

Briefing Memo

**“The U.S.-Japan/U.S.-South Korea Alliance” and
“the Far East 1905 System”:
Perspectives on the 70th Anniversary of the San Francisco Peace Treaty and
the U.S.-Japan Security Treaty**

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The U.S.-Japan Alliance and “One-Country Pacifism”

It will soon be 70 years since the signing of the San Francisco Peace Treaty and the first United States-Japan Security Treaty in 1951. However, even in the past decade, several issues have arisen that remind us that Japanese people still feel discomfort towards the U.S.-Japan Alliance.

These issues include the so-called secret agreement regarding revisions to the security treaty (1960), which were made public in 2010 (this paper places particular focus on the Korean Minute (*Chosen gijiroku*), which allowed for exceptions to the prior consultation (*jizen kyogi*) system regarding direct combat operations by U.S. forces in Japan in the event of a contingency in Korea and was considered a “secret agreement in a narrow sense”), as well as the controversy over the right to collective self-defense, which became a debate amongst Japanese society in 2015 when the New Security Legislation (*heiwa anzen hosei*) was enacted.

Article 9 of the Constitution, which prohibits maintaining “force” (*senryoku*), is often associated with the discomfort surrounding these issues.

Indeed, interpreting Article 9 as a waiver of the right of self-defense and requiring that Japan maintain its safety by requesting support from the United Nations or remaining neutral, means that the U.S.-Japan security arrangement essentially goes against Article 9.¹ However, the government’s unified position on December 22, 1954, interpreted Article 9 to mean that maintaining the minimum necessary defense capabilities is not a violation of the Constitution. Therefore, if we emphasize this point, the logical conclusion is that the U.S.-Japan security arrangement supplements the minimum necessary defense capabilities under Article 9. In other words, there is no problem with the consistency of Article 9 and the U.S.-Japan security arrangement.

¹ Yoshihide Soeya, *Anzen Hosho wo Toinaosu: “9 jyo-Anpo Taisei” wo Koete*, NHK Shuppan, 2016, p. 38.

Moreover, even if the Constitution were amended, whether direct combat operations by U.S. forces in Japan in the event of a contingency in Korea would be immediately recognized as not requiring prior consultation is a separate issue.

Some opposite opinion among public opinion, the media, intellectuals believe that the exercise of the right to collective self-defense (using force in the name of self-defense by treating an attack on another country that is closely related to one's own as equivalent to an attack on one's own country, without one's country being attacked) is recognized but it cannot be used under the Constitution. This kind opinion is not all. For example, similar to the view by constitutional scholar that the right of collective self-defense is a "right to defense for others (*taeiken*),"² there has been strong opposition to treating the use of force in the absence of an attack on one's own country as self-defense. However, this rejects international law, which is inherently different in character from constitutional theory.³

If so, we need to examine other issues arising from Article 9 as the background to the discomfort regarding the Korean Minute and collective self-defense right rather than Article 9 itself. Therefore, this paper focuses on "one-country pacifism (*ikkoku heiwa shugi*)", which has taken root under the concept of the "minimum necessary" under Article 9 and which appears to be provided a constitutional basis by same article of the Constitution.

The term one-country pacifism here refers to the Japanese view of security, where Japan is sharply distinguished from other countries, being only responsible for its own security. This one-country pacifism fears that Japan would be "entrapped" in a war outside Japan through the direct combat operations of U.S. forces in Japan in the event of a contingency in the Far East. Japan has also tried to limit exercising the right of self-defense to cases in which Japan is attacked (even now, the exercise of the right of collective self-defense to full specifications is not permitted). The theory of not permitting "integration" (*ittaika*) with the use of force by other countries, an issue that has been raised regarding the Self-Defense Force's international peace cooperation activities, can also be attributed to one-country pacifism.

The problem is that there is a gap between this view of security and the strategic and geopolitical reality of the U.S.-Japan Alliance.

The U.S.-Japan Alliance as a "Bilateral Alliance for Using Bases"

² Sota Kimura, "Anpo Hoan no Doko ni Mondai ga Aruno Ka," in Yasuo Hasebe (ed.), *Kensho - Anpo Hoan: Doko ga Kenpo Ihanka*, Yuhikaku, 2015, p. 14.

³ Yasuaki Chijiwa, "Jyoron: Heiwa Anzen Hosei wo Kensho Suru," *Kokusai Anzen Hosho*, Vol. 47, No. 2 (September 2019), p. 7.

The U.S. will defend Japan in the event of a crisis. In return, Japan accepts the presence of U.S. troops on its soil. This is the most basic structure of the U.S.-Japan Alliance.

Kumao Nishimura, Director General of the Treaty Bureau of the Ministry of Foreign Affairs, was involved in the negotiations to conclude the former U.S.-Japan Security Treaty in 1951 under Prime Minister Shigeru Yoshida. Nishimura described the structure of the treaty as “cooperation between goods and people.”⁴ The U.S.-Japan Alliance is a bilateral alliance for using bases stood on the premise of “cooperation between goods and people.” This characteristic of the security treaty did not change fundamentally with the 1960 revision. And it has been assumed that Japan will only defend the U.S. by defending U.S. forces in Japan exercising the right of individual self-defense, not collectively.

If the security treaty’s provisions had gone this far, the contradiction between the U.S.-Japan Alliance and Japan’s one-country pacifism might have been better contained. However, the problem here is the existence of the Far East clause (*kyokuto jyokou*) that has been in place since the old treaty.

Typically, an alliance treaty provides clarity regarding the area to be defended by the alliance, i.e., the alliance’s defense zone (treaty zone). For example, North Atlantic Treaty Organization’s North Atlantic Treaty is triggered in response to an attack on Europe or North America. In the case of the U.S.-Japan Security Treaty, the treaty zone is “the territory under the administration of the Nation of Japan.”

However, the U.S.-Japan Security Treaty has areas called “zones of use” in addition to the treaty zone. The U.S. forces, which have been provided with bases by Japan, are allowed to use Japanese bases not only for the defense of Japan (as stipulated in Article 5 of the security treaty) but also for maintaining international peace and security in the Far East under the Far East clause of Article 6. It’s believed there is no other alliance treaty besides the U.S.-Japan Security Treaty that stipulates zones of use other than treaty zones.⁵

From the perspective of legal theory, it is still unclear why Japan could allow U.S. forces to use bases on its soil, even in cases where the impact on its security is uncertain.⁶ Nishimura went so far as to say, “I expressed my opinion that the prime minister should simply OK the Far East clause without giving full consideration to the various issues

⁴ Kumao Nishimura, *San Francisco Heiwa Jyoyaku, Nichi-Bei Anpo Jyoyaku*, Chuokoron Shinsha, 1999, pp. 47-48.

⁵ *Ibid.*, p. 58, pp. 65-66, Takakazu Kuriyama, *Sengo Nihon Gaiko: Kiseki to Kadai*, Iwanami Shoten, 2016, p. 62

⁶ Kazuya Sakamoto, *Nichi-Bei Domei no Kizuna: Anpo Jyoyaku to Sogosei no Mosaku* [Expanded Ed.], Yuhikaku, 2020, pp. 60-61.

[omitted] involved. To this day, the administrative authorities have been inadequate in carrying out their responsibilities, which makes me ashamed.”⁷

However, even if the Far East clause of the security treaty is invoked, it does not necessarily mean that the U.S. military can freely use bases in Japan. In some cases, the U.S. military must be consulted with Japanese government in advance. This requirement is referred to as the prior consultation system, and was one of the goals of the revisions to the security treaty to ensure equality between Japan and the U.S. Of these cases, direct combat operations, in which U.S. forces in Japan attack somewhere directly from a base in Japan, are subject to prior consultation with the Japanese government.

However, amongst the possible contingencies in the Far East, only contingencies in Korea are exempt from prior consultation, even if the use of Japanese bases by U.S. forces is a direct combat operation. The agreement between the U.S. and Japanese government regarding this exemption was made in the Korean Minute of January 6, 1960. This agreement was kept secret for half a century until the existence of this minute was made public in 2010.

Adjusting the facts that the U.S.-Japan Alliance is a bilateral alliance for using bases between Japan and the U.S. and that the alliance is also committed to the defense of the Far East region other than Japan by the U.S. has caused concern for many.

The Realities of the “U.S.-Japan/U.S.-South Korea Alliance”

A clue providing consistency to the U.S.-Japan Alliance being a bilateral alliance for using bases and being committed to the defense of the Far East by the U.S. can be found in the same book where Nishimura wrote about the alliance as “cooperation between goods and people.” He also said the following:

“If you think about it, there are actually U.S. troops stationed in Japan, the Philippines, Taiwan, South Korea, and Okinawa. As the armed forces of the U.S., these troops are purely under the command of the U.S. Therefore, the four security arrangements between the U.S. and these four countries are already organically linked through the simple presence of U.S. troops.”⁸

Here, Nishimura may be pointing out that the U.S.-Japan Alliance has a role beyond being a mere bilateral alliance to use bases.

⁷ Ministry of Foreign Affairs, “Heiwa Jyoyaku no Teiketsu ni Kansuru Chosho VI,” p. 223 <https://www.mofa.go.jp/mofaj/annai/honsho/shiryo/archives/pdfs/heiwayoyaku3_05.pdf> (accessed May 20, 2020).

⁸ Nishimura, *op.cit.*, p. 88.

Among the four security arrangements mentioned by Nishimura, the U.S.-Japan Alliance and the U.S.-South Korea Alliance are particularly closely related. On the “organic link” between these two alliances, I would be reluctant to call these alliances the “U.S.-Japan-South Korea Alliance” since Japan and South Korea are not allies. However, we could be somewhat bolder and call it the “U.S.-Japan/U.S.-South Korea Alliance.” This concept implies a hub-and-spoke alliance network led by the U.S., with Japan and South Korea as its counterparts.

When the Korean War broke out on June 25, 1950, the U.S. intervened in the war as a member of the U.N., not for South Korea itself, but because of Japan’s importance in the Cold War containment policy toward the Soviet Union (the defense commitment at that time evolved into the U.S.-South Korea Alliance on October 1, 1953). Moreover, through its intervention in the Korean War, the U.S. realized the strategic importance of its Japanese bases (which would develop into the U.S.-Japan Alliance).⁹ Thus, the U.S.-Japan Alliance and the U.S.-South Korea Alliance were established as twin alliances, so to speak.

Not only are the two alliances twins due to their origins, but also due to the countries maintaining a close relationship through U.S. military bases in Japan, based on the aforementioned Far East clause and the Korean Minute.

This relationship can be seen, for example, in the intervention of South Korea in the negotiations for the return of Okinawa, which was initially a diplomatic issue between Japan and the U.S. The prior consultation system did not apply to the use of U.S. military bases in Okinawa before its return, but after the return, bases in Okinawa were included in the scope of prior consultation. If we assume the South Korean government was unaware of the existence of the Korean Minute, Japan’s request for prior consultation with U.S. forces in Okinawa could, from South Korea’s perspective, reduce the readiness of U.S. forces in Japan in the event of a contingency in Korea, thereby reducing their ability to deter North Korea. Due to this issue, on April 8 and 9, 1969, during the negotiations between Japan and the U.S. for the return of Okinawa, South Korean Vice-Minister of Foreign Affairs Choi Kyu-hah sent a letter to U.S. Ambassador William Porter and Japanese Ambassador Masahide Kanayama in Korea, demanding that Japan waive its right to prior consultation after Okinawa’s return.¹⁰

On the other hand, the debate over dismantling the U.N. Forces in Korea in the 1970s had repercussions for the U.S.-Japan Alliance. The reason that direct combat operations

⁹ Koji Murata, *Daitoryo no Zassetsu: Carter Seiken no Zai Kan Begun Tettai Seisaku*, Yuhikaku, 1998, p. 29.

¹⁰ Victor D. Cha (translated by Yoichi Funabashi and Hideya Kurata), *Bei-Nichi-Kan, Hanmoku wo Koeta Teikei*, Yuhikaku, 2003, p. 76; Somei Kobayashi, “Okinawa Henkan wo Meguru Kankoku Gaiko no Tenkai to Kitachosen no Hanno,” in Toshitaka Takeuchi (ed.), *Nichi-Bei Domei Ron: Rekishi, Kinou, Shuhen Shokoku no Shiten*, Minerva Shobo, 2011, pp. 340-345.

of U.S. forces in Japan in the event of a Korean contingency are not subject to prior consultation is that U.S. forces in Japan may act as part of the U.N. forces. Even before the Korean Minute was prepared, Japan had promised to support the actions of the U.N. forces in Korea by providing bases and services through the Note exchanged between Prime Minister Yoshida and Secretary of State Dean Acheson (concluded on September 8, 1951) at the time of the signing of the security treaty and the U.N. Status of Forces Agreement (concluded on February 19, 1954). Therefore, major U.S. military bases in Japan have also status as U.N. military bases simultaneously. However, following the Sino-American rapprochement in the 1970s, the idea of dismantling the U.N. forces in Korea was raised, and it therefore became necessary to examine the validity of the Korean Minute between Japan and the U.S.¹¹

This provides the perspective that the U.S.-Japan Alliance is, in reality, a part of function of an alliance network that can be called the U.S.-Japan/U.S.-South Korea Alliance.

“The Far East 1905 System” Supported by the U.S.-Japan/U.S.-South Korea Alliance

Why, then, does the U.S.-Japan Alliance and the U.S.-South Korea Alliance need to maintain such a close relationship that it could be called the U.S.-Japan/U.S.-South Korea Alliance?

Before the war, the Japanese Empire had almost the entire Far East under its control.¹² Japan’s hegemony over the region had been internationally recognized since 1895 after the Sino-Japanese War in Taiwan and since 1905 after its victory in the Russo-Japanese War in Korea.

Based on the assumption that China, the traditional hegemonic power in East Asia, is restraining itself (or weak), I would like to refer to the state of the Far East or Northeast Asian regional order—in which Japan, South Korea, and Taiwan, which are geopolitically important to Japan, are in the grip of the same camp—as the “Far East 1905 System”, referring to the year when the Treaty of Portsmouth was signed, despite the boldness of doing so.

However, with the subsequent collapse of the Japanese Empire in 1945, a power vacuum was created in the former territories of the Japanese Empire. The outcome of this power vacuum was an issue that greatly affected Japan’s postwar security. In some cases, it

¹¹ For more information, see Yasuaki Chijiwa, “Chosen Senso ‘Shuketsu,’ Kokurengun ‘Kaitai’ to Nihon eno Eikyo,” *NIDS Commentary*, No. 80 (July 11, 2018)

<<http://www.nids.mod.go.jp/publication/commentary/pdf/commentary080.pdf>> (accessed June 22, 2020).

¹² Today, the Far East is often referred to as “Northeast Asia,” but in this paper, the term is used for convenience to match the U.S.-Japan Security Treaty.

might cause the first geopolitical upheavals since the early 20th century throughout the Far East, which was the stage of the power game between the U.S., the Soviet Union, and China.

However, no large-scale armed conflict has occurred in the Far East, including Japan, since the Korean War armistice. This was because the power vacuum after the loss of Japanese hegemony from before the end of World War II was filled by the U.S. commitment to the region through a network of alliances in the Far East, including the U.S.-Japan Alliance.

Nobukatsu Kanehara, a former diplomat who also served as Assistant Chief Cabinet Secretary, takes the view that after the war, the U.S. took over most of the sphere of influence of the former Japanese Empire and became responsible for its defense along with the former American territory of the Philippines.¹³ Hiroshi Nakanishi, an international political scientist, also has this to say, “[Omitted] The 38th parallel on the Korean Peninsula and the Taiwan Strait became the military boundary between the East and West, and its preservation became a pillar of the U.S. Cold War policy in East Asia. This boundary created a structure around Japanese territory similar to the imperial sphere created by Meiji Japan. It also meant that Japan could leave the military preservation of this sphere to the U.S. military and its allies.”¹⁴ We can, therefore, assume that the Far East 1905 System that had been in place since the Russo-Japanese War was basically maintained after 1945.

In other words, the U.S.-Japan Alliance goes beyond being a mere bilateral alliance for using bases or a *closed alliance* between two countries born out of the Cold War. Instead, it can be considered an *open alliance* in the region, maintaining the Far East 1905 System by gripping Japan, South Korea, and Taiwan in the same camp as before the war.¹⁵

As for Taiwan, the U.S.-Taiwan Alliance was established on December 2, 1954, but, as diplomatic historian Keikichi Takahashi points out, the U.S. recognized its strategic value as a shipping route that linked Japan and Southeast Asia,¹⁶ but treated it differently from South Korea due to consideration for China.

The U.S.-Japan Alliance is part of a system wherein the U.S.-Japan/U.S.-South Korea Alliance, led by the U.S., replaces Japan’s pre-war hegemony, and supports the Far East

¹³ Nobukatsu Kanehara, *Senryaku Gaiko Genron*, Nihon Keizai Shimbun, 2011, pp. 42, 52, 76, 392, 396, 428.

¹⁴ Hiroshi Nakanishi, “Nihon no Kokka Anzen Hosho: Rekishiteki Jyoken kara Kangaeru,” in Seiji Endo and Ken Endo (eds.), *Anzen Hosho toha Nani ka*, Iwanami Shoten, 2014, p. 109.

¹⁵ The Philippines, a former U.S. territory, is excluded here from the list of countries referred by Nishimura.

¹⁶ Keikichi Takahashi, *Beikoku to Sengo Higashi Asia Chitsujyo: Chugoku Taikokuka Koso no Zassetsu*, Yuhikaku, 2019, p. 262.

1905 System, in which Japan and regions of geopolitical importance to Japan are kept in the same camp. Thinking about it this way reveals the meaning of the Far East clause and the Korean Minute. More than that, it makes us realize that they are actually essential elements of the U.S.-Japan Alliance.

With regard to the right of collective self-defense, if we consider it in the context of these strategic and geopolitical realities surrounding the U.S.-Japan Alliance, it can be said that the traditional one-country pacifist interpretation of the Constitution, which made a sharp distinction between “attacks on one’s own country” and “attacks on other countries that have close relations with one's own country,” wasn’t possible in the first place.

The reservations over the U.S.-Japan Alliance—such as the handling of the Korean Minute as a secret agreement and the philosophical debate over the right of collective self-defense is an expression of the flaws that the postwar-Far East has had from the beginning.¹⁷ It means that there have been the gap between the Japanese view of security based on one-country pacifism, which tries to draw the line between “Japan” and “outside of Japan,” and the strategic and geopolitical reality of the U.S.-Japan Alliance, in other words, the fact that the U.S.-Japan Alliance is a function of the U.S.-Japan/U.S.-South Korea Alliance that supports the Far East 1905 System,

The Future of the U.S.-Japan/U.S.-South Korea Alliance and the Far East 1905 System

So how did this gap come about in the first place? According to military historian Futoshi Shibayama, GHQ/SCAP (Supreme Command of the Allied Powers), which originally drafted the Japanese Constitution, assumed that in the event of war with the Soviet Union, U.S. forces stationed in Korea would be withdrawn to Japan and Japan itself would be used as a line of defense.¹⁸ In other words, Japan’s one-country pacifism may have originated from GHQ’s geopolitical recognition that downplayed the strategic value of Korea to Japan’s security, but this recognition was later contorted when the U.S. drastically changed its policy and became committed to the defense of South Korea.

These contortions, or gaps, still have significant implications today. For example, while it can be said that the significance of the Korean Minute has declined, their legal validity in the strict sense has not necessarily been clarified between Japan and the United States even today.¹⁹ Additionally, if there is still some hesitation among the people regarding

¹⁷ Although it differs somewhat from the theme of this paper, the issue of secret agreements over the temporary port calls of U.S. ships carrying nuclear weapons to Japan and the reintroduction of nuclear weapons into Okinawa after its return to Japan shows that Japanese are trying to draw a line between “Japan” and “outside of Japan,” when it comes to nuclear weapons.

¹⁸ Futoshi Shibayama, *Nihon Sai Gunbi eno Michi: 1945-1954*, Minerva Shobo, 2010, p. 27.

¹⁹ Yasuaki Chijiwa, “Nichi-Bei ‘Mitsuyaku’ Yushikisha Iinkai Hokokusho wo Yomu,” *NIDS Commentary*, No. 8 (April 14, 2010) <<http://www.nids.mod.go.jp/publication/commentary/pdf/commentary008.pdf>> (accessed June

the right of collective self-defense and the acceptance of its exercise, this may be related to the serious question of whether the Diet's approval (and thus the consent of public opinion) of a situation that threatens the Japan's survival (*sonritsu kiki jitai*), which would make it possible to exercise this right, can be obtained even if the opposing country uses military intimidation.²⁰

On the other hand, the rapid rise of China in recent years means that the premise of the Far East 1905 System, which has been in place since before World War II itself, has begun to change. In addition, there are concerns about the U.S.-Japan/U.S.-South Korea Alliance impacted by the deterioration of Japan-South Korea relations and the theorized withdrawal of U.S. forces in South Korea that was propagated during the Donald Trump administration. Furthermore, the horizons of Japan's security policy are expanding from the Far East to the Indo-Pacific.

As we approach the 70th anniversary of the San Francisco Peace Treaty and the U.S.-Japan Security Treaty, Japan is forced to respond to this new era without fully bridging the gap between one-country pacifism and the strategic and geopolitical realities surrounding it.

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22, 2020).

²⁰ Satoshi Mori, "Heiwa Anzen Hosei ni Okeru Hoteki Jitai to Sono Nintei ni Tsuite," "Anzen Hosho Seisaku no Reality Check: Shin Anpo Hohosei, Guidelines to Chosen Hanto, Chuto Jyosei," Kenkyu Project Anzen Hosho Seisaku Kenkyukai, *Anzen Hosho Seisaku no Reality Check*, Nihon Kokusai Mondai Kenkyusho, 2017. pp. 18-19.