JAPAN’S CHANGING STRUCTURE OF CIVILIAN CONTROL

JAPAN, CIVILIAN CONTROL AND THE “NORMAL” STATE

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Is Japan moving towards becoming a major East Asian military player, or even, as some would say, a more ‘normal’ big power prepared to deploy military force for national and international security ends? Japan’s response to 9/11 and the war on terror, including its passage of an anti-terrorism law, has certainly enhanced the impression of a more militarily proactive Japan. After 9/11, Japan dispatched three flotillas of Maritime Self Defense Force (MSDF) ships to the Indian Ocean to support the US and other states’ efforts to combat the Al-Qaeda in Afghanistan. Indeed, other changes made by Japan to its defense posture in recent years reinforce this impression. Japan has strengthened its individual national defense capacity with the procurement of sophisticated military hardware that hints at a power projection role. This hardware includes F-2 fighters, in-flight refuelling, new air and sea transport capacity, and its own spy satellite and information gathering systems. In addition, Japan has been active in strengthening its bilateral military relationship with the US.

The focus of this short article is the principle of civilian control over the military in Japan, and how attempts to erode, subvert or breach this principle affect the future of Japan’s defense posture. The principle of civilian control over the military has been of paramount importance in dictating the shape of Japan’s security policy in the post-Cold War period. Memories of the military’s influence in pre-war politics, and the belief that military domination over politics was ultimately responsible for pushing Japan’s civilian leaders into the disastrous Pacific War, have meant that Japan’s entire security policy has been designed around measures to elevate civilian decision-making and limit the input of the military. The Japanese government has frequently pursued this principle to a point unimaginable in other states whereby the subjugation of the military to civilian political imperatives has imposed significant costs on military operability. The government’s actions have raised genuine questions about the most basic abilities of the Self Defense Forces (SDF) to defend Japan either individually or in cooperation with the US. The principle of civilian control is thus one vital anti-militaristic principle in explaining the contemporary shape of Japan’s security policy and what some see as its tendency to neglect military expediency in favor of almost theologically convoluted interpretations of the Constitution.

The fact that the principle of civilian control is now under attack in Japan should result in some significant changes in its security stance in coming years. Specifically, this article initiates the discussion on the importance and nature of the civilian control principle by outlining its crucial position within the general make-up of Japanese security policy-making in the post-war period. It then moves on to examine how the functions of this principle came to be eroded during the latter stages of the Cold War through a combination of domestic and international pressures; the latter emanating especially from Japan’s bilateral security relationship with the US. The article next considers new political and technological challenges to the principle from similar directions in the post-Cold War period. These challenges now threaten not only to subvert the principle of civilian control but also to breach it outright. Finally, this article concludes by considering how the negation of this principle could open the way for Japan to become an allegedly ‘normal’ great power.
JAPAN’S ANTI-MILITARISTIC PRINCIPLES

Elements of Japan’s policy-making community have now begun to challenge more openly a number of previous ‘taboos,’ including investigation of the revision of Article 9 of the so-called ‘peace constitution’ and debates on the exercise of the right of collective self-defense. Since late 2002, there have been attempts to enact long-discussed legislation to enhance the freedom of action for the SDF to cope with armed attacks upon Japan. Japan has sought to strengthen the US-Japan alliance through the revision of the Japan-US Guidelines for Defense Cooperation since 1997, leading to the enhanced ‘regionalization’ of the security functions of the alliance in East Asia. Japan is one of the few US allies actively engaged in cooperative research into Ballistic Missile Defense (BMD), and it remains the lynchpin of US military strategy across the East Asia region due to its provision of bases on the mainland and in Okinawa.

Multilaterally, since the passing of the International Peace Cooperation Law in June 1992, Japan has been able to dispatch the SDF on UN peacekeeping operations (PKO) to Cambodia and East Timor. Many Japan watchers refer to the period following the end of the Cold War and the collapse of its bubble economy as Japan’s ‘lost decade’ of economic inertia. However, in terms of Japan’s military activity, when one looks back on the volume of legislation passed over the last ten years and contrasts this with the resistance to alterations in its security policy during the Cold War itself, then this has been a decade of relatively dynamic change.

This view of a more militarily proactive Japan, however, needs to be tempered with caution. Japan is undoubtedly expanding its regional and international security responsibilities, but this still does not yet herald a radical departure from its past patterns of security policy. Japan in its response to 9/11 and the dispatch of the MSDF, for instance, has maintained many of its traditional prohibitions on the use of force which have been in place since the early post-World War II period. Japanese policy-makers designed the anti-terrorism law with considerable ingenuity to avoid breaching constitutional bans on the exercise of force, limiting the SDF role to non-combat logistical support. They also avoided any breach of the ban on the exercise of the right of collective self-defense. Japan has upheld similar restrictions in the revision of the Japan-US Defense Guidelines and the formulation of the International Peace Cooperation Law. Hence, although Japan may be accelerating the rate of expansion of its security capabilities, it is clear that this expansion remains incremental and limited within a framework of constitutional, legal, political, normative and social anti-militaristic principles.

Moreover, it is clear that any future change in Japan’s security policy, even if incremental, can only take place through a process of continued negotiation, accommodation, and contestation within this overarching framework of anti-militaristic principles. Japanese policy-makers that have sought in the past to adjust their state’s security options have been forced to employ strategies that slowly erode, subvert, or breach these constraints.

In 1976, Prime Minister Miki Takeo first imposed a ceiling on defense spending, limiting it to one percent of GNP. During the Cold War, Prime Minister Nakasone Yasuhiro’s administration chose, through progressive increases in defense expenditures, to maneuver Japan into a position whereby it was able to formally abandon this ceiling in 1987 (although it still remains an informal target). Japan’s policy-makers have also shown a propensity in the past to subvert anti-militaristic principles, as in the case of challenges made to Prime Minister Sato Eisaku’s three non-nuclear principles of 1967. These three principles consist of not producing, possessing, or introducing any form of nuclear weapons into Japan. The first two principles have been strengthened by Japan’s ratification of the Non-Proliferation Treaty (NPT) since 1976. However, Japanese policy-makers are known to have subverted the third principle due to revelations that they were aware of but turned a blind eye to the consistent introduction into or transit through Japanese ports of nuclear weapons on US naval vessels.

Finally, the ability of Japan’s policy-makers to erode and challenge anti-militaristic principles is demonstrated by contemporary debates over the exercise of the right of collective self-defense. Japan’s government acknowledges that it possesses this right as an inherent sovereign right under the UN Charter, but since the 1950s, it has taken the position that the exercise of this right would exceed the minimum use of force necessary for self-defense as dictated by Article 9 of the Constitution. Nonetheless, despite this formal ban on collective self-defense, certain members of the policy-making community have been willing to push the boundaries of Japan’s security responsibilities in support of the US. Even if these arguments stop short of breaching the ban on the exercise of the right of collective self-defense, they create an expectation that this should be the next step in redefining Japan’s security policy.

CIVILIAN CONTROL AND POST-WAR SECURITY POLICY

The principle of civilian control (banmin tosei) was enshrined in Japan’s post-war constitution as a reaction to the perceived excesses of pre-war militarism. In the pre-war period, Japan’s military had enjoyed a position largely independent of the civilian government. For instance, the General Staff was able to bypass civilian ministers and to report directly to the emperor as the supreme commander of the armed forces. In addition, Japan’s Imperial Army and Navy
were able to directly influence the workings of the civilian government. Japanese military officers either on active or reserve duty were privileged in that they alone could be appointed to the positions of army and navy ministers in the Cabinet, but were also frequently appointed to civilian cabinet posts. Japan’s military reinforced its influence within the government through its position within the broader society, including involvement in the running of the economy and also the conscription system.

Japan’s defeat in the Pacific War and the Occupation period from 1945 to 1952 brought about a concerted effort, led by General Douglas MacArthur as Supreme Commander of the Allied Powers (SCAP), to ensure Japan’s total demilitarization. The Imperial Army and Navy were disbanded and conscription was abolished. The Japanese military’s wider role in society was further curtailed through SCAP programs for democratization and the deconcentration of industry, following from the belief that Japan’s zaibatsu conglomerates had been in a symbiotic relationship with army and navy in pursuit of industrial and imperial aggrandizement. The outbreak of the Korean War in June 1950 famously engendered a ‘reverse course’ in SCAP policy as the US sought to convert Japan into a ‘bastion of capitalism’ against communist expansion in East Asia. The US signed a bilateral security treaty with Japan in 1951 and at the same time encouraged Japan’s partial remilitarization in order to reduce the US burden in providing for its defense. Japan established the National Police Reserve in 1950 (euphemistic language for a new military force) and National Safety Agency in 1952 – later to become the SDF and Japan Defense Agency (JDA) in 1954.

Japan may have moved away from total demilitarization in this period, but many of the changes wrought in the early Occupation period have continued to dictate the shape of its security policy in the fifty-year period hence. The influence of Article 9 of the so-called ‘peace constitution’ enacted in 1948 is well known. However, this new constitution also contained a number of other provisions which aimed to limit the future role of the military. Article 66 of the Constitution states that the prime minister and all other ministers of state must be civilians. Article 68 then states that these ministers must be appointed by the Prime Minister and be drawn from civilian elected members of the National Diet. Article 18 in effect confirms the abolition of conscription as a form of involuntary servitude.

The provisions of the Constitution relating to the control of the military were further clarified by the passage of the Defense Agency Establishment Law and the SDF Law in 1954. These laws decree that the civilian Prime Minister is the commander-in-chief of the SDF (Article 7 of the SDF Law), and that the Prime Minister directs the civilian Director General of the Japan Defense Agency (JDA) (Articles 8 and 9 of the SDF Law) who then gives orders to uniformed chiefs of staff of the three services of the SDF. The Prime Minister is expected to act on behalf of the Cabinet, and in consultation with the National Security Council of Japan (Article 2 of the Security Council Establishment Law), the principal members of which are drawn from the Cabinet. When issuing orders for the mobilization of the SDF in cases of external aggression, the Prime Minister must obtain prior or ex-post facto approval from the Japanese National Diet (Article 76 of the SDF Law). Cabinet and Diet members must all be civilians. The Diet also exercises a measure of civilian control over the SDF by its budgetary and legislative decisions on SDF composition and organization, and by loose oversight of security planning in special Diet committees.

This framework of constitutional-legal civilian control over the SDF has been further reinforced by bureaucratic dominance over the military. Japan’s Ministry of Foreign Affairs (MOFA) has traditionally been at the top of the tree with regard to other ministries in devising security policy. The National Security Division within MOFA’s Foreign Policy Bureau, along with other functional and regional bureaus, has taken overall responsibility for guiding Japan’s policy. In part, it has been able to maintain this position due to its traditionally close relations with the US through the representation of the Minister of Foreign Affairs on the Security Consultative Committee (SSC), the principal coordinating mechanism for Japan-US military alliance cooperation during the Cold War period.

The Japan Defense Agency (JDA), in contrast, was regarded as a junior partner in security policy-making, due to its lack of full ministerial status and incorporation as an agency into the Prime Minister’s office. JDA bureaucrats were considered inferior to their MOFA counterparts – the JDA being a less competitive ministry for Japan’s brightest and best graduates to enter – and many of its top administrative positions were allocated to MOFA officials on secondment or to officials from the other big ministries such as the Ministry of Finance and Ministry of Economy, Trade and Industry. The JDA had also long suffered the humiliation of its headquarters being exiled to the Roppongi district of Tokyo and away from the effective center of power in the Kasumigaseki district.

In turn, the JDA has exerted a similar structure of civilian bureaucratic dominance (bukan tosei) over the SDF. Staffed by civilian bureaucrats, the internal bureaus (naikyoku) of the JDA advise the Director General of the JDA, draft legislative bills and orders of the Cabinet and Prime Minister’s office, as well as the Director General’s instructions to the Joint Staff Council (composed of the three chiefs of staff responsible for SDF operation plans) and examine these plans before they are sent to the Director General for approval. In essence, this means that the Joint Staff Council of the SDF has occupied a position where it has only an advisory role to the internal civilian bureaus rather than being accorded a position, as would be the case in many other developed states, where it would be directly consulted by other civilian ministries and the political leadership. The result has been a degree of friction within the JDA between the bureaucrats and uniformed officers, the latter feeling that they are sidelined when it comes to making crucial decisions about potential military operations.
Indeed, the suspicion of many SDF officers has been that the JDA internal bureaus were more concerned with a policy of keeping watch on Japan’s military in order to deflect civilian criticism from the politicians and the Diet (kokka taisaku) than they were with helping the SDF devise practical measures for the defense of Japan itself. The efforts of civilian politicians and MOFA and JDA bureaucrats to exclude the military from security policy-making were probably best illustrated during the Cold War by the Three Arrows Incident (Mitsuya Kenkyu) in 1965 when the SDF was exposed as having independently formulated plans for cooperation with the US and South Korea in the event of another Korean War. The revelations generated intense controversy in the Diet, and the government was forced to issue hurried assurances that the plans in no way represented a return to military influence or a challenge to civilian control.

Finally, the post-war framework for the subjugation of the military to civilian imperatives was consolidated by the alienation of the image and role of the military in Japanese society as a whole. SDF personnel were encouraged to avoid publicizing their profession and to keep a low profile by not wearing uniforms off-base. Military careers were regarded with extremely low esteem by the general public, and as a result the SDF had difficulty in attracting sufficient recruits of a high enough caliber. During much of the Cold War, open discussion of military issues was regarded as taboo, and the SDF continued to be tarred with the same brush and accusations of the revival of militarism as the pre-war imperial army and navy.

**Cold War Challenges to Civilian Control**

The challenges faced by civilian control during and after the Cold War have clearly been relative rather than absolute. In other words, rather than returning to the pre-war situation of military dominance over the civilian government, the growth of the military’s legitimacy in Japan has merely resulted in some adjustments in the overall system of political-bureaucratic control. Hence, the accusations that often come from other parts of East Asia concerning the revival of Japanese militarism are largely unfounded. Still, it is apparent that civilian control has experienced gradual erosion over the last fifty years and that this has been one of the factors allowing for the incremental expansion of Japan’s regional security role.

In the Cold War period, one of the most notable attempts to expand US-Japan alliance cooperation was the creation of the original Japan-US Defense Guidelines in 1978. The overall formulation of the Guidelines was a task undertaken by civilian bureaucrats from MOFA and the JDA in the Subcommittee on Defense Cooperation (SDC) established under the Security Consultative Committee. However, it is significant that much of the impetus for the inception of the Guidelines was first derived from the SDF and its growing cooperative links at the operational level with the US military. US expectations during this period for increased Japanese assistance in combating Soviet influence thus filtered upwards via the SDF into the domestic policy-making process. Civilian bureaucrats and politicians found it hard to resist demands coming via this route from Japan’s crucial ally, the United States. At the time, the Japan Socialist Party, the main opposition party, questioned whether these US-Japan military-to-military consultations demonstrated the ineffectiveness of civilian control. The fact that the civilian policymakers soon reasserted control over the Guidelines formulation process shows that the principle was not fundamentally eroded. Nevertheless, the Guidelines clearly indicated that the operational necessities of the SDF and the US military could exert influence on civilian decision-making in the Japanese government, and that the US had now established a bottom-up route into the heart of the policy-making process in Japan.

In the post-Cold War period, the challenges to the principle of civilian control have intensified. Japan’s strategic environment has been transformed, marked by concerns about US military power in the region, the rise of China and uncertainties about North Korea’s military posture.

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the Security Consultative Committee has been reconstituted to include the Japanese Minister of Foreign Affairs and the Director General of the JDA, and the US Secretary of State and Secretary of Defense. In this 2+2 formula, the JDA has equalized its role relative to MOFA in negotiating with the US and has derived increased legitimacy. As a sign that the JDA is taken increasingly seriously, it has relocated to a state-of-the-art headquarters in the Ichigaya district of Tokyo, acquired a new Japan Defense Intelligence Headquarter, and has routinely pressed for status as a full ministry that would wield influence comparable with its peers. JDA career bureaucrats, well-versed in defense matters and prepared to work with the SDF to further what they see as vital national security interests, are new Japan Defense Intelligence Headquarter, and has routinely pressed for status as a full ministry that would wield influence comparable with its peers. JDA career bureaucrats, well-versed in defense matters and prepared to work with the SDF to further what they see as vital national security interests, are now beginning to assume senior positions within the JDA when those positions had previously been filled by MOFA appointees. This change has been made possible by the enhanced image of the JDA which is now beginning to attract more able graduates, and the strengthened position of the JDA in the policy-making process which means that it is no longer subject to less coercion by the traditionally more politically powerful ministries.

The JDA’s enhanced influence and its increased preparedness to work with the SDF was reflected in Japan’s response to September 11, when both parties were in agreement regarding the necessity of MSDF dispatch to the Indian Ocean and the range of its functions. Moreover, MOFA appeared out of step with operational reality in this instance, arguing for the dispatch of the GSDF to the ground territory of India and Pakistan to provide medical support for US casualties and refugees in the Afghan conflict. In contrast, the JDA and SDF, wary of Japan’s shortcomings in terms of rules of engagement and materiel, held back from this type of commitment fearing that such deployments would result in the Japanese forces being drawn into combat missions in Afghanistan itself. Thus, even though the provision for ground dispatch was included in the new anti-terrorism law, the specific plan drawn up under the law for the dispatch of the SDF omitted GSDF missions in Pakistan and India. Dispatch was limited instead to the MSDF and some ASDF units.

Although the rigid principles of bureaucratic and civilian controls over the SDF have experienced a degree of erosion at the end of the Cold War, the structure of constitutional controls still remains tightly in place. The degree to which Japan is prepared to adhere to these has been shown by its response to incursions of so-called North Korean spy ships into Japanese territorial waters since 1999. The SDF has been able to pursue these ships but unable to fire upon them without the permission of the Prime Minister as its supreme commander. Hence, this has given rise to what most military analysts would view as an extraordinarily clumsy command and control structure, with decisions on the SDF’s response to armed incursions being passed back and forth from the level of the Prime Minister and thus taking in some instances many hours to execute.

Another example of this unwieldy command structure in responding to potential security crises was the accidental sinking by a US nuclear submarine of the civilian Japanese training ship the *Ehime Maru* on February 9, 2001. Upon first hearing the news on February 10, Prime Minister Mori Yoshiro was occupied in playing golf and did not return to his official residence until hours later, leaving the Japanese government in limbo in a diplomatic crisis with the US with potential security implications. These examples thus demonstrate the continued paramount importance of civilian control to the Japanese, and their belief that the government and the military should not be allowed to act on its own initiative and without the approval of the supreme civilian leader.

Nevertheless, these principles of constitutional and political structure of control may also have to be adjusted and redesigned in coming years. Japan’s potential participation in a ballistic missile defense program is likely to be the crucial factor which transforms the existing structure of civilian control. Missile defense systems demand highly routinized and rapid command and control structures, often calling for a response to a missile attack in a matter of minutes. In most cases, it is simply not feasible for civilian decision-makers to discuss possible responses and then instruct military forces to enact these decisions within such a short time frame. Consequently, effective missile defenses require local commanders in the field to follow fixed rules of engagement (ROE) and respond directly to missile attacks.

In this type of situation, Japan’s cumbersome command and control structure leading all the way to the Prime Minister may be unable to function effectively. The result is that Japan will now have to once again devote a degree of decision-making to its military officers, even if this is under strict ROE devised beforehand under civilian scrutiny. Japan will then be obliged to redesign its principles of civilian control to cope with the stresses of new military technology, and greater trust will have to be accorded to its military.

**Japan’s Path to “Normality”?**

What then do these gradual changes and future challenges to the principle of civilian control mean for the overall future trajectory of Japan’s security policy? The conclusion has to be that, while Japan is unlikely to totally give up its anti-militaristic principles in the foreseeable future, changes in the nature of civilian control are likely to move it towards what many in other developed states would regard as a more ‘normal’ pattern of security policy. Japan’s command and control structure may become more streamlined in response to international crisis situations. The security policy-making structure may shift further away from MOFA and towards the JDA, and the SDF may acquire an enhanced role in security planning.

In this sense, Japan might satisfy the US as a more dependable and proactive ally. Japan may also, however, become a more independent security actor as restrictions upon its regional and international roles weaken. The hope must be that these changes in civilian control continue under the scrutiny of not only the Prime Minister and the civilian bu-

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raucracy, but also under that of the Diet and the general public, both of which have also been essential in forming a loose consensus on how to deal with Japan’s gradual remilitarization and re-emergence as a major regional power.

Endnotes

1 Japan’s Self Defense Forces (SDF) consist of the Maritime Self Defense Force (MSDF), the Air Self Defense Force (ASDF), and the Ground Self Defense Force (GSDF), its navy, air force and army respectively. The SDF currently deploys around 240,000 personnel, 1,000 main battle tanks, 510 aircraft and 160 surface ships and submarines, making it in terms of firepower the second most powerful military force in the Asia-Pacific after the US. Japan carefully selected the SDF’s nomenclature at the time of its establishment in order to deflect attention away from the Constitution’s ban on the possession of war potential and connotations of once again building up a military. The SDF also uses other euphemistic language to describe what are essentially military and war-fighting capabilities. For example, ‘special vehicle’ (tank), ‘guard ship’ (frigate), and ‘equipment’ (weapons). The SDF’s avoidance of straightforward language to describe its activities is explained by continuing concerns over its legitimacy as a ‘normal’ military force that could function in the same way as those of other states.

2 Chapter 2, Article 9 of the constitution, ‘The renunciation of war,’ reads as follows: “Aspiring sincerely to an international peace based on justice and order, 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.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.”

Original drafts and interpretations of Article 9 drawn up by Japan and the US carried the intention of prohibiting Japan not only from engaging in offensive warfare, but also from the use of force in self-defense (jieiken) and from maintaining any type of military establishment. However, amendments made in the Diet to Article 9 led to the insertion of the first clause of the first sentence of the second paragraph. The phrase ‘in order to accomplish the aim of the preceding paragraph’ then opened the way for Japan to maintain military forces for other purposes, as long as they were not designed as a means of settling international disputes. Consequently, Japanese governments since the 1950s have interpreted Article 9 as permitting Japan, in line with its status as a sovereign state, to exercise the right of individual self-defense (kobetsuteki jieiken) and to maintain the SDF for this purpose. In turn, Article 9 has given rise to the ban on Japan’s exercise of the right of collective self-defense (shudanteki jieiken). The Japanese government recognizes that as a sovereign state and under Article 7 of the UN Charter, it has the inherent right of collective self-defense. However, since the 1950s onwards, the government has taken the position that the actual exercise of the right of collective self-defense would exceed the minimum necessary force for self-defense and is therefore unconstitutional. Japan does not regard SDF support for the military forces of other states as unconstitutional if these actions do not involve military combat. The range of actions possible has included various forms of logistical support, such as transport, supply, maintenance, medical services, guard duty and communications.


5 For a full investigation of the tension between JDA officials and uniformed SDF, see Hirose Katsuya, Bunmin to Gunjin: Bunmin Tosei no Genkai, (Tokyo: Iwanami Shoten, 1989).


