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# JAPAN'S MARITIME SECURITY STRATEGY

## THE JAPAN COAST GUARD AND MARITIME OUTLAWS

Lindsay Black

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## The Japan Coast Guard and Maritime Outlaws

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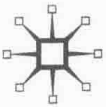



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*This book is dedicated to Michelle*

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# Conventions

All Chinese, Japanese, and Korean names in this thesis have been written with the surname first, except when an individual's English language work is cited. Macrons have been used to denote long vowels in Japanese words.

# Acronyms

| | |
|---|---|
| ADIZ | Air Defence Identification Zone |
| AFP | Armed Forces of the Philippines |
| AIS | Automatic Identification Systems |
| AMSI | Asian Maritime Security Initiative |
| APEC | Asia-Pacific Economic Cooperation |
| ARF | ASEAN Regional Forum |
| ASDF | Air Self-Defence Force |
| ASEAN | Association of Southeast Asian Nations |
| ASEM | Asia–Europe Meeting |
| ASG | Abu Sayyaf Group |
| ATSML | Anti-Terrorism Special Measures Law |
| CBP | Customs and Border Protection (US) |
| CCP | Chinese Communist Party |
| CIA | Central Intelligence Agency (US) |
| CPP | Communist Party of the Philippines |
| CSCAP | Council for Security Cooperation in the Asia Pacific |
| CSI | Container Security Initiative |
| C-TPAT | Customs-Trade Partnership Against Terrorism |
| DPJ | Democratic Party of Japan |
| DPRK | Democratic People's Republic of Korea |
| EAS | East Asia Summit |
| EEZ | Exclusive Economic Zone |
| FDI | Foreign Direct Investment |
| GAM | Gerakan Aceh Merdeka (Free Aceh Movement) |
| GDP | Gross Domestic Product |
| GPS | Global Positioning System |
| GSDF | Ground Self-Defence Forces |
| ICC | International Chamber of Commerce |
| ICU | Islamic Courts Union |
| ILO | International Labour Organization |
| IMB | International Maritime Bureau |
| IMF | International Monetary Fund |
| IMO | International Maritime Organization |
| IPN | International Production Network |
| ISPS Code | International Ship and Port Security Code |

| | |
|---|---|
| ISWG | Intersessional Working Group on Maritime Security |
| ITF | International Transport Workers Federation |
| JCG | Japan Coast Guard |
| JDA | Japan Defence Agency |
| JI | Jemaah Islamiya (the Community of Islam) |
| JICA | Japan International Cooperation Agency |
| JSA | Japan Shipping Association |
| KEDO | Korean Peninsula Energy Development Organization |
| KMM | Kumpulan Mujaheddin Malaysia |
| LDP | Liberal Democratic Party |
| LLAR | Low-level armed robbery |
| LNG | Liquid Natural Gas |
| LWRs | Light Water Reactors |
| MCHJ | Major criminal hijack |
| MDA | Maritime Domain Awareness |
| METI | Ministry of Economy Trade and Industry |
| MI5 | The UK's domestic intelligence agency |
| MILF | Moro Islamic Liberation Front |
| MLAAR | Medium-level armed assault and robbery |
| MLIT | Ministry of Land, Infrastructure and Transport (2001–2008) |
| MLITT | Ministry of Land, Infrastructure, Transport and Tourism (since 2008) |
| MMEA | Malaysian Maritime Enforcement Agency |
| MNLF | Moro National Liberation Front |
| MOD | Ministry of Defence |
| MOFA | Ministry of Foreign Affairs |
| MOT | Ministry of Transport |
| MSA | Maritime Safety Agency |
| MSC | Maritime Security Council |
| MSDF | Maritime Self-Defence Forces |
| MSIS | Maritime Safety Information System |
| MTSA | Maritime Transportation Security Act of 2002 |
| NGO | Non-Governmental Organization |
| NPA | New People's Army |
| NPCGF | North Pacific Coast Guard Forum |
| NPT | Nuclear Proliferation Treaty |
| ODA | Official Development Assistance |
| PLF | Palestinian Liberation Front |
| PMC | Private Military Company |
| PSI | Proliferation Security Initiative |

| | |
|---|---|
| RAF | Red Army Faction |
| RECAAP | Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia |
| RMMP | Royal Malaysian Marine Police |
| RMSI | Regional Maritime Security Initiative |
| RPG | Rocket Propelled Grenade |
| SCO | Shanghai Cooperation Organization |
| SDF | Self-Defence Force |
| SLOCs | Sea Lines of Communication |
| SOLAS | International Convention for the Safety of Life at Sea |
| SPT | Six Party Talks |
| SSO | Ship Security Officer |
| STAR | Secure Trade in the APEC Region |
| SUA Convention | Convention for the Suppression of Acts Against the Safety of International Maritime Navigation (1988) |
| TMD | Theatre Missile Defence |
| TNC | Transnational Corporation |
| TNI | Tentara Nasional Indonesia (the Indonesian military) |
| UNCLOS | United Nations Convention on the Law of the Seas |
| UNPKO | United Nations Peacekeeping Operation |
| UNOPKO | United Nations Ocean Peacekeeping Operation |
| WMD | Weapons of Mass Destruction |

# Contents

# 1
# Introduction

In September 1998, pirates hijacked the Japanese-owned *Tenyu* cargo ship carrying 3,000 tons of aluminium ingots worth USD 3 million after it left the Indonesian port of Kuala Tanjung bound for Inchon, South Korea. Chinese police located the *Tenyu* three months later in Zhangjiagang port, Jiangsu Province. It had been renamed the *Sanei 1*, its fourth name since being hijacked, had an Indonesian crew and a cargo of palm oil. The members of the original crew remain missing, presumed dead. Such dramatic piratical attacks had become prevalent in Southeast Asian waters by the late 1990s, prompting an international response that successive Japanese governments would lead. The safety of maritime shipping was not just at risk from pirates, but from a myriad of 'outlaws' of international society. The terrorist attacks of 11 September 2001, as well as on the *USS Cole* a year earlier, heightened concern over any vulnerable potential targets and raised the possibility of catastrophic strikes on international shipping that could close vital waterways or destroy major ports. The ensuing 'war on terror' emphasized the dangers of the proliferation of Weapons of Mass Destruction (WMD) and the threat posed by rogue states, such as North Korea (Yamada 2003: 25, 31–6; Richardson 2004: 102–7). Within the context of the 'war on terror', US-led efforts sought to transform the laws and norms of international society in response to these maritime security threats.

Considering the substantial risk to Japanese shipping, as well as to Japan's national interests, particularly as regards energy and the economy, it is no surprise that the Japanese government has been at the forefront of international responses to maritime security threats. Japan is a major maritime power and an island nation, whose economy (the world's third largest) and trade are reliant upon the safe passage of shipping. In particular, Japan transports 80 per cent of its oil resources

through the Malacca Straits (Yamada 2003: 143–4), and a blockage of this sea lane caused by an intentional terrorist incident or an accident resulting from a piratical incident would significantly damage Japan's economic interests (Graham 2006: 1–7). The cost of deterring would-be pirates or terrorists alone is substantial for the Japanese shipping industry. For example, avoiding conflict zones like Somalia means extending the distances ships travel, which in turn costs freight companies more in terms of wages and fuel (ICC 2005a, 2005b). Alternatively, the price of installing anti-piracy devices, such as ShipLoc – a location device (ShipLoc 2013) – or Secure Ship – an electric fence that runs around the deck of a ship (SecureMarine 2013) – or indeed hiring armed guards must be borne by ship-owners. These costs are ultimately passed down to the consumer. Furthermore, piracy and maritime terrorism puts the lives of Japanese seafarers at risk and, in the case of terrorism, potentially creates a threat to Japanese ports and harbours.

Since the late 1990s, successive Japanese governments have actively responded to a number of maritime security threats. A rise in maritime piracy in Southeast Asia encouraged the Obuchi Keizō administration to begin implementing a broad anti-piracy strategy that focused on building maritime policing capabilities, establishing institutions to monitor and analyse maritime security issues, and amending domestic and international law. Subsequent Japanese prime ministers developed this anti-piracy approach into a model which the Asō Tarō administration reproduced to confront the growing number of piratical incidents off the Somali coast, including the passage of an Anti-Piracy Law in March 2009. Japan's entrepreneurship in responding to piracy has had significant repercussions in the domain of maritime security.

In order to confront maritime security challenges, Japanese governments have repeatedly turned to the Japan Coast Guard (JCG), not least because of the legacy of Japan's imperialist expansionism and the anti-militarist norm that evolved in the wake of defeat in the Second World War. The reliance upon the JCG stems in part from the responses of both the Obuchi and Koizumi Junichirō administrations to incursions into Japanese waters by North Korean 'suspicious ships' in March 1999 and December 2001, respectively. Whereas in the 1999 case, the Obuchi administration ordered the Maritime Self-Defence Forces (MSDF) to take maritime security action and chase the suspicious ships out of Japanese maritime territory, and in the latter case, the JCG pursued a North Korean 'suspicious ship' into China's Exclusive Economic Zone (EEZ) where the 'suspicious ship' sank under mysterious circumstances. Despite its more dramatic climax, the 2001 case entrenched a dual

strategy in Japan's foreign maritime security policy whereby the JCG would tackle non-traditional security threats, whereas the MSDF would defend Japanese territory and support US-led missions in the 'war on terror' in an auxiliary role. Even in the defence of Japan's sovereign territory, the deployment of the JCG to police disputed territories, such as the Daioyu/Senkaku Islands,[1] and to defend against incursions by North Korean suspicious ships are examples of the Japanese government's preference to rely on a law enforcement organization rather than a military one at sea.

As successive Japanese administrations were developing their dual maritime security strategy, the 11 September attacks on New York and Washington led the George W. Bush administration to launch a series of initiatives to counter maritime threats posed by terrorist networks and rogue states (Scott 2010: 80). These US-led efforts represented an alternative form of norm entrepreneurship in the field of maritime security that has sought to transform international law, such as with the amendments to the Suppression of Unlawful Acts (SUA) Convention and Protocols, the International Ship and Port Security (ISPS) Code (Rothwell and Klein 2010: 22–3), and the Proliferation Security Initiative (PSI) to tackle the illegal transportation of WMD. The George W. Bush administration compelled international society to agree to these initiatives or face delays when exporting to or even exclusion from the US market. In the case of the PSI, the United States formed a 'coalition of the willing' that would employ naval forces to interdict suspect vessels at sea. Whilst Prime Minister Koizumi readily accepted these US-led proposals, when it came to actively participating in PSI exercises, Japanese administrations have tended to dispatch the JCG rather than the MSDF in line with Japan's dual maritime strategy.

This book therefore traces the development of Japan's dual maritime strategy with an emphasis on the role of the JCG. In doing so, this work challenges accounts by scholars, such as Leheny and Samuels, who have emphasized the importance of maritime security threats in developing the Self-Defence Forces' (SDF) mission to realize Japan's ambitions of 'normal' statehood. Leheny first proposed the metaphor of 'the canary in the coal mine' to describe how the JCG were deployed to tackle incursions by 'suspicious ships' to gauge domestic and regional public opinion regarding expanding the SDF's role (Leheny 2006). Samuels (2007, 2008) embraced Leheny's argument by elaborating upon the JCG's involvement in tackling piracy and maritime terrorism. In addition, a number of other writers have argued that Japan's contribution to tackling maritime piracy in the Gulf of Aden marks a further erosion

of Japan's anti-militarist identity (Penn 2009; Green 2010: 487) and enables the SDF to showcase its prowess amongst peer competitors in the Indian Ocean (Ginkel et al. 2008; Penn 2009: 6–8; Valencia and Khalid 2009: 4). For these realist-inspired writers, Japan's proactive response to maritime security threats is an indication of Japan's aspiration to become a 'normal state' that 'makes full use of its material capabilities, both military and economic, to provide international public goods and uphold... multilateral global institutions' (Hook et al. 2005: 73–4).

Central to Samuels's argument is his assertion that the JCG is a 'quasi-military' force and Japan's 'second navy' (Samuels 2008). This conflation of the MSDF and JCG is problematic, as it fails to acknowledge the different roles performed by the JCG and MSDF (Black 2012). First, the JCG is a civilian maritime police and rescue force administratively situated within the Ministry of Land, Infrastructure, Transport and Tourism (MLITT) (Ogawa 2002: 106–15, 165–6; Terashima 2009; Yamada 2009). The MSDF by contrast is Japan's *de facto* navy and falls under the purview of the Ministry of Defence (MOD) (Black 2012). Second, as Henmi (2006: 10–6, 87–9) notes, whereas the JCG responds to maritime emergencies and crime, the MSDF defends Japan's sovereign maritime territory; both organizations are governed by separate legislation, and the JCG's patrol vessels are more lightly armoured and equipped than MSDF warships. Third, concerns about Japan's remilitarization in the East Asian region leading to a return to imperialism have constrained the dispatch of the MSDF abroad to counter maritime security threats (Satō 2007: 3). Indeed, British and Russian concerns about Japan's remilitarization in the post-Second World War era underlie the rationale behind establishing the JCG, previously the Maritime Safety Agency (MSA), as a law enforcement body with limited firepower and equipment to combat rampant smuggling and illegal fishing in Japanese waters (Auer 1973). As a result, East and Southeast Asian states have welcomed the JCG as a neutral law enforcement organization with which their maritime authorities can cooperate and learn from (Bateman 2006: 43–5; Satō 2007: 8; He 2009). Furthermore, as Bateman (2006: 50–1) argues, the JCG has provided a model that has encouraged other states in the region to clearly distinguish between the roles of their naval and newly formed coast guard organizations. Even in the case of Japan's response to piracy off the coast of Somalia since 2009, the Japanese government ensured that the JCG performed a central role in the mission and replicated Japan's anti-piracy approach in Southeast Asia by creating an anti-piracy institution in the Gulf of Aden and by supporting capacity-building

measures amongst maritime law enforcement bodies in the region (Black 2012).

One of the key contributions of this book is to demonstrate through an analysis of Japan's response to maritime security threats that the anti-militarist norm in combination with regional and international norms has shaped how policy makers respond in terms of favouring the JCG over the MSDF. The dispatch of the JCG to tackle piracy, maritime terrorism, and North Korean suspicious ships has enabled successive Japanese governments to advance innovative solutions that have reshaped approaches to maritime security in international society. The power of innovation is by no means unique to Japan; all foreign policy actors act in accordance with their constructed self-identities and look to reproduce these through their international relations to elaborate new approaches to global problems, thereby shaping the norms and rules of international society over time. For a state's norm entrepreneurship to be successful, both material power and acceptance amongst members of international society are required, as the Japan Coast Guard's response to maritime security threats demonstrates. The nature of Japanese responses to maritime security threats requires rethinking how Japan's international security contribution is understood.

## Japan's international security contribution

Japan has frequently been castigated as 'an economic giant, but a political pygmy' (Miyashita 2003: 180) that fails to uphold international order. Though the Japanese economy rose to become the second largest in the latter half of the 20th century, Japan's international security role remained comparatively meagre and constrained. Certain scholars characterize Japan as a passive actor to explain the state's limited international security contribution (Calder 1988; Inoguchi and Jain 2000; Calder 2003). Inoguchi and Jain (2000) describe Japan's international relations in terms of *karaoke* diplomacy whereby US administrations decide the policy and leave Japanese officials to implement it in their own style. Kent Calder (1988, 2003) similarly depicts Japan as reactive, asserting that Japan relies on foreign pressure (*gaiatsu*) to overcome bureaucratic in-fighting and pork-barrel interests in a political system that lacks a strong executive. Others, such as Berger (2007) and Suzuki (2008), perceive Japan as merely a follower of international norms rather than an actor able to transform global politics. For Berger, Japan is an adaptive or pragmatic liberalist state which 'contributes to a progressive shift in international relations by building strong multilateral