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## A Sociological Approach To The Negotiation Of Military Base Agreements

Ryan M. Scoville

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**A SOCIOLOGICAL APPROACH TO THE NEGOTIATION OF MILITARY  
BASE AGREEMENTS**

*Ryan M. Scoville\**

<b>Abstract.....</b>	<b>1</b>
<b>Introduction.....</b>	<b>2</b>
<b>I. Context.....</b>	<b>6</b>
<b>A. The Historical Approach to the Negotiation of         Military Base Agreements.....</b>	<b>6</b>
<b>B. The Need for a Sociological Approach to Military         Base Policy and Agreements.....</b>	<b>10</b>
<b>II. Using Political Opportunity Structure to Explain     Anti-base Movement Outcomes.....</b>	<b>12</b>
<b>A. Political Opportunity Structure: Background         and Theory.....</b>	<b>12</b>
<b>B. The Impact of “Regime Openness” on Anti-base         Movement Outcomes.....</b>	<b>15</b>
<b>C. The Impact of Elite Fragmentation on Anti-base         Movement Outcomes.....</b>	<b>42</b>
<b>D. The Impact of Elite Allies on Anti-base Movement         Outcomes.....</b>	<b>48</b>
<b>E. Conclusions on the Utility of Political-Opportunity-         Structure Analysis.....</b>	<b>58</b>
<b>III. Using Political Opportunity Structure in Military Base     Agreement Drafting and Policymaking.....</b>	<b>60</b>

**ABSTRACT:** The United States is involved in a substantial reconfiguration of its overseas military bases that requires negotiating new base agreements with prospective host nations and amending old agreements with others. U.S. officials must grapple with the effects of anti-base social movements during this process. However, if history is any indication, these officials are unlikely to succeed fully. Both the United States’s historical approach and much of the relevant scholarship on military bases underemphasize an important issue in the negotiation of base agreements: the domestic political contexts of host nations. Borrowing from social movements theory, this Article argues that the

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United States needs to take into account the structural determinants of successful anti-base mobilization in order to understand fully its bargaining position and to produce effective base agreements. The Article uses comparative case studies on anti-base movements in Okinawa and the Philippines to explain that the concept of “political opportunity structure” can be used to achieve these ends.

### INTRODUCTION

Over the past half century, the United States has relied on its overseas military bases to protect its interests and meet a range of national security goals.<sup>1</sup> Bases in East Asia, for example, were indispensable during both the Korean War and Vietnam.<sup>2</sup> U.S. facilities in the Pacific facilitated intelligence gathering, operated as logistics and command centers, and enabled rapid deployment to conflict zones.<sup>3</sup> In Europe, too, an expansive network of bases abetted the U.S. effort to foster stability and contain Soviet influence during the Cold War.<sup>4</sup>

Extensive U.S. reliance on foreign bases, however, did not diminish with the fall of the Soviet Union. According to the Department of Defense, the United States currently owns or rents a total of 860 military installations in approximately 40 foreign countries.<sup>5</sup> Motivated

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<sup>1</sup> See generally ROBERT E. HARKAVY, *BASES ABROAD: THE GLOBAL FOREIGN MILITARY PRESENCE* (1989) (discussing in the second half of the book how the United States and other major powers have used military bases in order to gather intelligence, conduct research, project power, and bolster deterrence).

<sup>2</sup> See ANNI P. BAKER, *AMERICAN SOLDIERS OVERSEAS* 76, 155 (2004) (noting how bases in Asia provided critical personnel and supplies during the Korean War and Vietnam).

<sup>3</sup> ROBERT E. HARKAVY, *GREAT POWER COMPETITION FOR OVERSEAS BASES: THE GEOPOLITICS OF ACCESS DIPLOMACY* 130-43 (1982).

<sup>4</sup> See SIMON DUKE, *UNITED STATES MILITARY FORCES AND INSTALLATIONS IN EUROPE* 7-11 (1989) (discussing the historical rationale for the U.S. military presence in Europe).

<sup>5</sup> Department of Defense, *Base Structure Report, Fiscal Year 2004 Baseline*, available at [http://www.defenselink.mil/pubs/20040910\\_2004BaseStructureReport.pdf](http://www.defenselink.mil/pubs/20040910_2004BaseStructureReport.pdf) (last visited Jan. 31, 2006). These numbers do not take into account U.S. bases in Kosovo, Afghanistan, Iraq, Israel, Kuwait, Kyrgyzstan, or Qatar). See Chalmers Johnson, *the Arithmetic of America's Military Bases Abroad: What Does It All*

by strategic demands related to the war on terrorism, the Pentagon is today developing a basing strategy that will establish several new foreign installations while reducing reliance on others.<sup>6</sup> Poland, Bulgaria, and Romania will reportedly house new U.S. facilities before long.<sup>7</sup> The Bush administration may also establish several permanent military bases in Iraq and Afghanistan.<sup>8</sup> Facilities in Central Asia will facilitate the war on terrorism.<sup>9</sup>

Newly established bases in the Middle East and Eastern Europe, in addition to others that the Bush administration will soon establish, are elements of a massive transformation in the layout of U.S. military installations overseas, a transformation so dramatic that it constitutes a “big bang” in forward deployment strategy.<sup>10</sup> Not since the beginning of the Cold War has the United States so drastically restructured its network of foreign bases.<sup>11</sup> In the short term, these bases are supposed to facilitate the war on terrorism and increase U.S. influence over states such as Iran and Syria. In the long term, the bases may contain a rising

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*Add Up to?*, History News Network (Jan. 19, 2004), at <http://hnn.us/articles/3097.html> (last visited Oct. 22, 2005).

<sup>6</sup> Lisa Burgess, *Europe Forces Shift Not Seen Until '06*, STARS & STRIPES EUR. ED. (Feb. 3, 2004), available at [http://www.military.com/NewContent/0,13190,SS\\_020304\\_Europe,00.html](http://www.military.com/NewContent/0,13190,SS_020304_Europe,00.html); Introduction: U.S. Military Facilities, Global Security.org, at <http://www.globalsecurity.org/military/facility/intro.htm> (last visited Oct. 23, 2004).

<sup>7</sup> Brian Whitmore, *US Looks East to Set Up New Europe Bases*, BOSTON GLOBE, July 12, 2003, at A1.

<sup>8</sup> See *Afghan Paper Says US Planning Permanent Bases to Stage Regional Operations*, BBC MONITORING INT'L REP., Mar. 2, 2005; Thom Shanker & Eric Schmitt, *Pentagon Expects Long-term Access to Key Iraq Bases*, N.Y. TIMES, Apr. 20, 2003, at A1.

<sup>9</sup> Robert G. Kaiser, *U.S. Plants Footprint in Shaky Central Asia*, WASH. POST, Aug. 27, 2002, at A1; *U.S. General's Visit Aimed at Setting Up Military Base*, BBC MONITORING INT'L REP., Apr. 2, 2005; *Manas International Airport, Ganci Air Base*, Global Security.org, at <http://www.globalsecurity.org/military/facility/manas.htm> (last visited Oct. 23, 2005).

<sup>10</sup> Kurt M. Cambell & Celeste Johnson Ward, *New Battle Stations?*, FOREIGN AFF., July/Aug. 2003, at 102-03.

<sup>11</sup> *Id.*

China, much like bases in Germany, Greece, and Japan contained the Soviet Union years ago.

Despite the United States's continuing reliance on foreign military bases, it cannot set up new installations abroad or maintain its current installations without imposing substantial burdens on receiving states.<sup>12</sup> Noisy military aircraft, base-related crime, environmental degradation, and the threat of attack from enemies of the United States are all significant drawbacks to housing U.S. forces, and these problems have consistently generated discontent in host nations. Residents of Okinawa, for example, have opposed the presence of U.S. forces in their prefecture since the early post-World War II period,<sup>13</sup> and citizens of the Philippines did similarly until the removal of U.S. bases in 1991.<sup>14</sup> Anti-base protests have also become increasingly strident among South Korean citizens in recent years.<sup>15</sup> In each of these countries and several others, angry citizens have coalesced to form social movements. These citizens have picketed, petitioned, held referenda, and demanded reform.

These social movements should matter to the United States. Anti-U.S. military base movements reflect the legitimate grievances of foreign citizens who host U.S. forces, and they affect the United States's ability to station its troops abroad. Organized opposition to bases in the Philippines required the Philippine government to alter its negotiating strategy with the United States on base-related issues and eventually led to the expiration of the two countries' military base agreement.<sup>16</sup> Anti-American sentiment in Saudi Arabia during the U.S. war in Afghanistan

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<sup>12</sup> See, e.g., Outline of U.S. Bases on Okinawa, Military Base Affairs Office, Okinawa Prefecture, available at <http://www3.pref.okinawa.jp/site/view/contview.jsp?cateid=14&id=662&page=1> (last visited Oct. 23, 2005) (providing statistics on land use, accidents, and crime related to U.S. bases in Okinawa).

<sup>13</sup> See KENSEI YOSHIDA, *DEMOCRACY BETRAYED: OKINAWA UNDER U.S. OCCUPATION* 33 (2001).

<sup>14</sup> See WILLIAM E. BERRY, *U.S. BASES IN THE PHILIPPINES: THE EVOLUTION OF THE SPECIAL RELATIONSHIP* 37 (Westview Press 1989) (explaining that by the early 1950s, the "reservoir of good will" toward the United States receded and that resentment toward the U.S. presence began to increase).

<sup>15</sup> James Brooke, *Threats and Responses: The Troops; G.I.'s in South Korea Encounter Increased Hostility*, N.Y. TIMES, Jan. 8, 2003, at A3.

<sup>16</sup> See BERRY, *supra* note 14, at 288-89 (explaining how the anti-base opposition forced the Philippine government to alter its negotiating strategy).

prevented Saudi officials from allowing the United States to fly sorties from their territory.<sup>17</sup> Today, the United States is repositioning its forces in South Korea in part because of widespread Korean discontent.<sup>18</sup>

Given that bases are and will likely remain an important component of U.S. foreign policy, and given that anti-base movements have constrained the United States's ability to operate bases overseas, it is important to consider the conditions that enable anti-base movements to achieve their aims. Clearly, not all movements are successful. For example, while opposition to U.S. military bases in the Philippines precipitated U.S. force withdrawal in 1991, bases remain in Okinawa, even though citizens there have protested the U.S. presence for decades.

Being able to explain why some anti-base movements fail while others succeed would help the United States to proactively adapt base agreements to the political contexts of receiving states—an outcome that could both increase the sustainability of the U.S. forward deployment strategy and reduce the burden that that strategy places on host nations. Being able to anticipate effective anti-base movements would also allow the United States to manage its configuration of bases more efficiently by reducing the need for diplomatically costly, post hoc amendments to base agreements, and by helping to identify proactively local populations that will most require appeasement.

The ongoing reconfiguration of U.S. bases overseas presents an opportunity to consider these issues and develop a consciously sociological approach to military base policy and negotiation. This Article borrows from social-movements theory to argue that U.S. officials can use the concept of “political opportunity structure” to produce better base agreements. Grounded in the notion that the political context faced by a social movement is a crucial determinant of the movement's ultimate success or failure, political-opportunity-structure analysis can be a framework for evaluating a receiving state's vulnerability to anti-base social movements. U.S. officials who employ the concept in overseeing the implementation of U.S. forward deployment strategy will better understand the United States's

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<sup>17</sup> Julian Borger, *Saudis Draw Their Line in the Sand: Rumsfeld Tries to Talk Riyadh into Conceding Use of Air Bases*, GUARDIAN, Oct. 4, 2001, at A3.

<sup>18</sup> James Brooke, *From Military Base to Real Estate Wars*, INT'L HERALD TRIB., Apr. 26, 2004, at 1.

negotiating strength in relation to particular countries and produce better adapted, more durable base agreements.

Part I lays out the relationship between this Article and the literature on military base agreements, defines political opportunity structure, and provides context for this Article's particular use of the concept. Part II illustrates the explanatory power of political-opportunity-structure analysis through comparative case studies on anti-base movements in Okinawa and the Philippines, arguing that the theory is largely effective at explaining why the anti-base movement in the Philippines was successful in the 1980s, and why its counterpart in Okinawa was unsuccessful in the 1990s. Part III then argues that, because of the explanatory power suggested in the two case studies, U.S. policymakers and negotiators should consider using political-opportunity-structure analysis as a supplemental guide to administering current base agreements and creating new agreements.

#### PART I: CONTEXT

##### A. **The Historical Approach to the Negotiation of Military Base Agreements**

Historically, the United States has underemphasized the importance of the host nation's domestic political context as one determinant of a base agreement's long-term viability, and has done very little to anticipate or appease anti-base movements. With great consistency, the United States has instead leveraged its international power to obtain base agreements that heavily favor U.S. interests over those of receiving states.<sup>19</sup>

This tendency emerged at least as early as the 1940s. Before the end of World War II, the doctrine of the "law of the flag" operated as the basis for most military base agreements, including those that involved the United States.<sup>20</sup> According to this doctrine, a sending state should exercise complete and exclusive jurisdiction over its forces stationed

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<sup>19</sup> See, e.g., SERGE LAZAREFF, STATUS OF MILITARY FORCES UNDER CURRENT INTERNATIONAL LAW 28 (1971).

<sup>20</sup> See *id.* at 19-21.

overseas.<sup>21</sup> This approach was supported by the U.S. Supreme Court in *Schooner Exchange v. M'Faddon*<sup>22</sup> and justified as a practical matter by the fact that most bases only existed during wartime—a condition that made it tactically important for the visiting military to retain exclusive control over its personnel.<sup>23</sup> Supporters also justified the law of the flag on the ground that a foreign force typically lacked any connection to the local population of its receiving state, since civilians were in most cases evacuated from conflict zones in order to limit casualties. Receiving states for these types of bases had less leverage to demand jurisdiction, and sending states such as the United States had fewer reasons to grant it.

Soon after World War II, however, foreign military bases started to serve new purposes that made them more burdensome to receiving states. No longer were they temporary posts whose utility was limited to the duration of a hot war. The growing number of U.S. installations overseas increasingly functioned during peacetime to promote U.S. power and thwart the spread of communism.<sup>24</sup> Cold War containment policies called for relatively permanent facilities whose principal values were deterrent and symbolic.<sup>25</sup> Moreover, many new bases were located in dense urban areas, causing greater tension between U.S. military personnel and local citizens, and generating a greater perception of foreign intrusion. For these reasons, new receiving states demanded greater recognition of their interests, including expanded jurisdiction over U.S. personnel.

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<sup>21</sup> See, e.g., Manuel E. F. Supervielle, *The Legal Status of Foreign Military Personnel in the United States*, ARMY LAW. 3, 5-6 (May 1994) (explaining the meaning and historical development of the law of the flag).

<sup>22</sup> *Schooner Exchange v. M'Faddon*, 11 U.S. (7 Cranch) 116, 138-39 (1812).

<sup>23</sup> See, e.g., HARKAVY, *supra* note 3, at 88 (“The fluidity of diplomatic alliances [prior to World War II], and the relative absence of an ideological basis for those alignments, resulted in a dearth of long-term, sustained security arrangements . . . comparable to those of the later NATO and Warsaw Pacts alliances. Concomitantly, there were few instances of permanent ‘forward’ garrisoning in preparation for war or the reciprocal allied use of basing facilities.”).

<sup>24</sup> While the United States had only ten overseas bases at the start of World War II, it had over sixty-five by 1957. See GEORGE STAMBUK, *AMERICAN MILITARY FORCES ABROAD: THEIR IMPACT ON THE WESTERN STATE SYSTEM* 48 (1963).

<sup>25</sup> See HARKAVY, *supra* note 3, at 50.



Although the Cold War generation of receiving states often held greater legal authority over U.S. forces than their pre-war counterparts, the law of the flag was still the ideal for most U.S. policymakers. It was a “dogma [that was to] be imposed whenever possible,”<sup>26</sup> and it enjoyed the support of both constitutionalists concerned with the rights of U.S. military personnel and isolationists hesitant to subject U.S. citizens to any degree of foreign control.<sup>27</sup> For these reasons, the “United States . . . tried to obtain a right of exclusive jurisdiction” in “every single negotiation on the status of its forces” throughout at least the first two decades following World War II.<sup>28</sup> Unless U.S. negotiators knew that receiving states were immune to the pressure of anti-base social movements (an unlikely scenario) this approach necessarily disregarded the influence of social forces on the long-term viability of base agreements.

When viewed as part of a general effort to obtain agreements that substantially favor U.S. interests over those of the host, the United States’s historical preference for universal application of the law of the flag still manifests itself today. The overwhelming majority of status of forces agreements (SOFAs) to which the United States is a party are non-reciprocal, meaning that they allow the United States to exercise jurisdiction over U.S. troops stationed on the territory of another state-party while, at the same time, denying that state-party similar powers with respect to its own personnel stationed in the United States.<sup>29</sup> Many SOFAs leave only severely limited prosecutorial powers to the host government for criminal cases involving U.S. suspects.<sup>30</sup> Even when the

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<sup>26</sup> LAZAREFF, *supra* note 19, at 28.

<sup>27</sup> See STAMBUK, *supra* note 24, at 49 (explaining that some U.S. politicians protested NATO SOFA provisions allowing limited jurisdiction over U.S. military personnel to NATO members for “depriving American servicemen of their constitutional rights”).

<sup>28</sup> LAZAREFF, *supra* note 19, at 19.

<sup>29</sup> Steven G. Hemmert, *Peace-Keeping Mission SOFAs: U.S. Interests in Criminal Jurisdiction*, B.U. INT’L L.J. 215, 226-27 (1999).

<sup>30</sup> Jaime M. Gher, *Status of Forces Agreements: Tools to Further Effective Foreign Policy and Lessons To Be Learned From the United States-Japan Agreement*, 37 U.S.F. L. REV. 227, 239 (2002) (describing how Art.XVII §5(c) of the U.S.-Japan SOFA prevents Japan from taking custody of U.S. suspects before they have been indicted); Yoon-Ho Alex Lee, *Criminal Jurisdiction Under the U.S.-Korea Status of Forces Agreement: Problems to Proposals*, 13 J.

terms of a base agreement provide for such powers, the United States usually persuades receiving states to waive their jurisdiction.<sup>31</sup> Moreover, U.S. promises to reduce the burden of its military presence are not always fulfilled.<sup>32</sup>

The problem with this approach is not necessarily that U.S. policymakers seek to draft base agreements that promote U.S. interests. It is instead that negotiations are often conducted without sufficient sensitivity to the political context of the receiving state, resulting in base agreements that actually fail to promote U.S. interests because they overestimate U.S. bargaining power and are, in the long run, politically untenable for the host. The status quo approach, still influenced by an historical preference for the law of the flag, will likely present the United States with new situations where bases must be removed entirely or where operational freedom must be significantly restricted due to anti-American sentiment. These situations will be repeats of the problems that occurred in the Philippines in 1991, Saudi Arabia in 2001, and, most recently, South Korea. Such complications are uniquely likely if the United States overlooks the interrelationship between the terms of its agreements and the social forces operating in host states.

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TRANSNAT'L L. & POL'Y 213, 218 (2003) (noting that the U.S.-South Korea SOFA leaves South Korea with "little power to prosecute U.S. soldiers except in dire situations"); cf. *Police Granted More Access to U.S. Troops*, INT'L HERALD TRIB., Apr. 3, 2004 (reporting that a new agreement allows Japanese authorities to request custody prior to indictment for cases involving "murder, rape and other specific instances").

<sup>31</sup> The United States has historically obtained jurisdiction waivers in roughly ninety percent of all cases where the receiving state should have primary jurisdiction according to the terms of the base agreement. JOHN WOODLIFFE, *THE PEACETIME USE OF FOREIGN MILITARY INSTALLATIONS UNDER MODERN INTERNATIONAL LAW* 184 (1992).

<sup>32</sup> See, e.g., *U.S. Seeks Alternative to Military Base Move*, INT'L HERALD TRIB., Mar. 25, 2004 (noting that the Special Action Committee on Okinawa's (SACO) January 1, 2004 deadline for returning the land currently used for Futenma Air Base passed without any progress).

**B. The Need for a Sociological Approach to Military Base Policy and Agreements**

For the most part, the literature on status-of-forces agreements and military base policy has focused on the strategic<sup>33</sup> and legal complexities of forward deployment.<sup>34</sup> Sociological and domestic political issues are recognized in the literature, but receive very little in-depth treatment. It is therefore unsurprising that most of the reform proposals for ailing military base agreements also fail to address these issues. When a base-related problem arises, the knee-jerk reaction among commentators is to explain either where the United States should move its facilities, or how to amend the agreement at issue. Several years ago, for example, after two U.S. marines raped a fourteen-year old Okinawan girl, public outcry generated two types of discussions about U.S. military bases in Japan. One discussion centered on whether the bases were strategically necessary in the first place, especially given the end of the Cold War.<sup>35</sup> The other discussion focused on how to make the U.S.-Japan SOFA more palatable to Okinawan citizens.<sup>36</sup> U.S. officials primarily engaged in the latter, although they have consistently preferred

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<sup>33</sup> See, e.g., HARKAVY, *supra* note 3, at 11 (aiming to enhance our “understanding of the broader contours of contemporary strategy and the long-range evolution of the major powers’ global power balance”).

<sup>34</sup> See, e.g., LAZAREFF, *supra* note 19, at 28 (noting that status of forces agreements “reflect the respective political situations of the States concerned,” but still devoting the vast majority of his work to a purely legal analysis of the NATO SOFA); WOODLIFFE, *supra* note 31, at 77 (mentioning how “experience demonstrates that, independent of legal argument, the maintenance of foreign military bases in the territory of another state that is contrary to the expressed will of that state is, in the long run, politically untenable,” but similarly focusing primarily on legal issues).

<sup>35</sup> See, e.g., CHALMERS JOHNSON, BLOWBACK: THE COSTS AND CONSEQUENCES OF AMERICAN EMPIRE 40-41 (2004) (arguing that the United States had to invent new threats to Japan after the rape incident in order to justify the continued post-Cold War presence of U.S. forces in Okinawa).

<sup>36</sup> See, e.g., Adam B. Norman, *The Rape Controversy: Is a Revision of the Status of Forces Agreement With Japan Necessary?*, 6 IND. INT'L & COMP. L. REV. 717, 738 (1996) (discussing potential legal reforms to the U.S.-Japan SOFA).

changes to the administration of the SOFA over changes to the SOFA text.<sup>37</sup>

The tendency to focus on purely strategic or legal reforms has also appeared in U.S. dealings with its bases in South Korea.<sup>38</sup> When U.S. soldiers caused a gruesome traffic accident leading to massive anti-American protests in 2002,<sup>39</sup> the discussion was again largely two-sided: some advocated removing or repositioning U.S. forces on the peninsula, while others proposed changing the SOFA.<sup>40</sup>

For several reasons, an exclusively strategic or legal approach to solving base-related controversies is problematic. First, complete force withdrawal or repositioning may undermine vital national interests of both the United States and the host government. Despite their potential unpopularity, U.S. bases overseas are essential to a large number of national security goals, and there are often very few alternatives to the existing locations. Withdrawing from current locations would threaten the ability of the United States to maintain military alliances, gather intelligence, and operate as a balancer in conflict regions. Second, ad hoc SOFA amendments tend to be ineffective, since they are usually proposed only after a problem has generated extensive public outcry, tarnished the image of the United States, and threatened the long-term viability of the U.S. military presence in the given host country. Third, neither approach is likely to make the U.S. presence sustainable in the long term, since a host nation's tolerance for U.S. forces is, at its core,

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<sup>37</sup> See, e.g., SACO Final Report (Dec. 2, 1996), available at <http://www.mofa.go.jp/region/n-america/us/security/96sac01.html> (listing a variety of objectives for reducing the burden imposed by U.S. forces in Okinawa); *Japanese Officials Say Envoy Hinted U.S. Not to Consider Forces Pact Revision*, BBC MONITORING INT'L REP., July 1, 2003.

<sup>38</sup> See, e.g., Lee, *supra* note 30, at 244-48 (advocating four legal reforms to the U.S.-South Korea SOFA).

<sup>39</sup> Don Kirk, *2nd U.S. Sergeant is Cleared in the Death of 2 Korean Girls*, N.Y. TIMES, Nov. 23, 2002, at A8.

<sup>40</sup> See, e.g., John Burton, *Fears Grow Over Widening Rift Between Seoul and US*, FIN. TIMES, Jan. 13, 2003, at 4 ("There is increasing talk in both countries that the US might decide to pull out or reduce its military presence in South Korea out of anger over growing hostility towards the 37,000 US troops stationed in the country."); cf. *What Lies Under the SOFA?*, KOREA TIMES, May 7, 2003 (explaining that "demands for . . . SOFA revision from NGOs and other groups heat up whenever . . . an incident is politicized").

not a legal issue or a matter of base location—it is a social issue. By treating forward deployment as little more than a question of geopolitics and international law, we risk both changing base agreements when change is unnecessary and underestimating the need for change when it actually is necessary.

A sociological supplement to the strategic and legal agreement-reform proposals would help to avoid these problems. Most importantly, it would enrich the often-incomplete analyses on military base agreements to create a more complete view of the issues that affect forward deployment. It would provide a fresh look at the United States's historical approach to military base agreements. Further, much of the available scholarship appears to concede that desired strategic and legal reforms will only succeed if underlying social forces cooperate. In this sense, a sociological perspective addresses base-agreement reform at a deeper level. A sociological supplement to the current scholarship could therefore facilitate solutions to the more fundamental difficulties that arise in establishing an effective forward deployment strategy.

## **PART II: USING POLITICAL OPPORTUNITY STRUCTURE TO EXPLAIN ANTI-BASE MOVEMENT OUTCOMES**

### **A. Political Opportunity Structure: Background and Theory**

The concept of political opportunity structure is not new. Scholars as far back as Alexis de Tocqueville have employed variations of it in their attempts to explain social mobilization. Peter Eisinger formally introduced the concept in the 1970s.<sup>41</sup> Shortly thereafter, the concept became an important component of studies employing the “political process” model of social movements—a model emphasizing that movement success is in part dependent upon the opportunities afforded insurgents by the shifting institutional structure and ideological disposition of those in power.<sup>42</sup> The fundamental claim of political-opportunity-structure analysis is that the configuration of regime characteristics within a country largely determines whether social movements that interact with the regime will succeed. Traits that

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<sup>41</sup> See generally Peter K. Eisinger, *The Conditions of Protest Behavior in American Cities*, 67 AM. POL. SCI. REV. 11, 11-13 (1973).

<sup>42</sup> See COMPARATIVE PERSPECTIVES ON SOCIAL MOVEMENTS (DOUG MCADAM et al. eds., 1996).

enhance a regime's accessibility to its citizens, for example, will help movements to achieve their aims. The concept competes with rational choice and cultural models of social change by emphasizing the importance of largely uncontrollable, external determinants of movement success. It shows how organizational resources<sup>43</sup> or psychological strains among citizens, by themselves, cannot fully explain movement outcomes.<sup>44</sup> Scholars have used the concept to explain events ranging from anti-nuclear movements in Europe to riots in the United States.

While recognizing that the definition of political opportunity structure varies widely in the literature, this Article measures political opportunity structure according to three variables: (1) the relative openness or closure of a country's political system, (2) the level of fragmentation among the country's political elite, and (3) the presence or absence of elite allies to the given social movement.<sup>45</sup> Applications of

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<sup>43</sup> One prominent theory for explaining varying social movement outcomes states that the social resources, including financial and networking resources, available to mobilizing groups largely determines whether those groups will achieve their aims. See John D. McCarthy & Mayer N. Zald, *Resource Mobilization and Social Movements: A Partial Theory*, 82 AM. J. SOC. 1212 (1977).

<sup>44</sup> So-called "classical" theories emphasize the importance of psychological factors in the formation and outcome of social movements. Relative deprivation theory, for example, states that movements will tend to coalesce when there is a psychological strain, defined as a gap between reality and citizen expectations. See, e.g., James C. Davies, *Towards a Theory of Revolution*, 27 AM. SOC. REV. 5, 5 (1962) ("Revolutions are most likely to occur when a prolonged period of objective economic and social development is followed by a period of sharp reversal. People then subjectively fear that ground gained with great effort will be quite lost; their mood becomes revolutionary").

<sup>45</sup> See, e.g., DOUG MCADAM, *POLITICAL PROCESS AND THE DEVELOPMENT OF BLACK INSURGENCY* 39 (1982) (depicting political opportunity structure as a set of "environmental constraints" that fluctuate over time to increase or decrease the leverage of political protest groups); SIDNEY TARROW, *POWER IN MOVEMENT: SOCIAL CHANGE AND CONTENTIOUS POLITICS* 76-77 (1998) (defining it as the "dimensions of the political environment that provide incentives for people to undertake collective actions by affecting their expectations for success or failure"); Charles D. Brockett, *The Structure of Political Opportunities and Peasant Mobilization in Central America*, 23 COMP. POL. 253, 254 (1991) (defining it as "the configuration of forces in a (potential

the political-process model commonly use these criteria.<sup>46</sup> The criteria also reflect significant structural characteristics that should influence the likelihood of successful social mobilization if the concept of political opportunity structure is to have any explanatory power.

Based on the above definition, this Part uses comparative case studies to illustrate how structural conditions relating to the political system of a host country can facilitate or impede successful social mobilization against the presence of U.S. military bases. The case studies evaluate the structure of political opportunities for anti-base activists in Okinawa during the 1990s, and for their counterparts in the Philippines during the 1980s.<sup>47</sup> For each case, the period examined represents a time when military base politics were uniquely dynamic and salient. The studies demonstrate the utility of political-opportunity-structure analysis by helping to explain why the anti-base movement in the Philippines (a country from which U.S. bases have been withdrawn)

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or actual) group's political environment that influences the group's assertion of its political claims").

<sup>46</sup> See, e.g., Brockett, *supra* note 45, at 257-60 (examining the role of movement allies in addition to elite fragmentation and conflict); Diane E. Davis, *Failed Democratic Reform in Contemporary Mexico: From Social Movements to the State and Back Again*, 26 J. LATIN AM. STUD. 375, 405 (1994) (discussing the absence of influential opposition parties as a factor that undermines the success of social movements); Herbert P. Kitschelt, *Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies*, 16 BRITISH J. POL. SCI. 57, 62 (1986) (using regime "openness" as one criterion for testing the explanatory power of political opportunity structure").

<sup>47</sup> Important similarities between Okinawa and the Philippines make a comparative case study particularly useful: (1) Due to their similar locations, both cases should have been similarly influenced by geopolitical shifts in U.S. foreign policy. (2) Both cases were devastated during World War II and received substantial reconstruction assistance from the United States. See YOSHIDA, *supra* note 13 at 3-4, 9, 27-29 (describing the destruction in Okinawa); BERRY, *supra* note 14, at 1 (describing the destruction in the Philippines). (3) Both cases have been territories of the United States—the Philippines from 1898 to 1946 and Okinawa from the close of World War II to 1972. Finally, (4) citizens in both cases have suffered comparable burdens due to the presence of U.S. forces. The result is that citizens of both Okinawa and the Philippines have felt a collective mixture of gratitude and antipathy toward the United States. James A. Gregor, *The U.S. Withdrawal From Bases in the Philippines and its Consequences*, 26 ASIAN OUTLOOK 21 (1991).

was successful, while its counterpart in Okinawa (an island that continues to host thousands of U.S. military personnel) failed.<sup>48</sup> As the concept would anticipate, a largely favorable political opportunity structure corresponded with successful mobilization in the Philippines, while an unfavorable political opportunity structure corresponded with unsuccessful mobilization in Okinawa.

### **B. The Impact of “Regime Openness” on Anti-base Movement Outcomes**

There is considerable disagreement regarding the appropriate criteria to use in evaluating political opportunity structure, but “regime openness” has received virtually universal acceptance in the literature. The choice to use this criterion in assessing political opportunity structure is based on the concept’s general acceptance and logical appeal, as will be discussed below. This Section explains the hypothesized impact of regime openness on the outcome of anti-base movements, describes how to measure regime openness, and applies the openness criterion to Okinawa and the Philippines to illustrate its explanatory power.

Social movement scholars consistently argue that regime openness correlates positively with greater chances for successful mobilization.<sup>49</sup> Movements that make demands on politically open and accessible regimes will be more likely to achieve their goals, and, *ceteris paribus*, movements operating against closed regimes with inaccessible institutions will find it relatively difficult to effect change. This expectation is reasonable because open regimes generally allow access to the institutionalized political process for both practical and ideological reasons. Typical democratic governments, for example, may believe that voting is important, not only because it gives citizens a stake in the status quo and an incentive to engage in politics peacefully, but also because

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<sup>48</sup> But see Thom Shanker, *U.S. and Japan Agree to Strengthen Military Ties*, N.Y. TIMES, Oct. 30, 2005, at A1 (explaining how the United States and Japan recently agreed to reduce the number of U.S. marines on Okinawa by 7,000). A separate study on political opportunity structure might usefully examine whether the agreed reduction is a product of a favorable shift in the recent structural context.

<sup>49</sup> See, e.g., Brockett, *supra* note 45, at 253; Kitschelt, *supra* note 46, at 57.



such regimes are committed to the notion that citizen interests should shape government policy.

*1. Measuring Regime Openness*

Herbert Kitschelt has provided a useful approach for operationalizing the concept of "openness." In his study on anti-nuclear movements in Western democratic countries, he argued that four factors primarily determine the degree of regime openness: (1) "the number of political parties, factions, and groups that effectively articulate . . . demands in electoral politics;" (2) "the capacity of legislatures to develop and control policies independently of the executive;" (3) the "pattern of intermediation between interest groups and the executive branch;" and (4) the presence of "mechanisms that aggregate [popular] demands."<sup>50</sup> Each of these criteria requires some explanation.

According to Kitschelt, the first component of regime openness correlates positively with the chances for successful mobilization. The presence of greater numbers of politically influential parties and factions makes it more likely that movements will achieve their aims. This is because, when several effective parties and factions are present, it is more difficult to "confine electoral interest articulation to the 'cartel' of entrenched interests that is represented by the established, bureaucratized parties."<sup>51</sup> Kitschelt's analysis assumes that parties operate to represent the interests of their constituents and that constituent demands vary by party, but these are both reasonable assumptions.

The second criterion—the capacity of legislatures to develop and control policies independently of the executive—also correlates positively with the likelihood of movement success. A "legislature is by definition an electorally accountable agent" that is sensitive to popular demands. In contrast, "only the uppermost positions in the executive are subject to . . . direct public pressure," since bureaucrats are unelected and often make decisions on technocratic bases that are independent of, and at times in tension with, popular demands.<sup>52</sup> Countries with relatively powerful and independent legislatures are more likely to foster successful social protest because their legislative branches are less constrained by the technocratic, non-democratic interests of the

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<sup>50</sup> Kitschelt, *supra* note 46, at 63.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

bureaucracy. An independent legislature is uniquely capable of responding to the *vox populi*.

Kitschelt's "pattern of intermediation" criterion qualifies his argument about executive insensitivity to popular pressure. Referring to the relationship between the executive branch and private interest groups, he argues that "where 'pluralist' and fluid links are dominant, access for new interests to the [centers] of political decision-making is facilitated."<sup>53</sup> Being able to articulate concerns directly to influential officials bestows a degree of legitimacy on activists' demands and helps to ensure that critical viewpoints are thoughtfully considered. Executive authority that grants this type of access to a variety of groups will increase the range of opportunities for reform. Inversely, regimes characterized by limited access will marginalize some interest groups by omitting their policy preferences from the political decision calculus.

Finally, Kitschelt argues that "political openness not only requires opportunities for the articulation of new demands, but new demands must actually find their way into the processes of forming policy compromises and consensus."<sup>54</sup> If this is to occur, there must be "mechanisms that aggregate demands."<sup>55</sup> Successful mobilization, in other words, requires that protesters have access to tools for organizing and focusing general discontent toward the achievement of specific social goals. These tools include lobbyists, media outlets, and courts, among others.

## 2. *Regime Openness in Okinawa*

The characteristics of both local and national Japanese government affected the level of regime openness in Okinawa during the 1990s. Anti-base activists in Okinawa Prefecture had to influence the formal political process in the Prefecture, and eventually the central government in Tokyo. This reality stemmed from the nature of military base policy. Intimately related to issues such as defense and international relations, the U.S. military presence was necessarily a national political issue that required reform proposals to obtain cooperation from both local and national government. Local-level cooperation was important because base policy most directly affected

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

citizens of the prefecture, and because access to local political bodies could help empower citizen demands on the central government. On the other hand, the cooperation of the central government was vital; only Tokyo could negotiate with the United States on base policy, and local officials held virtually no authority over the central government on matters of defense.

*a. The Number of Effective Political Parties*

On a national level, Japan would seem to satisfy easily Kitschelt's first criterion for openness, as there were numerous political parties, many of which contained several factions. In the past twenty years, for example, the following parties all held seats in the Japanese parliament: the Liberal Democratic Party (LDP), the Renewal Party, the New Party Harbinger, the Japan New Party, the Japanese Socialist Party (JSP), the Clean Government Party (CGP), the Democratic Socialist Party (DSP), the Japanese Communist Party (JCP), and several others.<sup>56</sup> The Liberal Democratic Party alone contained approximately five factions.<sup>57</sup>

The Japanese government seems far more open than many others when considering these factors superficially. However, simply counting the number of parties and factions in order to determine regime openness is likely to yield misleading conclusions. Kitschelt's criterion requires not only that there be a multiplicity of parties and factions in parliament, but also that these groups effectively articulate their policy preferences. Politically powerless parties and factions cannot increase the likelihood of movement success because they have no influence with which to encourage reform.

Assessing the influence of Japanese opposition parties makes it clear that the regime was relatively inaccessible for the anti-base movement in terms of this first metric. Numerous scholars have argued that opposition parties in Japan have been weak, and a quick glance at history seems to validate their claim. The LDP—Japan's most influential political party—has held on to power for all but eleven

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<sup>56</sup> RAY CHRISTENSEN, *ENDING THE LDP HEGEMONY: PARTY COOPERATION IN JAPAN* 14 (2000).

<sup>57</sup> GERALD L. CURTIS, *THE JAPANESE WAY OF POLITICS* 82 (1988).

months from 1955 to the present.<sup>58</sup> During this reign, opposition parties have tenaciously struggled to wrest control from the LDP, but they have largely failed.

There are several explanations for the LDP's dominance and the opposition's weakness—some relating to political skill, others to organizational incentives and coalition dynamics.<sup>59</sup> Considerable debate has occurred over the merits of these explanations, but, for us, the reason for LDP dominance is not of particular concern. What matters most is that there seems to be unanimous agreement that the LDP does dominate. All agree that opposition parties have been far less influential than the LDP—a party that has consistently supported the status quo on base policy.<sup>60</sup> In terms of political opportunity structure, this translated into a fairly closed system during the 1990s. LDP dominance meant that policy change was unlikely even when opposition parties supported the anti-base movement.

Opposition parties were specifically powerless when it came to shaping military base policy. The year 1994 provides a particularly illustrative example. At that time, Japan's opposition parties had achieved a major victory by electing as prime minister a socialist

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<sup>58</sup> See David Pilling, *Japan Inches Toward Meaningful Democracy: The LDP Will Win, Again, But the Political Ground is Shifting*, FIN. TIMES, Nov. 8, 2003, at 7.

<sup>59</sup> See generally CHRISTENSEN, *supra* note 56 (arguing generally that coalition dynamics have limited the opposition's ability to gain power); CURTIS, *supra* note 57, at 45 (arguing that the "LDP's success in retaining power owes a great deal to its ability to closely track changes in its social and economic environment and to adjust its policies accordingly"); see also J. A. A. STOCKWIN, *JAPAN: DIVIDED POLITICS IN A GROWTH ECONOMY* 173-82 (1982) (contending that the consistency of LDP dominance has demoralized opposition parties, causing them to engage in irresponsible ideological and political attacks instead of constructive criticism that could undermine popular support for the LDP).

<sup>60</sup> JOSEPH GERSON & BRUCE BIRCHARD, *THE SUN NEVER SETS: CONFRONTING THE NETWORK OF U.S. FOREIGN MILITARY BASES* 188 (1991). There is some indication, however, that the LDP is also becoming more sympathetic toward anti-base movement demands. See, e.g., Takeshi Ando, *LDP Members Aim to Repair SOFA*, NIKKEI WEEKLY, June 30, 2003 (noting that voter concern over U.S. military activities in Japan has caused some LDP lawmakers to seek revision of the U.S.-Japan SOFA).

candidate named Murayama Tomiichi. Murayama was the first non-LDP prime minister in decades. Yet, even with a non-LDP politician occupying Japan's highest political office, the national government failed to offer any concessions to the anti-base movement in a major dispute with Okinawa's then-governor, Ota Masahide. Governor Ota had been protesting the land-lease agreements for U.S. bases in Okinawa by refusing to provide proxy signatures for the lease documents of landowners who refused to hand their property over to the United States. Despite being a staunch opponent of the U.S.-Japan Security Treaty, Murayama initiated legal action against Ota to sign the documents in his place. The result was an extension of some of the land leases that allowed U.S. bases to remain in the prefecture and a major defeat for the anti-base movement. It appeared that Murayama and his party affiliates abandoned their preferences on base policy once they made it into office.<sup>61</sup> Although a variety of factors may have contributed to this outcome, one appeared to be the lingering influence of the LDP. Murayama was only able to become prime minister by obtaining LDP support in parliament. In return for this support, the LDP may have required close socialist adherence to LDP policy positions, including the LDP's support for U.S. bases.

In part, the presence of numerous opposition parties in Japan did not enhance regime openness because the parties lacked influence. Even to the extent that these parties had influence, however, there is little evidence that they exercised it in favor of base removal. The Japanese Communist Party was the only consistent supporter of anti-base activists, and the example of the Murayama government shows that even parties agreeing ideologically with the anti-base movement were willing to withhold their support in exchange for political power.<sup>62</sup> That opposition party support was so lukewarm stemmed in part from the perception that the removal of bases from Okinawa would simply require more bases on the mainland—a decidedly unwelcome outcome among the majority of

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<sup>61</sup> See Etsujiro Miyagi, *Redressing the Okinawa Base Problem*, JAPAN Q., Jan.-Mar. 1996, at 30.

<sup>62</sup> Daniel B. Schirmer, *Sexual Abuse and the U.S. Military Presence: The Philippines and Japan*, MONTHLY REV., Feb. 1997, at 55 (explaining that the Japanese Communist Party consistently opposed the presence of U.S. bases and supported anti-base activists).

the Japanese public.<sup>63</sup> More fundamentally, however, the weakness of opposition party support stemmed from a general lack of concern for base removal among Japanese citizens. Okinawa is geographically and culturally distant from the rest of Japan, and these factors made it difficult for anti-base sentiment to spread nationally.<sup>64</sup> As one commentator explained, “the physical distance of the U.S. military from the densely populated urban centers in Japan ensured that the U.S. military presence remained on the periphery of the public consciousness.”<sup>65</sup> Many citizens of mainland Japan were happy as long as they did not hear American jets flying overhead or pass military installations on the way to work. A political party of any stripe has little incentive to demand base removal from Okinawa when the majority of its constituents are apathetic toward the issue.

The nature of LDP factions also seems to indicate that the Japanese parliament was not a particularly useful forum for achieving reform on the base issue. Not only had the number of factions decreased over preceding decades; these factions did not represent a variety of policy perspectives. As Gerald Curtis explains, “From the beginning, the role of LDP factions [has been] to decide who the party’s leaders would be, not what their policies should be. . . . Factions as such do not take positions on policy issues, nor do they exhibit any ideological coherence.”<sup>66</sup> For anti-base activists, this condition should have made it harder to obtain LDP support, since ideological incoherence would complicate the task of identifying potentially supportive factions and stymie the organization of LDP members who might oppose the base presence.

In contrast to national government, local government in Japan during the 1990s was quite accessible for anti-base activists in Okinawa. Political opposition parties have historically been more successful in Okinawa than in any other prefecture, and the local government has a

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<sup>63</sup> *U.S. Bases: Once the Only Issue; Now Only One of Many in Tough Economic Climate*, ASAHI SHIMBUN, May 15, 2002.

<sup>64</sup> Interview with Koji Arakaki, Director of the Democratic Socialist Party’s Okinawa Headquarters, Naha, Okinawa (Mar. 26, 2001).

<sup>65</sup> SHEILA SMITH, LOCAL VOICES, NATIONAL ISSUES 83 (2000).

<sup>66</sup> CURTIS, *supra* note 57, at 88.

record of relative sensitivity toward anti-base sentiment.<sup>67</sup> In cooperation with prefectural authorities, base opponents were able to conduct several referenda, organize broad opposition to the U.S. military presence, and consistently press Tokyo for policy changes. Following the rape of a young Okinawan girl by two U.S. Marines in 1995, for example, “all major political parties in Okinawa” attended one of the largest and most widely supported anti-base demonstrations in the prefecture’s history.<sup>68</sup> Even the Okinawa LDP Chairman expressed his approval of the event, stating that the rally was an example of “non-partisan politics—we were united in our calls for addressing the Okinawa Problem.”<sup>69</sup>

The Okinawan Prefectural Assembly’s approval of a referendum on base policy in June 1996 is another example of local legislative sensitivity to movement demands. Assembly members “worked in cooperation with . . . villages, towns, and cities, as well as various citizens groups, to promote the referendum.”<sup>70</sup> These actions signified a uniquely high degree of openness on the prefectural level, since the government’s actions were ostensibly to address citizen demands and send a strong message of discontent to Tokyo. Significantly, while the local LDP staunchly opposed the referendum, it failed to block the prefectural assembly from passing a referendum ordinance, showing that the LDP’s nearly hegemonic role in the national parliament did not guarantee influence in Okinawan politics.<sup>71</sup>

In summary, regime openness for anti-base activists in Japan during the 1990s appears mixed under Kitschelt’s first criterion. A combination of LDP dominance, low numbers of policy-oriented factions within parties, and weak public support for base removal outside of Okinawa limited the ability of opposition parties to support the anti-base

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<sup>67</sup> Shinichiro Kumagai, *Can the Unified Lines of Battle in Okinawa Be Extended?*, ZNET (Oct. 14, 2004), at <http://www.zmag.org/content/showarticle.cfm?SectionID=17&ItemID=6420> (explaining how political opposition parties have had more success in Okinawa Prefecture than in any other).

<sup>68</sup> Robert D. Eldridge, *The 1996 Referendum on U.S. Base Reductions*, 37 ASIAN SURVEY 879, 883 (1997).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 892.

<sup>71</sup> *Id.* at 894.

movement within the national parliament. At the same time, opposition parties contributed substantially to the anti-base movement in Okinawa's local politics. Although the centrality of national policymaking on the base issue seems to limit severely the relevance of local political successes within Okinawa, those successes provided some evidence that anti-base activists did not face an entirely closed regime.

*b. Legislative Independence*

Regime openness also appears somewhat mixed when considering Kitschelt's second criterion for openness, or the level of legislative independence from the executive. While the Japanese constitution outlines unique powers for each branch of Japanese government, the national parliament does not operate entirely independent of executive control or influence. Four observations support this conclusion. First, Japan has a parliamentary system of government that to some degree fuses executive and legislative authority, and stresses the cohesion—not independence—of government branches. The prime minister, for example, is elected directly by members of the parliament, and the cabinet often consists of former parliamentarians. Second, throughout Japan's postwar history, a significant number of parliament members have been ex-bureaucrats who, because of their prior professional experiences, have often acted with bureaucratic perspectives and interests in mind.<sup>72</sup> Third, the Japanese bureaucracy exerts direct influence over the parliament by developing a significant portion of the bills sent to the Japanese parliament, or "Diet." Reflecting this reality, Chalmers Johnson has contended that the Diet merely offers a "rubber stamp of approval" to policies generated by the bureaucracy.<sup>73</sup> Most believe the bureaucracy to be more competent than Diet members in its ability to generate policy, and the participation of bureaucrats in the lawmaking process enables them, as non-elected officials, partially to shape law independent of public demand. Fourth, the bureaucracy hamstrung the legislature's independence by administering aid and development assistance to Okinawa. "[H]uge government expenditure in roads, public buildings, parks, social security and education . . . [acted as a] 'carrot' to win people's support or acquiescence to the military

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<sup>72</sup> See CHALMERS JOHNSON, *MITI AND THE JAPANESE MIRACLE: THE GROWTH OF INDUSTRIAL POLICY, 1925-1975*, at 45-50 (1982).

<sup>73</sup> *Id.* at 47.



burden.”<sup>74</sup> This assistance limited popular support among Okinawans for the removal of U.S. bases and gave Diet members and other politicians less reason to cooperate with the anti-base movement. Governor Ota’s loss to Inamine Keiichi in the Okinawa gubernatorial election of November 1998 illustrates the problem. Commentators have widely attributed Ota’s loss to his overzealous support for anti-base activists.<sup>75</sup> Okinawans voted against him, many contend, out of fear that base removal would exacerbate the island’s economic problems by threatening the flow of development assistance from Tokyo.<sup>76</sup>

c. *Pluralism*

Kitschelt’s third criterion is pluralist access to the executive. If Japan exhibited a high level of regime openness under this criterion, social movements and private political organizations should have been able to influence directly Japanese bureaucrats. As Muramatsu & Krauss have shown, however, this has not always been the case.<sup>77</sup> During the 1990s, Japanese pluralism was in fact “patterned” in the sense that many of the relationships between government and private interest groups were institutionalized and lacked fluidity. There existed a seemingly fixed alliance of mutual support and protection between industry, the bureaucracy, and conservative parties, and this alliance made it more difficult for non-institutional, excluded interest groups such as the anti-base movement to participate effectively in politics.<sup>78</sup>

Pluralism appears even more limited if one considers local government as a type of interest group in Japanese politics—a notion particularly fitting in the case of Okinawa. Japan’s relatively centralized form of government functioned to limit the prefectures’ and

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<sup>74</sup> YOSHIDA, *supra* note 13, at 169.

<sup>75</sup> See, e.g., JPRI Staff, *The LDP Takes Over in Okinawa*, 5 JPRI CRITIQUE ¶ 2-4 (Dec. 1998), at [http://www.jpri.org/publications/critiques/critique\\_V\\_11.html](http://www.jpri.org/publications/critiques/critique_V_11.html).

<sup>76</sup> Julia Yonetani, *Playing Base Politics in a Global Strategic Theater*, 33 CRITICAL ASIAN STUD. 70, 78 (2001).

<sup>77</sup> See generally Michio Muramatsu & Ellis S. Krauss, *The Conservative Policy Line and the Development of Patterned Pluralism*, in *THE POLITICAL ECONOMY OF JAPAN: THE DOMESTIC TRANSFORMATION* 516 (Kozo Yamamura & Yasukichi Yasuba eds., 1987) (discussing the concept and history of patterned pluralism and its effect on the accessibility of Japanese executive officials).

<sup>78</sup> JOHNSON, *supra* note 73, at 50.

municipalities' power to exert influence on matters of national importance. Japanese "central ministries have broad authority to interpret the law in the absence of court decisions, and they guard their authority jealously . . . . Local policymaking is . . . granted much less legitimacy than central policymaking."<sup>79</sup> This was especially true in the case of the Okinawan base issue.<sup>80</sup> Central authorities had a unique tendency to monopolize decision-making on matters of defense and international relations. This tendency gave local Okinawan authorities, as well as the activists they represented, little room to shape policy.

The hierarchy of central over local authority also extended to political parties. LDP party headquarters in Tokyo rarely addressed the concerns of their local officers in deliberations over base policy.<sup>81</sup> Even when the anti-base movement was able to influence local party offices, national party officials appeared to show little concern. This and the other factors mentioned above limited regime openness under Kitschelt's third criterion during the 1990s.

*d. Availability of Demand-Aggregation  
Mechanisms*

Okinawans who opposed the U.S. base presence did not face a particularly open regime in terms of Kitschelt's fourth criterion—the availability of mechanisms for aggregating political demands. On a local level, Okinawans were able to participate in referenda on the base issue, and the Communist Party consistently expressed their concerns to the central government, but Okinawans did not otherwise see success.

One reason for the lack of success was that nongovernmental organizations (NGOs) and nonprofit organizations (NPOs) found it extremely difficult to operate effectively in Japan. Until 1998, when the Diet passed a new NPO law, Japanese Civil Code placed a number of onerous requirements on their activities:

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<sup>79</sup> STEPHEN REED, *JAPANESE PREFECTURES AND POLICYMAKING* 25 (1986); see also Ota Masahide, *Beyond Hondo: Devolution and Okinawa*, in *JAPAN & OKINAWA: STRUCTURE & SUBJECTIVITY* 114 (Glenn D. Hook & Richard Siddle eds., 2003).

<sup>80</sup> SMITH, *supra* note 65, at 80.

<sup>81</sup> Interview with Hiroshi Nakamatsu, Executive Director of the Liberal Democratic Party's Okinawa Headquarters, in Naha, Okinawa (Mar. 27, 2002).

The Civil Code . . . left it up to bureaucrats to determine whether a particular organization was in fact contributing to the public interest . . . . Thus, the competent authorities possess[ed] discretionary authority to approve or reject applications for incorporated status without regard to objective criteria. Moreover . . . government agencies . . . require[d] applicants . . . to have a minimum of approximately 300 million yen as an endowment . . . . This situation . . . resulted in a pervasive pattern of bureaucratic control over public-interest corporations.<sup>82</sup>

Faced with daunting obstacles to incorporation, many NPOs and NGOs chose to operate without incorporated status. This forced choice, however, “deprive[d] . . . organization[s] of social status” and efficacy.<sup>83</sup> Non-incorporated organizations found it more difficult to mobilize effectively citizens’ support for their cause and nearly impossible to influence government policy. Lacking formal organizational features and legal recognition, the strength of Okinawa’s protest movement fluctuated with the occurrence of base-related injustices. Concerned citizens had a hard time carrying out sustained campaigns of opposition to the base presence because they usually participated in purely informal organizations that lacked clear leadership and decision-making hierarchies. These citizens, moreover, lacked resources and typically had to canvas for support as individuals, rather than as members of a formal organization with a clear purpose. The Diet’s 1998 NPO law loosened some requirements for incorporation, but burdensome hurdles remained.<sup>84</sup>

The fact that most political parties did not typically seek cooperation from NGOs and NPOs on base policy also limited the role of

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<sup>82</sup> Tadashi Yamamoto, *Emergence of Japan’s Civil Society and Its Future Challenges*, in *DECIDING THE PUBLIC GOOD: GOVERNANCE AND CIVIL SOCIETY IN JAPAN* 108 (Tadashi Yamamoto ed., 1999).

<sup>83</sup> *Id.* at 109.

<sup>84</sup> *See id.* at 119-22 (noting that weak tax incentives for contributions to nonprofit organizations, in addition to the Japanese Constitution’s Article 89 proscription on government financial support of NGOs, made it difficult for NGOs to obtain resources and exert influence).

Okinawan citizen organizations in the politics relating to the base presence.<sup>85</sup> Kinjo Tsutomu, a representative for the Clean Government Party (CGP) in the Okinawa Assembly, explained that only left-leaning parties such as the Japanese Communist Party actively sought NGO input.<sup>86</sup> Other parties could rely on what he perceived to be more qualified sources of analysis and support: bureaucrats and party-affiliated think tanks. This view, shared by other local officials, sidelined NGOs in the development of base reform proposals.<sup>87</sup>

Courts, another common mechanism for aggregating citizen demands, also failed to contribute substantially to regime openness during the 1990s. Frank Upham has explained that one of the most significant functions of the Japanese legal system is simply to bring attention to important social issues.<sup>88</sup> Legal action on base-related problems may have accomplished little else. Parties that use Japanese courts have historically had to endure slow proceedings and extremely crowded dockets.<sup>89</sup> Japanese courts have little control over administrative agencies and the Prime Minister, and they are often incapable of providing adequate relief in citizen suits against the government.<sup>90</sup> In addition, as Ramseyer & Rasmusen have shown, Japanese judges manifest a consistently conservative bias in cases that

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<sup>85</sup> For further discussion on the anemic state of Japanese civil society, see also ROBERT J. PEKKANEN, *JAPAN'S DUAL CIVIL SOCIETY: MEMBERS WITHOUT ADVOCATES* (Apr. 2003) (Ph.D. dissertation, at abstract, Harvard University) (explaining that "Japan's under-professionalized civil society organizations are ill equipped to engage in public policy debates, monitor state action, or influence public opinion or the media").

<sup>86</sup> Interview with Kinjo Tsutomu, Representative in the Okinawa Prefectural Assembly, in Naha, Okinawa (Mar. 27, 2002).

<sup>87</sup> See JENNIFER CHAN-TIBERGHEN, *GENDER AND HUMAN RIGHTS POLITICS IN JAPAN* 136 (2005) (observing "the inability of Japanese NGOs to obtain political support" for Okinawan interests).

<sup>88</sup> FRANK K. UPHAM, *LAW AND SOCIAL CHANGE IN POSTWAR JAPAN* 216 (1987).

<sup>89</sup> John Owen Haley, *The Myth of the Reluctant Litigator*, 4 *J. JAPANESE STUD.* 359, 381 (1978) ("The simplest trial can take over a year at the district court level, and the average is two years. If there are appeals, the case will take about five years, but proceedings that continue for eight to ten years are not uncommon").

<sup>90</sup> *Id.* at 387.

involve politically divisive issues.<sup>91</sup> This observation seems particularly true for cases that have dealt with the legality of the U.S. military presence. Concerned with institutional capital and legitimacy, the Japanese judicial system has seemed reluctant to involve itself in politically charged issues of national security and foreign policy. Japanese courts have thus ruled against anti-base parties in several important cases.<sup>92</sup>

At the same time, attracting public attention to an issue is probably a prerequisite to the aggregation of citizen demands. If Upham's description of the role of Japanese courts is correct, those courts may have contributed to regime openness simply by hearing base-related cases and in doing so raising public awareness about the base issue. Moreover, there is some evidence suggesting that Japanese courts have been an effective avenue for incremental progress on the base problem. In 2002, for example, the Yokohama District Court ordered the Japanese government to pay several billion yen in total compensation to thousands of residents around the Atsugi military base in Kanagawa Prefecture.<sup>93</sup> The court ruled that noise pollution levels around the base were excessive and required government compensation for those living nearby.<sup>94</sup> Judicial support of this nature is a relatively new development, however, and there is little comparable evidence of support from the 1990s.

In light of the above considerations, Okinawan anti-base activists encountered a mostly unfavorable level of regime openness under each of Kitschelt's four criteria. Numerous parties and factions existed in Japanese politics during the 1990s, but opposition parties that sided with base opponents were largely powerless; the traditionally conservative

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<sup>91</sup> J. Mark Ramseyer & Eric B. Rasmusen, *Why Are Japanese Judges so Conservative in Politically Charged Cases?*, 95 AM. POL. SCI. REV. 331 (2001) (examining the institutional structure of the Japanese court system and how that structure influences court decisions in politically charged cases).

<sup>92</sup> See, e.g., *Okinawan's Claims on US Base Rejected*, MAINICHI DAILY NEWS, Apr. 26, 1995, at 12; *Okinawans Ask Top Court to Hear Property Rights Suit*, KYODO, Nov. 14, 2002.

<sup>93</sup> *Government to Pay 2.75 Billion Yen Over Base Noise*, KYODO, Oct. 17, 2002.

<sup>94</sup> *Id.* But see UPHAM, *supra* note 89, at 217 (“[T]he concept of achieving even incremental social change directly through the legal system . . . is largely absent today in Japan.”).

bureaucracy significantly influenced the Diet; patterned pluralism limited access to the executive branch for non-traditional political actors; and mechanisms for aggregating public demands were largely ineffective. The Article next evaluates regime openness in the Philippines.

### 3. *Regime Openness in the Philippines*

The lease for U.S. bases in the Philippines expired in September 1991, after the Philippine Senate rejected by a narrow 12-11 margin a proposed treaty to extend U.S. control of the facilities for another ten years.<sup>95</sup> The Senate's action was historic and led to complete withdrawal of U.S. forces after nearly a century-long stay. What was surprising about the eventual base removal was that many American officials and policy experts had consistently argued for the maintenance of U.S. forces in the Philippines. Throughout the Cold War and even immediately thereafter, U.S. bases in the country were widely regarded as invaluable components of U.S. strategy in East and Southeast Asia.<sup>96</sup> It seems unlikely that the United States would have given up these strategic assets entirely on its own accord. If political opportunity structure is an effective analytical tool, one would expect that there was a high level of regime openness in the years leading up to 1991 that allowed anti-base activists in the Philippines to influence government policy against the presence of U.S. forces. Also, if political opportunity structure has explanatory power, the level of openness in the Philippines should have been higher than the level experienced in Japan. The following assesses the accuracy of these expectations by applying Kitschelt's four criteria for regime openness to Philippine politics in the decade preceding base removal.

#### a. *The Number of Effective Political Parties*

Philippine electoral politics in the early 1980s were anything but democratic. In an attempt to shore up the legitimacy of his regime, Ferdinand Marcos lifted martial law in 1981 and held a national

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<sup>95</sup> Charles P. Wallace, *Manila Senate Rejects U.S. Pact*, L.A. TIMES, Sept. 16, 1991, at A1.

<sup>96</sup> See, e.g., A. JAMES GREGOR & VIRGILIO AGANON, *THE PHILIPPINE BASES: U.S. SECURITY AT RISK* 20 (1987) (describing Clark Air Field and the naval base at Subic Bay as "the centerpieces of U.S. defensive and deterrent strategy in the region").

presidential election.<sup>97</sup> These actions, however, created only a façade of democracy because Marcos frequently used force and intimidation in electoral contests, resulting in the *de facto* disenfranchisement of his opponents. He mobilized extensive political, coercive, and monetary resources to make it nearly impossible for opposition candidates to succeed.<sup>98</sup> Even more, Marcos retained an ability to create law independent of the Interim Batasang Pambansa and detain anyone subversive to his government.<sup>99</sup> Under authoritarian rule, opponents of Marcos, including anti-base activists, were unable to institutionalize effective opposition parties. The ruling party—Kilusang Bagong Lipunan (KBL)—was a Marcos clique that dominated every branch of the government and held nearly every seat in the Interim Batasang. Although opposition parties such as Lakas ng Bayan (LABAN), Bicol Saro, and Pusyong Bisaya did exist, they were “too small and too negligible to pose any threat” to KBL authority.<sup>100</sup> Marcos limited the size of the institutionalized opposition by depriving many political parties of national accreditation, thereby allowing most non-KBL organizations to maintain only regional constituencies. Various election laws further impeded the effort of regime foes to institutionalize a viable party-based opposition.<sup>101</sup>

Faced with guaranteed defeat, opponents of Marcos unanimously agreed to boycott elections in 1981.<sup>102</sup> This tactic said a great deal about electoral politics in the Philippines at the time: democratic activities were widely viewed as futile because the regime was immune to popular pressure. In this setting, Kitschelt’s criterion for the number of influential parties and factions seems almost inapplicable. There were no effective institutionalized opposition parties in Philippine politics in the

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<sup>97</sup> RAUL P. DEGUZMAN & MILA A. REFORMA, *GOVERNMENT AND POLITICS IN THE PHILIPPINES* 100 (1988).

<sup>98</sup> EVA-LOTTA E. HEDMAN & JOHN T. SIDEL, *PHILIPPINE POLITICS AND SOCIETY IN THE TWENTIETH CENTURY: COLONIAL LEGACIES, POST-COLONIAL TRAJECTORIES* 19 (2000).

<sup>99</sup> The Interim Batasang Pambansa was the national legislature of the Philippines from 1973-1981.

<sup>100</sup> DEGUZMAN & REFORMA, *supra* note 98, at 94.

<sup>101</sup> JENNIFER CONROY FRANCO, *ELECTIONS AND DEMOCRATIZATION IN THE PHILIPPINES* 156 (2001).

<sup>102</sup> *Id.* at 161-63.

early 1980s. The regime was closed completely, and the anti-base movement could not influence policy through elections.

As the decade progressed, however, popular forces gradually broke up the political monopoly of Ferdinand Marcos. Critics of Marcos shifted strategies from the "protest boycott" to the "protest vote."<sup>103</sup> Conservative opponents of Marcos began to encourage protest through mass electoral participation, hoping that such an effort would make clear the illegitimacy of any KBL victories at the polls.<sup>104</sup> With this shift in strategy, opposition parties were able to obtain nearly one-third of the contested seats in the 1984 regular Batasang elections.<sup>105</sup> Marcos still controlled the legislature, but the results "convinced most Filipinos as well as foreign observers that the opposition, rather than the administration, was the real choice of the electorate."<sup>106</sup> Many believed that, absent Marcos's manipulation of election results, opposition candidates would have gained even more seats than they did.<sup>107</sup>

Yet, the mildly favorable results of the 1984 elections still did not translate into empowerment for the anti-Marcos/anti-base opposition. Non-KBL candidates gained more seats than in any other time since the imposition of martial law, but they could not effectively articulate demands, as the first Kitschelt criterion requires. KBL hegemony persisted until 1986, and the legislature was little more than a rubber stamp for presidential decisions.<sup>108</sup> There were still no effective institutionalized opposition parties.

Corazon Aquino's rise to power, the ouster of President Marcos and the "People Power Revolution" of February 1986, however, gradually transformed the regime from dictatorship to fledgling democracy. The Aquino administration's first year was in some ways just as undemocratic as its predecessor, as President Aquino quickly "made herself the most powerful ruler in Philippine history."<sup>109</sup> The new president issued decree legislation, abolished the National Assembly,

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<sup>103</sup> *Id.* at 172.

<sup>104</sup> *Id.* at 168, 172-73.

<sup>105</sup> *Id.* at 170-71.

<sup>106</sup> JOHN BRESNAN, *CRISIS IN THE PHILIPPINES: THE MARCOS ERA & BEYOND* 141-42 (1986).

<sup>107</sup> *Id.*

<sup>108</sup> DEGUZMAN & REFORMA, *supra* note 98, at 161.

<sup>109</sup> GREGOR & AGANON, *supra* note 97, at 104.



removed thousands of local elected officials, forced the resignation of Marcos-era Supreme Court justices, and formed a commission to draft a new constitution.<sup>110</sup> Still without a functional legislative branch, it is doubtful that the political events of 1986 were themselves a move toward greater political openness in terms of the first Kitschelt criterion. The transition, at first, merely replaced the dictatorial, pro-U.S. Marcos regime with a dictatorial executive composed of old Marcos opponents.

The Philippine government then made a noticeable move toward openness in 1987 when President Aquino promulgated and the public approved by plebiscite a new constitution. Drafters of the 1987 Constitution aimed to open Philippine politics to democratic influences, and they created safeguards against the potential future emergence of another authoritarian president by, for example, establishing a clear separation of powers among the branches of government.<sup>111</sup> Aquino also made clear her commitment to free and fair elections. In this environment, opposition parties of all types could more easily exert influence. KBL hegemony ended, and a relatively high number of political parties gained power in the newly convened legislature.<sup>112</sup> These developments created greater regime openness.

The shift to democracy, however, did not eliminate all barriers to successful anti-base mobilization. The Philippine case in fact violates a key assumption behind Kitschelt's argument regarding the effect of political parties on regime openness—the assumption that diverse parties represent diverse interests. Unlike those in many other countries, Philippine political parties did not represent a variety of constituencies. Some have illustrated the impact of this homogeneity by referring to the Philippines as an “oligarchic democracy” and explaining that powerful parties consistently represented the parochial interests of the political and economic elite, regardless of varying party titles and leadership.<sup>113</sup> These parties primarily operated to organize and maintain patronage networks

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<sup>110</sup> *Id.*

<sup>111</sup> DEGUZMAN & REFORMA, *supra* note 98, at 278-81.

<sup>112</sup> *Id.* at 105-10.

<sup>113</sup> See ERIC U. GUTIERREZ ET AL., ALL IN THE FAMILY: A STUDY OF ELITES AND POWER RELATIONS IN THE PHILIPPINES 7 (1992) (noting the various terms scholars use to characterize Philippine democracy).

that, rather than promote reform, entrenched the status quo political hierarchy.<sup>114</sup>

Thus, even if the Philippines had a significant number of parties represented in the post-Marcos Batasang, and even if those parties exerted influence on government policy, the political system may not have been open to movement demands. Parties that had opposed the Marcos regime did not necessarily create greater regime openness for the anti-base movement. Diversity of party ideology substantially affects the level of political access held by military base opponents, and it was largely absent in the Philippines.

*b. Legislative Independence*

As far as Kitschelt's second criterion is concerned, the Philippine government was completely inaccessible during the first half of the 1980s. The legislature, as noted above, was merely a puppet of the Marcos administration, and it was almost entirely dependent on the executive. The Interim Batasang Pambansa could not independently elect its own prime minister because the 1973 Constitution explicitly reserved the post for the incumbent president.<sup>115</sup> In part because of this provision, the legislature was bound substantially by executive will. Corruption and coercion in the Marcos government also made it difficult for elected representatives to use their positions to oppose the regime.<sup>116</sup>

Fortunately for base opponents, the regular Batasang Pambansa, created in 1984, had broader powers than its predecessor.<sup>117</sup> These included the abilities to impeach the President and propose constitutional amendments, both of which allowed the legislature to operate with greater independence, although Marcos ultimately retained a significant degree of control.<sup>118</sup> Legislative independence from the executive progressed still further with the overthrow of Marcos in 1986. The 1987

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<sup>114</sup> *Id.* at 165 (pointing out that "party affiliations by . . . candidates were more a function of the realignment of clan interests and accessibility of patronage networks, rather than a function of ideological considerations").

<sup>115</sup> PHIL. CONST. (1973) art. XVII, § 3, cl. 1; DEGUZMAN & REFORMA, *supra* note 98, at 124.

<sup>116</sup> *See, e.g.*, BRESNAN, *supra* note 107, at 82 (explaining how Marcos used bribery and threats against Senators who protested his actions).

<sup>117</sup> DEGUZMAN & REFORMA, *supra* note 98, at 156.

<sup>118</sup> *Id.*

Constitution established a bicameral legislature that could independently elect its leaders, and the legislature held significant new powers to declare war and make appropriations without excessive executive interference.<sup>119</sup> Aquino's effort to institutionalize democracy in the Philippines also decreased the role of coercion in national politics and allowed legislators to represent more freely their constituents.<sup>120</sup>

These changes suggest that Philippine regime openness in the decade preceding base removal progressed when measured in terms of legislative independence. The 1980s opened with the Interim Batasang Pambansa highly dependent on the executive, but the gradual weakening and eventual overthrow of the Marcos regime enabled the legislature increasingly to operate without executive interference. Relative to earlier eras of Philippine political history, the Aquino government of the late 1980s and early 1990s was open to popular pressure. Batasang independence should have allowed the anti-base movement to influence government policy more successfully than it had before through newly available access to the legislative branch. On this note, it is significant that the *Philippine Senate* rejected the treaty to renew the leases for U.S. military bases in 1991—a body that would have been largely dependent on the political will of Marcos only five years earlier.

c. *Pluralism*

Pluralist access to the executive, Kitschelt's third criterion, also moved toward openness as the 1980s progressed. Influence in the Marcos government had long been limited to a narrow clique of elite clients, blood relatives, and high-ranking military leaders.<sup>121</sup> Marcos's reliance on the Armed Forces of the Philippines (AFP) for a variety of social control and political functions politicized the military and gave it significant influence in the regime, often to the exclusion of competing

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<sup>119</sup> *Id.* at 160.

<sup>120</sup> *See id.* at 278-80.

<sup>121</sup> FRANCO, *supra* note 102, at 108-09 (explaining how Marcos based his rule on personal loyalty and gave significant power to the military); GREGOR & AGANON, *supra* note 97, at 52 (noting how Marcos created a "Philippine Zaibatsu" of loyal entrepreneurs to whom he provided business advantages); *see generally* RICHARD J. KESSLER, *REBELLION AND REPRESSION IN THE PHILIPPINES* (1989) (discussing among other topics the role of military elites in the Marcos era).

institutions.<sup>122</sup> Moreover, the regime's extensive domestic intelligence network reduced local political power. Marcos used his National Intelligence Coordinating Agency (NICA) and the Integrated National Police (INP) to sabotage local officials who opposed government policy over issues ranging from land reform to corruption.<sup>123</sup> By doing so, he undermined the influence of local government in national policymaking.<sup>124</sup> All of these factors served to limit severely pluralism in the early 1980s.

The political revolution of 1986 enhanced pluralist access to the executive. Most importantly, the Aquino government was a large coalition of diverse political parties and ideologies. The only commonality linking the various interests represented in the new government was an opposition to Marcos.<sup>125</sup> As a result, the new administration had to accommodate a multiplicity of political interests simply to stay in power. Further, the 1987 Constitution explicitly emphasized the importance of pluralism in the new government, leaving room for civil society to shape more easily the political decisions of executive officials.<sup>126</sup>

Yet, it should be noted that the Aquino administration still excluded most of the far left from its coalition of old Marcos opponents.<sup>127</sup> This feature was significant because leftist groups such as the National Democratic Front (NDF)—the political arm of the communist New People's Army (NPA)—were some of the most strident opponents of the U.S. military presence. The new government probably faced little choice but to denounce such organizations because of its

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<sup>122</sup> See KESSLER, *supra* note 122, at 107-14, 124-25.

<sup>123</sup> *Id.* at 121-22.

<sup>124</sup> *Id.*

<sup>125</sup> *E.g.*, BRESNAN, *supra* note 107, at 189 (discussing divisions over how to deal with the Communist Party of the Philippines and its militant arm); FRANCO, *supra* note 102, at 208-09 (discussing the diversity of Aquino's coalition government).

<sup>126</sup> Karina Constantino-David, *From the Present Looking Back*, in ORGANIZING FOR DEMOCRACY: NGOS, CIVIL SOCIETY, AND THE PHILIPPINE STATE 122, 288 (G. Sidney Silliman & Lela Garner Noble eds., 1998) (discussing, for example, PHIL. CONST. Art. II, § 23; and Art. VI, § 5, ¶ 2).

<sup>127</sup> See, *e.g.*, DEGUZMAN & REFORMA, *supra* note 98, at 109-10 (explaining how "extreme leftist parties" are "still prohibited from participating in any electoral exercise under the [Aquino] administration").

alliance with the United States and the geopolitics of the Cold War. Thus, while the Aquino administration was more pluralistic than its autocratic predecessor, it was not fully accessible to some of the most devoted members of the anti-base movement.

*d. Availability of Demand-Aggregation Mechanisms*

The final Kitschelt criterion for openness—the availability of mechanisms for aggregating citizen demands—also shifted toward openness in the years leading up to 1991. The Marcos regime repressed most nongovernmental organizations.<sup>128</sup> When citizen organizations did operate, many of them were repressed by the Philippine military and anti-communist vigilantes.<sup>129</sup> It was extremely difficult for the anti-base movement to organize effectively in this setting.

As time passed, however, more and more tools became available to opponents of the U.S. presence. One scholar notes that “immediately after the overthrow of the Marcos dictatorship, NGOs mushroomed throughout the country.”<sup>130</sup> Anti-base organizations that did not associate with the far left could now operate free from government harassment. The government under Aquino “opened its doors to NGOs, thereby providing spaces in the corridors of power.”<sup>131</sup> The 1987 Constitution not only protected these citizen groups by establishing formal democratic institutions and respecting citizen rights, it explicitly promoted NGO involvement in national politics. Article II section 23 of

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<sup>128</sup> Constantino-David, *supra* note 127, at 33-35.

<sup>129</sup> See KESSLER, *supra* note 122, at 139-40; see also Virginia A. Miralao & Ma. Cynthia B. Bautista, *The Growth and Changing Roles of NGOs and the Voluntary Sector*, 41 PHILIPPINE SOC. REV. 19, 19 (1993) (documenting a drastic increase in the number of NGOs during the late 1980s and early 1990s).

<sup>130</sup> Alex B. Brillantes, *Redemocratization and Decentralization in the Philippines: The Increasing Leadership Role of NGOs*, 60 INT'L REV. ADMIN. SCI. 575, 578 (1994).

<sup>131</sup> G. Sidney Silliman & Lela Garner Noble, *Movements in Democracy, in ORGANIZING FOR DEMOCRACY: NGOS, CIVIL SOCIETY, AND THE PHILIPPINE STATE* 43 (Silliman & Noble eds., 1998); see also Roland G. Simbulan, *September 16, 1991: The Day the Senate Said 'No!' to Uncle Sam*, Yonip, at [http://www.yonip.com/main/articles/september\\_16.html](http://www.yonip.com/main/articles/september_16.html) (last visited Jan. 22, 2005) (specifically noting that the Philippine Senate requested NGO input during its deliberation over the future of the military base agreement).

the document reads: "The state shall encourage non-governmental organizations, community-based or sectoral organizations that promote the welfare of the nation."<sup>132</sup> By writing this provision into the constitution and channeling financial resources to grassroots organizations, the Aquino administration demonstrated strong support for a nascent civil society.<sup>133</sup>

Smiled upon by the new regime, nongovernmental organizations were able to exert substantial influence in domestic politics. They "reshaped the public agenda, bringing to the fore issues that reflect[ed] the concerns of those outside the narrow circle of socioeconomic elites. [They] . . . broadened the range of interests reflected in the political process. In addition, they . . . achieved modest success in affecting the outcomes of government decision-making."<sup>134</sup> This progress represented a clear shift toward regime openness. NGO members of the anti-base movement should have enjoyed a significant increase in influence after 1986.

Changes in the Philippine judiciary during the 1980s also promoted regime openness. Despite a prior reputation that "could have been the envy of any court in the world," the Philippine judicial system was largely defunct by 1986.<sup>135</sup> Richard Kessler writes:

The absence of the rule of law destroyed the judiciary. The use of preventive detention actions and emergency decrees allowed Marcos to bypass both the administrative and the criminal law systems. Gradually, even these became irrelevant as the system rotted from

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<sup>132</sup> PHIL. CONST. (1987) art. II, § 23.

<sup>133</sup> Brillantes, *supra* note 131, at 579.

<sup>134</sup> Silliman & Noble, *supra* note 132, at 291; *see also* J. Eliseo Rocamora, *Philippine Progressive NGOs in Transition: The New Political Terrain of NGO Development Work*, 41 PHILIPPINE SOC. REV. 1, 4-5 (1993) (stating that NGOs exercised "considerable influence in the shaping of national discourse"); Constantino-David, *supra* note 127, at 45-46 (stating that the influence of NGOs in the Philippines was also a product of their professionalization).

<sup>135</sup> C. Neal Tate, *Courts and Breakdown and Re-creation of Philippine Democracy: Evidence from the Supreme Court's Agenda*, 49 INT'L SOC. SCI. J. 279, 282 (1997).

within: the only basis for decisions became personal ties.<sup>136</sup>

Marcos had packed the courts with largely subservient KBL supporters, and the judiciary failed to challenge the legitimacy of his rule throughout the 1980s.<sup>137</sup> Much like the Interim Batasang Pambansa, the courts under Marcos were a "subservient, partial, rubber stamp for a dictator, materially assisting in the breakdown of democracy."<sup>138</sup> During martial law, the Supreme Court failed to render a "single decision that posed even a mild threat to Marcos's rule."<sup>139</sup> This acquiescence "effectively removed the judiciary from a position of great institutional significance in the Philippine polity."<sup>140</sup>

The powerlessness of the judicial system under Marcos significantly impeded the ability of the courts to protect and mete out justice. With judicial legitimacy undermined, citizens did not perceive the courts as a mechanism for calling attention to injustice and aggregating public demands. The judiciary's subservience to Marcos was well-known, and citizens had little incentive to air grievances in courts that were politically partisan. Even if an aggrieved group such as the anti-base activists had decided to initiate court action, partisan courts could have easily denied certiorari in order to limit public attention to the issue.

In an attempt to restore the legitimacy of the judiciary, Corazon Aquino called for the resignation of all Marcos's appointees and nominated a new set of judges in 1986.<sup>141</sup> The 1987 Constitution supplemented these moves by placing the judicial branch within an American-style system of checks and balances. Aquino's actions strengthened the independence of the judiciary and restored the

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<sup>136</sup> KESSLER, *supra* note 122, at 125.

<sup>137</sup> C. Neal Tate & Stacia L. Haynie, *Authoritarianism and the Function of Courts: A Time Series Analysis of the Philippine Supreme Court, 1961-1987*, 27 L. & SOC'Y REV. 707, 735 (1993).

<sup>138</sup> Tate, *supra* note 136, at 285.

<sup>139</sup> C. Neal Tate, *Courts and Crisis Regimes: A Theory Sketch With Asian Case Studies*, 46 POL. RES. Q. 311, 327-28 (1993).

<sup>140</sup> *Id.* at 328.

<sup>141</sup> *Aquino Completes Rejig of Supreme Court*, JAPAN ECON. NEWSWIRE, Apr. 17, 1986.

Philippine Supreme Court as one of the “most powerful courts in the world.”<sup>142</sup> Accordingly, anti-base activists obtained a new and effective mechanism for aggregating citizen demands. The Court was no longer a puppet branch of the government, and aggrieved groups could again expect impartial judgments.

4. *Comparing Regime Openness in Okinawa and the Philippines*

In the case of Japan, several regime traits operated to limit openness for the anti-base movement in Okinawa during the 1990s. Such a finding helps to confirm the explanatory power of political-opportunity-structure theory because it highlights several significant structural impediments to effective mobilization in Japan.

In the Philippines, on the other hand, the regime was decidedly closed in the early 1980s, restricting the anti-base movement’s access to the government in petitioning for change. However, regime openness increased as the decade progressed in the Philippines under each of Kitschelt’s four criteria. This finding is also consistent with the expectations of the concept of political opportunity structure; it seems unlikely that base removal in 1991—a time when openness and democratization had reached unprecedented levels in recent Philippine history—was merely a chance event.

The Philippines and Okinawa, however, presented comparable levels of regime openness in two of the four criteria considered—opposition party efficacy and legislative independence. In these categories, both cases exhibited characteristics that typically limit openness, and it is difficult to determine conclusively whether one case rates more favorably than the other. Both cases exhibited a large number of political parties that were often powerless and similar in ideological position. Further, the marginal role of the institutionalized opposition similarly contributed to weak measurements in the area of party efficacy for both Okinawa and the Philippines.

For different reasons, the party systems in the two cases also did not contribute to regime openness. As explained above, clan affiliation and patronage networks, rather than policy and ideology, almost entirely

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<sup>142</sup> Tate, *supra* note 136, at 284.



shaped the outcomes of Philippine elections.<sup>143</sup> To some extent, non-ideological issues also shaped Japanese electoral outcomes, but probably not to the degree that they did in the Philippines. Japanese voters seemed to show less interest in clan and patronage, and in doing so, they encouraged parties to organize around varying political and ideological perspectives. Comparatively speaking, to the extent that Japanese parties operated in this manner, the anti-base movement in Okinawa should have found it easier to find a party concerned with the base issue.

It is clear, however, that the state of Japan's party system was also relatively unfavorable for the anti-base movement. The LDP's entrenched, hegemonic position undermined inter-party competition and significantly limited regime openness by confining effective interest articulation to a narrow group of party members and supporters. Whether the Japanese LDP's hegemony and opposition's impotence or the nascent state of the party system in the Philippines more significantly impeded regime openness is difficult to determine. At the very least, no case is clearly superior under this measurement.

It is also difficult to determine which case rates higher in the area of legislative independence. The Philippines could receive the most favorable characterization for a couple of reasons. First, Japan's parliamentary system of government fuses many executive and legislative functions, often purposefully undermining legislative independence. This system contrasts starkly with the post-Marcos regime established in the Philippines during the late 1980s. Aquino's U.S.-style presidential system stressed the separation of powers between branches of government. Second, as mentioned earlier, legislative independence increased significantly in the Philippines as the 1980s progressed. If favorable shifts in political opportunity structure are themselves capable of facilitating movement success, this move toward greater independence provides a second reason to believe that the Philippines rates higher than Okinawa under Kitschelt's second criterion.

Still, the legislative branch was largely defunct in the Philippines during the entire Marcos regime. It is also significant that, after Marcos, the *Batasang* did not even operate until 1987. President Aquino ruled by decree for the majority of her first year in office. Further, most of the candidates in the 1987 national legislature backed the Aquino presidency

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<sup>143</sup> See GUTIERREZ et al., *supra* note 114, at 7.

and thereby enabled the executive to exert more influence than would have otherwise been possible. It is therefore difficult to determine which case exhibited greater legislative independence. The methodological limitations of this study make it too difficult to arrive at a decisive conclusion.

Openness in terms of pluralist access to the executive, however, was clearly higher in the Philippines. The Aquino administration was a broad, ideologically diverse coalition of Marcos opponents that needed to satisfy a variety of constituencies in order to retain power. Practical necessity required the executive to respect a diversity of popular interests. Aquino had to appease conservative and liberal interests simply to prevent defections and coups throughout her administration. Aquino herself, moreover, never claimed membership in any Philippine political party because she hoped to establish herself as an apolitical voice for all public interests. In contrast, the LDP dominated Japan's bureaucracy, and even coalition governments such as the 1994 Murayama administration have been less diverse than the Philippine government was under Aquino.

Finally, the Philippines also exhibited higher levels of openness than Okinawa when measured by Kitschelt's fourth criterion. As noted earlier, Aquino rule and the 1987 Constitution were overtly conciliatory toward NGOs and other citizen organizations. The new, post-Marcos government seemed to make concerted efforts to involve civil society in its decisionmaking. No Japanese administration took such a clearly favorable position toward citizen groups in the 1990s.

It is also likely that the Philippine judiciary in the late 1980s viewed citizen movements more favorably than did its Japanese counterpart. Aquino held a pluralist bias herself, and her administration appointed judges who shared the president's perspective on democracy.<sup>144</sup> Efforts to involve civil society and respect varying political interests in her administration probably required Aquino to appoint judges from all over the ideological spectrum.<sup>145</sup> In light of these

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<sup>144</sup> See Mark Fineman, *Acquittal of 25 in Aquino Slaying Labeled 'Unspeakable Affront'*; *Mistrial Declared*, L.A. TIMES, Sept. 13, 1986, at 1 (describing the Supreme Court's position in a case involving the murder of Benigno Aquino and exposing Marcos's suppression of justices who challenged him).

<sup>145</sup> See *Aquino Completes Rejig of Supreme Court*, *supra* note 142 (describing the backgrounds of Aquino appointees).

changes, anti-base movement participants should have been able to use the courts more frequently and effectively to further their cause. The new judicial system was ideologically diverse, open and impartial, and a viable avenue for calling attention to public grievances. Ramseyer & Rasmusen's contention that conservative elites bias the Japanese judicial system in favor of the status quo contrasts with the status of the Philippine judiciary after Marcos. Japanese opponents of the U.S. military presence have made some progress through litigation, but it is still unclear whether the courts, recently willing to facilitate incremental change, will act as a catalyst for more fundamental reform. Perhaps the most we can say is that there was little evidence of progress through the courts during the 1990s.

### C. The Impact of Elite Fragmentation on Anti-base Movement Outcomes

Elite fragmentation is another regime characteristic that determines the prospects for successful social mobilization. This criterion has also been widely used by social movement theorists, and its impact on movement outcomes has enjoyed some level of empirical validation.<sup>146</sup> The following will define the fragmentation criterion, explain its hypothesized impact on movement outcomes, and use it to analyze anti-base movements in Okinawa and the Philippines.

Most scholars who have examined elite fragmentation in their analyses on social movement outcomes agree:

When political, military, and economic elites are cohesive, the political opportunities for challengers are usually minimal; as elites fragment and come into conflict, opportunities open; in rare cases, elite fragmentation and conflict contribute to a regime crisis so severe as to allow for a revolutionary outcome. . . .<sup>147</sup>

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<sup>146</sup> See generally, e.g., Brockett, *supra* note 45, at 264-66; Davis, *supra* note 46, at 375; Mario Diani, *Linking Mobilization Frames and Political Opportunities: Insights from Regional Populism in Italy*, 61 AM. SOC. REV. 1053, 1054-58 (1996).

<sup>147</sup> Brockett, *supra* note 45, at 264.

Elites can exist in a variety of forms: political, military, and economic. However, since this Article has defined political opportunity structure as a function of regime traits, the term “elites” will refer only to individuals who occupy domestic government positions and wield some measure of political influence.

The meaning of “fragmentation” also deserves some clarification. Here, the term will refer to divisions between elites that cannot be resolved by institutionalized political processes—differences that could result in political instability or even violent conflict. In using this rather extreme definition, this section avoids repeating the analysis provided on regime openness. Moderate degrees of elite fragmentation are to some extent implied by the existence of varying political parties and pluralist access to the executive—variables that we have already examined in detail.

The expectation that disunity among the elite correlates positively with successful mobilization is logical for several reasons. First, fragmentation and conflict among political leaders makes it easier for regime challengers to influence the policymaking process. When elites disagree with one another, they often find it necessary to seek public support in order to legitimize their positions. In doing so, they open up dialogue with varying interest groups that necessitates bargaining and compromise over policy positions in exchange for public support.

Second, elite fragmentation often occurs when officials disagree over matters of policy, and disagreement implies the representation of varying positions within government. Unified, politically homogenous elites could only be more favorable for anti-base activists in cases where each side shares a similar position on the issue at hand. For example, although the level of elite cohesion generally correlates negatively with movement success, one can still expect that a group of political leaders unified in their support of the anti-base movement will be more helpful for movement activists than a fragmented group of leaders who support and oppose the presence of U.S. bases. In general, however, social mobilization should not be necessary when popular policy outcomes also enjoy unanimous elite support. The very existence of an organized movement implies some measure of elite opposition to movement aims and that the level of fragmentation among political leaders is therefore an important variable.

Third, it is possible that elite fragmentation and the instability it produces will result in regime change and the complete replacement of old leadership with officials who support the goals of various social movements. Elite fragmentation and political instability may also promote social unrest, a condition that often eases the difficulty of recruitment for movement organizers. It is probably no coincidence that mass protests and social mobilization commonly occur alongside regime instability. Citizens otherwise frightened away from movement participation may find it easier to join activists when internal dissent distracts a coercive regime. Finally, non-institutionalized regime change—such as revolution—could cast doubt on the legitimacy of prior legal, social, and political arrangements made by the fallen government and allow activists to critique the status quo with greater credibility.

1. *Elite Fragmentation in Okinawa*

Even a quick historical review reveals that elite fragmentation was non-existent in Japanese politics during the 1990s. Disagreements certainly existed among political leaders, as shown by the existence of varying policy-oriented political parties, but these disagreements did not constitute fragmentation. In fact, with a government characterized by limited pluralism and consistent LDP domination, Japan probably had, and continues to have, one of the most cohesive groups of political elites of any country in the world. It is also significant that institutionalized political processes were capable of resolving disputes that accompanied any lack of cohesion among the political elite. For example, even Governor Ota—the fiercest opponent of the LDP elite majority on the issue of base policy—ultimately acquiesced to the national leadership after suffering a series of political defeats in his protests against Tokyo's policies on U.S. military bases.<sup>148</sup> Economic carrots from the national government also helped to ensure the acceptance of the status quo among most Okinawan citizens. Institutional solutions were thus effective with regard to one of the most heated disputes in Japanese politics.

This point probably does not need extensive evidentiary support since it reflects widely known and, I think, accurate characterizations of Japanese politics. In the 1990s, the country never experienced political instability or even a remote threat of widespread violence. Muramatsu

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<sup>148</sup> Yonetani, *supra* note 77, at 77.

and Krauss's argument that Japan's government exhibited patterned pluralism is probably only possible because of such stability.<sup>149</sup> Elite alignments and cohesion were so consistent in the country that pluralism could congeal and take a patterned form. If fragmentation had been present, it is doubtful that the makeup of the Japanese political elite could have remained so stable.

The absence of fragmentation in Japanese politics should have hurt the Okinawan anti-base movement for the theoretical reasons described above. Some empirical evidence validates this conclusion. The general preference for the maintenance of U.S. bases on the part of Japan's political elite made the national government largely unresponsive to movement demands. The only change to occur in base policy happened as a result of the Special Action Committee on Okinawa (SACO) in 1996, but SACO failed to produce significant shifts in the presence of U.S. forces during the 1990s.<sup>150</sup> Politicians had little reason to appeal for the support of anti-base activists when they, their opponents, and the majority of Japanese citizens preferred, or were indifferent to, the presence of U.S. bases. In this way, the movement was largely a non-factor in national politics. Elites were relatively united in the way they ignored the demands of base opponents. Assemblyman Kinjo's observation that only far-left parties worked with anti-base NGOs is further evidence of this condition.<sup>151</sup>

## 2. *Elite Fragmentation in the Philippines*

Despite appearances to the contrary, the Philippine anti-base movement under Marcos was far more fortunate than its Okinawan counterpart was during the 1990s. While Marcos's rule was autocratic and based on nepotism and the threat of force, he nevertheless failed to create a cohesive body of elites who would support his agenda. A large band of mid-level and low-level political and military leaders who often

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<sup>149</sup> Muramatsu & Krauss, *supra* note 78, at 517.

<sup>150</sup> *Okinawans Tell US Base: Your Time is Up—Get Out!*, MAINICHI DAILY NEWS, Apr. 14, 2003, available at 2003 WLNR 2335479 (noting that the SACO deadline for base relocation has not been met).

<sup>151</sup> Kinjo, *supra* note 87.

opposed the regime surrounded a core of elite Marcos supporters.<sup>152</sup> The opposition of these leaders was not simply disagreement over policy; rather, it was conflict over the basis for Marcos's rule and the fundamental determinants of good governance. Furthermore, high levels of military corruption deeply troubled a substantial number of leaders within the Armed Forces of the Philippines (AFP). Eventually, this tension caused the dissatisfied groups within the military to organize the Reform the Armed Forces Movement (RAM).<sup>153</sup> While sounding relatively moderate in aim, RAM not only worked to change the operation of the military; several of its leaders actually conspired to overthrow the Marcos regime.<sup>154</sup> The creation of RAM is evidence of the elite fragmentation that occurred under Marcos's rule.

Elite fragmentation also emerged in other areas; "latent divisions [existed] within the regime between hardliners and soft-liners" on matters of political freedom.<sup>155</sup> Other elites vehemently opposed the government's involvement in electoral fraud.<sup>156</sup> By the early 1980s, these divisions generated a destabilizing wave of elite defections that included prominent politicians such as some members of the Laurel family and Gerardo Roxas.<sup>157</sup> Increasingly common and deep rifts afflicted the Marcos regime as the decade progressed. It is therefore unsurprising that revolution replaced Marcos with Corazon Aquino in 1986. The regime's divisions became so endemic that they resulted in complete regime change.

Yet, this change in power did not reduce elite fragmentation. Aquino weathered six coup attempts during her first few years in office.<sup>158</sup> The new president also had to manage a broad coalition of old

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<sup>152</sup> See, e.g., KESSLER, *supra* note 122, at 128-30 (describing how mid-level military officials opposed Marcos's use of the Armed Forces of the Philippines (AFP)).

<sup>153</sup> KESSLER, *supra* note 122, at 128-35.

<sup>154</sup> *Id.* at 130.

<sup>155</sup> FRANCO, *supra* note 102, at 146.

<sup>156</sup> *Id.* at 146-47.

<sup>157</sup> *Id.* at 156, 162.

<sup>158</sup> Freedom House, Freedom in the World 1998-99: Philippines, *at* <http://freedomhouse.org/survey99/country/philip.html> (last visited Aug. 23, 2004).

Marcos opponents that shared almost no political commonalities.<sup>159</sup> Clashes between reform and conservative, civilian and military, and soft-line and hard-line elements of Aquino's government occurred on a regular basis. "The only bond that kept the alliance together was their disdain for Marcos and their opposition to his authoritarian rule."<sup>160</sup> Once Marcos was deposed, the coalition lost its sole point of ideological unity and splintered, allowing elite fragmentation in the Philippines to persist.

Given continued elite fragmentation within the Aquino government, two hypotheses could explain the Philippine anti-base movement's ultimate success in 1991. First, fragmentation replaced the pro-base regime of Marcos with a new government that showed sympathy for the anti-base movement and less support for the Military Base Agreement.<sup>161</sup> Second, the Philippine elite and public widely discounted the legitimacy of Marcos's rule and the old government.<sup>162</sup> Under either view, it is likely that many perceived the Marcos-era legal arrangements and negotiations to continue the U.S. base presence as illegitimate. That perception made it easier for the Senate to reject the 1991 base agreement.

### 3. *Comparing Elite Fragmentation in Okinawa and the Philippines*

Stark differences in elite fragmentation in Okinawa and the Philippines make it easy to validate the theory of political opportunity structure for each individual case as well as on a comparative level. The Philippine political elite were highly fragmented and unstable, while their Japanese counterparts were consistently cohesive. Revolutionary change in 1986 and subsequent instability under Aquino showed that Philippine politics was extremely fluid and dynamic. During the late 1980s and early 1990s, there were very few, if any, sacred political realities, including the long-established presence of the U.S. military.

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<sup>159</sup> Joel Rocamora, *Discontent in the Philippines*, 8 *WORLD POL'Y J.* 633, 634 (1991).

<sup>160</sup> A.B. Villanueva, *Parties and Elections in Philippine Politics*, 18 *CONTEMPORARY SOUTHEAST ASIA* 175, 176 (1996).

<sup>161</sup> GREGOR & AGANON, *supra* note 97, at 15.

<sup>162</sup> See FRANCO, *supra* note 102, at 166-67.



**D. The Impact of Elite Allies on Anti-base Movement Outcomes**

The presence or absence of elite allies is arguably the most logical and important determinant of movement success. Even movements with few members and poor organization can ultimately achieve their aims if they obtain the support of powerful political elites. Likewise, wealthy and widely popular social movements can fail if they are unable to ally with policymakers. Various studies have affirmed this correlation and this Section applies it to anti-base movements.<sup>163</sup> The Section will follow the format of the previous two and begin by defining the criterion, later briefly explaining its rationale, and finally applying it to anti-base movements in Okinawa and the Philippines.

The rationale behind the elite-allies criterion is that movements allied with powerful officials are more likely to succeed because elites have direct access to the policymaking process. In addition, elite allies can shape the opinions of their colleagues to generate broad support for activist aims, and they can provide financial resources to improve movement organization and recruitment. The absence of elite allies' support for a movement makes acquiring such benefits relatively difficult.

**1. Elite Allies in Okinawa**

The anti-base movement in Okinawa had some elite supporters, but they were not numerous or influential enough to generate significant policy change. Through a variety of means, the pro-base LDP marginalized organizations and individuals who supported base opponents in Japan. The Okinawa case seems to support the hypothesized correlation between elite allies and movement success because the prefecture's unsuccessful movement largely operated without the support of influential political elites during the 1990s.

Ota Masahide, the former Governor of Okinawa from 1990 to 1998, probably offered the most tenacious support for his prefecture's

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<sup>163</sup> See, e.g., Nella Van Dyke, *The Effects of Elite Allies and Antagonists on Student Protest in the United States, 1930-1990*, in STATES, PARTIES, AND SOCIAL MOVEMENTS 226, 226 (Jack A. Goldstone ed., 2003) (noting that the correlation between the presence of elite allies and successful mobilization is well-documented); J. Craig Jenkins & Charles Perrow, *Insurgency of the Powerless: Farm Worker Movements (1947-1972)*, 42 AM. SOC. REV. 249, 253 (1977) (discussing generally the importance of external support).

opposition to U.S. bases. From 1995 to 1998, the governor “explored a variety of avenues” to advance the movement.<sup>164</sup> These avenues included direct participation in citizen protests, meeting with national officials to press for policy change, refusing to fulfill legal obligations that would sustain the U.S. base presence, traveling to Washington to discuss the base issue with American officials, and arguing on behalf of Okinawan residents before the Japanese Supreme Court.<sup>165</sup>

However, apart from Ota’s efforts, the anti-base movement received virtually no direct support from Japan’s political elite. Chalmers Johnson writes that Ota was “perhaps the only Japanese politician in living memory who . . . both paid attention to what the people who elected him wanted him to do and who did not betray them when faced with bureaucratic resistance.”<sup>166</sup> For example, socialist Prime Minister Murayama Tomiichi, a person who once took a clear anti-base position, ultimately did little more than “express his sympathy with the plight of Okinawans.”<sup>167</sup> When Ota lost his position as governor to Inamine Keiichi in November 1998, the LDP-backed Inamine quickly “became the spearhead of a movement to neutralize base opposition through a transformation of Okinawa’s collective identity and historical consciousness.”<sup>168</sup> Inamine served this function by encompassing Okinawa within a homogenous nationalist framework that deemphasized the preferences of Okinawan citizens and secured the island’s unique position in U.S. military strategy.<sup>169</sup> The anti-base movement thus lost critical support once Ota left office.

If the elite-allies criterion has a meaningful impact on political opportunity structure for anti-base movements, then Okinawa’s anti-base movement should have seen the most success during Ota’s administration. Some evidence supports this expectation. First, the governor’s refusal to sign proxy land-lease documents in 1995 sparked a genuine political crisis for the national government.<sup>170</sup> Ota’s action

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<sup>164</sup> SMITH, *supra* note 65, at 75.

<sup>165</sup> *Id.*

<sup>166</sup> Chalmers Johnson, *Governor Ota Masahide of Okinawa* (Nov. 9, 1995), at <http://www.hartford-hwp.com/archives/55a/026.html>.

<sup>167</sup> SMITH, *supra* note 65, at 91.

<sup>168</sup> Yonetani, *supra* note 77, at 79.

<sup>169</sup> *Id.*

<sup>170</sup> See SMITH, *supra* note 65, at 87-90.

raised questions about the constitutionality of the basing arrangement and put Tokyo on the defensive. As a result of his protests, the national government felt pressured to address Okinawan concerns and, however minimal in substantive impact, thereafter established a consultative mechanism between the central government and the prefecture to deal with base issues.<sup>171</sup> The SACO committee, mentioned earlier, is arguably another result of Ota's work.<sup>172</sup> Second, the governor's efforts "focused national attention on the impact of bases" and raised a new level of consciousness concerning the issue on the Japanese mainland.<sup>173</sup> In light of these facts, it is probably no coincidence that the most significant national efforts to reduce the burden of U.S. bases on Okinawa occurred during the Ota administration.

Despite Ota's efforts, the Okinawa anti-base movement never achieved success during the 1990s. The analysis from Section II might help to explain why. Okinawa had a relatively closed political opportunity structure in terms of Kitschelt's "pluralist access to the executive" criterion. Japan's government was relatively centralized and left little room for local authorities to influence base policy. In this setting, a local ally even more devoted than Ota might have never significantly contributed to the protest efforts of Okinawan residents. The movement, on this view, did not have the *right* elite allies—Ota was an influential politician, but the marginalized role of local government in base policy formulation ultimately undermined his ability to effect significant change.<sup>174</sup>

The efforts of Governor Ota may illustrate a second important issue concerning the role of elite allies in Okinawa's anti-base movement. Many argue that Inamine's 1998 victory in the gubernatorial election was the product of Ota's excessively antagonistic approach to the base problem in his past interactions with Tokyo.<sup>175</sup> At issue was the fear that poor relations between Naha (Okinawa's capital) and Tokyo would jeopardize valuable development assistance from the national

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<sup>171</sup> See *id.* at 97-98.

<sup>172</sup> See *id.* at 99 n.49 (describing pressure from Governor Ota as partially responsible for the SACO).

<sup>173</sup> SMITH, *supra* note 65, at 79.

<sup>174</sup> See Van Dyke, *supra* note 164, at 243-44 (suggesting that an elite's position in government influences mobilization).

<sup>175</sup> E.g., SMITH, *supra* note 65, at 113.

government. Okinawans appreciated Ota's support, but only to the extent that it did not undermine the economic status quo.<sup>176</sup> Thus, it seems clear that not only did Okinawan activists need elite allies to position themselves appropriately within Japanese government; they also needed allies that were not overzealous in their support for base removal. Individuals such as Ota had to walk a political tight rope between an inadequate campaign for base removal that risked accusations of insensitivity toward a pressing social problem, and an overzealous promotion of removal that risked economic growth and healthy relations with Tokyo.

## 2. *Elite Allies in the Philippines*

During the Marcos Era, the anti-base movement in the Philippines had very few, if any, supporters in the highest levels of government. As noted earlier, Marcos appointed close friends and relatives to all of the government's key political positions. Doing so helped him to foster unanimous devotion to his rule and policy among the powerful elite, and made it difficult for the anti-base movement to attract influential allies. Marcos and his circle of supporters consistently maintained a pro-base position and forced base opponents to look outside of government in forging alliances to promote their aims.<sup>177</sup> If the Marcos regime had remained stable, political opportunity structure should have remained closed under the elite-allies criterion.

However, the allegiance of mid-level elites began to falter in the early 1980s. This change allowed the anti-base movement to lobby political leaders who had become disenchanted with the status quo.<sup>178</sup> Contributing to the effectiveness of activists' lobbying efforts, elite dissenters were often open to anti-base views simply because they disliked anything tied to Marcos. "[M]ost of [Marcos's] opposition came to assume a position critical of the American military presence" largely because "Marcos remained a staunch advocate of the U.S.-Philippine

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<sup>176</sup> Kevin Sullivan, *Critic of U.S. Bases Loses Okinawa Governorship*, WASH. POST, Nov. 16, 1998, at A21.

<sup>177</sup> GREGOR & AGANON, *supra* note 97, at 14.

<sup>178</sup> See FRANCO, *supra* note 102, at 156 (explaining that the "early 1980s was the time when the 'old pattern of defections' by members of the political elite from the ruling party first began to appear").

security arrangements.”<sup>179</sup> Elite allies thus became more numerous for the anti-base movement as the decade progressed. The weakening of Marcos’s hold on power created opportunities for base opponents to ally with important policymakers such as Salvador Laurel, Jovito Salonga, and Gerardo Roxas.<sup>180</sup>

The fall of Marcos in 1986 contributed still further to this shift in political opportunity structure. While working as the leader of the unofficial anti-Marcos resistance in 1984, Corazon Aquino committed herself to the complete removal of all foreign troops from the soil of the Philippines.<sup>181</sup> Now she was running the government. Further, “many in her entourage were opposed to the U.S. military presence as a matter of principle,” including Presidential Advisor Lorenzo Tanada, Finance Minister Jami Ongpin, and Minister of Agriculture Ramon Mitra.<sup>182</sup>

It is important, however, not to exaggerate the support that these leaders provided. Soon after entering office, Aquino began to reformulate her opposition to the bases in order to avoid alarming the U.S. government. Instead of repeating early statements of opposition, she asserted that American bases would remain until the expiration of the Military Bases Agreement (MBA) in 1991, after which all options would be open.<sup>183</sup> The political and economic importance of healthy relations with Washington required Aquino to temper her idealism and abandon some of the more radical elements of her early platform. In doing so, she also abandoned some of her most liberal supporters. Joel Rocamora notes that “the Aquino regime’s slide to the right . . . started by autumn of her first year in office. Over the course of the next two years, the more progressive members of [her] cabinet were slowly eased out [and] her reformist policies reversed . . . .”<sup>184</sup>

Coalition viability may have been the biggest reason for Aquino’s “slide to the right.” Military leaders in the Philippines wanted the bases to stay for the logistical support they provided to the army, and

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<sup>179</sup> GREGOR & AGANON, *supra* note 97, at 14.

<sup>180</sup> FRANCO, *supra* note 102, at 157.

<sup>181</sup> GREGOR & AGANON, *supra* note 97, at 63 (describing how Aquino and several high-ranking officials in her cabinet at least initially opposed the U.S. military presence).

<sup>182</sup> *Id.*, at 15, 63.

<sup>183</sup> *Id.* at 61.

<sup>184</sup> Rocamora, *supra* note 160, at 636.

Aquino needed the support of the military in order to retain power.<sup>185</sup> High-ranking officials such as Vice President Salvador Laurel and the pro-base Defense Minister Juan Ponce Enrile had initially challenged Aquino in her bid for the presidency.<sup>186</sup> Aquino had to be particularly sensitive to their preferences and questionable loyalty.

In summary, looking solely at the executive branch, it appears that elite allies decreased in number and grew weaker in their support for the anti-base movement between 1986 and 1991. This observation does not translate into a particularly favorable political opportunity structure. At the same time, political opportunity structure during Aquino may have still been more favorable under the elite-allies criterion than it was during Marcos. After shifting toward the right and abandoning its most liberal members, the Aquino regime's support for the anti-base movement turned out to be lukewarm. However, extremely weak support—or even no support at all—was still more favorable for base opponents than the Marcos regime's overt support of the U.S. presence.

It is also important to apply the elite-allies criterion to the legislative branch of the Philippine government, particularly for the years following Marcos's rule. The immediate post-Marcos period was a political era characterized by an empowered legislative branch that played a critical role in the ultimate removal of U.S. bases.<sup>187</sup> The presence of significantly larger numbers of anti-base movement allies in the Aquino Batasang would further validate the concept of political opportunity structure.

As the concept would expect, the number of elite allies to the anti-base movement increased within the legislative branch as the 1980s progressed and as Marcos and KBL dominance declined. Initially, very few movement allies existed within the national assembly. The 1978 Interim Batasang elections placed the KBL in a hegemonic position, with the party controlling 150 out of 165 seats.<sup>188</sup> Even though some of the remaining fifteen seats were filled with assemblymen who supported the goals of the movement, the Marcos regime's propensity for intimidating

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<sup>185</sup> James Putzel, *The Philippines: President Aquino's Four Challenges*, 44 *WORLD TODAY* 155, 157 (1988).

<sup>186</sup> FRANCO, *supra* note 102, at 179-80.

<sup>187</sup> Wallace, *supra* note 96, at A1.

<sup>188</sup> MARK THOMPSON, *THE ANTI-MARCOS STRUGGLE: PERSONALISTIC RULE AND DEMOCRATIC TRANSITION IN THE PHILIPPINES* 80 (1995).

and coercing political opponents made it difficult for these leaders to provide substantive support.<sup>189</sup>

The 1984 Batasang election placed a far larger number of movement allies in power; non-KBL candidates—mainly from the United Nationalist Democratic Organization (UNIDO) and the Partido Demokratikong Pilipino-Lakas ng Bayan (PDP-Laban) parties—won sixty of the 183 contested seats.<sup>190</sup> With the safety of numbers, elected opposition representatives found it possible to support the anti-base movement with little risk of retaliation. Sixty-one seats also commanded far more respect in the legislative process. For these reasons, political opportunity structure became somewhat more favorable with the creation of the 1984 assembly. The number of potential elite allies in the legislative branch expanded to include opposition party leaders such as Jose Cojuangco and Agapito Aquino.<sup>191</sup>

The 1986 revolution and the subsequent promulgation of the 1987 Constitution produced another unprecedented number of potential movement allies. Not only was there now a bicameral legislature that included a twenty-four member senate; Aquino-backed candidates “saw an overwhelming victory” at the polls.<sup>192</sup> Dethroning the overtly pro-base KBL, the Lakas ng Baya—a coalition of PDP-Laban and UNIDO leaders—won twenty-two of twenty-four Senate seats and Aquino supporters won 142 of 200 seats in the new House of Representatives.<sup>193</sup> Many of Aquino’s legislative allies were at least initially anti-base, and those who “slid to the right” with the executive branch were often still more inclined to support the anti-base movement than the old KBL elite. The 1987 elections thus produced a national legislature whose members were more willing to ally with base opponents.

Several scholars argue that despite drastic changes, the country’s legislative branch remained essentially conservative. Julio Teehankee notes that 83% of the 1987 House of Representatives “were drawn from

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<sup>189</sup> See, e.g., BRESNAN, *supra* note 107, at 82 (noting Marcos’s efforts to intimidate legislative opponents).

<sup>190</sup> FRANCO, *supra* note 102, at 170.

<sup>191</sup> *Id.* at 169-70.

<sup>192</sup> Julio Teehankee, *Electoral Politics in the Philippines*, in *ELECTORAL POLITICS IN SOUTHEAST & EAST ASIA* 149, 164 (Aurel Croissant ed., 2002), available at <http://library.fes.de/fulltext/iez/01361inf.htm>.

<sup>193</sup> See *id.* at 164-65.

the ranks of the elite in Philippine society.”<sup>194</sup> These individuals included relatives of traditional political families, old members of the 1978 Interim Batasang, former local officials during the Marcos regime, and wealthy business executives. Many of these figures had vested interests in the maintenance of the status quo, making it questionable whether they would support reforms such as base removal.

More broadly, A.B. Villanueva points out that “democratic political institutions restored by Aquino and her moribund coalition [were] biased in favor of democratic elitism. In turn, democratic elitism [was] biased in favor of non-decision-making.”<sup>195</sup> If this description is accurate, elite allies were not as numerous as the election outcomes seemed to show. Opposition to the KBL did not necessarily correlate with anti-base views. On this view, the backgrounds of Aquino supporters belied their reformist aims.

Yet there is reason to doubt such a conclusion. In one sense, it was precisely the Senate’s preference for non-decision-making that enabled it to reject the proposal to extend the base agreement. Negotiations during the 1960s had established the 1991 time limit on the U.S. presence.<sup>196</sup> Senate rejection of the treaty to extend the time limit by ten years was simply a “non-decision” to retain the status quo; it did not require any additional policymaking, as the 1991 limit had formally been government policy for decades.

Widespread bias for non-decision-making in Philippine politics, however, did not mean that elite allies were irrelevant to the anti-base movement. Indeed, it is likely that Marcos and his supporters would have extended the 1991 time limit if they had remained in power. Bases in the Philippines remained vital strategic assets to the United States even after the Cold War, and the United States would have probably used its close relationship with Marcos to ensure the extension of the base agreement. By refusing U.S. pressure and allowing the base leases to expire, the post-Marcos political elite functioned as an invaluable asset to the anti-base movement. Further, the conservatism that Villanueva points out did not necessarily contradict the goal of base removal.

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<sup>194</sup> *Id.* at 165.

<sup>195</sup> A.B. Villanueva, *Post-Marcos: The State of Philippine Politics and Democracy During the Aquino Regime, 1986-92*, 14 CONTEMPORARY SOUTHEAST ASIA 174, 184 (1992).

<sup>196</sup> BERRY, *supra* note 14, at 99-100.



Nationalism had blossomed after Marcos, and it was possible for many politicians to maintain conservative platforms while rejecting the base agreement in the name of Philippine sovereignty and anti-colonialism.<sup>197</sup>

If these views are correct, elite allies in both the legislative and executive branches played a critical role in the success of the Philippine anti-base movement. Opponents of the 1966 MBA became more strident and numerous as the 1980s progressed, and the 1986 People Power Revolution produced a new government that on balance supported the movement's goals. The general "slide to the right" of the Aquino regime did not completely undermine this support.

### 3. *Comparing Elite Allies in Okinawa and the Philippines*

Findings on elite allies in both cases appear to support the theory of political opportunity structure. Okinawa's anti-base movement had very few, if any, committed elite allies, while the Philippine movement made demands on a government whose executive and legislative branches were at least initially filled with anti-base politicians after 1986.

The findings also validate the explanatory power of political-opportunity-structure analysis on a comparative level. Whereas Okinawan activists' main elite ally was a single governor operating in a relatively centralized national government, Philippine base opponents enjoyed varying levels of support from the country's president, several members of her cabinet, and prominent members of the legislative branch. With such powerful allies, Philippine activists did not even need the support of local elites. Although Aquino and her administration were less hostile toward the U.S. military presence after taking office, their platform was still more favorable for base opponents than the Japanese LDP's overt support for the status quo in Okinawa.

The Philippine movement may have been able to attract greater numbers of influential elite allies because it operated on behalf of a national constituency. This Section has argued that the Okinawan and Philippine movements were largely similar in focus, intensity, and tactics, but it is also true that they have had vastly different citizen support networks. Philippine protesters were able to build a national support grid because citizens widely recognized the U.S. presence as an affront to Philippine sovereignty. While the U.S. has positioned bases all

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<sup>197</sup> See *id.* at 296, 310.

over Japan, approximately 75% of the U.S. military presence is located in Okinawa.<sup>198</sup> This situation created the impression among Japanese citizens that the base problem was uniquely Okinawan. Certainly, there were Okinawa sympathizers on the mainland, but their support was limited by spatial distance and, to a degree, cultural rift. In this way, anti-base activists in Okinawa faced recruitment hurdles that never troubled their Philippine counterparts. It is probably no coincidence that the regionally focused Okinawan movement was only able to attract regional elite allies such as Governor Ota. In contrast, the Philippine movement fed on a wide-ranging sense of nationalism that enabled organizers to recruit the most valuable elite allies—national leaders who could actually change base policy.

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<sup>198</sup> GLENN D. HOOK & RICHARD SIDDLE, *JAPAN & OKINAWA: STRUCTURE & SUBJECTIVITY* 3 (2003).

**E. Conclusions on the Utility of Political-Opportunity-Structure Analysis**

Table 1\*

<b>Conclusion Summary on Components of Political Opportunity Structure (Non-Comparative Findings)</b>		
<b>Component</b>	<b>Okinawa (1992-Present)</b>	<b>Philippines (1981-1991)</b>
<b>Regime Openness</b>	<b>Unfavorable</b>	<b>Increasingly Favorable</b>
# of Influential Parties	Unfavorable	Unfavorable
Legislative Independence	Mixed	Increasingly Favorable
Pluralist Access to Exec.	Mixed	Increasingly Favorable
Demand Agg. Mechanisms	Unfavorable	Increasingly Favorable
<b>Elite Fragmentation</b>	<b>Unfavorable</b>	<b>Favorable</b>
<b>Elite Allies</b>	<b>Unfavorable</b>	<b>Increasingly Favorable</b>

Table 1 shows that the concept of political opportunity structure is capable of explaining movement outcomes in the two cases under nearly every application of the measurement criteria. During the 1990s,

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\* Table 1 summarizes the status of each independent variable in the test cases of Okinawa and the Philippines. For simplicity, the conclusions on each component of political opportunity structure are characterized as either "favorable," "increasingly favorable," "mixed," or "unfavorable." These terms are relative and somewhat vague, but they are based on the standardized measurements established in preceding sections and are useful for quick summary. A "favorable" categorization means that the conclusions on a given component would predict anti-base movement success. An "unfavorable" rating means the opposite. Also, the terms are not meant to have comparative value. "Increasingly favorable," for example, does not necessarily translate into a more facilitative political opportunity structure in absolute terms than does "unfavorable." The prior applies simply to mean that structural conditions improved for a given movement over time.

Okinawa's largely unsuccessful anti-base movement operated within a structure that was mostly unfavorable to effective social mobilization. On the other hand, the successful Philippine protest movement operated in structural conditions that became increasingly auspicious as the 1980s progressed.

Table 2

<b>Conclusion Summary on Components of Political Opportunity Structure (Direct Comparison)</b>	
<u>Component</u>	<u>Case With Highest Absolute Favorability</u>
Regime Openness	<b>Philippines</b>
# of Influential Parties	Undecided
Legislative Independence	Undecided
Pluralist Access to Exec.	Philippines
Demand Aggregation Mechanisms	Philippines
Elite Fragmentation	<b>Philippines</b>
Elite Allies	<b>Philippines</b>

Only two sub-criteria pose challenges to the explanatory power of the test concept: legislative independence and the number of influential political parties. As Table 2 indicates, the Philippines exhibited a more favorable political opportunity structure in absolute terms under all but these two criteria. Methodological limitations made it too difficult to conclude decisively whether one case exhibited higher favorability under either of these measurements. Despite the existence of significant bureaucratic influence in the Japanese Diet and Japan's use of a parliamentary system, the Philippine Batasang was entirely dependent on the Marcos autocracy until 1986 and Aquino decree-rule until 1987. Moreover, although the LDP wielded hegemonic influence in Japanese politics during the 1990s, the Philippine party system was so nascent in the latter half of the 1980s that parties only weakly operated as tools for base opponents.

**PART III: USING POLITICAL OPPORTUNITY STRUCTURE IN  
MILITARY BASE AGREEMENT DRAFTING AND POLICYMAKING**

As noted earlier, the United States is currently in the middle of a significant shift in its forward deployment strategy that involves the creation of new military installations around the globe. Much like U.S. bases of the twentieth century, these new facilities will encounter protest from the citizens of receiving states, especially since anti-American sentiment is strong in many parts of the world. The United States and receiving states would profit significantly if they had the ability to anticipate successful anti-base protest in the years to come. The analysis in Part II suggests that the concept of political opportunity structure could enhance precisely this ability.

Political opportunity structure may be a particularly useful concept now because the presence of the U.S. military is arguably a greater liability to host nations today than it was during the Cold War. In recent years, the international reputation of the United States has fallen and made it more costly to ally with the United States. Terrorist organizations kill citizens and attack the territory of U.S. allies. Receiving states are reasonably concerned that hosting the U.S. military will turn them into targets for attack.<sup>199</sup> In this setting, anti-base protests could become common.

The case studies in Part II offer some guidelines for the policymakers and negotiators who will grapple with the discontent generated by new and existing U.S. bases. Most importantly, the United States should not always aim for the most favorable agreements possible. Although Washington may win with this approach in the short term, it may also produce a base configuration that is untenable in the long run if the political opportunity structures of receiving states are conducive to successful anti-base protest. The key is to tailor the new base agreements to the political opportunity structures of host countries. If the structure in a given country is favorable, as it was in the Philippines during the 1980s, the life of an agreement will be precarious, and the United States should negotiate with greater deference to the demands of local citizens. If the political opportunity structure is not conducive to

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<sup>199</sup> See, e.g., HOOK & SIDDLE, *supra* note 199, at 242-44 (describing how the September 11th "terrorist attacks . . . laid bare the continuing dependency, fragility, and ultimate vulnerability" of Okinawa).

successful social anti-base protest, as was the case in Okinawa during the 1990s, such deference will be less necessary as a practical matter.

An analysis of political opportunity structure should also influence whether and how U.S. officials revise existing base agreements. The mere presence of an anti-base movement should not necessarily trigger amendments, since, depending on structural context, a movement may or may not have the ability to succeed. Well-informed changes will have considered the political opportunity structure of the receiving state in addition to the legal and normative problems related to an existing agreement. In situations where legal or ethical perspectives do not unambiguously favor one type of amendment, policymakers may examine structural context to determine the appropriate course of action. Political opportunity structure is, at the very least, a secondary consideration that officials should use to tilt the balance in favor of one among several comparably valid reform options.

One way to understand political opportunity structure and its implications is to view it as a determinant of bargaining power. If unfavorable political opportunity structures coincide with unsuccessful social mobilization, as was the case in Okinawa during the 1990s, the bargaining power of sending state negotiators increases when a receiving state exhibits structural traits that are not conducive to successful social mobilization. As noted above, these traits include a lack of regime openness, unity among the political elite, and an absence of elite allies. Representatives of receiving states that exhibit these characteristics cannot persuasively point to the potential for unrest or popular discontent as a basis for inserting the legal provisions that they desire. Social movements in these states are unlikely to gain enough influence to necessitate concessions by the sending state.

On the other hand, a favorable political opportunity structure in a receiving state reduces the bargaining power of the United States during negotiations. Much like the Philippines during the late 1980s, a state with a structural context that is amenable to successful social mobilization can persuasively demand terms that it desires by pointing to its own vulnerability. In countries where the governing regime is open or making significant movements toward openness, where the elite is fragmented, or where an anti-base movement has elite allies, negotiators can point out that U.S. inflexibility on agreement terms could mobilize influential social movements and reduce the popularity of the pro-U.S.

regime in power. Ultimately, such a result could require treaty renegotiation or even base removal.

Those who use political opportunity structure to understand and predict anti-base movement outcomes should also realize that different aspects of the concept may be useful at different stages during the life of an agreement. For example, regime openness may be uniquely helpful during the drafting stage because its relatively static quality allows it to facilitate long-term predictions more effectively than the other variables. Changes in a receiving state's openness will be rare and often glacial even when they occur. In contrast, changes in elite allies and elite fragmentation may occur rapidly, making these variables less reliable as long-term indicators of political opportunity structure. The utility of these two variables may be limited to informing short-term decisions on whether to amend existing agreements that face rising local opposition.

Applying the foregoing analysis to the negotiation and administration of base agreements would carry several advantages. Most importantly, it would help U.S. officials to produce better-adapted initial agreements, in turn reducing the need for amendments later on and simplifying the task of base management. Political-opportunity-structure analysis would also benefit host citizens where structural conditions are conducive to successful social mobilization. Finally, as a product of these effects, use of the concept by U.S. officials could help to produce a forward deployment that is palatable to the citizens of receiving states, durable, and still useful to the United States.

Admittedly, applying political opportunity structure does pose some difficulties. The two case studies provided in this Article do not firmly establish causality between the various structural conditions and movement outcomes. From this study alone, it is also not clear which components of political opportunity structure exert the greatest influence on movement outcomes. In some host states, moreover, political opportunity structure may evolve only after the United States and host government have negotiated an agreement. Agreements in those cases will become inapt even if officials originally negotiated with an accurate view of structural context. All of these issues make the concept more difficult to use.

However, these problems at best mitigate the utility of a sociologically-informed approach to negotiating military base agreements. Comparative analyses on other states where anti-base

movements have experienced varying levels of success could corroborate the findings above. U.S. officials who apply political opportunity structure will still enter negotiations with a greater understanding of their own bargaining power and the constraints faced by representatives of the potential receiving state. Moreover, negotiating with even snapshot pictures of a kinetic structural context is still preferable to disregarding political structures altogether. Despite its limitations, political-opportunity-structure analysis provides what has been a missing sociological perspective on military base policy, and using it to inform the ongoing reconfiguration of bases could produce a durable forward deployment strategy that is less burdensome to receiving states.