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SIGNIFICANCE OF THE GUIDELINES FOR JAPAN-US DEFENSE COOPERATION AND JAPAN'S DEFENSE LEGISLATION IN 2015

Yoji Koda

- The Guideline improves JDSF-US Forces cooperation by establishing a standing Alliance Coordination Mechanism and considers many new security challenges such as C4ISR and Cyber.
- The Defense Bills are attempts to realize new defense initiatives to meet demanding requirements and will open the way to enhanced JSDF-USF bilateral operations.
- These initiatives will lead Japan toward a functioning and robust security posture to better cope with complicated international situations.

The views expressed in this piece are the author's own and should not be attributed to The Association of Japanese Institutes of Strategic Studies.

Preface

On 27 April 2015, the new Japan-US Defense Guideline (The Guideline) was finalized and approved by the relevant Japanese and American ministers and secretaries. At the same time, new defense legislation (“Defense Bills”) remains under deliberation in the Japanese Diet’s House of Councilors as of August this year. The Defense Bills are expected to be approved by the end of the current Diet session in mid-September, and to be enacted thereafter.

The Guideline and the Defense Bills will open an “ever-closed door,” and will lead Japan toward a functioning and robust security posture to better cope with complicated international situations.

The Guideline

- Alliance Coordination Mechanism (ACM)

There are many new initiatives that will improve and enhance JSDF-US Forces (USF) cooperation. The most important among them is the establishment of a standing ACM. Yes, there were some ACM-like organizations before, but most of them were ad hoc or based on case-by-case situations. Since the nature of our alliance is dynamic and complex in order to handle various international challenges and threats, our two governments and militaries have to make the alliance more realistic and flexible. In order to establish a real functioning bilateral security posture, continuous coordination between the two sides is essential. In this context, the new ACM will surely be a key to future enhancement. This brings our bilateral alliance up to NATO’s level, where all necessary coordination is maintained on a 24/7 basis.

- No Geographical Constraints

Next is the basic tenet of Japan-US defense cooperation that eliminates all geographical constraints. It is crystal clear that, in theory, any military should be able to operate in any area on this planet in order to protect its own country or national interests. Of course, in the actual execution of operations, an objective area such as “the region surrounding Japan” will be set for practical purposes. However, when taking into account the global nature of Japan’s national interests and the operational characteristics of our alliance partner’s forces, the

attempt by the Government of Japan (GOJ) to remove the geographical limitations should be viewed positively. This will provide the GOJ with more flexibility to make vital security decisions.

- For the Future

There are many other new security initiatives in the Guideline besides the above two, such as C4ISR and Cyber, but many of them have already been mentioned in various defense forums, so I will not discuss them here.

That said, though, there is some room for future improvement. First is the fact that, although practical tenets are incorporated into the Guideline, its main focus seems to over-emphasize Japanese territorial defense. Another feature of the defense of Japan, which guarantees Japan's economic survival and the safe arrival of USF reinforcements in this area, remains ambiguous. It is also unclear whether strategic mission sharing and force posture between the JSDF and USF, i.e., "Shield and Spear", will be firmly maintained or not.

A second area of concern is the weak consideration given to China's Anti Access Area Denial (A2AD) strategy. It is appropriate not to single out China or A2AD but, since the two are the main causes of regional instability, the Guideline should have incorporated some provisions regarding China and A2AD.

The Defense Bills

- Non-Constitutional Initiatives

The GOJ has launched challenging legislative attempts to realize new defense initiatives that will meet demanding requirements and improve Japan's future security environment.

Nonetheless, the scope of the change that the GOJ is trying to introduce is not as radical as has been widely reported in the Japanese and international media. Some newspapers in Japan report about it as if the GOJ is seeking to make a thoroughgoing change to the long-familiar policy of "Individual Self Defense (I-Self Defense) only" and fully introduce "Collective Self Defense (C-Self Defense)"; however, in reality, this is not true.

There are several new initiatives in the GOJ Defense Bills that have nothing to do with C-Self Defense, but simply expand the scope and range of the

JSDF's operations while remaining within the current security framework, in order to better contribute to the international community.

The non-Constitutional initiatives, which are only applicable to JSDF operations in peacetime, include:

- (1) protection of Japanese citizens overseas,
- (2) protection of USF military equipment,
- (3) participation in non-UN-led international peace keeping efforts and other related operations.

Another significant issue is logistic support provided by the JSDF to foreign forces - both US and others - who are engaged in military operations not involving a direct attack on Japan but where there is also great potential of a serious impact on the safety and security of Japan.

- New Legislation

Last but not least, one noteworthy initiative is new standing legislation to enable the GOJ to deploy the JSDF for international peace maintenance efforts and operations during contingencies. Due to an absence of related standing laws, the GOJ has had to pass new legislation to cope with each crisis situation, thereby deploying the JSDF in a case-by-case and ad hoc manner. This new legislation will enable the GOJ to dispatch the JSDF to participate in international security efforts far more effectively and promptly than before.

- A Constitutional Initiative: C-Self Defense

A key issue in the Defense Bills is the right of Japan to pursue both I-Self Defense and C-Self Defense under situations and conditions defined by the UN Charter. The most important prerequisite to employ force in this framework is based on a dynamic occurrence of security incidents, such as: (1) a direct armed attack against Japan or (2) an armed attack against a nation with close relations to Japan, such as the US. With regard to the latter case, there must be a clear indication of danger that an attack on friendly forces could eventually jeopardize Japanese lives and could overturn the universal right of human beings to pursue their freedom and welfare.


In this regard, realistic cases for the JSDF to exercise C-Self Defense will be fairly limited in general. However, what is important for Japan and the US is

the fact that the right to exercise C-Self Defense, even in a limited manner, will open the way to much more enhanced and robust JSDF-USF bilateral operations. In this context, a key to the real enhancement of bilateral operations under the new security policy umbrella will be the GOJ's sound evaluation of each situation in order to then authorize the JSDF to exercise C-Self Defense or not.

- For the Future

After the enactment of the Defense Bills, the JSDF could be viewed as a partly-completed ship, and there is still much to be built and improved upon - such as gray-zone scenarios, the limited use of C-Self Defense, the high threshold to authorize I-Self Defense, and many others. In parallel with the JSDF's accumulation of operational experience, the GOJ should take necessary corrective actions.

Summary

There are still some outstanding issues regarding the Guideline and the Defense Bills. However, the GOJ's two significant defense policy initiatives will surely send the right signals to potential adversaries, and will help Japan and the US develop new and functional deterrence towards them. 

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