

²⁶ For an overview of the events and developments which led to the adoption of Japan’s postwar constitution, see Axel Berkofsky, “Japan’s Post-War Constitution: Origins, Protagonists and Controversies,” *Il Politico Anno* [University of Pavia, Pavia, Italy], Vol. 75, No. 1 (2010), pp. 5–26; for a very critical assessment of how the making of Japan’s postwar constitution allegedly turned out to be an obstacle to Japan becoming a “normal” country dealing with its militaristic part, see Glenn D. Hook and Gavan McCormack, *Japan’s Contested Constitution: Documents and Analysis* (London: Routledge, 2001).

“Revisionists,” nationalists and ultra-conservatives in Japan calling today for a revision of the Japanese Constitution are, in the view of Professor Yoshihide Soeya, not “looking ahead but back” when they announce to render Japan “a truly sovereign country” through constitutional revision. If they “looked ahead,” considering the actual and possible consequences of constitutional revision for Japan’s foreign and security policies,” Soeya argues, the country’s revisionists and nationalists would come to see that the Japanese public would be strongly opposed to constitutional revision. If Japan were really to revise its pacifist Article 9, enabling it (on paper) to contribute to international military missions including combat missions, the Japanese public as well as large parts of the conservative and pro-defense parts of the public would very quickly and strongly turn to opposing constitutional revision as this would or could mean to actually “go” to war (as opposed to sending peacekeepers to post-crisis regions and countries, which it has done since 1992). Japan’s conservatives and nationalists, Soeya argues, are not aware of the possible – and indeed almost inevitable – consequences in terms of actual military contributions to international missions that could come with revising or indeed abolishing Article 9.

Opinion polls conducted by Japan’s main daily newspapers, comprising conservative and pro-constitutional revision papers such as the *Yomiuri Shimbun*, liberal/progressive papers such as the *Asahi Shimbun* and left-leaning papers such as the *Mainichi Shimbun*, have in recent years confirmed numerous times that the Japanese public is still in large part strongly opposed to enabling Japan to take part in international military missions and operations which include the use of military force. To be sure, the opinion polls indicate there is an emerging minority among the Japanese public which is in favor of constitutional revision (and the revision or amendment of Article 9), enabling Japan’s armed forces to, for example, to contribute more actively and regularly to international UN peacekeeping missions if these missions *exclude* the use of military force by Japanese soldiers. That differentiation is important to note in the context of the debate about constitutional revision in Japan.

To the present day, Japan’s Supreme Court refers to constitutional revision as a “political issue,” as opposed to an issue with which it is obliged to deal.²⁷ Since the mid-1970s, the Japanese Supreme Court holds the position

²⁷ For further details, see J. A. A. Stockwin, *Governing Japan: Divided Politics in a Major*

that it does not have to decide on whether Japan's armed forces do or do not violate Article 9. The court back then argued that Japan's political system gave the legislature the power and indeed the precedents to decide on the constitutionality of the armed forces. Such reasoning, however, seems awkward at best, and indeed inaccurate from a legal point of view in light of the fact that Article 81 of Chapter VI of the Japanese Constitution states that the "Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act."

The Supreme Court's unconvincing and legally "peculiar" decision not to rule on the constitutionality of the armed forces stands to the present day, which technically speaking means that the Supreme Court – at least in one case – does not consider itself in charge of protecting the Japanese Constitution. The decision not to decide on the constitutionality of Japan's armed forces in 1976 does not mean that there never was a decision by Japan's judiciary on the constitutionality of Japan's armed forces or the U.S.–Japan Security Treaty. In 1959 Tokyo District Court Chief Justice Akio Date ruled that the U.S.–Japan Security Treaty violated the Japanese Constitution, which consequently meant that also the U.S. military presence in Japan was supposedly unconstitutional. Japan's Supreme Court intervened, stating that government acts and policies should not be questioned unless acts and policies were "clearly unconstitutional."

Through this statement the Supreme Court de facto ruled that the U.S.–Japan Treaty and U.S. military presence are not unconstitutional. Furthermore, the Supreme Court ruled that the U.S. military presence in Japan does not violate Article 9 of the Constitution, which bans Japan from "possessing war potential" and does in the Supreme Court's view not deal with or indeed prohibit U.S. military presence in Japan. In 1952, Japan's Supreme Court had already ruled in the so-called "Suzuki case," which dealt with the constitutionality of Japan's Police Reserve (which in 1954 would become Japan's Self-Defense Forces) that it was not the Supreme Court's task to rule on matters of constitutionality unless there was a "concrete legal dispute between specific parties." The Supreme Court back then went on to argue that otherwise it would give the "appearance of an organ superior to all other powers in the land, thereby running counter to the basic principle of democratic government: that the three powers are independent, equal, and

immune from each other's interference."²⁸ This de facto meant – and still means today – that the Supreme Court of Japan, unlike the U.S. Supreme Court, does not see itself as charged with the task of dealing with requests by individuals or groups or political parties to decide on the constitutionality of laws.

Japan's conservative media, above all the biggest daily newspaper, the *Yomiuri Shimbun*, and large parts of the defense establishment have been supporting plans and proposals to revise Article 9.²⁹ However, the last Japanese prime minister who sought to put constitutional revision at the top of Japan's policy agenda was Shinzo Abe, who was prime minister for a little more than a year during 2006–07, resigning after less than one year in office characterized by financial scandals involving high-ranking members of the governing LDP and the loss of 50 million pension records. Abe did not have any support from the Japanese electorate for his plans to push constitutional revision on the domestic policy agenda and was rightly accused of setting the wrong priorities in times of economic transformation and crisis in Japan.

Leaving aside the fact that Japan is today already doing almost everything a "normal" country does in international security (to be sure, excluding the deployment of Japanese armed forces to international military combat missions), Article 9 today still provides a normative framework defining, and more importantly constraining Japanese military and defense policies. In other words: no Japanese contribution to international military or peace-keeping missions takes place without a debate on the constitutionality of the mission in question, revolving around the question of whether the envisioned mission violates the war-renouncing Article 9 in general and whether Japan's contributions to the mission can be interpreted as Japan "taking part" in a war. That discussion was particularly controversial when Japan's

²⁸ For the Supreme Court judgment on this case, see Masaaki Ikeda, David C. S. Sissons and Kurt Steiner, *Court and Constitution in Japan: Selected Supreme Court Decisions, 1948-1960* (Seattle: University of Washington Press, 1964), pp. 298–361.

²⁹ For a critical assessment, see Craig Martin, "The Case Against 'Revising Interpretations' of the Japanese Constitution," *Japan Focus*, <http://www.japanfocus.org/-Craig-Martin/2434> (accessed December 16, 2010); Richard J. Samuels, "Politics, Security Policy, and Japan's Cabinet Legislation Bureau: Who Elected These Guys, Anyway?" *JPRI Working Paper* No. 99 (March 2004), <http://www.jpri.org/publications/workingpapers/wp99.html> (accessed December 16, 2010) and Axel Berkofsky, "Japan's new army to the rescue of US forces," *The Asia Times Online*, April 3, 2004, <http://atimes.com/atimes/Japan/FD03Dh02.html>

government, led by Prime Minister Junichiro Koizumi, decided to dispatch the Japanese military to southern Iraq in 2004 to provide humanitarian and infrastructure assistance. Leaving aside the fact that Japan's pacifist constitution and limited involvement over the decades in international politics and security (in addition to the fact that the country – unlike other industrialized countries – was able to limit its defense expenditure to one percent of its GDP until the present day) served Japan's national and economic interests very well³⁰, the occasional inner-Japanese "outbursts" against the "U.S.-imposed" Japanese Constitution³¹ have, realistically speaking, had fairly little effect on Japanese mainstream opinion regarding the alleged "necessity" or "urgency" of revising the country's constitution.

What remains largely unmentioned in the context of the current debate on constitutional revision is the argument that Japan's pacifist Constitution, that is, Japan's constitutionally-induced obligation to refrain from solving international conflicts with military force, could have been or still could be a "role model" in international politics and security. In other words: Japanese "pacifism" (or what is left of it today) could theoretically have been a norm with an impact and influence on other nations if Tokyo had chosen to "sell" its pacifist Constitution as a global "force for good" to be "copied" by others instead of investing energy and resources into revising a constitution which over the decades has served its regional and global economic and political interests well.

Today, the ruling DPJ is officially in favor of constitutional revision and has repeatedly voiced its intention of dealing with constitutional revision as part of its domestic policy agenda.³² Realistically, however, constitutional revision is very unlikely to make it anywhere near the top of the country's

³⁰ Japan's low profile in regional and global security and defense policies without a doubt facilitated the country's economic and foreign economic and trade policies, above all in Southeast Asia. Leaving aside difficulties and controversy within Japan regarding Japan's coming to terms with its World War II history and policies, Japan was early on and during the decades of Japanese rapid economic growth perceived as a "benign" power, supporting and promoting economic growth and development in Southeast Asia. Until today and despite recent budgetary cuts Japan is by far the biggest donor of economic, development and financial aid to Southeast Asian countries.

³¹ Which is technically true as Japan was de facto obliged to approve a U.S.-drafted constitution in 1946.

³² See Yoichi Funabashi, "Tokyo Trials: Can the DPJ Change Japan?" *Foreign Affairs*, November/December 2009.

policy agenda in the months ahead in view of numerous other and far more urgent policy issues on Japan's domestic and international policy agenda.

Collective Self-Defense

Along with revising Article 9 of the Japanese Constitution, Japan's conservative – and ultra-conservative – policymakers and scholars have for years been requesting a change in the government's official interpretation of the pacifist Constitution to allow Japan's armed forces to exercise the right to collective self-defense as formulated in Chapter VII of the UN Charter. Under the government's current interpretation, Japan acknowledges the right to collective self-defense, that is, the *de facto* right to participate in international military operations *per se*, but in view of Article 9 of the Constitution sees itself as unable to allow its armed forces to execute that right in the framework of international military missions.

Not even former Prime Minister Junichiro Koizumi, whose tenure as head of government 2001–06 was accompanied by solid LDP majorities in both houses of the Japanese parliament and a significant expansion of executive powers assigned to the Prime Minister's Office with the support of Japan's Cabinet Secretariat (*kantei*), was able to revise that official interpretation. Instead, Koizumi was confronted not only with strong resistance from the opposition but also from within his own party from the beginning to the end of his tenure as prime minister.³³ Then again, there is wide agreement among experts that Japan's former missions in the Indian Ocean, in Iraq and currently the navy's anti-piracy mission off the coast of Somalia must be interpreted as acts of collective self-defense.³⁴

³³ For an excellent analysis of how former Japanese Prime Minister Koizumi used the Cabinet Secretariat to implement a very un-Japanese top-down style of decision-making, see Tomohito Shinoda, *Koizumi Diplomacy: Japan's Kantei Approach to Foreign and Defense Affairs* (Seattle, WA: University of Washington Press, 2007).

³⁴ Many Japanese scholars and officials interviewed by this author in recent years confirm that the discussion on the constitutionality of the right to collective self-defense will increasingly have only limited relevance to Japan's actual foreign and security policies.

U.S.–Japan Security Relations and the Futenma Base Controversy

The U.S.–Japan security alliance was codified in the U.S.–Japan Security Treaty signed in 1960. Japan hosts roughly 47,000 U.S. troops on Japanese soil, of whom 75 percent are stationed on Okinawa (occupying almost 20 percent of Okinawa’s territory). Japan is co-financing the U.S. presence in Japan, contributing roughly US\$5 billion annually, the so-called “Host Nation Support.”³⁵ There is a near-consensus among scholars and policy-makers in Japan that the security alliance with Washington is central to Tokyo’s regional and global security policy strategies and policies and is generally referred to as the “cornerstone” of Japanese defense and security policies. U.S. forward-stationed forces in Japan project U.S. (or U.S.–Japan) military power capabilities in East Asia in case of regional military contingencies involving North Korea, China or Taiwan (for example in the case of a Chinese–Taiwanese military conflict). Given Okinawa’s geographical vicinity to Mainland China and the Taiwan Straits, Okinawa is of particular strategic importance to the United States as it enables Washington to quickly deploy forward-stationed U.S. armed forces and marines to regional military crisis scenarios.

This paper’s objective is not to analyze the nature, purpose and problems of U.S.–Japan security alliance in detail – it will limit itself to dealing with the nature and impact of a 2009–10 U.S.–Japan controversy centered around a U.S.–Japan base-relocation agreement adopted in 2006.³⁶ This paper chooses to focus its brief analysis of U.S.–Japan security alliance on the 2009–10 base re-location agreement controversy as it is – in least in this author’s view – indicative of Japan’s still very limited ability and willingness to formulate and implement regional security and defense policies without

³⁵ Referred to as the “Sympathy Budget” by those in Japan who argue that Tokyo should reduce, or indeed abolish, its financial support for U.S. military stationed on Japanese territory.

³⁶ For more details, see also Axel Berkofsky and Linus Hagström, “Futenma and the Mobilization of Bias: An Alternative Perspective on the Japan–US Alliance,” *ISPI Working Paper*, December 2010, http://www.ispionline.it/it/documents/WP38_2010%20.pdf (accessed December 16, 2010).

U.S. influence and, as will be argued in this paper, indeed strong and persistent U.S. pressure.

In fact, the very high level and intensity of U.S. pressure on the Japanese government in 2009 and 2010 to leave the above-mentioned 2006 base relocation agreement unchanged was probably unprecedented, arguably – or indeed “unmistakably,” as this author argues – confirming Japan’s “junior partner” status in the U.S.–Japan “senior-junior-security alliance.” In other words: the controversy and its outcome, that is, the Japanese government caving in to U.S. pressure, eventually agreeing not to seek to re-locate additional U.S. marines from Okinawa to outside Japan (Guam was initially suggested by the Hatoyama government), put an abrupt end to Yukio Hatoyama’s ambitions to make the alliance with the U.S. “more equal” and less “asymmetrical,” in this case increasing Japan’s “say” over the nature and scope of U.S. military presence on Japanese territory.³⁷

What happened and what was the controversy about? Throughout his election campaign in 2009, then DPJ leader Yukio Hatoyama advocated his plans to revisit the 2006 Japan–U.S. agreement codifying the re-location of the U.S. Marine Corps Air Station Futenma from the residential area of Ginowan in the densely populated southern part of Okinawa to Henoko, a less densely populated area in the northern part of the island. As part of the agreement (which was signed after 13 years of bilateral and often heated negotiations), Washington agreed to reduce the number of U.S. military stationed in Japan by re-locating 8,000 marines from Okinawa to Guam by 2014.³⁸

In February 2009, Tokyo and Washington concluded the so-called Guam International Agreement under which Japan agreed to pay 60 percent of the costs (roughly US\$6 billion) of relocating 8,000 U.S. soldiers from Oki-

³⁷ The fact that Okinawa belongs to Japanese territory under Tokyo’s and not Washington’s control seemed at times to have been “forgotten” in the context of the base relocation controversy press coverage – U.S. Defense Secretary Robert Gates called the 2006 base re-location agreement “non-negotiable” during a visit to Tokyo in November 2009, which is “awkward” as it seemingly does not acknowledge the fact that Tokyo, as opposed to Washington, should ultimately be able and determined to decide on the presence and footprint of the U.S. military on Japanese territory.

³⁸ See Axel Berkofsky, “Okinawa Call to Shape New US-Japan Era,” *The Asia Times Online*, February 6, 2010, <http://www.atimes.com/atimes/Japan/LB06Dh01.html> (accessed December 16, 2010); Axel Berkofsky, “Tokyo Plays Hard to Get with Washington,” *ISN Security Watch*, December 18, 2009, <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=110649> (accessed December 16, 2010).

nawa to Guam by 2014. When Hatoyama made the revision of the 2006 base re-location agreement one of the central items on his election campaign agenda in 2009, Washington made it clear from the very beginning that it would resist any substantial changes – or, indeed, any change at all – to the existing base re-location agreement. Washington’s policymakers indicated early on that from the U.S. perspective the base re-location agreement was essentially “non-negotiable,” thereby de facto (and eventually successfully) denying a newly-elected Japanese government the right to review or indeed revise an agreement adopted between Washington and a previous government led by the LDP. Numerous Japanese opinion polls conducted in 2009 and 2010 confirm that a majority of the Japanese electorate initially supported Prime Minister Hatoyama’s plan to review and revise the 2006 base re-location agreement and to reduce the U.S. military presence and burden in Okinawa, even if consecutive polls then also pointed to widespread disapproval with how the prime minister handled the base re-location issue during the first months of his tenure as prime minister.³⁹ Under strong U.S. pressure, and due to his and his government’s inability to propose a realistic alternative site for the U.S. base, in May 2010 Hatoyama was finally forced to announce that Tokyo was no longer able to pursue the revision of the 2006 base re-location agreement. Shortly afterwards, Hatoyama was obliged to resign over his inability to resolve the base re-location issue to reduce the U.S. military presence in Okinawa as he promised during his election campaign in 2009.

In retrospect, given the above-mentioned strategic importance of the U.S. military presence in Okinawa, it is not unrealistic to assume that Washington would eventually have had to accommodate Japanese requests to revise the agreement, or at least parts of it. A revised base realignment agreement would without a doubt have been met with resistance in the Pentagon (which negotiated the agreement for more than 13 years) – it would not have necessarily “damaged” the alliance to an extent that the overall rationale of the alliance would be called into question, as was claimed by U.S. policymakers and scholars in sometimes “alarmist” style alike. Against that background and in retrospect, Hatoyama demonstrated a striking lack

³⁹ A list of opinion polls conducted by Japanese daily newspapers, including the *Asahi Shimbun*, *Yomiuri Shimbun*, *Nihon Keizai Shimbun* and *Mainichi Shimbun* confirmed that a majority of the Japanese electorate wanted Hatoyama to re-negotiate the base re-location agreement.

of political leadership and resilience, which allowed Washington to exert strong pressure on him and the government to either stick to the existing base re-location agreement or propose an alternative site acceptable to both Washington and the Japanese community and local authorities requested with the task of hosting a U.S. military base.

If Japan had not given in to U.S. pressure and instead had insisted on continuing to seek to re-negotiate the base re-location agreement, it might have created an important precedent for how Tokyo could in the future show itself willing and able to protect its interests in the context of the bilateral security alliance. That such an outcome would inevitably have meant that Tokyo had decided to take the “next step” and question the overall rationale and purpose of its security alliance with the U.S. (as it was feared in Washington) can be excluded, given the importance of U.S. military protection for Japan’s national security. Indeed, Hatoyama and his government never actually questioned the rationale and overall importance of the U.S. military presence in Japan. But as it turned out just that must have been a concern for Washington, given the high – and more often than not disproportionate – level of “alarmism” amongst U.S. policymakers and scholars when Tokyo requested a review of the base agreement. Washington must have feared that the Futenma controversy might be only the “beginning” of what a DPJ-led government could request and seek to change as regards the U.S. military presence in Japan in the years ahead.

From a U.S. perspective, concerns that Tokyo under Prime Minister Hatoyama was planning to render Japanese regional and global security policies less dependent on U.S. strategies and policies were until a certain extent comprehensible in view of the Hatoyama government’s first foreign and security policy initiatives after taking office in September 2009. When Hatoyama decided to end the navy’s refueling mission in the Indian Ocean in favor of expanding Japan’s civilian engagement in Afghanistan, this was in U.S. eyes without a doubt an indication that Japan’s prime minister was less prepared than his LDP predecessors to unconditionally follow a regional and global U.S. foreign policy lead. The termination of Japan’s refueling mission in the Indian Ocean in support of the U.S. military campaign in Afghanistan – albeit a symbolic as opposed to a substantial contribution to the war in Afghanistan – was interpreted as a signal that Tokyo would under a government led by the DPJ be less committed to following and

supporting the U.S. lead in regional and international security, including the U.S. campaign against international terrorism.

Prior to and after the August 2009 general elections, Tokyo also announced several times that it would seek to change the so-called “U.S.–Japan Status of Forces Agreement,” which protects U.S. troops from legal prosecution in Japan and the government began making requests to reduce Japan’s so-called “Host Nation Support,” i.e. Japan’s financial support for U.S. military in Japan. These were seen as signs that Tokyo’s alliance policies under Prime Minister Yukio Hatoyama might no longer be “business as usual.” However, Tokyo eventually giving in to U.S. pressure over the base re-location agreement confirmed that it indeed was.

In conclusion, the Futenma base controversy and the government’s inability to resist U.S. pressure cost the DPJ-led government dearly in terms of foreign and security policy credibility inside and outside Japan and was in the view of many Japanese analysts symptomatic for a lack of a “strategic foreign and security policy vision” of the current DPJ-led Japanese government.⁴⁰ Acknowledging that other and very different conclusions are possible, this author concludes that the Futenma controversy stood for much that is “wrong” with Japanese foreign and security policies: overdependence on the United States in terms of foreign and defense policies and a persistent lack of “sustainable” refusal to resist U.S. pressure regarding negotiations and disagreements over the U.S. military presence on Japanese territory. Also acknowledging the fact that Washington’s insistence on sticking with the existing base re-location agreement was understandable from a U.S. perspective, it should however not have kept Tokyo from insisting on continuing to seek to renegotiate the agreement (even if Tokyo would in any event have had difficulties identifying alternative base sites within Japan). Whether one calls the failure to do so a lack of “strategic vision” or part of Japan’s (infamous) “reactive” foreign and security policies is secondary.

⁴⁰ The author bases this conclusion on numerous interviews with Japanese policy-makers and scholars conducted in Tokyo in December 2010.

Japan's North Korea Policies

As mentioned above, North Korea's missile and nuclear programs, as well as occasional North Korean intrusions into Japanese territorial waters have triggered many of the recent changes in Japan's regional defense and security policy agenda. This paper therefore dedicates significant space to analysis of Japan's policies and strategies towards North Korea.

Japan and the Democratic People's Republic of Korea (DPRK, hereafter North Korea) are in 2010 as far away as ever from maintaining anything resembling "normal" relations, let alone diplomatic ties. Bilateral negotiations originally aimed at the establishment of diplomatic relations have been stalled since 2008 and, given the current state of bilateral exchanges, the possibility of Tokyo and Pyongyang resuming bilateral negotiations any time soon can be excluded. Instead, bilateral ties will continue to be characterized by antagonism and friction. The findings of an international investigation at the end of May that a North Korean torpedo fired from a submarine sank a South Korean warship on March 26, killing 46 South Korean sailors, confirmed for policymakers in Tokyo the fact that North Korea is above all to be considered and treated as a military threat to Japan.

On May 20, 2010, Prime Minister Yukio Hatoyama announced that Japan would support South Korea in its decision to request a UN Security Council resolution against North Korea. On May 23, the South Korean government announced that it would refer the sinking of the vessel to the UN Security Council, requesting that it consider adopting a resolution to expand sanctions imposed on North Korea after Pyongyang's missile and nuclear tests in 2006 and 2009. Whether and what kind of further sanctions or other punitive measures the Security Council will impose on North Korea in the course of 2011 depends not least on Russian and, probably more importantly, Chinese support for sanctions or other punitive measures.

On May 28, Tokyo announced further tightening of its already stern sanctions against North Korea when it decided to lower the amount of cash individuals could send to North Korea without declaring it from ten million yen (roughly 88,000 Euro) to three million yen (roughly 26,000 Euro). This restriction is aimed to further limit the cash flow from Japan to North Korea by ethnic North Korean living in Japan, organized in the North Korean

Residents Association of Japan (*Chosen Soren*, for details see below). Furthermore, Japan is planning to further tighten travel restrictions from and to North Korea. On the same day, Japan's parliament passed a bill authorizing the JCG to inspect vessels on the high seas suspected of carrying North Korean weapons or nuclear technology, in accordance with a 2009 UN Security Council resolution.

North Korea's alleged sinking of a South Korean warship has most probably confirmed for Japan's political leaders that their current policies towards North Korea – to suspend all attempts and initiatives to politically, and in North Korea's case probably more importantly economically, engaging Pyongyang before North Korea's political leadership among others resumes the dismantlement of its nuclear program – are the “right” policies given current circumstances.

The “Abduction Issue”

Not only North Korea's missile and nuclear programs, but the so-called “abduction issue,” that is, the abduction of Japanese citizens to North Korea in the 1970s and 1980s, ensured that bilateral ties and exchanges were reduced to a minimum in recent years, that is, apart from very limited trade relations, sporadic and eventually unsuccessful bilateral negotiations on how to address and deal with the many problems on the bilateral agenda. In fact, judging by the intensity of the reporting on and coverage of the “abduction issue” in Japan over recent years, the issue is at least as important – if not more so – to Japan's North Korea policy agenda as Pyongyang's missile and nuclear programs.

Since the United States, Japan, China, South Korea, Russia and North Korea started negotiating the terms and conditions of North Korea's denuclearization in the framework of the Six-Party Talks in 2003, Tokyo's willingness to provide Pyongyang with economic, humanitarian and financial assistance rose and fell with North Korea's willingness to address the “abduction issue,” explaining to Tokyo what exactly happened to the Japanese abducted by North Korea's secret service decades ago.⁴¹ Up to 35 Japanese citizens, Tokyo claims, were abducted to North Korea from Japan and

⁴¹ See Maaike Okano-Heijmans, “Japan as Spoiler in the Six-Party Talks: Single-issue politics and economic diplomacy towards North Korea,” *Japan Focus*, October 21, 2008, http://japanfocus.org/-Maaike_Okano_Heijmans/2929 (accessed December 16, 2010).

Europe in the 1970s and 1980s and forced to work, among other occupations, as Japanese language “instructors,” teaching the Japanese language to North Korean secret service agents.⁴²

In 2002, during the first Japan–DPRK Summit in Pyongyang, North Korea’s leader Kim Jong Il admitted that the North Korean secret service had indeed kidnapped Japanese citizens and apologized officially. While Pyongyang considered the issue to be settled by this official apology, Tokyo saw its fears confirmed and (under pressure from the Japanese public and the country’s media) requested Pyongyang to follow its official apology with information on what exactly happened to the kidnapped Japanese in North Korean captivity over the decades. Initially – and to this day – Pyongyang has essentially limited itself to maintaining that those abductees who were not among the five allowed to return to Japan in 2002 died a “natural” death in North Korea.

Tokyo’s requests for more information on the fate of the abductees became even more frequent and assertive when in 2002 Pyongyang allowed the five surviving abductees to return to Japan for what Pyongyang requested should be a “holiday.” In October 2002 the five surviving abductees traveled to Japan for a one-to-two week visit, but were not permitted to bring their children or spouses with them. The public outcry in Japan that these relatives were being held as “hostages” in North Korea led the Japanese government under Prime Minister Koizumi to refuse to send the five abductees back to North Korea and demand that the family members be allowed to move to Japan. Pyongyang’s reaction to Japan not allowing the “abductees” to return to North Korea was absurd but somehow predictable: “Tokyo kidnapped the abductees,” Pyongyang complained when Tokyo decided not to let the kidnapped Japanese return to Pyongyang (as had been agreed between Tokyo and Pyongyang). Since then, the repatriated Japanese citizens have appeared numerous times on Japanese television and contributed to public seminars and conferences providing the Japanese public with emotional first-hand accounts of their captivity in North Korea. Together with the country’s North Korea hardliners (nationalists and ultranationalists), they are exerting tangible and vocal pressure on Japan’s gov-

⁴² There is disagreement in Japan on the exact number of abductees, with claims ranging from 17 to 100.

ernment to the present day to make sure that the “abduction issue” remains at the top of Tokyo’s North Korea policy agenda.

In May 2004, Japanese Prime Minister Koizumi made his second trip to Pyongyang – the first trip was for the Japan–North Korea Summit in 2002 – to negotiate the release of eight relatives of the five abductees who returned to Japan in 2003. He achieved that and was also able to commit Pyongyang to provide Tokyo with information on ten other abductees. Pyongyang, however, did not live up to this commitment and in December of the same year provided Tokyo with remains that Pyongyang claimed to belong to the abductee Megumi Yokota, who had been kidnapped from Japan in 1977 at the age of 13. In November 2004, Pyongyang sent Tokyo some human remains claiming that they were Yokota’s. Japanese DNA tests showed that they were not the remains of Megumi Yokota, evidence for Tokyo that Pyongyang was mocking Japanese requests for accurate and credible information on the fate of the abductees.⁴³

When Shinzo Abe took over as prime minister after Koizumi’s resignation in September 2006, he again made the abduction issue the central issue on Tokyo’s North Korea policy agenda (e.g. by successfully putting the issue onto the G-8 agenda), which led to him being accused by South Korea of “hijacking” the agenda of the Six-Party Talks and jeopardizing multilateral efforts to denuclearize North Korea. This South Korean criticism was remarkable, as not only Japanese but also South Korean citizens had been abducted by North Korea’s secret service in the past.

Pressure from the Inside

Tokyo has never defined in a clear-cut way what exactly “sufficient progress” on the abduction issue would have to be in order for the issue to be considered resolved, not least because there was no consensus among Japanese policymakers on the level of detailed information on the fate of the abducted Japanese that North Korea would be requested to provide. Although Japan’s official position indicated that “progress” would constitute the resolution

⁴³ The Japanese DNA tests, however, were not free from controversy and were subject to discussion as to whether they had been accurately conducted. See, e.g., David Cyranoski, “DNA Is Burning Issue as Japan and Korea Clash over Kidnaps,” *Nature*, Vol. 433, No. 7025 (2005), p. 445, Editorial, “Politics Versus Reality,” *Nature*, Vol. 434, No. 7031 (2005), p. 257.

of “unresolved questions” such as the “whereabouts of some of the abductees” (as Japan’s Ministry of Foreign Affairs admitted at the time, it would have been difficult, if not impossible, to convince the Japanese government that Pyongyang had provided Tokyo with enough and sufficiently verifiable information for Tokyo to consider the “abduction issue” as “resolved”). This is not least due to hard-line positions towards North Korea within Japan’s policymaking circles represented by Japanese policymakers such as Shoichi Nakagawa, former chairman of the so-called of the Parliamentarian League for Early Repatriation of Japanese Citizens Kidnapped by North Korea and other North Korea hard-liners amongst the country’s policymakers and lawmakers. They have in the past requested that North Korea should not only allow all kidnapped Japanese to be repatriated to Japan but should officially apologize and financially compensate the abductees. Better-informed and moderate policymakers or former policymakers such Hitoshi Tanaka, Japan’s former North Korea chief negotiator, dismiss such requests as “irrational” (quite reasonably as paying reparations to the abductees is not something North Korea’s political leadership would realistically entertain).

Japanese pressure groups such as the Association of the Families of Victims Kidnapped by North Korea (*Kazukukai*) and the National Association for the Rescue of Japanese Kidnapped by North Korea (*Sukukai*) have repeatedly and effectively emphasized through frequent appearance on Japanese television that they are against policies and initiatives towards improving relations with North Korea before the resolution of the “abduction issue.” These groups have in recent years exercised a strong influence on Tokyo’s policies towards North Korea and will continue to do so in the future, as it is very unlikely that Pyongyang will change its current position of essentially ignoring Tokyo’s requests for more – and above all more credible – information on the fate of the kidnapped Japanese. Pyongyang of course made it fairly easy for Tokyo to maintain its position on what it considered to be a “resolution” of the abduction issue before considering providing North Korea with the promised energy aid agreed upon in the 2007 Nuclear Agreement, as it did not make any efforts whatsoever to address Tokyo’s requests for information on the fate of the other possibly surviving abductees.

In retrospect, it must be concluded that Pyongyang was never seriously considering investigating – or in 2008, re-investigating – the case, and Tokyo

was probably well aware of this, given Pyongyang's early tactics of providing Tokyo with obvious bogus information on the fate of the abductees, as it had done in the case of Megumi Yokata. The level of "emotional" debate on the "abduction issue" in recent years in Japan gives the impression that the "abduction issue" has been ranking as high (if not higher) as Japanese concerns about North Korea's nuclear and missile programs on Tokyo's foreign and security policy agenda.

Temporary Rapprochement

In 2006, Japan and North Korea agreed to resume bilateral negotiations, employing a three-track format with separate panels and working groups discussing diplomatic normalization, North Korea's past abduction of Japanese nationals and Pyongyang's nuclear and missile programs. However, this format plus numerous "secret," that is, non-public Japanese–North Korean negotiations in Pyongyang in 2006 and 2007 did not sustainably improve relations, not least or indeed above all because the bilateral official and non-official encounters did not produce any progress on the "abduction issue" as Japan's former North Korea chief negotiator Ambassador Hitoshi Tanaka told this author.⁴⁴ Between 2006 and 2007, Japanese delegations led by Tanaka spent numerous weekends⁴⁵ in Pyongyang negotiating with their North Korean counterparts with virtually no results or progress on the three issues mentioned above. In fact, the attempt to address the abduction issue, the normalization of diplomatic relations and the missile/nuclear issue separately failed because Tokyo was eventually unwilling (and admittedly unable in view of public opinion in Japan) to separate the issues from one another as long as Pyongyang continued to refuse to provide Tokyo with the requested information on the abductees. In other words, Pyongyang's refusal to address the abduction issue made sure that the other two panels produced essentially no results whatsoever from 2006 to 2008.

After the signing of the so-called February 2007 "Nuclear Agreement," Washington announced that the resolution of the abduction issue was no longer a precondition for taking North Korea off the U.S. State Department's

⁴⁴ Author's interviews with Ambassador Hitoshi Tanaka in 2006.

⁴⁵ Roughly twenty weekends, as Ambassador Tanaka told this author during an interview in Brussels in 2006.

list of States Sponsoring Terrorism.⁴⁶ The White House was without a doubt aware that that decision would be perceived as Washington “abandoning” Tokyo on the abduction issue, but was seeking to ensure that Pyongyang would not be able exploit being listed on the “terror list” as a pretense to not honor the commitments of the February 2007 “Nuclear Agreement,” in which North Korea agreed to freeze and dismantle its nuclear program in return for the provision of energy assistance equivalent to one million tons of heavy fuel oil from the United States, China, Japan, Russia and South Korea. Under the framework of that agreement five multilateral working groups were to be established dealing with North Korea’s nuclear program, the normalization of bilateral U.S.–North Korea relations, the normalization of bilateral Japanese–North Korean ties, economic and energy assistance for North Korea, and a possible joint Northeast Asian security mechanism (back then envisioned as a “follow-up” to the Six-Party Talks, that is, a security forum discussing East Asian security among the Six-Party Talks members and possibly others).

The “Nuclear Agreement” became possible when Washington retreated from its previous hard-line position requesting North Korea to fully dismantle its nuclear program before providing economic and energy aid. The agreement and U.S. preparedness to “soften” previous positions towards Pyongyang (which eventually meant a reduced U.S. preparedness to support Tokyo’s insistence on putting the “abduction issue” at the top of the agenda of the Six-Party Talks) did at the time put pressure on Tokyo to try to seek to resume bilateral negotiations with North Korea. In a *Financial Times* interview on November 12, 2007, Prime Minister Yasuo Fukuda, who had taken over from Shinzo Abe, indicated, albeit cautiously, that denuclearizing North Korea is at least as important as solving the “abduction issue” and that resolution of the “abduction issue” was not necessarily a precondition for resumption of bilateral negotiations with Pyongyang. As a result of Fukuda’s more conciliatory approach, Japanese and North Korean negotiators met in Beijing in early June 2008 to seek to resume Japanese–North Korean negotiations using the so-called “three-track format” with separate panels and working groups discussing diplomatic normalization,

⁴⁶ For further details, see Larry Nicksch and Raphael Perl, “North Korea: Terrorism List Removal,” *CRS Report for Congress* (Congressional Research Service), Jan. 14, 2008, <http://fpc.state.gov/documents/organization/98097.pdf> (accessed December 16, 2010).

the “abduction issue” and Pyongyang’s missile and nuclear programs. The bilateral talks produced surprisingly constructive results when Pyongyang committed itself to re-investigate the abduction issue and hand over Japanese terrorists who had hijacked a Japan Airlines flight in 1970. Tokyo in return committed itself to consider lifting the economic sanctions it had imposed on North Korea in 2006. Pyongyang, however, did not stick to its promise: the abduction of Japanese citizens was not re-investigated and the terrorists were not handed over. Consequently, Japan’s economic sanctions remained in place (and are still in place now).

North Korea as “Catch-All” Threat

The abduction of Japanese citizens earned the country the label of a “terrorist” or “evil” state in Japanese domestic political discourse.⁴⁷ With the help of parts of the Japanese media and conservative politicians, this anti-North Korea sentiment resulted in at times irrational and unrealistic assessments of the level of danger posed by North Korea to Japanese internal and national security. Allegations in Japan that North Korea is actively involved in the smuggling of narcotics into Japan, and thereby threatening Japan’s internal security, continue to confirm this perception.⁴⁸ Using North Korea as what Christopher W. Hughes as well as others such as Swedish scholar Linus Hagström calls a “proxy threat” enabled Tokyo to justify and implement changes to Japan’s security policy agenda, officially designed to deal with the threat posed by North Korea.⁴⁹ Realistically, however, Japanese policymakers have in recent years also used the potential threat from North Korea to justify U.S.–Japan missile defense, military procurements and the operational expansion of the U.S.–Japan security alliance to address and deal with the potential military threat posed by China.

With the active support of previous LDP governments led by Shinzo Abe and more recently Taro Aso, Japan’s defense establishment has in recent years sought to justify the acquisition of military equipment by the threat posed by North Korea’s missile and nuclear programs. “Super-sizing” the

⁴⁷ David Leheny, *Think Global, Fear Local: Sex, Violence, And Anxiety in Contemporary Japan* (Ithaca, N.Y.: Cornell University Press, 2006).

⁴⁸ Sheena Chestnut, “Illicit Activity and Proliferation: North Korean Smuggling Networks,” *International Security*, Vol. 32, No.1 (Summer 2007), pp. 80–111.

⁴⁹ Linus Hagström, “Normalizing Japan: Supporter, Nuisance or Wielder of Power on the North Korean Nuclear Talks?” *Asian Survey*, Vol. 49, No. 5 (2009), pp. 831–51.

North Korea threat, as Christopher W. Hughes puts it, has in the past led to proposals by Japan's defense establishment and policymakers to acquire offensive military equipment, including U.S.-made Tomahawk missiles. The acquisition of offensive military equipment would violate Japan's decade-long principle of so-called "exclusively defense-oriented policies," which do not permit Japan to acquire and station offensive military capabilities on Japanese territory. Japan's "defense-oriented defense policies" state that the extent of the use of defensive force will be kept to the minimum necessary for self-defense, and that the defense capabilities to be possessed and maintained by Japan are limited to the minimum necessary for self-defense and the defense of Japanese territory.⁵⁰

The debate within Japan on the acquisition of Tomahawk missiles, however, died down fairly quickly and, as of today, the acquisition of such and other offensive military equipment remains a taboo in Japan. In addition to Japan's fiscal and financial restraints, which will continue to ensure that additional defense spending will remain all but inconceivable in Japan in the years ahead, this limits Tokyo's ability to consider the acquisition of offensive military equipment. In the early 2000s, a discussion emerged in Japanese policymaking circles on whether Japan should have the right to attack North Korea preemptively should there be clear enough indications that North Korea was about to prepare a missile launch against Japan. In 2003, Defense Agency chief Shigeru Ishiba suggested to equip Japan with the capabilities to preemptively attack North Korea, even if the Koizumi government dismissed this suggestion as Ishiba's "personal opinion" when it leaked to the press. In 2005, former Defense Agency chief Fumio Kyuma briefly reactivated the idea of preemptively attacking North Korea, only however to claim that the Western press, in this case the *Washington Post*, had misquoted him after his suggestion that Japan should consider the possibility of equipping itself with the capabilities to preemptively attack North Korea. Although Kyuma denied that he made this suggestion,⁵¹ he – like

⁵⁰ See Ministry of Defense, "Basis of Defense Policy," http://www.mod.go.jp/e/d_act/d_policy/dp02.html (accessed December 16, 2010).

⁵¹ A high-ranking Japanese Ministry of Foreign Affairs official maintained in an interview with this author that the *Washington Post* had misquoted Kyuma. According to the official, Kyuma merely said that Japan should consider the possibility of equipping itself with military equipment with which North Korean missile bases could be preemptively attacked.

Ishiba before him – did exactly that and there is no doubt that such a discourse is part of the (albeit unofficial) discourse amongst Japan’s conservative and “hawkish” policymakers and scholars.

Is North Korea Really a Threat?

Japan’s conventional military concerns with regard to North Korea center around the threat posed by North Korea guerilla incursions, incursions into Japanese territorial waters as well as attacks on Japanese nuclear power facilities along the coast of the Sea of Japan. Large parts of Japanese territory are exposed to North Korea’s stock of 150–200 Nodong-1 1,000–1,300 km medium-range ballistic missiles (the Taepodong missile flew over Japan in 1998). While Japanese policymakers and the defense establishment point to the immediate threat posed by North Korean missiles, independent analysts on the other hand contend that the threat posed by North Korea’s conventional military capabilities is realistically fairly limited, given Pyongyang’s aging equipment and technology and its lack of funds to train its military appropriately. As regards the threat posed by North Korea’s nuclear program, there is a near-consensus among independent analysts that North Korea will for years and maybe decades to come not be capable of mastering nuclear weapons technology to the extent necessary to miniaturize nuclear devices to mount them on ballistic missiles. Furthermore, North Korea’s offensive military capabilities are no match for Japan’s defensive capabilities, let alone the conventional military capability of the 47,000 U.S. military forces stationed in Japan. Nevertheless, Japan’s defense establishment and the country’s conservative policymakers remain concerned that North Korea might in the longer run decide to equip its Nodong and Taepodong missiles (which have a range of up to 6,000 km)⁵² with conventional high-explosive warheads or mount chemical or biological weapons on them. Leaving aside the uncertainty about when North Korea could actually be capable of equipping its Nodong and Taepodong missiles with high explosive or chemical/biological warheads, Japanese policymakers point to the fact that North Korea’s Nodong short-range missiles are, at least in theory, able to reach and hit Tokyo in less than ten minutes.

⁵² With a range of up to 6,000 km (last tested by North Korea in July 2006).

In reality, however, not only North Korea but also – and probably more importantly – the perceived threat from China has been motivating Japanese policymakers in recent years to strengthen the country's defense and military profile, including the strengthening of U.S.–Japan military cooperation through the revision of the so-called U.S.–Japan Guidelines for Defense Cooperation initiated in 2005. The envisioned revision of the defense guidelines raised concerns in China, as the revision of the guidelines were accompanied by what Washington and Tokyo called a “joint interest in securing peace and stability in the Taiwan Straits.”⁵³

China was strongly critical of the revised U.S.–Japan defense guidelines envisioning strengthened U.S.–Japanese military cooperation in the – admittedly very unlikely – event of a Taiwan Straits contingency assigning a more active role to the Japanese military fighting alongside U.S. troops, as opposed to merely providing logistical support. Already in 1997 during the work on the first revision of the U.S.–Japan Defense Guidelines, which were first adopted in 1978, China harshly criticized the revision as a joint U.S.–Japanese policy to institutionalize bilateral military cooperation to defend Taiwan, as the guidelines spoke of U.S.–Japan military cooperation in the so-called “areas surrounding Japan” (*Nihon shuhen jitai*), for China a synonym for the Taiwan Straits.⁵⁴

While it was and will continue to be politically relatively “easy” to cite a military threat from North Korea as justification to upgrade Japan's defense capabilities, the same is not true for China. Citing China as a potential military threat to Japanese national security would almost inevitably lead to diplomatic tension and irritation – as was the case several times in the recent past – and China would almost certainly “return the compliment” by

⁵³ The Defense Guidelines were first revised in 1997. From 1997 to 2003, Tokyo adopted and implemented a series of laws creating the legal basis and framework for U.S.–Japan military cooperation in the case of regional contingencies.

⁵⁴ Washington and Tokyo countered such criticism by arguing that the “areas surrounding Japan” do not describe a geographical, but instead what they called a “situational concept,” de facto and according to the U.S.–Japanese interpretation meaning that the 1997 defense guidelines do authorize bilateral military cooperation in “situations” requiring such cooperation; this could be in Asia but not only in Asia, also e.g. in the Middle East or anywhere else; to be sure, this explanation and interpretation never convinced policymakers in Beijing, who continue to argue that the 1997 defense guidelines were the de facto institutionalization of a possible U.S.–Japan military cooperation in the Taiwan Straits, not least because they were implemented less than one year after the (small-scale) military crisis in the Taiwan Straits in 1996.

accusing Japan of using an “imaginary” threat from North Korea in order to justify the upgrade of its military and defense posture, thus threatening regional peace and stability.

Japan and the Six-Party Talks

On April 5, 2009 North Korea launched a long-range missile capable, at least in theory, of reaching Guam and Alaska. While Pyongyang “celebrated” the successful launch of a communications satellite into orbit, analysts widely agreed that the launch was actually a failure, with parts of the missile – or satellite, as Pyongyang claims – falling into the Sea of Japan shortly after takeoff. In many ways, the launch demonstrated the technical shortcomings of North Korea’s missile programs and technologies as opposed to demonstrating its ability to pose a tangible threat to regional and Japanese national security. Nonetheless, in Tokyo’s view, North Korea’s short-range Nodong missiles pose a threat to Japanese territory, and there is agreement among Japanese and non-Japanese scholars that Japan’s ability to actually shoot down an incoming Nodong missile cannot be taken for granted, that is, there is no guarantee that Tokyo’s existing missile interceptor systems (either land-based or mobile, stationed on Aegis destroyers) will be able to shoot down a Nodong missile before it hits Japanese soil.⁵⁵

In defiance of UN Security Council sanctions imposed shortly after North Korea’s April 2009 missile tests, requiring UN member states to freeze assets of three North Korean companies (the Korea Mining Development Trading Corporation [Komid]), the Korea Ryonbong General Corporation and the Tanchon Commercial Bank, which are believed to have been active in procuring equipment and funds for North Korea’s ballistic missile and weapons programs), Pyongyang threatened to resume nuclear testing. It did so on May 25 when Pyongyang conducted an underground nuclear test. This was North Korea’s second nuclear test after the first test in October 2006. Almost immediately after the UN Security Council condemned the nuclear test and began working on a resolution, Pyongyang test-fired two short-range missiles off an east coast base in North Korea into the Sea of

⁵⁵ North Korea has in recent years successfully tested its Nodong missiles and, although there doubts remain about the missile’s accuracy and reliability, the improved Nodong missiles pose a military threat to Japan and, after the recent missile tests, are increasingly perceived in Japan as such.

Japan. In June 2009, the Security Council adopted Resolution 1874, toughening the UN sanctions regime and calling for UN member states to inspect North Korean ships suspected of transporting nuclear materials and other prohibited items to and from North Korea. Tokyo in turn reacted to North Korea's nuclear test by prohibiting all Japanese exports to North Korea. One day later, Pyongyang test-fired another two short-range missiles into the Sea of Japan, putting Japan's armed forces on high alert.

Pyongyang had already announced that it was pulling out of the Six-Party Talks⁵⁶ following a UN unanimous vote condemning North Korea's April 2009 missile launches.⁵⁷ "There is no longer any need for the Six-Party Talks. We will never again take part in such talks and will not be bound by any agreements reached at the talks," North Korea's foreign ministry announced on April 14, 2009. On the same day Pyongyang announced that it was suspending cooperation with the International Atomic Energy Agency (IAEA) and ordered all IAEA inspectors to leave the country. Eleven days later, Pyongyang claimed to have resumed reprocessing spent nuclear fuel rods to extract weapons-grade highly enriched plutonium, breaking the February 2007 agreement on the production of such material.⁵⁸ Whether Pyongyang has actually resumed processing spent nuclear fuel rods is not known, as all international inspectors left North Korea in the course of that year.⁵⁹

Passing the Buck to Japan

The North Korean state-run news agency Korean Central News Agency (KCNA) – whose server is ironically based in Tokyo and run by ethnic

⁵⁶ A multilateral forum established in 2003 and hosted by Beijing; the Six-Party Talks (U.S., Japan, South Korea, China, Russia and North Korea) aim to negotiate and oversee North Korea's verifiable and sustainable denuclearization.

⁵⁷ See Mark Landler and Matthew N. Saltmarsh, "Korea Threatens to Quit Talks and Restart Plant," *The International Herald Tribune*, April 15, 2009.

⁵⁸ North Korea agreed for the first time in 2005 to abandon all nuclear weapons and existing nuclear programs and return to the Treaty on Non-Proliferation of Nuclear Weapons and to UN safeguards. It again confirmed these commitments in February 2007 in the framework of the Six-Party Talks and last year it seemed that Pyongyang was willing to begin living up to that commitment when it began partially dismantling the nuclear facilities in Yongbyon. It is estimated that Pyongyang has in the past extracted enough plutonium for up to eight nuclear bombs.

⁵⁹ *Financial Times*, April 26, 2009.

Koreans residents in Japan – claimed that Japan was “entirely responsible” for the fact that Pyongyang was “obliged” to end its participation in the Six-Party Talks.⁶⁰ Pyongyang declared that “Whenever the talks opened, Japan raised completely irrelevant issues [referring to the so-called “abduction issue”] to the talks, deliberately throwing obstacles in their way and making desperate efforts to bring the talks to collapse.” To be sure, that was not the first time that Pyongyang accused Tokyo of “sabotaging” the Six-Party Talks. In protest against Tokyo’s refusal to provide North Korea with energy aid as agreed in an agreement reached in February 2007 in the framework of the Six-Party Talks,⁶¹ North Korea issued a statement two days before the start of a session scheduled for December 8, 2008, saying that it would not accept Japan as a participant in the talks. Under the agreement North Korea was to receive one million tons of heavy fuel oil or the equivalent in energy aid from the other five participants in exchange for disabling its plutonium-producing facilities at Yongbyon and verifiably revealing the full extent of its weapons program.

While by December 2008 roughly half of the promised energy aid had been delivered – mostly by Russia, China and South Korea – the Japanese government withheld its share, arguing that Pyongyang had not lived up to its July 2008 promise to provide Tokyo with further information on the fate of the kidnapped Japanese in North Korea. Pyongyang failed to meet the December 2007 deadline to submit the so-called “nuclear declaration” and only submitted it after a six-month delay on May 29, 2008. That list, however, was considered to be incomplete, not providing nearly enough detailed information on North Korea’s nuclear program and activities. Consequently, the first version of the list was rejected and it was requested that Pyongyang fill in the blanks in the list before the United States, Japan, South Korea, China and Russia would activate their humanitarian, energy and economic aid.

Pyongyang handed Washington roughly 19,000 pages of operating records of the nuclear facility in Yongbyon and its weapons grade plutonium program there. Not present on this list, however, was an account of the number of nuclear weapons North Korea might already have manufactured. Furthermore, the United States and Japan – and others too – had

⁶⁰ *Korean Central News Agency, April, 2009.*

⁶¹ *Economist Intelligence Unit, 2008.*

their doubts about the amount of plutonium North Korea claimed to have produced. While Pyongyang declared it had processed 37 kilos, Washington estimated that the country had already produced nearly 60 kilos. There were also concerns about whether Pyongyang had provided an accurate description of its highly enriched uranium program and whether the country had been accurate and transparent about the proliferation of nuclear materials and technology in the past.⁶² While Washington and others suspected that Pyongyang had in the past sold nuclear materials and technology to Syria, Pyongyang strongly denied this. The revised North Korean nuclear list submitted to Beijing six weeks later was considered to be good and detailed enough for Washington to announce within a few days that it was taking North Korea off the U.S. State Department's list of state sponsors of terrorism and terminating the application of the so-called Trading with the Enemy Act (TWEA), in the case of North Korea, which had been in effect since 1950.

When the Six-Party Talks were initiated in Beijing in 2003, Japan emphasized repeatedly that the missile and nuclear issues must be solved together with the above-mentioned "abduction issue" before progress in Japan–North Korea relations could be envisioned or before Japan can consider providing Pyongyang with economic and financial aid. Pyongyang on the other hand requested numerous times from 2003 to 2009 that as long Tokyo insisted on putting the "abduction issue" on the agenda for the talks, Japan should not even be "allowed" to participate.⁶³ China and South Korea were not as "outspoken" as Pyongyang about Tokyo's firmness to put the "abduction issue" on the agenda of the Six-Party Talks, but made it clear on various occasions over the years that they feared that Tokyo's "fixation" with the abduction issue could put the Six-Party Talks at risk by giving Pyongyang an "easy" excuse to interrupt them.

This, and Japan's refusal to provide North Korea with the above-mentioned energy and economic aid negotiated in the February 2007 agreement led scholar Maaïke Okano-Heijmans and others to refer to Japan as the "spoiler" of the Six-Party Talks, arguing that Tokyo was in the past deliberately obstructing and indeed "sabotaging" the talks with its insistence on

⁶² Jeffrey A. Bader and Richard C. Bush, "North Korea's Nuclear Declaration," *The Brookings Institution*, June 26, 2008, http://www.brookings.edu/opinions/2008/0626_north_korea_bader.aspx (accessed December 16, 2010).

⁶³ *Korean Central News Agency*, December 1, 2003.

making progress on the “abduction issue” in the framework of the talks. Japan, she argued, did not honor its commitment to provide North Korea with energy and humanitarian aid as agreed in the February 2007 “Nuclear Agreement.” Through this agreement, negotiated in the framework of the Six-Party Talks it was agreed that the United States, China, Russia, South Korea and indeed Japan would provide North Korea with substantive energy and economic aid in return for verifiable evidence that Pyongyang is disabling and dismantling its nuclear program and facilities. However, Okano-Heijmans fails to mention that North Korea submitted the nuclear declaration after a six-month delay and that list was immediately dismissed as an insufficient and incomplete account of the country’s nuclear activities and facilities. It would have been politically very difficult, or indeed impossible, for the Japanese government to decide to provide Pyongyang with humanitarian and food aid before Tokyo (and Washington) considered the information on North Korea’s nuclear declaration sufficiently accurate and verifiable. When Pyongyang submitted the revised version of the nuclear declaration, the United States, China, Russia and South Korea began preparing to provide North Korea with the energy aid promised in the agreement of February 2007. Japan, however, did not participate in the multilateral efforts to provide North Korea with the promised energy and economic aid, again citing the absence of progress regarding the “abduction issue.”

Whether or whether not Japanese energy and economic aid in the framework of the “Nuclear Agreement” would have kept North Korea from conducting missile and nuclear tests in 2009 can of course not be verified, but in view of the amount of aid and funds Tokyo was prepared to provide North Korea with in the past, it cannot be excluded that a Japanese decision not to block the provision of energy aid to Pyongyang in 2008 could have had a positive impact on North Korea’s security policy behavior – it could have contributed to convincing North Korea to forego the missile and nuclear tests in 2009; in 2002, Tokyo had offered to provide North Korea with aid worth roughly 20 percent of North Korea’s GDP. Tokyo, however, chose not to use economic and financial incentives as a diplomatic tool, but instead insisted that the resolution of the “abduction issue” is a precondition for the provision of Japanese aid and funds for North Korea.

The Lack of Japanese Economic Diplomacy

In South Korea, Japanese aid to North Korea – or the prospect of it – was considered a crucial diplomatic tool and instrument, capable of creating sustainable and lasting incentives for North Korea to denuclearize. Of course, since 2008, when Lee Myung-bak took office and officially ended Seoul's so-called "sunshine policy" towards North Korea – which meant providing Pyongyang with economic, financial and humanitarian aid regardless of North Korean missile testing and occasional clashes in the waters around the Korean Peninsula – Seoul's willingness to economically and financially engage North Korea had risen and, more often than not, fallen with Pyongyang's preparedness to verifiable denuclearize and dismantle its nuclear program and facilities. Seoul nevertheless continues to hope and argue that eventually Japanese economic and financial will be instrumental in and central to supporting North Korea's economy if and when Pyongyang resumes the dismantlement of its nuclear program and facilities.

When the South Korean administration led by Lee took office in February 2008, it hoped that Japan would in the years ahead provide North Korea with up to US\$10 billion in economic and financial aid.⁶⁴ North Korea had also repeatedly maintained that it would ultimately need additional Japanese and South Korean funds to disable and dismantle its nuclear program.⁶⁵ According to South Korean calculations, US\$10 billion would be 25 percent of the amount needed to raise North Korea's annual GDP per capita to US\$3000. Japan's initially ambitious and potentially far-reaching economic engagement policies towards North Korea envisioned in the early 2000s were equally ambitious, at least in terms of possible funds foreseen for the support of North Korea's ailing economy. However they are now all but indefinitely suspended and a resolution of or at least progress on the "abduction issue" will continue to be the precondition for Tokyo to consider resuming any food and humanitarian aid policies towards North Korea. In retrospect, Japan's role in and impact on the Six-Party Talks were always very limited, regardless of Tokyo's insistence on putting the "abduction

⁶⁴ A very significant amount of money, when one takes into account that according to the CIA's *World Factbook* North Korea's overall GDP in 2008 amounted to US\$40 billion.

⁶⁵ Kuniko Ashizawa, "Tokyo's Quandary, Beijing's Moment in the Six-Party Talks: A Regional Multilateral Approach to Resolve the DPRK's Nuclear Problem," *Pacific Affairs*, Vol. 19, No. 3 (2006), pp. 411–32.

issue" on the agenda of the multilateral talks. As regards initiatives to resume the multilateral talks after their interruption in 2009, Tokyo has in recent years has deliberately taken a back seat, knowing that its ability to positively influence North Korea by convincing it to return to the Six-Party Talks had always been very limited, and in the end practically non-existent.

While North Korea is considered by Tokyo to be an imminent and concrete military threat to Japanese security, Tokyo is de facto leaving it up to others (China and the United States) to "defuse" that threat, instead focusing on efforts to equip itself with the instruments and military capabilities to counter the perceived military threat from North Korea when it becomes even more imminent and concrete (as would be the case should Pyongyang continue to develop nuclear weapons). Such a contradiction – or "strategy," if one chooses to attribute a more positive-sounding characterization of what Japan is currently doing with regard to the nuclear crisis – does not serve Japan's national security interests and has de facto made Tokyo a "bystander" in the Six-Party Talks over the last two years. While a resolution of the "abduction issue" looks like a "lost cause" for Japan, in that it is an issue which will continue not to be addressed or dealt with in Pyongyang, Tokyo's defense establishment and parts of the foreign and security policymakers have seemingly yet to fully come to terms with the fact that a narrow-minded focus on the "abduction issue" has run counter to Japan's national security interests.

Okano-Heijmans argues (admittedly in a paper written before Pyongyang's second nuclear test) that Tokyo seems satisfied with the current status quo, as it enables it to justify changes and upgrades to its security policy agenda.⁶⁶ As has been elaborated on above, there is indeed no doubt that Tokyo has been – and still is – using the perceived or, as has been argued above, partly "imaginary" threat from North Korea to justify and explain changes to its military and security posture. However, after North Korea's second nuclear test in May 2009, it is probably inaccurate to claim that Japan's policymakers and the defense establishment are content with the current status quo of North Korea possibly resuming the development of its nuclear program or that they welcome the perceived threat as a justification for changes or upgrades to Japan's defense profile.

⁶⁶ Okano-Heijmans, "Japan as Spoiler in the Six-Party Talks."

Japanese–Chinese Rivalry

When assessing the Japanese role or “non-role” in the framework of the Six-Party Talks, it should not go unmentioned that Japan’s very limited “enthusiasm” for playing a more active and potentially more constructive role in the talks is influenced by at least two additional factors. First, Tokyo is well aware that North Korean willingness to make concessions and resume the dismantlement of its nuclear program and facilities will eventually depend on the outcome of the currently stalled U.S.–North Korean bilateral negotiations. This has meant that Tokyo has been free to focus on bilateral issues such as the abduction issue, knowing that investing resources and energy into seeking to convince North Korea to give up its nuclear ambitions in the framework of the Six-Party Talks would most likely yield limited returns. Second, the fact that China – Japan’s foremost geostrategic rival – is playing a leadership role in the framework of the Six-Party Talks is probably another reason why Tokyo’s level of “constructive activism” (as opposed to insisting on the discussion of the “abduction issue”) is and will continue to be limited. China itself has exploited its role in and impact on the talks as alleged “proof” that it is a globally “responsible” power, an assessment that is not necessarily shared by Japan’s defense establishment. While China’s engagement in the framework of the talks is officially acknowledged as positive and constructive, promoting a nuclear-free Korean Peninsula, the Chinese role and engagement in talks is met with skepticism and suspicion in Tokyo, not least because in recent years it is above all China’s economic and financial support for North Korea which has kept the North Korean economy and regime from collapsing.

There is a near consensus among policymakers and analysts that Beijing is not and cannot be interested in seeing a nuclear-armed North Korea either, not least because of Chinese fears that Tokyo – and even worse from a Chinese perspective, Taiwan – decided to go nuclear too. However, there is also a near consensus among analysts that China is supporting the North Korean regime, keeping it economically afloat to prevent its collapse, resulting in Germany-style reunification turned a re-unified North and South Korea into a U.S. ally, possibly armed with nuclear weapons – one of the “worst-case scenarios” for Chinese policymakers and scholars. From a Chinese realist perspective, the survival of the North Korean regime is essential for China to control and limit U.S. and U.S.–Japan influence in the region.

As sad and appalling as the abduction of Japanese citizens to North Korea in the 1970s and 1980s was, from a Japanese national and regional security perspective the issue should not have limited or – as it eventually did – eliminated Japanese influence on North Korea’s denuclearization process in the framework of the Six-Party Talks. The longer Tokyo’s policymakers insisted on solving the “abduction issue,” the less North Korea considered Tokyo to be a relevant actor and contributor to the talks. Should the Six-Party Talks resume this year – and there are some indications that they actually might after both North and South Korea have at the very beginning of 2011 declared themselves ready in principle to resume meeting in the multilateral forum – this is very unlikely to change: Japan will remain at best a marginal participant or indeed irrelevant participant in the Six-Party Talks as far as Pyongyang is concerned. Unless Tokyo decides to take the abduction issue off the agenda of the Six-Party Talks and/or offer economic and financial aid without insisting on progress of the abduction issue (both of which Tokyo will not do), Japan will continue to be a very marginal actor or indeed, from a North Korean perspective, a “nuisance” around the negotiation table in Beijing.

U.S.–Japan Friction over North Korea

In the past, North Korea has been partially successful in seeking to drive a wedge between the respective approaches of the United States and Japan towards North Korea. After the August 1998 Taepodong-1 test – when the missile flew over Japanese territory, Tokyo reacted to the missile test by threatening to withhold its funds for the Korea Energy Development Organization (KEDO).⁶⁷ The United States, on the other hand, was not as alarmed as Tokyo about the missile test and did not want to see the KEDO process and the 1994 so-called “Agreed Framework” between the U.S. and North Korea derailed by the missile test. As it turned out, Japanese security concerns due to North Korea’s Taepodong missile were not taken into consideration in Washington and Tokyo was essentially obliged – under pressure from the U.S. – to continue supporting and, more importantly, co-financing

⁶⁷ KEDO was to provide North Korea with two light-water reactors as an alternative to nuclear energy. Additionally, KEDO was to provide North Korea with regular heavy fuel oil shipments. The light-water reactors, however, were never built and the heavy fuel oil was delivered after long delays or not all.

the KEDO process. In October 2006, after North Korea's first nuclear test, U.S. policies and approaches again diverged from Japanese ones, not least because of the U.S. focus on its war against terrorism and its wars in Iraq and Afghanistan, Washington did not take Pyongyang's nuclear test as seriously as Tokyo.

Tokyo and Washington jointly supported UN Resolutions 1695 and 1718, but Washington refused to back a Japanese plan to implement a U.S.-led economic blockade against North Korea (going far beyond the limited economic sanctions formulated in these resolutions). After the February 2007 so-called "Nuclear Agreement," in which Pyongyang committed itself for the first time officially to dismantling its nuclear facilities, Washington became even less enthusiastic about supporting Japanese hard-line policies towards North Korea, in particular Japanese insistence on putting the "abduction issue" towards the top of the agenda of the Six-Party Talks. Tokyo feared that it might have been forced to enter a process of normalizing relations with North Korea without having achieved tangible progress on the "abduction issue." This fear was at least temporarily confirmed when Washington took North Korea off its State Sponsors of Terrorism list in 2008, in essence without having consulted with Tokyo. In the past, Tokyo was repeatedly concerned that the United States might ultimately be more concerned about overall regional stability and nuclear non-proliferation and willing to accept a nuclear-armed North Korea if it committed itself to not selling nuclear technologies and materials to others.⁶⁸ Ultimately, these fears, however, turned out to be baseless as there were – and still are – no indications that Washington was ever willing to accept a nuclear-armed North Korea at the expense of Japanese, or indeed regional, security. Nonetheless, it must be concluded that Washington was indeed towards the very end of George W. Bush's second presidential term no longer prepared to support Japanese insistence on achieving progress on the abduction issue at the expense of jeopardizing possible progress in multilateral efforts to denuclearize North Korea.

Japan's eventually unsuccessful efforts to re-activate the bilateral Japanese–North Korean negotiations initiated by Prime Minister Yasuo Fukuda in 2007 were not least motivated by fears in Tokyo that Washington would

⁶⁸ Christopher W. Hughes and Ellis S. Krauss, "Japan's New Security Agenda," *Survival*, Vol. 49, No. 2 (Spring 2007), pp. 165–66.

not insist on a resolution of the “abduction issue” in order to make progress in the framework of the Six-Party Talks (as was in fact the case). In other words: the Fukuda government decided to seek to re-activate bilateral negotiations, fearing that Washington would reduce its support for Japan’s efforts to put the “abduction issue” close to the top of agenda of the Six-Party Talks. Given the recent “joint” U.S.–Japanese experience with North Korea’s refusal to honor its commitment of the February 2007 “Nuclear Agreement,” however, U.S.–Japanese friction or disagreements regarding their respective policies towards North Korea have become very unlikely. In other words: not only Tokyo but also Washington under President Obama will continue to wait for Pyongyang to resume disabling and dismantling its nuclear program before offering Pyongyang any economic, political or financial incentives.

North Korea, Japan and the U.S. “Terror List”

Pyongyang’s harboring of Japanese Red Army terrorists, who face charges in Japan of having hijacked a Japanese airliner plane in 1970, was the reason why the United States included North Korea in its list of State Sponsors of Terrorism. After repeated requests from Japan, North Korea was also put on the list for having abducted Japanese citizens in the 1970s and 1980s. The list is significant, as it prohibits North Korea by law from receiving many forms of U.S. economic assistance and restricts some trading rights. In 2007 and 2008, North Korea made the removal from the list a pre-condition for progress on the nuclear issue, that is, for Pyongyang to agree to stop its clandestine nuclear program. In 2007 and 2008, Washington and the U.S. State Department – then led by Condoleezza Rice – urged Tokyo several times not to insist on the resolution of the “abduction issue” in order not to jeopardize progress of implementing the “Nuclear Agreement” with North Korea. Washington was concerned – correctly, as it turned out – that Pyongyang would use Tokyo’s insistence on addressing the “abduction issue” in the framework of the Six-Party Talks as justification to refuse to make progress with regards to the dismantlement of its nuclear program and facilities. Consequently, during Prime Minister Shinzo Abe’s visit to the White House in May 2007, Rice told Abe that the U.S. government had no legal obligation to link the kidnapping and terrorism list issues. This was widely – and appropriately – understood as an indication that Washington was no

longer willing to give North Korea the justification or excuse to jeopardize the progress of the Six-Party Talks, as Pyongyang had repeatedly argued that Japan's attempt to put the "abduction issue" onto the agenda of the Six-Party Talks would amount to deliberately "sabotaging" the talks.

While Washington was preparing for North Korea's delisting in mid-2008, Washington through, among others, President George W. Bush and Secretary of State Condoleezza Rice sought to reassure Tokyo of U.S. support on the abduction issue, announcing that the United States would continue keep up the pressure on Pyongyang regarding the abduction issue (by threatening to impose additional economic sanctions should Pyongyang continue to not address Tokyo's requests to re-address and indeed re-investigate the fate of Japanese abductees in North Korea in a serious manner). However, North Korea's delisting in October of the same year made clear that Washington was not prepared to follow up on the verbal pressure with "real" economic and political pressure through sanctions, choosing the prospect of possible progress on North Korea's denuclearization over Tokyo's strong requests not to "abandon" it on the "abduction issue." The delisting took place when it was very obvious that Pyongyang was not serious about re-investigating the "abduction" issue as it had promised to do in June 2008, briefly opening the door to the re-establishment of bilateral Japanese–North Korean negotiations. When Prime Minister Taro Aso – who more than once had made a name for himself as one of Japan's most outspoken and uncompromising North Korea critics – took office in October 2008, Pyongyang announced that it was terminating the reinvestigating of the abduction issue, citing Tokyo's allegedly "hostile" policies towards North Korea under Prime Minister Aso's leadership.

Although Tokyo had worked hard to convince the United States not to do so, on October 11, 2008, Washington took North Korea off its list of State Sponsors of Terrorism in return for Pyongyang's promise to resume disabling its nuclear facilities and allowing international monitors access to its nuclear sites. Only thirty minutes before the official announcement of the de-listing on October 11, Prime Minister Aso received a phone call from President Bush. The ten-minute telephone conversation between Bush and Aso was reportedly set up at very short notice by the U.S. ambassador Thomas Schieffer, who, unlike the U.S. president, thought it was appropriate to inform Tokyo in advance of such a radical change to Washington's

North Korea policy agenda. Prime Minister Aso tried to sound unconcerned when speaking to the press about the fact that North Korea would be taken off the State Sponsors of Terrorism list. "Taking North Korea off the U.S. terror list does not prevent Japan from seeking to solve the so-called abduction issue. We will be able to hold sufficient discussions on the abductions in the process of negotiations to come. The delisting does not mean a loss of leverage," Aso was quoted as saying to the press the day after the delisting.

LDP politician Shoichi Nakagawa – who became finance minister in the cabinet of Prime Minister Taro Aso and was forced to resign after being drunk at a G-8 press conference in Rome a few months after taking office – accused Washington's chief North Korea negotiator Christopher Hill of suffering from "the Stockholm syndrome," that is, sympathizing too much with North Korea, and of being unable to see what Tokyo typically refers to as Pyongyang's "evilness," when Hill throughout 2008 indicated – and later promised – that North Korea would be taken off the list of State Sponsors of Terrorism. Either way, the delisting back then represented the de facto end of joint U.S.-Japanese policies towards Pyongyang, at least until Pyongyang resumed its missile and nuclear testing in 2009. "Taro Aso has put a brave face on the latest U.S.-North Korea deal and will have to acquiesce to a large degree, but clearly he does not like the sense that Japan has been abandoned on the 'abduction issue' and even, potentially worse, on the nuclear issue," Christopher W. Hughes, professor of International Politics and Japanese Studies at the University of Warwick, told this author.⁶⁹ Naturally, taking North Korea off that list came as an unpleasant surprise to Tokyo, which until then had believed that keeping Pyongyang on that list stood for a joint U.S.-Japan policy approach towards North Korea.⁷⁰ The U.S. decision to take North Korea off the list rendered obsolete earlier U.S. and U.S. State Department policies and approaches towards the abduction issue. In 2000 and again in 2003, the U.S. State Department directly linked a

⁶⁹ Author's interview with Christopher W. Hughes in October 2008.

⁷⁰ This was not the first time that the U.S. undertook an important North Korea policy initiative without consulting Japan. When Washington entered into the so-called Agreed Framework (AF) agreement with North Korea in 1994, Japan was consulted very late and in a limited fashion. The AF was, in return for North Korea freezing its nuclear program, to provide North Korea with two proliferation-proof light-water nuclear reactors. The reactors were never built, but Japan (like South Korea) contributed roughly US\$1 billion to the project (through the Korean Energy Development Organization, KEDO) from 1995 until the definite suspension of the project in 2006.

possible removal of North Korea from its list to progress on the “abduction issue.”⁷¹

In retrospect, Washington’s taking North Korea off its State Sponsors of Terrorism list must be interpreted as U.S. “fatigue” with addressing and supporting Tokyo’s insistence on dealing with an issue in the past at the expense of making progress on North Korea’s denuclearization. Washington meeting Pyongyang’s request to be taken off the U.S. “terror list” had to be understood as Washington’s determination not to give Pyongyang any additional “excuse” to further delay the denuclearization and dismantlement of its nuclear facilities at the end of George W. Bush’s second term as U.S. president. That this undermined the then joint U.S.–Japanese approach towards North Korea was seemingly secondary to the outgoing U.S. administration in October 2008.⁷² It was clear then that outgoing U.S. President Bush wanted progress – at least on paper – towards a possible resolution of the North Korean nuclear issue before the U.S. presidential elections in November and, as it turned out, temporarily damaging U.S. relations with Japan was a price Bush was willing to pay at the time. Until Washington took North Korea off its State Sponsors of Terrorism list, there was broad agreement among scholars that Japan’s hard-line policies towards North Korea were an “add-on” to U.S. policies towards Pyongyang, that is, a belief that Washington and Tokyo’s hard-line policies and policy approaches towards North Korea will continue to be jointly voiced and advanced in the framework of the Six-Party Talks.⁷³

When over the years supporting Japan’s hard-line position on the “abduction issue,” Washington was well aware that doing so could be helpful when requesting Tokyo to provide Pyongyang with large-scale economic and financial aid after a possible resolution of both the nuclear and

⁷¹ Michael Green and James Prystup, “The Abductee Issue is a Test of America’s Strategic Credibility,” *PacNet*, No. 45, November 15 (2007) (Center for Strategic and International Studies), <http://csis.org/files/media/isis/pubs/pac0747.pdf> (accessed December 16, 2010).

⁷² Former U.S. Vice-President Dick Cheney addressed the issue several times on his visits to Japan during U.S. President George W. Bush’s first and second terms, assuring the Japanese government and public of Washington’s support for Japan’s position on the “abduction issue.”

⁷³ David C. Kang, “Japan: U.S. Partner or Focused on Abductees?” *Washington Quarterly*, Vol. 28, No.4 (Autumn 2005), http://www.twq.com/05autumn/docs/05autumn_kang.pdf (accessed December 16, 2010).

abduction issues. As far as the U.S. was – and still is – concerned, Japan and South Korea and not Washington should shoulder the main burden of providing Pyongyang with economic and financial aid after the dismantlement of North Korea's nuclear program and facilities, as was the case with the financing of the Korean Energy Development Organization (KEDO), to which U.S. financial contributions have always very little compared to Japanese and South Korea contributions in the late 1990s and early 2000s.

Japanese Sanctions

No other country has imposed a tougher sanctions system on North Korea than Japan.⁷⁴ The current Japanese economic sanctions against North Korea were adopted in 2006, when North Korea conducted a long-range missile test in July of that year. The sanctions included the banning of all North Korean imports and stopping its ships entering Japanese territorial waters. They had an impact on North Korea's exports of produce such as clams and mushrooms, which earned Pyongyang Japanese yen. Tokyo's 2006 sanctions also banned port calls by a ferry that ethnic Koreans in Japan used to send hard currency to North Korea. Over the decades these shipments had been an important source of hard currency revenues for North Korea. It is estimated that up to US\$250 million dollars on an annual basis – mostly gained from the lucrative pachinko business run by ethnic Koreans in Japan – was shipped to North Korea in the past.⁷⁵ How much money is currently being transferred, that is, how effective Japan's economic sanctions are in hindering money transfers from Japan to North Korea, remains difficult to estimate with any degree of confidence.

⁷⁴ See also Christopher W. Hughes, "The Political Economy of Japanese Sanctions towards North Korea: Domestic Coalitions and International Systemic Pressures," *Pacific Review*, Vol. 79, No. 3 (Fall 2006), <http://wrap.warwick.ac.uk/1016/> (accessed December 16, 2010).

⁷⁵ Roughly half of Japan's pachinko parlors (pachinko is a pinball form of gambling generating huge amounts of revenue) are owned by ethnic Koreans in Japan. Other sources claim that North Korean remittances are much lower than that, having declined to as little as the US\$30 million level since the early 1990s, following the bursting of Japan's economic "bubble" and the decade-long economic crisis throughout the 1990s. The fact is that many of Chosen Soren's credit unions went into bankruptcy in the 1990s and several of these credit unions were implicated when revelations surfaced that some credit unions had transferred money to the regime in Pyongyang.

After an interruption of almost a year, Tokyo and Pyongyang resumed bilateral talks in June 2008 after North Korea promised a “re-investigation” of the fate of Japanese citizens abducted by Pyongyang in the 1970s and 1980s.⁷⁶ Furthermore, Pyongyang for the first time voiced its willingness to hand over to Japan the four remaining members of the nine hijackers of a Japan Airlines flight in 1970. In return, Tokyo agreed to partially lift sanctions against Pyongyang, allowing certain North Korean ships to make port calls in Japan.⁷⁷ Tokyo was also ready to lift restrictions on individual travel and charter flights between the countries. After North Korea’s missile tests in April 2009, Japan however announced that it would extend economic sanctions by one year, including the ban on imports imposed in 2006. Tokyo also announced that it would tighten its oversight of fund transfers from Japan to North Korea and decided to strengthen a ban on selling luxury goods to North Korea, including pricy beef, caviar, alcohol and cars. The Japanese cabinet also approved measures to tighten monetary transfer rules to North Korea. Under the new sanctions, any monetary transfer to North Korea over 10 million yen (US\$100,000) and cash delivery over 300,000 yen (US\$3,000) has to be reported to the government.

However, the actual and concrete impact of Japanese economic and trade sanctions on North Korea’s economy will continue to be relatively limited given the very limited bilateral trade volume – and the increasing importance to North Korea of China, which in 2008 accounted for more than 70 percent of North Korea’s overall external trade and more than 90 percent of foreign investment in North Korea. In 2006, Japanese–North Korean bilateral trade amounted to a very modest US\$120 million (down from roughly US\$370 million in 2002).⁷⁸ Trade with North Korea never amounted to more than 0.1 percent of Japan’s overall external trade. The current sanctions will

⁷⁶ Kwan Weng Kin, “Japan Lifting some Curbs on North Korea,” *The Straits Times*, August 14, 2008, http://app.mfa.gov.sg/pr/read_content.asp?View,10869, (accessed December 16, 2010).

⁷⁷ David Kang and Ji-Young Lee, “Japan-Korea relations: Tentative Improvement through Pragmatism,” *Comparative Connections*, July 2008, http://csis.org/files/media/isis/pubs/0802qjapan_korea.pdf (accessed December 16, 2010).

⁷⁸ North Korea’s main export items to Japan are clams, men’s suits, mushrooms, and coal. Japan’s primary exports to North Korea are cars, electrical components, woolen fabrics and general machinery. Many of the electronics components and clothing materials that are sent to North Korea are assembled into finished products and re-exported to big Japanese discount stores such as the so-called “100 Yen shops.”

remain in place until Pyongyang decides to return to the Six-Party Talks and resumes the agreed dismantlement of its nuclear program and facilities agreed in the framework of the February 2007 “Nuclear Agreement.”

Japan's Refueling Mission in the Indian Ocean

Authorized by Japan's "Anti-Terrorism Special Measures Law," the Japanese navy had since November 2001 been refueling U.S., British and other nations' vessels engaged in the war in Afghanistan. The law expired after one year and was consequently submitted to the parliament and newly adopted several times from 2001 to the present. The last time was in December 2008 when the then governing LDP used its two-thirds majority in Japan's Lower House to overrule the political opposition's upper house majority, enabling the refueling mission to continue until January 2010.⁷⁹ At the end of 2009, Japan's government led by Yukio Hatoyama decided not to re-submit the bill to parliament, instead announcing that Japan's refueling mission would end on January 1, 2010. Hatoyama's decision to end Tokyo's refueling mission in the Indian Ocean was interpreted as an indication that Japan led by the DPJ and Hatoyama was less than his LDP-led predecessor governments prepared to contribute to the U.S.-led war against terrorism (strong U.S. pressure e.g. "helped" Japan's Prime Minister Junichiro Koizumi adopt the Anti-Terrorism Special Measures Law back in November 2001). Even though it was widely agreed that Japan's refueling operations were merely a "symbolic" contribution to the ongoing war in Afghanistan, Washington nevertheless – and unsurprisingly – reacted negatively to the termination of Japan's refueling mission in the Indian Ocean.

In January 2008, Prime Minister Yasuo Fukuda had to use the ruling LDP's two-thirds majority in the Lower House to override the opposition's Upper House veto in a time-consuming and controversial lawmaking process that dragged on for several months. It was controversial in that the LDP for the first time in the political history of postwar Japan used its two-thirds majority in the Lower House to override the opposition's veto in the Upper House. The opposition claimed – and still does so today – that the mission

⁷⁹ See Mari Yamaguchi, "Japan OKs Extension of Anti-terror Navy Mission," *The Yomiuri Shimbun*, Dec.12, 2008; Jun Kato, Shima Chikara and Satoshi Ogawa, "Law's Enactment Renews Commitment: MSDF's Refueling Mission Unlikely to Provide Solution to Afghan problems," *The Daily Yomiuri*, December 13, 2008; see also "Japan extends Afghan mission," *BBC World Service*, December 12, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7779177.stm>

violates Japan's Constitution, as it is not authorized by a UN resolution. Indeed, it is the first time in Japan's post-World War II history for Tokyo to contribute to an international mission without a UN mandate, despite Japan's long-standing policy – at least on paper – of centering its international contributions on a mandate from the United Nations. This principle was coined “UN-centrism” (*kokurenshugi*) in the discourse on Japan's international contributions throughout the 1980s and 1990s.

The Japanese Constitution stipulates that the practice of pushing a law through the parliament against the will of an opposition equipped with a two-thirds majority in one of the houses of the parliament is reserved for “national emergencies.” The political opposition – then above all the DPJ which governs Japan today – argued that a decision on the continuation of the Japanese mission in the Indian Ocean did not constitute such a “national emergency.” The bill was adopted regardless and in the cabinet's working session in mid-September 2008, then outgoing Prime Minister Yasuo Fukuda's cabinet approved a bill to extend the Japanese navy's refueling mission in the Indian Ocean yet again.

The Japanese Mission in Iraq (2004–06)

Japan's (humanitarian mission) in the Middle East was terminated in December 2008. Authorized by the 2003 "Special Measures Law on Humanitarian Assistance and Reconstruction of Iraq," the Japanese Air Self-Defense Forces (ASDF) and Ground Self-Defense Forces (GSDF) were dispatched to the Middle East in support of the U.S.-led coalition forces in January 2004. Japan dispatched troops to Iraq not only in "support of" but also "under pressure from" the United States, at the urging of then U.S. Defense Secretary Donald Rumsfeld. Rumsfeld "reminded" the political leaders of Japan and South Korea that a Japanese refusal to send troops to Iraq might lead to a decreased U.S. willingness to defend Japan in the event of a North Korean missile attack. At the time Tokyo chose to give in to U.S. pressure and subsequently dispatched troop contingents to Iraq, providing infrastructure and medical aid in the country's south from 2004 to 2006. South Korea too caved in to U.S. pressure, sending 3,000 troops to Iraq.

While the 1,000 Japanese ground forces left southern Iraq in July 2006, Japan's air forces remained stationed in Kuwait, transporting supplies and members of the militaries of other nations as well, as those of the United Nations, between Kuwait and Iraq until December 2008. The ground forces' mission in southern Iraq consisted of, among others, the provision of medical and humanitarian aid for the Iraqi population as well as the reconstruction of infrastructure, roads and hospitals. To be sure, the mission was not free from problems and controversy, above all due to constitutional restraints imposed on Japanese military troops operating in Iraq.

Given that the Japanese mission was to be strictly of non-combat nature, only allowing soldiers to use military force for individual self-defense within strictly defined limits (as opposed to defending each other, let alone military personnel from other countries), military personnel from other countries were charged with the task of protecting Japanese troops and their bases from insurgent attacks. In September 2008, the Japanese government announced it would terminate the ASDF's mission in Kuwait by the end of the year, following a recent request from the Iraqi government asking for a reduction in the presence of foreign military forces.

Japan's Anti-Piracy Mission in the Gulf of Aden

In March 2009, Japan's Security Council decided to deploy two destroyers to the Gulf of Aden to contribute to an international anti-piracy mission. Japan joined the United States, China and other countries in the maritime operation against pirates who had attacked ships in the Gulf of Aden, a key route leading to the Suez Canal. Piracy in the Gulf of Aden off the coast of Somalia has a direct impact on Japan's economic and energy security as more than 2,000 Japanese commercial vessels sail through the Gulf of Aden, shipping above all crude oil to Japan. There is near-consensus in Japan that Tokyo has the right and duty to protect its economic interests in the Gulf of Aden in the framework of an international mission. The ships deployed in March 2009 were equipped with two patrol helicopters and carried 400 personnel, including members of the Japan's Maritime Self-Defense Forces (MSDF)'s Special Forces unit, along with eight JCG personnel.⁸⁰ Initially, given the constraints of Japan's 1954 Self-Defense Forces Law, the ships were only mandated to escort Japanese-registered ships and foreign ships carrying Japanese nationals or cargo. However, on March 13, 2009 Japan's cabinet under Prime Minister Taro Aso approved an anti-piracy bill, providing the MSDF with a legal framework for protecting foreign vessels and firing on pirate ships if they ignored warning shots.

In May 2009, in addition to two destroyers, Japan also dispatched two maritime surveillance aircraft and additional military personnel. In June 2009, Japan's parliament (with the then ruling LDP using its two-thirds majority in the Lower House) passed an anti-piracy law allowing the MSDF to use force to also protect foreign-flagged ships off the coast of Somalia. The new law allows the MSDF to protect any commercial ship threatened by pirates, not just those sailing under the Japanese flag or carrying Japanese nationals or cargo. The law also widened the navy's rules of engagement, allowing it to fire at the hulls of pirate vessels that approach other ships – but not at the pirates themselves – after repeated warnings and as

⁸⁰ See Axel Berkofsky, "Japan's Security and Defense Policy: The More Things Change..." *Stockholm International Research Institute (SIPRI)*, March 2009, <http://www.sipri.org/media/newsletter/essay/mar2009> (accessed December 16, 2010).

a last resort. By mid-2010, the MSDF had escorted 754 vessels on 122 missions. More than half of these vessels were non-Japanese, meaning that these actions represented an exercising of Japan's right to collective self-defense – a right that Japan had authorized for itself during its humanitarian mission in Iraq from 2004 to 2006.

As regards EU-Japan counter-piracy cooperation off the coast of Somalia, the MSDF and the EU Naval Force (NAVFOR) Somalia – Operation Atalanta⁸¹ have in 2010 cooperated, exchanging, among other things, information and data. Furthermore, Tokyo and Brussels announced in April 2010 that they would jointly support the establishment of the Djibouti counter-piracy regional training center as well as information-sharing centers in Kenya, Tanzania and Yemen.

⁸¹ EU NAVFOR's main tasks are to escort merchant vessels carrying humanitarian aid for the "World Food Program" (WFP) and to protect ships in the Gulf of Aden and the Indian Ocean and to deter and disrupt piracy. EU NAVFOR also monitors fishing activity off the coast of Somalia; for further details, see EU NAVFOR Somalia homepage, <http://www.eunavfor.eu>

Japan in Afghanistan

In January 2010, Prime Minister Hatoyama announced the assignment of an additional US\$5 billion in reconstruction aid to Afghanistan over the coming three to four years. Out of the US\$5 billion, Tokyo will provide assistance to Afghanistan of roughly US\$800 million in 2010. The Japanese government plans to focus on 1) enhancing Afghanistan's capability to maintain security, e.g. by providing training for police and security personnel; 2) reintegration of former insurgents; and 3) advancement of sustainable and self-reliant development, in sectors such as agriculture, education and infrastructure development. From a U.S. perspective, Hatoyama's pledge of US\$5 billion in reconstruction aid to Afghanistan over the next four years stands for Tokyo's willingness to support the United States in its global security objectives. From a Japanese perspective, however, Hatoyama's initiative to increase Japan's financial and personnel contributions to the reconstruction and pacification of Afghanistan are not necessarily to be understood as Japanese contributions to the U.S.-led war against terrorism but rather – at least according to the government's official rhetoric – Japanese “soft” and “civilian power” contributions to global peace and security.

Some of the Japanese funds assigned to Afghanistan are intended for use on joint projects with the EU in the years ahead. With reference to the EU's October 2009 Action Plan for Afghanistan and Pakistan and Japan's November 2009 assistance package for Afghanistan, Brussels and Tokyo envision (as formulated in the joint EU–Japan press statement after the April 2010 EU–Japan Summit in Tokyo) joint capacity-building activities for the Afghan police in the Afghan province of Ghor. Furthermore, the EU and Japan are planning to hold a capacity-building seminar in Tajikistan to – as the above-mentioned press statement reads – “enhance the border management capacities of the countries neighboring Afghanistan.”

Concluding Remarks

Although the above-mentioned 2010 advisory council draft report written by Japanese private-sector experts advising the Japanese government on defense and security issues serves as the basis for the formulation of Japan's defense policy guidelines in 2011, this does not mean that the Japanese government will necessarily take the panel's advice literally and seek to revise Japan's self-imposed ban on exporting weapons and weapons technology and allow the country's weapons industry to sell its products on the global market.

Similar reports have been drafted and submitted to Japanese governments in recent years, but so far none of the "radical" proposals, such as abolishing Japan's non-nuclear principles or equipping Japan with offensive missile capabilities capable of hitting targets outside of Japanese territory, were embraced by Japanese governments, let alone translated into actual Japanese foreign and security policies. That de facto means that Japan is not on the brink of abolishing the pacifist Article 9 of the Constitution on account of a perceived (imminent) threat to Japanese national security from North Korea.⁸² Neither is Japan about to develop and deploy nuclear weapons, officially revise its ban on introducing nuclear weapons, acquire offensive ballistic missiles or other offensive military equipment, or revisit other decade-long and firmly established fundamentals of Japan's defense and security policies. Tokyo's mainstream (and realistic) policymakers and scholars do indeed realize that North Korea's missile and alleged nuclear programs do not justify an upgrade of Japan's military and defense capabilities, which would in Japan's neighborhood – and particularly in China – be perceived as threatening to exacerbate the existing East Asian security dilemma (such as the acquisition and deployment of offensive ballistic

⁸² Article 9 of the Japanese Constitution does not allow Japan to maintain armed forces in the first place, the main reason why Japan's armed forces are called Self-Defense Forces. In order to change the Japanese constitution, a two-thirds majority in both chambers of the Japanese parliament is necessary – under the current political constellations, this is a near-impossibility. Furthermore, a revision requires a positive popular referendum and, even if the Japanese public is increasingly in favor of a more prominent and visible role in regional and global security, it is still very unlikely that the majority of the Japanese electorate would be in favor of abolishing the constitution's "pacifist" Article 9.

missiles). Japan's long-established constraints, such as the self-imposed limit not to spend more than one percent of the country's GDP on defense,⁸³ are likely to remain in place in the years ahead and, given the current fiscal constraints and the relative economic hardship in Japan, increased spending for defense will not come anywhere near the top of Tokyo's policy agenda.⁸⁴ As discussed above, Tokyo will in the years to come continue to upgrade its JCG and MSDF capabilities, will invest significant funds in joint U.S.–Japan missile defense and will continue to equip itself with the means and instruments to deal with North Korean intrusions into Japanese territorial waters or missile attacks. These changes, however, do not mean changing the very fundamentals of Japanese defense-oriented defense and security policies, but are – to put it bluntly – what “normal” countries do to defend their national territory. Consequently, they should not be interpreted as policies aimed at increasing Japanese military power projection capabilities threatening Japan's neighbors militarily. Without dismissing them out of hand as completely irrelevant, occasional Chinese, South (and North Korean) attempts to do just that are arguably disingenuous, not reflecting the reality and purpose of Japanese defense and security policies. In the case of China they are especially disingenuous and indeed misplaced, given China's rapidly rising defense budget and the rapid modernization of its armed forces.

As regards the “abduction issue,” Tokyo's strategy to put the issue at the very top of its North Korea policy agenda has not served Japan's national and security interests. Without denying Japan's legitimate and understandable right to receive accurate information on the fate of the abducted Japanese citizens, insisting on progress on the “abduction issue” on a bilateral and multilateral level (in the framework of the Six-Party Talks) has significantly diminished Japan's role in multilateral attempts to sustainably denuclearize North Korea. Japan, as it was concluded above, was above all perceived as a “trouble-maker,” as opposed to a constructive player and actor in the framework of the Six-Party Talks. As discussed above, Japan's behavior and North Korea strategy was in 2008 eventually “punished” by Washington taking North Korea off its so-called “terror list.”

⁸³ Formulated and implemented in 1954, the year the Japanese Self-Defense Forces were established.

⁸⁴ Only under Yasuhiro Nakasone, Japan's prime minister 1982-87, it was decided that Japan would spend more than one percent of the country's GDP on defense. However, the increase then was minimal and temporary (one fiscal year).

Given the increasing improbability that Pyongyang will in the months, and indeed years, ahead agree to again address and deal with the “abduction issue,” it cannot be excluded that – should the nuclear issue remain unresolved, that is, should North Korea continue to develop its nuclear program – future Japanese governments will sooner or later see themselves obliged to insist less on a “resolution” of the “abduction issue,” however this may be achieved and justified. However, when that is likely to happen remains yet to be seen. Japan’s attempts in the early 2000s to engage North Korea politically – and probably more importantly, economically – after the 2002 Japan–North Korea summit in Pyongyang were serious and substantive, even if they were mostly driven by a desire and strategy to solve the “abduction issue.” That these attempts failed is largely a result of Pyongyang’s unwillingness to address the abduction issue and its nuclear ambitions in a serious fashion. Then again, it must not go unmentioned that Japan’s North Korea policies (and political rhetoric characterized by antagonism) under Japanese Prime Ministers Koizumi, Abe and Aso after 2002 did not favor (to say the least) North Korea making concessions with regard to the “abduction issue.”

It cannot be denied that Tokyo was indeed exploiting the abduction issue to portray North Korea an “evil country” and “terrorist state” to justify the above-mentioned changes to its security and defense profile. However, it cannot be denied either that Pyongyang’s de facto refusal to address the issue in a serious fashion (as opposed to providing Tokyo with bogus information on what happened to the Japanese citizens in North Korean captivity) made it arguably very easy for Japan’s conservative press, scholars and policymakers to explain the alleged “necessity” of equipping Japan with the means and capability to defend Japanese territory against North Korea. North Korean occasional intrusions into Japanese territorial waters too did their share to confirm Japan’s conservative policymakers in their belief that North Korea is a concrete and imminent threat to Japanese national security.

As regards Tokyo’s relations with China, Tokyo and Beijing have for years, and indeed decades, argued over territories in the East China Sea referred to as the Senkaku Islands in Japanese and as the Diaoyu Islands in Chinese. The main issue in the dispute is not necessarily the islets themselves, however, but the natural gas and oil resources around the islands. As the recent clash between a Chinese trawler and a JCG in the East China Sea

demonstrated, friction over the disputed territories will continue to remain on the Japan–China agenda in the years ahead and the scope for concessions and compromise will continue to remain very small, if at all existent.

The recent territorial disputes led to the cancellation of a number of official Japanese–Chinese bilateral encounters during and after the controversy centered around the intrusion of a Chinese trawler into what Japan refers to as Japanese territorial waters. This controversy probably put probably an indefinite halt to earlier joint Japanese–Chinese efforts to exploit natural resources in an effort to address territorial disputes in the East China Sea in a more pragmatic and result-oriented manner.⁸⁵ In 2008, Prime Minister Yasuo Fukuda launched negotiations on concluding a treaty over a joint gas development project in the disputed waters in the East China Sea and ever since – and like never before – Tokyo and Beijing have shown themselves willing, at least on paper, to seek a “mutually beneficial solution” to the territorial disputes. However, Beijing has yet to officially agree to the idea of institutionalizing Sino–Japanese exploration and there are currently no indications that Chinese policymakers are planning to do so anytime soon. Indeed, given the sensitivities of the territorial issue, neither the government in Tokyo nor the one in Beijing could for domestic reasons afford to abandon the claimed territories in the East China Sea. Consequently, possible joint exploration of natural resources in the East China is in the years ahead very likely to remain the maximum Tokyo and Beijing can achieve towards a partial – but quite unlikely – solution to Japanese–Chinese territorial disputes.

Territorial disputes aside, Japan’s default strategy towards China will continue to be one of economic and political engagement. Bilateral trade between Japan and China amounted to US\$266.4 billion in 2008, Japan remains the biggest investor in China, and more than 10,000 Japanese companies operating in China employ eleven million Chinese workers. However, growing economic interdependence notwithstanding, Japanese regional defense and security policies will also continue to be driven and defined by

⁸⁵ In the past, Chinese vessels (Beijing usually refers to them as “research ships”) have repeatedly entered Tokyo’s so-called “Economic Exclusive Zone” (EEZ), in the vicinity of the disputed territories in the East China Sea. Furthermore, Beijing is accused by Tokyo of having in the past drilled for oil and gas in the disputed territories. For further details, see Christopher W. Hughes, “Japan’s Response to China’s Rise,” *International Affairs*, Vol. 85, No.4 (July 2009), pp. 837–56.

the real or imaginary “China threat,” potentially derailing Japan’s economic engagement strategy.