

**CRAFTING POLICY FOR CONTESTED COMMONS:
INSIGHTS FROM JAPAN'S APPROACH TO THE OUTER SPACE,
CYBERSPACE, AND MARITIME DOMAINS**

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**Japan's Leadership in the Liberal International Order:
Impact and Policy Opportunities for Partners**
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Introduction

In the worlds of contemporary scholarship and policy-making, the outer space, cyberspace, and maritime domains are often considered in isolation; each has its own complex dynamics and is governed by different sets of norms and rules. However, all three also share important characteristics of “global commons,” areas in which no single state maintains sovereignty. As such, they are domains whose use and resources need to be available to all countries—unfortunately, they are also domains that have become increasingly contested in recent years.

Although much attention has focused on the role of great powers such as the United States, the Soviet Union, and more recently China in shaping the global commons, middle powers have also played important roles in establishing and maintaining their regimes.¹ This paper examines the policy response of a single middle power, Japan, to heightened competition in the outer space, cyberspace, and maritime domains.² Japan is active in all of these domains and has been acutely aware of the changing dynamics in each, which have often been driven by the rise of its neighbour, China. Consequently, an examination of Japanese policy sheds light on emergent shifts in the global commons and offers insights about the implications of these shifts for the liberal international order.

Japan’s Changing Approach to the Commons

How did Japan traditionally approach these global commons during the post-World War II era, and how has this changed with the intensification of competitive behaviour and the emergence of security threats across multiple domains since the end of the Cold War? Japan’s long-standing position toward these domains was consistent with a typical middle power approach: to uphold the liberal international order based on rule of law. This manifested in engagement in multilateral diplomacy and co-operation with other countries, accompanied by a primarily technical or economic focus in these domains. However, new perceived threats have led Japan to supplement this strategy by securitizing issues and by turning its existing diplomatic and technological tools in these domains to new purposes.³ Japanese policy-makers have also linked the commons to security by integrating them with security structures related to the Japan Self-Defense Forces and the U.S.-Japan alliance.

In the case of outer space, Japan has responded to the development of perceived threats from the DPRK and China since the late 1990s by identifying outer space as a security concern and adapting its policy in three ways. First, it has taken a more militarized approach to its dual-use technologies, procuring new assets such as launch systems, communications and intelligence satellites, and counterspace capabilities necessary to counter potential threats, and it has given the Japan Self-Defense Forces expanded control of such assets.⁴ Second, it has attempted to incorporate space activities into the umbrella of broader U.S.-Japan alliance co-operation. Third, Japan’s leadership role in the Asia-Pacific Regional Space Agency Forum (APRSAF) has given

it an opportunity to shape dialogue with other countries in the region on matters related to outer space.

In the maritime domain, Japan has continued with its traditional approach in geographic areas where there has been no linkage to security; however, it has interpreted Chinese assertiveness in the South China Sea as a security threat. Japan has no territorial claims in the South China Sea; rather, the area's relevance for Japan lies in its vital sea lines of communication and the troubling precedent that Chinese activities there might set for the East China Sea, where Japan and China have conflicting claims over the Senkaku/Diaoyu Islands. Consequently, while advocating for adherence to the United Nations Convention on the Law of the Sea and calling for all parties to abide by the Permanent Court of Arbitration ruling in favour of the Philippines, Japan has responded to the spread of Chinese influence in the South China Sea in ways that echo its actions in outer space. First, Japan has widened the scope of its official development assistance to address its security concerns, granting aid to Southeast Asian partners facing growing pressure from China. Second, Japan has augmented its defence capacity-building initiatives in Southeast Asia, potentially bolstering these countries' abilities to deal with China in contested waters through provision of training and used equipment. Third, Japan has attempted to incorporate discussions of maritime issues into existing regional multilateral fora such as the East Asia Summit, the Shangri-La Dialogue, and anti-piracy initiatives.

Finally, in cyberspace, Japan has responded to threats by shifting from its previous technocratic approach to securitize this domain in government statements and major policy documents. This change began in 2009, after the large-scale distributed denial-of-service (DDoS) attacks in the United States and South Korea, the Gumbler attack in Japan, and a number of large-scale information leaks. It resulted in more frequent linkages between cyberspace and security in government documents as well as the publication of Japan's first national strategy on cybersecurity in 2010. Given the newness of this domain, many Japanese initiatives have focused on developing domestic institutions such as the Cybersecurity Strategic Headquarters. Its other policy initiatives have paralleled those in the outer space and maritime domains. First, while Japanese responses to cyberthreats have been defence-oriented, they have become increasingly militarized, with the Japanese Ministry of Defense and Self-Defense Forces moving to develop a cyber doctrine for domestic defence and to boost international co-operation. Second, Japan has linked its cyber policy to security institutions by attempting to integrate its cybersecurity capabilities and strategy with that of the United States. Third, Japan has made use of multilateral institutions such as the UN, G7/G8, ASEAN Regional Forum, OECD, APEC, and NATO to build relationships with like-minded countries that are also concerned by cyberthreats emanating from China, the DPRK, and Russia.

What does the comparative analysis of these three domains tell us about Japan's leadership in the global commons? As a middle power, Japan has often benefited from the establishment of the norms and rules that govern these domains, and Japan has attempted to defend these governance

structures in the face of new threats. In contrast to rising powers such as China who may try to challenge or reshape the status quo, middle powers such as Japan may see value in preserving it and in resisting the enclosure of the global commons. However, Japan has also simultaneously pursued hedging strategies to minimize risk from changes in these domains, which in many cases has meant an increasingly—albeit incrementally—militarized approach to the global commons. This shift is both cause and consequence of broader changes in Japanese security posture that began slowly after the end of the Cold War and solidified under the second Abe administration. Emerging security threats have served as external catalysts that have created opportunities for domestic actors in Japan to securitize these issues in order to gain the flexibility to take new initiatives, to link the commons to security institutions, and to militarize relevant technologies.

Policy Implications

This examination of Japan's approach to the outer space, cyberspace, and maritime domains has broad implications for policy that are relevant to countries around the globe. First, there is a clear need for serious attention to the maintenance and/or construction of governance regimes that will promote the use of the global commons in ways that benefit all countries. The world has changed since many of the norms and rules governing these domains were originally formulated. In addition to geopolitical and economic shifts, technological innovation has made these domains accessible to a greater number of countries than ever before.⁵ Consequently, it is not only the rise of China and escalating U.S.-China competition that are transforming the global commons, but also the growing diversity of other actors involved. In the absence of more effective governance, we may see a continuing trend toward securitization and militarization of the global commons as countries seek ways to protect themselves from threats in these domains.

Second, the increasingly crowded and competitive environment in the global commons presents new challenges in terms of cultivating consensus and regulating activity, but it also offers opportunities to create coalitions of like-minded countries, and middle powers have an important role to play in this process. Rather than a narrow focus on the interests of great powers, the pluralization of the commons necessitates dialogue with a much larger number of stakeholders, and it seems that the great powers are currently unwilling or unable to take the lead in rejuvenating multilateral governance efforts. China has often attempted to enclose the commons in ways that set a competitive tone, and while the United States could formerly be expected to exercise more leadership or to serve as a brake on negative dynamics, the Trump administration has tended to alternate between relative disengagement in these domains and actions or statements that exacerbate U.S.-China rivalry. While competition and conflict certainly exist across these domains, middle powers can help to prevent the escalation of a security dilemma by taking the initiative to bolster existing governance regimes and to create new norms and rules where necessary. This is an opportunity for middle powers like Japan who have significant diplomatic and material resources at their disposal to strengthen and shape the international order while it is in the midst of a dangerous leadership vacuum.

Third, the clear parallels in changes across the outer space, cyberspace, and maritime domains suggest that there is something valuable to be gained from fostering dialogue among their respective scholars and practitioners, to find best practices that can be shared or transferred across domains. For example, cyberspace is the most weakly governed of these three domains, which presents daunting challenges but also suggests that lessons could be learned from relative successes and failures in other domains of the global commons that face similar problems. It is notable that Japan's policy responses in the outer space, cyberspace, and maritime domains demonstrate such strong similarities, despite the fact that these responses were conceptualized independently of one another and often initiated at different times. A more comprehensive approach to conceptualizing policy across all of these domains is fruitful and may become increasingly necessary in the future to preserve the openness of the global commons.

Although the onset of COVID-19 has drawn the attention of many countries away from developments outside their national borders, it has not lessened the importance of these issues—indeed, there is evidence that the global pandemic may be providing a convenient distraction that is enabling additional incursions in these domains and further eroding norms regarding their shared use. For example, in April 2020, a Chinese survey ship entered Malaysia's Exclusive Economic Zone in the South China Sea, beginning a month-long standoff with a Malaysian oil exploration vessel. China also approved two new domestic administrative divisions to cover the contested Paracel and Spratly Islands and released names for 80 geographical features in the South China Sea.⁶ During the same month, Russia conducted an anti-satellite missile test, raising concerns about its ability to destroy satellites in low-Earth orbit and further exacerbating tensions among space-faring nations. COVID-19 has also increased vulnerability to cyberattacks, which have become more frequent as many have been forced to rely heavily on internet technology for teleworking, video conferencing, and other activities.

While governments are understandably focused on urgent public health concerns now, renewed attention to the global commons is necessary to maintain and enhance their governance regimes and to ensure that they remain safely accessible to all countries. Moreover, care should be taken not to escalate, and if possible, to de-escalate competitive dynamics in these domains. This is the responsibility of not only the great powers in the international system but also the middle and smaller powers who stand to benefit from effective governance of the outer space, cyberspace, and maritime domains.

Notes

¹ The definition of a “middle power” has been the subject of much debate, but the term is generally applied to states weaker than the great powers in the system but among the top 20–30 most powerful countries in the world by indicators such as position (e.g., size of GDP, population, or military budget), behaviour, identity, and systemic impact. See David Walton and Thomas Wilkins, “Introduction,” in *Rethinking Middle Powers in the Asian Century: New Theories, New Cases*, eds. Tanguy Struye de Swielande et al. (London: Routledge, 2019): 1–16; and Andrew Carr, “Is Australia a Middle Power? A Systemic Impact Approach,” *Australian Journal of International Affairs* 68, no. 1 (2014): 70–84.

² The analysis in this paper draws on material from Kristi Govella, “Coping with Competition in the Global Commons: Japan in the Outer Space, Cyberspace, and Maritime Domains” (presented at a conference on “Maneuvering in a World of Great Powers,” University of California, Berkeley, 2019).

³ Securitization refers to a specific process by which an actor presents an issue as an existential threat, and this securitizing move is accepted by the audience. See Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner, 1998).

⁴ For a more detailed discussion of Japan’s outer space capabilities, see Paul Kallender and Christopher Hughes, “Hiding in Plain Sight? Japan’s Militarization of Space and Challenges to the Yoshida Doctrine,” *Asian Security* (2018); and Saadia Pekkanen, “Japan’s Space Power,” *Asia Policy* 15, no. 2 (2020): 27–33.

⁵ On the role of technological change and diffusion in transforming the global commons into increasingly crowded and competitive domains, see Kristi Govella, “Technology and Tensions in the Global Commons,” *Fletcher Security Review* 6, no. 1 (2019): 38–44.

⁶ Many of these features are underwater at high tide and are therefore legally distinct from features that receive entitlements under the United Nations Convention on the Law of the Sea.