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Japan's security policy, the US-Japan alliance, and the 'war on terror': incrementalism confirmed or radical leap?

CHRISTOPHER W. HUGHES

Japan's response to the 'war on terror', in the form of the despatch of the JSDF to the Indian Ocean and Iraq, has given policy-makers and academic analysts grounds for believing that Japan is becoming a more assertive military power in support of its US ally. This article argues that JSDF despatch does not necessarily mark a divergence from Japan's previous security path over the short term. This is because its policy-makers have continued to hedge around commitments to the US through careful constitutional framing of JSDF missions and capabilities, allowing it opt-out clauses in future conflicts, and because it has also sought to pursue economic and alternative diplomatic policies in responding to terrorism and WMD proliferation in the Middle East. However, at the same time this article argues that Japan has established important precedents for expanded JSDF missions in the 'war on terror', and that over the medium to longer terms these are likely to be applied to the bilateral context of the US-Japan security treaty in East Asia, and to push Japan towards becoming a more active military power through participation in US-led multinational 'coalitions of the willing' in East Asia and globally.

Introduction: the speed, substance and significance of Japan's response to 11 September

Is Japan becoming a more active military player, a more reliable US alliance partner, and, as some would dare say, a more 'normal' big power in regional and global security affairs? Japan's response to 11 September and the 'war on terror' has further fuelled the ongoing debate on its security policy, and has given certain policy-makers and academic analysts grounds for believing that Japan is indeed becoming a more assertive military power (Miller 2002; Atlantic Council of the United States *et al* 2002; Okamoto 2002).¹

The Government of Japan (GOJ) swiftly passed an Anti-Terrorism Special Measures Law (ATSML) by 29 October 2001 (subsequently revised four times between 2002 and 2004), enabling the despatch from November that year onwards of Japan Self-defence Forces (JSDF) units to support the campaign in

Afghanistan.² Maritime Self-defence Force (MSDF) flotillas (consisting of fuel supply and transport ships and two destroyers), in combination with Air Self-defence Force (ASDF) transport aircraft have been charged with providing refuelling and logistical transport, medical and maintenance support to US and other forces in the Indian Ocean and Arabian Sea. As of May 2004, the MSDF has supplied fuel to ships from the navies of the US, UK, Germany, New Zealand, France, Italy, the Netherlands, Spain, Canada and Greece; and transported Thai army equipment for reconstruction activities to Afghanistan. The JSDF's range of action has been defined as including not just the sea and airspace of the Indian Ocean itself, but in addition the land territory of the states located along the coast of the Indian Ocean and the supply lines stretching back to Japan, Australia and the US.

Japan's Diet then passed on 26 July 2003 a Law Concerning Special Measures on Humanitarian and Reconstruction Assistance (LCSMHRA), which has enabled Ground Self-defence Force (GSDF) and ASDF despatch since December of the same year to provide logistical support for US and coalition forces in Iraq and in the surrounding Persian Gulf states. The 600-strong GSDF unit has conducted reconstruction activities in Samawah, southwest of Basra, while the ASDF has flown supplies from Kuwait to the GSDF and transported US troops from Kuwait to Iraq.

Japan has certainly exhibited in the past a pattern of international and regional crises precipitating important changes in its security policy. The GOJ, as a result of its perceived failure to respond to US and international demands for a 'human contribution' during the Gulf War of 1990-91, eventually despatched minesweepers to the Gulf after the cessation of hostilities and then passed an International Peace Cooperation Law in June 1992 to allow for SDF despatch on limited UN PKO missions (Hook 1996: 86-90; Yamaguchi 1992; Inoguchi 1991; George 1999; Woolley 2000). Similarly, the North Korean nuclear crisis of 1994 indicated the US-Japan alliance's fundamental lack of political and military operability to respond to regional contingencies (Hughes 1996; Christensen 1999; Heginbotham and Samuels 1998). This created momentum for the revision of the Guidelines for Japan-US Defence Cooperation from September 1997 onwards, and then the passage through the National Diet in May 1999 of legislation (known in Japan as the *Shūhen Jitaihō*) to enable the SDF to provide logistical support to US forces in order to defend Japan in the event of regional contingencies around its periphery, or *Shūhen*.

Nevertheless, even given this track record of external crises and incremental expansions in Japanese security policy, many Japan watchers—not only foreign, but also domestic—have been taken aback at the unprecedented speed and the substance of the Japanese reaction to events, all indicating a possible major shift in its military posture. JSDF activities under the GOJ's separate Basic Plans for despatch devised in line with the ATSM and LCSMHRA indicate the expansion of Japan's military security role beyond previous legal frameworks. JSDF missions in the Indian Ocean and Iraq represent the first

time in the post-war period that Japan's military has officially been despatched overseas during an ongoing conflict; and Japan has taken the decision in Iraq to put GSDF 'boots on the ground' for the first time in a conflict situation. The ATSMML and LCSMHRA, although designating limits upon the geographical range of JSDF logistical operations in support of the US and other states, at the same time provide two forms of legal framework which expand the JSDF's geographical scope of action far beyond that of the *Shūben Jitaihō*; enable new GSDF missions on the land territory of states included within the geographical range of the ATSMML and LCSMHRA; and indicate that in the future, under new laws, the despatch of the JSDF in support of US forces could become almost limitless geographically. In addition, the ATSMML and LCSMHRA have expanded the functional scope of JSDF despatch—differing from the IPCL and *Shūben Jitaihō* in that they allow the JSDF use of weapons to protect not only the lives and bodies of individual JSDF personnel and their units, but also those who 'have come under their control', which has been read as meaning wounded personnel from US and other forces, and refugees from the Afghan and Iraqi conflicts.

Japan in responding to 11 September has certainly revealed its potential as a decisive and proactive military power. However, there is still no consensus among policy-makers and commentators with regard to exactly what type of precedent the ATSMML and LCSMHRA set for the overall future trajectory of Japan's security policy. It might be possible to interpret the new laws and JSDF operations as a series of one-off actions, produced by the extraordinary circumstances of the post-11 September security environment, Japan's need to demonstrate support for the US for fear of losing its ally's assistance against a resurgent North Korea nuclear crisis, and Prime Minister Koizumi's bold but unusual leadership in committing Japanese support (Midford 2003; Sato 2003: 4). Hence, the ATSMML and LCSMHRA may not lead to any fundamental deviation from the traditional pattern of the incremental expansion of Japan's security role both independently and in conjunction with the US, which still leaves in place the constitutional and other prohibitions on the use of Japanese military power. Japan's attempts to limit the type of capabilities and missions prescribed for the JSDF, including, as investigated below, *Aegis* despatch and JSDF non-combat zone operations, can be seen as one indication of its continued ultra-caution about committing military forces to overseas operations.

For others, as mentioned above, Japan's recent actions represent a major incremental leap in its security policy that could take it to the point-of-no-return, or 'crossing the Rubicon', in terms of breaking with its past traditions. This is due to the fact that, even though the ATSMML and LCSMHRA have not challenged openly many of the constitutional prohibitions on Japan's exercise of military force and the role of the JSDF, they have established *de facto* precedents of cooperation with the US and other states in the case of the global 'war on terror' which mean that Japan will be obliged eventually to

apply the same levels of cooperation to bilateral security cooperation with the US in other regional and global crises (McCormack 2001; Sakamoto 2002). In particular, Japan's support for the forces of the US and other states, which themselves were operating under the invocation of the principles of individual and collective self-defence respectively, has been interpreted as necessarily a *de facto* act of collective self-defence and breach of constitutional prohibitions.

Given the surprise at the substance of Japan's response to the war on terrorism, and the divided debate over the exact significance of Japanese actions, the objective of this article is to investigate in depth the question as to whether it represents a confirmation of traditional patterns of security policy or a turning point and abandonment of incrementalism.

On the one hand, this article argues that in the short term the ATSMML and LCSMHRA should not be overestimated in their significance. This is because the continued adherence of GOJ policy-makers to anti-militaristic principles or norms, their inherent fear of entrapment in US military conflicts, and the fact that they do not fully share the US vision of 'the axis of evil', mean that they have employed the same degree of ingenuity in framing the ATSMML and LCSMHRA as in the *Shūhen Jitaihō* so as to provide them with opt-out clauses in future conflict scenarios. GOJ policy-makers have ensured that most of the *de jure* restrictions on the despatch of the JSDF remain in place and could, with the necessary political determination, be reasserted as *de facto* restrictions—all indicating that US cannot expect automatic support from its ally in other conflict situations beyond the limited military assistance already supplied in the Afghan campaign and in Iraqi reconstruction. Furthermore, Japan's actions in other non-military areas of security indicate that sections of the GOJ are still attempting to follow conceptions of comprehensive security and to act as an alternative form of 'global civilian power' (Funabashi 1991-1992).

On the other hand, this article argues that, despite the caution of Japan's policy-makers, the ATSMML and LCSMHRA do set potentially radical precedents for Japanese security policy over the medium to long terms, and strengthen the hand of the 'normalisers' in the policy system. Japan in participating in the 'war on terror' is becoming inured to the habits of multilateral cooperation, thereby providing the GOJ with the political confidence and the JSDF with operational experience to take part in future US-led multinational 'coalitions of the willing' and overseas expeditions, and marking a decline in Japan's traditional post-war reluctance to become involved in overseas contingencies. The expansion of the geographical and functional scope of the JSDF could come to be applied to the bilateral domain of the US-Japan security treaty, as the GOJ finds it hard to maintain the deliberate political and constitutional 'firewalls' that it has erected to demarcate the support that it can provide to the US in the Afghan conflict under the ATSMML and LCSMHRA from the support that it can provide to the US in a regional contingency under *Shūhen Jitaihō* and the bilateral security treaty.

Japan's participation in the 'war on terror' thus points to a further incremental jump in the strengthening of the US-Japan alliance as the key determinant in the inter-state regional security order in East Asia.

In order to put forward this argument, this article is divided into four major sections. The first two sections respectively examine in more depth the policy-making motivations and legal frameworks that lie behind Japan's response to the 'war on terror' and its despatch of the JSDF to support the Afghan campaign and Iraqi reconstruction. The third section then draws out the combined significance of these two examples of JSDF despatch by assessing how far they represent a divergence from or confirmation of past patterns of security behaviour in terms of Japan's degree of willingness to commit itself to the military support of its US ally and the international community. This section then further pursues the question of incrementalism or radicalism in Japan's security policy by juxtaposing its military role in the 'war on terror' against its non-military role and other diplomatic activity to determine how far it may be moving away from past traditions of security. The fourth section then completes the discussion by examining and speculating in what ways Japan's participation in the 'war on terror' has come to open up potential new multilateral frameworks for its utilisation of military power; how the 'war on terror' is likely to affect new developments in Japan-US military cooperation within the context of the bilateral security treaty in East Asia; and how these bilateral and multilateral frameworks are likely to influence each other and Japan's future security path.

Japanese policy-making and JSDF despatch to the Indian Ocean

Japan's key security policy-makers from the Ministry of Foreign Affairs (MOFA), the Japan Defence Agency (JDA), the governing Liberal Democratic Party (LDP), and services of the JSDF were concerned to contribute to the US and international community's campaign against terrorism in Afghanistan for a variety of motivations. Japanese policy-makers were certainly concerned that they would face *gaiatsu* (external pressure), similar to the time of the Gulf War, from its US ally to provide a human and military contribution to the international coalition, and that failure to respond could again jeopardise the political basis of the Japan-US alliance (September 2001, incidentally, marking the 50th anniversary of the signing of the original bilateral security treaty). However, it also the case that *gaiatsu* only proved effective because it worked in combination with and amplified preexisting Japanese sentiment which reviled the terrorist attacks on the US and had increasingly advocated a greater role for Japan to contribute to the stability of international society. The events of 11 September confirmed for many Japanese the enhanced dangers to international society of transnational terrorism that had first been demonstrated by Japan's own experience of the 'hyper-terrorism' of the Aum Shinrikyō sarin attacks on the Tokyo subway in 1995 (Hughes 1998). The

opinion polls taken in reaction to the debates on 11 September indicated generally widespread public support for the despatch of the JSDF to provide logistical support for the US and other states.³

Therefore, much of Japan's policy-making community and its citizenry were predisposed to the overseas despatch of the JSDF and support for the US and international community 'war on terror', so marking a major contrast from the time of the Gulf War. Nevertheless, Japanese policy-makers' own anti-militaristic norms and general wariness of entanglement in US and international military contingencies meant that they also prepared careful political and legal fallback positions to allow Japan to circumscribe current and future military cooperation. This potential radicalism, but also inherent caution, among Japan's policy-makers in responding to 11 September was demonstrated by their design of the provisions of the ATSMML.

Japan's design of the ATSMML

MOFA, the JDA, and the LDP were all in accord from the start that Japan's principal contribution, in line with US and international expectations, should be in the form of JSDF despatch and at least match that of the *Shūhen Jitaihō* in its functional scope, and thus include activities such as refuelling and logistical supply for US forces. Sections of the JDA and the LDP initially proposed that the GOJ should utilise the revised Japan-US Defence Guidelines and *Shūhen Jitaihō* as readily available and extendable framework to provide support for the US (Tamura 2001: 4; *Asahi Shimbun*, 16 September 2001: 4).

MOFA, and other elements of the LDP and JDA, though, moved to block these moves, preferring instead that the GOJ should enact a new legal framework for JSDF despatch. MOFA's opposition to the application of the *Shūhen Jitaihō* was derived from a number of reasons. Firstly, the revised Defence Guidelines were regarded as overly restrictive of JSDF activities in the sense that the rationale for their activation was a military contingency that if left unaddressed would directly affect Japan's security, a difficult case to argue in the case of Afghanistan.⁴ Moreover, Japan's government had stated since 1999 that the Indian Ocean was not envisaged as within the scope of the Guidelines.⁵ Furthermore, the GOJ's application of the Guidelines, which limit JSDF support for the US to sea and airspace, would have effectively ruled out MOFA's hopes for possible GSDF despatch to Pakistan to provide medical assistance to US forces and refugees; viewed by the ministry as the most visible way for Japan to 'fly the flag' in support of its US ally (Yachi 2002: 12). Secondly, the revised Defence Guidelines were viewed as under-restrictive, in that, if used for the Afghan campaign, this would set a precedent for JSDF despatch that would undermine previous GOJ attempts to retain control over the geographical and functional scope of its military and so heighten the risks of entrapment in US regional and global military contingencies (*Asahi Shimbun*, 16 September 2001: 4).

Legal justifications and the UN: shifting from Article 9 to the Preamble

GOJ policy-makers also exercised considerable ingenuity in their interpretation of constitutional prohibitions in order to justify JSDF activities under the ATSMML, while at the same time building into these interpretations limits to the precedents that could trigger a Japanese commitment to other military contingencies in support of the US. Japan's search for a legal framework to allow JSDF despatch was complicated by its need to avoid any direct breach of its self-imposed constitutional prohibition on the exercise of the right of collective self-defence. The US and NATO allies justified respectively their involvement in the Afghan campaign on the rights of individual and collective self-defence, rather than extant UN resolutions (Greenwood 2002: 311-312). Japan could have chosen to invoke the right of individual self-defence as a basis for JSDF despatch due to the number of fatalities of Japanese citizens on 11 September, but this would have then mandated a combat role for its military. Japan's exercise of the right of collective self-defence was not an option constitutionally. Japan's preference instead has been for a non-combat role that relies on the right neither of individual or collective self-defence, but is predicated on relevant UN resolutions.

Japan has stressed UN resolutions that identify the 11 September attacks as a threat to international peace in general and that call on all UN members, and by implication Japan as well, to take steps to counter terrorism. Japan has been able to link this UN legitimacy with its own constitution to legitimise JSDF despatch by switching emphasis from Article 9 (the so-called 'peace clause') to the Preamble. The Preamble states that Japan should work with international society for the preservation of peace, and thus the GOJ has been able to use the Preamble to argue that it should support the UN as international society's highest representative and its relevant resolutions to counter terrorism. In turn, Japan has bridged UN resolutions, its constitution, and support provided for the US by emphasising that its support is not just for the US but for 'other concerned states' and the international community as a whole to expunge terrorism.

Japan and Iraq despatch

Japan's policy-makers in the case of the ATSMML and Afghan campaign, therefore, can be seen as preoccupied with the creation of frameworks to expand but also retain close control over JSDF missions for fear of becoming sucked against their will into US military strategy. Likewise, Japan's despatch of the JSDF to Iraq displayed similar motivations and caution.

The 'axis of evil', the US-Japan alliance, and state-building

Japan, as in the case of other developed states and allies of the US, has displayed varying degrees of ambivalence about the war in Iraq and its aftermath. Its policy-makers are known to have questioned the legitimacy of the war in the absence of clear UN mandates; the necessity of military action and regime change, as compared to economic power and engagement, in countering Iraq's alleged WMD program; Iraq's connections with 11 September and transnational terrorism, and the whole concept of the 'axis of evil'; the limitations of US capabilities and commitment for stabilising post-war Iraq; and the risks of Japanese military entrapment in US military adventurism in Iraq and elsewhere in the Middle East. However, in the final calculation, Japan's ambivalence has been overridden by concerns about the proliferation of WMD, and the alliance imperative of demonstrating support for the US in Iraq in order to counter the resurgent nuclear threat from North Korea (Kamiya 2004: 14-15). Moreover, Japan, despite its doubts about the US's long term ability to commit itself to Iraq, and the failure of the US to involve the UN from an early enough stage, does take the task of state-building in Iraq very seriously, and believes that through JSDF despatch and economic assistance it can play an important security and reconstruction role.

Japan's policy-makers ruled out from the start any direct support for the war in Iraq. Prime Minister Koizumi instead expressed 'understanding' for the US-led military action, and pledged the extension of the ATSMML and JSDF deployments in the Indian Ocean in order to free up US forces for Iraqi operations. However, in the run-up to President George W. Bush's declaration of the end of major combat hostilities in May 2003, Japanese policy-makers had already become engaged in efforts to contribute to post-war reconstruction. Japan sent fact-finding missions to Iraq and the region in the Spring of 2003. The GOJ next waited upon the passing of UN resolution 1483 calling upon member states to assist in the reconstruction of Iraq, and then succeeded in passing the LCSMHRA through the Diet by July in 2003 with less than five weeks of deliberation.

Japan's final commitment to JSDF despatch was held up by Lower House Diet elections in November 2003, during which Prime Minister Koizumi watched for any adverse public reaction to the prospect of Iraq despatch, and by the general deterioration of the security situation in Iraq from mid-2003 onwards. Japan also spent a long time on determining the region within Iraq for GSDF despatch, rejecting US requests for deployments to Balad in support of US troops north of Baghdad as too risk-laden, and even considering the relatively stable Kurdish-controlled north. Japan decided upon Samawah in November, but bomb attacks upon Italian troops in Nasiriyah, around 100 kilometres north of Samawah, pushed back plans for despatch to early 2004.

Circumventing constitutional prohibitions in the LCSMHRA

Japan's government in enacting the LCSMHRA and committing itself to JSDF despatch put forward a dual rationale. Prime Minister Koizumi stated upon the announcement of the Basic Plan for JSDF despatch under the LCSMHRA that the commitment of the JSDF was essential for maintaining confidence in the US-Japan alliance, and thus the essential mechanism for maintaining Japan's own security. At the same time, the rationale of alliance preservation was presented in parallel with the need to assist the international community's efforts for the reconstruction of Iraq. Koizumi in his statement deliberately conflated the US and UK with the international community, thereby conveying the impression of a broad based coalition on a par with the previous campaign in Afghanistan. Moreover, the LCSMHRA itself was predicated on the basis of UN resolutions 1458 and 1511, thus lending legitimacy to Japan's participation in the US-led campaign, even though the degree of legitimacy conferred by these resolutions was actually relatively weak. Furthermore, Koizumi employed the same circumvention of constitutional prohibitions, as in the case of Afghanistan, in order to link Japan's support essentially directed towards its bilateral ally with the domestically vaunted legitimacy of the UN and its own constitution. Koizumi in his statement stressed the constitutionality of JSDF despatch, but chose to read out, not Article 9, the previous arbiter of Japan's security policy, but instead the Preamble.⁶ Hence, once again, Japan had succeeded in extending support for its US ally in the 'war on terror', without breaching the constitutional principle of the non-exercise of collective self-defence, and by wrapping up its actions in the legitimacy of UN multilateralism, however tenuous that may have been in the case of immediate post-war Iraq.

Implications of Afghan and Iraq despatch for Japan's security policy

Japan attempting to hedge against entrapment

Japan's design of JSDF despatch to the Afghan campaign and to Iraq demonstrates considerable subtlety, and, consequently, the implications of these activities for its overall security policy direction also need to be divined with some sophistication. Japan's participation in the 'war on terror' does contain potentially radical implications for its security, but this should not be overstated. Japanese policy-makers in devising their response to Afghanistan and Iraq have remained highly wary of entrapment in US-inspired contingencies worldwide and within the East Asia region, and therefore continued to pursue hedging options to limit these risks. Japan has based the ATSMML and LCSMHRA as the legal frameworks for JSDF despatch upon relevant UN resolutions. Moreover, the GOJ has ensured that each JSDF despatch to Afghanistan and Iraq is enabled by separate laws. The ATSMML and LCSMHRA, although modelled on each other, and using the revised Defence

Guidelines as a form of legislative template, are in turn entirely separate from the legal framework of the US-Japan security treaty. Japan in using UN resolutions as the overt legal trigger for JSDF despatch has thus created opt-out clauses to escape involvement in US-led operations that it does not interpret as having a strong UN mandate, as in the case of the Iraq war. Japan's use of separate laws for each JSDF despatch has erected a set of 'firewalls' between each mission, so enabling it to simultaneously push forward but also limit on a case-by-case basis the extent of support that it should provide to the US under the ATSMML, the LCSMHRA, and the US-Japan security treaty. Japan's intention to prevent any type of open-ended commitment to the Afghan and Iraq campaigns is shown also by the limited, although extendable, time frames on the expiry of both laws (set to run for a standard period of one year, and then subject to Diet review and revision), and the need for Diet *ex post facto* approval of despatch.

Japan's continued caution in committing its military forces to overseas action is demonstrated further by the types of missions and capabilities chosen for the JSDF. The JSDF under the ATSMML and LCSMHRA are deployed in non-combat zones (*sentō kōi ga okanawarete orazu*) to limit the risks of embroilment in a conflict. Japan found the distinction between combat and non-combat zones easier to make in the case of the Afghan campaign, with the MSDF as its principal form of deployment, and the GSDF ultimately not sent to Pakistan. In the case of an Iraq ridden with insurgency, and despite its efforts to find the safest zone possible in Samawah, this distinction has been much harder for the GOJ to sell. The GSDF has thus had to endure greater risks in its Iraq mission, especially as the security deterioration around Samawah has further deteriorated in 2004. But it has limited these risks by essentially shutting itself up in its fortified camp since mid-2004.

JSDF capabilities in the Afghan campaign and Iraq have also remained limited, thereby limiting also the risks of becoming co-opted into combat duties. The GSDF in Iraq is far more heavily armed than on any previous mission. In addition to its usual equipment of pistols, rifles and machine guns, it has access to recoilless rifles, light anti-tank munitions, and wheeled armoured personnel carriers. But these are capabilities really only useful for self-defence, and in most cases the GSDF has looked for protection from Dutch troops stationed nearby. Japanese policy-makers have demonstrated similar caution in the Afghan campaign, refusing to despatch *Kongō*-class *Aegis* war-fighting system-equipped (AWS) destroyers to the Indian Ocean area in its first deployments in November 2001, much to the frustration of the US and the MSDF.⁷ The GOJ only relented on this decision in December 2001, sending two AWS destroyers in rotation. Japanese policy-makers were deeply divided on the issue of *Aegis* despatch. They recognised that the AWS destroyers are the MSDF's most capable assets and thus provide it with maximum flexibility and security in an uncertain theatre of operations. But policy-makers, and particularly the older guard of the LDP were concerned

that the high degree of inter-operability and data-linking systems between MSDF and US Navy warships equipped with the AWS might lead to US requests for Japan to deploy its naval assets as substitutes for those of the US. This would highlight problems of the exercise of collective self-defence and would risk that Japanese forces might become directly involved in combat operations.

The GOJ eventually took the decision for *Aegis* despatch only after persistent internal pressure from MOFA, the JDA, and the MSDF, all of whom sought to maximise the safety of Japanese forces and the degree of visible support for the US-led war effort. The despatch also came after the dampening down of hostilities in Afghanistan thereby minimising the risks that the JSDF would become involved in combat operations. Japanese caution was also seen in the decision not to despatch the GSDF to Pakistan under the ATSMML. In part this decision was obviated by the relative lack of US casualties in the Afghan war and the ability of aid agencies to cope with refugee flows. But the government was also influenced by fears that the JSDF could become embroiled in land combat operations in the volatile environment of Pakistan.

Japan's non-military and diplomatic activity and the 'axis of evil': divergent policies to the US?

In addition to the GOJ's careful limiting of the degree of its military commitment under the ATSMML and the LCSMHRA, it has also taken pains to balance this involvement in the 'war on terror' with other non-military and economic activity. Japan in responding to 11 September and the commencement of hostilities in Afghanistan launched a vigorous diplomatic campaign sending letters and special emissaries throughout September and October, including former prime ministers Hashimoto Ryūtarō and Mori Yoshirō, to Egypt, Iran, Saudi Arabia, Qatar, the United Arab Emirates, the Arab League of States (states with which Japan has traditionally cultivated close relations since the Oil Shocks of the 1970s), Pakistan, India, Uzbekistan and Tajikistan, urging these states to support the international effort against terrorism (Yachi 2002: 15). On the economic front, Japan, in line with UN Resolutions 1267 and 1333, also took measures on 22 September and 26 October to freeze the assets and restrict the money flows of a total of one hundred and eighty-eight individuals and groups related to the Taliban. On 22 September and then on 16 November, the GOJ decided to provide a total of US\$300 million of bilateral assistance to Pakistan over the following two years for education, health and poverty reduction. The GOJ on 26 October also discontinued its limited sanctions on India and Pakistan imposed since May 1998 in response to their nuclear testing activities. Japan's 'assistance to countries surrounding Afghanistan' also took the form of a total of US\$18 million to Tajikistan and Uzbekistan. In addition to the emergency humanitarian assistance transported

by the ASDF and MSDF to Pakistan, as of February 2002 the GOJ has provided a total of US\$102 million via the UN and other agencies to Afghan refugees and a pool of ¥580 million to Japanese non-governmental organisations (NGO) for refugee assistance. This Japanese activity then culminated in its recognition on 22 December of the Interim Authority as the legitimate government of Afghanistan, and the hosting in Tokyo of the International Conference on Reconstruction Assistance to Afghanistan on 21-22 January 2002. Japan at the conference pledged up to US\$500 million for rebuilding the government and physical infrastructure of the country, and the conference itself raised a total of US\$4.5 billion.

Japan's extension of economic assistance clearly complemented the US's overall strategy of seeking to stabilise friendly states around the region of Afghanistan, and in this sense was something of a repeat of Japanese assistance provided to Pakistan as a 'country bordering on the area of conflict' to support US Cold War strategy during the USSR's occupation of Afghanistan in the 1980s (Hook *et al*, 2001: 210). At the same time, though, the GOJ was engaged in more than just another US-directed exercise in burden-sharing (or indeed burden-shifting, given initial Bush administration reluctance to engage in 'nation-building' in Afghanistan), and its diplomacy and emphasis on the use of economic power reflected a degree of divergence in Japanese and US perceptions of the most appropriate means to respond to the challenge of al-Qaeda. The GOJ's interest in dealing with immediate humanitarian problems and the reconstruction of the Afghan state was motivated by its past patterns of security policy which have viewed economic dislocation as root causes of intra- and inter-state security and the generation of terrorism (Hughes 1999: 12-25).

In the case of Iraq, Japan has also attempted to pursue a twin-track security contribution. JSDF despatch has been viewed as vital for a show of alliance unity with the US, but the GOJ also sees the GSDF as playing an important role in complementing its distribution of economic aid, and is genuinely committed to the task of state-building in Iraq. Japan at the International Donors' Conference on Reconstruction of Iraq in October 2003 pledged US\$5 billion (US\$1.5 billion in grants; and US\$3.5 billion in ODA loans) disbursed bilaterally and multilaterally, and in cooperation with NGOs. In this sense, Japan's utilisation of economic power in Afghanistan and Iraq represents a reconfirmation of its conceptions of comprehensive security, Human Security, and its aspirations for the status of a 'global civilian power'.

Moreover, Japan's energetic diplomatic contribution in the Middle East has indicated that, far from totally falling into line with US intentions in the region, it has actually been preparing a diplomatic position that could allow it to stand aside from future US military actions. The fear has been that Japan's support for the US in the campaign against terrorism and WMD will undermine its role as a relatively neutral interlocutor with the Arab and Gulf States; a position carefully built up since the oil shocks of the 1970s due to

Japan's heavy reliance on imported oil, and provided to it by its status as the only non-Christian major developed power. Japan since 11 September has certainly portrayed itself as an intermediary between the West and the Middle East, but has possibly been more concerned to exploit this role in order to consolidate its position as a friend of Iran and the Arab states (Heginbotham and Samuels 2002). Japan has assiduously courted Iran, sending its Foreign Minister Kawaguchi Yoriko to Iran in April 2002 and January 2004, and despite lining up with the US to express concerns about Iran's possible evasion of IAEA safeguards it has, much to the discomfort of the US, sponsored the signing of new deal with Iran for the development of the Azegedan oil field. Japan, in addition, remains as one of the principal aid donors to the Palestinian Authority. Japan thus continues to count among its key priorities the maintenance of good relations and its oil supplies with Iran and the Arab world, all meaning that it may be hesitant to support the US in further military action in the region, and most especially against Iran, unless this was also supported by other regional powers, substantial evidence connecting these states to terrorism, and new UN resolutions.

New horizons for multilateral and US-Japan security cooperation?

Japan in the 'war on terror' thus can be seen to have pursued a highly cautious hedging strategy militarily and diplomatically to limit the risks of entrapment in US-inspired out of area contingencies. Japan is thus still some way from becoming the 'Britain of the Far East', lined up indefatigably, and perhaps dogmatically, in support of the US. However, despite Japan's attempts to maintain incrementalism in the expansion of its security responsibilities, it is the case that its involvement in Afghanistan and Iraq has set crucial precedents for JSDF despatch which means that its security policy could be pulled in more radical directions in the near future.

As noted in the introduction to this article, the JSDF for the first time has been despatched during on-going conflicts, and it now has a mandate to use weapons not only for the defence of its own personnel but also for US personnel and refugees under its charge. The geographical scope of JSDF operations has expanded rapidly from being restricted to East Asia over the past fifty years, to now encompass in the past three years the sea, air and land space of an area stretching as far as the Middle East. Japan's new found determination for JSDF despatch is also shown by the fact that its plans were not derailed by public resistance that might have arisen from the killing of two Japanese MOFA officials in Iraq in November 2003, the withdrawal of Spanish troops in 2004, or the widely publicised trauma of the kidnappings of Japanese citizens in April 2004 and killing of Japanese journalists in May of the same year.

Japan's role in the 'war on terror' has also opened up new radical directions for JSDF activities in multilateral frameworks and the US-Japan alliance.

Japan might be able to fulfil an enhanced role in US-centred multilateral operations through an option known as collective security. Japan's policy-makers in devising the ATSMML and LCSMHRA, as explained in the section above, have been obliged to circumvent constitutional prohibitions on the exercise of the right of collective self-defence by switching the emphasis of constitutional interpretation from Article 9 to the Preamble. Japan's shift of constitutional interpretation has resulted in the creation, whether deliberately or inadvertently, of the same type of collective security option as proposed by policy-makers such as Ozawa Ichirō (briefly the leader of the Democratic Party of Japan) at the time of the 1990-1991 Gulf War. Ozawa has long posited that greater attention should be paid to the Preamble and its emphasis on Japan's need to contribute to the preservation of international peace. Collective security is seen to differ from collective self-defence, in that the latter is an inherent right under the UN Charter that can be exercised without UN approval, whereas the former is a right that can only be exercised if sanctioned by the UN and is for the purposes of collective retaliation by UN members against an aggressor (Mochizuki 1997). Japan's use of the Preamble to justify the ATSMML and LCSMHRA and JSDF despatch now meshes closely with this collective security concept. If Japan were to exercise this latent collective security option in the future then it would allow it to participate in all forms of UN-sanctioned security activities, including peace enforcement, both in conjunction with and separately from the US. Japan's collective security option could make for expanded US-Japan cooperation in a range of UN mandated missions such as that of the Gulf War. But the collective security option could also allow Japan, based on UN resolutions, to remove its military capabilities from the context and control of the alliance and place these under the control of the UN Security Council, and thus actually hamper US-Japan alliance cooperation in instances where there is no sufficient UN mandate to act. Hence, even though the collective security option may open up a new range of possibilities for JSDF multilateral missions, it is for the very reason that these may conflict with bilateral alliance ties, that Japan is unlikely to exercise this as the overt basis for its security policy.

Instead, Japan is more likely to pursue a second set of radical options opened up for its security policy by the 'war on terror'. Japan may realise in the future an expanded multilateral security role in line with precedents of the missions in Afghanistan and Iraq, but this is again likely to be within the context of US-centred *ad hoc* 'coalitions of the willing', with only a limited veneer of UN legitimisation, rather than more UN-centred frameworks that might create alternative multilateral channels for Japan's military power. Japan is indeed learning the habits of multilateral interaction, but this is under US instruction and among existing US partners (whether refuelling the UK, transporting Thai army equipment, or relying on the Dutch for protection in Iraq), and to empower primarily US strategy and interests. The flip-side of this position is that Japan is unlikely to learn the substance of multilateralism

within its own East Asia region, or as a way to temper its dependence upon or bind its US ally.

In turn, Japan's multilateral activity and role in the war on terror in Afghanistan and Iraq may serve to further strengthen radically the bilateral alliance with the US. Japan, having established the precedent of the expansion of the geographical and functional scope of military cooperation with the US in the Afghan context, may find it progressively tougher politically to turn down future requests from the US in the campaign against terrorism in other theatres. Japan may also find it politically hard to sustain the US-Japan alliance while simultaneously placing different, and possibly, seen from the US perspective, artificial restrictions on the support that it can provide to the US in the Afghan and Iraq conflicts under the ATSMML and LCSMHRA and a regional contingency under the *Shūhen Jitaihō*. If another regional crisis were to occur in East Asia, the reaction of US and GOJ policy-makers, the latter's inherent caution notwithstanding, might be to overtly transfer the principles and expertise acquired in drafting the anti-terrorism bill to the bilateral context of the US-Japan alliance and the *Shūhen Jitaihō*. In this instance, the geographical range of the US-Japan Guidelines for Defence Cooperation could be greatly, or even limitlessly expanded if the situation demands; the JSDF might be able to operate in support of the US on the land territory of neighbouring states; and its use of weapons loosened for the protection of its own members and US servicemen 'under its control'—all measures sure to generate intense controversy, if not apprehension, among certain East Asian regimes, such as North Korea and China.

Conclusion: Japan's leaning towards a more proactive security role in support of the US

Japan's support for the US and international community in the campaign against terrorism has indeed produced mixed signals about the future direction of its security policy. There is considerable evidence to suggest that JSDF despatch to the Indian Ocean may not be such a notable departure from past patterns of incrementalism. GOJ policy-makers continue to exercise extraordinary ingenuity in adhering to traditional constitutional and normative restrictions on the despatch of the JSDF, and they retain their usual wariness to avoid entrapment in US military strategy in other regional contingencies. Japan was ultra-cautious in designing the ATSMML and LCSMHRA in such a way as to expand the range of possibilities of support for the US, but also to retain UN resolutions as the justification for JSDF despatch; to separate these missions from the context of the US-Japan security treaty; to limit the mission parameters and capabilities of the JSDF to non-combat roles and non-substitution roles for US forces; and to hedge round despatch with a variety of set time limits and measures for Diet approval. In these ways, GOJ actions in the 'war on terror' have been very much in line with the past precedent of the

Shūhen Jitaihō, which also built in ambiguity with regard to Japanese cooperation for the US by emphasising that the scope of the Guidelines was functional and not geographical in nature, and thereby also refusing to rule in or out Japan's military support in regional contingencies such as the Taiwan Straits (Katzenstein and Okawara 2001/2002: 171-172; Smith 1999: 86-87). Japan has attempted once again to elude entrapment in US inspired contingencies regionally and globally.

However, while GOJ policy-makers may be able to hold to this traditional incrementalist line over the short term, this article has also sought to argue that this position may prove less tenable over the medium and longer terms. The evidence from the speed and substance of Japan's reaction to 11 September suggests that potentially radical trends have been set in train in its military security policy. As noted above, over the medium term, the principal trend in Japanese security policy may be for greater US pressure for Japan to transfer the provisions of the ATSMML to the *Shūhen Jitaihō*, and for Japan to take an ever greater role in US-led multinational 'coalitions of the willing'. Japanese discussions since mid-2003 for the creation of a permanent and single law for international peace cooperation and for a segment of the JSDF as a standing force dedicated to this purpose point in these types of directions. Such a law might provide Japan with a more flexible means for JSDF despatch rather than having to pass a law through the Diet for each mission. But the essential purpose of this multinational force in serving bilateral alliance aims may not change. For a JSDF force may be available under the law for UN-centred missions, but given US-Japan alliance ties and the prevailing international political situation it is more likely that its prime purpose would be for despatch on US-led multinational coalitions for international peace. Japan would then edge towards becoming the ideal ally: providing not just bases and logistical support for the sword of US power projection as at present under the security treaty, but also providing under an international security cooperation law fully interoperable air, sea, and, most importantly, ground forces for the support of US expeditionary warfare on a global scale.

Moreover, Japan is now increasingly equipped with a policy-making structure that may make it a more proactive security actor. It is clear that the 'normalisers' are increasingly in charge of Japan's security policy. The Prime Minister's Office after 11 September has enhanced its role in coordination among relevant security policy-making actors. MOFA has strengthened its bilateral ties with the US policy community; and the JDA has elevated its overall role in the policy process; while all the time the JSDF is strengthening its bilateral operational contacts with the US. Finally, in a complete turnaround from the Gulf War, the GOJ experienced almost no meaningful resistance in the Diet in passing the ATSMML and LCSMHRA. All this may herald a much more rapid and substantial Japanese military response in support of the US in future conflict scenarios in East Asia as well as globally.

Japan may not yet then have totally 'crossed the Rubicon' in its security policy as a consequence of the 'war on terror', but has incrementally put in place many of the components of an expanded and more proactive security policy that will enable it to make such a radical leap. The trigger for this leap in security policy over the short term is most likely to be North Korea. Prime Minister Koizumi's government has offered political and military support to the US in Iraq, in the expectation that the US will remain engaged in trilateral efforts with Japan and South Korea, and the Six-Party Talks, in order to resolve the North Korean nuclear problem. Japan's optimum policy for dealing with North Korea remains a mix of deterrence and active engagement in the hopes of avoiding an unwanted conflict, as shown by Koizumi's diplomatic visits to North Korea in September 2002 and May 2004. Japan will hope to nudge the US back towards engagement. But if US patience with engagement fails, North Korea presses ahead with its program, and the US turns to other means to resolve the issue, Japan will be forced to prioritise its alliance with the US and move towards the full implementation of the 1997 revised Guidelines, but this time augmented by the precedents for alliance cooperation set in Afghanistan and Iraq. All this then argues that Japan's future security direction is likely to be one towards assuming the status of a more 'normal' military power, but one operating firmly within the framework of a strengthened US-Japan bilateral alliance and US-led coalitions of the willing, which will only further increase US dominance over the security landscape of East Asia for the foreseeable future.

Notes

1. James Auer, the former Director of Japan Affairs at the Department of Defence, even claimed that Japan's support for the US after 11 September would be an opportunity to make amends for Pearl Harbour. James E. Auer, 'Japan's chance to reverse Pearl Harbor', <http://www.glocomnet.or.jp/okazaki-inst/pearlhauer.html>.
2. The official English name of the law is: The Special Measures Law Concerning Measures Taken by Japan in Support of the Activities of Foreign Countries Aiming to Achieve the Purposes of the Charter of the United Nations in Response to the Terrorist Attacks Which Took Place on 11 September 2001 in the United States of America as well as Concerning Humanitarian Measures Based on Relevant Resolutions of the United Nations.
3. For instance, an opinion survey taken in the *Mainichi Shimbun*, one of the leading Japanese dailies, reported that 63 per cent of respondents were in favour of some form of JSDF despatch. In terms of the actual contents of this support provided by the SDF, 56 per cent favoured non-military support in the form of medical and humanitarian aid for refugees, 26 per cent favoured food and transport logistical support for US forces, 6 per cent favoured the supply of weapons and ammunition, and 4 per cent Japan's actual participation in combat. *Mainichi Shimbun*, 25 September 2001, <http://www.mainichi.co.jp/news/selection/archive/200109/25/20010926k0000m010069000c.html>.
4. Interview with Director level official, National Security Policy Division, Foreign Policy Bureau, MOFA, Tokyo, 29 March 2002.
5. Takano Toshiyuki, then Director General of MOFA's North American Affairs Bureau stated in the House of Representatives Committee on Foreign Affairs on 13 May 1998 that the occurrence of a regional contingency in the Middle East or the Indian Ocean could not

- realistically be imagined to be of a degree sufficient to impact on Japan's own security and thus invoke the revised US-Japan Guidelines. *Dai142kai Kokkai Shōgiin Gaimuinkai Kaigiroku Dai 11gō*, 13 May 1998, p. 9. Prime Minister Obuchi in the House of Councilors deliberations on the *Shūhen Jitaihō* on 28 April 1999 commented that while the definition of Japan's periphery could not be strictly geographically defined it did have limits which meant that the Middle East and Indian Ocean were not envisaged to be within the scope of the bill for the *Shūhen Jitaihō*. *Dai145kai Kokkai Sangiin Honkaigi Kaigiroku Dai 17gō*, 28 April 1999, p. 12.
6. 'Press Conference by Prime Minister Junichiro Koizumi', http://www.kantei.go.jp/foreign/koizumispeech/2003/12/09press_e.html.
 7. Interview with MSDF officer and member of MSDF Staff Office, JDA, Tokyo, 26 March 2002.

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