

FRS – Japan Program

THE ROLE OF JAPAN IN THE STABILIZATION OF FRAGILE STATES

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Question 1: What is the problem related to the maritime area of fragile states?

Fragile states have even more difficulties to control their maritime area compared to their land territory for the following two reasons. First, it is technically difficult to patrol and conduct effective law enforcement operations at sea. Most fragile states do not have enough capacity and equipment, for example, navy or coast guard vessels, to do so. Secondly, fragile states do not have a strong incentive to control maritime areas. Since there is no direct threat to the lives and interests of their own nationals in the

maritime area, unlike on land territory, control over these areas has a low priority. Nevertheless, maritime areas can be used by non-coastal states for international transportation. Therefore, safe navigation in that area is very important for non-coastal states as well.

Question 2: Why did Japan decide to contribute to suppressing Somalian piracy despite the long geographical distance?

I guess one of the main reasons is that the piracy problem off the coast of Somalia

attracts international attention. UN Security Council Resolutions have requested states to adopt measures to tackle piracy. So, as a UN Member, Japan cooperates with UN activity. In addition, Japanese-related vessels were attacked in that area. Actually, the maritime area off the coast of Somali is an important sea lane for many states, including Japan, because it connects Europe and Asia.

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Question 3: Is there any difficulty for Japan to make such a contribution?

Against Somali pirates, the navy vessels of the Japan Maritime Self Defense Force (JMSDF) are deployed and it has engaged in police activities. However, this activity faces the following two difficulties. First, some Japanese people criticize the overseas deployment of the SDF, because Article 9 of the Japanese Constitution prohibits war as a means to settle international disputes, and they consider that such a deployment violates Article 9. Secondly, under the Japanese municipal law, JMSDF does not have police power, which is granted to the Japan Coast Guard on the oceans. As a result, special arrangements were needed to engage law enforcement activities against Somali pirates. Moreover, in order to prosecute and punish Somali pirates, even when their crimes are not related to Japan legally, the Japanese government enacted

new legislation against piracy in 2009. Furthermore, while the possession of firearms is strictly prohibited in Japan, Japan also established new legislation to allow privately-contracted armed security personnel (PCASP) to be equipped with firearms to fight against pirates.

Question 4: Which activities played an important role to improve the security situation off the Coast of Somalia?

It is quite difficult for us to say which measure effectively worked to improve the situation. In accordance with the UN Security Council resolutions, navy vessels from all over the world have patrolled the maritime area, which has contributed to preventing pirates from continuing their criminal activities. Furthermore, it is said that the deployment of PCASP, which is promoted in the International Maritime Organization fora, is very effective to protect ships. These types of activities seem to have a direct impact on the decreasing number of pirates. However, they cannot solve the root cause of Somali piracy, namely, why the people in the region have to commit piracy; more concretely, what makes fishermen turn into pirates. On this point, an indirect contribution from other states as well as individuals is needed. Sometimes, international cooperation by private individuals plays an important role. For example, Mr. Kimura, a Japanese sushi restaurant CEO, provides fishing vessels and knowhow, which makes Somali pirates turn back to the fishing. This kind of support is essential for local people to achieve a sustainable life without resorting to crime.

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