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THE CONTINUING ECHOES OF COMPROMISED SOVEREIGNTY

The defense treaties that created the legal foundation for the hosting of U.S. forces in the Philippines, Japan, and South Korea were negotiated during wartime, and came into force in the early years of the postwar recovery for all three societies.

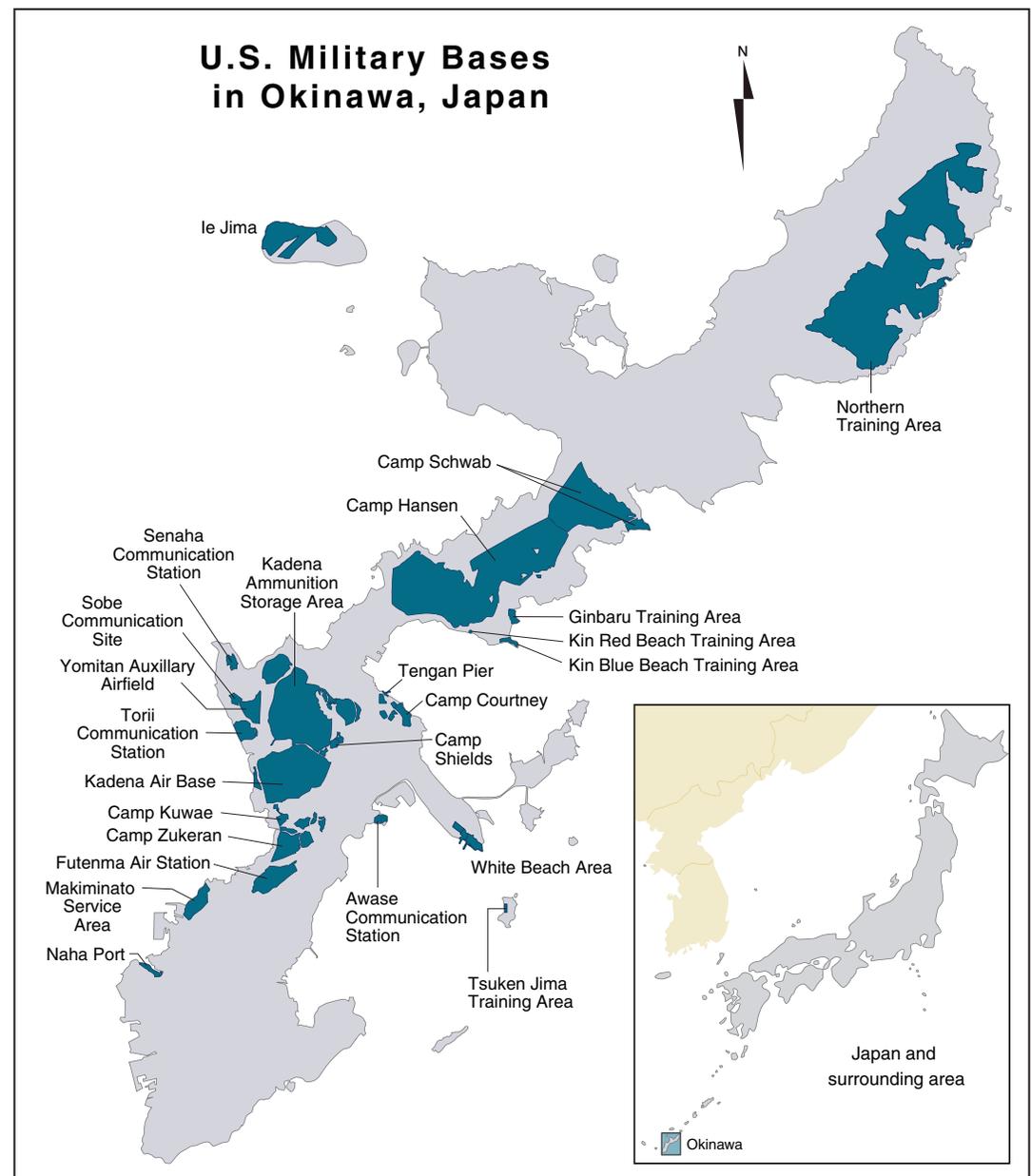
In the Philippines, U.S. military presence had long been part of the national experience under U.S. colonial rule, but with calls for national independence in the 1930s, there was broad popular support for rejecting the idea of allowing the foreign troops to remain on Philippine soil. In light of this sentiment, the U.S. Congress passed the Philippine Independence Act of 1934 (the Tydings-McDuffie Act), offering to recognize Philippine independence by 1946 without retaining military bases.⁷ But World War II intervened, and when the U.S. Army returned to the Japanese-occupied Philippines in 1944, it returned with the anticipation that it could retain bases there once independence was granted. The Bases Agreement signed in 1947 became the foundation of a policy that lasted until 1991.

The security relationship between the United States and Japan was also embedded in the process of postwar recovery. Negotiated alongside the San Francisco Peace Treaty, the 1951 U.S.-Japan Security Treaty created the basis for retaining significant U.S. military facilities on Japanese soil even after Japan regained full sovereignty. After a seven-year occupation, the U.S. military maintained more than 300,000 troops in Japan, and the outbreak of the Korean War, while drawing off some of the major ground units, created the impetus for a series of facilities dedicated to rear-area support for combat operations. While U.S. military forces in Japan have been significantly reduced since then to around 45,000 personnel in the 1990s, the United States continues to have exclusive use rights over 76,692 acres of land, 56,845 acres of which are in Okinawa Prefecture.⁸ In fact, about 75 percent of the land used by U.S. forces in Japan is on the largest of Okinawa Prefecture's 160 islands—one that comprises only 0.6 percent of Japan's total land area.⁹ This geographical imbalance in the deployment of U.S. forces in Japan

has long been central to Okinawa's claim that it bears a disproportionate share of the burden of Japan's postwar alliance with the United States.

Likewise, a defense treaty with the United States, concluded in 1953, also accompanied the armistice signed at the end of the Korean War. Two years of war on the Korean peninsula left much of the country devastated, and the creation of a Demilitarized Zone (DMZ) at the 38th parallel separated into two a country that had barely emerged from almost 30 years of occupation by Imperial Japan. U.S. forces in South Korea remained to defend the country under a United Nations Command formally established in the armistice agreement. Since then, the primary goal of the U.S. military in South Korea has been the defense of South Korea against the North. A Status of Forces Agreement (SOFA) concluded in 1966 gave the United States the right to operate bases in South Korea for an indefinite period. In 2000, there

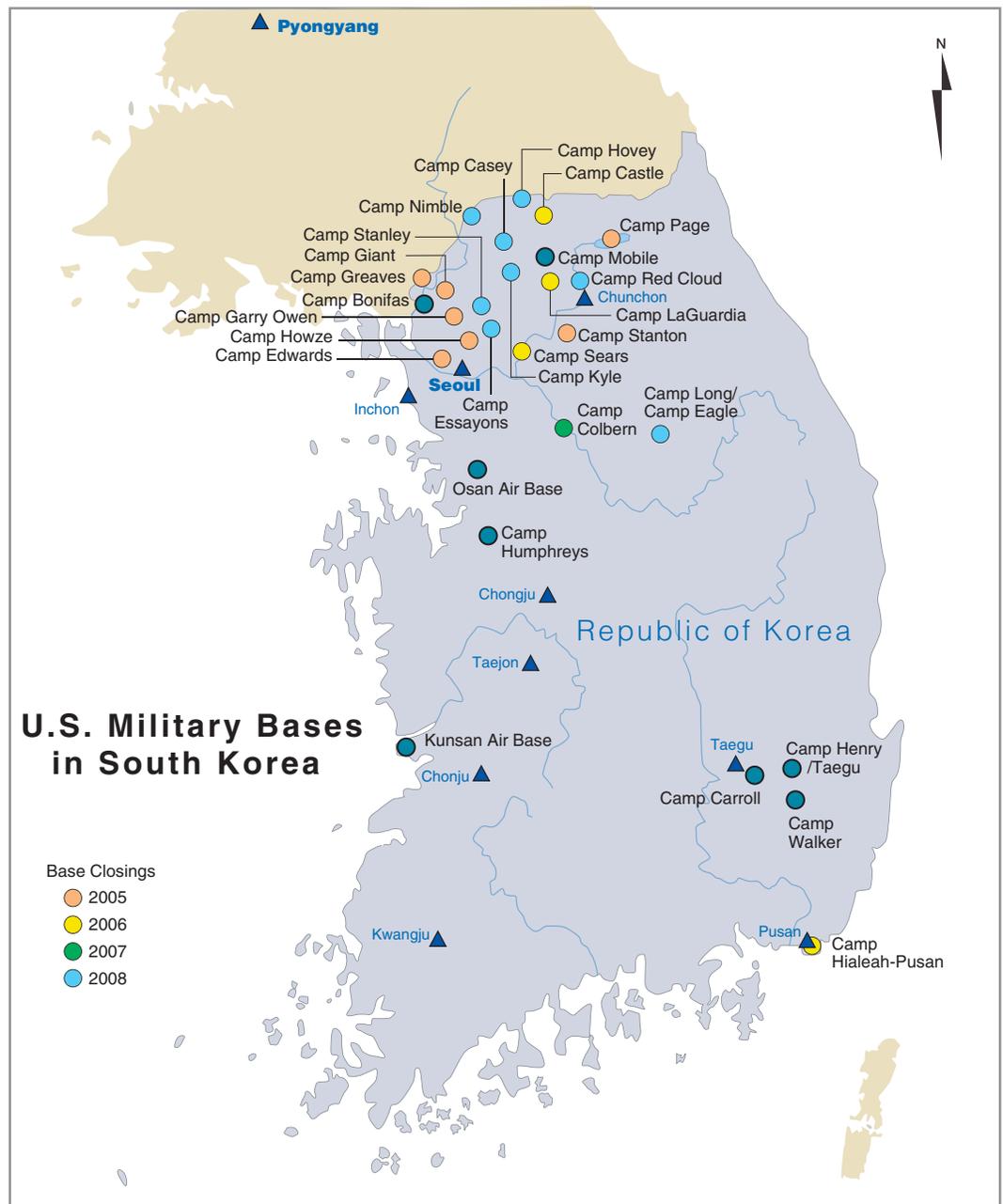
The majority of U.S. forces stationed in Japan are located on the small southern island of Okinawa.



were some 37,000 U.S. forces stationed in South Korea, occupying approximately 73,000 acres of land. As a result of almost two years of negotiations, the U.S. and South Korean governments reached an agreement in 2004 to consolidate and relocate American forces there.

In each of these three societies, U.S. forces were on the ground prior to the full exercise of sovereign discretion of those governments, and the terms of the presence were negotiated at a moment when government was at its most fragile. Thus, U.S. military bases have always been associated with the terms of their origins, and the presence of U.S. forces on Japanese, South Korean, or Philippine soil prior to the exercise of formal sovereignty continues to be the foil against which the national narrative of sovereign discretion and independence is cast.

By 2008, the United States will remove 12,500 military personnel from South Korea. Many small U.S. bases near the DMZ will close, the headquarters of the UN Command will be moved out of downtown Seoul, and U.S. bases will be consolidated to the south.



RENEGOTIATING THE TERMS OF U.S. MILITARY PRESENCE

Only Japan renegotiated the terms of its early post–World War II security bargain with the United States. Opposition to the terms of the original treaty was strongest in Japan, as opposition political parties openly challenged the conservative ruling party’s policy of alliance with the United States. The Liberal Democratic Party, as well as the diplomats who negotiated the details of a new security treaty, understood that the perception of compromised sovereignty in the original treaty would not be sustainable, and it initiated talks with Washington over treaty revision in the late 1950s. The new treaty that was ratified amid great domestic upheaval in 1960 still allowed the U.S. bases to remain. But an explicit American commitment to assist Japan in case of attack, as well as an accompanying note that provided for “prior consultation” with the government of Japan over the use of U.S. military forces stationed within the country, satisfied some critics that Japan’s own interests were met in the bilateral agreement.

*The ‘people
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for questioning
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Agreement*

Yet the American military continued to operate freely from Okinawa, which was still under U.S. administration. Another decade would pass before antagonism to the U.S. war in Vietnam and a rising movement within Okinawa for reversion to Japanese sovereignty convinced the Japanese government to call for an “end to the postwar” and for negotiations with Washington over the terms for regaining sovereign control over Okinawa. Twenty-seven years after Japan regained formal sovereignty, the United States and Japan concluded yet another agreement that returned Okinawa to Japan. But the Japanese government allowed the United States to retain most of its military facilities on the island despite strong sentiments within Okinawa for removing them. The Okinawa reversion agreement only exacerbated what many in Okinawa perceived as Tokyo’s discrimination against the prefecture and a betrayal of the principles laid out in the postwar Japanese constitution. Both Okinawa’s wartime experience as the only home-front battlefield of Japan and Tokyo’s agreement to the continued concentration of U.S. military forces on the island provide ample fodder for resentment and bitterness about the Japanese government’s handling of the U.S. military presence in this southernmost prefecture.

The defense treaties concluded by South Korea and the Philippines were not renegotiated, but the terms and conditions governing the U.S. military presence within these societies have been. The basing agreement between the United States and the Philippines was extended until the dramatic “people power” movement that removed Marcos from power in 1986 became the backdrop for questioning the previous government’s stance on the bases. Subsequent negotiations with the United States in the mid-1990s over a VFA that would allow U.S. forces to visit the Philippines to train and exercise with the Armed Forces of the Philippines (AFP) led to a new form of temporary and restricted access for U.S. forces. But, in keeping with the Constitution, this agreement was subjected to Senate review and approval. Opposition to the reintroduction of American forces on Philippine soil was intense, and negotiations between the executive and legislative branches of government were prolonged, and it was not until 1999 that the legislature approved an agreement allowing U.S. forces to visit again. The U.S. military has had annual training exercises (referred to as Balikatan exercises) with the AFP since 2000.¹⁰ While these exercises are held throughout the country, there has been a particular focus since 2001 on counterterrorism operations training in the southern Philippines.



Professor Jang Hie Lee, a scholar and activist on SOFA-related issues in South Korea, discusses the impact of civil society activism on the U.S. military presence with the Shifting Terrain research team in Seoul in November 2004.

In the U.S.–South Korea alliance, there has been a less dramatic but nonetheless significant effort to recalibrate the perception of compromised sovereignty that shapes public attitudes toward the U.S. military presence. Several aspects of the presence were controversial. The first was the subordinate role of the South Korean military to U.S. commanders in the unified United Nations (UN) Command structure. The second was the revision of the SOFA to make it more accountable to domestic law. Here human rights lawyers, as well as environmental activists, played a key role in identifying areas of the agreement that were incompatible with a changing South Korea. Finally, and most recently, in 2004 the South Korean and U.S.

governments explored ways to consolidate and reorganize American military forces, agreeing finally to remove forces from Yongsan, the large and conspicuous base in metropolitan Seoul.¹¹ Efforts in the early 1990s to remove this base, with all of its trappings of foreign power, from the heart of the capital made little progress, but a decade later the United States was anxious to reduce and reconfigure its forces on the Korean peninsula. Washington wanted to move U.S. forces south of the Han River to give them greater flexibility, thereby closing many of the camps near the DMZ. The agreement to relocate U.S. Forces Korea (USFK) was put before the South Korean National Assembly, giving the policy initiative more momentum and the legitimacy of legislative sanction.

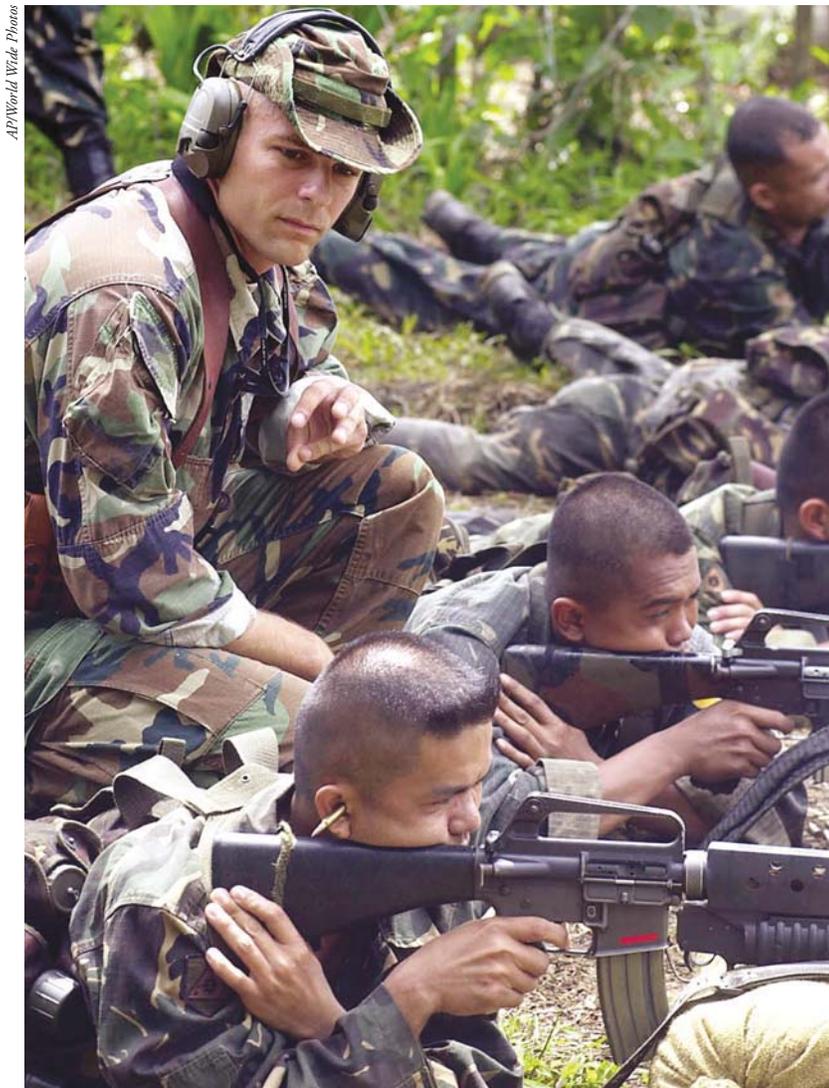
THE END OF THE COLD WAR AND CHANGING NATIONAL DEFENSE NEEDS

It was not just the terms of the treaties and agreements that shaped public understanding of the U.S. military presence. The Cold War premise of security cooperation with the United States also affected public attitudes. In the early decades of the postwar period, the alliance with the United States was the primary vehicle for these governments' efforts to acquire military capability, and strengthening relationships between national militaries and the U.S. military was part and parcel of the alliance project.

In Japan, for example, the postwar constitution, and especially the “no war clause” in Article 9, specifically outlined a national purpose that was seen by many government critics as antithetical to Cold War collaboration with the United States. For decades, the bone of contention between the ruling Liberal Democratic Party (LDP) and its opposition in the national Diet was the cooperation between Japan's postwar military, the Self Defense Force, and the U.S. military. Public fears that Japan would be dragged into a war as a result of its alliance with the United States acted as a brake on government efforts to formalize planning between the two militaries. Moreover, even after the prior consultation mechanism was put in place in 1960, the Japanese government's ability to restrict the operations of the U.S. forces stationed on its soil was suspect.

Within a decade after the Cold War ended, however, the Japanese public was more concerned about whether or not its national defense provisions were sufficient. The U.S. and Japanese militaries had begun to conduct joint studies and exercises only in the last decade of the Cold War, and then only for very narrowly defined contingencies. But this changed in the 1990s, as Japan and the United States redefined their alliance to focus on potential regional crises and the need for regional stability. The 1993–1994 crisis prompted by North Korea’s announcement that it was no longer willing to participate in the Nuclear Non-Proliferation Treaty inspection regime suggested that Pyongyang was now intent on acquiring nuclear weapons. Moreover, the heightened tensions between Beijing and Taipei in 1996 led to another regional crisis and the potential for the use of force across the Taiwan Straits seemed more real than ever. Finally, the over flight of Japanese territory in 1998 by a North Korean intermediate range missile stirred up the public debate in Japan over the country’s vulnerability to missile threat. While the government continued to refine the procedures and processes for cooperation between the U.S. military and the Self Defense Force, the public debate in Japan intensified over the need to strengthen Japan’s own defense efforts.

In 2002, American soldiers worked alongside the Armed Forces of the Philippines on Basilan Island in the Sulu Archipelago, home to the radical Abu Sayaff Group.



AP/Wide World Photos

In South Korea, the years after the Cold War ended witnessed a very different outcome in the debate over national interests and security. As the frontline of Cold War confrontation in Asia, that country was explicitly organized for war, and successive authoritarian regimes reminded South Koreans that they were still officially in a “state of war” with the North. While many South Koreans saw the alliance with the United States as necessary for their national defense, opposition to government security measures—including the U.S. military presence—was rarely countenanced. State surveillance and punishment of critics of the U.S. presence and of the alliance silenced most citizens, and the challenges posed to the alliance were more often from within the government as the relationship developed over time.

The election of Dae Jung Kim, a former dissident who had lived in exile, to the presidency raised expectations of a greater reflection of citizen voice in national policy-making, and an end to the practices that stifled citizen voice in the governance process for the purpose of protecting national security. While significant changes to the democratic process did not materialize until after he left office, President Kim did have a lasting impact on public perceptions of the country’s security

needs. He committed his government to a policy of dialogue and engagement with the North, referred to as the “sunshine policy,” that seeks a negotiated settlement to the divisions on the Korean peninsula. Since his historic summit with North Korean leader Jong Il Kim in 2000, public support for this new approach to relations with the North has been high, revealing a shift in perceptions about the utility of the alliance with the United States. Indeed, a deep ambivalence about the United States and its role in multilateral efforts to negotiate with North Korea has colored public opinion in South Korea over the alliance and its impact on Korean security ever since the “sunshine policy” toward the North was adopted. Public opinion polls reveal a considerable skepticism within South Korea about the United States, and divergent views on the U.S.–South Korean alliance.¹²

The external defense needs of the Philippines were perhaps the least pressing during the Cold War. Instead, U.S. government military assistance to Manila was often in the form of weapons sales and military training for the AFP that would help the government cope with internal challenges to the Marcos regime. Thus, it was the role of the United States in support of Marcos after martial law that turned national attention to the trade-offs involved in hosting the large U.S. military facilities based in that country. Before his assassination, Senator Benigno S. Aquino, Jr., urged the United States to reconsider its policy of arming the government of the Philippines.¹³ At the time of the negotiations of a new basing agreement, there was less debate over the external security implications for Manila should the U.S. presence be removed than there was over the damage to national independence that these bases suggested. Rather than reflecting shared security concerns, the U.S. basing agreement was widely regarded as a rental agreement that critics argued compromised the development of the Philippines as a nation.

Thus, the security relationship between Washington and its allies in Asia was not defined solely in terms of the U.S. military presence. Throughout the Cold War, there was a strong U.S. policy emphasis on enhancing the national military capability of allied states. The national militaries of Japan, South Korea, and the Philippines had a close working relationship with their American counterparts. Defense assistance from Washington was the main source of weapons systems, and military training, both in-country and in the United States, was a valuable resource for these national forces. While not directly related to the U.S. military presence, defense assistance from Washington was a key aspect of security cooperation, and the relationships that developed between these militaries were a critical source of policy support for the continued presence of U.S. forces in these countries. On a more practical level, the day-to-day management of the American military facilities and bases was often solely the responsibility of the national defense bureaucracies in each country.

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EXERCISING POPULAR SOVEREIGNTY

Perhaps the most striking change over time in each of these societies, however, has been the increasing attention to who has a legitimate right to influence policymaking over the U.S. military presence. Each of the societies that has hosted the U.S. military over time has undergone significant democratic transitions, albeit at different moments and through different processes in its postwar history. Japanese society was transformed in the wake of war and occupation, and the 1950s and 1960s were full of domestic clashes between progressive and conservative political leaders over the nature and the practice of democracy.

New institutions of governance designed under occupation to create democracy were tested and refined in the early postwar years, as newly formed interests and political allegiances tested the scope of state power. The key challenge to the alliance relationship in postwar Japan was the clash between opposition and ruling political parties and their supporters over the ratification of a revised bilateral treaty with the United States in 1960. Parliamentary process came to a standstill, and demonstrators lined the streets in protest of the government's attempt to force a vote on the treaty.

Likewise, the demonstration of “people power” in the Philippines, and the overthrow of the Marcos regime in the mid-1980s, led to the drafting of a new constitution that embodied a new compact between the state and the people of the Philippines. Article XVIII included a specific and pointed reference to the Bases Agreement, stipulating that it could not be extended and that any subsequent agreement to continue the U.S. military presence must be subjected to senate approval or be approved via national referendum.¹⁴ More recently, the South Korean democratization process brought to the fore a new agenda for social, political, and economic change that overturned authoritarian practices of government. Even the basic premise that South Korea was in a “state of war” that sustained the organization of state power for decades is being questioned today, as South Korea's political leaders openly debate the need for a national security law.

For decades, in all three societies, the U.S. government negotiated its security interests with either a single political party, as in Japan and South Korea, or with a single individual, as in the case of Marcos. For obvious reasons, this made problem solving regarding the U.S. military presence more predictable and less subject to contention. By the late 1980s in the Philippines, however, the U.S. government had to contend with the pent-up frustrations with Marcos and, by association, had to defend its policy against charges that the United States had sustained his presidency in order to ensure the U.S. military presence on Philippine soil. Past U.S. government relations with successive authoritarian governments continue to be a source of contention in a democratizing South Korea. And in Japan, the long tenure in government by the conservative LDP has also meant that the alliance conversation was somewhat protected from the influence of changes of government. Since the breakup of the LDP in 1993, however, the possibility—if not, in fact, the reality—of a two-party competitive political system has infused national politics in Japan, making national policymaking on the alliance more susceptible to domestic coalition-building politics.

The process of decision making regarding the presence of U.S. forces was amended over time, enhancing the role of popularly elected representative bodies. No longer would security agreements with the United States be the exclusive domain of executive privilege. For the most part, the agreements negotiated by early postwar governments were perceived as compromised by the nature of the regime in power. But the broader thesis was that the people were the guardians of sovereignty, and even national security policy was to be held accountable to the claims for legislative oversight and accountability that were integral to the practice of democracy.

In all three democratic societies, there has been intense scrutiny of the national government's policy of hosting foreign troops. As domestic institutions of governance became more responsive to citizen interests, the practices surrounding the maintenance of U.S. forces in these societies were also subjected to scrutiny as citizens began to call for greater transparency and accountability in national governance. Subjecting government

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During his December 2003 tour of American military bases in Okinawa, U.S. Secretary of Defense Donald Rumsfeld meets with Governor Keiichi Inamine. The governor voiced his concerns over the large-scale U.S. military presence in Okinawa and called on Rumsfeld to address the problems associated with the bases.

agreements with the United States regarding its forces to legislative oversight and approval was the most obvious change. But the policy of hosting foreign troops in Japan, South Korea, and the Philippines did not end with the task of negotiating new treaties or agreements with the United States. Rather, the impact of these decisions regarding the hosting of U.S. forces raised a complex array of social, economic, and political challenges that affected multiple agencies and constituencies of these national governments.

The relationship between the U.S. military and host societies in Asia has not been consistently antagonistic, however.

Nor have government policies surrounding the American military presence been static. To varying degrees, each of the governments that host U.S. military forces has renegotiated the terms and the scale of the troop presence in its country. When domestic pressures on host governments rise, the U.S. government, too, has sought to respond more visibly to host nation concerns about the practices that govern the management of U.S. forces in the region. The domestic politics of the U.S. military presence in Japan, South Korea, and the Philippines suggest that there are two areas of public concern. The first encompasses the public sensitivities to sovereign control over these forces, and the question of whether or not they serve national goals. The second is the effectiveness and responsiveness of the national government to problems faced by communities that must manage the interactions between the U.S. military and local residents on a daily basis.