



Policy Forum 08-068: The Maritime Self-Defence Force Mission in the Indian Ocean: Afghanistan, NATO and Japan's Political Impasse



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The Maritime Self-Defence Force Mission in the Indian Ocean: Afghanistan, NATO and Japan's Political Impasse

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By Richard Tanter

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I. Introduction

Richard Tanter, Director of the Australia office of the Nautilus Institute, writes, "The twin sources of Japanese remilitarisation in the Heisei era – US pressure and the preferences of those streams of elite Japanese political and bureaucratic opinion favouring nationalist and great power solutions to foreign policy problems – remain ascendant, despite occasional blockages. One of those blockages has led to the need to try to redefine the Indian Ocean MSDF mission in terms of an anti-piracy initiative... this is clearly a rushed, ill-conceived policy, the real aims of which are to find new justifications for continuing the expansion of the most advanced naval force in Northeast Asia, and along the way, increasing the resources of the nationalist whaling agenda."

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II. Article by Richard Tanter

- "The Maritime Self-Defence Force Mission in the Indian Ocean: Afghanistan, NATO and Japan's Political Impasse" [1]

By Richard Tanter

Military policy is rarely an issue that wins or loses Japanese elections. Yet, for the second time in little over a year the question of whether to extend Japan's commitment to the American-led war in Afghanistan may well decide the fate of the Japanese cabinet. A year after Prime Minister Abe Shinzo's failure to pass legislation extending the Maritime Self Defence Force's mid-ocean refuelling operations in the Indian Ocean led to his resignation, his successor, Fukuda Yasuo, is assailed by plunging personal unpopularity, rising public opposition to the Maritime Self-Defence Force (MSDF) deployment, ongoing scandals in the Defense Ministry, a wavering coalition partner, and by pressures to deepen Japan's commitment to the war in Afghanistan from both his own nationalist party rivals and by the United States.[2] This latest episode of Japan's ongoing political crisis has its roots in both the unresolved structural blockages of Japanese politics, with their accompanying democratic deficits, and the contradictions of Japan's position within the United States alliance system at a time of war. The resulting conjuncture pulls in opposite directions: at a time when the existing MSDF deployment is under political strain, the government has sought to deepen the commitment to the war in Afghanistan, expand the MSDF mission to protection of sealanes to the Middle East, and link Japan into a global military partnership with NATO.

The extension of the Indian Ocean mission beyond January 2009

During an extraordinary Diet session beginning in September, the government will attempt to extend the MSDF mission by passing an extension of the Replenishment Support Special Measures Law through both houses. The bill will likely fail in the Democratic Party of Japan-controlled upper house, leaving Mr Fukuda the option of over-riding an upper house rejection by passing the legislation through the lower house for a second time with a two-thirds majority. There are, however, at least five problems with that scenario for Mr Fukuda – his coalition partners, his own abysmal popularity and his party rivals, the Japanese constitution, a dysfunctional Defense Ministry, and his country's principal ally.

The first problem for Mr Fukuda is that the Liberal Democratic Party's coalition partner, the Buddhist-aligned New Komeito is under pressure from its pacifist-leaning Soka Gakkai parent to

repudiate the Indian Ocean deployment. While New Komeito has managed to ignore such concerns during its long coalition with the ruling party as they presided over Japan's remilitarisation, there is some chance this time that the prospect of serious electoral defeat under Fukuda's leadership is concentrating their minds on the issue, if not the principle.

Fukuda's second problem is himself. In May, public support for his cabinet bottomed out at 20% according to a Nikkei poll, before bouncing back to 38% following a cabinet reshuffle in early August widely thought to be his last throw of the dice. [3] The reshuffle brought his most important party rival, nationalist former foreign minister Aso Taro, back into the LDP front rank as Secretary-General of the party. At 20%, Aso has the highest rating for the position of next prime minister. Fukuda's own rating for an extension as prime minister has shuffled between 4 and 8% in recent months. For Fukuda's colleagues, - and most likely, for the United States - the issue of the Indian Ocean mission extension is the key test for assessing Fukuda's future:

"The extraordinary session would be pointless if we can't pass the refuelling bill," an LDP official says. "If he becomes unable to even convene a Diet session, at that point the Fukuda cabinet will hit a dead end." [4]

The third difficulty is one of time and timing. Due to New Komeito's hesitations and the cabinet reshuffle, the timing of the extraordinary Diet session was pushed back from early August to late September. Under Article 59 of the Japanese Constitution, a bill cannot be reintroduced into the House of Representatives until 60 days after the House of Councillors has failed to take final action on it.

According to the Nikkei [5],

After passage of the budget, the LDP intends to pass a bill to extend the temporary law to extend Japan's refuelling mission after having it clear the lower house around Oct. 20, as the lower chamber will be able to hold a second vote after 60 days -- around Dec. 20 -- even if the opposition parties, which control the upper chamber, refuse to vote on it.

However the Nikkei also reported at the same time that

The New Komeito party has said that the duration of the extraordinary session should not be decided based on the premise that the ruling bloc will resort to a second vote in the House of Representatives to pass an envisioned bill to extend Japan's antiterrorism refuelling mission in the Indian Ocean.

As a result, whatever else transpires, the Fukuda administration will face serious difficulties in passing the bill to extend the MSDF mission through the lower house a second time with a two-thirds majority in time to continue the MSDF deployment before its current authorisation expires on January 30, 2009.

The fourth problem is the Ministry of Defense and its ministerial and bureaucratic heads, which it keeps losing. The undistinguished current Minister, Hayashi Yoshimasa, is the fifth in less than two years. Of his predecessors - Kyuma Fumio, Koike Yuriko, Komura Masahiko, and Ishiba Shigeru - only Ishiba remained in the position for more than half a year. A 2007 bribery scandal led to the arrest of the most senior defense bureaucrat and the closure of the corrupt Defense Facilities Administration Agency. In March 2008, vice-ministers and many other bureaucrats were censured

and the commander of the MSDF dismissed after further scandals and two collisions between MSDF vessels and civilian craft. [6] The continuing turmoil and aroma of scandal at the ministry will reinforce parliamentary doubts about an extension of the MSDF mission.

Fukuda's final problem is the United States. While Thomas Schieffer, the bellicose US ambassador to Japan, was pleased with Fukuda's "crash through" resolution of the MSDF deployment crisis in January, he has been publicly harassing the Fukuda administration over what he views as its foot-dragging on both defense spending in general and an inadequate recognition of its responsibilities in Afghanistan: "We want contributions in other forms, not just refuelling." [7] Schieffer has been an extraordinarily outspoken ambassador, pushing the government and publicly hectoring the opposition. This may reinforce the concerns of those anxious about offending the dominant ally, but equally, will rub many concerned about Japanese autonomy the wrong way.

The 2008 MSDF deployment

The MSDF was first dispatched to the Indian Ocean in support of coalition operations against international terrorism in Afghanistan and the surrounding region in November 2001. [8] After the expiry in November 2007 of the original legislation authorising the MSDF mission, the Replenishment Support Special Measures Law in January 2008 passed the lower house for the second time on January 11, 2008, in order to open the way to "contributions to efforts by the international community for the prevention and eradication of international terrorism." [9]

Indicative of the LDP's declining parliamentary capacities, the activities authorised by the Replenishment Support Special Measures Law were much narrower in scope than under its predecessor, the Anti-Terrorism Special Measures Law. Under the new law, the MSDF was only authorised to engage in refuelling and water supply, with the previous law's search and rescue and relief operations authorisations having been removed. [10]

After a four month hiatus as a result of the political crisis, the 13,500 ton fleet support vessel Oumi, accompanied by the destroyer Murasame, resumed MSDF refuelling of allied vessels on February 21. These two ships made up the first rotation dispatched in late January, [11] with subsequent rotations dispatched in April and July. [12]

In June 2008 the Ministry of Defense released a map providing limited details of the areas of the MSDF refuelling operations. [13] Three operational areas covering the greater part of the western Indian Ocean were indicated:

- southern Arabian Sea, off the coast of Oman and Yemen
- Gulf of Aden, off the coast of Yemen
- Gulf of Oman, off the coasts of Oman, Pakistan and Iran.

Towards new Self Defense Force missions

With the re-authorisation of the MSDF mission, albeit somewhat constrained compared to its predecessor, accomplished by parliamentary force majeure in January, the government turned to the longer-term question of expanding the country's military involvement in Afghanistan and the Middle East. Two options emerged: committing ground and air elements of the SDF to the war in Afghanistan proper, and, when that possibility appeared unlikely to succeed, deploying MSDF destroyers and surveillance aircraft to protect Japanese tankers from pirate attacks on the route from Middle Eastern oil terminals.

On May 30, the Chief Cabinet Secretary said that the government was seeking ways of both maintaining the MSDF Indian Ocean mission and widening its military involvement in Afghanistan. The following day, June 1, the Prime Minister told reporters that the government was considering sending ground troops to Afghanistan:

"If conditions on the (Afghan) ground allow, Japan can offer its cooperation in activities on the ground. I'm always thinking of that possibility. My attitude is that we should do what we can do." [14]

In preparation for this expansion, the government sent a team of Foreign and Defense Ministry officials, accompanied by Self Defence Force officers to Afghanistan to plan an SDF mission to Afghanistan under International Security Assistance Force (ISAF) auspices. According to newspaper reports, possible missions included airlifting of supplies with CH-47 helicopters and CH-130 transports, road-building, and other construction activities. [15] It was assumed that the government would once again attempt to justify an expanded SDF commitment on the ground in Afghanistan as an anti-terrorism deployment to avoid legal restrictions on collective defense.

However, the combat reality of the widening war, the spectre of coalition defeat, and increased Japanese public resistance to an expanded commitment combined to thwart these plans. A month later, a senior LDP official announced the abandonment of the plan, at least for the moment, since "there is no strong support by the people", while the junior coalition partner, New Komeito, expressed deep reservations. [16]

Piracy

Yet while attempts to deploy SDF ground and air elements to Afghanistan were put to one side, a widely reported spate of pirate attacks on Japanese shipping in the Middle East and Southeast Asia was used as a rationale for two quite different Indian Ocean missions: using MSDF destroyers and surveillance aircraft to escort Japanese tankers from the Middle East to Japan, and deploying MSDF destroyers and surveillance aircraft to the Horn of Africa to participate in coalition anti-piracy activities.

The idea of an MSDF mission to protect sea-lanes in the Middle East and Southeast Asia - and that of sea lines of communication (SLOCs) in general - has been a long-running theme of Japanese post-war defense debate. [17] The Ministry of Defense policy research arm, the National Institute of Defense Studies (NIDS), has advocated both closer cooperation with littoral states and the development of a multilateral Ocean Peace-Keeping force (OPK). In fact, both the MSDF and the substantial armed Japan Coast Guard have developed a regular presence at both ends of the Straits of Malacca through a year-round cycle of training and cooperation with India, Singapore and Malaysia in particular. [18]

There were ten reported significant piracy incidents involving Japanese ships in 2007. [19] In the past year attacks on major Japanese vessels in the Gulf of Aden in particular have increased in number and severity, with large commercial Japanese ships apparently targeted for ransom and theft possibilities. Although there are important variations in what is counted as a piracy incident, there is little doubt that major vessels steaming off the Somali and Yemeni coast face quite real threats of attack, hijacking, and murder.[20] In October 2007, the 11,000 tonne Japanese chemical tanker Golden Nori was hijacked for ransom. [21] In April 2008, the 150,000 tonne Nippon Yusen tanker Takayama was attacked by what the Japanese government described as "a small pirate ship with weapons like rocket launchers" in international waters some 440 kilometres east of Aden. [22]

In its weekly maritime safety report the US National Geospatial-Intelligence Agency summarized the attack on the Takayama as follows:

“VLCC [Very Large Crude Carrier] tanker (TAKAYAMA) fired upon 21 Apr 08 at 0110 UTC (reported by IMB), 0230 UTC (reported by operator), while underway in position 13:00N-049:07E, approximately 240NM east of Port of Aden, Yemen. Five speedboats chased and opened fire at the vessel, in ballast, proceeding to Yanbo, Saudi Arabia. The vessel increased its speed and enforced anti-piracy preventative measures. A rocket was shot at the vessel, damaging its hull. Crewmembers on board have confirmed the existence of a 20-millimeter hole on the port side near the stern of the ship. The master sent out a radio distress call and was received by the German warship (EMDEN) who headed straight to the scene with a helicopter to intercept the pirates. By the time the helicopter arrived, the pirates had fled in their speedboats. Yemeni coast guard forces also claimed a role in helping.” [23]

For the Japanese security establishment, these attacks amounted to a major security threat justifying a military response. Minister of Defense Hayashi Yoshimasa quoted the piracy threat to Japanese oil tankers as something that is included in “the fight against terror”, and said that his staff was considering whether the extension of the Replenishment Support Special Measures Law should include measures such as destroyer escorts for Japanese tankers in areas of danger should be proposed as a new element in the bill. [24] Aso Taro proposed having MSDF destroyers escort tankers carrying oil from the Middle East to Japan – some 90 of which are at sea at any one time plying the route to regional oil terminals. [25] The Yomiuri and LDP supporters of the proposal pointed out the legal limitations on both Japan Coast Guard and MSDF actions to support vessels under criminal attack, or even for the MSDF to escort non-Japanese-registered vessels. The Yomiuri and LDP supporters of the proposal pointed out that such legislation could overcome the longstanding domestic legal limitations on both Japan Coast Guard and MSDF actions to support vessels under criminal attack, or even for the MSDF to escort non-Japanese-registered vessels). [26]

Supporters of the proposal pointed to Security Council Resolution 1816 (2008), passed unanimously on 2 June with the acquiescence of the Transitional Federal Government of Somalia, under which, for the following six months, member states may

- (a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and
- (b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

Following on from the Security Council resolution, the United States Naval Central Command established a Maritime Security Patrol Area in the Gulf of Aden in mid-August. The MSPA is patrolled by ships and aircraft from the Djibouti-based multinational coalition Combined Task Force 150 (CTF-150). [27]

Operations by Combined Task Force 150 (CTF-150, a multinational coalition naval force headquartered at Djibouti since 2002) have helped quell terrorist activity in the Red and Arabian Seas. The CTF-150 flotilla patrols from the Red Sea to the Gulf of Oman and comprises 14-15 vessels. A native Arab speaker accompanies CTF-150 boarding teams to talk with boat crews before

intelligence is passed to the US Navy regional command center in Bahrain. [28]

Presumably, to be at all effective these MSDF elements would be made part of CTF-150. The Yomiuri reported that the MSDF Staff Office had begun preparations for legislative change on the basis of dispatching two more destroyers to the Indian Ocean and sending two or more of its 110 MSDF P-3C surveillance and reconnaissance aircraft to be based in Djibouti or Aden, together with up to 200 support personnel. [29]

However, while the threat to shipping from pirates off Somalia and Yemen is serious and urgent both for those aboard ships passing through the region and their owners and insurers, there are doubts about whether the attacks should be regarded as a serious military threat or just an irritant – especially given the small number of attacks compared with the huge volume of traffic. In turn, it is doubtful whether a purely – or even largely – military response is either appropriate or effective. Certainly multilateral cooperation for protection of ships and their crews and cargoes is a key step, especially in a region where the capacity of littoral states to regulate their waters is limited, to say the least. But as the Director of the International Maritime Bureau, Pottengal Mukundan, put it:

“Whilst the intervention of coalition navies has helped in isolated cases, it is by no means a long-term solution. It is clear that the threat or presence of coalition navies has done little to stem the tide of attacks in this region.” [30]

This perhaps surprising conclusion by a representative of the global shipping industry is in part due to doubt that military or police actions will address what are now reasonably well-understood root causes of the rise of piracy – both in the form of sophisticated criminal groups operating in transnational networks and more simple opportunistic “sea-robbers”. Carolin Liss argues that in the Southeast Asian case the causes of the sudden eruption of attacks from both must shape the policy response:

Lax maritime rules and regulations, poverty, the impact of ecological degradation and over-fishing, and the existence of organised crime groups and radical politically motivated organisations in the region are conducive to the occurrence of pirate attacks in Southeast Asia and shape the nature of such attacks. In order to be successful, responses to piracy have to address most, if not all, of these problems and issues. Combating piracy is consequently a difficult and complex task, requiring more than the patrolling of piracy-prone waters. [31]

Each of these factors Liss presents as shaping the Southeast Asian piracy environment are also present in the Horn of Africa with a vengeance, compounded by the political chaos of the region, especially in Somalia itself. The proposed Japanese response follows the path that, as Liss argues, has not been successful elsewhere.

More than just continuous military force and/or operations by law enforcement agencies are needed to successfully combat organised crime and to ‘pacify’ and integrate areas in which separatists, guerrillas, or terrorists operate. In fact, it is crucial to address the root causes of such violence, which include poverty, the marginalisation of certain geographic areas or ethnic groups, and government efforts in the form of military violence that exacerbate, rather than solve, existing problems and tensions. [32]

In such circumstances, not only would piracy appear to be a pretext for attempting to implement

long-running plans to extend the mission of the MSDF and the Japan Coast Guard, but it would almost certainly result in an ineffective policy, especially given the state-destroying consequences of US policy towards Somalia.

Whaling protest as piracy?

Moreover, the suspicion that reports of piracy may be providing a much longed for pretext for MSDF mission creep are confirmed by another aspect of the planned legislative changes. According to newspaper reports on Japanese government intentions in proposing such “anti-piracy legislation”, it is clear that targets other than sophisticated armed criminal gangs in the Horn of Africa are also on the mind of the Japanese government. The Yomiuri reported that the government’s definition of actions to be considered criminal under the extension of the Replenishment Support Special Measures Law will at least in part target environmental activist groups such as Sea Shepherd or Greenpeace that have interfered with Japanese “scientific” whaling in the Antarctic:

The envisaged legislation, however, likely will enable authorities to arrest the captain of a vessel concerned, even if those who have carried out illegal activities are not identified. [33]

This came several days after Chief Cabinet Secretary Machimura Nobutaka announced that Japanese prosecutors will seek international arrest warrants through Interpol for three Sea Shepherd members for their activities against Japanese whaling in the Southern Ocean in 2007. [34]

In fact, the proposed anti-piracy rationale for an extended MSDF mission is a matter of policy on the run, aimed less at contributing to a solution to a serious international criminal problem in which Japan certainly has an interest than at diverting public opinion increasingly hostile to the Indian Ocean mission, keeping open the door to future participation in the ground war in Afghanistan, and along the way providing a domestic legal basis for criminalizing opposition to scientific whaling in international waters. The Yomiuri strongly supported the tanker escort proposal, but even it described the plan as “nothing more than a makeshift measure that is a product of domestic political circumstances.” [35]

Afghanistan, NATO and deepening militarisation of foreign policy

There is however, a wider and more serious context to the attempts to extend and widen the SDF mission in the Indian Ocean and Afghanistan. The American-led war in Afghanistan – or as it is more correctly termed by the most authoritative strategic analyst of the war, Anthony Cordesman of the Center for Strategic and International Studies, the Afghanistan-Pakistan War [36] – has reached a near-terminal point. Whoever wins the US presidential election, US troops will be shifted from Iraq to the Afghanistan theater, but with neither a serious chance of reversing the collapse of support for the Karzai government in Kabul nor limiting the expansion of the war into Pakistan.

Apart from applying pressure on allied countries to increase and deepen their military commitments in Afghanistan, the United States has come to emphasize the role of NATO in the Afghanistan conflict – though somewhat belatedly. Two awkwardly coordinated coalition military-political deployments are in place in Afghanistan. US forces have been engaged in “Operation Enduring Freedom” since November 2001, and are coordinated primarily through US Central command. At the same time, the International Security Assistance Force, coordinated by NATO, has had responsibility for security in much of the country since 2006. This assumption of responsibility for security in most of Afghanistan by NATO has a two-fold purpose: relieving the US burden, and

providing a rationale for NATO after the end of the Cold War.

Countries like Japan, Korea, Australia and New Zealand have been targeted by NATO as “Contact Countries” with which it intends to build partnership arrangements. [37] New Zealand, Australia and Korea all have (or have had) substantial troop deployments in Afghanistan under ISAF/NATO auspices. A key goal of both US and Japanese government supporters of deeper Japanese militarisation of foreign policy is to link Japan in a close partnership with NATO, and thereby to provide one arm of an incipient global military alliance. “High-level policy dialogues” under former Prime Minister Abe Shinzo and continuing under Mr Fukuda have led to the appointment of a Japanese liaison officer to the Office of the NATO Senior Civilian Representative in Kabul, an agreement for civil aid cooperation with NATO/ISAF Provincial Reconstruction Teams, and SDF/MOD participation in NATO exercises and dialogues.[38]

Even without Ground Self Defense Force deployments to Afghanistan, for NATO and the United States, these small institutional moves amount to substantial progress in the project of globalising NATO and rescuing the organisation from the threat of widely perceived anachronism after the Cold War. Yet with the real possibility of coalition defeat in Afghanistan, US pressure on the Fukuda administration and its successors to “shoulder its responsibilities” and clear away political and legal obstacles to full participation in the widening war will be unrelenting. The twin sources of Japanese remilitarisation in the Heisei era – US pressure and the preferences of those streams of elite Japanese political and bureaucratic opinion favouring nationalist and great power solutions to foreign policy problems – remain ascendant, despite occasional blockages.[39] One of those blockages has led to the need to try to redefine the Indian Ocean MSDF mission in terms of an anti-piracy initiative. As a contribution to solving the problem of piracy in Somalian waters, this is clearly a rushed, ill-conceived policy, the real aims of which are to find new justifications for continuing the expansion of the most advanced naval force in Northeast Asia, and along the way, increasing the resources of the nationalist whaling agenda. Both are likely to be highly counter-productive. Both are deeply anachronistic responses to the real threats faced by Japan.

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[19]

2007年の日本関係船舶における海賊等事案の状況及び世界における海賊等事案の状況について、海事局外航課、国土交通省。

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IV. Nautilus invites your responses

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