

Rules of Engagement : Roles and Implications

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Rules of Engagement (ROE) are a tool like a voice pipe which connects politics and armed forces, and also connects headquarters and units at the front within the armed forces. By ROE, policy decision makers can use effectively armed forces as a means for realizing their policy. ROE can be called one of the political techniques for accomplishing civilian control. ROE, which are decided by suitable procedures, provides justification at the time of using military power. This justification is considered to be secured to the maximum in international law and municipal law. ROE are not a means for politics to control every activity of the armed forces, and not a remote-control cable. ROE, rather, show policy, strategy, and the purposes required in order to make military actions by all units suitable. The military units can always be conscious of the purpose and meaning of their activities through ROE.

Although these characteristics of ROE are mostly common to each country, the methods of the description differ and are not especially unified. Moreover, even in the same nation, the degree of ROE development for every service differs. Improvements have been seen, however, at the time of Joint Force. Furthermore, in multilateral military activities, there is a difference in the ROE of each country, and appropriate adjustment is needed. Standardization has been attained in NATO's case.

Law Officers well skilled in international law and municipal law participate in ROE making. All military personnel observe ROE, especially unit commanders, who must have enough knowledge of international law and municipal law as a background for understanding their ROE. From the time of training, principles of international law and municipal law in connection with military activities must be repeatedly taught, to the point of becoming their second nature.

Japan has assumed a land invasion by foreign military forces as the main potential threat until now. However, the situation is drastically changing. We are now anxious about the activities of guerrillas, illegal agents and various terrorist attacks. Furthermore, in the process of nation-building after the collapse of rogue countries, dispatch of the Self-Defense-Forces under an unstable situation, and joint activities along with other nations' forces are anticipated. Maintenance of a suitable ROE-related system under such circumstances will be called for.

Foreign and Security Policy Advisers to the President :
South Korea's Roh Moo Hyun and His NSC

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The Park Chung Hee government established a National Security Council (NSC) in 1963. It did not seem that Park and his two successors utilized this organization for advises and coordination between the related ministries, however. Rather, ex-generals Park, Chun Doo Hwan and Roh Tae Woo used aides and intelligence agencies even for diplomacy.

Kim Young Sam was the first President who needed an NSC-type of coordination mechanism. Soon after his inauguration, this civilian president faced the North Korean nuclear crisis. The ministers presented too many ideas to him. So the President ordered his security-related ministers to meet and coordinate policy with each other.

President Kim Dae Jung absorbed his predecessor's idea and made it more sophisticated. Kim Dae Jung formed an Executive Committee with a limited number of ministers and aides within the NSC. This Committee met periodically and forged the Sunshine Policy very efficiently, and realized the first-ever summit meeting between the two Koreas.

President Roh Moo Hyun inherited both the Sunshine Policy and the NSC as inter-ministerial coordinating mechanism from President Kim Dae Jung. He also expanded the NSC Secretariat in both numbers of personnel and in authority. The Secretariat collects information from the ministries and intelligence services, edits it and reports to the President. It also coordinates, observes and intervenes in almost all the steps of decision-making processes.

Foreign Policy of the Hu Jintao Administration

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What is the grand strategy of China under Hu Jintao? What are its foreign policy objectives? Is the administration able to carry out its foreign policy as outlined in its strategy? These are some of the questions this study addresses.

The grand strategy of the Hu administration places high priority on sustaining economic growth and maintaining domestic stability. Both goals are regarded as necessary conditions to keep the communist regime in power. Economic growth, above all, is the most important strategic objective for Hu's government. Increasing China's comprehensive power is considered important to survive in a competitive international environment. The leaders also fear that if the administration fails to sustain high economic growth, many domestic problems will come to the surface, which may lead to direct criticism of communist rule.

Hu's foreign policy objective is to create an environment conducive to economic de-

velopment. The Chinese economy relies on foreign investment and on trade with neighboring and developed countries. Trade with Asian countries makes up 58% of China's total trade. An armed conflict in the region would directly affect China's economy. China's trade with Japan, the United States and the European Union amounts to some 46% of its total trade. Reflecting such a trend, the political report of the sixteenth party congress emphasized the importance of relations with both the developed and neighboring countries.

Hu's government set off on the path of its foreign policy guided by its grand strategy. Strong emphasis was placed on improving relations with Japan. The top leaders moderated their wording on the history issues. Articles were published that argued for a "new thinking" in establishing relations with Japan even at the expense of foregoing some of China's positions on history issues. The public, however, reacted in a negative manner, especially because the moderation of the policy did not succeed in changing Japan's attitudes. Within one year, Hu was forced to take a stronger position vis-a-vis history issues, and the new government has been unable to improve Sino-Japanese relations.

The reason Hu's government is unable to take a more flexible policy toward Japan is that any compromise on the history issue touches on Chinese nationalism and on the Communist Party's legitimacy as the champion of patriotism. Compromise could weaken public support for the Communist Party and result in jeopardizing the government's second most important objective : maintaining domestic stability.

Chinese Foreign Policy in the Post-9/11 World

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The terrorist attacks of September 2001 were as historic an event for China as they were for the United States. They brought about a remarkable shift in Chinese behavior in global politics. The Chinese government, for instance, offered in October 2002 to start a strategic dialogue with the North Atlantic Treaty Organization (NATO). Moreover, President Hu Jintao attended the talks with the major powers at the 2003 Group of Eight (G-8) summit meetings-the first time for a leader of a developing nation. Beijing hopes that this emerging approach would enable it to develop more mature security relationships with both Europe and the United States and that it would therefore be able to contribute to shaping a stable international system favorable to its economic modernization.

The shift in China's foreign conduct, however, will not have a profound impact on its basic conception of security or of what constitutes alliance. China's ambivalence toward the U.S. global war on terrorism represents this point most clearly. Although the Chinese government, through this common security concern, is eager to enhance its ties with the United States on the one hand, it remains cautious about the notion of U.S.-led security alliances on the other. As Yang Jieqiang, Vice President at the Shanghai Institute for International Studies (SIIS), observed, "China keeps criticizing the old concept of security, in which states obtain security based upon alliances as well as on the upgrading of arma-

ment.” He correctly pointed to the fact that China’s traditional position against the U.S.-led security alliance in the international scene remains unaltered.

At the same time, it is unclear if either the conciliatory (proactive) approach or the cautious (reserved) one will become an organizing principle for Chinese diplomacy. Yet measures that can be used to extrapolate possible trajectories of Chinese foreign policy do exist. Among them, it is highly important to pay close attention to China’s attitude toward regional cooperation, particularly in Asia. Beijing, for instance, went on to strengthen the institutional power of the Shanghai Cooperation Organization (SCO), due to a deepening concern that the shift in security priorities on the global scale after September 2001 may trigger a collapse of the security order and strategic stability in Central Asia. The SCO agreed at its 2003 summit meetings to establish a permanent organ on counterterrorism—the Regional Anti-Terrorism Structure (RATS)—and opened a Secretariat for it in Beijing in January 2004. In addition, the organization executed in August 2003 the Interaction 2003—the antiterror joint military exercises—in eastern Kazakhstan and the Xinjiang area. Observing this development, a Chinese researcher suggested that the SCO’s increasing role in Chinese foreign policy is congruent with the U.S. stationing of troops in Central Asia. Another important step toward regional cooperation was China’s proposition, articulated by Foreign Minister Li Zhaoxing, that the ASEAN [Association of Southeast Asian Nations] Regional Forum (ARF) launch a Security Policy Conference at its June 2003 meetings.

This development has important ramifications for Japanese foreign policy. Above all, Japan should pursue a constructive relationship with China—not alone but with its ally, the United States. A good starting point would be Japan’s active engagement with China’s policy on regional cooperation.

Iraq and the Security Environment in the Persian Gulf

KOZUKA Ikuya

This paper provides an overview of the security environment in the Persian Gulf region since the Iraq War in terms of the current Iraqi situation, the issue of Iran’s nuclear development, and the issue of domestic security in Saudi Arabia.

First, on the Iraqi situation, I summarize the political process of the building of the new Iraqi state and the activities of the insurgency since President Bush declared the end of major hostilities in Iraq. I point out the failure of the strategy of the US military for stabilizing operations in Iraq and the possibility of an exit strategy in the near future.

Second, on the issue of Iran’s nuclear development, I follow the negotiation between Iran and the EU3 (UK, France and Germany), the strategic assessments of the issue by the US and Israel, and the Iran’s intention in continuing to convert natural uranium into UF₆ after the Paris agreement of November 2004. I analyze Iranian motives in terms of two aspects: strategic needs and national prestige.

Third, on the issue of Saudi domestic security, I estimate the relationship between social instability and the liberal democratic movement, and the social conflict surrounding

the current regime, the conservative Islamic clerics and the Islamic terrorist groups. I maintain that external pressure for democracy, applied to the vulnerability of the current Saudi regime - its political legitimacy - is leading to accelerated social instability in this oil - rich country.

In conclusion, I suggest the feasibility of a long - range strategic program to build a stable Persian Gulf region.

The Sinking Accident of Imperial Navy Submarine Number 6, and the Navy's Actions : A Historical Analysis of Military Situations Leading to Naval Force Expansion After the Russo-Japanese War

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On April 15, 1910, the Imperial Navy Submarine Number 6 sunk in an accident. Lieutenant Sakuma Tsutomu's last report stated, "I am sorry that my carelessness sank the Emperor's submarine and killed the Emperor's sailors," and is well known. He, the commanding officer, has been regarded as a hero of the Imperial Navy for his dedication to his military duty until the last second before his death within the vessel. However, the true details have not been revealed for about a century. The objective of this paper is to identify them, and shed light on how the Imperial Navy handled the incident.

Referring to the Navy's formal documentation owned by the National Institute for the Defense Studies helps us to know the truth of the accident. The committee that investigated the accident came to the conclusion that the accident was caused by Lt. Sakuma's illegal order, in which he commanded under-water operation while extending the snorkelling above the water ; at that time such operation was prohibited because there was no assurance of safety. The committee also concluded that, making the situation worse, he ordered the submarine to go beyond its depth limit to the point that the ventilator got soaked in the water, causing the critical danger. The Navy did not reveal the truth of the accident to public, and instead changed it into a memorable story, regarding him as a hero.

It is important to understand the general situation in which the Navy found itself after the Russo-Japanese War. That is, the Navy, after defeating the Russian enemy, pursued further military expansion by assuming the United State Navy as a new potential threat. On the other hand, the Japanese government suffered from a very tight budget after the war, and socialist political activities, including the rise of the socialist movement by the end of nineteenth century and the founding of the Japan Socialist Party in 1906, were against any military expansion. Based on this situation, revealing the real story of the submarine accident to the public would have impeded the Navy's interests and policy, so the truth of the accident was distorted so that Lt. Sakuma could become a hero.

Three successive submarine accidents followed in 1923 and 1924, and the Imperial Navy could not manipulate the truth of their accidents any more. After that time, the Imperial Navy experienced many incidents and many casualties-without a hero like Lt.

Sakuma.

The Legitimate Use of Force against Non-belligerent States in Armed Conflict

MORITA Keiko

There have been a great number of armed conflicts since 1945 that brought injury and inconvenience to neutral/non-belligerent States. It is clearly admitted in state practice that belligerents maintain some limited belligerent rights—visit and search, and prize—to which neutrals are supposed to acquiesce. However, some cases went far beyond these rights, when belligerent States invoked the right of self-defense as a justification to engage in an invasion of a neutral sovereign State or attacks on neutral vessels. This reliance on self-defense has a close connection with the drastic change of *jus ad bellum*, which allows a State to use force only to defend itself against armed attack. The present *jus ad bellum* involves the validity of the traditional law of neutrality, the institution of “non-belligerency” as a legal concept, and the permissive range of countermeasures against/from third-party States not involved in an armed conflict. The last point may also raise a serious issue over treatment of a State resorting to collective self-defense or supporting but remaining outside of hostilities.

Under classic international law, there were prohibitions on any abridgment of neutral rights through inter-belligerent reprisal. Their neutrality was guaranteed by both belligerents to the extent that they discharged their neutral duties in time of war. However, even when it was contended that their neutrality was not compromised when they prevented or responded to a prior violation on the part of an opponent, using the means at their disposal, retaliatory measures were often directed by disadvantaged belligerents under the guise of non-fulfillment of neutral duties (also the necessity of war could be relied on, but it is *dehors the law*). This is partly due to the reciprocal nature of neutral duties with the obligation of belligerents to abstain from any hostile acts in neutral territory. The difficulty of distinction as to whether this is a violation on the side of the neutral states leaves a much wider controversy regarding belligerent vs. neutral relations. This is still the case after aggressive war was totally abolished under the United Nations Charter. This article discusses how the belligerents abridged neutral rights in such borderline cases in reference to some incidents during the two World Wars. It is suggested that the present *jus ad bellum*, in particular the conditions for legitimate use of force, demand further coordination in terms of the law of neutrality.