



## **Japan's Naval Dispatch Plans Expand the Envelope**

by Yoichiro Sato

An Aegis-class destroyer, Kirishima, recently left Yokosuka port, heading for the Indian Ocean. Two Japanese fast combat support ships (rotating among four), escorted by three destroyers (rotating among six), have been refueling U.S. and other ships engaged in the war on terrorism in Afghanistan. The Kirishima will replace one of the three destroyers currently serving in the region. While proponents of the decision to deploy the Aegis destroyer base their arguments on technical and political grounds, opponents challenge the move on legal grounds, focusing on the constitutionality of collective defense, the Aegis' extensive air defense capability, and joint operability.

Little understood even among expert observers of the U.S.-Japan security alliance are the multiple layers of decision-making in the Japanese government, particularly when it comes to Self-Defense Forces' (SDF) participation in the war on terrorism. How decisions are made and what decisions are made are equally important, as the "how" question will help us anticipate what may come next.

Three layers of decision-making are involved in the SDF dispatch in the war on terrorism. At the most general level, the Diet has passed the Anti-Terror Special Measures Law, which enabled the SDF to engage in "cooperative and supportive activities." Effective for two years starting Nov. 2, 2001, the law mandates the prime minister to draft a Basic Plan with Cabinet approval. The Basic Plan must include details on the types, areas, and duration of SDF activities, as well as the scale and composition of the troops and the equipment to be deployed. Changes to the Basic Plan require Cabinet approval and prompt reporting to the Diet, but not a Diet vote. Based on the Basic Plan, the Defense Agency director general draws up (and amends when necessary) implementation guidelines for the prime minister's approval, which further detail the activities of the dispatched SDF units. Thus, the Diet, the prime minister and Cabinet, and the prime minister and Defense Agency director general make up the three layers of decision making.

It is important to clarify where policy changes have been made to see a long-term trend behind the temporary measures. All changes in the SDF activities involving the war on terror have so far been made without a Diet vote since the Diet gave the prime minister and his Cabinet two years to draw up operations under the Special Measures Law. The original Basic Plan of Nov. 16, 2001 has been amended twice (May 17 and Nov. 19, 2002) by Cabinet meetings. The first amendment extended the SDF deployment by one year, and the second amendment added the dispatch of a landing (transportation)

ship and an additional escort destroyer to transport heavy construction equipment and staff to the activity list.

All implemented changes in the SDF activities to date, however, have not been made by Cabinet meetings, but by the Defense Agency director general and the prime minister in the implementation guidelines. Expansion of refueling activities to include British ships, and more recently to ships belonging to other countries in the antiterrorism coalition, was always legal under the Special Measures Law and the original Basic Plan. Dispatch of Aegis ships too could have been done by simply listing the names of these vessels in the implementation guidelines, since the Basic Plan only specified the general types and the number of the vessels. The Maritime Self-Defense Force (MSDF) classifies both Aegis and non-Aegis destroyers as goeikan (escort ships).

As yet unimplemented, the second change to the Basic Plan is likely to be equally significant. On Dec. 11, Japan's vice foreign minister officially offered to transport heavy construction equipment for a 140-men strong Thai army engineering battalion to a port on the Indian Ocean. The Thai government had decided to dispatch the battalion sometime between late February and early March to help improve airfields inside Afghanistan. The fact that the planned dispatch of a landing ship will occur one time only between Dec. 31, 2002, and March 31, 2003, suggests that the Defense Agency and the Foreign Ministry seized this opportunity to set a political precedent in transporting the troops of an Asian country. The landing ship classification (yusoukan, which in Japanese literally only means transport ships) that has been added to the Basic Plan for transporting the Thai troops includes the Ohsumi-type landing ship tank (LST), also known as Japan's "light aircraft carrier." Overseas dispatch of this type of ship, if realized, may also set small yet significant precedent in the evolution of the MSDF into a British-like, medium-size blue-water navy.

The Japanese government is also considering using the same Aegis ship to escort Japanese oil tankers in the Persian Gulf if war breaks out against Iraq. This will be done not under the Special Measures Law, but under the maritime patrol clause of the existing Self Defense Forces Law.

By setting a two-year limit and civilian control over operational details of the SDF under the Special Measures Law, the Japanese Diet gave only limited freedom to the SDF. However, both the Aegis controversy and the less publicized recent change to the Basic Plan illustrate a consistent drive by the MSDF to set precedents through overseas deployments.

De facto collective defense with the United States has grown throughout the Cold War period, and post-Cold War

Japan has worked to build a domestic consensus around expanded SDF roles to counter the “free rider” criticism from the United States.

The recent events yield a mixed picture of Japan's ability to more fully engage in collective defense in the Asia-Pacific region. On one hand, the precedent-setting cooperation with the U.S., Britain, other European allies, and Thailand in the war on terrorism, will pave the way for an expanded Japanese role in regional security cooperation. On the other hand, public opinion in Japan has demonstrated steady resistance to the dispatch of the Aegis destroyer and Japan's involvement in collective defense. Although the Special Measures Law gave a relatively free hand to the prime minister and the JDA director general, this was done in the extraordinary circumstances in the aftermath of Sept. 11. It is premature to assume that future Japanese legislation in response to regional security problems will provide similar flexibility in SDF operations.

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