

JAPAN AND THE EAST ASIAN MARITIME SECURITY ORDER: PROSPECTS FOR TRILATERAL AND MULTILATERAL COOPERATION

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Japan has pursued a grand strategy of creating an East Asian maritime order with a special emphasis on situating a U.S.-Japan-China trilateral arrangement, based on cooperative security, at the core of an East Asian maritime regime. The United States and China have slowly adopted some of this Japanese strategy. This article examines the lessons East Asia has learned from several maritime security initiatives—America's Proliferation Security Initiative (PSI) and its Regional Maritime Security Initiative (RMSI), Japan's ReCAAP, and South-east Asia's MALSINDO—that were applied to the anti-piracy operations off the Somali coast and the Gulf of Aden. Despite the influence of Japan's strategy for maritime security, paradoxically it has responded more slowly in its deployment to the Gulf of Aden, contributing to the traditional image of Japan as a reactive state. The institutional design of maritime regimes in the Gulf of Aden and in East Asia is thus incrementally unfolding; maritime cooperation is taking place in an ad hoc, bottom-up manner with very uncertain outcomes.

Key words: Japan, maritime security, multilateral security—
East Asia, piracy

Introduction

The 9/11 terrorist attacks represent a turning point for the United States, Japan, and China in responding to the transnational threats of piracy and maritime terrorism. Although conflating piracy and maritime terrorism is controversial, there is widespread concern that the two distinct threats could merge. All three countries appear to have competing approaches for countering piracy and maritime terrorism in general, which is symptomatic of the much larger struggle over Asia's regional security architecture.

This article will examine the Somali piracy issue as a case study of some convergence of strategies in United States, Japanese, and Chinese maritime security. East Asian lessons in maritime cooperation are being applied in Somalia, and lessons from Somalia may be introduced into East Asia. The theoretical approach is constructivist, viewing formation of a security community as socially constructed through a learning process. The argument here is that the process of learning may lay the groundwork for a trilateral maritime arrangement, positing that the institutional design of a potential East Asian maritime regime should be viewed as a dependent rather than an independent variable.¹

The ongoing threat of Somali piracy was elevated to an immediate threat in December 2008, necessitating a quick response from the United States, China, and Japan. All three countries have maritime strategies that are shifting toward new approaches to these threats—a paradigm shift toward “cooperative security” in nontraditional security issues. Cooperative security is generally defined as a multilateral security arrangement that is inclusive and creates habits of dialogue.² It is often associated with nontraditional security issues and transnational threats to security. The ASEAN Regional Forum (ARF) was created on the

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1. Amitav Acharya and Alastair Iain Johnston, eds., *Crafting Cooperation: Regional International Institutions in Comparative Perspective* (Cambridge: Cambridge University Press, 2007), p. 15.
 2. David Capie and Paul Evans, *The Asia-Pacific Security Lexicon* (Singapore: Institute of Southeast Asian Studies, 2002), pp. 98-107.

basis of cooperative security.³ The Council for Security Cooperation in the Asia-Pacific (CSCAP) is a nongovernmental, Track II dialogue for security issues in the Asia-Pacific that provides support for the ARF.⁴

Although both the United States and China have national committees for CSCAP, and early work done by American scholars developed the concept of cooperative security, this has not been easily translated into official U.S. security policy. China's socialization into the norms of the ARF at the level of official policy has been slow even though Beijing adopted a "new security concept" in 1997 based on cooperative security. Some Chinese scholars have published on cooperative security; the first book was written by Professor Su Hao in 2003.⁵

During the George H.W. Bush administration, American analysts had argued that since Asia lacked regional institutions that could maintain order, the United States must continue to rely on the hub-and-spokes pattern to create a secure order in East Asia.⁶ However, the American role as principal guarantor of the regional order was increasingly challenged by China and Japan.⁷ Now, China and the United States have begun to contemplate the advantages of cooperative security, which is best demonstrated in their changing maritime policies as they converged with Japan's. These convergences hold out the possibility of an anti-piracy and anti-maritime terrorism multilateral regime in which the United States, Japan, and China participate. This article will examine Japan's evolving maritime strategy, and its influence on American and Chinese maritime strategies.

3. The ASEAN Regional Forum website is at www.aseanregionalforum.org.

4. Information about CSCAP can be found at www.cscap.org.

5. Su Hao, *Cong yaling dao ganlan: Ya-tai hezuo anquan moshi yanjiu* (From Dumbbell to Olive: Asia-Pacific Cooperative Security Research) (Beijing: World Knowledge Publishers, 2003).

6. Aaron L. Friedberg, "The Future of U.S.-China Relations: Is Conflict Inevitable?" *International Security*, vol. 30, No. 2 (Fall, 2005), pp. 7-45.

7. Takashi Inoguchi and Paul Bacon, "Empire, Hierarchy, and Hegemony: American Grand Strategy and the Construction of Order in the Asia-Pacific," *International Relations of the Asia Pacific*, vol. 5, No. 2 (2005), pp. 117-32.

Japan's Approach: Maritime Security through Asian Multilateral Regimes

Reactive or Hedging? The Debate

Recent publications on Japan's East Asian relations contain differing assumptions on how strategic or reactive Japan is in its maritime relations and in U.S.-Japan-China trilateralism. Kent Calder, two decades ago, had portrayed Japan as a reactive state, a characterization that has been often repeated by Japanese and non-Japanese scholars.⁸ Yet the question remains: To what extent is Japan utilizing strategic ambiguity with its East Asian neighbors and domestic public while it expands its military?

Although Japan depends on the U.S.-Japan military alliance, and the United States depends on the alliance as the linchpin of its hub-and-spokes pattern, Japan has, since the end of the cold war, hedged the alliance with initiatives for Asian multilateral regimes, creating multiple pathways to Asia's maritime security order.⁹ Japan initiated the East Asian multi-layered security order in the early 1990s, at the end of the cold war, when it began to hedge the U.S.-Japan Security Treaty with multilateral regimes, such as the ARF.¹⁰ Japan would help establish ASEAN Plus Three (APT: the ten countries in the Association of Southeast Asian Nations plus Japan, China, and South Korea) in the late 1990s. The Japanese ministry of foreign affairs took a multi-tiered approach that allowed it to pursue both Asian multilateralism and the bilateral U.S.-Japan Security Treaty simultaneously. The purpose of ARF and APT was to embed an emerging China in the East Asian order politically, economically, and perhaps militarily.

8. Kent Calder, "Japanese Foreign Economic Policy Formation: Explaining the 'Reactive State,'" *World Politics*, vol. 40 (1988), pp. 517-41.

9. Jean-Marc Blanchard, "Maritime Issues in Asia: The Problem of Adolescence," in Muthiah Alagappa, ed., *Asian Security Order: Instrumental and Normative Features* (Stanford, Calif.: Stanford University Press, 2004), pp. 424-57.

10. Kuniko Ashizawa, "Japan's Approach toward Asian Regional Security: From 'Hub-and-Spoke' Bilateralism to 'Multi-tiered,'" *Pacific Review*, vol. 16, No. 3 (September, 2003), pp. 361-82.

Although the era of Prime Minister Koizumi Junichiro's administration is remembered for its efforts to make Japan a "normal" military power, historians don't credit him with independent strategic calculation. Koizumi is viewed as responding to pressure from the Bush administration and domestic political factions, and to a more assertive China. Koizumi's foreign policy actions were taken with minimal debate within his administration and no national debate concerning strategy toward Asia.¹¹ Responsibility for changes under Koizumi's administration was placed on the October 2000 Armitage-Nye report, *U.S. and Japan: Toward a Mature Partnership*, rather than identified as a Japanese strategy.

Under Koizumi, Japan most often discussed alarm over China's maritime expansion and the threat China represented to Japanese sea lines of communication (SLOCs) if the People's Liberation Army Navy (PLAN) were to take control of the Taiwan Strait. Koizumi's increased nationalist rhetoric and visits to Yasukuni Shrine led to the worst tensions with China since normalization of bilateral relations thirty years earlier. When relations with China and South Korea worsened, Koizumi had no initiatives to manage Japan's deteriorating position in Northeast Asia. As Koizumi strengthened military relations with the United States, deploying the Self-Defense Forces (SDF) to Afghanistan and Iraq, he attempted to break with Japan's previous pacifism. The roles of Japan's Maritime Self-Defense Forces (MSDF) and Coast Guard expanded. Under Koizumi, in May 2003 Japan became a charter member of a U.S. initiative to interdict weapons of mass destruction (WMD) on the high seas, the Proliferation Security Initiative (PSI).¹²

Kenneth Pyle has portrayed Japan's expanding security role in the region as reactive. He claims that Japan is responding to a rising China and pressure from the United States to take on a

11. Gilbert Rozman, Kazuhiko Togo, and Joseph P. Ferguson, eds., *Japanese Strategic Thought toward Asia* (New York: Palgrave Macmillan, 2007), pp. 23-32.

12. T. J. Pempel, "Strategy under Koizumi," in Rozman, Togo, and Ferguson, eds., *Japanese Strategic Thought*, pp. 109-31.

greater role. He argues that the U.S.-Japan military alliance is the central element in a Japan-China-U.S. trilateral relationship.¹³ Glen Hook has portrayed Japan as the “sandwiched state,” caught between U.S. pressure to assume more of a global military role on one side and, on the other side, opposition to overseas deployment by the political opposition in the Japanese parliament (the Diet), peace organizations, and public opinion.¹⁴

Yoshihara and Holmes have argued that Japan, confined to the security alliance with the United States, has lost the capacity for strategic thought that might impede Tokyo’s ability to respond to China’s rising naval power.¹⁵ Takashi Inoguchi maintains that Japanese international relations theory has a *bumi putra* or narrowly indigenous character which makes it hard for Japanese scholars to communicate their visions of international relations, not only with the United States, but also with theorists from China, Taiwan, and South Korea who have understandings of international relations more influenced by U.S. ideas.¹⁶ Moreover, Inoguchi argues that grand strategies and international relations theory are produced by great powers, a status that Japan continues to harbor ambivalence about.¹⁷

Tsuneo Watanabe finds the source of the problem in Japanese security policies, which emerge from opaque, backroom circumstances rather than from open public discussion. Because of a “hollowing out” of any real discussion of Japan’s defense policy, the public remains clueless.¹⁸ Watanabe argues that there exists a large gap between Japanese civilian and military cultures that

13. Kenneth B. Pyle, *Japan Rising: The Resurgence of Japanese Power and Purpose* (New York: PublicAffairs, 2007).

14. Glen D. Hook, *Militarization and Demilitarization in Contemporary Japan* (London: Routledge, 2000).

15. Toshi Yoshihara and James R. Holmes, “Japanese Maritime Thought: If Not Mahan, Who?” *Naval War College Review*, vol. 59, No. 3 (Summer, 2006), p. 37.

16. Takashi Inoguchi, “Are There Any IR Theories in Japan?” *International Relations of the Asia-Pacific*, vol. 7 (2007), p. 374.

17. *Ibid.*, p. 370.

18. Tsuneo Watanabe, “The Bankruptcy of Civil-Military Relations in Japan,” *Nira Review* (Summer, 1996).

makes domestic debate on security policy difficult. The emphasis on nontraditional security issues such as piracy somewhat resolves the problem, since these are considered to contribute to international order rather than preparations for war.¹⁹ All of these scholars portray Japan as muddling through, reacting and responding to other countries' initiatives.

Richard Samuels, however, does not view Japan as merely reacting to international events. He argues that Japan has a grand strategy with roots in strategic culture and several domestic coalitions. Samuels argues that Japan's grand strategy is a "dual hedge," balancing relations with the United States and China—neither too close nor too distant from either power, neither too hard nor too soft on security.²⁰

Mike Mochizuki claims Japan is recalibrating its grand strategy by emphasizing greater security activism. But he finds that Japan's grand strategy will emerge incrementally, driven more by domestic forces than by reaction to the external environment. The downside of incrementalism is the appearance of muddling through without strategic clarity. He implies that the lack of strategic clarity is deliberate due to the possibility that domestic differences tend to produce political paralysis.²¹

Tsuyoshi Kawasaki would concur that Japan is proactive rather than reactive, but would differ over whether Japan is hedging. Kawasaki claims Japan's institutional strategy for Asia is an effort to weave itself into an Asian security architecture, although Japanese leaders have not yet clearly articulated a logic for this strategy.²² Rikki Kersten would also concur that Japan's

19. Sabine Fruhstuck and Eyal Ben-Ari, "'Now We Show It All!' Normalization and the Management of Violence in Japan's Armed Forces," *Journal of Japanese Studies*, vol. 28, No. 1 (2002), pp. 1-39.

20. Richard Samuels, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia* (New York: Cornell University Press, 2007).

21. Mike Mochizuki, "Japan's Long Transition: The Politics of Recalibrating Grand Strategy," in Ashley J. Tellis and Michael Wills, eds., *Strategic Asia 2007-08: Domestic Political Change and Grand Strategy* (Seattle, Wash.: National Bureau of Asian Research, 2007), p. 94.

22. Tsuyoshi Kawasaki, "Layering Institutions: The Logic of Japan's Institutional Strategy for Regional Security," in G. John Ikenberry and Takashi

more assertive security policy after 9/11 is not simply reactive but rather reflects Japan's strategic intent, which is rooted in the systemic transformation of Japan's capacity for domestic and foreign policymaking. She believes this increased state capacity will be channeled into Asian multilateral regimes.²³ The issue of whether Japanese foreign policy is reactive or strategic was addressed in a recent issue of *Asia Policy*.²⁴

Japan's Strategic Intent

Japan's strategy for managing the United States and China, and embedding them both in Asian multilateral regimes, was to create a trilateral U.S.-Japan-China dialogue. It is reported that this was a Japanese condition for strengthening the 1997 U.S.-Japan Defense Guidelines. Tokyo hoped to create confidence-building measures (CBMs) with Beijing that would mitigate the threat posed by the strengthened U.S.-Japan military alliance. The United States agreed, and some reference to this is found in the U.S. Department of Defense paper, *The United States Security Strategy for the East Asia-Pacific Region 1998*. That publication states: "Academics from the United States, Japan and China have begun a dialogue that may lead eventually to official trilateral talks between these three critical Asia-Pacific nations."²⁵ It seems that the United States in subsequent policy only followed through perfunctorily while Japanese scholars and analysts persisted with trilateralism at the Track II level. Japanese work on trilateral maritime cooperation has focused on joint U.S.-Japan-China protection of the SLOCs within a cooperative-security framework that would be an additional means of embedding China.²⁶

Inoguchi, eds., *The Uses of Institutions: The U.S., Japan, and Governance in East Asia* (New York: Palgrave Macmillan, 2007), pp. 77-80.

23. Rikki Kersten, "Japan's Asian Century: The Politics of Being Second Fiddle," *Regional Outlook Forum 2008* (Singapore), January 8, 2008.

24. "Book Review Roundtable," *Asia Policy*, No. 4 (July, 2007), pp. 187-211.

25. U.S. Department of Defense, *The United States Security Strategy for the East Asia-Pacific Region 1998*, at www.dod.mil/pubs/easr98.

26. Yasuki Nakahata (Japan Maritime Self Defense Force), "For the Security of Sea Lanes: Multinational Maritime Operations by China, Japan and

After 9/11, Japan revised the Japan Coast Guard Law in October 2001 to allow the coast guard (JCG) to use force. The JCG can initiate armed conflict if it encounters a suspicious ship, something the MSDF cannot do. Richard Samuels argues that the JCG has become a means for Japanese strategists to field a robust military despite constitutional restrictions on the MSDF. Because the JCG blurs the line between police and military functions, it can carry out its law enforcement mission without arousing domestic opposition. Japan is thus able to enhance its security role and expand its maritime capability in East Asia without regional opposition. The U.S. Coast Guard (USCG) has served as a model for JCG in these respects: The USCG is situated in a civilian bureaucracy, as is the JCG; the USCG has both a police and military function as does the JCG (and in fact, as do most coast guards); and the USCG and the U.S. Navy have achieved interoperability, something the JCG is working toward through joint exercises with the MSDF. Samuels argues that the JCG is a fourth branch of the SDF, if not a “second navy” for Japan, and that the Liberal Democratic Party has used the JCG to respond to right-wing, nationalist groups’ initiatives. The JCG participates in PSI exercises along with the MSDF. It is the JCG that has organized Japan’s anti-piracy efforts in Southeast Asia.²⁷

Yoshihara and Holmes have argued that Tokyo may be deliberately obfuscating the gap between official policy and maritime strategy, a form of strategic ambiguity that gives the appearance of muddling through in order to assuage Chinese and South Korean anxiety regarding Japan’s expanding military. Japan’s maritime strategy has seen an incremental growth in the size, roles, and mission of the MSDF, introducing a new mission that eventually was accepted by the Japanese public but then receded into the background of public consciousness. This process is apparent in overseas deployment of the MSDF, defense of the

the United States,” *Henry L. Stimson Center Paper*, August 2006, at www.stimson.org/japan/pdf/SecurityOfSeaLanesFINAL.pdf.

27. Richard J. Samuels, “‘New Fighting Power!’: Japan’s Growing Maritime Capabilities and East Asian Security,” *International Security*, vol. 32, No. 3 (Winter, 2007), pp. 84-112.

SLOCs surrounding Japan, and the use of minesweepers in the Persian Gulf. It is always presented to the public as continuity with traditional practice rather than an expansion of the MSDF role and mission.²⁸

Yoshihara and Holmes argue that this mismatch between Japanese official policy and maritime strategy is not in Japan's interest. Neither does it alleviate Chinese and South Korean anxieties.²⁹ The authors urge candor rather than obfuscation and ambiguity with Japan's East Asian neighbors and with the Japanese public. Rather than candor, Tokyo's approach relies on confidence-building measures within regional regimes.

Japanese Initiative and Chinese Response

Japan: Seeking Partners for Ocean Peace Keeping

The 1992 International Peace Cooperation Law authorized overseas deployments of the MSDF in peacekeeping operations. In 1997, the National Institute for Defense Studies (NIDS) under the former Japan Defense Agency (now the ministry of defense) initiated a project on "Ocean Peace Keeping" (OPK). The project has its origins in the United Nations Convention on the Law of the Sea (UNCLOS), which envisioned a regional maritime force that drew from each country's navy in the region. OPK is based on the concept of cooperative security, under which both like-minded and non-like-minded nations could cooperate for common interests, especially against transnational threats from non-state actors.

NIDS hosted international maritime symposiums where the OPK concept was introduced, including one in 1998 with Japan, the United States, China, and Russia where the four countries

28. Peter J. Woolley, *Japan's Navy: Politics and Paradox, 1971-2000* (Boulder, Colo.: Lynne Rienner Publishers, 2000).

29. Toshi Yoshihara and James R. Holmes, "Japan's Emerging Maritime Strategy: Out of Sync or Out of Reach?" *Comparative Strategy*, vol. 27, No. 1 (2008), pp. 27-43

discussed the feasibility of a Northeast Asian OPK. Japanese analyses were critical of the United States for not devising a new naval strategy for the post-cold war era, and anticipated that there might be some friction between the proposed regional OPK and the rapidly outdated U.S. naval strategy. Japanese analysts believed that it was up to Japan to take the initiative in OPK and that this would give Japan the bargaining power to extract a commitment from the U.S. Navy for OPK.³⁰

Japan began with the ASEAN Plus Three (APT). Prime Minister Obuchi Keizo proposed a “Model Action Plan for Measures against Piracy” at the APT meeting in 1999, and it was adopted. He also proposed a regional coast guard for OPK missions, but that did not get endorsed by APT at that time, reportedly because of Chinese opposition.³¹ Nevertheless, the idea of East Asian security cooperation began to germinate. Japan has also used APT for other security issues—for example, Prime Minister Koizumi in January 2002 made APT the framework for an East Asian Energy Security Community.

Both Japan and China then began slowly edging toward promoting APT as a security forum. At the 1999 APT summit, Chinese Premier Zhu Rongji had stated that “China was ready” for security to be placed on the agenda.³² The 1999 APT issued a *Joint Statement on East Asian Cooperation* that primarily focused on economic and trade issues, briefly mentioning the political-security area where they agreed to increase mutual understanding and trust. At the 2000 APT summit, it was Japanese Prime Minister Mori who suggested that cooperation should be expanded to include political and security cooperation. Mori proposed anti-piracy as a basis for APT cooperation, suggesting the hold-

30. Susumu Takai and Kazumine Akimoto, “Ocean-Peace Keeping and New Roles for Maritime Force,” *NIDS Security Reports*, No. 1 (March, 2000), p. 74-75.

31. Toshi Yoshihara and James R. Holmes, “Japanese Maritime Thought: If Not Mahan, Who?” *Naval War College Review*, vol. 59, No. 3 (Summer, 2006), p. 37.

32. “China, Japan, and South Korea Agree with ASEAN on Trade Cooperation,” *International Herald Tribune*, November 29, 1999, online ed.

ing of the “Asian Cooperation Conference on Combating Piracy and Armed Robbery against Ships.”³³

In 2000 Japan offered its coast guard to the three littoral states—Indonesia, Malaysia, and Singapore—to conduct joint patrols of the Malacca Strait to prevent piracy/maritime terrorism. But all three turned down the offer. Japan then opted for the indirect approach, dispatching coast guard patrol vessels to conduct joint exercises and train personnel.³⁴ Japan has maintained a ship in the vicinity of the Malacca Straits—for training purposes, it has insisted. The Japanese foreign ministry utilized APT as the framework for managing what it called “piracy” rather than “maritime terrorism” in deference to the sensitivities of ASEAN states. Despite Japan’s careful multilateral approach, Singaporeans suspected that Japan and India were capitalizing on the U.S. anti-terror campaign to establish a maritime presence in the Malacca Straits.³⁵

At the May 2000 meeting of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP), a meeting of coast guards organized by Tokyo, a Chinese participant astonished the participants by rejecting the organizing principle of ReCAAP: that countries needed to work together to combat a transnational threat. An official from the Chinese public security ministry claimed: “We clearly don’t need joint exercises with other countries . . . We already have an assured ability to investigate piracy crimes ourselves, which this conference is aiming for.”³⁶ Other participants

33. *Summary of ASEAN+3 (Japan, People’s Republic of China, the Republic of Korea) Summit Meeting*, November 24, 2000, www.mofa.go.jp/region/asia-paci/asean/conference/asean3/summary0011.html.

34. “Planning National Strategies—Marine Interests at Stake; Guarding Malacca Strait Crucial,” *Yomiuri Shimbun* (Tokyo), June 10, 2006.

35. MAJ Irvin Lim Fang Jau, “Fireball on the Water: Rolling Back the Global Waves of Terror . . . from the Sea,” *Pointer: Journal of the Singapore Armed Forces*, vol. 29, No. 4 (October-December, 2003), at www.mindef.gov.sg/imindef/publications/pointer/journals/2003/v29n4/features/feature6.html.

36. “Fight Against Pirates Slowed by China,” *Japan Times*, May 14, 2000, online ed.

strenuously disagreed with the Chinese position.

The November 2001 APT meeting achieved greater clarity on the issue of taking on a security function. Zhu Rongji presented a five-point proposal to further institutionalize APT in areas that included nontraditional security and terrorism.³⁷ Koizumi followed up on Mori's suggestion the year before, formally proposing ReCAAP to APT. At the trilateral meeting of Japan, China, and South Korea, which occurred in conjunction with APT, the three countries agreed to cooperate against terrorism and piracy.³⁸

However, ASEAN rejected the Japanese proposal to issue a joint anti-terrorism statement and consider joint counter-terrorism activities. The proposal had divided ASEAN—Thailand and the Philippines favored the statement while Malaysia and Indonesia did not. ASEAN itself would issue the *2001 ASEAN Declaration on Joint Action to Counter Terrorism* which condemned terrorism, treating it as a transnational crime rather than a military issue, and called for greater cooperation among law enforcement agencies rather than militaries.

In 2003, Chinese proposals to treat APT as a security regime also met resistance from ASEAN. When Chinese Premier Wen Jiabao suggested making APT the main channel of security dialogue between China and ASEAN at the Bali II Summit in October 2003, ASEAN made it clear to Beijing that APT would not replace the ARF. Beijing appeared to have acquiesced to this ASEAN preference, submitting a proposal at ARF's November 2003 Intercessional Group meeting for an ARF Security Policy Conference (ASPC). The ASPC, an ARF defense ministers' meeting, convened for the first time in Beijing in November 2004.

Japan continues to use the APT and APEC frameworks in a limited way for some security issues. In June 2004, the Japanese Ministry of Foreign Affairs issued a report on the APEC Counter-

37. "Chinese Premier Zhu Rongji Presents Five-Point Proposal on ASEAN Plus Three Cooperation," *Xinhua*, November 5, 2001.

38. *Opening Statement by Prime Minister Junichiro Koizumi at the Press Conference Following the ASEAN+3 Summit Meeting*, November 6, 2001, online at www.mofa.go.jp/region/asia-paci/asean/conference/asean3/state0111.html.

Terrorism Capacity Building Initiative that listed the ways in which Japan was assisting Southeast Asian nations to expand their capacity in counter-terrorism. One example was a "Port Security Seminar in Southeast Asian Countries" to help implement the SOLAS/ISPS code which came into effect July 1, 2004.³⁹ Tokyo also hosted the Asian Coast Guard Agencies Meeting in June 2004 to continue building cooperative relations and information sharing in maritime security.⁴⁰

China: Evolving Views of Cooperation with Japan

Chinese thinking on Japanese maritime strategies slowly evolved. In the early 1990s, Chinese writing on maritime security had emphasized Chinese defense of its maritime rights, especially in relation to Japan, in a confrontational maritime environment of the Asia-Pacific.⁴¹ By 2005-2006, Chinese writing on Japan's maritime strategy recognized that Japan had an emerging new concept of sea power in the post-cold war era, exhibited in Japanese peacekeeping in Cambodia and in Japanese support for the U.S. Navy in the Indian Ocean during the Afghan and Iraq Wars. But the Chinese then still viewed Japan as retaining many aspects of traditional, Japanese imperial navy concepts of sea power.

A major work on maritime cooperation, *Sea Lane Security and International Cooperation*, published in 2005 by the China Institute of Contemporary International Relations (CICIR), devoted several chapters to maritime security cooperation with ASEAN, the prob-

39. The UN International Maritime Organization (IMO) Conference on Maritime Security, held December 2001, adopted changes to the 1974 International Convention on Safety of Life at Sea (SOLAS) and adopted the International Ship and Port Facility Security Code (ISPS) in December 2002, which went into effect July 2004.

40. Japan Ministry of Foreign Affairs, *MOFA Report on Japan's Commitment in Counterterrorism Initiative in APEC Region*, June 24, 2004, found at: Foreign Broadcast Information Service (hereafter FBIS), JPP20040629000050.

41. Xu Shiming (Naval Academic Research Institute), "Perspectives of Maritime Security in the Asian-Pacific Region," *International Strategic Studies*, No. 1 (1990), pp. 18-23.

lem of piracy, and the SLOC security strategies of the United States and Japan.⁴² Assessing Japan's international maritime security strategy, the publication concluded that Japan pursued traditional security objectives with the United States, such as in PSI, while also pursuing nontraditional security strategies in cooperation with China, South Korea, and ASEAN to fight piracy.⁴³ For China, international maritime cooperation with Japan was the "only way out" for achieving SLOC security, especially the SLOCs in the Indian Ocean and to the Middle East. This was in reference to the "Malacca Strait Dilemma" that Hu Jintao had mentioned in December 2003. Oil dependence on the Middle East has been a major driver of Chinese concern over the SLOCs.⁴⁴

Chinese analysts argued that China's response to Japan's changing maritime strategy should be to reexamine its own maritime strategy, be more vigorous in presenting to the world its own maritime rights, and actively promote maritime cooperation in East Asia. Cooperation, they say, should include Japan, applying the lessons learned from the long history of Sino-Japanese cooperation on land and adapting these lessons to maritime issues.⁴⁵

By 2006, Chinese writing had a more positive take on Japan's strategy to build a multilateral maritime security cooperation mechanism. Applying China's new security concept to maritime issues, and continuing to advocate common security and comprehensive security, Chinese analysts argued that China should participate in Japan's initiative against piracy (ReCAAP) in order to maintain maritime regional order.⁴⁶ Chinese writing took

42. China Institute of Contemporary International Relations, *Sea Lane Security and International Cooperation* (Beijing: Shishi chubanshe, January 2005).

43. *Ibid.*, pp. 320-26.

44. Gabriel Collins, Andrew Erickson, Lyle Goldstein, and William Murray, "Maritime Implications of China's Energy Strategy," conference organized by China Maritime Studies Institute, U.S. Naval War College, December 2006.

45. Zhang Jingquan, "Japan's Sea Power Mentality and Maritime Strategy," *Contemporary Asia-Pacific Studies*, No. 5 (2005), pp. 35-40.

46. Gong Yingchun, "Japan and the Construction of a Multilateral Marine Security Mechanism," *Contemporary Asia-Pacific Studies*, No. 7 (2006),

greater note than previously of the influence of UNCLOS on East Asian countries in their maritime territorial disputes and their development of national maritime legislation. There was Chinese suspicion, however, that Japan was using the piracy issue to build its naval capacity as it moved toward becoming a “normal” country.⁴⁷

Japanese Initiative and American Response

U.S. and Japan Differences

Japan’s promotion of APT revealed the extent of U.S.-Japan differences on how to construct an East Asian security order. At the July 2004 ARF meeting, Tokyo signed the Treaty of Amity and Concord (TAC), committing itself not to intervene militarily in Southeast Asia or challenge ASEAN sovereignty. ASEAN first asked the United States and other outside powers to sign the TAC in 1992, and had made the signing a condition of membership in the East Asian Summit (EAS). ASEAN’s stress on TAC in 2003 was no doubt a response to President Bush’s announcement of PSI in May 2003.⁴⁸ China and India signed the TAC in October 2003. Once China had signed, all other Asian powers followed. Soon after Japan had signed, U.S. Secretary of State Colin Powell, in a roundtable with Japanese journalists, made one of the few comments on APT by a U.S. official, indicating U.S. concern that East Asian regionalism might damage the American hub-and-spokes pattern.⁴⁹ Tokyo had hesitated signing the TAC out of concern that it would conflict with the U.S.-Japan Security Treaty

pp. 15-22.

47. Zhu Fenglan, “Asian-Pacific Nations’ Maritime Policies and Their Influences,” *Contemporary Asia-Pacific Studies*, No. 5 (2006), pp. 30-38.

48. Kavi Chongkittavorn, “U.S. Changes Tone and Approach on ASEAN Policies,” *The Nation*, April 24, 2006, http://nationmultimedia.com/2006/04/24/opinion/opinion_30002362.php.

49. Roundtable with Japanese journalists held by Secretary Colin L. Powell, Washington, D.C., August 12, 2004, at www.state.gov/secretary/former/powell/remarks/35204.htm.

and close off the option of joint U.S.-Japan military actions in Southeast Asia.

A former vice admiral of Japan's Self-Defense Forces, during a January 2004 maritime security conference, complained that American and Japanese contending maritime strategies hampered formation of a regional framework for a maritime security coalition. He claimed that Japanese preferred strengthening the ARF, making it into a multilateral cooperative security framework inclusive of all Northeast and Southeast Asia. The Americans preferred a maritime "coalition of the willing" (namely, PSI) to undertake maritime security maintenance in the Malacca Straits, excluding those nations that were not like-minded.⁵⁰ The inference was that the U.S. strategy, narrowly based, was undermining the more inclusive Japanese strategy.

In March 2004, Admiral Thomas Fargo mentioned the Regional Maritime Security Initiative (RMSI) as a U.S. initiative to operationalize PSI in East Asia.⁵¹ Criticism of PSI has focused on the fact that it is outside the UN system. Critics claim the legitimacy of PSI is undermined by the secrecy of PSI interdictions. Many East Asian nations fear that the United States will change international law to legitimize preemptive interventions on the high seas or on sovereign territory.⁵²

Indonesia and Malaysia would most emphatically reject PSI and RMSI.⁵³ In July 2004, the Indonesian, Malaysian, and Singa-

50. Hideaki Kaneda, "Regional Assessment of Northeast Asia: Pursuing a Maritime Security Coalition in the Asia-Pacific Region," presented at the conference on Maritime Security in East Asia, organized by the Center for Strategic and International Studies and American-Pacific Sealanes Security Institute, Honolulu, January 2004.

51. The Proliferation Security Initiative (PSI) is a U.S.-led international network to block the spread of weapons of mass destruction (WMD) through interdiction on land, sea, and air, and to prevent WMD from falling into the hands of hostile states and terrorists. The United States has encouraged other states to adhere to PSI principles. PSI is a "coalition of the willing" rather than an international organization.

52. Mark Valencia, "Bring the Proliferation Security Initiative into the UN," *Policy Forum Online* 05-101A, Nautilus Institute, December 20, 2005, at www.nautilus.org/fora/security/05101Valencia.html.

53. The author has written in more detail on Asian responses to, and rejection

porean navies, totaling seventeen ships, initiated Operation MALSINDO for coordinated patrols to provide the Straits of Malacca with greater security. The three countries created a hot line to be used when one nation is in hot pursuit into another's territorial waters. MALSINDO was meant to prevent intervention by outside powers and to prevent RMSI from being implemented in the Malacca Straits.

In October 2004, a report issued by the Japanese prime minister's office, *The Council on Security and Defense Capabilities Report: Japan's Visions for Future Security and Defense Capabilities*, also known as the Araki Commission report, was hailed as Japan's first effort to articulate a national security strategy that combined differing approaches—bilateral cooperation with the United States and multilateral cooperation with international organizations such as the ARF and other regional organizations. In short, the report attempted to coordinate Japan's multi-tiered approach. The report mentioned the need for multilateral frameworks to better secure the SLOCs and a "need for cooperative arrangements and international frameworks to deal with the depredations of pirates," an arrangement that ReCAAP would become.⁵⁴

ReCAAP and Debate Over Maritime Security

In compliance with the U.S. approach to maritime security, Japan in October 2004 hosted a PSI multinational exercise off Tokyo, "Team Samurai." This was East Asia's first drill to stop WMD, and the first hosted by Japan. China and South Korea refused to participate because the exercise was clearly directed at North Korea. Many countries sent observers, but Japan and Singapore were the only Asian countries that participated.

of, the RMSI. See Gaye Christoffersen, "Chinese and ASEAN Responses to the U.S. Regional Maritime Security Initiative," in Guoguang Wu, ed., *China Turns to Multilateralism: Foreign Policy and Regional Security* (Routledge, 2007), pp. 127-46.

54. *The Council on Security and Defense Capabilities Report: Japan's Visions for Future Security and Defense Capabilities*, October 2004.

Japan's efforts to organize the region against maritime terrorism within an APT framework bore results in November 2004 when Tokyo hosted a meeting of sixteen nations that adopted a resolution on "Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia" (ReCAAP). The agreement would set up a Regional Information Center in Singapore. ReCAAP promotes anti-piracy cooperation among the ASEAN+3 (APT) countries plus India, Sri Lanka, and Bangladesh. Tokyo had included South Asian countries, indicating that it intended to expand beyond the original APT framework. ReCAAP required ten countries to ratify it before it could come into force.

In November 2004, the UN's International Maritime Organization (IMO) called for a ministerial conference in 2005 to construct a collaborative framework to secure the Malacca Straits through joint naval exercises hosted by the littoral states with outside stakeholders (user states) participating. The United Nations General Assembly had passed a resolution on November 10, 2004 on *Oceans and Law of the Sea* that directed the IMO to work on collaboration between the littoral states and user states.⁵⁵

It would be another nontraditional security issue—humanitarian assistance—that would indicate the need for better coordination. On December 26, 2004, a 9.1-magnitude earthquake off Indonesia's Aceh, near the Malacca Straits, sent a devastating tsunami sweeping through Southeast Asia. The United States organized an ad hoc "coalition of the like-minded" with Japan, Australia, and India, jointly dispatching their navies to the region for humanitarian assistance. China assisted separately. The United States would later defer to the UN to take the lead in organizing assistance following Southeast Asian criticism that the UN should provide the appropriate framework, not the U.S.-centered coalition.

The tsunami aftermath left both China and Japan uneasy about their roles in the Malacca Straits. In January 2005, the head of the Japan Defense Agency, Ono Yoshinori, visited Singapore

55. *IMO to Take Straits Initiative*, November 19, 2004, at www.imo.org/home.asp.

to urge the three littoral states to do more to protect oil shipping in the Malacca Straits, but he did not achieve greater clarity on Japan's role in the region.⁵⁶ Indonesia and Malaysia announced that the tsunami had "washed away the pirates and maritime terrorists" by destroying their bases in the Straits, thus eliminating the need for outside powers to consider what their role might be there.

The importance of bilateralism was confirmed on February 19, 2005, when Tokyo and Washington announced the *Joint Statement of U.S.-Japan Security Consultative Committee*. In the long list of common strategic objectives there appeared one to "maintain the security of maritime traffic," implying U.S.-Japan joint protection (and interdiction) of East Asian SLOCs.⁵⁷

The June 2006 Shangri-la Dialogue provided an opportunity for Japan to explain its position on how maritime security should be constructed. Nukaga Fukushima, Minister of State for Defense of Japan, suggested at the dialogue that the Asia-Pacific need not start with "something that requires a highly organized security system" but should rather begin with an easier project such as ReCAAP.⁵⁸

While the United States faltered on gaining greater Asian compliance on the PSI, and had stopped discussing RMSI, Japan's initiative that began within the APT framework, ReCAAP, achieved success. In June 2006, Singapore announced that ReCAAP had obtained ratification by eleven countries and would enter into force in September 2006. Press reports noted that ReCAAP was the first regional government-to-government agreement to com-

56. Eric Watkins, "Japan Urges Malacca Strait Shipping Safety," *Oil & Gas Journal Online*, January 17, 2005, online at <http://ogj.pennnet.com>.

57. The Ministry of Foreign Affairs of Japan, *Joint Statement U.S.-Japan Security Consultative Committee*, February 19, 2005, at www.mofa.go.jp/region/n-america/us/security/scc/joint0502.html.

58. Speech by Nukaga Fukushima, Minister of State for Defense of Japan, "Deploying Forces for International Security," 5th IISS Shangri-La Dialogue, Singapore, June 3, 2006, at www.iiss.org/conferences/the-shangri-la-dialogue/shangri-la-dialogue-archive/shangri-la-dialogue-2006/2006-plenary-session-speeches/third-plenary-session—fukushiro-nukaga/?locale=en.

bat piracy at sea, and that it was a Japanese initiative.⁵⁹

Three countries—China, Indonesia, and Malaysia—hesitated to sign ReCAAP. Indonesia and Malaysia would claim MALSINDO already guaranteed Straits security. When China later joined in October 2006, it was timed to coincide with an ASEAN-China Summit. Premier Wen Jiabao called for expanding ASEAN-China military cooperation, especially in maritime security and counterterrorism.⁶⁰ The official *People's Daily* praised ReCAAP as an organization that would play a significant role in maritime security, especially in the Malacca Straits.⁶¹ ReCAAP would reinforce China's newly recognized status as a user state in the Malacca Straits.

By April 2008, ReCAAP would claim sixteen countries as members, including Indonesia and Malaysia, but actually only fourteen countries had signed and ratified the agreement. Although Indonesia and Malaysia have not ratified the agreement, ReCAAP claims it has a working relationship at the operational level with the maritime authorities in both countries. This may allow them to participate without ratification.

However, the limitations of submerging PSI and RMSI into other arrangements, and attempting to operate at several levels of the multilayered East Asian order, created an uneasy comingling of differing approaches. This was apparent in May 2006, when Japan hosted a multinational naval security exercise with Russia, United States, China, South Korea, and Canada. The exercise included interdiction of a ship suspected of carrying WMD.

The Japanese coast guard claimed this exercise differed from the U.S.-led PSI as it involved coast guards rather than

59. Donald Urquhart, "Regional Anti-piracy Initiative Gets the Green Light," *The Business Times Singapore*, June 22, 2006. The website for RECAAP's Information Sharing Center is at www.recaap.org.

60. "Wen's Speech at China-ASEAN Summit," October 30, 2006, *China.org.cn*, at www.china.org.cn/english/business/186796.htm.

61. "China Signs Regional Agreement against Piracy," *People's Daily*, October 28, 2006, at http://english.people.com.cn/200610/28/eng20061028_315879.html.

navies. It would have been the first time China had participated in such a maritime exercise. China and South Korea backed out when the exercise shifted its purpose to interdiction of a ship suspected of smuggling people and goods because it appeared directed at North Korea and looked like a PSI-type exercise.⁶² In fact, U.S. sources claimed the exercise was along the lines of PSI.

New Partnership Ideas

With the East Asian layer of maritime cooperative security securely established in ReCAAP, Japan had created sufficient pressure on the United States to seriously consider a trilateral layer. A Japanese analyst in 2006 suggested a Japan-U.S.-China trilateral maritime cooperation framework, using the three nations' coast guards to protect the SLOCs. This idea, it was argued, would create an international public good of SLOC security, especially in the Malacca Straits. Obstacles to trilateral cooperation included very different maritime strategies and mutual distrust.⁶³

Then, recognizing that a new U.S. strategy was needed in a post-9/11 world, the United States changed its naval strategy for the first time in two decades. In June 2006, the U.S. Navy's chief of naval operations (CNO), Admiral Mike Mullen, called for a new maritime strategy to counter terrorism, shifting from the old cold-war maritime strategy focused on sea control designed to defeat a single enemy. The new strategy would need to build partners to protect trade routes, counter terrorists, and interdict WMD. Admiral Mullen claimed "nobody can go it alone" in making the oceans safe and free for all.⁶⁴ A cornerstone of the

62. "Japan Confirms Chinese, S. Korean Withdrawals from Multinational Naval Exercises," *Mainichi* (Tokyo), May 28, 2006, at <http://cominganarchy.com/2006/05/29/ever-worsening>.

63. Nakahata Yasuki (JMSDF), *For the Security of Sea Lanes: Multinational Maritime Operations by China, Japan and the United States* (Washington, D.C.: Stimson Center, August 2006), at www.stimson.org/eastasia/pdf/SecurityOfSeaLanes.pdf.

64. Christopher P. Cavas, "New Global 'Maritime Strategy' Needed, Says

new strategy would be a “thousand-ship navy” created by many nations concerned with SLOC security, standing watch over the seas together within maritime networks.⁶⁵

In October 2007, Admiral Mullen presented “A Cooperative Maritime Strategy for 21st Century Sea Power,” what was initially called the “thousand-ship navy” but is now more often called “Global Maritime Partnerships” (GMP). This new strategy represented a paradigm shift, emphasizing cooperative-security approaches to maritime security. Equal emphasis would be given to war prevention and waging war, which required greater cooperation with both allied naval powers and in partnerships with non-allies such as China.⁶⁶ Indian responses were skeptical that GMP might be just a reincarnation of PSI.⁶⁷ Japan and South Korea were much more positive, but many countries were wary, uncertain what membership would entail.⁶⁸

In May 2007, President Bush urged the U.S. Senate Foreign Relations Committee to ratify the UNCLOS. During the committee’s hearings, Vice Chief of Naval Operations Admiral Patrick Walsh claimed U.S. failure to ratify UNCLOS was limiting further expansion of PSI. Several Asian countries could not get PSI ratified domestically because of the widespread fear that the United States was conducting PSI activities outside of international law.

Japan’s Prime Minister Aso Taro recognized, with reference to the GMP, that the United States had undergone a major shift in maritime policy.⁶⁹ The *East Asian Strategic Review 2008* pro-

CNO,” *Navy Times*, June 15, 2006, at www.navytimes.com/story.php?f=1-292925-1873067.php.

65. “CNO Calls for New Maritime Strategy,” *Military.com*, June 20, 2006, at www.military.com/features/0,15240,101925,00.html.

66. *A Cooperative Maritime Strategy for 21st Century Sea Power* (October, 2007), at www.navy.mil/maritime/MaritimeStrategy.pdf.

67. Gurpreet S. Khurana, “‘Thousand-Ship Navy’: A Reincarnation of the Controversial P.S.I.?” *IDSA Strategic Comments*, December 28, 2006, <http://www.idsa.in/publications/stratcomments/GurpreetKhurana281206.htm>.

68. Ronald E. Ratcliff, “Building Partners’ Capacity: The Thousand-Ship Navy,” *Naval War College Review* (Autumn, 2007), pp. 45-58.

69. Shin Nagahara, “Japan-U.S. Sea Power Dialogue Special/Safety at Sea

duced by the Japanese defense ministry's NIDS, in its chapter on the United States, took note that the United States was augmenting its bilateral alliances in Asia with trilateral and multilateral arrangements. However, the review emphasized a further need to engage China in a trilateral grouping to prevent the Japan-U.S.-Australia-India "coalition of the like-minded" from threatening China, and it lamented the lack of a strategic roadmap for constructing a stable U.S.-China-Japan trilateral arrangement.⁷⁰ The review's chapter on Japan revealed that between February 2005 and May 2007, American and Japanese perceptions of China had evolved. In their joint February 2005 statement, the United States and Japan called upon China to play a positive role in regional affairs, while in their joint May 2007 statement, they referred to China as a responsible partner that could contribute to East Asian stability.⁷¹

Recent work by American analysts and scholars indicates a greater American emphasis on U.S.-Japan-China trilateral cooperation. The Second Armitage-Nye Report in 2007 argued that East Asian stability is based on stable U.S.-Japan-China relations and therefore requires that the United States and Japan coordinate their approach to China, recognizing a convergence of interests and the need for trilateral cooperation.⁷² The report also recommended that while Asia was debating the nature of the maritime order, both countries should share responsibility for SLOC security until a multilateral approach to SLOC security could be established.⁷³

Kurt Campbell, President Obama's assistant secretary for East Asia and Pacific affairs, had argued that East Asian integration is an ongoing process that is constructing a multilateral

Requires Global Cooperation," *Yomiuri Shimbun*, March 25, 2008, <http://www.yomiuri.co.jp/index.htm>.

70. *East Asian Strategic Review 2008* (Tokyo: Ministry of Defense, NIDS, 2008), pp. 199-200.

71. *Ibid.*, p. 207.

72. Richard Armitage and Joseph Nye, *The U.S.-Japan Alliance: Getting Asia Right through 2020* (Washington, D.C.: CSIS, 2007), p. 23.

73. *Ibid.*, p. 24.

order in Asia even though the United States, under the George W. Bush administration, had chosen not to engage with this process, preferring to rely on traditional bilateral alliances. However, the nature of the threats in the region, in particular transnational threats by non-state actors, required U.S. engagement in cooperative solutions. During his Senate confirmation hearings, Campbell stated that his suggested approach to the Asia-Pacific was to engage China with the strongest possible partnership with Japan, an indirect reference to trilateral relations.

Campbell has participated in U.S.-China-Japan trilateral Track II projects. He argues that it is necessary for the United States to work proactively on constructing a more cooperative trilateral framework, stating that “a U.S.-Sino-Japan strategic summit could go a long way toward promoting a cooperative, constructive China, rather than a challenging one.”⁷⁴

Campbell is one of the founders of the Center for a New American Security. In March 2008, the Center co-hosted the “Japan-U.S. Sea Power Dialogue,” initiated by Japan’s Ocean Policy Research Foundation. The meeting reflected a narrowing of differences between the United States and Japan over approaches to maritime security, focusing on China’s expanding maritime capacity and how the United States and Japan might engage China’s PLA Navy. Other topics included piracy, terrorism and the Malacca Straits.⁷⁵

East Asian Lessons in Maritime Security

Lessons from East Asia in maritime security appeared at the Multilateral Planners Conference VI, held in May 2008 in Copenhagen. It was hosted by the United States and Denmark with the theme of “Global Maritime Security Cooperation in an Age of Terrorism and Transnational Threats at Sea,” and including

74. Kurt M. Campbell, Nirav Patel, and Vikram J. Singh, *The Power of Balance: America in Asia* (Washington, D.C.: Center for a New American Security, 2008), p. 81.

75. Shin Nagahara, “Japan-U.S. Sea Power Dialogue Special.”

maritime security perspectives from the sixty-one nations represented there. The meeting began with a *Maritime Security Primer* detailing the numerous mechanisms for international maritime cooperation, including Global Maritime Partnerships, ReCAAP and PSI. ReCAAP was held up as a model for East African states to replicate.⁷⁶ Rear Admiral Hatanaka Hiroo of the Japanese Maritime Self-Defense Force presented the organization and operations of ReCAAP at a panel on piracy and maritime crime, while a Malaysian officer presented on MALSINDO.⁷⁷ No one mentioned RMSI.

The United States had learned several lessons from RMSI and PSI. Because Asian countries were reluctant to commit to PSI, many PSI-like activities were conducted under other auspices, such as the Western Pacific Naval Symposium (WPNS) and the U.S. Navy's Cooperation Afloat Readiness and Training (CARAT), a series of bilateral exercises in Southeast Asia that the United States hoped would evolve into a multi-nation coalition of the willing.⁷⁸ But this was a stopgap measure.

The RAND Corporation did a study of the five countries in Asia—Indonesia, Malaysia, Pakistan, India, and China—whose participation in PSI was essential and yet had not joined.⁷⁹ Beijing's resistance included concerns that the United States and other members of PSI would conduct military interdictions outside of international law and would impede China's right to innocent passage through PSI members' territorial waters. Using a rational-choice approach to explain non-participation, the RAND authors found that five principles were needed to induce these countries to

76. *Maritime Security Primer*, issued by the Multilateral Planners Conference VI, May 13-15, 2008 in Copenhagen, p. 18, online at www.virginia.edu/colp/pdf/Maritime_Security_Primer_2008.pdf.

77. *Multilateral Planners Conference VI Executive Summary*, http://jcs.dtic.mil/j5/conference/MPCVI_ExecSum.pdf.

78. Ron Huisken, "The Proliferation Security Initiative: Coming in from the Cold," *Austral Policy Forum* 06-13A 20 (April, 2006), Nautilus Institute, <http://nautilus.rmit.edu.au/forum-reports/0613a-huisken.html#n2>.

79. Charles Wolf, Jr., Brian G. Chow, and Gregory S. Jones, *Enhancement by Enlargement: The Proliferation Security Initiative* (Santa Monica, Calif.: RAND, 2008), p. x.

join: allow other PSI countries to take the lead rather than the United States (“leading from behind”—a Japanese strategy); interpret the “innocent passage” clause of UNCLOS according to each country’s national legislation (the United States conducts military surveillance in China’s exclusive economic zone, which Beijing claims is not “innocent passage”); respect the “territorial waters” of littoral countries and recognize their leadership (the lesson of RMSI’s failure and the creation of MALSINDO); present PSI affiliation as linked to, and incremental to, already extant agreements, i.e., try to smuggle PSI into other agreements; and allow each country membership in the Operational Experts Group from the beginning rather than create a hierarchy that places these five Asian countries at the bottom (lesson from MALSINDO). Additional incentives mentioned in the RAND report included offering these countries technical assistance and equipment to build up their own capacity (the ReCAAP strategy). The study thought if these principles were followed, the United States might offer these countries PSI affiliation rather than accept their ongoing resistance to PSI and the defunct RMSI.

To these lessons should be added what was apparent to many from the beginning: that PSI would have had much more legitimacy in East Asia if it had been put under the auspices of the UN.⁸⁰ Attempts by the United States to discursively construct PSI and RMSI as “multilateral” would not be as effective. U.S. maritime initiatives were too limited to a narrow group of like-minded allies. Also, it was necessary that the United States reduce the perception that its initiatives for international maritime security were tied to U.S. strategic priorities.⁸¹

The lesson drawn from RMSI was that it appeared to be a “top-down” effort by the United States as a major power imposing its will on Southeast Asian nations rather than an initiative

80. Mark J. Valencia, “Put the Proliferation Security Initiative under the UN,” *Policy Forum Online 08-043A* (May 29, 2008), Nautilus Institute, at <http://www.nautilus.org/fora/security/08043Valencia.html>.

81. Peter Chalk, *The Maritime Dimension of International Security: Terrorism, Piracy, and Challenges for the United States* (Santa Monica: RAND, 2008), pp. 41, 46.

that had emerged out of a dialogue and consultations with the Malacca Straits littoral states. A more “bottom-up” approach by the CSCAP Maritime Cooperation Working Group Track II meetings had produced a regional epistemic community and a set of principles for maritime cooperation; but it was more difficult to translate Track II regime building into official policy.⁸²

While the U.S. strategy had limited success in South and East Asia, Japan’s ReCAAP strategy was successful in the sense of getting China to become a member. Without ending PSI, the United States needed another strategy, GMP, that might gain Chinese and other Asian nations’ participation. The new strategy would adopt notions of cooperative security in nontraditional security issues in multilateral regimes, implicitly adapting Japan’s approach.

East Asian Lessons Applied in Somalia

Organizing the International Force

The Global Maritime Partnership goal of creating an international public good of SLOC security was put into practice in countering Somalian piracy. The U.S. response to Somalia was to establish a new command, Combined Task Force 151 (CTF-151), announced January 8, 2009. Previous to that, the CTF-150 was formed in 2002, consisting of allied forces, as a counterterrorism patrol unit for the Gulf of Aden, the Red Sea, and the northwestern Indian Ocean. In contrast, CTF-151 was created for maritime cooperation with non-allies and “Eastern navies”—China’s PLAN and Japan’s MSDF, forces that would not or could not engage in collective security and lacked authority to use weapons in counterterrorism—and other non-allied coun-

82. Sam Bateman, “Maritime ‘Regime’ Building,” in Joshua Ho and Catherine Zara Raymond, eds., *The Best of Times, The Worst of Times: Maritime Security in the Asia-Pacific* (Singapore: World Scientific Publishing Co. and Institute of Defence and Strategic Studies, Nanyang Technological University, 2005), pp. 262-63.

tries if they supported the U.S. goal of deterring, disrupting, and arresting Somalian pirates.⁸³ CTF-151 is an example of the U.S. Navy's use of "smart power" to maintain maritime security by working with other nations, operationalizing the Global Maritime Partnership concept.

CTF-151 was created for nations that would participate in anti-piracy patrols at the operational level but wanted to avoid counterterrorism activities that might be PSI or RMSI in disguise. The Turkish navy took command of CTF-151 in May 2009 for a few months and then command rotated back to the United States. South Korea announced that it also would work with CTF-151.⁸⁴ Tokyo and Seoul agreed to cooperate closely in Somalia, including escorting each other's ships, but would not conduct joint escort missions because of restrictions on the MSDF.⁸⁵

The Somali deployment was authorized by UN Security Council resolution 1816 in June 2008. The UN issued five Somalia-related resolutions altogether in 2008, including the U.S.-drafted Resolution 1851, passed on December 16, 2008, which calls upon all nations and regional organizations to fight piracy off the coast of Somalia. It was under this UN resolution that Beijing deployed the PLAN to Somalia.

The idea of supporting a maritime regional or global order was only embryonic and yet the group that met in New York under the auspices of the UN on January 14, 2009, called the Contact Group on Piracy Off the Coast of Somalia (CGPCS), expected to create an international public good of maritime security initially off the Somalia coast but with possibilities for a much larger mandate. CGPCS issued a statement calling for establishment of a regional counter-piracy coordination center in the vicinity of Somalia, emulating ReCAAP's center in Singapore. CGPCS was

83. Andrew Scutro, "Anti-pirate Task Force Stands Up: Admiral Assigned to New Effort," *Navy Times*, January 8, 2009, online at www.navytimes.com/news/2009/01/navy_antipiracy_010809.

84. Jung Sung-Ki, "New S. Korean Naval Unit to Deploy to Somalia," *Defense News*, March 3, 2009.

85. "Aso, Lee have Plan to Cooperate on Antipiracy Effort off Somalia," *Japan Times*, January 26, 2009, online ed.

open to any nation that contributed to the group's goals.

CGSCP adopted a plan of action and created four working groups. Working Group 1 was in charge of establishing the regional coordination center. Working Group 2 was tasked with judicial issues of piracy with support from the UN Office on Drugs and Crime. Working Group 3 was to strengthen shipping capacity and self-awareness with support from the International Maritime Organization (IMO). Working Group 4 would take charge of public information on counter-piracy efforts. The United States only chaired Working Group 3, with Britain, Denmark, and Egypt chairing the other groups.

Peter Lehr, a terrorism expert, suggested that these Somalia patrols could be modeled on MALSINDO.⁸⁶ In January 2009, the IMO did just that, convening a meeting in Djibouti with seventeen regional states from the Gulf of Aden, the Red Sea, and the Western Indian Ocean. The meeting adopted a code of conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden. IMO Secretary General Efthimios Mitropoulos claimed that adoption of this code would have the same effect on the region that ReCAAP had had on Southeast Asia, setting up a regional center to coordinate the regional states, perhaps in Djibouti.⁸⁷ The CGPCS had two working groups meet at the end of February 2009 at IMO headquarters in London to consider how to set up a regional center and to consider modalities for operational coordination.

CGSCP held its third meeting at UN headquarters in New York on May 29, 2009. The countries present were commended for their operational coordination achieved through the Shared Awareness and Deconfliction (SHADE) meetings held periodically in Bahrain in which China, Japan, and numerous other countries participated. The SHADE mechanism is considered to have a successful open and inclusive structure that allows for

86. Peter Lehr, "A Western Armada Is Not the Way to Sink Somalia's Pirates," *The Guardian* (London), November 19, 2008, online ed.

87. International Maritime Organization, "High-level Meeting in Djibouti Adopts a Code of Conduct to Repress Acts of Piracy and Armed Robbery against Ships," January 30, 2009, at www.imo.org.

military coordination with varying degrees of autonomy. The meeting considered a proposal by China that CGSCP establish areas of responsibility for escort operations; this was assigned to Working Group 1, in charge of operational coordination. Coordinating areas of responsibility, which means guarding other nation's ships, would create greater institutionalization of operational-level coordination. The CGSCP plans to meet again in September 2009 with Japan chairing the meeting.

Initially, the PLAN protected only ships from China, Hong Kong, and Taiwan, and the MSDF protected only Japanese ships. China operates independently, escorting its own national flag vessels, acting in a parallel fashion rather than integrated with CTF-151; but it attends all coordination meetings. Technically Japan's MSDF is not under the command of CTF-151 because of constitutional prohibitions against collective security arrangements. But since the prohibitions are ambiguous, there is operational-level coordination. This would change if the United States succeeds in drawing Japan into a "Global Maritime Partnership."

Although the Somalian operations could not be called joint operations, there is continuous dialogue at the tactical level, an "ad hoc tactical collaboration" in the Gulf of Aden.⁸⁸ Chinese activities are said to be independent but coordinated with the United States, which permits cooperation even while retaining differences over interpretations of international maritime law. The U.S. and Chinese navies have been communicating via e-mail, using their unclassified Yahoo.com accounts.

Prime Minister Aso, during an April 2009 trip to Beijing, proposed greater Sino-Japanese cooperation in peace building—e.g., arms reduction and nonproliferation, peacekeeping operations, anti-piracy, and sea lane defense.⁸⁹ The Kyodo news agency reported that the Japanese MSDF and Chinese PLAN were in the process of agreeing to create operational-level coordination and exchange of information while operating off Somalia.

88. Richard Weitz, "Operation Somalia: China's First Expeditionary Force?" *China Security*, vol. 5, No. 1 (Winter, 2009), p. 32.

89. "Aso Calls for Japan, China to Unite," *Agence France-Presse*, April 30, 2009.

PLA naval cooperation with the U.S. Navy was inevitable as the United States and Chinese navies coordinated search patterns, communicating via VHF radio, and exchanged information on suspected pirates.⁹⁰ Some American analysts felt it was clear that the PLAN, by participating in CTF-151, was subscribing to a Global Maritime Partnership with the United States but had not publicly acknowledged the fact.⁹¹ Other American analysts believed it would lead to U.S.-China-Japan trilateral or multilateral cooperation, urging the United States to “find a way to formally affiliate itself with the PLAN destroyers while on-station.”⁹²

The way in which CGSCP was formed seemed to bring together the lessons learned in East Asia: drawing on ReCAAP success and RMSI failure, and operationalizing the concept of the GMP without calling it as such. CGSCP was based on networks rather than military alliances, organized around principles of cooperative security, under the auspices of the UN, adhering to UNCLOS, with the United States “leading from behind.” The CGSCP will report periodically to the UN Security Council.

Japan’s Response to Somalian Piracy

Japan’s response to Somalian piracy was more protracted than the U.S. or Chinese response. Prime Minister Aso was a

90. Bernard D. Cole, National War College, *Testimony before the U.S.-China Economic & Security Review Commission, Hearing on China’s Military and Security Activities Abroad*, March 4, 2009, at www.uscc.gov/hearings/2009hearings/written_testimonies/09_03_04_wrts/09_03_04_cole_statement.php.

91. Rear Admiral Eric McVadon, Institute for Foreign Policy Analysis, *Testimony before the U.S.-China Economic & Security Review Commission, Hearing on China’s Military and Security Activities Abroad*, March 4, 2009, at www.uscc.gov/hearings/2009hearings/written_testimonies/09_03_04_wrts/09_03_04_mcvadon_statement.php.

92. Andrew S. Erickson and Justin D. Mikolay, “Welcome China to the Fight Against Pirates,” *U.S. Naval Institute Proceedings*, vol. 135, No. 3 (March, 2009), at www.usni.org/magazines/proceedings/story.asp?STORY_ID=1809.

strong supporter of a MSDF deployment to Somalia when he took office in September 2008, with particular emphasis on escorting Japanese oil tankers. Japanese shipping companies began pressing the Aso government to provide protection for their ships. Hawks in the opposition Democratic Party of Japan (DPJ) had encouraged him in October 2008. The Japanese ambassador to Yemen adopted an approach similar to the Japanese approach to the Malacca Straits. He had suggested in September 2008 to the Yemeni transport minister that Japan train its coast guard and help set up a regional center to combat piracy in the Gulf of Aden. Japan also offered to provide patrol boats to Yemen.⁹³ Aso had told the Japanese House of Representatives in October 2008 that the government was prepared to consider the feasibility of dispatching MSDF patrols on anti-piracy missions.

In November 2008, the Nippon Foundation and the Ocean Policy Research Foundation submitted to Prime Minister Aso a "Policy Proposal Regarding Japan's Response to Emerging Piracy off the Coast of Somalia." The proposal urged Aso to deploy the MSDF to Somalia and enact a "Piracy Regulatory Law" that would allow the MSDF to use its weapons as well as coordinate with other navies. Sasakawa Yohei, chairman of the Nippon Foundation, has been promoting global maritime security and had initiated Japan's first Basic Ocean Law in 2007. Since 2000, he has built an international network of maritime universities.

Despite the Aso administration's earlier preparations to dispatch the MSDF to Somalia, Japanese newspapers in December 2008 portrayed the government as frustrated that it couldn't respond to U.S. and Chinese naval cooperation in the Gulf of Aden, claiming Tokyo would fall behind and be excluded.⁹⁴ A Japanese professor claimed: "The government, diplomats and the policy makers in the Ministry of Foreign Affairs are very

93. Michael Penn, "Somali Pirates and Political Winds Drive Japan to the Gate of Tears," *Japan Focus*, No. 4 (January 26, 2009), at http://japanfocus.org/_Michael_Penn-Somali_Pirates_and_Political_Winds_Drive_Japan_to_the_Gate_of_Tears.

94. "China Antipiracy Move Leaves Japan All at Sea," *Yomiuri Shimbun*, December 22, 2008.

afraid” because Beijing was projecting power overseas and doing so through cooperation with the United States.⁹⁵ The Japanese media portrayed U.S.-China naval cooperation in Somalia as a type of “Japan passing.”

At the end of December 2008, Japan faced a dilemma as to how it could participate outside of territorial waters. It settled on invoking a provision in the Self-Defense Forces Law that allows for maritime patrols as police actions conducted by the Japanese Coast Guard, which has the right to make arrests. The provision protects Japanese-registered vessels and vessels owned by Japanese businesses, but it does not extend to non-Japanese vessels. The plan was to assign coast guard officers to MSDF vessels. The Police Duties Execution Law did not violate Article 9 of the constitution. An additional law was needed to legalize MSDF protection of non-Japanese ships.⁹⁶

The gap between the government’s maritime strategy and the Japanese public’s perceptions had widened, the consequence of the Tokyo government’s practice of strategic ambiguity and obfuscation in dealing with the Japanese public over the past four decades. The *Yomiuri Shimbun* urged the Aso government to seek the public’s understanding and support before dispatching the MSDF.⁹⁷

The government planned to bring an anti-piracy bill to the Diet in March 2009 that would provide a legal basis for dispatching the MSDF to Somalia and for using the MSDF to protect foreign vessels. It would ease restrictions on the use of arms and allow MSDF to fire on armed pirates. The bill would conform with UNCLOS.

The U.S. ambassador to Japan, Thomas Schieffer, had publicly pressured Tokyo and expressed puzzlement as to why Japan did

95. Julian Ryall, “Japan Concerned over U.S. Relations with China,” *The Daily Telegraph*, December 23, 2008.

96. Shozo Nakayama, “Japan Lagging in International Piracy Fight,” *Yomiuri Shimbun*, December 28, 2008.

97. Hidemichi Katsumata, “Explain Antipiracy Mission: Government Should Get Public on Board before Dispatching MSDF Ships,” *Yomiuri Shimbun*, February 27, 2009.

not offer naval escorts for its own and other nations' ships. Schieffer strenuously urged the Aso government not to get bogged down in domestic debate but rather to expeditiously dispatch the MSDF to Somalia.⁹⁸ U.S. Secretary of State Hillary Clinton, while visiting Japan's defense minister, Hamada Yasukazu, in February 2009, further urged Japan to expand its planned Somalia deployment to include protection of non-Japanese ships. The minister noted that a new law was needed, which required a debate in the Diet.⁹⁹

The largest motivating factor, however, appeared to be the fact that China had dispatched a naval force to Somalia in December 2008. Japanese media took note that the debate and delay were disadvantaging Japan in its rivalry with China. "Japan has often jostled for influence with China, whose anti-piracy mission marks the first time in recent history it has deployed vessels on a potential combat mission well beyond its territorial waters."¹⁰⁰

Despite the ongoing domestic debate, the Japanese government prepared. It sent delegates to the first meeting of CGSCP countries fighting piracy; it met in New York in January 2009 in anticipation that the MSDF would eventually deploy. The defense ministry ordered two MSDF destroyers on February 10, 2009 to conduct anti-piracy exercises in the Bungo Channel between Shikoku and Kyushu while they waited, which they did for a month. The MSDF conducted computer simulations in preparation for deployment to Somalia. The political opposition in the Diet held rallies to condemn the pending deployment, fearing a precedent had been set. The LDP-Komeito ruling coalition had drafted a law that would enhance the MSDF's rules of engagement, permitting MSDF protection of non-Japanese ships. But until the law went into effect, only Japanese ships or ships with

98. "U.S. Envoy Asks Japan to Boost Defense Role," *UPI*, January 15, 2009, at www.upiasia.com/Politics/2009/01/15/us_envoy_asks_japan_to_boost_defense_role/614.

99. "U.S. Urges Japan to Protect Others from Pirates," *Associated Press*, February 17, 2009.

100. "U.S. Urges Japan to Join Somalia Anti-Piracy Mission," *Agence France-Presse* (Tokyo), January 9, 2009.

Japanese nationals or Japanese cargo could be protected.

Finally, on March 13, 2009, the Japanese cabinet approved the Somalia MSDF mission under current law. It also approved a draft law, an “Anti-piracy Measures Bill,” and submitted it to the Diet.¹⁰¹ The bill calls for broadening the rules of engagement for the MSDF. On March 14, the defense ministry dispatched two MSDF destroyers, the *Sazanami* and *Samidare* of the 8th Escort Division of Kure Base, with 400 MSDF personnel and eight Japanese coast guard personnel, to the Gulf of Aden. Prime Minister Aso, at the departure ceremony, claimed “Japan must take a proactive measure now that other countries have begun an international campaign.”¹⁰²

Japan’s lower house passed the anti-piracy bill on April 23, 2009. But in the upper house, the DPJ-led opposition voted it down. It returned to the lower house, where it was passed on a second vote on June 19, 2009. *The Law on the Penalization of Acts of Piracy and Measures against Acts of Piracy* permits the MSDF to escort non-Japanese ships and allows the MSDF to fire at pirates if they ignore repeated warnings and are considered dangerous. The MSDF may collaborate and coordinate its mission with other navies.¹⁰³ Japan technically was in a collective security arrangement, but this did not generate a public debate.¹⁰⁴ The DPJ now accepts the MSDF Somalia anti-piracy mission.¹⁰⁵

The Chinese press noted that the bill had “hidden content”

101. Statement by Prime Minister Aso Taro, Concerning the “Draft Law on the Penalisation of Acts of Piracy and Measures against Acts of Piracy” and the Cabinet Decision on the Approval of the Prime Minister concerning Maritime Police Operations, March 13, 2009, at www.kantei.go.jp/foreign/asospeech/2009/03/13danwa_e.html.

102. “Destroyers Leave for Antipiracy Mission off Somalia,” *Kyodo*, March 14, 2009.

103. “Statement by Mr. Hirofumi Nakasone, Minister for Foreign Affairs, on Passage of the Law on the Penalization of Acts of Piracy and Measures against Acts of Piracy,” June 19, 2009, at www.mofa.go.jp/announce/announce/2009/6/1193289_1136.html.

104. Jun Hongo, “Public Out of the Loop on SDF Dispatch,” *Japan Times*, June 20, 2009, online ed.

105. “Election 2009—Battle for Power/DPJ U-turn on Antipiracy Mission,” *Yomiuri Shimbun*, July 24, 2009.

that would lead to expanding deployment of MSDF overseas.¹⁰⁶ China's *CCTV9 Dialogue* aired a program headlined "Japan expands anti-piracy mission," in which the claim was made that the anti-piracy law had triggered discussions in China about Japan's military and geopolitical ambitions. The law was said to be a "twin" of another law to be put before the Diet on allowing the MSDF and Coast Guard to jointly conduct ship inspections on the high seas, a law directed at ships of the DPRK.¹⁰⁷ This second law is much more important to most Japanese than what happens in the Gulf of Aden as it removed some limitations on Japan's participation in PSI.

The third meeting of the U.S.-Japan Sea Power Dialogue, in April 2009, discussed building an East Asian maritime order around the U.S.-Japan alliance. Prime Minister Aso sent a message encouraging the formation of a group of like-minded maritime nations in an "Arc of Freedom and Prosperity." Aso applauded the multilateral cooperation of CTF-151, claiming it was a "training ground" for U.S.-Japan cooperation with China, India, and Russia.¹⁰⁸ The goal of the Sea Power Dialogue was to draft a proposal for Japan's participation in a Global Maritime Partnership with the United States in the Indian and Pacific Oceans. The United States also hoped to draw China and Russia into a GMP.¹⁰⁹ The Japanese Ocean Policy Research Foundation and the Sasakawa Peace Foundation were the meeting's Japanese organizers.

106. "Signals of Japan's New Anti-piracy Law Rekindle Hidden Concern," *Xinhua*, June 21, 2009, online ed.

107. Dialogue, "Japan Expands Anti-piracy Mission," *CCTV.com*, at www.cctv.com/program/e_dialogue/20090629/108177.shtml.

108. Prime Minister Taro Aso, "An Alliance of Maritime Nations: The United States and Japan," The Third United States-Japan Sea Power Dialogue, April 17, 2009, at www.spfusa.org/program/avs/2009/4-17-09yachi.pdf.

109. Keiko Iizuka, "Japan-U.S. Sea Power Dialogue Special: Japan-U.S. Alliance Key to Maritime Peace," *Yomiuri Shimbun*, May 27, 2009, online ed.

Conclusion: Japan's Role in the East Asian Maritime Order

The Somali anti-piracy operation illustrates how the United States, Japan, and China are inching toward creating an international public good of SLOC security supported by all three countries, based on the premise of cooperative security, i.e., military cooperation among a mix of allies and non-allies. It is a bottom-up arrangement, evolving in an ad hoc manner, its rules forming as it goes. Despite strong philosophical and ideological differences, there has emerged at the operational level something akin to cooperation as the three navies operate in close proximity in the Gulf of Aden. However, there is at present no East Asian trilateral or multilateral maritime regime.

Best practices for countering maritime terrorism and piracy are evolving as Southeast Asian strategies are adapted to the Gulf of Aden. The practices of Japan's ReCAAP are being considered and adopted by nations operating in the Gulf of Aden, although the fact that it was a Japan-initiated project is not overly emphasized.

A primary lesson from the initial efforts of ReCAAP, CTF-151, and CGSCP is that coordination may happen at the working level without formal membership in a maritime regime. Informal coordination is driven by practical considerations. Formal membership may be blocked by domestic interests or by a nation's concern as to the full legal implications of regime membership. Maritime regimes may become functional even with minimal institutionalization.

Certain Japanese organizations, such as the Japanese Ocean Policy Research Foundation and the Sasakawa Peace Foundation, have played an instrumental role in constructing Japan's grand strategy for maritime security. These organizations had originally initiated, and then have actively supported, the Somalia deployment because it is an opening wedge to Japan's assuming global responsibilities for the maritime domain, especially if Tokyo should enter into a "Global Maritime Partnership" with the United States.

What the Japanese domestic base for this grand strategy

might be is beyond the scope of this article. A Japanese government survey taken in March 2009 found that 63.2 percent of the Japanese public believes the MSDF should fight piracy while 29.1 percent oppose the MSDF's anti-piracy operations.¹¹⁰ Countering piracy off the Somali coast does not seem very important. Nevertheless, a tentative assessment finds a continuing gap between official policy and maritime strategy, with the government engaging in strategic ambiguity with the Japanese public.

The Aso government's image in the Japanese media was that of a passive, reactive Japan responding to the international community's demands, in particular responding to China's earlier dispatch of a naval force and American pressure to deploy to Somalia. This creates the appearance of the government muddling through while it in fact is implementing a grand strategy that is unclear to the Japanese public.

The way in which China and the United States carried out their deployment off the Somalian coast, and the discussion of a U.S.-Japan-China trilateral arrangement, owed some debt to the Japanese strategy to counter piracy/maritime terrorism in East Asia, and to the Japanese emphasis on maritime cooperative security approaches to non-traditional security threats.

The prospects for U.S.-Japan-China trilateral cooperation have never been stronger. American and Japanese competing frameworks for maritime security in East Asia were symptomatic of the much larger struggle over Asia's regional security architecture. The very recent U.S. initiative for Global Maritime Partnerships represents an experiment in cooperative security and a convergence with Japan's approach to maritime security in East Asia, at least in nontraditional security issues. China's cautious involvement in this experiment is still unfolding.

Building a trilateral maritime security regime out of the very loosely coordinated anti-piracy operations in the Gulf of Aden seems a distant goal. For the United States, CTF-151 is the first real test of the Cooperative Strategy for 21st Century Seapower,

110. "Mission Backed by 60% but 29% Shun SDF: Poll," *Japan Times*, March 15, 2009, online ed.

the GMP concept. Rather than being a top-down initiative as RMSI was, the anti-piracy operations have been unfolding in an ad hoc fashion, a bottom-up initiative that is a work in progress. American analysts felt that as long as all the participating navies agreed to a common set of rules based on UNCLOS, it was workable.¹¹¹ A Chinese military expert, Peng Guangqian, suggested a roughly similar set of rules for U.S.-China military cooperation off the coast of Somalia, namely, that U.S.-China cooperation should be conducted within UNCLOS. But he also added “equal consultation” and “mutual respect” to the set of rules.¹¹²

Japanese and Chinese media have reported that the first official U.S.-Japan-China Track I policy dialogue was tentatively scheduled for July 2009 in Washington. Japanese expectations were high that this trilateral dialogue would be the core of an East Asian multilateral regime.¹¹³ However, Beijing postponed the meeting, perhaps because China was not ready. The habits of maritime cooperation off the coast of Somalia will not get easily translated into the East China Sea or the South China Sea where both cooperation and competition will continue to coexist, although there are American analysts who expect the lessons of Somalia to be applied to the South China Sea.¹¹⁴

Malaysia and Indonesia are particularly concerned that the Somalia intervention model might in the future be applied to the Malacca Straits.¹¹⁵ Consequently, Southeast Asians want

111. Commander James Kraska and Captain Brian Wilson, “Fighting Piracy: International Coordination is Key to Countering Modern-day Freebooters,” *Armed Forces Journal* (February 2009), at www.armedforcesjournal.com/2009/02/3928962.

112. “Piracy Fight to Boost U.S. Ties,” *China Daily*, December 22, 2008, at www.chinadaily.com.cn/cndy/2008-12/22/content_7326061.htm.

113. “U.S., Japan China Plan Trilateral Powwow,” *Japan Times*, June 7, 2009; “U.S.-Japan-China Talks to Focus on Key Issues,” *China Daily*, June 8, 2009.

114. Peter A. Dutton, “Charting a Course: U.S.-China Cooperation at Sea,” *China Security*, vol. 5, No. 1 (Winter, 2009), p. 21.

115. Mark J. Valencia and Nazery Khalid, “The Somalia Multilateral Anti-Piracy Approach: Some Caveats,” *Policy Forum Online 09-012A*, February 12, 2009, Nautilus Institute, at www.nautilus.org/fora/security/09012ValenciaKhalid.html.

MALSINDO and ReCAAP models to be diffused globally rather than have a Somalia model applied to Southeast Asia. Thus, Southeast Asian nations have promoted ReCAAP as a model for countering piracy in regions outside of Southeast Asia.¹¹⁶

U.S. and Japan differences over construction of an East Asian maritime order have narrowed. The United States and China have many maritime legal differences that can only be resolved through increased dialogue and CBMs. U.S.-ASEAN differences have narrowed since U.S. Secretary of State Hillary Clinton signed the TAC in July 2009 while attending the ARF meetings, committing the United States to work with ASEAN and to abstain from unilateral military interventions in the region as RMSI had implied. The United States is now eligible to join the East Asian Summit and may consider working with Japan and China, using the EAS as a framework for building an East Asian maritime order with a U.S.-Japan-China trilateral cooperative mechanism as its core.

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116. Joshua Ho, "Combating Piracy and Armed Robbery in Asia: Boosting ReCAAP's Role," *RSIS Commentaries*, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore, June 23, 2008, online at www.idss.edu.sg/publications/Perspective/RSIS0692008.pdf.

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