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JAPAN:
NUCLEARIZING THE RECLINING DRAGON?

A Masters Thesis

Presented to

The Graduate College of
Missouri State University

In Partial Fulfillment

Of the Requirements for the Degree

Master of Science, Defense and Strategic Studies

By

Michael LaDon Cribb, Jr.

July 2016

JAPAN: NUCLEARIZING THE RECLINING DRAGON?

Defense and Strategic Studies

Missouri State University, July 2016

Master of Science

Michael LaDon Cribb, Jr.

ABSTRACT

Japan may be about to cross the threshold of a slow march toward nuclearization. This thesis will highlight signals that Japan not only has the means to develop nuclear weapons but maybe approaching a culmination point where Japan will cross the nuclear threshold. This thesis relies on a range of open-source documents and previously classified documents of the United States and Japan in order to reveal some of these subtle indications. Japan relies on four main factors to maintain its non-nuclear status: its alliance with the United States, nuclear deterrence underwritten by the United States, regional stability, and the nuclear non-proliferation regime. As all of these factors are in a state of flux, Japan has felt the need to remilitarize and reduce its dependency on the United States. Japan and the United States' national security interests are diverging: the United States is focused on retrenchment and remains trapped in Middle Eastern disputes. Since the end of the Cold War, the United States' nuclear enterprise has deteriorated. Moreover, the United States has made critical choices that further raise concerns over the credibility of the United States as a nuclear guarantor. All the while, Japan has faced an increasingly unstable region: North Korea, China, and Russia all pose threats to Japan's national security. These threats provide additional incentives for Japan to remilitarize and reinterpret Article 9 of its Constitution. These four factors are also incentivizing Japan to reconsider its latent nuclear weapons capabilities. If present geo-political conditions do not change, Japan's non-proliferation stance will culminate and Japan will develop an indigenous nuclear weapons program.

KEYWORDS: Japan, Japanese constitution, Northeast Asia, mutual security, non-proliferation

This abstract is approved as to form and content

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I dedicate this thesis to Holly, James, and Chase.

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INTRODUCTION

From the mid-1800s through today, Japan has struggled with its international identity as manifested in its foreign policy. This struggle has shifted between idealism and realism. During those times when the Japanese government viewed the world as utopian—the way the world ought to be, observing international norms and states mutually coexisting—Japan’s idealist nature has been evident. However, when the realities of international relations—an anarchic system where states focus on self-interest and pursue self-help solutions—has affected Japan directly, the Japanese government has shifted its foreign policies and become more outwardly focused.¹

Up to the mid-1800s, Japan was an inward-focused nation with little need for major foreign policy. Japan had not joined or been affected by the industrial revolution that the West was experiencing. With little need for foreign markets, Japan was self-sufficient. The Japanese were an idealistic society, meeting domestic needs with domestic resources. Forced by the reality of Western encroachment and the opening of Japan’s closed culture in 1853, Japan shifted its idealistic policy perspectives. By order of US President Millard Fillmore, Commodore Matthew Perry sailed into Tokyo Bay to open Japan to Western trade and relations. Though forced, Japan agreed to a proposed US treaty because Japan lacked a consolidated military and government. Commodore

¹ Both “Idealist” and “Realist” political theories are more applicable to Western societies than Asiatic societies’ realities and philosophic outlooks. However, Japan’s fluctuation between self-imposed cultural and strategic isolationism along with its conscious expansionism—a reaction to outside pressures—retrospectively could be viewed in these Western paradigms. Initially, Japan maintained its isolated existence and was not concerned with Western expansionism or imperialism. Asian sovereignties had not been violated vis-à-vis Western colonization. As Asian countries became victims of Western colonization, Japan began to fear Western encroachment and the possibility that Japan could be next. Japan began to redevelop itself based in Western practices. Eventually, Japan faced Western colonization with its own colonization into Asia. Though doubtful that at any point in this process Japan’s leadership was in reality preoccupied with observing international norms and states mutually coexisting, their actions, reactions, and decisions can be viewed within the context of these Western political theories.

Perry began exposing Japan to the benefits—Japan would later learn of the pitfalls of industrialization on its own—of the industrial revolution and Western culture. Japan faced the reality that the life it once knew would not be the future way of life. This inward-focused idealism would eventually end the Shogun period, and the Meiji State—the return of the emperor—replaced the Shogun period. This transition was also a return to a single ruler to Japan—the Meiji—versus multiple rulers under the Shogunate. The Meiji accepted the realist view of the future and welcomed the industrial revolution. Industrialization forced Japan to develop a foreign policy; and due to Japan's limited natural resources, it had to open up to additional foreign markets. The ensuing demand for natural resources in order to satisfy its expanding industry would be one factor that ultimately resulted in World War II and the forced acceptance of a second treaty with the United States.

In the 1800s, Japan witnessed Western colonization of East Asia, Southeast Asia, as well as Southern Asia; Japan logically feared it could be next. After the United States forced Japan to sign an unequal trade treaty in 1854, Japan began to fear the overwhelming strength of the West. Fukuzawa Yukichi, a leading figure in the Meiji Government, led the movement to change the direction of the Japanese government in order to prevent Western colonization.² The Meiji Government began to place great focus on developing and cultivating a military, a military support infrastructure, and a government that reflected Western practices. As part of this attempt at “self-Westernization”, Japan began to project its power outside its territory; Japan began to

² Anne Walthall, "War and Aftermath (1931-1964)." In *Japan: A Cultural, Social, and Political History*. (Boston, MA: Houghton Mifflin Company, 2006), 149-151.

colonize. Japan believed “nations had to conquer or be conquered.”³ The Japanese Government began to consolidate its power; the government developed prefectures over the old independent administrative areas. This municipality realignment also provided the government a consolidated source of revenue—taxes. Japan rewrote judicial codes and drafted a new constitution both reflecting Western traditions. Japan drew on European constitutional theorists to draft the new constitution. The writers of the constitution interwove Western rights of citizens while elevating the emperor to deity status. This constitution provided for the Westernization the government desired, increased the importance of the emperor, while protecting the self-serving interest of those in power. The “new” government now included not only a god-like emperor and the same self-interested bureaucrats, but also military officers. The government matured and foreign policy received more focus, resulting in more prominence afforded to the military. Eventually the government would provide the military more and more autonomy. By the end of the 1800s, Japan had become more centralized, industrialized, and westernized; in the process, the government had elevated the importance of the military.

Japan shifted its policy perspective after accepting the terms of the San Francisco Treaty, ending World War II. The ravages of war took a toll on Japan’s industry and economy. Japan was now defeated, occupied, demilitarized, and forced to rebuild its country. It no longer had to focus any of its national resources toward national security, which effectively became the burden of the United States. Japan shifted political focus back to idealism: domestic economy first; rebuild a Japan focused on Japan. Prime Minister Shigeru Yoshida formed a political coalition centered on three principles:

³ Ibid., 149.

economics first, adherence to the new “peace” constitution, and United States protection of Japan from external threat.⁴ This policy developed into the “Yoshida Doctrine”, the intent of which was to enable Japan to develop into a “merchant nation” by relying on the United States for security while saving money and focusing on physically rebuilding the nation and the economy.⁵

The United States drafted a constitution for Japan, but that Constitution produced unintended consequences for the United States. During the Korean War, the United States approached Yoshida about developing a national military to offset the stress on US forces. However, Yoshida invoked Article 9 of the Japanese Constitution (Appendix A), which prohibited the development of a Japanese military.⁶ Yoshida also raised the issue that Japan did not have the economic structure required to raise and maintain a military. Though Yoshida and Japan wanted independence from the US post-war occupation, a close relationship was necessary and practical to protect its national security and reinforce future economic development.

For fifteen years, the Yoshida Doctrine was Japan’s unchallenged foreign policy. While Japan’s economy flourished under the Yoshida Doctrine and American protection, the United States was fighting in a guerrilla war in Vietnam. By the time the United States elected Richard Nixon as its president (November 5, 1968), the United States had

⁴ Bhubhindar Singh, *Japan's Security Identity: From a Peace State to an International State* (New York, NY: Routledge, 2013), 10.

⁵ Singh, 10; and Solingen, Etel Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East* (Princeton, NJ: Princeton University Press, 2007), 278.

⁶ Article 9 of the Japanese Constitution: “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.” Japan, The Prime Minister and His Cabinet, “The Constitution of Japan,” Tokyo, 1946, accessed August 31, 2015, http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

been involved in Vietnam for over fourteen years. During a trip to Asia in the summer of 1969, Nixon stopped in Guam and made, in an informal discussion with reporters, what turned out for Japan to be earth-shaking comments. The comments, initially called the “Guam Doctrine”—later called the “Nixon Doctrine”, placed the responsibility for defending freedom on those whose freedom was threatened. Nixon was concerned that “they [Asians] do not want to be dictated to from the outside, Asia for the Asians.”⁷ President Nixon further stated, “we [the United States] must avoid that kind of policy that will make countries in Asia so dependent upon us that we are dragged into conflicts such as the one that we have in Vietnam.”⁸ These informal comments sent shockwaves through Asia, particularly Japan, which depended on the United States for security and upon Nixon to keep his promise to observe all treaties. President Nixon later refined his July comments in November 1969, when he addressed the nation. In his address, he recommitted the United States to previous treaties and pledged protection to nations “whose survival we [the United States] consider vital to our security” against threats by a nuclear power.⁹ For non-nuclear threats, Nixon only pledged military and economic assistance, if requested, with the understanding that the threatened nation has the primary responsibility to defend itself. Many Asian countries, including Japan, understood “No More Vietnams” to mean, that Asia was on its own; the United States was not going to become directly involved in Asia’s conflicts.

⁷ Richard M. Nixon, “Informal Remarks in Guam with Newsmen, July 25, 1969,” Other. *The Public Papers of the Presidents of The United States*, University of Michigan, n.d., 548, accessed November 19, 2015, <http://quod.lib.umich.edu/p/ppotpus/4731731.1969.001/604?q1=informal+remarks+in+guam+with+newsmen&view=image&size=100>.

⁸ Ibid.

⁹ Richard M. Nixon, “Address on the Vietnam War,” *Address to the Nation on the War in Vietnam*, Speech, n.d., accessed November 19, 2015, <http://www.pbs.org/wgbh/americanexperience/features/primary-resources/nixon-vietnam/>.

For Japan, one of the primary reasons for its aggression prior to World War II was to satisfy the need for natural resources. Under the Meiji, Japan's industrial capability rapidly expanded, creating an increased requirement for energy and other natural resources. The islands of Japan are natural resource-poor, and Japan had to import nearly 85 percent of its energy requirements.¹⁰ After World War II, in an effort to curb this dependency, Japan developed the world's most robust civilian nuclear power program. Japan's research and development program is one of the world's best, especially in fast reactors or fast neutron reactors, also known as breeder reactors. Once mined and separated, uranium is manufactured into fuel pellets, which are combined with additional pellets to form a fuel rod. These rods are grouped together to form a fuel assembly (quantities of pellets, rods, and assemblies vary by reactor types). These assemblies are placed into reactor cores, nuclear reactions are initiated and sustained until the uranium is used up or spent. After removal, spent fuel can either be stored as waste or reprocessed (Figure 1). One uranium fuel pellet weighing between ten and twenty grams without reprocessing or recycling can replace three barrels of oil (126 gallons), one ton of coal, or 17,000 cubic feet of natural gas.¹¹

Japan is pursuing a closed nuclear fuel cycle. A closed cycle will decrease the dependency on foreign uranium requirements. Uranium can be reprocessed after it has been removed from a reactor. Reprocessing "spent fuel" is a chemical process, which

¹⁰ "Nuclear Power in Japan," *Country Profiles G-N*, World Nuclear Association, August 27, 2015, last modified August 27, 2015, accessed October 22, 2015. <http://www.world-nuclear.org/info/country-profiles/countries-g-n/japan/>.

¹¹ American Nuclear Society, "Nuclear Fuel Cycle," *An Insider's View*. American Nuclear Society, June 2013, last modified June 2013, accessed November 20, 2015, http://www.nuclearconnect.org/wp-content/uploads/2013/06/nuclearfuelcycle_web.pdf.

can recover about 40 percent of the nuclear fuel.¹² The chemical process recovers plutonium and reusable uranium. The recovered plutonium is converted into plutonium-

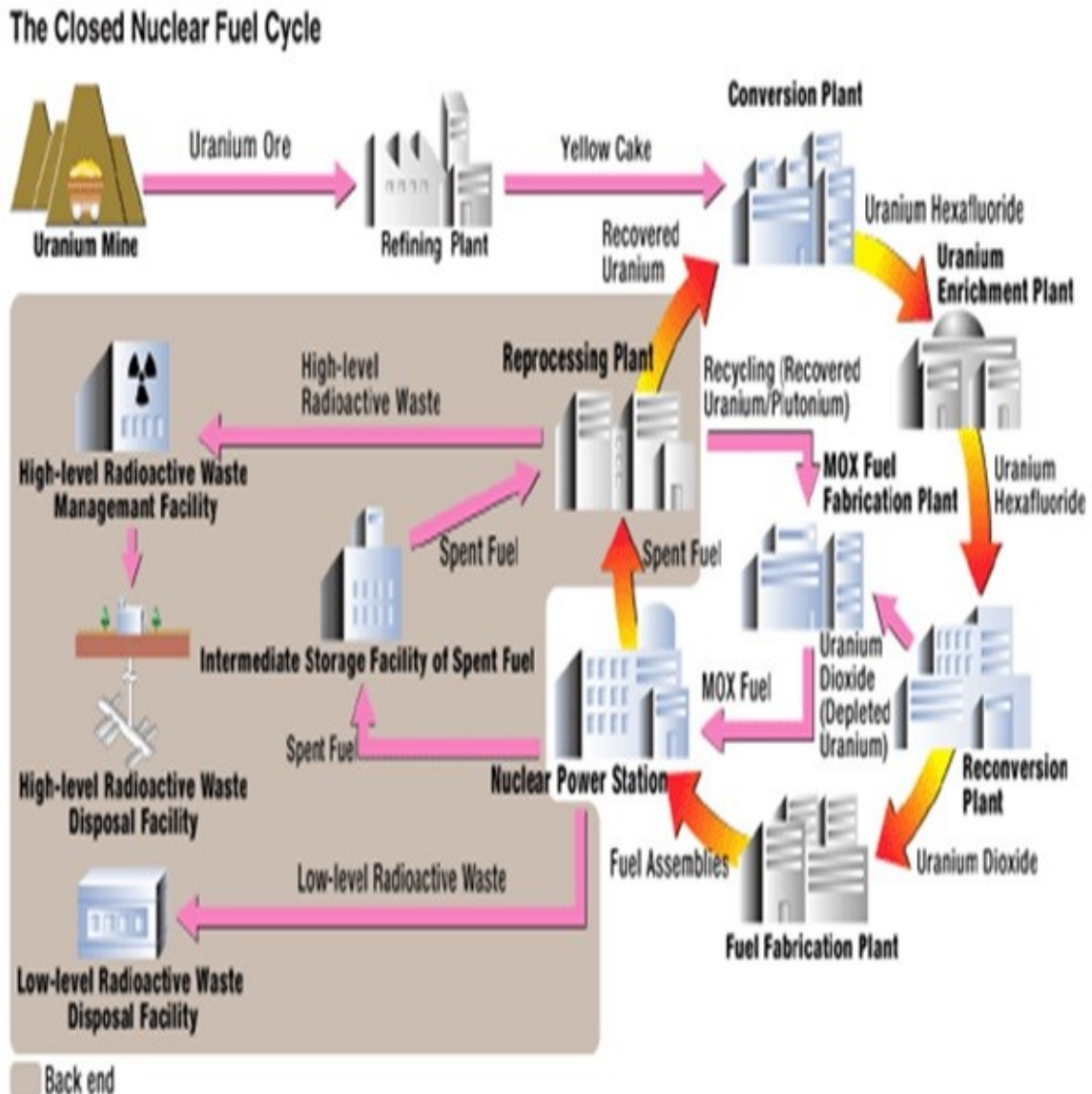


Figure 1. Japan's Closed Nuclear Fuel Cycle.¹³

¹² Jeffrey W. Thompson and Benjamin L Self, "Policy Context: Nuclear Policy, Disarmament Diplomacy, and Technical Considerations," Essay. In *Japan's Nuclear Option: Security, Politics, and Policy in the 21st Century* (Washington, D.C.: Henry L. Stimson Center, 2003), 157, accessed September 30, 2015. http://www.stimson.org/images/uploads/research-pdfs/56policy_context.pdf.

¹³ "Japan's Commitment to the Closed Nuclear Fuel Cycle," *Power Line* 25 (July 2005), accessed November 27, 2015, http://www.fepec.or.jp/english/library/power_line/detail/25/.

uranium mixed oxide (MOX) fuel. MOX fuel can then be used in number of Japanese nuclear power plants. MOX or recycled fuel can reduce “first-use uranium by about half when used in light-water reactors, and potentially sixty times if it can be used by a fast breeder reactor.”¹⁴ This process will assist Japan in securing long-term energy requirements by reducing foreign energy dependency and conserving uranium.¹⁵

Over the last seventy years, the Yoshida Doctrine has successfully served its purpose. The Economy-First doctrine enabled Japan to rebuild its infrastructure, become the world’s second largest economy—until it was overtaken by China, and develop domestic nuclear energy that could increase Japan’s national security. As in both 1853 and 1945, times, conditions, and security challenges are changing. Japan is transitioning again to a realist perspective on its their strategic global position. Japan is learning it has to develop more than its economic power to maintain balance in Northeast Asia and the world.

Since the Constitution came into effect on May 3, 1947, Japan has observed the United States-imposed “Peace Article”, Article 9, of the Japanese Constitution. For the last sixty-eight years, the three sentences that constitute this article have been the source of debate concerning the legality of a Japanese nuclear weapons program. Many Japanese politicians and academics have argued that additional diplomatic vehicles combined with Japanese law and policies have lessened the need for an indigenous program. However, few of these politicians and academics could have foreseen the present combination of multiple national security interests that are being challenged simultaneously. Since the development of Japan’s Constitution, and as it has developed

¹⁴ Ibid., 151.

¹⁵ American Nuclear Society, "Nuclear Fuel Cycle."

its national nuclear policies, Japan has seen the Nuclear Non-Proliferation Treaty erode, its relationship with the United States ebb and flow, and the rise in regional threats, namely China and North Korea. At the same time, Japan has desired a more prominent role in the international community. All the while, Japan has resisted the temptation to develop nuclear weapons, but it has progressed right up to the threshold.

Japanese policy experts point to the “three non-nuclear principles” as one of the fundamental reasons justifying arguments against Japan’s nuclearization. The “three non-nuclear principles” are, not possessing, not producing, and not permitting the introduction of nuclear weapons in Japan. Prime Minister Satō announced the principles in 1967, and the Diet later endorsed the principles in 1971; however, the Diet did not pass the principles into law. The Nobel Committee awarded the Nobel Peace Prize to Prime Minister Satō for the principles; however, Satō admitted to senior Japanese and American officials the principles were a mistake. Prime Minister Satō even told US Ambassador U. Alexis Johnson the three non-nuclear principles were “nonsense”.¹⁶ The Democratic Party of Japan (DPJ)—when they came to power in 2009—launched an investigation into the alleged violations of the three principles. The allegations were that Japan allowed the United States to introduce and even store nuclear weapons in Japan during the late 1960s and through the 1980s. Through declassified reports, the DPJ found evidence that the

¹⁶ This comment has been referenced in multiple publications; however, viewing a copy of Ambassador Johnson’s telegram from January 14, 1969 has proved elusive, see Kurt M. Campbell “Japan.” *In The Nuclear Tipping Point Why States Reconsider Their Nuclear Choices*. (Washington, D.C.: Brookings Institution Press, 2004), 223; Jonathan Reid Hunt. “Out Of the Mushroom Cloud’s Shadow.” *Out of the Mushroom Cloud’s Shadow*. RAND Corporation, n.d., accessed September 15, 2015, <http://www.rand.org/blog/2015/08/out-of-the-mushroom-clouds-shadow.html>.; U. Alexis Johnson, Letter. “140. Telegram From The Embassy in Japan to the Department of State.” *Foreign Relations of the United States, 1964–1968, Volume XXIX, Part 2, Japan, Document 140*. Japan, January 11, 1969, accessed August 1, 2015. <https://history.state.gov/historicaldocuments/frus1964-68v29p2/d140>.; and James L. Schoff “Changing Perceptions Of Extended Deterrence in Japan.” Essay. In *Strategy in the Second Nuclear Age Power, Ambition, and the Ultimate Weapon*, edited by Toshi Yoshihara and James R Holmes. (Washington, D.C.: Georgetown University Press, 2012), 102.

Liberal Democratic Party had not always followed the three non–nuclear principles. Moreover, during his 2015 Hiroshima remembrance speech—at Hiroshima’s Peace Memorial on the 70th anniversary—Prime Minister Shinzo Abe failed to acknowledge publicly a continuous observance of the non–nuclear principles by Japan.¹⁷

For the last seventy years, Japan has supported the global campaign to disarm and abolish nuclear weapons (an abolition that, of course, would serve Japan’s interests only if it were universal). Japan has retained a Waltzian third image persona: Japan believes an international system, free of anarchy, will evolve from international agreements and established norms, and Japan’s tireless efforts on non–proliferation and disarmament will bring about a world without nuclear weapons. Precipitated by shifts in relations with the United States, concerns with United States security commitments, regional instability, and the challenges facing the nuclear nonproliferation regime, Japan is at the threshold of its slow approach to becoming a nuclear weapon state.

¹⁷ Reiji Yoshida, “Exclusion of Nonnuclear Principles from Abe’s Hiroshima Speech Causes Stir,” *The Japan Times*, August 7, 2015, sec. National Politics, accessed November 23, 2015, <http://www.japantimes.co.jp/news/2015/08/06/national/politics-diplomacy/exclusion-nonnuclear-principles-abes-hiroshima-speech-causes-stir/#.vlnkf2homp0>.

THE US–JAPAN RELATIONSHIP

At the end of World War II, Japan and the United States formed an alliance centered on the defense of Japan. The closeness of that relationship has ebbed and flowed over the last seven decades. For Japan, this relationship was particularly necessary and convenient: After the war, Japan's military was non-existent and the country was required to submit to a "peace constitution." Article 9, of the Japanese Constitution states, "The Japanese people forever renounce war as a sovereign right"¹⁸ Whether the renouncement of a truly "sovereign right" is even a philosophical possibility is an open question. Nevertheless, renouncement proved to be convenient for the Japanese, allowing Japan to focus on rebuilding its nation and economy. Over the years, Japan has slowly chiseled away at its non-belligerency pledge and, in the process, has become the world's third largest economy.¹⁹ On the surface, the United States and Japan have an ostensibly strong relationship; however, Japan's aspiration for a more independent relationship with the United States is becoming more visibly manifest. A similar tendency is observable in some Washington circles. Since the Eisenhower administration, the United States has developed policies providing indications of the United States' willingness to accommodate Japan's desire for a more independent relationship with the United States.

¹⁸ Japan. The Prime Minister and His Cabinet.

¹⁹ The World Bank, "Gross Domestic Product 2014," *World Development Indicators*, The World Bank, September 18, 2015, last modified September 18, 2015, accessed December 3, 2015. <http://databank.worldbank.org/data/download/gdp.pdf>. In the same year, Japan's economy became the second largest, China began economic reforms. China eventually overtook Japan in 2010 as the world's second largest economy. The world's largest economy is the United States, followed by China then Japan (as of 2015).

The Preparation²⁰

In August 1945 aboard the *USS Missouri*, representatives of the Empire of Japan signed the documents of surrender, ending World War II. For the next five years after that, Japan existed under a military government led by the United States. While under the military occupation government and with heavy influence from the United States, Japan began drafting a new constitution. This new Constitution laid the foundation of Japan's passivity and submission to the United States. Without a means of self-defense, Japan depended largely (if not solely) on the United States for its national defense. This cession of Japan's sovereignty did not sit well with rising nationalism and would be a point of contention in the 1950s and beyond.

In 1950, General Douglas MacArthur, the Supreme Command of Allied Powers and military governor of Japan, approached Japanese Prime Minister Yoshida with a request to create a Japanese military force for use in Korea.²¹ This was the first shift in United States policy toward Japan: an encouragement to develop an independent military. Yoshida firmly supported Article 9 of the Japanese Constitution and responded to MacArthur's request by creating the Japanese National Police Reserve, for which MacArthur authorized 75,000 men armed with small arms. This police force would eventually transition to the National Safety Force and then to the Japanese Self-Defense Force.²² The development of a national protection force marked the first time Japan had

²⁰“A History of The Liberal Democratic Party,” *About LDP*, Liberal Democratic Party of Japan, n.d., accessed August 28, 2015, <https://www.jimin.jp/english/about-ldp/history/104227.html>. The Liberal Democratic Party breaks democracy in Japan into four periods: Preparation, Prosperity, Maturity, and Coalitions (ordered 1945 to present). The Preparation period was the ten years after the war where Japan struggled with the development of democratic rule. This period also laid the foundation for the future economic prosperity Japan would achieve after the establishment of its democracy.

²¹ Walthall, 190.

²² The Under Secretary of State on United States Objectives and Courses of Action with Respect to Japan. *Annex to NSC 125/3. Annex to NSC 125/3*. (Washington, D.C.: Department of State, 1953), accessed

deviated from Article 9 of the Constitution. The United States Ambassador and General MacArthur made multiple recommendations to the Government of Japan to create a Japanese military force. In the Annex to NSC 125/3 (February 19, 1953), the United States wanted to see a strong Japanese defense force rapidly developed. This annex was contrary to the United States' position stated seven years earlier, when MacArthur's advisors to Japan "essentially dictated a new constitution to Japan's leaders."²³ The *Security Treaty between Japan and the United States* and the *Treaty of Peace with Japan*, both provide that Japan, "as a sovereign nation possesses the inherent right of individual or collective self-defense . . ."²⁴ Ironically, and despite the Japanese Constitution, this clause provided Japan with validation for rearming with conventional or strategic weapons.

The period of "preparation" continued with the implementation of the Yoshida Doctrine, which focused on economics. The Yoshida Doctrine placed Japan on the path to become the world's second largest economy by early 1970s. Yoshida's "economy first" doctrine led to annual double-digit economic growth between 1954 and 1971.²⁵ Prime Minister Yoshida realized that Japan could not compete globally or rebuild the nation until it had a robust economy. This doctrine aided in resetting to a more idealist mindset the *bushido* mindset that had dominated most of Japan prior to and during the

September 1, 2015.

http://www.eisenhower.archives.gov/research/online_documents/declassified/fy_2011/1953_02_19.pdf.

²³ Office of the Historian. *Occupation and Reconstruction of Japan, 1945–52. Occupation and Reconstruction of Japan, 1945–52*. Milestones: 1945–1952. (Washington, D.C., n.d.), accessed September 10, 2015, <https://history.state.gov/milestones/1945-1952/japan-reconstruction>.

²⁴ "Treaty of Peace with Japan" September 8, 1951. United Nations Treaty Series, accessed July 20, 2015, <https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>; Institute of Oriental Culture. "'Security Treaty Between Japan and the United States of America' September 8, 1951." *"The World and Japan" Database Project*. Database of Japanese Politics and International Relations, n.d., accessed July 20, 2015. <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19510908.t2e.html>.

²⁵ Walthall, 195.

war years. The idealism of the Yoshida Doctrine positioned Japan to support the new international norms established via the United Nations. The Yoshida Doctrine was not without its critics. One of the first major challenges came from Prime Minister Nobusuke Kishi when he declared, “while Japan had thus far chosen not to develop nuclear weapons, it was not unconstitutional for it [Japan] to do so.”²⁶ The doctrine would create a foundation from which to rebuild the military; however, it would keep Japan dependent to on the United States though the Cold War.

Japan closed the period of preparation with a slightly greater assertion of sovereignty and of independence from the United States. At the same time, however, the United States required an outpost in the Far East to combat communism in Asia. With the signing of the 1954 *U.S. and Japan Mutual Defense Assistance Agreement*, the United States began treating Japan much less like a conquered nation (although portions of Japan would remain occupied, including the Prefecture of Okinawa) and much more as a security partner—using terms like “consult”, “common security”, and “liaison”. This agreement did not object to the development of Japan’s defense force and thus indirectly accepted this shift from the strict adherence to Article 9. Still, Japan desired more sovereignty than the peace treaty, the security treaty, or the defense agreement would satisfy. The Yoshida Doctrine influenced future generations to focus on the economics of the nation at the expense of national security. Japan would learn to exercise its soft and economic state powers before shifting focus in the future to harder instruments of state powers.

²⁶ Campbell, 218-253.

Prosperity Equals More Change

As Japan entered the 1960s and 1970s, its economy had greatly matured. Japan continued its slow reestablishment and repositioning in the global community. Annually, the Japanese economy saw steady improvement, with the overall size of the economy quintupling between 1948 and 1975.²⁷ During this time, Japan continued to assert more of its soft power, i.e. economy and pacifism, while beginning to use more diplomacy to expand its foreign policies.

The US–Japanese relationship shifted through three challenging events: the 1960 Security Treaty, China’s first nuclear detonation (October 16, 1964), and the Guam Doctrine. These were the three greatest changes in US–Japanese relations prior to the end of the Cold War, and these challenges occurred in the 1960s and 1970s. The nuclear detonation by the Chinese and the Guam Doctrine had the most profound effects on the relationship between the United States and Japan. While wrestling with the decision to become signatory to the Non–Proliferation Treaty, the Government of Japan also had to contemplate the shift of US policy laid out in the Guam Doctrine. Throughout Eisenhower’s administration, the United States drafted policy to encourage Japan to remilitarize and open the door to nuclear weapons in Japan. This set of events drove a Japanese Prime Minister Satō to conduct a secret nuclear study, despite having won the Nobel Peace Prize for his stance on nuclear nonproliferation.

²⁷ David M. Potter, Evolution of Japan's Postwar Foreign Policy. *Yoshida Doctrine*. (Nanzan University, n.d.), accessed 22 July 2015, https://office.nanzan-u.ac.jp/cie/...09/kenkyu_03.pdf.

Toward a New Security Arrangement

In the late 1950s, Japanese nationalism continued to build, and fears of communism continued to be manifest. The United States and Japan revised the security treaty between the two nations. The United States knew it needed to maintain its foothold in the Far East against communist advances and Japan knew its economy was not quite strong enough to decouple completely from the United States. Ambassador Douglas MacArthur, II—General MacArthur’s nephew—stated that Japan was of “vital interest” and compared Japan to Germany, further stating, “Japan has the only great industrial complex in Asia which in a sense is comparable to the Ruhr–Western Europe complex.”²⁸ The same fear existed for Japan as existed for Germany: communist expansion into these territories. Ambassador MacArthur realized that the challenges associated with redeveloping Japan into a strong advocate for the free world in Asia were greater than they were with Germany. This is so because at this time the United States had no strong Far East Asia ally in the fight against communism in Europe. The ratification of the security treaty, in addition to changes in US policy toward Japan, created challenges for Japan that culminated in strained US–Japan relations and Japan commissioning a nuclear option study in 1968.

The United States planned to cease barring Japan from having a military. The Operations Coordinating Board (OCB) published its *Outline Plan of Operations with Respect to Japan* in 1956. The OCB highlighted the need to reexamine the US and Japanese relationship. The OCB also focused on the need to stress the importance of

²⁸ Douglas MacArthur II, Letter. “159. Letter From the Ambassador in Japan (MacArthur) to the Secretary of State.” *Foreign Relations of the United States, 1955–1957, Volume XXIII, Part 1, Japan, Document 159*. (U.S. Department of State Office of the Historian, May 25, 1957), 325, accessed September 14, 2015, <https://history.state.gov/historicaldocuments/frus1955-57v23p1/d159>.

Japan's political, economic, and military development while pursuing a prominent position in Asian affairs.²⁹ Their assumption was, "Japan will support US policies in the Far East to the extent that such policies are clearly in Japan's interest and carry little risk of military involvement."³⁰ With the United States focusing attention on developing Japan as an influential force in Asia, the United States maintained an anti-communist outpost in Asia, feeding Japan's desire for more independence, while relieving the United States of the heavy responsibility of being Japan's protectorate. The US's plan was to have the 1960 *US-Japan Security Treaty* fill these objectives.

Prime Minister Nobusuke Kishi, once held as a Class-A war criminal but never tried in court, became Japan's prime minister in 1957. Kishi was a devoted anti-communist and opponent of the peace constitution; he was instrumental in advancing the US's Far East policy in Japan.³¹ Almost from his election as prime minister, Kishi negotiated with the United States for an updated security treaty. In preparation for the treaty negotiations, PM Kishi addressed the Diet and provided the governing body with his opinion on nuclear weapons. PM Kishi argued that nuclear weapons are not unconstitutional under the Japanese Constitution because the Constitution provides for the self-defense of the nation, and nuclear weapons can be used in defense of Japan.³² Japan started conducting nuclear research in 1954. Solely focused on the needs of Japan, PM Kishi's address to the Diet established a new tone in US-Japanese relations. Japan

²⁹ OCB Secretariat Staff. *Outline Plan of Operations with Respect to Japan. Outline Plan of Operations with Respect to Japan*. (Eisenhower Presidential Library, 2011.), 2-3, accessed August 20, 2015, http://www.eisenhower.archives.gov/research/online_documents/declassified/fy_2011/1956_02_08.pdf.

³⁰ Ibid.

³¹ Central Intelligence Agency. *Nobusuke Kishi. Nobusuke Kishi*. CR M 82-14530, n.d., accessed September 14, 2015, http://www.foia.cia.gov/sites/default/files/documents_conversions/1705143/kishi,%20nobusuke_0003.pdf.

³² Tetsuo Arima, "Nuclear Power and Japan's National Security." *The Yomiuri Shimibun*, (Waseda Online, n.d.), accessed September 14, 2015. http://www.yomiuri.co.jp/adv/wol/dy/opinion/society_121119.html.

provided the terms and proposals for the treaty's revision back to the United States. Kishi believed the treaty would further Japan's desire for independence and correct the vilification, which the peace constitution and the 1951 security treaty perpetuated. This resulted in the prime minister aggressively pushing the treaty through the Japanese Diet. However, the Japanese socialists and communists believed the treaty was a ploy by the United States to maintain dominance over Japan.³³ The socialists and communists raised the issue of the United States maintaining control over Okinawa and the US's ability to transport nuclear weapons through Japanese territory.³⁴ These two political groups appealed to over 80,000 Japanese workers and students to riot at the Diet building in Tokyo. The socialist and communists believed this treaty went against Japan's desire for full independence from the United States. Kishi's opposition boycotted the Diet and, while the police force provided protection, Kishi's government pushed the treaty through and ratified it by non-democratic means. One month later, Prime Minister Kishi announced his resignation.

In 1960, two competing factions, socialist and nationalist, believed they were fighting for independence from the United States, but each fought over the same ideal of greater independence from the United States by two different methods. Kishi believed that since Japan had made such an improvement in its economy, it was time for Japan to become a "normal" country. This normalization included remilitarizing, making its own foreign policy, and maintaining sovereignty over all of its territories. The socialists and communists in Japan wanted the same end states. The difference between these two

³³ Ikutaro Shimizu, "The Intellectuals." (*New Politics*, 1962), 151–158, accessed August 15, 2015, <http://www.unz.org/pub/newpolitics-1962q2-00151?view=tree>.

³⁴ Richard J. Samuels, *Kishi and Corruption: An Anatomy of the 1955 System*. Working paper. *Kishi and Corruption: An Anatomy of the 1955 System*. (Japan Policy Research Institute, December 2001), accessed September 14, 2015, <http://www.jpri.org/publications/workingpapers/wp83.html>.

groups was that Kishi knew Japan still needed a mutually cooperative security agreement with the United States. Kishi's opposition wanted to end US imperialism in Japan. The public discourse over the 1960 treaty is the first evidence of a shift in Japanese public and political attitudes toward the United States. These opinions exposed an initial shift away from the economically focused, US-dependent, Yoshida Doctrine. When the Japanese public learned of the method PM Kishi was using to force the treaty through the Diet, thousands of students and workers marched on the Diet. The 1960 security treaty and the resulting riots showed Japan flexing more of its state powers and its capacity to threaten the development of indigenous nuclear capability to gain or maintain its sovereignty.

In the aftermath of the 1960 Japanese treaty riots, the United States outlined its revised policy toward Japan in NSC 6008/1. The United States understood the strategic importance of Japan geographically, economically, militarily, and as a partner against the spread of communism. US objectives for Japan included:³⁵

22. Preservation of the territorial and political integrity of Japan against Communist expansion or subversion...

27. A Japan ultimately willing and able to participate more actively in the defense of Free World interests in the Far East...

38. Urg[ing] the Japanese Government to continue to refuse recognition to Communist China and to oppose entry of Communist China into the United Nations...

45. . . . encourag[ing] Japan to increase its defense effort and to modernize its military forces...

48. Develop[ing] arrangements with the Japan Defense Forces for cooperation in military research and development.

³⁵ James S. Lay, Letter. "United States Policy Toward Japan." *Foreign Relations of the United States, 1958–1960, Volume XVIII, Japan; Korea, Document 175*. (Washington, D.C.: National Security Council, June 11, 1960), accessed July 22, 2015. <https://history.state.gov/historicaldocuments/frus1958-60v18/d175>.

49. Recognizing the unique Japanese sensitivities to the employment of nuclear weapons and the desirability from a military point of view of obtaining permission to store in Japan nuclear weapons for U.S. forces in Japan, continue as appropriate the present discreet and selective efforts to bring about a better understanding and acceptance by Japan of the importance of nuclear weapons in modern warfare...

NSC 6008/1 shows in detail the support the United States was willing to provide to the Japanese to ensure Japan's security and block any communist aggression. The latter was the US's primary focus. Paragraph 49 focuses on the importance of nuclear weapons and the effort to garner Japanese acceptance of these weapons. The US's efforts to gain Japanese acceptance of nuclear weapons led the Japanese to realize the importance of these weapons to the survival of Japan. Japan could interpret paragraph 49 to say that since the United States uses nuclear weapons to guarantee its own survival, nuclear weapons could be suitable to guarantee Japanese sovereignty. Diplomatic conversations concerning the importance of nuclear weapons in modern warfare led the Japanese to commission a study, *The 1968/70 Report*, on the development of an indigenous nuclear weapons program.

Japan was beginning to morph into a young global power. Economic growth and power enabled the nation to begin looking beyond the controls of the United States. Further shifts in US foreign policy in the 1970s forced Japan to reconsider its relationship with the United States and its station in the international community. Results of the 1960 security treaty, the ensuing riots, and future diplomatic dialogues based on NSC 6008/1 priorities and objectives led the Prime Minister Eisaku Satō to commission a nuclear weapons program study.

Asia on Her Own, No More Vietnams

Japan continued to enjoy economic prosperity through the 1960s and into the 1970s. At that time, Japan was on the cusp of becoming the second largest economy in the world. The Government of Japan also began to look more outward and beyond economic development. The Liberal Democratic Party of Japan, the party in power, began looking at the next phase of the democratization of Japan: maturity. As Japan matured globally, shifts in United States' Asian foreign policy stunned Japan. President Richard Nixon became President of the United States on the campaign promise of getting the United States out of Vietnam and refocusing US foreign policy. This promise would have an impact on Japan's confidence in America's commitment to Japan's defense. The Guam Doctrine, also known as The Nixon Doctrine, was the first "shock" of the Nixon administration. In his address to the nation on November 3, 1969, Nixon stated, "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."³⁶ This was a major shift in Cold War Doctrine, where the United States was directly involved in opposing communist aggression in such events as the Korean War, Cuban Missile Crisis, and the Vietnam War. Nixon's doctrine focused more on supporting communist opposition through economics and less on direct military involvement.³⁷ However, Article V of the *Treaty of Mutual Cooperation and Security between the United States of America and Japan*, January 19, 1960, (Appendix B) stated: "Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be

³⁶ Richard M. Nixon, "Address On the Vietnam War." *Address to the Nation on the War in Vietnam*. Speech, n.d., accessed November 19, 2015.

<http://www.pbs.org/wgbh/americalexperience/features/primary-resources/nixon-vietnam/>.

³⁷ J.L.S. Girling, "The Guam Doctrine." *International Affairs* 46, no. 1 (1970): 48-62, accessed August 24, 2015. <http://www.jstor.org/stable/2614209>.

dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.”³⁸

The second Nixon “shock” was his state visit to China. Even though the United States had pressured Japan not to recognize the People’s Republic of China since the Eisenhower Administration, the United States suddenly opened diplomatic relations with China. The United States executed this decision without consulting with the Japanese. Prime Minister Satō learned of President Nixon’s China visit three minutes before the announcement.³⁹ In his oral history interview, Ambassador Hisahiko Okazaki said that this move by the United States caused a lot of mistrust and loss of confidence in the Japanese government. As a result, Japanese intelligence began conducting analyses on the United States. The Ministry of Foreign Affairs initiated a study on the military aspect of the security treaty, and anti-American attitudes were prevalent in the Japanese media and government. Okazaki even accused Secretary of State Henry Kissinger of being an “anti-Japan diplomat.”⁴⁰

These “Nixon Shocks” forced Japan to contemplate security options outside of the United States and Japanese Mutual Security Agreement. Nixon announced his doctrine at the same time Prime Minister Satō was conducting an internal study on an indigenous nuclear weapons program. Japan also began experimenting with its own foreign policy and diplomacy, eventually normalizing relations with China and the Union of Soviet Socialist Republics (USSR). During this time, the Japanese voices advocating a stronger

³⁸ *Treaty of Mutual Cooperation and Security Between Japan and the United States of America*. *Treaty of Mutual Cooperation and Security Between Japan and the United States of America*. (Washington, DC, 1960), accessed September 17, 2015. <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>.

³⁹ Akihiro Tanaka, “Hisahiko Okazaki Oral History Interview.” Other. *National Security Archive U.S. - Japan Project*. (George Washington University, n.d.), accessed September 21, 2015. <http://nsarchive.gwu.edu/japan/okazakioherview.htm>.

⁴⁰ Ibid.

military began to rise. Among those voices was Head of the Japan Defense Agency, Yasuhiro Nakasone. Frustrated by Japanese anti-military views, Nakasone advocated for a strong military and was critical of the Yoshida Doctrine. In Nakasone's view, Japanese military should be the primary focus and the security treaty with the United States should be second.⁴¹ This new focus led to the Japanese *1970 Defense White Paper* to advocate "for a qualitative increase in Japan's defense capabilities".⁴² However, Japan had become too dependent on the United States' defense support to enable an immediate change in the alliance. Nevertheless, Japan increased its defense spending by 66.24 percent between 1969 and 1972.⁴³ The Japanese *1970 Defense White Paper* referred to a more autonomous defense system and consideration of the permissibility of indigenous nuclear weapons.⁴⁴ Assistant Secretary of Defense McAuliffe felt that these white papers and more public dialogue about defense matters in Japan are "all indicators of change in Japan's post WWII defense thinking. The change is unquestionably slow but in the right direction and [sic] over time should lead Japan to play a greater role in its own security and that of the region."⁴⁵ In opposition to Nakasone Kubo Takuya, director general of the Bureau of Defense Policy, advocated in 1976 a minimalist defense depending largely on the United States. Kubo, however, did promote the establishment of "a structure to

⁴¹ Komine, Yukinori. "Whither a 'Resurgent Japan': The Nixon Doctrine and Japan's Defense Build-up, 1969–1976." *Journal of Cold War Studies* 16, no. 3 (2014): 99, accessed September 14, 2015. http://muse.jhu.edu.proxy.missouristate.edu/journals/journal_of_cold_war_studies/v016/16.3.komine.html.

⁴² Ibid., 100.

⁴³ Paul F. Langer, *Japanese National Security Policy - Domestic Determinants*. Rep. *Japanese National Security Policy - Domestic Determinants*. (The Rand Corporation, n.d.): 19, accessed September 21, 2015. <http://www.rand.org/content/dam/rand/pubs/reports/2009/r1030.pdf>.

⁴⁴ McAuliffe, Eugene V. Letter. "Japanese Defense White Paper - Information Memorandum." *Rumsfeld Papers*. (Donald Rumsfeld, June 22, 1976), accessed September 21, 2015. <http://library.rumsfeld.com/doclib/sp/575/from%20eugene%20v.%20mcauliffe%20re%20japanese%20defense%20white%20paper%2006-22-1976.pdf>.

⁴⁵ Ibid.

develop considerable nuclear armament capability at any time. . .”⁴⁶ These moves during the Nixon era by Japan show that Japan was not completely subservient to the United States and could decide to move away from the alliance. The main reason Japan remained a party to the security treaty was that the twenty years of the military limiting Yoshida Doctrine had impacted the capabilities of the Japanese Self-Defense Force.

Maturing in a New Environment with Asymmetrical Threats

Japan has taken multiple methodical steps toward sheeding its pacifist yoke. The fall of the Iron Curtain and dissolution of Soviet Union ushered in an era of major world changes. During the Cold War, world affairs revolved around two superpowers: the United States and the USSR. Other countries were secondary participants, or puppets, of one or the other of the two superpowers. In some cases, like that of Japan, countries were able to take a *laissez-faire* attitude toward world politics. As one Japanese official stated, “We [Japan] could afford to sleep during the Cold War; we cannot afford to sleep now.”⁴⁷ In 1985, at the Japanese Defense Academy graduation, Prime Minister Nakasone quoted his poetry from when he was the head of the Defense Agency as a reference to Japan’s Cold War policy: “Amid wind and rain, hidden deep in the mountains, there lies a reclining dragon.”⁴⁸ This alludes to the stormy Cold War years when Japan “reclined” and played a minimal roll in the world’s battle against communism, focusing on

⁴⁶ James L. Schoff, “Changing Perceptions of Extended Deterrence in Japan.” Essay. In *Strategy In the Second Nuclear Age Power, Ambition, and the Ultimate Weapon*, edited by Toshi Yoshihara and James R Holmes (Washington, D.C.: Georgetown University Press, 2012) , 99–114.

⁴⁷ Sean Varner, “A Nuclear Japan?” *The Center for Vision & Values Guest Commentary*. Grove City College, September 21, 2009, accessed August 1, 2015, <http://www.visionandvalues.org/2009/09/a-nuclear-japan/>.

⁴⁸ Chalmers Johnson, “Reflections on the Dilemma of Japanese Defense.” *Asian Survey* 26, no. 5 (May 1, 1986): 557, accessed September 23, 2015, <http://www.jstor.org/stable/10.2307/2644482?ref=no-x-route:48ce4defb8c47ae6b2aa475880ae5b10>.

strengthening the nation. However, even in 1985, Nakasone knew the time was approaching for Japan to reclaim its prominence in the global community, and Japan needed more than a strong economy to realize this goal. After September 11, 2001, Japan and the world encountered a very different multipolar world with non-traditional threats emanating from non-traditional sources.

Japan witnessed the Washington's foreign policy drift away from Tokyo. Post-Cold War, the United States was attempting to define its role in a unipolar world. Then, after September 11, 2001, the United States became entrenched in the Global War on Terrorism. Since 2008, Japan has begun to witness a retrenchment of US policy. The United States has removed combat troops from Iraq, reduced combat troop levels in Afghanistan, continued with sequestration budget cuts, and reduced active-duty troop levels, all the while pledging "no boots on the ground" in Libya, Syria, or Iraq. American allies could view this as the United States pulling its military back toward its own shores; reluctant to involve combat forces in any foreign operation. This inactivity has even been at the cost of agreements made with partner countries. For example, when Russia invaded Crimea, the United States disregarded the Budapest Memorandum (Appendix C) it made with the Ukraine in 1994. The United States even went further and advised the Ukrainian Government not to engage the Russian military.⁴⁹ The Japanese saw the United States' response to the crisis in the Ukraine as indicative of a potential response during a Japanese crisis. In the same way Ukraine could not stand up to Russian military power, Japan could not stand up to Chinese power.

⁴⁹ Josh Rogin and Eli Lake, "U.S. Told Ukraine to Stand Down as Putin Invaded," *Bloomberg View*. Bloomberg L.P., last modified August 21, 2015, accessed August 21, 2015. <http://www.bloombergview.com/articles/2015-08-21/u-s-told-ukraine-to-stand-down-as-putin-invaded>.

Japan is further concerned with the United States' actions in the Middle East. Security assurances to allies in the Middle East date back to 1945, when President Franklin Roosevelt and King Ibn Abdul Aziz al-Saud agreed that Saudi Arabia would provide oil to the United States and the international community, while the United States provided the kingdom security guarantees.⁵⁰ In recent years, United States policy has caused concern among many countries in the Middle East. In the early 1990s, thousands of US military personnel arrived in Saudi as part of Operation DESERT SHIELD, angering many Islamic traditionalists. Further strained relations with the House of Saud occurred in 2003, when Saudi Arabia began to question the credibility of the United States after no WMDs were found in Iraq as the result of the invasion. With a new president and new national policies —President Obama was inaugurated January 20, 2009—America pulled out of Iraq (2011), turned its back on long-time ally Egyptian President Hosni Mubarak, and then “pivoted” to East Asia and the Pacific. With the looming fear of the Iranian threat across the Persian Gulf, Saudi Arabia felt the Obama Administration was distancing himself from the Middle East and abandoning the kingdom in the process.⁵¹ Thus, through the eyes of Japanese observing the United States' actions, the United States has begun to acquiesce to Iran, possibly clearing the road for a future ‘closet’ nuclear weapon. Saudi Arabia has been unhappy with the removal of Saddam Hussein, the current US policy with Israel, and is increasingly

⁵⁰ Clark Murdock, “Middle East.” Essay. In *Exploring the Nuclear Posture Implications of Extended Deterrence and Assurance* (Washington, D.C.: Center for Strategic & International Studies, 2009), 58.

⁵¹ Aryn Baker, “Saudi Arabia Considers Nuclear Weapons after Iran’s Geneva Deal,” *Time*, November 26, 2013, accessed September 20, 2015, <http://world.time.com/2013/11/26/saudi-arabia-considers-nuclear-weapons-after-irans-geneva-deal/>.

unhappy with the lack of United States resolve over Iran and its policies.⁵² Japan has warily watched the United States' actions toward one of its oldest allies in the Middle East.

Now, Japan is positioning itself to transition into a “normal country”, one that also includes the military as part of its of national power. Japan has relied on its strong economic power and has developed national interests that expand throughout the globe. An element that has not developed fully in parallel is Japan's ability to protect its interests beyond its shores. This shortfall in national security leaves Japan vulnerable to nations with stronger conventional militaries or nuclear weapons.

The United States wants a Japan that is capable of defending itself and able to play a larger role in the stability of Northeast Asia. Japan has placated the United States by increasing its Self-Defense Forces but has also added caveats limiting the scope of Japanese defense forces' operations. After September 11, 2001, the pressure on Japan to become more independent has increased; the “free ride” was ending. The United States and the international community looked to Japan to participate more in United Nation actions. Japan began looking more closely at its Constitution and formulating laws that could circumnavigate the restrictive ninth article of its Constitution. Japan has passed various laws in order to classify the scope of SDF activities into six categories:⁵³

1. Activities based on the Act on Special Measures concerning Humanitarian Relief and Reconstruction Work and Security Assistance in Iraq. (2003)
2. International peace cooperation operations (Act on Cooperation for United Nations Peacekeeping Operations and Other Operations. (1992)).

⁵² Mark Urban, “Saudi Nuclear Weapons 'on Order' from Pakistan,” *BBC News Middle East*. BBC News Services, last modified November 6, 2013, accessed October 5, 2015. <http://www.bbc.com/news/world-middle-east-24823846>.

⁵³ Japan. Ministry of Defense. Public Affairs. *The World Needs the Japan Self-Defense Forces (JSDF)*, 1-2, accessed September 25, 2015, <http://www.mod.go.jp/e/publ/pamphlets/>.

3. Anti-piracy activities. (2009)
4. Cooperative activities based on the Anti-terrorism Special Measures Law, Replenishment activities based on the Replenishment Support Special Measures Law.
5. Sending minesweepers to the Persian Gulf. (Article 99 of the Self-Defense Forces Act)
6. International disaster relief activities, etc. (1987 revised 1992).

Japan's first international involvement was sending minesweepers to the Persian Gulf in the Gulf War of 1991. From 1991 to February 2001, Japan participated in nine international support operations. After September 11, 2001, that number increased two-fold and expanded globally (Figure 2).⁵⁴ Proactively, Japan is seeking to contribute to peace. Akiko Fukushima, a Japanese security expert, proposed a more accurate characterization of Japan's aim as "Japan's proactive peace and security strategies", the title of a paper he wrote for the National Institute for Research Advancement.⁵⁵ He argues that Japan is preparing itself to be more proactive in establishing its identity in the twenty-first century versus its historically reactive mode.

Figure. 2 shows the record of activities by the Japanese Self-Defense Force (SDF) from 1991–2013. These deployed forces were not always in permissible environments. Japanese soldiers are subject to hostile fire. In these cases, Japanese soldiers can defend themselves and themselves only. However, the current Japanese Cabinet has reinterpreted the restriction on their forces.

⁵⁴ Japan. Ministry of Defense. Public Affairs. *Our Role for the Future as a Member of the Global Community*, n.d., accessed September 26, 2015, http://www.mod.go.jp/e/publ/pamphlets/pdf/member_of_g-community/g-community_ep.pdf.

⁵⁵ Akiko Fukushima, "Japan's 'Proactive Contribution to Peace' A Mere Political Label?" *Japan Spotlight* (2014): 9-18, accessed July 22, 2015, <http://www.tokyofoundation.org/en/articles/2014/japans-proactive-contribution-to-peace>.

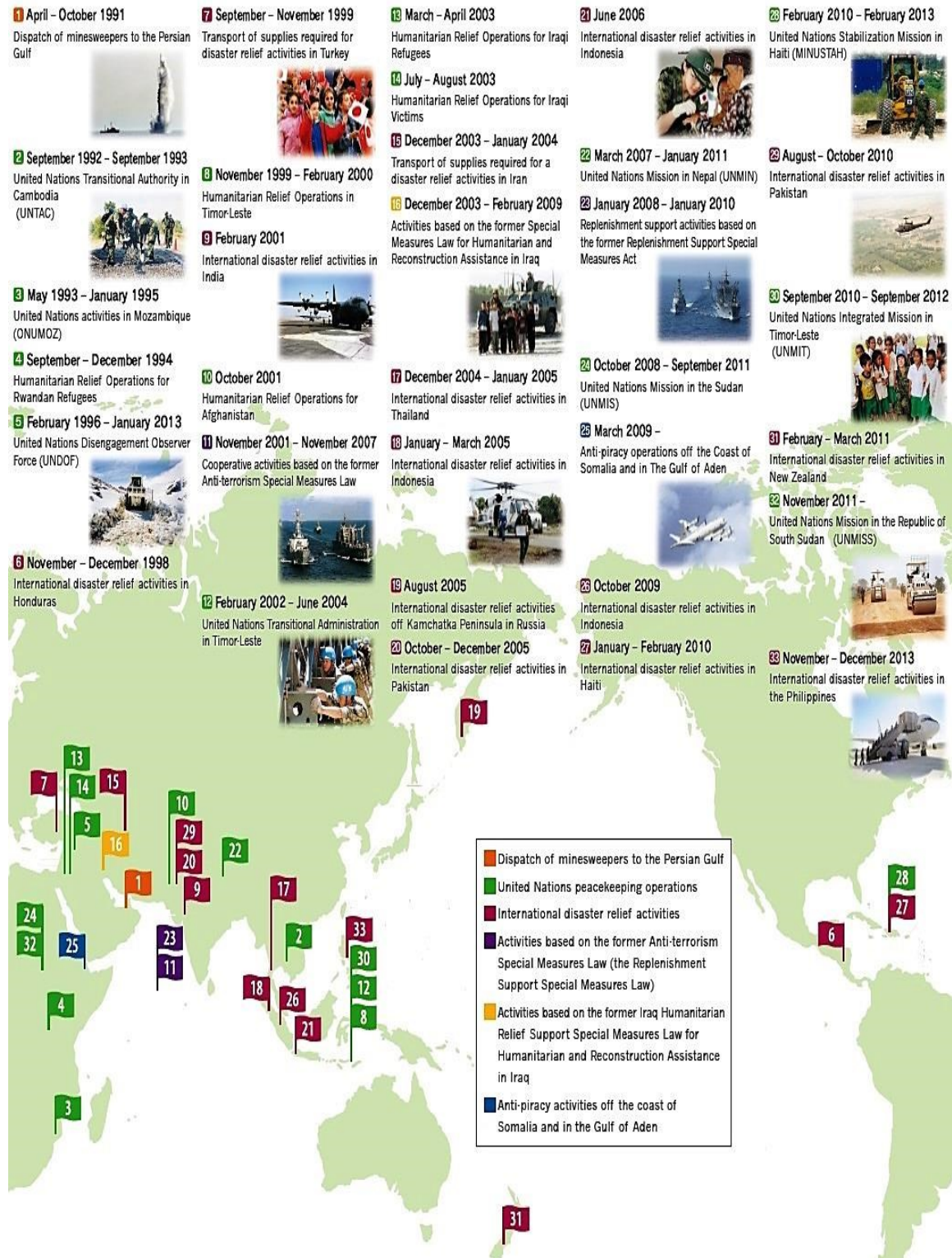


Figure 2. Japanese Self-Defense Force Global Missions Post-September 11, 2001.⁵⁶

⁵⁶ Ministry of Defense, *Our Role for the Future*.

Japan is placing more emphasis on its ability to defend its national interests through four groundbreaking policy shifts. First, in December 2013, Japan published its first National Security Strategy. This document lays out a clear strategy to protect its national interests; subtly announcing Japan will not let the international community marginalize or overlook Japan. Prime Minister “Abe has stated even before the strategy’s release, “I will bring back a strong Japan. We simply cannot tolerate any challenge now, or in the future. No nation should underestimate the firmness of our [Japan’s] resolve.”⁵⁷ This has been a reoccurring theme in Japanese politics; however, this time the government introduced action with the rhetoric.”⁵⁸

Second, Japan is markedly increasing funding for the SDF. The Ministry of Defense has proposed the largest ever budget, \$42 billion to the government, a 2.2 percent increase from 2015.⁵⁹ Japan is increasing the SDF’s aircraft, submarine, and surveillance capabilities. Traditionally, the SDF’s budget has been limited to one percent of Japan’s gross national product, but this limit is not law. Japan’s defense funding has more steeply increased since the announcement of the Nixon Doctrine in 1969 (Figure 3). Japan is investing in military equipment that will allow Japan to extend its operational reach.

Third, Japan has established a National Security Council. At the same time Japan

⁵⁷ Shinzo Abe, “Japan is Back,” *CSIS Statesmen's Forum: Shinzo Abe, Prime Minister Of Japan*. Speech, February 22, 2013, accessed September 25, 2015, http://www.mofa.go.jp/announce/pm/abe/us_20130222en.html.

⁵⁸ Yuka Hayashi, “For Japan's Shinzo Abe, Unfinished Family Business,” *The Wall Street Journal*. (New York, December 11, 2014), sec. Essay, accessed September 14, 2015, <http://www.wsj.com/articles/for-japans-shinzo-abe-unfinished-family-business-1418354470>.

⁵⁹ Mari Yamaguchi, “Japan Seeks Biggest-Ever Defense Budget Amid China Concerns,” *USA Today*, August 31, 2015, accessed September 25, 2015, <http://www.usatoday.com/story/military/2015/08/31/japan-seeks-biggest-ever-defense-budget-amid-china-concerns/71451736/>.

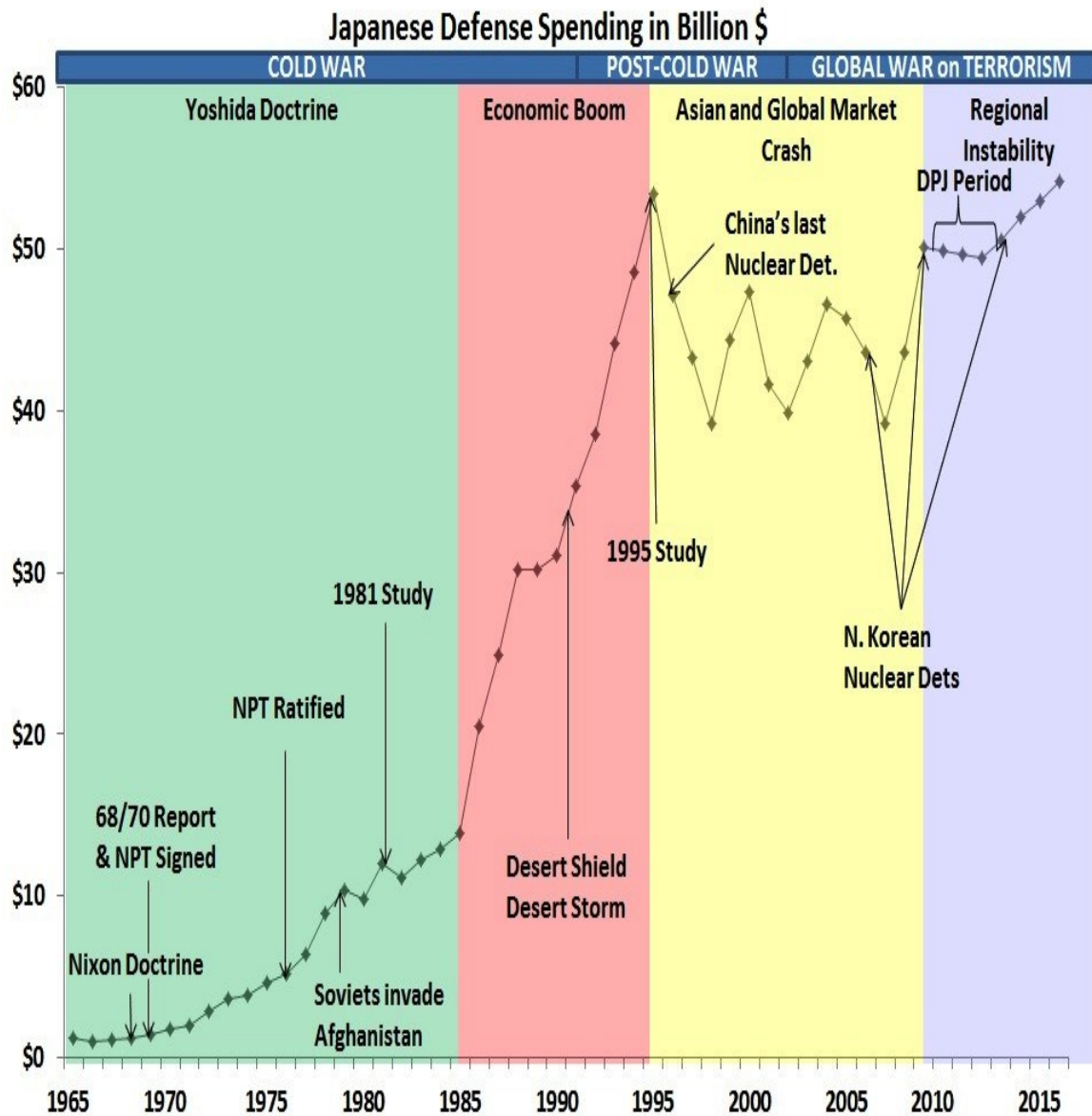


Figure 3. Japanese Defense Spending and Significant Historical Events.⁶⁰

released its first National Security Strategy, Abe’s government announced this council’s establishment, to “undertake strategic discussions under the Prime Minister on a regular

⁶⁰ Data points for Figure 3 are from: Samuel Perlo-Freeman, ed. “Military Expenditure,” *SIPRI Military Expenditure Database*, (Stockholm International Peace Research Institute, 2014) last modified 2014, accessed September 1, 2015, <http://www.sipri.org/research/armaments/milex>.; The World Bank, “World Bank Open Data: Japan,” *The World Bank Data Japan*, (The World Bank Group, n.d.), accessed October 15, 2015, <http://data.worldbank.org/country/japan>.

basis and as necessary on various national security issues and exercising a strong political leadership.”⁶¹ The Ministry of Defense of Japan’s *2014 Annual White Paper: Defense of Japan* highlights that the council, is charged with:

- deliberating Japan’s basic foreign and defense policies with regards to national security,
- planning and coordination of basic direction and important matters of foreign and defense policies concerning Japan’s national security, using its general coordination authority, and,
- during emergency situations, providing necessary recommendations from the perspective of foreign and defense policies concerning national security.⁶²

In addition to a new National Security Council, Japan’s Diet also passed a new “State Secrets Protection Law”. This law’s focus is to protect state secrets affecting foreign policy. It will also facilitate intelligence sharing with Japan’s allies. Interestingly, the law will complicate declassification processes, especially on the subjects of codes, weapons, and intelligence gathering. The law also limits access of Diet members to classified material to closed-door-committee meetings only.⁶³

In September 2015, the Diet passed two security laws that will ease the restrictive nature of Article 9 of the Japanese Constitution. *The Japan Times* called the passage of these laws, “a watershed” event affecting Article 9 of the Constitution.⁶⁴ These two laws depart from the common definition of Article 9 and the security treaty with the United

⁶¹ Japan, Ministry of Foreign Affairs of Japan *Japan's Security Policy*, accessed September 26, 2015, <http://www.mofa.go.jp/policy/security/>.

⁶² Japan, Ministry of Defense, Public Affairs, *MOD Publications Defense of Japan 2014*, accessed September 26, 2015, http://www.mod.go.jp/e/publ/w_paper/e-book/2014/_SWF_Window.html.

⁶³ Information on the State Secrets Law from: “Tense Diet Passes New State Secrets Law,” *In The News*, Nippon Communications Foundation, last modified January 9, 2014, accessed July 22, 2015, <http://www.nippon.com/en/genre/politics/l00051/>.

⁶⁴ Reiji Yoshida, “Exclusion Of Nonnuclear Principles from Abe's Hiroshima Speech Causes Stir,” *The Japan Times*, August 7, 2015, sec. National Politics, accessed November 23, 2015, <http://www.japantimes.co.jp/news/2015/08/06/national/politics-diplomacy/exclusion-nonnuclear-principles-abes-hiroshima-speech-causes-stir/#.vln9f2homp0>.

States, in which the United States is obligated to provide defense to Japan but Japan is not obligated to come to the defense of the United States if the United States is attacked. New laws have lifted many of the limitations on the Self-Defense Forces, allowing the SDF to deploy into more environments that are hostile and to provide for a collective self-defense. Many in Japan believe that this move, strongly supported by the United States, will only support operations in which the United States is involved. This move can also provide for a path for Japan to support Asian neighbors to confront any Chinese aggression in the East and South China Seas. Ultimately, all of this combines to open the door to Japanese flirtation with, or outright embrace of, nuclear weapons.

Postured for the Big Decision

Over the course of seventy years, Japan has slowly reestablished and positioned itself to make more sound decisions on the nuclear weapon issue. The Japanese's defense budget ranks in the top ten of the world's defense budget spending.⁶⁵ The United States' apparent retrenchment policy since 2008 leaves many Asian allies questioning the US's commitment to the region. China's regional strength is steadily climbing, shifting the balance of power. As China's increasing power goes unchecked, along with other instability in the region, it is necessary for Japan to explore all available measures to defend its national security. As Japan has matured since the end of World War II, it has effectively taken note of Kenneth Waltz's third image, the anarchic international system.

⁶⁵ For information on Japan's defense spending see Amanda Macias, Jeremy Bender, and Skye Gould. "The 35 Most Powerful Militaries in the World," *Business Insider Australia*, (Business Insider International, July 11, 2014), last modified July 11, 2014, accessed November 5, 2015, <http://www.businessinsider.com.au/35-most-powerful-militaries-in-the-world-2014-7> and Statista, "Share of World Military Expenditure of the 15 States with the Highest Military Expenditure 2014," *Politics & Government*, (The Statistics Portal, n.d.), accessed September 20, 2015, <http://www.statista.com/statistics/272481/shares-of-selected-countries-in-world-military-spending/>.

The leaders of Japan since World War II have stated their determination to protect Japan by any means necessary. In the last few decades, using nuclear weapons as one of those means has become less taboo. In 2006, former Prime Minister Yasuhiro Nakasone stated, “There is a need to also study the issue of nuclear weapons....There are countries with nuclear weapons in Japan’s vicinity.”⁶⁶ Former Prime Minister Tarō Asō stated that Japan cannot rely on the words of a nuclear power not to preemptively attack another country. He wondered, “if that’s a realistic way to ensure Japan’s safety.”⁶⁷ Japan now has what it calls a “dynamic defense posture”.⁶⁸ Japan may finally yield to the pressure from the United States to renounce the Article 9 as a mistake.

Herman Kahn once predicted that Japan would become a nuclear weapon state, albeit the prediction was that Japan would go nuclear by the 1980s.⁶⁹ Kahn may still be right yet, just a few decades off.

⁶⁶ “Nakasone Proposes Japan Consider Nuclear Weapons,” *The Japan Times*, September 6, 2006, sec. National, accessed September 29, 2015, <http://www.japantimes.co.jp/news/2006/09/06/national/nakasone-proposes-japan-consider-nuclear-weapons/#.vgqcw2gpa5s>.

⁶⁷ Masa Takubo, “The Role of Nuclear Weapons: Japan, the U.S., and ‘Sole Purpose,’” *Arms Control Today* (November 5, 2009), accessed July 15, 2015, http://www.armscontrol.org/act/2009_11/takubo.

⁶⁸ Japan had maintained a static defensive posture since the publishing of the 1970s National Defense Posture Guidance. The 2010 NDPG changed Japan’s defense posture to a more dynamic defense.

⁶⁹ Kahn, Herman. *The Emerging Japanese Superstate: Challenge and Response*. (Englewood Cliffs, NJ: Prentice-Hall, 1970), 165-166.

SHELTERING UNDER THE DECAYING UMBRELLA⁷⁰

The United States has provided extended nuclear deterrence to its allies from the start of the Cold War. The United States has poured billions of dollars into its own nuclear enterprise, including the weapons, weapon platforms, support infrastructure, security, and its people. Since the thaw of the Cold War, focus on nuclear weapons has lessened considerably, with a continuous erosion of the tangible and intangible facets of the nuclear enterprise. The United States' self-imposed restrictions gave rise to an aging program. Organizations charged with maintaining and securing these weapons performed the mission well during the years of plenty; then as budgets became leaner, their mission execution started to falter. Conflicting national policies compounded these issues. Restrictions placed on the United States' nuclear enterprise combined with 'nuclear fatigue' and inconsistent policies, has caused Japan to ponder the credibility of the US nuclear umbrella.

In 1992, the United States Congress passed legislation that prohibited underground nuclear testing. The unilateral moratorium also resulted in the termination of any new weapon design development.⁷¹ Because of this moratorium, the National Nuclear Security Administration developed the Stockpile Stewardship Management Plan. This program places a high level of reliance on science and computers to certify the stockpile's readiness. However, computer simulations only receive twelve percent of the

⁷⁰ This chapter is from a required paper for DSS 601-301 "Seminar on Nuclear Strategy, Deterrence, and Arms Control". Fall 2014. Written by Michael L. Cribb, Jr.

⁷¹ "The Nuclear Matters Handbook: Expanded Edition," (Washington, D.C.: Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, 2012), 6.

total weapons activities budget of the National Nuclear Security Administration (NNSA).⁷² Bob Butterworth, writing for “Breaking Defense,” calls the certification process an “annual ritual” where various nuclear communities come together and tell each other that nuclear weapons will work “despite the complete absence of data” from “actual explosive performance.”⁷³

Since the last underground test, the United States has modified or altered seven active nuclear weapons. The B–61 alone has been modified twelve times. The original design life of a nuclear weapon is approximately thirty years, and because of the “no new weapon” moratorium, the NNSA created life extension programs (LEPs) in order to extend the service life of these weapons. These LEPs modify the original production designs since the last test of the original designs and incorporate more modern components to replace sunset technology, such as replacing vacuum tubes with application–specific integrated circuits. The NNSA is incorporating new techniques such as additive manufacturing in the LEP, but these techniques have not been tested or proven in nuclear detonations.⁷⁴ As the NNSA conducts refurbishments, the Department of Energy’s Fiscal Year 2015 Stockpile Stewardship and Management Plan states that reused, remanufactured, and replacement components are incorporated to sustain the active arsenal.⁷⁵ Currently, the certification of the United States’ nuclear stockpile hinges on computer simulations and the assessment of scientists with little to no underground testing experience. Simulations through computer models and sub–critical tests will be

⁷² United States of America, Department of Energy, *Fiscal Year 2015 Stockpile Stewardship and Management Plan*, (United States Department of Energy, Washington, DC. April 2014), 8–4 thru 8–5.

⁷³ Bob Butterworth, “Time to Talk Plainly and Clearly About Nuclear Weapons,” *Breaking Defense*, Breaking Media, last modified February 14, 2014, accessed October 16, 2014.
<http://breakingdefense.com/2014/02/time-to-talk-plainly-and-clearly-about-nuclear-weapons/>.

⁷⁴ Department of Energy. “Fiscal Year 2015”, 3–2.

⁷⁵ *Ibid.*, 3–3.

critical in future complex LEP efforts, despite the knowledge gap about plutonium's behavior after the detonation of the primary stage of the weapon.⁷⁶ National Nuclear Security Administration's methods of management, refits, and certifications, call into question the reliability of these weapons to work as originally designed.

Despite the effort of the Obama Administration's modest attempt to improve the nuclear enterprise—a proposed \$1 trillion investment over the next thirty years, the currently underfunded enterprise has already suffered atrophy of capabilities and neglect in infrastructure upkeep.⁷⁷ Even with the proposed increase in the NNSA's budget, this increase cannot buy experience in actual nuclear weapon detonation. Some have even speculated that the current presidential administration views this investment as a means to decrease the nuclear arsenal further.⁷⁸ This lack of commitment to modernization has led to severe issues of concern: crumbling structures, decreased capabilities, and outdated technology. This carelessness can easily call into question the viability of the United States' nuclear deterrence and credibility among those allies under the nuclear umbrella.

The *New York Times* quotes Senator Jon Kyl of Arizona describing the national bomb complex as a “rundown garage.”⁷⁹ While the *New York Times* compares the nuclear enterprise to Detroit's auto industry.⁸⁰ Nuclear silos are aging, developing water leaks, and equipped with decrepit equipment. Many of the computer systems in the missile silos still rely on 1980s technology, utilizing large diskettes. Other complexes

⁷⁶ Ibid., 3-5.

⁷⁷ Baker Spring, “Nuclear Weapons Modernization Priorities After New START,” *Backgrounder #2573 On Arms Control and Nonproliferation*, (The Heritage Foundation, June 27, 2011), last modified June 27, 2011, accessed September 15, 2014, <http://www.heritage.org/research/reports/2011/06/nuclear-weapons-modernization-priorities-after-new-start>.

⁷⁸ William Broad and David Sanger, “U.S. Ramping up Major Renewal in Nuclear Arms,” *The New York Times*, September 21, 2014, accessed October 1, 2014, http://www.nytimes.com/2014/09/22/us/us-ramping-up-major-renewal-in-nuclear-arms.html?_r=0.

⁷⁹ Ibid.

⁸⁰ Ibid.

responsible for producing some of the most critical components date back to the Manhattan Project. One of Tennessee's representatives describes the conditions at Oak Ridge National Lab as equipment breaking down on a daily basis and employees having to wear personal protective gear to avoid injury from crumbling buildings.⁸¹ Some people in the National Nuclear Security Administration compare the modernization of the weapons and enterprise in terms of upgrading from vacuum tube technology to nanotechnology with no steps in between. Since the Department of Energy lost its pit production plant in Colorado in 1996, it has not been able to produce more than ten pits a year and does not project to increase production until 2026.⁸² Pantex, the Department of Energy's weapons assembly and disassembly plant, was unable to meet its dismantlement requirements in 2013 due to infrastructure issues.⁸³ Los Alamos National Lab tapes together its decaying wastewater pipes and uses plastic bags as containment systems.⁸⁴ Security has also declined at nuclear facilities: in 2012, an 82-year-old nun was able to breach the security at the weapons-grade uranium storage facility at Oak Ridge National Lab.⁸⁵ None of this, of course, has escaped Japanese notice.

Operational lapses in 2006 and 2007 left America's allies, including Japan, wondering just how secure the nuclear arsenal is and whether the United States could be trusted to execute nuclear options if forced to. The Chinese Government forced the US Government to reassure China that there was no intention to or attempt to develop a

⁸¹ Ibid.

⁸² Department of Energy. "Fiscal Year 2015", 5-2.

⁸³ Ibid., 2-8.

⁸⁴ Dana Priest, "U.S. Nuclear Arsenal is Ready for Overhaul," *The Washington Post*, September 15, 2012, accessed October 1, 2015, http://www.washingtonpost.com/world/national-security/us-nuclear-arsenal-is-ready-for-overhaul/2012/09/15/428237de-f830-11e1-8253-3f495ae70650_story.html.

⁸⁵ Ibid.

Taiwanese nuclear capability.⁸⁶ The Chinese expressed their concern over the possibility of the emergence of such a capability with terms like, “grave”, “disastrous consequences,” and “negative effects.”⁸⁷

President Obama—in spite of his legacy as an advocate of global nuclear zero and because of political negotiations to ratify the New START Treaty⁸⁸—has proposed a \$1 trillion nuclear budget to modernize the enterprise over the next thirty years. The budget is to improve and construct buildings that produce critical nuclear components, develop and build new platforms for all three legs of the triad, fund life extension programs for all active nuclear weapon tail numbers, and develop interoperable warheads. This proposal seems to conflict with national policy, specifically one of the Nuclear Posture Review’s five key objectives: “Reducing the role of U.S. nuclear weapons in U.S. national security strategy.”⁸⁹ The Nuclear Posture Review also states that the United States will focus more on conventional forces for deterrence; meanwhile, the government has allowed budget cuts and sequestration to slash the overall defense budget by \$600 million.⁹⁰ If the national policy is to reduce reliance on nuclear weapons while simultaneously investing over \$1 trillion in the enterprise and undertaking massive cuts in defense spending, how do United States allies react to these conflicting messages? The nation’s allies expect unquestionable protection by the ‘nuclear umbrella’ and overwhelming

⁸⁶ Jeff Schogol, “Gates Details Headaches Caused by U.S. Air Force during his Tenure,” *Defense News*, Sightline Media Group (Sightline, January 9, 2014), accessed September 28, 2015, <http://www.defensenews.com/article/20140109/defreg02/301090020/gates-details-headaches-caused-by-us-air-force-during-his-tenure>.

⁸⁷ Glenn Kessler and Josh White, “U.S. Initially Unconcerned about Erroneous Shipment,” *The Washington Post*, March 27, 2008 accessed October 31, 2014, <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/26/ar2008032600666.html>.

⁸⁸ Priest, “U.S. Nuclear Arsenal Is Ready for Overhaul.”

⁸⁹ United States of America, Department of Defense, *Nuclear Posture Review Report*, (United States Department of Defense, Washington, DC. April 2010), 15.

⁹⁰ United States of America, Department of Defense, *Fiscal Year 2015 Budget Request: Estimated Impacts of Sequestration-Level Funding*, (United States Department of Defense, Washington, DC, April 2014), 1-1.

conventional forces; however, the United States cannot adequately maintain or support both sources of protection. In fact, by some projections, China will surpass the United States' conventional force capacity in the next decade. Allies, including Japan, wonder how their adversaries will react to a weaker United States.

The task force charged with reporting on the Department of Defense's Nuclear Weapons Management warns: "The continuing credibility of our nuclear deterrent is what assures a number of these countries that they do not need to develop their own nuclear weapons. If the United States' deterrent is perceived as less than credible, more technologically advanced nations among US allies could begin developing their own nuclear capabilities."⁹¹

In Northeast Asia, Japan and South Korea are the recipients of American extended nuclear deterrence. While no nations have attacked Japan or South Korea since being under the US extended nuclear deterrence umbrella, the causal relationship between the presence of the umbrella and the absence of an attack is patently impossible to demonstrate to a degree of certainty beyond the level of anecdote. The pursuit of an independent nuclear deterrent in both Japan and South Korea is not new. In the 1970s, South Korea explored the nuclear option because of changing US policy: withdrawal of over 20,000 American troops, formalizing relations with China, and the United States' exclusion of South Korea from nuclear planning.⁹² Under strong pressure from the United States Government, South Korea terminated its nuclear ambitions and ratified the

⁹¹ United States of America, Department of Defense, *Report of the Secretary of Defense Task Force on DoD Nuclear Weapons Management, Phase I: The Air Force's Nuclear Mission*, September 2008, by Honorable James Schlesinger, Chairman, 18.

⁹² Jonathan Bergner, "Obama Poking Holes in America's Nuclear Umbrella," Real Clear Defense, July 3, 2013, last modified July 3, 2013, accessed October 10, 2015, http://www.realcleardefense.com/articles/2013/07/03/obama_poking_holes_in_americas_nuclear_umbrella_106675.html.

Treaty on the Non-Proliferation of Nuclear Weapons (NPT). However, South Korean interest rekindled in 1977, when President Carter began withdrawing troops and tactical nuclear weapons from South Korea; and the interest has ebbed and flowed since. Due to provocative actions by North Korea and perceived inaction by the United States, South Korea has questioned the credibility of America's security commitment. A poll conducted in 2013 indicated that two-thirds of South Koreans favored independently controlled nuclear weapons.⁹³ This stance could also stem from the policies of the United States in its apparent indifference to North Korea's demonstrated nuclear weapons program. Because the United States deactivated the US Army's 2nd Infantry Division in favor of rotational forces on the peninsula, while continuing to engage with China—a nation whose generals declare that North Korea has the right to possess and should possess nuclear weapons—South Korea is left wondering if its national security interests are of any concern to the United States.⁹⁴ If South Korea were to reengage its quest for an independent nuclear deterrent, it could start a regional arms race that would include China, North Korea, South Korea—and, of course, Japan.

The Government of Japan places a huge emphasis on the credibility of the deterrence the United States has extended. As questions of the credibility of the United States' nuclear enterprise arise, American policy has to reflect on the statement by Ambassador Yukio Satoh, "Japan's adherence to the three non-nuclear principles depends largely, if not solely upon the capabilities and credibility of the Japan–United

⁹³ Barbara Demick, "More South Koreans Support Developing Nuclear Weapons," *Los Angeles Times*, May 18, 2013, accessed October 2, 2014, <http://articles.latimes.com/2013/may/18/world/la-fg-south-korea-nuclear-20130519>.

⁹⁴ Isaac Kim, "Chinese General Says NK has Right to Possess Nuclear Power," *Korea Times*, July 16, 2013, accessed October 5, 2014, http://koreatimes.co.kr/www/news/world/2013/07/501_139374.html.

States security treaty.”⁹⁵ Japan’s shift on nuclear matters is a direct result of regional security issues, and senior Japanese officials have concerns about the credibility of United States’ nuclear program.⁹⁶

Japan has faced this credibility issues before with the retirement of the nuclear tipped Tomahawk Cruise Missile (TLAM/N). Japan viewed these missiles as their specific extended deterrence assurance; it satisfied many of the aspects Japan expected in a deterrent, “flexible, credible, prompt, discriminate, stealthy or visible and sufficient for dissuasion.”⁹⁷ Now with its security threats growing disproportionally compared the base of its assurance, Japan has reengaged the internal debate on a domestic nuclear weapons program.

Japanese officials have stated officially and unofficially their opinions in favor of a nuclear weapons program. In 2006, a report from the Japanese Government alluded to the possible development of a national nuclear weapons program.⁹⁸ In addition to the technological knowledge, Japan also has enough plutonium for approximately 2,000 weapons.⁹⁹

Conventional wisdom holds, by some accounts at least, that the prospect of international condemnation, significant economic and trade repercussions, and possible preemptive military action by a regional adversary keeps a non–nuclear nation’s nuclear

⁹⁵ Scott Sagan, “2009 Carnegie International Nonproliferation Conference,” In *Transcript of Are the Requirements for Extended Deterrence Changing?* (Washington, D.C.: Federal News Service, 2009), accessed October 10, 2015, http://carnegieendowment.org/files/npc_extended_deterrence4.pdf.

⁹⁶ Murdock, 46.

⁹⁷ Ibid., 50.

⁹⁸ Sentaku Magazine, “Nuclear Arms Card for Japan,” *The Japan Times*, April 29, 2013, accessed September 28, 2014, <http://www.japantimes.co.jp/opinion/2013/04/29/commentary/japan-commentary/nuclear-arms-card-for-japan/>.

⁹⁹ Diane Barnes, “Japanese Nukes a Possibility if China's Power Spikes, Analysts Warn,” *Global Security Newswire*, Nuclear Threat Initiative, May 3, 2013, last modified May 3, 2013, accessed October 1, 2014, <http://www.nti.org/gsn/article/japanese-nuclear-arms-real-possibility-analysts-warn/>.

ambitions in check. However, Japan may be willing to accept these risks and develop an indigenous weapons program.

A “GRAY WAR” BUILDING IN NORTHEAST ASIA

Japan’s Unruly Neighbors with Nuclear Capabilities or Ambitions

The definition of Northeast Asia varies depending on topic or organization referenced. Generally, this region includes Japan, China, South Korea, North Korea, and sometimes Mongolia, Russia, Taiwan, and Hong Kong. Northeast Asian countries share many cultural commonalities. However, the origins of some of these commonalities are results of the shared violent history. Northeast Asia is a region with no shortage of international perplexities. In this region, four countries are technically at war with each other: South Korea with North Korea and Japan with Russia. The Korean War ended in an armistice with no formal peace treaty. Forty-eight of fifty participating countries in the World War II peace talks signed the formal peace treaty—*The San Francisco Peace Treaty of 1951*—except two countries: the Soviet Union and China. In 1956, the Soviet Union and Japan signed a joint declaration whereby the two countries agreed to reestablish diplomatic relations and resolved some lingering post World War II issues. However, the joint declaration fell short of negotiating a formal peace treaty between the two nations, but the Joint Declaration did end the “state of war”. Paragraph 9 of the *Joint Declaration by the Union of Soviet Socialist Republics and Japan* (October 19, 1956) states, “The Union of Soviet Socialist Republics and Japan agree to continue, after the restoration of normal diplomatic relations between the Union of Soviet Socialist

Republics and Japan, negotiations for the conclusion of a Peace Treaty.”¹⁰⁰ This places Russia and Japan in a situation where a state of war does not exist but there is no formal end to the war between the two countries. China and Japan negotiated a formal peace treaty—Treaty of Peace and Friendship Between Japan and the People’s Republic of China—in 1972. Over the last 15 years, tensions in Northeast Asia have risen. Much of the tension has revolved around what Japan calls ‘Gray–Zone’ issues. These issues are “neither pure peacetime nor contingencies over territory, sovereignty, and maritime economic interest.”¹⁰¹ China refers to military operations other than war versus ‘Gray–Zone’ issues; China includes “rights and interests protection and guard duty in this category”.¹⁰² Clearly these ‘operations’ relate to the disputed territorial claims between China and its neighbors. Three of Japan’s neighbors pose a significant military threat to Japan. All three of these threatening neighbors possess nuclear weapons and are world leaders in one or more military hardware categories. Russia and China, two threats to Japan, rank second and third, respectively, as the world’s most powerful militaries (Table 1). The nuclear threat, conventional threat, and provocative actions of North Korea, China, and Russia provide the Government of Japan with reasons to divert from idealism thinking to realism. Indeed, one of the few constants in the region has been Japan’s commitment to pacifism.

¹⁰⁰ Institute of Oriental Culture. ““Joint Declaration by the Union of Soviet Socialist Republics and Japan” October 19, 1956.” *“The World and Japan” Database Project*. Database of Japanese Politics and International Relations, n.d., accessed February 23, 2016. <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19510908.t2e.html>.

¹⁰¹ Japan, Ministry of Defense, Public Affairs, “Part I Security Environment Surrounding Japan: Overview,” Defense of Japan 2015 (Annual White Paper), 1, accessed September 5, 2015, http://www.mod.go.jp/e/publ/w_paper/2015.html.

¹⁰² The People’s Republic of China, Ministry of National Defense, The State Council Information Office of the People’s Republic of China, “Preparation for Military Struggle,” *White Papers*. Edited by Dong Zhaohui, May 26, 2015, accessed November 5, 2015, <http://eng.mod.gov.cn/database/whitepapers>.

Table 1. Global Rankings of Militaries of Japan, Russia, China, and North Korea. Data are divided by global ranking, soldiers, tanks, fighter jets, nuclear weapons, aircraft carriers, submarines, and budget.¹⁰³

Country	Global Ranking	Soldiers (million)	Tanks	Aircraft	Nuclear Weapons	Aircraft Carriers	Submarines	Budget (billions)
Japan	10	53.6	767	1,595	0	1*	16	\$49.1
Russia	2	69.01	15,000*	3,082*	8,484*	1*	63	\$76.6
China	3	749.6*	9,150	2,788	250	1*	69	\$126.0*
N. Korea	35	12.9	6,600	943	<10	0	78*	\$7.5

*Denotes regional leader.

Provocative North Korea

North Korea has become the ‘hermit kingdom’, an isolated and economically depressed country among the world’s fastest growing region. In an effort to gain more sway among the international community and regional neighbors, North Korea has violated various international laws and norms, subjecting itself to sanctions and further isolation. However, regime survival remains Kim Jong Un’s primary goal. Kim Jong Un trusts very few people in his country and trusts even fewer outside North Korea. North Korea will routinely use force or threaten to use force as a coercive tactic to receive inducements for temporary changes in policy. Before Un’s father’s—Kim Jong-Il’s—death, North Korea sank a South Korean warship and shelled a South Korean Island. These two provocations were warnings that the region and international community will not easily compel North Korea. Un has made efforts diplomatically to develop a strategic

¹⁰³ Macias, Bender, and Gould. "The 35 Most Powerful Militaries".

relationship with China and Russia.¹⁰⁴ These two relationships have borne some positive results for the recluse country. China is North Korea's primary trade partner, with over 70 percent of all of North Korea's trade arriving from or departing to China.¹⁰⁵ In 2012, Russia wrote off 90 percent of North Korea's debt owed to Russia.¹⁰⁶ Russia also provides much needed petroleum to North Korea. China and Russia are becoming critical to North Korea, partly due to the mutual animosity they share for the United States and the United States' allies. North Korea views the United States, its actions, and those actions of the United States' allies as a threat to regime survival. This has directly provoked statements from North Korea toward Japan that indicated Japan should be "hit hard and sent to the bottom of the sea."¹⁰⁷ In order to support these threats North Korea focuses its efforts and limited resources on asymmetric military capabilities, WMD development, and missile development. North Korea's nuclear capability, conventional military, and provocative rhetoric cause Japan to view the North Korean threat potential very seriously.

North Korea's Nuclear Card. North Korea's nuclear program dates back to 1959 when North Korea and the USSR signed a nuclear cooperation agreement, resulting in the opening of the Yongbyon Nuclear Scientific Research Center in 1962. North Korea researched and constructed a reprocessing plant to separate plutonium from spent

¹⁰⁴ The United States of America, Department of Defense, Office of the Secretary of Defense, "Military and Security Developments Involving the Democratic People's Republic of Korea," accessed November 1, 2015, http://www.defense.gov/Portals/1/Documents/pubs/Report_to_Congress_on_Military_and_Security_Developments_Involving_the_DPRK.pdf.

¹⁰⁵ Natasha Schou, ed, *Country Report North Korea*. Rep. *Country Report North Korea*. (Economist Intelligence Unit, 2015), accessed 2015, www.eiu.com. (Hardcopy of document provided as part of DSS 723 'Counter Proliferation').

¹⁰⁶ Japan, Ministry of Defense, Public Affairs, "Part I, Chapter 1, Section 2: Korean Peninsula," (Defense of Japan 2015, Annual White Paper), 18-19, accessed September 5, 2015, http://www.mod.go.jp/e/publ/w_paper/2015.html.

¹⁰⁷ Ibid., 2.

nuclear fuel at the Yongbyon site. In 1985, North Korea signed the NPT. Yet, in 1991, US Intelligence suspected North Korea was building a nuclear bomb. North Korea threatened to withdraw from the in March 1993; however, North Korea suspended the withdrawal after 89 days. In 1993, the Central Intelligence Agency informed President Clinton that North Korea might have one or two nuclear bombs.

Current estimates place North Korea's nuclear arsenal at less than ten, but the range is between five and fifteen.¹⁰⁸ In the last couple of years, North Korea has placed an enormous focus on nuclear weapons. Nuclear weapons are the keystone to the Kim regime's survival. Kim Jong Un is relying on nuclear weapons to deter all aggression toward North Korea. The North Korean Government adopted a "New strategic line policy of simultaneous economic and nuclear development."¹⁰⁹ In early 2013, Kim Jong Un solidified his stance and reliance on nuclear weapons when the government passed a new law, "On Consolidating the Position of Nuclear Weapons State for Self-Defense", officially declaring North Korea a nuclear weapons state.¹¹⁰

In addition to having nuclear weapons, North Korea has maintained and developed an advanced missile program. North Korea's missile capabilities include cruise missiles, intermediate range missiles, medium range missiles, and possibly

¹⁰⁸ Number range of nuclear weapons for North Korea see Hans Kristensen and Robert Norris, "World Nuclear Weapon Stockpile," *World Nuclear Stockpile Report*, (Ploughshares Fund, June 23, 2015), last modified June 23, 2015, accessed September 15, 2015, <http://ploughshares.org/world-nuclear-stockpile-report>; ICAN, "Nuclear Arsenals," *The Facts*, (International Campaign to Abolish Nuclear Weapons, 2015), last modified 2015, accessed September 15, 2015, <http://www.icanw.org/the-facts/nuclear-arsenals/>; Daryl Kimball, *Nuclear Weapons: Who has What at a Glance, Nuclear Weapons: Who has What at a Glance*, (Washington, D.C.: Arms Control Association, 2015), accessed September 15, 2015, <http://www.armscontrol.org/factsheets/nuclearweaponswhohaswhat>; Federation of American Scientists, "Status Of World Nuclear Forces," *Status of World Nuclear Forces*, (FAS, September 28, 2015), last modified September 28, 2015, accessed October 1, 2015, <http://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/>; and Stockholm International Peace Research Institute, "Nuclear Forces," *SIPRI.Org*, (Stockholm International Peace Research Institute, 2015), last modified 2015, accessed September 15, 2015, <http://www.sipri.org/research/armaments/nuclear-forces>.

¹⁰⁹ Japan, "Part I, Chapter 1, Section 2: Korean Peninsula," 5.

¹¹⁰ Ibid.

intercontinental ballistic missiles. Most of these missiles are capable of ranging Japan, and pose a grave threat to the main islands of Japan (Figure 4). Increasing this threat is the possibility that North Korea has overcome the hurdle of miniaturizing.¹¹¹

Miniaturizing would provide North Korea the ability to mate a nuclear warhead to a missile, increasing the lethality of North Korea's missile arsenal.

Japan's Ministry of Defense summarizes the North Korean nuclear threat as follows:

North Korea's nuclear weapons development, considered in conjunction with North Korean efforts to enhance ballistic missile capabilities, including extending the range of ballistic missiles that could become the delivery vehicles of WMDs, poses a grave threat to Japan's security and significantly impairs peace and stability in Northeast Asia and the international community. Therefore, they [North Korean nuclear weapons] can never be tolerated.¹¹²

The combination of successful nuclear tests, ballistic missile launches, and possible miniaturization capability presents a clear threat to the Japanese and its neighbors.

In terms of manpower, North Korea has the fourth largest army in the world. Estimates of active duty soldiers range between 960,000–1.2 million and an additional 6 million–7.2 million in reserves or 'home guard' type forces. Even with limited natural resources and infrastructure, North Korea has limitedly improved its tank and artillery equipment. The air force is composed of legacy Soviet aircraft. In 1999, North Korea

¹¹¹ This assessment is repeated in several sources, see NTI, "North Korea: Nuclear," *Country Profiles*, NTI, October 2015, last modified October 2015, accessed November 13, 2015, <http://www.nti.org/country-profiles/north-korea/nuclear/>; AFP and Pamela Engel, "North Korea has Reportedly Miniaturized Nuclear Weapons for Use on a Missile," *Military And Defense*, (Business Insider, May 20, 2015), last modified May 20, 2015, accessed November 13, 2015, <http://www.businessinsider.com/afp-n.korea-says-it-has-miniaturised-nuclear-weapons-2015-5>; Peter Huessy, "North Korea's Serious New Nuclear Missile Threat," *Gatestoneinstitute.Org*, (Gatestone Institute, June 11, 2015), last modified June 11, 2015, accessed September 10, 2015, <http://www.gatestoneinstitute.org/5914/north-korea-nuclear-missile>; and AFP-JIJI, "North Korea in Miniaturization Claim After Ban Visit Nixed," *The Japan Times*, May 20, 2015, accessed November 12, 2015, <http://www.japantimes.co.jp/news/2015/05/20/asia-pacific/north-korea-abruptly-cancels-u-n-chiefs-visit-industrial-zone/#.vmcrgm-fpiv>.

¹¹² Japan, "Part I, Chapter 1, Section 2: Korean Peninsula," 8

The Reach of North Korea's Ballistic Missiles



Figure 4. North Korean Missiles and Ranges.¹¹³

procured MiG-21s from Kazakhstan; these would be North Korea's newest aircraft. Some reports indicate North Korea has either acquired or domestically produced unmanned aerial vehicles similar to those produced by United States companies like Raytheon. The increasing age of the Soviet era aircraft has forced North Korea to rely heavily on air defense capabilities. North Korea has developed a robust air defense system with overlapping systems, most likely procured from China and Russia. The North Korean navy has received the least modernization. However, this branch has

¹¹³ Dakota L Wood, ed. "Assessing Threats to U.S. Vital Interests," Essay, In *2016 Index Of U.S. Military Strength*, (Washington, D.C.: The Heritage Foundation, 2015), 141–216, accessed November 13, 2015, https://s3.amazonaws.com/ims-2016/pdf/2016_index_of_us_military_strength_assessment_threats_all.pdf.

undertaken what may be the most provocative and concerning acts. North Korea has invested in its submarine fleet. The North's submarine fleet, the largest submarine fleet in the world, consists of diesel and midget submarines. In 2010, a North Korean submarine managed to approach a South Korean warship and sank it with an indigenously produced torpedo. The biggest game changer, if the reports are true, is the possible submarine launch of a ballistic missile from a North Korean submarine. This could indicate that North Korea is within two to five years of a submarine-launched nuclear capability. This capability, in the hands of an irrational regime, will increase the possibility of unintended escalation and miscalculation within the region.

Japan has to maintain a watchful eye on North Korea. The Government of Japan believes that North Korea cannot remain unchecked; containment will not work in North Korea. North Korea's unchallenged pursuit of nuclear-armed missiles poses an existential threat to Japan. Japan shifted its political ideology more toward realism, but Japan still needs to develop some capability to deter North Korea.

China Rising

China has been weary of the United States' involvement in East Asia. To counter this encroachment, China has been modernizing its military over the last two decades.¹¹⁴ As a result, China's defense budget has had double-digit increases. The upgrades have concentrated on China's ability to wage asymmetric war and exercise Anti-Access/Area-Denial (A2/AD) in the maritime domain. Japan views China actions as "attempts to change the status quo by coercion", and makes "unilateral assertions without making any

¹¹⁴ James J. Przystup, "Japan-China Relations 2005-2010: Managing Between a Rock and a Hard Place," *Strategic Perspectives* 12, (October 2012): 6.

compromises.”¹¹⁵ In an effort to be the primary and only country of influence in East Asia, China is basing their rise and influence on economic and military power, pushing the United States out of the region.

At present, China already has a huge economic influence in East Asia. China holds a lot of sway over North Korea diplomatically and economically. China accounts for over 71 percent of North Korea’s exports and 76 percent of North Korea’s imports. Among the other 29 East Asia and Pacific region countries—as defined by the US Department of State—China ranks among the top five importers of 90 percent of the countries, and China is among the top five of 63 percent of the countries’ exports.¹¹⁶ China also buys a lot of the world’s debt, providing even more economic power over not only countries in the region but also globally, including the United States.

China’s primary focus and reason for building its military capabilities is to protect and extend its territorial integrity and sovereignty. China’s secondary focus is to gain a global presence.¹¹⁷ China now has the economic ability to coerce many of the East Asian countries. China is continuing to develop its military in order to apply additional pressure to its Asian neighbors, if required. Most of China’s defense doctrine is Taiwan-centric.¹¹⁸ Nevertheless, China’s doctrine is multipurpose; the premise of this doctrine

¹¹⁵ Japan, “Part I Security Environment,” 5.

¹¹⁶ For data on Chinese import and exports, see The World Bank, “Trade Statistics by Country / Region,” *World Integrated Trade Solution*. (The World Bank, n.d.), accessed September 15, 2015, <http://wits.worldbank.org/countrystats.aspx?lang=en>; Alexander Simoes, ed., “The Observatory Of Economic Complexity,” *The Observatory of Economic Complexity*, (Macro Connections, n.d.), accessed September 15, 2015, <http://atlas.media.mit.edu/en/>; and Central Intelligence Agency. *The CIA World Factbook 2015*, (New York, NY: Skyhorse Publishing Inc.), 2014.

¹¹⁷ *Hearing Before the Armed Services Committee United States House of Representatives*. Worldwide Threat Assessment: Hearing Before the Armed Services Committee United States House of Representatives. 114th Cong., 1st sess., February 3, 2015, 11-12 (Hardcopy of document provided as part of DSS 723 ‘Counter Proliferation’)

¹¹⁸ The United States of America, Department of Defense, Office of the Secretary of Defense, “Annual Report to Congress Military and Security Developments Involving the People’s Republic of China 2015,”

also applies to the territorial dispute with Japan. The 2015 Chinese Defense Whitepaper assigns the following tasks to the military: “safeguard the sovereignty and security of China’s territorial land, air and sea; safeguard China’s security and interests in new domains; safeguard the security of China’s overseas interests; maintain strategic deterrence and carry out nuclear counterattack” among other tasks.¹¹⁹

Increases in economic and military instruments of state power, combined with the recent aggressive behavior exhibited by China have contributed to marginalizing the United States. By minimalizing the United States’ influence in the region, many countries in the region, like Japan, are more vulnerable to coercion and exploitation by the Chinese.

Senkaku / Diaoyu Maritime Conflict

Both China and Japan are huge consumers of energy and are heavily dependent on foreign oil. In 1968, the United Nations conducted various geological surveys in the East China Sea.¹²⁰ The survey indicated the seabed surrounding the islands, known as the Senkaku and Diaoyu by the Japanese and Chinese respectively, may contain oil (Figure 5). The survey estimated the seabed might contain forty-five years of oil for

accessed November 1, 2015, i,

http://www.defense.gov/Portals/1/Documents/pubs/2015_China_Military_Power_Report.pdf.

¹¹⁹ The People's Republic of China, Ministry of National Defense, The State Council Information Office of the People's Republic of China, “Missions and Strategic Tasks of China’s Armed Forces,” *White Papers*, Edited by Dong Zhaozhui, May 26, 2015, accessed November 5, 2015, <http://eng.mod.gov.cn/database/whitepapers>.

¹²⁰ Miyoshi Masahiro, *Seabed Petroleum in the East China Sea: Law of the Sea Issues and the Prospects for Joint Development*, Publication, (The Wilson Center, July 7, 2011), accessed October 30, 2015, https://www.wilsoncenter.org/sites/default/files/miyoshi_masahiro.pdf.



Figure 5. Disputed Islands in Northeast Asia¹²¹

China.¹²²

Two years after the geological survey, the claims and counterclaims between China and Japan began. In the early 2000s, compromise seemed possible because both countries agreed to a joint exploration venture. As the years passed, any joint venture seemed less likely because disagreements on sovereignty have increased. The dispute became more physical in 2010, when China pursued the Japanese vessel *Shoyo* in the

¹²¹ “Something We Need to Know About China ロサンゼルス発 ジャパパラマガジン®,” (*JAPALA Magazine*, September 30, 2012), accessed November 28, 2015, <http://japa.la/2012/09/30/6627/>.

¹²² Aibing Guo and Rakteem Katakey, “Disputed Islands With 45 Years of Oil Split China, Japan,” (*Bloomberg Business*, October 12, 2012), last modified October 12, 2012, accessed June 18, 2015, <http://www.bloomberg.com/news/articles/2012-10-10/disputed-islands-with-45-years-of-oil-split-china-japan>.

disputed area. Later that year, Japanese Coast Guard ships interdicted a Chinese fishing trawler and apprehended the captain and crew for violating Japanese territorial waters.¹²³ This incident led to increased maritime patrols by both nations as well as additional air patrols. In December 2012 and January 2013, China deployed reconnaissance aircraft into the disputed area. Japanese fighters alerted and responded to the Chinese incursion in December (Figure 6). In January, Chinese fighters escorted the reconnaissance aircraft; however, these planes did not cross into the disputed airspace. At the end of January, a Chinese naval frigate engaged a Japanese destroyer. On November 23, 2013, China established an air defense identification zone (ADIZ) which overlaps Japan's ADIZ (Figure 7). China is competing with its neighbors who are in turn hedging in effort to "establish dominion over China and its [Chinese] interests."¹²⁴ Over the last two decades, China has provided double-digit increases to its defense spending, increases focused on building-up and modernizing the military, including China's nuclear arsenal. For Japan, the greatest military threats from China are missiles, naval power, and nuclear weapons.

China's Second Artillery Forces is the primary nuclear and conventional missile unit for the People's Liberation Army. As evidenced by the increases to China's missile capabilities modernization and focus on area denial doctrine, the Second Artillery Forces have received a considerable portion of the Chinese defense budget. China has acquired missiles from foreign sources and developed other missiles domestically.

¹²³ Przystup, "Japan-China Relations," 19.

¹²⁴ Paul Darling, "Here's how China's Leaders Think about Nuclear War," *Military & Defense*, (Business Insider, April 7, 2015), last modified April 7, 2015, accessed September 15, 2015, <http://www.businessinsider.com/how-to-make-sense-of-chinas-nuclear-deterrence-2015-4>.

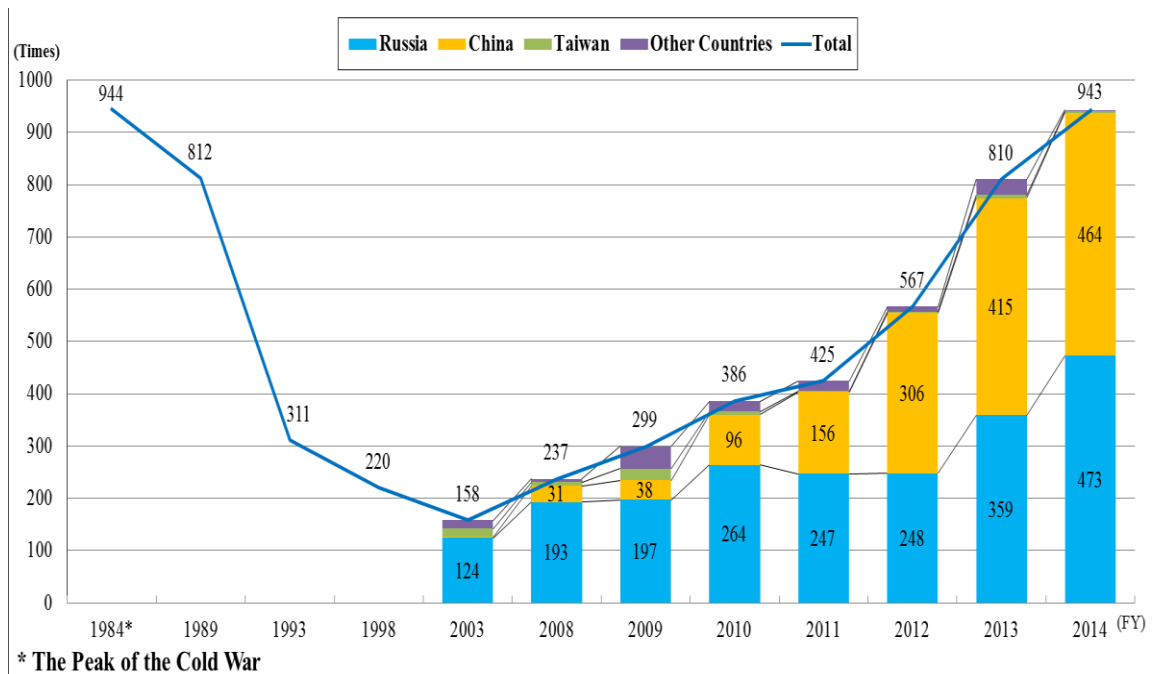


Figure 6. Number of Japanese Air Self-Defense Force Alerts.¹²⁵

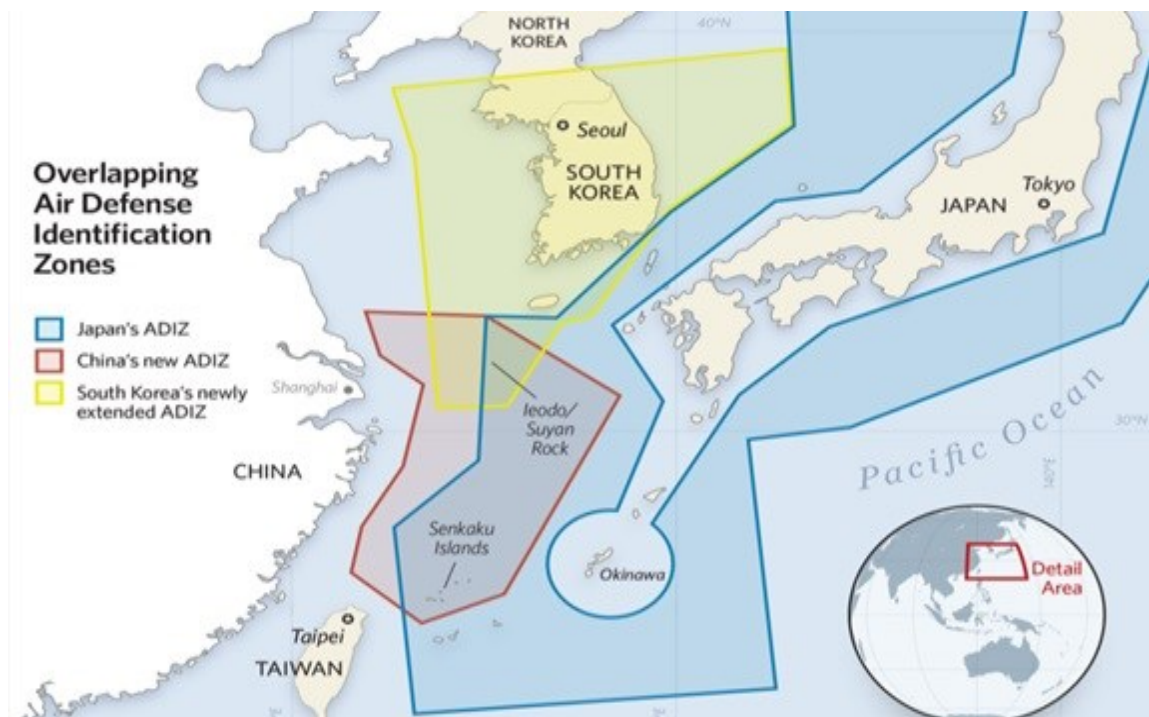


Figure 7. Overlapping Air Defense Identification Zones.¹²⁶

¹²⁵ Japan, Ministry of Defense, Public Affairs, “Digest Part III,” *Defense of Japan 2015 (Annual White Paper)*, accessed September 5, 2015, http://www.mod.go.jp/e/publ/w_paper/2015.html.

¹²⁶ Wood, “Assessing Threats”, 193.

The focus of missile acquisition has been anti-ship cruise missiles (ASCM) and land attack cruise missiles (LACM). These two classes of missiles directly support China's Anti-Access/Area Denial (A2/AD) doctrine and increase the calculus of any country attempting to spar with China.

The Chinese can use these missiles outside of the Taiwan-centric doctrine as a coercive tool, holding potential Japanese targets at risk. The majority of China's cruise and ballistic missiles are conventional. However, if China employs a sufficient quantity of missiles against key economic, command and control, and industrial nodes in Japan, conventional missiles will take on a similar existential threat similar to the threat from Chinese nuclear weapons. Chinese nuclear ballistic missiles are not the only reason Japan has invested heavily into ballistic missile defense systems. China has developed and continues to develop a variety of missiles for the Chinese Army, Navy, and Air Force, increasing the commitment of the entire Chinese military to the A2/AD strategy.

The Japanese know that China has targeted Japan with nuclear weapons. The Chinese objected to a Japanese missile defense program, "Beijing has argued that Japanese participation [in theater missile defense] would undermine China's deterrent", Japanese experts "have logically concluded from this that China must therefore target Japan with nuclear weapons."¹²⁷ China's nuclear-tipped ballistic missiles pose the most significant threat to Japan. China maintains short-range, medium-range, intermediate-range, submarine-launched, and intercontinental ballistic missiles, most of which can range the islands of Japan (Figure 8). Current United States Defense estimates state China has 50–60 intercontinental ballistic missiles with multiple independently targetable

¹²⁷ Michael J. Green and Katsuhisa Furukawa, "New Ambitions, Old Obstacles: Japan and Its Search for an Arms Control Strategy," *Arms Control Today* 30, no. 6 (2000), accessed August 14, 2015, <http://legacy.armscontrol.org/epublish/1/v30n6>.

re-entry vehicle capability.¹²⁸ Without a doubt, China's nuclear-armed missiles do pose an existential threat to Japan.

Protecting Chinese maritime territories and sovereignty is one of China's prime national security interests. Naval power is a primary focus of the Chinese government. In China's *2015 Defense Whitepaper*, China states, "The seas and oceans bear on the enduring peace, lasting stability and sustainable development of China. The traditional mentality [of the Chinese] that land outweighs sea must be abandoned..."¹²⁹

In early 2015—James Holmes estimated that the Chinese defense budget should have reached \$180 billion by the end of 2014; the People's Liberation Army Navy's¹³⁰ portion of that budget was unknown. However, he believes the Navy's share was substantial.¹³¹

With 870 naval ships, 190 considered combat vessels and 60 submarines, China is on pace to surpass the naval fleet of the United States by 2020.¹³² China commissioned its first aircraft carrier in 2012. A Chinese civilian purchased the carrier, an unfinished soviet legacy warship, from the Ukraine in 1998.¹³³ China now has two additional aircraft carriers under construction.¹³⁴

¹²⁸ The United States of America, "Annual Report to Congress Military and Security Developments," i.

¹²⁹ The People's Republic of China, Ministry of National Defense, The State Council Information Office of the People's Republic of China, "Building and Development of China's Armed Forces," *White Paper*, Edited by Dong Zhaohui, May 26, 2015, accessed November 5, 2015, <http://eng.mod.gov.cn/Database/WhitePapers/index.htm>.

¹³⁰ China's military is referred to as the People's Liberation Army. Its service branches' names are prefaced with People's Liberation Army i.e. PLA Navy, PLA Air Force, PLA Ground Force etc.

¹³¹ James Holmes, "The Long, Strange Trip of China's First Aircraft Carrier," *Foreign Policy*, (February 3, 2015), accessed November 10, 2015, <http://foreignpolicy.com/2015/02/03/the-long-strange-trip-of-chinas-first-aircraft-carrier-liaoning/>.

¹³² Holmes, "The Long, Strange Trip" and Japan, Ministry of Defense, Public Affairs, "Part I, Chapter 1, Section 3: China". *Defense of Japan 2015 (Annual White Paper)*, accessed September 5, 2015, http://www.mod.go.jp/e/publ/w_paper/2015.html.

¹³³ Holmes, "The Long, Strange Trip".

¹³⁴ Nanae Kurashige, "China Building First Two Domestic Aircraft Carriers," *The Asahi Shimbun*, October 21, 2015, accessed November 10, 2015, <http://ajw.asahi.com/article/asia/china/aj201510210060>.

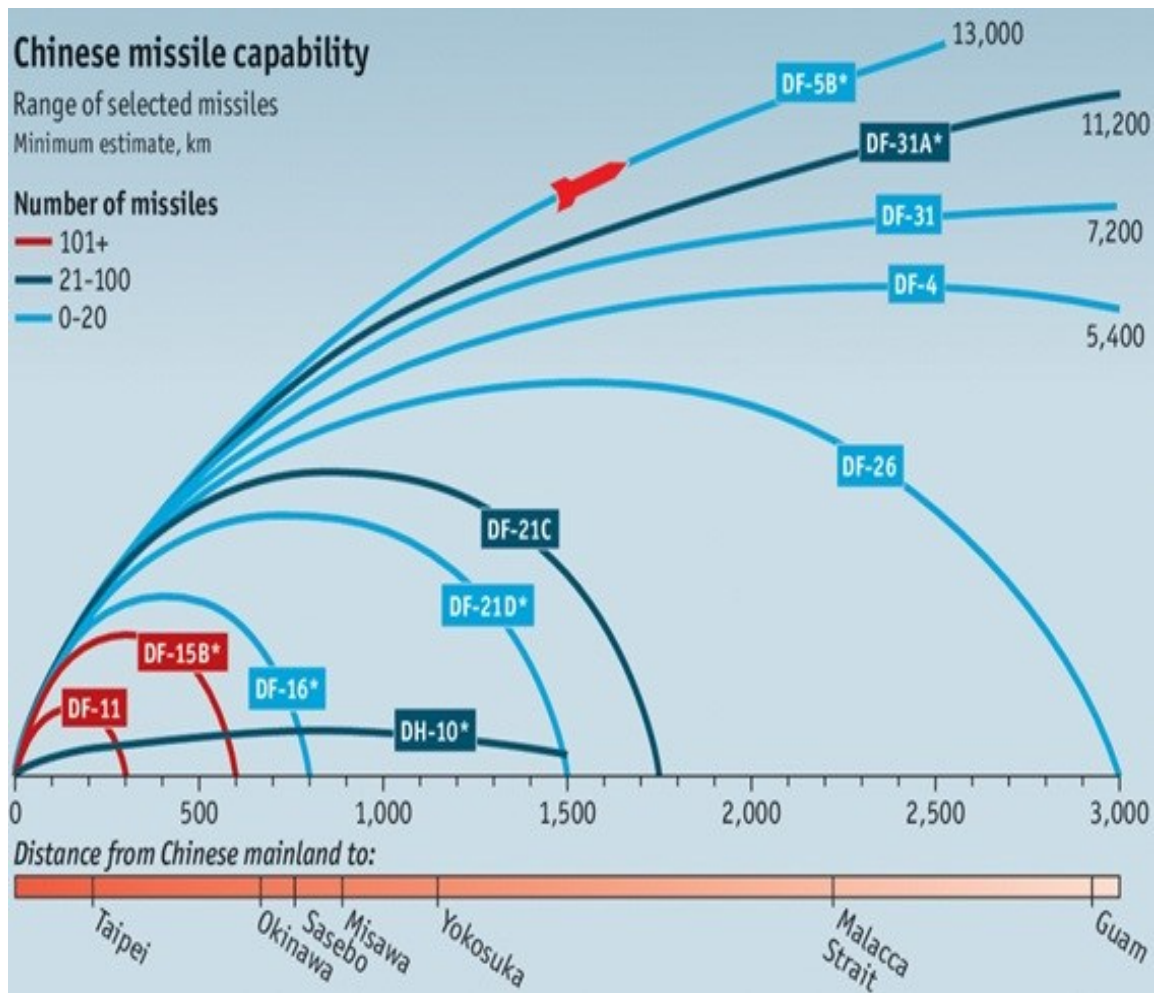


Figure 8. Chinese Missile Ranges.¹³⁵

With a focus on gaining parity with the United States Navy, China has a goal of completing three aircraft carriers by 2020. These three carriers will patrol the East and South China Seas and increase the tensions in the territorial disputed areas. China's aircraft carriers will outnumber its neighbors' by three to one. To round out its naval power, China has been building up its amphibious and naval logistics capabilities. These increases to China's Navy directly support and counteract China's neighbors'

¹³⁵ The Economist Online, "China's Missiles," Web blog. *Graphic Detail: Charts, Maps and Infographics*, (The Economist, December 6, 2010), accessed November 27, 2015, http://www.economist.com/blogs/dailychart/2010/12/chinese_missile_ranges.

“provocative actions” on and around “China’s reefs [South China Sea] and islands [East China Sea] that they have illegally occupied.”¹³⁶

China’s naval and missile expansions are only two areas of military power that are of concern to Japan. Clearly, these two elements of military power combined with the remaining parts of the Chinese military would easily overwhelm the Japanese Self-Defense Force, as it currently exists. Left unchallenged China will outpace and replace the United States in North East Asia. China’s rise will justify its neighbors’ reasons for attempting to self-help as hedge and against Chinese dominance. Based on China’s current expansions, its neighbors are justifiably concerned and provide reason to improve their military posture and national defense.

Russia: The Regional Wildcard

After entering into a hibernation phase immediately after the end of the Cold War, the Russian bear is awake. Russian President Vladimir Putin is forcing the world to reconsider its perception of Russia as a minor player in global affairs. After September 11, 2001, and the Global War on Terrorism, Russia seemed to be marginalized and relegated to the annals of Cold War history. Still struggling to adjust to a new system of government, legacy ideologies of the Soviet era began to resurface. Russian President Putin has been instrumental in leading these ideologies. Putin’s primary focus has been to reclaim Russia’s perceived glory during the Soviet years. Putin has attempted to restart the Cold War with aggressive moves in former Soviet Union countries, threats toward North Atlantic Treaty Organization countries, and making friends with former

¹³⁶ The People's Republic of China, Ministry of National Defense, The State Council Information Office of the People's Republic of China, “National Security Situation,” *White Papers*, Edited by Zhang Tao, May 26, 2015, accessed November 5, 2015, <http://eng.mod.gov.cn/Database/WhitePapers/index.htm>.

adversaries, like China. Most of Russia's attention has focused on Eastern Europe and recently Southwest Asia. Nevertheless, the potential for Russian involvement in other regions is high. Russia is beginning to refocus spending on its military. Putin has placed more emphasis on the readiness of military units, missile defense, and nuclear weapons. The Japanese Ministry of Defense reports that Russia is modernizing "its equipment and invest[ing] about 20 trillion rubles (about 46 trillion yen) [or \$37 billion] to increase its percentage of new equipment up to 70 percent by 2020."¹³⁷ With marginal strategic focus in Northeast Asia but the potential for a large strategic impact, Russia remains a wildcard in Northeast Asia.

Russia and Japan are technically still at war with each other; Russia and Japan never signed a formal peace treaty to end World War II. Four islands off the northern coast of Hokkaido are one of several reasons Russia has not signed the peace treaty, but highlights a reoccurring regional theme causing increased tensions among neighbors.¹³⁸ These islands, similar to the Senkaku islands, have caused many issues between Russia and Japan (figure 5). Russia routinely conducts military drills on the islands and in September of 2014, Russia pledged to continue further development of the islands for the military over the next decade.¹³⁹ As late as June 2015, Russia has stated construction of military facilities on the islands will increase.¹⁴⁰ Further development of these islands

¹³⁷ Japan, Ministry of Defense, Public Affairs, "Part I, Chapter 1, Section 4: Russia," *Defense of Japan 2015 (Annual White Paper)*, accessed September 5, 2015, http://www.mod.go.jp/e/publ/w_paper/2015.html.

¹³⁸ Hiroshi Kimura, "Putin's Policy Toward Japan: Return of the Two Islands, or More?" *Demokratizatsiya* 9, no. 2 (2001): 276–291, accessed October 31, 2015, https://www.gwu.edu/~ieresgwu/assets/docs/demokratizatsiya%20archive/09-2_kimura.pdf.

¹³⁹ Zachary Keck, "Japan's Shinzo Abe Tries to End World War II," *The National Interest*, December 2, 2014, accessed October 31, 2015, <http://nationalinterest.org/blog/the-buzz/japans-shinzo-abe-tries-end-world-war-ii-11772>.

¹⁴⁰ Justin McCurry, "Russia Says it Will Build on Southern Kuril Islands Seized from Japan," *The Guardian*, June 9, 2015, accessed November 2, 2015,

provides Russia with additional capabilities to project operational reach. These facilities will provide Russia with additional logistic lines of communications and staging bases for force projection into Northeast Asia. President Putin feels that his country has to “turn toward Asia to gain more confidence and become less vulnerable to these aggressive attacks [by the US].”¹⁴¹ As Russia ‘pivots’ to Asia, opportunities will develop to further build cooperation with China and possibly North Korea. These two countries oppose the United States’ actions in the region and the corresponding actions of the United States’ allies. While pivoting toward Asia, Russia can obtain resources and technologies that the West has denied Russia—since Russia’s actions in Crimea and Ukraine—while providing China and North Korea with energy resources both countries require.¹⁴² In addition to energy exports to China and North Korea, Russia is in the process of supplying China with updated military hardware. In late 2014, military sales negotiations were underway for the delivery of Su-45 fighters, possibly Amur-1650 submarine, and satellite components to China, a striking change of policy by the Russians from the days of refusing to sell China state-of-the-art military hardware.¹⁴³ These trades, if completed, will increase China’s capabilities in the East China Sea, increase China’s ability to coerce neighbors, and become the dominate force in Northeast Asia.

Russia is also playing a direct role in regional instability. As a sign of flexing military muscle, Russia deployed a guided missile cruiser through the Soya Strait in

<http://www.theguardian.com/world/2015/jun/09/russia-build-southern-kuril-islands-seized-moscow-tokyo-abe>.

¹⁴¹ Timofey Bordachev and Teygeny Kanaev, “Russia’s New Strategy in Asia,” *Russia in Global Affairs*, no. 3 (2014), accessed November 2, 2015, <http://eng.globalaffairs.ru/number/russias-new-strategy-in-asia-16997>.

¹⁴² Ibid.

¹⁴³ Morena Skalamera, “Putin’s Asia Strategy for 2015,” The National Bureau of Asian Research, December 16, 2014, last modified December 16, 2014, accessed November 2, 2015, <http://www.nbr.org/research/activity.aspx?id=505>.

September 2011; the first time since the Cold War ended.¹⁴⁴ The Russian navy deployed two of its newest nuclear submarines to the Pacific Fleet in December 2013 and 2014. Also in late 2014, Russia deployed multiple vessels from its Baltic and Black Sea Fleets to the South China Sea.¹⁴⁵ These vessels, Japanese reports assess, may have been involved in Russia's 2014, exercise "Vostok 2014". Japan has referred to this exercise as the "largest and the most important Russian Armed Forces' exercises and drills conducted that year [2014]" involving "over 155,000 personnel, over 4,000 combat vehicles, about 80 vessels, and about 630 aircraft."¹⁴⁶ During this exercise and shortly after it, Russian naval vessels transited through the Soya Strait and Tsushima Strait both within close proximity of Japan. Russia has also used its military aircraft in this new show of force. In 2014, Japanese Air Self-Defense Forces alerted and responded to 473 Russian aircraft in Japanese airspace (Figure 6).¹⁴⁷ This is almost four times as many intercepts as in 2003, and is in addition to Chinese intercepts discussed earlier.

Russia has a 'Pivot to Asia' strategy and has resourced it—in contrast to the United States' 'Pivot to Asia' strategy, which has not seen any noticeable investment to the region. Russia's non-traditional actions in Northeast Asia forces countries like Japan to contemplate unknown variables, with no historical references with which to base future strategy.

¹⁴⁴ Japan, "Part I, Chapter 1, Section 4: Russia," 11.

¹⁴⁵ Ibid., 7.

¹⁴⁶ Ibid., 10.

¹⁴⁷ Japan, "Digest Part III," 1.

Summary

Japan is in a neighborhood with rising powers and rising tensions. Of these neighbors, Japan is still formally at war with Russia—despite the 1956 joint declaration— has territorial disputes with two, is routinely provoked by three, and is economically tied to most of the countries that make up the region. The three primary threats to Japan have one thing in common; the countries posing the threats all have nuclear weapons and pose an existential threat to Japan. Up to now, Japan has relied on the United States' power and position in the region to contain aggressive moves made by North Korea, China, and Russia. However, China and Russia are developing policies that degrade the United States' influence in the region and increase the level of fear in Japan. If Japan does not diversify and increase its instruments of state power, Japan will be marginalized and be susceptible to coercion by North Korea, China, and Russia.

JAPAN AND THE NUCLEAR NON-PROLIFERATION REGIME

Since the end of the World War II, Japan has been the world's strongest advocate for the disarmament and banning of nuclear weapons—a perfectly natural stance for a non-nuclear state that suffered two nuclear attacks. In the international community, Japan has led the non-proliferation movement since it ratified the NPT¹⁴⁸. The NPT has been the cornerstone of non-proliferation for the last forty-seven years. Most scholars argue that the treaty is one of the primary reasons Japan has remained a non-nuclear weapon state. However, the pressures acting against this international norm could be one of the growing reasons Japan may decide to cross the nuclear threshold. From Japan's initial reluctance to ratify the treaty, to the ascension of non-signatory nuclear states, to the recent Non-Proliferation Treaty Review Conference failures, Japan's confidence in the treaty has been and is in question.

Hesitant to Commit

Even as the ink of Japan's signature on the treaty was drying in 1970, Prime Minister Sato's government had commissioned a secret investigation into the costs and benefits of an indigenous nuclear weapons program. This secret inquiry came at the start of a six-year hesitation period between Japan's signature and ratification of the NPT; showing even in the beginning, and demonstrated from the very beginning that domestic policy indicated differing attitudes from its publicly proclaimed international stance. The first part of the study started less than four years after China's first nuclear detonation.

¹⁴⁸ Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, United Nations Treaty Series, accessed July 16, 2015, <https://treaties.un.org/doc/Publication/UNTS/Volume%20729/volume-729-I-10485-English.pdf>.

George H. Quester states that the Japanese Government had concerns over the economic cost, difficulties in controlling the plutonium it produced, industrial espionage, and overbearing inspections.¹⁴⁹ Prior to ratification, all documentation concerning Japan's Nuclear program utilized Japanese language and writing. The government was concerned that the cost to convert and translate documentation and processes would burden the civilian nuclear industry, making the program less economically affordable.¹⁵⁰ As required by accepting the terms of the NPT, accounting for 98 percent of the produced plutonium would also be an economic burden on the Japanese nuclear industry. The Japanese were more concerned that the remaining unaccounted for two percent plutonium could still provide enough special nuclear material to produce a nuclear device. Japan wanted the same exemptions and exceptions as had been afforded to Euratom (Europe's Atomic Group). This would ease the burden of inspections; insuring reactors could run more optimally with less down time. Less intrusive inspections would also lessen the potential for industrial espionage. In addition to these four commercial concerns, politically, Japan viewed the treaty as a tool that would treat the country as a "second-class loser of World War II."¹⁵¹ Most importantly, the Japanese realized that by not ratifying the treaty, they would not have access to the exchange of nuclear technologies, as afforded by Articles IV and V of the treaty. Although ratifying would legally prevent Japan from pursuing a weapon, Articles IV and V enable the country to maintain current technologies that could facilitate the development of a latent nuclear weapons program or the rapid development of a more overt weapons program.

¹⁴⁹ George H. Quester, "Japan and the Nuclear Non-Proliferation Treaty," *Asian Survey* 10, no. 9 (1970): 767, accessed July 15, 2015, <http://www.jstor.org/stable/2643028>.

¹⁵⁰ Ratification would require Japan to adapt an international standard for all measurements and documentation.

¹⁵¹ Quester, 771.

Although a 1972 poll indicated that only 45 percent of the ruling Liberal Democratic Party felt “Japan should absolutely not arm itself with nuclear weapons”,¹⁵² Japan ratified the Non-Proliferation Treaty in 1976 with the condition that “no other states would openly declare a nuclear weapon capability.”¹⁵³ Since then, this condition has been broken at least four times by India, South Africa, Pakistan, and North Korea. Israel, not an openly declared nuclear state is widely accepted and ignored. The NPT allows for five nuclear states. A nuclear state under NPT is a state “which has manufactured and exploded a nuclear weapon . . . prior to 1 January 1967”;¹⁵⁴ and non-nuclear states are everyone else. Since India, Pakistan, and Israel never signed the NPT, they suffered little if at all—even though the two countries were subject to sanctions and various diplomatic restrictions—when they revealed their programs or detonated their first weapon.

NPT Erosion and Japan

Article I of the NPT specifically states that nuclear-weapon states that are signatories of the treaty may not “in any way assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons.”¹⁵⁵ However, international accommodations to nuclear non-signatory states have arguably provided Japan with incentives to reevaluate its non-nuclear weapon state status.

In 2005, US President George W. Bush and Indian Prime Minister Manmohan Singh announced the agreement between the two nations that would provide assistance to

¹⁵² Solingen, 66-67.

¹⁵³ Avner Cohen and Thomas Graham, “An NPT For Non-Members,” *Bulletin of the Atomic Scientists*, May 2004, accessed July 12, 2015, <http://thebulletin.org/2004/may/npt-non-members>.

¹⁵⁴ Treaty on the Non-Proliferation of Nuclear Weapons

¹⁵⁵ Ibid.

the Indian civilian nuclear energy program.¹⁵⁶ This agreement between a ‘nuclear–weapon state’ and ‘non–nuclear–weapon state’, not to mention a non–signatory to the treaty, indirectly legitimized India’s nuclear weapons program, and discredited the first article of the NPT. According to the Council on Foreign Relations, it also provided the bases for other NPT signatures and weapon–states to “bend the international rules”.¹⁵⁷ The US Congress provided final approval to the agreement with India on October 1, 2008. As an interesting corollary, India’s and Japan’s prime ministers have since agreed to expedite their negotiations on a civil nuclear cooperation deal. Moreover, Japan has removed six of India’s space– and defense–related entities from Japan’s Foreign End–User List. This move will allow India and Japan to “enter into transactions involving sensitive dual–use equipment, technology, and software.”¹⁵⁸ Some NPT experts believe deals like these serve only to “gut the agreement”.¹⁵⁹ One might also be pardoned for wondering what they mean about the depth of commitment that the United States, India, and Japan have toward nuclear non–proliferation.

North Korea, once a party to the NPT, is the only nation that has invoked Article X, allowing parties to withdraw from the treaty. In recent years, countries in North East Asia and the United States have done little to disarm North Korea or encourage North Korea to abandon its program. Though sanctioned by the international community, the

¹⁵⁶ Masaru Tamamoto declares that this agreement was “in apparently complete violation of the NPT.” Masaru Tamamoto, “The Emperor’s New Clothes: Can Japan Live Without The Bomb?” *World Policy Journal* 26, no. 3 (2009): 63–70, accessed July 24, 2015, <http://www.jstor.org/stable/40468657>.

¹⁵⁷ Jayshree Bajoria and Esther Pan, “The U.S.-India Nuclear Deal,” *CFR.Org*, (Council on Foreign Relations, November 5, 2010), last modified November 5, 2010, accessed January 22, 2016, <http://www.cfr.org/india/us-india-nuclear-deal/p9663>.

¹⁵⁸ “India, Japan to Accelerate Civil Nuclear Deal,” *The Hindu*, September 1, 2014, accessed July 27, 2015, <http://www.thehindu.com/news/national/modi-abe-direct-officials-to-accelerate-civil-nuclear-deal/article6370051.ece>.

¹⁵⁹ Bajoria and Pan, “The U.S.-India Nuclear Deal”.

international community is tacitly accepting¹⁶⁰ North Korea as a NPT non-complier, or “gray state”.¹⁶¹ North Korea has taken advantage of the NPT’s peaceful civilian pursuit articles and covertly developed a weapons program while the international community has only implemented half-hearted sanctions on the country. The United States calls this “strategic patience” while Japan grows more nervous with every North Korean provocation and less confident in the international system.¹⁶² Even China—one of Japan’s rivals in North East Asia and a permanent member of the United Nations Security Council—continues to shelter and trade with the North Korea.¹⁶³

Similarly, the P5+1, the five permanent members of the United Nations Security Council—United States, United Kingdom, Russia, France, China—plus the non-permanent member Germany, have negotiated nuclear accommodations with Iran, another ‘gray state’ of a different hue. The agreement could yet prove to be another shock to the NPT especially if countries like Saudi Arabia, Turkey, and Egypt diverge from their peaceful civilian nuclear programs. Perhaps the lesson for Japan is: to suffer through nuclear sanctions is a potentially viable path to acceptance as a new nuclear state, regardless of the state’s status as a NPT signatory.

In 2014, 158 countries participated in the third Conference on the Humanitarian Impact of Nuclear Weapons. This conference explored three main areas associated with

¹⁶⁰ Other than sanctions there has not been any firmer resolve to rid North Korea of their weapons. While acceptance has not been openly expressed, lack of full and unconditional support by the international community provides North Korea with a somewhat implied acceptance.

¹⁶¹ Brad Glosserman, “Living With a Nuclear North Korea,” *PacNet* 29A, (July 25, 2005), accessed July 1, 2015, <http://csis.org/publication/pacnet-29ab-july-25-2005-living-nuclear-north-korea>.

¹⁶² William Tobey, “Squaring the Nonproliferation Circle,” *The Journal of International Security Affairs* (2014): 49, accessed July 5, 2015, http://belfercenter.ksg.harvard.edu/files/tobey_squaring%20the%20nonproliferation%20circle.pdf.

¹⁶³ Natasha Schou, ed. *Country Report North Korea*, Rep. *Country Report North Korea*, Economist Intelligence Unit, 2015, accessed 2015, www.eiu.com. (Hardcopy of document provided as part of DSS 723 ‘Counter Proliferation’). Of North Korean exports (as of 2013) 71 percent go to China, and 76 percent of North Korean imports (as of 2013) came from China.

the impacts of nuclear weapons: the potential humanitarian consequences of a detonation; human and technical factors that could lead to use; and the norms and international law related to the humanitarian consequences.¹⁶⁴ Notable attendees of the conference were the United States, United Kingdom, Pakistan, India, and Japan. Noticeably absent were three of the five NPT nuclear states—Russia, China, and France—and two non-signatory states with known or suspected nuclear weapons—Israel and North Korea. The Austrian Government, which led the conference, crafted a pledge that would do the following: “promote the protection of civilians” (in relation to the threat posed by nuclear weapons); urge NPT parties to renew commitment to Article VI; nuclear weapons states to take measure to reduce the possibility of use; and finally, cooperate with all stakeholders to “stigmatise, prohibit and eliminate nuclear weapons.”¹⁶⁵ As of July 14, 2015, the International Campaign to Abolish Nuclear Weapons’ website claims those signing the pledge include 113 non-nuclear countries, and none of the states known to have nuclear weapons.¹⁶⁶ Though not legally binding, the Austria Pledge¹⁶⁷ only reemphasizes the parties to the NPT obligatory commitment to Article VI: “to pursue negotiations in good faith on effective measures” to stop the arms race and to disarm completely.¹⁶⁸ As one examines the list of pledge signatures further, the signature of one of the major advocates of the NPT and nuclear disarmament is

¹⁶⁴ Republic of Austria, Europe Integration Foreign Affairs Federal Ministry Republic of Austria “Vienna Conference on the Humanitarian Impact of Nuclear Weapons,” *Vienna Conference on the Humanitarian Impact of Nuclear Weapons*, , December 1, 2014, last modified December 1, 2014, accessed July 5, 2015, <http://www.bmeia.gv.at/en/european-foreign-policy/disarmament/weapons-of-mass-destruction/nuclear-weapons-and-nuclear-terrorism/vienna-conference-on-the-humanitarian-impact-of-nuclear-weapons/>.

¹⁶⁵ Republic of Austria, Europe Integration Foreign Affairs Federal Ministry Republic of Austria, “Pledge,” December 1, 2014, last modified December 1, 2014, accessed July 5, 2015, http://www.bmeia.gv.at/fileadmin/user_upload/zentrale/aussenpolitik/abruestung/hinw14/hinw14_austrian_pledge.pdf

¹⁶⁶ ICAN, “Humanitarian Pledge,” International Campaign to Abolish Nuclear Weapons, July 14, 2015, last modified July 14, 2015, accessed July 21, 2015, <http://www.icanw.org/pledge/>.

¹⁶⁷ The Austria Pledge is also known as the Austrian Document and Humanitarian Pledge

¹⁶⁸ Treaty on the Non-Proliferation of Nuclear Weapons.

missing Japan. In *The Japan Times*, an unnamed Japanese government official stated, “The time is not yet ripe for negotiating”, and the Japanese Foreign ministry says the Austrian Pledge “crosses a red line.”¹⁶⁹ However, The Japanese government did not specify exactly what it considered the “red line” to be. After one of the 2015 NPT review preparatory meetings in 2013, Japan’s Chief Cabinet Secretary told *The Japan Times*, Japan could not sign the pledge due to “the security environment in which the country [Japan] is placed.”¹⁷⁰ According to fellow conference delegates, Japan’s main concern was the “under any circumstances” clause relating to the affirmation that no one will use nuclear weapons again.¹⁷¹ This is despite the fact that every year Japan appeals to the United Nations General Assembly to eliminate nuclear weapons.¹⁷² These actions relating to the pledge are additional indications that Japan maybe distancing itself from its past patronage of the NPT and establishing a new norm in its nuclear policy. Japan still wants the United States’ nuclear umbrella and for the United States to have the flexibility to use nuclear weapons to protect Japan. Japan remains a nuclear threshold state, while indigenously adapting its nuclear policies. This pledge, if signed by the United States and Japan, would undermine the credibility of any United States nuclear deterrent; however, not affirming to or supporting the pledge weakens the legitimacy of the NPT. Failure to garner support for the pledge foreshadowed the failure of the follow-on NPT Review Conference in mid-2015.

¹⁶⁹ Kyodo, “Because of U.S. Nuclear Umbrella, Japan Not to Support Austrian Document Seeking Atomic Weapons Ban,” *The Japan Times*, March 13, 2015, sec. National / Politics, accessed August 3, 2015, <http://www.japantimes.co.jp/news/2015/03/13/national/politics-diplomacy/because-of-u-s-nuclear-umbrella-japan-not-to-support-austrian-document-seeking-atomic-weapons-ban/#.vmc1rm-fpiv>.

¹⁷⁰ “Japan Refuses to Back Statement Against A-Bombs,” *The Japan Times*, April 26, 2013, sec. National News, accessed June 30, 2015, <http://www.japantimes.co.jp/news/2013/04/26/national/japan-refuses-to-back-statement-against-a-bombs/#.va6etwgpcpo>.

¹⁷¹ Ibid.

¹⁷² Kyodo, “Because of U.S. Nuclear Umbrella”.

The most recent threat to the legitimacy and strength of the NPT was the 2015 NPT Review Conference. Since the treaty first went into effect in 1970, the review conference occurs every five years. Two of the last three reviews, 2005 and 2015, failed to produce an agreed final declaration. Harald Müller called the 2005 review failure “the biggest failure in the history of this Treaty.”¹⁷³ The 2005 review conference failed largely due to irreconcilable positions on procedural processes in attempting to force national interest items into the conference.¹⁷⁴ The United States was not providing the traditional leadership role. The United States delegation consisted of lower level government personnel, signaling a dismissive attitude toward the importance of the conference and treaty. Müller notes that the European Union filled the role as the conference leader. China was cozy with those countries with which it foresees future economic relations and dependencies. The conference ended with a weakened treaty and no final agreements made. This failed conference does not provide non-nuclear states and the non-signatory states any incentives either to disarm or not to pursue a weapons program. Müller cautions that in the next decade (2020s) the failure of this conference could spark the cascading proliferation feared in the early 1960s. He draws attention specifically to “alarmist statements from Key Japanese politicians.”¹⁷⁵

The 2010 review conference resulted in an agreed final document and an obligatory recommitment to Article VI. However, the conference concluded with China and the United States having not ratified the *Comprehensive Test Ban Treaty* and no real

¹⁷³ Harald Muller, *The 2005 NPT Review Conference Reasons and Consequences of Failure and Options for Repair*. Rep. *The 2005 NPT Review Conference Reasons and Consequences of Failure and Options for Repair*, Weapons of Mass Destruction Commission, August 1, 2005, accessed July 21, 2015, <http://www.blixassociates.com/wp-content/uploads/2011/03/no31.pdf>.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

progress toward arms reduction. A gap still exists in the overall commitment to the treaty's pillars. This conference may have received a boost from the 2008 *Wall Street Journal* commentary by George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, as well as from President Obama's 2009 Prague Speech, both supporting a "Global Zero" initiative. Nevertheless, this boost lasted for less than five years. The 2015 review reverted to the failed 2005 review and further weakened the NPT. Weapons of mass destruction and the development of a nuclear weapons free zone or weapons of mass destruction free zone in the Middle East was the center of the failure. This issue arose in both 2005 and 2010, and both times the conference delayed the issue or 'kicked it down the road'. In 2010, the conference agreed to convene a conference in 2012 addressing the weapons of mass destruction free zone in the Middle East.¹⁷⁶ The 2012 conference did not occur due to multiple issues, mainly the 'Arab Spring' and other issues like water and energy scarcity, economic hardships, and rising unemployment.¹⁷⁷ This issue carried over to the 2015 NPT review and caused a stalemate resulting in the failure of a second review in fifteen years. According to the *Canada Free Press*, the demands made by the Arab League made any consensus all but impossible.¹⁷⁸ National interests have now derailed a second NPT review over interests of the greater good that the treaty could provide.

¹⁷⁶ Jayantha Dhanapala, *Evaluating the 2010 NPT Review Conference*, United States Institute of Peace, 2010, 1-13, accessed July 10, 2015, [http://www.usip.org/sites/default/files/sr258 - evaluating the 2010 npt review conference.pdf](http://www.usip.org/sites/default/files/sr258%20-%20evaluating%20the%20npt%20review%20conference.pdf).

¹⁷⁷ Karim Kamel, "Saving the Middle East Weapons of Mass Destruction Free Zone Process," Web blog, *Arms Control And Regional Security for the Middle East*, April 21, 2015, accessed July 10, 2015, <http://middleeast-armscontrol.com/2015/04/21/saving-the-middle-east-weapons-of-mass-destruction-free-zone-process/>.

¹⁷⁸ Emily Landau and Shimon Stein, "2015 NPT RevCon: WMDFZ Conference Off The Table, for Now," *Canada Free Press*, June 3, 2015, accessed July 1, 2015, <http://canadafreepress.com/article/72534>.

The Third Image Reality

Japan has overtly hedged its survival on the international norming of the NPT. However, like the third image of Kenneth Waltz's *Man the State and War*, the NPT also provides for an avenue for anarchy to evolve.¹⁷⁹ Japan's hope is that its support of the NPT will draw more support among the international community, resulting in a stronger norm supported by an international system that will bring about global nuclear disarmament. However, as Waltz observes, "States do not enjoy even imperfect guarantee of their security unless they set out to provide it for themselves."¹⁸⁰ The Japanese newspaper *Mainichi* goes as far as to claim, "The treaty operates on the unfair premise that whoever possesses nuclear weapons gains the upper hand."¹⁸¹ The United States, Japan's closest ally, may be the biggest culprit to the failing NPT. Former US President Jimmy Carter wrote,

The United States is the major culprit in this erosion of the NPT. While claiming to be protecting the world from proliferation threats in Iraq, Libya, Iran and North Korea, American leaders not only have abandoned existing treaty restraints but also have asserted plans to test and develop new weapons, including anti-ballistic missiles, the earth-penetrating "bunker buster" and perhaps some new "small" bombs.¹⁸²

President Carter further noted a United Nations report that stated, "We are approaching a point at which the erosion of the non-proliferation regime could become irreversible and

¹⁷⁹ Waltz's third image discusses how the anarchic structure of the international system leads to conflict or war. A sovereign state relies on established rules of law to maintain a certain level of order via an established law enforcement body. In the international system the established rules of law have no enforcement mechanisms; allowing states to deviate from the norm without fear of severe repercussions. In this case, the will of one state can impose on the will of another state; resulting in anarchy or for Waltz, war or conflict. Failure of the NPT can result in a state or group of states pursuing their own will, will thus impose anarchy on the ardent proponents of the treaty.

¹⁸⁰ Kenneth N. Waltz, "The Third Image: International Conflict and International Anarchy," Essay. In *Man, the State and War: A Theoretical Analysis*, (Chichester, NY: Columbia University Press, 2001), 201.

¹⁸¹ Takao Yamada, "Japan Political Pulse: Rational Alternatives to the Nuclear Non-Proliferation Treaty," *The Mainichi: Japan Political Pulse*, The Mainichi Newspapers, January 24, 2015, accessed July 17, 2015, <http://mainichi.jp/english/english/perspectives/news/20150124p2a00m0na004000c.html>.

¹⁸² Jimmy Carter, "Saving Nonproliferation." *The Washington Post*, March 28, 2005, sec. A-World, A-17, accessed October 5, 2015, <http://www.washingtonpost.com/wp-dyn/articles/a5754-2005mar27.html>.

result in a cascade of proliferation."¹⁸³ With the breakdown of two of the last three NPT reviews and the lack of recommitment to disarmament, Japan is beginning forced by international anarchy to remilitarize—this time, with a nuclear weapon capability.

¹⁸³Ibid.

MORE THAN A LATENT NUCLEAR WEAPONS PROGRAM

Japan is one of the world's most innovative countries. Japan has had a civilian nuclear program since 1954, and has been reprocessing spent nuclear fuel for over thirty years.¹⁸⁴ That program has evolved and prior to the earthquake and tsunami in 2011, accounted for thirty percent of Japan's total energy production.¹⁸⁵ With Japan's experience, large civilian nuclear capability, ancillary weapons program capabilities, and evolving nuclear policies, Japan's latent nuclear weapons program could transform in a short timeframe.

The Forgotten Japanese Weapons Program

Japan experimented with atomic weapons during World War II. Under the direction of Japanese scientist, Yoshio Nishina the "*Ni-go*" Research program was established and development of an atomic bomb for Japan began under the Imperial Japanese Army. *Ni-Go* was the army's weapon program and completed for resources with the Imperial Japanese Navy's research program, "*F-go*".¹⁸⁶ Nuclear propulsion was ostensibly the Navy's research focus vice nuclear weapons. Yet, evidence exists that Japan's navy may have explored atomic weapons also.¹⁸⁷ Disrupted by Allied aerial bombing, the Japanese army program relocated the program from the main islands of

¹⁸⁴ Tatsujiro Suzuki, "Japan's Plutonium Breeder Reactor and Its Fuel Cycle," Essay. In *Fast Breeder Reactor Programs: History and Status*, 54. Research Report 8, (Princeton: International Panel on Fissile Materials, 2010), accessed October 9, 2015, <http://fissilematerials.org/library/rr08.pdf>.

¹⁸⁵ "Nuclear Power in Japan." World Nuclear Association.

¹⁸⁶ Open Source Center, "Asahi: Wartime Documents Shed Light on Japan's Secret Atomic Bomb Program," *Product ID: JPR2015062937567276*, (June 29, 2015), accessed October 15, 2015, <https://www.opensource.gov>.

¹⁸⁷ Lynette Singer, writer, "Japan's Atomic Bomb Part 1," In *Japan's Atomic Bomb*, Military History Channel, July 17, 2008, accessed October 13, 2015, <https://www.youtube.com/watch?v=4iE-0tRGjy8>.

Japan. Some reports speculate the program relocated to Hungnam (now part of North Korea) in order to produce heavy water.¹⁸⁸ Evidence of foreign support also exists. In the South China Sea, the Allies captured a Nazi submarine carrying 560 kilograms of uranium oxide.¹⁸⁹ The Ni-go program received heavy damage because of a bombing raid over Tokyo. After Japan's surrender, US forces discovered and destroyed the cyclotrons and dumped them in Tokyo Harbor. A captured Japanese intelligence officer provided reporter David Snell information on a successful atomic test.¹⁹⁰ Snell's informant indicated that the weapon was really a crude device. Japanese rushed to test a device after it learned that the Soviet Union had declared war on Japan only days before Japan's surrender.¹⁹¹

Three Studies and No Program—Yet

Since World War II, the Japanese have explored the nuclear option at least three times.¹⁹² The first study started in 1968 and concluded in 1970. This study, also referred to as *The 68/70 Internal Report*, occurred at the same time Japan was contemplating ratification of the *Nuclear Non-Proliferation Treaty* and learned of the Nixon Doctrine. *The 68/70 Internal Report*, a two-part study, studied the technical means, economic cost, and the political and diplomatic cost-benefit analysis of an indigenous nuclear weapons

¹⁸⁸ Steven Aftergood and Jonathan Garbose, "Japan's Nuclear Weapons Program," *FAS Weapons of Mass Destruction Around the World*, Federation of American Scientists, (June 1, 2012), last modified June 1, 2012, accessed September 20, 2015, <http://fas.org/nuke/guide/japan/nuke/>.

¹⁸⁹ Carter P. Hydrick, "Nazi Uranium for the Manhattan Project: 1945 WWII: U-Boat U-234 with U-235 Cargo," *You Tube*. Public Enquiry, July 7, 2013, last modified July 7, 2013, accessed October 13, 2015, <https://www.youtube.com/watch?v=pnlrmdfx8xw>.

¹⁹⁰ Singer, "Japan's Atomic Bomb Part 1."

¹⁹¹ Singer, "Japan's Atomic Bomb Part 1."; Eric Johnson, "Going Nuclear: How Close has Japan Come?" *The Japan Times*, May 10, 2014, accessed June 15, 2015, <http://www.japantimes.co.jp/news/2014/05/10/national/history/going-nuclear-close-japan-come/#.vh-fmwgpa5s>.

¹⁹² The 68/70 Internal Report and 1995 study were leaked to the Japanese press. While the 1981 study was part of a larger defense study conducted by the National Defense College.

program.¹⁹³ *The 68/70 Internal Report* concluded that nuclearization was only advisable if nuclear weapons could ensure Japan's security. By the late 1960s, the Japanese population had become more antimilitaristic and uninformed of strategic foreign policy. These factors affected the experts' conclusion. When Prime Minister Satō commissioned the report, Japan was reaping the rewards of the Yoshida Doctrine. Satō's true nuclear stance was questionable. In 1964, he addressed the Diet and said, "If the other fellow has nuclear weapons, it is only common sense to have them oneself. The Japanese public is not ready for this, but would have to be educated...nuclear weapons are less costly than is generally assumed, and the Japanese scientific and industrial level is fully up to producing them."¹⁹⁴ Then in 1967, Satō introduced the three non-nuclear principles, which the Diet later adopted in 1971. The Diet adopted the principles as national policy, not law. Satō described the principles as "nonsense" to US Ambassador Alexis Johnson during a 1969 meeting.¹⁹⁵

The authors of the report concluded a weapons program would overburden the technological and economic capabilities of Japan. The report also determined the diplomatic and strategic costs would reverse everything Japan had achieved under the

¹⁹³ Yuri Kase, "The Costs and Benefits of Japan's Nuclearization: An Insight into the 1968/70 Internal Report," *The Nonproliferation Review* 8, no. 2 (2001): 55–68, accessed October 14, 2015, <http://cns.miis.edu/npr/pdfs/82kase.pdf>.

¹⁹⁴ *Ibid.*, 59.

¹⁹⁵ Experts speculate that, PM Satō only developed the principles to appease President Johnson, and that Satō truly believed in the value of nuclear deterrence. It is noteworthy that Satō made this comment at the end of the Johnson administration (January 1969). "Peace Prize winner Sato called nonnuclear policy 'nonsense,'" *The Japan Times*, June 11, 2000, sec. National, accessed October 1, 2015, <http://www.japantimes.co.jp/news/2000/06/11/national/peace-prize-winner-sato-called-nonnuclear-policy-nonsense/#.vkywa2homp0>; Anthony DiFilippo, "Debates On the Purpose of the Alliance," Essay. In *The Challenges of the U.S.-Japan Military Arrangement: Competing Security Transitions in a Changing International Environment*, (Armonk, NY: M.E. Sharpe, 2002) accessed October 15, 2015. <https://books.google.com/books?id=jplbikitgzsc&pg=pa111&lpg=pa111&dq=sato+non+nuclear+principles+nonsense&source=bl&ots=aapi4foiu8&sig=ubasyn2jcdet3belftlzv8uby2a&hl=en&sa=x&ved=0cc4q6aewbgovchmi1sf83yxfyavijunch2joqae#v=onepage&q=sato%20non%20nuclear%20principles%20nonsense&f=false>; and Green and Furukawa. "New Ambitions, Old Obstacles."

Yoshida Doctrine. Japan should continue to rely on its soft power projection of economics and avoid any perception of moving away from pacifism.¹⁹⁶ In 1968, the United States had a huge military presence in East and South East Asia supporting the Vietnam War. Japan was comfortable with fully relying on the United States as the defender of Japan. The Ministry of Foreign Affairs of Japan stated, “For the time being we will maintain the policy of not possessing nuclear weapons.” “Keep the economic and technical potential for the production of nuclear weapons, while seeing to it that Japan will not be interfered with in this regard.”¹⁹⁷ “Technological deterrence” is Japan’s alternative to crossing the nuclear threshold. This “technological deterrence” is an uncomfortable variable in the calculus of any potential adversary of Japan.

In 1981, Japan revisited the nuclear option when it conducted a second study. This study focused on the technical capability of a nuclear weapons program and less on nuclear policy. Though the study concluded a nuclear weapons program would overly tax the industrial and technological means of Japan, a physics expert involved with the study stated, “Nuclear weapons could easily be made and at a low cost.”¹⁹⁸ If Japan would have pursued nuclear weapons at this time, the weapons would have been small and crude and Japan would have required assistance with the ancillary support systems. Japan would not need a sophisticated program by today’s standard; the Manhattan Project lacked the technical advances of today. “Little Boy”, the resulting bomb, was not as efficient as it was designed to be; nevertheless, it was effective enough to cause the

¹⁹⁶ Kase, 59.

¹⁹⁷ Norihiro Kato, “Ambiguities of Japan's Nuclear Policy,” *The New York Times*, April 14, 2014, International New York Times edition, accessed September 15, 2015, http://www.nytimes.com/2014/04/14/opinion/kato-ambiguities-of-japans-nuclear-policy.html?_r=0.

¹⁹⁸ “Nuclear Arsenal Deemed Infeasible In ’81,” *The Japan Times*, October 3, 2004, sec. National, accessed April 14, 2015, http://www.japantimes.co.jp/news/2004/10/03/national/nuclear-arsenal-deemed-infeasible-in-81/#article_history.

Japanese to consider surrendering. This study bolstered the Japanese leadership's drive to develop and maintain the technical capability to develop a weapons program. Former Prime Minister Yasuhiro Nakasone is one of the most outspoken advocates of a Japanese nuclear weapons program. Nakasone commissioned the 1970 internal report when he was the Director of the Japanese Defense Agency.¹⁹⁹ When Nakasone became prime minister he also benefited from the 1981 Report, which was produced a year before he became prime minister. Nakasone advocated for "small-sized nuclear weapons" used in a defensive manner and during emergencies.²⁰⁰ "Defensive nuclear weapons" is how Japan has referred to any potential nuclear weapon arsenal. Despite the report's negative conclusion, the report has indirectly helped to reinforce Japan's decision to maintain a latent capability by increasing the nation's civilian nuclear program.

The third known study occurred in 1995; this report focused more on the policy aspect of a Japanese nuclear weapons program. This study followed the dissolution of the Soviet Union and just after the Cold War ended. With the Soviet Union collapsed, the world approached an era of multi-polarism. Closer to Japan, North Korea had threatened to leave the NPT in 1993. Japan approached these major changes in geopolitics by studying the nuclear option. In 1995, when Japan secretly published this study, there were five recognized nuclear weapon states, and at least seven additional confirmed or suspected states. Two of the suspected countries that had started a program but abandoned their pursuit included Taiwan and South Korea, neighbors of Japan. These global changes caused Japan to reevaluate the nuclear option for a third time.

¹⁹⁹ Solingen, 69.

²⁰⁰ James R. Holmes and Toshi Yoshihara, "Thinking About the Unthinkable: Tokyo's Nuclear Option," Essay. In *Strategy In The Second Nuclear Age Power, Ambition, and the Ultimate Weapon*, (Washington, D.C.: Georgetown University Press, 2012), 124.

Even though the 1995 study recommended that Japan maintain its non-nuclear policy, the study did provide some positive reasons Japan should pursue a nuclear weapons program. The study highlights that nuclear weapons have two purposes: deter and destroy.²⁰¹ This alluded to the fact that Japan's Self-Defense Forces may be capable of destruction on a limited scale, the defense forces have no capability to deter any Japan's potential adversaries. With the questionable role of the US in the post-Cold War period, Japan indicated it was not confident in the United States' security commitment. The 1995 Report specifically states, "At present, it is not clear whether we [Japan] could rely on the same extended deterrence as during the Cold War period from the United States."²⁰² The report addressed the fact that during the Cold War tactical nuclear weapons could "compensate" for an inferior conventional force facing a nuclear power. While addressing tactical nuclear weapons, the experts foreshadowed current events between China and Japan in dealing with the Senkaku / Diaoyu Islands. This issue is occurring currently; and Shintaro Ishihara, leader of *Nippon Ishin No Kai* (Japan Restoration Party) stated, "Without a strong military deterrence, Japan has no diplomatic say."²⁰³ In addition to Ishihara's comments in the *Yomiuri* article, Osaka's Mayor Toru Hashimoto indicated the non-nuclear principles need reviewing. Without nuclear weapons and an inferior military force, Japan cannot deter Chinese encroachment on Japanese sovereign territory. This becomes more complicated when the United States, Japan's security umbrella, has strong economic ties with China, which controls a large

²⁰¹ Japan Defense Agency, "Proliferation of Weapons of Mass Destruction. Proliferation of Weapons of Mass Destruction," (Unauthorized Translation), Tokyo: Japan Defense Agency, 1995, accessed October 1, 2015. <http://www.ucsusa.org/sites/default/files/legacy/assets/documents/nwgs/1995jdastudy.pdf>.

²⁰² Ibid.

²⁰³ Open Source Center, "Yomiuri: Shintaro Ishihara Supports Nuclear Arms to Increase Japan's Influence," *Product ID: JPP20121122164001*, (November 21, 2012), accessed October 15, 2015, <https://www.opensource.gov>.

portion of United States' debt. Additionally the report addressed the issues with the NPT, many previously been addressed earlier in this thesis. The authors were unambiguous in their dissatisfaction in the progress of the NPT: "It is clear that the existing international measures to prevent proliferation of nuclear weapons have not by any measure been very successful."²⁰⁴ The Japanese Defense Agency displayed its displeasure with the United States security commitment stating, "However much Japan increases the amount of money provided through HNS [Host Nation Support], it cannot alleviate the unilateral nature, which is the essence of the treaty [Mutual Security Treaty]."

While there are counter opinions on nuclear proliferation in Japan, there are views that proliferation could equal more security for Japan. The 1995 Report examined two cases, "having the deterrent of mutual destruction as counter value (city) force" and "as a measure to compensate for inferiority in conventional weapons."²⁰⁵ The latter assumed to address the rising Chinese threat. The former case articulated that proliferation has provided Israel, India, Pakistan, and North Korea some level of state or regime security. Additionally it alluded to an additional fact; Japan has learned that the global community will learn to live with or deal with a new nuclear weapon state as the community has generally accepted Israel, India, Pakistan, and North Korea.²⁰⁶ This leads to the question: if nuclear weapons have worked for these four and the world essentially accepted these nuclear weapons programs, why not Japan. In the early 2000s Liberal Democratic Party

²⁰⁴ Japan Defense Agency, "Proliferation of Weapons of Mass Destruction"

²⁰⁵ Ibid.

²⁰⁶ Barnaby, Frank, and Shaun Burnie. *Thinking the Unthinkable: Japanese Nuclear Power and Proliferation in East Asia*. Working paper. *Thinking the Unthinkable: Japanese Nuclear Power and Proliferation in East Asia*. Oxford Research Group and Citizens' Nuclear Information Center, August 1, 2005, 11, accessed October 1, 2015, <http://www.oxfordresearchgroup.org.uk/sites/default/files/japanreport.pdf>.

policy chief, Shōichi Nakagawa stated, “[Nuclear weapons will] lower or eliminate [the] possibility of attack or give Japan an option to strike back.”²⁰⁷

All three reports reached similar conclusions: Japan had the means to pursue a weapons program, but should remain non–nuclear. Nevertheless, Japanese politicians continued to advocate indirectly for a hedging strategy. Japan should retain a credible capability to produce a nuclear weapon. Nuclear hedging is not a direct national security strategy for Japan; it uses the latent capability indirectly. Japan does not hide its base nuclear capabilities, thus leaving something to chance when contemplated by a potential adversary. Various Japanese Prime Ministers from Prime Minister Kishi to Prime Minister Abe have declared that the Japanese Constitution does not limit Japan’s ability to develop nuclear weapons.²⁰⁸

The Physical Means to Go Nuclear

Japan is the only non–nuclear weapons state and signatory of the NPT with an advanced nuclear fuel cycle.²⁰⁹ Japan’s has the capability to enrich uranium and reprocess plutonium, both to weapons grade. Maintaining a virtual nuclear weapons program provides Japan with a degree of leverage. As the *Yomiuri* newspaper stated, “this [use of plutonium] also functions diplomatically as a potential nuclear deterrent.”²¹⁰

²⁰⁷ “Nuclear Logic Fails,” *The Japan Times*, October 19, 2006, sec. Editorials, accessed October 1, 2015, <http://www.japantimes.co.jp/opinion/2006/10/19/editorials/nuclear-logic-fails/#.vKx50whompo>.

²⁰⁸ Emma Chanlett-Avery and Mary Beth Nikitin, *Japan’s Nuclear Future: Policy Debate, Prospects, and U.S. Interests*, Rep. *Japan’s Nuclear Future: Policy Debate, Prospects, and U.S. Interests* (Washington, D.C.: Congressional Research Service, 2009), accessed April 10, 2015, <https://www.fas.org/sgp/crs/nuke/rl34487.pdf>.

²⁰⁹ Open Source Center, “Japan: Centrifuge-Based Uranium Enrichment Program,” *Product ID: JPP20060112362001*, (January 12, 2006), accessed October 15, 2015, <https://www.opensource.gov>.

²¹⁰ Chester Dawson, “In Japan, Provocative Case for Staying Nuclear,” *The Wall Street Journal*, October 28, 2011, accessed September 15, 2015, <http://www.wsj.com/articles/sb10001424052970203658804576638392537430156>.

Japan has the material and means to produce a nuclear device and has been building this capability for almost forty years. Estimates of the time Japan would need from six months—to—one year to assemble a crude nuclear device range, three—to—five years for a sophisticated nuclear warhead.²¹¹ Since the 1970s, Japan has advanced its civilian nuclear program, developed ancillary systems for a weapons program, and revised old restrictive policies; giving Japan the ability to pursue nuclear weapons when desired.

Since 1954, Japan has had a civilian nuclear research program. After the 1970 Mid–East Oil Crisis, Japan began to invest more heavily in its civilian nuclear power program in order to decrease Japan’s dependency on foreign energy sources. Since then Japan has become the world’s leader in nuclear research and development.²¹² Japan has 43 civilian nuclear power plants of various operational types and two under construction post–Fukushima.²¹³ Japan also has over 30 commercial and research nuclear facilities. These plants have provided Japan with more than enough fissile material, the most essential and often most difficult to obtain piece of a nuclear weapons program, fissile material.

²¹¹ Aftergood and Garbose. "Japan's Nuclear Weapons Program."; Barnaby, and Burnie. "Thinking the Unthinkable"; Jeffrey Lewis, "If Japan Wanted to Build a Nuclear Bomb It'd Be Awesome at It," *Foreign Policy*, June 26, 2014, accessed September 30, 2015, <http://foreignpolicy.com/2014/06/26/if-japan-wanted-to-build-a-nuclear-bomb-itd-be-awesome-at-it/>; "Nuclear Arms Card For Japan," *The Japan Times*, April 29, 2013, sec. Commentary, accessed November 13, 2015, <http://www.japantimes.co.jp/opinion/2013/04/29/commentary/japan-commentary/nuclear-arms-card-for-japan/#.vKx8j2homp0>; "Translation of the Sankei Article on the Japanese Nuclear Industry," *Robot Economist*. (Web blog), December 27, 2006, accessed October 1, 2015, <http://roboteconomist.blogspot.com/search/label/nuclear%20weapons>; Robert Windrem, "Japan has Nuclear 'Bomb in the Basement,' and China Isn't Happy," *Storyline Fukushima Anniversary*, NBC News Digital, March 11, 2014, last modified March 11, 2014, accessed November 13, 2015, <http://www.nbcnews.com/storyline/fukushima-anniversary/japan-has-nuclear-bomb-basement-china-isnt-happy-n48976>.

²¹² "Japan's Nuclear Fuel Cycle," *Country Profiles G-N*, World Nuclear Association, July 2015, last modified July 2015, accessed October 1, 2015, <http://www.world-nuclear.org/info/country-profiles/countries-g-n/japan--nuclear-fuel-cycle/>.

²¹³ International Atomic Energy Agency, *IAEA Annual Report 2014*, Rep. *IAEA Annual Report 2014*, (Vienna, Austria: IAEA, 2014), 147, accessed October 2, 2015. https://www.iaea.org/sites/default/files/gc59-7_en.pdf; and "Nuclear Power in Japan." World Nuclear Association.

The first challenge to Japan's fuel cycle is that there are no naturally occurring uranium deposits in Japan. Since Japan owns ten percent of the world's 502 metric tons of plutonium and is developing an increased capability to reprocess, uranium has become increasingly critical to ensuring Japan's closed fuel cycle. Japan's uranium fuel cycle consumes over 7,000 tons of uranium annually, thirteen percent of the world's demand.²¹⁴ In the last ten years, Japan has begun to invest in uranium mining ventures and corporations to overcome this challenge. Japan has focused on three primary countries, Canada, Australia, and Kazakhstan. In 2007, Marubeni and Tepeo of Japan purchased 40 percent of the Kazak mine Kharasan, roughly 2,000 tons of uranium a year.²¹⁵ In 2008, a joint Japanese and Australian venture between Mitsui and Uranium One resulted in Japanese owning 49 percent of the project. One year later, three companies from Japan purchased twenty percent of the Honeymoon Mine, giving Japan controlling interest of the mining project with 59 percent ownership.²¹⁶ With resources secured, Japan has been able to secure the future of its advanced nuclear fuel cycle.

In an effort to relieve Japan of its dependency on foreign energy sources, Japan is developing a closed fuel cycle, relying on plutonium reprocessing. A plutonium fuel cycle reprocesses plutonium up to 60–70 percent fissionable plutonium–239 and plutonium–241; weapons grade plutonium is reprocessed to 90 percent. Japan has developed an advanced nuclear power program; and continues to develop facilities that are more advanced. The reprocessing plant at Rokkasho, scheduled to come online in 2016, will be the first fast breeder reprocessing plant outside an NPT declared nuclear–weapons state. Once complete, the Rokkasho reprocessing plant will reprocess

²¹⁴ Thompson and Self, 150.

²¹⁵ "Japan's Nuclear Fuel Cycle." World Nuclear Association.

²¹⁶ Ibid.

plutonium at a rate of four to eight tons of fissile plutonium annually, more than Japan can consume.²¹⁷ Four to eight tons per year will add to Japan's 10.8 tons of domestically stored plutonium, increasing Japan's 44.3 metric tons of separated plutonium.²¹⁸ In the Nuclear Threat Initiative's 2014 *Materials Security Index*, Japan ranks thirteenth (out of 25) overall security index, tied for 22nd with India and Pakistan for quantities and sites.²¹⁹ Japan's stockpile represents ten percent of the world's plutonium stocks; exceeded the US's 38 declared tons of plutonium; and is enough plutonium to produce over 5,000 nuclear weapons.

Japan also has an advanced uranium enrichment capability, though with the large plutonium stockpile this capability is almost insignificant. However, Japan initiated an enrichment plant at Rokkasho in 1997, with indigenous technology, later upgraded with Russian centrifuge technology.²²⁰ Uranium enrichment not only assists with completing Japan's closed fuel cycle, it also provides Japan with a second path to nuclear weapons.

These two fuel cycles give Japan clear and credible pathways to nuclear weapons. Japan's weapons capability has always maintained a level of ambiguity. When the Japanese government makes the decision to pursue a weapons program, Japan's has an incredible head start in producing a nuclear device. Until Japan makes that decision, Japan's latent nuclear capability looms large among Japan's regional neighbors.

²¹⁷ 8tons stated in: Global Security Newswire Staff, "Japan Defends Retaining Large Stockpile of Plutonium," *National Journal*, March 26, 2014, accessed October 1, 2015, [http://www.nationaljournal.com/defense/2014/03/26/japan-defends-retaining-large-stockpile-plutonium?q=none&a=&t=nuclear%20materials%20production,%20consolidation,%20elimination&c=none&s=none&e=none](http://www.nationaljournal.com/defense/2014/03/26/japan-defends-retaining-large-stockpile-plutonium?q=none&a=&t=nuclear%20materials%20production,%20consolidation,%20elimination&c=none&s=none&e=none;); and 4tons stated in: "Japan's Nuclear Fuel Cycle." World Nuclear Association.

²¹⁸ "Japan's Nuclear Fuel Cycle." World Nuclear Association. As of 2013 report, 10.8 tons of which 7.3 tons is classified as fissile.; and 44.3 tons as of 2012 in Nuclear Threat Initiative, "Japan: Nuclear," *Country Profiles*, NTI, November 2015, last modified November 2015, accessed November 13, 2015, <http://www.nti.org/country-profiles/japan/nuclear/>.

²¹⁹ Nuclear Treat Initiative, *NTI Nuclear Materials Security Index: Building a Framework for Assurance, Accountability, and Action*, 2nd ed. (Washington, D.C.: NTI, 2014), 17-21, 124.

²²⁰ "Japan's Nuclear Fuel Cycle." World Nuclear Association.

Japanese Technical and Delivery Means

The Japanese Ministry of Foreign Affairs and other individual members of the Government of Japan have indicated Japan will maintain a capability to pursue nuclear weapons when and if it chooses. During the 1960s, a Ministry of Foreign Affairs document established Japan's nuclear hedge policy, "Keep the economic and technical potential for the production of nuclear weapons, while seeing to it that Japan will not be interfered with in this regard."²²¹ Forty-six years later, Japan maintains the technological means not only to develop a weapon but also the means to deliver it.

Japan has the technological means to develop a weapons program and a delivery method. Japan has a large number of university graduates but relies heavily on Japanese business firms for innovation in research and development. Japan spent 2.7 percent of 2012's GDP on innovation.²²² This is partly because of the separation Japan maintains between the defense agency and civilian academia. Policies like the Japanese Atomic Energy Law—restrictions against defense applications of atomic energy—create a divide, wherein the Ministry of Defense cannot be directly included in atomic innovations. This divide is closing with amendments of various policies including the Atomic Energy Law. Previously restricted applications can now support national security concerns, opening an avenue for military cooperation.

In 2004, The United Nations conducted the dismantlement of Libya's enrichment program. While the United Nations Team was inspecting and inventorying Libya's

²²¹ Kato, "Ambiguities of Japan's Nuclear Policy."

²²² Organisation for Economic Co-operation and Development, "STI Country Profiles: Japan," Essay. In *OECD Science, Technology and Industry Outlook 2014*, (Paris: OECD, 2014), 360–363, accessed December 2, 2015, http://www.keepeek.com/digital-asset-management/oecd/science-and-technology/oecd-science-technology-and-industry-outlook-2014/japan_sti_outlook-2014-59-en#page1.

equipment, the team discovered the Japanese were assisting Libya since 1984.²²³ The dismantlement team also found among the enrichment equipment precision instruments made in Japan. The instruments found in Libya “measure size and three-dimensional shapes. These [instruments] are used for high-precision machinery parts”, like centrifuges.²²⁴ Centrifuges for enriching uranium require an extraordinary degree of precision. These tools are an example of Japan’s computer and technical capabilities. If Japan has the domestic capability to produce highly precision tools, developing the ancillary support equipment and systems for a nuclear weapons program would be not insurmountable.

Japan also has engaged in the supercomputer race. Supercomputers have the capability to process complex scientific equations or problems that would take humans weeks to work through. Since 1992, the last year the United States tested a nuclear weapon, supercomputers “test” or simulate model detonations of the United States’ nuclear weapons. The world’s current top-ten supercomputers have an operating capacity measured in teraflops or trillion floating-point operations per second.²²⁵ Many developed countries (including the US, China, and Japan) in the world are racing to be the first country to achieve exaflop computing capacity. An exaflop is one quintillion (1,000,000,000,000,000,000) calculations per second. As of 2015, Japan’s largest supercomputer currently ranks fourth in the world, behind one Chinese supercomputer

²²³ Christine B Wing and Fiona Simpson, “Libya Dismantles.” Essay. In *Detect, Dismantle, and Disarm: IAEA Verification, 1992-2005*, (Washington, D.C.: United States Institute of Peace Press, 2013), 108.

²²⁴ Open Source Center, “Japanese-Made Precision Instruments Found At Nuclear Facility in Libya,” *Product ID: JPP20040910000043*, (September 10, 2004), accessed October 15, 2015, <https://www.opensource.gov>.

²²⁵ “June 2015 List,” *Top 500 The List*, Top500.org, June 2015, last modified June 2015, accessed October 26, 2015, <http://www.top500.org/lists/2015/06/>.

and two US supercomputers, respectively.²²⁶ Japan has given the Fujitsu Corporation the mandate for developing a supercomputer to regain the “top-spot” in supercomputer technology, one exaflop is the target capability.²²⁷ Japan’s new supercomputer or even its predecessor easily has the capability to expedite Japan’s nuclear weapons production timeline. The supercomputers would also provide Japan the ability to leap beyond a crude, first, production prototype. The computer would assist Japanese scientists in avoiding the design hurdles United States scientist experienced in the early days of the United States’ nuclear weapons program. Export restrictions on high-speed computer processors in the United States and China have forced Japan to develop a domestic computer component-manufacturing infrastructure. These capabilities further highlight Japan’s advanced capabilities in science.

Japan also possesses advanced missile technology within their civilian space program that if modified could deliver a nuclear warhead. Japan has at least two missiles (M-5 and H-2) that most literature has determined, if modified, could carry a nuclear payload. The fifteen-year old M-5 similar to the United States’ MX Peacekeeper Missile has a 1.8-ton payload capacity and has solid fuel.²²⁸ The H-2 has a payload capacity of two tons. However, the drawback to the H-2 is its reliance on liquid fuel.²²⁹ Additionally in 2008, Japan amended the Basic Space Law. This amendment included a clause to include Japan’s national security, which could provide the Ministry of Defense

²²⁶ Ibid.

²²⁷ Tim Hornyak, “Fujitsu to Design Japanese Exascale Supercomputer,” *PC World*, October 1, 2014, accessed November 13, 2015, <http://www.pcworld.com/article/2690212/fujitsu-to-design-japanese-exascale-supercomputer.html>.

²²⁸ Nuclear Threat Initiative, “Japan: Missile,” *Country Profiles*, NTI, November 2014, last modified November 2014, accessed September 1, 2015, <http://www.nti.org/country-profiles/japan/delivery-systems/>; and Thompson and Self, 114.

²²⁹ NTI, “Japan: Missile.”

the ability to develop ballistic missile technology.²³⁰ If the Japanese could modify these missiles or combine the two designs into a solid-fueled, three-stage, missile with a comparable payload, Japan could deliver a warhead globally.

Japan was the fourth country to launch a satellite successfully with a solid-fueled, three-stage rocket.²³¹ Since 1970, Japan has continued to improve upon its rocket technology. Japan has developed intelligence satellites and successfully launched them. In an effort to further advance missile and guidance technology, Japan developed a program with the goal of landing a satellite on an asteroid and return it to Earth. In 2010, the *Hayabusa* satellite successfully launched, landed on the asteroid, and returned to Earth.²³² This test validated Japan's guidance technology. On November 24, 2015, Japan successfully launched its 28th H2A rocket, rocketing a Canadian satellite into orbit. This was the 29th launch of the H2A, an upgraded two-staged rocket capable of reaching altitudes between 300 and 36,000 kilometers.²³³ The technology used in these missiles and satellites, are essentially the same technology that is required for an intercontinental ballistic missile with a targetable reentry vehicle; the US calls this system the Minuteman II.

Japan also has three other delivery methods it could pursue. First, it could deliver nuclear weapons by airplanes like traditional bombs. Japan would have to develop specific arming, fusing and firing systems within the bomb to ensure the weapon detonated at the desired time and altitude. The Japanese is replacing the Japanese Air

²³⁰ Akira Ozeki and Seiji Tanaka, "National Security' Amendment to Nuclear Law Raises Fears of Military Use," *The Asahi Shimbun*, June 21, 2012, accessed September 1, 2015, <http://ajw.asahi.com/article/0311disaster/fukushima/aj201206210061>.; and NTI, "Japan: Missile."

²³¹ Thompson and Self, 172.

²³² Dawson, "In Japan, Provocative Case".

²³³ "Japan's 1st Commercial Satellite Launch With H2A No. 29 Successful," *The Japan News*, The Yomiuri Shimbun, November 24, 2015, accessed November 24, 2015, <http://the-japan-news.com/news/article/0002584098>.

Self-Defense Forces' aging fighter jets with the F-35, a dual-capable aircraft of the United States and NATO. Besides being a dual-capable aircraft, the F-35 has stealth capabilities. Under Prime Minister Koizumi, Japan's defense won Diet approval to upgrade Japan's long-range strike capability including, strike aircraft, air fuel tankers, missile defense, and AEGIS class cruisers. This could provide Japan with an initial delivery system until it could develop additional delivery methods.

Second, Japan could pursue cruise missile technology. In the early 1990s, the United States decided to remove nuclear tipped cruise missiles (TLAM/N) from naval ships. Japan viewed this weapon system as its first-line weapon under the US Nuclear Umbrella.²³⁴ Recently Japan has demonstrated interest in developing cruise missile technology.²³⁵ A TLAM/N-like missile would provide Japan an intermediate delivery system until the country could develop a nuclear dyad or triad.

Third, Japan could pursue a "sea-leg" of a future system for delivering nuclear weapons. In the 2016 Japanese Defense Budget, the Ministry of Defense has requested funding for amphibious and surface ships. This is an indication that Japan is beginning to develop its naval power, in opposition to regional threats. The next logical step to develop Japan's naval power further is to develop its submarine capabilities. Japan would not have to build its own submarines. Japan could easily purchase a French nuclear submarine for \$13 billion, well within Japan's economic means.²³⁶ By the time Japan either purchased or built a nuclear submarine, the world would already know Japan has nuclear weapons.

²³⁴ Murdock, 50.

²³⁵ Thompson and Self, 175.

²³⁶ "Nuclear Weapons Program," *Weapons of Mass Destruction (WMD)*, GlobalSecurity.org, July 15, 2014, last modified July 15, 2014, accessed November 13, 2015. <http://www.globalsecurity.org/wmd/world/japan/nuke.htm>.

Nuclear Material Diversion

Japan has one of the world's largest and most advanced civilian nuclear power programs; this increases its ability to divert nuclear material in order to develop a nuclear weapon. This idea or theory is not entirely hypothetical. Between 2012 and 2013, Japan failed to report 640 kilograms of plutonium, enough to produce about 80 nuclear weapons.²³⁷ Japan has over 36,000 kilograms of plutonium. 640 kilograms is only 1.7 percent of the total, and eight kilograms—enough to produce a single warhead—is only 0.00022 percent of Japan's total plutonium stockpile. As discussed earlier in this chapter, experts estimate it will take between 180 days to three years to produce an advanced nuclear weapon. As the Japanese investigated this incident, investigators determined the lack of accountability resulted from a “clerical mistake”.²³⁸ Despite the policies and processes highlighted by the Japan Atomic Energy Commission to the Royal Society Workshop in 2010, 80 weapons worth of nuclear material evaded IAEA scrutiny for over two years.²³⁹

When the Japanese Government determines its national security is existentially threatened, Japan's latent nuclear weapons program could transform in a short time. Japan maintains a technological capability to develop a nuclear weapons program quickly. This program would initially be crude; however, it would only take a couple of years to develop an advanced nuclear weapons program.

²³⁷ “Japan Failed to Report 640 Kg of Nuclear Fuel to IAEA,” *The Japan Times*, June 8, 2014, sec. National, accessed October 10, 2015, <http://www.japantimes.co.jp/news/2014/06/07/national/japan-failed-to-report-640-kg-of-nuclear-fuel-to-iaea/#.vkysb2hompo>. The 80 nuclear weapons are based on using about 8Kg of plutonium per weapon.

²³⁸ Lewis, “If Japan Wanted to Build a Nuclear Bomb.”

²³⁹ Tatsujiro Suzuki, “Current and Future Prospects of Japan's Nuclear Fuel Cycle Policies: Issues and Challenges,” Japan Atomic Energy Commission, June 2010, last modified June 2010, accessed October 9, 2015, 17-19, <http://www.aec.go.jp/jicst/nc/about/kettei/100610.pdf>.

AGAINST ALL EXPECTATIONS

After suffering from the world's only two hostile atomic detonations, the long-standing lay expectation has been that Japan will never develop an indigenous nuclear weapons program. However, when a nation's security is threatened, its survival can force shifts in established policies. Japanese policies or laws combined with international norms, the United States alliance, and globalization make up the broad groups of arguments against Japan developing a nuclear weapon. Most experts point to Japan's own policies and laws in combination with international norms are the reasons Japan will remain non-nuclear. From the Japanese Constitution to established policies, Japan appears steadfast in its anti-nuclear weapons stance. However, governments pass and repeal laws and change their constitutions.

Reinterpreting Japanese Law

Japan's first law concerning nuclear was the Atomic Energy Basic Law (1955).

The basic policy of this law is defined as:

Article 2 (Basic Policy), "The research, development and utilization of nuclear energy shall be limited to peaceful purposes, shall aim at ensuring safety, and shall be performed independently under democratic administration, and the results obtained shall be made public so as to actively contribute to international cooperation."²⁴⁰

However, in June 2012, the Diet enacted the Nuclear Regulation Authority, which also changed the wording of the 1955 Atomic Energy Basic Law. The 2012 act added, "to

²⁴⁰ "Atomic Energy Basic Act; Act No. 186 of December 19, 1955," *Japanese Law Translation Database System*, March 31, 2010, accessed November 23, 2015, <http://www.japaneselawtranslation.go.jp/law/detail/?printID=&ky=aim&page=38&re=02&vm=02&id=2233&lvm=02>.

contribute to national security of this country [Japan]” to Article 2 (Basic Policy).²⁴¹ The Japanese Government further explained this addition focuses on protecting “nuclear material and facilities”, but still raises the possibility and provides the avenue for the government to initiate a clandestine program.²⁴²

The change to the 1955 Atomic Energy Basic Law is not the only major shift in Japan’s laws addressing national security. In September 2015, the Diet passed two laws addressing national security issues. One law amended ten existing security laws relating to restrictions on the Self-Defense Force (Japan’s military), including revised interpretation of Article 9 of the Japanese Constitution—restriction on collective self-defense. The second law, a permanent law, allows for the deployment of the Self-Defense Force to provide logistic support to United Nations military operations. Passing a law to reinterpret the Constitution is more feasible than seeking a constitutional amendment. Additional laws of this nature could make Article 9 toothless, opening the door further to additional remilitarization. This method of skirting constitutional change by the Abe Government will lead, over time, to the general acceptance of a “new Japan”, one with more state power.

The Japanese Constitution also provides a legal bases forcing Japan to observe all treaties it is a signatory. Article 98 of the Japanese Constitution (Appendix A) states, “This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity. The treaties concluded by Japan and established laws

²⁴¹ Hideyuki Ban, “Review of the Japan Atomic Energy Commission,” Citizens’ Nuclear Information Center, 2013, last modified 2013, accessed November 23, 2015.
http://www.cnlic.jp/english/newsletter/nit152/nit152articles/01_jaec.html.

²⁴² Ibid.

of nations shall be faithfully observed.”²⁴³ This means that the Constitution is the law of Japan; however, Japan must also fulfill all of its treaty obligations too. As such, the NPT becomes a critical document for Japan to observe. The NPT is the “legal document” that prevents Japan from pursuing a nuclear weapons program. On the other hand, this same document is the basis for all signatories to also remain non–nuclear and disarm. Article VI of the NPT states, “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”²⁴⁴ Since becoming a party to the treaty in 1976, Japan has been one of the treaty’s staunchest supporters. Nevertheless, in the last couple of decades, Japan has witnessed the failure of multiple NPT Review Conferences and the continuous failure of Article VI.²⁴⁵ North Korea has also shaken Japan’s confidence in the NPT. North Korea was a signatory to the NPT then in 1994, invoked Article X, the withdraw article. Initially on the 89th day, North Korea “suspended” its notice of intent to withdraw, only to abruptly withdraw in 2003. North Korea is the recipient of economically punishing unilateral and multilateral sanctions over its proliferation policies. To date, North Korea remains a threatening nuclear weapon state, a nation with increased regional influence, and a model for other nations like Iran who wish to challenge the NPT and other international norms. The Kim Family also remains firmly in control of the country. India, Pakistan, and Israel, though not NPT

²⁴³ Japan. The Prime Minister and His Cabinet.

²⁴⁴ Treaty on the Non-Proliferation of Nuclear Weapons.

²⁴⁵ Review Conferences that produce no consensus document are largely considered failures. As of November 23, 2015, there are still eight states (five signers, one NPT withdraw, and two non-NPT signers) with confirmed nuclear weapons and one nation suspected. The only state that has fully developed nuclear weapons and then totally disarmed is South Africa.

signatories, are examples of states that have challenged the international norm and remained influential in their region.

Throughout the United Nations Charter, there are repeated references to self-determination and self-defense. The Government of Japan, obligated by Article 98 of its Constitution, is now using treaties Japan is party to, to reinterpret the Japanese Constitution. The key treaty to this reinterpretation is, Article 51 of the United Nations Charter, which provides nations with the ability to exercise self-defense and collective self-defense. This article provides the government with a solid argument for expanding the capabilities of the Japanese Self-Defense Force. This article could also support previous Japanese Prime Ministers' and senior Japanese Government Officials' calls for "defensive nuclear weapons." Additionally, if the United Nations would protest to a Japanese effort to nuclearize, Japan could simply invoke its NPT right of withdrawal. Nowhere in the NPT are there punitive measures for non-signatories or signatories who withdraw and develop nuclear weapons. Japan—if it was determined that extraordinary events threatening Japan's national sovereignty existed—could withdraw from the treaty and develop nuclear weapons. The main difference between Japan and North Korea would be, Japan should never declare for whom the nuclear weapons are deterring, or threaten any country with their use. This way, though decoupling from the NPT, Japan would remain within the intent of the Charter of the United Nations.²⁴⁶ Tadae Takubo, a professor of policy at Kyorin University, stated, "For a nation to entirely forsake nuclear weapons is like taking part in a boxing match and promising not to throw hooks."²⁴⁷

²⁴⁶ Treaty on the Non-Proliferation of Nuclear Weapons.

²⁴⁷ The Washington Times, "Japan Rethinks Nuclear Taboo," *Washington Times*, Washington Times, LLC, August 14, 2013, accessed December 4, 2015, <http://www.washingtontimes.com/news/2003/aug/14/20030814-081336-9403r/?page=all>.

The Strong Hold of Globalization

As compared to the Shogunate period, Japan is a wide-opened society. Just as the industrial revolution took hold of Japan during the Meiji Period, globalization has controlled Japan during the late twentieth century and into the twenty-first century. Japan faces more foreign policy and global issues than it ever did in its past. Japan's economic dominance in the region and in the world has guided its foreign policy. Now globalization and regional balance is beginning to guide more than economic policy. If Japan continues with remilitarization to the point of developing nuclear weapons, does Japan have to face geopolitical isolation?

Proliferation trends indicate that Japan may be too valuable of an ally and economic power for the international community to attempt to isolate it in the way it has isolated North Korea. North Korea was threatening South Korea, Japan, and the United States long before it withdrew from the NPT or detonated the first North Korean nuclear device. Despite territorial disputes with China, Russia, and South Korea, Japan has made no threats nor taken threatening actions toward any of these countries. In fact, Japan has decent diplomatic relations with Russia, with who Japan is still formally at war. Nuclearization for Japan does not have to equal geopolitical isolation.

Examples of nuclearization without isolation like India and Pakistan maybe the model. When these two countries detonated their nuclear weapons, the repercussions were light and short. Both of these countries have proven to be invaluable in United States' foreign policy. Twice Pakistan exemplified its critical geopolitical position. First, when the Soviets invaded Afghanistan—Pakistan was well on path to a nuclear weapon—Pakistan was a critical partner and staging base for the United States. Then,

post–September 11, 2001, Pakistan, which had already detonated six weapons, again proved a pivotal ally in moving United States troops and equipment into Afghanistan. India has proven to be a critical and emerging ally for the United States as a buffer between Europe and China, both territorially and economically. India is the world’s largest democracy. India is also an emerging economic power. Both India and Pakistan’s economies were largely unaffected by any sanctions against nuclearization (Figure 9). Additionally, Israel—who most experts believe has nuclear weapons—has never received sanctions or been investigated. Israel is and has always been a critical ally in the Middle East. The United States has increasing interests in India and Pakistan; and the United States is willing to “look the other way” when concerning Pakistan’s and India’s weapons and the possibility that Israel possesses nuclear weapons. Japan has a much larger global economic dominance than both India and Pakistan combined and is as vitally important as Israel. Various formerly classified United States documents indicate the willingness of the United States to allow Japan to remilitarize; these documents date back to 1953.²⁴⁸ Isolating Japan for developing nuclear weapons would have worldwide

²⁴⁸ Henry A. Kissinger, Letter. “National Security Decision Memorandum 13,” *Policy Toward Japan*, Washington, D.C., May 28, 1969, accessed October 15, 2015, https://www.nixonlibrary.gov/virtuallibrary/documents/nsdm/nsdm_013.pdf; Ronald Reagan, *National Security Decision Directive On United States-Japan Relations*, National Security Decision Directive Number 62, Washington, D.C., 1982, accessed September 15, 2015, <https://www.reagan.utexas.edu/archives/reference/scanned%20nsdds/nsdd62.pdf>; and OCB Secretariat Staff, “Outline Plan of Operations with Respect to Japan,” 2-3.

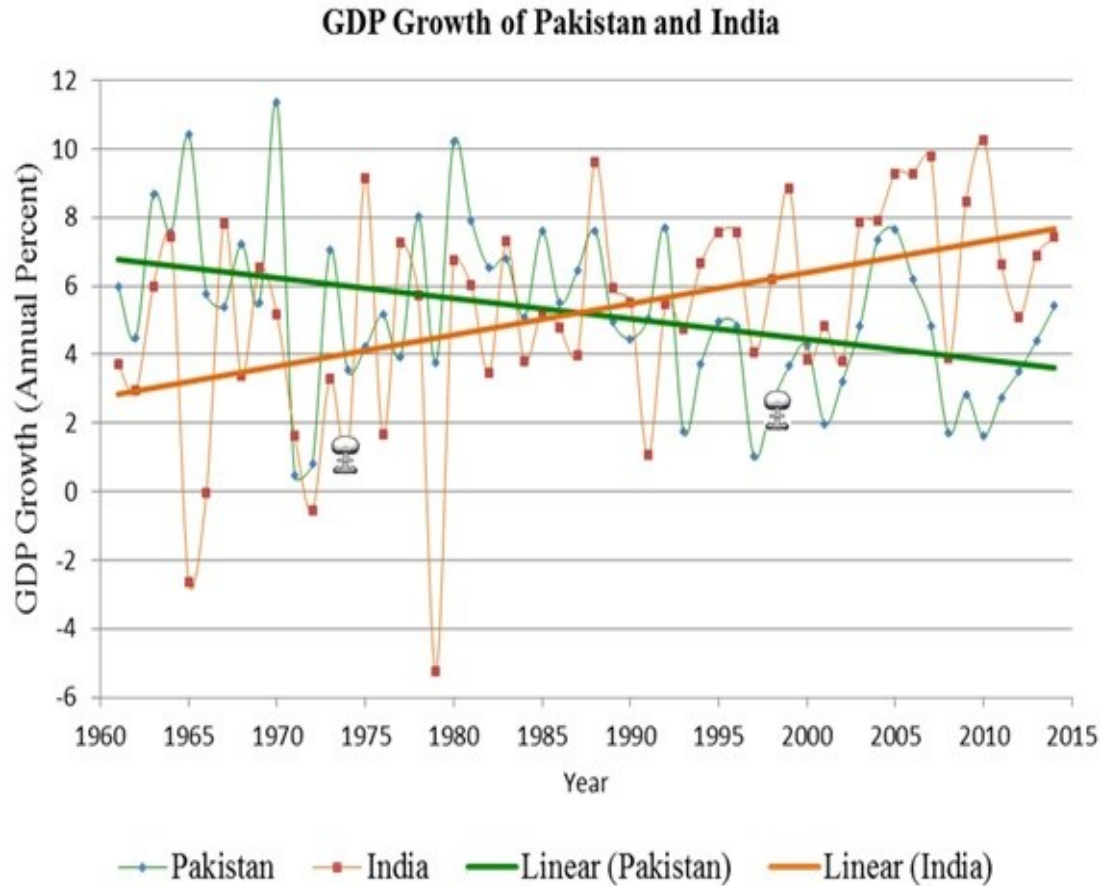



Figure 9: GDP percent Growth of Pakistan and India in the Years after their first Nuclear Detonations.  Denotes each country's first nuclear test.

impacts. Japan has the world's third largest economy, behind the United States and China. In 2013, Japan ranked fourth in global merchandise trade, approximately \$1.54 billion.²⁴⁹ According to the World Shipping Council, Japan exported and imported over 11.8 million twenty-foot equivalent units (a standardized cargo container unit of measure).²⁵⁰ Within the East Asian and Pacific Region—as defined by the United States

²⁴⁹ World Trade Organization, *International Trade Statistics 2014*, (Geneva, Switzerland: WTO Publications, 2014), accessed November 24, 2015, https://www.wto.org/english/res_e/statistics_e/its2014_e/its2014_e.pdf.

²⁵⁰ "Trade Statistics," *About the Industry*, World Shipping Council, n.d., accessed November 24, 2015, <http://www.worldshipping.org/about-the-industry/global-trade/trade-statistics>.

Department of State—Japan is in the top five import or export partners of twenty of the thirty East Asian and Pacific Region countries.²⁵¹ Additionally, as of February of 2015, Japan held \$1.224 trillion of United States—a permanent member of United Nations Security Council (UNSC)—securities. Complicating matters even more, China—another permanent member of the UNSC—held \$1.223 trillion of United States securities. Japan has significant leverage with a veto wielding Security Council member.²⁵² However, China may be able to influence two Security Council votes.

Should Japan pursue nuclear weapons and the international community decided to impose sanctions, as it did with Iran and North Korea, the effects would be globally crippling. With the progression of globalization, international sanctions on Japan would have the potential to cripple the global economy. At the very least, sanctions would have a devastating impact on the Asian economy, which would then affect the global economy.

²⁵¹ Data for this economic information is a combination of import and export data collected from the following websites: The World Bank. “Trade Statistics by Country / Region.”; Alexander Simoes, ed. “The Observatory of Economic Complexity,” *The Observatory of Economic Complexity*, Macro Connections, n.d., accessed September 15, 2015, <http://atlas.media.mit.edu/en/>; Central Intelligence Agency. *The CIA World Factbook 2015*; and United States of America, United States Department of State, “East Asian and Pacific Affairs: Countries and Other Areas,” *East Asian and Pacific Affairs*, US State Department, n.d., accessed November 24, 2015, <http://www.state.gov/p/eap/ci/index.htm>.

²⁵² Min Zeng, Lingling Wei, and Eleanor Warnock, “Japan Overtakes China as Largest U.S. Bondholder,” *The Wall Street Journal*, Dow Jones & Company Inc., April 15, 2015, accessed November 24, 2015, <http://www.wsj.com/articles/japan-overtakes-china-as-largest-u-s-bondholder-1429129765>.

CONCLUSION

As Secretary of Defense Donald Rumsfeld said, “There are known knowns. There are things we know that we know. There are known unknowns. That is to say, there are things that we know we don’t know. But there are also unknown unknowns. There are things we do not know we don’t know.”²⁵³ There are an infinite number of variables and arguments for and against Japan’s nuclearization. The decision will ultimately be Japan’s to make. If Japan decides to proceed, the world will only know when Japan decides to disclose it. When the United States embarked on the Manhattan Project, the project was very controlled. Even when Harry S. Truman succeeded Franklin D. Roosevelt, Truman required briefing on the project and its status because he did not know of the program.

In the new globalized world, Japan can no longer afford to rely solely on its economy and traditional peaceful tea ceremony image. It is time for Japan to reintroduce a tempered version of its traditional *Bushidō* (way of the warrior) Code. Of all countries, Japan should be the most trusted with nuclear weapons, because Japan has suffered from the undesired receipt of these weapons and resulting destruction. Japan above anyone else would contemplate and agonize most about the use of these weapons.

Japan is the only nation to have suffered hostile nuclear detonations. Despite the devastation Japan suffered during World War II, it has rebuilt and claimed a key position on the global political stage. However, events in the Northeast Asian region, its

²⁵³ Donald Rumsfeld, “Donald Rumsfeld Unknown Unknowns!” *You Tube*, last modified August 7, 2009, accessed November 25, 2015, <https://www.youtube.com/watch?v=gipe1oikqk>. Secretary Rumsfeld said this during a press briefing at the Pentagon on February 12, 2002, discussing the possible use of military force in Iraq.

relationship with the United States, and the failure of international norms may force Japan to deviate from its long-standing antinuclear stance. Precipitated by shifts in relations with the United States, United States security commitment concerns, regional instability, and a declining nuclear proliferation regime, Japan may be nearing the end of its slow crossing of the nuclear threshold.

The relationship with the United States has waxed and waned over the last seventy years. Each time the relationship has strained, Japan has refocused resources to its military, and periodically contemplated the nuclear option. Each time Japan has explored the nuclear option, results persuaded the government to maintain their non-nuclear stance. Yet, the current situation Japan finds itself in, is different from previous times. Japan's strongest ally, the United States, is in a period of retrenchment. Though, the United States says it is pivoting toward Asia, the pivot has been slow, if happening at all. The biggest focus has been economic versus any holistic package of state power. The situation in the Middle East has also continued to pull the United States from the proposed pivot. The political agendas of the United States and Japan seem to be diverging pushing the countries a little further apart. The two of the world's strongest allies appear to have fewer national security objectives and interests in common than in their past.

Since the signing of the treaty ending World War II, Japan has depended on the United States for security. The ensuing security treaties have included protection under the United States' nuclear umbrella. During the Cold War, the United States' nuclear enterprise was second to none. With the Soviet threat, United States nuclear weapons had a clear purpose and the need was dire. Nevertheless, after the Cold War ended,

nuclear weapons fell from view—pushed to the back burner as it were, and the enterprise began to decay. Questions surrounding the credibility of the nuclear umbrella forced the United States to allow Japanese officials to tour US nuclear facilities in May 2012, to reassure Japan.²⁵⁴ Nevertheless, reductions in the arsenal, conflicting policies, and cuts in funding keep the credibility question at the forefront of the Japanese Government.

Japan is located in an increasingly instable neighborhood. Japan faces three primary threats: North Korea, China, and Russia. These three countries reinforce their threats with nuclear weapons. North Korea continues to challenge not only its regional neighbors but also the international community, with impunity. The nuclear weapons program of North Korea is now more-or-less accepted as a norm in the international community. China continues to increase its economic and military might. Apart from a dramatic shift in policy either by the United States or by China, experts project China to surpass the United States' conventional military power in the next decade. China is arguably the most aggressive country in Northeast Asia. China is making claims in the East and South China Seas. Again, these aggressive actions, like North Korea, seem to go unchallenged or unpunished. The neither international community nor regional neighbors can seriously challenge China because it has gained too much influence in the international community and region.

Russia is the wildcard. Russia appears to be reestablishing the old USSR, just under a different name and system. Russia is technically still at war with Japan. The main disagreement is over claims to the Kuril Islands, just north of Japan. Russia has

²⁵⁴ Yoshihiro Makino, "U.S. Shows Nuclear Facilities to Reassure Japan, Allies on Deterrence." *The Asahi Shimbun*, July 30, 2013, accessed October 15, 2014, http://ajw.asahi.com/article/behind_news/politics/aj201307300096.

occupied the islands since World War II despite Japan's claim to the islands. Since Russia's annexation of Crimea and the invasion of Eastern Ukraine, Russia has lost its oil and gas revenue from Europe. Russia, with a crippled economy, has established energy trade deals with energy-starved China. Russia not only sells oil and gas to China, but Russia is also selling premium military hardware to China. Russia has also developed petroleum deals with North Korea. In the last decade, Japan has responded to both Russian and Chinese encroachments into Japanese air and maritime territories. If these countries continue with their perceived aggression, Japan may find herself in a "Gray War" with one or more of these nuclear-armed countries. This precipitates more the possibility that Japan may pursue a nuclear weapons program, in order to deter effectively these countries.

Japan has been an ardent supporter of the Nuclear Proliferation Regime. However, Japan has also witnessed the fracturing of this regime. With countries either withdrawing or not participating without any repercussions, Japan may decide the regime is not worth the effort and resources. Japan may take the lessons learned from the limited actions or inactions against these countries as a signal that Japan will not suffer any consequences for a decision to pursue a nuclear weapons program. As part of the NPT, those countries that are signatories, agreed to disarm; however, over forty years after the creation of this treaty, there are still five nuclear-armed countries, and total disarmament is a distant realization. Why, indeed, should Japan, a nuclear "have-not" state, continue to be vulnerable and not rearm and develop a nuclear weapons program?

There is no question Japan has the means to develop an indigenous program. Most countries in the region believe Japan has a bomb in the basement. Even in the

1960s, the Government of Japan declared the country would retain the capability to develop a nuclear weapons program, when and if it so decided. Japan has over forty-three nuclear facilities. 640 kilograms of nuclear material has already been unaccounted for, for over two years: by some experts' opinion, more than enough time for Japan to assemble a crude device. All Japan would need is a crude weapon at first, enough to leave something to chance. Japan is also taking steps toward increasing its conventional military. In 2015, the Government of Japan passed multiple laws that increase the capabilities and abilities of the Japanese Self-Defense Force. Several of these laws aimed to reinterpret Article 9 of the Japanese Constitution. This reinterpretation will provide the Japanese Government with increased leverage and ability to pursue a nuclear weapons program when it chooses.

Japan's non-nuclear stance depends on four factors: the alliance with the United States, the United States' nuclear deterrence, regional stability, and the nuclear proliferation regime. Japan is experiencing an unsettling trend in these factors. Add to this growing nationalism among the younger generation who are reaching the age to become politicians, and a significant shift in Japanese policy may be on the horizon. This generation of new politicians is forty-plus-years removed from the memories of World War II. From Prime Minister Kishi to Prime Minister Abe, most prime ministers have indicated that Article 9 of the Constitution does not limit Japan's ability to develop nuclear weapons. For Japan, a nuclear weapon would be a "Japanese Self-Defense Deterrent" not dissimilar to the Japanese Self-Defense Force, both, by direct interpretation of the Constitution are illegal. However reinterpretation of the Constitution and a slow build-up in the Self-Defense Force over time, have resulted in acceptance of

broader mission requirements of the Japanese Self-Defense Forces. The Japanese Government has played this semantic game since 1950. A nation, with Japan's key global influence but great dependency on the United States for national security—in today's international community—makes Japan an abnormal country. In a multipolar world, where the United States is losing the dominance it once had after the Cold War, Japan's government focus is on moving the country toward a more “normal” status. When the reclining dragon rises to defend Japan, the dragon will have a plutonium pit in his claws.

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APPENDICES

Appendix A. The Constitution of Japan²⁵⁵

THE CONSTITUTION OF JAPAN

Promulgated on November 3, 1946

Came into effect on May 3, 1947

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances, and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER I THE EMPEROR

Article 1. The Emperor shall be the symbol of the State and of the unity of the People, deriving his position from the will of the people with whom resides sovereign power.

Article 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

²⁵⁵ Japan. The Prime Minister and His Cabinet.

Article 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

Article 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government.

The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

Article 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

Article 6. The Emperor shall appoint the Prime Minister as designated by the Diet. The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

Article 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

Promulgation of amendments of the constitution, laws, cabinet orders and treaties.

Convocation of the Diet.

Dissolution of the House of Representatives.

Proclamation of general election of members of the Diet.

Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.

Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.

Awarding of honors.

Attestation of instruments of ratification and other diplomatic documents as provided for by law.

Receiving foreign ambassadors and ministers.

Performance of ceremonial functions.

Article 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II RENUNCIATION OF WAR

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. 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.

CHAPTER III RIGHTS AND DUTIES OF THE PEOPLE

Article 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

Article 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

Article 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

Article 15. The people have the inalienable right to choose their public officials and to dismiss them.

All public officials are servants of the whole community and not of any group thereof. Universal adult suffrage is guaranteed with regard to the election of public officials. In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

Article 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment of laws, ordinances or regulations and for other matters; nor shall any person be in any way discriminated against for sponsoring such a petition.

Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

Article 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 19. Freedom of thought and conscience shall not be violated.

Article 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

No person shall be compelled to take part in any religious act, celebration, rite or practice.

The State and its organs shall refrain from religious education or any other religious activity.

Article 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

Article 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 23. Academic freedom is guaranteed.

Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

Article 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Article 27. All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

Article 28. The right of workers to organize and to bargain and act collectively is guaranteed.

Article 29. The right to own or to hold property is inviolable.

Property rights shall be defined by law, in conformity with the public welfare.
Private property may be taken for public use upon just compensation therefor.
Article 30. The people shall be liable to taxation as provided by law.

Article 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

Article 32. No person shall be denied the right of access to the courts.

Article 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

Article 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

Article 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33.

Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

Article 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

Article 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal.

He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense.

At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

Article 38. No person shall be compelled to testify against himself.

Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.

No person shall be convicted or punished in cases where the only proof against him is his own confession.

Article 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.

CHAPTER IV THE DIET

Article 41. The Diet shall be the highest organ of state power, and shall be the sole law-making organ of the State.

Article 42. The Diet shall consist of two Houses, namely the House of Representatives and the House of Councillors.

Article 43. Both Houses shall consist of elected members, representative of all the people. The number of the members of each House shall be fixed by law.

Article 44. The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.

Article 45. The term of office of members of the House of Representatives shall be four years. However, the term shall be terminated before the full term is up in case the House of Representatives is dissolved.

Article 46. The term of office of members of the House of Councillors shall be six years, and election for half the members shall take place every three years.

Article 47. Electoral districts, method of voting and other matters pertaining to the method of election of members of both Houses shall be fixed by law.

Article 48. No person shall be permitted to be a member of both Houses simultaneously.

Article 49. Members of both Houses shall receive appropriate annual payment from the national treasury in accordance with law.

Article 50. Except in cases provided by law, members of both Houses shall be exempt from apprehension while the Diet is in session, and any members apprehended before the opening of the session shall be freed during the term of the session upon demand of the House.

Article 51. Members of both Houses shall not be held liable outside the House for speeches, debates or votes cast inside the House.

Article 52. An ordinary session of the Diet shall be convoked once per year.

Article 53. The Cabinet may determine to convoke extraordinary sessions of the Diet. When a quarter or more of the total members of either House makes the demand, the Cabinet must determine on such convocation.

Article 54. When the House of Representatives is dissolved, there must be a general election of members of the House of Representatives within forty (40) days from the date of dissolution, and the Diet must be convoked within thirty (30) days from the date of the election.

When the House of Representatives is dissolved, the House of Councillors is closed at the same time. However, the Cabinet may in time of national emergency convoke the House of Councillors in emergency session.

Measures taken at such session as mentioned in the proviso of the preceding paragraph shall be provisional and shall become null and void unless agreed to by the House of Representatives within a period of ten (10) days after the opening of the next session of the Diet.

Article 55. Each House shall judge disputes related to qualifications of its members. However, in order to deny a seat to any member, it is necessary to pass a resolution by a majority of two-thirds or more of the members present.

Article 56. Business cannot be transacted in either House unless one-third or more of total membership is present.

All matters shall be decided, in each House, by a majority of those present, except as elsewhere provided in the Constitution, and in case of a tie, the presiding officer shall decide the issue.

Article 57. Deliberation in each House shall be public. However, a secret meeting may be held where a majority of two-thirds or more of those members present passes a resolution therefor.

Each House shall keep a record of proceedings. This record shall be published and given general circulation, excepting such parts of proceedings of secret session as may be deemed to require secrecy.

Upon demand of one-fifth or more of the members present, votes of the members on any matter shall be recorded in the minutes.

Article 58. Each House shall select its own president and other officials.

Each House shall establish its rules pertaining to meetings, proceedings and internal discipline, and may punish members for disorderly conduct. However, in order to expel a member, a majority of two-thirds or more of those members present must pass a resolution thereon.

Article 59. A bill becomes a law on passage by both Houses, except as otherwise provided by the Constitution.

A bill which is passed by the House of Representatives, and upon which the House of Councillors makes a decision different from that of the House of Representatives,

becomes a law when passed a second time by the House of Representatives by a majority of two-thirds or more of the members present.

The provision of the preceding paragraph does not preclude the House of Representatives from calling for the meeting of a joint committee of both Houses, provided for by law.

Failure by the House of Councillors to take final action within sixty (60) days after receipt of a bill passed by the House of Representatives, time in recess excepted, may be determined by the House of Representatives to constitute a rejection of the said bill by the House of Councillors.

Article 60. The budget must first be submitted to the House of Representatives.

Upon consideration of the budget, when the House of Councillors makes a decision different from that of the House of Representatives, and when no agreement can be reached even through a joint committee of both Houses, provided for by law, or in the case of failure by the House of Councillors to take final action within thirty (30) days, the period of recess excluded, after the receipt of the budget passed by the House of Representatives, the decision of the House of Representatives shall be the decision of the Diet.

Article 61. The second paragraph of the preceding article applies also to the Diet approval required for the conclusion of treaties.

Article 62. Each House may conduct investigations in relation to government, and may demand the presence and testimony of witnesses, and the production of records.

Article 63. The Prime Minister and other Ministers of State may, at any time, appear in either House for the purpose of speaking on bills, regardless of whether they are members of the House or not. They must appear when their presence is required in order to give answers or explanations.

Article 64. The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted.

Matters relating to impeachment shall be provided by law.

CHAPTER V THE CABINET

Article 65. Executive power shall be vested in the Cabinet.

Article 66. The Cabinet shall consist of the Prime Minister, who shall be its head, and other Ministers of State, as provided for by law.

The Prime Minister and other Ministers of State must be civilians.

The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet.

Article 67. The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. This designation shall precede all other business. If the House of Representatives and the House of Councillors disagree and if no agreement can be reached even through a joint committee of both Houses, provided for by law, or the House of Councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the House of Representatives has made designation, the decision of the House of Representatives shall be the decision of the Diet.

Article 68. The Prime Minister shall appoint the Ministers of State. However, a majority of their number must be chosen from among the members of the Diet. The Prime Minister may remove the Ministers of State as he chooses.

Article 69. If the House of Representatives passes a non-confidence resolution, or rejects a confidence resolution, the Cabinet shall resign en masse, unless the House of Representatives is dissolved within ten (10) days.

Article 70. When there is a vacancy in the post of Prime Minister, or upon the first convocation of the Diet after a general election of members of the House of Representatives, the Cabinet shall resign en masse.

Article 71. In the cases mentioned in the two preceding articles, the Cabinet shall continue its functions until the time when a new Prime Minister is appointed.

Article 72. The Prime Minister, representing the Cabinet, submits bills, reports on general national affairs and foreign relations to the Diet and exercises control and supervision over various administrative branches.

Article 73. The Cabinet, in addition to other general administrative functions, shall perform the following functions:

Administer the law faithfully; conduct affairs of state.

Manage foreign affairs.

Conclude treaties. However, it shall obtain prior or, depending on circumstances, subsequent approval of the Diet.

Administer the civil service, in accordance with standards established by law.

Prepare the budget, and present it to the Diet.

Enact cabinet orders in order to execute the provisions of this Constitution and of the law. However, it cannot include penal provisions in such cabinet orders unless authorized by such law.

Decide on general amnesty, special amnesty, commutation of punishment, reprieve, and restoration of rights.

Article 74. All laws and cabinet orders shall be signed by the competent Minister of State and countersigned by the Prime Minister.

Article 75. The Ministers of State, during their tenure of office, shall not be subject to legal action without the consent of the Prime Minister. However, the right to take that action is not impaired hereby.

CHAPTER VI JUDICIARY

Article 76. The whole judicial power is vested in a Supreme Court and in such inferior courts as are established by law.

No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power.

All judges shall be independent in the exercise of their conscience and shall be bound only by this Constitution and the laws.

Article 77. The Supreme Court is vested with the rule-making power under which it determines the rules of procedure and of practice, and of matters relating to attorneys, the internal discipline of the courts and the administration of judicial affairs.

Public procurators shall be subject to the rule-making power of the Supreme Court.

The Supreme Court may delegate the power to make rules for inferior courts to such courts.

Article 78. Judges shall not be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform official duties. No disciplinary action against judges shall be administered by any executive organ or agency.

Article 79. The Supreme Court shall consist of a Chief Judge and such number of judges as may be determined by law; all such judges excepting the Chief Judge shall be appointed by the Cabinet.

The appointment of the judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of ten (10) years, and in the same manner thereafter.

In cases mentioned in the foregoing paragraph, when the majority of the voters favors the dismissal of a judge, he shall be dismissed.

Matters pertaining to review shall be prescribed by law.

The judges of the Supreme Court shall be retired upon the attainment of the age as fixed by law.

All such judges shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 80. The judges of the inferior courts shall be appointed by the Cabinet from a list of persons nominated by the Supreme Court. All such judges shall hold office for a term of ten (10) years with privilege of reappointment, provided that they shall be retired upon the attainment of the age as fixed by law.

The judges of the inferior courts shall receive, at regular stated intervals, adequate compensation which shall not be decreased during their terms of office.

Article 81. The Supreme Court is the court of last resort with power to determine the constitutionality of any law, order, regulation or official act.

Article 82. Trials shall be conducted and judgment declared publicly. Where a court unanimously determines publicity to be dangerous to public order or morals, a trial may be conducted privately, but trials of political offenses, offenses involving the press or cases wherein the rights of people as guaranteed in Chapter III of this Constitution are in question shall always be conducted publicly.

CHAPTER VII FINANCE

Article 83. The power to administer national finances shall be exercised as the Diet shall determine.

Article 84. No new taxes shall be imposed or existing ones modified except by law or under such conditions as law may prescribe.

Article 85. No money shall be expended, nor shall the State obligate itself, except as authorized by the Diet.

Article 86. The Cabinet shall prepare and submit to the Diet for its consideration and decision a budget for each fiscal year.

Article 87. In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by the Diet to be expended upon the responsibility of the Cabinet. The Cabinet must get subsequent approval of the Diet for all payments from the reserve fund.

Article 88. All property of the Imperial Household shall belong to the State. All expenses of the Imperial Household shall be appropriated by the Diet in the budget.

Article 89. No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

Article 90. Final accounts of the expenditures and revenues of the State shall be audited annually by a Board of Audit and submitted by the Cabinet to the Diet, together with the statement of audit, during the fiscal year immediately following the period covered. The organization and competency of the Board of Audit shall be determined by law.

Article 91. At regular intervals and at least annually the Cabinet shall report to the Diet and the people on the state of national finances.

CHAPTER VIII LOCAL SELF-GOVERNMENT

Article 92. Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy.

Article 93. The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local officials as may be determined by law shall be elected by direct popular vote within their several communities.

Article 94. Local public entities shall have the right to manage their property, affairs and administration and to enact their own regulations within law.

Article 95. A special law, applicable only to one local public entity, cannot be enacted by the Diet without the consent of the majority of the voters of the local public entity concerned, obtained in accordance with law.

CHAPTER IX AMENDMENTS

Article 96. Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all the members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.

Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution.

CHAPTER X SUPREME LAW

Article 97. The fundamental human rights by this Constitution guaranteed to the people of Japan are fruits of the age-old struggle of man to be free; they have survived the many exacting tests for durability and are conferred upon this and future generations in trust, to be held for all time inviolate.

Article 98. This Constitution shall be the supreme law of the nation and no law, ordinance, imperial rescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity.

The treaties concluded by Japan and established laws of nations shall be faithfully observed.

Article 99. The Emperor or the Regent as well as Ministers of State, members of the Diet, judges, and all other public officials have the obligation to respect and uphold this Constitution.

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 100. This Constitution shall be enforced as from the day when the period of six months will have elapsed counting from the day of its promulgation.

The enactment of laws necessary for the enforcement of this Constitution, the election of members of the House of Councillors and the procedure for the convocation of the Diet and other preparatory procedures necessary for the enforcement of this Constitution may be executed before the day prescribed in the preceding paragraph.

Article 101. If the House of Councillors is not constituted before the effective date of this Constitution, the House of Representatives shall function as the Diet until such time as the House of Councillors shall be constituted.

Article 102. The term of office for half the members of the House of Councillors serving in the first term under this Constitution shall be three years. Members falling under this category shall be determined in accordance with law.

Article 103. The Ministers of State, members of the House of Representatives and judges in office on the effective date of this Constitution, and all other public officials who occupy positions corresponding to such positions as are recognized by this Constitution shall not forfeit their positions automatically on account of the enforcement of this Constitution unless otherwise specified by law. When, however, successors are elected or appointed under the provisions of this Constitution, they shall forfeit their positions as a matter of course.

Appendix B. Treaty of Mutual Cooperation and Security Between Japan and the United States of America²⁵⁶

TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN JAPAN AND THE UNITED STATES OF AMERICA (Signed January 19, 1960)

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law, desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries, reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments, recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations, considering that they have a common concern in the maintenance of international peace and security in the Far East, having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

²⁵⁶ *Treaty of Mutual Cooperation and Security Between Japan and the United States of America. Treaty of Mutual Cooperation and Security Between Japan and the United States of America.* (Washington, DC, 1960), accessed September 17, 2015. <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty. DONE in duplicate at Washington in the Japanese and English languages, both equally authentic, this 19th day of January, 1960.

FOR JAPAN:

Nobusuke Kishi
Aiichiro Fujiyama
Mitsujiro Ishii
Tadashi Adachi
Koichiro Asakai

FOR THE United States OF AMERICA:

Christian A. Herter
Douglas MacArthur 2nd
J. Graham Parsons

Appendix C. The Budapest Memorandum

UNITED NATIONS²⁵⁷

General Assembly Security Council

Distr. GENERAL

A/49/765*

S/1994/1399*

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GENERAL ASSEMBLY

Forty-ninth session

Agenda items 62 and 70

SECURITY COUNCIL

Forty-ninth year

GENERAL AND COMPLETE DISARMAMENT MAINTENANCE OF INTERNATIONAL SECURITY

Letter dated 7 December 1994 from the Permanent Representatives of the Russian Federation, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

Upon instructions from our Governments, we have the honour to transmit herewith the text of the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, signed on 5 December 1994 by the Presidents of Ukraine, the Russian Federation and the United States of America, and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland (annex I), and the text of the Joint Declaration issued on 5 December 1994 by the leaders of our States (annex II).

We should be grateful if you would have the text of the present letter and its annexes circulated as a document of the General Assembly, under agenda items 62 and 70, and of the Security Council.

²⁵⁷ General and Complete Disarmament Maintenance of International Security, Ukraine-Russia-UK-US, December 19, 1994, United Nations S/1994/1399, accessed December 4, 2015, http://www.securitycouncilreport.org/atf/cf/%7b65bfcf9b-6d27-4e9c-8cd3-cf6e4ff96ff9%7d/s_1994_1399.pdf.

(Signed) Anatoli M. ZLENKO
Permanent Representative
of Ukraine to the United Nations

(Signed) Sergey V. LAVROV
Permanent Representative
of the Russian Federation to the
United Nations

(Signed) David HANNAY
Permanent Representative of the
Kingdom of Great Britain and
the United Nations

(Signed) Madeleine K. ALBRIGHT United
Permanent Representative Northern Ireland to
of the United States of America to the
United Nations

* Reissued for technical reasons.

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ANNEX I

[Original: English and Russian]

Memorandum on Security Assurances in Connection with Ukraine's Accession to the
Treaty on the Non-Proliferation of Nuclear
Weapons

Ukraine, the Russian Federation, the United Kingdom of Great Britain and Northern
Ireland and the United States of America,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear
Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its
territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold
war, which have brought about conditions for deep reductions in nuclear forces,

Confirm the following:

1. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and
the United States of America reaffirm their commitment to Ukraine, in accordance with

the principles of the Final Act of the Conference on Security and Cooperation in Europe, to respect the independence and sovereignty and the existing borders of Ukraine;

2. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defence or otherwise in accordance with the Charter of the United Nations;

3. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the Final Act of the Conference on Security and Cooperation in Europe, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind;

4. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used;

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5. The Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America reaffirm, in the case of Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a State in association or alliance with a nuclear-weapon State;

6. Ukraine, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America will consult in the event a situation arises that raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the Ukrainian, English and Russian languages.

For Ukraine:
(Signed) Leonid D. KUCHMA

For the Russian Federation: (Signed) Boris N. YELTSIN

For the United Kingdom of Great Britain and Northern Ireland: (Signed) John MAJOR

For the United States of America: (Signed) William J. CLINTON

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ANNEX II

[Original: English and Russian]

Joint Declaration issued on 5 December 1994 at Budapest by the leaders of the Russian Federation, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America

The leaders of the United States of America, the Russian Federation, Ukraine and the United Kingdom of Great Britain and Northern Ireland met during the summit meeting of the Conference on Security and Cooperation in Europe (CSCE).

The leaders discussed the evolution of European security architecture.

They underscored their determination to support the increasingly strong tendencies towards the formation of security based on political partnership, and to cooperate in the further development of a security system that embraces all the CSCE States. This will involve the evolution – given the new realities – of transatlantic and regional mechanisms of security in a manner that enhances the security and stability of all CSCE States.

They are committed to continuing the process of building political, military and economic security in an undivided Europe, in which integration opened for participation and transparency are characteristic.

The leaders confirmed that CSCE commitments in the area of human rights, economics and security represent the cornerstone of the common European security space, and that they help ensure that countries and peoples in this space are not subjected further to the threat of military force or other undesirable consequences of aggressive nationalism and chauvinism.

They noted that the historical changes in the world, including the end of the confrontation between blocs of the cold war, create favourable conditions for the further strengthening of security and stability on the European continent and for deep reductions in nuclear forces.

In this regard, the leaders discussed the implementation of the trilateral statement of 14 January 1994. They noted progress in the implementation of this statement.

The leaders also confirmed that an important contribution to the broader process of strengthening security and stability is also made by such agreements as the Treaty on Conventional Forces in Europe, the open skies treaty, and confidence- and security-building measures.
