

**NEGOTIATING ALLIANCE CHANGE IN THE 1997 & 2015 GUIDELINES
FOR U.S.-JAPAN DEFENSE COOPERATION:
AN EXAMINATION OF ALLIANCE MANAGEMENT THEORY &
PRACTICE**

By

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ABSTRACT OF THE THESIS

Negotiating Alliance Change in the 1997 & 2015 Guidelines for U.S.-Japan Defense Cooperation: An Examination of Alliance Management Theory & Practice

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There are notable gaps in scholarship on alliance management and the U.S.-Japan alliance. Broadly, scholars have not decisively researched the manner in which long-standing alliances such as the U.S.-Japan alliance change, survive, and/or fail over time. This dissertation seeks to fill two gaps in scholarship: (1) understanding of how alliances evolve and (2) understanding of the Guidelines for U.S.-Japan Defense Cooperation. To do so, the dissertation answers the question of how the allies negotiated and implemented the 1997 and 2015 Defense Guidelines and what changed (and did not change) as a result. In answering those questions, this dissertation offers a comprehensive view of the evolution of the U.S.-Japan alliance from 1991 until 2020. Further, the dissertation presents a new model for understanding intergovernmental negotiations, positing a six-phase cycle that can adequately explain how alliance designs changed over time and demonstrating it through examination of the negotiation and implementation of two separate sets of Defense Guidelines. This dissertation contributes to academic literature as an update to existing alliance theory to support understanding of alliance management, as foundational research in understanding the cycles of intergovernmental negotiation, and as an in-depth analysis of the 1997 and 2015 Defense Guidelines that at present does not exist.

*To my wife, who bravely took the leap with me not knowing where we would land, all
so I could accomplish what you are about to read.*

PREFACE

The genesis of this dissertation was in June 2014. At the time, I was still an active duty Air Force officer, and I had just arrived at Headquarters, U.S. Forces, Japan (USFJ) to begin my tour as the Deputy Chief of Government Relations. In this role, I would be expected to serve as an alliance manager and interlocutor for the U.S. government in engagements across all the Japanese government's ministries and agencies. My portfolio would end up being much broader than can be listed here, but my very first task was a daunting one: to support the negotiations of the Guidelines for U.S.-Japan Defense Cooperation.

I was conscious of the formal negotiations that began in October 2013 because I was working as a Mansfield Fellow in the Japanese Ministry of Foreign Affairs (MOFA) First North America Division at the time. Although the "*Hokubei daiikka*" was not directly involved in the pre-negotiations that led to the agreement to renegotiate the guidelines, I was a few doors down from the Security Treaty and Status of Forces Agreement Divisions who were. Between my fellowship stints in MOFA, the National Diet, and the Ministry of Defense, I became acutely aware of the absence of continuity that existed on the Japan side from the previous negotiations of the Defense Guidelines which had taken place over a decade prior in 1996. While I was certain that some files existed somewhere in the towers of old paperwork flanking the desks and in the uniform blue and white folders that lined the walls, I was also certain that none would be easy to locate.

When I arrived at USFJ, I was hoping to capitalize on the continuity from the U.S. government's negotiations; unfortunately, there was nothing. No after-action reviews, no archival records, no "graybeard" sitting in an obscure office who had been a part of the past negotiations.

I then searched academia to find any helpful tools. While there were great resources for broader level examinations of alliances, there was little that could help me in my immediate negotiation effort.

The next step was to look at think-tanks. Finally, there were plenty of resources to be found. I soon discovered, however, that these came with their own

pitfalls--bias, undue influence from funding sources, and a greater penchant for *prescription* than *description*.

Thus, when the opportunity came for me to pursue a Ph.D., it was quite obvious what my objective would be with the dissertation: to provide the authoritative account on negotiations of the Defense Guidelines. The questions that needed to be answered were equally obvious to me: what changed (and did not change), why did it change, and how did it change?

What I lacked was the thorough academic grounding to speed me on this journey, and this is where I was so fortunate to have the opportunity to join the student body at the International University of Japan. The quality of the professors, the support from the staff, and the rich perspective I gained from my multinational peers helped me immensely in my work and research. This study would not have been possible without the help of all my mentors and colleagues.

Foremost credit goes to my Supervisor, Professor Tomohito Shinoda. He was the reason I braved the snowy Niigata winters in the first place. In my time as a Mansfield Fellow and Air Force officer at USFJ, the only two books that were always on my desk were *Koizumi Diplomacy* and *Contemporary Japanese Politics*. To me, he was a giant in my field of study, but he welcomed me and gave me the tutelage I needed. More importantly, he challenged me to be a better student, researcher, and scholar. I am grateful for his guidance and support.

I am also indebted to my advisors—Professor Naoko Kumagai and Dean Aung Maung-Myoe—and my external examiner, Professor Tetsuya Umemoto. In my first term returning to graduate student life, Professor Kumagai was the one to guide my study and my academic thinking. She has continued to guide me in my work on this dissertation. Professor Myoe welcomed me to be his Teaching Assistant and permitted me to study and teach portions of his curriculum. This gave me perspective and cognitive skills that I have carried with me ever since. I am ever appreciative for that opportunity and for his support in this project. Professor Umemoto served as the external examiner for my doctoral defense and employed his expert knowledge on the U.S.-Japan Alliance to improve the content of this dissertation. His guidance helped me put the finishing touches on three years of research and writing.

I would be remiss if I did not mention LTG Noboru Yamaguchi. In many ways, I believe the red string of fate has serendipitously bound me to LTG Yamaguchi, as our paths have crossed in both the academic and professional worlds countless times over the past two decades. I can still vividly recall engaging with him as a Pacific Forum “Young Leader” in Maui in 2007 as he offered his thoughts on how to advance the U.S.-Japan Alliance. He has continued to be my sempai here at IUJ, and as a member of the team that negotiated the 1997 Defense Guidelines, LTG Yamaguchi was especially helpful in guiding my hand in the project.

On the U.S. side, I owe gratitude to Mark Hague, Marvin Haynes, John Bradford, and Andy Collier, all of whom are pillars in U.S.-Japan alliance management and all of whom filled important gaps in my research through interviews. They were all instrumental to U.S.-Japan alliance management over the past two decades, and they helped me immensely on this project.

This work would also not have been possible without the support staff from IUJ. Gretchen Shinoda eased my transition to Niigata and fought through the U.S. bureaucracy to ensure that I could use my GI Bill scholarship to attend this wonderful school. The entire OSS and OAA staff have always been there to support me, and I am ever-grateful to them. I must also offer special thanks to Seiko Kojima, IUJ’s chief librarian who rescued my research countless times. I will never forget one occasion when I was having trouble locating a particular journal article online, Kojima-san went into the library on her day off to scan the article and send it to me. If I had any success in my independent research, it was because of her.

Finally, I must thank my wife, Kim, and my children, Mikey and Tilly. It was a lot to ask to transition from full time employment in the U.S. government to living “on the economy” in countryside Japan. Still, their love and support was unending and kept me motivated through this entire journey. I am ever-indebted to them.

Anything good that may be derived from this dissertation is the product of the support I have received—all mistakes are mine alone.

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LIST OF ABBREVIATIONS

ACM	Alliance Coordination Mechanism
ACSA	Acquisitions and Cross-Servicing Agreement
ATARA	Alliance Transformation and Realignment Agreement
BCC	Bilateral Coordination Center
BCM	Bilateral Coordination Mechanism
BJOCC	Bilateral Joint Operations Coordination Center
BOCC	Bilateral Operations Coordination Center
C2	Command and Control
CLF	Coordination and Liaison Forum
DPRK	Democratic People's Republic of Korea
HADR	Humanitarian Assistance/Disaster Relief
INDOPACOM	Headquarters, Indo-Pacific Command
JCG	Japan Coast Guard
JDA	Japan Defense Agency
JMSDF	Japan Maritime Self Defense Force
JSDF	Japan Self Defense Force
JSO	Joint Staff Office
LDP	Liberal Democratic Party
MIO	Maritime Interdiction Operations
MOD	Ministry of Defense
MOFA	Ministry of Foreign Affairs
MST	Mutual Security Treaty
NPA	National Police Agency
NSC	National Security Council
NSS	National Security Secretariat
OSD	Office of the Secretary of Defense
OPR	Office of Primary Responsibility
PACOM	Headquarters, Pacific Command
PKO	Peacekeeping Operation
PLAN	People's Liberation Army Navy
RMA	Relevant Ministries and Agencies
RMC	Roles, Missions, and Capabilities
SIASJ	Situations in Areas Surrounding Japan
SOFA	Status of Forces Agreement
SCC	Security Consultative Committee
SSC	Security Subcommittee of the SCC
SDC	Subcommittee for Defense Cooperation
TTX	Tabletop Exercise
USFJ	Headquarters, U.S. Forces, Japan
USFK	Headquarters, U.S. Forces, Korea
ZOPA	Zone-of-Possible-Agreement

Chapter 1

Introduction

“[T]he new laws governing the Japan-U.S. defense cooperation guidelines allow this nation to cooperate with U.S. forces beyond the framework of the 1960 treaty...It is clear to everyone that these laws—which passed the Diet last week—represent a de facto revision of the security treaty.”

– Morihiro Hosokawa, former Prime Minister of Japan, 31 May 1999

In a newspaper editorial, former Prime Minister of Japan Morihiro Hosokawa described the 1997 Guidelines for U.S.-Japan Defense Cooperation and Japan’s 1999 implementing legislation as a renegotiation of the alliance charter that had existed between the United States and Japan since 1960.¹ His comments, however salient, were probably lost upon many outside observers--after all, what are “defense cooperation guidelines,” and how can a treaty be revised if the text of the agreement stays the same? Was this just an opposition politician trying to drum up controversy, or was there merit to his argument?

Setting aside whatever political motivations he might have had at the time, Hosokawa was accurate in his characterization of what the allies accomplished in the late nineties. The U.S. and Japanese governments have only renegotiated the alliance treaty that underwrites their security relationship once in over sixty years, but alliance designs have evolved through the negotiated “Guidelines for U.S.-Japan Defense Cooperation.” On paper, the Guidelines for U.S.-Japan Defense Cooperation (“Defense Guidelines,” or “Guidelines”) are a bilaterally negotiated framework of alliance roles, missions, and capabilities.² They are neither legally binding nor a direct supplement to the existing alliance treaty; instead, the Guidelines exist as a separate framework for implementation dependent upon each nations’ own laws.³

¹ Morihiro Hosokawa, “A de facto treaty revision,” *Japan Times*, May 31, 1999.

² As the 1997 Joint Statement of the Consultative Committee (SCC) declared, the Guidelines represent a “general framework and policy direction for the roles and missions of the two countries and ways of cooperation and coordination, both under normal circumstances and during contingencies.” The 2015 SCC statement reiterated that almost verbatim.

³ See the Preamble of the 1978 Defense Guidelines (Appendix B), Section II of the 1997 Guidelines (Appendix C), and Section II of the 2015 Guidelines (Appendix D).

In practice, the Defense Guidelines are more than that. More than simply providing a roadmap for cooperation, they represent de facto clarification of the *casus foederis*, or “case for the alliance.”⁴ They reorient the alliance for different threats, clarify core values, and manage expectations for when and how the allies will apply their respective capabilities.⁵ Sometimes they are aspirational. Sometimes they represent a starting point for the allies to initiate a new function. Sometimes they formalize initiatives already underway. Whatever the case may be for specific inclusions, once published, the Guidelines are a constant point of reference for the allies, as illustrated in their repeated mention in joint statements at all levels of U.S.-Japan alliance management, but most notably the Security Consultative Committee (SCC).⁶

There have only been three versions of the Guidelines in the nearly seventy-year history of the alliance. The 1978 Guidelines established the ‘Shield and Spear’ concept of the alliance. The 1997 Defense Guidelines evolved alliance designs for the post-Cold War strategic environment. The 2015 Guidelines again expanded the scope of the alliance to meet the challenges of emerging threats such as grey zone conflict while adding Humanitarian Assistance/Disaster Relief (HADR) as a functional area and capitalizing on new roles between the allies based on Japan’s 2014 constitutional reinterpretation.

Despite their importance, there is a dearth of research on the Defense Guidelines, as well as their implications for the U.S.-Japan alliance and broader alliance scholarship. Most literature on the Guidelines falls into one of two categories: first, as a topic of discussion within broader academic examinations of the U.S.-Japan alliance and Japanese security practice⁷; and second, think-tank

⁴ *Casus foederis* is the term of reference for the threshold at which exceptional alliance obligations come into play.

⁵ Glenn Snyder (1997) explains the importance of explicitness of alliance designs in managing the fears of entrapment and abandonment; Glenn Snyder, *Alliance Politics* (Ithaca: Cornell University Press, 1997).

⁶ Every joint statement of the Security Consultative Committee since 2000 either explicitly mentions the Defense Guidelines or details some activity related to implementation of roles, missions, and capabilities codified within the Guidelines; See Ministry of Foreign Affairs of Japan, “Japan-U.S. Security Consultative Committee” April 19, 2019.

⁷ See, for example, Andrew Oros, *Japan’s Security Renaissance: New Policies and Politics for the Twenty-First Century* (New York: Columbia University Press, 2017); Richard Samuels, *Securing Japan: Tokyo’s Grand Strategy and the Future of East Asia* (Ithaca: Cornell University Press, 2007);

publications focused on informing policy- and decision-making.⁸ As a result, there are two existing gaps in literature. The first is a gap in understanding of the Guidelines' impact on the U.S.-Japan alliance over time. The second exists in scholarship on alliance management and how specific instruments such as the Defense Guidelines enable alliances to change and survive.

Thus, the objective of this research is to offer clarity on the Defense Guidelines, specifically in how they succeeded (and where they may have failed) in evolving the alliance after 1997 and 2015. Simply put, this dissertation does that by answering three questions. First, how did the governments negotiate the changes in their alliance designs through the Defense Guidelines? Second, what changed as a result of the negotiated Guidelines? Third, what *did not* change that the allies expected to change? The answers to those questions are significant because they contribute to a definitive account of how the allies echoed in their alliance designs through the Defense Guidelines. They further explain how the Guidelines have shaped the alliance since the end of the Cold War. This research also provides insight into what the two governments expected compared to what succeeded and failed in negotiation and implementation of the Defense Guidelines. Finally, those answers help fill the sizeable gap in U.S.-Japan alliance literature while providing alliance scholars clarity on an instrument employed specifically for rewriting alliance designs.

This research is both theoretical and empirical. The dissertation sets the foundation for understanding a core aspect of alliance management from a theoretical perspective. That means examining existing alliance, international relations, negotiation, political science, and other theories to employ the most relevant theoretical basis from which to analyze how and why alliances tend to change, survive, and/or fail. With that foundation in place, the dissertation then uses the U.S.-Japan alliance as a case study. The U.S.-Japan alliance is an ever-relevant

Kenneth Pyle, *Japan Rising: The Resurgence of Japanese Power and Purpose* (New York: Public Affairs, 2007); James Schoff, *Uncommon Alliance for the Common Good: The United States and Japan After the Cold War* (Washington, D.C.: Carnegie Endowment for International Peace, 2017); Michael J. Green and Patrick M. Cronin, eds., *The U.S.-Japan Alliance: Past, Present and Future* (New York: Council on Foreign Relations Press, 1999).

⁸ See, for example, any of the "Armitage-Nye Reports" and the CSIS-Sasakawa Peace Foundation "The U.S.-Japan Alliance to 2030: Power and Principle."

player in East Asian and, to a lesser extent, global security, so changes to alliance arrangements and/or roles, missions, and capabilities are issues of policy and academic import. The case study represents the empirical side of my dissertation and is conducted using a two-level analysis of the negotiation and implementation of the Guidelines and a straightforward historical analysis of the changes to alliance arrangements (both in writing and in practice).

In order to address both the theoretical and empirical research, a two-pronged literature review is necessary. The first delves into the relatively fledgling field of *foederology*, or the study of alliances. The challenge with this is that issues related to alliances and alliance management span across multiple disciplines. It is overly simplistic to argue that the study of alliances can remain bounded in the field of international relations and its prominent schools of thought such as realism, liberalism, and constructivism. Throughout the course of this dissertation, one will encounter sources from negotiation theory, public policy studies, area studies, and legal studies, among others. While the dissertation remains firmly rooted in its International Relations foundation, it employs those other fields of study to inform the way states interact vis-à-vis their security relationships.

The second prong of the literature review regards the U.S.-Japan alliance, which is a popular topic in both academia and think-tanks. Academic literature on the alliance generally examines the relationship and its activities in one of two ways. The first includes broader level examinations that tend to focus on Japanese security practice, incorporating discussions on the alliance as a subset of the wider study. The second level includes examinations of specific aspects of the alliance relationship. While a report on the Guidelines would be more appropriate as a study under the latter category, it has not yet been done. Nor has it been adequately addressed in broader level academic examinations, which acknowledge changes from the Guidelines but typically as components of the larger evolution of Japanese security practice.

Meanwhile, the think-tank community writes extensively about the U.S.-Japan alliance. There are two shortcomings in existing think-tank literature though. First, while many articles and publications mention the Guidelines, it is usually in the context of outcomes. That is helpful for answering the “what changed”

question, but those same works usually infer or ignore the answer to the “how it changed” question. Further, this batch of literature fails to clarify exactly what was *not* achieved in the Guidelines negotiations that the two governments desired (though they do argue what *should have been* included, which leads to the next problem). Second, although think tanks have their place in shaping understanding of international relations, they also have agendas, editorial positions, and political interests. Under these circumstances, academic researchers must be careful to separate objective analysis from biased opinions. In the end, existing think-tank work on the Guidelines validates the importance of the Guidelines in shaping the alliance, while offering some validation to specific conclusions regarding what changed as a result of their publication. My research aims to fill the remaining gaps.

To determine how the two governments conducted their negotiations, the dissertation employs a two-level analysis following Robert Putnam’s model. Although his two-level model offered the right approach, the emphasis on only two phases of negotiation—negotiation and ratification—yielded an incomplete picture, especially in examining consecutive renegotiations of the Defense Guidelines. My research revealed more steps than the two that Putnam suggested, so I present a more comprehensive intergovernmental negotiation process that includes the pre-negotiation, agreement to negotiate, interpretation, and implementation phases. Official government publications, negotiating documents, and other records validate how the governments negotiated the guidelines over *six* rather than *two* steps.

To determine what changed and did not change as a result of the negotiated guidelines, this project first employs a straightforward historical analysis. By examining published and unpublished documents related to the negotiations, the dissertation reveals how priorities shifted over the course of the negotiation and what goals were dropped before the final product was published. Reviewing the real world and training employment of the roles, missions, and capabilities covered in each iteration of the Guidelines reveals their effectiveness in changing alliance arrangements.

The dissertation proceeds as follows. Chapter 2 offers a primer on the U.S.-Japan alliance, the policy actors and institutions involved in alliance management, and specific issues related to this security relationship. Chapter 3 examines the

actual negotiating process to explain how the allies generated and implemented the 1997 and 2015 Defense Guidelines. Chapter 4 answers the questions of what changed and did not change following the publication of the Guidelines. Finally, the conclusion offers the key takeaways from this examination which are of use to both academics and practitioners alike.

There are limitations to this dissertation, and while it offers useful conclusions, additional research is necessary. This dissertation identifies how the allies negotiated the new Guidelines, as well as what changed (and did not change) in the U.S.-Japan alliance as a result, but it does not provide a full historical retelling of the negotiations. Some readers may be disappointed to find that this dissertation does not include specific rosters of negotiators, meeting dates, or detailed discussion of each line-item that was under debate. There is perhaps additional insight to be gained from such a detailed history, but that was not the aim of this dissertation.

This dissertation also does not completely answer the question of “why” the allies negotiated the Defense Guidelines. It provides insight into motivations that existed at each of the two levels, but there are additional studies that are worthwhile for explaining why the allies decided to redesign their alliance. One example is the study on the role of the alliance dilemma in the Defense Guidelines negotiations; that is, change owing to the fears of abandonment and entrapment.⁹ Another includes an Organizational and Bureaucratic Politics model approach to examining the specific interests and policy preferences at play that shaped the negotiations. There are still other useful studies remaining that deal with the alliance interactions that led to the renegotiation of the Guidelines, as well as the unilateral policy processes that generated the impetus to redesign the U.S.-Japan alliance.

Additionally, the paper focuses only on formal alliances that contain an obligation for use of military force in support of one or more parties to the security relationship. In other words, the focus is on an alliance codified by an international treaty that includes a military guarantee. This distinction is important for a couple of reasons. Treaty alliances are recognized under international law, so there are

⁹ Michael MacArthur Bosack, “Ameliorating the Alliance Dilemma in an Age of Gray-Zone Conflict: Lessons Learned from the U.S.-Japan Alliance,” *Naval War College Review* 73, No. 4 (Autumn 2020).

important institutional¹⁰ and reputational¹¹ impacts to decision-making vis-à-vis those formal instruments. There is also the simple fact that between treaty allies there is a foundational document that underwrites and informs their negotiations over alliance designs. It will be important to examine alignments¹² in future studies, but it is not the aim of this paper.

Finally, this dissertation looks specifically at a bilateral alliance. The conclusions on intra-alliance bargaining related to the renegotiation of alliance designs should be employed in studies of multilateral alliances. For example, how does the two-level, six-phase negotiation cycle apply in alliance management in NATO compared to the U.S.-Japan alliance? There are studies that have examined institutional change within NATO,¹³ and the application of this model may well complement them in understanding alliance management when multiple partners are in play.

¹⁰ Alexander Lanoszka, “Tangled up in rose? Theories of alliance entrapment and the 2008 Russo-Georgian War,” *Contemporary Security Policy* 39, No. 2 (2018): 234-257.

¹¹ Douglas M. Gibling, “The Costs of Reneging: Reputation and Alliance Formation,” *Journal of Conflict Resolution* 52, No. 3 (2008): 426-454; Mark J. C. Crescenzi, Jacob D. Kathman, Katja B. Kleinberg, and Reed M. Wood, “Reliability, Reputation, and Alliance Formation,” *International Studies Quarterly* 56 (2012): 259-274; Michaela Mattes, “Reputation, Symmetry, and Alliance Design,” *International Organization* 66 (2012): 679-707; Brad L. LeVeck and Neil Narang, “How International Reputation Matters: Revisiting Alliance Violations In Context,” *International Interactions* 43, No. 5 (2017): 796-821.

¹² Thomas S. Wilkins, “‘Alignment’, not ‘alliance’ – the shifting paradigm of international security cooperation: toward a conceptual taxonomy of alignment,” *Review of International Studies* 38 (2012): 53-76; Rajan Menon, *The End of Alliances* (New York: Oxford University Press: 2009); Zachary Selden, *Alignment, Alliance, and American Grand Strategy* (Ann Arbor: University of Michigan Press, 2016).

¹³ Johnston (2017) offers useful insight into institutional adaptation within multilateral alliances; Seth A. Johnston, *How NATO Adapts: Strategy and Organization in the Atlantic Alliance since 1950* (Washington, D.C.: Johns Hopkins University Press, 2017).

Chapter 2

The U.S.-Japan Alliance: A Primer

To understand the issues discussed in this dissertation, a primer is necessary that covers the U.S.-Japan alliance, each country's respective security practice, and the policy actors that shape their security relationship. This chapter provides the foundational knowledge for examining the issues and actors at play in the rest of the dissertation. It begins by defining the U.S.-Japan alliance in terms of its structural and institutional foundations. The chapter then describes the basic principles of each country's respective security authorities, policies, and behaviors related to alliances, since they differ greatly and influence alliance interactions. Next, it offers a foundational understanding of intergovernmental negotiations and some specific features within alliances. Finally, it identifies the relevant U.S. and Japanese policy actors at the two levels discussed in this dissertation: the international level, which I term the "alliance manager" level; and the domestic level, which I call the "political" level.

Defining Alliances

To understand intra-alliance bargaining, one must first clearly define an alliance since there are disagreements among scholars and practitioners alike.¹⁴ For

¹⁴ Stephen Walt (1987) suggests that an alliance can be a formal or informal agreement between two or more sovereign states predicated on military obligations against a common threat; Stephen Walt, *Origins of Alliances* (Ithaca: Cornell University Press 1987). Glenn Snyder (1997) suggests that alliances are formal "associations of states for the use (or nonuse) of military force, in specified circumstances, against states outside their own membership." Rice University's Alliance Treaty Obligations and Provisions (1815-2016) database both clarifies and obfuscates Snyder's definition. It adds precision when stating that alliances are "written agreements, signed by official representatives of at least two independent states, that include promises to aid a partner in the event of military conflict." However, it subsequently confuses things by asserting that alliances may also be those that promise "to refrain from military conflict with one another, or to consult/cooperate in the event of international crises that create a potential for military conflict"; Brett Ashley Leeds, et al, "Alliance Treaty Obligations and Provisions, 1815-1944," *International Interactions* 28 (2002): 237-260. The Correlates of War dataset is similar to ATOP, but classifies its alliances into three groups, or "types." Type I alliances, defense pacts, represent the "highest level of military commitment," and include an obligation for use of military force when "attacked by a third party." Type II alliances include neutrality and non-aggression pacts where signatories either remain neutral or agree not to use (or support the use) of military force against other parties to the agreement. Type III consists of consultation agreements; "Formal Alliances (v4.1)," *The Correlates of War Project*, 15 March 2019. U.S. military doctrine defines an alliance as a "relationship that results from a formal agreement between two or more nations for broad, long-term objectives that further the common interests of the

the sake of clarity, this paper focuses on *treaty alliances* that contain a formal obligation for use of military capabilities in support of one or more allies. There is a key practical reason for this: treaty alliances are *negotiated* security relationships whose designs are codified via a formal instrument. Those designs may be renegotiated and are comprised of two types of obligations.

The first type of obligation comes when a specified threshold is met: the *casus foederis* (“case for the alliance”). Most commonly, this obligation calls for collective self-defense when an ally is subject to an “armed attack.”¹⁵ The term, “armed attack” is a reference to the UN Charter chapter VII, article 51, which states the following: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an *armed attack* occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”¹⁶ While the UN Charter does not clarify the term further, the International Court of Justice ruling in *Nicaragua v. United States* (1986) did: stated plainly, the court held that an *armed attack* is an armed incursion into another state’s sovereign territory attributable to a specific member of the international community.¹⁷

In many alliances, there are rights and obligations that are applicable even in the absence of security conflict. This dissertation refers to those as *peacetime tradeoffs*. Those tradeoffs include autonomy concessions,¹⁸ basing rights, security

members”; U.S. Joint Chiefs of Staff, “Joint Publication 3-16: Multinational Operations,” March 1, 2019. In this case, there is no obligation in the definition for use military force. Rather, when it comes to military action, doctrine instead points to “coalitions” and “cooperation.”

¹⁵ An “armed attack” has served as the formal *casus foederis* for every U.S. alliance treaty since 1945, including the North Atlantic Treaty, the U.S.-Japan Mutual Security Treaty, and the U.S.-Philippines Mutual Defense Treaty, among others. A significant example of a non-American alliance treaty that employs the term armed attack exists between China and North Korea, in which art. 2 states, “The Contracting Parties undertake jointly to adopt all measures to prevent aggression against either of the Contracting Parties by any state. In the event of one of the Contracting Parties being subjected to the armed attack by any state or several states jointly and thus being involved in a state of war, the other Contracting Party shall immediately render military and other assistance by all means at its disposal,” Douglas M. Gibler, *International Military Alliances, 1648-2008* (Washington, D.C.: CQ Press, 2009), 423.

¹⁶ UN Charter chapter VII, “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.” Emphasis added.

¹⁷ Military and Paramilitary Activities in and against Nicaragua, Judgments, Advisory Opinions and Orders, 1986 I.C.J. 14 (27 June).

¹⁸ Tongfi Kim, *The Supply Side of Security: A Market Theory of Military Alliances* (Stanford: Stanford University Press, 2016), 35-6; Jesse C. Johnson, “Foreign Policy Concessions and military alliances,” *Journal of Peace Research* 52, No. 5 (2015): 665-679; James D. Morrow, “Alliances and

assistance,¹⁹ intelligence sharing, peacetime military training,²⁰ and transfer of defense technology, among other things. They are privileges and obligations that distinguish allies from non-allies, even in the absence of conflict.

States will negotiate alliance designs based on their respective security requirements and security practice; in other words, what the alliance can bring to the table necessary to supplement or complement a state's existing legal authorities, policy allowances, and available capabilities. As with any negotiation, the aim of each party is to maximize benefits while minimizing its respective costs. This leads to intra-alliance bargaining related to alliance designs, and while most studies tend to examine the alliance treaties in isolation, this dissertation focuses on the instruments that reshape those alliance designs to meet the ally's evolving security requirements in a dynamic, ever-changing world.

Defining the U.S.-Japan Alliance

The U.S.-Japan alliance is one of the longest-lasting *operative* alliances in the world.²¹ For this security relationship, the core trade-off since 1960 has been the provision of bases on Japanese territory for the stationing of U.S. forces in exchange for an American defense guarantee in the event of an "armed attack" against Japan. The alliance has evolved over time, meaning the list of tradeoffs in the relationship has expanded through the years. What tradeoffs changed and how is the subject of this dissertation.

The U.S.-Japan alliance began in 1952 with the end of the Allied Occupation and the implementation of the 1951 Security Treaty between the United States and

Asymmetry: An Alternative to the Capability Aggregation Model of Alliances," *American Journal of Political Science* 35, No. 4 (1991): 904-933.

¹⁹ Security assistance is "the provision of defense articles, military training, and other defense-related services by grant, loan, credit, or cash sales in furtherance of national policies and objectives." Security assistance is an element of security cooperation; U.S. Joint Chiefs of Staff, "Joint Publication 1-02: Department of Defense Dictionary of Military and Associated Terms," November 8, 2010.

²⁰ This category excludes military exercises done as shows-of-force in response to escalating security crises. Those exercises have a separate set of implications given their use for deterrence and forward posturing of potential combat-ready forces.

²¹ An operative alliance is one where the allied states meet their obligations to the other state(s). An inoperative alliance is one that has become void, either by virtue of a state failing to honor its obligations, or because of new alliance commitments made with other states that render an existing one useless. Snyder (1997), 165.

Japan. This treaty went into effect on 28 April 1952 and has only undergone one formal renegotiation. The subsequent treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, was signed on 19 January 1960 and went into effect five months later in June 1960.²²

One of the core elements of the 1960 Mutual Security Treaty was Article IV, which mandates that the allies will consult each other on the implementation of the treaty. To manage that consultation, the two countries established formal mechanisms, the highest level of which is the Security Consultative Committee, or SCC. Over time, the principals in this committee have elevated and are now represented at the “2+2”-level, meaning Japan’s Minister of Defense and Minister for Foreign Affairs, and the U.S. Secretary of State and Secretary of Defense.

Beneath the SCC are two bodies that have merged responsibilities over time. Those are the Subcommittee for Security Cooperation, or SSC, and the Subcommittee for Defense Cooperation, or SDC. The SSC was a venue for the allies to conduct a range of formal alliance consultations beneath the SCC-level, while the allies formed the SDC specifically for negotiation and implementation of the 1978 Defense Guidelines. Since many of the players in those two subcommittees are identical, the allies consolidated them in the mid-2010s.²³

The lowest-level venue for formal alliance management is the Joint Committee. The Joint Committee is a forum for negotiating issues related to the U.S.-Japan Status of Forces Agreement. It is not meant to deal with the sort of policy and operational issues that may be related to the Defense Guidelines, but since stationing of U.S. Forces in Japan is a core tradeoff in alliance arrangements, it has responsibilities for certain activities in the implementation process.

Each of these committees is capable of producing implementation agreements under the scope of the Mutual Security Treaty. This means that an agreement at the SCC can update and clarify the terms of the alliance treaty as necessary. The SSC, SDC, and Joint Committee may also do the same, though at varying levels of

²² Full text of the Mutual Security Treaty is located at Appendix A.

²³ For years, the SSC and SDC meetings took place on the same day, with the switch between them being pro forma. The allies now refer to their policy meetings as “Alliance Management Meetings” or “AMM,” endowed with the same mandates and authorities as the SSC and SDC.

enforceability. They do this through signed agreements, joint statements, and other instruments. As such, all are important and relevant in the processes of negotiating and implementing alliance agreements.

Basic principles of each country's security practice related to alliances

To understand the issues underwriting the negotiations discussed in this dissertation, a brief review of each country's security practice is necessary. "Security practice" is not only the authorities afforded to a country's security institutions, but the way they are able to employ them.²⁴ Grasping the issues related to U.S. and Japanese security practice is relevant to understanding why each country may pursue certain objectives in formation and implementation of alliance designs.

As a global military power, U.S. security practice is extensive. The country maintains a "negative list" approach to its military authorities, meaning that interpretations of what actions may be allowed tends to follow the precept that unless a law explicitly states the military cannot do something, then that action is executable. Among the numerous examples of this in the postwar era include the use of Tomahawk missiles against Syrian airbases in 2017, Operation NEW DAWN in 2011, the invasion of Grenada in 1983, and military support for the Bay of Pigs invasion in 1961. None of those had specific, exceptional legal authorization, but the U.S. executive ordered operations based on the umbrella of authorities present under the government's existing laws.

With regard to allies, despite the "allies are free riders" rhetoric and antagonistic policies towards security partners that have been cyclical in American politics, the U.S. government has relied upon and continues to find value in alliances.²⁵ Given America's relative military superiority, that value differs from its

²⁴ Muthiah Alagappa, ed. *Asian Security Practices: Material and Ideational Influences*. Stanford: Stanford University Press, 1998.

²⁵ See, for example, U.S. President Richard Nixon's "Guam Doctrine" (1967) and Secretary of State Michael Pompeo and Secretary of Defense Mark Esper's 2020 Wall Street Journal Op-ed on the U.S.-South Korea alliance. This rhetoric focuses on the notion that America's allies are overly dependent on U.S. benevolence and should contribute more in terms of burden sharing (the amount an ally contributes to its own defense) and cost sharing (the amount a state pays towards hosting its ally's military forces within its territory). *Public Papers of the Presidents: Richard Nixon, 1969* (Washington, D.C.: U.S. Government Printing Office, 1971), 549. Michael R. Pompeo and Mark T. Esper, "South Korea Is an Ally, Not a Dependent," *Wall Street Journal*, January 16, 2020.

allies in what the U.S. military and government requires. The United States does not predicate its military readiness on supplemental offensive capabilities from allied forces; rather, it focuses primarily on four benefits of military alliances: one, influence in an ally's decision-making (i.e. autonomy concessions); two, coalition support for U.S. combat operations; three, basing and logistics support; and four, specialty mission support (such as minesweeping).

The United States maintains many allies, some through formal treaties and some in name only. Of note, the United States has five treaty allies in the Indo-Pacific, twenty-nine NATO allies, and dozens of aligned countries across the globe. Every security relationship between the United States and individual allies is different, even within the NATO framework, with unique peacetime trade-offs and defense obligations. While the U.S.-Japan alliance carries deep importance in the minds of U.S. alliance managers and military operators, Japan competes for attention against those other allies at the domestic political level. At that level, issue attention generally falls to the alliances experiencing the greatest crisis or those considered to be problematic.

The U.S.-Japan alliance has tended to enjoy strong bipartisan support in the United States. While tensions between the America and Japan existed in the form of trade wars in the eighties and nineties, lawmakers from both the Republican and Democratic parties have long-declared their support for the two countries' security relationship. As a result, U.S. political sentiment towards alliance management has remained relatively stable since 1952. Meanwhile, U.S. opinions towards Japan and the basing of U.S. troops in the country has remained favorable over the years. As the Chicago Council has illustrated, the range of "warm" views towards Japan has remained between 52-63% of U.S. respondents between 1992 and 2016, and the majority of Americans polled have always shown favor towards U.S. bases in Japan (peaking at 60% in favor).²⁶

Japan's security practice differs greatly from the United States. While Japan has had one of the largest and best equipped military forces in the world for several decades, its security legislation is far more restrictive than its U.S. ally. One reason

²⁶ Craig Kafura, "Public Opinion and the US-Japan Alliance at the Outset of the Trump Administration," *The Chicago Council on Global Affairs*, February 8, 2017.

for this is its “positive list” approach to security. In this, it means that unless a law or regulation specifically states that one can do something, then it cannot be done. For example, when the Japanese government sought to deploy the JSDF in support of U.S. coalition operations in Southwest Asia in the early 2000s, each category of deployment required extraordinary legislation; e.g. the Iraq Reconstruction Assistance Law (2004) and the Replenishment Support Special Measures Law (2008-2010).

Another reason for restricted security practice is based on Article IX of the Japanese constitution. Article IX is the war renunciation clause and mandates that Japan will not maintain “air, sea, or land forces” and rejects the right of belligerency. In other words, Japan’s constitution restricts the use of military force for operations that do not directly relate to a “defense of Japan” scenario. While the interpretation of the constitution has changed over time, Article IX serves as the core of all Japanese security practice and has influenced Japan’s defense activities in meaningful ways.

There are six specific terms that are important when it comes to Article IX: one, *senshu bōei*; two, *buryoku kōshi*; three, *shūdanteki jieiken*; four, *ittaika*; five, *hikōnkō-yōken*; and six, *kaketsuke-keigo*. The first refers to Japan’s “exclusively defense-oriented defense posture,” or what many observers refer to as simply “defensive defense.” Derived from Article IX, the concept is meant to reconcile the possession of what could easily be deemed as offensive military capabilities. While on paper this seems like bureaucratic trickery to get around Article IX restrictions, it actually has important implications. For example, a truly “defensive defense” posture does not necessarily require major air- or sea-lift capabilities; after all, if the fighting is supposed to be within one’s own territory, why would global power projection be required? Most Japanese decision makers agreed that it was not, which is why Japan’s best long-range transport aircraft is a four-propeller C-130 and why it has standing contracts with civilian shipping companies for transport of defense equipment in the event of a contingency in the country’s southwest islands. Indeed, *senshu bōei* has driven strategic designs and acquisition priorities in Japan, which has implications in what Japan needs from its American allies and what it may be able to provide U.S. counterparts when requested.

The second term, *buryoku kōshi*, means “use of force,” and it relates to when and to what extent the JSDF may employ its military capabilities. Article IX of the constitution reinforces the restriction of use of military force until a self-defense situation, which means that the JSDF is only authorized *buki-shiyō* (“use of weapons”) for self-protection in manners similar to those of law enforcement entities until the situation reaches the threshold of an “armed attack.”²⁷

The third term, *shūdanteki jieiken*, means “collective self-defense.” While the UN charter authorizes all member states the right of collective self-defense, Japan did not recognize its *right to exercise* collective self-defense until the government amended its interpretation of Article IX in July 2014. Even today, this interpretation limits the scope of collective self-defense to situations that represent an existential threat to Japan and have no alternative for response but use of military force. Further, any military force Japan employs in collective self-defense must be to the minimum extent possible.

The fourth term, *ittaika*, has no appropriate English translation because no such concept exists in security institutions anywhere else in the world. *Ittaika* literally means “to integrate” or “to become an integral part of,” and the policy under the constitution prohibits the SDF from integrating into any command and control (C2) structure where foreign militaries operate with different rules for use of military force. Given Japan’s unique restrictions, the *ittaika* policy means that JSDF personnel can join C2 structures responsible for policing actions (such as anti-piracy), but no operational commands that have the potential for running combat operations. This rule applies whether it involves a full unit, a few ships or a single officer, which is why Japan can participate in (and lead) Combined Task Force-151 anti-piracy operations in the Gulf of Aden but cannot deploy even a single exchange officer to the U.S. Indo-Pacific Command, since INDOPACOM could feasibly become a war-fighting command.²⁸ It is also why Japan is unable to act like

²⁷ John Wright, “Japanese Use of Force: Refinement & Normalization Amid Growing Regional Instability,” *Canadian Global Affairs Institute* (August 2016): 29.

²⁸ Michael MacArthur Bosack, “Article 9, Ittaika, and Japan’s liaison officer corps,” *The Japan Times*, January 29, 2020.

traditional military allies that operate within a unified command headquarters like NATO in Europe or the Combined Forces Command in South Korea.

Hikōnkō-yōken is the “segregation requirement” and is similar to *ittaika* for the maritime domain. It mandates that Japanese Maritime Self Defense Force vessels are not permitted to operate with foreign navies that have different rules on use of force and ship boarding. In practice, this means that the JMSDF may not conduct ship inspection operations with foreign navies that maintain the right to conduct opposed boardings or those that have different rules of engagement if offensive or defensive actions become necessary.

Finally, there is *kaketsuke-keigo*, or coming to the aid of a geographically distant unit or personnel under attack. This rule is specific to international operations such as peacekeeping. Prior to the 2014 constitutional reinterpretation, the policy meant that the JSDF was strictly prohibited from executing *kaketsuke-keigo*, though in 2015, the Japanese government updated the 1992 International Peace Cooperation law to amend the “Five Conditions for PKO.” The fifth condition now provides that “[u]se of weapons shall be limited to the minimum necessary to protect life or person of the personnel. When stable maintenance of consent is confirmed, use of weapons beyond self-defense in performing security details and *kaketsuke-keigo* is allowed.”²⁹ A real-world example of this was evident in South Sudan. In 2013, South Korean peacekeepers fell under attack in the city of Bor. Because this was *prior* to the rule change on *kaketsuke-keigo*, JSDF personnel were not permitted to travel to the neighboring town and join their fellow peacekeepers in repulsing the attack. If the same situation were to occur today, the JSDF commander would have been authorized to do so, though only as a third resort after exhausting South Sudanese Law Enforcement and other UN Peacekeeping Forces options.³⁰

In addition to the Constitution, Japan’s security practice is informed by three other sources: the law, *tōben*, and precedent. Adherence to law is self-explanatory, but the other two deserve further description.

²⁹ Ministry of Defense of Japan, “Defense of Japan, 2016,” 217.

³⁰ Michael MacArthur Bosack, “What did Japan Learn in South Sudan?” *The Diplomat*, June 10, 2017.

Tōben is a term-of-reference for the responses provided during Diet interpellations. “Interpellations” are when questions are formally presented to a government minister in parliament. In Japan, these principally occur in plenary sessions or committee hearings, though they may also be delivered in written form. All questions that will be asked in the Diet are required to be submitted in advance so that the cabinet may prepare responses. The Cabinet Office (*Naikakufū*) sends these questions to the responsible government offices, who are then required to draft appropriate answers for the ministers to deliver.

Based on Diet customs and the fact that the answers are drafted by the offices responsible for those policies, Japanese ministries and agencies use *tōben* as de facto policy unless formally clarified or retracted in the Diet. An example of this came in 2015 when Defense Minister Gen Nakatani stated that JSDF will only transport small arms ammunition such as rifles and handguns for foreign military partners; the Ministry of Defense has adopted this as its standing policy on the matter, though it is not specified anywhere else in Japanese law or international agreements. Occasionally, administrations will use *tōben* to advance their own specific landmark policies. An example of *tōben* that later became the basis for a formal Diet resolution was Prime Minister Eisaku Sato’s Three “Non-Nuclear Principles.” An example of *tōben* that became de facto policy was Prime Minister Takeo Miki’s declaration in 1976 that Japan shall not exceed 1% of its GDP in its defense spending—the Japanese government has only surpassed that figure once since then.³¹

Precedent is also critically important for Japanese security practitioners. When something is unprecedented, it tends to draw political attention and introduce veto players. Precedented action, however, tends to rely upon *fait accompli*—something already accomplished and presumably irreversible. In this way, Japanese practitioners are much more comfortable relying upon behavior that has already been done than attempting to blaze new trails. The best example of this is the 2015 International Peace Support Law, which essentially borrowed language from the Anti-Terrorism Special Measures Law, the Replenishment Support Special Measures Law, and the Iraq Reconstruction Assistance Law, among others, to formalize JSDF

³¹ Sun-Ki Chai, “Entrenching the Yoshida Doctrine: Three Techniques for Institutionalization,” *International Organization*, Vol. 51, No. 3 (Summer 1997): 402.

operations in support of situations where the international community is collectively addressing peace and security (*kokusai heiwa kyōdō taisho jitai*).

Important to understand in Japanese security practice is that it has only one treaty ally with no viable alternatives for the sorts of trade-offs it requires from a security relationship. Because of the restrictions on use of military force, Japan benefits from the U.S. military's offensive power and flexibility in its application. Having renounced nuclear weapons, the traditional Japanese political view has been that it requires the U.S. nuclear umbrella to provide for adequate deterrence. Finally, given Japan's relatively small domestic defense production, the country benefits from an alliance that can provide state-of-the-art equipment and training. All of those trade-offs have remained pillars of the U.S.-Japan alliance since 1960.

Since Japan only has one ally and since that ally bases its forces on Japanese territory, the alliance weighs heavy in domestic politics. This, in conjunction with Japan's restrictions on security practice, introduces complications at the domestic political level in intergovernmental negotiations. Additional complications come from public opinions toward the U.S.-Japan alliance. While the Japanese public has generally remained favorable toward U.S. allies following the turbulent ratification of the 1960 Treaty, issue attention on specific topics under the framework of the alliance have generated politicized reactions. This is especially true when it comes to use of JSDF capabilities in support of alliance objectives—the Japanese public tends to remain isolationist in its view of the JSDF's role, which has complicated alliance management when seeking to expand Japan's security functions beyond a “defense of Japan” scenario.³²

“Negotiation” and its features within Alliance Management

In international relations, there are several ways to come to an agreement on how to cooperate. Although one may encounter various terms for these methods, there are essentially four basic means for achieving cooperation between two or more governments: one, coordination; two, negotiation; three, mediation; and four, arbitration. Of those, only two are relevant to allies (especially bilateral security

³² Narushige Michishita, "Myths and Realities of Japanese Security Policy," paper presented at Temple University Japan Campus, Tokyo, Japan (April 18, 2014).

partners), because mediation and arbitration both involve a third-party.³³ Thus, allies focus their efforts on coordination and negotiation.

The point of coordination is to take separate entities and find a way to generate momentum towards achieving a common objective. Parties in coordination will exchange views on constraints (things they must do), restraints (things they cannot do), their individual interests, and perhaps their desire to avoid certain costs. This resembles negotiation but differs in three important ways. First, in coordination, cooperation is often treated as a foregone conclusion; in other words, parties in coordination do not tend to hold an alternative to cooperation in reserve. Second, coordination tends to be viewed as positive sum, meaning the result of the process produces a net positive for all parties involved. Third, coordinating parties are often less concerned with their individual costs than the mutual benefits of cooperation. Typically, a party would not view those costs as concessions to the other side, because reciprocity is assumed. That does not mean coordination always results in agreement and cooperation. Sometimes obstacles are too great to surmount, or costs are simply too high. Still, coordination is the most common form of interaction between allies and happens at all levels on both a routine and exceptional basis.

The other form, negotiation, is the subject of this dissertation, particularly chapter 3. Like coordination, negotiation is the process of finding an agreement for some form of cooperation, but it differs based on two critical assumptions prevalent in negotiations. The first assumption in negotiation is that there is a clear alternative to cooperation for one or more of the parties involved. In other words, there is a limit to how far each party will go before they exercise their best alternative to a negotiated agreement, or “BATNA.” Second, while coordination tends to be focused on the ends of cooperation, parties to negotiation will tend to pursue objectives that maximize their individual benefits while minimizing their costs.

³³ *Mediation* is a negotiation that involves a third party whose goal is to foster an agreement. A key characteristic of mediation is that it is non-binding and non-coercive; in other words, the parties to the negotiation maintain total control of the outcome. Like meditation, *arbitration* involves a third party, but there is one distinct difference: the arbitrator has the authority to compel the parties in negotiation. This means that the arbitrator is the ultimate decision-maker for the outcomes of negotiation.

Allies negotiate over many things. Not least of which are the alliance designs themselves, which are carefully crafted.³⁴ They may also negotiate over the terms of basing, such as implementation of Status of Forces or Visiting Forces Agreements. Another common (and contentious) negotiation may be cost-sharing agreements, such as a Special Measures Agreement meant to offset stationing costs.³⁵ These negotiations all represent a form of alliance management that is different in nature than coordination among allies, especially when it comes to the two levels of policy actors that tend to be involved.

Defining the Two Levels

To understand alliance management, it is important to recognize the *policy actors* that are involved.³⁶ While this dissertation will delve further into the meaning behind separation of levels in chapter 3, at present it is necessary only to identify the two levels: first, the international level, which I describe as the “alliance management” level; and second, the domestic level, which I describe as the “political” level. The individuals comprising these levels do so across a wide swath of functional areas, but when it comes to the topics relevant to this study, the most important are those focused on alliance *policy*.

Level I: The Alliance Management Level

For the United States, alliance managers are principally located within the executive branch under the umbrella of the State Department and Department of Defense. Specifically, members of the alliance manager level include the following entities.

Office of Secretary of Defense: The Office of the Secretary of Defense is an expansive bureau comprised of Undersecretaries, Assistant Secretaries, Deputy Assistant Secretaries, Principal Deputies, and Staff Officers. Of particular import to

³⁴ Daina Chiba, Jesse C. Johnson, and Brett Ashley Leeds, “Careful Commitments: Democratic States and Alliance Design,” *The Journal of Politics*, 77, No. 4 (2015): 968-982.

³⁵ Michael MacArthur Bosack, “The Looming Cost Sharing Storm,” *Sasakawa USA Forum*, No 18, May 7, 2019.

³⁶ Policy actors are players, both governmental or non-governmental, who have the ability to influence formal policymaking.

the U.S.-Japan alliance is the Assistant Secretary of Defense for Asia-Pacific, the Deputy Assistant Secretary of Defense for Northeast Asia, and the Japan Country Team that may be comprised of two to seven bureaucrats at any given time.

State Department East Asian Affairs Bureau: The State Department in Washington D.C. handles myriad issues related to the U.S.-Japan relationship beyond simply the realm of security. With issue attention devoted elsewhere, the number of officials that stay heavily involved in alliance management is relatively small. Generally, the players include the Deputy Assistant Secretary for Asia-Pacific and the Japan Country Team. At times, members of the State Department's legal team may join to ensure that negotiated agreements include acceptable language and align with the U.S.'s other international agreements.

Joint Chiefs of Staff: The Joint Chiefs of Staff office in Washington, D.C. maintains a Japan desk in its J5 Policy directorate. Comprised of one-to-three desk officers, the J5 policy team has varying levels of involvement in alliance management activities given the presence of joint military commands in Hawaii and Tokyo.

Headquarters, Indo-Pacific Command: Known simply as "Pacific Command" until 2017, this Headquarters based in Honolulu, Hawaii has over thirty countries and more than 100 million square miles of territory in its area of responsibility. It also has a subunified command in Japan, meaning that its responsibilities and issue attention specific to Japan are limited. On average, INDOPACOM tends to have one or two Japan desk officers at the working level, with a director-level officer who also maintains responsibility for issues related to other Northeast Asian countries. INDOPACOM also maintains working relationships with Japanese counterparts across most functional areas including cyber, intelligence, and operations, though in the operational more than the policy realms.

Headquarters, U.S. Forces, Japan: "USFJ" is an evolution of the former "Far East Command" that existed in Tokyo until 1957. The headquarters is home to the alliance managers responsible for joint-operational and strategic-level alliance management. The staff covers a wide range of alliance management functional areas, from implementation of cost-sharing agreements to management of the Status

of Forces Agreement and negotiating and implementing the Defense Guidelines. USFJ's principal policy actors are the Deputy Commander (who chairs the Joint Committee), the J5 Director of Plans and Policy, the four members of the J54 Government Relations Branch, the members of the Staff Judge Advocate office, and the Joint Committee Secretary.

U.S. Military Component Commands in Japan: There are four military components in Japan: one representing each branch of service—the Air Force, Army, Navy, and Marines. These component commands are spread throughout the country, with two in Kanagawa Prefecture, one in Tokyo, and one in Okinawa. Each component command has policy officers that contribute to alliance management.

U.S. Embassy, Tokyo: Finally, there is the U.S. diplomatic mission in Tokyo. The most relevant players in alliance management are the Ambassador, the Deputy Chief of Mission, the Political Minister-Counsellor, and the Political-Military Affairs Unit.

On the Japan side, alliance managers are spread throughout government ministries and agencies, but the key level I players come from four different entities.

Ministry of Defense: The U.S. Office of Secretary of Defense's counterparts are in the Internal Bureau (*naikyoku*) of the Ministry of Defense (previously, the Japan Defense Agency). The Internal Bureau is comprised primarily of government bureaucrats with some seconded Self Defense Force and interagency officials. Within the Internal Bureau, the most important offices for U.S.-Japan alliance management have been the Defense Policy Bureau and the following divisions within it: the Defense Policy Division, the Japan-U.S. Defense Cooperation Division, and the Strategic Planning Division (formerly, the Strategic Planning Office). It is important to note that unlike its U.S. Department of Defense counterpart, the Ministry of Defense is institutionally weak within the Japanese bureaucracy. Its relative weakness has implications in managing alliance issues that go beyond traditional Ministry of Defense functional areas.

Ministry of Foreign Affairs: Within the Ministry of Foreign Affairs, the North American Affairs Bureau is the primarily interlocutor for alliance management issues. The offices principally responsible within the bureau are the Japan-U.S.

Security Treaty Division and the Status of Forces Agreement Division. Within those two divisions are approximately thirty personnel that share a single office.

Japanese Embassy, Washington: The Japanese Embassy in Washington offers a few key policy players, though this level of influence has shifted over time. Before the normalization of video teleconferences, e-mail, and other digital communication, the face-to-face contact between Embassy officials in D.C. with OSD and U.S. State Department counterparts was critical. The important policy actors within the Embassy included the Political Minister-Counsellor, seconded Ministry of Defense (previously, Japan Defense Agency) officials, and the Defense Attaché team. While each of those players are still relevant today, the reliance upon them for coordination and negotiation with D.C.-based U.S. government representatives has waned, and thus, so has their relative influence in alliance management.

Japan Self Defense Force: The civil-military divide in Japan has been especially pronounced in the postwar era, and only recently has the JSDF been able to wield institutional influence in major policy decisions. Until the mid-nineties, several opposition parties in Japan did not recognize the constitutionality of the Self-Defense Forces, and even among those that approved of the JSDF, there was the sentiment that they were *zeikin dorobo*, or “tax thieves” that yielded little real benefit to the country.³⁷ The result was that institutionally, the JSDF has not been part of the key alliance mechanisms such as the SCC, SSC, SDC, or Joint Committee. Over time, however, a greater number of JSDF officials have become involved in key alliance management decisions as seconded officials to the Ministry of Foreign Affairs, within the Ministry of Defense’s Internal Bureau, the Cabinet Secretariat, Japanese Embassy, Washington, and, since 2014, the National Security Secretariat.

Level II: The Political Level

Given the diversity of allies and the long-standing bipartisan support for the U.S.-Japan alliance, the number of Level II actors in the United States influencing the alliance is less than what may be relevant in debates over trade or legal issues. In practice, only two entities at Level II are particularly relevant in the discussion of the

³⁷ Michael MacArthur Bosack, “New era, New Self-Defense Forces,” *The Japan Times*, June 27, 2019.

Guidelines for U.S.-Japan Defense Cooperation: the White House and the U.S. interagency. The third, Congress, has relevance in some aspects of the relationship, but little direct influence related to alliance management policy. These are detailed more below.

White House/NSC: The White House and National Security Council are important for head-of-government level policy decisions, but in dealing with security relationships all over the globe, they have limited bandwidth for engagement in U.S.-Japan alliance matters. The two instances when they have the most interest and issue attention is in crisis situations and whenever a summit-level meeting or phone call is scheduled. Aside from those circumstances, formal policy- and decision-making responsibility is delegated to the executive departments, namely the State Department and Department of Defense. The result of limited issue attention is that alliance management on the U.S. side tends to be level I policy actor-driven, with infrequent White House involvement. This is a circumstance detailed further in chapter 3.

U.S. Interagency: The relative power of the State Department and Department of Defense means that their alliance management decisions tend to go without challenge from other members of the U.S. interagency. Other U.S. Departments or Agencies have generally stayed out of U.S.-Japan security policy affairs, focusing instead on their direct, operational ties with Japanese counterparts. One example is the FBI and Japan National Police Agency. Although counter-terrorism and cyber defense are relevant to the U.S.-Japan alliance, the FBI has not involved itself in alliance designs related to those functional areas unless requested by Defense or State officials. These level II players tend to enhance, rather than degrade, alliance cooperation.

U.S. Congress: The U.S. presidential system introduces features that are different from that of Japanese counterparts, especially in how powers are separated between the executive and legislative authorities. The U.S. Congress has the mandate to produce or modify laws and ratify certain international agreements but is otherwise limited in its application of power within international relationships. In other words, if there is no need for new laws or ratification of new agreements, Congress has little ability to inject itself within alliance management processes.

Members of Congress may scrutinize and protest certain aspects of an alliance, but the long-standing bipartisan support for the U.S.-Japan alliance has insulated the alliance from strong congressional interjection.

On the Japan side, level II policy actors are both more plentiful and more powerful. The issue attention and vested interest of these players mean that they are more involved in alliance management decisions and can affect alliance designs in important and meaningful ways. They include the following actors.

Kantei: Literally, “Kantei” is the name of the Prime Minister's official residence, though it has come to represent the Prime Minister and his supporting staff. Importantly, the Kantei influences the alliance by acting as an agenda setter, policy coordinator, and veto player. The Prime Minister gives the level I alliance managers the leeway to pursue policy objectives. The Prime Minister and his staff serve as policy coordinators not only between the relevant ministries and agencies, but with political parties, be it the Liberal Democratic Party, Komeito, or opposition parties.

Relevant Ministries and Agencies: Alliance managers refer to members of the Japanese interagency that have a role in the U.S.-Japan Alliance as the “Relevant Ministries and Agencies” (*kankei shōchō*), or RMAs. Unlike the U.S. government, the RMAs are important veto powers at level II, owing in part to their relative power over the Ministry of Defense and Ministry of Foreign Affairs within Japan’s bureaucratic hierarchy. This issue has become particularly salient as the alliance has sought to incorporate non-military entities into its security activities, such as the Japan Coast Guard. The Japan Coast Guard (*Kaijōhoanchō*, or literally, the “Maritime Safety Agency”) falls under the purview of the Ministry of Land, Infrastructure, Transport, and Tourism and has used its veto power to remain separate from the military activities of the JMSDF and U.S.-Japan Alliance.

Liberal Democratic Party: The Liberal Democratic Party formed in 1955 and has only been out of power for a total of about five years since. The ability for one party to control the Japanese government for a long period persisted in part because in the early stages of the postwar Diet, all the anti-socialist elements of the government had to consolidate their power to oust left-wing forces. No center-left, centrist or right-wing party had the ability to do so on its own, so the Liberal

Democratic Party formed in 1955 and took hold of the government. The wide spectrum of policy preferences has enabled the LDP to shift to the left or right depending on the political climate (for example, the introduction of “Mr. Clean” Takeo Miki in the 1970s starkly contrasted the hawkish Yasuhiro Nakasone administration of the 1980s); however, it also means that there are internal veto players to security agenda items. Although it is written into the LDP charter that the party will one day amend the constitution, not every LDP member is pro-amendment, just as not every member is pro-U.S. or pro-military. Some LDP politicians would rather spend the party’s political capital on other initiatives outside of unilateral or bilateral security priorities. What this means for the alliance is that members internal to the LDP could seek to affect the Prime Minister’s policy agenda or veto certain items within a desired security initiative.

Komeito: The Komeito has been an important policy actor since the mid-nineties.³⁸ Starting out in the opposition camp, this minor party derives its strong base from its institutional ties to the *Sokka Gakkai*, a Buddhist religious organization with chapters and members across Japan. In 1999, the Komeito formed a coalition with the Liberal Democratic Party, which it has maintained even when the coalition fell to the Democratic Party of Japan from 2009-2012.³⁹ Institutionally, the Komeito is a pacifist party, but its members tend to range from center-left to center-right on the political spectrum.

Despite its relatively small numbers within the coalition, Komeito has exercised a disproportionate level of power in areas where consensus among LDP factions is fractured; namely, the realm of security. It was evident in the late 1990s and early 2000s with new security legislation, and in 2014-15 with the reinterpretation of Article IX of the constitution and its implementing legislation. The Komeito is successful in the realm of security for two reasons. The first is obvious: the LDP leans on Komeito for Diet votes and election support. The second is less transparent to outside observers, but security is the policy area with the least

³⁸ Adam P. Liff and Ko Maeda, “Electoral incentives, policy compromise, and coalition durability: Japan’s LDP-Komeito Government in a mixed electoral system,” *Japanese Journal of Political Science* 20 (2019): 53-73.

³⁹ At the time, the Komeito called itself the “New Komeito.” The party dropped the “New” from its name in 2014.

consensus within the LDP. Because the party contains formal factions whose leaders espouse different policy priorities, there are both doves and hawks, as well as those who would rather spend the party's political capital on something other than security. The absence of consensus affords Komeito maneuver space within the LDP's security policy designs. This gives them strong influence as Level II policy actors--influence that they have wielded in shaping the interpretation and implementation of the 1997 and 2015 Defense Guidelines.

Opposition Parties: Japanese opposition parties have few avenues for influencing security policy. The first is by wresting control of the government away from the LDP, which they managed to do so for limited periods starting in 1993 and in 2009. However, even then, they must contend with Japan's traditionally strong bureaucratic institutions, making it challenging to implement major shifts in policy. The second option is to negotiate minor changes to the legislation in exchange for support in passing the bills through the Diet. Unless the opposition parties control more than one-third of both houses, they have little leverage to force the ruling party to make substantive changes.

The last option is through Diet interpellations. As mentioned earlier in the chapter, *tōben* is meaningful as de facto policy, so opposition parties could use their questions in the Diet to force the cabinet to clarify and redefine certain policies. The leverage that the opposition parties have in Diet deliberations is public opinion. All Diet interpellations are broadcast on television and reported on in major news outlets. If a Cabinet respondent's answers drive controversy, it can deplete the ruling party's political capital that may have otherwise been spent on implementation of initiatives. An example of this was in 2015 when the nearly four months of Diet deliberations over the "Peace and Security Legislation" drove a ten percent drop in cabinet approval rating. Opposition parties understand this leverage and employ it in legislative proceedings.

Conclusion

This primer is by no means exhaustive, but it offers the foundational knowledge necessary for understanding the dynamics at play in negotiations related to the U.S.-Japan alliance. As is true in so many other cases, it is critical to "know

the game, know the rules, and know the players,” so this chapter detailed the U.S.-Japan alliance, the security practice that underwrites it, and the policy actors that manage it. The U.S.-Japan alliance is founded upon an alliance charter that has only been renegotiated once in 1960 but maintains mechanisms for formal alliance management. The two allies have mutual interest in maintaining the alliance but have a disparity in their respective approaches to security that can complicate initiatives meant to capitalize on their mutual interest. Both governments have dedicated “alliance managers” that interact at the international level (level I), though whereas the United States has few veto players at the domestic “political” level (level II), Japan has many. These core themes are prevalent throughout this dissertation.

Chapter 3

How the U.S.-Japan Alliance changed through negotiation of the 1997 & 2015 Defense Guidelines: Modifying the Two-Level Model for Intra-Alliance Bargaining

The Guidelines for U.S.-Japan Defense Cooperation reshaped the alliance and did so in ways that were de facto renegotiations of the *casus foederis* and the core trade-offs in the security relationship, but how? Who was responsible for redefining these things? How did they come to the final products? What are some key observations that may be of interest to academics and practitioners?

In searching for the answers to these questions, Robert Putnam's two-level model is instructive. Traditional studies on intergovernmental negotiation tend to use Putnam's model from 1988, where he looks at two phases of negotiation that occur at two levels. The phases include *negotiation*, or the actual step of hammering out a deal between two or more parties, and *ratification*, which is the step of getting the deal approved in each side's respective governments.⁴⁰ The two levels at which governments negotiate and ratify these deals are the *international* level where the intergovernmental dealings principally occur (level I), and level II, the *domestic* level where decision makers have to manage unilateral interests within their own governments.⁴¹

While this model has been a useful tool for many examinations,⁴² it has some shortcomings in explaining several phenomena related to the U.S.-Japan alliance and

⁴⁰ Robert D. Putnam, "Diplomacy and domestic politics: the logic of two-level games," *International Organization*, Vol. 42, No. 3 (Summer 1988).

⁴¹ *Ibid.*

⁴² See, for example, Tomohito Shinoda, "Two-level game analysis of Japan in the TPP negotiations," *Asian Journal of Comparative Politics*, (July 2019); Baris Kesgin & Juliet Kaarbo, "When and How Parliaments Influence Foreign Policy: The Case of Turkey's Iraq Decision," *International Studies Perspectives* 11, no. 1, (2010): 19-36; Stephen Hurst, "The Iranian Nuclear Negotiations as a Two-level Game: The Importance of Domestic Politics," *Diplomacy & Statecraft* 27, No. 3 (2016): 545-567; Corneliu Bjola and Ilan Manor, "Revisiting Putnam's two-level game theory in the digital age: domestic digital diplomacy and the Iran nuclear deal," *Cambridge Review of International Affairs* 31, No. 1 (2018): 3-32; Peter F. Trumbore, "Public Opinion as a Domestic Constraint in International Negotiations: Two-Level Games in the Anglo-Irish Peace Process," *International Studies Quarterly* 42, No. 3 (Sep 1998): 545-565.

the Defense Guidelines that have evolved the security relationship since 1978. For example: how did the allies decide to enter negotiations on the Defense Guidelines each time? Working level officials rarely have the authority to make decisions to start negotiations in a vacuum; there must be some impetus and direction that initiates and bounds the negotiating process, but when and how did that occur? In other words, what did the two-level game look like that resulted in the decision to renegotiate the terms of an existing agreement?

Also, why is it that the activities detailed in the text of the Guidelines look so different from what the allies eventually implemented? In theory, Putnam's model might suggest that an agreement should be perfectly implementable as ratified; after all, if governments satisfy all level I and level II ambitions, logic holds that they should be able to execute the terms of the agreement without further disruption. However, as detailed in chapter four, there are inconsistencies between the specific language of the Defense Guidelines and the activities done to carry out its terms. This suggests that the two-level game continues *after* ratification is complete. Thus, a modification of Putnam's model is necessary to explain when and how it does.

As such, this chapter has two core objectives. The first is to clarify the intergovernmental negotiating process. While keeping the two-level model intact, this study expands the phases in examination from two to six, illustrating that the two-level game varies in each new phase. The second objective is to apply this newfound clarity in explaining how the U.S. and Japanese governments renegotiated their alliance designs through the 1997 and 2015 Defense Guidelines.

The significance of this research is three-fold. First, it offers an understanding of how allies update their alliance designs. This has broad application across any security relationship, especially those governed under an alliance treaty. Second, it provides an after action review for alliance managers. If precedent holds true, the next Defense Guidelines should be looking at renegotiation sometime in the early 2030s, so having a clear understanding of the process could help inform future officials in their herculean task of redesigning the alliance.⁴³ Third, it adapts the two-level model for intra-alliance negotiations. The two-level, six-phase model is

⁴³ The interim between the first Defense Guidelines and second was 19 years, with 18 years separating the next iteration.

useful for understanding the evolution of alliances, since it provides a more complete picture of how alliance designs change over time and where each level of policy actors wields more influence. Importantly, the six-phase model likely has applications in examinations of intergovernmental negotiations in other functional areas such as trade deals, peace treaties, and cost-sharing agreements.

To accomplish all of this, this chapter focuses on use of primary sources. This is, in part, owing to the dearth of secondary source information on the negotiations themselves. Fortunately, locating and piecing together the puzzle pieces was straightforward. Once one has identified the level I and II players (as done in chapter two), it is simply a matter of going to their repositories for information. For politicians, that tends to be congressional or parliamentary testimony, voting records, Op-Eds, and official statements. For alliance managers, there are government records and joint statements that are available through freedom of information laws and personal interviews. News stories and public opinion polling provide additional context for the negotiations. Then, of course, there are the negotiated agreements and the activities of the allies, themselves. Taken in aggregate, these things offer a complete picture of how the negotiations played out.

Modifying Putnam's two-level model

One of the challenges of studying negotiation between governments is that intergovernmental negotiation does not have a specific field of study. Existing discourse tends to focus on negotiations in functional areas outside of government; e.g. business dealings, interpersonal bargaining, or hostage negotiations, among others. While those examinations can be instructive, there are inherent differences in negotiations that occur between governments. One example of a major difference is that there is no single authority for enforcement of international agreements. Thus, to bridge gaps in scholarship, one must employ an interdisciplinary approach firmly rooted in a single, tried and true international relations model.

In his 1988 article, Robert Putnam laid that foundation for understanding *intergovernmental* negotiations. In some ways, the principles of Putnam's model are already transferable to any study of negotiation. One example is that of the *win-set*. The win-set, as Putnam defines it, is comprised of all possible agreements that would

have the necessary support for ratifying the deal.⁴⁴ In traditional negotiation vernacular, that is a negotiator’s “range,” which is simply all potential outcomes up to a “reservation point,” or the point at which accepting a deal is less beneficial than walking away.⁴⁵ Where Putnam discusses the overlapping win-sets as the area where deals between governments may be possible, traditional negotiating studies call that the “Zone of Possible Agreement.”⁴⁶

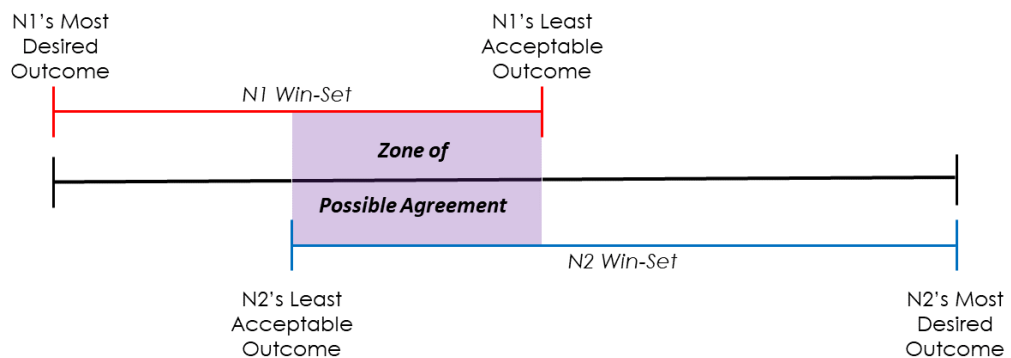


Figure 3.1: Win-sets & the Zone-of-Possible-Agreement

Putnam’s model branches away from traditional negotiating studies in the discussion of two levels and two phases. Indeed, this departure is a distinguishing characteristic that separates negotiations between *companies* and negotiations between *countries*. Putnam’s two levels are the *international* level (Level I) and the *domestic* level (Level II). This introduction of a second level is key, because it means there are *external* forces that can shape a negotiation whether simply through threat of veto or through direct influence at some at some point in the process.

An understudied but relevant part of Putnam’s model is the bifurcation of the negotiating process into the *negotiation* and *ratification* phases. Putnam’s main purpose in doing this was to delineate between the primary role players--that is, level I for negotiation and level II for ratification--to contribute to the understanding of breakdowns that may occur between the negotiating table and the signing ceremony.

⁴⁴ Putnam, 437.

⁴⁵ Brian R. Urlacher, “Groups, Decision Rules, and Negotiation Outcomes: Simulating the Negotiator’s Dilemma,” *Negotiation Journal* 30, No. 1 (Jan 2014): 5-22.

⁴⁶ *Ibid.*

Bounding the study to two phases was effective for the scope of Putnam's own examination, but even he acknowledges that additional phases of negotiation may exist.⁴⁷ Others have attempted to define those phases since.

Outside of the two that Putnam identified, the most common phase of negotiation that scholars have endeavored to study is *pre-negotiation*. This is the discussion and contemplation that occurs before entering formal negotiations. Depending on the field of studies, it has come in different names, including "Value Network Fit,"⁴⁸ "establishing initial dialogue,"⁴⁹ and "prenegotiation,"⁵⁰ but the basic conclusions tend to be the same: there is a necessity for engagement to happen before both parties consider themselves ready for formal negotiations. That necessity drives a separate type of negotiation that is just as important but entirely distinguishable from the negotiation phase.⁵¹

Negotiation and international relations studies have not been as focused on the phases of negotiation that occur after ratification, so we must turn to another relevant field of study to fill the gaps. A field focused principally on individual governments that is helpful in informing our understanding of intergovernmental negotiations is Public Policy Process. If the domestic level is important, then a deep understanding of how that level operates is equally critical. From the broad field of Public Policy studies, the "Policy Cycle Framework" is instructive. Essentially, there are six stages in the policy cycle: agenda-setting, policy formulation, decision-making, implementation, evaluation, and (eventually) termination.⁵² In essence, a negotiated and ratified agreement still has to go through a similar process, though one must examine two or more governments and how they interact, instead of just

⁴⁷ Putnam, 436.

⁴⁸ William W. Baber, "Identifying Macro Phases Across the Negotiation Lifecycle," *Group Decision and Negotiation* 27 (2018): 890.

⁴⁹ Demetrius O. Madrigal, Daniels R. Bowman, and Bryan U. McClain, "Introducing the Four-Phase Model of Hostage Negotiation," *Journal of Police Crisis Negotiations* 9, No. 2 (2009), 120.

⁵⁰ I. William Zartman, "Prenegotiation: Phases and Functions," *International Journal* 44 (Spring 1989).

⁵¹ Markus Gastinger, "The Tables have turned on the European Commission: the changing nature of the pre-negotiation phase of the pre-negotiation phase in EU bilateral trade agreements," *Journal of European Public Policy* 23, No. 9 (2016).

⁵² Werner Jann and Kai Wegrich, "Theories of the Policy Cycle," in *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, ed. Frank Fischer, Gerald J. Miller, Mara S. Sidney (CRC Press: New York, 2007), 43.

one. Importantly, the relative importance of alliance managers and domestic policy actors shifts along the way. The necessary step now for this examination is adapting elements of the policy cycle framework to Putnam's model. This chapter thus offers a two-level, six-phase model.

There are two assumptions that are essential to the six-phase model. The first is that negotiation is a continuous process, meaning that negotiations are necessary to get to the actual negotiating table, to get the deal done, and then to implement it. This is important, because it means that a two-level game is feasible during every phase.

The second assumption is that there are limited ways in which interactions occur between levels in the two-level game. This assumption plays out differently than what Putnam originally envisioned. What he described was two game boards, one with international players and one with domestic players.⁵³ This makes sense when only looking at the negotiation and ratification phases, and particularly when level II policy actors can directly shape outcomes. However, interactions in the two-level game are not limited to one specific mode of influence; rather there are three that are relevant to the six-phase model.

First, level II policy actors can set boundaries for level I negotiations. These can be done through formal or informal direction. An example of this is the U.S. government's "Circular 175" process, which is meant to ensure that all international agreements conform with domestic laws, and to ensure that relevant departments and agencies weigh in before the government formally engages in international negotiations.⁵⁴

The second type of interaction occurs when level II actors provide direction during level I negotiations. This is where level II policy actors actively shape outcomes during intergovernmental negotiations. Principally, they do this as veto players, meaning they have a vote whether items make it into the text of the agreement or not.

⁵³ Putnam, 434.

⁵⁴ U.S. Department of State, "11 FAM 720: NEGOTIATION AND CONCLUSION" (September 25, 2006).

Finally, level I actors may alter their own behavior and decisions based on their expectations of level II responses. In other words, negotiators will sometimes make decisions based on what they *think* they will face when taking something back to domestic policy actors, rather than what they may have received as formal or informal directives. This could be because they sense something will be overly controversial or will simply be unacceptable given a particular level II policy actor's interest. In these cases, the level II policy actors do not have to take any specific action to influence outcomes from the intergovernmental negotiation, but their interests, patterns of behaviors, and institutional ability to affect outcomes at some point during the negotiation lifecycle still matter.

With these assumptions in mind, there are additional considerations that come with the expansion from two-to-six phases. Putnam acknowledges the role of preferences, political institutions, and negotiator strategies in shaping win-set sizes.⁵⁵ These considerations do not go away when expanding the model to six phases, but it potentially gets more complex. During those additional phases, there could be different players, preferences, institutions, and strategies. As such, it is necessary to address three questions.

The first is, what policy actors could potentially be involved in the negotiation process? For example, chapter 2 lays out the level I and level II players involved in U.S.-Japan alliance policy decision-making. Once those players are identified, the second question becomes, which policy actors actually have the ability to affect outcomes during each phase? In other words, who can actually shape the size of the win-sets? During each phase, there may be policy actors that would like to affect the outcomes of the negotiation but may not be able to do so at a specific point of time; instead, they must bide their time until future phase when they do have a mechanism for imposing their own interests. Third, which policy actors actually try to influence outcomes during each phase? Just because a policy actor has the ability to shape win-sets does not mean that they will try to do so. Issue attention and individual policy objectives are relevant to the two-level game that occurs in each phase. Answering those three questions enables users of the six-phase model to

⁵⁵ Putnam, 442.

understand clearly how the two-level game will play out, because it will be different for every negotiation.

The Six Phases of Intergovernmental Negotiation

In examining the full lifecycle of intergovernmental negotiations, there are six phases: (1) pre-negotiation; (2) agreement to negotiate; (3) negotiation; (4) ratification; (5) interpretation; and (6) implementation. Each phase is unique, and the importance of the respective levels differs from phase-to-phase. These are described in detail below.

Phase I: Pre-negotiation

Unless there is some external impetus for entering a negotiation (e.g. the expiration of an existing agreement), governments will take time to “feel each other out.” Each government will assess what it stands to gain or lose and what the other side’s interests, constraints, and restraints may be. All of these decisions typically happen at level I, with working level officials from each side engaging informally to gather information and to make assessments that they can provide to level II decision-makers.

Ultimately, the goal for officials in this phase (even if they do not immediately recognize it) is assessing the “zone-of-possible-agreement” (ZOPA), or where each party’s win-set overlaps. The ZOPA is the space between each side’s least acceptable outcome from the negotiation, and during the pre-negotiation phase, the goal is to expand one’s own win-set and/or convince the other side to expand theirs until the bargaining ranges overlap; that is, until an agreement is possible. The figure below illustrates this concept:

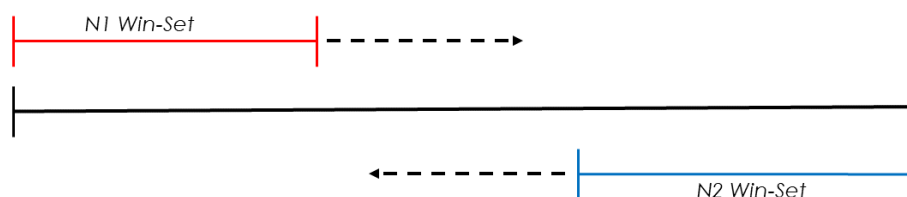


Figure 3.2: *Pre-Negotiation: Searching for a Zone-of-Possible Agreement*

Phase one can be time-consuming: the time necessary to assess whether a ZOPA actually exists can range from near-immediate to years-long. This owes in part to the necessity to align level II interests with those of level I policy actors. Simply put, intergovernmental negotiators must convince domestic decision-makers to grant enough concessions to entice the other side to a negotiation. The point is that until one side can convince the other that a negotiation is capable of yielding an agreement that falls within its win-set, there will be no impetus to move forward.

One important note here: a party to the negotiation may set preconditions. While it may not be immediately evident to some, preconditions are directly tied to the ZOPA: either they comprise elements of a side's "least acceptable" outcome, or they serve as signals that a ZOPA indeed exists. A simple example here is when warring parties decide upon a cease-fire as a precondition to formal peace talks; for them, the cessation of hostilities is part of the baseline acceptable outcome, and any subsequent negotiation will be for other objects.

Once the governments have completed their assessments and decided that it is in their interest to negotiate, they engage one another to work out key parameters for the negotiation. This marks the advancement to the next phase.

Phase 2: Agreement to negotiate

Once two or more parties decide that a negotiation can produce a favorable enough outcome, they set the parameters for the negotiation. This often includes the fundamental guidelines such as purpose, timeline, and perhaps some key objectives that all sides hope to achieve in the negotiation. They may also set boundaries to note explicitly what issues are off-limits for the negotiations or to clarify the specific objects in play. Finally, an agreement to negotiate may clarify specific details such as where negotiations will take place, how frequently they will occur, or who will be representing each side, though those conditions are fairly rare for a publicized agreement to negotiate.

While level I negotiators will work out the details, the actual agreement to negotiate is typically decided at level II with domestic political leaders. This is a point in the two-level game where level II players often have an opportunity to shape

a negotiation directly. An example of this was the 1996 Joint Declaration between President Clinton and Prime Minister Hashimoto. That declaration noted that the two countries would renegotiate the 1978 Guidelines for U.S.-Japan Defense Cooperation, but before the two heads-of-government met, they each had to concur with the decision. Level I officials worked out all of the details for what the two sides aimed to achieve through negotiations and sent them to their respective political leaders to approve. Those administrations then had to determine whether the objectives aligned with their respective political agendas, and when they felt comfortable with the way ahead, they issued the joint declaration. In addition to stating the agreement to negotiate, the declaration specified some key areas where they would try to evolve the U.S.-Japan alliance

In essence, the joint declaration and other ‘agreements to negotiate’ like it bounds the negotiation to the ZOPA. It sets expectations for the level I negotiators, and tends to specify the objects that are on the table. This is illustrated in the figure below, and represents the transition point to the next phase:

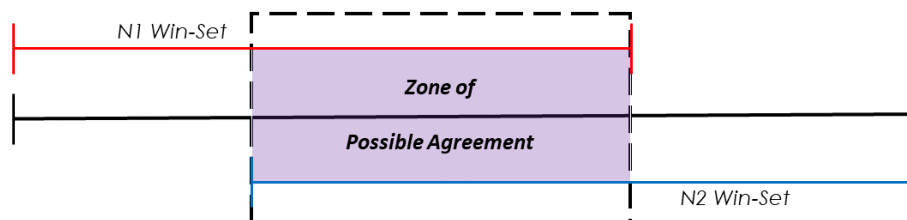


Figure 3.3: *Agreement to Negotiate: Bounding the ZOPA*

Phase 3: Negotiation

Once the agreement to negotiate is in place, the level I negotiators get to work in the negotiation phase. Their goal is simple: produce an ad referendum agreement that meets the guidelines set during phase two.⁵⁶ The negotiation phase for intergovernmental negotiations can be long or short depending on the objectives for the agreement, the relative costs and benefits to be gained or lost, and the strategies

⁵⁶ Ad referendum means “for referral,” and is the term-of-reference for negotiated agreements that are awaiting ratification.

of the parties to the negotiation. The two-level game may include direct influence from level II policy actors, or level I decisions that reflect perceived level II preferences. The result of this is that what is eventually included in the ad referendum agreement is less than what was within the ZOPA when the parties originally agreed to negotiate. This is shown in Figure 3.4, and represents the halfway mark in the full life-cycle of intergovernmental negotiations.

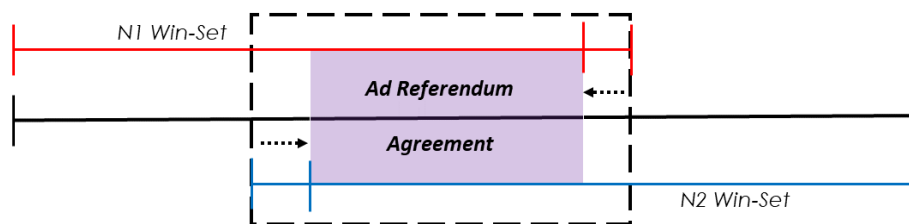


Figure 3.4: *Negotiation:* Producing an “Ad Ref” Agreement within the ZOPA

Phase 4: Ratification

There are essentially two forms of ratification: one, an executive authority signs an agreement that is then immediately enforceable; or two, a legislative authority deliberates an agreement before deciding whether to ratify it. In both cases, domestic policymakers may disagree with the terms of the agreement. It is important to recognize that ratifiers only have three options: (1) reject the agreement outright; (2) send the ad referendum agreement back to negotiating table; or (3) ratify it.

When ratifying the agreement, it codifies certain terms and conditions that were included within the two sides’ final win-sets from the negotiation, as shown in Figure 3.5:

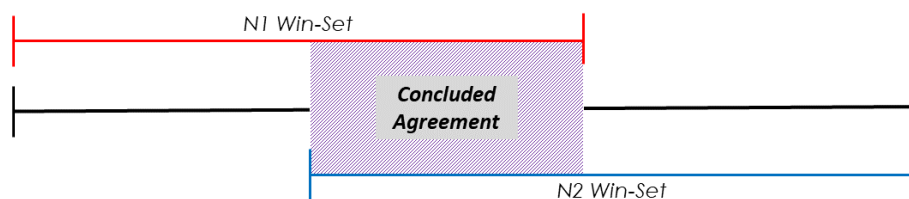


Figure 3.5: *Ratification:* Binding the terms of the Agreement

The issue is that domestic-level policy actors may set the conditions for reinterpreting the terms of the agreement after ratification.

Phase 5: Interpretation

Once ratification is complete, the *language* of an agreement may be fixed, but it does not mean the *definition* is set in stone. Rather, each party then has to figure out how it intends to carry out the terms of the agreement. Before executing an intergovernmental agreement, each side will review the terms and conditions, prioritize items for implementation, and interpret its constraints and restraints necessary for compliance. Sometimes interpretation happens formally through the introduction of new legislation. That legislation may bound the limits of implementation; after all, a government will tend not to exceed its own laws, even if an international agreement demands it. There is also informal interpretation that occurs when policymakers review the agreement. This often happens when implementers of the agreement are different from the negotiators, since it is unlikely that they will understand all of the original intent behind the specific language which, in intergovernmental negotiations, is typically agonized over until all sides agree on every single word. This will also happen whenever there is a changeover in personnel, where a new person in charge may simply say, “I don’t think that’s what it’s supposed to mean,” or “I don’t like that we’re putting so much emphasis on this aspect of the agreement when we should be focused on this other section.”

An important point about the interpretation phase is that it is done entirely at level II without the necessity of deliberations with the other side. The only level I interaction comes in the form of the completed agreement, which informs level II debates. Those debates often see impositions of additional interests and changes in position which once again transform win-set sizes and shrink the scope of what is implementable within an agreement, as shown in the figure 3.6. That means that when the parties to the agreement come together for implementation, they may once again require negotiations at the working levels.

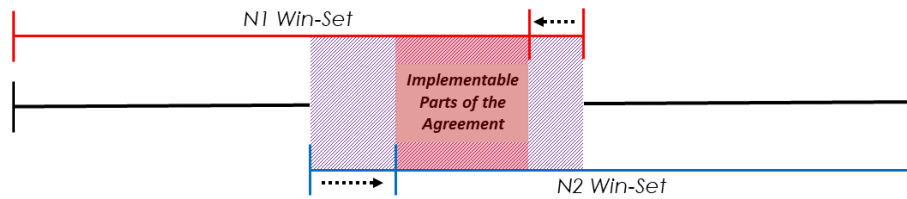


Figure 3.6: *Interpretation:* Shifting the outcomes of the agreement

Phase 6: Implementation

The final phase of a negotiation process is implementation. While that may seem simple in theory, intergovernmental negotiations often produce agreements requiring action across several organizations in multiple countries. Implementers also have the challenge of taking both the agreement that the parties agreed upon as well as their unilateral interpretations and finding some meaningful way to put them into action. This often requires additional negotiations, maybe even the addition of subsequent agreements, memoranda of understanding, or other international instruments. Ultimately, the goal is to expand the scope of what is implementable within an agreement, which Figure 3.7 depicts:

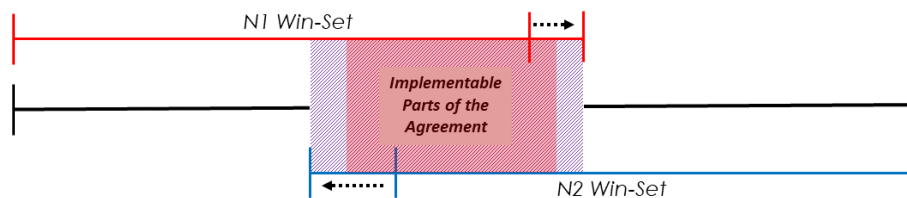


Figure 3.7: *Implementation:* Shifting outcomes back to the original terms

Making this process easier is that the decision authorities for implementation are typically at lower levels of government that do not require level II input, but all this activity means that further changes to the original negotiated agreement are probable.

The implementation phase is the last of the six, but the process itself is cyclical. No agreement is permanent, meaning that eventually the parties will have

to decide whether to terminate the agreement or to negotiate it once again. The figure below depicts all of the phases in sequence:

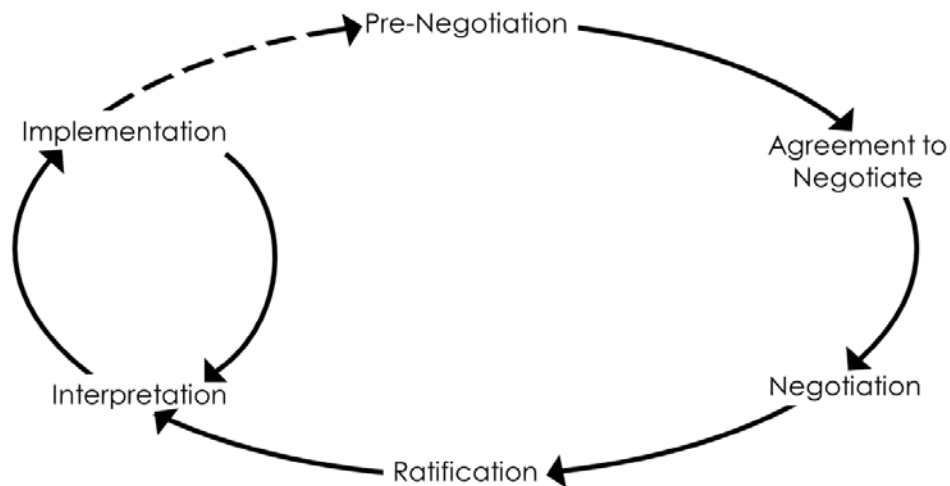


Figure 3.8: Phases of Intergovernmental Negotiation

One will notice that there is an additional line between implementation and interpretation in the figure; that is because an agreement, while still valid, constantly undergoes a sub-cycle of new interpretations and implementation.

With this, answers to questions that Putnam’s two-phase model cannot answer become clear. How do governments decide to enter negotiations? They informally negotiate until they can assess the existence of a ZOPA, and then they come to some agreement on the scope, objectives, and mechanics of the ensuing negotiation. Why does the agreement that is eventually implemented look so different from the one that was originally negotiated? That is because there were three phases of the negotiation cycle that took place after the original document left the negotiating table: ratification, interpretation, and implementation. Further, the interpretation and implementation phases are ever occurring until the parties to the agreement decide either to terminate or to renegotiate the original terms.

The addition of four phases does not invalidate the findings of previous examinations that only look at two, but it offers scholars the option to widen the aperture of their studies to yield a more comprehensive analysis of different intergovernmental negotiations. For practitioners, it is important to remember how the negotiation process works across the six phases to ensure that one builds the best

strategy for achieving one's goals through a negotiation. Understanding how agreements can evolve across the phases and anticipating how the other side may alter it in the ratification, interpretation, and implementation phases is critical to preserving one's equities over time. The negotiations over the Guidelines for U.S.-Japan Defense Cooperation offer essential case studies in demonstrating the two-level, six-phase model.

Negotiating Alliance Evolution through the U.S.-Japan Defense Guidelines

When the allies published the original Guidelines for U.S.-Japan Defense Cooperation in 1978, they entered the *interpretation* and *implementation* sub-cycle. Certainly, there were some inherent evolutions in the alliance based on these phases, but given a constant and relatively static Cold War threat and stable political administrations in both the United States and Japan in the eighties, there was little impetus for the allies to pursue fundamental alterations to their alliance arrangements. Thus, the allies stayed within their sub-cycle of interpretation and implementation, negotiating at the alliance management level with little impetus from level II to initiate a redesign of the alliance. However, the nineties brought enormous change to the U.S.-Japan security paradigm. A series of major security events took place that gave both level I and level II policy actors cause to reevaluate alliance designs.

Pre-Negotiation (1991-1996)

The first domino to fall that set off this chain of events that led to the decision to renegotiate the Defense Guidelines came on 17 January 1991. The United States launched Operation DESERT STORM, a coalition-fought, UN-supported effort to liberate Kuwait from the invading Iraqi forces. Thirty-five countries joined the coalition, supplying troops, resources, and money for the operations. For the Japanese, the legal restrictions from providing SDF support to international coalitions meant that they did not formally participate in the coalition but offered

significant financial support.⁵⁷ Importantly, U.S. government officials were not dissatisfied with Japan's contributions; after all, \$13 billion was far and away greater than what other allies had contributed and accounted for 20% of the total war effort.⁵⁸ However, this interpretation was not widely-shared. Two weeks after Operation DESERT STORM ended on 28 February 1991, the Kuwaiti government ran full-page advertisements in the Washington Post and New York Times thanking all of the coalition partners for their contributions to the war effort. Japan was noticeably absent from the list. Japan's snub in those advertisements was a crucible moment in Japanese security practice. After this, the outlook of unilateral Japanese security changed, and a new internationalism emerged that prompted policy actors in Japan to begin reworking the authorities underwriting Japanese security practice that would seek to transform the JSDF from a strictly "defense of Japan"-postured force to a JSDF with global responsibilities.⁵⁹

The outcome of that effort was the 1992 International Peace Cooperation Law, colloquially known as the Peacekeeping or PKO Law.⁶⁰ This offered new authorities for the JSDF—ones that could extend its reach beyond the confines of Japanese territory. After passing the law, Japan did not wait long to act on its new authorities: the JSDF deployed to Angola (Sep-Oct 1992), Cambodia (Sep 1992-Sep 1993), and Mozambique (May 1993-Jan 1995) as electoral observers, military observers, and engineers.⁶¹ The Japanese government executed those deployments without directly involving its alliance with the United States, but in 1994, the U.S.-Japan security relationship became relevant to Japan's PKO efforts.

⁵⁷ Article IX of Japan's 1947 constitution reads as follows: "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized."

⁵⁸ Noboru Yamaguchi, "Japanese Adjustments to the Security Alliance with the United States: Evolution of Policy on the Roles of the Self-Defense Force," In *The Future of America's Alliances in Northeast Asia*, eds. Michael H. Armacost and Daniel I. Okimoto, (Stanford: Asia-Pacific Research Center Publications, 2004), 74.

⁵⁹ Yoichi Funabashi, "Japan and the New World Order," *Foreign Affairs* (December 1, 1991): 58-74.

⁶⁰ Yomiuri Shimbun Politics Division, *Anzenhoshōkanrenhō: Kawaru anpotaisei [Security-related Laws: Changing Security Order]* (Tokyo: Shinzansha, 2015): 175-6.

⁶¹ Ministry of Foreign Affairs of Japan, "Current Issues Surrounding UN Peace-keeping Operations and Japanese Perspective," January 1997.

In April 1994, a series of escalatory events between the Hutu and Tutsi ethnic groups led to genocide in Rwanda and the exodus of over two million refugees to the neighboring countries in the Great Lakes region, including Burundi, the Democratic Republic of the Congo, Kenya, Malawi, Tanzania, and Uganda. Although the Japanese government did not originally envision deployment in support of the humanitarian assistance mission, the Murayama administration's position towards the operation changed on 22 August 1994 when the UN High Commissioner for Refugees Sadako Ogata held a personal phone call with Foreign Minister Yōhei Kōno. After receiving the direct request from the High Commissioner, the Murayama administration formally decided to examine options for deployment to Zaire that would include engineering, water purification, and other humanitarian services.⁶² The question was, if given the green light to deploy the JSDF, how would they get there?

In examining how to deploy the JSDF unit to Africa, the Japanese government turned to its U.S. ally for assistance. Since the JSDF had only planned and equipped for operations within Japanese territory, it did not have the air- or sea-lift capable of global reach—capabilities that the U.S. military readily had and demonstrated as recently as 1991 in Kuwait. Japanese alliance managers requested U.S. airlift support to transport JSDF troops and equipment, but there were two problems. First, there was no legal framework to allow for such action. Such activities are codified under an Acquisitions and Cross-Servicing Agreement, and none existed between the U.S. and Japan at the time. This owed in part to the second and larger problem: there was no provision within U.S.-Japan alliance designs for such cooperation; i.e. neither the Mutual Security Treaty nor the 1978 Guidelines called for provision of U.S. airlift for Japanese support to UN peacekeeping missions. Absent U.S. support, the Japanese government instead went with chartered aircraft,⁶³ and, unsurprisingly, by August 1994, there were calls from Japanese

⁶² House of Councillors of Japan, “*Dai 130 kai kokkai, Kessan iinkai dai 1 go* [Diet Session No. 130, Accounting Committee Session No. 1],” August 22, 1994.

⁶³ The JSDF was relegated to the far less desired option of having to contract Russian Antonov aircraft. Garren Mulloy, “Japan Self-Defense Forces’ Overseas Dispatch Operations in the 1990s: Effective International Actors?” (PhD diss., Newcastle University, 2011).

government officials (including Prime Minister Tomiichi Murayama himself) to improve mutual logistics support and to conclude an ACSA with the United States.⁶⁴

The second line of dominoes started to fall in 1991 with the collapse of the Soviet Union. With it, the U.S.-Japan alliance lost its primary threat, and observers began to question whether the alliance was still useful in the post-Cold War world. The issues related to Japan's arm's length involvement in the Iraq-Kuwait conflict served as one prompt for an alliance that could have global reach. Japan's actions in PKO further validated the potential for an alliance that could be responsive to international security situations. However, neither of those provided enough impetus for a full reworking of alliance designs.

That impetus came from the two major post-Cold War crises that took place in Northeast Asia. The first was the North Korean nuclear crisis from 1993-94. This involved a series of escalatory security incidents following discovery of North Korean nuclear weapons development, North Korea's denial of International Atomic Energy Agency inspectors, and the Kim regime's decision to remove North Korea from the Nonproliferation Treaty. As a result, the United States was postured to exercise military strikes against known nuclear weapons facilities. Although tensions dissipated with the negotiation of the U.S.-North Korea Agreed Framework in 1994, concerns over the Japanese ability to support response to a crisis on the Korean Peninsula had led to USFJ alliance managers delivering over 1900 line-items of requests to the Japanese government in the event of a Korean contingency.⁶⁵

The second crisis was the Taiwan Strait crisis from 1995-96. The Taiwan Strait separating the People's Republic of China (China) and the Republic of China (Taiwan) has been a flashpoint in Northeast Asia since the 1950s. In 1954-55 and 1958, there were two crises that led to U.S. military intervention in support of Taiwan against the Communist-led mainland Chinese government. For nearly forty years, militarized disputes remained dormant until May 1995, when the U.S. government issued a visa to Taiwanese President Lee Teng-hui. From August 1995

⁶⁴ Denny Roy, *The New Security Agenda in the Asia-Pacific Region*, (New York: Palgrave Macmillan, 1997): 150.

⁶⁵ Don Oberdorfer and Robert Carlin, *The Two Koreas: A Contemporary History, 3rd Edition* (New York: Basic Books, 2013): 251.

to March 1996, the mainland Chinese government executed a series of military exercises, live-fire drills, and missile launches in a display of coercive diplomacy.⁶⁶ The U.S. executed its own response, which was to sail the USS *NIMITZ* through the Taiwan Strait and, later, to deploy two Carrier Strike Groups near Taiwan as a demonstration of its unwavering support.⁶⁷

Just as with the North Korean nuclear crisis, there was a question over what Japan's role would be in a U.S.-led military response to Chinese belligerency. The response to either this or a Korean Peninsula crisis would be fundamentally different from those necessary for dealing with a hot war with the Soviet Union. Further, Japan's own military capabilities and security practice had evolved since the sixties and seventies.

Given these post-Cold War developments, by the mid-nineties, each government had a good idea of what their security requirements were based on their respective authorities and capabilities. Japan published its next iteration of the National Defense Program Outline in December 1995.⁶⁸ Meanwhile, the United States had its 1995 National Military Strategy, along with specific objectives based on observations from the two regional crises in Northeast Asia. Thus, each of the allies had a good idea of their individual win-sets, and level I alliance managers could see adequate impetus to redesign the U.S.-Japan alliance to meet these real-world threats. They began consultations on a new ACSA and started to examine how to operationalize alliance responses to crises such as what occurred on the Korean Peninsula and the Taiwan Strait. Still, one other domino needed to fall before alliance managers formally renegotiated the Guidelines, and that was getting to an agreement to renegotiate.

⁶⁶ Andrew Scobell, "Show of Force: Chinese Soldiers, Statesmen, and the 1995-1996 Taiwan Strait Crisis," *Political Science Quarterly* 115, No. 2 (Summer 2000): 228.

⁶⁷ In December 1995, the USS *Nimitz* passed through the Taiwan Strait. In March 1996, Secretary of Defense William Perry ordered the deployment of the *INDEPENDENCE* battle group to the waters east of Taiwan and the *NIMITZ* Carrier Strike Group to the Philippine Sea. See Robert S. Ross, "The 1995-96 Taiwan Strait Confrontation: Coercion, Credibility, and the Use of Force," *International Security* 25, No. 2 (Fall 2000): 87-123.

⁶⁸ The "National Defense Program Guidelines for FY1996 and beyond" was the first of its kind since the "National Defense Program Outline" published in 1976. This NDPO and NDPG is a strategic security document similar to the U.S. National Defense Strategy, offering an assessment of the threat environment, prescriptions for defense operations, and priorities for acquisition.

Agreement to Negotiate (1996)

The last line of dominoes to fall did so at the political level. In 1992, William Jefferson Clinton won the U.S. presidential election and ushered in the first Democratic White House since the Carter administration in the seventies. In 1993, Japan had its own political upheaval when the ruling Liberal Democratic Party lost power of the government for the first time since 1955. Turnover in governments is not impetus in itself to change the inherent foundations of the alliance, but it does introduce new policy actors and can sometimes present new policy windows—opportunities for breaks from precedent.⁶⁹

Compounding this turnover were political tensions between the United States and Japan in the mid-nineties. Trade imbalance generated some ill-will towards Japan among Americans (especially political elites). The 1995 gang-rape of a twelve-year old Okinawan by three U.S. service-members was a “strategic shock” that forced reevaluation of the terms of hosting U.S. forces in Japan.⁷⁰ For U.S. and Japanese level II decision-makers, the alliance needed a “win.” With alliance managers already working to meet the challenges of the post-Cold War strategic environment, the political level actors were game to agree to the task of redesigning the alliance.⁷¹

The agreement to renegotiate became a summit-level objective for the U.S. and Japanese governments—a key deliverable in the first meeting between President Clinton and the newly minted LDP Prime Minister Ryūtarō Hashimoto. This summit, as Secretary of Defense William Perry described, was the “most important since the end of the Cold War.” It produced the “U.S.-Japan Joint Declaration on Security: Alliance for the 21st Century,” a joint statement between the U.S. President and the Japanese Prime Minister that published the formal agreement to renegotiate the U.S.-Japan Defense Guidelines. In doing so, they set the boundaries of the Zone of Possible Agreement that alliance managers had identified in the pre-negotiation

⁶⁹ Jann and Wegrich, 47.

⁷⁰ This reevaluation came in the form of the Special Action Committee on Okinawa. “SACO” generated a final report that included major changes in U.S. force posture in Okinawa. Implementation of the SACO agreement is still in work today.

⁷¹ Howard H. Baker, Jr. And Ellen L. Frost, “Rescuing the U.S.-Japan Alliance,” *Foreign Affairs* (Spring 1992).

phase. Of course, that pre-negotiation would have meant nothing without the Joint Declaration to formalize the two sides' decision to reenter negotiations.

Negotiation (1996-1997)

After the Joint Declaration, alliance managers went to work on negotiating the Guidelines. Their first objective was anchoring the negotiations. An “anchor” is a reference point from which detailed bargaining takes place.⁷² The Washington Declaration set the boundaries, but now the two sides had to determine where to settle within the zone of possible agreement for the rest of their deliberations.

The method for setting the first anchor was to conduct a series of tabletop exercises. The allies decided that in each “TTX,” they would play through a variety of scenarios where an alliance response would be necessary. They settled on three: a North Korean crisis; a Taiwan crisis; and an international peacekeeping scenario (similar to the Great Lakes crisis). For alliance managers, there were perceived deficiencies in the alliance framework necessary to respond to those real-world crises between 1993 and 1996, so the tabletop exercises served as vehicles for replaying those events in a way which could highlight specific roles, missions, and capabilities that needed to be included in the next publication of the Defense Guidelines.

Those tabletop exercises took place between mid-to-late 1996, with time in-between for alliance managers to develop scenarios and coordinate responses to each planned “turn” in the TTX. For the Japan side, this meant coordination between personnel in Embassy, Washington and the Japan Defense Agency, especially the Internal Bureau (or *naikyoku*). For the U.S. side, the Office of the Secretary of Defense was the office of primary responsibility (or OPR), relying upon feedback from the Joint Staff, State Department, USFJ, and the in-country service components. With their responses compiled, negotiators met to discuss them in moderated sessions.⁷³

⁷² Daniel Kahneman, “Reference Points, Anchors, Norms, and Mixed Feelings,” *Organizational Behavior and Human Decision Processes*, No. 51 (1992): 296-312.

⁷³ An interesting dynamic emerged within the tabletop exercises: whereas the U.S. side perceived the exercises to serve as open seminars for back-and-forth discussion, the Japan side treated them as step-by-step presentation of their positions with discussion being left to response to U.S. questions. While this did not prohibit the execution of the TTXs, it did present some challenges for the Japanese who seemed more well-prepared for their presentations but less-so for open discussion compared to the

In the end, the TTXs established the anchor for the negotiators. Both sides gained an adequate perspective for the specific roles, missions, and capabilities the other desired given a specific scenario. Once the TTXs were complete, alliance managers submitted the “Progress Report on the Guidelines Review for U.S.-Japan Defense Cooperation” to the Security Consultative Committee. The SCC affirmed it in September 1996.

There were limitations to the TTX format. By only selecting three scenarios for the tabletop exercises, the negotiators inadvertently left the Guidelines vulnerable to a positive list approach. This meant that the Guidelines could be limited in scope to those scenarios envisioned in the TTXs. While neither sides' level I alliance managers intended for the TTXs to bound the Guidelines unnecessarily, the decision would have consequences during the ratification and interpretation phases, especially as they attempted to employ mechanisms and RMCs detailed in the new Defense Guidelines in scenarios beyond what they covered in the three original TTXs.

The second anchor that the negotiators employed was the basic template. Dropping the preamble about the SDC involvement in the process, U.S.-Japan alliance managers followed the basic format set in 1978: they identified the category of alliance cooperation and then detailed the respective RMCs. In this, they included peacetime, armed attack against Japan, and the new “Situations in Areas Surrounding Japan.” The negotiation process then followed a straightforward approach of deliberating the text of the agreement within that template.

A significant challenge during the negotiation process is that the Guidelines sought to expand Japanese RMCs beyond what were legally allowed at the time of negotiation. The existing Self-Defense Forces Law⁷⁴ was focused strictly on defense of Japan scenarios; in other words, Japanese negotiators were unsure exactly what the JSDF may be authorized to do in legally undefined situations. As a result, there were some delays in deliberating certain items while Japanese negotiators reached back for affirmation that certain verbiage could be contained in the Guidelines.

U.S. side that was the opposite: less-prepared for presentations but more-so for the discussion component.

⁷⁴ “*Jieitai hō* [Self-Defense Forces Law]” (No. 165, 1954).

Absent clear guidance from level II decision-makers, negotiators had to settle on inclusion of some items that were aspirational in nature.⁷⁵

The Japan side tried to mitigate the negative impacts of this by informing relevant offices drafting the new laws of the outcomes of the negotiations. The same *naikyoku* offices drafting positions for the negotiations were those that would later be responsible for drafting the legislation, so there was continuity in the process, but they were still not the formal decision makers. The challenge would once again come in the ratification and interpretation phases when Japan's level II decision-makers weighed in on the Guidelines and the implementing legislation necessary to actualize them.

One other issue of note regards the principal negotiators. This was a Washington-heavy process, with OSD and the Japanese Embassy in Washington doing most of the heavy lifting in deliberating the language of the agreement. This owed in part to the tyranny of distance as well as the absence of systems able to transmit draft documents for short notice review and changes. Email was not a readily available service, and while both governments employed fax machines, the process of scanning and amending documents was cumbersome, especially as negotiators deliberated specific line-items in face-to-face meetings.⁷⁶ In sum, it was difficult for level I alliance managers to provide input to their negotiating teams if they were not already at the table.

The process for completing the Guidelines took over a year, and there were two progress reports in between. The first came during the September 1996 “2+2” meeting titled the “Progress Report on the Guidelines Review for U.S.-Japan Defense Cooperation.” The second was the “Interim Report on the Guidelines

⁷⁵ Akio Watanabe and Hisayoshi Ina (1997) illustrate this point in asserting that a Japanese official described the interim report as a 'maximum list' of the rear area support operations that Japan could provide for the United States; Akio Watanabe and Hisayoshi Ina, "Changing Security Environments and their Impacts on U.S.-Japan Relations," in *Redefining the Partnership: The United States and Japan in East Asia*, ed. Chihiro Hosoya and Tomohito Shinoda (Lanham: University Press of America, 1998): 15-28.

⁷⁶ Although most U.S. government offices had internet access and email by 1996, there were disparate quantities of terminals and capability across different commands and offices. Meanwhile, the Japanese government was slower to adopt e-mail as a primary mode of communication, passing its “IT Basic Act” in December 2000; Basic Act on the Formation of an Advanced Information and Telecommunications Network Society, (2000, No. 144); Jun Murai, “The Birth and Evolution of the Internet in Japan,” *Nippon.com*, October 9, 2015.

Review for U.S.-Japan Defense Cooperation” in June 1997. The significance of these reports is two-fold: first, that the negotiation process was time-consuming enough to warrant publication of interim reports; and second, that level II players were interested enough in the negotiations to demand interim reports and considered it necessary to highlight progress publicly absent completed negotiations. Those level II players came back to fore in the ratification phase.

Ratification (1997)

By late summer 1997, level I negotiators had completed the “ad ref” draft of the new Guidelines, just in time for the scheduled meeting of the Security Consultative Committee. Once the ad ref agreement made it to decision-makers for acceptance and publication, ratification for the Guidelines went smoothly. For both sides, the approval authorities were kept within the Security Consultative Committee, thus, there was no requirement to introduce additional veto players in the decision-making process. Additionally, the Defense Guidelines gave the political level players the “win” for the alliance that they were hoping to achieve. The fact that the Guidelines did not obligate either party to execute every element of the Guidelines eliminated the need for legislative ratification, so they could merely affirm the publication in the SCC joint statement.

The way ratification occurred was straightforward: alliance managers on both sides submitted the ad referendum draft to their respective decision-makers. The alliance managers then worked together to draft an accompanying joint statement for the SCC meeting, and by September 1997, the committee published the completed Guidelines. This process illustrated that the political level mattered in that political leaders were the ratifiers, but there were neither outside veto players in play nor the mechanisms available for affecting the text of the Guidelines themselves.⁷⁷ This would change when it came to interpreting and implementing the 1997 Guidelines.

⁷⁷ This emerged as a point of contention, since critics argued that the Guidelines negotiation skirted the democratic process; Joseph Gerson, "U.S.-Japan Alliance for 21st Century Hegemony," *Peace Review* 9, No. 1 (1997): 109-115.

Interpretation and Implementation Sub-cycle (1997-2013)

The fact that the Guidelines were bound by each country's own laws was a double-edged sword during the interpretation and implementation sub-cycle. During the ratification phase, there was no need for legislative review. However, during the interpretation and implementation phases each government had to examine the limits of its own laws, and, if necessary, pass new legislation that made the roles, missions, and capabilities outlined in the Guidelines actionable. What this means is that level II actors who may not have agreed to all of the items contained in the Guidelines and no mechanism to affect the negotiation or ratification phases now had an opportunity to change the scope of the agreement unilaterally.

For the United States, this was not a challenge because there was nothing in the Guidelines that was not already legally permissible in its other alliances elsewhere in the world. Thus, level II players neither had a major stake nor mechanisms for injecting themselves into the interpretation and implementation phases. The technocratic terms of the Guidelines fell to the level I alliance managers to deliberate and execute.

Japan's situation was completely different. Its existing laws only covered three basic scenarios: peacetime activities, support to peacekeeping operations, and an armed attack situation. With the new Guidelines, the Japanese government now had to consider "cooperation in situations in areas surrounding Japan that will have an important influence on Japan's peace and security (situations in areas surrounding Japan)." With no existing legislation in place, the government had to draft and pass the *Shin-Gaidorain Kanrenhō* ("New Guidelines-related Laws"), a package of bills comprised of the U.S.-Japan Acquisitions and Cross Servicing Agreement (for ratification), the new "Situations in Areas Surrounding Japan" Law, and an updated Self-Defense Forces Law. Precedent had shown this would be no easy task.

To date, every major piece of legislation related to security that had reached the Diet floor met controversy. The ratification of the 1960 Mutual Security Treaty ended with Prime Minister Nobusuke Kishi resigning his post in exchange for getting the treaty through the Diet.⁷⁸ For decades, Japan's main opposition parties

⁷⁸ Tomohito Shinoda, *Leading Japan: The Role of the Prime Minister* (New York: Praeger, 2000).

maintained that the Self Defense Force law was unconstitutional.⁷⁹ The PKO law passed in 1992 was a recent reminder for the LDP of the expense in political capital at which security agenda items came. In other words, the odds that level II win-sets for the Defense Guidelines negotiations were the same as level I alliance managers was low. Those level II policy actors would seek to change the scope of implementation during the interpretation phase. Owing to opposition interest in challenging the Guidelines, the LDP-led government was cautious about its timing in moving forward with its next steps.

The process of approving draft laws did not occur until after the publication of the Guidelines. When drafting began in late 1997, the political landscape was relatively stable, especially compared to earlier in the decade when the opposition coalition had wrested control of the government away from the longtime ruling Liberal Democratic Party. Getting the laws to the point of a cabinet decision was a relatively straightforward task, completed on 28 April 1998.⁸⁰ The step of taking it further, however, would fall victim to order-of-precedence in addressing other political priorities; namely, the Asian Financial Crisis.

The advent of the Asian Financial Crisis had far-reaching impacts for Japan. This was a crisis in the truest sense: in 1995, Japan's Gross Domestic Product was \$5.45 trillion (adjusted); by 1998, it had fallen to \$4.03 trillion—a 26% drop.⁸¹ While this did not prevent bureaucrats in the Japan Defense Agency and members of the JSDF from supporting the drafting of the new legislation or the cabinet from approving it, it did mean that those new bills would be stalled in reaching the Diet floor until the LDP-led government could stabilize the economic (and political) situation in Japan. This was especially important for the LDP with the Upper House election scheduled in the summer of 1998.⁸²

⁷⁹ The Japan Socialist Party did not relinquish this position until 1993 when a coalition government formed to oust the ruling Liberal Democratic Party. In order to run a government that maintained a Self-Defense Force, the party had to abandon its contradictory stance that the JSDF was unconstitutional.

⁸⁰ "Cabinet approves defense bills; ASCA pact signed," *Japan Times*, April 28, 1998.

⁸¹ FRED (Federal Reserve Economic Data), "Gross Domestic Product of Japan," December 20, 2019.

⁸² The outcome reflected the LDP's relatively unstable control of the government: of the 126 seats contested in July 1998, the LDP only won 44 (35%).

By the time the LDP was ready to present the Guidelines Implementation legislation to the Diet, it had another problem: a twisted Diet. The LDP held a simple majority in the Lower House and only 41 percent of the Upper House.⁸³ This meant they had neither the numbers to pass the law through the Upper House nor the supermajority in the Lower House to overturn an Upper House decision. As such, the LDP needed to negotiate with the Komeito to pass the legislation.⁸⁴

The Komeito's biggest objection to the new guidelines-related laws was the area in which the Self-Defense Forces would operate. Their mantra in Diet deliberations became *chiriteki hanni* ("geographical area"), and the intent during interpellations was meant to limit just how far the SDF could go to execute military functions such as search and rescue, noncombatant evacuation, minesweeping, ship inspections, and other operations.⁸⁵ That limit could be achieved by forcing the cabinet to offer a strict definition of the boundaries of SIASJ. The issue was that U.S.-Japan negotiators purposely left that definition in the Guidelines vague to preserve flexibility, so any clarification in the Diet, however inexplicit, would be a reinterpretation of the agreement reached at the table.⁸⁶

What resulted in the Diet was a restriction of operations to Northeast Asia, and only in circumstances where the Diet could confirm an "important influence" on Japan's own security. So firm were these interpretations that when the Koizumi administration sought to deploy SDF units to provide logistic and engineering support for coalition operations in Afghanistan and Iraq, the LDP had to push through extraordinary (i.e., nonpermanent) legislation through the Diet. This was despite the actual scope of JSDF functions for Southwest Asian operations being

⁸³ When the Guidelines-related laws hit the Diet floor, the LDP held only 103 of 252 seats in the House of Councillors (41%) and 265 of 500 seats in the House of Representatives (53%).

⁸⁴ The LDP also had to negotiate with the Ichirō Ozawa-led Liberal Party (*Jiyūtō*), but the outcomes were political rather than substantive in nature; that is, Ozawa's individual goals were related to power sharing in the coalition rather than actually impacting the legislation themselves.

⁸⁵ See transcripts from the National Diet Committees between 12 March and 24 May 1999 (No. 145 Diet Session), especially from the *Nichibei bōei kyōryoku no tame no shishin ni kansuru tokubetsu iinkai* [Special Committee on the Guidelines for U.S.-Japan Defense Cooperation] in both the Upper and Lower Houses.

⁸⁶ For the point about intentional vagueness of SIASJ, see Bruce A. Wright and Mark O. Hague, "The U.S.-Japan Alliance: Sustaining the Transformation," *Joint Force Quarterly*, No. 44 (1st Quarter 2007): 59-64. This vagueness on geographical boundaries has precedent in the Mutual Security Treaty, which uses the term "Far East" but has never been further defined by the two governments.

covered under existing SDF, SIASJ, and PKO laws; the issue was based on the geography and the level of threat levied against Japan's security and survival.

Meanwhile, opposition parties sought to drum up controversy over the bills but fell short. The LDP-Komeito negotiations had already ensuring that the SDF would be limited in their activities to the point that they would neither be allowed the "use of force" abroad nor the ability to operate in a combat zone. Despite having additional question time in the Diet owing to their relative seat totals in committee hearings, opposition parties did not force any interpretations more restrictive than what had already been determined by the future coalition partners, and efforts to stir public disapproval failed. In March 1999, the month that the cabinet introduced the bills to the Diet, its public approval rating was 34%; by the time the bills passed, it had risen to 48%.⁸⁷

The limitations that came from Japan's unilaterally concluded 1999 legislation did not prevent alliance managers from maximizing their opportunities for implementation of the 1997 Defense Guidelines, though it did mean a series of subsequent negotiations that could only lead to partial fulfillment of the original objectives of the Guidelines. The most prevalent example of this came in the form of the Bilateral Coordination Mechanism.

Originally envisioned as a flexible mechanism for ensuring smooth coordination in response to emerging crises or contingencies, the BCM soon became a point of contention. Because the new Guidelines laws had not been passed in 1998, the BCM could not be employed following the 1998 launch of a North Korean Taeopodong Missile over Japan. Importantly, even after the Guidelines implementation laws passed, alliance managers would not be able to employ it in other North Korean provocations either. The reason for this was the high threshold for "activation." Because Japan's level II players tied the activation of the BCM to SIASJ declaration, alliance managers could not employ the mechanism until the Japanese cabinet could make the political declaration of a "Situation in Areas Surrounding Japan." Importantly, that declaration required drafting of a *kihon keikaku* ("Basic Plan") for response that included the full scope of what the Japanese

⁸⁷ NHK, "Seiji ishiki getsurei chōsa, 1999 nen [Political Awareness Monthly Survey, 1999]."

government and JSDF would be expected to do in response.⁸⁸ This highly politicized process was not only time-consuming, it was impossible to employ in fast-evolving crises. The result was that the BCM was never once activated.

Instead, alliance managers had to negotiate an ad hoc mechanism based on the BCM during the implementation phase. This ad hoc mechanism was nearly identical in structure to the BCM, but the approval authorities were the Chairman of the Japan Joint Staff and the Commander of U.S. Forces Japan.⁸⁹ The allies were able to employ this ad hoc mechanism in response to North Korean provocations and the triple disaster in 2011, and the real world execution helped inform training and exercises in preparation for the event that a SIASJ declaration may come and the real BCM saw its first-ever activation. The challenge with the ad hoc mechanism was that since its activation authorities were in the JSDF and U.S. military, it lacked the interagency authority necessary to compel action outside of military-to-military coordination.

Naturally, there were other areas of implementation that alliance managers had to negotiate. Things like mutual logistics support, the form and depth of tri- and multi-lateral cooperation, etc., were all Guidelines-directed initiatives that required additional negotiation. However, the example of the BCM is illustrative of the pattern of negotiations that occurred in the interpretation and implementation sub-cycle following publication of the Defense Guidelines. Importantly, those phases remained ongoing and informed the pre-negotiation phase that followed just a few short years after passage and implementation of Japan's new Guidelines-related laws.

Pre-Negotiation (2003-2013)

Despite some of the shortcomings of the 1997 Defense Guidelines, U.S.-Japan, alliance managers proceeded in advancing alliance initiatives during the implementation phase, even finding ways of responding to major crises such as the

⁸⁸ *Shūhenjitai ni saishite wagakuni no heiwa oyobi anzen wo kakuho surutame no sochi ni kansuru hōritsu* [Law concerning measures necessary for securing peace and security in areas surrounding Japan," (1999, No. 253).

⁸⁹ Instead of a "Joint Coordination Group" for interagency coordination, they employed the "Flexible Interagency Coordination Group." Instead of the "Bilateral Coordination Center," the allies used a "Bilateral Crisis Action Team."

9/11 terrorist attack and the subsequent U.S.-led “Global War on Terror.” The first trigger for reexamining the Defense Guidelines came in the early 2000s, when the U.S. government initiated the Global Force Posture review.

The Global Force Posture Review was a U.S.-unilateral initiative to restructure U.S. overseas forces to meet the demands of ongoing conflicts in Southwest Asia.⁹⁰ The Office of the Secretary of Defense, Joint Staff, and commands across the globe were mandated to examine their appropriate troop levels as was appropriate for the security demands of the time. If necessary, those overseas commands were to renegotiate their force posture with host nations.⁹¹ USFJ was among them to enter deliberations with its host nation.

At the time, the U.S. and Japanese governments entered deliberations on what would later become the “Alliance Transformation and Realignment Agreement.” It was then that Japanese officials first requested that a renegotiation of the Defense Guidelines be included in the “ATARA” deliberations.⁹² U.S. government officials denied the request for two reasons. First, the realignment was focused on troop levels and locations, not on functions. Second, the Japan side did not have anything additional to offer for reentering the negotiations; in other words, U.S. government officials could not see any benefits that would fit within their “win-set” for a Guidelines negotiation. As a result, the allies continued with their realignment-focused deliberations, producing the ATARA and, later, the roadmap for implementation for the Defense Policy Realignment Initiative via SCC document—neither of which fundamentally altered the alliance designs covered in the 1997 Defense Guidelines.⁹³

⁹⁰ U.S. Senate, “The Global Posture Review of United States Military Forces Stationed Overseas: Hearing before the Committee on Armed Services, United States Senate (One hundred eight Congress, Second Session)” September 23, 2004.

⁹¹ President George W. Bush made a formal announcement of the U.S. government’s intent to negotiate force posture reviews with allies; George W. Bush, “Statement on the Ongoing Review of the Overseas Force Posture, November 25, 2003,” in *Public Papers of the Presidents of the United States: George W. Bush* (2003, Book II), 1631.

⁹² Author interview with Colonel (retired) Mark O. Hague.

⁹³ Ministry of Foreign Affairs of Japan, “Security Consultative Committee Document: U.S.-Japan Alliance: Transformation and Realignment for the Future,” October 29, 2005; Ministry of Foreign Affairs of Japan, “Security Consultative Committee Document: United States-Japan Roadmap for Realignment Implementation,” May 1, 2006.

The second instance when Japanese government officials requested renegotiation of the Defense Guidelines came in 2009 when the Democratic Party of Japan-led government came into power. The newly-minted Yukio Hatoyama administration held different views on Japanese security and the U.S.-Japan alliance than its LDP-led predecessor and wanted to take the opportunity to evolve alliance designs while in control of the government.⁹⁴ Once again, Japanese alliance managers approached OSD counterparts to request renegotiation of the Defense Guidelines, but without any substantive changes to offer, OSD once again turned down the request—the U.S. side still could not see enough utility from a Guidelines rewrite; i.e. there was no zone of possible agreement.⁹⁵ Perhaps the outcome would have been different if Japanese level II policy actors to shape the pre-negotiation process, but Prime Minister Hatoyama took a personal stake in a different alliance-related area: relocation of Marine Corps Air Station Futenma.⁹⁶

Dynamics in the pre-negotiation phase changed in December 2012, when the Liberal Democratic Party regained control of the Diet and Shinzō Abe took on the role of Prime Minister for the second time. When he did, he brought a robust security agenda with him, including establishment of a new National Security Council and National Security Secretariat, publication of Japan’s first-ever “National Security Strategy,” crafting of a new National Defense Program Guideline, and steady increase of the national defense budget, among other objectives. Included in those objectives was his intent to reinterpret Article IX of Japan’s Constitution.

During his short-lived 2006-07 run as Prime Minister, Abe attempted to drive formal amendment of the Constitution, but this proved a failure. Since promulgation in 1947, the government had not amended the constitution even once, in part because of the high legislative threshold for amendment and in part because the issue of amending Article IX was a political “third rail” that could cause an immediate drop in public approval. Reinterpretation, however, was precedented and did not have the

⁹⁴ Tomohito Shinoda, *Contemporary Japanese Politics: Institutional Changes and Power Shifts* (New York: Columbia University Press, 2013), Kindle Edition.

⁹⁵ Author interview with former OSD official, May 27, 2018.

⁹⁶ Tomohito Shinoda, “Searching for a Dream Plan: Two-Level Game Analysis of the Futenma Relocation Issue Under the Hatoyama Cabinet,” *Japanese Journal of Political Science* 15, No. 1 (March 2014): 51-67.

same legislative requirements.⁹⁷ By reinterpreting the constitution instead of amending it, the Abe administration could yield substantive change to its security practice without having to embark upon the unwieldy process of gaining two-thirds votes in both houses of the Diet as well as a majority acceptance in a public referendum.⁹⁸

Meanwhile, the Abe administration had its own objectives with Defense Guidelines renegotiation. While level I alliance managers in Japan had been broaching the possibility with U.S. counterparts as early as 2003, the Abe administration had the additional impetus of dealing with a growing Chinese threat. In addition to the rapid buildup of Chinese capabilities, the Abe administration was acutely sensitive to the vulnerability of the Senkaku Islands,⁹⁹ a small group of uninhabited land features located along the first island chain and the focus of a territorial dispute between Japan, China, and Taiwan. At the time, the U.S. government still had not explicitly codified how it would respond to a Senkakus-related incident, and the Abe administration feared the possibility of gray zone conflict as a result. For the administration, the logical solution was to strengthen the alliance and create “seamless” responses to all crises and contingencies, including gray zone threats.

In early 2013, soon after the Abe administration settled back in atop the government, members of Japan’s Defense Policy Bureau intimated to OSD counterparts that among his other security objectives, Prime Minister Abe wanted to strengthen the U.S.-Japan alliance and would be reinterpreting the Constitution to

⁹⁷ For example, Japanese political administrations had reinterpreted Article IX in 1952 to justify commitment of Japanese resources in support of the Korean War effort (the Japanese Maritime Safety Agency and National Police Reserve provided minesweepers, transport ships, and other rear area logistics support), and in 1972 to clarify that while the Japanese government recognized its inherent right to collective self-defense under the UN charter, it did not recognize the right to *exercise* collective self-defense owing to Article IX of the constitution.

⁹⁸ Adam P. Liff, “Policy by Other Means: Collective Self-Defense and the Politics of Japan’s Postwar Constitutional Reinterpretations,” *Asia Policy* 24, No.1 (2017): 139-172.

⁹⁹ Hereafter referred to as “the Senkakus.” The Senkakus have been under Japanese administration since U.S. reversion of the Ryūkyū Islands in 1972, but China and Taiwan have both laid sovereignty claims to the islands. While Japan has worked out and maintained exceptional fishing agreements with Taiwan for activity in the waters surrounding the islands. Chinese Coast Guard, fishing, and (occasionally) military vessels have operated in the vicinity of the islands for years, especially following the Japanese government’s purchase of the Senkakus from private Japanese landowners in 2012.

afford the JSDF additional authorities including exercise of collective self-defense. Between that and the opportunity to rectify the shortcomings of the 1997 Guidelines, OSD now saw an opportunity for meaningful change to the Defense Guidelines. As Secretary of Defense Hagel later remarked, “I welcome the Government of Japan's new policy regarding collective self-defense, which will enable the Japan Self-Defense Forces to engage in a wider range of operations and make the U.S.-Japan alliance even more effective.”¹⁰⁰

Agreement to Negotiate (2013)

With clear objectives in mind, the two sides' alliance managers moved towards a formal agreement to negotiate. As was the case in 1996, the process of reaching a decision to reopen the Guidelines was not a difficult one. Alliance managers merely had to draft a joint statement that would provide the basic boundaries for the new guidelines and get the SCC- or summit- level decision-makers to agree upon it.

The opportunity for alliance managers to move forward on the initiative came in October 2013 when the two sides' 2+2 level actors agreed to meet. In this SCC meeting, the ministers from Japan and secretaries from the U.S. agreed to renegotiate the Defense Guidelines to update them for the present security environment. They noted the following objectives: ensuring the Alliance's capacity to respond to an armed attack against Japan; expanding the scope of cooperation to “reflect the global nature of the U.S.-Japan Alliance,” adding the RMCs of counter-terrorism, counter-piracy, peacekeeping, capacity building, humanitarian assistance/disaster relief, and equipment and technology enhancement; promoting security cooperation with regional partners; enhancing Alliance coordination mechanisms to enable “seamless bilateral cooperation” in all situations; updating existing RMCs to reflect increases in individual military capabilities; adding the space and cyberspace domains; and exploring ways to strengthen the Alliance in the future.¹⁰¹ Once again, this was a

¹⁰⁰ U.S. Department of Defense, “Statement by Secretary of Defense Chuck Hagel on Japan's Collective Self-Defense Decision,” July 1, 2014.

¹⁰¹ Ministry of Foreign Affairs of Japan, “Joint Statement of the Security Consultative Committee: Toward a More Robust Alliance and Greater Shared Responsibilities,” October 3, 2013.

daunting list of objectives, but it was a clear picture of what the alliance managers had identified in their ZOPA.

Negotiation (2013 – 2015)

With the 2+2 statement published, alliance managers on both sides immediately moved forward with the negotiation process. Once again, they sought to anchor the negotiations by employing tabletop exercises. This time, they added an additional Tabletop Exercise and expanded the scope to encompass all potential scenarios where alliance response might be desired, not only where it was considered absolutely necessary. The four TTXs covered three specific scenarios and a split one: a Korean Peninsula crisis; a China crisis; crisis in the Middle East; and support for Disaster Relief that developed into a Peacekeeping situation.¹⁰²

In the end, the four TTXs produced nineteen interrelated objectives for the Guidelines negotiations, including things like mutual logistics support, ballistic missile defense, cooperation in space and cyberspace, and others. The final TTX took place in the summer of 2014, just as the Abe administration issued its Cabinet Decision on the Reinterpretation of Article IX of the Constitution.¹⁰³

On the one hand, the reinterpretation was a good sign for alliance negotiators: it meant that the Abe administration intended to honor its commitment to carrying out the roles, missions, and capabilities that the alliance managers had been discussing at the negotiating table. On the other hand, it presented a problem for the negotiators: the Cabinet reinterpretation provided the administration's guidance, but new legislation still needed to be drafted and passed before the cabinet decision had any practical effect. After the problems based on disparities between the 1997 Defense Guidelines and the 1999 Guidelines-related laws, negotiators were wary of

¹⁰² This time, OSD contracted the TTXs to a private defense company, which had its pros and cons. On the plus side, having an outside company eliminated the labor and man-hours that alliance managers would have had to devote to crafting their own exercise. This allowed them to focus efforts on coordinating their positions and preparing their presentations for each "turn" of the TTX. The biggest downside to this was the lack of institutional knowledge that the defense contractor had of the basic mechanics of the alliance. Without prior understanding of Japan's constitutional limitations and where the allies were at in the implementation process of the 1997 Defense Guidelines, the TTX moderators lost time in figuring out how to move beyond the basic explanations of those core issues related to Japanese security practice.

¹⁰³ Cabinet Secretariat of Japan, "Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People," July 1, 2014.

rushing the negotiating process only to wait for legislation to come years later. The question was how long to wait.

The other issue of note was whether to anchor the text of the Guidelines to the 1997 format. U.S. side alliance managers debated whether the separation of the categories created seams in alliance responses, and if so, if it would be better to alter the format. While they deliberated, the Japan side set the anchor by producing the first draft of the new Guidelines using the precedented format. Rather than negotiate the format any further, the OSD-led U.S. negotiating team proceeded with drafting its response based on the Japanese draft. Just like the previous Guidelines, the negotiating teams agreed to follow the basic framework from the 1978 and 1997 versions.

Despite being wary of the political calendar for when Japan's security legislation would reach the Diet floor, the U.S. side agreed to proceed with negotiating the text of the Guidelines. The two sides began by circulating draft versions of the guidelines to the various members of the negotiating teams. Thanks to email, this process proved much easier than the 1997 Guidelines negotiation, and all relevant offices could provide timely feedback.

The two sides carried out the negotiation in a straightforward manner: they circulated drafts, with OSD consolidating U.S. government positions for presentation to the Japanese government and the Ministry of Defense's Defense Policy Bureau doing the same for the Japan side. The two sides met for face-to-face meetings on a semi-monthly basis to discuss the Guidelines and other alliance issues in person.¹⁰⁴ As was the case in 1996-7, negotiation sessions were cordial and productive. Both sides once again maintained a "positive sum" approach in looking for opportunities for expanding alliance roles, missions, and capabilities. The key frustrations in the process were when the Japan side was unable to clarify its position on a desired inclusion because the security legislation that would support it had not been passed in

¹⁰⁴ The "Environmental Framework Agreement" supplement to the Status of Forces Agreement was the other significant negotiation on-going at the time. The negotiating team were comprised of the same alliance managers, but the issues were specific to base-hosting issues, not overall alliance designs, and were the result of other negotiations tied to the relocation of Marine Corps Air Station Futenma.

the Diet and when MOD negotiators were unable to include certain language based on objections from relevant ministries and agencies.

The fact that certain sections could not be negotiated until the new security legislation was in place slowed the process. Seeking to avoid any further depletion of political capital, Japan's level II players did not move forward with any controversial legislation during the Guidelines negotiations.¹⁰⁵ At the same time, the U.S. side was wary of agreeing to anything in the Guidelines without guarantees from the Japan side that what was being included was implementable. What this meant was that by October 2014, the two sides were still not prepared to publish the Defense Guidelines. Instead, they published an Interim Report, which noted progress in the Guidelines negotiations, but recognized the need for continued deliberations.

By the time the interim report came out, the Japan side negotiators still could not guarantee when the security legislation would make it to the Diet floor for deliberation and approval, so the alliance managers had to make a difficult decision. Rather than wait any longer and prolong the negotiations, they sought to complete the process and hope that the Guidelines would inform Diet deliberations to preserve the negotiated outcomes. Over the next few months, they finished their negotiation, inserting vague language or removing sections where legal authorities did not already exist.¹⁰⁶

By April 2015, the two sides had come to an ad referendum agreement on the Defense Guidelines, and in a final negotiating session that took place in Washington D.C., they drafted a 2+2 joint statement to accompany the publication of the new Guidelines.

¹⁰⁵ The July 2014 Cabinet Reinterpretation led to a ten-point drop in public approval. While the Abe administration was able to rebound with a cabinet reshuffle two months later in September, a series of scandals involving Minister of the Economy Yuko Obuchi and Minister of Justice Midori Matsushima once again led to tumbling approval ratings. NHK, "*Naikaku shijiritsu* [Cabinet Approval Ratings]," March 10, 2020.

¹⁰⁶ A key example of this was any language specifically related to collective self-defense. Although the Guidelines prescribe roles, missions, and capabilities for the allies in response to an "Armed Attack against a Country other than Japan," the term "collective self-defense" is not used anywhere in the 6,000-word document.

Ratification (2015)

As was the case in 1997, the publication of the 2015 Guidelines was an easy process. An alliance manager-drafted joint statement went to the Security Consultative Committee along with the ad referendum Defense Guidelines. Both were published on 27 April 2015 without amendment. The two sides celebrated the achievement and then set their sights on the next phases. That is where the interpretation and implementation sub-cycle would start, because the so-called “Peace and Security Legislation” still needed to go to the Diet.

Importantly, just as was the case in 1997, level II players’ role was limited up to this point in the negotiation cycle. Cabinet players were able to set the boundaries of the ZOPA in the agreement to negotiate, certain RMAs were able to influence the language of the agreement in their individual consultations with MOD negotiations, and Ministry of Defense and Ministry of Foreign Affairs leaders were the ratification authorities. Once again, this would change as the allies moved into the next phases of the negotiation.

Interpretation and Implementation Sub-cycle (2015 - Present)

In May 2015, the month after publication of the Guidelines, the Abe administration introduced its “Peace and Security Legislation” to the Diet. This package of legislation included one new bill and an omnibus bill comprised of amendments to twenty existing laws. Ten of those amendments included only technical changes, but the other ten saw substantive revisions, such as the Self-Defense Force Establishment Law which now included provisions for the JSDF to protect foreign forces (Article 95-2), among other things. Within the Peace and Security Legislation, the only *new* bill related specifically to the SDF’s authorities in “Situations where the International Community is collectively addressing peace and security” (*kokusai heiwa kyōdō taisho jitai*), which was essentially a formalization of the types of authorities included in past special measures laws, such as the Antiterrorism Special Measures Law.¹⁰⁷

¹⁰⁷ The Law Dealing with Situations Involving Peace and Security that the International Community is Collectively Addressing employs the legal precedent from the special measures laws passed in the 2000s, including much of the same language. “*Kokusaiheiwa kyōdō taisho jitai ni saishite wagakuni*

It is important to note that while the level I alliance managers were negotiating the terms of the Defense Guidelines, level II actors were concurrently negotiating the scope of the new legislation that would be necessary for implementing the Guidelines. The Komeito once again acted as a security “watchdog” in two separate activities. The first was a panel deliberating the cabinet decision on collective self-defense that was published in July 2014. Prior to the decision, the Komeito and LDP met eleven times between March and July 2014 to deliberate the terms of the reinterpretation.¹⁰⁸ The result, as Komeito boasted on its website, was a situation where the Japanese still could not exercise collective self-defense in a manner indistinguishable from individual self-defense.¹⁰⁹

The second was the joint LDP-Komeito panel convened to deliberate the specifics of what the new legislation would entail. In early 2015, the LDP-Komeito committee held around twenty-five meetings where the Komeito laid out its basic principles and gave specific feedback on provisions contained in the proposed laws.¹¹⁰ After those series of meetings concluded, the panel produced a treatise on 25 March 2015 titled “Concrete Direction for the Development of Security Legislation,” which served as the instructional document for bureaucrats drafting the implementing legislation.

Komeito did not stop with the panel. Shortly after the Cabinet decision on Article IX, Komeito lobbied to get one of its members to become a parliamentary vice minister of defense to oversee the legislation’s drafting. Hirotaka Ishikawa was the first Komeito member ever to hold that position, and he was one of the most heavily involved parliamentary vice ministers (who often take a more ceremonial

ga jissshi suru shagaikoku no guntaitō ni taisuru kyōryoku shien katsudō tō ni kansuru hōritsu [Law concerning strengthening support, etc. for partner countries militaries that are responding to a situation involving international peace and security],” (2015, No. 77).

¹⁰⁸ Asahi Shimbun Politics Division, “*Abe Seiken no ura no kao: Kōbō shūdantekijieiken dokyumento* [The Abe Administration’s Hidden Face: Documenting “The Collective Self-Defense Battle”]” (Tokyo: Kōdansha, 2015).

¹⁰⁹ In the end, the Cabinet Decision resolved that Japan may exercise collective self-defense under three conditions: one, Japan’s survival must be threatened; two, No other means are available; and three, Force is Used to the Minimum Extent Necessary; See “Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan’s Survival and Protect its People, July 1, 2014”; Komeito, “*Heiwashugi no hashira wo kenji*, [Holding onto the pillar of pacifism],” July 2, 2014.

¹¹⁰ Takeshi Iwaya, “Creating “Seamless” Security Legislation for Japan,” *Nippon.com*, June 22, 2015.

approach to their responsibilities).¹¹¹ He routinely engaged with bureaucrats, sat in on policy discussions and questioned decision-makers within the ministry responsible for drafting the laws. Ishikawa would remain in that role until after the new security legislation passed the Diet.¹¹²

When the Peace and Security bills entered the Diet in May 2015, each house of the Diet convened special committees to deliberate them. These deliberations would continue until September, which meant the opposition had ample opportunity to shape the interpretation of the laws and how they may be exercised under the Defense Guidelines through their questions. As discussed in Chapter 2, it was not simply the letter of the law that mattered, it was the responses in the Diet as well, and thus every question presented a chance that the negotiated outcome for the Defense Guidelines would change.

Just as they did in 1999, the *tōben* for the Peace and Security Legislation reinterpreted the intended outcomes from the Defense Guidelines. Political level players such as the LDP and the Komeito now had a chance to shape the outcomes, and they seized it. One prominent example was in the definition of what protection the JSDF could afford under “Asset Protection” of foreign forces. In the Diet, Minister of Defense Gen Nakatani bounded the scope of asset protection operations, asserting that the SDF would only protect weapons, ammunition, explosives, ships, aircraft, vehicles, cable communication equipment, radio equipment, and liquid fuel.¹¹³ Negotiators intentionally kept the language in the Guidelines vague to preserve flexibility for such operations, but this meant that alliance managers would once again have to negotiate the implications of this Diet response during the implementation phase. In the end, there were well over one hundred substantive clarifications of the Peace and Security Legislation that directly affected Japanese

¹¹¹ Michael MacArthur Bosack, “Komeito: 20-year Security Watchdog,” *Japan Times*, January 23, 2020.

¹¹² The laws passed in September 2015, and Ishikawa was shuffled out of the cabinet less than a month later.

¹¹³ House of Councillors of Japan, “*Dai 189 kai kokkai, Sangiin, Wagakuni oyobi kokusai shakai no heiwa anzen hōritsu ni kansuru tokubetsu iinkai, dai 11 gō* [189th Diet, House of Councillors Special Committee on the Laws related to Peace and Security in Japan and the International Community, 11th session],” August 21, 2015.

interpretations of the 2015 Defense Guidelines. Each would affect subsequent implementation at the alliance manager level.

While over a hundred substantive clarifications of the terms of the legislation is notable, opposition parties failed to capitalize on ample opportunity to increase that number exponentially. Deliberations over the Peace and Security Legislation extended the ordinary session of the Diet three months beyond the normal closing date in June. Over the course of four months, opposition parties could have forced the Abe administration and defense bureaucrats to shape outcomes of the legislation far through interpellations, but the opposition party employed a different strategy. With few exceptions, the main objective for the opposition was to attack the constitutionality of the laws. This succeeded in generating notable public protest of the bills, symbolized in the press by the “SEALDs”—Students Emergency Action for Liberal Democracy. While the mantra in 1999 was *chiriteki hanni* (“geographical area”), in 2015, it was *kenpō-ihan* (“violation of the constitution”); in other words, opposition parties staked their strategy on forcing the administration to justify the constitutionality of the laws rather than clarify the substance itself. During committee meetings specific to the Peace and Security Legislation, legislators used term “Constitution” 4593 times, and *kenpō-ihan* 364 times. While the opposition succeeded in driving a fourteen point drop in the administration’s public approval rating over those four months, it enabled to the administration to sidestep many issues specific to the implementation of the laws.¹¹⁴ Thus, in September 2015, after four months of discussion in the Diet, the LDP and Komeito ruling coalition passed the legislation. The legislation, though promulgated on 29 September, would not be legally implementable for six months, coming into effect on March 2016.

With Diet deliberations over, alliance managers set to work on the items that were actionable under the Defense Guidelines. The first priorities were the Alliance Coordination Mechanism and Bilateral Planning Mechanism.¹¹⁵ USFJ’s Government Relations Branch took the lead in this effort, coordinating interagency

¹¹⁴ NHK, “*Naikaku Shijiritsu*, 2013 nen 1 gatsu ~ 2020 nen 5 gatsu [Cabinet Approval Ratings, January 2013 ~ May 2020].”

¹¹⁵ Michael MacArthur Bosack, “Japan’s Security Legislation Turns Two,” *Tokyo Review*, September 29, 2017.

positions from the U.S. side and engaging in negotiations with counterparts from the Japan-U.S. Defense Cooperation Division, Japan Joint Staff J5 and J3, MOFA's Security Treaty Division, the Cabinet's Crisis Management Office, and the newly formed National Security Secretariat. The two sides crafted a detailed document that laid out the structure and functions of both the ACM and the BPM, forwarding that for affirmation at the SDC. In this case, affirmation came from the Minister of Defense and the Assistant Secretary of Defense for Asian Pacific Affairs on the sidelines of the Shangri La Dialogue on 3 November 2015.

Soon after that, USFJ Government Relations Branch shifted to negotiations on "Mutual Asset Protection." This Guidelines-directed activity calls for the allies to protect one another in circumstances prior to an armed attack; for example, a JMSDF destroyer protecting a U.S. destroyer during an emerging gray zone crisis. Once again, the primary interlocutor for this effort was in the Ministry of Defense's Japan-U.S. Defense Cooperation Division, though members from the International Cooperation Division, Japan Joint Staff J3, Air Staff A3, and Maritime Staff N3 also participated. The U.S. side took several months to coordinate requirements across the Joint Staff, Pacific Command, and all the Component Staffs, before returning to the Japan side with a formal proposal. The negotiations ran until late 2016, with alliance managers taking into consideration both the objectives from the 2015 Guidelines as well as the policies towards the governing legislation that were clarified in *tōben*.¹¹⁶ At the conclusion of alliance manager-level negotiations, the Japan side had to produce "Implementation Guidelines" that had to be affirmed at Japan's NSC.¹¹⁷ Fortunately, due consideration to Japan's unilateral policies at the implementation negotiations ensured that those "Implementation Guidelines" were approved without further changes.

What the ACM, BPM, and Mutual Asset Protection negotiations highlight is that with each element of the Defense Guidelines, there existed an additional step in

¹¹⁶ The legislation governing Mutual Asset Protection for the JSDF is captured in a single paragraph in the Self-Defense Forces Law, Article 95-2 but was the subject of more than eighty questions during Diet deliberations between May to September 2015.

¹¹⁷ "*Jieitai no shin-ninmu 'beikan bōgo' unyō kaihatsu kettei* [Decision to begin operations on 'protection of U.S. naval vessels', a new role for the Self Defense Force]," *Nippon News Network*, December 22, 2016.

the negotiating process. How mutual asset protection is currently being executed may not look like what the Guidelines negotiators had in mind, but it was what frontline alliance managers were able to accomplish after the publication and interpretation of the amended Self-Defense Force Law and negotiation process for implementation guidelines. Importantly, what was negotiated in 2016 may encounter issues in the future. Frontline alliance managers will reexamine changes that need to be made and will adjust as necessary to maximize the effectiveness of those missions. Thus, the sub-cycle of interpretation and implementation continues.

This sub-cycle has also proceeded in areas such as space and cyberspace cooperation (especially with the U.S. introduction of the Space Force), the Strait of Hormuz mission in response to escalating tensions with Iran, and others. As precedent has demonstrated, the sub-cycle of negotiation will continue until the two allies reenter formal renegotiation of the Defense Guidelines.

Observations from the Negotiations

The examination of the two complete cycles of negotiation for the 1997 and 2015 Defense Guidelines yields important observations. The most critical of which is the way the two-level game proceeded in both these negotiations. In the pre-negotiation phase, Level I alliance managers worked to develop unilateral win-sets and to identify where a ZOPA may exist, but it was level II policy actors that were able to expand win-sets broad enough to ensure a ZOPA. During the "agreement to negotiate" phase, there were limited numbers of Level II veto players, which made for win-sets that would end up being larger than what alliance managers would encounter later in the negotiation cycle. During the negotiation phase, the primary actors were level I alliance managers, though Japan side level II policy actors shaped outcomes through the three modes of interactions: bounding level I objectives, vetoing specific items in the Guidelines, and influencing level I negotiator expectations. It is important to note that while level II players on the U.S. side had the institutional authority to shape these negotiations further, they did not exercise it.

The ratification phase, like the agreement to negotiation phase, involved limited veto players at Level II. Since ratification did not need to go to legislative bodies, conclusion of the Guidelines was achievable at the SCC level, requiring only

tacit acceptance at the most senior levels of government. This of course differs greatly from many international agreements but is not unlike much of the bargaining that occurs within an existing alliance framework. This may represent a key distinction between intra-alliance bargaining and other forms of intergovernmental negotiation.

A critical feature of the 1997 and 2015 Guidelines was the Japan side level II influence during the interpretation phases. This owed to the necessity for implementation legislation that could enable the Japanese government to actualize the roles, missions, and capabilities detailed in the Guidelines documents. Because of this, the Level II actors within the LDP and Komeito were able to focus on their individual political interests. It also presented opposition parties the chance to shape outcomes during Diet interpellations, but in both the case of the 1997 Guidelines and that of the 2015 Guidelines, opposition parties failed to capitalize on the relatively long interpellations granted to special committees on the bills.

The implementation phase fell back to Level I alliance managers, and both the 1997 and 2015 Defense Guidelines demonstrated that subsequent negotiations were necessary for each major initiative. As in the case of the BCM in 1997, not all subsequent negotiations were successful in achieving the full aims outlined in the Guidelines, but only partial fulfillment of those original goals. The two-level game was important here in that level I alliance managers were once again negotiating with two things in mind: the original terms of the agreement and the level II policies and preferences defined during the interpretation phase.

The second observation regards the importance of anchors in the negotiation process. Negotiators in both the 1997 and 2015 Defense Guidelines used two anchors in their deliberations. Despite having the boundaries of the ZOPA set in the respective agreements to negotiate (the 1996 Washington Declaration and the 2013 SCC Statement), negotiators employed tabletop exercises to clarify desired inclusions within that zone of possible agreement. Those objects anchored the discussions that followed.

The second anchor was the template of the document. Although the 1978, 1997, and 2015 Guidelines all differed in length and had some distinctions in format (e.g. the annex in 1997), the basic structure was the same: basic principles, peacetime

RMCs, *casus foederis* and the appropriate RMCs, and additional areas of alliance cooperation. As these anchors are now well-precedented, practitioners in the U.S.-Japan alliance may anticipate that this format will be expected in the next Guidelines re-write, whenever that may occur. For practitioners, this format may prove useful in other security relationships, especially those needing to update their alliance designs.

Alliance managers recognized some of these patterns in 1997 and tried to mitigate it in 2015. Some, like the use of TTXs, were continued. Others, such as the publication of the Guidelines before the passage of legislation that enabled level II policy actors to shift the outcomes of the negotiation, were things that alliance managers tried to avoid. However, the question of "before or after the implementing legislation" is ultimately a causality dilemma; in other words, would the legislation have been more effective if the Guidelines negotiations still been ongoing to put external pressure on the administration, or did the published Guidelines create a foundation upon which the Japanese administration could rely when delivering responses in the Diet and negotiating with coalition and opposition parties? While some observers might argue that *gaiatsu* ("external pressure") is an effective tool,¹¹⁸ there is no empirical evidence to assert conclusively that an on-going Guidelines negotiation may have narrowed the field of changes during the interpretation phase. During the next Guidelines rewrite, alliance managers will have to decide whether a break from precedent will yield better outcomes.

An important albeit ancillary observation here is that negotiation over the Guidelines does not occur haphazardly. The pre-negotiations each happened over the course of several years. Both sides had to develop a clear understanding of what their security requirements were and what they hoped to achieve in through the Guidelines rewrite.¹¹⁹ Only when there was a clear ZOPA in sight did they reach an agreement to negotiate. Further, the negotiation process in each case took over a year, and the publication of the Guidelines kicked off a new series of interpretation and implementation phases. There must be enough impetus for restarting the

¹¹⁸ See, for example, Leonard J. Schoppa, "Two-Level Games and Bargaining Outcomes: Why *Gaiatsu* Succeeds in Japan in Some Cases but not Others," *International Organization* 47, No. 3 (Summer 1993): 353-386.

¹¹⁹ In the case of Japan, the government had published a National Defense Program Guideline (originally, the National Defense Program Outline) prior to every Guidelines renegotiation.

complete cycle of negotiation, a fact which yields insight as to why nearly two decades spanned between each Guidelines negotiation.

Conclusion

The six-phase cycle is valuable in understanding intergovernmental negotiation. In both the 1997 and 2015 Defense Guidelines, there were distinct phases of negotiations that differed in the respective influence of the level I alliance manager and level II domestic political levels, the type of negotiation process, and the goals associated with each phase. Although the application here was in alliance negotiations, the cycle is likely applicable across a range of intergovernmental negotiations, especially peace negotiations, which scholars and practitioners have already described as an enduring "process."¹²⁰

This chapter revealed the way U.S.-Japan alliance managers have evolved the security relationship. Through a consistent process of negotiation, they have kept the alliance relevant to the modern strategic environment. This evolution comes through major renegotiations of alliance designs vis-à-vis the Defense Guidelines, as well as the constant sub-cycle of interpretation and implementation that occurs between alliance managers.

Finally, this chapter highlights the importance of the Defense Guidelines. At major junctures in the alliance, the two governments used the Guidelines as a mechanism to adjust their alliance designs, keeping the security relationship viable. To date, the Defense Guidelines have been understudied in understanding their relevance to alliance designs and how they have shaped the evolution of an alliance whose underlying treaty has remained unchanged since 1960. Perhaps academics and practitioners will focus more attention on them, as they may serve as models for other alliances in need of update and can offer a useful prism which future studies may examine the evolution of the U.S.-Japan alliance.

¹²⁰ See, for example, Evan Hoffman and Jacob Bercovitch, "Examining Structural Components of Peace Agreements and Their Durability," *Conflict Resolution Quarterly* 28, No. 4 (Summer 2011): 399-426.

Chapter 4

Redefining the U.S.-Japan Alliance: Changes to Alliance Designs as a result of the 1997 & 2015 Guidelines for U.S.-Japan Defense Cooperation

While chapter three offered an examination of the negotiation process, it is necessary to add clarity to what resulted. There were six phases of negotiation with two levels of policy actors influencing outcomes along the way, and as discussed in the previous chapter, many actors had at least slightly different win-sets for the negotiations. These actors tried to maximize their objectives whenever possible. Chapter three offered key examples of this two-level influence on the outcomes of the negotiation process, but this chapter seeks to provide the in-depth view of what resulted from the cycles of negotiations that produced the 1997 and 2015 Defense Guidelines.

To accomplish this objective, there are two basic questions: one, what changed as a result of the negotiated guidelines; and two, what *did not* change that the allies expected to change? The chapter answers these questions using a straightforward historical analysis, relying upon public records, government documents, and demonstrated activities of the allies before and after the publication of the 1997 and 2015 Defense Guidelines. It begins by describing the baseline that the allies set in 1978 with the original Guidelines before explaining what changed and what did not change as a result of the 1997 and 2015 Guidelines for U.S.-Japan Defense Cooperation. Although chapter three provided detailed background on the strategic environment underwriting each phase of negotiation, each section in this chapter offers a brief primer once again to yield the necessary context for the changes seen in the Guidelines.

The Baseline in 1978

Crafted after the conclusion of the Vietnam War, after U.S. and Japanese rapprochement with the People's Republic of China, and while witnessing waning

North Korean military and economic strength,¹²¹ the allies firmly rooted the 1978 Defense Guidelines in response to Soviet aggression.¹²² The basic framework that came out of this was known as the “Shield and Spear,” where the JSDF would defend Japanese territory and block Soviet access to the greater Pacific, while U.S. forces would support the defense of Japan while executing combat operations against the common enemy on its soil.¹²³ These Defense Guidelines underwrote alliance designs, bilateral plans, and cooperative security activities until the 1990s when the fall of the Soviet Union, an increased demand for Japanese presence in global security efforts, and emergence of renewed regional threat prompted the allies to revisit the Defense Guidelines.

The 1978 Defense Guidelines established the template for future iterations of the bilateral agreement and served as an anchor in the negotiations for the 1997 and 2015 Guidelines. The document begins with a preamble that details the purpose of the alliance and the core tenets of alliance rights and obligations.¹²⁴ The next section covers special mechanisms or policies under the alliance framework. The Guidelines then dive into situation-specific roles, missions, and capabilities for the alliance partners. For example, they explain what the allies should do in response to an armed attack against Japan and how the allies will cooperate during peacetime. Following that, the Guidelines cover functional areas that do not fit into the aforementioned categories. The 1997 and 2015 Guidelines would largely follow this format, though they would build significantly upon this original foundation.

¹²¹ By the 1970s, South Korea had overtaken North Korea in wealth and domestic production. Meanwhile, Chinese rapprochement and diminished Soviet support led to a decline in North Korea’s economic and diplomatic power.

¹²² Since the focus of the 1978 Defense Guidelines was defending Japan from a Soviet invasion and blocking Soviet access to the broader Pacific Ocean, the document gained its legitimacy from Article V of the U.S.-Japan Mutual Security Treaty. On this strategy, see for example Alessio Patalano, “Shielding the Hot Gates: Submarine Warfare and Japanese Naval Strategy in the Cold War and Beyond (1976–2006),” *Journal of Strategic Studies* 31, No. 6 (2008): 859-895.

¹²³ “U.S. Forces Japan Political-Military Handbook,” *Headquarters, U.S. Forces, Japan*, June 7, 2007, Author’s Collection.

¹²⁴ For example, the 1978 Guidelines stated that the United States will maintain a nuclear deterrent capability, intended to ensure that Japan continues to benefit from extended deterrence under the American nuclear umbrella.

1997 Defense Guidelines: Reconfiguring for the post-Cold War world

As discussed in chapter three, 1991 was a game-changing year for the U.S.-Japan alliance. Japan's embarrassment following the coalition fought effort to liberate Kuwait from the invading Iraqi forces prompted internal consideration among Japan's political leaders and defense officials alike in the security role that Japan should play abroad. The fall of the Soviet Union on 26 December 1991 brought an end to the decades long Cold War and with it, the question of what function the alliance could serve in the new era. Each of those events catalyzed changes in Japanese security practice and prompted alliance managers to consider the future of the U.S.-Japan security pact. The 1978 Defense Guidelines envisioned an alliance that could win a war against a rival superpower, but with no such adversary present, there were questions of what functions the alliance could have in the post-Cold War era and whether the alliance was even necessary at all.¹²⁵

The Japanese government's decision to expand into peacekeeping operations did present a window into potential non-traditional alliance cooperation. Neither party understood just what that would mean for the alliance, but they would be tested in 1994 with the Great Lakes refugee crisis following the genocide in Rwanda. There, the question emerged of whether U.S. forces could or would employ their vast global mobility capabilities in support of JSDF deployment to another continent. That was new ground for cooperation, and not something the U.S. government was prepared to support under the existing alliance framework. In the end, the contingent of JSDF members used a combination of Japan Air Self Defense Force C-130s and chartered aircraft for their movement.¹²⁶

Along with the potential for global, non-traditional security cooperation, conventional military threats once again emerged in the mid-nineties. The North

¹²⁵ Harry Harding and Edward J. Lincoln, "Rivals or Partners? Prospects for U.S.-Japan Cooperation in the Asia-Pacific Region," *The Brookings Review* 11, No. 3 (Summer 1993): 6-11; Mike M. Mochizuki, "Toward a New Japan-U.S. Alliance," *Japan Quarterly* 43, No. 3 (Jul-Sep 1996): 4-16; Robert A. Manning, "Futureshock or Renewed Partnership? The U.S.-Japan Alliance Facing the Millennium," *Washington Quarterly* 18, No. 4 (1995): 87-98; Koji Murata, "The U.S.-Japan alliance and the U.S.-South Korea alliance: Their origins, dilemmas, and structures," *Comparative Strategy* 14, No. 2 (1995): 185-194; Jimmy Carter and Yasuhiro Nakasone, "Ensuring alliance in an unsure world: The strengthening of U.S.-Japan partnership in the 1990s," *Washington Quarterly* 15, No. 1 (1992): 43-56.

¹²⁶ Japan deployed doctors and engineers for medical, sanitation, and water supply. The Japan Air Self-Defense Force later sent C-130 aircraft to support logistics for partnering NGOs.

Korean nuclear crisis (1993-94) and the Taiwan Strait crisis (1995-96) each brought the threat of regional interstate warfare back to the fore. For the United States, those incidents begged the question of how it would employ its forward bases in Japan for peacetime deterrence and combat operations in response to the North Korean and Chinese threats. For Japan, the issue was how the government and the JSDF would contribute to those efforts.

So, with a sight set on both international operations and dealing with regional security crises beyond a specific “defense of Japan” scenario, the allies decided to rewrite the Guidelines for Defense Cooperation. They formally articulated their goals for the new Guidelines in the “U.S.-Japan Joint Declaration on Security: Alliance for the 21st Century” on 17 April 1996. They focused on the following areas: bilateral coordination; expansion of roles, missions, and capabilities; cooperation in defense technology; non-proliferation and ballistic missile defense; realignment of U.S. forces in Japan; tri- and multi-lateralism; and global operations.¹²⁷ This was a daunting menu of expectations for the ensuing negotiation, but alliance managers ensured that each item gained some mention in the Guidelines by the time they completed drafting in 1997. The interpretation and implementation process, however, shifted outcomes of the 1997 Defense Guidelines in important ways.

What Changed

In 1997, the Defense Guidelines succeeded in expanding the *casus foederis* beyond a strict “Defense of Japan” scenario, creating a “Comprehensive Mechanism” for planning, establishing a “Bilateral Coordination Mechanism” for alliance coordination in crisis or contingency, and incorporating roles, missions, and capabilities necessary for responding to security situations in Northeast Asia and, to a limited extent, abroad. Specifically, they expanded the RMCs for the allies that might be required in response to the security situations witnessed between 1991 and 1997 including the North Korean nuclear crisis, the Taiwan Strait crisis, and the Great Lakes crisis. The details of these developments are discussed below.

¹²⁷ Ministry of Foreign Affairs of Japan, “Japan-U.S. Joint Declaration on Security: Alliance for the 21st Century,” April 17, 1996.

The Expanded Casus Foederis

Up until 1997, the formal *casus foederis* was clearly centered on peacetime tradeoffs and an armed attack situations.¹²⁸ In 1997, the governments formally expanded the threshold for exceptional obligations under the alliance pact. In addition to the existing peacetime and “armed attack against Japan” sections, the 1997 Defense Guidelines included “Situations in Areas Surrounding Japan” and “International Operations.” With this, there were new circumstances under which the allies could expect to operate and, on paper, this met the broad goals that level I alliance managers had within their overlapping win-sets in the negotiation process.

Expanded Roles, Missions, and Capabilities (RMCs)

Just as the allies expanded the categories for alliance response, they increased the scope of the RMCs incorporated in the Guidelines. There were many inclusions that represented RMCs that the allies identified as needs over the course of the nearly two decades since the publication of the 1978 Defense Guidelines. Some, like Ballistic Missile Defense and cooperation in international peacekeeping, came as direct responses to real world situations like the North Korean nuclear crisis and the Great Lakes crisis. Others were based on working group discussions and lessons learned from years of field, command post, and tabletop exercises. The latter category included most of what fell under consideration for Japan’s role in the “rear area,” and included logistics support, ship inspection operations, search and rescue, and processing of prisoners of war.

The inclusion of these new RMCs served as the basis for expanded alliance cooperation in training and in real world operations. Bilateral exercises such as KEEN EDGE and KEEN SWORD began incorporating these new functions. At the same time, when the United States initiated its Global War on Terror, the JSDF supported worldwide operations between 2001 and 2010 with maritime refueling,

¹²⁸ Peacetime tradeoffs are those benefits, services, and support functions that are exchanged under alliance frameworks on a normal day-to-day basis. An “armed attack” is a term-of-reference under the UN Charter for an armed incursion that warrants self-defense, both individual and collective.

airlift, and other rear area support functions, some of which were captured in the 1997 Guidelines.¹²⁹

The Bilateral Coordination Mechanism

The Bilateral Coordination Mechanism (BCM) is an institutionalized set of procedures and designated participants to coordinate alliance activities in case of an armed attack against Japan and in situations in areas surrounding Japan.¹³⁰ The Guidelines did not include much specificity beyond this, but they noted that government participants should include members of relevant ministries and agencies. In sum, the Guidelines set the foundation for the two governments to have a formal method of coordination with dedicated interagency personnel, in expectation that the allies would remain closely aligned during crises and contingencies related to the U.S.-Japan alliance.

There are three reasons why the alliance requires a coordination mechanism. The first is the necessity to manage policy decisions that affect the alliance in times of crisis.¹³¹ During any escalating situation, the two governments have a choice to execute unilateral responses with *ex post facto* coordination, or to coordinate synchronized *alliance* responses. The BCM recognized the utility of the latter, seeking to ensure that any response to a defense of Japan or “SIASJ”¹³² scenario would see close coordination between the allies.

The second reason is based on the operational coordination that must occur between parallel rather than integrated command-and-control structures. This is owing to the *bilateral* structure of the alliance rather than *combined forces* structure. In a combined forces structure--such as exists in the NATO and the U.S.-Republic of

¹²⁹ Despite some of those functions being included under different situations in the Guidelines, the Japanese government had to ratify emergency legislation to provide the legal basis for providing them based on the type and location of operations. This led to delays in commitment of Japanese support, and in the case of refueling, expiration of the original Anti-Terrorism special measures law meant operations had to cease until a new law (the Replenishment Support Special Measures Law) could be passed in the Diet.

¹³⁰ See 1997 Defense Guidelines, Appendix C.

¹³¹ Part of this necessity is borne from Article IV of the 1960 Mutual Security Treaty which dictates that the allies will consult on issues related to implementation of the treaty. One challenge in operationalizing these requirements is the question of whether they require consultation *during* decision making or *after* unilateral decisions have already been made.

¹³² Situations in Areas Surrounding Japan (pronounced “Sai-es-jay”)

Korea alliances--there is a single chain-of-command. While coordination problems exist anywhere, the challenges are amplified when there are two separate chains-of-command with different decision-making, reporting channels, and information sharing architectures. As the Guidelines state, “In order to conduct effective bilateral operations, U.S. Forces and the Self-Defense forces will closely coordinate operations, intelligence activities, and logistics support through this coordination mechanism including use of a bilateral coordination center.”¹³³ Thus, the purpose of the BCM at the *operational* level was to serve as a bridge between U.S. and Japanese organizations.

The third reason is not explicitly stated anywhere, but at the core of the Bilateral Coordination Mechanism is each government’s desire to manage risks of abandonment and entrapment. The Mutual Security Treaty puts forth specific rights and obligations, and the BCM helps ensure that the allies honor those obligations. For example, if there were to be a crisis on the Korean peninsula, U.S. officials would use the Bilateral Coordination Mechanism to ensure the Japanese government has all of the information and requests for support needed to provide certain items guaranteed under the alliance charter and Status of Forces Agreement. These could include Japanese logistics support for an operation, the opening up of Japanese civilian airports, or the establishment of staging bases for noncombatant evacuees from Korea. Conversely, the Japanese government may use the BCM to ensure that it influences U.S. decision-making and gets its say before the United States attempts to take potentially escalatory actions that could lead to retaliation against bases or civilian centers in Japan, thereby entrapping the country in conflict.¹³⁴

The 1997 Defense Guidelines changed the alliance by establishing the foundation for the BCM. Following that, the U.S. and Japanese governments

¹³³ See Appendix C.

¹³⁴ The includes managing the so-called “prior consultation” requirement that emerged with the renegotiation of the alliance treaty leading to the 1960 Mutual Security Treaty. Article IV of the U.S.-Japan Mutual Security Treaty states: “The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.” The “prior consultation” requirement was clarified via a formal exchange of notes, establishing following as the subject matter: “Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty.” “Exchange of Notes Incorporating Agreed Consultation Formula,” concluded January 19, 1960.

succeeded in adding specificity to the mandate and actualized the Bilateral Coordination Mechanism in September 2000. The two allies then exercised it for the first time in KEEN EDGE 2002.¹³⁵ The first Bilateral Coordination Center (BCC) was at Camp Ichigaya, but when the Japanese and U.S. governments built the Bilateral Joint Operations Coordination Center (BJOCC) at Yokota Air Base in 2007,¹³⁶ the responsibilities of the BCC split between Ichigaya¹³⁷ (the BCC-I) and Yokota (the BCC-Y).

The Comprehensive Mechanism

One item that the two governments did not explicitly note in the 1996 Joint Declaration but added in the 1997 Guidelines was the “Comprehensive Mechanism,” something that U.S. and Japanese alliance managers strongly advocated. Bilateral planning was done before 1997, but a prohibitive issue was the absence of interagency involvement. At the time, Japanese defensive plans were crafted in isolation within the Japan Defense Agency (JDA), an agency-level organization that reported directly to the Cabinet office but lacked institutional authority.¹³⁸ The JDA had no ability to compel Japan’s ministries or other agencies to dedicate resources to activities of little interest to them. Thus, the Defense Guidelines sought to establish a mechanism which could tap into Japan’s relevant ministries and agencies to produce more comprehensive and actionable defense plans.

The governments established the Comprehensive Mechanism on 20 January 1998, with the formation of the Bilateral Planning Committee following on 13 March 1998.¹³⁹ Wanting to incorporate the RMAs into the planning process, the allies

¹³⁵ The BCM was established via Subcommittee for Defense Cooperation document. It was comprised of two organizations: the Joint Coordination Group, which was meant for interagency coordination, and the Bilateral Coordination Center meant for military-to-military coordination. Headquarters, U.S. Forces, Japan. “J5 input for J00 end of tour report,” October 21, 2001, Author’s collection.

¹³⁶ The creation of the BJOCC was a SCC-level initiative under the Defense Policy Realignment Initiative Roadmap, 2006.

¹³⁷ Camp Ichigaya has been the location of the Ministry of Defense (formerly, the Japan Defense Agency) since May 8, 2000.

¹³⁸ The Japan Defense Agency (*Bōeichō*) existed from 1954 to 2007, when the Japanese government upgraded it to the status of a full Ministry.

¹³⁹ The Comprehensive Mechanism was created via Subcommittee for Defense Cooperation document and Bilateral Planning Committee as an institution under the Comprehensive Mechanism; “J5 input for J00 end of tour report,” October 21, 2001.

followed this up with the establishment of the Coordination and Liaison Forum (CLF) in September 2000.¹⁴⁰ Headquarters, U.S. Forces Japan (USFJ) described the CLF as “the membrane for coordinating bilateral military shortfalls with ministries and agencies outside JDA/JSO [Joint Staff Office].”¹⁴¹ USFJ Commanding General Paul Hester commented that the CLF “provided important access that did not exist under the old 1978 Guidelines,” noting that its “very existence is groundbreaking.”¹⁴²

Tri- and Multi-lateral Cooperation

For decades throughout the alliance, the United States preferred exclusivity in its security relationship with Japan.¹⁴³ On its side, Japan was somewhat limited at the political level in expanding its security relationships; after all, the government was hesitant even to characterize the U.S.-Japan relationship as an “alliance” until Prime Minister Zenkō Suzuki referred to it as one in 1981.¹⁴⁴ The 1997 Defense Guidelines presented a major shift in U.S. policy as the government institutionalized facilitation of Japanese cooperation with mutual security partners. A major driver of this shift from the U.S. side was the desire to foster ties between Japan and South Korea, in large part to ensure smooth operability in the event of a crisis or contingency on the Korean peninsula.¹⁴⁵ For Japanese decision-makers, the U.S. willingness to serve as a go-between with its other security partners offered an opportunity to leverage tri- and multi-lateral relationships in improved Japan’s bilateral ties with other regional players. As a result, the two governments included this language in the Guidelines to serve as the basis for formal tri- and multi-lateral cooperation with other countries.

¹⁴⁰ Established via SDC document.

¹⁴¹ “J5 input for J00 end of tour report.”

¹⁴² Ibid.

¹⁴³ The most stark example of this was during the Nixon administration when NSC documents reveal a policy position of avoiding Japanese movement to permit basing of foreign troops on Japanese soil, even mutual allies; National Security Council of the United States, “National Security Decision Memorandum, Subject: Termination of the U.N. Command in Korea,” March 1974.

¹⁴⁴ The U.S. and Japanese governments used the term “alliance” in the joint communique between President Reagan and Prime Minister Suzuki, and Suzuki used the term in his remarks. Japan’s Ministry of Foreign Affairs tried to justify the use of the term, but when Suzuki walked back his remarks, it triggered the resignation of Foreign Minister Masayoshi Ito. Yukinori Komine, *Negotiating the U.S.-Japan Alliance: Japan Confidential* (New York: Routledge, 2017), 214.

¹⁴⁵ Victor Cha, *Alignment Despite Antagonism: The U.S.-Korea-Japan Security Triangle* (Stanford: Stanford University Press, 1999).

Within a few years of publication of the Guidelines, the U.S. and Japan initiated formal trilateral relationships. The allies formed the U.S.-Japan-Republic of Korea Trilateral Coordination and Oversight Group in 1999.¹⁴⁶ The two countries followed this by initiating a formal trilateral security dialogue with Australia in 2002.¹⁴⁷ In addition to these trilateral efforts, a major multilateral project at the time was the Proliferation Security Initiative (PSI), a multinational effort to curb potential DPRK proliferation in the early 2000s. This initiative launched cooperation with countries including the U.S., Japan, Australia, New Zealand, Canada, and others.¹⁴⁸ Notably, Japan hosted its first PSI exercise in 2004, generating momentum towards other activities until the Lehman Shock in 2008 caused the partners to shift focus.¹⁴⁹

What Did Not Change

There were things that the allies sought to change that did not happen whether because the governments negotiated them out of the Guidelines before publication or because there were additional obstacles put in place during the interpretation and implementation phases. In 1997, the Guidelines failed to institutionalize global reach for allied operations, with limitations to “situations in areas surrounding Japan.” The 1997 Defense Guidelines also failed to establish a functional BCM, as the threshold for activating it was so high the allies could never formally use it.¹⁵⁰ Further,

¹⁴⁶ U.S. State Department, “Press Statement: Korea -- Trilateral Coordination and Oversight Group to Meet in Seoul,” August 29, 2002.

¹⁴⁷ The U.S. and Japan launched the U.S.-Japan-Australia trilateral security dialogue in 2002. The dialogues started at the vice-ministerial level but upgraded to ministers starting in 2006. As of August 2019, there have been nine dialogues, a rate of about once every two years. See also Yumi Tatsumi, ed., *U.S.-Japan-Australia Security Cooperation: Prospects and Challenges*, Washington D.C.: Stimson Center, 2015.

¹⁴⁸ Chief among multilateral security cooperation was the Proliferation Security Initiative; see “The Proliferation Security Initiative” website at <https://www.psi-online.info/psi-info-en/-/2075520>.

¹⁴⁹ The 2004 exercise, held in Tokyo Bay, involved several participating PSI states along with the Japan Coast Guard, Japan Defense Agency, and other relevant ministries and agencies. In 2007, Japan hosted 4250 personnel, 12 ships, and 14 aircraft from PSI states. By 2009, that number had dropped to 794 personnel, 3 ships, and 9 aircraft as militaries across the globe re-postured following the 2008 Lehman Shock. See Ministry of Foreign Affairs of Japan, “Japan to host the Proliferation Security Initiative Maritime Interdiction Exercise,” August 2004; Michael MacArthur Bosack, “The Relationship between the United Nations Command and Japan: 1950-2018,” *International Journal of Korean Studies* 23, No. 1 (Spring/Summer 2019): 71-105.

¹⁵⁰ The allies replicating the function of the BCM *informally*, however, using what became known as the Bilateral Crisis Action Team (BCAT) and Flexible Interagency Coordination Group (FIACG) in response to the North Korean sinking of the ROKS *CHEONAN* and shelling of Yeonpyeong-do in 2010, and in execution of Operation TOMODACHI following the triple disaster on 3//11.

constitutional limitations narrowed the scope in which the allies were able to expand their existing roles, missions, and capabilities. These outcomes are detailed below.

Situations in Areas Surrounding Japan versus Global Reach

One of the early goals of the 1997 Defense Guidelines was for the alliance to have global reach.¹⁵¹ The Gulf War and response to the Great Lakes crisis in Africa both highlighted operations which could have benefitted from alliance cooperation.¹⁵² However, during negotiations, Japanese political influence constrained the language regarding geography to a phrase known as “Situations in Areas Surrounding Japan.” Level I alliance managers attempted to preserve flexibility by avoiding any definition in the Guidelines of geographical boundaries. Even after publication, alliance managers never agreed upon geographical limitations.¹⁵³ Level II policy actors, however, took steps during the interpretation phase to restrict the JSDF’s reach.

The geographic limitations for the JSDF came as a result of internal policy coordination between the ruling Liberal Democratic Party and its junior coalition partner, the Komeito. The area in which the JSDF would be permitted to deploy became the Komeito’s primary sticking point with the Defense Guidelines. By negotiating with the LDP the terms of the SIASJ legislation that would pass in 1999, and by shaping the Japanese government’s interpretation of “areas surrounding Japan” during Diet interpellations, the Komeito managed to bound the legal and policy allowances related to the JSDF’s authorized operating areas. While this did not preclude Prime Minister Junichirō Koizumi from deploying the JSDF in support of Operations IRAQI FREEDOM and ENDURING FREEDOM, it did mean that his administration had to pass exceptional special measures laws.¹⁵⁴ It also meant that those special measures laws were based on an ad hoc interpretation of required

¹⁵¹ This was explicitly codified in the 1996 Washington Declaration, but the allies had begun coordination on international missions starting with the first Gulf War and through the early nineties in UN-sponsored PKO.

¹⁵² As discussed in Chapter 3, the Great Lakes Crisis served as one of three scenarios for “Tabletop Exercises” to determine necessary inclusions for the revised Defense Guidelines.

¹⁵³ Hague and Wright.

¹⁵⁴ For an in-depth examination in the Koizumi administration’s passage of these laws, see Tomohito Shinoda, *Koizumi Diplomacy: Japan’s Kantei Approach to Foreign and Defense Affairs* (Seattle: University of Washington Press, 2007).

RMCs rather than the functions carefully negotiated in the 1997 Defense Guidelines.¹⁵⁵ Importantly, the SIASJ law still provided the basis for the allies to respond to a scenario in Korea or Taiwan, but not beyond Northeast Asia.

Dysfunctional Bilateral Coordination Mechanism

The 1997 Defense Guidelines succeeded in creating the BCM, but while the allies employed it in numerous exercises,¹⁵⁶ it was never once ‘activated’ in the history of its existence.¹⁵⁷ From the U.S. alliance manager perspective, the BCM should have been activated following major incidents such as the sinking of the 2010 ROKS *CHEONAN* and shelling of Yeonpyeong-do, several North Korean nuclear and missile provocations, and the triple disaster on 3/11.¹⁵⁸ In each of those situations, personnel from USFJ requested activation of the BCM, but each time, their Japanese counterparts rebuffed them because there had not been political declaration of a *nihon shūhen jitai* (SIASJ).¹⁵⁹

The high threshold for political activation came during the interpretation phase of the negotiation process. Alliance managers never intended to create a political threshold for activation of the BCM, but political level negotiations over the implementing legislation led to imposition of legal language that cabinet authorization was necessary prior to any new menu of authorities opening up to the JSDF or government officials. Minister of Defense Hosei Norota made this

¹⁵⁵ The Special Measures Legislation included the Anti-Terrorism Special Measures Law (2001, No. 113), the Humanitarian Relief and Iraqi Reconstruction Special Measures Law (2003, No. 306), and the Replenishment Support Special Measures Law (2008, No. 1).

¹⁵⁶ These exercises included command post and field training Exercises like KEEN EDGE and KEEN SWORD.

¹⁵⁷ Here, ‘activation’ means the formal initiation of personnel manning and coordination under the framework of the BCM.

¹⁵⁸ “Triple disaster” refers to the Great East Japan Earthquake, tsunami, and nuclear disaster at Fukushima Daiichi Nuclear Power Plant that all occurred on March 11, 2011.

¹⁵⁹ The political process for declaration and response to “SIASJ” was as follows. The Japanese government had to recognize that a situation in nearby areas was likely to influence Japan’s security greatly. Next, the Ministry of Defense would develop a *kihon keikaku* (“Basic Plan”) for response that explained the situation and detailed the type of response from the Japanese government was necessary (e.g. access to civilian air/sea ports, JSDF provision of air logistical support, JSDF rear area search and rescue support, etc.). Next, the basic plan would be submitted to the Cabinet for approval. Only after the Cabinet had approved the basic plan and the Prime Minister declared a “Situation in areas surrounding Japan” would the government be able to execute a response. This would then need to go to the Diet for ex post facto approval. See “*Shūhenjitai ni saishite wagakuni no heiwa oyobi anzen wo kakuho surutame no sochi ni kansuru hōritsu* [Law concerning measures necessary for securing peace and security in areas surrounding Japan,” (1999 Law No. 253).

explicitly clear during Diet interpellations when he explained that no new authorities under the laws would be executed until the cabinet has reviewed and decided upon a basic plan for response measures.¹⁶⁰ The use of the BCM was among those authorities.

In the absence of a functional BCM, the allies established an ad hoc coordination mechanism modeled after it.¹⁶¹ The problem with this, however, was that the approval authority for the ad hoc mechanism was the USFJ commander and the Chief of the Japan Joint Staff,¹⁶² which meant that it had none of the institutional authority to tap into the Japanese interagency; i.e. other ministries and agencies would voluntarily have to support intra-alliance coordination. This proved unsuccessful in the cases of North Korean security incidents, though the allies had greater success in the massive interagency response effort in 3/11 because level II policy actors in the interagency considered themselves to have a stake in the operations. As evidenced in bilateral after-action reviews, coordination following the triple disaster saw much better results between all of Japan's ministries and agencies and the U.S. government owing to the ad hoc coordination mechanism.¹⁶³

Constitutional Limitations

The full breadth of Japan's constitutional limitations became clear when attempting to expand Japanese roles, missions, and capabilities beyond a "defense of Japan" scenario. The fact is that when Japan is under an "armed attack," the Self Defense Force may enjoy the full range of its security authorities. Short of an "armed attack," however, the scope of alliance cooperation remained undefined at

¹⁶⁰ House of Councillors of Japan, "*Dai 145 kai kokkai, nichibei bōeikyōryoku no tame no shishin ni kansuru tokubetsu iinkai, dai 5 gō* [Diet Session No. 145, Special Committee on the Guidelines for U.S.-Japan Defense Cooperation, Session No. 5]" April 1, 1999.

¹⁶¹ The ad hoc mechanism operated without a formal name, though the model was used for several real-world events. The only requirement for activation of the ad hoc mechanism was verbal affirmation from the Commander, USFJ and Chief of the Japan Joint Staff. Instead of the Joint Coordination Group, interagency coordination was conducted by the Flexible Interagency Coordination Group (FIACG), and military-to-military coordination occurred through the Bilateral Crisis Action Team (BCAT).

¹⁶² This activation was done through verbal affirmation.

¹⁶³ Headquarters, U.S. Forces, Japan, "Summary of O-6 Level Earthquake Disaster Response AAR Meeting #1," April 20, 2011, Author's collection.

the time of negotiation of the 1997 Defense Guidelines. Absent clarification, the negotiators had to rely on existing interpretations of constitutional limitations.

One key concept under the Japanese government's interpretation of Article IX of its constitution is that of *ittaiika*, which as detailed in chapter two relates to two items: command and control (C2) and operating area. With regard to C2, the JSDF is prohibited from operating within a C2 structure that includes forces which maintains rules on "use of force"¹⁶⁴ that exceeds its own.¹⁶⁵ As for operating area, *ittaiika* prohibited the JSDF from conducting missions in combat areas (*sentō chiiki*) aside from a defense of Japan scenario. The challenge with this is definition of "combat area"--there is none. The Defense Guidelines evaded this issue by using the term "rear area" (*kōhō chiiki*) in all JSDF operations meant to support combat forces not actively defending Japan from an armed attack. Examples of this include "Rear Area Support" and "Rear Area Search and Rescue," among others.

Similar to *ittaiika* is the concept known as *hikōnkō-yōken*, the "segregation requirement." This is specific to ship inspection operations. Under this constitutional interpretation, the Japanese Maritime Self Defense Force is not permitted to support ship inspection operations where a partner Navy has rules-of-engagement that exceed its own. For example, if the U.S. Navy is permitted to conduct opposed boarding operations, the JMSDF would not be allowed to operate in the same maritime vicinity. Functionally, this meant that the U.S. Navy and JMSDF could not perform any bilateral ship inspection operations, which became apparent when they explored the possibility of doing so in support of the Proliferation Security Initiative in the early 2000s.¹⁶⁶

Another concept that became increasingly relevant based on the 1997 Defense Guidelines regards the "use of weapons" (*buki shiyō*) versus "use of force"

¹⁶⁴ "Use of force" has designated meaning under international law relating to the use of military capabilities against foreign entities.

¹⁶⁵ Ministry of Defense of Japan, "Section 3: Basic Policy for the Development of New Security Legislation," in *Defense of Japan*, 2014.

¹⁶⁶ The Proliferation Security Initiative was a multilateral effort to prevent spread of Weapons of Mass Destruction. From 2004-2007, the Japanese government invited partner militaries to engage in multilateral ship inspection operations exercises. Exercises took place in Japanese waters and included various members of the 80 signatories to the PSI; Ministry of Foreign Affairs of Japan, "Letter from Tomoko Ichikawa, Director Non-Proliferation, Science and Nuclear Energy Division: Invitation to the PSI Maritime Interdiction Exercise hosted by Japan," May 2, 2007.

(*buryoku kōshi*) in protection¹⁶⁷ or defense¹⁶⁸ of other militaries. Japan's definition of use of weapons and use of force falls more in line with international legal interpretations,¹⁶⁹ while the U.S. military operates under “Standing Rules of Use of Force” and “Rules of Engagement” for non-combat and combat situations, respectively.¹⁷⁰

The last area of cooperation where there was no progress owing to Japan's constitutional limitations was in collective self-defense. As described in past chapters, collective self-defense is a right under international law afforded to each member-state of the United Nations to individual and collective self-defense in response to an armed attack.¹⁷¹ In practical terms, collective self-defense is the act of employing military capabilities in support of another country that is declaratively engaged in combat (whether offensive or defensive in nature). At the time of publication of the 1997 Guidelines, the Japanese government still ascribed to its 1972 interpretation of collective self-defense, which recognized its inherent right to it as a signatory to the UN charter (*shudanteki jieken no kōshi yōnin*), but held that Article IX of the constitution prohibited the exercise of that right.¹⁷² The 1997 Defense Guidelines explored ways for the allies to work together in response to military conflict outside Japan, but avoided the direct mention of collective self-defense or any similar mutual protection activities.

The fact that level I negotiators tried to avoid Article IX-related issues did not prevent level two policy actors from using it as the basis for challenging the Guidelines. Some opposition politicians criticized the new Guidelines-related security authorities as outright violations of Article IX. Others challenged the LDP-

¹⁶⁷ “Protection” (*bōgo*) connotes a situation that is not defined as combat under international law.

¹⁶⁸ “Defense” (*bōei*) connotes a situation that is defined as combat under international law.

¹⁶⁹ The general understanding under international law is that “use of weapons” is for self-protection and policing actions (i.e. non-combat roles), while “use of force” is for employment of military capabilities under UN Chapter VII, Article 51 rights of individual and collective self-defense in response to an armed attack.

¹⁷⁰ Rather than “Rules of Engagement,” the JSDF operate under *butai kōdō kijun* (which the JSDF translates as “Operational Code of Conduct”). Since December 2000, the method for developing the Operational Code of Conduct has been covered under Japan's Defense Directives Item 91, which instructs Japanese defense officials on how to develop the code of conduct in accordance with international and domestic laws.

¹⁷¹ See Chapter VII, Article 51 of the UN charter.

¹⁷² House of Councillors of Japan, “Relationship between the Right of Collective Self-Defense and the Constitution,” October 14, 1972.

led government on the individual Article IX-related issues. *Ittaika, hikōkon-yōken*, collective self-defense, and “rear area” operations all saw repeated discussion in Diet interpellations. Those Diet deliberations forced cabinet interpretations that affected the functionality of the Guidelines. First, that there would be a strict threshold before the JSDF could execute any of the new authorities contained in the laws. Second, that the JSDF would maintain geographic separation from forces engaged in combat operations. Finally, the JSDF would have no authority for either “use of force” or “use of weapons” in defense of other militaries during operations.

In some ways, this was not just a level II problem, but a level I issue. While the level II engaged on these issues, alliance managers did not fully understand the differences between each country’s legal interpretations at the time, so they did not adequately address the issues via the 1997 Guidelines. Granted, they were breaking new ground for the alliance, and they had not yet reached the point of exploring the operational and tactical implications of these Article IX-related issues. Those problems associated with the clear differences in rules on the use of military capabilities would later become clear through exercises and real-world operations, and they would become focal points for the next Guidelines rewrite.¹⁷³

2015 Defense Guidelines: Posturing a “Seamless Response”

The 1997 Defense Guidelines succeeded in reorienting the alliance for new threats and in establishing a foundation--albeit a flawed one--for more effective coordination and expanded roles, missions, and capabilities between the allies, but the early 2000s introduced new security challenges. When a group of terrorists executed a coordinated attack on the United States on 11 September 2001, U.S. security focus immediately shifted to Southwest Asia and prompted the initiation of the “Global War on Terror.” Rather than devoting resources and effort to traditional great power competition that would typically fall under the purview of European

¹⁷³ General rules for “Use of Weapons” are regulated by various articles in the Self Defense Forces Law (1954, No. 165), such as Articles 89 (Powers while in Police Operation), 90 (Public Security Operation), and 82 (Maritime Security Operation). Meanwhile, “Use of Force” is detailed under separate SDF Law Articles 76 (Defense Operation) and 88 (Use of Force While on Defense Operation).

Command and (then-)Pacific Command,¹⁷⁴ Central Command swelled to manage combat and stability operations in Afghanistan and, later, Iraq.

While the 1997 Guidelines provided a small window for Japanese support to such operations, support to Global War on Terror was not what the Japanese government had in mind. The 1992 Peacekeeping Operations law focused principally on UN-mandated non-combat operations, not coalition-led warfare. After the 1997 Defense Guidelines came out, the Japanese government passed implementing legislation in 1999, but those focused on situations in areas surrounding Japan. For these new mission sets, Japan would have to pass exceptional legislation in the forms of the Anti-Terrorism Special Measures Law, the Law Concerning Humanitarian Assistance and Reconstruction in Iraq, and, later, the Replenishment Support Special Measures Law.¹⁷⁵

Meanwhile, as part of its efforts in Southwest Asia, the U.S. government decided it was necessary to realign its forces not just in Japan, but across the globe. The Global Force Realignment Plan, as the U.S. called it, aimed to drawdown forces in certain areas to shift them to others with more immediate security needs. As part of this process, U.S. government officials engaged allies to negotiate the terms of support to this realignment effort. Although the Japanese government was not immediately concerned about an abandonment of commitment, there were questions about how the alliance would need to evolve in order to deal with a decreased footprint or reduced capabilities in the country. As highlighted in chapter three, it was during these realignment discussions that the Japanese government first proposed renegotiation the 1997 Guidelines.¹⁷⁶

Meanwhile, the 1997 Guidelines proved mostly sufficient until North Korea and China began intensifying their efforts to exploit seams in the rules-based

¹⁷⁴ The U.S. government renamed Pacific Command to Indo-Pacific Command in 2018.

¹⁷⁵ “*Heisei 13 nen 9 gatsu 11 nichi no Amerika gasyūkoku ni oite hassha shita terorisuto ni your kōgekitō ni taiōshite okonowareru kokusai rengō kenshō no mokuteki tassei no tame no shogaikoku no katsudō ni taishite wagakuni ga jisshi suru sochi oyobi kanren suru kokusai rengō ketsugi-tō ni motozuku jindōteki sochi ni kansuru tokubetsu sochihō* [Shortened name: Anti-Terrorism Special Measures Law],” (2001, Law No. 113).; “*Iraku ni okeru jindōshienkatsudō oyobi anzen hoshō shienkatsudō no jisshi ni kansuru tokubetsu sochihō* [Special measures law related to activities in support of security and humanitarian assistance in Iraq].” (2003, Law No. 137); “*Hokyū shien Tokubetsu sochi hō* [Replenishment Support Special Measures Law]” (2008, Law No. 1).

¹⁷⁶ Author interview with Colonel (retired) Mark O. Hague, February 7, 2018.

international order. Both North Korea and China began taking actions that challenged the status quo in Northeast Asia but fell short of a security incident warranting an allied response. The North Koreans engaged in brinkmanship tactics, employing provocations in ways that would coerce diplomatic and economic concessions while furthering their nuclear and missile development. While this was not a new tactic for the North Koreans, the nature of the provocations had developed to a point that threatened Japan directly. The development of nuclear weapons was a 'game-changer' for the region, the presence of North Korean spy vessels in Japanese waters had led to violent confrontation, and missile tests continued to increase the risk of miscalculation. At the same time, the Chinese began taking steps to change the regional status quo, employing a combination of lawfare and hybrid warfare to further its territorial ambitions.¹⁷⁷ The employment of persistent Coast Guard presence in the East China Sea,¹⁷⁸ the use of Maritime Militia,¹⁷⁹ and the construction of manmade islands in the South China Sea were all means of providing incremental progress towards further-reaching objectives.

The challenge for the allies was that none of these actions met the threshold for the alliance roles, missions, and capabilities outlined in the 1997 Guidelines. While conceptually the grounds for cooperation existed, the stated threshold was either an armed attack against Japan or a "situation in an area surrounding Japan." Chinese activity did not reach the threshold of an armed attack, and North Korean provocations did not meet Japan's legal definitions for SIASJ.¹⁸⁰ The solution for

¹⁷⁷ Sugio Takahashi, "Development of gray-zone deterrence: concept building and lessons from Japan's experience," *The Pacific Review* 31, No. 6 (2018): 787-810.

¹⁷⁸ Michael MacArthur Bosack, "China's Senkakus Ambition," *Japan Times*, June 12, 2019.

¹⁷⁹ Conor M. Kenedy and Andrew S. Erickson, "China's Third Sea Force, The People's Armed Forces Maritime Militia: Tethered to the PLA," *China Maritime Report*, No. 1 (2017).

¹⁸⁰ For declaration of SIASJ, the Japanese government must first recognize the existence of a situation in areas surrounding Japan which, if left unresolved, could have an important influence on Japanese security. The government would then have to develop a basic plan (*kihon keikaku*) which accomplished at least three requirements: (1) provide a detailed account of the situation; (2) described why Japanese response was necessary; and (3) gave a full outline for what the Japanese government would do in response. That Basic Plan would then have to go to the Cabinet for approval and to the Diet for approval (ex post facto Diet approval was authorized in emergency situations). See "Shūhenjitai ni saishite wagakuni no heiwa oyobi anzen wo kakuho surutame no sochi ni kansuru hōritsu" [(1999 Law No. 253) Law concerning measures necessary for securing peace and security in situations in areas surrounding Japan].

the allies was to revisit the Guidelines at the negotiating table, but there was one last step necessary.

The Japanese government approached U.S. officials several times to propose renegotiating the Guidelines, but U.S. officials needed more from the Japan side. The two most notable proposals for amending the guidelines came in 2005 when the two allies were addressing realignment issues in an SCC document entitled, “Alliance Transformation and Realignment for the future.” The second came in 2009 when the Democratic Party of Japan wrested control of the government away from the Liberal Democratic Party.¹⁸¹ In both cases, the U.S. response was simple: what is new that the Japan side can offer in terms of alliance contributions? In 2013, the Japanese government finally had a response: the Abe administration aimed to reinterpret the constitution to allow for exercise of collective self-defense.

With this ambitious security agenda in place, Japanese officials again approached the U.S. government, and this time, they received a positive response. Upon hearing that the Japanese government would be enabling the JSDF to exercise collective self-defense, U.S. officials now saw the potential for rectifying the shortfalls of the 1997 Guidelines and further the alliance in new and important ways.¹⁸² Those ways became clear in the 2013 joint statement of the Security Consultative Committee.

The formal goals of the new Defense Guidelines came in the October 2013 SCC statement when the two sides formally agreed to renegotiate the 1997 Guidelines. The central theme for the new guidelines was posturing against a wide range of crises and contingencies from peacetime through armed attack. The allies determined it was necessary to incorporate the space and cyber domains and to codify cooperative measures in response to grey zone threats. They also recognized the need to negotiate the operationalization of Japan’s soon-to-be authorized right to exercise collective self-defense. Further, they decided to tackle the following issues: coercive and destabilizing behaviors in the maritime domain; proliferation of weapons of mass destruction (WMD); and man-made and natural disasters. Finally, they sought to expand the scope of cooperation to reflect the global nature of the

¹⁸¹ Author interview with former OSD official, May 27, 2018.

¹⁸² Author interview with Colonel (retired) Mark O. Hague, February 7, 2018.

U.S.-Japan alliance, including increased focus on tri- and multi-lateral relationships. Finally, although not explicitly stated in this way, they sought to rectify the shortcomings of the 1997 Defense Guidelines, including improvement of the coordination mechanism and greater inclusion of whole-of-government entities.

What Changed

In 2015, the Defense Guidelines once again expanded alliance RMCs, this time focused on “gray zone” conflict and the reinterpretation of Japan’s constitution to afford more robust application of military power.¹⁸³ The 2015 Guidelines also added cyberspace and space as domains of cooperation, included HADR as an alliance function, created a ‘standing’ Alliance Coordination Mechanism to replace the failed Bilateral Coordination Mechanism, and established a Bilateral Planning Mechanism that eliminated some of the bureaucratic obstacles of the old Comprehensive Mechanism.

The Expanded Casus Foederis

With the 2015 Guidelines, the allies formally broadened the *casus foederis* to include gray zone threats, calling for “seamless responses,” highlighting the need for whole-of-government approaches to security issues, and identifying categories of security incidents that require alliance response.¹⁸⁴ Those categories of cooperation include “Cooperative Measures from Peacetime”; “Responses to Emerging Threats to Japan’s Peace and Security”¹⁸⁵; “Action in Response to an Armed Attack Against Japan”; “Actions in Response to an Armed Attack against a Country other than

¹⁸³ “Gray zone” refers to any crisis or contingency that affects a state’s security but does not cross any thresholds for specific response under international law; e.g. militarized interstate disputes short of an “armed attack.” When needing to redefine the government’s position on Article IX, rather than amending the Constitution, the Japanese government has issued official “reinterpretations.” These reinterpretations have come infrequently, but notably in 1952, 1972, and 2014.

¹⁸⁴ See Appendix D.

¹⁸⁵ This includes the so-called *kyūyōeikyō jitai* (“Important Influence Situation”), which replaced SIASJ and includes, among other scenarios, response to a Korean Peninsula crisis. The archived law is entitled “*Shūhenjitai ni saishite wagakuni no heiwa oyobi anzen wo kakuho surutame no sochi ni kansuru hōritsu* [Law concerning measures necessary for securing peace and security in situations in areas surrounding Japan]” (1999 Law No. 253). The updated law is entitled “*Jyūyō eikyō jitai ni saishite wagakuni no heiwa oyobi anzen wo kakuho suru tame no sochi ni kansuru hōritsu* [Law concerning measures necessary for securing peace and security in important influence situations]” (2015 Law No. 60).

Japan”¹⁸⁶; “Cooperation in Response to Large-Scale Disaster in Japan”¹⁸⁷; and “Cooperation in International Activities.”¹⁸⁸ The changes here reflect a significant broadening of what the allies were willing to codify as thresholds for alliance response.

Alliance Coordination Mechanism

There were three coordination shortfalls addressed in the creation of the Alliance Coordination Mechanism.¹⁸⁹ The first was the high threshold for activation. Rather than rely on a political-level decision, the new Guidelines eliminated the step altogether. In early drafts, this coordination mechanism was known as the “Standing BCM,” but alliance managers felt that it would carry too much baggage from the previous iteration of the mechanism and opted for new naming convention. They deliberated the proposed name of “Alliance Coordination Framework” before settling on the “Alliance Coordination Mechanism.” In all iterations of the new design, the mechanism was “always on,” and could be employed at the request of either party.¹⁹⁰

The second shortfall the 2015 Guidelines addressed was the limited scope of the BCM. The Guidelines made it clear that the new ACM would function in *any* security situation, whether it was a gray zone security incident, a major natural disaster, or an armed attack against either party. The repeated mention of the ACM throughout the Guidelines serves as reinforcement of this fact in order to eliminate any doubt of any limitations on appropriate functionality.

¹⁸⁶ This section expanded the *casus foederis* to include limited exercise of collective self-defense in support of the United States. Despite the absence of such a military obligation under the Mutual Security Treaty, the Guidelines clearly state the conditions under which Japan could use military force in support of its U.S. ally.

¹⁸⁷ This represented another change to the *casus foederis*, including major natural disasters as a security incident warranting alliance response.

¹⁸⁸ International activities were included within the scope of the alliance in the 1997 Guidelines, but the 2015 expanded the RMCs associated with this category of cooperation.

¹⁸⁹ Although not detailed in the formal guidelines, early coordination documents for the “Standing Bilateral Coordination Mechanism,” the “Alliance Coordination Framework,” and finally, the “Alliance Coordination Mechanism” showed two levels of coordination: the policy level and the operational level. These would later be formalized in the establishment of three layers of coordinating groups under the ACM: the Alliance Coordination Group (which handles interagency policy-level coordination); the Bilateral Operations Coordination Center (which handles joint military-to-military operational coordination); and the Component Coordination Centers (which handle air, maritime, and ground component operational coordination).

¹⁹⁰ Jeffrey Hornung, *Managing the U.S.-Japan Alliance: An Examination of Structural Linkages in the Security Relationship* (Washington, D.C.: Sasakawa USA, 2017).

The final shortfall was in operational coordination. The previous BCM was comprised of two coordination bodies: the Joint Coordination Group for members of the two governments' interagencies, and the Bilateral Coordination Center for joint military-to-military coordination. The issue with this was the absence of coordination bodies between operational-level commands. The Guidelines published the necessity for the ACM to function better between individual service components.

With the new Defense Guidelines in place in April 2015, the allies quickly set to work in establishing the new ACM. They negotiated an implementation document which the Minister of Defense and Secretary of Defense affirmed on 3 November 2015 on the sidelines of the 3rd ASEAN Defense Ministers' Meeting plus held in Kuala Lumpur.¹⁹¹ The result was an ACM comprised of three bodies: the Alliance Coordination Group for interagency coordination; the Bilateral Operations Coordination Center¹⁹² for joint military-to-military coordination; and the Component Coordination Centers¹⁹³ for coordination between individual Ground, Air, and Maritime services.

Unlike the BCM, the allies have routinely employed the ACM. The first major policy-level use of the ACM came in response to North Korean provocations. ACM meetings followed almost every missile provocation beginning in 2016, and the Alliance Coordination Group convened at the Assistant Secretary of Defense/Director-General level following the September 2016 nuclear test.¹⁹⁴ The first major operational test of the ACM came in April 2016 with the Kumamoto earthquakes. The allies used the ACM to coordinate U.S. support to Japan's Joint Task Force CHINZEI.¹⁹⁵ The coordination mechanism continues to remain active, both in real-world events and exercises.

¹⁹¹ "Nichibei ga dōmeichōsei no arata na shikumi, jieitai to beigun no kyōdō taishō wo kyōryoku [U.S. and Japan strengthen the JSDF and U.S. military response with new framework for alliance coordination]," *Reuters*, November 3, 2015.

¹⁹² Unlike the previous BCC-I and BCC-Y, the BOCC operates from a single location at Yokota Air Base to eliminate redundancies and competing coordination efforts.

¹⁹³ At the time of writing, the Component Coordination Center-Air operates from Yokota Air Base; the Component Coordination Center-Maritime operates from Camp Ichigaya, and the Ground Coordination Center exists at Camp Zama.

¹⁹⁴ Ministry of Defense of Japan, "Alliance Coordination Mechanism (ACM) Video-conference at the Director-General Level," September 10, 2016.

¹⁹⁵ Michael MacArthur Bosack, "Allied Against Natural Disaster?: The Need for Exceptional Disaster Relief Policy for the U.S.-Japan Alliance," *Sasakawa USA Forum*, No. 14 (September 4, 2018).

Bilateral Planning Mechanism

The “Comprehensive Mechanism” from the 1997 Guidelines was a good interim step for the alliance, but not without its shortcomings. First, the Comprehensive Mechanism and all of its components proved too complicated.¹⁹⁶ There were unnecessary coordination bodies that, at best, provided no utility, and at worst, presented bureaucratic impediments to progress. While the United States and Japan were able to succeed in completing bilateral plans after 1997,¹⁹⁷ both governments recognized the need for streamlining the bilateral planning process, especially with regard to interagency support from the Japan side.

Rather than modifying the old Comprehensive Mechanism, the 2015 Defense Guidelines called for a new mechanism altogether. The Guidelines directed the new “Bilateral Planning Mechanism” to include relevant agencies of the respective governments who would provide input for the development of bilateral plans.¹⁹⁸

Like the ACM, the allies went to quick work in establishing the Bilateral Planning Mechanism after publication of the Defense Guidelines. The same implementing document used to create the ACM also established the BPM when the Secretary of Defense and Minister of Defense met on 3 November 2015. Bilateral planning is a classified endeavor, so public records on progress and type of planning done through the use of the Bilateral Planning Mechanism are unavailable to open sources. However, various Japanese media reports suggest that the allies are making steady progress on posturing for at least the North Korean and Chinese threats in Northeast Asia.¹⁹⁹

¹⁹⁶ The Comprehensive Mechanism was comprised of the Bilateral Planning Committee, the Coordination and Liaison Forum, and each side’s individual planning bodies. These reported to the Subcommittee for Defense Cooperation, who then had to report to the Security Consultative Committee.

¹⁹⁷ Those plans are classified documents. There have been numerous leaks regarding those specifics including plan numbers and scenario details, but this dissertation avoids further discussion in consideration of relevant security concerns.

¹⁹⁸ See Appendix D.

¹⁹⁹ These reports were based on leaks Japanese government officials. See, for example, “*Nichibei Shinsakusenkeikaku, taichū yokushikyōka he bei no shisei kōka hanei.*” *Asahi Shimbun*, January 24, 2016.

Expanded Roles, Missions, and Capabilities

In July 2014, the Abe administration reinterpreted Article IX of Japan's constitution, which opened the door to three major changes incorporated in the 2015 Defense Guidelines. The first was the relaxation of prohibitions on collective self-defense. As stated earlier, this allowed the allies to include a new *casus foederis*: "Actions in Response to an Armed Attack against a Country other than Japan." Now, Japan could respond with CSD as a function of the alliance, whether in defense of the United States or of a mutual security partner.²⁰⁰

The second was redefinition of the concept of *ittai-ka*, which removed the restriction of JSDF operations to the "rear area." The new interpretation simply requires that the JSDF operate in an area where combat is not actively taking place (*hisentō chiiki*). In practice, this means that the Japanese government must determine that a location does not have active combat, and once on the ground, it is left to the unit commander to make the decision as to whether the situation deteriorates enough to consider it a "combat area." For the Guidelines, no specific clarification was required in the text of the document, but the functions were encapsulated in enumerated RMCs such as logistics support, ship inspection operations, and others.

The third change was expanded rules on "use of weapons" for protection which enabled the allies to realize "mutual asset protection." Different from collective self-defense which relates to armed attack situations, asset protection is important in any security incidents prior to an armed attack.²⁰¹ An example is illustrative: U.S. Navy and JMSDF vessels are cruising together in the South China Sea when People's Liberation Army Navy (PLAN) vessels approach and ram the U.S. vessel. Prior to the change in constitutional rules, the JMSDF vessel would have had no legal authority to intervene in protection of the U.S. asset. With the change in interpretation and inclusion of asset protection as a mission set for the allies, the JMSDF is permitted to respond as if the U.S. vessel is the same as any

²⁰⁰ The rules on CSD allow the JSDF to exercise use of force in support of "nations with whom Japan has a close relationship" (*kinmitsu na kankei*). A clear example of this is Australia.

²⁰¹ For more information on "Asset Protection," see Ministry of Defense of Japan, "*Jieitaihō dai 95 jō no 2 (Beiguntō no butai no bukitō bōgo) ni tsuite* [About SDF Law Article 95-2 [Protection of U.S. military and others' unit assets]," May 18, 2017.

JMSDF unit that is under attack in that situation. This eliminates a major seam in alliance cooperation in response to gray zone incidents.

Space and Cyberspace

As part of the desire to posture for seamless responses to security threats, the two governments decided to broaden alliance responsibilities beyond the air, land, and sea domains to include space and cyberspace. For the United States, these had been recognized domains for combat for some time, as the U.S. government designated cyberspace a domain of combat in its 2004 National Military Strategy and had activated USSPACECOM back in 1985. The same could not be said of the Japan Self Defense Force. It was not until the Aerospace Basic Act of 2008 made it legally possible for JSDF to employ satellites for the defense purposes.²⁰² Even then, hampered in part by budgeting constraints, the JSDF did not have its first military-use satellite in orbit until 2017.²⁰³ Meanwhile, it was not until 2014 that the MOD had established a Cyber Defense Group.²⁰⁴

The allies have leveraged the guidelines in stepping up their coordinated activities in the realms of space and cyberspace. While this function is still in the fledgling stages, the allies now have multiple fora for alliance management in those domains including the 2019 decision to create a new cyber and space policy working group. The Japanese are also planning to deploy a Liaison Officer to Vandenberg Air Force Base to deepen cooperation in space activities.²⁰⁵

Cooperation in Defense Technology

The inclusion of cooperation in defense technology is a prime example of an alliance function that had been long-standing but never formalized until the 2015 Defense Guidelines. The U.S. and Japanese governments had begun cooperative

²⁰² “*Uchūkihō hō* [Aerospace Basic Act],” (2008 Law No. 43).

²⁰³ Matt Williams, “Japan Becomes A Military Space Player With Latest Launch,” *Universe Today*, January 25, 2017, Available from <https://www.universetoday.com/133018/japan-becomes-military-space-player-latest-launch/>.

²⁰⁴ Ministry of Defense of Japan, “Regarding Response to a Cyber Attack,” April 1, 2020.

²⁰⁵ Ryuichi Yamashita, “Japan to station officers at U.S. base as part of space strategy,” *Asahi Shimbun*, June 5, 2019, Available from <http://www.asahi.com/ajw/articles/AJ201906050060.html>.

development of defense technology decades earlier,²⁰⁶ but the level of cooperation increased exponentially following 1997. North Korea's launch of the Taepodong missile over Japan in 1998 catalyzed Japanese ballistic missile defense research and development, prompting cooperation with American partners. Eventually, this led to the co-development of the SM-III Block IIA missile, which opened the door to Japanese desires for co-development in other defense technologies as well.²⁰⁷

There was a limitation to Japanese engagement on defense technology, however: the three principles on arms exports.²⁰⁸ This self-imposed policy prohibited the Japanese from exporting arms or defense technology that could be used in means that contravene Japan's constitution. In other words, Japan had to avoid providing equipment or technology that could be used in fighting offensive wars. Action at the political level was necessary to move forward on this.

For the LDP-led government, this meant amending the policy on arms exports via cabinet decision. As a cabinet decision, it was not vulnerable to level II veto players that could have influenced the decision if it had to enter the Diet for ratification. On 1 April 2014, the Abe government introduced the "Three Principles on Transfer of Defense Equipment and Technology," which opened the door to greater cooperation with its U.S. ally in defense technology.²⁰⁹ The new "3 P's" were a political necessity given Japan's ongoing efforts in supporting F-35 production,²¹⁰ but both the U.S. and Japanese governments also saw an opportunity to build upon the foundation that existing efforts had established. The inclusion of

²⁰⁶ The Mutual Defense Acquisitions Office located at the U.S. Embassy in Tokyo has managed the implementation of the 1954 Mutual Defense Assistance Agreement. This agreement permits the sharing of U.S. defense technology and equipment. The Nakasone administration expanded Japan's authorities to allow for reciprocal transfer of technology starting in 1982.

²⁰⁷ A prominent co-development project that followed was the Joint Strike Fighter (JSF), later designated the "F-35" Mission Design Series.

²⁰⁸ These Japanese government originally declared these principles in the Diet in 1967. The full text of the original Three Principles on Arms Exports is available via the Japanese Ministry of Foreign Affairs, "Japan's Policies on the Control of Arms Exports," 2014.

²⁰⁹ The Three Principles on Transfer of Defense Equipment (January 2014) are as follows: Overseas transfer of defense equipment and technology will not be permitted when: (1) the transfer violates obligations under treaties and other international agreements that Japan has concluded, (2) the transfer violates obligations under United Nations Security Council resolutions, or (3) the defense equipment and technology is destined for a country party to a conflict (a country against which the United Nations Security Council is taking measures to maintain or restore international peace and security in the event of an armed attack).

²¹⁰ Japanese activity in support of F-35 development would have violated the original Three Principles on Arms Exports.

cooperation in defense technology in the Guidelines formalized this function for the alliance as a means to keep it a priority in the long-term.

Humanitarian Assistance/Disaster Relief (HADR)

Although some members of the U.S. government did not see this as a priority area,²¹¹ this was a major objective for the Japanese government.²¹² Two real world events served as drivers for Japanese desire to include this function for the alliance: the triple disaster on 11 March 2011 and Typhoon Haiyan in the Philippines in 2013. The triple disaster saw a major alliance relief effort with the JSDF-led Joint Task Force *TOHOKU* and the U.S. Operation TOMODACHI. Meanwhile, militaries from several foreign countries partnered in Operation DAMAYAN to support the disaster-affected population in the Philippines. Among them were the United States and Japan, which saw some cooperation between the U.S. Navy, Marine Corps, and JSDF.

The inclusion of domestic and international HADR formalized this as an alliance function, and it did not take long until the two governments needed to action it. From the start, the allies routinized exercise HADR together in Japan's annual disaster exercise, Joint Exercise Rescue, as well as several tactical level disaster exercises throughout Japan. While this activity continues, before the first anniversary of the publication of the new Guidelines, the allies had to respond to a real-world disaster relief scenario when a series of earthquakes struck Kyūshū in April 2016. The U.S. military supported the JSDF's Joint Task Force CHINZEI through provision of airlift assets including U-12 passenger aircraft, MV-22 Ospreys, and C-130 transport aircraft.

What did not change

While the 2015 Guidelines succeeded in many ways, there were some notable failures in the negotiating effort. The 2015 Defense Guidelines did not mention of

²¹¹ Author interview with Colonel (retired) Mark O. Hague, February 7, 2018.

²¹² Humanitarian Assistance/Disaster Relief is a major operational priority for the JSDF. The JSDF averages several hundred HADR dispatches annually, ranging from a few aircraft or vehicles and unit of personnel, to Joint Task force efforts.

cooperation with law enforcement entities such as the Japan Coast Guard or National Police Agency. They failed to detail the scope of exercise of collective self-defense. The Guidelines did not include strike operations, a desired inclusion from the Japan side.²¹³ They did not include Maritime Interdiction Operations, which is something that both sides wanted. Finally, although the guidelines encouraged tri- and multi-lateral cooperation, the final product omitted sections on coordination with U.S. Forces, Korea (USFK) and specific naming of partners like the Republic of Korea.²¹⁴ These outcomes are detailed below.

Limitations on Collective Self-Defense

While in principle, the reinterpretation of Article IX affords the JSDF the right to exercise collective self-defense, the same is not true in practice. The outcomes of LDP-Komeito negotiations made the threshold for exercising collective self-defense so high that it is unlikely ever to be carried out in the ways envisioned during the Defense Guidelines negotiations. By law, the process for exercising collective self-defense is as follows: a nation with whom Japan has a “close relationship” (*kinmitsu na kankei*) must come under attack, declaring an armed attack and requesting support. The Japanese government must then determine that the need for exercising collective self-defense meets three principles: one, the situation, if gone without response, could lead to an existential crisis for Japan; two, there is no other means necessary for resolving the crisis; and three, whatever actions the Japanese take is to the minimum extent possible.²¹⁵ The government must then develop a basic plan (*kihon keikaku*) for response, which must then receive cabinet approval, in which the Prime Minister declares a *sonritsu kiki jitai*, or “Survival Threatening Situation.” From there, the basic plan must go to the Diet for approval.

²¹³ See, for example, Sugio Takahashi, “Dealing with the Ballistic Missile Threat: Whether Japan Should Have a Strike Capability under its Exclusively Defense-Oriented Policy,” *NIDS Security Reports*, No. 7 (December 2006). To note, Takahashi was a prominent figure in the 2015 Defense Guidelines negotiations and served in the MOD Strategic Planning Office as a seconded official from the mid-2000s to mid-2010s.

²¹⁴ Early drafts of the Guidelines included the Republic of Korea and more robust language on tri- and multi-lateral cooperation with the U.S.-Japan alliance as the anchor.

²¹⁵ “*Buryokukōgekijitai oyobi sonritsukikijitai ni okeru wa ga kuni no heiwa to dokuritsu futatabi ni kuni oyobi kokumin no anzen no kakuho ni kansuru hōritsu* [Law concerning the protection of the Japan and its residents, as well as Japan’s peace and sovereignty during Armed Attack Situation and Survival Threatening Situation]” (2015, Law No. 76).

Considering the original concepts for application of collective self-defense authorities, the legal limitations bound the effectiveness of this section of the Guidelines. For example, in the lead up to the negotiation, the two allies envisioned a situation where collective self-defense would be necessary for shooting down North Korean Ballistic Missiles heading for the United States.²¹⁶ Given Japan's legal process, the United States would have to be hit by a missile first before requesting support and waiting for the bureaucratic and legislative process to run its course before the JSDF would be able to engage its own BMD systems.

This is not to say that this was a meaningless inclusion. There are still important situations where Japan would be able to exercise collective self-defense, and the second and third order effects of constitutional reinterpretation are still relevant. The JSDF can still execute asset protection missions and the loosening of restrictions on *ittaika* allows for more meaningful support to U.S. operations. That the rules on collective self-defense are prohibitive does not imply outright failure of the guidelines negotiations in posturing for the allies for potential exercise of collective self-defense; rather, it means the allies must be aware of the bureaucratic hurdles to getting to the point of collective self-defense and determine how it may appropriately fit into alliance designs given the legal limitations. Meanwhile, this serves as another indicator of the level II influence on the scope of the outcomes of the negotiation process.

Cooperation with Law Enforcement Entities

As part of the mandate to ensure “seamless responses” to crisis and contingency, the allies sought to incorporate law enforcement entities in the text of the Defense Guidelines.²¹⁷ Early drafts of the Guidelines specifically mentioned the Japan Coast Guard and National Police Agency, since cooperation with those entities would be necessary for any scenario involving the Senkaku Islands, paramilitary

²¹⁶ This was a situation employed by LDP political leaders in explaining the necessity of the authority to exercise collective self-defense.

²¹⁷ For example, in February 2015 draft of the Guidelines, there was a sentence that specifically noted, “The effectiveness of these activities will be enhanced through information sharing among relevant agencies, including the Japan Coast Guard”; Headquarters, U.S. Forces, Japan, “20150226 GUIDELINES MASTER VERSION,” Author’s collection.

activity within Japanese territory, or other gray zone situations. The inclusion was not extensive but meant simply to open the door for formal participation of the JCG and NPA within the alliance framework.

Even this simple inclusion, however, had to be dropped during the negotiation phase and failed to make the final text of the Guidelines. The reason for the omission was that the Defense Guidelines, a product of the Security Consultative Committee, represented a Ministry of Foreign Affairs and Ministry of Defense document that could not obligate other ministries or agencies by name.²¹⁸ The two governments have tried to overcome this omission from the Guidelines, namely through employment of the ACM. Greatly assisting in this effort is the National Security Secretariat, which formed in 2014 and is comprised primarily of Foreign Affairs, Defense, Coast Guard, and Police officials.²¹⁹ In this way, some level II players, namely the Kantei and its NSS, can potentially assist in overcoming some of the institutional limitations that the level I alliance managers could not during the negotiation phase. The jury is still out on how effective the Guidelines will be in this functional area.

Strike Operations

Despite the long-standing constitutional prohibitions on use of military force and the exercise of collective self-defense, the Japanese government has recognized its right to execute preemptive strikes against foreign targets if the purpose was solely for the prevention of an attack against Japan.²²⁰ To this end, the Japanese Ministry of Defense and several prominent politicians in the Liberal Democratic Party and even the now-defunct Democratic Party of Japan have examined the appropriate introduction of capabilities necessary for striking foreign targets. Absent unilateral capabilities, some segments of the Japanese government sought to incorporate strike missions as part of alliance responsibilities. In essence, the

²¹⁸ Instead of naming specific entities, negotiators settled on the term “whole-of-government,” which is used repeatedly throughout the 2015 Defense Guidelines.

²¹⁹ See Adam P. Liff, “Japan’s National Security Council: Policy Coordination and Political Power,” *Japanese Studies* 38, No. 2 (2018): 253-279.

²²⁰ James L. Schoff and David Song, “Five Things to Know About Japan’s Possible Acquisition of Strike Capability,” *Carnegie Endowment for International Peace*, August 14, 2017.

Guidelines would call for bilateral cooperation in target assessment, nomination, designation, and strikes. While cooperation in these functions are standard when foreign militaries operate under a single Chain-of-Command, it had not yet been a function of the parallel command structures within the U.S.-Japan alliance.

Inclusion of strike operations in the Guidelines met obstacles from both sides. For the U.S. government, inclusion of strike operations was premature, since the Self Defense Forces did not possess sufficient unilateral capabilities to contribute anything meaningful to allied strike operations on foreign soil. Thus, inclusion within the Guidelines would have just introduced unilateral Japanese priorities and opportunity costs into the targeting cycle without yielding any additional benefits to U.S. execution of operations. Meanwhile, for the Japanese government, the inclusion of strike operations within the Guidelines was politically provocative—too much so given the already contentious inclusion of collective self-defense-related authorities. Since it was not a primary objective for the Abe administration, and since Japan lacked the capabilities to realize this allied mission set, the Japanese government agreed to drop this during the negotiation phase of the 2015 Defense Guidelines.²²¹

*Maritime Interdiction Operations (MIO)*²²²

Alliance managers on both sides wanted to include Maritime Interdiction Operations in the Defense Guidelines, especially given the progress on cooperation related to the Proliferation Security Initiative and the desire to enforce sanctions against North Korea. In this case, Japan maintains the assets and personnel for executing such missions: the JMSDF's *Tokubetsu keibitai*, or “Special Boarding Unit.”²²³ Given the existence of capabilities and mutual interest in execution of the mission set, this seemed a logical inclusion in the guidelines. Absent the new

²²¹ This does not mean that strike operations were no longer on the table for allied coordination. The allies continued discussions on strike capabilities, especially in the realm of authorizing the sale of defense technology that would enable Japanese unilateral strike capabilities.

²²² Defined as “efforts to monitor, query, and board merchant vessels in international waters to enforce sanctions against other nations such as those in support of United Nations Security Council Resolutions and/or prevent the transport of restricted goods” (JP 1-02).

²²³ This unit was established shortly after the Battle of Amami-Oshima, in which the Japan Coast Guard traded fire with a North Korean spy ship that was disguised as a fishing vessel.

security legislation that had not yet passed the Diet, alliance managers could not explicitly name MIO in the Guidelines, but they kept reference to it in case level II political leaders were able to open the door to it in the future.

However, Japan's constitutional and legal hurdles to MIO remained. Unchanged during the interpretation phase, the concept of *hikōnko-yōken*, or the "segregation requirement," remained in place despite the reinterpretation of Article IX. Similar to *ittaiika*, *hikōnko-yōken* prohibits maritime units from engaging in operations where foreign militaries possess rules of engagement that exceed Japan's own. This would not have been a problem if the Japanese government were prepared to authorize the Maritime Self Defense Force to execute opposed boarding,²²⁴ but the government decided to leave opposed boardings limited to its Maritime Restriction Law passed in 2003.²²⁵ This law only enables opposed boardings *after* the declaration of an armed attack situation and *only* in Japanese territorial waters. Until that threshold is met, the JMSDF may be authorized to conduct Ship Inspection Operations, but those may only be done with consent from the ship's captain, and the JMSDF cannot execute such operations in conjunction with a foreign military that is authorized to do opposed boardings. In practice, this leaves little room for MIO in allied operations.

Transfer of Ammunition

The transfer of ammunition was a mutually desired inclusion in the 2015 Guidelines, meant to afford the U.S. and JSDF reciprocal capability of employing air- and sea-lift in support of transporting ammunition, missiles, and rockets for a wide range of operations. One key example was the transport of missiles for ballistic missile defense so the allies could resupply during BMD operations. Rather than listing all the mission sets and materiel, the Guidelines did not go further into detail, merely stating that the two sides would negotiate this via their respective laws and agreements--in this case, the Acquisitions and Cross Servicing Agreement.

²²⁴ "Maritime interdiction" implies the ability to board a vessel without consent from the ship's captain.

²²⁵ "*Buryoku kōgeki jitai ni okeru gaikoku-gun yōhin-tō no kaijō yusō no kisei ni kansuru hōritsu* [Law Concerning Restriction of Maritime Transport of Foreign Military Supplies during an Armed Attack Situation]," (2004, Law No. 116).

While the two sides achieved mutual understanding of what constituted “ammunition” during Guidelines negotiations, the Minister of Defense (then, Gen Nakatani), narrowed that definition unilaterally during Diet Interpellations. When asked by a member of the Komeito for the scope of ammunition that Japan could supply, Minister Nakatani replied that it would be for “pistols, rifles, machine guns, and other weapons used to protect the lives and physical safety of the forces of other countries.”²²⁶ During the implementation phase of the Guidelines, U.S. alliance managers attempted to address this issue with their counterparts. Japanese government officials noted the disparity between the Minister’s directive and the negotiated definition, but explained that the Defense Guidelines were predicated on each nation’s own laws, meaning that until the Cabinet retracted this interpretation, the JSDF would be limited in the scope of ammunition which they could provide to U.S. forces or other partner militaries.

Cooperation with U.S. Forces, Korea and the Republic of Korea

Both governments sought to expand tri- and multi-lateral cooperation through the existing U.S.-Japan alliance framework, but there were two issues with this inclusion in the Guidelines. First, there was a debate on the utility of naming specific countries, especially if decision-makers applied positive list interpretations.²²⁷ Second, they were not sure if they could determine which countries they would want to name. In the end, the allies opted not to name any of their intended security partners.

A casualty of this decision was the named cooperation with U.S. Forces, Korea and the South Korean government. Early U.S. drafts included these two named entities, but they failed to make it through the negotiation phase to the final draft. While this has not prevented the allies from cooperating with forces on the

²²⁶ House of Councillors, “*Dai 189 kai kokkai, Sangiin, Wagakuni oyobi kokusai shakai no heiwa anzen hōritsu ni kansuru tokubetsu iinkai, dai 13 gō* [Diet Session No. 189, Special Committee on the Laws related to Peace and Security in Japan and the International Community, Session No. 13],” August 26, 2015.

²²⁷ “Positive list” refers to the style of legal interpretation which recognizes only the items explicitly included. This means that something only applies if it is specifically listed. This is the opposite of “Negative List,” meaning that unless it is explicitly stated that something *does not* apply, it is fair game.

Korean peninsula, it removed a specific lever in the alliance design for use when political tensions worsen between Japan and South Korea. An example of those political tensions was illustrated in the breakdown of ties following the Korean Supreme Court ruling on forced labor and the P-1 radar lock incident in 2018. Following those events, the U.S. government supported the Japanese government in efforts to preserve the Japan-South Korea General Sharing of Military Information Agreement, but it could not prevent the relationship from falling further down Japan's order of priority for cooperation behind Australia, India, and ASEAN members.²²⁸

Key Observations

Clarification of what changed and did not change as a result of the two sets of negotiations that produced the 1997 and 2015 Defense Guidelines is instructive in a few ways. First, it highlights the various phases at which changes to negotiated outcomes occurred. In some cases, level I alliance managers removed items from the text of the Guidelines during the negotiation phase. As with any negotiation, this can happen because of the other party's preferences, but alliance managers also did so because of institutional limitations, such as the inability to include other ministries or agencies by name, or owing to direct level II influence, as was the case in having to use constrained terminology such as "situations in areas surrounding Japan."

In other cases, level II policy actors imposed changes to negotiated outcomes through unilateral interpretations of authorities. By using unilateral laws and policies to limit what the JSDF was authorized to do, Japanese political-level players affected the functionality of the Guidelines. This applied to the geographic reach for allied operations, the details of what could be executed under certain roles and missions, and the JSDF's relationship to combat units and mission sets.

Importantly, this chapter demonstrated that when changes to negotiated outcomes occurred during the interpretation phase, both level I and level II players had an opportunity to resolve some issues during the implementation phase. For example, alliance managers salvaged aspects of the BCM through an ad hoc

²²⁸ "Japan to give South Korea cold shoulder as security partner in new defense white paper," *Japan Times*, August 10, 2019.

mechanism when the threshold for activation proved too high. Level II decision-makers may also take steps unilaterally to improve the outcomes of the Guidelines. Such is the case of inclusion of law enforcement authorities in Guidelines-related activities: despite named ministries and agencies being written out of the Guidelines in the negotiation phase, level II policy actors like the Kantei and its NSS have the authority to incorporate Japan Coast Guard and National Police Agency in alliance activities—whether they do so will be important to observe. These points are significant because previous studies on intergovernmental negotiations have tended only to look at what happened at the negotiating table and the steps leading to ratification and with the view of level II actors only as veto players rather than facilitators.

These observations in turn validate the findings from the previous chapter. Examination across six-phases is necessary because many of the major changes to negotiated outcomes of the Guidelines occurred *after* ratification of the deal that alliance managers had negotiated. The impact of the interpretation phase was significant following publication of both the 1997 and 2015 Guidelines. As also argued, alliance managers were able to shift outcomes back closer to the original agreement during the implementation phase, which this chapter confirms.

Finally, this chapter reveals that the Defense Guidelines indeed served as the foundation for substantial change to alliance designs. There were shortcomings of course, but the breadth of the evolution was significant: new thresholds for alliance cooperation; expansion of the alliance's reach; introduction of new roles, missions, and capabilities; addition of new functional areas for peacetime cooperation; and reorientation the allies for new strategic environments. However imperfect the final products, this chapter affirms that the Guidelines succeeded in evolving the alliance in more ways than they failed.

Conclusion

Although relatively unheralded and lacking scholarly attention, the Defense Guidelines have effectively evolved the alliance since 1960. These agreed-upon frameworks for roles, missions, and capabilities have reoriented the allies for new threats and expanded alliance interests while codifying the areas of cooperation

necessary to achieve strategic ends. The original Guidelines in 1978 postured the U.S. military and JSDF against the Soviet threat in the “Shield and Spear” construct, whereby the Japanese would block Soviet advancement to the broader Pacific and the United States would strike the enemy in its own territory. The 1997 Guidelines re-oriented the alliance for the post-Cold War strategic environment with a focus on regional security crises and presented a window of opportunity for greater cooperation beyond East Asia. The 2015 Defense Guidelines built upon the foundation that the 1997 Guidelines had laid, adding new domains for cooperation, expanding alliance mission sets to include things like asset protection and HADR, and postured the allies for response to gray zone security incidents that fall short of an armed attack situation.

For all their successes, there were notable shortcomings in the renegotiations of the 1997 and 2015 Defense Guidelines. The 1997 Guidelines failed to yield an effective coordination mechanism between the allies and ended up much more limited in scope than what the two parties originally envisioned. The 2015 Defense Guidelines failed to include several items wanted by one or both of the parties, including strike operations, specific mention of cooperation with Korea-based security organizations, maritime interdiction operations, and cooperation with named law enforcement entities.

Despite these shortcomings, the Guidelines have continued to provide a touchstone for alliance managers, informing alliance designs, strategic priorities, operational plans, and expectation management between the two countries. As this chapter shows, the Guidelines represent demonstrable evolution of the alliance and explain how the security partners have realigned their relationship and associated roles, missions, and capabilities to match the present and future strategic environments. These Guidelines may serve as a model for other alliances seeking to achieve the same effects.

This chapter validated the findings from chapter three, demonstrating the importance of examination across all six phases of negotiation. Notable change occurred in the interpretation and implementation phases, all of which impacted the effectiveness of the negotiated Defense Guidelines. As negotiations tend to be cyclical processes, the outcomes of the 1997 Guidelines informed the 2015

Guidelines, and, if precedent holds true, the outcomes from 2015 should inform the next round of Guidelines negotiations. Until then, the sub-cycle of interpretation and implementation will continue.

Chapter 5

Conclusion

The U.S.-Japan security alliance is among the longest continuously functioning alliances in modern history, in large part because it has not remained static in terms of arrangements. While the two governments have only renegotiated the alliance treaty once in over sixty years, changes to the *casus foederis*, its core strategic objectives, and the roles, missions, and capabilities within the security relationship have come through the negotiated “Guidelines for U.S.-Japan Defense Cooperation” published in 1978, 1997, and 2015. Despite the importance of the Guidelines in reshaping the alliance, there has been a dearth of research on these critical instruments for alliance cooperation. This dissertation sought to rectify this shortfall in understanding of U.S.-Japan alliance management.

To accomplish that, the preceding chapters focused on answering the questions of “how” and “what.” In other words, how did the allies manage to evolve their alliance, and how did the negotiations proceed? After answering that, the next logical step was to look at what resulted; i.e. what changed and did not change as a result of the 1997 and 2015 Defense Guidelines?

Before proceeding straight into the examinations of those questions and their answers, this dissertation provided necessary context on the institutional and structural underpinnings of the U.S.-Japan alliance and its machinations. Chapter two offered a primer that described the nature of alliances and intergovernmental negotiations, U.S.-Japan alliance agreements and institutions, and the policy actors involved in the process. Importantly, it described the two levels involved in the negotiation: level I, the international (alliance manager) level; and level II, the domestic (political) level.

Chapter three examined how the U.S. and Japanese governments negotiated the 1997 and 2015 Defense Guidelines. Robert Putnam’s two-level model is an invaluable tool in examining intergovernmental negotiations, but some additional considerations were necessary when applied to intra-alliance bargaining over full lifecycles of negotiations. When negotiations occur between established allies, there is an existing baseline for alliance rights and obligations and, often, formal alliance

management organizations that handle intergovernmental negotiations. These introduce constraints on bargaining and influence the negotiation process. Whereas Putnam identifies two steps--negotiation and ratification—this dissertation classifies six phases in intergovernmental negotiations: (1) pre-negotiation; (2) agreement to negotiate; (3) negotiation; (4) ratification; (5) interpretation; and (6) implementation. Win-sets for each ally are defined by the second phase and are frequently explicit to both parties. Once an agreement to negotiate is reached, the zone-of-possible agreement is bounded and alliance managers attempt to negotiate within those boundaries. However, an agreement that makes it through ratification is still subject to change in the interpretation and implementation phases, and often does. This is evidenced in the 1997 and 2015 Defense Guidelines.

The specific outcomes from those negotiations are detailed in Chapter four. This chapter identifies the baseline in 1978 and examined what changed with the renegotiated guidelines in 1997 and 2015 as well as what did not change that the allies sought to amend in each set of negotiations. It highlights the evolution of alliance designs following the end of the Cold War in the early nineties and the necessity to reorient the alliance for a dynamic strategic environment. It elucidates that the 1997 Guidelines re-postured the Alliance for the post-Cold War world, calling for Japanese support to U.S. forces in regional contingencies and identifying potential Japan Self Defense Force roles beyond the defense of Japan. The 1997 Guidelines also established a bilateral planning mechanism (“the comprehensive mechanism”) and the Bilateral Coordination Mechanism. The 2015 Guidelines built upon the foundations the 1997 Guidelines had set. They incorporated cyber and space cooperation. They established an Alliance Coordination Mechanism, which is an evolved BCM that does not require activation and incorporates coordination at the policy level. The newest Defense Guidelines renamed the “Comprehensive Mechanism” the “Bilateral Planning Mechanism” and opened the door to greater interagency participation in the planning process. They introduced responses to an attack against a country other than Japan and, finally, the Guidelines introduced Humanitarian Assistance/Disaster Relief as an alliance function.

With these outcomes in mind, it is worth reviewing the manner in which the two-level game played out in both the 1997 and 2015 Defense Guidelines

negotiations, starting with the pre-negotiation phase for the 1997 Guidelines (depicted in Figure 5.1 below):

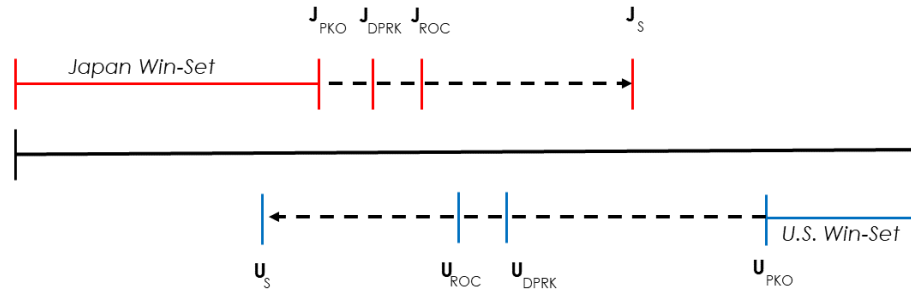


Figure 5.1: Pre-negotiation phase (1997 Guidelines)

Recognizing the need to play a more active security role abroad after the Persian Gulf War in 1991, the Japanese government expanded its security authorities to allow the JSDF to conduct non-combat missions abroad. This generated impetus for the Japanese government to request support from its U.S. allies in peacekeeping deployments (as represented in J_{PKO}), and while U.S. officials recognized some new opportunities in international missions (U_{PKO}) it was not enough to generate a call for redesigning alliance rights and obligations. When the North Korean Nuclear crisis (1993-94) and Taiwan Straits crisis (1995-96) took place, both allies saw that there was cooperation and preparation needed (J_{DPRK} , J_{ROC} , U_{DPRK} , U_{ROC}), but they did not have the level II authority to authorize the activities necessary to move forward with formal negotiation of alliance designs. It was not until the White House and the Kantei decided to reorient the alliance for the Post-Cold War strategic environment via the 1996 summit that an agreement to negotiate was possible (J_S and U_S).

The 1996 U.S.-Japan Summit was the product of political initiative to find a “win” for the allies. Mired in trade wars and political instability with the LDP’s fall from power in 1993 and subsequent return, the White House and Kantei agreed to renegotiate the 1978 Defense Guidelines to establish a new framework for the U.S.-Japan security relationship. In doing so, they bounded the ZOPA via the 1996 Joint Declaration (J_{JD} and U_{JD} , depicted in Figure 5.2). This would serve as guidance for

the level I negotiations that would occur in the next phase.

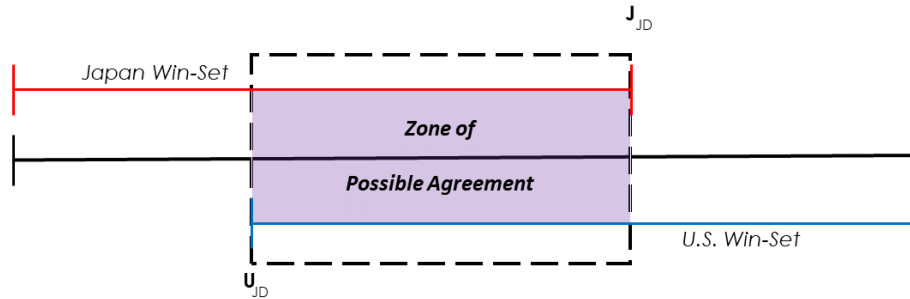


Figure 5.2: Agreement to Negotiate Phase (1997 Guidelines)

During the negotiation phase, level I alliance managers found themselves into uncharted territory for the alliance. Many of the roles, missions, and capabilities that were possible under the general terms of the Joint Declaration were new for the alliance, and some still did not have legal basis under Japanese law. Negotiators employed a series of tabletop exercises using a North Korea crisis, Taiwan crisis, and Great Lakes crisis scenarios, which clarified what level I negotiators aimed to achieve, and what they believed they could offer to the other side (J_{TTX} , U_{TTX}). Importantly, U.S. side negotiators did not face additional scrutiny from level II policy actors, since the boundaries for what ratifiers considered acceptable were already defined in the “agreement to negotiate” phase. On the Japan side, level I negotiators had to consider what level II decision-makers would accept based on the scope of laws the administration was willing and able to pass. As such, any roles, missions, and capabilities that infringed upon Japan’s Article IX principles (i.e. *ittaika*, *buryoku kōshi*, etc.) such as Maritime Interdiction Operations and combat support to coalition activities did not fall within the Japan side’s win-set and were unable to be included within the scope of the ad referendum agreement (J_2).

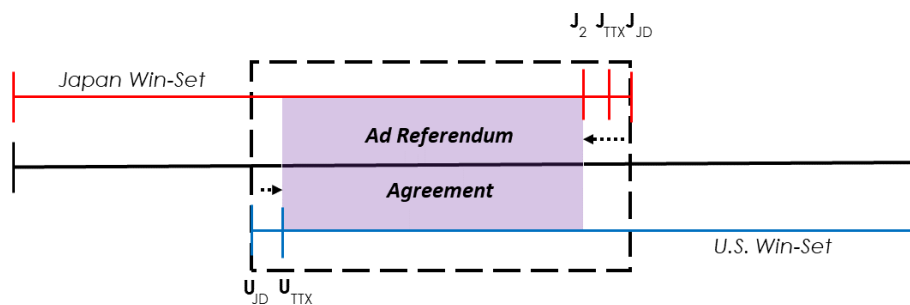


Figure 5.3: Negotiation Phase (1997 Guidelines)

Because the Guidelines only required-SCC level ratification, this phase was shorter than traditional ratification phases. Since there was no need to take the agreement to legislatures, there were no mechanisms for level II policy actors to influence the conclusion of the 1997 Guidelines. As a result, the ad referendum agreement achieved ratification without further change.

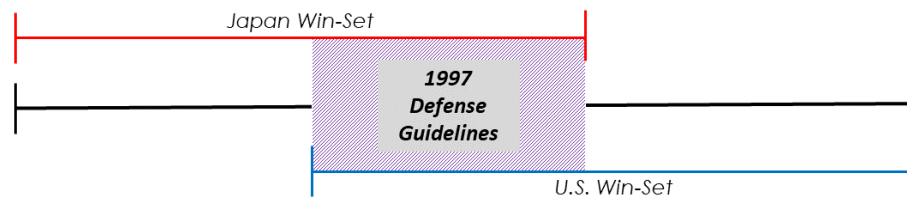


Figure 5.4: Ratification Phase (1997 Guidelines)

After ratification, however, things became more complex as level II players in Japan had mechanisms for influencing the interpretation and implementation phases. The U.S. side was ready to move forward on implementation immediately following publication in 1997, but new laws were required on the Japan side to actualize much of the cooperation envisioned in the new Guidelines. The necessity to pass bills through the Diet enabled the Komeito and opposition parties to influence what would actually be implementable from the 1997 Guidelines (bounded by J_2 in Figure 5.5 below). The key outcomes from the interpretation phase was legislative restriction on the geographic scope of SDF activities as well as the high political threshold necessary to open up additional menus of Japanese security authorities. The conditions were so strict that the government of Japan never declared a “Situation in Areas Surrounding Japan” and never activated the formal BCM despite worldwide terrorist attacks, multiple North Korean provocations, and the triple disaster on 3/11. Further, while the Japanese did support U.S. activities in Iraq and Afghanistan using many of the RMCs codified in the 1997 Guidelines, exceptional legislation requiring periodic renewal was necessary to authorize even limited JSDF deployment.

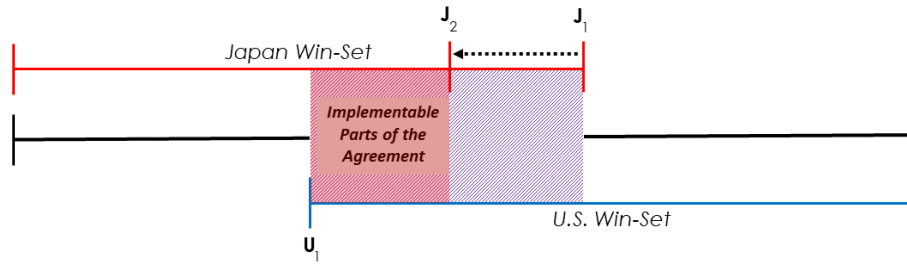


Figure 5.5: Interpretation Phase (1997 Guidelines)

Between the passage of implementing legislation in 1999 and the agreement to renegotiate the Guidelines in 2013, alliance managers attempted to expand what would actually be actionable under the framework of the 1997 Defense Guidelines. This included negotiations over use of RMCs covered in the Guidelines in ad hoc circumstances. Examples of this include the adaptation of Guidelines-prescribed functions for Japanese special measures laws in response to the 9/11 terrorist attacks and the use of the “ad hoc” coordination mechanism in place of the Bilateral Coordination Mechanism following the triple disaster on 3/11. In these cases, level I alliance managers had to negotiate the parameters of those activities to something that was still acceptable to level II decision-makers in the Kantei and, in some cases, the Diet (depicted in the figure below).

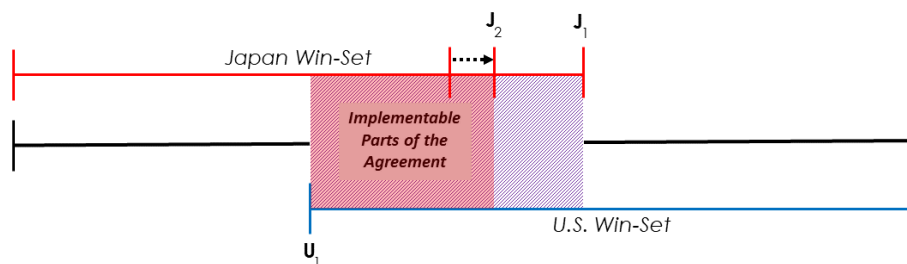


Figure 5.6: Implementation Phase (1997 Guidelines)

The Pre-negotiation phase for the next iteration of the Defense Guidelines started relatively soon after the Japanese government had just passed its 1999 implementing legislation. Partly in recognition of the limitations of the 1997 Guidelines and owing to the large-scale force realignment that the U.S. government was exploring in the early 2000s, Japanese alliance managers saw an opportunity. By 2005, Japanese officials had approached U.S. counterparts to propose

renegotiation of the Guidelines in conjunction with ATARA discussions (J_{ATARA}). While U.S. alliance managers recognized the need to repair aspects of the 1997 Guidelines (U_1), they did not see any utility in that prospect until the Japanese government demonstrated changes in its security practice that could actually enable the allies to overcome the legal obstacles to closer cooperation. This was also why U.S. alliance managers rejected the DPJ-led government's proposal for renegotiating the Guidelines in 2009 despite its promises of comprehensive redesign of alliance responsibilities (J_{DPJ}). It was not until Prime Minister Shinzō Abe returned to the Kantei in 2012 with the aim to revitalize the alliance and reinterpret the Constitution to allow for the exercise of collective self-defense that win-sets would finally overlap (bounded by J_{CSD} and U_{CSD} as shown in Figure 5.7).

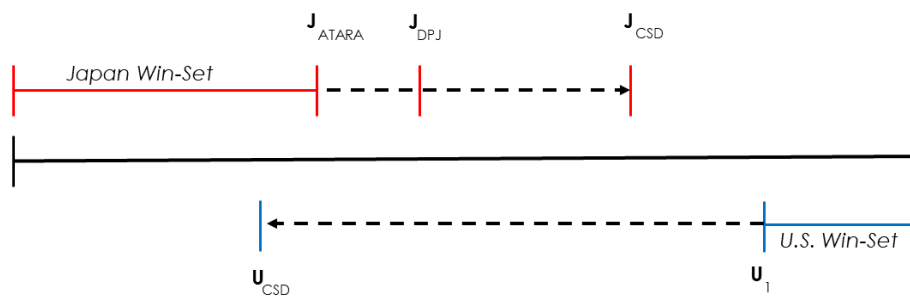


Figure 5.7: Pre-negotiation Phase (2015 Guidelines)

Not requiring a summit level meeting this time, the two allies formally agreed to renegotiate the guidelines at the October 2013 meeting of the Security Consultative Committee. In the resulting “2+2” joint statement, the two governments laid out expectations for the ensuing negotiations, bounding the ZOPA (J_{2+2} , U_{2+2}) and guiding level I negotiators in a manner similar to the 1996 Joint Declaration.

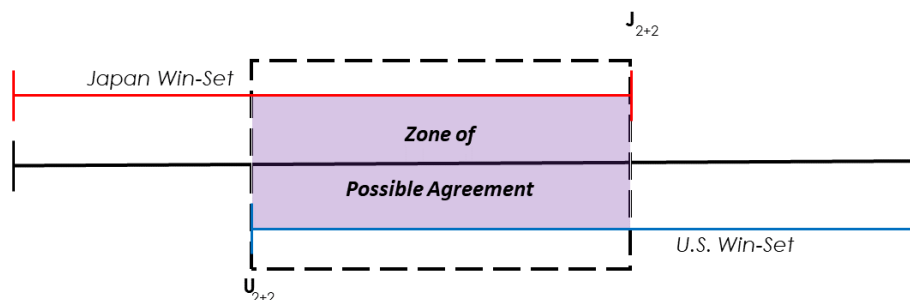


Figure 5.8: Agreement to Negotiate Phase (2015 Guidelines)

In many ways, alliance managers had a clearer understanding of what was achievable through the Guidelines based on lessons learned from 1997, but the need to legislate implementation of Japan’s constitutional reinterpretation once again put negotiators in uncharted territory. To clarify expectations, level I alliance managers again employed TTXs, this time using four scenarios: (1) North Korea crisis; (2) Senkakus crisis; (3) Strait of Hormuz crisis; and (4) a disaster relief scenario that becomes a peacekeeping situation. The results of these TTXs clarified win-sets for level I negotiators (shown as J_{TTX} and U_{TTX} in Figure 5.9). Same as in 1997, U.S. side negotiators did not have additional restrictions imposed through level II influence, but Japan-side negotiators had to contend with veto players in the Kantei and interagency. Removed during the course of the negotiation was specific mention of “collective self-defense,”²²⁹ cooperation with law enforcement entities,²³⁰ and cooperation with the Republic of Korea and U.S. Forces, Korea.

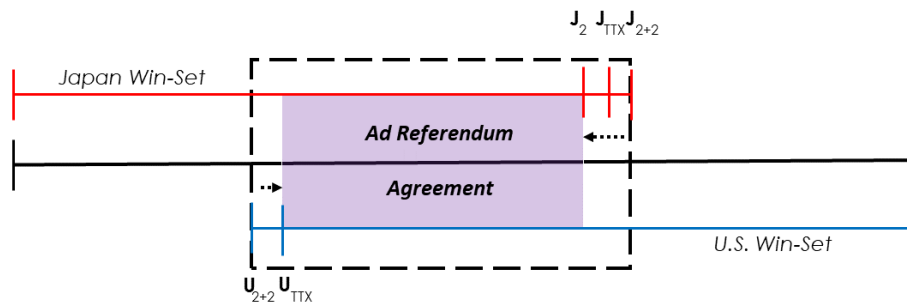


Figure 5.9: Negotiation Phase (2015 Guidelines)

Following the negotiation phase, Level I negotiators concluded the ad referendum agreement and submitted it via the same ratification process as in 1997. The agreement went to the Security Consultative Committee for affirmation and publication, which limited the number of veto players on both sides to level II policy actors within the sitting administrations. With a 2+2 meeting in April 2015, the allies successfully concluded the next iteration of the Guidelines, unchanged from the ad referendum agreement concluded by level I negotiators weeks before.

²²⁹ Referenced instead as “an Armed Attack against a Country other than Japan.”

²³⁰ Removed at the behest of the National Police Agency and Ministry of Land, Infrastructure, Transport, and Tourism (the ministry responsible for the Japan Coast Guard).

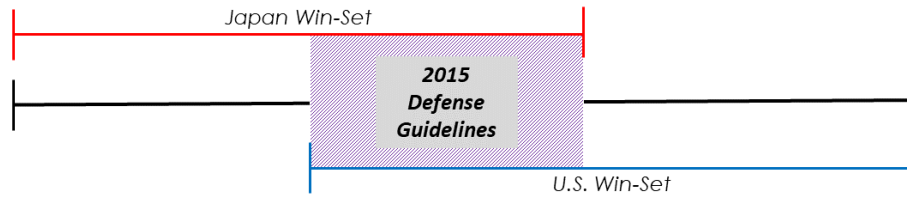


Figure 5.10: Ratification Phase (2015 Guidelines)

However, because the allies completed the 2015 Guidelines negotiations prior to Japan’s “Peace and Security Legislation” reaching the Diet, interpretation of the agreement involved additional level II policy actors. Some of those players had been active as early as 2014 in shaping outcomes. The Komeito had been engaging its coalition partner, the LDP, in panel sessions to negotiate the scope of Japan’s exercise of collective self-defense. The Komeito influenced the outcome of the July 2014 constitutional reinterpretation, and the party remained involved in shaping the Peace and Security Legislation in ways that matched the its political interests. The Komeito’s influence in the drafting of the legislation, when paired with Diet interpellations that saw over 100 substantive interpretations of the roles, missions, and capabilities outlined in the new Defense Guidelines bounded the scope of what was implementable from the agreement (depicted in Figure 5.11). Key outcomes included strict limitations on the RMCs associated with collective self-defense and other Article IX-related security practice (e.g. mutual asset protection and maritime interdiction operations), as well as restrictions on the range of activities that would be allowable under new mission sets (e.g. prohibitions on specific types of logistics support).

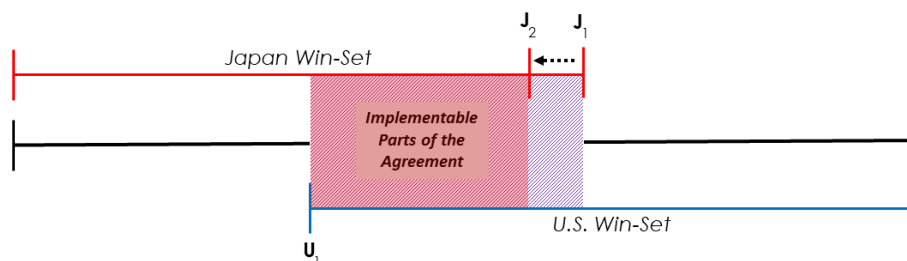


Figure 5.11: Interpretation Phase (2015 Guidelines)

Understanding the boundaries set through Diet legislation and interpellations, alliance managers once again met at the negotiating table to determine how to implement the 2015 Defense Guidelines. While the implementation process is still on-going today, alliance managers have succeeded in producing an operable Alliance Coordination Mechanism, actualizing Asset Protection missions, and completing bilateral planning under a newly-established Bilateral Planning Mechanism, among other accomplishments. They did so by negotiating within the framework of Japanese laws and by prioritizing activities that would garner support from level II decision-makers in the Kantei and the Cabinet. Importantly, the same policy actors that could influence decisions in the interpretation phase (e.g. Komeito and opposition parties) do not have the same institutional influence in the implementation phase unless new legislation is required, Diet deliberations are necessary, or the activity is contentious enough to warrant intra-coalition bargaining between the LDP and Komeito. While some limitations on implementable alliance RMCs still apply, level I negotiators have managed to navigate level II requirements to shift outcomes back closer to what was originally envisioned at the negotiating table in 2015.

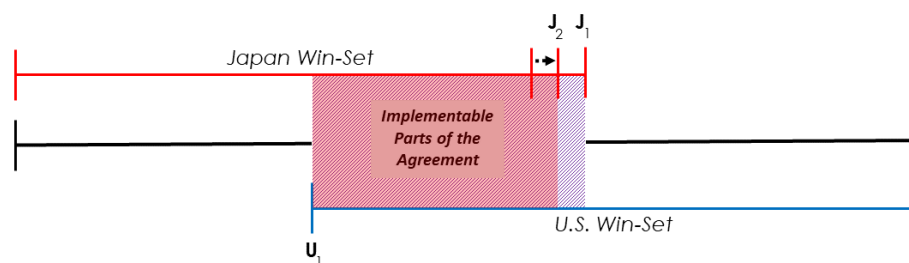


Figure 5.12: Implementation Phase (2015 Guidelines)

These conclusions stem from and reinforce other scholarship on intra-alliance bargaining, while offering an effective model for future examinations of alliance negotiations. Although this dissertation sought to provide a definitive understanding of the Guidelines for U.S.-Japan Defense Cooperation, it should only be considered a baseline for future studies. There is much scholarship left to be done in exploring how alliance instruments such as the Guidelines may be useful in other security relationships, especially *alignments* where there is no obligation for use of military force. Perhaps there are instances where a similar instrument failed in keeping an

alliance operative—understanding why could yield important insight to scholars and practitioners, alike.

The six-phase cycle of intergovernmental negotiations will be a useful tool for future research, both in looking at the U.S.-Japan alliance and in other international relationships whether friendly or adversarial. The U.S.-Japan alliance offered a valuable case study because of its durability, and the six-phase cycle helped explain how it has remained viable over time. The model could be used at looking at other items within the alliance, such as the Status of Forces Agreement and its management through the Joint Committee, or it could be employed in entirely different circumstances, such as the negotiation and implementation of peace settlements. In either case, there is value to scholars and practitioners alike in understanding what it takes to preserve a “living document,” which is what alliance managers have accomplished for the U.S.-Japan Mutual Security Treaty since 1960.

Appendix A

Treaty of Mutual Cooperation and Security Between Japan and the United States of America, 1960

Japan and the United States of America,

Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,

Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,

Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,

Considering that they have a common concern in the maintenance of international peace and security in the Far East,

Having resolved to conclude a treaty of mutual cooperation and security,

Therefore agree as follows:

ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

ARTICLE II

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between them.

ARTICLE III

The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

ARTICLE IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

ARTICLE V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

ARTICLE VI

For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The

use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

ARTICLE VII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

ARTICLE VIII

This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

ARTICLE IX

The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

ARTICLE X

This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.
DONE in duplicate at Washington in the Japanese and English languages, both
equally authentic, this 19th day of January, 1960.

FOR JAPAN:

Nobusuke Kishi
Aiiichiro Fujiyama
Mitsujiro Ishii
Tadashi Adachi
Koichiro Asakai

FOR THE UNITED STATES OF AMERICA:

Christian A. Herter
Douglas MacArthur 2nd
J. Graham Parsons

Appendix B

1978 Guidelines for U.S.-Japan Defense Cooperation

The Japan-U.S. Security Consultative Committee held on July 8, 1976 decided to establish the Subcommittee for Defense Cooperation. The Subcommittee for Defense Cooperation which was held 8 times, agreed on the following premises and subjects of studies and consultations in assuming the mission committed by the Japan-U.S. Security Consultative Committee

1. Premises of Studies and Consultations

(1) Matters concerning "Prior Consultation," matters concerning the Japanese constitutional limitations and the Three Non-Nuclear principles will not be the subjects of the SDC's studies and consultations.

(2) The conclusions of the SDC's studies and consultations will be reported to the Security Consultative Committee and the disposition of those conclusions will be left to the judgement of the respective Governments of Japan and the United States. Those conclusions will not be such as would place either government under obligation to take legislative, budgetary or administrative measures.

2. Subjects of Studies and Consultations

(1) Matters relating to the case of an armed attack against Japan or to the case in which such an attack is imminent.

(2) Matters relating to situations in the Far East other than those mentioned in (1) above, which will have an important influence on the security of Japan.

(3) Others (joint exercise and training, etc.)

At the outset of conducting its studies and consultations, the SDC heard the Japanese side's basic concept concerning the scope and modalities of defense cooperation between Japan and the United States under the Japan-U.S. Security Treaty in the case of an armed attack against Japan, and decided to proceed with its work using this

concept as a basis for its studies and consultations. The SDC established, with a view to facilitating its studies and consultations, three subsidiary panels, namely the Operations, Intelligence and Logistics Panels. These Panels have conducted studies and consultations from a professional standpoint. The SDC has also conducted studies and consultations on other matters concerning cooperation between Japan and the United States which come within its purview.

The SDC hereby submits for approval to the Security Consultative Committee "The Draft Guidelines for Japan-United States Defense Cooperation" representing the result of the SDC's activities described above.

Guidelines for Japan-U.S. Defense Cooperation

These draft guidelines shall not be construed as affecting the rights and obligations of Japan and the United States under the Japan-U.S. Security Treaty and its related arrangements. It is understood that the extension of facilitative assistance and support by Japan to the United States, which is described in the draft guidelines, is subject to the relevant laws and regulations of Japan.

I. Posture for Deterring Aggression

1. Japan, as its defense policy, will possess defense capability on an appropriate scale within the scope necessary for self-defense, and consolidate and maintain a posture to ensure the most efficient operations; and assure, in accordance with the SOFA, the stable and effective utilization of facilities and areas in Japan by U.S. Forces. The United States will maintain a nuclear deterrent capability, and the forward deployments of combat-ready forces and other forces capable of reinforcing them.
2. In order to be able to take coordinated joint action smoothly in the event of an armed attack against Japan, Japan and the United States will endeavor to achieve a posture for cooperation between the Self-Defense Forces and U.S. Forces in such areas as operations, intelligence and logistics.

Accordingly,

(1) In order jointly to conduct coordinated operations for the defense of Japan smoothly and effectively, the JSDF and U.S. Forces will conduct studies on joint-defense planning. They will also undertake necessary joint exercises and training when appropriate. In addition, the JSDF and U.S. Forces will study and prepare beforehand common procedures deemed necessary for operational needs in order jointly to undertake operations smoothly. Such procedures include matters related to operations, intelligence and logistics. As communications/electronics are absolutely essential to effecting command and liaison, the JSDF and U.S. Forces will also determine in advance their mutual communications/electronics requirements.

(2) The JSDF and U.S. Forces will develop and exchange intelligence necessary for the defense of Japan. The JSDF and U.S. Forces will, in order to ensure smooth intelligence exchange, determine in coordination the nature of the intelligence to be exchanged and the specific JSDF/USF units to be assigned responsibility for the exchange. In addition, the JSDF and U.S. Forces will promote close intelligence cooperation by taking such required actions as establishing systems for mutual communications.

(3) The JSDF and U.S. Forces, acting from the basic principle that each nation is responsible for the logistics of its own forces, will closely coordinate with each other or conduct studies in advance in regard to such functions as supply, transportation, maintenance, facilities, etc., so that mutual support can be arranged appropriately when needed. Detailed requirements for this mutual support will be developed through joint studies and planning. In particular, coordination will be made in advance in regard to foreseeable supply deficiencies, quantities, priorities for satisfying deficiencies, emergency acquisition procedures, etc., and studies will be undertaken relating to the economical and efficient utilization of the bases and facilities of the two forces.

II. Actions in Response to an Armed Attack Against Japan

1. When an armed attack against Japan is imminent:

Japan and the United States will conduct closer liaison and will take necessary measures respectively and, as deemed necessary due to changes in the situation, will make necessary preparations in order to ensure coordinated joint action, including the establishment of a coordination center between the JSDF and U.S. Forces.

The JSDF and U.S. Forces will establish in advance a common standard as regards preparations which will be respectively conducted by the two forces so that the two nations may select coordinated common readiness stages, and ensure that effective preparations for operations can be cooperatively undertaken by the JSDF and U.S. Forces respectively.

This common standard will indicate readiness stages from an increase of unit-alert posture to a maximization of combat-readiness posture concerning intelligence activities, unit readiness, movements, logistics, and other matters relating to defense preparations.

The JSDF and U.S. Forces will respectively conduct defense preparations considered necessary according to the readiness stage selected by mutual agreement between the two governments.

2. When an armed attack against Japan takes place:

(1) In principle, Japan by itself will repel limited, small-scale aggression. When it is difficult to repel aggression alone due to the scale, type and other factors of aggression, Japan will repel it with the cooperation of the United States.

(2) When the JSDF and U.S. Forces jointly conduct operations for the defense of Japan, they will strive to achieve close mutual coordination to employ the defense capacity of each force in a timely and effective manner.

(i) Concept of Operations:

The JSDF will primarily conduct defensive operations in Japanese territory and its surrounding waters and airspace. U.S. Forces will support JSDF operations. U.S.

Forces will also conduct operations to supplement functional areas which exceed the capacity of the JSDF.

The JSDF and U.S. Forces will jointly conduct ground, maritime and air operations as follows:

(a) Ground Operations:

The Ground Self-Defense Force (GSDF) and U.S. Ground Forces will jointly conduct ground operations for the defense of Japan. The GSDF will conduct checking, holding and repelling operations.

U.S. Ground Forces will deploy as necessary and jointly conduct operations with the GSDF, mainly those for repelling enemy forces.

(b) Maritime Operations:

The Maritime Self-Defense Force (MSDF) and U.S. Navy will jointly conduct maritime operations for the defense of surrounding waters and the protection of sea lines of communication.

The MSDF will primarily conduct operations for the protection of major ports and straits in Japan; and anti-submarine operations, operations for the protection of ships and other operations in the surrounding waters.

U.S. Naval Forces will support MSDF operations and conduct operations, including those which may involve the use of task forces providing additional mobility and strike power, with the objective of repelling enemy forces.

(c) Air Operations:

The Air Self-Defense Force (ASDF) and U.S. Air Force will jointly conduct air operations for the defense of Japan.

The ASDF will conduct air-defense, anti-airborne and anti-amphibious invasion, close air support, air reconnaissance, airlift operations, etc.

U.S. Air Force will support ASDF operations and conduct operations, including those which may involve the use of air units providing additional strike power, with the objective of repelling enemy forces.

(d) When carrying out ground, maritime, and air operations, the JSDF and U.S. Forces will provide necessary support for each other's forces in various activities related to operations, such as intelligence, logistics, etc.

(ii) Command and Coordination:

The JSDF and U.S. Forces, in close cooperation, will take action through their respective command-and-control channels. In order to be able jointly to conduct coordinated operations effectively, the JSDF and U.S. Forces will take actions in accordance with operational processes which will be coordinated in advance.

(iii) Coordination Center:

In order jointly to conduct effective operations, the JSDF and U.S. Forces will maintain close mutual coordination on operations, intelligence and logistic support through a coordination center.

(iv) Intelligence Activities:

The JSDF and U.S. Forces will, through operations of their respective intelligence systems, conduct intelligence activities in close cooperation in order to contribute to the joint implementation of effective operations. To support this, the JSDF and U.S. Forces will coordinate intelligence activities closely at each stage of requirements, collection, production, and dissemination. The JSDF and U.S. Forces will each have responsibility for their security.

(v) Logistic Activities:

The JSDF and U.S. Forces will conduct efficient and appropriate logistic support activities in close cooperation in accordance with relevant agreements between Japan and the United States.

Toward this end, Japan and the United States will undertake mutual support activities to improve the effectiveness of logistic functions and to alleviate functional shortfalls as follows:

(a) Supply

The United States will support the acquisition of supplies for systems of U.S. origin while Japan will support acquisition of supplies in Japan.

(b) Transportation

Japan and the United States will, in close cooperation, carry out transportation operations, including airlift and sealift of supplies from the United States to Japan.

(c) Maintenance

The United States will support the maintenance of items of U.S. origin, which are beyond Japanese maintenance capabilities, and Japan will support the maintenance of U.S. Forces' equipment in Japan. Maintenance support will include the technical training of maintenance personnel as required. As a related activity, Japan will also support U.S. Forces' requirement for salvage and recovery in Japan.

(d) Facilities

The U.S. Forces will, in case of need, be provided additional facilities and areas in accordance with the Japan-U.S. Security Treaty and its related arrangements. If it becomes necessary to consider joint use of bases and facilities/areas to improve effective and economical utilization, the JSDF and U.S. Forces will conduct joint use in accordance with the above Treaty and arrangements.

III. Japan-U.S. cooperation in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan

The Governments of Japan and the United States will consult together from time to time whenever changes in the circumstances so require.

The scope and modalities of facilitative assistance to be extended by Japan to the U.S. Forces in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan will be governed by the Japan-U.S. Security Treaty, its related arrangements, other relevant agreements between Japan and the United States, and the relevant laws and regulations of Japan. The Governments of Japan and the United States will conduct studies in advance on the

scope and modalities of facilitative assistance to be extended to the U.S. Forces by Japan within the above-mentioned legal framework. Such studies will include the scope and modalities of joint use of the Self-Defense Forces bases by the U.S. Forces and of other facilitative assistance to be extended.

Appendix C

1997 Guidelines for U.S.-Japan Defense Cooperation

I. THE AIM OF THE GUIDELINES

The aim of these Guidelines is to create a solid basis for more effective and credible U.S.-Japan cooperation under normal circumstances, in case of an armed attack against Japan, and in situations in areas surrounding Japan. The Guidelines also provided a general framework and policy direction for the roles and missions of the two countries and ways of cooperation and coordination, both under normal circumstances and during contingencies.

II. BASIC PREMISES AND PRINCIPLES

The Guidelines and programs under the Guidelines are consistent with the following basic premises and principles.

1. The rights and obligations under the Treaty of Mutual Cooperation and Security between the United States of America and Japan (the U.S.-Japan Security Treaty) and its related arrangements, as well as the fundamental framework of the U.S.-Japan alliance, will remain unchanged.
2. Japan will conduct all its actions within the limitations of its Constitution and in accordance with such basic positions as the maintenance of its exclusively defense-oriented policy and its three non-nuclear principles.
3. All actions taken by the United States and Japan will be consistent with basic principles of international law, including the peaceful settlement of disputes and sovereign equality, and relevant international agreements such as the Charter of the United Nations.
4. The Guidelines and programs under the Guidelines will not obligate either Government to take legislative, budgetary or administrative measures. However,

since the objective of the Guidelines and programs under the Guidelines is to establish an effective framework for bilateral cooperation, the two Governments are expected to reflect in an appropriate way the results of these efforts, based on their own judgments, in their specific policies and measures. All actions taken by Japan will be consistent with its laws and regulations then in effect.

III. COOPERATION UNDER NORMAL CIRCUMSTANCES

Both Governments will firmly maintain existing U.S.-Japan security arrangements. Each Government will make efforts to maintain required defense postures. Japan will possess defense capability within the scope necessary for self-defense on the basis of the "National Defense Program Outline." In order to meet its commitments, the United States will maintain its nuclear deterrent capability, its forward deployed forces in the Asia-Pacific region, and other forces capable of reinforcing those forward deployed forces.

Both Governments, based on their respective policies, under normal circumstances will maintain close cooperation for the defense of Japan as well as for the creation of a more stable international security environment.

Both Governments will under normal circumstances enhance cooperation in a variety of areas. Examples include mutual support activities under the Agreement between the Government of Japan and the Government of the United States of America concerning Reciprocal Provision of Logistic Support, Supplies and Services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America; the Mutual Defense Assistance Agreement between the United States of America and Japan; and their related arrangements.

1. Information Sharing and Policy Consultations

Recognizing that accurate information and sound analysis are at the foundation of security, the two Governments will increase information and intelligence sharing, and the exchange of views on international situations of mutual interest, especially in the Asia-Pacific region. They will also continue close consultations on defense policies and military postures.

Such information sharing and policy consultations will be conducted at as many levels as possible and on the broadest range of subjects. This will be accomplished by taking advantage of all available opportunities, such as SCC and Security Sub-Committee (SSC) meetings.

2. Various Types of Security Cooperation

Bilateral cooperation to promote regional and global activities in the field of security contributes to the creation of a more stable international security environment.

Recognizing the importance and significance of security dialogues and defense exchanges in the region, as well as international arms control and disarmament, the two Governments will promote such activities and cooperate as necessary.

When either or both Governments participate in United Nations peacekeeping operations or international humanitarian relief operations, the two sides will cooperate closely for mutual support as necessary. They will prepare procedures for cooperation in such areas as transportation, medical services, information sharing, and education and training.

When either or both Governments conduct emergency relief operations in response to requests from governments concerned or international organizations in the wake of large-scale disasters, they will cooperate closely with each other as necessary.

3. Bilateral Programs

Both Governments will conduct bilateral work, including bilateral defense planning in case of an armed attack against Japan, and mutual cooperation planning in situations in areas surrounding Japan. Such efforts will be made in a comprehensive mechanism involving relevant agencies of the respective Governments and establish the foundation for bilateral cooperation.

Bilateral exercises and training will be enhanced in order not only to validate such bilateral work but also to enable smooth and effective responses by public and private entities of both countries, starting with U.S. Forces and the Self-Defense

Forces. The two Governments will under normal circumstances establish a bilateral coordination mechanism involving relevant agencies to be operated during contingencies.

IV. ACTIONS IN RESPONSE TO AN ARMED ATTACK AGAINST JAPAN

Bilateral actions in response to an armed attack against Japan remain a core aspect of U.S.-Japan defense cooperation.

When an armed attack against Japan is imminent, the two Governments will take steps to prevent further deterioration of the situation and make preparations necessary for the defense of Japan. When an armed attack against Japan takes place, the two Governments will conduct appropriate bilateral actions to repel it at the earliest possible stage.

1. When an Armed Attack against Japan is Imminent

The two Governments will intensify information and intelligence sharing and policy consultations and initiate at an early stage the operation of a bilateral coordination mechanism. Cooperating as appropriate, they will make preparations necessary for ensuring coordinated responses according to the readiness stage selected by mutual agreement. Japan will establish and maintain the basis for U.S. reinforcements. As circumstances change, the two Governments will also increase intelligence gathering and surveillance and will prepare to respond to activities which could develop into an armed attack against Japan.

The two Governments will make every effort, including diplomatic efforts, to prevent further deterioration of the situation.

Recognizing that a situation in areas surrounding Japan may develop into an armed attack against Japan, the two Governments will be mindful of the close interrelationship of the two requirements: preparations for the defense of Japan and responses to or preparations for situations in areas surrounding Japan.

2. When an Armed Attack against Japan Takes Place

(1) Principles for Coordinated Bilateral Actions

- a. Japan will have primary responsibility immediately to take action and to repel an armed attack against Japan as soon as possible. The United States will provide appropriate support to Japan. Such bilateral cooperation may vary according to the scale, type, phase, and other factors of the armed attack. This cooperation may include preparations for and execution of coordinated bilateral operations, steps to prevent further deterioration of the situation, surveillance, and intelligence sharing.
- b. In conducting bilateral operations, U.S. Forces and the Self-Defense Forces will employ their respective defense capabilities in a coordinated, timely, and effective manner. In doing this, they will conduct effective joint operations of their respective Forces' ground, maritime and air services. The Self-Defense Forces will primarily conduct defensive operations in Japanese territory and its surrounding waters and airspace, while U.S. Forces support Self-Defense Forces' operations. U.S. Forces will also conduct operations to supplement the capabilities of the Self-Defense Forces.
- c. The United States will introduce reinforcements in a timely manner, and Japan will establish and maintain the basis to facilitate these deployments.

(2) Concept of Operations

- a. Operations to Counter Air Attack against Japan
 U.S. Forces and the Self-Defense Forces will bilaterally conduct operations to counter air attack against Japan.
 The Self-Defense Forces will have primary responsibility for conducting operations for air defense.
 U.S. Forces will support Self-Defense Forces' operations and conduct operations, including those which may involve the use of strike power, to supplement the capabilities of the Self-Defense Forces.
- b. Operations to Defend Surrounding Waters and to Protect Sea Lines of Communication
 U.S. Forces and the Self-Defense Forces will bilaterally conduct operations for the defense of surrounding waters and for the protection of sea lines of communication.

The Self-Defense Forces will have primary responsibility for the protection of major ports and straits in Japan, for the protection of ships in surrounding waters, and for other operations.

U.S. Forces will support Self-Defense Forces' operations and conduct operations, including those which may provide additional mobility and strike power, to supplement the capabilities of the Self-Defense Forces.

c. Operations to Counter Airborne and Seaborne Invasions of Japan

U.S. Forces and the Self-Defense Forces will bilaterally conduct operations to counter airborne and seaborne invasions of Japan.

The Self-Defense Forces will have primary responsibility for conducting operations to check and repel such invasions.

U.S. Forces will primarily conduct operations to supplement the capabilities of the Self-Defense Forces. The United States will introduce reinforcements at the earliest possible stage, according to the scale, type, and other factors of the invasion, and will support Self-Defense Forces' operations.

d. Responses to Other Threats

i. The Self-Defense Forces will have primary responsibility to check and repel guerrilla-commando type attacks or any other unconventional attacks involving military infiltration in Japanese territory at the earliest possible stage. They will cooperate and coordinate closely with relevant agencies, and will be supported in appropriate ways by U.S. Forces depending on the situation.

ii. U.S. Forces and the Self-Defense Forces will cooperate and coordinate closely to respond to a ballistic missile attack. U.S. Forces will provide Japan with necessary intelligence, and consider, as necessary, the use of forces providing additional strike power.

(3) Activities and Requirements for Operations

a. Command and Coordination

U.S. Forces and the Self-Defense Forces, in close cooperation, will take action through their respective command-and-control channels. To conduct effective bilateral operations, the two Forces will establish, in advance,

procedures which include those to determine the division of roles and missions and to synchronize their operations.

b. Bilateral Coordination Mechanism

Necessary coordination among the relevant agencies of the two countries will be conducted through a bilateral coordination mechanism. In order to conduct effective bilateral operations, U.S. Forces and the Self-Defense forces will closely coordinate operations, intelligence activities, and logistics support through this coordination mechanism including use of a bilateral coordination center.

c. Communications and Electronics

The two Governments will provide mutual support to ensure effective use of communications and electronics capabilities.

d. Intelligence Activities

The two Governments will cooperate in intelligence activities in order to ensure effective bilateral operations. This will include coordination of requirements, collection, production, and dissemination of intelligence products. Each Government will be responsible for the security of shared intelligence.

e. Logistics Support Activities

U.S. Forces and the Self-Defense Forces will conduct logistics support activities efficiently and properly in accordance with appropriate bilateral arrangements.

To improve the effectiveness of logistics and to alleviate functional shortfalls, the two Governments will undertake mutual support activities, making appropriate use of authorities and assets of central and local government agencies, as well as private sector assets. Particular attention will be paid to the following points in conducting such activities:

i. Supply

The United States will support the acquisition of supplies for systems of U.S. origin while Japan will support the acquisition of supplies in Japan.

ii. Transportation

The two Governments will closely cooperate in transportation operations, including airlift and sealift of supplies from the United States to Japan.

iii. Maintenance

Japan will support the maintenance of U.S. Forces' equipment in Japan; the United States will support the maintenance of items of U.S. origin which are beyond Japanese maintenance capabilities.

Maintenance support will include the technical training of maintenance personnel as required. Japan will also support U.S. Forces' requirement for salvage and recovery.

iv. Facilities

Japan will, in case of need, provide additional facilities and areas in accordance with the U.S.-Japan Security Treaty and its related arrangements. If necessary for effective and efficient operations, U.S. Forces and the Self-Defense Forces will make joint use of Self-Defense Forces facilities and U.S. facilities and areas in accordance with the Treaty and its related arrangements.

v. Medical Services

The two Governments will support each other in the area of medical services such as medical treatment and transportation of casualties.

V. COOPERATION IN SITUATIONS IN AREAS SURROUNDING JAPAN THAT WILL HAVE AN IMPORTANT INFLUENCE ON JAPAN'S PEACE AND SECURITY (SITUATIONS IN AREAS SURROUNDING JAPAN)

Situations in areas surrounding Japan will have an important influence on Japan's peace and security. The concept, situations in areas surrounding Japan, is not geographic but situational. The two Governments will make every effort, including diplomatic efforts, to prevent such situations from occurring. When the two Governments reach a common assessment of the state of each situation, they will effectively coordinate their activities. In responding to such situations, measures taken may differ depending on circumstances.

1. When a Situation in Areas Surrounding Japan is Anticipated

When a situation in areas surrounding Japan is anticipated, the two Governments will intensify information and intelligence sharing and policy consultations, including efforts to reach a common assessment of the situation.

At the same time, they will make every effort, including diplomatic efforts, to prevent further deterioration of the situation, while initiating at an early stage the operation of a bilateral coordination mechanism, including use of a bilateral coordination center. Cooperating as appropriate, they will make preparations necessary for ensuring coordinated responses according to the readiness stage selected by mutual agreement. As circumstances change, they will also increase intelligence gathering and surveillance, and enhance their readiness to respond to the circumstances.

2. Responses to Situations in Areas Surrounding Japan

The two Governments will take appropriate measures, to include preventing further deterioration of situations, in response to situations in areas surrounding Japan. This will be done in accordance with the basic premises and principles listed in Section II above and based on their respective decisions. They will support each other as necessary in accordance with appropriate arrangements.

Functions and fields of cooperation and examples of items of cooperation are outlined below, and listed in the Annex.

(1) Cooperation in Activities Initiated by Either Government

Although either Government may conduct the following activities at its own discretion, bilateral cooperation will enhance their effectiveness.

a. Relief Activities and measures to Deal with Refugees

Each Government will conduct relief activities with the consent and cooperation of the authorities in the affected area. The two Governments will cooperate as necessary, taking into account their respective capabilities.

The two Governments will cooperate in dealing with refugees as necessary. When there is a flow of refugees into Japanese territory, Japan will decide how to respond and will have primary responsibility for dealing with the flow; the United States will provide appropriate support.

b. Search and Rescue

The two Governments will cooperate in search and rescue operations. Japan will conduct search and rescue operations in Japanese territory; and at sea around Japan, as distinguished from areas where combat operations are being conducted. When U.S. Forces are conducting operations, the United States will conduct search and rescue operations in and near the operational areas.

c. Noncombatant Evacuation Operations

When the need arises for U.S. and Japanese noncombatants to be evacuated from a third country to a safe haven, each Government is responsible for evacuating its own nationals as well as for dealing with the authorities of the affected area. In instances in which each decides it is appropriate, the two Governments will coordinate in planning and cooperate in carrying out their evacuations, including for the securing of transportation means, transportation and the use of facilities, using their respective capabilities in a mutually supplementary manner. If similar need arises for noncombatants other than of U.S. or Japanese nationality, the respective countries may consider extending, on their respective terms, evacuation assistance to third country nationals.

d. Activities for Ensuring the Effectiveness of Economic Sanctions for the Maintenance of International Peace and Stability

Each Government will contribute to activities for ensuring the effectiveness of economic sanctions for the maintenance of international peace and stability. Such contributions will be made in accordance with each Government's own criteria.

Additionally, the two Governments will cooperate with each other as appropriate, taking into account their respective capabilities. Such cooperation includes information sharing, and cooperation in inspection of ships based on United Nations Security Council resolutions.

(2) Japan's Support for U.S. Forces Activities

a. Use of Facilities

Based on the U.S.-Japan Security Treaty and its related arrangements, Japan will, in case of need, provide additional facilities and areas in a timely and appropriate manner, and ensure the temporary use by U.S. Forces of Self-Defense Forces facilities and civilian airports and ports.

b. Rear Area Support

Japan will provide rear area support to those U.S. Forces that are conducting operations for the purpose of achieving the objectives of the U.S.-Japan Security Treaty. The primary aim of this rear area support is to enable U.S. Forces to use facilities and conduct operations in an effective manner. By its very nature, Japan's rear area support will be provided primarily in Japanese territory. It may also be provided on the high seas and international airspace around Japan which are distinguished from areas where combat operations are being conducted.

In providing rear area support, Japan will make appropriate use of authorities and assets of central and local government agencies, as well as private sector assets. The Self-Defense Forces, as appropriate, will provide such support consistent with their mission for the defense of Japan and the maintenance of public order.

(3) U.S.-Japan Operational Cooperation

As situations in areas surrounding Japan have an important influence on Japan's peace and security, the Self-Defense Forces will conduct such activities as intelligence gathering, surveillance and minesweeping, to protect lives and property and to ensure navigational safety. U.S. Forces will conduct operations to restore the peace and security affected by situations in areas surrounding Japan.

With the involvement of relevant agencies, cooperation and coordination will significantly enhance the effectiveness of both Forces' activities.

**VI. BILATERAL PROGRAMS FOR EFFECTIVE DEFENSE
COOPERATION UNDER THE GUIDELINES**

Effective bilateral cooperation under the Guidelines will require the United States and Japan to conduct consultative dialogue throughout the spectrum of

security conditions: normal circumstances, an armed attack against Japan, and situations in areas surrounding Japan. Both sides must be well informed and coordinate at multiple levels to ensure successful bilateral defense cooperation. To accomplish this, the two Governments will strengthen their information and intelligence sharing and policy consultations by taking advantage of all available opportunities, including SCC and SSC meetings, and they will establish the following two mechanisms to facilitate consultations, coordinate policies, and coordinate operational functions.

First, the two Governments will develop a comprehensive mechanism for bilateral planning and the establishment of common standards and procedures, involving not only U.S. Forces and the Self-Defense Forces but also other relevant agencies of their respective Governments.

The two Governments will, as necessary, improve this comprehensive mechanism. The SCC will continue to play an important role for presenting policy direction to the work to be conducted by this mechanism. The SCC will be responsible for presenting directions, validating the progress of work, and issuing directives as necessary. The SDC will assist the SCC in bilateral work.

Second, the two Governments will also establish, under normal circumstances, a bilateral coordination mechanism that will include relevant agencies of the two countries for coordinating respective activities during contingencies.

1. Bilateral Work for Planning and the Establishment of Common Standards and Procedures

Bilateral work listed below will be conducted in a comprehensive mechanism involving relevant agencies of the respective Governments in a deliberate and efficient manner. Progress and results of such work will be reported at significant milestones to the SCC and the SDC.

(1) Bilateral Defense Planning and Mutual Cooperation Planning

U.S. Forces and the Self-Defense Forces will conduct bilateral defense planning under normal circumstances to take coordinated actions smoothly and effectively in case of an armed attack against Japan. The two Governments will

conduct mutual cooperation planning under normal circumstances to be able to respond smoothly and effectively to situations in areas surrounding Japan.

Bilateral defense planning and mutual cooperation planning will assume various possible situations, with the expectation that results of these efforts will be appropriately reflected in the plans of the two Governments. The two Governments will coordinate and adjust their plans in light of actual circumstances. The two Governments will be mindful that bilateral defense planning and mutual cooperation planning must be consistent so that appropriate responses will be ensured when a situation in areas surrounding Japan threatens to develop into an armed attack against Japan or when such a situation and an armed attack against Japan occur simultaneously.

(2) Establishment of Common Standards for Preparations

The two Governments will establish under normal circumstances common standards for preparations for the defense of Japan. These standards will address such matters as intelligence activities, unit activities, movements and logistics support in each readiness stage. When an armed attack against Japan is imminent, both Governments will agree to select a common readiness stage that will be reflected in the level of preparations for the defense of Japan by U.S. Forces, the Self-Defense Forces and other relevant agencies.

The two Governments will similarly establish common standards for preparations of cooperative measures in situations in areas surrounding Japan so that they may select a common readiness stage by mutual agreement.

(3) Establishment of Common Procedures

The two Governments will prepare in advance common procedures to ensure smooth and effective execution of coordinated U.S. Forces and Self-Defense Forces operations for the defense of Japan. These will include procedures for communications, transmission of target information, intelligence activities and logistics support, and prevention of fratricide. Common procedures will also include criteria for properly controlling respective unit operations. The two Forces will take

into account the importance of communications and electronics interoperability, and will determine in advance their mutual requirements.

2. Bilateral Coordination Mechanism

The two Governments will establish under normal circumstances a bilateral coordination mechanism involving relevant agencies of the two countries to coordinate respective activities in case of an armed attack against Japan and in situations in areas surrounding Japan.

Procedures for coordination will vary depending upon items to be coordinated and agencies to be involved. They may include coordination committee meetings, mutual dispatch of liaison officers, and designation of points of contacts. As part of such a bilateral coordination mechanism, U.S. Forces and the Self-Defense Forces will prepare under normal circumstances a bilateral coordination center with the necessary hardware and software in order to coordinate their respective activities.

VII. TIMELY AND APPROPRIATE REVIEW OF THE GUIDELINES

The two Governments will review the Guidelines in a timely and appropriate manner when changes in situations relevant to the U.S.-Japan security relationship occur and if deemed necessary in view of the circumstances at that time.

Appendix D

2015 Guidelines for U.S.-Japan Defense Cooperation

I. Defense Cooperation and the Aim of the Guidelines

In order to ensure Japan's peace and security under any circumstances, from peacetime to contingencies, and to promote a stable, peaceful, and prosperous Asia-Pacific region and beyond, bilateral security and defense cooperation will emphasize:

- seamless, robust, flexible, and effective bilateral responses;
- synergy across the two governments' national security policies;
- a whole-of-government Alliance approach;
- cooperation with regional and other partners, as well as international organizations; and
- the global nature of the Japan-U.S. Alliance.

The two governments will continuously enhance the Japan-U.S. Alliance. Each government will maintain its individual defense posture based on its national security policy. Japan will possess defense capability on the basis of the "National Security Strategy" and the "National Defense Program Guidelines".

The United States will continue to extend deterrence to Japan through the full range of capabilities, including U.S. nuclear forces. The United States also will continue to forward deploy combat-ready forces in the Asia-Pacific region and maintain the ability to reinforce those forces rapidly.

The Guidelines for Japan-U.S. Defense Cooperation ("the Guidelines") provide the general framework and policy direction for the roles and missions of Japan and the United States, as well as ways of cooperation and coordination, with a view to improving the effectiveness of bilateral security and defense cooperation. In this way, the Guidelines advance peace and security, deter conflict, secure the basis for economic prosperity, and promote domestic and international understanding of the significance of the Japan-U.S. Alliance.

II. Basic Premises and Principles

The Guidelines, as well as actions and activities under the Guidelines, are and will be consistent with the following basic premises and principles.

A. The rights and obligations under the Treaty of Mutual Cooperation and Security between Japan and the United States of America (the Japan-U.S. Security Treaty) and its related arrangements, as well as the fundamental framework of the Japan-U.S. Alliance, will remain unchanged.

B. All actions and activities undertaken by Japan and the United States under the Guidelines will be consistent with international law, including the Charter of the United Nations and its provisions regarding the peaceful settlement of disputes and sovereign equality of States, as well as other relevant international agreements.

C. All actions and activities undertaken by Japan and the United States will be in accordance with their respective constitutions, laws, and regulations then in effect, and basic positions on national security policy. Japan will conduct actions and activities in accordance with its basic positions, such as the maintenance of its exclusively national defense-oriented policy and its three non-nuclear principles.

D. The Guidelines do not obligate either government to take legislative, budgetary, administrative, or other measures, nor do the Guidelines create legal rights or obligations for either government. Since the objective of the Guidelines, however, is to establish an effective framework for bilateral cooperation, the two governments are expected to reflect in an appropriate way the results of these efforts, based on their own judgment, in their specific policies and measures.

III. Strengthened Alliance Coordination

Effective bilateral cooperation under the Guidelines will require the two governments to conduct close, consultative dialogue and sound policy and operational coordination from peacetime to contingencies.

The two governments must be well informed and coordinate at multiple levels to ensure successful bilateral security and defense cooperation. To that end, the two governments will take advantage of all available channels to enhance information sharing and to ensure seamless and effective whole-of-government Alliance coordination that includes all relevant agencies. For this purpose, the two governments will establish a new, standing Alliance Coordination Mechanism, enhance operational coordination, and strengthen bilateral planning.

A. Alliance Coordination Mechanism

Persistent and emerging threats can have a serious and immediate impact on the peace and security of Japan and the United States. In order to address seamlessly and effectively any situation that affects Japan's peace and security or any other situation that may require an Alliance response, the two governments will utilize the Alliance Coordination Mechanism. This mechanism will strengthen policy and operational coordination related to activities conducted by the Self-Defense Forces and the United States Armed Forces in all phases from peacetime to contingencies. This mechanism also will contribute to timely information sharing as well as the development and maintenance of common situational awareness. To ensure effective coordination, the two governments will establish necessary procedures and infrastructure (including facilities as well as information and communication systems) and conduct regular training and exercises.

The two governments will tailor to the situation the procedures for coordination as well as the exact composition of participating agencies within the Alliance Coordination Mechanism structure. As part of these procedures, contact information will be shared and maintained from peacetime.

B. Enhanced Operational Coordination

Enhanced bilateral operational coordination for flexible and responsive command and control is a core capability of critical importance to Japan and the United States. In this context, the two governments recognize the continued importance of collocating operational coordination functions to strengthen cooperation between the Self-Defense Forces and the United States Armed Forces.

The Self-Defense Forces and the United States Armed Forces will exchange personnel to ensure robust information sharing, to facilitate coordination from peacetime to contingencies, and to support international activities. The Self-Defense Forces and the United States Armed Forces, in close cooperation and coordination, will take action through their respective chains-of-command.

C. Bilateral Planning

The two governments will continue to develop and update bilateral plans to ensure smooth and effective execution of coordinated operations by the Self-Defense Forces and the United States Armed Forces. To ensure the effectiveness of the plans and the ability to make flexible, timely, and appropriate responses, the two governments will exchange relevant information, including identifying operational and logistic support requirements and sources in advance, as appropriate.

The two governments will conduct bilateral planning in peacetime for contingencies relevant to Japan's peace and security through an upgraded Bilateral Planning Mechanism, which includes relevant agencies of the respective governments. Bilateral plans will be developed with input from relevant agencies, as appropriate. The Security Consultative Committee (SCC) will continue to be responsible for presenting directions, validating the progress of the planning under the mechanism, and issuing directives as necessary. The SCC will be assisted by an appropriate subordinate body.

Bilateral plans are to be reflected appropriately in the plans of both governments.

IV. Seamlessly Ensuring Japan's Peace and Security

Persistent and emerging threats can have a serious and immediate impact on Japan's peace and security. In this increasingly complex security environment, the two governments will take measures to ensure Japan's peace and security in all phases, seamlessly, from peacetime to contingencies, including situations when an armed attack against Japan is not involved. In this context, the two governments also will promote further cooperation with partners.

The two governments recognize that these measures need to be taken based on flexible, timely, and effective bilateral coordination tailored to each situation and that interagency coordination is essential for appropriate Alliance responses. Therefore, the two governments will utilize the whole-of-government Alliance Coordination Mechanism, as appropriate, to:

- assess the situation;
- share information; and
- develop ways to implement the appropriate Alliance response, including flexible deterrent options, as well as actions aimed at de-escalation.

To support these bilateral efforts, the two governments also will coordinate strategic messaging through appropriate channels on issues that could potentially affect Japan's peace and security.

A. Cooperative Measures from Peacetime

In order to ensure the maintenance of Japan's peace and security, the two governments will promote cooperation across a wide range of areas, including through diplomatic efforts, to strengthen the deterrence and capabilities of the Japan-U.S. Alliance.

The Self-Defense Forces and the United States Armed Forces will enhance interoperability, readiness, and vigilance to prepare for all possible situations. To these ends, the two governments will take measures, including, but not limited to, the following:

1. Intelligence, Surveillance, and Reconnaissance

In order to identify at the earliest possible stage any indications of threats to Japan's peace and security and to ensure a decisive advantage in intelligence gathering and analysis, the two governments will share and protect information and intelligence, while developing and maintaining common situational awareness. This will include enhancing coordination and cooperation among relevant agencies.

The Self-Defense Forces and the United States Armed Forces will conduct intelligence, surveillance, and reconnaissance (ISR) activities based on the

capabilities and availability of their respective assets. This will include conducting bilateral ISR activities in a mutually supportive manner to ensure persistent coverage of developments that could affect Japan's peace and security.

2. Air and Missile Defense

The Self-Defense Forces and the United States Armed Forces will maintain and strengthen deterrence and their defense postures against ballistic missile launches and aerial incursions. The two governments will cooperate to expand early warning capabilities, interoperability, network coverage, and real-time information exchange and to pursue the comprehensive improvement of capabilities to respond to the threat of ballistic missiles. Moreover, the two governments will continue to coordinate closely in responding to provocative missile launches and other aerial activities.

3. Maritime Security

The two governments will cooperate closely with each other on measures to maintain maritime order based upon international law, including freedom of navigation. The Self-Defense Forces and the United States Armed Forces will cooperate, as appropriate, on various efforts such as maintaining and enhancing bilateral presence in the maritime domain through ISR and training and exercises, while further developing and enhancing shared maritime domain awareness including by coordinating with relevant agencies, as necessary.

4. Asset Protection

The Self-Defense Forces and the United States Armed Forces will provide mutual protection of each other's assets, as appropriate, if engaged in activities that contribute to the defense of Japan in a cooperative manner, including during training and exercises.

5. Training and Exercises

The Self-Defense Forces and the United States Armed Forces will conduct effective bilateral and multilateral training and exercises both inside and outside of

Japan in order to strengthen interoperability, sustainability, and readiness. Timely and realistic training and exercises will enhance deterrence. To support these activities, the two governments will cooperate to ensure that training areas, facilities, and associated equipment are available, accessible, and modern.

6. Logistic Support

Japan and the United States are primarily responsible for providing logistic support for their respective forces in all phases. The Self-Defense Forces and the United States Armed Forces will provide mutual logistic support where appropriate, including, but not limited to, supply, maintenance, transportation, engineering, and medical services, for such activities as set forth in the Agreement between the Government of Japan and the Government of the United States of America Concerning Reciprocal Provision of Logistic Support, Supplies and Services between the Self-Defense Forces of Japan and the Armed Forces of the United States of America (the Acquisition and Cross-Servicing Agreement) and its related arrangements.

7. Use of Facilities

In order to expand interoperability and improve flexibility and resiliency of the Self-Defense Forces and the United States Armed Forces, the two governments will enhance joint/shared use and cooperate in ensuring the security of facilities and areas. Recognizing the importance of being prepared for contingencies, the two governments also will cooperate in conducting site surveys on facilities including civilian airports and seaports, as appropriate.

B. Responses to Emerging Threats to Japan's Peace and Security

The Alliance will respond to situations that will have an important influence on Japan's peace and security. Such situations cannot be defined geographically. The measures described in this section include those that may be taken, in accordance with the two countries' respective laws and regulations, in circumstances that have not yet amounted to such a situation. Early recognition and adaptable, resolute

decision-making on bilateral actions will contribute to deterrence and de-escalation of such situations.

In addition to continuing cooperative measures from peacetime, the two governments will pursue all avenues, including diplomatic efforts, to ensure the peace and security of Japan. Utilizing the Alliance Coordination Mechanism, the two governments will take additional measures, based on their own decisions, including, but not limited to, those listed below.

1. Noncombatant Evacuation Operations

When Japanese and U.S. noncombatants need to be evacuated from a third country to a safe haven, each government is responsible for evacuating its own nationals, as well as dealing with the authorities of the affected area. As appropriate, the two governments will coordinate in planning and cooperate in carrying out evacuations of Japanese or U.S. noncombatants. These evacuations will be carried out using each country's capabilities such as transportation means and facilities in a mutually supplementary manner. The two governments may each consider extending evacuation assistance to third-country noncombatants.

The two governments will conduct early-stage coordination through the Alliance Coordination Mechanism, as appropriate, to carry out cooperation in fields such as the safety of evacuees, transportation means and facilities, customs, immigration and quarantine processing, safe havens, and medical services.

The two governments will enhance coordination in noncombatant evacuation operations from peacetime, as appropriate, including by conducting training and exercises.

2. Maritime Security

Taking into account their respective capabilities, the two governments will cooperate closely to enhance maritime security. Cooperative measures may include, but are not limited to, information sharing and inspection of ships based on a United Nations Security Council resolution or other basis under international law.

3. Measures to Deal with Refugees

If a situation develops such that a flow of refugees into Japan becomes likely or actually begins, the two governments will cooperate to maintain Japan's peace and security while handling refugees in a humane manner consistent with applicable obligations under international law. Primary responsibility for such refugee response lies with Japan. The United States will provide appropriate support upon a request from Japan.

4. Search and Rescue

The two governments will cooperate and provide mutual support, as appropriate, in search and rescue operations. The Self-Defense Forces, in cooperation with relevant agencies, will provide support to combat search and rescue operations by the United States, where appropriate, subject to Japanese laws and regulations.

5. Protection of Facilities and Areas

The Self-Defense Forces and the United States Armed Forces are responsible for protecting their own facilities and areas in cooperation with relevant authorities. Upon request from the United States, Japan will provide additional protection for facilities and areas in Japan in close cooperation and coordination with the United States Armed Forces.

6. Logistic Support

The two governments will enhance mutual logistic support (which includes, but is not limited to, supply, maintenance, transportation, engineering, and medical services), as appropriate, to enable effective and efficient operations. This includes rapid validation and resourcing of operational and logistic support requirements. The Government of Japan will make appropriate use of the authorities and assets of central and local government agencies as well as private sector assets. The Government of Japan will provide logistic or other associated support where appropriate, subject to Japanese laws and regulations.

7. Use of Facilities

The Government of Japan will provide, as needed, temporary use of facilities, including civilian airports and seaports, in accordance with the Japan-U.S. Security Treaty and its related arrangements. The two governments will enhance cooperation in joint/shared use of facilities and areas.

C. Actions in Response to an Armed Attack against Japan

Bilateral actions in response to an armed attack against Japan remain a core aspect of Japan-U.S. security and defense cooperation.

When an armed attack against Japan is anticipated, the two governments will take steps to deter the armed attack and to de-escalate the situation, while making preparations necessary for the defense of Japan.

When an armed attack against Japan occurs, the two governments will conduct appropriate bilateral actions to repel it at the earliest possible stage and to deter any further attacks. The two governments also will take necessary measures including those listed earlier in Chapter IV.

1. When an Armed Attack against Japan is Anticipated

When an armed attack against Japan is anticipated, the two governments will intensify, through a comprehensive and robust whole-of-government approach, information and intelligence sharing and policy consultations, and will pursue all avenues, including diplomatic efforts, to deter the attack and to de-escalate the situation.

The Self-Defense Forces and the United States Armed Forces will assume appropriate postures for bilateral operations, including the execution of necessary deployments. Japan will establish and maintain the basis for its support of U.S. deployments. The preparations by the two governments may include, but would not be limited to: joint/shared use of facilities and areas; mutual logistic support, including, but not limited to, supply, maintenance, transportation, engineering, and medical services; and reinforced protection of U.S. facilities and areas in Japan.

2. When an Armed Attack against Japan Occurs

a. Principles for Coordinated Actions

If an armed attack against Japan occurs despite diplomatic efforts and deterrence, Japan and the United States will cooperate to repel promptly the attack and deter any further attacks to return peace and security to Japan. Such coordinated actions will contribute to the reestablishment of peace and security in the region.

Japan will maintain primary responsibility for defending the citizens and territory of Japan and will take actions immediately to repel an armed attack against Japan as expeditiously as possible. The Self-Defense Forces will have the primary responsibility to conduct defensive operations in Japan and its surrounding waters and airspace, as well as its air and maritime approaches.

The United States will coordinate closely with Japan and provide appropriate support. The United States Armed Forces will support and supplement the Self-Defense Forces to defend Japan. The United States will take actions to shape the regional environment in a way that supports the defense of Japan and reestablishes peace and security.

Recognizing that all instruments of national power will be required to defend Japan, the two governments respectively will employ a whole-of-government approach, utilizing their respective chains-of-command, to coordinate actions through the Alliance Coordination Mechanism.

The United States will employ forward-deployed forces, including those stationed in Japan, and introduce reinforcements from elsewhere, as required. Japan will establish and maintain the basis required to facilitate these deployments.

The two governments will take actions as appropriate to provide defense of each other's forces and facilities in response to an armed attack against Japan.

b. Concept of Operations

i. Operations to Defend Airspace

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to defend airspace above and surrounding Japan.

The Self-Defense Forces will have primary responsibility for conducting air defense operations while ensuring air superiority. For this purpose, the Self-Defense

Forces will take necessary actions, including, but not limited to, defense against attacks by aircraft and cruise missiles.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

ii. Operations to Counter Ballistic Missile Attacks

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ballistic missile attacks against Japan. The Self-Defense Forces and the United States Armed Forces will exchange real-time information for early detection of ballistic missile launches. When there is an indication of a ballistic missile attack, the Self-Defense Forces and the United States Armed Forces will maintain an effective posture to defend against ballistic missile attacks heading for Japan and to protect forces participating in ballistic missile defense operations.

The Self-Defense Forces will have primary responsibility for conducting ballistic missile defense operations to defend Japan.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

iii. Operations to Defend Maritime Areas

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to defend waters surrounding Japan and to secure the safety of sea lines of communication.

The Self-Defense Forces will have primary responsibility for the protection of major ports and straits in Japan and of ships and vessels in waters surrounding Japan and for other associated operations. For this purpose, the Self-Defense Forces will take necessary actions, including, but not limited to, coastal defense, anti-surface warfare, anti-submarine warfare, mine warfare, anti-air warfare, and air interdiction. The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

The Self-Defense Forces and the United States Armed Forces will cooperate in the interdiction of shipping activities providing support to adversaries involved in the armed attack.

The effectiveness of these activities will be enhanced through information sharing and other forms of cooperation among relevant agencies.

iv. Operations to Counter Ground Attacks

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ground attacks against Japan by ground, air, maritime, or amphibious forces.

The Self-Defense Forces will have primary responsibility for conducting operations to prevent and repel ground attacks, including those against islands. If the need arises, the Self-Defense Forces will conduct operations to retake an island. For this purpose, the Self-Defense Forces will take necessary actions, including, but not limited to, operations to prevent and repel airborne and seaborne invasions, amphibious operations, and rapid deployment.

The Self-Defense Forces, in cooperation with relevant agencies, also will have primary responsibility for defeating attacks by special operations forces or any other unconventional attacks in Japan, including those that involve infiltration.

The United States Armed Forces will conduct operations to support and supplement the Self-Defense Forces' operations.

v. Cross-Domain Operations

The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations across domains to repel an armed attack against Japan and to deter further attacks. These operations will be designed to achieve effects across multiple domains simultaneously.

Examples of cooperation across domains include the actions described below. The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, as appropriate, will strengthen their respective ISR postures, enhance the sharing of intelligence, and provide protection for each other's ISR assets.

The United States Armed Forces may conduct operations involving the use of strike power, to support and supplement the Self-Defense Forces. When the United States Armed Forces conduct such operations, the Self-Defense Forces may provide support, as necessary. These operations will be based on close bilateral coordination, as appropriate.

The two governments will cooperate to address threats in the space and cyberspace domains in accordance with bilateral cooperation set out in Chapter VI.

The Self-Defense Forces and the United States Armed Forces' special operations forces will cooperate during operations, as appropriate.

c. Operational Support Activities

The two governments will cooperate in the following activities in support of bilateral operations.

i. Communications and Electronics

The two governments will provide mutual support to ensure effective use of communications and electronics capabilities, as appropriate.

The Self-Defense Forces and the United States Armed Forces will ensure effective communication between the two forces and maintain a common operational picture for bilateral operations under common situational awareness.

ii. Search and Rescue

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide mutual support in search and rescue operations, including combat search and rescue, as appropriate.

iii. Logistic Support

When operations require supplementing their respective logistics resources, the Self-Defense Forces and the United States Armed Forces will provide flexible and timely mutual logistic support, based on their respective capabilities and availability.

The two governments will make appropriate use of the authorities and assets of central and local government agencies, as well as private sector assets, to provide support.

iv. Use of Facilities

The Government of Japan will provide, as needed, additional facilities in accordance with the Japan-U.S. Security Treaty and its related arrangements.

The two governments will enhance cooperation in joint/shared use of facilities and areas.

v. Chemical, Biological, Radiological, and Nuclear Protection

The Government of Japan will maintain primary responsibility for emergency responses to chemical, biological, radiological, and nuclear (CBRN) incidents or attacks in Japan. The United States retains primary responsibility for maintaining and restoring the mission capability of the United States Armed Forces in Japan. At Japan's request, the United States will support Japan in CBRN incident or attack prevention and response-related activities in an effort to ensure the protection of Japan, as appropriate.

D. Actions in Response to an Armed Attack against a Country other than Japan

When Japan and the United States each decides to take actions involving the use of force in accordance with international law, including full respect for sovereignty, and with their respective Constitutions and laws to respond to an armed attack against the United States or a third country, and Japan has not come under armed attack, they will cooperate closely to respond to the armed attack and to deter further attacks. Bilateral responses will be coordinated through the whole-of-government Alliance Coordination Mechanism.

Japan and the United States will cooperate as appropriate with other countries taking action in response to the armed attack.

The Self-Defense Forces will conduct appropriate operations involving the use of force to respond to situations where an armed attack against a foreign country that is in a close relationship with Japan occurs and as a result, threatens Japan's

survival and poses a clear danger to overturn fundamentally its people's right to life, liberty, and pursuit of happiness, to ensure Japan's survival, and to protect its people.

Examples of cooperative operations are outlined below:

1. Asset Protection

The Self-Defense Forces and the United States Armed Forces will cooperate in asset protection, as appropriate. Such cooperation will include, but not be limited to, protection of assets that are engaged in operations such as Noncombatant Evacuation Operations or Ballistic Missile Defense.

2. Search and Rescue

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate and provide support in search and rescue operations, including combat search and rescue, as appropriate.

3. Maritime Operations

The Self-Defense Forces and the United States Armed Forces will cooperate in minesweeping, as appropriate, including to secure the safety of sea lines of communication.

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate in escort operations to protect ships and vessels, as appropriate.

The Self-Defense Forces and the United States Armed Forces, in cooperation with relevant agencies, will cooperate in the interdiction of shipping activities providing support to adversaries involved in the armed attack, as appropriate.

4. Operations to Counter Ballistic Missile Attacks

The Self-Defense Forces and the United States Armed Forces will cooperate in intercepting ballistic missiles, as appropriate, in accordance with their respective capabilities. The two governments will exchange information to ensure early detection of ballistic missile launches.

5. Logistics Support

When operations require supplementing their respective logistics resources, the Self-Defense Forces and the United States Armed Forces will provide flexible and timely mutual logistic support, based on their respective capabilities and availability.

The two governments will make appropriate use of the authorities and assets of central and local government agencies, as well as private sector assets, to provide support.

E. Cooperation in Response to a Large-scale Disaster in Japan

When a large-scale disaster takes place in Japan, Japan will have primary responsibility for responding to the disaster. The Self-Defense Forces, in cooperation with relevant agencies, local governments, and private actors, will conduct disaster relief operations. Recognizing that immediate recovery from a large-scale disaster in Japan is essential for Japan's peace and security and that such a disaster could affect the activities of the United States Armed Forces in Japan, the United States, in accordance with its own criteria, will provide appropriate support for Japan's activities. Such support may include search and rescue, transportation, supply, medical services, incident awareness and assessment, and other specialized capabilities. The two governments will coordinate activities through the Alliance Coordination Mechanism, as appropriate.

To improve the effectiveness of the United States Armed Forces' cooperation in humanitarian assistance and disaster relief activities in Japan, the two governments will work together closely, including through information sharing. In addition, the United States Armed Forces also may participate in disaster-related drills, which will increase mutual understanding in responding to large-scale disasters.

V. Cooperation for Regional and Global Peace and Security

In an increasingly interconnected world, Japan and the United States will take a leading role in cooperation with partners to provide a foundation for peace, security, stability, and economic prosperity in the Asia-Pacific region and beyond.

For well over half a century, both countries have worked together to deliver effective solutions to challenges in diverse regions of the world.

When each of the two governments decides to participate in international activities for the peace and security of the region and beyond, the two governments, including the Self-Defense Forces and the United States Armed Forces, will cooperate closely with each other and with partners, as appropriate, such as in the activities described below. This cooperation also will contribute to the peace and security of both countries.

A. Cooperation in International Activities

The two governments will participate in international activities, based on their own judgment. When working together, the Self-Defense Forces and the United States Armed Forces will cooperate to the maximum extent practicable.

The two governments may coordinate the activities through the Alliance Coordination Mechanism, as appropriate, and also will pursue trilateral and multilateral cooperation in these activities. The Self-Defense Forces and the United States Armed Forces will share procedures and best practices, as appropriate, for smooth and effective cooperation. While the two governments will continue to cooperate on a broad array of issues that may not be explicitly included in the Guidelines, common areas for cooperation by the two governments in regional and international activities will include:

1. Peacekeeping Operations

When the two governments participate in peacekeeping operations authorized by the United Nations (UN) in accordance with the Charter of the United Nations, the two governments will cooperate closely, as appropriate, to maximize interoperability between the Self-Defense Forces and the United States Armed Forces. The two governments also may cooperate in providing logistic support for and protecting UN and other personnel who participate in the same mission, as appropriate.

2. International Humanitarian Assistance/Disaster Relief

When the two governments conduct international humanitarian assistance/disaster relief (HA/DR) operations in response to requests from governments concerned or international organizations in the wake of large-scale humanitarian and natural disasters, the two governments will cooperate closely to provide mutual support, as appropriate, maximizing interoperability between participating Self-Defense Forces and United States Armed Forces. Examples of cooperative activities may include mutual logistic support and operational coordination, planning, and execution.

3. Maritime Security

When the two governments conduct activities for maritime security, the two governments will cooperate closely, as appropriate. Examples of cooperative activities may include efforts for: safe and secure sea lines of communication such as counter-piracy and minesweeping; non-proliferation of weapons of mass destruction; and counterterrorism activities.

4. Partner Capacity Building

Proactive cooperation with partners will contribute to maintaining and enhancing regional and international peace and security. The two governments will cooperate in capacity building activities, as appropriate, by making the best use of their capabilities and experience, with the objective of strengthening the capability of partners to respond to dynamic security challenges. Examples of cooperative activities may include maritime security, military medicine, defense institution building, and improved force readiness for HA/DR or peacekeeping operations.

5. Noncombatant Evacuation Operations

In circumstances when international action is required for the evacuation of noncombatants, the two governments will utilize, as appropriate, all possible avenues including diplomatic efforts to ensure the safety of noncombatants, including those who are Japanese or U.S. nationals.

6. Intelligence, Surveillance, and Reconnaissance

When the two governments participate in international activities, the Self-Defense Forces and the United States Armed Forces will cooperate in ISR activities, as appropriate, based on the respective capabilities and availability of their assets.

7. Training and Exercises

In order to enhance the effectiveness of international activities, the Self-Defense Forces and the United States Armed Forces will conduct and participate in joint training and exercises, as appropriate, to strengthen interoperability, sustainability, and readiness. The two governments also will continue to pursue opportunities to work with partners in training and exercises to contribute to enhancing interoperability with the Alliance and the development of common tactics, techniques, and procedures.

8. Logistic support

When participating in international activities, the two governments will cooperate to provide mutual logistic support. The Government of Japan will provide logistic support where appropriate, subject to Japanese laws and regulations.

B. Trilateral and Multilateral Cooperation

The two governments will promote and improve trilateral and multilateral security and defense cooperation. In particular, the two governments will reinforce efforts and seek additional opportunities to cooperate with regional and other partners, as well as international organizations.

The two governments also will work together to strengthen regional and international institutions with a view to promoting cooperation based upon international law and standards.

VI. Space and Cyberspace Cooperation

A. Cooperation on Space

Recognizing the security aspects of the space domain, the two governments will maintain and strengthen their partnership to secure the responsible, peaceful, and safe use of space.

As part of such efforts, the two governments will ensure the resiliency of their space systems and enhance space situational awareness cooperation. The two governments will provide mutual support, as appropriate, to establish and improve capabilities and will share information about actions and events that might affect the safety and stability of the space domain and impede its use. The two governments also will share information to address emerging threats against space systems and will pursue opportunities for cooperation in maritime domain awareness and in space-related equipment and technology that will strengthen capabilities and resiliency of the space systems, including hosted payloads.

To accomplish their missions effectively and efficiently, the Self-Defense Forces and the United States Armed Forces will continue to cooperate and to contribute to whole-of-government efforts in utilizing space in such areas as: early-warning; ISR; positioning, navigation, and timing; space situational awareness; meteorological observation; command, control, and communications; and ensuring the resiliency of relevant space systems that are critical for mission assurance. In cases where their space systems are threatened, the Self-Defense Forces and the United States Armed Forces will cooperate, as appropriate, in mitigating risk and preventing damage. If damage occurs, they will cooperate, as appropriate, in reconstituting relevant capabilities.

B. Cooperation on Cyberspace

To help ensure the safe and stable use of cyberspace, the two governments will share information on threats and vulnerabilities in cyberspace in a timely and routine manner, as appropriate. The two governments also will share, as appropriate, information on the development of various capabilities in cyberspace, including the exchange of best practices on training and education. The two

governments will cooperate to protect critical infrastructure and the services upon which the Self-Defense Forces and the United States Armed Forces depend to accomplish their missions, including through information sharing with the private sector, as appropriate.

The Self-Defense Forces and the United States Armed Forces will:

- maintain a posture to monitor their respective networks and systems;
- share expertise and conduct educational exchanges in cybersecurity;
- ensure resiliency of their respective networks and systems to achieve mission assurance;
- contribute to whole-of-government efforts to improve cybersecurity; and
- conduct bilateral exercises to ensure effective cooperation for cybersecurity in all situations from peacetime to contingencies.

In the event of cyber incidents against Japan, including those against critical infrastructure and services utilized by the Self-Defense Forces and the United States Armed Forces in Japan, Japan will have primary responsibility to respond, and based on close bilateral coordination, the United States will provide appropriate support to Japan. The two governments also will share relevant information expeditiously and appropriately. In the event of serious cyber incidents that affect the security of Japan, including those that take place when Japan is under an armed attack, the two governments will consult closely and take appropriate cooperative actions to respond.

VII. Bilateral Enterprise

The two governments will develop and enhance the following areas as a foundation of security and defense cooperation, in order to improve further the effectiveness of bilateral cooperation:

A. Defense Equipment and Technology Cooperation

In order to enhance interoperability and to promote efficient acquisition and maintenance, the two governments will:

- cooperate in joint research, development, production, and test and evaluation of equipment and in mutual provision of components of common equipment and services;
- strengthen the basis to repair and maintain common equipment for mutual efficiency and readiness;
- facilitate reciprocal defense procurement to enhance efficient acquisition, interoperability, and defense equipment and technology cooperation; and
- explore opportunities for cooperation with partners on defense equipment and technology.

B. Intelligence Cooperation and Information Security

- Recognizing that common situational awareness is essential, the two governments will enhance intelligence cooperation and information sharing at all levels, including the national strategic level.
- In order to enable robust intelligence cooperation and information sharing, the two governments will continue to promote cooperation in strengthening policies, practices, and procedures related to the protection of classified information.
- The two governments also will explore opportunities for cooperation with partners on information sharing.

C. Educational and Research Exchanges

Recognizing the importance of intellectual cooperation concerning security and defense, the two governments will deepen exchanges of members of relevant organizations and strengthen communication between each side's research and educational institutions. Such efforts will serve as the enduring foundation for security and defense officials to share their knowledge and reinforce cooperation.

VIII. Processes for Review

The SCC, assisted by an appropriate subordinate body, will regularly evaluate whether the Guidelines remain adequate in light of the evolving circumstances. The two governments will update the Guidelines in a timely and appropriate manner when changes in situations relevant to the Japan-U.S. Alliance relationship occur and if deemed necessary in view of the circumstances at that time.

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Interviews

Author interview with Colonel (retired) Mark O. Hague, February 7, 2018.

Author interview with former OSD official, May 27, 2018.

Glossary

Abandonment: an instance where an ally fails to meet its obligations to codified in alliance designs; i.e. an ally “abandons” its obligations in a time of need

Ad referendum (“ad ref”): ad referendum means "for referral," and is the term-of-reference for negotiated agreements that are awaiting ratification.

Alliance: a treated relationship that includes security trade-offs, at least one of which is an obligation for use of military force when a certain threshold is met (that threshold is called the *casus foederis*, or “case for the alliance”)

Anchoring: this occurs when the parties to negotiation set a reference point (the "anchor") for the rest of the negotiating process. This typically happens with the first offer in a negotiation and is most common in price negotiations. It can be relevant in intergovernmental negotiations when one side presents a draft document that becomes the template, or “anchor,” for all subsequent discussions.

Armed Attack: an armed incursion into another state’s sovereign territory that is attributable to a specific member of the international community.

Casus foederis: The “case for the alliance,” or the threshold at which alliance obligations come into play.

Contingency: A situation requiring military operations in response to natural disasters, terrorists, subversives, or as otherwise directed by appropriate authority to protect a state’s interests.

Crisis: An incident or situation involving a threat to a state, its citizens, military forces, or vital interests that develops rapidly and creates a condition of such diplomatic, economic, or military importance that commitment of military forces and resources is contemplated to achieve national objectives.

Diet: Japan’s National Parliament. It is comprised of two houses: the House of Councillors (Upper House), and the institutionally more powerful House of Representatives (Lower House).

Entrapment: an instance when a security commitment will draw an ally into a war it did not want to fight; that is, a state is “entrapped” in conflict owing to its alliance obligations.

Gray Zone: any crisis or contingency that affects a state's security but does not cross any thresholds for specific response under international law; e.g. militarized interstate disputes short of an "armed attack."

Negative List: A form of legal interpretation where all items are affected except those that are explicitly listed.

Policy Actors: Players, both governmental or non-governmental, who have the ability to influence formal decision-making on government policies.

Positive List: A form of legal interpretation where only items explicitly on the list are affected.

Security Practice: The sum of the authorities afforded to a country's security institutions and the way they are able to employ them.

Status of Forces Agreement: an international agreement covering the legal provisions for a foreign military or militaries operating within another sovereign territory. Provisions include but are not limited to taxation, basing, entry and exit procedures, criminal jurisdiction, and host nation support.

Win-set: This is the range between one side's most desired outcome and least acceptable outcome. Negotiators sometimes refer to this as their "Bargaining Range." Where the negotiators' win-sets overlap is known as the "Zone of Possible Agreement."

Zone of Possible Agreement (ZOPA): The area where both sides' interests overlap and a deal may be struck. It is sometimes referred to as the "Bargaining Zone."