Policy Forum 07-056: US Missile Defense In Northeast Asia and the Rule of Law in Japan: Evidence from the July 5, 2006 North Korean Missile Test


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US Missile Defense In Northeast Asia and the Rule of Law in Japan: Evidence from the July 5, 2006 North Korean Missile Test

By Umebayashi Hiromichi

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I. Introduction

Umebayashi Hiromichi, Founder and President of Peace Depot, a non-profit organization for peace research and education in Japan, writes, "The use of US bases in Japan directly for the defense of the United States proper is something quite new. Strict rule of law must be followed in relation to the military, and particularly in case of a foreign military using the territory of an independent state… it is more necessary than ever in this circumstance to reaffirm the importance of keeping the military strictly within the rule of law."

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II. Article by Umebayashi Hiromichi

- "US Missile Defense In Northeast Asia and the Rule of Law in Japan: Evidence from the July 5, 2006 North Korean Missile Test"
By Umebayashi Hiromichi
Translated by Richard Tanter

For many years, Peace Depot has studied US Navy internal documents, and over the past year, one research theme has been the activities of] Aegis-equipped ships based in Yokosuka engaged in missile defence duties.[i] This analysis of the activities of the US Seventh Fleet around the time of the July 5, 2006 North Korean missile tests is part of this work. This study draws together the results of analysis of the US Navy command histories and deck logs.[ii]

The command histories, together with the Congressional testimony of the head of the US Missile Defence Agency, demonstrate that US Navy Aegis-equipped ship patrols in the Sea of Japan after October 1, 2004 are a part of US national missile defence operations that assume the possibility of a North Korean missile attack on the American mainland - specifically long range surveillance and tracking of missiles. These records clearly show that the *USS Curtis Wilbur* and the *USS Fitzgerald* were the first and second ships respectively designated with this duty. For the first time, the command histories clearly specify the purpose of these patrols.

The results of the survey of the deck logs of the three Aegis-equipped ships home-ported at Yokosuka - the *Curtis Wilbur* , the *Fitzgerald/* and the *John S. McCain* (hereafter, McCain) - clearly show that the three ships were engaged in duties related to the July 5th North Korean missile tests. The records also demonstrate that for the first time the US navy established Ballistic Missile Defence Operational Areas in both the Sea of Japan and in the Pacific Ocean. These operational areas are located on an almost direct line with the US X-Band radar facility deployed at the Shariki Communications Base. The Sea of Japan BMD Operational Area is approximately 285 km west of the Matsumae Peninsula in Hokkaido, and the Pacific BMD Operational Area is about 270 km east of Kujikaigan in Iwate Prefecture. The Aegis ships were on standby in two extremely small maritime zones about 30 kilometers across. Although the ships were on station for about three weeks, they headed for their homeport the night after the launch, their launch monitoring duty finished. So for the first time the location and duration of BMD duty of these Aegis-equipped vessels has been clearly identified in this study from US naval records.

This decklog data corroborates the evidence from Congressional testimony and from the command histories that the purpose of these interconnected BMD missions across the northern tip of Honshu is for the missile defence of the United States proper. The specific formation of this deployment is consistent with an assumption by the US military of a possible North Korean targeting of Hawaii with a Taepodong-2 missile.

These operations by US naval vessels homeported in Yokosuka tasked with ballistic missile defence of the US itself is an absolutely new development, one not provided for under the Japan-USA Mutual Security Treaty. This matter must be fully discussed from the point of view of control of military activities by law in both the international and national spheres.

This information from the command histories closely corresponds with Congressional testimony given in May 2005 by Lieutenant-General Henry A. Obering III, U.S. Air Force. In brief, Obering stated that the Aegis ships started deployment in the Sea of Japan to establish "a limited defense capability for the United States against a long-range North Korea missile threat" and "to provide long-range surveillance and tracking data to their (our) battle management system".

Together with the corroborating evidence of the annual record by the commanders of the ships that actually carried out the missile defense duty this testimony proves that Japan has been made into a stronghold for operations directly in defense of the United States itself.

Rationale for the location of the BMD Operational Areas

The Japan Sea and Pacific Operational Areas are almost on a direct line that transects the Shariki Communications Base, where the US X-band radar facility has been deployed, about 320 km and 400 km from Shariki respectively. The US X-band radar at Shariki, established for BMD purposes, was agreed to between Japan and the US in the recent negotiations on the US Forces realignment reportedly began operations in June, sooner than scheduled, to respond anticipated North Korean missile launch.

The July 2006 US missile defense operations involved repeated liaison with the Japanese Maritime Self Defense Force (MSDF). The decklogs mention link-ups with the MSDF refuelling vessel *Hamana* (AOE424) and the MSDF Aegis-equipped destroyer *Kongo* (DD173).

The two operational areas in the Japan Sea and the Pacific make sense in relation to the possible defense of Hawaii. The three radars - Shariki, together with the Aegis ships in the two operational areas - together cover the Great Circle route to Hawaii, especially at points where a long-range missile from North Korea is still in the second stage or third stage acceleration, when interception is theoretically more likely.

The three Aegis ships on station were carrying out long-range surveillance and tracking duties, even though at present they lack intercept capacity. The important point to understand is that this formation of radar sites is the source of data supplied for the missile defence of the United States proper/mainland, and consequently is tied to the entire combat system. By supplying missile trajectory data to the Shariki radar base, the Japan Sea and Pacific Aegis ship deployments were intended the Shariki X-band radar facility's very high capacity for missile discrimination extend for the longest period possible.

In the event of an attack towards the US west coast, deployment in the Japan Sea in the most westerly position possible is desirable. But, given the position of the mid-point line between Japanese and Russian maritime territories, the Japan Sea Operational Area is at its most westerly possible location. It is possible the location of the Pacific Operational Area, exactly 400 kms from the Shariki

radar site in some way reflects the performance of the radar facilities, but this is not certain.

Apart from these considerations, it is also important to consider the present locations from the point of view of intercept simulations. As already mentioned, although the three Aegis ships involved in the BMD duties only possessed long-range surveillance and tracking capacity, the US Navy Aegis cruiser USS Shiloh has since been deployed to Yokosuka, and it possesses an interception capacity. There has been a report that of the three Aegis destroyers involved in these BMD operations were to be upgraded to interception capability by the end of 2006. It is possible that the US used the North Korean missile launch to train for an interception drill. In the standard understanding of missile defense, the possibility of interception is greatest in the boost phase and the second stage and third stage acceleration when the rocket is moving relatively slowly and the heat plume of its rocket motor is most visible. It is possible that this was a factor in deciding the location of the Operational Areas.

Rule of law

It is impossible to avoid the conclusion that the present missile defense arrangement, which covers only very northern tip of Honshu (Mainland Japan) with two MD operational sea areas on the western and eastern sides of the Shariki X-band radar, is intended for the missile defense of the US proper including Hawaii. That it is secondarily connected to the defense of Japan is just an excuse and does not alter this primary fact. Since this is even admitted in Congressional testimony, a plea of alternative interpretations are unpersuasive.

There is in fact a recurring problem of the Japanese government failing to prevent, and indeed, permitting the US military in Japan violate the provisions of the Japan-US Mutual Security Treaty, specifically Article 5 (the defense of the Japanese mainland/proper) and Article 6 (the Far East clause).[iii] There has been a serious issue of US bases in Japan being developed into frontline bases and supply bases for Afghanistan, Iraq, and the Persian Gulf.

This time the situation is different. The use of US bases in Japan directly for the defense of the United States proper is something quite new. Strict rule of law must be followed in relation to the military, and particularly in case of a foreign military using the territory of an independent state. This is the foundation of civilian control.

The government and the Diet should not ignore the implications of this research. After North Korean nuclear test in October 2006, there is a political atmosphere in Japan that Japan should not demand anything inconvenient to the US military force in Japan so as to give them a free-hand to protect Japan. However, it is more necessary than ever in this circumstance to reaffirm the importance of keeping the military strictly within the rule of law.

Acknowledgement

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NOTES

[i] See Umebayashi Hiromichi, US Navy Set Missile Defence Operations Area in the Sea of Japan 190 Kilometres West of Okushiri: Japan as a Base for the Defense of the US Homeland, NAPSNet Special Report 06-42A May 30th, 2006. https://nautilus.org/napsnet/sr/2006/0642Umebayashi.pdf . See also Umebayashi Hiromichi, Japan as a Base for the Defense of the US homeland: US Navy Missile Defense Operations in the Sea of Japan", NAPSNet Policy Forum 06-43A May 30th, 2006.

https://nautilus.org/fora/security/0643Umebayashi.pdf
[ii] The full research report from which this brief summary is drawn is Umebayashi Hiromichi, "Missile defence response to the July 5, 2006 North Korean missile test by US naval vessels home-ported at Yokosuka", NAPSNet Special Report 07054 July 25, 2007. That report contains details of the research methods, the research results, charts, and copies of US Navy documents.
[iii] Treaty Of Mutual Cooperation And Security Between Japan And The United States Of America, Article V: "Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes." Article VI: "For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan."

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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