



The Choice of Collective Self-Defense—Getting Out of the Galapagos Security Perspective

Winning a Mandate in the House of Representatives Election — We Will Continue to Consult with New Komeito

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Japan Cannot Operate Only with a Right to Individual Self-Defense

The use of the right to collective self-defense has long been discussed in the context of Japan's national security. Why do you think Japan should shift its defense policy and decide to endorse the use of the right to collective self-defense now?

Ishiba Shigeru: The biggest reason is that the security situation surrounding the post-Cold War Asia-Pacific region is very unstable. The balance of power between the United States and the former Soviet Union was stable during the Cold War. In that situation, the seeds of conflict, such as religion, race, territory and political structure, did not surface.



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However, the end of the Cold War led to the establishment of a unipolar power structure formed by the United States, which caused the collapse of the regional balance of power. This culminated in conflicts emerging over religion, ethnicity, territory and political structures all around the world. The power of the United States, which intervened in those disputes, is in relative decline now.

We see China rising and increasing its presence in Asia and North Korea has a new dictator. Under these circumstances, I consider that a balance of power needs to be restored in this region. The U.S. strategy is shifting from the “hub and spoke” model of forming bilateral alliances with Japan, Australia and the Philippines to a different model of building networks with countries sharing the same values, such as freedom, human rights, democracy and the rule of law. U.S. cooperation with other countries is becoming increasingly important.

In this situation, is it possible for Japan to maintain deterrence only through the asymmetrical reciprocal Japan-U.S. alliance without exercising the right to collective self-defense? My belief is that Japan should change the situation



that prevents it from using the right to collective self-defense for the sake of peace and stability in the region, and ultimately for the sake of its own independence and peace.

Is the domestic political situation conducive to the endorsement of the right to collective self-defense?

Ishiba: Opinion polls show that a considerable number of people still have negative views on the right to collective self-defense. However, in July 2012, the Liberal Democratic Party (LDP) decided on a basic national security bill that encompassed the use of the right to collective self-defense. All five candidates in the LDP presidential election in September that year called for endorsing the use of the right to collective self-defense. Abe Shinzo and I placed particular emphasis on the right to collective self-defense during the election campaign. Abe won the election and I came second. In the ensuing House of Representatives election in December, our party directly called for endorsing the use of the right to collective self-defense for the first time and succeeded in winning a mandate.

This was also the case with the House of Councilors election in 2013. Among other parties, the Japan Restoration Party was basically supportive of us and some conservative members of the Democratic Party of Japan reacted positively to our stance. I think that the conditions are now in place for us to appeal to the public about the need for the right to collective self-defense.

The Purpose Is to Increase Deterrence

What impact will the endorsement of the right to collective self-defense have on Japan's national security and diplomacy?

Ishiba: For one thing, the Japan-U.S. alliance will be strengthened. Even if the bilateral relationship does not change into a completely reciprocal one, we will be able to enjoy a dramatic increase in information obtained from the United States if Japan moves to act in concert in time of emergency. This strengthening of the Japan-U.S. alliance will in turn bolster deterrence in the Asia-Pacific region. The reason why we are committed to endorsing the use of the right to collective self-defense is not that we intend to fight wars with the United States all around the world, as some argue, but that we intend to increase deterrence to avoid international disputes in the region.

Do you see any negative repercussions from the right to collective self-defense?

Ishiba: I know that some are concerned that Japan may be involved in U.S.-initiated wars. They are afraid that the Self-Defense Forces will sustain and inflict casualties abroad. However, it is impossible for the Self-Defense Forces to be dispatched to just any battlefield merely in response to a U.S. request.

The LDP considers the following conditions in the use of the right to collective self-defense. First, a country is attacked whose relationship with Japan is so close that the attack can be thought of as an attack against our country.



Second, a country that has a close relationship with Japan and that is under military attack asks Japan for support. Third, Japan has no other choice but to exercise the right to collective self-defense. Based on these conditions, the use of the right to collective self-defense requires Diet agreement in advance, in principle. Therefore, it is quite inconceivable that the government and Diet will opt to deploy Japan's military in collaboration with the United States all around the world. However, it is certain that if all the conditions are in place, it will enable Japan to use its military force abroad. In this sense, Japan needs to be politically prepared to take such action. I think that if our country can be ready for that, it is significant.

Does Japan define countries other than the United States as those for which it would be prepared to invoke the right to collective self-defense?

Ishiba: Whether or not Japan will exercise its right to collective self-defense depends not on a particular country or region but on a particular situation that threatens to have grave consequences for the peace and security of our country. For example, say U.S. navy ships operating in an emergency on Japan's periphery are attacked, and Japan helps them, but then chooses to do nothing if Australian navy ships are attacked – I doubt that approach would be justifiable.

In that case, does it matter if Japan has an alliance with the country whose naval vessels are attacked?

Ishiba: If Japan is allied with that country, our country will be required to fulfill its treaty obligations. However, it would run counter to the fundamental core concepts behind collective self-defense if Japan would disregard a country with which it is not allied. From the perspective of international law, the targets for the use of the right to collective self-defense are not limited to allied nations only. I don't think that the United States is the only country that is important to peace and stability in the Asia-Pacific.

What do you think about Japan's explanation of collective self-defense to its neighboring countries?

Ishiba: Prime Minister Abe explains the issue every time he visits Japan's neighbors. Many of Japan's neighbors take it for granted that they may use their right to collective self-defense. However, this time, our country needs to give explanations convincing enough to sweep away Asian neighbors' concerns that Japan may invade other countries again under the name of collective self-defense, as it did during World War II.

Collective Self-Defense Within the Limits of the “Minimum Necessity”

The government approved the use of the right to collective self-defense by reinterpreting the Constitution.



Ishiba: The government’s interpretation says that each of the following three conditions must be met in exercising the right to collective self-defense. (1) Japan comes under an imminent unjust military attack; (2) Japan has no other reasonable choice but to use its right to collective self-defense to eliminate the attack; and (3) Japan should limit the use of its military force to within the scope of the minimum necessity.

The government’s previous interpretation was that the scope of “minimum necessity” did not include the right to collective self-defense. However, the government now considers that some parts of the right to collective self-defense can be included in the scope of “minimum necessity.”

Based on this line of reasoning, the government’s interpretation of the “use of the right to self-defense” remains unchanged. However, a Cabinet decision was made on a written answer that “because the use of the right to collective self-defense goes beyond the scope of the minimum necessity, it is constitutionally unacceptable.” That is why the government’s interpretation will be changed to the idea that “some parts of the right to collective self-defense are included in the ‘scope of the minimum necessity.’”

Does the Constitution need to be amended?

Ishiba: If Clauses 1 and 2 of the current Constitution’s Article 9 logically lead to the conclusion that Japan cannot exercise its right to collective self-defense, then the Constitution must be amended. However, no matter how I think about it, it is not true. If you think that the use of the right to collective self-defense is unacceptable because it is a “means of settling international disputes,” it means that you deny the fact that the right to collective self-defense is guaranteed by Article 51 of the United Nations Charter for all member states. Needless to say, Japan is a member of the United Nations.

Some argue that because the right to collective self-defense is a right of belligerency, it is unacceptable. However, that would mean that the right to individual self-defense is also unacceptable. The current Japanese government’s stance on the right to self-defense is based on the ideas behind the state’s right to survival and its natural right. Fundamentally, however, the right to self-defense should not be divided into collective and individual rights. Previous Japanese administrations just excluded the right to collective self-defense as a matter of policy. I tend to feel that using Article 9 of the Constitution to explain those decisions was inappropriate.

The Enactment of a Basic Law is Reasonable

The government is considering a limited endorsement of the right to collective self-defense, not a total endorsement. What do you think the government should do to limit the exercise of the right to collective self-defense?

Ishiba: The government has yet to decide whether it should deal with the issue by just revising individual laws, such as the Self-Defense Forces Act, or whether it should place priority on the Basic Law on National Security. However,



I would say that from the LDP standpoint, a basic law should be enacted based on the party's election pledge even if it takes some time. I think that if the following general restrictions on the use of the right to collective self-defense are stipulated in the basic law, it will make it easier for our country to present explanations to the Japanese public and to other countries. The restrictions are: (1) Japan's relationships with other countries under attack; (2) An explicit request from countries under attack for support; (3) The use of the right to self-defense within the limits of the minimum necessity; (4) Submission of a report to the United Nations Security Council; and (5) Ending the exercise of the right to collective self-defense when the United Nations Security Council takes the necessary action. Of course, further discussions and adjustments will be conducted within the government or the ruling party.

Allegedly, some government officials think that Japan should address the issue by amending the Self-Defense Forces Act without coming up with a basic law for a broad endorsement of the right to collective self-defense.

Ishiba: I think that it is a conceivable option. Whether there is a basic law or not, the Self-Defense Forces cannot move an inch unless the law underpinning their deployment is stipulated in the Self-Defense Forces Act. As is often misunderstood, merely reinterpreting the Constitution will not enable Japan to use its right to collective self-defense. We need to secure what can be considered the collective self-defense version of the Act on the Peace and Independence of Japan and Maintenance of the Nation and the People's Security in Armed Attack Situations etc., which is intended for individual self-defense, as well as the Self-Defense Forces Act. We also need to make amendments to all aspects with individual legal grounds that can be influenced, including missile defense and emergencies in Japan's periphery. These individual laws regulate the actual conditions of the use of the right to collective self-defense and the actions of the Self-Defense Forces. This reflects the so-called limited endorsement theory.

There are deeply rooted concerns that the Self-Defense Forces may go as far as to take action even on the opposite side of the globe. Is there a possibility that the government will include geographical restrictions in the use of the right to collective self-defense?

Ishiba: From the perspective of what the government should do, I think that introducing geographical restrictions would weaken deterrence. Distance is not always relevant to whether or not an attack on another country is gauged as the equivalent of an imminent and unjustified military attack on our country that is likely to have grave consequences for our country if left unchecked.

For example, suppose that we're in the Russo-Japanese War, and the Russian Baltic Fleet and the British Fleet clash in the Indian Ocean. In this scenario, if the British Fleet is destroyed and the Baltic Fleet engages in the Battle of Tsushima after refreshment and supply, Japan may be defeated by Russia. This scenario shows a situation that is likely to have exceedingly serious consequences for Japan. Therefore, it makes no sense that Japan's military would not go to the Indian Ocean.



Where Will the LDP's Consultations with New Komeito Lead?

New Komeito, your coalition government partner, claims that a combination of the right to individual self-defense and police authority would be effective.

Ishiba: Many members of New Komeito are familiar with the law. The party's Chief Representative Yamaguchi Natsuo served as Parliamentary Vice-Minister of the former Defense Agency. I always feel that their opinions warrant serious attention. Everything should be discussed in future consultations. From the perspective of principles, I consider that discussions in terms of international law will be necessary. For example, if there is an intensive targeted military attack on U.S. warships defending Japan and you define Japan's Self-Defense Forces' responding to the attack as the use of the right to individual self-defense, I think that this thinking diverges vastly from international common sense.

In addition, for example, in minesweeping in the Strait of Hormuz, it is wrong to consider it as the use of the right to individual self-defense because mines that explode against Japanese ships only don't exist.

For missile defense, if a country on the Eurasian continent launches a missile that is clearly targeted at the United States, the act is legally evaluated as an imminent unjust military attack on the United States, not on Japan. Intercepting the missile is not the use of the right to individual self-defense. Currently, however, missile destruction measures are sometimes handled as the use of police authority, not the right to self-defense. I think that this issue needs to be examined more closely.

What do you think are the prospects for the LDP's consultations with New Komeito?

Ishiba: The first thing we have to do is to build a consensus within the LDP. Of course, the use of the right to collective self-defense has been approved by a party council. However, there are many new members who were elected in the House of Representatives election in 2012 or the House of Councilors election in 2013. Many party members have not participated in the discussions about this issue of collective self-defense. That is why even if the collective self-defense issue became an LDP pledge after being approved by a party council through the LDP's formal processes in the past, I intend to make an effort to deepen understanding about collective self-defense and to stress its importance within the party, until the decision can be said to be the consensus of current LDP members.

Of course, we will consult with New Komeito. In fact, we have had several informal consultations to date. I think that the first thing we have to do is to establish ideas within the party.

The word is around that the government is aiming to finish the reinterpretation of the Constitution for endorsing the use of the right to collective self-defense in order to incorporate collective self-defense factors into the scheduled revision of the Guidelines for Japan-U.S. Defense Cooperation at the end of this year.



Ishiba: Needless to say, the sooner the better, but this discussion requires wider public understanding and support. If Japan does not adopt the right to collective self-defense, my understanding is that this will not necessarily mean that the revisions to the Japan-U.S. defense cooperation guidelines will stall.

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