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Japan's Maritime Security Strategy

The Japan Coast Guard and Maritime Outlaws

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This book is dedicated to Michelle

Contents

<i>Acknowledgements</i>	viii
<i>Conventions</i>	ix
<i>List of Acronyms</i>	x
1 Introduction	1
2 Japan: An Innovative Power?	15
3 Defining Outlaws	35
4 The Root Causes of Outlaw Behaviour	62
5 North Korean 'Suspicious Ships'	97
6 Piracy in Southeast Asia and the Gulf of Aden	117
7 Counter-Terrorism and Proliferation at Sea	141
8 Conclusion	165
<i>Appendices</i>	175
<i>Notes</i>	177
<i>Bibliography</i>	180
<i>Index</i>	212

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Conventions

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

Acronyms

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

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

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

1

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

Japan's international security contribution

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

institutions, promoting international trade and commerce, and fostering the spread of democracy and human rights' (2007: 268). Echoing Berger, Suzuki (2008) describes Japan as seeking recognition as a legitimate great power through its limited security contributions to international society. Finally, Johnson (1982) portrays Japan as a strategic state led by the triumvirate of business, government, and politicians (the 'iron triangle') which channels financial resources to core internationally orientated businesses whilst avoiding major expenditure on security, the so-called Yoshida Doctrine. In this vein, Pyle (2007) and Lind (2003) perceive Japan as having deftly manipulated the international system to realize its national economic interests since the end of the Second World War leaving its US ally with the burden of upholding international order.

In addition to these accounts, constructivist-inspired literature on Japan's international security contends that the anti-militarist norm restricts the Japanese government's capacity to contribute to international order. Over the course of the Cold War, Japanese governments maintained a ceiling of 1 per cent of Gross Domestic Product (GDP) spent per annum on the SDF, imposed strict arms export restraints on Japan's arms industry, refrained from developing nuclear weapons, opposed the use of weapons in space, and did not dispatch the SDF abroad. The roots of these policies lie in Article 9 of Japan's Constitution, which states:

...the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes... The right of belligerency of the state will not be recognised.

(Kantei 2013)

The Japanese Constitution, imposed by the United States in the wake of the Second World War, aimed to prevent the remilitarization of Japan and thereby contributed to what has been termed Japan's anti-militarist norm, meaning a public renunciation of 'the government's use of military force as a legitimate instrument of state policy' (Hook et al. 2005: 74). This public renunciation stemmed not only from the popular acceptance of the Constitution, but also in the Japanese experience of the death and devastation inflicted upon the Japanese population by the allied forces and carried out by the Japanese Imperial Army in the Asia-Pacific theatre of the Second World War (Dower 1999). Numerous studies have thereby examined the influence of this anti-militarist norm upon Japan's foreign security policy and the extent to which this

norm has shaped Japan's self-identity as an anti-militarist state (Hook 1996; Katzenstein 1996; Hook et al. 2005; Ashizawa 2008; Oros 2008). Whilst these scholars do recognize the incremental nature of changes to the SDF's role and mission, they emphasize the extent to which core elements of the anti-militarist norm remain in place. There are still numerous restraints placed upon the exercise of military force by the SDF: the Japanese budget remains limited to 1 per cent of GDP ceiling and is decreasing; Japan remains a non-nuclear state even though some politicians and pundits have proposed that change; strict laws pertaining to the SDF's dispatch on overseas United Nations Peacekeeping Operations (UNPKO) and use of weapons remain in place. Even though Prime Minister Koizumi Junichirō ordered the SDF to take part in operations in Iraq in 2003, the SDF mandate was limited to civilian assistance in Samawah, a comparatively peaceful part of Iraq where the Japanese troops were constantly guarded by the Dutch army.

Contending realist-inspired studies of Japan's security policy have focused on the expanding role of the SDF, such as in UNPKOs (Green 2001; Hughes 2004; Samuels 2007). By focusing on the SDF, Japan's *de facto* military forces, such studies have emphasized Japan's shift towards becoming a 'normal' (Hughes 2004) or a 'reluctant realist' state (Green 2001) that is committed to upholding international order. From the perspective of these authors, Japan has progressively abandoned the anti-militarist norm in the post-Cold War era in order to increasingly contribute to international order.

In sum, all these accounts tend to perceive Japan's foreign policy as inadequate, whether because of a cunning strategy to shirk responsibility (Lind 2003; Pyle 2007), a failure to become 'normal' (Green 2001; Hughes 2004; Samuels 2007), or because of its conformity with international norms (Berger 2007; Suzuki 2008) rather than norm entrepreneurship. Constructivist writers emphasize the continued salience of Japan's anti-militarist norm in constraining Japanese contributions to international security (Hook 1996; Katzenstein 1996; Ashizawa 2008; Oros 2008; Midford 2011).² These accounts do not consider how Japan has made an innovative contribution to the maintenance of international order since the late 1990s. In responding to maritime security threats, the JCG has helped establish and train new maritime law enforcement organizations, financed the construction of multilateral maritime security institutions in East Asia and around the world, and contributed to the development of international maritime law and security. These efforts continue to have important policy implications in terms of regulating transnational maritime security issues

through non-military means. Japanese administrations have repeatedly turned to the JCG to meet a variety of maritime challenges, not least because of the legacy of Japan's imperialist expansionism and the anti-militarist norm that evolved in the wake of defeat in the Second World War. This book therefore supports constructivist accounts of Japan's international relations (Hook 1996; Katzenstein 1996; Hook et al. 2005; Ashizawa 2008; Oros 2008), but argues that rather than norms merely imposing constraints on Japan's foreign security policy, they can also enable norm entrepreneurship (Finnemore and Sikkink 1998).

Japan's norm entrepreneurship in international society

Japan's norm entrepreneurship in the field of maritime security derives from how policy makers perceive their state's identity in international society. Proponents of the English School theory of International Relations stress that policy makers are constrained by the rules and norms of the global and regional international societies of which they are members and are expected by their peers to maintain order in international society. In particular, great powers, including Japan (Buzan 2004b: 70–1), have a duty to uphold the laws and norms of international society when an actor abrogates these laws and norms (Bull 2002; Buzan 2004a; Hurrell 2008). Actors constantly seek confirmation by their peers in international society that their state's foreign policy is legitimate and recognition that they are contributing to keeping international order (Suzuki 2008). Similarly, should a member of international society break an international law, its leaders will go to great lengths to explain its behaviour and uphold its reputation (Bull 2002: 131–6). At the same time, policy makers are guided by a sense of their state's identity. This identity is discursively constructed and reproduced by actors in both domestic and international realms over time. In Japan's case, for example, the anti-militarist norm together with the legacy of Japan's past imperialism informs Japanese policy makers as to how they should act in the maritime security sector. Japanese policy makers act in accordance with this identity in order to remain ontologically secure (Steele 2005), but in doing so they may develop innovative approaches to international security threats that other actors would not normally select based on their sense of self.

Whilst a foreign policy actor's sense of their state's identity in international society is generally stable, as international society is a social realm, no identity is completely fixed. Instead, foreign policy actors constantly debate international issues and in doing so may evolve a policy

response that shifts how they perceive their state's identity in international society. Actors may also be under pressure from their peers to respond to global challenges in ways that do not conform with their state's identity. These issues and challenges may emerge from a number of sectors, including economic, environmental, political, societal, and strategic, and require international action to adjust the laws and norms of international society to preserve order. Whilst this book focuses on threats posed by outlaws within the maritime security sector, it also problematizes how these threats are interconnected with other sectors.

Broadly speaking, outlaws commit acts that threaten international order requiring member states of international society to respond. In so doing, states seek to develop the normative and regulatory standards of international society. The most clearly identifiable and internationally recognized category of outlaw is that of the 'criminal of mankind' under international law. For example, member states of international society are required by international law to arrest pirates and put them on trial. Yet even under international law, an outlaw is an essentially contested concept, as actors in international society continually debate how outlaws are defined. Terrorists, separatists, international criminal organizations, and rogue states are amongst the myriad outlaw groups that engage the attention of international society. These discursive contests highlight ongoing debates concerning the norms and rules that determine legitimate conduct in international society. Designating outlaws also entails demarcating the boundaries of membership in international society and is a politically charged exercise that is fraught with risk. Actors may identify outlaws in order to achieve political goals, justify specific foreign policies, or develop military responses that produce unintended consequences or undermine the security and well-being of communities. Japan's innovative response to maritime security threats avoids some of these pitfalls by focusing on the policing role of the JCG. Nonetheless, only by developing policies that consider the causes of outlaw behaviour can actors comprehensively tackle maritime violence and crime.

Organization of the book

This book is organized into two parts comprising three chapters each. The first part provides the theoretical underpinnings of the study, methodological approach, and definitions. The second part consists of three case studies on Japan's responses to North Korean suspicious ships, piracy in Southeast Asia and Somalia, and maritime terrorism and the

proliferation of WMD. The book concludes with a discussion of the implications of the study for international relations theory and practice, specifically as these relate to Japan's foreign policy.

Chapter 2 frames Japan's international relations in terms of the English School's concept of international society. As the introduction makes clear, studies of Japanese foreign policy tend to highlight Japan's failure to act as a 'normal' great power that contributes to international security. This book takes issue with such accounts by exploring the interaction between the conditioning effects of international society and Japanese domestic norms. The chapter argues that the evolution of international society cannot be taken at face value, but instead must be challenged for the unequal relations that it has spawned. Adopting a postcolonial perspective, the contention here is that Japan's interactions with international society over time have shaped the ways in which Japanese foreign policy actors have come to perceive their state's identity. These perceptions have become embedded in norms that constrain and enable how Japan innovatively contributes to international security at the regional and international levels. The influence of these norms on Japanese foreign policy can be observed through a combination of process tracing and discourse analysis methods.

Chapter 3 critically engages with the concept of 'outlaws' of international society, as discussed by proponents of the English School of International Relations. The English School's focus on global politics as a social realm in which great powers have constructed the laws, norms, and institutions that regulate international conduct provides a clear theoretical starting point for an analysis of 'outlaws'. The designation of 'outlaw' is entrenched in power relations between members and non-members of international society. Though any member of international society may label an actor as an outlaw, great powers by virtue of their material and normative capabilities play a central role in determining the boundaries of international society. Nonetheless, there must be a degree of consensus throughout international society as to the legitimacy of designating an actor as an outlaw in order for the label to stick. This consensus is most clearly in evidence in cases where members of international society have agreed that certain conduct constitutes outlaw behaviour, such as the categorization of piracy as a crime under international law. International society's responses to outlawed activity at sea, including piracy, terrorism, smuggling, spying, and the proliferation of WMD, will be detailed here not only to highlight developments in international maritime law but also to demonstrate the inadequacies of this response that continued outlaw behaviour exposes. In other

cases, applying the label outlaw is less clear cut and requires, in the first instance, a critical review of the literature on outlaws in English School theory to understand how the label has been applied. This review reveals that in addition to criminal actors, English School scholars identify rebels and revolutionaries of international society. Whilst both these actors undertake politically motivated violent action against a member or members of international society, rebels, usually separatist or ethno-nationalist groups, seek recognition for their cause and entry into international society. Revolutionaries, on the other hand, intend the overthrow of international society in order to replace it with an alternative international structure. Understanding the motivations of outlaw actors vis-à-vis international society is key to devising responses that tackle the causes as well as the symptoms of such activity. None of the categories of criminals, rebels, and revolutionaries are absolute or fixed, as actors may move between them or by renouncing their outlawed activities lose the label all together. In addition, the categories are employed in this work as ideal types that help to focus academic inquiry into the behaviour of outlaw actors and the policy responses of international society. The objective throughout this work is to challenge representations of outlaw behaviour and not to reinforce them. As Jackson argues (2007: 426), only by challenging hegemonic discourses in international relations, such as the concept of International Islamic terrorism, is it possible to arrive at more nuanced understandings of violence in global politics that comprehend the root causes and motivations behind that violence.

Chapter 4 problematizes the concept of outlaws by critically assessing the context of each of the cases under investigation to comprehend how actors designated as outlaws perceive their domestic and international goals. Here again the book argues that the motivations and causes of outlaw behaviour must be understood in order to consider how cycles of violence and crime may be broken. The focus is firstly upon North Korea's dispatch of suspicious ships into Japanese territory and sales of missiles, narcotics, and proliferation of WMD and related technology. Though many of these activities are illegal under international law, it is necessary to ascertain the accuracy of such allegations, as well as to analyse the motivations of the North Korean government in engaging in these activities. Notably, the characterization of North Korea as an outlaw and international responses to contain it, including Japan's responses to suspicious ship incursions, has left the Pyongyang regime with a limited set of foreign policy options in order to survive. Not discounting the lamentable conditions under which most North Koreans

subsist, international society needs to reconsider alternatives to containing the state, if it is to re-enter international society as a fully recognized member. Similarly, understanding piracy requires exploring the underlying conditions that induce criminal behaviour, as well as setting out the myriad types of piracy that exist. In addition, it is vital to specify how the regional context works to encourage certain types of piracy and inhibit specific responses. In this vein, piracy in Southeast Asia is compared with Somalia, with particular attention given to the Islamic Courts Union's (ICU) suppression of piracy at the same time as the United States designated the ICU as an outlaw because of its connections to the terrorist Al-Shabaab organization. Finally, the concept of terrorism is problematized by considering how and why governments have defined actors as revolutionaries who intend to destroy international society or as rebel actors who perpetrate acts of violence in attempts to gain their independence and recognition in international society. The focus of this final section is on actors branded as terrorists or ethno-nationalist movements in Southeast Asia, where the focus of Japan's response to maritime terrorism has been.

The second part of the book concentrates on three case studies to understand how and why Japan has responded to maritime outlaws. Chapter 5 explores Japan's response to incursions of North Korean suspicious ships in March 1999 and December 2001. The timing of these incursions synchronized with debates in Japan as to what Japan's international maritime security role should be. Actors from across the political spectrum in Japan – influenced by Japan's anti-militarist norm – sought to guide these debates, which centred on whether the JCG or MSDF should play the dominant role in maritime security. Ultimately, defenders of the anti-militarist position shaped how the government reacted to the North Korean suspicious ship incursions, leading to the JCG playing an ever greater role in securing the domestic and international maritime domains.

The JCG also came to play the primary role in Japan's response to piracy in Southeast Asia. As Chapter 6 details, a rise in piracy during the late 1990s led the Obuchi government to propose a variety of regional responses to the problem, including coast guard patrols, UN Ocean Peacekeeping Operations (UNOPKOs), and multilateral meetings. Of these only the last proposal was accepted by Southeast Asian leaders, concerned about the potentially intrusive nature of patrols and UNOPKOs. From a series of multilateral meetings sponsored by the Japanese government and held in Tokyo emerged a regional response to maritime security issues, centring on piracy. In particular the JCG

was dispatched on training missions and exercises, foreign maritime officials were educated at the JCG University, and the Japanese government provided aid to build the capabilities of Southeast Asian maritime law enforcement and rescue organizations. Southeast Asian governments also established new coast guard organizations based upon the JCG model as a result of this regional cooperation. Finally, the regional anti-piracy response was institutionalized with the creation of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Japan's approach to tackling piracy in Southeast Asia also became the inspiration for the Djibouti Code of Conduct in January 2009 in response to the threat of piracy off the coast of Somalia. In addition, though the MSDF were dispatched to combat Somali piracy because of the MSDF's logistical capabilities and heavier armament, the JCG continued to play a vital role in Japan's anti-piracy response as the organization responsible for arrests and the acquisition of evidence. As debates surrounding the dispatch of the MSDF and JCG to the Gulf of Aden reveal, Japan's anti-militarist norm continued to factor heavily in Japan's response to maritime security threats.

Japan's response to maritime terrorism is the focus of the final case study chapter. Here the argument is twofold. On the one hand, the regional response to piracy led by Japan was instrumental in combating the maritime threat posed by ethno-nationalist movements or rebels in Southeast Asia. Though the political motives of ethno-nationalist groups differ from the economic goals of pirates, coordinated patrols between littoral states coupled with enhanced cooperation between maritime organizations hampered acts of kidnapping, violence, and robbery usually carried out by these groups. Japan's approach therefore contrasts with the US Regional Maritime Security Initiative (RMSI) that Malaysian and Indonesian officials perceived as an attempt by Washington to police the Malacca Straits with US marines. On the other hand, Japanese governments tended to follow the US lead in tackling what the Bush administration framed as a global Islamic terrorist threat. The Japanese government signed up to all US-led initiatives to deter acts of maritime terrorism, as well as the shipping of WMD and related materials by terrorist groups and rogue states, demonstrating a reluctance on the part of the Japanese government to provide leadership at the global level on these maritime security issues. Nonetheless, Japanese administrations have tended to favour the JCG over the MSDF when participating in these US-led initiatives, demonstrating the resilience of Japan's dual maritime strategy.

The concluding chapter assesses the impact of Japan's dual maritime security strategy that evolved in the wake of the 1999 suspicious ship case. Concerned about Japan's image in international society, successive Japanese governments stressed the unique role of the JCG in tackling maritime security threats. As a result, the JCG has combated outlaws at sea in innovative ways that have transformed maritime security cooperation in international society. In particular, involvement of the JCG in responding to piracy in Southeast Asia and in the Gulf of Aden has provided a law enforcement framework to tackle maritime security threats as opposed to a purely military response. There are limits, however, to Japanese norm entrepreneurship in international society. Particularly in the case of tackling maritime terrorism and the proliferation of WMD, Japanese governments have tended to follow the United States' lead, rather than promote new practices. In addition, Japan's response to maritime security threats remains state-centric and little has been achieved by way of addressing the underlying causes of outlaw behaviour in international society. Only a comprehensive approach that combines maritime law enforcement with long-term, sustainable policies directed at enhancing the economic development and security of coastal communities and states can ultimately succeed in addressing the threats posed by maritime outlaws to international society.

2

Japan: An Innovative Power?

Introduction

As Chapter 1 highlighted, scholars and policy makers have often derided Japan's contribution to upholding order in international society as being insufficient. These critics maintain that Japan could employ its material and security resources to a greater extent and does not do so either because of the constraints of the anti-militarist norm or because Japanese policy makers have used pacifism as an excuse to 'free-ride' on the security guarantees provided by the United States. This chapter agrees with the first of these critiques to the extent that identity – part of which includes the anti-militarist norm – is a central feature in Japan's international relations. Where the argument diverges is that identity not only constrains but enables innovative foreign policy. Exploring how innovative power can be mobilized requires understanding how actors construct and reproduce the self-identity of their state through their foreign policies in relation to international society at the global and regional levels.

This chapter begins by setting out the English School claim for an international society, the institutions of which enable international relations to proceed predictably and smoothly. Broadly speaking, English School proponents assert that states have constructed social structural conditions to regulate their interactions. In particular, states have evolved primary institutions, such as international law, diplomacy, great power management, war, and the balance of power (Bull 2002), which grant states specific rights, such as sovereignty, and duties in upholding international order. According to English School adherents, Western great powers in particular have played a fundamental role in generating a modern international society based on free markets, democracy, and

human rights. Buzan (2004a), for example, explores the concept of international society at the regional level to demonstrate how the European Union (EU), as the most advanced regional international society, has been at the forefront of these developments. Yet since this account of international society promotes a teleological notion of progress led by Western great powers, it fails to see, or even denies, the agency of non-Western actors. By challenging English School accounts, Japan's contribution to the evolution of maritime security governance since the late 1990s can be acknowledged.

Recognizing the role that successive Japanese governments have played in tackling maritime security threats requires rethinking how international society functions. Specifically, the English School needs to reconsider how states act as norm entrepreneurs in international society. This chapter adopts a postcolonial approach to assert that all states are hybrids, which is to say that foreign policy agents perceive their state as possessing a specific identity that evolves in relation to international society. These agents then construct foreign policies that negotiate this perceived state identity, as well as the laws and norms of international society at the global and regional levels. In line with this postcolonial approach, subsequent chapters track the evolution of Japan's response to suspicious ship incursions, piracy, and maritime terrorism, to demonstrate the reciprocal interaction of state identity and international society.

Norm entrepreneurship in international society

The concept of international society is central to the work of the English School. According to proponents of this theory, an international society comprises,

a group of states (or more generally, a group of independent political communities) which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations of the others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognise their common interest in maintaining these arrangements.

(Bull and Watson 1984: 1)

According to Bull's seminal work, *The Anarchical Society* (2002),¹ the primary institutions of international society comprise the balance of power, international law, diplomacy, war, and the great powers. Adler

defines the primary institutions of international society as 'intersubjective structures' which are 'webs of meaning sustained by social communication ... [and] constitute the content and boundaries of identities, practices and institutions' (Adler 2005: 176). By agreeing to the rules and norms of these institutions, states, particularly the great powers (Bull 2002: 33), determine the membership of their international society (Buzan 2004b: 22; Adler 2005: 181). In addition, the primary institutions of international society are designed and reformulated to uphold order. Bull perceived international society in narrow 'pluralist' terms, understanding order as little more than the conditions that maintain peaceful coexistence amongst states. With this in mind, Bull set the three goals of order in international society as preventing conflict, securing public goods, and obeying treaties (Bull 2002: 16–19).

As Bull and Watson's definition reveals, there are strong links between English School and Constructivist theorists in terms of their focus on the normative content of international relations (Finnemore 1996; Katzenstein 1996; Farrell 2002: 52–4; Reus-Smit 2005). Constructivists define norms as '[the] collective expectations for proper behaviour of actors with a given identity' (Katzenstein 1996: 5). Drawing on Katzenstein's definition, constructivist work explains how norms shape actor identity and behaviour. State actors embed international institutions with normative content both to govern interstate relations and to create new interests and objectives for states (Wendt 1995: 136; Kowert and Legro 1996: 453) that potentially transform international society (Vasquez 1997: 667). Member states act in accordance with the norms and laws set by these core institutions of international society, or as March and Olsen (1989: 24–6) put it, states abide by a logic of appropriateness. States follow the prescriptions of international institutions or face opprobrium (Johnston 2003) to the extent that they may even risk being ostracized from international society as a 'rogue' or 'outlaw' state (Simpson 2004; Saunders 2006), as Chapter 3 critically discusses. States thereby act within the confines of a social environment in which notions of cooperation and obligation guide behaviour (Finnemore 1996: 1–29, 129; Katzenstein 1996: 2, 25) making international relations more predictable and therefore more stable (Hopf 1998: 175–8). As Buzan states, 'sentience makes a difference ... social systems cannot be understood in the same way as physical ones. When units are sentient, how they perceive each other is a major determinant of how they interact' (Buzan 2001: 476).

Though interest in the English School in the field of International Relations waned during the 1980s and 1990s, it has enjoyed a

renaissance since Barry Buzan's call to reconvene the English School in 2000 and a number of scholars have thereby developed the concept of international society. Buzan himself defines international societies progressing along a pluralist to solidarist spectrum (2004a).² Each societal category in Buzan's spectrum possesses alternative means of upholding international order, whether it involves a balance of power in a pluralist society or a shared commitment to enforce humanitarian goals in a cosmopolitan or solidarist society. In solidarist international society, order is therefore concerned with ensuring justice for human beings, defined in terms of human rights and the equal distribution of wealth. For English School proponents, progress towards the establishment of a solidarist international society is therefore the ultimate goal of all states. In Buzan's work, states still interact through the medium of the international institutions, but he reconfigures and broadens these to include sovereignty, territoriality, diplomacy, great power management, equality of people, market, nationalism, and environmental stewardship (Buzan 2004a: 176–90). Here, Buzan has expanded the primary institutions of international society in order to take account of what he and other English School writers perceive as the increasingly solidarist features of international society in the post-Cold War world (2004a; see also Hurrell 2008).

A key challenge for both constructivists and English School proponents has been to elucidate how actor identities, norms, and social structures are generated, how they are sustained and how they are changed (Kowert and Legro 1996: 469; Hopf 1998: 196–8). Indeed, if norms can account for both continuity and change in the behaviour of actors in the international system, then the explanatory value of norms is suspect as norms can potentially be employed to explain whatever the analyst chooses (Kowert and Legro 1996: 482–97). Critiques also contend that in stressing the importance of social factors, constructivism creates a dichotomy between social and material explanations, encouraging researchers to perceive one set of forces as being more potent than the other (Dessler 1999: 127). Finnemore, for example, gives prominence to international conventions that define the kind of world that people want to live in (Finnemore 1996: 129), yet powerful states frequently violate or ignore such conventions to realize their own interests (Krasner 2000: 132–4). It is therefore necessary to ask how states combine both material and social forces in order to act as norm entrepreneurs in international politics, rather than stressing one set of causal variables over another (Keohane 2000: 126–30; Smith 2000: 153–6).

Superpowers are in a pre-eminent position, in terms of both their material and social power, to define the contours of appropriate behaviour in international society based on the values they promote and their ability to enforce these values (Buzan 2004b: 69). Buzan defines Superpowers as possessing the political, economic, and military capabilities that can be extended to the global level. Great powers are those states that are able to acquire the military, economic, and political resources to make a bid to become a Superpower (2004b: 69–70), and regional powers are states that possess sufficient capabilities to determine how the security between states in any given region is organized (Buzan 2004b: 71). English School proponents argue that states differ in the extent to which they can influence a given international issue depending upon their economic, political, societal, and strategic capabilities (Buzan et al. 1993: 29–33). Buzan, Jones, and Little therefore define power as ‘the capability of units to perform specified tasks as a result of the attributes they possess’ (Buzan et al. 1993: 44). They add that a state’s power constantly changes relative to other states. For example, Japan’s strong economic power can be contrasted with its weaker military power, as opposed to the United States which possesses both a potent military and a strong economy (Buzan et al. 1993: 44). Constructivists, such as Finnemore and Sikkink, adopt a similar approach in their work on norm entrepreneurship when they emphasize that ‘because states are not equal when it comes to their normative weight... [so] [s]ome states are critical to a norm’s adoption... [namely those] “critical states”... without which the achievement of the substantive norm goal is compromised’ (1998: 901). Though Finnemore and Sikkink maintain that ‘critical states’ may vary depending on the issue, they reify the norm entrepreneurship of key Western states, including the United States, the United Kingdom, and France. In this way, both English School and Constructivist scholars assert that powerful Western states possess greater normative authority to give them control over the dominant values in international society (Ling 2001; Barkawi and Laffey 2006; Hobson 2007; Agathangelou and Ling 2009). As Smith (2004) stresses, when International Relations scholars reproduce Western-centric theories and accounts, they are complicit in constructing the normative power of Western states to serve Western interests at the expense of the non-West. From such a standpoint, Japan’s international security contribution is derided as insubstantial or not ‘normal’, rather than acknowledge the innovative ways in which Japanese governments have mobilized their state’s material power to address international security challenges, as Chapter 1 emphasized.

Buzan (2004a) asserts that within international society, so-called 'legitimate' great powers socialize states through social and material means into abiding by the rules and norms of international society, a practice defined as mode/depth socialization. For Buzan, the stability, or 'depth', of each international society depends upon the manner, or 'mode', in which order is established and maintained, whether this is through coercion, calculation, or belief or, more plausibly, a mixture of the three (Buzan 2004a: 130–2, 159). According to this framework, the norms and rules of international society are more deeply embedded if actors believe in the legitimacy of these norms and rules. Alternatively, if rules and norms are imposed through coercive means, such as through imperialist conquest, so international society becomes weaker in the sense that states will constantly oppose their subjugation. Despite this, Buzan emphasizes the benefits derived from the expansion of international society through imperialism when he states,

despite the misgivings of many English School writers about the consequences of decolonization for interstate society...several of the values that were carried outward by the force of Western military superiority have, over time, become internalised by those peoples on whom they were originally imposed... However morally distasteful it may be to acknowledge the efficacy of coercion in shaping values, it nonetheless remains true that most of these values are unquestionably now universally held values in international society.
(Buzan 2004a: 223)

Once again, the agency of the 'West' is emphasized, depicting the efforts of others, including Japan, as peripheral at best, if not absent. In addition, Buzan assumes that all members of international society acquiesce to and interpret its values in the same way. By so doing, Buzan fails to account for how the evolution of international society has promoted a particular mode of socialization that has imprinted itself in the ways in which actors perceive their state's self-identification vis-à-vis international society and how this self-identity shapes a state's subsequent interaction with international society. Understanding these processes involves shifting the level of analysis from the global to the regional.

The normative content of East Asian international society

A further contribution to be gleaned from Buzan's volume is his dual focus on both an international society in a global sense, comprising such

institutions and norms as sovereignty and international law, and a plurality of regional international societies (2004a). States establish regional international societies because numerous issues are better addressed at a regional rather than a national or global level, such as transnational migration, environmental degradation, and transborder piracy. Geographical proximity, common political systems, languages, customs, cultures, and social and historical bonds also raise a region's interaction capacity: the technological and normative tools that facilitate interstate relations by reducing transaction costs. This enables stronger interstate relationships to evolve than those between states of different regions (Buzan et al. 1993: 69–73; Buzan and Little 2000: 79–83). Furthermore, states within a region may evolve a distinctive international society in order to tackle globalization pressures, such as East and Southeast Asian regional responses to establish the Chang Mai Initiative (CMI) to facilitate currency swaps in the wake of the Asian Financial Crisis (Amyx 2008), or to tackle common environmental problems (Campbell 2005).

In these regional international societies, member states organize their international relations and manage order in different ways from other regional international societies. Buzan's key distinction here enables the theorist to account for regional variations and the development of regional models of cooperation and coexistence (Buzan 2004a). What remains consistent in such regional international societal accounts is the teleological trajectory the states must follow in order to develop the attributes of a solidarist international society. This teleological argument is rooted in the English School assumption that states in an international society are first bound by common interests (*gesellschaft*) before they can develop a common culture (*gemeinschaft*) (Hurrell 1995; Buzan 2004a). For Buzan (2004a: 223) and other English School proponents, such as Hurrell (1995), the EU comprises key solidarist elements and therefore represents the most advanced form of international society. As Buzan states, '[the EU is] the thickest, most ambitious and most highly developed interstate society ever seen' and 'the only example of a convergence interstate society ever seen, and the only one that even begins to approach a world society' (Buzan 2004a: 211, 208–9; see also Hurrell 1995; Morgan 2000; Linklater 2011). Recent English School contributions have done little to challenge the notion of the EU as 'vanguard international society' despite problems with the EU project such as public opposition to the Lisbon Treaty or the European sovereign debt crisis since 2009 (Buzan 2010).

Buzan does distinguish between the 'vanguard' and 'syncretist' understandings of the expansion of international society, in which the 'syncretist' account is 'that it is the normal condition of human

affairs for cultural ideas to flow between areas of civilization. Cultures thus evolve not only in response to their own internal dynamics, but also because of encounters with other cultures, even remote ones' (2010: 10–11). However, despite an acknowledgement that intercivilizational dialogue and global ideational transmissions have occurred in the past, Buzan concludes that 'by the time we get to the nineteenth century... Syncreticism did not cease to operate, but it became much more like the one-way traffic from core to periphery of the Vanguardist account' (2010: 13). Buzan's work thereby reifies European international society and extols the benefits of Western imperialism making the theoretical contribution of the English School a self-fulfilling prophecy; it 'sings a world into existence' (Smith 2004) that understands International Relations as one-way traffic from core to periphery, whilst ignoring opposition in the periphery to an international society dominated by the West. In doing so, the English School inhibits intercivilizational dialogue and a global exchange of ideas and relegates alternative regional international societies to an inferior status instead of exploring how and why different regional international societies function in the ways that they do and what might be learned from them as a result.

Such an attempt to relegate alternative regional international societies can be observed in Buzan's characterization of East Asian international society as

defined by strong adherence to sovereignty, territoriality and nationalism... [East Asia] is far from being a security community... were [it] not restrained by the ringholder presence of the US, East Asia would probably have war as a more prominent institution... [East Asian states] have accepted a limited version of the market as necessary to their own power and stability.

(Buzan 2004a: 238; also Buzan and Wæver 2003: 144–82)

Buzan's comments echo realist-inspired accounts which similarly emphasize the fragility of East Asian order and the inevitability of regional conflict (Friedberg 1993–4; Roy 1994; Burnstein and Munro 1997; Friedberg 2000; Mearsheimer 2010). In such a supposedly conflict-prone region, East Asia's alphabet soup of multilateral institutions, comprising the ASEAN Regional Forum (ARF), ASEAN Plus Three (APT), the East Asia Summit (EAS), the Asia-Pacific Economic Cooperation (APEC) forum, the Asia-Europe Meeting (ASEM), the Shanghai Cooperation Organization (SCO), and the Six Party Talks (SPT), provide little international protection against interstate competition and conflict (Jones and

Smith 2007; Ravenhill 2009). This depiction of the EU as the teleological end point for other regional international societies to attain reproduces an orientalist approach in mainstream International Relations theory that defines the non-West as inferior and threatening, as well as reifying the normative power of Western powers (Said 2003; Agathangelou and Ling 2009; Nayak and Selbin 2010).

This orientalist approach inhibits the development of the English School as a theory of International Relations by excluding alternative possibilities for the evolution of international societies. By rejecting the 'vanguard' account of international society, the historical evolution of East Asian regionalism can be understood and its distinctive features recognized. Pempel (2010), for example, emphasizes how complex processes of regional interaction spread across a myriad of overlapping institutional structures spanning a wide range of issues combine to maintain peaceful relations between East Asian states. This regional interaction is not only state based, but relies upon inter-city and microregional connections (Hook and Breslin 2002; Yeo 2010), as well as business links through International Production Networks (IPNs) (Yun 2003; Dent 2008). Chan (2009), for example, argues that in spite of government restrictions on cross-Straits business, Taiwanese companies have built ties with their mainland counterparts to establish channels of 'credible communication' that have transformed the political and security relationship between Taiwan and the PRC. Such informal channels are supplemented by Track II diplomacy, loose cooperation on specific issues, and ASEAN-centric approaches to form the foundations of what Yeo (2010) terms 'networked regionalism' in East Asia.

In this 'networked' environment, consensus building, non-intervention, non-use of force, peaceful settlement of disputes, and regional solutions to regional problems combine to form the normative context in which East Asian states relate to each other (Acharya 2004; 2001). Through processes such as complex engagement (Ba 2006) and relationality (Qin and Wei 2008; Qin 2009), states and non-state actors are socialized into a regional international society in which their identities and interests are formed and reformed through interaction. Whereas English School proponents advocate the teleological progression of a *gesellschaft* to a *gemeinschaft* society, an examination of East Asian order suggests instead that the evolution of common interests is intertwined with the development of a common culture (Qin 2010). In other words, state representatives within a given region constantly reassess the logic of appropriateness according to which state interests emerge and policy is assessed in their regional international society.

For Alice Ba (2006), state representatives negotiate and renegotiate their relations through what she terms a process of complex engagement. From this perspective, socialization is not simply the manner by which states become accustomed to behave appropriately in international society, as writers like Buzan argue, but is instead an interactive and reciprocal process of mutual learning. Works by Qin and Wei (2008) and Qin (2009, 2010) perceive socialization processes in East and South-east Asia operating along similar lines to Ba. For example, Qin and Wei echo Ba when they emphasize that a process of interaction in which identities are reformed and interests recalculated is fundamental to understanding East Asian regionalism. They state, '[East Asia's] soft institutionalism clashes with the mainstream view of Western International Relations theorists that substance takes priority over process and that to have value, a process must be effective in terms of producing results' (Qin and Wei 2008: 121). In contrast to English School writers who argue that structure determines how states are socialized and act, Qin (2009) comprehends the relationship between structure and agency as circular and holistic, like the Chinese symbol of yin and yang in the sense that actors perceive their own identity in others as well as in themselves and vice-versa. As Qin states, '[a]gents constitute process through their action or interaction, while process exerts constraining and enabling effects on agents. Hence, the relations between process and agents and the relations among agents in process cannot be explained by linear and instrumental causality, but interpreted by circular and holistic constitution' (2009: 9). For Qin, this self-other relationship is a 'harmonious' one in which conflict only occurs when the self deviates from 'the Way' by failing to understand the relationship between the self and other and the core aspects of international society (2010). Qin defines these core aspects as *He* (harmony), *Shi* (direction/tendency of the process of change), and *Bian* (becoming), in which identities are always changing (*Bian*) in a peaceful post-Cold War order (*He*), determined by cooperation and economic development (*Shi*) (2010: 148–9). Whilst Qin's critique of the English School as Eurocentric is compelling, and his notion of *Bian* or 'identities in process' interesting, his work ultimately concludes by merely replicating the Chinese Communist Party (CCP) mantra of China peacefully developing as a 'harmonious society'. In this sense, Qin's Sinocentric argument merely reproduces the mistakes of Western International Relations theories that act to justify the foreign policies of great powers (Chen 2011: 4). Nevertheless, what can be gleaned from Qin Yaqing as well as Alice Ba's work is a sense of how reciprocity works not only

in East Asian international society, but more broadly in terms of elucidating how a syncretist account of international society might work in practice.

Constructivists and the English School have undertaken important work in developing the concept of international society, not least in stressing that states, through their foreign policies, have the potential to alter the framework of international society itself. Nonetheless, as the above overview highlights, there remain two problems regarding an inherent orientalism within the English School and the transformation of international society which require further engagement and development. First, in stressing the teleological development from pluralist to solidarist international society, the English School essentially replicates the fallacies of Liberalist theory which similarly argues in favour of the establishment of a global capitalist, liberal, and democratic world order as a historical end point (Fukuyama 1992). In doing so, such frameworks reject the possibility of alternative world orders and non-Western approaches to international relations (Agathangelou and Ling 2009). The English School thereby fails to understand how the international relations in East and Southeast Asia function differently from other regional international societies to condition state responses to issues like maritime security.

Second, English School proponents have not clarified how states transform international society, and instead emphasize the role of great powers, predominantly the United States supported by the EU, in determining and maintaining the status quo (Buzan 2004b). As a result, non-Western powers, like Japan, are frequently regarded as no more than followers of international norms (Gurowitz 1999; Berger 2007; Suzuki 2008), or not on a par with 'normal' states due to some deficiency, such as anti-militarist foreign policies (Green 2001; Hughes 2004; Samuels 2007). Edkins and Zehfuss (2005) assert that by stressing that powerful states must act through international institutions to dictate the parameters of permissible action, Bull, and the English School more generally, constrains the possibilities for transforming international society. They argue,

much of what constitutes society or what Bull calls 'social life' takes place because of the very disagreements and debates about goals and purposes that he wants to claim are already decided... the possibility of order (of the type Bull wants to discuss) relies on the very possibility of disorder that he wants to dismiss.

(Edkins and Zehfuss 2005: 457–8)

In other words, the English School, by reifying a social order determined by powerful states, 'defin[es] away politics' (Edkins and Zehfuss 2005: 461), namely a contestation over values, issues, and policies in global politics that should be conducted openly and respectfully to realize emancipatory outcomes. Zehfuss asserts that constructivists also replicate this fallacy when they maintain that states act in accordance with the 'reality' of the international system rather than perceiving agents as endowed with both the potential and responsibility to transform the system (2002: 208–62).

Works like Ba (2006) and Qin (2009, 2010) provide an answer to this dilemma faced by Constructivism and the English School. Both Ba and Qin focus on the political space in which issues are negotiated in an interactive process that encourages actors to reconsider their identity and aims in the light of the other. To provide one example from this book, Prime Minister Obuchi Keizō quickly retreated from his proposal to establish a regional Coast Guard or a UN Ocean Peacekeeping Operation (UNOPKO) when these proposals met with resistance from Southeast Asian representatives. As a result, successive Japanese governments did not impose a solution to maritime security threats in Southeast Asia, but rather facilitated multilateral dialogue that took into account national and regional concerns and identities. Such an approach contrasts with the US Regional Maritime Security Initiative (RMSI) proposal that failed to take account of national and regional positions.

Challenging the orientalist discourse inherent in the English School requires a critique of the School's teleological argument through an engagement with postcolonial International Relations theory (Ling 2001) to comprehend the sources of national and regional concerns within a society of states. To tackle the second issue of norm entrepreneurship, postcolonialist and culturalist perspectives demonstrate how foreign policies are conditioned by agents who perceive their state's identity in relation to international society. By acting in accordance with a perceived self-identity, Japanese foreign policy makers can create innovative responses to issues, such as maritime security, within the context of East Asian international society. The following section addresses these two issues.

Postcolonialist and culturalist approaches

Postcolonial critics of the English School (Ling 2001) and mainstream International Relations theory (Jones 2006; Agathangelou and Ling

2009; Nayak and Selbin 2010) focus upon the impact that the expansion of international society through imperialism and colonialism has had upon state identities and behaviour in international relations. For English School scholars, imperial and colonial practices, though often brutal, served to extend the rule of law and norms of European international society across the globe and to promote order (Bull and Watson 1984; Buzan 2004a: 223). By contrast, critics of the English School perceive imperialism as a primary institution of international society according to which European powers shaped the dominant norms of international society in their interests, such as the imposition of standards of civilization (Callahan 2004), creating relations of dependence between core and periphery (Keene 2002; Keal 2003). The interaction between individual East Asian states and expansionist European powers fostered hybrid state identities whereby state actors sought to align their foreign policies with international society, whilst simultaneously articulating their unique identity within international society (Suzuki 2005). Similarly, Morris-Suzuki perceives the Japanese state facing a peculiar dilemma in the early 20th century as Japanese intellectuals sought to emphasize 'Japan's *uniqueness*, as the only great Asian Power, and, on the other, to identify the *commonalities* which justified Japan's claim to impose its regimes on others and to create an empire in Asia' (1998: 170). As a result of these embedded imperialist practices, both colonizer and colonized reproduced each other's hybridized identity in mutually detrimental ways (Ling 2001: 71, 75).

Problematizing such reciprocally reinforcing identities is at the heart of postcolonial approaches which '[challenge] colonial domination and the legacies of colonialism' (Loomba 2005: 16). For postcolonial scholars, such as Bhabha (1996), the hybrid identities created through colonialism and neocolonialism are ambivalent in the sense that they continually appropriate and transform aspects of the other. In so doing, hybrid identities are always in process of becoming (Hall 1996a) and have the potential to emancipate by challenging existing definitions of self and other; opening up space for potential normative innovation in international society (Hall 1996b; Polat 2011). As Polat states, '[h]ybridity... indicate[s] the possibility of inhabiting several sites of identity at the same time, while not being reduced to one... [and] may function to *de-familiarize* the familiar in each of the various sites of identity inhabited, and *particularise* the universal' (Polat 2011: 1259). From a postcolonial perspective, engaging with East Asian conceptions of order and international society serves therefore to provincialize European experiences and discourses (Chakrabarty 2000) to understand the EU

as an international society rather than the model international society all states should aspire to emulate.

Critics, including Shohat (1992), Parry (2001), and Dirlik (1994), charge that Bhabha's interpretation of hybridity rather than challenging the legacies of colonialism merely serves to embed them. Shohat's (1992) concern with Bhabha's interpretation of hybridity is that by emphasizing a shared identity, opportunities to resist the other are lost. For Parry, by focusing on 'textual representation rather than on social realities, Bhabha perceives colonialism as transactional rather than conflictual' (2001: 128) thereby ignoring colonial suffering (2001: 127). Dirlik (1994) extends both these arguments, critiquing the omission of structural inequalities in Bhabha's work and hence the need to resist the material, rather than simply the rhetorical, modes of domination. Hence, while Bhabha perceives hybridity as a source of normative innovation and resistance, his critics charge that Bhabha's hybrids are stifled into conformity in the shadow of the colonial other.

An additional problem with Bhabha's interpretation of hybridity is that it essentializes a pure national identity that existed prior to colonialism and that can somehow be reclaimed. For Spivak (1993), attempts to retrieve a pre-colonial identity are futile; the pre-colonial is always conditioned by the colonial and so it is not directly accessible except through colonial experience. The danger here is that hybridity serves as a rallying cry to resurrect exclusive nationalist identities to construct a coherent and united self in resistance to the other. The response to this critique is that there is no pure national essence to find, but rather, a genealogy should be performed to explore how the identities of self and other are constructed and deconstructed through interaction over time (Foucault 1984: 76–81). Conducting such a genealogy enables one to trace the processes of interaction that creatively shape identities and understandings of self and other, which again through interaction are reformed anew (Qin 2009). Such transformations, Chen Kuan-Hsing argues, entail critically reassessing and reforming identities imposed through colonialist and imperialist practices, as well as during the Cold War (2010), and can enable actors to realize emancipatory alternatives to international society (Agathangelou and Ling 2009). This process of identity transformation is one that all actors in international relations can undertake, as all states are hybrids.

Culturalist (Farrell 2002) and postcolonial (Ling 2001) perspectives both elucidate how actors imagine and reproduce a hybrid state identity which is embedded in the historical experiences of their state in international society (Wendt 1995: 132–5; Kowert and Legro 1996: 462–5).

These identities legitimate certain foreign policy decisions whilst making other options unacceptable (Kowert and Legro 1996: 462–5; Hopf 1998: 175; Cortell and Davis 2000: 76; Lee 2006; Ashizawa 2008) such that the pursuit of foreign policy goals that are contrary to a state's self-identification may result in ontological insecurity (Steele 2005). Foreign policy actors therefore play a central role in articulating and reproducing a state's identity (Weldes 1996: 280–1, 287–8). This study therefore challenges the notion that power can be measured solely in terms of 'the capability of units to perform specified tasks as a result of the attributes they possess' (Buzan et al. 1993: 44) to argue that how actors deploy the power of their state depends upon how they perceive their state's identity. In other words, actors wield power in accordance with the norms they perceive to be embodied in the identity of their state. Power does not exist independently of how it is exercised or the political and social environment in which it is embedded (Cortell and Davis 2000: 73–4). Hence, Japan possesses military power, but Japan's anti-militarist norm delineates the extent of that power and how actors may deploy it (Hook 1996; Oros 2008). Similarly, Japan's developmentalist norm informs how METI officials formulate Japan's economic policies to stress a central role for the state rather than the market (Lee 2006).

Furthermore, norms generated by the great powers are not simply accepted by the majority of states but become embedded in domestic social structures in varying ways and to different extents (Checkel 1999; Cortell and Davis 2000; Farrell 2001; Cortell and Davis 2005). Constructivists argue that international norms are unlikely to be accepted unless they complement existing domestic normative practices (Checkel 1999; Cortell and Davis 2005). Hence, domestic actors interpret international norms and splice them on to existing local norms (Farrell 2001). Alternatively, international norms may replace domestic norms when a 'target community [is] pressured into accepting a new norm' (Farrell 2001: 80). Norm transplantation is facilitated when induced by an external shock, promoted by norm entrepreneurs, especially when they are connected to powerful elites, or when new personnel emerge who challenge existing beliefs and practices (Farrell 2001). Alternatively, Gurowitz (1999) argues that actors adopt international norms merely to be socially accepted as full members of international society.

As international norms are modified at the domestic level, so states may provide a 'feedback loop' that transforms the international norm itself (Prantl and Nakano 2011). Similarly, Acharya (2008) emphasizes the importance of the domestic context in shaping how international norms are received, interpreted, and transformed. He argues that not

only must international and local norms correspond with each other, but also through a process of 'constitutive localization' (2008: 14–21), whereby 'local actors...condition the reception of global norms by acting out of a historically constructed normative base...[hence] normative change and institution-building in Asia are better viewed as evolutionary processes contingent upon prior regional norms and processes' (2008: 7). This normative base is comprised of 'cognitive priors', including ethnicity, religion, social belief systems, historical memory, domestic political factors, elite worldviews, and accepted foreign norms such as non-intervention, sovereignty, and diplomacy (2008: 21–3). Prantl and Nakano's work together with Acharya thereby develops the debate beyond norm reception to norm reinterpretation and reformulation. Their arguments correspond with Bhabha's (1996) position on hybridity, but are equally problematic in that state agency is limited to the reinterpretation of international norms rather than states acting as norm entrepreneurs in their own right.

There is a different way to perceive this debate, however. Rather than understanding norm entrepreneurship in terms of an actor's innovative generation and propagation of a novel idea, norm entrepreneurship can be understood as a process whereby an actor mediates their interpretation of their own identity vis-à-vis international society. Here, the evolution of international society determines the parameters for state action in response to a specific policy issue by influencing how actors perceive the identity of their state. The strength of the norm of non-intervention in Southeast Asia, for example, derives from experiences of European imperialism and the imposition of European laws and norms and has constrained how states cooperate in the region. The case of maritime piracy is instructive in this regard. The Anglo-Dutch Treaty of 1824 sought to protect European trade routes by eradicating the piratical practices through which Southeast Asian elites had traditionally secured their political boundaries. In so doing, the British and Dutch imperial authorities imposed additional trading regulations that undermined the ability of Southeast Asian merchants to compete with their Western counterparts (Andaya and Andaya 1982: 130–3; Eklöf 2006: 11–13). Ultimately, for some in Southeast Asia, piracy became a means of resisting colonial domination by European imperial powers and recapturing the wealth of their lost dominions (Andaya and Andaya 1982: 92–3, 130–3; Hyslop 1989: 12; Yamada 2003: 162–3). The imposition of international laws through imperialist practices has conditioned how state actors define the rules and norms of East Asian international society today, most notably in terms of reifying sovereignty and non-intervention in

interstate affairs, in their responses to contemporary piracy (Nyhart and Kessler 1978: 190–1; Black 2011). For this reason, the Japan-led initiative to combat contemporary piracy in Southeast Asia through financial support, technical cooperation and education, and the institutionalization of regional collaboration that is sensitive to sovereign concerns trumped the US militarized approach to piracy labelled the RMSI (Black 2011).

In addition to abiding by the normative parameters of international society, policy makers also consider their state's identity in relation to international society. For example, Japan's response to maritime piracy in Southeast Asia evolved through a process of multilateral dialogue, which determined the parameters of possible action within regional international society, and through domestic debates. These domestic debates incorporated a multitude of positions that supported contending norms in Japan's identity. Whilst some policy makers advocated the despatch of the JCG in line with Japan's anti-militarist norm, others challenged this approach and argued in favour of enhancing the role of the SDF and contribute to international security order. Essentially, these actors accentuated different aspects of Japan's identity in order to produce a policy response they thought could address the problem. Ashizawa argues that the competition of such proposals in policy-making debates continues until a dominant understanding is reached (Ashizawa 2008). In so doing, state representatives may reinforce dominant conceptions of their state's identity (Finnemore and Sikkink 1998: 892–3; Farrell 2002: 60–2; Neumann 2009: 61). Alternatively, actors seek to transform these dominant conceptions as they believe these conceptions no longer reflect their state's identity vis-à-vis international society and inhibit the realization of policy goals (Howarth 1995: 115; Banchoff 1999: 277–9; Barnett 1999: 7–8; Neumann 2009: 62). By acting in accordance with their hybrid state identity, state actors can also produce alternative regional international societies which conceptualize and maintain order in unique ways. For example, Japan's response to piracy sought a regional consensus that could navigate regional norms of non-intervention by facilitating international cooperation through the establishment of the Information Sharing Centre in Singapore. Through this institution, actors have been able to coordinate their response to acts of piracy such that the pursuit of a pirate vessel can be continued by domestic maritime law enforcement forces when the pirate vessel crosses into another state's territory. Understanding how actors generate foreign policies in line with their state's self-identity requires a methodological approach that can trace the foreign policy

rhetoric on a given issue to reveal the contests between actors over a state's identity (Milliken 1999; Schneider 2008: 7, 9–11).

Tracking norms – process tracing and discourse analysis

To track the influence of norms on the generation and evolution of a given foreign policy, a twofold methodological approach encompassing process tracing and discourse analysis methods is required. Process tracing seeks to identify causal processes to demonstrate why Japan's maritime security strategy has developed over time. Discourse analysis reveals how actors have invoked domestic, regional, and international norms to inform policy decisions. Both methods are applied to three case studies: North Korean suspicious ship incursions, piracy in South-east Asia and the Gulf of Aden, and maritime terrorism, to ascertain how and why Japanese foreign policy actors have expanded the remit of the JCG at the domestic, regional, and international levels.

The process-tracing method employed in these case studies exposes how a series of decisions or events are causally connected by drawing on observable evidence, such as statements by policy makers, legislative debates, interviews, secondary literature, and media sources among others (Evera 1997: 64; George and Bennett 2005: 205–9; Trachtenberg 2006: 140–69; Checkel 2009: 115). There are a variety of process-tracing approaches from those which detail a historical narrative to those which are more analytical in design (George and Bennett 2005: 210–2; Trachtenberg 2006). Process tracing can be particularly useful for delineating key turning points in policy-making processes that lead to outcomes which are path dependent in that they determine specific policy options (George and Bennett 2005: 212–3). In this study, the Japanese government's response to piracy and North Korean suspicious ships around the turn of the 21st century set in motion Japan's dual maritime security strategy according to which the JCG began to play an increasingly significant foreign policy role.

Policy-making processes are dynamic and complex, making it difficult to ascertain clear causal connections (Dörner 1996). In addition, there may be a lack of information surrounding specific decisions (Dörner 1996; Checkel 2009), especially when they relate to issues of national security. One way to mitigate these issues is to triangulate the data to ensure that the findings are reliable. In addition, it is important not to limit the analysis to tracing causal processes in an attempt to connect a norm with a state's foreign policy, but to be equally attentive to how policy makers attach meaning to specific norms by paying specific

attention to the policy discourse (Cortell and Davis 2000: 69–72; Cortell and Davis 2005: 9).

Methodologically, it is therefore necessary to trace the foreign policy rhetoric on a given issue to reveal the contests between actors over a state's identity in order to understand how a specific policy response is generated (Milliken 1999; Fairclough 2003; Schneider 2008: 7, 9–11). A discourse analysis can demonstrate how norms are negotiated at each level of analysis. The central aim of a discourse analysis is to reveal how actors are socialized into a particular reality and through this socialization reproduce that same reality or attempt to change it (Howarth 1995: 115; Milliken 1999: 230). By understanding discursive constructions of an actor's reality, it becomes possible to understand which foreign policy options are selected, which were disregarded, and why (Neumann 2009: 62). Hence, a discourse analysis proceeds along two paths. First, a researcher is required to establish how meaning is conveyed through the discourse; an approach Milliken defines as 'studying discourses as systems of signification' (1999: 231–6). Here, the way utterances are phrased or actions performed determine protagonists and antagonists and the relationships between them (Milliken 1999: 232–5; Schneider 2008). Second, the ways in which meaning is communicated highlight how policy-making elites determine which actions are perceived as legitimate, thereby embedding a 'regime of truth' over time (Foucault 1991; Milliken 1999: 236; Schneider 2008). By conducting such a discourse analysis, constructivist scholars identify where and why policy makers reference specific norms to influence foreign policy outcomes (Weldes 1996: 284–5; Banchoff 1999: 277–9; Farrell 2002: 60–2).

Conclusion

By reifying Western experience as the benevolent and advanced self, juxtaposed against the weak, yet dangerous foreign other, the English School ignores the contributions of non-Western states, including Japan, to international society. An alternative approach is to view the development of international society as a historical process through which actors are socialized into adopting specific self-identities vis-à-vis international society. In this sense, all states are hybrids, as actors within these states reproduce self-identities that both attempt to conform to and to mark their distinction from international society.³ When states within a given region develop a regional international society, the rules, norms, and institutions they devise are infused with and reproduce these self-identifications.

Recent work on the informal and networked nature of regionalism in East Asia (Ba 2006; Pempel 2010; Qin 2010; Yeo 2010) challenges teleological accounts of the development of international society. This chapter adds to these accounts by stressing that English School proponents have failed to adequately engage with the ways in which states have been socialized into international society by great powers and how these modes of socialization condition how actors later perceive their state's own historical experience and construct regional international societies. Scholars can trace the influence of norms on the generation and evolution of foreign policies by adopting a dual methodological approach comprising discourse analysis and process tracing. On the one hand, discourse analysis enables the researcher to lay out the policy debates to ascertain how actors determine how their state should act in accordance with their understanding of their state's identity. On the other hand, process tracing allows one to construct the causal pathways that set in motion a particular foreign policy that in turn shapes the discourse on the specific issue area. As the case-study chapters demonstrate, Japanese governments have sought to tackle maritime security threats through the dispatch of the JCG, highlighting that policy makers are influenced by the anti-militarist norm as well as attuned to regional concerns about Japan's past aggression and possible future remilitarization. Japan's response to maritime outlaws is thereby conditioned by the agency of Japanese foreign policy makers who act in accordance with their understanding of their state's identity in relation to the structures of global and regional international societies.

Global and regional international societies exert different pressures on Japanese foreign policy makers to respond to outlaws in international society. In terms of global international society, English School proponents are correct in stressing how the normative and material resources of great powers have enabled them to define outlaws according to their perception of the threat an outlaw poses to international society. Nevertheless, great powers must gain the consensus of the majority of international society in order for the designation of an outlaw to be broadly accepted as legitimate. At the same time, actors define outlaws on the basis of their state's self-identity vis-à-vis international society and construct alternative understandings of and responses to outlaws at regional and state levels. An outlaw category is therefore never fixed but always contested by members of international society, as the next chapter demonstrates.

3

Defining Outlaws

Introduction

No actor engaged in global politics labels themselves an outlaw; rather, actors employ this label to designate an 'other' as a threat, in order to muster a common response to meet the perceived threat. For English School proponents, the concept of outlaws is central to the theory as it is used to demarcate legitimate members of international society from those actors who seek to undermine it (Hurrell in Bull 2002: x–xi). Becoming and remaining a member of international society entails signing up to and abiding by international law, acting in accordance with international institutions, and being prepared to uphold international order. Those actors who do not do so or challenge order in international society risk being designated as outlaws. Members create a sense of belonging to international society by constantly juxtaposing themselves against an 'other', threatening, non-member. Simply put, for an international society to exist, there must be criteria for membership that excludes certain actors.

As international society is a social realm, so membership is conditional upon the acceptance of fellow members. This acceptance is routinely and unconsciously reciprocated between members as they negotiate in international institutions, respect each other's sovereign territory, and recognize foreign diplomatic missions, amongst the myriad of daily engagements between actors in international society. Indeed states must recognize each other as fellow members for international society to exist as a stable entity. Were recognition to be withdrawn, the international realm would become an asocial one and rather than designating outlaws, actors would perceive all others as potential enemies. Routines can of course be broken and conscious decisions made

to withdraw ambassadors, violate sovereign space, or propose to eject actors from international institutions, as in the case of the Republic of China's removal from the UN Security Council in 1971. Actors in international society must therefore constantly justify their actions and seek recognition from their peers to ensure that their status as a member of international society remains ontologically secure.

Pressure can also be applied to members of international society for failing to take action against actors commonly held to be outlaws, such as terrorists, pirates, transnational criminals, and rogue states. Whether it is Japan's 'chequebook diplomacy' in response to the 1990–1 Iraq War or demands for Japan to 'show the flag' and support the United States in its 'war on terror', outlaws are often at the heart of critiques of Japan's failure to make an adequate contribution to international order and calls for Japan to become a 'normal state'. Membership of international society can never be taken for granted; actors must therefore continually deploy material and social power to successfully negotiate their ontological security, or, as Suzuki (2008) terms it, 'play recognition games'. Japan's response to maritime security threats goes much further than a 'recognition game', however, as Japan has acted as a norm entrepreneur to develop the norms and rules of international society. Understanding how Japan has done so requires establishing what the norms and rules regarding maritime security are and how they have constrained and enabled Japan's maritime security strategy. At the same time, it is necessary to contextualize Japan's response to maritime security threats in order to demonstrate how this response has complimented or provided an alternative to US-led initiatives against outlaws at sea, particularly since the 11 September attacks.

Before turning to these questions, this chapter sets out to establish who defines the boundaries of international society, how and why. Whilst all actors may employ the 'outlaw' signifier in their foreign policy discourse, for English School proponents, great powers, in particular, deploy their material and social resources to determine who the outlaws of international society are. By addressing the threats outlaws pose, the great powers can enrich the legal and normative content of international society, improving the security of its members. Nevertheless, states, including great powers, must legitimize their actions in accordance with the norms and laws of international society. Actors risk losing support or even generating resistance amongst fellow members of international society if they designate outlaw threats to realize objectives or justify specific responses in their foreign policies. Indeed, as the very laws and norms of international society are rooted in

the colonialist and imperialist practices of Western great powers, so independent postcolonial states counter attempts to combat maritime outlaws that might undermine their hard-won sovereignty. Outlaws are an essentially contested concept around which many of the laws and norms of international society have developed. Analysing responses to outlaws requires a critical review of the concept within the literature on international society.

Outlaws in the English School paradigm

Conceptualizing outlaws within the English School paradigm depends on whether international society is defined in pluralist or solidarist terms. Writing during the Cold War, Bull perceived the role of the great powers in guiding international society to be constrained, leading him to conceive of international society in pluralist terms. A pluralist international society, either global or regional, is inclusive in the sense that members of that society are compelled to accept any actor as a fellow member providing that they fulfill their duties to that society (Buzan 2004b: 22; Adler 2005: 181). Anarchy in the international system is regulated by states forming a society comprised of pacts or alliances, international institutions, and international law. Although such regulatory phenomena provide evidence that states do make what they can out of anarchy, rules governing the behaviour of states within an anarchic system also construct the boundaries in which states can act. The primary duty of any member of an international society is therefore to comply with the primary institutions of that society, which determine and regulate legitimate state and non-state behaviour and establish common social practices that bind an international society together. In so doing, the primary institutions of international society uphold order by preventing conflict, securing public goods, and ensuring that states abide by the treaties they sign (Bull 2002: 16–9). From a pluralist perspective, outlaws are therefore those state and non-state actors who violate the primary institutions of international society or who do not subscribe to the common social practices of an international society and thereby threaten global order. Vietnam's invasion of Cambodia in 1978 is a good example of an outlaw in a pluralist international society. Despite the atrocities committed by the Pol Pot regime in Cambodia, international society viewed the Vietnamese government as a rogue for its act of military aggression. Indeed, the Vietnamese government did not even attempt to justify its action on the basis of responding to the mass killings and human rights violations in Cambodia,

emphasizing instead Vietnam's right to legitimate self-defence in the face of Cambodian border intrusions (Wheeler 2000). As the United States emerged as the sole superpower at the end of the Cold War, so it was instrumental in guiding the 'new world order' to encompass solidarist concerns of defending international justice rather than simply securing international order (Hurrell 2008). As a result, the great powers increased the normative and legal frameworks that more stringently determine membership and identified more diffuse and diverse outlaw actors that require their intervention in the name of justice (Wheeler 2000; Moris 2005; Hurrell 2008).

Though discussions of outlaw behaviour are ever present in English School work, attempts to discern clear categories have been lacking. Bull, for example, applied a plethora of terms in his work, including, though not limited to, barbarians, infidels, terrorists, guerillas, and pirates (Bull 2002: 42–3, 67, 192–3, 259, 264–5) – some of which he used interchangeably, such as infidels and barbarians (Bull 2002: 42–3, 67). By contrast, Martin Wight (1991), a leading figure in the English School, attempted to sketch out the differing responses to and conceptions of 'barbarians' in international society from realist, rationalist, and revolutionary schools of thought. Wight's work emphasizes that a myriad of voices in international society have characterized debates about outlaws throughout history. According to Wight, realist perceptions of barbarians as legitimate targets of conquest have competed with rationalist arguments stressing legal responses and revolutionary positions that reject the notion of barbarians completely (Wight 1991: 50–98). Though a particular perspective may dominate at a specific time and place, alternative standpoints will emerge to challenge these accounts. What does become clear from reading Wight is that international society continually seeks to find answers to the existence of outlaws, whether it be through domination, acceptance, or conversion. There appear to have been few genuine attempts to consider the motivations behind outlaw actions, with the exception perhaps of Vitoria's treaties on international law published in 1532 (Wight 1991: 70–1). Even in Vitoria's case, his law of mankind '*jus gentium*' ultimately gives way to an international society led and defined by European civilization (Wight 1991: 72–3).

Elsewhere in the International Relations literature, the terms 'outlaws', 'rogues', 'renegade regimes', 'criminals', and 'pariahs' can be found amongst others (Chan and Williams 1994; Klare 1995; Litwak 2000; Nincic 2005). This confusion of labels is replicated in the practice of global politics to justify foreign policy responses to a wide array

of perceived threats. For example, pirates in Southeast Asia were conflated with terrorists in the popular media and policy-making literature during the US-led 'war on terror' in order to portray the rising number of piratical cases as a more insidious terrorist threat that aimed to perpetrate acts of catastrophic violence and required an international militarized response (BBC 2002; Japan Times 2002a, 2002b; Becker 2003; South China Morning Post 2003; Luft and Korin 2004; Hong and Ng 2010). This conflation of piracy and terrorism fails to consider how economically motivated pirates depend upon the flow of maritime traffic, which terrorists, according to the media and policy-making literature, are intent on disrupting. The danger is that failing to further define outlaw actors more precisely in relation to international society and global civil society, without addressing the underlying causes of the behaviour in question, leaves the term more open to political manipulation and leads to reactions or policies that exacerbate rather than alleviate a threat. To move beyond this morass of labels, the term 'outlaw' is preferred in this work as an overarching concept to describe actors that member states perceive for some reason or purpose as being outside international society.

Though English School proponents do not explicitly categorize the various types of outlaw, a closer inspection of their work reveals three broad outlaw groups: criminals, rebels, and revolutionaries. Criminals are economically motivated actors who initiate illegal activities, according to international law. Criminal activity is not aimed at undermining international society, but rather to find a niche within international society from which to profit from illicit opportunities. Examples of non-state criminals include pirates, as defined in Article 101 of United Nations Convention on the Law of the Seas (UNCLOS), and transnational criminal organizations (Bull 2002: 258–60). International society might also categorize state regimes as criminal if they engage in or support illicit activities. The recovery of narcotics from North Korean suspicious ships by the JCG led to allegations that the North Korean regime sponsored this traffic. Because of the use of funds generated by such offences for political purposes, however, it is more apt to designate North Korea as a rebel state. Of the three categories in international society, criminals are the most clear cut in that member states have devised legally binding treaties that commit them to capturing, trying, and detaining actors who break international law. Member states of international society will therefore commit material and social resources to push actors designated as rebels or revolutionaries into this criminal category by designing new or amending existing international laws.

Rebels are politically motivated actors whose actions may be illegitimate according to international law, but who do not constitute a threat to the existence of international society. Instead, the aim of a rebel is to be recognized as a legitimate actor and integrated into international society, albeit on their terms. Whilst members of international society may exclude a state or non-state actor because of that actor's behaviour, diplomatic relations may still proceed to a degree (Bull 2002: 14–15, 157). Ethno-nationalist groups, for example, may carry out acts of illegitimate violence against the state from which they wish to secede, yet still remain wedded to key institutions and norms of international society they wish to join (Bull 2002: 258, 260). This is a key distinguishing feature between rebels on the periphery of international society, and those revolutionary actors who seek to replace an existing international society with an alternative one. Examples of non-state rebels in the East Asian region include ethno-nationalist secessionist groups, such as the Free Aceh Movement (GAM) in Indonesia and the Moro Islamic Liberation Front (MILF) in the Southern Philippines. North Korea is an example of a rebel state in East Asia, as its WMD programme, missile and narcotics sales place North Korea in contention with, but do not threaten to overturn, international society. Beal (2005) challenges claims that the Pyongyang regime is illicitly developing and proliferating WMD, selling missiles and related technology, and narcotics under international law. Indeed, in 2002, Spanish forces that boarded and searched the *So San*, a North Korean vessel transporting missiles to Yemen, were compelled to release the vessel as this weapons transfer was not illegal according to international law. Nonetheless, from an English School perspective, as international society is a social realm, so the construction of North Korea as an outlaw threat by leading powers and the broad acceptance of this within international society designates North Korea as a rebel state.

Revolutionaries are politically motivated actors whose illegitimate actions, under international law, constitute an existential threat to members of international society, if not international society as a whole. A non-state example of a revolutionary in the East Asian region would be Al Qaeda and their affiliates, such as Jemaah Islamiya (JI). Though Frost (2009: 58) contends that even an organization like Al Qaeda does not intend the overthrow of international society, Al Qaeda's attacks on sovereign members of international society and its goals of establishing a *caliphate* across the Middle East through violent means are indicative of the threat the group poses to international society. Abu Bakar Ba'asyir, one of the founders of JI, echoes Al Qaeda's opposition to international

society when he states, 'Allah has divided humanity into two segments, namely the followers of Allah and those who follow Satan' (Quoted in Abuza, 2003: 127). Agathangelou and Ling (2009) stress that George W. Bush's assertion that in the 'war on terror' 'you are either with us or against us' mirrors Ba'asyir's language creating mutually antagonistic identities that seek the eradication of the other. It is precisely through this all or nothing language that international society frames certain outlaws as revolutionary actors. States thereby securitize revolutionaries as an existential threat to international society in an attempt to justify the transformation or even abrogation of international norms and laws to combat the threat. This struggle between such irreconcilable forces can undermine international society as laws and norms are broken in the destruction of the other.

Whilst these three categories of criminal, rebel, and revolutionary clarify how the English School has conceptualized outlaws, the English School has made further claims pertaining to outlaw behaviour. Through their actions, outlaws highlight deficiencies in the rules, norms, and institutions of international society. For English School adherents, states that respond to the threats posed by outlaws demonstrate their commitment to securing international society and create opportunities to transform international society by refining its laws, norms, and institutions thereby transforming international society itself (Buzan and Little 2000: 66, 136, 177, 200, 204, 400; Bull 2002: 16). For example, in the case of the society of Greek city-states, the norm of *proxenoi*, similar to the concept of the modern day ambassador, evolved in response to piratical violence in the Mediterranean (Buzan and Little 2000: 210). International society has, in certain cases such as piracy, agreed upon legal categories that clearly designate what constitutes 'outlaw' behaviour. Hence, in international law, pirates are defined as '*hostis humani generis*', literally enemies of mankind, and specifically so in Article 101 of the UNCLOS (UNCLOS 2006). Bull praises international society's efforts to combat maritime piracy noting that Article 101 demonstrates the strength of international society in confronting economically motivated criminal actors that threaten international maritime trade. Nonetheless, Bull goes on to note that this consensus is not mirrored in attempts by international society to fashion a unified international law to tackle terrorism. Bull attributes this lack of solidarity to individual states defining politically motivated violent actors according to their own interests and political goals (Bull 2002: 259, 264). Saunders (2006: 37) argues that such disagreements over defining outlaw actors indicate the 'bounded subjectivity' of international society;

meaning that whilst states may perceive a type of behaviour to be universal, in fact it is accepted as such amongst a smaller group of states. Designating outlaws who are not criminalized under international law therefore remains contentious and demonstrates the limits of pluralist international society.

In addition, the existence of outlaws can provide a rationale for the establishment of international societies. Bull postulates that powerful and independent states that share common values, institutions, and languages and that enjoy close economic and political relations band together against what he terms barbarian threats (Bull 2002: 161; see also Buzan and Little 2000: 53, 66, 136, 177, 200, 210). According to Bull's construction of international society, it is possible to distinguish a legitimate international society from alternative or outlaw societies. Whilst the Greek city-states always considered Persia and Carthage as either potential enemies or allies, they both lay outside the boundaries of the society of Greek city-states. This is because neither Persia nor Carthage held Greek values in common (including the Greek language, the pan-Hellenic games or the consultation of the Delphi oracle), they were not constrained by rules regarding conflict amongst Greek city-states, and they did not benefit from either institutionalized cooperation (*amphityoniae*) or diplomatic institutions (*proxenoi*). Thus, from a Greek perspective, both Persia and Carthage were barbarians (Bull 2002: 14). As this example demonstrates, membership of international society depends not only upon obeying the dictates of the society, but also being recognized as a member of international society by existing members themselves. The responsibility for judging membership of international society falls most keenly on the most powerful states in international society, the great powers (Bull 2002: 33; Saunders 2006: 43).

Great powers and outlaws

English School proponents reserve a central place for the great powers in determining the norms of international society and protecting these against outlaws (Morris 2005: 266). As Hurrell states, 'refusal to accept either non-derogable core legal norms or those norms that are particularly valued by the powerful runs the risk of being branded a "rogue" or "pariah"' (2008: 67). For Hurrell (2008), the power to determine whether states are or are not members of international society is the unique preserve of the great powers. This is problematic in terms of great powers subjectively defining outlaws in line with specific foreign policy goals. It also raises issues concerning legitimate action in international

society when consensus amongst its members pertaining to what constitutes outlaw behaviour may be lacking. Proponents of the 'rogue state' label, for example, argue that rogues pose a 'tangible external behavior of concern' (Litwak 2000: 7; see also Saunders 2006: 27) that requires enticements where possible to draw rogues back into international society and justifies acts of coercion led by the great powers when necessary to force compliance (Litwak 2000: 1–15).

The designation of rogues relies on a problematic formulation of what a 'tangible external behavior of concern' actually constitutes. Nincic responds to this issue by drawing up a set of core characteristics for what he terms 'renegade regimes'. For Nincic, '[a] regime is considered a renegade ... because its methods of rule and/or its goals violated norms embraced by the bulk of the international community' (Nincic 2005: 13). In particular, Nincic specifies that if a regime violates any one of four key norms in international society, then it may be designated as a renegade as it undermines world order. The four norms are 'the pursuit of weapons of mass destruction ... the support of, or active engagement in, acts of terrorism ... a vast assault on human rights with externally harmful consequences ... [and] outright territorial aggression' (2005: 15). According to Nincic, nine states qualified as renegade regimes: Iraq, Iran, Libya, Syria, North Korea, Pakistan, Yugoslavia, Afghanistan, and Sudan. Of these, Iraq, Afghanistan, and Yugoslavia had, through regime change, become compliant with the norms and rules of international society. Only Libya had reformed itself to become a compliant state (Nincic 2005: 64–5).

There are a number of issues with Nincic's work that are characteristic of approaches to understanding 'outlaw' behaviour and are worth exploring in detail. First is the lack of international agreement on what constitutes terrorism. It is problematic to designate 'renegade regimes' on the basis of another contested outlaw label. Second, despite the UN Conventions on human rights, the concept of human rights is also disputed, questioning the extent to which 'the bulk of the international community' embraces international norms. By emphasizing both terrorism and human rights, Nincic's approach also raises the question of who defines these terms and the subsequent issue that whoever does define these terms can pick and choose which regimes are designated as renegades. Third, whilst numerous conventions designate weapons of mass destruction as illegal under international law, states and non-state actors challenge the content of these conventions. This is particularly true of states outside the existing nuclear club. Rather than designating those states which seek to acquire WMD as outlaws, it is important to

emphasize the contested process by which certain weapons are deemed to be illegal and to ask which actors benefit from this process. Fourth, by focusing on 'externally harmful consequences', Nincic ignores acts perpetrated by states upon their own people that remain within the borders of that state. Here, the regimes responsible for the Rwandan genocide or the conflict in Darfur, for example, are only considered as renegades once human beings flee the violence into neighbouring states or foreign communities are affected (Nincic 2005: 62–3).¹ Fifth, designating a particular actor as an aggressor is a politically charged exercise and is rarely a cut-and-dry case. For example, the rationale for the George W. Bush administration's invasion of Iraq in 2003 followed Nincic's definition almost to the letter. Though Saddam Hussein's support for Al Qaeda, pursuit and potential offensive deployment of WMD provided the initial grounds for intervention, when these reasons were found wanting, human rights and democratization became the new foundations upon which the legitimacy of the invasion rested. An alternative reading would identify the United States as the aggressor, using depleted uranium munitions, causing grave human rights abuses with externally harmful consequences, and with a history of sponsoring terrorism (Chomsky 2007). In short, by responding to outlaw threats, great powers act as norm entrepreneurs in international society, but do so in ways that advance their own interests and promote their domestic values internationally (Morris 2005).

Such acts of great power norm entrepreneurship are contested in international society by states concerned with the implications for intervention in their sovereign affairs. Actors do commit savage acts that do have detrimental effects upon the existence of others in international society, but, drawing on Campbell (1998), it is how actors interpret these acts that determine their meaning and the action that governments take in response. The question then is not whether an act is determined to be outlawed based on objective criteria, rather how, by whom, and why an actor is interpreted as being an outlaw and to what extent this designation is widely accepted as legitimate in international society (Hurrell 2008). The question of legitimacy looms large in the calculations of great powers which wish to be seen as acting to protect international society, rather than be perceived as instigating new forms of imperialism. For Hurrell (2008), great power interventions are legitimate when the great power is able to persuade international society that its actions are required, will be effective, are in accordance with the laws and norms of international society, or that it is justifiable to modify or even circumvent these laws and norms to combat the outlaw threat. Morris qualifies

Hurrell's position by stressing that the actions of the great power must have the support of a sizeable number of member states (Morris 2005: 266). Though Morris does not specify the extent to which there must be consensus in international society, he does emphasize that agreement between the great powers is a requirement. Hence, for Morris (2005), the US invasion of Iraq in 2003 lacked legitimacy because of the lack of agreement amongst the five permanent UN Security Council powers. Without the stamp of legitimacy from international society, powerful states arbitrarily designate outlaw actors such that any actor may fear being castigated as an outlaw. Such action creates a sliding scale of outlaw behaviour that undermines the ontological security of all members of international society and puts the legal and normative foundations of international society itself at risk.

The ability of great powers to determine the membership of international society raises key concerns about the stability of international society itself. Actors are constantly placed in a condition of uncertainty vis-à-vis their legitimate status in international society that requires them to identify and act against outlaws in order to demonstrate their commitment to international society. As Suzuki (2008) notes, both Japan and China have contributed to UN Peacekeeping Operations (UNPKOs) so that dominant great powers in international society will perceive and accept them as legitimate great powers. Labelling outlaws involves similar 'recognition games' designed to juxtapose the self against the unlawful other. However, these 'recognition games' do not result in black-and-white distinctions between legitimate members of international society and outlaws, but rather denote a spectrum of unspecified outlaw actions against which states continually have to justify their behaviour. The following quote taken from President George W. Bush's address at the 20th Anniversary of the National Endowment for Democracy on 6 November 2003, entitled 'Freedom in Iraq and the Middle East', is worth exploring at length in this regard.

Our commitment to democracy is tested in countries like Cuba and Burma and North Korea and Zimbabwe – outposts of oppression in our world. The people in these nations live in captivity, and fear and silence. Yet, these regimes cannot hold back freedom forever – and, one day, from prison camps and prison cells, and from exile, the leaders of new democracies will arrive. (Applause.) Communism, and militarism and rule by the capricious and corrupt are the relics of a passing era. And we will stand with these oppressed peoples until the day of their freedom finally arrives. (Applause.)

Our commitment to democracy is tested in China. That nation now has a sliver, a fragment of liberty. Yet, China's people will eventually want their liberty pure and whole. China has discovered that economic freedom leads to national wealth. China's leaders will also discover that freedom is indivisible – that social and religious freedom is also essential to national greatness and national dignity. Eventually, men and women who are allowed to control their own wealth will insist on controlling their own lives and their own country.

(Bush 2003)

There are a number of points to draw from the above quote pertaining to how outlaws are defined. First, very different states are arbitrarily aggregated under the communal banner of 'outposts of oppression'. The key phrase here though is 'countries *like* Cuba and Burma and North Korea and Zimbabwe' (emphasis mine). Any country can be described according to this rubric, as the second half of the quote on China demonstrates. A further point is the attempt to define past, present, and future. 'Communism', 'militarism', and 'rule by the capricious and corrupt' are bundled together as 'the relics of a passing era', and though 'people in these nations live in captivity, and fear and silence', Bush proclaims that 'the leaders of new democracies will arrive... And we will stand with these oppressed peoples'. Any complicity on the part of the United States or its allies either in supporting dictatorships around the world or by intervening in the sovereign affairs of these states through military means and economic sanctions to undermine their stability is absent. The use of various modes of temporality is common in the Bush administration's discourse on the 'war on terror' and serves to juxtapose the noble US self against the malevolent terrorist other by establishing the timelessness of the US crusade against evil (Jarvis 2008), conjuring up the Orwellian contention that 'he who controls the past, controls the future', but also Orwell's 'two minutes hate' (Orwell 2013). In addition, the speech emphasizes US 'exceptionalism', namely 'Our commitment to democracy' repeated in both sections of Bush's speech that delineates the special duty of the United States to the world (Nayak and Malone 2009). As Bialasiewicz et al. (2007) note, the distinction between 'us' and 'them' is not a clear-cut binary of good versus evil, but designates a scale in which states can never be 'us', only 'with us', mimicking, though never becoming, 'the city on the hill' (Nayak and Malone 2009). Under these conditions, membership of international society becomes increasingly tenuous as actors are coerced in to abiding by the dictates of the

powerful or risk being categorized as an outlaw with all the punitive consequences this implies.

Bush's speech draws attention away from the 'tangible external behaviour of concern' to focus on the relationship between the internal characteristics of states and their membership in international society. Robert Jackson has been one of the central English School thinkers to engage with the issue of membership in international society through the prism of what he terms 'quasi-states' (1990). His work resonates with broader debates in the field of International Relations centring on 'rogue' or 'failed' states (Litwak 2000; Milliken and Krause 2002; Rotberg 2004; Nincic 2005; Saunders 2006). Jackson argues that decolonization in the post-Second World War era led to the recognition of 'quasi-states', namely 'a large number of sovereign governments which are limited in their capacity or desire to provide civil and socioeconomic goods for their populations' (1990: 9). His chief concern was that legal recognition by international society did not require newly independent states to take responsibility for the protection of their civilians (1990: 14) and that his work aimed to give these citizens a 'voice above and beyond that of their rulers' (1990: 11). Though Jackson's work is emancipatory in intent, the questions of who gets to decide the criteria for membership in international society, who is permitted to speak for the subaltern, and how the historical evolution of international society is intimately linked to the political and socioeconomic conditions of the 'Third World' need to be challenged from a postcolonial perspective.

For Jackson, the poverty and political repression experienced by people in the Third World is entirely due to the failure of their elites to adapt to Western norms and standards of civilization. He writes,

there is a North-South gap between states disclosed by profoundly unequal standards of living which cannot be altered fundamentally by international agreements and diplomacy. This division is likely to persist indefinitely regardless of international decisions to the contrary because it is rooted in deep seated cultural, material, and even psychological conditions of sovereign states. If these domestic conditions are to be changed it will very likely be only by the efforts of governments supported by citizens and sustained over long periods (1990: 18).

Jackson (1990: 21) later acknowledges that international society may have a supporting role to play in strengthening Third World states, but that the onus is on Third World governments and their citizens. In later

work, this 'supporting role' echoes work by Krasner (2004) concerning the possibilities for international trusteeship whereby 'failed states should lose their sovereign rights and privileges and be made wards of international society until such time as domestic civil conditions are restored' (Jackson 2000: 298–9). This Jackson admits is 'indistinguishable from the colonial practice of de facto recognition based on the Western "standard of civilization" that was in effect before 1960' (2000: 301). Unlike Krasner, Jackson acknowledges that a return to the colonial era would not be accepted by international society today and consequently concludes that 'Western leaders have no right to place themselves above international society, even in their relations with another European state, *as long as* respect for sovereignty continues to be the universal standard of international conduct' [my emphasis] (2000: 315). Ultimately, Jackson promotes revising the international norm of sovereignty in favour of more intrusive international interventions in the sovereign affairs of states in the name of protecting the human rights of their civilians.

In his response to Jackson's work on quasi-states, Naeem Inayatullah stresses the intimate relationship between the core generating the conditions in the periphery (see also Bilgin and Morton 2004). He states, '[t]he vulnerability of Third World states to the peculiar manner in which the social practices of sovereignty and the global division of labor interact has the effect of constructing some of these entities as "weak" or "quasi-states"' (1996: 52). Because international society evolved through imperial and colonial capitalist practices that exploited the periphery, Third World states have never possessed the means to acquire sufficient wealth to achieve positive sovereignty as defined by Jackson (Inayatullah 1996: 53–60). He asserts that economic disparity is rooted in and compounded by an imperialist ideology that perceives the non-West as inferior and requiring the tutelage of the West (Inayatullah 1996: 70). The Western core's ideological construction of and economic dependence on the periphery entails a rejection of Jackson's claim that state building is an internal process (Inayatullah 1996: 71). Inayatullah concludes that,

Jackson has failed to consider the meaning of independence to those who value it above all else. Sovereignty means more than just having access to resources on a territory and juridical recognition as an equal among equals. In the context of colonialism, it means speaking for and representing oneself. It means further that no external force, no matter how correct its prescriptions, determines what is best

for oneself. It means above all, having fought for and won the right to make one's own mistakes. This sense of self-determination allows for a pride and dignity that were among the greatest losses under colonialism and the greatest victory of independence (1996: 73).

For Inayatullah, states can only be ontologically secure if they are free from the interference of foreign powers.

Branwen Jones (2008), together with Pinar Bilgin and Adam Morton (2004), echo Inayatullah's critique of the failed states paradigm by stressing the need to understand the local and global processes over time, particularly colonial capitalism and the Cold War, that have undermined governance in states around the world. Bilgin and Morton (2004) criticize the short-term focus of policy-making elites who shifted their assessment of threats from 'rogue states' whose foreign policies sought to undermine global order to 'failed states' whose domestic policies enabled politically motivated violent groups to proliferate. According to Bilgin and Morton (2004), the categories of 'rogue' and 'failed' state remain arbitrary and lack historical perspective. Similarly, Jones counters the notion that the failure of the Somali state was due to local factors, such as warlordism and clan rivalries, by emphasizing how the historical legacies of colonial rule, which explain the enduring political and economic divisions within Somalia, were compounded by the Superpowers' manipulation of Somalia as a proxy in the Cold War (2008: 187–97). This failure to engage with the underlying historical, socio-political, and economic factors characterizes numerous works outlining the threat of Somali piracy (Ginkel et al. 2008; Guifoyle 2008; Penn 2009; Kraska 2011: 45–54). For postcolonial critics, the 'failed' and 'rogue' state paradigms merely serve to enforce the domination of Western-led international society over the post-colonialized and developing world (Bilgin and Morton 2004; Jones 2008). Indeed, great powers in international society have primarily employed the discourse of 'outlaws' to realize their aims of further imperialist and capitalist expansion (Noor 2013).

Such efforts by great powers to use the signifier 'outlaw' to further their material and normative interests do not go unchallenged, as could be seen in the efforts of members of international society to counter the foreign policy of the Bush administration and their allies. According to O'Hagan (2005), the 'war on terror' undermined the acceptance of international society amongst peripheral non-Western states and people that came to perceive the great powers as acting coercively to realize their own self-interests. As a result, the 'war on terror' encouraged

resistance from the periphery by fomenting terrorists who sought the overthrow of international society (O'Hagan 2005). At the same time, resistance can bring the inequality of international society into sharp relief (Bleiker 2005a: 188). As Bleiker states, 'without order there can be no rule of law, no justice, no protection of minorities, no civilized life. But disorder too is essential, for without being submitted to periodic scrutiny, orders can easily turn into practices of domination' (2005a: 192). Throughout the 'war on terror', members of international society urged the United States to legitimize its actions and remonstrated against the arbitrary categorization of outlaws. In so doing, they influenced the behaviour of the US hegemon by applying social pressure on the Bush administration (Hurrell 2008). After the Obama administration assumed office, it shifted the discourse further away from defining new outlaw threats in international society, jettisoned the 'war on terror' label, and sought to drawdown American forces in Afghanistan and Iraq. Indeed, a central feature of Obama's presidential campaign was the emphasis on repairing US standing within international society. Nevertheless, states, including the United States, continue to employ outlaw signifiers in order to justify their actions in international society or transform the norms and laws of international society.

Legal approaches to maritime outlaws in international society

Members of international society also challenged the legitimacy of US-led efforts during the 'war on terror' to transform international maritime law as it pertained to outlaws. As the category of criminals outlined in the previous section attests, for English School proponents, the clearest definition of an outlaw in international society is one that abrogates international law. By crafting international laws, members of international society draw the line between acceptable and unacceptable behaviour. Yet, the process of establishing international laws is contested, resulting in a degree of compromise between members of international society over the legal definitions of outlaw behaviour and the requirement of international society to combat outlaws. Even after a law is codified, actors in international society may seek to amend or repeal an international law. For example, whilst piracy is perhaps the most clearly defined of the maritime crimes covered in this volume, problems remain with the definition of piracy. Other activities, including maritime terrorism and the transport of WMD and related

materials, have been regulated by international society to a much lesser degree, and yet developments to address these issues highlight the ongoing debates surrounding how actors transform international society in response to outlaw threats.

Underpinning this discussion on maritime laws regarding outlaws in this book is how these laws have evolved, particularly in the post-9/11 era, to challenge the core principle of *Mare Liberum*, or 'freedom of the seas'. The concept of 'the freedom of the seas' advocated by Hugo Grotius (1583–1645) has dominated the understanding and practice of international maritime law (Butler 1990: 220). According to the concept, no state can lay sovereign claim to the maritime domain which is open to all states for trade and communication (Butler 1990: 211–3). The Grotian principle of 'the freedom of the seas' is a core aspect of international society that has 'provided stability and predictability in international affairs, facilitated an explosion in commerce and cosmopolitan social and economic growth, and provided an enduring basis for the maintenance of minimum world public order' (Kraska 2011: 4–5). Accordingly, state jurisdiction on the high seas is limited to vessels flying their national flag and to combating crimes designated under international law as universal, such as piracy (Rothwell and Klein 2010: 30). Nevertheless, since Grotius first articulated the concept in his seminal work, *Mare Liberum*, in 1609, international law has evolved to qualify the principle of 'the freedom off the seas'. Notable changes emerged in the aftermath of the Second World War with the development of the UN Convention on the Law of the Seas which allows states jurisdiction over coastal zones, the continental shelf, and Exclusive Economic Zones (up to 200 nautical miles in which states may manage and exploit the ocean's resources) (Butler 1990: 216–8). Since the attacks of 11 September 2001, the United States has led efforts to transform international law to address maritime security issues, including terrorism and the proliferation of WMD (Rothwell and Klein 2010: 22–3). These efforts have further chipped away at the principle of 'the freedom of the seas' (Rothwell and Klein 2010: 24), raising the issue of how the United States, in particular, used the 'war on terror' to create a climate of fear that perpetually demands amendments to international law (Scott 2010: 76–7, 82). One way to conceptualize this securitizing move from an English School perspective is to perceive international law that addresses criminal activity as providing a baseline that actors seek to develop international law from. Here, actors may refer to revolutionary threats in order to justify such a transformation of international law. For example, the US proposal for a Regional Maritime Security Initiative

(RMSI) in 2004 conflated piracy and terrorism in a failed attempt to establish a more robust maritime policing regime in Southeast Asia, as detailed in Chapter 7. Yet, such an approach would negate the unsteady ground upon which international law rests, as an understanding of the limits of international law regarding piracy attests.

Piracy: The limits of international law – an outdated convention

The concept of piracy and international responses to it have evolved over the course of history. For example, Kraska (2011) provides a historical overview of piracy from the perspective of European international society. During Roman times, acts of piracy were accepted as a necessary part of warfare (Kraska 2011: 6–7), whilst also providing justification for imperialist ambitions, as in the capture of Cilicia in Asia Minor in 102 BC led by Marcus Antonius (Kraska 2011: 12–3). From the reign of Queen Elizabeth of England to the Paris Declaration Respecting Maritime Law, signed on 16 April 1856, monarchs could sanction the activities of privateers both during wartime and peacetime by respectively granting letters of marque and reprisal (Kraska 2011: 6–7, 32). It was only with the passage of the Paris Declaration Respecting Maritime Law that those actors engaged in violence and depredation at sea were clearly delineated as enemies of mankind (Kraska 2011: 6–7, 32).

Contemporary maritime piracy is defined by international law under Article 15 of the Convention of the High Seas, formulated in 1958, and partially revised at the UNCLOS in 1982. Article 101 of UNCLOS states that piracy consists of the following acts:

Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft.

Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

Any act of inciting or of intentionally facilitating an act described in subparagraph (a) or subparagraph (b) of this article.

This definition serves to constrain what states can do to counter the problems of maritime piracy. First, by specifying that acts of piracy occur only on the high seas, UNCLOS distinguishes between acts of maritime violence that take place within the territorial waters of a littoral state,² from those that transpire beyond. Maritime authorities from one state, such as Japan, must therefore honour the sovereign boundaries of other states and not intervene in another's territorial waters, even to pursue and apprehend a pirate ship (Villar 1985: 28; Hyslop 1989: 6–7; Pugh 1993: 3–8; Vagg 1995: 64; Chalk 1998: 95, 103; Renwick and Abbott 1999: 183; Herrmann 2002: 444–6; Mo 2002: 347). Second, by failing to address the issue of the length of the seizure of a boat by pirates, UNCLOS does not differentiate between different kinds or levels of piratical activity that arise or refer to how different varieties of piracy may be linked. This hinders the development of an anti-piracy response that deals comprehensively with the roots of different kinds of piracy or the relationships between them. Finally, by classifying acts of piracy as being committed only for private gain, UNCLOS omits acts of maritime violence, such as the hijacking of a ship, crew, or cargo at sea, port, or at anchor, for political purposes or the use of a vessel in a terrorist incident (Ronzitti 1990: 1–2).

The sanctity of state sovereignty in international law, which prevents the authorities of a foreign state pursuing pirates into another state's waters, has been a core problem in the fight against piracy, as, until the rise in piracy in the Gulf of Aden beginning in 2007–8, the majority of piratical incidents occurred close to shore, within the national boundaries of states. Modern pirates have changed significantly in their modus operandi when compared with their historical counterparts. Today, maritime criminals rely on current technology, such as fast, lightweight boats, advanced radio and sonar equipment, and military weaponry, to enable swift attacks on ships at berth or moving slowly through narrow sea lanes, before the pirates retreat to a hideout on land. Because these pirates enter international waters briefly, if at all, they are difficult to apprehend and subsequently convict according to international law, a fact which pirates have taken advantage of (Pugh 1993: 7; Frécon 2002: 53–4, 78–80).

Although states are supposed to deal with acts of piracy that are committed within their own jurisdiction or by pirates who withdraw to that jurisdiction, not all states are willing or able to do so. International society criticized Indonesia, in particular, around the turn of the 21st century for its failure to deal with piracy in its waters (Mukundan 2003). This may be because: members of the state apparatus are implicated in

the act of piracy itself (Vagg 1995: 68–9; Chalk 1998: 94–5; Beckman 2002: 331); the state does not have the resources to deal with the problem or the cost of doing so is prohibitive; the region in which the act occurred is one in which the state does not have adequate control; or the pirates are simply too difficult to catch (Mo 2002: 350–2). States may also be unwilling to attempt to resolve the problem of piracy because it might transfer a maritime issue that mainly affects major trading nations to a domestic security problem. An increase in anti-piracy patrols may deter acts of piracy on international shipping, but force pirates to continue their criminal careers within their own nation states, providing of course that the pirates themselves were not representatives of the state or state-sponsored. In the case of Southeast Asia, questions of sovereignty remain embedded in the practice of international relations preventing the great powers from playing a more robust role in defending the Malacca Straits (Stubbs 2004: 223; Huang 2008: 99; He 2009: 672). Indonesia and Malaysia, in particular, have remonstrated against external interference in their internal affairs since their independence (Mak 2004: 127–37; Sukma 2004: 71–87) and have therefore prohibited the hot pursuit of criminals entering their maritime territory. In addition, littoral countries have perceived anti-piracy measures as a means for maritime powers, such as the European Union, the United States and Japan, to shift the problem of maritime crime that primarily affects their merchant shipping on to developing states (Valencia 2005: 12–14). Southeast Asian states have therefore demanded that user-states of the Malacca Straits contribute to supporting indigenous maritime law enforcement bodies to tackle problems such as piracy and terrorism.

Redefining contemporary piracy and maritime terrorism

UNCLOS therefore fails to define the complex problem of contemporary maritime piracy. However, the Convention itself can hardly be termed 'contemporary'. Formulated in 1958 and only slightly revised in 1982, UNCLOS is dated and therefore could be amended. The Vienna Convention on Treaties necessitates that a treaty be reworked should its meaning become ambiguous, so that the treaty may be more effective. This is on the proviso that a revised treaty does not undermine the objectives for which the treaty was first established (Birnie 1987: 180–1). International law requires that states cooperate to confront common issues or problems concerning the usage of the seas (Brittin 1989: 165). Hence, states are actually legally bound to update the Convention to bring it in line with current developments in piracy.

Alternative definitions of contemporary maritime violence might address the deficiencies of UNCLOS. The International Maritime Bureau (IMB), for example, offers a more comprehensive interpretation of contemporary piracy:

an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.

(ICC-IMB Piracy Report 2002: 3)

This definition covers actual and attempted attacks on ships regardless of where the act occurs and includes any act of maritime terrorism, except a case which does not require a ship to be boarded as in the targeting of the *Limburg* or *USS Cole*, two cases which are reviewed in Chapter 4. The IMB's definition of contemporary maritime piracy is particularly significant because it is employed to determine reported acts of piracy that the organization's Piracy Reporting Centre in Kuala Lumpur has been established to catalogue. The weekly accounts published on the Commercial Crime Service's website by the Piracy Reporting Centre provide up-to-date, relevant information, such as recent piratical trends and current piracy-prone areas. By logging on to this website, persons involved in the maritime industry can determine the level of threat to their ships from pirates, who, unlike states, make no distinction between territorial and international waters when conducting their activities.

Whilst the IMB's inclusive definition of maritime piracy is useful for compiling statistics that detail the actual condition of maritime violence and crime worldwide, it has no legal force behind it. An attempt to bridge the gap between international law and the current piracy problem was proposed at the International Maritime Organization's (IMO's) 74th meeting of the Maritime Safety Committee where a draft Code of Practice was established (Hesse 2002: 59–61; IMO 2005). The draft Code of Practice distinguishes between an act of piracy as defined by the Convention (Article 101) and armed robbery against ships, which 'means any unlawful act of violence or detention or any act of depredation, or threat thereof, other than an act of "piracy", directed against a ship or against persons or property on board such ship, within a state's jurisdiction over such offences' (ICC-IMB Piracy Report 2002: 3). Because agreements between states focus upon the UNCLOS definition of piracy, the IMO's separation of piracy versus armed robbery against ships significantly avoids the same entanglement with legal terminology that the IMB definition has encountered (Renwick and Abbott 1999: 192,

196), whilst calling attention to the gap between international legal convention and transnational criminal reality. The definition of piracy and armed robbery against ships proposed by the IMO, therefore, provides a significant alternative to Article 101 of the Convention.

Following negotiations initiated by Japan at the 'Asia Cooperation Conference on Combating Piracy and Armed Robbery against Ships' held in Tokyo in October 2001, involving 16 Asian states, the IMO's definition of maritime piracy and armed robbery was adopted. South-east Asian states now acknowledge that instances of armed robbery against ships occur in their sovereign waters and are thereby encouraged to tackle these crimes (Umezawa 2003). An in-depth examination of how Japan's efforts have led to this development will be detailed in Chapter 6.

Maritime terrorism and the transportation of WMD

There is no basis in UNCLOS enabling states to board a terrorist vessel, even if intelligence suggests that the vessel may undertake an act of terrorism or is transporting terrorist-related material or weapons, including WMD. This is because terrorists are not judged to be *crimina juris gentium* (criminals of mankind) (Ronzitti 1990: 1–11). The 2002 case of the *So San*, a vessel bound for Yemen from North Korea, is instructive. The *So San*, which was suspected of transporting WMD, could only be legally boarded and inspected by a Spanish navy unit after it was ascertained that there was no registered ship with the name *So San* and because it was not flying a flag denoting its nationality. For Spanish troops to have boarded the ship otherwise would have been illegal under international law. Though 15 Scud missiles with conventional warheads were discovered, the cargo was allowed to proceed to Yemen because the shipment could not be deemed illegal according to international law (Richardson 2004: 100, 106–7). This incident encouraged the formulation of the Proliferation Security Initiative (PSI); a US-led attempt to interdict vessels carrying WMD and related technology, which will be examined in Chapter 7.

The 1988 Convention for the Suppression of Unlawful Acts Against the Safety of International Maritime Navigation (SUA) represented the first attempt since UNCLOS to develop a more robust international strategy to tackle terrorist threats. The SUA Convention evolved in response to the attack on the *Achille Lauro* on 7 October 1985, in which four members of the Palestine Liberation Front (PLF) took hostage 400 passengers and crew aboard the cruise ship, which was travelling from Alexandria

to Port Said in Egypt. The separatists demanded the release of 50 of their comrades held prisoner in Israel and killed one wheelchair-bound US citizen. After two days, the hostages were released and the separatists flown out of Egypt on a 737 jet, only to be diverted by US navy F-14 Tomcats to Sicilia, Italy, where the separatists were arrested (Ellen 1997: 48–9; Abhyankar 1998: 184–7).³ The mastermind behind the attack, Abul Abbas, was later captured after the fall of Baghdad in April 2003. The ease with which the separatists were able to hijack the *Achille Lauro* raised serious concerns about maritime security issues and consequently the Suppression of Unlawful Acts at Sea (SUA Convention) was signed in March 1988 and went into effect in March 1992. The SUA Convention covers any act that damages or threatens the control or management of a ship, its crew, or cargo. The act represented the first multinational response to international maritime terrorism (Jesus 2003: 388; Young and Valencia 2003: 275; Nogi 2004: 44–5).

Countries that ratify the 1988 SUA may circumvent the deficiencies of the UNCLOS Convention in terms of responding to acts of maritime terrorism. The specific clauses of the SUA Convention concerned with piracy and maritime violence state those offences whereby a person illegally and deliberately:

seizes or exercises control over a ship by force or threat thereof or any other form of intimidation, or performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship.

(Beckman 2002: 321)

There are five advantages of employing the 1988 SUA Convention as a tool to suppress maritime terrorism. First, even attempted acts against shipping that threaten the safe navigation of vessels are included in the articles. Second, the SUA Convention applies wherever an act that undermines the safe navigation of a ship occurs, including within the territorial waters of a signatory state to the SUA Convention. Third, states that have ratified the SUA Convention are required to detain alleged offenders found within their territory and either extradite or prosecute them. Fourth, the treaty facilitates extradition procedures and court proceedings even in the absence of a bilateral agreement. Finally, signatories of the SUA Convention are obliged to cooperate with one another concerning any offences committed that are outlined in the SUA Convention (Treves 1990: 71; Menefee 1996: 9; Menefee 1997: 38–42; Beckman 2002: 329–30). Indeed, the articles in

the SUA Convention could even apply to piracy, if an act of piracy occurred in the sovereign waters of a signatory state and threatened safe navigation.

Prior to the 9/11 attacks, no Southeast Asian state had signed up to the SUA Convention, limiting the extent to which it could be used to combat maritime violence and crime which had been on the rise from the mid-1990s in the region (Mukundan 2003). Southeast Asian states feared that signing the SUA Convention would allow the navies of foreign powers to encroach upon their sovereign territory in the pursuit of pirates, separatists, and terrorists. It has been argued that foreign intervention in the sovereign waters of newly independent Southeast Asian states that have thrown off the yoke of colonialism would undermine popular support for the government and wound national pride. Furthermore, outside intercession in the domestic waters of a state is problematic because of the maritime territorial disputes in Southeast Asia which raise doubts about the intentions of rival powers when pursuing pirates. As the 'war on terror' developed, Southeast Asian states began signing on to the SUA Convention. Nonetheless, Indonesia, Malaysia, and Thailand are still not party to the SUA Convention and no Southeast Asian state has yet ratified the amended SUA Convention that came into force in 2005, as detailed in Chapter 7 (IMO 2013).

Flag states and international law

In addition to the limitations of existing international law, the legal status of a vessel at sea that is the victim of a pirate or a terrorist attack complicates international responses to tackle maritime violence and crime. Though ships are under the jurisdiction of the flag they fly on the high seas (Ronzitti 1990: 7–8), legal responsibility for the well-being of the crew ultimately lies with both the crew's nation-state and the shipowner. Furthermore, the cargo may belong to a party other than the shipowner. This is to say nothing of the authorities which might catch a pirate or a terrorist group or the nationalities of the pirates or terrorists captured. All these disparate groups must collaborate in the event of a pirate or terrorist attack. Establishing a framework for doing so has been hindered by UNCLOS, which specifies no coordinating body to draw these groups together in the event of a violent maritime incident. Yamada Yoshihiko argues that the issue of flags of convenience is at the heart of the problem and notes that a dual-flagging system to confront this issue has been proposed, though he argues that Japanese ships should adopt a Japanese flag for maximum protection (2005: 48). The

pervasive use of flags of convenience thereby complicates interdictions at sea.

Ships fly flags of convenience because they are cheaper and easier to acquire than those of major maritime shipping powers, such as the United Kingdom, Japan, or the United States. The countries that issue a flag of convenience, such as Panama, the Bahamas, Liberia, the Maldives, and Malta, have jurisdiction over a ship, but have no means to enforce their jurisdiction (Takai 2002: 1). The case of the *Star 4*, a bulk carrier flying the flag of land-locked Mongolia, is indicative of the problem of flags of convenience. On 7 February 2004, whilst anchored at Chittagong, Bangladesh, a group of armed pirates boarded the *Star 4*, shot and killed two watchmen and made off with some of the ship's property (ICC-IMB Piracy Report third Quarter 2004: 40). It is far from clear that Mongolia can truly exercise jurisdiction in this case or indeed would want to (Yamada 2005: 48), especially as the Mongolian Ship Registry lacks the resources and the manpower to become involved in an investigation. Flags of convenience are easily and cheaply bought and come with few regulations that ships must obey.

The robust measures taken to combat international terrorism, detailed in Chapter 7, have the potential to substantially transform international shipping. In particular, since 2002, the US requirement under the Maritime Transportation Security Act (MTSA) that ships divulge their registry details before entering a US port may have a significant impact upon flags of convenience. If vessels from a particular flag state are regularly targeted by US Customs and delayed for inspection at port, it may prove cheaper over the long term to fly the flag of a recognized maritime power. Critics argue that allowing flags of convenience to be slowly phased out in this way is one of the best means of securing international waterways against terrorism, as the regulations on vessel registration would be tightened (Luft and Korin 2004: 70; Boutilier 2005: 26). At the same time, this example demonstrates the material power that great powers, such as the United States, can employ to transform the regulations and laws of commerce and pressure other states to abide by them. Indeed, many of the changes in the domain of maritime security in the wake of 11 September 2001 have evolved precisely because of the global importance of the US market.

Conclusion

According to English School scholars, membership of international society is determined by whether or not actors abide by its laws and norms.

International society therefore requires there to be outlaws. Defining the boundaries of membership of international society is not clear cut, however, as actors seek social acceptance from their peers to ensure that they do not slide along the spectrum from full and legitimate member of international society to outlaw. Through their capacity to shape the laws and norms of international society, great powers, in particular, can pressure other members of international society to sign up to and abide by its laws and norms. States are thereby compelled to continually employ their material and social power to ensure their ontological security as full and legitimate members of international society. At the same time, great powers must also be perceived to be acting legitimately in international society and here outlaws provide both opportunities and hazards for action in global politics. On the one hand, the signifier 'outlaws' is used both to define international society itself through the creation and evolution of laws and norms that determine legitimate from illegitimate action and thereby to justify action taken in the name of international society. On the other hand, members of international society must be persuaded that a given actor can be legitimately understood as being an outlaw that requires an international response to counter it. The 'war on terror' is a case in point, whereby the Bush administration and its allies articulated a rich lexicon of outlaws to legitimize their response to the 9/11 attacks, as subsequent chapters demonstrate. The fact that in many cases, most notably the failure to pass a UNSC resolution justifying the invasion of Iraq, such attempts fell short of convincing international society to act and even encouraged members of international society to rally against US foreign policy highlights the extent to which disagreement over what constitutes an outlaw divides international society.

Within the English School tradition, scholars such as Bull (2002) have tended to perceive outlaws as highlighting deficiencies in international society or as threatening its very existence. Great powers respond to threats posed by such outlaws by reforming the laws and norms of international society in order to strengthen it. Perhaps the clearest articulation of this lies in the legal designation of pirates as '*hostis humani generis*' (enemies of mankind). In the post-Cold War era, the language of 'rogue' and 'failed' states has enabled great powers to increase the scope for defining and responding to outlaws. This process has accelerated in the aftermath of the 9/11 attacks leading to the transformation of international and domestic laws. This outlaw discourse has traditionally been framed in terms of how the West should act to combat perceived threats coming from the global South. The outlaw rhetoric thereby fails

to recognize the role of imperialism, colonialism, and the Cold War in destabilizing states and creating the very outlaw threats that great powers seek to counter. In fact, outlaws are an integral part of the evolution of international society and have been used throughout history to justify imperialist policies, as well as to determine new laws and norms to regulate how members of international society behave. Indeed, great powers have utilized the signifier 'outlaw' to demonstrate how an act of violence is 'legitimate' in international society depending on whether a great power acted, rather than based on the act of violence itself (Noor 2013).

This book tracks the development of international maritime law in response to outlaws, particularly in the wake of the 9/11 attacks, and Japan's maritime security strategy over this period. To set the scene, this chapter has outlined existing international maritime laws to tackle piracy and terrorism. Piracy represents perhaps the most clear-cut definition of outlaw behaviour in international law. Nevertheless, the definition of piracy remains contested, enabling actors, such as the IMB and IMO, to propose alternatives that more fully encompass the realities of violence and armed robbery at sea today and seek to overcome the deficiencies of the definition of piracy in UNCLOS, particularly regarding sovereignty and hot pursuit. Defining terrorism in international maritime law has been disputed to an even greater extent, with few states signing up to the SUA Convention prior to the 9/11 attacks. A rise in piracy from the mid-1990s in Southeast Asia, coupled with the 9/11 attacks, has prompted states to revisit the existing legislation regarding threats to maritime shipping, as well as their responses to these threats. These changes coincided with a reformulation of Japan's maritime strategy to tackle outlaws at sea that depended on an enhanced international role for the JCG. The case-study chapters explore the evolution of Japan's maritime strategy and international law in response to outlaws in more detail. Before doing so, the next chapter explores how Japanese foreign policy makers have framed outlaw threats, but also considers the perspective of outlaws themselves to understand the underlying motivations behind contemporary maritime violence. It is important to take this step in order to understand the extent to which changes in states' responses to outlaws and in maritime law actually address the problems they seek to counter. In other words, to what extent does the response of international society to maritime outlaws tackle the causes, rather than just the symptoms, of maritime violence and crime.

4

The Root Causes of Outlaw Behaviour

Members of international society have responded to maritime threats posed by outlaws in a myriad of ways. Whereas Japanese governments have tended to favour deploying the JCG, the United States, under the Bush administration, pressured states to adjust international legal frameworks where possible and instigated ‘coalitions of the willing’ or military responses where it thought it necessary. Many of these responses have been innovative in terms of developing new approaches to maritime policing and instituting a number of regulations regarding international maritime security, but these responses have only served to bolster the capacities of governments and maritime authorities to manage outlaws at sea. International society’s responses to outlaws at sea have therefore been state-centric in design and focused on combating the symptoms of maritime violence and crime rather than the causes. This is primarily because when a state labels an actor as an outlaw, it is identifying that actor as a dangerous and often irrational ‘other’ with which no negotiation is possible until the outlaw changes its behaviour.

It is therefore imperative to critically assess how and why actors are labelled as outlaws by international society and to understand the perspective of those actors. Considering the underlying causes of outlaw activity enables states to find ways to reintegrate outlaws into international society. The challenge for international society when examining the causes and motivations of outlaw behaviour is to critically review and address inequality in international society and consider how the evolution of international society, particularly in terms of the legacies of colonialism, imperialism, and the Cold War, has given rise to outlaws. This chapter undertakes a critical review of international society to unpack the complexity of outlaw behaviour and challenge attempts

to conflate outlaw threats by states that seek to achieve specific national interests.

The chapter begins with a critical overview of North Korea's categorization as a 'rogue state' to demonstrate that Pyongyang's use of suspicious ships for espionage and narcotics trafficking is, from its perspective, a rational response to its isolation in international society. Moreover, a critical appraisal of the legacies of Japanese imperialism and the Cold War is needed to comprehend how North Korea has become isolated and outlawed in international society. The causes of piracy are then addressed to consider how economic deprivation, particularly in the wake of the 1997 Asian Financial Crisis, led to a spike in maritime violence and crime in Southeast Asia. Similarly, the collapse of the Somali economy, together with additional factors, such as large-scale commercial fishing off the coast of Somalia and political instability, led to an increase in piracy around the Horn of Africa. Piracy off the coast of Somalia was curtailed when the Islamic Courts Union (ICU) gained power in 2006, but returned when an intervention by Ethiopian forces, backed by the United States, ousted the ICU. The Bush administration cited the ICU's links with terrorist organizations to justify the intervention, but in doing so highlighted the fallacy of conflating piracy with terrorism. Finally, the chapter considers the case of politically motivated violence by focusing on the activities of both separatist organizations and globally active terrorist groups. Here, the legacies of colonialism, imperialism, and the Cold War again combine to shape outlaw behaviour in international society. This chapter provides no more than a sketch of the complex dynamics of each of these outlaw types, but this sketch is sufficient to expose many of the deficiencies in state responses to outlaw behaviour in international society.

North Korea: An outlaw of international society?

North Korea is often labelled a 'rogue regime' in the popular, policy-making, and academic International Relations literature for a broad array of reasons (Klare 1995; Litwak 2000; Nincic 2005). First, commentators and policy makers alike cite Pyongyang's pursuit of WMD, in particular its nuclear programme, as the primary reason for North Korea's outlaw status. North Korea threatened to withdraw from the Non-Proliferation Treaty (NPT) under Kim Il Sung in 1993–4 and finally withdrew under Kim Jong Il in 2003. Since withdrawing from the NPT, the North has conducted nuclear tests in October 2006, April 2009, and February 2013. Second, North Korea's missile and conventional

capabilities are listed as existent threats to the security of the Northeast Asian region. In particular, the sinking of a South Korean naval vessel, the *Cheonan*, and the shelling of a South Korean island, Yeongpyeong, in March and November 2010, respectively, raised cross border tensions between the two Koreas. Third, North Korean involvement in illicit activities, including weapons sales and the use of vessels to traffic narcotics and kidnap foreign citizens, have led international society to perceive North Korea as an outlaw (Park 2000: 542–4; Samore 2003: 7, 21; McCormack 2004: 97–8). Whilst Pyongyang has been more than willing to bargain with foreign powers in order to acquire economic, technological, energy, and food aid, it has done little to curb its illicit activities or end its nuclear and ballistic missile programmes. Fourth, North Korea has adhered to an isolationist '*juche*' foreign policy according to which it deters interference in its sovereign affairs primarily through the acquisition of WMD (Park 2000: 544–6; Laney and Shaplen 2003: 19–21; McCormack 2004: 97–8). Finally, North Korea does not defend human rights, as defined by the UN Charter, of either its own citizens, many of whom have suffered from starvation under Kim Jong Il's rule, or foreign people, such as Japanese abducted by North Korean commandos. From the perspective of international society, therefore, North Korea has been categorized as an outlaw for violations of international law, sovereignty, and the equality of people, its self-imposed isolation from international society, and its belligerency that threatens to disrupt the balance of power.

At the same time, talks between Pyongyang and the great powers, as well as bilateral meetings, particularly with South Korea, have served to maintain North Korea's links with international society, indicating the importance of the institutions of diplomacy and great power management. Following Kim Il Sung's threatened withdrawal from the NPT in 1993–4, North Korea signed the Agreed Framework, according to which the Yongbyon reprocessing plant would be dismantled in return for two light water reactors (LWRs) whose spent fuel would be much harder to reprocess into a weapons form. Japan and South Korea were to fund the project, whilst the United States would supply North Korea with oil and remove sanctions. A multinational consortium known as the Korean Peninsula Energy Development Organization (KEDO) would oversee the whole project (Langdon 2001: 168–71; Martin 2002: 51–65; Samore 2003: 8–11).

Since the signing of the Agreed Framework in October 1994, North Korea's relations with international society have fluctuated between engagement and containment, in response to what has been broadly

perceived as North Korean provocations. North Korea has consistently deployed the threat of its nuclear and missile programmes in order to secure aid to prop-up the regime in Pyongyang. Perceiving KEDO to be advancing too slowly and critical of the failure of the United States to follow through on its commitments, the North Korean regime ordered the launch of a Taepodong missile over Japan in August 1998. Although Pyongyang asserted that the missile was in fact a failed satellite launch, the response of the Japanese government was unequivocal, shifting towards a policy of containment against a perceived growing North Korean threat.

In an effort to renew cooperation with North Korea in line with the KEDO agreement, US Secretary of State Madeline Albright visited Pyongyang in October 2000 signalling a warming of relations (Langdon 2001: 168–71; Martin 2002: 51–65; Samore 2003: 8–11). Nonetheless, as George W. Bush assumed the Presidency in 2000 and particularly since the events of 11 September 2001, the US position hardened towards North Korea (Van Ness 2005; Park 2005; Litwak 2007). Indeed, President Bush counted North Korea amongst the ‘axis of evil’ in his State of the Union Address in January 2002.¹ In a meeting with US diplomats in 2002, North Korean officials allegedly announced their country’s capacity to reprocess uranium giving the Democratic People’s Republic of Korea (DPRK) an overnight nuclear capability. The following year, North Korea withdrew from the NPT igniting the second nuclear crisis. Chinese efforts to curb growing tensions on the Korean Peninsula led to the establishment of the Three-Party Talks in April 2003, which were extended later that year in August to become the Six Party Talks (SPT) (Zhu 2011: 200). Though engaged in the SPT following North Korea’s withdrawal from the NPT in 2003, the United States made little progress on ending the DPRK’s WMD programme (Pollack 2005: 2) and has become increasingly inflexible in demanding the Complete Verifiable and Irreversible Dismantlement (CVID) of North Korea’s nuclear programme. Requiring a foreign policy victory due to the ongoing debacle in Iraq and protracted campaign in Afghanistan, the Bush administration moderated its insistence on CVID by the third SPT meeting in July 2005 (Kim 2006: 119–20). However, North Korean missile and nuclear tests in July and October 2006, and April/May 2009, together with the *Cheonan* and Yeongpyeong incidents of 2010 put paid to the SPT as the United States, South Korea, and Japan bolstered their alliances leaving North Korea with only China to turn to (Zhu 2011; Rich 2010). Since its third nuclear test in February 2013, North Korea has looked to engage with international society again, calling for bilateral talks with

the United States. This turbulent process of engagement and containment highlights that though categorized by international society as an outlaw, the Pyongyang regime has repeatedly demonstrated the will to negotiate on key security issues. In this regard, it is necessary to consider the positions and motives of various states engaged in this process.

Though initially reluctant to play a leading role in the SPT, China increasingly became more proactive as mounting tensions threatened key national interests (Kim 2006; Glaser and Wang 2008). When agreements were reached in the SPT in September 2005 and February 2007, Chinese diplomats received much of the praise (Glaser and Wang 2008). China's position in the SPT was complicated by a diverse array of conflicting national interests reflected in divisions amongst the policy-making community (Zhu 2011: 197–8). China's predominant concern with North Korea's nuclear process lies in the potential for escalation to undermine the stability of the East Asian region; a stability upon which the CCP has relied to maintain economic growth. Chinese policy makers fear that too much pressure on the Pyongyang regime will cause it to collapse, sending masses of Korean refugees into China's economically underdeveloped Northeastern provinces, bringing US troops to the Chinese border, and causing South Korea to divert Foreign Direct Investment (FDI) away from China to pay for reunification (Park 2005; Wu 2005; Goldstein 2006; Kim 2006; Glaser and Wang 2008; Moore 2008). In addition, North Korea's nuclear programme raises the spectre of nuclear proliferation in East Asia, with the possibility of Japan, South Korea, and Taiwan building nuclear programmes of their own (Park 2005), as well as solidifying the alliance frameworks of South Korea, Japan, and the United States (Zhu 2011). Finally, China's support for the DPRK is linked to nationalist sentiment that views the relationship as being as close as 'lips and teeth', owing to the sacrifice of Chinese 'volunteers' in the 1950–3 Korean War (Zhu 2011; Glaser and Wang 2008). As a result, the Chinese government has rejected the US designation of North Korea as a 'rogue state' (Wu 2005) and engaged Pyongyang with aid and energy resources to buttress the Kim dynasty whilst seeking to constrain US unilateralism by entangling it in multilateral negotiations (Park 2005).

Tensions on the Korean Peninsula also present opportunities to Beijing to portray China as a 'responsible power' (Goldstein 2006). In addition, Chinese officials perceive North Korea as a further test case for their model of economic development and encourage companies located in China's Northeastern 'rust belt' to expand operations in North Korea to benefit from potential economic reforms (Wu 2005; Moore

2008). The Chinese authorities have therefore been willing to apply pressure on the Pyongyang regime to pull it back into negotiations. In March 2003, for example, Chinese oil supplies to North Korea were cut off and Chinese officials chastised the DPRK's nuclear test in 2006 as a 'flagrant violation'; a term usually reserved for Japan in relation to territorial disputes (Park 2005; Moore 2008). Nonetheless, following the *Cheonan* and Yeongpyeong incidents, positions of all parties have become entrenched leading to criticisms of China's appeasement of the North Korean regime (Zhu 2011). Since North Korea's February 2013 nuclear tests, the Chinese government has taken a firmer line, whilst still urging the different parties to negotiate.

South Korean governments have also fluctuated in their policies towards North Korea. In 1998, Kim Dae Jung, the South Korean president, initiated his 'sunshine policy' with his counterpart in North Korea, Kim Jong Il, culminating in the successful June 2000 summit between the leaders. The 'sunshine policy' was an engagement strategy predicated upon economic aid to North Korea in order to build reconciliation between the two countries. Essentially, President Kim rejected the use of military aggression and unification through force of arms in favour of promoting people-to-people exchanges and economic cooperation, such as the Kaesong industrial zone located near the North-South border. The sunshine policy looked to encourage the North to instigate much needed reforms and bind the states together economically whilst seeking unification over the long term. Kim Dae Jung was able to persuade the Clinton administration to forge ahead with the Agreed Framework, despite reservations in Washington. Japan followed the US and South Korean lead, renewing its commitments and increasing its engagement with Pyongyang. Whilst the sunshine policy indicated an alternative approach to resolving the conflict, it increasingly wrought divisions between South Korea and the United States as the Bush administration adopted a more coercive line on North Korea. Domestically, the opposition Grand National Party (GNP) criticized Kim's policy for granting generous aid without achieving much in return by way of concessions on the nuclear issue. Lee Myung-bak, the GNP's President since 2007, reversed the sunshine policy and adopted a closer policy line to the United States and Japan in the wake of the *Cheonan* and Yeongpyeong incidents (Rich 2010).

Above all, Japanese governments have sought stability on the Korean Peninsula and in Northeast Asia. Japan has repeatedly pledged foreign aid to Pyongyang in return for the cessation of North Korea's WMD programme, an end to suspicious ship activities, and the return of abducted

Japanese citizens. During the early mid-1990s, Japanese governments looked to mediate on the issue of denuclearization in North Korea and lobbied for progressive reforms to slowly transform the country's economy (Park 2005). However, Japan's ability to influence negotiations over North Korea's nuclear programme has been limited, as the United States, South Korea, and China all possess more leverage over North Korea, and Japan's position as a mediator is hampered by its own colonial past (Akaha 2002, 2006). Despite repeated apologies from the Japanese government for its imperialist aggression in the first half of the 20th century, both North and South Koreans remain unconvinced by the sincerity of the Japanese government and people to atone for the past. Amongst the outstanding issues, recurrent disputes include the failure to condemn nationalist textbooks that whitewash Japanese imperialism, visits by Japanese government officials and politicians to the controversial Yasukuni Shrine where the souls of Japanese war criminals are enshrined, and the unresolved issue of the 'comfort women'; a euphemism for women forced into prostitution by the Japanese imperial army (Dudden 2008; Lind 2008).

The high point of Japanese efforts to engage Pyongyang came 17 September 2002, during the Summit between then Prime Minister Koizumi Junichirō and Kim Jong Il. In return for Koizumi's apologies for the harm inflicted upon the North during Japan's colonial rule, a resumption of normalization talks and the promise of future aid, Kim admitted that North Korean commandos ferried by suspicious ships to the Japanese mainland had captured Japanese citizens to be used to teach Japanese language and culture to North Korean spies (Uriu 2003: 86–8; Akaha 2006: 24–5). On 15 October 2002, five surviving abductees returned to Japan as part of the Summit agreement. However, Japan's repatriation of these five citizens on 24 October 2002 coupled with demands for their dependents to be handed over undermined any trust built up at the summit. Whilst Pyongyang viewed Japan as having reneged on its agreement to return the five abductees to North Korea after their visit, Japanese public opinion grew increasingly hostile towards a regime that had failed to disclose the full details of the abductions (Akaha 2006). From the perspective of the Japanese public, the abduction issue highlights a further human rights violation by North Korea that contravenes the norms of international society. Koizumi was able to conclude a second Summit on 22 May 2004 with Kim Jong Il in which the Japanese government provided humanitarian aid in exchange for the return of the remaining family members of the repatriated abductees (Akaha 2006: 25–6). In addition to the return of the five

abductees and their dependents, Koizumi's efforts also demonstrated to the United States that dialogue provided an alternative to its unilateral coercive approach to North Korea (Hughes 2006: 154–5).

Nevertheless, since the Taepodong missile launch of 1998, Japanese officials have increasingly constructed the Pyongyang regime as a threat and bolstered Japan's military spending to meet the threat (Green 2001; Akaha 2002; Hughes 2004; Park 2005; Samuels 2007). Abe Shinzō, both as Chief Cabinet Secretary during the Koizumi administration and then as Prime Minister, worked assiduously with right-wing organizations to place the abductions issue at the forefront of Japan's North Korea policy by shaping and appealing to public opinion (Akaha 2006: 21, 31; Williams and Mobrand 2010). As a result of his efforts, subsequent administrations have found it difficult to formulate an innovative policy towards North Korea and have fallen in line behind a default US position of containment as tensions on the peninsula mounted (Akaha 2006: 26–9; Hughes 2006). When Abe returned as Japanese Prime Minister in 2012, there seemed little hope that Japan would normalize relations with North Korea and ease the isolated state back into international society.

North Korean reform and reintegration into international society

A number of scholars have challenged the categorization of North Korea as a 'rogue state'. Beal (2005) explores how in the case of alleged official North Korean complicity in narcotics sales, self-referential, inaccurate, and misleading official and media reports reproduce a discourse of threat. Such speculative accounts, Beal argues, conflate a myriad of supposedly illegal activities to the Pyongyang regime with no sense of perspective. For example, not only are North Korean missile sales legal, they are dwarfed by US global arms sales (Beal 2005). These discourses of threat are self-sustaining and hinder the articulation of alternative approaches (Smith 2000). Rather than North Korea being an inherently evil and unpredictable state intent on undermining world order, Smith perceives North Korea as 'sad', but also rational. Smith (2000) sketches the vast human suffering caused by the regime and the country's failed economy before outlining how officials in Pyongyang rationally and predictably look to sustain the country through bargaining for aid in return for concessions on the state's nuclear and missile programmes. In the light of the legacies of the Korean War and North Korea's containment by the United States during and after the Cold War, it is

also not surprising that the Pyongyang regime views negotiations with international society with suspicion (Cumings 2004; McCormack 2004). For Bleiker (2005b, 2007), the key is both to challenge how these discourses of threat work to benefit those who articulate them and to identify potential avenues to engender a 'culture of reconciliation' that transforms relations across the 38 parallel. So long as international society contains North Korea, pathways to achieve reconciliation remain elusive. One way for the regime in Pyongyang to engage international society would be to reform its economy and curtail the sale of missiles and narcotics. Though the regime has made tentative moves to encourage economic reform, the response of international society to these attempts has been mixed.

With the end of the Cold War, North Korea's trade relations with former Soviet bloc states diminished, and following severe natural disasters beginning in 1995, exacerbated by years of official mismanagement of the agricultural sector, the North Korean economy collapsed. The death toll resulting from starvation and disease numbered in the millions, as North Korea lacked the energy to heat and light its hospitals as well as the food to feed its people (Kim 2001: 27). Furthermore, visitors to the country noted the decaying infrastructure in terms of inactive factories and workers, a distinct lack of transportation, frequent electricity shortages, and an absence of most consumer goods in the stores (Brown 1999: 127–9; Oh and Hassig 1999: 287–9, 296–8; McCormack 2004: 97–8). By the turn of the century, it had become clear that Kim Jong Il's regime could not provide the most basic human needs without the support of foreign food aid (Kim 2000: 162).

As the primary, centralized North Korean economy collapsed over the course of the 1990s, so a secondary black market economy evolved amongst the people based on barter, illegal production, robbery, and corruption, whilst a further elite or 'court' economy developed amongst the higher echelons of the party. Though there remained little left of the primary economy to reform, these secondary economies, which are based upon such capitalist economic principles as supply and demand pricing, were said to be inducing reform. In a sense, the government lost control of the means of production and did what it could to organize and regulate the secondary economies which became central to North Korea's economy (Oh and Hassig 1999: 289–91). By the turn of the century, Kim Jong Il had little choice but to reform and adapt to the new economic realities of North Korea.

The reforms instigated to tackle North Korea's ongoing economic troubles may open the country up to foreign investment and encourage competition amongst domestic businesses. Since 1995, farm workers

have been allowed to keep surplus production, which they can sell or eat, after meeting state quotas. People's markets have also emerged as a trading venue throughout the country, enabling the sale of surplus food, manufactured goods, handicrafts, and household goods. Foreign investment projects have also provided a means of obtaining hard currency. In particular, the Hyundai-sponsored Mount Kumgang tourist project has brought South Korean sightseers to view this picturesque region of North Korea (Oh and Hassig 1999: 291–4), and the Kaesong industrial zone has combined South Korean capital and technical know-how with North Korean cheap labour (Kim 2000: 161–2; Park 2004: 146). By 2001, the reform programme was said to be advancing, with new significance attached to the field of information technology, construction work undertaken to limit the effects of drought and agricultural reorganization to improve food production (Ahn 2002: 47–8). In 2005, North Korea received USD 1 billion in aid from South Korea and substantial energy and food aid from China. The Kaesong special economic zone also continued to develop with 4,100 North Koreans employed by 15 South Korean companies in 2005 and with hundreds more South Korean corporations interested in building factories in the economic zone (Woo 2006: 51–2).

Yet, the depth and scope of economic reforms have been hindered by fears amongst the ruling oligarchy that greater integration with the global economy, whilst bringing much-needed capital, would also allow Western ideas of capitalism and democracy to permeate into North Korea, thereby threatening the existence of the Pyongyang regime (Eberstadt 2007). The ideological impact that reforms have had upon the country has necessitated tighter social control from the Pyongyang government which fears the societal instability that may result. Internal volatility, as much as external threats, may be the reasoning behind North Korea's continued insistence on a 'military-first policy' which ensures that financial and material resources are prioritized for the army rather than the people (Ahn 2002: 47–8). Furthermore, economic links with both China and South Korea have allowed the North Korean regime to muddle through in spite of containment and sanctions (Noland 2009). Pyongyang has, therefore, steered a middle course, instigating reforms where necessary, whilst upholding its iron rule over the people, obtaining hard cash through weapons and narcotics sales, and threatening foreign powers with its WMD programmes in return for the aid upon which North Korea relies.

From an English School perspective, North Korea can be termed a rebel state separate from international society owing to its violations of human rights, international law, and its isolationist policy. Nonetheless,

Kim Jong Il's willingness to initiate reform not only shows the necessity to transform aspects of North Korea's centralized economy, but also signals the possibility that North Korea could reconcile itself with aspects of international society. Whilst South Korea curtailed its investment projects in North Korea following the 2013 nuclear test, investment opportunities with both South Korea and China have evolved and engendered bonds of reciprocity and interdependence in the past. This is not to say that the reforms have reached an evolved stage, but a process of reform has begun which, if nurtured, could lead to a fundamental transformation of the North Korean system. The decision of whether to engage or contain North Korea lies in the extent to which international society believes it can trust Pyongyang, which in turn depends upon how a state comprehends the North Korean missile and WMD programmes. For Japan, the abduction issue continues to dominate its foreign policy towards North Korea. As a result, Japanese governments have tended to frame North Korea as an existential threat that cannot be trusted. Subsequent chapters detail how incursions by North Korean suspicious ships and WMD proliferation have formed key parts of Japanese discourse on the North Korean threat to make engagement with the regime difficult. The remainder of this chapter critically engages with the definitions of contemporary maritime terrorism and piracy.

Contemporary maritime piracy

The threats posed by piracy and terrorism are often conflated into a single threat as if tackling one would resolve the other (Luft and Korin 2004: 61–71; Burgess 2008; Hong and Ng 2010). Young and Valencia (2003: 277–8) argue that conflating these two threats might help spur governments into action and that different forms of maritime crime and violence, be they piracy, terrorism, or smuggling, may be interconnected (Menefee 1997: 29; Aspinall 2003: 24; Young and Valencia 2003: 276). Nevertheless, conflating different kinds of maritime violence and crime fails to consider how the root causes of piracy and terrorism can be addressed. Henmi offers several reasons why piracy is distinct from maritime terrorism. First, unlike terrorists, pirates work for private ends. Second, pirates will target any ship in search of financial reward. Third, pirates are limited to a certain territory. Henmi concludes by noting that there is no evidence of any cooperation between pirates and terrorists (2005: 153–4). It is therefore necessary to distinguish between these two maritime threats.

Acts of contemporary piracy encapsulate a myriad of criminal styles and motives. To limit the definition of a pirate as one who commits violence or robbery against ships on the high seas or to conflate maritime terrorism with piracy is to miss the subtleties of these phenomena. Pirate gangs and terrorist organizations differ in their size, weaponry, equipment, and motivations, and these groups target vessels according to their capabilities. Yet, by failing to take these differences into account, states have not adopted comprehensive policies that deal with the root causes of contemporary maritime violence and crime. This is primarily because policy makers tend to view security in 'traditional' state-centric terms in the post-Cold War world, instead of perceiving security from the perspective of people (Makinda 2001: 404–5). This is fundamental to studying a transnational issue, such as contemporary maritime piracy, because those perpetrating the violence are non-state actors, the victims are ships belonging to the country of one state, usually flying the flag of another, with an international crew, and pirates transgress state boundaries freely. To solve transnational security issues, like piracy, people-centred questions must be asked. These questions include who are pirates, what are the different kinds of piracy, and what combination of causes has led people to pursue piracy?

Yet, even those commentators who have differentiated between different kinds of piracy have done so from the perspective of the victim rather than the perpetrator. Chalk (1998) divides piracy into three categories: low-level armed robbery (LLAR), medium-level armed assault and robbery (MLAAR), and major criminal hijack (MCHJ). LLAR refers to attacks mounted close to shore, whilst a ship is anchored or at port, with small high-speed craft manned by a lightly armed crew which remove on average between USD 5,000 and USD 15,000 in personal items and cash from the targeted vessel. MLAAR refers to theft that occurs on the high seas or in territorial waters by highly organized well-armed gangs prepared to kill or injure in the course of their raid. MCHJ refers to the capture of vessels for the purpose of illegal trading. Boats used in this process of illegal trading are known as phantom ships as they have their identification documents altered or re-registered to give them a new identity. MCHJs are highly sophisticated operations involving transnational crime networks which make use of large numbers of trained agents equipped and prepared to use force (Chalk 1998: 88–9).

By contrast, Beckman measures various piracy types according to four factors: the type of weapons employed, the treatment of the crew, the value of the property stolen, and the level of threat to the safety of maritime navigation. Hence, the more lethal the weaponry employed in an

attack is, the worse the crew are treated, the greater the value of the property stolen and the level of threat to other vessels or the marine environment, the graver the pirate attack becomes (Beckman 2002: 319–20). By focusing upon how much damage was done to the victims, Beckman seeks to ascertain what kinds of piratical threat exist, as well as the weaponry, equipment, and propensity for violence employed by the pirates. Because these classifications do not identify the kinds of pirates that perpetuate the attacks, the causes of piracy suggested by these commentators are general and not connected to particular types of pirates who perpetrate specific kinds of maritime violence and crime. Therefore, an examination of the deeper causes of piracy is avoided and consequently solutions to the problem remain elusive.

Yamada employs an alternative classification in his work: *Umi No Terorisumu* (Terrorism at Sea). He examines various acts of piracy and terrorism in terms of the groups perpetrating the act of maritime violence or crime. His categories are termed as follows: Robin Hood style pirates, transnational criminal organizations, separatist groups, and terrorists (Yamada 2003: 96–106). A further type of piracy mentioned by Yamada, but not separated into an individual category, is that of the participation of state personnel in piratical acts. One reason for the omission of official participation in piratical acts is that, whilst prevalent during the mid- to late 1990s, the involvement of maritime officials and naval personnel in piratical acts has waned significantly as international conferences have paid more attention to the problem of piracy in general. After all, it is difficult for state representatives to attend an anti-piracy meeting, when members of their state's own coast guard, navy, or customs are implicated in acts of piracy. Nevertheless, a degree of official complicity is still alleged to occur in parts of Southeast Asia and so needs to be investigated separately from other kinds of piracy. The next section examines each of Yamada's different types of piracy in turn to establish the current scope of the issue that policy makers in Asia face. The two categories of global terrorism and separatism will be tackled under the section on politically motivated maritime violence and robbery.

Contemporary piracy types

The piracy in the Malacca Straits is like Robin Hood. In return for food, the pirates share their plunder with the villagers. Because they blend in with the villagers, even the police can't touch them.

(Chong in Yamada 2003: 160–1)

As the quote by Noel Chong, head of the IMB Piracy Reporting Centre, Kuala Lumpur, highlights, Robin Hood style piracy occupies a specific niche within contemporary maritime crime. In the Malacca Straits, groups of up to around ten pirates use speedboats to approach their targets or board ships in port. The pirates tend to carry machetes rather than firearms and disguise their boats as fishing vessels to avoid detection. The same group may strike several vessels during the course of the same night. The victims are usually unaware of the attack until it is underway or even not until after the attack has happened and the pirates have fled. Returning to their villages, the pirates are protected by their fellow villagers who conspire to hide them in return for a share of the loot. In the late 1980s, as the Malacca Straits became the most piracy-prone waterway in the world, there was some evidence to suggest that the comparison with the legendary Robin Hood, who stole from the rich and gave to the poor, was apt. A pirate from the Riau Archipelago quoted in the 1988 edition of *Asia Week* proclaimed, 'These shipowners are very rich. While they're passing through the Straits we ask them for a donation. It's like a toll. We don't carry guns and we never injure anyone. We just accept whatever money they give us. If they have no money, we leave' (Hyslop 1989: 12–13). Abhyankar also noted the tendency for attacks in Asian waters to be less violent during the 1990s (Abhyankar 1998: 184).

By the end of the 1990s, acts of piracy were becoming more violent and so-called Robin Hood pirates began targeting weak trading vessels and fishing boats (Yamada 2003: 160–4). If the violence now attributable to Robin Hood-style piracy is connected with their preference for weaker targets, then it may be that a rise in awareness amongst the international shipping industry concerning the dangers of piratical attack has led to larger, commercial vessels improving their security. Hence, the response of the international shipping community may have inadvertently exacerbated the problem of piracy for weaker boats, and therefore poorer seafarers who cannot afford the costs to protect themselves from attacks.

International criminal organizations constitute a further category of contemporary piracy. Until 1989, little evidence pointed to the involvement of transnational criminal syndicates in piracy, though INTERPOL was investigating the possibility (Hyslop 1989: 6). By 1995, however, international crime groups were conducting acts of piracy in East Asia (Yamada 2003: 96). Furthermore, an increase in the number of ship hijackings from 16 in 2001 to 25 in 2002 (ICC-IMB Piracy Report 2002: 16, 23) and from 11 in 2004 to 23 in 2005 (ICC-IMB Piracy Report

2005: 10) highlights the growing interest of transnational criminal organizations in perpetrating acts of piracy. Though separatist groups, terrorists, or even corrupt maritime officials may have carried out these hijackings, transnational criminal groups are still usually involved in hijackings on some level, whether it be trafficking pirated goods on the black market or selling a hijacked ship. Attacks on vessels by transnational criminal organizations differ in respect of other forms of piracy in their level of sophistication, as well as the equipment used and the level of violence employed, though even in the 1980s, pirates employed radios and informers in receiving warehouses in order to target specific cargoes (Birnie 1987: 173).

The phantom ship phenomenon is often associated with transnational criminal syndicates. A phantom ship is one whereby the vessel is hijacked, the original crew killed or disposed of (thrown overboard, set adrift or abandoned on a desert island), and the ship is repainted and given a new identity. Phantom ships are owned by fictitious companies and carry high value cargoes, which are in great demand and easily disposed of, such as oil, gasoline, kerosene, palm oil, and aluminium ingots (Yamada 2003: 97–8). Alternatively, phantom ships are used for other illegal activities such as drug and people smuggling (Abhyankar 1997: 58–9, 72; Ellen 1997: 47).

Such a complex operation involves several well-coordinated groups in order to be conducted successfully (Yamada 2003: 98) and may involve a degree of official complicity. Low wages and a cultural acceptance of bribery are cited as reasons for the extent of official involvement with transnational criminal organizations in the Southeast Asian region (Tagliacozzo 2001: 258, 265). The pirate crew of the *Celtic Ranger* (previously the *Samudra Samrat*) were tipped off by corrupt local officials in Fengcheng and avoided capture by the maritime authorities, for example (Abhyankar 1997: 67). In another case, stolen goods from a phantom ship were stored at an army base in Guangxi province until collected by gangsters (Abhyankar 1997: 67–72; Mortishead 2003: 49). Chinese officials, including the Chinese People's Liberation Army, were implicated in acts of piracy during the 1990s (Pugh 1993: 2; Menefee 1996: 70–3, 134; Menefee 1997: 34–5; Yamada 2003: 99). The Chinese central government ordered a crackdown on acts of piracy following international condemnation of their response to a series of high-profile ship hijackings in which Chinese officials were alleged to be complicit, including the *Anna Sierra*, the *Tenyu*, and the *Petro Ranger* (Zou 2009: 342–3). In 1999, Chinese officials located a small, pirated Thai tanker, the *Shamshantuai*, and passed death sentences for all the pirates arrested

on board (Yamada 2003: 100, 114–25; Graham 2006: 188–9). Though difficult to prove, Vagg indicates that the Indonesian military has also been involved in attacks on shipping, pointing to the dominance of provincial officials and their potential to employ military personnel for illegal operations. The low salaries of military forces in Indonesia provide a motive for these individuals to engage in piratical acts (Vagg 1995: 68–9). One instance of official complicity involving the Indonesian navy occurred on 17 March 2004, when an Indonesian naval patrol boat (*KAL YOUTEFA*, *KAL-I-502*) attacked the *Yayasan Tujuh*, a Malaysian general cargo vessel off Jayapura, Irian Jaya, Indonesia. After firing at the *Yayasan Tujuh* and forcing it to stop, naval officers beat up the Master and Third Officer, kidnapped them and demanded USD 5,000 in ransom. The Master negotiated the ransom down to approximately half this amount with provisions (ICC-IMB Piracy Report third quarter 2004: 29). The hijackings of the *Tenyu* and the *Alondra Rainbow*, two Japanese ships, in particular have influenced Japan's response to piracy in Southeast Asia. These cases will be examined in Chapter 5.

A mix of condemnation at international piracy conferences and a stream of bad press reduced instances of official complicity in piracy, though Ellen (1997: 54–5) argues that many Southeast Asian states brushed aside cases of piracy involving Chinese officials, eager not to disrupt economic ties with their powerful neighbour. Many shipowners are reluctant to trust some Southeast Asian authorities and have therefore been unwilling to report crimes against their ships (Gill 1995: 1), with as many as 50–80 per cent of piratical attacks going unreported. Shipping firms feared that costly and lengthy investigations into acts of maritime crime would merely serve to increase the financial costs for the victim of a piratical attack (Davis 2004: 38). Yet, attacks cost the shipping industry an estimated USD16 billion per year (Herrmann 2004: 18) and have the potential to cause even more serious damage, such as a major environmental disaster that could block a sea lane such as the narrow Malacca and Singapore Straits, were an unmanned, pirated oil or liquid natural gas tanker to collide with a reef during a pirate attack. This wariness of Southeast Asian officials is coupled with a perceived reluctance of the officials to treat the problem of piracy, even if they are not involved in a piratical incident (Ellen 1995: 9). Considering that an investigation into a piratical incident can take days, costing the shipowner up to USD 25,000 in operating costs and potentially damaging the reputation of the shipping company, incidents are often not reported (Young and Valencia 2003: 271). This undermines the efforts of the IMB in compiling statistical data that is used to

ascertain the extent of the piracy problem and recent trends in maritime crime.

Interconnected causes of contemporary maritime violence and crime

Vagg (1995) points to three main causes of piracy that connect to these various piracy types, namely, economic dislocation, recognition of piracy as a cultural possibility, and opportunity. In addition, Vagg cites official corruption as engendering piracy. Most analysts of maritime crime have accepted these causes, though official corruption can be expanded as a division to include political instability and ineffective enforcement (Young and Valencia 2003: 276). More research needs to be completed so that these causes can be fully understood (Johnson and Pladdet 2003: 2, 8). The general causes of piracy will be examined before discussing how these causes affect the different kinds of maritime violence and robbery.

Vagg stresses economic dislocation as the most significant cause of piracy. In his opinion, migration into developing areas that cannot sustain a large influx of people looking for employment, where wages remain low as the cost of living rises, forces individuals to search for alternative means of sustaining themselves (Vagg 1995: 65–6). Indeed, as a shipping consultant based in Kuala Lumpur noted, eradicating maritime crime in Indonesian waters is ‘almost a mission impossible... you have more than 200 million people living in poverty next to the world’s richest commercial shipping lane’ (Barling 2013: 12). Vagg is supported by Renwick and Abbott’s account of developmental dislocation in Batam, Indonesia. They note the increasing crime levels around Batam as living costs rise, wages remain low, and employment is scarce. Indicative of this trend were the successes of the Indonesian authorities in uncovering 57 smuggling rings in Batam between 1991 and 1992 (Renwick and Abbott 1999: 192). Frécon details the experience of Uban, a former pirate originating from East Timor, who described how all the pirates he knew on the island of Batam came from poor villages, were unemployed, and became pirates in order to survive (2002: 63).

The 1997 Asian Economic Crisis exacerbated the gap between the rich and poor in Southeast Asia, driving squatters in coastal neighbourhoods to engage in piracy, as well as reducing funds for anti-piracy patrols and prompting more maritime officials to accept bribes in return for overlooking acts of piracy (Sullivan 2001: 31; Tagliacozzo 2001: 256–60; Frécon 2002: 65–6; Liss 2003: 57–9; ICC-IMB Piracy Report 2005: 15).

The tendency in the media has been to blame the Indonesian government for failing to tackle piracy (Valencia 2001: A12), but it is important here to consider the impact of the IMF's response to the Asian Financial Crisis and the social dislocation caused by imposing Structural Adjustment Programmes (SAPs) on East Asian states that cut government spending (Higgott 1998; Stiglitz 2002; Setiawan 2004: 12–13). From the perspective of many East Asian policy makers, a financial clique comprising the US Treasury, Wall Street, and the IMF had urged East Asian states to liberalize their financial markets only to impose stringent austerity measures when the crisis hit, putting firms out of business to be bought up cheap by US investors (Richardson 1998; Hoogvelt 2001: 236–7). Such predatory activity prompted Nonaka Hiromu, secretary-general of Japan's Liberal Democratic Party (LDP), to remark that this constituted the start of 'a type of colonisation of Asia' (in Hoogvelt 2001: 237). States, like Indonesia, in the wake of the crisis were thereby placed in a double-bind, forced to cut expenditure that provided policing, as well as social welfare and subsidies to its citizens, who saw opportunities to make money illicitly, that the state was then blamed for not combating. What followed was a vicious circle whereby a lack of government finance hastened the descent of the Indonesia towards becoming a 'failed state' (Huxley 2002).

Environmental issues are also tied to the economic causes of piracy. Damage to roughly 80 per cent of Indonesia's coral reefs has had a negative impact on sea life, decreasing fish stocks. Indonesia's fishermen from poor coastal communities, who also pay higher oil prices and face competition from larger and more advanced commercial boats and foreign poachers, have therefore turned to maritime crime as a means of survival either by hiring themselves out to pirate gangs or by staging their own attacks. The booty from these acts of piracy is often used to fund the pirates' village (Liss 2003: 60–2; McCawley, *Wall Street Journal*, 26 May 2004: 1). Similarly, overfishing by international trawlers in Somali waters is said to have been a prominent cause, together with economic factors, for the rise in piracy there (Christoffersen 2010).

A number of analysts have stressed that the links between local communities and pirate gangs point to a cultural acceptance of piracy as a legitimate enterprise (Wright 1976: 26; Pugh 1993: 2–3; Vagg 1995: 67–8). According to such accounts, pirates are recruited and trained by pirate groups that have existed for generations. The norms of certain coastal communities in Southeast Asia condone, if not encourage, individuals to pursue piracy as a means of employment. Menefee (1996) mentions the existence of 'pirate societies' that are 'predisposed to

maritime crime' and for whom piracy is 'an inherited and unquestioned avocation'. He continues by asserting that pirate societies are insular in nature, maritime-orientated, traditionally independent from or resistant to central authority, use firearms and other weapons, and generally prone to glorify violence. Hence, changing cultural traits associated with piratical activity held by certain maritime societies may be necessary to curb the problem of contemporary piracy (Menefee 1996: 132; Frécon 2002: 45–51). Whilst maritime communities may condone and even benefit from piratical activity, it is important to exercise caution with arguments that tie maritime crime to a particular cultural or ethnic group. The signifier 'pirate' has been used by colonial and postcolonial authorities to subjugate specific peoples across time; indeed, the Malaysian word for 'pirate' is *lanun*, a Filipino ethnic group (Eklöf 2006: 9; Noor 2013).

A third cause of piracy, opportunity offers some explanation as to why certain bodies of water are more susceptible to piracy than are others. Modern-day pirates rely on certain factors, such as fast boats to catch slower, less manoeuvrable container ships, in shallow water near to shore where an escape can be made. The geographical features of parts of Southeast Asia: the narrow Malacca Straits, the Riau Archipelago off the coast of Singapore, and the waters of the Southern Philippines provide an ideal environment for pirates to strike quickly and retreat to a sanctuary on land. Furthermore, as these routes become congested due to the amount of shipping passing through them, vessels that have to reduce speed in order to navigate the treacherous shoals and sandbanks become increasingly vulnerable to pirate attacks. This is especially true of the Malacca Straits which provide mariners with the fastest passage from the Indian Ocean to East Asia (Pugh 1993: 9; Vagg 1995: 66–7; Menefee 1996: 131; Chalk 1998: 91–2; Renwick and Abbott 1999: 190–1).

A comparison between the emergence of piracy in Southeast Asia and Somalia reveals not only similar causes at work but also how distinct political and economic factors shape the nature of maritime crime in Southeast Asia and Somalia (Hastings 2009). Hastings argues that in the case of a 'failed state' like Somalia, a lack of infrastructure and developed economy, or the absence of substantial markets where stolen property can be sold, results in pirates kidnapping crews for ransom. In the case of weak states, like Indonesia, a more developed economy together with a greater, though limited, capacity to police sovereign waters leads to more sophisticated attacks on ships, including hijacking vessels, and selling them and their cargoes (Hastings 2009: 3–4). Transnational criminal organizations in Southeast Asia solicit insider knowledge to target

specific ships and cargos (Hastings 2009: 8). In Aceh, conditions similar to that of a 'failed state' like Somalia also gave rise to kidnapping for ransom attacks (Hastings 2009: 9–10).

Whilst Hastings' analysis is useful for understanding patterns of maritime crime and violence, his focus on 'failed states' replicates the same problems outlined in the previous chapter. As Inayatullah (1996), Jones (2008), and Bilgin and Morton (2004) stress, mainstream International Relations literature overlooks the impacts of colonialism, imperialism, and the Cold War in setting the conditions that lead to political and economic collapse and a rise in violence in peripheral states. By omitting these factors, Hastings (2009), together with the majority of accounts of piracy in the Gulf of Aden (Ginkel et al. 2008; Guifoyle 2008; Kraska and Wilson 2008; Lennox 2008; Sorensen 2008; Schaefer 2009; Chalk 2010; Pham 2010; Kraska 2011: 45–54), locates the roots of Somalia's failure with the demise of the Muhammad Siyaad Barre regime in 1991. Even the accounts which do pay attention to Somalia's history before the end of the Cold War, such as Sauvageot (2009) or Takeda (2009), do so in a way that obscures international responsibility. For example, Sauvageot states, '[t]he support of the US propped up the (Barre) regime, but nothing could help the dictator to make up for his disastrous management of the tribal problems' (2009: 255). The failures of the Barre regime notwithstanding, it is important to reflect upon how the Superpowers armed opposing Somali factions during the Cold War setting the stage for the prolonged internal conflict in the country, as Endō (2009: 63–4) emphasizes. The literature on piracy in the Gulf of Aden similarly fails to consider how Somalia's stagnant economy is rooted in colonial practices that structurally determined Somalia's place in the global economy as an exporter of agricultural produce, exacerbated the country's dependence on aid, and undermined opportunities for development (Jones 2008: 192–3). Some of the literature also tends to dismiss arguments that contemplate the motivations of Somali pirates, such as the claim that international commercial shipping has depleted Somali fishing stocks and polluted Somali waters leading to fishing communities turning to piracy (Takeda 2009, 146–7; Pham 2010: 332). Here, the majority of works on Somali piracy do take the impact of international commercial fishing in Somali waters seriously (Guifoyle 2008: 692; Sorensen 2008: 41; Endō 2009: 65–7; Inasaka 2009: 57–9; Penn 2009; Schofield 2009; Chalk 2010). As Endō (2009, 66–7) stresses, there is no one cause of piracy off the Horn of Africa and a myriad of pirate types coexist; from former fishermen to heavily armed criminal groups.

The efforts of the Islamic Courts Union (ICU) to clamp down on Somali piracy between 2006 and 2007 are similarly rejected in most of the literature. In part, this is because recognizing the ICU's accomplishments in stabilizing Somalia, which was its fundamental goal according to Barnes and Hassan (2007: 152, 154–5), would contradict US policy during the 'war on terror' (Marchal 2009: 386–7). The Bush administration, perceiving the ICU to have links with Al Qaeda, initiated covert operations in Somalia and supported an Ethiopian-led military intervention that ousted and then split the ICU into more radical factions, such as Al-Shabaab, ushering in a period of further turmoil in the country (Barnes and Hassan 2007: 154; Marchal 2009: 387, 390–2; Sauvageot 2009: 256). Indeed, David Shinn (2011: 206), former US Ambassador to Ethiopia and State Department Coordinator for Somalia, argues that the US-backed Ethiopian intervention in 2007 was responsible for enhancing nationalist sentiment in Somalia aimed at expelling the 'foreign invaders', as well as increased support for Al-Shabaab, including amongst the Somali diaspora in Western states (see also Barnes and Hassan 2007: 156; Marchal 2009: 387, 393; Vidino et al. 2010: 220). Prior to the 'war on terror' and the 2007 Ethiopian intervention, Al Qaeda had largely failed to gain a foothold in Somalia, because of a hostility to foreign fighters combined with a rejection of radical Islamic doctrine amongst the local population (Vidino et al. 2010: 220; Shinn 2011: 205). Johnson asserts that US foreign policy tends to seek military solutions that result in increased instability and 'blowback', namely 'the unintended consequences of covert operations' (2000: xii) and 'the Cold War and the crucial American decision to maintain a Cold War posture in a post-Cold War world' (2000: x). Since 2007, blowback from the US-backed Ethiopian intervention has taken the form of violence and crime at sea.

Yet, US policy-making circles remain wedded to the militarized response that has characterized US foreign policy since the Cold War. Writers continue to conflate piracy and terrorism to push for a tougher approach to maritime crime and violence in the Gulf of Aden (Winn and Govern 2008; Boot 2009). For Boot (2009), this approach includes an enhanced military or mercenary role on both land and sea, together with broader legal measures to facilitate the prosecution of pirates and, echoing Jackson (2000) and Krasner (2004), even an international trusteeship of Somalia. Some, like Menkhaus (2009), who acknowledge that the ICU helped to counter piracy whilst in power, speculate that Islamic terrorists will resort to piracy in the future in order to finance their bid for power. He argues that

[t]he biggest worry for the international community is the prospect that Somalia's increasingly powerful, radical Al-Shabaab movement will take control of the piracy and harness it for terrorist purposes, either to raise money for their cause or to use captured ships in a terrorist attack. The nightmare scenario is that of a 'rogue supertanker' driven into a regional seaport. (2009: 24)

Challenging such accounts, Chalk (2010: 94) and Endō (2009: 67) argue that the ICU highlighted the important role a strong central authority can play in tackling piracy. The accounts of piracy in the Gulf of Aden therefore tend to fit particular state-centric agendas that dismiss non-Western agency, ignore the root causes of maritime violence and crime, and push for militarized policies that exacerbate the problem.

A combination of economic factors, culture, geography, and a lack of government control combines to cause various types and levels of contemporary maritime violence and crime. Experts emphasize the need for international cooperation amongst police forces and an amelioration of justice systems in Southeast Asian countries to deal with major criminal organizations (Mukundan 2003). However, solving the problem of piracy in Southeast Asia or the Gulf of Aden over the long term requires comprehensive policies that deal with the root causes of maritime violence and crime. Preventing acts of maritime crime and violence will mean improving the economies and environmental resources of coastal areas, so that poverty-stricken citizens have greater opportunities for legitimate employment. These same conditions of deprivation that provide transnational criminal syndicates, and pirate gangs with recruits, also similarly created an environment where terrorist and separatist organizations have thrived.

Despite differences in the goals of criminal and terrorist organizations, there is some overlap as concerns the underlying causes that lead individuals to perpetrate maritime violence and crime. The socio-economic causes of separatist conflicts, together with a lack of resources for its military and police, have undermined the Filipino government's capacity to combat separatism in the country (Abuza 2008; De Castro 2010: 156–9). Similarly, economic and social problems experienced across Indonesia in the wake of the 1997 Asian Financial Crisis spurred the recruitment and offensive missions of separatist organizations, such as GAM (Huxley 2002: 7–27; Bulworth 2004: 8–9), mirroring the causes of maritime piracy outlined in the previous section. Nonetheless, whilst socio-economic dislocations are important causes of politically motivated maritime violence and crime, additional factors include political

repression, as well as the legacies of imperialism, colonialism, and the Cold War. In addition to these causes, Abuza asserts that the proliferation of transnational Islamic networks and the rise in *madrasah* and *pesentren* (Islamic schools) aligned with Wahhabism and Salafi Islam, which have facilitated the dispatch of students to terrorist training camps, have been crucial to the growth of radical Islam in the South-east Asian region (2002: 428–34). Whilst connections between different organizations are important facets of politically motivated violence, identifying links is difficult and often speculative. As the following section emphasizes, it is essential to exercise caution when defining politically motivated groups and understanding the causes behind their actions. Understanding how these different motivations work in tandem with each other requires distinguishing between different types of politically motivated maritime violence and crime.

Politically motivated maritime violence and crime

Defining terrorism has always been a complicated task; there is a great deal of disagreement amongst both academics and policy makers as to what constitutes an act of terrorism (Martin 2003: 31). Furthermore, politically motivated actors never perceive their actions to be those of a terrorist; rather they justify their actions in terms of their situation and motivations (Martin 2003: 2, 9–10; Silke 2004: 59). Martin does identify a number of key features that appear in most definitions of terrorism. Those categorized as terrorists are politically motivated non-state actors who perpetrate or threaten violence with a view to influencing an audience, use unconventional methods and often target civilians or 'passive military targets' (Martin 2003: 6, 31–2). Similarly, Young and Valencia define maritime terrorism as 'any illegal act directed against ships, their passengers, cargo or crew, or against sea ports with the intent of directly or indirectly influencing a government or group of individuals' (2003: 270). Such maritime violence would include cases of maritime robbery perpetrated by terrorists, for example the theft of nuclear materials for the purpose of producing a dirty bomb, the use of vessels for terrorist action, and complicity in piratical acts by terrorist organizations. The key problem with this definition is that it conflates acts of piracy and terrorism and does not consider the causes of these two distinct forms of outlaw behaviour and their relation to international society, nor does it comprehend the different pirate types and politically motivated violent groups that exist.

Goldstone has further divided terrorism into three types. First, national, regional, or ethnic liberation movements that employ strategies of terror against a state or power that the movement perceives as illegally occupying its territory. Examples of ethnic liberation movements in Southeast Asia involved in acts of maritime violence and crime include Gerakan Aceh Merdeka (GAM), the Aceh separatist movement, and the Moro Islamic Liberation Front (MILF), based in Mindanao in the Southern Philippines. Second, international movements that desire the destruction of a political order spread across several state systems, or even globally, and replaced with what they determine to be an improved political order. One example of such a movement in Asia would be the Japanese Red Army, which engaged in several acts of terror in support of a communist political order during the Cold War. Finally, Goldstone refers to hybrid movements that combine the first and second types of movement. In the case of a hybrid movement, the national liberation movement gains financial and military support, whilst the international or global movement receives new areas to recruit, as well as bases for their operations, expansion, and training. Goldstone refers to the third, hybrid type as 'International Islamic Terrorism', the prime example of which is Al Qaeda (Goldstone 2002: 139–49). According to Goldstone's definitions, in Southeast Asia, Al Qaeda is the dominant International Islamic Terrorist organization with which other terrorist movements are affiliated to a greater or lesser extent. The movements involved in politically motivated maritime violence with closer ties to Al Qaeda include Jemaah Islamiya (JI) and the Abu Sayyaf Group (ASG). According to Abuza, the MILF is more of an independent ethno-nationalist group, though it has maintained operational ties with Al Qaeda, and GAM has had the weakest ties to Al Qaeda (2002: 427–65).

Goldstone's definitions are useful to identify how the type of attack that a politically motivated group will undertake depends upon how they define their goals vis-à-vis international society. Whereas International Islamic Terrorists tend to plan large-scale attacks, separatist groups focus on defending what they perceive as their maritime sovereignty whilst attacking vessels to garner funds to support their cause. Such groups are therefore more likely to hijack a ship and hold the crew and passengers hostage until ransom is paid or certain political demands are met, or rob commercial shipping to finance a political agenda (Nyhart and Kessler 1978: 188). For example, in Southeast Asia, separatist groups such as the MILF and GAM are alleged to have targeted shipping to finance their political aims (Menefee 1996: 82–3; Menefee 1997: 35–6;

Renwick and Abbott 1999; De Castro 2010: 143). By distinguishing between separatist groups and globally active hybrid or revolutionary organizations, Goldstone's classifications also mirror the English School distinction between rebels and revolutionaries.

The problem with Goldstone's definitions lies in amalgamating diverse groups into a nebulous threat under the banner of International Islamic Terrorism. As Jackson stresses, the concept of 'Islamic terrorism' is 'deeply problematic' (2007: 395) in that it is based on orientalist assumptions and cultural stereotypes about Islamic society and politics, relies on vague definitions of Islamic terrorist groups, and centres on problematic binaries that reify the West as liberating a dangerous and barbaric Islamic threat from the periphery (2007: 398–401). The discourse on International Islamic Terrorism perpetuates generalizations that fail to comprehend the diversity within political Islam and do not distinguish between politically motivated groups based on their strategic objectives (Jackson 2007: 412–4, 418).

Differentiating between politically motivated violent groups is vital to understand the nature of the threats they pose to international society and to tailor state responses (Acharya and Acharya 2007). The key here is to isolate the local causes of politically motivated violence. As Jackson states, 'in-depth qualitative studies suggest that terrorism is always local; that is, it is driven by identifiable political grievances and issues specific to particular societies and locales' (2007: 418). Even the notion that Al Qaeda is a transnationally networked organization requires review from this perspective to understand how the organization cooperates with national liberation groups that aim to oust national or foreign occupying forces from what they perceive as their independent territory (Pape 2005: 104). The notion of International Islamic Terrorism posing an existential threat to international society is exaggerated for political ends including the construction of national identity through the juxtaposition with a dangerous Islamic terrorist other (see also Campbell 1998), the legitimization of specific counter-terrorism tactics both nationally and globally, such as armed intervention abroad or enhanced surveillance and police powers at home, and the concealment of root causes of political grievance caused by Western imperialism, colonialism, or Superpower interventions during the Cold War (Jackson 2007: 420–23). Jarvis (2008) similarly critiques the discourse of the 'war on terror' to highlight how the Bush administration used alternative and contradictory constructions of temporality to defend or justify their policies. Hence, to argue that 11 September 2001 could not have been foreseen, was not their fault, and that the United States would ultimately

be victorious, the Bush administration simultaneously depicted the terrorist threat as constituting a radical break from the past, a threat that had been growing and ignored prior to the administration gaining office, but also as a timeless challenge to freedom and democracy in which the United States would again prevail (Jarvis 2008). This discourse became self-fulfilling by creating self-other identities that were mutually antagonistic and irreconcilable (Jackson 2007: 423–5) and thereby failed to consider and address the root causes of politically motivated violence in each specific case. The discourse on the ‘war on terror’ extended to include an array of threats to international shipping posed by a diverse set of groups.

The discourse on International Islamic Terrorism at sea – a critical review

Maritime security analysts were quick to point out that use of commercial aircraft in the 9/11 terrorist attacks in New York and Washington indicated the potential threat International Islamic Terrorists posed to commercial shipping (Szyliowicz 2004: 353–4). They highlighted a number of high-profile acts of maritime terrorism, such as the attacks on the *USS Cole*, the *Limburg*, and the Basra Oil Terminal, that demonstrated the threat to maritime shipping. On the 12 October 2000, the *USS Cole*, an Arleigh Burke Class Aegis Destroyer, was taking on fuel a short distance from the port of Aden in Yemen when it was struck by a small boat containing 500 pounds of explosives in a suicide attack that killed 17 and injured 45 US naval personnel and incapacitated the destroyer (Bergen 2004: 189–96; Clarke 2004: 222–4; Glass 2004: 8–10; Nogi 2004: 38–40, 46; Richardson 2004: 18). Similarly, the *Limburg*, a French oil tanker, was struck by a speedboat carrying explosives on 6 October 2002 in Yemeni waters; killing one crew member and setting ablaze 55,000 tons of fuel (Henley and Stewart 2002; Young and Valencia 2003: 275; Glass 2004: 8–10). The terrorist strike on Iraq’s Basra Oil Terminal on 24 April 2004, which involved three speedboats laden with explosives, caused USD 28 million in lost oil profits and killed three US military personnel (Kammerer 2004: 11; Herbert-Burns 2005: 155–6). Organizations with links to Al Qaeda, such as Jemaah Islamiya (JI – the Community of Islam), have sought to replicate these attacks in South-east Asia, as arrests made by the Singaporean authorities in December 2001 and August 2002 revealed. The Singapore JI cell had allegedly procured four tons of ammonium nitrate to carry out this attack, though this disappeared from the warehouse where it had been stored (Glass

2004: 8–10). JI was also behind the Bali bombings on 12 October 2002, in which nearly 190 people were killed (Abuza 2002: 450–9; Glass 2004: 8–10), and again in 2005 (Acharya and Acharya 2007: 78). JI leaders who have been arrested have testified that the group also considered attacks on Malacca shipping (Hendropriyono 2004: 2; Nakashima and Sipress 2004: A12).

Since the 9/11 attacks, states have also raised the possibility of International Islamic Terrorist organizations shipping terrorist goods and materials to carry out attacks (Martin 2003: 5–6, 15–16; Weeks 2003: 16; Okabe 2004: 148–52). Analysts argued that just as containerization has facilitated the illicit trade in drugs, weapons, people, and goods, so too could terrorist materials be shipped to a country where a terrorist incident is planned (Johnston and Nath 2004: 255; Price 2004: 329). Therefore, maritime transportation networks provide both a medium with which to perpetrate terrorist acts and the means by which terrorists convey their resources. Considering the volume of global maritime traffic, it is difficult for states to protect themselves from terrorists using maritime transportation networks to perpetrate acts of terrorism (Szyliowicz 2004: 351–68). US officials, in particular, have stressed these concerns to push for numerous changes to international law as detailed in Chapter 7.

Whilst the cost to maritime shipping would be substantial should a terrorist organization strike a major port or block a key sea lane, such as the Malacca Straits (Shutzer 2003: 3; Akimoto and Weaval 2004: 63; En-Lai 2004a: A11; Graham 2006: 25–31), much reporting on the threat of maritime terrorism is sensationalist or inaccurate in nature. Davis (2004: 41), for example, described an attack on the Indonesian tanker, the *Devi Madrim*, on 26 March 2003, as a practice run for a future terrorist attack. This interpretation later proved to be an exaggerated account of a pirate incident (Teo 2007: 547). Similarly, Akimoto and Weaval (2004: 63–4) suggested that the capture of the *Baltic Sky*, which was carrying 680 tons of explosive and 8,000 detonators, in the Mediterranean Sea in June 2003 by Greek authorities had disrupted a terrorist plot against a major port (see also, Becker 2003: 26), when in fact the cargo was for fishing or construction and the vessel was freed (Song 2007: 121–2). There have also been a number of claims that Liquid Natural Gas (LNG) tankers could be used in a terrorist strike (Becker 2003: 26; Okabe 2004: 150–2; Richardson 2004: 43–5), which the industry has dismissed as exaggerated as they failed to take the multi-hull construction of LNG tankers into account (Hussein 2004: 16–18). For Hong and Ng (2010: 53), GAM remains ‘one of the most radical Islamist movements in the

world... [that] have been hijacking vessels and taking crews hostage at an increasing rate', despite the fact that GAM signed and respected a peace accord in 2005. Major maritime terrorist incidents, such as the *Limburg* and *Cole* attacks, are also rare. Politically motivated actors may refrain from undertaking a terrorist strike that could disrupt maritime infrastructure upon which they depend or undermine support for their cause because of economic or environmental damage caused to local communities. This is not to say that politically motivated groups do not pose a threat to international shipping, but a degree of caution should be exercised as such embellishments have been part and parcel of the rhetoric of the 'war on terror' and can militarize security responses and encourage the transformation of domestic and international law. It is therefore vital to move beyond the sensationalist and speculative accounts and explore the motivations of politically motivated violent actors.

That concerns about International Islamic extremism have gained such currency in global politics is due to the ability of political actors to frame the threat that Al Qaeda and related organizations pose to international society. Al Qaeda is described as a fluid network of like-minded religiously motivated groups that hold no territory and can strike anywhere and at any time in the name of all militarily and politically repressed Muslims throughout the world (Martin 2003; Burke 2004). For Burke (2004: 18–19), 'Al Qaeda [has] functioned like a venture capital firm', donating funds, resources, and training to militant Islamic fighters, whilst popularizing its goals of expelling the West from the Middle East and establishing a *caliphate* (a single Islamic state) extending across Islamic countries worldwide. There is no precise figure of Al Qaeda operatives (Martin 2003: 115, 194–5) and speculation abounds as to its capabilities. For example, Kweilen Kimmelman, an analyst at the Maritime Intelligence Group, a Washington-based think tank, argues that Al Qaeda is said to possess between 15 and 25 ships which are used to transport people and weapons worldwide (En-Lai 2004b: 1). The rhetoric of the 'war on terror' has made much of the nebulous and nefarious character of the Al Qaeda organization. As Devetak emphasizes, administrations throughout the world have portrayed Al Qaeda and affiliated groups using a phantom-like rhetoric to justify their actions in response to terrorist threats (Devetak 2005: 636–7).

The networked nature of Al Qaeda has enabled governments to connect politically motivated violent groups in their own countries to the global threat of International Islamic Terrorism. Al Qaeda is said to maintain ties with numerous groups in Southeast Asia, including

Jemaah Islamiya (JI), Kumpulan Mujaheddin Malaysia (KMM), and the Abu Sayyaf Group (ASG) (Abuza 2002: 427–34, 446; Bergen 2004: 221–3; Clarke 2004: 233), as well as with Al-Shabaab in Somalia. Okabe (2004: 150–2) stresses that though terrorist organizations in Southeast Asia have different agendas and no proven link has been established between these different groups, Al Qaeda's capacity to equip, finance, and train like-minded individuals and groups indicates that there is a strong possibility that terrorist groups in Southeast Asia cooperate. Other analysts emphasize the network of personal contacts between terrorists that were built through fighting as Mujahidin in Afghanistan against the Soviets in the 1980s (Abuza 2002: 428–31; Fealy 2004: 152–4), as well as connections centred upon the traffic in drugs and weapons (Martin 2003: 201). For example, the US and Filipino governments designated the ASG as a terrorist group because of its links to Al Qaeda, in spite of the fact that Al Qaeda had ceased funding the ASG (Abuza 2003: 113–4). The Armed Forces of the Philippines (AFP) subsequently launched a campaign against Abu Sayyaf, with the support of US special forces advisors, greatly reducing the capacity of the group to commit major acts of terrorism (Martin 2003: 196; De Castro 2010: 141).

The example of ASG also demonstrates how a politically motivated violent group transformed itself over the course of the 'war on terror' in response to the actions of both the Philippines and the United States. The ASG began as a separatist organization aiming to establish a Muslim state in the southern Philippines (Abuza 2003). It was set up in 1991 by Ustadz Abdurajak Janjilani and Ramzi Yousef, two former Mujahedin who fought in Afghanistan, allegedly with financial support from Al Qaeda and JI. Since its creation, the ASG has been responsible for numerous attacks in the Philippines, including the bombing of Philippine Airlines 747–200 Flight 434 from Cebu to Tokyo which killed a Japanese businessman and injured ten other passengers (Abuza 2002: 439–43; Martin 2003: 195). The group has also been active in the Sulu Sea, kidnapping ship's crews for ransom and in April 2000, an ASG operation targeted the Sipadan diving resort in the Celebes Sea, south of the Sabah port of Semporna. In this raid, 21 Western tourists and resort employees were kidnapped, their ransom raising USD 25 million dollars for ASG (Davis 2004: 39–41). Abu Sayyaf also exploded a bomb on board *Superferry 14* on 27 February 2004. The blast and subsequent fire claimed the lives of over 100 of the 899 passengers on the ship (Banlaoi 2005: 67; Rivera 2005: 130). Though the attack on the *Superferry 14* proved Abu Sayyaf's ability to carry out a major act of terrorism (Banlaoi 2010), reports alleged that the bombing was in response to a failure

to extort money from the ferry company (The Economist 2005b: 33). News reports indicate that the ASG continues to target shipping with 12 bombs found on a ferry in the Southern Philippines in July 2009 (Abuza 2010). The indication here is that the AFP's US-backed mission against the ASG has successfully limited the group's ability to operate as a terrorist organization. By 2006, the ASG's membership had been reduced to 390 from 1,200 in 2000 and its top leadership captured or killed (Abuza 2008; De Castro 2010: 156). AFP troops were even pulled from their mission against Abu Sayyaf on the Southern Island of Jolo and dispatched to fight the greater threat posed by New People's Army (NPA) of the Communist Party of the Philippines (CPP) on the Island of Samar (Montesano 2004: 95–6). Ultimately, Abu Sayyaf has broken into little more than a criminal syndicate with ties to official collaborators in local government, the military, and police (Abuza 2003: 111–3, 207–8; Rogers 2004: 15–20; Rivera 2005: 130; Banlaoi 2010), though the organization remains active in Basilan and Sulu in the Southern Philippines where it occasionally engages the AFP (De Castro 2010: 136). From an English School perspective, the ASG might be better characterized as pirates or criminals than rebels or revolutionaries, as the ASG's goals appear to have become economic rather than political.

President Gloria Macapagal Arroyo of the Philippines used US support in designating the ASG as a terrorist organization as a means to bring the separatist MILF to the negotiating table. At times, she threatened the MILF that if it did not cease attacks on civilians and drop its ties to the ASG, the secessionist movement would be labelled a terrorist group (BBC 2003). On other occasions, Arroyo fought to keep MILF off the UN and US terrorist lists (Abuza 2003: 99). Ultimately, the substantial American financial support and training for the Philippine armed forces (AFP) in the fight against the ASG pushed the MILF leadership to publically sever ties with ASG and negotiate with the Arroyo administration (Abuza 2003: 46–8, 95–9, 159, 169, 202–12; De Castro 2010: 143, 151). Despite US support, the peace negotiations from 2006 remained tumultuous with periodic clashes between MILF and the AFP, such as a skirmish in Guinanta, Tipo-Tipo, Basilan on 10 July 2007 that resulted in the deaths of 14 AFP soldiers and 30 separatists (De Castro 2010: 135–6). Throughout this period, connections between the MILF and ASG were said to remain (Abuza 2010) and it was not until 15 October 2012 that the government and the MILF finally agreed a peace deal (McGeown 2012).

On the other hand, leaders have often been reluctant to designate actors as terrorists because of the potential political backlash in

their country. Despite being linked with terrorist acts, the Indonesian government refrained from outlawing JI. JI is a diverse organization involved in politics, social welfare, and education provision, amongst other activities, and the Yudhoyono administration was concerned that labelling JI as a terrorist organization would only serve to rally the wider Muslim community against the government (Benvenuti 2006: 283–4). It was not until the Bali bombings in 2005 that Yudhoyono began to target JI. Subsequently, the Indonesian government backed the signing of the ASEAN Convention on Counter-Terrorism in January 2007, which is designed to bolster regional cooperation in terms of intelligence sharing and even extradition (Acharya and Acharya 2007: 75, 83–4). These examples highlight how difficult it is to define a specific organization as part of an International Islamic Terrorist threat. Despite being framed as terrorist organizations during the ‘war on terror’, the aims and activities of groups like the ASG or JI have been local, changed over time, and have included diverse activities that range from bombings, to extortion, to social welfare and education. Nevertheless, throughout the ‘war on terror’, governments manipulated how the signifier ‘terrorist’ was deployed to serve their broader political interests. As the case of the MILF and ASG demonstrates above, separatist organizations often straddled the divide between rebels and revolutionaries as their activities were redefined by national governments, regardless of the political objectives of these organizations.

Separatist maritime violence in Southeast Asia

The political aims of separatist movements are ultimately located in the legacies of colonialism and imperialism. Aceh’s independence movement can be traced back to the drawing of colonial territories that arbitrarily incorporated previously independent kingdoms. In 1976, Hasan di Tiro, a businessman and descendant of pre-colonial sultans, established the Aceh-Sumatra Liberation Front, which later became GAM, in response to the siphoning off of Aceh’s natural resources by the central government and multinational corporations, such as ExxonMobil, as well as to assert historical independence from Jakarta (Collins 2002: 603; Huxley 2002: 34–41, 45–6). In the post-Cold War period, the Indonesian military, or Tentara Nasional Indonesia (TNI), suppressed any attempt by GAM to establish an independent Aceh state (Taylor 2003: 364–7; Carey, P. 2004: 39), further exacerbating the conflict by committing atrocities in the process (Burchill 2004: 4–5; Collins 2002: 589). GAM has therefore targeted ships and facilities in areas that it claims as its own sovereign

territory, such as the attack on ExxonMobil assets at Lhokseumawe that forced one gas plant to close for five months (Huxley 2002: 81–2; Davis 2004: 41; Glass 2004: 8–10; Yamada 2005: 46). As far as maritime security is concerned, hostilities between government forces and separatist movements do not stop at the water's edge, as the seas surrounding a war-torn region are rife with economic and political opportunities for secessionist groups to further their aims (Menefee 1996: 132). Acts of maritime crime involving separatist organizations are means of demonstrating authority, albeit of an illegitimate kind, over littoral waters. The fishing communities on the coasts of Aceh and the Southern Philippines are particularly attentive to which group controls the seas upon which the population depends for its livelihood. A distinction should therefore be made between globally active terrorist movements, such as Al Qaeda, that conduct actions designed to cause massive loss of life and economic disruption in order to further their aims, and separatist movements that attempt to wrestle control of their region away from a central government, like Aceh rebels or Islamic separatist movements in the Southern Philippines (Martin 2003: 124–5; Aspinall 2007).

Southeast Asian authorities have also equated politically motivated maritime violence and robbery with the rise of piracy to justify crackdowns on separatist movements. Analysts allege that GAM engaged in criminal activities, including piracy to secure funds for its cause (Herrmann 2004: 24; Okabe 2004: 148–50). GAM operatives are suspected of attacking barges and tugs in the Malacca Straits, kidnapping the crews for ransom (Akimoto and Weaval 2004: 61; Davis 2004: 39). For example, on 2 February 2004, Aceh separatists armed with M16 rifles are said to have kidnapped ten crew members of a Malaysian fishing trawler near Pulau Jerajak in the Malacca Straits, releasing the hostages on 5 February once the ransom was paid (ICC-IMB Piracy Report third Quarter 2004: 16). Malaysian and Indonesian police also assert that Aceh guerrillas have been involved in a number of other attacks, including that against the *Penrider* in August 2003, and the *MT Cherry 201* in January 2004 (Asahi Shimbun 2003: 6; Bradsher 2003: 1; ICC-CCS 2003; Yong 2003: 4; Mortishead 2004: 33; Nihon Keizai Shimbun 2004: 13; Okabe 2004: 149–50). The Indonesian government used the maritime threat posed by GAM to promote a militarized response that saw four TNI warships and two Nomad surveillance aircraft deployed around the Aceh coast under the Sabang Jaya Operation. These military forces were given the additional task of identifying vessels smuggling weapons into the Aceh region. Such moves have been welcomed by the IMB whose members have repeatedly stressed the impact that Indonesia's naval

forces can have on deterring piracy when they take sufficient action (Rao 2004a: 4; ICC-CCS 2004c). As transnational criminal groups as well as the TNI have also engaged in piracy (Shutzer 2003: 9; ICC-IMB 2004: 29), it is difficult to ascertain which groups are behind specific attacks. Hence, a militarized response does not necessarily address threats to maritime shipping and may exacerbate conflict, rather than promote diplomatic solutions.

In the case of Aceh, the newly inaugurated Yudhoyono government had already begun to engage in peace negotiations with GAM, when on 26 December 2004 the Indian Ocean Tsunami hit north Sumatra (Feith 2007). The tsunami killed approximately 167,000 people, caused widespread destruction to homes and infrastructure, and significantly reduced GAM's ability to operate (Aspinall 2009). Ceasefire talks between GAM and the Indonesian government that began in early February 2005 in Finland resulted in a peace accord which brought an end to the conflict (The Economist 2005a: 28). The peace accord included the return of GAM weapons, amnesty for GAM members, the withdrawal of TNI troops from Aceh, the creation of a truth and reconciliation commission, the establishment of an Aceh monitoring mission by the EU and ASEAN, the foundation of legitimate Aceh-based political parties, and a referendum for Acehnese independence scheduled for 2015 (Chow 2005: 306–7; Feith 2007; Aspinall 2009). The Japanese government played a key role in bringing both sides in the conflict together, by holding 'The Preparatory Conference on Peace and Reconstruction in Aceh' held in Tokyo on 3 December 2002 and offering aid to help with the social and economic reconstruction of the Aceh region (MOFA 2002a, 2002b). Despite strong ties with Indonesia, when the Megawati administration ordered and then extended a military emergency in Aceh within 12 months of agreeing a cease fire, the Japanese government expressed concerns about the situation and questioned whether Indonesian forces were abiding by human rights (MOFA 2003a, 2003b). With the end of hostilities in the aftermath of the 2004 tsunami, the Japanese government began to institute aid programmes targeted at the reconstruction of Aceh with the aim of cementing the peace process (MOFA 2006b).

Conclusion

Governments employ the signifier outlaw to determine the parameters of political debate in domestic and international realms. The Arroyo administration, for example, convinced the US of ASG's ties to Al Qaeda

in order to receive US military support. At the same time, Arroyo was able to persuade the United States to keep the MILF off the State Department's list of terrorist organizations in order to promote dialogue with the MILF and split it from the ASG. Al Qaeda's secretive and amorphous network creates opportunities for governments to emphasize or de-emphasize connections between politically motivated actors, even when such an actor, as in the case of the ASG, behaves increasingly more like a criminal than a terrorist or separatist organization. For the English School, as a theory of International Relations, such discursive moves require rethinking the neat divisions between outlaw categories. Whilst the labels revolutionary, rebel, and criminal can be useful tools to understand specific types of outlaw behaviour in international society, they can be easily manipulated in the execution of state interests and foreign policies.

Leaders have tended to incorporate the discourse of the 'war on terror' to conflate and/or sensationalize threats to redefine actors as terrorists or to exaggerate the threat they pose to international society to achieve their national interests. To do this, foreign policy practitioners and analysts alike have employed the signifier outlaw to focus on the victims, such as the Japanese abducted by North Korean spies or ships' crews attacked by pirates. As a result, the foreign policies, detailed in Chapter 7, that have evolved during the 'war on terror' combine revisions to international law, enhanced maritime policing, military responses, augmenting ship security, and technical solutions. These policies address only the symptoms of outlaw behaviour and do not consider the causes that direct perpetrators to commit outlaw acts in international society, nor do they find ways to reintegrate outlaws into international society.

An examination of the causes of maritime crime and violence reveal underlying economic and social factors, as well as the legacies of colonialism, imperialism, and the Cold War. Colonial maps that arbitrarily cut across or brought together different ethnic groups delineated the boundaries of postcolonial states, giving rise to separatist claims. The Cold War provided the backdrop for Superpower interventions that armed and financed politically motivated organizations in attempts to stabilize or destabilize states. The CIA's programme to finance the Mujahedeen in Afghanistan, for example, channelled funds and weapons into the hands of factions that included, amongst others, Bin Laden's Al Qaeda. The conflicts and repressions such interventions gave rise to, led to human rights abuses that further exacerbated political tensions and separatist claims. Frequently, as in the case of ExxonMobil

in Aceh, multinational corporations have colluded with states to extract economic gains whilst suppressing separatist resistance. In post-Cold War Southeast Asia, these causes were exacerbated by the international response to the Asian Financial Crisis leading to a spike in maritime violence and crime in the region. Accepting the causes requires adopting a critical approach to international society that addresses inequalities and subjugations across time and space. Long-term solutions not only require the establishment of indigenous maritime enforcement and surveillance capabilities along the lines that Japan has pioneered, but international society also needs to foster a political environment in which religious and ideological positions and concerns can be voiced (Young and Valencia 2003: 281). Putting it starkly, maritime expert Brian Jenkins noted, '[t]here are an inexhaustible number of young people willing to kill and willing to die, and there have to be answers beyond killing them' (in Rao 2004b: 31).

Social and economic programmes, together with tougher domestic laws regarding corruption, are required to address these causes. States, including Japan, can do much to advance political and economic solutions to outlaw activity. In the case of Aceh, for example, successive Japanese governments promoted reconciliation between the Indonesian government and GAM and provided grant aid to rebuild post-conflict communities. Similarly, in response to North Korea's nuclear programme, both Chinese and South Korean governments have engaged with the Pyongyang regime politically and economically to provide alternatives to military containment favoured by other states in the SPT. These efforts sketch out diverse pathways to address outlaw behaviour in international society. It is important that such efforts are considered, as norm innovation in international society can lead to path-dependent outcomes that narrow the scope for action. In responding to the threats of suspicious ships, pirates, and maritime terrorists, Japan has innovated a distinct approach that draws heavily on the JCG, and, in particular, has promoted its anti-piracy model throughout the world. Nonetheless, critically reflecting on the evolution of this approach highlights again a stress on responding to the symptoms of maritime violence and crime, rather than tackling the underlying causes.

5

North Korean ‘Suspicious Ships’

Introduction

In March 1999 and December 2001, the Japan Defence Agency (JDA) notified the Japanese Cabinet Office of incursions by suspicious ships, believed to originate from North Korea, into Japan’s sovereign maritime territory.¹ The Cabinet Office responded in both instances by ordering the dispatch of the JCG and Self-Defence Forces (SDF) to apprehend the suspicious ships. These orders were virtually unprecedented. Prior to 1999, the Japanese authorities recorded some 21 instances of suspicious ships entering Japanese maritime sovereignty to engage in espionage and criminal activities, such as trading in illicit amphetamines for the Japanese market (Ishikawa 1999: 98; Mizoguchi 1999; Okabe 2003), conducting surveillance operations, or ferrying abducted Japanese citizens to serve as language teachers to North Korean spies (Chōbōjikenkenkyūkai 1999: 39). The 1999 and 2001 cases signalled a break from previous suspicious ship incursions: the Japanese government was adopting a more robust stance vis-à-vis incursions into its territorial waters.

Accounts of the 1999 and 2001 suspicious ship cases (Leheny 2006; Samuels 2007, 2008) argue that Japan’s more robust responses to North Korean suspicious ships were part of a strategy to bolster Japan’s military forces and international security role. Leheny (2006) and Samuels (2007, 2008) maintain that developing Japan’s post-Cold War security policy relied upon the construction of North Korea as a threat (Leheny 2006; Samuels 2007, 2008). By 1999, the Japanese population had become increasingly concerned about North Korea because of the first nuclear crisis in 1993–4, and its launch of the Taepodong missile in August 1998 which flew over Japan (Brown 1999: 129–30;

Uriu 1999: 123; Abramowitz and Bosworth 2003: 124). Anxieties also grew as media increased coverage on abductions of Japanese citizens by North Korean agents. Though successive Japanese governments engaged Pyongyang through the Korean Peninsula Energy Development Organization (KEDO) process and bilateral talks (Langdon 2001: 168–71; Martin 2002: 51–65; Samore 2003: 8–11), the events of 11 September 2001 pressured the Koizumi administration to adopt a more hard-line stance in support of its US ally; particularly after President George W. Bush's January 2002 State of the Union address which castigated the North Korean regime as part of an 'axis of evil' (Gurtov 2002: 405–7, 411–2). According to Leheny (2006) and Samuels (2007, 2008), in both the 1999 and 2001 incidents, the Obuchi Keizō and Koizumi Junichirō administrations used this growing sense of a North Korean threat to push through policies designed to strengthen the power and mandate of the SDF.

Nonetheless, under international law there are limits to the actions that Japanese authorities could take in response to such transgressions. Notably, the right of free passage or *Mare Liberum* under UNCLOS can only be waived once the Japanese authorities have ascertained that the nationality of the suspicious ship is false or unknown. Furthermore, a suspicious vessel may only be boarded for inspection in Japan's sovereign territory, EEZ, or on the high seas. Finally, any engagement with a suspicious vessel should be undertaken with a minimum and reasonable use of force (Tuerk 2008: 362–3). The case of the *So San*, an unidentified vessel bound for Yemen in December 2002, is instructive in this instance. Spanish marines were only permitted to board the vessel as its nationality was unknown and it was sailing on the high seas (Becker 2005: 205; Song 2007: 120). A search uncovered a cargo of SCUD missiles from North Korea, the transit of which was deemed to be legal under international law and the *So San* was released (Joseph 2004: 7). US frustration with the failure to interdict this cargo prompted the Bush administration to establish the Proliferation Security Initiative (PSI) (Becker 2005: 152); a coalition of the willing assembled to interdict the illegal transport of WMD and related technologies. Japan's response to North Korean suspicious ship incursions is therefore connected to a much broader enterprise to reconstruct the boundaries of international maritime law to permit more far reaching interventions at sea. In the light of these legal considerations, both the Obuchi and Koizumi administrations had to be mindful of how international society would interpret the Japanese response, despite the fact that the use of suspicious ships by North Korea in narcotic trafficking, as

well as in the abductions of Japanese citizens and in spy operations against Japan, contravened international law and transgressed Japanese sovereign territory.

At the same time, the North Korean suspicious ships in March 1999 and December 2001 incursions synchronized with debates in Japan as to what Japan's international maritime security role should be. The Japanese government's responses to the 1999 and 2001 suspicious ship incursions indicate that actors from across the political spectrum in Japan, influenced by the anti-militarist norm, argued in favour of the JCG playing an ever greater role in securing the domestic and international maritime domains. In fact, in both incidents, decision makers showed a preference to deploy the JCG rather than the SDF. They exercised caution in their responses to the suspicious ships and stressed the legal justifications of their actions. All of this provides a counter-narrative to the accounts of Leheny (2006) and Samuels (2007, 2008). The Japanese decision makers were mindful of multiple factors, including Japan's own identity and its regional context, as well as international law, when choosing its response. This chapter highlights that, whilst states may challenge sovereign norms, particularly when responding to a threat posed by a 'rogue state', they do so in ways specific to their state identity and the regional society in which they are embedded. In the case of Japan, the 1999 and 2001 suspicious ship cases led the government to pursue an innovative dual maritime security strategy that relied on the policing capabilities of the JCG and the military power of the MSDF to play distinct foreign policy roles. Before considering how the Obuchi and Koizumi administrations' cautious responses to North Korean suspicious ships favoured the deployment of the JCG, however, it is important to further consider the extent to which these incursions encouraged a strengthening of the SDF as Leheny and Samuels have argued.

Suspicious ships and remilitarizing Japan – the 1999 suspicious ship incursion

On the evening of 18 March 1999, American intelligence satellites picked up two North Korean fishing boats leaving the port of Chongjin in North Korea in the direction of Japanese waters and relayed this information to the Defence Information Headquarters of the JDA on 21 March. The two North Korean ships were disguised as Japanese fishing vessels operating under the forged names the *Taisei Maru Number 1* and *Yamato Maru Number 2* (Ishikawa 1999: 98). On 22 March, the

MSDF began an airborne search using P3C planes around the Sado and Noto coastlines (Ishikawa 1999: 101–3; Asahi Shimbun 1999j: 4), and on 24 March the Obuchi administration ordered the MSDF to take ‘maritime security action’ and subject the two suspicious ships to a stop-and-search inspection. During the chase that ensued, MSDF destroyers fired warning shots and MSDF aircraft dropped bombs to persuade the two ships to stop. The pursuit of the two suspicious ships was called off when the *Yamato Maru Number 2* and the *Taisei Maru Number 1* crossed Japan’s Air Defence Identification Zone (ADIZ) at 3:20 a.m. and 6:06 a.m. respectively on the morning of 24 March (Asahi Shimbun 1999e: 3). Satellite intelligence later confirmed that the two spy boats entered the North Korean port of Chongjin, a North Korean spy base mainly for intelligence activities directed towards Japan, at 7 a.m. on 25 March (Ishikawa 1999: 96–7; Mainichi Shimbun 1999a: 1; Yomiuri Shimbun 1999a: 1; Ball 2004: 75–6). Though the purpose of the incursion was never ascertained, reports suggested that the suspicious ships had been involved in the insertion and extraction of spies owing to North Korea’s need to gather intelligence on Japan’s changing military stance, with the US–Japan Defence Cooperation Guidelines being discussed in the Japanese Diet (Tsuboi 1999: 15; Yomiuri Shimbun 1999c: 38).

The government’s response to the March 1999 suspicious ship incident was framed by the context of Japan’s containment of North Korea in the Northeast Asian international society and can be interpreted in terms of the Obuchi administration using the incursion to justify changes to Japan’s international security posture by escalating the incident and ordering the MSDF to pursue the vessels. The suspicious ship incursion occurred some six months after the launch of the North Korean Taepodong missile over Japanese territory. This fact encouraged the Japanese electorate to favour a robust response which in turn prompted further government containment strategies (Yomiuri Shimbun 1999b: 2). These strategies included the passage of the US–Japan Defence Cooperation Guidelines, maritime security cooperation with Russia and South Korea, the establishment of constitutional revision committees in the Diet, as well as exploration into the adoption of Theatre Missile Defence (TMD) and spy satellites (Shikata 1999: 8–9).

From the perspective of the Japanese government, the suspicious ship incursion provided a golden opportunity to further promote the need for revising the US–Japan Defence Cooperation Guidelines. At the time of the March 1999 suspicious ship incursion, the controversial Guidelines had been debated in the Diet for 11 months. The core issue under discussion concerned the kinds of non-combat roles the SDF

could undertake to support the US military in 'areas surrounding' Japan. The geographically ambiguous phraseology, which failed to define what these surrounding areas were, raised fears in China that an altercation in the Taiwan Straits might involve the Japanese military (Kaji 1999: 55–7). The Japanese government decided on language in the US–Japan Defence Cooperation Guidelines that was 'situational' rather than 'geographical' in order to keep Japan's defence options open without overtly antagonising China by specifying areas the Chinese regard as within their sphere of interest, notably the Taiwan Straits (Hughes 2004: 100–1). Without broaching the constitutional restrictions on Japan's involvement in collective security operations, the revised Guidelines enabled the most elaborate security cooperation between US and Japanese forces to date (Hughes 2004; Samuels 2007). The incursion of the North Korean suspicious ships in March 1999 therefore provided an alternative narrative whereby the 'areas surrounding' Japan referred primarily to the North Korean threat and thereby justified the revision of the Guidelines.

Yet, in March 1999, the government still had to garner public support for the Guidelines to ensure that the Guidelines Bill would be passed in the Diet. The suspicious ship incursion combined with the Taepodong missile launch highlighted the North Korean threat, reinforcing in the minds of the Japanese electorate a sense that the 'areas surrounding' Japan were not safe and that legislation would be required to protect Japanese territory. This feeling of insecurity was heightened, as legislation at the time was partly to blame for the failure to catch the suspicious ships (Asahi Shimbun 1999c: 39, 1999g: 2). As Professor Maeda Tetsuo of Tokyo International University noted at the time of the crisis, the fact that the government stressed the need to approve the Guidelines at the same time as emphasizing the government's crisis management skills shows a willingness on the part of the government to use the suspicious ship incident as a means to boost the administration's popularity whilst encouraging the passage of the Guidelines (Mainichi Shimbun 1999b: 31). By adopting a resolute stance, the actions to apprehend the North Korean suspicious ships ordered by the Japanese government enabled the prompt passage of the controversial US–Japan Defence Cooperation Guidelines in May 1999.

However, the ramifications of the March 1999 North Korean suspicious ship incursion were not limited to the passage of the US–Japan Defence Cooperation Guidelines. The Japanese government's interest in TMD swelled following the Taepodong missile test and the suspicious ship incident, with Japan promising to fund USD 174–260 million of a joint project with the United States. Tokyo also signalled its desire to

develop a satellite-based surveillance programme to garner intelligence from North Korea. The Diet set up special panels to discuss potential revisions to the Japanese constitution, in particular focusing on Article 9, the anti-war clause. Furthermore, there were demands for the use of weapons, based on Police Law, to be relaxed in order for the MSDF to be able to target suspicious ships in the future (Watanabe 1999: 12) and that the MSDF should replace the JCG as the organization primarily responsible for the policing of Japan's maritime territory (Kawamura 1999: 140–6; see also Yomiuri Shimbun 1999b: 2, 23). Security cooperation between Tokyo and Seoul increased, signalling a new sense of unity between countries threatened by North Korea's missiles and an easing of the historic animosity between Japan and South Korea (Park 2000: 537–8; Uriu 2000: 146–8; Langdon 2001: 180–2; Harnisch 2002: 857–8). Finally, Japan and Russia determined to boost maritime cooperation in the aftermath of the 1999 incident, signalling the potential for Japan to develop further maritime policing ties with other neighbouring countries (Nabeshima 1999; Nihon Keizai Shimbun 1999: 1, 13; Japan Times 1999b; Yomiuri Shimbun 1999h: 1; Uriu 2000: 146). Japan's determination to firmly respond to the suspicious ship incursion, therefore, significantly influenced debates about Japan's international security role that strengthened Japan's position when negotiating with Pyongyang on missile, abduction, and narcotics trafficking matters (Shikata 1999: 8–9). Debates about Japan's international security role were again affected when, in December 2001, a suspicious ship was found operating off Japan's coast.

The 2001 suspicious ship incursion

On 18 December 2001, an MSDF P3C surveillance aircraft located a suspicious vessel, which bore Chinese markings and flew a Chinese flag, 250km northwest of Amami Ōshima in Kagoshima Prefecture, within Japan's EEZ (Yomiuri Shimbun 2001j: 1; Ball 2004: 76). Four days later, the JDA contacted the JCG to inform them of the suspicious ship and the JCG immediately dispatched vessels, planes, and helicopters which located the ship at 6:20 a.m. the same day. At 12:48 p.m., the JCG vessel *Inasa* began tailing the suspicious ship ordering it to stop for inspection according to domestic fishing laws. As the suspicious ship ignored these orders and began to flee, the *Inasa* fired warning shots into the air and sea in accordance with Article 20, Clause 1 of the JCG law (Yamada 2003: 34–6).

By 3:00 p.m., the *Inasa* had been joined by the JCG patrol ship *Mizuki* and began to target the suspicious ship directly; the first time

the JCG had aimed at a ship directly since 1948. In spite of the action taken by the JCG, the suspicious ship continued to flee, jettisoning oil drums and packages off the stern of the ship, allegedly in an attempt to hide evidence of drug-smuggling activity (Asahi Shimbun 2001e: 3; Chōbōjikenkenkyūkai 2002: 9; Yamada 2003: 36–8). Supporting this theory, when the JCG compared the suspicious ship with one used in an earlier narcotics smuggling case in August 1998, they were found to be the same vessel (Yaji 2005: 218; Yun Doku Min 2002: 111; Yomiuri Shimbun 2001c: 1). The JCG patrol vessels *Amami* and *Kirishima* joined the chase and attempted to board the suspicious ship even though it had entered China's EEZ by this point. As the *Amami* and *Kirishima* approached, the suspicious ship opened fire with automatic weapons and anti-tank RPG launchers causing the *Inasa* to return fire in self-defence, according to Article 20, Paragraph 1 of the JCG law (Asahi Shimbun 2001a: 1; Yamada 2003: 38–9). The *Amami*, whose bridge was scarred with bullet holes, withdrew from the engagement (Yaji 2005: 221). The *Inasa* damaged the suspicious ship and three minutes later there was an explosion and the suspicious ship sank (Yaji 2005: 218). The JCG were unable to rescue any of the crew. Samuels (2008) argues that the JCG destroyed the suspicious vessel, whereas the Japanese government maintains that the North Korean crew were ordered by Pyongyang to scuttle their ship (Interview 2009).

Leheny (2006) maintains that the Koizumi government responded to the incursion in order to develop the capabilities and mission of the SDF. Leheny proposed the metaphor of 'the canary in the coal mine' to describe how the JCG were deployed to tackle incursions by suspicious ships to gauge domestic and regional public opinion regarding expanding the SDF's role (Leheny 2006). Samuels (2007, 2008) has since embraced Leheny's argument by elaborating upon the JCG's involvement in tackling piracy and maritime terrorism. For Leheny, a key aspect of this strategy involved the salvage of the suspicious ship and displaying it in Tokyo to the Japanese public.

By displaying the ship at Odaiba, Tokyo, the Japanese government was able to present to the Japanese people a tangible example of the North Korean threat (Leheny 2006). At the Maritime Science Museum, the rusted shell of the North Korean suspicious ship was aligned with the numerous weapons and the small boat found hidden inside the vessel designed for approaching Japan's coast. As a public relations exercise, it helped focus the Japanese electorate's attention on the dangers Japan faced and thereby eased public criticism of the government's policy to increase the role of the SDF. The display connected with a broader effort by the Koizumi administration to frame the 2001 suspicious ship

incident within the bounds of the 'war on terror' initiated by the United States after the 9/11 attacks. In addition, raising the suspicious ship in September 2002, just before a summit meeting with Kim Jong Il, gave Prime Minister Koizumi additional diplomatic ammunition with which to begin negotiations (*Japan Times* 2002c). Koizumi left Pyongyang with a number of key concessions regarding North Korean suspicious ship incursions into Japanese territory, including an admission of North Korea's involvement both in suspicious ship operations and abductions of Japanese citizens and a promise that suspicious ship operations would be discontinued (Jiji Press 2002: 1).

Suspicious ships and the role of the JCG

It would however be inaccurate to conclude as Leheny (2006) and Samuels (2007, 2008) have done that the suspicious ship incursions in 1999 and 2001 were simply used by the Japanese government to further the development of the SDF and its military relationship with the United States. In fact, successive Japanese governments began from the late 1990s onward developing a two-pronged maritime security strategy that focused on the one hand on bolstering the US–Japan alliance to defend Japanese sovereignty and on the other hand develop a regional response to maritime security threats centred on the JCG as a law enforcement agency.² Foreign policy debates on this maritime security strategy centred upon Japan acting as and being seen to act as a legitimate state in international society. In both the 1999 and 2001 suspicious ship cases, there is ample evidence to demonstrate that such concerns were at the forefront of foreign policy makers' minds.

The 1999 suspicious ship incursion

The Japanese government's management of the crisis clearly demonstrated the Obuchi administration's concerns about how their response would be perceived in international society. Though the government quickly decided to pursue the suspicious ships to avoid appearing weak domestically at the first crisis meeting on the evening of 23 March (Asahi Shimbun 1999b: 2), debate between key government figures delayed the maritime security action order. Once Transport Minister Kawasaki Jirō had acknowledged that it would be difficult for the MSA to catch the suspicious vessels because of the high speed at which the two ships travelled, the onus fell upon the MSDF to interdict the vessels (Asahi

Shimbun 1999b: 2). Though JDA Director General Norota Hosei was able to detail the plan to order for maritime security action quickly, as the Emergency Countermeasures Committee, which Norota chaired, had already assessed the limits of a possible response to the situation,³ Prime Minister Obuchi Keizō and Chief Cabinet Secretary Nonaka Hiromu were less positive about ordering maritime security action. Both Obuchi and Nonaka wished to abide by the letter of the law and not upset the Republic of Korea, which might be alarmed if Japanese action went too far by endangering the lives of the North Korean sailors, concerns that Prime Minister Obuchi voiced in a telephone conversation on the evening of 23 March with Kim Dae Jung, the South Korean president (Asahi Shimbun 1999b: 2). Had the maritime security order been issued more expediently, the MSDF escort ships might have been able to detain the *Taisei Maru Number 1* when it stopped on the evening of 24 March because of engine trouble (Ishikawa 1999: 96; Watanabe 1999: 10). JDA Director General Norota finally gave the order for maritime security action at 12:50 a.m. on 24 March, after the *Taisei Maru Number 1* had gotten underway again (Ishikawa 1999: 96; Watanabe 1999: 11). This delay in particular allowed the suspicious ships to sail away from Japanese maritime territory wherein the Japanese response would fall wholly under domestic rather than international law.

The situation underscored key divisions amongst Japanese foreign policy makers, in the sense that there is an unwillingness to employ the MSDF to carry out an operation that may involve an element of danger, even though, as the JDA argued at the time, the MSDF flotilla was the best placed Japanese unit to respond to the incident. Prime Minister Obuchi's concerns about the MSDF sinking the spy vessel indicate a fear that MSDF actions may be badly received by the Japanese people as well as abroad. The prime minister's objective was therefore to abide by the letter of international law and to keep domestic opinion as well as international society's interpretation of events foremost in mind. Having determined that the suspicious ships were North Korean, the Japanese government lodged a protest with the North Korean government via diplomatic channels in Beijing and at the UN in New York, but decided not to implement sanctions against North Korea in an effort to draw a line under the event and continue negotiations with North Korea on normalization issues (Satō 1999: 13). An interview with Foreign Minister Komura Masahiko noted that this included abiding by Japan's responsibilities as detailed in the KEDO agreement. Komura did state, however, that Tokyo's approach vis-à-vis North Korea would be one of dialogue and deterrence, whereby constructive discussion would

always be welcome, but resolute action would be taken if necessary (Mainichi Shimbun 1999e: 2).

Though Prime Minister Obuchi and Chief Cabinet Secretary Nonaka were blamed for not approving the order for maritime security action quickly enough, their indecision paid off: Japan's response was interpreted as strong but measured, and garnered favourable responses from both the Japanese domestic audience and actors in international society. South Korean sources described Japan's response as careful and prudent, though they also stressed that Japan's relations with North Korea may cool in the aftermath of the incident. The South Korean government also asked to know all the facts of the incident including the nationality of the suspicious ships (Asahi Shimbun 1999g: 2). Japan's opposition parties were also mainly in agreement with the government's response to the suspicious ship incident (Asahi Shimbun 1999e: 2). Finally, the support of the Japanese electorate for the government's actions against the suspicious ships was notable following the event. Okasaki Hisahiko, a foreign affairs commentator, Yamamoto Makoto, a former MSDF commandant, and Morimoto Satoshi of Nomura Research Institute stressed at the time of the incident that had the suspicious ships entered Japanese waters before the Taepodong missile launch, the public would not have supported SDF involvement. The government's ability to read the change in Japanese public opinion vis-à-vis Japanese military action was significant in the case of the March 1999 suspicious ship incident (Yomiuri Shimbun 1999g: 4).

In fact, disapproval for Japanese actions was quite muted. China, for one, felt that Japan had broken a taboo and expressed both caution and concern for Chinese ships in Japanese waters. Furthermore, Chinese sources were worried as to how the Daioyu/Senkaku Islands dispute might be affected by the engagement (Mainichi Shimbun 1999c: 2). Nevertheless, the Chinese government did not condemn Japan's response to the incident. In Japan, both Shindō Eiichi, then a Professor in International Politics at Tsukuba University, and Umebayashi Hiromichi, a commentator on Citizen's Movements, argued that Japan should place more emphasis on working through such violations of its territory diplomatically (Asahi Shimbun 1999f: 18). The Socialist and Communist Parties of Japan also expressed their concern that firing warning shots was a step too far considering Japan's so-called 'peace constitution' (Mainichi Shimbun 1999d: 2; Yomiuri Shimbun 1999d: 2). The lack of criticism towards the government in Japan was telling in terms of how the mood towards North Korea had changed in the wake of the Taepodong incident, but also reflected the degree to which the

Obuchi administration was mindful of the potential repercussions in international society.

Legal issues also influenced the Obuchi administration's response to the suspicious ship incursion indicating the extent to which the Japanese government was cautious of the reaction of international society. The main legal considerations to be taken into account during the March 1999 suspicious ship incident involved the firing of warning shots by both the MSA and MSDF and the order for maritime security action to be taken by the MSDF. Both the MSA and MSDF ships fired warning shots at the two suspicious ships during the chase, but were never given permission to target the vessels themselves. The government considered targeting the suspicious ships directly to disable their rudders, but such action would be seen as disproportionate, especially considering that the only laws the ships are known to have violated were sailing under a false name and ignoring orders to stop (Asahi Shimbun 1999h: 3). Indeed, deploying the MSDF itself could be considered as excessive considering the fears of Rear Admiral Yoshikawa Eiji, commander of the Maritime Self-Defence Force Escort Flotilla 3, in charge of the MSDF pursuit of the suspicious ships, who speculated that even the wake of his escort ships could topple their opponents (Maeda 1999). In a final attempt to catch the *Taisei Maru Number 1*, a 350-metre long by 1 metre-wide net was cast. It was hoped that this net would entangle the suspicious ship's screws. The *Taisei Maru*, however, deftly avoided the net by swinging the boat out of the way (Ishikawa 1999: 96; Maeda 1999). This shows the extent to which the Japanese government was mindful of how the tactics the SDF employed would be interpreted by international society and that any action that resulted in the sinking of the suspicious ship would be contrary to international law.

As far as the order for maritime security is concerned, the SDF can undertake necessary maritime security action to preserve the peace, property, and life in Japanese waters according to Article 82 of the SDF Law. The Prime Minister and the Cabinet must approve this action, before the JDA Chief can make the order. Article 82 does not allow the MSDF to fire directly on suspicious ships, as opening fire is based on Article 7 of the Law Concerning Execution of Duties of Police Officials, which stipulates that a suspect can only be directly targeted in self-defence, once the suspect has fired on the Japanese authorities (Shikata 1999: 7–8; Asahi Shimbun 1999a: 1).⁴ Taoka Toshitsugu, a member of the Asahi Shimbun Editorial Staff, asserted that Japan's actions in pursuing the two suspicious ships had been in full accordance with international law and that firing directly upon the suspicious ships would also have

been permissible. Offering the example of the South Korean armed forces sinking of a North Korean submersible in 1998, Taoka maintained that even had the ship been sunk, it would probably not have brought condemnation from other states (Asahi Shimbun 1999f: 18). However, directly targeting the suspicious ships was also avoided because of the possibility that a Japanese citizen had been abducted and was on board the ship. Furthermore, the MSDF were concerned that either of the suspicious ships might escalate the situation by returning fire with heavy weapons or blowing itself up in order to hide evidence (Shikata 1999: 8).

Demands for the laws regarding MSDF and MSA involvement in a suspicious ship chase emerged in the aftermath of the 1999 suspicious ship incident. Both LDP lawmakers, as well as a number of journalists, argued for the MSDF to be able to stop unidentified vessels without the approval of the Cabinet and to use weapons in such an instance beyond firing in self-defence. Particular reference was also made to the anomaly between the Air Self-Defence Force (ASDF) being able to shoot down an aircraft that invades Japanese territory and the restrictions prohibiting the MSDF from firing on unidentified vessels in Japanese maritime territory (Maeda 1999; Nabeshima 1999; Asahi Shimbun 1999i).⁵ Chief Cabinet Secretary Nonaka Hiromu, however, countered these requests for amendments to SDF and MSA law, by defending the law governing the protection of Japanese territory as appropriate and suggesting instead that the tactics of the MSDF and MSA should be reconsidered (Japan Times 1999a; Asahi Shimbun 1999i). Yet, an examination of the suspicious ship case in 1999 clearly reveals that at the critical juncture when the *Taisei Maru Number 1* had stopped and the MSDF were on hand to capture the vessel, procrastination amongst Japanese government officials delayed the order for the law regarding maritime security action to be enacted which allowed the *Taisei Maru Number 1* to get away. As Morimoto Satoshi of Nomura Research Institute maintains, incidents like the March 1999 suspicious ship case are all too common and both the MSDF and MSA lack the legal support they need to carry out effective missions to stop and inspect suspect ships (Mainichi Shimbun 1999d: 2).

In sum, foremost in the minds of Japan's crisis management team in the March 1999 suspicious ship case were the perceptions of international society. From a legal standpoint, the Japanese government sought to ensure that the actions of the SDF did not contravene international law as defined by UNCLOS and abided by the letter of Japanese domestic law in terms of the maritime security action order and Article 7 of the

Law Concerning Execution of Duties of Police Officials. Diplomatic considerations were also paramount as the Obuchi administration reflected upon how neighbouring states would perceive the actions of the SDF in the light of Japan's imperialist past. These legal and diplomatic standpoints significantly restrained how the Japanese government responded to the 1999 suspicious ship case. In the two and a half years leading to the December 2001 suspicious ship case, the Japanese government in conjunction with the JDA and JCG would work on enhancing cooperation between the JDA and JCG, as well as to promote the JCG as the primary responder to suspicious ship incursions.

The 2001 suspicious ship incursion

Despite the JDA and JCG formulating a guidebook for cooperation after the 1999 suspicious ship incident (Yomiuri Shimbun 2001h: 2), the coordination between the JCG and JDA was widely criticised in the aftermath of the 2001 case. The media slated the JDA in particular for failing to notify the JCG of the presence of the suspicious ship quickly enough. The ramifications of this delay led the JCG to engage the suspicious ship in China's EEZ raising significant legal issues and prompted Prime Minister Koizumi Junichirō to call for a review of inter-agency communication between the two organizations (Japan Times 2001; Jiji Press 2001: 1; Yomiuri Shimbun 2001a: 26; Asahi Shimbun 2001d: 2; Interview 2009). As a result of both the 1999 and 2001 suspicious ship cases, the Japanese government thereby sought to clarify the mandate of both the JCG and SDF and allocated additional funds to the JCG to enable it to play the foremost role in policing Japan's maritime territory (Asahi Shimbun 2001c: 27; Yomiuri Shimbun 2001i: 3).

The Japanese government's crisis management was also called into question in this case, as key officials, including Deputy Chief Cabinet Secretary Abe Shinzō and Sugita Kazuhiro, the Deputy Chief Cabinet Secretary for Crisis Management, believed that the suspicious ship belonged to a transnational crime organization and left the Prime Minister's residence on the evening of 23 December (Yomiuri Shimbun 2001b: 27; 2001d: 3; 2001g: 1). By entrusting the JCG to resolve the incident, the government voluntarily relinquished its ability to check the JCG's strategy. This is a key difference with the March 1999 incident when Prime Minister Obuchi himself did not permit the MSDF to fire on or board the suspicious ships. The Koizumi cabinet's failure, in this instance, to reign in the JCG demonstrates that the response of international society was not adequately considered, but equally that the

Japanese government did not intend to use the incident to achieve a specific national interest. As this instance shows, crisis situations can easily be misinterpreted. It was only after the incident that the Japanese government realized the magnitude of the event and decided to salvage the ship and publically display it to demonstrate the threat posed by North Korea, as the previous section argued, as well as to prove the legitimacy of the JCG's actions.

In salvaging and displaying the suspicious ship, the Japanese government was able to justify the actions of the JCG to international society. Bull notes that even when a member of international society breaks international law, the state will go to great lengths to show that it remains in conformity with the bulk of international norms and rules, so as not to be perceived by fellow members of international society as having a reputation for disregarding international law (Bull 2002: 131–6). The 5.9 billion yen price tag for raising the suspicious ship, which included compensation to the Chinese government (Yamada 2003: 42–3), paid for upholding Japan's reputation in international society by assuaging the concerns of states, particularly South Korea and China, that the JCG had violated international law. This again underlines the significance states attach to how they are perceived in international society.

The Japanese government also had to respond to the protests of Japan's neighbours. Predictably, the most vociferous condemnation for the sinking of the North Korean suspicious ship came from Pyongyang (Ahn 2003: 53–4). North Korean spokespeople talked of 'an unprecedented historical event' in which 'Japan was guilty of a criminal act in another state's territorial waters'. They elaborated that '[Japan's] act of modern-day terrorism is hard to forgive', especially as the Japanese referred to their 'act of piracy in terms of self-defence' (Sekai Editorial Board 2002: 280). The South Korean response was also strongly worded, voicing concern about Japan's reckless action outside its domestic waters. The South Korean press described the JCG's involvement in the sinking of the suspicious ship as 'excessive' and 'arrogant' and that the event would freeze North Korean relations with Japan and isolate North Korea (Yomiuri Shimbun 2001f: 7; Sekai Editorial Board 2002: 280). In particular, an editorial in the English language newspaper *Choson Ilbo* commented that while the Japanese government had proclaimed that the JCG had acted in self-defence, it was in fact the JCG which had fired directly on the suspicious ship first. Furthermore, Japan could not legally justify firing at a foreign vessel in Chinese waters. The editorial piece ended by stating that Japan's actions in this case

should be placed in the context of Japan developing the scope of its military forces, adding that since the 9/11 terrorist attacks, the SDF had been dispatched to a war zone for the first time in its history (BBC 2001: 1). In addition, the Chinese government also expressed a desire to understand on what legal basis the suspicious ship was sunk (Asahi Shimbun 2001f: 3). Zhang Qiyue, a spokeswoman for the Chinese Foreign Ministry, stated, 'China is seriously concerned about the Japanese side employing arms while pursuing the boat, and about the fact that it sank in China's exclusive economic zone. We are requesting the Japanese side to brief us further on relevant situations. The Japanese side should fully respect China's rights, interests and concerns' (Brooke 2001). It was clear from the reactions of the South Korean and Chinese governments that Japanese actions had gone beyond what they considered justifiable by a member of international society. Even in Japan, where a majority of the public supported the JCG's response (Sekai Editorial Board 2002: 280–1), opposition parties questioned whether firing upon a foreign vessel outside Japan's EEZ was in accordance with international and domestic laws and demanded an investigation (Asahi Shimbun 2001e: 3; Yomiuri Shimbun 2001e: 4).

Even though shots were fired by the JCG outside of Japanese domestic territory (Japan Times 2001; Asahi Shimbun 2001b: 3; Sekai Editorial Board 2002: 278), the Koizumi administration emphasized the extent to which the JCG had acted in accordance with domestic and international laws by pointing to a number of legal statutes supporting the JCG's pursuit of and action taken against the suspicious ship in December 2001. First, after the March 1999 suspicious ship incident, Japanese law was adjusted to allow shots to be fired directly at a ship that was trespassing on Japanese domestic maritime territory. This legal revision was ratified and enforced from November 2001. Second, operating a fishing vessel without permission in Japan's EEZ is illegal according to Article 5, Paragraph 1 of the laws concerning the execution of sovereign rights and privileges within a country's EEZ. Article 74, Paragraph 3, of the same law code, stipulates that the country concerned can order the unauthorized ship to stop for inspection. If the ship attempts to escape, the JCG has the right to pursue the vessel according to Article 141, Section 2, of the Japanese Fisheries Law. This pursuit can continue up until the suspect vessel enters another country's maritime territory, as specified in UNCLOS Article 111, providing there are sufficient grounds for doing so. In the December 2001 case, the North Korean vessel had transgressed Japanese Fishery Laws and refused to stop for inspection, thereby justifying the JCG's pursuit of the vessel. Third, the use of weapons to

fire warning shots is legitimated by JCG Law Article 20, Paragraph 1, as well as Article 7 of the Law Concerning the Execution of Duties of Police Officials. Finally, according to Articles 36 and 37 of the Criminal Law, the Japanese authorities can fire in self-defence or to prevent injury (Yamada 2003: 49–50). Precedent also backs the action taken by the JCG. Russian maritime patrols fire on illegal fishing vessels from time to time (Valencia and Guoxing 2002: 727).

Nonetheless, the actions taken by the JCG in December 2001 against the North Korean suspicious ship were arguably illegal as they occurred within China's EEZ and not in Japanese territory or on the high seas. Invoking domestic laws to permit the targeting of a foreign vessel which had infringed upon Japanese maritime territory and subsequently refused inspection is not legally defensible if that action occurs in foreign waters. As a state is responsible for the environmental protection of its EEZ, any incident that could potentially pollute the EEZ is arguably illegal (Becker 2005: 195). In terms of the legality of boarding a vessel, Becker states, 'physical inspection can take place if clear grounds for a suspected violation remain, the ship can only be detained if the violation discovered has caused "major damage or threat of major damage" to the interests of the coastal state' (2005: 196). Though the suspicious ship had violated Japanese law by resisting arrest, there was no indication that it had caused environmental harm or other kind of 'major damage' in Japan's EEZ to say nothing of China's EEZ.

Furthermore, the JCG's claim that it was acting in self-defence is questionable on two counts. First, by firing shots directly at the suspicious ship, even if only to try to disable the ship, before the suspicious ship had fired any of its weapons, meant that the suspicious ship itself might have a better claim to self-defence. Second, the patrol ship *Amami*, by disengaging from the pursuit when its crew was fired upon, was acting in self-defence. The fact that the patrol ship *Inasa* returned fire when it might have easily pulled away from the chase itself also does not strengthen the case for the JCG having acted in self-defence. Even when the suspicious ship was within Japan's EEZ, only warning shots are permissible and the use of force 'must be avoided as far as possible, and where it is unavoidable, it must not go beyond what is reasonable and necessary under the circumstances' (Valencia and Guoxing 2002: 728). Finally, whilst the JCG maintain that they targeted the bow and stern of the ship where there were no people (Asahi Shimbun 2001e: 3), the JCG could not be sure that they were not endangering the lives of the crew of the suspicious ship. The JCG was unaware of the two North Korean crew hiding underneath a sheet at the stern of the boat, who appeared

suddenly and opened fire on the *Amami* when it approached. Also, the JCG could not have been certain as to the equipment and ammunition aboard that might have exploded if hit.⁶

The actions of the Japanese government in the aftermath of the December 2001 suspicious ship incident seemed to recognize the absence of legal justifications for the JCG's actions, even whilst the government stressed that the JCG had acted in accordance with international law. Demands to simplify the use of weapons so that maritime security action could be rapidly authorized to enable the MSDF to respond to suspicious ship incursions, and to develop the details of the emergency law to permit an offensive response to suspicious ships, indicated the shaky juridical ground upon which JCG action stood. Taoka, of the *Asahi Shimbun*, reported that the 'offensive response' violated the freedom of passage in the open seas, as granted by UNCLOS, and that even in Japan's EEZ, the Japanese response is legally limited to responding to transgressions of fishing and economic rights, which does not permit the sinking of an illegal vessel (Sekai Editorial Board 2002: 278–9). The fact that the rationale for pursuing the suspicious ship was based upon a violation of the Fisheries Law suggests the inadequacies of the Japanese laws governing MSDF and JCG action (Chōbōjikenkenkyūkai 2002: 3). Despite Japanese government claims to the contrary, the JCG's actions in the December 2001 case contravened international law.

Conclusion – Japan's maritime security strategy

Some commentators have argued that the suspicious ship incidents of 1999 and 2001 indicate the extent to which the rules of military engagement for the Japanese authorities had changed (Lincoln 2002: 79; Leheny 2006; Samuels 2007, 2008). Indeed, suspicious ship incursions have provided a repeated security threat which Japanese forces could test themselves against. Suspicious ship intrusions into Japanese territory must be countered as they pose a security risk to Japan in terms of North Korean agents gathering information about US and Japanese forces, as well as through illicit trade in narcotics with *yakuza* gangs. Because of North Korea's reliance upon suspicious ship activities, transgressions of Japanese waters occurred frequently until the December 2001 incident, enabling Japan's maritime organizations to probe the legal limits of their response to North Korean suspicious ships. In the aftermath of an infringement of Japan's maritime territory by a North Korean vessel, the deficiencies of the Japanese maritime authorities'

reaction were gauged and the legal limits placed upon their operations altered to allow the JCG and MSDF more room to manoeuvre. In this way, North Korean suspicious ships provide a test case, whereby a trial-and-error response enables the role of Japan's maritime security forces to expand. Though ships from other states transgress Japanese territory, such as Chinese survey ships entering the Japanese waters around the disputed Daioyu/Senkaku Islands which both Japan and China claim, the response of both the MSDF and JCG is far more muted. It is the perception of North Korea as a 'rogue state' detached from international society that has allowed Japan to react aggressively to suspicious ship intrusions.

Nevertheless, the Japanese governments in both the 1999 and 2001 cases went to great lengths to demonstrate that they abided by international law and emphasized that the JCG should police Japan's maritime territory rather than the MSDF. In the March 1999 North Korean suspicious ship case, the Obuchi government acted in accordance with the constraints imposed by the structure and norms of the institutions of international society. It did so because whilst Japanese public opinion in the aftermath of the Taepodong missile launch favoured a strong reaction to the suspicious ship incursion, the Obuchi cabinet were careful to restrain the response of the MSDF. Reining in the MSDF avoided likely condemnation by members of international society that Japanese military forces had used excessive measures and presented Japan as a responsible actor concerned to obey the dictates of international law. This is in contrast to the December 2001 suspicious ship case whereby the Japanese government ceded responsibility to top JCG officials and to the commanders of the JCG vessels in pursuit of the suspicious ship. The failure of Prime Minister Koizumi's crisis management team to recognize the magnitude of the incident enabled JCG ships to fire directly at the North Korean suspicious ship in Chinese waters contrary to international law.

Nevertheless, once the Japanese government regained control of the situation, it set about justifying the actions of the JCG. Essentially, the Koizumi cabinet reasoned that as North Korea was an outlaw of international society, so forceful action taken against it, even if not supported by international law, is possible. Had the suspicious ship belonged to any other state, it is likely that the political ramifications would have run much deeper, as Valencia and Amae point out:

If the vessel were suspected of being almost any other nationality other than North Korean, firing directly at a suspected illegal fishing

vessel, endangering it and its crew, would most likely be considered an overreaction and an excessive use of force by the international community.

(Valencia and Amae 2003: 200)

Indeed, when Chinese military forces have transgressed Japanese territory the JCG or MSDF have not responded aggressively. A case in point was the intrusion of Japanese territory on 12 November 2004 by a Chinese submarine. At a press conference the same day, MOFA's Press Secretary, Takashima Hatsuhisa, replied to the following questions:

Q: In 1999 and 2001, there were two incidents involving North Korea. Some suspicious ships entered the area of Japan. At the time, the Japanese Government said it could fire at these ships. The Japanese Government did not do that this time. What is the difference? Newspaper reports state that the ASDF aircraft asked the submarine to identify itself or at least come to sea level so that it could identify from which country the submarine came from. But it did not respond at all which is actually very serious or dangerous in terms of the nation's security. How come this time the Japanese Government did not take stronger measures toward this submarine? What is the major difference this time?

Mr. Takashima: *The SDF and the Japanese authorities have been taking the necessary measures on a case-by-case basis.* Other than that, I have no comment, and I would like to refer you to the Defense Agency (MOFA 2004a, italics mine).

The pressures of international society, particularly in terms of international law and Japan's imperialist past, conditioned how the Obuchi and Koizumi administrations were able to react to the 1999 and 2001 suspicious ship cases. As a result, Japanese actors have responded to this conditioning pressure by deploying the JCG and developing their capabilities, such as the JCG's acquisition of three waterjet patrol ships that can reach over 40 knots (Tazaki 2002: 47–9), as the JCG is perceived as a more legitimate actor than the SDF. This cemented a dual maritime security strategy whereby the JCG would be primarily responsible for maritime policing and the SDF would be responsible for the defence of Japan's sovereign territory. This dual maritime security strategy has enabled the Japanese government to act as a norm entrepreneur in international society in the sense that they have deployed the JCG on law enforcement and rescue missions throughout the world in order

to construct international cooperation and build the capacities of coast guard authorities. For example, as the next chapter demonstrates, the JCG played a fundamental role in the development of regional responses to piracy in Southeast Asia from the late 1990s on (Black 2011) and continue to do so in case of piracy off the Somali coast (Black 2012). The pressures of international society therefore 'interact' with how foreign policy actors perceive their state identity in international society and can lead policy makers to fashion innovative foreign policies.

6

Piracy in Southeast Asia and the Gulf of Aden

Introduction

Despite the efforts of littoral states in Southeast Asia to patrol their waters (Ebata 1997: 38–9; Hesse 2002: 60), acts of piracy increased steeply in the region towards the end of the 1990s (see Appendix 1). The narrow Malacca Straits in particular is vulnerable to piratical attacks and is Japan's most important sea lane as 80 per cent of Japan's oil and a substantial proportion of its trade passes through it; along with approximately quarter of the world's trade and half of global oil shipments (Richardson 2004: 38). Were the Malacca Straits to become blocked as a result of an act of piracy, this would threaten not only Japanese lives, but also the health of the Japanese economy, as ships would be rerouted around southern Sumatra to the tune of between USD 200,000 and USD 300,000 per ship (Graham 2006: 25–31). To counter such a possibility, the Japanese government developed its response to the problem of contemporary piracy. High-profile incidents involving Japanese ships, such as the hijacking of the *Tenryu* in 1998 and *Alondra Rainbow* in 1999, as well as the kidnapping of the Master, Chief Engineer, and Third Engineer from the *Idaten* in 2005, forced successive Japanese governments to address the financial and human costs that the Japanese shipping industry had incurred as a result of piracy. In response to the threat posed by piracy in Southeast Asia, the Japanese government sponsored a number of regional conventions as well as promoted legal measures and dispatched JCG vessels on anti-piracy patrols and exercises. Since the first anti-piracy conventions were convened, Japan has been at the forefront of efforts to build international cooperation to tackle piracy in Southeast Asia (Takai 2002: 1–2, 8; Bradford 2008: 484).

Japan's response first focused on assembling maritime experts in Tokyo for a series of anti-piracy conventions that led to the emergence

of a regional network of maritime safety and security experts and organizations, headed by officials from Japan's Ministry of Foreign Affairs (MOFA) and the JCG (Mukundan 2003). With the help of these experts and Japanese sponsorship, East Asian states established Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), a regional initiative to combat maritime crime that was sensitive to the sovereign rights of Southeast Asian states. In addition, successive Japanese governments have dispatched the JCG to train Southeast Asian maritime authorities, as well as those of states around the Horn of Africa, as it emerged as the piracy hotspot from 2007. Indeed, the JCG itself has become a model for other states to adopt, as can be seen in Japan's Anti-Piracy Law enacted in March 2009 which demonstrated Japan's commitment to combat piracy around the Horn of Africa to counter the growing threat to maritime shipping there.

Successive Japanese governments have relied upon the JCG in their anti-piracy policies for several reasons. First, Southeast Asian governments were more prepared to cooperate with the JCG, as it is a maritime law enforcement and rescue organization focused on capacity building and information sharing rather than a navy whose presence would be perceived as infringing upon the sovereignty of littoral states (He 2009: 670, 677–8). Southeast Asian leaders were particularly concerned about the 'war on terror' providing a pretext for foreign naval intervention in their waters, as Indonesia and Malaysia's rejection of the US Regional Maritime Security Initiative (RMSI) demonstrated. Second, Japan's imperialist past has undermined the role that the MSDF can play in Southeast Asia. Notably, China, North Korea, and South Korea have all voiced their concerns about Japan's potential remilitarization. In a July 2002 interview, Nawano Yoshihiko, then director of the JCG, noted the government's preference to dispatch the JCG rather than the MSDF on anti-piracy missions abroad because of Japan's imperialist past. He stated,

In order to avoid friction [with China and Southeast Asian states] it is a maritime police force like ours that has to respond. The JCG responds in the same way to incidents surrounding the Senkaku Islands. Even though the purpose of the MSDF is to preserve the integrity of all of Japan's territory, it is the JCG that puts to sea.

(Quoted in Tazaki 2002: 49)

Third, Japan's anti-militarist constitution restricts the involvement of the SDF in international operations, but not the JCG (Samuels 2007:

110–1). Finally, Southeast Asian states were initially concerned that too much cooperation with Japan's MSDF in the fight against piracy might upset China, which suspected that Japan's involvement in anti-piracy patrols and exercises would be the first step in building regional alliances pitted against China (Bradford 2004: 491; Emmers 2004: 53–4).

Whilst both Leheny (2006) and Samuels (2007, 2008) perceived the maritime security role of the JCG as paving the way for the expansion of the SDF's capacity and mission, an analysis of Japan's response to piracy highlights a rather different interpretation. Christoffersen (2008: 128, 130–1) argues that Japan has adopted a dual security strategy which keeps the United States tied to the defence of East Asia through developing the US–Japan alliance whilst engaging with multilateral regional institutions, such as the ASEAN Regional Forum (ARF) and ASEAN Plus Three (APT), to tackle non-traditional security threats such as piracy. Together with China and ASEAN, Christoffersen (2008: 127) asserts that Japan is establishing a 'multi-layered security order' that encompasses both bilateral and regional approaches. Rather than the JCG acting as a 'canary in the coal mine' as Leheny (2006) and Samuels (2007, 2008) maintain, successive Japanese governments have evolved a maritime security role for the JCG that is distinct from that of the SDF. Furthermore, the efforts of the Japanese government and the role of the JCG in maritime security in Southeast Asia have been replicated in the Horn of Africa, where piracy began to rise from 2006. In this respect, the Japanese government can be understood as a norm entrepreneur in international society transforming how the maritime domain is secured (Black and Hwang 2012). This chapter begins by setting out the rise of piratical violence in Southeast Asia and the failure of regional responses to tackle the problem. Japan's political, financial, and operational efforts are then assessed, before ascertaining how Japan's anti-piracy model was applied to tackle maritime violence off the coast of Somalia.

Piracy in Southeast Asia – trends and responses

The piratical attacks on Japanese vessels, the *Tenryu* in September 1998 and the *Alondra Rainbow* in October 1999, alerted the Japanese government to the threats posed by piracy in Southeast Asia. Both vessels were hijacked leaving the Indonesian port of Kuala Tanjung carrying a cargo of aluminium ingots. In the case of the *Tenryu*, the crew were never seen again (Sullivan and Jordan 1999b: A8; Terashima 2001: 38–9). The *Tenryu* was recovered on 17 December 1998, three months after it was hijacked, in Zhangjiagang port, Jiangsu Province, China. It had been renamed

the *Sanei 1* and its cargo had been sold (Sullivan and Jordan 1999a: A18; Sullivan and Jordan 1999b: A8). The crew of the *Alondra Rainbow*, including the Japanese Captain and Chief Engineer, were recovered off the coast of Thailand and suffered a two-week ordeal at sea, having been cast adrift by their hijackers. The pirates renamed the ship the *Mega Rama*, transferred half the cargo to another ship and headed for Fujairah in the United Arab Emirates to sell the rest. The Japanese owners of the *Alondra Rainbow* contacted the Japanese Ministry of Transport (MOT, now the Ministry of Land, Infrastructure Transport and Tourism – MLITT) which dispatched a JCG vessel to search for the missing merchant ship and crew. On 16 November, an Indian naval vessel, the *INS Prahar*, after a day-long chase, captured the *Mega Rama* in the Indian Ocean (Hino 2000: 104–5; Terashima 2001: 38; Mukundan 2002: 62–3; Takai 2002: 6–7) and an Indian court later sentenced the pirates to seven years of hard labour (Yamada 2003: 136). Despite the loss of the crew in the case of the *Tenryu*, since the *Alondra Rainbow* incident involved the presence of Japanese nationals, this incident received far greater media coverage in Japan, and compelled the Japanese government to act (Terashima 2001: 38–9), especially in the light of the enhanced lobbying efforts of the Japanese shipping industry.

The piratical attacks on the *Tenryu* and *Alondra Rainbow* occurred as piracy was rising in the Southeast Asian region (see Appendix 1) and highlighted the threat to both Japanese crews and trade navigating the narrow Malacca Straits (Yamada 2003: 143–4). From 1993 to 2000, when piracy figures peaked, acts of piracy in Southeast Asia increased from 16 attacks per year to 242 attacks per year (ICC-IMB Piracy Report 2002: 5), the majority of which occurred in Indonesian waters (see Appendix 2). Between 2001 and 2004, piratical attacks in Southeast Asia remained high, fluctuating between 153 and 170 attacks per year, prompting the Japanese government to take action. The location of piratical attacks in Southeast Asia, coupled with the international nature of contemporary maritime shipping, to which the multinational identities of the owners, flag, crew, pirates, merchandise, black markets, and maritime authorities are testament, underscored the need for international cooperation to combat piracy in Southeast Asia.

From 2005 on, piratical attacks in Southeast Asia dropped, in part because of the impact of the 26 December 2004 tsunami in which pirates also perished or suffered, or were deterred by the international naval presence that provided aid in the aftermath of the disaster (ICC-IMB Piracy Report 2005: 15; Yamada 2005: 46).¹ Accounting for the fall in piracy also requires acknowledging how Japanese financial and

technical aid enabled Southeast Asian states to improve the capacity of their maritime authorities to respond to piracy and enhanced trilateral cooperation between Indonesia, Malaysia, and Singapore in policing the Malacca Straits (Takai 2002: 7; Mukundan 2003; ICC-CCS 2006). In particular, Indonesia, Malaysia, and Singapore resumed the trilateral anti-piracy patrols in their waters in June 2004 with backing from the Japanese government (Mukundan 2004). These patrols were supplemented by the 'Eyes in the Sky' initiative designed to bolster maritime security intelligence through coordinated air patrols (Huang 2008: 97; Storey 2009: 41). The three littoral states also installed an emergency hotline to facilitate cooperation between them in their fight against piracy (Kaneda 2005: 46). In September 2005, Singapore, Malaysia, and Indonesia determined to enhance the trilateral patrols by establishing a Tripartite Technical Experts Group on Maritime Security and Maritime Law Enforcement (Bradford 2008: 482; Zou 2009: 338–9). Maritime security experts have credited the efforts of these three states with the decline in piracy in Southeast Asia since 2000 (see Appendix 1) (Mukundan 2002: 62; Yong 2003: 4; ICC-CCS 2006).

Indonesia, Malaysia, and Singapore established a number of ad hoc patrols to police the Malacca Straits during the 1990s, which did suppress piratical violence when the patrols were active (Nakamura 2001: 18; Yong 2003: 4; Emmers 2004: 47–8; Herrmann 2004: 2), but ultimately failed to quell piracy because of political, financial, and operational issues. First, cooperation was limited politically, as the maritime authorities of participating states were prohibited from entering each other's sovereign territory in order to pursue pirates (Takai 2002: 16–18; Emmers 2004: 47–8). In addition, ASEAN states are enmeshed within a myriad of multilateral frameworks that encourage cooperation and transparency in tackling maritime security issues, including ARF Maritime Senior Officials Meeting, Western Pacific Naval Symposium, South China Sea Workshops, and Council for Security Cooperation Asia-Pacific Maritime Working Group (Bradford 2008: 481). For Emmers (2007: 16), these overlapping frameworks indicate that ASEAN states do not have a clear strategy to combat maritime piracy. Second, from an operational perspective, there was a lack of coordination between maritime authorities and police (Hesse 2002: 60; Mizutori 2004), particularly when it came to hunting down pirates as they left or returned to their bases on land (Hersutanto 2004: 1). The failure to target pirate bases is largely responsible for the lack of arrests; pirates were only apprehended in two or three of the 344 cases of piracy in 2003 (Webster 2003: 25). Even when pirates were captured, the absence of national laws regarding

piracy in Southeast Asian states often inhibited pirates being convicted. Third, whilst both Singapore and Malaysia were able to direct funds to bolster their maritime security forces to tackle piracy (Nakamura 2001: 18; Mukundan 2002: 62; Yong 2003: 4; Emmers 2004: 42–4), Indonesia lacked the financial means to effectively carry out the patrols (Nakamura 2001: 18; Herrmann 2002: 451–3; Takai 2002: 16–18; Emmers 2004: 47–8). As the patrols declined, so attacks against ships in Southeast Asia grew exponentially over the course of the 1990s.

Indeed, in contrast to the efforts of both Singapore and Malaysia, Indonesia's economic troubles undermined its piracy response in a myriad of ways (Emmers 2007: 11). Exacerbated poverty in the country led to an increase in instances of piracy (Young and Valencia 2003: 269), whilst the Indonesian government was frequently unable to pay for the fuel for patrols in its domestic waters (Takai 2002: 14–15; Emmers 2004: 44–6) and reduced pay for maritime personnel. As a result, maritime officials engaged in illicit means of obtaining capital, such as passing on information to pirates, or overlooking acts of piracy in return for cash (Terashima 2004). In the case of the *Selayang*, for example, the shipowner was asked to pay the Indonesian navy an extortionate amount for the return of the ship and there have been incidents where the Malaysian maritime police have caught Indonesian naval personnel committing acts of piracy (Takai 2002: 14–15; Glass 2004: 8–13; Hidayat and Mallet 2004: 2), such as the case of the *KAL YOUTEFA*, mentioned in Chapter 4 (ICC-IMB Piracy Report third Quarter 2004: 29).

The Megawati administration showed a greater interest in fighting piracy; committing six battleships to patrolling the Malacca Straits (Yong 2003: 4) and cooperated with both Malaysia and Singapore in coordinated patrols. The Yudhoyono administration, though, went further than its predecessors to ensure maritime security by targeting pirate bases on land, official corruption, and enhanced patrols (Bradford 2008: 480). As Chapter 4 noted, the Yudhoyono government succeeded in brokering a peace deal with Aceh separatists in the aftermath of the 26 December 2004 tsunami. By the end of 2005, TNI troops had withdrawn from the Aceh region and a decline in piracy prompted the IMB's Piracy Reporting Centre to remove Aceh from its list of piracy-prone areas (ICC-IMB Piracy Report first Quarter 2006: 13). Furthermore, an Indonesian anti-piracy initiative, Operation Gurita, resulted in the capture of several pirate gangs in known piracy hot-spots and regional anti-piracy cooperation reduced the number of piracy cases in the Malacca Straits (ICC-CCS 2006). Indonesia attempts to rectify the deficiencies in

its approach and ability to combat piracy and armed robbery at sea have benefited from Japanese aid and assistance.

Despite the fact that rising piracy in Southeast Asia affected the interests of numerous states throughout the world, no other major power took as active a role as Japan would in responding to piracy in Southeast Asia (Takai 2002: 18). Chinese authorities at first raised concerns that Japan's interest in tackling piracy in Southeast Asia concealed a militarist agenda (Zha 2001: 42–4), but ultimately China has worked within the frameworks that Japan has evolved in response to piracy, such as ReCAAP, highlighting the potential for cooperation on non-traditional security issues between the two states (Yamada 2004; Zou 2008: 165–7; Christoffersen 2009: 120–2). The Chinese government framed its involvement in combating maritime crime as part of its broader strategy to promote itself as a benevolent regional power (Richardson 2005: 198–207; Wang and Li 2005: 187–93; Christoffersen 2008: 129; Zou 2008: 153–4). For example, in October 2004 China's Maritime Safety Administration conducted a joint table top exercise with the Philippine Coast Guard (Zou 2008: 162) highlighting the potential for future cooperation of the type pioneered by Japan in the region. China's efforts were largely undone after 2010 when tensions between rival claimants to islands in the South China Sea grew.

Other states have also played a restrained role in tackling piracy in Southeast Asia. With the exception of Admiral Fargo's proposal for US marine patrols of the Malacca Straits, the United States has largely shied away from becoming involved in fighting piracy in Southeast Asia, focusing instead upon its military operations in Afghanistan and Iraq. When the United States has promoted anti-piracy exercises in Southeast Asia, it has done so through military exercises aimed primarily at combating maritime terrorism, such as the Cooperation and Readiness Afloat (CARAT) annual exercise involving the United States, Malaysia, Thailand, Indonesia, the Philippines, Singapore, and Brunei since 2004, and the Southeast Asian Cooperation Against Terrorism (SEACAT) exercise since 2002 (Bradford 2008: 485; Storey 2009: 43–4). The European Union also declined from becoming directly involved in the fight against piracy and armed robbery against ships in Southeast Asia despite Japanese interest in attracting the support of non-Asian countries (Umezawa 2004). The Australian navy did take on maritime policing roles around its waters and held maritime security exercises with a number of regional states (Bradford 2005: 10), as well as providing financial assistance to Southeast Asian states to improve security

in their ports (Banlaoi 2005: 71–2). These efforts have been impeded by poor security relations between Australia and piracy-prone Indonesia, which stem from Australia's leading role in the UN Peacekeeping Operation in East Timor from 1999 to 2000 (Weatherbee 2005: 46–8). India has also sought to tackle the problems of piracy and armed robbery against ships. In addition to arresting the pirates responsible for hijacking the Japanese ship *Alondra Rainbow* on 14 November 1999, India began cooperating with Malaysia, Indonesia, and Singapore with a view to involving its navy in anti-piracy patrols in the Malacca Straits (Sandeep 2004: 1). The anti-piracy efforts of these states all emphasize naval involvement and remain modest in comparison to Japan's endeavours, which are based on a non-military approach that Southeast Asian states prefer.

Whilst state-led responses to maritime piracy are central to tackling the problem, much of the work in deterring acts of piracy and armed robbery against ships must come from the shipping industry itself. The Japan Shipping Association (JSA) has been instrumental in promoting anti-piracy strategies among its membership and has, together with NGOs such as the Nippon Foundation (Asahi Shimbun 2000c: 19; Sasakawa 2004), lobbied the Japanese government to take action to tackle piracy. A rise in piracy in Southeast Asia during the 1980s led the JSA to start taking action on the issue of piratical violence, disseminating proposals to protect members against piracy in 1983 (JSA 2000). In July 1997, the JSA held the Piracy Prevention Measures Meeting, which was designed to draw up security plans for ships. A list of contact numbers was also circulated amongst members so that the proper authorities could be contacted in the event that a Japanese ship suffered an act of piracy (JSA 2000). In addition to pushing shippers to hold piracy watches in piracy-infested seas, the JSA in conjunction with the Nippon Foundation promoted 'Toranomon', a security detector device mounted on vessels (JSA 2000). At the 2001 Asian Cooperation Conference on Combating Piracy and Armed Robbery against Ships, JSA officials emphasized the need to report all cases of piracy and for states to take measures to prevent the diffusion of small firearms, which are often used in piratical instances. Furthermore, the JSA has participated in anti-piracy exercises with the JCG in order to ensure that the JSA can mediate effectively on behalf of Japanese merchant ships in the event of a piratical incident (JSA 2002). In addition to this, the JSA has supported the Japanese shipping industry to accept new technological developments and to make operational changes in order to deter piratical acts against Japanese merchant vessels.

In many ways, the efforts of the JSA to protect vessels against maritime violence and crime anticipated more recent developments in response to maritime terrorism. For example, the International Ship and Port Security Code (ISPS Code), which came into force on 1 July 2004, stipulates that ships should have a crew member in charge of the ship's security and a detailed security plan. This has led to increased watches that have deterred would-be attackers (Nakamura 2001: 18). In addition, Japanese shippers have turned to a number of technological developments that have been marketed to fight the continuing problem of piracy and armed robbery at sea, including tracking systems, sensors, and electric fences (Herrmann 2002; Mukundan 2002: 63–4; Takai 2002: 18). Finally, though arming crews is an effective means of preventing attacks, representatives of both the IMB and IMO have voiced concerns that arming crews will only cause pirates to engage in more violent attacks (Mukundan 2003). Nevertheless, some firms in the shipping industry have turned to Private Military Companies (PMCs) to defend their vessels through piracy-prone waters, such as the Gulf of Aden.

Japan's response to maritime piracy in Southeast Asia anti-piracy conventions

The origins of Japan's anti-piracy response can be found in Japanese calls for multilateral patrols to tackle piracy in Southeast Asia, such as the National Institute for Defense Studies (NIDS) 1997 report on 'Ocean Peacekeeping' (OPK) and Prime Minister Obuchi's suggestion at the ASEAN+3 post-Ministerial Conference in November 1999 to create a regional Coast Guard. These proposals were rebuffed by Southeast Asian states which were concerned about how the inclusion of naval forces in these initiatives would undermine their sovereignty (Yoshihara and Holmes 2008: 31; Christoffersen 2009: 116–7; He 2009: 678). Mo has also detailed the concerns of Asian states concerning the potential rise of Japanese militarism and the beliefs of Western observers that Japan intended to enhance the power of its armed forces through the dispatch of Japanese missions to combat piracy in Southeast Asia (Mo 2002: 350–1). In recognition of these concerns, the Obuchi government shifted its policy to work bilaterally with Southeast Asian states, restricting the input of Japanese specialists and Coast Guard officials to enhancing the technical and operational capabilities of Southeast Asian maritime bodies, rather than actively patrolling to eradicate piracy (Bradford 2004: 490–3; Emmers 2004: 52–3). This policy shift bore fruit as Malaysia and Indonesia reorganized their maritime organizations

based on the JCG and cooperation has enhanced the capabilities of these organizations bolstering the effectiveness of the trilateral patrols. These efforts are rooted in a series of regional conferences on maritime crime sponsored by Japan and which relied on the JCG's expertise, enabling successive Japanese governments to set the agenda in combating piracy in Southeast Asia (Yamada 2004).

The first conference, entitled the 'Regional Conference on Combating Piracy and Armed Robbery against Ships', went ahead in April 2000 and included maritime officials, and shipping associations of the ten ASEAN countries, as well as India, Sri Lanka, Bangladesh, South Korea, China, Hong Kong, and Japan, as well as delegates from the IMO. The conference generated three documents that highlighted the need to tackle piracy within the territorial waters of Southeast Asian states, develop the capabilities of Southeast Asian maritime authorities (primarily through the Japanese government providing financial aid and training), and promote international cooperation to combat piracy. These three documents were the 'Tokyo Appeal', the 'Asia Anti-Piracy Challenge 2000' statement, and the 'Model Action Plan' (JSA 2000; Asahi Shimbun 2000a: 3; MLIT 2000a, 2000b; Kaijyōhōanchōkokusaijika 2002: 145; MOFA 2005a).

The 'Tokyo Appeal' stressed the need to better understand and combat piracy in Asian waters by encouraging the reporting of piratical instances, improving the preventative measures adopted by the shipping industry, strengthening the capacity of maritime enforcement agencies to aid pirated ships and counter pirates in the territorial waters of Asian states, enhancing multinational cooperation in the fight against piracy, and encouraging the adoption of the SUA Convention, to promote greater interstate cooperation (MLIT 2000b). The primary problem for Southeast Asian states with the SUA Convention is that it allows for hot pursuit to be carried out across maritime boundaries and the extradition of criminals to a victim's state (Beckman 2002: 329–30). Japanese policy makers tackled the issue of hot pursuit by coordinating patrols through the Information Sharing Centre as the next section details, and Southeast Asian states began signing up to the SUA Convention under pressure from the United States during the 'war on terror' as discussed in Chapter 7.

While these three documents did not detail concrete measures and duties to tackle acts of piracy and armed robbery at sea in Southeast Asia, the conference did assemble maritime experts in the region together to discuss ways of tackling piracy and generated ongoing dialogue and cooperation (Terashima 2001: 39; Mukundan 2003). This

network of maritime experts further developed the initial framework to combat piracy when Prime Minister Koizumi hosted a follow-up meeting, the 'Asia Cooperation Conference on Combating Piracy and Armed Robbery', held on 4 and 5 October 2001 (MOFA 2005a).

Koizumi had repeated his intention to build regional cooperation to fight piracy whilst touring the Philippines, Malaysia, Thailand, Indonesia, and Singapore in January 2002, stating at the Institute of Southeast Asian Studies in Singapore on 14 February 2002:

I believe we need an agreement for regional cooperation on piracy, and I will promote consultation to achieve that end. We must band together to eradicate the plague of piracy. In addition, I would like to strengthen cooperation between the Coast Guard of Japan and [its] ASEAN counterparts.

(quoted in Emmers 2004: 52)

Koizumi's statement clearly emphasized the leading role that the JCG would play in combating maritime piracy together with fellow East Asian maritime law enforcement and rescue agencies. Cooperation amongst East Asian maritime authorities was institutionalized in 2004 at the inaugural Heads of Asian Coast Guard Agencies meeting in Tokyo which adopted Japan's Asian Maritime Security Initiative (AMSI) (He 2009: 680). Prior to this, in 2000, Japan inaugurated the North Pacific Coast Guard Forum (NPCGF) comprising maritime authorities from Japan, South Korea, China, Russia, Canada, and the United States and focused on tackling maritime security and safety issues in the Asia-Pacific region (He 2009: 681). The speech also revealed an ongoing focus in Japan's foreign policy of tackling non-traditional security issues by fostering cooperation amongst Asian states through institutions such as ASEAN, ARF, and the APT (Christoffersen 2009: 117–9). Finally, each of the international conferences sponsored by the Japanese government asked the shipping industry to implement further safety measures against maritime crime (Umezawa 2004).

ReCAAP and information sharing centre

Though the 2001 Conference failed to outline specific anti-piracy measures, such as coordinated anti-piracy patrols, thereby highlighting the extent to which Southeast Asian states were concerned about foreign intervention in their sovereign waters, delegates did agree to the creation of a Maritime Policy Bureau's Expert Meeting to Tackle Piracy

that would be financed by the Japan Foundation and convene on a yearly basis in Tokyo (Mukundan 2003; Yamada 2006b: 28). This Expert Meeting, comprising maritime officials from across East Asia and led by section chiefs and department heads from Japan's MOFA and the JCG, created the framework for an Information Sharing Centre (ISC) to disseminate data on piracy to the relevant state authorities in the East Asian region (MOFA 2005a; Yamada 2006a: 9–10; Ho 2009). On 11 November 2004, 16 Asian states signed the ReCAAP agreeing to establish the ISC in Singapore (MOFA 2005a).

At the time, there was some concern that the ISC would either replicate the work of the IMB's Piracy Reporting Centre in Kuala Lumpur (Mukundan 2003) or that it would be irrelevant as commercial shipping would prefer to contact the Piracy Reporting Centre, because of its institutional history, combined with its status as a non-government, and therefore neutral, organization (Yamada 2004). Furthermore, despite the inauguration of the ISC on 29 November 2006, both Malaysia and Indonesia have refrained from becoming contracting members of the Centre (ReCAAP ISC 2008; Ho 2009), stating that piracy in their sovereign waters is a crime that falls under their own national laws and that information exchanges with other countries would infringe upon their sovereignty (Yamada 2006a: 10–11; Murphy 2007: 24; Yamada 2007: 12–13). The absence of two of the key Southeast Asian states that have witnessed the largest number of piracy cases in their waters further underlines the difficulty for Japan in overcoming the issue of non-intervention in the region.

Nevertheless, the ISC has overcome many of the legal boundaries and Southeast Asian concerns about sovereignty (Huang 2008: 97–8). As Professor Zou Kenyuan, expert in maritime law at the University of Central Lancashire, argues, '[ReCAAP is] the most significant development for the international law of piracy' (2009: 333). In particular, Zou (2009: 327) stresses that through the adoption of ReCAAP member states have transformed the IMO's definition of piracy and armed robbery against ships into a legally binding definition. ReCAAP thereby overcomes the definitional problem of Article 101 in UNCLOS, one of the key impediments to developing a substantial anti-piracy response, by tackling maritime crime on the high seas and in territorial waters (Umezawa 2003). Furthermore, though 'hot pursuit' of pirates across maritime boundaries is not permitted in Southeast Asia, the ISC can notify the relevant maritime authorities to continue a chase conducted by a neighbouring maritime organization when the pursuit crosses the state's sovereign maritime boundary. The ISC can also handle confidential juridical cases

between East Asian states through the Centre's network of regional maritime officials (Umezawa 2004). Finally, the ISC produces up-to-date statistics on piracy in the East Asian region (Kuribayashi 2003: 39; Umezawa 2004). In sum, ReCAAP provides a model to be replicated around the world to strengthen maritime governance (Zou 2009: 336).

Coast guard model, training, and exercises

In terms of exercises and training, the Japan Coast Guard Academy in Hiroshima began to enrol foreign exchange students after the 'Regional Conference on Combating Piracy' in April 2000 (Asahi Shimbun 2000b: 38; Nakamura 2006: 22–3; He 2009: 679–80). Exchange students at the JCG Academy follow a six-year programme, which includes a year of intensive Japanese language training, designed to improve the students' knowledge and capacity to respond to the issue of piracy in Southeast Asia. The JCG has also organized Maritime Crime Seminars to bolster the capacities of regional maritime authorities to combat piracy (Kaijyōhōanchōkokusaijika 2002: 145; Kaijyōhōandaigaku Koku-saikōryūkikakushitsu 2006: 38–41). The Nippon Foundation has also promoted the training of officers from Southeast Asian maritime authorities, by providing Sasakawa scholarships to attend the World Maritime University in Sweden, the International Maritime Law Institute in Malta, the Seafarers International Research Centre of Cardiff University, and at the Division for Ocean Affairs and the Law of the Sea of the UN Office of Legal Affairs (Nippon Foundation 2004).

The Japanese government dispatched Japan's first anti-piracy mission, comprising members of MOFA, MOT and the MSA, to survey the problem of piracy in Southeast Asia from 19 to 26 September 2000. The survey group also laid the groundwork for JCG vessels to be dispatched to the Southeast Asian region on anti-piracy exercises, the exchange of JCG personnel, education, technical assistance, and maritime security seminars. In November 2000, a JCG vessel was dispatched to Malaysia and India to conduct an anti-piracy exercise (Kaijyōhōanchōkokusaijika 2002: 145; MOFA 2005a). This anti-piracy exercise has been followed by frequent visits and exercises by the JCG to Southeast Asia. Though the role of the JCG has been limited to anti-piracy drills because of the importance of non-intervention and sovereignty norms in Southeast Asia, the JCG's participation in these exercises has enhanced the capabilities of Southeast Asian maritime authorities (Kuribayashi 2003: 39; Umezawa 2004). Successive Japanese governments have also bolstered the equipment of the JCG in order to facilitate the JCG's interactions

with Southeast Asian maritime authorities. For instance, the Coast Guard introduced two large jet planes with the capacity to fly 12,000 kilometres for twelve and a half hours to conduct search and surveillance missions in the Malacca/Singapore Straits because of the rise in piracy in the 1990s (Asahi Shimbun 2000d: 1). The efforts of the JCG are welcomed in Southeast Asia as it is second only to the US Coast Guard in terms of equipment, ships, training, and capabilities. Unlike the US Coast Guard, the JCG is a police organization and does not perform a military function. This enables the JCG to build networks with similar organizations in the region more freely than a military force could (Ogawa 2002: 136–7, 161–6; Yamada 2006b: 28). Engaging in anti-piracy exercises with the JCG or receiving training from the JCG has had a significant impact upon overcoming the operational boundaries that have limited the anti-piracy responses of Southeast Asian maritime authorities.

The types of maritime patrols and exercises have been somewhat limited however, as they have mostly resembled the hijackings of the *Tenyu* and *Alondra Rainbow*. Whilst such exercises are multi-purpose in nature, in that they involve the search, pursuit, capture, and rescue of a hijacked ship, making them applicable to various other piratical scenarios, the fact that hijackings of the *Tenyu* and *Alondra Rainbow* type have more or less ceased in Southeast Asia raises the question of whether exercises that reflect current trends in piracy and armed robbery against ships would be more applicable to expanding the capabilities of littoral maritime organizations. In particular, the focus on transnational criminal organizations ignores the activities of low-level criminals who make a living from maritime crime and violence (Chalk 1998: 88–9). This omits important connections between the lower levels of piracy and the more major incidents, as well as failing to treat the social, political, and economic problems of littoral communities who engage in piracy or protect pirate gangs, as noted in Chapter 4.

Some scholars argue that the JCG's cooperation with its Southeast Asian counterparts could result in joint patrols (He 2009: 682). Umezawa argues, however, that joint training and annual anti-piracy exercises are the limit of Japan's operational response to piracy and armed robbery against ships in the Southeast Asian region (Umezawa 2004). Despite the rise in piratical incidents, the sanctity of Southeast Asian state's sovereign territory remains paramount, inhibiting attempts to develop joint patrols between states (Kuribayashi 2003: 39). It is clear that officials behind Japan's response to piracy, like Umezawa, realized after the NIDS 1997 OPK report and Prime Minister Obuchi's call in 1999 for a

regional coast guard were rebuffed that regional cooperation would have to be centred on maritime law enforcement and rescue cooperation, financial aid, capacity building, and should respect the sovereign territory of Southeast Asian states. Japan's regionally focused, multilateral, law enforcement, and rescue approach provided a distinct alternative from that of the United States, as in the case of the failed RMSI proposal and 'coalitions of the willing' such as the Proliferation Security Initiative (PSI) both of which will be tackled in the next chapter (Christoffersen 2009: 122–8).

Proliferation of coast guard organizations and Japanese Official Development Assistance (ODA)

As one of the most advanced Coast Guard forces in the world, the JCG also provides a model for Southeast Asian states to imitate. The JCG has therefore played a fundamental role in the creation of Coast Guard authorities throughout Southeast Asia (Tōi 2006: 128). In November 2001, the Japan International Cooperation Agency (JICA) helped fund the Indonesian Maritime Safety Information System (MSIS). This system enables the maritime strategy headquarters in Jakarta to coordinate anti-piracy activities with Indonesian maritime security offices in Belawan, Domai, and Tanju Uban, as well as to maintain cooperation with international maritime agencies and foreign governments (Takai 2002: 19). The JCG has aided the Philippines' Coast Guard since 2002 and helped to set up the Malaysian Maritime Enforcement Agency (MMEA) in 2004 (Bradford 2004: 500; Terashima 2004). The JCG also provided training for the MMEA and dispatched a maritime security specialist to Malaysia (Bradford 2004: 500; Terashima 2004).² In December 2005, Indonesia's President Susilo Bambang Yudhoyono ordered the establishment of an Indonesian Coast Guard for which JICA provided funding (Honna 2006: 52–3; Nakamura 2006: 25; Yamada 2007: 13–14). As a result, Southeast Asian maritime authorities have come to rely more heavily upon the JCG for advice. The JCG is the most advanced in the region and ideally suited to instruct other maritime authorities in Southeast Asia on how to improve their capabilities (Yamada 2004, 2005: 49; Kikuchi 2005: 167–8).

Japan's efforts to bolster the capacity of regional organizations to combat maritime crime further expanded in the wake of the piratical attack on the Japanese-owned vessel, the *Idaten*, in March 2005. The attack was particularly noteworthy as the Japanese Captain and Chief Engineer, as well as a Filipino crew member of the ship, were taken hostage and

ransomed. To ensure the safe return of their employees, the Kondo Kaiji shipping company swiftly paid the ransom of USD 120,000 (Aoki et al. 2005). The identity of the pirate group was never ascertained with various reports suggesting the involvement of an Indonesian crime gang, Indonesian maritime officials, or GAM (Asahi Shimbun 2005a: 1).

The Japanese government's response to the kidnapping of the *Idaten* crew comprised a series of measures that put the existing regional anti-piracy efforts to the test. The Japanese Foreign Minister Machimura Nobutaka requested that Singapore, Indonesia, and Malaysia help to secure the release of the captives unharmed, whilst the Defence Minister Ōno Yoshinori appealed to the littoral states of Southeast Asia to do more to fight piracy. The Japanese Transport Minister Kitagawa Kazuo announced that the JCG would dispatch a vessel to aid Malaysian authorities in the search and rescue mission if requested. Though Chief Cabinet Secretary Hosoda Hiroyuki noted that the Japanese government had not yet been contacted by the pirates, Prime Minister Koizumi ordered the establishment of a liaison room (Yomiuri Shimbun 2005: 1) and MOFA set up a situation headquarters' at 12:30 a.m. on 15 March (Asahi Shimbun 2005b: 1). The extent of Japan's response demonstrated how incidents of piracy involving Japanese citizens had caught the public's attention and thereby required that the Japanese government take action. The *Idaten* case also had important ramifications for the development of Japan's regional anti-piracy policy.

Until the case of the *Idaten*, the Japanese government's response to piracy focused on the dispatch of MOFA and MLIT surveys to South-east Asia on an annual basis, to train maritime personnel from the region and conduct exercises. Following the attack on the *Idaten*, talk of granting ODA to Indonesia in the form of patrol ships was revived. The patrol ships in question were Craft Large (CL)-type patrol boats of 20 metres in length with a cost of ¥700 million per ship. The CL-type patrol boats have a small turning circle and are fast. The head of the JCG declared it the perfect craft to navigate the Malacca Straits' numerous islands. Though weapons were not included in the deal being negotiated, as this would be an infringement of Japan's Export Control Ban (Honma 2006: 52–3), training in Japan and the dispatch of personnel to teach the Indonesian maritime authorities how to pilot the boats was considered. Initially, a proposal to offer larger 30-metre patrol vessels was dropped due to concerns that the boats could easily be militarized and deployed to quell internal conflicts with separatists or for military purposes (Asahi Shimbun 2005c: 1), highlighting the influence of the anti-militarist norm on the Japanese government's decision. On 15 June

2006, the Japanese government decided to donate 1,921 million yen to Indonesia for the purpose of constructing three patrol vessels. The patrol vessels were bequeathed to the Indonesian Marine Police based in Riau, North Sumatra, and Jakarta. As the patrol boats are bullet-proofed, they are considered as military vessels. The Japanese government was therefore required to make an exception to the Export Control Ban in this instance (MOFA 2006a) and set a precedent for future maritime cooperation between Japan and Southeast Asian states. For example, the Philippine Coast Guard later received three patrol boats from the Japanese government in 2006 (Samuels 2008: 103) and the MMEA received financial aid from the Japanese government in 2008 (Storey 2009: 43). The donation of patrol boats thereby indicates a ratcheting up of cooperation between Japan and Indonesia as such measures began to overcome the operational deficiencies of Indonesian anti-piracy patrols. In addition, the Indonesian and Malaysian response to the *Idaten* case proved that cooperative measures initiated by Japan had taken root in the Southeast Asian region. Finally, the extent of organization, equipment, and weaponry required to board and kidnap three of *Idaten's* crew illustrated the continuing threat to international shipping posed by pirates in Southeast Asia and the need to further develop regional efforts.

Somalia – anti-piracy law and MSDF dispatch

As Japanese policy makers cemented their efforts to address maritime security concerns in Southeast Asia, a new threat to maritime shipping emerged in the Gulf of Aden. In early 2007, pirate gangs operating out of Eyl, Garard, Bosasso, Ras Asir, Alula Cape, and Chismayu in Somalia began kidnapping crews for ransom in domestic and international waters (Chalk 2010: 90–4). Later that year, international society recognized the growing threat posed by Somali pirates, as maritime crime rose following the overthrow of the Islamic Courts Union (ICU) (Penn 2009: 3; Chalk 2010: 94; see Appendix 1). The international response since 2007 has been rapid with the establishment of Combined Task Force 151 (CTF151), EU Naval Force (EUNAVFOR), and international navies providing patrols and protecting convoys through the Gulf of Aden and beyond (Chalk 2010: 97–9). The UN Security Council (UNSC) also issued a series of resolutions to combat piracy for the first time in its history (Zou 2009: 337). UNSC 1816, passed on 2 June 2008, and UNSC 1846, passed on 2 December 2008, enabled foreign naval forces with the consent of the Somali Transitional Government (TFG) to enter Somali waters and territory to arrest pirates (Treves 2009: 402–3). UNSC 1851,

passed on 18 December 2008, extended the authority of naval and coast guard forces to apprehend suspects and encouraged states to cooperate with countries like Kenya which were willing to prosecute pirates (Gathii 2010: 416–7). Resolution 1851 was adopted in the aftermath of French commandos raiding a pirate base on Somali territory to capture the pirates behind the *Le Ponant* hijack on 11 April 2008 (Treves 2009: 404). Chalk concludes from these developments that international efforts ‘could lay the foundation for an effective regime of maritime order that is able to address piracy and other transnational threats, such as illegal fishing, drug trafficking, and environmental degradation’ (Chalk 2010: 99).

Chalk remains cautious about the creation of ‘an effective regime of maritime order’ in international society, as whilst the international response to address piracy off the Horn of Africa has been both swift and robust, there remains much work to be done to fully combat maritime crime in the Gulf of Aden. Chalk asserts that the maritime territory is too vast to adequately patrol and that merchant ships and humanitarian vessels off the Somali coast remain poorly protected (2010: 94–7). The military responses are also expensive and only tackle the symptoms and not the underlying causes of Somali-based piracy, namely ‘unemployment, lack of economic development and, particularly the absence of sovereign guidance’ (Chalk 2010: 101; see also Penn 2009: 3–4). Even the efforts of the UNSC should be understood as temporary stopgap measures designed to bolster the remit of international navies operating in the Gulf of Aden, rather than the UNSC resolutions constituting a radical break from UNCLOS (Treves 2009: 399, 404–7). The UNSC resolutions 1816, 1846, and 1851 are all restricted in terms of time and location, being limited to Somalia only. As the presence of the anti-piracy force in Somali territory is authorized by the Somali TFG, state rights regarding control over their sovereign territory as defined in UNCLOS were not affected by the UNSC resolutions, which remains a key concern of Indonesia (Guifoyle 2008: 697; Treves 2009: 405, 407; Roach 2010: 400–1). Even when boarding pirate vessels, the UNSC resolutions require naval and coast guard officials to exercise a minimum use of force in line with UNCLOS (Treves 2009: 413–4). In other words, much of the international response to Somali piracy has emphasized short-term military tactics to suppress maritime violence and crime rather than a long-term strategy that transforms international law or addresses the root causes of the problem.

The long-term solutions that have evolved in response to piracy in the Gulf of Aden have owed much to Japan’s anti-piracy model that it

first developed in Southeast Asia (Christoffersen 2009: 132). For example, the Djibouti Code of Conduct, funded by the Japanese government and signed in January 2009, cites ReCAAP as its inspiration and calls for the creation of Information Sharing Centres in the East Africa region to tackle Somali piracy (Chalk 2010: 101; Roach 2010: 410–5). In addition, the Djibouti Code of Conduct established a Contact Group on Piracy off the Coast of Somalia comprising four working groups whose task is to improve international coordination and capacity building against piracy (Christoffersen 2009: 135–6; Roach 2010: 410–1). The Japanese government has responded to such calls by financing the creation of coast guard authorities in the region and providing training, patrol vessels, and material (Christoffersen 2009: 139). The Djibouti Code of Conduct also develops the ReCAAP model by promoting the concept of ‘ship riders’, local law enforcement officials that accompany foreign naval patrols to collect evidence and make arrests (Guifoyle 2008: 697–8). Finally, Japan has emphasized the need to rebuild the Somali state and society contributing 37.6 million USD to the African Union Mission in Somalia (AMISOM) and 67 million USD to the Somali Transitional Federal Government (TFG) (Maritime Security Division 2009). The Japanese government has therefore championed building the capacities of East African and Middle Eastern coastal authorities.

Despite Japan’s emphasis on financial assistance coupled with the expertise of the JCG to build the capacity of regional maritime authorities around the Gulf of Aden, a number of commentators have viewed Japan’s efforts to tackle Somali piracy as developing the role of the MSDF (van Ginkel et al. 2008; Penn 2009: 6–8; Valencia and Khalid 2009: 4; Green 2010: 487) in line with the arguments of Leheny (2006) and Samuels (2007, 2008). These accounts focus on the passage of Japan’s anti-piracy law which enabled the dispatch of the MSDF to the Gulf of Aden in 2009 to join international naval patrols to combat Somali piracy. Such accounts focus only on the military response to maritime violence and crime in the Gulf of Aden and have missed the continued role of the JCG in combating Somali piracy together with an adherence to the anti-piracy model Japan developed in Southeast Asia. Japan’s anti-piracy law specified that the JCG was primarily responsible for tackling piracy and JCG officers were also dispatched to the Gulf of Aden, as only the JCG personnel could actually board suspect ships and arrest pirates (Christoffersen 2009: 140). Indeed, Japan’s first trial under the anti-piracy law, which began on 16 January 2013, specified that the two Somali defendants had been handed over to the JCG by the US forces in accordance with the anti-piracy law (Ito and Kamiya 2013). The two

Somali defendants were found guilty and sentenced to ten years in prison each (Kamiya 2013). According to Japan's anti-piracy law, the MSDF were only dispatched to the Gulf of Aden because the JCG did not have sufficient vessels and personnel of its own to conduct patrols and escorts at such a distance from the Japanese mainland (Yamada 2009). Understanding how and why Japan's anti-piracy approach has remained constant requires engaging with the discourse surrounding Japan's response to piracy in the Gulf of Aden (Black 2012).

Japan's response to Somali piracy and the ReCAAP model

The Japan Shipping Association first alerted the Japanese government to the rising acts of piracy off the Somali coast in early 2008 and further pressed the Asō Tarō administration to act following the attack on the *Takayama*, a Japanese vessel, in April 2008 (Handa 2009; Yamamoto 2009). Prime Minister Asō convened a symposium in November 2008 to lay out Japan's piracy response which culminated in ODA grants to bolster the capabilities of states in the region, the dispatch of JCG and MSDF officials to the region as well as the passage of Japan's Draft Law on the Penalization of Acts of Piracy and Measures against Acts of Piracy, also known as the Anti-Piracy Measures Bill on 19 June 2009 (Handa 2009; MOFA 2009a, 2009b, 2009c; Ito 2009 – for a more extensive discussion, see Black 2012). In proposing the Anti-Piracy Measures Bill, government representatives attempted to use the issue of Somali piracy to bolster the role of the SDF, with the LDP representative, Eto Akinori, claiming that responding to piracy was the 'duty of all states', that Japan should 'keep in step with the international society by actively contributing through the passage of meaningful legislation', and that compared to the 20 states that had dispatched naval vessels to the Horn of Africa, Japan lagged behind (HoR 2009a: 2–3). Similarly, Nakatani Gen, of the LDP, asserted that

dispatching the military [to respond to Somali piracy] has real meaning... we should aim to be the kind of country that places the proper defence and safety of the seas worldwide at the heart of its national policy and build Japan's rightful place in international society. I think this could be the development of Japan's new power.

(HoR 2009b: 16)

Other LDP figures and the conservative Yomiuri newspaper also called for Japan to fulfil its duties as a member of international society by

dispatching the SDF to combat piracy (Tamura 2009: 36–7; Yamada 2009; Yomiuri Shimbun 2009a, 2009b). Such statements can be understood indicating the reactive nature of Japan's response, coupled with a desire to be recognized as a great power and develop the SDF into the fully-fledged military of a normal power (Naitō 2009; Yamada 2009). The problem with such interpretations is that they conceal how debates in the Japanese Diet shaped the government's response to piracy in line with Japan's anti-militarist norm (Black 2012; Black and Hwang 2012).

Despite strong public support for the Anti-Piracy Measures Bill (Yomiuri Shimbun 2009c), opposition parties in the Diet were eager to capitalize on the failings of the Asō administration and challenged the passage of the Bill to further pressure the government into calling a general election. Opposition parties challenged the Anti-Piracy Measures Bill on three counts (HoR 2009a: 3). First, they questioned whether the legal basis of the proposed dispatch of the SDF violated the constitution. Second, the government was pressed to explain why the JCG could not be sent. Finally, opposition figures emphasized the need for Japan to put forward an alternative response to piracy off the Horn of Africa based on efforts of MOFA and the JCG in Southeast Asia.

In response to these questions, government figures repeatedly emphasized that it was the JCG's responsibility to combat maritime crime and that the SDF were only being dispatched to the Gulf of Aden because of the JCG's lack of logistical capabilities and armament to conduct such a mission (HoR 2009a: 4, 2009b: 58). In addition, Defence Minister, Hamada Yasukazu, stressed that JCG officials would accompany the SDF vessels to the Gulf of Aden and that they would have jurisdiction over the apprehension of suspects and the gathering of evidence (Yamada 2009; HoR 2009b: 36). Iwazaki, the head of the JCG, reiterated the government's position when he stated that, 'I in no way consider, as concerns piracy [in Somalia], that the JCG will entrust everything to the SDF, rather I think we want to respond to the best of our ability' (HoR 2009c: 19). Opposition pressure thereby ensured that Japan's response to piracy off the Horn of Africa combined both the logistical capabilities and armament of the SDF with the legal authority of the JCG.

Members of opposition parties also pushed the Asō administration to build the capacity of maritime law enforcement and rescue agencies in the Gulf of Aden by replicating Japan's efforts to combat piracy in Southeast Asia. Abe Tomoko of the Social Democratic Party (SDP) noted that as the deployment of military forces was a sensitive issue, '[Japan] should increasingly take a non-military approach with the JCG in the leading role from now on' (HoR 2009c: 16). Tajima Kaname of

the Democratic Party of Japan (DPJ) added that the success of ReCAAP had demonstrated that there was ultimately no need for the dispatch of the SDF (HoR 2009c: 18). The government agreed that the JCG had a vital role to play in capacity building (HoR 2009a: 4) and that efforts in this regard, together with ODA, were already underway (HoR 2009a: 10, 2009b: 10, 21, 39, 84).

The content of these Diet debates shaped Japan's unique response to combating piracy in the Gulf of Aden in line with Japan's anti-militarist security identity. Unlike foreign navies that engaged in maritime enforcement operations, the role of the MSDF was limited to convoy and surveillance duties. MSDF ships therefore only shared intelligence on suspected pirate vessels with the EU Naval Force (EUNAVFOR) ships and did not participate in the boarding of vessels and capture of pirates. This contrasted with the Chinese navy's involvement in the Shared Awareness and Deconfliction (SHADE) exercise with North Atlantic Treaty Organization (NATO) forces (BBC 2010). Second, as JCG personnel were also on board the SDF vessels dispatched to the Gulf of Aden in their capacity as law enforcement officers, so the Japanese government perceives piracy as falling within the purview of a civilian police authority and does not require a military response. If necessary, any arrests, boarding, and searching of vessels for evidence or other law enforcement activity would be conducted by these JCG officers. Third, JCG personnel continue to be engaged in building the capacity of local maritime law enforcement organizations based on the JCG's experience in training Southeast Asian maritime authorities. Finally, ReCAAP's Information Sharing Center established in Singapore through an initiative led by the JCG and MOFA has been replicated in the Gulf region to monitor acts of piracy and coordinate responses, again with Japanese financial support and know-how. Hence, Japan's response to piracy in the Gulf of Aden is best captured through the framework of Japan's anti-militarist security identity that emphasizes building the capacities of maritime, civilian law enforcement organizations and presents a non-military model for other states to adapt, rather than indicating a remilitarization of Japan's armed forces.

Indeed, the passage of the Anti-Piracy Measures Bill strengthened the maritime security role of the JCG with the passage of subsequent legislation on inspections of North Korean cargo vessels. Though the Asō administration initially intended to propose a Bill enabling the SDF to inspect suspect ships in Japanese waters, members of the ruling coalition, notably Defence Minister Hamada Yasukazu and head of the New Komeito's Policy Research Council, Yamaguchi Natsuo, supported the

JCG in such a role, highlighting that the JCG would 'reduce the possibility of encounters with North Korean vessels turning violent' (Kyodo News 2009).

Conclusion

No other state can be said to have led the fight against piracy in Southeast Asia with the same vigour as Japan. Experts attribute the levelling off of pirate attacks in Southeast Asia, as detailed at the start of this chapter, to anti-piracy strategies rooted in the series of international conferences proposed, organized, and sponsored by the Japanese government, shipping industry, and NGOs (ICC-CCS 2006). Building international cooperation and conducting bilateral exercises between states in Southeast Asia took over four years since the first 'Regional Conference on Combating Piracy' was held in Tokyo in April 2000. Nevertheless, Japanese initiatives, including the creation of an Information Sharing Centre, technical and financial assistance, as well as the creation of an informal network of maritime experts across the Asian region, began to tackle many of the deficiencies of littoral maritime authorities in addressing the problem of piracy. In particular, the institutionalization of the Information Sharing Centre in Singapore led to the acceptance by Southeast Asian states of a broader legal framework that included acts of armed robbery inside littoral state's domestic territory, thereby countering the deficiencies of the UNCLOS piracy definition outlined in Chapter 3. The JCG has also provided a model for Southeast Asian states to copy, leading to the growth of coast guard authorities throughout Southeast Asia. This has facilitated interstate cooperation, as it is easier for law enforcement bodies, like the JCG, to collaborate with similar organizations and matching objectives as opposed to navies (Terashima 2004). Furthermore, as the response to the *Idaten* piracy case demonstrated, littoral states in Southeast Asia are more motivated to cooperate with extra regional powers to confront piracy than they were before Japan initiated the series of international conferences on piratical violence.

The innovative efforts of successive Japanese governments in tackling Southeast Asian piracy since the late 1990s have begun to be adopted to address maritime security issues across the globe. Whilst many of the short-term responses to piracy in the Gulf of Aden focused on military deployment, the long-term solutions to maritime crime and violence off the coast of Africa have relied upon the anti-piracy model Japan developed in Southeast Asia. The non-military character of

Japan's anti-piracy model is partly rooted in policy makers' perceptions of Japan as an anti-militarist state which has encouraged them to favour the dispatch of the JCG over the MSDF. At the same time, Southeast Asian regional concerns about the deployment of foreign forces in their sovereign waters thwarted proposals such as NIDS OPK, Prime Minister Obuchi's regional coast guard proposals, and Admiral Fargo's RMSI. Japan's innovative power in responding to piracy therefore combines a perception of Japan's self-identity with the normative constraints of regional international society. Perhaps the greatest achievement of Japan's anti-piracy policy has been in the maintenance of its non-military character throughout the 'war on terror'. Whilst US pressure pushed for militarized solutions to maritime crime and violence in Southeast Asia after 2001, Japanese officials continued to work with their Southeast Asian counterparts to achieve tangible results through maritime policing. The impact of the 'war on terror' on approaches to international maritime security as well as Japan's maritime security policy is the subject of the next chapter.

Before turning to the impact of the 'war on terror', however, it is important to note that whilst anti-piracy initiatives have had an impact on the problem, much more effort is required to counter the basic causes of piracy. As Chapter 4 highlighted, poverty and high unemployment are two of the main causes of contemporary piracy and armed robbery against ships worldwide. With this in mind, at the 'Regional Conference on Combating Piracy and Armed Robbery against Ships' held in Tokyo, 27 April 2000, then Senior State Secretary for Foreign Affairs, Esaki Tetsuma, voiced the Japanese government's intention to continue to give financial and technical assistance to enable Asian states to develop in the aftermath of the Asian Financial Crisis of 1997 (MOFA 2000). Yet, whilst Japan continues to grant aid to Southeast Asian states, there is no link made between piracy-prone areas and the provision of this aid (Mizutori 2004). In other words, Japan does not use its financial assistance to Southeast Asian states to target economically impoverished coastal zones where piracy is rife, in spite of the connection between poverty, unemployment, and piratical crime. In addition, Japan could do more to tackle environmental degradation in Southeast Asian seas, and to promote reforms that discourage official complicity and corruption in Southeast Asian states.

7

Counter-Terrorism and Proliferation at Sea

Prior to 9/11, governments tended to be reactive when securing transportation networks, primarily aviation networks, against international terrorism. International transport organizations usually put prevention measures in place after a particular terrorist incident had occurred, such as infra-red devices or metal detectors, installed after the use of the suitcase bomb which exploded on Pan Am flight 103 in December 1988 over Lockerbie, Scotland (Hoffman 1998: 18; Price 2004: 330; Szyliowicz 2004: 356). The events of 11 September 2001 coupled with the strikes on the *USS Cole* and *Limburg*, as detailed in Chapter 4, revealed to American policy makers and analysts the vulnerability of the US military and global transport systems to terrorist attacks, compelling states to evolve a more robust response (Weeks 2003: 17; Szyliowicz 2004: 353). As a result, the United States played an instrumental role in developing international maritime law in order to bolster maritime security and trade both domestically and internationally in the wake of 9/11 (Rothwell and Klein 2010: 22–3; Scott 2010: 80–1, 89–90). Specifically, these efforts to transform international maritime security regulation have looked to strengthen US defences against terrorists carrying out an attack on US soil, either by transporting materials to be used in a terrorist attack by ship or by using a ship itself to perpetrate a terrorist strike. At home, the US government passed the Customs-Trade Partnership Against Terrorism (C-TPAT) in November 2001, the Maritime Transportation Security Act of 2002 (MTSA), US Coast Guard's Maritime Strategy for Homeland Security (MSHS) in December 2002, the Container Security Initiative (CSI) in 2002, the National Strategy for Maritime Security (NSMS) in 2005 (Scott 2010: 81, 85–6). Internationally, the United States has influenced the content of the International Ship and Port Security (ISPS) Code passed by the IMO in November

2001, amendments to the SUA Convention from April 2002, and the Maritime Labour Convention of 2006 which submits seafarers to a more thorough vetting process (Rothwell and Klein 2010: 33; Scott 2010: 82–5). Finally, the United States launched the Proliferation Security Initiative (PSI) in 2003 to combat the proliferation of WMD.

Initiatives originating in Washington have pressured members of international society to join coalitions of willing states in response to maritime threats posed by terrorists (Naikōkinkaikaiun 2003: 29; Beckman 2005: 215). These efforts have challenged the salience of the non-interference principle on high seas or *Mare Liberum* in international law and contrast with Japan's anti-piracy policy in Southeast Asia and the Gulf of Aden. This chapter therefore highlights an alternative aspect of great power norm entrepreneurship, that of the hegemon in international society and tracks Japanese responses to US normative influence. As a key ally of the United States in East Asia, Japan largely shares the concerns of the United States pertaining to threats to maritime shipping and successive Japanese governments have supported US-led efforts to enhance regulations regarding the security of international trade and shipping. Part of the Japanese response to maritime terrorist threats has focused on increasing the remit of the SDF, but enforcing new regulations involves a number of Japanese Ministries and organizations, especially the Ministry of Land, Infrastructure and Transport (MLIT), the JCG, customs, and the police.

Explaining Japan's response to maritime terrorism

Prior to the events of 9/11, Japan was party to a number of initiatives and international agreements established to help secure the safety of the world's international Sea Lines of Communication (SLOCs). These include Council for Security Cooperation in the Asia Pacific (CSCAP) Memoranda 1, 4, and 5, which encourage states to join the 1982 United Nations Convention for the Law of the Sea (UNCLOS), advocate cooperation to secure SLOCs, such as maritime surveillance and search and rescue operations, as well as to fight maritime crime. Although the CSCAP documents had no legal force, they do provide evidence, in addition to UNCLOS and the SUA Convention, that efforts to enhance maritime security were in effect before the terrorist strikes on New York and Washington (Song 2003: 451). Nevertheless, Japan's response to maritime terrorism has received a significant boost by joining the international agreements and initiatives proposed by the United States since 9/11.

Several factors encouraged the Japanese government to adopt firm measures in the fight against terrorism. These factors include the readiness of Prime Minister Koizumi to take resolute action, as witnessed by the Japanese government's response to the December 2001 suspicious ship incident, discussed in Chapter 5, as well as the acceptance of a more robust Japanese military role by Southeast Asian states (Singh 2002). However, prior experience with terrorism in the form of Aum Shinrikyo, the humiliation of Japan's 'chequebook diplomacy' after the 1991 Gulf War (whereby Japan offered to foot the bill of the campaign but failed to dispatch the SDF until after major hostilities had ended), threats to Japan's sea lanes by pirates, and the dangers of weapons' proliferation, particularly related to North Korea, prompted the Koizumi government to develop its global security role (Midford 2003: 329–30, 337–41; Samuels 2007; Hughes 2004: 41–8). Such sentiments were echoed by Ishiba Shigeru, then Japan's Defence Minister, at the 2004 Shangri-La dialogue where he stated: 'In today's world, where terrorist attacks and the act of war are more difficult to be distinguished, we should further contemplate on the possibility of utilizing military power for policing' (Taipei Times 2004). Hence, the diversity of threats posed by both terrorism and North Korea has conspired to change the position of the Japanese government vis-à-vis the SDF's security role.

The response of the Japanese government included the swift passage of the Anti-Terror Special Measures Law (ATSML), which was passed on 29 October 2001 after only three weeks and 32 hours of Diet debate (Hughes 2004: 15), as well as grants of economic aid to both India and Pakistan to help them in the fight against terror, the donation of USD 10 million to the families of the victims of 9/11 and to facilitate the clean-up operation, respectively. The ATSML enabled the dispatch of MSDF ships on a refuelling mission in the Indian Ocean in support of the US-led mission in Afghanistan and subsequently the involvement of SDF troops in a humanitarian mission to Iraq, albeit under tight rules of engagement. The ATSML has therefore had the greatest ramifications for the development of Japan's global security role (Midford 2003: 330–3; Samuels 2007: 95–9; Shinoda 2007).

Whilst these moves are part of a gradual transformation of the international security role of the SDF, Japanese policy makers have remained sensitive to regional concerns about the use of the SDF in tackling maritime security threats and have thereby promoted a maritime policing response under the JCG in line with developments covered in the previous chapters. Hence, the Information Sharing Centre processes and analyses data on acts of politically motivated maritime violence and

crime. The efforts of the JCG to train regional coast guard authorities are also extended to combating attacks perpetrated by separatist groups. In addition, when participating in PSI exercises, Japanese governments have tended to favour dispatching the JCG rather than the MSDF, despite the fact that all other states deploy naval vessels. Finally, Japanese governments have emphasized working with East and South-east Asian states through multilateral fora and have sought to lead regional efforts through non-military means. Samuels (2007, 2008) argues that the current stress on the JCG will gradually give way to a larger role for the MSDF in tackling maritime security threats. To date, the continuing expansion of the JCG's international role suggests a division of labour to address non-traditional maritime security concerns through non-military means, whilst limiting the MSDF to territorial defence and support missions with the US navy in line with Japan's dual maritime strategy. All these acts are calculated to demonstrate Japan's adherence to the norms and laws of international society, particularly in the East and Southeast Asian region. Japanese governments have adhered to their dual maritime strategy in the face of sustained pressure by the United States to transform international maritime regulation that began with the restructuring of US domestic maritime security regulations. These US-led initiatives include the CSI, the C-TPAT, the ISPS Code, the PSI, and support for the revised SUA Convention. An analysis of the extent to which Japanese policy makers have embraced these developments demonstrates an adherence to Japan's dual maritime strategy which emphasizes a core role for the JCG in line with the rules and norms of global and regional international society.

US domestic maritime security initiatives

In the wake of the 9/11 attacks, the Bush administration enacted a series of reforms designed to bolster domestic security against acts of maritime terrorism (Price 2004: 331) and transformed its national security architecture, establishing the Department of Homeland Security, which amalgamated a number of key US Departments and Agencies in order to improve evaluation of and response to terrorist threats (Naikōkinkaikaiun 2003: 26–7; Weeks 2003: 18–19). These reforms forced international shipping to adapt to the changing regulatory environment with the possibility of increased delays at port and surveillance of seafarers. In addition, the new security measures also provided a model of maritime security that the United States would use to promote changes in international laws and norms (Scott 2010: 82–4). This

section details three US programmes which changed the nature of maritime shipping to the United States after 9/11, namely, the MTSA, the CSI, and the C-TPAT.

The MTSA came into effect on 25 November 2002 and enables the US Coast Guard to deny entry of foreign vessels to US ports, should those vessels have originated from a port deemed susceptible to terrorist infiltration. In addition, the bill called for the creation of identification and screening systems to ensure the safety of cargo transported to the United States (Naikōkinkaikaian 2003: 28; Weeks 2003: 18; Carey, C. 2004: 295–7). The cost of implementing the security systems specified by the MTSA has mostly been borne by the maritime industry (Price 2004: 340–1), raising fears that security measures will be compromised by what the industry can afford to pay (Hensel 2004: D1). However, the passage of the MTSA through Congress means that shipping firms are now liable to compensate victims in the event of a terrorist incident involving one of their ships, if it is deemed that their security measures were insufficient or incorrectly implemented. Whilst it might be unreasonable to expect shipping companies to prepare for every possible threat to their ships, making companies liable for damages does create a significant incentive for the private sector to ensure that security plans are put into place (Carey, C. 2004: 307–13).

Prior to MTSA, the CSI was initiated in January 2002 and by 2011 allowed US customs officials and the US Coast Guard to inspect and certify containers at 58 ports worldwide accounting for 80 per cent of all container cargo to the United States (CBP 2011). The CSI comprises four measures designed to improve the security of containerized trade and requires states that trade with the United States to implement these measures to prevent shipments being delayed. First, high-risk containers are identified, second they are examined prior to shipment to the United States, third the CSI emphasizes technical solutions to screening high-risk containers, fourth the containers themselves are designed to prevent interference (Scott 2010: 85–6). High-risk containers are assessed and screened by the inspector on-site in collaboration with the National Targeting Centre, using a variety of technologies, information databases and data from US intelligence agencies, before they are shipped to the United States (Roach 2003: 345). The United States perceived the need to develop the CSI as no international legal measure existed to counter the possibility of terrorists transporting materials by container ships, and inspections of containers after they had arrived in the United States could be too late to prevent a terrorist event at a US port (Roach 2003: 344–5; Romero 2003: 599). Roach (2003: 342) argues that prior to the

initiation of the CSI, security regarding the six million containers entering US ports every year, representing half the value of US imported trade, was almost non-existent.

The CSI agreement is designed to deter terrorists from targeting major international ports by developing security at these ports. It is anticipated that CSI ports will be able to maintain levels of global trade even in the event of a terrorist attack against a port outside the CSI. The bilateral CSI pacts may expedite global trade by removing the need to screen containers on arrival at US ports by instead inspecting cargoes during the two- or three-day period that containers await loading on to cargo ships in foreign ports (Roach 2003: 353–4). Ultimately, the US Customs intends to fit all US-bound containers with identification tags, anti-tampering devices, and GPS equipment to further inhibit the use of containers to transport terrorist materials and resources (Roach 2003: 345–6; Weeks 2003: 18–19; Price 2004: 337; Szyliowicz 2004: 358–9). Such measures promote America's global Maritime Domain Awareness (MDA) or the ability of US Customs and coast guard officials to gather information, conduct surveillance, intercept, and detain suspect vessels (Garrett 2005). US designs to expand CSI agreements indicate that maritime security threats to US economic interests are significant enough to entail further disruptions to international shipping through inspections of containerised trade (Romero 2003: 605; Watson 2004c: 10–11).

The C-TPAT was created in conjunction with the CSI as a means of encouraging companies involved in the shipping trade to strengthen their security measures. The core aim of the C-TPAT is to distinguish between those businesses the US government determines are safe and those that pose a potential threat to US security (Scott 2010: 86). The number of companies involved in C-TPAT increased from seven in 2001 to over 10,000 by 2012 (CBP 2012). Action taken by these companies to improve security is verified by customs, enabling the companies' goods to pass through custom's inspection processes faster, as well as allowing the companies to benefit from lower insurance rates and increased security for their cargoes (Watson 2004b: 17). C-TPAT became US law under the Security and Accountability for Every Safe (SAFE) Port act, passed in 2006 (Peterson and Treat 2008: 12).

Nonetheless, a number of problems with both the C-TPAT and CSI have emerged since they were first inaugurated. The C-TPAT agreement does little to prevent shipping agents outside the United States taking bribes to place terrorist-related materials in US-bound containers (Price 2004: 338) or submitting bogus cargo manifests (Metaparti 2010: 728). The key to encouraging states and companies to be involved in

both the CSI and C-TPAT initiatives lies in the preferential treatment a cargo will receive if the state is a CSI member and the company a C-TPAT participant (Richardson 2004: 81), but not all firms can bare the additional expense. Multinational companies and port authorities have complained that the costs of both the CSI and C-TPAT, in terms of longer processing times for cargoes and higher bureaucratic expenses, are not worth the benefits that companies derive from them (Peterson and Treat 2008: 2, 10; Metaparti 2010: 725, 727). Furthermore, inspection standards and equipment vary depending on the port making the impact of these security initiatives uneven (Peterson and Treat 2008: 16; Metaparti 2010). Metaparti (2010) argues that many of these problems lie in the rapid enactment of the CSI and C-TPAT in response to the rhetoric of the Bush administration, making these initiatives little more than temporary remedies that now require adjustment in line with the realities of global maritime security.

In addition to these initiatives, the United States put in place a series of measures to upgrade security at its ports. These measures include the introduction of security zones, naval vessel protection zones, advance notice of arrival of ships, and the publication of guidelines for port and vessel security. The naval vessel protection zones inhibit a ship from sailing within 100 yards of a US Naval vessel in US waters and ships within 500 yards of a naval vessel must proceed at no-wake speed. This measure came in response to the attack on the *USS Cole* and the threat of a similar strike in the aftermath of the 9/11 terrorist attacks. The advance notice of the arrival of a ship must be submitted 96 hours before the ship actually enters a US port and includes information on the port of embarkation and the destination of the vessel, complete biographical details of the crew members (including date of birth, nationality, and passport number), a description of the cargo, and the vessel's name, registry and ownership details. Based on this information, the US Customs authority can determine whether or not to board the vessel for inspection (Roach 2003: 354–61). In addition, ships carrying hazardous cargo, such as explosives, oxidizing cargo, poisonous material, or radioactive material, must detail the name, amount, and location in stowage on the ship (Roach 2003: 356). The inclusion of the crew's biographical details has raised alarm in certain quarters (amongst seaman's unions, such as Numast, for example) that crews are being unfairly targeted.

Japanese governments have welcomed these changes instituted by the US government. On 26 September 2002, eight months after the initiation of the CSI, the four largest Japanese ports of Yokohama, Tokyo, Nagoya, and Kobe all entered into the agreement receiving US

Customs and Border Protection (CBP) officials to inspect US-bound cargoes. These four ports represent 8 per cent of the total volume of containers coming into the United States. In return, Japanese Customs officials were dispatched to the United States to screen Japan-bound containers (Roach 2003: 346, 349; *Marine Log*, July 2004: 13), making Japan the only country in the world to exercise the reciprocity clause in the CSI (Metaparti 2010: 725). APEC countries, including Japan, have made efforts to secure trade in the region by introducing electronic manifests for containers in line with the CSI (Song 2003: 474–5; Wibisono 2003: 1). Soon after the inauguration of the CSI, Japanese authorities advocated enhanced security measures, such as introducing electronic seals, and container tracking devices, as well as to conduct checks on empty containers in line with the revised SOLAS Treaty. Such measures are intended to prevent the illegal transportation of WMD or tampering with containers on route (Naikōkinkaikaiun 2003: 28). Nevertheless, the Japanese government raised concerns with the US government that Japanese companies still faced delays in importing their goods into the United States, despite belonging to C-TPAT, and that US authorities had not adequately discussed the details of the C-TPAT with its partners (ITA 2005).¹ Japanese officials therefore urged the US government to allow members of C-TPAT from states posing a lower security risk to be fast streamed through inspections (ITA 2005). That said, Japanese official complaints about US red tape may be a case of the pot calling the kettle black. According to Miki (2005), Japanese domestic measures to tackle container security have become arguably more bureaucratized and therefore expensive than US measures. As Miki (2005: 34) argues, the Japanese government needs to work with businesses to ensure that transportation networks are not only secure, but also efficient for trade.

Since 9/11, the key problem for global maritime trade has been how to facilitate the free flow of goods without compromising security. Judging by the complaints concerning the MTSA, CSI, and C-TPAT, states together with the international shipping industry still have some way to go to achieve this balance. In part, the problems with the US domestic maritime security initiatives lie in their swift enactment and therefore lack of coordination with the shipping industry. The United States, as the world's largest economic player, deployed its economic muscle to encourage participation in a series of maritime security schemes that primarily serve only to secure the United States, knowing that countries and businesses cannot afford the potential delays should they not belong to them (Metaparti 2010). In addition, the MTSA, CSI, and C-TPAT place additional costs on the shipping industry and foreign

governments to implement and maintain far-reaching security measures whilst allowing for increased US surveillance of port facilities, seafarers, and trade across the world. Finally, the three measures could constitute a non-tariff barrier in the sense that certain shipments could be targeted and detained at cost to the shipper for reasons of trade protectionism, but justified according to security concerns. Despite these concerns, the US government has promoted efforts based on these three schemes to securitize maritime trade in international society and transform international law. These efforts include the ISPS Code, the revised SUA Convention, and the PSI to tackle the transportation of WMD by sea (Henmi 2005: 152). A variety of actors in international society have questioned how these initiatives interfere with human rights, sovereignty, and the principle of *Mare Liberum*.

US-led international maritime security initiatives

ISPS Code

In the aftermath of the 9/11 attacks, the US government proposed that the IMO dedicate its 212th meeting held in December 2002 to international maritime security. In response, the Intersessional Working Group on Maritime Security (ISWG) and the Maritime Security Council (MSC) determined to revise Chapter XI of the SOLAS treaty by devoting Chapter XI-2 to maritime security, and formulated the ISPS Code, which was put into force on 1 July 2004. The ISPS Code was based on components of the MTSA (Scott 2010: 82–4) together with prior agreements, such as the Measures to Prevent Unlawful Acts Against Passengers and Crew on Board Ships (MSC/Circ.443), which were approved in the aftermath of the *Achille Lauro* incident (Hesse 2003: 328). The Code contains a number of articles and guidelines to strengthen ship and port security, establish domestic and international responsibilities to ensure maritime security, guarantee information exchange between the concerned authorities and to propose ways of appraising security. First, the 24-hour rule necessitates that 24 hours before a container is loaded on to a cargo vessel bound for a foreign state, a manifest of the cargo is sent electronically to the department, bureau, or ministry responsible for screening in-bound cargoes. This information is then analysed and the possibility of a container being used to carry out a terrorist plot is assessed. To do this, current law enforcement information, the level of terrorist threat, and the vessel's history are compared with the electronic manifest received. Second, ships that enter ports which are not compliant with the ISPS Code are labelled 'infected' and thereby subject to inspection and delays when the ship leaves for an ISPS-compliant port (Marine Log 2003: 32–4, 2004: 11–13). Additional

measures include a detailed security plan for both ports and ships, training and exercises to maintain and improve the knowledge and abilities of concerned personnel, to record security information and to have these measures verified by a national authority, which in the case of Japan is the MLIT (Uyama 2004: 67–8; MLIT 2006). The ISPS Code highlights that enhancing maritime security in the post-9/11 world requires the combined response of bureaucracies, police organizations, as well as international and domestic regulations.

The ISPS Code also details three security levels (level three indicating the highest level of threat) and specifies progressive steps to be taken at each level. The security levels are based upon the reliability of security information, conclusive evidence of a specific threat, and the probability of injury in the event of an incident. Shipping companies must designate security personnel to develop and instigate security plans aboard their ships. These plans form the body of an International Ship Security Certificate, which must be carried by all ships and be authorized by a national body. Responsibility for the security of any given vessel must also be clearly defined. The Code also demands that ports and offshore facilities possess detailed security plans and conduct vulnerability assessments concerning possible terrorist attacks. Automatic Identification Systems (AIS) are attached to larger ocean-going vessels so that their movements can be monitored in real time. In addition, the International Labour Organization (ILO) has fingerprinted and issued security cards to over one million mariners worldwide since 9/11 (Weeks 2003: 18). States are entitled under the ISPS Code to deny entry to any vessel that does not satisfy the details of the ISPS Code and may even take forceful measures against ships if a ship is deemed an urgent security threat. As Japan is aware of the disruption that a maritime terrorist incident could cause to international sea lanes, the MLIT organized project teams to promote measures for the adoption of the ISPS Code (Hesse 2003: 331–6; Jesus 2003: 371, 389–90; Song 2003: 461–2; Ninushi to yusō 2004: 15; Uyama 2004: 66–70). By focusing on improving the security of ships and ports, the ISPS Code aims to deter maritime terrorist attacks and prevent shipments of terrorist material by sea. However, Richard Davey, a security consultant to MI5 (the United Kingdom's domestic intelligence agency), believes that the ISPS Code will also identify what the terrorist threats to global shipping are by illuminating areas where security is lax both on board ships and in port (Business Times 2004b).

Yet, when, on 1 July 2004, the ISPS Code came into force, 14 per cent of ships and 31 per cent of ports remained uncertified after the

deadline, leading to fears that international trade would suffer from delays (Meade 2004: 6; ICC-CCS 2004a). This was in spite of the efforts of shipping companies, state authorities, and the IMO. In the first two weeks after the ISPS Code was implemented worldwide, 45 ships were detained and eight were denied entry to US ports (Ninushi to yusō 2004: 15; Business Times 2004c). Nonetheless, by 22 September 2004, 89.5 per cent of ports and 90 per cent of ships had been certified, proving the significance of the ISPS Code for international trade (ICC-CCS 2004a). Complying with the ISPS Code costs governments around the world USD 300 million each in its first year, and USD 700 million per year subsequently (Peterson and Treat 2008: 8). Similar to the CSI and C-TPAT initiatives, the ISPS was also hastily pushed through the IMO leaving a number of concerns, spanning the extent to which security plans are actually enacted, a lack of enforcement and professional security personnel, as well as being ineffective against certain offences such as piracy (Metaparti 2010: 729–31).

Though the ISPS Code does raise security awareness in the maritime industry that may well hinder or prevent some terrorist acts, it alone cannot combat the myriad of possibilities for maritime violence that exist (Bandoro 2004: 6). A report by a UK-based security firm, Aegis Defence Services, argued that a committed hijacking attempt on a tanker or other high-value target would probably succeed in spite of the ISPS Code (Burton and Huband, 2004: 7). Indeed, the shipping industry noted that the ISPS Code had had no impact upon the increasing instances of piracy in ports. Hence, in a number of ports worldwide, security had not been significantly improved. Shipowners were also anxious that incorrect or fake identification was being presented to their crews in order to board and undertake inspections of the ship and that criminal organizations could, potentially, use such identification to enter and rob a berthed vessel. Fears have also been voiced that the ISPS Code unnecessarily targets the ships' crews. Both Peter Raes, managing director of TECTO, a European Ship Management Company, and John Bainbridge of the International Transport Workers Federation (ITF) have argued that a concern for maritime terrorism has led to instances whereby ship's crews have been denied permission to go ashore simply because a crew member has an Islamic sounding name or because the ship is suspected of having stowaways on board. The International Chamber of Commerce (ICC) argues that this unfair treatment marginalizes seafarers whose expertise should instead be harnessed in the fight against terrorism (ICC-CCS 2004b). Furthermore, cases where ships with personnel of certain nationalities were kept

under armed guard at the expense of the vessel, cargoes being destroyed without sufficient reason, as well as unlawful threats by port authorities to detain ships were all recorded by the shipping industry since the implementation of the ISPS Code (Wilson 2004: 16–17).

Despite these concerns, the legal and bureaucratic changes that came with the ISPS Code were readily accepted by the Koizumi administration that was eager to bolster Japan's maritime security. By the end of May 2002, MLIT was already in the process of examining how to fit AIS to Japanese ships, develop ship security plans and train officers, secure ports, ascertain the biographical data of crews in a manner that could not be counterfeited, safeguard containers, and equip ships with alarm devices (MLIT 2002). In April 2004, the government published its Maritime Security Law. The ISPS Code affects 128 ports in Japan, all of which have port security plans and defence measures. Furthermore, all Japanese ships over 500 tons engaging in the international transport of goods or people must possess a Ship Security Plan, a Ship Security Alert System, and an International Ship Security Certificate issued by the Japanese Maritime Association. A Ship Security Officer (SSO) must be on board the ship and a Company Security Officer must be designated as in charge of the security of a company's fleet. Ship Security Officers must undertake a three-day training course at a Japanese University of seamanship, or if the SSO is a foreigner, the officer may take a course in the officer's own country providing a certificate is issued by the Ministry of Transportation of the country's flag the ship flies (Song 2003: 464–6; *Ninushi and Yusō* 2004: 15–16). Ships intending to dock at Japanese ports must inform the JCG, which can carry out on-board searches and detain vessels deemed to be a threat to Japanese security (MLIT 2005).

There were some delays in establishing the ISPS Code in Japan's national law, in spite of the passage of the related bill through the national Diet. As a result, the applications of some Japanese companies for certification were held up. Furthermore, Japanese companies referred their security plans to consulting firms which had little experience of security-related matters. The recommendations of these consulting firms focused on the ship's weak points while at sea, in port or at anchor, as well as advising the introduction of AIS on board (*Ninushi to yusō* 2004: 17). Whilst certification remained high amongst Japanese shippers, an enhanced maritime security awareness had not been established in the Japanese shipping industry (Meade 2004: 7).

In addition, Japanese officials promoted and facilitated the implementation of the ISPS Code among East and Southeast Asian states. MOFA stressed its innovative approach to work with APEC and build

the capacity of Southeast Asian maritime law enforcement authorities to tackle the threat of terrorism at sea. Specifically, MOFA (2004d) gifted security equipment worth USD 6.8 million in grant aid to Indonesian air and sea ports, held the Port Security Seminar on the implementation of the ISPS Code, and hosted the Heads of Asian Coast Guard Agencies Meeting in Tokyo in June 2004. These measures mirrored and overlapped with Japan's approach to tackle piracy as detailed in the previous chapter.

The ISPS Code was designed to be developed over time, even to the point where ships' designs will incorporate security features (Ninushi to yusō 2004: 17). Compared with the US post-9/11 tendency to act unilaterally and without the authorization of international organizations, the rapid implementation of the multilateral ISPS Code indicates the importance of international society in fighting terrorism (Watson 2004a: 17). Nevertheless, whilst the ISPS Code is an important first step, Captain Mukundan, Director of the IMB, stresses the need to further develop the abilities of ships' crews and port authorities to combat maritime crime and terror (ICC-CCS 2004a).

The United States has led the transformation of international maritime laws and norms in order to combat maritime terrorism. Whilst these efforts have gone some way to enhancing the security of vessels at sea, there is only so much that can be done to tackle maritime terrorism. Nevertheless, by establishing an evolving maritime security framework, the US-led initiatives continue to manage and scrutinize international maritime trade to an ever greater degree. The impact of these efforts on the global shipping industry and on the bureaucracies charged with implementing regulations is to slow maritime trade and increase costs that are ultimately borne by the consumer, whilst permitting ever more intrusive interventions in the global transport of goods by sea. Japanese governments have welcomed these changes, but taken a different line to the US-led militarized responses to maritime terrorism and the proliferation of WMD at sea, such as the PSI.

PSI

The Bush administration established the Proliferation Security Initiative (PSI) to counter the perceived threat posed by the illegal traffic of WMD by land, sea, or air. The PSI evolved primarily in response to the failure to seize a cargo of Scud missiles, warheads, and missile fuel from a North Korean ship, the *So San*, bound for Yemen in December 2002. The boarding of the North Korean ship by Spanish marines was deemed legal under international law as the *So San* was not flying a flag and

its nationality could not be immediately ascertained. As Yemen's purchase of North Korean ballistic missiles did not violate international law, the ship was released on condition of a verbal agreement made by the Yemeni President Ali Abdallah Saleh to US Vice President Dick Cheney that no more missiles would be purchased from North Korea (Joseph 2004: 7; Richardson 2004: 106–7; Becker 2005: 152). Despite the legality of the North Korean shipment, President Bush argued that international society needed to counter the proliferation of WMD by intercepting ships on international Sea Lines of Communication and announced the creation of the PSI on 31 May 2003. States that are party to the agreement thereby mobilized their navies to intercept illegal shipments of WMD. The PSI involves frequent meetings, intelligence sharing, as well as conducting regular stop-and-search exercises among members. The Statement of Interdiction Principles underlines the approach of PSI states, which is to board and search ships suspected of carrying WMD. Such searches are permissible if a suspect ship has violated any national or international laws, including customs violations or failure to fly a national flag. For proponents of the PSI, the initiative's most significant success was the detention of a vessel transporting uranium centrifuges to Libya in October 2003 (Joseph 2004: 6–8), which, they argue, was directly responsible for ending Libya's nuclear programme (Becker 2005: 155–6). In fact, Song (2007: 121) notes that the interdiction could have been conducted without the establishment of the PSI agreement and that once the centrifuges were confiscated the vessel was allowed to proceed to its destination. For Etzioni (2009), the PSI represents a new multilateral framework that effectively tackles WMD proliferation. Etzioni's view is that in the absence of international agreements to combat other threats to international peace and security, great powers should take action and replicate the PSI model (2009: 7–8).

The problem with Etzioni's approach is that it fails to engage with the concerns of other members of international society and to consider how such a 'coalition of the willing' may undermine international law. Whilst proactive measures by great powers can transform international law, the perception amongst many members of international society is that the United States disregarded international law by establishing the PSI (Becker 2005: 221–4) particularly in the light of the US failure to ratify UNCLOS (Song 2007: 101–3). Critics charge that at the very least the initiative may transform customary international law (Zou 2009: 341) or undermine UNCLOS if the initiative is not reformed (Valencia 2005: 39–44, 73–4). The legal concerns and limitations of the PSI are threefold. First, a suspect ship on the high seas must have broken an international

or national law in order for a naval ship to inspect it; otherwise the naval vessel would be violating the right of 'innocent passage' for ships. As a result, naval vessels have tended to inspect only ships docked at their own national ports. The legitimacy of interdiction is substantially reduced beyond a state's territorial waters (Becker 2005: 188–204; Song 2007: 116–9). Second, the informal nature of the PSI agreement means that requests made by states within the PSI group to inspect a ship in their waters may still be turned down by the flag state (Becker 2005: 177). Because the PSI requires flag state authorization in order for a boarding to be permitted, PSI members, led by the United States, have signed bilateral agreements with the major flag states to facilitate the authorization process based on existing counter-narcotics arrangements (Becker 2005: 179–82; Song 2007: 106). Third, the definitions permitting interdictions are contentious. The terms 'delivery systems' and 'related materials' could refer to dual use materials that can be legally traded according to UNCLOS (Song 2007: 115). The seizures of the cargo of aluminium pipes from the *Ville de Virgo* and phosphorus pentasulphide from the *Be Gae Bong* are two cases where dual use materials were impounded under the PSI. There are also concerns that the PSI could be used to target vessels smuggling narcotics or conventional weapons (Becker 2005: 159–60). Furthermore, having 'good cause' or to 'reasonably suspect' a ship of transporting WMD to or from a country of 'proliferation concern' depends on the subjective decision of a PSI state (Becker 2005: 161–2). Ultimately, by indicating additional circumstances under which a vessel on the high seas may be boarded, the PSI creates ad hoc regulations that undermine the internationally agreed legal basis in UNCLOS which only permits interdiction 'if the country under whose flag the ship is sailing gives its permission; if the ship is stateless; if it is a pirate vessel; if it is transporting slaves; or if it is being used for unauthorised broadcasting' (Valencia 2005: 43).

In addition to questions about the compatibility of the PSI with international law, there are a number of further concerns about its legitimacy and effectiveness (Becker 2005: 151). The PSI focuses primarily on the threats posed by Iran, Syria, and North Korea, whilst largely ignoring the potential of states like Pakistan to ship WMD, as occurred through A.Q. Khan's trading network. In addition, the absence of China from the PSI group weakens the agreement by failing to grant PSI a wider acceptability amongst international society. Southeast Asian states also questioned the legitimacy of the PSI under international law, particularly in the light of the failed RMSI initiative that threatened US intervention in Southeast Asian sovereign territory (Christoffersen

2008: 132–5). Indeed, ASEAN's insistence that states sign the Treaty of Amity and Cooperation (TAC) to safeguard the sovereignty of its members came in response to President Bush's announcement of the PSI (Christoffersen 2009: 122–4). Finally, it is difficult to assess the success of PSI as officials involved in the agreement remain tight-lipped as to any operations that have been undertaken (Joseph 2004: 8–13; Richardson 2004: 104–5; Yamada 2004; Becker 2005: 156).

The PSI has gradually gained more acceptance in international society as an increasing number of states have endorsed the initiative. By 2013, over half of the members of the UN General Assembly supported the PSI, including Russia, which joined in 2004 (The Economist 2004: 65–6). South Korea had been noticeably absent from the list of democratic states backing the PSI in its early years as the Roh Moo-hyun government opposed the initiative's focus on North Korea. The subsequent administration under opposition leader Lee Myung-bak signed up to the PSI in May 2009 in response to North Korean nuclear and missile tests (UPI 2009), and subsequently became the 21st member of the Operation Expert Group (OEG) of the PSI in November 2010 (MOFAT 2013), thereby enhancing the initiative's legitimacy. Furthermore, the UNSC passed resolution 1540 on 28 April 2004 requiring all states to act against the illegal production, acquisition, and transportation of WMD and related weaponry by terrorist organizations (Becker 2005: 140, 148–9; Song 2007: 114–5). UNSC 1540 was the first of a string of resolutions (UNSC 1695, 1718, 1874, 2087, and 2094) passed since 2004 that have gradually ratcheted up the pressure on North Korean weapons proliferation. On the basis of these resolutions, Panamanian authorities detained and inspected a vessel carrying military equipment from Cuba to North Korea in July 2013 (BBC 2013a, 2013b). Nonetheless, the Chinese government has acted to restrict the scope of the PSI and UNSC resolutions targeting North Korea. Chinese foreign policy officials have expressed concerns that PSI interdictions conflict with international law (Song 2007: 111) and that PSI operations undermined progress in the six-party talks (SPT) concerning North Korea's WMD programme (Richardson 2004: 104–5). The Chinese delegation to the UN, concerned that the PSI was circumventing the authority of the UNSC, also ensured that UNSC 1540 did not permit interdictions at sea so that the resolution did not endorse the PSI (Becker 2005: 166–7, 218). The Chinese government has supported tougher resolutions since 1540 was passed, but as Snyder (2013) notes, it is not clear whether the Chinese authorities will actually act on the basis of these resolutions and interdict North Korean vessels.

From the perspective of the Japanese government, the PSI primarily targets illicit weapons shipments from North Korea (Hughes 2006). In this regard, Japanese policy makers have taken a number of steps in line with its PSI obligations. North Korea allegedly receives 90 per cent of its technologically advanced missile parts from Japan via illegal shipments on a North Korean cargo ship, the *Mangyongbon*. The same ship was employed to transport unlawful quantities of Japanese Yen into North Korea from the port of Niigata. In 2004 alone, an estimated 190 million yen was conveyed to Wonsan in North Korea. Japanese citizens movements, enraged by the abduction issue, as detailed in Chapter 5, pressured the Japanese government to pass two bills regulating Japanese money entering North Korea and preventing specific North Korean ships from docking at Japanese ports. The adoption of the PSI has enabled Japanese authorities to conduct more intrusive inspections and surveillance of North Korean vessels (Richardson 2004: 103; Takano 2005: 118–21). For example, Japanese police arrested five businessmen involved in a deal to ship a massive trailer to North Korea, which could allegedly be employed to carry a ballistic missile launcher and on 10 August 2006, Japanese police arrested Kim Young Gun the former president of a trading company in Tokyo for exporting a freeze dryer to North Korea in 2002 that could have been used in the production of biological weapons (Japan Times 2006). The Japanese government has also endeavoured to further non-proliferation initiatives in Asia. For example, at a meeting held in Tokyo, the United States, China, South Korea, Australia, Singapore, Thailand, Hong Kong, and Japan all agreed to impose more robust controls over the export of WMD-related technology and materials (Richardson 2004: 102–3).

Nevertheless, successive Japanese governments have been concerned that inspections on the high seas could infringe upon the sovereignty of other states and have not been enthusiastic about expanding the mandate of the MSDF to board suspect vessels (Satō 2009). Valencia notes that there is disagreement between MOFA and the JDA as to the scope of the PSI. Whereas MOFA sees the PSI as an adjunct to existing export control agreements, the JDA perceives the PSI to have a much broader role in the security of Japan (Valencia 2005: 61–3). As a result, the JCG has tended to be the main Japanese organization involved in PSI exercises. Japan has hosted three PSI exercises since the initiative was inaugurated involving interdiction of WMD-related materials from suspect vessels or aircraft. MOFA emphasizes the importance of transparency in each of these exercises particularly with a view to promoting understanding amongst Asian states for the goals of the PSI. The first two exercises,

'Team Samurai', held from 25 to 27 October 2004, and 'Pacific Shield', held from 13 to 15 October 2007, demonstrated a clear concern amongst Japanese policy makers for how the exercises would be perceived. First, the JCG played a prominent role in the first exercise in which it pursued, boarded, and inspected a suspect vessel before making arrests (Takano 2005: 118–21; see also MOFA 2004c). The role of the MSDF on the other hand was limited to surveillance (MOFA 2004b). In the second exercise, the SDF performed a more central role, but MOFA still stressed the law enforcement nature of the operation (MOFA 2007). Second, in both exercises, the suspect material in question was sarin (MOFA 2004b), and sodium cyanide, used in nerve agents (MOFA 2007), highlighting a clear connection with Japan's experience with the Aum Shinrikyo terrorist organization. Third, in the case of the first exercise, the suspect vessels flew US and Japanese flags making interdiction on the high seas legal, despite the fact that neither the United States nor Japan is a major flag state. The emphasis on law enforcement and international law together with the connection with Aum served to legitimize the exercises both domestically and abroad. The third exercise was an air interdiction operation and involved the SDF, police, and customs (MOFA 2012). Overall, whilst Japanese officials have supported the PSI, Japanese participation in the PSI has been constrained by the anti-militarist norm and concerns about how the PSI is perceived in international society. These concerns have been somewhat addressed as revisions to the SUA Convention support the fragile legal basis upon which the PSI has rested.

SUA

Boosted by the establishment of the ISPS Code and in response to Chinese opposition to UNSC 1540, the United States encouraged the revision of the SUA Convention to permit more far reaching interdictions at sea (Tiribelli 2006). The SUA Convention was initially established in the aftermath of the *Achille Lauro* incident to create international extradition and prosecution laws in order to facilitate the capture and trial of maritime terrorists, as Chapter 3 noted. The 9/11 attacks on New York and Washington highlighted the fact that certain groups and individuals were willing to give their lives for their cause through the execution of a destructive act. Subsequently, on 19 November 2001, the Legal Committee of the IMO began drafting revisions to the SUA Convention to tackle the threat of International Islamic Terrorism culminating in the revision of the SUA Convention at an IMO meeting in October 2005 (Tiribelli 2006: 146, 148). The primary area for revision has been to enlarge the juridical scope of the treaty

to allow national police authorities to board, search, seize, and detain suspect vessels in any maritime territory in the world. The amended SUA Convention also includes acts that aim to destroy the marine environment, that target crew or passengers exclusively, that use a vessel as a weapon, and that employ WMD (IMO 2003; Jesus 2003: 387–98; Richardson 2004: 100; Zou 2009: 330). Additional crimes have also been added to the original list of offences in the SUA Convention, including the presence of WMD-related materials onboard ships (Tuerk 2008: 356), providing a legal basis upon which to establish the PSI, one of the key maritime initiatives introduced by the United States (Rothwell and Klein 2010: 32–3; Scott 2010: 84–5). US officials had already promoted the passage of UNSC resolutions to outlaw the transfer of WMD by ship, such as Resolution 1540 passed in 2004, but sought to bolster the scope of these resolutions by including interdiction at sea in the Protocol to the SUA Convention in 2005 (Rothwell and Klein 2010: 31).² Not surprisingly, members states of the IMO challenged these efforts to transform international law to support the controversial PSI and urged the International Atomic Energy Agency (IAEA) to become involved in these debates (Scott 2010: 84–5).

Such challenges have limited the extent to which the Protocol has transformed international law. Signatory states to the revised SUA Convention could not agree to a definition of terrorism and therefore terrorist acts, unlike piracy, do not fall under the category of ‘universal jurisdiction’ (Tiribelli 2006: 136, 144; Tuerk 2008: 347). The focus of the treaty is on responding to acts of terrorism after the fact; only Article 13 advises states to take action to prevent terrorist attacks at sea (Tuerk 2008, 349). The treaty also does not tackle state-sponsored terrorism and does not interfere with the right of flag states to refuse interdiction of their vessels on the high seas (Tiribelli 2006: 150, 152; Tuerk 2008: 361–2). In the case of interdictions, boarding parties must use a minimum amount of force in line with international law (Tuerk 2008: 362–3). In addition, Tiribelli asserts that the language of the treaty is limited in that it only encourages states to extradite suspected terrorists rather than requiring them to do so (2006: 149). To date, only 22 states are contracting parties to the SUA Convention representing a mere 30.27 per cent of global tonnage (IMO 2013). In sum, the above limitations mean that there is little that is fundamentally new in the revised SUA Convention. Ultimately, the key legal transformation would be to define terrorists as ‘*hostis humane generis*’ (enemies of mankind), as pirates are, and to thereby require all states to interdict suspect vessels on the high seas. Though the events of 9/11 encouraged international legal

efforts to tackle maritime terrorism, there remains substantial resistance to such an overhaul of international law. As a result, US-led 'coalitions of the willing' such as the PSI have provided an alternative though limited means of combating maritime terrorism.

The concerns voiced by states in response to the 2005 Protocol to the SUA Convention have inhibited its acceptance and implementation. On 14 October 2005, the MOFA announced that Japan would adopt the Protocol on the SUA amendments, specifically noting the Treaty's potential impact on curbing WMD proliferation and acts of maritime terrorism (MOFA 2005b), but as of 2013 Japan had not done so (IMO 2013). In addition all ASEAN states, except Indonesia, Malaysia, and Thailand, have ratified the original 1988 SUA Convention, but none have ratified the 2005 Protocol to the SUA Convention (Song 2003: 467–8; IMO 2013). This raises the question as to whether the revised Protocol will have any impact on tackling maritime terrorism in the East and Southeast Asian regions.

US regional efforts and the Regional Maritime Security Initiative (RMSI)

In addition to encouraging states to transform international regulations regarding maritime terrorism and to join coalitions of the willing, such as the PSI, to combat maritime terrorism, the United States has also concentrated on tackling maritime terrorism in Southeast Asia. These efforts contrast significantly with those put forward by Japan. The Bush administration dubbed Southeast Asia as the 'second front in the war on terror' in early 2002 and sought to both cajole and support Southeast Asian governments in their anti-terrorist responses (Acharya and Acharya 2007). The United States signed agreements with ASEAN powers designed to combat regional terrorism and even dispatched special forces to the Philippines as advisers to help indigenous forces fight the MILF and ASG in the south of the country. Furthermore, the United States has maintained its forward-deployed military presence in the Southeast Asian region through its alliances with Japan, South Korea, Thailand, the Philippines, and Australia, with a view to uphold regional stability and the safety of Southeast Asian SLOCs (Montesano and Hwee 2004: 321–8). US officials also pushed multilateral regional bodies to address terrorist threats. The Bush administration endeavoured to refocus the APEC agenda to address threats to trade (Ravenhill 2007) and worked with ARF to develop its security role (Tow 2006: 91). At the Mexico Summit in 2002, APEC members passed the

Secure Trade in the APEC Region (STAR) initiative committing them to apply the ISPS Code and bolster container security (Song 2003: 453–4; Wibisono 2003: 1; Foster 2010: 140). The United States has also supported ARF initiatives to address maritime security issues. In June 2003, the ARF issued a Statement on Cooperation Against Piracy and other Threats to Security in June 2003, a Statement on Strengthening Transport Security against International Terrorism in July 2004, and held its first-ever operational exercise in 2007 (Foster 2010: 142–3). In 2007, ASEAN signed the Convention on Counter-Terrorism, the most far-reaching anti-terrorism agreement comprising information sharing, combined databases, extradition, and prosecution ordinances (Acharya and Acharya 2007).

The United States had sought to encourage regional cooperation and active participation on the part of littoral Southeast Asian states to protect their domestic and adjacent international waters against the threats of piracy and terrorism since labelling the Southeast Asian region as the second front in the ‘war on terror’. Bush administration officials conflated the rising figures of piracy in Southeast Asia with acts of terrorism to pressure Southeast Asian states to secure the Malacca Straits (Business Times 2004d). The US government raised concerns that the domestic maritime territories of Malaysia and Indonesia were under policed and dispatched US naval vessels to the Malacca Straits to participate in joint patrols with the Indian navy in mid-April 2002 to deter terrorists and pirates (Weeks 2003: 17). Nevertheless, the United States found it difficult to develop a permanent naval presence in the domestic waters of Southeast Asian states. It was in this context that Admiral Thomas Fargo, commander of the US Pacific Command (PACOM), in the annual PACOM Posture testimony to House Armed Services on 31 March 2004 proposed the Regional Maritime Security Initiative (RMSI) whereby US marines on high-speed vessels could be employed to secure the Malacca Straits (Nihon Keizai Shimbun 2004: 13; Mak 2006: 86; Murphy 2007: 28). Essentially, this controversial proposal amounted to operationalizing the PSI in Southeast Asia (Christoffersen 2008: 129; Zou 2008: 163). Though welcomed by Singapore, Admiral Fargo’s statement was quickly retracted following strong rebuttals from Malaysia and Indonesia which both claimed that the RMSI would infringe sovereignty rights and that the presence of marines in the Malacca Straits would draw more terrorists to the region (Kaijizangyōkenkyūjyochōsageppō 2004: 57; Business Times 2004a; Christoffersen 2008; He 2009: 676–7). Despite an acceptance of the role the US navy plays in securing international SLOCs, Beijing also rejected the RMSI as an attempt to contain China and

therefore sought to develop China's maritime security cooperation with Southeast Asian states (Christoffersen 2008: 135–42; Zou 2008: 164).

Percival Bronson, a Professor at the US Naval War College, argued that Admiral Fargo's comments were taken out of context. However, his reference to an International Institute for Strategic Studies (IISS) document that asserted that the 'RMSI was still embryonic and that it was *mainly concerned* with sharing information rather than the deployment of US forces in the region' [my italics] (in Bronson 2005: 21) is hardly convincing in that it does not rule out the deployment of US forces. Admiral Fargo erred by only consulting the Singaporean government, which was enthusiastic about the proposal because of the threat posed by extremist groups such as Jemaah Islamiyah, and assumed that Malaysia and Indonesia would follow suit (Christoffersen 2008: 129, 132–5). Fargo's failure to anticipate the response of Malaysia and Indonesia to the RMSI is equally striking considering that representatives of both states have frequently voiced their concerns about foreign powers infringing on their sovereign maritime territory.

Malaysia and Indonesia countered Admiral Fargo's proposal by developing joint patrols in tandem with Singapore, as detailed in the previous chapter, despite the rift that developed as a result of Singapore's support for the RMSI (Hendropriyono 2004: 2). The Malaysian government also rejected subsequent US proposals that Southeast Asian states participate in the MDA initiative to enhance surveillance in the Malacca Straits as constituting US naval interference in their sovereign territory (Christoffersen 2008: 138). At the June 2005, Shangri-La Dialogue Najib Razak, the Malaysian Defence Minister, stressed that in place of US interference in the sovereign affairs of Southeast Asian states, what was needed were capacity building measures (Christoffersen 2008: 138–9) and agreed to sharing information regarding the security of the Malacca Straits in this vein.

The US Secretary for Defence Donald Rumsfeld determined to limit US involvement in securing the Malacca Straits, so as not to antagonize Malaysia and Indonesia, stating that the United States would not forget that the ultimate responsibility for the safety of the Malacca Straits would lie with the three littoral states (Kaijizangyōkenkyūjyochōsageppō 2004: 57). Franklin Lavin, US Ambassador to Singapore, echoed Rumsfeld's comments at a conference sponsored by the Singapore Shipping Association by welcoming the trilateral patrols, stressing the non-involvement of US forces, but adding that more needed to be done to secure the Malacca Straits against piracy and terrorism (Rao 2004c: 9). By early 2005, the United States had ditched the RMSI initiative (Christoffersen 2008: 140). The continued

rejection of US interference in the wake of Fargo's proposal demonstrates the salience of sovereignty in Southeast Asia and the extent to which the RMSI damaged US interests and relations in the region.

The Bush administration's focus on security issues in the East and Southeast Asian regions has come at a cost. Even whilst pushing APEC and ARF members to do more to combat terrorism, the United States did not pay these organizations sustained attention to the detriment of US relations with East and Southeast Asian states (Wesley 2006; Pempel 2008: 571–2). US efforts to support Southeast Asian states were also limited to technical support, as well as the funding and training of anti-terrorist units, which were frequently employed by Southeast Asian governments to conduct crackdowns against opposition groups and separatist groups (McDonald 2007). These crackdowns undermined democracy, violated human rights, and arguably did more to enhance politically motivated violence and links between terrorist organizations (Leheny 2005; McDonald 2007).

US efforts to combat maritime terrorism in Southeast Asia, including the RMSI, also confirmed the success of Japan's strategy to build a regional framework to tackle crime and violence at sea. At the Kuala Lumpur Meeting on the Straits of Malacca and Singapore held two weeks after the inauguration of ReCAAP in 2004, Suda Akio, the Japanese Ambassador in Charge of International Counter-Terrorism Cooperation, set out the key aspects of Japan's contribution to both counter-terrorism and anti-piracy operations in the Southeast Asian region. Essentially, Suda noted that Japan's technical and financial contributions to combating piracy through supporting the maritime security authorities of the region also covered acts of maritime terrorism, thereby underlining the Japanese government's emphasis on policing measures to tackle maritime crime (MOFA 2006c).

Conclusion

In the wake of 9/11, the United States instigated a number of maritime security initiatives designed to tackle maritime terrorism. Beckman (2005: 215) argues that the US response has been 'two-pronged', firstly encouraging the IMO to fortify international maritime law (the ISPS Code and SUA Convention, for example), despite the fact that the United States has yet to ratify UNCLOS, and secondly by fostering 'coalitions of the willing' that target WMD proliferation (the *raison d'être* of the PSI) or the use of vessels to carry out a terrorist attack (the rationale behind the CSI and C-TPAT). In addition, US officials have also sought to evolve military responses to the threat of maritime terrorism,

such as the RMSI. These initiatives have sought to transform international approaches to maritime security and brought core international legal concepts, such as *Mare Liberum*, into question. The US government thereby pushed states in international society to abide by these changes and contribute to US efforts in the 'war on terror'.

There is little that is fundamentally new in this approach, however. Great powers throughout history have securitized threats perpetrated by actors they deem as outlaws in order to strengthen their command of international capital and trade. What is different is the capacity of members of international society to counter US-led moves to transform international maritime security regulations, norms, and laws. In the case of the PSI, a lack of concrete definitions has led to double standards in determining which states are WMD 'proliferators', and a lack of transparency has led to fears that UNCLOS may be undermined when vessels are interdicted under the PSI (Valencia 2005: 39–45, 73–4). States have therefore opposed US-led actions, such as UNSC 1540 or the revised SUA Convention, designed to bolster the legal basis behind a tougher interdiction regime. Outlaws are therefore a contested space over which actors vie to determine the nature of international society itself.

As maritime terror poses the greatest economic threat to Japan in terms of the damage a successful attack on international SLOCs could have on Japan's trade, not to mention concerns that Japanese ports themselves might be attacked, the Japanese government has welcomed US proposals to uphold maritime order. Through the PSI, CSI, and C-TPAT agreements, Japan has sought to pre-empt threats stemming from the transportation of terrorist weapons and equipment, with specific focus on the traffic of WMD. The Japanese government's adoption of the ISPS Code has sought to improve the security of Japanese vessels and ports against potential terrorist attacks. At the same time, Japanese foreign policy officials have been more wary of US-led militarized responses. As Japan's response to maritime piracy in Southeast Asia showed, there are alternative means to tackle violence and crime at sea which are more broadly accepted amongst members of international society. Japanese officials therefore sought to address the threat of maritime terrorism within the same framework. In line with the critique in Chapter 4, however, none of these responses have adequately addressed the root causes of politically motivated maritime violence and crime.

8

Conclusion

In the International Relations literature, Japan is often viewed as a passive actor which does not sufficiently contribute to the maintenance of international order because of its anti-militarist Constitution and the legacy of its past imperialist aggression. Since the end of the Cold War, numerous scholars have detailed how Japanese governments have sought to change the orientation of Japan's foreign security policy and become a 'normal' state in international society that makes full use of its material capabilities by strengthening and expanding the mission of the SDF (Green 2001; Hughes 2004; Samuels 2007). Whilst Japanese foreign policy makers have frequently labelled other actors outlaws, such as North Korea, in order to justify changes to Japan's security policy, Japan's response to maritime outlaws has been guided by a dual strategy that provides a distinct role for both the SDF and the JCG. Whereas the SDF focuses on the defence of Japan's sovereign territory and acts in support roles on international security missions, the JCG is tasked with policing Japan's sovereign waters and responding to maritime violence and crime globally. This dual strategy is rooted in Japanese foreign policy makers' conceptualization of their state's anti-militarist identity vis-à-vis global and regional international societies. Rather than perceiving Japan's anti-militarist norm as a constraint on the country's foreign security policy, in the case of maritime security, it has influenced the formulation of an innovative response to maritime threats posed by outlaws.

Exploring Japan's dual maritime security strategy exposes how states define outlaw threats and contribute to upholding order in international society. The English School identifies outlaws as international society's other; omnipresent threats to which international society must adjust and reform itself. Outlaws therefore provide opportunities for norm

entrepreneurship in international society. With their superior material and social capabilities, great powers, in particular, seek to evolve new norms and regulatory frameworks to combat outlaws and maintain order in international society. Because of the focus on order, however, responses to outlaws tend to be state-centric and concentrate on tackling the symptoms of maritime violence and crime. Only by critically reviewing the concept of outlaws in the context of an ever-evolving international society might it be possible to go beyond state-centric approaches to address the underlying causes of maritime security threats. Doing so means rethinking how and for whom international society works.

Outlaws remain an essentially contested concept and there is often little consensus amongst members of international society about who the outlaws are. Even when international society ratifies an international law condemning a certain type of behaviour as being outlawed, such as piracy, actors still dispute how the law is enforced. In part, this is because states manipulate the definitions of and regulations regarding outlaws for their own ends, but norms and regulations regarding outlaw behaviour are also embedded in a historical process of evolution that influences how actors in international society perceive outlaws today. Policies that build consensus and work with the agreed normative framework of an international society are more likely to endure without being challenged than policies coercively imposed by a great power. For example, during the 'war on terror', Japan's response to maritime violence and crime took into account the centrality of sovereignty and non-interference in Southeast Asia, whereas the US response centred on military deployment, 'coalitions of the willing', and pressure to transform international maritime law. Whereas Japan's efforts have been broadly welcomed in Southeast Asia, US efforts remain contested.

This conclusion revisits the theoretical framework set out in the opening chapters of this book before examining Japan's response to maritime security threats. In so doing, Japan's efforts are contrasted with those of the United States to explore the dynamics of norm entrepreneurship in international society. The conclusion ends by stressing the need to address the underlying causes of outlaw behaviour.

Outlaws and international society

Bull and Watson's (1984) definition of international society maintains that states perceive their interests to be sufficiently in common to establish primary institutions that guarantee them both rights and regulate international transactions and behaviour. International society is

understood to be inclusive in that any state willing to abide by the primary institutions of international society and maintain order can join. According to Bull's (2002) pluralist perspective, those actors who do undermine order by engaging in conflict, not upholding agreements, or threatening public goods are therefore outlaws who require a response from international society. A pluralist international society is not concerned with the well-being of humans within individual states and the regulations regarding the conduct of global politics are limited to interactions between sovereign states.

Non-state actors may nevertheless undermine order in a pluralist international society in order to secure a certain advantage. In so doing, the actor exposes tensions between the primary institutions of international society, prompting states, particularly great powers, to act as norm entrepreneurs and transform international society. For example, pirates took advantage of the dearth of cooperation between Greek City states to plunder commercial shipping in the Mediterranean, which thereby encouraged the Greek City states to develop diplomatic relations through the establishment of ambassadorial positions in order to better coordinate the protection of the market. Similarly in the case of both piracy and the interdiction of vessels to counter the proliferation of WMD, states have sought to reconcile the defence of the market with the sanctity of sovereignty by negotiating the extent to which the law proscribing freedom of transit requires revision. For the English School, the efforts of states in countering outlaws result in a progressively regulated international society.

In the post-Cold War era, the dominance of Western states, particularly the United States, has led to the evolution of a solidarist international society in which the primary and secondary institutions have developed to define outlaw behaviour not only in terms of order, but also in terms of the rights and welfare of human beings (Buzan 2004a; Hurrell 2008). Actors in a solidarist international society function as norm entrepreneurs by deploying both material and social power to persuade their peers that a specific actor or type of behaviour should be outlawed in international society. At its essence, international society centres around the delineation of norms, what is and is not acceptable in international affairs; an issue that fundamentally concerns the construction of outlaws. Throughout the process of determining outlaw behaviour, members of international society can be persuaded by a mixture of strategies framed in terms of coercion, calculation, or belief (Buzan 2004a: 130–2, 159). Though they are not the only actors in international society that exercise normative power, great powers possess a

preponderance of material and social power that enables them to act as the dominant norm entrepreneurs which determine the rules and norms of international society (Buzan 2004b: 69–71). According to the English School, the delineation of outlaws and outlaw behaviour in international society therefore reflects the interests of the dominant powers.

The extent to which great powers are able to successfully combat maritime security threats in international society depends upon their ability to win the consensus of member states. The rise in piracy coupled with concerns about maritime terrorism in the wake of the 9/11 attacks has led to a transformation of maritime security governance, as members of international society have sought to safeguard maritime traffic, and the context of the 'war on terror' has created an environment encouraging innovation and robust measures in response to maritime security issues, such as WMD proliferation, terrorism, and piracy. The transformation of maritime governance has been led by great powers, including the United States and Japan, but has resulted in two types of response. On the one hand, consensus has been reached either at the global level, such as with the ISPS Code and revisions to the SUA Convention, or at the regional level, including ReCAAP, on how to address the threats posed by maritime outlaws. On the other hand, where such consensus has not been forthcoming, the United States has led 'coalitions of the willing', including PSI, CSI, and C-TPAT (Beckman 2005: 215), to address threats posed by what the coalition determines to be outlawed activity. Alternatively, states may act independently against an outlaw threat, as in Japan's response to North Korean suspicious ship incursions in 1999 and 2001. In cases where consensus is reached or when states abide by international law, international society can be said to have strengthened the regulations governing the conduct of international affairs through belief. This is not necessarily the case with 'coalitions of the willing', however. Though such coalitions may target a specific threat to the security of states, such as combating the proliferation of WMD, they lack legitimacy and potentially undermine the institutional basis upon which international society rests. International society is further undermined when states violate international law in their response to outlaws, such as in Japan's response to the 2001 suspicious ship incursion. Hence, states have worked both wholly within international law, as well as through the primary institution of great power management, adopting calculation and even coercive means to achieve its objectives. Without the consensus of international society, however, the extent to which great powers are able to manage international order is limited.

The regional context is also central to understanding how states evolve innovative approaches to tackling maritime security threats. Regional international societies evolve distinct norms in relation to how actors understand their state's identity vis-à-vis their neighbours as well as the global international society over time. Hence it is crucial to investigate how an international society has evolved in terms of both the historical context and the processes of mode/depth socialization by which international society has been shaped. Consensus among members of international society is more likely to result in a lasting resolution determining a specific outlaw category if it is achieved through belief, rather than coercion or calculation. When great powers undertake coercive action, they leave a legacy that shapes the development of a regional international society. For example, Western Imperial rule and interventions in Southeast Asia led to the evolution of a regional international society where consensus building and sovereign independence are stressed (Acharya 2001, 2004) and states socialize each other to behave through processes such as complex engagement (Ba 2006), and relationality (Qin and Wei 2008; Qin 2009, 2010). The English School needs to go further in exploring how the evolution of international society through imperialism, colonialism, and the Cold War determined laws and norms that were unequal and which continue to influence how states interact in international society today (Callahan 2004; Chen 2010).

By examining the work of English School adherents, it is possible to delineate three types of outlaw, namely, criminals, rebels, and revolutionaries. Members of international society are seen to be in agreement with the delineation of certain actors as criminals by virtue of having at least signed, if not ratified, international laws regulating their conduct. Hence, if an actor perpetrates an act of violence or depredation on the high seas, that actor is a pirate according to UNCLOS who should be arrested and tried as a criminal. Rebels are politically motivated actors who seek the recognition of international society for their claims to establish themselves as an independent or semi-independent state. In pursuing their goals, rebels may engage in activities that contravene international law, such as the alleged kidnapping of seafarers by GAM. Finally, revolutionaries intend the overthrow of international society itself, either in its entirety or across a region, and act outside of international law in order to achieve their goals. Within the English School canon, members of international society thereby define and consequently shape their response to outlaws according to the outlaw actor's relationship and intentions towards international society. If an

outlaw is categorized as a criminal, international society can already refer to and act in accordance with the international laws it has established. Rebels, such as separatist groups, require both pressure, such as maritime patrols, to address outlaw activity together with diplomacy to resolve the dispute between the separatists and the state they wish to secede from. Once an outlaw has been framed as a revolutionary actor intent on the overthrow of international society, then coercion is the only remaining option for international society according to English School theorists. For Bull (2002), the ultimate goal of international society is to reach consensus amongst its members and define outlaw behaviour as criminal rather than rebel or revolutionary behaviour, as member states contest these categorizations. In fact, as the debates around the definition of piracy highlight, actors, such as the IMB and littoral states including Indonesia and Malaysia, continue to contest the remit of international law, particularly as concerns acts of maritime violence and crime within sovereign waters. Even in the case of piracy, legal definitions remain constantly subject to revision.

The concept of outlaws is essentially contested and opens up opportunities for states to frame specific actors and activities in order to achieve their interests. The Arroyo administration, for example, used the context of the 'war on terror' to garner US military and financial support against the ASG in the Southern Philippines, despite the fact that the ASG's ties to Al Qaeda were limited and that it had stated its political objective of an independent Moro state. The government's crackdown on the ASG substantially weakened the group, but did so only to shift the ASG from a politically motivated organization to a criminal one. It did not successfully address the underlying causes of the ASG's actions. At the same time, Arroyo both emphasized and then deemphasized MILF's links to the ASG in order to pressure the MILF into negotiating a permanent ceasefire. Similarly, the Megawati administration in Indonesia employed the discourse of the 'war on terror' to suppress GAM, the separatist organization in Aceh, often through means that allegedly contravened international human rights law (Aspinall and Chauvel 2007: 94–7). Ultimately, comprehending outlaw behaviour in international society according to the categories of criminal, rebel, and revolutionary needs to be qualified with an understanding of how these labels are contested and manipulated to securitize actors to reach specific state interests.

International society may eradicate a certain type of outlaw, such as piracy, but the outlaw category itself remains as the quintessential 'other' without which international society cannot exist. Members of

international society constantly identify new threats to international and domestic order that require new rules and responses. States act in accordance with the normative and regulatory boundaries of international society so that they will be perceived by their peers as acting legitimately, but also seek to advance these regulations and norms to counter these threats. Here, norm entrepreneurship is influenced by the ways in which foreign policy actors comprehend their state's identity; broadly speaking how they interpret the history of their state in the context of international society. Hence, Japan's response to maritime security threats posed by outlaws has emphasized the role of the JCG in line with its anti-militarist norm.

Japan's response to maritime security threats

Existing paradigms in International Relations tend to characterize the Japanese government as either reacting to US pressure (Calder 1998, 2003; Inoguchi and Jain 2000) or adapting and contributing to the current norms of international society (Berger 2007; Suzuki 2008). Both of these arguments have been used to emphasize the need for Japan to contribute more to the maintenance of international order to become a 'normal state' (Green 2001; Hughes 2004; Samuels 2007) or a legitimate great power (Suzuki 2008). Such arguments focus on the developing role of the SDF since the end of the Cold War. For example, in response to the 9/11 attacks, the Koizumi government reformed the conditions under which the SDF were deployed, enabling them to play a rear-support role to US and coalition forces in the 'war on terror'. This included the rapid passage of the Anti-Terrorism Special Measures Bill combined with the dispatch of the MSDF to support coalition forces fighting in Afghanistan and the Ground Self-Defence Forces (GSDF) to aid in the reconstruction of Iraq. Leheny (2006) and Samuels (2007, 2008) have argued that the dispatch of the JCG on anti-piracy missions, combating suspicious ships, or involvement in counter-terrorism exercises, such as the PSI, is merely a means to test public opinion in an attempt to gain the approval of the Japanese electorate for an expansion of the SDF. In doing so, they emphasize a shift in Japan's foreign policy towards Japan becoming a 'normal' state that makes full use of its material capabilities to maintain order in international society. The problem with Leheny and Samuels' position is that it fails to consider how Japan's dual maritime strategy has evolved and why the JCG continues to play such a central role in Japan's foreign maritime security policy in place of the MSDF.

Towards the end of the 1990s, the Obuchi government began to address the emerging threat of piracy in Southeast Asia and sought to counter North Korean suspicious ships operating in Japanese waters. In both cases, Prime Minister Obuchi responded to domestic and regional concerns about the dispatch of the SDF by discarding his UNOPKO plan and reviewing the March 1999 suspicious ship case. Consequently, Japanese officials evolved a dual maritime strategy to address traditional and non-traditional security threats. Traditional maritime security threats continue to be addressed by the US-Japan alliance and the defence of the Japanese state remains in the hands of the SDF. In the non-traditional security sphere, Japanese governments promoted the JCG precisely because as a law enforcement and rescue organization the JCG circumvents Southeast Asian and domestic opposition to the deployment of naval forces and concerns about remilitarization. Japanese governments have encouraged the JCG to play a distinctive role in line with its dual strategy, namely, to improve the capabilities of maritime authorities throughout the world so that they can deal with the threat of crime and violence at sea by themselves (Yamada 2004). As a result, the JCG conducted anti-piracy exercises in Southeast Asia and became involved in a series of region-wide forums to develop a response to piracy. Following the ransom case of three crew members of the *Idaten* in March 2005, Japan's commitment to evolving this response to piracy throughout the Southeast Asian region strengthened, most notably with the establishment of ReCAAP and ODA grants. Despite other states dispatching their naval forces to participate in PSI exercises, the Japanese government deployed the JCG and continued to grant it a central anti-proliferation role. Furthermore, whilst coordination between the MSDF and JCG has developed since the 1999 North Korean suspicious ship case, this does not denote a merging of these organizations' capabilities and missions as Samuels (2008) claims. Rather coordination between the MSDF and JCG clearly delineates their spheres of operation to ensure that the correct organization responds to a specific maritime security threat appropriately. Successive Japanese governments have acted as norm entrepreneurs in the domain of maritime security, demonstrating that each member of international society, because of their perceived self-identity, can contribute to the development of international society.

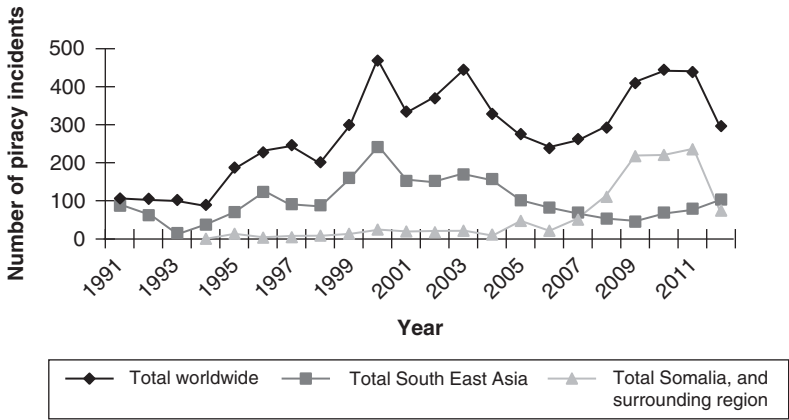
Japan's dual maritime strategy contrasts with the US approach. US-led maritime security initiatives in Southeast Asia were limited

because of regional concerns about intervention in their sovereign affairs with the RMSI coupled with unease over the legitimacy of the PSI. China, Malaysia, and Indonesia, in particular, perceived the unilateral US response exemplified by 'coalitions of the willing' and a lack of consultation as a coercive attempt to dominate the Malacca Straits. By contrast, Japan's inclusive and multilateral approach to piracy has enabled far-reaching cooperation and capacity building that has addressed not only Japanese concerns about maritime security, but also tackled security issues, such as illegal fishing and migration, which Indonesia and Malaysia have tended to focus on (Huang 2008: 91; He 2009: 671). Japan's approach has been more successful because policy makers took into account the normative framework that defines South-east Asian international society. Japanese actors constantly reassessed their actions through interaction with Southeast Asian states and were sensitive to the reactions of international society to their efforts. In this way, the Japanese government was able to steer the regional response to maritime security threats and created a maritime security strategy that could serve as a model to tackle threats around the world, such as the surge in piracy off the coast of Somalia from early 2007. All Japan's efforts therefore complemented regional norms of consensus, the sanctity of sovereignty, and fostering regional solutions. Without abiding by regional norms and winning the consensus of international society, great power attempts to address outlaw security threats may be limited and may undermine international cooperation in the long run.

Despite the contribution of Japan's maritime security strategy in tackling threats posed by outlaws at sea, the underlying causes of outlaw behaviour have not been adequately addressed. In part, this is because of the state-centric nature of international society's response to outlaws that concentrates on defending state and market interests. Foreign policy actors use the signifier 'outlaw' to portray irrational others with whom no negotiation is possible and conflate different threats, such as piracy and maritime terrorism, or exaggerate them in order to justify their actions or bolster support for a particular policy. Such efforts tend to lead to military responses that only tackle the symptoms of maritime violence and crime. At the same time, these state-centric approaches can lead to stringent measures that curtail the rights of citizens on both land and sea, such as cases whereby mariners of certain nationalities are singled out as potential terror threats. Alternatively, they can affect the free passage of trade by increasing checks on cargoes that

delay shipments, for example. Ultimately it is necessary to develop a human-centred approach that considers the myriad of factors, including socio-economic, historical, political, and environmental conditions that motivate human beings to commit acts of violence and crime at sea. Only by addressing these concerns can international society reconcile itself with those it would categorize as outlaws beyond the pale.

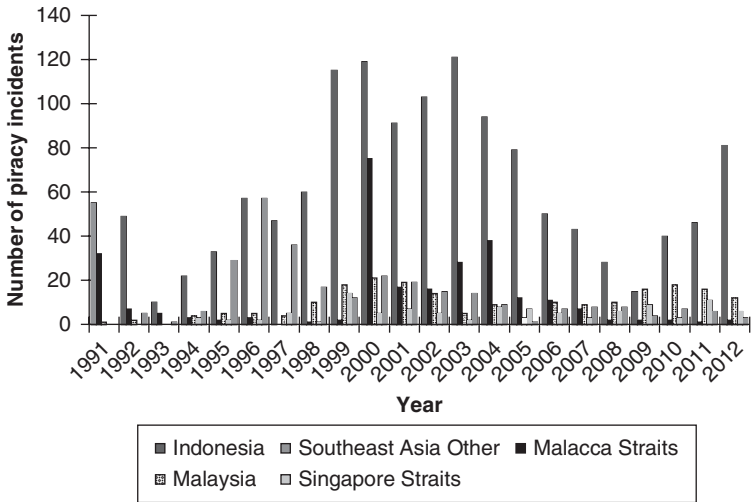
Appendices



Appendix 1 Total numbers of piracy incidents worldwide 1991–2012

Note: Region surrounding Somalia for which acts of piracy are attributed to Somali pirates comprises the Gulf of Aden, the Red Sea, the Arabian Sea, the Indian Ocean, and Oman.

Source: International Maritime Bureau Piracy Report 2002, 2006, 2010, 2012.



Appendix 2 Locations of actual and attempted piratical attacks in the Southeast Asian Region, January–December 1991–2012

Note: ‘Southeast Asia Other’ combines piracy figures for Cambodia, Myanmar, the Philippines, and Thailand. The number of cases in these states was under 10 per year except: the Philippines: 1995 (24 cases); 1996 (39); 1997 (16); 1998 (15); 2003 (12) Thailand: 1996 (16); 1997 (17).

Source: International Maritime Bureau Piracy Report 2005, 2010, 2012.

Notes

1 Introduction

1. Where relevant the dispatch of the JCG to disputed territories will be referred to, though for the most part this issue lies outside this book's focus on Japan's response to outlaws in international society.
2. Though Midford categorizes his argument as defensive realist, his conclusion that the anti-militarist norm limits Japan's security policy to the defence of its sovereign territory (2011: 173) is in line with the constructivist positions listed here.

2 Japan: An Innovative Power?

1. Bull originally published *The Anarchical Society* in 1977.
2. Buzan actually abandons the term 'international society' in favour of three different levels of analysis, namely, the interstate, transnational, and inter-human societal levels to reflect the growing importance of non-state actors and the forces of globalization (2004a). Both for the sake of consistency and because Buzan himself stresses the interstate level over the other two levels, the term 'international society' is preferred.
3. I am grateful to L.H.M. Ling for stressing this point at the Modern East Asia Research Centre (MEARC) conference on 'Sovereignty and Humanitarian Intervention in the International Society of East Asia – historical legacies and new dynamics' held in The Hague on 11–12 June 2010.

3 Defining Outlaws

1. Nincic deems that the group responsible for the Rwandan genocide was 'an extremist government of dubious legitimacy controlled by the Presidential Guard' and therefore did not constitute an 'authentic regime' (2005: 63).
2. The territorial waters of a state extend for 12 nautical miles beyond the shoreline of that state. However, a state's contiguous zone lies at 24 nautical miles from the shoreline. Though the contiguous zone is defined as part of the high seas, intervention in another state's contiguous zone is problematic and is usually avoided (Birnie 1987: 172). A contiguous zone differs from an exclusive economic zone in that a state, which claims a contiguous zone, may enforce domestic laws when vessels either have violated the state's domestic law within the state's territorial waters or threaten to do so (UNCLOS 2006).
3. The interdiction of the 737 jet in international airspace has been described as illegal, as it was a violation of international airspace. This raises doubts as to the legality of inspections conducted under the Proliferation Security Initiative, described later in Chapter 7 (Valencia 2005: 44).

4 The Root Causes of Outlaw Behaviour

1. David Frum, a Whitehouse speech writer in the first George W. Bush administration, noted that North Korea had been added to the speech 'as an afterthought' (Mann 2004: 318). However, President Bush has also referred to Kim Jong Il as a 'pygmy' and a 'spoilt child at a dinner table', indicating the degree of hostility felt by the president of the United States towards the North Korean leader (Howard 2002; see also, the Economist 2005c).

5 North Korean 'Suspicious Ships'

1. The North Korean ships that have entered Japanese waters illegally have been referred to in various ways. The most common references are *kosakusen* (spy ship), *fushinsen* (suspicious or mystery ship), and *kokusekifumeisen*, which literally means a ship of unknown nationality or unidentified ship. The term 'suspicious ship' is preferred in this work as it covers the various elements of suspicion, mystery, spying, and a lack of or a falsified identity that are associated with such encounters.
2. Prior to April 2000, the JCG was known by the English title MSA.
3. Deputy Chief Cabinet Secretary Yoshikawa and Konemura, the prime minister's secretary, supported the JDA director in his wish to have the prime minister order maritime security action (Yomiuri Shimbun 1999f: 3).
4. Although the Law Concerning Execution of Duties of Police Officials states that Japanese authorities, including the MSDF in the case of pursuing suspicious ships, can use weapons 'to an extent required to arrest a culprit, prevent the culprit from running away, and to ensure the safety of those involved', the law also prohibits causing injury except in self-defence (Asahi Shimbun 1999i: 2). Ebata Kensuke, a commentator on military affairs, notes that there is no law governing the conduct of the SDF that precisely determines when the SDF can fire warning shots or at an enemy directly (Asahi Shimbun 1999c: 39), which is why the Law Concerning Execution of Duties of Police Officials is used for the SDF.
5. In 1987, the ASDF fired tracer and machine guns at a Russian reconnaissance plane that had invaded Japanese airspace. The sinking of a North Korean semi-submersible in December 1998 by South Korean military forces also suggested the MSDF response to the March 1999 suspicious ship incident had been inconclusive by comparison (Mainichi Shimbun 1999c: 2).
6. The SDF were unsuccessful in their attempt to ascertain the level of threat the suspicious ship posed in terms of the weaponry it was carrying. In spite of this, the JCG Chief, Nawano Yoshihiko, stated that he did not hesitate to order the JCG ships to fire directly at the North Korean suspicious ship, even when it was outside Japanese waters, providing that 'safe areas of the vessel were targeted' so that the crew would not be harmed. Nonetheless, there is sufficient reason to believe, considering the lack of knowledge the JCG possessed about the suspicious ship and the rough weather, that the lives of the North Korean crew were placed in danger when the *Inasa* and *Mizuki* fired upon their ship. Should a member of the North Korean crew have been killed or injured by a JCG bullet, then the JCG would have been liable under

the National Police Enforcement Law and the Maritime Safety Law because the ships were outside Japan's EEZ (Asahi Shimbun 2001f: 3).

6 Piracy in Southeast Asia and the Gulf of Aden

1. This is not to say that piracy has been eradicated in Southeast Asia. Though IMB reports emphasize that the numbers of kidnappings in the Malacca Straits have been decreasing since the turn of the century, the number of hijacking cases have remained steady with Transnational Criminal Organizations tending to target smaller ships, like tugs and barges, rather than larger merchant vessels, such as in the *Tenryu*, *Alondra Rainbow*, or *Global Mars* cases (Yamada 2005: 46; Bradford 2008: 477).
2. The Malaysian Maritime Enforcement Agency commenced operations in November 2005 with 20 of the 72 vessels that will ultimately comprise the MMEA's fleet. The Malaysian government approved 4,035 posts for the agency which would have nine bases spread through 17 regions (Ooi 2007). Singapore has evolved a navy comprised primarily of corvettes and patrol ships designed to combat piracy and terrorism in its waters (Kikuchi 2005: 165).

7 Counter-Terrorism and Proliferation at Sea

1. These complaints were made despite the introduction of the 'Green Line Status' for C-TPAT members at the end of 2005. The 'Green Line Status' allows cargoes from C-TPAT companies to freely enter the United States without undergoing inspection providing the containers have sufficient security seals and sensors, are shipped from a CSI port, and arrive with documentation assuring that the container has not been tampered with (Watson 2005: 13).
2. Similarly, the United States has promoted UNSC resolutions from 2008 on designed to address piracy off the coast of Somalia (Rothwell and Klein 2010: 32) as addressed in the previous chapter.

Bibliography

- Abhyankar, J. 1997, 'Phantom Ships', in E. Ellen (ed.), *Shipping at Risk: The Rising Tide of Organised Crime*, International Maritime Bureau, ICC Publishing, Barking, Essex, pp. 58–74.
- Abhyankar, J. 1998, 'Maritime Fraud and Piracy', *Transnational Organized Crime*, vol. 4, no. 3–4, pp. 155–194.
- Abramowitz, M. & Bosworth, S. 2003, 'Adjusting to the New Asia', *Foreign Affairs*, vol. 82, no. 4, pp. 119–131.
- Abuza, Z. 2002, 'Tentacles of Terror: Al Qaeda's Southeast Asian Network', *Contemporary Southeast Asia*, vol. 24, no. 3, pp. 427–465.
- Abuza, Z. 2003, *Militant Islam in Southeast Asia – Crucible of Terror*, Lynne Rienner, Boulder, Colorado.
- Abuza, Z. 2008, 'The Demise of the Abu Sayyaf Group in the Southern Philippines', *CTI Sentinel*, vol. 1, no. 7, pp. 10–13.
- Abuza, Z. 2010, 'The Philippines Chips Away at the Abu Sayyaf Group's Strength', *CTI Sentinel*, vol. 3, no. 4, pp. 11–13.
- Acharya, A. 2001, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order (Politics in Asia)*, Routledge, London and New York.
- Acharya, A. 2004, 'Will Asia's Past Be Its Future?', *International Security*, vol. 28, no. 3, pp. 149–164.
- Acharya, A. 2008, *Whose Ideas Matter?: Agency and Power in Asian Regionalism*, Cornell University Press, Ithaca, New York.
- Acharya, A. & Acharya, A. 2007, 'The Myth of the Second Front: Localizing the "War on Terror" in Southeast Asia', *The Washington Quarterly*, vol. 30, no. 4, pp. 75–90.
- Adler, E. 2005, 'Barry Buzan's Use of Constructivism to Reconstruct the English School: "Not All the Way Down"', *Millennium*, vol. 34, no. 1, pp. 171–182.
- Agathangelou, A. & Ling, L. H. M. 2009, *Transforming World Politics – from Empire to Multiple Worlds*, Routledge, Abingdon and New York.
- Ahn, Y. 2002, 'North Korea in 2001 – At a Crossroads', *Asian Survey*, vol. 42, no. 1, pp. 46–55.
- Ahn, Y. 2003, 'North Korea in 2002 – A Survival Game', *Asian Survey*, vol. 43, no. 1, pp. 49–63.
- Akaha, T. 2002, 'Japan's Policy towards North Korea', in T. Akaha (ed.), *The Future of North Korea*, Routledge, London & New York, pp. 77–94.
- Akaha, T. 2006, 'Japan and the Recurrent Nuclear Crisis', in L. Hagström & M. Söderberg (eds.), *North Korean Policy – Japan and the Great Powers*, Routledge, London & New York, pp. 19–37.
- Akimoto, K. & Weaval, C. 2004, 'Kaijyōtero no kyōi to kaigun no yakuwari' (The threat of maritime terrorism and the role of the military), *Hatō*, vol. 30, no. 2–173, pp. 60–67.
- Amyx, J. 2008, 'Regional Financial Cooperation in East Asia since the Asian Financial Crisis', in A. MacIntyre, T. J. Pempel & J. Ravenhill (eds.), *Crisis as*

- Catalyst – Asia's Dynamic Political Economy*, Cornell University Press, Ithaca and London, pp. 117–139.
- Andaya, B. & Andaya, L. 1982, *A History of Malaysia*, The Macmillan Press, Basingstoke.
- Aoki, E., Wakasa, T. & Honda, K. 2005, 'Marakkakaikyō hakōshi nihonsenshūgeki – rachiijiken nihonjin ga shiranai kaizoku no "shōtai"' (High waves in the Malacca Straits – Japanese ship attacked and kidnap case, Japanese people don't know the true nature of piracy), *Sande-Mainichi*, vol. 84, no. 17, pp. 32–35.
- Asahi Shimbun. 1999a, 'Jieitai ga keikokushageki' (The SDF fired warning shots), 24 March 1999: 1.
- Asahi Shimbun. 1999b, 'Irei no keikokushageki jisshi' (Exceptional execution of warning shots), 24 March 1999: 2.
- Asahi Shimbun. 1999c, 'Ijyōjitai – hatsu no handan' (Extraordinary circumstances – the first decision), 24 March 1999: 39.
- Asahi Shimbun. 1999d, 'Naiyū sorashi ni ketsuretsu sentaku' (A diversion from internal troubles – a breakdown of the decision making process), *Evening Edition*, 24 March 1999: 2.
- Asahi Shimbun. 1999e, 'Jitsudan no Keikoku – Shushō sokudan' (Live ammunition warning shots – the snap decision of the Prime Minister), *Evening Edition*, 24 March 1999: 3.
- Asahi Shimbun. 1999f, 'Ketsui shimeshita – kajyō bōei' ([The MSDF] showed resolve – [but used] excessive self-defence), *Evening Edition*, 24 March 1999: 18.
- Asahi Shimbun. 1999g, 'Bōeishishin oikaze no omowaku' (Expectation for defence guidelines to receive a favourable wind), 25 March 1999: 2.
- Asahi Shimbun. 1999h, 'Kaijishutsudō yureta butaiura' (Dispatching the MSDF – wavering behind the scenes), 25 March 1999: 3.
- Asahi Shimbun. 1999i, 'Fushinsen keiki seijikadai ni yūjihōseika sakiokuri hōshin' (The suspicious ships as a turning point – the plan to postpone emergency legislation because of political problems), 30 March 1999: 2.
- Asahi Shimbun. 1999j, 'Beijyōhō, bōeichō ni katayoru – nichibei bōei tōkyoku, renkeitaisei chakuchaku to' (Defence agency relies on US intelligence – coordination between the US-Japan defence authorities makes steady progress), 21 April 1999: 4.
- Asahi Shimbun. 2000a, 'Kaizokutaiji ni chieshiboru 100nin tsudoi kokusaikaigi ajia no keibikaikan' (International meeting of 100 experts from Asian police organizations focus on eradicating piracy), 28 April.
- Asahi Shimbun. 2000b, 'Nihonseifu ga kaizokutaisakushien wo hyōmei kaizokutaisaku kokusaikaigi' (The Japanese government declares anti-piracy support at international anti-piracy conference), 29 April.
- Asahi Shimbun. 2000c, 'Kaizokutaisaku wa hikarisensa nado no haiteku de kyōnen no higai, saita no 34ken' (Due to anti-piracy measures such as high-tech sensors, there were only 34 cases of injury last year), 30 May.
- Asahi Shimbun. 2000d, 'Kaizokutahatsukaiiki ni mukyūyuchokkō, daikeijetto wo dōnyū e kaijyōhoanchō' (JCG introduces large jet which can fly straight to piracy rampant region without refueling), *Evening Edition*, 10 August.
- Asahi Shimbun. 2001a, 'Kaiho ga happō, fushinsen chinbotsu' (The JCG fires and the suspicious ship sinks), 23 December 2001: 1.

- Asahi Shimbun. 2001b, 'Seifu, hosoku e tsuyoi ishi' (The government was intent on capture), 23 December 2001: 3.
- Asahi Shimbun. 2001c, 'Uneru umi – sentai ni sūhyakuhatsu' (The ship broke apart in the undulating seas), 23 December 2001: 27.
- Asahi Shimbun. 2001d, 'Handan, Kaiho ni makaseru' (Decision, leave it to the JCG), 24 December 2001: 2.
- Asahi Shimbun. 2001e, 'Yōjyō torihiki? Tadayō nazo' (Transaction at Sea? The mystery of the drifting ship), 24 December 2001: 3.
- Asahi Shimbun. 2001f, 'Deokureta jyūsōbisen' (Heavily equipped vessel set out late), 29 December 2001: 3.
- Asahi Shimbun. 2003, 'Marakka kaikyō ni jyūbusō kaizoku shutsubotsu' (Heavily armed pirates invest the Malacca Straits), 22 August 2003: 6.
- Asahi Shimbun. 2005a, 'Ninhonjin senchōra sanninrachi kaizokujuūgeki, norikomu marakkakaikyō' (Armed pirates board ship in the Malacca Straits and take three captive including Japanese Captain), 15 March 2005: 1.
- Asahi Shimbun. 2005b, 'Kaizoku, shindaikinmokutekika tsunamigo, katsudōsaikai marakkakaikyō de nihonjinrachi' (Japanese kidnapped in the Malacca Straits – is the objective ransom as pirates resume activities after the tsunami), *Evening Edition*, 15 March 2005: 1.
- Asahi Shimbun. 2005c, 'kaizokutaisaku ni junshisenteikyō seifu, ODA de tai indonesia' (Government offers Indonesia ODA in the form of patrol ships to tackle piracy), 16 March 2005: 1.
- Ashizawa, K. 2008, 'When Identity Matters: State Identity, Regional Institution-Building, and Japanese Foreign Policy', *International Studies Review*, vol. 10, pp. 571–598.
- Aspinall, E. 2003, 'Anti-insurgency Logic in Aceh', *Inside Indonesia*, vol. 76, pp. 23–24.
- Aspinall, E. 2007, 'From Islamism to Nationalism in Aceh, Indonesia', *Nations and Nationalism*, vol. 13, no. 2, pp. 245–263.
- Aspinall, E. 2009, 'Combatants to Contractors: The Political Economy of Peace in Aceh', *Indonesia*, no. 87, pp. 1–34.
- Aspinall, E. & Chauvel, R. 2007, 'Constructing Separatist Threats: Security and Insecurity in Indonesian Aceh and Papua', in A. Burke & M. McDonald (eds.), *Critical Security in the Asia-Pacific*, Manchester University Press, Manchester, pp. 89–104.
- Auer, J. 1973, *The Postwar Rearmament of Japanese Maritime Forces, 1945–71*, Praeger, New York.
- Ba, A. 2006, 'Who's Socializing Whom? Complex Engagement in Sino-ASEAN Relations', *The Pacific Review*, vol. 19, no. 2, pp. 157–179.
- Ball, D. 2004, 'Intelligence Collection Operations and EEZs: The Implications of New Technology', *Marine Policy*, vol. 28, no. 1, pp. 67–82.
- Banchoff, T. 1999, 'German Identity and European Integration', *European Journal of International Relations*, vol. 5, no. 3, pp. 259–289.
- Bandoro, B. 2004, 'When Piracy Becomes Terrorism in The Strait', *The Jakarta Post*, 29 July, p. 6.
- Banlaoi, R. 2005, 'Maritime Security Outlook for Southeast Asia', in J. Ho & C. Raymond (eds.), *The Best of Times, The Worst of Times – Maritime Security in the Asia-Pacific*, Institute of Defence and Strategic Studies, Singapore.
- Banlaoi, R. 2010, 'The Sources of the Abu Sayyaf's Resilience in the Southern Philippines', *CTI Sentinel*, vol. 3, no. 5, pp. 17–19.

- Barkawi, T. & Laffey, M. 2006, 'The Postcolonial Movement in Security Studies', *Review of International Studies*, vol. 32, no. 2, pp. 329–352.
- Barling, R. 2013, 'Terrorism at Sea Poses New Threat', *South China Morning Post*, <http://www.scmp.com/article/435578/terrorism-sea-poses-new-threat>, accessed 21 August 2013.
- Barnes, C. & Hassan, H. 2007, 'The Rise and Fall of Mogadishu's Islamic Courts', *Journal of Eastern African Studies*, vol. 1, no. 2, pp. 151–160.
- Barnett, M. 1999, 'Culture, Strategy and Foreign Policy Change: Israel's Road to Oslo', *European Journal of International Relations*, vol. 5, no. 1, pp. 5–36.
- Bateman, S. 2006, 'Regional Responses to Enhance Maritime Security in East Asia', *The Korean Journal of Defence Analysis*, vol. 18, no. 2, pp. 25–53.
- BBC. 2001, 'South Korean Paper Concerned at Japan's Forceful Handling of Ship Incursion', *BBC Monitoring Asia Pacific*, 24 December 2001: 1.
- BBC. 2002, 'Singapore Daily Warns against Dangers of Terrorists Taking over Pirate Networks', 24 July.
- BBC. 2003, 'MILF Warned with 'terrorist' Label', 13 May 2003, <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/asia-pacific/3023013.stm>, accessed on 25 July 2006.
- BBC. 2010, 'China's Anti-piracy Role Off Somalia Expands', 29 January 2010, <http://news.bbc.co.uk/2/hi/asia-pacific/8486502.stm>, accessed 1 February 2010.
- BBC. 2013a, 'North Korean Ship with 'military cargo' Held by Panama', 16 July 2013, <http://www.bbc.co.uk/news/world-asia-23324170>, accessed 14 August 2013.
- BBC. 2013b, 'Panama: UN Probes North Korea Arms Shipment', 13 August 2013, <http://www.bbc.co.uk/news/world-latin-america-23690639>, accessed 14 August 2013.
- Beal, T. 2005, *North Korea – the Struggle against American Power*, Pluto Press, London, Ann Arbor.
- Becker, M. 2003, 'Terror Lurks on High Seas', *New York Daily News*, 21 September, p. 26.
- Becker, M. 2005, 'The Shifting Public Order of the Oceans: Freedom of Navigation and the Interdiction of Ships at Sea', *Harvard International Law Journal*, vol. 46, no. 1, pp. 131–230.
- Beckman, R. 2002, 'Combating Piracy and Armed Robbery against Ships in South-east Asia: The Way Forward', *Ocean Development and International Law*, vol. 33, no. 3–4, pp. 317–342.
- Beckman, R. 2005, 'Legal Implications of the Proliferation Security Initiative', in J. Ho & C. Raymond (eds.), *The Best of Times, The Worst of Times – Maritime Security in the Asia-Pacific*, Institute of Defence and Strategic Studies, Singapore, pp. 215–228.
- Benvenuti, A. 2006, 'Issues in Australian Foreign Policy – July to December 2005', *Australian Journal of Politics and History*, vol. 52, no. 2, pp. 272–285.
- Bergen, P. 2004, *Holy War Inc. – Inside the Secret World of Osama Bin Laden*, Phoenix, London.
- Berger, T. 2007, 'The Pragmatic Liberalism of an Adaptive State', in T. Berger, M. Mochizuki & J. Tsuchiyama (eds.), *Japan in International Politics – The Foreign Policies of an Adaptive State*, Lynne Rienner, Boulder, pp. 259–299.
- Bhabha, H. 1996, 'The Other Question', in P. Mongia (ed.), *Contemporary Postcolonial Theory: A Reader*, Arnold, London, pp. 37–54.

- Bialasiewicz, L., Campbell, D., Elden, S. Graham, S., Jeffrey, A. & Williams, A. 2007, 'Performing Security: The Imaginative Geographies of Current US Strategy', *Political Geography*, vol. 26, pp. 405–422.
- Bilgin, P. & Morton, A. 2004, 'From "Rogue" to "Failed" States? The Fallacy of Short-termism', *Politics*, vol. 24, no. 3, pp. 169–180.
- Birnie, P. 1987, 'Piracy, Past, Present and Future', *Marine Policy*, vol. 11, no. 3, pp. 163–183.
- Black, L. 2011, 'Navigating the Boundaries of International Society: Japan's Response to Piracy in Southeast Asia', in G. Hook (ed.), *Decoding Boundaries in Contemporary Japan: The Koizumi Administration and Beyond*, Routledge, London, pp. 79–100.
- Black, L. 2012, 'Debating Japan's Intervention to Tackle Piracy in the Gulf of Aden: beyond Mainstream Paradigms', *International Relations of the Asia-Pacific*, vol. 12, no. 2, pp. 259–285.
- Black, L. & Hwang, Y. 2012, 'China and Japan's Quest for Great Power Status – Norm Entrepreneurship in Anti-piracy Responses', *International Relations*, vol. 26, no. 4, pp. 431–452.
- Bleiker, R. 2005a, 'Order and Disorder in World Politics', in A. Bellamy (ed.), *International Society and its Critics*, Oxford University Press: Oxford and New York, pp. 179–192.
- Bleiker, R. 2005b, *Divided Korea – Toward a Culture of Reconciliation*, University of Minnesota Press, Minneapolis.
- Bleiker, R. 2007, 'Dealing with a Nuclear North Korea: Conventional and Alternative Security Scenarios', in A. Burke & M. McDonald (eds.), *Critical Security in the Asia-Pacific*, Manchester University Press, Manchester, pp. 215–230.
- Boot, M. 2009, 'Pirates, Then and Now – How Piracy Was Defeated in the Past and Can Be Again', *Foreign Affairs*, vol. 88, no. 4, pp. 94–107.
- Boutillier, J. 2005, 'The Best of Times, the Worst of Times: the Global Maritime Outlook 2004', in C. Raymond & J. Ho (eds.), *The Best of Times, the Worst of Times – Maritime Security in the Asia-Pacific*, Institute of Defence and Strategic Studies, Singapore, pp. 13–31.
- Bradford, J. 2004, 'Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses', *Contemporary Southeast Asia*, vol. 26, no. 3, pp. 480–505.
- Bradford, J. 2005, 'The Growing Prospects for Maritime Security Cooperation in Southeast Asia', *Naval War College Review*, vol. 58, no. 3, pp. 63–86.
- Bradford, J. 2008, 'Shifting the Tides against Piracy in Southeast Asian Waters', *Asian Survey*, vol. 48, no. 3, pp. 473–491.
- Bradsher, K. 2003, 'New Wave of Piracy Hits Asian Sea Lanes', *International Herald Tribune*, 16 August, p. 1.
- Brittin, B. 1989, 'The Law of Piracy – Does It Meet Present and Potential Challenges?', in E. Ellen (ed.), *Piracy at Sea*, International Maritime Bureau, ICC Publishing, Paris, pp. 160–165.
- Bronson, P. 2005, 'Indonesia and the United States: Shared Interests in Maritime Security', The United States – Indonesia Society, <http://www.usindo.org/pdf/Maritime%Security.pdf>, accessed 20 December 2005.
- Brooke, J. 2001, 'Japan Wants to Salvage Boat It Says Fired on Its Coast Guard', *New York Times*, 26 December 2001, <http://www.nytimes.com/2001/12/26/international/asia/26JAPA.html>, accessed 16 August 2013.

- Brown, D. 1999, 'A Survey of Asia in 1998 – North Korea in 1998: A Year of Foreboding Developments', *Asian Survey*, vol. 39, no. 1, pp. 125–132.
- Bull, H. 2002, *The Anarchical Society – A Study of Order in World Politics*, Third Edition, Palgrave, Basingstoke and New York.
- Bull, H. & Watson, A. (eds.) 1984, *The Expansion of International Society*, Oxford University Press, Oxford.
- Bulworth, J. 2004, 'Whose Stability?', *Inside Indonesia*, vol. 77, pp. 8–9.
- Burchill, S. 2004, 'Repressing Reform', *Inside Indonesia*, vol. 77, pp. 4–5.
- Burgess, D. 2008, 'Piracy Is Terrorism', *New York Times*, 5 December, http://www.nytimes.com/2008/12/05/opinion/05burgess.html?_r=0, accessed 21 August 2013.
- Burke, J. 2004, 'Al Qaeda', *Foreign Policy*, vol. 142, pp. 18–26.
- Burnstein, R. & Munro, R. 1997, 'The Coming Conflict with America', *Foreign Affairs*, vol. 76, no. 2, pp. 18–32.
- Burton, J. & Huband, M. 2004, 'Piracy "Poses Greater Risk Than Terrorism" in Malacca Strait', *Financial Times*, 1 July, p. 7.
- Bush, G. 2003, 'Freedom in Iraq and the Middle East', *Address at the 20th Anniversary of the National Endowment for Democracy*, 6 November 2003.
- Business Times. 2004a, 'Terrorism Risk at Sea Overblown: Expert Says', 22 June.
- Business Times. 2004b, 'Tripartite Task Force to Boost Straits Security', 30 June.
- Business Times. 2004c, 'US Curbs 3 Oil Tankers under ISPS Regime', 8 July.
- Business Times. 2004d, 'US Calls on APEC Members to Secure Transportation Networks', 27 July.
- Butler, W. 1990, 'Grotius and the Law of the Sea', in H. Bull, B. Kingsbury, & A. Roberts (eds.), *Hugo Grotius and International Relations*, Clarendon Press, Oxford, pp. 209–220.
- Buzan, B. 2001, 'The English School: An Underexploited Resource in IR', *Review of International Studies*, vol. 27, no. 3, pp. 471–488.
- Buzan, B. 2004a, *From International to World Society? English School Theory and Social Structure of Globalisation*, Cambridge University Press, Cambridge.
- Buzan, B. 2004b, *The US and the Great Powers – World Politics in the Twenty-First Century*, Polity Press, Cambridge.
- Buzan, B. 2010, 'Culture and International Society', *International Affairs*, vol. 86, no. 1, pp. 1–26.
- Buzan, B. & Little, R. 2000, *International Systems in World History – Remaking the Study of International Relations*, Oxford University Press, Oxford.
- Buzan, B. & Wæver, O. 2003, *Regions and Powers – The Structure of International Society*, Cambridge University Press, Cambridge.
- Buzan, B., Jones, C. & Little, R. 1993, *The Logic of Anarchy*, Columbia University Press, New York.
- Calder, K. 1988, 'Japanese Foreign Economic Policy Formation: Explaining the Reactive State', *World Politics*, vol. 40, no. 4, pp. 517–541.
- Calder, K. 2003, 'Asia's Shifting Strategic Landscape – Japan as a Post-Reactive State?', *Orbis*, vol. 47, no. 4, pp. 605–616.
- Callahan, W. 2004, 'Nationalizing International Theory: Race, Class and the English School', *Global Society*, vol. 18, no. 4, pp. 305–323.
- Campbell, D. 1998, *Writing Security: United States Foreign Policy and the Politics of Identity*, University of Minnesota Press, Minnesota.

- Campbell, L. 2005, 'The Political Economy of Environmental Regionalism in Asia', in T. J. Pempel (ed.), *Remapping East Asian – The Construction of a Region*, Cornell University Press, Ithaca and London, pp. 216–235.
- Carey, C. 2004, 'Maritime Transportation Security Act of 2002 (Potential Civil Liberties and Defenses)', *Tulane Maritime Law Journal*, vol. 28, no. 2, pp. 295–313.
- Carey, P. 2004, 'The Thinking General', *World Today*, vol. 60, no. 8/9, pp. 38–39.
- Chakrabarty, D. 2000, *Provincializing Europe – Postcolonial Thought and Historical Difference*, Princeton University Press, Princeton and Oxford.
- Chalk, P. 1998, 'Contemporary Maritime Piracy in Southeast Asia', *Studies in Conflict and Terrorism*, vol. 21, no. 1, pp. 87–112.
- Chalk, P. 2010, 'Piracy Off the Horn of Africa: Scope, Dimensions, Causes and Responses', *Brown Journal of World Affairs*, vol. 16, no. 2, pp. 89–108.
- Chan, S. & Williams, A. (eds.) 1994, *Renegade States – the Evolution of Revolutionary Foreign Policy*, Manchester University Press, Manchester & New York.
- Chan, S. 2009, 'Commerce between Rivals: Realism, Liberalism, and Credible Communication across the Taiwan Strait', *International Relations of the Asia-Pacific*, vol. 9, pp. 435–467.
- Checkel, J. 1999, 'Institutions, and National Identity in Contemporary Europe', *International Studies Quarterly*, vol. 43, no. 1, pp. 83–114.
- Checkel, J. 2009, 'Process Tracing', in A. Klotz & D. Prakash (eds.), *Qualitative Methods in International Relations*, Palgrave MacMillan, Basingstoke and New York, pp. 114–127.
- Chen, C. C. 2011, 'The Absence of Non-western IR Theory in Asia Reconsidered', *International Relations of the Asia-Pacific*, vol. 11, no. 1, pp. 1–23.
- Chen, K. H. 2010, *Asia as Method – Toward Deimperialization*, Duke University Press, Durham and London.
- Chōbōjikenkenkyūkai (Intelligence Research Group). 1999, 'Newareru nihon engan' (Japan's coast targeted), *Chian Foramu*, vol. 56, pp. 35–42.
- Chōbōjikenkenkyūkai (Intelligence Research Group). 2002, 'Kitachōsen Kōsakusen no Kyōi (The Threat of North Korean Spy Ships)', *Chian Foramu*, vol. 88, pp. 2–9.
- Chomsky, N. 2007, *Failed States*, Penguin, London & New York.
- Chow, J. 2005, 'ASEAN Counterterrorism Cooperation Since 9/11', *Asian Survey*, vol. 45, no. 2, pp. 302–321.
- Christoffersen, G. 2008, 'Chinese and ASEAN Responses to the US Regional Maritime Security Initiative', in G. Wu & H. Lansdowne (eds.), *China Turns to Multilateralism: Foreign Policy and Regional Security*, Routledge, London & New York, pp. 127–146.
- Christoffersen, G. 2009, 'Japan and the East Asian Maritime Security Order: Prospects for Trilateral and Multilateral Cooperation', *Asian Perspective*, vol. 33, no. 3, pp. 107–149.
- Christoffersen, G. 2010, 'China and Maritime Cooperation: Piracy in the Gulf of Aden', Institut für Strategie Politik Sicherheits und Wirtschaftsberatung, <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?id=111041>, accessed 1 February 2010.
- Clarke, R. 2004, *Against All Enemies – Inside America's War on Terror*, Free Press, New York.
- Collins, E. 2002, 'Indonesia: A Violent Culture?', *Asian Survey*, vol. 42, no. 4, pp. 582–604.

- Cortell, A. & Davis, J. 2000, 'Understanding the Domestic Impact of International Norms: A Research Agenda', *International Studies Review*, vol. 2, no. 1, pp. 65–87.
- Cortell, A. & Davis, J. 2005, 'When Norms Clash: International Norms, Domestic Practices, and Japan's Internalisation of the GATT/WTO', *Review of International Studies*, vol. 31, pp. 3–25.
- Cumings, B. 2004, 'Decoupled from History: North Korea in the "Axis of Evil"', in B. Cumings, E. Abrahamian, & M. Ma'oz (eds.), *Inventing the Axis of Evil: The Truth About North Korea, Iran, and Syria*, The New Press, New York, pp. 1–92.
- Customs and Border Protection (CBP). 2011, 'CSI in Brief', http://www.cbp.gov/xp/cgov/trade/cargo_security/csi/csi_in_brief.xml, accessed 24 June 2013.
- Customs and Border Protection (CBP). 2012, 'C-TPAT: Program Overview', http://www.cbp.gov/linkhandler/cgov/trade/cargo_security/ctpat/ctpat_program_information/what_is_ctpat/ctpat_overview.ctt/ctpat_overview.pdf, accessed 24 June 2013.
- Davis, A. 2004, 'Piracy in Southeast Asia Shows Signs of Increased Organization', *Janes Intelligence Review*, vol. 16, no. 6, pp. 37–41.
- De Castro, R. 2010, 'Abstract of Counter-Insurgency in the Philippines and the Global War on Terror. Examining the Dynamics of the Twenty-first Century Long Wars', *European Journal of East Asian Studies*, vol. 9, no. 1, pp. 135–160.
- Dent, C. 2008, *East Asian Regionalism*, Routledge, Abingdon & New York.
- Dessler, D. 1999, 'Constructivism within a Positivist Social Science', *Review of International Studies*, vol. 25, no. 1, pp. 123–137.
- Devetak, R. 2005, 'The Gothic Scene of International Relations: Ghosts, Monsters, Terror and the Sublime after September 11', *Review of International Studies*, vol. 31, pp. 621–643.
- Dirlik, A. 1994, 'The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism', *Critical Inquiry*, vol. 20, no. 2, pp. 328–356.
- Dörner, D. 1996, *The Logic of Failure: Recognizing and Avoiding Error in Complex Situations*, Metropolitan Books, New York.
- Dower, J. 1999, *Embracing Defeat – Japan in the Aftermath of World War II*, Penguin, London & New York.
- Dudden, A. 2008, *Troubled Apologies – Among Japan, Korea, and the United States*, Columbia University Press, New York.
- Ebata, K. 1997, 'Konshūnogunjiyōhō – ajia no keizai hatten wo odokasu kaizoku mondai' (This Week's Military Information – The Piracy Problem That Threatens Asia's Economic Development), *Sekai shūkan*, vol. 78, no. 34, pp. 38–39.
- Eberstadt, N. 2007, *The North Korean Economy: Between Crisis and Catastrophe*, Transaction Publishers, Piscataway, NJ.
- Edkins, J. & Zehfuss, M. 2005, 'Generalizing the International', *Review of International Studies*, vol. 31, pp. 451–472.
- Eklöf, S. 2006, *Pirates in Paradise – A Modern History of Southeast Asia's Maritime Marauders*, Nordic Institute of Asian Studies (NIAS), Copenhagen.
- Ellen, E. 1995, 'The Dimensions of International Maritime Crime', in M. Gill (ed.), *Issues in Maritime Crime – Mayhem at Sea, Crime and Security*, Shorter Study Series: Number 1, Perpetuity Press, Leicester, pp. 4–11.
- Ellen, E. 1997, 'Piracy', in E. Ellen (ed.), *Shipping at Risk: The Rising Tide of Organised Crime*, International Maritime Bureau, ICC Publishing, Barking, Essex.

- Emmers, R. 2004, *Non-Traditional Security in the Asia-Pacific – The Dynamic of Securitisation*, Eastern Universities Press, Singapore.
- Emmers, R. 2007, *Comprehensive Security and Resilience in Southeast Asia: ASEAN's Approach to Terrorism and Sea Piracy*. S. Rajaratnam School of International Studies, Singapore, Working Paper No. 132.
- Endō, T. 2009, 'Somaria no hatanjyōkyō to kaizokugenshō' (The collapse of the Somali state and the piracy phenomenon), *Kaigaijijyō*, vol. 57, no. 3, pp. 57–70.
- En-Lai, Y. 2004a, 'Malacca Straits Terrorism Feared', *The Patriot – News*, 4 June, A11.
- En-Lai, Y. 2004b, 'Terror Fears Grow Near Vital Oil Route', *Oakland Tribune*, 4 June, p. 1.
- Etzioni, A. 2009, 'Tomorrow's Institution Today – the Promise of the Proliferation Security Initiative', *Foreign Affairs*, vol. 88, pp. 7–11.
- Evera, S. van. 1997, *Guide to Methods for Students of Political Science*, Cornell University Press, Ithaca, New York.
- Fairclough, N. 2003, *Analyzing Discourse – Textual Analysis for Social Research*, Routledge, London & New York.
- Farrell, T. 2001, 'Transnational Norms and Military Development: Constructing Ireland's Professional Army', *European Journal of International Relations*, vol. 7, no. 1, pp. 63–102.
- Farrell, T. 2002, 'Constructivist Security Studies: Portrait of a Research Program', *International Studies Review*, vol. 4, no. 1, pp. 49–72.
- Fealy, G. 2004, 'Islam in Southeast Asia: Domestic Pietism, Diplomacy and Secularity', in M. Beeson (ed.), *Contemporary Southeast Asia – Regional Dynamics, National Differences*, Palgrave MacMillan, Basingstoke & New York, pp. 136–155.
- Feith, P. 2007, 'The Aceh Peace Process Nothing Less than Success', *United States Institute of Peace*, Special Report 184, pp. 1–8.
- Finnemore, M. 1996, *National Interests in International Society*, Cornell University Press, Ithaca & London.
- Finnemore, M. & Sikkink, K. 1998, 'International Norm Dynamics and Political Change', *International Organization*, vol. 52, no. 4, pp. 887–917.
- Foster, C. 2010, 'Counter-Terrorism and the Security of Shipping in South East Asia', in N. Klein, J. Mossop & D. Rothwell (eds.), *Maritime Security – International Law and Policy Perspectives from Australia and New Zealand*, Routledge, Abingdon and New York, pp. 138–154.
- Foucault, M. 1984, 'Nietzsche, Genealogy, History', in P. Rabinow (ed.), *The Foucault Reader: An Introduction to Foucault's Thought*, Penguin, London, pp. 76–100.
- Foucault, M. 1991, 'Truth and Power', in P. Rabinow (ed.), *The Foucault Reader: An Introduction to Foucault's Thought*, Penguin, London, pp. 51–75.
- Frécon, E. 2002, *Pavillon noir sur l'Asie du Sud-Est – Histoire d'une resurgence de la piraterie maritime* (The Black Flag over Southeast Asia – A history of the resurgence of maritime piracy), L'Harmattan, Paris.
- Friedberg, A. 1993–4, 'Ripe for Rivalry: Prospects for Peace in Multipolar Asia', *International Security*, vol. 18, no. 3, pp. 5–33.
- Friedberg, A. 2000, 'Will Europe's Past be Asia's Future?', *Survival*, vol. 42, no. 3, pp. 147–159.
- Frost, M. 2009, *Global Ethics: Anarchy, Freedom and International Relations*, Routledge, Abingdon & New York.

- Fukuyama, F. 1992, *The End of History and the Last Man*, The Free Press, New York.
- Garrett, J. 2005, 'USCG in the Far East: Its Stakes and Vision', in T. Akimachi & T. Yamagata (eds.), *Ship & Ocean Newsletter Selected Papers*, no. 5, <http://www.sof.or.jp/jp/news/pdf/ssp5.pdf>, accessed 22 August 2013, pp. 18–20.
- Gathii, J. 2010, 'Kenya's Piracy Prosecutions', *American Journal of International Law*, vol. 104, no. 3, pp. 416–435.
- George, A. & Bennett, A. 2005, *Case Studies and Theory Development in the Social Sciences*, Belfer Center for Science and International Affairs, Cambridge, MA.
- Gill, M. (ed.) 1995, *Issues in Maritime Crime – Mayhem at Sea, Crime and Security*, Leicester: Shorter Study Series: Number 1, Perpetuity Press.
- Ginkel, B. van, Hemmer, J., Kammerling, S., & Putten, F-P. van der 2008, *Pioneering for Solutions to Somali Piracy – Facing the Challenge, Seizing the Opportunity*, Clingendael Security and Conflict Programme (CSCP), Occasional Paper.
- Glaser, B. & Wang, L. 2008, 'North Korea: The Beginning of a China-US Partnership?', *The Washington Quarterly*, vol. 31, no. 3, pp. 165–180.
- Glass, C. 2004, 'Piracy in the 21st Century', *The Independent on Sunday*, 11 January, pp. 8–10.
- Goldstein, A. 2006, 'Across the Yalu: China's Interests and the Korean Peninsula in a Changing World', in A. Johnston & R. Ross (eds.), *New Directions in the Study of China's Foreign Policy*, Stanford University Press, Stanford, pp. 131–161.
- Goldstone, J. 2002, 'States, Terrorists, and the Clash of Civilizations', in C. Calhoun, P. Price, & A. Timmer (eds.), *Understanding September 11*, The New Press, New York, pp. 139–158.
- Graham, E. 2006, *Japan's Sea Lane Security, 1940–2004, A Matter of Life and Death?*, Routledge, London and New York.
- Green, M. 2001, *Japan's Reluctant Realism – Foreign Policy Challenges in an Era of Uncertain Power*, Palgrave, New York.
- Green, M. 2010, 'Review: Normalizing Japan – Politics, Identity, and the Evolution of Security Practice', *The Journal of Japanese Studies*, vol. 36, no. 2, pp. 484–488.
- Guifoyle, D. 2008, 'Piracy off Somalia: UN Security Council Resolution 1816 and IMO Regional Counter-Piracy Efforts', *International and Comparative Law Quarterly*, vol. 57, pp. 690–699.
- Gurowitz, A. 1999, 'Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State', *World Politics*, vol. 51, no. 3, pp. 413–445.
- Gurtov, M. 2002, 'Common Security in North Korea', *Asian Survey*, vol. 42, no. 3, pp. 397–418.
- Hall, S. 1996a, 'Cultural Identity and Diaspora', in P. Mongia (ed.), *Contemporary Postcolonial Theory: A Reader*, Arnold, London, pp. 110–121.
- Hall, S. 1996b, 'Ethnicity: Identity and Difference', in G. Eley & R. Suny (eds.), *Becoming National*, Oxford University Press, Oxford and New York, 339–351.
- Handa, O. 2009, Interview, 13 August, Managing Director of the Japanese Shipowners' Association, Tokyo.
- Harnisch, S. 2002, 'U.S.-North Korean Relations Under the Bush Administration – From "Slow Go" to "No Go"', *Asian Survey*, vol. 42, no. 6, pp. 856–882.
- Hastings, J. 2009, 'Geographies of State Failure and Sophistication in Maritime Piracy hijackings', *Political Geography*, vol. 30, pp. 1–11.
- He, R. 2009, 'Coast Guards and Maritime Piracy: Sailing Past the Impediments to Cooperation in Asia', *The Pacific Review*, vol. 22, no. 5, pp. 667–689.

- Hendropriyono, A. 2004, 'RI-S'pore Ties: Opportunity Lost', *Jakarta Post*, 25 August, p. 2.
- Henley, J. & Stewart, H. 2002, 'Al-Qaida Suspected in Tanker Explosion', *The Guardian*, 7 October, <http://www.theguardian.com/world/2002/oct/07/alqaida>. france, accessed 23 August 2013.
- Henmi, M. 2005, 'Kaijyō tero to kaijyōhoanchō no taiō' (Maritime Terrorism and Japan Coast Guard), *Sekai no Kansen*, vol. 642, pp. 152–155.
- Henmi, M. 2006, *Umi o Mamoru Kaijyōhoanchōjyunshisen* (Protecting the sea – the patrol boats of the Japan Coast Guard), Seizando Shoten, Tokyo.
- Hensel, B. 2004, 'Ship Stopper – Port's Safety Net Draws a Crowd', *Houston Chronicle*, 13 October, p. D1.
- Herbert-Burns, R. 2005, 'Terrorism in the Early 21st Century Maritime Domain', in J. Ho & C. Raymond (eds.), *The Best of Times, The Worst of Times – Maritime Security in the Asia-Pacific*, Institute of Defence and Strategic Studies, Singapore, pp. 155–178.
- Herrmann, W. 2002, 'Piracy-Terror on the High Seas', *The Indonesian Quarterly*, vol. 30, no. 4, pp. 441–455.
- Herrmann, W. 2004, 'Maritime Piracy and Anti-piracy Measures', *Naval Forces*, vol. 25, no. 2, pp. 18–25.
- Hersutanto, B. 2004, 'Strait Must Be Secured from the Land', *The Jakarta Post*, 31 July.
- Hesse, H. 2002, 'Kaizoku oyobi senpaku ni taisuru busōgōtō ni kansuru IMO kat-sudōjyōtai' (The IMO's current actions concerning piracy and armed robbery against ships), *Kaiun*, vol. 896, no. 5, pp. 59–61.
- Hesse, H. 2003, 'Maritime Security in a Multilateral Context: IMO Activities to Enhance Maritime Security', *The International Journal of Marine and Coastal Law*, vol. 18, no. 3, pp. 327–340.
- Hidayat, T. & Mallet, V. 2004, 'Tripartite Action to Beat Malacca Piracy', *Financial Times*, 30 June.
- Higgott, R. 1998, 'The Asian Economic Crisis: A Study in the Politics of Resentment', *New Political Economy*, vol. 3, no. 3, pp. 333–356.
- Hino, K. 2000, 'Kaiyōanteika e Tetteitorikumi Wo!' (Comprehensively tackling maritime safety), *Sekai no Kansen*, vol. 564, pp. 104–106.
- Ho, J. 2009, 'Combating Piracy and Armed Robbery in Asia: The ReCAAP Information Sharing Centre (ISC)', *Marine Policy*, vol. 33, pp. 432–434.
- Hobson, J. 2007, 'Is Critical Theory always for the White West and for Western Imperialism? Beyond Westphalian towards a Post-racist Critical IR', *Review of International Studies*, vol. 33, pp. 91–116.
- Hoffman, B. 1998, *Inside Terrorism*, Victor Gollancz, London.
- Hong, N. & Ng, A. 2010, 'The International Legal Instruments in Addressing Piracy and Maritime Terrorism: A Critical Review', *Research in Transportation Economics*, vol. 27, pp. 51–60.
- Honna, J. 2006, 'ODA ni Yoru Hatsu no "Buki" Kyōyo to Kaizokutaisaku' (First ODA grant of "weapons" to tackle piracy), *Sekai Shūhō*, vol. 87, no. 24, pp. 52–3.
- Hoogvelt, A. 2001, *Globalization and the Postcolonial World – The New Political Economy of Development*, Palgrave MacMillan, Basingstoke & New York.
- Hook, G. 1996, *Militarization and Demilitarization in Contemporary Japan*, Routledge, London.

- Hook, G. & Breslin, S. (eds.) 2002, *Microregionalism and World Order*, Palgrave Macmillan, New York.
- Hook, G., Gilson, J., Hughes, C., & Dobson, H. 2005, *Japan's International Relations – Politics, Economics and Security*, Routledge, London & New York.
- Hopf, T. 1998, 'The Promise of Constructivism in International Relations Theory', *International Security*, vol. 23, no. 1, pp. 171–200.
- House of Representatives (HoR). 2009a, 'Kaizokukōi no shobatsu oyobi kaizokukōi e no taisho ni kansuru hōritsuan' (Legal measures to tackle piracy and prosecute pirates). 14 April No. 23, http://www.shugiin.go.jp/itdb_kaigiroku.nsf/html/kaigiroku/000117120090414023.htm?OpenDocument, accessed 1 February 2010.
- House of Representatives (HoR). 2009b, 'Kaigiroku dai 171 kaikokkai: kaizokukōi e no taisho narabi ni kokusai terorisumu no bōshi oyobi wagakuni no kyōryoku shienkatsudō nado ni kansuru tokubetsu iinkai daisangō' (Meeting Records no. 171 of Diet – Special Committee (No.3) regarding Japan's assistance and cooperation as well as measures to prevent acts of international terrorism and piracy), 15 April, http://www.shugiin.go.jp/itdb_kaigiroku.nsf/html/kaigiroku/020217120090415003.htm?OpenDocument, accessed 29 June 2011.
- House of Representatives (HoR). 2009c, 'Kaigiroku dai 171 kaikokkai: kaizokukōi e no taisho narabi ni kokusai terorisumu no bōshi oyobi wagakuni no kyōryoku shienkatsudō nado ni kansuru tokubetsu iinkai daiyongō' (Meeting Records no. 171 of Diet – Special Committee (No.4) regarding Japan's assistance and cooperation as well as measures to prevent acts of international terrorism and piracy), 17 April, http://www.shugiin.go.jp/itdb_kaigiroku.nsf/html/kaigiroku/020217120090417004.htm?OpenDocument, accessed 29 June 2011.
- Howard, F. 2002, 'I Sniff Some Politics', *Newsweek*, 27 May.
- Howarth, D. 1995, 'Discourse Theory', in D. Marsh & G. Stoker (eds.), *Theory and Methods in Political Science*, MacMillan Press, Basingstoke, pp. 115–133.
- Huang, V. 2008, 'Building Maritime Security in Southeast Asia – Outsiders Not Welcome?', *Naval War College Review*, vol. 61, no. 1, pp. 87–105.
- Hughes, C. 2004, 'Japan's Re-emergence as a "Normal" Military Power', *Adelphi Paper No. 368–9*, Oxford University Press, Oxford & New York.
- Hughes, C. 2006, 'Japan and Multilateralism in the North Korean Nuclear Crisis: Road Map or Dead End?', in L. Hagström & M. Söderberg (eds.), *North Korean Policy – Japan and the Great Powers*, Routledge, London & New York, pp. 151–170.
- Hurrell, A. 1995, 'Regionalism in Theoretical Perspective', in A. Hurrell & L. Fawcett (eds.), *Regionalism in World Politics*, Oxford University Press, Oxford, pp. 37–73.
- Hurrell, A. 2008, *On Global Order – Power, Values, and the Constitution of the International Society*, Oxford University Press, Oxford.
- Hussein, T. 2004, 'LNG Fights Scare Tactics', *Fairplay*, 21 October 2004, vol. 352, no. 6299, pp. 16–18.
- Huxley, T. 2002, 'Disintegrating Indonesia? Implications for Regional Security', *Adelphi Paper No. 349*, Oxford University Press, Oxford & New York.
- Hyslop, I. 1989, 'Contemporary Piracy', in E. Ellen (ed.), *Piracy at Sea*, International Maritime Bureau, ICC Publishing, Paris, pp. 3–40.
- IMO. 2003, 'Fourth Meeting of the Open-ended Informal Consultative Process on Oceans Affairs and the Law of the Sea IMO Intervention',

- 3 June 2003, http://www.un.org/Depts/los/consultative_process/documents/no5_imo.pdf, accessed 9 February 2006.
- IMO. 2013, 'Status of Conventions', <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>, accessed 22 August 2013.
- Inasaka, K. 2009, 'Shirên e no kyôï gendai no pairêtsu – chôshahôkoku' (Contemporary piratical threat to sea lanes – Investigatory Report), *Maru*, vol. 62, no. 5, pp. 55–63.
- Inayatullah, N. 1996, 'Beyond the Sovereignty Dilemma: Quasi-states as a Social Construct', in C. Weber & T. Biersteker (eds.), *State Sovereignty as a Social Construct*, Cambridge University Press, Cambridge, pp. 50–80.
- Inoguchi, T. & Jain, P. 2000, 'Introduction – Beyond Karaoke Diplomacy?', in T. Inoguchi & P. Jain (eds.), *Japanese Foreign Policy Today*, MacMillan, Melbourne, pp. xi–xix.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2003, 'New Brand of Piracy Threatens Oil Tankers in Malacca Straits', http://www.iccwbo.org/ccs/news_archives/2003/piracy_ms.asp, accessed 25 September 2003.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2004a, 'IMB Says Security Threats Remain, Despite New Safety Measures', 21 September, http://www.iccwbo.org/ccs/news_archives/2004/ISPS.asp, accessed 24 September 2004.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2004b, 'Maritime Security: Separating Fact from Hype', International Chamber of Commerce, Commercial Crime Services, <http://www.iccwbo.org/News/Articles/2004/Maritime-security-separating-fact-from-hype/>, accessed 22 August 2013.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2004c, 'Armed Piracy Increasing in Aceh', http://www.iccwbo.org/news_archives/2004/aceh_2004.asp, accessed on 1 July 2004.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2005a, 'Unprecedented Increase in Piracy Attacks off Somalia', 20 October, www.icc-ccs.org/main/news.php?newsid=57, accessed 28 October 2005.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2005b, 'Piracy increasing on Somali Coast', 15 August, www.icc-ccs.org/main/news.php?newsid=53, accessed 28 October 2005.
- International Chamber of Commerce, Commercial Crime Services (ICC-CCS). 2006, 'IMB Releases Latest Piracy Statistics', London. 2 May, <http://www.icc-ccs.org/news/425-imb-releases-latest-piracy-statistics>, accessed 3 May 2006.
- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2002, *Piracy Report 2002*, Barking, UK.
- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2004, *Piracy Report Third Quarter 2004*, Barking, UK.
- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2005, *Piracy Report 2005*, Barking, UK.
- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2006, *Piracy Report First Quarter 2006*, Barking, UK.
- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2010, *Piracy Report 2010*, Barking, UK.

- International Chamber of Commerce, International Maritime Bureau (ICC-IMB). 2013, *Piracy Report 2013*, Barking, UK.
- International Maritime Organization (IMO). 2005, 'Maritime Safety Committee – 74th session: 30 May–8 June 2001', http://www.imo.org/Newsroom/mainframe.asp?topic_id=110&doc_id=1151#piracy, accessed 19 January 2006.
- International Trade Administration (ITA). 2005, 'U.S.-Japan Economic Partnership for Growth: U.S.-Japan Investment Initiative 2005 Report', 7 July 2005, <http://www.mac.doc.gov/japan-korea/sector-specific/Investment%20Initiative%202005%20Report.htm>, accessed 24 June 2013.
- Interview 2009, Former Japanese Government Official, Tokyo, 11 August.
- Ishikawa, I. 1999, 'P-3C wa bōkūshikibetsuken wo koeta!! (A P-3C crossed the Air Defense Identification Zone)', *Gunjikenkyū* (Military Research), vol. 34, no. 7, pp. 94–109.
- Ito, M. 2009, 'Antipiracy, Gift Tax Bills Enacted', *Japan Times*, <http://search.japantimes.co.jp/cgi-bin/nn20090620a2.html>, accessed 6 October 2009.
- Ito, M. & Kamiya, S. 2013, 'Unprecedented Tokyo Trial Starts – Somali Pair Admit Trying to hijack Ship', *Japan Times*, <http://www.japantimes.co.jp/text/nn20130116a1.html>, accessed 23 January 2013.
- Jackson, R. 1990, *Quasi-States: Sovereignty, International Relations and the Third World*, Cambridge University Press, Cambridge.
- Jackson, R. 2000, *The Global Covenant: Human Conduct in a World of States*, Oxford University Press, Oxford.
- Jackson, R. 2007, 'Constructing Enemies: "Islamic Terrorism" in Political and Academic Discourse', *Government and Opposition*, vol. 42, no. 3, pp. 394–426.
- Japan Times. 1999a, 'Administration Reluctant to Alter SDF Law', 31 March 1999.
- Japan Times. 1999b, 'Spy Satellites to be 100% made in Japan: Nonaka', 1 April 1999.
- Japan Times. 2001, 'Mystery Ship Used Rockets in Attack', 25 December 2001.
- Japan Times. 2002a, 'Al Qaeda "responsible for piracy"', *Japan Times*, 23 July 2002.
- Japan Times. 2002b, 'Terrorists as Pirates', *Japan Times*, 25 July 2002.
- Japan Times. 2002c, 'Japan Raises Alleged Spy Ship', 12 September 2002.
- Japan Times. 2006, 'Trader Held for Shipping Dryer with Bio-warfare Role to North', 11 August, <http://search.japantimes.co.jp/print/nn20060811a1.html>, accessed 11 August 2006.
- Jarvis, L. 2008, 'Times of Terror: Writing Temporality into the War on Terror', *Critical Studies on Terrorism*, vol. 1, no. 2, pp. 245–262.
- Jesus, J. 2003, 'Protection of Foreign Ships against Piracy and Terrorism at Sea: Legal Aspects', *The International Journal of Maritime and Coastal Law*, vol. 18, no. 3, pp. 363–400.
- Jiji Press. 2001, 'Defence Agency withheld info in Mystery Ship Case', 27 December 2001: 1.
- Jiji Press. 2002, 'Japan Confirms Mystery Ship as North Korean', 4 October 2002: 1.
- Johnson, C. 1982, *MITI and the Japanese Miracle – the Growth of Industrial Policy, 1925–1975*, Stanford University Press, Stanford.
- Johnson, C. 2000, *Blowback – the Costs and Consequences of American Empire*, Owl Books, New York.

- Johnson, D. & Pladdet, E. 2003, 'An Overview of Current Concerns in Piracy Studies and New Directions for Research', Position Paper for the Conference: *People and the Sea II: Conflicts, Threats and Opportunities*, International Institute for Asian Studies and the Centre for Maritime Research, Amsterdam.
- Johnston, A. 2003, 'Socialization in International Institutions: the ASEAN Way and International Relations theory', in G. Ikenberry & M. Mastanduno (eds.), *International Relations Theory and the Asia-Pacific*, Columbia University Press, New York, pp. 107–162.
- Johnston, R. & Nath, A. 2004, 'Introduction: Terrorism and Transportation Security', *Review of Policy Research*, vol. 21, no. 3, pp. 255–261.
- Jones, B. (ed.) 2006, *Decolonizing International Relations*, Rowman & Littlefield, Lanham.
- Jones, B. 2008, 'The Global Political Economy of Social Crisis: Towards a Critique of the "Failed State" Ideology', *Review of International Political Economy*, vol. 15, no. 2, pp. 180–205.
- Jones, D. & Smith, M. 2007, 'Constructing Communities: The Curious Case of East Asian Regionalism', *Review of International Studies*, vol. 33, pp. 165–186.
- Joseph, J. 2004, 'The Proliferation Security Initiative: Can Interdiction Stop Proliferation?', *Arms Control Today*, vol. 34, no. 5, pp. 6–13.
- JSA. 2000, 'Asia Anti-Piracy Challenges 2000', <http://www.jsanet.or.jp/e2-3/pi2-2-3.html>, accessed 23 July 2006.
- JSA. 2002, 'JSA Annual Report 2002', <http://www.jsanet.or.jp/e/shipping-e/index.html>, accessed on 1 December 2004.
- Kaijizangyōkenkyūyochōsageppō (Maritime Industry Research Centre). 2004, 'dō naru marakka kaikyō no kyōdō patorōru' (How will coordinated patrols of the Malacca Straits proceed?), July Edition, pp. 54–57.
- Kaijyōhōanchōkokusaijika. 2002, 'Kaizokutaisaku' (Piracy Countermeasures), *Sekai no Kansen*, vol. 595, pp. 144–145.
- Kaijyōhōandaigaku – Kokusaikōryūkikakushitsu. 2006, 'Ryūgakusei no Chishikikōjyō o Negatte' (Aiming to improve foreign students' knowledge), *Umi to Anzen*, vol. 40, no. 528, pp. 38–41.
- Kaji, T. 1999, 'Kitachōsen kōsakusen wo kokusaijyōsei no bunmyaku no naka de toraenaosu (Recapturing the International State of Affairs at the time of the North Korean spy ship incident)', *Ekonomisuto*, 13 April, pp. 55–57.
- Kamiya, S. 2013, 'Court Hands Somali Pirates 10-Year Term', *Japan Times*, <http://www.japantimes.co.jp/news/2013/02/02/national/court-hands-somali-pirates-10-year-term/>, accessed 5 February 2013.
- Kammerer, P. 2004, 'Sea Terror Threats Stirs Asia Comments by US Admiral have Forced the Region to Refocus on the Threat to Shipping in the Malacca Straits', *South China Morning Post*, 16 May, 11.
- Kaneda, H. 2005, 'Regional Maritime Security Outlook: Northeast Asia', in J. Ho & C. Raymond (eds.), *The Best of Times, The Worst of Times – Maritime Security in the Asia-Pacific*, Institute of Defence and Strategic Studies, Singapore, pp. 33–58.
- Kantei. 2013, 'The Constitution of Japan', http://www.kantei.go.jp/foreign/constitution_and_government_of_japan/constitution_e.html, accessed 27 August 2013.
- Katzenstein, P. (ed.) 1996, *The Culture of National Security: Norms and Identity in World Politics*, Columbia University Press, New York.

- Kawamura, A. 1999, 'Chōryōsuru kaizoku, kōsakusen wo dōsuru (Rampant piracy, what should be done about [North Korean] spy ships)', *Seiron*, June Edition, pp. 140–146.
- Keal, P. 2003, *European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society*, Cambridge University Press, Cambridge.
- Keene, E. 2002, *Beyond the Anarchical Society: Grotius, Colonialism and Order in World Politics*, Oxford University Press, Oxford.
- Keohane, R. 2000, 'Ideas Part-way Down', *Review of International Studies*, vol. 26, no. 1, pp. 125–130.
- Kikuchi, M. 2005, 'wārudo in fōkasu. Kaizoku no jidai ajia kakukokukaigun no kaizoku taisho kaiho no gijutsu wa haireberu' (The World in Focus. The high level of maritime security technology and the counter piracy response by each Asian navy in the age of piracy), *Gunjikenkyū*, vol. 40, no. 2, pp. 164–169.
- Kim, S. 2000, 'North Korea in 1999 – Bringing the Grand Chollima March Back In', *Asian Survey*, vol. 40, no. 1, pp. 151–163.
- Kim, S. 2001, 'North Korea in 2000 – Surviving through High Hopes of Summit Diplomacy', *Asian Survey*, vol. 41, no. 1, pp. 12–29.
- Kim, S. 2006, 'China's New Role in the US-DPRK Nuclear Confrontation', in J. Feffer (ed.), *The Future of US-Korean Relations: The Imbalance of Power*, Routledge, Abingdon, pp. 101–129.
- Klare, M. 1995, *Rogue States and Nuclear Outlaws – America's Search for a New Foreign Policy*, Hill and Wang, New York.
- Kowert, P. & Legro, J. 1996, 'Norms, Identity, and Their Limits: A Theoretical Reprise', in P. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics*, Columbia University Press, New York, pp. 451–497.
- Kraska, J. 2011, *Contemporary Maritime Piracy: International Law, Strategy, and Diplomacy at Sea*, Praeger, Santa Barbara.
- Kraska, J. & Wilson, B. 2008, 'Fighting Pirates: The Pen and the Sword', *World Policy Journal*, vol. 25, no. 4, pp. 41–52.
- Krasner, S. 2000, 'Wars, Hotel Fires and Plane Crashes', *Review of International Studies*, vol. 26, no.1, pp. 131–136.
- Krasner, S. 2004, 'Sharing Sovereignty – New Institutions for Collapsed and Failing States', *International Security*, vol. 29, no. 2, pp. 85–120.
- Kuribayashi, T. 2003, 'Ajia ni Okeru Kaijyōkōtsū no Anzenkakuho no Tame no Koku-saikyōryoku ni Tsuite' (Regarding international cooperation to secure the safety of maritime transport in Asia), *Kaijyōkōtsūkenkyū*, vol. 52, pp. 31–47.
- Kyodo News. 2009, 'Coast Guard to Take the Lead Inspecting North Cargo', 16 June 2009, *The Japan Times*, <http://search.japantimes.co.jp/cgi-bin/nn20090616b5.html>, accessed 6 October 2009.
- Laney, J. & Shaplen, J. 2003, 'How to Deal with North Korea', *Foreign Affairs*, vol. 82, no. 2, pp. 16–30.
- Langdon, F. 2001, 'American Northeast Asian Strategy', *Pacific Affairs*, vol. 74, no. 2, pp. 167–184.
- Lee, Y. 2006, 'Japan and the Asian Monetary Fund: an Identity-Intention Approach', *International Studies Quarterly*, vol. 50, pp. 339–366.
- Leheny, D. 2005, 'The War on Terrorism in Asia and the Possibility of Secret Regionalism', in T. J. Pempel (ed.), *Remapping East Asia: The Construction of a Region (Cornell Studies in Political Economy)*, Cornell University Press, Ithaca, pp. 236–255.

- Leheny, D. 2006, *Think Global Fear Local – Sex, Violence, and Anxiety in Contemporary Japan*, Cornell University Press, Ithaca & London.
- Lennox, P. 2008, 'Contemporary Piracy off the Horn of Africa', Canadian Defence and Foreign Policy Institute, Calgary, Occasional Paper.
- Lincoln, E. 2002, 'Japan in 2001 – A Depressing Year', *Asian Survey*, vol. 42, no. 1, pp. 67–80.
- Lind, J. 2003, 'Pacifism or Passing the Buck? Testing Theories of Japanese Security Policy', *International Security*, vol. 29, no. 1, pp. 92–121.
- Lind, J. 2008, *Sorry States – Apologies in International Politics*, Cornell University, Ithaca.
- Ling, L. H. M. 2001, *Postcolonial International Relations – Conquest and Desire between Asia and the West*, Palgrave MacMillan, Basingstoke and New York.
- Linklater, A. 2011, 'A European Civilizing Process', in C. Hill & M. Smith (eds.), *International Relations and the European Union*, Oxford University Press, Oxford, pp. 435–457.
- Liss, C. 2003, 'Maritime Piracy in Southeast Asia', in D. Singh & C. Wah (eds.), *Southeast Asian Affairs 2003*, Institute of Southeast Asian Studies, Singapore, pp. 52–70.
- Litwak, R. 2000, *Rogue States and U.S. Foreign Policy – Containment after the Cold War*, The John Hopkins University Press, Baltimore, Maryland.
- Litwak, R. 2007, *Regime Change: US Strategy through the Prism of 9/11*. Woodrow Wilson Center Press, Washington.
- Lomba, A. 2005, *Colonialism/Postcolonialism*, Routledge, Abingdon.
- Luft, G. & Korin, A. 2004, 'Terrorism Goes to Sea', *Foreign Affairs*, vol. 83, no. 6, pp. 61–71.
- Maeda, T. 1999, 'Agency Brainstorming Rogue Boat Options', *Japan Times*, 30 March 1999.
- Mainichi Shimbun. 1999a, 'Nihonkai ni Futatsu Fushinsen' (Two Suspicious Ships in the Japan Sea), 24 March 1999, p.1.
- Mainichi Shimbun. 1999b, 'Keibikōdō hatsudō ni kinpaku' (Maritime Security Action invoked in tense situation), 24 March 1999, p. 31.
- Mainichi Shimbun. 1999c, 'Umi de hajimete, jinsoku ni' ([Maritime security action ordered] for the first time, and swiftly at sea), Evening Edition 24 March 1999, p. 2.
- Mainichi Shimbun. 1999d, 'Ryōkikeibi no kadairōtei' (Disclosure of policing sovereign territory), 25 March 1999, p. 2.
- Mainichi Shimbun. 1999e, 'Interview with Foreign Minister Masahiko Komura on North Korea Policy after the Spy Ship Incident; Door to Dialogue to remain Open', 7 April 1999, p. 2.
- Mak, J. 2004, 'Malaysian Defense and Security Cooperation: Coming out of the Closet', in S. Tan & A. Acharya (eds.), *Asia-Pacific Security Cooperation – National Interests and Regional Order*, M.E. Sharpe, New York, pp. 127–153.
- Mak, J. 2006, 'Securitizing Piracy in Southeast Asia: Malaysia, the International Maritime Bureau and Singapore', in M. Caballero-Anthony, R. Emmers, & A. Acharya (eds.), *Non-Traditional Security in Asia*, Ashgate, London, pp. 66–92.
- Makinda, S. 2001, 'Security and Sovereignty in the Asia-Pacific', *Contemporary Southeast Asia*, vol. 23, no. 3, pp. 401–419.
- Mann, J. 2004, *The Rise of the Vulcans – the History of Bush's War Cabinet*, Penguin Books, London.

- March, J. & Olsen, J. 1989, *Rediscovering Institutions: the Organizational Basis of Politics*, Free Press, New York.
- Marchal, R. 2009, 'A Tentative Assessment of the Somali *Harakat Al-Shabaab*', *Journal of Eastern African Studies*, vol. 3, no. 3, pp. 381–404.
- Marine Log. 2003, 'ISPS Certification Crisis Ahead?', October, pp. 32–34.
- Marine Log. 2004, 'ISPS Compliance Lags', July, pp. 11–13.
- Maritime Security Division. 2009, 'Japan's Actions against Piracy Off the Coast of Somalia', *Ministry of Foreign Affairs*, http://www.mofa.go.jp/ICSFiles/afidfile/2009/09/09/1_attached.pdf, accessed 17 June 2011.
- Martin, C. 2002, 'Rewarding North Korea: Theoretical Perspectives on the 1994 Agreed Framework', *Journal of Peace Research*, vol. 39, no. 1, pp. 51–68.
- Martin, G. 2003, *Understanding Terrorism: Challenges, Perspectives and Issues – First Edition*, Sage Publications, Thousand Oaks, California, London, & New Delhi.
- McCawley, T. 2004, 'Southeast Asia Pirates are Deadly Real', *Wall Street Journal*, 26 May, 1.
- McCormack, G. 2004, *Target North Korea – Pushing North Korea to the Brink of Nuclear Catastrophe*, Nation Books, New York.
- McDonald, M. 2007, 'US Hegemony. The "War on Terror" and Security in the Asia-Pacific', in A. Burke & M. McDonald (eds.), *Critical Security in the Asia-Pacific*, Manchester University Press, Manchester & New York, pp. 198–212.
- McGeown, K. 2012, 'Will Philippine Rebel Deal bring Peace?', *BBC*, 17 October 2012, <http://www.bbc.co.uk/news/world-asia-19961126>, accessed 21 August 2013.
- Meade, R. 2004, 'ISPS: The Good, the Passable and the Non-complaint', *Fairplay*, 1 July, pp. 6–7.
- Mearsheimer, J. 2010, 'The Gathering Storm: China's Challenge to U.S. Power in Asia', *The Chinese Journal of International Politics*, vol. 3, pp. 381–396.
- Menefee, S. 1996, *Trends in Maritime Violence*, Janes Information Group, Coulsdon, VA.
- Menefee, S. 1997, 'Sharks of the Sea', in E. Ellen (ed.), *Shipping at Risk: The Rising Tide of Organised Crime*, International Maritime Bureau, ICC Publishing, Barking, Essex, pp. 29–46.
- Menkhaus, K. 2009, 'Dangerous Waters', *Survival*, vol. 51, no. 1, pp. 21–5.
- Metaparti, P. 2010, 'Rhetoric, Rationality and Reality in post-9/11 Maritime Security', *Maritime Policy and Management*, vol. 37, no. 7, pp. 723–736.
- Midford, P. 2003, 'Japan's Response to Terror – Dispatching the SDF to the Arabian Sea', *Asian Survey*, vol. 43, no. 2, pp. 329–351.
- Midford, P. 2011, *Rethinking Japanese Public Opinion and Security – from Pacifism to Realism?*, Stanford University Press, Stanford.
- Miki, T. 2005, 'Beikoku ni okeru kōwanjyōhō shisutemu no dōkō to kadai' (US port information systems – Trends and issues), *Osaka Sangyo University Management Discussions*, vol. 6, no. 3, pp. 33–58.
- Milliken, J. 1999, 'The Study of Discourse in International Relations: A Critique of Research and Methods', *European Journal of International Relations*, vol. 5, no. 2, pp. 225–254.
- Milliken, J. & Krause, K. 2002, 'State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies', *Development and Change*, vol. 33, no. 5, pp. 753–774.

- Ministry of Foreign Affairs (MOFA). 2000, 'Opening Speech by Mr. Tetsuma Esaki, Senior State Secretary for Foreign Affairs Regional Conference on Combating Piracy and Armed Robbery against Ships', 27 April, <http://www.mofa.go.jp/policy/piracy/speech0004.html>, accessed 27 October 2003
- Ministry of Foreign Affairs (MOFA). 2001, 'Chairman's Concluding Statement for Asian Cooperation Conference on Combating Piracy and Armed Robbery against Ships', <http://www.mofa.go.jp/policy/piracy/state0110.html>, accessed 27 October 2003.
- Ministry of Foreign Affairs (MOFA). 2002a. The Preparatory Conference on Peace and Reconstruction in Aceh, 26 November, <http://www.mofa.go.jp/announce/event/2002/11/1128-2>, html, accessed 4 July 2013.
- Ministry of Foreign Affairs (MOFA). 2002b. 'The Statement of the Government of Japan'. The Preparatory Conference on Peace and Reconstruction in Aceh, 3 December, <http://www.mofa.go.jp/region/asia-paci/indonesia/aceh/pre0212-3.html>, accessed 4 July 2013.
- Ministry of Foreign Affairs (MOFA). 2003a. 'Statement by Ms. Yoriko Kawaguchi', Minister for Foreign Affairs, on the Dialogue between the Parties Concerned on the Issue of Aceh, Indonesia, 18 May, <http://www.mofa.go.jp/announce/announce/2003/5/0519-2.html>, accessed 4 July 2013.
- Ministry of Foreign Affairs (MOFA). 2003b. 'Statement by the Press Secretary/Director-General for Press and Public Relations', Ministry of Foreign Affairs, on the Situation in Aceh, Indonesia, 6 November, <http://www.mofa.go.jp/announce/announce/2003/11/1106.html>, accessed 4 July 2013.
- Ministry of Foreign Affairs (MOFA). 2004a. 'Press Conference', 12 November, <http://www.mofa.go.jp/announce/press/2004/11/1112.html#5>, accessed 12 December 2005.
- Ministry of Foreign Affairs (MOFA). 2004b. 'The Proliferation Security Initiative (PSI) Maritime Interdiction Exercise hosted by Japan'. 18 October 2004, <http://www.mofa.go.jp/policy/un/disarmament/arms/psi/exercise-2.html>, accessed 23 July 2012.
- Ministry of Foreign Affairs (MOFA). 2004c, 'MOFA Bluebook', <http://www.mofa.go.jp/policy/other/bluebook/2004/chap3-a.pdf>, accessed 9 February 2006.
- Ministry of Foreign Affairs (MOFA). 2004d, 'APEC Counter-Terrorism Capacity Building Initiative – *Japan's New Assistance Package to South East Asia*', accessed 22 November 2013.
- Ministry of Foreign Affairs (MOFA). 2005a, 'Kaizokumondai no genjyō to wagakuni no torikumi' (The problem of contemporary piracy and our country's response), <http://www.mofa.go.jp/mofaj/gaiko/pirate/index.html>, accessed 24 March 2005.
- Ministry of Foreign Affairs (MOFA). 2005b, 'Statement by the Press Secretary/Director-General for Press and Public Relations, Ministry of Foreign Affairs, on the Adoption of the Protocol for the Amendment to the "International Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988" and to the "Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988"', 14 October, <http://www.mofa.go.jp/announce/announce/2005/10/1014-3.html>, accessed 9 February 2006.
- Ministry of Foreign Affairs (MOFA). 2006a, 'Grant Aid to Indonesia for the Project for the Construction of Patrol Vessels for the Prevention of Piracy,

- Maritime Terrorism and Proliferation of Weapons', 16 June, <http://www.mofa.go.jp/announce/announce/2006/6/0616-3.html>, accessed 16 July 2006.
- Ministry of Foreign Affairs (MOFA). 2006b, Grant Aid to the Programme for Peace Building and Reintegration Assistance to Amnestied GAM Prisoners Recipients, Demobilized GAM Combatants and Conflict-Affected Communities throughout Aceh. 3 March, <http://www.mofa.go.jp/announce/announce/2006/3/0303-2.html>, accessed 4 July 2013.
- Ministry of Foreign Affairs (MOFA). 2006c, 'Statement by H.E. Mr. Akio Suda, Ambassador in Charge of International Counter-Terrorism Cooperation, at the Kuala Lumpur Meeting on the Straits of Malacca and Singapore "Basic Policy of Japan's Contributions and Cooperation in the Straits of Malacca and Singapore"', 18 September, <http://www.mofa.go.jp/policy/terrorism/state0609.html>, accessed 22 August 2013.
- Ministry of Foreign Affairs (MOFA). 2007, PSI Maritime Interdiction Exercise 'Pacific Shield 07' Hosted by the Government of Japan (Overview and Evaluation), 18 October 2007, <http://www.mofa.go.jp/policy/un/disarmament/arms/psi/overview0710.html>, accessed 23 July 2012.
- Ministry of Foreign Affairs (MOFA). 2009a, 'Statement by Mr. Hirofumi Nakasone, Minister for Foreign Affairs, on the Cabinet Decision on the Draft Law on the Penalization of Acts of Piracy and Measures against Acts of Piracy', 13 March 2009, http://www.mofa.go.jp/announce/announce/2009/3/1189408_1130.html, accessed on 16 June 2011.
- Ministry of Foreign Affairs (MOFA). 2009b, 'Statement by Prime Minister Taro Aso (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 Security Operations)', 13 March 2009, http://www.kantei.go.jp/foreign/asospeech/2009/03/13danwa_e.html, accessed on 16 June 2011.
- Ministry of Foreign Affairs (MOFA). 2009c, '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', 19 June 2009, http://www.mofa.go.jp/announce/announce/2009/6/1193289_1136.html, accessed on 16 June 2011.
- Ministry of Foreign Affairs (MOFA). 2012, PSI Air Interdiction Exercise 'Pacific Shield 12' hosted by Japan (Overview), 17 July 2012, http://www.mofa.go.jp/policy/un/disarmament/arms/psi/pacific_shield_12.html, Accessed 27 July 2012.
- Ministry of Land Infrastructure and Transport (MLIT). 2000a, *Model Action Plan*, Tokyo, http://www.mlit.go.jp/english/mot_news/mot_news_000428/mot_news_000428_3.html, accessed 23 July 2006.
- Ministry of Land Infrastructure and Transport (MLIT). 2000b, *Tokyo Appeal*, Tokyo, http://www.mlit.go.jp/english/mot_news/mot_news_000330/mot_news_000330_2.html, accessed 23 July 2006.
- Ministry of Land Infrastructure and Transport (MLIT). 2002, 'Dai75kai kaijyōanzeniinakai shingigaiyō' (terotaisaku kankeibibun)', No. 75 Maritime Safety Committee Discussion Outline (Section concerning anti-terrorism)', Maritime Division, International Navigation Section, http://www.mlit.go.jp/kisha/kisha02/10/100527_.html, accessed on 21 October 2003.

- Ministry of Land Infrastructure and Transport (MLIT). 2005, 'Law for the Security of Ships and of Port Facilities', <http://www.mlit.go.jp/seisakutokatsu/solas/e-index2.html>, accessed on 24 March 2005.
- Ministry of Land Infrastructure and Transport (MLIT). 2006, 'Maritime Security Level', SOLAS Convention Implementation Office, <http://www.mlit.go.jp/seisakutokatsu/solas/e-index.html>, accessed 7 February 2006.
- Miyashita, A. 2003, *Limits to Power – Asymmetric Dependence and Japanese Foreign Policy*, Lexington Books, Lanham & Oxford.
- Mizoguchi, A. 1999, 'Yakuza wo tsukai, Nihon ni shikakeru 'kakuseizaitero' (Special Report tainichi sensō wa hajimatteiru! Sennyū! Kitachōsen 'Akai shikaku') ['Stimulant Terror' that makes use of the Yakuza challenges Japan (Special Report The war against Japan has begun! Infiltration! North Korea's 'Red Assassin')]', *Sapio*, vol. 11, no. 6, pp. 102–104.
- Mizutori, M. Interview, Director, National Security Policy Division, Foreign Policy Bureau, Ministry of Foreign Affairs, Kasumigaseki, 2 April 2004.
- Mo, J. 2002, 'Options to Combat Maritime Piracy in Southeast Asia', *Ocean Development and International Law*, vol. 33, no. 3–4, pp. 343–358.
- MOFAT. 2013, 'ROK's Disarmament and Non-Proliferation Activities', http://www.mofat.go.kr/ENG/policy/disarmament/overview/disarmament/index.jsp?menu=m_20_70_10, accessed 21 June 2013.
- Montesano, M. 2004, 'The Philippines in 2003 – Troubles, None of Them New', *Asian Survey*, vol. 44, no. 1, pp. 93–101.
- Montesano, M. & Hwee, Q. 2004, 'The United States in Southeast Asia: Deepening the Rut?', *Orbis*, vol. 48, no. 2, pp. 321–334.
- Moore, G. 2008, 'How North Korea Threatens China's Interests: Understanding Chinese 'duplicity' on the North Korean Nuclear Issue', *International Relations of the Asia-Pacific*, vol. 8, pp. 1–29.
- Morgan, R. 2000, 'Europe: Where Does It Begin and End?', *International Affairs*, vol. 76, no. 3, pp. 559–574.
- Morris, J. 2005, 'Normative Innovation and the Great Powers', in A. Bellamy (ed.), *International Society and its Critics*, Oxford University Press, Oxford and New York, pp. 265–281.
- Morris-Suzuki, T. 1998, *Re-Inventing Japan: Time, Space, Nation*, M.E. Sharpe, Armonk, NY.
- Mortishead, C. 2003, 'Waves of Piracy Rise again in East Asia', *The Times*, 3 May, p. 49.
- Mortishead, C. 2004, 'Crews Pay Price of Rising Piracy', *The Times*, 29 January, p. 33.
- Mukundan, P. 2002, 'Higashi Ajia Kaiiki ni Okeru Kaizokuhigai no Genjyō to Keikō Oyobi Kaizoku Mondai ni Taisuru ICC-IMB no Katsudō' (Contemporary piratical attacks and trends in the East Asian maritime region and the efforts of the ICC-IMB regarding the piracy problem), *Kaiun*, vol. 896, no. 5, pp. 62–64.
- Mukundan, P. 2003, Interview, Director ICC International Maritime Bureau, Barking, Essex, 22 April.
- Mukundan, P. 2004, 'Piracy takes a Higher Toll of Seamen's Lives', http://www.iccwbo.org/ccs/news_archives/2004/, accessed 30 January 2004.
- Murphy, M. 2007, 'Contemporary Piracy and Maritime Terrorism', *Adelphi Papers*, vol. 47, no. 388, Oxford University Press, Oxford and New York.

- Nabeshima, K. 1999, 'In the Wake of the Spy Boats', *Japan Times*, 7 April 1999.
- Naikōkinkaikaiun. 2003, 'Enyōtenbō – Kaijyōterobōshi de beikoku ga shinpō wo shikō' (Survey of the Open Seas – US enforces new laws to prevent maritime terrorism), vol. 38, no. 822, pp. 26–29.
- Naitō, I. 2009, 'Kaizoku wo kōjitsu to suru somaria haken no mondaiten' (Piracy as pretext – problems with the Somalia dispatch), *Peace Movement*, vol. 3, no. 460, pp. 4–11.
- Nakamura, H. 2001, 'Kaizoku Jiken no Dōkō' (Trends in piracy cases), *Umi to Anzen*, vol. 35, no. 507, pp. 16–19.
- Nakamura, H. 2006, 'Kaijyōhoanchō no Kokusaishienkatsudō – Katsudō no Gaiyō' (The JCG's international support efforts – an outline of activities), *Umi to Anzen*, vol. 40, no. 528, 22–27.
- Nakashima, E. & Sipress, A. 2004, 'Singapore Goes It Alone in Maritime Security Drill', *The Washington Post*, 2 Jun, A12.
- Nayak, M. & Malone, C. 2009, 'American Orientalism and American Exceptionalism: A Critical Rethinking of US Hegemony', *International Studies Review*, vol. 11, pp. 253–276.
- Nayak, M. & Selbin, E. 2010, *Decentering International Relations*, Zed Books, London & New York.
- Neumann, I. 2009, 'Discourse Analysis', in A. Klotz & D. Prakash (eds.), *Qualitative Methods in International Relations*, Palgrave, MacMillan, Basingstoke & New York, pp. 61–77.
- Nihon Keizai Shimbun. 1999, 'Intelligence Satellite: Government to Place Order with Mitsubishi Electric for Prototype at 9 Billion Yen', 8 April 1999: 1.
- Nihon Keizai Shimbun 2004, 'Kaizoku kara gyomin wo mamore' (Protect fishing communities from pirates), 19 September, p. 13.
- Nincic, M. 2005, *Renegade Regimes: Confronting Deviant Behaviour in World Politics*, Columbia University Press, New York.
- Ninushi to yusō. 2004, 'ISPS kōdo e no torikumi to genjyō' (Tackling the ISPS Code and its current status), vol. 31, no. 6, pp. 15–17.
- Nogi, K. 2004, 'Kaijyōterorizumu kōgeki to taishosenjutsu' (Counter Strategies and Combating Maritime Terrorism), *Gunjikenkyū*, vol. 39, no. 4, pp. 38–49.
- Noland, M. 2009, 'The (Non-) Impact of UN Sanctions on North Korea', *Asia Policy*, no. 7, pp. 61–88.
- Noor, F. 2013, '"Pirate" is What I'm Not: The Role of the "Southeast Asian Pirate" in the Discourse of Legitimation for European Colonial Adventurism'. GLASS Lecture, Leiden University, 13 June 2013, <http://www.leiden.edu/agenda/item/farish-noor-nanyang-technical-university-pirate-is-what-im-not-the-role-of>, accessed 26 June 2013.
- Nyhart, J. & Kessler, J. 1978, 'Ocean Vessels and Offshore Structures', in A. Evans & J. Murphy (eds.), *Legal Aspects of International Terrorism*, Heath, Lexington, MA, pp. 187–220.
- O'Hagan, J. 2005, 'The Question of Culture', in A. Bellamy (ed.), *International Society and its Critics*, Oxford University Press, Oxford and New York, pp. 209–228.
- Ogawa, K. 2002, *Nihon no Kokkyō wo Mamoreruka?* (Are we defending Japan's borders), Seishun, Tokyo.
- Oh, K. & Hassig, R. 1999, 'North Korea Between Collapse and Reform', *Asian Survey*, vol. 39, no. 2, pp. 287–309.

- Okabe, I. 2004, 'Kaiyō tero?! Kagekikasuru kaizokukōi no genjyō' (Maritime Piracy?! The current state of increasingly radical piracy acts), *Sekai no kansens*, vol. 627, pp. 148–152.
- Okabe, M. 2003, 'Kimu Jon Iru to iu akuma wa nihon no anshakai ga sodateta (Kim Jong Il is a nightmare who has established an underworld in Japan)', *Chūō Kōron*, vol. 118, no. 1431, pp. 54–59.
- Ooi, I. 2007, 'The Malaysian Maritime Enforcement Agency Act 2004: Malaysia's Legal Response to the Threat of Maritime Terrorism', *Australia and New Zealand Maritime Law Journal*, vol. 21, pp. 70–91.
- Oros, A. 2008, *Normalizing Japan – Politics, Identity, and the Evolution of Security Practice*, Stanford University Press, Stanford.
- Orwell, G. 2013, *Nineteen Eighty-Four*, Penguin, London.
- Pape, R. 2005, *Dying to Win: The Strategic Logic of Suicide Terrorism*, Random House, New York.
- Park, J. 2005, 'Inside Multilateralism: The Six-Party Talks', *The Washington Quarterly*, vol. 28, no. 4, pp. 75–91.
- Park, K. 2000, 'North Korea's Defensive Power and U.S.-North Korea Relations', *Pacific Affairs*, vol. 73, no. 4, pp. 535–553.
- Park, K. 2004, 'North Korea in 2003 – Pendulum Swing between Crisis and Diplomacy', *Asian Survey*, vol. 44, no. 1, pp. 139–146.
- Parry, B. 2001, 'Signs of Our Times: A Discussion of Homi Bhabha's *The Location of Culture*', in M. Miyoshi & H. Harootunian (eds.), *Learning Places: The Afterlives of Area Studies*, Duke University Press, Durham and London, pp. 119–149.
- Pempel, T. J. 2008, 'How Bush Bungled Asia: Militarism, Economic Indifference and Unilateralism have Weakened the United States across Asia', *The Pacific Review*, vol. 21, no. 5, pp. 547–581.
- Pempel, T. J. 2010, 'More Pax, Less Americana in Asia', *International Relations of the Asia-Pacific*, vol. 10, pp. 465–490.
- Penn, M. 2009, 'Somali Pirates and Political Winds Drive Japan to the Gates of Tears', *Japan Focus*, http://www.japanfocus.org/articles/print_article/3022, accessed 15 May 2009.
- Peterson, J. & Treat, A. 2008, 'The Post-9/11 Global Framework for Cargo Security', *US International trade Commission, Journal of International Commerce and Economics*, http://www.usitc.gov/publications/332/journals/cargo_security.pdf, accessed 15 August 2013, pp. 1–30.
- Pham, P. 2010, 'Putting Somali Piracy in Context', *Journal of Contemporary African Studies*, vol. 28, no. 3, pp. 325–341.
- Polat, N. 2011, 'European Integration as Colonial Discourse', *Review of International Studies*, vol. 37, pp. 1255–1272.
- Pollack, J. 2005, 'The United States and Asia in 2004 – Unfinished Business', *Asian Survey*, vol. 45, no. 1, pp. 1–13.
- Prantl, J. & Nakano, R. 2011, 'Global Norm Diffusion in East Asia: How China and Japan Implement the Responsibility to Protect', *International Relations*, vol. 25, no. 2, 204–223.
- Price, W. 2004, 'Reducing the Risk of Terror Events at Seaports', *Review of Policy Research*, vol. 21, no. 3, pp. 329–349.
- Pugh, M. 1993, 'Piracy and Armed Robbery at Sea: Problems and Remedies', *Low Intensity Conflict and Law Enforcement*, vol. 2, no. 1, pp. 1–18.

- Pyle, K. 2007, *Japan Rising: The Resurgence of Japanese Power and Purpose*, Public Affairs, New York.
- Qin, Y. 2009, 'Relationality and Processual Construction: Bringing Chinese Ideas into International Relations Theory', *Social Sciences in China*, vol. 30, no. 4, pp. 5–20.
- Qin, Y. 2010, 'International Society as Process: Institutions, Identities and China's Peaceful Rise', *Chinese Journal of International Politics*, vol. 3, pp. 129–153.
- Qin, Y. & Wei, L. 2008, 'Structures, Processes, and the Socialization of Power: East Asian Community-building and the Rise of China', in R. Ross & F. Zhu (eds.), *China's Ascent: Power, Security, and the Future of International Politics*, Cornell University Press, Ithaca, pp. 115–140.
- Rao, R. 2004a, 'Indonesian Admiral Sees Conspiracy by West in Piracy Data', *Fairplay*, 29 July, 4.
- Rao, R. 2004b, 'Enough Transmigration for Nine Lives', *Fairplay*, 19 August, p. 31.
- Rao, R. 2004c, 'US to Stay Out of Key Strait', *Fairplay*, 30 September, p. 9.
- Ravenhill, J. 2009, 'East Asian Regionalism: Much Ado about Nothing?', *Review of International Studies*, vol. 35, pp. 215–235.
- Ravenhill, J. 2007, 'Mission Creep or Mission Impossible? APEC and Security', in A. Acharya & E. Goh (eds.), *Reassessing Security Cooperation in the Asia-Pacific: Competition, Congruence, and Transformation*. MIT Press, Cambridge, MA, pp. 135–154.
- Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC). 2008, *Adding Value Charting Trends, Annual Research Report 2007*, http://www.recaap.org/index_home.html, accessed 28 February 2008.
- Renwick, N. & Abbott, J. 1999, 'Piratical Violence and Maritime Security in Southeast Asia', *Security Dialogue*, vol. 30, no. 2, pp. 183–196.
- Reus-Smit, C. 2005, 'Constructivism', in S. Burchill, A. Linklater, R. Devetak, J. Donnelly, M. Patterson, C. Reus-Smit, & J. True (eds.), *Theories of International Relations*, Palgrave Macmillan, New York and Basingstoke.
- Rich, T. 2010, 'Engaging North Korea: Is 2010 a Watershed Year for US-DPRK-ROK Relations?', *Journal of Asia Pacific Studies*, vol. 1, no. 3, pp. 647–656.
- Richardson, M. 1998, 'West Snaps up Asian Businesses', *International Herald Tribune*, June pp. 20–21.
- Richardson, M. 2004, *A Time Bomb for Global Trade – Maritime Related Terrorism in an Age of Weapons of Mass Destruction*, Institute of Southeast Asian Studies, Singapore.
- Richardson, M. 2005, 'ASEAN-China Maritime Security Cooperation', in S. Saw, L. Sheng, & K. Chin (eds.), *ASEAN-China Relations – Realities and Prospects*, Institute of Southeast Asian Studies, Singapore, pp. 199–207.
- Rivera, T. 2005, 'The Philippines in 2004 – New Mandate, Daunting Problems', *Asian Survey*, vol. 45, no. 1, pp. 127–133.
- Roach, A. 2003, 'Container and Port Security: A Bilateral Perspective', *The International Journal of Marine and Coastal Law*, vol. 18, no. 3, pp. 341–361.
- Roach, A. 2010, 'Countering Piracy off Somalia: International Law and International Institutions', *American Journal of International Law*, vol. 104, no. 3, pp. 397–415.
- Rogers, S. 2004, 'Beyond the Abu Sayyaf – The Lessons of Failure in the Philippines', *Foreign Affairs*, vol. 83, no. 1, pp. 15–20.

- Romero, J. 2003, 'Prevention of Maritime Terrorism: The Container Security Initiative', *Chicago Journal of International Law*, vol. 4, no. 2, pp. 597–605.
- Ronzitti, N. 1990, 'The Law of the Sea and the Use of Force against Terrorist Activities', in N. Ronzitti (ed.), *Maritime Terrorism and International Law*, Martinus Nijhoff Publishers, Dordrecht, Boston and London, pp. 1–14.
- Rotberg, R. 2004, 'The Failure and Collapse of Nation-States: Breakdown, Prevention, and Repair', in R. Rotberg (ed.), *When States Fail: Causes and Consequences*, Princeton University Press, Princeton, NJ, pp. 1–49.
- Rothwell, D. & Klein, N. 2010, 'Maritime Security and the Law of the Sea', in N. Klein, J. Mossop & D. Rothwell (eds.), *Maritime Security – International Law and Policy Perspectives from Australia and New Zealand*, Routledge, Abingdon and New York, pp. 22–36.
- Roy, D. 1994, 'Hegemon on the Horizon? China's Threat to East Asian Security', *International Security*, vol. 19, no. 1, pp. 149–168.
- Said, E. 2003, *Orientalism*, Penguin, London.
- Samore, G. 2003, 'The Korean Nuclear Crisis', *Survival*, vol. 45, no. 1, pp. 7–24.
- Samuels, R. 2007, *Securing Japan – Tokyo's Grand Strategy and the Future of East Asia*, Cornell University Press, Ithaca.
- Samuels, R. 2008, '“New Fighting Power!” Japan's Growing Maritime Capabilities and East Asian Security', *International Security*, vol. 32, no. 3, pp. 84–112.
- Sandeep, D. 2004, 'Indian, Japanese Warships Conduct Joint Exercises', *The Hindu Online*, 16 September.
- Sasakawa, Y. 2004, 'Keynote Address at the Opening Session of the “Heads of Asian Coast Guard Agencies Meeting”', 17 June, Nippon Foundation, <http://www.Nippon-foundation.or.jp/eng/speeches/2004658/200446582.html>, accessed 8 July 2004.
- Satō, K. 1999, 'Fushinsen no fukaoisake, seikenkyōka nerau Obuchi shushō (Prime Minister Obuchi aims to strengthen political power by avoiding chasing the suspicious ship too far)', *Sekai Shūhō*, 20 April, pp. 13–14.
- Satō, Y. 2007, 'Southeast Asian Receptiveness to Japanese Maritime Security Cooperation', *Asia-Pacific Center for Security Studies*, Occasional Paper.
- Satō, Y. 2009, 'The Democratic Party of Japan and North Korea Policy', *Asia Pacific Bulletin* 43.
- Saunders, E. 2006, 'Setting Boundaries: Can International Society Exclude “Rogue States”?', *International Studies Review*, vol. 8, no. 1, pp. 523–553.
- Sauvageot, E. 2009, 'Piracy off Somalia and Its Challenges to Maritime Security: Problems and Solutions', *UNISCI Discussion Papers*, no. 19, pp. 250–267.
- Schaefer, B. 2009, 'Piracy: A Symptom of Somalia's Deeper Problems', Web Memo No. 2398, The Heritage Foundation.
- Schneider, F. 2008, *The Theory and Method of Discourse Analysis*, Unpublished Manuscript.
- Schofield, C. 2009, 'The Other Pirates of the Horn of Africa', *RSIS Commentaries*, Rajaratnam School of International Studies, pp. 1–3.
- Scott, S. 2010, 'Whose Security is it and How much do We Want?', in N. Klein, J. Mossop & D. Rothwell (eds.), *Maritime Security – International Law and Policy Perspectives from Australia and New Zealand*, Routledge, Abingdon and New York, pp. 76–93.
- SecureMarine. 2013, http://www.secure-marine.com/index_new.shtml, accessed 27 August 2013.

- Sekai Editorial Board (Sekai Honshihenshūbu). 2002, 'Fushinsen taiō de kyōkōburi medatsu nihon (Japan's conspicuously strong answer to [North Korean] suspicious ships)', *Sekai*, March, pp. 277–284.
- Setiawan, B. 2004, 'The IMF Burden', *Inside Indonesia*, vol. 77, pp. 12–13.
- Shikata, T. 1999, 'Hyōka dekiru ga kadai mo nokoshita fushinsentsuiseki (An evaluation is possible though questions concerning the suspicious ship chase remain)', *Sekai Shūhō*, 20 April, pp. 6–9.
- Shinn, D. 2011, 'Al Shabaab's Foreign Threat to Somalia', *Orbis*, vol. 55, no. 2, pp. 203–215.
- Shinoda, T. 2007, *Koizumi Diplomacy: Japan's Kantei Approach to Foreign and Defense Affairs*, University of Washington Press, Seattle.
- ShipLoc. 2013, <http://www.shiploc.com/>, accessed 27 August 2013.
- Shohat, E. 1992, 'Notes on the "post colonial"', *Social Text*, vol. 31/32, pp. 99–113.
- Shutzer, J. 2003, 'Piracy in Indonesia', School of Advanced International Studies at John Hopkins University, <http://www.sais-jhu.edu/bwelsh/JamiePolicyPaper.pdf>, accessed 15 December 2005.
- Silke, A. (ed.) 2004, *Research on Terrorism: Trends, Achievements and Failures*, Frank Cass, London & Portland.
- Singh, B. 2002, 'ASEAN's Perceptions of Japan: Change and Continuity', *Asian Survey*, vol. 42, no. 2, pp. 276–296.
- Simpson, G. 2004, *Great Powers and Outlaws States: Unequal Sovereigns in the International Legal Order*, Cambridge University Press, Cambridge.
- Smith, H. 2000, 'Bad, Mad, Sad or Rational Actor? Why the "Securitization" Paradigm Makes for Poor Policy Analysis of North Korea', *International Affairs*, vol. 76, no. 3, pp. 593–617.
- Smith, S. 2000, 'Wendt's World', *Review of International Studies*, vol. 26, no. 1, pp. 151–163.
- Smith, S. 2004, 'Singing Our World into Existence: International Relations Theory and September 11', *International Studies Quarterly*, vol. 48, no. 3, pp. 499–515.
- Snyder, S. 2013, 'UN Sanctions Hit North Korea ... Again', 9 March 2013, *The Diplomat*, http://thediplomat.com/flashpoints-blog/2013/03/09/un-sanctions-hit-north-korea-again/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+the-diplomat+%28The+Diplomat+RSS%29, accessed 14 August 2013.
- Song, Y. 2003, 'Maritime Security and International Maritime Instruments', *The Indonesian Quarterly*, vol. 31, no. 4, pp. 450–483.
- Song, Y. 2007, 'The US-led Proliferation Security Initiative and UNCLOS: Legality, Implementation, and an Assessment', *Ocean Development and International Law*, vol. 38, pp. 101–145.
- Sorensen, K. 2008, 'State Failure on the High Seas – Reviewing the Somali Piracy', *FOI Somalia Papers: Report 3*, Stockholm.
- South China Morning Post. 2003, 'What if Asia's Pirates and Terrorists Joined Hands', 17 May, p. 11.
- Spivak, G. 1993, 'Can the Subaltern Speak?', in P. Williams & L. Chrisman (eds.), *Colonial Discourse and Postcolonial Theory*, Harvester Wheatsheaf, New York, pp. 66–111.
- Steele, B. 2005, 'Ontological Security and the Power of Self-identity: British Neutrality and the American Civil War', *Review of International Studies*, vol. 31, pp. 519–540.

- Stiglitz, J. 2002, *Globalization and its Discontents*, Penguin, London and New York.
- Storey, I. 2009, 'Maritime Security in Southeast Asia – Two Cheers for Regional Cooperation', *Southeast Asian Affairs*, vol. 1, pp. 36–58.
- Stubbs, R. 2004, 'ASEAN: Building Regional Cooperation', in M. Beeson (ed.), *Contemporary Southeast Asia – Regional Dynamics, National Differences*, Palgrave, Basingstoke & New York, pp. 216–233.
- Sukma, R. 2004, 'Indonesia and Regional Security: The Quest for Cooperative Security', in S. Tan & A. Acharya (eds.), *Asia-Pacific Security Cooperation – National Interests and Regional Order*, M.E. Sharpe, New York, pp. 71–87.
- Sullivan, K. & Jordan, M. 1999a, 'High Tech Pirates Ravage Asian Seas', *The Washington Post*, 5 July.
- Sullivan, K. & Jordan, M. 1999b, 'Pirates Plus Technology Equals Double Trouble as Attacks in East Asian Waters Surge', *Buffalo News*, 11 July.
- Sullivan, R. 2001, 'Increase in Piracy Spurred by Asian Economic Crisis', *Houston Chronicle*, 13 May, p. 31.
- Suzuki, S. 2005, 'Japan's Socialization into Janus-Faced European International Society', *European Journal of International Relations*, vol. 11, no. 1, pp. 137–164.
- Suzuki, S. 2008, 'Seeking "Legitimate" Great Power Status in Post-Cold War International Society: China's and Japan's Participation in UNPKO', *International Relations*, vol. 22, no. 1, pp. 45–63.
- Szyliowicz, J. 2004, 'International Transportation Security', *Review of Policy Research*, vol. 21, no. 3, pp. 351–368.
- Tagliacozzo, E. 2001, 'Border Permeability and the State in Southeast Asia: Contraband and Regional Security', *Contemporary Southeast Asia*, vol. 23, no. 2, pp. 254–274.
- Taipei Times. 2004, 'Rumsfeld Seeks more Asian Help', 6 June, <http://www.taipeitimes.com/News/world/archives/2004/06/06/2003173937>, accessed 21 August 2013.
- Takai, S. 2002, 'Marakka Kaikyō Shūhenkaiiki no Kaizoku to Gunji no Yakuwari' (Modern Piracy in the Malacca Straits and the Role of Navies), *Bōeikenkyūyōkiyō* (NIDS, Security Studies), vol. 5, no. 1, pp. 1–21.
- Takano, M. 2005, 'WMD kakusan e no kokusaiteki torikumi to nihon no taiō' (International means to tackle WMD proliferation and Japan's response), *Nihon Bunka* (Japanese Culture), 19: 109–122.
- Takeda, I. 2009, 'Taiji e no michisuji wo saguru – hatankokka somaria ni sukuu kaizoku no jitsuzō' (Searching for a solution – the reality of pirates which infest the collapsed state of Somalia), *Chūō Kōron*, vol. 124, no. 2, pp. 144–151.
- Tamura, S. 2009, 'Eikoku, Echiopia, Jibuchi, Bārēn, Dobai chōsadanhōkoku (UK, Ethiopia, Djibouti, Bahrain, Dubai Research Group Report)', *Gekkanjiyūminshu*, vol. 673, no. 4, pp. 28–38.
- Taylor, J. 2003, *Indonesia Peoples and Histories*, Yale University Press, New Haven & London.
- Tazaki, Y. 2002, 'Kuraishisu Intabyū Kaijyōhoanchō Chōkan Nawano Katsuhiko – Kokusaihanzai, Tero e no Yokushiryoku to Shite Kaikokunihon no Kōsutogādō "Shitukoi" Kaiho, Kokoniari!' (Crisis Interview with JCG Director Nawano Katsuhiko – the 'persistent' Coast Guard of Japan deterring international crime and terrorism – here it is!), *Zaikaijin*, vol. 15, no. 9, pp. 46–51.
- Teo, Y. 2007, 'Target Malacca Straits: Maritime Terrorism in Southeast Asia', *Studies in Conflict & Terrorism*, vol. 30, no. 6, pp. 541–561.

- Terashima, H. 2001, 'Ajia no Umi to Kaizoku no Kyōi' (Asian seas and the threat of piracy), *Gaikō Fōramu*, vol. 14, no. 7, pp. 38–41.
- Terashima, H. 2004, Interview, Executive Director, Ship and Ocean Foundation – Institute for Ocean Policy, Toranomon, 22 July.
- Terashima, H. 2009, Interview, Executive Director Ocean Policy Research Foundation, Tokyo, 4 August.
- The Economist. 2004, 'No Place to Hide, Maybe', 30 October, pp. 65–66.
- The Economist. 2005a, 'Finnishing the War', 27 January, <http://www.economist.com/node/3600224?zid=306&ah=1b164dbd43b0cb27ba0d4c3b12a5e227>, accessed 23 August 2013.
- The Economist. 2005b, 'New Abu Sayyaf', 17 February, <http://www.economist.com/node/3675637>, accessed 23 August 2013.
- The Economist. 2005c, 'Now What?', 13 August.
- Tiribelli, C. 2006, 'Time to Update the 1988 Rome Convention for the Suppression of Unlawful Acts Against The Safety of Maritime Navigation', *Oregon Review of International Law*, vol. 8, no. 137, pp. 133–156.
- Tōi, Y. 2006, 'Kaijyō Hoanchō: Chūmoku no Misshon – Kaijyō Sekyuritei' (The JCG's key mission – maritime security), *Sekai no Kansen*, vol. 660, pp. 124–9.
- Tow, W. 2006, 'Bush and Asia: The Evolving Strategic Context', in M. Beeson (ed.), *Bush and Asia: America's Evolving Relations with East Asia*, Routledge, London & New York, pp. 80–93.
- Trachtenberg, M. 2006, *The Craft of International History – a Guide to Method*, Princeton University Press, Princeton & Oxford.
- Treves, T. 1990, 'The Rome Convention for the Suppression of Unlawful Acts Against The Safety of Maritime Navigation', in N. Ronzitti (ed.), *Maritime Terrorism and International Law*, Martinus Nijhoff Publishers, Dordrecht, Boston & London, pp. 69–90.
- Treves, T. 2009, 'Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia', *The European Journal of International Law*, vol. 20, no. 2, pp. 399–414.
- Tsuboi, Y. 1999, 'Kōsakuin ka mayaku hakobu (Transporting spies or drugs?)', *Asahi Shimbun Weekly AERA*, vol. 12, no. 15, p. 15.
- Tuerk, H. 2008, 'Combating Terrorism at Sea – The Suppression of Unlawful Acts against the Safety of Maritime Navigation', *University of Miami International and Comparative Law Review*, vol. 15, pp. 337–367.
- Umezawa, A. 2003, 'National Institute of Informatics (NII) Academic Society Home Village', http://www.soc.nii.ac.jp/jsil/annual_documents/2003/autumn/houkoku-abstr/Panel%20C4%20Umezawa%20paper.pdf, accessed 20 December 2005.
- Umezawa, A. 2004, Interview, Principal Deputy Director, Ocean Division, Fisheries Division, Kasumigaseki, 2 April 2004.
- UNCLOS. 2006, http://www.un.org/Depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm, accessed 14 March 2006.
- UPI. 2009, 'S. Korea Joins PSI, North irate', UPI.com, http://www.upi.com/Top_News/2009/05/27/S-Korea-joins-PSI-North-irate/UPI-37271243404462/, accessed 21 June 2013.
- Uriu, R. 1999, 'Japan in 1998 – Nowhere to Go but Up?', *Asian Survey*, vol. 39, no. 1, pp. 114–132.

- Uriu, R. 2000, 'Japan in 1999 – Ending the Century on an Uncertain Note', *Asian Survey*, vol. 40, no. 1, pp. 140–150.
- Uriu, R. 2003, 'Japan in 2002 – An Up-and-Down Year, but Mostly Down', *Asian Survey*, vol. 43, no. 1, pp. 78–90.
- Uyama, H. 2004, 'Kaisei SOLAS jiyōyaku (kaijyōtero taisaku) ni tsuite' (Concerning revisions to the SOLAS treaty – maritime terrorism counter measures), *Kaijyō Rōdō*, no. 56, pp. 66–73.
- Vagg, J. 1995, 'Rough Seas? Contemporary Piracy in South-East Asia', *British Journal of Criminology*, vol. 35, no. 1, pp. 63–80.
- Valencia, M. 2001, 'Southeast Asia Piracy Runs Rampant', *The Washington Times*, 4 June: A12
- Valencia, M. 2005, *The Proliferation Security Initiative – Making Waves in Asia*, Adelphi Paper 376, Routledge International Institute for Strategic Studies, Abingdon & New York.
- Valencia, M. & Amae, Y. 2003, 'Regime Building in the East China Sea', *Ocean Development and International Law*, vol. 34, pp. 189–208.
- Valencia, M. & Guoxing, J. 2002, 'The "North Korean" Ship and U.S. Spy Plane Incidents – Similarities, Differences, and Lessons Learnt', *Asian Survey*, vol. 42, no. 5, pp. 723–732.
- Valencia, M. & Khalid, N. 2009, 'The Somalia Multilateral Anti-Piracy Approach: Caveats on Vigilantism', *Japan Focus*, http://www.japanfocus.org/-Mark_J_-Valencia/3052, accessed 15 May 2009.
- Van Ness, P. 2005, 'Why the Six Party Talks Should Succeed', *Asian Perspective*, vol. 29, no. 2, pp. 231–246.
- Vasquez, J. 1997, 'War Endings: What Science and Constructivism Can Tell Us', *Millennium: Journal of International Studies*, vol. 26, no.3, pp. 651–678.
- Vidino, L., Pantucci, R. & Kohlmann, E. 2010, 'Bringing Global Jihad to the Horn of Africa: al Shabaab, Western Fighters, and the Sacralization of the Somali Conflict', *African Security*, vol. 3, no. 4, pp. 216–238.
- Villar, R. 1985, *Piracy Today – Robbery and Violence at Sea since 1980*, Conway Maritime Press, London.
- Wang, Z. & Li, Y. 2005, 'China-ASEAN Maritime Security Cooperation: Situation and Proposals', in S. Saw, L. Sheng, & K. Chin (eds.), *ASEAN-China Relations – Realities and Prospects*, Institute of Southeast Asian Studies, Singapore, pp. 187–198.
- Watanabe, T. 1999, 'Fushinsenshinnyū ga yūjihōseirongi wo atooshi (Support for emergency legislation after the suspicious ship intrusion)', *Sekai Shūhō*, vol. 80, no. 14, pp. 10–12.
- Watson, W. 2004a, 'The Coast Watcher's Dilemma', *Fairplay*, 1 July, pp. 16–17.
- Watson, W. 2004b, 'Balancing Security against Commerce', *Fairplay*, 9 September, pp. 16–18.
- Watson, W. 2004c, 'Where Bush Is Likely to Steer Shipping', *Fairplay*, 11 November, pp. 10–11.
- Watson, W. 2005, 'Bonus for C-TPAT-Plus Players', *Fairplay*, 20 January, p. 13.
- Weatherbee, D. 2005, *International Relations in Southeast Asia – The Struggle for Autonomy*, Rowman & Littlefield, Lanham, Maryland.
- Webster, B. 2003, 'Pirates Swap their Cutlasses for Kalashnikovs', *The Times*, 31 October.

- Weeks, S. 2003, 'Maritime Terrorism: Threats and Responses', Paper Presented at the International Conference on Geo-Agenda for the Future: Securing the Oceans, Ship and Ocean Foundation.
- Weldes, J. 1996, 'Constructing National Interests', *European Journal of International Relations*, vol. 2, no. 3, pp. 275–318.
- Wendt, A. 1995, 'Anarchy Is What States Make of It: The Social Construction of Power Politics', in J. Der Derian (ed.), *International Theory – Critical Investigations*, MacMillan, Basingstoke & London, pp. 129–180.
- Wesley, M. 2006, 'The Dog That Didn't Bark: The Bush Administration and East Asia Regionalism', in M. Beeson (ed.), *Bush and Asia: America's Evolving Relations with East Asia*, Routledge, London & New York, pp. 64–79.
- Wheeler, N. 2000, *Saving Strangers – Humanitarian Intervention in International Society*, Oxford University Press, Oxford.
- Wibisono, M. 2003, 'APEC and Maritime Security Measures', *The Jakarta Post*, 15 September, p. 1.
- Wight, M. 1991, *International Theory: The Three Traditions*, Leicester University Press/Royal Institute of International Affairs, Leicester.
- Williams, B. & Mobrand, E. 2010, 'Explaining Divergent Responses to the North Korean Abductions Issue in Japan and South Korea', *The Journal of Asian Studies*, vol. 69, no. 2, pp. 507–536.
- Wilson, J. 2004, 'Shipowners Slam Poor Port Security', *Fairplay*, 28 October, pp. 16–17.
- Winn, J. & Govern, K. 2008, 'Maritime Pirates, Sea robbers, and Terrorists: New Approaches to Emerging Threats', *The Homeland Security Review*, vol. 2, no. 2, pp. 131–156.
- Woo, M. 2006, 'North Korea in 2005 – Maximizing Profit to Save Socialism', *Asian Survey*, vol. 46, no. 1, pp. 49–56.
- Wright, L. 1976, 'Piracy in the Southeast Asian Archipelago', *Journal of Oriental Studies*, vol. 14, pp. 23–34.
- Wu, A. 2005, 'What China Whispers to North Korea', *The Washington Quarterly*, vol. 28, no. 2, pp. 35–48.
- Yaji, M. 2005, 'Junshisen *Amami* "hidan132hatsu! Kitachōsen kōsakusen to no shitō" (The Patrol Boat *Amami* "The 132 is hit! A fight to the death with the North Korean spy ship")', *Shūkanposuto*, vol. 37, no. 3, pp. 218–221.
- Yamada, A. 2009, 'Jieitai no somariaoki haken no mondaiten' (Issues with the dispatch of the Self-Defence Forces to the Coast of Somalia), *Data on Disarmament Issues*, vol. 5, no. 342, pp. 18–19.
- Yamada, Y. 2003, *Umi no Terorizumu* (Maritime Terrorism), PHP Kenkyūjyo, Tokyo.
- Yamada, Y. 2004, Interview, Director, Maritime Affairs Department, The Nippon Foundation, Akasaka, 10 November.
- Yamada, Y. 2005, 'Saikin no ajia no kaizoku – tero no keikō to taisaku no dōkō' (Contemporary piratical and terrorist trends in Asia and trends in countermeasures), *Kaiun* (Maritime Transport), vol. 930, pp. 46–49.
- Yamada, Y. 2006a, 'Kaiyō Sekyuritei to Kaizokumondai' (Maritime security and the piracy problem), *Journal of World Affairs*, vol. 54, no. 11, pp. 2–14.
- Yamada, Y. 2006b, 'Ajia no Kaizokumondai ni Taishite Nihon ga Hatasubeki Yakuwari' (The role Japan should play in response to Asia's piracy problem), *Hōritsubunka*, vol. 264, pp. 26–29.

- Yamada, Y. 2007, 'Gendai no Kaizokumondai' (The contemporary piracy problem), *Senchō*, vol. 127, pp. 1–14.
- Yamada, Y. 2009, Interview: Professor at Tokai University and Ocean Policy Research Foundation (OPRF) Research Fellow, Tokyo, 6 August.
- Yamamoto, T. 2009, Interview, Manager Marine Division, Japanese Shipowners' Association, Tokyo, 13 August.
- Yeo, L. 2010, 'Institutional Regionalism Versus Networked Regionalism: Europe and Asia Compared', *International Politics*, vol. 47, no. 3/4, pp. 324–337.
- Yomiuri Shimbun. 1999a, 'Fushinsen ni jieikan keikokushageki' (SDF vessel fires warning shots at suspicious ship), 24 March 1999, p. 1.
- Yomiuri Shimbun. 1999b, 'Kizen to taiō seifukakunin' (Confirmation that government response was resolute and calibrated), 24 March 1999, p. 2.
- Yomiuri Shimbun. 1999c, 'Denpajyōhōshūshū ka – kitachōsen kōsakusen da – kokumin ni setsumeihitsuyō' (Compiling radio information – it was a North Korean spy ship – an explanation to the people is necessary), 24 March 1999, p. 38.
- Yomiuri Shimbun. 1999d, 'Ryōkikeibi fubi ukibori' (Unsatisfactory nature of sovereign policing brought into sharp relief), Evening Edition 24 March 1999, p. 2.
- Yomiuri Shimbun. 1999e, 'Keibishageki teisen ga keiki' (warning shots fired – opportunity when ship stopped), Evening Edition 24 March 1999, p. 23.
- Yomiuri Shimbun. 1999f, 'Jieitai shutsudō meguri kinpaku' (SDF dispatched in tense situation), 25 March 1999, p. 3.
- Yomiuri Shimbun. 1999g, 'Ryōkai no mamori hōseibi isoge' (Legal preparations rushed to defend maritime territory), 25 March 1999, p. 4.
- Yomiuri Shimbun. 1999h, 'Japan, Russia to Hold Maritime Security Talks; Meeting likely in July Due to North Korean Spy Ships' Intrusion', 4 April 1999, p. 1.
- Yomiuri Shimbun. 2001a, 'Enjyō, chinbotsu... shōgeki no ketsumatsu' (Engulfed in flames and sank... the shocking conclusion), 23 December 2001, p. 26.
- Yomiuri Shimbun. 2001b, 'Tsuiseki 30jikan, arami no jyūgekisen' (A thirty hour pursuit, a firefight in stormy seas), 23 December 2001, p. 27.
- Yomiuri Shimbun. 2001c, 'Kitachōsensen kiwamete nōkō' (The extreme strength of the North Korean vessel), 24 December 2001, p. 1.
- Yomiuri Shimbun. 2001d, 'Kantei kikiishiki ni amasa' (The Cabinet's sense of crisis was weak), 24 December 2001, p. 3.
- Yomiuri Shimbun. 2001e, 'Nitchō kaizen sarani tōnoku?' (Improvement in Japan-Korea relations fades?), 24 December 2001, p. 4.
- Yomiuri Shimbun. 2001f, 'Taigai kyōkō shisei wo hanei?' (Reflecting on resolute foreign stance?), 24 December 2001, p. 7.
- Yomiuri Shimbun. 2001g, 'Fushinsen rokettohan hassha' (Suspicious ship fires rocket), 25 December 2001, p. 1.
- Yomiuri Shimbun. 2001h, 'Kyōdōtaisho mo saitenken hitsuyō' (Cooperative measures require reexamination), 25 December 2001, p. 2.
- Yomiuri Shimbun. 2001i, 'Bukishiyōkijun ga fumeikaku' (Regulations regarding use of weapons is unclear), 25 December 2001, p. 3.
- Yomiuri Shimbun. 2001j, 'Kōsakusenteki? Tokushu na kōzō' (The unique design of a spy ship?), Evening Edition 26 December 2001, p. 1.
- Yomiuri Shimbun. 2005, 'Marakkashūgeki shushō ni renrakushitsu setchi' (Malacca attack – liaison room set up in Prime Minister's residence), *Evening Edition*, 15 March.

- Yomiuri Shimbun. 2009a, 'Global Crisis Requires Flexible Response', 1 January 2009, <http://www.yomiuri.co.jp/editorial/change/dy20090101.htm>, accessed 17 February 2012.
- Yomiuri Shimbun. 2009b, 'Ensuring Global Stability Rests with Obama', 4 January 2009, <http://www.yomiuri.co.jp/editorial/change/dy20090104.htm>, accessed 17 February 2012.
- Yomiuri Shimbun. 2009c, 'Aso Cabinet Approval Rate Falls', 10 February 2009, <http://www.asianewsnet.net/home/news.php?sec=1&id=3861>, accessed 17 June 2011.
- Yong, T. 2003, 'Piracy with a Sophisticated Twist at Our Doorsteps', *New Straits Times*, 17 August.
- Yoshihara, T. & Holmes, J. 2008, 'Japan's Emerging Maritime Strategy: Out of Sync or Out of Reach?', *Comparative Strategy*, vol. 27, pp. 27–43.
- Young, A. & Valencia, M. 2003, 'Conflation of Piracy and Terrorism in South-east Asia: Rectitude and Utility', *Contemporary Southeast Asia*, vol. 25, no. 2, pp. 269–283.
- Yun, C. 2003, 'International Production Networks and the Role of the State: Lessons from the East Asian Development Experience', *European Journal of Development Research*, vol. 15, no. 1, pp. 170–193.
- Yun, D. 2002, 'Fushinsenjiken ga shimesu kitachōsen no kyūjyō to bōsō (The suspicious ship case shows North Korea's distress and recklessness)', *Chūō kōron*, vol. 117, no. 3, pp. 110–115.
- Zehfuss, M. 2002, *Constructivism in International Relations – The Politics of Identity*, Cambridge University Press, Cambridge.
- Zha, D. 2001, 'Security in the South China Sea', *Alternatives*, vol. 26, no. 1, pp. 33–52.
- Zhu, F. 2011, 'Flawed Mediation and a Compelling Mission: Chinese Diplomacy in the Six-Party Talks to Denuclearize North Korea', *East Asia*, vol. 28, pp. 191–218.
- Zou, K. 2008, 'Maritime Security and Multilateral Interactions between China and Its Neighbours', in G. Wu & H. Lansdowne (eds.), *China Turns to Multilateralism: Foreign Policy and Regional Security*, Routledge, London & New York, pp. 147–171.
- Zou, K. 2009, 'New Developments in the International Law of Piracy', *Chinese Journal of International Law*, vol. 8, no. 2, pp. 323–345.

Index

- Abe Shinzō, 69, 109
 Abe Tomoko, 137
 Abu Bakar Ba'asyir, 40–1
 See also Jemaah Islamiya (JI)
 Abu Sayyaf Group (ASG), 85, 90–2,
 94–5, 160, 170
 Aceh, 40, 81, 85, 92–6, 122, 170
 See also Gerakan Aceh Merdeka
 (GAM)
 Acharya, Amitav, 23, 29–30, 169
Achille Lauro, hijack, 56–7, 149, 158
 See also SUA Treaty
 Afghanistan, 43, 50, 65, 90, 95, 123,
 143, 171
 African Union Mission in Somalia
 (AMISOM), 135
 Air Defence Identification Zone
 (ADIZ), 100
 Air Self-Defence Forces (ASDF), 108,
 115, 178
 Al Qaeda
 Afghanistan links with, 95
 goals, 40, 89
 International Islamic Terrorism and,
 85–6, 89–90, 93
 Iraq links with, 44
 maritime assets of, 89
 organization of, 89
 separatist organizations links to, 40,
 87–8, 89–90, 94–5, 170
 Somalia links with, 82
 See also Basra Oil Terminal; *Limburg*;
 terrorism; *USS Cole*; war on
 terror
 Albright, Madeleine, 65
Alondra Rainbow, hijack, 77, 117,
 119–20, 124, 130, 179
 Al-Shabaab, Somalia, 12, 82–3, 90
 See also Islamic Courts Union (ICU),
 Somalia
Amami, JCG vessel, 103, 112–13
Anarchical Society, The, 16, 177
 See also Bull, Hedley; English
 School; international society
 Anglo-Dutch Treaty 1824, 30
Anna Sierra, hijack, 77
 anti-piracy devices, 2, 124–5
 Anti-Piracy Measures Bill, *see* Japan;
 Anti-Piracy Law
 Anti-Terror Special Measures Law
 (ATSM), 143
 ARF Maritime Senior Officials
 Meeting, 121
 Armed Forces of the Philippines, 90–1
 Armed Robbery Against Ships, 55–6,
 123–4, 128, 130, 140
 See also piracy
 Arroyo, Gloria Macapagal, 91,
 94–5, 170
 ASEAN Convention on
 Counter-Terrorism, 92
 ASEAN Plus Three (APT), 22, 119,
 125, 127
 ASEAN Regional Forum (ARF), 22, 119,
 121, 127, 160–1, 163
 Asia Anti-Piracy Challenge 2000, 126
 Asia Cooperation Conference on
 Combating Piracy and Armed
 Robbery against Ships, 56, 127
 Asia Europe Meeting (ASEM), 22
 Asia Pacific Economic Cooperation
 (APEC) Forum, 22, 148, 152–3,
 160–1, 163
 Asian Financial Crisis, 21, 63, 79, 83,
 96, 140
 Asian Maritime Security Initiative
 (AMSI), 127
 Association of Southeast Asian
 Nations (ASEAN), 22, 23, 92, 94,
 119, 121, 125, 126, 127, 156,
 160–1
 Aum Shinrikyo, 143, 158
 Australia, 123–4, 157, 160

- Automatic Identification Systems (AIS), 150, 152
- Ba, Alice, 23–4, 169
- Bahamas, 59
- Bali Bombings in 2002 and 2005, 88, 92
See also Jemaah Islamiya (JI)
- Baltic Sky*, 88
- Bangladesh, 59, 126
- Barre, Muhammad Siyaad, 81
See also Somalia
- Basra Oil terminal attack, 87
- Be Gae Bong*, interdiction of, 155
- Bhabha, Homi, 27–8, 30
- Brunei, 123
- Bull, Hedley, 16–17, 25, 37–42, 60, 110, 166–7, 170, 177
See also anarchical society; English School; international society
- Burma, 45–6
See also Myanmar
- Bush, George W. Administration, 178
- Iraq and, 44
- maritime initiatives, 3, 62, 144, 147, 153–4, 156
- North Korea and, 65, 67, 98
- outlaws and, 45–7, 49–50, 60
- Somalia and, 63, 82
- terrorism and, 13, 41, 86–7, 160–1, 163
See also coalition of the willing; September 11; US; war on terror
- Buzan, Barry, 16–22, 24, 27, 29, 167–8, 177
See also English School; international society
- Cambodia, 37–8, 176
- Canada, 127
- Celebes Sea, 90
- Celtic Ranger*, 56
- Chang Mai Initiative (CMI), 21
- Cheonan*, sinking of, 64, 65, 67
- China, 24, 45, 46, 101, 114, 115, 119, 158
- EEZ, 2, 103, 109, 112
- Maritime Safety Administration, 123
- North Korea and, 65, 66–7, 68, 71, 72, 96
- piracy and, 1, 76–7, 118, 119, 123, 126, 127, 138
- PSI, 155–7
- RMSI, 162, 173
- suspicious ships, response to, 102, 106, 110, 111
- Chinese Communist Party (CCP), 24, 66
- Clinton, Bill, 67
- Coalition of the willing, 3, 62, 98, 131, 138, 142, 154, 160, 163, 166, 168, 173
- Coastal Zone, 51, 140
- coast guard, 4, 5, 7, 12, 13, 14, 26, 31, 54, 74, 116, 144, 153
- piracy and, 125, 127, 131–3, 134, 135, 137–9, 140
- Cold War, 6, 28, 37, 38, 49, 61, 62, 63, 69, 70, 81, 82, 84, 85, 86, 95, 165, 169
- Colonialism, 27, 28, 30, 37, 48–9, 58, 61, 62, 63, 68, 80, 81, 84, 86, 92, 95, 169
- Combined Task Force 151 (CTF151), 133
- Communist Party of the Philippines (CPP), 91
- complex engagement, 23–4, 169
- Constructivism, 6, 7–8, 17–19, 25–6, 28–30, 33, 177
- Contact Group on Piracy off the Coast of Somalia, 135
- Container Security Initiative (CSI), 141, 144, 145–8, 151, 164, 168, 179
- Continental Shelf, 51
- Convention for the Suppression of Unlawful Acts Against the Safety of International Maritime Navigation (SUA), 3, 56–8, 61, 126, 142, 144, 149, 158–60, 163, 164, 167, 168
- Cooperation and Readiness Afloat (CARAT), 123
- Council for Security Cooperation Asia-Pacific, 121, 142

- Crimina juris gentium, see hostis humani generis*
- Cuba, 45–6, 156
- Culturalism, 26, 28–30
- Customs-Trade Partnership Against Terrorism (C-TPAT), 141, 144, 145, 146–8, 151, 164, 168, 179
- Daioyu/Senkaku islands, 3, 106, 114, 118
- Darfur, 44
- Democratic Party of Japan (DPJ), 138
- Democratic People's Republic of Korea (DPRK), *see* North Korea
- Devi Madrim* attack, 88
- discourse analysis, 10, 32–4
- Djibouti Code of Conduct, 13, 135
- East Asia Summit (EAS), 22
- Edkins, Jenny, 25–6
- Egypt, 57
- English School, 8, 10–11, 15–27, 33–4, 35–42, 47, 50–1, 59–60, 71, 86, 91, 95, 165, 167–70
- criminal category in, 11, 36, 39, 41, 50, 51, 91, 95, 169–70
- orientalism inherent in, 23, 25–6
- pluralism, 17, 18, 25, 37, 42, 167
- rebel category in, 11, 12, 13, 39–41, 71, 86, 91–2, 95, 169–70
- revolutionary category in, 11, 12, 39–41, 51, 86, 91–2, 95, 169–70
- solidarism, 18, 21, 25, 37–8, 167
- teleology of, 16, 21, 23, 25–6, 34
- See also* Bull, Hedley; Buzan; great powers; Hurrell; international law; international society
- Esaki Tetsuma, 140
- Ethiopia, 63, 82
- Eto Akinori, 136
- EU Naval Force (EUNAVFOR), 133, 138
- European Union (EU), 16, 21, 23, 25, 27, 94, 133, 138
- Exclusive Economic Zone (EEZ), 2, 98, 102, 103, 109, 111–13
- ExxonMobil, 92, 95
- Eyes in the Sky initiative, 121
- failed states, 47–9, 60, 79, 80–1
- Fargo, Thomas Boulton, US Admiral, 123, 140, 161–3
- See also* Regional Maritime Security Initiative (RMSI)
- flags of convenience, 58–9
- Free Aceh Movement, *see* Gerakan Aceh Merdeka (GAM)
- gaiatsu*, 5
- Gerakan Aceh Merdeka (GAM), 40, 83, 85, 88–9, 92–4, 96, 132, 169, 170
- See also* Aceh
- Global Mars* hijack, 179
- great powers
- international law, 8, 154
- international society, 8, 10, 20, 25, 29, 34, 60, 64, 166–9
- Japan, 6, 10, 137, 171
- outlaws, 10, 34, 36–8, 42–5, 49, 60–1, 173
- primary institutions, 15–17, 18
- Southeast Asia, 54
- See also* English School; international society
- Greek city-states, 41, 42, 167
- Grotius, Hugo, 51
- Ground Self-Defence Forces (GSDF), 171
- Hamada Yasukazu, 137, 138
- high seas, 51, 52–3, 58, 73, 98, 112, 128, 142, 154–5, 157, 158–60, 169, 177
- Hosoda Hiroyuki, 132
- hostis humani generis* (criminals/enemies of mankind), 9, 41, 52, 56, 60, 159
- hot pursuit, 54, 61, 126, 128
- human rights, 6, 16, 18, 37, 43–4, 48, 64, 68, 71, 94, 95, 149, 163, 170
- Hurrell, Andrew, 21, 35, 42, 44–5
- hybridity, 16, 27–8, 30, 31, 33
- Idaten* hijack, 117, 131–3, 139, 172
- Inasa*, JCG vessel, 102–3, 112, 178
- India, 120, 124, 126, 129, 143, 161
- Indian Ocean, 4, 80, 120, 143, 175
- Indian Ocean Tsunami, 94, 120, 122

- Indonesia
 military, *see* Tentara Nasional Indonesia (TNI)
 piracy and, 1, 53–4, 77–9, 80, 119–25, 127, 128, 131–3, 134, 170, 173, 176
 RMSI and, 13, 118, 161–2, 173
 separatism and, 40, 83, 92–4, 96, 170
 SUA Convention, 58, 160
 terrorism and, 88, 91–2, 153
See also Aceh; Gerakan Aceh Merdeka (GAM)
- Indonesian Maritime Safety Information System (MSIS), 131
- Information Sharing Centre, 31, 126, 127–9, 135, 139, 143
- INS Prahar*, Indian naval vessel, 120
- interaction capacity, 21
- International Atomic Energy Agency (IAEA), 159
- International Chamber of Commerce (ICC), 151
- International Convention for the Safety of Life at Sea (SOLAS), 148, 149
- International Labour Organization (ILO), 150
- international law
 flag states, 58
 international society, 8, 15, 16, 21, 30, 50–2, 166, 168, 169–70
 North Korea, 64, 72
 outlaws and, 9, 35, 37, 38–42, 43, 50
 piracy, 2, 10, 52–5, 61, 128, 134
 PSI, 3, 98, 154–6, 158
 SUA, 3, 159–60
 suspicious ships and, 11, 98–9, 105, 107–8, 110–11, 113, 114–15
 terrorism and, 56, 88, 89, 95, 142, 144, 149
See also high seas; hot pursuit; International Ship and Port Security (ISPS) Code; *Mare Liberum*; Proliferation Security Initiative (PSI); SUA Treaty
- International Maritime Bureau (IMB), 55, 61, 75, 77, 93, 122, 125, 128, 153, 170, 179
- International Maritime Law Institute, 129
- International Maritime Organization (IMO), 55–6, 61, 125, 126, 128, 141, 149, 151, 158–9, 163
- International Monetary Fund (IMF), 79
- International Production Networks (IPNs), 23
- International Ship and Port Security (ISPS) Code, 3, 125, 141, 144, 149–53, 158, 161, 163, 164, 168
- International Ship Security Certificate, 150, 152
- international society
 barbarians in, 38, 42
 definition of, 16–17
 East Asian, 20–5, 27, 30, 31, 169
 imperialism, 20, 22, 27, 28, 30, 37, 61–3, 169
 legitimacy in, 20, 35, 42, 44–5, 49–50, 60–1, 168
 membership of, 29, 35–42, 45–7, 59, 169–71
 mode/depth socialization, 20, 169
 outlaws in, 1, 9, 37–52, 59–61, 62–3, 95–6, 165–71
 primary institutions of, 16–17, 18, 37, 41–2, 167
 regional power, 19
 standards of civilization, 27, 47–8
 syncretist versus vanguard accounts, 21–2
See also Bull, Buzan; English School; great powers; Hurrell, Andrew; international law; norm entrepreneurship
- International Transport Workers Federation (ITF), 151
- Intersessional Working Group on Maritime Security (ISWG), 149
- Iran, 43, 155
- Iraq, 7, 36, 43, 44, 50, 60, 65, 87
 War (1990–1991), 36
 War (2003–2011), 7, 44, 45, 50, 60, 65, 123, 143, 171
- Ishiba Shigeru, 143

- Islamic Courts Union (ICU), 12, 63, 82–3, 133
See also Al-Shabaab, Somalia
- Islamic Schools, 84
- Iwazaki Teiji, 137
- Jackson, Robert, 47–8, 82
- Japan
 adaptive state, 5–6
 anti-militarism, 4–8, 12–13, 15, 25, 29, 31, 34, 99, 118, 132, 137, 138, 140, 158, 165, 171, 177
 anti-piracy law, 2, 118, 133–9
 chequebook diplomacy, 36, 143
 constitution, 6, 100–2, 106, 118, 137, 165
 developmentalist norm, 29
 Diet, 100–2, 137–8, 143, 152
 Export Control Ban, 132–3
 imperialism, 2, 4, 6, 8, 63, 68, 109, 115, 118, 165
 international security contribution, 5–8, 19
 iron triangle, 6
 ‘normal’ state, 3–4, 7, 10, 19, 25, 36, 137, 165, 171
 remilitarization, 4, 6, 34, 99, 118, 138, 172
 war criminals, 68
See also Anti-Terror Special Measures Law (ATSML); Ministry of Foreign Affairs (MOFA); Ministry of Land, Infrastructure and Transport (MLIT); Self-Defence Forces (SDF)
- Japan Coast Guard (JCG)
 cooperation with foreign coast guards, 7, 12–13, 129–32
 dual maritime strategy, 2–3, 13–14, 32, 99, 115, 119, 144, 165, 171–2
 ISPS Code and, 152
 JDA cooperation with, 109
 laws regarding, 111–13, 178–9
 MSDF cooperation with, 172
 organization, 4–5
 piracy response, 31, 117–19, 120, 126–32, 135–40, 172
 PSI and, 157–8, 172
 terrorism response, 142–4
See also Law Concerning Execution of Duties of Police Officials; Maritime Safety Agency (MSA); Maritime Self-Defence Forces (MSDF); Ministry of Land, Infrastructure and Transport (MLIT); Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP); suspicious ships
- Japan Defence Agency (JDA), 97, 99, 102, 105, 107, 109, 157, 178
See also Ministry of Defence (MOD)
- Japan Foundation, 128
- Japan International Cooperation Agency (JICA), 131
- Japan Shipping Association (JSA), 124–5
- Japanese Communist Party (JCP), 106
- Japanese Maritime Association (JMA), 152
- Japanese Red Army, 85
- Jemaah Islamiya (JI), 40, 85, 87–90, 92, 162
- Jus Gentium* (law of mankind), 38
- KAL-YOUTEFA*, *KAL-I-502*, 77, 122
- Kawasaki Jirō, 104
- Kenya, 134
- Khan, A.Q. network, 155
- Kim Dae Jung, 67, 105
- Kim Il Sung, 63–4
- Kim Jong Il, 63–4, 67–8, 70, 72, 104, 178
- Kirishima*, JCG vessel, 103
- Kitagawa Kazuo, 132
- Koizumi Junichirō, 2–3, 7, 68–9, 98–9, 103–4, 109, 111, 114–15, 127, 132, 143, 152, 171
- Komura Masahiko, 105
- Kondo Kaiji Shipping Company, 132
- Korean Peninsula Energy Development Organization (KEDO), 64–5, 98, 105
- Krasner, Stephen, 48, 82
- Kumpulan Mujaheddin Malaysia (KMM), 90

- Law Concerning Execution of Duties of Police Officials, 107, 109, 178
Le Ponant, hijack, 134
 Lee Myung-bak, 67, 156
 Leheny, David, 3, 97–9, 103–4, 119, 135, 171
 Liberal Democratic Party (LDP), 79, 108, 136
 Liberalism, 5, 25
 Liberia, 59
 Libya, 43, 154
Limburg, attack on, 55, 87, 89, 141
 Ling, L.H.M., 41, 177
 Liquid Natural Gas (LNG), 88
 Machimura Nobutaka, 132
 Malacca Straits, 2, 13, 54, 74–5, 77, 80, 88, 93, 117, 120–4, 130, 132, 161–3, 173, 176, 179
 Malaysia
 piracy, 54, 77, 80, 121–5, 127–9, 131–3, 170, 173, 176, 179
 RMSI, 13, 118, 161–2, 173
 separatism, 93
 SUA Convention, 58, 160
 Malaysian Maritime Enforcement Agency (MMEA), 131, 133, 179
 Maldives, 59
 Malta, 59, 129
Mangyonbon, 157
Mare Liberum, 51, 98, 142, 149, 164
 Maritime Domain Awareness (MDA), 146, 162
 Maritime Law Enforcement, *see* coast guard
 Maritime Labour Convention, 142
 Maritime Safety Agency (MSA), 4, 104, 107–8, 129, 178
 See also Japan Coast Guard (JCG)
 maritime security action, 2, 100, 104–8, 113, 178
 Maritime Security Council (MSC), 149
 Maritime Self-Defence Forces (MSDF)
 Indian Ocean dispatch, 143, 171
 piracy and, 118–19, 140
 PSI and, 3, 144, 157–8
 role of, 4–5, 12
 Somalia piracy and, 13, 133, 135–6, 138
 suspicious ships and, 2, 99–100, 102, 104–9, 113–15, 172, 178
 See also Japan; Japan Coast Guard (JCG); Law Concerning Execution of Duties of Police Officials; maritime security action; Self-Defence Forces (SDF)
 Maritime Strategy for Homeland Security (MSHS), 141
 Maritime Transport Security Act (MTSA), 59, 141, 145, 148, 149
 Measures to Prevent Unlawful Acts against Passengers and Crew on Board Ships, 149
 Megawati, Sukarnoputri, 94, 122, 170
 Middle East, 40, 45, 89, 135
 Ministry of Defence (MOD), 4
 See also Japan Defence Agency (JDA)
 Ministry of Foreign Affairs (MOFA), 115, 118, 128, 129, 132, 137, 138, 152–3, 157–8, 160
 Ministry of Land, Infrastructure, and Transport (MLIT), 4, 120, 132, 142, 150, 152
 Ministry of Transport (MOT), 120, 129
Mizuki, JCG vessel, 102, 178
 Model Action Plan, 126
 Mongolia, 59
 Moro Islamic Liberation Front (MILF), 40, 85, 91–2, 95, 160, 170
MT Cherry 201, attack on, 93
 Mukundan, Pottengal, 153
 Myanmar, 176
 See also Burma
 Nakatani Gen, 136
 National Institute for Defense Studies (NIDS), 125, 130, 140
 National Strategy for Maritime Security (NSMS), 141
 Nawano Yoshihiko, 118, 178
 networked regionalism, 23
 New Komeito, 138
 Nincic, Miroslav, 43–4, 177
 Nippon Foundation, 124, 129
 Nonaka Hiromu, 79, 105, 106, 108
 Non-Proliferation Treaty (NPT), 63–5

- norm entrepreneurship, 3, 5, 7–8, 14, 16, 18–19, 26, 29–30, 36, 44, 115, 119, 142, 166–8, 171–2
- Norota Hosei, 105
- North Atlantic Treaty Organization (NATO), 138
- North Korea
- abductions of Japanese citizens, 64, 67, 68–9, 72, 95, 97–8
 - aid to, 66, 71
 - economic reform, 66, 67, 68, 69–72
 - Juche*, 64
 - Kaesong industrial zone, 67, 71
 - missiles, 11, 56, 63–5, 69, 70, 72, 98, 100–2, 153–4, 156, 157
 - Mount Kumgang, 71
 - narcotics smuggling, 11, 39, 40, 63–4, 69, 70, 98
 - nuclear programme, 63–9, 72, 96, 97, 156
 - proliferation activities, 11, 40, 66, 72, 143, 153–7
 - rogue state, 1
 - sanctions on, 64
 - suspicious ships, 1999 case, 99–102, 104–9
 - suspicious ships, 2001 case, 102–4, 109–13
 - spying activities, 99, 100, 105, 178
 - See also* Six Party Talks (SPT)
- North Pacific Coast Guard Forum (NPCGF), 127
- Obama, Barack, 50
- Obuchi Keizō, 2, 12, 26, 98, 99, 100, 104–7, 109, 114–15, 125, 130, 140, 172
- Ōno Yoshinori, 132
- ontological security, 8, 29, 36, 45, 49, 60
- Operation Gurita, 122
- orientalism, 23, 25–6, 86
- Outlaws, *see* international society
- pacifism, *see* Japan, anti-militarism
- Pakistan, 43, 143, 155
- Palestine Liberation Front (PLF), 56
- Panama, 59, 156
- Paris Declaration Respecting Maritime Law 1856, 52
- Penrider*, attack on, 93
- People's Liberation Army (PLA), 76
- People's Republic of China (PRC), *see* China
- Petro Ranger*, hijack, 76
- phantom ships, 73, 76
- Philippine Airlines 747–200 Flight 434, 90
- Philippine Coast Guard, 123, 131, 133
- Philippines
- piracy, 80, 123, 127, 176
 - separatism, 40, 85, 90–1, 93, 160, 170
 - See also* Moro Islamic Liberation Front (MILF)
- Piracy
- conflation with terrorism, 39, 52, 63, 72–3, 82, 84, 161, 173
 - cultural acceptance of, 76, 79
 - definition in international law, 52–6
 - economic dislocation and, 78, 83
 - environmental degradation and, 79, 134, 140
 - figures, 120, 175–6
 - geography and, 80, 83
 - hijacks, *see* phantom ships
 - official complicity in, 74, 76–7, 140
 - Robin Hood style, 74–5
 - transnational criminal organizations and, 39, 74, 76, 80, 130, 179
 - See also* anti-piracy devices; armed robbery against ships; Eyes in the Sky initiative; Information Sharing Centre; Japan Coast Guard (JCG); Piracy Reporting Centre; privateer; Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)
- Piracy Reporting Centre, 55, 75, 122, 128
- Postcolonialism, 10, 16, 26–8, 47, 49
- Preparatory Conference on Peace and Reconciliation in Aceh, 94
- Private Military Companies (PMCs), 125

- privateer, 52
 process tracing, 10, 32, 34
 Proliferation Security Initiative (PSI),
 3, 56, 98, 131, 142, 144, 149,
 153–8, 159–60, 161, 163–4, 168,
 171–3
 See also Weapons of Mass
 Destruction (WMD)
proxenoi, 41–2
- Qin Yaqing, 24, 26
 quasi-states, *see* failed states
- Ramzi Yousef, 90
 See also Abu Sayyaf Group (ASG)
- Realism, 4, 7, 22, 38, 177
 recognition games, 36, 45
 Regional Cooperation Agreement on
 Combating Piracy and Armed
 Robbery against Ships in Asia
 (ReCAAP), 13, 118, 123, 127–9,
 135, 136, 138, 163, 168, 172
 Regional Maritime Security Initiative
 (RMSI), 13, 26, 31, 52, 118, 131,
 140, 155, 160–4, 173
 relationality, 23, 169
 Republic of China (ROC), *see* Taiwan
 Republic of Korea (ROK), *see* South
 Korea
 rogue states, 1, 3, 9, 13, 36, 43, 49, 63,
 66, 69, 99, 114
 Roh Moo-hyun, 156
 Rwanda, 44, 177
- Sabang Jaya Operation, 93
 Samuels, Richard, 3–4, 97–9, 103, 104,
 118–19, 135, 144, 171, 172
 Sea Lines of Communication (SLOCs),
 142, 160, 162, 164
 Seafarers International Research
 Centre, 129
 Second World War, 2, 6, 8, 47, 51
 Secure Trade in the APEC Region
 (STAR) Initiative, 161
Selayang, hijack, 122
 Self-Defence Forces (SDF)
 expanding international role of,
 3–4, 6–7, 165, 171–2
 piracy and, 31, 118–19, 136–8
 PSI and, 158
 suspicious ships and, 97–100,
 103–4, 106–9, 115, 178
 terrorism and, 142–3
 See also Air Self-Defence Forces
 (ASDF), Ground Self-Defence
 Forces (GSDF), and Maritime
 Self-Defence Forces; Anti-Terror
 Special Measures Law (ATSMML);
 US-Japan Defence Cooperation
 Guidelines
- Separatism
 causes of, 83
 definition of, 85–6, 95–6
 international society and, 9, 11, 170
 piracy links with, 74, 76, 132
 Southeast Asia, 90–3, 95, 122, 163
 SUA Convention and, 57–8
- September 11, 2001 terrorist attacks,
 1, 3, 36, 51, 58–61, 65, 86–8, 98,
 104, 111, 141–5, 147–50, 153,
 158, 160, 163, 168, 171
 See also Al Qaeda; terrorism; war on
 terror
- Shamshantuai*, 76
 Shanghai Cooperation Organization
 (SCO), 22
 Shared Awareness and Deconfliction
 Exercise (SHADE), 138
 ship rider, 135
- Singapore
 piracy, 31, 80, 121–4, 127–8, 132,
 138, 139, 179
 PSI, 157
 RMSI, 161–3
 terrorism, 87, 179
 Singapore Straits, 77, 130, 176
 Sipadan diving resort, 90
 Six Party Talks (SPT), 22, 65–6, 96, 156
So San, interdiction, 40, 56, 98, 153–4
 Social Democratic Party (SDP) of
 Japan, 106, 137
- Somali Transitional Federal
 Government (TFG), 133–5
- Somalia
 Al Qaeda links, 90
 failed state, 49, 80–3
 piracy, 2, 4, 9, 12, 13, 63, 79, 80–3,
 119, 133–7, 173, 175, 179

- South China Sea, 121, 123
- South Korea
- North Korea and, 64–8, 71–2, 96
 - piracy, 1, 118, 126, 127
 - PSI, 156, 157
 - SUA, 160
 - Sunshine policy, 67
 - suspicious ships and, 100, 102, 105–6, 108, 110–11, 178
 - See also* Six Party talks (SPT)
- Southeast Asian Cooperation Against Terrorism (SEACAT) exercise, 123
- Soviet Union, 70, 90
- spy satellites, 100
- Star 4*, 59
- state identity, 8–10, 16, 27, 28–9, 31–4, 99, 116, 169, 171
- SUA Treaty, *see* Convention for the Suppression of Unlawful Acts Against the Safety of International Maritime Navigation (SUA)
- subaltern, 47
- Suda Akio, 163
- Sudan, 43
- Sugita Kazuhiro, 109
- Sulu Sea, 90
- Superferry 14*, attack on, 90
- Superpower, 19, 38, 49, 81, 86, 95
- suspicious ships
- definition, 178
 - 1999 incident, 99–102, 104–9
 - salvage, 103, 110
 - 2001 incident, 102–4, 109–13
 - See also* North Korea
- Suzuki Shogo, 5–6, 36, 45
- Syria, 43, 155
- Taepodong* missile, 65, 69, 97, 100, 101, 106, 114
- Taisei Maru Number 1*, 99–100, 105, 107–8
- Taiwan, 23, 36, 66
- Taiwan Straits, 101
- Tajima Kaname, 137
- Takashima Hatsuhisa, 115
- Takayama*, attack on, 136
- Tentara Nasional Indonesia (TNI), 77, 92–4, 122
- Tenyu*, hijack, 1, 76–7, 117, 119–20, 130, 179
- territorial waters, 53, 57, 73, 97, 110, 126, 128, 155, 177
- terrorism
- definition, 12, 54–8, 61, 84–6, 92, 159
 - transportation of material related to, 13, 50–1, 56–8, 88, 141, 145–6, 150
 - environmental degradation and, 89, 159
 - See also* Al Qaeda; September 11; war on terror
- Thailand, 58, 120, 123, 127, 157, 160, 176
- Theatre Missile Defence (TMD), 100–1
- Third World, 47–8
- Tiro, Hasan di, 92
- See also* Gerakan Aceh Merdeka (GAM)
- Tokyo Appeal, 126
- Transnational Criminal Organizations, 39, 74, 76, 80, 130, 179
- Treaty of Amity and Cooperation (TAC), 156
- Umezawa Akima, 130
- UN Convention on the Law of the Seas (UNCLOS), 39, 41, 51–8, 61, 98, 108, 111, 113, 128, 134, 139, 142, 154–5, 163–4, 169, 177
- See also* international law
- UN General Assembly, 156
- UN Ocean Peacekeeping Operations (UNOPKOs), 12, 26, 125, 172
- UN Peacekeeping Operations (UNPKOs), 7, 45, 124
- UN Security Council (UNSC), 36, 45, 60, 133–4, 156, 158–9, 164, 179
- United Kingdom, 19, 59, 150
- United Nations (UN), 43, 64, 91, 105, 129, 156
- United States
- axis of evil, 65, 98
 - Coast Guard, 130, 141, 145–6
 - customs, 145
 - exceptionalism, 46
 - navy, 57, 87, 144, 161–2

- See also* Bush, George W.
 Administration; Container
 Security Initiative (CSI);
 Customs-Trade Partnership
 Against Terrorism (C-TPAT);
 Iraq; Maritime Transport
 Security Act (MTSA);
 Proliferation Security Initiative
 (PSI); September 11; SUA Treaty;
 war on terror
 US-Japan Defence Cooperation
 Guidelines, 100–1
USS Cole, attack on, 1, 55, 87, 141, 147
 Ustadz Abdurajak Janjilani, 90
See also Abu Sayyaf Group (ASG)
- Vienna Convention on Treaties, 54
 Vietnam, 37–8
Ville de Virgo, seizure of, 155
- war on terror
 discourse on, 89–90, 92, 95
 international law, 51
 international society, 1, 41, 46,
 49–50, 60, 86–7, 164, 168
 Japan, 3, 36, 171
 piracy, 39, 140
 Somalia, 82
 Southeast Asia, 58, 118, 160–1,
 166, 170
 SUA convention and, 126
 suspicious ships, 104
 See also Al Qaeda; September 11;
 terrorism
- Weapons of Mass Destruction (WMD)
 North Korea, 11, 40, 63–5, 67,
 71–2, 98
 outlaw definition and, 43–4, 50
 proliferation of, 10, 13–14, 51, 142,
 163–4, 167–8
 PSI, 3, 56, 149, 153–8, 164
 SUA, 158–60
 transportation of, 56, 148–9
 war on terror, 1
- Western Pacific Naval Symposium, 121
 Wight, Martin, 38
 World Maritime University, 129
 world society, 21
- Yakuza*, 113
 Yamaguchi Natsuo, 132
Yamato Maru Number 2, 99–100
Yayasan Tujuh, attack on, 77
 Yemen, 40, 56, 87, 98, 153–4
 Yeongpyeong, shelling of, 64, 65, 67
 Yoshida Doctrine, 6
 Yudhoyono, Susilo Bambang, 92, 94,
 122, 131
 Yugoslavia, 43
- Zehfuss, Maja, 25–6
 Zimbabwe, 45–6