

## **Japan's new security legislation and parliamentary democracy** by Masato Kamikubo

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Japan's ruling government coalition of Liberal Democratic Party (LDP) and *Komeito* passed and enacted new security legislation despite strong resistance by opposition parties in the House of Councilors. While there was fierce resistance to the bills, the truth is Japan's democracy worked.

To prevent passage of the legislation, five opposition parties used a variety of tactics: trying to block the holding of a committee meeting; tabling a no-confidence motion against the committee chairperson; submitting a series of censure motions against the prime minister and Cabinet ministers; submitting a no-confidence motion against the Cabinet in the House of Representatives; and filibustering by opposition members. Such tactics are legitimate in a parliamentary democracy. But passage of the law was inevitable because the ruling coalition has secured a stable majority with victories in three consecutive national elections.

At first glance, it looks as if the opposition views are widely supported by the general public in Japan, but it is difficult to determine objectively whether that is the real majority opinion. Opposition parties claim "a hundred million people oppose the security legislation." In truth, though, supporters of the legislation are quieter than those who oppose it. Results of a Sankei-FNN Joint Public Opinion Poll showed that only 3.4 percent of the population joined meetings to oppose the security legislation, including meetings in the area surrounding the Diet. Moreover, the proportion of those opposed to the legislation was 50 percent on average, according to the results of public opinion polls in newspapers such as the *Yomiuri*, *Nikkei*, *Kyodo*, *Mainichi*, and *Asahi* in June or July 2015. They accurately described public opinion as divided in two and demonstrations on the streets created an image that the opposition was more representative of the majority than the minority.

If the opposition is the majority, then the regular process of parliamentary democracy would be sufficient to settle the dispute through discussion and voting in the Diet.

Before the accession of power of the Democratic Party of Japan (DPJ) in 2009, DPJ leaders strongly backed the introduction of the British parliamentary system into Japan. On his 1993 book, Kan Naoto described that British politics was a "replaceable dictatorship" and argued that "since a person or a party was entrusted with power through election, in principle the people should leave the person or the party to exercise their judgment until the end of the term. If the people in power act incorrectly, they should be replaced in the next

election." According to this logic, Abe's leadership style can be regarded as a "replaceable dictatorship."

Young DPJ leaders such as Okada Katsuya and Edano Yukio backed Kan's thinking. When the DPJ government was formed in 2009, they tried to realize "*Seiji Shudou* (politician-led politics)" in the British style. Now, as leaders of the opposition, they led deliberations in the Diet. They strongly criticized Abe's style, but it seemed inconsistent with their previous behavior.

The Diet debate over the security legislation deserves a favorable assessment. The questioning by opposition parties on various issues was tough, on topics including 1) unconstitutionality of new security legislation, 2) the definition of a threat to sovereignty, 3) the timing for identification of a threat to sovereignty, 4) the possibility that the use of force could extend to a third-party nation in the case of a threat to sovereignty, and 5) concerns over risk to members of the Self-Defense Forces while they are providing logistic support. The government's responses were clumsy but they attempted to answer the highly nuanced questions.

The Diet debates also shed light on a lack of coherent thinking among opposition parties. The DPJ insists on scrapping the security legislation by arguing that the right of collective defense is "unconstitutional." However, their recognition of the change in the international security environment and of the necessity for responding to it is not very different from the position of the Abe government. The point of the opposition appears to be "what is necessary for protecting people's lives and peaceful living is the right of individual self-defense, not the right of collective defense."

*Isshin-no Toh* agrees with the "limited exercise of the right of collective defense," as such. The party is troubled, however, because the objectives of self-defense of the country must be made clear over the requirements for the exercise of collective self-defense. That is, the party thinks the right of collective defense itself is not unconstitutional.

On the other hand, three small parties placed importance on Diet involvement at the time of dispatching Self-Defense Forces overseas and approved adoption of the legislation, with the qualification that the ruling parties must articulate the Diet's involvement in additional resolutions related to the legislation and Cabinet approval if it is to be "constitutional."

As it turned out, the only parties absolutely opposed to the legislation are the Social Democratic Party, the Japanese Communist Party, and *Seikatsu no Toh*. Each opposition party could technically identify their points of contention regarding the security legislation and thus, every citizen of Japan should substantially understand the content of the Diet debate and make a judgment about it in the next national election. They should not be allowed to make the excuse that the debate

between the government and the opposition parties was not sharp or deep enough.

*PacNet commentaries and responses represent the views of the respective authors. Alternative viewpoints are always welcomed and encouraged.*