21st PAC Policy Simulation

Protection of Japanese Nationals and Crisis Management Under the New National-Security
Legal System:

Summary Report and Assessment

1.   Summary

On November 14 and 15, 2015 the Canon Institute for Global Studies (CIGS) held the 21st PAC Policy Simulation: "Protection of Japanese Nationals and Crisis Management Under the New Peace and Security Legislation." The main themes of this simulation were how to promote crisis management of the Japanese companies that strive to operate in overseas markets, how to protect the safety of Japanese nationals overseas, and how the new mission of Japan Self-Defense Forces involved in international cooperation activities should be positioned, all based on the new Peace and Security Legislation were approved by the Diet in September 2015.

The preceding simulation (the 20th PAC Policy Simulation) set the theme "New Peace and Security Legislation: is it seamless?".   Leveraging the crisis scenarios in the areas surrounding Japan and the developments in South China Sea, it focused on how the Japanese government will determine "the situation that has significant impact on Japan's national security" and "the situation that provides existential threats for Japan" and how the new laws will be applied under these circumstances.   .This time the scenario was positioned as the second round of reviewing the new Peace and Security Legislation, with East Africa (Somalia, South Sudan, Djibouti) as the setting for the simulation. The main issues addressed were Japan's expanding mission in international cooperation in the region, along with protection and rescue of Japanese nationals and crisis response. In that sense, the 20th and 21st policy simulations can be considered parts one and two, respectively, of the policy simulation on this topic.

The new Peace and Security Legislation includes protective measures for Japanese nationals overseas as follows: "Units and other organizations of the Self-defense Forces (SDF) may carry out measures to protect Japanese nationals whose lives or physical safety may be under threat during emergency situations in foreign countries" (Article 84-3 of the Self-Defense Forces Act). Specifically, this authorizes the SDF to carry out protective measures including use of weaponry to perform a specific mission to protect Japanese nationals in a case in which no combat is taking place, and the consent of the country involved and cooperation with the relevant authorities in that country could be expected. An earlier amendment to the Self-Defense Forces Act (Article 84-4: Transport of Japanese nationals and others overseas) authorized the SDF to perform a more pragmatic role in transportation of Japanese nationals overseas.

The Report of the Council on the Protection of Japanese Nationals and Japanese Enterprises Overseas, prepared based on the lessons from the January 2013 hostage-taking incident in Algeria, recommended cooperation and sharing of information between government and the private sector on a regular basis as well as improving response capabilities when crises occur and afterward. Furthermore, following the incident in which two Japanese nationals were captured and killed by the extremist group IS in the beginning of 2015, the Japanese government indicated a policy of enhancing information gathering and analysis regarding

Islamic extremism, including enhancing its diplomatic establishments in the Middle East and training experts well-versed in the languages and cultures of the region. The Ministry of Foreign Affairs also established a new International Terrorism Information Gathering Unit, as it plans both to enhance information gathering and strengthen exchange with the security and intelligence organizations of other countries.

This policy simulation considered how to protect the safety of Japanese nationals and how to respond in the event of a crisis, in light of the newly established Peace and Security Legislation and various other recent reforms. In doing so, it envisioned the scenarios of ensuring the safety of commercial ships, protection of civilians in the face of a worsening security situation in North Africa, and growing risks in connection with new peace-keeping operation (PKO) missions.

This policy simulation also considered how the government and businesses should make decisions amid increasingly complex interactions among sources of information, as information is communicated through not only government agencies but also media, criminal organizations, and members of the public via social networking services (SNS).

Approximately 40 people, including active government officials, researchers, businesspeople, and journalists, participated in this two-day simulation, from which numerous lessons learned and challenges were identified. The simulation involved the role-playing of the following teams and players: the Japanese government (consisting of the Prime Minister's Official Residence, the Ministry of Foreign Affairs, the Ministry of Defense, and the National Police Agency), Djibouti, Somalia and South Sudan, terrorist organizations (armed groups in Somalia and Ethiopia and forces inside Djibouti), the media (Japanese and international),civilians (hostages' families and bloggers), and private enterprise (the shipping company involved in the simulated incident).

Each player took part in specific actions such as diplomatic negotiations, consensus-building, and reporting of information while ascertaining the facts of the situation and considering policy responses amid a constantly changing situation in East Africa, over the 24-hour period from the morning of Saturday, November 14 to the morning of Sunday, November 15.

2. Setting the scene for the scenario, and its objectives (the situation in East Africa in the year 201X)

- In August 2011, a unified government were established in Somalia for the first time in 21 years with the establishment of a provisional constitution, the setup of a new federal assembly, and the selection of a president. However, the foundation of domestic governance has so far fails to be stabilized, and an unstable security situation continues as Islamic extremist groups such as al-Shabaab remain active. In addition, in the mountainous regions near the border Islamic extremist groups affiliated with al Qaeda and ones that have announced their support for ISIL (Islamic State in Iraq and the Levant) are active.

- Although incidents of piracy and similar acts off the coast of Somalia and in the Gulf of Aden have decreased considerably since 2012, they simply have been restrained by international efforts, and the root causes of piracy, such as poverty in Somalia, have not been resolved. Also, Somalia itself still lacks sufficient ability to constrain piracy. For these reasons, the threat of piracy persists, and it remains an issue with regard to safe sea transport/safe passage. Recent years have seen incidents of threating and firing on Japan-flagged vessels off the coast of Somalia, in the eastern Arabian Sea, and off the coast of Kenya, leading to increasing alarm among Japanese sea transport firms.

- Following a lengthy civil war between the north and south and enactment/implementation of a peace accord, South Sudan achieved independence in July 2011. However, during the period of X years following its independence the resolution of political discord/confusion

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in domestic politics in the county has proved to be a major issue with regard to nation-building in South Sudan. Following South Sudan's gaining of independence, the United Nations Mission in South Sudan (UNMISS) was established with objectives including the firm establishment of peace and security as well as supporting the establishment of the conditions conducive for development in South Sudan. Japan's Self-Defense Forces are dispatching a steady stream of forces to UNMISS in roles including those of headquarters staff and engineering units. In addition, following the establishment of the new Peace and Security legislation, the implementation plan was revised in May 2016 to add the mission of "*Kaketsuke Keigo* (rushing-to-rescue)". There are numerous refugees in South Sudan, and many NGOs, including those that have Japanese staff, have been active in the refugee camps inside the country. The new implementation plan envisions the situation in which Self-Defense Forces would come to rescue the forces from other countries or NGOs in the event they are attacked by armed group, which may involve the use of weapons by the JSDF.

● The Republic of Djibouti gained independence from France in 1977 and has built friendly relations with many nations. Since agriculture is undeveloped on a large portion of its land mass due to tough environmental conditions, Djibouti's main sources of income have been intermediary trade on the Djibouti Railway and revenue generated by the stationing of French and American military forces. Thanks to its strategic position in East Africa along the Mandeb Strait linking the Indian Ocean with the Red Sea, Djibouti is home to the bases of many nations. The former colonial power France has had a military base here since prior to independence, intended to protect access to the Indian Ocean. The United States built a large base in Djibouti following the terrorist attacks of September 11, 2001. The total number of people affiliated with the U.S. military in Djibouti exceeds 4000, including not only military forces but also personnel seconded from private firms. Use of unmanned drones from Djibouti plays a central role in the fight against terrorism in Africa. Japan too has dispatched P3C patrol planes and escort vessels here since 2009, and in 2011 it opened a base as a new center for Self-Defense Forces engaging in anti-piracy operations off the coast of Somalia. Today, about 180 personnel are stationed there. While Djibouti has offered important strategic benefits to various countries, it has long had a pro-American government since the costs of stationing U.S. forces in the country account for a large portion of its national income, and the two nations have built up a relationship of interdependency.

3. Transitions of policy simulation

Phase one: Attack on a container ship off the coast of Somalia

● A Japan-flagged container ship was attacked and taken over/hijacked by an armed group while sailing off the coast of Somalia in East Africa. Nothing has been heard from the ship since the report of the attack by the armed group was received by the British military's Maritime Trade Operations contact point. While forces of the coalition of the willing patrolling the Gulf of Aden off the Somali coast searched for the container ship, its whereabouts remain unknown.

● The small container ship attacked, the *Genesis,* has a crew of 24, including seven Japanese—including the captain—10 Filipinos, four Indians, and three Bangladeshis. The incident occurred in the waters near the Seychelles south of Somalia and east of Kenya. While these had been high-risk waters due to numerous piracy incidents from 2008 through 2009, in recent years they had been considered relatively safe.

● After frequent incidents of piracy off the Somali coast during the first decade of the 21st century, the shipping company strengthened its crisis-management system. However, the ship's multiple identification devices, including emergency security alarm equipment and

an automatic identification system (AIS) have been turned off. This suggested the possibility of an attack by a criminal organization with detailed knowledge of marine transport.

> **Point**s: What kinds of initial postures and cooperative structures should be prepared to respond to an attacks and kidnapping targeting Japan-flagged container ships and crews including Japanese members? What media strategies are desirable?

Phase two:
The situation in Somalia: Discovery of the attacked vessel, the *Genesis*

● A craft that appeared to be the container ship attacked off the Somali coast by an armed group was discovered in waters about 150 km east of Mogadishu, Somalia's capital. However, no crew members were found and the ship's engines, communications equipment, and other equipment were not operating. This suggested the possibility that the armed group captured the crew and took them away on the craft it used to attack the ship.

> **Points:** How should the background of an attack on a container ship off the coast of Somalia be analyzed? What kinds of options are likely to be available regarding policies to rescue Japanese nationals?

The situation in South Sudan: Armed group attacks refugee camp and the base of PKO troops in Malakal

● In Malakal, a city in the north of South Sudan, an armed group attacked a refuge camp, exchanging fierce fire with UNMISS PKO forces (consisting mainly of Rwandan and Ethiopian military) deployed nearby and with South Sudan government forces. The group took control of the entire are of the city of Malakal, the Malakal airport, the refugee camp, and the UNMISS base. There were considerable fatalities among UNMISS PKO forces and South Sudan forces, and the UNMISS headquarters withdrew its forces from Malakal temporarily.

● Two Japanese NGOs are active in the local refugee camp providing humanitarian and medical assistance. At present, no communications have been established withthe personnel of either of these organizations active in the area.

> **Points:** How should the "five basic principles of the participation in the UN Peacekeeping operations" be considered in light of the attack on PKO forces deployed to northern South Sudan? How can the Japanese nationals in the refugee camp be protected? How should relations with UNMISS headquarters and coordination with participating states be maintained?

Phase three:
Situation in Somalia: Al-Shabaab claims responsibility and suggests hostage negotiations

● The Islamic extremist group al-Shabaab claimed responsibility for the attack on the container ship *Genesis* on the Internet. Its statement also noted that Japan Logistics and the Japanese government "must pay a good-faith price for release of the hostages," effectively demanding the start of ransom negotiations.

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- Britain's BBC, citing Somali government sources, reported the analyses that the criminal group that had taken the container ship's crew hostage had landed ashore near the Somali capital city of Mogadishu and then headed inland toward the area of the borders with Ethiopia and Kenya.

> **Points:** How should the hostage rescue operations(by the host country government, the U.S. military, and Japan Self-Defense Forces) and hostage release negotiations (by the government and the company) be pursued?

The situation in South Sudan: Release of Self-Defense Force soldiers? The Australian military requests assistance in searching for a missing aircraft

- A source in South Sudan government stated that it appears that the recent attack involved not only antigovernment forces led by former Vice-President Machar but also armed groups who had infiltrated the country from across the border.

- The United Nations Security Council held an emergency meeting on the situation in South Sudan, unanimously passing Resolution 2488 calling for enhancing the authority of the UN PKO in South Sudan and increasing numbers of peacekeeping forces. In response to the humanitarian crisis in northern South Sudan, this resolution permitted UNMISS to act based on a stronger mandate to use force in order to protect refugees. UNMISS headquarters suggested that, in cooperation with the government of South Sudan in, it would examine the possible courses of action it could take to restore order in northern South Sudan.

> **Points: Based on the stronger mandate granted by UN Security Council, UNMISS headquarters suggested it would consider execute more robust operations** to protect refugees and to recapture its base What can Self-Defense Forces do in such condition under the current legal system?

The situation in Djibouti: More robust activity by antigovernment forces against foreign militaries stationing in Djibouti, including Japan Self-Defense Forces

- A demonstration was held in Djibouti against stationing of foreign military forces following a case of sexual assault against a Djibouti woman by a U.S. soldier stationed in the country, and an accident in which a girl was hit by a vehicle driven by a member of the Japan Self-Defense Forces and was injured. The demonstration's organizers issued a statement calling for amending the status of forces agreement or, in the absence of such amendment, the immediate withdrawal of the U.S. military and the Japan Self-Defense Forces.

> **Points:** The situation in Djibouti, a base for the Self-Defense Forces in East Africa, has grown more unstable, and it has become clear that an accident involving Self-Defense Forces . What kind of response is possible in this situation?

Phase four:
The situation in Djibouti: Attack on Japan Self-Defense Forces base results in serious damage to the facility and fatalities among Self-Defense Forces personnel

- At a Japan Self-Defense Forces installations adjacent to Djibouti International Airport, an explosion in a hangar for Self-Defense Forces P3-C patrol planes were stored caused serious damage to the hangar and the aircraft. At least three members of Self-Defense Forces were killed and seven injured in this incident. Djibouti International Airport was closed, except for military =aircraft.

> **Points:** The Self-Defense Forces base in Djibouti has been subject to a terrorist attack resulting in the first casualt6y for Self-Defense Forces in its operation overseas.　It can be expected that calls for Self-Defense Forces' withdrawal from the regio will strengthen.

The situation in Somalia: Paradanao solider suffered , but Japan Self-Defense Forces troops had to injured

- The Islamic extremist group al-Shabaab in Somalia issued the following statement via the Internet: "We are disappointed in the Japanese government's and the shipping company's disregard for the lives of their countrymen and employees. One hostage per day will be executed if they continue to show no signs of acting in good faith."

4.　Lessons learned from this policy simulation and policy implications

In this policy simulation, developments in three fronts--Somalia, South Sudan, and Djibouti in East Afria—unfold simultaneously.　This presented the following three challenges.

1. **Attack on a container ship and rescue of Japanese nationals:** How should Japanese nationals captured by an armed group be rescued? How should the Japanese government and a private company (the shipping company operating the attacked ship) cooperate to recue Japanese nationals?

2. **Worsening of the security situation in the region where PKO forces are deployed and responding to a new mandate: Along** with responding to an attack on UNMISS forces in South Sudan, how can Japanese nationals in the refugee camp taken over by an armed group be rescued, how should the government handle the mission that is granted a more robust mandate under the new UN resolution ?

3. **A terrorist attack on a Japan Self-Defense Forces overseas base and casualties among Self-Defense Forces personnel:** A Japanese base was attacked, resulting in serious damage to a Self-Defense Forces facility in Djibouti. Also, a policy decision needs to be made regarding the situation in which there are casualties among Japan Self-Defense Forces personnel during an overseas mission.

[Somalia: Attack on a container ship and protection of Japanese nationals]

Outcome: Japanese nationals were rescued through negotiations for the release of hostages (payment of ransom) by Japan Logistics

- The Japanese government planned a joint rescue mission by the U.S. and Somali militaries, with the Self-Defense Forces would provide rear-area support from a base in Djibouti. Concurrently, the government also tasked a private crisis-management firm Graywater to engage in a negotiation to release the hostages through payment of a ransom. The government officially rejected ransom negotiations with the armed group and it opposed and refused to cooperate with　Japan Logistics independent negotiation over ransom

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payment. During this process, the armed group broke off negotiations with the government and shifted focus to direct negotiations with Japan Logistics.

● As it sensed the move toward joint action by the U.S. and Somali militaries, the armed group accelerated the pace of direct negotiations with Japan Logistics. Preparations for a hostage rescue mission through military intervention and negotiations by the company on payment of a ransom proceeded simultaneously, but due to a delay in the Japanese government's response the negotiations by Japan Logistics got one step ahead. As a result, the company secured the release of all the hostages, and the military action was abandoned.

● Under the principle of refusing to negotiate officially with armed groups for the release of Japanese hostages, the Japanese government pursued both unofficial negotiations through back channels and military intervention to rescue the hostages. However, coordination among officials, police, Graywater, and Japan Logistics were far from smooth during the back-channel negotiations, and as a result, the line of negotiations was cut off. With regard to military intervention, a plan was developed for Japan Self-Defense Forces to provide rear-area support for intervention by the U.S. and Somali militaries, and arrangements had been made right up to the point of before the execution. However, the attack on the Self-Defense Forces base in Djibouti in Phase Four resulted in massive delays in planning of the rear-area support, slowing the timing of military intervention as a result.

● A decision to negotiate with an armed group on the release of hostages is always a policy decision rife with ethical considerations and moral hazards. The Japanese government's support for military intervention by the U.S. and Somali militaries proved highly meaningful in that it resulted in an incentive for the armed group to negotiate urgently. However, the concurrent negations with the armed group by Graywater were unable to achieve results due to lacking both of a clear expression of intention by the government and flexibility in negotiations. When using a third party like Graywater in negotiations on the release of hostages as in this case, it is essential that a more highly specialized system is established. Such a system might include a clearer delegation of authority by the Japanese government to the company, establishment of the lines of negotiation and compromise, and a more timely communication with the company and Japan Logistics (i.e., appointing a official responsible for facilitating such communication between the two within the Japanese government).

[South Sudan: Recapturing UNMISS base]

Outcome: UNMISS requested the participation of PKO-member states in protecting refugees and recapturing of the base, and the Japanese government took part by using "protection of Japanese nationals and similar parties overseas" as the justification. As a result, the armed group was swept away and the Japanese hostages were rescued, but at the cost of the lives of two Japan Self-Defense Forces soldiers.

● UNMISS headquarters requested the participation of the South Sudanese military, the Ethiopian military, the Rwandan military, the People's Liberation Army of China, and the Japan Self-Defense Forces in the operation to recapture the areas taken over by the armed group. However, the Japanese government's response to UNMISS headquarters was delayed because it took a while to sort out the scope of rear-area support for the operation even with the new Peace and Security legislation.

● Using the authority to "protect Japanese nationals and similar parties overseas" as the justification, the Japanese government and the Ministry of Defense dispatched Self-Defense Forces to the refugee camp in Malakal in northern South Sudan to rescue Japanese nationals. This action took place as the operation by other countries' militaries under the command of UNMISS headquarters took place. As a result, following fierce

fighting, the armed group that had taken over the PKO facility, the refugee camp, and other sites was swept away. All four Japanese employees of local NGOs who had been captured at the refugee camp were rescued by Self-Defense Forces as a result. Two Self-Defense Forces soldiers were killed in the fierce fighting between Self-Defense Forces and the armed group during this operation.

● Under the amended Self-Defense Forces Act, Japan Self-Defense Forces troops may take measures to protect Japanese nationals and "use of weapons as required for the mission" is now possible. This time, these provisions were applied in the form of participation in joint action commanded by UNMISS headquarters. While this might be a mission that should be conducted under the Act on Cooperation with United Nations Peacekeeping Operations and Other Operations, such an approach was not used this time because of the reasons such as the difficulty of establishing the definition and scope of "operations to secure safety" and the requirement of prior approval by the Diet. However, since a condition in which the measures to protect Japanese nationals is allowed is that "no combat is likely to take place" in the area.　Thus,　in a real-world situation, it probably would be difficult to apply this approach in this case (in which combat did take place).

● The People's Liberation Army of China, a participant in UNMISS, also played an important role. This suggests the possibility that the China factor could become very important in South Sudan. China has an embassy in South Sudan and has deployed about 700 People's Liberation Army troops there. For these reasons, China has an outstanding ability to respond to the developments in South Sudan. It is highly likely that China supports the UNMISS mission based on its own national interest, since it has clear interests in the region including oil development and imports.

[Attack on the SDF base in Djibouti and death of Self-Defense Forces personnel in line of duty]

● The attack on the SDF base in Djibouti and death of three Self-Defense Forces personnel in the line of duty shocked the Japanese government. The attack occurred while the government was being buffeted by the needs to protect Japanese nationals in Somalia and respond to the situation in South Sudan meant that an important logistics base in East Africa was weakened. Above all, the fact that the SDF had become the targets by local extremist forces and that the risk to SDF personnel had become clear led to the questions about Japan's engagement6 in this region in the context of the new Peace and Security Legislation.

● However, the Japanese government swiftly stated clearly that it would maintain the base in Djibouti and denounced the terrorists. The Prime Minister himself greeted the fallen soldiers' caskets at the airport and paid his respects at their military funeral. The Prime Minister and the Cabinet actually became more proactive about taking action to rescue hostages by military intervention in Somalia in the aftermath of the attack on the SSDF base in Djibouti (stating, "We will stake our political lives on our response to this act of terror"). While the responsibility of the Prime Minister for the deaths of SDF personnel was being called into question in Japan, the Prime Minster himself made every effort to unify the nation through adopting a proactive line toward intervention.

4. Introduction of SNS (Twitter)

● This simulation also examined the impact of social networking services (SNS) on policy decisions. The information environment is changing from day to day, as seen for example

in the important role played by SNS in international political movements such as the Arab Spring; SNS's rapidly growing market share as a means of distributing and sharing information on a daily basis, through provision of daily news, analysis, blogs, and comments; and the way devices like tablets and smartphones are becoming standard SNS platforms.

- In policy simulations conducted prior to this one, the Media Team has used the video and text streaming software New Stream to unilaterally distribute information from the Media Team to other participants. However, starting this time each team will use a Twitter account and follow each other (using security keys), creating an environment in which teams can communicate information on equal terms.

- This resulted in a substantial increase in the tangible volume of information communicated during the simulation. As a result, it was characterized by an increase in the volume of nuanced information provided via SNS, including not only information communicated when important incidents and events occurred but also information that otherwise could be understood only through participation on site, such as domestic meetings (or ones conducted within organizations) and adjustments, as well as international negotiations.

- This simulation involved proactive distribution of information from the Media, Public, and Terrorist teams. These three teams dominated most of the shared screens. While this did make it possible to examine the contemporary property of information being distributed by multilateral actors, it also had the drawback of resulting in sheer volume of information crowding out the reports from the Media Team, government reports, and official statements. We would strive to make the efforts to make improvements on these points in the next simulation.