

Japan's Dilemma and a Problem of the Right to Collective Self-Defense Under the 1997 Guidelines

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Abstract

This paper argues that closer defense cooperation between the Self-Defense Forces (SDF) of Japan and United States forces under the 1997 Guidelines for United States-Japan Defense Cooperation has brought about an issue of exercise of the right to collective self-defense, which might infringe on Article 9 of Japan's Constitution. The article explores Japan's options in cases of emergencies such as those in Japan, the Taiwan Strait, and the Korean peninsula and concludes that Japan has no choice but to follow U.S. policy as long as it maintains a Treaty of Mutual Cooperation and Security between the United States of America and Japan. The United States fully understands the importance of Japan's strategic location to its security, particularly Okinawa's. From Okinawa, U.S. forces could easily cover the Korean peninsula, China, and Taiwan. Therefore, the United States will not give up its bases in Japan, and so the argument of a "fear of abandonment" on the side of Japan is a myth. The article further examines the importance of the 2001 dispatch of the Maritime SDF to the Indian Ocean and the 2004 dispatch of the Ground SDF to Iraq from the viewpoint of the right to collective self-defense and Article 9. It also analyzes Japan's recent defense efforts, utilizing the concepts of alliance dilemma and complex security dilemma. Finally, the article concludes that a new Japan with the right to collective self-defense would become more assertive in conducting its foreign policy using the SDF overseas. Such a Japan would have an impact on security in East Asia, causing a problem for China and both Koreas.

Introduction

Since Japan regained its independence in April 1952, its defense policy has been based on the Treaty of Mutual Cooperation and Security between the United States of America and Japan (hereafter referred to as the Security Treaty) that was originally signed in 1951, revised in 1960 and renewed in 1970. Under the Security Treaty, Japan provides the United States with the right to keep U.S troops and bases in Japan, while the United States provides Japan with security.

As the Self-Defense Forces (SDF) expands its roles and missions, a problem of the right to collective self-defense emerges. According to the interpretation of the Japanese government, Japan can possess “minimum self-defense” capability—such as the capability that the SDF possesses—and can exercise the right to individual self-defense, which is the right to defend its own country when attacked. The Japanese government also interprets that Japan, as a member of the United Nations, has the right to collective self-defense, which is the right of a country to help its ally under attack even though the country itself is not attacked. The Japanese government understands, however, that Article 9 of the Constitution prohibits Japan from exercising such a right, since the exercise of the right to collective self-defense will exceed the area of “minimum self-defense.” Sending the SDF overseas in combat operations is also considered beyond “minimum self-defense.”

In September 2001, the United States was attacked by terrorists. In order to help the United States, the Liberal Democratic Party (LDP) and its coalition parties passed the anti-terrorism bill in the Diet, which became effective in November 2001. Although the law was initially limited to two years, it enabled the SDF to dispatch its “personnel to areas of military conflict overseas,” with the proviso that the government “has to seek Diet approval within 20 days of dispatching troops.” In November 2001, the Maritime SDF provided the United States Navy, which was attacking Afghanistan, with logistical support in the Indian Ocean under this law.¹

Although Japan was not attacked, it sent the Maritime SDF's vessels to the Indian Ocean to help the United States. This dispatch meant

1 *Nikkei Weekly*, Nov. 5, 2001.

that the SDF sent troops to contribute to combat operations for the first time since it was founded in 1954. This overseas dispatch arguably constitutes the right to collective self-defense. In order to avoid criticism against the government exercising the right to collective self-defense, the Japanese government passed the above law in November 2001.

In January 2004, the Japanese government sent the Ground SDF troops to Iraq. It was the first time since the end of World War II that the Japanese armed forces were sent to a possible combat area. This dispatch was a significant event since Japan can now send her military forces to an area where "a state of war" prevails. The SDF was given a new task that might involve the SDF in combat situations in the areas beyond the Japanese territories.

The expanded roles and missions of the SDF such as the above overseas dispatch would lead to a possible situation where Japan uses force "as means of settling international disputes," which would infringe on Article 9. It was a significant event in the history of postwar Japan's military because the SDF began to take a clear step toward the exercise of the right to collective self-defense in contradiction of Article 9 and the government's own interpretation of Article 9.

The important point here is that the Japanese government carried out these dispatches without changing Article 9. In other words, Article 9 is stripped of all its contents. Prime Minister Junichiro Koizumi stretched Article 9 in his favor and tried to exercise the right to collective self-defense. His successor, Shinzo Abe, is also pushing for the revision of Article 9 as promised in his campaign.

Whether Japan should help the United States in times of emergencies beyond the Japanese territories exercising the right to collective self-defense, or whether Japan should not help her ally by abiding by Article 9 is of vital importance to Japan's future and the security in East Asia.

Therefore, it is important to examine the Japanese government's attempts to create conditions where it can exercise the right to collective self-defense. This paper focuses on the Guidelines for United States-Japan Defense Cooperation of 1997 (hereafter referred to as "the Guidelines") and a problem of the right to collective self-defense. It examines Japan's dilemma and options, and discusses military cooperation and the future of the alliance. The conclusion predicts a more assertive Japanese foreign policy.

Article 9, Use of Force, and the Right to Collective Self-Defense

Article 9 proclaims that “. . . the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.”² Since Article 9 prohibits “the threat or use of force as means of settling international disputes,” Japan will not use the SDF in order to settle international disputes or as a means of foreign policy according to the interpretation of the Japanese government.

The Japanese government also interprets that Article 9 does not allow Japan to participate in activities that would lead to integration with use of force, unless Japan is under attack. Integration with use of force means that even though Japan itself does not use force, its action might be legally regarded as integration with use of force by others, judging from Japan's close actions with such a use of force.³

However, in the United Nations Peacekeeping Operations (UNPKO), the SDF troops are now allowed minimum use of weapons to protect themselves and people under their supervision. The Japanese government interprets that use of weapons in such cases does not apply to use of force prohibited by Article 9. In this way, the Japanese government clearly distinguishes use of weapons from use of force.

Because of Article 9, Japan has a very narrow concept of rules of engagement that provide standards concerning when, where, and how forces shall be used. In the case of the SDF, it is called the standard of troop movement. But, now that the SDF can use weapons under the UNPKO, this precedent might further enlarge rules of engagement when the SDF becomes a part of multinational forces led by U.S. forces overseas. In such a case, the SDF might be forced to respond to help U.S. forces beyond the current rules of engagement.

Moreover, SDF's strict rules of engagement would create a problem in the Missile Defense system against North Korea jeopardizing joint

2 House of Councillors, *The National Diet Japan* (1969), pp. 5–6.

3 *House of Representatives Minutes*, Special Committee on United Nations Peacekeeping Operations, Sept. 27, 1991; *House of Representatives Minutes*, Special Committee on Countermeasures against Terrorism, Oct. 13, 2001, available at <http://ikenzsk.s106.xrea.com/040726an'nai.htm>, accessed Aug. 7, 2007.

operations between U.S. troops and the SDF. Therefore, the SDF might be forced to expand rules of engagement in case of a North Korean missile attack against U.S. naval vessels.

Another concern is that if the United States Navy attacked North Korean vessels based on information provided by the Maritime SDF's vessels with the Aegis defense system, this action arguably constitutes a right to collective self-defense, because such an action might be regarded as integration with use of force.

In this way, if the SDF wishes to effectively support U.S. forces, Japan needs to exercise a right to collective self-defense.

The Guidelines

If another Korean War breaks out, it would be extremely difficult for the United States to fight on the Korean peninsula without the U.S. bases in Japan or Japanese logistical support. Because one of the main tasks of U.S. troops in Japan is to support U.S. troops in South Korea, the U.S. Navy and Air Force in Japan would attack North Korea in case of an emergency in South Korea.

This attack in turn would invite counterattacks on the U.S. bases in Japan from North Korea or invite preemptive North Korean strikes against these bases. North Korea might attack the U.S. bases in Japan with missiles or guerrillas. Even though Japan could repel such North Korean attacks, the result of the attacks would be disastrous to the Japanese people. An emergency in the Taiwan Strait would in the same way provide little choice for Japan, as long as Japan maintains the Security Treaty.

Another concern for the Japanese people is that the whole Japanese archipelago might become a large military base for U.S. forces during an emergency in the areas surrounding Japan. In such a case, the United States would have to rely on logistical support in Japan. It is assumed by both the U.S. government and the Japanese government that under the 1997 Guidelines, U.S. forces could control and freely use any civilian ports or airports as well as the SDF's bases throughout Japan in a regional emergency.

In this respect, the Japanese people must ask if the Security Treaty

really protects Japan or jeopardizes its security. The 1997 Guidelines particularly accelerated Japan's participation in a possible conflict since the Guidelines require Japan's full cooperation, which might lead to the exercise of the right to collective self-defense.

The United States has been nurturing the SDF under the Security Treaty since the 1950s and putting pressure on Japan to exercise the right to collective self-defense since the 1990s.⁴ In other words, because of the Security Treaty, Article 9 is eroded, the last brake to prevent Japan from using its forces "as a means of settling international disputes."

To avoid the worst situation in time of an emergency under the Security Treaty, the 1997 Guidelines emphasized Japan's logistical support. The 1997 Guidelines are decisively different from the 1978 Guidelines in the sense that, in the 1997 Guidelines, a study on "rear support in emergencies in the Far East and other situations" would be carried out. The 1978 Guidelines did not mention "rear support" in an emergency in the Far East. The 1997 Guidelines in fact included the contents of the New Security Treaty. The 1997 Guidelines meant a large turn-about of the defense policy in the sense that the SDF could be dispatched overseas in the event of an emergency in other countries, such as the United States.⁵

In other words, without changing the Security Treaty or the Constitution, the Defense Agency could expand the roles and missions of the SDF. In 1991, the Maritime SDF dispatched minesweepers to the Persian Gulf *after* the war. Under the 1997 Guidelines, however, the SDF could participate in logistical support *during* an emergency in a situation that would greatly affect Japan's peace and security. This situation does not mean a specific area. The SDF could be dispatched *anywhere* in the world if the United States called on Japan's support under the 1997 Guidelines.

The Japanese government, in fact, already sent the Maritime SDF to the Indian Ocean in November 2001 and the Ground SDF to Iraq in

4 U.S. Deputy Secretary of Defense Richard Armitage confirmed his view, stating that Article 9 of the Constitution was an obstacle to the United States-Japan alliance since it prevented Japan from exercising the right to collective self-defense. *Asahi Shimbun*, Feb. 22, 2004.

5 *Asahi Shimbun*, May 30, 1996 and June 9, 1997.

January 2004 even though these cases did not greatly affect Japan's peace and security. These dispatches are obviously beyond the limit of Japan's traditional exclusively defensive defense policy and the Security Treaty; therefore, the New Guidelines of 1997 were significant.

The important point here is that by stretching Article 9 in its favor, the Koizumi administration was able to send the SDF to an area where a state of the war still continued. If terrorists or anti-United States forces attacked the SDF, the SDF would have no choice but to defend troops using the weapons, which would automatically create a condition of an exercise of the right to individual self-defense.

This situation might lead to "use of force as means of settling international disputes" and to exercise of the right to collective self-defense because the SDF would be fighting along with U.S., British, and Australian forces that would come to help the SDF. Although this action constitutes "self-defense," it is different from exercising the right to self-defense in the Japanese territories. The SDF is now in a foreign territory. If such an attack actually occurred, it would be extremely difficult for the Japanese government to withdraw the SDF, given the response of the United States. While it is important for the Japanese leaders to maintain good relations with the United States by keeping the SDF in Iraq, if the SDF sustained losses during the battle, any Japanese administration would be forced to resign.

If a war breaks out on the Korean peninsula or in the Taiwan Strait, Japan would be forced to exercise the right to collective self-defense, since the 1997 Guidelines provides U.S. forces with logistical support, which is an important part of war, and the SDF would be placed under the command of U.S. forces.

Michael Green maintains that "Japan's enhanced capabilities for 'exclusively defensive defense' proved less useful in the event of a regional crisis." According to him, for the Japanese government, this result was natural, since the SDF was not designed to cope with a regional crisis. For the U.S. government, however, it was not enough, as Japan's response to the Gulf War of 1991 clearly demonstrated. Therefore, Green continues, it was necessary for the U.S. government and the Japanese government as well to define Japan's role in the U.S.-Japan military alliance in the post-Cold War era. The answer was, he argues, the U.S.-Japan Joint Declaration on Security of 1996 and the review of

the 1978 Guidelines.⁶

If one can see the dispatch of the Maritime SDF to the Indian Ocean in November 2001 from the above perspective, one can easily understand the quick response of the Japanese government to the 9/11 terrorist attacks. The 2004 dispatch of the Ground SDF to Iraq can also be easily understood from the same perspective. It was necessary for the Japanese government to show the “flag” or “boots on the ground” and prove that the military alliance was still effective in the post-Cold War era.

In fact, Tsuneo Akaha points out that the U.S.-Japan joint defense planning under “the new guidelines goes far beyond what had been accomplished under the previous guidelines,” whose joint defense planning was limited to “joint studies of contingencies.” The 1997 Guidelines will carry out “joint contingency planning and cooperation in normal circumstances in preparation for contingencies.”⁷ However, in the 1978 Guidelines, an emergency plan in the areas surrounding Japan was left largely untouched. Therefore, the 1997 Guidelines put emphasis on an emergency plan in the areas surrounding Japan.

Japan's Dilemma and Options

Glenn Snyder describes alliance relations in terms of entrapment and abandonment. If a country deeply engages in an alliance, it might become entrapped in a war which an ally started, but if a country has weak alliance relations, it might be abandoned when help is needed. Therefore, from the viewpoint of a junior partner, there is a dilemma: a fear of entrapment and a fear of abandonment. This is called an alliance dilemma. Snyder also discusses the concept of the complex security

6 Michael Green, “The U.S.-Japan Alliance and the Future of East Asian Security,” in Chihiro Hosoya and Toshio Shinoda, eds., *Redefining the Partnership: The United States and Japan in East Asia* (Lanham, MD: University Press of America, Inc., 1998), pp. 4–5; and Hisao Maeda, “Gaidorain kara Shin Gaidorain made,” [From Guidelines to New Guidelines] *Sekai*, July 1996, pp. 70–77.

7 Tsuneo Akaha, “Beyond Self-defense: Japan's Elusive Security Role under the New Guidelines for U.S.-Japan Defense Cooperation,” *Pacific Review*, Vol. 11, No. 4 (1998), p. 473.

dilemma, which creates a dilemma with a potential enemy of an alliance. The security dilemma means that an effort to increase a country's security brings about an unintended result of jeopardizing another country's security. The complex security dilemma implies that if a junior partner strengthens its alliance relations with a senior partner in order to minimize a risk of abandonment, this action leads not only to increasing the risk of entrapment, but also to creating a security dilemma with a potential enemy of an alliance.⁸

In the case of the U.S.-Japan Security Treaty, an alliance dilemma means that Japan (a junior partner of an alliance) feels that the United States (a senior partner) might abrogate the alliance relationship or abandon Japan. Therefore, Japan will follow U.S. foreign policy, hoping that the senior partner will continue to protect the junior partner. An alliance dilemma also means that Japan is afraid that it might become entrapped in a war in which the United States becomes involved.

Japan also creates a complex security dilemma with North Korea and China by increasing the SDF's fighting capability and reinforcing defense cooperation with the United States. In order to avoid abandonment, Japan participated in the Missile Defense system, increased its Aegis defense capability, and reinforced defense cooperation under the 1997 Guidelines. Japan is even considering the purchase of F-22 fighters. As a result, Japan's efforts to increase its defense capability and to strengthen defense cooperation with the United States led to an unstable security environment with North Korea.

Close defense cooperation between the SDF and U.S. forces under the 1997 Guidelines indirectly led to North Korean missile and nuclear development. China also feels concerned about the Missile Defense system, the 1997 Guidelines, and Japan's efforts to acquire F-22 fighters.

Therefore, Japan worsens the security environment in Northeast Asia in order to minimize the risk of abandonment. Moreover, such actions by Japan lead not only to an increasing risk of entrapment (a war with North Korea), but also creating a security dilemma, which indirectly contributes to missile and nuclear development in North

8 Glenn H. Snyder, "The Security Dilemma in Alliance Politics," *World Politics*, Vol. 36, No. 3 (1984), pp. 461-95; Glenn H. Snyder, *Alliance Politics* (Ithaca, NY: Cornell University Press, 1997).

Korea and military modernization in China.

Jitsuo Tsuchiyama contends that Japan has been facing a fear of abandonment since the 1970s and thus tries to retain the U.S. commitment to the defense of Japan. He explains Japan's defense policy since the 1980s from this point of view.⁹ If one sees the Guidelines from the perspective of an alliance dilemma, one might argue that Japan has sought reassurance of U.S. commitment to the defense of Japan through establishing and reinforcing the Guidelines since the 1970s.

Narahiko Toyoshita, however, argues that an alliance dilemma does not apply to Japan. Toyoshita points out that there would be little possibility that the United States would abandon Japan. He contends that the task of U.S. bases in Japan is not to defend Japan, but to support the U.S. global strategy. Therefore, these bases are of vital importance to the United States. Toyoshita concludes that without U.S. bases in Japan, the United States would not be able to carry out its worldwide strategy.¹⁰

For the Koizumi administration, there was no dilemma. Prime Minister Koizumi, unlike his predecessors (except for Yasuhiro Nakasone), extraordinarily supported the United States in the security area and was eager to change Article 9 so that the SDF could officially become Japan's armed forces and be used in order to solve international disputes.

Yukio Okamoto, former Foreign Ministry official and former foreign policy special adviser to Prime Minister Koizumi, represents those who support Koizumi and Abe. Okamoto emphasizes the importance of the Security Treaty in the 21st century and advocates Japan's active role in supporting the United States in the security area.¹¹

Prime Minister Koizumi's private advisory committee on security and defense capability also submitted the so-called Araki Report to the Prime Minister, emphasizing the importance of the Security Treaty as a main pillar to fight against terrorism and improve the security environ-

9 Jitsuo Tsuchiyama, *Anzenhosho no Kokusaiseijigaku* [International Politics of Security] (Tokyo: Yuhikaku, 2004).

10 Narahiko Toyoshita, "Atarashii Senso to Furui Domei," [A New War and an Old Alliance], *Sekai*, Jan. 2002, pp. 66–73.

11 Yukio Okamoto, "Japan and the United States: The Essential Alliance," *Washington Quarterly*, Vol. 25, No. 2 (Spring 2002), pp. 59–72.

ment in an international society. The view held by Okamoto and the Araki Report is the mainstream view in Japan's politics toward the Security Treaty.

In the minds of these people, Japan faces a nuclear and missile threat from North Korea—and probably China in the future. The Defense Agency argues that the total number of North Korean armed forces is far superior to that of South Korea and that North Korea maintains Weapons of Mass Destruction. Therefore, the agency continues, North Korea is a destabilizing factor to the security of East Asia, including Japan. Regarding China, the Defense Agency points to the rapidly growing Chinese defense budget that would far exceed Japan's by 2008 if the current growth rate continues. The agency concludes that Japan must keep an eye on the modernization of the Chinese armed forces.¹²

Therefore, for many Japanese leaders, it is important for Japan to maintain the Security Treaty lest the United States abandon Japan. There exists a fear of abandonment in their minds. While Japanese leaders wish to avoid taking part in the war between the United States and North Korea (entrapment), they fully understand the consequences of a policy of not helping the United States in such a case (abandonment). Therefore, these leaders think that Japan faces an alliance dilemma.

Entrapment

In fact, Japan would get involved in a war between the United States and North Korea or between the United States and China if Japan commits itself too deeply to the Security Treaty, exercising the right to collective self-defense under the Guidelines. But, if Japan does not commit itself strongly enough to the alliance relations because of Article 9 of the Constitution, the United States would criticize Japan, or might even retaliate against Japan in the trade area, which might lead to the end of the U.S.-Japan relationship.

In other words, whether Japan should exercise the right to collec-

12 Boeicho, ed., *Nihon no Boei 2006* [Defense of Japan 2006] (Tokyo: Gyosei, 2006), pp. 27–28, 42–43.

tive self-defense under the Guidelines or stick to Article 9 without helping the United States is a very difficult question to answer for the Japanese leaders. It seems, however, that Japan is concerned not because it is afraid of being abandoned by the United States, but because the United States might shut out Japanese products from the U.S. market if Japan does not help the United States in the area of defense.

While the United States would not abandon Japan, it seems that Japan might become entangled in a war in which the United States gets involved. If a war breaks out in the Taiwan Strait, Japan will have to cope with an extremely difficult situation, facing a decision as to whether it should remain neutral or help the United States. If Japan helps the United States in accordance with the 1997 Guidelines and the Security Treaty, there will be a possibility of China attacking the U.S. bases in Japan. If Japan maintained neutrality, then the United States would severely criticize Japan, and this would be the end of the Security Treaty. Given the U.S. criticism of Japan during the Gulf Crisis of 1990-91, one can easily imagine how the U.S. administration, government, Congress, and the American public would react to Japan's neutrality.

Tetsuzo Fuwa criticizes the 1997 Guidelines because they have dangerous characteristics that might activate U.S.-Japan combined operations in an emergency in the areas surrounding Japan, which was beyond an emergency in the Far East under the 1978 Guidelines and in fact had no geographical limits. He further goes on to say that in the 1997 Guidelines the United States and Japan agreed that they would cooperate "under normal circumstances" to prepare for this emergency. If an emergency arose, he argues, Japan would have no choice but to be automatically caught up in armed intervention due to the Security Treaty.¹³ This last point is of vital importance to Japan's national interests. As long as Japan maintains the Security Treaty, it has no choice but to follow the U.S. decisions. This is an alliance dilemma that Japan faces: a fear of entrapment.

13 Nihon Kyosanto, *Tettei Kaimei Shin Gaidorain* [Thorough Analysis: New Guidelines] (Tokyo: Nihon Kyosanto Chuoiinkai Shuppankyoku, 1997), pp. 8, 13.

Civilian Control and Political Independence

It is generally known that military cooperation between the two armed forces began in the 1970s. However, military officials of Japan and the United States had made a joint military plan in secret called "Outline of Coordinated Joint Emergency Plan" every year from 1952 without even informing the commander-in-chief, the Prime Minister.¹⁴ In this way, military officials of the two countries had begun a joint military planning well before the 1978 Guidelines were formulated without letting the Prime Minister know.

The abovementioned incident clearly shows that there is a problem of civilian control in Japan. In this respect, Christopher Hughes is concerned about Japan's civilian control under the Ballistic Missile Defense (BMD) system. He argues that due to a limited time response to incoming missiles under the BMD system, the Prime Minister might not have enough time to consider whether Japan should fire missiles. As a result, the decision might be in the hands of a military commander, instead of the Prime Minister's.¹⁵

Another problem that Japan faces is that because Japan's BMD is a part of United States Missile Defense (MD) and because Japan relies heavily on the United States for information regarding the MD system, it would be extremely difficult for the Prime Minister to independently decide whether Japan should respond or not. Such a decision will be made by a U.S. military commander, if not a Japanese military commander, according to standard operating procedures in times of an emergency.

This is because Japan must rely on the United States for the important information and offensive capabilities. The sinking of unidentified ships by the Japan Coast Guard in December 2001 clearly revealed that Japan depended on the United States for intelligence. Now, Japan has its own intelligence satellites, but its ability of intelligence gathering and analysis is not as accurate as that of the United States.

It is also clear that it would be extremely difficult for Japan to

14 *Asahi Shimbun*, July 1, 2004.

15 Christopher Hughes, *Japan's Security Agenda* (Boulder, Colorado: Lynne Rienner Publishers, Inc., 2004), pp. 181-88.

maintain political independence and make its own decisions under the Security Treaty in times of emergency in Japan, the Korean peninsula, or the Taiwan Strait. In other words, Japan cannot maintain a neutral position as long as it sticks with the Security Treaty. If President Bush carries out a preemptive strike against North Korea, Japan would be attacked by North Korea due to U.S. bases in Japan. It does not matter for many Japanese whether the United States would destroy North Korea or not because by that time some of the major cities in Japan would be ruined, even though Japan could repel an overall attack. In this respect, if Japan does not have the Security Treaty (and if there is no UN headquarters in Japan), there is a possibility that Japan could choose its own policy, such as a neutral one.

Haruo Fujii points out that in the secret agreement of 1952, the Japanese government agreed that the U.S. government alone would decide whether a particular situation was an emergency or not.¹⁶ This agreement clearly indicates that the Japanese government cannot even decide which situation is an emergency without consulting with the U.S. government. Japan has been a junior partner under the Security Treaty since 1951. Japan's past foreign policy shows that Japan has almost always faithfully followed U.S. foreign policy. Japan has seldom challenged the United States in this respect.

The important issue is that Japan cannot decide autonomous foreign and defense policies under the Security Treaty. Neither the Japanese government nor the Diet will be able to refuse a decision made by the United States in time of an emergency. Considering the fact that the United States would seek to protect its own national interests and the recent U.S. unilateralism, there is no guarantee that the United States would defend Japan under the Security Treaty. It would be up to the U.S. government.

It is stipulated in the SDF law that when the SDF is dispatched for the defense of Japan, the Japanese government needs to get prior

16 Haruo Fujii, *Nichibei Kyodo Sakusen no Tettei Kenkyu* [A Detailed Study of U.S.-Japan Joint Operations] (Tokyo: Kojinsha, 1992), p. 96; and the Ministry of Foreign Affairs, *Declassified Diplomatic Records, Bilateral Treaty and Agreement, Related to Article 3, the Status of Forces Agreement, the U.S.-Japan Security Treaty*, available at <http://gaikokiroku.mofa.go.jp/index.html> (accessed on Aug. 10, 2007).

approval from the Diet. However, when the SDF is sent overseas on UNPKO missions, the Japanese government needs only to report to the Diet without delay. And when the SDF participates in an emergency in the areas surrounding Japan under the 1997 Guidelines, the Diet's approval in advance is not needed. The Prime Minister needs only Cabinet approval. This kind of approval clearly leads to further expanded roles and missions of the SDF since the Diet has difficulty checking government policies. A policy of Cabinet approval only also shows the weakness of the Diet, which was not able to reinforce its function to check government policies.

For the Koizumi administration, maintaining good relations with the United States, by reinforcing the SDF's help toward U.S. forces under the 1997 Guidelines, was more important than strengthening civilian control over the SDF. Given Japan's history that the Diet was not able to check government policies before 1945, it is important for the Diet to maintain an effective function over defense policies, including roles and missions of the SDF.

Drifting Apart?

A concern for the future of U.S.-Japan relations, should Japan's support be ineffective, was widely shared among politicians, bureaucrats, business leaders, and scholars in Japan. In 1997, for example, Masahiro Akiyama, administrative vice-minister of the Defense Agency, stated that there was recognition within the Japanese government that Japan would not be able to maintain the alliance if it did nothing as the ally of the United States when an emergency arises in the areas surrounding Japan that would greatly affect Japan's security.¹⁷

After the Cold War ended, both the United States and Japan had also felt it necessary to cope with new security environment in the Asia-Pacific region. Besides, the United States shifted its emphasis from security to economy in the 1990s. The Clinton administration began to emphasize the economic aspect of bilateral relations in dealing with Japan, neglecting the security aspect. Therefore, some officials in both

¹⁷ *Asahi Shimbun*, Aug. 14, 1997.

the Japanese and the U.S. governments were concerned that the Security Treaty was drifting.

Under such circumstances, the Japanese government was concerned that if Japan did not effectively support the United States in time of an emergency on the Korean peninsula, the U.S.-Japan alliance might fall apart. Akiyama's statement mentioned above clearly indicates that the review of the 1978 Guidelines was not initiated based on the idea of enhancing Japan's security, but rather stemmed from Japan's concern for maintaining good relations with the United States.

The United States was also concerned about the future alliance with Japan. For example, Paul S. Giarra and Akihisa Nagashima criticize the relationship between the two countries. They point out that the U.S.-Japan alliance was "a paper alliance that could be, and was, run virtually from desktops and filing cabinets." But, the 1997 Guidelines changed this situation, and now provided "the outline and framework for the legitimacy of the bilateral defense cooperation" beyond the Japanese territories.¹⁸

In this respect, Giarra and Nagashima accurately perceive the importance of the 1978 Guidelines review in "enhanced rear area logistical, materiel, and bases and facilities support for U.S. operations." They contend that "Japan assumed the role of landlord . . . always retaining the ultimate authority on legitimate use of the premises."¹⁹

In fact, however, it was the United States that has always maintained the ultimate authority over the use of U.S. bases in Japan. In the past, the Japanese government has never challenged the United States government on this point. It is a well-known fact that during the Vietnam War, B-52 bombers attacked Vietnam from the U.S. bases in Japan. During the Gulf War of 1991, the United States sent troops and logistical supplies from its bases in Japan. As the Vietnam War and the Gulf War clearly demonstrated, the United States has freely used her bases in Japan beyond the provisions of the Security Treaty and has contin-

18 Paul S. Giarra and Akihisa Nagashima, "Managing the New U.S.-Japan Security Alliance: Enhancing Structures and Mechanisms to Address Post-Cold War Requirements," in Michael J. Green and Patrick M. Cronin, eds., *The U.S.-Japan Alliance: Past, Present, and Future* (New York: Council on Foreign Relations Press, 1999), pp. 99, 101.

19 *Ibid.*, pp. 97, 100.

ued to enjoy an almost free hand over the use of U.S. bases in Japan.

Therefore, it is inconceivable that the United States is willing to give up the aforementioned prerogative in the near future. In this respect, considering the fact that Japan pays more than 70 percent of the cost to keep U.S. troops and bases in Japan and the ability of Japanese to repair vessels is one of the best in the world, the United States will neither abandon Japan nor withdraw its troops and bases from Japan, since it needs its bases in Japan to maintain its superpower status and to check the growing power of China (and military power of Japan as well). Therefore, there is no alliance dilemma for Japan in this respect.

For SDF military officials, the 1997 Guidelines are useful in enhancing their influence and power within the Japanese government and expanding their roles and missions. For civilian officials, the Guidelines were necessary to maintain good relations with the United States. For U.S. military officials, they could continue to control the SDF through the 1997 Guidelines. From the U.S. viewpoint, because of the 1996 Taiwan Crisis and the North Korean missile tests and nuclear development, Japanese support will be of vital importance to U.S. troops in times of an emergency. In other words, officials from both countries found mutual benefits in reviewing the 1978 Guidelines.

After all, there is little reason why Japan should increase its security after the Soviet Union dissolved because Japan faces little threat either from China, North Korea, or Russia. One can argue that the 1996 Taiwan Crisis and the North Korean missile tests and nuclear development did not directly affect Japan's security. The 1996 Taiwan Crisis was basically an issue between China and Taiwan and between China and the United States. Besides, China has kept plenty of missiles and nuclear weapons that could attack Japan for a long time. It is true that the relations between Japan and China are deteriorating these days, but China and Japan are now both among each other's biggest trading partners. Therefore, China has little reason to attack Japan unless the latter intervenes in the Taiwan issue on the side of the United States.

The North Korean nuclear issue is also basically between North Korea and the United States. The North Korean missile and nuclear development will not increase Japan's vulnerability to North Korea. North Korea has already maintained enough military power for a long time to be able to inflict tremendous damage on Japan even without

nuclear weapons or new missiles.

In other words, these threats are not new, but the Japanese government made use of these threats and the recent Chinese military buildup in order to justify Japan's own military buildup and make the Japanese people believe that Japan really faces these threats.

Japan does not face a fear of abandonment in an alliance dilemma because an external threat to Japan remains the same or lessens and because the SDF has become a substantial armed force strong enough to be able to initially defend Japan.

The End of the Alliance?

Even if China or North Korea did not attack Japan, if the Japanese government refused to let the United States use its own bases in Japan, what would happen to the U.S.-Japan relationship? If Japan refused to provide the U.S. forces with logistical support, including rescue support when American soldiers are dying in the Taiwan Strait or on the Korean peninsula due to the lack of the right to collective self-defense, what would be the response of the American people? These refusals would certainly damage any Japanese administration and would lead to a total deterioration of relations with the United States.

Of course, there might be a case where the United States would not interfere in a military conflict between Beijing and Taipei. In such a case, Japan would also be able to stay away from the conflict in the Taiwan Strait. In either case, whether or not Japan would get involved in the conflict would depend on the United States. As long as Japan maintains the Security Treaty, the lack of Japanese ability to act independently will haunt the nation.

There might be a possibility that the SDF could be capable of defending Japan against Chinese or North Korean attacks without the assistance of U.S. forces. According to some studies, Japan's conventional air and naval power is among the best in the world and the best in Asia. Japan's Aegis defense capability coupled with P3C antisubmarine attack aircraft and F-15 interceptors is a formidable challenge to Chinese and North Korean navies and air forces. Moreover, it is reported that Japan is considering purchasing F-22 fighters from the United

States.²⁰

Although Japan's Maritime SDF is deeply integrated with the United States Navy and Japan still depends on U.S. intelligence in many cases, Japan is rapidly improving its own intelligence and defense capabilities. Given the fact that Chinese and North Korean air and naval power are still obsolete, Japan could be capable of dispelling attacks from these countries without U.S. help.

In such a case, many Japanese might wonder why Japan has to continue to host 40,000 to 45,000 U.S. troops paying US\$120,000 to \$150,000 per American soldier per year.²¹ This question will certainly lead to reconsideration of the validity of the Security Treaty for Japan.

After the end of the Cold War, the main purpose of U.S. forces in Japan is no longer to defend Japan. The 1997 Guidelines stated that the SDF had primary responsibility for the defense of Japan.²² This question led to criticism against the Security Treaty itself, along with the fact that Japan shares a heavy financial burden in hosting U.S. troops—against the background that Japan suffered from a prolonged recession, while the United States enjoyed unprecedented economic growth in the 1990s.

If a war broke out on the Korean peninsula, Japan could remain neutral and end the Security Treaty. However, politically that would be the end of the close relationship between Japan and the United States. Japan could end the Security Treaty in this way, but it would face an extremely difficult position after the conflict. Economically, the United States could retaliate against Japan by applying protectionist policies or even shutting out Japanese goods from the U.S. market. Although the United States share in Japan's trade is decreasing (now China is Japan's largest trading partner), the U.S. market is still important to Japan. Of

20 Shunji Taoka, *Nihon o Kakomu Gunjiryoku no Kouzu* [The Composition of Military Power surrounding Japan] (Tokyo: Chuokei Shuppan, 2003); Jennifer M. Lind, "Pacifism or Passing the Buck?" *International Security*, Vol. 29, No. 1 (2004), pp. 92–121; and *Japan Times*, May 1, 2007. For example, it is the Air SDF, not the United States Air Force, that is primarily responsible for the defense of the skies over Japan.

21 *Asahi Shimbun*, March 14, 1996; and Feb. 22, 2000.

22 Boeicho, ed., *Nihon no Boei 2003* [Defense of Japan 2003] (Tokyo: Gyosei, 2003), p. 343.

course, imposing economic sanctions against Japan would also hurt American consumers and companies, but the damage to Japan would be greater than to the United States. This is exactly the kind of policy that the Japanese leaders fear. This is the dilemma that Japan faces, which is different from an alliance dilemma.

Japan could retaliate against the United States by withdrawing Japanese money invested in the United States. Withdrawal of Japanese money would probably cause a shortage of American dollars within the United States. The shortage of the dollar, in turn, would lead to an increase in interest rates in the United States, which in turn would bring about a decrease in the stock price in the U.S. financial markets. The decreased stock prices would cause a recession in the United States and lead to an outflow of capital from the United States. The outflow of capital would bring about a devaluation of the dollar. The decrease in the stock prices and the devaluation of the dollar would lead to a world recession, hitting Japanese investors the most. Therefore, in reality, there is little choice for Japan except to support the United States. As long as Japan maintains the Security Treaty and heavily relies on American dollars and markets, Japan's choices are very limited in both the security and economic areas.

Military Cooperation and Future of the Alliance

Fujii contends that under the name of interoperability of the 1978 Guidelines, the SDF would be placed under the command of an American general or admiral because no U.S. troops have ever fought under a non-American commander since the end of World War II. In fact, according to the declassified U.S. documents of 1985, the Japanese government orally agreed in 1952 that a combined headquarters would be set up between the two armed forces under an American commander. This oral agreement was kept secret since it was politically difficult for the Japanese government to admit to such an agreement and to mention it in a written form.²³

23 Fujii, *Nichibei Kyodo Sakusen*, pp. 19, 36, 96–98, 102–105, 128–31; and the Ministry of Foreign Affairs, *Declassified Diplomatic Records, Bilateral Treaty and Agree-*

In fact, if the SDF and U.S. forces would fight separately, it would be very difficult for them to effectively defend Japan. Therefore, in 1952 the Japanese government agreed to the establishment of combined forces.

Moreover, it is a well-known fact among Maritime SDF officials that the Maritime SDF has been trained as a supplementary force of the United States Navy. One of the main tasks of the Maritime SDF is to directly defend U.S. aircraft carriers. Therefore, Japan acquired one hundred P3C antisubmarine aircraft and five destroyers with Aegis system in the 1980s and 1990s, whose main task in times of emergency is to defend the United States Seventh Fleet.

The United States wanted to make sure that the SDF would help U.S. forces in times of emergency, and the New Guidelines of 1997 reinforced this aspect of interoperability: command, control, and intelligence. In times of war, all the SDF troops would be placed under the command of U.S. armed forces.

However, if Japan has to fight alone, today's SDF is strong enough to do so for at least a short period of time in spite of the fact that the Maritime SDF is heavily integrated with the United States Navy and the SDF in many ways has to rely on U.S. intelligence. Given the composition of U.S. forces in Japan, which lacks combat units except for Marine Corps in Okinawa, Japan cannot expect quick U.S. help if a war breaks out in Japan, the Korean peninsula, or the Taiwan Strait, since these Marine Corps would not be in Japan. Therefore, the initial fighting responsibility would rest with the SDF.

Conclusion

As closer military cooperation between the SDF and United States forces in Japan under the 1997 Guidelines develops, an issue of the right to collective self-defense will become important, since there is a strong possibility that the right to collective self-defense under the 1997 Guidelines infringes on Article 9 of the Constitution.

ment, available at <http://gaikokiroku.mofa.go.jp/index.html> (accessed on Aug. 10, 2007).

In fact, former Prime Minister Koizumi actively supported the revision of Article 9 and politicians in the Diet discussed the possibility of revising Article 9. The Abe administration is also keen to revise the Constitution. The U.S. government indirectly supports these efforts on this issue.

In reality, Japan already established a condition that it could exercise the right to collective self-defense by sending the SDF overseas to help U.S. troops. Therefore, as for the right to collective self-defense, there remains only a matter of legal formality.

As long as Japan pays the current level of financial costs to host U.S. troops and bases in Japan, the United States will not abandon Japan by terminating the Security Treaty, because it is much cheaper to keep U.S. troops and bases in Japan than on the U.S. mainland. Moreover, the United States fully understands the importance of Japan's strategic location to its security, particularly Okinawa's. From Okinawa, U.S. forces could easily cover the Korean peninsula, China, and Taiwan. Therefore, the United States will not give up its bases in Japan, and so the argument of a "fear of abandonment" on the side of Japan is a myth.

However, many Japanese politicians, bureaucrats, business leaders, and members of the public think that if Japan does not support U.S. foreign policy, the United States would abandon Japan. The legacy of the Cold War still haunts Japan.

The Japanese government has stretched Article 9 of the Constitution in its favor, so that the SDF could carry out defense cooperation with U.S. forces anywhere in the world under the 1997 Guidelines. The 2004 dispatch of the SDF to Iraq is certainly the beginning of such defense cooperation and the roles and missions of the SDF will be further enhanced.

Having the right to collective self-defense, Japan would use the SDF in conducting its foreign policy and become more assertive in dealing with other countries. Such a Japan would cause a problem for China and both Koreas.