An Essay on Maritime Security: Focus on a Multi-Level Approach

Yuta Komori
Research Fellow, Ocean Policy Research Institute, the Sasakawa Peace Foundation

1. Introduction

A quarter of a century has passed since Japan ratified the United Nations Convention on the Law of the Sea (UNCLOS) in 1996, which entered into force approximately 35 years after the First United Nations Conference on the Law of the Sea, held in 1958. In the meantime, with the aim of promoting the comprehensive management of the oceans, the Basic Act on Ocean Policy was enacted in 2007 and the Basic Plan for Ocean Policy was approved by the Fukuda Yasuo Administration in 2008. The latter was followed by the Second Basic Plan for Ocean Policy in 2013, and the Third Basic Ocean Policy is currently being implemented. This third and current Basic Plan for Ocean Policy differs from the previous Basic Plan in that it sets "comprehensive ocean security" as the basic policy for ocean-related measures.[1] Therefore, maritime security can be regarded as an important policy issue in Japan's ocean policy at present.

The comprehensive management of the oceans, in other words, means the establishment of ocean governance and, more specifically, overcoming the global trilemma of "economy"-"environment"-"security."[2] In addition, the importance of sea lines of communication (SLOCs), which are the primary arteries of logistics that support the global economy, will only increase with the progress of globalization. However, there have been movements such as the protection of interests by coastal countries in the name of resource development and environmental protection,[3] and the trilemma that goes beyond mere economic activities and environmental protection activities has become a reality.

This article examines a variety of perspectives that might contribute to the resolution of future issues in light of such a trilemma surrounding maritime security.

2. International relations theory as a basis for ocean policy
2-1. The sea from the perspective of realism

Realism in political science or international relations theory is generally understood as "a theory that views international politics as a power struggle, with an orientation toward security through great power derived from Thomas Hobbes."[4] Hans Joachim Morgenthau, a leading proponent of this realism, argues that the balance of power, which aims for equilibrium in the struggle for power among nations, is the most effective means of maintaining international order.[5] One example of a maritime security initiative that could be considered to be based on realism is the capacity building of Southeast Asian countries in maritime security.[6] Current efforts are focused on improving law enforcement capabilities, such as anti-piracy measures, and, needless to say,[7] improving law enforcement capabilities is a concrete effort required to build and develop a stable maritime order. However, as efforts related to law enforcement capacity, such as the Regional Cooperation Agreement Against Piracy in Asia (ReCAAP), are implemented by countries with direct interests in the region,[8] from the perspective of realism, the ocean must be regarded as an arena where each country secures its own interests and not as a global commons.

2-2. The sea from the perspective of liberalism

Liberalism, by contrast, is generally understood to be "a theory, influenced by John Locke and Immanuel Kant, which holds that common interests and norms exist in international society and that conflicts and disputes are not normalized."[9]

Based on this view of liberalism and the international regime theory and global governance developed accordingly,[10] measures regarding oceans include UNCLOS, the Convention on Biological Diversity (CBD) that entered into force in 1993, the United Nations Framework Convention on Climate Change (UNFCCC) that entered into force in 1994, and other international commitments.[11] UNCLOS, in particular, has been called the "Constitution of the Sea" and is regarded as the foundation of the modern maritime order. However, the excessive expansion of some states into the oceans, which has become a problem in recent years,[12] has triggered effective

initiatives such as the Freedom of Navigation Operations (FONOP),[13] which may represent a limitation of liberalism-based initiatives.

2-3. How should we view the seas?

Considering the above discussion, there are many initiatives with respect to oceans that rely not only on realism but also on liberalism. In addition, as mentioned earlier, international society is regarded as anarchic, but the fact that the oceans have also been regarded as free is also an indispensable perspective. Thus, it is essential to consider each of these perspectives, as in the case of the theory of international society.

The theory of international society (or "anarchical society"), systematically discussed by Hedley Bull and other British students, argues that even in international relations, practiced within an anarchic society with states as major actors, order is formed through the interaction of rules, including international law, moral principles, the status of customary or established practices, mere principles of conduct created without formal agreement or even verbal notice, and institutions, including the rules of games and the balance of power, international law, diplomatic mechanisms, superpower systems of geopolitical control and detente, and even war.[14] While it cannot be said that international society theory is a perfect analytical perspective, it is to some extent a useful perspective for examining oceanic issues, which the preamble of UNCLOS states must be "recognized as being closely interrelated and needing to be considered as a whole."

3. Essential perspectives in maritime security

International efforts in the oceans can be broadly categorized into bilateral fishery agreements and other initiatives between a small number of nations (bilateralism) and global initiatives such as UNCLOS (multilateralism). In contrast to these efforts, there are also efforts by coastal states in regional waters, such as the Partnership for Environmental Management of East Asian Seas (PEMSEA). In addition, as in the case of the Arctic Council (AC), although the primary membership consists only of the Arctic states (Canada; Denmark, including Greenland and the Faroe Islands; Finland; Iceland; Norway; Russia; Sweden; and the United States), there are some global and local initiatives, such as the membership of non-Arctic countries (France, Germany, Poland, Spain, the Netherlands, the United Kingdom, Japan, the People's Republic of China, India, Italy, the Republic of Korea, and Singapore) as observers.

International efforts regarding maritime security are often directly related to the interests of the countries involved, and it is extremely difficult to develop them into military alliances such as the North Atlantic Treaty Organization (NATO) and the Warsaw Pact. There are also opinions that point out the challenges of multilateralism in the first place.[15] Therefore, in establishing an effective approach to the comprehensive management of the oceans and issues of the maritime security that constitute a part of it, it would be beneficial to focus on international initiatives that are narrowly focused to a certain extent, or to put it another way, initiatives based on relationships that can be referred to as "meso-level."

While pointing out the need for increased attention to the above-mentioned efforts, it should also be noted that new SLOCs are forming in the Indo-Pacific, especially in the East Asian region, due to the development of the Arctic Sea route as a result of climate change, which passes through the northern part of the Eurasian and American continents, different from the SLOCs that have passed through the South China Sea, the Malacca Strait, and the Indian Ocean.[16] As a result, issues such as IUU (Illegal, Unreported and Unregulated) fishing, which had been considered a problem in the Southern Ocean, are increasingly likely to arise on a global scale.[17] It can therefore be concluded that monitoring meso-level initiatives that focus on the newly emerging SLOCs can serve as an important premise in perspective development when considering necessary initiatives in the area of maritime security.

4. Conclusion

The central discussion of this article examined its subject matter in light of the trilemma of maritime security to examine the possibility of various perspectives from which to contribute to the resolution of future issues. As a result, the consideration of meso-level initiatives to address changes

in international relations theory and the formation of new SLOCs due to climate change was found to be essential when examining maritime security. Accordingly, I would like to express my personal views on the approaches that will be required in the future.

The formation of new SLOCs due to climate change will affect all areas of the integrated management of the oceans. Therefore, economic activities and environmental protection, which constitute the trilemma pointed out at the beginning of this article, and marine security should not be considered separately but rather examined comprehensively and with an interdisciplinary approach. In addition, although I have not attempted to examine the issue from the perspective of security theory in this article, I cannot overlook the fact that the solution to the trilemma involves elements of either traditional or non-traditional security. Therefore, it is essential to rethink maritime security from the perspective of security theory, and, as major powers in particular tend to conduct diplomacy as an extension of their domestic politics,[18] it is necessary to monitor the domestic politics of the countries concerned when focusing on maritime security as a form of public policy.[19]

None of these efforts can be accomplished overnight, but they are essential for an accurate understanding of maritime security and the determination of effective measures. For this reason, I would like to vigorously promote such research, even if it means progressing at a snail's pace.

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[1] Hao I, "New Ocean Policy under the Third Basic Plan for Ocean Policy," *Ocean Newsletter*, No. 431, July 2018, pp. 2–3. The First Basic Plan for Ocean Policy (Cabinet Decision on March 18, 2008) and the Second Basic Plan for Ocean Policy (Cabinet Decision on April 26, 2013) also suggest the importance of "ensuring the safety of the oceans" in Part 1 (basic policy on measures related to the oceans) and in Part 2 (measures to be taken comprehensively and systematically by the government with regard to measures related to the oceans), "ensuring the safety of the oceans" is listed as one of the measures to be taken.

[2] Akimoto K, "Tackling the Oceanic Trilemma: A Clue to the Integration of Security and Ocean Management," *Ocean Newsletter*, No. 6, November 2000, pp. 6–7.

[3] Akimoto K, "Economic Loss where Navigation in the South China Sea is Threatened: A Reconsideration of the 'Offshore Control' Strategy and Proposals for Sea Lane Security," Ocean Information Special Report, 2014. *Marine Information Quarterly*, No. 6, June 30, 2014, pp. 120–127.

[4] Kume I, Kawade Y, Furushiro Y, Tanaka A, and Mabuchi M, *Politics*, Yuhikaku, 2009, pp. 136–137.

[5] Morgenthau H J (translated by Modern Peace Research Association), *International Politics II*, Fukumura Shuppan, 1986, pp. 218–240.

[6] Jimbo K, "Chapter 7: Japan-U.S.-Australia Cooperation in Capacity Building in Southeast Asia (Interim Report)," The Japan Institute of International Affairs (JIIA), "FY 2008 Ministry of Foreign Affairs Diplomatic and Security Studies Project: Maritime Security in the Indo-Pacific Region and the Realization of the 'Rule of Law' Toward a New Approach for Japanese Diplomacy to Maintain and Strengthen International Public Goods," 2019, pp. 93–105.

[7] The National Security Strategy, approved by the Cabinet Office on December 17, 2013, clearly states that "Japan will support the improvement of the maritime security capabilities of countries with sea lane coasts, etc." as an initiative related to "(4) Ensuring maritime security."

[8] Wang, Qichao, "A Study on the Malacca Strait Piracy Problem and Regional Cooperation Agreement Against Asian Piracy (ReCAAP): From the Perspective of International Public Goods," *The Review of Asia Pacific Studies*, No. 27, March 2014, pp. 25–43.

[9] "Political Science" pp. 137–138, supra.

[10] Oshiba R, "Trends in International Relations and International Organizations," *Trends in Academia*, Vol. 16, No. 6, June 2011, pp. 17–21.

[11] Asakawa K, "The Influence of Non-State Actors IGOs," *Annual Report of the Institute of Political Science and Economics, Musashino University*, No. 9, July 2014, pp. 25–51. In this regard, some studies have pointed out that an integrated regime was formed in the oceans based on the "principle of freedom of the seas." Harada Y, "Obstacles in the Governance of the Global Commons: The Case of Oceans and Cyberspace," *NIDS Security Studies*, Vol. 18, No. 1, November 2015, pp. 31–54.

[12] Kuramochi H, "A Study on China's Maritime Expansion and Japan's Response Measures: From the Perspective of 'Strategic Frontiers' and the 'Three Powers'," *Ocean Information Quarterly*, No. 8, November 26, 2014, pp. 89–105.

[13] Ishihara T, "Freedom of Navigation for the United States: Focusing on the Analysis of the FON Report," Special Issue of *Strategic Studies of the Maritime Academy* (Vol. 12), November 2016, pp. 64–85.

[14] Onishi F, "International Society Theory and Its Criticism: Focusing on the Examination of the Concept of International Order," *Journal of International Relations*, Vol. 35, No. 1, October 2014, pp. 51–53.

[15] Nakamitsu I, "Multilateralism Today and Tomorrow, Expectations for Japan," *International Affairs*, No. 678, January 2019, pp. 1–5.

[16] Komori Y, "A Basic Study on the Creation of a New International Structure to Protect the Sea: Based on the Eurasian Blue Belt," *Maritime Security Information Quarterly*, No. 23, January 27, 2019, pp. 130–141.

[17] Japan already ratified the International Agreement to Prevent IUU Fishing in the Central Arctic Ocean (Fisheries Seas High Unregulated Prevent to Agreement in the Central Arctic Ocean) in July 2019.

[18] Sankei News, "'Everything is an extension of domestic politics': Meiji University's Professor Mao Unno's analysis of the speech" (https://www.sankei.com/world/news/170121/wor1701210092-n1.html) (Accessed on: January 31, 2021); Kokubun R, "Examining the Regime of China's Xi Jinping: Domestic Politics, Diplomacy, and Japan-China Relations," *Proceedings of the National Defense Issues Lecture Series*, November 14, 2018, Japan National Defense Association (https://www.kokubou-league.com/seminar/archive/777/) (Accessed on: January 31, 2021).

[19] The relationship between diplomacy and public opinion has been the subject of a special issue of *Kokusai Seiji* No. 41 (January 1970) and a special issue of *Leviathan* No. 54 (April 2014), both titled "Diplomacy and Public Opinion," which summarized the results of research on the relationship between public opinion in Japan and the foreign policy of the time.