

Hebrew University of Jerusalem
Humanities Faculty
Asian Studies



Work Paper for the Course –
Japan's International and Security Relations (46854)

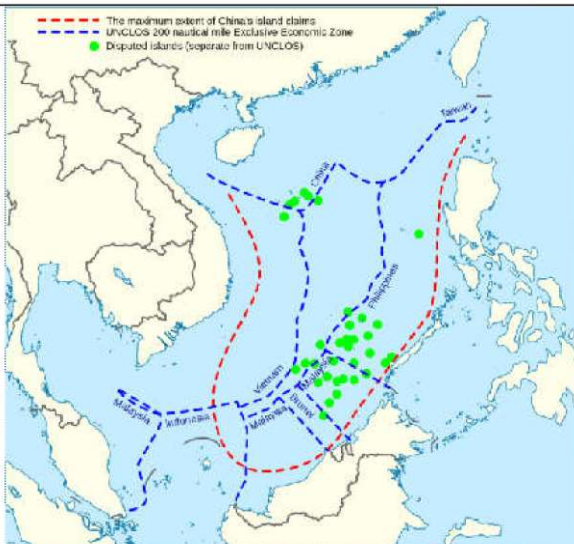
Subject:
Japan's Motives in the South China Sea Dispute

October 2015

Lecturer: Dr. Kai Schulze
Submitted By: Gal Furer
ID: 05883228/8

Table of Contents

<u>Section I: Introduction and Research Questions</u>	Pg. 3
<u>Section II: History & Present Situation in the South China Sea</u>	Pg. 3-12
Part 1: Historical Background and Current Situation	Pg. 3
Part 2: The Japanese Perception, Policy, Declarations and Actions	Pg. 6
(A) Japanese Perception	Pg. 6
(B) Japanese Policy, Declarations and Actions	Pg. 9
<u>Section III: Analyzing the Japanese Motives in the South China Sea</u>	Pg. 11-20
Part 1: Maritime Security	Pg. 11
Part 2: Containment of China & the Linkage with the East China Sea	Pg. 12
Part 3: US-China Relations Considerations	Pg. 14
Part 4: Military Considerations	Pg. 15
Part 5: Regional Considerations (Economic & Political Aspects)	Pg. 16
Part 6: Adherence to the Rule of Law (and Peaceful Resolution of Disputes)	Pg. 17
Part 7: Domestic Factors	Pg. 19
<u>Section IV: Observations and Conclusions</u>	Pg. 20-28
Part 1: Summary of Motives, Interests and Policies in the South China Sea	Pg. 20
Part 2: Implications of International Relation Theories	Pg. 23
Part 3: Final remarks and personal opinion	Pg. 27
Bibliography + Annex I (In a Separate File)	



The Various Claims in SCS

Section I: Introduction and the Research Questions:

“Geostrategist Nicholas Spykman once described the south China sea as the ‘Asiatic Mediterranean.’ More recently, it has been dubbed the ‘Chinese Caribbean.’ And, just as Rome and the United States have sought control over the Mediterranean and Caribbean, China now seeks dominance over the South China Sea” this is how Tetsuo Kotani, a senior fellow at the Japan Institute of International Affairs (JIIA) and a visiting scholar at the Center for Strategic and International Studies (CSIS) in Washington, chose to begin his article “Why China wants the South China Sea?”¹

Unlike China, Japan is a non-claimant party to the South China Sea dispute (Hereinafter SCS), but nonetheless, it has historical and present involvement, which we will discuss in this paper. The major questions that this paper will try to answer are:

- **What are the explanations for Japan proactive involvement in the South China Sea?**
- **Does the South China Sea have strategic value for Japan?**
Or is the Japanese involvement just a reactive policy to balance China?
- **Which International Relation Theory explains best the Japanese involvement in the SCS?**

In order to answer the above questions we will present the historical background and the current involvement of Japan in the SCS dispute, then we shall analyze the various explanations that were provided to the question, and finally we will try to answer the questions last two questions that we raised above.

Section II: History & Present Situation in the South China Sea

The disputes in the SCS involve both islands and maritime claims. The claimant countries include China, the Republic of China (Taiwan), Brunei, Malaysia, Indonesia, the Philippines and Vietnam. The disputes concern mainly the Spratly and Paracel islands, as well as the maritime boundaries of each country - and especially the boundaries of their respective Exclusive Economic Zone (EEZ).² Depending on the perspective and benefits to the claimant, the dispute may be described as dispute over islands sovereignty or as a maritime dispute over EEZ demarcation, “freedom of Navigation”, etc. In page two we attached a map displaying the different claims.

Part 1: Historical Background

Japan is a non-claimant party to the dispute but it is well involved in it, directly and indirectly, as we shall elaborate in the following sections. According to some sources, Japan showed interest in the Spratly Islands as early as 1918 and during the late 1920s and early 1930s Japanese phosphate companies were active in the Spratly islands.³ In 1939, during the Second World War Japan conquered the Spratly and the Paracel Islands and administered them. After the defeat and surrender of Japan in WWII, in 1946, the

¹ Tetsuo Kotani “[Why China Wants South China Sea](#)”, The Diplomat, (18/07/2011)

² There are also disputes over the Scarborough Shoal + Macclesfield Bank which are mainly submerged objects.

³ Daniel J. Dzurek (1996) [The Spratly Islands Dispute: Who's On First?](#), Maritime Briefing (Vol. 2 No. 1) p. 9

Allied Powers handed over the Islands to the “Republic of China”, which is now known as Taiwan. Then, in September 1951, Japan signed the San Francisco Peace Treaty (SFPT), and in article 2(f) it renounced all claims to the Spratly and Paracel Islands.⁴ The involvement of Japan in the following four decades was minimal, but the rise of Japan as a major industrial and export oriented country, which source most of its raw materials, including crude oil, from afar, turned the SCS into one of the most important sea lanes of Japan. In the meantime, the claimant countries had become more active in pursuing their claims.

The period of 1958-1987 is described by Dzurek as the oil rush in Southeast Asia (SEA). During the late 1960s and early 1970s, and especially after UN released a study in 1968 suggesting the SCS has significant hydrocarbon resources, most SCS littoral countries claimed continental shelves, and the sovereignty disputes over the Spratly and Paracel islands grew in prominence.⁵ During this period, in 1967 ASEAN was established and in 1977 Japan established the official relations with ASEAN. The year of 1988 saw a major escalation in the dispute, with the battle for the Fiery Cross Reef between China and Vietnam as an apex to a series of previous island’s conquests by China from Vietnam (Inc. Amphitrite Group and Crescent Group). This was the first time that PRC troops stepped on the Spratly Islands.⁶ It seems that the 1988 incident was a turning point, and since then the dispute accelerated, especially after 1991, when China began encircling the South China Sea to fill the power vacuum created by the withdrawal of US forces from the Philippines in 1991.⁷

In the meantime, and probably as a re-balance act to the increased tensions in the SCS, Indonesia began in 1990 (January) to sponsor regional workshops on the SCS, in order to find peaceful solutions to the SCS disputes. The first workshop was limited to ASEAN members, but the second workshop in 1991 included non-ASEAN countries and China among them. It is also important to mention that the Cambodian problem was resolved in 1991, which allowed South-East Asian countries to shift their focus to other source of conflicts including the disputes in SCS.⁸ In 1992, China enacted the ‘Law of the People’s Republic of China on its Territorial Waters and their Contiguous Areas’, which included not only the SCS, but also explicitly the Senkaku / Diaoyu Islands. The territorial law raised great concern with all maritime neighbors of China, including Japan, which officially protested several times and at various official levels.⁹ Following the Indonesian Workshops Initiatives, in 1993 ASEAN established the ASEAN Regional Forum (ARF) which first met in 1994. This forum aims at solving security problems in the Asia-Pacific via dialogue and preventive diplomacy.¹⁰

The year of 1995 was dominated by China’s occupation of the Mischief Reef in the eastern Spratlys and the Philippines’ efforts to regionalize and internationalize it. Vietnam became full member of ASEAN,

⁴ Dzurek, *The Spratly Islands Dispute*, p. 10, 14

⁵ *Ibid*, p. 17

⁶ *Ibid*, p. 21

⁷ Kotani “Why China Wants South China Sea” (2011)

⁸ Dzurek, *The Spratly Islands Dispute*, p. 24,

⁹ Reinhard Drifte, “[Japanese-Chinese territorial disputes in the East China Sea – between military confrontation and economic cooperation](#)” Asia Research Centre, London School of Economics and Political Science, (08/2008) p. 11

¹⁰ The ASEAN Regional Forum website: <http://aseanregionalforum.asean.org/about.html>

which became more deeply embroiled in the dispute. The resultant escalation of tensions prompted statements of concern by Japan and the U.S. However, there were also positive signs and China, Philippines and Vietnam reached bilateral agreements-in-principle on adopting codes of conduct to prevent clashes in the Spratlys.¹¹ In 1996 China ratified the United Nations Convention on Law of the Sea (UNCLOS).

In 2002 China and ASEAN published the Declaration on the Conduct of Parties in the South China Sea (DOCS), which calls for peaceful solutions through dialogue. This step was seen by many, including Japan, as a very positive direction. Yet, until today the parties did not conclude a binding code of conduct. In 2009 Vietnam and Malaysia file a joint submission to the UN Commission on the Limits of the Continental Shelf to extend their continental shelves beyond the standard two hundred nautical miles from their coastlines. Soon after, China submitted to the UN its counter claims for the SCS by presenting the famous “nine dash line” map, and thus renewing friction over maritime sovereignty in the South China Sea.¹² Apparently, Japanese agencies never protested the “nine dash line”.¹³

In 2010, a series of incidents between China and Japan occurred in the East-China Sea (ECS), mainly around the Senkaku / Diaoyu Islands. The apex of these incidents was the collision of a Chinese trawler (Minjinyu 5179) with Japan's patrol boats on 7th of September. The collision and the following detention of the Chinese skipper and crew resulted in a major diplomatic dispute between China and Japan.¹⁴ It is also believed by many that due to the incident China halted exports of rare earth minerals to Japan.¹⁵ From this point-in-time onward the Japanese Authorities began emphasizing the dispute in the South China Sea - as we shall elaborate later. In the 2015 white paper of Japan Ministry of Defense the events in the SCS were described under the section “**Trends Concerning Sovereignty Over the South China Sea**” as follow (selected paragraphs):

“In recent years, Chinese naval vessels and government vessels affiliated with maritime law enforcement agencies have been operating around the Scarborough Shoal and the Second Thomas Shoal, close to the Philippines, as well as the James Shoal and the South Luconia Shoal areas close to Malaysia. Furthermore, in June 2012, China announced the establishment of Sansha City in Hainan Province, which claims to have jurisdiction over the Spratly Islands, the Paracel Islands, the Macclesfield Bank, and their surrounding waters. In November 2013, Hainan Province amended its regulation on the implementation of China’s fishing law to stipulate that foreign fishing vessels that wish to carry out fishing activities in waters under the jurisdiction of Hainan Province are required to obtain permission from the relevant departments under China’s State Council.”

¹¹ Dzurek, The Spratly Islands Dispute, p. 34

¹² The website of the Council on Foreign relations www.cfr.org

¹³ Storey, Ian. "[Japan's maritime security interests in Southeast Asia and the South China Sea dispute.](#)" Political Science 65(2), (2013) p. 148-149

¹⁴ MOFA website statements regarding the 2010 incidents are as follow:

[Protest Regarding the Issue of Proximate Flights by Military Helicopters Near the "Asayuki" by the PRC \(21/04/2010\)](#)

[Protest Regarding the Issue of a Chinese Ship Approaching a Japanese Survey Ship \(May 2010\)](#)

[The description of the collision incident published by MOFA](#)

¹⁵ "[China rare earth exports to Japan still halted](#)", The Associated Press (21/10/2010)

“Furthermore, according to reports, in May 2014, China’s unilateral commencement of oil drilling in waters near the Paracel Islands triggered confrontations between Chinese and Vietnamese vessels, and many vessels sustained damages due to collisions. In May 2014, the Philippine government released chronological photos showing China’s land reclamation at Johnson South Reef and lodged a protest against China. In addition, the Vietnamese government has lodged protests claiming that China is building runways and conducting other activities at Woody Island and Fiery Cross Reef. In January 2013, the Philippines filed an arbitration procedure based on the United Nations Convention on the Law of the Sea concerning China’s claims and activities in the South China Sea. In addition, in November 2013, a spokesperson of the Chinese Ministry of National Defense declared that China would establish other air defense identification zones (ADIZ) in the future, in addition to the East China Sea ADIZ that it established.”¹⁶

Part 2: The Japanese Perception, Policy, Declarations and Actions

In order to understand better the real motives and interests behind Japan’s current proactive attitude in the SCS, we may first look back and check how the official perception, statements and actions evolved over time. For this purpose we reviewed the annual Diplomatic Blue Book (DBB) of Japanese Ministry of Foreign Affairs (MOFA) - since 1988; the “Defense of Japan” annual White Paper (WP) by the Japanese Ministry of Defense (MOD) - since 2005; the National Defense Program Guidelines (NDPG) FY 2011 and FY 2014, and the new National Security Strategy (NSS) paper from December 2013, which is approved by the Japanese government and the Prime Minister Office (KanTei).¹⁷

(A) Japanese Perception: looking at the Diplomatic Blue Books (DBB) you can see that until 2010 MOFA saw the dispute in the SCS mainly as a “**destabilizing factor in the SEA region**” but not as a direct Japanese problem. Actually in many DBB the dispute in the SCS is not mentioned at all (1989-1990, 1998-1999, and 2002-2011). In other DBB, such as those of 1991-1997 and 2000-2001, there is optimistic tone due to the progress and regional initiatives by ASEAN and the ARF. The focus and wishful thinking is that regional developments may stabilize the dispute. However, in the 2011 DBB (reporting on year of 2010), you feel a change of tone and it contain mild criticism of China military built up, and indirect reference to Japan discomfort from China Maritime Activity in the ECS and SCS. However China and the SCS are not mentioned by name.¹⁸ Beginning with the 2012 DBB (reporting on 2011) there is direct criticism of China’s activities in the SCS and the report depict several incidents of China’s aggression.

MOFA’s perception, that the SCS dispute and China, as the dominant player in the dispute, became a direct threat to Japan is exemplified in the 2013-2014 DBB.¹⁹ These papers are also linking the behaviour

¹⁶ [Defense of Japan \(Annual White Paper\) 2015, Part I, Ch. 1, Section 6.](#)

¹⁷ The DBB can be retrieved at [MOFA website](#) the “Defense of Japan” WP the [MOD website](#) The NDPG http://www.mod.go.jp/e/d_act/d_policy/national.html the NSS http://japan.kantei.go.jp/96_abe/documents/2013/

¹⁸ For example see 2011 WP (Ch. 3 Section 1) which stipulate: “Besides, insufficient transparency over China’s military buildup, and its intensified maritime activities are of concern for the regional and global community

¹⁹ 2013 WP [Ch. II, “Japan Foreign Policy by Region”, Section 1, “Asia & Oceania”]: “The security environment surrounding Japan within the Asia-Oceania region continues to prove increasingly challenging . . . modernization of military forces of the countries in the region is being modernized while their maritime operations have become more

of China in the SCS with the aggressive behaviour towards Japan in the ECS.²⁰ The 2015 DBB (reporting on 2014) is not yet published in English, but during the last 2 years MOFA published many statements and joint statements that were issued at bilateral and multilateral forums, in which Japan emphasizing that the South China Sea dispute should be solved by peaceful means, based on the rule of law and in order to maintain the international maritime order and freedom of navigation.²¹

The WPs by the MOD show similar picture to the DBBs, but they seem more detailed and their language is maybe less diplomatic. Although the 2005-2008 white papers (covering the period until May 2008) do mention the dispute in the South China Sea, it is not mentioned in the Summary / Digest chapters, and in similar attitude to the DBB of these years, they tend to see it as a minor issue, which is not directly related to Japan. The 2006-2007 WP dedicate a special sub-section to the Spratly Islands, but the description is rather informative and there is cautious optimistic tone for future resolution of the dispute.²²

However, in the 2009-2010 WPs (till August 2010) the optimistic tone begins to fade. Although the dispute is still viewed as somehow not directly related to Japan and the MOD compliment China for its cooperative attitude with SEA countries, yet, the reports point out that “Movements observed in recent years with regard to the relationship with the Spratly Islands and Paracel Islands include an increase in activities of neighboring countries claiming their ownership and subsequent protests against these claim” The WPs also mention that Philippines didn’t agree to renew / extend the joint exploration agreement and withdraw from it. In the section on China and the sub-section about China Maritime Activity in waters near Japan, the WPs describe aggressive behaviour of Chinese ships in the ECS and SCS and thus linking the two issues.²³

Beginning with the 2011 WP, the criticism of China began to take a much harsher tone. The concern over the maritime activity of China is pushed forward to the front pages of the report and it is now a part of the Forward, Digest and Overview sections. The Digest section and the China section illustrate the aggressive maritime activity of China by describing incidents from the ECS and SCS linking the two issues.

active; and tensions within the region over maritime issues, including the issues in the South China Sea, are growing.” The 2014 WP, “Overview” Section 1, Sub-Section 2 “Increasing Severity in the East Asian Security Environment” “China’s advance in military capabilities without sufficient transparency and unilateral attempts to change the status quo: While China has made increasingly strong assertions backed by country’s growing national power, China is expected to recognize the responsibilities that come with this rise of power, share and comply with international norms, and fulfill a proactive and cooperative role in addressing regional and global issues”

“Based on their own assertions—which are incompatible with the existing order of international law—in the maritime and aerial domains, **including the East China Sea and South China Sea**, China has taken actions that can be regarded as attempts to change the status quo by coercion”

²⁰ Ibid, (in the 2014 WP paragraph. marked in bold letters).

²¹ For example:

[Statement regarding the Arbitral Proceedings by the Philippines under the UNCLOS](#) 31/03/2014

[Keynote address by Prime Minister Abe: “Peace and prosperity in Asia, forevermore”](#) 30/5/2014

[The 21st ASEAN Regional Forum \(ARF\) Ministerial Meeting](#) 14/08/2014

[The 22nd ASEAN Regional Forum \(ARF\) Ministerial Meeting](#) 6/08/2015

[The 16th ASEAN+3 Foreign Ministers’ Meeting was held in Kuala Lumpur, Malaysia](#) 7/08/2015

[Joint Vision Statement on Japan-Vietnam Relations](#) 7/08/2015

²² See in Annex I - Summary of relevant sections in the Defense of Japan White Paper 2005-2015

²³ See in Annex I - WP of 2009 and 2010

The Southeast Asia section has a totally new sub-section: **“Trends Concerning the South China Sea”**, and it mentions that the dispute in the SCS may affect the principle of **“Freedom of Navigation”**. Unlike the previous WPs, there is detailed historical description of the dispute in SCS since 1988. In addition the report also suggests that the SCS is now a **“Core National Interest”** of China. Furthermore, this sub-section provides space to U.S. and ASEAN positions on the SCS, which reflect the intent to internationalize the dispute. This sub-section is ended by declaring that **“the SCS issue is considered to have a potential impact on the peace and stability of the regional and international community”**.²⁴ The new elements of this WP clearly shows that the MOD began to see the SCS disputes as very important to Japan.

The 2012-2015 WPs continue in escalating the criticism of China in general and in regard to its maritime activities in the ECS and SCS in particular. Among other things, the 2014-2015 reports demanded China “to recognize its responsibility in the international community, accept and comply with international norms”, it accuses China for “intensifying its activities in the seas and airspace, including the ECS and SCS” and claim that China “attempts to alter the status quo by coercive measures, especially for issues involving conflicting maritime interests.” In addition they blame China that its “maritime activities is to weaken the control of other countries over the islands to which China claims territorial sovereignty, while strengthening the claim of its territorial sovereignty, through various surveillance activities and use of force in the seas and airspace surrounding the island.”²⁵

The turning point of the reports of the WPs and DBBs in respect to the SCS and China begin in the year of 2011. Similar change in tone can be found between the NDPG FY 2011 (Published on Dec’ 2010) and the NDPG FY 2014 (Published on Dec’ 2013).²⁶ Looking back to the events of 2010, and especially to the collision of the Chinese trawler with the Japanese vessel (Sept’ 2010) and the major diplomatic and economic dispute which followed,²⁷ it is clear that the correlation and change of attitude is not accidental. In other words, the Japanese government’s perception of China’s maritime activity in the ESC and SCS as a direct threat to Japan’s “freedom of navigation” and “maritime order”, changed dramatically due to the violent collision near the Senkaku Islands in Sep’ 2010.

From that point onward, Japan seems seriously concerned with the Chinese maritime reckless behaviour and thus it began to frequently using the terms “freedom of navigation”, “maritime order” and “international maritime law”, which are all included within the “rule of law” concept. The immediate aggressive response of China after the collision²⁸ and its further actions, such as the unilateral declaration of ADIZ above the ECS (in Nov’ 2013) and other unlawful and coercive actions, only strengthened the

²⁴ See Annex I, or [Japan 2011 Defense White paper](#)

²⁵ See for example see the [Digest \(1\) section in 2014 WP](#)

²⁶ See the CSIS Report, [“Southeast Asia’s Geopolitical Centrality and the U.S.-Japan Alliance”](#) CSIS (11/06/2015) p. 2

²⁷ See above footnotes 14, 15

²⁸ The immediate Chinese sanctions presented in MOFA report (footnote 14 third link), included 1) Postponement of Japan-China Parliamentary Exchange (13/09/2010) 2) Announcement on “strong counter measures, for which Japan shall bear all the consequences” (19/09/2010), and 3) Postponement of a visit of 1,000 Japanese youths to the Expo 2010 Shanghai China (19/09/2010). It also included the rare earth boycott- see above, footnote 15.

concerns of Japan and the perception that China does not obey to international norms and laws, whether it is in the ECS or the SCS. The new perception is reflected in the language of the 2015 WP as follow:

“While advocating “peaceful development” China, particularly over maritime issues, where its interests conflict with others’, based on its own assertions incompatible with the existing international legal order, continues to act in an assertive manner, including coercive attempts at changing the status quo, and is poised to fulfill its unilateral demands without compromise. China’s actions include dangerous acts that may invite unintended consequences, raising concerns over China’s future direction”²⁹

Although Japan did not officially defined China as an enemy, and although Japan’s economy and trade are interdependent with China, the wordings of the 2015 WP in general and the above underscored sentence in particular, suggest that since 2011 Japan perceive China as a potential enemy and a direct threat to Japan. Thus, it doesn’t matter if the “enemy” is in the ECS or the SCS, in both cases it deserves attention.³⁰ Moreover, the SCS has independent significance as a major sea lane of Japan.³¹ The government perception of China is echoed by the Japanese public, in which over 60% sees China as the most serious threat for Japan and 93% which have unfavorable impression of China.³²

(B) Japan’s Policy, Declarations and Actions: Declarations and Actions are two branches of Japan’s foreign policy in the South China Sea. Obviously they should also be consistent with the Policy in the ECS. Looking at Japan’s foreign policy, as it is elaborated in the official documents and diplomatic statements at various forums and also as it is reflected by its actions, we can see two dominant principles; the first one is the “**Maintenance of the status quo, and abstention from changing it unilaterally**”, and the second his “**Resolution of conflicts and disputes via peaceful means and under the rule of law**”. From this two principles derive more concrete principles such as “**Keeping the Maritime order**” as well as “**freedom of navigation and overflights in the SCS and the ECS**”, which are under the “rule of law” principle. Another group of policy tools include “**Regionalization and internationalization of the disputes**”, “**Advocating multilateral resolution mechanisms**” and “**Creating regional and strategic allies**”. By using these tools Japan intent to dilute the diplomatic and military power of China, and insure that the disputes are solved peacefully. In order to put to practice the above policy tools Japan’s encourages “assistance to those coastal states alongside the sea lanes of communication . . . in enhancing their maritime law enforcement capabilities”.³³ In the following chapter we will elaborate how Japan implemented this major policy tool and other tools that we listed above.

²⁹ [Defense of Japan - Annual White Paper 2015](#) (the “Digest 1” section, as well as, the “China” section).

³⁰ Naturally, the linkage between the SCS and the ECS can assist Japan in raising regional and international support for maintaining the status quo in the ECS and over the Senkaku / Diaoyu Island. See later in Section III, Part 2

³¹ See later in Section III, Part 1

³² “[China Overtakes North Korea as Japan’s Top Security Concern](#)”, Bloomberg (8/03/2005) and “[Japan threatens to cut Unesco funds in China row](#)” The Irish Times (17/10/2015)

³³ [Defense of Japan - Annual White Paper 2015](#) (Part III, Ch. 1 sub-section 4) and [Shinzo Abe, at Shangri-La Dialogue](#) (05/2014) which offered equipment and training to ASEAN countries to strengthen their maritime capabilities.

Japan's actions: First of all, Japan conducts a propaganda war in which every regional and international forum, publications, bilateral meetings and statements is a venue in which it raises the topics of “maritime order”, “freedom of navigation” and “freedom of overflight in the high seas”, “peaceful resolution” and the “rule of law”.³⁴ Second, Japan is engaged in “Capacity Building” of China’s adversaries in the SCS, including the provision of patrol vessels, maritime equipment and training to Vietnam³⁵ and the Philippines.³⁶ Third, Japan is deepening its security and economic cooperation with ASEAN and Pacific countries, such as signing the “extensive strategic partnership agreement” with Vietnam (March 2014), and “memorandum on defense cooperation” with the Philippines (January 2015) and Indonesia (March 2015).³⁷ In addition, Japan recently upgraded its security treaty with the USA³⁸, improved its defense cooperation with Australia (by signing Agreement for “Transfer of Defence Equipment and Technology”),³⁹ and reinforce security and economic relations with India.⁴⁰ Naturally, the deepening of military relations includes joint training exercises.⁴¹ Finally, Japan is upgrading its military, by increasing the defense budget and by removing legal restriction of the SDF operation. Thus, in Sep’ 2015, Japan passed the new law that allows “collective self-defense” with its partners, and it creates a legal base for Japan to join military activity in the SCS under certain condition. Accordingly, suggestions for the Japanese Navy to patrol in the SCS were responded positively by Japan’s Defense Minister and top naval officers.⁴² The above steps, which mainly focus on the SCS, are considered by scholars and China alike, as part of the grand scheme to “rebalance” against China rise (Containment), which is coordinated with / or due to the U.S. policy.⁴³

The publications, declarations and actions of Japan, do upset China and the 2015 WP received especially strong criticism from China.⁴⁴ However, Japan is also respecting the rise of China, the economic interdependence, and the increasing status of China in the international community.⁴⁵ Therefore, in parallel to the confrontational attitude and in parallel, Japan is also “engaged” with China, as we will discuss later in Section III (part 2) and section IV (part 2). For instance, in 2010 Japan reluctantly released the Chinese Skipper of the colliding boat in order to prevent the escalation; China and Japan relieved tensions

³⁴ For example : in 2014-2015 Japan raised it at its [Statement of support to the Philippines’ arbitration procedures](#) (march 2014), at the [Shangri-La Dialogue](#) (May 2014), at the [ASEAN Regional Forum \(ARF\) Ministerial Meeting](#) (August 2015), at the [ASEAN+3 Foreign Ministers’ Meeting](#) (August 2015), at the [US-Japan Summit](#) (April 2015), and at the [Joint Vision Statement on Japan -Vietnam Relations](#) (Sep’ 2015)

³⁵ [“Japan Gifts Vietnam Patrol Vessel Amid South China Sea Tensions”](#), The Diplomat (15/08/2015);

[“Japan to Give Vietnam Boats, Equipment Amid China’s Buildup”](#), Bloomberg (16/09/2015)

³⁶ [“Japan to Provide Patrol Vessels to Philippines”](#), Wall Street Journal (4/06/2015)

³⁷ The agreement with Vietnam, at [MOFA Website](#); The defense agreements, at MOD WP 2015 (Digest 3 section)

³⁸ [“U.S., Japan Announce New Security Agreement”](#), Wall Street Journal (27/04/2015)

³⁹ http://www.mofa.go.jp/press/release/press4e_000349.html

⁴⁰ N. Goswami, [“Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism”](#) Perceptions (Spring 2013) p. 15

And also see the [Japan-India Economic Partnership Agreement](#) (06/2011)

⁴¹ [“Japan Gets Involved In South China Sea Territorial Dispute”](#) International Business Times, (11/03/2015)

⁴² Tetsuo Kotani, [“The Case for Japan’s Patrol in the South China Sea”](#), CSIS (29/07/2015)

⁴³ Tomotaka Shoji, [“The South China Sea: A View from Japan”](#), NIDS Journal of Defense and Security No. 15 (Dec’

2014); p. 139-140 Lyle J. Goldstein, [“How China Sees America’s Moves in Asia: Worse Than Containment”](#) The

National Interest (29/10/2014) and Storey, [“Japan’s maritime security interests”](#) p. 155

⁴⁴ [“Beijing issues strong protest against Japan’s new defense statement”](#), CCTV (22/07/2015)

⁴⁵ MOFA DBB 2014 Ch. 1 (“Overview” section)

through visits by heads of states;⁴⁶ and Japan constantly facilitating dialogues with China over ECS and SCS disputes as well as encourage all members of the SCS dispute to do the same. In this regard, special attention is dedicated to maritime incidents that can escalate to confrontations. Thus, Japan is one of the initiators of the Code for Unplanned Encounters at Sea (CUES), which was agreed with China in April 2014,⁴⁷ and it strongly promotes the early conclusion of a Code of Conduct (COC) for the SCS, in every possible forum.⁴⁸

Section III: Analyzing the Japanese Motives in the South China Sea:

The literature provides many explanations to the recent proactive involvement of Japan in the SCS. However, it seems that there is no systematic approach to this issue, and nobody tried to quantify and rank the relative significance of each explanation or motive. Moreover, there is no clear distinction between motives, which we would define as the basic reason for the chosen policy, and explanations which may be of secondary or tertiary nature, such as Interests, Strategies, Doctrines, Norms, Policies and Tactics. In the following parts we will discuss the major motives / explanations that are mentioned in the literature and try to give them a reality check. Later on, in Section IV (part 1) we will try to rank their relative significance and examine the interdependence and hierarchy between the different motives.

Part 1: Maritime and Air Lanes Security

As we mentioned before, “maritime order”, “freedom of navigation”, “freedom of overflight”⁴⁴ and “open and stable seas”, are catch phrases that Japan iterates in every publication and forum. The NDPG FY 2014 and the NSS⁴⁹ also iterate this position and the paragraph below explains it as follow:

“Japan is a maritime state and dependent largely on international trade for its supply of food and natural resources. Therefore, securing the safety of maritime and air traffic, through strengthening an **“Open and Stable Seas”** order, based upon such fundamental principles as the **rule of law** and the **freedom of navigation**, constitutes the basis of peace and prosperity”⁵⁰

Many scholars see the rational given above as one of Japan’s basic motive for its involvement in the SCS dispute.⁵¹ One of the supportive evidence is that Japan had an earlier history in securing the SCS sea lanes, including against threats of piracy and natural dangers. This was done by assisting littoral states via the Malacca Strait Council (MSC), established since 1968.⁵² The SCS is indeed a major Sea line of Communications (SLOC) of Japan on the way to/from Europe, Africa and the Middle East. In 2010 the trade value between Japan and ASEAN was US\$214 billion; with South Asia US\$17.8 billion; and with the

⁴⁶ Goswami, “Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism”, p. 23

⁴⁷ “[Small But Positive Signs at Western Pacific Naval Symposium](#)”, The Diplomat (24/04/2015)

⁴⁸ For example: by PM Shinzo Abe at the [Shangri-La Dialogue](#) (May 2014) and many other events.

⁴⁹ See the NSS, Section III(4) p. 8-9

⁵⁰ NDPG FY 2014, Section II (3) p. 4, and NSS Section II “Fundamental Principles of National Security” (2) p.2

⁵¹ Storey. “Japan’s maritime security interests” p. 135–137. Shoji,

“The South China Sea: A view from Japan”, p. 127-128, and Kotani, “The Case for Japan’s Patrol in the SCS”;

⁵² Storey, “Japan’s maritime security interests” p. 139

EU US\$147 billion. More than 90% of Japan's energy also transit through the region.⁵³ Maybe this is why Japan's Defence Minister described the SCS dispute as impacting **Japan's National Security**.⁵⁴ However, quite a few scholars argue that the SCS dispute has no real threat to commercial SLOC of Japan, or other countries and some argued that it is not "core interest" of Japan.⁵⁵ The debate is focused on two main lines of arguments.⁵⁶ One line of argument is that the dispute is mainly over the islands, rocks and reefs and adjacent waters (12 nautical miles), while the major sea lanes are much further away from the areas of disputes.⁵⁷ It seems that even the Asia-Pacific Center for Security Studies (APCSS), which is affiliated with the USA ministry of defense, supported this opinion back in 2010.⁵⁸ Another related debate is whether the Spratlys are a good base for launching attacks on SCS SLOC.⁵⁹ The second line of arguments focus on alternative SLOC to replace the Malacca Straits and the SCS (albite they are more costly) and it seems that even PM Abe agrees with it.⁶⁰ The most important alternative route is the one via the Lombok straits, which is often used by many larger oil tankers.⁶¹ Obviously, using an alternative route can cost money but it seems that the additional cost is marginal.⁶²

Considering that, in spite of China's advancements in the Spratly Islands, Japan did not perceived it as a security threat to the sea lanes until around 2010,⁶³ and taking into account that the current threat to COMMERCIAL sea lanes is very low risk, while China is also exposed to similar risk,⁶⁴ thus we tend to see the maritime security as a secondary level interest, which its importance is related and fluctuated according to the escalation of the Chinese-Japanese relations. However, the maritime security motive is linked to other principles including the adherence to the "maritime rule of law". Thus when combined with such principles as "freedom of navigation" its relative significance rises - as we shall elaborate in Section IV (part 1).

Part 2: Containment of China & the Linkage with the East China Sea

Over the past several years, Japanese politicians, academics, and security practitioners have perceived a sharp deterioration in the country's security environment.⁶⁴ This perception focusing on threats by China and to lesser extent in North Korea and it is also shared by the Japanese public.¹³² It is clearly illustrated in the 2014-2015 WP of the MOD, MOFA's DBB, the NDPG FY 2014 and the NSS

⁵³ Storey, "Japan's maritime security interests" p. 146

⁵⁴ "[Japan says South China Sea security impacts national interests](#)", Reuters (4/02/2015)

⁵⁵ Kyle Mizokami, "[Understanding Japan's Shifting Defense Policy](#)", U.S. Naval Institute's News (20/08/2015)

⁵⁶ Additional arguments, such as China own SLOC vulnerability and military obstacles were also raised. See Greg Austin "[4 Reasons Why China Is No Threat to South China Sea Commerce](#)" The Diplomat (22/05/2015)

⁵⁷ Dzurek, The Spratly Islands Dispute, p.35

⁵⁸ Guoxing, Ji "[SLOC Security in the Asia Pacific](#)", Asia-Pacific Center for Security Studies, (02/2000)

⁵⁹ Admiral Koda sea the Spratlys as a good base to interrupt the SLOC: Yoji Koda, "[Japan's Perspectives on U.S. Policy toward the South China Sea](#)" CSIS "Perspectives on the South China Sea" p. 82-95 (09/2014) at p. 85, but others disagree on this point. See above, Austin "Reasons Why China Is No Threat to SCS"

⁶⁰ Peter Lee, "[It's official: America has a China-containment policy](#)" Asia Times (17/06/2015)

⁶¹ David Rosenberg, "[Governing the South China Sea: From "Freedom of the Seas" to Ocean Enclosure Movements](#)" Harvard Asia Quarterly, (December 2010), and Austin "Reasons Why China Is No Threat to SCS"

⁶² See calculations of cost "[Beijing's South China Sea expansion: The salami slices back!](#)" Asia Times (19/05/2015)

⁶³ See above Section II, part 2; See also: Storey, p. 140, 143, 144

⁶⁴ Storey, p. 135

documents. The main Chinese threat is its military buildup, which is supported by double-digit increase of the defense budget, combined with lack of transparency of the purposes and goals of this military buildup. The second threat is the aggressive actions that China's forces (including its maritime "civilian" agencies) display in the sea and air domains, by infringing Japan's territorial space, breaching relevant maritime and airspace international laws and by attempts to change the status quo by coercion.⁶⁵ ⁶⁶ Since the second threat has actually partly materialized, thus the Japan perceives the much higher risk from the first threat.

The military buildup and the maritime and air confrontations are just one side of the rivalry between China and Japan: The animosity between them have roots in WWII and the current historical and political attitudes towards the war only inflame it; The economic competition is increasing as China expands, yet, in parallel they have strong interdependence (with Japan being more dependent on China)⁶⁷; Tokyo and Beijing are increasingly competing for influence in regional fora,⁶⁸ and politically, at least on the surface, they are standing apart, with very different sets of values, allies and political economic systems. Another phenomenon, which contributes to the perception of China as a threat, is that the China rise is changing the relative powers in the world and reducing the relative power of Japan and the US.⁶⁹ Naturally, such change, combined with China's aggressive attitude towards Japan, makes the Japanese feel less secure and view China as a threat. Moreover, Japan's fears that China's appetite for territorial expansion will only grow if China is not contained, are reinforced by nationalistic tendencies in China, such as Chinese riots against Japanese people and interests, and even semi-official claims that the Ryukyu Islands and Okinawa do not belong to Japan.⁷⁰

The above elements of the China Rise, the real or imaginative fears of Japan, and the relations with U.S. (which we shall discuss in the next part), caused Japan around 2010 to shift into more assertive security policy toward China. Most scholars describe it as "Containment Policy",⁷¹ but for obvious reasons PM Abe prefers the name "Proactive Pacifism".⁷² The tensions between the two countries were first exposed in the ECS disputes, with the main friction point in the Senkaku / Diaoyu Islands. Yet, similar elements exist in the SCS dispute between China and its adversaries, and many SEA countries share with Japan the fear from China.⁷³ Thus, the Chinese aggressive behaviour in the SCS served both as reinforcement of Japan's perception of China expansionist attitude, but also as another front where Japan

⁶⁵ NDPG FY 2014, p. 3, NSS Ch. III, Section 2 (3) "**China's Rapid Rise and Intensified Activities in Various Areas**" p.12

⁶⁶ Alexandra Sakaki, "[Japan's Security Policy: A Shift in Direction under Abe?](#)", German Institute for International and Security Affairs (SWP) research paper 2015/RP (02/03/2015) p. 6-8

⁶⁷ For example: over natural resources in the ECS, or influence and trade with ASEAN and other regions.

⁶⁸ Sakaki, "Japan's Security Policy: A Shift in Direction under Abe?", p. 32

⁶⁹ NDPG FY 2014, p. 1

⁷⁰ See, "[Calls Grow in China to Press Claim for Okinawa](#)" NY Times (13/06/2013)

⁷¹ For example: Ted G. Carpenter, "[Japan's Containment Strategy against China](#)", The Cato Institute (17/06/2013) and Sakaki, "Japan's Security Policy: A Shift in Direction under Abe?", p.29-30

⁷² One of policies to contain China is named by Abe as "Democratic Security Diamond for Asia", Sakaki, *ibid* p. 30

⁷³ For example: CSIS Report, "Southeast Asia's Geopolitical Centrality and the U.S.-Japan Alliance", p. 2

can contain China.⁷⁴ In the words of Dr. Tomotaka Shoji: “the Japanese government is addressing the matter of the SCS in tandem with that of the ECS; more concretely, Japan is fostering bilateral cooperation with ASEAN claimants, particularly Vietnam and the Philippines, aimed at jointly dealing with China’s assertiveness.” and he adds: “the re-emergence of territorial disputes in the SCS is a serious security concern for the country in terms of how to address a powerful and assertive China in the ECS.”⁷⁵ Pollmann adds that Japanese officials are closely monitoring how China handles the SCS island disputes in order to discern how China might deal with Japan in the dispute over the Senkaku/Diaoyu Islands in the ECS.⁷⁶

As we mentioned earlier (p. 10-11), Japan is still engaged with China in many fields, mainly at the economic front but also in sensitive areas such as joint fishing agreements in the ECS. Thus Goswami argues that Japan “has a policy of both engagement and balancing” .⁷⁷ However, in the case of the SCS, the pendulum is decisively tilting towards the “Containment Policy”, which Japan and the U.S. can camouflage under the flag of protecting “International Legal Norms” and assisting ASEAN states. Thus, the dominant, but not exclusive, policy that Japan practices currently in regard to the SCS is containment. We see the containment of China as the primary and most significant motive for Japan’s involvement in the SCS. Yet, it is also a policy and this policy is reinforced by other factors, which shall be discussed in the next chapters. The linkage of the ECS and SCS is an important derivative of the Containment Policy because these two fronts are where the physical “battle” takes place.

Part 3: US-China Relation Considerations

Since the days of the Yoshida Doctrine Japan's foreign policy emphasized strong relations with the United States, in which the United States’ military is the actual guarantor of Japan’s security. This concept was reinforced by the Abe administration that upgraded the military treaty with the US, by joining the new Trans-Pacific Partnership (TPP) trade agreement and by Japan tendency to follow the US policy in various arenas.⁷⁸ However, in recent years, with the encouragement of USA, Japan also developed its own military capabilities and revised the law in a way that enables the army more flexible and engages in “collective self-defense”.⁷⁹ In this context, some scholars argued that Japan is pushing the US to contain China,⁸⁰ while others argued that Washington was deliberately using Japan as a strategic tool aimed at containing China.⁸¹ However, no matter who pushes who, which is probably another egg and chicken case, we can assume with

⁷⁴ Furthermore, the SCS front is advantages for Japan; It can cooperate and create united front with other China’s adversaries, it does not take the heat of the front-line, and it has the upper moral hand by using common legal principles agreed on most of the international community (e.g. Freedom of Navigation, Rule of Law at Sea”, etc.).

⁷⁵ Shoji, “The South China Sea: A view from Japan”, p. 128 and p. 131 respectively. Many other scholars also agree that for the Japan the ECS and SCS are linked. For example see Storey, “Japan’s Maritime Security” p. 137

⁷⁶ Mina Pollmann, “[Japan Wades Into South China Sea Issue](#)”, The Diplomat (06/02/2015)

⁷⁷ Goswami, “Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism”, p. 23

⁷⁸ The China AIIB bank is one example for Japan following the US. The TPP is interpreted as another tool to contain China. See “[TPP: Momentum on Trade Deal Bolsters U.S., Japan Efforts to Counter China](#)” WSJ (17/04/2015).

⁷⁹ Akira and Nahory, “[Japan’s Decision on Collective Self-Defense in Context](#)”, the Diplomat (03/10/2014) and “[Japan enhances military's role as security bills pass](#)”, AP (19/09/2015)

⁸⁰ Carpenter, “Japan’s Containment Strategy against China” – this is the general tone of his commentary

⁸¹ Carpenter, “Japan’s Containment Strategy against China”, and the examples that he provides; “[China Warns Japan to Stay out of South China Sea](#)” The National Interest (12/06/2015) and - Shoji, “The South China Sea” p. 131, “

high degree of validity that the U.S. proactive policy in the SCS (including the latest news of sending US navy within the 12 nautical miles from China reclaimed Islands⁸²) is an important factor in the Japanese involvement in the SCS. Dr. Shoji explained it: “Japan will reinforce its own engagement in the SCS in terms of strengthening the US-Japan alliance and supporting the US “rebalancing” strategy”.⁸³

There are specific examples in which the U.S. boost seems to play a decisive role in the Japanese decision process; The “capacity building” of China’s adversaries in the SCS (mainly Philippines and Vietnam), is clearly coordinated between the U.S. and Japan;⁸⁴ and the joint military trainings in the region, as well as drills with India and Australia.⁴⁰ The recent invitation by the U.S. for joint patrols and surveillance in the SCS^{42 85} is another example to U.S. initiatives. However, since Japan has its own motives to involve in the SCS we may describe the US support and cooperation in the SCS as a necessary, but not sufficient, condition for Japan involvement in the SCS. Or, in Shoji diplomatic words: “It should be noted that how Japan can pursue security cooperation with ASEAN to check China’s actions depends upon the overall US strategy toward the region.”⁸⁶ Therefore, Japan’s commitments under its special relations with the U.S. reinforce the Japanese policy to contain China in the SCS, both by the same general U.S policy and by specific requests for cooperation.⁸⁷ In conclusion, the U.S.-Japan relation is not a motive but rather an interest, but due to the importance of this interest we must give it a very high grade.

Part 4: Military Considerations

Security experts argue that the SCS has an important military value for China as a major “bastion” for China’s nuclear-powered ballistic missile submarines (SSBNs), which is the most important part of China’s nuclear strategy. Therefore, they assume that China wish to control the whole SCS (within the nine-dash line) and thus prevent the U.S. and its allies from conducting surveillance missions in the SCS, during peace times, as well as preventing them from effective Anti-Submarine Warfare (ASW) during war times.⁸⁸ Another military consideration is hinted in the 2014-2015 WP of Japan, which assume that “China is making efforts to strengthen its asymmetrical military capabilities to prevent military activity by other countries in the region by **denying access and deployment of foreign militaries to its surrounding areas** (so-called “Anti-Access /Area-Denial” [“A2/ AD”] capabilities”.⁸⁹ The threat of China to declare ADIZ

⁸² “[U.S. Navy to China: We’ll sail our ships near your man-made islands](#)”, Washington Post (8/10/2015)

⁸³ Shoji, “The South China Sea” p. 131 and also in the Indian Ocean: “[India, US, Japan kick off naval drills likely to annoy China](#)” The Straight Times (12/10/2015)

⁸⁴ *ibid*, p. 140 See also, “[The South China Sea Conflict in a Nutshell](#)”, Reuters / Japan Times (10/06/2015) and Storey, “Japan’s maritime security interests” p. 155

⁸⁵ “[In SCS Territorial Dispute, US Would Welcome Japanese Surveillance](#)”, Int’l Business Times (29/01/2015)

⁸⁶ Shoji, “The South China Sea” p. 141

⁸⁷ Yet, the U.S. and Japan had frictions in the past (see footnote 130) and they may diverge during implementation.

⁸⁸ Koda, “Japan’s Perspectives on U.S. policies towards the South China Sea”, p. 89-90; “[China may be trying to hide its submarines in the South China Sea](#)” The Kansas City Star (22/06/2015) Kotani “Why China Wants the South China Sea”; Duchâtel and Kazakova, “[Tensions in the South China Sea: the nuclear dimension](#)”, SIPRI, July-August 2015; “[Quite Plan to Patrol South China Sea with nuclear subs](#)” Yomiuri Shimbun (20/06/2015);

⁸⁹ For example see 2014 WP (“Digest 1”, China Section) and also in Annex I

over the SCS⁹⁰ can only reinforced the above assumptions of the Japanese and U.S. military. Thus, controlling the whole of the SCS can be a part of the Chinese military strategy.⁹⁰

Therefore, in order to limit the military capabilities of China during major military conflicts with the U.S. and Japan (assuming that due to the security treaty between them both countries will be involved) Japan and the U.S. have a motive to keep the freedom of navigation (which is often a cover for freedom of surveillance) in the SCS. However, this interest is actually another derivative from the policy of China's Containment and it wouldn't be important at all if China was not considered as an enemy and potential serious military threat to the U.S. and Japan. Thus we would tend to grade it as tertiary level factor.

Part 5: Regional Considerations (Economic & Political Aspects)

South-East Asia (SEA) is only 500 Km away from Japan (the distance between Basco in the Philippines and Hateruma in Japan) and there is rich history of trade between Japan and SEA. These relations were revived in the 1970s, and they quickly improved with the 1977 promulgation of the Fukuda Doctrine, which promised that Japan would never again become a military power. Since then, Japan acquired positive image in Southeast Asia as a mentor and constructive partner.⁹¹ ASEAN, which now encompasses 10 nations in SEA representing 500 million people, has a combined GDP of USD 737 billion. It is Japan's second biggest trade partner after China (with trade value in 2014 of around USD 230 billion and positive trade balance of 11.5 billion for ASEAN) and it is Japan's third investment destination. Japan's Official Development Assistance (ODA) program has played a particularly important role in the region's economic dynamism and continues to be a pillar of support for ASEAN's newest members.⁹² So, economically ASEAN countries are extremely important to Japan. It is also important to note that China is an economic rival and with a trade value in 2014 of around USD 366 billion (with and negative trade balance of 65.6 billion against ASEAN), it is the biggest trade partner of ASEAN.⁹³ Moreover, China has very strong political and military influence on many ASEAN members including Cambodia, Laos, Myanmar, and Vietnam (although its influence is recently fading due to various conflicts, including the SCS dispute with Vietnam).

Due to the lucrative economic potential of SEA, some scholars (including Chinese), regard the intervention of Japan in the SCS dispute, and the diverse support that it provides to China's adversaries, as a signal for ASEAN countries that Japan is a reliable ally in the region⁹⁴ and simultaneously, as a move to curb China's power and influence in the region.⁹⁵ Thus, Japan can extend its own influence and political

⁹⁰ Similar line of argument is held by Harry J. Kazianis, "[China's East China Sea ADIZ Gamble: Past, Present, and South China Sea Future?](#)" The National Interest (19/06/2015)

⁹¹ Pollmann, "Japan Wades Into South China Sea Issue"

⁹² See MOFA [website](#); Mission of Japan to ASEAN [website](#); and ASEAN [website](#)

⁹³ See ASEAN [website](#)

⁹⁴ "[Tokyo To Challenge China on Fiery Cross Reef](#)", Defense News (19/07/2015)

⁹⁵ See Carpenter, "Japan's Containment Strategy against China"; and also - Shannon Tiezzi, "[China to Japan: Stay Out of South China Sea](#)", The Diplomat (13/06/2015), which quote Chinese scholar Xue Li saying that: "Japan's loudly voiced concern for SCS shipping lanes is a 'facade' and that Japan's real motive is to maintain political influence in Southeast Asia and bolster its own position on the ECS territorial disputes"

clout is SEA and by bolstering this clout, it can achieve two targets: the first one is naturally to alleviate its economic position in the region (on the expense of China), but the second one is to contain China; economically, politically and to a lesser extent militarily.⁹⁶ As mentioned above, the recent Trans-Pacific Partnership (TPP) trade agreement, which was led by U.S. and Japan, is interpreted by many as another move to contain China.⁹⁷ Thus the fact that four members of the TPP are also important members of ASEAN (Brunei, Singapore, Malaysia and Vietnam), can serve as reinforcement to the opinion that Japan intervention in the SCS intend to increase its influence in the SEA region. The Yomiuri Shimbun, Japan's most popular newspaper, argues that Japan should intervene in the SCS dispute to contain China and "maintain regional stability."⁹⁸ This advice seems to echo PM Abe desire to return Japan to its former strength,⁹⁹ and seems to us as a "diplomatic" synonym for geopolitical dominance. If we are correct, than Japan's intervention in the SCS dispute is aimed at expanding (or at least maintain) its political and economic clout. In regard to maritime security in the SCS, we argued earlier that there are alternative sea lanes for Japan (see Part 1), yet, now we should also consider that the dispute in the SCS may shake the economies the region, due to fishing and shipping restrictions, or due to serious military conflict. In both cases, serious damages to ASEAN economies will have material effect on Japan. Based on the above, we tend to see the regional considerations of Japan as independent and primary motive to intervene in the SCS dispute. Yet, in the same time it assists to contain China and build ASEAN support for the ECS dispute.

Part 6: Adherence to the Rule of Law (and Peaceful Resolution of Disputes)

Ian Storey argues that one of the two major concerns of Japan in the SCS is "that if China is able to persuade or coerce other Asian nations into accepting its claimed 'historic rights' in the South China Sea, existing international legal norms would be undermined."¹⁰⁰ In the same spirit, another writer suggested that one of the three main interests of Japan in the SCS is "respect for international law."¹⁰¹

Looking at the historical development of the "rule of law" in Japan's foreign policy takes us back to the early 2000, when globalization, international trade agreements and international law became more important in diplomacy. Then, Japan realized that it is better to be on the side that makes and interprets the international laws rather than on the "receiving side".¹⁰² Japan's pacifist posture and its restricted military capabilities, is probably another consideration, which encouraged Japan to promote the "rule of law", since the rule infer using legal procedures, rather than force, for peaceful resolution of disputes.¹⁰³ In Nov' 2006

⁹⁶ As we explained in Section III, part 4 above, the control of the SCS may curb China military capabilities.

⁹⁷ "TPP: Momentum on Trade Deal Bolsters U.S., Japan Efforts to Counter China" WSJ

⁹⁸ "[Philippines, Japan, Vietnam must ramp up strategic ties in South China Sea](#)" The Yomiuri Shimbun (20/09/2015)

⁹⁹ Sakaki, "Japan's Security Policy: A Shift in Direction under Abe?", p.5

¹⁰⁰ Storey, "Japan's Maritime Security" p. 135

¹⁰¹ See: Jeffrey Ordaniel, "[Multilateralism, the Rule of Law and Strategic Partnerships: Japan in the South China Sea](#)", p. 9, 10-12 - **It is Not published officially ! and the author asked not to be cited.**

¹⁰² 2003 DBB (for 2002), Chapter 3, Section (E): "Efforts Toward International Rule-Making" explains that: "Japan is making efforts to reflect its own ideals and views, when formulating international rules by actively participating in the rule-making process from its initial stage"

¹⁰³ See 2003 DBB (for 2002), Chapter 3, Section (E): "Efforts Toward International Rule-Making" which explain that: "In order to maintain the peace and stability of the int'l community, it is necessary to strengthen the rule of law"

the rule of law (and international law) became a “pillar” of Japan’s foreign policy, during a speech by its foreign minister,¹⁰⁴ and from around 2012 it is used intensively by Japan in every forum (as elaborated in Section II, part 2).¹⁰⁵ A big advantage of this principle is that it’s less contentious as opposed to democracy or human rights. Thus, even totalitarian states, such as Vietnam or China can rather easily accept it.¹⁰⁶ It is interesting to note that the “rule of law” was not mentioned at all in the NDPG FY 2011 (from Dec’ 2010), but, it is included in NDPG FY 2014 (from Dec’ 2013), as “Fundamental Principle”,¹⁰⁷ and it is also first mentioned in the 2014-2015 WP of the MOD. The NSS paper (also from Dec’ 2013), take the “rule of law” to another extreme by defining it as “fundamental principle in Maritime Security” (p. 6); “National Interest” (p. 4), and “Universal Value” (e.g. p. 32). In addition the NSS dedicates a full section for it as a tool for proactive policy that enhances global peace and security (including concrete measures that Japan should take to promote it).¹⁰⁸ The “rule of law” in the context of Maritime Security in general and the SCS in particular, become public policy of Japan around 2011,¹⁰⁹ and from then on the link become obligatory in all the government documents, including the NSS.¹¹⁰ Therefore it is evident that this principle, which in the last 15 years was elevated by Japan to an almost divine status, is truly important for Japan. But is it a motive or interest to be involved in the SCS disputes? Is it a holy international norm that can never be compromised? Or is it just a very important and useful tool of Japan’s foreign policy?

We believe that the answer depends on the ideology of the writer. However, for the purpose of this paper we believe that the “thin” definition of the “rule of law”, which sees it as a tool without “moral values” is preferred because the “thin” definition represents a common baseline that most states can accept,¹¹¹ including all the parties to the SCS dispute and even totalitarian states like Vietnam or China.¹¹² In contrast to the “thin” definition of the “rule of law”, a specific law may or may not have moral values depends on its content (and history demonstrate to us many immoral laws) and International laws are the same. Thus, and as we explained earlier, Japan understood it very well and tried to shape the content of

and promote the peaceful settlement of int’l disputes”; and more in **2006 DBB** (for 2005), Chapter 3, Section (F): **“Efforts for the Enhancement of International Relations through International Law”**

¹⁰⁴ See 2007 DBB (for 2006), in the “Overview Section”

¹⁰⁵ Storey, “Japan’s maritime security interests”, p. 150

¹⁰⁶ Thus in 2003 during Japan-ASEAN summit, all parties could agree that “rule of law” will be fundamental value.

¹⁰⁷ NDPG FY 2014, p. 4 and it is also often recited in the MOD 2014-2015 WP

¹⁰⁸ NSS p. 28-29

¹⁰⁹ For example in the 2012 DBB (for 2011) the overview section explained that: *“maritime-related issues are becoming increasingly conspicuous among other causes of tension in the region in recent years. For example, in the South China Sea In response to such incidents, a variety of efforts are being made In July 2011 China and ASEAN agreed on guidelines for the implementation of the “Declaration on the Conduct of Parties in the South China Sea” of 2002. Likewise, the EAS adopted a declaration by leaders confirming that the **international law of the sea contains crucial norms that contribute to the maintenance of peace and stability in the region.***

¹¹⁰ See the NSS p. 8

¹¹¹ See Brian Tamanaha, [“A Concise Guide To The Rule Of Law”](#) Florence Workshop On The Rule Of Law, Neil Walker, Gianluigi Palombella, Eds., Hart Publishing Company, 2007 (St. John’s Legal Studies Research Paper No. 07-0082): p. 3 The “thick” definition includes reference to “fundamental rights, democracy, and/or criteria of justice or right”

¹¹² In our opinion the “thick” definition is intellectually dishonest by sneaking inside different moral concepts. Thus it prevents widespread dissemination of the rule of law and also creates new debates over which human rights are fundamental, etc. This in turn will also prevent common agreement to apply the “rule of law”.

international law according to its own ideals and views.¹¹³ The description of the rule of law as a “pillar of Japan foreign policy”,¹¹³ and as tool for “peaceful resolution” of disputes, reinforce its definition as a tool. Moreover, when Japan wasn’t happy with the content of international law, such as the restrictions on hunting whales for consumption, it was circumvented and the hunting of whales continue under the pretext of “research”, while allowing the hunters to sell the meat for consumption.¹¹⁴ Japan is also quite passive regarding violations of international laws which are not so near to Tokyo, such as Georgia and Ukraine.¹¹⁵

From the practical aspect, “the rule of law” has important derivatives that can be used in the maritime context of the ECS and the SCS, such as the “freedom of navigation and overflight”, adherence to international law such as UNCLOS (which China is a signatory of), and objection to coercion and use of force in solving maritime disputes. In other words, maintain the status quo until all the parties come to an agreeable solution. Thus, we believe that the mantra “rule of law” is very useful tool to support Containment of China, since it is inherently protecting the status quo, which China is trying to change. In addition, the “freedom of navigation and overflight” principles, which are part of it, are major tools and justification for the protection of sea and air lanes in the SCS (and ECS). In this respect, the fact the U.S. and the Western world also hold high the same principles, and the fact that currently ASEAN countries also wish to keep the status quo, only makes the usage of this policy tool more powerful.¹¹⁶

Part 7: Domestic Factors

This paper is focused on the national motives and interest for Japan’s intervention in the SCS dispute, rather than domestic factors. Yet, in order to give an inclusive picture of the factors we shall briefly discuss two domestic factors that seem important. Due to the minimal research on this issue our observations below should be taken cautiously. The first domestic factor, blame the Abe administration, and maybe other interested parties within the LDP and the SDF, of drumming the SCS dispute volume in order to manipulate the Japanese public opinion (and politicians) to support the “pro” military bills (“collective-self-defense” and “overseas logistic deployment of SDF forces”).¹¹⁷ In this regard, the recent LDP demand to revise the 2015 WP, so it will further criticize China¹¹⁸ may support the argument. In addition, and as is often the case in Israel, such drumming of the SCS threat, may well be a structured interest of the SDF - in

¹¹³ Japan used this description since around 2002, and it dedicated to it a special section in the 2003 DBB (for 2002), Chapter 3, Section (E): “**Efforts Toward International Rule-Making**”

¹¹⁴ See MOFA elegant explanation at 2004 DBB, Chapter 3, Section B(3) p. 181

¹¹⁵ I guess I’m expressing here “realistic” view of the issue.

¹¹⁶ However, sometimes the law achieves special degree of reverence, such as the case with the U.S. Constitution, and then it may reach the status of independent moral value and it is very hard to change it. Moreover, even if it does not acquire such high status, revising the law in western countries can create the problem (or advantage) that after it is instated and becomes structured, it is very hard to change it by the ruling party, even if conditions changed and the original purpose of the law is not relevant anymore. The long battle since 2006, to change the security laws of Japan is a good illustration of it (whether you support it or against it).

¹¹⁷ Reiji Yoshida, “[Japan’s One-Way Push Against China: An Unstated Acquiescence?](#)”, The Diplomat (17/08/2015)
This was also one of the Chinese opinion that quoted by Tiezzi, “[China to Japan: Stay Out of South China Sea](#)”

¹¹⁸ Leo Lewis, “[Shinzo Abe faces setback on Japan’s Security Reform](#)”, Financial Times (7/07/2015)

order to increase its defense budget and political influence.¹¹⁹ Yet, with no clear evidence we will leave it as a speculation. The second domestic factor, which may contribute to Japan's policy in the SCS, is Japanese growing nationalism, which is manifested in many ways, including the dominance of the Nippon Kaigi in the government and the shift in Japan's security policy (which is also explained by the reaction to geopolitical shift).¹²⁰ In this respect, more voices in Japan advocate the countering of China and the elevation of Japan's political status in the region. For example, and as we mentioned above, the Yomiuri Shimbun, Japan's most popular newspaper, argues that Japan should intervene in the SCS dispute to contain China and "maintain regional stability."¹²¹ In other words, the paper wishes to restore Japan status to a regional power. Moreover, similar voices are heard from PM Abe⁹⁹ and more extreme voices exist in his close circles (e.g. the Nippon Kaigi). Thus it may well be important factor in Japan's policy in the SCS.

Section IV: Observations and Conclusions

Part 1: Summary of Motives, Interests and Policies in the South China Sea

In the previous section we listed the main factors for Japan's recent intervention in the SCS dispute. Our analysis provides us with some observations over the nature, the significance and the relations between the different factors, and we would like to categorize them into primary motives, secondary motives, and policy tools, such as principles, doctrines, strategies and tactics. Since we lack basic IR education we may use the above terms in different way than is common in the IR literature, but we hope that the context can clarify our meaning and intentions.

Based on the analysis of Section III, we believe that the primary motive for the current Japanese proactive intervention in the SCS is the perception of China as a threat³² and the adoption of the policy for the Containment of China. The Containment of China is currently, maybe, the most important strategy of Japan and it affects many aspects including the policy in the ECS and SCS. The Containment of China is the primary motive for Japan's proactive intervention in the SCS, since around 2010-2011, when a serious of aggressive Chinese steps, changed the Japanese perception regarding the China Rise and thus the previous security policy. The former policy was described by Hughes in 2009 as engagement of China, and he predicted that a policy to Contain China may evolve.¹²² Later actions of China, such as the blockade of rare-earth export, the declaration of ADIZ in the ECS in 2013 and the hints for further territorial claims by China,⁷⁰ only reinforced the perception that China is a serious and imminent threat, and since 2012 when PM Abe return to power, the China Containment Strategy become more dominant and more assertive.⁷² The main supporting evidence for our conclusion is the clear inflection point reflected in the Japanese

¹¹⁹ In recent years the Japanese government annually increased the SDF budget, including this year. "[Abe's Ongoing Defense Policy Changes](#)", The Diplomat (9/02/2015)

¹²⁰ Goswami, "Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism" p. 18 and also "[Japan's Back and So Is Nationalism](#)" The diplomat (14/12/2014)

¹²¹ "[Philippines, Japan, Vietnam must ramp up strategic ties in South China Sea](#)" The Yomiuri Shimbun (20/09/2015)

¹²² Christopher W. Hughes, "Japan's response to China's rise: regional engagement, global containment, dangers of collision", International Affairs, Volume 85, Issue 4, pages 837–856 (July 2009). In p. 854-856

government publications, declarations and actions regarding the SCS, which soared from that period onward.¹²³ In this respect, the link between the ECS and the SCS is very important because the initial and direct reason for Japan's shift to the policy of China's Containment stem from the ECS disputes. The Chinese actions in the SCS were initially just confirmation of the Japanese perception, but later the SCS dispute created opportunity for Japan not only contain China in general, but also to build international support to its position in the ECS, and turning the ECS bilateral dispute into ECS-SCS multilateral dispute (due to similarity of the two cases, including Chinese aggression, disrespect to rule of law and use of force).

The second secondary but independent motive that we can identify from the analysis is the regional considerations in SEA and the relations with ASEAN in particular. It is an important motive for Japan's pro-active role in the SCS but less important than the Containment Motive. Considering the Japanese post-war focus on economic development, according to the Yoshida Doctrine, and the current and potential significant trade between Japan and ASEAN, it is very easy to understand the economic importance of ASEAN for Japan. Based on our analysis (Section III, Part 5), it looks like Japan assumes that siding with China's adversaries in the SCS dispute (with the U.S. assistance), and assisting them; economically, politically and militarily, can increase the political clout of Japan (and the U.S.) and reinforce the economic and geopolitical benefits for Japan (and the U.S.). A recent CSIS report has the same line of thinking,¹²⁴ and in the context of deepening the ties of the U.S.-Japan with ASEAN, they provide very specific recommendations, which advocate Japan proactive involvement in the SCS dispute.¹²⁵ Obviously, this motive is also strongly linked to the China Containment motive, because the expansion of political, security and economic relations of ASEAN with the U.S.-Japan alliance will, at least partly, come on the expense of China's strong position with ASEAN. The CSIS report emphasizes the security aspects of SEA and the "balancing" against China as the main motive for its policy recommendations,¹²⁶ and we agree that this is also the most important motive of Japan. However, ASEAN is economically much more important for Japan than to the U.S.¹²⁷ and the fact that Japan displayed economic interest in ASEAN since the 1970th, before the tensions in the SCS soared; make us consider this interest as a stand-alone motive, albeit weaker than the policy for the Containment of China ("Security before Prosperity").

The CSIS report assumes that the U.S.-Japan cooperation in dealing with SEA and the SCS is crucial, not the least because together each country's shortcoming is compensated by its ally.¹²⁸ The sweeping support of the CSIS report to the U.S.-Japan cooperation with ASEAN, the recent upgrade of the U.S.-Japan security treaty and the completion of the TPP agreement (which is one of the CSIS

¹²³ See above Section II, Part 2 (A). **It is very interesting to see that in the 1988 DBB, when relations with Vietnam were bad, MOFA used in the report the Chinese name of Nansha instead of the English name Spratly Islands.**

¹²⁴ The CSIS Report, "Southeast Asia's Geopolitical Centrality and the U.S.-Japan Alliance" Especially p. 4-5

¹²⁵ Ibid, For example (in p. 6): "complete surveys of features in the SCS", Military Training, "Enhance ASEAN Maritime Domain Awareness", "Prioritize Maritime Security", "Encourage Japan to take greater military role in SEA"

¹²⁶ Ibid, In the Preface (p. VI)

¹²⁷ In 2014 USA trade with ASEAN was USD 212 Billion (Japan 230 Billion), but percentage wise it is only 6% of USA trade versus 15% of Japan's trade.

¹²⁸ CSIS, "Southeast Asia's Geopolitical Centrality and the U.S.-Japan Alliance", p. 2-3

recommendations) reflect the importance of the U.S.-Japan alliance in determining Japan foreign policy in general and in the SCS context in particular. The U.S.-Japan alliance is currently based on shared interest of containing China, economic cooperation and shared values (such as the ‘rule of law’ and its derivatives). Therefore, it is not a motive but rather a fundamental policy (or a doctrine), which serves basic interests of Japan (Security, Geopolitical power and their derivatives). In respect of the SCS, and considering the power advantage of China compared with Japan and ASEAN, this policy is a necessary condition for Japan’s involvement in the SCS.¹²⁹ On the other hand, U.S. did not always respect the Japanese interest and its obligations under the treaty with Japan,¹³⁰ but Japan had to accommodate the situation and sacrifice its pride and interest / principles.¹³¹ Thus, differences may emerge also in the implementation of the SCS policy and it will be interesting to see whether Japan will again bend to the U.S. interest.

This brings us to the military considerations, which we discussed on Section III (Part 4) above. In this respect we shall assume credibility to the argument that China wishes to control the whole SCS in order to hide its SSBN submarines and/or as a part of its A2/ AD military strategy. This is an additional reason for the U.S. to challenge China in the SCS, but it is much less of a direct threat and interest of Japan. Yet, due to the U.S.-Japan security treaty and the existence of U.S. military bases in Japan, any serious military conflict between China and U.S. can probably drag in Japan.⁶⁰ In addition, the motive and policy to contain China, and the U.S. influence on Japan, may well be enough reasons for Japan to consider this aspect seriously. However, the military consideration is only important if we believe that the conflict with China can deteriorate significantly into a full scale military conflict, and possibly a nuclear war. Based on observations which are beyond the scope of this paper, we assume that this risk is very minor and thus we think that it plays an insignificant role in determining Japan’s policy in the SCS.

In contrast, there is high risk that China will disturb maritime and air lanes in the SCS (although much less likely of commercial routes)⁶⁰ and infringe international and maritime laws. This is proved by the Chinese actions, displaying disrespect to the freedom of navigation, freedom of overflight, maritime law and included the usage of coercion in the SCS and the ECS. Therefore, these interests are at higher risk and more significant to Japan than the “military considerations”. As we pointed out earlier, there are alternative sea lanes to the SCS (Section III, Part 1) and seemingly that should diminish the significance of securing the SCS sea lanes. However, Japanese policy makers and scholars alike, tend to emphasize the interwoven interest of securing the sea lanes and the adherence to the “rule of law”. How can we explain it?

One explanation is that although currently, the security of commercial sea lanes in the SCS is at low risk, yet, China already demonstrated that it does not care for international laws (e.g. the 2009 Impeccable

¹²⁹ As described by Section III, Part 3

¹³⁰ For instance: In 1972 President Nixon visit China and normalized relations without informing Japan. And in the 1980ies it was revealed that U.S. was not adhering to the security treaty and did not .S. comply with Japan's three non-nuclear principles, by sending to Japanese ports ships with nuclear weapons.

¹³¹ See: Hans Kristensen, “[Japan Under the US Nuclear Umbrella](#)”, The Nautilus Institute (21/07/1999), Section 4

incident) and it is ready to use coercion. From Japanese perspective, China is using the “salami tactics”¹³² and things will only get worse (the “slippery slope” argument). Thus Japan and its allies need to rebalance against the China threat before the situation deteriorates further. Another possible explanation (see also Section III, Part 6), is that the combination of “rule of law” and “maritime security” is an extremely useful and powerful policy tool, with very strong media, public academic and international support. Moreover, as explained earlier, the “rule of law” principle is inherently useful in keeping status quo situations, which is what required for containing China in general and in the SCS and the ECS in particular. This tool is also useful for small countries with limited resources, like the Philippines, which submitted its SCS dispute with China for international arbitration and quickly received support statements from Japan, U.S. and Vietnam.

No matter which of the above explanations we adopt, yet, it is clear that Japan, U.S and their allies are elevating the “rule of law” (and its offshoot “freedom of navigation”), combined with the claims to protect the SCS crucial sea lanes, to the forefront of their public policy. As such, they describe it as “fundamental principle” and “universal value” in order to create an “objective”, independent and sufficient principle to challenge and contain China in the SCS. In doing so, they attempt to make it unnecessary or at least less important, to examine the underlying real motives of Japan, U.S. and their allies. If this is the true nature of the policy, than we may be seen as a new fundamental doctrine / strategy of Japan. However, as such, and under certain concrete situations, and for the sake of consistency, Japan may have to give it equal or higher priority than to its other primary motives.¹³³

We believe that the Japanese domestic factors (Section III, Part 7) influence on the Japanese policy towards China and the SCS, are much less significant than the shift in geopolitical balance, the rise of China and the regional economic considerations. They may influence the timing of certain policy changes, but they cannot block the rise of China, the side-effect on Japan and the need for applying reactive policy to such changes. As mentioned earlier, little time was dedicated to the research of this issue and our brief observations should be taken cautiously, However we will elaborate on the relations between the domestic factors and the other motives and interests in Part 2 of this section.

Part 2: The SCS Dispute from International Relations Theories Perspective

In order to analyze the SCS dispute from International Relations theoretical perspective we wish to answer first the second research question that we presented:

Does the South China Sea have a strategic values Japan? Or is it a reactive policy to balance China?

The answer to this question has objective and subjective elements and it also depends on the period that we look at. The subjective elements include the way that Japan itself perceives the question. For

¹³² Clifton W. Sherrill, “[Conflict Management in the South China Sea](#)”, Asia Political and Int’l Studies Association (20/09/2014). P. 17 and “[Shaming Won’t Stop China’s Salami Slicing](#)” The Diplomat (16/07/2014)

¹³³ The same way that Japan had to compromise its interest in order to maintain the security treaty with the U.S. for example, if Chinese Military Ships and aircrafts will keep constant surveillance within Japan EEZ, but beyond the range of 12 nautical miles from Japan, Japan may not like it but will have to accept it.

example, during WWII, Japan controlled most of the SCS and it seems that at that time it also perceived it as having a strategic value. In contrast, after WWII Japan surrendered all its territorial claims to the SCS and until around 2010 it seems to have very little value for Japan. So, how should we define the current Japan position on the SCS? On the one hand, and as we elaborated in Section III (Parts 1 and 4), from pure military and sea lane security the SCS is actually not so vital for Japan. On the other hand, many experts, scholars and government agencies claim otherwise. Is it possible that the Japanese perception of the SCS value will be so strong that it will overcome the objective element? Geopolitical changes, such as dramatic shift in ASEAN-Japan relations, which shall reach very high economic and security interdependence (e.g. like the U.S.-Japan relations), may also affect the Japanese perception and our conclusion. However, at the current stage and considering that the Japanese perception of the SCS begun to shift only 5 years ago, and the shift was also very much connected to the rise of China in general and the dispute in the ECS in particular, we tend to conclude that the SCS does not have currently a strategic value for Japan.¹³⁴

Now, we can also see that the increased strategic value that Japan attributes to the SCS is a result of its shifting security policy, which emerged as a reaction to China Rise in general and the Chinese unilateral and initiatives in the ECS and SCS in particular. The recent large scale reclamations projects of China (with a military potential), is another example of a unilateral and proactive Chinese step, which China's adversaries, including Japan and the U.S. scrambling to find a proper reaction.¹³⁵ So we can conclude that generally speaking the Japanese recent involvement in the SCS is primarily a reactive policy to Chinese infringement of maritime order in the ECS and SCS. However, as we elaborated before, it is likely that the secondary motive of increasing regional influence and expanding economic relations ASEAN, added some element to the reactive policy of Japan, in order to "kill two birds in one stone".

Now we can turn to our last question research:

Which International Relations Theory Explains Best the Japanese behaviour in the SCS?

Although there is widespread literature analyzing the SCS conflict from IR theoretical perspective, it is usually not focused on Japan. We will focus our discussion on Japan, but we will not be able to escape the China Rise and the shift of power which seems to be the single most important factor of the situation.

The initial attention of many writers is devoted to realistic theories, which can explain well the general picture in the SCS conflict; focusing on China rise and its growing aggression.¹³⁶ China's objection to the internationalization of the disputes, coercive diplomacy and the use of unilateral actions and force in order to gain possession of features (e.g. the Fiery Cross Reef, the Mischief Reef and the Scarborough

¹³⁴ And obviously every scholar who writes an article and draws a conclusion is also influencing the perception.

¹³⁵ There are some who argue that the Chinese reclamation projects are reaction to the Philippines submission of the SCS dispute to arbitration. But then again we need to look further back... and in the end the Chinese actions are much more, proactive, aggressive and provocative.

¹³⁶ See for example Kaplan opinion in "[Asia's Cauldron](#)," by Robert D. Kaplan", New York Times (17/04/2014), Daniel O'Neill, "[China's Rise and IR Theory: The South China Sea](#)", University of the Pacific political science blog (25/09/2011), Ordaniel, "Multilateralism, the Rule of Law and Strategic Partnerships", p. 17

Shoal) keep in line with realism's predictions.¹³⁷ Realism also predicts that, smaller states, shall seek to balance against the rising Chinese threats by turning to other great power and / or potential allies.¹³⁸ This can be illustrated by the recent polls (January 2015) which revealed that over 60% of Japanese see China as the highest threat for Japan (verses 46% in 2012) and 93% have an unfavorable impression of China.³² Similarly, the same perception is also reflected in Japanese official publications (Mainly the WP and NDPG by MOD and by the NSS). Thus, Japan balances by increasing the defense budget, removal of legal restrictions on the army operation (e.g. the "collective-self-defense" law) and by tightening the security relations between U.S.-Japan, Vietnam-Japan, Philippines-Japan-U.S., Japan-Australia-India, etc.¹³⁹ "Offensive Realism" also predicts the emergence of "Containment Policy" in U.S. and Japan,¹⁴⁰ and even multilateral economic mega-projects, like the Silk Road Economic Belt (SREB), Maritime Silk Road (MSR) and the Asian Infrastructure Investment Bank (AIIB); can fit realism theories as a challenge to the legitimacy of current international institutions in whose making China had no role. It is an interesting coincidence that the new assertive policy of Japan in the SCS begun around 2010, when China surpassed Japan as the World's second largest economy. This also may reinforce the realistic theories focusing on shift of powers. On the down side, Sherrill argues that "realistic theory does not explain China's aggressiveness since 2010. If China believes it is in a superior power position, realism would expect China to act upon it and eject the other claimants. If China does not believe it is in a superior power position, realism would expect China to stay with a more cautious stance."¹⁴¹

In contrast, Liberal theory of economic interdependence argues that as states engage in greater trade and other commercial exchanges, there will be less will to go to war and less tensions.¹⁴² In this respect the theory can explain China's proactive and cooperative attitude in the economic field, which is reflected in joining in the WTO in 2001; the SCS joint-exploration agreements with Vietnam and Philippines in 2005-2008 (and also fishing agreements with Vietnam in the SCS); the 2010 ASEAN-China free trade agreement and the recent multilateral economic mega-projects (SREB, MSR and the AIIB).¹⁴³ In addition, economic interdependence between China, Japan and ASEAN is extremely significant, with China being the largest trade partner of Japan and ASEAN, while Japan being the second largest trade partner of China and the third of ASEAN. Similar high degree of interdependence emerge due to large cross investments between the participants, including Japan in China and ASEAN, China in ASEAN and some ASEAN countries, such as Singapore and Malesia in China. The neoliberal institutionalism theory, which focused on removing suspicion and opaque information of other state's intentions, by "international institutions",¹⁴⁴ can explain why China joined most of the international treaties (Including UNCLOS) and trying to gain stronger status

¹³⁷ Clifton W. Sherrill, "Conflict Management in the South China Sea", P. 9-11

¹³⁸ Ibid, p. 8, 10

¹³⁹ Goswami, "Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism" p. 3

¹⁴⁰ Ibid, p. 5

¹⁴¹ Sherrill, "Conflict Management in the South China Sea", p. 11

¹⁴² Ordaniel, "Multilateralism, the Rule of Law and Strategic Partnerships", p. 17

¹⁴³ This can also be explained by realism - as we discussed in the previous paragraphs.

¹⁴⁴ Sherrill, "Conflict Management in the South China Sea", p. 8

in international and regional bodies (such as the WTO, UN, EAS and SCO), and it also explains why Japan, which is worried about China's military buildup and lack of transparency, pursue multilateralism and the rule of law in general, and also try to engage China in international economic institutions in particular.¹⁴⁵ "According to liberal institutionalism, China is going to show restraint and cooperate with global partners to resolve disputes in the South China Sea".¹⁴⁶ However, despite increased trade, and China's intensive engagement with international institutions, the security relations between China and Japan in the SCS, as well as China-ASEAN relations, have deteriorated markedly in the last 5 years, which shows the deficiencies of this theory.¹⁴⁷ It is also often argued by realist that in the situations that China appears more accommodating, it is only due to tactical considerations and lack of capability to deter the U.S. militarily.¹⁴⁸

In order to reconcile the different theories scholars came up with different suggestions. Some concluded that realism described better the China-Japan dispute in the SCS.¹⁴⁹ In contrast, Goswami believes that there cannot be a single way of managing major power relations. Instead, both theories apply and engagement, bandwagon and balance go hand in hand.¹⁵⁰ Thus he also observed (in spring 2013 before the recent tensions escalate to a boiling point) that Japan has a policy of both engagement and balancing.

Other scholars argue that both realism and liberalism only explain the "macro-level" which focus on historical big trends and where state is the unit of analysis. However, a micro-level approach that analyzes the decisions of leaders within domestic political institutions sheds more light on China's past foreign policy behavior".¹⁵¹ Sherrill may define such scholars as "Pluralists" or "Neoclassical Realists" (NCR),¹⁵² but we believe that they can also fall under the category of Constructivism.¹⁵³ These micro-level theories, can explain the Chinese behaviour in the SCS in many ways, including the effect of nationalism, economic troubles, internal

¹⁴⁵ Goswami, "Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism" p. 18

¹⁴⁶ Ibid, p. 19

¹⁴⁷ Sherrill, "Conflict Management in the South China Sea", p. 12

¹⁴⁸ Goswami, "Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism" p. 19

¹⁴⁹ Ordaniel, "Multilateralism, the Rule of Law and Strategic Partnerships", p. 21-22

¹⁵⁰ Goswami, "Power Shifts in East Asia: Balance of Power vs. Liberal Institutionalism", p. 3, 26

¹⁵¹ O'Neill, "China's Rise and IR Theory: The South China Sea"

¹⁵² Sherrill, "Conflict Management in the South China Sea", p. 12

¹⁵³ Assuming that we really understood the different concepts of "constructivism" ©

factions conflict within the CCP, and lack of governance over the PLA.¹⁵⁴ Looking at Japan from this IR perspective, reveals nationalism as a potential factor in Japan's assertive attitude in the SCS.¹²⁰ Moreover, PM Shinzo Abe himself can be seen as an important factor. As a dominant and assertive leader he showed that he can shift major relevant policies (including the "collective-self-defense" policy), despite strong opposition and hostile public opinion. Tailwinds that Abe may receive from the SDF, the LDP and the Nippon Kaigi, should not diminish his personal role.

Constructivism is less used in explaining the SCS dispute, possibly because it is perceived as dispute between states. However, constructivism argues that the "rules-based order" created by international institutions can actually change the identity of the relevant actors instead of merely shaping tactical behavior.¹⁵⁵ In this respect, the promotion of the "rule of law" as a "universal value, "fundamental principle" and "pillar of Japan's foreign policy" (together with other western countries), can be explained by many theories: It can be seen as a tactical maneuver - according to realism; it can be regarded as a tool to improve transparency and peaceful resolutions - under **Neoliberal Institutionalism theory**; and under Constructivism it can be seen as an attempt to change the identity and basic norms of the world in general and the actors in the ECS and SCS dispute (including China) in particular.¹⁵⁶

Part 3: Final Remarks and Personal Opinion

After reviewing all the above theories we tend to agree with the two-layers approach combining macro-level and micro-level considerations. From our intimate experience of 15 years in China, the micro-level is especially suitable for explaining Chinese short-term amplitudes, and we assume that the same may be true for Japan. However, in looking at the big picture and the long term we believe that the macro-level and the realistic theory explain more of the recent events in the SCS. The last few days brought a chain of incidents that only verify the realistic theory, including the news that "the U.S. Navy may soon receive approval to sail a ship inside the 12-nautical mile surrounding China's man-made islands"; the Chinese' sinking of a Vietnamese fish boat, and the strange and "surprising" Chinese (tactical?) move to offer joint exercises in the SCS with ASEAN countries.¹⁵⁷ The dominance of the macro-level realistic theory explains why the Chinese aggression and Japanese assertive reactions began around 2010, despite the fact that both countries at the time had less strong and more conciliatory leaders (in China Hu Jintao and Wen Jiabao and

¹⁵⁴ Sherrill, "Conflict Management in the South China Sea", p. 12, p. 16 and p. 18

¹⁵⁵ *ibid*, p. 15

¹⁵⁶ According to Dillon: China's identity see itself as the center of civilization, destined to regain historical greatness, This identity leads to incompatible interests with those states which are built upon Westphalian sovereignty. *Ibid*, p. 15

¹⁵⁷ "[Reports: Chinese ship sinks another Vietnamese fishing vessel in South China Sea](#)" Breibart (16/10/2015)

in Japan three weak PMs from the DPJ). After strong leaders climbed in 2012, the Chinese aggression and the Japanese reactions escalated and the containment policy of Japan become more pronounced.¹⁵⁸

Despite the appearance that realism dominates the macro-level, we agree with Goswami that relations may and should include simultaneously engagement and containment steps. For example, from the Japanese perspective, it may balance against China in the Senkaku Islands and the SCS, but engage with it on joint-development of gas in the ECS, joint-rescue mission in Africa, or new trade agreement. Engagement may also replace containment and vice versa due to geopolitical events, natural disasters (e.g. earth quack in China), and domestic factors (e.g. new leader in China), or as soon as China shows signs of weakness, gestures or tactical retreat.

In this respect, and also as a reply Sherrill assertion that “realistic theory does not explain China’s aggressiveness since 2010” (p. 25), I would like to argue that since the time of Sun Zi, the Chinese strategy in general is very calculative, sophisticated, patient and long-term. Moreover, Sun Zi always emphasized that the best general is the one who win the war without a war, and that you should always keep the enemy confused. This is what China is doing. It is not yet a superior power to the U.S. but it already has regional advantage. So, in the meantime, they use their advantage for “grey-zone” strategy¹⁵⁹ and “Salami-Tactics”, which work best against liberal-democratic countries that have conflict-aversion public, weak and hesitant leadership, and slow and bureaucratic decision process like the current U.S. and Japan (although PM Abe is probably not a weak leader). This strategy is so far working well for them¹⁶⁰ and even when China faces assertive local reaction, usually by Vietnam, they may retreats after making a point, but then they plan on returning in a better timing or in a different location.¹⁶¹ In other words, we should judge the tendency in the long-term and looking back through 2010-2015 I think the Chinese aggression shows escalation, despite the tango rhythm of two steps forward and one step backward. Thus it is in confirming best to the realistic theory. On the other hand, I believe that all IR theories should have space for periodical fluctuations due to cultural, tactical and domestic factors, and it is almost impossible to judge short-term actions of the parties in the dispute. Moreover, in our current globalized world, everything is more connected, communication and dissemination of information is much faster, and thus geopolitical changes are more exposed to the “butterfly effect” - for example, the “Arab Spring”. In this respect any prediction on the future of the SCS dispute shall be futile.

Gal Furer

Hebrew University in Jerusalem

¹⁵⁸ Alexandra Sakaki, “Japan’s Security Policy: A Shift in Direction under Abe?”, p. 30

¹⁵⁹ See the 2015 WP of the MOD, (overview section) p. 1

¹⁶⁰ “Shaming Won’t Stop China’s Salami Slicing” The Diplomat (16/07/2014)

¹⁶¹ As illustrated by the clashes with Vietnam over the oil rig in 2014 and the Vietnamese deadly protests that followed it. Then China kept the rig there for a short while, but then retreat.