

Failure of Japan's Foreign Policy to Secure the Sea Lines of Communication: Disputes over the Straits of Malacca and Singapore in the 1970s

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Abstract: How has Japan secured Sea Lines of Communication (SLOC)? This paper deals with this rarely discussed subject by focusing on the dispute over the Straits of Malacca and Singapore (the M-S Straits) in the 1970s. In this period, Japan was forced to make a move toward securing free passage of Japan's Very Large Crude Oil Carriers (VLCC) through bargaining because of strong assertion of sovereignty over the M-S Straits by some coastal states. Through this study, this paper reveals both the fact of Japan's failure in the bargaining and its two reasons: the lack of effective diplomatic policies for altering its dependent position in issue-specific asymmetric interdependence and unskilled management of the bargaining process, resulting from underestimation of the coastal states' assertion of sovereignty, by Japan's Ministry of Foreign Affairs (MOFA). Learning from past failure is important to finding useful solutions to the many challenges for securing the SLOC ahead.

Keywords: Sea Lines of Communication, the Straits of Malacca and Singapore, VLCCs' navigation, the internationalization plan, sovereignty, bargaining.

Introduction

How has Japan secured Sea Lines of Communications (SLOC)? Since passage through SLOC can be impeded by actions such as piracy, terrorism and coastal states' policies, this subject is critically important for Japan, which deeply depends on seaborne trade. The purpose of this paper is to examine Japan's foreign policy to secure the SLOC, especially when its passage is impeded by coastal states' policies.

To secure the SLOC, strengthening cooperative relationships with coastal states are necessary as the Basic Plan on Ocean Policy notes (approved by Japanese cabinet in 2008).¹ However, there is no guarantee that those states have the same interests as Japan. Accordingly, when interests clash, effective bargaining is crucial to obtain desirable results.

Despite this fact, Japan's struggle for securing the SLOC is rarely discussed in previous studies, especially from the perspective of bargaining. Most studies discussing Japan's foreign diplomacy do not deal with this subject.² Even when the SLOC is focused on, those studies simply point out its importance or discuss international cooperation to cope with threats such as piracy, terrorism, environmental problems and so on. Thus, little is known about how Japan has coped with problems when the SLOCs' availability is restricted by coastal states' policies.

One of the few studies on this subject, Euan Graham's "*Japan's sea lane security, 1940-2004: A matter of life and death*" is notable as it deals with the subject of Japan's attempts to secure the SLOC. Graham's study serves to illuminate the historical transitions of Japan's foreign policy. However, since Graham does not clarify the details of bargaining between Japan and other states over the usage of the SLOC, the causes of success or failure of Japan's foreign policies are not revealed. Clarifying those causes would be useful for considering today's problems relating to securing the SLOC.

In this paper, Japan's foreign policy to secure the SLOC is examined from the bargaining perspective, shedding light on the process of bargaining by drawing on rich material from the Diplomatic Archives

¹ Website of Prime Minister of Japan and His Cabinet, http://www.kantei.go.jp/jp/singi/kaifu/kihonkeikaku/080318kihonkeikaku_E.pdf (accessed January 30 2013).

² Previous studies discuss Japan's diplomacy in the 1970s, see e.g., Watanabe et al. 1985, Sudō 1997, Hatano et al. 2004, Hatano and Sato 2007, Wakatsuki 2006.

of Japan's Ministry of Foreign Affairs (MOFA). Moreover, to reveal the causes of success or failure of Japan's foreign policies, this paper uses an analytical framework based on bargaining theory. By using the framework, useful suggestions for the present can be found.

As a case, this paper focuses on the dispute over the availability of the Straits of Malacca and Singapore (the M-S Straits) between Japan and the coastal states, Indonesia, Malaysia and Singapore, in the 1970s. This case is being examined not only because the M-S Straits are an especially important waterway in a major oil route for Japan, but also because free passage of Japan's Very Large Crude Oil Carriers (VLCC) was actually no longer guaranteed in the 1970s forcing Japan to solve this dispute through bargaining with the coastal states. This focus allows us to analyze at greater length the causes of success or failure of Japan's foreign policy to secure free passage of Japan's VLCCs through the M-S Straits.

Based on the analysis, this paper reveals both the fact of Japan's failure in VLCC bargaining and its causes. In the bargaining, Japan could not obtain desirable results, though it had enough political and economic capabilities as a developed state. Why? This paper finds two reasons for this failure; the lack of effective diplomatic policies for altering its dependent position in asymmetric interdependence and unskilled management of the bargaining process, which resulted from underestimating the coastal states' assertion of sovereignty.

In examining Japan's foreign policy to secure the SLOC, this paper explores the following. In section one, the status of the M-S Straits is overviewed and a framework is shown for analyzing bargaining power. Continuing in sections two and three, the bargaining process between Japan and the coastal states is considered based on material from the Diplomatic Archives of MOFA. In section four, the cause of failure of Japan's foreign policy to secure the SLOC is analyzed by applying the analytical framework of bargaining power. The conclusion discusses what can be learned from this paper and how it can be applied to the current situation of the M-S Straits.

Before closing this section, it is worthy to note that this paper regards MOFA as the main actor in Japan's foreign diplomacy. Accordingly, objection will be raised that only treating MOFA is not enough as other ministries and agencies also should be considered. In fact, this paper cannot examine those actors' impact on foreign policy due to the limitation of available resources. Nevertheless, focusing on MOFA is

meaningful for the following reasons. Thus, this paper's findings should at least provide clues that serve to better understand present issues.

As previous study reveals, MOFA did play a central role in Japan's foreign policy towards South East Asia in the 1970s.³ Regarding the M-S Straits problems, there were potentially four actors who would have concern in the matters; MOFA, the Cabinet, the Ministry of Transportation of Japan (MOT) and domestic stakeholders such as shipping companies and oil companies. Among these actors, MOFA played a key role. In the ministry, the Asian Affairs Bureau and its Divisions in particular were the main players in dealing with the M-S Straits issue. The reason is that MOFA's organization was divided into Bureaus and Divisions for each assigned region.⁴

With respect to the Cabinet, ministers took the same policy stance as MOFA based on a survey of the Diet records.⁵ In addition, officials in MOFA even answered directly in the Diet for members of the Cabinet, a practice common during this period.

Moreover, MOT and the business group also took positions similar to that of MOFA in that continuing to use the M-S Straits was the most crucial point. As a matter of fact, there was a difference of opinions in some cases, especially between MOFA and domestic stakeholders. However, the stakeholders were persuaded since there was no room for discussion when Japan was in a disadvantageous position in the bargaining.⁶

With these facts in mind, this paper mainly focuses on MOFA so that the bargaining process can be easily understood.

³ About Japan's foreign diplomacy towards South East Asia in the 1970s and MOFA's role, see e.g., Wakatsuki 2006.

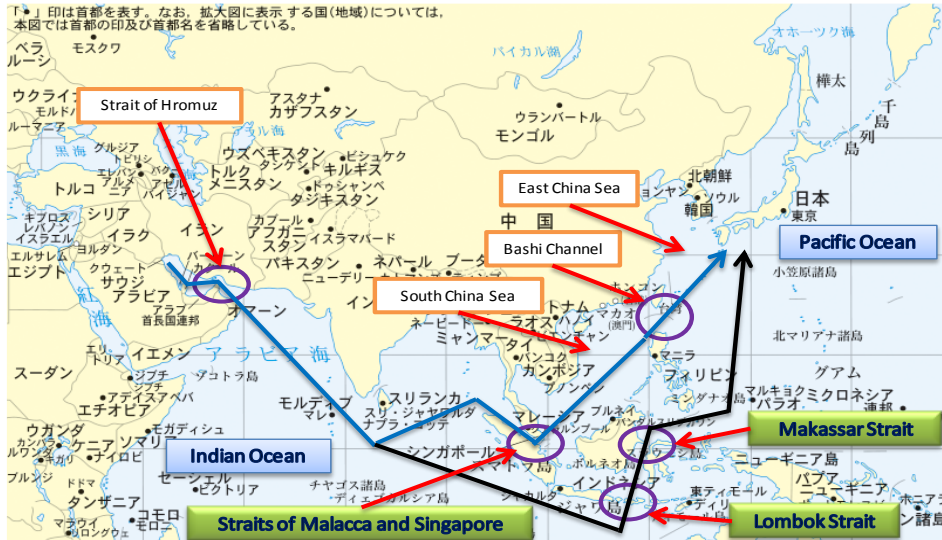
⁴ About the organization of MOFA, see e.g., Hatano and Sato 2007, 257-62.

⁵ Past accounts in the Diet can be surveyed on the website of National Diet Library, <http://kokkai.ndl.go.jp> (accessed January 30, 2013).

⁶ Diplomatic Archives, Tokyo (hereafter DA) No. 2010-0454, Aija kyoku chiiki seisaku ka, 'Marakka kaikyō mondai kondankai', August 3, 1976.

1. The status of the Straits of Malacca and Singapore and the Framework to Analyze Bargaining Power

1.1 The Straits of Malacca and Singapore



Map 1: Japan's SLOC from the Middle East to Japan.⁷

The Straits of Malacca and Singapore are choke-points [especially important waterways through which ships must navigate in order to reach its destination] in Japan's SLOC. This section introduces the status of the M-S Straits.

As Map 1 shows, the M-S Straits are the shortest route connecting the Pacific Ocean and the Indian Ocean. Despite its importance for international navigation, passage through the M-S Straits can be impeded not only by maritime accidents because of its narrows and shallowness, but also by policies of the coastal states (JAMS 2007, 11-12).⁸

⁷ Website of Statistics Bureau of Ministry of Internal Affairs and Communications of Japan, <http://www.stat.go.jp/data/sekai/h4.htm> (accessed June 8, 2012).

⁸ Piracy has also bothered vessels' passage in the M-S Straits.

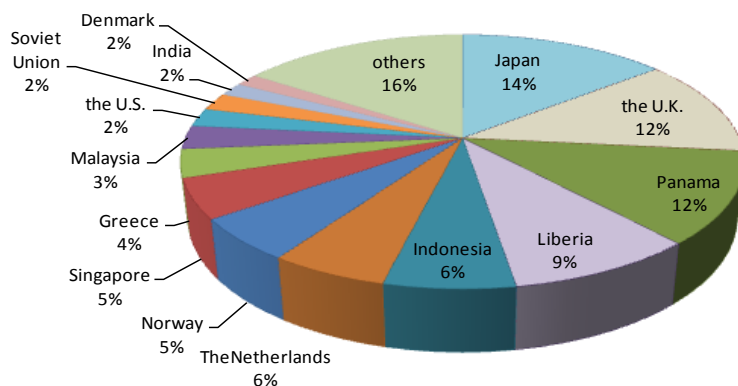


Figure 1.1 Navigation shares of the M-S Straits in 1967 classified by the nationality of ships (Total volume of ships: 4,012).⁹

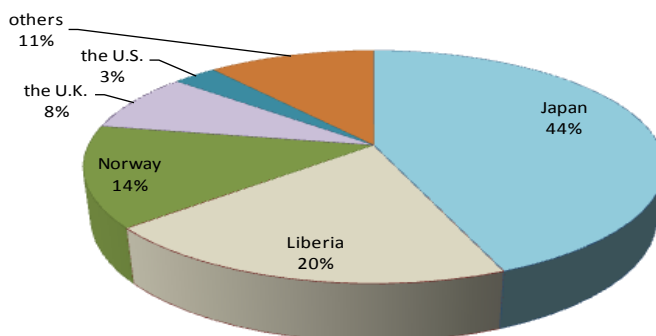


Figure 1.2 Navigation shares of the M-S Straits in 1967 classified by the nationality of ships (Ships exceeding 30,000 tons. Total volume of ships: 171).¹⁰

⁹ Ministry of Transportation of Japan (MOT) 1971, 25-28.

¹⁰ Ibid.

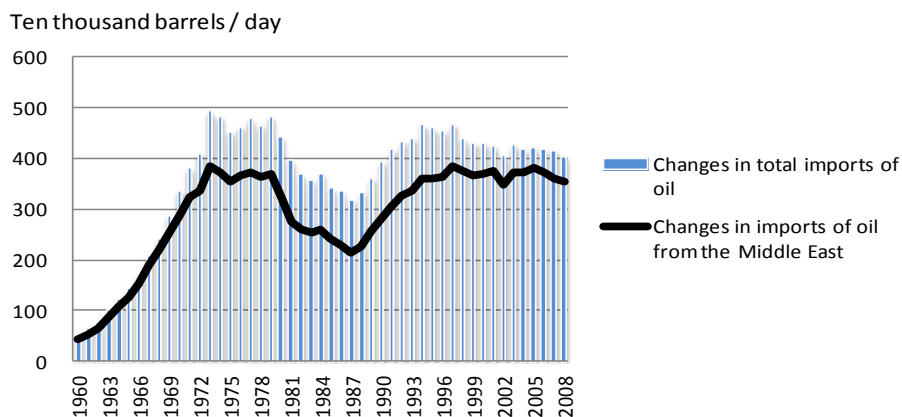


Figure 2 Japan's oil imports from the Middle East.¹¹

Figures 1.1 and 1.2 display the usage of the M-S Straits in 1967. As Figure 1.2 shows, Japan was the heaviest user, especially with large vessels (e.g. VLCCs). This was caused by Japan's dramatic increase of oil imports from the Middle East around the late 1960s as Figure 2 shows. Thus, protecting large carriers' freedom of navigation in the M-S Straits became a matter of primary importance for Japan.

However, in the 1970s, VLCCs' passage was no longer guaranteed because of a strong assertion of sovereignty over the M-S Straits by both Indonesia and Malaysia.¹² It is important to note that the 1970s was a time characterized by assertion of sovereignty by developing countries and both countries were also riding this wave. The assertion was backed not only by their desire to acquire authority over natural resources which may lie under the seabed of the M-S Straits, but also to prevent intervention by

¹¹ Website of Agency of Natural Resources and Energy of Ministry of Economy, Trade and Industry, <http://www.enecho.meti.go.jp/topics/hakusho/2010energyhtml/2-1-3.html> (accessed June 8, 2012).

¹² Expansion of territorial sea was declared by Indonesia in December 1957 and by Malaysia in August 1969. Moreover, both states agreed on territorial boundary in the M-S Straits in March 1970 (JAMS 2004, 45). Indonesia and Malaysia's assertion of their sovereignty over the M-S Straits was closely related to the discussion of establishing a new law of the sea after the Second World War. Though the bargaining relating to the establishment of this new law is also important, this paper does not discuss the context of the new law owing to space constraints.

non-coastal states, a situation that could disturb regional stability (JAMS 2004, 44).¹³

Both states' strong sovereignty over the M-S Straits was not desirable for the other coastal state, Singapore. This was because, if foreign vessels' passage was disrupted by Indonesia and Malaysia's policies, there would be devastating effects on Singapore's economy (Koh 1982, 58). Singapore, however, could not severely oppose both states because of concern over its own national security. Singapore's sense of crisis over national security was raised not only by the United Kingdom's announcement of military withdrawal from east of Suez but also by tensions with neighboring states resulting from the execution of Indonesian Marines by the Singapore government and racial confrontation with Malaysia (Morrison 1981, 120-25).

Thus, since Singapore was in a weakened position and could not strongly object to Indonesia and Malaysia, the coastal states' solidarity was kept even though Singapore was in a close position with Japan and other user states. VLCC bargaining between Japan and the coastal states proceeded under this condition.

1.2 Framework to Analyze a State's Bargaining Power

What factors determine a state's bargaining power? The aim of this section is to introduce the analytical framework applied in this paper. It is clear that total national power such as resources and capabilities is an important factor. However, generally, even if a state is inferior in total national power, it still can get desirable results from bargaining, or get undesirable results from bargaining despite superior national power. This means that various factors including national power determine the result of bargaining. From this point of view, previous studies dealing with bargaining have tried to reveal a number of factors which should be taken into account, especially, the following two factors.

First, the most fundamental factor is *issue-specific asymmetric interdependence*. As Keohane and Nye discuss, asymmetrical interdependence can be a source of bargaining power (Keohane and Nye

¹³ In the late 1960s, the coastal states' sense of crisis on national security was raised not only by both the United Kingdom's and the United States' reducing their presence in South East Asia but also by the first Soviet naval vessels' passage through the M-S Straits (Graham 2006, 157).

2011, 9-16). If a state heavily depends on bargaining partner, its position in inter-state relations becomes weaker. On the contrary, if a state can reduce dependence on its counterpart, inter-state relations will be in its favor and this will increase its chance to obtain desirable results from bargaining.

Regarding *issue-specific asymmetric interdependence*, *availability of alternatives* plays an important role in manipulating the asymmetries. If a state can choose alternatives other than bargaining, it can enjoy an advantageous position in the issue-specific asymmetric interdependence. On the contrary, if a state does not have any alternatives, it has no choice but to accept a dependent position, disadvantageous position. Thus, *availability of alternatives* needs to be taken into consideration as an aspect of *issue-specific asymmetric interdependence*.

Even though *issue-specific asymmetric interdependence* is an important factor of bargaining power, it only decides the initial bargaining position. Accordingly, other factors, which can be a source of bargaining power outside the specific issue-area, are also crucial.

In this regard, previous studies focus on the *exercise of overall power*, a designated second factor in this paper. A state can mobilize resources that are outside the specific issue-area such as military power, economic resources and the ability to build international coalitions to affect outcomes in the given issue-area. Accordingly, focusing on how a state tries to exercise its overall power is necessary to examine bargaining power.

Those two factors, *issue-specific asymmetric interdependence* and *exercising of overall power*, are worthy of focusing on to examine a state's bargaining power. However, there is a recognizable problem. An examination of these factors does not consider the phases of the bargaining process. Especially when looking at the *exercise of overall power*, attention to the process is necessary because the effectiveness of using a state's power depends on whether or not it is applied in a timely manner with sufficient preparation in the actual bargaining process. Focusing on the process enables us to analyze the causes of success or failure of the *exercise of overall power*, and this in turn aids us in examining bargaining power at greater length.

In practice, the bargaining process can be characterized as consisting of two phases: a pre-bargaining phase and an around-the-table phase.¹⁴ To

¹⁴ About pre-bargaining phase, see e.g., Saunders 1985, Zartman 2008.

make the exercise of power effective, *successful management of the pre-bargaining phase* is crucial. If proper management of the former phase fails, a state will face great difficulty in the latter phase, restraining the effectiveness of using a state's power. Accordingly, *successful management of the pre-bargaining phase* should be considered the third factor of bargaining power due to its impact on the exercise of power.

The framework applied in this paper employs these three factors; *issue-specific asymmetric interdependence*, *the exercise of overall power* and *the successful management of the pre-bargaining phase*. While these three factors, even together, cannot provide a complete explanation of bargaining power, they should at least provide some clues. Before proceeding with the analysis, the bargaining process between Japan and the coastal states in the 1970s is examined in the next two sections to present the historical context of Japan's VLCCs cases.

2. Emergence of VLCCs' Navigational Problems in the Straits of Malacca and Singapore

2.1 Hydrographic Survey Bargaining

The Torrey Canyon disaster in March 1967 led to discussions on VLCCs' navigational safety in the M-S Straits.¹⁵ It was an especially urgent issue for Japan. Therefore, around 1969, Japan enthusiastically demanded to conduct hydrographic surveys to make a new marine chart to improve the safety navigation of VLCCs in the M-S Straits. This section examines the bargaining related to the surveys.

Regarding the surveys, both Indonesia and Singapore showed positive attitudes.¹⁶ However, Malaysia decided not to cooperate until Japan acknowledged its new nautical border extending Malaysia's territory 12 nautical miles further out to sea (MOT No. 1 1971, 2). Since Japan maintained a sea border around its territory of 3 nautical miles in this period, it did not approve of Malaysia's declaration of a new sea territory, a

¹⁵ The Torrey Canyon spilled its oil on the southwest coast of the United Kingdom in March 1967. This accident is one of the most serious oil spills in history.

¹⁶ DA No. 2010-0688, Telegram from Ambassador Yagi (Indonesia) to the Foreign Minister Kiichi Aichi, No. 1287. October 10, 1969; DA No. 2010-0688, Telegram from Ambassador Nara (Singapore) to the Foreign Minister Kiichi Aichi, No. 455. October 21, 1969.

move that would invite similar sea border extensions by other countries. Thus, bargaining between Japan and the coastal states became deadlocked.

In the bargaining, Japan insisted the territorial sea issue had nothing to do with the survey.¹⁷ Yet, Malaysia strongly demanded acknowledgment of its claim. Moreover, Malaysia thought that any concession was needless because the survey was only beneficial for Japan.¹⁸ To cope with this firm attitude, MOFA attempted to bring the deadlock to an end in two ways.

First, MOFA tried to isolate Malaysia through conducting the survey only with Indonesia and Singapore. However, this idea was rejected by Indonesia who supported Malaysia's assertion about its sea territory.¹⁹ The solidarity of the coastal states could not be broken by Japan's attempt. Second, MOFA attempted to obtain the cooperation of the UN's Inter-Governmental Maritime Consultative Organization Subcommittee on Safety of Navigation (IMCO-NAV). Yet, this attempt was also frustrated because IMCO-NAV, consisting of technical specialists, could not deal with issues relating to national sovereignty.²⁰

Japan faced difficulty in finding a way out of this stagnant situation. As a last resort, Taisaku Kojima, then ambassador to Malaysia, advised MOFA to concede to Malaysia's new sea territory.²¹

However, a possible way around such a situation was discovered. MOFA drew up a plan which enabled the survey to be conducted while setting aside the territorial sea conflict, by using Indonesian ships, even though MOFA was concerned about the capability of those ships. When Malaysia approved this proposal, a course leading to an agreement seemed to be settled.²²

¹⁷ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 216. February 26, 1970.

¹⁸ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 28. January 14, 1970.

¹⁹ DA No. 2010-0688, Telegram from Ambassador Yagi (Indonesia) to the Foreign Minister Kiichi Aichi, No. 19. January 8, 1970; No. 510. April 8, 1970.

²⁰ DA No. 2010-0688, Telegram from Chargés d'affaires ad interim Wada (the U.K.) to the Foreign Minister Kiichi Aichi, No. 395. April 11, 1970.

²¹ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 397. April 30, 1970.

²² DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 444. May 9, 1970.

Japan discovered, however, that the situation was not so easy. Though Malaysia gave up the old demands, they presented Japan with new ones. Malaysia decided not to adopt Japan's compromise plan until the Malaysia National Shipping Line (MNSL) was approved to join the Far Eastern Freight Conference (FEFC).²³ To achieve this goal, Malaysia demanded Japan put in a good word with FEFC to solve this issue.

The MNSL issue had already been brought up by Malaysia in the context of a bilateral trade agreement with Japan. Yet, at that time, Japan had rejected this demand because it thought the issue was not a matter of the government but of private companies.²⁴ Now, Malaysia realized it could use its advantageous position against Japan in the hydrographic survey bargaining to force Japan to comply with its demand.

Though Malaysia's demand was not so difficult for Japan to meet, what was serious was the fact that "the more we [Japan] emphasize the urgency of the survey, the more Malaysia increases its demands."²⁵ Japan was clearly in a disadvantageous position in inter-state relations.

Even if Malaysia's demand was unreasonable, there was no other way to complete the survey but to grant Malaysia's demand. MOFA told Malaysia that they were ready to assist on Malaysia's behalf, while making it clear that they found Malaysia's demand unreasonable.²⁶ After Japan's concession, Malaysia finally approved the survey. Thus, hydrographic survey bargaining between Japan and the coastal states was settled.

Faced with this problem, the reason for Japan's disadvantageous position in the bargaining was discussed in MOFA. One of the causes was thought to be that, since Japan alone was enthusiastic for the survey, the coastal states started to think that there was no need to make any concession for what was beneficial for only Japan.²⁷ As a result, MOFA

²³ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 550. June 6, 1970. FEFC is a shipping conference, which was established among shipping lines to avoid excessive competition (Bujyou 2002, 4-5).

²⁴ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 489. May 24, 1970.

²⁵ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 589. June 18, 1970. From the original Japanese, translated by author.

²⁶ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 571. June 15, 1970.

²⁷ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 304. March 27, 1970.

tried to establish an international mechanism with other user states (e.g., the United States of America and the United Kingdom) to indicate that navigational safety in the M-S Straits was beneficial for the whole world.²⁸ Thus, MOFA began the attempt to internationalize the M-S Straits.

2.2 MOFA's Attempt to Internationalize the Straits of Malacca and Singapore

MOFA attempted to realize its M-S Straits' internationalization plan in roughly two steps. This section traces those steps and elucidates the failure of MOFA's attempt.

As a first step, MOFA introduced the plan to the coastal states at a meeting centered on discussion of transport and communication networks in Southeast Asia held in September 1970. At this meeting, Japan's proposal met with little response (MSC 1978, 151). However, MOFA tried to promote the plan by attempting to hold an unofficial meeting during IMCO-NAV around October 19, 1970, as a second step.

Yet, MOFA's attempt again faced difficulty. The IMCO secretariat showed a negative attitude toward Japan's proposal. This was not only because IMCO itself was not an adequate organization to take an initiative on this plan, but also because persuasion of the coastal states seemed to be difficult.²⁹ Despite the IMCO secretariat's negative attitude, MOFA had IMCO send out invitations for the meeting to the coastal states on October 12, 1970.³⁰

The coastal states received this invitation around October 16th.³¹ Naturally, as it was such a short notice, they refused to join. However, MOFA managed to persuade them to have local staff join the meeting. Thus, the meeting was held as scheduled even though it was so ill prepared.

At the unofficial meeting, MOFA proposed the plan of internationalization of the M-S Straits, aiming to promote navigational

²⁸ Ibid.

²⁹ DA No. 2010-0688, Telegram from Ambassador Yukawa (the U.K.) to the Foreign Minister Kiichi Aichi, No. 1178. October 5, 1970; No. 1191. October 7, 1970; No. 1219. October 13, 1970.

³⁰ DA No. 2010-0688, Telegram from Ambassador Yukawa (the U.K.) to the Foreign Minister Kiichi Aichi, No. 1220. October 13, 1970.

³¹ DA No. 2010-0688, Telegram from Ambassador Nara (Singapore) to the Foreign Minister Kiichi Aichi, No. 556. October 17, 1970.

safety by expanding cooperation between user states and coastal states (MOT No. 2 1971, 77-78). Moreover, MOFA referred to their intention to take an initiative to put the plan into motion.³²

Clear opposition against Japan's proposal was not indicated by the coastal states; attendees from Malaysia and Singapore made no special remarks and Indonesia went no further than expressing its willingness to consider the plan.³³ Since the attendees from the coastal states were just local staffs who were made to participate in the meeting by MOFA and who did not have any authority to make clear remarks, it was an expected result. Thus, the unofficial meeting was closed, while the way forward to realize the plan was not clear.

It can be said that MOFA attempted to realize the plan too hastily, though the coastal states had not shown a favorable response in the first step. As a result, the coastal states did not understand Japan's intention and showed displeasure toward the plan.

In January 1971, the chief of the United Nations Bureau of Malaysia's Foreign Ministry expressed extreme dissatisfaction about Japan's proposal "in a very strong tone."³⁴

We let the staff of the office of high commissioner in the U.K. participate in IMCO-NAV in October last year as an observer at the request of Japan. However, it was annoying that Japan had proposed the idea of traffic separation and maintenance of navigation [internationalization of the M-S Straits] at IMCO-NAV. ... We do not know what was going on behind our back and cannot help having a suspicion of Japan's intention.³⁵

This strong opposition was backed by the belief of the Malaysia government that the true aim of the plan was to restrain Malaysia. The chief of the Asian Affairs Bureau of Malaysia's Foreign Ministry voiced this suspicion, stating "do not put pressure on us [Malaysia] by multinational talks."³⁶ Japan, in response, defended the appropriateness of

³² DA No. 2010-0688, Telegram from Ambassador Yukawa (the U.K.) to the Foreign Minister Kiichi Aichi, No. 1256. October 21, 1970.

³³ Ibid.

³⁴ DA No. 2010-0688, Telegram from Ambassador Hirota (Malaysia) to the Foreign Minister Kiichi Aichi, No. 37. January 12, 1971. From the original Japanese, translated by author.

³⁵ Ibid. From the original Japanese, translated by author.

³⁶ DA No. 2010-0688, Telegram from Ambassador Hirota (Malaysia) to the Foreign Minister Kiichi Aichi, No. 52. January 15, 1971. From the original Japanese, translated by author.

its efforts for navigational safety and also explained, “we do not have any intention to put pressure on Malaysia.”³⁷ However, when the whole bargaining process mentioned above was taken into consideration, it was difficult for Malaysia to believe Japan’s claims.

In July 1971, Indonesia also expressed its own concerns with the plan at another IMCO-NAV meeting.

The straits of Malacca and Singapore were a part of the coastal states’ territorial water. ...Therefore, the government of Indonesia cannot accept the idea to internationalize the straits, especially because the plan seems to be ignoring the rights of the coastal states. According to this reason, the government of Indonesia thinks it is not appropriate to discuss the internationalization of the straits (MSC 1978, 152-53).³⁸

Furthermore, Indonesia and Malaysia declared in a joint statement in November 1971 that the internationalization of the M-S Straits was not acceptable. Moreover, the three coastal states aligned to state that “the safety of navigation in the Straits of Malacca and Singapore is under the responsibility of the coastal states” (JAMS 2004, 46).³⁹ With this statement, Japan’s attempt at internationalization of its plan ran into a brick wall.

Thus, MOFA’s attempt to internationalize the M-S Straits completely failed. The result of the attempt was only to firm up the coastal states’ attitude. The situation became even worse when an oil spill accident caused by a Japanese ship occurred four years later. In the next section, bargaining after the incident is examined.

3. VLCC Regulation Bargaining after the Shōwa Maru Incident

The Japanese VLCC Shōwa Maru’s oil spill accident occurred off the coast of Singapore in January 1975.⁴⁰ Due to this accident, both

³⁷ Ibid. From the original Japanese, translated by author.

³⁸ From the original Japanese, translated by author.

³⁹ From the original Japanese, translated by author.

⁴⁰ *Asahi Shimbun*, January 6, 1975, evening edition p. 1.

Indonesia's and Malaysia's anger increased to a new level. This section examines the bargaining after this incident.

Of the coastal states, Indonesia moved very aggressively for the introduction of a VLCCs' navigational regulation scheme. Indonesia's intention was to force VLCCs to sail through the Straits of Lombok and Makassar (the L-M Straits).⁴¹ Since the L-M Straits are part of Indonesia's territorial sea, Indonesia attempted not only to develop the coast of those straits, but also to expand its political influence on Japan.⁴²

To introduce their regulation scheme, Indonesia hosted a foreign ministerial conference among the three coastal states in February 1975. During this conference, the coastal states decided to establish a meeting to discuss specific regulations. As a result, Tripartite Technical Experts Group (TTEG) was established. Thus, the coastal states were able to discuss regulations unilaterally by using TTEG.

At the second TTEG, the coastal states made a decision on regulating the depth between the seabed and a ship's keel, Under Keel Clearance (UKC).⁴³ If there was enough depth, maritime accidents such as the Shōwa Maru Incident could be avoided. However, since VLCCs' UKC was short because of its heavy weight, a large UKC was not desirable for VLCCs' navigation. For example, if UKC was regulated to 4 meters, maritime accidents would be reduced, but VLCCs could not pass through the M-S Straits under this condition.⁴⁴ Thus, both Indonesia and Malaysia demanded a 4-meter UKC. On the other hand, Singapore demanded a 3-meter UKC, and Japan demanded an even lower one of about 2 meters.⁴⁵

MOFA faced great difficulties to make the coastal states accept Japan's demand. Therefore, in July 1976, a review meeting was held by the Asian Affairs Bureau, the Economic Cooperation Bureau and the Office for the Law of the Sea Conference.

⁴¹ DA No. 2010-0454, Aija kyoku chiiki seisaku ka, 'Marakka kaikyou tūkou mondai', July 16, 1976. About the location of the L-M Straits, see Map 1 of this paper.

⁴² DA No. 2010-0454, Aija kyoku chiiki seisaku ka, 'Marakka kaikyou mondai no keii to genjyō', May 13, 1976.

⁴³ About UKC, see Koh 1982, 84.

⁴⁴ *Asahi Shimbun*, December 24, 1976, morning edition p. 3.

⁴⁵ DA No. 2010-0454, Kaiyōhou honbu, 'Kaiyōhou kaigi ni okeru mareisia no kaikyou teian ni tuiteno mareisia nado he no apurōchi ni kansuru taisyo hōshin (an)', May 31, 1976.

The most important element of the review was that the meeting gave high priority on changing the main SLOC from the M-S Straits to the L-M Straits.⁴⁶ Since the L-M Straits were under the command of Indonesia alone, there was the possibility that Indonesia would close those straits unilaterally.⁴⁷ As such, using those straits as a main oil route was regarded as risky.⁴⁸ Nevertheless, MOFA gave high priority to using it. This clearly highlighted the fact that Japan faced great difficulties in securing free passage of VLCCs in the M-S Straits.

Despite the increased interest in the L-M Straits, MOFA decided to attempt to achieve access to the M-S Straits to appease internal pressure. Since domestic stakeholders such as shipping companies and oil companies wanted to use the M-S Straits to save transport days and costs, MOFA was apprehensive about receiving domestic criticism of their do-nothing approach in regards to the M-S Straits.⁴⁹ Thus, MOFA continued to try to cooperate with the coastal states to improve navigational safety in the M-S Straits without any conviction that the efforts could soften those states' attitude. For example, MOFA planned to use financial aid which they gave to the Malacca Strait Council (MSC) in order to improve the coastal states' feelings.⁵⁰

After MOFA's review, the plan was discussed with both ambassadors of Japan in the coastal states and domestic stakeholders. In this discussion, using the L-M Straits as a main oil route was rejected because of a sense of crisis about the use of those straits. A major concern was expressed by Ryōzō Sunobe, then ambassador to Indonesia, when he warned that "deciding oil routes requires careful consideration because it is the lifeline of Japan and Indonesia does not have any guarantee of political stability over the long term [and this instability could damage the Japanese oil route]."⁵¹ As a result, MOFA again defined its position as

⁴⁶ DA No. 2010-0454, Ajia kyoku chiiki seisaku ka, 'Marakka kaikyō tūkō mondai taisyō hōshin wo meguru kentō no genjyō', July 20, 1976.

⁴⁷ Actually, Indonesia had closed its straits (e.g., Lombok Strait) several times, see Graham 2006, 168.

⁴⁸ DA No. 2010-0454, Ajia kyoku chiiki seisaku ka, 'Marakka kaikyō tūkō mondai', July 16, 1976.

⁴⁹ DA No. 2010-0454, Ajia kyoku chiiki seisaku ka, 'Marakka kaikyō tūkō mondai taisyō hōshin wo meguru kentō no genjyō', July 20, 1976.

⁵⁰ Ibid. MSC was a non-official organization established in July 1968. It had assisted the coastal states regarding navigational safety. For more details, see MSC, *Marakka kaikyō kyōgikai 35 nenshi*, 2.

⁵¹ DA No. 2010-0454, Telegram from Ambassador Sunobe (Indonesia) to the Foreign Minister Kiichi Miyazawa, No. 1514. July 30, 1976. From the original Japanese, translated by author.

“the Strait of Malacca [and Singapore] should be kept as a main oil route by all means not only now but also in the future.”⁵²

Though MOFA determined to keep using the M-S Straits, effective policies to make the coastal states accept Japan’s demand still could not be found. After a reconsideration of the second policy plan, MOFA concluded that the “possibility of softening the attitude of the coastal states ... in return for assistance such as prevention of pollution was low.”⁵³ Though MOFA realized that aid methods did not work, there was no way to improve the situation by “showing Japan’s gratitude” using those methods.⁵⁴

Despite MOFA’s best efforts, Japan could not soften the attitude of the coastal states and Japan’s demand for UKC 2 meters was not accepted. In December 1976, the coastal states decided to accept UKC 3.5 meters at the third TTEG, a compromise decision among the three coastal states.⁵⁵ Regarding Singapore, it can be said that in spite of its desire to set the length as short as possible like Japan’s demand, it ended up taking the side not of Japan but of the other two coastal states. The agreement shows that Singapore placed more value on the coastal states’ solidarity.

After this decision, Japan started to demand a grace period of five years to accommodate Japan’s VLCCs to the new regulation. For example, Japanese Prime Minister Takeo Fukuda demanded this when he visited South East Asia in August 1977.⁵⁶ However, Japan’s demand was again rejected. When the first official meeting between Japan and the coastal states was held in March 1978, the coastal states responded by demanding a two and a half years grace period.⁵⁷ In the end, Japan acquiesced to the coastal states’ demand. Thus, VLCC regulation bargaining was settled.

⁵² DA No. 2010-0454, Aija kyoku chiiki seisaku ka, ‘Marakka kaikyō tūkō mondai’, 17 August 1976. From the original Japanese, translated by author.

⁵³ Ibid. From the original Japanese, translated by author.

⁵⁴ Ibid. From the original Japanese, translated by author.

⁵⁵ *Asahi Shimbun*, February 7, 1977, morning edition p. 6.

⁵⁶ *Asahi Shimbun*, August 13, 1977, evening edition p. 1.

⁵⁷ *Asahi Shimbun*, March 11, 1978, evening edition p. 1. This new regulation scheme was approved at IMCO-NAV in November 1977 and implemented in May 1981. The regulation was originally scheduled to be implemented in 1980 but it was behind schedule. The cause of the delay was not clear. However, this paper attaches special importance to the fact that Japan’s demand was rejected by the coastal states.

Despite this unfavorable decision, thanks to a removal of a shoal off the coast of Singapore, Japan's VLCCs could pass through the M-S Straits without any difficulty. However, it is not appropriate to conclude that Japan's foreign policy to secure free passage for Japan's VLCC was successful. The most important point to consider is the fact that Japan was forestalled in bargaining. As previous sections show, not only did Japan fail to realize the internationalization plan, but also it could not obtain desirable results from the VLCC regulation bargaining, even though it had sufficient political and economic capabilities as a developed state. Why? The causes of this failure are analyzed in the next section.

4. Analysis of failure of Japan's foreign policy to secure free passage of Japan's VLCCs through the M-S Straits

Japan had some political and economic capabilities as a developed state to overcome the opposition from the coastal states. However, it could not take an initiative in bargaining and could not obtain its desired results. Why? In this section, causes of this failure are analyzed by the framework previously detailed in section 1.2.

With regard to *issue-specific asymmetric interdependence*, Japan was in a dependent position meaning that the coastal states, in a less dependent position, could take advantage of Japan's weakness. Under this condition, Japan needed to alter its disadvantageous position by manipulating the asymmetries.

The most effective way Japan could have altered its disadvantageous position in the issue-specific asymmetric interdependence was choosing *alternatives*. As alternatives which would reduce dependence on the M-S Straits, two methods were possible. One was reducing oil imports from the Middle East and the other was changing the SLOC. In terms of feasibility, only the latter could be an alternative because the former would have created stagnation in the Japanese economy.

Particularly, the L-M Straits were the most desirable alternative. MOFA concluded that, though this route increased both transport days and costs, "direct economic losses would not be so large [as compared to

other alternative routes].”⁵⁸ However, since this route led to complete dependence on Indonesia alone, it was not favorable from the perspective of national security. The route off the coast of Australia was also considered, but it could not be chosen because the increase in costs would have led to “devastating effect on the Japanese economy.”⁵⁹ Japan could not utilize its alternatives, and as a result, could not manipulate the asymmetries. As ambassador Kojima remarked, “the more we [Japan] emphasize the urgency of the survey, the more Malaysia increases its demands,” Japan was clearly in a disadvantageous position.⁶⁰

Accordingly, to obtain desirable results, Japan needed to *exercise its overall power*; it needed to mobilize resources outside the specific issue-area such as military power, economic resources and the ability to build international coalitions.

Military power is useful as a threat, a way to get desirable results without granting the opposition’s demand by using force to influence the opponent’s behavior or will.⁶¹ For example, in the 1970s, though Indonesia demanded a previous notice when foreign naval fleets passed through the M-S Straits, both the U.S. and the Soviet Union passed their fleets through without pre-notification to meet the strategic needs of their military (Leifer 1978, 122; Koh 1982, 69). This case shows that Indonesia government’s will to stop unauthorized passages was deterred by the strong military capabilities of both states.

However, for Japan, exercising military power was not a possible option. This was not only because threatening to use force was constitutionally impossible, but also because it was not wise for Japan to choose a policy which would trigger protest by the coastal states. In fact, when the Japanese Maritime Self Defense Forces (JMSDF) passed through the M-S Straits, the Japanese government gave the coastal states

⁵⁸ DA No. 2010-0454, Ajia kyoku chiiki seisaku ka, ‘Marakka kaikyō tūkō mondai’, July 16, 1976. From the original Japanese, translated by author.

⁵⁹ DA No. 2010-0454, Ajia kyoku chiiki seisaku ka, ‘Marakka kaikyō mondai no keii to genjyō’, May 13, 1976. From the original Japanese, translated by author.

⁶⁰ DA No. 2010-0688, Telegram from Ambassador Kojima (Malaysia) to the Foreign Minister Kiichi Aichi, No. 589. June 18, 1970. From the original Japanese, translated by author.

⁶¹ Attempt to influence an opponent’s behavior by threatening to use force is defined as *deterrence* or *coercive diplomacy* as a diplomatic strategy. About *deterrence* and *coercive diplomacy*, see Lauren et al. (2007), 175-219.

prior notice unlike the U.S. and the Soviet Union.⁶² Japan did not attempt to use SDF in a coercive way to alter its disadvantageous position because it knew the consequences would be too great.

Another *overall power* is economic resources, which could be exercised in a twofold way, threat and reward. As a threat, economic sanctions such as stopping economic aid to the coastal states were possible. Taking into consideration that those states depended on Japanese economic aid, it could have been possible for Japan to make them accept its demand by dangling the threat of stopping aid. However, Japan could not use its economic power in such a way because, during the Cold War era, the aid for those states aimed to prevent them from becoming Communist. Stopping the aid was undesirable not only for Japan itself but also for the U.S. who wanted Japan to play more active role in Southeast Asia (Hatano et al. 2007, 148-80). Thus, it was impossible for Japan to exercise its economic resources in a threatening manner.

A second way to exercise economic resources is reward. Economic aid by the Japanese government to the coastal states could have been a tool of this way. However, given that the coastal states' nationalism was one cause of the strong assertion of their sovereignty over the M-S Straits, it could hardly be imagined that economic aid would guarantee those states' concessions. Consequently, reward was also not a suitable way for Japan to obtain desirable results.

Other ways of *exercising overall power* were also attempted by MOFA as mentioned in previous sections. For example, MOFA tried to isolate Malaysia from the other coastal states or to utilize IMCO-NAV to put pressure on the coastal states through unofficial meetings. However, all these attempts failed.

As the above examination shows, military power, economic resources and other attempts were not available. However, coalition building still remained. In fact, MOFA tried to form a multinational coalition via the internationalization plan. Through forming a multinational coalition, Japan could not only claim the appropriateness of its involvement as a non-coastal state in the efforts for navigational safety in the M-S Straits, but also it could restrict the coastal states' unilateral

⁶² DA No. 2010-0454, Aja kyoku chiiki seisaku ka, 'Jieitai rensyu kantai no kaikyō tūka no sai no engankoku he no tūhou no keii to mondaiten', December 18, 1974.

policy making. Accordingly, forming a multinational coalition could have been an effective way to exercise Japan's overall power.

Yet, Japan failed to realize the internationalization plan. As the previous section shows, this failure had great negative impact on VLCC bargaining. Thus, it is necessary to explain the cause of this failure. To do so, it is useful to focus on the third factor of bargaining power, *successful management of the pre-bargaining phase*.

As mentioned previously, a bargaining process can be divided into two phases, the pre-bargaining phase and the around-the-table phase; and especially, *successful management of the pre-bargaining phase* is crucial. The reason is that if proper management of the former phase fails, a state will face great difficulty in the latter.

This holds true for the bargaining process of the internationalization plan. Regarding this plan, the meeting that centered on discussion of transport and communication networks in Southeast Asia, held in September 1970 when MOFA first introduced the plan to the coastal states, could be regarded as the pre-bargaining phase. The latter phase was the unofficial meeting held during IMCO-NAV in October 1970 where MOFA proposed the plan. In principle, the former meeting was critically important to realize Japan's attempt. However, MOFA disregarded the phase, as the previous section shows. Without proper management of the pre-bargaining phase, MOFA tried to take an initiative to put the plan into motion in the latter phase and failed.

To achieve their goal via the internationalization plan, MOFA should have spent more time discussing the plan with the coastal states before trying to promote it at IMCO-NAV, the latter phase. From this fact, it can be said that *unskilled management of the pre-bargaining phase* by MOFA was not only the cause of failure of coalition building, but also one of the causes of difficulty in obtaining desirable results from the bargaining.

Examining MOFA's actions, one important question arises. Why did MOFA fail to manage the bargaining process in a proper manner? Taking into consideration that the coastal states strongly asserted their sovereignty over the M-S Straits, MOFA should have acted with deliberation. What was the cause of this failure?

MOFA's intention to establish a navigational safety mechanism which would enable VLCCs' passage without interference by the coastal

states' policies was surely a motivation. However, there was another reason: Japan's underestimation of the coastal states' assertion of sovereignty in regards to their rights to control the M-S Straits.

During this period, the coastal states, especially Indonesia and Malaysia, were asserting their sovereignty forcefully, riding the wave of sovereignty claims by third-world states. Therefore, careful consideration to the coastal states' sovereignty was necessary to solve problems of navigation in the M-S Straits. This point was properly understood not only by other user states (e.g. the U.S. and the U.K.) but also by IMCO.⁶³ Japan, however, failed to recognize this point early enough. Takashi Hazama, who was then a secretary at the embassy of Japan in the U.K. in charge of IMCO, said in retrospect that “[Japan] had lacked the recognition that there was a need to pay careful attention to the states' sovereignty.”⁶⁴ The above underestimation of the coastal states' sovereignty was the background of MOFA's unskilled management of bargaining process.

From the above analysis based on application of the framework, the conclusion from this research is that both the lack of effective diplomatic policies for altering its dependent position in issue-specific asymmetric interdependence and an unskilled management of the bargaining process, which resulted from underestimation of the coastal states' assertion of sovereignty, were the causes of failure of Japan's foreign policy to secure the SLOC.

Conclusion

Securing the M-S Straits is critically important for Japan. During the 1970s, this became a real diplomatic problem and Japan was forced to make a move toward coping with this difficult situation through bargaining with the coastal states. However, Japan failed to obtain desirable results from the bargaining.

⁶³ DA No. 2010-0688, Telegram from Ambassador Yukawa (the U.K.) to the Foreign Minister Kiichi Aichi, No. 1219. 13 October 1970; DA No. 2010-0688, Telegram from Ambassador Yukawa (the U.K.) to the Foreign Minister Kiichi Aichi, No. 1256. October 21, 1970.

⁶⁴ MSC, *Marakka kaikyō kyōugikai 35 nemshi*, 46. From the original Japanese, translated by author.

As this paper reveals from the perspective of bargaining power, one of the causes of the failure is the lack of effective diplomatic policies for altering Japan's dependent position in the issue-specific asymmetric interdependence. However, the other reason, the unskilled management of the pre-bargaining phase by MOFA, cannot be overlooked since this failure gave rise to constraints on Japan's bargaining power in later stages of bargaining process.

On this point, it is worth mentioning the fact that the underestimation of the coastal states' assertion of sovereignty was the cause of this failure. Thus, in the light of historical fact, it can be concluded that giving careful consideration to the coastal states was a key point in the bargaining surrounding the M-S Straits issue.

What is important here is that this key point is not limited to the 1970s. To be sure, this period is characteristic in that the coastal states, especially Indonesia and Malaysia, were asserting their sovereignty forcefully, riding the wave of sovereignty claims by third-world states. However, the coastal states' strong assertion of sovereignty remains unchanged, even though user states' right of transit passage has been recognized based on United Nations Convention on the Law of the Sea (UNCLOS), which was concluded in 1982 and came into force in 1994 (JAMS 2007, 134).⁶⁵ Since the M-S Straits are still important waterways for Japan and Japan's dependent position in the issue-specific asymmetric interdependence has not changed, successful management of the bargaining process is crucial to exercising effective overall power. Thus, learning from the 1970s has not lost its importance.

Today, the Cooperative Mechanism for Navigational Safety in the M-S Straits based on UNCLOS was launched as the world's first effort at cooperation between coastal states and user states for navigational safety. It should be pointed out that regarding this new mechanism, which is similar to MOFA's internationalization plan, the Japanese government clearly expresses the necessity of respect for the coastal states' sovereignty.⁶⁶ To sustain cooperation, not only Japan but also other user

⁶⁵ The right of transit passage allows user states freedom of continuous and expeditious navigation or overflight through an international strait.

⁶⁶ Website of MOFA, http://www.mofa.go.jp/mofaj/press/enzetsu/18/sei_0918b.html (accessed June 8, 2012).

states need to be mindful of giving careful consideration to the coastal states and manage the bargaining process carefully.

This paper serves to illustrate what should be taken into mind when we examine Japan's foreign policy to secure the SLOC. The scope of this paper is limited in that it cannot examine the role of actors other than MOFA due to limitation of available resources. However, since MOFA did play a central role in Japan's foreign policy towards South East Asia in the 1970s, focusing on MOFA is considered to be meaningful and this paper's findings should at least provide clues in considering present issues.

Securing the SLOC is an important topic of Japan's foreign diplomacy. As for the M-S Straits, how Japan participates in establishing the cooperative mechanism and how it cooperates with other user states under this scheme are still important topics today. To find useful solutions to the many challenges for securing the SLOC ahead, Japan must learn from its past failure and cautiously conduct any future policy regarding the SLOC.

Abbreviations

FEFC	Far Eastern Freight Conference
IMCO	Inter-governmental Maritime Consultative Organization
IMCO-NAV	Inter-governmental Maritime Consultative Organization Subcommittee on Safety of Navigation
JMSDF	Japanese Maritime Self-Defense Forces
L-M Straits	Straits of Lombok and Makassar
MNSL	Malaysia National Shipping Line
MOFA	Japan's Ministry of Foreign Affairs
MSC	Malacca Strait Council
M-S Straits	Straits of Malacca and Singapore
SLOC	Sea Lines of Communication
TTEG	Tripartite Technical Experts Group
UKC	Under Keel Clearance
UNCLOS	United Nations Convention on the Law of the Sea
VLCC	Very Large Crude Carrier

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Acknowledgements

For helpful comments, I am grateful to Yumi Hiwatari, Daishiro Nomiya and David Wessels. I wish to thank anonymous reviewers for their valuable comments. I am also grateful to the members of Sophia's Writing Center for their assistance.