

of 1989, the diverse ethnic groups began to meet with the National League for Democracy (NLD) to work out a national framework for sharing power. In response, the SLORC restricted the movements of politicians. After the National League for Democracy won with a landslide majority and the SLORC's favored National Unity Party failed to get a substantial vote, it reinterpreted the elections retrospectively as electing a body to draft a constitution.

Seeking to clean up its image with the international community, on 15 November 1997 the SLORC renamed itself the State Peace and Development Council (SPDC) but introduced no democratic elections and no major political reforms. Though accompanied by a few changes in personnel, there was no major change in government policy, and the net effect was one of little or no difference between the SPDC and its predecessor. Like the SLORC, the SPDC includes army chiefs but not ministers and functions as the highest authority in Myanmar. Though dominated by military personnel, SPDC officials are not formally linked to the army. The chairman is Than Shwe, and the first secretary is Khin Nyunt.

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STATE PEACE AND DEVELOPMENT COUNCIL. See *State Law and Order Restoration Council—Myanmar*.

STATUS OF FORCES AGREEMENT—JAPAN The Status of Forces Agreement (SOFA) between Japan and the United States provides guidelines for the activities of U.S. armed forces assigned to facilities in Japan. It is typical of the more than eighty such SOFAs that have been negotiated with other allies of the United States, such as NATO na-

tions and the Republic of Korea. A separate United Nations–Japan SOFA addresses issues regarding the deployment of forces from the United Nations Command, which was formed during the Korean War.

The U.S.–Japan SOFA was negotiated in 1960 to replace earlier agreements such as the Administrative Agreement (Article III of the 1952 Security Treaty between the U.S. and Japan) and the 1954 Status of Forces Agreement. In 1960 the Treaty of Mutual Cooperation and Security was signed, giving the United States use of land, air, and naval facilities in Japan "for the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East" (Green and Cronin 1999: 330–332). Concurrently with the signing of this treaty, the revised U.S.–Japan SOFA was agreed upon.

1960 SOFA Provisions

The 1960 SOFA sets the conditions under which U.S. military forces may operate in Japan. It also dictates how U.S. military personnel and U.S. civilian employees of the U.S. government (and their dependents) assigned to support American armed forces in Japan will be treated under Japanese law. It exempts U.S. aircraft and ships from paying tolls or operating fees to which commercial vessels would be subject, as well as exempting vehicles from toll charges and permitting travel between military facilities. The SOFA also provides U.S. military personnel use of public utilities and services that are available to Japanese ministries and agencies, and provides for acquisition of land for military facilities. In addition, it provides for local workers to be hired indirectly: local Japanese workers are actually employed by the Japanese government and work on the U.S. installations. In contrast, on U.S.–controlled facilities in the Republic of Korea local workers are hired directly by the U.S.

By mutual agreement, offensive military operations may be prohibited by the government of Japan. Because Japan's constitution renounces war, American use of military facilities to launch offensive strikes on other countries would be construed as unconstitutional. For this reason, Japanese bases were not used for direct operations during the U.S. conflict in Vietnam. This does place constraints on the U.S. military forces assigned to Japan; for example, a U.S. naval vessel or Air Force aircraft leaving from Japan cannot proceed directly to an area of conflict without violating this limitation.

The U.S.–Japan SOFA is unique in that the ministry involved is not the Japan Defense Agency (JDA), but the Ministry of Foreign Affairs (MOFA). The fa-

cilities provided for U.S. military forces are thus not supported by their Japanese counterparts, but by the diplomatic arm of Japan's government. This has led to conflicts within the Japanese government, because while the MOFA is concerned with the international aspects of U.S.-Japan relations, other ministries are more concerned with domestic matters. This involvement with the MOFA permits greater cooperation between U.S. armed forces and the Japanese government than might be possible with other agencies, which would likely be more supportive of domestic interests. For example, when exercise areas are needed for naval training, the MOFA is able to exert more pressure for restricting fishing operations than the JDA could.

While the U.S.-Japan SOFA frees U.S. personnel from certain obligations, such as various forms of taxation and most customs fees, it restricts them from taking part in any political activity in Japan. The legal jurisdiction for offenses considered to be security violations against Japan is retained by Japan, even if the offense is not covered by U.S. law.

One of the more controversial aspects of the U.S.-Japan SOFA is contained in Article XVII, which deals with criminal jurisdiction over U.S. personnel in Japan. For those Americans who are covered by this SOFA, the American government retains authority to prosecute violations of U.S. law, while Japan may prosecute violations of Japanese law. However, if an American covered by this SOFA is apprehended and detained by U.S. forces, that person may be kept in U.S. custody until he or she is formally charged by Japanese authorities. This is seen by many Japanese as a special protection for foreigners, similar to the practice of extraterritoriality which Western nations forced upon China and Japan under the unequal treaties of the mid-nineteenth century. However, extraterritoriality protected foreigners from Japanese legal prosecution, whereas the U.S.-Japan SOFA actually subjects those U.S. citizens (military stationed in Japan, their family members present in Japan, and civilians working for the military) to both U.S. and Japanese law. The SOFA does specify that anyone covered by the SOFA is entitled to the same protections of due process (the rights to prompt and speedy trial, to be informed of the specific charges, to confront witnesses, to have legal representation) guaranteed under the U.S. constitution.

The Situation in Okinawa

The U.S.-Japan SOFA is a particularly difficult issue on the island of Okinawa, where the highest concentration of U.S. military forces exists. Because of the large number of U.S. facilities on Okinawa and the

large military populations of those bases, movement of units between facilities has the appearance of a continued U.S. occupation of the island. The large military presence also increases the likelihood of conflicts with residents. Since 1972, when the United States returned control of the Ryukyu Islands to Japan, more than 4,500 military-related crimes—including twelve murders—have occurred on Okinawa. Japan's Foreign Ministry has appeared reluctant to apply the SOFA as effectively in Okinawa as it might on the main island of Honshu, leading to criticism against that ministry as well as against the United States.

One subsequent development that affects the SOFA is the establishment of the Special Action Committee on Okinawa (SACO). Following widespread popular demonstrations against the U.S. presence in Okinawa in 1995, in order to preclude further demands to revise the SOFA, the Japanese and American governments agreed to establish a special committee to deal specifically with Okinawan issues. At the time the U.S. military facilities occupied approximately one-fifth of Okinawa, and one purpose of the SACO was to reduce and consolidate those facilities.

One difficulty in consolidating facilities both on Okinawa and the main islands of Japan is that in addition to the U.S.-Japan SOFA, a separate agreement exists between Japan and the United Nations for access to military facilities. Negotiated during the Korean War and based on an agreement between Japanese Prime Minister Yoshida and U.S. Secretary of State Acheson, this U.N.-Japan SOFA gives the military forces of the United Nations Command permission to use certain mainland facilities (Yokota Air Base, Camp Zama, Yokosuka Naval Base, and Sasebo Naval Base), as well as Okinawa's Kadena Air Base, Futenma Marine Corps Air Station, and White Beach Naval facility. Nations in the United Nations Command include France, Australia, Belgium, Canada, Colombia, Ethiopia, Greece, Luxembourg, the Netherlands, the Philippines, New Zealand, Turkey, Thailand, and the United States. Although the Korean War is long past, the United Nations Command still exists and if necessary could base military operations from the facilities named above without prior approval from the government of Japan. The U.N.-Japan SOFA is based largely on the original U.S.-Japan SOFA, even including the legal protections of the U.S. constitution.

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STEEL INDUSTRY—KOREA The steel industry has been the backbone of economic development in much of the world. Both North and South Korea, since their independence in 1945 from Japan, have pursued an economic development strategy centered on heavy industrialization, including steel. There are two distinct steelmaking technologies: the larger, more expensive, integrated blast furnace-based units that use iron ore and coal and the smaller electric furnaces that melt and purify scrap to extract steel. Both technologies are found in both countries.

North Korea adopted a self-reliant (*juche*) socialist approach with central planning and a high rate of investment. The Five Year Plan of 1957–1961 radically altered the structure of the economy in favor of heavy industry. Endowed with iron ore and coal, North Korea adopted blast furnace technologies (such as the Bessemer and Open Hearth); provided by China and the Soviet Union, these were small-scale and already obsolete. North Korea's steel production was estimated to be under 7 million tons in 1995, approximately 300 kilograms per capita.

Devoid of raw materials and an industrial foundation, capitalist South Korea pursued a more open, albeit selective economic development strategy. It first pushed light industry exports, such as textiles, garments, and footwear and then pursued a strategy of heavy industrialization beginning in 1973. The government established the Pohang Iron and Steel Company (POSCO) in 1968, constructing two world-class integrated plants at Pohang (1970–1983) and Kwangyang (1982–1992). The former received Japanese technological and financial assistance, while the latter relied principally on European technologies. By the late 1990s, POSCO had become the world's largest steel company, displacing long-established Nippon Steel of Japan. Privately-owned electric furnaces contributed roughly 40 percent of South Korea's total output of 41 million tons in 1999.

While both Korean governments violated free market principles in fostering their respective industry, South Korean steel became internationally competitive. It imported inexpensive, high quality raw materials and modern technologies. Low wages, sound industrial training, and government subsidies con-

tributed to competitiveness and a per capita output of nearly 912 kilograms by 2000. Exports defrayed import costs and created the basis for technological learning in a virtuous cycle. North Korea, however, with its isolationist policy, was already stagnating in the late 1970s. It failed to take advantage of expanding global markets and modern technologies. The collapse of the Soviet Union, its ally and coal source, cut off supplies of vital raw materials.

The South Korean economy and its steel industry expanded without interruption, except during the 1970s oil crisis. Along with POSCO, private firms such as Hanbo Steel invested heavily in new technologies. However, the cozy relationship between *chaebol* (highly diversified, family-owned conglomerates) and government in South Korea had created a vast network of indebtedness. The Asian financial crisis of 1997 pushed many *chaebols*, including Hanbo, into bankruptcy. As globalization pushes national firms to become more competitive, many South Korean firms will witness reorganization, perhaps privatization, and some foreign ownership. The thawing of relations in the post-Cold War era and the economic maturity of South Korea suggests the possibility of complementing the North's market and raw materials with the South's capital and superior technologies. The proposed unification could usher in a new regional dynamic with an even more powerful, united Korean steel industry.

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