Volume 7 | Issue 36 | Number 1 | Article ID 3213 | Sep 07, 2009

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Translated by Vic Koschmann

Anticipating the August 2009 electoral victory of the Democratic Party of Japan, which has promised to adopt a more assertive stance toward Washington, in July 2009 defense specialist Maeda Tetsuo presented concrete set of proposals for transforming the Japan-U.S. security relationship and paving the way for a more proactive Japanese role in Eastern Asia. These proposals have taken on more immediate relevance since the election, which swept the long-ruling Liberal Democratic Party from office in a landslide.

What does the conclusion in February 2009 of the Japan-U.S. agreement to relocate United States Marines from Okinawa to Guam suggest with respect to the foreign policy of the Obama administration?[1] The conclusion seems unavoidable: the Obama administration is seeking to maintain the status quo and protect vested interests. The implication is that any far-reaching policy developments will have to be managed within the framework of the existing priority structure, in which economic policy trumps security policy, and Middle Eastern issues are given priority over Asian issues. In other words, fundamental change in Japan-U.S. security policy cannot be expected to emerge from such a stance.

Further evidence supporting this conclusion can be gleaned from Secretary of State Hillary Clinton's personnel appointments: the new Assistant Secretary of State for East Asian and Pacific Affairs, Kurt Campbell, was formerly in charge of negotiations for the transfer of base facilities from Futenma in Okinawa; the new director of the Office of Japanese Affairs at State is Kevin Maher, formerly consul general in Okinawa; and the new Assistant Secretary of Defense for Asian & Pacific Security Affairs, Wallace Gregson, was formerly Commanding General of Marine Corps Forces Pacific and Marine Corps Forces Central Command in Okinawa. These are all "Japan hands" who are thoroughly familiar with the 2005-06 negotiations regarding the "realignment" of U.S. forces.[2] Here again, we find evidence of a desire to preserve the status quo and defend vested interests.

Nevertheless, international society is clearly struggling with an unprecedented economic crisis, and virtually no one believes that its scope will be limited to economics. The cancer that began in American financial circles is almost certainly destined to invade all corners of the international political system. Especially in light of the related bankruptcies of the twin pillars of the Bush administration's state strategy — neo-liberal economics, headquartered on Wall Street, and unilateral action/preemptive strike, whose proving ground was to be the Iraq and Afghan wars — the American economic crisis has clearly revealed that its hegemony stands on feet of clay.

The U.S. is incapable in the long run of bearing

both the domestic burden of financial recovery and the current enormous outlays for military operations abroad. In the end, this administration will have to make a fundamental change involving reconsideration of the endless war against terrorism and a reduction of the network of overseas bases. As retrenchment gradually affects global strategy, changes even in the Japan-U.S. security framework will be impossible to avoid. Thus, in the long term, the Obama administration might, indeed, bring an opportunity for change in Japanese security policy.

The Guam agreement on troop relocation seems to suggest that, in regard to Japan, the Obama administration's principle of "returning to a stance of international cooperation" means assigning greater responsibility to America's ally, Japan. In other words, the U.S. will seek to defray the cost of unilateral action by instituting a division of labor with Japan. That means that it will be impossible for Japan to avoid persistent demands for support from the U.S. In regard to the keeping of past promises, insistence on executing official agreements entered into by the Liberal Democratic Party (LDP)/Kōmeitō coalition government – including the realignment of U.S. forces in Japan, missile defense and dispatch of forces abroad – the "Japan hands" of the Obama administration can be expected to transmit to Japan pressure of a somewhat different sort than that imposed by the Bush administration. For example, they are likely to demand financial burden sharing rather than dispatch of forces overseas.

The Future of Japan's Security

At the same time, there are increasing signs of impending structural change in Japan's domestic political scene. It is only a matter of time until the cozy relationship to U.S. Asian strategy that has been so much a part of the politics of Liberal Democratic party rule comes to an end. A change of government would offer the opportunity to phase out a security policy that is rife with bad habits, as symbolized in the financial support for U.S. bases that the Japanese government has buried in the Japanese budget. The administration that replaces the LDP should treat this moment as a golden opportunity to present to the people a new approach to security and a policy framework capable of freeing Japan from the status of dependent variable in American world strategy.

It is quite true that the existing "security framework" imposes certain constraints, and that any government must deal with that reality. On the other hand, significant change is possible without immediately focusing on abrogation of the security treaty, thus fomenting a major political issue. Rather than debating the treaty itself, we should be focusing on the practical problem of how to begin overcoming Japan's status of "dependent variable" in diplomatic and security policy.

First, we need to start cleaning off the "barnacles"—that is, the various broad interpretations of U.S. prerogatives — that over the years have attached themselves to the security structure. More precisely, this would mean initiating a moratorium [on security commitments] combined with renewed discussion. As someone has said, "we needn't scrap [the security framework] entirely but do need to bring it back to the dock [for modifications and adjustments]." That is the only way to put Japan-U.S. relations on a course that will encourage policy change.

What is needed, first, is a change in perception capable of shifting the foundation of Japan's security away from the Japan-U.S. alliance toward cooperation with the UN and cooperative security in East Asia. This would involve a new emphasis on mutual security that is premised not on confrontation and threat, resulting in a power game in which the winner takes all (zero-sum game), but rather on

fairness and trust so that both sides can benefit (win-win game). This is the direction in which the post-Cold War European Community has gone.

This is also, incidentally, the orientation to security called for in the Japanese Constitution. Japan would simply be returning to the spirit of the Preamble, which states that, "we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world." Moreover, as clarified through numerous interpellations in the Diet, the existing security treaty is supposed to contemplate security cooperation only within the bounds of Article Nine, so that the Security Treaty and Article Nine are in no way contradictory. In other words the basic premise of the proposal outlined here is that Article Nine of the Constitution can and should be maintained and creatively developed.

Without touching the Japan-U.S. Security Treaty itself, we should attempt to shift the center of gravity of discussions from zero-sum type strategies to win-win type strategies; from bilateral collective self-defense against a hypothetical enemy to multilateral cooperative security without a hypothetical enemy, which is also consistent with the universalistic collective security of the United Nations. This is neither just a dream nor an unrealistic alternative. We can begin by cultivating the resolve and making the efforts at persuasion that will be necessary to establish a domestic consensus, and by clearly demonstrating firm political determination in initiating consultations with the U.S. The decisive factor in making possible a post-LDP security policy would be a Manifesto, or policy statement agreed upon among the opposition parties [including the Democratic Party of Japan], calling for the sorts of perceptual change and policy initiative outlined above.

We can best overcome dependency by beginning to modify or reverse the various policies adhered to in the era of dependency:

> 1) In the domestic realm, we should seek liberation from the labyrinth of "broad interpretations" favorable to the U.S.; we should also bring an end to secret diplomacy by providing public access to information.
> 2) In the diplomatic realm, a freeze should be announced on the various new forms of military cooperation with the U.S. that have accumulated in recent years, including the "New Guidelines" and "dispatch of forces abroad."[3]
> 3) Toward Asia, we need to construct a "new Asian diplomacy" in place of the Japan-U.S. military alliance by proposing an East Asian version of cooperative security, including conclusion of a "Treaty to Construct a Nuclear-Free Zone in Northeast Asia" and an "East Asian Agreement on Maritime Safety."

Cleaning the "Barnacles" off the Security Treaty

We can tentatively say that the Manifesto should include the following sorts of policy demand:

> • Publication of all secret agreements: Soon after taking office, the new administration should prepare and publish a "security white paper." The details of all agreements heretofore kept from the National Diet and the people should, in principle, be opened to the media. This would include most of the records of

deliberations and the full text of all agreements concluded at meetings of the U.S.-Japan Security Consultative Committee, which is the final decision-making body when it comes to security-related operations. These materials should make clear the degree to which the realities of military cooperation have diverged radically from the texts of security agreements and the interpretations given these texts by the government in the Diet, and thus have amounted to diplomacy by secret agreement and tacit understanding. A policy of openness regarding the secret dealings and decisions surrounding the negotiations for the reversion of Okinawa from U.S. to Japanese control, for example, and the financial burdens assumed by Japan without any legal basis as part of the "sympathy budget," should make it possible for the general public to understand the degree to which the Security Treaty has been manipulated in ways that are actually contrary to the treaty itself.

Once the many years of accumulated deception and deceit evident in unpublished Ministry of Foreign Affairs archives are made known, along with secret agreements on Okinawa and the records of the Consultative Committee, the general public should become clearly aware of how the Japan-U.S. security framework has actually subverted the formal arrangement that has been explained to them in the past. It will become readily apparent that the "U.S.-Japan Alliance" has lacked not only transparency but any legal procedure in its operation.

• A fixed moratorium: Steps that could be taken by the new administration include deciding on an "exit strategy" for Self-Defense Forces currently dispatched overseas. Japanese logistical operations in the Indian Ocean and police activities off the coast of Somalia would cease and a general withdrawal order would be issued. Cessation and withdrawal can be carried out immediately through a government order modifying the basic plan for dispatch of personnel, without waiting for repeal of the Anti-Terrorism Special Measures Law and other statutes. If the need for this is included in the Manifesto, or the policy agreement among the opposition parties, public opinion would most likely develop accordingly. Other countries have successfully made analogous changes in the structure of their relationship to the U.S. For example, electoral results in Spain and Italy led to the withdrawal of troops from Iraq without any retaliatory measures on the part of the United States.

In parallel with the above steps, Japan should call for consultations with the U.S. government under Article Four of the Security Treaty. So long as Japan-U.S. relations are to be based on strict enforcement of the Japan-U.S. Security Treaty, it goes without saying that the major assumption in applying the treaty must be the caveat in Article Three, which specifies that maintenance and development of

"capacities to resist armed attack" should be "subject to ...constitutional provisions." However, a substantial portion of actual security cooperation between the U.S. and Japan, such as cooperation in "situations in areas surrounding Japan," or relating to "mutual provision of logistical services," or having to do with "overhauling ships," looks suspiciously like it would fall into the category of collective defense, and therefore should not be allowed under the Constitution. Similarly, port calls by naval vessels capable of carrying nuclear weapons (violation of the Three Nonnuclear Principles), missile defense (violation of the principle of peaceful uses of outer space), joint development of weaponry (violation of the three principles against weapons export), and dispatch of forces to the Indian Ocean and the coast of Somalia (violation of the prohibition against sending military forces abroad) must all be viewed as "actions violating the Constitution." It is significant in this regard that, in April 2008, the Nagoya High Court declared the Iraq Special Measures Law to be unconstitutional."

Most of the above practices were initiated and accumulated based on secret agreements not subject to parliamentary deliberation or assent. Therefore, toward the U.S. government we need to take the position that Japan has no obligation to cooperate in a manner not provided for in the Security Treaty, and on that basis, to call for consultations.

• Terminating the "Sympathy Budget": According to the Status of Forces Agreement (formally, the "Agreement under Article VI of the Treaty of Mutual Cooperation and Security Between Japan and the United States of America, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan"), all expenses accompanying the maintenance of U.S. forces in Japan... are to be born, not by Japan but by the United States." (Article 24) Nevertheless, since fiscal year 1978, Japan has actually been defraying some of those expenses under the rubric of "sympathy budget." This budget, which is divided among such categories as "equipment expenses," "personnel expenses," "light, heat and water charges," "cost of transfer for training," etc., totals in the neighborhood of ¥200 billion per annum.

• As clearly set forth in the Status of Forces Agreement, the expenses for bases themselves are to be divided between the U.S. and Japan. It is certainly true that the Japanese side is obligated to provide the land for bases and attached facilities, but in principle their maintenance and operation is supposed to be paid for by the U.S. side, and there is no reason for Japan to pay anything for construction of family housing, or for the related "light, heat and water expenses." Nevertheless, such expenses have -- supposedly on a "temporary, limited, and exceptional" basis -- found their way into base management budgets, and have been increased

as a result of secret agreements on Okinawa or the "Ron-Yasu [Ronald Reagan-Nakasone Yasuhiro] alliance," etc. To the present day, even such things as the "cost of maintaining the well-being and welfare of American military families" are included under a special agreement.

Such expenses, which are quite contrary even to the spirit and implication of the Status of Forces Agreement, have no legal legitimacy. Accordingly, it would not constitute a violation of the Agreement if Japan were to take the position that, when these "special agreements" — concluded under Liberal Democratic administrations — lapse, they will not be renewed or extended.

• Consultations Regarding "U.S. Force Realignment": The situation in which U.S. bases in Japan are imposing major burdens on local society and life must be rectified as soon as possible. In the beginning, one of the primary objectives of the realignment of U.S. forces was supposed to be to reduce the burden on residents of Okinawa prefecture. How, then, did it happen that, in actual fact, the realignment not only failed to reduce the burden but went so far as to include new base construction? It seems that the topic for realignment consultations somehow became "maintaining deterrence"; as a result, negotiators ended up focusing on matters quite contrary to the original objectives and gave in completely to American demands. Not only Okinawa but Iwakuni, Yokosuka, Zama, and other sites were soon confronted with new construction and a proliferation of base facilities. Thus, as opposition parties apply the concept of a moratorium, they should clearly investigate the realities of the U.S. force realignment. A natural measure would be to call for revised talks for the purposes of eliminating victimization as a result of the bases and allaying the serious concerns of residents in the vicinity of these sites. The agreement to transfer some U.S. forces to Guam should, of course, be abrogated.

• Revision of the Status of Forces Agreement: Many other problems are related to the existing Japan-U.S. Status of Forces Agreement. These include problems arising from the Agreement's provisions related to abuse of Japanese sovereignty, such as the right of legal jurisdiction in criminal cases involving American military personnel (Article 17); problems regarding damage to and suffering by the surrounding population, such as the right to civil compensation (Article 18), as well as the right to use any civilian port or airport, and to carry out low-altitude flight training anywhere in Japan (Article 5); they also include return of polluted sites under exemptions from the need to restore sites to their original condition when returned to Japan (Article 4); and problems related to observance of domestic environmental standards (no specific provisions, but in practice left to US discretion).

The Status of Forces Agreement was put in place in 1960 as a "related item" attached to the revised Japan-U.S. Security Treaty, but because the limited Diet deliberations that took place prior to forced ratification focused on the main text of the security treaty, there was never any interpellation related to confirmation or interpretation of the Agreement that accompanied it. This left considerable room for "free interpretation," and a variety of secret agreements that might be called "security treaty customary law" emerged from secret meetings among bureaucrats in the Japan-U.S. Consultative Committee. The regrettable results include the excessive generosity of the "sympathy budget" and the situation in which, as a result of U.S. force realignments, the entire country is now treated as if it were an American base.

In going down a similar road in the postwar period in regard to U.S. bases, Germany took advantage of the transition to "unity" and "mutual security" that accompanied the end of the Cold War to tackle their Status of Forces Agreement, concluding the "Bonn Supplementary Agreement (1992-94) which established the principle of the primacy of German law and, on that basis, dissolved the privileged position of the US military. In the process, the US military agreed to close or return most of the bases in Germany. In addition, the German side prohibited low altitude flight training, secured American agreement to abide by German environmental standards, and imposed the duty to restore facilities to their original condition prior to returning them to German jurisdiction.

The Japan-U.S. Status of Forces Agreement, like that of Germany, is modeled after the NATO Status Forces Agreement. Moreover, it is formally a separate document from the Japan-U.S. Security Treaty and was ratified separately (albeit through a forced vote at the time of the 1960 Security Treaty crisis). In Article 27, it states, "Either Government may at any time request the revision of any Article of this Agreement…." Therefore, in line with the established procedures, the U.S. side has no right to refuse negotiations in regard to revision.

Conclusion

In parallel with achieving liberation from the secrecy adhered to in Security Treaty consultations, Japan needs to construct an environment conducive to cooperative security in East Asia. Once all our neighbors become friends, all of our weaponry and the Security Treaty itself will become meaningless. The major reduction in American bases achieved by Germany was due precisely to efforts to eliminate threats and forge a favorable international environment through a European cooperative security framework. Japan, too, needs to come up with a comprehensive conception of how to achieve cooperative security in East Asia. Only on such a basis can we make the transition, conceptually and operationally, from the present, in which Article Nine is treated as an impediment, to a new framework in which it is viewed constructively as the basis of a new future.

Maeda Tetsuo is a writer and commentator who specializes on defense issues.
Vic Koschmann is Professor of Japanese History at Cornell University and a Japan Focus associate.

This article was published in Sekai (World), July 2009, pp. 111-116.

Recommended citation: Maeda Tetsuo, "Escape from Dependency: An Agenda for Transforming the Structure of Japanese Security and the US-Japan Relationship," The Asia-Pacific Journal, Vol. 36-1-09, September 7, 2009.

Notes

[1] According to the February 17 agreement, 8,000 U.S. Marines are to be transferred from Okinawa to Guam at a cost to the Japanese government and taxpayers of $6.09 billion, a perhaps unprecedented fiscal event in the history of dependent relationships. The agreement is, however, contingent on the transfer of the present U.S. Marine base at Futenma, Okinawa, to a new upgraded base at Henoko in pristince northern Okinawa, a move that has been bitterly resisted by Okinawans for more than a decade.
[2] The Guam transfer agreement reconfirmed, and raised to the level of a treaty, agreements on "realignment" reached in the October 2005 and May 2006. These were the agreement on "Transformation and Realignment for the Future" and the "United States-Japan Roadmap for Realignment Implementation."
[3] The Guidelines for Japan-U.S. Defense Cooperation of 1997 expanded the scope of Japan-U.S. defense cooperation beyond Japanese territory, providing for Japanese rear support to U.S. forces in "situations occurring in areas surrounding Japan," where "areas surrounding Japan" was said to be a "situational" rather than "geographical" concept. The text of the Guidelines may be found here. The Antiterrorism Special Measures Law of October 2001 provided the legal basis for dispatch of Japanese forces overseas, and dispatch of the MSDF to the Indian Ocean for refueling operations followed.

See the following articles on related subjects:

Gavan McCormack, "Hillary in Japan – The Enforcer," *The Asia-Pacific Journal*, Vol 8-7-09, February 22, 2009.

Maeda Tetsuo, "Japan's War Readiness: Desecration of the Constitution in the Wake of 9-11," *The Asia-Pacific Journal*, No. 1899.

Hayashi Kiminori, Ōshima Ken'ichi and Yokemoto Masafumi, "Overcoming American Military Base Pollution in Asia," *The Asia-Pacific Journal*, Vol. 28-2-09, July 13, 2009.