

# Japan's Security and the South Sudan Engagement

## Internal and External Constraints on Japanese Military Rise Reconsidered

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The article aims to understand the practical relevance of Shinzo Abe's recent security changes and their role in Abe's general security strategy. It argues that although Shinzo Abe's goal is a revision of Japan's post-war security posture, there is still a plethora of legal, normative (popular) and practical constraints that prevent him from doing so. In order to illustrate these constraints, the article analyses the first practical implementation of the new security legislature: Japanese peacekeeping operation in South Sudan in 2016 through 2017.

*Keywords: Japan, constitution, peacekeeping, South Sudan, United Nations, security.*

### **Introduction**

Since Shinzo Abe's victory in Japan's national election in 2012, the Prime Minister has introduced a number of expansive changes to Japan's security strategy. In 2013, Abe passed a 'secrecy law', which gives the government more power to pursue intelligence leaks that, according to Abe, 'threaten national security, diplomacy, public safety and anti-terrorism measures'. In 2015, Abe drafted a proposal to create a new

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'Mi-6-like' agency specializing in foreign intelligence, which would mark a transformation of a Japanese decentralized intelligence model with limited collective capacity to a more robust centralized system with in-house capabilities<sup>2</sup>. In the same year, Abe finally pushed his long-planned security legislature through both houses of the Japanese Diet. The laws that came to force in March 2016 effectively circumvent the post-war ban on Japanese engagement in collective security. In June 2017, the Diet finally approved Abe's new 'anti-conspiracy law', which robustly broadens police's investigating capacity.

Although these changes paint a clear picture of a 'normalizing' Japan, there is no visible consensus on how much these new security developments symbolise true security realignment and how much they simply follow in a trend started in the aftermath of World War II. A portion of academics as well as political commentators believe that Abe's security changes are just a sign of Japan's incrementalism, and do not possess a radical change to Yoshida's low-key security posture<sup>3</sup>. These authors mostly build on domestic sources of foreign policy making and focus on the vital role of the post-war peaceful Constitution, sedimented peaceful identity and institutional breaks that forbid Abe from transforming the country into a "normal" military power. Other, similarly strong part of academics and commentators<sup>4</sup>, believe that Abe's revisionist security agenda marks a radical shift to Japan's post-war posture and that the 'Abe doctrine' virtually replaces the Yoshida doctrine enacted in the 1950s. These authors illustrate the changes of the 'peaceful Japan' narrative and show how Japan's national identity has been transformed from a "pacifist" into a "normal" one. They show how Abe has dismantled the institutional constraints placed on Japan's foreign policy and believe that constitutional and other domestic restraints play virtually no role in Japan's policymaking anymore.

This debate provides us with a good starting point for understanding Abe's motivation and changing position of Japan in contemporary world. It is, however, much more focused on the symbolic meaning of the security change rather than on the very practical policies that define it. Although the aim of this article is to highlight just how much is Japan changing - similarly to most of the studies mentioned earlier - I will try to do it the other way around. Instead of analysing the reforms in order to define Abe's ideological and/or political agenda, my main focus will lie in the way these new laws are being implemented in practice. In short, I aim to appraise shifts in Japan's security policy

under the Abe administration by looking at the practical implementation of this policy.

In order to do this, I will first build on the above-mentioned debate by defining domestic and external sources of Japanese foreign policymaking and showing how these sources have developed over time. I will then steer my attention to illustrating the empirical developments on Japan's security role in Africa and in South Sudan in particular. The reasons for this case study are twofold. First, Japan's increasing engagement in the world has seen a rapid rise in its involvement in Africa. Over the past three decades, Japan has emerged as an important partner for African economic development. More importantly, Japan has recently carried out significant security reform by dispatching troops in unprecedented operations in the Horn of Africa and establishing a first full-scale long-term overseas base in Djibouti. Secondly, Africa was the first destination for Japan's peacekeeping troops operating under the new legal framework. Japan has dispatched Ground Self-Defence Forces (GSDF) to South Sudan initially in 2012, but since 2017, they became operational under new security laws. This provides us with an opportunity to both investigate the practical implementation of the security legislature and place it into a broader discussion of Japan's foreign policy development. Throughout the empirical analysis, I will argue that although Shinzo Abe proposes a true revisionist agenda, there are significant legal, practical and popular constraints that prevent him from reconstructing 'normal' Japan with a 'regular' army. I will build this argument on the analysis of relevant primary materials and treaties, and on a set of research interviews that I carried out at the Japanese Ministry of Defense (MoD) and Ministry of Foreign Affairs (MoFA) in September 2016 and July 2017.

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## **I. Sources of Japanese foreign policymaking**

In general, we can distinguish between two broad categories of sources for Japanese foreign policy making. The first one accounts for domestic sources and the second to foreign/external sources. Domestically, various influences on Japan's security posture have been identified, namely the role of elites<sup>5</sup>, institutional dynamics/bureaucracy<sup>6</sup> and social perceptions/domestic identity<sup>7</sup>. External factors influencing Japan's foreign policy include assimilation of external norms into domestic policymaking, foreign influence and changes in international environment<sup>8</sup>.

Both of these categories have been emphasized as influential over the course of the 20<sup>th</sup> century, but there is no consensus on which of them plays a key role in foreign policy making and how they influence the changes that are being carried out under the Abe administration. Classical studies of Japan's foreign policy have largely focused on structural approaches, either in domestic and international decline, and neglected individual actors/elites. In the domestic arena, many studies have focused on the role of the "iron triangle" (combining the bureaucracy, LDP and the business (*zaikai*) community) or emphasized the role of specialized bureaucracy and intra-ruling party decision making system (led by the Policy Affairs Research Councils). Overemphasis on bureaucracy has prevented more interest into the role of elites and the Prime Minister in particular, albeit his role has returned to prominence since the electoral and administrative reforms in the 1990s<sup>9</sup>. Another group of authors including Peter Katzenstein,<sup>10</sup> Thomas Berger<sup>11</sup> and Andrew Oros have highlighted the role of ideational factors of domestic policymaking and argued that the post-war peaceful Constitution sedimented into Japanese politics and society and created an 'pacifist identity' that influences the behaviour of policymakers.

In the international sphere, some authors have downplayed the role of domestic factors and argued that Japan's foreign policy is dependent on foreign actors (i.e. the United States) and virtually devoid of own agency<sup>12</sup>. Other scholars have built on structural IR theories and argued that Japan's foreign policy is a mere product of changes in the international system, or a combination of particular domestic responses to it<sup>13</sup>. Lastly, a group of scholars have argued that Japan's foreign policy is intertwined with its search for new national identity and thus interacts and shapes the leading narrative on Japan's role in the world.

It is not the aim of this article to argue which one of these sources is the key one for defining Japan's security policy. The sources will, however, give us conceptual background for appraising shifts in Japanese foreign policy. In order to better understand them, I now turn to the historical evolution of these sources and show how their interaction guided the formation of Japan's foreign policy.

#### *The development of foreign policy sources in the post-war era<sup>14</sup>*

The domestic sources of Japan's foreign policy have been largely dependent on the Constitutions that were promulgated after Japan's defeat in WW2. The constitution defines Japan's pacifism through the

well-known war-outlawing Article 9, which used to be interpreted as banning Japan from taking part in military operations abroad. In order to achieve its own security, Japan signed a bilateral defence treaty with the United States, which ensured an American defence guarantee (not vice-versa). Nonetheless, with the nascent end of American occupation of Japan, Tokyo took steps to reconstitute its own military forces. In 1950, Tokyo established the National Police Reserve. Following the establishment of Japan's Defence Agency in 1954, the reserves were transformed into Japanese Ground-Self Defence Forces (GSDF), with the aim (along with Maritime SDFs MSDF and Air SDFs ASDF) of defending the homeland from external aggression. The role of the SDF army was fairly limited in the first decades following the war. Japan's foreign policy was defined by the 'Yoshida doctrine', named after the four-term-serving Prime Minister Shigeru Yoshida, and consisting of low-profile policies and focus on economic growth.

In 1956, Japan joined the United Nations. The government came to use Article 51 of the UN Charter to modify its interpretation of Article 9 and justify the existence of the SDF for 'exclusively defensive defence' (*senshu boei*). In 1957, the Japanese government adopted the 'Basic Policy for National Defence' to support the activities of the UN and promote international cooperation<sup>15</sup>. Although these changes were still understood to symbolise and comply with Japan's pacifist Constitution, they marked the first steps towards reinterpreting the role of the newly created SDF. In 1960, Japan revised the US security alliance, removing US forces from any role in Japanese internal security and increasing Japan's role in its self-defence. Gradually becoming less pacifist and more independent, Japan's defence posture was nonetheless guided by anti-militarism in the 1960s<sup>16</sup>.

But there was also a visible external source for the evolution of Japan's security strategy. In the light of the war in Vietnam, the United States adopted the Nixon doctrine in 1969. The doctrine called on America's Asian allies for a bigger commitment to sustaining Asian security. The 1970s 'Nixon shocks' - China rapprochement and the dismantling of the Bretton Woods currency system - disconcerted Tokyo and made it reconsider a more robust role for the SDFs in providing state security. In 1978, the US-Japan 'Defence Guidelines' added sea lanes to the SDF's jurisdiction. The 1981 Reagan-Suzuki communiqué extended Japan's commitment to defending sea lanes out to 1000 nautical miles. In 1983, Tokyo exempted the USA from its export ban on

arms technology, paving the way for alliance cooperation on defence research<sup>17</sup>. Although this decade also brought trade frictions between these two countries, military cooperation - and reliance - undeniably grew, as enshrined in the famous Prime Minister Yasuhiro Nakasone's quotation that Japan will be 'America's unsinkable aircraft carrier'.

The dissolution of the Soviet empire provided an ultimate impulse to redefine Japan's Cold War security posture. Japan was struggling with internal economic problems and was caught unprepared for new security challenges. The 1991 Gulf War was the first major test of Japan's involvement in the global security. The George Bush Sr. administration gathered international support including the Security Council approval and although Japan was a major financial supporter (Tokyo disbursed approx. 13 billion USD), its reluctance to send troops to the operation was met with dissatisfaction from the United States and other allies<sup>18</sup>. As a result, the Diet passed the Peacekeeping Law (Act on Cooperation for United Nations Peacekeeping Operations and Other Operations) in 1992, which authorized the use of the SDF abroad, albeit only in non-combat situations, on UN-mandated peacekeeping missions. It included the so-called Five principles for the participation of Japanese contingent in peacekeeping operations:

1. Agreement on the ceasefire among the parties of the conflict
2. The consent of all conflict parties including territorial states
3. Strict impartiality of the peacekeeping force
4. The option by the government of Japan to withdraw the SDF troops if any of the conditions is 'not satisfactory'
5. Use of weaponry limited to the minimum necessary to protect the lives of personnel<sup>19</sup>

A year later Japan dispatched around 1000 troops to UNTAC mission in Cambodia and SDFs have subsequently operated in other missions around the world including Angola, Cambodia, Mozambique, El Salvador, the Golan Heights and Timor-Leste<sup>20</sup>. There were, however, another important factor in promoting these changes, and that was the changing role of the public perception of Japan's role in the world. In the 1980s and 1990s, there was a significant increase in public support for the Self-Defence Forces (see Figure 1) and also a growing public interest in Constitutional revision (Figure 2). Due to various factors including the worsening of Sino-Japanese relations, security changes in the Asia-Pacific region and the re-emergence of the 'autonomous country' narrative that was muted for the most part of the 1950s

through 1980s, the majority of the Japanese supported constitutional revision for the first time in three decades. Although the reasons did not revolve around a push for a militarization, but rather around the fact that the 1947 Constitution was written by foreigners, in a foreign language and was seen as obsolete in the changed security environment. In any case, the changing societal dynamics played a significant role in the promotion of the new security legislature.

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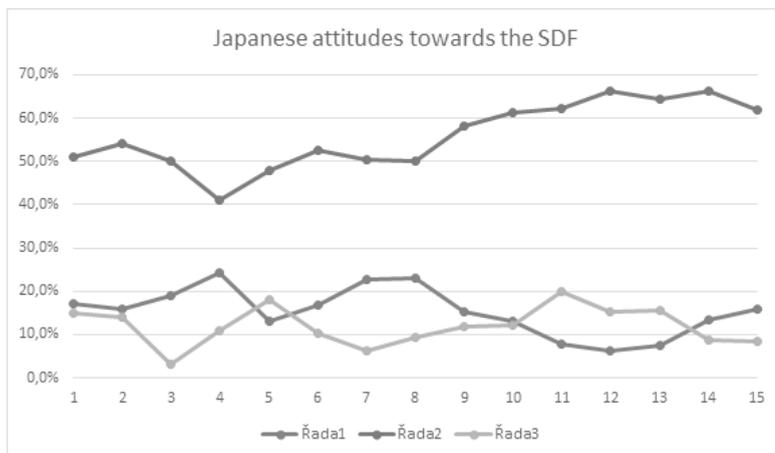


Figure 1: Japanese public support for the Self-Defence Forces<sup>21</sup>

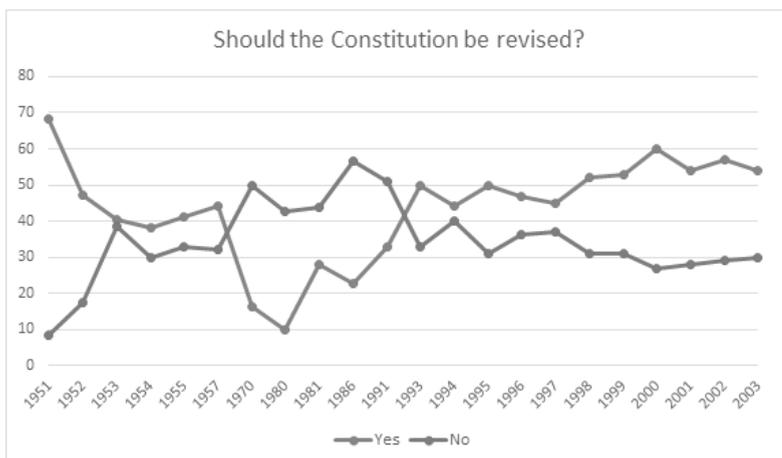


Figure 2: Should the Constitution be revised?<sup>22</sup>

The 9/11 Terrorist attacks marked another important development of Japanese security legislature. In October 2001, Japanese Diet passed the Special Measures Antiterrorism Law, allowing the SDF to provide logistical support, supplies, transport and communications assistance to US-led forces, but requiring that Japanese vessels operate only in noncombat areas. Since then, Japan has dispatched the MSDF ships to provide support for the United States' vessels in Indian and Pacific Ocean, including during the US-led war in Afghanistan. Two years later, the Koizumi cabinet passed the Law concerning the Special Measures on Humanitarian and Reconstruction Assistance in Iraq, which allowed it to widen the SDF mandate, send 1000 troops to Iraq, and, in the long term, to 'demonstrate Japan's political desire to actively participate in and tangibly contribute to the international effort to strengthen peace and security in the world'<sup>23</sup>.

The expansive trajectory of Japan's SDF role continued into Abe's first term as a Prime Minister. In 2007, Japan's Defence Agency was upgraded to the Ministry of Defence, giving it greater authority over defence planning and implementation, and generally raising the status of the military. After Abe stepped down following a set of scandals that hit his popularity, his successors Aso and Fukuda were much less successful. The Democratic Party of Japan (DPJ) secured a majority in the Upper House in 2007 and blocked the extension of the Anti-Terrorism Law involving the MSDF refuelling mission in the Indian Ocean. Likewise, DPJ opposition prevented the passage of a permanent law on dispatching the SDF overseas<sup>24</sup>. After the DPJ came to power in 2009, the Hatoyama government pledged commitment to an 'East Asian Community', in his attempt to broaden multilateralism and steer away from strict bilateral reliance on the United States. The move was appreciated by China and led to strengthened cooperation with India, South East Asian countries and Australia, yet it did not mark a radical shift of Japan's evolving security posture. In 2011, Japan opened a first foreign base since the world war, in Djibouti, and the DPJ joined the coordinated fight against piracy off the coast of Somalia.

## II. Foreign policy sources and Shinzo Abe

In the first months of Abe's second term in power, the Prime Minister seemed to be lodged in an existing institutional structure that prohibited his policy revisionism. Despite Abe's intent to review the government's statement on the 'comfort women' (*jūgun ianfu*) issue,

Abe backed away from the plan in early 2014. He also refused to join three of his hard-line conservative ministers in visiting the controversial Yasukuni Shrine on 15 August 2013 and instead as Hughes wrote, Abe 'seemed content to stress his revisionist credentials with photo opportunities sitting in a Ground Self-Defence Force (GSDF) main battle tank and Air Self-Defence Force (ASDF) trainer jet'<sup>25</sup>.

Although Abe proposed a fairly strong stance against China in the tensions regarding the Senkaku/Diaoyu islands, he did not pursue hard-line security options that were present in LDP's election manifesto, but instead called for a dialogue with China and stressed Japan's attachment to 'proactive contribution to peace' (*sekkyokuteki heiwashugi*). The revisionist agenda has become more apparent since autumn 2013. Although he was earlier discouraged by negative foreign reactions, Abe visited the Yasukuni shrine in December 2013, stirring negative comments from commentators as well as politicians across Asia. Quite interestingly, a MoFA official told me that they had 'no idea that Abe will visit the shrine'. 'We advised him not to go to Yasukuni, but he only informed us after the event, not before. We basically saw it on TV and had to do much to calm the waters afterwards'. It gradually became apparent that Abe's posture was toughening.

Among the first security changes of the Abe administration was an important institutional transformation in the establishment of the National Security Council. A concept that he promoted in his first term and was agreed to by the Diet in November came to force in December 2013. The council originally consisted of the Prime Minister, chief cabinet secretary and foreign and defence ministers, but has evolved into a form resembling a 'small ministry' with a number of officers and significant political influence. It was designed to function as the new control tower (*shireitō*) of Japan's foreign and security policy, integrating information amongst key security agencies in order to 'overcome past inter-ministerial sectionalism and enable improved security crisis management'<sup>26</sup>. The formation of the NSC expanded the role of primarily the Defence and Foreign affairs officials and was met with satisfaction of their respective members. 'It helps us a lot. Not only gave us [the Ministry of Foreign Affairs] the possibility to make use of military intelligence, but it also engaged the Ministry of Defence more in foreign policy preparation. Before the NSC, they were preoccupied with intrastate defence, now they are more willing to participate and discuss external defence and foreign policy', an official of the MoFA explained.

The strengthening elite role in foreign policymaking is also visible in the level of support that Abe enjoys from the ministries. Officials from both Ministry of Foreign Affairs and Ministry of Defence strongly support Abe's program and leadership, because they feel that it strengthens their position and appreciates their duties. 'He brings unity to our offices and thus confidence,' another MoFA official told me. 'Under Abe, we know that our proposals will be dealt with in the best possible manner and that he will fight to implement them even though there is outside pressure against it'. In another interview, Abe's adviser and a professor at Takushoku University Takashi Kawakami told me: 'The civilian side of the MoD along with the MoFA is now running Abe's security strategy. They support Mr. Abe and have confidence in his policies'.

Parallel to the NSC formation, Abe established an Advisory Panel on National Security and Defense Capabilities, which produced Japan's first National Security Strategy in December 2013. The strategy is based in Abe's concept of 'proactive contribution to peace' and the 'values-based diplomacy' (*kachikan gaikou*) he promoted in his first term in office. The NSS offers an analysis of the contemporary international system in Asia and identifies a variety of threats to Japanese security stemming from the rise of China, proliferation of the weapons of mass destruction (WMD), terrorism, and risks of global commons to human security issues. In response, the NSS defines three objectives for Japanese security policy, namely to 'strengthen the deterrence necessary for maintaining its peace and security and for ensuring its survival', to 'improve the security environment of the Asia-Pacific region, and prevent the emergence of and reduce direct threats to Japan, through strengthening the Japan-U.S. Alliance' and to 'improve the global security environment and build a peaceful, stable, and prosperous international community by strengthening the international order based on universal values and rules and by playing a leading role in the settlement of disputes, through consistent diplomatic efforts and further personnel contributions'<sup>27</sup>. There are visible efforts to contribute to means of collective security exercised either through the US-Japan alliance or the United Nations framework and its Peacekeeping missions (PKOs).

In order to do so, Abe introduced a variety of programs to strengthen the training and equipment of Japanese SDFs. Japanese MoD released defence programs (National Defence Program Guidelines for

FY 2014 and beyond<sup>28</sup> and Mid-Term Defence Program of 2014-2018<sup>29</sup>) that confirmed the provisions and targets of the NSS. The goal was to 'build a comprehensive defence architecture and strengthen its posture for preventing and responding to various situations. In addition, Japan will strengthen the Japan-U.S. Alliance and actively promote bilateral and multilateral security cooperation with other countries while closely coordinating defence and diplomatic policies. Japan will also seek to establish an infrastructure necessary for its defence forces to fully exercise their capabilities'<sup>30</sup>. These guidelines eased cooperation between GSDF, MSDF and ASDF. Abe's administration further improved the position of the army by adding the necessary hardware (such as Izumo-class helicopter carriers) and raising the budget to 1 percent of GDP.

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Abe's general policy regarding armed personnel thus pushes for a smoother cooperation between strands of the SDFs, as well as between the ministries of defence and foreign affairs. But there are also some visible foreign sources of his decision making. Abe's defence strategies have focused on combat readiness and preparation for a possible Chinese and North Korean threat, but the administration has tried to find also other ways how to improve the potential and capability of its defence forces. In December 2013, the administration passed a controversial State Secrecy Law (came into force one year later). The law, which was opposed by 80 percent of the Japanese public, for the first time imposes strict controls and severe penalties on the handling of sensitive information. It enables the ministry officials to withhold information that they deem sensitive and imprison anyone leaking or seeking information classified for the purposes of national security. The main impetus for the passage of the law was a desire to share more information with the United States as the security situation facing Japan becomes more concerning. Japan has historically been known as a 'spy heaven',<sup>31</sup> and thus needed to be considered as an equal partner by its allies. A MoFA official explained: 'The Americans were reluctant to share intelligence with us, because our laws regarding state secrets were very weak. In this sense, the law was primarily designed to help us become a sensible partner to the United States.'

By securing Japanese intelligence, Abe believed he can strengthen the cooperation with the American allies and pave the way for stronger Japan involvement in planning and executing security operations with its allied partners. At the same time, the laws marked the first

step in developing Japan's own intelligence community. As a reaction to the Islamic State hostage crisis in January 2015, during which Japan depended on Jordanian and Turkish intelligence, the administration started drafting a proposal to create a new agency specializing in foreign intelligence. To address Japan's dependence on outsiders, the new system will shift away from a decentralized model with limited collection capacity to a centralized system with in-house capabilities<sup>32</sup>.

In another controversial intelligence-related act, the Abe administration pushed through both houses of the Diet the 'anti-conspiracy bill' in June 2017. The law criminalizes the plotting and committing of 277 acts and as such amends an existing law against organized crime syndicates. It bans the procurement of funds or supplies and the surveying of a location in preparation of any of these offences. Basically, according to this law, the police can hold entire groups of people liable for surveillance and prosecution based on unsubstantiated suspicion of planning or preparing criminal activity. Abe legitimized the bill by saying that it will allow Japan to "firmly cooperate with international society to prevent terrorism", but many commentators, activists as well as a big part of Japanese public voiced their discontent with what was perceived as a hammer on Japan's opposition and civil society. Some went as far as to depict similarities between this law and the pre-war Public Security Preservation Laws of 1925 and 1941, through which the authorities criminalized all forms of political dissent and outlawed the socialist and communist parties, jailing over 70,000 people between 1925 and 1945<sup>33</sup>.

Clearly, there are visible changes in both the elite role and institutional dynamics. Abe has exercised a successful leadership skill both in policy making process, initiating and implementing a variety of policies, and in steering the institutional dynamics. Abe has succeeded in creating a positive atmosphere in the ministries by inter-ministerial information sharing within the NSC and by giving them greater leverage through support for ministry-related policies. Doing that, Abe has achieved greater support in overcoming structural constraints, such as the pressure of the United States and bureaucratic coordination.

### *Constitution and the collective self-defence*

Arguably the main goal of the Abe administration is to rewrite the 1947 Constitution and its Article 9. This goal has, however, been held back by both Abe's coalition New Komeito party unwilling to approve his

changes and the need for a public referendum to ratify them. This has led Abe to switch his attention to a way of informal revision of the Constitution through changing interpretation of its provisions, and most notably, the ban on the exercise of the right of collective self-defence (*shūdanteki jieiken*). As shown before, throughout Japan's post-war history, the right of collective self-defence was deemed unconstitutional, banning Japan from joining allied security operations such as the Gulf War. The passing of the IPCL in 1992 allowed troops to take part in peacetime PKOs in logistical and reconstruction activities but were not allowed to use weapons/force for anything else but their self-defence (for instance, for protection of other troops, known as *ka-ketsuke keigo*). The 2001 and 2003 Anti-terrorism law allowed for a limited quasi-collective security capability by building on the Preamble of the Constitution and its sentiments regarding Japan's obligations to maintain an 'honoured place in international society'. These were exercised in Afghanistan and Iraq, but again were able to do so only by stretching interpretations rather than by complete reinterpretation of the Constitution and with still considerable restrictions on the types of operations permitted for the JSDF<sup>34</sup>. Abe has, however, regarded the breach of the ban as a principal aim of his security strategy. The right of collective self-defence, he argued, is absolutely necessary to 'safeguard the lives of the Japanese people' in situations, when 'an attack on an ally is an attack on Japan':

For example, suppose a conflict suddenly arose overseas. And suppose that in the conflict, the United States, which is our ally and has capability, came under attack in the sea near Japan when rescuing and transporting Japanese nationals trying to escape from where the conflict had occurred. Although this would not be an attack on Japan itself, the Self-Defence Forces (SDF) would protect the U.S. vessel in order to protect the lives of the Japanese nationals. What makes this possible is the Cabinet Decision made today. I cannot possibly believe that the Constitution of Japan, which was created in the hopes of bringing happiness to the people, requires me to renounce my responsibility to protect the lives of the Japanese people in such situations.<sup>35</sup>

In order to overcome opposition from within the Diet as well as from the public, the Abe administration employed a variety of methods and legal strategies. Among them was the reformation of Prime Minister's Advisory Panel on the Reconstruction for the Legal Basis of Security (*Anpo Hōseikon*), which was asked, among other things,

to consider scenarios in which Japan could use the right to collective self-defence. The panel's report from 2014 recommends referring to collective self-defence in four cases: 1) Defence of U.S. vessels on the high seas; 2) Interception of a ballistic missile that might be on its way to the United States, 3) Participation in U.N. PKOs and other international peace operations and 4) Logistics support for the operations of other countries participating in the same U.N. PKOs and other activities<sup>36</sup>. In the first two cases, exercising collective self-defence was necessary for acquiring Japan's own security, whereas in the latter two cases, collective self-defence was necessary for the purposes of Japan's *kaketsuke keigo* - international contribution/help in cases, when allied PKO troops are under attack (abandoning the concept of *ittaiika*). In these four scenarios, the panel argued that "new interpretation in an appropriate form, and an amendment to the Constitution is not necessary", because they either refer to the protection of Japan, or are carried out within the United Nations framework (and Japanese SDFs thus are not deemed to fight within regular military missions). At the same time, the panel proposed a brake (*hadome*) on the government's capability to exercise collective self-defence by tying down the ad-hoc JSDF deployments to National Diet approval.

After receiving the report in May 2015, Abe carried out a press conference, in which he indicated that the government will push forward with the intended legislature. Instead of the report's extensive version of collective self-defence (the 4 scenarios), Abe came up with a 'limited version' of the proposal, reassuring that 'the JSDF will never participate in such warfare as the Gulf War or Iraq War for the purpose of the use of force'<sup>37</sup>. That being said however, Abe did not completely discard using the SDF for collective security missions, especially in cases where the Preamble of the Constitution could be referred to, or through the UN PKO framework. In any case, the legislature defined three new conditions' that have to be met were the Japanese soldiers to be sent to collective security operations<sup>38</sup>: 1) There is an armed attack against a country that has a close relationship with Japan, and the situation threatens the existence of Japan and presents a clear danger to citizens' lives, freedom and happiness; 2) There is no other alternative but to use force to protect the sovereignty of Japan and its citizens and 3) The use of forces must be confined to the minimum necessary. Interestingly, these conditions are similar to 'limited' Just war conditions and MoD officials I interviewed agreed that they are based on it. Although these

conditions stipulate that there is an 'armed attack against a country in a close relationship to Japan', according to the MoD officials, there is basically no way it could apply to 'anyone else but the United States'.

The legislation (called Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People), which effectively breaches the post-war ban on the exercise of collective self-defence, was finally released on 1st July 2014 and subsequently passed in both houses by September 19, 2015. It came into force on March 26, 2016. Although it was played down by the Prime Minister as a simple continuation of Japan's proactive pacifism, it poses, so far, the most radical advance in Japan's security normalization.

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### **III. Japan's African engagement and the South Sudan mission**

Japan first came to base its foreign mission on the new legislature during its peacekeeping mission in South Sudan. It is perhaps of little surprise that Japan sought to expand its international role on African grounds. Although Africa was for most parts of the 20<sup>th</sup> century neglected by the Japanese – being constructed as a dark and distant continent unfamiliar to Japan – it has emerged as one of the key areas for Japan's international engagement in the last couple of decades. In the second part of the 1960s, Japan initiated a rudimentary Official Development Assistance (ODA) program to sub-Saharan Africa. Initially provided only to a few African countries and with a limited amount, the ODA was doubled following the oil shocks in 1973. While majority of the ODA was still being sent to Southeast Asia, by the beginning of the 1980s, ODA to Africa had already reached 10 percent of Japan's development aid<sup>39</sup>. The numbers rose sharply from the mid-1980s, which reflected not only the rise of overall Japan's ODA, but also its renewed interest in Africa (supported by American push for Japan to reinvest some of its economic surplus).

The economic cooperation began to transform into political cooperation in the 1990s. In 1993, the Japanese government co-organized (with the UNDP) the Tokyo International Conference on African Development (TICAD), which aimed to bring together policymakers in order to encourage African states to pass economic and political reforms and to restore international consciousness in Africa<sup>40</sup>. Japan played a key role in the conference, which adopted a Tokyo Declaration in 1993 forming a base for reformation of sub-Saharan states. The conference was complemented with another increase in Japan's ODA,

and later supplemented with further initiatives, diplomatic meetings and follow-up events (including TICAD II, III and IV). Since the turn of the millennia, Japan has focused its economic and political resources on African peacebuilding in post-conflict African societies and on the promotion of human security in line with the 1994 UNDP strategy.

These initiatives marked the transformation of Japan's foreign policy in the 1990s to the so-called 'comprehensive security' approach (discussed before). The policy aimed to contribute to the international community (*kokusai koken*) and since the PKO bill was accepted in 1992, has included security assistance in Japan's peacebuilding efforts. In 1993, Japan contributed 50 SDF personnel to UN operation in Mozambique and in 1994 to a humanitarian mission in Rwanda. Although the government justified these steps on the basis of the requests of these states and foreign pressures, the involvement in African peacebuilding shows the transforming self-perception of Japan as a contributor to international affairs (and an input towards Japan's push for UN Security Council seat).

Since the initiatives taken in the 1990s, Japan has continued to contribute to African affairs. It has carried out TICAD II-IV conferences, focusing on a variety of aspects including humanitarian assistance, refugee protection etc. During 2003 and 2005, Japan donated 920 million USD to peacekeeping in Africa<sup>41</sup>. More importantly, though, in 2009, Japan dispatched the SDF to an unprecedented counter-piracy operation in the Gulf of Aden, in 2011 established its first ever overseas base since the end of the war in Djibouti (including barracks, hangers and equipment for approximately 300 SDF personnel<sup>42</sup>) and in 2012 sent peacekeepers in what was to become a longest-participation UN mission in South Sudan. These marked an all-important change to Japan's security posture and provided leverage for Abe's security transformation since his second stint in power. The base in Djibouti has provided the Japanese with an important geostrategic location at the southern entrance to the Red Sea on the route to the Suez Canal. Since 2011, around 180 troops occupied the site and have operated maritime patrol aircraft as a part of an international force and Japan has also used the base in extracting personnel from South Sudan. Recently, Japan has agreed to build up the base by acquiring extra 3 hectares of empty land for SDF use (from the original 12 hectares) and in 2017, the SDF conducted a drill to practice rescuing Japanese nationals<sup>43</sup>.

### *The South Sudan mission*

The Japanese mission to South Sudan was originally established in 2012 as a part of the United Nations mission in South Sudan (UNMISS). The mission came a year after South Sudan gained independence following a referendum in order to build conditions for development of this emergent nation. Japanese participation in the mission over the 5 years included more than 4000 GDSF troops stationed in the capital Juba until 2017, when the mission was returned home. Most of the troops were engineers and other logistics personnel with a limited mandate and rules of engagement, and their dispatch was guided by Japan's long-term promotion of human security and peacebuilding. Their main goal was to build infrastructure in Juba and surrounding areas. Other soldiers coordinated efforts with IUN and local governmental agencies, and with Maritime and Air SDF to provide transportation and supplies for other units. That said, the size of the mission and its prolonged statute was a novelty, especially in the previously relatively neglected region of Africa. The dispatch was in line with Japan's international contribution and symbolized Japan's new initiative in international arena.

Originally, the mandate of the troops sent to South Sudan was based on Japan's previous PKO legislature. After the Legislation on Peace and Security came to force in 2016, the Japanese Ministry of Defence started with preparations for its implementation. The procedure was, however, rather slow and very cautious from the government's side. According to a MoFA official, Shinzo Abe was concerned with rather significant popular protests against the new legislature. It was estimated that up to 100 thousand people marched against it in Tokyo only. 'For instance, we did not start with new training procedures for many months after the law came to force, because we were afraid that it might cause another public upheaval, if, for instance, soldiers shared the information about the training with the press,' the official explained.

Eventually in September 2016, 350 troops were deployed in South Sudan with a widened *kaketsuke keigo* mandate under the new legislation (albeit these soldiers did not receive a proper training according to the new law<sup>44</sup>). This was perhaps due to the general difference of UNMISS to Japan's previous comparable peacekeeping efforts in East Timor (UNTAET) and Cambodia (UNTAC). While in the two mentioned missions there was a general ceasefire in place, South Sudan was

far riskier. While the separation from Sudan was officially confirmed, there were disagreements about the ownership of the Heglig oil field, which Sudan had taken over with force in April 2012. The district was far away from the capital, but once the Sudanese army declared that it would march towards Juba, it became highly likely that the ceasefire would be broken<sup>45</sup>. Although this conflict was soon soothed, there were other occasions of violence that broke out in the region. In December 2013, an armed conflict arose between the Sudan People's Liberation Movement, loyal mostly to the vice-president Riek Machar and President Salva Kiir's guards. The conflict was regarded as coup d'état by the president and ended in removing the vice-president from the office.

Although the Japanese soldiers were not directly harmed, there was a fear that the UNMISS would be involved in the conflict. Because of that, the South Korean unit made an official request to the UN headquarters for additional ammunition to handle the conflict, and the UN passed the request for support to the Japanese government. Lending and borrowing ammunition was not necessarily unusual among PKO units, but for Japan this would mean breaking the restraints on Japan's arms transfer under Japan's Three Principles on Arms Export<sup>46</sup>. The principles were established in 1967 under Prime Minister Eisaku Sato in order to prevent arms export to 1) communist bloc countries, 2) countries subject to arms exports embargo under UN SC resolutions and 3) countries involved or likely to be involved in international conflict. In 1976, Prime Minister Takeo Miki updated these principles to include ban on arms transfer to 'other regions in accordance with the Constitution' and the export of 'equipment related to the production of arms'<sup>47</sup>. This basically meant that Japan was constrained from arms exports not only to communist countries, embargoed countries and countries in conflict, but also others.

Transferring ammunition to South Korean troops would break these provisions. Shinzo Abe however, decided that the transfer was in line with the 'proactive contribution to peace' and decided to transfer 10 thousand rounds of ammunition. He argued that it is necessary because of the necessity given by 'humanitarian nature of the situation'. This was another breakthrough for Japan's security posture. It is highly possible that any such request would not be considered in the past. Interestingly however, the decision did not make much difference, because there emerged a strong criticism within South Korea which argued that Japan's arms transfer was an exercise of collective self-de-

fence, and the Koreans ended up returning the ammunition back to Japan. Thus, even though there was Abe's push to break another constraint on Japan's foreign policy, the practical implementation again highlighted the limits to Japanese options.

The conflict muted for a while but intensified in 2016, when Japan's revised PKO law came into force and by the summer of 2016, South Sudan was effectively in a civil war taking place in the capital of Juba. In July 2016, more than 300 people, including two Chinese PKO personnel died during violent clashes between the rival factions. Reports from Juba by the Center for Civilians in Conflict<sup>48</sup> described how 'the parties to the conflict killed and injured civilians in displaced persons camps with indiscriminate gun and artillery fire, committed widespread sexual violence against women who left those camps in search of food, and attacked international and national aid workers in a hotel and apartment complex'. The report further stipulated that 'when confronted with the challenging operating environment, UNMISS peacekeepers were unable or unwilling to leave their bases to protect civilians outside and at times even underperformed in protecting the 37,000 civilians sheltered on its bases'. This de facto civil war forced Japanese civilians and diplomats to evacuate on Air Self-Defence Force C-130 transport planes sent from Japan<sup>49</sup>.

The government tried to downplay the severity of the security situation in Juba. The defence minister Tomomi Inada repeatedly refused to acknowledge any local combat action. The ministry of defence only stated that there were 'armed clashes' taking place at the time, but that the overall situation was 'relatively stable and safe'<sup>50</sup>. However, in early 2017, combat logs of GDSF soldiers deployed in Juba were found, which read that they had to be 'wary of being drawn into sudden fighting in the city'<sup>51</sup>. But describing the situation as 'fighting' would mean that Japan violated the five conditions of the peacekeeping operations law, which enables Japan to enter peacekeeping mission despite constitutional restrictions. Peacekeepers can only be placed in missions where ceasefire agreement among parties is maintained<sup>52</sup>, which was clearly not the case in South Sudan. To make matters worse, the MoD initially said the GDSF logs had been 'entirely discarded' when journalists asked about them in September 2016. The ministry later backpedalled and admitted it had 'found' the logs and made them available in February<sup>53</sup>. The opposition Democratic party later suggested that the defence minister Inada resign for concealing the situation, but the

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minister opposed by arguing that 'In a legal sense, there was no fighting in South Sudan even if the logs said there was'<sup>54</sup>.

Shinzo Abe tried to downplay the dangers and when announcing the withdrawal of the PKO troops in May 17, 2017 and said that summoning the troops back was because of their 'major contributions to nation-building', which has now come to a 'new stage'. But it was clear that the danger to the mission was the main reason why Abe finally decided to send the soldiers home. One foreign ministry official confirmed this claim: 'Of course we were worried that something could happen to them, or that they might die. There was already a lot of negative attention after the law was passed, so it was prerogative that its implementation does not end in a tragedy'. Obviously, although the new laws were finally put to effect, their implementation did not bring any significant change to the ongoing Japanese operation in South Sudan. Quite to the contrary, Abe's decision to withdraw the troops from the area mirrors that the peacekeeping operations still conflict too much with existing laws, the constitutional constraints and even popular perceptions, making it very difficult to change the status quo in Japan's international engagement. According to professor at the Tokyo University of Foreign Studies Kenji Isezaki, who lead UN disarmament program in Sierra Leone, Afghanistan and East Timor, it became apparent that even existing Japanese laws hardly qualify the SDFs for contemporary UN peacekeeping operations, since they now presuppose wider engagement including protection of local residents. 'With this bulletin the PKO became the entity to wage war, which is not in line with Japan's five PKO principles, or the Constitution', said Isezaki in May 2017<sup>55</sup>.

The options and possibilities of the Japanese PKOs thus remain rather limited notwithstanding the new security legislature. There remains a set of constraints on both the domestic and international level. Domestically, while the elite level is set for security reform, the public opinion and the institutional dynamics prevent major security reconstruction. Internationally, there is a significant opposition towards Abe's security reconstruction, particularly in Japan's Asian surroundings, as it was visible in South Korean reaction to the ammunition transfer. That said, Abe's revisionism aims at easing these constraints – both domestically, by supporting and cooperating with the bureaucracy (as shown in the formation of the NSC, the reconstruction of the defence ministry etc.) and internationally, by persuading

Japanese allies of the peaceful nature of Japan's 'proactive contribution to peace'. These constraints very well limit the possibilities of the Self-Defence Forces and can be lifted only through a thorough security reformation including the revision of the post-war constitution, which Abe seeks.

*Japan's Security  
and the South  
Sudan  
Engagement*

## **Conclusion**

It is without a doubt that Shinzo Abe is trying to reconstruct a 'normal' security policy for Japan. The amount and severity of changes his administration has carried out far exceeds the ongoing incremental change that Japan has been experiencing basically since the Constitution was signed following the Second World War. Abe is not afraid of proposing unpopular measures that his predecessors shelved, such as the intelligence and secrecy laws. He managed to breach a variety of legal constraints unheard of prior to his rule, such as the 1954 ban on collective self-defence and the 1967/1976 ban on arms export. This is indeed important. Shinzo Abe is the first Prime Minister to actually reinterpret the Constitution rather than just to stretch the existing interpretation. This creates a precedent for Abe as well as any other future administration, which may very well try to grant the military larger power despite the constitutional restraints. In this sense then, I would consider Abe's mandate and revisionism different from the previous administrations and not basically fitting to the incrementalistic discourse presented by authors mentioned in the preceding text.

That being said, as the case of South Sudan have illustrated, the practice of Abe's constitutional reinterpretation remains very distant from Abe's ultimate revisionist agenda. In fact, albeit the new security legislature relaxes some preconditions for the dispatch of SDF and grants them with a wider mandate in peacekeeping missions, the constitutional and institutional restraints seem to be as strong as ever. The system of brakes that was included in the legislature, including the necessity of Diet approval on every single SDF deployment, along with the necessity to comply with the existing legal framework, have significantly constrained the options and possibilities of Japanese military under the new laws. Furthermore, Abe is concerned with popular voice regarding the security laws, which seems very reluctant to see the changes implemented in collective security operations. All in all, if the aim of Abe's revisionism is to recreate a 'normal' army for Japan, this goal has not been reached by a mile. The only way that seems to

grant this, would be a 'proper' constitutional revision, which seems like Abe's ultimate political goal. This goal has not materialized yet, as it requires not only two-third approval of both houses of the Diet, but also a majority in a referendum. Abe might very well try to propose that in the future provided his position is stable and that he believes he has a chance of succeeding. Deteriorating security situations in East Asia causing people to worry would certainly help him in this regard.



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