

Policy Forum 09-074: Hatoyama Government and Japan's Defense Guidelines: Pause or End to Alliance Deepening?

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Hatoyama Government and Japan's Defense Guidelines: Pause or End to Alliance Deepening?

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By Sourabh Gupta

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I. Introduction

Sourabh Gupta, Senior Research Associate at Samuels International Associates, Inc., writes, "the Hatoyama government issued Defense Guidelines could potentially facilitate the SDF's deployment in threat-based instances, both in rear area military support mode and pre-and-post-conflict 'policing' mode collective security operations - subject to the minimum condition that such deployment be covered by an explicit U.N. Chapter VII mandate. And by the same token, military or policing activities beyond individual self-defense ceilings that are seen to be loosely authorized, either of its own accord or at the initiative of the U.S. and select allies, will not be entertained - short of Japan suffering a direct armed attack."

II. Article by Sourabh Gupta

- "Hatoyama Government and Japan's Defense Guidelines: Pause or End to Alliance Deepening?"
By Sourabh Gupta

Candidate Yukio Hatoyama's pledge to build "an alliance on an equal footing" with the United States has understandably attracted considerable scrutiny, given the foundational nature of the U.S.-Japan security arrangements as well as the rare instance of a cross-party transfer of power in Tokyo - only the fourth since the Meiji era.

Though comparisons have been drawn with the brief Hosokawa regime of the early-1990s, in fact stronger parallels exist with an earlier change of government. In a landmark election to the Imperial Diet in 1924, three opposition parties banded together under the banner of anti-bureaucratism and protecting the constitution to capture a little under two-third of the seats and effect Japan's first transfer of power. Then, as now, the opposition tapped into a prevailing sentiment that Japan had 'grown, but not grown up' - that notwithstanding the successful emulation of the western model, Japan needed to build a degree of separation from the West to cultivate a mature sense of self-definition. Differing approaches to China in an age of rising Chinese nationalism was never far from the surface either.

As Prime Minister Hatoyama charts his own "autonomous diplomatic strategy," concerns have duly focused on near-term as well as perennial irritants within the U.S.-Japan alliance relationship - revising the Status of Forces Agreement, the planned Futenma relocation, the 'sympathy budget', the non-nuclear principles, the Indian Ocean refueling mission and the anti-piracy maritime dispatch. The inclusion of the Social and Democratic Party of Japan (SDPJ) within the governing coalition has added to these concerns, particularly in light of the SDPJ's February 2006 reversal of its prior recognition of the Japan Self Defense Force's constitutionality, expressed at the time of its unwieldy cohabitation in power with the LDP during the mid-1990s.

Yet a far more authoritative reading of its autonomist leanings as well as the basic principles of Japan's security policy is likely to be available when the Hatoyama government unveils its forthcoming National Defense Program Guidelines (NDPG). Issued previously in 1976, 1995 and 2004, the NDPG serves as a framework document outlining defense principles and proposed capabilities that subsequently inform medium-term procurement priorities. Though due to be revised later this year, now that the outgoing LDP government-appointed advisory panel on national security and defense policy has presented its recommendations, the release of the Guidelines is expected to be delayed into the new year due to the change of government.

The Uses (and misuse) of the Defense Guidelines

Beyond determining the scale and functions of Japan's defense forces, the Guidelines has served the useful purpose of structuring successive generations of roles and mission responsibilities within the U.S.-Japan alliance arrangement. This has in turn allowed for the progressive expansion of the legal framework of Japan's security responsibilities.

During the late-1970s, in order to counter the Soviet threat of a "direct limited invasion," Japan operationally assumed Article V treaty responsibilities related to the defense of its territory, as well as defense of sea lanes out to a thousand nautical miles. In the immediate post-Cold War era, to prepare for regional contingencies on the Korean peninsula and perhaps Taiwan straits, Tokyo's alliance responsibilities were functionally extended to cover rear area logistics-support missions and geographically expanded to "the area around Japan that have a direct effect on Japan's security" (i.e., to cover Article VI contingencies). In the post-9/11 era and with a view to making Japan an active contributor to global security operations, "international peace cooperation activities" of unlimited geographic reach were added to the basic mission of Japan's defense forces.

The open-ended phraseology "international peace cooperation activities," a term devoid of meaning under international law, also points to one of the less redeeming features of the NDPG -- its instrumental use to expand the legal framework of Japan's security policy regime beyond reasonable requirements of national defense. Rather, the Guidelines have been used to provide legal and doctrinal cover to alliance-related missions which, in their progressive blurring of definitional lines between combat and non-combat zones, conflict and post-conflict operations and military and policing activities, have instead effected revisionist interpretations to Japan's peace constitution.

Katsumata Panel Report and Drafting the Guidelines

On August 4th, the Council on Security and Defense Capabilities (Katsumata Panel), tasked in tandem with a Defense Ministry council to propose revisions to the Defense Guidelines, submitted its report to Prime Minister Aso. Previous such panel reports (Araki Report, October 2004; Higuchi Report, August 1994) ordinarily have served in large measure as a blueprint for the subsequent bureaucratic exercise of compiling the basic policies featured in the Defense Guidelines - subject, no doubt, to final cabinet approval. This however is no ordinary time in Tokyo.

At its most revisionist and controversial, the report calls for a re-examination of Japan's half-century long basic defense policy limiting the nation's Self-Defense Forces to an "exclusively defensive defense" posture. Further, noting the weakened abilities of the U.S. to underwrite the "free and open global system" and more pointedly with a particular North Korea-scenario in mind, it calls for endowing a "proactive deterrent factor," i.e. limited preemption capabilities, to Japan's passive defense policy. Untouched even in the 2004 NDPG released at the height of ex-Prime Minister Koizumi's tenure, this proposed re-examination of Japan's long-established military posture is fated to suffer a swift death within the Hatoyama cabinet.

Also not likely to see light of day is a recommendation calling for a reinterpretation of Japan's 'use of force' restrictions so as to - from an exclusively bilateral U.S.-Japan coordination and interoperability perspective - allow the exercise of the right to *collective self-defense* in selective situations. Advocated earlier by an Abe government-appointed advisory panel, a notable scenario envisaged in this regard is the interception of Asian rimland-origin ballistic missiles that over-fly Japan and target U.S. territory, now that the next-generation of sea-based missile defense interceptor is at an advanced stage of joint development.

More broadly, missions that are of a military character, in defense of exclusively bilateral objectives, and which are deemed to erode the Article 9 prohibition on the exercise of the right to collective self-defense are unlikely to pass muster. And, conversely, those framed as 'policing' activities, in

pursuit of internationally authorized goals - *and even surprisingly perhaps in collective security mode*, are likely to be viewed more sympathetically by the DPJ-led government.

Intriguingly this also opens the door to Japanese participation in a wider range of pre-and-post-conflict operations, such as policing, peacekeeping and humanitarian assistance activities. In late-July, the DPJ, citing the preamble to Japan's pacifist constitution as well as its obligations as a U.N. Charter signatory, adopted a security policy outline that advocates the establishment of - and presumably Japanese participation within - an international emergency police squad for the conduct of post-conflict collective security operations.

Review of the principles under which Tokyo participates in humanitarian assistance, disaster relief and peacekeeping operations also constitutes an important recommendation of the Council on Security and Defense Capabilities report. Further, the NDPG has, typically, served as a legitimating mechanism to retroactively extend the framework of the SDF's roles and missions responsibilities to cover past *ad hoc* dispatches - the most recent of which being the Somalia anti-piracy 'policing' mission which, in its broadening of the eligibility criteria of MSDF protection to third-country vessels and relaxation of rules on weapons use, authorizes the use of force in excess of individual self-defense and justifiable self-defense requirements.

By this accounting, then, the Hatoyama government issued Defense Guidelines could potentially facilitate the SDF's deployment in threat-based instances, both in rear area military support mode and pre-and-post-conflict 'policing' mode collective security operations - subject to the minimum condition that such deployment be covered by an explicit U.N. Chapter VII mandate. And by the same token, military or policing activities beyond individual self-defense ceilings that are seen to be loosely authorized, either of its own accord or at the initiative of the U.S. and select allies, will not be entertained - short of Japan suffering a direct armed attack.

Whatever be the allied, autonomist or independent-minded draft that finally emerges nevertheless, the Defense Guidelines will provide a useful window into the pacifist, middle power internationalist or, alternatively, narrowly pragmatist worldview that this landmark center-left government will likely seek to assert in its conduct of national security policy.

III. Nautilus invites your responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: napsnet-reply@nautilus.org . Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

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