
Japan and Ballistic Missile Defence: Debates and Difficulties

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Japan has deployed its own ballistic missile defence (BMD) system in cooperation with the United States. The Japanese Government claims that Japan's BMD system would not pose a threat to other states, and would only be deployed in strict compliance with Japan's *senshu boei* (exclusively defence-oriented defence) policy. However, its BMD program could be considered a "double-edged sword", that is, it may still be seen as a threat by neighbouring states and cause a regional arms race that could lead to conflict. Japan must make a careful distinction between offence and defence, and clearly emphasise the program's defence-oriented intentions.

The international security environment in East Asia is far from stable or predictable. A variety of states in the region have long, troubled relationships. China is a regional military power with a nuclear arsenal that could contend for global superpower status in the future. China has a number of security problems inside and outside its vast territory; among which the greatest concern is the issue of Taiwan. Taiwan has an advanced economy and considerable military forces to counter the threat from the mainland. Another focus of concern is the divided Korean Peninsula, a legacy of the Cold War. North Korea poses the most imminent post-Cold War threat to the region with its nuclear weapons development and ballistic missile programs. South Korea, like Taiwan, showed impressive economic growth in the 1980s and has maintained a stable democratic regime since the late 1980s. Above all, the United States, the only global superpower after the Cold War, is the key actor in the region. The United States has played a dominant role in East Asia, adopting a hub and spokes type of alliance with Japan, South Korea, and (informally) Taiwan; unlike the collective defence organisation of the North Atlantic Treaty Organization (NATO) in Europe. In this complex environment, Japan's defence and security policies have a significant impact on international relations.

Following the defeat in World War II, Japan became known as a peaceful nation and mercantile state. However, it has gradually developed its role in the international security field and increased its military power. Japan faces a number of issues with its neighbours: territorial disputes with China regarding the *Senkaku (Diaoyu)* Islands; a dispute with South Korea over *Takeshima (Dokdo)* Island; issues with Russia regarding the Northern Territories; history-related issues such as Japanese prime ministers worshipping at *Yasukuni* Shrine, reactionary revisions of Japanese history

schoolbooks, and chemical weapons abandoned by the Japanese military in Chinese territory during World War II; and economic concerns, including the development of energy and natural resources in the East China Sea.

This study focuses on Japan's ballistic missile defence (BMD) program. There has been little public discussion of this program compared with the debate on missile defence in the United States. But the substantive shift in Japan's defence strategy should be of great concern. Few scholarly works have examined the development of strategic thinking in Japan's policy on defence against ballistic missile threats. It is worth exploring the defence and security policy of the third largest economy in the world, a major actor in the regional and world security arena, and the holder of one of the world's largest and most sophisticated armed forces.

History of Japan's BMD

It was in May 1993 that the US Government officially proposed that Japan join its Theater Missile Defence (TMD) program.¹ This followed significant events in East Asia: North Korea's 10 January declaration of withdrawal from the Nuclear Non-Proliferation Treaty (NPT) and its first launch of a *Nodong* short-range ballistic missile on 29 May. At the Japan-US Defence Summit in September 1993, it was agreed that a forum for policy study on ballistic missile defence would be created under the Security Sub-Committee (SSC). The TMD Working Group (TMD-WG) was then established in December 1993. Since then, TMD-WG meetings have been a forum for administrative-level exchange of information on the two countries' missile defence programs. The Japanese Government uses the term Ballistic Missile Defence (BMD) for its own program, to avoid its being linked with the US TMD.

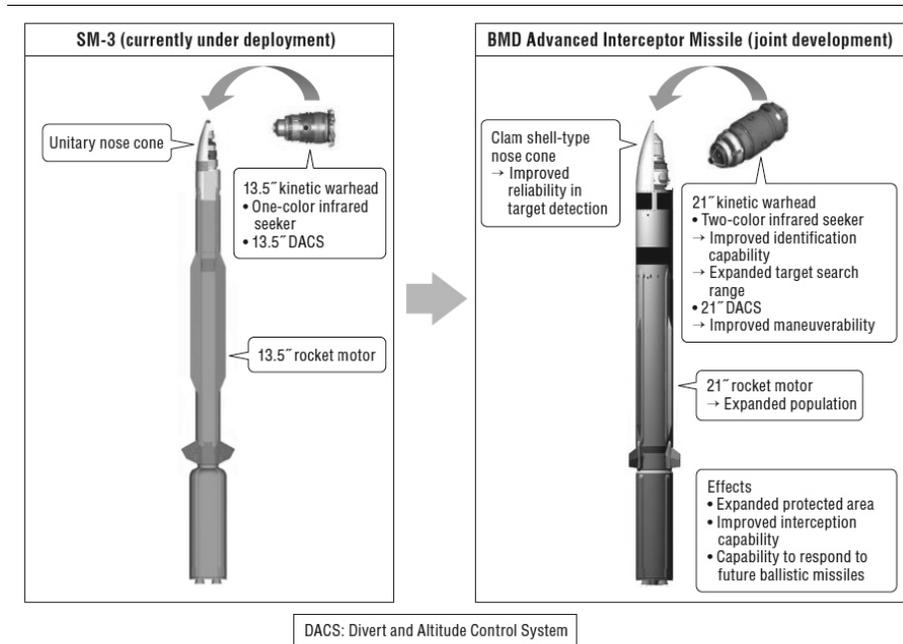
In September 1994, it was agreed that a Japan-US bilateral study group be formed to allow Japan to obtain information on TMD necessary for its policy decisions. And in April 1995, the Japan Defence Agency (JDA) established the Office of Ballistic Missile Defence Research (BMDR). Since January 1995, experts from both nations have been studying the characteristics of ballistic missiles and the technological feasibility of missile defence systems, among other topics. A JDA white paper asserted that, "it is necessary to thoroughly investigate various BMD issues from comprehensive perspectives in order to make decisions on Japan's future attitude".² With US cooperation, the JDA thus undertook the study, 'Comprehensive Research on Japan's Future Air Defence System'. Costing 560 million yen (4.7 million dollars) over fiscal years 1995–98, the study focused on TMD

¹ During the Clinton Administration, the US ballistic missile defence program was composed of two parts: National Missile Defence (NMD) designed to protect the US mainland and Theater Missile Defence (TMD) defending US forces abroad and US friends and allies.

² Japan Defence Agency, *Boei Hakusho* (Defense of Japan: White Paper) (Tokyo, Japan: Okurasho Insatsukyoku, 1999), p. 112.

weapon systems, sensors, and Battlefield Management Command, Control, Communications, Computers, and Intelligence (BMC4I) systems. Continued cooperation in these studies was assured by the Japan US Joint Declaration on Security in April 1996.

Figure 1. Outline of the Japan-US Joint Development



Source: Ministry of Defence, *Defence of Japan 2011*, <www.mod.go.jp/e/publ/w_paper/2011.html> [Accessed 19 March 2012].

In August 1998, North Korea's test launch of a three-stage rocket, possibly the intercontinental ballistic missile (ICBM) *Taepodong 1*, spurred calls for Japan's own BMD system. The rocket flew over Japanese territory, and the Japanese people were stunned and humiliated by the intimidating test of a missile "over their heads". At the Security Consultative Committee (SCC or "2 plus 2") meeting on 20 September 1998, the director of Japan's Defence Agency and the US Secretary of Defence resolved to proceed with further work toward cooperative research on missile defence. In October the Security Council of Japan convened, and the JDA announced that it would begin internal coordination with the Cabinet on an additional budget request. In December, prior to the compilation of the government's budget for the fiscal year 1999, relevant ministers met in an attempt to reach consensus on the importance of BMD. Subsequently, on 25 December, the Security Council of Japan was convened, and it approved the initiation of Japan-US

cooperative technological research on Navy Theatre Wide Defence (NTWD). This was later reorganised as the Sea-based Mid-course Defence (SMD) system. Simultaneously, the government announced its views in the 'Statement of the Chief Cabinet Secretary Regarding Japan-US Cooperative Technological Research on Ballistic Missile Defence'.

The JDA appropriated 26.2 billion yen (218.3 million dollars) over fiscal years 1999-2005 for joint efforts with the United States on requirement analysis and design (RA&D) for four components of NTWD. The joint program was later modified, and the current state of joint development is illustrated in Figure 1.

In December 2003, the Japanese Security Committee and the Cabinet Meeting of the Japanese Government approved the introduction of BMD into Japan's defence posture. Japan then officially shifted its position from joint study to development and deployment. These decisions on BMD did not attract much public attention nor received major media coverage. However, they signalled a step toward a major shift in strategic thinking on security policy and showed the Japanese Government's willingness to defend Japan with its own missile defence shield, moving away from dependence on US deterrent forces to its own active defence.

Japan's BMD System

The Japanese Government put forward several reasons for establishing its own missile defence system. First was the international proliferation of ballistic missiles and weapons of mass destruction (WMD).³ Above all, the dictatorship of North Korea poses an imminent threat to Japan. It is reported that North Korea has deployed 200 *Nodong* intermediate-range ballistic missiles. With an estimated range between 1000 and 1300 kilometres, they bring the entire territory of Japan within range. The recent death of Kim Jong Il and rise to power of his son, Kim Jong Un, makes the future course of this country even less predictable. The inexperienced new leader could initiate a more provocative security policy to assert his position in the outside world. Although North Korea has recently agreed to restart the Six-Party Talks on abandoning its nuclear weapons program, in light of past experience, a peaceful resolution is far from assured. Despite the miserable failure, the North Korean missile test on 13 April 2012 reminded the Japanese of the danger of the new regime.

Second, Japan had no system of defence against ballistic missile attack in the past, and there is currently no viable alternative to the development and deployment of the BMD system.⁴ Third, the government claimed that

³ Japanese Diet, House of Councillors, Committee on the Budget, *Minutes of the Diet* (Tokyo, Japan: National Diet Library, 9 March 2005), <<http://kokkai.ndl.go.jp/>> [Accessed 19 March 2012].

⁴ Shigeru Ishiba, *Kokubo* (National Defense) (Tokyo, Japan: Shinchosha, 2005).

Japan's BMD system would not pose a threat to other states, and would only be deployed in strict compliance with Japan's *senshu boei* (exclusively defence-oriented defence) policy. These claims are supported by the fact that Japan deploys neither ballistic missiles nor WMD, and possesses no intercontinental ballistic missiles (ICBMs), long-range strategic bombers, or offensive aircraft carriers.

In addition to these three rationales, BMD supporters have seen several other merits in Japan's missile defence program. First, BMD supplements the United States' extended nuclear deterrence strategy for coping with threats from rogue states, allowing Japan to participate in its defence without need for its own nuclear deterrent force.⁵ This argument has to be assessed carefully. BMD constitutes "deterrence by denial", quite different from the "deterrence by punishment" effect of the US "nuclear umbrella". If BMD is positioned as a supplement to the umbrella, the combined forces will represent a significant war-fighting capability for Japan and the United States.

Second, some contend that BMD development could have positive "spin-off" effects on the Japanese economy.⁶ While not a major point, technologies developed for missile defence programs can be applied in the private sector, and should contribute to Japan's technological and economic development. For instance, in the latter half of the 1950s Japan was licensed to produce Lockheed F-104 fighters. Production essentially relied on Lockheed technology, but the Japanese learned many things in the process; for example, techniques for converting and moulding aluminium led to innovations in disc brakes for bullet trains.

Third, numerous individuals and entities, including the Ministry of Defence (MOD),⁷ point out that the development of a BMD system will promote defence and security cooperation with the US.⁸ A major reason for Japan's joining the US TMD program was that "if such a system were to be put in place, participation would strategically link Japan even more tightly with the United States".⁹ In fact, the two governments closely agree in their assessment of imminent ballistic missile threat and on the necessity of building a defensive capability. Cooperation has been consistent and deliberately maintained. The current joint development and deployment of missile defence systems may contribute to further strengthening of the

⁵ Michael J. Green, 'TMD no Donyu to Chugoku tonu Senryakuteki Kankei (TMD and Strategic Relations with the PRC)', A Paper Submitted to Japan-US Alliance Project (1997), <www.glocomnet.or.jp/okazaki-inst/alliance-pro-jap/green.jap.html> [Accessed 16 July 2008].

⁶ Satoshi Morimoto, Ken Jinbo and Yoichiro Koizumi, 'Theater Missile Defense (TMD) and Japan's Security', *Plutonium*, no. 20 (Winter 1998), <www.glocomnet.or.jp/cnfc/p120/lecture.e.html> [Accessed 16 July 2008].

⁷ JDA was promoted to a ministry status in January 2007.

⁸ Japan Defence Agency, *Boei Hakusho*, p. 134.

⁹ Peter Van Ness, 'Hegemony, Not Anarchy: Why China and Japan Are Not Balancing US Unipolar Power', *International Relations of the Asia-Pacific*, vol. 2, no. 1 (2002), p. 144.

alliance. Japanese advocates of BMD with this viewpoint have tended to fear "abandonment" by the United States that might injure the alliance, and the possibility of the United States looking to other powers in the region, such as China. On the contrary, critics of BMD fear that Japan could be "entrapped" by the alliance with the United States and dragged into military conflicts elsewhere.¹⁰ In any case, BMD will be, in essence, "a weapons system that cannot function without the active cooperation of the United States".¹¹

Missile defence issues have been raised in the Diet more often since 1995, particularly after North Korea launched its three-stage missile over Japanese territory on 31 August 1998. However, they have frequently been overshadowed by other sensitive and more immediate security issues such as the rape incident in Okinawa in 1995, the debates in 1997 and 1999 on the Japan-US Security Treaty's "guidelines", and the collision of the US submarine, *Greenville*, with the Japanese fishing trawler, *Ehimemaru*, in February 2001. For some time following the September 11 terrorist attacks, there appeared to be little interest in Japan in discussing BMD. Although missile defence issues had been in the forefront since President Bush took office and announced his strong commitment to "deploy missile defenses to strengthen global security and stability",¹² these issues disappeared both from the Japanese Diet and the media after 11 September 2001. The primary issue then was whether and how Japan should dispatch its Self-Defence Forces (SDF) to support retaliatory US attacks on the al Qaeda terrorist network and the Taliban regime of Afghanistan, and subsequently in the Iraq War. Nonetheless, cooperation with the United States on missile defence has been steadily maintained. Joint study on NTWD was succeeded by SMD mid-course defence research, and it has remained intact in the current US missile defence program. Debate on missile defence issues was eventually revitalised after the Japanese Government decided to move toward development and deployment of BMD in December 2003.

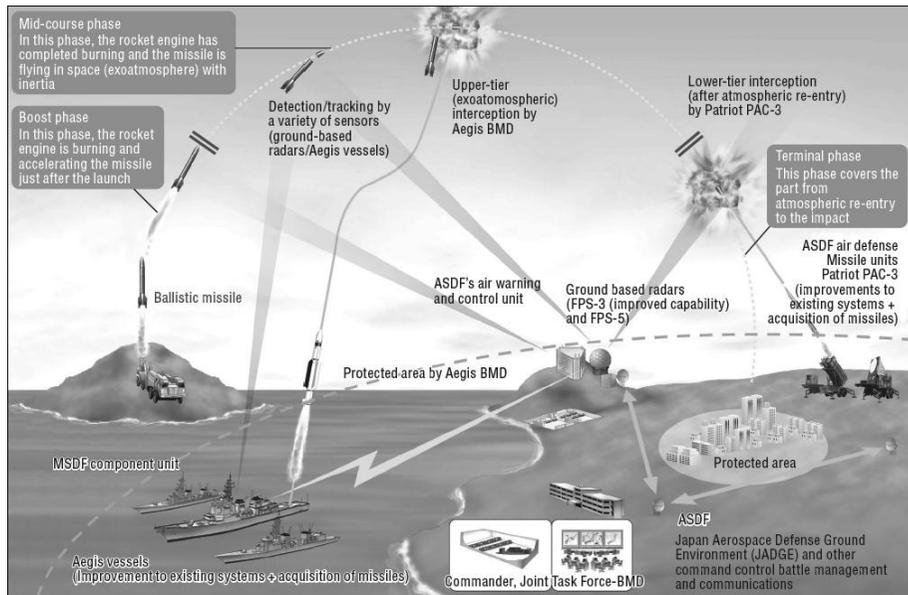
Japan's current BMD system comprises a mid-course phase (upper-tier) Standard Missile 3 (SM-3) Bloc IA system deployed on four Aegis ships, and a 16-unit terminal phase (lower-tier) Patriot PAC-3 defence system deployed to four sites in Japan (see Figure 2).

¹⁰ The Stanley Foundation and Center for Nonproliferation Studies, Monterey Institute of International Studies, *Ballistic Missile Defense and Northeast Asian Security: Views from Washington, Beijing and Tokyo* (April 2001), < www.stanleyfdn.org/reports/BMD01.pdf > [Accessed 16 July 2008].

¹¹ Christopher W. Hughes, *Japan's Security Agenda: Military, Economic and Environmental Dimensions* (Boulder, Colorado: Lynn Rienner, 2004), p. 187.

¹² George W. Bush, 'President Bush Speech on Missile Defense, May 1, 2001', Speech by President George W. Bush, National Defense University, Washington, White House transcript (1 May 2001), <<http://www.fas.org/nuke/control/abmt/news/010501bush.html>> [Accessed 19 March 2012].

Figure 2. Concept of Japan's BMD Deployment



Source: Ministry of Defence, *Defence of Japan 2011*.

Diet debate on BMD issues has pitted proponents—the government, the Democratic Party of Japan (DPJ), and the Liberal Democratic Party (LDP)—against critics—the Social Democratic Party and the Communist Party. But as the Social Democratic Party has lost numerous Diet seats since 2000, critical voices have been progressively muted. Generally, these debates had been tedious and unproductive, due to repeated assertions by ministers and government officials that "missile defence issues are still under investigation".¹³ Missile defence was regarded as a specific military posture on a strategic level, so it was essentially a matter of choice for the MOD and SDF, not for politicians or the general public.

The most remarkable feature of the domestic BMD debate since 1993 is the long-term consistency of the government's policy toward BMD. This consistency has been maintained despite frequent regime changes following the demise of the "1955-system" which dominated the Diet. These include the following post-LDP coalitions:

- The Hosokawa and Hata administrations (August 1993-June 1994)

¹³ Norifumi Namatame, 'Dando Misairu Boei: Kokkai no Rongi ni Miru Nihon no Anzen Hoshō (Ballistic Missile Defense: Japan's National Security That Is Observed from Debates in the Diet)', *Kaikakusha* (Reformer) (May 2003), pp. 26-9.

- The LDP coalition with the Socialist Party, including the Murayama and Hashimoto administrations (June 1994-July 1998)
- The LDP coalitions without Socialists, including the Obuchi, Mori, Koizumi, Abe, Fukuda and Aso administrations (July 1998-September 2008)
- And even after the major change from the LDP to the DPJ, including the Hatoyama, Kan, and current Noda administrations (September 2008-present)

Whatever the justifications, Japan's strong bureaucracy has played the key role in maintaining the long-term consistency of the government's policy toward BMD throughout Japan's frequent regime transitions. More specifically, the government's long-term position on the BMD program can be attributed to Japan's security policy-making process, in which bureaucrats from the MOD and Ministry of Foreign Affairs (MOFA) take charge in making concrete decisions and crafting policy. It is also a manifestation of the stable relationship between Japan and the United States, despite occasional political tensions and "drifting" of the alliance, and the smouldering issue of moving the Futenma US air base out of Okinawa.¹⁴

The Debate on Technology

Behind the recent missile defence debate, there has been recognition that technological development has finally made "shooting a bullet with a bullet" possible. One missile defence advocate simply declared, "the technology is ready".¹⁵ The feasibility of "hit-to-kill" missile technology "was proven in a series of successful intercept tests in 1999".¹⁶ Following the reportedly successful first intercept test on 15 July 2001, the Bush administration conducted missile defence experiments in an incremental manner. Opponents of missile defence contended that it was a "rush to failure" to decide on deployment of such systems without enough testing.¹⁷ They argued that even the widely deployed short-range missile defence system, the Patriot system, had a remarkably low success rate in the Gulf War despite the fact that it had a perfect test record (seventeen hits in seventeen

¹⁴ Funabashi, Yoichi, *Domei Hyoryu* (The Drifting Alliance) (Tokyo, Japan: Iwanami Shoten, 1997).

¹⁵ Baker Spring, 'The President's Important Choice on Missile Defense', *The Heritage Foundation Backgrounder No. 1355*, The Heritage Foundation, 31 March 2000, <<http://www.heritage.org/library/backgrounder/bg1355.html>> [Accessed 16 July 2008].

¹⁶ Baker Spring and James H. Anderson, 'Missile Defense: Ending America's Vulnerability', Stuart M. Butler and Kim R. Holmes (eds), *Issues 2000: The Candidate's Briefing Book* (Washington, DC: The Heritage Foundation, 2000), <<http://www.heritage.org/issues/chap15.html>> [Accessed 16 July 2008].

¹⁷ Joseph Cirincione, 'Rush to Failure', *The Bulletin of the Atomic Scientists* (May/June 1998), pp. 23-5, 68.

tests) before the war.¹⁸ Indeed, it was pointed out that ballistic missile defence would be far more difficult than shooting down a bullet with a bullet. The speed of a typical bullet is about Mach 2.5 while "an incoming warhead moves at Mach 6 and more",¹⁹ though a warhead is far larger than a bullet.

In general, there are three phases in a missile defence system; boost phase, mid-course phase and terminal phase. First, boost phase defence is designed to intercept ballistic missiles while their rocket engines are still burning in the midst of acceleration, which are slow, emit high heat, with booster rockets still attached, and offer the largest radar target,²⁰ so they are easily detected and targeted. Moreover, the intercept occurs within the enemy's territory, so that there is less worry about debris fallout. Another merit of boost-phase defence is that it can be carried out before enemy missiles launch decoys and other countermeasures. Supporters of this system also argue that a boost phase interceptor system involves mainly proven technology. But a serious problem with boost phase systems is that operational time-constraints become acute; for instance, a *Nodong* missile would reach Japan about ten minutes after launch. Therefore detection and communication technologies are crucial. A boost phase system would require deployment of Aegis warships in the Sea of Japan, and the decision to intercept would have to be made within minutes of detecting a launch. The Japanese Government has been criticised due to its delayed information gathering and disclosure of the recent missile launch by North Korea, and it has raised more questions about the credibility of human than technological aspects in Japan's BMD system. Despite its merits, the Japanese Government has not developed a boost phase missile defence system for domestic reasons, to be mentioned later.

As for the mid-course defence system that Japan has deployed, the Aegis-launched SMD system succeeded in fifteen out of eighteen flight tests, including three launched from Japanese Aegis ships. However, plans for mid-course interception have drawn the most technological criticism, centring on the availability of countermeasures. Critics argue that even if missile defence were now technically feasible on the test range, the attacker "would be able to take straightforward steps to defeat this system".²¹ Writers have pointed to a variety of possible countermeasures: submunitions, decoys, cooled shrouds, chaffs, aerosols, and so on.²²

¹⁸ George N. Lewis, Theodore A. Postol and John Pike, 'Why National Missile Defense Won't Work', *Scientific American* (August 1999), pp. 36-41.

¹⁹ Alik Hermetz, 'Concluding Remarks', Ben-Zion Naveh and Azriel Lorber (eds.), *Theater Ballistic Missile Defense* (Reston, Virginia: American Institute of Aeronautics and Astronautics, 2001), p. 363.

²⁰ Hughes, *Japan's Security Agenda*, p. 184.

²¹ George N. Lewis, Lisbeth Gronlund and David Wright, 'National Missile Defense: An Indefensible System', *Foreign Policy* (Winter 1999-2000), pp. 120-37.

²² Joseph Cirincione, 'Assessing the Assessment: The 1999 National Intelligence Estimate of the Ballistic Missile Threat', *The Nonproliferation Review*, vol. 7, no. 1 (Spring 2000), pp. 125-

With regard to the terminal phase, the upgraded PAC-3 is nearly an entire system redesign, intended to intercept tactical ballistic missiles in the terminal phase. As of March 2005, it was reported that ten out of twelve tests had been successful, and the Japanese Government judged the system reliable enough to begin deployment in 2006. However, the utility of the PAC-3 terminal phase system against high-speed *Nodong* missiles is unknown. The issue of wreckage, which may cause serious radioactive fallout and threaten the area they are designed to protect, also remains to be discussed.

Furthermore, some opponents of missile defence also argue that emphasising missile defence systems is meaningless because "rogue" actors would likely deliver WMD by means other than ballistic missiles, such as suitcases, vans/trucks, small civilian airplanes, container ships, cruise missiles, subway cars, and so forth.²³ Such means are less expensive, easier to covertly develop and deploy (possibly enabling attackers to evade retaliation), more reliable, more accurate, and potentially more effective than ICBMs.²⁴ In fact, the 11 September 2001 terrorist attacks were conducted by way of the nearly unthinkable but well prepared hijacking of four commercial airplanes full of fuel. The actual weapons of the terrorists were said to be box cutters.

Regarding the countermeasure argument, missile defence supporters respond that a properly designed system "should be able to anticipate and neutralize potential countermeasures".²⁵ However, critics refer to the cost effectiveness of countermeasures, arguing that, "it is far easier and cheaper to deploy simple and effective countermeasures against defences than it is for the defences to respond".²⁶ Therefore, "each move drives up the defender's costs much further than it does the attacker's".²⁷ As for other means of delivery, missile defence advocates object to "putting all defence eggs in one basket". That is, it is not right to just give up "simply because

37; Lewis, Postol and Pike, 'Why National Missile Defense Won't Work', pp. 36-41; Richard L. Garwin, 'Technical Aspects of Ballistic Missile Defense', *APS (American Physical Society) Forum on Physics and Society*, vol. 28, no. 3 (July 1999); Jack Mendelsohn, 'Missile Defense: And It Still Won't Work', *The Bulletin of the Atomic Scientists*, vol. 55, no. 3 (May/June 1999), pp. 29-31; George N. Lewis and Theodore A. Postol, 'Future Challenges to Ballistic Missile Defense', *IEEE Spectrum*, vol. 34, no. 9 (September 1997), pp. 60-8.

²³ Tom Sauer, *Eliminating Nuclear Weapons: The Role of Missile Defense* (London: Hurst, 2011); Cirincione, 'Assessing the Assessment'; Mendelsohn, 'Missile Defense'; Lisbeth Gronlund and David Wright, 'What They Didn't Do', *The Bulletin of the Atomic Scientists* (November/December 1998), pp. 46-51.

²⁴ Michael Krepon, *Cooperative Threat Reduction, Missile Defense, and the Nuclear Future* (New York: Palgrave Macmillan, 2003), p. 80.

²⁵ Spring and Anderson, 'Missile Defense'.

²⁶ Joseph Cirincione, 'Why the Right Lost the Missile Defense Debate', *Foreign Policy*, no. 106 (Spring 1997), pp. 39-55.

²⁷ Paul Bracken, 'America's Maginot Line', *The Atlantic Monthly*, December 1998, <www.theatlantic.com/issues/98dec/maginot.htm> [Accessed 16 July 2008].

missile defence is not a panacea" and to leave people utterly vulnerable to this particular type of attack.²⁸ They once condemned the Clinton Administration's reluctance to support missile defence deployment, contending that the danger of ballistic missiles stems not only from their spread, but also from the policy of purposeful vulnerability to these weapons. As Spring and Anderson wrote: "Long-range ballistic missiles are the only weapons against which the Clinton Administration has decided, as a matter of policy, not to field any defence."²⁹

The Debate on Legality

The Japanese Government maintains that the missile defence issue is an operational-level matter for the MOD and SDF, and thus claims there is no need to consult the Diet or seek its approval. Still, there are numerous debates in Japan centring on the BMD program. One focuses on interpretations of the Japanese constitution's Article 9 peace clause.³⁰ The Japanese Government currently interprets the constitution as prohibiting Japan's participation in "collective self-defence" and justifies the maintenance of the SDF by limiting their mandate to "individual self-defence". The most obvious scenario of "collective self-defence" would be Japan participating as an ally in US military operations abroad. The position publicised by the government is following:

International law permits a state to have the right of collective self-defence, which is the right to use force to stop an armed attack on a foreign country with which the state has close relations, even if the state itself is not under direct attack. Since Japan is a sovereign state, it naturally has the right of collective self-defence under international law. Nevertheless, the Japanese Government believes that the exercise of the right of collective self-defence exceeds the minimum necessary level of self-defence authorized under Article 9 of the Constitution and is not permissible.³¹

Especially after President Bush announced the unification of NMD and TMD in favour of integrated boost, mid-course and terminal defence segments, Japan's cooperation with US efforts to shoot down ballistic missiles might be regarded as a "use of collective self-defence".³² Furthermore, some argue that on a regional level the actual operation or even deployment of a missile defence system may make cooperation with not only the United States but also South Korea or Taiwan inevitable. The Japanese Government has

²⁸ Michael O'Hanlon, 'Star Wars Strikes Back', *Foreign Affairs*, vol. 78, no. 6 (November/December 1999), pp. 68-82.

²⁹ Spring and Anderson, 'Missile Defense'.

³⁰ Article 9. 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. 2. 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.

³¹ Ministry of Defence, *Defence of Japan 2011*.

³² Yoshihiro Sakaue, *Sekai no Misairu Boei* (World's Missile Defenses) (Tokyo, Japan: Ariadone Kikaku, 2004), p. 156.

countered these arguments, contending that defending its own territory does not conflict with collective self-defence and that BMD systems will be applied within the independent right of self-defence. Meanwhile, the recent argument for boost phase defence is problematic, because it is very difficult to judge, within minutes of detection, whether the launched ballistic missile is aimed at Japan or another country. And that is why the Japanese Government has excluded a boost-phase defence from BMD options.

The second debate centres on the possibility of Japan transferring its BMD technology to South Korea or Taiwan, potentially violating the Three Principles on Arms Exports, which prohibit the export of weapons. The Three Principles, instituted in April 1967, preclude weapons exports to: (1) communist countries; (2) countries to which exporting weapons is prohibited by United Nations resolutions; and (3) countries that actually are, or are likely to be, involved in international conflict. In February 1976, the Japanese Government announced its official view on this issue, stating that in addition to the three exclusions above, Japan would abstain from exporting weapons to "any other" country. However, in January 1983, following ardent requests from the United States, Japan decided to open the way for transfer of its military technology to the United States as an exception to the Three Principles. Therefore, joint study with the United States of missile defence systems is not considered to legally violate the principles, and this issue would arise only if a project involved a third country. The Japanese Government argued that the transfer of missile defence technology is only a future possibility, which cannot be discussed now. This was the basic position of the Japanese Government before it decided to move forward with development in December 2004. The government was quite clear on the distinction between the stages of "study", "development" and "deployment" of a BMD system, and it cautiously avoided any argument regarding future stages. On 27 December 2011, the Japanese government announced that joint development with the United States of BMD would be considered an exception of the principles. Japan has certainly begun to move toward lifting the principles in favour of missile defence cooperation.

The third debate centres on the deployment of an upper-tier defence system and its potential to violate the 1969 Diet resolution on the peaceful use of outer space. In May 1969, a plenary session of the House of Representatives declared that development and use of any objects and rockets launched into space are to be limited to peaceful use. Following this resolution, Japan pledged that it would not deploy offensive weapons in outer space, although Japan has reserved the possibility of developing a spy satellite to collect and transmit information for the purpose of national security. After the "*Taepodong* shock" of 1998, Japan introduced "information satellites", but their operations are under the control of the cabinet, not JDA, to support the claim that they are not "spy satellites" for military use. Also, their visual resolution was intentionally restricted to one

square metre, instead of a militarily effective level of some square centimetres. The "peaceful use of outer space" pledge has been included in Japan's basic national defence policy. Here the term "space" is defined as the area above the atmosphere, and the Diet resolution would seem in conflict with the joint study of technology aiming at mid-course interception of incoming ballistic missiles above the atmosphere. The Japanese Government has responded to the criticisms, maintaining that, because of recent technological developments and emerging threats, the 1969 Diet resolution should be revised to permit purely defensive activities including the planned upper-tier defence system.

The Moral Debate

It should be noted that an underlying element in the debate on missile defence belongs to the philosophical or moral spheres. An important rationale for the development and deployment of missile defence systems was the recognition that the US and Japanese governments could no longer tolerate leaving their people vulnerable to ballistic missile-based WMD that have significantly proliferated in the Third World. The "Star Wars" program, started in 1983, included recognition of this danger, and post-Cold War argument for missile defence gave emphasis to Third World threats.³³ The moral argument holds that, if missile defence technology is ready, it is wrong to maintain current mutual assured destruction (MAD) policy based on Cold War politics and technology. Arguing from the moral imperative of protecting life, missile defence advocates claim that even if technology cannot provide a perfect missile defence; even if expected costs of development are high; and even if other states argue against it, the public should not "be left defenceless in the event of missile attack".³⁴ From this perspective, differences over threat assessment, technological feasibility, cost, international political environment, domestic constraints, and so forth, should all be weighed in light of the moral imperative of protecting the public.

The Japanese public and major Japanese newspapers used to be divided over the issue of BMD. While most major Japanese newspapers have recommended that the United States take a cautious approach in its pursuit of missile shields, particularly taking into account its relations with Russia, their responses to the issue of Japan's own missile defence have been more sharply divided. *Yomiuri Shinbun*, a rather conservative newspaper with the largest circulation in Japan, expressed immediate support for Japan's participation in the US missile defence program.³⁵ *Sankei Shinbun*, known as a particularly conservative publication, also argues for BMD. Their specific emphases are on the emerging ballistic missile threat and the

³³ Frances Fitzgerald, *Way Out There in the Blue* (New York: A Touchstone Book, 2000).

³⁴ Spring and Anderson, 'Missile Defense'.

³⁵ 'Shasetsu: Nihon no Boei: "Kita" Misairu e no Taio o Kangaeyo (Editorial: Defense of Japan: Consider Responding to the 'North' Missiles)', *Yomiuri Shinbun*, 3 April 2003.

advantage of basing deterrence (deterrence by denial) on missile defence systems.³⁶ On the contrary, *Asahi Shinbun*, a relatively liberal newspaper with the second largest circulation, has argued strongly against Japan's missile program. *Asahi* has raised concerns about technological feasibility, costs, and a possible regional arms race, should BMD be deployed.³⁷ Nevertheless, such heated debates have faded away in recent years, and it seems that the Japanese people have become indifferent, and less informed.

In any case, inhibiting factors are unlikely to slow the momentum toward development and deployment of missile shields in Japan, especially with Japan's formidable bureaucracy throwing its weight behind the project. Developing the cutting-edge technology necessary for the BMD program also requires significant financial resources, and it appears that not even the economy's long-term stagnation or the 2011 disasters are stalling its progress.

A Double-Edged Sword

Despite the government's claim of being interested only in self-defence, its BMD program could be considered a "double-edged sword". That is, Japan's BMD program may still be seen as a threat by neighbouring states and cause a regional arms race that could lead to conflict. It was reported that the Japanese Government explored the adoption of US Tomahawk Missiles with a range of 1700 kilometres, which were used for pinpoint attacks in the Iraq War. The government has explained that in the case of an enemy's obvious intent to carry out an imminent missile attack, it was within the limits of self-defence to conduct preemptive attacks against the enemy's missile bases at the missile launch stage.³⁸ In July 2006, after provocative ballistic missile tests by North Korea, leading politicians, including Chief Cabinet Secretary Shinzo Abe, who later became prime minister, explicitly argued for a preemptive attack on North Korean missile sites. Justification for preemptive attack for defensive purposes has been official since the 1950s, but the introduction of long-range offensive missiles like the Tomahawk will clearly exceed Japan's national pledge of *senshu boei* policy, and other states may even regard it as a cover for Japanese militarism.

Critics of BMD abroad have hypothesised that BMD should destabilise strategic relations in the East Asia region. First, they believe that a defence

³⁶ 'Shasetsu: Jikko Agaru Kankyo o Totonoeyo (Editorial: Prepare Effective Circumstances)', *Sankei Shinbun*, 30 August 2003.

³⁷ 'Shasetsu: Misairu Boei: Anshin-ryo to shite Miao ka? (Editorial: Missile Defense: Will It Deserve As Security Fee?)', *Asahi Shinbun*, 30 August 2003.

³⁸ Hajime Ozu, *Misairu Boei no Kiso Chishiki* (Missile Defense Background) (Tokyo, Japan: Shinkigensha, 2002), p. 209.

shield will make Japan more confident and more militarily ambitious.³⁹ Second, they suggest that BMD can be both defensive and offensive. The essential elements of ballistic missiles and most TMD systems are similar, and the differences between them are only in their warheads.⁴⁰ The point is that it should not be difficult for the Japanese to turn their defensive anti-ballistic missiles into offensive ballistic missiles. The difference between defence and offense therefore depends on the intentions of the Japanese. Third, because Japan and the United States are close allies, critics may connect Japan's BMD system with the offensive capabilities of the United States, thus reinforcing the impression that combined Japanese and US forces could constitute a significant war-fighting capability in the region. A Japanese missile shield could be regarded as offensive even though Japan does not possess obviously offensive weapons, if one considers its connection with the offensive capability of the United States, which is the largest and most sophisticated in the world. Considering the United States' ability to launch a massive first strike against an enemy in the region and the ability of Japan's BMD to absorb the opponent's retaliatory ballistic missile attacks (already depleted by the first strike) could lead a potential enemy in the region to more readily contemplate a preemptive and preventive attack of its own.

The Chinese Government has repeatedly objected to the BMD program, which it regards as a revival of Japanese militarism and a part of the strategic expansion of US forces in East Asia. The missile defence plan would seriously undermine China's current nuclear deterrence strategy⁴¹ because even a limited missile defence system would compromise the effectiveness of China's relatively small number of strategic nuclear missiles. In fact, though no government has clearly mentioned the "China threat", some scholars have been explicit about the probable efficacy of missile defence against the threat from Chinese ballistic missiles.⁴² "Despite its well-established ballistic missile program, China is apparently less confident in its ability to overcome future defences."⁴³ Viewed from Beijing, missile

³⁹ Yuan Hong, 'The Implication of TMD System in Japan to China's Security', A Paper Presented to the Sixth ISODARCO Beijing Seminar on Arms Control, 29 October -1 November 1998, <nautilus.org/nukepolicy/workshops/ISODARCO98-papers.html> [Accessed 16 July 2008]

⁴⁰ Xuetong Yan, 'Viewpoint: Theater Missile Defense and Northeast Asian Security', *The Nonproliferation Review*, vol. 6, no. 3 (Spring/Summer 1999), pp. 65-74.

⁴¹ Qun Wang, 'TMD and US-China-Japan Cooperation', A Paper for Nautilus Institute Working Paper, East Asian Regional Security Futures: Theater Missile Defense Implications, The United Nations University, Tokyo, Japan, 24-25 June 2000, <www.nautilus.org/nukepolicy/TMD-Conference/wangpaper.txt> [Accessed 16 July 2008]; Yan, 'Viewpoint'.

⁴² Michael J. Green, 'TMD no Donyu to Chugoku tono Senryakuteki Kankei (TMD and Strategic Relations with the PRC)', A Paper Submitted to Japan-US Alliance Project (1997), <www.glocmnet.or.jp/okazaki-inst/alliance-pro-jap/green.jap.html> [Accessed 16 July 2008].

⁴³ K. Scott McMahon, *Pursuit of the Shield: The U.S. Quest for Limited Ballistic Missile Defense* (Lanham, Maryland: University Press of America 1997), p. 79.

defence cooperation in East Asia "looks like a new multilateral security alliance against China".⁴⁴

China is particularly sensitive to the issue of missile defence in the region because of the possible involvement of Taiwan, which may lend an illusion of safety and provide a strong incentive for the Taiwanese to pursue independence. China will not tolerate this, since Taiwan is of supreme national interest to China. Consequently, missile defence critics, especially Chinese scholars, believe that US-Japan missile defence would upset the regional military balance and undermine existing arms control regimes.⁴⁵ One Chinese missile defence specialist recently pointed out that SM-3 Block IIA, which is being jointly developed by Japan and the United States and is planned for deployment in 2018, will be capable of largely neutralising China's retaliatory nuclear forces.⁴⁶ It is reported that China has already been preparing countermeasures such as electronic jamming equipment and decoys for its ballistic missiles.⁴⁷

Some missile defence proponents have argued that a defence-oriented military posture with missile defence systems, rather than an offense-oriented one, will contribute to global and regional stability.⁴⁸ Nevertheless, with all the assurances that the US-Japan missile defence plan is not aimed at Russia or China, both Russia and China are deeply sceptical about the intentions of the United States and Japan. In such circumstances, a decision to pursue a missile defence system, especially when made unilaterally, could destabilise the strategic relationship with Russia and China and trigger renewed proliferation of nuclear weapons and a ballistic missile arms race.⁴⁹

If Japan is to continue pursuing BMD, its defence orientation must be shared with other states in the region, including China, so that they will not perceive

⁴⁴ Peter Van Ness, 'Hegemony', p. 145.

⁴⁵ Guoliang Gu, 'TMD, NMD and Arms Control', A Paper for Nautilus Institute Working Paper, East Asian Regional Security Futures: Theater Missile Defense Implications (The United Nations University, Tokyo, Japan, 24-25 June 2000); Ming Zhang, 'What Threat?', *Bulletin of the Atomic Scientists*, vol. 55, no. 5 (September/October 1999), pp. 52-7; Hong 'The Implication of TMD System in Japan to China's Security'.

⁴⁶ Riqiang Wu, 'Global Missile Defense Cooperation and China', *Asian Perspective*, vol. 35, no. 4 (October-December 2011), pp. 607-9.

⁴⁷ Hideaki Kaneda, Kazumasa Kobayashi, Hiroshi Tajima and Hirofumi Tosaki, *Nihon no Misairu Boei: Hen-yo Suru Senryaku Kankyo-ka no Gaiko, Anzen Hosho Seisaku* (Japan's Missile Defense: A Diplomatic and Security Policy in the Changing Strategic Circumstances) (Tokyo, Japan: Kousai Mondai Kenkyujo, 2006), p. 62.

⁴⁸ Gregory H. Canavan, 'Missile Defense in Modern War', *APS (American Physical Society) Forum on Physics and Society*, vol. 28, no. 3 (July 1999); Arthur S. Ding, 'Viewpoint: China's Concerns about Theater Missile Defense: A Critique', *The Nonproliferation Review*, vol. 6, no. 4 (Fall 1999), pp. 93-101; Michael Krepon, 'Missile Defense: Not Such a Bad Idea', *The Bulletin of the Atomic Scientists*, vol. 55, no. 3 (May/June 1999), pp. 31-3.

⁴⁹ Mendelsohn, 'Missile Defense'; Lewis and Postol, 'Future Challenges to Ballistic Missile Defense'.

a threat and regional stability can be maintained. The current international political environment is not in favour of BMD. For the time being, it will be difficult for Japan to achieve national security through deployment of a BMD system. But Japan's BMD system could potentially lead to regional arms control and possibly even nuclear disarmament if neighbouring states believe it to truly be a logical continuation of Japan's *senshu boei* policy.

To promote this perception, Japan must make a careful distinction between offence and defence, and clearly emphasise the program's defence-oriented intentions. Japan should also promote its cooperation with the United States as a means of moving toward a global reduction of offensive weapons, including nuclear weapons. US president George W. Bush saw the world in black and white terms in which rogue states and terrorists could threaten democracy and freedom. The current president, Barack Obama has advocated a "world without nuclear weapons". In February 2011, the Strategic Arms Reduction Treaty (New START) between the United States and Russia came into effect. There may now be an opportunity for the world to turn to arms control and limiting nuclear weapons and their means of delivery. For the time being, Japan will have to continue to rely on US deterrent forces in light of the perception among major powers—principally the United States, Russia and China—that their nuclear weapons offer sufficient deterrent effect to maintain peace and stability. Nevertheless, if properly developed and presented, Japan's purely defence-oriented BMD could become a model for establishing a global arms control regime that emphasises defence. While building missile defence systems against limited ballistic missile attacks, states should promote reduction of offensive weapons and reduce the utility and legitimacy of possessing nuclear weapons. Australia should be a significant partner in this, as it too is an important ally of the United States, has no nuclear weapons, and has cooperated with the United States in its missile defence program and deepened its security cooperation with Japan.

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