

Japan

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Whether military intervention for humanitarian purposes is permissible is a vexed question that has been much debated since the North Atlantic Treaty Organisation (NATO) air strikes against the Federal Republic of Yugoslavia in 1999. By extension, one may ask whether the principles of state sovereignty are violated when outside military intervention aims to halt the actions either of a government that is engaged in grave infringements of human rights or responsible for the mass murder of its citizens, or of a country engulfed in civil war. Or, whether under certain circumstances, such intervention could be considered permissible under certain conditions.

While numerous studies on the subject of military intervention have been conducted in Japan and other countries over the past few years, the terrorist attacks in the United States on September 11, 2001, Washington's subsequent military campaign in Afghanistan, and the U.S. military action against Iraq have made all the more urgent the need to reconsider both the use of force in international politics and the concept of state sovereignty.¹

This chapter first surveys changes in the international situation that have led to a growing call for humanitarian military intervention, before examining how Japan is handling recent developments and concomitant challenges.

TRENDS IN INTERNATIONAL POLITICS

The world system established under the Treaty of Westphalia in 1648 drew a sharp distinction between the anarchy that would reign among those states in international society that lack strong sovereign government, and the hierarchy of domestic society in which a government exercises ultimate power.² But this distinction was not strictly observed as international law and organizations were established and ultimate authority, even in domestic society, was not always unilateral. Then, in the latter half of the twentieth century, as interdependence among nations deepened, ties between international and domestic politics grew increasingly strong. This phenomenon came to be described as "intermestic," a term coined in the 1970s by

combining the words international and domestic.

END OF THE COLD WAR

The acceleration of these trends toward greater interdependence and closer ties following the end of the cold war served to encourage humanitarian military intervention. According to Fujiwara Kiichi (2001b), the situation was the product of a shift in power politics, from mutual to unilateral deterrence, and the transition to parliamentary democracy in various parts of the world.

With the collapse of the Soviet Union, there ended the historical mission of the mutually assured destruction (MAD) defense strategy that had prevailed between Washington and Moscow, leaving the United States as the sole superpower. Then, with the so-called revolution in military affairs (RMA), U.S. military preeminence was further enhanced, leading to the emergence of the present regime, in which the United States intervenes to resolve regional conflicts and disturbances to international order, either on its own or at the head of a multinational force. This makes it unlikely that humanitarian intervention in the Third World by the United States or other Western nations will invite counter-intervention by, for example, Russia or China. As a matter of fact, even the United Nations Security Council could not prevent the United States from taking military action against Iraq in 2003 without a new resolution clearly authorizing the action. As Fujiwara points out, with military power thus concentrated in one place, “military action has become *police action*” (2001b, 113). Ideally, legitimate coercion in domestic politics is conducted by the police and, in international politics, by the military. In the former case, peace is maintained through a monopoly on, or concentration of, coercive force; in the latter, stability and balance among countries is achieved through the dispersal of armed force. Today, however, with the U.S. military predominant in international politics, its international political role has increasingly come to resemble that of a domestic police force.

In post-cold war world politics, threats to national security in the United States from such sources as terrorism and drug trafficking have led to an overlap in the jurisdictions of the military and the police, resulting in the internationalization and militarization of police activities, as has been vividly demonstrated by September 11 and subsequent related events (Fujiwara 2001b, 112–113).

Democratization has made great progress in east Asian countries, which have seen

remarkable economic growth since the 1970s, while in eastern Europe the democratic process has been spreading rapidly since the collapse of the Soviet Union. But that has not brought about the end of history, as Francis Fukuyama (1992) predicted. Although many countries are still not equipped to exercise parliamentary democracy, it has become increasingly difficult to flatly reject such fundamental values of democracy as freedom of speech, respect for human rights, and the right to free elections.

THEORY OF DEMOCRATIC PEACE

The influential theory currently circulating among political scientists in the United States is that of democratic peace, according to which war is believed to be highly unlikely to occur between liberal democracies (Russett 1993). This is despite the fact that, since the collapse of the Soviet Union, the United States and its Western allies no longer have an outside military threat that solidifies their alliance. Thus, there is room for attention to swing to the common values of human rights, freedom of speech, and democracy. Simply put, while American military superiority makes humanitarian military intervention possible, the spread of democratic values often elicits such intervention.

It is important to note that, after the cold war, the first U.S. president was the Democrat Bill Clinton, and that social democrats came to power in major western European countries thereafter as well. Generally, the U.S. Democratic Party and European social democratic parties are more optimistic regarding social reform, more sensitive to fundamental human rights, and more tolerant of big government (and, therefore, big military spending) than are conservative parties.

Thus, while the Clinton administration attempted to spread democracy by, for example, its policy of engagement with China, the George W. Bush administration is giving priority to national interests and the perception that there are threats from abroad. (Recently, however, under the so-called neo-conservatives, the Bush administration tends to emphasize a regime change in other countries, if necessary.) This stance does not, however, run counter to the American desire to establish a political community based on universal principles, for it seeks to strengthen the sense of community with its allies and friendly nations. Simply put, the difference between the Clinton and Bush administrations is that of emphasizing the expansion³ or the solidarity of that political community (Hosoya 2001, 6). The criticism of

the United States being voiced today is that, backed by the overwhelming military power and economic superiority of the nation, Bush is engaging in even more unilateral policies than his predecessors.⁴

ROLE OF THE MASS MEDIA

Here one should, perhaps, consider the expanding role of the mass media. In the area of humanitarian military intervention, the media's role is a double-edged sword. On the one hand, the spread of the media, especially television networks, has made it possible to transmit instantly and vividly to people's living rooms everywhere any incident that might occur in any part of the world. An atrocity committed in an obscure part of a country can no longer be so easily dismissed as someone else's business by those in other countries. Figuratively speaking, humankind is facing not the end of history but, rather, "the end of geography" (Inoguchi 2002, 236).

On the other hand, the growth of the mass media has made the public better informed concerning the costs and risks involved in military intervention. Former Secretary of State James A. Baker, who played a prominent role during the Gulf War, has noted that the United States is not indifferent to developments in world affairs but, as the sole superpower, can neither nip in the bud nor solve all the knotty problems that arise in the world. U.S. leaders, Baker believes, must thus choose which problems to tackle on the basis of national interest as well as American principles and values. He remarks that the constant worldwide transmission of video images by satellite broadcasts makes it difficult to be appropriately selective (Baker and DeFrank 1995).

In the Vietnam War, it is said, the United States was defeated not in the jungles of Indochina but in the living rooms of U.S. households. Partly aided by the rising awareness of human rights, public opinion in the United States became sensitive to the loss of even a few servicemen. That trend was also seen during the 1992–1994 U.S. engagement in Somalia, which ended with the withdrawal of U.S. troops after the lives of 36 U.S. soldiers were lost. Since then, the U.S. military has adhered to a no-casualties principle of engagement. Today, the American public is becoming more and more sensitive to the increasing number of American casualties in occupied Iraq.

The spread and development of the mass media is conducive to both facile military

intervention and withdrawal. High expectations are pinned on the development of precision-guided weapons developed as a result of the RMA, with the cost and risks of military intervention reduced as high-tech, clean wars are conducted centering on air strikes—as opposed to dirty wars that rely on ground warfare, which inevitably involves heavy casualties. However, a war is only defined as clean by the intervening party; casualties caused by misaimed or stray bombs and other collateral damage are never insignificant for the victims, as has been seen in Kosovo, Afghanistan, and Iraq. Events in such theaters of conflict make use of the term humanitarian difficult to justify.

In post-cold war international politics, the factors that make humanitarian military intervention both possible and necessary have become increasingly important. A growing number of persuasive voices are being raised opposing the hegemony of the United States, calling for diverse interpretations of democracy and human rights, and condemning the inhumane impact of humanitarian military intervention.

JAPAN'S RESPONSE TO INTERVENTION

Japan's Constitution is known as a peace constitution for the content of Article 9, which states:

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.

Open to various interpretations, Article 9 has been a major issue in post-World War II Japanese politics (Nakamura 2001; Murata 2000). Among scholars of constitutional law there are two main schools of thought concerning this article. One holds that the Self-Defense Forces (SDF) are unconstitutional, because the first paragraph of the article proscribes war. The other maintains that the first paragraph prohibits only wars of aggression, but that, because the second paragraph renounces the maintenance of war potential, the SDF are unconstitutional.

Meanwhile, the current interpretation of the Japanese government is that the article does *not* prohibit possession of the minimum necessary capability for the exercise of self-defense, since the first paragraph of Article 9 prohibits only wars of aggression, while the second

paragraph commences with the proviso, “[i]n order to accomplish the aim of the preceding paragraph”

That still does not define the right to collective self-defense or clarify the issues surrounding the dispatch of SDF personnel overseas.

Collective Self-Defense

According to Article 51 of the Charter of the United Nations, the right of individual or collective self-defense is an inherent right of member countries. Similar statements are found in Article 5 of the San Francisco Peace Treaty and the preamble of the U.S.-Japan Security Treaty. When the latter treaty was revised in 1960, then-Prime Minister Kishi Nobusuke stated in the Diet: “[Japan’s] provision of military bases to another country and jointly defending itself with that country has been correctly interpreted as exercise of the right to collective self-defense. I believe that Japan has such a right as a matter of course” (Sase 2001). He thus understood that allowing U.S. military bases on Japanese soil under the U.S.-Japan Security Treaty in a broad sense constituted the exercise of the right to collective self-defense.

However, the understanding of the government subsequently changed, as can be seen from a document it submitted in 1972 in response to an opposition interpolation in the Diet: “The government has consistently held the position that although [Japan] has what is called in international law the right to collective self-defense [it] cannot exercise that right as a sovereign right of the nation because it would overstep the bounds of self-defense permitted in the Constitution . . .” (Sase 2001, 130).

Further, in a written reply in 1981 the government states: “It is only natural, according to international law, that inasmuch as it is a sovereign state, Japan should have the right to collective self-defense. [The government] understands, however, that exercising the right to self-defense under Article 9 of the Constitution must be limited to the minimum extent necessary for defense of the nation and that exercising the right to collective self-defense would exceed that limit and not be permitted under the Constitution” (Sase 2001, 125). According to the 1972 and 1981 interpretations of the article, Japan has the right to collective self-defense but cannot exercise it.

“By any world standard,” writes Kitaoka Shin’ichi (2002, 25) of the University of Tokyo,

“providing military bases to another country constitutes exercise of the right to collective self-defense. Japan, however, narrowly interprets exercise of the right to collective self-defense and regards such exercise as unconstitutional (and other activities as constitutional). What the Koizumi Jun’ichiro Cabinet did was to even further narrow the interpretation of this right, formulating the idea that extending cooperation to foreign troops in the form of transportation of supplies did not amount to exercise of the right of collective self-defense.”

Kitaoka also argues that not exercising the right to collective self-defense is a wrong option militarily, in that Japan should maintain a military capability for the purpose of self-defense. As he points out, rejection of the right to collective self-defense is a diplomatic blunder, as a result of which each time Japan does something that transcends its definition of the right to individual self-defense, it must provide an explanation for its action. Further, he argues, it is illogical that, while the Cabinet Legislation Bureau supports the possession of defense capabilities, it should see the right to individual self-defense as being safer than the right to collective self-defense (Kitaoka 1999, 31). The government interpretation that Japan has the right to collective self-defense but cannot exercise it is unconvincing.

History Constrains Resolve

The repeated sending of troops abroad by the pre–World War II government in the name of “self-existence and self-defense,” led the nation to devastation. When the Defense Agency Establishment Law and the Self-Defense Forces Law were enacted in 1954, the House of Councillors adopted a resolution prohibiting the dispatch of SDF troops outside Japanese territory. The resolution was brief: “On the occasion of the establishment of the Self-Defense Forces, the House hereby reconfirms, in the light of relevant articles of the Constitution and the Japanese people’s earnest devotion to peace, that no SDF troops will be dispatched overseas” (Tanaka 1997, 140). The resolution was not binding, but it did reflect the sentiments of Japanese people in those days. At the time, Japan was not a member of the United Nations, so there was no suggestion that the SDF might contribute to the maintenance of international peace by joining UN-sponsored peacekeeping operations (PKO).

In July 1958, after Japan joined the United Nations, UN Secretary-General Dag Hammarskjöld called on the Japanese government to send SDF personnel to join a UN observer group. In response, UN Ambassador Matsudaira Koto made a controversial

comment in the *Yomiuri Shimbun* vernacular newspaper: “Some people in Japan advocate the strengthening of UN diplomacy, but from my experience I believe that what other countries in the world want Japan to do is to send SDF units to serve in the Congo [and elsewhere] as part of UN forces. Under the Constitution the dispatch of troops overseas is considered impossible, but SDF personnel should be sent at least as observers. I believe that in the future [SDF personnel] should be part of a UN police force as well.” Prime Minister Ikeda Hayato had to promptly repudiate the comment, saying, “UN Ambassador Matsudaira’s statement that the basic way of cooperating with the United Nations is to join the UN police force is mistaken” (Tanaka 1997, 210–211).

It was not until the early 1990s that the Japanese government made any real effort to take part in PKO activities. The Persian Gulf crisis in 1990 and the Gulf War in the following year were the first real challenge to international security following the end of the cold war. The Japanese government drafted the UN Peace Cooperation Bill, but it failed to be passed in the Diet. So, despite its reliance on Middle Eastern oil and its alliance with the United States, Japan could not even cooperate in the transportation of supplies, and was only able to give financial assistance. Then, when Tokyo contributed the huge amount of US\$13 billion, it was ridiculed overseas for its checkbook diplomacy. When Japan was finally able to send minesweepers to the Gulf, the war was already over.

“People’s perceptions of security [at that time],” recalls Iokibe Makoto of Kobe University, “had not progressed beyond the heated and ideological debates of the 1950s, a time of black-and-white arguments over whether it was to be war or peace, revival of militarism or democracy, aggression or self-defense. The lexicon of the Japanese postwar mentality included only two types of war: wars of aggression and wars of self-defense” (1999, 229). For Japan, however, the Gulf War was neither a war of aggression nor of self-defense. While it should have been a matter of international security, Japan failed to promptly and properly respond.

Views on Peacekeeping Involvement Change

With the diplomatic setbacks of the Gulf War behind it, the Miyazawa Kiichi Cabinet enacted the Law concerning Cooperation for United Nations Peacekeeping Operations and Other Operations (International Peace Cooperation Law; so-called PKO Law) in June 1992. Several

circumstances made this possible.

First, the influential ruling Liberal Democratic Party (LDP) politician Ozawa Ichiro and other party members were eager that the PKO bill be passed even at the risk of endangering the support base of the Miyazawa cabinet. Second, the government had around that time begun to officially express the hope that Japan might be granted permanent membership of the UN Security Council. Third, Japan, as an Asian power, had every intention of participating in the imminent UN peacekeeping operations in Cambodia. And fourth, China, which had been isolated internationally since the Tiananmen Square incident of 1989, had indicated it would not protest the enactment of the PKO Law in order to smooth the way for a visit by the Japanese Emperor to commemorate the twentieth anniversary of the normalization of Sino-Japanese diplomatic ties.

The law stipulated five prerequisites for Japan's participation in peacekeeping activities overseas. First, a cease-fire agreement was to be reached among the parties to armed conflicts; second, consent was to be obtained from the host countries and parties to the armed conflict for Japan's participation; third, operations would have to be strictly impartial and not favor any of the parties to the armed conflict; fourth, should any of the previous three requirements cease to be satisfied, the Japanese government could withdraw its SDF units; and fifth, the use of weapons was to be limited to the minimum necessary to protect the lives of SDF personnel.

The opposition parties were not, however, satisfied with these strictures. The then Social Democratic Party of Japan resisted passage of the law by adopting the vote-delaying tactic, known as the ox walk, of inching toward the Diet ballot box at a snail's pace. The Democratic Socialist Party (DSP), meanwhile, demanded that Diet approval be obtained before SDF personnel were sent overseas; and the Komeito (Clean Government Party) demanded that a freeze be put on Japanese participation in UN peacekeeping forces (PKF) until public consensus had been reached.

The ruling LDP accepted these demands, as a result of which the overseas activities in which the SDF could engage were limited to the provision of medical services, transportation, telecommunications, and construction. In addition, the problem regarding the use of weapons remained, the decision on their use being left to individual discretion.

At the time of the Gulf crisis, when the government had submitted the UN Peace Cooperation Bill to the Diet, it was strongly opposed by the public, but in 1992 arguments

were also advanced for the new bill. After it was enacted, SDF personnel joined the PKO in Cambodia and fulfilled their mission there. A poll conducted by the *Yomiuri Shimbun* newspaper in June 1993 shows that 56 percent of the respondents favored Japan's participation in the PKO (Tanaka 1997, 322). However, when a member of Japan's police force and a civilian Japanese volunteer were killed, Miyazawa recalls, "if even one more Japanese national had been killed the next day, [the operation] would have been finished. The situation was that tough. The Cabinet might have fallen had another person died" (2001, 74).

Subsequently, Japan accumulated experience in PKO participation, for which reason it is stated in the Guidelines for Japan-U.S. Defense Cooperation as revised in September 1997, that the two countries shall work together for peace and stability in Asia Pacific and the international community as a whole, in the areas of PKO and international humanitarian relief operations.

In June 1998, three areas of the PKO Law were revised on the basis of Japan's PKO experience. First, Japan's participation in the monitoring of elections overseas, formerly allowed only when such activities were related to UN peacekeeping operations, was in future to be permitted even when the United Nations and other regional organizations were involved in operations other than peacekeeping. Second, the requirements according to which Japan would extend contribution in kind for international humanitarian relief operations conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR) or other international organizations, were eased so that assistance could be given even when agreement on a ceasefire had not been reached among the parties to the armed conflict. And third, in order to ensure more appropriate use of weapons, SDF personnel who had until then been left to use weapons at their own discretion, were now as a rule to obey the orders of their superiors in the field regarding weapons use.

In October 2001, only a month after the September 11 terrorist attacks on New York and Washington, D.C., the Japanese Diet approved the Anti-Terrorism Special Measures Law, and in December the 1992 PKO Law was amended a second time. These measures were taken in anticipation of the possible dispatch of SDF personnel to support reconstruction in Afghanistan, and to help in UN peacekeeping operations in East Timor. The December PKO Law amendments were designed, first, to lift the freeze on SDF participation in such PKF activities as monitoring ceasefires, disarming local forces, patrolling demilitarized zones, inspecting the transport of weapons, and collecting and disposing of abandoned weapons;

second, to expand the scope of the activities in which members of the SDF are permitted to engage, so that rather than have use of weapons limited to self-defense or to defend the lives of other SDF members at the site when it is unavoidable, use was expanded to protection of those with whom the SDF work on site and others “under their control”; and, third, to allow the application of Article 95 of the Self-Defense Forces Law permitting weapons to be used for protection.

In this way, revisions have been gradually instituted in the PKO Law, and public support for participation in peacekeeping operations overseas has become well established. The five principles that are conditional for participation of Japanese SDF personnel, however, represent a high hurdle to the implementation of this policy. For example, Japan was not at first able to send SDF personnel to East Timor on peacekeeping duties, because it initially adhered strictly to the principle that there had to be an agreement on a ceasefire among the parties to the armed conflict. In 2002, under the revised PKO Law, 690 SDF personnel were stationed in East Timor.

Also, in July 2003 Japan decided to send SDF personnel to occupied Iraq. Because the Iraqi government disappeared after the war and did not accept any PKO, a new special law for dispatching SDF personnel to Iraq had to be passed. Under the new law, regulations concerning the use of weapons by the SDF are relaxed, but the SDF’s activities are limited to non-combat areas, which are extremely difficult to define under the current situation in occupied Iraq.

STANCE ON INTERVENTION IN YUGOSLAVIA

Japan has overcome many obstacles over the past 10 years in an effort to make its PKO Law more effective, but when it comes to humanitarian intervention by force, the story is quite different. In March 1999, when NATO started to conduct air strikes against Yugoslavia, the Japanese government released a statement saying that it “understands [the strikes] as an unavoidable measure for humanitarian purposes” (Yanai 1999, 28). It went on to provide US\$100 million for refugee assistance and aid to Albania and Macedonia, and another US\$100 million for the UN Trust Fund for Human Security, to assist returned refugees after peace had been restored (Yanai 1999, 30). While Japan could not participate directly in PKF operations at that stage, it showed its readiness to cooperate along with other participating

nations of the Group of Eight (G-8) and to cooperate mainly by giving economic support.

Public opinion within Japan was divided on NATO's humanitarian military intervention. Critic Yamazaki Masakazu wrote:

At the beginning of the modern era, the clan and the village managed to survive by setting the individual free to move beyond their bounds and accepting the expanded powers of the state with which they identified. In the twenty-first century, as long as the state frees individuals to expand beyond itself and accepts globalization of the demand for human rights its existence will be accepted. Just as loyalty to the clan and to the village survived by coexistence with loyalty to the state, patriotism will only be able to survive by harmonizing itself with identity with humankind as a whole. The modern person who accepted constraints on the clan and the village must accept, by the same logic, constraint on the sovereignty of the state. (1999, 1)

Political scientist Tanaka also accepted the intervention by NATO, explaining it as follows.

[I]n the latter half of the twentieth century, particularly from the 1990s, I think we can assume that the correlation between respect for human rights and the principle of nonintervention [in domestic affairs] evolved with the expansion of the former. This does not mean that intervention in the affairs of another nation is acceptable in just any case of infringement of human rights, however. It is a question, rather, of the large-scale and serious violation of human rights in which an immediate response is demanded. (2000, 61)

While noting that the NATO move had not been sanctioned by a resolution of the UN Security Council, Tanaka also argues:

[T]he United Nations is an important system for seeking international security, but it is not a world government. The means and institutions for realizing the public good in a world system that is not a unitary state cannot be either one dimensional or hierarchical. While the public good may sometimes be realized at the initiative of the United Nations, sometimes it may be the result of a consensus by the majority of states. (2000, 63)

In the case of the intervention in Kosovo, Tanaka says the G-8 framework functioned effectively, and constituted the "public good," as did the indictment of President Slobodan Milosevic by the International Criminal Tribunal for the former Yugoslavia, as well as the initiative of two non-NATO leaders—former Russian Prime Minister Viktor Chernomyrdin and Finnish President Martti Ahtisaari—in persuading Milosevic to surrender (Tanaka 2000, 66). Public good, he says, is created through such collective efforts.

Indeed, it is dangerous to place too much confidence in the United Nations, as Japanese

are often inclined to do. Article 1 of the UN Charter says that its purpose is “to maintain international peace and security,” but that only means the United Nations is a means for achieving that purpose. The power of any permanent member of the Security Council to veto resolutions, moreover, shows that the United Nations is by no means a thoroughly fair and egalitarian organization. The time China vetoed a motion to continue PKO activities in Macedonia and that nation subsequently succumbed to civil war is still fresh in our memories. Apparently, China’s veto reflected its displeasure with the fact that Macedonia had established formal diplomatic relations with Taiwan (Tanaka 2000). The malfunction of the UN Security Council was again clearly demonstrated in the case of the war against Iraq.

Political scientist Onuma Yasuaki states categorically that “international society will not tolerate human rights infringement on the scale of the German Holocaust even if the nation in question protests that such action involves intervention in its domestic affairs. Today, no country, no despot, can ignore this principle” (1998, 91). And this, I might add, represents the general world consensus.

FORCES THAT MOTIVATE INTERVENTION

Not all humanitarian military intervention, however, can be justified. The conditions and means of intervention are extremely important. Specialists on regional affairs conversant with the local situation are generally cautious with regard to intervention. Sadakata Mamoru, one of Japan’s few experts on the former Yugoslavia, for example, has made the stern comment:

The problem with the humanitarian intervention in the Kosovo crisis was that it was not truly carried out of humanitarian considerations. First “there was intervention,” and the idea that it was humanitarian was simply used in order to justify it. . . . To the United States, the crux of the problem was neither “nonintervention in the internal affairs” of a sovereign state nor was it “humanitarian intervention.” At the Rambouillet talks, the United States called for either a NATO deployment within Yugoslavia or NATO airstrikes against targets there. The choice, then, was “internal intervention” or “military intervention.” As far as Yugoslavia was concerned, where is there any room here for consideration from its point of view? (2000, 38)

Authority on German security affairs in Japan Iwama Yoko also observes that “We should avoid idealizing Kosovo as a model of humanitarian military intervention. We must recognize first of all that for the members of NATO, while defending human rights was indeed an important motive behind the strikes, that was certainly not the only consideration

involved.” Further, she expresses reservations, noting how the move resulted from “the need to prevent destabilization of the domestic affairs of [surrounding nations] resulting from the large influx of refugees [from Kosovo].” It involved “national interests, pure and simple.” The Kosovo intervention was a case that elicited regional concern transcending state borders, she comments, but only on a very limited scale (Iwama 1999, 14–15). Needless to say, many specialists of Middle Eastern affairs, though they tend to hate the Saddam Hussein regime, are quite critical of the U.S. military action against Iraq.

Scholar of international law Mogami Toshiki reproves the impure motives and inhumane methods of the NATO strikes:

While proclaiming their activity “humanitarian,” NATO member countries did not rescue the victims of suffering, but punished the victimizer from afar instead, placing the safety of the reprisal force foremost. Punishing the victimizers can sometimes be effective, but one would think it was essentially more important to rescue the victims of oppression, even if it meant the rescuers had to expose themselves to some degree of danger. It is not easy for people to make such a self-sacrifice, it goes without saying. But it is impossible to just evade what has to be done and resort to violent means, facilely labeling them “humanitarian.” Herein lies the fullest proof that the bombing of Yugoslavia was not what one could call “humanitarian intervention.” (2001, 126)

It does not seem feasible to consider Kosovo a model case of humanitarian intervention. Still, many fear that the United States, the world’s sole superpower, is likely to launch further interventions of this kind.

Tanaka quotes influential American political scientists Joseph Nye, Richard Haas, and others, saying:

[T]he United States’ role in the world order is decisive, but when we examine the U.S. national interest and its internal strategies toward the outside, I think the possibility is slim that the United States will repeatedly engage in the kind of military intervention we have seen in Kosovo for the purpose of upholding what it considers to be the universal principles of human rights. The condition of American action, is first, as Nye sees it, that U.S. interests are at stake, and second, as Haas says, its anticipation of forming a kind of international “police force” of countries willing to take on the task of assuring peace and order. U.S. unilateralism is a problem to watch out for, but when it comes to major infringements of human rights, hesitation to act is itself more a matter of concern than that sort of unilateral tendency. (2000, 69)

Tanaka notes that, in connection with the mistaken bombing of the Chinese embassy in

Belgrade, more damage was done to Chinese national interests than might have otherwise been the case as a result of its refusal to accept the incident as a mistake and its strong denunciation of U.S. strategic intentions, which reflected Beijing's pursuit of power politics (2000, 280). Tanaka observes that those who opposed the bombing of Yugoslavia to the very end were the so-called realists but, paradoxically, once NATO military intervention had begun, it could not be retracted (2000, 58).

Also, the possibility that the United States will again engage in the kind of military action it took against Iraq will not be so high because of the cost and repercussions in international public opinion. Given the difficulties of occupying Iraq now facing the United States, the so-called realists as well as the general public in the United States will be more reluctant for the country to take this kind of action again.

JAPANESE CONSTRAINTS

As the above views illustrate, the essence of the debate in Japan is that while observers agree that large-scale massacres such as those in Kosovo cannot be tolerated, they sharply disagree on the need for, and method of, military intervention, as well as regarding the U.S. response.

The so-called humanitarian military intervention is a particularly vexing issue for Japan. Some progress has been made over the past 10 years as Japan has laid the legal groundwork for participation in nonmilitary endeavors justified under international law, such as peacekeeping operations. But when it comes to armed intervention, even if for humanitarian purposes, Japan is constrained by several considerations. With a view to obtaining a permanent seat on the UN Security Council, Japan needs to contribute to international society and, as one of Washington's chief allies, it is eager to cooperate with the United States. Yet, as a nation in Asia, in which region many countries are experiencing ethnic strife, and given that its pre-1945 history of intervention in the region is still remembered, Japan does not want to become isolated for having supported humanitarian military intervention. Under the present legal framework that makes it difficult to explicitly exercise the right of collective self-defense, Japan could not use force were it to take part in a humanitarian military mission.

One might well speak of the end of geography with reference to Kosovo, which is far removed from Japan both physically and in terms of cultural understanding. Moreover, a number of Europe-specific factors figured in the turmoil there—the analogy with the

Holocaust of Nazi Germany, the rethinking of the role of NATO in the post-cold war era, and national concerns as refugees spilled out of Yugoslavia. Insofar as Japan was made aware of the significance of humanitarian intervention in distant Kosovo, the concept of the end of geography failed to convince Tokyo that this was a problem truly requiring its involvement. This is also applicable to European countries, which felt a less direct security threat from Iraq than from Kosovo.

Furthermore, unlike most other Asian nations, Japan does not face the likelihood of being a target of outside humanitarian intervention, since it does not have the kind of serious ethnic confrontations within its borders that might elicit such action. Even by the standards of the West, Japan is a democratic nation that protects human rights. Moreover, not having experienced the bloodshed and struggle that resulted in human rights and democracy being established in Europe and the United States, Japan is not very responsive when it comes to participation in humanitarian military intervention.

As noted above, soon after the September 11 terrorist attacks in the United States, the Japanese Diet passed the Anti-Terrorism Special Measures Law that some, including a former head of the SDF Joint Staff Council, see as establishing a precedent for the exercise of collective self-defense (Sakuma 2002). Given the scale of the terrorist assault, China did not voice the usual and expected opposition to this major change in Japan's security policy, much as had been the case in 1992, when Japan passed its PKO Law after the Gulf War had ended. Beijing's silence suggests the importance of the Asian factor in considering Tokyo's security policy. The fall 2001 response clearly shows how the trauma suffered by Japanese leaders at the time of the Gulf War had shaped their thinking 10 years on. For, while Europe and the United States in that time experienced a succession of grave international security crises involving the large-scale exercise of military force, Japan had experienced little other than issues of national security, such as a North Korean ballistic missile passing over Japanese territory.⁵ It should be noted, however, that the increasing military threat from North Korea makes the Japanese more and more sensitive to their national security.

FUTURE CHALLENGES

The rights and wrongs of humanitarian military intervention cannot be discussed in abstract terms, since definitions depend, to a large extent, on the individual case. What is required is

both the wisdom to discern what kind of humanitarian military intervention is acceptable under which conditions, and a record of the efforts made to enhance the legitimacy of Japan's position in case it should be involved in such intervention.

As for the criteria for intervention, Joseph Nye (1999) suggested the following: 1) The degree of intervention should reflect the degree of concern, and military intervention should be reserved for the most serious cases; 2) the use of force should be avoided unless both humanitarian and national interests are at stake; 3) there should be a clear grasp of what is meant by genocide; and 4) great care should be taken when intervening in civil wars waged in the interests of national self-determination.

Certainly even these criteria involve some arbitrariness, but criteria that are excessively narrow will rarely work in the real, complex world of international politics. Japan should formulate its own criteria, taking care not to bifurcate humanitarian and national interests.

Were Japan to wish to cooperate even indirectly in humanitarian military intervention, a UN Security Council resolution would go far in galvanizing the support of the Japanese public. Thus, in the wake of Washington's military action in Afghanistan following the September 11 attacks, 54 percent of those surveyed in Japan said they felt that a UN resolution should have been passed approving the U.S. action. The same survey reveals that comparable feelings were shared by 90 percent of the pollees in China and 15 percent of those in the United States. Many Japanese were suspicious about the legitimacy when the United States took military action against Iraq without a new UN resolution. However, as Tanaka argues, a UN Security Council resolution alone should not legitimize armed intervention. Japan tends to regard the United Nations as an absolute power, and has little awareness of its political nature and the arbitrariness of its decisions. Some influential opinion leaders in Japan expressed their negative views on the United Nations after the war against Iraq. It is important, therefore, that Japan should not only seek to be a permanent member of the Security Council, but that it also present a vision for a wide range of UN reforms.

It would seem inconceivable that Japan might support humanitarian military intervention by a single nation, no matter how predominant that nation's power might be. Generally, the degree to which intervention is perceived to be legitimate increases in direct proportion to the number of nations involved and how many nations support such action. Even in the case of the war against Iraq, more than 30 countries expressed direct support. If a regional

organization supports intervention in a country within its bounds, the possibility that the intervention will succeed is quite high, although if a world power with interests in that region opposes intervention, the possibility of success is low.

Moreover, humanitarian intervention does not always equate with armed or state intervention. Were Japan to assist nongovernmental organizations (NGOs) engaged in humanitarian activities, they could reduce the need for humanitarian military intervention and play an important role in enhancing the legitimacy of Japan's position (Mogami 2001). In addition, Japan and Western nations should promote human rights within their own borders as well as the spread of democracy around the world.

While good progress has been made in establishing the legal apparatus for Japanese participation in overseas peacekeeping operations, the legitimacy of Tokyo's involvement depends on its contributions and efforts. Since regional disputes occur in specific historical and geographic contexts, Japan would be well advised to train properly informed specialists in the local history and affairs of unstable Third World areas.

The September 11 terrorist attacks and the U.S. military action against Iraq again brought to the fore criticisms and the deep-rooted distrust of America's unilateral actions, not only among Third World countries but also among European countries. The issue of humanitarian military intervention may only deepen such sentiments and make them more complex. "America's challenge [is] to recognize [our] own preeminence but to conduct . . . policy as if [we] were still living in a world of many centers of power," wrote Henry Kissinger, warning that even the greatest power would soon succumb to internal decay were it to behave otherwise (Kissinger 2001, 288).

One might argue that, to forestall both extreme unilateralism and a tendency to isolationism on the part of the United States, Tokyo should treat Washington as a friend and ally. To that end, the issue of collective self-defense must be addressed. Japan's postwar defense policy lacks direction, appearing only to be determined *not* to exercise the right to collective self-defense. If this is to change, Japan must clearly state what it has decided, in order to avoid triggering anxiety in other Asian countries. Since September 11, it has become increasingly evident that cooperation among allies and international security will increasingly overlap, as evidenced by the first declaration by NATO of its intention to exercise the right of collective self-defense. At the same time, however, the war against Iraq demonstrated the difficulties of maintaining a sound alliance relationship with the overwhelming power: the

United States. If Japan is to avoid being torn between its obligations both as an ally of the United States and also as an Asian nation, it must declare its position on international security affairs.⁶

For Japan, the question of humanitarian military intervention is currently essentially only matter of formulating its vision of diplomacy for the twenty-first century. While it does not immediately have to decide on the pros and cons of, or commit itself to, such intervention, Japan would be well served were it to debate the issue without further delay in anticipation that the need to do so may well suddenly arise.

Notes

1. For an outstanding study of the use of force in international politics, see Craig and George (1995), especially chapters 19 and 20. Numerous writings have already been published about the September 11 terrorist attacks, amongst which is a recent and relatively balanced collection of essays in Japanese, written by liberal intellectuals in Japan and overseas in a volume edited by Fujiwara Kiichi (2001a), and an essential and highly informative essay written by Yamazaki Masakazu (2001) immediately after the attacks.
2. A philosophical study of the characteristics of international society can be found in Hedley Bull (1995).
3. The theoretical study of achieving security through expansion of the political community originated with Karl Deutsch (1975).
4. Many argue that Bush's stance is largely due to the terrorist attacks of September 11. Historically, however, big powers have always acted unilaterally. The United States did not ratify the Treaty of Versailles; France withdrew from the integrated military command of NATO; while China and France have repeatedly conducted nuclear tests despite strong protests from the international community.
5. It should not be ignored that, in the 10 years since the end of the cold war, Japanese public opinion has begun to move away from the main trends of the postwar era: fundamental opposition to any military action, and concern only with peace for Japan. A survey, conducted immediately after the military action begun in Afghanistan by the United States, shows that 23 percent of the pollees considered this action "reasonable" and 60 percent "unavoidable," meaning that 83 percent either supported or could accept the U.S. intervention. Concerning Japan's role vis-à-vis Afghanistan, 63 percent favored support for the refugees. Presumably that support for U.S. actions has sharply declined

since (*Yomiuri Shimbun* 23 October 2001).

6. According to a March 22, 2002, opinion poll conducted by the *Yomiuri Shimbun* newspaper of Diet members, half the respondents were in favor of the standing interpretations of the right to collective self-defense being revised.

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