

# Toward an Interdependent Partnership

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Disclaimer: The contents of this paper reflect my personal views and are not endorsed by the Japan Air Self Defense Force (JASDF), Ministry of Defense, or the Government of Japan.

## Introduction

In 2002 I taught Japanese defense policy to junior cadets as an exchange instructor at the US Air Force (USAF) Academy. The discussion addressed cooperation between the United States and Japan, and I introduced my experience with the Joint Command Post Exercise (Keen Edge 96) in Yokota A.B. in 1996. USAF in Japan mounted the Offensive Counter Air attack (OCA) on the enemy's air bases, while almost all JASDF fighters were dedicated to Ground Defensive Counter Air. "JASDF cannot officially share the risk with USAF," I said, and one cadet responded, "Sir, I believe Japan is a Samurai nation."

The United States and Japan have been allies since 1951. During the last fifty-six years, the two countries have built a strong relationship which both have celebrated as "one of the most successful bilateral relationships in history."<sup>1</sup> It has survived many changes in history, including Japan's postwar reconstruction and the end of the Cold War.

The current US–Japan Security Arrangement, based on the US–Japan Mutual Security Treaty, is fundamentally asymmetrical. Under the US–Japan Security Arrangement the United States has an obligation to defend Japan, but Japan does not have a reciprocal obligation.<sup>2</sup> Moreover, because Japan has many restrictive defense policies based on its Constitution, the Japan Self-Defense Forces (JSDF) cannot fully cooperate with US forces on the battlefield. Unlike a symmetrical bilateral alliance, an asymmetrical bilateral alliance is not simple to maintain. Both countries must recognize the benefit of an alliance and its obligations must be well balanced.

I believe Japan needs to be able to confront threats on the battlefield and fight together with US forces. Surprisingly, this is not the case even when Japan is directly attacked. For instance, when an enemy air power launches an invasion, while the US

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<sup>1</sup> The Japan–US Alliance of the New Century (29 June 2006).

<sup>2</sup> Ambassador Schieffer Speaks at Japan National Press Club (27 October 2006), <http://japan.usembassy.gov/e/p/tp-20061027-71.html>.

Air Force can mount an offensive counter air operation against air bases in the enemy territory, the Japan Air Self Defense Force (JASDF) can only operate to defend Japanese airspace.<sup>3</sup> In the areas surrounding Japan, the JSDF may not be able to help when US forces come under attack. This is a big dilemma for the JSDF, and it breeds mistrust from US forces because Japan cannot share the same risks as its ally.

Today, the discussion regarding whether Japan should be able to exercise the right to collective self-defense is intensifying in Japan. The right to collective self-defense is defined as “the right to use force to stop an armed attack on a foreign country with which it has close relations, even when the state itself is not under direct attack.”<sup>4</sup> The Government of Japan currently takes the position that Japan possesses the right to collective self-defense, but that it can’t exercise it because of the constraints on the Constitution of Japan. Some in the United States have pointed out that the policy of the non-exercise of the right to collective self-defense interferes with closer cooperation between the United States and Japan.

In this essay, I would like to review the transformation of the US–Japan Security Arrangement and clarify the basis of Japan’s defense policy, including the ban on the right to collective self-defense. I will conclude the essay by discussing my personal view regarding the future direction of the US–Japan alliance.

## **Japan’s Defense Policy and US–Japan Security Relations**

In 1951 when the US–Japan Security Treaty was concluded, Japan didn’t possess any military capability.<sup>5</sup> The United States provided the defense and deterrence to protect Japan, and Japan provided bases for US forces. This was the beginning of the asymmetrical bilateral US–Japan security relationship.

From the beginning of the US–Japan Security Arrangement, the US obligation to Japan has been consistent: that is, the US provides deterrence and defense to Japan. Japan has thus been able to maintain its military capability at a relatively low level and retains a restricted defense policy with principles such as an exclusively defense-oriented policy or non-exercise of the right to collective self-defense.

### During the Cold War

The primary interest of the United States during the Cold War was the containment of the Soviet Union. Therefore, the request from the United States to Japan was to use military bases in Japan for a forward presence. Because of the US–Japan Security Arrangement, the United States could keep this forward presence in

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<sup>3</sup> Guidelines for Japan–US Defense Cooperation (23 September 1997), IV. Action in Response to an Armed Attack against Japan.

<sup>4</sup> Defense of Japan 2006, “Written Answers to Questions by Representatives Seiichi Inaba on the Constitution, International Law and the Right of Collective Self-Defense” (submitted on 29 May 1981), 425.

<sup>5</sup> Security Treaty between Japan and the United States of America (8 September 1951), <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19510908.T2E.html>.

the Far East area in stable conditions. Until the mid-1970s, the United States did not expect much more from Japan. After the mid-1970s, as a result of the dramatic maturation of Japan's economic power, the Government of Japan raised the level of its host nation support for US forces in order share a greater financial burden of deployment.<sup>6</sup> During the 1980s trade friction between the United States and Japan was becoming more severe, so the increase in Japan's host nation support continued.

Since the JSDF was officially set up in 1954, the Japanese government had planned for it to be a modern military force. The primary threat to Japan during the Cold War was a powerful Soviet Union military in the Far East. JSDF was required to supplement the deterrence supplied by US forces. However, because many Japanese thought that pacifism meant anti-militarism and did not regard military power as a substantial force to maintain peace, the Japanese government established a restricted defense policy which essentially banned the JSDF from using its force in an offensive manner.

### The 1990s

In the 1990s international circumstances changed dramatically, and Japan's security environment was altered. The area of JSDF missions expanded all over the globe, and cooperation with US forces surrounding Japan was essential. It was during this period that the JSDF shifted from an "existing JSDF" to a "working JSDF."

After the end of the Cold War, the United States and Japan both had to re-evaluate the importance of the US-Japan Security Arrangement. Many people in both countries advocated that "we no longer have the threat of a war." The alliance began to drift.

Because the threat of a huge Soviet military power had disappeared, the possibility of large scale war, including nuclear, had indeed diminished. However, the reality was that regional small-scale conflicts were increasing in numbers, so no one really could say "we no longer have the threat of a war."

On 2 August 1990, Iraqi armed forces launched an invasion into Kuwait. The international community strongly confronted Saddam Hussein, but because the Japanese government had not built a framework for deploying the JSDF overseas during the Cold War, Japan could do nothing in Iraq militarily. Eventually, the Government of Japan spent \$12 billion and deployed JMSDF minesweepers after the cease-fire. These were the utmost contributions Japan could make at that time, but international community showed almost no appreciation.<sup>7</sup>

After this experience, the Government of Japan formed the International Peace Cooperation Law (1992), and JSDF activity was expanded overseas.

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<sup>6</sup> Agreement concerning new special measures relating to Article XXIV of the agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States and Japan regarding facilities and areas and the status of the United States armed forces in Japan.

<sup>7</sup> Ryuichi Tejima, *Gaiko Haisen* (Shincho Bunko).

In the middle of the 1990s, the threat of North Korean nuclear weapons and ballistic missiles was growing, and the strain between China and Taiwan was growing keener. In particular, the missile launching exercise by the People's Liberation Army during the Taiwan presidential election in 1996 made tensions explode across the Taiwan Strait, and the United States had to deploy the Career Battle Group. This incident reminded both the United States and Japan of the importance of a forward US presence in Japan not only for the defense of Japan but also for the stability of the East Asia region in general. Both countries discussed the future of the US–Japan Security Arrangement, and they finally agreed on the “Japan–US Joint Declaration on Security: Alliance for the 21<sup>st</sup> Century” in April 1996.

Within the alliance framework, Japan continued to request that the United States maintain its deterrence. In return, the United States began to ask for more concrete support for US forces operating in the area surrounding Japan. Such an interaction between the two countries eventually led both countries to agree to the revised “Guideline for Japan–US Defense Cooperation” in 1997. In 1999 Japan finalized the “Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan.”

By the second half of the 1990s, The United States regarded the US–Japan alliance not only in terms of the defense of Japan but also as key to the stability of the Asia–Pacific region,<sup>8</sup> and it requested more substantial support from Japan. Japan strove to come through with these requests. But even in this discussion, the Government of Japan never re-evaluated Japan’s defense policies; therefore the “working JSDF” was set in the conventional framework.

## **US–Japan Relations Beyond 2000**

### The Armitage–Nye Report I

In October 2000, Mr. Richard Armitage, Dr. Joseph Nye, and their bipartisan group published the report called “The United States and Japan: Advancing Toward a Mature Partnership (also known as the Armitage–Nye Report I)”<sup>9</sup> at the National Defense University. The Armitage–Nye Report I only contained opinions from the members of the bipartisan group, but the members or the think tanks were closely tied to the government; therefore, their opinions held much more weight than those of a private organization.

### *Reference to the Right to Collective Self-Defense*

The Armitage–Nye Report I mentioned a wide variety of topics—among them politics, security, and economy. In this report, security was a core issue, and there were

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<sup>8</sup> Japan–US Joint Declaration on Security: Alliance for the 21<sup>st</sup> Century (Tokyo: 17 April 1996).

<sup>9</sup> INSS Special Report (October 2000), [http://www.ndu.edu/inss/strforum/SR\\_01/SR\\_Japan.htm](http://www.ndu.edu/inss/strforum/SR_01/SR_Japan.htm).

a lot of frank opinions expressed. It was in this report that Mr. Armitage directly mentioned the right to collective self-defense with regard to Japan:

Japan's prohibition against collective self-defense is a constraint on alliance cooperation. Lifting this prohibition would allow for closer and more efficient security cooperation. This is a decision that only the Japanese people can make. The United States has respected the domestic decisions that form the character of Japanese security policies and should continue to do so. But Washington must make clear that it welcomes a Japan that is willing to make a greater contribution and to become a more equal alliance partner.

This report was not an official government view, but its influence was large because the members were so prominent. Especially after the establishment of the Bush Administration in 2001 and many of those members entered the government, the importance of the Armitage–Nye Report I grew even greater.

#### *Suggestions*

The report viewed the special relationship between the United States and Great Britain as a model for the US–Japan alliance, and proposed some items to both the United States and Japan in order become closer partners. The advice to Japan was as follows:

- (1) Diligent implementation of the revised Guidelines for US–Japan Defense Cooperation, including passage of crisis management legislation,
- (2) Robust cooperation of all three US armed services with their Japanese counterparts,
- (3) Full participation in peacekeeping and humanitarian relief missions,
- (4) Development of a force structure that has the characteristics of versatility, mobility, flexibility, diversity, and survivability, and
- (5) Broadening the scope of US–Japan missile defense cooperation.

The advice to Japan in the Armitage–Nye Report I was similar to that in the review of the US–Japan Security Arrangement during the 1990s. Through the Armitage–Nye Report I, the United States requested greater responsibility regarding the Security Arrangement from Japan in order to have a proper balance in the alliance. The most essential point was the right to collective self-defense.

#### Post-9/11 Expansion of JSDF Roles and Missions

After the September 11<sup>th</sup> terrorist attacks in 2001, the JSDF took charge of larger roles and missions than before. The suggestions from the Armitage–Nye Report I were substantially practiced.

(1) Guarding Operation<sup>10</sup>

Right after the September 11<sup>th</sup> terrorist attacks, the Government of Japan revised the Self-Defense Forces Law and added guarding operations to its mission. Using this framework, JSDF units are now able to guard JSDF and US facilities in Japan.

(2) Crisis Management Legislation (Emergency Legislation)

Three laws related to responses to an armed attack against Japan, including the Armed Attack Situation Response Law, were enacted in June 2003. Seven more laws including the law concerning the Measures for Protection of the Civilian Population in an Armed Attack Situation (Civil Protection Law) were enacted in June 2004.

(3) Anti-Terrorism Special Measure Law and Deployment of JMSDF Supply Vessels

To support Operation Enduring Freedom (OEF), the Government of Japan enacted the Anti-Terrorism Special Measure Law in October 2001. Based on this law, JMSDF supply vessels were deployed to the Indian Ocean to refuel ships from a variety of countries, and are still doing so today.

(4) The Special Law for Humanitarian and Reconstruction Assistance and Deployment in Iraq

In order to assist in the reconstruction of Iraq, the Government of Japan enacted the Special Law for Humanitarian and Reconstruction Assistance in Iraq in July 2003. Based on this law, a unit of JGSDF was deployed to Iraq to finish the reconstruction mission (from which the unit retreated in July 2006). The JASDF Airlift Wing was deployed to Kuwait, and they are still flying between Kuwait and Iraq for airlift missions.

(5) International Disaster Relief

JGSDF, JMSDF and JASDF troops were deployed swiftly for disaster relief missions in the 2004 Indian Ocean earthquake and the 2005 Pakistan earthquake.

(6) Full Commitment to BMD

Avoidance of the Discussion about Japan's Defense Policy

These advances under the Koizumi cabinet were significant because the Government of Japan had been avoiding discussing these issues for a long time. However, despite these discussions, the government of Japan did not change the fundamental principles of Japan's defense policy, including its position on the right to collective self-defense.

In May 2001, just after Prime Minister Koizumi was elected, he answered the question regarding the right to collective self-defense from Representative Takako Doi (Socialist Party) in a plenary session. Prime Minister Koizumi appeared positive when

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<sup>10</sup> The Self-Defense Forces Law, Article 82, Section 2.

discussing the right to collective self-defense: “The government believes that it should be fully judicious to change the interpretation of Article Nine. On the other hand, it is important to have a wide range of discussion on constitutional issues, taking developments in society into consideration, and it is believed that studies on the issues of the right of collective self-defense from various perspectives are not prohibited.”<sup>11</sup> However, the discussion regarding Japan’s defense policy was not active under the Koizumi cabinet after all. Therefore, JSDF cooperation with other countries, including the United States, was still restrained.

### The Armitage–Nye Report II

Mr. Armitage left the Bush Administration in January 2005. After he left the government, he compiled a new report entitled “The US–Japan Alliance—Getting Asia Right through 2020” (the so-called Armitage–Nye Report II)<sup>12</sup> and presented it at CSIS in February 2007. The new report predicts international circumstances around the Asia–Pacific region through 2020 and provides a view on the relationship between Japan and the United States.

The Armitage–Nye Report I mentioned the right to collective self-defense that was essential to establish closer and more efficient security cooperation between Japan and the United States. However, there is no mention of “the right to collective self-defense” in the Armitage–Nye Report II. There is only one paragraph about current Japanese discussions about the Constitution:

The ongoing debate in Japan on the Constitution is encouraging as it reflects increasing Japanese interest in regional and global security matters. The debate recognizes existing constraints on alliance cooperation, and the limits on our combined capabilities. While acknowledging as we did in 2000 that the outcome of this debate is purely a matter to be resolved by the Japanese people, the United States would welcome an alliance partner with greater latitude to engage in areas where our shared security interests may be affected.

When the Armitage–Nye Report I was published in 2000, the discussion about the right to collective self-defense was not active in Japan, thus Mr. Armitage mentioned it directly. During the last six years, as discussed below, circumstances have changed. One can argue, therefore, that the members of the study group for the Armitage–Nye Report II chose to emphasize that it is “a matter to be resolved by the Japanese people,” rather than being explicit and thereby giving an impression that Washington is pressuring Japan on this issue.

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<sup>11</sup> Written Answers to the Questions by Representative Takako Doi on the Basic National Policies upon the Inauguration of the Koizumi Cabinet (submitted on 29 May 2001).

<sup>12</sup> CSIS Report (February 2007), [http://www.csis.org/media/isis/pubs/070216\\_asia2020.pdf](http://www.csis.org/media/isis/pubs/070216_asia2020.pdf).

## **What is the Right to Collective Self-Defense?**

The right to collective self-defense is authorized by the Charter of the United Nations for all countries.<sup>13</sup> However, the Government of Japan interpreted it in a unique manner and reached an uncommon conclusion. “Although Japan possesses the right to collective self-defense, it cannot exercise it.” In this section, I will explain the background of the right to self-defense, and consider the interpretation by the Japanese government as an example of Japan’s defense policy.

### The United Nations

The objective of the United Nations is to achieve world peace and collective security. Under the Charter of the United Nations, all member nations are prohibited to exercise an armed attack.<sup>14</sup> If some member countries exercise an armed attack, the United Nations decides on the sanction and all member countries must enforce the punishment.<sup>15</sup>

The United Nations authorizes the Security Council which is made up of 15 nations and provides a higher authority than the General Assembly regarding security issues. The Security Council judges whether the illegal invasion has taken place or not, and the level of punishment.

Essentially, the right to self-defense is an emergency response until the Security Council takes proper action. While the Security Council is assessing the situation, attacking nations have the opportunity to complete their occupation or justify their invasion. To prevent this, the right to self-defense must be authorized even if it has some limitations. During the Cold War, the Security Council often met because of East-West conflict. At that time, the right to self-defense was essential to retain the sovereignty of member nations.

### Two Rights of Self-Defense

The Charter of the United Nations divides the right to self-defense between the individual and the collective, and both of them are authorized as inherent rights for all signatories. The right to individual self-defense is the right of a country to counterattack by itself against illegal invasion. Beyond all question, individual self-defense should be an inherent right for all nations.

On the other hand, the right to collective self-defense is defined as the right to fight to protect the other nation’s sovereignty even if you yourself are not attacked directly. For example, when A illegally attacks B, C fights against A to support B even if C itself isn’t attacked: the right of collective self-defense can be applied.

In general, individual self-defense is exercised prior to collective self-defense if a

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<sup>13</sup> The Charter of the United Nations, Chapter 7, Article 51.

<sup>14</sup> The Charter of the United Nations, Chapter 1, Article 2, Section 4.

<sup>15</sup> The Charter of the United Nations, Chapter 7.

country is illegally attacked. If the country can ward off the invasion from other countries by using only individual self-defense, there is no need to exercise collective self-defense by a third party. On the other hand, if the country cannot ward off the invasion, collective self-defense should be exercised. Small countries, which have to pay attention to potential invasions from powerful neighbors, need the definite promise of collective self-defense by third nations to oppose the invasion.

Moreover, the country that needs collective self-defense by third-party countries can possess the deterrent effect to make clear that they can exercise collective self-defense.

### Why Japan Cannot Exercise the Right to Collective Self-Defense

The Charter of the United Nations authorizes the right to collective self-defense for all signatories, and Japan possesses the right to collective self-defense. However, Japan interpreted this concept in a unique manner, and then reached its particular policy. “Although Japan possesses the right to collective self-defense, it cannot exercise it.”

In Japan, the Cabinet Legislation Bureau takes charge of all answers in Diet sessions regarding the Constitution. As of today, the government of Japan adopts the policy which was set in 1981 in the Diet by the Director-General of the Cabinet Legislation Bureau.

According to the written answer in 1981, Japan possesses the right to collective self-defense: because Japan is a sovereign nation, Japan naturally possesses inherent rights admitted by international law. However, the Cabinet Legislation Bureau explained that Japan cannot exercise the right to collective self-defense:

The exercise of the right to self-defense under the Constitution of Japan should be a minimum level for the defense of Japan. The exercise of collective self-defense obviously exceeds the minimum level.

No one can say what the minimum level is to accomplish self-defense. But in 1972, the Cabinet legislation Bureau explained as follows:

Under the Constitution of Japan, we can use our military force only for counterattacks against urgent and unjust invasions from foreign countries. Therefore, the right to collective self-defense—which is a counterattack against the invasion of other countries—opposes the concept of our Constitution.<sup>16</sup>

According to the answer put forth in 1981 by the Cabinet Legislation Bureau, the right to exercise collective self-defense was regarded as beyond the minimum level of

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<sup>16</sup> Masamori SASE, *Shudanteki Jieiken (The Right to Collective Self-Defense)* (PHP SHINSHO), 130–132.

self-defense. Because of these interpretations, the Cabinet Legislation Bureau concluded that although Japan possesses the right to collective self-defense, it cannot exercise it.

### **The Current Situation in Japan**

As we have reviewed, after the Cold War the roles and missions of JSDF were expanded. Indeed, JSDF units are constantly deployed overseas today. However, because consideration about the principles of Japan's defense policy has been pushed aside in the meantime, the front line soldiers still cannot effectively operate with foreign military units, including US forces.

Prime Minister Abe established a panel to study the future shape of the legal framework for Japanese security policy. To start, the panel plans to examine four concrete scenarios under which Japan may exercise the right to collective self-defense. The panel will submit the outcome of the discussion to Prime Minister in the autumn of 2007.

Prime Minister Abe directed the panel to discuss these four scenarios:

- (1) When Japan and the United States are conducting joint exercises in international waters, SDF warships may strike back if US ships come under attack,
- (2) Japan may use its missile defense system to intercept a ballistic missile if it is believed to be targeting the United States,
- (3) SDF members carrying out UN peacekeeping activities may counterattack if armed forces of other countries are being attacked, and
- (4) SDF personnel, while unable to provide support through force, can provide logistical support, such as transporting supplies and materials, to armed forces of other countries.

These scenarios are likely to occur while JSDF units accompany US forces or foreign military troops, and they are often mentioned. Therefore we should note the outcome of this panel because it might pave a new way to establish interdependent relationships with other countries.

The discussion in the panel is currently underway, so it is impossible to predict its outcome. On the one hand, because almost nobody on the panel opposes Japan's exercise of the right to collective self-defense, the panel may pave a way to that end.<sup>17</sup> On the other hand, after the discussion, Prime Minister Abe might conclude that these four scenarios may be handled without exercising the right to collective self-defense.<sup>18</sup>

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<sup>17</sup> MAINICHI New Paper web (5 April 2007).

<sup>18</sup> YOMIURI New Paper web (5 April 2007).

## **The Future Shape of the US–Japan Alliance**

An “interdependent relationship” in this paper means “to fight on the same battle field for common objectives.” If a partner faces a critical situation we can assist them, and if our capability is not enough we can ask for support. An interdependent relationship is critically important for military affairs in order to enhance limited military power and in order to win the battle, as it is very tough to accomplish any mission without an interdependent relationship.

Some examples of an interdependent relationship from the viewpoint of the military are:

### **(1) Command and Control**

The JSDF and US forces have had joint training or exercises regularly. But both headquarters operate independently. Even in a battle situation, both headquarters do not make a Joint Operation Center; rather they make up just a Coordination Center. This kind of relationship is unusual for an alliance.

The military should be commanded by a single commander to optimize its performance.<sup>19</sup> Two commanders or two headquarters could be established if closely coordinated, but it would be impossible to achieve better performance. During World War II, the United States recognized this problem because their ground troops and air units could not establish effective coordination, and they have been tackling this issue since then. Now US forces operate under one Joint Force Commander.<sup>20</sup> In the case of multi-national forces, there is one Combined and Joint Forces Commander who commands all military power. The US–Korean alliance and NATO apply this type of system.

On the other hand, the United States and Japan hold their own headquarters in parallel and command their own units independently. In this type of organization, both military forces cannot coordinate closely.

The military powers in Japan, JSDF and US forces, are limited. We have to consider how to enhance these limited military powers to accomplish missions. I believe the first step is to establish the Joint Operation Center for the Joint Task Force between JSDF and US forces.

### **(2) Operations**

The JSDF was built under the concept of the exclusively defense-oriented policy. Therefore, it lacks capabilities to enforce full military operation. Under the current guidelines for Japan–US Defense Cooperation, the JSDF can only conduct air defense operations such as the alert stand-by and combat air patrol, while US forces support the JSDF with operations including strike capability. This is clearly unreasonable. When

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<sup>19</sup> Command and Control AFDD2-8 (16 February 2001), 3–4.

<sup>20</sup> Air Force Basic Doctrine AFDD1 (17 November 2003), 63–64.

JASDF conducts an operation, it expects support from US forces for capabilities which JASDF does not possess, such as strategic attack, electric warfare, and SEAD (Suppression of Enemy's Air Defense). US forces can support JASDF operations and similarly JASDF must support US Forces. This is the interdependent relationship.

As of now, we do not have this kind of relationship, and we have never had a joint exercise. Same as the command and control, US forces and the JSDF demonstrate their military power independently at an operational level.

### (3) Tactical Level

When a US fighter aircraft is attacked by an enemy and faces a critical situation, can a JASDF fighter help? When US ships come under attack, can the JMSDF warships strike back? Interdependence on a tactical level is essential for soldiers on the front line and it should be a big issue because it encourages mutual confidence. A confident relationship is the foundation of an alliance, and a pillar of this confident relationship is reliance at the front line.

Interdependence on a tactical level is easy to recognize for people so it influences public opinion. In other words, the message "When a US soldier faced a dangerous situation, JSDF soldiers did not help" irrevocably damages the US-Japan alliance.

### (4) BMD

For the United States, ballistic missiles are the only threat which can cause huge damage to domestically; moreover, ballistic missiles and weapons of mass destruction (WMD) have been proliferating recently. Ballistic missiles are a substantial threat to the United States, and they are hard to deter. The potential disaster caused by ballistic missiles is currently a most critical frustration to the United States.

Japan can possess the capability to respond to ballistic missiles headed to Japan. The capability of current missiles, the SM3 and Patriot PAC 3, is limited though, and it is not certain that they would be able to intercept missiles headed toward the United States. In the future, however, Japan may be able to obtain the capability to defend the United States. Japan intentionally passing on the missiles headed to the United States because of the constraint of its Constitution is a situation the United States cannot accept.

After the mid 1990s, Japan made advances in building the framework of a closer alliance relationship. This effort is certainly appreciated by the United States, but it needs Japan to share more responsibility and burden. During the Cold War, containment against the Soviet Union was the highest priority for the United States, so US bases in Japan that sustained this strategy were invaluable. After the Cold War, international circumstances changed, along with US strategy. The importance of the bases also changed, as well as Japan's responsibility. To maintain a good relationship with the United States, Japan should change. In essence, the United States asks Japan to be a "normal country."

The foundation of the alliance is interdependence, and the US–Japan alliance was established based on the concept of interdependence. The structure of interdependence built into the current US–Japan alliance is asymmetrical, and as I mentioned, Japan does not have the obligation to defend the United States. Japan also cannot accompany US forces in combat operations because of the many constraints of Japan’s defense policy. These constraints hamper the cultivation of a truly interdependent relationship. Today, it seems that the United States looks at Japan’s inability to exercise the right to collective self-defense as a symbol of these constraints.

### **Influence of Restrictions in Japan’s Defense Policy on JSDF Activities**

During the process of expanding the JSDF roles and missions, the restrictive principles of Japanese defense policy were never discussed, as the Government of Japan decided to respond to contingencies on a case-by-case basis. This created inconsistencies in the parameters of JSDF operations, and made it difficult for the JSDF to prepare adequately for missions.

For instance, the Anti-Terrorism Special Measures Law established in 2001 does not allow JASDF transport aircrafts to fly over Afghanistan.<sup>21</sup> This is because at that time the Government of Japan focused on JMSDF refuel mission for foreign vessels as a contribution to OEF, there was no anticipation that JASDF’s C-130 might need to fly over Afghanistan.

On the contrary, the Law Concerning the Special Measures in Iraq established in 2003 allows JASDF transport aircrafts fly over Iraqi territory.<sup>22</sup> Indeed, JASDF C-130s have been flying over Iraqi territory since February 2004. Although Afghanistan and Iraq are both within the area of responsibility of US Central Command, and Japan is committing to both OEF and OIF, JASDF C-130s can only fly over Iraq and Kuwait. There is no military rationale in this policy. As of 2004 when JASDF C-130s deployed to Kuwait, the anti-air threat in Afghanistan was more severe than in Iraq, and there was a clear need for transportation. If Japan had a comprehensive policy instead of constraints, Japan could have had a rational response.

Further, because the JSDF is an organization that operates under strict control of civilians, JSDF operations are decided by the Government of Japan. Following the decision made by the government, JSDF fixes the doctrine and strategy, makes the mission plan, carries out the training and the exercise, and then completes the preparation. This means that if a political decision is not made, JSDF cannot carry out any advance preparations. However, the political decision is sometime made just before deployment due to the political situation. During deployment to the Middle East, JSDF troops had to go without enough preparation. For example, in the case of the

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<sup>21</sup> Summary of the Basic Plan based on the Anti-Terrorism Special Measures Law (21 April 2006), (1) Extent of the area for cooperation and support activities, (2) Transportation by aircraft.

<sup>22</sup> Basic Plan regarding Response Measures based on the Special Measures Law for Humanitarian and Reconstruction Assistance in Iraq (8 December 2005).

deployment of C-130s according to the Law Concerning the Special Measures in Iraq, the basic plan was endorsed in the Cabinet on 9 December 2003, and the Advanced Party arrived at Kuwait on 26 December 2003. The C-130s deployed in February 2004, and we could barely manage the preparation.

If Japan's defense policy is rational and is clear about what Japan can or cannot do, it will be helpful. But for now, Japan does not have a comprehensive policy or law for overseas missions except the PKO Law. JSDF needs a permanent law for overseas mission. Under the current framework, JSDF soldiers may have difficulty confronting dangerous situations because of a lack of preparation. I believe this is avoidable. To establish a permanent law, Japanese government should review the principles of Japan's defense policy.

## Conclusion

The Cold War ended in 1989, and 18 years have passed. The last 18 years is almost the same duration of my military career, and we can say that international circumstances have changed dramatically, the situation surrounding Japan is growing more complex, and the roles and missions of JSDF are expanding. But the principles of Japanese defense policy have not changed since the end of the Cold War. Whether based upon the Japanese Constitution or made as a reaction to criticism from the opposition party,<sup>23</sup> Japan's existing restrictive defense policy has worked to restrain JSDF operations.

In today's Japan, the basic principles of Japan's postwar defense policy are being reviewed. The debate over the right to collective self-defense is a symbol of this trend. Depending upon the outcome of the Panel to discuss the legislative foundation of security, basic Japanese defense policies may be re-evaluated.

If the ban on exercising the right to collective defense is lifted, Japan needs a new set of guidelines for JSDF roles and missions. In the process of structuring a new framework for its defense policy, Japan should establish a more consistent and clearer set of principles that are based on our national interests. For instance, even if exercising the right to collective self-defense becomes an accepted practice, Japan does not have to deploy JSDF units rashly, and we do not have to follow the United States all the time. Rather, Japan has a system in which such decisions will be made based on its national interest. Only then will the JSDF truly be a "working JSDF."

In this document, I mentioned that the interdependent relationship was "to fight on the same battlefield for common objectives; if a partner faces a critical situation we help them, and if our capability is not enough we can ask for support." This relationship is natural and reasonable as an alliance and it is obviously proper to advance toward this interdependent relationship. This relationship is critically important for the soldiers at the front line.

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<sup>23</sup> Masamori SASE, *Shudanteki Jieiken (The Right to Collective Self-Defense)* (PHP SHINSHO) 198–199.

I hope that the Panel to discuss the legislative foundation of security led by Prime Minister Abe will be a milestone in this discussion. In the future we will face more complex and difficult circumstances in areas surrounding Japan. I believe it is essential for Japan and the United States to establish the relationship of “fighting on the same battlefield” based on mutual confidence. We should be interdependent partners.