

【講演】

The Self-Defense Force's Ability to Attack the Enemy Base

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Good afternoon, everyone. I am a professor at TOKAI University, majoring the constitutional law. I have a strong interest in the possibilities of constitutional control of the war powers of the state.

To open this session, "Peace and Imperialism", I would speak about the Japanese self-defense force's ability to attack the enemy base (自衛隊の敵基地攻撃能力) in the context of the imperialism in Asia.

1. Japan's Demilitarization and Rearmament

1. 1 Demilitarization and Constitution

Let us face some historical facts first.

The Imperial Japanese government accepted the Potsdam Declaration, putting an end to the World War II. The Empire of Japan collapsed to lose all its colonies, including Korea and Taiwan (Aug. 1945).

From 1945 to 1952, the Allied forces occupied Japan. We amended completely the Meiji Constitution (the Constitution of the Empire Japan,

大日本帝国憲法,1889) into the Constitution of Japan (日本国憲法,1946). The new article 9, Section 1 of the Constitution stipulates the renunciation of war. The Section 2 prohibits the possession of war potential, as you know.

1. 2 Birth of the Security Treaty Regime

But in the Korean War, the U.S. troops in Japan moved to the Korean Peninsula one after another. To fill a military vacuum in Japan, the General Head Quarters (GHQ) Douglas MacArthur ordered the Japanese government to rearm (1951).

Thus, the National Police Reserve (NPR) was established by the administrative order (1950). NPR was reorganized into the National Security Force (1952) and was reorganized again into the Self-Defense Forces (SDF) by the SDF law (自衛隊法, 1954).

The SDF was incorporated in the regime of the “Treaty of Mutual Cooperation and Security between Japan and the United States of America” (Japan-U.S. Security Treaty, 日米安全保障条約, 1952 and 1960). Since then, the SDF has been under the effective command of the U.S. 【Fig. 01】

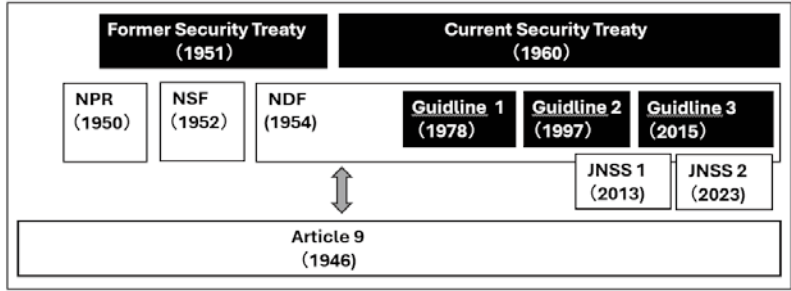


Fig. 01 Security Treaty Regime and the Article 9

- NPR: National Police Reserve 警察予備隊
- NSF: National Safety Forces 保安隊
- NDF: National Defense Forces 自衛隊
- JNSS: Japan National Security Strategy 国家安全保障戦略

2. Constraints Imposed by the article 9

The article 9 provides for the renunciation of war and the demilitarization of the nation. Hence, there are constitutional constraints on the rearmament.

The Japanese government *had to deny* the right of collective self-defense and the ability to attack enemy base while *justifying* the SDF Law and the Security Treaty. The government has referred to this dualistic national strategy as the principle of “exclusive defense-oriented policy” (専守防衛).

2. 1 Limited Permission of the Right of Self-Defense

The Japanese government repeatedly says that the Constitution permits the minimum force to defend Japan. This logic is a kind of maneuver to cover up the politics against the Article 9.

2. 2 Denial of the Right of Collective Self-Defense

The government also made a distinction between the right of individual self-defense (個別的自衛権) and that of collective self-defense (集団的自衛権), meaning military support for one’s allies. It then explained that the article 9 permits the former and prohibits only the latter.

2. 3 Substantial Denial of Attack on Enemy Base

The government stated that the SDF could attack enemy base only if certain conditions were met. Those conditions are that (i) the degree of attack must be limited to the minimum necessary for self-defense, and that (ii) the support from the U.S. or the UN may not be obtained (Feb.1956).

If both conditions (i) and (ii) were not met, enemy base attack could be unconstitutional.

But under the Security Treaty regime, it is hard to imagine that the U.S. stands by as invasion against Japan where the U.S. has more than one hundred and thirty military bases. My point is that it is impossible to attack on enemy base, according to the government’s explanation.

3. Growth of the Security Treaty Regime

3. 1 Imperialistic Functions of the U.S. Military in Japan

However, to secure military and political superiority not only in the Far East but also throughout Asia, the U.S. tries to strengthen Japan-U.S. military cooperation.

Under the revised Security Treaty (1960), the U.S. used the bases in Japan (Kadena, Atsugi, Yokosuka, Sasebo, etc.) to attack Vietnam. The SDF also conducted mine sweeping operations in the Persian Gulf after the Gulf War, refueled the U.S. forces in the Afghan War, and provided transportation services for soldiers of multinational forces in the Iraq War.

The Nagoya Court of Appeal ruled that the Air SDF's transport activities in the Iraq War violated the Article 9 Section 1 because the SDF was involved in combat operations by multinational forces (Apr. 2008).

3. 2 Japan-U.S. Joint Command

President Biden regards People's Republic of China (PRC) as the only militaristic competitor in the world "with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it". If a military conflict were to erupt between the U.S. and PRC in Taiwan Strait, the SDF might engage in military activities on the front lines.

Now, the two governments are going to strengthen the functions of the joint command of the SDF and the U.S. forces Japan. The Diet revised the SDF Law to set up a Joint Command Headquarters for the SDF (自衛隊統合司令部, 2024). The U.S. would establish Joint Forces Headquarters. This new jointed command structure would make the SDF quickly respond to military conflict in East Asia. 【Fig. 02】

Japan and U.S. also confirm the concept of "extended deterrence". This is understood to imply that these two governments are willing to strengthen the nuclear deterrence and to share nuclear weapons in the near future despite of the Japanese national principle of not possessing nuclear weapons (非核三原則, 1967).

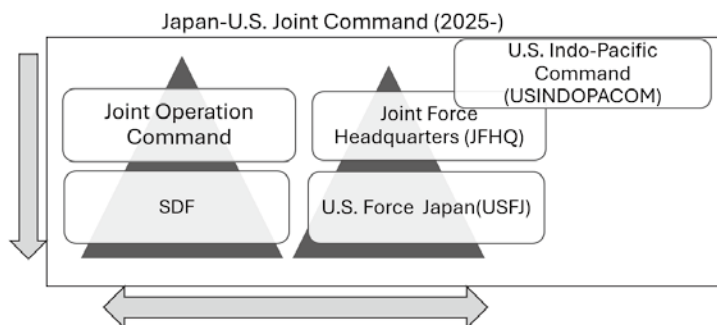


Fig. 02 Japan-U.S. Joint Command (2025-)

On the agreement between the representatives of the military and diplomatic branches of the two governments, Japan and the U.S. are integrating the military chains of command.

4. Completion of the Security Treaty Regime?

As we have seen, there are contradictions between the Article 9 of the Constitution and the Security Treaty regime. To resolve this, the Japanese government aims to change the interpretation of the Constitution and further to amend the Article 9. It shall bring about a significant deviation from the pacifism.

4. 1 The Limited Right of Collective Self-Defense

The Japanese government changed its previous interpretation of the article 9 (Jul. 2014).

It stated that Japan can use force in the form of collective self-defense when an attack on the U.S. occurs and poses a danger to Japan's existence. Based on this new unconvincing interpretation, Japan enacted the Existential Crisis Situations Law (事態対処法), which justifies the exercise of the right of the collective self-defense (2015).

In addition, the Third Security Treaty Guidelines (第3次日米ガイドライン) were signed by the two governments, which militarizes the SDF into a more powerful force capable of war with the U.S. (2015)

4. 2 Counterattack Capability i.e. Attack on Enemy Base

The revised Japan National Security Strategy states, "In the event of a missile attack by an adversary, the missile defense network must prevent incoming missiles while preventing further armed attack by the adversary, In other words, we need to possess a counterattack capability.". Without sufficient reasons, JNSS concludes that possessing a counterattack capability does not violate the Article 9 (2023). A counterattack capability is the same concept as an enemy base attack capability, which the government had previously explained it could not possess. 【Fig.03】

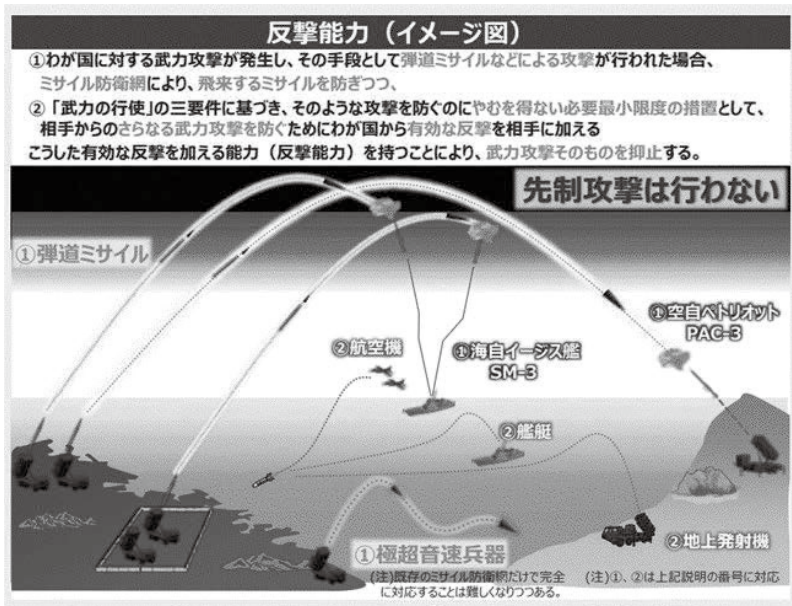


Fig.03 Military means to attack enemy base

A missile defense network will prevent incoming missiles (SM-3, PAC-3). To prevent further attacks, Japan will launch an effective counterattack (standoff missiles) consisting of attacks from aircraft, naval vessels, and ground. 2024 Japan of Defense (『防衛白書 令和6年版』) p. 214

But, if SDF were to attack the bases, it would cause a serious collateral damage to the foreign populations. Conversely, the right to live in peace of the Japanese people, which is described in the preamble of the Constitution as “all peoples have the right to live in peace, free from fear and want.”, would be damaged when the other countries launch a counterattack.

4. 3 Militarization of National Budget

The Japanese government purchases large numbers of long-range missiles from the U.S. for use in enemy base attack. In addition, Japan itself begins developing such offensive missiles. 【Fig. 04】

Plan of Purchase and Development of the Standoff Missiles (2024) ^㉔		
■ Import ^㉔		
JASSM air-to-surface long-range cruise missile	/	Deployment in 2027 ^㉔
Tomahawk cruise missile Block IV and V	/	Deployment in 2025 ^㉔
■ Domestic production ^㉔		
Improved Type12 surface-to -ship guided missile (SSM)	/	Deployment in 2025 ^㉔
Modified SSM launched from naval vessels or aircraft	/	Development in progress ^㉔
Supersonic glide bomb to defend remote islands	/	Development in progress ^㉔

Fig. 04 Plan of Purchase and Development of the Missiles (2024)

Since 1976, it has been our national principle that military spending should not exceed 1% of GNP. However, to strengthen the military capabilities, the JNSS raised the cap on military spending to 2% of GDP. This figure is the same burden that the U.S. requires of NATO members. Japan is expanding its military on a massive scale. 【Fig. 05】

The Self-Defense Force’s Ability to Attack the Enemy Base (NAGAYAMA)

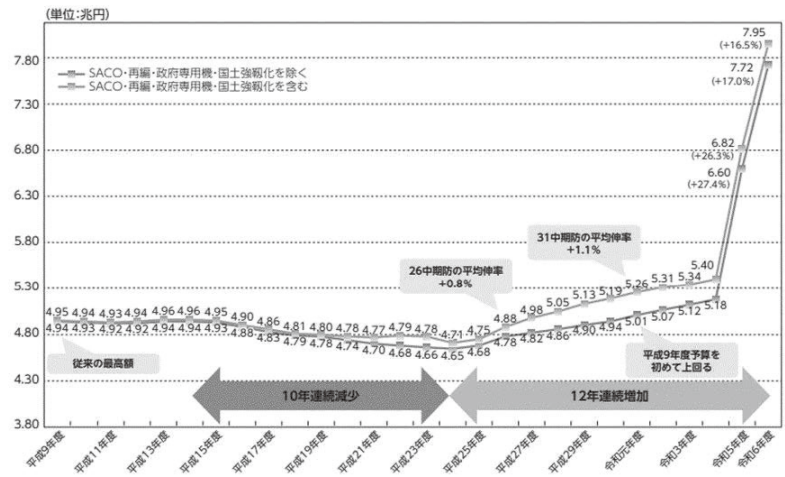


Fig.05 Military Expenditures (1997-2024)

The JNSS (2022) raised the cap on military spending from 1% of GDP to 2% of GDP. As a result, military spending has increased sharply from 5.4 trillion yen in FY 2022 to 6.82 trillion yen in FY 2023 and 7.95 trillion yen in FY 2024. 2024 Japan of Defense (『防衛白書 令和6年版』)p. 229.

4. 4 Constitutional Amendment

To resolve fundamentally the contradictions between the Security Treaty and the Constitution, the Liberal Democratic Party (LDP, 自由民主党) tries to amend the Constitution to enshrine the right of self-defense and the possession of the SDF. But Such a revision would remove the constitutional restrictions on ability to attack enemy base; SDF that joins with the U.S. in waging war without legal limitation would be born.

The LDP tries eagerly to make this amendment, while the public opinion is not necessarily in favor of such an amendment.

5. Conclusion: Abrogation of the Security Treaty Regime

To realize peace in Asia and to free us from the armaments race, the imperialistic regime of the Security Treaty must be abolished. 【Fig.06】

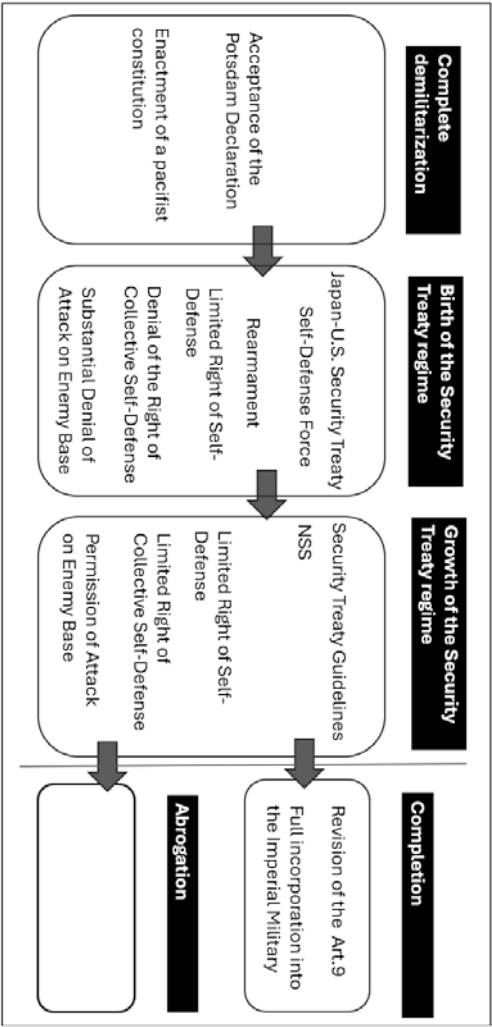


Fig.06 A Brief History of the Militarization Post WWII

Here, let me point out four strategies necessary for this.

A, Japan should never attack foreign military bases or possess the standoff weapons such as long-range missiles and military aircrafts and carriers. Japanese military expansion would destabilize the international environment in East Asia.

B, Japan and the U.S. should convert the Security Treaty into a non-military Peace and Friendship Treaty. Of course, to achieve such treaty reform, diplomatic efforts to improve relations with other countries like PRC and DPRK are essential.

C, We reject the nuclearization of the Security Treaty regime, including the possession of nuclear weapons by the U.S. forces in Japan and the sharing of nuclear weapons between Japan and the U.S. Two governments also should ratify the Treaty on the Prohibition of Nuclear Weapons.

D, We absolutely reject militaristic revision of the Article 9, because such a revision should further militarize Japan and the Security Treaty regime.

I believe that these strategies will liberate Japanese and Asians from militaristic imperialism. To implement them, however, we need not only the peace-oriented domestic effort in Japan, but also the transnational anti-imperialism movement in Asia as a whole. Article 12 of the Constitution stipulates that freedoms and rights, including the right to live in peace, should be maintained through the constant efforts of the people.

Thank you for listening.