

An aerial photograph of a large fleet of ships, likely a naval exercise, sailing on the open ocean. The ships are arranged in a loose formation, leaving white wakes behind them. The sky is filled with dramatic, dark clouds, suggesting an overcast or stormy day. The overall tone is serious and professional.

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Ending Hatred and the Start of Healing: President Elpidio Quirino's Pardon of Japanese War Prisoners in July 1953 and its Effects

Augusto de Viana, University of Santo Tomas, The Philippines

The Asia-Pacific Conference on Security and International Relations 2016
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Abstract

On July 4, 1953 President Elpidio Quirino issued a proclamation granting executive clemency to 105 Japanese convicted war criminals and allowed them to return to Japan. The proclamation came barely a decade after the end of World War II during which thousands of Filipinos lost their lives as victims of Japanese atrocities. Quirino himself lost his wife and three children to Japanese gunfire in the battle of Manila in February 1945. At the time of Quirino's proclamation anti-Japanese sentiment in the Philippines was still high and various sectors considered his action as political suicide. In explaining his act of pardoning the war criminals Quirino said "I do not want my children and my people to inherit from me hate for people who might yet be our friends, for the permanent interest of the country."

This paper discusses how President Quirino's action fostered goodwill with Japan. Philippine-Japanese diplomatic relations were established three years after and 70 years later the Philippines and Japan have become close allies cooperating in economic, political and cultural matters. The main problem of this paper is to examine why Quirino pardoned the Japanese war criminals and what was the reaction of the Japanese and the Filipinos. The conceptual framework of this paper sees Quirino's act of clemency as an important step in the restoration of Philippine-Japanese relations. Why the Philippines had to reestablish ties with Japan is based on the history of interaction and geography. Countries of close proximity would need to interact with each other in economic, political and cultural fields. This forms the theoretical framework of this study. The methodology of this paper is the utilization of official documents like the *Official Gazette* and newspapers at the time of President Quirino's executive clemency.

Keywords: President Elpidio Quirino, clemency, war convicts, Japanese and Filipino reaction, Philippine-Japanese relations

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Introduction and background

At Hibiya Park in Tokyo a simple memorial was unveiled on June 18, 2016 on the occasion of the 60th anniversary of the establishment of Philippine-Japanese diplomatic relations. The memorial also honors President Elpidio Quirino¹ who was the Philippines's second president after it regained its independence in 1946 from the United States. President Quirino pardoned the last of the convicted Japanese war prisoners from World War II.



Guests of honor beside the newly-unveiled memorial: (from the left) Ambassador Katsura, former Senator Angara, Ambassador and Mrs. Lopez, Councillor Kosaka, LDP VP Komura, Mrs. Gonzalez-Meyer, Senate President and Mrs. Drlon, Atty. Aleli Quirino, Ms. Cory Quirino, Rep. Taku Otsuka, Rep. Hideo Onishi, Mrs. Angara.

The unveiling of the memorial marking the 60th anniversary of Philippine-Japanese diplomatic relations at Hibiya Park (Department of Foreign Affairs)

¹ President Elpidio Quirino was born in Vigan, Ilocos Sur on November 16 1892 to Mariano Quirino, a commissioned officer and Gregoria Rivera. He received his early education in his mother's home province of La Union. Upon finishing high school, he applied for a teaching job before going to Manila to study for a law degree. In 1915 he obtained his law degree from the University of the Philippine after which he served as a law clerk of the Philippine Commission, then the upper chamber in the Philippine Legislature. In 1916 he became the Secretary of Senate President Manuel L. Quezon. In 1919 Quirino entered politics and was elected representative in Ilocos Sur. He married Alicia Syquia, a scion of a wealthy family in Vigan and had six children. In 1925 Quirino was elected Senator and was reelected in 1931. In 1934 he was a member of the Philippine independence mission headed by Quezon which brought back the Tydings-McDuffie Act which set the date for Philippine independence on July 4, 1946. Quirino served as Secretary of Finance and Secretary of the Interior in the Philippine Commonwealth government. When world War II broke out Quirino was a member of the Council of State. After the war Quirino ran under the Liberal Party headed by Manuel Roxas and was elected vice President of the Philippines. When Roxas died on April 17, 1948, Quirino succeeded him as President of the Philippines

Information from the Office of the Vice President of the Philippines, Source: ovp.gov.org.ph (Accessed November 15, 2016).



Elpidio Quirino, President of the Philippines, 1948-1953
(*NHK picture*)

The Philippines during the time of the Quirino administration was saddled with various pressing problems. Its economy and infrastructure was heavily damaged during the war. Postwar rehabilitation was among the government's top priorities. Though the country became independent from the United States it was also heavily dependent on its former colonizer for economic and military aid. This close association with the United States aligned the Philippines in the anti-communist bloc and it hosted American bases which were guaranteed to stay for 99 years from 1947 under a military agreement with the United States. The Philippines was also fighting a worsening communist insurgency led by the *Hukbong Mapagpalaya sa Bayan* (HMB) which was the Hukbalahap² during World War II. This neocolonial arrangement forced the Philippines to follow American policy. The Philippines aligned itself with the American-led anticommunist bloc and hosted American bases which was guaranteed to stay for 99 years from 1947 under a military bases agreement.

There were no formal relations with Japan as the Philippines and Japan remained under a state of war until 1951 when the San Francisco Treaty was signed. In 1946-1947 around 15,000 Japanese civilians were deported from the Philippines along with around 30,000 military personnel who were not charged for war crimes. Those charged with war crimes were tried by military commissions. Among those tried and executed were General Masaharu Homma (Sides, 2015) and General Tomuyuki Yamashita. (Barber, 1998)³

Before becoming President of the Philippines he was the country's Vice President under the administration of President Manuel Roxas. On April 15, 1948 President Roxas suddenly died of a heart attack. Quirino succeeded him to the presidency two days later. Like Roxas, Quirino served in the wartime government under Japanese domination. A widower, Quirino lost his wife Alicia along with three other children Norma, Fe and Armando who were all killed by Japanese gunfire on February 12,

² Hukbong Bayan Laban sa Hapon or Hukbalahap, the communist-led people's anti-Japanese army.

After the war it became the Hukbong Magpagpalaya sa Bayan or the People's Liberation Army. avv

³ Both Homma and Yamashita were hanged when the Philippines was still under American rule. Yamashita was hanged on February 23, 1946 for the actions of the Japanese military during the liberation of Manila while Homma was executed by firing squad on April 3, 1946 for the atrocities committed by Japanese soldiers during the Bataan Death March in April 1942. Although both men were not directly responsible for Japanese atrocities on both occasions they were found guilty through command responsibility

1945 in the savage battle of Manila as Japanese forces battled the returning Americans. All in all Quirino lost 18 members of his clan during that month alone.

As president of the Philippines Quirino he took over the herculean task of rebuilding the country and coping with the Huk insurgency which had grown into a rebellion. In 1949 he ran for President and was elected by a narrow majority.

The Slow Restoration of Philippine-Japanese Relations

The Philippines suffered around a million people dead as a result of World War II. Anti-Japanese sentiment among the Filipinos was high. Some former Japanese residents who were to be deported saying that they had no family in Japan begged to stay in the Philippines but they were told that they would be likely killed by Filipinos if they stayed outside of the detention camps. Many Japanese residents served with the Japanese military during their occupation of the country. (Osawa, 1981. 238-239)

It was General Douglas MacArthur who opened the way to the resumption of Philippine-Japanese relations. In his view the recovery of Japan was paramount to the interest of the United States. Japan will become the new bulwark against the rising tide of communism in Asia. In 1947 the United States allowed the export of Japanese goods such as cement and construction materials in exchange for Philippine sugar and coconut oil. In the following year MacArthur appealed for the expansion of Philippine-Japan trade despite severe objections from former victims of the war and some members of the business sector. (Baviera and Yu-Jose, 313, 1999)



MacArthur: Paved the way for the resumption of Philippine-Japanese relations

President Quirino himself appealed to the Filipino people to transcend the emotional cost of the war saying that if the Philippines should refuse trade with Japan that country will seek other countries for the raw materials in needed. Progress towards the restoration of commercial relations was slow as Philippine exports to Japan in June 1949 was worth only 4.6 million pesos. It increased to 31 million pesos the following year and in 1950 it declined to 22.6 million pesos. Philippine imports from Japan consisted of cement, toys, textiles and other finished products. On May 18, 1950 a trade agreement with Japan allowed the Philippines to export greater quantities of products consisting of iron, manganese, chrome, molasses, lumber, rattan, mangrove bark, copper, buffalo hides, shells, hemp and other raw materials. Japan for its part exported fishing boats, farm equipment, porcelain, glass, chemicals and other finished products trade was reestablished despite the absence of Japanese companies. (Ibid.)

On July 23, 1951 the state of war between the Philippines and Japan ended with the signing of the San Francisco Treaty. Diplomatic relations however was not established.

Pleas for Clemency for Japanese War Prisoners

Since Quirino's election to the presidency in 1949 numerous letters from Japan have been arriving at his desk. Some of these letters came from religious leaders, others came from peace advocates. The plight of Japanese prisoners had long been in Quirino's mind. At that time there were more than 100 Japanese prisoners who were already convicted of war crimes. Already 17 prisoners were executed under the Philippine Republic. Around 50 more await execution. Quirino was thinking of approaching Japan with a view of forming a Pacific Union as early as February 1953. In a speech before delegates of the Philippine-Japan Youth he said: (Quirino, 1953)

“Personally, were I to consider that my wife and my three children were all killed by Japanese machine guns, I would swallow the Japanese allies now; but I am not living in the world alone. “I have my remaining children, and their children to follow. I am not going to allow them to inherit feelings of revenge,”

The Japanese-letter writers were asking Quirino to forgive the convicts for whatever they have done in the war. One of the most eloquent letters came from The Japanese prisoners had long been on his mind. Numerous pleas for clemency had been arriving at his desk since 1949, some from religious leaders in Japan, some came from peace advocates. One of the most eloquent letters came from a former soldier turned poet and artist Kano Kanrai who wrote: (Caruncho, 2016)

“The atrocious deeds carried out during the war, from a humanitarian perspective, cannot be forgiven. However, my wish is that you forgive what is difficult to forgive...”

“I hope you will forgive all under the names of the beloved children that were so cruelly taken from you. Surely your beloved children, who were killed, are wishing for a peaceful world.”

Quirino's granddaughter, Cory, heard from a Japanese friend about a song called *Muntinlupa* - the other name of the New Bilibid prison where the Japanese prisoners were confined. The song was written by two Japanese prisoners Gintaro Shiota and Masayasu Ito who were both awaiting execution

Shiota and Ito wrote the poem after witnessing the execution of 14 of their comrades. The poem was recorded into a song by a famous Japanese singer Hamako Watanabe. The song became very popular in Japan. The song was played in a music box in which 70 letters all asking for forgiveness were placed. It was believed that the song was what led the President to pardon the Japanese prisoners although there was no record this was responsible for Quirino's decision. (Sunday Manila Times, 1953, 11)

President Quirino must have agonized in his decision to pardon the Japanese war convicts. The Philippines still bore the bitter scars of the war and anti-Japanese

sentiment among the people was still strong. Aside from bearing the heavy burdens of state he was suffering from a heart condition and bleeding ulcers which made it necessary for him to be operated on in the United States. The decision to pardon the war prisoners was done even before he left for the United States.

On July 3, 1953 the Presidential office in Manila released the names of 437 prisoners granted executive clemency by the Chief Executive on the occasion of the 7th anniversary of Philippine independence on July 4, 1946. (Rodriguez, 1953) Of the 437 prisoners 114 were Japanese war prisoners and 323 were Filipinos convicted by the People's Court and various courts of first instance for collaborating with the Japanese during World War II. (Official Gazette, 1953, xvii)



Japanese prisoners looking for their names among those who were pardoned by President Quirino (Manila Bulletin)

Of the 114 prisoners 31 were to be set free; 27 were to serve the rest of their sentences at the Sugamo Prison in Japan and 56 were to serve their life sentences in that prison. These included four generals; Lt. General Yoshida Hayashi, former chief of the Japanese military administration department, Philippine department, who pleaded guilty before the war crimes commission for responsibility in the murder of Justice Jose Abad Santos in Mindanao. He was sentenced to life imprisonment. Other generals were Lt. General Shizuo Yokoyama, former commander of the Shimpu Shudan group which fought the Americans and the Filipinos east of Manila late in the war. He was saved from a death sentence by the presidential pardon. Two generals were sentenced to definite prison terms Maj. General Kiyotake Kamaguchi and Maj. General Kensichi Matsuoka who was also sentenced to a definite prison terms and . The top former Japanese navy official in Muntinlupa was Rear Admiral Takesue Furuse, commander of the Furuse group who was saved from a death sentence by the presidential pardon. Furuse was onetime commander of the Furuse (Death) unit which was responsible for the massacre of civilians in Infanta Quezon. (Sunday Manila Times, July 5, 1953, 2)

The executive clemency or pardon has some conditions which have been agreed upon by Filipino and Japanese representatives. These were: (Ibid)

1. The Japanese government will take care of the proper maintenance and support of the prisoners;
2. It should see that those concerned serve sentences meted by the Philippine courts where they were transferred.
3. None of the prisoners with commuted sentences were to be given clemency or parole by the Japanese government without prior Philippine approval.



The exchange of notes between Philippine Foreign Secretary Felino Neri and Toru Nakagawa, head of the Japanese mission in the Philippines after reaching an agreement on the terms of the presidential clemency. (*Manila Bulletin*)



The happy faces of the Japanese prisoners after learning they would be repatriated to Japan (*Manila Bulletin*)



The Japanese convicts being congratulated after the announcement of the Presidential Clemency (*Manila Bulletin*)

Reactions from Filipinos and Japanese

The announcement caught both the Japanese detainees and Filipinos by surprise. Eight years earlier the Japanese laid waste to the Philippines and killed thousands. Many Filipinos who suffered at least one lost in their family during the war found Quirino's act of forgiveness hard to accept.

Quirino's political enemies especially those belonging to the opposition who had earlier accused him of holding the Japanese prisoners hostage for war reparations from Japan now accused him of not using the Japanese as a leverage for Philippine negotiations from that country. (Baviera, Yu-Jose, 314)

Political analysts saw the pardon as an act of political suicide. Already the Americans were not happy about his peace overtures with the Huks. The Central Intelligence Agency was working to unseat him and was grooming his Defense Secretary Ramon Magsaysay to succeed him. The media portrayed him as aloof and uncaring to the needs of the people. (Caruncho)

Quirino's decision to pardon the Japanese also shocked his own family. Eventually he managed to persuade them the soundness of his decision. His son Tomas recalled many years. Quirino said: (Calonsod, November 15, 2016)

'I know it will be hard for you to take, but I'm thinking of forgiving the Japanese, because we are neighbors, and neighbors must learn to talk to each other, live together, trade and help each other... Forget your hatred, because if you persist it will harden your heart that it might even be imparted to your children.'

Quirino's daughter Vicky also remembers his father saying "Our country had nothing to gain from the continued suffering of the vanquished by the victors." (Caruncho)

Eventually Quirino's children realized that their father was looking into the future than most of his contemporaries. Quirino embraced the idea of forging alliances with Asian nations including Japan. He saw Japan as a critical factor in building the postwar period.

From his hospital bed at Johns Hopkins Hospital Quirino explained why he pardoned the Japanese war prisoners. In a release from the Office of the President Quirino said (Official Gazette, 1953)

“I should be the last one to pardon them as the Japanese killed my wife and three children and five other members of my family. I am doing this because I do not want my children and my people inherit from me the hate for people who might yet be our friends for the permanent interest of our country...”

The President also explained that the pardon to the Japanese war prisoners was not an amnesty which requires concurrence of the Philippine congress. (Rodriguez, Manila Daily Bulletin, July 5, 1953, 1.)



Quirino: *“I should be the last one to pardon them as the Japanese killed my wife and three children and five other members of my family.”* (Manila Bulletin)

In an undated draft letter found among Quirino’s papers in which the President wrote about, "In extending the executive clemency, I had no other desire than to express not merely my humanitarian feelings but the nobility of character of the Filipino people." (Caruncho)

"I considered it essential for the preservation of peace and friendship between our two peoples as the cornerstone of our lasting relationship," .

Among the Japanese detainees, the reactions were mixed. Rear Admiral Furuse said “This place” referring to Muntinlupa Prison, “is like my second home. And I do not feel like going home.” Speaking through an interpreter he said he had a wife waiting for him at Si-mani prefecture and had not seen her for nine years. The one-time naval officer expressed his gratitude for what he called the “excellent treatment” given him and his fellow prisoners during their confinement in Muntinlupa.(Rodriguez)

Maj. Gen. Kensichi Matsuoka who was a former provost general and onetime supreme commander of the dreaded Kempeitai was the oldest Japanese prisoner in the group. He was sentenced to ten years imprisonment for command responsibility committed by his military police all over the islands. “I cannot join the Japanese national police because I am already 72 years old.” He said. But when I think of my wife and two children whom I have not seen for nine years, my heart feels joy which I cannot express.” (Ibid.) As he pranced around in his faded G.I. suit, Gen. Matsuoka

said he was grateful for the kind treatment he received in prison. Another general, Lt. General Yoshida Hayashi said that he was so glad over the pardon that I cannot say his happiness.

The last high-ranking prisoner was Lt. Gen. Shizuo Yokoyama. He was ailing with tuberculosis. Prison officials had him confined at the prison hospital.

The prisoners had a brief foretaste of freedom when they marched in review on July 4 during the Independence Day celebrations at Muntinlupa. However the proclamation of the presidential clemency was not read before them because of diplomatic kinks regarding the prisoners' release. Foreign Secretary Felino Neri insisted that the Japanese government give formal assurances that the Japanese war criminals whose death sentences were commuted to life imprisonment would serve the rest of their terms in Japanese prisons and that the Japanese would support the expense that would be entailed in the further incarceration of those convicted by the Philippine war commissions. The formal exchange of notes took place on July 5 with Secretary Neri representing the Philippines while Toru Nakagawa chief of the Japanese mission represented his government. (Manila Daily Bulletin, July 6, 1953, 1)

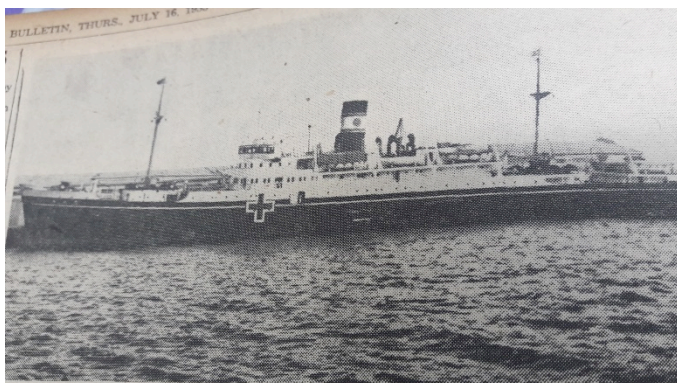
There was also a confusion about the number of Japanese prisoners to be released. Malacañan said there were 114 prisoners, the Japanese claimed 108 while the Bureau of Prisons said there were 107. The Japanese mission revised its figure and said there were only 105. Counsellor Augustine Nakayama said out of the 114 claimed by Malacañan. Eight already gone home after completing their sentences. One prisoner former navy commander Mineo Shizuhiko was exonerated by the army war crimes review board. Commander Mineo who was originally sentenced to die was acquitted when the army review board exonerated him of the charges against him. This left only 105 Japanese covered by the presidential pardon. (Ibid.)

The pardoned Japanese remained inside the Muntinlupa prison until the day of their repatriation. Meanwhile Japanese mission officials rushed preparations to exhume the remains of 17 executed Japanese war criminals so these can be sent home along with the 105 prisoners. Permission to exhume the remains was given by the Philippine health department on July 13 and were brought to Funeraria Quioque for cremation. The ashes were placed in urns for shipment. (Manila Daily Bulletin, July 14, 1953, 8)

The official Japanese reaction was that of profound gratitude. Two officials of the Japanese mission Toru Nakayama and Augustine Kanayama head and counsellor of the Japanese mission respectively conveyed expressed their gratitude for the presidential pardon and the kind treatment of the Japanese while in detention. Kanayama said all the official requirements for releasing the prisoners have been fulfilled. (Manila Daily Bulletin, July 8, 1953, 6)

On July 15 a total of 110 Japanese were repatriated aboard the *Hakusan Maru*. The repatriated Japanese consisted of 105 war criminals who were granted clemency, one who was acquitted, two civilians and two former stragglers. Also loaded on the vessel were 17 urns consisting of the remains of executed war prisoners. The departure was emotional for some of the Japanese had resided in the Philippines for 30 years and considered the islands their home. One of them a civilian named Suehiro Tuju who was covered by the presidential pardon. He lived in Davao City

since 1915 and worked at the Furukawa Plantation. He cried as the ship weighed anchor. He was seen off by Manuel Seno, a Davao engineer who had been his friend for so many years. Other former prisoners were happy at the prospect of reuniting with their families. All of the detainees expressed sincere gratitude for the benevolent action taken by President Quirino and they pledged to work hard to foster closer relations with the Philippines. (Owen, Manila Daily Bulletin, July 16, 1953, 1)



The *Hakusan Maru* which brought the pardoned Japanese prisoners back to Japan. (*Manila Bulletin*)

While the former Japanese prisoners were on their way to Japan, President Quirino signed the pardon papers of Shimpei Harada, Koike Kaneyuki and Takao Tsubaki, the three prisoners of war whose death sentences had been commuted to life imprisonment in the presidential pardon of July 4, 1956. The papers of these three Japanese were flown from Manila and President Quirino signed them at his hospital bed at Johns Hopkins Hospital. Meanwhile letters from private persons in Japan continued pouring in, thanking President Quirino for his benevolence and generosity in pardoning the Japanese prisoners who had been imprisoned at Muntinlupa. (Official Gazette, July 1953, xcvi)



The former Japanese prisoners climbing the gangplank of the *Hakusan Maru* (*Manila Bulletin*)

On July 21 the *Hakusan Maru* arrived at Yokohama harbour. Friends and relatives were excited to see their loved ones for the first time and some hired boats to go to Yokohama Harbor climb the ship to join their long absent family members. First to be unloaded were the urns containing the ashes of the convicted war criminals. These were sent to their final resting places. Fifty four prisoners were set free. Fifty six were sent to Sugamo to serve their definite and life sentences.(Bulletin Today, July 23, 1953, 4)



The loading of the urns containing the ashes of the 17 executed war prisoners aboard the *Hakusan Maru* (*Manila Bulletin*)

Since the proclamation of clemency by President Quirino, the Japanese press were all praises for what he did. Japanese newspapers praised the Philippines for its humane treatment of the prisoners. One newspaper the influential *Asahi Shimbun* spoke warmly about the amnesty given by the Philippines to the Japanese prisoners. It cryptically commented it will be Japan's turn to reply to the Philippines and Australia who made their gestures with the hope of reviving friendship with Japan. While it praised Manila's decision to free or commute the sentences of Japanese war criminals with Australia's decision to repatriate its war criminals back to Japan on the proviso they serve out their full terms. (*Manila Bulletin* July 8, 1953, 6)

It said that in view of the reports that some of the Japanese soldiers who were starving on new Guinea violated humanitarian principles, the hostility of the Australian people toward Japan appeared so strong that it cannot even be compared with the hostility of other countries. As a result the treatment of war criminals on Manus Island appeared considerably worse than at Manila. Those who returned reported that they were forced to do hard labor in year round temperatures above 100 degrees, their food was a steady diet of canned food with no change for eight years and they could count the number of times they had fresh fish and vegetables during that time.

“On the other hand over and above our gratitude, we cannot help but respect as a man Philippine President Quirino whose wife and three beloved children were killed by Japanese soldiers who yet extended an amnesty that transcended ordinary generosity. Among Australian government and people (sic) eight long years must have softened their hearts.” (Ibid.)

The *Nippon Times* for its part lauded the magnanimous act of President Quirino and the Philippine government and it urged to return the goodwill of the Filipinos by

rushing war reparations and to do everything possible to satisfy the Filipino desire for war reparations which is the only obstacle in the signing of a Filipino-Japanese peace treaty. (*Manila Bulletin*, July 23, 1953, 8)

Contrasting with the Philippines the *Nippon Times* also mentioned the harsh treatment of Japanese prisoners by Australians on Manus island . and it also took to task the Soviet Union and Red China which still had thousands of Japanese working as working as slave labor . This was an irony as there was practically no resistance against the Soviets by the Japanese in Manchuria. The USSR and Red China which were still have in their custody thousands of war prisoners working as slave labor.(Ibid.)

The right-wing newspaper Jiji Shimbun thanked the Philippines for pardoning the war criminals but it questioned the legality of the war crimes trials calling the judgment as unjust. It wrote: “We have no doubt in view of the generosity of the Philippines those who will be jailed in Sugamo will be released in the future. “ The newspaper charged that the war crimes commissions were based on laws set up after the crimes were committed and there was a miscarriage of justice due to the language barriers. (Ibid, p. 11)

The punishment is neither just nor proper. It is extremely political. The Japanese people desire the release of all war criminals as a logical and just measure to wipe out the memory of the last war and that the Japanese people regard the amnesty the amnesty declared by the Philippines a humane, heroic decision. (Ibid.)

In the Philippines Filipino politicians believed that Quirino’s gesture would hasten the ratification of the Philippines-Japan Peace Treaty. Senator Francisco Delgado felt that the Senate will ratify the 1951 San Francisco Treaty if Japan will pay \$2 billion in war reparations. (Baviera and Yu-Jose, 313)

Since the Senate was in the hands of the opposition such hopes were dashed. Ratification would take place three years later on July 16, 1956. Eventually the Philippines will receive \$800 million in reparations from Japan.

President Quirino’s pardoning of the convicted war prisoners was so popular that even the young Japanese schoolchildren knew about it. They made a thousand dolls and sent them to Malacañan as a gesture of friendship. For years afterward ordinary Japanese citizens moved by his gesture wrote awkward but sincere letters to gratitude and admiration. Many of those letters were addressed to President *Kilino*. (Caruncho)

Concluding Remarks

President Quirino lost his bid to be re-elected as President of the Philippines in the national elections of 1953. His loss was not totally due to the pardoning of the Japanese war prisoners when public sentiment against it was high. There were other reasons such as the perceived corruption in his government, the on-going communist insurgency and the perception that he aloof from the masses. The Americans working at the background helped prop up his successor, Ramon Magsaysay who was said to be everything that Quirino was not. He bore no regrets about pardoning the last Japanese prisoners in Philippine custody or spoke ill about Japan. When Quirino

came to Japan in May 1955 as a private citizen, he was given a rousing welcome by the Japanese in recognition for his magnanimous act. (Caruncho). Three years later former President Quirino died on February 28, 1956.

History vindicated President Quirino in the following decades. His unpopular economic policies such as the no-dollar import policy and curbs on imports eventually stabilized the Philippine economy and gave rise to import substitution and eventually economic nationalism. His support for a minimum wage law which was opposed by employers protected Filipino laborers from exploitation. Quirino's radio chats and social amelioration programs were imitated by succeeding administrations. It was in the field of foreign affairs he would be appreciated: Quirino began the redirection of the country's external policy from one solely oriented towards the United States to one focusing on the Asian region and the country's Southeast Asian neighbors. He was the father of the Association of South Asia the predecessor of today's ASEAN. The center of his foreign policy effort was the beginning of the establishment of diplomatic relations with Japan. Even less than a decade after the end of that conflict which cost the lives of a million Filipinos, he started the healing process which led to healthy relations between the two countries. Japan has been the biggest foreign donor to the Philippines, In 2011 alone it granted 36% of all the ODA given to the country amounting to \$2.68 billion. (www.ph.emb-japan.go.jp/bilateral/oda/q)

Talking about her grandfather, Ms. Quirino remarked, "It takes courage to forgive and he was a courageous man—he really had a courageous heart, he "thought of the country first, Above all else, love for country was paramount. He thought of his country first before personal interest. He drew from his pain. The only way to mend his pain was to really go beyond that pain and to forgive. And then he was free. He was liberated," (Talavera, 2016)

Sixty years after President Quirino's magnanimous act, the Japanese still remembered what he did for them in 1953. In January 2016 Emperor Akihito and Empress Michiko visited the Philippines and made a point of visiting President Quirino's descendants.

"What an honor that was," recalls Ms. Ruby Quirino-Gonzales one of Quirino's grandchildren, of their momentous audience with the Japanese imperial family. "Most Japanese have not met their emperor. The feeling was as if you are about to get married. —you're so happy but you're so nervous. When we were in their presence, you could tell they were the emperor and empress, because the tones were hushed." (Ibid.)

"The empress stretched out her hand, cupped my hand in both of hers and very softly, in perfect English, said 'President Quirino was a great man and we must never forget him.' I was tongue-tied and tears started to roll down my cheek," recalled Ms. Quirino. (Caruncho)



The Emperor and Empress of Japan visited the Philippines and sought audience with Quirino's descendants. The Empress praised him as a great man." (NHK photograph)\

"It was like we were suspended in time. We felt that our grandfather was with us because we hoped he had lived to hear the emperor of Japan say that to him. In the absence of his physical presence, it was us. We just felt so touched."

Thus Quirino who was derided for his decisions during his lifetime was proven right decades after. Far from being portrayed as a traditional politician, he was a statesman as he chose peace and forgiveness over bitterness and rancor and political expediency.

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Appendix 1.

List Of Japanese Pardoned By Prresident Quriino

Japanese Army and Navy top brass pardoned were

1. Lt. General Shizuo Yokoyama (saved from death sentence)
2. Maj. General Kiyotake Kamaguchi (sentenced to definite prison terms)
3. Maj. General Kensichi Masuoika (sentenced to definite prison terms)
4. Rear Admiral Takesue Furuse (saved from death sentence)

The 31 pardoned Japanese war prisoners who had been sentenced to life imprisonment were

Conditional Pardon Prisoners

1. Akio, Tagiri
2. Akira Ichikawa
3. Deguchi, Motoaki
4. Goto Shozo,
5. Kamchi Iroshi
6. Katayama, Sakae
7. Kitajima Keyomitsu
8. Kobayashi, Yasaku
9. Masuda, Masaku
10. Matsumura Toshio
11. Morishita, Tsuneo
12. Ochai, Harichi
13. Ogawa, Somin
14. Okosuno Haruo
15. Omura, Yasuo
16. Sato, Katsumi
17. Sakamoto Tsugio
18. Sata, Takenshi
19. Saito, Takao
20. Seki, Sakuyushi
21. Sugimoto, Hiroshi
22. Tone, Seiichi
23. Tsuji, Choichi
24. Tsuneyoshi, Yoshio
25. Uemura, Eiichiro
26. Yamamoto, Eichiro
27. Yano, Tsuneo
28. Takusuo, Yano,
20. Rujita, Takefumi
30. Hayashi, Yoshide
31. Takashi, Sadakichi

The names of 27 pardoned Japanese war prisoners who had been sentenced to various prison terms follow:

Conditional Pardon

1. Doi, Kunio
2. Ruji, Rokuhiuro

3. Fujisaki , Saburo
4. Hamada, Kasuo
5. Hashimoto, Matsuyoshi
6. Imamura, Rokunojo
7. Kakisawa, Shigeo
8. Kato, Fukumatsu
9. Kamaguchi, Kiyotake
10. Kitamura, Takeshi
11. Kodama, Yoshiaki
12. Matsura, Seichi
13. Matsuzaki, Hideichi
14. Masuoka, Kensichi
15. Miyatake, Tomomi
16. Motoume, Hisakichi
17. Shimada, Yasumaso
18. Shimizu. Hisamatsu
19. Shiogami, Takeshi
20. Sunahara, Hiroshi
21. Takizawa, Yosuke
22. Tanaka, Hideo
23. Tateishi, Vicente
24. Uemura, Masao
25. Yamashita, Suekichi
26. Yanakawa, Winoru,
27. Fujii, Suehiro

The 56 Japanese war prisoners who had been meted out the death penalty but were commuted to life imprisonment and will serve their sentence at the Sugamo Prisons in Japan are

Commutation of sentence prisoners

1. Ainoda, Hajime
2. Arai, Hatsuyoshi
3. Asano, Toshio
4. Fujimoto, Takao
5. Furuse, Takesue
6. Gotanda, Eichi
7. Hamada, Yoshio
8. Hane, Chockichi
9. Hanoka, Michio,
10. Harada, Shimpei
11. Hatogai, Yoshimasa
12. Horie, Tomekichi
13. Horike, Koichi
14. Hoshimo, Takajashi
15. Ichinose, Haruo
16. Ichimura, Isao
17. Ito, Masayasu
18. Ito, Saburo,
19. Ito Ratsumi
20. Kagai, Masaji

21. Katayama, Yoshimi alias Katakeyama
22. Kobayashi, Masataka
23. Koike, Kaneyuki
24. Kose, Yasumasa
25. Kuwahara Tetsuo
26. Maekawa, Jisuke
27. Masaki, Shioichi
28. Miyauchi, Toshiyasu
29. Mori, Kenkichi
30. Nakamura, Takeichi
31. Nakajima, Shoei
32. Nakamata, Tomisburo
33. Nakanishi , Shioji
34. Nemoto, Teneiji
35. Ogawa, Eitaro
36. Ono, Masao
37. Onoyama, Macaichi
38. Owari, Saburo
39. Saiho, Keiji
40. Saheki, Zenkichi
41. Sakuma, Keiji
42. Sasaki, Tamuls
43. Sasaki, Karuo
44. Sato, Ichiro
45. Shiota, Gentaro,
46. Tadocoro, Minotero
47. Taninaka Katsuyoshi
48. Torakichi, Todasaki
49. Teshima, Hiroshi
50. Tesuka, Toshio
51. Tsubaki, Takao
52. Tsuneoka, Noburo
53. Ueno, Masami
54. Yamamoto, Rikimi
55. Yamnoue, Ichiro
56. Yokoyama, Ichiro

Total 118 prisoners

Source Benjamin Rodriguez. Pardoned Jap Prisoners Signed Away by Neri at Rites
Manila Bulletin, No. 155, no. 4 July 4,1953, p 1.

Appendix 2. Inscription on the Quirino Marker in Hibiya Park, Tokyo

Baltimore, U.S.A., July 6, 1953.

“I have extended executive clemency to Japanese war prisoners serving terms in the Philippines not as an amnesty which requires concurrence of the Philippine Congress.

“I should be the last one to pardon them as the Japanese killed my wife and three children and five other members of the family. I am doing this because I do not want my children and my people to inherit from me hate for people who might yet be our friends for the permanent interest of the country. After all, destiny has made us neighbors.

“I am happy to have been able to make this spontaneous decision as the head of a Christian nation. My fervent hope is that the benevolent feeling which has inspired me will strike a responsive chord in others as an act of faith to humanity. Love of fellow creatures will always be the supreme law among men and nations and the basis of world peace.”

Dedication Inscribed on the Quirino Memorial

“His Excellency ELPIDIO QUIRINO (1890-1956), President of the Republic of the Philippines (1948-1953), granted pardon in June 1953 to all of the 105 Japanese War Criminals who were detained in Muntinlupa prison, despite the loss of his own wife and children during World War II. The National Appreciation Event was held at this site in gratitude for his decision, in July 1953.

“On the 60th anniversary of the normalization of Japan-Philippines diplomatic relations, and in this same year of the State Visit of Their Majesties the Emperor and Empress to the Philippines, this monument is erected at this site as a testament to the Japanese people’s appreciation and respect for President Quirino, and as a renewal of their commitment to the friendship between Japan and the Philippines, and to World Peace.”

Source: dfa.gov.ph/index.php/newsroom/phl-embassies-and-consulates-news/9793-tokyo-memorial-to-president-quirino-unveiled-monument-honors-1953-pardon-that-paved-way-to-normalized-relations (accessed November 16, 2016)



***International Law & Sovereignty: A Divisive Concord of paradigms
in the South China Sea***

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Abstract

The contemporary system of interdependent states, driven by the continuous demands of globalization has led to the ever-increasing relevance of international law in governing over the comity of nations. The adherence to international law was understood as the basis for peaceful coexistence and the viable recourse for dispute settlement among sovereign states in the international community. Yet such paradigms have held its' own share of compromises over time. As is in the case of the South China Sea, wherein the traditional underpinnings of international relations are undergoing profound changes and; the divisive display of states' sovereignty & the resounding concord over the primacy of international law are the principal causes for the diplomatic impasse.

Hence, this raises the question on how the situation will proceed. Specifically, this paper assesses whether International law, with respect to the principle of sovereignty, still depends on its traditional enforcement mandate or has it found a contemporary basis to sustain its effectiveness. The paper argues that International law continues to be an effective measure albeit, it has significantly gained momentum as a socially-observed behavior – rather than a binding force – that constructively imbues discipline alongside the sovereignty of states.

Keywords: International Law, Sovereignty, Global Governance, South China Sea, High Seas, ASEAN

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Introduction

The fall of the Berlin Wall signified the end of the cold war period and the advent of a new era in diplomatic history and international relations. The prevailing system of interdependence, alongside the continuous trends in globalization & advances in modern technology, reflects the veering momentum towards the formation of a greater global society.

As anarchy remains to be the defining structure of global relations, the absence of a world government is sustained through the concept of international law and the principle of sovereignty.¹ These paradigms in international relations scholarship shares a functional—in which both function as one in nature despite their respective differences; consequentially serving the bureaucratic vacuum and establishing the building blocks of global governance—intrinsic link; for the cornerstone of International law² resides in the primacy of respect to the doctrine of Sovereignty; through which the states' supremacy is conferred & its conduct of internal affairs and external relations are justified—and reciprocally, the latter is in turn, observed through the various global institutions (e.g. the United Nations, the International Court of Justice), that provides the avenues for states to equally participate in international discourse.³

However, the wave of challenges arising has disconcerted the system; leaving the principles on which it stands, in a questionable state. This has been the apparent situation, which is most magnified in the case of the South China Sea (SCS); where tensions on overlapping claims of territorial boundaries among neighboring states remain unresolved. Although efforts to bring the situation to its legal decisive end has been made and done, the decision of the International Arbitration Tribunal—of which was clearly in favor of the contending points raised by the Philippines—conversely turned the situation, towards the deepening of the status quo; rendering the award, baseless (due to the continuous activities of China) and deprived of both its jurisdictional authority & inconceivable enforcement.

Hence, the situation in the South China Sea warrants a challenging task for International law and a question over the principle of Sovereignty. This paper therefore, analyses the tribunal award made through the use of International law *vis-à-vis* the defining limits enshrined on a states' sovereignty. Specifically, this paper answers whether International law derives its legitimacy from its enforcement mandate or from other contemporary sources. To address this, the paper is divided into two major parts. The first part assesses the evolution of the relationship of international law and sovereignty; how this—has and—continually affect the contemporary system of global governance, with emphasis on its application in the case of the SCS; and argues that the situation led to a strengthened emphasis towards a constructive source of legitimacy for international law. The second part argues that the development of the contemporary nature of international law was corollary to the affirmative response of the international community concerning its relevance and suitability to govern over matters of conflicting interests.

¹ Jacopo Leone. *Post-Sovereign Security and the Absence of the Political*. 95-96

² MP Ferreira-Snyman. *The Evolution of State Sovereignty: A Historical Overview*. 01-05

³ Arnel Mateo. *The Role of the Doctrine of State Sovereignty in the dev't of International law*. 02

Conceptual Framework

The concept of the “Construction of Correlative Consensual Condition” is a proposed concept influenced by the English School of International Relations Theory. This concept aims to encapsulate the interplay of differences between international law & sovereignty; and present them as a natural occurrence that creates a normative phenomenon.

The concept is built upon the idea that there exists a “society of states”. The society is governed by *normative structures* (international law) that affect the behavior of states. The nature of these structures is that they have inherent mixture of *prescriptive influences*—of which certain ideas may be formed for the purpose of creating ideal concepts—and *directive influence*—of which certain actions can be done for the purpose of addressing certain matters of necessity and/or the implementation of already existing agreed principles—formed & ascribed through a *communal understanding* over different issues. Likewise, states are considered to be the *respective units* of society. These units have inherent *distinct authority* (sovereignty) which is reflected through their decisions and interactions within the society.

Society, in this regard, should then be understood as a system that recognizes the interplay of these factors within it. The arising conflicts, therefore, is not the result of the incompatibility of these principles, but rather, it is the normative phenomenon towards the Construction of a Correlative Consensual Condition. The Correlative factor emphasizes the mutual understanding of states on the respective function of International law. Consensual factor underscores the existence of the sovereignty of states—the basis of their underlying inherent authority. A shared understanding of these principles results to a Condition—a normative phenomenon that slowly structures itself as the prevailing regime over the situation.

The situation in the South China Sea is a portrayal of complex developments within the Construction of a Correlative Consensual Condition. Inevitably, this means that compromises—based on the understanding that over the principles of sovereignty and International law are to be made, in order to establish a prevailing regime.

Social Construction of International Law & Sovereignty

International Law & Sovereignty shares its co-existential roots through the precedent established by the Peace of Westphalia. The prevailing system of states propelled these principles in the forefront of global discussions & international relations scholarship. However, peaks of historical shifts in diplomacy have often transpired from a debate over these principles, particularly in the case of the South China Sea; where international law has declared its jurisdiction over the issue, amidst the persisting assertion of sovereignty among neighboring states. This necessitates a contemporary understanding of the stronger facets at work within both respective principles. To discuss this, the paper gravitates on two major points which expounds the subject at hand. The first focuses on the historical transition of these paradigms and how these should affect our view over the developments in the South China Sea case; while the other focuses on the reception of the international community towards the future of the South China Sea.

i. International Law & Sovereignty: A Historical Prospective Prescription

The Thirty Years War has often been suggested as the greatest and longest armed contests of the early modern period. While the factors that started the conflict varied, its essential significance lies on how it culminated to an end.⁴ The essence of the Peace of Westphalia was its standard definition over what a “sovereign” means—Supreme authority within a territory.⁵ Given that this is how it was defined; an understanding over how the concept of sovereignty came to be can only be precisely explained through its history. It should be noted that the treaty had never included a sovereign states system or even proposed the primacy of the state as a legitimate unit.⁶ How states later formed to be a reigning authority in Europe, came after the waning contention against their authority by the Holy Roman Empire. This is the reason why Westphalia is often credited for instigating the transition of the concept of sovereignty and the birth place for the consolidation of a sovereign states system.⁷ Over the next centuries, the world witnessed the decline of European colonial empires; as it culminated towards the proliferation of modern sovereign political entities. Today, norms of sovereignty are enshrined in the Charter of the United Nations, whose article 2(4) prohibits attacks on “political independence and territorial integrity,” and whose Article 2(7) sharply restricts intervention.⁸

Through the evolution of the concept of sovereignty, the growth of international law saw its expansion. It is worth noting that among the fundamental principles on which international law stands, sovereignty is perceived as an important cornerstone—for the sovereign will of the state is the ultimate authority in the composition of international law. In retrospect, the political actors at Westphalia, those predecessors to states, consciously and in collaboration with each other, acted based on the authority bestowed respectively upon them, to redefine the framework of their system. This system would particularly emphasize states as the key actors of international law. International law is then, created by the practice of states (custom) and through agreements entered into by states (treaties); states are party to the rules of law but still have the ability to change law over time as a developmental process.⁹ However, this should not entirely lead us to conclude for the inefficacy of international law but rather bring us closer to the interplay of factors surrounding international law. Rosalyn Higgins, a former president of the International Court of Justice, argues that “international law is not the vindication of authority over power. It is the decision-making by authorized decision-makers, when authority and power collide.” Those authorized to make decisions are more broadly states, but more specifically those state-officials. Within Westphalia, this premise was demonstrated by the actors present, who acted with legal authority to deliberately codify shared values of the actors within a legally binding framework.¹⁰ As Higgins describes modern law, this too demonstrates that the events of Westphalia left an important footprint in the path leading to the creation of states and a state-based international legal system.

⁴ John Whiteclay Chambers. *The Oxford Companion to American Military History*. 223-224

⁵ Daniel Philpott. *Sovereignty*. 01

⁶ David Maland. *Europe in the Seventeenth Century*. 04

⁷ Winston P. Nagan & Garry Jacobs. *The Evolution of Sovereignty*. 02

⁸ Tatah Mentan. *The Elusiveness of Peace in a Suspect Global System*. 82

⁹ R. Baker. *Customary International Law in the 21st Century Old Challenges & New Debates*. 174-177

¹⁰ Rachel Alberstadt. *Is Westphalia relevant to the evolution of international law?* 02-03

The science of international law as it exists today is a result of slow historical growth and is the product of two main factors: certain theories and principles on the one hand and international practice or custom on the other. Though one can never truly determine the relative value and influence of the contributions of each of these factors, what remains clear, however, is that during its formative period, international law was mainly developed by great thinkers and jurists who were forced to rely upon the weight of general ideas or theoretical considerations rather than upon any satisfactory body of accumulated custom if they desired to ameliorate conditions or improve international relations. International law recognizes the mutual interests of states involved but its agreements and norms also reflect the issues of the time. It changes over time when the interests of states change, providing a more flexible and thus legitimate arrangement.¹¹

The case of the South China Sea reflects this transitional difference in the understanding of international law. Under the preamble of the United Nations Convention on the Law of the Sea (UNCLOS), it states there that the convention was “prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea.”¹² This was the essence of what the UNCLOS stands for and the intention of the parties involved. However, empirical observations proves to show otherwise; as the rising tensions in South China Sea, especially the arbitration lawsuit brought by the Philippines¹³, have stimulated debate and research about China’s South China Sea policy; thereby, also further questioning the applicability of the UNCLOS.¹⁴ In what could have finally been the conclusion, the final award issued by the International arbitration tribunal¹⁵ in favor of the Philippines, especially over the source of the parties’ rights and obligations in the South China Sea and the effect of UNCLOS on China’s claims to historic rights within its claimed ‘nine-dash line’,¹⁶ fueled a stronger Chinese opposition¹⁷ and a strengthened status quo. To what could have aided in sustaining the momentum of events, the change of presidency in the Philippines seems to have brought a new approach¹⁸ towards resolving the country’s differences with China; what was once decisive and assertive over their claims in the West Philippine Sea, now turned into an attitude calling for ‘restraint’ and ‘sobriety’.¹⁹

Clearly, sovereignty and international law are continuously being co-defined, with respect to their essential predeterminations and their role on existing conditions. The South China Sea case may have brought up differing opinions, waived against both principles but our emphasis should not further lie over which reign’s primacy over the other; rather, understand and come to terms over how the gaps can be filled and the compromises that needs to be done. The South China Sea is evidently a question of sovereignty due to the overlapping claims of territorial boundaries among states and the national interests at stake over the vast economic opportunities. And if sovereignty

¹¹ Amos S. Hershey. *History of International Law Since the Peace of Westphalia*. 01

¹² United Nations Convention on the Law of the Sea – Preamble.

¹³ Gregory B. Poling. *The Philippines vs. China in the South China Sea: A Legal Showdown*. 01

¹⁴ Nong Hong. *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea*. 03

¹⁵ *The South China Sea Arbitration* – PCA Case Document

¹⁶ Marina Tsirbas. *What Does the Nine-Dash Line Actually Mean?* 01

¹⁷ *Position Paper of the Government of the People's Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines*. – MFA-PRC

¹⁸ Sajjad Ashraf. *What happens now in the South China Sea?*

¹⁹ *Statement of the Secretary of Foreign Affairs* – DFA-RPH

is in question, then further arguments against it are no question. Sovereignty is, after all, the undisputed authority of the state over the preservation of its territorial integrity.²⁰ However, the existing conditions do not solely depend over the determination of a states' sovereignty; existing global institutions and regimes establishes the parameters for the exercise of such rights. The situation now turns as a question of International law as well. The jurisdiction claimed by the international arbitration tribunal implies an answer to their function under international law but their decision over the matter at hand, though rightly based on the understanding that the case is a question of ocean rights, is also a question over how sovereignty is being defined.

The dilemma that the situation induces demands the question of where to begin. If we begin with the question sovereignty, then it will ultimately reject any succeeding arguments against it. If we are to start at the application of international law, then it would lead back to a question of states' sovereignty. It is for this reason that a historical understanding over these principles necessitates our attention. If we are to determine which is important over the other by virtue of precedence, then sovereignty stands undisputedly in this respect. Yet doing so in such measure, rejects its lying intricacies and further demands justification over the realities at hand. What needs to be criticized is its nature. In a nutshell, sovereignty evolved from being a regional concept of delineation of powers in Europe, granted over key figures of authority with respecting territories; towards as an internationally-recognized principle and an inherent element ascribed over the state. This transition over the understanding of sovereignty suggests that its definition is a question of identity.²¹ The determination on which aspect of sovereignty do we give emphasis on, whether be it the individuals handling the decisions of the state or the state as actors in the international community, affects how these come to play once International law comes to the picture. To see sovereignty as dependent over the decisions of individuals, suggests that states are officials that have power within the system of international law. On the other hand, to emphasize on it being an aspect of the state, suggests that states are subjects of international law.²² It then becomes a question of subjectivity on the part of international law.

Since sovereignty is the cornerstone of International law, it stands to reason that international law relies on the very principle it attempts to govern. It may immediately imply the supremacy of one over the other but the nature of what it governs remains to be a critical determinant on the true nature of international law. The question of subjectivity suggests the dual-faceted paradox of sovereignty to both refer to the decision-makers of the system and as incentive over states, being subjects of the system. This in turn suggests both the nature and function of international law as a system. International law exists through the consent given by the decision-makers of the system and this process of giving consent results to the creation of the system. The norms and institutions that exist, so as to create an atmosphere that emphasizes on the rule of international law, justifies the very reason as to why states are consequentially bound to international law. This leads us now to the question of what makes up the processes involve in the 'inter' of international law.

²⁰ Jamie Scudder. *Territorial Integrity: Modern States and the International System*.

²¹ Jeremy Waldron. *Are Sovereigns Entitled to the Benefit of the International Rule of Law?* 01

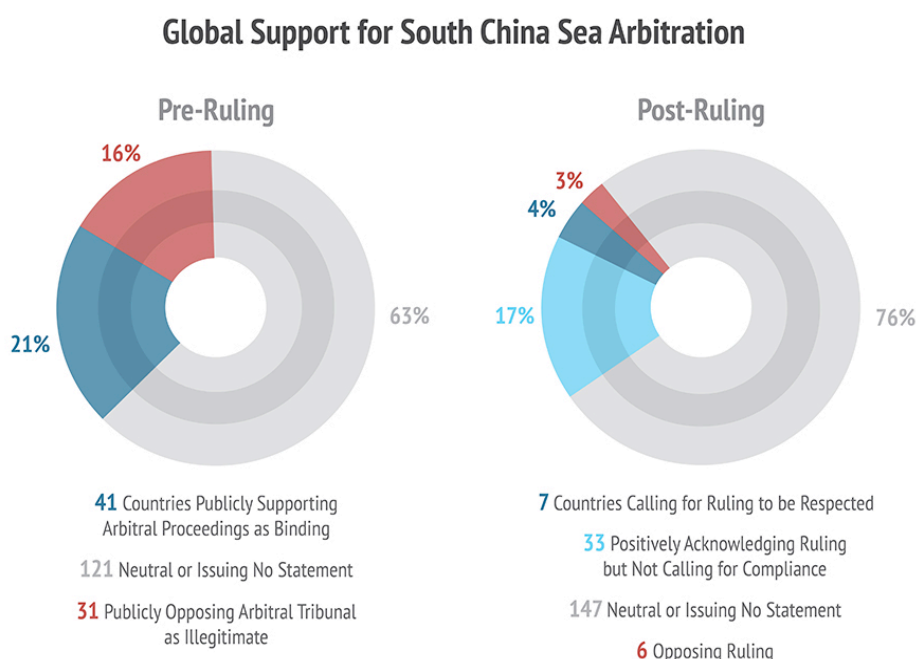
²² Samantha Besson. *Sovereignty, International Law and Democracy*. 02

ii. The “Inter” in International Law

The case of the South China Sea is clearly one that immediately presents as a regional issue of concern. How the tensions can come to a resolution is dependent on the regional actors involved. Yet the very nature of the conflict has come alongside the continuous change in the understanding of the principles of sovereignty and international law. With the recent developments in the region, it can no longer be denied that how things will proceed is a matter of concern within the international community. This demands now a global understanding of the matter at hand. The regional dynamics may have portrayed an ineffective display of International law, but if contrasted over its reception in the international community, there is a pattern that can be observed.

After the long awaited result of the arbitration case, the tribunal at the Permanent Court of Arbitration in The Hague declared a ruling in favor of the Philippines against Beijing’s claims in the South China Sea. This has been warmly welcomed by the international community, and has been voiced out by countries like the United States, Japan, Australia and the European Union. Though the award is declared binding over parties concerned this has been contested and ignored by the People’s Republic of China. This flagrant display of deviance towards international law has led us to question the efficacy & legitimacy of international law. However, if we would begin to understand the interplay of factors that are at work in this matter, we would see that International law does not solely depend on its legal mandate to enforce the law; simply because it has an inherent social constructive element that allows it to be observed in the international community. The resounding call for the parties involved to abide in the court’s decision and uphold the rule of law, suggests the social constructive legitimacy of international law.

Figure 1: Global Support for South China Sea Arbitration²³



²³ Asia Maritime Transparency Initiative. *Who is taking sides after the South China Sea Ruling?*

The graph above shows the statistics for the number of countries that has taken their sides, before and after the ruling. There are some points that we need to consider here. First is the percentage of those who oppose. Before the ruling, 16% or 31 countries publicly showed their opposition against the ruling; yet it dramatically dropped to 3% after the ruling was made. Second is the percentage of those who supported. Before the ruling, 21% or 41 countries stood their ground that the ruling is binding and must be followed; yet this figure translated into two categories after the ruling was made. 4% reaffirmed the importance of the ruling that it needs to be respected while, 17% simply acknowledged the positive effect that this ruling will bring but not necessarily call for a strict compliance on both parties. Lastly is the trend of the neutral number of states. Before the ruling, 63% or 121 countries remained neutral over the issue; yet this number increased to 147 countries or 76% after the ruling was made.

The reality of this statistics over the importance of the South China Sea Arbitration case strongly supports the argument that its legitimacy lies on the support given by the international community. Despite the fact that a great deal of number of states remained neutral over the issue, this should not lead us to conclude that the international community was ignorant over the developments in the South China Sea, but rather lead us to understand over the perspective where, the states who choose to take a stand are coming from. Though there are is a clear number of states in opposition, the trend it showed suggests that the significant decrease of those who oppose after the ruling was made, signifies that they have acquired a clearer understanding of the conflict through the clarifications made in the ruling, thereby changing their disposition over the issue. This in turn, shows both a renewed appreciation of International law and an informed perspective over the sensitivities of the conflict. While this trend is also seen on those who support it, the difference lies on the consistency of the number of states that retained their position. Though only 7 remained strongly supportive for the implementation of the ruling and 33 were simply optimistic of what this resolution can bring, the total number of countries who supported the issue remained the same. This signifies the importance of two things at the same time: one is the acknowledgement of the sovereignty of states and the other is the importance of international law. The reason why a number of states simply displayed their acknowledgement over the issue suggests that they remain cognizant of the fact that states are sovereign and will be the ones to decide over how the matter will be solved. However, states also acknowledge that international law has given the opportunity for the framework on how a resolution can be peacefully made. This in turn strengthens the argument that international law is still a relevant factor and an ideal guiding principle that could define or lead the decisions done by the state. It should also be observed that, the low number of states who strongly support it should not lead us to belittle the significance that this implies.

The “inter” in International law presupposes at the onset, the inherent aspect that it has concerning the process and interactions made in global relations. While there is a clamor over the need for a sovereign institution to exists as the structural enforcement agency that would fully realize the implementation of International law, we remain with the reality that International law relies on the successes and loses of the interactions made by states within the system. This in turn, may pull us to be frustrated over the system but this frustration should propel us to emphasize on the mechanisms that can improve the system and the avenues by which we can ensure the sustained relevant influence of International law.

Conclusion

The South China Sea has captured the attention of the international community not simply because of it being a conflict, but more importantly because of the geopolitical implications that this conflict will bring. The future of China's leadership, the relevance of the United States presence in Asia and the regional dynamics are all at stake. Beyond the conflict over the potential economic resources are the interests of those who are shaping themselves towards the future they desire. A rising China would want to be considered as a key regional player and a responsible global leader in international affairs. How China will form a resolution over the conflict will be closely observed by the international community.

Meanwhile, the United States needs to reflect on how they want the world to perceive the leadership that they want to maintain. This however is shaping up to be clear as the U.S starts to show its isolationist tendencies given by the surge of populist movement and their change in the presidency. An Asia with or without the United States will definitely bring significant implications and developments in the region. This leaves us now with the question on what the future holds for the regional players in the South China Sea. With the upcoming celebration of the 50th anniversary of the Association of Southeast Asian Nations and the leadership role of the Philippines, key statements and a clear disposition of the regional bloc remains on the table. How the Philippines would want to steer the status quo through ASEAN, given their cooperative shift of engagement to China, will be a strong determinant on how the situation will proceed.

Hence, the possibilities on how the situation will proceed, remains open for any sudden changes. What remains clear at this point in time is the positive trend of the current engagements in the region. Nevertheless, what needs to be done here is to approach the situation in a scholarly manner. The realities of the situation is best explained when the paradigms involved are scrutinized from their historical evolution to its contemporary application. The existence of sovereignty may seem to block any efforts made through international law but what we need to understand is where international law draws its effectiveness. It is clearly evident that while international organizations are acknowledged as significant actors, it is at the behest and under the authority or direction of states that they act. However, as a social construct of society, what needs to be emphasized here is the pulsating support that reverberates across the comity of nations in the importance of International law. How agreements over matters of diverging interests remain founded on the principles it was established, yet dependent on the circumstances at hand, shows the very nature of how Sovereignty and International law interacts in the realm of global politics.

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‘Sarkans Junijs’: Military Relationship between Japan and the Baltic States in the 1930s

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Abstract

This article sheds light on the pre-war military relations between the Baltic States and Japan throughout 1930s. At first, Hobbesian sense of ‘fears’ against Communism realized the bilateral and trilateral cooperation in military intelligence sector. The mutual respects ever since the Russo-Japanese War connected the two distant entities. Although its main task, toppling the Soviet regimes in Georgia and Ukraine, was never succeeded, there were some notable achievements and it should be considered as one of the most successful Japanese intelligence activities in the pre-war period. However, this fruitful relationship suddenly came to an end by the Soviet invasion of the Baltic States in June 1940. The word ‘*Sarkans Junijs*’, which means ‘Red June’ in Latvian, brought not only the extinction of the three Baltic States, but also the historic intelligence activity in Northern Europe.

Keywords: Modern Japanese history, Modern history of the Baltic States, International Relations, Espionage, and Intelligence.

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Introduction

In August 2016, special TV drama titled ‘A Picture Book of Yuriko-San: The War of Onodera Family’ (*Yuriko-San no Ehon: Rikugun Bukan Onodera Fusai no Sensou*) which commemorates the 71st anniversary of the end of the Second World War was broadcasted on NHK, Japan’s most influential public broadcaster. It focused on the wartime intelligence activities of Makoto Onodera, Japanese Military Attaché to Sweden and his wife Yuriko. It is not only NHK but also other media begun to take up the pre-war and the wartime Japanese intelligence activities. For instance, *Joker Game*, the best-selling fiction novel of 2009 written by Kouji Yanagi, in which story was about secret intelligence agents of the Japanese Army in overseas, made into live-action film in 2015 and TV animation programme in 2016. Thus, I could say there is a movement in Japan to ‘revise’ its pre-war and wartime military intelligence activities.

‘Espionage’, which involves the aforementioned military intelligence activities, is “*the use of spies, surveillance equipment, etc., in order to collect information about the enemy.*” (Bowyer, 2007, pp.87-88). To be precise, military intelligence activities can be divided into four-five sections such as HUMINT (Human Intelligence) and SIGINT (Signals Intelligence). The former is literally ‘spying’ through informants in enemy’s territories and the latter is a compilation of analyses of intercepted enemy communication. The pre-war military relationship between the Baltic States and Japan is categorized to ‘COLLINT’ (Collective Intelligence), bilateral or multilateral cooperation among various intelligence organizations, based on HUMINT. The common ‘enemy’ for them was the emergent Soviet Union which once pursued the World revolution from 1910s to 1920s as the first-ever Communist state and as potential threats to the Baltic States and Japan even after the failure.

The Establishment of the Baltic-Japanese Diplomatic Relations

The Baltic States, where had historically been a buffer zone between the great powers such as Sweden and Russia, gained their first independence only after the First World War.

The establishment of Estonian-Japanese diplomatic relations dates back to 1919. Ants Piip, member of the Estonian Foreign Mission in London who became Foreign Minister in 1930s, made a courtesy call to the Ambassador Sutemi Chinda of Japan in the United Kingdom and delivered a formal message from the Estonian government to request Japanese recognition of the state. (Tokyo Asahi Shimbun, March 23rd 1919, p.2). Upon this request from the newly independent Baltic Republic, Tokyo made a ‘provisional recognition’ of Estonia following the decisions of the United Kingdom, France, and Italy. The decision of the Japanese government was notified to Piip by Chinda on March 15th. Later in the same year, Latvia was also given the recognition by Japan, but unlike Estonia, it was the formal recognition of the state. (Tokyo Asahi Shimbun, March 13th 1920, p.3). Lithuania had to wait until December 1922 for formal Japanese recognition due to the Polish-Lithuanian War (1919-1920) and the Klaipeda (Memel) territorial dispute with Poland in the aftermath of the War. (Tokyo Asahi Shimbun, December 24th 1922, p.1). By 1923, all the Baltic States were granted formal recognition by Japan.

In 1920s, Japanese Ministry of Army (MoA) began to send its officers to the Baltic States. In 1923, Infantry Captain Noritsune Shimizu was assigned to the first Army researcher in Riga residence. Main task of the Riga-based researcher was to master Russian language, but also collecting the Soviet military information as much as possible. In January 1926, Artillery Major Torashiro Kawabe was assigned to the second researcher in Riga residence. (JACAR, Ref. C01006107900). Along with Infantry Captain Genzo Yanagida, who was sent to Riga in early 1927 as an assistant officer of him (JACAR, Ref. C01006039400), Kawabe did research on ‘Special military facilities based on the conditions in the Soviet Union’ (JACAR, Ref.C01003722800) as well as the Soviet general military affairs. Their research went successful and Kawabe brought several useful information to Tokyo once he returned there.



Figure 1. Japanese Army officers at the 10th Latvian Independence Day Parade in Riga. (November 18th 1928). Major Torashiro Kawabe¹ (first from the right), Japanese Military Attaché in Riga residence, and Major Kiichiro Higuchi (next to Kawabe), then Military Attaché of the Warsaw Legation, were confirmed. Courtesy: Estonian Film Archives – EFA. 124.A-134-37

In 1928, Japan and Latvia mutually ratified the Treaty of Commerce and Navigation, the first-ever bilateral diplomatic agreement between Japan and any of the Baltic States. Under such circumstance, the Japanese Ministry of Foreign Affairs (MoFA) planned to establish the first diplomatic mission in the Baltic states. (Tokyo Asahi Shimbun, July 5th 1928, p.1) In November 1919, upon the provisional recognition of Estonia, the MoFA nominated Tallinn, the capital of Estonia, as a candidate site for the diplomatic mission in the region. (Tokyo Asahi Shimbun, November 5th 1919, p.2). However, the plan had to be abandoned because of the strong opposition from the Ministry of Finance (MoF). Again in 1929, the MoF requested the MoFA to

¹ He became a commander of ‘Manaki Organ’, the Army’s secret information agency of Japanese Military Attachés stationed in Europe, in late 1930s and visited Estonia in Summer 1939. At the end of the Second World War in August 1945, Kawabe was Vice Chief of Staff of the General Staff Office at the rank of Lieutenant General. According to several sources, he established ‘Kawabe Organ’ in 1948, in which the objective was Japan’s rearmament. Died in 1960.

cancel the establishment of a diplomatic mission in Latvia, however the MoFA defended the project as being ‘based on International agreement’ and therefore not subject to economic considerations.

They succeeded in persuading the MoF (Tokyo Asahi Shimbun, July 19th 1919, p.2) and eventually, in October 1929, the Legation of Japan in Latvia was established. (Tokyo Asahi Shimbun, September 4th 1929, p.3). Ambassador Nagaoka to Germany also hold the position of the first Envoy to Latvia and Infantry Major Shigeyasu Suzuki of the Warsaw Legation participated in the Ceremony of the Presentation of Credentials in Riga as the first Military Attaché to Latvia (non-residence) alongside Captain Saiichi Terada and Captain Sasaki, his subordinates in Warsaw. (Latvijas Kareivis, October 30th 1928, p.1) The real intentions of the MoFA and also, the Ministry of Army (MoA), regarding the Riga Legation was to use it as a base for intelligence activities against the Soviet Union.

Thoughts behind the Baltic-Japanese Military Cooperation

Back in 1930s, Latvia and the rest of the Baltic States were considered as parts of ‘*Cordon Sanitaire*’, the wall to prevent the infiltration of Communism into (Western) Europe. Japan also defined the Soviet Bolshevism as a threat to the national polity which based on the reign of the Emperor and enforced the Maintenance of the Public Order Act (*Chian-Iji Hou*) in 1925 to regulate the domestic Communist movements. Thus, the Baltic States and Japan shared the isolation of Communism as a common political interest.

However, Japan had to wait until late 1930s to realize the actual military cooperation due to the political unrests of the Baltic States.



Figure 2. In Summer 1919, amidst the Estonian Independence War, Colonel Jotaro Watanabe, Military Attaché of Japanese Legation in the Netherlands, visited Narva, border town between Estonia and Russia, and inspected the Estonian 4th regiment. Courtesy: Estonian Film Archives - EFA.49.A-257-57

Amidst economic stagnation and political unrests during the Great Depression, extreme right-wing organizations, such as the Association of Estonian Freedom

Fighters (*Vabadussõjalaste Liit*) in Estonia and the Fire Cross (*Ugunkrusts*) in Latvia, emerged in the Baltic States. While the governments of the Baltic States concentrated on political conflicts rather than tackling on the Depression, they attempted to take power by coup d'état. (Von Rauch, 1974, pp.148-152). As these extreme right-wing organizations were serious threats to domestic securities which involved the nation's military forces, the Baltic governments took pre-emptive actions to clash their attempts including arrests of perpetrators and ban on their street marches. In order to avoid occurrence of similar organizations, the Baltic States installed 'authoritarian democracy' which was somehow similar to European fascist regimes in later years. Ironically, the creation of strong governments brought political stabilities to the Baltic States.

As of 1930, Infantry Major Hikosaburo Hata of Japanese Legation in Poland administered Latvia (Tokyo Asahi Shimbun, April 9th 1943, p.1), and, in July 1931, amidst the political upheavals surrounding the Baltic States, Infantry Major Taketo Kawamata was appointed as the first Military Attaché in Riga residence. (Latvijas Kareivis, July 21st 1931, p.1). During the work in Riga, Kawamata tried to build a mature relationship with Latvian military officials. On September 22nd 1932, he attended a social gathering organized by the Latvian General Staff with Captain Wataru Tanaka of the Japanese General Staff. (Latvijas Kareivis, September 23rd 1932, p.1). There, he met Colonel Ķīkuls, chief of the Latvian Military Intelligence Service, and Colonel Rozenšteins, future commander of the Latvian Defence Forces.

Visit of Captain Shimanuki to Estonia and Inauguration of the Official Baltic-Japanese Military Relations

In January 1934, Aviation Captain Tadamasa Shimanuki of the Japanese Army arrived in Estonia. (Sakala, March 10th 1934, p.2). The visit was part of his study trip to the Soviet Union from June 1932 (JACAR, Ref.B13091661400) to research the Air-Ground Separation Theory (*Kuuchi Bunri*), in which idea was to use flying squadrons and support units on the ground separately for the purpose of increasing wartime operational efficiency. As being a rare guest from Japan, Shimanuki was interviewed by 'Sõdur' (Soldier), the official magazine of the Estonian Defence Forces, in the same month he arrived Estonia. The topic of the interview was about 'Japanese mentality' (Sakala, January 14th 1935, p.2) and he explained its basic concept as such "*Neither physical strength or advantage in military technology would determine the fate of war, in case of Japanese, it is the strong will to fight against enemy. We Japanese all obtain such mental strength.*" (Sõdur, March 3rd 1934, p.250). Before leaving Estonia, Shimanuki was invited to the Estonian Airforce officer's clubhouse 'Rooma' (Rome) and enjoyed a pleasant talk with three generals belonged to Estonian General Staff such as Gustav Jonson, Johannes Roska (Orasmaa), and Juhan Tõrvand. (Lääne Teataja, March 10th 1934, p.3).

The Estonian hospitality shown to Shimanuki was highly appreciated by the MoFA and the MoA. It became one of the reasons why the MoFA sought to promote the Chargé d'affaires of the Riga Legation to Envoy Extraordinary and Plenipotentiary. The MoA was also interested in the information concerning the Soviet Union provided by the Estonian General Staff. In late 1934, the MoFA demanded a budget in order for the Chargé d'affaires in Riga to administrate Estonia and Lithuania, however, this was denied by the MoF. (JACAR, Ref. B14090839400). Although the

MoFA had to wait several years before this plan could be realized, the MoA, however, had a surplus of budgets and they immediately ordered the Military Attaché in Riga to administrate Estonia and also Lithuania.



Lendur-kapten Tadamasu Shimanuki.



Figure 3. The picture of Aviation Captain Tadamasu Shimanuki² and Shimanuki (sitting in the centre) at the Estonian Air Force officer's clubhouse 'Rooma' in Tallinn with General Gustav Jonson (left of Shimanuki) and General Juhan Tõrvand (right of Shimanuki).³ (March 1934)

Courtesy: (The Picture of Tadamasu Shimanuki) Japanese Mentality (Jaapani Vaim). (1934, March 3)¹: *Sõdur*, 9. p.249. (Group Photo) Estonian Film Archives - EFA.77. A-11-16

In February 1935, an Estonian military delegation visited the Japanese Legation in Riga and had an opportunity to talk to Military Attaché Tsutomu Ouchi, Cavalry Lieutenant Colonel. They agreed on an exchange of weapons to commemorate the start of the official relationship. (JACAR, Ref. C01004065200). In May, a Type 97 Sniper Rifle (indicated as 'Type 38 Infantry Rifle with Sniping Scope' in the official document), a Nambu Experimental Sub-Machinegun Type 2, and a Nambu Type 14 Handgun were presented to the Estonian Army. (JACAR, Ref. C01006736600). Except for the famous Nambu Pistol, the guns were all experimental weapons, which at that time were still on trial. Ouchi probably did not expect the Estonians to request those kind of weapons for the exchange and it would have been an even greater surprise for the MoA in Tokyo. In fact, on February 21st, the Ministry suddenly ordered the immediate acquisition of a Nambu Sub-Machinegun for the Technological Institute. (JACAR, Ref.C01006653500).

² In 1939, Tadamasu Shimanuki participated in the battle of Khalkhin Gol (Nomonhan) as Colonel alongside his younger brother, Takeharu Shimanuki. Colonel Tadamasu Shimanuki was killed in action on August 2nd 1939, while being on reconnaissance flight over the battlefield. It is said the plane was shot down by the Soviet Anti-Aircraft guns.

³ Both Jonson and Tõrvand were arrested during the first Soviet occupation period (1940-1941) and perished in labour camps of the Soviet Russia.



Figure 4. Japanese Army Delegation visits Cavalry Regiment of Latvian Army in Daugavpils, Latvia. (April 1935) Lieutenant Colonel Tsutomu Ouchi⁴ (first from the left, second line) is confirmed. Courtesy: Latvian War Museum - 4-1424-FT/p

From May to June, fifty 6.5mm bullets for the Arisaka M1905 and one-hundred 8mm Nambu bullets were delivered to Estonia. (JACAR, Ref. C01004067100). In June, five-hundred Nambu bullets were additionally supplied by Lieutenant Colonel Taketo Kawamata, Military Attaché to the Japanese Embassy in Moscow, who used to be Ouchi's superior at the Riga Legation until July 1933. (JACAR, Ref. C01006855500)

From the Estonian side, at least one Arsenal M23, the first Estonian-made sub-machinegun developed by the *Arsenal* in 1926, was sent to Japan via the Riga Legation. The Arsenal M23 was basically an Estonian imitation of the Bergmann MP18, a German sub-machinegun used during the First World War. This Estonian-made sub-machinegun was probably a technological 'milestone' for the developers themselves, but was completely obsolete by the time it was presented to the Japanese. In 1938, all the M23s were replaced by the Finnish-made Suomi KP/31 and the remainder were completely sold off to the Latvian Army and the Republican forces during the Spanish Civil War.

Unfortunately, the guns given as a gift from Japanese did not contribute to the Estonian development of firearms either, for two reasons, 1) The Estonia's spontaneous firearms development projects were cancelled due to the purchase of the latest Finnish guns. This was related to the attempts of Estonian-Finnish defence cooperation in the late 1930s and 2) The guns were somewhat obsolete from the perspective of the European standard of firearms. For example, the Type 97 Sniper Rifle guaranteed high accuracy rate with an advanced scope and a handmade barrel; it was a masterpiece of Japanese craftsmanship, but its ammunition was still weaker 6.5mm. According to Mr. Toe Nõmm of Estonian Defence Ministry, the three Japanese guns were probably seized by the Soviet occupation forces in either August or September 1940 and sent to the Soviet Union. However, no information regarding

⁴ Ouchi was promoted to Colonel a year after the return to Japan and worked as an instructor of the Army Cavalry School. In 1939, upon the break-out of border conflict with the Soviet Union in Khalkhin Gol, he was mobilized as the Chief of Staff of the 23rd Division. On July 3rd, Ouchi was coincidentally hit and killed by fragments of the Soviet artillery shell.

the whereabouts of the Arsenal M23 were found in either Japan or the Soviet-seized Japanese guns.

Joint Estonian-Japanese Intelligence Operations in Late 1930s

By the late 1930s, the political situation in Europe descended into chaos due to the prolonged influence of the Great Depression, the Great Purge in the Soviet Union, and the expansionism of Nazi Germany.

In January 1938, Makoto Onodera, Japanese Military Attaché at the Riga Legation, who also administrated Estonia and Lithuania, requested the detachment of additional personal for 'negotiations' with the Estonian military. (JACAR, Ref. C01004434500). A month later, Chargé d'affaires Hirata of Japanese Legation in Poland, answered Onodera's request by dispatching Infantry Captain Takeharu (Takeji) Shimanuki.

Takeharu Shimanuki, who was actually the younger brother of the aforementioned Aviation Captain Tadamasa Shimanuki, had worked at the Japanese Embassy in Moscow for a year from 1937 as the Army's official researcher (JACAR, Ref. C01004299100) and at the time of being chosen as the liaison officer for Estonia, he was spending the last year of his researcher position in Europe at the Warsaw Legation.

By the way, the reason why Onodera was in urgent need of liaison was the ongoing Estonian-Japanese joint intelligence operation between 'Manaki Organ' (*Manaki Kikan*) of Japanese Army and Department 2 of the Estonian General Staff (*Sõjavägede Staabi II osakond*), Estonia's only Intelligence Service back then. (Okabe, 2014: Strategic Services Unit, 1946, p.24). The former was an intelligence organ of Japanese Army Attachés in Europe led by Infantry Colonel Takanobu Manaki, Army Attaché in the Berlin Embassy. (Kuromiya & Mamoulia, 2016, p.174). There were basically two objectives in the joint Estonian and Japanese intelligence operations: 1) Toppling the Soviet regimes of Georgia and Ukraine by supporting independence movements of émigré activists and 2) Collecting political and military information of the Soviet Union by Estonian agents inside the country. (Kuromiya & Mamoulia, 2016, p.173). In 1938, to help infiltrations of Estonian agents into the Soviet Union by a high-speed boat in Lake Peipsi, Onodera supplied 16,000 Marks to Richard Maasing, Chief of the Estonian Intelligence Service. From Estonian side, Lieutenant Colonel Villem (Wilhelm) Saarsen and Major Aksel Kristian were indicated as liaisons for the joint operations.

Villem Saarsen, the right-hand man of Maasing at the Estonian Intelligence Service, was the closest friend of Onodera. Around late 1930s, Saarsen was in charge of communication affairs with Foreign Military Attachés residing in Estonia. Their relationship flourished after Saarsen was appointed to Military Attaché to Estonia's Riga Legation in 1938. (Rigasche Rundschau, September 17th 1938, p.7). Similarly, Onodera arranged cooperation with Colonel Gregolijs Ķīkuls, Chief of Latvian military intelligence service called the 'Information Department' (*Informācija dala*). (Strategic Services Unit, 1946, p.24). But, Japanese cooperation with the Latvian Intelligence Service was very limited in comparison with that with the Estonians. Regarding the cooperation with Latvians,

However, the Department II of the Estonian General Staff was rather flexible compared to the Latvian Intelligence Department. According to Juurvee (2003), the Estonian Intelligence Service was positive on information exchange with foreign military attaches whereas such mission was merely an additional task for the Latvian Intelligence Service. (p.47). The Estonian Department II, modelled after the German *Abwehr* (Military intelligence organization), was highly organized for information gatherings and counter-intelligence.

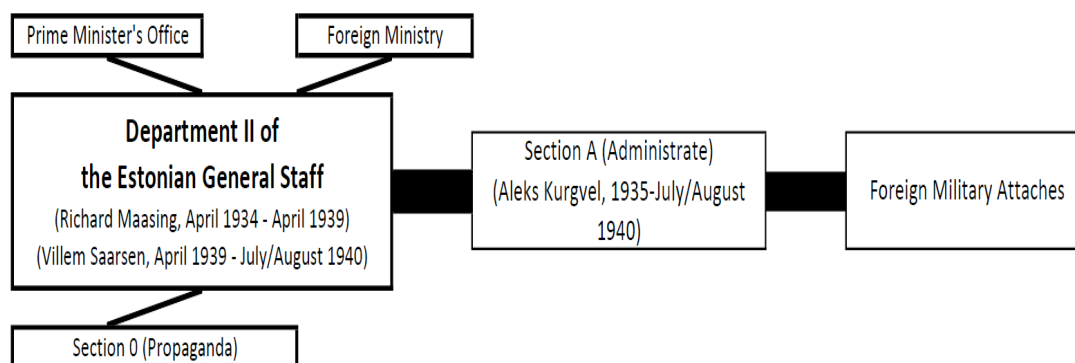


Figure 5. Organizational Structure of the Department II of the Estonian General Staff (*Sõjavägede Staabi II osakond*) in 1939. Based on 'Wartime Structure of the Estonian Army Intelligence' (*Eesti sõjaväeluure sõjaaegne struktuur*) - ERA f.495, n.12, s.113, I.139.

Unfortunately, Onodera could not confirm all the results since he returned to Japan on May 28th 1938 (Tokyo Asahi Shimbun, May 29th 1938, p.1), but the operations were taken over by Cavalry Lieutenant Colonel Tamotsu Takatsuki, new Military Attaché of the Riga Legation. (Strategic Services Unit, 1946, p.24).



Figure 6. Lieutenant Colonel Tamotsu Takatsuki⁵ (third from the left) among foreign military attaches at the manoeuvre of Estonian 3rd Division in Rapla, Estonia. (October 6th 1938) Courtesy: Estonian Film Archives - EFA.2.0-27943

⁵ He returned to Japan on July 8th 1939 by Japanese ocean liner *Kamakura-Maru* and soon after, promoted to a staff officer of the General Staff of Japanese Army, then transferred to Northern China Army in November 1940. But, on the 29th, Takatsuki was assassinated by terrorists on the street of Beijing in broad daylight. (Tokyo Asahi Shimbun, December 1st 1940, p.1).

In July 1938, Shimanuki set up an office of Japanese military representative at Pärnu Beach Hotel (*Pärnu Rannahotell*). (Postimees, July 16th 1938, p.4). The Pärnu office remained for few weeks during the month. (Uus Eesti Pärnu Uudised, July 15th 1938, p.1). This event was related to Takatsuki's plan to elaborate the Estonian-Japanese intelligence operations. Pärnu, a coastal town in the Western Estonia, was directly connected to Riga by train at that time which made it easy to communicate with Takatsuki and Saarsen. And, the hotel itself was just completed in the same year he established the representative's office thus did not have to be too much afraid of 'wiretaps' (listening devices inside the building) and was easy to recognize disguised foreign spies as the hotel's employees. On September 30th 1938, after 7 months of the works under Onodera and Takatsuki, 'Major' Shimanuki left Estonia for Japan. (JACAR, Ref.C01004593400). Until 2016, he has been the only Japanese military officer who ever resided in Estonia.

The joint operations continued even after Shimanuki left Estonia. Despite the failure of the first objective, overthrowing the Soviet regimes, the second objective did succeed with certain achievements. For example, Vassili Kalinin, the only Estonian agent infiltrated into the Soviet General Staff, kept providing general political and also some secret information of the Soviet Red Army until the arrest in the end of 1939. (Juurvee, 2013, p.38). Estonian intelligence network inside the Soviet Union dramatically grow throughout late 1930s, from Moscow to Eastern Siberia. In Volga region, the EIS used local ethnic Estonian colonies to collect information. According to Okabe (2014), the decision of using Estonian agents in East of Ural Mountain was actually based on the request of Japanese General Staff.

On May 10th 1939, Takatsuki and Aviation Lieutenant Colonel Hiroshi Onouchi, Takatsuki's successor in the Riga Legation, visited the Estonian Presidential Palace. (Uus Eesti, May 10th 1939, p.5). There, Takatsuki was awarded the Estonian Order of the Eagle Cross (*Kotkaristi teenetemärk*), a decoration bestowed to give recognition for significant contribution to Estonia's national defence. Onouchi, who succeeded Takatsuki's position and served as the last Japanese Army Attaché to Riga until the Soviet occupation of the Baltic States in Summer 1940, maintained good relationship with Estonian intelligence officer Aksel Kristian and Latvian intelligence chief Gregolijs Kikkuls. In exchange for the Soviet information provided by the Estonian Intelligence Service, he provided them some money equivalent to 500 Japanese Yen monthly, first in British Pounds and later in the U.S. Dollars. (Strategic Services Unit, 1946, p.27).

In July 1939, General Torashiro Kawabe, Japanese Military Attaché to Nazi Germany made a three-days trip to Estonia. He used to be the Army researcher in Riga, in 1920s, and due to his outstanding intelligence skills and knowledge in the Soviet military affairs, Tokyo assigned Kawabe as a new commander of the Manaki Organ. According to the memoir of Saarsen published in 1978, throughout the pre-war period, Kawabe used to travel around Europe to supervise Japanese Army Attachés stationed in each countries. (Saarsen, 1978, p.184). Onouchi served as an adjutant of his Estonia trip. On the first day of the trip when Kawabe arrived to Tallinn from Berlin, Saarsen took him to Viimsi Manor in Jõelähtme Parish where was the permanent residence of General Johan Laidoner, Commander-in-chief of the Estonian Army. (Saarsen, 1978, pp.184-185). The three officers, Kawabe, Laidoner and Saarsen, frankly exchanged opinions about political situations of Europe, especially German

intensions, on private beach near the Manor. While Kawabe was seeing the whole situation rather opportunistic, Laidoner gave a pessimistic answer to him that the second total war in Europe is inevitable. (Saarsen, 1978, p.186). Eventually, Laidoner's concern was materialized in only few months time from this highly political session with the Japanese general.

Next day, they travelled from Tallinn to Narva and Narva-Jõesuu, Estonia's Eastern border with the Soviet Union. In Narva-Jõesuu, Captain Aleks (Aleksei) Kurgvel, Chief of Section A of the Estonian Intelligence Service, joined lunch at restaurant 'Villa Capriccio'. (Uus Eesti, July 4th 1939, p.5). Indeed, this small border town was popular among Estonian and Japanese intelligence officers. Later in the same month, Hiroshi Sugawara, Japanese Military Attaché in the Moscow Legation, visited Narva-Jõesuu with his wife and enjoyed taking pictures of 'surroundings'. (Uus Eesti, July 15th 1939, p.6). Also, it seems Japanese Military Attaché in the Helsinki Legation visited Narva-Jõesuu sometime before 1940. As the town locates only a few metre from the actual Estonian-Soviet border and known as the best Summer resort in Estonia, it was somewhat good place to presumably, observe the Soviet border defence and exchange secret information between the Estonian and Japanese military officials.

After Narva, the group stopped in Kiviõli, an industrial town in Ida-Viru Country, Eastern Estonia where was famous for shale oil mining. (Uus Eesti, June 4th 1939, p.3). Saarsen wrote, "*Mines (in Kiviõli) caught great attention from Japanese officers. They were all ears and eyes on everything they hear and see there*". (Saarsen, 1978, p.188). In the same month Kawabe payed a visit to Estonia, the United States handed a denunciation of the U.S.-Japanese Treaty of Commerce and Navigation to Japan due to the intensification of its aggressions over China. On July 28th, Ambassador Horiuchi to the U.S. reported Foreign Minister Arita that "*Since the U.S. is the only market to fulfil Japan's needs on oil, silk, and iron scrap, (in case of total embargo), it will definitely make Japan's military actions in China impossible.*" (MoFA, 2011, Volume 3, pp.2283-2284). Thus, finding new supplier, especially that of oil, was an imminent task for Japan.

The Beginning of the Second World War and Japanese Diplomatic Missions in the Baltic States

On September 1st 1939, Nazi Germany invaded Poland. Two days later, France and the United Kingdom declared war on Germany. It was the beginning of the Second World War.

The three Baltic States of Estonia, Latvia, and Lithuania jointly declared neutrality soon after the outbreak of the war, since their economy and military capabilities were never strong enough to provide a resistance against any of the great powers. Nevertheless, the effect of their neutrality was very limited in front of the Molotov-Ribbentrop Pact which promised partition of Central and Eastern Europe between the Soviet Union and Nazi Germany. In the secret protocol of the pact, the Baltic States were to be annexed by the Soviet Union.

Shin Sakuma, the first Japanese Envoy Extraordinary and Plenipotentiary to Latvia, Estonia, and Lithuania since February 1937, summarized the speech of General Johan

Laidoner, the Supreme Commander of the Estonian Defence Forces, in a diplomatic telegram sent to Foreign Minister Hirota on December 17th 1937 as ‘*Estonia has no foreign threats*’ and ‘*Estonia does not rely on either Germany or the Soviet Union.*’ It was not only Estonia but also the other two Baltic States proclaimed ‘neutrality’ in-between the two great powers.



Figure 7. Envoy Shin Sakuma⁶ (left) at Hotel Palace, Tallinn just before the Ceremony of the Presentation of Credentials to Estonian President Konstantin Päts (May 20th 1937). Person in military uniform standing behind him is Lieutenant Colonel Onodera⁷, Military Attaché of the Riga Legation. Courtesy: Estonian Film Archives - EFA.2.0-27473

The peace in the Baltic States lasted only few weeks. On September 14th 1939, the Polish submarine ‘*Orzeł*’ entered the military port in Tallinn and was interned due to the Estonian neutrality, but it soon escaped. The Soviet Union claimed the submarine sunk their tanker ‘*Metalist*’ in Estonian territorial water near Narva on the 17th (Yomiuri Shimbun, September 29th 1939, p.1) and soon after, on the 24th, they demanded Estonia to accept the immediate stationing of Red Army troops. (Kasekamp, 2010, p.125). In order to avoid a worst scenario, the Estonian government had no other choice but to accept the demand.

With the resignation of Sakuma (described as an ‘honourable retirement’ in Japanese newspapers) in December 1938, Shojiro Otaka was appointed as his successor. As being a Japanese Consul General in Qingdao, China, Otaka negotiated with the

⁶ Envoy Shin Sakuma returned to Japan on November 14th 1938 by Japanese ocean liner *Terukuni-Marui*. Later, he went back to Europe as a personal adviser of Oshima Hiroshi, the Ambassador to Nazi Germany, and was formerly appointed as the Envoy Extraordinary and Plenipotentiary to Nazi Germany on February 18th 1941. After the War, he volunteered as a defence counsel for Oshima, who was charged as a Class-A war criminal in the Tokyo Tribunal. He died from cardiac failure on December 8th, 1987. Aged 94.

⁷ Lieutenant Colonel Makoto Onodera, returned to Japan on May 28th 1938 by Japanese ocean liner *Fushimi-Marui*. Two years later, in November 1940, he was appointed to Military Attaché to Sweden. In the post-war period, he worked as a Swedish translator along with his wife Yuriko. Died from acute cardiac insufficiency on August 17th 1987. Aged 89.

Japanese Army to exclude the city from ‘entrance restricted area’. At early stage of the Second Sino-Japanese War which broke out in July 1937, all Japanese residents of Qingdao, including Japanese Consulate General and its staffs, were evacuated and the city was completely devastated by Chinese militants soon after. (MoFA, 2011, Volume 2, p.1250). Otaka’s intention was to accelerate the reconstruction of the city by calling back the former residents. His plan did succeed and Otaka literally became known as a ‘new ace’ of the MoFA.

Just before his departure to Riga, Yomiuri Shimbun on April 15th 1939 issued an article of considerable length on the second page, literally named ‘Otaka to Europe!’. Here we can see how Japanese populace anticipated him back then. But, they soon found out the situations of the Baltic States were more severe than their imaginations.



Figure 8. Envoy Shojiro Otaka⁸ (sitting in left) at the Ceremony of the Presentation of Credentials to Estonian President Konstantin Päts (sitting in centre) on June 20th 1939. Lieutenant Colonel Hiroshi Onouchi⁹, Military Attaché of the Riga Legation, is standing behind Otaka. Courtesy: Estonian Film Archives - EFA.124.A-12-2.

On December 8th 1939, a new Japanese diplomatic mission was established in Tallinn, Estonia.(JACAR, Ref.B14090246400). The Diplomatic Office in Tallinn was merely one room in the hotel hosting only one diplomat, but for some reasons, it was declared externally as the ‘Legation of Japan in Estonia’.

For the preparations, Shigeru Shimada, the First Secretary at the Riga Legation, frequently travelled to Tallinn after his arrival in Riga on November 28th (JACAR, Ref.B13091825000) and, after the opening of the Diplomatic Office, he was formerly appointed as the representative. Through the negotiations with the Estonian Foreign

⁸ Envoy Shojiro Otaka obeyed the order to return to Japan issued on August 12th 1940, but resigned from the MoFA in October. He died in 1966. Aged 74.

⁹ Lieutenant Colonel Hiroshi Onouchi lost the Estonian contacts inherited from Onodera and Takatsuki after he moved to Helsinki. However, another contact, Estonian Admiral Johan Pitka, who later became the military leader of the Estonian voluntary corps during the Soviet re-occupation in 1944, kept providing him with information regarding the political situations in Estonia under the Soviet occupation. He survived the War and died from cerebral thrombosis on August 21st 1984. Aged 84.

Ministry, he became close friends with Vice-Minister Karl Tofer and Director General Elmar Kirotar. (JACAR, Ref.B14090246400). Shimada had known both of them during his previous work at the Moscow Embassy. During this time, Tofer was the Estonian Envoy to the Soviet Union and Kirotar was a counsellor under Tofer. Due to Shimada's broad friendship, the Diplomat Office was given a place inside the Hotel Palace, one of the most luxurious hotels in the centre of Tallinn.



Jaapani esindaja S. Shimada.



Proua Shimada.

Figure 9. The First Secretary Shigeru Shimada¹⁰ of the Tallinn Diplomatic Office (left) and his wife (right). Courtesy: "Japanese Legation in Tallinn Residence". (1939, December 30th). *Uus Eesti*, Page 3.

On March 1st 1940, the Tallinn Diplomat Office moved from the Hotel Palace to a house in Lahe Street, Kadriorg (JACAR, Ref.B14090274900), an exclusive residential district in the outskirts of Tallinn where the Presidential Palace, the Foreign Diplomatic Missions, and mansions of successful merchants were located. From any sources, we cannot really see how much Shimada or the Envoy Otaka in Riga knew about the movements of the Soviet forces inside Estonia and Latvia, but they were about to face the greatest hardship. Only three months later, the Soviet Union finally started to collect the 'Promised' lands of the Molotov-Ribbentrop Pact.

The Soviet Invasion of the Baltic States in 1940 and the Fate of Japanese Diplomatic Missions

On June 16th 1940, when the eyes of the world were concentrated on Germany's entry into Paris, the Soviet Union finally began to invade Estonia and Latvia. The Soviet operation against Lithuania was launched a day before. By the 23rd, the Soviet army completed the occupation of all the three nations.

As the Kremlin anticipated, the news of the Soviet invasion of the Baltic States was obscured by the German victory over France. With less attention being shown by the world regarding the occupation, the Soviet implemented its next objective. This was the installation of pro-Soviet regimes in the Baltic States to legitimize the occupation. Street demonstrations were frequently held by the local communist activists and to

¹⁰ He resigned from MoFA in the aftermath of the War. This was probably due to the massive post-war layoffs caused by the restructuring of the Ministry under the Allied occupation, and instead, chose to work as a censor of publications for the GHQ (General Headquarters). He died from stomach cancer on December 18th 1954. Aged 69.

solidify the occupation, Andrei Zhdanov, a Soviet Politburo member was sent to Tallinn. (Kasekamp, 2010, p.128).

On August 27th, a suspicious person claiming to be an officer of the Estonian Army appeared at the Tallinn Diplomatic Office and asked the Estonian employee about the layout of the office.(JACAR, Ref.B14091188400). Two days later, in Moscow, the Soviet Foreign Minister Molotov handed a formal notice to Ambassador Togo declining the Japanese request for the diplomatic missions in the Baltic States to remain the diplomatic missions. The Consulate in Kaunas and the Diplomatic Office in Tallinn were already preparing to leave by September 5th, but the problem was the Riga Legation. As the deadline approached, the Soviet authority put more pressures onto the Legation e.g. a local employee was summoned by NKVD, the Soviet secret police, an Estonian typist worked for the Legation lost her guaranteed position at the academia, and eventually a Soviet officer and a Latvian policeman searched the Legation without warrant. On September 14th, Ambassador Togo in Moscow ordered Envoy Otaka to leave Riga with all the Japanese staff immediately. No official sources were found on how Envoy Otaka and the Riga Legation staffs escaped from Latvia, but they would probably had taken the ferry to Stockholm, Sweden, as Military Attaché Onouchi did so with some of his informants. (Okabe, 2014). He was later appointed to Military Attaché of the Japanese Legation in Helsinki. (JACAR, Ref.B14090846200).

On November 1st 1940, the Japanese Privy Council approved the MoFA report concerning the closure of the diplomatic missions in the ex-Baltic States, simply with one sentence: *'There was no more reason to remain'*. Here, the official relations between the Baltic States and Japan came to an end.

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***Brazil's Foreign Policy and Asymmetrical Partnership with China and Japan,
2003-2015***

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Abstract

In this paper I will briefly present by a qualitative analysis the main achievements of Brazilian Foreign Policy in partnering with both Asian states, as well as challenges to in choosing China as a main partner in Asia. Brazil is among the seven largest economies in the world and Asia has always been a priority in its foreign policy agenda in the twenty-first century. Therefore, Japan as the third largest economy and China as the second largest economy in the world, have reinforced Brazilian interest in strengthening further diplomatic ties with both actors in question. Besides, due to China's growth during the last years, Brazilian foreign policy agenda has also been shaped by such transformations, shedding light upon Sino-Brazilian relations in a global multilateral manner (South-South Cooperation), whereas Japan- Brazilian relations have remained under a hemispherical bilateral ties basis.

Thus, Brazil has tried to solve an important question which relates to how to strengthen political partnership with Japan and diplomatic ties, at a time when China has perceived Brazil's domestic political crisis as an opportunity to secure natural resources and raw materials transference for its development project, in exchange for amounts of Foreign Assistance aiming at securitization and channeling of resources. I argue that Brazil remains weak to impose conditions on the bilateral relations, worsened by domestic political crisis initiated in 2013, allied with lack of strong domestic policies to regulate more expressively the bilateral relations towards China and Japan.

Keywords: Brazil Foreign Policy, China, Japan, South-South Cooperation, North-South Cooperation

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Introduction

Changes occasioned in the post-Cold War period and the world financial crisis, as well as the emergence of new actors in the international context, has generated new standards of political-economy asymmetries that diverge from the traditional approach. Brazil, for instance, has been both a partner and recipient emerging country of development assistance from both Asian powerful countries, China and Japan. More than ever, the cooperation assistance in the present century has not only focused on economic aspects and access to markets alone but also at political aspects of it, equally aiming at shaping the international order, regimes and institutions in accordance with developing nations interests.

Allied to the fact Brazil's government under the President Luis Inacio Lula da Silva firmly promoted the common cooperation agenda between the nations of the South (developing countries), Brazil's foreign policy conduct, targets and objectives suffered a dramatic change, altering its course from the traditional axis Europe-The United States, towards nations of Africa, Middle-East and East-Asia. Brazil and China in this sense, are both among the top emerging/developing economies in the twenty-first century promoting South-South Strategic Partnership under a mutual benefit rhetoric, and on the other, Japan has also pursued to rethink its international insertion by fostering a Global Partnership with Brazil, under South-South partnership (trilateral cooperation).

Thus, Japan as the third biggest economy and China as the global second largest economy (The World Bank 2016)¹, has reinforced Brazilian interest in strengthening further diplomatic ties with both actors in question. Besides, due to a prominent growth of China during the last years, Brazilian foreign policy agenda has also been shaped by such transformations, shedding light upon Sino-Brazilian relations in a global multilateral manner (South-South Cooperation), whereas Japan-Brazilian relations have remained mostly under a hemispherical bilateral tie basis (Uehara & Casaroes 2013, p.76-78).

Therefore, Japan, as one of the main donors of ODA (Official Development Assistance) to Brazil under a concept of traditional partnership and, whose the second largest Japanese community abroad is established since the beginning of the twentieth century, has also firmed important joint agreements with Brazil during the past years. This has demonstrated substantial cooperation through JICA (Japan International Cooperation Agency); in addition, a relevant factor is that the membership in the G4 group of countries (Ministry of Foreign Affairs of Brazil 2011)² has as well proven political importance in the relationship between both countries. Moreover, cooperation in innovation, technology and science is of high priority on the bilateral agenda.

On the other side, China has remarkably become one of the most important donors of Foreign Assistance to Brazil in the last decade, under a concept of a new strategic partnership through the so-called South-South Cooperation³. Therefore, China has

¹ Updated information retrieved from The World Bank annual indicator 2016. Accessed in 2016/03/15.

² G4 is an informal group of nations established in 2004 and is formed by Brazil, Germany, India, and Japan. Together these actors aim at being assigned permanent seats at the Security Council of the United Nations. Accessed on 2016/03/15.

³ South-South Cooperation emerged formally in the post-Second World War II context, when international cooperation for development began to play a key role as an instrument of foreign policy of developing countries, both for the internationalization

been regarded as a great partner because of its political, economic, financial and military powers in the international community. Moreover, the cooperative ties is also reinforced by the relationship under the membership in informal forums and institutions such as the BRICS (Brazil, Russia, India, China and South Africa) group, G20 group, BASIC (Brazil, South Africa, India, and China), and institutions such as NDB – BRICS (New Development Bank BRICS)⁴ and AIIB (Asian Infrastructure and Investments Bank)⁵.

However, Brazil's attachment to China's political-economic cooperation initiatives in particular since the beginning of the year 2000s under the concept of win-win cooperation, has provoked a divergence of opinions towards this new dilemma among Brazil's civil society and decision makers. It is in one hand, how to offset its political-economy interests by partnering with both active and political competing Asian states and how to increase material resources vital for Brazil's interests for development and, on the other hand, how to minimize emerging security initiatives posed by China's increasing presence and interests in Latin America. On the other side, I argue that Brazil remained relatively weak to stipulate conditions on the bilateral relations, worsened by internal political crisis initiated in 2013, allied with a lack of clear internal policies to regulate more expressively the bilateral relations towards China and Japan.

In special, the increasing interest of Chinese Foreign Assistance in core sectors of Brazil's society in a short period of the last 13 years, appears to be one of emerging international/external factors that deserve attention of Brazilian policy makers, as to assist Brazil to evenly balance its relations not solely towards China, but also with Japan.

Literature Review

During the period in question, there was a considerable change in the way Brazil managed international relations. Formerly dominated by a traditional relationship concept between developing and developed countries, from the beginning of 2003 onwards, Brazil firmly sought to construct an alternative channel to defend its national interests, and no longer be subordinated and restricted entirely to the United States of America or other developed countries of Europe.

Altemani (2011) points that Japan is seeking a new relationship format that overcomes the basic prevalent pattern of exchange of raw materials for manufactured products. The new format aims at an interaction between capital, technology, natural

of its governance practices and for the projection of their models of capitalism. Therefore, in terms of international development, the South-South Cooperation was firstly celebrated in the Bandung Conference in 1955, and more than a substitution, it was seen as an alternative to the North-South Cooperation due to policies that are perceived to generate more horizontal relations, less asymmetry and based on solidarity among developing countries (Milani and Carvalho, 2013:11-12).

⁴ China, Brazil, India, Russia and South Africa on July 15, 2014, established the Bank with a purpose of catalyzing means for continual development projects and infrastructure inside BRICS members and third developing and emerging nations, aggregating the actual endeavors of regional and multilateral economic and commercial institutions for worldwide expansion and development (NDB BRICS 2015). Accessed on 2016/05/18

⁵ The AIIB was regarded "to support economic integration and interrelation in the region" and "cooperate with actual multilateral development financial institutions". Leaders from 22 member countries signed the October 2014 Memorandum of Understanding (MOU) to institute the AIIB and Beijing was chosen as the host city for the Bank headquarters (AIIB 2015) Accessed on 2016/05/18

resources, and also the market, which corresponds to a partnership for development globally.

Oliveira and Lessa (2006), highlight that emergent powers hold possibilities of action that should be approached. In contrast to bipolarity, in which two superpowers maintained preponderance of force over other countries, the changing multipolar system is likely to be turning to three equal powers (the United States, China/Japan and the European Union), and other regional actors with relative capacity (Brazil, India and South Africa). Japan was also a priority in the Brazilian targets during 2003 to 2015, and in contrast to the strategy towards China, Brazil sought to strengthen a relationship with Japan based on mutual interests of capacity generation, by technological expertise training that could enable Brazil to reinforce its position intra and extra-regionally; and in the case of Japan, expand its image in the region and secure natural resources for its economy. Both countries began to act jointly under the South-South Cooperation strategy, transferring and providing technological cooperation to third developing countries.

Carranco (2011) claims that apart from the obvious benefits Brazil received from the motivational veil of human security developed by Japan in projects in Brazil, it in reality appears to generate a channel to secure the availability of natural resources and raw materials to ensure Japan's needs. Moreover, this has led Brazil to export minerals, especially iron, which has represented 40% of Brazil exports to Japan. Uehara (2013) on the contrary shows the positive effects of the Japanese ODA's effort to Brazil. He argues it should also be said that in addition to the greater relative importance of Brazil outside the Asian region for technical assistance, Japanese contributions have shown dynamism and scope, encompassing various fields (medical, technological, environmental, industrial, and so on). It is worth noting that Japan's assistance has surpassed the bilateral interests as project actions to other countries in the form of programs called trilateral or triangular.

Masiero and Ogasavara (2011) bring to our attention that currently, relations between Brazil and Japan are in danger of being eclipsed by the rapid Chinese expansion in the Latin American continent, which, at present, restructures the regional areas as well as global one. In this context, it is possible to see an intensification of Sino- Brazilian diplomacy. Therefore, from 2003 to 2015, Brazil and China demonstrated convergence in interests, strategy and foreign policy guidelines. Both countries similarly presented foreign policy as instruments of national policy for development, conferring to development issues a character of national security. It is interesting, in the case of China and Brazil, that beyond the same international questions, these countries were equally experiencing internal transformations and the quest for a better image or international credibility (Oliveira 2012:85-91).

To a certain extent, scholars argue the parameters of Latin America-China cooperation have been widened from natural resources based to high technology investments. Despite a slow pace, in recent years, China and Brazil have begun cooperation for the use of atomic energy allegedly for peaceful objectives and also in outer space, conducting joint research on the programs such as earth resources exploration-satellite techniques. On the other hand, others contest this idea of benefits only, by arguing that China creates a challenge to Latin America regarding the strategy of economic development and the promotion of industrial structure.

Consequently, not only friendly dialogues and consultations are needed, but also related corrections and policy-making are a must.

Haibin (2015) asserts that certainly, Chinese Foreign Assistance/Development Cooperation will be of great support for countries from Latin America in the pursuance of development, including Brazil. However, China sends a clear message that even though the relationship is commodity-based or resource secured, it expects that receiving countries develop their industrial capacity.

On one hand, all the authors presented in a very interesting manner how Japan could acquire benefits by partnering with Brazil, the latter being a relevant natural resources supplier and triangular cooperation partner, and how Brazil could promote development domestically along with the promotion of its international image with a traditional partner. Also, literature and research on China-Brazil relations highlight the changing roles caused by China's growth in economy and politics in recent years; thus, authors substantially demonstrated China's motivations to seek new partnerships in Latin America, at the same time as Brazil demonstrated intentions to benefit from partnering with China as an emergent actor, by the promotion of South-South Cooperation to strengthen their political and economy agenda internationally.

On the other hand, my focus in this present paper on Brazil's side, as a receiver country of Official Development Assistance (Japan) and Foreign Assistance (China), during a relative stable period from 2003 to 2012 and also the midst of political instability, 2013 to 2015. Thus I will continue from the point where Brazil's balance of priorities is taken into account, to understand ways Brazil has seen the increasingly partnering with China as a strategy, and also Japan's great attempts to renew its old ties with Brazil during the period of 2003 to 2015, supported by its long history of cooperation.

Moreover, due to the importance is given to Japan and China as relevant Asian partners in the Brazilian foreign policy agenda, I will perform a comparative case study to understand the political aspects of China's Foreign Assistance and Japan's Official Development Assistance to Brazil; as well as their cooperation objectives and interests towards the latter during the last decade.

Methodology and methods

This paper will be written through a qualitative method. I opted to utilize this method taking into consideration that it is related to comprehension and interpretation of certain events from a holistic perspective; moreover, it is an exploratory method not aiming at acquiring numbers and statistical results, but insights to provide better decision making process concerning the problem of this investigation. This method is suitable for this particular research in the sense that it creates a broader and flexible analysis channel to understand the behaviors and strategies applied by the Brazilian government towards cooperation and partnership with China and Japan.

Therefore, data from official sources (state leaders discourse, cooperation agreements, minutes of leaders meetings, press releases), publications from research institutes and correlated literature will be utilized. In addition, the problem investigation will be carried out by utilizing a categorization developed by Van Der Veen (2011) in his

work titled “*Ideas, Interests and Foreign Aid*” published by Cambridge University Press, from which I will depart my analysis utilizing the combination of three theoretical backgrounds such as Neorealism (Waltz, 1979; Mearsheimer, 2001), World Systems (Fiori, 2009; Wallerstein 2006), Engage-but-Hedge concept of states behavior in International Relations (Tessman and Wolfe 2011; Hoo, 2016) to explain the object of this research.

Discussion

Official Development Assistance and Foreign Assistance/Development Cooperation still cause some confusion relating to a proper definition, but many would assert that they might be understood as almost the same term. Currently, discussions have been held to rethink and differentiate the concepts. In general terms, some authors consider that whereas North-South development assistance is guided by the philosophical principle of philanthropy and altruism. South-South Cooperation (SSC) is on the contrary oriented by the principles of mutual benefits (Sachin Saturvedi, 2012:23, cited in Melo e Souza 2014:12) and some declared pragmatism.

According to Aragusuku (2011), Japan has recently changed from its ODA strategy, formerly dedicated to promoting Japan’s image internationally through economic power, to a discourse devoted the promotion of human security. In the previous decade, Japan has indeed pursued the development of its international role to fulfill its geopolitical interests along with a certain degree of apparent altruism. Thus, even though Asia is still its focus of action, because of China’s increasing presence in Latin America in the last years, Japan has also acknowledged the importance of renewing contacts with the West.

Broadly speaking, authors such as Bräutigam (2011) argue that China’s Foreign Assistance/Development Cooperation is also characterized by incorporating zero-interest loans and its concessionality, grants and low fixed rates concessional loans. Moreover, in contrast to Japan, in which JICA is the responsible agency for ODA management, in China, the matter is entirely coordinated by the Ministry of Commerce. Moreover, China appears to prefer to operationalize its foreign assistance by direct government-to-government relations, because it regards foreign assistance/development cooperation as one of the most and relevant strategies of the country abroad.

Regarding geopolitics, China seems to reject the terms coined by the Organization for Economic Cooperation and Development (OECD) member countries, claiming to possess its interpretation of the international system. Such terms are widely known as emergent powers, (new) donors and (emerging) foreign assistance, and instead it has promoted itself as a developing country with a market economy, partner and development cooperation or partnership with mutual benefits (win-win). Consequently the BRICS countries, especially Brazil, have sought to pursue the south-south cooperation with a win-win understanding, and in this sense, for reasons to be considered in the following sections, it appears Brazil remains closer to China’s concept of international cooperation to a certain extent, despite the fact it still maintains a discourse that both developing (China) and developed (Japan) countries are essential partners to Brazil’s international engagement, regardless of their positions in the international community.

Flemes (2010) asserts that Brazil has lived in a complex position in world politics that has pushed it to construct global alliances, having to cope with the condition of a center/periphery actor in the current world order and as a regional propeller in international politics. Therefore, as a pivotal middle power, Brazil is seen as such because of its international behavior rather than its material capabilities or power.

Brazil's strategy is of seeking an autonomous and new liberal-developmental foreign policy agenda aimed wholly at promoting the country's image internationally. Experts appear to believe that such efforts have indeed generated relatively good results, and its engagement as an emerging economy (under BRICS influence umbrella, mostly thanks to China) allied to social development causes during the President Lula's mandate, provided substantial political voice power to Brazil. This can be perceived from the year 2005, for instance, when Brazil achieved a prominent position globally by accomplishing economic growth and social inclusion.

However, from 2011, during the term of office of President Dilma Rousseff, Brazil started to demonstrate some internal institutional weakness and contradictions. Factors such as not rethinking its government priorities since the former government period, shown by the absence of consideration of the pressure for changes from the international system (world crisis), as well as not pondering the new demands of civil society in promoting no dialogue with it, appears to have played a significant role in worsening the asymmetry of Brazil regarding its international strategic partnerships with Asia, for instance.

In other words, due to the lack of a clear plan to guide its foreign affairs regarding the demands of public policies in this period has impacted the country's international bargaining power considerably. The result was the domestic political and economic crisis starting in mid-2012, as well the reduction of material resources capability in international negotiation. In other words, this can be translated into generating "specific legislation to define the objectives, scope, mechanisms, competences and process of development cooperation" (Suyama et al., 2016:30).

The impact caused by not presenting a revision of its choices to orientate its foreign policy, mostly with China, besides being fully committed to concentrating all efforts in the promotion of its international image as an emerging country, appears to have also had implications for its relations with Japan. It is possible to perceive at the same time that the behavior adopted by Brazil government in the condition of a middle-power presents some dilemmas. That is to say, its interest in partnering with China contradicts its strategic hedging behavior when considering the substantial interest of partnership with Japan under South-South trilateral cooperation. Taking into account either economic or geopolitical power interest, Brazil advocates acting with caution to become less dependent on a materially powerful China⁶, which has created divided opinions in the Brazilian society.

Consequently, Japan in particular has reacted as to strengthen its presence and secure its interests with Brazil amidst China's growing cooperation and partnership agreements in the region, including the military ones. Therefore, to analyze ODA/FA

⁶ Brazil is pursuing a strategy of latent multi-institutionalization, which is reflected in its omnidirectional presence on the stage of global alliances, when all of them are at a low degree of institutionalization (Flemes, 2010:421-422).

as a political tool for securitizing a country's material needs, the explanation for such competition and the position of Brazil as both a recipient-partner and a strategic hedging country, can be analyzed through the lens of the categorization given by Van Der Veen (2011):

<i>Aid Frames</i>	Objectives of bilateral cooperation
Security	Increasing the donor country's own physical security (support allies, oppose Communism, etc).
Power and influence	Pursue power: Increasing the donor country's own power internationally through increasing leverage vis-à-vis others, winning allies and prestige
Wealth and economic self-interest	Defending one's own economic position, both by augmenting one's own presence on the economies targeted for aid and helping one's own export sectors
Enlightened self-interest	Supplying of global common goods such as peace, stability, environment protection and others
Reputation self-affirmation	Creating a certain image in international relations and also improving one's own reputation internationally
Obligation and duty	Coping with certain feelings of historical obligation towards other countries and regions (more common in former colonial powers but can be present in other countries as well)
Humanitarianism	A perceived need of contributing to the well-being of poor societies worldwide

Figure 1 – Aid Frames⁷

Security, Power and Influence

According to official documents⁸, exchange of defense and military personnel aimed at training Brazilians in Chinese military schools has been conducted successfully during recent years. As already mentioned, China understands military cooperation to be part of the budget of its Foreign Assistance for development cooperation.

Chenoy et al (2016:208), adds that BRICS group, in this analysis –Brazil and China, claim a distinct approach of development model, criticizing traditional types of foreign assistance, arguing for a wider concept of foreign Assistance/Development Cooperation that included peacekeeping, business and trade. A possible consequence for other third developing countries, in this sense, is the current rapid paradigm shift in development cooperation. Moreover, military cooperation between both countries includes technological cooperation, ballistic missiles, remote censoring, cyber warfare and advanced communications and protection of natural resources⁹. Horta (2007) also asserts that since the beginning of the previous decade, China's central government has utilized the People's Liberation Army as a channel to achieve favorable political and economic relations abroad. In the last years, Brazilian colonels and also junior officers from the armed forces have been sent to China for military and language

⁷ Source: Van Der Veen (2011), page 10,45,57.

⁸ Related official documents can be found at Ministry of Defense of Brazil website. Accessed in 2016/07/28

⁹ See Horta (2015:13)

training¹⁰. Conversely, very few Chinese military staff has been sent to Brazil, allegedly because of ideological reasons.

Brazil has also been reported to have acquired substantial knowledge through cooperating with China in defense matters, especially in rocket development technology, an area which its military scientists have found difficult to master¹¹.

According to a neorealist explanation, Brazil has agreed to a certain extent to bandwagon with China; on one hand because of the pragmatic intentions of increasing its arms industry and generation of capital, and on the other hand because of the perception of opportunities to reshape the rules and regimes of the international system (global governance¹²), allegedly constructed by rich nations from the north. However, Brazil has also perceived risks in believing solely in China's good intentions. Mearsheimer (2001) highlights that the biggest impediments to cooperative behavior according to the neorealist approach, are the relative gains and fear of security traps. States will always be subject to possible desertion, culminating in one side benefiting more, especially in the case of military cooperation, which can alter the status quo of powers.

Date	Type	Purpose	Lender	Amount
Dec.2007	Energy	Gasene pipeline	CDB	US\$750M
Jun.2008	Other	Coal plant	CDB	US\$356M
May 2009	Energy	Oil field development	CDB	US\$10B
April 2015	Energy	Bilateral Coop. Agreement	CDB	US\$3.5
April 2015	Infrastructure	Soy processing industrial line	CDB	US\$1.2
May 2015	Energy	Bilateral Coop. Agreement	China Exim Bank	US\$3.2
May 2015	Energy	Bilateral Coop. Agreement	CDB	US\$1.5
May 2015	Others (export)	Sale of E-195 aircraft	China Exim Bank	US\$1.3

Figure 2- Chinese Finance to Brazil by Sector¹³

At this point, sectors of the Brazilian society, such as academics and diplomats, have observed such cooperation initiatives on Brazil's part with precaution. In this sense, Brazil has also applied the strategic hedging pattern of behavior, neither wanting to fully comply with China's indirect military presence in the region, provoke any political confrontation with the United States, nor with China itself, due to the significant political and economic loss it would cause. From this perspective, Japan has been a relevant partner in engaging with Brazilian interests. The pragmatic behavior adopted by Brazilian decision makers has to do with political choices more than ever. In other words, it is quite impossible not to benefit from opportunities given by China's economic and military expansion beyond Asia, as well as impossible to ignore Japanese-Brazilian long technical cooperation history.

¹⁰ According to Horta (2007:3) from the year 2003 through 2007, Minister of National Defense of Brazil, Francisco Roberto de Albuquerque, and the Chief of the Defense Forces made visits to China to cope with the increase defense cooperation.

¹¹ See Horta (2015:14)

¹² Explanation given by Professor Albuquerque (2013:86-87) in which the political dimensions of the strategic partnership is often neglected, but it is possible to identify them in discourses of both countries' leaders.

¹³ Source: Gallagher, Kevin P. and Margaret Myers (2014) "China-Latin America Finance Database," Washington: Inter-American Dialogue: http://www.thedialogue.org/map_list/. Accessed on 2016/06/10

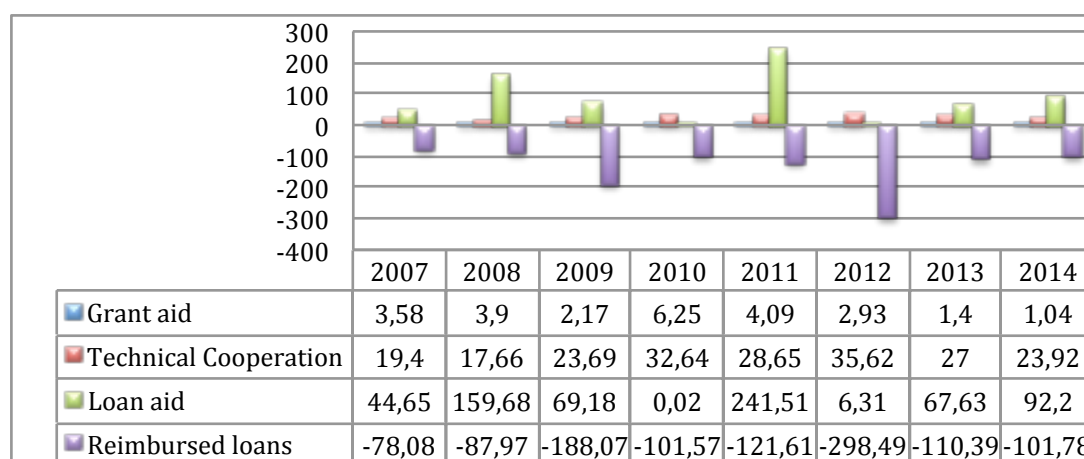


Figure 3 - Japanese ODA Amounts to Brazil (US\$ Million)¹⁴

In this sense, Goh (as cited in Hoo, 2016) describes strategic hedging as a mix of strategies proposed to maintain a strategic distance from a circumstance where states cannot settle on more clear options, such as balancing, impartiality or bandwagoning. Accordingly, it suggests a vital middle-position that abstains from favoring one side. Thus, Brazil seems to be working based on an indirect balancing between the two, China and Japan. The primary role played by the Chinese central government in supporting Brazil with financial cooperation in the sectors of infrastructure, oil, agriculture and energy appears to be part of a strategy of increasing security and defense in the region. In this sense, China has been able to secure resources for its development, and on the other, Brazil has increased its production infrastructure and products exports. However, critics are still skeptical about the adverse impacts on Brazil's future international political and economic insertion and development, should it remain considerably tied to China's leadership among emerging economies.

By utilizing Fiori (2009) explanations to analyze such facts through the world systems Theory, it can be said that in view of the strategies adopted by China, along with the compliance demonstrated by Brazil in promoting joint alliances allegedly in the cause of developing nations (South-South), both countries are dissatisfied and willing to increase power and wealth, for countries generally aim at improving their position in the international system, not leading however, to more a symmetrical market relations. This can also explain why Brazil has believed China to be an important partner in the search for resources for its national development. On the other hand, Japan is also present in the strategic agenda of Brazil. The strategic hedging behavior of the latter can be seen in the partnership conduct with Japan through a long history of technical cooperation and investments. Compared to the Japanese side, bilateral ODA cooperation has shown that Japanese projects in Brazil have collaborated on issues involving for human security and areas such as sanitation, disaster prevention and environmental protection. The figure 3 above indicates loans that were reimbursed (negative values mean repayment of loans), prevailing grants and technical cooperation. Japan, like China, has now prioritized investments and the public sector has played an active role for this purpose. Moreover, through technical cooperation schemes, Brazil and Japan designed a joint cooperation mechanism to be applied in

¹⁴ Ministry of Foreign Affairs of Japan – MOFA. ODA by country (Data compilation) retrieved on 2016/10/20 from: <http://www.mofa.go.jp/policy/oda/index.html>

other developing countries, through the South-South cooperation model (strategic hedging behavior or balance with China).

China or Japan positing a discourse of attaining human development and expansion of presence in international affairs in other regions such as Latin America is something that we can perceive from the presented literature. In the case of Brazil, it has collaborated with China and Japan to exchange material resources and technology; at the same time, political decision-making in terms of asymmetry in its foreign policy agenda has become of increasing concern to Brazil. Cornetet (2014:25) argues that from the year 2013, factors linked to internal instability, such as the dramatic decrease of GDP growth from 3% to -3.8, and lack of a more dynamic foreign policy agenda to protect the country's development interests, reduced Brazil's negotiations capacity internationally, and during the same period, the effects of the world crisis led Brazil to continue to rely on Asia as a channel to support its economy, albeit without considerable success in comparative terms. This also confirms that China once again was preferred as a partner to invest in Brazil, aiming at immediate economic returns. Japan was, in this sense, deliberately not receiving proper attention, probably also due to party ideological reasons on Brazil's side, although some small degree of cooperation was still present. Oliveira (as cited in Suyama, 2016:41) also confirms that the descending trend in Brazil's GDP during Rousseff's government, was due to commodity prices decrease allied to international financial crisis effect. In this sense the weakening of economic growth is partly attributed to the slowdown in Chinese demands. The situation became worse by the growing public disapproval level of the President reflected by the protests in 2013.

Conclusion

After presenting the main key factors involving Brazil-China-Japan in the previous sections, it is possible to notice that Brazil appears to be seeking to secure defense interests and material resources by partnering with both countries. In the first two categories, security and power/influence, Brazil is apparently applying the concept of bandwagoning by affirming its political interests in partnering with China, either in the pursuance of a reshaped global governance that includes the interests of the South, attraction of investments, or because of its ambitions to increase trade in defense apparatus.

However, Brazil has also presented a behavior that could be categorized as strategic hedging in its recent commitments with Japan, including the recent interest in defense cooperation (seen as a high priority for a country's political agenda). Therefore, according to the data presented, Brazil has accepted cooperation on military and defense matters with both countries, although with a certain degree of caution. It is, still, complex to define whom Brazil is strategically hedging against. I believe domestic actors in Brazil appear not to be entirely convinced of China's intentions when it comes to power expansion in Latin America due to its relatively new presence, nor does Brazil want to provoke any future misunderstandings with its traditional partner, the United States. Japan is in this sense an interesting strategic country Brazil can rely on, and has done so.

As also presented, both Japan and China's interests in Brazil are clearly related to wealth and economic self-interest due to the latter's regional power influence and

abundant natural resources. Moreover, in the case of China's objectives, it appears to be fully and pragmatically committed to it. Japan, on the other hand, as an older partner seeking to renew its role internationally to a more active one, seems to feel some degree of obligation and duty because of Japanese descendants in Brazil, which also relates to the provision of humanitarian projects to the country (allegedly also aimed at transferring knowledge through the trilateral cooperation). In this category, Brazil sees no objection at a time when it has sought to generate resources for development through more technological exchanges, investments, and markets for its national products. Thus, Brazil as a member of the BRICS group, has to find a way in order to secure its development growth path as an emergent-middle power country, which in other words has to do with dealing with domestic political and structural challenges in the medium-term (Gu et al, 2016:6).

Moreover, it confirms that there should be a permanent channel for accountability and democratic participation in the definition of the foreign policy agenda of the country. In this case, it would help to provide a better balance between choices of how to conduct such partnerships with China and Japan, or possibly generate a lesser asymmetry. The analysis through World-Systems Theory also found that both China's Strategic Partnership and Japan new Global Partnership have clear objectives: the expansion of wealth/ economic self-interests and security. Although Brazil is currently in a political, economic and institutional crisis, information from official sources indicates that Brazil seems to be interested in developing not only further economic ties (investments and export), but also defensive ones.

Brazil's government appears to have made the right choice in allocating its preferences of partnership to Asia. However, it is important that the country clearly defines a national development plan with more involvement from civil society, be active and dynamic in defending its national interests, paying attention as well to international demands. In prioritizing one side to the detriment of another, has shown that it will lead the government to poor decisions, lack of alternatives and further losses that affect the whole country. It is also important to summarize that Brazil's decision-making process has been to a certain extent influenced by the coalition government allied to the Worker's Party ideological interests, not properly taking into consideration how to conduct the partnership involving emerging economies such as China, and thus defend Brazil's interests.

As the analysis demonstrated, Brazil should seek its interests in a more propositional manner, so that to fill the gaps between the growing Chinese political and economic cooperation and obtainment of real political and economic mutual benefits. Both Asian economies are relevant and complementary to Brazil interests; therefore, the asymmetry here presented, has more to do with the fact that it generated implications due to lack of clear policies from Brazil as a middle-power, specifically to regulate the strategic partnership and development cooperation with both powerful countries such as China and Japan; thus it does not relate the traditional concept of asymmetry involving donor/recipient countries of development cooperation.

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***The Geopolitics of Dam Construction and Operation along the Mekong River:
Implications for Food Security in the Region***

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Abstract

Rivers cater to the needs of the people, especially in terms of food, agriculture and energy. Rivers are important to human survival because they can provide food, irrigation, and energy source. However, these benefits to humans are threatened by dam constructions and operations along the rivers. While recognizing the importance of hydropower technology as an alternative source of energy, however, food security is challenged. In order to analyze how dam construction and operation can affect food security, a case study of the Mekong River will be done. The Mekong River is selected as the case to be studied because there are geopolitical implications as well as far as this region is concerned. One action from a state within the river can affect other states sharing boundaries along the river. In this paper, the author will attempt to discuss the development of dams in the river, its implications for food security in the region, and how geopolitics play a role in the issue. This paper argues that due to the geography of the Mekong River, the construction and operation of one state of its dams in the river will have serious repercussions on food security of other states along the Mekong River.

Keywords: Geopolitics, Food Security, Mekong River

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Introduction

Rivers are a source of life. They cater to the needs of people, especially in terms of food and agriculture. In terms of food, rivers are important because they can provide people a staple source of protein through fish consumption, as argued by Orr et al (2012). In terms of agriculture, rivers can provide irrigation support to farmers. Irrigation is needed in order for farmlands to properly cultivate their food (Kirby et al., 2010). Given these uses, rivers are important in order to secure food that people need.

However, the promise of food security is challenged with the utilization of rivers as a possible source of energy through hydropower. Studies have concluded that due to the production of dams as a source of hydropower, it affected the production of fish within these rivers (Baran and Myschowoda, 2009; Kirby et al., 2010; Biba, 2012). Another study also concluded that the construction and operation of dams also affected farmlands due to the possible flooding that can occur in order to maintain dams for hydropower, which can negatively affect the nutrients in the soil due to sediments (Biba, 2012).

Given that there are issues as far as the construction and operation of dams are concerned, this paper will look into the case of the Mekong River. The Mekong River was identified as this paper's case study because the river crosses several states, from China up to Vietnam. There would be geopolitical implications in the region due to the role that geography played in the sense that there are many states sharing the bounty of the Mekong River.

In this paper, the author will attempt to discuss the development of dams in the river and its implications to food security in the region. This paper will also try to uncover the geopolitical issue of dam construction and operation in the Mekong River. This paper argues that due to the geography of the Mekong River, the construction and operation of one state of its dams in the river will have a serious repercussion to the food security of other states within the borders of the Mekong River.

This paper utilized qualitative content analysis of existing scholarly texts as the paper's methodology in order to find out knowledge on this particular topic. The limitations of this paper are as follows: 1.) it is a descriptive study of the topic at hand, and 2.) the study did not focus on the regional governance aspect of the Mekong River.

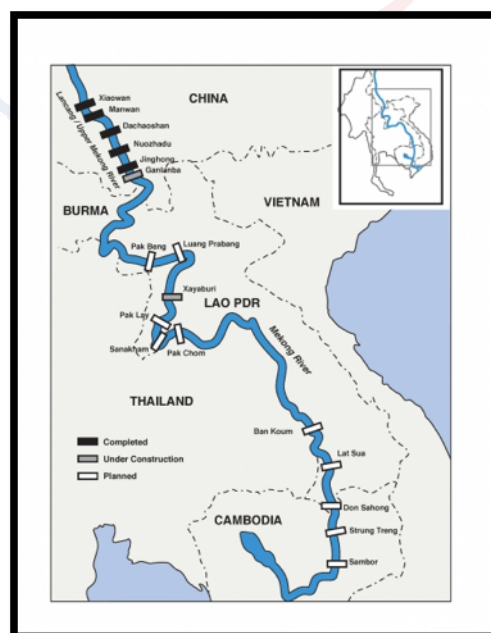
Mekong River: Geographical Description and Dam Construction

Mekong River is the largest river in Southeast Asia, and eighth largest river in the world (Haefner, 2013). He discusses further that the river flows into six countries, namely, Thailand, Myanmar, Laos, Cambodia, Vietnam, and China. He likewise stated that the Mekong River is an important strategic place which serves as the "center for food, accommodation, and employment" (Haefner, 2013, p. 28). Other scholars such as Kirby et al. (2010) also discussed that the Mekong River has a rich aquatic biodiversity, and is used by the six states for farming, fishing, and grazing, for people's livelihood. To illustrate the location of the states surrounding the Mekong River, a map of the region is provided below:

Figure 1. Map of the States surrounding the Mekong River

Source: <http://mekong-delta.org/map/>

While the Mekong River is recognized as a source of biodiversity and livelihood in the region, dam construction and operation in the region have already begun during the 1980s, when China built its first-ever hydropower dam in the river (Biba, 2012). Currently, China has five existing dam operations, and more dams are already under construction (International Rivers, 2013). A map of the planned and constructed dams along the Mekong River is provided below:

Figure 2. Planned and Constructed Dams along the Mekong River

Source: <https://www.internationalrivers.org/resources/the-lower-mekong-dams-factsheet-text-7908>

Aside from the existing dams in the upper part of the Mekong River there has been reports of dam construction in the lower part of the Mekong River such as the Xayaburi Dam. The Xayaburi Dam is currently being built in Laos, and developed by Thailand's CH Company (Goichot, 2015). The problem with the construction of the Xayaburi Dam was, while there is an agreement signed by Cambodia, Laos, Vietnam and Thailand in 1995, the Laotian government continued the project even though they have no permission from the other member-states of the Mekong River Commission to proceed with its dam construction project (International Rivers, 2013). Since the ongoing construction of the Xayaburi Dam, other dams have also been planned in Laos and Cambodia (Nijhuis, 2015). This will bring the total number of planned dam projects in the lower part of the Mekong River to eleven dams (Nijhuis, 2015).

Dam Construction and Operation as a Geopolitical Issue

Given the limitations set by the respective states' physical feature, one action done by one state within a feature shared by many other states made this particular concern in the Mekong River as a geopolitical issue. To illustrate this particular concern, this paper will briefly mention the case of Nile River. In their article, Ritterspach Thulin and Allegrini (2012) discussed how the actions committed by the upper riparian states in the Nile River, such as hydropower, negatively affect the lower riparian states, such as Egypt, especially with its agriculture industry. The authors in the article further discussed that this particular concern also threatened Egypt as upper riparian states also affect Egypt's water security.

The case of the Nile River is an example how its physical geography contributes to the geopolitical issues in that area. As regards the issue of the Mekong River dam construction, Cosslett and Cosslett (2014) discussed that the creation of dams in the Mekong River is usually one sided, especially China, where its creation of dams do not consider the vulnerability of other states. The authors perceived that the unilateral construction of China of its dams within the Mekong River is a threat to water security of lower riparian states, especially water quality and biodiversity. This has been the concern experienced by Vietnam, Laos and Thailand, where their low record of water supply can be attributed to the actions done by China (Cosslett and Cosslett, 2014). Aside from less water volume, the control of dams can also be used as a leverage for geopolitical relations against other countries sharing resources along the banks of the Mekong River (Biba, 2012).

Given that the trend observed was that states do not consider the implications of their decisions for other states, and that is the reason why that some argued for the importance of a multilateral approach is needed in order to resolve the problems in the Mekong River (Campbell, 2009). In the case of the Mekong River, Campbell (2009) pointed out that dam constructions and operations are in the upper part of the river, and fisheries are found at the lower part. In his book chapter, it was discussed that the effects of dam building are not only limited to national concerns, but also to other state sharing the same resource (Campbell, 2009).

Dam Construction and Operation and its Implications for Food Security

Given that the construction and operation of dams have implications for the geopolitics in the region, scholars have also pointed out that the geopolitics of the

states sharing the bounty of the Mekong River can affect the food security of the region. This paper, as stated earlier, will highlight how food security is affected by dam construction and operation activities in the Mekong River. One issue that this paper will look into is the impact of dam constructions on fisheries. Another issue is the impact of dam constructions on agriculture. And the last issue is the impact of dam construction on land use by different states. All of these concerns affect the promotion of food security within the region.

Impact on Fisheries

In their article, Baran and Myschowoda (2009) pointed out that due to dam constructions, fish production and cultivation is affected. They discussed that fish production is affected because the construction of dams physically blocks the pathways that fishes use. These pathways serve as routes for fishes in order for them to fulfill their life cycle (Baran and Myschowoda, 2009). Aside from passage blocking, dams also affect flooding and sediment formation which are factors that should be considered for fishes to reproduce (Baran and Myschowoda, 2009).

Some scholars support the assessment made by Baran and Myschowoda (2009). In one article cited by this paper, Biba (2012) discussed that there are implications regarding the construction and operation of hydropower dams in the region. First is that it can affect water supply at the downstream level of the river, and second is that the alteration of flow regime can negatively affect fish production, as seen in the case of Cambodia (Biba, 2012). Kirby et al. (2010) discussed in their article that the issue with the construction and operation of dams is that the dams can change of flow of water, which can affect the ecology of the Mekong River. The authors further discussed that aside from the Mekong River's ecology, dam construction and operation also affect the quality of water consumed by people in the area (Kirby et al., 2010).

Impact on Agriculture

In terms of agriculture, how the construction and operation of dams along the Mekong River affect the quality of water, and soil available for food production in the region? Due to dam construction and operation in the Mekong River, dams can affect the nutrients of land needed in order for it sustain the agricultural products farmed for food consumption (Biba, 2012). To specifically discuss how dam construction and operation affect agriculture, the articles of Biba (2012) and Baran and Myschowoda (2009) will be discussed in order to highlight the effects of dam building to agriculture.

In her article, Biba (2012) discussed that the formation of dams can affect natural flooding that provides nutrition for farmlands. Due to these dams, water sources that naturally reach the lands carry nutrients needed for agriculture, but this has been stopped since these dams block the natural pathway of water (Biba, 2012). Aside from the blockade of nutrients needed for agricultural production, Baran and Myschowoda (2009) highlighted that due to the operation of dams, it increases the formation of sediments. The formation of sediments negatively affects agriculture because sediments can make land resources suitable for farming less fertile (Baran and Myschowoda, 2009).

Impact on Land Use

In order to mitigate the effects of dams in the Mekong River, states have come up with their respective policies that will help them alleviate the negative effects caused by dam construction and operation, thereby affecting one state's land use.

In their article, Orr et al. (2012) discussed that due to the dam construction and operation, there is a trend that within Mekong River, states are losing varieties of fish which can serve as source of protein for the body. In order for people to utilize the nutrition that they need, they can get protein from other sources, but the cost varies, which in turn, affect their food security (Orr et al., 2012). One example where people can get their protein is through agricultural products. Orr et al. (2012) discussed that in order to replace the lost protein sources from fishes, forests are converted into farmlands in order to produce the deficit in nutrition. However, the catch is that while it is a viable alternative to fisheries, the production of alternative food sources is more expensive (Orr et al., 2012). Instead of directly getting their food supply in the river, states who utilized rivers for hydropower energy have to allocate land and water supply for the production of alternative food products needed for nutrition (Orr et al., 2012).

The book chapter of Campbell also highlighted an example on how land use served as an alternative for state to ensure food security. Campbell (2009) noted that there are alterations to the flows of water due to dam construction and operation, which in turn, have ecological and sociological impacts. He cited the cases of Vietnam and Cambodia, where the creation of flood control infrastructure exacerbated flooding in those states, and he also noted that due to dam construction, the infrastructure negatively affect water quality in those states (Campbell, 2009). In order to provide alternatives to people, Campbell (2009) stated that the states he mentioned are converting their forests into farmlands, in order to meet the demand for food. While it provides an alternative source of food for people's food security, the conversion process creates sediments which negatively affect the quality of water of the river (Campbell, 2009).

Conclusion

The issue of dam construction and operation along the Mekong River is a serious matter that needs attention from the states sharing the bounty from the river. As discussed by articles cited in this paper, the issue of dam construction and operation is a geopolitical issue because the development of these dams do not affect only the state creating them, but also other states sharing the bounty of the river amongst themselves.

As much as these states do not want to be adversely affected by the actions committed by other states, however, the geography of these states have already been determined. States along the Mekong River should reconsider the production of an alternative power supply through hydropower, since the price is great. The price of the construction and operation of dams that will provide the power will have implications for the food security of these states that share common resources in the river.

As discussed earlier in the paper, food security is affected by the construction and operation of the dams along the Mekong River. The construction and operation of these dams can affect the yield of fish and agriculture in their respective states.

States along the Mekong River should consider the repercussions that can occur to the fisheries industry once the dams are constructed and can now be utilized for hydropower purposes. The researches cited in this paper discussed the idea that there are negative impacts on fisheries and agriculture to the countries located along the Mekong River.

In order to counter the depleting effects of the construction and operations of dams along the Mekong River, several states have reconfigured their land use from forest lands to agricultural lands. This will help the states to be able to produce the proteins that the people need for consumption.

While there are attempts to improve the state of food security in the region, since the construction of dams along the Mekong River, however, scholars have noted that this is a counter-productive program because it can negatively affect the prices because the input is higher than by just cultivating fish along the river.

To wrap up the discussion of this paper, it argues that that the issue of food security among the states along the Mekong River Given are geopolitical in nature. One action of any state along the river can affect the state of food security among other states along the Mekong River. It is only imperative for all states sharing their water resources along the Mekong River to consider the actions that they conduct, in order for them not to affect negatively the conditions of other states sharing the same resource. States should consider the repercussions of their respective construction projects to the state of food security along the Mekong Region.

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Victory in Cyberspace

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Abstract

A review of state-initiated and state-sponsored incidents in cyberspace over the past decade reveals that over two thirds of these involved actors within the Asia-Pacific, often occurring in the context of politico-economic disputes. These activities, ranging from attempts at espionage to coercion, in all appearance appears to confirm the domain's increasing strategic value. But upon closer inspection, only half of these have resulted in meeting their political objectives. Moreover, these have involved notable regional powers employing relatively unsophisticated tools and tactics in cyberspace. This challenges the prevailing notion that cyberspace provides an asymmetric advantage for middling and/or weak powers due to its low cost of entry and the increasing technological dependence of targets. With growing tensions in the Asia-Pacific, the need to better understand the strategic utilization of this domain is paramount. In so doing, this paper argues that coercive success in cyberspace is not determined solely by an aggressor's technological prowess but depends crucially on appropriate force employment and an understanding of the domain's unique geography. Through the analysis of the Stuxnet operation, the paper demonstrates that careful consideration of these factors may better account for the success or failure of coercion in the domain.

Keywords: Cyberspace, Strategy, Coercion

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Cyberspace and Failed Promises

The appearance of state-initiated or state-sponsored cases of cyber operations in conjunction with disputes in the physical domain has become commonplace over the past decade. As heralded by Arquilla and Ronfeldt's prescient article back in 1994, the perceived strategic utility of cyberspace has encouraged state actors to employ it as a coercive tool aimed at shifting an adversary's behavior in their favor (Arquilla & Ronfeldt, 1993). Prominent cases such as the Estonian Distributed Denial-of-Service (DDoS) in 2007 and the discovery of Stuxnet aimed at Iranian nuclear centrifuges in 2010 have buoyed initial claims of the advantages provided by operations in cyberspace. Moreover, these cases support the prevailing notion of a "cyber revolution" that will (or has) changed how states pursue their foreign policy objectives.

On the one hand, while cyber operations are indeed on the rise, they have proven to be far less effective than originally conceived. For instance, coercive cyber operations have succeeded less than three-percent (3%) of the time (Valeriano & Maness, 2014). Furthermore, despite increased dependence on cyberspace in support of political, economic, and military objectives, advanced cyber operations that could pose a threat to these have failed to inflict lasting damage capable of altering the balance of power. The paradox that exists between the dominant "cyber revolution" thesis and that of the empirical evidence calls for further investigation of the causal dynamics that lead to the successful use of coercive cyber operations.

While several factors exist that influence the outcome of coercion (Pape, 1996; Schelling, 2008), this paper narrows its focus on the unique characteristics of cyberspace and on variations of actor perceptions towards the domain and how it contributes to success or failure of coercion. This view stands in contrast with the propositions of an on-going "cyber revolution" that espouse a monolithic and uniform view of the domain. To demonstrate the feasibility of this alternative account, a representative case is selected and analyzed using the proposed framework. The objective of which is not to discredit previous arguments that support the predominant view, but rather, to offer a theoretically grounded argument to account for events in this domain.

In so doing the paper proceeds as follows. The succeeding section offers a brief overview of the concept of coercion as it applies to the traditional domains of air, sea, and land. This sets the tone of the next which presents how the "cyber revolution" thesis fits with the unique geography of cyberspace. Furthermore, this section walks the reader through the logic of coercion in cyberspace rooted in prevailing framework. After which, the paper presents an alternative account centered on perceptible differences with regards to the importance of cyberspace as a key factor for the success of coercive operations. It is in this section that the paper's primary arguments are presented. Following this, the methodology used is presented that allows for the case in the following section to be analyzed using both the "cyber revolution" thesis

and the alternative proposed herein. Finally, the paper concludes with a discussion of the initial results and the possible direction that later inquiries may take.

Coercion: A Recap

The use of coercive operation to attain the strategic interests of a state has a long, and perhaps dubious, history that stretches far back in history and well into the modern era. Commonly seen as the “power to hurt”, coercion is the use or threat of force aimed at changing an adversary’s behavior (Schelling, 2008). Crucial in the exercise of such is the ability to force an adversary to re-assess the cost of non-compliance versus the benefits of yielding to coercive demands.

Although the exact terminologies concerning coercion is still open to debate, these activities are classified into two general categories depending on the point in time when they are exercised: deterrence or compellence. Deterrence is enacted prior to an adversary engaging in an action that is viewed as unfavorable by the coercer. As such, deterrence attempts to prevent a change in the status-quo by threatening costs should an adversary deviate from their current behavior. In some sense, this may present deterrence as less costly and easier to attain as an adversary has little to no sunk costs involved and is primarily concerned with costs emerging from non-compliance and the loss of future benefits. In contrast, compellence aims to alter the current behavior of an adversary and is reactive rather than preventive. Unlike deterrence, changing an on-going behavior is thought to incur more costs as an adversary would not only have to worry about foregoing future benefits but also the resources that have been employed to reach this point. Furthermore, the potential cost of non-compliance needs to be assessed as well. Consequently, compellence is thought to be more difficult than deterrence (Schaub, 2004; Schelling, 2008).

Apart from timing, coercion is also differentiated based on its intended recipient(s) and may manifest as denial or punishment strategies (Pape, 1996). The former refers to inflicting or threatening costs to prevent an adversary from attaining their political or strategic objectives. This entails targeting assets or infrastructure critical to these objectives. In contrast, punishment strategies aim to increase the cost and/or risk to the civilian population by targeting them directly in the hopes of putting pressure on the government at the time. The former is exemplified by the targeted bombing of German industries during World War II while the latter is typified by the fire-bombing of Japanese cities during the same period.

Even though coercion is usually exercised in the physical domain, similar actions have taken place in cyberspace over the past decade. Yet regardless of its man-made nature, coercion through this virtual domain operates with the same premises albeit adapted to the domain’s unique characteristics. The succeeding section furthers this argument and links the unique geography of this domain to the prevailing “cyber revolution” thesis that predicts coercive success.

Geography, Interdependence, and Coercion

In lieu of the abstracted nature through which most interact with cyberspace, it is reasonable that most treat the domain as a monolithic and featureless space. While this may have arisen from the need to provide an abstraction to enable its efficient use, this is not the actual case (Hansen & Nissenbaum, 2009). While a consensus on the true nature of cyberspace remains elusive, the components that form the unique geography of the domain may be divided into three (3) primary layers: Physical, Syntactic, and Semantic (see Figure 1) (Libicki, 2010).

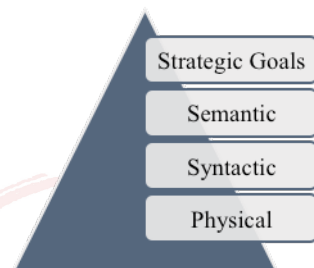


Figure 1 Layers of Cyberspace

The Physical layer refers to the underlying infrastructure that support the generation, transmission, and storage of electro-magnetic signals (e.g. servers, cables, computers, etc.). In contrast, the Syntactic layer is comprised of codes and protocols that allow for the proper construction, manipulation, and transportation data. Despite the popular notion that cyberspace exists independently of the physical domain, it is only at this layer that such a notion is validated. Finally, the Semantic layer allows for the transformation of the data into meaningful information that may be used to support human endeavors (e.g. retail, communication, etc.) (Libicki, 2010). The conversion of electro-magnetic signals into data that is then interpreted into useful information forms the construct that is cyberspace and is thought to be increasingly significant to not only individuals but states as well in support of their strategic interests. As observed by Starr, cyberspace is increasingly becoming an enabler for instruments of national power (Starr, 2009). It is through this logic of interdependency that the coercive potential of cyberspace begins to take shape.

Despite efforts to secure this domain from threats against its confidentiality, integrity, and availability it is thought to be continually at risk. Compounding this challenge is its underlying complexity that demands specialized knowledge to manage and has cultivated an image that portrays cyberspace as being both vulnerable and unknowable with the potential of inadvertent disaster (Hansen & Nissenbaum, 2009). The perceived vulnerability stems from the interdependent and interconnected operation of its underlying components that increases the possibility of flaws to be introduced into the design process. Furthermore, its complexity presents further constraints in addressing these vulnerabilities to the extent that completely mitigating these is highly unlikely. This inability to identify and remedy each and every issue introduces a sense of inevitability such that should an adversary be able to identify an overlooked vulnerability, the domain itself is open to compromise (Dunn-Cavelty, 2013).

These factors that may result in disaster are enablers of the “cyber revolution” thesis. As states increasingly become dependent on cyberspace for their strategic interests, its vulnerable and unknowable nature may lead to an inevitable compromise that allows an aggressor to threaten or inflict costs, possibly threatening strategic interests (Dunn-Cavelty, 2013; Gandhi et al., 2011). Furthermore, the coercive potential of cyber operations is enhanced by the offensive advantage that is thought to exist within cyberspace (Saltzman, 2013).

Plainly stated, an offensive advantage signals a shift in favor of offensive actions relative to defensive ones. Such imbalances have often followed the emergence of new military technologies that provide aggressors a key advantage over defenders. In cyberspace, this advantage is manifested in both the mobility and damage potential of cyber operations because of the interdependence that exists between the different layers of the domain and between cyberspace and a state’s strategic interests. Mobility refers to the ability of an operation to impact the different layers of the domain. The effects of an operation against the Syntactic layer, for instance, can percolate up to the Semantic layer which ultimately influences strategic capabilities (Saltzman, 2013). Similarly, the damage potential of cyber operations follows a similar logic. Damage inflicted at the lower levels can rise to higher levels and increases in severity as it rises (see Figure 2). To provide an example of this process, consider the case of State A and State B.

If State A is heavily dependent on its economic prowess to further its interests, and given that its economy is supported by a digitized banking system, then attempts to coerce State A may involve threats against its economic infrastructure. To this end, State B can launch an operations that manipulate or delete information stored in its servers thus targeting the Syntactic layer. The loss of information limits its ability to conduct financial transactions at the Semantic layer. If the situation is not rectified and persists, this economic disruption may translate into long term consequences that may affect State A’s strategic interests – to the benefit of State B.



Figure 2 Coercive Potential

The example presented above surfaces the key propositions that support the success of coercive cyber operations based on the logic established by “cyber revolution” thesis. First, *the likelihood of coercive success increases if cyber operations exhibit a high degree of mobility*. Second, *the likelihood of coercive success increases if cyber operations are capable of inflicting significant damage*.

Unfortunately, this logic of threatening or inflicting costs against an adversary’s strategic interests through cyberspace has not borne much success despite the exercise

of advanced capabilities that meet the above requirements. Estonia in 2007, for instance, is highly dependent on cyberspace to support its economic and political interests experienced an operation aimed at these components that lasted for over two (2) weeks. Despite a lack of precedence, the massive DDoS attack did not lead to any behavioral changes on the part of the target. Similarly, the operation against Iran's nuclear centrifuges that saw the first case of a "weaponized" malware only led them to harden their resolve and develop their own cyber capabilities in turn (Healey, 2016). Interestingly, cases with outcomes diverged from the above predictions challenge the assumptions grounded on the "cyber revolution" thesis. Thusly, the empirical evidence calls into question the suitability of the preexisting theory as it stands and encourages an alternative account for the success of coercive cyber operations.

Vulnerability and Perspective

While the empirical evidence does indeed indicate increased dependence on cyberspace in conjunction with the continued presence of exploitable vulnerabilities, the limitations of existing explanations for coercive success rests on a generic perception of the domain. While the mechanism described by the "cyber revolution" thesis is logically sound, its assumption that cyberspace is valued uniformly across states is unfounded. In the context of coercion, understanding the value placed on certain assets relative to their strategic importance is crucial for success. As noted by Pape, the successful application of coercive threats or action rests on the ability to discern the vulnerabilities of a target such that its execution hinders an adversary's ability to meet its political and/or military objectives (Pape, 1996). This suggests that an aggressor must have knowledge of how an adversary values certain assets in its possession.

With respect to cyberspace, little has been said with respect to variations in the perception of the domain. These differences, however, are apparent in definitions of cyberspace across states. Russia, for instance, views it as the "*area of activity related to the formation, creation, transformation, transmission, use and storage of the information affecting...the individual and social consciousness...*" (NATO CCDCOE, 2016). In contrast, the United States treats it as "*a global domain within the information environment consisting of the interdependent networks of information technology infrastructures and resident data...*" (NATO CCDCOE, 2016). Although similarities exist between the two – notably the emphasis on technology – a key difference lies in the fact that the former endows it with a degree of social significance. Variations such as these suggest not only differing views as to the nature of the domain, but possibly an incompatible valuation of the domain.

To account for the emergence of these differences, Hare initially applied Buzan's model to map state characteristics against possible threats to cyberspace. Initially, the model takes into consideration (military) power (P) and socio-political cohesion (SPC) as key determinants. Hare argues that states with high levels of SPC are generally affected by cyber operations aimed at the Syntactic and Semantic layers –

with an emphasis on the former. This is due to the dependence of such states on cyberspace for economic stability and communication. In contrast, those with low levels of SPC, are consistently vulnerable to de-stabilizing political actions which are associated primarily with the Semantic layer and the manipulation of information. The role of power in these cases is to broaden or narrow the range of vulnerabilities expected to include those that may not directly impact the interest of the state (i.e. private individuals) (Hare, 2010).

Socio-Political Cohesion	CSO	Vulnerability	Primary Affected Layer
High	Positive	Attacks against critical infrastructure	Syntactic
Low	Negative	Destabilizing political action	Semantic

Table 1 Objectives and Vulnerabilities

Hare's model is later simplified by Rivera who omits the dimension of power and relates state vulnerabilities to specific objectives with respect to cyberspace. In his paper, Rivera argues that states can be classified based on their respective Cyberspace Security Objectives or CSOs. These represent the goals of states in securing cyberspace to enable it to meet their strategic interests. States with Positive CSOs (P-CSO) conduct actions that treat cyberspace as a domain for liberal democratic values. Essentially, this entails ensuring availability of information and open discourse, enabling commerce through the domain, and combating crime. Inversely, those with Negative CSOs (N-CSO) engage in actions that limit that restrict the flow of information to ensure that the interests and stability of the regime is not threatened by activities in cyberspace. State initiatives such as censorship, policing social-media, and the like are representative of such (Rivera, 2015). With respect to both types, disrupting these objectives or threatening their successful implementation may negatively impact the strategic interests of states. Consequently, this meets the requirements of coercive success as previously mentioned.

The arguments presented in this section point to two critical differences with respect to the "cyber revolution" thesis in terms of successful coercive cyber operations. First, while states are indeed increasingly becoming more dependent on the domain, *the success of coercion rests on threatening the appropriate CSO of an adversary*. Second, while identifying the appropriate CSO is indeed crucial, each type is reliant on a specific layer of cyberspace. Consequently, *the success of coercion rests on operations that impact the significant layer of cyberspace relative to the CSO*.

With these propositions, two competing accounts for the outcome of coercion in cyberspace are surfaced. On the one hand, coercion may be achieved using advanced capabilities that exploit the unpredictable yet interdependent nature of cyberspace. On the other, success is a function of correctly acknowledging how the domain is valued by an adversary and exercising threats or force accordingly.

Design, Operationalization, Selection

Although support for the alternative account presented herein would be best served by generalizing its findings across all cases of coercion of cyberspace, the lack of data to allow for a large-n study continues to plague research in cyberspace. Consequently, the paper adopts a design based on a representative case to illustrate the applicability of the “cyber revolution” thesis and to demonstrate the ability of alternative explanations to better explain the outcome of coercive activity in cyberspace. At this point it is crucial to mention that the results presented are not definitive, but rather, serve to demonstrate the applicability of this line of reasoning. In so doing, the paper opens a new line of inquiry by offering a starting point for future scholars.

Apart from the overall design, the operationalization of the independent and dependent variables are equally significant. There is no generally accepted measure for either Mobility or Damage Potential. However, specific operation may manifest these characteristics. Advanced Persistent Threats (APT) due to their uniquely tailored capabilities, specific target set, and enduring nature exhibit high levels of both Mobility and Damage Potential. Consequently, coercive cyber operations that involve the use of APTs are treated as possessing these attributes. Identifying the CSO of an adversary, on the other hand, involves determining whether the SPC of the said actor is either high or low. High levels suggest a Positive CSO while low values are indicative of a Negative CSO. For these values, the paper employs Rivera’s dataset that identifies states with high or low levels of SPC based on the Freedom House Index (Rivera, 2015). Finally, the affected layer of cyberspace is identified based on the characteristics of their respective CSOs. As mentioned previously, P-CSOs focus primarily on the availability and flow of information. Consequently, this suggests that the most important layer would be that of the Syntactic layer. In contrast, N-CSOs depend on the manipulation or theft of information. While these may also involve the Syntactic layer, it is ultimately the management of the Semantic layer that permits the achievement of such. With respect to the dependent variable, the outcome of coercion, the paper refers to the Objective Success field present in the Dyadic Cyber Incident Dataset (DCID) that indicates whether the objective of the initiator (e.g. Disruption, Espionage, or Coercion) was met (Valeriano & Maness, 2014).

Having considered the overall design and variable operationalization, the remainder of the section is dedicated to the case selection strategy. As the paper focuses on state-to-state interactions in cyberspace, the following constraints are placed on selecting the appropriate case. First, only instances of state-based or state-endorsed operations are considered. Second, only instances where operations are targeted against state-owned and state-operated assets are considered. Operations that affect government and military systems are thus in scope while those involving private industries are excluded. Third, only compelling coercive cyber operations are considered. This restriction to compelling activity is in place as compellence is generally thought of as being more difficult. If the arguments of the prevailing explanation are valid, then the use of highly mobile and damaging operations should make such threats more credible. Finally, cases are selected such that they are representative of the “cyber

revolution” thesis. Should the prevailing argument suffice, there ought to be little that the proposed alternative may add to the analysis of the case.

Selection & Analysis

With respect to the requirements for mobility and damage potential, the case of Stuxnet in 2010 serves to be highly illustrative and in favor of the “cyber revolution” thesis. Stuxnet – dubbed as the first “weaponized” malware – employed six (6) different vulnerabilities, had the ability to jump the air gap, and could inflict physical damage. Its employment to disrupt Iran’s nuclear programme fits into the narrative of cyberspace as a threat to an adversary’s strategic interests. However, Stuxnet had done little to disrupt Iran’s nuclear ambitions. Later analysis revealed that while its unique feature-set endowed it with significant potential, the actual damage inflicted had not exceeded that of normal operational breakdown (De Falco, 2012; Iasiello, 2013; Lindsay, 2013).

While the post-incident analysis concluded that the overall physical damage caused by Stuxnet was minimal, it is unlikely that Iranian authorities would have concluded with absolute certainty that no other operation was presently threatening the remainder of its cyber infrastructure. Although details regarding the decision-making process at the time is unavailable, this argument is supported by subsequent actions of the regime. First, it is highly unlikely that Iranian authorities overestimated their own defensive capabilities as well as underestimated the capabilities of the suspected aggressors – later to be attributed to the United States and Israel. The fact that external expertise had been sought out to contain Stuxnet suggests limited capabilities on the part of the regime (De Falco, 2012). Furthermore, despite significant investment in the development of their own cyber capabilities (Ward, 2008), the need for external assistance hints at not only the complexity of this operation, but the vulnerability of their cyberspace at the time. Second, if the authorities had indeed felt the attack to be inconsequential, then what need would there have been for their aggressive pursuit of cyber capabilities post 2010? Moreover, why would there have been a need for a retaliatory operation if the damage itself was inconsequential?

The rationale above suggests that Iran, despite the outcome of Stuxnet, still viewed the operation as significant enough to cause a reassessment of its capabilities. However, not significant enough to alter its behavior with respect to its nuclear programme. If coercion aims to influence behavior by threatening costs, then it appears that the consequences of Stuxnet had not crossed a threshold. This casts doubt on the validity of the prevailing arguments calling for the use of highly mobile and damaging cyber operations. At the time, Stuxnet represented a revolutionary development in the capabilities of actors in this domain. One must inquire as to what activities that threaten cyberspace would have been significant enough to compel Iran to change its behavior. The key to answering this question rests on an understanding of how the Iranian regime perceives the domain. The nature of the Iranian regime makes it difficult to gain insight into the perceptions of key decision makers with

respect to cyberspace. Yet the few statements available, however, provide the necessary information to surface the regime's views with regards to cyberspace.

In March 2012, Ayatollah Ali Khamenei issued a call for the creation of a Supreme Council of Cyberspace noting that "*dramatic effects*" that the growing use of these technologies have had on the social dimension of human life (Khamenei, 2012). Moreover, General Behrouz Esbati of the Islamic Revolutionary Guard Corp notes in an interview in 2015 that cyberspace is composed of three layer: hardware, software, and "brainware". While the former two are self-explanatory, the later, he argues, refers to the "*establishment of goals in cyberspace, activity related to meaning and content, and types of analysis occurring in the cyber domain*" (Bucala & Pendelton, 2015). This definition allows the notion of "brainware" to be equated with that of the Semantic layer. Moreover, the general's views relative to his position suggests the importance of this component with respect to Iranian cyberspace.

The general later goes on to note that "*the creation and engineering of communications in the Internet can be turned into a threat; for example it is possible for you to Google something and for another individual to manage the meaning of the search results.*" This need to manage information cannot be attributed solely to the general as other elements of the Supreme Cyberspace Council are also required to exercise similar tasks (Bucala & Pendelton, 2015). Furthermore, this need to manipulate information suggests the presence of a Negative-CSO in effect within Iran. This is not entirely surprising given the level of Socio-Political Cohesion within Iran and the nature of the regime itself.

The arguments presented above, thusly, suggests the possibility that loss of control over information reflected by the Semantic layer challenges the objectives of the regime. With respect to the paper's arguments, this would suggest that in the case of Iran, coercion would most likely be more successful if aimed at hindering their ability to meet their N-CSO by launching operations aimed at the Semantic layer. This vulnerability is further suggested by events prior to Stuxnet. Specifically, this was reflected in the establishment of Internet censorship in response to political dissent in the early years of the 21st century and in the initiative to develop its own internal network that emerged after the 2009 Green/Twitter Revolution (Golkar, 2011; Rahimi, 2003). These examples support the argument that an understanding of the adversary's perception of cyberspace and its critical components may shed insight with respect to the nature of cyber operations required to achieve coercive success in the domain.

Building on the above argument, it is important to note predicating the success of coercion on an understanding of an adversary's vulnerability based on their objectives is not unique to this man-made domain. In his study of coercive air campaigns, Pape stresses the need to match coercive threats with an adversary's actions and objectives. Correct execution does not guarantee success if it does not introduce risk for the target. The example of Vietnam proves instructive in this case. Operations Rolling Thunder and Linebacker I and II were properly executed and maximized the full

technological potential of the US Airforce. However, the former failed to achieve its coercive goals as it was directed at assets of little value given the objectives of the adversary at the time. In contrast, the latter proved fruitful as it placed pressure on the adversary by threatening assets that it had deemed important at the time relative to its goals – conventional warfare directed at South Vietnam (Pape, 1996).

Conclusion

The adoption of cyber capabilities as one of the many instruments of national policy is well underway. More importantly, the increasing use of cyber operations as a coercive tool is manifesting itself in several long standing and emergent inter-state disputes. Unfortunately, the conceptualization of the dynamics of cyber coercion has yet to mature beyond speculations built on a sense of fear and dread that is encouraged by increasing societal dependencies on these technologies. While there may perhaps be some merit in the execution of coercive cyber operations that are fully able to exploit the interdependence between technology and strategic interests, the threat of systemic collapse, on its own, does not fully account for the success or failure of past cases. Interestingly, it appears that operations that are technologically simple and constrain the amount of damage they cause have proven to be the most fruitful.

This deviation from the expectations of the “cyber revolution” thesis calls for the need to further assess the strategic utility of coercive cyber operations. To this end, the paper has briefly presented an alternative account built on both the unique geography of cyberspace and varying perceptions of its importance. The paper has argued that careful consideration of these features is more likely to lead to coercive success rather than outright force that is manifested by highly mobile and damaging actions.

While the results presented herein are by no means definitive, it does raise the need to reassess events in cyberspace in a more theoretical light and emphasizes the necessity of evaluating the applicability of existing theories to study events in this domain. Despite its novelty, the study of cyberspace and its uses should not be built on hype over its characteristics, but rather, informed by empirical evidence framed through the lens of applicable theory.

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Ontological Security and the Limits of Realism

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Abstract

Ontological Security as an International Relations theory is not yet able to carry the same weight within the discipline as established theories, such as realism and neo-realism. This is due to the limited number of papers written which apply ontological security in comparison to mainstream theories. However, the theory is relevant in contemporary international relations scholarship and addresses some of the challenges which arise in existing mainstream theories. Ontological security in International Relations is focused on the idea that the identity of the state, which has been developed by routine behaviours throughout the state's history, should be secured to the same extent as physical security. This can be directly contrasted to realism which considers that it is only physical security which should be considered.

This paper is theoretical in nature. It seeks to review existing academic contributions with the aim of providing justification for the continued application of ontological security to contemporary challenges in international relations. The theory is especially adept at addressing challenges within interstate relations in the context of the Asia-Pacific region. The paper will begin with a discussion of realism, neo-realism and critiques of these theories. This will be followed by an exploration of ontological security and how it addresses some of the key challenges of pre-existing theories as well as noting potential criticisms that could be levelled against ontological security. The paper will then provide examples of how ontological security is applicable to Asia-Pacific international relations.

Keywords: ontological security, identity, International Relations, security, Asia-Pacific

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Introduction

The world is changing and as a consequence traditional International Relations (IR) theories are losing their relevance. The IR discipline has been dominated by Realism which focuses on physical security without adequate consideration of other forms of security (Wayman & Diehl, 1994), for example the security of identity. This focus has potential perverse outcomes, with Mitzen (2006) arguing that Realism, by suggesting that states ensure their own security regardless of the perceptions of others, is likely to create a world which is always at war (Mitzen, 2006). IR theory can be improved through the consideration of other forms of security, include the securing of identities as occurs in Ontological Security theory. Ontological Security is an emerging IR theory with the capacity to address the state-centric, physical security focus of Realism (Mitzen, 2006). Ontological Security addresses the importance of preserving a sense of self as much as physical safety (Mitzen, 2006). Ontological Security focuses on the maintenance and protection of the state identity which is created by a combination of the system of basic trust, routine and internal narratives (Steele, 2008). This paper provides a theoretical critique of Ontological Security and how it can respond to the limits of Realism. The paper begins with a critique of Realism as perceived within IR, followed by a critical review of Ontological Security. The paper will then suggest ways in which Ontological Security can address the limitations of Realism, and the theory of Ontological Security can be enhanced through the inclusion of issues of pride, shame, hope and dread. The final section of this paper will discuss how the theory is applicable to the study of the international affairs and security of the Asia-Pacific region.

Realism

Realism is the dominant theory in IR due to its focus on power and interest which are taken to be consistent across the centuries (Grieco, 1988; Walker & Morton, 2005). Realism focuses on the relations between states and the importance of ensuring physical security. The key concepts of Realism are (Dunne & Schmidt, 2014, pp.107-110):

- i) An anarchic system of international affairs organised by states for states
- ii) Decisions are made through a rational process that benefits the State
- iii) A focus on states as the key actors in IR
- iv) Prioritisation of physical security
- v) The reliance of a state on its self rather than others to ensure their own security.

Anarchic System

According to Realists there are no actors or influence within the international system which has more power or authority than the states (Wendt, 1992). As such, there is nothing that the international community can do to compel a state to act.

Rationality

Realism applies rationality to the state (Mearsheimer, 2009), claiming that states will act in a way which is commensurate with their interests. Influenced by the concepts of self-help and survival, the interests of a state are understood to be consistent through time (Grieco, 1988). Additionally, rationality implies that the state acts as a unitary actor in the creation and execution of decisions at the international level (Slaughter, 1995).

Statism

Statism is a state-centric theory (Gilpin, 1984) in which, for Realism, the only actor of interest is the state. The statist nature of Realism means that the theory is unable to consider any group within a state or individuals acting on the world stage (Ataman, 2003). As such, the state is both the smallest unit of measurement and primary actor in IR.

Survival

For Realist scholars, survival is assumed to be the primary motivation of states (Mearsheimer, 2009). Survival is focused on ensuring the territorial integrity of the state. The survival of the state as an independent sovereign state allows for freedom of action on both the domestic and international stages. This is the reason why the United States of America is currently perceived as the most powerful state in international relations. It has the greatest capability which in turn leads to having the most power. America's economic and military power ensures its survival and continued freedom of action.

Self-help

The final concept within Realism is self-help. Self-help is directly related to survival as it is the way in which survival is achieved. Realism suggests that states can only rely on themselves to ensure their survival (Waltz, 2000). While states may form alliances, each state will only act if they believe that the action is within their own interests (Snyder, 1984). Furthermore, self-help implies that the forces one uses to defend itself must come from its own citizens as espoused by Machiavelli who advised that military forces of the state should be comprised of its citizens rather than mercenaries (Machiavelli, 2007, p.95). The aim of states is self-preservation which is traditionally achieved through the development of military capabilities (Slaughter, 2011).

Neo-Realism

There are many variations of Realism with the major one being Neo-Realism. Neo-Realism has bearing on the current paper as it is the most dominant of the variations created to improve on Realism. This theory was designed to bring some scientific rigour to Realism (Korab-Karpowicz, 2013) with the theory containing many of the same elements as Classical Realism. Specifically, the international system is still considered to be anarchic in nature with a state-centric view with states still being described as unitary actors only being able to rely on themselves as they seek survival (Waltz, 2010). There are two major changes between Classical Realism and Neo-realism. Firstly, Neo-realism has extended the research agenda to include organised groups such as in interethnic conflict (Polansky, 2016), enabling Neo-realism to expand its influence beyond that of its classical counterpart. In these cases the groups under consideration are in specific circumstances considered to be "functionally indeterminable" from states (Polansky, 2016). The second point of divergence between the theories is that Neo-realism does not have the rationality requirements for states (Polansky, 2016). This means that there is a greater acceptance of state behaviours which are considered irrational by classical realists (Polansky, 2016). It has been noted that within the Neo-realist tradition there is no explicit theory of states (Ashley, 1984; Waltz, 1986).

Critiques of Realism

While Realism remains the dominant IR theory it is not without significant fault. The literature describes three major critiques of Realism (for example Mitzen, 2006; Morgan, 2013; Wayman & Diehl, 1994), each of these are described further below:

- i) It is too state-centric
- ii) It prioritises competition rather than cooperation
- iii) That it perceives states as rational unitary actors.

Being developed in a Western European post-Westphalian tradition (Zarakol, 2016), Realism primarily focuses on the nature of interactions between sovereign states (Dunne & Schmidt, 2014). However, the theory is unable to address contemporary developments in world affairs (Wayman & Diehl, 1994), including the rising influence of non-state organisations and individuals on world politics (Menashy, 2016). As a description of international affairs, the lack of consideration of the role of non-state actors suggests that there is less intellectual utility Realism today than in the past.

Realism considers competition to be the default mode of interaction between states (Dunne & Schmidt, 2014), whereas other theories do not share this focus on competition. Liberalism, for example, perceives cooperation to be the major mode of interaction (Morgan, 2013, pp.30-31) while Constructivism sees each state as making its own decision relating to how it will interact with the international system (Agius, 2013). Realism's focus on competition is likely to lead to security dilemmas due to increased anxieties within and between states (Jervis, 1978). Though competition between states does happen, there are many more cases in contemporary world affairs where states seek to cooperate with each other (Brewster, 2015; Fravel, 2005).

The third critique of Realism is the perceived requirement for the rationality of states. The theory itself has to create new explanations of non-rational state behaviour. An example of an alternate explanation is greedy states (Dunne & Schmidt, 2014) when states seek to accrue more power regardless of the impact on international affairs (Jervis, 1976; Mitzen, 2006). However in her discussions of greedy states, Mitzen (2006) notes that there are times when a greedy state may seek to appease their neighbours which Realist accounts are unable to consider.

These three critiques highlight the fact that Realism is unable to explain many of the challenges which emerge as part of contemporary IR. As Realism is unable to address these issues other theories need to be considered, such as Ontological Security.

Ontological Security

Ontological Security was introduced in 1960 within the discipline of psychology by Ronald Laing (Laing, 2010). The theory was further developed when adopted into the field of sociology through the work of Anthony Giddens, particularly in the 1991 book *Modernity and Self-Identity* (Giddens, 1991). In these two disciplines, Ontological Security was solely focused on the individual. Through early works by Huysmans (1998), Kinnvall (2004), Mitzen (2006) and others the theory was integrated into IR scholarship. As such it began to emerge as an IR theory with early

applications focusing on elements of state identity such as nationalism (Kinnvall, 2004). Although emerging, Ontological Security has been applied to a range of circumstances, including the feeling of insecurity by British Muslims (Croft, 2012), peace-building in Northern Ireland (Kay, 2012), and the Non-Aligned Movement (Vieira, 2016). Despite this increasing body of work, Ontological Security remains a developing theory. Ontological Security is multi-faceted but exists around a core that is “fundamentally focused on attempts to articulate the relationship between identity and security, and between identity and important political outcomes in world politics” (Kinnvall & Mitzen, 2016, p.3). In this paper, the understanding of Ontological Security draws heavily from the works of Kinnvall (2004), Mitzen (2006) and Steele (2008), enabling it to be applied to states, individuals and other organisations.

Ontological Security claims that the defence of national identity is a national priority (Mitzen, 2006). It relies on state identities which are developed with reference to a state’s history and other powers in a region (Kinnvall & Mitzen, 2016). Within this thesis identity is understood to be the way in which a state understands itself and its interactions with the rest of the world. Hagström and Gustafsson (2015) claim that identity is “constructed through the forging of an emotion allegiance that makes us feel like we belong”. This identity affects how states are perceived by others and the range of policy options which are available to them (Steele, 2008).

Identities of states change across time. The means by which identities are continuous or change represents a key question within Ontological Security scholarship (Hagström & Gustafsson, 2015). Some scholars suggest that states are able to consciously alter their identities (Hagström & Gustafsson, 2015; Subotić, 2016) while others believe that it is less possible (Mitzen, 2006; Steele, 2008). Ontological Security scholars view this debate, around who, or what, has the power to change the state identity, as being a variation of the agency-structure debate within the wider IR literature (Hagström & Gustafsson, 2015). If agency has more impact than structure it is possible to alter a state’s identity at will. If, on the other hand structure has more strength, then there is more consistency within the identity of a state. Giddens’ (1979) “duality of structure” represents a compromise between agency and structure which suggests that agents do have the power to make some changes however the existing structures play a key role in constraining the actions that can be taken (Klotz, Lynch, Checkel, & Dunn, 2006; Steele, 2008, p. 29).

The key elements of Ontological Security include basic trust, routinized behaviour and narrated self, each of which influences the creation of identity. The system of basic trust is vital to conceptualisations of Ontological Security at both the individual and international levels. Basic trust allows individuals and states to respond to unfamiliar circumstances. Basic trusts systems, if healthy, allow new experiences and behaviours to be integrated into the individual’s understanding of the world (Giddens, 1991). States have a similar system of basic trust which allows states to consider and implement novel policy approaches (Mitzen, 2006). It also provides the state with the capacity to adapt to situations where international affairs change. This may be due to internal or external changes in position or response.

Routinized behaviour is necessary for the development of an identity by both states and individuals. It is through routine that behaviours and beliefs become accepted as part of the self (Mitzen, 2006). States tend to reinforce relationships with which they

are familiar rather than developing new relationships, and these relationships may be maintained even if they habitually lead to conflict (Chernobrov, 2016; Mitzen, 2006). It is through these predictable, routinized behaviours that states attempt to navigate and respond to crises (Chernobrov, 2016). The benefits of routine to Ontological Security are a stable identity and sense of self which can in turn allow the state to approach new international circumstances with a sense of consistency (Wæver, Buzan, Kelstrup, & Lemaitre, 1993, p.23). One important link between routinized behaviour and the system of basic trust can be seen when the actor encounters unfamiliar situations. If the actor has a maladaptive basic trust system, they are likely to hold onto familiar routines too tightly. This strict adherence to one's routines means that an actor is unable to learn from new experiences (Mitzen, 2006). Furthermore, if past routines are applied to new situations the meaning of events and behaviours of other actors may be misinterpreted (Chernobrov, 2016). On the other hand, if the system of basic trust is healthy the state or individual is open to exploring new experiences and willing to alter their behaviours (Kinnvall & Mitzen, 2016).

While routine behaviour deals with the regular or routine actions of individuals or states, there is a need to place these routine behaviours within the context of the individual's or state's perceived identities. Societies, as well as states, need to have a sense of continuity which leads to a feeling of belonging to a united group and can be achieved by creating or adopting shared symbols (e.g. such as the cross in Christianity or the crescent in Islam) (Chernobrov, 2016). Through shared symbols and 'chosen' histories (Kinnvall, 2007) a society or state develops an identity focused around a coherent 'narrated self' (Subotić, 2016), which defines the identity of the state and determines the policies needed to support and reinforce that narrative (Chernobrov, 2016).

These key elements of Ontological Security, a healthy system of basic trust, routine actions and a narrated self each help to address the limitations of Realism. This is achieved by providing the capacity to include more than a focus on physical security, self-help and a state centric approach and also allows each entity to decide whether it will prioritise competition or cooperation. As such, the utility of Ontological Security is important in addressing contemporary security challenges, however, there are perceived weaknesses in all theories which needs to be considered.

Critique of Ontological Security

Like Realism, Ontological Security is heavily critiqued in the literature (Croft & Vaughan-Williams, 2016; Rossdale, 2015; Zarakol, 2016), with the predominant issues including:

- i) The risk of overextending what is included in the field of IR
- ii) The question of whether states can be seen to have a sense of ontological security.

As a theory Ontological Security is challenged due to issues of securitisation. The concern implies that if the definition of security is expanded beyond its traditional domain then there is a risk that the concept becomes so general that it does not provide any analytical utility (Paris, 2001). Scholars argue that by including the sense

of self and identity in IR theory it has taken an approach to security which is both broad and wide, although may not have added much to the debate (Loader & Walker, 2007). This paper considers that while there is validity in the claim that the concept of security has become over-utilised, Ontological Security addresses a theoretical niche which has otherwise remained unaddressed by other theories. Ontological Security specifically considers the development of identities within a state, through the combination of routines and narratives which moves beyond the scope of other theories within IR. In addition, Ontological Security helps to address issues of state-centric IR approaches, examining the beliefs and actions of individuals in relation to the state, due to its origins as a theory regarding individuals. As such the perceived stretch in IR is beneficial to the discipline overall.

Ontological Security as an IR theory, as described by Mitzen (2006), considers that states can have a sense of self which they seek to protect. Other theorists have suggested alternative entities which may have a sense of Ontological Security. Chernobrov (2016) suggests that it is the society which seeks a sense of identity which is to be protected. Kinnvall (2004) on the other hand expresses the view that individuals within a state seek Ontological Security. While Croft and Vaughan-Williams (2016) prefer an approach which does not see states as the seekers of ontological security, as the other fields which apply Ontological Security continue to use it in relation to individuals, they note that the benefit of using a state-centric approach is that it can be used to interact with mainstream IR theory. This does represent an area of division within the theory however by considering Ontological Security within IR as being able to account for multiple levels of analysis simultaneously this critique can be mitigated.

These critiques, the risk of overextending the field of security, a rejection of competing voices and whether or not a state can have a sense of self, have been levelled against Ontological Security. However, it is possible to move beyond these claims and work to develop a stronger version of the theory.

Enhancing Ontological Security

Ontological Security, as applied to IR, can explain many contemporary security challenges however there is the potential for the improvement of the theory. The four concepts which will be considered as being important for the development of Ontological Security theory are; pride, shame, hope and dread. In relation to Ontological Security pride and shame are two potential emotional responses from states, with both relating to the concept of the narrated self. There has been some work on both of these concepts in IR in general and Ontological Security in particular (Creighton, 1990; Kinnvall, 2004; Steele, 2008; Zarakol, 2010). However, this paper brings these two emotions together with hope and dread to further enhance the intellectual utility of Ontological Security by capturing perspectives on the future.

The origins of both pride and shame in Ontological Security are linked to the relationship between the auto-biographical narrative and the actions of either the state or the individual. The construction of this narrative occurs over time and is reliant on the intent of the agents of that state (Hagström and Gustafsson 2015). The agents select events in the state's history to celebrate or revile. The events then become central to the narrative of that state (Steele 2008). These events may be construed as

being either positive or negative depending on the purpose they serve in the narrative. In addition to the state narratives pride and shame are felt based on the actions of the state in question.

It is the combination of the stories and associated actions which create feelings of pride or shame. If the stories and actions align then a feeling of pride emerges (Steele, 2008). In contrast Steele (2008) notes that a sense of shame emerges when a state's actions are not in alignment with their auto-biographical narrative. Either moments of pride or shame then become written into the story or narrative of the state. Moments of pride are part of the story which may lead to an increase in national unity or alternatively may be responsible for nationalism (Kinnvall and Mitzen 2016, Kinnvall 2004). Examples of stories which are designed to inspire pride include Gallipoli for Australia and the Battle of Waterloo for the United Kingdom. This contrasts with the portrayal of some events as moments of intense shame for the state where these moments live on in the national psyche with the intention that they are never repeated (Zarakol, 2010). An example of this particular narrative purpose is Pearl Harbour in the mind of Americans.

While pride and shame are linked to the nexus between narrative and actions, hope and dread are connected with the state's relationship with the future. Just as pride and shame link to the narrated self, hope and dread are related to the system of routine trust and routine behaviour. The outlook on the future is connected to whether or not a healthy basic trust system exists and how willing a state is to move beyond the routines. Hope is often described as being vital for people to live their lives (Benzein, Norberg, & Saveman, 1998). The personification of states (Kay 2012, Mitzen 2006, 2004) therefore means that the quality of hope can be ascribed to states. The same argument can be applied to the emotion of dread. Dread is a feeling of hopelessness that has a negative impact on the individual (Ganguly & Tasoff, 2016; Griffiths, 2015). The term dread provides for the acknowledgement of a negative emotion but allows for an opportunity to become hopeful. Most of the work on dread emerges from the discipline of psychology and psychoanalysis (Ganguly & Tasoff, 2016; Griffiths, 2015; Kierkegaard & Lowrie, 1957; Mitchell, 1995). An inability to conceive of another positive future can be linked to the routines which are held regardless of whether or not it has a positive effect on the state (e.g. conflict-seeking behaviours as described by (Mitzen, 2006)).

As Ontological Security was initially a theory about individuals, who are often motivated by emotions, it is possible to draw on additional elements of psychology to improve the intellectual utility of the theory within IR. These four emotions further enhance Ontological security by developing an additional frame of reference when attempting to determine why a state or individual is taking specific actions. This means that the limitations of Realism can be addressed. As it focuses on individuals or societies as well as states it does not necessitate competition and it does not have a requirement for rational thought as there may be purely emotional responses. The applicability to individuals and state through their agents also counteracts concerns regarding the personification of states.

Applicability to the Asia-Pacific

Ontological Security is relevant to all regions globally however this paper focuses on the application of the theory to the Asia-Pacific region. Ontological Security provides a useful IR theory within the Asia-Pacific region due to the presence of many cultures which have ancient roots that remain relevant to the national identity; three of the most prominent examples are Japan, China and India. Japan is not only the oldest continuous monarchy in the world but the continued belief in the *Shinto* religion in contemporary life indicates a continuation of elements of an ancient culture (Nguyen, 2016) In China the influence of Confucianism continues into the modern era and many of the actions which are being taken in relation to the South China Sea and other border conflicts have been justified through appeals to historical facts (Schirokauer & Brown, 2012). India maintains the caste system and many of the religious rituals have continued through history (Wood, 2015). The existence and continuation of these cultures influences the development of the national identity in contemporary IR.

Related to the above point of the continuing effects of ancient civilisations is nationalism. Nationalism is the point where pride in one's state and a belief in the narratives which are told about the state and its relations with other states has led to a sense of superiority for one national group in relation to another (Kinnvall, 2004). As nationalism relies heavily on a national identity it is linked to the theory of Ontological Security through the shared focus on the development and protection of identity. Realism however is not able to consider this issue as it is related to identity and not physical security. Nationalism has been growing in many states within the Asia-Pacific Region especially in East and South Asia (Che, Du, Lu, & Tao, 2015; Kinnvall, 2007). This can lead to the development or maintenance of international conflicts. Examples of this are the Sino-Indian border dispute and the conflict between India and Pakistan.

Many of the states within the Asia-Pacific Region have at some point in their history been colonised by another power. This may have been in either the ancient past, as was the case with Vietnam and Cambodia, or in more recent eras as in the case of Indonesia, India and Papua New Guinea. As such this affects their identity and the decisions which are made by policy-makers today (Vieira, 2016). For many of these states the colonial experience was seen as a source of shame which was not to be repeated. A clear example of the importance of the colonial history on the development of the contemporary identity can be seen in relation to India and the Non-Aligned Movement (NAM). It has been noted that India was a key, founding member of the NAM because it had just emerged from colonial rule and did not want to encounter a similar situation through alignment (Vieira, 2016). The policy of non-alignment has continued to be important into the modern era (Narang & Staniland, 2012).

It is from these historical identities that contemporary identities and policy preferences emerge. By drawing on the importance of internal narratives and routine behaviours, Ontological Security is able to provide significant explanatory power when exploring interstate relations within the region.

Conclusion

As discussed through this paper the world is changing. The role of individuals and non-state actors on the international stage is increasing. IR, as an academic discipline needs to keep pace with these developments. Theories such as Realism no longer have the same explanatory value as they once did. As such new theories need to be developed. One such theory is Ontological Security which draws on work in the fields of psychology relating to the identity creation of individuals. In IR, Ontological Security uses systems of basic trust, routine behaviours and the narrated self to develop identities which are then protected to the same extent as physical security. However, there are still areas which can be improved upon. One major concern for Ontological Security is the personification of states. By transferring the focus from the state to the agents of the state this claim can be counteracted. This paper has also discussed the potential for the inclusion of a greater focus on pride, shame, hope and dread to further enhance the potential for Ontological Security to be an explanation of state and non-state behaviour in contemporary IR. This addition is beneficial to Ontological Security as it allows the theory to move further beyond the rationalist requirement of Realism by considering the emotional responses of individuals, societies and states. This paper has also sought to highlight the applicability of Ontological Security to the Asia-Pacific Region as one place where historical circumstance and contemporary trends combine to create strong identities which can be further explored through the use of Ontological Security.

The logo for the International Association for Business and Economics (iafor) is centered on the page. It features the lowercase letters "iafor" in a light blue, sans-serif font. The text is surrounded by several overlapping, curved lines in shades of blue and red, creating a circular, abstract design.

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Reconciliation: The Conditions of Possibility That Enable Practices in the Anlong Veng Community, Cambodia

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Abstract

The purpose of this paper is to analyse the conditions of possibility that enable practices of reconciliation in the Anlong Veng community, Cambodia. A qualitative method including secondary data analysis as well as field research interviews is being employed. The practices – i.e. negotiation – have been taken into consideration the discourse of power relations for many years but have not been theorized as elements of reconciliation. Several scholars point out the processes of reconciliation in Cambodia in the aftermath of the Khmer Rouge (KR) regime and civil war, emphasizing how the roles of both state and non-state actors rehabilitate the relationships between different Cambodian adversaries, and rural Cambodians (including victims, perpetrators and bystanders) overcome the trauma from the KR period and live peacefully side-by-side in their villages. Relating the practices that enable reconciliation in the context of Anlong Veng, the strongest KR military front and the final KR stronghold in the 1990s, this paper defines the conditions of possibility as discursive practices to dialogue space, collective memory, and truth-seeking/regimes of truth. This paper regards the dialogue space as a central component, which reveals the narratives in reconciliation process. The investigation of the conditions of possibility that enable practices of reconciliation, this paper looks at: multiple negotiations (safety guarantee, amnesty, truth building), forgiveness (apology, acknowledgement and confession, compassion and empathy, forgetting), and Buddhism/belief perspective (self-healing).

Keywords: Khmer Rouge, reconciliation, dialogue space, collective memory, truth-seeking/regimes of truth, discursive practices

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1. Introduction

“Khmer Rouge” (KR) or Red Khmer called by the King Norodom Sihanouk¹ in the decade of the 1960s was Cambodian communist movement that actively opposed his leadership in ruling the country (Khamboly, 2007). A consequence of rising communists in Cambodia caused by the ninety-year French colonial control (1863-1953), so that the communists formed resistances to demand the independence from the French (Chandler, 2008). Even though KR had not been supported until the U.S.-backed Lon Nol’s Khmer Republic government overthrew Prince Sihanouk on 18 March 1970. Less than five years during an armed struggle against the Lon Nol regime, KR succeeded its victory and took power in the capital of Phnom Penh on 17 April 1975. The KR government named its regime Democratic Kampuchea (DK), and ruled the country led the death of 1.7 million of the population of 7 million due to starvation; overwork; lack medical treatment; malnutrition and execution (Ciorciari and Chhang, 2005). Finally, the Vietnamese and Kampuchean United Front for National Salvation (KUFNS)² deposed the brutal DK regime on 7 January 1979.

After the collapse of its regime, KR cadres, soldiers, and their family members fled and resettled along Thai-Cambodian border. With assistance from China; Thailand; and the United States as well as its Western allies, KR was able to reorganize its armed forces, which continued to fight back the Vietnamese-installed People’s Republic of Kampuchea (PRK) government through the 1980s. When Vietnam completed its troop withdrawal a decade later in 1989, KR was able to capture a number of interior territories, one of which was the region of Anlong Veng, which became the strongest KR military front and the final KR stronghold before being integrated into the Royal Government of Cambodia (RGC) at the end of 1998 (Khamboly and Dearing, 2015). The emergence of the 1998 reintegration in Anlong Veng was a smart use of the RGC’s “win-win” policy after a failure of the 1991 Paris Peace Agreement through the United Nations (UN) to bring the final peace and ceasefire in Cambodia.

The last but not end, reconciliation between the RGC and the KR delivered entirely peace and stability. This meant that the prolonged armed conflict and faction divide were brought an end, and national unity flourished since the success of implementing the policy. However, there are a lot of unfinished affairs of reconciliation in Cambodian in general and Anlong Veng in particular. Hence, this paper extended to examine the processes of reconciliation in the individual and community levels in order to draw an understanding of the “total” reconciliation. Following its extension, the aim of this paper was to explore the conditions of possibility that enable practices of reconciliation in Anlong Veng.

¹ Prince Norodom Sihanouk, a former Cambodian King, was monarch for more than six decades since his first reign in 1941 and second in 1993 until abdication in 2004. On 15 October 2012, the Prince died of natural causes at the age of 89 in Beijing of China. His son, Prince Norodom Sihamoni, became the new king of Cambodia on 14 October 2004.

² KUNFS officially established on 2 December 1978 in the eastern area of Cambodia was a core group of former KR cadres who fled the killing and massacres and another was a key group of Khmer communist members who were living in Vietnam (Hinton, 2013). After the victory of 7 January 1979, KUNFS named its government, People’s Republic of Kampuchea (PRK) 1979-1989. PRK changed its name to State of Cambodia (SOC) 1989-1993. Since 1993 until now, the government names the Royal Government of Cambodia (RGC) ruled by Prime Minister Hun Sen of Cambodian People’s Party (CPP).

This paper will not, and indeed cannot deal with all the aspects that are part of reconciliation; it will however, focus on the theme of emerging the 1998 reintegration under a framework of political negotiation of the policy, a sticking point to the process, and practicing to restore the broken relationships between victims and former KR members (perpetrators and bystanders). With this theme, the investigation of this paper primarily based on qualitative study including secondary source analysis and individual interviews during field research for two months (June-July, 2016) in Cambodia, as well as unpublished interview transcripts (2012-2014) of the Documentation Center of Cambodia (DC-Cam).

2. Literature Reviews on Reconciliation in Cambodia

Several scholars have sought to examine the processes of reconciliation in Cambodia in the aftermath of the KR regime and civil war. Cambodian peace scholar Sok-Kheang (2014) looks at the dynamics of reconciliation processes in Cambodia by emphasizing the roles of both state and non-state actors in rehabilitating the relationships between different Cambodian adversaries. In examining the Cambodian reconciliation processes, He uses theoretical models based on principals such as forgiveness, peaceful coexistence, justice seeking, and acknowledgement, which were achieved in different stages over a long period of time beginning in 1979. Likewise, McGrew (2011) looks at the Cambodian reconciliation processes by focusing on how rural Cambodians (including victims, perpetrators and bystanders) overcome the trauma from the KR period and live peacefully side-by-side in their villages. She describes on a number of concepts as theoretical frameworks for her analysis. These concepts include coexistence, the development of trust, rehumanization, healing of heart and minds, compassion, acknowledgement, apology, forgiveness, and forgetting. For Ciorciari, he notes the Cambodian reconciliation processes that ‘Cambodians have wrestled with tensions inherent in reconciliation and the need to sequence and prioritize various aspects of the processes’ (Ciorciari, 2011: 438).

As an attempt to restore peace and stability in the region, as well as promote coexistence and reconciliation effort under the rule of the King of Cambodia, Prime Minister Hun Sen commenced ‘win-win policy’ in mid-1995 and implemented the policy to finish the long-time war and serious conflicts, and to integrate the KR group into mainstream Khmer society (Sowath, 2012). In a reference to Sok-Kheang (2014), the policy offered three main concessions in return for the forces’ disarmament and reintegration to the Hun Sen government. First, the policy allowed former KR military cadres to maintain their military ranks within the Royal Cambodian Armed Forces (RCAF). Second, the policy ensured that no KR private property would be confiscated. Third, and last, the policy protected the personal safety of all KR armed forces.

According to the RGC’s policy, under the leadership of Prime Minister Hun Sen, the win-win policy played one of the most important roles in bringing about coexistence and reconciliation in Anlong Veng. In his keynote address 2008 Cambodia Outlook Conference, Hun Sen said:

The threat of Khmer Rouge eroded and disappeared following the ‘win-win policy’ that I initiated in 1996-1998, leading to the rooting up of their military and political organisation. Again, the sweeping change in politics, social and

economic development leads Cambodia to be an oasis of peace, security, stability and development (Sok-Kheang, 2014: 213).

This policy, it seems, has had a positive effect to some degree scholars have noted and can be seen as a process in the national level, which was prioritized some mechanisms of integration and reconciliation to bring the KR group into multiple negotiations.

3. Multiple Negotiations

3.1 Safety Guarantee

Negotiating ceasefire between the KR and the RGC had been initiated a safety guarantee – which sprang out from the implementation of Hun Sen’s win-win policy in mid-1995 – on return of all former KR members. Therefore, the safety guarantee could be thematically seen as a component of reintegration that the KR armed forces were encouraged to return and integrate into the national military forces, well known as the RCAF. By that time the “safety guarantee” component of reintegration soon became a favorable condition of negotiations, which convinced the KR cadres, soldiers, and their family members to defect to the government in Phnom Penh.

From the standpoint of a defector, former KR commander who dropped out of school because of the 1970 coup and joined the KR revolutionary at the end of 1971, and went on 20-year-fighting against the government’s forces, but became a key defector in leading the KR forces to defect to the government in the middle of 1998, described further:

In general, when [the Socialist Republic of] Vietnam completely withdrew its troops in late 1989, I thought our will was the same. Some dare to talk [about negotiation and defection] and some hesitated because of being afraid that they could be brought for execution. But for me, I tried to persuade them to look for a way of ending the war. ... [Because our] soldiers had no will to struggle against Khmer anymore. We [, all the soldiers,] had no longer desire to continue the fight because we wished to end the war. We had lost our opportunities for a long time [in building the country and economic development]. My military position was only vice chief of division, but I dare to speak the truth [about ending the war and defection] even at the training session. When I spoke out the truth that other could not speak, we all cried sometimes (interviewed by Dany Long and Kosal Phat, February 2012).

It is clear that the safety guarantee attracted the former KR members who are tired and exhausted of fighting against the government – the fighting that they referred to “between Khmer” – and accepted the government’s policy through political negotiations given a way for return and defection.

While the safety guarantee enriches the sphere of KR defection, the amnesty is also seen as a segment of pulling them out to abandon their faction and defect to the government that is discussed next.

3.2 Amnesty

Instead of prioritizing justice, granting amnesty to the former KR administrators, military cadres and their family members dramatically increased the number of defectors and returned to civilian life. The amnesty was seen as ‘a positive, snowballing effect on other hesitant KR leaders and soldiers who wanted to integrate, but who were not yet confident enough to do so. ... Such an amnesty also brings peace, which would facilitate tourism, socio-economic development and the rehabilitation of infrastructure (Sowath, 2012: 130). These reasons helped KR guerrilla forces received a green light on their return and defection. To do so, the Prime Minister Hun Sen announced that Cambodian people ‘should dig a hole and bury the past’ (Ciorciari, 2009: 66; Strangio, 2014: 241). By reading between the lines, the past – he referred to the tragedy and mass violence caused the death of 1.7 million innocent men, women and children under the DK regime between 1975 and 1979 – was replaced by the terms of ‘forgetting’ and ‘[national] reconciliation’ (Hammarber, 2000 cited in Persson, 2008: 37), in order to fully obtain peace and stability.

A former KR battle-weary soldier, who was brought by his male cousin to join the revolution in 1970 and was moved to guard the DK’s northeast territory nearby frontier with Vietnam after the victory over Lon Nol’s government in Phnom Penh, recalled his decision in accepting the policy:

I observed that the government encouraged [us to defect] and most defectors were not executed [or punished]. I believed if I integrate with the government, I would survive. [Later on], when I listened to a radio, I heard the statement of the government that announced to guarantee [for return of KR armed forces, such as:] position, property, living life, [and amnesty]. I thus felt released [my worries] because of the win-win policy. [At that time, exactly,] our living condition faced many difficulties, so we always thought of [defection] (interviewed by Bunthorn Som and Khamboly Dy, 18 December 2013).

Next discussion focuses on – trust building – how the KR group trusted in a sense of security and agreed to defect to the Hun Sen government.

3.3 Trust Building

Prior to the momentum of the defection movement in 1998, former KR military cadres emphasized their personal safety – fearing for punishment and imprisonment – before making any decision for their defection. The guerrilla men and women who aimed to leave their faction and wished to return to their communities seemed to be hesitant about interacting with the government’s inside officials, while some were unsure whether or not the reconciliation program would secure their personal security. Their overall concerns, according to defectors’ interviews that untrusted the government’s unity policy and lack of courage to receive integration, revealed that:

‘No dare! [I] always worried [about defection] because I was a soldier. [I] feared that I would not be kept for alive or I would be regarded as a prisoner of war (interviewed by Bunthorn Som and Khamboly Dy, 18 December 2013). ‘[When I] escaped the fighting to [Dangrek] mountain, Ta Mok (Grandfather Mok, who became a powerful leader in Anlong Veng between 1979 and 1998)

said that [you] escape for what [and] why don't you stay at home. ... [You can] tell them that you are ordinary people and [you] know nothing. That is, [you] will defect safely. ... But I do not dare to defect [to the government] (interviewed by Khamboly Dy, 25 June 2012).

In this case, 'measures were taken to build mutual trust or confidence before coming to a ceasefire agreement. ... A mixture of policy with military forces and soft power ... was worth a try. However, [the government] focused more on trust building in its role as a lawful government with all means and privileges to implement its [win-win] policy' (Sowath, 2012: 212). Therefore, the guarantees – for instance, amnesty, rank and position, and private property – that are discussed above are the most important to build trust between the KR and the RGC. These guarantees 'also created very strong confidence right up to the isolation and break up of internal forces in the [KR faction] (Sowath, 2012: 213).

In spite of finishing the war and instability is peacefully achieved, although the practices – the conditions of possibility – that enable total reconciliation have to reach another step at the grassroots level rather than depending only on the national level. This grassroots level is revealed – the practice of reconciliation in achieving forgiveness – in another possible ways to build or restore contentious relationships in a post-conflict community like Anlong Veng.

4. Forgiveness

4.1 Apology

The first of these favorable conditions views the making and hearing of apology. Apology is an expression of regret and remorse, and perpetrators feel sorrow for what they have done wrong. In a few cases most respondents expressed that if apologies are made and heard, the victim may lessen a feeling of anger and resentment. A NGO deputy director, who have closely worked with many former KR victims, offered a similar example:

Now if he (the perpetrator) says apology to me, I may feel better a little bit. ... [Because] it was the past story. There is no benefit if I am still thinking of it. He already said apology. ... [Even though] I still want to know the truth why he did like that [in the regime] (interviewed by author, 4 July 2016).

In a similarity, a female respondent victim recounted that the perpetrator's apology is the recognition of guilty, which can be part of minimizing her anger:

[We knew] he (perpetrator) had committed atrocities [in the regime], but he already apologized us. How will we think of him? And what will we do to him? If [we] want to kill him, [we] will receive only his death. If [we] want to take revenge him, [we] will receive only vengeance. Is there anything [beside killing and vengeance]? ... [But] I want to ask [him] that: "why did you kill my father? What kind of mistake caused you kill him?" ... I did not know whether what my father had done wrong that led he to bring my father for execution (interviewed by author, 22 June 2016).

While saying apologies is the act of expressing regret and remorse of the perpetrators, the victims seems to have a curious interest in seeking to understand the truth: why and how did these things happen to them, their family members, their loved ones, or their friends? Was there any specific reason that encouraged the perpetrators to involve in atrocities and inhuman acts?

By telling the truth is to turn to the discussion of the issue of acknowledgement and confession, which draws the issue of admitting one's wrongdoing or accepting guilt engaged in the general Cambodians' views.

4.2 Acknowledgement and Confession

Acknowledgement and confession 'are all related terms referring to perpetrators facing up to, and being honest about, acts they have committed in the past (McGrew, 2011: 67). It means that acknowledgement or confession is the acceptance of guilt by the perpetrator had harmed or hurt the affective party. To do so may reveal the perpetrator's wrongdoing as the way that most Cambodians are individually and publicly hesitant to deal with these costs. In Khmer society when children made a mistake, parents will tell them not to repeat but often do not tell them to admit the wrongdoing of their actions. The general people believed that admitting or acknowledging guilt leads them to encounter public embarrassment and 'loss of face' (*kar bak muk*) (Hinton, 2001: 27).

Clearly, the Cambodians value the importance of "face" (*muk mout*); losing face is thus equivalent to "loss of honor" (*kar batbong ketteyos*). To be lost honor, your dignity and reputation, it seems, are "being destroyed or stepped on" (*bam phlanh/choan chhli*). This issue the KR perpetrators probably choose expressions of regret rather than admitting particular wrongdoing.

One example, after the fall of the Pol Pot's regime more than thirty years ago, former KR perpetrators feel regretful for what they had committed offences, but remain avoidance of acknowledgement of past wrongdoing because of being afraid of revenge killing. In addition, while the ECCC trial is seen as Cambodians' ultimate hope 'to receive formal acknowledgment and recognition of the grave injustices and losses they have suffered' (Pham *et al*, 2009: 8), some former senior leaders and most responsible of the DK regime – for instance, Chief Ideologist Noun Chea and Head of State Khieu Samphan who are now standing at the trial – have denied their responsibility for the tragedy that caused the death of 1.7 million people under the DK regime between 1975 and 1979. There was only one exception that Kaing Guek Eav alias Duch, a former director of S-21 Prison, was willing to take responsibility for his actions. In his public court-hearing at the ECCC in the capital city of Phnom Penh, Duch said:

No single image can illustrate my remorse and suffering. I feel so much pain. I will never forget. I always say that a bad decision can lead in the blink of an eye to a lifetime of grief and remorse. I defer to the judgment of this tribunal for the crimes that I have committed. I will not blame my superiors. I will not blame my subordinates. I will not shirk my responsibilities. Although these crimes were committed under the authority of my superiors, they fall within the purview of own role at S-21 [security center]. On the ideological and

psychological levels, I am responsible. I carried out Party policy and I regret it (Cruvellier, 2014: 128).

This exceptional case is reflected that if perpetrators are willing to acknowledge the guilt and accept past mistakes for what they have done, victims may likely minimize the mentality of revenge.

Another step of restoring unhealthy or broken relationship is to rely on confession regarding as a sticking process of apology and acknowledgment. In citation of Etcheson's work (Etcheson, 2005: 218-219), McGrew briefly concluded, 'if perpetrators were willing to confess they would be accepted by their communities' (McGrew, 2011: 213). There is no doubt whether or not confessions made by the perpetrator would lessen the feeling of the victim's past suffering. Almost four decades in the aftermath of the KR regime, most of the victims 'want to understand how the violence unfolded, why the crimes were perpetrated, and to hear confessions from the perpetrators, rather than to simply see punishment meted out to the authors of the violence' (Etcheson, 2005: 219). One key informant described further:

How can I believe you (the perpetrator) if you have done wrong but refused to confess the wrongdoing? In this case, how can I forgive you? And how would reconciliation emerge if you denied your [responsibility]? I cannot accept your [unwillingness] and extremely hard to move on. I think confession is part of comforting the feeling of the victim's suffering. It would make victims to recognize their past things and encourage them to move forward the confrontation of experiences they have had in the past. Confession is thus an essential ingredient in building mutual understanding (interviewed by author, 4 July 2016).

As the above respondent expressed trust and accountability if perpetrators deny their will to confess wrongdoings, the mutual understanding will be unable to emerge – leading to the development of compassion and empathy, which is explored later discussion – and victims' ability to move from past suffering is likely to be achieved.

4.3 Compassion and Empathy

The development of compassion and empathy is very important to the process of reconciliation, particularly in the level of individual reconciliation. Both compassion and empathy, which are generally seen as the overlapping conditions, 'involve the process of being able to see the perspective of the "other" or to walk in someone else's shoes' (McGrew, 2011: 65). At about this point, the possibilities of compassion and developing empathy would vanish victims' feeling of "*kum*" (grudge) and a desire for revenge, and thereby open their hearts and minds to accept a new start to renew or make better of communication inside their communities with perpetrators.

In doing so, compassion towards those who had done grassroots violence of inhuman acts as well as savages, which is also important in Buddhism³, lights the beginning of an understanding through dialogue. When the dialogue is able to be sustained from

³ The principles of Buddhism included mercy (*metta*) and compassion (*karuna*) are the basis for promoting peace and reconciliation. These appear on all human being (and those who have hurt), and are the path of non-violence (*akhoengsa*) as tolerance and forgiveness can be absorbed.

time to time and day to day, it also extend to promote empathy, which ‘comes with the victims’ willingness to listen to the reason for the hatred of those who caused their pains and with offenders’ understanding of the anger and bitterness of those who suffered’ (Huysse, 2003a: 21). One key respondent explained further,

Empathy is a stage that we understand and put ourselves in another one’s stance. ... As example, if the victim can move another stage, he or she is able to understand: “if I were a perpetrator at that time [and] if I refused to do, [I and] my family members would be executed. So what should I do?” [For this reason], victims can perceive a connection of ruling strictly under the KR regime. Therefore, if the victim understands a root of causes, he or she can put himself or herself in the issue of the perpetrator, [or] in the situation of the perpetrator. ... [For the perpetrator], “if I were a victim who lost his or her family members, of course I also hold angry [against the perpetrator]”. Perpetrators thus feel sorry and say apology. ... [Overall,] I think [individual] reconciliation may be likely occurred unless both victims and perpetrators have empathy, they begin to understand each other. Hence, it could make them to walk together in the next day and heals their broken relationships (interviewed by author, 4 July 2016).

As clarified above, developing empathy turns the divides between victims and perpetrators to healthy relationships that they would be free from the traumatic memories, and begin a start to communicate each other. The next discussion turns to look at forgetting in the context of reconciliation processes.

4.4 Forgetting

While the tendency to forget what happened after genocide or mass violence displays against all the above processes in this second section (apology, acknowledgment and confession, compassion and empathy), the matter of “forgetting” also contradicts an effort to promote awareness as well as remembrance of the past in Cambodia. Many local NGOs⁴ – for instance, Youth For Peace (YFP), Kdei Karuna (KdK), Women PeaceMakers (WPM), and Documentation Center of Cambodia (DC-Cam) which frankly told and privileged me individual discussions about unfinished business in Cambodia to achieve genuine reconciliation after the fall of the KR regime since 1979 – are playing an important role in implementing their projects to unveil the past, encouraging young and old people to engage in discussion, and/or bringing victims and perpetrators into dialogue sessions within communities.

At the same time forgetting – imposing on amnesia as well as amnesty – is another reconciliation process, which has drawn attention to many researches on peacemaking and transitional justice. In a study case of Zimbabwe, as Huysse cited Robert Mugabe, first post-colonial leader after an end to white Rhodesian rule: ‘if yesterday I found you as an enemy, today you have become a friend and ally with the same national

⁴ For references to understand the affairs of restorative justice in promoting collective memory and reconciliation in the community level through local NGO’s projects, please visit some selected webpages; Youth For Peace (YFP): <http://www.yfpcambodia.org>; Kdei Karuna (KdK) or in English “compassionate action to heal”: <http://www.kdei-karuna.org>; Women PeaceMakers (WPM): <https://womenpeacemakers.wordpress.com>; Documentation Center of Cambodia (DC-Cam): <http://www.d.dccam.org>

interest, loyalty, rights and duties as myself. If yesterday you hated me, today you cannot avoid the love that blinds you to me and me to you. The wrongs of the past must now stand forgiven and forgotten' (Huyse, 2003b: 34). In Burundi, Uvin also noted: 'most people seem to prefer to forget, to be silent, to draw a veil over the past ...' (Uvin, 2009: 168).

In the context of Cambodia, McGrew referenced Etcheson's three-Cambodian-commune study by giving a brief understanding to interpersonal relationships between KR victims and perpetrators: "collective voluntary amnesia" may be the best way for villagers to be able to live side-by-side and start to rebuild broken relationships' (Etcheson, 2005: 203-220 cited in McGrew, 2011: 225). Indeed, Ciorciari and Sok-Kheang also invoked that forgetting could be a possible way to shield from the re-arrival of war and revenge killings: they quoted a Cambodian interviewee: "united, we survive; divided, we die" and "blood needs to be washed by water, if blood is washed by blood, it will remain tainted" (Ciorciari and Sok-Kheang, 2009: 336).

Most research participants who interviewed for this study they also privileged forgetting as a reconciliation process. This aspiration to forget past wounds referred straight at lower-level perpetrators on the grassroots level, upon whom they were able to restore broken relationships. Certainly they were aware of ignorance or orders from high-level administration that the lower-level perpetrators confronted dilemma circumstances in that time. Instead of forgetting the past wrongs of the lower-level perpetrators, they reversely turned to blame the leadership of the DK regime referring to senior leaders and demanded to put them on trial to bring justice for the death of their family members or loved ones. In addition, they also desired to understand the root of mass violence what happened to them and whether: why and how it happened?

The next and last discussion of this paper draws a practices of Buddhism tied up with the process of reconciliation in Cambodians' belief as a self-healing way to comfort and alleviate emotional suffering of the past events from the brutal regime.

5. Buddhism or Belief Perspective as Self-Healing

A significant of the Buddhist practice is also vital to reconciliation process in Anlong Veng as the KR victims (and direct perpetrators) come close to the faith in a way of comforting and lessening their emotional sufferings from the past. Buddhist practitioners (especially elders starting from the age more than 50 years up) perceive the law of *karma*: the people have begun to be aware of loving kindness or good deeds, and determine to make "merit" (*bon*) in order to advance a good life in the next birth – the cycle of birth, death and rebirth. This is the rule of cause and effect (or action and result) and the people are informed to carry responsibility for their actions. Two major concepts of Buddhism taught indeed old and young followers: (1) do good receive good, do bad receive bad and (2) revenge should be melted without taking revenge each other.

Nowadays former KR perpetrators are being let to pay back bad deeds with the law of *karma* and some chose to become already Buddhist laymen (*achar*) to launder their own crimes, while another some engage in Buddhist ceremonies as an attempt to express the recognition of past mistakes and pay respect to victims and spirits of the

hundreds of thousands of innocent dead (including their parents and siblings as well). A Buddhist monk respondent in his orange robe sat in front of a cement-built Buddha statue in a compound of pagoda (*wat*) remarked the religion by giving an example:

[If] an individual hit [a person] and he or she was unable to hit back by that time, but in the mind of his or her idea thought that “I will hit you back in one day”. When there is no law of nature [in helping to] control him or her [anger], he or she will follow to harass and interfere [that individual] until the end of his or her life. Grudge-holding, suffering, and harassment between each other will hence take turns without endless. But if he or she is controlled by the law of nature or rule of religion, he or she will be able to think that “relinquishing [vengeance] to forgive another one is also part of relinquishing to gain self-happiness” (interviewed by author, 24 June 2016).

Through the rule of religion, this above monk respondent manifested relinquishment and forgiveness are the fundamental to reconciliation. Without these concepts, direct victims still live in traumatic events and a cycle of vengeance is a hardship of ending contentious relationships.

6. Conclusion

Surely achieving reconciliation in Anlong Veng was an initiative of the Prime Minister Hun Sen’s win-win policy after UN through the 1991 Paris Peace Agreement failed to bring the final peace and ceasefire. In that time the implementation of the policy became a process of attracting and convincing the remaining KR guerrillas to abandon their faction and return to civilian life. By granting political concessions to defectors, the Hun Sen government reached its attempt to receive the complete collapse of the KR movement as a way of allowing peaceful coexistence – no war and bloodshed – in the country. This meant that the success of finishing the last breath of the KR movement in Anlong Veng intervened by the government’s policy pulled off the curtain of the long-time war and generated national unity in Cambodia.

In this case I am not opposite about reconciliation through the RGC’s win-win policy, and I am not optimistic about the privilege of prioritizing only the policy in achieving total reconciliation. While reconciliation is also a personal thing, I thus believe that building or restoring broken relationships between victims and former KR members (perpetrators and bystanders) is another step to go beyond reconciliation that links with a political framework of negotiations. Hence, the possible conditions of advancing forgiveness and Buddhist perspective are Cambodian ways of healing past wounds in the aftermath of the KR regime and civil war. These are unfinished affairs of achieving peaceful coexistence in Anlong Veng.

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A Twenty-point Recipe of Peace - the National Action Plan to Pakistan: Context, Analysis and Evaluation of Successes and Pitfalls

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Abstract

A twenty-point recipe of the National Action Plan (NAP) has become a core strategy to counter terrorism in Pakistan after the devastated terrorist attack on Peshawar Army Public School on December 16, 2014. Since the NAP's establishment, counter-terrorism efforts have had highs and lows and diverse consequences. This paper attempts to critically scrutinize its achievements and pitfalls in order to establish an understanding of the NAP's efficacy and effectiveness as of countering-terrorism strategy framework in Pakistan. It outlines the current challenges facing by the NAP due to the ineptness and incompetency of the institutions of government of Pakistan. These critical analyses would assist to policy makers in order to formulate all-encompassing counter-terrorism policies to effectively root out extremism/radicalization and sectarianism. Lastly, this study endorses the need of utmost will and commitment by the concerned authorities in order to offset the ongoing atrocities in Pakistan.

Keywords: Counter-terrorism, Extremism, NPA, Peace, Pakistan, Sectarianism, Twenty-point

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Introduction

Since 9/11, international society has radically changed and its socio-political and economic institutions have become diffident and rickety. Every country has been directly or indirectly and visibly or invisibly affected by the unstoppable wave of terrorism. Thousands and millions of innocent people have lost their lives in the name of religious, sectarian, xenophobic violence and all other kinds of inhumane social discriminations and practices around the globe. More or less, every nation on this earth has unanimous commitment to counter terrorism by using all available means. Among them, Pakistan is one of the leading frontline states that has been fighting against terrorism and also undoubtedly the biggest victim of it.

On 16 December 2014, the Tehrik-e-Taliban conducted a terrorist attack on the Army Public School (APS) in the North-Western Pakistani city of Peshawar. This was the deadliest terrorist attack ever to occur in Pakistan, killing 149 people, including 133 school children, ranging between eight and eighteen years of age (Khan & Wei, 2016). Since then, the Prime Minister (PM) Nawaz Sharif, publicly addressed and recognised Pakistan's longstanding inconsistency on the matter, vowing an end to the distinction between "good and bad Taliban". His political rhetoric was dominant; 'a line has been drawn between terrorists and the whole nation' (Gugler, 2016).

The PM delineated his twenty-point National Action Plan (NAP) where he assured to eliminate the mind-sets of terrorism to defeat all kind of extremism and sectarianism and to supplement the ongoing anti-terrorist offensive in North-Western Pakistan. A week after the noxious attack the government of Pakistan with a unanimous consensus of all Pakistani political parties and military leadership of the country established a roadmap of the NAP with core objectives to curb and root out terrorism and extremism in the country. However, this paper intends to analyse by using qualitative research principle to what extent has or has not Pakistan achieved any of the goals of the NAP? In particular, the study would scrutinize the progress and challenges of the NAP also it would examine on which area/points of the NAP where the government of Pakistan still needs to expand its effort to clamp terrorists and sectarian violence and killings in Pakistan.

Socio-economic Cost of Militancy and Sectarianism

According to South Asia Terrorism Portal (2016), human cost of terrorist violence in Pakistan from 2001 to 2016 is around 61,461 casualties, which includes 21,532 civilians, 6,647 security forces personnel, and 33,282 terrorists or insurgents since 2001. Since the inception of sectarian killings in 1989, in 3,045 incidents 5,305 people have been killed and 9,974 were injured seriously. Whereas, over 1.8 million people are still displaced by insurgency, counter-insurgency and other related violence in Pakistan (IDMC, 2016). In this ongoing war all kind of infrastructure has awfully destroyed, for instance just in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa province over 800 schools are destroyed. On 3rd March 2009, the Sri Lankan cricket team was attacked in Lahore, injuring six players and killing eight Pakistanis including six policemen and two civilians (Giulianotti & Klauser, 2012). Since then, there has been no single international sports event conducted in Pakistan.

Economically, Pakistan has suffered a loss of US\$118.32 billion in the last fifteen years (Pakistan Revenue, 2016). According to Trading Economics (2016), external debt in averaged US\$50,697.07 million from 2002 until 2016, reaching an all-time high of US\$72,978.00 million in 2016 with US\$22,281 million upsurge. Manufacturing cost has been drastically increased and there is huge declining in Foreign Direct Investment. Also, tourism industry has destroyed due to lingering militancy and lost US\$44 million. Only in Swat, it has shut down more than 855 hotels, including 405 restaurants in the valley, and around 40,000 people became unemployed in the hotel industry (Fahad, 2015). The World Economic Forum's Travel and Tourism Competitiveness Index 2015 ranks Pakistan at 125 out of 141 countries based on travel and tourism sector trailing behind Gabon, Algeria, and Cameroon (WEF, 2016). In consort with other negative impacts, for instance social, political, and psychological the militancy has spread like a contagion into settled areas of Pakistan.

The National Action Plan at a Glance

Pakistan has struck in various social, political, and economic crises due to prolong militancy/Talibanization and sectarianism. Due to inconsistent and incompatible efforts by previous governments were failed to bring all political powers and stakeholders on one page to have a unanimous political consensus against terrorism. The NAP is a late awakening on part of the government towards the mounting and existential threat of terrorism and sectarianism within the country. Yet, due to law enforcement agencies and public pressure the government has implemented the NAP with limited resources. The following is a comprehensive and consolidated list of twenty points of the NAP (NACTA, 2016).

1. Enforcing executions for convicted terrorists.
2. Establishing of special trial courts under the military.
3. Ensure no armed organization/militias are allowed to operate in the country.
4. Strengthening the anti-terrorism institution, National Counter Terrorism Authority (NACTA).
5. Countering hate speech and extremist materials.
6. Elimination of all sources of financing for terrorists and terrorist organisations.
7. Ensuring against re-emergence of banned organisations under another name.
8. Establishing and deploying a dedicated special anti-terrorism force.
9. Taking effective initiatives to halt religious extremism and protect religious minorities
10. Ensuring registration and regulation of religious seminaries.
11. Ban on glorification of terrorism and terrorist organisations through print and electronic media.
12. Administrative and development reforms in FATA with immediate focus on repatriation of IDPs.
13. Dismantling communication networks of terrorists and terrorists' organisations.
14. Immediate actions against exploitation of internet and social media for terrorism.
15. Zero tolerance for militancy in Punjab and in every part of the country.
16. Taking the enduring operation in Karachi to its rational conclusion.
17. Authorizing of the government of Baluchistan for political consensus and reconciliation.
18. Dealing decisively against sectarianism.

19. Development of a comprehensive policy to deal with the issue of Afghan refugees.
20. Refurbishment and reforming the criminal justice system.

A Critical Analysis and Evaluation of the NAP's Successes

By using a qualitative research norm, the paper attempts to analyse and evaluate the achievements and drawbacks of the NAP. This section of the paper scrutinizes the NAP's achievements. Shortly implementation of the NAP, the government abolished the six-year moratorium on the death penalty of the sentenced insurgents and terrorists (#1), which had been in effect since 2009. Until January 2016, Pakistan has executed 332 convicted criminals and militants and some other cases are in courts. Conversely, international human rights groups, European Union and United Nations Secretary General have criticised and protested over re-introduction of the death penalty (Buchanan, 2016). Rationally, Pakistan is an Islamic country and it is justifiable to execute the penalty, because Islamic law '*Sharia*' permits death penalty in the case killing innocent people. In fact, this penalty has positive impact on the Pakistani society and admissible to compensate the grievances of hundreds and thousands of effected families by extremism and sectarianism.

Under the NAP, establishment of the military courts (#2) is a big hope and positive addition to the current corrupt judicial system of Pakistan and called it another strike against terror and success for the nation (Iqbal, 2015). On January 5, 2015, the parliament amended the constitution and passed both bills of the 21st Constitutional Amendment and the Army Act Amendment, providing the constitutional authorisation for military courts for two years to for the immediate trial of criminals and terrorists (Abbasi, 2016). This parallel judiciary system has reduced the burden of conventional courts and accelerated trials and persecution of violent crimes. Though, there some criticism on the methods of persecution (i.e. incomplete witnesses, and rush to convict,) and they might not fulfil judiciousness of justice. Apart from shortcomings of the system, the military courts has been playing a vital role in order to execute the NAP in a right direction.

The NAP also ensures that no armed militias are allowed to function in the country (#3). The Pakistan government has formally declared 212 outfits so far as proscribed organisations (AFP, 2016). Also, for countering hate speech and extremist material (#5), the provincial governments were directed by Islamabad to curtail the circulation of hate-material disseminated by proscribed organizations. Marvi (2015) articulates that the menace of global terrorism is often attributed to hate speech and radicalisation, among other factors. Thus, 2,337 cases were listed for hate speeches and material and 2,195 persons were detained while 73 shops were sealed (The News, 2016). Parallel to this, loudspeakers' usage for hate speech, 9,164 cases were registered, 9,340 persons were arrested and 2,452 pieces of equipment seized for misuse of loudspeakers for violating the Sound System Ordinance 2015 (Khattak, 2016). Indisputably, these positive initiatives and developments are light at the end of the tunnel and give a considerable courage and motivation to people affected by terrorism in Pakistan.

Furthermore, the NAP calls for a ban on airing the glorification of terrorism and the jihadist elements in print and electronic media (#11). The militants who are challenging the state have freely distributed writings containing rejection of

Pakistan's institutions and explaining their false justification to fight it (Rehman, 2016). Therefore, the NAP promises a strict action against media that promotes sectarianism, hatred, or incites violence. Thus, the Information Ministry and Pakistan Electronic Media Regulatory Authority has been advised for strict implementation of ban on glorification of terrorism in media (Dawn, 2015). A significant number of terrorism experts and scholars enunciate it a great commitment by the government and the security agencies to monitor the activities of the banned outfits and their leadership carefully to restrict their movement (Dawn, 2015).

In combating militancy and radicalization, it was also essential to choke all kind of source of financing and funding for terrorists and terrorist organizations (#6). Therefore, measures to choke domestic and international funding and freezing accounts of terrorists' financial networks and terrorist organizations are also included in the NAP. The central bank has frozen almost Rs.1 billion of 126 accounts linked to proscribed organizations. Law-implementation offices have additionally recuperated Rs.251.2 million being exchanged illegally through "*Hawala*" (Ashraf, 2016). Along with these actions, we have also witnessed some hopeful initiatives taken by the National Accountability Bureau and concerned authorities to curb scapegoats and terror financiers.

In order to stop radicalisation and growing militancy it is indispensable to dismantle their hatcheries, therefore, the NAP required to register and regulate religious seminaries '*Madrassas*' (#10). A uniform registration and data form system was developed by NACTA and Ittehad-e-Taneemat-e-Madaris Pakistan and shared with stakeholders for registration and regulation of *Madrassas* (Tanoli, 2016). In 1947, Pakistan had less than 300 *Madrassas*. By 1988, it had less than 3,000 but now we have around 26,000 registered ones. Estimates on unregistered *Madrassas* vary from 10,000 to 15,000 (Khan, 2016). Under the NAP, over 250 *madrassas* shut down countrywide, 167 suspected seminaries additionally 72 unregistered *madrassas* in Sindh, 13 in Khyber Pakhtunkhwa and two in Punjab, also have been closed (Haq, 2016). Indeed, it shows a little progress, however, it is courageous to move towards ultimate objectives of the NAP.

The NAP emphasis to dismantle communication networks of terrorists and terrorists' organisations completely (#13). Undeniably, it shows a great commitment of the government and the security agencies to monitor the activities of the banned outfits and their leadership carefully to restrict their movement within the country (Dawn, 2015). Around 98.3 million illegal cell phone SIM cards had been blocked for dismantling communication networks of terrorists (The News, 2016). Also, another concrete step the government has taken to register all SIM cards in circulation and tally them against the user's National Identity Card number, thereby digitally tracking SIM usage. As of March 10, 2015, 57,335,550 SIM cards have been registered (Ashraf, 2016). Remarkably, "Pakistan witnesses 80% decline in terror attacks" (Gishkori, 2016). Above noted statistics shows a positive consequences of the NAP, however, they are not enough to claim the ultimate triumph.

Another important aspect of the NAP has gained some considerable success is to support ongoing operation in Karachi to its logical end (#16). In recent months, the Rangers (a paramilitary unit) have targeted the headquarters of political and religious parties allegedly involved in urban terrorism, extortion, kidnappings, and turf warfare

(Ahmed, 2016). A total of 69,179 criminals, 890 terrorists, 676 proclaimed offenders, 10,426 absconders, 124 kidnappers, 545 extortionists and 1,834 murderers were also apprehended and 16,306 weapons seized during the Karachi operation. As a result, terrorism incidents came down by 74%, murder and target killing incidents declined to 94%, ransom acts 89% and extortion by 95% in Karachi (Dawn, 2016).

A Critical Analysis and Evaluation of the NAP's Pitfalls

Along with few achievements the NAP has also some serious drawbacks. Under the NAP, NACTA, the anti-terrorism institution's strength (#4) is still controversial and has not achieved any major goals. Since its inception, no significant efforts have been made to activate the almost inactive NACTA under the protection of the NAP (Janjua, 2016). Mukhtar (2016) argues that PM Nawaz Sharif has failed to activate NACTA and there is no coordination mechanism among the institutions in order to counter terrorism. And its turf issue needs to be resolved at the earliest otherwise it would bring irremediable harm to our counter-terrorism efforts. Senator Sehar Kamran criticizes NACTA and call it 'directionless', 'continues to remain dormant' and had failed to move beyond papers (Kamran, 2015).

Another important aspect of the NAP is ensuring against re-emergence of banned organisations under another names (#7). In this regard, military, political, and religious seminaries agreed to ban proscribed organizations and assured that these organizations would be prevented from re-emerging (Tanoli, 2016). On the contrary, progress on this front is minimal, as nearly 60 banned outfits still operate openly, and have contested local body elections under different names also violence by banned outfits increases 34% this year (Tanoli, 2016). Moreover, there is substantial criticism over the government actions of political victimization and categorized as a witch hunting in the name of terrorism. Certainly, no one is above law, yet, the government and security agencies need to be vigilant in arresting people without proper evidences or homework done before.

Establishing and deploying a competent counter-terrorism force (CTF) (#8) for eliminating terrorism is also an important component of the NAP. Since, terrorism is not considered a 'regular' or 'usual' crime, and therefore, it needs to be dealt separately through special anti-terrorist, and counter-terrorist forces (Zahid, 2016). In this regard, the NAP has failed to provide guidelines for the establishment of specialized CTF. In fact, Pakistani law enforcement forces are conventionally trained to combat crime, not terrorism. To some extent, some police department in provinces have established counter-terror department, which have been taking on some measures to curb terrorism (The Indian Express, 2014). However, this burden of fighting terrorism within the county is still on the shoulders of the armed forces.

For taking effective initiatives against religious persecution and protect religious minorities (#9), the NAP has been proved unsuccessful so far. According to the Human Rights Watch (HRW) violent attacks on religious minorities rose significantly in 2014 as the government of Pakistan failed to ensure protection of religious freedoms (HRW, 2016). Phelim Kine criticised the Pakistan government for failing at the most basic duty to protect its citizens and enforce rule of law and inept to stop the rising toll of killings and repression of religious minorities (HRW, 2015). In fact, a great number of both domestic and international peace studies experts and scholars

accused the ineffective policies of the government to control the long lasting religion persecutions in the country.

The NAP formwork assures safe and secure return of internally displaced people (IDPs) as an immediate priority and it also calls on FATA reforms and rehabilitation (#12). In 2001, Pakistan army started military operations in order to flush out terrorists from their safe havens and destroy their sanctuaries, in FATA and areas like Swat Valley. Around two million civilians from the conflict zones relocated to temporary camps in safe locations. The government had to allocate a big chunk of special budget for the IDPs, and as a result, all major developmental projects had to be halted due to financial crisis in Pakistan (Fahad, 2015). However, the government's poor strategy and coordination has left relief operations in the doldrums and a large number of the IDPs without assistance (Younus, 2016). Unfortunately, despite of losing homes and properties hundreds and thousands of the IDPs are still displaced without provision of basic necessities of life and their lives and future are at stake.

Undeniably, the NAP has failed to take strict measures against abuse of internet and social media for terrorism (#14) to halt radicalization and militancy in the country. For that purpose, the Ministry of Information Technology has blocked around 933 URLs and 10 websites of militant organizations (The News, 2016; Ashraf, 2016). However, the NAP lacked a clear framework of how to deal with internet and social media misuse. Mukhtar (2016) criticized the government's failure to establish any legal tools such as cybercrime law to deal with cybercrimes. Therefore, the NAP has been continuously failing to curb terrorists and their organization's malicious propagation on the social media.

Under the NAP, the government announced zero tolerance commitment for militancy in Punjab and in other part of the country (#15) and it would be decisively dealt the religious sectarianism with iron hands (#18). Irrefutably, southern Punjab is a source of extremism in Pakistan, a place where sectarian and religious outfits have been nurtured. Some sectarian outfits have lasting support and political association with the mainstream political parties. In the past, the ruling party Pakistan Muslim League Nawaz in Punjab failed to act against militant groups, either afraid of a backlash or constrained by political calculations (vote bank, in other words) (Jaffrelot, 2015). The ruling party in Punjab province had been accused of its suspected support for proscribed militant organizations. Like Sahi (2015) some security analysts believe that due to the Punjab government's soft touch with several sectarian and religious groups, militancy was allowed to spread throughout the province.

The NAP also highlights the issue of reconciliation in Baluchistan (#17). Baluchistan, a bleeding wound of Pakistan, largely neglected and disenfranchised region and unequal distribution of its natural resources caused Baloch rebellion since Pakistan's inception. Afghan and Indian involvement in "the destabilization of the province and patronizing of separatists" has caused a number of tribal uprisings over the last several decades (Grare, 2013). The rebellious movement has died down recently, however, many separatists seeking for reconciliation. For the political solution, the NAP authorizes of the government of Baluchistan for broader political consensus and reconciliation. Zulfiqar (2006) and many other scholars argue that there is clear "dichotomy in dealing with Baluchistan, on one hand, the forces are killing Baloch

youth through the ‘kill-and-dump policy’ or military operations; on the other hand, the government offers reconciliation. Such dichotomies continue to raise dissatisfaction and dismantling the reconciliation efforts.

The NAP addresses the issue of Afghan refugees and proposed a comprehensive policy to deal with the issue (#19). After terrorists attack on the APS, the government had decided that undocumented Afghan nationals would be registered by the end of 2015. Meanwhile, the government authorised law enforcers to start crackdown against undocumented Afghans and extradite them to their country after completing legal formalities (Ali, 2015). The forceful eviction of unregistered Afghan refugees has been criticized by the United Nations High Commissioner for Refugees and the Afghan government. The mishandling of Afghan refugees would damage Pakistan’s soft image that it has earned by hosting over three million refugees for the last three decades, largest by any country (Ghufran, 2016). Arguably, Pakistan should clearly state its policy on Afghan repatriation which is still missing. Otherwise continuing the forceful repatriation policy without providing basic facilities is likely to fail (Ghufran, 2016).

The final point in the NAP requires to reforming and drastically improving the criminal justice system in Pakistan (#20). Unquestionably, “a reformed and strengthened criminal justice system is pivotal to countering terror threats and containing violent extremism” (ICG, 2015). Experts believe that delay in litigation of criminal cases, the low conviction rate in terrorism-related cases, and also the loopholes in the existing system benefits the terror suspects (Haider, 2016). Therefore, the government need to take adequate initiatives to reform the current criminal justice system besides introducing concrete steps for the sufficient protection of judges, prosecution witnesses, investigating officers, and prosecutors of the special courts in the terrorism-related cases.

The Way Forward: Policy Recommendations

Since the implementation of the plan, some vigorous positive and negative consequences have occurred in the country. Indeed, terrorism and sectarianism yet to be resolved, however, some of the NAP’s points have been achieved and some are still are on the paper. Therefore, based on the extensive qualitative findings the paper suggests some essential recommendations to the NAP in order to attain its tangible objectives.

- The civilian government should avoid ad-hocism, and it needs to work on a comprehensive counter-terrorism policy with long term goals addressing the root causes of terrorism.
- The civilian administration should work on enhancing its capacity rather shifting its responsibilities to the military.
- For uncontentious accountability requires impartial treatment with all political and non-political entities by the government and its institutions.

- All political parties and non-political entities should formally dissolve their armed wings and disassociate themselves from militant organizations and disclose their source of funding.
- Reforms in FATA are must but need to be done with consensus and wishes of the locals.
- The IDPs should be timely resettled and rehabilitated and they should be properly taken care of while in camps.
- Terrorism in Baluchistan would need a different strategy as it is different from religious terrorism.
- Pakistan should work with Afghanistan closely in order to develop an all-inclusive strategy to solve the refugees issue in the future.
- For the sake of a competent judicial system, laws regarding terrorism should be sufficiently debated within the Parliament and be implemented and practiced in reality.

Conclusion

On a rocky rutted path, the NAP has had mixed outcomes of success and pitfalls to counter terrorism in the country. In assessing the twenty points of the NAP, Pakistan has done a good work of arresting terrorist and executing them. Strict actions have been taken against literature, newspapers and magazines promoting hatred, decapitation, extremism, sectarianism and intolerance. A substantial funding sources of terrorist and terrorist outfits has been seized. Defunct outfits are not allowed to operate under any other name. Ensured registration and regulation of religious seminaries and ban on glorification of terrorists and terrorist organisations through print and electronic media. In addition, the communication networks of terrorists are dismantled largely and the government has taken measures against promotion of terrorism through internet and social media.

However, establishing and deploying a dedicated counter-terrorism force and ending the religious extremism and protection of minorities are still far from reach to achieve. Also, actions against spreading extremism is still a challenging task to counter terrorism and sectarianism. Moreover, administrative and development reforms in FATA and political settlement and reconciliation in Baluchistan are still in the do list to redefine and solve with comprehensive strategies. Ongoing operation in Karachi has highs and lows, however, it has been sluggishly progressing towards its logical end. Formulation of a comprehensive policy to deal with the issue of Afghan refugees is in progress, however, on ground tactics of dealing with the issue have been criticized and it might worsen the Pak-Afghan relations. Lastly, there are no significant signs of reforms in criminal justice system; in fact, still there is serious civil-military trust deficit.

All in all, the findings of this paper argue that the NAP is an ad hoc policy and it has been haphazardly developed without giving it a rational thought and portrays the emotional reaction to the APS attack. The NAP lacks proper direction, as well as

coordination between the federal and provincial governments. The current plan has put most of the burden of counter-terrorism on the military. From the use of force to administrative and judicial, responsibilities now lie with the army. Also, there a big question mark on the jurisdiction and credibility of military courts due to their controversial role in the judiciary. Indeed there is need of sincere will and commitment to design a proper roadmap to fight against terrorism.



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Stateless Persons and Climate Refugees in Asia

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Abstract

UNHCR has indicated that 65.3 million individuals were forcibly displaced in 2015; 40.8 million people around the world were displaced within their own countries. These figures, however, did not include stateless persons, those who may not belong to any state. In fact, Asia has the largest number of stateless persons. Moreover, Asia comprises about one-third of the world's land in the low evaluation coastal zones. Climate refugees are already growing in the region, while 150 million is estimated by 2050 world-wide. Both the stateless and climate refugees are not satisfactorily covered by international law. Similarly, the protection mandate of UNHCR is limited. More and more people seek nationality and protection. Existing gender inequality contributes to the stateless women and children living with fears and threats of sexual exploitation. Contrarily, many people are still reluctant to welcome them in their countries. As the worst, the stateless might be seen as threats, trouble makers, terrorists or related to transnational organised crime. Fear arises among people when they do not know "who is who". Sharing responsibilities for the stateless is critical but "how" is uncommitted. International law enforcement has been challenged by national sovereignty, national laws and territorial integrity. Thus, this research investigates the following aspects of the problem of stateless in Asia (1) the crises and fear, (2) who is supposed to protect the stateless beyond national boundaries, and (3) who (and how) can alternatively protect them alternatively.

Keywords: Stateless persons, Climate refugees, Protection, ASEAN, Humanitarian Assistance

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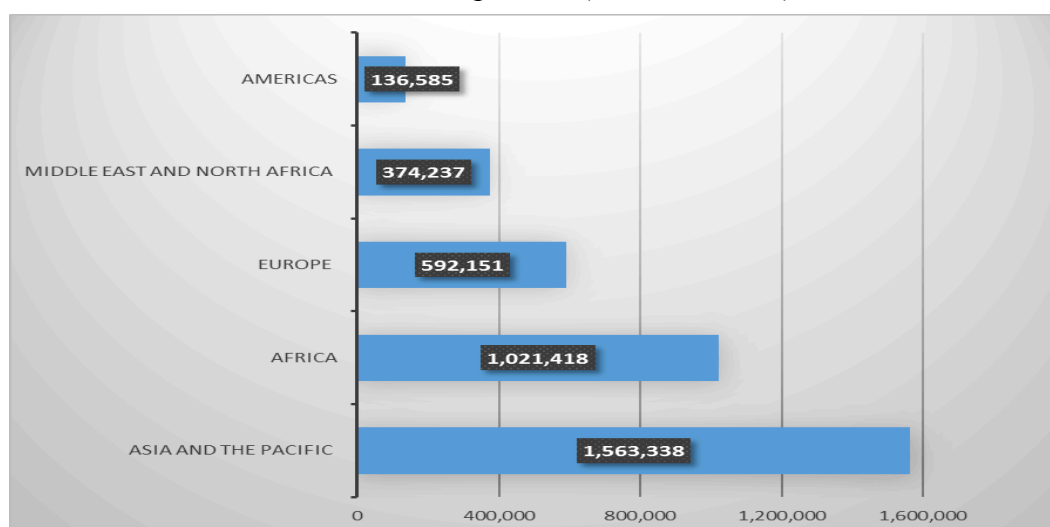
Introduction

UNHCR has indicated that 65.3 million individuals were forcibly displaced in 2015; 40.8 million people around the world were displaced within their own countries. These figures, however, did not include stateless persons and climate refugees, those who may not belong to any state. The number of climate refugees or Internally Displaced Persons by climate change is already growing while more than 150 million is estimated by 2050 world-wide (McGranahan, et al, 2007). However, both the stateless and climate refugees are not satisfactorily recognized by international law: the law enforcement has been challenged by national sovereignty, national laws and territorial integrity. Similarly, the protection mandate of UNHCR is limited. Thus, this research investigates the following aspects of the problem of stateless in Asia (1) the crises and fears, (2) who is supposed to protect the stateless beyond national boundaries, and (3) who can alternatively protect them, including existing humanitarian assistance and the roles of the Association of Southeast Asia Nations (ASEAN).

Stateless persons and Climate Refugees in Asia

“Article 1 of the 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as a person who is not considered a national by any state under the operation of its law” (UNHCR, 2014). According to the Report of UNHCR (2016), approximately 3.7 million stateless persons in 2015 (3.4 million in 2014) were officially reported while at least 10 million are estimated as the stateless. The definition of stateless persons, however, has its own problem. For instance, “Should a state cease to exist, citizenship of that state would cease, as there would no longer be a state of which person could be a national” (ISI, 2014). As a similar critique, the convention shall be questioned by climate change: will Small Island Developing States (SIDS) physically remain surely in future? What if the small islands disappear and all the islanders become stateless and right-less? In fact, Asia has the largest number of stateless persons (more than 1.5 million out of 3.7 million stateless persons) (Figure 1). Moreover, Asia comprises about one-third of the world’s land in “the Low Evaluation Coastal Zones” (MacGordon *et al.*, 2007), which indicates that the region and people are vulnerable to becoming climate refugees or the displaced (Table 1). However, the term climate “refugee” is controversial (Atkins, 2011; UN News, 2014), arguing with existing legal definitions, because such a refugee status may be granted for those who fled from an armed or political conflict, crossing a national border to take refuge.

Figure 1: The official number of stateless persons (UNHCR, 2015)



Top 10	Country	Population: Counts ('000) in the Lower Evaluation Coastal zone
1	China	143,800
2	India	63,188
3	Bangladesh	62,524
4	Vietnam	43,051
5	Indonesia	41,610
6	Japan	30,477
7	Egypt	25,655
8	USA	22,859
9	Thailand	16,478
10	Philippines	13,329

Table 1: Population at risk in Lower Evaluation Coastal Zone (McGranahan *et al*, 2007)

Two sides of the same coin: Crises and fears of the vulnerable and the host countries

The personal crises and fears, the vulnerabilities of the stateless and climate refugees, are complex. The stateless remain often invisible: they need protection, but they do not always wish to be identified in order to avoid deportation or detention. Moreover, their free movement is restricted without a nationality, which makes them further vulnerable to human smugglers and traffickers. Many are caught in violence, sexual exploitation and abuse (Ullah, 2016; Persoob, 2010) and transnational crime (Emmers, 2003). Claiming Climate refugee status was also denied in the Pacific (Dastgheib, 2015).

Contrarily, the crisis and fears caused in the host countries, those who receive them, by the influx of people, are different from those of stateless persons and climate refugees. Many states and their people are reluctant to welcome the vulnerable in their countries. As the worst, the stateless might be seen as threats, trouble makers, terrorists or related to transnational organised crime. This kind of fear arises among people when they do not know “who is who”. A gender-unequal nationality law also

contributes to increase the number of statelessness; e.g. mothers in Brunei have no right to confer their nationality to their children (Caster, 2016).

Existing humanitarian assistance and the roles of the Association of Southeast Asian Nations (ASEAN)

Sharing responsibilities for the stateless is critical but “how” is uncommitted. International law enforcement has been challenged by national sovereignty, national laws and territorial integrity. However, international communities keep addressing humanitarian options to recognise and protect stateless persons and climate refugees, e.g. birth registration programme (Plan International, 2014), training for lawyers on arbitrary detention (UNGA, 2014) etc. The ASEAN member countries also have critical roles to play, in particular, holding the largest number of the stateless, i.e. the Rohingya-Muslims, in the region. Except the Philippines, the ASEAN countries have not pledged to accede the 1954 Convention (UNHCR, 2012), however, all signed the Convention on Eliminating Discrimination Against Women and Children (CEDAW). Moreover, the ASEAN also adopted the ASEAN Human Rights Declaration (the AHRD) in the Phnom Penh statement (ASEAN, 2012). These existing processes and the transnational cooperation mechanism are the potential platform that can develop regional integration of the vulnerable (Renshaw, 2013) although the ASEAN includes Islamic members such as Brunei, Indonesia and Malaysia and their involvement makes the issues of human rights of the Rohingya-Muslims sensitive to Myanmar (Paik, 2016).

Concerning climate refugees, a global platform, namely the Nansen Initiative, has been established for providing humanitarian assistance for disaster-induced cross-border displacement (The Nansen Initiative Secretariat, 2014; Walter, 2012). Concerning the recent humanitarian assistance in Southeast Asia, ASEAN’s role became visible with the cyclone Nargis flooding in Myanmar (Paik, 2016): all ASEAN member countries provided disaster relief materials to the cyclone-affected areas based on the ASEAN Agreement on Disaster Management and Emergency Response (AADMER). Furthermore, an ASEAN Emergency Rapid Assessment Team was deployed, comprising government officials, disaster experts, and Non-Governmental Organizations (NGOs), from the ASEAN countries. The ASEAN-led coordination mechanism as a regional cooperation does exist to deliver humanitarian assistance to those who are in need.

Conclusion

We have fearful futures in Asia: more and more people need and seek nationality and protection. Current legal and policy frameworks need to be revisited because the complex issues of stateless persons and climate refugees cannot be addressed just simply as legal issues in isolation. In December 2016, ASEAN took a further step, holding the ASEAN meeting on the Rohingya-Muslims in Myanmar. Such political, cooperative measures are not always efficient, but have potential for understanding and framing the extensive impacts of stateless persons and climate refugees on all ASEAN countries (Neo, 2016). Furthermore, protecting the stateless need to be re-framed as to include preventing transnational crime beyond regional security and/or domestic legal perspectives (Emmers, 2003). The ASEAN have critical roles to defend and protect the most vulnerable from transnational crime.

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