

## Abstract

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### **International Legal Order in the East Asian Region and Japan's Dilemma : China's Naval Expansion and its Legal Implication**

**MAYAMA Akira**

China has been expanding its naval power and the PLAN will soon become a well-balanced blue-water navy having operational capability in the remote areas of the world. On the contrary, China still interprets customary and conventional rules of the Law of the Sea (LOS) from the perspective of brown-water navy as if its coast is still blocked by the KMT Navy. Although, of course, there are some premonitory symptoms indicating the change of China's international legal policy, it can be said that its LOS interpretation is rather defensive one.

However, in the future not far off, it is likely that China will realize that the current LOS is favorable for the PLAN and this will naturally result in the change of its LOS policy. This means that China will take the same stance as that of the U.S. It is appropriate here to remember that similar change was seen when the Soviet Union built large fleet. This led to the deceleration of the uniform interpretation on innocent passage between the U.S. and the Soviet Union in the late 1980's.

If China takes the same attitudes as the U.S. in the field of the LOS, it will claim innocent passage of its warships through Japanese territorial sea. Furthermore, it will argue that PLAN's submerged submarines and military aircraft can exercise the right of transit passage through certain Japanese straits and that the PLAN has the right to conduct naval exercises in Japanese EEZ according to the LOS Convention.

In such situations, Japan will be in a dilemma: although Japan wants to take defensive littoral-State-like interpretation of the relevant LOS rules in order to exclude Chinese warships away from its coastline, it is needless to say that such interpretation would be against American

national interest.

In June 2016, when a PLAN surface warship ran through the Tokara Strait fully covered by Japanese territorial sea, the Chinese Ministry of National Defense explicitly stated that the Tokara Strait was an international straits to which the transit passage regime applied. This might be the first stage of the Chinese 'Freedom of Navigation' Operations against Japan. The 2016 Tokara Strait Incident is very symbolic and Japan should be commended for considering how to avoid this legal dilemma.

## **From Japanese Navy to JMSDF : Origin of the Intellectual Tradition**

**KITAGAWA Keizo**

Kaijokeibitai(Coastal Safety Force) was established in 1952, and then became Kaijojieitai(Japan Maritime Self-Defense Force) in 1954, and they are the successors of the Imperial Japanese Navy which was dismantled in 1945.

This paper discusses the intellectual flow from Japanese Navy to JMSDF in the perspective of the “Intellectual Attitude” which pursue the “Art and Science of War” with the emphasis of methodology, innovative thinking and flexibility.

JMSDF started its higher educational institution upon its creation and formed the Command and Staff College. The college founders had studied the history carefully and adopted the methodology from the U.S. Navy the most. JMSDF has been the hybrid organization with the traditional culture of Japanese Navy and adapted the new methodology of the U.S. Navy, and other navies like the Royal Navy. Under the “Academic Freedom” of the Command and Staff College, the founders created the “Sakusenryomu”, the new Operational Procedures.

## **The U.S. Rebalance to Asia-Pacific : Mutually exclusive reassurance**

**SEKINO Hiroshi**

The Obama administration's "rebalance to Asia-Pacific" involves a comprehensive diplomatic, economic and military approach that pays more attention to Asia-Pacific region.

Saunders says that the most difficult task is making the rebalance robust enough to reassure U.S. allies and partners of U.S. capability and will do maintain a presence in Asia over the long term while not alarming Chinese leaders to the point where they forego cooperation with Washington. He also says that finding and maintaining this sweet spot in U.S. policy poses daunting challenge. Mori analyzes that the rebalance is based on a "Mutually exclusive reassurance" for China and U.S. allies and partners.

Despite of many efforts based on the rebalance, the Obama administration is not able to control or deter China's confrontational approach in the west pacific. Mutually exclusive reassurance for China and U.S. allies and partners has secure concern raised by China as a center. The U.S. rebalance has structural problem that tries to realize reassurance for China and U.S. allies and partners at the same time.

### **U.S. DoD's cognition on China in the Obama era**

**MAEDA Tatsuya**

This paper analyses U.S. DoD's cognition toward China's military activities by reviewing strategic documents issued by The White House and DoD in the Obama era.

As the result of the analysis, two changes of DoD's cognition was observed under the Obama administration. This research classified DoD's cognition into three phases as "DoD 1.0" to "DoD 3.0".

The first transition from "DoD 1.0" to "DoD 2.0" was caused by

Obama's "Rebalance" policy. It was read in "Defense Strategic Guidance" issued in 2012.

And, the second change from "DoD 2.0" to "DoD 3.0" was observed in 2014. From the year on, DoD has perceived a sense of rivalry against U.S. in the China's military activities. DoD put China as first on the list of regional threat in their strategic documents. Besides those, Secretary of Defense, Ashton Carter identified China with Russia, North Korea, Iran, and terrorism as "Five evolving challenges".

Why did DoD directly show the growing sense of alarm toward China's military activities from the year? To clarify this question, this paper looked at China's activities which cause the threat of U.S. national interests. It concluded that DoD has evaluated Chinese Navy will hold its first credible sea-based nuclear deterrent in 2014, which can be threat of U.S. mainland.

## **Defense Resource Allocation Process Condition for Practical use of PPB\* Approach**

\*PPB: Planning-Programming-Budgeting

**KAWAKAMI Satoru**

Government organizations must manage limited resources. The defense organization is a major user of these limited resources and should make every effort to optimize resource allocation.

In 1962 the U.S. Department of Defense began using a resource allocation decision process with the implementation PPBS. European defense organizations, learning from the U.S. model, developed their own resource allocation process.

This paper studies the defense resource allocation processes of the U.S., U.K. and France. These processes share the same basic model consisting of four functions and can easily be adopted by any defense organization. The first function is "Define the End Goals".

Organizations need to implement a system to "Define the End Goals" in order to achieve their end goals. The second function is

“Manage the Budget”. Organizations must manage short term budgets in order to make adjustments for their long term operating plan. The third function is “Integrate the Individual Efforts”. Individual efforts must be integrated toward achieving the organization’s end goal. The fourth function is “Evaluate the Outcome”. The organization’s outcome must be compared with the end goal. The resource allocation process manages the relation of these four functions. PPB approach is one of the solutions for developing a resource allocation process, and this approach focuses on “Manage the Budget” function. From the budgeting viewpoint, the other three functions are an essential condition for practical use of PPB approach.