

Current Status and Future of International Cooperation for a Free and Open Indo-Pacific (FOIP) 148th Transportation Policy Colloquium

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Introduction

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The Third Basic Plan on Ocean Policy 2018-2022 = "Basic Plan"

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- Expectations for the Japan Coast Guard in the "Basic Plan"
- Commonality and simultaneous realization of FOIP (Three Pillars) and "Basic Plan"

2. Functions and missions of the Japan Coast Guard: Evolution from domestic to international operations

- Functions and missions of the Japan Coast Guard
- Development of international operations

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February 2021, Chinese Coast Guard Law comes into force

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--- To the Fourth Basic Plan on Ocean Policy ---

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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Comprehensive maritime security": a broad "maritime security" concept

[1] April 2017, Directed by Prime Minister Abe at the Meeting of the Headquarters for Ocean Policy

“The next Basic Plan on Ocean Policy will **broadly address "maritime security"** and strengthen efforts to address issues such as guarding territorial waters, ensuring public safety, and disaster countermeasures, and will not only strengthen the maritime security system, but also strengthen the maritime domain awareness (MDA) that contributes to early detection of various threats and risks, and take all possible measures to preserve and manage remote islands.”

[2] International trend

“Maritime security” = In addition to military threat, combatting various threats, including terrorism, weapons proliferation, transnational crime, piracy, environmental/resource destruction, and illegal seaborne migration (Douglas Guilfoyle, “Maritime Law Enforcement Operations and Intelligence in an Age of Maritime Security,” 93 *International Law Studies*, Published by U. S. Naval College, 2017, p. 299.)

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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(1) Third Basic Plan for Ocean Policy (“Basic Plan”)

[Measures of each relevant ministry and agency encompassed by Basic Plan in a cross-sectional manner]

: Basic Plan Chapter II (each section): Nine categories

[1] Maritime security, [2] promote industrial use of the ocean, [3] maintain and conserve marine environment, [4] strengthen the capacity for maritime domain awareness (MDA), [5] promote research and development as to maritime research and marine science & technology, [6] preserve remote islands and develop EEZ, [7] promote arctic policy, [8] secure international coordination and promote international cooperation, and [9] develop human resources with knowledge of the ocean and to advance nationals’ understanding.

"Comprehensive maritime security" is the main pillar of the Basic Plan
-- Achieve through a wide variety of measures.

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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Measures for "Comprehensive Maritime Security"

A. [Policies for maritime security]

(Chapter I "Master Policy 2-1 (1)", Chapter II 1.)

• Secure national interests in Japan's "territorial waters, etc."

Improving deterrence and response capabilities and maritime enforcement capabilities; strengthening diplomacy and cooperation with allied and friendly nations; building systems for collecting, analyzing and sharing information; securing the safety of maritime traffic; and responses to natural disasters originating in the ocean.

• Secure stable use of Japan's important sea lines of communication

Initiatives in Japan's important sea lines of communication, strengthening systems for collecting, integrating and sharing information, capacity building assistance, etc.

• Strengthen the international maritime order to secure maritime use

Strengthening diplomatic efforts toward respecting the "rule of law," strengthening strategic information dissemination, and strengthening inter-governmental international cooperation

Expectations of the Japan Coast Guard



The main missions of the Japan Coast Guard, such as law enforcement, response to disasters, securing the safety of navigation, and maritime domain awareness, contribute to "comprehensive maritime security" as an indispensable measure.

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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B. [Measures that form the foundation for contributing to reinforcement of maritime security]

Two categories of a. and b.

a. Measures that form the basis for maritime security

- Establishment of structures for maritime domain awareness (MDA) (Chapter II, 4)
- Preservation and management of remote islands (Chapter II, 6)
- Ocean surveys, ocean observations
- Science and technology, R&D (Chapter II, 5)
- Human resource development and awareness-raising (Chapter II, 9)

b. Measures that support maritime security

- Economic Security (Chapter II, 2)
- Protection of marine environment, etc. (Chapter II, 3)

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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(2) FOIP's "Three Pillars"

- [1] Promotion and establishment of the rule of law, freedom of navigation, free trade, etc.
- [2] Pursuit of economic prosperity (improving connectivity and strengthening economic partnership including EPA/FTAs and investment treaties)
- [3] Ensure peace and stability through building the ability to enforce maritime law, humanitarian assistance, and disaster relief cooperation

(3) Simultaneous realization of FOIP and Basic Plan

- [1] Nature and Policy Guidelines of the Basic Plan on Ocean Policy
Global peace, stability, and prosperity through freedom, democracy, fundamental human rights, and the rule of law (Chapter I 1. (1) (a))
- [2] FOIP is a means of maintaining and strengthening the maritime order based on the rule of law and freedom of the seas (ditto)
- [3] Cooperation with other countries to achieve "comprehensive maritime security" (Chapter I, 2-1 (1))



=> FOIP is consistent with the nature and policy guidelines of the Basic Plan.

I. 1. Foreign Affairs Policy (FOIP) and Ocean Policy (Third Basic Plan on Ocean Policy)

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Underlying FOIP and “Basic Plan”

= "Comprehensive maritime security" taken broadly

Realization of “comprehensive maritime security” not only through security in the narrow sense (i.e., defense), but also through law enforcement, disaster prevention, and maritime security” through the establishment of MDA, preservation of remote islands, development of marine scientific research, development of science and technology and research, human resource development, economic security, and the protection of maritime environment



=> Mutual commonality with the three pillars of the FOIP

=> Simultaneous realization of the FOIP and the “Basic Plan”

I. 2. Functions and missions of the Japan Coast Guard: Development from domestic to international operations

(1) Functions and missions of the Japan Coast Guard: [Japan Coast Guard Act]

[1] Article 1

The Japan Coast Guard shall be established as an external bureau under the control of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) in order to protect human life and property at sea and to prevent, investigate, and suppress violations of laws.

[2] Article 2

The Japan Coast Guard shall have the duty to **ensure maritime safety and security** by **enforcing laws and regulations at sea**, rescuing maritime victims, preventing marine pollution, preventing and suppressing crimes at sea, investigating and apprehending criminals at sea, regulating vessel traffic at sea, administering affairs concerning waterways, navigation signs, and other matters related to **ensuring safety at sea**, as well as affairs incidental to these affairs.

I. 2. Functions and missions of the Japan Coast Guard: Development from domestic to international operations

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[3] Article 5 The Japan Coast Guard shall take charge of the following affairs in order to accomplish the duties set forth in the first paragraph of Article 2.

1. Matters related to the **encouragement of laws and regulations at sea.**
2. Rescue of human life, cargo, and vessels in the event of maritime accidents, and assistance in the event of natural disasters and other cases requiring relief.
- ...
10. Ensuring the safety of vessel traffic in the sea area where vessel traffic is congested.
11. **Marine pollution, etc. (meaning marine pollution, etc. prescribed in Article 3, item (xv)-2 of the Act on Prevention of Marine Pollution, etc. and Maritime Disasters (Act No. 136 of 1970)) and prevention of maritime disasters.**
13. Matters related to patrol vigilance in coastal waters.
14. Matters related to the suppression of riots and disturbances at sea.
16. Matters related to the investigation and apprehension of criminals at sea.
- ...
21. **Matters related to surveying of waterways and observation of marine phenomena.**
22. **Preparation and supply of hydrographic publications and aeronautical charts and publications;**
- ...
27. **Matters related to international cooperation pertaining to affairs under jurisdiction.**

...

I. 2. Functions and missions of the Japan Coast Guard: Development from domestic to international operations

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(2) Development of international operations

[1] How the Japan Coast Guard was formed

[2] Development of the Japan Coast Guard's "international" operations

a. The "internationality" and "externalities" of the sea

b. Functions of the Japan Coast Guard as a part of diplomacy



It is inevitable that the Japan Coast Guard will be responsible for implementing foreign policy (FOIP).

II. 1. Japan-China Relations in the Context of Guarding Territorial Waters

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[China for Japan]

(1) Prime Minister Kishida Policy Speech on January 17, 2022

“I will say to China the things that need to be said and strongly urge China to act responsibly. I will at the same time properly continue dialogues with China, including on outstanding issues of concern, and cooperate on matters of common interest, and aim to build constructive and stable relations, mindful of this year being the 50th anniversary of the normalization of diplomatic relations between Japan and China.”

(in general context)

“In addition to strengthening our maritime security system, including cooperation between the Japan Coast Guard and the Self-Defense Forces, we will move forward in boosting our island defense capabilities and other capacities and reinforce our preparations towards the Nansei Islands.”

II. 1. Japan-China Relations in the Context of Territorial Waters Security

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(2) Chinese Coast Guard Law

Effective February 1, 2021

[Problems under International Law]

International law, especially the 1982 United Nations Convention on the Law of the Sea (UNCLOS)

[1] Ambiguity of applicable waters

[2] Possible use of weapons against Japanese public vessels (Japan Coast Guard vessels and Maritime Self-Defense Force vessels)

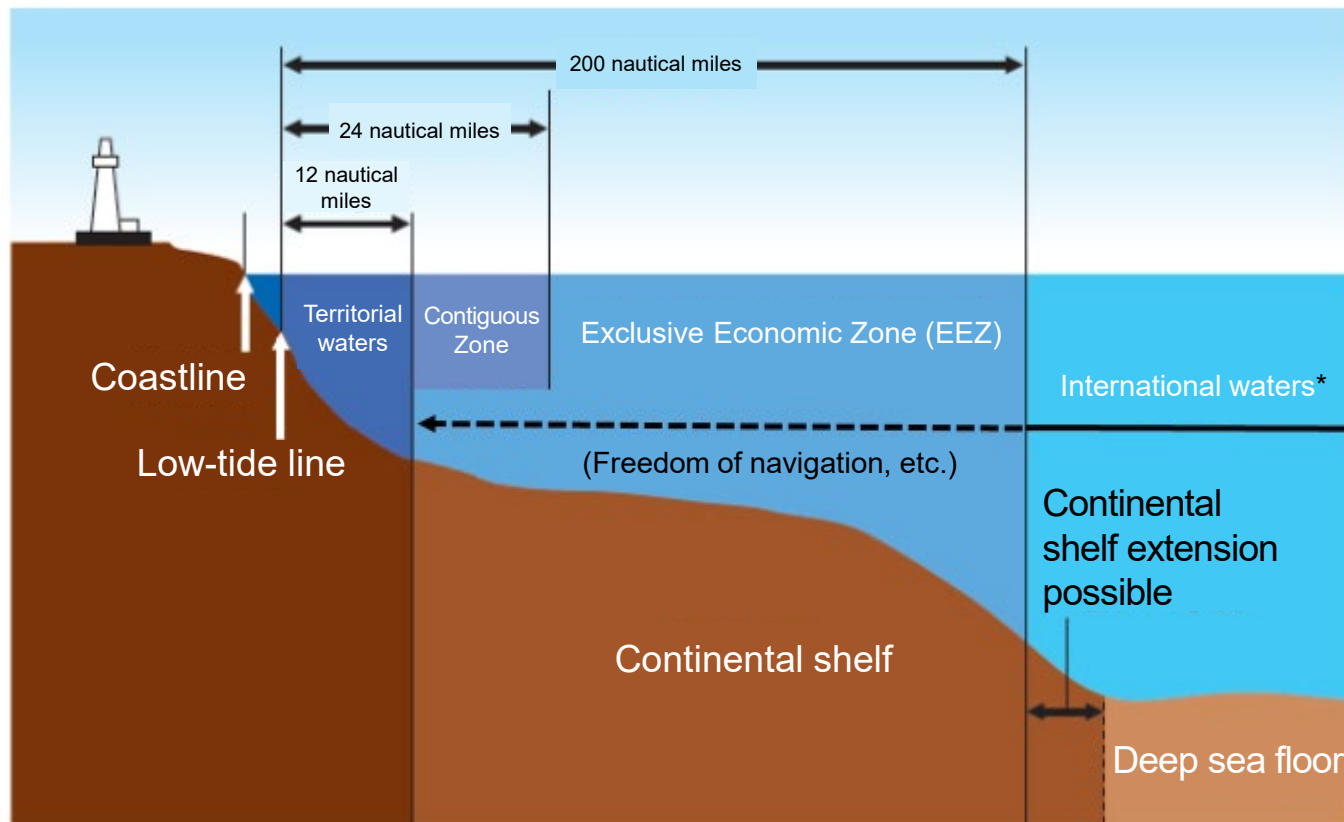
[3] Denial of the distinction between "law enforcement" and "use of force"

II. 1. Japan-China Relations in the Context of Guarding Territorial Waters

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(Source: https://www1.kaiho.mlit.go.jp/JODC/ryokai/zyoho/msk_idx.html)

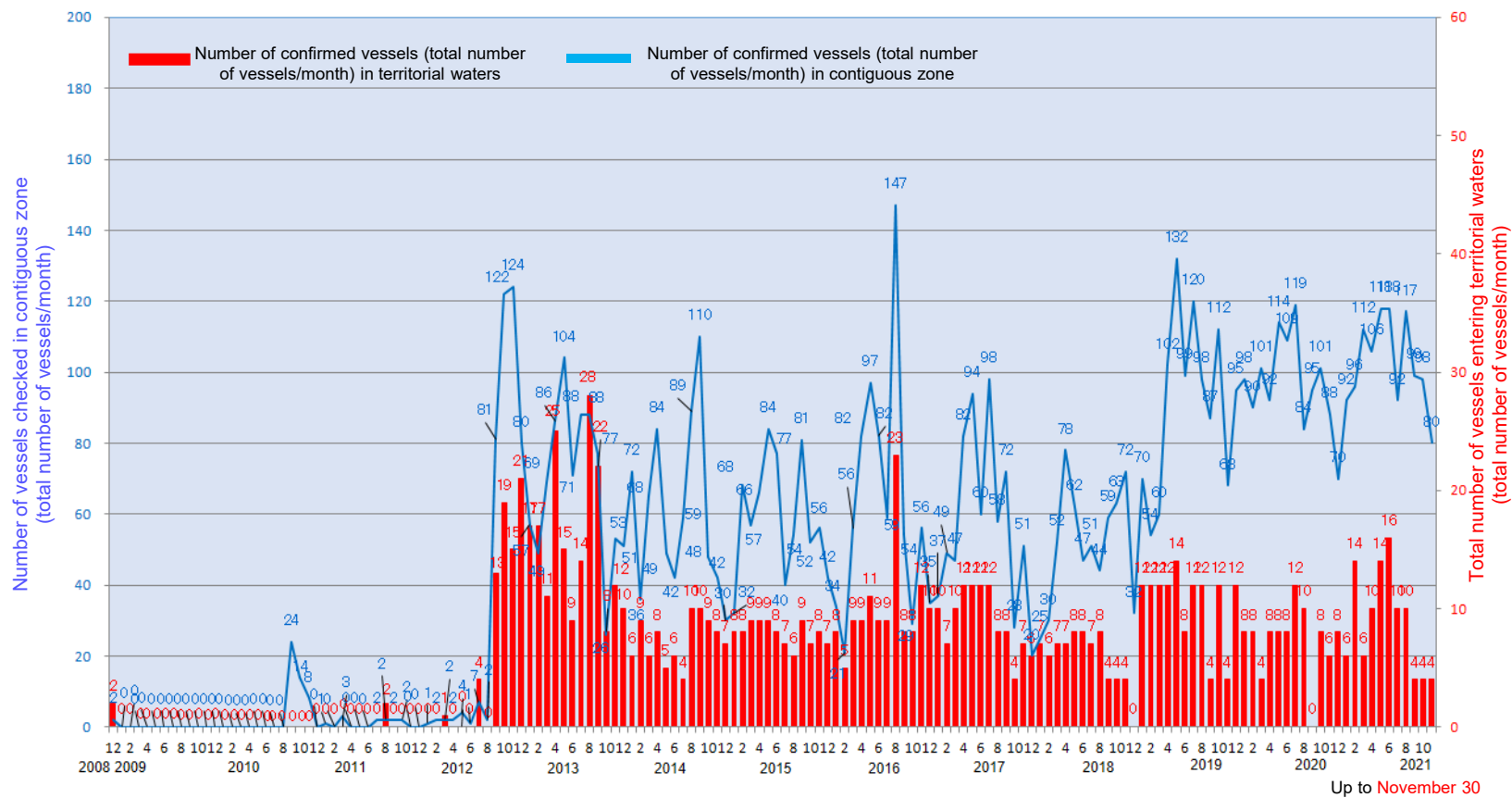
◆ Schematic Diagram of Territorial Waters and Exclusive Economic Zone



II. 1. Japan-China Relations in the Context of Territorial Waters Security

Movements of Vessels belonging to the China Coast Guard Bureau in the area of the ocean near the Senkaku Islands and Japan's Response

(Source) [Movements of Vessels belonging to the China Coast Guard Bureau in the Waters Surrounding the Senkaku Islands and Japan's Response. Japan Coast Guard. \(mlit.go.jp\)](http://www.mlit.go.jp)



II. 1. Japan-China Relations in the Context of Territorial Waters Security

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Coast Guard vessels are constantly confronted with the danger of harmful acts by Chinese public vessels (coast guard vessels and warships) and Chinese fishing vessels in Japanese territorial waters near the Senkaku Islands.

(Referred earlier) Prime Minister Abe, the Meeting of the Headquarters for Ocean Policy, April 2017. "The next Basic Plan on Ocean Policy will broadly address 'maritime security,' and we will **take every possible precaution for guarding territorial waters...**"

(Referred earlier) Prime Minister Kishida Policy Address on January 17, 2022

"We will **strengthen our maritime security system**, including cooperation between the Japan Coast Guard and the Self-Defense Forces, as well as enhance island defense capabilities and other measures to strengthen our preparedness for the Nansei Islands."



Never has "effective guarding of territorial waters" been a more serious and urgent issue than now.

c.f. Two "suspicious vessel" cases... This is "China for Japan"

II. 2. Achieving maritime security through FOIP (international assistance)

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(1) “Basic policy” on the ideal support activities for Southeast Asian countries

Implementing support activities unique to Japan

No need to put forward the “anti-China” message.

[1] Sharing of universal values

Freedom, democracy, rule of law, freedom of navigation, free trade, protection of human rights, etc.

[2] Mutual benefit enjoyment

⇔ "Unilateral, one-sided" benefits for only one of the countries

II. 2. Achieving maritime security through FOIP (international assistance)

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(2) Support activities for Southeast Asia and ASEAN countries

Capacity-building to enforce maritime law, humanitarian assistance, disaster relief, etc.

→ Realization of maritime security (measures in the “Basic Plan”)

- Secure national interests in Japan's territorial waters, etc.

Diplomacy, strengthening cooperation with allied and friendly nations

- Secure the stable use of Japan's important sea lines of communication

- Strengthen the international maritime order to secure maritime use

→ Realization of first and third of the three pillars of the FOIP

[1] Promotion and establishment of the rule of law, freedom of navigation, free trade, etc.

[3] Commitment for peace and stability (capacity building on maritime law enforcement, humanitarian assistance, and disaster relief cooperation, etc.)

II. 2. Achieving maritime security through FOIP (international assistance)

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(3) “Economic security”

Infrastructure development, trade and investment, business environment improvement, development, human resource capacity building, etc.

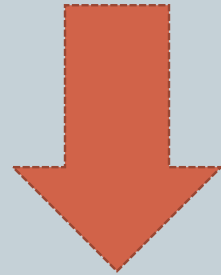
the second of three pillars of the FOIP

[2] Pursuit of economic prosperity by improving economic connectivity and strengthening economic partnerships

Prime Minister Kishida Policy Address on January 17, 2022
(Economic Security) New laws support supply chain resilience, ...

Prospects for the Fourth Basic Plan on Ocean Policy

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**--- Prospects for the Fourth Basic
Plan on Ocean Policy ---**

Thank you for your attention.