

SESSION III.

Cooperative Measures for Dealing with Maritime Terrorism in South East Asia

Topics:

- Potential Threat of Bio-Terrorism related to Shipping in the Malacca Strait;
- The level of al-Qaeda and their fellow terrorist groups' threats in the Asia-Pacific region;
- The present degree of international cooperation to counter these threats, with special emphasis on safeguarding the Malacca Strait; and
- The ways and means to enhance maritime security cooperation in Southeast Asia and the Malacca Strait.

Discussion Paper for the Session III (Please do not quote)

Japan's Policy on International Peace Cooperation—How Japan Seeks to Contribute to International Cooperation in the War Against Terror in the Asia-Pacific Region

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Introduction

This paper does not purport to provide a sophisticated analysis of Japan's efforts for dealing with maritime terrorism in South East Asia. Nor does it seek to explore concrete technical matters and cooperative measures for such a goal. Instead, this paper is an attempt to offer an overview of Japan's policy on international peace cooperation, which will provide a basis of Japan's action towards international cooperation in the war against terror in the Asia-Pacific region.

Nowadays, experts come to recognize that in order to tackle effectively with multi-dimensional challenges of peacebuilding, it is important that international efforts towards peacebuilding to be designed in such a way as to generate maximum synergistic effects of three important agencies of international peace cooperation, i.e., Diplomacy, Defense and Development. This inter-agency approach is often called as "3Ds." This paper is structured in a way to examine the Japan's policy on international peace cooperation from three different but closely interrelated angles and to explore the nexus of all related perspectives. In short, a foundation of Japan's policy on international peace cooperation will be illustrated in this paper by extracting some common elements characterizing Japan's approaches from three important policies: Diplomatic policy ("Consolidation of Peace and Nation-building"), Defense policy (National Defense Program Guideline) and Development policy (Official Development Assistance (ODA) Charter).

Before going into the discussion on Japan's policy on international peace cooperation, it is useful to review briefly an assumption on which such a policy is based. Such an effort will point up important features and limits of Japan's policy and its tool at hand. All the policy that Japan pursues must not contradict with the Constitution of Japan. One of the most relevant limitations imposed by the Article 9 of the Constitution upon Japan's policy and policy tools is to do with the renunciation of "the threat or use of force as means of settling international disputes." Such a self-restriction on Japan's military activities overseas has differentiated fundamentally the style of Japan's approach to international peace cooperation. In fact, Japan's military efforts in international peace cooperation started in 1992 when the "Law Concerning for United Nations Peace-Keeping Operations and Other Operations" (hereinafter referred to as the International Peace Cooperation Law) was promulgated, which enabled the Self-Defense Force (SDF) to be dispatched overseas.

In the context of searching for Japan's role in cooperative measures for dealing with maritime terrorism in South East Asia, it seems logical to conclude that the use of SDF in such objectives will naturally be quite limited. Accordingly, the application of ODA to such a propose seems to be most likely and promising in the case of Japan. There is a shared recognition that ODA serves as not only a major tool of Japan's development policy but also it can serve as essential diplomatic and defense tools of Japan. In other words, while Japan can do very little in situations where application of military asset as direct surgical measures against the symptoms of global terrorism is required, Japan can play a leading role in addressing the issue of global terrorism through focusing on preventive measures, ranging from post-conflict reconstruction of fragile states to capacity development of the coast guard and police force of countries in need of assistance. Such efforts towards peacebuilding and security sector reform will reduce failed states that can offer a sanctuary for terrorists.

1. Japan's Diplomatic (Foreign) Policy: "Consolidation of Peace and Nation-building"

Although Japan has yet to evolve an official doctrine out of its experiences of the past to define its comprehensive approach to international peace cooperation, the government has been addressing recent cases with a certain conceptual idea in mind. The key concept is what the Government of Japan calls "Consolidation of Peace and Nation-building." In May 2002, Prime Minister Junichiro Koizumi announced in a policy speech that Japan would continue to pursue its enhanced role in international peace cooperation, expressing his intention as follows:

"Since the end of the Cold War, regional conflicts arising from religious and ethnic causes have been rampant the world over. The international society has been engaged in peacekeeping operations designed to consolidate and build basic foundations in countries suffering from such conflicts. The Government of Japan will consider how to increase our international role by providing an added pillar for the consolidation of peace and nation building."

On the basis of this announcement, then-Foreign Minister Yoriko Kawaguchi provided an outline delineating the idea of "Consolidation of Peace and Nation-building." Under this scheme, Japan's policy on international peace cooperation consists of three pillars (see Chart 1). This concept of "Consolidation of Peace" is characterized by the fact that the composition of the pillars are corresponding to a bulk of needs of the local community striving for self-managed social and economic development. Assets and resources available and suitable in the specific context are identified and deployed in a coordinated manner from a holistic perspective. It should also be noted that none of these pillars could be omitted in the comprehensive efforts to achieve the primary aim of consolidating the peace. Japan has applied the "Consolidation of Peace" as a key concept in supporting conflict-affected countries and regions such as Afghanistan, Sri Lanka, Timor Leste and Kosovo, and the Japanese government is now considering the development of peacebuilding projects in Aceh, Indonesia under this concept.

Chart 1. Three Pillars of Japan's Policy on International Peace Cooperation

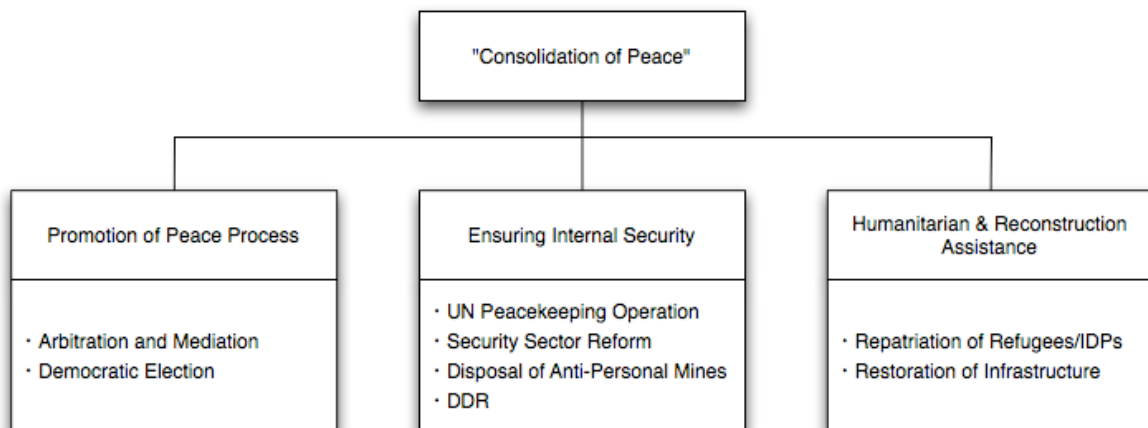


Table 1. Three Pillars of the Consolidation of Peace Approach

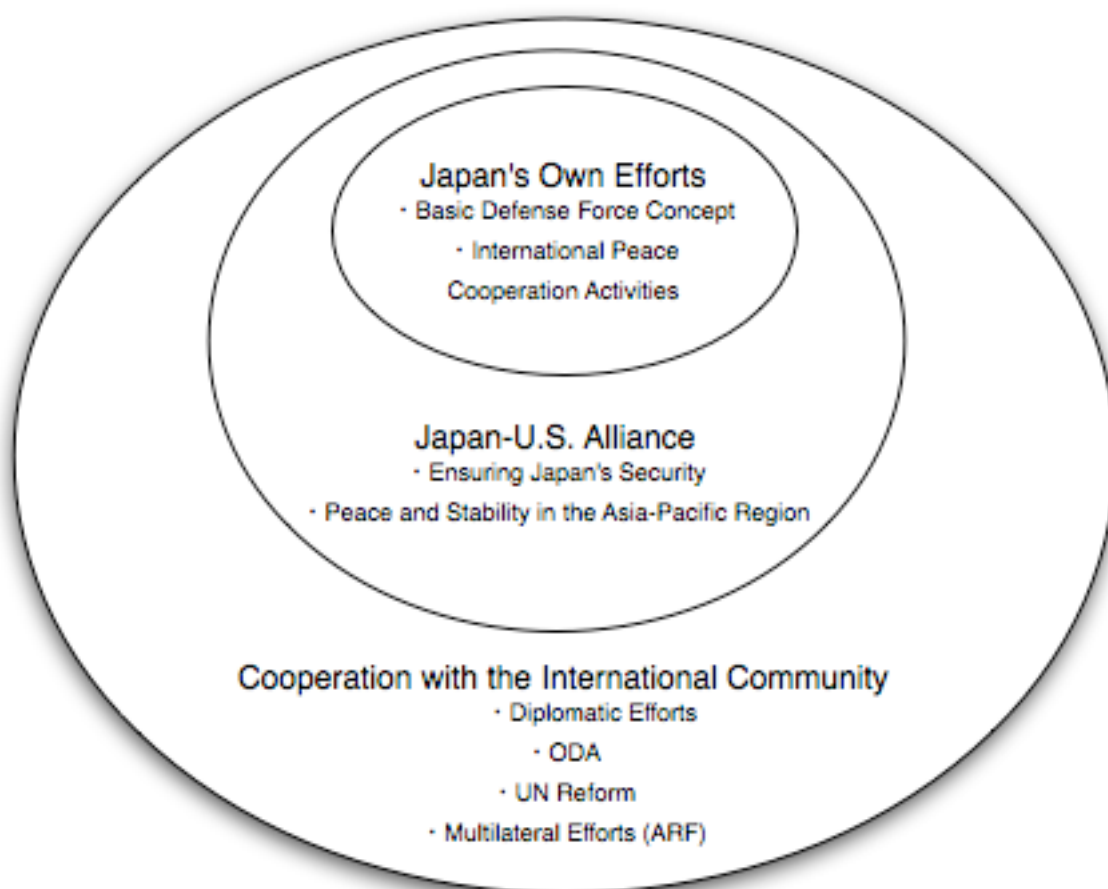
Pillars	Description
Promotion of Peace Processes	To give lasting solution to regional conflicts, it is important to provide assistance even before a conflict ends in order to enhance the chances for a durable peace. One way of doing this is to hold international conferences on peace and reconstruction and to promote the peace process, through efforts such as assisting the establishment of legitimate governments through democratic election. Also, when there are signs that a conflict is close to an end, it serves to encourage and consolidate peace by indicating to the conflicting parties that Japan's ODA may be provided as soon as the conflict comes to a complete halt. Democratic elections play an extremely important role in the fragile domestic political situation immediately after the cessation of the conflict.
Ensuring Internal Security	In many post-conflict countries, the internal security situation is extremely poor and is thus an obstacle to reconstruction and development. Progress in the peace process among conflicting parties should therefore be accompanied by measures to swiftly restore stability and security. Such measures should include UN peacekeeping operations and/or multinational stability operations; security sector reform (SSR); disposal of anti-personnel mines and unexploded ordnances (UXO); and disarmament, demobilization, and reintegration (DDR) of ex-soldiers.
Humanitarian and Reconstruction Assistance	The basic foundations of daily life must be recovered through humanitarian and reconstruction assistance, to enable people who have suffered through years of conflict to enjoy tangible peace dividends. This aim is pursued by extending assistance in the form of personnel and funds, both bilaterally and through multilateral organizations, in response to a variety of humanitarian crises. In providing humanitarian and reconstruction assistance, it is important to ensure a smooth, seamless transition from humanitarian assistance to full-scale reconstruction and development assistance. It should be noted, however, that in many cases attention from the international community to the need for reconstruction and development assistance declines sharply after the initial emergency caused by major conflicts or natural is over.

2. Japan's National Security Policy: National Defense Program Guideline, FY 2005-

The Security Council and the Cabinet of the Government of Japan approved "National Defense Program Guideline, FY 2005-" on 10 December 2004. The new Guideline defined a comprehensive national security policy of Japan, in which basic principles of Japan's security policy were stipulated. In the new Guideline, two objectives of Japan's security policy were defined as (1) to prevent any threat from reaching Japan and, in the event that it does, repel it and minimize any damage; and (2) to improve the international security environment so as to reduce the chances that any threat will reach Japan in the first place. Japan will achieve these objectives by three means: (1) Japan's own efforts; (2) cooperative efforts with the United States, Japan's alliance partner; and (3) cooperative efforts with the international community. These approaches are not regarded as separate undertakings, but rather they are regarded as mutually reinforcing and expected to be employed in an integrated way as shown in a

three-level concentric circle—a “triple-decker” structure (See Chart 2). This integrated approach is based primarily on an exclusively self-defensive military capability of Self-Defense Forces, supplemented and reinforced at the next level by the alliance with the United States with a third level of support through its intensified bilateral and multilateral activities in the international community including arms control, peace cooperation and Japan’s role in the United Nations.

Chart 2. Japan’s National Security Approach



The new Guideline adopted the basic idea of a two-pronged defense strategy expressed in a report by the Council on Security and Defense Capabilities (a private advisory panel to the Prime Minister) of October 2004, which is often referred to as the Araki Report, which puts international peace cooperation activities on an equal footing with the defense of Japan and recommends that international peace cooperation should be recognized as a contribution to Japan’s national security. The new Guideline also affirms the necessity of countering global terrorism by addressing the problems of failed states. Interestingly, for the first time in its history, the new Guideline refers to ODA, saying “In order to improve the international security environment and help maintain security and prosperity of Japan, the Government of Japan will actively engage in

diplomatic efforts, including the strategic use of Official Development Assistance (ODA).”

This reflects Japan’s perception of post-9.11 security environment surrounding Japan. The new Guideline describes, “Non-state actors such as international terrorist organizations have emerged as a dire threat in today’s security environment” and redefines the role of military asset as “the use of military force now plays a broader role in the international community than simply deterring or responding to armed conflict: Military force is also used for a variety of purposes, including the prevention of conflict and the reconstruction assistance.” Considering the rise of such a new security environment, the new Guideline argues that “Because the peace and stability of Japan is inextricably linked to that of the international community, Japan should voluntarily and actively participate in activities that nations of the world cooperatively undertake to enhance the international security environment”; and that “Based on the recognition that the destabilization of the international community by events such as regional conflicts, proliferation of weapons of mass destruction, and international terrorist attacks would directly affect its own peace and security, Japan will, on its own initiative, actively participate in international peace cooperation activities as an integral part of its diplomatic efforts.” Hence, the application of Japan’s defense forces to international peace cooperation activities became an integral part of Japan’s national security policy.

With regard to the application of SDF to oversea activities for international peace cooperation, there are two tracks under the existing regulation: cooperation with the United States under the Japan-U.S. Security Arrangements, and cooperation with the international community under the International Peace Cooperation Law of 1992 (third way of allowing SDF’s oversea activity also exists in the form of special measures law, e.g., SDF operates in Indian ocean under the Anti-Terrorism Special Measures Law¹ and in Iraq under the Special Measures Law for Humanitarian and Reconstruction Assistance in Iraq. There seems to be very little that SDF can do to contribute to cooperative measures for dealing with maritime terrorism in South East Asia under the current system as the International Peace Cooperation Law does not anticipate such a use of SDF, and the Japan-U.S. Security Treaty has been interpreted that SDF would be mobilized for the defense of Japan and for responses to situations in areas surrounding Japan which do not include the Malacca Strait.

Nevertheless, the Joint Statement of the U.S.-Japan Security Consultative Committee of 19 February 2005 and the recent Security Consultative Committee Document of 29 October 2005 entitled “U.S.-Japan Alliance: Transformation and Realignment for the Future” have paved a way for employing Japan-U.S. security cooperation in the context of the international security environment. The common strategic objectives of Japan and the United States that have been expressed in the Joint Statement include among others: preventing and eradicating terrorism, maintaining the security of maritime traffic, and maintaining and enhancing the stability of the global energy supply. In the Document, on the other hand, both governments emphasized the importance of improving 15 specific areas of cooperation, including counter-terrorism

¹ The Special Measures Law Concerning Measures Taken by Japan in Support of the Activities of Foreign Countries Aiming to Achieve the Purposes of the Charter of the United Nations in Response to the Terrorist Attacks Which Took Place on 11 September 2001 in the United States of America as well as Concerning Humanitarian Measures Based on Relevant Resolutions of the United Nations (Law No. 113, 2001)

and the maintenance of the security of maritime traffic.² While this policy direction can affect practice in terms of the choice of cooperative measures to participate in and the level of Japan's involvement in a particular cooperative measures, specific activities needs to be elaborated further in order to make a difference in Japan's practice in international peace cooperation. A negative indication of the trend against such a direction can be found in the 2006 Quadrennial Defense Review (QDR) that was released on 3 February 2006 by the United States. No specific measures relating to the maintenance of the security of maritime traffic and the stability of the global energy supply were mentioned in the QDR.

3. Japan's Development Assistance Policy: Official Development Assistance (ODA) Charter

Japan has traditionally applied its ODA with the aim of supporting economic and social development to encourage self-help efforts by the recipient countries. In 1992, Japan identified its policy priorities in its first ODA Charter, taking the post-cold-war circumstances and the government's foreign policy priorities into account. In 1998, Japan introduced the concept of "human security" into its ODA policy in the context of addressing the Asian financial crisis. Subsequently, in 2003, the Government of Japan explicitly identified peacebuilding as one of the priorities of ODA in its revised ODA Charter.³ The revised ODA Charter also states that "Japan, as one of the world's leading nations, is determined to make best use of ODA to take the initiative in addressing" global issues such as conflicts and terrorism.

On the basis of the revised ODA Charter, the Government of Japan elaborated "Japan's Medium-Term Policy on Official Development Assistance" (hereinafter referred to as the "ODA Medium-Term Policy") in February 2005. According to this "ODA Medium-Term Policy", the purpose of peacebuilding is defined as "to prevent the occurrence and recurrence of conflicts, alleviate the various difficulties that people face during and immediately after conflicts, and subsequently achieve long-term stable development." Its basic logic is that the implementation of ODA will, by improving local people's access to education, health services and other basic human needs in post-conflict communities, bring conflict-affected societies the "peace dividends." Such

² 15 specific areas of cooperation include: (1) Air defense, (2) Ballistic missile defense, (3) Counter-proliferation operations, such as the Proliferation Security Initiative (PSI), (4) Counter-terrorism, (5) Minesweeping, maritime interdiction, and other operations to maintain the security of maritime traffic, (6) Search and rescue operations, (7) Intelligence, surveillance and reconnaissance (ISR) operations, including increasing capabilities and effectiveness of operations by unmanned aerial vehicles (UAV) and maritime patrol aircraft, (8) Humanitarian relief operations, (9) Reconstruction assistance operations, (10) Peacekeeping operations and capacity building for other nations' peacekeeping efforts, (11) Protection of critical infrastructure, including U.S. facilities and areas in Japan, (12) Response to attacks by weapons of mass destruction (WMD), including disposal and decontamination of WMD, (13) Mutual logistics support activities such as supply, maintenance, and transportation. Supply cooperation includes mutual provision of aerial and maritime refueling. Transportation cooperation includes expanding and sharing airlift and sealift, including the capability provided by high speed vessels (HSV), (14) Transportation, use of facilities, medical support, and other related activities for non-combatant evacuation operations (NEO), and (15) Use of seaport and airport facilities, road, water space and airspace, and frequency bands.

³ The priorities set forth in the revised ODA Charter are: 1) poverty reduction, 2) sustainable growth, 3) addressing global issues, and 4) peacebuilding.

efforts can contribute to international cooperation in the war against terror in the Asia-Pacific region by transforming a sanctuary for terrorists into the home of ordinary people.

As several countries in East Asia and South East Asia who have been leading recipients of Japan's ODA such as China, Indonesia, the Philippines, Malaysia, Thailand and others seem to have reached a certain level of development where these former aid-recipient countries began to assume certain roles in providing development assistance to less developed countries. One can argue that due to the development of Asian countries, Japan lost a clear and concrete strategy of ODA towards Asia as these countries seek mutual economic prosperity through free trade with Japan not through ODA from Japan. Perhaps, for these countries access to a huge market and increasing demands of China may be more attractive than a downsizing Japanese ODA. It seems that the magical influence of Japan's ODA as a tool for Japan's foreign policy over Asian countries began to expire.

Under such a circumstance, and if Japan seeks to carry out ODA even more strategically as stipulated in the Basic Policies in the revised ODA Charter, Japan needs to discover a new focal point of its ODA strategy. How best Japan should utilize its ODA as an essential tool for pursuing Japan's national interest including Japan's national security? Shifting priority issues of ODA from a purely development-centric agenda such as poverty reduction to a more security-oriented agenda such as global terrorism prevention, or at least counter-terrorism needs to be added to the current priority issues of ODA.

One can find such a shift already occurring both in the policy level and in the application of programs. For example, the revised ODA Charter includes counter-terrorism in Japanese ODA's priority issues under the label of "Addressing global issues." On the other hand, the Japan International Cooperation Agency (JICA) has undertaken the capacity development programs for the coast guard and police force in Malaysia and Indonesia. Moreover, JICA together with Singapore's Ministry of Foreign Affairs offers maritime safety training programs for officers from South East Asian countries with an aim of maintaining maritime security of the Malacca Strait. While these programs are still conducted in a limited scale, far from being called as robust measures, developing similar cooperative measures for dealing with maritime terrorism in South East Asia is a way forward to maximize the relevance of ODA to Japan's national security and beyond.

Conclusion

Although Japan has not yet framed a comprehensive policy doctrine of its international peace cooperation, summing up the foregoing discussion may allow us to indicate some policy foundations extracted from existing policy frameworks and the past experience. Japan's experience in this policy field demonstrates explicitly that it has a larger stake in the international security and an apparent advantage in addressing the issue of global terrorism through preventive measures such as post-conflict reconstruction of fragile states and capacity development of the security sector of countries in South East Asia.

Under the new national security policy of Japan, the SDF's involvement in

international peace cooperation activities is considered to be a contribution to the enhancement of Japan's own security. This explicit linkage will provide a way to widen the roles of SDF in international peace cooperation activities, under which cooperative measures for dealing with maritime terrorism in South East Asia can be placed.

Perhaps, Japan should reconsider its conventional criteria for ODA application. Under the new ODA Charter, Japanese ODA can be used strategically for conflict prevention and peacebuilding, for instance, in Mindanao (the Philippines), Aceh and Maluku (Indonesia), South Thailand, Sri Lanka and elsewhere in order to contribute to regional efforts in countering terrorism in South East Asia. The challenge facing with Japan is to explore a way to generate major synergies among different approaches and policy tools such as diplomatic efforts, the use of SDF, and the application of ODA.