Maritime Trends

Maritime security is of critical importance to Japan, a maritime nation surrounded by sea. For example, Japan relies on sea transport to import energy resources. Accordingly, ensuring secure sea lanes is vital for the survival of the nation. Securing the stable use of one of the global commons, the “maritime domain,” is a key security issue for the international community. In recent years, maritime trends in the countries concerned are drawing attention, including their compliance with relevant international norms.

Trends Related to the “Principle of the Freedom of the High Seas” in the East and South China Seas

The UN Convention on the Law of the Sea (UNCLOS) provides for the principles of freedom of navigation in the high seas and freedom of overflight. Nevertheless, in the waters and airspace in the periphery of Japan, especially the East and South China Seas, it has become increasingly common for countries to unilaterally assert their rights or take actions, based on their unique assertions which are incompatible with the existing international order. This has caused situations of undue infringement upon such principles.

Numerous cases of acts which go against the principles of freedom of navigation and freedom of overflight have been recently seen in the East China Sea. For example, there was the case in January 2013, when a Chinese naval vessel directed its fire-control radar at an MSDF destroyer navigating on the high seas (30th), and another case in which a Chinese naval vessel is suspected to have directed its fire-control radar at a helicopter carried onboard an MSDF destroyer (19th). The directing of a fire-control radar is generally an act carried out prior to using firearms, and directing it at an opponent is a dangerous act that may have unintended consequences.

On November 23, 2013, the Chinese Government declared “the East China Sea Air Defense Identification Zone (ADIZ)” including the Senkaku Islands as if they were a part of China’s “territory.” China’s Ministry of National Defense announced that it would enforce rules set on any aircraft flying in the ADIZ and that the PLA would take “defensive emergency measures” if aircraft does not follow the instructed procedures. Japan is deeply concerned about such measures, which are profoundly dangerous acts that unilaterally change the status quo in the East China Sea, escalating the situation, and that may cause unintended consequences in the East China Sea. Furthermore, the measures unduly infringe the freedom of overflight. Japan is demanding China to revoke any measures that could go against the principle of freedom of overflight. The United States, the Republic of Korea (ROK), Australia, and the EU, too, have expressed concern about China’s establishment of such zone.

Increased activities by Chinese military aircraft have been confirmed in recent years in the airspace close to the various southwestern islands of Japan, including the main island of Okinawa, and the expansion of these activities may be an attempt to enforce “the East China Sea Air Defense Identification Zone (ADIZ).” Moreover, in May and June of 2014, fighters of the People’s Liberation Army (PLA) of China flew abnormally close to aircraft of the MSDF and Japan Air Self-Defense Force, which were flying over the East China Sea.

Such actions have also been seen frequently in the South China Sea. Chinese naval vessels have obstructed the navigation of U.S. naval vessels and Chinese aircraft have also obstructed the flight of U.S. military aircraft. In December 2016, an unmanned underwater vehicle belonging to the U.S. Navy was momentarily seized in the South China Sea by a vessel of the PLA Navy. These

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1 The UN Convention on the Law of the Sea (UNCLOS) was adopted as a comprehensive treaty on the law and order of the seas in 1982 and entered into force in 1994 (Japan concluded it in 1996).
2 Regarding this issue, the U.S. issued statements saying “actions such as this escalate tensions and increase the risk of an incident or a miscalculation, and they could undermine peace, stability, and economic growth in this vital region” (February 5, 2013, Department of State Daily Press Briefing) and that “we were briefed by our Japanese allies on the incident and we’ve satisfied ourselves that it does appear to have happened” (February 11, 2013, Department of State Daily Press Briefing).
3 Other than that, there were multiple incidents in March 2011 of Chinese helicopters and other aircraft apparently of the State Oceanic Administration flying close to Japan Maritime Self-Defense Force destroyers which were engaged in monitoring and surveillance in the East China Sea. Moreover, in June 2016, a Chinese fighter is speculated to have conducted a dangerous act by approaching a U.S. Air Force reconnaissance aircraft at a high speed over the East China Sea, and in May 2017 an incident allegedly occurred where Chinese fighters obstructed the route of an aircraft of the U.S. Forces.
4 In March 2009, Chinese ships, including a naval vessel, a maritime research ship of the SOA, a Bureau of Maritime Fisheries’ patrol ship, and fishing vessels, approached a U.S. Navy acoustic research ship operating in the South China Sea to obstruct its operations. Meanwhile, in December 2013, a Chinese naval vessel cut across the bow of a U.S. Navy cruiser operating in the South China Sea at point blank range.
5 In August 2014, a Chinese fighter is speculated to have flown abnormally close to and obstructed a U.S. Navy patrol aircraft over the South China Sea. Furthermore, in May 2016, Chinese fighters are speculated to have flown abnormally and dangerously close, to within around 15 m, of a reconnaissance aircraft of the U.S. Navy over the South China Sea.
cases are dangerous acts that could cause unintended consequences.

Additionally, China has gone ahead with land reclamation on seven features on a massive and rapid scale on the Spratly Islands since 2014. In July 2016, the rights asserted by China in the sea area enclosed by the “nine-dash line,” including “historical rights” as the basis of the “nine dash line” were denied in the arbitration award between the Philippines and China, and the illegality of China’s reclamation activities was acknowledged. However, China has clearly stated its intention not to comply with the award, and continues militarization of the features by developing batteries and other military facilities and various infrastructure that can be used for military purposes, such as runways, harbors, hangars and radar facilities. Moreover, in July and August 2016 after the arbitration award between the Philippines and China was rendered, an H-6 bomber of the PLAAF conducted combat air patrols in the airspace around Scarborough Shoal, with China’s Ministry of National Defense announcing that it would conduct these patrols regularly from now on. This shows the PLA has been intensifying its operation in the South China Sea. Under these circumstances, a further increase in China’s aerial presence in the area could lead to the establishment of a “South China Sea Air Defense Identification Zone” in the future.

Furthermore, Chinese government vessels have obstructed fishing and other vessels of countries approaching the features, etc. by ring warning shots and water cannons at the vessels. Claimants as well as the international community including the United States have repeatedly said they are deeply concerned about China’s unilateral changes of the status quo, further advancement of efforts to create a fait accompli, and assertive and dangerous acts that could cause unintended consequences.

Despite these numerous acts that could pose risks to securing the stable use of oceans and airspace, in recent years progress has been made on efforts to avert and prevent unintended consequences in the seas and skies. First, at the Japan-China Summit Meeting held on May 9, 2018, Japan and China agreed to establish a “Maritime and Aerial Communication Mechanism between Japan-China Defense Authorities” with the aim of avoiding unintended confrontations between the naval vessels and aircraft of the SDF and PLA. As for multi-national initiatives, in April 2014, navies of participating countries of the Western Pacific Naval Symposium (WPNS), including Japan, the United States, and China, reached agreement on the Code for Unplanned Encounters at Sea (CUES). CUES sets forth a code of conduct such as procedures and communication method to ensure safety for unexpected encounters by vessels or aircraft of the navies of each country. In November 2014, the United States and China agreed on measures pertaining to mutual notification of military activities, together with rules of behavior to avert collisions in waters and airspace in accordance with CUES and other frameworks. In September 2015, the two countries announced an agreement concerning an additional annex stipulating rules of behavior to avert air encounters. Between ASEAN and China, official discussions have been held between on the establishment of the Code of the Conduct of Parties in the South China Sea (COC).

It is strongly hoped that these initiatives designed to avert and prevent unintended consequences in the seas and skies will supplement the existing international order, and that the countries concerned, including China, refrain from unilateral actions that heighten tension and act on the basis of the principle of the rule of law.

Moreover, to ensure the effectiveness of the UN Security Council Resolution regarding the North Korea issue, the international community has been cooperating in the bolstering of measures to prevent the evasion of sanctions by North Korea, including ship-to-ship transfers of goods (the offshore transfer of goods from or to ships registered to North Korea), which has been prohibited by the UN Security Council Resolution.  

The Arctic Ocean, which covers most of the Arctic Region, borders Russia, the United States, Canada, Denmark, and Norway. In recent years, decrease in sea ice has increased the potential for utilization of the Northern Sea Route and exploration of natural resources. For these reasons, the Arctic states have been more

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6. This code is not legally binding and does not supersede the annexes of the Convention on International Civil Aviation and other international treaties.

7. See Part III, Chapter 1, Section 2-1-1

8. The Arctic Region is the area north of the latitude line of 66 degrees 33 minutes north latitude. There are eight countries in the Arctic Region – the five countries that border the Arctic Ocean and Finland, Sweden, and Iceland that do not border it. In 1996, the Arctic Council was established, which aims to promote cooperation, coordination, and interaction among the Arctic states, with the involvement of the indigenous communities and other inhabitants on common Arctic issues (e.g., sustainable development and environmental protection).
proactively promoting efforts to secure their interests in resource development and use of the sea route. From the perspective of security, the Arctic Ocean has traditionally been used for the deployment of strategic nuclear forces and as their transit route. With the decrease in sea ice in recent years, ships have been able to navigate for a longer period of time and more extensively than before. It is therefore considered that the region could be used for deploying maritime forces or maneuvering military forces in the future, increasing its strategic importance.

In this situation, there are unresolved issues among the Arctic states over the demarcation of maritime boundaries based on UNCLOS and extension of the continental shelf. Some of these Arctic states including Russia are promoting efforts to deploy new military capabilities for the purpose of securing their interests and defending their territories.

In the Russian Federation’s National Security Strategy revised in December 2015, Russia continues to maintain that it would secure its interests in resource development and use of the sea route. Russia has been actively involved with the Arctic, underpinned by Russia’s possession of the largest exclusive economic zone (EEZ) among the coastal states, the potential abundance of resources in the waters of the Arctic Ocean, the geographic and security importance of the Northern Sea Route located off the coast of Russia, and Russia’s military superiority ensured by the deployment of military forces directly facing the Arctic Ocean.

In the Arctic Strategy released by the U.S. DoD in 2013, the United States expresses its desire for the Arctic to become a secure and stable region where U.S. national interests are safeguarded, the U.S. homeland is protected, and nations work cooperatively to address challenges. In December 2016, then U.S. President Obama decided to ban new drilling for oil and natural gas in a majority of U.S. territorial waters in the Arctic to protect marine resources, showing a negative stance towards resource development. However, the U.S. President Trump signed an executive order repealing this decision of then U.S. President Obama in April 2017.

Aside from coastal states in the Arctic Ocean, 13 countries including Japan and China have observer status in the Arctic Council. Notably, China has shown active involvement in the Arctic Ocean, deploying the polar research vessel Xue Long to the Arctic Ocean for eight times since 1999. In January 2018, they published a white paper titled “China’s Arctic Policy” in which they claimed to be one of the geographically closest states to the Arctic Circle with rights pertaining to the development of resources. They also announced their intention to build a “Polar Silk Road.” In September 2015, it was reported for the first time that five Chinese naval vessels sailed in the Bering Sea between the Arctic Ocean and the Pacific and sailed in the U.S. territorial waters near the Aleutian Islands. Focus will be on whether or not such activities would have any relation to the PLA Navy’s future advancements into the Arctic Ocean.

With regard to oceans, not only for economic development but also for the national security of each country, it has become even more important to promote appropriate rulemaking and to make concerted efforts by the international community to address risks and ensure freedom of navigation while respecting such rules. “Open and Stable Seas” constitute the basis for peace and prosperity of the international community as a whole. In this regard, each state has been tackling on its own or with others various issues including piracy, unidentified vessels, illegal dumping, contraband, human smuggling, maritime disasters, and the removal of hazardous substances, for maintaining the stability of sea lanes of communication.

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9 Russia is said to have a fleet of around 40 icebreakers, while an additional three nuclear-powered icebreakers and two multipurpose icebreaker patrol ships are currently under construction. See Chapter 2, Section 4 (Russia) regarding the Northern Joint Strategic Command in charge of the Arctic, the deployment and training of the Northern Fleet vessels, the development of military facilities, strategic patrol by strategic nuclear submarines, and patrol flights by long-range bombers.

10 As regards activities of other coastal nations, Canada states that the Arctic is a priority region under its policies in Canada’s Northern Strategy (released in 2009), and similar to the United States, in December 2016 Canada announced a moratorium on the development of oil and natural gas in its territorial waters in the Arctic Ocean. Denmark and Norway have also developed the Kingdom of Denmark Strategy for the Arctic 2011-2020 (released in 2011) and the Norwegian Government’s High North Strategy (released in 2006), respectively, which outline their stances of attaching importance to the Arctic, including the perspective of security.

11 In 2012, Xue Long became the first polar research vessel to sail across the Arctic Ocean. In 2013, a cargo vessel Yong Sheng became the first Chinese commercial ship to cross the Arctic Ocean. Canadian scientists took part in Xue Long’s voyage to the Arctic Ocean in 2017, and they succeeded for the first time in trial navigation of the Arctic Northwest Passage (along the north coast of Canada). Currently, China is believed to be building its second polar research vessel.
1 United States

Regarding China’s maritime advances, U.S. Secretary of Defense Mattis declared at the Shangri-La Dialog, held in June 2017, that the United States cannot and will not accept unilateral coercive changes to the status quo due to the scope and scale of China’s construction activities in the South China Sea, which differ from those of other countries in several key ways. They include the nature of its militarization, China’s disregard for international law, its contempt for other nations’ interests, and its efforts to dismiss non-adversarial resolution of the issues. In stating this, he also stated that the U.S. remains committed to protecting the rights, freedom and lawful uses of the sea, and the ability of countries to exercise those rights in the strategically important East and South China Seas. Moreover, he stated that the U.S. will continue to fly, sail and operate wherever international law allows, and demonstrate resolve through operational presence in the South China Sea and beyond. In May, July, August and October of 2017, and January, March and May of 2018, it has been reported that the U.S. military actually conducted Freedom of Navigation operations, navigating vessels in surrounding waters and within 12 nautical miles of maritime features in the South China Sea claimed by China. Japan supports these Freedom of Navigation operations conducted in the South China Sea by the United States, and believes in the importance of cooperation within the international community to protect the free, open and peaceful seas.

The United States deems that its safety and economic security depend upon the secure use of the world’s oceans, and that the United States has a vital interest in maritime security. Based on this recognition, the United States leads the Combined Maritime Forces (CMF) to counter piracy and advance maritime safety, including tackling terrorism in waters surrounding the Middle East and Africa, such as the Gulf of Aden, the Persian Gulf, and the Indian Ocean. In waters surrounding Central America, the United States conducts operations to counter illicit trafficking, primarily drug trafficking with European and Western Hemisphere countries. The United States thus dispatches vessels to the various seas of the world and takes actions to combat piracy, organized crime, terrorism, and the proliferation of weapons of mass destruction (WMDs).

2 NATO • EU

NATO, which identifies acts of terrorism as a threat to its member countries, has conducted Operation Active Endeavour as a maritime initiative since October 2001 following the terrorist attacks in the United States of the same year. Regarding this operation, a decision was made to transition to Operation Sea Guardian, whose mission is crisis management, and a wide range of operations has been carried out since November 2016, including counter-terrorism and capacity building assistance, among others, while collaborating with Operation Sophia of the European Union (EU).

To deal with the pending issue of the large influx of refugees and migrants, NATO decided to deploy the Standing NATO Maritime Groups, which is multinational, integrated force made up of vessels from member countries that provide offshore deterrence for member countries through routine exercises and maintenance of rapid deployment capabilities, to the Aegean Sea in February 2016, and notify Greek and Turkish authorities as well as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU of information regarding refugee boats.

In response to the threat of piracy, NATO was deploying vessels of the Standing NATO Maritime Groups off the coast of Somalia and the Gulf of Aden. NATO was carrying out Operation Ocean Shield since August 2009, and it engaged in counter-piracy activities by vessels as well as helped countries build up their capacities to counter piracy if requested. NATO ended these activities in December 2016. With many of its member states facing the ocean, the EU has high maritime traffic and economic activity in the sea, and since December 2008, it has conducted the counter-piracy operation known as Operation Atalanta in this area, which became the EU’s first maritime mission. This operation aims to monitor the waters around the area and

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12 The Freedom of Navigation Operations are operational activities conducted by the U.S. Forces for countering excessive claims over maritime interests asserted by coastal states to protect the rights, freedoms, and uses of the sea and airspace guaranteed to all states under international law. It is deemed that the Operations have been conducted on an ongoing basis since 1979.

13 CMF is a multinational force, which operates to promote maritime security, stability, and prosperity, under the U.S. Central Command. Forces from 32 countries participate in CMF, and the CMF Commander concurrently serves as the Commander of the U.S. Fifth Fleet. CMF is comprised of three combined task forces: Combined Task Force 150 (CTF-150), which is tasked with maritime security operations; Combined Task Force 151 (CTF-151) with counter-piracy operations; and Combined Task Force 152 (CTF-152) with maritime security operations in the Persian Gulf. The Japan Self-Defense Forces deploy units to CTF-151.

14 European and Western Hemisphere countries, including the United States, conduct Operation Martillo to combat illicit trafficking, including the trafficking of narcotics, precursor chemicals, bulk cash, and weapons, as well as organized crime along the sea areas surrounding Central America.
escort ships using naval vessels and aircraft dispatched from various countries, and it has been decided that these operations will continue until the end of 2018.

3 United Kingdom

The United Kingdom is an island nation surrounded by sea, and has a heritage of engaging actively in maritime activities, including maritime trade. Furthermore, the United Kingdom has many overseas territories and has an EEZ which extends about 25 times the U.K. terrestrial extent. Due to these factors, the United Kingdom proactively contributes to NATO-and EU-led multinational forces and the U.S. led CMF in order to ensure the maritime security of the sea areas surrounding the United Kingdom, including its overseas territories, and by extension, the seas of its neighboring countries. Specifically, the headquarters of Operation Atalanta, the EU-led counter-piracy operation is located at the Northwood Maritime Command Headquarters in the U.K. In addition, the U.K. navy engages in initiatives to maintain a presence in the Asia-Pacific region, in order to ensure freedom of navigation in the South China Sea.15

4 France

France, with its many overseas territories, possesses one of the largest EEZs in the world. The strategic review announced in October 2017, pointed out the possibility of the benefits of freedom of navigation being threatened as the result of deterioration in the strategic situation in the Asia-Pacific region, and simultaneously clarified the country’s intention to continue protecting its overseas sovereignty and overseas territories in the Pacific and Indian Oceans. As such, France has deployed forces in French Polynesia and New Caledonia, including the deployment of frigates and patrol boats. Moreover, the Floréal-class frigate, Vendémiaire, made a port call in Japan in February 2018 to hold joint exercises with the Maritime Self-Defense Force (MSDF). France has also been hosting multilateral exercises such as Croix du Sud and Equateur in the South Pacific.16

5 Australia

Australia’s Defence White Paper unveiled in 2016 considers the security of sea lanes as a strategic defense interest, along with the security and resilience of Australia. Especially as Australia depends on maritime trade with Southeast Asia and maritime trade transiting Southeast Asia, Australia sees a need to ensure the security of trade routes in the country’s proximate waters and in Southeast Asia.

Based on this policy, the Australian Defence Force (ADF) has a outpost in Royal Malaysian Air Force (RMAF) Base Butterworth and conducts patrol and surveillance activities called “Operation Gateway” using patrol aircraft in the North Indian Ocean and the South China Sea.17 The ADF also engages in expanding naval cooperation with India, providing patrol vessels to South Pacific countries,18 and conducting coastal patrols by mobilizing ADF assets.

In relation to China, there were reports of Australian patrol aircraft operating in the area around the South China Sea being subjected to PLA aircraft interference on a regular basis. Moreover, there were reports in April 2018 of three Australian naval vessels heading toward Vietnam being provoked by the PLA Navy. In response to this, the Ministry of National Defense of The People’s Republic of China stated that the “reports were not true,” while Australian Prime Minister Turnbull declared that Australia will exert and practice its right of freedom of navigation throughout the world’s oceans, including South China Sea.

6 China

China relies on sea transport for over 90% of its trade cargo.19 Accordingly, ensuring the security of China’s sea lanes constitutes a critical part of the “basic safeguards for ensuring sustainable economic and social development,”20 one of China’s “core interests.”

With regard to counter-piracy activities, as a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP),21 China shares information and participates

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15 See Chapter 2, Section 8-3-1
16 See Chapter 2, Section 8-3-2 for more information about French ships calling on ports and France’s involvement in exercises. As for humanitarian assistance activities, France carried out activities in the Philippines, Vanuatu, and Fiji following the damaging typhoons and cyclones that struck these countries in November 2013, March 2015, and February 2016.
17 In December 2015, the Australian Department of Defence admitted that as part of these activities, Royal Australian Air Force (RAAF) aircraft conducted patrol activities in the South China Sea from November to December. This was preceded by BBC’s release of the content of the radio communications that allegedly took place between RAAF aircraft and the PLA Navy, claiming that Australia was carrying out “freedom of navigation” flights in the South China Sea.
18 See chapter 2, Section 5-3-4
19 According to the website of the Central People’s Government of China, over 90% of China’s export and import cargo, such as crude oil, iron ore, food, and container, are transported by sea.
20 Then State Councillor Dai Bingguo, “China will unswervingly follow path of peaceful development” (December 7, 2010, Ministry of Foreign Affairs of China website)
21 As of June 2018, the contracting parties to ReCAAP are the following 20 countries: Australia; Bangladesh; Brunei; Cambodia; China; Denmark; India; Japan; the ROK; Laos; Myanmar; the Netherlands; Norway; the Philippines; Singapore; Sri Lanka; Thailand; United Kingdom; United States; and Vietnam.
in cooperative arrangements related to piracy in Southeast Asia. Since December 2008, China has deployed naval vessels to off the coast of Somalia and the Gulf of Aden and has been involved in international efforts to repress piracy. Through such activities, China has contributed to ensuring maritime security. Commitment to ensuring the security of its sea lanes is also considered to be connected to the PLA Navy’s objective of building up capacity for continuous operations in more distant waters. In this respect, since August 2017, China has begun operating a security base for providing support for the activities of the PLA in Djibouti, a strategic key point in East Africa facing the Gulf of Aden, where the PLA Navy’s vessels involved in counter-piracy activities return to. The objective of these overseas bases, including ports, is believed to be to build up China’s capacity for continuous operations in more distant waters.

Meanwhile, in the South China Sea, China and ASEAN member states have conflicting assertions over the sovereignty of such areas as the Spratly Islands and the Paracel Islands. In recent years, the countries concerned, including China, have stepped up their activities to assert their sovereignty. Developments associated with the freedom of navigation in the sea have been subject to increasing international concern.

Southeast Asia

Southeast Asia is located at the crossroads of traffic, linking the Pacific and the Indian Oceans, such as the Straits of Malacca and the South China Sea. This region, however, has maritime security issues, including disputes over the sovereignty of the South China Sea and piracy.

In 2002, ASEAN and China signed the Declaration on the Conduct of Parties in the South China Sea (DOC) aimed at peacefully settling the issues over the South China Sea. Currently, official consultations have been held with a view to establishing the COC, which is deemed to contain more specific content than the DOC and to be legally binding.

Furthermore, there have been developments related to settling issues through arbitral proceedings set out in UNCLOS. In January 2013, the Philippines instituted arbitral proceedings pursuant to UNCLOS for the dispute between the Philippines and China over its assertions and actions in the South China Sea. In July 2016, a final award was rendered in which nearly all of the Philippines’ submissions were ruled in favor of the Philippines. This award will be final and legally binding on both parties. Moreover, Vietnam, another claimant, has requested the tribunal to take into consideration Vietnam’s assertions over the South China Sea. In this regard, there has been a trend among some countries concerned to work towards a peaceful solution of the issue in accordance with international law.

With regard to counter-piracy measures, Indonesia, Malaysia, Singapore, and Thailand conduct the Malacca Strait Patrols. Efforts have also been under way to share information related to piracy and build a cooperation arrangement in accordance with ReCAAP. Additionally, in recent years, the cases of abduction for ransom has been confirmed in the Sulu Sea and the Celebes Sea. In order to respond to this, Indonesia, Malaysia and the Philippines began sea patrols in the area in June 2017, and air patrols in October of the same year.

See Chapter 2, Section 6-4 (Trends concerning Sovereignty and Other Issues over the South China Sea)