

April 28, 2024

Mr. KISHIDA Fumio, Prime Minister of Japan

Mr. Joe Biden, President of the United States

72 Years of the San Francisco Peace Treaty
An Open Statement to the Governments of Japan and the United States
“A New Kind of US-Japan Relationship”

The Expert Council for Aiming Japan’s True Independence (ECAJTI) was established in March 24, 2024. We are issuing an open statement to the governments of Japan and the United States, in the 72nd year of the effectiveness of the San Francisco Peace Treaty on April 28, 2024.

Toward a Truly Independent Japan

The United States and Japan are facing their greatest challenge ever, from China, which threatens the established international order based on the rule of law. The United States may not be able to cope with China by itself. Thus, Japan must play a much bigger role in the Indo-Pacific region.

To this end, Japan must become a truly independent nation. The purpose of ECAJTI is to recover and realize a truly independent Japan. Specifically, Japan must have the Three Sacred Emblems of Sovereign Rules of an independent country: our own constitution, national defense forces, and an integrated national intelligence agency backed by counterintelligence laws. Consequently, Japan must abolish or drastically alter Article 9 of the Constitution, and turn “Self Defense Forces” into National Defense Forces.

“The Indo-Pacific Charter”

In order to confront with almost totalitarian autocracies such as China and Russia, free and democratic nations which believe in “free and open international order based on the rule of law” must implement “Free and Open Indo-Pacific” (FOIP) initiative. FOIP was first proposed by the Japanese Prime Minister ABE Shinzo at the 6th TICAD (Tokyo International Conference on African Development) in Nairobi in August 2016.

To put FOIP into effect, the camp of free and democratic nations in the

region needs “the Indo-Pacific Charter” (IPC) as a common doctrine. In order to defend FOIP, the QUAD (the Quadrilateral Security Dialogue) which constitutes the U.S., Japan, Australia and India should be the core. The framework of the QUAD started from the 1st QUAD Foreign Ministers’ Meeting in New York in September 2019 led by Japan under the Abe administration.

Now, many European countries are joining FOIP. The UK, France, Germany, Italy, the Netherlands, the European Union, and the Visegrad Group (Poland, Hungary, Czech, and Slovakia) are joining the FOIP strategic framework. We think that Japan must take the initiative to draft an Indo-Pacific Charter within the framework of the QUAD, and obtain consent from South Korea and ASEAN countries and so on. President Joe Biden and then-Prime Minister Boris Johnson issued “the New Atlantic Charter” at the US-UK summit meeting in Cornwall, UK in June 2021. But, it was glaringly obsolete in terms of geo-politics because the center of the world in the 21st century is the Indo-Pacific, not the Atlantic. Furthermore, the US-UK initiative is anachronistic. We must have an “Indo-Pacific Charter (IPC)” now.

Inequality of the Japan-US Status of Forces Agreement

The current Japan-US Status of Forces Agreement (SOFA) based on Article 6 of the Japan-US Security Treaty, put Japan in the position as a non-independent nation, because of its extreme lack of equality. Unless there is fundamental revision of SOFA, Japan will not be an indisputably independent nation. For Japan to take a major role in the Indo-Pacific Strategy, true independence for Japan is indispensable.

After the end of Cold War, Germany, Italy and South Korea successfully revised their own SOFAs. However, Japan missed out, because the Japan-US relationship at that time was very tense during the period of economic frictions between the two countries in 1980s and 1990s.

Although the free world emphasizes the rule of law, the Japan-US SOFA is a significant outlier from the rule of law. In other words, the Japan-US SOFA is not based on the democratic process. We can see many unofficial documents and secret agreements based around SOFA, even though the Japan-US SOFA itself was established through deliberations of national assembly.

For example, the Japan-US SOFA was signed and came into effect in 1960, while in parallel the Agreed Minutes to the Japan-US SOFA exists, without deliberations of the Diet. Furthermore, there are many clauses that say issues should be decided at the Japan-US Joint Committee in Japan-US SOFA and within the Agreed Minutes to the Japan-US SOFA. The Japan-US Joint Committee established, based

on Article 25 of the Japan-US SOFA, have two representatives on both sides, a Director General of North American Affairs Bureau of the Japanese Ministry of Foreign Affairs (MOFA) and a Deputy Commander (typically a Brigadier General) of US Forces Japan. The Japan-US Joint Committee is a consultative body which consists on both sides of diplomats and military officers, and meetings are held twice a month, in principle. Inherently, very important issues should not be decided at this Committee, because it is merely a consultative filled on both sides, with non-elected diplomats and military officials. However, important issues, including very vast air traffic controls such as Yokota RAPCON (Radar Approach Control), Iwakuni RAPCON and Kadena RAPCON, are resolved at the Japan-US Joint Committee meetings.

Prevalence of Non-official Documents around the Japan-US SOFA

The current air traffic controls assigned by the US Military were decided at Civil Aviation Sub-Committee of the Japan-US Joint Committee in May 1975. Since very vast air spaces are controlled by the US Military, civil aircrafts are obliged to fly in high risk areas at high cost whenever they take off and land at domestic airports. As a matter of course, decisions at the Japan-US Joint Committees do not undergo public review. In the first place, minutes of Japan-US Joint Committee are not disclosed unless the both sides agree to it.

A huge problem arose in Okinawa in April 1973 because US Military suddenly closed Prefectural Road No. 104 to conduct live ammunition shooting training. However, this closure was based on a “May 15 Memorandum” agreed to by the two countries behind the doors, on May 15, 1972, at the time of return of Okinawa to Japanese control. The whole text of “May 15 Memorandum” was finally publicly disclosed on March 25, 1997. There are many, many more secret agreements like this with US Military.

Fundamental Revision of the Japan-US SOFA

We think Japan’s stand point regarding US Military Bases in Japan does not seem so weak, although the Japanese government may have a big misunderstanding. The US bases in Japan are characterized by supply and logistics, for the deployment of US military forces overseas. It is said that US forces in Japan can cover half of the globe, while US military bases in the US can cover the remaining half. US military bases in South Korea are for keeping security within that area. US military bases in Germany had the similar character in the past, although they are using as supply and logistics bases for the deployment of US military forces to the Middle East and North

Africa in recent years. US military bases in Japan, however, are of a different nature. US military bases in Japan is the only overseas bases at the core of US global strategy. If the United States loses its military bases in Japan, would the U.S. keep its status of global superpower? At the same time, Japan and the Japanese people continue to shoulder the vast burden of expansive US military bases on a daily basis. We propose a thorough revision of the Japan-US SOFA.

The Japan-US Joint Committee Should Be Abolished

The National Governors' Association of Japan (JNGA) issued "Proposal Regarding the Burdens of US Military Bases" twice, on July 28, 2018 and November 5, 2020. In their proposals, the governors demanded the fundamental revisions to the Japan-US SOFA. Japan and the U.S. governments must take the proposals seriously since governors from all over Japan, in addition to special prefectures such as Okinawa, have demanded the fundamental revisions to the SOFA. When there are revisions, non-official agreements without Diet will not be allowed. Furthermore, we think the current Japan -US Joint Committee should be abolished. If a consulting body constituted by government officials on both sides is needed, a body with complete transparency will be established.

After making the laws regarding US military bases in Japan more transparent and in accordance with the laws of Japan, the US and Japan will be morally qualified to advance a "Free and Open International Order Based on the Rule of Law". Currently, the both countries are really not at all qualified to make an "the Indo-Pacific Charter". If this continues, the both countries could become the failure of countries ruled by law.

The United States Should Thoroughly Support a Policy of "Strong Japan"

From macroscopic perspective, we would like to propose to the governments of the U.S. and Japan that the United States should thoroughly take a "Strong Japan" policy. We believe that this is obviously beneficial to the America national interest. Otherwise, Japan will never have a major role in the Indo-Pacific strategy.

Japan must take the lead in promoting the QUAD in FOIP Strategy. Japan forcefully state proposals to the US when the US makes policies in this region because US policy failures in this region will have devastating consequences on Japan.

Finally, we have a suggestion to the both countries regarding the negotiating stance. The U.S. and Japan have common values, such as the rule of law, democracy, and market economy. However, the historical and cultural backgrounds of

the two countries greatly differ. In this sense, the U.S. and Japan are the most unlikely pair of countries in the world. It would be very important for the both countries must recognize each other's difference of national character, and to considerate the other party's point of view in the negotiation.

the Expert Council for Aiming Japan's True Independence (ECAJTI)

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