

US-Japan defense cooperation guidelines review: US wise to take a patient approach by David Fouse

David Fouse (foused@apcss.org) is an associate professor at the Asia-Pacific Center for Security Studies in Honolulu, Hawaii where he specializes in Northeast Asian security issues.

The catalyst for a review of the US-Japan Defense Cooperation Guidelines came largely as a result of increasing tensions between Japan and neighboring countries, including a serious intensification of the dispute between Japan and China over islands in the East China Sea. As tensions heightened between Asia's two greatest powers, questions were raised (on both sides of the alliance) regarding what the US role would be should conflict break out. After a year of intensive dialogues the US and Japan issued an interim report on revised guidelines in October of this year and appeared to be on track for finalizing the process by the end of 2014. Within a month of the release of the interim report, however, media reports began to indicate that the completion of the review would likely be postponed due to "political developments."

The key reason for postponing the review is to allow Japan time to pass legislation delimiting the exercise of the right to collective self-defense. In July, the Abe government announced a landmark reinterpretation of Japan's constitution to allow the country the right to exercise collective self-defense (CSD) under certain circumstances. These circumstances were debated with its coalition partner, the New Komeito Party, resulting in an agreement that Japan's Self-Defense Forces (JSDF) could act only when its leaders felt an attack on a friendly nation, or that country's armed forces, would pose a clear danger to Japan. To allow for these changes, Japan will have to revise laws to spell out in more detail how the right of CSD can be exercised.

Inside the Liberal Democratic Party (LDP) different views exist as to how best accomplish this task. Ishiba Shigeru, the second leading politician within the LDP, favors passing a new fundamental law on security that would address all of the needed revisions at one time. Prime Minister Abe, however, appears set on launching some 15 separate pieces of legislation for needed revisions simultaneously, believing that pushing through narrow individual pieces of legislation will be easier to defend in the Diet than one broad and perhaps vaguer piece of legislation. Officials in the newly formed National Security Secretariat are fast at work drafting new legislation, which is likely to be introduced after the annual budget is passed early next year.

Passage of the new legislation is likely to be very controversial, as public support for the reinterpretation of the constitution is weak. Survey results vary significantly depending on which media organization is conducting the survey and how many options are allowed as response

categories, but polls conducted by *Asahi*, *Yomiuri* and *NHK* have all shown majorities that did not favor the reinterpretation of the constitution. Even bigger majorities did not believe the issue received sufficient debate prior to the government's decision. The results of an *Asahi* poll carried out just prior to the July 1 announcement indicated that just 9 percent of voters thought that debate had been sufficient to clarify the need for the change. Even among those who favored the exercise of collective self-defense only 28 percent felt that there had been adequate debate.

The interim report on revised US-Japan Defense Cooperation Guidelines issued in October is careful to state that "the Guidelines and programs under the Guidelines will not obligate either government to take legislative, budgetary, or administrative measures, nor will the Guidelines create legal rights or obligations for either government." Nevertheless, the report does indicate that the revised Guidelines will detail cooperation between the two governments "in accordance with the Cabinet decision by the Government of Japan on July 1, 2014." There is no mention in the interim report of the geographical limitations on US-Japan security cooperation known as "situations in areas surrounding Japan" (SAIS-J from the 1997 guidelines). The report clearly states that the two governments "will expand the scope of cooperation to reflect the global nature of the US-Japan alliance." Pushing forward with completion of the review prior to passage of new legislation could therefore leave the US open to charges of tampering with Japan's democratic process, as a high-ranking member of the opposition Democratic Party Japan (DPJ) recently conveyed to me. Though it is true that the 1997 Defense Cooperation Guidelines were completed some two years prior to Japan passing enabling legislation in 1999, the 1997 process did not involve a major reinterpretation of the Japanese constitution.

With Prime Minister Abe calling for Lower House elections in December to shore up his flagging public support, he can ill afford further charges of subverting the country's democratic process to implement the new guidelines. Abe's critics have already accused him of doing an "end run" around the constitution to allow for the reinterpretation on collective self-defense. The Japanese economy, which has sustained Abe's public support rates thus far, recently recorded its second quarter in a row of negative GDP growth, signaling a technical recession. This was followed by a downgrade of the country's sovereign debt rating by Moody's Investor's Service after Abe postponed a rise in the consumption tax from 8 to 10 percent, a measure that had been intended to help with Japan's ballooning national debt.

Beyond the controversial nature of the changes being considered and the possible political ramifications of pushing forward too fast, most Japanese security analysts I spoke to on a recent trip to Tokyo feel that waiting for legislative

clarification on collective self-defense will allow for much more robust dialogue between the two countries. The current security environment in the Asia-Pacific would seem to demand no less. Given the 16-year gap between the 1997 review and the current one, waiting another half year or so to enable more fruitful and detailed discussions seems the prudent thing to do.

PacNet commentaries and responses represent the views of the respective authors. Alternative viewpoints are always welcomed.