Collective Self-Defense and US–Japan Security Cooperation

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EXECUTIVE SUMMARY

If Japan decides to exercise its right of collective self-defense (CSD), it would have complex effects on U.S.-Japan security cooperation. The tangible short-term outcomes would likely be rather modest, and mid-term outcomes are dependent on changes in complementary policies, laws, and attitudes. American observers who expect that a revised interpretation of Japan’s Constitution will provide an immediate boost to the alliance are likely to be disappointed. There are institutional and legal limitations on the Japanese Self-Defense Forces (SDF) that will constrain its activities in the near-term, no matter what policy course leaders choose. Japanese public opinion is also highly circumspect about the use of force to resolve international problems and will likely not support missions that do not directly address the security of Japan. However, due to the powerful symbolism of CSD, the long-term effects could be quite significant.

The removal of restrictions on CSD would enable the SDF to carry out a limited number of new operations and operate differently in several other scenarios. Although the constitutional prohibition on engaging in front-line combat would remain, Japanese forces could defend U.S. ships in international waters and intercept ballistic missiles targeted at U.S. forces. The SDF may also face fewer restrictions on peacekeeping operations. Japanese logistical support for international security operations, whether or not under a United Nations framework, could be rationalized on a policy basis, no longer handicapped by legal constraints.

As a result of these changes, the U.S.-Japan alliance could develop more flexible regional contingency responses and rethink force structure, interoperability, and command and control mechanisms. At the regional level, Japan would open doors to fuller security partnerships with Asian states, for example through military exercises. More multilateral defense cooperation could improve regional stability, though conversely it may exacerbate concerns about a latent “anti-China” coalition.

Strategic communications will be important in shaping how countries in the region and around the world perceive a change in Japanese security policy. The degree to which Tokyo can construct the narrative of CSD around contributing to regional and international security, rather than accusations of nationalism and resurgent militarism, will partly determine the success of this potential policy shift.
INTRODUCTION

The Charter of the United Nations in Article 51 recognizes the right of countries to act collectively in the defense of a country under attack. In the cases of the Korean War (1950-53) and the Persian Gulf War (1990-91), the response by the United Nations and individual countries was fundamentally based on collective self-defense (CSD) as a means to roll back aggression by states. The right has also been applied without an explicit UN mandate, for example after the terrorist attacks of September 11, 2001, when NATO countries and other U.S. allies invoked CSD to overthrow the Taliban.

Japan abjures the right of belligerency in Article 9 of its constitution, but not the right of self-defense. The Cabinet Legislative Bureau (CLB), which fulfills a judicial review function for Japan’s Cabinet, recognizes that Japan possesses the right of CSD but cannot exercise it without violating the constitution. The CLB interpretation of Article 9 is that Japan can defend itself but any military action that goes beyond the narrow defense of Japanese territory or forces would “exceed the definition of the minimum necessary level of self-defense.” This limitation prevents the Japanese Self-Defense Forces (SDF) from engaging in a number of activities: dispatching troops to a foreign war zone, defending allied naval vessels on the high seas, protecting other peacekeepers deployed on the same UN mission, and providing logistical support that is integrated with the use of force by another military, among other actions. Because of its unique war-renouncing constitution, as well as policy proscriptions on nuclear weapons and defense spending, Japan is not considered to be a “normal” country in the military sphere.

The 1990 invasion of Kuwait by Saddam Hussein, coinciding with the collapse of the Soviet Union, provoked the first calls for a policy change on the issue of CSD in Japan. While the United States assembled an international coalition to expel the Iraqi army from Kuwait, Ichiro Ozawa and others in Japan sought to move beyond reflexive pacifism and make a material contribution to the UN-sanctioned coalition. This effort failed, but the lack of gratitude that Japan received for its $13 billion underwriting of war expenses (so-called “checkbook diplomacy”) stimulated a security policy evolution that continues in the present day.

Since the checkbook diplomacy fiasco, politicians in Japan have identified the prohibition on exercising CSD as a major handicap. This self-imposed limitation, they claim, prevents Japan from making a fuller contribution to international security and strengthening the security alliance with the United States. Junichirō Koizumi, Prime Minister 2001-2006, had to find alternative legal justifications to allow the dispatch of Self-Defense Forces (SDF) in support of Operation Enduring Freedom and the reconstruction of Iraq. In a 2011 interview, Democratic Party of Japan (DPJ) Diet Member Akihisa Nagashima (then Parliamentary Vice-Minister for Defense) called the CSD restriction one of the largest outstanding issues in US-Japan relations. Then-Prime Minister Yoshihiko Noda in 2012 approved of a National Policy Unit expert panel report that included exercising CSD as one of its recommendations. Exercising CSD would

appear to align with several of Prime Minister Shinzo Abe’s priorities, including strengthening the U.S.-Japan alliance and developing his strategic concept of a “security diamond” in the Asia-Pacific anchored by Japan, India, Australia, and the United States. During his first tenure as Prime Minister, from 2006-2007, Abe commissioned a blue-ribbon panel to reconsider the right of CSD, focusing on four cases: 1) defense of U.S. naval vessels on the high seas, 2) intercepting a ballistic missile targeted at U.S. territory, 3) coming to the aid of other peacekeeping forces on the same mission, and 4) logistical support for peacekeeping operations (PKO) and other collective security operations. The advisory group, often called the Yanai Commission after its chairman Shunji Yanai, concluded that Japanese security would be threatened if the ban on CSD and collective security was not lifted in (at least) the four cases. The security environment for Japan has deteriorated because of the North Korea threat and the improvement of the Chinese military, the committee argued, and there are other, legitimate interpretations of the constitution besides what the CLB holds. Furthermore, it is Japan’s “duty as a responsible member of the community of nations” to actively contribute to international security. For cases three and four, the committee points out that UN PKO (and other collective security actions) should be considered as distinct from acts of war and therefore Japan should not limit those SDF activities in the same way as other combat operations.

Since the end of the Cold War, prominent figures in the United States have recommended that Japan exercise CSD. In 1993, Senator Bill Roth sponsored a resolution that called on Japan (and Germany) to take political action to “discharge the full range of responsibilities attending [UN Security Council] permanent membership” in order to receive American backing for permanent Security Council membership. The most influential call was likely the so-called Armitage-Nye Report published in October 2000, which explicitly identified the lack of CSD activity as a constraint in the alliance while respecting the right of Japan to determine this issue for itself. Richard Armitage has repeated this recommendation in and out of office, driving the narrative – true or not – that the United States government is pressuring Japanese leaders to make a change. At the same time, there have been few public indicators of exactly what these American alliance managers want if Japan adopts a new policy.

In some sense, the repetitive American recommendation for Japan to exercise CSD has become like a dog chasing a car; the dog is barking and running but with no idea what to do if it actually caught the car. This article seeks to examine the issue of CSD more deeply, largely from an American perspective, and to answer the question “What would

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4 Japan’s campaign for a permanent seat on the UN Security Council was unsuccessful despite U.S. backing, and momentum for Security Council reform has fizzled out in the last decade.
Japan’s decision to exercise CSD mean for US-Japan security cooperation?” The aim is to set expectations in Washington for the real outcomes of this potential policy shift, now that Prime Minister Abe is poised to make CSD a reality. This paper seeks to illuminate the most consequential benefits and costs of CSD and to identify cases in which the official exercise of CSD marks a significant change from existing workarounds.

There appear to be three approaches for a Japanese Prime Minister to enable the exercise of CSD. The most durable way to do so would be to amend the constitution, requiring approval from two-thirds of the members in each chamber of the Diet and a majority of the vote in a national referendum. This approach requires strong leadership, political capital, and unequivocal public support. Another approach would be to have the CLB change its interpretation of Article 9 to permit CSD, since that bureau reports to the Prime Minister. Abe recently appointed Ichiro Komatsu, known as a supporter of CSD, to be the head of the CLB. Some CLB staff may resist a change of interpretation, potentially causing a political crisis, but the Prime Minister has the ultimate authority. One drawback of politician-led reinterpretation is that subsequent Prime Ministers might feel empowered to tinker with the interpretation, or reverse it. Vacillation would damage the stability of Japanese security cooperation and likely incur further conflict with the CLB. Lastly, some observers such as the Yomiuri Shimbun editorial board have suggested that the Diet could change CSD policy with legislation. “To stabilize the legal basis for national security, legislation must be improved to secure the interpretational change, such as the establishment of a basic law on national security.”

This paper makes a working assumption that the Abe Cabinet will introduce government-sponsored legislation to enable the exercise of CSD. The Diet would almost definitely pass such a bill, even if the Liberal Democratic Party (LDP) needs to pick up votes from opposition parties to compensate for abstentions from its coalition partner New Kōmeitō, which holds pacifist positions on defense matters. The paper assumes that such legislation would go slightly further than the 2008 Yanai Commission in identifying permissible cases for CSD, for example by allowing defense of allied aircraft in addition to ships, but that the law will not provide blanket permission for all CSD activities. Analysts agree that so-called “full-blown” CSD would require constitutional amendment. A positive list that establishes approved activities would be more palatable than a negative list to those with concerns about a new CSD policy. At times, this paper will consider other possibilities to enrich its analysis. The author does not, however, advocate any particular position on this issue.

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8 Editorial “Govt should change interpretation of right to collective self-defense,” Yomiuri Shimbun, May 2, 2013.
The remainder of this article is comprised of seven sections. The article takes a bottom-up approach, beginning the analysis at the operational level. After considering several caveats that may be problems for the exercise of CSD in the following section, the next three sections consider the consequences of CSD for the U.S.-Japan alliance, for Asia-Pacific security, and for international security. The article then considers the public reception of CSD and possible communication strategies of the Japanese government. Lastly, the author offers some conclusions from this study.

**OPERATIONAL LEVEL**

Removal of restrictions on CSD would enable the SDF to carry out a limited number of new operations and operate differently in several other scenarios. Although the constitutional prohibition on engaging in front-line combat remains, Japanese naval vessels, and perhaps even aircraft, would be able to defend U.S. forces in international waters. The SDF may also protect vessels of other countries friendly to Japan. If the 2008 Yanai Commission recommendations are implemented, the SDF would face fewer restrictions on PKO and stabilization/reconstruction operations, whether or not under a UN framework, basically enabling the SDF to act like any other peacekeeping force. Japanese logistical support for international missions could be rationalized on a policy basis, no longer handicapped by legal red tape. Despite the potential for major change, the SDF may be unable or unwilling to execute these new missions, especially in the near term, for reasons described in the next section on caveats.

Relaxation of the prohibition on CSD could have a significant effect on Japan’s response to regional contingencies – the so-called “situations in areas surrounding Japan” (SIASJ) – in combination with parallel legislative and defense policy changes. Two common examples of regional crises are conflicts on the Korean Peninsula and across the Taiwan Strait, though defense planners presumably consider other scenarios. The present interpretation of the constitution and the Law on Situations in Areas Surrounding Japan place a number of restrictions on military activities that the SDF can conduct in situations not recognized as an attack on Japan. The SDF cannot come to the aid of U.S. ships or aircraft that come under fire outside Japan’s territory. Removing that restriction would enable Japan to participate in broad air and sea defense networks for containing an adversary and protecting civilian traffic. Japanese destroyers with ballistic missile defense (BMD) capability could intercept missiles targeted at U.S. forces on Guam. The SDF could mobilize assets to improve allied ISR (intelligence, surveillance, and reconnaissance). With further improvements to interoperability, it is conceivable that Japan could participate in U.S. operations based on the Air-Sea Battle Concept now under development. Some analysts see this bilateral Air-Sea Battle partnership as a key

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9 The 1997 US-Japan Mutual Defense Guidelines state that Japan will provide support to U.S. forces responding to “situations in areas surrounding Japan” (周边事態 shuhen jital) that threaten regional security. See http://www.mofa.go.jp/region/n-america/us/security/guideline2.html
to 21st century warfare in the Asia-Pacific region.\textsuperscript{10} Even traditional bilateral (or multilateral) cooperation in air and naval operations acts as a force multiplier for the United States.

The use of BMD in the context of CSD is, paradoxically, both overblown and operationally relevant. It is overblown in the sense that politicians justify the exercise of CSD by claiming that Japan must defend the United States from nuclear missiles – but Japan does not possess such a capability. The interceptors that Japan has deployed (SM-3 Block IA and PAC-3) are not capable of intercepting intermediate- or intercontinental-range ballistic missiles (IRBMs and ICBMs, respectively). When the SM-3 Block IIA interceptor is deployed toward the end of the decade, Japan will acquire the capability to intercept IRBMs targeting Guam but will still be unable to stop ICBMs heading from Asia toward the western United States.

Yet BMD is relevant in the context of ship-based defense. With older versions of the Aegis software on U.S. and Japanese vessels, there was limited capability to fulfill multiple roles simultaneously, i.e. air and missile defense, and therefore Japanese escorts were highly prized. Japanese destroyers reportedly provided this sort of cover in the Indian Ocean for coalition vessels assigned to Operation Enduring Freedom. Future versions of the Aegis system, namely Baseline 9, will have “dual beams” allowing both air and missile defense, thus diminishing this requirement for Aegis-equipped escort vessels. On the other hand, technological improvements in the Aegis software, sensor data sharing, and missile interceptors will increase demand for Japan, and the Maritime Self-Defense Forces (MSDF) in particular, to engage in combined operations with the U.S. Navy. New technology will allow a ship to share tracking data on missiles and aircraft flying overhead, cueing another ship that is over the horizon to intercept the attacker with missile or anti-air defense. In a scenario where U.S. vessels come under attack in the Western Pacific, partnership with the MSDF could be highly valuable.

Looking beyond the immediate neighborhood, another mission that CSD would enhance is the defense of sea lines of communication (SLOC). The MSDF currently patrols sea lanes out to 1,000 nautical miles from Japan, but can only defend itself and vessels in immediate proximity. Imagining a scenario where Iran or another country attempted to close the Strait of Hormuz, Japan could aid in the defense of U.S. vessels and commercial traffic. (Some Japanese analysts argue that SLOC protection in that context could be considered simply self-defense, given Japan’s dependence on energy imported from the Middle East.) This type of overseas naval defense seems to be a likely near-term outcome of changing CSD policy, as it relates directly to Japanese national interest. The SDF is already protecting SLOC off the Horn of Africa – but against pirates, not another military. This distinction is key, because Japan can conduct an international police action but not combat.


Japan could be able to engage in a broader range of military actions in support of international security. As an example of limited change, the 2008 Yanai Committee report recommended that, in the name of collective security, SDF peacekeepers should be able to help other PKO forces that come under attack.\(^\text{11}\) At present, SDF can defend persons in their immediate vicinity, but cannot go to aid PKO forces in distress. Japanese peacekeepers may also be permitted to engage in “peace enforcement” activities, which the UN routinely conducts in situations where conflict has not completely concluded. These example shows how limited the change might be, but far more expansive changes are possible.

Removing restrictions on collective security actions and on integration with the use of force could enable the SDF to engage in a variety of defensive and support roles in international security and stabilization operations. The Yanai Commission report recommended that the SDF be allowed to provide logistical support – transportation, supply, medical services, construction, etc. – in a combat zone to the U.S. military or other forces. (The 2004-07 Iraq deployment was considered to be outside of a combat zone.) For example, Japanese minesweepers might remove underwater mines from combat zones, which is technically an act of war under international law. Another possibility, though highly unlikely, might be for Japan to send an AWACS (Airborne Warning and Control System) aircraft to a hotspot in support of coalition forces. The SDF could act as rear-area defensive forces, protecting supply lines and command centers for a multinational operation. There is a plethora of possibilities for SDF contributions if the Japanese government changes its interpretation of the constitution. At the very least, the ability for SDF soldiers to actively protect themselves would be a concrete change. These examples demonstrate how the Japanese military could be a more effective partner in collective security actions.

Unless there is a significant change to the constitution, exercising CSD will not lead Japan to engage in front-line combat. The Abe Administration may change certain aspects of the present interpretation of the constitution, but the principle of using the “minimum force necessary” will almost certainly persist.\(^\text{12}\) Attacking an enemy military – even in the name of CSD or collective security – would seem to be a violation of that principle. The SDF will be limited to tactically defensive actions.

Allowing the exercise of CSD would also have little effect on the defense of Japanese territory.\(^\text{13}\) Some Japanese policymakers and analysts suggest that Japan should pursue CSD in order to bolster the alliance and the defense of the southwestern islands, especially the Senkaku/Diaoyu Islands. Although that step may somehow contribute to the U.S. alliance commitment, there would be no operational impact, as there is already a robust legal and policy basis for the Japanese and U.S. militaries to cooperate if Japan comes under attack.

\(^{11}\) Report of the Advisory Panel on Reconstruction of the Legal Basis for Security, pp. 12-14
\(^{12}\) Ibid, p. 6
\(^{13}\) There may be some indirect, “spillover” effects from exercising CSD in other contexts that would improve bilateral military operations in the defense of Japan.
CAVEATS

The decision to exercise CSD would be a powerful symbolic gesture for Japan, but the effect of this change on the defense activities of the SDF would be small in the short-term. Japan would have to make a number of changes in the following areas to realize the full potential of CSD: defense policy, law, strategic culture, rules of engagement (ROE), doctrine, training, and elsewhere. These reforms look to be time-consuming and difficult. Over the long-term, engaging in CSD activities has the potential to catalyze Japan’s defense policy evolution toward becoming a “normal” nation. Yet, as a high-ranking JSDF officer told the author, CSD on its own is “no panacea.” This section explains how the real impact on U.S.-Japan security cooperation will be minimal, unless complementary adjustments are made in other areas.

Reinterpreting the constitution to permit CSD would be less effective without accompanying changes to the National Defense Program Guidelines (NDPG) and the bilateral Mutual Defense Guidelines (MDG). These two documents function as national and bilateral policy blueprints and would guide the expanded defense activities enabled by CSD. The Abe Administration is reportedly aiming to publish a new NDPG by the end of 2013 and has initiated talks with the United States about revising the MDG, last updated in 1997.

One important element to watch in these changes is what conditions Tokyo places on the exercise of CSD. If the “trigger” for CSD operations is stricter than the three conditions placed on conventional self-defense, the new policy may not be effective. The three conditions for using force in self-defense are: 1) there is an imminent and illegitimate act of aggression against Japan, 2) there are no appropriate means to deal with such aggression other than by resorting to the right of self-defense, and 3) the use of armed force is confined to the minimum necessary level. Once these conditions are met, the Japanese Security Council must deliberate, the Cabinet must issue a decision, and the Diet must then approve that self-defense order. Instituting this arduous process for CSD actions could hamper Japan’s responsiveness.

Updating the legal basis for Japanese security activities is another critical step in implementing CSD. One area that will need attention is the absence of military courts; SDF soldiers are subject to civilian law, and therefore fear being prosecuted for military actions. “[T]he absence of a court-martial has discouraged the SDF to participate [sic] in overseas operations since SDF servicemen are afraid of the consequence of their use of force,” wrote one scholar.¹⁴ This reform may involve more than legislation, however. In order for the SDF to have its own martial law system, servicemembers first need to be recognized as “members of an armed force,” but the Japanese Constitution does not recognize the SDF as a true “armed force.”

Regional crisis response is another area in which not only the bilateral MDG but also domestic legislation would have to change in order to realize the potential gains of CSD. The 1997 MDG restricts Japanese participation in a regional contingency to rear-area support, but the Law Concerning Measures to Ensure the Peace and Security of Japan in

Situations in Areas Surrounding Japan, enacted in 1999, adds further restrictions. One handicap is the lengthy process of 1) the United States providing information to Japan on the crisis, 2) the Cabinet formulating a response plan, and 3) the Diet debating and approving the plan. This laborious process does not allow the SDF to act quickly nor flexibly in response to a rapidly evolving crisis. Courts martial and the SIASJ law are just two areas of Japanese law that would need adjustment to fully enable the exercise of CSD; a Japanese defense official interviewed for this study said that as many as 40 laws may need amendment.

The strategic culture of the Ground Self-Defense Forces (GSDF) and the Air Self-Defense Forces (ASDF) is risk-averse and not suited to the expeditionary missions that CSD might entail. That is not a criticism of those services, merely a reflection of their decades focused exclusively on the defense of Japanese territory, unlike the MSDF, which is more dynamic and accustomed to operating at a distance from Japan. The GSDF was reportedly reluctant to dispatch any units to Iraq or Afghanistan, to the point of actively lobbying Diet Members against those plans. Exercising CSD in overseas missions may require that ASDF and GSDF commanders adopt a more dynamic mindset. On the other hand, fewer restrictions on the use of force might make SDF leadership more amenable to expeditionary missions.

In tandem with changes in strategic culture, the Japanese military will have to implement numerous institutional reforms to enable the exercise of CSD. SDF servicemembers are known for their skills and thorough competence, but they currently lack the proper rules of engagement (ROE) to be effective in a combat zone. One U.S. officer remarked that Japan has not had to “fight a war on TV” yet, implying that the SDF would face the challenge of fine-tuning ROE to protect both soldiers and civilians under heavy public scrutiny. More funding for medical and psychological support could be necessary, depending on Japanese intentions for exercising CSD. Additionally, SDF doctrine would have to adjust to new CSD roles and missions. Unit tactics and training exercises will have to be updated. The force posture and organization of the SDF, designed for territorial defense, may have to evolve to facilitate expeditionary missions. In connection with these changes, an increased emphasis on jointness would improve SDF interoperability with the U.S. military and other forces.

Japan already possesses “middleweight expeditionary capabilities,” but it may choose to acquire new hardware, large and small, to maximize the potential of CSD. Some big-ticket items might be improvements to airlift, sealift, and ISR (intelligence, surveillance, and reconnaissance) aircraft. Buying U.S. equipment should contribute to interoperability with the United States and its allies, although Japan has traditionally insisted on some degree of indigenous production. New communications equipment may also be necessary; a recent report from the Carnegie Endowment for International Peace

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15 Ibid, pp. 122-137
17 Ibid, p. 147
notes that the Japanese and U.S. militaries do not have secure communications links for real-time operational coordination. Although the Japanese defense budget increased in FY2013 for the first time in 11 years, it will be extremely difficult to sustain annual increases as the government looks to trim the deficit in future years.

All of these reforms will require time, and some may take several years or more. The Japanese government can (in principle) change its interpretation of Article 9 overnight, but the defense establishment is not so nimble. Considering that it took Japan two years to enact implementing legislation after the 1997 MDG was signed—an other contingency legislation took until 2004—one can expect that the process of adjusting domestic law will also be time consuming. The caveats listed above suggest caution to observers who see the exercise of CSD as marking a sudden shift in Japanese security policy. Furthermore, public opinion in Japan will remain an obstacle to overseas deployment.

**ALLIANCE LEVEL**

Collective self-defense has the potential to reshape the U.S.-Japan security alliance, both because of its political symbolism and the implications of new operational freedom (described in the previous section). Indeed, the alliance is the primary consideration for many Japanese proponents of CSD. This section examines the resulting challenges, opportunities, and risks for bilateral security cooperation.

Permitting CSD comes with risks for the alliance, and the most salient is the danger of inflated expectations in Washington. U.S. policymakers, told for decades that Japan cannot participate in various international security actions because of the prohibition on CSD, may think that removing that prohibition will allow Japan to become a full-fledged “global security provider.” The Caveats section lists numerous reasons why Japan might struggle to carry out CSD missions in the short-term. Beyond those legal and institutional obstacles, Japan will also face difficult policy choices in the mid- and long-term. Fiscal and public opinion pressures will restrain Japanese contributions to global security, largely limiting missions to small dispatches that have a direct connection to the national interest. The Yanai Commission report recommended that CSD “be limited to cases that are closely related to the security of Japan.” The dispatch of just two destroyers for counter-piracy patrols off the coast of Somalia is somewhat politically controversial and regarded as taxing for the MSDF; even this ostensibly simple, limited mission has not been easy. There is a risk that lifting CSD restrictions will expose the underlying isolationism of the Japanese polity, disappointing U.S. leaders and eroding the foundation of trust in the U.S.-Japan relationship.

The benefits of CSD for the alliance would be modest at first, but could be quite significant with post facto efforts from both countries. At the most basic level, enabling

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18 Swaine and Mochizuki et al., p. 199
CSD would remove the possibility for an adversary to strain the alliance by forcing Japan to choose between defending the United States or upholding its constitution. The elimination of this unlikely but plausible “wedge scenario” would also increase the trust that U.S. military commanders place in their SDF counterparts, because they could have confidence that Japanese commanders would come to their aid.

Depending on how the Japanese government chooses to apply CSD to regional contingencies, the alliance could become far more effective in that context. Japan would not be required to make any particular military contribution to a regional crisis, but merely having the option to participate would make the alliance more potent and flexible. Regional stability should benefit from the deterrent effect of demonstrating SIASJ responses in U.S.-Japan military exercises.

GERMANY OF THE ASIA-PACIFIC?

The 2000 Armitage-Nye Report famously called the U.S.-Great Britain relationship a model for the alliance, but even in optimistic scenarios Japan is not likely to match the degree of interoperability, contributions to international security, and reciprocal defense commitment that exists between the United States and the United Kingdom. Perhaps U.S.-Germany security cooperation is a more realistic model for Japan. Despite its own culture of anti-militarism and reluctance to operate outside of NATO territory, Germany put “boots on the ground” in Afghanistan after the September 11, 2001, terrorist attacks. The German deployment operated under more restrictive ROE than other coalition forces, but nevertheless sent some 3,000 troops to Afghanistan in 2001, increasing to 5,200 troops by 2011. The size and scope of the German contribution might be a reasonable target for Japan in the mid-term.

The example of Germany also highlights a downside risk for the U.S.-Japan alliance. If Tokyo assesses that CSD will compel participation in U.S.-led wars, future Japanese leaders could become reluctant to diplomatically support military interventions. Natsuyo Ishibashi argues that the legal prohibitions on overseas deployments, *inter alia*, allowed Koizumi the luxury of lending rhetorical support to the U.S. invasion of Iraq without having to worry about paying a hefty price. Japan may become more like Germany and discourage U.S. interventions that do not directly serve national interests.

Trends toward increasing interoperability, paired with a decision to exercise CSD, create an opportunity to operationally rationalize the alliance force structure. In other words, the United States and Japan could build on the increased tempo and sophistication of bilateral military activities with complementary, vice redundant, defense investments. The military modernization of China is putting pressure on the U.S.-Japan alliance, and leaders will need to make careful choices with limited growth in defense spending. The tight, complementary relationship of the MSDF and the U.S. Navy Seventh Fleet may be a model for the other services. If Japan can provide logistical support that is integrated with the use of force, that freedom will create more opportunities to move towards truly

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21 Ishibashi 2012
integrated operations. Ongoing bilateral discussions about military roles, missions, and capabilities (RMC) and future revision of the MDG will likely be a forum for resolving these issues.

Adjustment of the CSD policy may lead the United States and Japan to review the alliance command and control (C2) relationship. In recent years, certain aspects of the C2 relationship have become more integrated because of the need for rapid decision-making in ballistic missile defense scenarios. Alongside those changes, the Operation Tomodachi disaster relief mission reinforced the need for jointness – both within the SDF and in cooperation with the U.S. military. The 2013 Carnegie Endowment report assesses that “American and Japanese commanders do not enjoy effectively integrated bilateral command facilities, doctrines, or cultures.” CSD could enhance the evolution toward better C2 by allowing the two militaries to establish an alliance body to coordinate operations during peacetime. Allowing CSD would also open the door for exchange of officers in billeted positions (not merely liaisons) between the SDF and U.S. Pacific Command (PACOM), for example.

Alongside these potential areas of improvement are several challenges. If the SDF becomes a more active presence beyond Japan’s borders, Japanese commanders are not the only ones who must adjust. The U.S. military too will have to adapt to these new roles.

Accounts from the conflicts of the 21st century indicate that the U.S. military, the most capable fighting force on the planet, often prefers to operate on its own when partners are seen as unnecessary complications. On top of the language and cultural barriers, there will be a mutual adjustment period if the GSDF and ASDF engage in bilateral (or multilateral) operations in combat zones. ASDF deployment of F-35 Joint Strike Fighters may garner more respect from the U.S. Air Force (and facilitate combined operations).

The United States and Japan are still figuring out where the military domains of space and cyberspace fit in the alliance: what does integration with the use of force mean in these domains? CSD would add an additional wrinkle to those puzzles. Japan’s late entry into the national security field of space technology, the amorphous and highly secretive nature of cyber warfare, and legal constraints have made these domains extremely thorny for policymakers. In the cyber arena, the Japanese response has been slow to grapple with the scope of the problem. Its doctrine is purely defensive, staffing levels are low, and the legal foundation for government-directed hacking is lacking. Japan also lags behind the United States in using space for military purposes, because such activity was prohibited until 2008. Japan relies on U.S. satellites for early warning of a missile launch and to some extent for imagery. Constitutional constraints impose few costs, because the flow of information in these two domains is largely one way, from the United States to Japan. Removing prohibitions on CSD should ease the task of coordinating policies in space and cyberspace, but maximizing military advantage in these domains will remain a challenge for the alliance.

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22 Swaine and Mochizuki, et al., p. 25
Despite the attentive coverage given to the CSD issue in Japanese and foreign media after the July 2013 House of Councilors election, CSD is not necessarily the top priority for the alliance. The competition over the Senkaku/Diaoyu Islands, deterrence of North Korea, relocation of Marine Corps Air Station Futenma, and plans for Japanese amphibious and strike capabilities are all items that arguably take precedence in the bilateral security relationship. CSD is just one element of the mooted revision to the bilateral MDG. Furthermore, the United States and Japan have been able to skillfully work around the restrictions on CSD in the past. There may be other ways than CSD to achieve the goals that policymakers have identified, though many analysts see CSD as a relatively simple (and overdue) means to enhance bilateral security cooperation in several dimensions.

REGIONAL LEVEL

Many Japanese policymakers and academics see the exercise of CSD as an opportunity for Japan to become more involved in regional security. In the past decade, Japan has become increasingly active in promoting security cooperation with other countries in the Asia-Pacific region. Prime Minister Abe has focused on building these ties with Australia and India in both of his terms in office, and Japan-South Korea defense cooperation took halting steps forward under the Democratic Party of Japan government. Recently, security connections between Japan and Southeast Asian countries have been growing.

The Japanese government defined CSD in 1972 as the right to use force to defend another country with which Japan has a “very close relationship” (密接な関係 missetsu na kankei). This definition has created high expectations among analysts for the impact of CSD on Japanese security cooperation with third countries. If the Abe Administration addresses the obstacles described in the Caveats sections, Japan would be able to use force in support of the United States in a regional contingency. Such steps should indicate to Asia-Pacific countries that Japan is willing and able to uphold the existing regional order. Not only would one expect Japan to gain respect in multilateral security forums, there would also be a strong reason for other Asia-Pacific countries to improve their defense relationships with Japan, to prepare for coordination during a potential crisis. There is already a growing trend toward “spoke-to-spoke” cooperation within the hub-and-spoke system of U.S. alliances, and CSD would be a catalyst to drive that forward. Japan could develop more reciprocity in its security relationships. For example, the SDF might assist Southeast Asian nations with maritime domain awareness.

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24 第69回国会参議院決算委員会提出資料 (Dai-rokujūkyū-kai giin kessan iinkai teishutsu shiryō Materials submitted to the House of Councilors Budget Committee in the 69th Diet Session), October 14, 1972.
25 For example, see Masashi Nishihara, “Collective Self-Defense: Key to a Larger Security Role for Japan,” AJISS Commentary No. 1, April 11, 2007.
These coordination efforts may help to improve stability and deter or de-escalate conflict in the region.

The Japan-Australia security relationship has developed substantially in the past decade and will continue to be a key dyad for the Asia-Pacific region. The Australian and Japanese militaries have worked side-by-side in overseas deployments (Iraq), peacekeeping operations (Cambodia, Timor Leste, and elsewhere), and humanitarian assistance/disaster relief (HA/DR) operations, including the use of Royal Australian Air Force aircraft to transport JSDF troops and supplies after the March 11, 2011, disasters in northeast Japan. Following the landmark 2007 Joint Declaration on Security Cooperation, the two countries signed an Acquisition and Cross-Servicing Agreement in 2010 and Information Security Agreement in 2012. When discussing the effect of CSD on regional security, many Japanese scholars and policy makers see a potential role for Australia as a sort of “most favored nation” to which Japan would apply CSD in certain scenarios. Whether this arrangement could be formalized – and reciprocated – is unclear, but trilateral security cooperation with the United States would almost certainly benefit.

In the short-term, the most tangible outcome of changing CSD policy will be to allow the JSDF to participate fully in multilateral military exercises. At present, Japanese constitutional restrictions prevent the JSDF from conducting combat training with countries besides the United States. The JSDF is nominally limited to search and rescue, HA/DR, and other non-combat exercises, because of Article 9. Removing CSD restrictions would allow Japan to be a full participant and therefore to deepen its military-to-military ties while building trust with other Asia-Pacific countries. The experience gained from practicing a coordinated regional response could have major benefits in the event of actual conflict. There may even be opportunities to exercise with the Chinese military and improve transparency in that relationship.

Some regional security activities that might seem to require CSD are in fact occurring without a policy shift. For example, Japan and South Korea can share defense information by sending the relevant information to the U.S. military, which scrubs the source and passes on the data. This convenient fiction of “U.S. source” information allows the two countries to share important military information under the table. Of course, a bilateral information sharing agreement (such as the one Seoul and Tokyo nearly concluded in 2012) would regularize and expand such exchanges, but a workaround exists. Defense capacity building is another case. Because such military training activities are not combat, the SDF can freely engage with their Southeast Asian counterparts. There are already exchanges with Vietnamese military officers, and the United States and Japan are discussing expanding alliance-based cooperation to include security capacity building in Southeast Asia.

As U.S. and Japanese policymakers work through the implications of CSD for regional security, they will confront a strategic dilemma: how to strengthen ties with other Asia-

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27 The “most-favored nation” phrase is borrowed from the World Trade Organization context and suggests that Japan may develop a template for enhanced (and perhaps more formal) defense arrangements with strategic partners.
Pacific countries while defusing the “anti-China coalition” narrative. Most countries in the Asia-Pacific would welcome more security contributions from Japan, but even U.S. allies like South Korea and Australia will not want to be seen as attempting to contain China. Tokyo and Washington will need to explain to key actors exactly what CSD means for the role of the alliance in regional security and how it might affect third nations’ security. In particular, trilateral coordination with South Korea is necessary to ensure that all three countries are on the same page when it comes to peninsular contingency planning.

The United States may also choose to play a role, most likely behind the scenes, in a communication strategy to explain to its Asia-Pacific allies the benefits of CSD for Japan. Some in Tokyo prefer that the United States act as a mediator to gain the understanding of South Korean leaders. The defense policy community in South Korea may see benefits to their national security, whereas the debate in the political arena tends to focus on the narrative of Japan’s alleged failure to atone for imperial era transgressions. The opposition to CSD from China appears to be more monolithic, and American lobbying is unlikely to have any effect. However, when considering how other countries, not just in East Asia but around the world, might evaluate Japan’s decision to exercise CSD, actions will be more important than rhetoric over the long run. If Japan makes tangible contributions to global security and does not become a threat to neighboring countries, cynicism about Japanese motives should decrease. The media messaging and mass communication aspect of this dilemma is discussed in detail in a later section.

GLOBAL LEVEL

Since the diplomatic debacle of the 1991 Persian Gulf War, Japan has taken a series of small steps to provide for international security. After the 9/11 terrorist attacks, the Japanese public and experts also began to perceive a stronger connection between international security and national security, and thus more self-interest in contributing to global public goods.28 The ability to participate in multilateral CSD or collective security actions overseas would represent an opportunity for Japan to operate more effectively and to gain credibility. The earlier Operational Level section describes new operational possibilities in more detail; this section examines broader policy implications of an increased global contribution.

A revised interpretation of the constitution would prevent an international crisis in which Japan fails to protect other peacekeepers or coalition forces when it is physically able to do so but constitutionally prohibited (i.e. case three in the 2008 Yanai Commission report). This risk is quite small at present, but taking it off the table will help to erase the stigma of the “Selfish Defense Forces” and to build trust with other militaries.

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COLLECTIVE SELF-DEFENSE OR COLLECTIVE SECURITY?

At the global level, the distinction between CSD and collective security becomes more salient, because the two concepts apply to different types of missions.\(^{29}\) CSD would be the justification for an overseas deployment if Japan were partnering with the United States (and other U.S. allies) to respond to an act of aggression against the United States. Japan would have to invoke CSD if its support was integrated with the use of force. A proportionate armed response is legal under international law even without a mandate from the UN Security Council. In cases when the United States receives a UN mandate before retaliating against an attacker, that can also be considered a collective security action.

Collective security, broadly speaking, is when the UN Security Council identifies a threat to peace and asks countries to act collectively to restore order. This collective action can take many forms: straightforward PKOs, in which the government of the receiving country agrees to accept a UN presence; punitive retaliation against an aggressor, for example Iraq in 1990-91; military action to counter dangerous non-state actors like the pirates operating from the coast of Somalia; stabilization and reconstruction of a war-torn country, as in Afghanistan; some combination of these missions; or other responses.

It is highly unlikely that Japan will join in front-line combat under the mantle of collective security in the near future. The 2008 Yanai Commission report recommends removing all restrictions on collective security actions but counters with this caveat, “Japan can make it clear that SDF units will not participate in operations that are primarily for combat purposes.”\(^{30}\) Even so, removing the prohibition on integration with the use of force would enable Japan to make more substantial contributions to the logistics of multilateral missions. With its high degree of professionalism and modern equipment, the SDF is capable of performing a number of non-combat functions, such as transport, engineering, medical response, search and rescue, etc. The Yanai Commission did not exclude missions without a UN-mandate from its recommendations, meaning that Japan could also take advantage of a revised interpretation of Article 9 to aid the United States when it cannot garner UN Security Council approval.

Although countries around the world would surely appreciate an increased Japanese contribution to collective security actions, there is the risk that a revised interpretation of the constitution will raise international expectations beyond what Japan is prepared to deliver. There are numerous factors that weigh against overseas deployments (see the Caveats section), of which the greatest may simply be the lack of available funding. Yet, if Japan can overcome those hurdles and become a strategic actor with global reach, it should reap the benefits of greater respect. The Middle East and Africa are two regions where Tokyo could raise its profile with a more visible, positive SDF presence.

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\(^{29}\) As noted earlier, the Abe Administration may decide to lift restrictions on both CSD and collective security actions, as the 2008 Yanai Commission recommended.

The case of Japan’s participation in international counter-piracy operations off the Horn of Africa illuminates several interesting aspects of the collective security issue at the global level. On the one hand, it seems that the SDF is already engaged in the use of force for international collective security. The legal justification is that pirates are not a state or quasi-state military, thus the SDF is performing a police action, not waging war. Japan has used this sort of rationale to work around its constitutional limitations since the Koizumi Administration, leading Richard Samuels in 2007 to call CSD a “fact on the ground”.31 On the other hand, the constitution restricts the SDF from being a full participant in multilateral operations. Although Japan will join the international counter-piracy coalition Combined Task Force 151 in 2013, SDF admirals cannot become the Task Force commander, a position that rotates among the contributing nations. This limitation also applies to PKOs, and it restricts opportunities for SDF officers to gain command experience and to bolster military-to-military relationships worldwide. Japan can sidestep some legal limitations, but it stands to gain further benefits from ratification of CSD.

COMMUNICATION STRATEGY AND HISTORICAL MEMORY ISSUES

Common wisdom states that actions speak louder than words, but in the case of Japanese security policy, the words used to explain (proposed) actions can partly determine their success or failure. Without public acceptance of new defense activities, such as CSD, the government cannot pursue those policies with clarity and purpose into the future. The apparent public rejection of Prime Minister Abe’s assertive security agenda, including his inclination to exercise CSD, was one reason for the swift end to his first term in office.32 The leader of New Kōmeitō, which is in the ruling coalition with the LDP, reportedly opposes permitting CSD without first gaining public understanding. At the international level, foreign resistance to Japanese security initiatives could create a backlash that undermines Japan’s security. Therefore, the impact of exercising CSD will depend on the strategic communications efforts of the Japanese government and the LDP.

One key determinant is the degree to which Japanese and Asian citizens see the CSD issue connected with nationalist and/or militarist narratives. Because the Japanese leaders most closely associated with CSD are also those known (rightly or wrongly) for their nationalist views, some observers consider the exercise of CSD to be a dangerous step back to the militarism of Japan’s imperial era.33 Others, including some Southeast Asian leaders, have spoken in favor of a change.34 Will the Japanese public assess a potential CSD policy change on its own merits? Or will it be seen as a “salami slice” designed to lead Japan down an unpopular path of “remilitarization”? The present Abe

31 Samuels, p.96
Administration may be too polarizing to pursue CSD without raising those concerns. Yet, the fact that such an ostensibly reasonable policy – acting to defend an allied country under attack – is the subject of debate in Japan shows that the culture of anti-militarism remains strong.

The Yanai Commission argued that Japanese leaders should advance a legal rationale to exercise CSD and should not make expedient circumventions to suit their policy goals. Over the long-term, public support for a policy change will be critical for politicians to exercise CSD and retain legitimacy. Recent studies have shown that public opinion is more influential in security issues than was previously thought and that electoral conditions are ripe for the Japanese public to influence the outcome of this policy debate.\(^{35}\)

The public and mass media in Japan appear not to have made up their minds on the question of exercising CSD. Although a recent poll by conservative Sankei Shimbun puts support for CSD above 50%, in July 2013 the centrist Mainichi Shimbun found that 36% percent of Japanese support CSD and 51% oppose it.\(^{36}\) Under these conditions of divided and uncertain public opinion, Abe and the LDP are like salesmen trying to pitch a wary customer; on top of the inherent quality of the product, the messaging must also appeal to the customer.

How will Abe choose to justify the need for CSD, and what rationales will resonate most? Writing in 2011, Paul Midford argued that there is a stable public opinion majority opposed to making the use of force overseas a regular (if not frequent) mission of the SDF.\(^{37}\) He observed that, as conservative elites seek to expand the scope of SDF activities, public opinion instead channels policy toward territorial defense and/or overseas humanitarian missions.\(^{38}\) Of course, the promoters of CSD do not have to choose a single rationale, and the public will hear some combination of the arguments focusing on territorial defense, regional security, and international contributions.

One common explanation for the need to exercise CSD is that Japan is facing an increasingly dire security environment so it must bolster its alliance with the United States. This argument often portrays CSD as an American demand, which Japan could fulfill to enhance the alliance and to deepen the U.S. commitment to Japan’s defense. This rationale suggests that Japan must act beyond its national defense for the sake of the alliance. Although the George W. Bush Administration seemed to operate in such a manner, in recent years the Obama Administration has not made the same kinds of demands, so this explanation may be slightly misleading. The suggestion that the U.S. commitment to defend Japan is not iron-clad also betrays insecurity about the alliance. Lastly, playing the gaiatsu (foreign pressure) card rather than explaining how CSD

\(^{35}\) Midford, pp. 20-27.


\(^{36}\) “51% opposed to Abe’s move to invoke collective self-defense right: Mainichi poll,” Mainichi Shimbun, July 29, 2013.

\(^{37}\) Midford, pp. 122-123

\(^{38}\) Ibid, pp. 171-173
serves Japan’s national interest could fail to build durable public support for a policy shift.

Another explanation, advanced by Defense Minister Itsunori Onodera at the Shangri-La Dialogue in June 2013, is “to enable Japan to make a more proactive and creative contribution toward regional security.” Onodera asserted that security activities in pursuit of Japan’s national interest overlap with regional interests in maintaining the existing international order. The Japanese public may be receptive to this argument, although as noted above the average citizen tends to regard an expanded role for the SDF with skepticism. Chinese analysts who are inclined to view Japan as a rival or even adversary will likely find fault with Onodera’s rationale, and it may exacerbate the emerging security dilemma between China and the U.S.-Japan alliance.

The last of the three most common explanations for the need to exercise CSD is that Japan must make a greater international contribution in the security realm. Richard Samuels found an element of opportunism in this justification in the past, but there certainly is demand for Japan to do more, whether in UN PKO or in “coalitions of the willing.” The desire to increase participation in collective security actions (e.g. counter-piracy, not front-line combat) is firm among conservative elites in Tokyo, despite indications that Japan’s strategic gaze has turned to its southwestern islands. Becoming a so-called “global security provider” is one measure of a country’s stature, and it fits with Japan’s humanitarian instincts and omni-directional diplomacy.

The communications strategy that the Abe Administration carries out will have a strong influence on the effectiveness of CSD. If obligation to the United States is the prevailing explanation, both Japanese and Americans ought to expect more overseas deployments in support of U.S. interests, which may or may not overlap with Japan’s. The Japanese public may resent being a subordinate partner and oppose an expanded security role for the SDF. Using the promotion of regional security as a primary justification for CSD may create tensions with China and even South Korea, although it suggests that Japan would seek to improve security partnerships with Asia-Pacific countries. The international contribution rationale may have the effect of increasing global security consciousness and counteracting isolationism among Japanese. On the other hand, a UN-centric approach to collective security at the expense of U.S.-led coalition activities could lead to frustration in Washington.

CONCLUSIONS

At present, Japan has been relatively successful at devising work-arounds to dodge legal restrictions on CSD. Some of these were constructed at the highest level, for example the dispatches to the Indian Ocean and to Iraq, while others are the product of ground-level
collective self-defense would have complex effects on U.S.-Japan security cooperation; CSD is “no panacea” for the alliance. The tangible short-term outcomes would likely be rather modest, for example eliminating the wedge scenario at sea. SDF participation in multilateral military exercises, whether trilaterally with the U.S. military or otherwise, could strengthen regional defense relationships. Mid-term outcomes, such as deeper cooperation in regional contingencies and overseas logistical support, are dependent on changes in complementary policies, laws, and attitudes. Japanese contributions to international security operations will remain constrained by public opinion and limited budget flexibility. However, due to the powerful symbolism of CSD, the long-term effects of a revised interpretation could be quite significant.

The decision to exercise CSD is a strong indicator that Japanese elites intend to regain their country’s status as a “normal” nation (in the sense of limitations on military activities). As Japanese defense policy has slowly evolved since the end of the Cold War, CSD is one of the few concrete areas where Japan is visibly not normal. Identifying CSD as a policy goal would provide the space for institutional actors in Japan – MOD, the SDF, political parties, think tanks – to fill with bolder, more proactive security policy ideas and practices. The terms of debate would shift ever closer to normality. Limitations on the types of permissible CSD operations would slow but not stop this transformation; shifts in the security environment and other policy changes, such as the SDF acquiring offensive strike capability, could even accelerate it.

If Japanese leaders decide to permit the exercise of CSD, American leaders should harbor no illusions that the decision is altruistic. Tokyo will likely seek to limit the exercise of CSD to constrain Japan’s actions in ways that relate directly to national interests. Rather than trying to pull Japan into an expanded role that exceeds its own ambitions, it may be healthier for the United States to concentrate instead on finding areas of common interest. The joint statements from the last decade of bilateral Security Consultative Committee meetings have been successful in identifying areas where more security contributions from Japan serve its own interests and global or regional security. As Japan redefines its security role, the exercise of CSD would create opportunities for new areas of partnership and the evolution of existing alliance cooperation. The challenge will be to keep expectations and reality in alignment.

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41 Aoi, p. 150