

Abe's Agenda of Revising Japanese Peace Constitution: The Motives and the Internal Challenges

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Constitutional change has been at the forefront of political debate in Japan ever since Shinzo Abe's Liberal Democratic Party (LDP) regained power in 2012. However, given the stiff pushback from opposition parties, peace lobbyists and the media, Abe is treading cautiously and has toned down his hawkish agenda. Instead of constitutional change, Abe and the LDP have softened their position, focusing now on the need for reinterpretation.

Abe wants to create a full-fledged military, or "National Defense Force", which Japan's current Constitution forbids. He also wants the right to launch pre-emptive military strikes and the right to engage in "Collective Self Defense" to aid the militaries of its security allies, including the United States. Abe's administration justifies these changes on the basis of changing regional security dynamics. If his goals are realized, it will ease the restrictions on the use of weapons imposed on Japan's Self Defense Forces (SDF) and thereby change the 'defense only' security policy Tokyo adopted following World War II.¹ The developments in Japan will have implications for regional security. Keeping this in mind, the Japanese Prime Minister is using international forums to dispel perceptions of militarism. Most recently, Abe explained

his ideas of "proactive pacifism" to the UN General Assembly and, during his visit to Cambodia and Laos, a Japan-ASEAN summit.²

Article 9, states, "the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes". Renouncing the clause has been a key plank of Japan's LDP going back to the party's formation in 1955. However the LDP has not realized this objective, despite frequently enjoying a parliamentary majority in the Diet. Article 96 stipulates that a two-thirds vote in the Diet and a public referendum is required for constitutional change. Realizing this is a hurdle unlikely to be crossed, perhaps Abe has stirred debate by saying that hopes to replace Article 96 with a provision that would require just a simple majority for amendment. Thus the amendment debate has shifted from Article 9 to Article 96. However, the goal remains the same: revising Article 9 to alter the pacifist policies that stem out from this clause.

Another factor helping the LDP push for constitutional change is the Japanese polity as a whole. Until the 1990s the anti-amendment parties, including the Socialists and Communists, occupied almost a third of the seats in the Japanese parliament and thus blocked any prospect constitutional change. However, the strength of these par-

1 For influence of Constitution on Japanese defense policy, see Ministry of Defense's explanation, "Fundamental Concepts of National Defense" (Ministry of Defense, Government of Japan).

2 "Abe discusses aid, security in Laos" (*Kyodo*, 17 November 2013).



ties has waned as other small, mostly right-wing parties, have gained sway in the Diet. In the last general elections, held amid Chinese sabre-rattling over the Senkaku Islands – claimed by China and Taiwan – the right wingers won almost two-thirds of the seats in Lower House of the Diet. The views of some of these conservative parties, including the Japan Restoration Party, the Sun Rise Party and Your Party, share the LDP's view on amending the Constitution. In the Upper House elections held in July 2013, the pro-amendment parties gained a combined 143 seats, but they fell just short of the threshold needed for a two-thirds majority in the 240-member Diet. Political analysts in Japan now believe the LDP enjoys a critical mass of legislative support for amending the Constitution.

The main challenge to amending Article 9 comes from the LDP's ally, New Komeito Party. Supported by the lay Buddhist organization *Soka Gakkai*, Komeito remains opposed to revising the basic ideals of the Constitution, including pacifism.³ The party has voiced opposition to replacing the National Defense Force and, more generally, expanding the defense forces beyond the narrow confines of self-defense. New Komeito, which has been the LDP's coalition partner for a decade, is opposed to a constitutional amendment, and New Komeito's President Natsuo Yamaguchi has already made his stance clear on the issue. In an interview to the *Japan Times* he said: "The people are most concerned about the economy and social welfare, and they are not asking us to immediately amend the Constitution. It is an important issue that needs to be discussed thoroughly".⁴ On the issue of revising the ban on exercising the right of collective self-defense Yamaguchi is at odds with Shinzo Abe. He declared: "If the exercise of the right of collective self-defense is recognized and the Constitution revised to create a national military, there would be no constitutional restraints on the use of force. The nature of the SDF's duties would also change. We cannot agree to that".⁵

The China factor, however, has emboldened the pro-amendment forces. On the campaign trail during last year's general elections, LDP officials used the ongoing stand-off with China over the sovereignty of Senkaku, and North Korea's missile launches, to revive debate on Article 9. LDP Secretary General and former Defense Minister has linked these foreign policy and security issues with the "inadequacy" of Japan's post-war Constitution and argued for providing constitutional legitimacy to the SDF. At the same time, Shinzo Abe actively campaigned for constitutional revision, as well as upgrading the SDF

to a military.⁶ However, since the election neither leader has been so aggressive in citing China.

Similarly, civil society and peace groups are opposed to Abe's agenda. A group of Japanese constitutional experts have formed an association called "96-jo no kai" ("group of Article 96") and they have been arguing against easing the requirements of Article 96 by generating public awareness through their campaign rallies.⁷ Setsu Kobayashi, a member of the group, supports revision of Article 9, but nonetheless he terms relaxing Article 96 as "perverse". Kobayashi argues: "Changing the amendment conditions is an act of defiance against a state founded on a Constitution".⁸ Yoichi Higuchi, yet another constitutional expert, opines: "Constitutional reform risks throwing away wisdom of post war era". His basic contention is the "momentary passion" created by the regional security situation should not drive constitutional change. Public opposition to the attempt to change Article 96 is also on the rise. In May an opinion poll conducted by *Mainichi Shimbun* found that 52% of the respondents opposed and only 41% supported altering Article 96.⁹ Abe will likely have to rethink his constitutional plans given the lukewarm enthusiasm shown to the issue by the public and opposition by a traditional ally. But the Chinese maritime assertions, including claims on the new Air Defense Identification Zone encompassing Senkaku, will become a stronger card for the Japanese establishment to convince the public to agree on revising Article 9.

Abe, however, still has a trump card: easing self imposed restrictions through re-interpretation of the Constitution. Previous administrations in Tokyo have eased some pacifist policies, such as allowing the SDF's participation in UN peacekeeping operations and removing a ban on export of arms and arms-related technologies. Japan has adopted these policies, including not allowing its defense forces to exercise the right of "Collective Self Defense" during the Cold War, to adhere to ideals of peace, embodied in Article 9. The previous Noda government reached a consensus within the DPJ to re-interpret the right of Collective Self Defense but the powerful Cabinet Legislation Bureau (CLB), headed by senior bureaucrats, has said no to the move on grounds that it would violate the present wording of Article 9. However, the Abe government seems to have found a solution. In August 2013, it appointed diplomat Ichiro Komatsu as Director General of the CLB, a departure from the protocol that the Deputy Director General of the CLB be promoted to the post. The Japanese media says Komatsu is in favor of lifting the

3 "New Komeito to back postwar Constitution: policy draft" (*Kyodo*, 13 May 2013).

4 Masami Ito, "New Komeito not necessarily on same policy page as old, hawkish ally" (*The Japan Times*, 30 November 2012).

5 Yu Nogami "LDP, Japan Restoration Party leading momentum for Constitutional revision" (*The Asahi Shimbun*, 6 December 2012).

6 Yu Nogami "LDP, Japan Restoration Party leading momentum for Constitutional revision" (*The Asahi Shimbun*, 6 December 2012).

7 Hideaki Ishibashi, "Scholars form group to protest Abe's planned revision of Constitution" (*The Asahi Shimbun*, 24 May 2013).

8 Kobayashi quoted in Takao Yamada, "Fighting back the push for Article 96 amendment" (*The Mainichi Japan*, 13 May 2013).

9 Editorial, "Mainichi poll shows 52% oppose amending Constitution's Article 96" (*The Mainichi Japan*, 20 May 2013).



ban on exercising the right of Collective Self Defense and that is why he has been picked for the post.¹⁰ The New Komeito expressed discontent over the appointment but it could not reverse the decision.

If things proceed as planned, Japan will allow more freedom to its armed forces through an expansive reading of the right of Collective Self Defense, though this process will take some time given stiff domestic opposition. It remains to be seen how Abe will overcome internal opposition, or how other regional countries will react to Japan's budding military strength.

¹⁰ Asahi Hiroyuki "Abe appoints diplomat in bid to change interpretation of Constitution's Article 9" (*The Mainichi Shimbun*, 3 August 2013).

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