

# Global Talk MIGA

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## Yes, the US Will Really Defend Japan

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Professor Paul Sracic suggests in his July 26, 2014 essay “[Will the U.S. Really Defend Japan?](#)” on the *Diplomat* website that President Obama is likely to consult Congress if and when he is forced to decide whether or not to come to the assistance of Japan in case of a military conflict with China over the Senkaku Islands and that it is not a given that Congress will consent. On the first point, he will do so unless the sequence of events render a formal consultation unnecessary or impractical. However, in the event that President Obama does consult Congress, it is unthinkable that Congress will decide to stop him from giving military assistance under the Mutual Defense Treaty—unless Congress intends to put an end to the bilateral alliance. Let me explain.

On the first point, Professor Sracic gives the 2011 imposition of the no-fly zone in Libya as a case where President Obama did not seek Congressional authorization—actually, [the War Powers Resolution specifies](#) that “[T]he President in every possible instance shall consult with Congress” and does not use the word “authorization”—but the President for all practical purposes had already gone through the consultation process by the time that he committed US military power to enforcing the no-fly zone.

Specifically, on March 1, 2011, the Senate unanimously adopted

[S.RES.85](#), which “urges the United Nations Security Council to take such further action as may be necessary to protect civilians in Libya from attack, including the possible imposition of a no-fly zone over Libyan territory.” On March 18, [the President held consultations with Congressional leaders](#) including the Senate Majority and Minority Leaders and the House Speaker and Majority and Minority Leaders to the White House for consultations. On March 19, “U.S. military forces commenced operations,” as [the President informed Congress](#), on March 21.

There may be occasions on which the President may not be able to conduct prior consultations. For example, if the PLA Navy assaults Japanese Coast Guard vessels in the Senkaku vicinity while the US Seventh Fleet is passing by—I know, that would be extremely foolish of the PLA Navy, but bear with me—and Prime Minister Abe requests US assistance, is `President Obama going to tell him that he must consult Congress before the US Navy makes a move? Of course not. And that must be why the law says “every *possible* instance.” But it is highly likely that President Obama will consult Congress as long as it is technically feasible. After all, the law does say “*every possible instance.*”

But the more important question is: Will Congress consent to giving US military assistance? (If Congress decides to deny consent—I am not sure how that process would work in practice, but let’s assume that it does—President Obama could still go ahead and help Japan militarily, but Congress has the legal means to put an end to that, and it is highly unlikely that the President would do so in the first place.)

I believe that this is extremely unlikely.

If Congress does not give its consent, it will force the Obama administration to choose between refusing to honor US obligations under a treaty in a moment of existential crisis for the other party and defying Congressional wishes and committing US troops to defending the Senkaku Islands for 60 days, after which it will have to withdraw them according to the War Powers Resolution. There is nothing short of invading Japan itself that the United States can do to doom the treaty than to refuse to come to the military assistance of Japan, which is what these unpalatable choices amount to. In other words, if Congress forces President Obama to pull out, that is the effective end of the alliance. Suddenly, all of the other formal alliances that the United States has will come under the shadow of doubt. Will it honor its commitments to NATO? The UK, surely (not that Russia will be bombing London any time soon). But Poland, not so sure. As for Lithuania, Latvia and Estonia? There will be tangible losses too, namely the military bases that the United States operates in Okinawa, Yokosuka and elsewhere in Japan, the security assets serving US interests that go well beyond Japan and its near-abroad, not to mention the money that Japan puts up for their upkeep. They did not name it Treaty of *Mutual* Cooperation and Security for nothing.

This does not mean that Prime Minister Abe should be complacent—not that he is. He is obviously vested in making Japan a more useful ally. The Abe administration has expended significant political capital to reinterpret the Japanese Constitution to allow Japan’s Self-Defense Forces to come to the assistance of its allies—first and foremost the United States—and to push the relocation of the Futenma air base forward. It is increasing the defense budget under the Mid Term Defense Program (FY 2014-2018) by 2% per year in real terms—modest by East and Southeast Asian standards, but still a reversal of the gradual but long decline.

All this does not mean, of course, that President Obama will enjoy bringing the United States into direct military conflict with China again after six decades of peace punctuated by a (from the US perspective) long and costly (from the Chinese perspective) proxy war. If the Obama administration can find an out, I would not be surprised to see it trying to take it. Here, the one specific scenario that the Japanese authorities worry about is the one in which the Chinese sneak their way onto the Senkaku Islands, set up shop there, and claim that they have established administrative control. Japan claims sovereignty over the Northern Territories

(administered by Russia) and Takeshima (administered by South Korea), but everyone agrees that they are not covered by the Japan-US Mutual Treaty. It stands to reason that the Senkaku Islands would also slip beyond the reach of the treaty if they fall under the administrative control of the Japanese authorities. But this has little to do with Congressional consent and everything to do with Japanese preparedness. And that is a matter that the Abe administration is also eager to address.

Note: [The Diplomat website](#) also carries this essay [here](#).