

# Secrets and Lies: Ampo, Japan's Role in the Iraq War and the Constitution 秘密と虚言—安保、イラク戦争における日本の役割、憲法

David McNeill

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Japan marked the 50th anniversary of the Japan-U.S. Security Treaty on January 19 amid calls for an inquiry into the dispatch of Japanese Self-Defence Forces to Iraq, which critics say was illegal and in violation of Japan's no-war Constitution. But in contrast to the fierce debates over the origins and legitimacy of the 2003 Iraq invasion in both the United States and the United Kingdom, public discussion in Japan is muted and there will be no official investigation.

In the absence of official investigation, much of the digging around in the war's darker corners has been done by grassroots activists. Kondo Yuriko recalls her surprise that the state's democratic machinery eventually produced results.



**Lines of duty: ASDF members at Komaki, Aichi Prefecture, stand before an aircraft set to take them to Iraq in December 2003.**  
AP PHOTO

Her three-year demand for information on how the Japanese government had spent billions of taxpayers' yen supporting a "humanitarian mission" in Iraq from January 2004 through to the end of 2008 had been partly, if belatedly, answered. And it was worth the wait.

In late September 2009 new Defense Minister Kitazawa Toshimi unexpectedly authorized the release of a short document under the Freedom of Information Act disclosing that about 67 percent of the 26,000 soldiers transported by the Air Self-Defense Forces between July 2006 and December 2008 wore U.S. uniforms. That is, the ASDF was transporting U.S. forces into and out of combat.

In case anyone missed the point, Kondo, a 60-year-old veteran peace activist from Ogaki in

Gifu Prefecture, spelled it out: Japan's Constitution bans the SDF from participating in combat activities or transporting weapons or ammunition in a war zone. For two years, the SDF had "snubbed the law," she says, and the government concealed the illegality with blacked-out documents and a standard Defense Ministry verbal firewall to the effect that releasing such information would "hamper operations" and "damage Japan's reputation."

"It was ludicrous and illegal to have sent the SDF to Iraq," she says, alluding to Japan's so-called war-renouncing Constitution. "This document proved that."

Kondo's views found support in one landmark legal ruling. In April 2008, the Nagoya High Court declared that the ASDF airlifting of coalition troops was unconstitutional, violating both the (war-renouncing) Article 9 clause in the Constitution and specifically the hastily written 2003 "Law on Special Measures for Assistance to Iraq in its Reconstruction" that provided the legal fig leaf for the SDF dispatch — on condition that Japanese forces would operate only in "noncombat" areas.

"In modern warfare, the transport of personnel and supplies constitutes a key part of combat," concluded Judge Aoyama Kunio. "The airlift of multinational forces to Baghdad . . . plays a part in the use of force by other countries."

The then Liberal Democratic Party-led government disagreed, indeed, it declared the ruling to be a victory because it rejected compensation claims by the 1,100 plaintiffs in the group action ruled on at Nagoya High Court.

Chief Cabinet Secretary Machimura Nobutaka shrugged off accusations of illegality, quixotically arguing that Baghdad was "a noncombat zone." The ASDF crews stayed on in Kuwait until December 2008, and there the issue stood until Kitazawa's bombshell announcement — a sign, perhaps, that the

Democratic Party of Japan that swept into power with a landslide election victory on Aug. 30, 2009 may choose to reverse years of official mendacity over government policies in Iraq.

Kondo agrees that the announcement was probably attributable to new DPJ pressure, but she believes that the Defense Ministry simply no longer cares what people think about the SDF. "It basically figured that the release of this information would not hurt its plans in the future," she says.

That reasoning, Kondo believes, was adopted because the government had already proved it could disregard popular opposition, flaunt the Constitution and ignore the little media flak the war generated. With the precedent set, the way is paved for more military adventures abroad, she argues. "If the government says in the future that we have done this before, Japanese citizens will accept that."

Says Kawaguchi Hajime, a lawyer lobbying for a government inquiry into the SDF dispatch: "We have to get to the bottom of this episode in Japan's history or we will pay the price. But there is no consciousness of the need to challenge the government. Nobody appears interested."

Kawaguchi believes that the archives could tell more. Were the SDF infantry based at Samawah in southern Iraq only engaged in "humanitarian assistance" to the local population? Were local insurgents, as some believe, paid off to prevent them attacking Japanese forces? And on the financial front, how much did the entire five-year mission cost Japanese taxpayers? The Japanese government has released no estimates of the costs of its Iraq operations.

Nearly seven years after it was launched on March 20, 2003, the U.S.-led war in Iraq is widely acknowledged as an act of mendacity and an epic folly.

As everyone now knows, the weapons of mass destruction (WMDs) used as the prime justification for the invasion never materialized. Similarly, significant links to al-Qaida were never found, and the nation that was promised democracy and prosperity is now a shattered, sectarian and Balkanized state with ethnic cleansing virtually eliminating the possibility for people of the Sunni and Shiite Muslim faiths to share neighborhoods or cities. More than two million Iraqis have fled abroad, according to the U.N. High Commissioner for Refugees; perhaps another 2.7 million have resettled elsewhere inside the country; and the most credible total death toll ranges from 100,000 to well over a million.

The impact back in the United States of the wider "war on terror" has also been profound. That impact includes the legitimization of torture, the spread of government surveillance, the shredding of habeas corpus, Guantanamo, the institutionalization of so-called extraordinary rendition, CIA dirty tricks, and the enormous price tag — a staggering \$3 trillion for Iraq and Afghanistan, and counting, according to economist and Nobel laureate Joseph Stiglitz, who points out that ordinary Americans will be paying the price for George W. Bush's decision to go to war for decades.

But at least in the U.S. and its prime partner in arms, the United Kingdom, there has been a reckoning of sorts. Stemming from the continuing public debate, there has been a half-hearted mea culpa on torture and Guantanamo from President Barack Obama and a startling admission by Britain's prime minister at the time of the Iraq invasion, Tony Blair, that he would have invaded Iraq with or without WMDs. And that came ahead of his testimony to the government's current Iraq Inquiry announced by Prime Minister Gordon Brown in June 2009, which is due to report in June 2010.

In Japan, although the SDF was finally pulled out of Iraq in December 2008, there has been

no government inquiry, no major excavation of the leadup to the war — and no interest by the mainstream media in digging around what happened, laments Takeshita Takashi, a journalist with Akahata, the Japan Communist Party newspaper.



**Ocean waves: Crew members aboard the Japanese Maritime Self-Defense Force's fleet-support ship Mashuu bid farewell to a Pakistan Navy vessel after a refueling operation in the Indian Ocean on Jan. 15, 2010. That day, the law authorizing such missions supporting U.S.-led antiterrorism operations in Afghanistan over the previous eight years finally expired. KYODO PHOTO**

### The SDF Role in Iraq

Takeshita uncovered evidence last year that just 6 percent of the 45,000 people transported by the ASDF between March 2004 and December 2008 worked for the United Nations. The vast bulk of its activities involved ferrying U.S. troops. So much for the "humanitarian and reconstruction assistance" mission on the basis of which the war was sold to the Japanese public, he concludes.

Nobody knows the final price tag for the dispatch, admits senior DPJ lawmaker Kondo Shoichi, who believes a U.K.-style inquiry — which he would support — is unlikely. His

assessment, in fact, is that "over half" of his party had problems with the decision to invade Iraq. "There would, however, be pressure against such an inquiry — ultimately, there are a lot of people who would worry about the impact on U.S.-Japan relations," he believes.

Still, Kondo says that although senior DPJ members, including Kan Naoto, the party's former leader (2000-04) and current Finance Minister, and Prime Minister Hatoyama Yukio, disagreed with the prosecution of the war in Iraq, the bureaucracy and the Japan-U.S. Security Treaty which was signed on Jan. 19, 1960, weigh heavily on the political process.

Last November, DPJ Chief Cabinet Secretary Hirano Hirofumi effectively smothered any hope of a postmortem on the Iraq adventure when he declared the SDF dispatch legal, reversing the conclusion of Kan, who, as party leader in 2004, had called it unconstitutional. "As an opposition party, we could not determine if the area where they were sent was a noncombat zone," said Hirano. "But as we (now) recognize it is a noncombat zone, we have judged that the SDF activities there were constitutional."

Peace activist Kondo Yuriko calls that statement "unbelievable" — but she blames journalists as much as politicians. "The mass media is the reason the government can dodge responsibility. They drop anything that doesn't make headlines and don't dig up information or do long-term investigative reporting. This allows Japanese citizens to forget the past," she observes.

Kondo, Takeshita and Kawaguchi, and their neoconservative opponents — such as former ASDF Chief of Staff General Tamogami Toshio — at least agree on one thing: The roots of Japan's secretive, convoluted defense policies lie in the postwar, U.S.-dominated Allied Occupation, which created the "war-renouncing" Article 9 of the Constitution.

Pacifists and anti-war activists cling to Article 9 because it helped construct what appeared to be a new type of modern state: one that explicitly rejected imperialism and war.

### General Tamogami, Article 9 and the Constitution

Tamogami, who was sacked in 2008 for publicly arguing that Japan was not given sufficient credit for ending white European colonialism in Asia, despises Article 9 for exactly the same reason. "The aim was to weaken Japan," he says.

"That's why Japan's self-defense forces are bound by law and not allowed to move as they wish. That's why the country cannot exercise collective defense, take offensive action, or export weaponry. That's why it is bound by three basic nonnuclear principles. Since the Occupation, the country has been bound hand and foot," he stated in a December interview with the writer.

Tamogami is the latest in a long line of political and military figures with views that run counter to the Constitution. He claimed that "two-thirds" of SDF officers back his views. "I'm also supported by many politicians. I can't say their names because it would cause them trouble. (On being asked whether former prime ministers Abe Shinzo [2006-07] and Aso Taro [2008-09] were among his supporters, Tamogami indicated they were.)

The U.S. defense establishment has long been ideologically closer to Tamogami and his ilk than to the Japanese pacifists who have fought to preserve Article 9. In 1946, almost as soon as the ink was dry on the postwar, U.S.-orchestrated "peace" Constitution, Japan's new military ally began pressing for rearmament in the face of Chinese and Russian communism. That threat ushered in a vast expansion of U.S. power and military bases throughout the region.



## Ampo and Japan's Three Non-Nuclear Principles

Even Japan's so-called three nonnuclear principles, outlined by Prime Minister Sato Eisaku in 1967 and formally adopted by the Diet in 1971 — principles that commit Japan to never produce, possess or allow the entry of nuclear weapons into the country — were not safe from the political calculations needed to maintain the facade of pacifism.

The no-nuke rule was undermined by a backroom deal struck between Washington and Tokyo that was signed by Sato and President Richard Nixon in 1969. Its origins go back at least four years to a memo signed at the US Embassy in Tokyo in July 1965 ([link](#)).

After decades of rumors, that secret pact — allowing nuclear-armed U.S. ships and aircraft to traffic anywhere through or over Japanese territory — was confirmed by a senior Japanese Foreign Ministry bureaucrat last summer. Consequently, it appears uncontested that the LDP had lied about the existence of the pact for years. Indeed, a team Hatoyama tasked with investigating the secret pact reported last November that it had discovered files at the Foreign Ministry proving its existence.

The deal, agreed during the fraught negotiations to rewrite the Japan-U.S. Security Treaty in 1960, is said to have depended on a "misinterpretation." Tokyo claimed that it believed it would receive prior consultation before any nuclear-armed dockings or flyovers; Washington had no such understanding.

When the LDP discovered otherwise, it kept quiet — "instead of publicly acknowledging a change in position," the leading, liberal-leaning Asahi Shimbun newspaper said last year. In fact, LDP politicians repeatedly denied the deal, even after the Japanese parliament officially adopted the no-nuke principles in 1971, and former Prime Minister Sato even won the 1974 Nobel Peace Prize for his

"opposition to any plans for a Japanese nuclear-weapons program."

Today, the official bureaucratic line is still that the pact doesn't exist.

## Chipping Away at Constitutional Freedoms

Just as for the United States, the cost to Japan of the Iraq adventure has not been limited to the financial. A series of test cases against antiwar activists has dismayed lawyers and human-rights activists, who say the post-9/11 Japanese state is attacking constitutional freedoms.

On Nov. 30, 2009, the Supreme Court declared 62-year-old Buddhist priest Arakawa Yosei guilty of trespassing for distributing antiwar fliers in a Tokyo condominium in December 2004. The court had almost nothing to say about Arakawa's detention without trial for 23 days, or his argument that far more was at stake for everyone than the peace and tranquillity of one angry resident who apparently complained.



**Arakawa Yosei speaks to reporters** (Kyodo Newsphoto)

The previous year, the Supreme Court also ended a four-year legal battle between the

state and three veteran peace activists based in Tachikawa, western Tokyo, when it ruled that they trespassed by putting antiwar fliers in the post boxes of Self-Defense Force members in February 2004. After years of peaceful and largely impotent campaigning, the arrest of the three, their detention for 75 days, and their historic conviction seemed to show that the authorities had decided to go to war against their ideological enemies.

"They need to neutralize people like us before they can get what they want: the end of Article 9," said Obora Toshiyuki, 52, a school cook who is one of the convicted activists.



**The Tachikawa three: Onishi (l), Sachimi, Obora**

Obora and campaigning lawyer Kawaguchi Hajime were among those who predicted the same techniques would be used on other targets, and so it has proved.

In January, amid rising unemployment and resentment at Japan's growing wealth

disparities, a small group of anti-poverty protesters in Tokyo's central Shinjuku district were harried by police and told by them that they could be arrested for distributing fliers.

According to eyewitnesses who were quoted online on Global Voices, an international network of citizen journalists, one police officer said: "(We're doing this) to secure freedom of speech, to preserve the peace, the peace of the Japanese people."

Other activists have been similarly targeted. Lawyers say the 2009 revision of the Public Safety and Security Ordinance, introduced under the Liberal Democratic Party, is another attempt to restrain public protests.

"If you send troops abroad, freedom declines at home," says Kawaguchi.

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