

# About Exemption from Prohibition of Weapons Exports

By *Hatakeyama Noboru*

SINCE 1976 the Government of Japan has prohibited all weapons exports with very few exceptions. These included the return of a MiG-25 fighter which made an emergency landing at Hakodate airport in Hokkaido in 1976 by a pilot who defected from the Soviet Union. Even the return of the fighter to the Soviet Union was interpreted as an export of a weapon. The severe policy prohibiting weapons exports has been applied not only to weapons and their parts but also to their manufacturing technologies. However, in 1983, in consideration of its special ties with the United States based on the Japan-US Security Arrangements, Japan lifted its prohibition on the exports of weapons technologies solely to the United States. Taking advantage of this lifting, Japan and the United States have been conducting joint research on weapons technologies, including missile defense (MD) systems. Now the research stage is almost over, the MD project is entering the joint development and production stage. Since the final MD system will be assembled in the United States, Japan is supposed to manufacture and export the parts and components there. However, the exports of weapons and their exclusive parts are prohibited by Japan's policy, even to the United States. The above mentioned 1983 exception is only applied to the exports of weapons technologies and not to the exports of weapons and parts themselves.

On Dec. 10<sup>th</sup> last year, Hosoda Hiroyuki, the Chief Cabinet Secretary (CCS) of Japan announced an easing of the prohibition on weapons exports to some extent. North Korea has been developing Nodong and Taepodong missiles which could reportedly hit Japan within 10 minutes after their launch. To cope with such a situation, the MD system is indispensable for Japan. Therefore it is necessary for Japan to exempt the exports of parts to the United States for the MD project from the prohibition. In this regard, the statement issued by the CCS is most appropriate.

However, this exemption should be limited to Japan's exports of weapons and parts to the United States with which Japan has a special relationship based upon the Security Arrangements. The CCS's statement worries me because it has left room for weapons exports destined for other countries to be approved on a case by case basis. For example, 11 countries are now jointly developing F-35 Strike Fighters under the initiative of the United States. Due to the weapons exports prohibition, Japan has not been participating in this project, and it would be too late to join it even if the government eases its policy. But if the international joint development and production becomes the mainstream of weapons development, and if the project necessitates Japan's weapons exports to other countries than the United States but Japanese policy remains unchanged, Japan would always be left out, thereby missing the opportunity of technical development for Japanese civilian products, critics say. I don't agree with this viewpoint. Even if Japan participates in a joint project, the access to the core technology would always be denied as has been the case with many of the military technology transfers from the United States to Japan. Furthermore, military technology is not the only source of high technology. For example, in the area of space technology, another source of high-tech, Japanese companies can export related products freely, as long as they are not used for a military purpose.

There seems to be another opinion to try to ease the weapons exports prohibition. According to this view, exports of weapons for use against terrorist groups or pirates should be exempted from the prohibition. For example, proponents of this opinion maintain that old military vessels of the Japanese Self-Defense Forces should be exported to neighboring countries, rather than being scrapped in Japan. If this was permitted, why would the exports of new military vessels have to be prohibited? New vessels would be

much more efficient than old ones in the fight against pirates. If exports of new military vessels were to be permitted, other weapons exports as well would have to be allowed in the name of the fight against terrorists or pirates, thereby leading to the collapse of the weapons exports prohibition. Therefore, the export of old military vessels should not be approved in the first place even for the cause of fighting pirates.

There is no guarantee that the exported weapons will remain in the possession of the importing government. Those weapons might be stolen or purchased illegally by terrorist groups. The best way to fight against them is to never hand over any weapons to them. For that purpose, the best way is not to allow the exports of any weapons but to prohibit such exports.

Japan has been enforcing a policy prohibiting virtually all weapons exports for almost 30 years. The spirit of this policy has been to prevent weapons-importing countries from becoming involved in internal or external wars by using imported weapons. If Japan had admitted to exporting weapons, the Japanese defense industry would have become more competitive thanks to the merit of larger production. In that case, the Ministry of Finance would have benefited from a smaller defense budget. But postwar Japan has not taken this path. Instead, Japan has shown its determination as a peace-loving country by prohibiting weapons exports. In order for Japan to keep raising the banner of peace, it should not expand the exemption beyond the weapons exports destined for the United States. JS

## Correction

We apologize for a printing mistake in the Publisher's Note in January / February 2005 issue.

**incorrect**

"One China", which One China (col. 3, l. 29)

**corrected**

"One China." Which one China