

## Japan's Island Territories and the Three Manners of Warfare



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### Introduction – Legal Warfare, Media Warfare and Psychological Warfare

Prussian general and military theorist Carl Philipp Gottfried von Clausewitz characterized war in his work *Vom Kriege*, i.e. *On War*, as “An act of force is to compel our enemy to do our will.”<sup>1</sup> Clausewitz, in his own words, masterfully distills the essence of war from a political science perspective. Meanwhile, French political philosopher Jean-Jacques Rousseau defined war sociologically, asserting that “...the effect of a mutual, steady and manifest disposition to destroy the enemy State, or at least weaken it, by all means possible. This disposition reduced to actions is war properly so called; so long as it remains without consequences, it remains nothing but the state of war.”<sup>2</sup> As such, war is a dynamic expression of a state's will to fulfill its national interests through any assortment of means it has at its disposal.

Conventionally, war is envisioned as conflict manifested as the exertion of military force between states. However, in an age where waging war is deemed illegal by the United Nations Charter (Article 2.4), saying ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political

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<sup>1</sup> Karl von Clausewitz, *Vom Kriege* 1932-34, Translation by H. Shinoda, *Senso ron*, Vol. 1, Iwanami Shoten, 1967, p.29.

<sup>2</sup> Jean J. Russeau, “Que L'etat de Guerre naitre l'etat social,” Translation by H. Miyaji, War is a product of society, *Russeau Collection* Vol. 4, 1979, p.378.

independence of any state, or in any other manner inconsistent with the purposes of the United Nations’.

Thus, states now adeptly practice three types of warfare – legal warfare, media warfare and psychological warfare – in pursuit of diplomatic and national security policies that align with their national interest. In December of 2003, the Chinese Communist Party and the Central Military Commission revised its People’s Liberation Army Political Work Regulation, which were originally promulgated in 1963. The amended Political Work Regulation clearly states that “The [the Central Military Commission] will conduct legal, media and psychological warfare, while endeavoring to collapse an adversary’s institutions, demoralize its peoples, implement countervailing policies, as well as pursuing military law and legal subjugation operations.”<sup>3</sup> As such, People’s Republic of China (hereinafter, China) conducts these three manners of warfare to implement its diplomatic and security policies.

China’s wages war in the arena of media by stoking zealous belligerency within its military forces, while peddling public sentiments to demoralize its enemies.<sup>4</sup> China’s motive is to build support for its actions within and without China by promoting messaging that casts it in a favorable light to influence media, both domestically and abroad. Its creation of an online digital museum (tentative translation: Chinese National Museum for the Diaoyu Islands) on October 3 of 2020 is a prime example of media warfare.<sup>5</sup> The museum’s webpage reads “the Diaoyu Islands are China’s sovereign territory (September of 2012).” The museum is solely web-based without any physical presence, nevertheless the exhibition panels indicate information pertaining to territorial claims which is completely contrary to the facts. Currently, the museum content is only available in Chinese language. However, this information will be translated into foreign languages soon, promoting China’s view of history within the forum of international media. This form of messaging is media warfare.

China’s psychological warfare seeks to crush an enemy force’s will to resist through propaganda, threats, deception, and alienation. This manipulation of perception, coupled with the psychological fortification of China’s own forces, comprises the basis for its strategy, using deception to distort the truth and coax its adversaries into miscalculations and poor actions by causing misapprehension.<sup>6</sup> Meanwhile, the purpose of China’s legal warfare campaign is to certify the legality of the Chinese military’s use of force and strategic operations. The campaign seeks to expose the illegality of an adversary’s actions and prohibit the interference of third-party countries. China asserts its own interpretation of international law. Moreover, there is a pronounced fervency to wage this legal warfare as indicated by China’s enactment of domestic laws rooted in their own interpretation of international law. Chinese legal warfare is coupled with the broad usage of its psychological warfare, which sets out to prey on emotional weaknesses.

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<sup>3</sup> The Strategic Research Group, Defining the Relationship between China’s ‘Three Warfare and its Air Power, “Three Warfare Case Study, Japan Air Self Defense Force (JASDF) Air Command and Staff College Center for Air and Space Power Strategic Studies, *Air Power Studies*, Issue No. 2, June of 2016, p.114-115.

<sup>4</sup> “*China Report*,” National Institute for Defense Studies, Premier Issue, March 2011, p.10.

<sup>5</sup> This digital museum can be accessed via this URL (<http://www.diaoyudao.org.cn/dydbwg.html>).

<sup>6</sup> “China Report, (op. cit. 4).

## 1 Amendment of the People's Armed Police Law and the China Coast Guard

### (1) China's assertion of territorial claims in the South China Sea

China, in defiance of international law, announced on April 18 of 2020 that it would newly establish the Paracel and Spratly Islands Districts respectively, within Hainan Province's Sansha City in an attempt to further militarize its man-made islands within the South China Sea.<sup>7</sup> Sansha City is charged with governing the waters and islands encircled by the 'Nine-Dash Line'.

In 1992, China enacted the 'Law of the People's Republic of China on Territorial Seas and the Contiguous Zones' contrary to the fact that the South China Sea is a myriad of territorial claims made by its coastal states.<sup>8</sup> Article 2 of the law stipulates that in addition to its continental territory, all coastal islands, Taiwan, all islands attributed to the Diaoyu Islands, the Pescadores Islands, the Pratas Islands, the Paracel Islands, the Zhongsha Islets, and the Spratly Islands are all Chinese territory. Article 8 of the law stipulates that foreign ships may exercise their right of innocent passage within 12 nautical miles of these islands, however, Article 10 requests that all foreign military vessels receive authorization prior to passage.

The United States does not recognize China's claims over the waters surrounding its man-made islands in the South China Sea. As such, the United States is known to exercise 'freedom of passage' through freedom of navigation operations (FONOPs), i.e. by dispatching warships to waters around islands claimed by China.<sup>9</sup>

In 1988, China promulgated the 'The Law of the People's Republic of China on Exclusive Economic Zones (EEZ) and Continental Shelves' and has since built man-made islands in the South China Sea in defiance of the United Nations Convention on the Law of the Sea (UNCLOS).<sup>10</sup> Articles 3 and 12 of the law assert that China holds sovereign interest over any economic resources within the EEZ of the man-made islands and any continental shelf defined within Article 2 of the law.

China maintains these claims despite the South China Sea Arbitration ruling against them in 2017. One interesting point is that China asserts that its own laws embody the principles outlined within UNCLOS. However, Article 121 of UNCLOS stipulates that

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<sup>7</sup> 「国务院于近日批准，海南省三沙市设立西沙区、南沙区。三沙市西沙区管辖西沙群岛的岛礁及其海域，代管中沙群岛的岛礁及其海域，西沙区人民政府驻永兴岛。三沙市南沙区管辖南沙群岛的岛礁及其海域，南沙区人民政府驻永暑礁。」 中華人民共和國民政部关于国务院批准海南省三沙市设立市辖区的公告 (as of April 18, 2020).

<sup>8</sup> 「中华人民共和国领海及毗连区法 (1992年2月25日第七届全国人民代表大会常务委员会第二十四次会议通过 1992年2月25日中华人民共和国主席令第五十五号公布自公布之日起施行)」  
([http://www.npc.gov.cn/wxzl/wxzl/2000-12/05/content\\_4562.htm](http://www.npc.gov.cn/wxzl/wxzl/2000-12/05/content_4562.htm)) (as of August 10, 2020).

<sup>9</sup> For more information regarding freedom of navigation operations near the Spratly Islands please reference: Ankit Panda, 'US Conducts Freedom of Navigation Operation Near China-Held Features in Spratlys -The operation comes shortly after the unveiling of a new South China Sea position by the U.S. government', THE DIPLOMAT, July 15, 2020 (<https://thediplomat.com/2020/07/us-conducts-freedom-of-navigation-operation-near-china-held-features-in-spratlys/>) (as of August 10, 2020).

<sup>10</sup> 「中华人民共和国专属经济区和大陆架法」(1998年6月26日第九届全国人民代表大会常务委员会第三次会议通过 1998年6月26日中华人民共和国主席令第6号发布) ([http://www.china.com.cn/diaovudao/2014-12/11/content\\_34291834.htm](http://www.china.com.cn/diaovudao/2014-12/11/content_34291834.htm)) (as of August 10, 2020).

only natural features which are above water at high tide may be classified as islands and are thus eligible for claims concerning territorial waters, EEZ or continental shelves. Consequently, China insists that its man-made islands built upon atolls qualify as islands in order that they may assert their entitlement to territorial waters around these features located within the South China Sea.

In this manner, China wields these three manners of warfare. Firstly, China arbitrarily interprets international law and enacts domestic laws which reflect its national goals. It is so called legal warfare. Then it presents these domestic laws as grounds for imposing its own diplomatic and security policies. It is so called media warfare. Finally, China applies psychological pressure to quash an adversary's will to resist. It is so called psychological warfare.

## **(2) China Coast Guard ships in the waters around the Senkaku Islands**

China employed 'cabbage tactics' to deprive the Paracel and Spratly Islands by military force.<sup>11</sup> In September of 2012, the Japanese Government purchased the three islands of the Senkaku Islands from a private owner which reclassified these islands as public land. Japan did not provide a reasoning for the purchase, however, Japanese media outlets reported that the lands were 'nationalized.'<sup>12</sup> This development enraged China, which continues to infringe on the territorial and contiguous waters around the Senkaku Islands.<sup>13</sup>

In September of 2012, Chinese Defense Ministry Spokesman Yang Yujun commented in relation to the Senkaku Islands issue that the Chinese military "will closely cooperate in

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<sup>11</sup> Cabbage tactics is a term used to describe Beijing's methods for taking control of islands. The cabbage core corresponds to the targeted islands, Chinese fishing vessels – in recent years the People's Armed Forces Maritime Militia play the role of the fishermen– are the softer leaves around the core, China Coast Guard ships correspond to the firmer leavers one layer out, and the hardest outer leaves refer to the People's Liberation Army Navy (PLAN) vessels. First, Chinese fishing vessels will operate in waters around another country's islands. Then China Coast Guard vessels are deployed under the guise of protecting these fishing boats when the targeted country deploys its own patrol ships to crack down on the fishing operations. Finally PLAN vessels are deployed if the targeted country mobilizes its navy to counteract the armed China Coast Guard ships. Cabbage tactics were demonstrated in the case of the Scarborough Shoal which was once an island territory of the Philippines. The Philippine Navy were deployed to counteract China's actions, but pulled out in favor of not taking military actions and the shoal fell into the hands of China. Afterwards, it was widely reported that the Philippine referred the issue to an international tribunal.

<sup>12</sup> See S. Takai, The Chishima Islands and all of the Chishima Islands, *The Journal of Island Studies*, Vol. 5.1 (October 2015) for more information on 'nationalization' in socialist states.

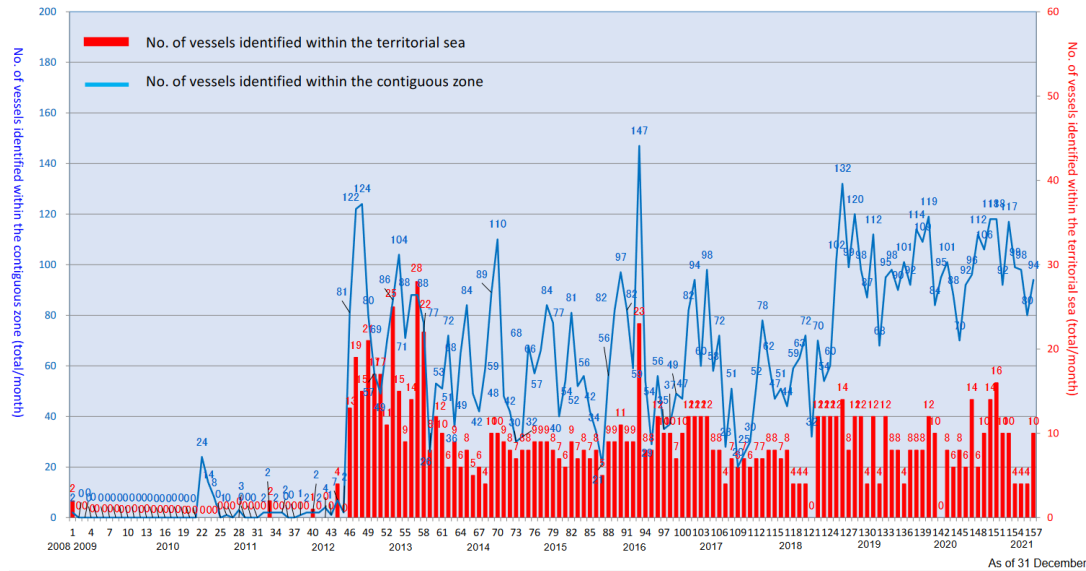
<sup>13</sup> 11th Regional Coast Guard Headquarters, located in Okinawa's Naha city, confirmed on the night of October 13 of 2020 that two China Coast Guard ships had infringed on Japanese territorial waters around the Senkaku Islands for 57 hours and 39 minutes. This is the longest recorded stint of Chinese infringement of Japanese waters since 2012. This was the third instance just this year of China Coast Guard vessels infringing on these Japanese territorial waters for a record-breaking length of time. China is escalating its operations in these waters (Mainichi Shimbun on October 13 of 2020) (<https://news.yahoo.co.jp/articles/8c8167497ee3b17323073553ab1b460a9ee483b3>) (as of October 13, 2020.)

regard to maritime surveillance and fishing administration, ensuring the maritime enforcement of China's national laws while providing security for the fishing industry as well as the development of oil and gas resources.<sup>14</sup> It has insisted as much ever since and is now regarded as a powerful naval state. In 2013, China established the "East China Sea Air Defense Identification Zone" (ADIZ), requesting that civilian aircraft provide their flight information when passing through the ADIZ.<sup>15</sup>

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<sup>14</sup> National Institute of Defense Studies, *China Security Report 2012*, December 19, 2012, p.20.

<sup>15</sup> China announced that it would establish an East China Sea Air Defense Identification Zone (ADIZ) based on its National Defense Law of March 14 of 1997, its Civil Aviation Law of October 30 of 1995, and its General Flight Rules enacted on July 27 of 2001. This decision was reflected in the Chinese Embassy in Japan's statement announced on November 23 of 2013 (<http://www.china-embassy.or.jp/jpn/zgyw/t1101846.htm>) (as of August 10, 2020).



(Source: [https://www.mofa.go.jp/region/page23e\\_000021.html](https://www.mofa.go.jp/region/page23e_000021.html))

In general, fishing boats are not permitted to operate in a foreign country’s territorial waters. However, the right of innocent passage is recognized for all non-military *commercial* vessels – including those for fishing – providing that they maintain the peace, safety and order of the coastal state. Japan Coast Guard patrol ships are charged with cracking down on foreign fishing ships operating in Japanese territorial waters around the Senkaku Islands. China Coast Guard ships infringe on Japanese territorial waters in the attempt to apply the domestic laws of that country. In this manner these ships are undermining the order of Japan, and are thus not permitted the right of innocent passage.

### (3) Amendment of the Chinese Armed Police Law

On June 22, 2018, the Standing Committee of the National People’s Congress promulgated ‘the China Coast Guard authorization to exercise its capacities to enforce the law in order to protect its maritime rights’.<sup>16</sup> The 2018 authorization established the China Coast Guard by placing China’s maritime police force and its related functions underneath the People’s Armed Police Force.<sup>17</sup> The People’s Armed Police Force is entrusted with guarding critical facilities and charged with missions such as maintaining security and counter-terrorism efforts. An amendment was enacted on January 1 of 2018 which placed this organization under the sole command of the Central Committee of the Communist Party of China and the Central Military Commission. Similarly, amendments also made the China Coast Guard a subordinate body to these two organizations in July of the year.

Confrontation between CCG ships and JCG ships in the Territorial Sea around the Senkaku Islands

<sup>16</sup> In Chinese ‘关于中国海警局行使海上维权执法职权的决定’ .

<sup>17</sup> Mori, Hamada & Matsumoto, *China’s Newest Legislation <<newsflash>>*, (No.333) (Issue dated August 7, 2020), p.2 (<http://www.mhmljapan.com/content/files/00042793/20200807-122201.pdf>) (as of August 15, 2020)



(Source: <https://www.mod.gov.jp/publication/wp/wp2020/html/n12202000.html#zuhyo01020214>)

During the 11<sup>th</sup> National People's Congress, the Standing Committee began to amend the People's Armed Police Law, which is the legislation that designates the mission and authority of that organization. Ultimately, the amendments were passed on June 20 of 2020.<sup>18</sup> It stipulates that if China regards a situation as a state of war, then the China Coast Guard would fall under the command of the People's Liberation Army Eastern Theater Command, which is responsible for the East China Sea, and conduct joint operations with the People's Liberation Army Navy.

Article 26 of the law states that any deployment of the People's Armed Police abroad to prevent terrorism or to conduct counter-terrorism missions would be executed under the authority of related legislation and regulations, as well as stipulations dictated by the Central Military Commission.<sup>19</sup> One can assume that China made this tranche of reforms to the People's Armed Police Law because it has its sights set on the Senkaku Islands. Moreover, the amendments are just part of Chinese legal warfare strategy to define the legal standing of China Coast Guard ships so that they may exercise Salami tactic and/or Cabbage tactic.

A Rear Admiral of the People's Liberation Army Navy has already been appointed as the Director Commandant of the China Coast Guard.<sup>20</sup> In the near future, China Coast Guard ships will likely push Japan Coast Guard patrol ships out of the waters around

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<sup>18</sup> For more information on the People's Armed Police Law please see: 中华人民共和国人民武装警察法 (The People's Armed Police Law), (2009年8月27日第十一届全国人民代表大会常务委员会第十次会议通过 2020年6月20日第十三届全国人民代表大会常务委员会第十九次会议修订) ([http://www.moj.gov.cn/Department/content/2020-06/22/592\\_3251131.html](http://www.moj.gov.cn/Department/content/2020-06/22/592_3251131.html)) (as of August 15, 2020).

<sup>19</sup> (China's Newest Legislation <<newsflash>>) (op. cit. 16), p.2.

<sup>20</sup> 中國海警總隊首任司令員王仲才少將即出身中國海軍，此前曾經擔任解放軍東海艦隊副參謀長等海軍重要職務、非傳統安全所王尊彥助理研究員，中國修改《武警法》對周邊國家海上安全之意涵、The Institute for National Defense Security Research (June 24, 2020), ([https://indsr.org.tw/tw/News\\_detail/2200/](https://indsr.org.tw/tw/News_detail/2200/)) (as of August 22, 2020).

the Senkaku Islands, which is part of the underlying mission of the amended People's Arms Police Law. China will cunningly and coercively bolster the enforcement of its domestic laws, targeting Japanese fishing ships in Japan's territorial waters and foreign vessels within the contiguous zone. It is foreseeable that many countries will naturally draw the perverse conclusion that the Senkaku Islands are Chinese territory if China Coast Guard ships remained unchecked by the Japan Coast Guard ships for a protracted period.

## **2 Japan-Russia Joint Economic Activities and Amendment of the Russian Constitution**

### **(1) President Putin and peace treaty negotiations**

President Putin has an ambition to etch his name into Russian history by restoring Russia's great power status by capitalizing on the natural resources and vast land available in Siberia, thus developing the economy of the country's far eastern regions. Cooperation with Japan and China are important themes in achieving this goal. However, Japan refuses to purchase additional oil produced in eastern Siberia given the Northern Territories issue.<sup>21</sup> China exploits the situation by purchasing the oil at reduced prices.

The population of Russia's eastern regions of Siberia, Sakhalin and the Kuril Islands is not increasing. The Northern Territories are not only regarded as a backwater far-removed from Moscow, but also suffer from a high cost of living and scarce employment opportunities due to a lack of industry. To top it all off, the harsh winters are nearly unbearable for the elderly inhabitants. Today's strained Russian economy is incapable of enacting preferential policies to incentivize immigration into the region. One can speculate that the only way for Russia to maintain control over the Northern Territories is for Russia to put the concerns held by residents in the area to rest by stabilizing the economy.

Japan-Russia negotiations on peace treaty of WW II have continued for more than a half century, but to no avail.<sup>22</sup> Japan adamantly asserts that a resolution to the Northern Territories issue is a prerequisite to treaty negotiations. Initially, the Soviet Union persistently denied the existence of the Northern Territories problem, but there was a glimmer of hope when government's position softened with the presidencies of Mikhail Gorbachev and Boris Yeltsin.

President Putin, former KGB head, strode onto the scene with the aim of reviving Russia as a great power. He took on a very strict position towards returning the Northern Territories to Japan. The scene of Putin being showered with applause from the Russian people after he refused to return the Northern Territories, while suffering

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<sup>21</sup> China is the largest importer of crude oil from the Eastern Siberia — Pacific Ocean Oil pipeline (ESPO) from Vladivostok (via the port of Kozmino), consuming 78.9% (494,000 barrels per day), whereas Japan consumes 9% (56,000 barrels per day). Japan has been the second largest export market for ESPO since 2015. This figure is one-fourth that of when Japan was the largest importer of ESPO crude in 2014, when it comprised 35.3% (217,000 barrels per day). D. Harada *Russia: The Latest Topics on the Oil and Gas Industry (Brief Report)*, Japan Oil, Gas and Metals National Corporation (JOG-MEC)『(Oil and Natural Gas Information) (March 19, 2019) ([https://oilgas-info.jogmec.go.jp/info\\_reports/1007679/1007748.html](https://oilgas-info.jogmec.go.jp/info_reports/1007679/1007748.html)) (as of August 10, 2020).

<sup>22</sup> For more information on peace treaty negotiations between Japan and Russia please see S. Takai, "A History of the Northern Territories and Pertaining Rights (3)," *The Journal of Island Studies*, Vol. 9.1 (November 2019).



criticism and economic sanctions by NATO after Russia annexed the Crimea by force in 2014, is well known.<sup>23</sup> Shortly after taking office in 1999, Putin asserted that Japan agreeing to the return of the two territories of the Habomai Islands and Shikotan Island, as stipulated in Article 9 of the Soviet-Japanese Joint Declaration of 1956, was to be a prerequisite for negotiations.<sup>24</sup> However, President Putin is a cunning diplomat and coaxed Japan into thinking that there was a chance that it could regain all four islands of the Northern Territories – even weaving in judo terminology in the process. Japan, highly regarding Putin’s political clout within Russia, anticipated a swift resolution to the Northern Territories issue.

Putin, the standard bearer for restoring Russia as a great power, had no intention of returning even two islands of the Northern Territories much less four. In September of 2005, President Putin proclaimed in a televised address to the Russian people that, “In regard to our negotiation process over the Kurile Islands with Japan, these islands are under the sovereignty of the Russian Federation. This fact has been recognized by international law. This is a result of World War II, and I have no intention of discussing the matter.”<sup>25</sup>

In 2012, Vladimir Putin once again took office as Russian President, taking a hardline stance toward returning the Northern Territories, stymieing Japanese-Russo peace treaty negotiations. The leaders of both countries agreed to take on a ‘New Approach’ with the aim of breaking the gridlock and shedding past preconceptions on the matter. Given this, the two sides agreed to generate an atmosphere conducive to resolving the Northern Territories issue through private sector economic exchange in Russia’s far eastern regions. In this regard, one can say that President Putin was successful in using Japan for its economic prosperity.

## **(2) Development of bilateral economic cooperation**

During the Japan–Russia Summit Meeting of 2016, both leaders agreed to a Japan–Russia economic exchange promotion plan, based on a ‘new approach’, comprising eight points. These points are: (1) Extending healthy life expectancy, (2) developing clean and comfortable cities, (3) exchange between Japanese and Russian small-to-media enterprises, (4) energy cooperation, including oil and gas, (5) Russian industrial

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<sup>23</sup> In 2014 Russia unilaterally annexed Ukraine’s southern peninsula of Crimea. Since the annexation, the Ukrainian Army and pro-Russian anti-government forces have fought for the past five and a half years in Eastern Ukraine. A total of 13,000 lives have perished from this conflict to date. Kiev and Moscow agreed to a ‘full, and comprehensive’ ceasefire agreement by the end of 2019 for the conflict in Eastern Ukraine. The agreement was brokered by French President Emmanuel Macron and German Chancellor Angela Merkel on December 9, 2019. BBC news Japan’ (December 10, 2019), (<https://www.bbc.com/japanese/50723594>) (as of August 19, 2020).

<sup>24</sup> ‘The Krasnoyarsk Agreement’ (November 2, 1997), Ministry of Foreign Affairs, *Japan’s Northern Territories- 2015*, p.29.

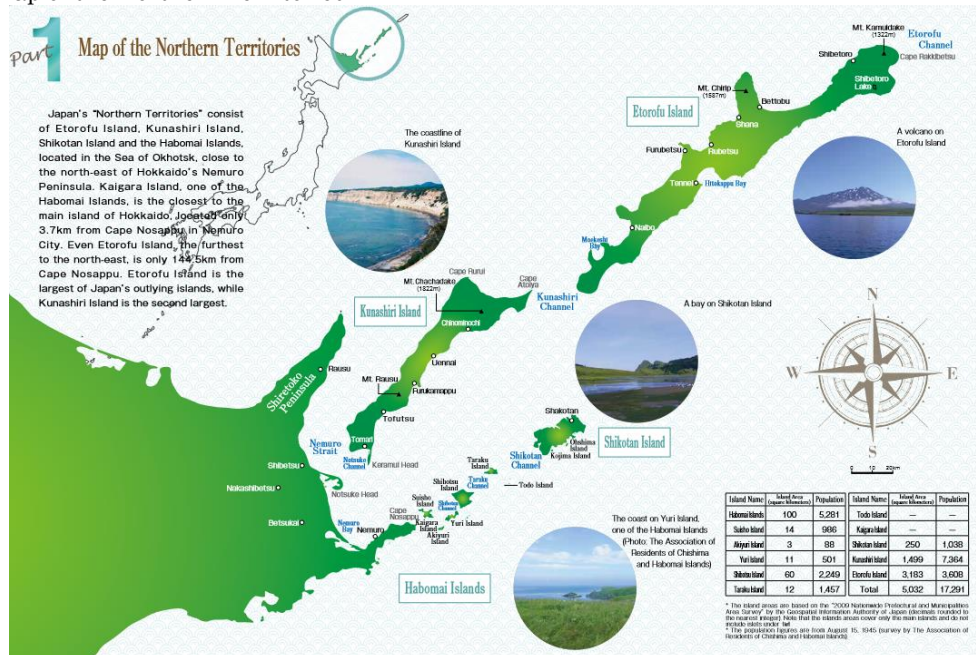
<sup>25</sup> I. Ozaki *Research on the ‘Southern Kurile problem’ in Russian politics — the Russian perspective of ‘the Northern Territories Problem*. Footnote No. 336 (Президент России: Стенограмма прямого телерадиоэфир («Прямая линия с Президентом России») (Kremlin homepage, ‘Shorthand Record of Radio and Television Broadcasts (Talks with the Russian President)’ < <http://www.kremlin.ru/transcripts/23190#sel=>>) ([http://r-cube.ritsumei.ac.jp/repo/repository/rcube/6591/k\\_1059.pdf](http://r-cube.ritsumei.ac.jp/repo/repository/rcube/6591/k_1059.pdf)) (as of August 31, 2019.)

diversification, including projects such as cultivating vegetables within greenhouses, (6) developing industries and export bases within Russia's far eastern regions to service the Asia-Pacific, (7) leveraging bilateral knowledge to cooperate on cutting-edge technologies, and (8) a drastic expansion of people-to-people exchanges on multiple tiers.<sup>26</sup>

Both Japan and Russia agreed to joint economic activities within the private sector, using a 'special arrangement' that would not compromise either party's position on the Northern Territories within the peace treaty negotiations.<sup>27</sup> There were five projects that were identified as areas conducive to expedited cooperation: (1) joint aquaculture activities, (2) greenhouse vegetable cultivation, (3) development of tourism packages, (4) introduction of wind-power generation, and (5) waste reduction measures. Joint economic activities are progressing at a private-sector level within the Northern Territories under this special arrangement without any explicitly codified legal basis.

The progression of amicable relations between Japan and Russia is a welcome development, but one plausible speculation is that the severely impoverished residents of the Northern Territories will oppose the return of the four islands to Japan if their lives were to become rich and stable. It is safe to say that it seems that Japan, driven by its people's yearning for a resolution of the Northern Territories issue, has been manipulated by President Putin's masterful diplomacy.

Map of the Northern Territories



<sup>26</sup> Japan-Russia Summit Meeting, “3. Bilateral relations for the economy, security, cultural and people-to-people interactions, (1) Economy” (May 7, 2016), Ministry of Foreign Affairs of Japan homepage, ([https://www.mofa.go.jp/mofaj/erp/rss/page3\\_001680.html](https://www.mofa.go.jp/mofaj/erp/rss/page3_001680.html)) (as of August 20, 2020).

<sup>27</sup> Japan-Russia Summit Meeting, “1 Issue of concluding a peace treaty (1) Joint economic activities on the Four Northern Islands” (September 10, 2018), Ministry of Foreign Affairs of Japan homepage, “Issue of concluding a peace treaty,” ([https://www.mofa.go.jp/mofaj/erp/rss/hoppo/page1\\_000649.html](https://www.mofa.go.jp/mofaj/erp/rss/hoppo/page1_000649.html)) (as of August 20, 2020).

(Source: <https://www.mofa.go.jp/region/europe/russia/territory/pamphlet.pdf>)

### **(3) Amendment Russian Constitution and the Northern Territories**

President Putin, on his crusade to restore Russia's great-power status, rammed through an amendment to Russian constitution in July of 2020. The amendment plainly stated Russia's position against returning the Northern Territories to Japan. The amendment could also be characterized as Russian declaration of legal warfare.

Ballot counting for the national referendum regarding this amendment of the constitution ended on July 2 of 2020, and the amendment was effectuated two days later on July 4. President Putin, who aspires to be Russia's redeemer, fervently desires to restore Russia's great-power status, which was lost after the dissolution of the Soviet Union. Putin gained overwhelming support within the referendum with over 75% of the vote in favor of the changes, which also allow him to stay in office until 2036 if he so desires.<sup>28</sup> One Russian presidential term is six years; these changes will allow Putin and his authoritarianism to reign over Russia until he is 83 years of age, unless he were to be deposed via a *coup d'etat* or via some other means.

The amended constitution outlaws the cession of any Russian territory, barring the demarcation of borders. Newspapers report that President Putin rammed these articles through in the final stages of formulating the draft proposal for an amended constitution. The constitutional amendment revealed his true intentions of refusing to return even two of the four islands of the Northern Territories to Japan. There are concerns that he will pressure Japan to forgo seeking the return of two islands of the Northern Territories in peace treaty negotiations, a dialogue which has hitherto been predicated on the return of these two islands, leveraging articles codified in Russia's amended constitution forbidding the cession of territory. This is legal warfare which refutes the return of the Northern Territories.

The amended Russian Constitution stipulates provisions for Russia demarcating its borders with its neighbors. President Putin is likely aiming to sign a peace treaty with Japan where the borders between two countries are demarcated between Hokkaido and the Northern Territories, once joint economic activities under the 'new approach' are on track. Russia, in addition to its legal warfare campaign which added in a new article regarding territory to its constitution, may also be targeting Japan with psychological warfare as well. This psychological warfare likely intends to convince Japan that it will be difficult for it to request the return of the Northern Territories.

### **Conclusion**

As I mentioned above, both China and Russia are adeptly deploying the three manners of warfare to control over the Senkaku Islands in the case of China, and to shelve the Northern Territories issue before signing a peace treaty in the case of Russia.

China is waging legal warfare by placing the China Coast Guard underneath the command of the People's Liberation Army Navy and is suspected of beginning its psychological warfare to prevent Japan Coast Guard patrol ships from entering the waters around the Senkaku Islands. Japan must avoid armed conflict. To avoid and deter an armed conflict, Japan must inform the world so that the international community will acknowledge that the Senkaku Islands are Japanese territory. In 2012, the Tokyo

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<sup>28</sup> "78% vote in favor of constitutional reform in Russian referendum, President Putin may now stay in office until 2036," *BBC NEWS JAPAN* (July 2, 2020), (<https://www.bbc.com/japanese/53260238>) (as of August 10, 2020).

Metropolitan Government conducted a survey of the Senkaku Islands<sup>29</sup> and reported dire environmental destruction, such as overgrazing by goats on the Uotsuri Island of the Senkaku Islands.<sup>30</sup> Surveys must be authorized to prevent this environmental destruction.

Japan could launch a legal warfare campaign of its own that would enable survey teams to be dispatched to the Senkaku Islands, passing legislation hypothetically named 'The Law for Conducting Surveys on and the Development of the Senkaku Islands.' Precedent indicates that even without such a law, Japanese government activities such as surveying and developing the Senkaku Islands are possible.<sup>31</sup>

Furthermore, the Japanese Government has in the past surveyed avenues for development of the Uotsuri Island absent of such legislation. This should not be a difficult feat for Japan given that Japan holds sovereignty over the islands. It is possible for Japan to target China with its own psychological warfare as well by conducting surveys on these islands. The presence of Japanese citizens on the islands conducting surveys would also raise the stakes for China to exercise a use of force.

Regarding the sovereignty of the Northern Territories, discrepancies between Japan and Russia over the prerequisites for signing a peace treaty ensures a permanent standstill even though negotiations between both parties began over a half century ago. Russia, like China, behaviors a legal warfare campaign which enables President Putin to rule over Russia from the Kremlin until 2036 via a constitutional amendment. It is plausible to suggest that it has begun its psychological campaign in Japan to encourage it to give up on the Northern Territories and force Japan to compromise.

Territorial issues are not solved overnight; they are characterized by the fact that the stakeholders as well as the international state of play are subject to change over many long months and years. It is unthinkable that Japan will succumb to Putin's legal and psychological warfare and give up on negotiations for the return of the Northern Territories in the future. If it is possible for the Russian constitution to be amended because of one president's strong beliefs, it is also plausible to suggest that another president may re-amend the article prohibiting the cession of territory somewhere down the line.

Japan should adamantly continue peace treaty negotiations and rid itself of its current aimless information campaign. Instead, Japan should publicize to international community the fact that sovereignty over the Northern Territories and the Senkaku Islands rests solely with Japan. Japan is at a juncture where it must combat the advances by waging its own legal and psychological warfare based on new strategies and ensure that its positions are heard abroad.

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<sup>29</sup> Tokyo Metropolitan Government, *Tokyo Metropolitan Government Report on a field survey of the Senkaku Islands* (October 2012).

<sup>30</sup> *Ibid.*, p.45-47.

<sup>31</sup> For more information see M. Fujita, Background for the former Okinawa Development Agency's survey into the possible use and development of the Senkaku Islands, *The Journal of Island Studies*, Vol. 7.2 (March 2017).

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