JOURNAL *of* INTERNATIONAL RELATIONS

SPRING 2021 | **VOLUME 23**

TRANSFORM YOURSELF AND THE WORLD

APSIA SCHOOLS DELIVER THE SKILLS AND MINDSET TO IGNITE TRANSFORMATION IN A COMPLEX WORLD.

The APSIA community brings together the leading graduate schools around the world which specialize in international affairs.

Our graduates work for peace, expand prosperity, build organizations, lead governments, and protect their fellow citizens.

APSIA.org makes it easy to connect with the world's leading graduate schools of international affairs.

> "
> *Before [graduate school], I had an understanding of global challenges and now I have the tools to approach their solutions.*
> "

Atishay Abbhi, Master of Arts candidate, Energy, Resources and Environment, Johns Hopkins School of Advanced International Studies

APSIA

Association of Professional Schools of International Affairs

www.apsia.org

Photos: UM Ford School, Yale Jackson Institute, Pitt GSPIA

GERALD R. FORD SCHOOL OF PUBLIC POLICY
UNIVERSITY OF MICHIGAN

Top-ranked policy school. World-class university.

Offering master's degrees in public policy and public affairs.

- **Weiser Diplomacy Center fellowships, up to $25K/yr** will be awarded to selected incoming MPP/MPA students focused on international affairs and diplomacy.

- **MPP concentrations offer focused study** in international policy and international economic development.

- **Global programs and projects** connect the study and practice of policy and public affairs through experiential learning.

- **Visiting policymakers and diplomats** teach, give public talks, hold office hours, and participate in the community.

FORDSCHOOL.UMICH.EDU/MASTERS-PROGRAMS
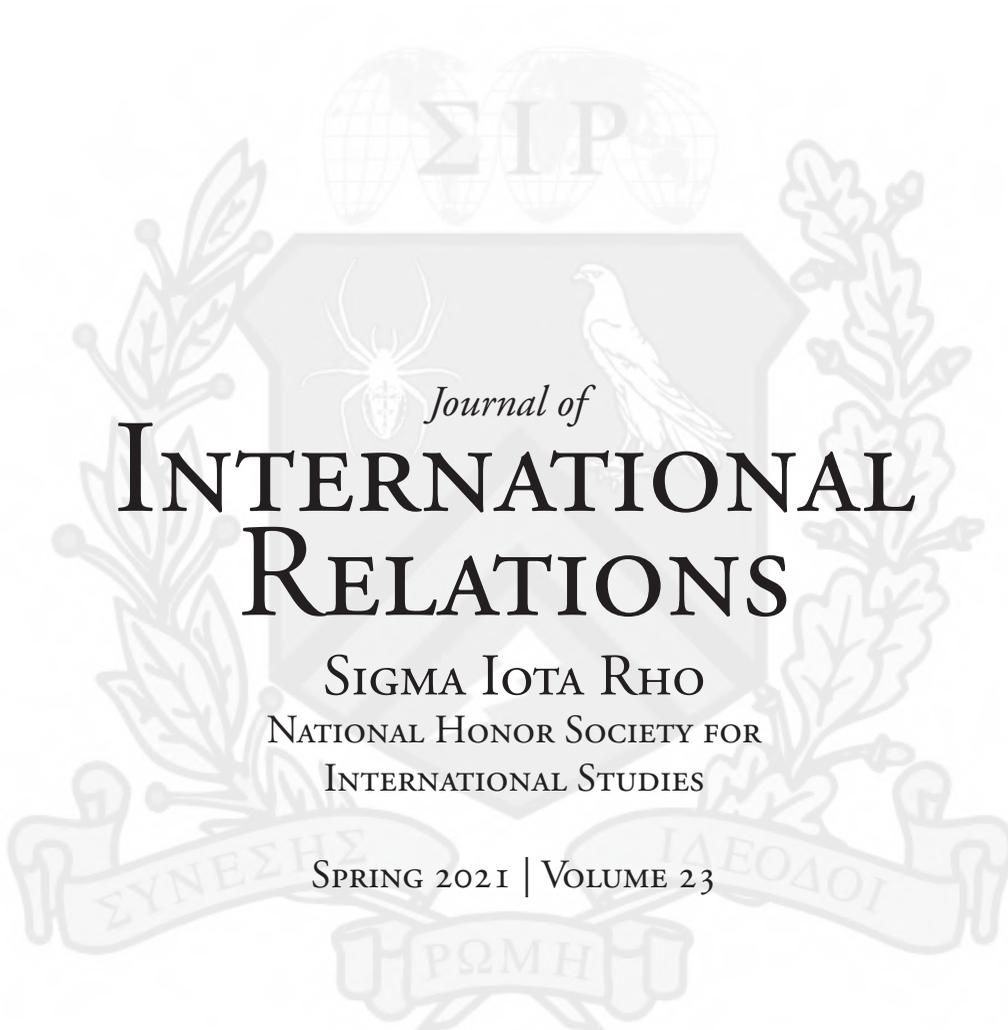
Journal of

INTERNATIONAL
RELATIONS

SIGMA IOTA RHO
NATIONAL HONOR SOCIETY FOR
INTERNATIONAL STUDIES

SPRING 2021 | VOLUME 23

STAFF

Assistant Copy Editors	Associate Editors
Megan Everts	*Anjalee Bhuyan*
Julianna Schickel	*Jan Nowak*
Rebecca Avigad	*Erin Kraskewicz*
Edward Tan	*Sophie Peikin*
Katrina McDermott	*Edward Tan*
Kelly MacGarrigle	*Katrina McDermott*
Lyndsey Reeve	*Kelly MacGarrigle*
	Lyndsey Reeve
	Amanda Abeja

SPECIAL THANKS TO:

Dr. Frank Plantan
National President of Sigma Iota Rho

Dr. Tomoharu Nishino
Faculty Advisor of the
Sigma Iota Rho Journal of International Relations

Mr. Mark Castillo
Senior Liaison Officer, Sigma Iota Rho

Ms. Marisol Arcaya
Senior Liaison Officer, Sigma Iota Rho

LETTER FROM THE EDITOR

Dear Reader,

I am honoured to present the twenty-third edition of the Sigma Iota Rho Journal of International Relations. Throughout the past twenty-three years, the Journal has served as an unique forum for outstanding undergraduate students to share their innovative scholarship and to engage in scholarly discourse on complex issues of critical importance, including global nuclear proliferation and deterrence, maritime and territorial disputes, and the ASEAN-Japan relationship. Under the challenging circumstances that the COVID-19 pandemic has brought this past year, undergraduate students from around the world have persevered with our research endeavours, despite limited access to libraries and archives. Drawn from a pool of extraordinary submissions, this year's research papers continue the Journal's long-standing academic rigour. I also invite you to visit our Online Journal at SIRjournal.org, a platform which publishes students' opinion pieces, blogs, and research work on various pressing issues in world politics. Our Online Editor-in-Chief, Maryanne Koussa, and the Online Journal team have worked tirelessly to facilitate a vibrant online community for academic discourse.

This year, we are honoured to publish Dr. Zeid Ra'ad Al Hussein, Perry World House Professor of the Practice of Law and Human Rights at the University of Pennsylvania and former United Nations High Commissioner for Human Rights from 2014 to 2018. The global pandemic has raised new concerns for the future of human rights, as the global community debated issues such as the increasing use of surveillance technology and the equitable distribution of vaccines. In a moving, original commentary, Dr. Al Hussein urges all members of the scientific community to join the global fight for the rights and freedoms of all, and calls for a better integration of science and human rights.

Following Dr. Al Hussein's article, the Journal presents eight undergraduate research papers which greatly contribute to international studies. These papers feature a wide range of topics, including tracing the development of norms on ensuring LGBTQ+ asylum seekers' rights in the United Nations Human Rights Council's Universal Periodic Review, assessing states' uses of cyber warfare as a weapon of mass destruction, and examining the conditions under which nonviolent social movements escalate to violence. My team and I sincerely hope that these articles' unique insights and novel approaches offer new perspectives to your outlook on international politics.

Finally, I would like to express my gratitude to a team without whose hard work, dedication, and creativity, publishing this year's Journal during these challenging times would not have been possible. I want to thank Dr. Frank Plantan, National President of SIR, Dr. Tomoharu Nishino, Journal Faculty Advisor, and Mr. Mark Castillo and Ms. Marisol Arcaya, SIR Senior Liaison Officers, for their invaluable support and guidance. Above all, I would like to thank Deputy Editor Juan Pujadas and the rest of the Journal staff for the countless hours they have devoted to the Journal. On behalf of the team, I hope you enjoy reading this year's Journal and I thank you for your continued support.

Sincerely,

Annie Hsu

Annie Hsu

Editor-in-Chief, Journal of International Relations

LETTER FROM THE PRESIDENT

Dear Reader,

Someone once said to me, "you can tell how serious an event is taken in our society by how long it takes before a joke comes out about it." This was about the time of the Challenger Space Shuttle disaster and about a week had passed before the first joke started to circulate, (which I will not repeat out of respect for the deceased and their families). This thought came to me when I purposefully went looking for some humor the other day while surfing the internet. I wasn't interested in the latest Tik Tok viral video of someone's grandfather breakdancing, or Facebook politics, or YouTube clips of SNL skits. In the early months of the pandemic there was a lot of humor around empty store shelves, T.P. hoarding, and living in our pajamas and sweat pants. Somehow I came upon the incredible collection of humorous comics and memes based on the Five Stages of Grief, which has been applied to everything from computer programming, motherhood, breaking up, college graduation, primaries, final exams, dating, relationships, and more. But today, if you tried to find "Five Stages of Grief—Pandemic," there is not humorous cartoons or memes, just serious pictures and graphs and charts cataloguing the human suffering and the impact of the pandemic on our society.

Humor—or better yet, shared laughter—has long been an anecdote to the bad things and evil we confront in the world. It can strengthen us ("if I don't laugh, I think I would cry;" and "Keep Calm and Carry On"), help us relieve stress, and support us when life demands we slog on and muddle through those inevitable periods we all face at different points in our life. I read recently that laughter will increase our dopamine levels, and literally helps us survive and live longer. This is sure to ring hollow to the Class of 2021 as they leave their undergraduate years behind; they, like the Class of 2020, are unlikely to find any humor in having their last year of college stolen from them by the COVID-19 virus. To those I offer you this:

> "My mom always told me I wouldn't accomplish anything by lying in bed all day. But look at me now, ma! I'm saving the world!"

Or better yet, for all of us in international studies:

> "The World Health Organization announced that dogs cannot contract COVID-19. Dogs previously held in quarantine can now be released. To be clear, WHO let the dogs out."

On a more serious note, I have found students of international affairs today more reflective, and in fact, more serious about the state of the world. There has been a dramatic increase ("IMHO") in interest in pursuing careers of service, making the world a better place, working with people, and even for those going into consulting or finance, a desire to work in social impact areas. Perhaps it is the case that the more we isolated in the past year and half, the more we realized how badly we need each other.

Sigma Iota Rho has also had its share of tribulations this past year. We are blessed to have Marisol Arcaya as our National Liaison Officer. Without her, I often wonder if we would have survived the pandemic. Certainly at the least, she made my life and work easier. We are looking to breakout with new programs and opportunities for our membership as we return to normal back-to-office routines. We are planning some road trips to visit our chapters around the country to help them raise interest in the vital work we do in trying to better understand and interpret world politics and economics today. But one thing that never changes is my persistent demand that members of Sigma Iota Rho, regardless of the path they choose in life, to never lose their love of of all things international and to promoting the study of and understanding of world affairs in their workplace and community. We need to be advocates for sanity and for putting diplomatic solutions first when dealing with international disputes and to contain international conflict.

We need to get back to study abroad, traveling and living in other cultures, and enjoying those rapturous moments when we experience our common humanity with people who may appear to be different from us. And you can always use humor to break the ice or to bring a smile to someone's face,

"The pandemic really hit France hard-- grocery stores there look like tornadoes hit them. All that's left is de brie."

"Finland just closed its borders. You know what that means. No one will be crossing the finish line."

Best regards,
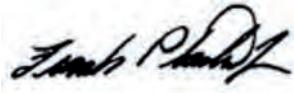
Frank Plantan

President, Sigma Iota Rho

TABLE *of* CONTENTS

Angels Grumbling and the Calling of Andrei Sakharov

Zeid Ra'ad Al Hussein
Perry World House Professor of the Practice of Law and Human Rights,
The University of Pennsylvania
&
UN High Commissioner for Human Rights 2014-2018

A few years ago, while serving as the UN human rights chief, I became acutely aware of the extent to which leading human rights activists worldwide were represented mostly by lawyers, journalists and community leaders. Physicians—like the outstanding Nobel Laureate Denis Mukwege, were also visible in the front ranks; undeterred, battling away for rights of others, as were a few academics.[1]

This led to the obvious question: where were the prominent professional research scientists?[2] Why was there no modern-day equivalent of an Andrei Sakharov–someone who would dare step into a political maelstrom, and assume the huge risks others were prepared to take for justice, for freedom?

This year, many of us will celebrate the centenary of Sakharov's birth and highlight the example of his life—a brilliant nuclear physicist who later in his career became that giant of the human rights movement in Soviet times. When living in exile, Sakharov was also vexed by this same void of voice, the absence of scientists-as-activists, when he appealed 'to scientists everywhere to defend those who have been repressed … [and when necessary] to adopt extraordinary measures such as the interruption of scientific contacts or other types of boycotts.'[3]

There are today a number of respectable coalitions of scientific organizations and fine not-for-profits—particularly in the United States, that advocate on behalf of individual scientists imprisoned arbitrarily, or advance the case for better integrating science and human rights. Yet their presence does little to explain why there are so few prominent scientists championing human rights writ large—that is, defending all vulnerable communities everywhere. Readers may feel otherwise, and may ask: is this even an issue? What does it matter?

I believe it matters a great deal. Does it not convey—at a time when science, like human rights,

---

1   I recall, for example, a whispered conversation I had in a prison outside of Addis Ababa with Bekele Garba—a former English instructor who became an Ethiopian opposition leader.

2   Confirmed to be by the Human Rights Foundation in New York.

3   Sakharov, Andrei, Andrei Sakharov From Exile, (New York, 1983) p.9

remains under attack—the distasteful image that scientists are either cowardly or somehow special—above it all so-to-speak; too elevated and cerebral for the bare-knuckled brawl being fought just beyond the perimeter of science itself? The sad part of it is that scientists, in most parts of the world, are highly-venerated, often decorated, members of their societies. They have status.

Now, there may be sound reasons why scientists mainly concern themselves with the pursuit of science. To begin with, their research grants depend (often heavily) on government support or institutions backed by governments, and so why alienate them? Would that not be utterly foolish? Their forte is in science, not in moralizing on non-scientific issues and being provocative.

Sakharov himself was dismissive of such arguments, referring to them as excuses and pretexts, and ultimately even spoke (in the context of the Soviet Union) of the "shameful" active and passive complicity of scientists, when it came the repression of the Soviet state.[4]

The argument also supposes that unlike scientists, lawyers, journalists and community leaders have little to lose—that they can afford to take the risks. The reality around the world is that many do lose their livelihoods, their families (when deprived of their freedoms and detained) and a great many are tortured and some will even forfeit their lives because they have spoken out. How does the loss of a research grant even begin to compare? It ought to be too embarrassing for it to be even mentioned. Sakharov was undeniably right here.

It could also be argued that if Covid-19 has amply demonstrated anything, it is that scientists do best when they problem-solve together and collaborate. Confrontation is not to be encouraged. Yet we all know scientists confront each other all the time when it comes to promoting competing scientific theorems or in assessing results, and that will not change either.

The reason, I believe, why there is no heir to Sakharov, lies in the widely-shared belief that lawyers are taught human rights, journalists are paid to report on their violations, and politicians are expected to abide by them—it is their job; leaving the scientists to do what they do best, to hypothesize, research and analyze data. Ultimately, many scientists may also think they are not properly equipped for the cut and thrust of human rights. At its heart, human rights is—after all, a legal discipline and, along with its jurisprudence, it remains fundamentally technical. Who then has the time to add a law degree to an existing string of scientific qualifications? This is reasonable thinking, but not a challenge that is insurmountable.

Part of the solution, it would seem to me, lies in exposing young scientists to human rights, in the form of a required course of study when they are undergraduates. Their focus would remain the STEM disciplines of course, what would change is the introduction of a core requirement to study human rights, or attend lectures devoted to human rights. Young scientists would not just better understand what human rights are, but how its system works internationally. They would not need to become legal virtuosos themselves, fluent in the language of human rights law, to appreciate its cleverness—opening a door for them to imagine how they could make best use of it in the future. Some early training in human rights would also expose them with greater precision, to the overall human context, our fragility, the fragility of our collective existence.

---

4   Ibid., p.10

Conscientious scientists will always hope that whatever the raw science discovered or theorems proven, when turned into some practical application, the result is not just to ease our lives, our daily burdens, but charm and enlighten us—to paraphrase from the beautiful poetry of Hafiz of Shiraz, applied science ought to "pour light into our cups."[5]

The late physicist Richard Feynman, in his celebrated John Danz Lectures delivered at Washington University in April 1963, said technology was "the doing of new things" but then warned us how science—in that transition from discovery to the doing, carried with it no instructions on how it should be done.[6] While it will likely remain the case that policy makers, governments and others, will guide or regulate the application of science, the more aware the scientists are themselves of what is more broadly at stake—in the detail of it, and of the sacrifice of others, the more alert they will become to the political leverage they too can exert and for causes that stretch beyond science itself. This was core of Sakharov's appeal to his fellow scientists.

To confront one's own society, or the pressures of societal conformity, or one's own government if it were repressive, to self-sacrifice by speaking on behalf of all, is phenomenally difficult. Most front-line human rights defenders, like Sakharov, arrive at that station in life gradually. With some human rights knowledge gleaned early in their careers, however, they would also arrive knowing what is also possible, aware of their power.

Moreover, if we accept the proposition the best science over the long term emerges when fundamental freedoms exist, or where societies are open and the flow of information is not straightjacketed, is it not unusual that others should be expected to fight and sacrifice, for those freedoms?

In the final analysis, we may well conclude we are less in need of smarter people (who are technically perfect) than we are of people who are technically prepared, but whose consciences are enlivened and fortified—who would not be satisfied with just being brilliant.

After the Nazi-sympathizers murdered the German Foreign Minister Walther Rathenau in 1922, Albert Einstein was stunned. Rathenau was a close friend of Einstein's, and the latter was notified by the police he was likely next on the death list. Einstein turned for advice to his close friend Marie Curie. She herself, earlier in her career, had experienced the sting of xenophobia, courtesy of French nationalists. What should he do?—he asked. 'Fight!' she urged him.[7] Curie's moral strength was remarkable for its resolve, a quality that Einstein admired deeply in her. For her part, Marie Curie would also have been fond of Andrei Sakharov, had the two lives overlapped. His courage, the example of his self-sacrifice and, most of all, his singular determination to confront what was unjust, was a quality she would have instantly recognized. When an individual facing so much resistance, and loss, can remain committed to the rights of all, to the freedoms of all, the wonder they inspire will always be timeless. For none other than Hafiz, warns us of the frailty of the human conscience: "Every time a man upon the path … does not keep his word, some angels grumble … and have to remove bets … they had placed upon his heart … to win."[8]

---

5   Landinsky, Daniel, The Subject Tonight is Love: 60 Wild and Sweet Poems of Hafiz, (Myrtle Beach, 1996) p.IX
6   Feynman, Richard, The Meaning of It All: Thoughts of a Citizen-Scientist (Reading, 1998) p.5
7   Isaacson, Walter, Einstein: His Life and Universe, (London, 2007) p.304
8   Landinsky, The Subject Tonight Is Love, p.60

Let us be on path together and—in this year when we salute and remember the astonishing life and example of Andrei Sakharov, face the adversities of today together, and not give the angels any cause to grumble.

Author Biography

Zeid Ra'ad Al Hussein was the UN human rights chief from 2014-2018. In January 2014, he served as president of the UN Security Council and earlier, in 2002, was elected the first president of the governing body of the International Criminal Court (ICC) -- guiding the court's growth in its first three years (9/2002-9/2005). He served twice as Jordan's ambassador to the United Nations (in New York) and once as Jordan's ambassador to the United States. He also represented Jordan twice before the International Court of Justice (ICJ). From 1994-1996, he served as a UN civilian peacekeeper with UNPROFOR. He is currently the President and CEO of the International Peace Institute, and Perry World House Professor of the Practice of Law and Human Rights at the University of Pennsylvania. He holds degrees from Johns Hopkins and Cambridge universities. In 2019, he was appointed a member of The Elders, an independent group of global leaders working for peace, justice and human rights, founded by Nelson Mandela.

Cyber Warfare: A Weapon of Mass Destruction

Kathleen Curlee
University of Pennsylvania

Abstract

The 21st century has been defined by rapid technological advancements, the rise in global dependence on technology, and a reduction in the perceived threat of the proliferation of weapons of mass destruction. Scholarship overstates the relevance of nuclear, chemical, and biological weapons in modern conflict. What is missing is the focus on a non-traditional 21st century weapon of mass destruction: cyber warfare. The 21st century has seen the transition in the basis of state power from relying solely on military power to relying on both military and economic power. As a result, cyber warfare has emerged as a weapon capable of degrading both economic and military power through cyberspace. Through mixed-methods analysis, this paper explores the following questions: Has the evolution in the global basis of power resulted in cyber warfare becoming the weapon of choice in the 21st century? Does cyber warfare have the potential to be a new weapon of mass destruction? To explore these questions, I exercise Lieberman's nested analysis research methodology to examine the shift in the global acquisition of weapons of mass destruction from the 20th to 21st century. I also examine three instances of cyberattacks: Estonia in 2007, Stuxnet, and WannaCry to supplement my investigation into cyber warfare as a weapon of mass destruction. I find through predictive margins that states are more likely to possess offensive cyber weapons than chemical, biological, or nuclear weapons in both the 20th and 21st centuries making cyber the weapon of choice for the 21st century. I also find that Estonia and Stuxnet qualify as instances of mass destruction while WannaCry failed to achieve its intended level of destruction.

Introduction

In 1945, Joseph Stalin uttered eight words that nearly capture the international political power dynamics that have overtaken the world since the bombings of Hiroshima and Nagasaki: "the Americans have dismantled the balance of power."[1] The struggle to balance the United State's monopoly over the atomic bomb transformed the international climate and gave way

---

1 Edward H. Judge and John W. Langdon, A Hard and Bitter Peace: A Global History of the Cold War, 3rd ed. (Lanham, Maryland: Rowman & Littlefield, 2018).

to a newfound conception of power in the form of weapons of mass destruction (WMDs).[2] Throughout history, the innovation of weaponry has given states an edge on the battlefield.[3] Nations rushed to restore the balance of power by developing nuclear weapons after World War II and subsequently developed more weapons of mass destruction. WMDs raise the stakes of international conflicts and create a more dangerous world. Understanding WMD threats better prepares states to effectively respond to proliferation and is a critical component of international relations.[4] However, the 21st century has seen the advent of new technologies that have the capacity for mass destruction.

The only use of a nuclear weapon on another state was by the United States against Japan during World War II. The last known state use of a WMD against another state was the use of chemical weapons in the 1980s during the Iran-Iraq war.[5] In 1995, terrorists dispersed sarin in Tokyo's subway system as part of the cult Aum Shinrikyo's religious terrorism efforts. Syria's uses of chemical weapons against its own people are the most recent application of WMDs. The limited use of WMDs reveals that non-state actors use WMDs in modern conflict as diplomatic tools rather than for military use. Presently, states do not use WMDs against one another, yet they continue to seek proliferation. This concept forces us to think about the purpose of WMDs.[6] The threat of launching a WMD attack gives states leverage on the international stage. While states such as North Korea may have more intent to use a WMD rather than rely on them as a diplomatic tool, international history shows contemporary states do not use WMDs to resolve conflicts. Counterproliferation measures and strict international guidelines can also take credit for keeping WMDs out of the hands of many state and non-state actors. Nevertheless, WMD proliferation and research continue with new technologies emerging with the capacity to inflict mass destruction.

Although traditional WMDs remain a threat, new types of weaponry are proving to be more accessible. In 2020, $1 trillion was lost due to cybercrimes.[7] Cyber warfare is a threat with diverse capabilities that can devastate societies that rely on technology for finances and critical infrastructure. Yet international law is unclear when it comes to cyber warfare.[8] Additionally, the extent of damage that actors can inflict varies greatly. Attacks on government agencies may not affect millions of people directly, but the impact can still have major effects on government functions.

2   William Walker, "Weapons of Mass Destruction and International Order to 1990," The Adelphi Papers 44, no. 370 (December 1, 2004): 21–30, https://doi.org/10.1080/05679320412331340417.
3   Hans Blix, "UN Security Council vs. Weapons of Mass Destruction," Nordic Journal of International Law 85, no. 2 (May 17, 2016): 147–61, https://doi.org/10.1163/15718107-08502003.
4   Derek D. Smith, Deterring America: Rogue States and the Proliferation of Weapons of Mass Destruction (Cambridge University Press, 2006).
5   Ruth Wedgwood, "The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction," The American Journal of International Law 92, no. 4 (1998): 724–28.
6   R. Hardin et al., "Nuclear Deterrence, Ethics and Strategy," January 1, 1985, https://www.osti.gov/biblio/5545762.
7   Zhanna Malekos Smith, Eugenia Lostri, and James A Lewis, "The Hidden Costs of Cybercrime" (San Jose, CA: McAfee and Center for Strategic and International Studies, December 2020), https://www.mcafee.com/enterprise/en-us/assets/reports/rp-hidden-costs-of-cybercrime.pdf.
8   Afroditi Papanastasiou, "Application of International Law in Cyber Warfare Operations," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, September 8, 2010), https://doi.org/10.2139/ssrn.1673785.

Cyberattacks are a daily occurrence and vary in scale and damage. Banks, power grids, hospitals, and companies are examples of the many targets of cyberattacks against the United States. Russia, North Korea, Iran, and others are largely responsible for recent onslaughts of attacks against western powers. The limitations of cyber warfare are not yet known but its potentiality for inflicting catastrophic damage undoubtedly is large. As technology rapidly evolves, the ability for less powerful states gaining access to large scale power increases. Cyber warfare is not limited by normative or legal restrictions and can be obtained with limited international scrutiny. Given its ability to attack economic and military components of power, this paper argues cyber warfare has become the weapon of choice for the 21st century. Joseph Nye finds that "the utility of cyber strategy is a form of political warfare optimized for the 21st century."[9] Not only does cyber act as a technology of war, this paper argues cyber warfare has the potential to be a weapon of mass destruction.

Through mixed methods analysis, this paper seeks to answer the following questions: *Has the evolution in the global basis of power resulted in cyber warfare becoming a weapon of choice in the 21st century? Does cyber warfare have the potential to be a new weapon of mass destruction?* This paper uses quantitative analysis to create predictive models of WMD possession to emphasize the transition in weapons acquisition and possession from the 20th to the 21st century. In addition, it uses qualitative analysis to investigate specific cases where cyber warfare may have inflicted mass destruction.

While traditional work in international relations can explain the years of relative peace the world has experienced and lack of WMD proliferation, scholars may be overstating the relevance of traditional WMDs in modern conflict. 21st century conflicts will not be defined by traditional WMDs but by new technologies that are accessible to states other than global superpowers. The 21st century represents the information age where societies that rely on advanced technological systems become more commonplace as time goes on. This results in major state and civilian operations occurring in cyberspace. To add to this, the global basis of power has shifted from the 20th century's military supremacy to power relying on both military and economic power. China's rise in the international system as a result of its economic power emphasizes the contemporary emphasis on state finances as a source of strategic strength. The Belt and Road Initiative illustrates how states can use economic power to establish spheres of influence. Through cyberattacks, states can diminish their adversary's economic power and thus inhibit its ability to establish spheres of influence. This is just one example of how cyberattacks can be used to diminish another state's power. States already have conventional means through which they can degrade the military power of an adversary. However, cyber warfare's ability to covertly degrade a state's economic power and also inflict physical damage makes it a highly desirable technology.

Taking the step to classify cyber warfare as a potent international threat signals to states the need to increase their cyber defense and invest in cyber attribution processes. Cyber warfare poses a significant threat to states and their citizens since the loss of life and severe economic damage are real possibilities. Additionally, the threat of cyber warfare is not limited to threats

---

9   Joseph S. Nye, "Cyber Power," Belfer Center for Science and International Affairs, May 2010, https://www.belfercenter.org/publication/cyber-power.

from states. Non-state actors can also pose a significant threat. Just as states actively attempt to prevent the acquisition of rogue nuclear materials by non-state actors, states must acknowledge that non-state actors are capable of inflicting just as much damage as state actors. Appropriate government systems should be put in place in order to limit the proliferation of cyber warfare among non-state actors.

This paper finds that states are more likely to possess cyber weapons than chemical, biological, or nuclear weapons in both the 20th and 21st centuries. It also finds that in the cases of Estonia and Stuxnet, cyberattacks inflicted mass destruction. This paper proposes a new definition of mass destruction to accommodate emerging technologies and highlights the critical importance of states securing strong defenses against inevitable cyberattacks. The following sections will explore literature relating to weapons of mass destruction and cyber warfare, outline a mixed methods approach for conducting research through predictive margins and case studies, summarize results from the quantitative and qualitative studies, and provide recommendations for future state action in the field of cyber warfare.

Review of Relevant Literature

The world continues to turn in the longest period of relative peace in modern history in spite of the fact that any one of the nine nuclear superpowers alone has enough nuclear power to kill millions. The use of weapons of mass destruction carries heavy consequences in the international sphere. Interstate use of a WMD has not occurred since the Iran-Iraq war in the 1980s. As military technologies across the world continue to advance, the relevance of WMDs is brought into question. Conventional weapons are often cheaper, easier, and more effective to use and do not carry the hefty consequences of WMDs. International treaties such as the Biological Weapons Convention and the Chemical Weapons Convention ban the proliferation and use of their respective WMDs. While state use of WMDs seems to have become dormant in the 21st century, a new technology has arisen and already resulted in billions of dollars in damage. Cyber warfare has proliferated among both global superpowers and weak states alike.

This literature review will examine classic theories and debates in the field of WMDs and on the proliferation of WMDs, as well as examine how international relations scholars have analyzed cyber warfare. Moreover, this paper highlights the shift in the global basis of power from the 20th to the 21st century to illustrate why cyber has become the 21st century weapon of choice.

Deterrence

Deterrence is the practice of threatening a negative consequence on an actor if their behavior threatens the interests of a state. Consequences can include sanctions, exclusion in international affairs, kinetic attacks, and more. The key component of deterrence is the threat and the threat must be credible.[10] Deterrence theory can clearly be seen in studying the Cold War as both the US and USSR actively sought to deter the other from launching a nuclear attack.

10   David P. Auerswald, "Deterring Nonstate WMD Attacks," Political Science Quarterly 121, no. 4 (2006): 543–68, https://doi.org/10.1002/j.1538-165X.2006.tb00581.x.

This deterrence manifested itself in an arms race and proxy wars. The idea that the United States would respond to a conventional attack with a nuclear strike is the basis of NATO's deterrence.[11] Deterrence is also a common strategy (or excuse) in modern international affairs. North Korea officially states their motivations for seeking nuclear proliferation are mainly for deterrence. Whether this is true or not, it illustrates the relevance of deterrence today.

While deterrence is typically associated with nuclear weapons, the practice applies to other forms of WMDs as well as conventional weapons. As technological innovations allow for stronger conventional weapons, scholars question whether conventional weapons will become more efficient than nuclear weapons. Leiber and Press argue conventional weapons only make nuclear weapons more powerful and give actors more options for countering nuclear attacks or destroying nuclear arsenals.[12] Therefore, conventional weapons enhance the threat of nuclear weapons. However, the methods for deterrence vary and are shaped by the type of technology.[13] Mearsheimer shows that the deterrence of conventional weapons does not rely solely on military capabilities but also on political factors.[14]

Cyber deterrence, as defined by Ryan, consists of five components: punishment, denial, association, norms and taboos, and entanglement.[15] In tandem, these elements allow cyber deterrence to be effective between adversarial states. The deterrent abilities of cyber warfare allow it to decrease the likelihood of war.[16] Cyber's deterrent effect manifests itself differently than traditional WMDs given its larger range of targets. This deterrence may make states seek cyber out more often than kinetic weapons. Plus, the lack of international legal or normative restrictions on cyber warfare make it a more compelling choice for acquisition.

A significant issue in deterrence is overcoming the problem of preventing WMD acquisition by non-state actors. The Cold War had a specific effect on nuclear security. Nuclear weapons held in the Soviet Union and its satellite states were not properly disposed of and many are unaccounted for. This leaves dangerous materials accessible to numerous actors, including terrorist groups. It is difficult to punish terrorist groups or deny them benefits because they do not function as states. Auserwald and Carter find the most efficient method of deterring terrorist possession of WMDs is to limit their access and ability to obtain these weapons.[17] Government acquisition programs to recover rogue nuclear materials and monitoring systems to detect WMD proliferation are therefore essential. This paper argues these programs should extend to include cyber warfare given its debilitating effects on economies and the risk of deadly attacks.

11		Richard K. Betts, "Conventional Deterrence: Predictive Uncertainty and Policy Confidence," World Politics 37, no. 2 (1985): 153–79, https://doi.org/10.2307/2010141.
12		Keir A. Lieber and Daryl G. Press, "The New Era of Nuclear Weapons, Deterrence, and Conflict," Strategic Studies Quarterly 7, no. 1 (2013): 3–14.
13		James J. Wirtz, "How Does Nuclear Deterrence Differ from Conventional Deterrence?," Strategic Studies Quarterly 12, no. 4 (December 22, 2018): 58–76.
14		Betts, "Conventional Deterrence."
15		N. J. Ryan, "Five Kinds of Cyber Deterrence," Philosophy & Technology 31, no. 3 (September 2018): 331–38, https://doi.org/10.1007/s13347-016-0251-1.
16		Adam P. Liff, "Cyberwar: A New 'Absolute Weapon'? The Proliferation of Cyber Warfare Capabilities and Interstate War," Journal of Strategic Studies 35, no. 3 (June 1, 2012): 401–28, https://doi.org/10.1080/014023 90.2012.663252.
17		Auerswald, "Deterring Nonstate WMD Attacks."

Literature shows us deterrence is a norm that continues to evolve in practice but overall remains relevant in international conflict. Preventing states from obtaining a weapon that enhances their deterrent ability is key motivation in counterproliferation. These principles apply to cyber warfare as its threat level increases through technological advancements. This is an area for further research but will not be the focus of this paper. However, this paper acknowledges the deterrent ability of cyber warfare in tandem with the abilities of chemical, biological, and nuclear weapons enhances its potential classification as a weapon of mass destruction.

Nuclear Optimists vs. Nuclear Pessimists

The immense power created by splitting an atom has caused scientists to wonder if nuclear power should have ever been invented. Two groups of scholars have emerged in the field of nuclear studies that examine the implications of nuclear possession: nuclear optimists and nuclear pessimists. Nuclear optimists argue nuclear proliferation causes states to become less belligerent and therefore has contributed to the era of relative peace seen since the end of WWII. As the negative consequences of inflicting a first strike such as international sanctions, nuclear retaliation, and the threat of war outweigh the positives, optimists view nuclear weapons as more of a tool for peace and a method for securing power on the international stage than a weapon for total destruction. While proliferation threatens states, incites fear, creates arms races, and results in harsh international nonproliferation measures, the threat is less about destruction and more about preventing other states from gaining power and salience in the international arena. Optimism focuses on the theory of nuclear deterrence and the realist view that states are rational actors. States such as Iran seek to acquire nuclear weapons to improve their security and not as a way to assure mutual destruction.[18]

Nuclear pessimism is typically the dominant point of view in the field of nuclear studies. Pessimism is dominant, even in the present peaceful era of nuclear history, which Fettweis argues is due to psychological biases towards nostalgia for the past.[19] Nuclear pessimists counter nuclear optimists by arguing the inherent possession of nuclear weapons puts the world at risk of total catastrophe. The threats of a nuclear launch are not limited to belligerent actors but also include accidental launches. Numerous incidents in American history have almost led to the United States launching a nuclear attack on an adversary. The Soviet Union similarly mistook a forewarned practice launch of missiles by the United States as a nuclear attack.[20] States do not have to be actively fighting against one another to fire a weapon. Mistakes in handling nuclear weapons happen, and pessimists argue it is only a matter of time before a false alarm leads to a nuclear attack. Stories of nuclear weapons going missing are unfortunately very real and widely known.[21] Should a hostile state or terrorist group find one of several missing

---

18   Kenneth N. Waltz, "Why Iran Should Get the Bomb: Nuclear Balancing Would Mean Stability," Foreign Affairs 91, no. 4 (August 2012), https://go-gale-com.proxy.library.upenn.edu/ps/i.do?p=OVIC&u=upenn_main&id=GALE%7CA297916293&v=2.1&it=r&sid=summon.

19   Christopher J Fettweis, "Pessimism and Nostalgia in the Second Nuclear Age," 2019, 30.

20   "Close Calls with Nuclear Weapons | NTI," Nuclear Threat Institute, May 16, 2018.

21   Jim Mahaffey, Atomic Accidents: A History of Nuclear Meltdowns and Disasters: From the Ozark Mountains to Fukushima (Pegasus Books, 2014), http://ebookcentral.proquest.com/lib/upenn-ebooks/detail.action?docID=1800258.

weapons, the results could be devastating. The possession of nuclear weapons makes the world inherently more dangerous even if states do not have plans to actually use their weapons. Additionally, the threats of proliferation by nonstate actors upend the traditional international norms surrounding nuclear weapons and materials. One's nationality, occupation, location, and political opinions have an effect on if they are a nuclear optimist or pessimist.[22] Nuclear optimism and pessimism continue to function as a debate in nuclear studies with technological innovations adding nuances to each argument.

This paper posits the nuclear optimist and pessimist debate applies to cyber warfare but takes a slightly different form. Cyber optimists view cyber warfare as a highly limited technology that will take many years to develop. Cyber pessimists believe cyber warfare is already at the point where it inflicts devastating damage to states and will only continue to increase its lethal effects as time goes on. This debate is explored further in the cyber revolutionary vs. evolutionary section of this literature review.

Cyber Revolutionaries vs. Evolutionaries

A debate in the field of cyberspace is whether or not the technology is revolutionary or evolutionary. This debate is similar to the nuclear optimism vs. pessimism debate where evolutionaries are optimistic about the limited capabilities of cyber warfare while revolutionaries are pessimistic about its potentiality for destruction. The revolutionary perspective posits cyber warfare as a game changing force that will alter the course of international relations. Kello argues the cyber domain not only allows for a range of attacks with disregard to geography, but also alters the fundamental theories in international relations regarding warfare. The power of cyber weapons and its capacity for destruction constitute a revolution that may never end.[23] Demchak and Dombrowski believe that the Stuxnet attack represents the beginning of the transformation of the international system due to cyber warfare.[24] Digital boundaries between nations forge new battlefields for international conflict.

Cyber evolutionaries believe cyber warfare is a natural progression in war, and cyber warfare does not alter the fundamental tenets of international conflict. Evolutionaries argue cyber warfare is not used often in massively destructive ways and usually occurs in low risk situations.[25] Rid and Arquilla state, "consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria."[26] From traditional definitions of war, cyber warfare does not always meet the criterion for war. Moreover, war is ultimately a political

---

22   Anthony Burke, "Nuclear Politics: Beyond Positivism," Critical Studies on Security 4, no. 1 (January 2, 2016): 1–5, https://doi.org/10.1080/21624887.2016.1181845.

23   Lucas Kello, "The Meaning of the Cyber Revolution: Perils to Theory and Statecraft," International Security 38, no. 2 (October 2013): 7–40, https://doi.org/10.1162/ISEC_a_00138.

24   Chris C. Demchak and Peter Dombrowski, "Rise of a Cybered Westphalian Age," Strategic Studies Quarterly 5, no. 1 (March 22, 2011): 32–62.

25   Benjamin Jensen and Brandon Valeriano, "What Do We Know About Cyber Escalation?: Observations From Simulations and Surveys" (Atlantic Council, 2019), http://www.jstor.org/stable/resrep20705.

26   Thomas Rid and John Arquila, "Think Again: Cyberwar," Foreign Policy, no. 192 (2012): 80–84.

process according to Carl von Clausewitz.[27] The internet lacks the ability to host an entire war that is equivalent to or superior to terrestrial pursuits.[28] Cyber warfare is unlikely to be able to achieve a coercive effect on its own and must therefore be accompanied by kinetic attacks.

Revolutionaries counter the lack of credibility given to the threat of cyberwar by arguing "the claim of threat inflation makes a direct appeal to the preconceptions of security scholars, arguing that threats that appear to lack an overtly physical character or that do not rise to the level of interstate violence are intellectually uninteresting."[29] When scholars do not appropriately identify the risk of emerging threats because they do not adhere to the traditional theories of international security, they risk dismissing the next great threats to their countries. The 21st century is characterized already by technologies those living in the 20th century could have never conceptualized. As technology evolves, so do the characteristics of war and the types of weapons that states can use in international conflicts. Regardless of whether scholarship acknowledges the intensity of the threat posed by cyber warfare, both state and non-state actors will continue to develop their cyber capabilities, and the threat will persist. The merging of scholarship and science is key in altering foreign policy.[30] Without the acknowledgement of cyber warfare's threat, states will not put in the effort to counter attacks and their potentiality for destruction will increase. To put the conception of cyberattacks into perspective, one can think of the relationship between atomic bombs and non-nuclear bombs as a model for the relationship between varying degrees of cyberattacks. Every atomic bomb is a bomb, but not every bomb is a nuclear weapon. This does not alter the potency nor the dramatic international consequences of nuclear weapons. Similarly, not every cyberattack meets the criteria for mass destruction, but this does not discount the amount of force and the capacity for destruction available through cyberspace. Demchak states "just as militaries still exist in the modern age of mass weapons, they or their functional equivalents will also be sent to guard key national points in cyberspace."[31] Therefore, this paper argues cyber warfare is a revolutionary technology that alters, and will continue to transform, the international system.

Towards a New Conception of Power

Power is defined as "the ability of a country to shape world politics in line with its interests."[32] In the 18th century, a large population was critical in driving state power in Europe since state power relied on the formation of a large standing. The nineteenth century saw the growth of the importance of railroads and industry in determining state power which persisted through the 20th century's emphasis on the military-industrial complex.[33] However, the end of the 20th century and the beginnings of the 21st century have shown economic power increasing dramatically

27   Carl von Clausewitz, On War (Princeton, N.J.: Princeton University Press, 1976).
28   Brandon Valeriano and Benjamin Jensen, "The Myth of the Cyber Offense: The Case for Restraint," Cato Institute, January 15, 2019, https://www.cato.org/publications/policy-analysis/myth-cyber-offense-case-re-straint.
29   Kello, "The Meaning of the Cyber Revolution."
30   Kello, "The Meaning of the Cyber Revolution."
31   Demchak and Dombrowski, "Rise of a Cybered Westphalian Age."
32   Michael Beckley, "The Power of Nations: Measuring What Matters," International Security 43, no. 2 (2018): 7–44.
33   Joseph S. Nye, "The Changing Nature of World Power," Political Science Quarterly 105, no. 2 (1990): 177–92, https://doi.org/10.2307/2151022.

in relevancy. In the late 1970s, a 3-year sustained growth of five percent of the United States economy would prove more advantageous in adding to American power than an alliance with the United Kingdom.[34] Economic power is a key component of state power. Economics drive a state's ability to distribute wealth domestically and internationally and engage in spheres of influence throughout the world. In recent years, economics have played an increasingly large role in state power as can be seen in the meteoric rise of China. Additionally, economic sanctions are the United States' preferred method of countering Russian international meddling and Iranian nuclear proliferation. Andrew Krepinevich defines 11 military revolutions spurred through technological innovations in concert with societal transformations.[35] These are outlined in Table 1, created by Jacquelyn Schneider. Each revolution sees the introduction of a new military technology in concordance with technological advancements. The 20th century is defined by the mechanization revolution and the nuclear revolution with the introduction of weapons of mass destruction. The 21st century is the information revolution with cyber warfare being the military technological advancement. Similar to other technologies listed, cyber is not restricted to state-only use. These technologies are proliferated through society and states. Cyber warfare is also used by non-state actors, but this paper focuses only on state-sponsored cyberattacks due to the vast differences between state and non-state actor sponsored attacks.

Military Revolutions

Infantry Revolution	Fourteenth century: rise of archers and pikemen increased role of infantry and intensity of conflict
Artillery Revolution	Fourteenth century: rise of cannons and move from siege warfare to open battle
Revolution of Sail and Shot	Fifteenth century: rise of the sail and cannons on ships, drove the subsequent rise of offensive dominance on the sea
Fortress Revolution	Sixteenth century: rise of fortifications and resurgence of defensive dominance
Gunpowder Revolution	Sixteenth century: rise of musket fire and linear tactics on the battlefield
Levee en Masse	Eighteenth-Nineteenth century: rise of nationalist conscription armies, increased offensive advantage and intensity of conflict (in concert with societal revolution)
Land War Revolution	Nineteenth century: rise of railroads and telegraphs, led to increased mobilization capability and generally defensive dominance (in concert with industrial societal revolution)
Naval Revolution, Steam and Armament	Nineteenth century: rise of steam powered vessels and metal-clad ships (in concert with industrial societal revolution)
Mechanization Revolution	Twentieth century: rise of mechanized capabilities and increased mobility/speed
Nuclear Revolution	Twentieth century: rise of nuclear weapons and stability-instability paradox
Information Revolution	Twentieth-twenty-first century: rise of computing and information (in concert with societal information revolution)

Table created by Jacquelyn Schneider depicting military revolutions in concert with technological revolutions.[36]

---

34   Kenneth N Waltz, Theory of International Politics, 1st ed. (Long Grove, IL: Waveland Press, 2012).
35   Andrew F. Krepinevich, "Cavalry to Computer; the Pattern of Military Revolutions," The National Interest, no. 37 (September 22, 1994): 30–43.
36   Jacquelyn Schneider, "The Information Revolution and International Stability: A Multi-Article Explo-

While the military still plays an incredibly important role in state power, economic power has risen to equal, and sometimes outmatch, military force in the 21st century with the information revolution. As a result, states need a way to diminish other states' power, as has always been the case in international relations. Chemical, biological, and nuclear weapons are physical weapons designed to counter military power. To drastically increase military power, one acquires weapons of mass destruction and uses them to counter another state's military through deterrence, coercion, or compellence. Cyber weapons are the weapon of mass destruction often designed to counter, attack, and dismantle economic power. Cyberattacks are not destructive in the same sense as chemical, biological, or nuclear weapons as they do not attack physical targets but instead attack targets in cyberspace. Cyber weapons can result in millions and even billions of dollars in damage. Not every attack will result in mass destruction in the same manner that not every bomb creates the same amount of energy as a nuclear bomb. However, this paper argues the rare attacks that cause a state to lose billions of dollars qualify as an incident of mass destruction.

Theoretical Framework

This paper's argument builds upon past theories on the acquisition and proliferation of weapons of mass destruction, particularly nuclear weapons. Theories of the acquisition of weapons of mass destruction highlight deterrence and compellence as the central driving factors behind proliferation. States acquire WMDs to maximize their power in the international system and

protect themselves from the threat of a land invasion, as can be seen in North Korea. WMDs diminish the efficacy of military power and increase relative power over all other states.

Drawing from these theories, this paper asserts that *an evolution in the basis of power in the 21st century has resulted in the rise of alternate weapons targeted at diminishing economic power as opposed to military power.* Technological revolutions spurred the rise in global dependence on technologies and the introduction of cyber space. Cyber warfare works in conjunction with military efforts to diminish a state's overall power in the international system. The parallels between cyber warfare and nuclear weapons such as their deterrent abilities and debates on their impacts on the world establish cyber warfare as a theoretical counterpart to WMDs. The rapid acquisition of cyber weapons, as evidenced by the hundreds of thousands of daily attacks through cyberspace, suggests a change in state behavior in the 21st century. A distinct lack of international legal restrictions and norms make cyber weapons a relatively innocuous choice for acquisition as opposed to conventional weapons and WMDs. This paper looks to quantitatively determine whether cyber warfare has overtaken the relevance of traditional WMDs and qualitatively examine if cyberattacks have resulted in mass destruction.

Research Design

To supplement the research questions, this paper uses an empirical process to quantify the acquisition and possession of weapons of mass destruction in the 20th and 21st centuries

ration of Computing, Cyber, and Incentives for Conflict" (George Washington University, 2017).

and qualitatively investigate the destructive capability of cyber warfare to integrate it into the classification of a weapon of mass destruction. The literature review identified non-use, institutional counterproliferation, and deterrence as norms for chemical, biological, and nuclear weapons. Additionally, this paper identified a shift in conceptions of power from predominantly focusing on military power to a mix of military and economic power. This paper also examined debates on the efficacy of cyber warfare and its position in strategic operations. This paper takes the deductive approach which will prove the theory laid out in the theoretical framework using Lieberman's model of mixed-methods analysis.

This section is first going to outline a quantitative method to demonstrate that the traditional notion of a WMD (nuclear, chemical, biological) is declining, and there is a shift that is taking place in weapons acquisition where cyber warfare and cyber tech is taking over. In order for this project to demonstrate this shift, it quantitatively tests a decline in the acquisition of traditional WMDs. Second, this paper defines a qualitative method to examine the destructive capability of cyber warfare through a narrative format. This mixed-methods analysis is guided by Lieberman's nested analysis research method.

A Nested Analysis Approach

This paper exercises Lieberman's nested analysis research method to address the quantitative and qualitative portions of the paper. Lieberman's nested analysis focuses on large-N analysis (LNA) and small-N analysis (SNA). Lieberman states nested analysis "combines the statistical analysis of a large sample of cases with the in-depth investigation of one or more of the cases contained within the large sample."[37] LNA is based on statistical analysis to explore the robustness of theory while providing numerous cases for selection of more detailed study in the qualitative SNA. SNA uses narratives to describe the relationship between theory and the facts grounded in the statistical analysis and real-world scenarios.

For the LNA portion of this paper, logistic regressions and marginal analysis are used to predict the relationship between one or more independent variables and a categorical dependent variable. Three independent variables were selected from a data set compiled over a year that contains classic determinants of proliferation. This data set includes factors such as gross domestic product, regime type, and prior possession of a WMD. However, this paper used the presence of an interstate crisis, regime type, and level of state power for analysis through interaction models using Stata. The goal of this analysis is to show the decline of the acquisition and possession of weapons of mass destruction from the 20th to the 21st century and reveal that offensive cyber capabilities are taking their place. The analysis will examine the interaction between three independent variables: the presence of an interstate crisis, regime type, and state power in relation to one dependent variable: chemical, biological, nuclear, or cyber weapons. The quantitative analysis includes separate logistic regressions for the four dependent variables and the interactions between two independent variables at once are. The output will be multiple plots that explore the relationships between the independent and dependent

---

[37]   Evan S. Lieberman, "Nested Analysis as a Mixed-Method Strategy for Comparative Research," American Political Science Review 99, no. 3 (August 2005): 435–52, https://doi.org/10.1017/S0003055405051762.

variables. By running logistic regressions for each of the dependent variables, the output is confidence intervals and significance tests that will account for each dependent variable. The null hypothesis will assume there is no relationship between each variable. Running the statistical test finds the probability of the null hypothesis being true.

The purpose of the statistical analysis is to determine how the acquisition and possession of weapons of mass destruction has shifted from the 20th century to the 21st century. We see that cyberattacks have overtaken the relevance of traditional weapons of mass destruction. This paper predicts that offensive cyber warfare is acquired at higher rates than traditional weapons of mass destruction. This analysis will supplement the argument that cyber warfare is not only a weapon of choice, but a weapon of mass destruction in the 21st century.

For the qualitative portion of this paper, this paper uses SNA to examine further how states use cyber warfare as a weapon of mass destruction and why cyber warfare's capacity for damage qualifies it as a WMD. Specifically, this paper investigates three state sponsored cyberattacks to emphasize the destructive capability of cyber warfare: Stuxnet, the 2017 WannaCry attack, and the 2007 Estonian cyberattack. Each event is selected as an exemplifying case in which economic, military, and critical infrastructure were targets for attack. In each case, the focus will be on comparing the destruction caused by the cyberattacks relative to chemical, biological, and nuclear attacks in terms of loss of life, physical damage, and financial or strategic cost to the target. The advantage of the comparative case study research design is that it "attempts to reach conclusions beyond single cases and explains differences and similarities between objects of analysis and relations between objects against the backdrop of their contextual conditions." [38] This paper predicts the destructive capability of cyber warfare is equivalent to the destructive capability of chemical, biological, and nuclear weapons.

Each case is selected based on particular criteria. The first: the attack must have been done by a state actor. While attacks done by non-state actors are legitimate cyberattacks, only attacks done by non-state actors under orders from states are considered for selection. Inconclusive attributions of an attack can still be considered if there is strong suspicion the attack was conducted by a state. The second: to conform to Lieberman's small-N analysis, where the case studies come from the large-N analysis, the cases must be listed on the Dyadic Cyber Incident and Dispute Data Set. Third: each incident must be considered a large-scale attack by scholars or media to be selected. Attacks considered revolutionary by scholars or key moments in the evolution of cyber warfare are given particular attention. This gives more opportunity to investigate destruction in-depth to see if it qualifies as mass destruction. Thus, these guidelines selected three salient and significant cases to investigate: the Stuxnet attack by the United States, the WannaCry attack by North Korea, and the 2007 Estonian attack by Russia. Each case is chosen to exemplify different types of damage (i.e. military, economic, or infrastructure damage) in order to capture the breadth of cyberattacks.

Hypotheses

Given cyber warfare is not limited by international laws or norms, states are able to obtain

---

38   Frank Esser and Rens Vliegenthart, "Comparative Research Methods," in The Internation-
al Encyclopedia of Communication Research Methods (American Cancer Society, 2017), 1–22, https://doi.
org/10.1002/9781118901731.iecrm0035.

offensive cyber capabilities without drawing intense international backlash. While states are concerned with the acquisition of cyber warfare by rival states, this concern does not overpower or exceed the concern shared when conventional weapons are acquired. Cyber warfare is thus able to proliferate without compellent pressure. Plus, cyberattacks have a lower barrier to entry and are overall less expensive to launch given the rate of return if money is stolen.[39] Large scale attacks require more research and development, talented personnel, and sufficient technology but can result in politically advantageous results with or without attribution. While varying skillsets are required for different attacks, most states are likely to have talented personnel who can develop effective cyber weapons. Moreover, cyber warfare is able to diminish a state's economic power without reverting to sanctions or war. In addition, large scale cyber attacks may be capable of wielding mass destruction with little to no public attribution. These advantages make cyber weapons a particularly attractive weapon for acquisition that does not hold the same stigma as chemical, biological, or nuclear weapons. The first hypothesis is as follows:

H1: States are more likely to possess offensive cyber capabilities than chemical, biological, or nuclear weapons.

The quantitative portion of this paper is focused on creating predictive models based on interactions between different types of states. The output of the quantitative section will be predictive models that outline the probabilities of possession of cyber warfare in direct comparison to chemical, biological, and nuclear weapons.

Cyber degradation attacks particularly target the economic component of state power. The information age has states competing for the development of the best technologies and is characterized by societal reliance on advanced technological systems. These vulnerabilities are not easy targets for conventional weapons. Additionally, while dropping a nuclear bomb on New York City would have significant impacts on the financial sector of the United States and the rest of the world, it would not completely shut down the American economy and it would likely result in the obliteration of the attacking power. Cyber warfare is not only able to degrade economic power in a particular city, it is able to have national and global reach if the breadth of the attack is wide enough. Additionally, cyber attacks are able to attack public infrastructure such as electrical grids, hospitals, or transportation systems with little to no attribution. These denial of service activities can have significant impacts on the functioning of a society and result in the loss of income and life. The failure of the Texas power grid in February 2021 and the subsequent loss of life pushes this idea further into public consciousness. The wide range of cyber warfare means a single weapon can have far reaching consequences that rival and outmatch the effects of a conventional weapon. To explore the extent of cyber warfare's destructive capacity, this paper presents a second hypothesis:

H2: Cyber warfare is capable of mass destruction.

Through qualitative analysis, this paper explores this hypothesis with SNA case studies. By analyzing the destruction caused by salient cyberattacks, it hopes to create an initial picture

---

39   Dan Swinhoe, "How Much Does It Cost to Launch a Cyberattack?," CSO Online, May 1, 2020, https://www.csoonline.com/article/3340049/how-much-does-it-cost-to-launch-a-cyberattack.html.

of the abilities of cyber warfare. The qualitative portion examines three state sponsored cyberattacks: Estonia in 2007, Stuxnet, and WannaCry to illustrate the destructive capability of cyber warfare and determine whether states experienced mass destruction as a result of said attacks.

Cyberattacks manifest in cyber space and thus result in different types of damage. States now rely on information age technology to maintain critical infrastructure and facilitate trade. Cyber space is thus a new sector through which states can interact. Given the rise of economic power to equal and rival military power in overall state power, cyber presents itself as a perfect target for states to diminish other states' power. For example, China uses its economic power to create spheres of influence through the Belt and Road Initiative. The creation of spheres of influence poses a threat to China's rivals. States can use cyberattacks to degrade China's economic power and thus reduce its ability to create spheres of influence all over the world. Cyber allows states to degrade economic power without international normative restrictions. As there are weapons of mass destruction in physical space, it is logical to assume there are weapons of mass destruction in cyberspace. This paper will explore the possibility of particular cyberattacks qualifying as weapons of mass destruction.

Quantitative Analysis

This section uses quantitative analysis to explore the following research question: *Has the evolution in the global basis of power resulted in cyber warfare becoming a weapon of choice in the 21st century?* Prior scholarship has not taken into account the effect of the shift in the bases of power on the acquisition and possession of weapons of mass destruction. Moreover, scholarship has done great work in emphasizing the supreme threat of cyber warfare but fails to classify it as the 21st century weapon of choice. The following quantitative analysis seeks to resolve said gaps in literature using Lieberman's nested large-N analysis.

Data Set Creation

To investigate this paper's first hypothesis, two data sets were created delineated by century. The 20th century data set begins in 1915, the first instance of chemical weapons use, and ends in 1999. The 21st century data set begins in 2000 and ends in 2018. The limited amount of years and data availability issues for the 21st century set pose some challenges in creating accurate models, but with what was available, sufficient data was gathered to create interaction models. This created two distinct data sets marked by century in order to run separate analyses for each century to acquire two models for each interaction combination for each dependent variable. The regressions were run using two interaction variables at a time, resulting in three models for each dependent variable for each century. This resulted in an output of 21 total models, with cyber only having three models instead of six given it is only present in the 21st century. The interactions are as follows:

	Crisis	Regime Type
Crisis	x	Crisis x Regime
Power	Crisis x Power	Power x Regime

Independent Variables Interaction plot

This paper uses polity scores from the Center for Systemic Peace's Polity5 Annual Time Series which includes updated scores for the years 1946-2018.[40] The scores for 1800-1945 use Polity4 scores. Polity scores rank a state's level of democracy for a given year beginning in 1800. Each state is given a score ranging from -10 to +10 based on several factors including quality of executive recruitment, constraints on executive authority, political competition, and institutionalized qualities of governing authority. The quantitative scores are associated with qualitative labels with scores of -10 to -6 being autocracies, -5 to +5 being incoherent, authority regimes or anocracies, and scores of +6 to +10 being democracies.

To determine the presence of an interstate crisis, this paper utilizes the International Crisis Behavior Actor-Level data set.[41] It looks at the level of crisis in the year of a state's successful acquisition of a weapon and uses binary coding to indicate state crisis.[42] If the state is in crisis, it is assigned a 1 and if not in crisis, it is assigned a 0.

This paper uses the Composite Indicator of National Compatibility (CINC) version 5 by Correlates of War to determine state power. The CINC uses six indicators (military expenditure, military personnel, energy consumption, iron and steel production, urban population, and total population) for the years 1816-2012 as the basis for national capability.[43] The CINC is the most widely used indicator of national capability in international studies. While it lacks the ability to account for soft power, it gives a clearer estimate of global state power with a continuous score ranging from 0 to 1.

This paper includes data for every state in the world from the period 1915-2018 to account for country fixed effects. Fixed effects account for variances within states such as institutional variances or historical occurrences that may influence outcomes. This paper uses the causal inference technique to examine the relationship between each of the variables. Causal inference accounts for the effects of independent variables when the independent variable changes. This results in 163 states which are clustered by their name within Stata.

Given Stata's inability to conduct interactions with continuous variables for marginal analysis, the analysis required a conversion of regime type and power into three levels with quantitative values. For regime type, this paper labeled autocracies as 1, anocracies as 2, and democracies as

40   Monty G. Marshall and Ted Robert Gurr, "Polity V: Political Regime Characteristics and Transitions, 1800-2018," Center for Systemic Peace, April 23, 2020.
41   Jonathan Wilkenfeld and Michael Brecher, "A Study of Crisis" (University of Michigan Press, 2000).
42   Michael Brecher, Jonathan Wilkenfeld, Kyle Beardsley, Patrick James and David Quinn (2020). International Crisis Behavior Data Codebook, Version 13.
43   David Singer, Stuart Bremer, and John Stuckey, "Capability Distribution, Uncertainty, and Major Power War, 1820-1965," Peace, War and Numbers, Peace, war and numbers. - Beverly Hills, Calif : Sage Publ., p. 19-48, 1972. Version 5.

3. For power, it labeled states with CINC scores of 0-0.0149 as low power states with a value of 1, 0.015-0.069 as medium power states with a value of 2, and 0.07-0.4 as high-power states with a value of 3. These conversions allow for the creation of coherent analyses. All regressions were run with the country label as the cluster variable.

Summary Results of Marginal Analysis
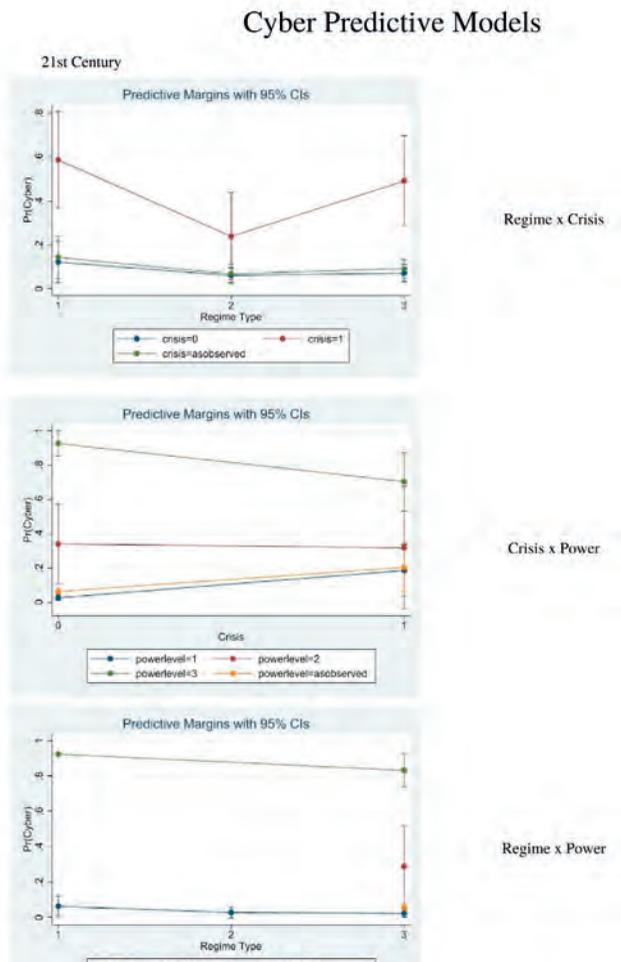
Visual results from the analysis of 21st century models in Stata. The crisis x power and regime x power models reveal a near 100% probability of possession of cyber weapons. No other model for any weapon achieved similar probabilities.

Analysis of Predictive Models

In all models, high power states and states in crisis acquired and possessed cyber weapons at higher rates than any other type of weapon of mass destruction. High power states are more likely to acquire cyber weapons due to the high costs of cyber including intellectual ability, capacity, education systems to get computer scientists, and money to develop weapons. However, cyber warfare allows low and medium power states to gain the ability to threaten large states in the same way that traditional WMDs allowed smaller states to have leverage over larger ones. While we do not see the expected result of a widespread reduction of possession of traditional WMDs from the 20th to 21st centuries, some interaction models do reveal a reduction in possession such as the possession of biological weapons by democracies in crisis. Regardless of the lack of a documented reduction in WMD possession, cyber warfare is shown to overtake WMD possession in all weapons models.

The limited international legal and normative restrictions on cyber acquisition and use allow states to obtain offensive cyber and use cyber weapons without fear of retaliation by international bodies or individual states. While the 2018 UN resolution called for the development of norms and international law in cyberspace, there are limited restrictions to cyber space. To add to this, in 2011 the White House released a document titled "International Strategy for Cyberspace" which authorized the use of military force in response to a cyberattack.[44] Moreover, NATO allows states to respond to cyberattacks kinetically through article five, but only if the loss of life was equivalent to a military attack.[45] However, states are overall slow to develop norms and laws to keep up to the rate of technological advancements that are appropriate responses to the different kinds of battlefields that cyberspace entails.

These models show a much higher probability for states to acquire and possess offensive cyber weapons than other weapons of mass destruction. The cyber predictive models are the only models to come close to a 100% probability of possession within the interaction variables. This reinforces the idea that not only is cyber the weapon of choice in the 21st century, states are taking advantage of the limited restrictions on cyber and its destructive capabilities. H1, which proposes, "states are more likely to possess offensive cyber capabilities than chemical, biological, or nuclear weapons" is thus proven true.

Conclusion

This section outlined the purposes of the quantitative analysis, the process of the creation of the data set and the process of running it through Stata, summarized the results of the margins plots, and analyzed these results in the greater context of cyber acquisition and possession compared to other weapons of mass destruction. While the possession of certain WMDs fluctuated throughout the models from the 20th to 21st centuries, this paper found that states are

---

44   David Alexander, "U.S. Reserves Right to Meet Cyber Attack with Force," Reuters, November 16, 2011, https://www.reuters.com/article/us-usa-defense-cybersecurity-idUSTRE7AF02Y20111116.
45   Damien McGuinness, "How a Cyber Attack Transformed Estonia," BBC News, April 27, 2017, sec. Europe, https://www.bbc.com/news/39655415.

more likely to possess cyber weapons than any other type of weapon of mass destruction. This can be explained by normative and legal restrictions on traditional forms of weapons of mass destruction and lack of similar restrictions for cyber weapons. Moreover, these models prove H1 to be true, showing that cyber is the weapon of choice for the 21st century and overtakes all other WMDs in possession with a near 100% probability for possession for high power autocracies and democracies. Cyber's destructive capabilities coupled with a lack of restrictive norms and laws means states seek out cyber weapons in the 21st century in conjunction with or in lieu of traditional WMDs.

Qualitative Analysis

Cyber Warfare

Cyber warfare has emerged in recent years as a great threat to superpowers. Cyber technologies are more accessible to states and do not fall under the same international legal or normative restrictions as weapons of mass destruction. With the international stagnation in the perceived threats from a nuclear strike, cyber warfare has come to reduce the necessity of nuclear proliferation. Countries such as Iran, Russia, and China are able to inflict harmful attacks to Western economies without being hindered by international law or threats of war. Cyber warfare can be used to turn off electrical grids, power down hospitals, attack stock markets, steal money from financial institutions, access classified information, and more. With economics now being a large basis for power, cyber weapons pose a huge threat to superpowers. The potential for catastrophic damage is great with cyber technology. Additionally, cyber weapons are more accessible to nations that are not superpowers but can cause massive amounts of destruction. Iran and Iraq are focusing on expanding their cyber capabilities because the global consequences are not as detrimental but the potential for destruction is great. Horowitz et al. find the global focus on nuclear power has shifted to cyber power.[46] Moreover, states are adherent to the NPT and nuclear weapons are too expensive for states to proliferate. Therefore, cyber weapons are more practical and are the next step in military technological evolution.

As a result of their destructive capabilities and the efforts of states to counter proliferate cyber weapons, this paper classifies cyber warfare as a new type of weapon of mass destruction. A weapon of mass destruction must be able to cause widespread death and destruction. It is evident the economic destruction created by cyber warfare qualifies as widespread destruction, and it is not too far-fetched to imagine a scenario in which a cyberattack is responsible for thousands of deaths. Shutting down an electrical grid in hazardous weather conditions will easily result in widespread death. Therefore, cyber warfare aligns with the generic definition of mass destruction.

Cyberattacks on critical infrastructure is a chief concern to cyber defense operations. These attacks can affect the power grids of major cities, halting activities that rely on electricity for hours or even days. A 2015 attack on Ukraine's SCADA system resulted in a system-wide

---

46   Michael Horowitz et al., "Strategic Competition in an Era of Artificial Intelligence," Center for New American Security, July 25, 2018, https://www.cnas.org/publications/reports/strategic-competition-in-an-era-of-artificial-intelligence.

blackout leaving 250,000 people without power in the middle of winter for up to 6 hours.[47] Given freezing deaths can occur within hours, the potentiality for loss of life was great. Targets of attack on infrastructure range from public transportation services to nuclear power plants. Leaks to nuclear information can make their way into the hands of terrorist organizations or states seeking nuclear proliferation.

Cyberattacks on military systems can lead to devastating results. An attack on a state's nuclear arsenal could ultimately lead to a nuclear launch or theft of nuclear data. Additionally, state use of drones, or unmanned aerial vehicles, in itself qualifies as cyber warfare because drones rely on computers which can be hacked. The consequences of an attack on unmanned aerial systems could be severe. States with intricate military technology that relies on the internet or intranet (internet access exclusive to organizations) are extremely vulnerable to cyberattacks and must dedicate large amounts of resources to develop comprehensive defense systems.

A New Definition of Mass Destruction

Our collective understanding of mass destruction needs to be updated in order to conform to technological innovations. This paper proposes a modification to the definition of mass destruction in order to accommodate the transition of warfare into cyber domains and the global weapons of choice in the 21st century.

Mass destruction: death, injury, economic loss, or damage to critical infrastructure on a large scale especially caused by chemical, biological, radiological, nuclear, or cyber weapons.

Estonia

The 2007 attack on Estonia is widely regarded as one of the first instances of cyber war. Estonia is a former republic of the Soviet Union and in 1991, it gained its independence after the dissolution of the USSR. Estonia joined NATO and the European Union in 2004 in the interest of national security. Estonia's symbolic joining with the West revealed a decrease in Russian influence in the Baltic states.[48] The significance of joining NATO gave Russia an incentive to pursue retaliation against Estonia. Estonia continued to separate itself from its Soviet past into 2007. In 2007, Estonia and Russia became embroiled in a conflict over the relocation of a Soviet-Era statue, the Bronze Soldier of Tallinn, as well as several Soviet graves.[49] Estonians saw the statue as a remnant of their decades-long oppression by the USSR. Russia saw the desire to relocate the statue as an attack on Russian culture as it commemorated the Red Army and its fight against Nazi Germany.[50] This conflict inspired Russia to launch a series

---

47   Mike Mullane, "Why Critical Infrastructure Is Vulnerable to Cyber-Attacks," Medium, June 24, 2020, https://medium.com/e-tech/why-critical-infrastructure-is-vulnerable-to-cyber-attacks-d39f5449c799.
48   Una Bergmane, "Fading Russian Influence in the Baltic States," Orbis 64, no. 3 (2020): 479–88, https://doi.org/10.1016/j.orbis.2020.05.009.
49   Ian Traynor, "Russia Accused of Unleashing Cyberwar to Disable Estonia," The Guardian, May 17, 2007, sec. World news, https://www.theguardian.com/world/2007/may/17/topstories3.russia.
50   Andrzej Kozlowski, "Comparative Analysis of Cyberattacks on Estonia, Georgia, and Kyrgyzstan," accessed February 20, 2021, https://core.ac.uk/reader/236412320.

of devastating and politically motivated cyberattacks on Estonia that lasted from April 26th to May 23rd.

In 2007, Estonia was heavily reliant on the internet. Andrzej Kozlowski found that "almost the whole country was covered by Wi-Fi Internet, all Government services were available online, and 86% of the Estonian population did banking online."[51] Estonia's extensive internet had limited defenses against cyberattacks and was thus extremely susceptible to the full brunt of Russian attacks. Russia launched numerous daily attacks on Estonia consisting primarily of denial of service (DoS) and distributed denial of service (DDoS) type attacks along with cyber degradation. Government institutions were victims of espionage and government employees found themselves unable to communicate through email. Financial transactions by consumers were limited and Estonia's ability to trade with other countries was halted. Russia was able to stop Estonia and its institutions from transferring and accessing finances which gridlocked Estonia's economy. NATO Strategic Command in Latvia notes "the ability to arbitrarily, at will, prevent a government, businesses, and individual citizens from accessing or transferring money is a significant instrument of national power."[52] It may be argued that the total economic losses for the attack were relatively minimal given the extent of the attacks and the vulnerabilities of Estonia's internet. However, the brunt of the attack was felt by middle class citizens. The nature of the economic degradation attacks meant that the DDOS would directly affect citizens and small businesses as all of their electronic economic activity was stopped.

The main direct effect of the attack was on the citizens, not on the state as a whole. The main goal of traditional WMDs is to kill people. Traditional WMDs do not necessarily have a firsthand impact on government bodies; the citizens suffer, and the government responds. Similarly, with the Estonian cyberattack, the goal was to cause significant damage to the economy in conjunction with diminished trade relationships with Russia. Russia did direct attacks on small businesses and large banks. This had a huge impact on the middle class. In the same sense that chemical, biological, and nuclear weapons hold citizens hostage with their lives, cyber warfare holds citizens hostage with their livelihoods.

It was difficult to attribute Russia as the source of the attack due to a lack of systematic methods for attribution. Moreover, the methods through which the attacks were carried out made it extremely difficult to find the origins of the attack. Russia sponsored the attack on Estonia through third parties, giving them direct instructions on what to do and how to carry it out. This gave Russia anonymity in the attack and made it difficult to prove who was responsible.

The attack on Estonia is an instance of mass destruction. Estonia's attack is an example of cyber degradation, which Valeriano et al. define as the worst type of cyberattack.[53] Cyber economic attacks are degradation-style attacks. States need money to fund their military and run their economy. Economic attacks degrade military and economic power as it limits the functioning of the government as a whole due to reduced income. Cyberwar is not the same as a kinetic war

---

51   Kozlowski, "Comparative Analysis of Cyberattacks on Estonia, Georgia, and Kyrgyzstan."
52   NATO StratCom Center of Excellence, "Hybrid Threats: 2007 Cyber Attack on Estonia" (Riga, Latvia, n.d.) p. 61.
53   Brandon Valeriano, Benjamin Jensen, and Ryan C. Maness, Cyber Strategy: The Evolving Character of Power and Coercion (Oxford University Press, 2018).

but can have similarly devastating effects on states. Estonia's population was nearly completely reliant on the internet, from banking to voting the state was heavily connected through Wi-Fi.

Russia's attack on Estonia spurred the government to launch one of the strongest cyber programs in the world. Estonia is now a leader in cyber security and is part of the push for the development of international norms regarding cyber warfare. The near month-long onslaught of attacks against the economy and political bodies disrupted financial transactions, crippled the economy, and directly impacted citizens throughout the entire country. This attack was a violation of Estonia's sovereignty through the medium of the internet. While largely regarded as the first instance of cyberwar, this attack is also the first instance of cyber mass destruction.

Stuxnet

The Stuxnet virus represents a different kind of cyberattack than the economic degradation seen in the 2007 attack on Estonia. Stuxnet targeted vulnerabilities in Iran's infrastructure, particularly its nuclear facilities. Stuxnet is a malware that takes advantage of vulnerabilities in computer software, called zero-day exploits, that are unknown to the developer. This means it is nearly impossible to repair through a software patch.[54] Stuxnet was designed to attack industrial control systems that control nuclear plants. Stuxnet was the first instance of an attack occurring through cyber space resulting in physical damage.

Stuxnet infections were found mostly in Iran and gave indication that Iran was under attack by a state. In 2010, International Atomic Energy Agency (IAEA) inspectors found Iran's centrifuges were failing at increased rates with no discernible cause.[55] While not known at the time, it is now believed that American intelligence agencies and Israel were responsible for the creation of the malware. The primary target was the uranium enrichment plant in Natanz. Chen notes "Iran may have had 8,700 centrifuges in operation at Natanz in 2009, when Stuxnet is believed to have hit. International Atomic Energy Agency (IAEA) officials reported that up to 25% of those centrifuges were inoperable as of January 2010."[56] The ability to introduce malware into Iran's nuclear facilities is an achievement on its own given Iran's facilities were separate from the internet. Stuxnet is attributed to the removal of 984 centrifuges and delayed Iran's nuclear program by 1-2 years. Stuxnet was subsequently the focal point of conversation around the looming entanglement of cyber security and nuclear proliferation.[57] This malware was able to significantly damage Iranian infrastructure with a relatively low cost, with estimates putting the cost of Stuxnet at less than the cost of one fighter jet.[58] The Congressional Research

---

54   Thomas M. Chen, "Stuxnet," in The SAGE Encyclopedia of the Internet, ed. Barney Warf (Thousand Oaks, CA: SAGE Publications, Inc., 2018), http://dx.doi.org.proxy.library.upenn.edu/10.4135/9781473960367.n239.

55   Kim Zetter, Countdown to Zero Day : Stuxnet and the Launch of the World's First Digital Weapon /, First edition. (New York: Crown Publishers, 2014).

56   Chen, "Stuxnet.".

57   Clare Stevens, "Assembling Cybersecurity: The Politics and Materiality of Technical Malware Reports and the Case of Stuxnet," Contemporary Security Policy, accessed February 21, 2021, http://www.tandfonline.com/doi/abs/10.1080/13523260.2019.1675258.

58   James P. Farwell and Rafal Rohozinski, "Stuxnet and the Future of Cyber War," Survival: Global Politics and Strategy 53, no. 1 (January 28, 2011): 23–40.

Service reports Stuxnet is "the type of risk that threatens to cause harm to many activities deemed critical to the basic functioning of modern society."[59] Moreover, the malware can affect critical infrastructure that relies on software, meaning it has the potentiality for inflicting mass casualties due to infrastructure failure.[60]

The ability for a state to directly attack another's critical infrastructure and delay production for two years qualifies as an incident mass destruction. The capacity for destruction with these types of attacks only grows stronger as technology continues to advance. The implications of being able to attack a nuclear facility are concerning, given an actor could use the malware to cause a reactor to meltdown or as seen in Iran, the destruction of centrifuges. The goal of Stuxnet was not to destroy the Natanz facility but to merely inhibit production. While the actual losses Iran experienced due to the attack are not fully known, the damage that is reported is extensive and alarming. Iran's nuclear facilities were a direct target of this attack and suffered physical losses along with the loss of intelligence. In the information age, the value of intelligence is higher than ever, with key information on nuclear programs giving states advantages in interstate security negotiations. With significant global pressure for Iran to abandon its nuclear program, intelligence pointing to the development of nuclear weapons diminishes Iran's advantage in being able to deny attempts at acquisition.

Stuxnet is a unique and concerning manifestation of cyberattacks. Stuxnet resulted in physical damage to nuclear infrastructure that delayed Iran's nuclear weapon program. This attack illustrates the versatility of cyber warfare and its concerning ability to disable systems independent from internet servers. While Stuxnet was largely aimed at countering the weaponization of nuclear power, the current push for nuclear energy in climate change discourse highlights the importance of recognizing Stuxnet's capability to target nuclear infrastructure. Should governments transition to relying on nuclear energy in the future, they should be aware of existing technology that can disable nuclear infrastructure. The failure of critical infrastructure related to power can result in serious injuries and loss of life. Stuxnet as an instance of mass destruction should signal to states the need to develop comprehensive protections against current and future critical infrastructure. On top of that, states must recognize vulnerability in their current WMD infrastructure and strengthen their protections against modern technology.

WannaCry

In May 2017, a ransomware attack entitled WannaCry rattled health care systems and companies all over the world. WannaCry was a worldwide attack inflicted on computers running Microsoft Windows that held computers for ransom attributed to North Korea.[61]

---

59   Paul K Kerr, John Rollins, and Catherine A Theohary, "The Stuxnet Computer Worm: Harbinger of an Emerging Warfare Capability," Congressional Research Service, December 9, 2010, 12.
60   Thomas M. Chen and Saeed Abu-Nimeh, "Lessons from Stuxnet," IEEE 44, no. 4 (April 5, 2011): 91–93.

61   Tobias A. Mattei, "Privacy, Confidentiality, and Security of Healthcare Information: Lessons from the Recent WannaCry Cyberattack," World Neurosurgery 104 (August 1, 2017): 972–74, https://doi.org/10.1016/j.

Ransomware poses direct risks to citizens and corporations and can inflict serious financial damage accompanied with damage to critical infrastructure.[62]

WannaCry prevented hospitals in the United Kingdom from accessing patient information and using MRI scanners, operating room equipment, or blood storage refrigerators.[63] WannaCry reduced the ability of NHS hospitals to care for patients and forced them to divert patients to unaffected hospitals. Critical infrastructure such as energy, transportation, and telecommunications were affected globally. Altogether, around 200,000 computers were affected.

The attack brought up concerns about the efficacy of current data protection systems, particularly regarding the protection of private health information. WannaCry is a clear example of how cyberattacks hold citizens hostage through the threat of economic destruction. In a similar manner to how nuclear weapons hold the lives of citizens hostage, cyberattacks such as WannaCry place a direct, life-altering threat onto civilians and corporations instead of attacking military power. This is emblematic of the transformation from 20th to 21st century warfare where the very nature of human existence has transformed into a cyber realm.

However, WannaCry itself is not an instance of mass destruction. While most damage was isolated to data loss on individual computers, most large systems of computers had their data backed up. WannaCry only made about $100,000 through ransom payments and there was minimal permanent damage. The ransomware was discovered to have a kill switch domain in its code and rapid software updates gave computers protection against the attack.[64]

The kill switch is remarked upon as an amateur mistake in WannaCry's code.[65] These weaknesses ultimately protected users and prevented serious infrastructure damage. While this is not an instance of mass destruction, this attack shows that with proper development, a ransomware attack could disable the operations of critical infrastructure like hospitals, inhibit commercial activity, destroy important data, and take money from individuals. Additionally, it shows how important it is for governments to have talented cyber security experts who can identify and halt cyberattacks and defenses preventing the attack from occurring in the first place. Given mass destruction was prevented by rapid and effective software updates and talented cyber security professionals, WannaCry failed to be an instance of mass destruction, but certainly aspired to be one.

wneu.2017.06.104.
62   Maxat Akbanov, Vassilios G. Vassilakis, and Michael D. Logothetis, "Ransomware Detection and Miti-gation Using Software-Defined Networking: The Case of WannaCry," Computers & Electrical Engineering 76 (June 1, 2019): 111–21, https://doi.org/10.1016/j.compeleceng.2019.03.012.
63   Jesse M. Ehrenfeld, "WannaCry, Cybersecurity and Health Information Technology: A Time to Act," Journal of Medical Systems 41, no. 7 (May 24, 2017): 104, https://doi.org/10.1007/s10916-017-0752-1.
64   Marcus Hutchins, "How to Accidentally Stop a Global Cyber Attack," MalwareTech (blog), May 13, 2017, https://www.malwaretech.com/2017/05/how-to-accidentally-stop-a-global-cyber-attacks.html.
65   Akbanov, Vassilakis, and Logothetis, "Ransomware Detection and Mitigation Using Software-Defined Networking."

Conclusion

Each of these cyberattacks represent the various types of destruction cyber warfare is capable of inflicting. Cyber degradation was seen in all of these attacks whether through economic degradation or the degradation of critical infrastructure. H2 which states "cyber warfare is a weapon of mass destruction" is proven true through this small-n analysis.

While the 2007 Estonia attack and Stuxnet fall in line with the modified definition of mass destruction, the WannaCry attack failed to result in mass destruction. However, WannaCry certainly could have been an instance of mass destruction if the creators of the ransomware increased the complexity of the attack and states did not have the appropriate manpower to detect and stop this particular cyberattack. WannaCry aspired to be an instance of mass destruction and along with Estonia and Stuxnet, showed the breadth and capacity for destruction by cyber warfare. States seeking to implement nuclear infrastructure into their electrical grids should pay particular attention to the destruction caused by Stuxnet, as well as states possessing nuclear weapons. Moreover, Estonia reveals the vulnerability of economic systems and reveals states can have their sovereignty violated through cyberspace. The revelation of cyber warfare as a weapon of mass destruction should be a signal to states and scholars to take cyber more seriously. Technology only continues to advance as time goes on and so will the destructive capability of cyber weapons. States need to invest in cyber defense programs to protect themselves and their citizens.

Conclusion

The 21st century saw a transition in the global basis of power from relying solely on military power to relying on both military and economic power. As a result, states now have greater incentive to attack the economic component of state power to maintain or alter their positioning in the global power scale. There are numerous examples of states relying on cyberattacks instead of conventional weapons in the 21st century, regardless of whether or not those attacks result in mass destruction. Cyberattacks are able to covertly diminish both military and economic aspects of power with varying degrees of intensity, making it the weapon of choice for the 21st century. As states move away from chemical and biological weapons through international law and norms of non-use and nuclear taboos prevent the acquisition and use of nuclear weapons, cyber becomes the weapon of choice for states. The quantitative models reveal states are more likely to possess cyber warfare than any other weapon of mass destruction making it a huge threat to the international system. Not only is cyber the 21st century weapon of choice, the qualitative analysis shows cyber warfare has the capability to inflict mass destruction.

Relevance of Results

Not every cyberattack will come close to being categorized as an instance of mass destruction. Accordingly, the thousands of daily cyberattacks that occur should not be treated in the same manner as a nuclear strike or chemical weapons attack. Similar to the use of traditional WMDs, cyberattacks that qualify as mass destruction are extremely rare. However, it is important that

we do acknowledge those attacks that meet the threshold of mass destruction and treat them accordingly. The world has not seen a cyberattack that has resulted in large loss of life yet. However, this possibility is neither far-fetched nor futuristic as some scholars make it out to be. The recent failure of the power grids across the United States due to winter weather resulted in at least 70 deaths.[66] Ukraine was victim to a cyberattack on its electrical grid in the middle of winter that left people without power for six hours in freezing temperatures.[67] This 2015 attack brought about questions of the ability for the United States to sustain an attack on its electrical grid. Given the February 2021 winter storm, while not associated with a cyber attack, it is evident the strength of American grids is not sufficiently protected from outside interference, including cyberattacks. This situation should highlight to states that critical infrastructure is incredibly vulnerable, and failures can lead to loss of life.

Limitations

There were several limits to both the quantitative and qualitative studies that may be resolved by future research. For the quantitative analysis, gaps in data availability were present, especially in the attribution of cyberattacks. An issue with collecting data on offensive cyberattacks is that attribution is not typically given in many attacks. Governments have national attribution procedures and foreign policy motivations on whether or not they will publicly give attribution of an attack. There are political, legal, and technical reasons for releasing attribution. For example, while solid evidence existed that North Korea was responsible for WannaCry, it only existed because of amateur mistakes. States who are instigators of attacks may have strategic incentives for avoiding attribution and therefore work hard to keep their operations covert. These states are able to hide behind non-state actors or complex programs to reduce the possibility of tracing an attack to them. Moreover, states must consider that they may face retaliation for blaming a state for an attack. This means the Dyadic Cyber Incident Data set is most certainly missing data on state sponsored attacks. Governments may or may not have attribution for known and unknown attacks. The future may hold the release of information on cyberattacks but until then, there is no way to definitively identify or attribute all attacks and therefore the models for the probability of acquisition cannot be completely accurate.

Future Research

Given its new label as a weapon of mass destruction, further analysis needs to be dedicated to investigating the true destruction caused by cyberattacks. The quantitative analysis suffered from a lack of data regarding the existence of cyberattacks. A difficulty this paper faced in the qualitative analysis was the lack of data availability regarding actual losses due to each cyberattack. This information is likely classified for good reason and thus will remain hidden

---

66   Celine Castronuovo, "Close to 70 Dead in States with Severe Winter Weather: Report," Text, TheHill, February 20, 2021, https://thehill.com/homenews/state-watch/539751-as-temperatures-expected-to-warm-approx-imately-70-dead-from-severe.

67   Tom Leithauser, "Ukraine Grid Attack Sparks Inquiry About U.S. Power Grid Cybersecurity," Cybersecurity Policy Report, August 1, 2016, Gale General OneFile, https://link.gale.com/apps/doc/A460465703/ITOF?u=upenn_main&sid=ITOF&xid=db3cbaea.

from scholars for many years to come. To overcome this issue, more case studies on cyberattacks should be conducted.

A framework designed to specifically identify characteristics of attacks and categorize them will be beneficial in determining instances of mass destruction. The declassification of cyber incidents will likely occur far in the future. Fortunately for scholars, but unfortunately for everyone else, state sponsored cyberattacks will only increase in frequency and intensity as time goes on. Declassification thus may not be necessary to form a complete picture of cyber warfare given the likelihood of future attacks.

The very nature of the international system has changed in the 21ˢᵗ century. Economic power has come to rival military power and technology is evolving at an unprecedented rate. As a result, states of varying levels of power are making cyber warfare the weapon of choice to attack both economic and military forms of power. The limited normative and legal restrictions on cyber warfare coupled with the relative ease of acquisition means cyberattacks are likely to increase in the coming years with growing lethality. The threat of cyber warfare is not just limited to espionage or ransomware. Cyberattacks have the ability to inflict mass destruction on states. The looming advancements in artificial intelligence only further exacerbate the threat of cyber warfare. It is now up to states to properly bolster their defenses against cyber warfare and treat it as it is being used: as a weapon of mass destruction.

Author Biography

Kathleen Curlee is a senior International Relations and Political Science double major at the University of Pennsylvania. Her research focuses on the impact of the information age on national security. She previously worked as a nuclear forensics intern for the Department of State's Office of Weapons of Mass Destruction Terrorism. She has also interned for the Federal Trade Commission, the Governor of Arkansas, the Committee of Seventy, and the Penn Development Research Initiative.

Bibliography

Akbanov, Maxat, Vassilios G. Vassilakis, and Michael D. Logothetis. "Ransomware Detection and Mitigation Using Software-Defined Networking: The Case of WannaCry." *Computers & Electrical Engineering* 76 (June 1, 2019): 111–21. https://doi.org/10.1016/j. compeleceng.2019.03.012.

Alexander, David. "U.S. Reserves Right to Meet Cyber Attack with Force." *Reuters*, November 16, 2011. https://www.reuters.com/article/us-usa-defense-cybersecurity-idUSTRE7AF02Y20111116.

Auerswald, David P. "Deterring Nonstate WMD Attacks." *Political Science Quarterly* 121, no. 4 (2006): 543–68. https://doi.org/10.1002/j.1538-165X.2006.tb00581.x.

Beckley, Michael. "The Power of Nations: Measuring What Matters." *International Security* 43,

no. 2 (2018): 7–44.

Bergmane, Una. "Fading Russian Influence in the Baltic States." *Orbis* 64, no. 3 (2020): 479–88. https://doi.org/10.1016/j.orbis.2020.05.009.

Betts, Richard K. "Conventional Deterrence: Predictive Uncertainty and Policy Confidence." *World Politics* 37, no. 2 (1985): 153–79. https://doi.org/10.2307/2010141.

Blix, Hans. "UN Security Council vs. Weapons of Mass Destruction." *Nordic Journal of International Law* 85, no. 2 (May 17, 2016): 147–61. https://doi.org/10.1163/15718107-08502003.

Brecher, Michael, Jonathan Wilkenfeld, Kyle Beardsley, Patrick James, and David Quinn. "International Crisis Behavior Data Codebook." Version 13, 2020.

Burke, Anthony. "Nuclear Politics: Beyond Positivism." *Critical Studies on Security* 4, no. 1 (January 2, 2016): 1–5. https://doi.org/10.1080/21624887.2016.1181845.

Castronuovo, Celine. "Close to 70 Dead in States with Severe Winter Weather: Report." Text. TheHill, February 20, 2021. https://thehill.com/homenews/state-watch/539751-as-temperatures-expected-to-warm-approximately-70-dead-from-severe.

Chen, Thomas M. "Stuxnet." In *The SAGE Encyclopedia of the Internet*, edited by Barney Warf, 831–32. Thousand Oaks, CA: SAGE Publications, Inc., 2018. http://dx.doi.org.proxy.library.upenn.edu/10.4135/9781473960367.n239.

Chen, Thomas M., and Saeed Abu-Nimeh. "Lessons from Stuxnet." *IEEE* 44, no. 4 (April 5, 2011): 91–93.

Clausewitz, Carl von. *On War*. United States: CreateSpace Independent Publishing Platform, 2012.

Nuclear Threat Institute. "Close Calls with Nuclear Weapons | NTI," May 16, 2018. https://www.nti.org/analysis/articles/close-calls/.

Demchak, Chris C. "Cybered Ways of Warfare: The Emergent Spectrum of Democratized Predation and the Future Cyber-Westphalia Interstate Topology." CyberSpace. Strategic Studies Institute, US Army War College, 2016. https://www.jstor.org/stable/resrep11980.22.

Demchak, Chris C., and Peter Dombrowski. "Rise of a Cybered Westphalian Age." *Strategic Studies Quarterly* 5, no. 1 (March 22, 2011): 32–62.

Ehrenfeld, Jesse M. "WannaCry, Cybersecurity and Health Information Technology: A Time to Act." *Journal of Medical Systems* 41, no. 7 (May 24, 2017): 104. https://doi.org/10.1007/s10916-017-0752-1.

Esser, Frank, and Rens Vliegenthart. "Comparative Research Methods." In *The International Encyclopedia of Communication Research Methods*, 1–22. American Cancer Society, 2017. https://doi.org/10.1002/9781118901731.iecrm0035.

Farwell, James P., and Rafal Rohozinski. "Stuxnet and the Future of Cyber War." *Survival:*

Global Politics and Strategy 53, no. 1 (January 28, 2011): 23–40.

Fettweis, Christopher J. "Pessimism and Nostalgia in the Second Nuclear Age," 2019, 30.

Hardin, R., J. J. Mearsheimer, G. Dworkin, and R. E. Goodin. "Nuclear Deterrence, Ethics and Strategy," January 1, 1985. https://www.osti.gov/biblio/5545762.

Horowitz, Michael, Elsa B. Kania, Gregory C. Allen, and Paul Scharre. "Strategic Competition in an Era of Artificial Intelligence." Center for New American Security, July 25, 2018. https://www.cnas.org/publications/reports/strategic-competition-in-an-era-of-artificial-intelligence.

Hutchins, Marcus. "How to Accidentally Stop a Global Cyber Attack." *MalwareTech* (blog), May 13, 2017. https://www.malwaretech.com/2017/05/how-to-accidentally-stop-a-global-cyber-attacks.html.

Jensen, Benjamin, and Brandon Valeriano. "What Do We Know About Cyber Escalation?: Observations From Simulations and Surveys." Atlantic Council, 2019. http://www.jstor.org/stable/resrep20705.

Judge, Edward H., and John W. Langdon. *A Hard and Bitter Peace: A Global History of the Cold War*. 3rd ed. Lanham, Maryland: Rowman & Littlefield, 2018.

Kello, Lucas. "The Meaning of the Cyber Revolution: Perils to Theory and Statecraft." *International Security* 38, no. 2 (October 2013): 7–40. https://doi.org/10.1162/ISEC_a_00138.

Kerr, Paul K, John Rollins, and Catherine A Theohary. "The Stuxnet Computer Worm: Harbinger of an Emerging Warfare Capability." *Congressional Research Service*, December 9, 2010, 12.

Kozlowski, Andrzej. "Comparative Analysis of Cyberattacks on Estonia, Georgia, and Kyrgyzstan." Accessed February 20, 2021. https://core.ac.uk/reader/236412320.

Krepinevich, Andrew F. "Cavalry to Computer; the Pattern of Military Revolutions." *The National Interest*, no. 37 (September 22, 1994): 30–43.

Leithauser, Tom. "Ukraine Grid Attack Sparks Inquiry About U.S. Power Grid Cybersecurity." *Cybersecurity Policy Report*, August 1, 2016. Gale General OneFile. https://link.gale.com/apps/doc/A460465703/ITOF?u=upenn_main&sid=ITOF&xid=db3cbaea.

Lieber, Keir A., and Daryl G. Press. "The New Era of Nuclear Weapons, Deterrence, and Conflict." *Strategic Studies Quarterly* 7, no. 1 (2013): 3–14.

Lieberman, Evan S. "Nested Analysis as a Mixed-Method Strategy for Comparative Research." *American Political Science Review* 99, no. 3 (August 2005): 435–52. https://doi.org/10.1017/S0003055405051762.

Liff, Adam P. "Cyberwar: A New 'Absolute Weapon'? The Proliferation of Cyberwarfare Capabilities and Interstate War." *Journal of Strategic Studies* 35, no. 3 (June 1, 2012): 401–28. https://doi.org/10.1080/01402390.2012.663252.

Mahaffey, Jim. *Atomic Accidents: A History of Nuclear Meltdowns and Disasters: From the Ozark*

Mountains to Fukushima. Pegasus Books, 2014. http://ebookcentral.proquest.com/lib/upenn-ebooks/detail.action?docID=1800258.

Marshall, Monty G., and Ted Robert Gurr. "Polity V: Political Regime Characteristics and Transitions, 1800-2018." Center for Systemic Peace, April 23, 2020. https://www.systemicpeace.org/polityproject.html.

Mattei, Tobias A. "Privacy, Confidentiality, and Security of Health Care Information: Lessons from the Recent WannaCry Cyberattack." *World Neurosurgery* 104 (August 1, 2017): 972–74. https://doi.org/10.1016/j.wneu.2017.06.104.

McGuinness, Damien. "How a Cyber Attack Transformed Estonia." *BBC News*, April 27, 2017, sec. Europe. https://www.bbc.com/news/39655415.

Mullane, Mike. "Why Critical Infrastructure Is Vulnerable to Cyber-Attacks." Medium, June 24, 2020. https://medium.com/e-tech/why-critical-infrastructure-is-vulnerable-to-cyber-attacks-d39f5449c799.

NATO StratCom Center of Excellence. "Hybrid Threats: 2007 Cyber Attack on Estonia." Riga, Latvia, n.d.

Nye, Joseph S. "Cyber Power." Belfer Center for Science and International Affairs, May 2010. https://www.belfercenter.org/publication/cyber-power.

———. "The Changing Nature of World Power." *Political Science Quarterly* 105, no. 2 (1990): 177–92. https://doi.org/10.2307/2151022.

Papanastasiou, Afroditi. "Application of International Law in Cyber Warfare Operations." SSRN Scholarly Paper. Rochester, NY: Social Science Research Network, September 8, 2010. https://doi.org/10.2139/ssrn.1673785.

Rid, Thomas, and John Arquila. "Think Again: Cyberwar." *Foreign Policy*, no. 192 (2012): 80–84.

Ryan, N. J. "Five Kinds of Cyber Deterrence." *Philosophy & Technology* 31, no. 3 (September 2018): 331–38. https://doi.org/10.1007/s13347-016-0251-1.

Schneider, Jacquelyn. "The Information Revolution and International Stability: A Multi-Article Exploration of Computing, Cyber, and Incentives for Conflict." George Washington University, 2017.

Singer, J. David, Stuart Bremer, and John Stuckey. "Capability Distribution, Uncertainty, and Major Power War, 1820-1965." *Peace, War and Numbers*, Peace, war and numbers. - Beverly Hills, Calif : Sage Publ., ISBN 0-8039-0164-X. - 1972, p. 19-48, 1972.

Smith, Derek D. *Deterring America: Rogue States and the Proliferation of Weapons of Mass Destruction*. Cambridge University Press, 2006.

Smith, Zhanna Malekos, Eugenia Lostri, and James A Lewis. "The Hidden Costs of Cybercrime." San Jose, CA: McAfee and Center for Strategic and International Studies, December 2020. https://www.mcafee.com/enterprise/en-us/assets/reports/rp-hidden-costs-of-cybercrime.pdf.

Stevens, Clare. "Assembling Cybersecurity: The Politics and Materiality of Technical Malware Reports and the Case of Stuxnet." *Contemporary Security Policy*. Accessed February 21, 2021. http://www.tandfonline.com/doi/abs/10.1080/13523260.2019.1675258.

Swinhoe, Dan. "How Much Does It Cost to Launch a Cyberattack?" CSO Online, May 1, 2020. https://www.csoonline.com/article/3340049/how-much-does-it-cost-to-launch-a-cyberattack.html.

Traynor, Ian. "Russia Accused of Unleashing Cyberwar to Disable Estonia." *The Guardian*, May 17, 2007, sec. World news. https://www.theguardian.com/world/2007/may/17/topstories3.russia.

Valeriano, Brandon, and Benjamin Jensen. "The Myth of the Cyber Offense: The Case for Restraint." Cato Institute, January 15, 2019. https://www.cato.org/publications/policy-analysis/myth-cyber-offense-case-restraint.

Valeriano, Brandon, Benjamin Jensen, and Ryan C. Maness. *Cyber Strategy: The Evolving Character of Power and Coercion*. Oxford University Press, 2018.

Walker, William. "Weapons of Mass Destruction and International Order to 1990." *The Adelphi Papers* 44, no. 370 (December 1, 2004): 21–30. https://doi.org/10.1080/05679320412331340417.

Waltz, Kenneth N. *Theory of International Politics*. 1st ed. Long Grove, IL: Waveland Press, 2012.

Waltz, Kenneth N. "Why Iran Should Get the Bomb: Nuclear Balancing Would Mean Stability." *Foreign Affairs* 91, no. 4 (August 2012). https://go-gale-com.proxy.library.upenn.edu/ps/i.do?p=OVIC&u=upenn_main&id=GALE%7CA297916293&v=2.1&it=r&sid=summon.

Wedgwood, Ruth. "The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction." *The American Journal of International Law* 92, no. 4 (1998): 724–28. https://doi.org/10.2307/2998137.

Wilkenfeld, Jonathan, and Michael Brecher. "A Study of Crisis." University of Michigan Press, 2000.

Wirtz, James J. "How Does Nuclear Deterrence Differ from Conventional Deterrence?" *Strategic Studies Quarterly* 12, no. 4 (December 22, 2018): 58–76.

Zetter, Kim. *Countdown to Zero Day : Stuxnet and the Launch of the World's First Digital Weapon*. First edition. New York: Crown Publishers, 2014.

Sexual Orientation, Gender Identity and Expression (SOGIE) Asylum Protection and the Universal Periodic Review: The Potential for Norm Diffusion

Isobel Getchell
Syracuse University

Abstract

Neither the Genocide Convention (1951) nor its 1967 protocol (within the United Nations) explicitly mention claiming asylum based on "well-founded fear of persecution" of an individual's Sexual Orientation, Gender Identity and Expression (SOGIE). Progress has been made on the international human rights agenda surrounding SOGIE rights in general. Yet, this particular group of asylum seekers is still struggling to live freely. Using constructivism, this paper assesses whether there is potential for norm diffusion within the context of the United Nations process of the Universal Periodic Review, asks what role European states play on this human rights issue, and if there is a Western/Eastern split in norm entrepreneurship. Specifically, it answers which European states are the "norm entrepreneurs" and the "norm defenders" of SOGIE asylum rights through assessing entrepreneurship by variables of SOGIE support track records, changes in national political ideologies, and discourse within UPR cycles. Through discourse analysis, content analysis, and a comparative case study of two Western European nations (Belgium and Italy) and two Eastern European nations (Hungary and Poland), this project identifies correlations between SOGIE asylum norm entrepreneurship, national political ideologies and supportive language used in national reports and reports of working groups within UPR cycles from 2008 to 2019.

Introduction

To date, there is no legally binding treaty within the United Nations that sets precedent for

unbiased assessment of asylum applications based on the well-founded fear of persecution due to Sexual Orientation, Gender Identity and Expression (SOGIE). The United Nations High Commissioner for Refugees' (UNHCR) 2012 General Assembly guidelines regarding claims to refugee status based on SOGIE and its 1967 protocol allude to some of the dangers LGBTQ+ asylum seekers face during the process of acquiring asylum, such as multiple discrimination, physical and sexual abuse, and solitary confinement. Furthermore, SOGIE minorities are more likely to be denied a range of economic and social rights, including rights to housing, education, and health care in their country of asylum claims.[1]

Due to the lack of legally binding legislation protecting individuals seeking asylum on the grounds of SOGIE, there is no precedent for the international community. This article argues that multilateralism in international institutions provides an opportunity to set this sort of precedent. LGBTQ+ activists have considered the Universal Periodic Review process as one of the most useful United Nations mechanisms in promoting normative discussion.[2] Therefore, this article analyzes how the UPR process creates opportunities for norm entrepreneurship and normative discussions surrounding the issue.

The process of norm diffusion is central to reaching a consensus of agreed upon norms in the international community. Carla Winston defines norm diffusion as the process in which "states will variously interact with norms as they are or change them, either purposefully or accidentally."[3] This project specifically assesses partial norm diffusion, which allows flexibility in the adaptation of a norm, including opportunity to change a norm's contents through the process of diffusion onto norm defenders. Authors Margaret Keck and Kathryn Sikkink define the vehicles of norm diffusion to be global intergovernmental and nongovernmental organizations.[4]

Conducted by the Human Rights Council, the Universal Periodic Review (UPR) serves as a vehicle for partial norm diffusion. Norm entrepreneurs attempt to lead the process of new norm diffusion onto traditional norm defenders. According to Townsend, norm entrepreneurs are "states that act as vocal leaders and seek institutionalization of SOGIE rights."[5] On the contrary, norm defenders are states that defend the traditional system without SOGIE rights.[6]

---

1   UNHCR (United Nations High Commissioner for Refugees), 2012, "Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees," The UN Refugee Agency, Accessed Sept. 20, 2020. https://www.unhcr.org/509136ca9.pdf.

2   Arc International, International Bar Association and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2016, "Sexual Orientation, Gender Identity and Expression, and Sex Characteristics at the Universal Periodic Review," Accessed November 5, 2020. http://arc-international.net/wp-content/uploads/2016/11/SOGI-report-October-2016-1.pdf.

3   Carla Winston, 2018, "Norm Structure, Diffusion, and Evolution: A Conceptual Approach," European Journal of International Relations 24 (3): 638–61, DOI https://doi.org/10.1177/1354066117720794.

4   Margaret Keck and Kathryn Sikkink, 1999, "Transnational Advocacy Networks in International and Regional Politics," International Social Science Journal 51 (159): 89-101.

5   Nicholas Townsend, 2017, "LGBTI in UN's GRULAC: Shifts in Leadership and Challenges to Progress," Senior Capstone in International Relations (ICC-LAC), Syracuse University.

6   Ibid., 7.

Literature Review

Some scholars who influenced this research are Karma Chávez, Francine D'Amico, Nicholas Townsend, and Mert Koçak. Chávez assesses the way some American LGBTQ+ and immigrant rights organizations promote cultural citizenship and differential belonging to the US government as a means to reconcile the threat it sees in LGBTQ+ migrants.[7] D'Amico provides historical background to the emergence of SOGIE discussion within the United Nations international system. [8] Townsend assesses norm entrepreneurship in the GRULAC region regarding LGBTQ+ rights through the analysis of the UPR. Koçak critiques Turkey's selection process of queer asylum seekers and refugees through interviews with UNHCR employees and implementing partners, as well as queer refugees awaiting approval.[9]

This article expands on these prior works by analyzing the potential for norm entrepreneurship and diffusion through the UPR in Europe surrounding SOGIE asylum. It assesses regional discrepancies in entrepreneurship and norm diffusion between UN member states of WEOG and EEUR region groups as defined by the UN Department for General Assembly and Conference Management.[10]

Research Questions

This project aims to answer two questions. First, does the UPR process provide potential for norm diffusion of SOGIE asylum rights across Europe? Second, who are the norm entrepreneurs in this process?

Hypothesis

This article posits that the UPR allows for norm diffusion regarding SOGIE asylum rights because its structure promotes open dialogue, critique, and review. Also, it anticipated that the UPR primarily advances Westernized norms of SOGIE asylum rights and protection. A 2016 report of the UPR noted that during the first two cycles of the UPR, the vast majority (70%) of recommendations about SOGIE protection were made by WEOG nations.[11] In the second

7   Karma R. Chávez, 2010, "Border (in)Securities: Normative and Differential Belonging in LGBTQ and Immigrant Rights Discourse," Communication and critical/cultural Studies 7 (2): 136-155. DOI https://doi-org.libezproxy2.syr.edu/10.1080/14791421003763291.

8   Francine D'Amico, 2015, "LGBT and (Dis)United Nations: Sexual and Gender Minorities, International Law, and UN Politics," In Sexualities in World Politics: How LGBTQ Claims Shape International Relations, edited by Manuela Lavinas Picq and Marcus Thiel: 54-74, New York: Routledge.

9   Mert Koçak, 2020, "Who is 'Queerer' and Deserves Resettlement? Queer Asylum Seekers and their Deservingness of Refugee Status in Turkey," Middle East Critique 29 (1): 29-46, DOI: //doi.org/10.1080/19436149.2020.1704506.

10   UNDGACM (United Nations Department for General Assembly and Conference Management), "Regional Groups of Member States," Accessed Oct 1, 2020. https://www.un.org/dgacm/content/regional-groups.

11   Arc International, International Bar Association and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2016, "Sexual Orientation, Gender Identity and Expression, and Sex Characteristics at the Universal Periodic Review," Accessed November 5, 2020. http://arc-international.net/wp-content/uploads/2016/11/SOGI-report-October-2016-1.pdf.

cycle, 86% of the WEOG nations received SOGIE recommendations, and on average 4.13 SOGIE recommendations were made per WEOG state review out of the 99 total reviews.[12] Conversely, 96% of the EEUR council received SOGIE recommendations, averaging about 9.77 recommendations per EEUR state reviewed out of the 215 total reviews.[13] From the second cycle of the UPR, 15.5% of SOGIE recommendations made to WEOG nations were accepted, and 37.05% were accepted by EEUR.[14] Additionally, a rise in Europcentriscism across the continent promotes rhetoric that actively ignores Eastern Europe, a point of origin for many of the LGBTQ+ asylum seekers. Therefore, this article expects weaker norm entrepreneurship for SOGIE asylum protection in Eastern Europe than in Western Europe.

Research Design

This article uses qualitative research methods of content analysis, discourse analysis, and a comparative case study between the European UN members Belgium, Italy, Hungary, and Poland. This article builds off a preliminary region inventory which consisted of content analysis of the European International Lesbian, Gay, Bisexual, Trans and Intersex Associations (ILGA-Europe) annual benchmarking tool, the "Rainbow Europe" map and index, from 2012 to 2020,[15] the ILGA-Europe "Good Practices related to Asylum Applicants" report[16], and the UN Free & Equal campaigns "Living Free & Equal" [17] and "Born Free and Equal." [18] This article assesses ILGA-Europe's "Rainbow Europe" maps and indexes from 2012 onward instead of 2009 onward because asylum was not accounted for in the index until 2012. Following this region inventory, a clear and consistent continental divide presented itself in ILGA-Europe rankings between WEOG and EEUR region groups from 2012-2020, and this is why this article compares entrepreneurship in Western European nations to that in Eastern European nations.

The criteria for case selections were the ratification of the 1951 UNHCR Refugee Convention and 1967 Protocol, as well as support for the 2008 UN General Assembly declaration for SOGIE rights and anti-discrimination.[19] This article compares one norm entrepreneur and one

---

12   Ibid., 35.
13   Ibid.
14   Ibid.
15   ILGA-Europe, 2012-2020, "Rainbow Europe Map and Index," Retrieved Oct. 1, 2020. https://www.ilga-europe.org/rainboweurope/2012.
16   Sabine Jansen, 2014, "Good Practices Related to LGBTI Asylum Applicants in Europe," ILGA Europe, Accessed November 5, 2020. https://www.ilga-europe.org/sites/default/files/good_practices_related_to_lgbti_asylum_applicants_in_europe_jul14.pdf.
17   UNHCR (United Nations High Commissioner for Refugees), 2016, "Living Free & Equal: What States Are Doing to Tackle Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People," United Nations Free & Equal, Accessed November 5, 2020. https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf.
18   UNHCR (United Nations High Commissioner for Refugees), 2019, "Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law" (2), United Nations Free & Equal, Accessed November 5, 2020. https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf.
19   UNGA (UN General Assembly), 63rd Sess. 70 Plen. Mtg. at 2, U.N. Doc. A/RES/63/182 (March 16, 2009) https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/481/71/PDF/N0848171.pdf?OpenElement.

norm defender from WEOG and EEUR regional groups based on the regional trends collected from the region inventory. While the four countries selected are all EU members, that was not part of the criteria selection. Italy (WEOG) and Poland (EEUR) stood out as the choices for norm defenders based on the patterns they presented since 2012.

To narrow down the selection of norm entrepreneurs each state was assessed to see if the states were entrepreneurs in SOGIE asylum as well as SOGIE rights overall by interpreting ILGA-Europe's "Rainbow Europe" map and indexes. This article defines "leaders" as nations that produced the most policies and laws that protect SOGIE asylum seekers. Based on this definition, norm entrepreneurs of SOGIE issues overall such as Spain and Montenegro were excluded, since they are not "leaders" in SOGIE asylum protection. This article analyzes Belgium as the norm entrepreneur of the WEOG region because it has adopted numerous laws and policies protecting SOGIE asylum seekers throughout 2012-2020. Hungary is selected as the EEUR entrepreneur because it is an unusual case. During the last 5 years, Hungary has stagnated around the middle-tier in advocating for SOGIE rights. However, in 2012 when the UNHCR SOGIE guidelines were published, Hungary was a regional leader according to ILGA-Europe rankings. Therefore, the final choices were Belgium (WEOG) as a strong norm entrepreneur, Italy (WEOG) and Poland (EEUR) as norm defenders, and Hungary (EEUR) as an interesting case, as it was a norm entrepreneur in rank when the 2012 UNHCR guidelines were published but is steadily declining in entrepreneurship since then.

Table 1

		IV: Norm Entrepreneurship for SOGIE Asylum Rights	
		Low	High
SOGIE Support Track Record	Low	Poland, Italy	
	High	Hungary	Belgium
Supportive Legislation / Political Ideologies	Low	Poland	Hungary
	High	Italy	Belgium
SOGIE Discussion within UPR cycles	Low	Poland	Hungary
	High	Italy	Belgium

The table above posits each case selection in relation to the variables of norm entrepreneurship with SOGIE track record, national political ideologies, and discussion within UPR cycles.

ILGA-Europe's "Rainbow Europe" map and index reports and ILGA-Europe's annual reports for each of the four countries from 2012 onwards were used as a measure of each state's SOGIE track record, since 2012 was the first year during which the indexes assessed

asylum measures. Furthermore, any changes following the publication of the 2012 UNHCR guidelines were tracked. The Europa World database was consulted to assess national political ideologies of each country, specifically looking for changes in administration, and thus, ideologies.[20] Additionally, this article references legislative policies of anti-discrimination of SOGIE minorities in the economic sectors of health, employment and housing in years where a pattern of change in SOGIE support in the track records presented itself, and years following the country's participation in a UPR cycle. Thomas and Weber claim that research shows that LGBTQ+ individuals are more likely to be discriminated against particularly "throughout the employment cycle: from education, to access to employment, conditions of work, and security of employment."[21] These anti-discrimination policies in economic sectors reflect the political ideology of the government administration at the time, and therefore serve as a surrogate measure for national norms surrounding SOGIE issues.

Lastly, this article analyzes the discourse of the national report and the working group report of each cycle the countries participated in. The analysis specifically looks for positive or negative language (or the lack thereof) surrounding SOGIE issues of economic discrimination and asylum on behalf of the country being reviewed or by other countries recommendations. Examples of positive language are progress made in the realm of LGBTQ+ and/or asylum rights in a country's national report, and feedback from another state in the working group report that commends supportive actions taken by the state under review. Adversely, this article assesses negative language through lack of progress surrounding LGBTQ+ and/or asylum rights in the national report, and concerns from other states in working group reports.

The time frame of this study is 2008 to present day, because 2008 is the earliest year that one of the case studies participated in the UPR (Poland), and also the year that the UNGA declaration including SOGIE protection was published.

Analysis and Findings

Belgium- WEOG Region Group Norm Entrepreneur

SOGIE Track Record

Table 2 in the Appendix displays the data collected from ILGA-Europe's "Rainbow Europe" maps and indexes from 2012 to 2020. The lowest overall percentile rank it received was in the year 2013 (67%), and the highest in 2015 (83%). In 2016, Belgium adopted supportive laws and policies across all categories of the LGBTQ+ community that ILGA-Europe measured. However, since 2016, no new policies for intersex individuals have been adopted in Belgium. Belgium participated in UPR cycles in 2011 and 2016, which could account for the high rank in the intervening years. There is also a 10% drop off from the year 2016 to the year 2017.[22]

---

20   Europa World Online. London, Routledge. Syracuse University. Accessed Oct. 30 2020.
21   Thomas Constance and Catherine Weber, 2019, Information Paper on Protection Against Sexual Orientation,Gender Identity and Expression and Sexual Characteristics (SOGIESC) Discrimination. https://www.ilo.org/global/standards/WCMS_700554/lang--en/index.htm.
22   ILGA-Europe, 2012-2020.

National Political Ideologies

Within the time frame of this study, Belgium had three cycles of elections. Following the 2010 national elections, the plurality of the seats (27 out of 150) won in the Chamber of Representatives were elected by the traditionally conservative Flemish Separatist party, the Nieuw-Vlaamse Alliantie (N-VA).[23] Closely behind the N-VA was the French speaking socialist party (PS) at 26 seats in the Chamber of Representatives.[24] The election of these pluralities correlates with lower percentile-rank trends represented in the ILGA-Europe indexes for Belgium in the years 2012 and 2013. Belgium implemented multiple forms of legislation in support of anti-discrimination of SOGIE minorities on the grounds of employment during this administration. Key legislation from the year 2010 includes an amendment of the 2002 Decree on proportionate participation in employment (Flanders) to include SOGIE, the 2010 Cocof ET decree which sets precedent for anti-discrimination within labor relations of public institutions to include discrimination against SOGIE, and the 2012 decree aimed at fighting certain forms of discrimination, including against SOGIE.[25]

The 2014 legislative elections resulted in a majority of N-VA elected seats in the Chamber of Representatives (33), followed by the French speaking socialist party (PS) at 23 seats, and then 20 seats to the "liberal" French speaking reformist movement party (RM).[26] The rise in power of the RM party correlates with the increase in percentile-rank reported by ILGA-Europe in the years 2015 and 2016. Some key anti-discrimination legislation that emerged within this time period is the parliamentary amendment to Bill 2555/005 to explicitly state that persecution of a group based on SOGIE identities may constitute grounds for asylum.[27] Furthermore, the federal government amended the federal anti-discrimination law to include gender identity and gender expression.[28]

The 2019 federal elections resulted in a plurality of seats to the N-VA (25), followed by the PS (20), and then 18 seats to the far-right Vlaams Belang Flemish speaking political party.[29] The RM lost 6 seats in this election, reclaiming 14 seats in the Chamber of Representatives.[30] This administration launched Belgium's second "Action plan against LGBTQ+-phobic

23   Europa World Online, "The 2010 General Election and Continued Political Stalemate (Belgium)," London, Routledge, Syracuse University, Accessed Oct. 31, 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000402.
24   Ibid., 2020.
25   Emmanuelle Bribosia, Isabelle Rorive, and Sarah Ganty, 2016, "Country Report Non-Discrimination: Belgium," European Commission, Accessed Oct. 28, 2020. https://ec.europa.eu/info/sites/info/files/2016-be-country_report_nd_final.pdf.
26   Europa World Online, "The 2014 General Election and New Government (Belgium)," London, Routledge, Syracuse University, Accessed Oct. 31 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000404.
27   ILGA-Europe, 2014a, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2014," 44-46, 83-86, Accessed Nov. 5, 2020. https://www.ilga-europe.org/annualreview/2014.
28   Europa World Online, "The 2010 General Election and Continued Political Stalemate (Belgium)."
29   Europa World Online, "Recent Developments: Elections, the Coronavirus Crisis and End to Political Stalemate (Belgium)," London, Routledge, Syracuse University, Accessed Oct. 31 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000406.
30   Ibid., 2020.

discrimination and violence," which was critiqued by civil society due to its biases against religions and ethnic minorities in assessing hate crimes against LGBTQ+ people and lack of coordinating mechanisms.[31] This legislation correlates with the stark drop in percentile-rank of Belgium in the ILGA-Europe indexes in the years leading up to the 2019 election, and the years after it.

Discourse within UPR Cycles

Belgium has completed two UPR cycles, the first in 2011 and the second in 2016. The 2011 UPR cycle coincided with the pattern of a lower level of Belgian support for SOGIE rights in its ILGA-Europe "Rainbow Europe" report, as well as a majority N-VA and PS in the Chamber of Representatives. In the 2011 national report, Belgium presented positive action that its government had taken to protect SOGIE minorities four times, and SOGIE asylum once. Each time SOGIE minorities were mentioned, it was in relation to the effort to combat discrimination, such as legalizing marriage between persons of the same sex and the Transsexuality Act 65 of 2007 that made it easier to re-register forename and sex in the event of a change in gender identity. The national report mentioned that when processing claims for asylum based on a well-founded fear of persecution for SOGIE identities, the country processes each case individually and that particular attention is placed on vulnerable groups who are appointed with coordinators for gender issues specifically. It is important to note that Belgium emphasized its strength in combatting racism, extremism, anti-Semitism, and xenophobia, but did not mention combating homophobia or transphobia.[32]

In the working group report for this cycle, 49 delegations made recommendations to Belgium. Two positive delegate statements relating to SOGIE and asylum are included in that number. Sweden praised the positive developments Belgium was taking regarding refugees and asylum seekers, and Norway commended its efforts in combating the rights of LGBTQ+ people. Meanwhile, three negative recommendations were made. The UK and Ireland inquired as to how Belgium was planning to address the issue of asylum seekers who did not have access to the right of housing. Sweden expressed concern for the poor condition in closed centers for migrants and asked Belgium to elaborate on future measures it plans to take to enhance the conditions of asylum-seekers and migrants. Norway expressed concern over Belgium's structural capacity to receive asylum seekers. However, there was no recommendation to Belgium to ameliorate the lives of SOGIE individuals or SOGIE asylum seekers.[33]

In the end, Belgium accepted Norway's recommendation "to take all appropriate action" to

31   ILGA-Europe, 2019, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2019," 27-28, Accessed Dec. 8, 2020. https://www.ilga-europe.org/annualreview/2019.

32   Universal Periodic Review, 2011a, "National Report Submitted in Accordance with Paragraph 15 (a) of the Annex Human Rights Council Resolution 5/1: Belgium," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/107/74/PDF/G1110774.pd-f?OpenElement.

33   Universal Periodic Review, 2011c, "Report of the Working Group on the Universal Periodic Review: Belgium," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/145/83/PDF/G1114583.pdf?OpenElement.

eliminate discrimination based on SOGIE, such as implementing programs of education and training.[34] Overall, only one recommendation was to battle discrimination on the basis of sexual orientation, and two for gender identity.

Belgium participated in its second UPR cycle from 2015-2016, right around the peak ILGA-Europe percentile rank and also in the middle of election cycles. In response to the first cycle SOGIE recommendations, Belgium mentioned in its national report that two inter-federal action plans against homophobia and transphobia were developed in 2013, and the 2014 legal addition of the terms "gender identity" and "gender expression" to law on gender, legislation against discrimination and harassment, and in the decrees of the federated entities.[35] Furthermore, the report mentions positive actions surrounding SOGIE minorities on five occasions, namely supportive laws and policy against gender mainstreaming, in support of lesbian couples seeking to adopt, and training the media to stop perpetuating traditional gender roles. The report mentioned asylum once, but not explicitly in the context of SOGIE. The report of the working group noted that 100 delegations made recommendations to Belgium. The Netherlands commended the Belgian action plan against homophobia and transphobia. Serbia commended the gender mainstreaming strategy. Brazil also commended the action plan against homophobia and transphobia as well as the incorporation of legal protection for transgender people in domestic legislation.[36] No recommendations were made to ameliorate life for SOGIE minorities in Belgium.

Italy – WEOG Region Group Norm Defender

SOGIE Track Record

Key trends from table 3 in the Appendix are that Italy peaked in ILGA Europe percentile-rank in 2014 and in 2017-2018, but experienced significant decreases in rank in between and after those two peaks. During this study's time frame, Italy has consistently adopted supportive asylum law for individuals claiming on behalf of their SOGIE since 2016. According the ILGA-Europe, Italy has yet to adopt a supportive policy for SOGIE minorities and has yet to adopt supportive law and policies for intersex individuals.

National Political Ideologies

Following Italy's 2013 general elections, the Democratic Party (PD) won the plurality of the 345 seats in the Chamber of Deputies, followed by Italian Liberal Party (PLI) at 125 seats, and the far-right Five Star Movement (M5S) at 109 seats. [37] Given the dominance of progressive

---

34   Ibid., 15.
35   Universal Periodic Review, 2015, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Belgium," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/253/22/PDF/G1525322.pdf?OpenElement.
36   Universal Periodic Review, 2016b, "Report of the Working Group on the Universal Periodic Review: Belgium," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/99/PDF/G1607399.pdf?OpenElement.
37   Europa World Online, "The 2013 General Election and the 'Grand Coalition' of Enrico Letta (Italy)," London, Routledge, Syracuse University, Accessed Oct. 28, 2020. https://www-europaworld-com.libezproxy2.syr.

parties, this election coincided with the rise in percentile ranking of SOGIE support by ILGA-Europe. Some key non-discrimination legislation from this administrative cycle includes the "Charter for Equal Opportunities and Equality in the Workplace" sponsored by the National Councilwoman for Equality, Minister of Labor, and Minister for Equal Opportunities to fight all forms of discrimination in the work force—including sexual orientation but not gender identity and expression.[38] The Committee of the Regions submitted a proposal to amend the Legislative Decree No. 286 of July 25, 1998 to implement the principle of equality to individuals who are discriminated against for their sexual orientation, but not gender identity.[39] Lastly, guidelines that coincided with Article 21 of Act No. 183/2010 to protect gender equality, which extended to equality for individuals who are discriminated against because of their sexual orientation, were issued by the Minister of Public Administration and Innovation and the Minister for Equal Opportunities.[40] However, nothing was implemented in support of anti-socioeconomic discrimination of gender identity and expression or intersex minorities.

In 2015, elections resulted in a rise of political power for the M5S and the League party (LN), which are both right wing political organizations.[41] A number of small left-wing groups such as the Democratic and Progressive Movement (MDP), Articolo UNO, and the Italian Left (SI) also did well, demonstrating a politically polarized nation. The Committee on Social, Economic, and Cultural Justice, in its 2015 "Concluding observations on the fifth periodic report of Italy," noted multiple concerns of discrimination towards SOGIE minorities by the government. To start, the committee noted that not all grounds of discrimination prohibited under the treaty are enumerated.[42] The Committee expressed concerns that same-sex unions are not recognized in the State party's legislation, and it recommended that the state party adopt anti-discrimination law specifically to protect SOGIE minorities economic, social, and cultural rights.[43]

Lastly, the 2018 elections showed no clear dominant party, but rather a balance of representation between traditional and progressive parties in public office. This begs the question of whether a UPR cycle could have contributed to this drastic change in percentile ranking of support for SOGIE minorities in the ILGA-Europe indexes.

---

edu/entry/EE001517.

38   UN CESCR (United Nations Committee on Economic, Social and Cultural Rights), 2013, "Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Fifth Periodic Reports of States Parties due in 2009: Italy," UN Economic and Social Council, Accessed November 5, 2020. http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSm-lBEDzFEovLCuW38%2bbyKZtsKxV84lpO3U3g7OxxDeCTrp1EHXzWKI9c4fW5kG8%2f%2f%2fSoMUn%2b-260PxXoDZHPsEHU2rETEnk%2b3QHXnYhpMoQMYukytGoTuM5czcZ.

39   Ibid., 2013.

40   Ibid., 2013.

41   Europa World Online, "Recent Developments: 2018 General Election, the Premiership of Giuseppe Conte and the Coronavirus Crisis (Italy)," London, Routledge, Syracuse University, Accessed Oct. 28, 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/EE001510.

42   UN CESCR (United Nations Committee on Economic, Social and Cultural Rights), 2015, "Concluding Observations on the Fifth Periodic Report of Italy," UN Economic and Social Council, Accessed November 5, 2020. https://undocs.org/en/E/C.12/ITA/CO/5.

43   Ibid., 3.

Discourse within UPR Cycles

Italy has completed three UPR cycles in the years 2009, 2014, and 2019. Italy's first national report mentioned asylum once, stating that the nation's 2008 "security package" for asylum seekers provided for the implementation of the principle of legality and addressed the situation of illegal immigration, and that the package was meant to curb criminal behavior that can lead to any discrimination from the community.[44] However, the national report did not specify homophobia or transphobia but instead xenophobia. The working group report noted that 51 delegations made recommendations to Italy. Overall, only one recommendation from Spain concerned protection of LGBTQ+ people.[45]

Italy's second national report mentioned that since its first cycle, it had implemented a new Asylum, Migration, and Integration fund and 74 of the 78 recommendations made in the first working group.[46] This demonstrates potential for norm diffusion in the UPR, since discussion from the last UPR cycle in working group reports contributed to tangible change. For example, since 2013 the Italian National Office against Discrimination (UNAR) became responsible for protection against all forms of discrimination, including against SOGIE identities, as well as fighting multiple discrimination, homophobia, and transphobia.[47] The working group report noted that 92 delegations made statements in response to Italy's national report. Of these, Canada was the only state to make a statement regarding SOGIE minorities, requesting an update on the protection against all forms of discrimination and noted concern regarding the social inclusion of LGBTQ+ persons.[48] Overall, five recommendations were made to Italy to ameliorate the livelihood of LGBTQ+ individuals, which were addressed in the next round of UPR evaluations.

Italy's third country report mentioned progress in implementing suggestions from previous UPR cycles. Most of these included recommendations regarding equality and non-discrimination. The report mentioned that article 10 of the 2015 Legislative Decree 142/2015 included that appropriate measures be taken in order to prevent any forms of violence, including gender-based violence, and to guarantee the safety of asylum-seekers.[49] Also, a coalition of

---

44   Universal Periodic Review, 2009, "National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/170/87/PDF/G0917087.pdf?OpenElement.
45   Universal Periodic Review, 2010, "Report of the Working Group on the Universal Periodic Review: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/121/86/PDF/G1012186.pdf?OpenElement.
46   Universal Periodic Review, 2014a, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/089/21/PDF/G1408921.pdf?OpenElement.
47   Ibid., 9.
48   Universal Periodic Review, 2014b, "Report of the Working Group on the Universal Periodic Review: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/239/37/PDF/G1423937.pdf?OpenElement.
49   Universal Periodic Review, 2019a, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://undocs.org/A/HRC/WG.6/34/ITA/1.

LGBTQ+ supporting non-governmental organizations were summoned by the government to hold permanent dialogues about LGBTQ+ issues.[50] Italy also responded to a working group recommendation by stating that the National Bioethics Commission indicated that regarding intersex individuals, any intervention must be guided in light of the best interests of the child "to avoid unnecessary mutilation."[51] The working group report noted that 121 delegations made statements in response to Italy's report. Three positive statements from Croatia, Iceland, and the Netherlands congratulated Italy on its progress in combatting discrimination and violence based on SOGIE identities. Overall, eight recommendations were made regarding equality for SOGIE individuals. Given the evidence of Italy's response to UPR recommendations and the balance in legislative bodies during this cycle, these changes can be best explained through norm diffusion through the UPR process.

Hungary – EEUR Region Group Norm Entrepreneur

SOGIE Track Record

Table 4 in the Appendix shows Hungary's highest percentile-rank by ILGA-Europe for SOGIE protection in 2013 (55%), followed by a gradual decrease in 2017 (45%) until a slight increase in 2018 (47%). Ensuingly, there are two drastic decreases from 2018 (47%) to 2019 (41%) to 2020 (33%). Hungary adopted supportive laws for individuals claiming asylum based on persecution of their sexual orientation throughout 2012 to 2020. In 2018, Hungary adopted a policy that requires an asylum applicant's interviewer to be of the same gender identity as the applicant if they are claiming based on their gender identity and expression.[52] Hungary did not adopt legislation or policy supporting intersex people in the asylum process from 2012 to 2020.

National Political Ideologies

Within the time frame of this study, two election cycles in Hungary are important in analyzing trends in support of SOGIE asylum. First, the 2014 elections resulted in a majority of seats (133/199) in the National Assembly going to the Fidesz and the KDNP coalition, which are traditionally conservative.[53] Furthermore, this alliance won a majority of the mayoral offices in 19/23 principal cities.[54] This rise in conservative right-wing political parties during this election cycle correlates with the beginning of the gradual decrease in support for SOGIE asylum as shown by ILGA-Europe. In 2015, the right-wing Hungarian authorities launched an anti-migrant campaign, and despite criticism from the UN and the Council of Europe, they

---

50   Ibid., 6.
51   Universal Periodic Review, 2019b, "Report of the Working Group on the Universal Periodic Review: Italy," United Nations Human Rights Council, Accessed November 5, 2020. https://undocs.org/A/HRC/43/4.
52   AIDA (Asylum Information Database), ECRE (European Council on Refugees and Exiles), and Hungarian Helsinki Committee. (2018). "Country Report: Hungary." Accessed Dec. 9. http://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2018update.pdf.
53   Europa World Online, "Elections (Hungary)," London, Routledge, Syracuse University, Accessed Oct.30, 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/hu.is.12645170181.
54   Ibid., 2020.

passed restrictions on asylum claims into legislation.[55] This shift towards xenophobia could also account for the decreasing trends in SOGIE asylum protection presented by ILGA-Europe, despite UPR recommendations/critique.

During Hungary's peak percentile rank year according to ILGA-Europe, a Hungarian court (the Kùria) ruled that an employee had been fired due to unlawful discrimination against his sexual orientation, which was the first such ruling in the nation.[56] However, in January of 2013, Hungary's New Constitution entered into force, which does not specifically list sexual orientation as a ground in the prohibition of discrimination clause.[57] Therefore, discrimination on the basis of SOGIE is only implicitly covered through this constitution under 'other status.' In 2017, which marks the start of the drastic decrease in percentile-rank in ILGA Europe indexes, the European Court of Human Rights (ECHR) ruled that Hungary had violated the rights of a queer Iranian asylum seeker by placing him in two-month long detention.[58] Furthermore, in August 2017 the NGO Hatter published a report on workplace discrimination against LGBTQ+ people in Hungary. The report found that 62% of the individuals surveyed had heard offensive remarks about LGBTQ+ people at their place of employment, and 29% had experienced such harassment themselves.[39] On top of that, 49% of trans people surveyed had been unemployed and seeking a job for more than three months during the prior five years.[59]

Discussion within UPR Cycles

Hungary has participated in two UPR cycles, the first in 2011, and the second in 2016. In its 2011 national report, Hungary did not mention SOGIE minorities or asylum yet made an interesting remark regarding the right to social security. Hungary presented that Article 70/E of the Constitution ensures that citizens have the right to social security, and the Constitutional Court declared that it is the obligation of the State to ensure a minimum livelihood to its citizens, but that this does not entail the defining of specific rights such as the right to housing as a constitutional fundamental right.[60] According to the working group report, 48 delegations made statements in response to Hungary's national report. France argued that the new constitution did not explicitly prohibit the death penalty or discrimination on grounds of sexual orientation and asked if the state planned to pass any anti-discrimination legislation

---

55   Europa World Online, "Anti-immigration Measures (Hungary)," London, Routledge, Syracuse University, Accessed Oct. 30 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/EE001376.

56   ILGA-Europe, 2013a, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2013," 114-117, 175-178, Accessed Nov. 5, 2020. https://www.ilga-europe.org/annualreview/2013.

57   Ibid., 114-115.

58   ILGA-Europe, 2017a, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2017," 114-118, Accessed Nov. 6, 2020. https://www.ilga-europe.org/annualreview/2017.

59   Ibid., 116.

60   Universal Periodic Review, 2011b, "National Report Submitted in Accordance with Paragraph 15 (a) of the Annex to Human Rights Council Resolution 5/1: Hungary," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/107/81/PDF/G1110781.pdf?OpenElement.

to protect this community.[61] The US and Belgium expressed concerns of the violence and discrimination against SOGIE minorities. Overall, five different recommendations were made to ameliorate life for LGBTQ+ individuals in Hungary.

In its 2016 cycle, Hungary's national report noted that it accepted 122 of the 148 recommendations made in the first cycle. Some positive implementation from this report includes that the Act on Equal Treatment contains all possible conditions and reasons one may need to be protected from discrimination, including on the grounds of SOGIE.[62] Furthermore, Hungary noted that the Interministerial Human Rights Working Group continued to operate 11 thematic working groups that collaborate with NGOs towards anti-discrimination, including that against LGBTQ+ persons.[63] Hungary also spoke on Section 332 of the new Criminal Code on violence against a member of the community, specifically punishment for incitement against individuals for their sexual orientation.[64] As far as progress in asylum, Hungary noted that beneficiaries of international protection are entitled to education, housing, healthcare, and social support that equates to those of Hungarian citizens.[65] In the working group report, Switzerland expressed concerns at Hungary's measures to limit access to the asylum procedure, and Brazil expressed concerns about denial of asylum applications after the adoption of a new law of a list of "safe" countries.[66] Overall, five recommendations were made to Hungary surrounding tackling discrimination based on SOGIE.

Poland – EEUR region group Norm Defender

SOGIE Track Record

Table 5 in the Appendix demonstrates that Poland peaked in support in 2014 (28%) and 2015 (26%), which coincides between Poland's second and third UPR cycle and the beginning of a shift in majority political ideologies. From 2016 onwards, Poland's rank remained stagnant around 18%, with a slight drop in percentile rank from 2019 (18%) to 2020 (16%). Since 2012, Poland has adopted laws to protect individuals claiming asylum on the basis of sexual orientation, with the addition of a supportive policy granting asylum to individuals based on gender identity in 2020. Poland has not adopted any supportive law or policy for claimants seeking asylum based on their intersex identity.

---

61   Universal Periodic Review, 2011d, "Report of the Working Group on the Universal Periodic Review: Hungary," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/145/34/PDF/G1114534.pdf?OpenElement.
62   Universal Periodic Review, 2016a, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Hungary," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/025/37/PDF/G1602537.pdf?OpenElement.
63   Ibid., 11.
64   Ibid., 11.
65   Ibid., 18.
66   Universal Periodic Review, 2016c, "Report of the Working Group on the Universal Periodic Review: Hungary," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/146/57/PDF/G1614657.pdf?OpenElement.

National Political Ideologies

In the 2014 local elections the right-wing Law and Order (PiS) populist party won the majority of votes (26.9%), but two centrist organizations, the Civic Platform (PO) and Polish People's Party (PSL) came close behind at a combined percentage of 26.4% votes. In the 2015 presidential election, the PiS candidate Andrzej Duda secured the presidency over Bronisław Komorowski (an independent endorsed by the PO) with 51.6% of the votes cast in his support. Duda is still the current sitting president of Poland, as he is contracted to a five-year term.[67]

The UN CESR published its "Concluding Observations on the Sixth Periodic Report of Poland," critiquing Poland's lack of implementation of protective law and policy for SOGIE minorities and asylum seekers. The committee expressed concerns that the Office of the Commissioner for Human Rights in Poland was not receiving adequate funding of resources and recommended that more resources be provided to permit it to fulfill its obligations with respect to economic, social and cultural rights. In addition, the committee recommended that the Office be granted autonomy from executive legislators. Lastly, the committee expressed concern that the Act on Equal Treatment of 2010 does not ensure protection against discrimination on all grounds prohibited under Article 2 of its treaty.[68]

Prior to the elections of 2014 and 2015, positive implementation of protection was put in place for SOGIE minorities. According to the 2013 ILGA-Europe Annual Report, Poland granted asylum to an Ugandan asylum seeker who claimed on the basis of sexual orientation. In that same year, the state implemented a report campaign against homophobia (KPH) to combat bullying in schools. Regardless, the *EU Observer* found Polish members of the European Parliament the least LGBTQ+ friendly, with less than 20% of all of its Members of the European Parliament voting in favor of five different resolutions that called for support and protection of LGBTQ+ individuals over the prior six years.[69]

Discussion within UPR Cycles

Poland completed three UPR cycles: in 2008, 2012, and 2017. In its first national report, Poland mentioned that the Ministry of Labor and Social Policy prepared a draft law on equal treatment. The law, which would be submitted in February 2008, that bans discrimination for reasons including sexual orientation.[70] The report of the working group demonstrated concern over discrimination of LGBTQ+ individuals. France, the UK, Canada, and Sweden

67   Europa World Online, "Return to Power of PiS (Poland)," London, Routledge, Syracuse University, Accessed Oct. 30, 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/pl.is.14278410691.

68   UN CESCR (United Nations Committee on Economic, Social and Cultural Rights), 2016, "Concluding Observations on the Sixth Periodic Report of Poland," UN Economic and Social Council, Accessed November 5, 2020. https://undocs.org/en/E/C.12/POL/CO/6.

69   ILGA-Europe, 2013a, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual,Trans and Intersex People in Europe: 2013," 114-117, 175-178, Accessed Nov. 5, 2020. https://www.ilga-europe.org/annualreview/2013.

70   Universal Periodic Review, 2008a, "National Report Submitted In Accordance With Paragraph 15(a) of the Annexto Human Rights Council Resolution 5/1: Poland," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/114/18/PDF/G0811418.pdf:OpenElement.

all noted concern and recommended a more aggressive agenda to produce anti-discrimination legislation to protect LGBTQ+ individuals.[71] Slovenia emphasized the same concerns, but also recommended an establishment against repeated hate speech and intolerance.

In the 2012 cycle, Poland's national report noted progress from the first cycle. For example, the Act of 3rd of December 2010 Implementing Certain European Union Provisions on Equal Treatment was implemented, and it identifies areas and ways to prevent violations of the principle of equal treatment, including on account of sexual orientation. Poland also mentioned that LGBTQ+ persons have the right to freedom of speech, association, and of peaceful assembly like any other Polish citizen. The Ministry of Interior drafted an amendment to the Law on Assemblies so that in the event that an employer violates a person's right to equal treatment in employment on the grounds of sexual orientation, the employees may claim damages. Poland addressed concerns of police brutality towards the LGBTQ+ community in responding that since 2011, the police have cooperated with LGBTQ+ associations to raise awareness among police officers and organized meetings of LGBTQ+ representatives with police experts to educate them on how to help crime victims.[72]

In response to the national report, 45 delegations made statements to Poland. The Netherlands inquired if Poland would amend the Criminal Code to include crimes motivated by homophobic and gender biases. Spain raised concerns regarding the social perception that "homosexuality was a disease," leading to *de facto* discrimination in the workplace and educational centers.[73] It also asked if Poland intended to launch education campaigns on sexual diversity and to make same sex couples legal. The UK, the US, and Brazil expressed concern about the safety of LGBTQ+ individuals given the persistence of hate crimes against the community. Australia commented about the discrimination against LGBTQ+ individuals, specifically transgender persons, in accessing heath care.[74]

In its latest national report, Poland noted progress in anti-discrimination measures taken to prevent discrimination against immigrants, training to fight hate crimes, and protection of sexual minorities from economic exclusion.[75] The working group report included 72 statements from delegations.[76] Poland stated that anti-discrimination measures for LGBTQ+ individuals

---

71   Universal Periodic Review, 2008b, "Report of the Working Group on the Universal Periodic Review: Poland,"United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/136/89/PDF/G0813689.pdf?OpenElement.
72   Universal Periodic Review, 2012a, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Poland," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/117/42/PDF/G1211742.pdf?OpenElement.
73   Universal Periodic Review, 2012b, "Report of the Working Group on the Universal Periodic Review: Poland," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/70/PDF/G1215070.pdf?OpenElement.
74   Universal Periodic Review, 2012b.
75   Universal Periodic Review, 2017a, "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Poland," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/041/49/PDF/G1704149.pdf?OpenElement.
76   Universal Periodic Review, 2017b, "Report of the Working Group on the Universal Periodic Review: Poland," United Nations Human Rights Council, Accessed November 5, 2020. https://documents-dds-ny.un.org/

should be considered as contained in the Criminal Code and Act implementing certain EU legislation on equal treatment, and that provisions in the Civil Code were made to guarantee the protection of personal goods for these persons.[77] In 2015, the Ministry of the Interior and Administration created a new system to record all hate crime investigations led by the police, including crimes against SOGIE identities.[78] Yet, according to the Constitution and family law, same-sex relationships could not be registered. Ireland commended the progress in the Labor Code to prohibit the discrimination in employment of LGBTQ+ individuals. Canada and Slovenia expressed concerns for the protection of LGBTIQ+ persons against discrimination and hate-crimes.

Conclusion

These findings demonstrate a correlation among political ideology, discussion within multiple UPR cycles, and entrepreneurship for SOGIE asylum seekers rights. The relationship between a nation's general SOGIE support track record and entrepreneurship for SOGIE asylum seekers' rights is more nuanced, which could be explained through intervening factors such as changes in immigration flows, rises in xenophobia, or a change in the national economy. Overall, countries responded to UPR recommendations unless there was a change in national government administration that shifted plurality political ideologies that are not supportive of SOGIE. The cases examined show that interactive discussion on the topic provokes changes in support of SOGIE protection. Thus, the UPR process provides potential for norm diffusion by fostering increased discussion and opening the floor for norm entrepreneurs.

Future research can assess if there is a causal link between increased SOGIE protection and populist ideologies, and if economic recessions provoke the turn towards anti-SOGIE asylum seekers and populism. Some questions to pursue for further study are: is the rise in far-right ideology a reaction to socially liberal normative progress? Is opposition to SOGIE or other human rights issues causing this rise in support for conservative populism? Lastly, are SOGIE asylum seekers suffering from the opposition to other liberally social progresses in human rights issues? And if so, how are they being affected?

The divide between Western Europe and Eastern Europe is not as influential in the norm diffusion of SOGIE minorities in asylum seekers rights. Western European nations do dominate the conversation surrounding these groups as seen in countries commenting on UPR reports; however, Eastern European countries do participate in the discussion. Future research could examine the westernization of norm diffusion by examining what global regions defined SOGIE in the UN context. Additionally, future research could explore how the definition of SOGIE and asylum varies from Western to Eastern Europe.

The codification of new norms in the human rights regime usually involves the addition of new treaties with focus on particular groups. Since the adoption of a SOGIE-specific asylum treaty is unlikely in Europe's current political climate, norm diffusion performed by norm

---

doc/UNDOC/GEN/G17/194/27/PDF/G1719427.pdf?OpenElement.
77   Ibid., 6.
78   Ibid., 7.

entrepreneurs becomes all the more important. This article encourages norm entrepreneur states to listen to SOGIE-focused NGOs and, if possible, invite them to participate in public diplomatic lobbying within the human rights regime. According to ILGA-Europe, there is reform occurring within the Common European Asylum-System regarding LGBTQ+ individuals claiming asylum based on persecution, of well-founded fear thereof, of their SOGIE.[79] Therefore, this article anticipates that similar to the 2012 UNHCR Guidelines, these reforms might spark normative discussion surrounding the topic within the UPR, and thus, norm diffusion from the bottom up.

Author Biography

Isobel Getchell is a member of Syracuse University's class of 2021, studying International Relations, French, and Women and Gender Studies. During her time at Syracuse, she has studied International Political Economy, European Studies, French Language and Culture, and Feminist Methodologies. Isobel will pursue a Masters degree in Public Administration at the Maxwell School of Citizenship and Public Affairs in hopes to seek a career in political organizing and human rights work.

Bibliography

AIDA (Asylum Information Database), ECRE (European Council on Refugees and Exiles), and Hungarian Helsinki Committee. (2018). "Country Report: Hungary." Accessed Dec. 9. http://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2018update.pdf.

Arc International, International Bar Association and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). 2016. "Sexual Orientation, Gender Identity and Expression, and Sex Characteristics at the Universal Periodic Review." Accessed November 5. http://arc-international.net/wp-content/uploads/2016/11/SOGI-report-October-2016-1.pdf.

Berg, Bruce, and Lune, Howard. 2017. *Qualitative Research Methods for the Social Sciences*, edited by Ashley Dodge, Sutapa Mukherjee and Bimbabati Sen: 1-11, 12-32, 160-170. Harlow: Pearson Education.

Bribosia, Emmanuelle, Isabelle Rorive, and Sarah Ganty. 2016. "Country report non-discrimination: Belgium." *European Commission.* Accessed Oct. 28. https://ec.europa.eu/info/sites/info/files/2016-be-country_report_nd_final.pdf.

Chávez, Karma R. 2010. "Border (in)Securities: Normative and Differential Belonging in LGBTQ and Immigrant Rights Discourse." *Communication and critical/cultural Studies* 7 (2): 136-155. DOI https://doi-org.libezproxy2.syr.edu/10.1080/14791421003763291.

---

79   ILGA-Europe, 2019, "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2019," 27-28, Accessed Dec. 8, 2020. https://www.ilga-europe.org/annualreview/2019.

D'Amico, Francine. 2015. "LGBT and (Dis)United Nations: Sexual and Gender Minorities, International Law, and UN Politics." In *Sexualities in World Politics: How LGBTQ Claims Shape International Relations*, edited by Manuela Lavinas Picq and Marcus Thiel: 54-74. New York: Routledge.

Europa World Online. London, Routledge. Syracuse University. Accessed Oct. 30 2020.

---. "Anti-immigration Measures (Hungary)." London, Routledge. Syracuse University. Accessed Oct. 30 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/EE001376.

---. "Dutch-speaking Parties (Belgium)." London, Routledge. Syracuse University. Accessed Oct. 28 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/be.dir.81.1.

---. "Elections (Hungary)." London, Routledge. Syracuse University. Accessed Oct. 30 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/hu.is.12645170181.

---. "French-speaking Parties (Belgium)." London, Routledge. Syracuse University. Accessed Oct. 28 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/be.dir.81.2.

---. "Recent Developments: Elections, the Coronavirus Crisis and End to Political Stalemate (Belgium)." London, Routledge. Syracuse University. Accessed Oct. 31 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000406.

---. "Recent Developments: 2018 General Election, the Premiership of Giuseppe Conte and the Coronavirus Crisis (Italy)." London, Routledge. Syracuse University. Accessed Oct. 28 2020.http://www.europaworld.com.libezproxy2.syr.edu/entry/EE001510.

---. "Recent Developments: The 2019 Legislative Elections (Poland)." London, Routledge. Syracuse University. Accessed Oct. 30 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE002118.

---. "Return to Power of PiS (Poland)." London, Routledge. Syracuse University. Accessed Oct. 30 2020. http://www.europaworld.com.libezproxy2.syr.edu/entry/pl.is.14278410691.

---. "The 2010 General Election and Continued Political Stalemate (Belgium)." London, Routledge. Syracuse University. Accessed Oct. 31 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000402.

---. "The 2013 General Election and the 'Grand Coalition' of Enrico Letta (Italy)." London, Routledge. Syracuse University. Accessed Oct. 28 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE001517.

---. "The 2014 General Election and New Government (Belgium)." London, Routledge. Syracuse University. Accessed Oct. 31 2020. https://www-europaworld-com.libezproxy2.syr.edu/entry/EE000404.

International Commission of Jurists. 2016. "Refugee Status Claims Based on Sexual Orientation and Gender Identity: A Practitioner's Guide." Accessed November 5. https://www.icj.org/wp-content/uploads/2016/10/Universal-PG-11-Asylum-Claims-SOGI-Publications-Practitioners-Guide-Series-2016-ENG.pdf.

ILGA-Europe. 2013a. "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2013." 114-117, 175-178. Accessed Nov. 5. https://www.ilga-europe.org/annualreview/2013.

ILGA-Europe. 2014a. "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2014." 44-46, 83-86. Accessed Nov. 5. https://www.ilga-europe.org/annualreview/2014.

ILGA-Europe. 2017a. "ILGA-Europe Annual review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2017." 114-118. Accessed Nov. 6. https://www.ilga-europe.org/annualreview/2017.

ILGA-Europe. 2019. "ILGA-Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe: 2019." 27-28. Accessed Dec. 8. https://www.ilga-europe.org/annualreview/2019.

ILGA-Europe. 2012. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2012.

---. 2013b. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2013.

---. 2014b. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2014.

---. 2015. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2015.

---. 2016. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2016.

---. 2017. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2017.

---. 2018. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2018.

---. 2019. "Rainbow Europe Map and Index." Retrieved Oct.1. https://www.ilga-europe.org/rainboweurope/2019.

---. 2020. "Rainbow Europe Map and Index." Retrieved Oct. 1. https://www.ilga-europe.org/rainboweurope/2020.

ILGA-Europe and Transgender Europe (TGEU). 2019. "LGBTI rights in the reform of the Common European Asylum System (CEAS)." Accessed Nov. 6. https://www.ilga-europe.org/sites/default/files/overview_of_the_ceas_reform_-_ilga-europe_tgeu.pdf.

Jansen, Sabine. 2014. "Good Practices Related to LGBTI Asylum Applicants in Europe." *ILGA Europe.* Accessed November 5. https://www.ilga-europe.org/sites/default/files/good_practices_related_to_lgbti_asylum_applicants_in_europe_jul14.pdf.

Keck, Margaret and Kathryn Sikkink. 1999. "Transnational advocacy networks in international and regional politics." *International Social Science Journal* 51 (159): 89-101. https://doi-org. libezproxy2.syr.edu/10.1111/1468-2451.00179.

Koçak, Mert. 2020. "Who is 'Queerer' and Deserves Resettlement? Queer Asylum Seekers and their Deservingness of Refugee Status in Turkey." *Middle East Critique* 29 (1): 29-46. DOI https://doi.org/10.1080/19436149.2020.1704506.

Mingst, Karen A, Margaret Karns, and Alynna Lyon. 2017. "The United Nations in World Politics." Essay. In The United Nations in the 21st Century: 1-19. Boulder, CO: Westview Press.

Thomas, Constance, and Catherine Weber. 2019. Information Paper on Protection Against Sexual Orientation, Gender Identity and Expression and Sexual Characteristics (SOGIESC) Discrimination. https://www.ilo.org/global/standards/WCMS_700554/lang--en/index.htm.

Townsend, Nicholas. 2017. "LGBTI in UN's GRULAC: Shifts in Leadership and Challenges to Progress." Senior Capstone in International Relations (ICC-LAC), Syracuse University.

UN CESCR (United Nations Committee on Economic, Social and Cultural Rights). 2013. "Consideration of reports submitted by States parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Fifth periodic reports of States parties due in 2009: Italy." UN Economic and Social Council. Accessed November 5. http://docstore.ohchr.org/SelfServices/FilesHandler. ashx?enc=4slQ6QSmlBEDzFEovLCuW38%2bbyKZtsKxV84lpO3U3g7OxxDeCTrp1EHX zWKI9c4fW5kG8%2f%2f%2fSoMUn%2b260PxXoDZHPsEHU2rETEnk%2b3QHXnYh pMoQMYukytGoTuM5czcZ.

UN CESCR (United Nations Committee on Economic, Social and Cultural Rights). 2015. "Concluding observations on the fifth periodic report of Italy." UN Economic and Social Council. Accessed November 5. https://undocs.org/en/E/C.12/ITA/CO/5.

UN CESCR (United Nations Committee on Economic, Social and Cultural Rights). 2016. "Concluding observations on the sixth periodic report of Poland." UN Economic and Social Council. Accessed November 5. https://undocs.org/en/E/C.12/POL/CO/6.

UNDGACM (United Nations Department for General Assembly and Conference Management). "Regional groups of Member States." Accessed Oct 1. https://www.un.org/ dgacm/content/regional-groups.

UNGA (UN General Assembly), 63rd Sess. 70 plen. mtg. at 2, U.N. Doc. A/RES/63/182 (March 16, 2009) https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/481/71/PDF/ N0848171.pdf?OpenElement.

UNHCR (United Nations High Commissioner for Refugees). 2010. "Convention and Protocol Relating to the Status of Refugees." The UN Refugee Agency. Accessed November 5. https://www.unhcr.org/en-us/3b66c2aa10.

UNHCR (United Nations High Commissioner for Refugees). 2012. "Guidelines on

International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/ or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees." The UN Refugee Agency. Accessed Sept. 20. https://www.unhcr.org/509136ca9.pdf.

UNHCR (United Nations High Commissioner for Refugees). 2016. "Living Free & Equal: What States Are Doing to Tackle Violence and Discrimination Against Lesbian, Gay, Bisexual, Transgender and Intersex People." United Nations Free & Equal. Accessed November 5. https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf.

UNHCR (United Nations High Commissioner for Refugees). 2019. "Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law" (2). United Nations Free & Equal. Accessed November 5. https://www.ohchr.org/ Documents/Publications/Born_Free_and_Equal_WEB.pdf.

Universal Periodic Review. 2008a. "National Report Submitted In Accordance With Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1: Poland." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/ doc/UNDOC/GEN/G08/114/18/PDF/G0811418.pdf?OpenElement.

Universal Periodic Review. 2008b. "Report of the Working Group on the Universal Periodic Review: Poland." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/136/89/PDF/G0813689. pdf?OpenElement.

Universal Periodic Review. 2009. "National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1: Italy." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/ GEN/G09/170/87/PDF/G0917087.pdf?OpenElement.

Universal Periodic Review. 2010. "Report of the Working Group on the Universal PeriodicReview: Italy." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/121/86/PDF/G1012186. pdf?OpenElement.

Universal Periodic Review. 2011a. "National report submitted in accordance with paragraph 15 (a) of the annex Human Rights Council resolution 5/1: Belgium." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/ GEN/G11/107/74/PDF/G1110774.pdf?OpenElement.

Universal Periodic Review. 2011b. "National report submitted in accordance with paragraph

15 (a) of the annex to Human Rights Council resolution 5/1: Hungary." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/ UNDOC/GEN/G11/107/81/PDF/G1110781.pdf?OpenElement.

Universal Periodic Review. 2011c. "Report of the Working Group on the Universal

Periodic Review: Belgium." United Nations Human Rights Council. Accessed November

5.   https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/145/83/PDF/G1114583.
pdf?OpenElement.

Universal Periodic Review. 2011d. "Report of the Working Group on the Universal

Periodic Review: Hungary." United Nations Human Rights Council. Accessed November
5.   https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/145/34/PDF/G1114534.
pdf?OpenElement.

Universal Periodic Review. 2012a. "National report submitted in accordance with paragraph
5 of the annex to Human Rights Council resolution 16/21: Poland." United Nations Human
Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/
GEN/G12/117/42/PDF/G1211742.pdf?OpenElement.

Universal Periodic Review. 2012b. "Report of the Working Group on the Universal
PeriodicReview: Poland." United Nations Human Rights Council. Accessed November
5.   https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/150/70/PDF/G1215070.
pdf?OpenElement.

Universal Periodic Review. 2014a. "National report submitted in accordance with paragraph
5 of

the annex to Human Rights Council resolution 16/21: Italy." United Nations Human Rights
Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/GEN/
G14/089/21/PDF/G1408921.pdf?OpenElement.

Universal Periodic Review. 2014b. "Report of the Working Group on the Universal

Periodic Review: Italy." United Nations Human Rights Council. Accessed November 5.
https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/239/37/PDF/G1423937.
pdf?OpenElement.

Universal Periodic Review. 2015. "National report submitted in accordance with paragraph 5
of the annex to Human Rights Council resolution 16/21: Belgium." United Nations Human
Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/
GEN/G15/253/22/PDF/G1525322.pdf?OpenElement.

Universal Periodic Review. 2016a. "National report submitted in accordance with paragraph 5
of the annex to Human Rights Council resolution 16/21: Hungary." United Nations Human
Rights Council. Accessed November5. https://documents-dds-ny.un.org/doc/UNDOC/
GEN/G16/025/37/PDF/G1602537.pdf?OpenElement.

Universal Periodic Review. 2016b. "Report of the Working Group on the Universal

Periodic Review: Belgium." United Nations Human Rights Council. Accessed November
5.   https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/99/PDF/G1607399.
pdf?OpenElement.

Universal Periodic Review. 2016c. "Report of the Working Group on the Universal
Periodic Review: Hungary." United Nations Human Rights Council. Accessed November

5.   https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/146/57/PDF/G1614657.pdf?OpenElement.

Universal Periodic Review. 2017a. "National report submitted in accordance with paragraph 5 of

the annex to Human Rights Council resolution 16/21: Poland." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/041/49/PDF/G1704149.pdf?OpenElement.

Universal Periodic Review. 2017b. "Report of the Working Group on the Universal

Periodic Review: Poland." United Nations Human Rights Council. Accessed November 5. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/194/27/PDF/G1719427.pdf?OpenElement.

Universal Periodic Review. 2019a. "National report submitted in accordance with paragraph 5 of

the annex to Human Rights Council resolution 16/21: Italy." UnitedNations Human Rights Council. Accessed November 5. https://undocs.org/A/HRC/WG.6/34/ITA/1.

Universal Periodic Review. 2019b. "Report of the Working Group on the Universal Periodic

Review: Italy." United Nations Human Rights Council. Accessed November 5. https://undocs.org/A/HRC/43/4.

Winston, Carla. 2018. "Norm Structure, Diffusion, and Evolution: A Conceptual Approach." European Journal of International Relations 24 (3): 638–61. DOI https://doi.org/10.1177/1354066117720794.

Appendix

The tables below were created to synthesize and illustrate patterns from ILGA Europe's "Rainbow Europe Maps and Indexes'' from the years 2012 to 2020. Each of the four countries assessed in this article have a corresponding table. ILGA-Europe's "Rainbow Europe" maps present each European state and assigns them a percentile rank. For example, if nation A was assigned a percentile rank of 81%, nation A is more supportive than 81% of all others. The following boxes in the table represent indicators of positive measures taken by European nations for asylum seekers claiming on the basis of persecution (or well-founded fear of persecution) regarding their sexual orientation (SO) or gender identity and expression (GI) from the ILGA-Europe "Rainbow Europe'' index. A box marked with an "x" means that the country being assessed has taken action by nationally implementing a law and/or policy for the category of LGBTQ+ spectrum labeled. A box marked with an "o" indicates no action has been taken by the country. Intersex individuals were not accounted for in the ILGA-Europe "Rainbow Europe" reports until 2016, hence the "n/a" indicated under those categories until 2016.

Table (2) based on ILGA-Europe "Rainbow Europe" reports: Belgium

Year	Percentile Rank	Asylum: Law for SO	Asylum: Policy for SO	Asylum: Law for GI	Asylum: Policy for GI	Asylum: Law for Intersex	Asylum: Policy for Intersex
2012	17*	o	o	o	o	n/a	n/a
2013	67%	x	x	x	x	n/a	n/a
2014	78%	x	x	x	x	n/a	n/a
2015	83%	x	x	x	x	n/a	n/a
2016	82%	x	x	x	x	x	x
2017	72%	x	x	x	x	x	o
2018	79%	x	x	x	x	x	o
2019	73%	x	x	x	x	x	o
2020	73%	x	x	x	x	x	o

*Until 2013, ILGA-Europe ranked nations in the "Rainbow Europe" maps on a scale of 30 to -12, 30 being the highest rank. From 2013 onwards, nations have been assigned a percentile rank.

Table (3) based on ILGA-Europe "Rainbow Europe" reports: Italy

year	rank	Asylum: Law for SO	Asylum: Policy for SO	Asylum: Law for GI	Asylum: Policy for GI	Asylum: Law for Intersex	Asylum: Policy for Intersex
2012	2*	x	o	o	o	n/a	n/a
2013	19%	x	o	o	o	n/a	n/a
2014	25%	x	o	o	o	n/a	n/a
2015	22%	x	o	o	o	n/a	n/a
2016	20%	x	o	x	o	o	o
2017	27%	x	o	x	o	o	o
2018	27%	x	o	x	o	o	o
2019	22%	x	o	x	o	o	o
2020	23%	x	o	x	o	o	o

*Italy was ranked at number 2 on a scale of 30 to -12, 30 being the highest and therefore, the most supportive.

Table (4) based on ILGA-Europe "Rainbow Europe" reports: Hungary

year	rank	Asylum: Law for SO	Asylum: Policy for SO	Asylum: Law for GI	Asylum: Policy for GI	Asylum: Law for Intersex	Asylum: Policy for Intersex
2012	14*	x	o	o	o	n/a	n/a
2013	55%	x	o	o	o	n/a	n/a
2014	54%	x	o	o	o	n/a	n/a
2015	50%	x	o	o	o	n/a	n/a
2016	51%	x	o	o	o	o	o
2017	45%	x	o	o	o	o	o
2018	47%	x	o	o	x	o	o
2019	41%	x	o	o	x	o	o
2020	33%	x	o	o	o	o	o

*In 2012 ILGA-Europe ranked each nation on a scale of 30 to -12, 30 being the highest amount of support.

Table (5) based on ILGA-Europe "Rainbow Europe" reports: Poland

year	rank	Asylum: Law for SO	Asylum: Policy for SO	Asylum: Law for GI	Asylum: Policy for GI	Asylum: Law for Intersex	Asylum: Policy for Intersex
2012	2*	x	o	o	o	n/a	n/a
2013	22%	x	o	o	o	n/a	n/a
2014	28%	x	o	o	o	n/a	n/a
2015	26%	x	o	o	o	n/a	n/a
2016	18%	x	o	o	o	o	o
2017	18%	x	o	o	o	o	o
2018	18%	x	o	o	o	o	o
2019	18%	x	o	o	o	o	o
2020	16%	x	o	o	x	o	o

*In 2012 ILGA-Europe ranked each nation on a scale of 30 to -12, 30 being the highest amount of support.

Equivocal Language in Japan's 2014 Reinterpretation of Article 9 in its Constitution

Kiyan Banuri
Tufts University

Abstract

This essay addresses the effects of equivocal language surrounding Japan's 2014 reinterpretation of Article 9 in its constitution, which prohibits waging war as a sovereign right including collective self-defense (CSD). This paper's key proposition is that domestic variables, notably battles against the Komeito and Cabinet Legislation Bureau, were in tension with volatility in the Asia-Pacific—issues with the U.S.-Japan alliance, North Korea's development of its nuclear program, and China's rise. As an explanatory framework, this paper argues that equivocal language in the three key constraints for when Japan may exercise CSD arose as both a solution to domestic and international push-pull factors, as well as a strategic position for Japan to have the option to become more proactive as its security landscape evolves.

Introduction

On December 26th, 2012, at his inaugural press conference that started his second term, Japanese ex-Prime Minister Shinzo Abe heralded national security as his primary concern.[1] Throughout his seven-year tenure, Abe initiated the centralization of Japan's defense institutions, including the creation of the National Security Council (NSC) and the National Security Secretariat (NSS). He is also credited for significantly expanding Japanese Self-Defense Forces (JSDF) operations.[2] The most significant development in Abe's transformation of Japan's national security institutions, however, was the cabinet's decision to reinterpret Article 9 of Japan's constitution, which was used to justify Japan's ability to exercise a limited form of collective-self defense (CSD) in 2014. Prior, Article 9 constitutionally constrained Japan from acquiring offensive weaponry and waging war as a sovereign right. Despite Article 9's constraints,

---

1   Shinzo Abe, "Press Conference for the Inauguration of Prime Minister Abe," in the Shusho Kantei, December 26, 2012, ww.kantei.go.jp/jp/96_abe/statement/2012/1226kaiken.html.

2   Andrew L. Oros, Japan's Security Renaissance (Columbia University Press: 2017), 298.

Japan's evolving security theater and elite opinions were at tension with public opinion and international scrutiny over reinterpreting Article 9 to permit CSD. Technically, international law—Article 51 of the United Nations Charter—permitted Japan to exercise CSD.[3] However, Japan still found itself constrained in many regards from exercising its international right to exercise full CSD. Instead, Tokyo had settled for limited CSD in 2014.

The watershed reinterpretation in 2014 involved redrafting three conditions dictating a hypothetical situation that would constitutionally permit Japan to exercise limited CSD. However, upon further inspection, the language used in the cabinet's reinterpretation raises many questions. Why did the cabinet's reinterpretation use equivocal language? Terms like "close relationship with Japan," and "minimum extent," left undefined, have led to a complex debate over the strength of the 2014 reinterpretation. This essay explores the extent to which the language surrounding the reinterpretation was equivocal, the reasons as to why such language eventually took form, and the strategic consequences of equivocal language in the reinterpretation.

This study elucidates key strategic developments in Japan's security theater: the fear of abandonment by the United States, North Korea's sophistication of its nuclear weapons program, and China's rise. Despite these developments, domestic debates and hurdles caused by the Komeito and Cabinet Legislation Bureau (CLB) constrain Japan's reinterpretation of Article 9. The tension between international threats and domestic opposition were both quelled by the equivocal nature of the 2014 reinterpretation, which allowed Tokyo to develop its newfound strategic posture through various bills and actions. Often described as a pivotal stabilizer, Japan holds a key strategic position of balance in East Asia. It upholds liberal-institutional norms and is an important aspect of U.S. forward presence in the Asia-Pacific. This essay concludes that the equivocal language is significant in providing Tokyo the flexibility of maintaining a balance in East Asia between the Western and Eastern hemispheres.

Literature Review

Scholars are divided on whether or not the nature of the 2014 reinterpreted language was a causal factor in Japan's development of its military capabilities and evolution in its strategic posture. This paper primarily focuses on three aspects of the equivocal language: the extent to which the 2014 reinterpretation was ambiguous, the strategic and domestic causes of the equivocal language, and the language's strategic consequences for Japanese foreign policy. Hence, there are four camps of thought in the current literature archives that are relevant to this essay.

---

3   United Nations, "Charter of the United Nations," Codification Division Publications: Repertory of Practice of the United Nations Organs, 1945-1954, https://legal.un.org/repertory/art51.shtml.

	Japan is constrained	Japan is not constrained
The language was equivocal	(1) While the language was equivocal, there are institutions and pressures to constrain Japan from developing a more starkly proactive role in the world.	(3) The language was equivocal, which allows a slippery slope for Japan to develop an offensive posture.
The language was not equivocal	(2) The language was not equivocal, and thus Japan is still constrained to strictly limited CSD in cases of extreme danger.	(4) While the language was not equivocal, Japan still holds the option of developing an offensive posture, exercising CSD, and waging war.

Figure 1: Four Camps of Thought in Existing Academic Literature

These four quadrants represent the essential range of positions on the topic. Each scholar's position is a unique blend of various arguments that may intersect between and among these four quadrants. However, *Figure 1* still provides a concise and cohesive depiction of the arguments made in the literature on the extent to which the 2014 reinterpretation constrains Japan's foreign policy. First, Quadrant 1 represents the school of thought that believes that despite the equivocal language regarding the reinterpretation of Article 9, Japan is still constrained by its constitution, institutions, and public opinion. In this camp, scholars such as Adam Liff play a large part in dispelling myths that Japan can commit undemocratic escalation in its foreign policy posture.[4] For example, Liff argues that the fear of a slippery slope caused by the equivocal language is often overstated. Beyond these conditions, domestic political pressures and an unhealthy fiscal environment prevent Japan from being proactive. Liff argues that there was already *de facto* expansion for Japan to exercise CSD, such as the 1992 International Peace Cooperation Law that permitted JSDF overseas deployment, U.S.-Japan cooperation on ballistic missile defense, military cooperation with Australia, and anti-piracy controls in the Gulf of Aden.[5] Hence, the 2014 reinterpretation was not a watershed moment due to *de facto*, preexisting CSD.

The scholars in Quadrant 2 postulate that Japan is constrained due to Article 9. Among these scholars are Michael Green and Jeffrey Hornung, who argue that the 2014 reinterpretations are not equivocal and Japan is still constrained.[6] This differs from Liff's argument insofar as Green and Hornung focus more on how Article 9 can explicitly constrain Japan. In their *Diplomat* article, they outline ten myths about Japan's CSD, consistently debunking arguments such as "Japan's military will not wage foreign wars," and "The decision starts a slippery slope for revising the constitution and removing Article 9."[7] They argue that Japan's legal process,

---

4   Hitoshi Nasu, "Article 9 of the Japanese Constitution: Revisited in the Law," May 2009; Adam Liff, "Policy by Other Means: Collective Self-Defense and the Politics of Japan's Postwar Constitutional Reinterpretations," Asia Policy, no. 24 (2017): 139-172.

5   Liff, Adam. "Policy By Other Means," 154.

6   Jennifer M. Lind, "Pacifism or Passing the Buck: Testing Theories of Japanese Security Policy," International Security 29, no. 1 (2004): 92-121.

7   Michael Green and Jeffrey W. Hornung, "Ten Myths About Japan's Collective Self-Defense Change: What Critics Don't Understand About Japan's Constitutional Reinterpretation" The Diplomat, July 10, 2014,

which requires a majority in both houses of parliament and a public referendum in support, constrains unilateral decisions.[8] Moreover, they argue that Article 9 prohibits a slippery slope, as Japan must denounce the right of war to resolve disputes without direct threats to Japanese security. What is lacking in this quadrant, however, is an analysis of the language of Article 9's effects on other scholars' push on the slippery slope argument.

Quadrant 3 scholars argue that the language is equivocal, and therefore provides a slippery slope for Japan to have the flexibility to move forward with a more offensive posture, as well as be able to conduct more proactive military missions in the long term. In other words, the lack of definition for terms used in the rewriting of the three conditions placed on CSD creates the condition for Tokyo to become more than a proactive pacifist in the region. Christopher Hughes and Andrew Oros, amongst others, reside in this quadrant.[9] Hughes cites Japan's aggressive militarization of space as an abandonment of the Yoshida Doctrine: the peaceful, postwar policy of leaning into the U.S.-Japan alliance to siphon money towards economic reconstruction. Hughes postulates that this abandonment is a clear example of exploiting the possibility of a slippery slope.[10] For example, Japan's global strike and ASAT capabilities, as well as Japan's use of JDAM targeting and Ballistic Missile Defense weaponry signal Japan's change from being exclusively defense-oriented to being more proactive in the procurement of capabilities that tread the line between offense and defense.[11] Oros argues that the centralization of power in Japan's defense institutions—such as the new "Four-Minister Meeting," has promoted a more hawkish foreign policy that stretches the reinterpretation of Article 9's language and lacks opposition from other branches of Japan's military.[12]

Quadrant 3 also includes notable scholars such as Sheila Smith, who argue that Japan's scope of CSD is expanding and pushing boundaries—such as the deployment of the Maritime Self-Defense Forces (MSDF) in anti-piracy operations in the Gulf of Aden and in the Cold War.[13] Smith's argument falls short of discussing the option of full operational integration between the U.S. and Japan in naval exercises.[14] Hence, she falls at more of the intersection between the third and fourth quadrants. However, Smith argues that despite being constrained in this regard, the equivocal language allowed Japan to develop other methods in making the U.S.-Japan security relationship less one-sided. Japan was able to increase its role in the relationship by finding ways around Article 9's reinterpretation that prohibited CSD beyond a limited

---

https://thediplomat.com/2014/07/ten-myths-about-japans-collective-self-defense-change/.

8   Ibid.

9   Christopher W. Hughes, "Japan's Strategic Trajectory and Collective Self-Defense: Essential Continuity or Radical Shift?" The Journal of Japanese Studies 43, no. 1 (2017): 93-126; John Junkerman and Magosaki Ukeru, "Japan's Collective Self-Defense and American Strategic Policy: Everything Starts from the US-Japan Alliance," The Asia-Pacific Journal 54, no. 185, https://apjjf.org/-John-Junkerman--Magosaki-Ukeru/4800/article.pdf; Paul Kallender and Christopher Hughes, "Hiding in Plain Sight? Japan's Militarization of Space and Challenges to the Yoshida Doctrine," Asian Security 15, no. 2 (2018): 180-204; James L. Schoff and David Song, "Five Things to Know About Japan's Possible Acquisition of Strike Capability," Carnegie Endowment for International Peace, August 14, 2017, https://carnegieendowment.org/2017/08/14/five-things-to-know-about-japan-s-possible-acquisition-of-strike-capability-pub-72710; Oros, Andrew L., Japan's Security Renaissance.

10   Kallender, Paul and Christopher W. Hughes, "Hiding in Plain Sight?"

11   Ibid., 4.

12   Oros, Andrew L., Japan's Security Renaissance, 256.

13   Sheila A. Smith, Japan Rearmed: The Politics of Military Power (Harvard University Press: 2019), 178.

14   Ibid., 174.

sense.

This paper is positioned between the first and third quadrants, arguing that Article 9's reinterpretation and equivocal language is a crucial factor in allowing a slippery slope, but that slippery slope is not unchecked by institutions and domestic opposition. Moreover, the equivocal language of the reinterpretation has limits.

Was the 2014 re-interpretive language equivocal?

During Abe's second term, his cabinet issued a report that stated a recommended constitutional reinterpretation that would allow Japan to exercise CSD. On July 1st, 2014, the cabinet concluded:

> The government has reached a conclusion that not only when an armed attack against Japan occurs but also when an armed attack against a foreign country that is in close relationship with Japan occurs and as a result threatens Japan's survival and poses clear danger to fundamentally overturn people's right to life, liberty, and the pursuit of happiness, and when there is no other appropriate means available to repel the attack and ensure Japan's survival and protect its people, use of force to the minimum extent necessary should be interpreted to be permitted under the Constitution as measures for self-defense in accordance with the basic logic of the Government's view to date.[15]

From this statement, the following terms remain undefined: "close relationship with Japan," "appropriate means," and "minimum extent necessary." What is even more puzzling is how this compares to the three conditions outlined in Japan's security policy and statements around self-defense in 2006.

---

15   The Advisory Panel on Reconstruction of the Legal Basis for Security, Report of the Advisory Panel on Reconstruction of the Legal Basis for Security. May 15, 2014. http://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku_en.pdf.

	2006 Conditions (Individual Self-Defense)[16]	**2014 Conditions (Limited CSD)**
First Condition	"[T]here is imminent infringement of Japan, that is, an armed attack has occurred…"	"[Not] only when an armed attack against Japan occurs, but also when an armed attack against a foreign country that is in *close relationship with Japan* occurs and as a result *threatens Japan's survival* and *poses a clear danger* to fundamentally overturn people's right to life, liberty, and the pursuit of happiness…"
Second Condition	"[T]here are no other appropriate means to eliminate this in this case."	"[W]hen there is no other *appropriate means* available to repel the attack and ensure Japan's survival and protect its people…"
Third Condition	"[The use of force] should be limited to the minimum necessary exercise of ability."	"[U]se of force to the *minimum extent* should be interpreted under the Constitution as measures for self-defense in accordance with the basic logics of the *Government's view to date*."

Figure 2: Contrasting the Self-Defense and Collective Self-Defense Interpretations (italicized terms show added emphasis)

When Abe was working to expand the JSDF during his first term, he wrote the 2006 conditions. However, when these expanded to limited CSD, there is a clear shift that allows the new interpretation to permit full CSD even when Japan's survival is only tangentially threatened, for instance at the United Nations collective security operations. In *Figure 2*, emphasis was added to terms whose lack of definitions provides means for a slippery slope. For example, without a definition for "close relationship with Japan," interpretations have the potential to lead to increasingly tangential situations in which Japanese security is deemed to be threatened. "Minimum extent," has an extensive history of debate in Japanese security: are preemptive strikes in response to an eminent threat a minimum use of force? "Appropriate means," is a similar case. Hence, there is a stark equivocal language, which plays a key role in debates and evolutions in Japan's security history. These will be expanded on throughout the paper. Using applicable cases, I will bring forth evidence that explains how the fight for CSD throughout Japan's security history has been built upon equivocal language as a response to Japan's external security environment.

Causes of the 2014 Reinterpretation: External Security Threats

What external security threats led to the 2014 reinterpretation, and how did the equivocal

---

16   Japan House of Representatives, Questionnaire Regarding "Constitutional Answers" Prepared by the Cabinet Legislation Bureau. April 25, 2006. Question No. 145. http://www.shugin.go.jp/internet/itdb_shitsumon. nsf/html/shitsumon/a186145.htm

language provide a better posture against these threats? Japan's external security threats were significant drivers in motivating the 2014 reinterpretation of Article 9. First, the precarity and increasing anxiety over the U.S.-Japan alliance created fears of abandonment at a time when the East Asian security theater was becoming increasingly volatile. Alliance power politics played an essential role for Japan in both committing itself to the U.S.-Japan alliance to appease the United States, as well as providing leeway for Japan to become less dependent on the United States for self-defense purposes. Second, the evolution of North Korea's intercontinental ballistic missiles (ICBM) systems provided a clear motivation for CSD. These debates have been ongoing since Article 9 was written. Finally, the rise of China and escalating threats in the East China Sea over the Senkaku/Diaoyu Islands dispute caused Japan to feel abandoned by the U.S. and threatened by China's economic and military developments. What is critical in Japan's security environment is the fear of abandonment by the United States in both the North Korea and China situations.

The U.S.-Japan alliance posed numerous problems where a politically negotiated reinterpretation of Article 9 was necessary. Generally, the United States wants Japan to contribute more to regional security, but Japan does not want to be entrapped in U.S. conflicts nor be abandoned by the U.S. due to the one-sided nature of the alliance.[17] This became more apparent as Japan grew wealthier as a nation. In describing the alliance, Abe states:

> It is now commonly understood by the Japanese people that the revision of the Japan-U.S. Security Treaty instead enhanced the deterrence capacity of Japan, and the presence of the U.S. in the Asia-Pacific region has helped establish peace more firmly in the region.[18]

Abe's statement displays Japan's reliance on the U.S.-Japan Security Treaty in order to deter the increasing volatility of the Asia-Pacific security environment. However, when the United States did not intervene in Japan-China rising tensions over the Senkaku/Diaoyu Islands in 2012, Japanese leaders feared abandonment by the U.S. Abe stated, "The U.S. does not want to fight for [the Senkaku Islands]. If Japan, when push comes to shove, does not prepare to work together with [the U.S.], then [the U.S.] will say goodbye to its participation in the defense of our islands."[19] This strongly worded statement shows the great extent to which Japanese policymakers and leaders were frustrated with the lack of U.S. involvement in Japan's security environment. Part of the problem was the one-sided nature of the alliance. Hence, the reinterpretation of Article 9 was a way to increase "allied burden sharing" between the two countries.[20] In other words, Japan's constitutional constraint was an issue that caused Japanese fears of abandonment by the U.S. Limited exercise of CSD was necessary to go beyond Article 5 of the U.S.-Japan Security Guidelines. The reinterpretation of Article 9 also allows Japan to become more proactive in the alliance and vested in U.S. security. Moreover, equivocal language allows flexibility for Japan to balance both fears of entrapment and abandonment that is an essential part of Japan's issue with the Security Treaty. Equivocal language could theoretically allow Japan to pose constraints on entrapped conflicts by stating that those conflicts do not

---

17   Smith, Sheila A. Japan Rearmed, 176
18   Shinzo Abe. "Prime Minister Abe Press Conference." Prime Minster's Office of Japan, May 15, 2014, http://www.kantei.go.jp/jp/96_abe/statment/2014/0515kaiken.html.
19   Liff, Adam. "Policy By Other Means," 158.
20   Smith, Sheila A. Japan Rearmed, 179.

affect Japanese citizens or require more than minimum force. The equivocal language can also be used to perceptively appease the U.S. in taking a larger, proactive role in the Asia-Pacific. The U.S.-Japan alliance was also deeply connected to Japan's fears of its dangerous security theater. Appeasing the U.S. via reinterpretation was important to allow Japan to lean on U.S. capabilities and extended deterrence against both North Korea and China. In both countries' cases, this paper details how the U.S.-Japan alliance played a key role in Japan's perceived threats of the two countries.

North Korea's development of ICBMs was a clear variable in the development of debates over CSD in Japan. In 1956, Prime Minister Ichiro Hatoyama placed three conditions on constitutional strikes.[21] His three conditions were: there must be an "imminent, illegal attack" on Japan, strikes are only permitted if "no other measures are available to defend Japan," and all capabilities must be beneath "minimum measures unavoidably necessary for protection."[22] These are eerily familiar to Abe's 2006 conditions and were held up for debate right after Hatoyama declared these conditions. Japanese policymakers and leaders were able to manipulate the equivocal language of Hatoyama's conditions to push the lines of self-defense. In 1998, North Korea tested its Taepodong-1 ballistic missile, which passed over Japan's main island and into the Pacific Ocean.[23] Soon after in 1999, the Japanese Diet renewed debates on enemy base strikes, which were halted after a controversial secret study conducted by the Japanese Air Self Defense Forces (JASDF) in 1994.[24] Despite there being a threat, the Diet concluded with a nonaggressive focus on self-defense, stating that Japanese capabilities must be limited.[25] Then, in 2003, after North Korea withdrew from the Non-Proliferation of Nuclear Weapons Treaty, the JDA director Shigeru Ishiba argued that if North Korea raised a missile on a launch pad and declared intent to strike Japan, Tokyo could interpret this as Pyongyang launching an attack, which would greenlight Tokyo's ability to preemptively strike.[26] Soon, in 2009, there was a *de facto* difference in base strikes (offensive) and preemptive strikes (defensive) set in place. This spilled into issues of CSD, when in 2014, Defense Minister Itsunori Onodera and Deputy Chief Cabinet Secretary Yoshihiya Mutō argued on whether or not preemptive strikes can be initiated under the guise of CSD.[27] While Onodera stated that it did not fulfill the first condition under "2014 Conditions" (*Figure 2*), Mutō argued that it still is individual self-defense to strike bases, as there was a lack of geographical limitations that were set in the conditions.[28] However, the spiral of expanding the three conditions to allow offensive strike

21   Schoff, James L., and David Song. "Five Things to Know About Japan's Possible Acquisition of Strike Capability."
22   The 24th Diet, House of Representatives Cabinet Committee No. 15. February 29, 1956, https://kok-kai.ndl.go.jp/#/detail?minId=102404889X01519560229.
23   Schoff, James L., and David Song. "Five Things to Know About Japan's Possible Acquisition of Strike Capability."
24   Sankei Shimbun. "Missile Threats Against North, Searching for Preemptive Attacks Defense Agency Simulation," Yahoo! News Japan, hosted on Internet Archive, April 8, 2005, https://web.archive.org/web/20050408012631/http:headlines.yahoo.co.jp/hl?a=20050408-00000000-san-pol.
25   Ibid.
26   The 156th Diet, The Budget Committee in the House of Representatives, January 24, 2003, https://kokkai.ndl.go.jp/#/detail?minId=115605261X00420030124.
27   The 186th Diet, Hearing Before the Diplomatic Defense Committee in the House of Councillors Hearing, April 1, 2014, https://kokkai.ndl.go.jp/#/detail?minId=115605261X00420030124.
28   Ibid.

capabilities halted when in 2015, Defense Minister Gen Nakatani and other leaders stated that Japan cannot strike another country under the pretense of CSD.[29] This was due to Nakatani's fear of giving the impression that Japan is ready to entrap the U.S. in conflicts. It is clear that North Korea's threats aligned temporally with Diet debates over the constitutionality of preemptive strikes—a starkly offensive posture that was still up for debate. People like Mutō capitalized on the lack of definition in the 2014 conditions and were clearly motivated to deter North Korea. Hence, the equivocal language played a role in the debates caused by North Korean missile development.

Beyond North Korea as an evolving security issue, China's rise was also a threat. Because of their sizable economies and the extent to which both powers are internationally recognized, the security dilemma is an important analytical tool for assessing the Japan-China relationship. Stemming from realist international theory, the security dilemma theorizes that comparative relative gains in capabilities prompt a security escalatory threat between two nations, especially if they are in geographical proximity and do not know the others' intentions fully.[30] In this case, areas that are crucial to Japan's security, like the East China Sea, the Taiwan Strait, and the Senkaku/Diaoyu Islands, are also in China's vested security interest. Moreover, because Japan historically imports iron and oil, it was dependent highly on the same shipping routes that China relies on for its economic booms. Finally, China's historical memory of Japanese colonization of Manchuria in the early twentieth century makes issues with Japan emotionally and politically charged. According to Christopher Hughes, the Taiwan Strait crisis of 1995-96 proved that the Japan-U.S. alliance was not prepared enough to respond to "regional contingencies," and as a result, Japan revised the Guidelines for U.S.-Japan Defense Cooperation in 1996-97 to allow the JSDF to provide logistical, non-combative support for the United States.[31] In 1997, after a Japanese white paper explicitly addressed concerns over China's missile capabilities, Japan built a missile defense system in cooperation with the U.S.[32] In 2004, Japan's National Defense Program Guidelines (NDPG) named China as a threat to Japanese security for the first time.[33] In 2005, Japanese security officials adopted a peaceful resolution of the Taiwan issue as a common strategic objective of both the United States and Japan. As a result, Japan tripled its annual budget for the Japanese Coast Guard and acquired ships that resembled naval destroyers.[34] In 2009, this expanded budget enabled Japan to buy a "helicopter carrying destroyer," which was essentially an aircraft carrier due to Japan's acquisition of vertical take off and landing (VTOL) F-35B fighter jets.[35]

After some smaller skirmishes involving the Senkaku/Diaoyu Islands, in 2010, a Chinese trawler ship rammed into a Japanese Coast Guard ship near the Islands.[36] The Japanese

---

29   The 189th Diet, Hearing Before the Special Committee on Japan and International Society's Peace and Security Law in the House of Councillors, August 26, 2015, http://kokkai.ndl.go.jp/SENTAKU/san-guin/189/0192/18908260192013a.html.
30   Michael Beckley, "Asia Lectures," Tufts University, Medford, MA, 2019.
31   Hughes, Christopher W., "Japan's Strategic Trajectory and Collective Self-Defense," 103
32   Michael Beckley, "Asia Lectures," Tufts University, Medford, MA, 2019.
33   Ibid.
34   Michael Beckley, "Asia Lectures."
35   Ibid.
36   Ezra Vogel, China and Japan: Facing History (Cambridge, The Belknap Press of Harvard University Press, 2019), 286-404.

government detained the Chinese crew. With the approaching anniversary of Japan's invasion of Manchuria, China became more hostile and demanded the release of the captain under the threat of uncontrollable protests in China.[37] Then, in 2012, the Governor of Tokyo, Shintaro Ishihara—who was viewed as a conservative, Japanese nationalist—announced his plans to purchase three of the five islands.[38] In response, Chinese Foreign Ministry Spokesperson Liu Weimin stated, "Some irresponsible words and deeds for some Japanese politicians not only infringe upon China's sovereignty, but also undermine China-Japan relations." This increased hostility between China and Japan was also a point of conflict, motivating Japanese leaders and legislators to both expand from self-defense to CSD as well as lean on the U.S.-Japan relationship as a security guarantee against China's military prowess. Hence, China's threat could only be solved by Japan reinvigorating a less one-sided security alliance with the United States via CSD and giving Japan the option of exercising CSD if China infringes on Japanese peoples' life, liberty, or pursuit of happiness. CSD in both regards, then, was a method to increase Japan's deterrent value against Chinese aggression.

Japan needed to reinterpret Article 9 in 2014 due to its need to appease the U.S. and create new possibilities for security postures to address evolving external security concerns in the Asia-Pacific caused by North Korea and China. The equivocal language provided was a sufficient method to do so, allowing Japan to lean on the Japan-U.S. treaty and increase Japan's ability to become more proactive in the region in response to these evolving threats.[39]

Causes of the 2014 Reinterpretation: Domestic Hindrances

While the external security threats were clear reasons for the motivation to reinterpret Article 9, what domestic issues led to the equivocal language? How did this language satisfy domestic debates? It is clear that, in 2014, Japanese leaders wanted to be more proactive in the region to protect themselves by either relying on the U.S. security guarantee of acquiring more offensive capabilities. It is also clear that due to the equivocal nature of the language and statement regarding the conditions limiting CSD, Japan is able to get away with buying a helicopter carrying destroyer and evolving its offensive strike capabilities. But what domestic struggles led to the formation of *limited* CSD? In this section, this paper argues that, due to domestic pressures, the Liberal Democratic Party (LDP) could not afford the political battle to the full right to exercise CSD. As pointed out, the argument for CSD and offensive capabilities in Japan had been ongoing since after World War II—a long time before Abe stepped foot into political office. As a result of internal battles and debates, Abe had to acquiesce to the Komeito and other reactionaries in Tokyo to get the reinterpretation approved.

One of the crucial battles Abe had was with the Cabinet Legislation Bureau (CLB): one of the major institutions that had shaped the interpretation of Article 9. In Japan, the CLB has a role

---

37   Alastair Iain Johnston, "How New and Assertive Is China's New Assertiveness?" International Security, Vol. 37, No. 4 (Spring 2014), 7-48.

38   Kai He, China's Crisis Behavior: Political Survival and Foreign Policy After the Cold War (Cambridge: Cambridge University Press, 2016), 120-151.

39   Lind, Jennifer M., "Pacifism or Passing the Buck."

of a "quasi-constitutional court with a *de facto* monopoly on interpreting the constitution."[40] This is because since 1952, the Supreme Court had never judged a CLB-examined bill as unconstitutional. And, until 2014, the CLB maintained a uniform and consistent interpretation of CSD being unconstitutional.[41] When Abe faced resistance from the CLB in 2013, he replaced the director general with Ichiro Komatsu, the former chairperson of the Ministry of Foreign Affairs' International Legal Affairs Bureau.[42] This was odd, as people expected Abe to do what normal Prime Ministers did: replace the director general with his deputy. While criticized by his opposition, Abe was able to use the CLB and new political capital towards reinterpreting Article 9. Abe's centralization of power also took place when he established the Cabinet Bureau of Personal Affairs in 2014, which reviewed the appointment of high-level administrative posts.[43] This was essentially a way for Abe to promote favored personnel into higher ranks, helping streamline Abe's decision-making process.

Despite this, numerous battles eventually watered down Abe's push for full CSD. First was the Komeito—the "Buddhist firewall."[44] As of 2014, many different politicians were fighting for different types of reinterpretation. While many in the LDP advocated for the unconditional adoption of CSD due to the UN collective security operations, a junior coalition partner—the Komeito—wanted to promote their Buddhist values of pacifism. This was in opposition to Abe and the LDP majority's desires. Thus, political concessions had to be made due to negotiations. The Komeito's influence made it so that the interpretation's three conditions could only be met to ensure Japan's self-defense, which was what previous CLB interpretations held. They stated:

> So-called collective self-defense, in which the purpose is to defend another country, is not recognized now nor in the future. The Constitution limits the use of defensive measures solely to the defense of Japan. The core normative value of the Constitution has been secured because Constitutional restraints have been applied, such that [the right to self-defense] can only be invoked in cases that are virtually indistinguishable from cases of individual national self-defense.[45]

When looking at *Figure 2*, it becomes clear that the magnitude of the departures from the 2006 conditions was reduced due to the Komeito's push. As a result of political negotiations, Article 9 was untouched, JSDF development could potentially be constitutionally debated, and CSD was limited. The political negotiations, public anxiety, and evolving security issues made it such that the 2014 reinterpretation of Article 9— particularly the three conditions—had equivocal language. One possible reason is to allow for further debate on the issue of constitutionality of CSD. As many fear Japan's entrapment into wars despite its stagnant fiscal environment, the Komeito worked for one of the equivocal wordings mentioned above. During the May-June 2014 coalition negotiations, the Komeito changed the wording of the first condition from "other country" to "a country in a close relationship." They also raised the threshold

---

40   Hughes, Christopher W., "Japan's Strategic Trajectory and Collective Self-Defense," 105.
41   Ibid.
42   Ibid., 123.
43   Nikkei Shimbun. "Cabinet Personal Bureau Established in May, Civil Servant System Reform Law Passed," April 11, 2014, www.nikkei.com/article/DGXNASFS11002_R10C14A4MM0000/.
44   Liff, Adam. "Policy by Other Means," 163.
45   Komeito. "Pacifist Principles Preserved," July 2, 2014, https://www.komei.or.jp/en/policy/stands/20140702.html.

for stepping into conflict, changing the word "fear" to "clear danger."[46] Hence, the Komeito worked to water down the three conditions such that Japan's exercise of CSD becomes more limited and subject to debate. Given the history of previous debates, there is little doubt that further negotiations are not off the table.

The first condition, as Abe's cabinet pointed out, would be subject to "overall judgement."[47] This left the language of the first condition up to debate and ambiguous. For the second condition, Abe's government never provided a clear-cut method for defining when this option would be triggered. Given the complexity of alliance politics, Japan would feel obliged to send military aid in the case of a U.S. conflict with another country that might affect Japan's security. Without defining key terms discussed above, it seemed as if the Komeito's strategy of emphasizing the strength of these three conditions only led to the three conditions being "[c]onditionless."[48] When pressed about the third condition, Abe laid out basic rules, such as deploying BMD capabilities out at sea if the U.S. was attacked, but not deploying military personnel in the region. By indicating some limitations, it is clear that there remains some debate. Nonetheless, the equivocal language used in relation to Abe's interpretation of Article 9 was clearly a way to appease both the LDP majority and the Komeito. Moreover, the language has clear domestic causes and international consequences.

Strategic Implications of the 2014 Reinterpretation

The reinterpretation of Article 9 had many strategic implications and results that provided the seeds for consecutive 'watershed' policies and actions by the Japanese government to adopt a more CSD-minded security posture. In this section, I discuss the effects the equivocal language had on the Peace and Security Legislation in 2015, Japan's development of near-offensive capabilities, and relevant constraints to Japan's strategic posture taken after 2014.

As a result of the 2014 reinterpretation, the Japanese government concluded that they needed "to develop domestic legislation that enables seamless responses" to play up to the expectations that "Japan play a more proactive role for peace and stability in the world, in a way commensurate with its national capability."[49] These bills included permitting the SDF to provide "logistics support and search and rescue to armed forces of foreign countries collectively addressing the situation which threatens international peace and security," and "provide...rescue to armed forces of foreign countries engaging in activities for ensuring Japan's peace and security."[50] Additionally, these bills opened up options of participating "in internationally coordinated peace and security operations" and rescuing Japanese and non-Japanese nationals abroad.[51] These are all subject to the three equivocal conditions. These bills were highly unpopular; 90%

---

46   Hughes, Christopher W., "Japan's Strategic Trajectory and Collective Self-Defense," 113.
47   Ibid., 118.
48   Hughes, Christopher W., "Japan's Strategic Trajectory and Collective Self-Defense," 118.
49   Government of Japan, "Japan's Legislation for Peace and Security: Seamless Responses for Peace and Security of Japan and the International Community," May 2015, https://www.au.emb-japan.go.jp/pdf/japan's_legislation_for_peace_and_security.pdf, 2.
50   Government of Japan, "Japan's Legislation for Peace and Security," 4
51   Ibid., 6.

of surveyed respondents believed that they were unconstitutional.[52] Despite this unpopularity, Japan was able to strategically pass bills allowing Japan to provide support and even ammunition to non-UN Peacekeeping Operations. The strong language used in the bills is a clear result of Japan's attempt to provide face and deterrence to both the U.S. and its adversaries.

Strategically, the 2014 reinterpretation provided Japan a flexible inroad to a more desirable security environment. Japan has an essential role by way of its access to critical maritime shipping routes, leadership in liberal institutions such as the Asian Development Bank, and a key space of U.S. forward presence in an increasingly complex Asia-Pacific. Allowing Japan to become more proactive, in the eyes of many Japanese national security elites, is only further development toward a peaceful region where Japan has a proper wedge via deterrence and increased reliance on the Japan-U.S. alliance.

Conclusion

This paper has argued that the equivocal language around the three conditions in relation to Abe's cabinet's reinterpretation of Article 9 in 2014 was motivated by fears of precarity in the Japan-U.S. alliance and North Korean and Chinese aggression. Moreover, this paper has argued the causes for the equivocal language as being profoundly domestic. The Komeito has clear influence in the watering of the language surrounding the reinterpretation, therefore making the language more equivocal. Throughout the paper, the strategic implications and results of the equivocal language have been discussed. The language was a negotiated outcome to satisfy Diet debates, allowing Japan to straddle its fear of abandonment and entrapment within the Japan-U.S. alliance, as well as the extent to which Japan maintains the ability—via the equivocal language—to develop an increasingly offensive posture as time comes. This was discussed in relation to the 2015 Peace and Security Legislation, which defied the public and is an example of how Japanese policymakers have set the seeds for making concrete legislation being bent upon equivocal, vague conditions for the exercise of CSD. Nonetheless, Japan certainly desires a more active role in its own and the U.S.'s security and will be a force for stability in the region for years to come.

Author Biography

Kiyan Banuri is a sophomore at Tufts University majoring in Japanese and International Relations with a concentration on East and Southeast Asia. His research interests include Japanese politics, comparative politics, macroeconomic policy reform in East Asia, and Chinese foreign policy. Outside of research, he has been involved with Tufts International Partners and Programs, where he answered questions and lectured on various topics surrounding U.S. foreign policy in East Asia to visiting students from Keio University. He plans on continuing

---

52   Jonathan Soble, "Japan's Parliament Approves Overseas Combat Role for Military" The New York Times, September 18, 2015, https://www.nytimes.com/2015/09/19/world/asia/japan-parliament-passes-legisla-tion-combat-role-for-military.html.

research on East and Southeast Asian international relations, becoming fluent in Japanese, and studying political science in Kyoto.

Bibliography

Abe, Shinzo in the *Shusho Kantei.* "Press Conference for the Inauguration of Prime Minister

Abe," December 26, 2012, www.kantei.go.jp/jp/96_abe/statement/2012/1226kaiken.html.

Abe, Shinzo. "Prime Minister Abe Press Conference." Prime Minster's Office of Japan, May 15,

2014, http://www.kantei.go.jp/jp/96_abe/statment/2014/0515kaiken.html.

Beckley, Michael. "Asia Lectures." Lecture in Chinese Foreign Policy, Tufts University,

Medford, MA, 2019.

Fujishige, Atsuhiko. "New Japan Self-Defense Force Missions Under the 'Proactive

Contribution to Peace' Policy: Significance of the 2015 Legislation for Peace and Security," *Center for Strategic and International Studies,* July 21, 2016, https://www.csis.org/analysis/new-japan-self-defense-force-missions-under-%E2%80%9Cproactice-contribution-peace%E2%80%9D-policy.

Government of Japan. "Japan's Legislation for Peace and Security: Seamless Responses for

Peace and Security of Japan and the International Community," May 2015, https://www.au.emb-japan.go.jp/pdf/japan's_legislation_for_peace_and_security.pdf.

Green, Michael and Jeffrey W. Hornung. "Ten Myths About Japan's Collective Self-Defense

Change: What Critics Don't Understand About Japan's Constitutional Reinterpretation" *The Diplomat*, July 10, 2014, https://thediplomat.com/2014/07/ten-myths-about-japans-collective-self-defense-change/.

He, Kai. *China's Crisis Behavior: Political Survival and Foreign Policy After the Cold War*

(Cambridge: Cambridge University Press, 2016), 120-151.

House of Representatives, Japan. *Questionnaire Regarding "Constitutional Answers" Prepared*

by the Cabinet Legislation Bureau. April 25, 2006. Question No. 145. http://www.shugin.go.jp/internet/itdb_shitsumon.nsf/html/shitsumon/a186145.htm

Hughes, Christopher W. "Japan's Strategic Trajectory and Collective Self-Defense: Essential

Continuity or Radical Shift?" *The Journal of Japanese Studies* 43, no. 1 (2017): 93-126.

Johnston, Alastair Iain. "How New and Assertive Is China's New Assertiveness?" *International*

Security, Vol. 37, No. 4 (Spring 2014), 7-48.

Junkerman, John and Magosaki Ukeru. "Japan's Collective Self-Defense and American Strategic

Policy: Everything Starts from the US-Japan Alliance," *The Asia-Pacific Journal* 54, no. 185, https://apjjf.org/-John-Junkerman--Magosaki-Ukeru/4800/article.pdf

Kallender, Paul and Christopher W. Hughes. "Hiding in Plain Sight? Japan's Militarization of Space and Challenges to the Yoshida Doctrine," *Asian Security* 15, No. 2 (2018): 180-204.

Komeito. "Pacifist Principles Preserved," July 2, 2014, https://www.komei.or.jp/en/policy/stands/20140702.html

Liff, Adam. "Policy by Other Means: Collective Self-Defense and the Politics of Japan's Postwar Constitutional Reinterpretations," *Asia Policy*, no. 24 (2017): 139-172.

Lind, Jennifer M. "Pacifism or Passing the Buck: Testing Theories of Japanese Security Policy," *International Security* 29, no. 1 (2004): 92-121.

Mori, Sotoru. "The New Security legislation and Japanese Public Reaction," *The Tokyo Foundation For Policy Research*, 2015, https://www.tkfd.or.jp/en/research/detail.php?id=542.

Nasu, Hitoshi. "Article 9 of the Japanese Constitution: Revisited in the Law," May 2009.

Nikkei Shimbun. "Cabinet Personal Bureau Established in May, Civil Servant System Reform Law Passed," April 11, 2014, www.nikkei.com/article/DGXNASFS11002_R10C14A4MM0000/.

Oros, Andrew L., *Japan's Security Renaissance* (Columbia University Press: 2017).

Sankei Shimbun. "Missile Threats Against North, Searching for Preemptive Attacks Defense Agency Simulation," Yahoo! News Japan, hosted on Internet Archive, April 8, 2005, https://web.archive.org/web/20050408012631/http:headlines.yahoo.co.jp/hl?a=20050408-00000000-san-pol

Schoff, James L., and David Song. "Five Things to Know About Japan's Possible Acquisition of Strike Capability," Carnegie Endowment for International Peace, August 14, 2017, https://carnegieendowment.org/2017/08/14/five-things-to-know-about-japan-s-possible-acquisition-of-strike-capability-pub-72710.

Smith, Sheila A. *Japan Rearmed: The Politics of Military Power* (Harvard University Press: 2019).

Soble, Jonathan. "Japan's Parliament Approves Overseas Combat Role for Military" *The New York Times,* September 18, 2015, https://www.nytimes.com/2015/09/19/world/asia/japan-parliament-passes-legislation-combat-role-for-military.html.

The 24th Diet, House of Representatives Cabinet Committee No. 15. February 29, 1956, https://kokkai.ndl.go.jp/#/detail?minId=102404889X01519560229.

The 156ᵗʰ Diet, The Budget Committee in the House of Representatives, January 24, 2003,

https://kokkai.ndl.go.jp/#/detail?minId=115605261X00420030124.

The 186ᵗʰ Diet, Hearing Before the Diplomatic Defense Committee in the House of Councillors

Hearing, April 1, 2014, https://kokkai.ndl.go.jp/#/detail?minId=115605261X00420030124.

The 189ᵗʰ Diet, Hearing Before the Special Committee on Japan and International Society's

Peace and Security Law in the House of Councillors, August 26, 2015, http://kokkai.ndl.
go.jp/SENTAKU/sanguin/189/0192/18908260192013a.html.

The Advisory Panel on Reconstruction of the Legal Basis for Security. *Report of the Advisory*

Panel on Reconstruction of the Legal Basis for Security. May 15, 2014. http://www.kantei.go.jp/
jp/singi/anzenhosyou2/dai7/houkoku_en.pdf.

United Nations, "Charter of the United Nations," Codification Division Publications: Repertory

of Practice of the United Nations Organs, 1945-1954, https://legal.un.org/repertory/art51.
shtml.

Vogel, Ezra. *China and Japan: Facing History* (Cambridge, The Belknap Press of Harvard

University Press, 2019), 286-404.

The Role of Nuclear Weapons in the 1999 Kargil Conflict

Avi Kirpekar
Johns Hopkins University

Abstract

With just the push of a button, an entire city, or even an entire country, can be destroyed. Nuclear weapons have fundamentally changed the way warfare is thought about, constructed, and carried out. Countries have taken steps to limit the possibility of the outbreak of nuclear war, but during the Kargil Conflict of 1999, escalation was not out of the picture. India and Pakistan had fought in several wars since 1947, but Kargil was the first direct conflict between the two nations when both possessed fully developed nuclear capabilities. Thus, did nuclear weapons have a significant influence on each nation's decision-making to avoid escalation during the 1999 Kargil Conflict between India and Pakistan? This paper will argue that nuclear weapons played a significant role in New Delhi and Islamabad's strategic thinking, preventing nuclear escalation. Evidence for this can be seen through decision-making in the Indian and Pakistani governments, quotes from government officials, and defense posturing during the conflict. Although nuclear war did not break out in 1999, weapons of mass destruction remain a major concern in this region, and worldwide.

Introduction

Since their creation, nuclear weapons have transformed the way policymakers and government leaders think about inter-state conflicts. The possible use of nuclear weapons in a conflict and the ensuing massive destruction greatly influence policy positions and defense postures of both nuclear and non-nuclear powers. The Kargil Conflict between India and Pakistan in the Spring and Summer of 1999 was one of the first direct clashes between nuclear powers, but nuclear weapons were not ultimately launched. This event has implications for nuclear escalation theory and future policy for nuclear and non-nuclear powers alike. This paper seeks to answer the question: did nuclear weapons have a significant influence on decision making to avoid escalation during the 1999 Kargil Conflict between India and Pakistan? It will argue that nuclear weapons played a significant role in New Delhi and Islamabad's strategic thinking, preventing nuclear escalation.

The paper's first section will discuss relevant theories set forth by scholars about nuclear deterrence, escalation, and the stability-instability paradox. Next, the paper will examine India and Pakistan's nuclear forces and postures in 1999 to contextualize the possibility of nuclear war. The following section will go through the timeline of the conflict, examining when, where and how thinking about nuclear weapons influenced strategy and posture. The paper will conclude with a summary of why nuclear weapons played a significant role in strategic thinking that prevented escalation to the nuclear level.

Nuclear Theory

The most important concept when it comes to nuclear weapons is deterrence: the act of convincing other states not to do something or use a certain weapon for fear of unacceptable retaliation. Prominent nuclear theorist Thomas Schelling says that "contingent actions—not actions *initiated* to induce compliance, but actions *threatened* against potential provocation—often need the credibility that connectedness can give them."[1] Successful nuclear deterrence demands that a country has both the credibility and capacity to carry out its threats, rationality on the part of all actors, and a feasible target. Moreover, the adversary simply needs to believe that a country is able to do what it threatens, even if the deterring state does not have those capabilities. The key to nuclear deterrence is maintaining a second strike capability, meaning a country is still able to respond with a nuclear attack in the event another state uses nuclear weapons against it.

Small-scale conflict or a limited war can give way to escalation to a large-scale conventional and nuclear war. Schelling says "the danger of major war is almost certainly increased by the occurrence of a limited war; it is almost certainly increased by any enlargement in the scope or violence of a limited war that has already taken place."[2] When two nations have nuclear weapons and a limited conflict breaks out between them, the possibility of escalation to a nuclear war is an inherent possibility. Indeed, "to engage in limited war is to start rocking the boat, to set in motion a process that is not altogether in one's control."[3] Thus, unpredictability characterizes the nature of conflict between two nuclear powers. However, escalation of a limited clash might also be a strategy for countries that are aiming to achieve something greater than simply achieving victory in the limited conflict. "Deliberately raising the risk of all-out war is thus a tactic that may fit the context of limited war, particularly for the side most discontent with the progress of the war."[4] Nuclear powers will engage the manipulation of risk to improve conditions for its own side, even though such risk might entail nuclear catastrophe. Thus, "international relations often have the character of a competition in risk taking, characterized not so much by tests of force as by tests of nerve."[5] Moreover, red-lines, also known as trip-wires, and boundaries for nuclear use play an important role in minimizing escalation of limited conflict. "For deterrence, the trip-wire can threaten to blow things up

---

1   Thomas Schelling, Arms and Influence, New Haven: Yale University Press, 1966, 89.
2   Ibid., 105.
3   Ibid., 105-106.
4   Ibid., 107.
5   Ibid., 94.

out of all proportion to what is being protected, because if the threat works the thing never goes off."[6] Thus, threatening escalation if a red-line is crossed entails risk-taking on the part of the advancing nation. Indeed, "the essence of the crisis is its unpredictability,"[7] and as such, escalation theory relies on uncertainties about risk-taking and the resolve of involved nations.

Lastly, the stability-instability paradox posits that the condition of mutually assured destruction (MAD) that is assumed when two nations gain a second-strike capability with a nuclear weapon generates stability at the nuclear level since a nuclear conflict would be suicidal. MAD refers to the idea that a full-scale use of nuclear weapons by opposing sides would cause the complete destruction of all actors involved in the conflict. What then follows is that states may use a nuclear shield to undertake actions that seek to revise the status quo through conventional conflict without fears of nuclear retaliation.[8] In essence, a state will wage a limited conventional conflict knowing that escalation to total nuclear war is unlikely. From deterrence to escalation to the stability-instability paradox, nuclear weapons theory is important in understanding why escalation did not occur to the nuclear level in the Kargil Conflict between India and Pakistan in 1999. Moreover, a discussion of both countries' nuclear doctrines and capabilities, which will be covered in the following two sections, is paramount in understanding the context and complexities of this limited war.

India's Nuclear Posture

The Indian nuclear doctrine has changed little since the creation of its nuclear weapons program. Since the 1998 nuclear tests, India's nuclear posture has been almost entirely focused on retaliation. The two most salient features of India's nuclear doctrine has been its objective to "deter the use and threat of use of nuclear weapons," and its commitment to a non-first use policy.[9] With a non-first use policy, meaning India will only use nuclear weapons if nuclear, chemical, or biological weapons are used against the Indian citizens or resources first, the country focuses mainly on the use of nuclear weapons as a deterrent to other nations. India adopted, and continues to follow, a credible minimum deterrence strategy, meaning it only has enough nuclear weapons to ensure a second strike. India's conventional superiority over security threats in the region means it can opt out of an asymmetrical escalation doctrine, and its operational doctrine can largely be consistent with its declaratory doctrine geared towards assured retaliation.[10]

Additionally, India's command and control systems are of particular importance as these have a direct impact in the strategic thinking during a nuclear conflict. New Delhi has highly assertive civil-military relations, especially with its army, and as such, there is firm civilian control over

---

6   Ibid., 70.
7   Ibid., 97.
8   Ankit Panda and Vipin Narang, "Nuclear Stability, Conventional Instability: North Korea and the Lessons from Pakistan," War on the Rocks, November 20, 2017, https://warontherocks.com/2017/11/nuclear-stability-conventional-instability-north-korea-lessons-pakistan/.
9   Vipin Narang, Nuclear powers in the modern era: regional powers and nuclear conflict. Princeton: Princeton University Press, 2014, 100.
10   Rajesh Rajagopalan, "India's Nuclear Doctrine Debate," Carnegie Endowment for International Peace, June 30, 2016, https://carnegieendowment.org/2016/06/30/india-s-nuclear-doctrine-debate-pub-63950.

the nuclear arsenal.[11] Indian political leadership maintains maximum control over the arsenal for two main reasons. Firstly, Indian strategists would prefer the political rather than military leadership to have the ability to release nuclear weapons in a tense situation. Secondly, its maximum control divides India's strategic assets to decrease the chances of a full disarming first strike, especially due to its limited arsenal through the minimum credible deterrence policy.[12] Indeed, a non-first use nuclear policy, credible minimum deterrence, and strong political control over nuclear weapons all played a role in Indian nuclear thinking during the Kargil Conflict.

Pakistan's Nuclear Posture

While India has maintained its policy of non-first use and assured retaliation since the conception of its nuclear program, Pakistan had an expressly catalytic posture. This entails drawing a third party, the United States in this case, into a conflict to defend Pakistan under the threat of using nuclear weapons.[13] Between 1986 and 1998, Pakistan adopted an asymmetric escalation strategy that threatened first use of nuclear weapons against India to deter its conventionally superior neighbor. Pakistani nuclear weapons were pointed at India and would be used if India took any one or multiple of the following four actions. First, they would be used if India attacks Pakistan and conquers a large part of its territory, otherwise known as the space threshold red-line. Second, Pakistan would launch nuclear weapons if India destroys a large part of either its land or air forces, otherwise known as the military threshold red-line. Third, a nuclear weapon would be unleashed if India proceeds to strangle Pakistan economically, also known as the economic strangling red-line. Lastly, a nuclear weapon would be used if India pushes Pakistan into political destabilization or creates a large scale domestic subversion in the country, also known as the domestic destabilization red-line.[14] Additionally, while Pakistan's official nuclear doctrine maintains a credible minimum deterrent, its operational doctrine says otherwise. Indeed, Islamabad has employed a nuclear posture that more resembles NATO's first use posture against the Soviet Union in Central Europe during the Cold War. The Pakistani Army would undertake procedures that overestimate its own professionalization and aim to generate an offensive-oriented doctrine to ensure the survivability of Pakistan's nuclear arsenal.[15] Pakistan's nuclear first use doctrine explains the conflicts between India and Pakistan and further contextualizes the motivations in Islamabad leading up to the outbreak of conflict in Kargil in 1999.

Timeline of the Conflict

Pakistan and India have fought four wars. The Kargil Conflict in 1999 is the most recent (and the only conflict where both nations possessed nuclear weapons). As both nations claim some

---

11   Narang, Nuclear powers in the modern era: regional powers and nuclear conflict, 94.
12   Ibid., 107.
13   Ibid., 61.
14   Ibid., 79-80.
15   Ibid., 57.

part of Jammu and Kashmir, most of the tension lies in unresolved border disputes in this region. Pakistan crossed the recognized border in Spring of 1999 in an effort to gain control of some territory in Kashmir. However, numerous factors combined to allow for this conflict to break out. As discussed above, Pakistan felt their nuclear umbrella and explicit nuclear doctrine of asymmetric escalation allowed for a limited conventional conflict, and issuing nuclear threats was not a newfound strategy in the 1990s. In response to a major Indian military exercise, Operation Brass Tacks, in 1987, showcasing its conventional military might, Pakistan conveyed a nuclear threat to India that was officially communicated by Pakistan's Minister of State for Foreign Affairs, Zain Noorani, to the Indian Ambassador in Islamabad, SK Singh. The crafting of plans for the Kargil attack was reported to have begun as early as the 1980s. This means that Operation Brass Tacks was likely to have had an impact on Pakistani thinking, and the low possibility of escalation to the nuclear level allowed for this conventional conflict to occur.[16]

However, in the early months of 1999, it seemed as if prospects for peace and lessening tensions between India and Pakistan were on the horizon. Indian Prime Minister Atal Bihari Vajpayee and Pakistani Prime Minister Nawaz Sharif had met in February of 1999 in the aftermath of the nuclear tests both nations conducted in May of 1998. Faced with increasing international criticism over the nuclear tests, both leaders sought to improve their nation's international image. As such, in the Lahore Declaration, Vajpayee took a significant symbolic step in reaffirming Pakistan's territorial integrity in the same place that the Muslim League, the main Pakistani nationalist party, called for the creation of Pakistan in 1940.[17] Thus, confidence-building measures and increased cooperation resulted in the Hindu nationalist party in power in India, the Bharatiya Janata Party (BJP), assuming that relations with Pakistan were improving despite the marked rise in tensions following the nuclear tests. New Delhi then decided to lower the alertness of border forces along the Line of Control (LoC) that divides India-administered and Pakistan-administered Kashmir. Consequently, Pakistan likely saw a moment of opportunity to execute its plan of taking parts of Indian-controlled Kashmir.[18]

Many reports of this conflict from foreign observers, Indian officials and some Pakistani officials, agree that the Pakistani army had been discussing various versions of this plan to cross the LoC to liberate Kashmir since 1980. Indeed, with nuclear capabilities, Pakistan could effectively deter an Indian nuclear or large-scale conventional response, again reinforcing the stability-instability paradox. Islamabad further theorized that a strike to gain firm control of the region would go unchallenged if Indian leadership was weak and indecisive at the time of attack.[19] Thus, as Indian border forces were placed on a lower level of alertness following the summit between Vajpayee and Sharif and nuclear weapons provided a safety net for a large-scale response to the border breach, Pakistani strategists believed May 1999 was the most opportune moment for this strike.[20]

---

16   The Kargil Committee, "From Surprise to Reckoning: The Kargil Committee Report Executive Summary," February 25, 2000, https://nuclearweaponarchive.org/India/KargilRCA.html.
17   Sumit Ganguly, "Stability in South Asia," International Security 33, no. 2 (Fall 2008): 54, https://www.jstor.org/stable/40207131.
18   Ibid., 54.
19   The Kargil Committee, "From Surprise to Reckoning: The Kargil Committee Report Executive Summary."
20   Panda and Narang, "Nuclear Stability, Conventional Instability."

There were three main phases of the conflit. First was the intrusion over the border, second was the Indian response, and third was the pushback of Pakistani forces. The first clash occurred on May 5, 1999, after the disappearance of an Indian Army patrol that had been dispatched to investigate reports of a border breach by two residents and part-time intelligence informants. Shortly after, the commander of the brigade in the region organized a surveillance team and found that there were as many as 100 intruders. However, by mid-May that number had increased to 800 enemy combatants in Indian territory, and by the end of the month, estimates concluded that significantly more than 800 personnel had crossed the border.[21] The intrusions stretched along 100 miles of the LoC and 5-6 miles deep. The Indian establishment initially assumed these were ill-equipped mujahideens, but quickly realized otherwise. It is widely acknowledged that in this conflict, Pakistan attempted a limited *fait accompli*: something that has already happened or been decided before those affected learned about it, leaving no choice but to accept the new status quo. In this scenario, the intrusion of Pakistani paramilitary was supposed to create a new status quo on the border, which would have given Pakistan a better bargaining position on the larger Kashmir issue. On May 24, 1999, the Indian Army presented Operation Vijay to the Indian Cabinet Committee on Security (CCS) for its approval.[22] The Indian response to these intrusions now began.

Initial Indian attempts to counter Pakistani troops were calamitous because of the region's high passes, rugged terrain, and the entrenched positions of Pakistani forces. Thus, the Indian government allowed the use of airpower to supplement ground forces, an escalation in the conflict.[23] In the final days of May, the Indian Air Force began authorizing air strikes, and in response, Pakistani foreign secretary Shamshad Ahmed issued the following declaration on May 31: "We will not hesitate to use any weapon in our arsenal to defend our territorial integrity."[24] This was a clear threat that Pakistan will use nuclear weapons if necessary, and Indian assessments suggest that this threat was not lost on Indian policymakers. Pakistan was cognizant of its conventional inferiority, and in addition to verbal threats like this one, there were reports that Pakistan was readying its nuclear weapons for possible attack.[25] These actions in conjunction with the words of Secretary Ahmed played a role in Indian strategic thinking about moving forward with the course of the conflict.

Despite initial setbacks, the widespread and intense Indian campaign managed to recapture numerous positions along the LoC by early June. However, Vajpayee was deeply concerned about the possibility of a Pakistani nuclear strike in the event that a second front was opened on the border. Upon hearing advice from Chief of Army Staff General Malik that it might be militarily necessary, Vajpayee reportedly replied "but General Sahib, they have a nuclear bomb!"[26] Indeed, the BJP coalition government took extreme caution not to cross Pakistani

---

21   Ganguly, "Stability in South Asia," 55.
22   Abhijnan Rej, "S(c)Helling in Kashmir: Bargaining under the Nuclear Shadow," Washington Quarterly 42, no. 2 (Summer 2019): 166-167, https://doi-org.proxy1.library.jhu.edu/10.1080/0163660X.2019.1627157.
23   Mark S. Bell and Julia Macdonald, "How Dangerous Was Kargil? Nuclear Crises in a Comparative Perspective," Washington Quarterly 42, no. 2 (Summer 2019): 137, https://doi.org/10.1080/016366 0X.2019.1626691.
24   Ganguly, "Stability in South Asia," 56.
25   Bell and Macdonald, "How Dangerous Was Kargil? Nuclear Crises in a Comparative Perspective," 141.
26   Ibid., 141.

red-lines, or trip-wires as Schelling would call them. They directed the Indian Army to contain the theater of conflict within Kargil and to not attack Pakistani forces, staging posts, and lines of communication across the LoC, despite this defying military logic and entailed sustaining heavy losses.[27] Moreover, there was significant attention on confining any armed response to the intruders within Indian territory so as to not invite further escalation by Pakistan and the possibility of the use of nuclear weapons. By doing this, India was essentially minimizing the risk of this limited conflict escalating to unsustainable levels of violence, demonstrating restraint. This was in marked contrast to the 1965 and 1971 wars, before nuclear weapons were introduced in this theater of conflict, where such restraint was not shown. Thus, it is clear from these policy debates and Vajpayee's words that concerns in New Delhi about the possibility of escalation did play a significant role in Indian strategy throughout the conflict.[28]

By late June and early July 1999, the Indian army had gained considerable ground against Pakistani forces in numerous decisive military confrontations, and at the end of June, the United States also got involved. The commander-in-chief of the U.S. Central Command, General Anthony Zinni, visited Pakistan where he bluntly told Sharif to end hostilities. Shortly after, the U.S. Deputy Assistant Secretary of State, Gibson Lanpher, visited New Delhi to inform Indian leadership of Zinni's message and to counsel restraint on the part of the Indians.[29] Then, on the morning of July 4th, then-U.S. President Bill Clinton and his advisors convened to discuss new intelligence that Pakistan planned to mobilize its nuclear weapons. In a meeting in Washington later that day, Clinton informed the Pakistani leadership of U.S. knowledge of this intelligence and threatened to issue a statement pinning the blame for this conflict on Pakistan if Sharif did not pull back forces.[30] Meanwhile, then-Indian National Security Advisor Brajesh Mishra told then-U.S. National Security Advisor Sandy Berger that if Pakistan did not vacate the peaks of Kargil, India would have to escalate the war. Moreover, Vajpayee had written a letter to President Clinton where he stated that "One way or another, we will get them out."[31] Thus, nuclear considerations did play a role in the United States getting involved and putting a stop to Pakistani advances. Sharif conceded to Clinton's demands, and on July 12, he issued a statement calling for the withdrawal of all Pakistani forces from any and all disputed regions. Finally, on July 25, the Indian Army declared Operation Vijay and the broader Kargil Conflict to be over.[32]

Once the hostilities ended, there was significantly more clarity and analysis about the rhetoric and actions of both India and Pakistan. Indeed, the chronology of Pakistan's nuclear threats suggests that these warnings were issued only after Indian conventional redeployments reached significant proportions and were increasingly visible to the Pakistani army.[33] This shows that as

---

27   Vipin Narang, "Posturing for Peace? Pakistan's Nuclear Postures and South Asian Stability," International Security 34, no. 3 (Winter 2009/10): 61, https://www.belfercenter.org/sites/default/files/legacy/files/Narang.pdf.
28   Toby Dalton and George Perkovich, "India's Nuclear Options and Escalation Dominance," Carnegie Endowment for International Peace, May 19, 2016, https://carnegieendowment.org/2016/05/19/india-s-nuclear-options-and-escalation-dominance-pub-63609.
29   Ganguly, "Stability in South Asia," 57-58.
30   Elias Groll, "The story of how Nawaz Sharif pulled back from nuclear war," Foreign Policy, May 14, 2013, https://foreignpolicy.com/2013/05/14/the-story-of-how-nawaz-sharif-pulled-back-from-nuclear-war/.
31   Rej, "S(c)Helling in Kashmir: Bargaining under the Nuclear Shadow," 176.
32   Bell and Macdonald, "How Dangerous Was Kargil? Nuclear Crises in a Comparative Perspective," 137.
33   Ibid., 141.

India continued to defend itself, Pakistan's nuclear threats increased as Islamabad attempted to deter any additional Indian escalation by threatening the use of nuclear weapons. Furthermore, Pakistani red-lines were known and understood by Indian officials, which is clear evidence that Indian strategists believed that Pakistan would use nuclear weapons against India if it were to cross any of these red-lines. Khalid Kidwai, the Pakistani Army's Director of Strategic Plans, outlined scenarios that necessitated Pakistani nuclear weapons to be launched, including "if India conquered a large part of Pakistan's territory, destroyed a large part of its military forces, strangled Pakistan economically, or caused large-scale internal subversion."[34] These four scenarios match Pakistan's official nuclear doctrine discussed in Section IV. Thus explains India's restraint in geographical scope of its counterattacks and use of air power, demonstrating Indian strategic thinkers took active measures to eliminate the risks Schelling argues are involved in conflict escalation.

Indian leaders' words point to the conclusion that nuclear weapons did indeed play a role in the way the conflict evolved over the course of the three months of violence. In addition to Mishra's threats of escalation and Vajpayee's vague letter to President Clinton, General Padmanabhan, the Indian Chief of Army Staff after General Malik, noted concerns about the positioning of Pakistani nuclear forces. He said Pakistan "activated one of its missile bases… and threatened India with an attack" during the crisis. Whether this intelligence is correct, fears and anxieties in New Delhi were sufficiently exacerbated.[35] As such, actions to contain the conflict and ensure that no Pakistani red-lines were crossed can be seen in the Indian strategy between May and July of 1999. Moreover, K. Subrahmanyam, a prominent Indian defense analyst and political commentator noted that "The awareness on both sides of a nuclear capability that can enable either country to assemble nuclear weapons at short notice induces mutual caution. This caution is already evident on the part of India."[36] The actions taken by the Indian army throughout the conflict and discussed above support Subrahmanyam's conclusion. Furthermore, India engaged with Pakistani forces in a different manner in the 1965 and 1971 wars. Horizontal escalation with a ground attack in Pakistani Punjab in the 1965 war and Indian air strikes in Pakistani territory in the 1971 war are actions that India did not take in the 1999 conflict, most likely due to the prospect of a nuclear attack against India.[37] Finally, Mishra admitted following the close of the conflict that India feared Pakistani use of nuclear weapons during the clashes. He said that while Indian leadership was confident that it would not need to cross the LoC, the use of "nuclear weapons would have been risked if we did."[38] These three men, all with varying roles in the Spring of 1999, have each expressed the same concern about Pakistani nuclear weapons. Considering India's cautious actions throughout the Kargil conflict, it can be assumed that nuclear considerations played a significant role in Indian political and military leadership deciding on the strategic path forward for the Indian army.

While reports point to Pakistani movements in mobilizing its nuclear forces at various points throughout the war, there were no indications that India had increased its nuclear readiness

---

34   Ibid., 142.
35   Ibid., 141.
36   Ganguly, "Stability in South Asia," 67-68.
37   Ibid., 66-67.
38   Bell and Macdonald, "How Dangerous Was Kargil? Nuclear Crises in a Comparative Perspective," 141.

at any point during the conflict. Following Vajpayee's letter to President Clinton vaguely threatening nuclear use, Mishra did acknowledge that crossing the LoC was not ruled out, nor was the use of nuclear weapons. However, this proved to be a bluff, as nuclear use would only have occurred had India horizontally escalated across the entire LoC and Pakistani forces overwhelmed its conventional forces. Thus, the only conclusion that one can draw from Vajpayee and Mishra's comments was that India was playing up the nuclear threat to induce the United States to intervene and put pressure on Pakistan to withdraw from the occupied territories.[39] While some may point to this lack of action on the part of India to mobilize its nuclear forces as evidence against this paper's arguments, the main takeaway from this exchange should be the prominence of nuclear weapons in impacting strategy and rhetoric at this time. Nuclear weapons remained a notable part of Indian policy to limit escalation and ensure Pakistan did not use their nuclear weapons either. From Pakistani nuclear threats in 1987 and late May 1999 to Indian rhetoric and limited actions during the conflict, it is clear that nuclear weapons did play a significant role in containing the conflict and ensuring the limited nature of violence between India and Pakistan.

Conclusion

As one of the first direct conflicts between two nuclear powers, the Kargil War in 1999 is significant for both theorists and policymakers in the twenty-first century who seek to redefine the theories and strategies that characterize deterrence, escalation of limited war, and the stability-instability paradox. These concepts are essential to understanding the dynamics of interactions between nuclear states and between India and Pakistan during this conflict. The stability-instability paradox allowed for Pakistan to cross the LoC and wage limited conventional conflict. While there was stability at the nuclear level, instability at the conventional level meant that Pakistan could attack India with low prospects of escalation due to widespread fears of mutually assured destruction. Moreover, clear Pakistani red-lines and Indian desires to contain this conflict as much as possible meant that strategists and policymakers at the time did think about the possibility of escalation and preventing the use of nuclear weapons. Schelling contends that the dangers of major war are enlarged when the scope or violence of a limited war is also enlarged, and India was aiming to prevent escalation when containing its response to Pakistani intrusions. Lastly, many analysts contend that deterrence failed in this situation. However, no nuclear weapons were used, so it can be argued that deterrence remained robust. These theories about nuclear weapons inform the rationale of certain actions taken and statements made by India and Pakistan during the Spring of 1999.

From the various verbal nuclear threats to reports of nuclear weapons being readied for use to specific parameters within which the conflict must be fought, the nuclear dimension further increased the complexities of another India-Pakistan conflict. In 1987, Pakistan officially conveyed a nuclear threat through its foreign secretary after a massive Indian conventional military exercise. During the war, rhetoric of using "any weapon in our arsenal"[40] or "one way

---

39   Rej, "S(c)Helling in Kashmir: Bargaining under the Nuclear Shadow," 176.
40   Ganguly, "Stability in South Asia," 56.

or another"[41] forcing the Pakistanis out conveyed nuclear threats to the adversary and third parties who were concerned about nuclear use, such as the United States. Moreover, reports that Pakistan was mobilizing its nuclear resources remain disputed. Even if intelligence was incorrect and Pakistan had no intention to use its nuclear weapons, the idea that Islamabad was thinking about using them influenced India's policy and strategy as the conflict progressed. Schelling argues that a crisis necessarily entails unpredictability, and the uncertainties of Pakistani and Indian nuclear weapons mobilization contributed to the risk of escalation. Lastly, some of the most convincing evidence comes from the actions of India to contain the geographical scope of operations. Clear Pakistani red-lines about major military operations on Pakistani soil likely influenced India's decision to limit the conflict's end goals to reverting back to the status quo, not to gain more of Pakistani territory. This is in marked contrast to the conflicts in 1965 and 1971 where Indian military attacks on Pakistani soil characterized much of those wars. With the newly developed nuclear capabilities, the stakes in Kargil were much higher, and thus, fears of nuclear war forced India to exercise restraint to avoid escalation. Quotes, intelligence, and actions all point towards the nuclear factor playing a major role in strategic thinking during the conflict that prevented the use of a nuclear weapon.

While there may be some support for the counterargument, nuclear weapons not playing a significant role in the 1999 conflict, it is weak in comparison to the explicit nuclear threats and limits in operational scope. It could be argued that the lack of mobilization of nuclear forces meant neither side were willing to use such weapons. However, taking the above evidence into account, it is far more likely that both sides believed strongly in the controllability of this crisis, and the circumstances of the conflict did not call for the use of nuclear weapons. This did not preclude the use of nuclear weapons if necessary and, as explained above, did not eliminate fears that nuclear weapons would be used. Thus, the verbal, postural, and actional evidence presented above outweighs any speculations about nuclear weapons being a nonissue during the Kargil Conflict.

Author Biography

Avi Kirpekar is a junior majoring in International Studies and Political Science with a minor in Economics at Johns Hopkins University (JHU) in Baltimore, Maryland. Beginning in the Fall of 2021, he will begin graduate study through the accelerated five-year BA/MA program with Johns Hopkins School of Advanced International Studies where he will study Conflict Management and International Economics with a minor in South Asia Studies. On campus, he is a captain of JHU's co-ed Bollywood fusion dance team Zinda, co-president of the International Studies Leadership Council, and a member of the Hopkins Model United Nations Team. Originally from Cleveland, Ohio, he is an avid coffee drinker and a tennis and baseball fan.

---

41   Rej, "S(c)Helling in Kashmir: Bargaining under the Nuclear Shadow," 176.

Bibliography

Bell, Mark S. and Julia Macdonald. "How Dangerous Was Kargil? Nuclear Crises in a Comparative Perspective." *Washington Quarterly* 42, no. 2 (Summer 2019): 135-148. https://doi.org/10.1080/0163660X.2019.1626691.

Constable, Pamela. "Border Conflict Ebbs as Fighters Leave Kashmir." *Washington Post.* July 17, 1999. https://www.washingtonpost.com/archive/politics/1999/07/17/border-conflict-ebbs-as-fighters-leave-kashmir/3864ea5a-6e04-4a03-9a07-2029ae526090/.

Dalton, Toby and George Perkovich. "India's Nuclear Options and Escalation Dominance." *Carnegie Endowment for International Peace.* May 19, 2016. https://carnegieendowment.org/2016/05/19/india-s-nuclear-options-and-escalation-dominance-pub-63609.

Ganguly, Sumit. "Stability in South Asia." *International Security* 33, no. 2 (Fall 2008): 45-70. https://www.jstor.org/stable/40207131.

Groll, Elias. "The story of how Nawaz Sharif pulled back from nuclear war." *Foreign Policy.* May 14, 2013. https://foreignpolicy.com/2013/05/14/the-story-of-how-nawaz-sharif-pulled-back-from-nuclear-war/.

Narang, Vipin. *Nuclear powers in the modern era: regional powers and nuclear conflict.* Princeton: Princeton University Press, 2014.

Narang, Vipin. "Posturing for Peace? Pakistan's Nuclear Postures and South Asian Stability." *International Security* 34, no. 3 (Winter 2009/10): 38-78. https://www.belfercenter.org/sites/default/files/legacy/files/Narang.pdf.

Panda, Ankit and Vipin Narang. "Nuclear Stability, Conventional Instability: North Korea and the Lessons from Pakistan." *War on the Rocks.* November 20, 2017. https://warontherocks.com/2017/11/nuclear-stability-conventional-instability-north-korea-lessons-pakistan/.

Rajagopalan, Rajesh. "India's Nuclear Doctrine Debate." *Carnegie Endowment for International Peace.* June 30, 2016. https://carnegieendowment.org/2016/06/30/india-s-nuclear-doctrine-debate-pub-63950.

Rej, Abhijnan. "S(c)Helling in Kashmir: Bargaining under the Nuclear Shadow." *Washington Quarterly* 42, no. 2 (Summer 2019): 163–86. https://doi-org.proxy1.library.jhu.edu/10.1080/0163660X.2019.1627157.

Schelling, Thomas. *Arms and Influence.* New Haven: Yale University Press, 1966.

The Kargil Committee. "From Surprise to Reckoning: The Kargil Committee Report Executive Summary." February 25, 2000. https://nuclearweaponarchive.org/India/KargilRCA.html.

Tracing the U.S. Footprint in the Senkaku Islands Dispute

Sean (Soohyoung) Kim
University of Pennsylvania

Abstract

Partly rooted in the massive hydrocarbon reserves in the East China Sea, the Senkaku Islands have surfaced as a primary source of tensions in Japan-China relations. At the same time, the United States has maintained an official position of neutrality in response to the two countries' conflicting sovereignty claims over the islands. However, over the course of the Obama and the Trump Administrations, the United States has increasingly positioned itself closer to Japan in its diplomatic and military maneuvers. Furthermore, the deteriorating relations between the United States and the People's Republic of China and the American security obligations over the islands further complicate the situation. The purpose of the paper is two-fold. First, this paper periodizes and traces the historical development of the American involvement in the dispute into the pre-WWII, post-WWII, and post-reversion periods. Second, the paper provides several policy recommendations that the United States should adopt to lessen the security volatility in the region.

Introduction

The Senkaku Islands[1] are a group of small, uninhabited islands located in the East China Sea (ECS) between China[2] and Japan.[3] Tiny and uninhabited as they may be, these islands

---

1   While the author acknowledges that the names of the islands hold significant cultural, historical, and political connotations, the author makes clear that the islands in question will be referred to as "Senkaku Islands" throughout the paper, unless directly citing sources that refer to the islands otherwise. The author explicitly states that by referring to the islands as "Senkaku Islands," they do not seek to validate the Japanese claims of the islands or to discredit the Chinese claims. The naming was chosen merely to reflect that American politicians and diplomats referred, and continue to refer, to the islands as "Senkaku Islands," rather than "Diaoyu Islands."

2   Even though the Senkaku Islands are claimed by the People's Republic of China, Japan, and the Republic of China, this research seeks to contextualize the Senkaku Islands Dispute within U.S.-PRC relations at-large. Therefore, for the sake of brevity and simplicity, "China" in this paper will refer to the People's Republic of China unless explicitly noted otherwise. While such a decision may invite various political assumptions, the author makes explicit note that the use of "China" to refer to the People's Republic of China should not be understood as a commentary on the complex international recognition issue disputed between political entities of either side of the Taiwan Strait.

3   "The Senkaku Islands: Location, Area, and Other Geographical Data," Review of Island Studies, last

have been some of the central points of contentions between the People's Republic of China and Japan in recent years, as both countries claim sovereignty over the territory.[4] However, while China and Japan are the main actors involved, the United States has had considerable involvement in the historical development of the territorial dispute, since it was a principal actor to the Cairo and the Potsdam Declarations and directly administered the Senkaku Islands after the Second World War. Moreover, the United States maintains security treaty obligations to Japan to defend the islands if military conflict were to break out. Due to its political position, the United States has asserted that it recognizes neither Japanese nor Chinese claims and urges the two governments to peacefully resolve the territorial dispute.

This essay will discuss three aspects of the United States' role in the Senkaku Island Dispute. First, the paper will discuss the history of the United States' involvement in the ECS, with a focus on the Senkaku Islands. This essay refrains from in-depth analyses of the Japanese and the Chinese claims and instead opts to approach the subject through a third party actor, by tracing the history of American involvement. Second, citing relevant policy documents and speeches, the paper will trace the important key issues that have influenced current American policies on the Senkaku Islands. Third, the paper will briefly comment on the major differences between the American and the Chinese interpretations of history surrounding the Senkaku Islands. The Japanese interpretation will not be discussed at length so that the paper may maintain its focus on U.S.-China relations. Lastly, the paper will conclude by claiming that by maintaining a policy shrouded with ambiguity, the United States is placed in a difficult geopolitical position that may further destabilize East Asian security.

Origins of American Involvement in the Senkaku Islands Dispute

Even though the islands are small, they have occupied a disproportionately important role in modern geopolitical tension in the ECS. Since the United Nations reported in 1969 that the ECS seabed harbored enormous amounts of hydrocarbon-based natural resources, the islands have been one of the hottest points of contention between Japan and China due to the embedded natural resources and their strategic importance.[5] While tensions seemed to have subsided when Japan and China sought to normalize relations in 1978,[6] subsequent events surrounding the islands negatively impacted the Sino-Japanese relations.[7] The matter is

---

modified February 17, 2015, https://www.spf.org/islandstudies/info_library/senkaku-islands-02-geography--02_geo001.html.

4   While the Republic of China also claims these islands, the paper will not discuss the Taiwanese claims over the islands, unless the Republic of China is directly relevant while discussing American policies about the Senkaku Islands.

5   Monika Chansoria, "1969 Report by UN Economic Commission for Asia and the Far East," Japan Review 2, no.3 (2018): 40 – 41.

6   Ivy Lee and Fang Ming, "Deconstructing Japan's Claim of Sovereignty over the Diaoyu/Senkaku Islands,"The Asia-Pacific Journal 10, no. 53 (December 2012): 11.

7   "Law on the Territorial Sea and the Contiguous Zone of 25 February 1992," The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations, accessed December 12, 2020, https://www.un.org/Depts//los/LEGISLATIONANDTREATIES/PDFFILES/CHN_1992_Law.pdf.; "Five Years after Nationalization of the Senkaku Islands," The Japan Times, September 11, 2017, https://www.japantimes.co.jp/opinion/2017/09/11/editorials/five-years-nationalization-senkaku-islands/. The two most notable incidents include

further complicated as the United States maintains significant economic, security, and political interests in the ECS. This section of the paper will trace the historical origins of the United States' involvement in the Senkaku Islands Dispute, starting from the 1940s.

The Cairo and Potsdam Declarations

Both Japan and China view the Treaty of Shimonoseki (1895) as the first international treaty relevant to the Senkaku Islands Dispute when making their sovereignty claims.[8] However, when discussing American involvement in the shaping of the modern-day territorial dispute, one must start at a much later date, with the Cairo Declaration of 1943. In an agreement that involved the United States, Great Britain, and the Republic of China, the declaration condemned Japanese aggression during World War II (WWII) and laid out the Allied vision for the restoration of territories acquired under Japan's campaigns. The declaration read, "[A]ll the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China."[9] The effort to envision Japan's post-war territorial extent continued as WWII progressed. Several weeks before the atomic bombs dropped in Nagasaki and Hiroshima in 1945, the United States, Great Britain, and the Republic of China announced the Potsdam Declaration. The declaration, making a direct reference to the Cairo Declaration of two years earlier, read that "[t]he terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine."[10]

Today, both Japan and China use the clauses of the Cairo and the Potsdam Declarations to further their territorial claims. The Chinese government claims that the Senkaku Islands "are affiliated to the Taiwan Island" and that the islands "[were] returned to China after the Second World War."[11] The Japanese government states that "the Senkaku Islands were neither part of Taiwan nor part of the Pescadores Islands" and that the Senkaku Islands were excluded from the territory mentioned in both Declarations as they were part of Japan before the Treaty of Shimonoseki.[12] This ambiguity in the Cairo and the Potsdam Declarations further exacerbates present-day sovereignty claims as it can be shaped to support each nation's perspective. Considering the United States' role in drafting the two declarations, the significance of

---

the passing of the Law on the Territorial Sea and the Contiguous Zone of 25 February 1992 by China, which explicitly included the Senkaku Islands as "The PRC's territorial land" and the Japanese nationalization of three islets of the Senkaku Islands in 2012. Both incidents sparked strong protests from the other country.

8   "Diaoyu Dao, an Inherent Territory of China," Archive, State Council Information Office, last modified September 2012, http://english.www.gov.cn/archive/white_paper/2014/08/23/content_281474983043212.htm.; "Senkaku Islands Q&A," Ministry of Foreign Affairs of Japan, accessed December 21, 2020, https://www.mofa.go.jp/region/asia-paci/senkaku/qa_1010.html.

9   "November 26, 1943 The Cairo Declaration," Wilson Center Digital Archive International History Declassified, Wilson Center, accessed December 15, 2020, https://digitalarchive.wilsoncenter.org/document/122101.

10   "Potsdam Declaration," National Diet Library, accessed December 3, 2020. https://www.ndl.go.jp/constitution/e/etc/c06.html. The Senkaku Islands were not explicitly mentioned in either of the declarations. This omission has led to ambiguity and is the starting point of the Japanese and the Chinese sovereignty claims over the islands.

11   State Council Information Office, "Diaoyu Dao, an Inherent Territory of China."

12   "The Basic View on the Sovereignty over the Senkaku Islands," Ministry of Foreign Affairs of Japan, last modified May 8, 2013, https://www.mofa.go.jp/region/asia-paci/senkaku/basic_view.html.

American involvement in the development of the territorial dispute becomes apparent.

Post-WWII Active American Involvement

If American involvement during WWII was considered passive, post-war American involvement was more active as the United States directly administered the southern islands of the Japanese archipelago. The three most relevant documents during the American administration period were the Treaty of San Francisco (1951), the U.S.-Japan Security Treaty (1960), and the Okinawa Reversion Agreement (1971). These documents form the cornerstone of the development of American interest and subsequent American official policy of non-recognition of Japanese or Chinese claims of sovereignty over the islands.

The direct American involvement in the ECS began with the Treaty of San Francisco (1951), also known as the Treaty of Peace with Japan, which officially terminated "[t]he state of war between Japan and each of the Allied Powers."[13] The Treaty also defined which Japanese imperial territorial acquisitions should be returned, explicitly noting that "Japan renounce[d] all right, title and claim to Formosa and the Pescadores."[14] Along with the Japanese renouncing of territory, the Treaty provided the legal basis for a "trusteeship system, with the United States as the sole administering authority" over the Ryukyu Islands.[15] The United States wanted to directly administer the islands as they were strategically valuable to protecting American geopolitical interests in East Asia during the Cold War.[16] Per the treaty, the United States established the United States Civil Administration of the Ryukyu Islands (USCAR) to transition away from military governance that it had established in the Ryukyus after the Second World War.[17]

While the Treaty of San Francisco provided the legal basis for the establishment of American trusteeship, the treaty was lax in terms of its geographic boundaries. It was only in 1952 that an explicit, coordinate-based delineation of the geographic limits of the American administration in the ECS was established through USCAR Ordinance No. 68. Article I of the ordinance defined "the area of political and geographic jurisdiction of the Government of the Ryukyu Islands" as "islands and territorial waters" bound by "29° North Latitude, 125° 22' East Longitude; thence 24° North Latitude, 122° East Longitude; thence 24° North Latitude, 133° East Longitude; thence 29° North Latitude, 131° East Longitude; thence to point of origin."[18] These coordinates included the Senkaku Islands.[19] However, it is unclear if the United States

---

13   Treaty of Peace with Japan, San Francisco, 8 September 1951, United Nations Treaty Series, vol. 136, No. 1832, p. 48, available from https://treaties.un.org/doc/publication/unts/volume%20136/volume-136-i-1832-english.pdf.
14   Ibid., 48.
15   Ibid., 50.
16   Arnold G. Fisch, Jr., Military Government in the Ryukyu Islands (Washington, D.C.: Center of Military History United States Army, 1988), 3.
17   "Records of U.S. Occupation Headquarters, World War II," National Archives, last modified August 15, 2016, https://www.archives.gov/research/guide-fed-records/groups/260.html.
18   Robert F. Foster, "United States Civil Administration of the Ryukyu Islands 1950-1960," (diss., The American University, 1960), Appendix.
19   Office of Policy Planning and Coordination on Territory and Sovereignty. n.d. "Senkaku Islands under

included the Senkaku Islands purposefully or if the inclusion was unintended, as there was no explicit discussion of the Senkaku Islands in the text of the ordinance.

In 1960, almost a decade after the Treaty of San Francisco and Ordinance No. 68, the United States and Japan signed the U.S.-Japan Security Treaty (1960), another watershed treaty whose impact continues until the present. The treaty is the key reason as to why the United States maintains a treaty obligation over the Senkaku Islands today. The core of the Treaty can be found in Article V, which reads that "[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes."[20] Through this treaty, the United States maintains security obligations in the ECS to fight in support of Japan, should an armed conflict arise.

The last cornerstone document of this era was the return of the Ryukyu Islands to Japan. The Okinawa Reversion Treaty (1971) stated that "the United States of America relinquishe[d] in favor of Japan all rights and interest under article 3 of [the Treaty of San Francisco]."[21] Furthermore, Article II of the Okinawa Reversion Treaty stated the following:

> It is confirmed that… the Treaty of Mutual Cooperation and Security between Japan and the United States of America… become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.[22]

In other words, since the U.S.-Japan Security Treaty would apply to the territory that the United States administered via USCAR, the American security treaty obligations extended to the Ryukyu Islands, including the Senkaku Islands.

It should also be noted that the reversion of the territory followed a report published by the United Nations Economic Commission for Asia and the Far East in 1969 that found significant hydrocarbon reserves in the ECS seabed, near the Senkaku Islands.[23] As the findings were confirmed through independent research, China proceeded to strengthen its maritime claims over the ECS, officially asserting its sovereignty over the Senkaku Islands in May 1970.[24] In this context, the Chinese Ministry of Foreign Affairs issued an official statement on December 30th, 1971, strongly protesting the Okinawa Reversion Treaty, claiming that it was "illegal."[25]

This section of the paper provided the historical roots of American involvement in the shaping

administration by the US and the return of Okinawa." Accessed December 6, 2020. https://www.cas.go.jp/jp/ryo-do_eg/taiou/senkaku/senkaku02-01.html

20   "Japan-U.S. Security Treaty," Ministry of Foreign Affairs of Japan, accessed December 3, 2020, https://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html.

21   Agreement concerning the Ryukyu Islands and the Daito Islands (with agreed minutes and exchanges of notes), Tokyo and Washington, 17 June 1971, United Nations Treaty Series, vol. 841, No. 12037, p. 275, available from https://treaties.un.org/doc/publication/unts/volume%20841/volume-841-i-12037-english.pdf.

22   Ibid., 276.

23   Chansoria, "1969 Report by UN Economic Commission for Asia and the Far East," 41.

24   "Timeline: China's Maritime Disputes," Council on Foreign Relations, accessed December 18, 2020, https://www.cfr.org/timeline/chinas-maritime-disputes.

25   "An Official Statement," Ministry of Foreign Affairs of the People's Republic of China, last modified October 9, 2015, https://www.fmprc.gov.cn/diaoyudao/chn/flfg/zcfg/t1304543.htm. The untranslated original phrase that was used was "非法的". Translation by the author.

of the modern Senkaku Islands dispute and why this involvement continues to remain. Since almost no policy papers or treaties explicitly discuss the fate of the Senkaku Islands before 1969, it seems as though the United States' official policies in regards to the territory developed in reaction to the renewed Japanese and Chinese interest over the islands after the UN report. Confirming this would warrant a separate study.

Development of the Post-Reversion American Official Position

Ever since the reversion of the Ryukyu Islands, the United States has maintained an official position of neutrality when it comes to the sovereignty of the islands. However, when examining the development of the American official position, it becomes apparent that there was a substantial internal debate within the United States government before the official position was solidified. This section of the paper will examine some of the diverging viewpoints that emerged within the American government before the United States' position of neutrality became official. Following, this section will examine the subsequent historical development of the United States' policy regarding the sovereignty of the Senkaku Islands using key primary sources, tying historical developments with current United States policy debates, both domestic and international.

Pre-Reversion Internal Debate

While the United States' government maintains a neutral position, there was a substantial debate against returning the islands to Japan as the reversion date approached. On June 7th, 1971, Ambassador-at-Large David Kennedy, former Secretary of the Treasury, sent a memo to President Richard Nixon to update his progress on the textile trade negotiations in Taiwan. He argued that the United States should "withhold turning the Senkaku Islands over to Japanese administrative control under the Okinawa Reversion Agreement" as a bargaining chip to break the negotiation impasse that his delegation had faced.[26] He went on to add that while "[he] can fully appreciate the opposition which such a proposal will generate," he believed "that [the withholding] can and must be done."[27] Unfortunately for Ambassador Kennedy, the response from President Nixon was that the Nixon Administration decided to follow through with the transfer of administrative power as it had already made "too many commitments."[28] The Nixon Administration finalized its official position by April 13th of the same year. A memorandum from John H. Holdridge of the National Security Council Staff to Kissinger notes that "[the] State's position [was] that in occupying the Ryukyus and the Senkakus in 1945, and in

---

26   "133. Memorandum From the President's Assistant for International Economic Affairs (Peterson) to President Nixon," Department of State Office of the Historian, accessed December 3, 2020, https://history.state.gov/historicaldocuments/frus1969-76v17/d133.; "Strides Are Seen in Taiwan Textile Talks," The New York Times, June 10, 1971, https://www.nytimes.com/1971/06/10/archives/strides-are-seen-in-taiwan-textile-talks.html.

27   Department of State Office of the Historian, "133. Memorandum From the President's Assistant for International Economic Affairs (Peterson) to President Nixon".

28   "134. Backchannel Message From the President's Assistant for International Economic Affairs (Peterson) to Ambassador Kennedy, in Taipei," Department of State Office of the Historian, accessed December 3, 2020, https://history.state.gov/historicaldocuments/frus1969-76v17/d134.

proposing to return them to Japan in 1972, the U.S. [passed] no judgement as to conflicting claims over any portion of [the Senkaku Islands], which should be settled directly by the parties concerned."[29] Of course, this short analysis does not reveal the full gamut of the United States government's internal debate relating to the Senkaku Islands. However, it provides a snapshot of how the United States developed its official position.

Twenty-First Century Changes in the American Senkaku Policies

While the United States continues to maintain a position of neutrality when it comes to the question of sovereignty of the Senkaku Islands, geopolitical tensions between the United States and China in the twenty-first century have led to some major political and security shifts. A fundamental change that has occurred since the Obama Administration is that the United States has begun to more actively assert American security commitments over not only the ECS but also the Senkaku Islands. This seems to be in reaction to the evolution of Chinese foreign policy since 2008, when Beijing hosted the Olympics as the financial crisis swept over the United States. Starting from what seemed like a reversal of fortune, China began to pursue its sovereignty claims over the East and South China Seas more assertively, employing terms such as "core interests" and "native territories" to describe both the Senkaku Islands and the Spratly Islands.[30] Militarily, China increased its naval patrol in waters surrounding the Senkaku Islands.[31] The United States mainly relied on freedom of navigation operations (FONOPs) in the ECS and elevated their assertions from ministerial to presidential levels in reaction to the increased Chinese presence. These recent developments have placed the United States closer to Japan than China, even while the United States still officially maintains a position of neutrality.

One of the ways that the United States has increasingly asserted its security commitment over the Senkaku Islands is through the Freedom of Navigation (FON) Program. The FON Program is an interagency program that seeks to challenge excessive maritime claims that limit navigation in contested areas. The Department of State engages in diplomatic protest, while the Department of Defense executes "tangible, operational challenges" to any restrictions.[32] While FONOPs are often associated with the South China Sea and its maritime disputes, summit joint declarations and ministerial-level meetings have contextualized the American security commitment over the Senkaku Islands with American FONOPs.[33] While not all of

---

29   "115. Memorandum From John H. Holdridge of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)," Department of State Office of the Historian, accessed December 3, 2020, https://history.state.gov/historicaldocuments/frus1969-76v17/d115.
30   Shin Kawashima, "Toward China's "Hub and Spokes" in Southeast Asia? – Diplomacy during the Hu Jintao and First Xi Jinping Administrations," Asia-Pacific Review 24, no. 2 (July 2017): 76.
31   Burke, Edmund, Timothy Heath, Jeffrey Hornung, Logan Ma, Lyle Morris, and Michael Chase. 2018. China's Military Activities in the East China Sea: Implications for Japan's Air Self-Defense Force. RAND Corporation. https://doi.org/10.7249/RR2574, 9.
32   Department of Defense, Department of Defense Report to Congress Annual Freedom of Navigation Report, 2.
33   Department of Defense, Joint Press Briefing by Secretary Mattis and Minister Inada in Tokyo, Japan; The White House, Joint Statement from President Donald J. Trump and Prime Minister Shinzo Abe; The White House, Joint Press Conference with President Obama and Prime Minister Abe of Japan. All of the speeches and joint declarations cited here make explicit links between American security treaty commitment in the East China Sea

the FONOPs have been conducted in the ECS, three out of seven operations against Chinese claims have been conducted in the ECS.[34]

The use of FONOPs to challenge Chinese maritime claims is a development that is most closely associated with the Trump Administration, which has made more use of FONOPs than any of its predecessors. Specifically, the United States conducted more FONOPs during the Trump Administration than it has for twenty years before the Trump Administration.[35] This is not to say that the United States' operations only targeted China during this period. The Department of Defense conducted FONOPs in protest of perceived excessive maritime claims near the oceans of its allies as well.[36] Furthermore, in 2019, the American Secretary of Defense Mark Esper said, "The clear signal that we're trying to send is not that we oppose China *per se*, but that we all stand for international rules and international laws and that we think China should abide by them as well."[37] The active maneuvering of American naval forces in protest against recent Chinese maritime claims not only pushes the United States to Japan's side, but it also shows that the United States is progressively and more actively asserting its security commitment in the ECS.

The American shift towards Japan and away from China can also be found in formal diplomatic relations. Since 1972, the United States has maintained two positions. First, the United States' security treaty obligation from the U.S.-Japan Security Treaty extended to the previously USCAR-administered areas. Second, the United States, in reverting the administrative authority of the Ryukyu Islands back to the Japanese government, did not comment on the overlapping maritime and territorial claims in the ECS. While the two positions remained the same, the political caliber with which the United States asserted these positions has increased in recent years.[38]

During the Obama Administration, both the legislative and the executive branches extended their rhetoric in supporting Japan in matters relating to the Senkaku Islands. When drafting the Fiscal Year 2013 National Defense Authorization Act in 2012, the United States Congress inserted a clause that read, "the unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands."[39] While the statement neither challenged the United States' official position of neutrality nor explicitly mentioned China, the statement was understood as a signal of the continuation of American

---

(including the Senkaku Islands) and American FONOPs.

34   Department of Defense, Department of Defense Report to Congress Annual Freedom of Navigation Report, 3 – 4.

35   O'Rourke, Ronald. "U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress." Washington, DC: Congressional Research Service, March 13 (2020), 20; The Straits Times, "US Vows More Support for Philippines amid Tensions in South China Sea". While the transcript of Secretary of Defense Mark Esper's comments could not be located, both sources directly cite the Defense Secretary's comment.

36   Department of Defense, Department of Defense Report to Congress Annual Freedom of Navigation Report, 3 – 6. According to the Defense Department report, the United States conducted FONOP in protest of maritime claims of 22 countries in 2019. While more FONOP has been conducted against China than any other countries, it should also be noted that the list of countries includes American allies, such as India and Taiwan.

37   The Straits Times, "US Vows More Support for Philippines amid Tensions in South China Sea".

38   Manyin, Mark E. "The Senkakus (Diaoyu/Diaoyutai) Dispute: US treaty obligations." Congressional Research Service, 14 (2016).

39   Ibid.

security commitments. Furthermore, the following year, Secretary of State Hillary Clinton emphasized the "longstanding American policy on the Senkaku Islands and [the American] treaty obligations," stating that while "the United States does not take a position on the ultimate sovereignty of the islands, [the United States] acknowledge[s] [that] they are under the administration of Japan."[40] The joint press conference with Prime Minister Abe of Japan, in which President Obama reiterated that "[the American] treaty commitment to Japan's security… include[s] the Senkaku Islands,"[41] further demonstrated the long-term stance of the executive branch's efforts. While the executive and legislative branches' rhetoric might be consistent with the promoted policy of neutrality, Obama was the first sitting American president to explicitly state the American security commitment over the Senkaku Islands.[42]

The informal shift towards favoring Japan's sovereignty claims over China's claims continued during the Trump Administration. A joint statement between President Donald Trump and Prime Minister Abe in 2017 reads, "[t]he two leaders affirmed that Article V of the U.S.-Japan Treaty of Mutual Cooperation and Security covers the Senkaku Islands. They oppose any unilateral action that seeks to undermine Japan's administration of these islands."[43] Once again, while the statement stops short of explicitly denouncing China, the American reaffirmation of the security obligation by a sitting American president is a manifestation of an evolving United States policy that favors Japan over China in the territorial dispute.

The legislative branch's efforts during the Trump Administration targeted China more explicitly. On May 23, 2019, Senator Marco Rubio introduced a bill titled "South China Sea and East China Sea Sanctions Act of 2019" that sought to impose sanctions on individuals and organizations originating from the People's Republic of China.[44] Among those that would have been impacted by the sanctions if the bill was passed was "any Chinese person that … threaten[ed] the peace, security, or stability of … areas of East China Sea administered by Japan."[45] Furthermore, the bill noted that "[i]n the East China Sea, China continued to use maritime law enforcement ships and aircraft to patrol near the Senkaku (Diaoyu) Islands in order to challenge Japan's claim."[46] Similarly to previous statements and declarations, the bill does not refer to a possible shift in the United States policy concerning sovereignty recognition even though it made explicit reference to China's actions pertaining to the Senkaku Islands. However, the explicit targeting of China is a deviation from previous American statements and declarations.

The Differences Between American and Chinese Interpretations of History

While the United States officially maintains neutrality when it comes to the sovereignty question, it is clear that the United States and China approach the Senkaku Islands dispute

---

40   Department of State. Remarks With Japanese Foreign Minister Fumio Kishida After Their Meeting. Accessed December 18, 2020. https://2009-2017.state.gov/secretary/20092013clinton/rm/2013/01/203050.htm.
41   The White House., "Joint Press Conference with President Obama and Prime Minister Abe of Japan".
42   Manyin, "The Senkakus (Diaoyu/Diaoyutai) Dispute."
43   The White House, Joint Statement from President Donald J. Trump and Prime Minister Shinzo Abe.
44   Rubio, A Bill to Impose Sanctions with Respect to the People's Republic of China in Relation to Activities in the South China Sea and the East China Sea, and for Other Purposes, 1.
45   Ibid., 15.
46   Ibid., 3.

from different angles. The main source of this divergence is due to the ways in which the American and the Chinese interpretations of history vary. This section will briefly explore these differences, focusing on how the United States and China understand the legitimacy of the American administration of the Ryukyu Islands after WWII, contextualize Chinese maritime claims, and name the islands due to their diverging interpretations of history.

While the United States' position is that "in occupying the Ryukyus and the Senkakus in 1945, and in proposing to return them to Japan in 1972, the U.S. passe[d] no judgement as to conflicting claims over any portion of them,"[47] it does not challenge the legitimacy of American administration of the islands between 1945 and 1971.[48] The Chinese government, however, insists that since the Senkaku Islands are a part of "the territories Japan has stolen from [the] Chinese,"[49] the islands were "returned to China after the Second World War."[50] The Chinese white paper calls the geographic boundaries of USCAR outlined through Ordinance No. 68 as "arbitrar[y]" and the reversion as "illegal and invalid" "backroom deals" that "grave[ly] violat[ed]" the territorial integrity of China.[51] Furthermore, the Chinese government also questions the validity of the Treaty of San Francisco, as neither the People's Republic of China nor the Republic of China was invited to the San Francisco Conference due to the international recognition issue.[52] Therefore, since the Treaty of San Francisco provided the legal basis for the establishment of an American trusteeship, the Chinese government does not view the American administration as legitimate.

The differences in interpreting history have also led to a diverging contextualization of Chinese maritime claims. When it comes to Chinese maritime claims, the United States argues that the claims are "excessive" and "undermine" the Japanese administration of the Senkaku Islands.[53] The United States also reinforces this position through the aforementioned FONOPs. However, the Chinese government views its maritime claims as legitimate and legal. Specifically, the Chinese Senkaku Islands white paper makes constant reference that "Diaoyu Dao is China's inherent territory" and that "China enjoys indisputable sovereignty over Diaoyu Dao."[54] Other recurring words that emphasize China's insistence on its claim of sovereignty include "inseparable" and "unshakable resolve."[55] Just as how both countries differ in understanding the legitimacy of the post-WWII American administration over the

---

47   Department of State Office of the Historian, "115. Memorandum From John H. Holdridge of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)."
48   Manyin, "The Senkakus (Diaoyu/Diaoyutai) Dispute."
49   "November 26, 1943 The Cairo Declaration."
50   State Council Information Office, "Diaoyu Dao, an Inherent Territory of China."
51   Ibid.
52   Ibid.
53   Department of Defense, Department of Defense Report to Congress Annual Freedom of Navigation Report, 1 – 2; The White House. "Joint Statement from President Donald J. Trump and Prime Minister Shinzo Abe"; The White House. Joint Press Conference with President Obama and Prime Minister Abe of Japan; Rubio, A Bill to Impose Sanctions with Respect to the People's Republic of China in Relation to Activities in the South China Sea and the East China Sea, and for Other Purposes, 14; Department of State. Remarks with Japanese Foreign Minister Fumio Kishida After Their Meeting. "Excessive" is used to describe Chinese maritime claims in the Department of Defense report to Congress. "Undermine" is standard rhetoric that has been used by many American politicians, in describing Chinese military and diplomatic maneuvers in relation to the Senkaku Islands.
54   State Council Information Office. Diaoyu Dao, an Inherent Territory of China.
55   Ibid.

Senkaku Islands, the different understanding of history has yielded different contextualization of Chinese maritime claims.

Perhaps the least complex and most obvious way that the differences in historical interpretations have manifested is the way in which official documents from the United States and China differ in how they refer to the disputed islands. While some American government documents, such as Congressional Research Service reports that are cited in this paper, introduce the Chinese name of the islands, most refer to the islands solely as "the Senkaku Islands."[56] However, the Chinese white paper, which is the most authoritative English-language exhibition of the Chinese argument for its sovereignty over the Senkaku Islands, calls the islands "Diaoyu Dao." The different names, while very simple, are perhaps the clearest manifestations of the two countries' different historical understandings.

Current Policy Discussions

Along with the shift in political caliber and the increasing use of FONOPs to project power in the Senkaku Islands, current policy discussions have also evolved in recent years. The Senkaku Islands, which did not occupy the center stage of Sino-Japanese (and by extension Sino-American) relations several decades ago, are now seen as one of the contentious spots of the broader South China Sea and ECS clashes in Sino-American relations. Therefore, current policy discussion revolving around the official American stance on the Senkaku Islands needs to be examined in a broader regional context. The aforementioned 2019 Congress bill introduced by Senator Marco Rubio highlights how the United States' policy against Chinese encroachment in the East and South China Seas is closely mirrored by the American official stance on the Senkaku Islands. In this context, the two current policy debates that will have an important impact on the Senkaku Islands dispute are the seemingly decreasing amount of resources that the United States has been assigning to its military presence in East Asia and the contentious security cost-sharing negotiations between the United States and its East Asian allies, the legacy of which the Biden Administration would have to address.

The United States maintains mutual defense treaties with several countries in the Asia Pacific region, including Australia, New Zealand, the Philippines, the Republic of Korea, and Japan.[57] The United States also, via the Taiwan Relations Act of 1979, provides for the sale of "arms of a defensive character" to Taiwan.[58] While the United States maintains a security interest in East Asia, the shift in American military presence in the region in the past decade has caused concerns for some allies. Referring to the Budget Control Act of 2012, a National Bureau of Asian Research policy paper warned that a reduced American defense budget not only casts doubts on American security commitment in East Asia, but could also lead to security miscalculations between East Asian countries.[59]

---

56   While none of the examined American speeches refer to the disputed islands as "Diaoyu Islands," both of the Congressional Research Service reports include the Chinese name for the islands. However, the documents prefer the Japanese name over the Chinese name.
57   Department of State. U.S. Collective Defense Arrangements.
58   Taiwan Relations Act, Pub. L. No. 3301 (1979). https://uscode.house.gov/statutes/pl/96/8.pdf.
59   Schwartz, Laura. "Competition and Confrontation in the East China Sea and the Implications for US

Another debate that arises from a similar concern has been the increasingly contentious cost-sharing agreement between the United States and its allies in East Asia. A 2019 Brookings article warns that "[t]he U.S. is moving toward a rupture with two important allies, South Korea and Japan," as the Trump Administration has sought to demand more from its allies in security cost-sharing payments.[60] The same article warns that "[e]xcessive U.S. monetary demands degrade alliances."[61] In a geopolitically-complex region such as East Asia, minute policy changes in state actors could lead to severe changes in the power relations between parties involved. Actions that put the American security commitment in East Asia into question, such as a decrease in budget or a divergence from the status quo, will have a ripple effect throughout the region, and–as the National Bureau of Asian Research paper has discussed–could lead to a military and diplomatic miscalculation that could jeopardize regional peace. This is especially relevant in discussing the Senkaku Islands Dispute as the United States has treaty obligations to defend the islands should such miscalculations occur.

Conclusion

The Senkaku Islands have played a disproportionate role in creating tensions in East Asian geopolitics. This essay has provided a short historical overview of the sources of the Senkaku Islands dispute and examined how and why the United States is involved in this dispute. Next, the paper examined the development of the American Senkaku Islands policy and ECS policy. Finally, the paper compared how the different interpretations of history between the United States and China have manifested into current policy discussions.

While this paper focused on the American perspective on the Senkaku Islands disputes, it revealed that the United States is an active stakeholder in the disputes. That being said, the official American position of neutrality over the sovereignty of the islands seems outdated and unworkable, as the United States vies with a rising China for dominance in East Asia. With the tension between the two countries rising in the East and South China Seas, maintaining neutrality, especially when the United States acknowledges the Japanese administration of the islands, seems incompatible with the rest of American foreign policy. Politicians of both parties should investigate ways to detach the United States from its self-contradictory policies, as a military conflict near the Senkaku Islands may force the American government to honor its treaty obligations. Other mitigation efforts, such as setting up communication channels, conducting combined military exercises, and developing common military operation norms and procedures, will only reduce the potential for a military conflict. The danger of a military incident will persist so long as the United States maintains its ambiguous Senkaku Islands policy.

Policy." NBR Roundtable Report, February (2014), 5.
60   Klingner, Bruce, Jung Pak, and Sue Mi Terry. "Opinion: Trump Shakedowns Are Threatening Two Key US Alliances in Asia." Los Angeles Times, December 16 (2019).
61   Ibid.

Author Biography

Sean (Soohyoung) Kim is a junior at the University of Pennsylvania, majoring in International Relations and French & Francophone Studies and minoring in History and East Asian Languages and Civilizations–China. Originally from Seoul, Sean has also lived in Singapore, Canada, Massachusetts, and Pennsylvania. On campus, he is an active member of the International Relations Undergraduate Student Association, working as the President. Outside of Penn, he worked as the Korea Mapping Team project lead at the Think Tanks and Civil Societies Program. He has also worked as a research assistant at the Korea Foundation – Vrije Universiteit Brussels (KF-VUB) Korea Chair at the Institute for European Studies. His research was instrumental in the development of two publications, "Korea Matters for Europe/ Europe Matters for Korea" and "Mapping Out EU-South Korea Relations: Key Member States' Perspectives," published in November and December 2020 respectively. In between his freshman and sophomore years, Sean served in the South Korean military as a military interpreter and as a squad leader. In addition, he previously interned at Shin & Kim LLC., one of the leading South Korean law firms.

Bibliography

Agreement concerning the Ryukyu Islands and the Daito Islands (with agreed minutes and exchanges of notes), Tokyo and Washington, 17 June 1971, *United Nations Treaty Series*, vol. 841, No. 12037, 274 - 197, available from https://treaties.un.org/doc/publication/unts/volume%20 841/volume-841-i-12037-english.pdf.

Blanchard, Jean-Marc F. "The U.S. Role in the Sino-Japanese Dispute over the Diaoyu (Senkaku) Islands, 1945–1971." *The China Quarterly* 161 (March 2000): 95–123. https://doi. org/10.1017/S0305741000003957.

Burke, Edmund, Timothy Heath, Jeffrey Hornung, Logan Ma, Lyle Morris, and Michael Chase. 2018. *China's Military Activities in the East China Sea: Implications for Japan's Air Self-Defense Force*. RAND Corporation. https://doi.org/10.7249/RR2574.

Chansoria, Monika. "1969 Report by UN Economic Commission for Asia and the Far East: A Turning Point in the Historical Debate over Senkaku Islands." *Japan Review* 2, no. 3 (2018): 36–47.

Cho, Hyun Joo, and Ajin Choi. "Why Do Territorial Disputes Escalate? A Domestic Political Explanation for the Senkaku/Diaoyu Islands Dispute." *Pacific Focus* 31 (August 2016): 254–82. https://doi.org/10.1111/pafo.12073.

Council on Foreign Relations. "Timeline: China's Maritime Disputes." Council on Foreign Relations. Accessed December 18, 2020. https://www.cfr.org/timeline/chinas-maritime-disputes.

Department of Defense. "Department of Defense Report to Congress Annual Freedom of Navigation Report: Fiscal Year 2019." Department of Defense. Accessed December 18, 2020. https://policy.defense.gov/Portals/11/Documents/FY19%20DoD%20FON%20Report%20

FINAL.pdf?ver=2020-07-14-140514-643&timestamp=1594749943344.

Department of State Office of the Historian. "115. Memorandum From John H. Holdridge of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)." Department of State Office of the Historian. Accessed December 3, 2020. https://history.state.gov/historicaldocuments/frus1969-76v17/d115.

———. "133. Memorandum From the President's Assistant for International Economic Affairs (Peterson) to President Nixon." Department of State Office of the Historian. Accessed December 3, 2020. https://history.state.gov/historicaldocuments/frus1969-76v17/d133.

———. "134. Backchannel Message From the President's Assistant for International Economic Affairs (Peterson) to Ambassador Kennedy, in Taipei." Department of State Office of the Historian. Accessed December 3, 2020. https://history.state.gov/historicaldocuments/frus1969-76v17/d134.

———. "146. Memorandum of Conversation, Beijing, June 22-23 1972, 11:03 p.m.-12:55 a.m." Department of State Office of the Historian. Accessed December 18, 2020. https://history.state.gov/historicaldocuments/frus1969-76ve13/d146.

Department of Defense. "Joint Press Briefing by Secretary Mattis and Minister Inada in Tokyo, Japan." Department of Defense. Last modified February 4, 2017. https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/1071436/joint-press-briefing-by-secretary-mattis-and-minister-inada-in-tokyo-japan/.

Department of State. "Remarks With Japanese Foreign Minister Fumio Kishida After Their Meeting." U.S. Department of State. Accessed December 18, 2020. https://2009-2017.state.gov/secretary/20092013clinton/rm/2013/01/203050.htm.

———. "U.S. Collective Defense Arrangements." U.S. Department of State. Accessed December 21, 2020. https://2009-2017.state.gov/s/l/treaty/collectivedefense//index.htm.

Fisch Jr., Arnold**.** *Military Government in the Ryukyu Islands, 1945- 1950.* Army Historical Series. Washington, D.C.: Center of Military History United States Army, 1988. https://history.army.mil/html/books/030/30-11-1/CMH_Pub_30-11-1.pdf.

Foster, Robert F. "United States Civil Administration of the Ryukyu Islands, 1950 - 1960: A Historical Analysis and Appraisal of a Decade of Civil Administration of an Asian Area." Dissertation, The American University, 1960.

Ikeda, Tadashi. "Getting Senkaku History Right." *The Diplomat,* November 26, 2013. https://thediplomat.com/2013/11/getting-senkaku-history-right/.

Kawashima, Shin. "Toward China's 'Hub and Spokes' in Southeast Asia? – Diplomacy during the Hu Jintao and First Xi Jinping Administrations." *Asia-Pacific Review* 24, no. 2 (July 3, 2017): 64–90. https://doi.org/10.1080/13439006.2017.1415565.

Klingner, Bruce, Jung Pak, and Sue Mi Terry. "Opinion: Trump Shakedowns Are Threatening Two Key US Alliances in Asia." *Los Angeles Times, December 16* (2019). https://www.brookings.edu/blog/order-from-chaos/2019/12/18/trump-shakedowns-are-threatening-two-key-u-s-

alliances-in-asia/.

"Law on the Territorial Sea and the Contiguous Zone of 25 February 1992," The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations, accessed December 12, 2020, https://www.un.org/Depts//los/LEGISLATIONANDTREATIES/ PDFFILES/CHN_1992_Law.pdf.

Lee, Ivy, and Fang Ming. "Deconstructing Japan's Claim of Sovereignty over the Diaoyu/ Senkaku Islands." *The Asia-Pacific Journal* 10, no. 53 (December 30, 2012): 1–49.

Manyin, Mark E. "The Senkakus (Diaoyu/Diaoyutai) Dispute: U.S. Treaty Obligations." Congressional Research Service Report. Congressional Research Service, October 14, 2016. https://fas.org/sgp/crs/row/R42761.pdf.

McDevitt, Michael. "The East China Sea: The Place Where Sino–U.S. Conflict Could Occur." *American Foreign Policy Interests* 36, no. 2 (March 2014): 100–110. https://doi.org/10.1080/ 10803920.2014.905357.

Ministry of Foreign Affairs of Japan. "Japan-U.S. Security Treaty." Ministry of Foreign Affairs of Japan. Accessed December 3, 2020. https://www.mofa.go.jp/region/n-america/us/q&a/ ref/1.html.

———. "Joint Communique of the Government of Japan and the Government of the People's Republic of China." Ministry of Foreign Affairs of Japan. Accessed December 3, 2020. https:// www.mofa.go.jp/region/asia-paci/china/joint72.html.

———. "Senkaku Islands Q&A." Ministry of Foreign Affairs of Japan. Accessed December 21, 2020. https://www.mofa.go.jp/region/asia-paci/senkaku/qa_1010.html.

———. "Situation of the Senkaku Islands." Ministry of Foreign Affairs of Japan. Last modified, April 4, 2014. https://www.mofa.go.jp/a_o/c_m1/senkaku/page1we_000010.html.

———. "The Basic View on the Sovereignty over the Senkaku Islands." Ministry of Foreign Affairs of Japan. Last modified, May 8, 2013. https://www.mofa.go.jp/region/asia-paci/ senkaku/basic_view.html.

———. "Treaty of Peace and Friendship between Japan and the People's Republic of China." Ministry of Foreign Affairs of Japan. Accessed December 3, 2020. https://www.mofa.go.jp/ region/asia-paci/china/treaty78.html.

Ministry of Foreign Affairs of the People's Republic of China. "中华人民共和国外交部声明 (1971年12月30日)" [An Official Statement of the Ministry of Foreign Affairs of the People's Republic of China (December 30th, 1971)]." Ministry of Foreign Affairs of the People's Republic of China. Last modified, October 9, 2015. https://www.fmprc.gov.cn/diaoyudao/ chn/flfg/zcfg/t1304543.htm.

National Archives. "Records of U.S. Occupation Headquarters, World War II." National Archives. Last modified, August 15, 2016. https://www.archives.gov/research/guide-fed-records/groups/260.html.

National Diet Library. "Potsdam Declaration." Government Website. National Diet Library. Accessed December 3, 2020. https://www.ndl.go.jp/constitution/e/etc/c06.html.

"November 26, 1943 The Cairo Declaration." Wilson Center. Wilson Center Digital Archive International History Declassified. Accessed December 15, 2020. https://digitalarchive.wilsoncenter.org/document/122101.

Office of Policy Planning and Coordination on Territory and Sovereignty. "The Senkaku Islands." Office of Policy Planning and Coordination on Territory and Sovereignty, July 15, 2020. https://bostonglobalforum.org/wp-content/uploads/pamph-senkaku.pdf.

O'Rourke, Ronald. "U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress," December 17, 2020. https://fas.org/sgp/crs/row/R42784.pdf.

Panda, Ankit. "Mattis: Senkakus Covered Under US-Japan Security Treaty." The Diplomat, February 6, 2017. https://thediplomat.com/2017/02/mattis-senkakus-covered-under-us-japan-security-treaty/.

Review of Island Studies. "The Senkaku Islands: Location, Area, and Other Geographical Data." Review of Island Studies, February 17, 2015. https://www.spf.org/islandstudies/info_library/senkaku-islands-02-geography--02_geo001.html.

Richard Nixon Museum and Library. "Peter G. Peterson (White House Special Files: Staff Member and Office Files)." Richard Nixon Museum and Library. Accessed December 18, 2020. https://www.nixonlibrary.gov/finding-aids/peter-g-peterson-white-house-special-files-Staff-member-and-office-files.

Rubio. A Bill to Impose Sanctions with Respect to the People's Republic of China in Relation to Activities in the South China Sea and the East China Sea, and for Other Purposes, Pub. L. No. S. 1634, 27. Accessed December 13, 2020. https://www.congress.gov/116/bills/s1634/BILLS-116s1634is.pdf.

Sakamoto, Shigeki. "The Senkaku Islands as Viewed through Chinese Law | Research." Review of Island Studies, September 12, 2016. https://www.spf.org/islandstudies/research/a00017r.html.

Schwartz, Laura. "Competition and Confrontation in the East China Sea and the Implications for US Policy." *NBR Roundtable Report, February* (2014).https://www.nbr.org/publication/competition-and-confrontation-in-the-east-china-sea-and-the-implications-for-u-s-policy/.

Shulong, Chu. "US-China-Japan Trilateral Relations in Asia." In *The United States between China and Japan*, edited by Victor Teo and Caroline Rose, 1st ed., 233–55. Cambridge Scholars Publisher, 2013.

Son, Key-young. "Multihegemony, Sutured Regionness, and the US-China-Japan Triangle." *Asian Perspective* 40 (2016): 79–103. https://doi.org/10.1353/apr.2016.0003.

State Council Information Office. "Diaoyu Dao, an Inherent Territory of China." Government Website. The State Council of the People's Republic of China, September 2012. http://english.

www.gov.cn/archive/white_paper/2014/08/23/content_281474983043212.htm.

"Strides Are Seen in Taiwan Textile Talks (Published 1971)." *The New York Times*, June 10, 1971, sec. Archives. https://www.nytimes.com/1971/06/10/archives/strides-are-seen-in-taiwan-textile-talks.html.

Teo, Victor, and Caroline Rose. "Contextualizing the United States in Sino-Japanese Relations." In *The United States between China and Japan*, edited by Victor Teo and Caroline Rose, 1st ed., 1–20. Cambridge Scholars Publisher, 2013.

The Japan Times. "Five Years after Nationalization of the Senkaku Islands." The Japan Times, September 11, 2017. https://www.japantimes.co.jp/opinion/2017/09/11/editorials/five-years-nationalization-senkaku-islands/.

The Straits Times. "US Vows More Support for Philippines amid Tensions in South China Sea." Text. The Straits Times, November 19, 2019. https://www.straitstimes.com/asia/se-asia/us-vows-more-support-for-philippines-amid-tensions-in-south-china-sea.

The White House. "Joint Press Conference with President Obama and Prime Minister Abe of Japan." Government Website. The White House, April 24, 2014. https://obamawhitehouse.archives.gov/the-press-office/2014/04/24/joint-press-conference-president-obama-and-prime-minister-abe-japan.

———. "Joint Statement from President Donald J. Trump and Prime Minister Shinzo Abe." Government Website. The White House, February 10, 2017. https://www.whitehouse.gov/briefings-statements/joint-statement-president-donald-j-trump-prime-minister-shinzo-abe/.

Taiwan Relations Act, Pub. L. No. 3301 (1979). https://uscode.house.gov/statutes/pl/96/8.pdf.

Treaty of Peace with Japan, San Francisco, 8 September 1951, *United Nations Treaty Series*, vol. 136, No. 1832, 45 - 164, available from https://treaties.un.org/doc/publication/unts/volume%20136/volume-136-i-1832-english.pdf.

Tseng, Hui-Yi Katherine. "China's Territorial Disputes with Japan." *The Journal of Territorial and Maritime Studies* 1, no. 2 (2020): 71–95.

USC US-China Institute. "Treaty of Shimonoseki, 1895 | US-China Institute." USC US-China Institute. Accessed December 3, 2020. https://china.usc.edu/treaty-shimonoseki-1895.

Victoria, Brian. "The Shifting US Position over the Senkaku Islands." East Asia Forum, November 13, 2020. https://www.eastasiaforum.org/2020/11/13/the-shifting-us-position-over-the-senkaku-islands/.

Destabilizing Global Nuclear Deterrence via Offensive Cyber Strategies Against Nuclear Systems

Sabrina Wen
Tufts University

Abstract

Cyberattacks are increasing in frequency and sophistication against the critical infrastructure of all countries. As the United States, along with other nuclear states like Russia and China, moves forward with modernizing its nuclear systems, it is becoming clear that the U.S. nuclear system is vulnerable to the possibility of a cyberattack given that other U.S. critical infrastructure has been targeted by cyberattacks previously. During the Trump administration, the U.S. pushed for a stronger offensive stance on both cybersecurity and the nuclear weapons arsenal. This paper argues that the use of offensive cyberattacks against adversary states by the U.S. does not actually deter non-nuclear states from pursuing nuclear proliferation, nor does it deter nuclear states from advancing their existing nuclear weapons. This paper also asserts that the use of offensive cyberattacks actually increases escalation of cyberattacks, thus destabilizing global nuclear deterrence.

Introduction

Given the increase in cyberattacks over the past few decades on critical infrastructure worldwide, nuclear states have begun to worry about the possibility of a cyberattack on nuclear weapons systems. This paper will address how the U.S. can promote stable global nuclear deterrence in the context of the growing cyber threat to nuclear weapons systems in the U.S. This paper defines stable nuclear deterrence by the number of nuclear states in the world, where fewer nuclear states contribute to more stable nuclear deterrence, given the decreased possibility of a nuclear conflict[1]. In 2018, the Nuclear Posture Review (NPR) described modernization of the U.S.'s command, control, communications, intelligence, surveillance, and reconnaissance (C_3ISR) capabilities as critical to preserving a credible nuclear deterrent[2]. Virtually all nuclear

---

1 Brown, The Quirks of Nuclear Deterrence, 293–312.
2 Office of the Secretary of Defense, Nuclear Posture Review, February 2018.

states, not just the U.S., are working to modernize their nuclear weapons systems to increase their efficiency and effectiveness. Some non-nuclear states are also pushing to develop their own nuclear weapons programs with newly available technologies. The growing capabilities of all nuclear states and the growing number of states that have serious intentions to pursue nuclear weapons programs have pushed the U.S. to articulate its most aggressive nuclear posture since the end of the Cold War. The U.S. has always had an offensive posture regarding nuclear weapons; however, the 2018 NPR has made this more explicit than ever.[3]

The U.S. is now adopting aggressive strategies in line with the Department of Defense's (DoD) Defend Forward strategy in the nuclear realm to deter states from acquiring nuclear weapons and to improve their nuclear weapons capabilities via cyberattacks. Defend Forward seeks to protect U.S. infrastructure and networks by conducting more offensive cyber operations against U.S. adversaries. The added aspect of cyber vulnerabilities in nuclear weapons and cyberattacks against C_3ISR systems, which were far less prominent during the Cold War, has created a new era of nuclear weapons where norms are still uncertain and boundaries have not yet been set.

The remainder of this paper will explore how effective the U.S.'s offensive cyber strategies have been in stabilizing global nuclear deterrence. In addition to the previous assumption that stable nuclear deterrence means fewer nuclear states, this paper also assumes that valid uses of offensive cyberattacks in the context of nuclear weapons systems include targeting the production process of nuclear weapons and testing nuclear weapons, in addition to the actual deployment of nuclear weapons. To stabilize global nuclear deterrence, the U.S. should not focus on offensive cyber strategies as its main tool of fighting against adversaries in cyberspace in the context of nuclear weapons. As the U.S. and other nuclear states like the UK look to develop stronger offensive cyber tactics to deter adversaries, states like North Korea and Iran will continue pursuing nuclear weapons and Russia and China will work on modernizing their nuclear weapons programs. This makes maintaining nuclear deterrence and not relying on offensive cyberattacks an increasingly critical priority.[4] After providing some additional background on U.S. nuclear deterrence policy and U.S. cyber strategy, this paper refutes arguments proposed by Fischerkeller and Harknett who suggest that offensive cyber strategies prevent attacks against the U.S. from its adversaries, and argue the opposite based on evidence from Operation Olympic Games and justification from Doreen Horschig who writes that offensive cyberattacks against adversaries have not done much to deter them from continuing their pursuit of nuclear weapons and increasing nuclear instability worldwide.[5]

This paper will use hypothetical situations presented by Futter and Klare to argue why the escalation of attacks is inevitable for countries that decide to use cyberattacks. For its empirical evidence, this paper uses case studies from Operation Olympic Games with Iran from 2008 to 2010 and the U.S.'s "left of launch" program that occurred in 2017. It will then draw upon these case studies and theoretical arguments to speculate on what might happen in the event of an offensive cyberattack from the U.S. against an adversary state to conclude how

---

3   Brown, The Trump Administration's Nuclear Posture Review (NPR): In Historical Perspective, 268–80.

4   HM Government, National Cyber Security Strategy 2016-2021.

5   Fischerkeller, "The Cyberspace Solarium Commission Report and Persistent Engagement."

U.S. offensive cyber tactics have and will continue to destabilize global nuclear deterrence. In the paper's conclusion, it will offer some thoughts on how to best support global nuclear deterrence by integrating offensive cyber tactics with defensive cyber ones, with an emphasis on defensive cybersecurity.

Theoretical Section

U.S. Nuclear Deterrence Policy

In a 2019 House Armed Services Committee hearing, David Trachtenberg, Deputy Undersecretary of Defense for Policy, referred to nuclear deterrence as "the bedrock of U.S. national security."[6] Proponents of nuclear deterrence theory, such as Trachtenberg, support the idea that by possessing nuclear weapons, states will be able to deter their adversaries from attacking them (or other allied states). During the Cold War, the United States and the Soviet Union both attempted to achieve nuclear deterrence by racing to build up their respective nuclear arsenals. While the end of the Cold War ended the threat of nuclear war between the U.S. and the Soviet Union, the United States has continued to practice nuclear deterrence against other states, including Russia and China.[7] The Obama administration stated that nuclear deterrence would be the "fundamental purpose" of U.S. nuclear weapons but did not promise to make nuclear deterrence the sole purpose of the U.S. nuclear arsenal.[8] The Trump administration affirmed part of the Obama administration's (and previous administrations') stance on nuclear weapons in its 2018 NPR, by stating that the main purpose of maintaining nuclear weapons will be to promote nuclear deterrence. However, the Trump administration shifted the U.S.'s nuclear priorities, placing a greater emphasis on the role that nuclear weapons play in U.S. national security. It has also expanded the number of instances in which nuclear weapons can be used, including non-nuclear attacks.[9] This expansion of the usage of nuclear weapons sparked concern from some critics as the U.S. appears to return to a stronger, Cold War-era style of nuclear deterrence with the Trump administration's pivot from the Obama administration's 2010 NPR.[10] Klare argues that the increased number of possibilities also demonstrates a desire to use nuclear weapons to not just deter against nuclear or conventional military attacks, but attacks through other means, such as through cyberattacks.[11] The 2018 NPR justified this by pointing to the growing cyber capabilities of U.S. adversaries in general and the large number of vulnerabilities present in NC3 infrastructure. As with any technological system, it is impossible to completely eliminate all cyber vulnerabilities in the U.S. nuclear arsenal. As it modernizes and increases its dependence on new technologies, the number of cyber vulnerabilities will only increase. In 2014, the U.S. Department of Defense Director, Operational Test and Evaluation (DOT&E) reported that it had identified "critical cyber vulnerabilities" in the majority of the U.S. weapons systems that it had tested last year.[12]

---

6   Todd Lopez, "4 Things to Know About the U.S. Nuclear Deterrence Strategy."
7   Congressional Research Service, U.S. Nuclear Weapons: Changes in Policy and Force Structure.
8   Pollack, et al., "U.S. Nuclear and Extended Deterrence: Considerations and Challenges."
9   Gautam, "Summary of the 2018 Nuclear Posture Review."
10   Kimball, "Trump's More Dangerous Nuclear Posture."
11   Klare, "Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation," 6-13.
12   Wasson and Bluesteen, "Taking the Archers for Granted: Emerging Threats to Nuclear Weapon Delivery

The DoD's 2018 Cyber Strategy also noted that cyber operations are "far more valuable when coupled with other elements of national power than when employed in isolation," indicating that cyber operations are expected to be more heavily incorporated in various elements of U.S. national security in the future—including nuclear weapons.[13] Given that the U.S. has pledged to modernize its nuclear weapons programs under both the Obama and Trump administrations, and will most likely continue to do so under the Biden administration, the problem of cyber vulnerabilities in the U.S.'s C_3ISR systems will only grow in magnitude in the future.

Defending Forward

According to the DoD's 2018 Cyber Strategy Summary, the purpose of Defend Forward is to "preempt, defeat, or deter malicious cyber activity targeting U.S. critical infrastructure that could cause a significant cyber incident."[14] Defend Forward operates under a similar assumption to the U.S.'s policy towards modernizing and expanding its nuclear arsenal. By taking on an offensive posture in the cyber realm and in the nuclear realm, the U.S. will be able to preemptively deter adversaries from attacking the U.S. along different fronts.

Cyberspace has become an increasingly important realm for attacks given that it has the ability to inflict large scale damage to an adversary without being on the same level as an armed conflict.[15] Within cyberspace, there are also a variety of options that states can take against a potential target, all of which can provoke different responses. For example, espionage in cyberspace, while debilitating to a target and illegal, is not considered as provoking as a cyberattack against critical infrastructure. Cyberattacks also give states who are not as strong in conventional warfare a new advantage when striking another state. For these reasons, cyberattacks and cyber reconnaissance have become increasingly popular for countries like China, Russia, and North Korea in recent years. Examples of recent cyberattacks and cyber reconnaissance include the 2014 Office of Personnel Management (OPM) data breach by China, the 2016 Russian interference in U.S. presidential elections, and the 2014 North Korean hack of Sony Pictures. Increased U.S. exposure to cyberattacks from foreign states was a key part of the rationale behind Defend Forward. While the U.S. has responded to cyberattacks against it, it has often responded via sanctions or other policy-focused options, rather than retaliatory cyberattacks on the same scale. With Defend Forward, the U.S. appears to be taking a stronger stance against foreign cyberattacks.

Proponents of Defend Forward include the Cyberspace Solarium Commission (CSC), a group composed of legislators, executive agency leaders, and experts from outside of the government. The CSC claimed in a March 2020 report that "most cyber actors feel undeterred, if not emboldened" to conduct attacks against U.S. infrastructure and argued that deterrence in cyberspace is possible via offensive cyberattacks.[16] Fischerkeller and Harknett

---

Systems," 433-453.

13   Schneider, "Persistent Engagement: Foundation, Evolution and Evaluation of a Strategy."

14   U.S. Department of Defense, "Summary: Department of Defense Cyber Strategy, 2018."

15   Garamone, "Esper Describes DOD's Increased Cyber Offensive Strategy."

16   King and Gallagher, "U.S. Cyberspace Solarium Commission."

also support the U.S. Cyber Command's strategy of persistent engagement, which emphasizes defending forward. Persistent engagement includes "anticipating and exploiting [adversary] vulnerabilities while denying their ability to exploit U.S. vulnerabilities".[17] Fischerkeller and Harknett also argued in 2017, prior to the publication of the DoD's Cyber Strategy from 2018 that articulated Defend Forward and persistent engagement, that the U.S.'s previous cyber strategy from 2010 to 2017 was insufficient in its principles of restraint and reaction.[18] They claim that increased cyber aggression during those years of a restrained U.S. cyber strategy did not deter other states from attacking the U.S., including high profile data breaches from the Chinese government and widespread Russian disinformation during the 2016 U.S. elections. Supporters of Defend Forward conclude that given the ineffectiveness of the U.S.'s previous cyber strategy in deterring cyberattacks against the U.S., the only way for the U.S. to prevent itself from being targeted by adversaries is to attack first.

Roads to Escalation

States need to maintain a presence, or in other words have access to the computer systems of their adversaries, to launch a preemptive cyberattack against their adversaries if they believe they are going to be attacked soon. This follows U.S. Cyber Command's aforementioned persistent engagement strategy. While persistent engagement may allow the U.S. to deter against a cyberattack on its nuclear system or other critical infrastructure, it could also be unintentionally detected by an adversary and cause an adversary to escalate its own cyber capabilities or even its nuclear capabilities.[19] Escalation can happen via uncertainty about an adversary's intentions, specifically whether or not an adversary is planning on launching a cyberattack on a country's nuclear weapons systems in the near future.[20] This creates a security dilemma situation where states may establish a presence in adversary systems or even preemptively launch cyberattacks in anticipation of an attack, causing their adversaries to respond similarly in retaliation. Russia is reportedly already concerned about the possibility of U.S. cyber presence in its nuclear systems, which could cause it to preemptively respond if it believes the U.S. will attack Russia soon.[22]

Another way escalation can occur is through causing a state that believes it will soon be a victim of a cyberattack on its nuclear system to lose confidence in its nuclear communications systems if it believes that they are compromised. This can cause states to again escalate via a preemptive cyberattack before it believes it will be attacked by the adversary state, or potentially even through a nuclear attack under more tenuous circumstances. While unlikely (but not impossible), non-state actors, including terrorist groups like al-Qaeda, may also have an incentive to hack into a country like the U.S.'s nuclear systems, but make it appear as if Russia was the perpetrator of the infiltration into U.S. nuclear systems.[21] Without further

---

17   Fischerkeller and Harknett, "Persistent Engagement and Tacit Bargaining: A Path Toward Constructing Norms in Cyberspace."

18   Fischerkeller and Harknett, "Deterrence Is Not a Credible Strategy for Cyberspace," 381-393.

19   Arbatov et al., Entanglement: Russian And Chinese Perspectives On Non-nuclear Weapons And Nuclear Risks.

20   Futter, "The Dangers of using Cyberattacks to Counter Nuclear Threats," 8-14.

21   Acton, "Escalation through Entanglement: How the Vulnerability of Command-and-Control Systems

information, the U.S. could respond with a preemptive attack against Russia, causing the two countries to escalate tensions further. Attribution is a notoriously difficult problem in the arena of cyberattacks. The uncertainty of the perpetrator of an attack or an infiltration into a state's critical infrastructure systems, such as nuclear weapons, thus also contributes to the potential escalation caused by principles of offensive cyber programs like persistent engagement. Escalation to either a cyber or nuclear war would be antithetical to the principles of global nuclear deterrence that Defend Forward, persistent engagement, and other offensive cyber strategies claim to support.

While persistent engagement has been able to successfully slow down the nuclear weapons development programs, such as in the case of Iran and North Korea which will be discussed in subsequent sections, the risk of escalation into a potential global conflict between nuclear states, is too great. Offensive cyber strategies against other countries' nuclear systems contribute more to destabilizing global nuclear deterrence than they do to stabilizing global nuclear deterrence. The risks of escalation in other scenarios are far too great than the small successes that offensive cyber programs have managed to produce thus far. Additionally, U.S. cyber offensive programs have currently only targeted nascent nuclear programs, rather than established nuclear states like Russia and China, both of whom also have strong cyber capabilities that rival the U.S.'s. There is a much larger risk of escalation if the U.S. were to either launch a preemptive cyberattack against Russia or China's nuclear systems or infiltrate their nuclear systems, than the U.S. doing the same against an adversary that does not have the capability to retaliate using nuclear weapons yet.

Hypotheses

This paper focuses on two different hypotheses regarding the effectiveness of Defend Forward and an offensive cyber strategy in general when applied towards the U.S.'s nuclear arsenal and global nuclear deterrence. Given that access to classified documents is impossible and thus information about potential nuclear attacks thwarted by the U.S. or other countries using offensive cyber attacks is severely limited, this paper will construct arguments using evidence from publicly available information.

The first hypothesis posits that offensive cyber strategies will increase the U.S.'s protection against nuclear attacks by an adversary and will serve to stabilize global nuclear deterrence. If the U.S. uses offensive cyber strategies to successfully prevent nuclear proliferation and stop nuclear states from developing more advanced nuclear weapons, this will maintain the number of nuclear states in the world. This follows the assumption presented in this paper that a world with fewer nuclear states is a stabler world in terms of nuclear deterrence. To support this hypothesis, this paper looks for evidence from cases that offensive U.S. cyberattacks have been able to successfully deter states from either acquiring nuclear weapons in the case of non-nuclear states or deter states from further developing their nuclear weapons.

Evidence disconfirming the first hypothesis would prove the second hypothesis, which posits that adopting offensive cyber strategies like Defend Forward towards reducing the U.S. nuclear

Raises the Risks of an Inadvertent Nuclear War," 56-99.

arsenal's cyber vulnerabilities will increase these vulnerabilities and destabilize global nuclear deterrence. This paper argues that other adversary states will follow suit with the U.S.'s example of using offensive cyber strategies, and that this will eventually lead to a world where the U.S. and other nuclear states are constantly developing their nuclear arsenals and offensive cyber capabilities in fear of attack from another country. This will increase the number of nuclear weapons in the world and advance nuclear weapon capability globally as well. The argument for the second hypothesis is largely based on theoretical situations leading to escalation; however, this paper will also look for empirical evidence which will demonstrate that offensive cyberattacks do not reduce the number of nuclear states by deterring countries from pursuing or further developing nuclear weapons programs.

Empirical Analysis

Stabilizing Global Nuclear Deterrence via Offensive Cyber Capabilities

In order for the U.S. to maintain a state of stable global nuclear deterrence, it is in its best interests for there to be as few countries with nuclear weapons as possible. With additional nuclear armed states, especially those who are adversaries to the U.S. like Iran and North Korea, the U.S. risks losing its ability to use nuclear weapons to deter its adversaries from taking actions that are against its interests. The U.S. can achieve its goal of stabilizing nuclear deterrence by preventing adversary states from acquiring nuclear weapons and further developing their nuclear arsenals and C_3ISR systems. It can utilize offensive cyberattacks using the same principles of Defend Forward in the nuclear realm, as it has successfully done in non-nuclear areas of critical importance to American security. This includes reducing foreign interference in the 2018 midterm elections and Operation Glowing Symphony, a cyber campaign that the U.S. Cyber Command undertook to largely take down ISIS operations online.[4]

Destabilizing Global Nuclear Deterrence via Offensive Cyber Capabilities

Opponents of the U.S.'s Defend Forward policies and its more aggressive stance on offensive cyberattacks do not oppose the effectiveness of these attacks, but are more so concerned about the possibility of escalation. If the U.S. continues to prioritize offensive cyberattacks in the nuclear realm, other countries including Russia and China will inevitably follow suit, as will non-state actors like ISIS and al-Qaeda. By targeting the nuclear weapons systems of other countries, the U.S. will open itself up to have its own nuclear systems be targeted by adversaries. While it is possible that the U.S. can attempt to patch its cyber vulnerabilities in its C_3ISR systems, as with any technological system, it is impossible to find and patch all cyber vulnerabilities. This problem will likely only be exacerbated as the U.S., along with all other nuclear states, move to modernize their nuclear weapons systems and increase their dependence on emerging technologies.

Case Study: Operation Olympic Games and Stuxnet

Operation Olympic Games, a joint American and Israeli operation, was one of the first major cyberattacks from one country targeted to another. Its purpose was to halt, or at the very least delay, Iran's budding nuclear weapons program. Israel and the U.S. both have a vested interest in preventing Iran from acquiring nuclear weapons. For the U.S., Iran's possession of nuclear weapons would mean that global nuclear deterrence would be destabilized with the addition of another nuclear state in the world to contend with. The Obama administration, which was in power when Operation Olympic Games was underway, also feared that Iranian acquisition of nuclear weapons would destabilize the Middle East specifically. They feared that Israel would launch airstrikes against Iranian nuclear facilities and that Saudi Arabia would also pursue nuclear proliferation if Iran continued to develop nuclear weapons. While neither Israel or the U.S. have confirmed their participation in Operation Olympic Games, it is widely believed that both countries are responsible for the attack against Natanz. Operation Olympic Games began in 2007 with the development of Stuxnet, a computer worm, that targeted centrifuges at an Iranian uranium enrichment facility in Natanz.[22] While Stuxnet was not discovered until 2010, it was first introduced in Natanz as early as 2008.[23] Stuxnet targeted centrifuges, which are tools that enrich uranium, by causing them to either spin too fast or too slowly, eventually causing some to explode.

Within five months of the second attack using Stuxnet by American and Israeli intelligence, Iranian centrifuges diminished by nearly a thousand from the inception of the attack. Stuxnet and Operation Olympic Games are widely credited for slowing down Iran's nuclear development program by at least a year and up to two years. Operating under the previously stated assumption that valid uses of offensive cyber weapons against nuclear programs include targeting the production process of nuclear weapons, Operation Olympic Games successfully demonstrated the effectiveness of offensive cyber weapons in deterring countries from pursuing nuclear weapons programs and contributing to the destabilization of global nuclear deterrence, despite not fully stopping Iran from pursuing its nuclear weapons program.

Skeptics of the effectiveness of Operation Olympic Games point out that "shortly after Stuxnet was detected, Iran instead announced its intentions to triple the rate of 20 [percent] of enriched uranium, began operations at Bushehr (another nuclear power plant), and increased the number of centrifuges at the Fordow enrichment plant".[24] While Stuxnet may have successfully delayed the development of Iran's acquisition of nuclear weapons, it certainly did not deter Iran in its desire to do so after Stuxnet, despite this being a U.S. goal since the 1979 Iranian revolution. A 2011 report by the Institute for Science and National Security (ISNS) also noted that Stuxnet "likely increased the risk of similar cyberattacks against the United States and its allies".[25] The same ISNS report found that Operation Olympic Games did not slow down Iranian production of low enriched uranium, the key element necessary for the production of nuclear weapons, either. This demonstrates that Stuxnet and Operation Olympic Games may not have

---

22   Zetter, "An Unprecedented Look at Stuxnet, the World's First Digital Weapon."
23   Gates, "How a Secret Cyberwar Program Worked."
24   Horschig, "Cyber-Weapons in Nuclear Counter-Proliferation," 352-371.
25   Albright, Brannan, and Walrond, "Did Stuxnet Take Out 1,000 Centrifuges at the Natanz Enrichment Plant? Preliminary Assessment."

actually deterred Iran from pursuing its nuclear program to the same extent as American and Israeli officials originally claimed.

Iran's reaction to Stuxnet was launching a retaliatory cyberattack against an American bank and ARAMCO, a bank owned by Saudi Arabia, an American ally. [26] Although Iran was able to inflict damage upon both the U.S. and Saudi Arabia, it is important to note that it did not retaliate against either Israel or the U.S.'s own nuclear development facilities or programs in any manner. While Iran's response to Stuxnet destroyed data on "tens of thousands of computers" at ARAMCO, it is still not a proportionally strong response to the physical damage caused by Stuxnet.[26] This demonstrates that while offensive cyberattacks against nuclear weapons programs are effective, the U.S. and other countries also need to take into account the cyber capabilities of the adversary countries whose nuclear programs they are targeting. Offensive cyberattacks that deter states from developing and acquiring nuclear weapons appear to be effective, but only when adversary states do not possess the same technical capabilities as the attacking country, as was the case of the U.S. and Israel compared to Iran in 2010. However, given the state of cyber operations today, where states like Russia have managed to breach the U.S. power grid, hack into nuclear power plants[27], and compromise the State Department, the Department of Homeland Security, and parts of the Pentagon[28], a U.S. cyberattack against an adversary could very likely lead to a much more harmful retaliatory cyberattack against the U.S. unlike Iran's retaliatory attack against the U.S. in 2010.

Case Study: "Left of Launch" and Other Developing Cyber Offensive Programs

In 2013, the U.S. launched the "left of launch" program, with the purpose of using preemptive cyberattacks to stop missiles before they are launched.[29] "Left of launch" uses electromagnetic propagation and other methods of attacking the electronic radar signatures of an adversary's nuclear command to cause missiles that are about to launch to fail.[30]

While "left of launch" can be used in a defensive capacity in the event that intelligence officials are alerted that an adversary state is about to launch missiles towards the U.S. or a state under the U.S.'s nuclear umbrella, Pentagon officials have primarily envisioned "left of launch" to be an offensive tool. Initial use of the "left of launch" program against North Korea was extremely successful in 2017, in which the Musudan, an intermediate-range North Korean missile, was found to have an 88 percent overall failure rate.[32] This was a stark change from the original Soviet missile it was based off of, which had an overall failure rate of 13 percent. Given that explosive warhead testing has not occurred in over 25 years, most people evaluate the success of a country's attempt to acquire nuclear weapons via their missile tests.[11] By sabotaging North Korean missile tests, the U.S. was able to slow down North Korea, an extremely volatile actor,

---

26   Bommakanti, "The Impact of Cyber Warfare on Nuclear Deterrence: A Conceptual and Empirical Overview."
27   Perlroth, "Russians Who Pose Election Threat Have Hacked Nuclear Plants and Power Grid."
28   Sanger, Perlroth, and Schmitt, "Scope of Russian Hack Becomes Clear: Multiple U.S. Agencies Were Hit."
29   Sanger and Broad, "Trump Inherits a Secret Cyberwar Against North Korean Missiles."
30   Ellison, "Left of Launch."

in its desire to possess more advanced nuclear weapons. Offensive cyber programs like "left of launch" allow the U.S. to not only defend itself in the event of a potential nuclear attack but also give the U.S. the ability to prevent non-nuclear states from becoming nuclear states and to preserve the current state of global nuclear deterrence.

Another benefit of "left of launch" and other offensive cyber initiatives is that these cyberattacks can be instigated to the extent where the U.S. can debilitate a country's missiles without being tantamount to a serious reason for the affected country to declare war against the U.S. Some opponents of "left of launch" argue that the program can lead to a dangerous escalation of the U.S. setting a new norm for countries to use cyberattacks against each other's nuclear arsenals. However, Jesse T. Wasson and Christopher E. Blusteen claim that "left of launch" programs that target an adversary's delivery systems (as the U.S. did in the case of North Korea) can still be effective in deterring countries from developing missiles, while not being as provocative as a cyberattack against an adversary's NC3 systems[11]. While the U.S. cannot rely on "left of launch" alone to prevent countries from developing nuclear weapons, its recent success regarding North Korean missile tests has proven that if used in conjunction with other offensive and defensive methods, offensive cyber operations in the style of "Defend Forward" can help prevent or at least slow down states from developing nuclear weapons, thus reducing the number of potential nuclear states and promoting global nuclear deterrence.

Similar to Operation Olympic Games and Stuxnet, the Department of Defense's "left of launch" programs have also been criticized for having the potential to escalate tensions between two states. Critics do not oppose "left of launch" programs that delay states from developing nuclear weapons, such as in the case of North Korea. However, they point to the fact that a state like North Korea "may falsely believe that it can force the U.S. to back down".[31] Eric Gartzke and Jon R. Lindsay argue that a dangerous situation can occur if there is a large power imbalance between the U.S. and the target of its "left of launch" programs, where each side is willing to escalate because the more powerful state (the U.S. in this situation) has the ability to do so and the less powerful, unstable state does so because it believes it can match the powerful state in its escalatory actions.[32] This asymmetric power struggle would only contribute to the destabilization of global nuclear deterrence if the victim of a "left of launch" program decided to escalate further rather than stopping its nuclear program. Heavily utilizing "left of launch" programs can also lead to destabilization if the victims of these programs lose confidence in their NC3 systems due to them being compromised by an adversary.[33] If military officials can no longer trust their NC3 systems to help them conclude how to respond to an attack or how to preempt an attack, they may decide to take a more extreme course of action than is warranted, thus leading to escalation. In terms of the effectiveness of "left of launch" programs on the North Korean missile program specifically, while Musudan missiles ranging 2,200 missiles have failed 88 percent of tests, North Korea is still in possession of other missiles that can reach up to 800 miles and is in the process of testing missiles that have even further ranges than the Musudan.[32] Ultimately, while "left of launch" programs appear to be successful

---

31   Gartzke and Lindsay, "The U.S. Wants to Stop North Korean Missiles before They Launch. That May Not Be a Great Idea."
32   Ibid., 37–48.
33   Lewis and Unal, "The Destabilizing Danger of Cyberattacks on Missile Systems."

in slowing down a state from developing nuclear weapons, like other offensive programs, the potential risk of escalating a conflict is too great to outweigh the minor benefits they have.

Conclusion

Preserving global nuclear deterrence has never been an easy task since the U.S. dropped the first atomic bombs in Hiroshima and Nagasaki in 1945. The increased emphasis on modernization and reliance on new technological systems has certainly not made this problem easier to solve for the U.S. or any other state. The U.S.'s use of offensive cyberattacks against its adversaries has so far been limited, as has the use of offensive cyberattacks by state actors in general against other states. However, with the use of Operation Olympic Games and other offensive cyberattacks, the U.S. has opened new avenues for countries to target each others' C_3ISR systems via cyberattacks.

While offensive cyberattacks against nuclear weapons systems certainly have their place when confronting an adversary, the evidence shows that they are only effective under certain circumstances and with states that either are still in the process of developing nuclear weapons or have far less developed nuclear weapons systems in comparison to the U.S. The U.S.'s current track record of using offensive cyberattacks include an Iranian uranium enrichment facility in 2010 and causing North Korean missile test failures in 2016, but the U.S. has yet to use a cyberattack against Russia or China, two adversaries with nuclear weapons systems that are far more threatening to the U.S. than North Korea's or Iran's (which is currently nonexistent).

Instead, the evidence indicates that offensive cyberattacks and strategies serve to destabilize global nuclear deterrence by encouraging escalation between states which could lead to a nuclear war in the worst case scenario. In order for the U.S. to use a cyberattack to deter another state from attacking it, the U.S. would have to follow principles of persistent engagement and embed itself into an adversary's computer networks long before it plans to execute a cyberattack. Even the infiltration of an adversary's computer systems could cause a retaliatory attack against the U.S. if they are discovered to be present on another state's networks. Escalation could also occur due to loss in trust of communications systems, in addition to a preemptive cyberattack or infiltration potentially being viewed as an act of war if NC3 systems are targeted. Ultimately, the potential risk of escalation is far too great to justify using offensive cyber programs to the extent that the U.S. is using right now.

In order for the U.S. to preserve and promote global nuclear deterrence, it should use offensive and defensive cybersecurity attacks in tandem. The U.S. should invest less time and money in offensive cybersecurity programs like "left of launch" and instead improve its defensive capabilities by reducing the number of cyber vulnerabilities in its C_3ISR systems. Given that the U.S. is working to modernize its nuclear systems, it is inevitable that the number of cyber vulnerabilities will increase and that adversary states may take advantage of the precedent that the U.S. has already set to exploit these vulnerabilities. The presence of new technologies, like artificial intelligence, also pose a significant new threat to all online systems, including

nuclear systems.[34] The U.S. should also take into account the actions of non-state actors, such as terrorist groups, when making its decisions on how to balance its offensive and defensive cybersecurity in the context of the U.S. nuclear arsenal. Non-state actors do not have to fear the retaliation of their own nuclear arsenals being infiltrated, and thus have more freedom to pursue an offensive cyber stance against the U.S.'s nuclear systems. If the U.S. wishes to stabilize global nuclear deterrence for state and non-state actors, then it should decrease its focus on offensive cybersecurity policies that contribute to destabilization instead.

Author Biography

Sabrina Wen is a junior at Tufts University studying Computer Science and International Relations. She is originally from New York City and is passionate about cybersecurity, cyber policy, and national security issues. At Tufts, she is a teaching assistant for the computer science department, curriculum director for Alliance Linking Leaders in Education and the Services, the international relations discussion club, and Head of Outreach for JumboSec, the cybersecurity club.

Bibliography

Acton, James M. "Escalation through Entanglement: How the Vulnerability of Command-and-Control Systems Raises the Risks of an Inadvertent Nuclear War," *International Security*, Vol. 43, No. 1 (2018), pp. 56-99.

Albright, David, Paul Brannan, and Christina Walrond. "Did Stuxnet Take Out 1,000 Centrifuges at the Natanz Enrichment Plant? Preliminary Assessment." *Institute for Science and National Security*, December 22, 2010. https://isis-online.org/isis-reports/detail/stuxnet-malware-and-natanz-update-of-isis-december-22-2010-reportsupa-href1/#1.

Arbatov, Alexey, Vladimir Dvorkin, Petr Topychkanov, Tong Zhao, and Li Bin. *Entanglement: Russian And Chinese Perspectives On Non-nuclear Weapons And Nuclear Risks*. Washington: Carnegie Endowment for International Peace, 2017.

Bommakanti, Kartik. "The Impact of Cyber Warfare on Nuclear Deterrence: A Conceptual and Empirical Overview." Issue 266. *ORF Brief*, November 1, 2018.

Brown, Andrew, and Lorna Arnold. "The Quirks of Nuclear Deterrence." *International Relations* 24, no. 3 (September 2010): 293–312. https://doi.org/10.1177/0047117810377278.

Brown, Seyom. "The Trump Administration's Nuclear Posture Review (NPR): In Historical Perspective." *Journal for Peace and Nuclear Disarmament* 1 (2): 268–80. 2018. https://doi.org/10.1080/25751654.2018.1494092.

C. Todd Lopez. "4 Things to Know About the U.S. Nuclear Deterrence Strategy." *U.S.*

---

34   Sharikov, "Artificial Intelligence, Cyberattack, and Nuclear Weapons: A Dangerous Combination," 368-373.

Department of Defense, April 1, 2019. https://www.defense.gov/Explore/News/Article/
Article/1801797/4-things-to-know-about-the-us-nuclear-deterrence-strategy/

Ellison, Riki. "Left of Launch." *Missile Defense Advocacy Alliance,* March 16, 2015. https://
missiledefenseadvocacy.org/alert/3132/.

Fischerkeller, Michael P. "The Cyberspace Solarium Commission Report and Persistent
Engagement." *Lawfare*, March 23, 2020. https://www.lawfareblog.com/cyberspace-solarium-
commission-report-and-persistent-engagement.

Fischerkeller, Michael P. and Richard J. Harknett, "Deterrence Is Not a Credible Strategy for
Cyberspace," *Orbis*, Vol. 61, No. 3 (2017), pp. 381-393.

Fischerkeller, Michael P. and Richard J. Harknett. "Persistent Engagement and Tacit
Bargaining: A Path Toward Constructing Norms in Cyberspace." *Lawfare*. November 9,
2018. https://www.lawfareblog.com/persistent-engagement-and-tacit-bargaining-path-
toward-constructing-norms-cyberspace.

Futter, Andrew. "The Dangers of using Cyberattacks to Counter Nuclear Threats." *Arms
Control Today* 46, no. 6 (Jul, 2016): 8-14.

Garamone, Jim. "Esper Describes DOD's Increased Cyber Offensive Strategy." *U.S.
Department of Defense*, September 20, 2019. https://www.defense.gov/Explore/News/Article/
Article/1966758/esper-describes-dods-increased-cyber-offensive-strategy/.

Gartzke, Erik, and Jon Lindsay. "The U.S. Wants to Stop North Korean Missiles before
They Launch. That May Not Be a Great Idea." *Washington Post*. March 15, 2017. https://
www.washingtonpost.com/news/monkey-cage/wp/2017/03/15/the-u-s-wants-to-stop-north-
korean-missiles-before-they-launch-that-may-not-be-a-great-idea/.

Gartzke, Eric and Jon R. Lindsay. "Thermonuclear cyberwar." *Journal of Cybersecurity* 3, no.
1, (03, 2017): 37–48. doi: https://doi.org/10.1093/cybsec/tyw017.

Gates, Guilbert. "How a Secret Cyberwar Program Worked." *New York
Times*, June 1, 2012. https://archive.nytimes.com/www.nytimes.com/
interactive/2012/06/01/world/middleeast/how-a-secret-cyberwar-program-worked.
html?action=click&module=RelatedCoverage&pgtype=Article&region=Footer.

Gautam, Brenna. "Summary of the 2018 Nuclear Posture Review." *Lawfare*, February 9,
2018. https://www.lawfareblog.com/summary-2018-nuclear-posture-review.

HM Government. "National Cyber Security Strategy 2016-2021." 2016. https://assets.
publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/
file/567242/national_cyber_security_strategy_2016.pdf

Horschig, Doreen. "Cyber-Weapons in Nuclear Counter-Proliferation." *Defense & Security
Analysis* 36, no. 3 (09, 2020): 352-371. doi:http://dx.doi.org/10.1080/14751798.2020.179
0811.

Kimball, Daryl G. "Trump's More Dangerous Nuclear Posture." *Arms Control Association*,

January/February 2018. https://www.armscontrol.org/act/2018-01/focus/trumps-more-dangerous-nuclear-posture.

King, Angus and Gallagher, Mike. "U.S. Cyberspace Solarium Commission." *U.S. Cyberspace Solarium Commission,* March 2020.

Klare, Michael T. "Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation." *Arms Control Today* 49, no. 9 (11, 2019): 6-13. https://login.ezproxy.library.tufts.edu/login?url=https://www-proquest-com.ezproxy.library.tufts.edu/docview/2330960404?accountid=14434.

Lewis, Patricia and Beyza Unal. "The Destabilizing Danger of Cyberattacks on Missile Systems." *Chatham House,* July 2, 2019. https://www.chathamhouse.org/2019/07/destabilizing-danger-cyberattacks-missile-systems.

Office of the Secretary of Defense. "Nuclear Posture Review, February 2018." https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF

Perlroth, Nicole. "Russians Who Pose Election Threat Have Hacked Nuclear Plants and Power Grid." *New York Times,* October 3, 2020. https://www.nytimes.com/2020/10/23/us/politics/energetic-bear-russian-hackers.html.

Pollack, Richard C. Bush, Vanda Felbab-Brown, Martin S. Indyk, Michael E. O'Hanlon, Steven Pifer, and Kenneth M. "U.S. Nuclear and Extended Deterrence: Considerations and Challenges." *Brookings*. June 2019. https://www.brookings.edu/research/u-s-nuclear-and-extended-deterrence-considerations-and-challenges/.

Sanger, David E. and William J. Broad. "Trump Inherits a Secret Cyberwar Against North Korean Missiles." *New York Times,* March, 4, 2017. https://www.nytimes.com/2017/03/04/world/asia/north-korea-missile-program-sabotage.html.

Sanger, David E, Nicole Perlroth, and Eric Schmitt. "Scope of Russian Hack Becomes Clear: Multiple U.S. Agencies Were Hit." *New York Times*, December 14, 2020. https://www.nytimes.com/2020/12/14/us/politics/russia-hack-nsa-homeland-security-pentagon.html.

Sharikov, Pavel. "Artificial Intelligence, Cyberattack, and Nuclear Weapons: A Dangerous Combination." *Bulletin of the Atomic Scientists*, Vol. 74, No. 6 (2018), pp. 368-373.

Schneider, Jacquelyn G. "Persistent Engagement: Foundation, Evolution and Evaluation of a Strategy." *Lawfare*, May 10, 2019. https://www.lawfareblog.com/persistent-engagement-foundation-evolution-and-evaluation-strategy.

U.S. Department of Defense. "Summary: Department of Defense Cyber Strategy, 2018." 2018. https://media.defense.gov/2018/Sep/18/2002041658/-1/-1/1/CYBER_STRATEGY_SUMMARY_FINAL.PDF

U.S. Library of Congress, Congressional Research Service, *U.S. Nuclear Weapons: Changes in Policy and Force Structure*. RL31623 (2008), 8.

Wasson, Jesse T. and Christopher E. Bluesteen. "Taking the Archers for Granted: Emerging Threats to Nuclear Weapon Delivery Systems." *Defence Studies* 18, no. 4 (12, 2018): 433-453. doi:http://dx.doi.org/10.1080/14702436.2018.1528137.

Zetter, Kim. "An Unprecedented Look at Stuxnet, the World's First Digital Weapon." *Wired*, November 3, 2014. https://www.wired.com/2014/11/countdown-to-zero-day-stuxnet/.

ASEAN and Japan in the Twenty-First Century: An Important Relationship to Watch for ASEAN's Economic and Security Development

Julia A. Benbenek
Georgetown University

Abstract

The aim of this paper is to discuss and analyze the relationship between ASEAN and Japan, as its long-standing relationship has encountered several challenges but continues to manifest great strengths in the twenty-first century despite Chinese dominance in the region. This topic merits more attention due to the partnership's crucial role in fortifying ASEAN's diplomatic, security, and economic positions. Moreover, it has been a stabilizing force in Asian geopolitical relations. The scope of this paper is the first two decades of the twenty-first century with a focus on cooperation in the economic and security sectors. This paper is organized into four sections. The first will provide a historical overview of ASEAN, Japan, and their partnership from the establishment of a formal dialogue in 1973 to the end of the twentieth century. The second will discuss developments in economic and security cooperation in the first decade of the twenty-first century. The third will discuss the current status of the economic and security cooperation in the second decade of the twenty-first century. The fourth will analyze the relationship's successes and will outline future areas of concern.

Background on the ASEAN-Japan Relationship

On August 8, 1967, the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore, and Thailand established the Association of Southeast Asian Nations (ASEAN) by signing the ASEAN Declaration. ASEAN was primarily founded to advance economic and social cooperation, as well as to promote regional security in response to the Vietnam War and to Britain's withdrawal from

'east of Suez.'[1] Over the years, ASEAN has expanded membership to a total of ten members—the other five being Vietnam, Brunei, Myanmar, Laos, and Cambodia.[2] Southeast Asia and Japan share a tumultuous history. Since the late nineteenth century, Japan was often involved in military incursions in Asia. However, following the devastation of World War II, Japan has adopted a peaceful foreign policy and became a close partner of Southeast Asian countries.[3] Home to the world's third-largest economy, Japan is a major source of aid and capital for these countries.[4]

The formal relationship between ASEAN and Japan commenced in the early 1970s when the two parties initiated negotiations concerning the production of rubber at the Sixth ASEAN Foreign Ministers' meeting in April of 1973. The augmenting synthetic rubber industry in Japan posed a threat to the export of natural rubber by Southeast Asian nations—a key earner in many of their economies. In August of 1973, ASEAN issued an aide-mémoire to Japanese envoys, and, in response, the Japanese government agreed to participate in a formal dialogue to resolve the issue. That following November, Japan agreed to establish the ASEAN-Japan Forum on Rubber, which led to Japan guaranteeing that its synthetic rubber production would not adversely affect ASEAN natural rubber production.[5] The establishment of the formal dialogue opened the door for further ASEAN-Japan diplomatic and economic cooperation.

The mid-1970s experienced a wave of anti-Japanese demonstrations in Southeast Asian nations. Japan's rapacious exploitation and commitment of grave atrocities in WWII remained fresh in the minds of Southeast Asians. In the post war period, Japan increased economic involvement in the region, but this was met with suspicion that Japan's investment was an attempt to control Southeast Asian states.[6] Consequently, Japan strived to rebuild its ties with the region. Specifically, the election of Japanese Prime Minister Takeo Fukuda marked the beginning of a new Japanese South Asian foreign policy with a special focus on ASEAN. In his 1977 speech in Manila, the capital of the Philippines, Prime Minister Fukuda laid out what subsequently became known as the Fukuda Doctrine, declaring that Japan would forge ties with ASEAN based on a "heart to heart" understanding, a commitment to never become a military power again, and a dedication to equal partnership with ASEAN while serving as a bridge between ASEAN and Indochinese countries.[7] That year, the ASEAN-Japan Forum (AJF) was established. The forum's meetings laid the foundation for discussions regarding economic and cultural cooperation, though no major agreements emerged.

1   Nguyen Vun Tung, "Vietnam—ASEAN Co-operation after the Cold War," Contemporary Southeast Asia 24, 1 (2002): 106-120, https://www.jstor.org/stable/25798582; Yicheng Zhang, "The Empire Strikes Back," Columbia Journal of International Affairs, February 8, 2019, https://jia.sipa.columbia.edu/online-articles/empire-strikes-back-post-brexit-britain's-return-east-suez.
2   "History," Association of Southeast Asian Nations, accessed December 7, 2020, https://asean.org/asean/about-asean/history/.
3   Shin'ichi Ichimura, "Japan and Southeast Asia," Asian Survey 20, 7 (1980): 754-762, https://doi.org/10.2307/2643927.
4   "Japan Country Profile," BBC, accessed December 7, 2020, https://www.bbc.com/news/world-asia-pacific-14918801.
5   Sueo Sudō, Evolution of ASEAN-Japan Relations. (Singapore: Institute of Southeast Asian Studies, 2005).
6   Bhubhindar Singh, "ASEAN's Perceptions of Japan: Change and Continuity," Asian Survey 42, no.2 (2002): 276-96. doi:10.1525/as.2002.42.2.276.
7   Ōba Mie, "Japan-ASEAN Cooperation: A Central Element," Nippon, September 1, 2017, https://www.nippon.com/en/currents/d00345/.

Furthermore, Fukada's trip led to the founding of the ASEAN Cultural Fund in 1978 with a ¥5 billion contribution from Japan to foster cultural exchanges within and outside of ASEAN.[8] In 1979, the ASEAN-Japan Economic Ministers' Meetings were institutionalized, which led to the establishment of the ASEAN Promotion Center for Trade, Investment, and Tourism as well as the passing of memorandums on trade, commodities, and investment with an emphasis on rectifying patterns of trade imbalances between developed and developing countries. Additionally, Japan provided support for ASEAN's stance on the 1978 Cambodian-Vietnamese War. In 1981, Japan agreed to the introduction of peace-keeping forces.[9] Throughout the 1980s and 1990s, Japan sent dozens of government officers, private-sector individuals, and civilian police to monitor the ceasefire as well as two 600-member engineering contingents to reconstruct damaged infrastructure.[10] Japan also contributed official development assistance (ODA) to all ten ASEAN nations in the form of grant aid and technical assistance for the purpose of infrastructure construction, humanitarian aid, and the development of raw material sources. Southeast Asia remains the largest recipient of Japan's ODA to this day.[11]

Japanese Prime Minister Kiichi Miyazawa came to power in 1991 and continued to forge economic integration with ASEAN. In 1992, the AEM-METI forum was established to bring together ASEAN economic ministers and Japanese ministers of economy, trade, and industry. Furthermore, under the leadership of Prime Minister Ryutaro Hashimoto, Japan and ASEAN jointly proposed the Asian Monetary Fund (AMF) in response to the Asian financial crisis of 1997. However, the US opposed the AMF, and China was reluctant to support it, thus leading to the initiative's failure. Subsequently, Prime Minister Keizo Obuchi implemented the Miyazawa Initiative at the 1998 ASEAN Summit which provided approximately US\$30 billion in financial support for Indonesia, Malaysia, the Philippines, and South Korea, US\$15 billion of which would be made available for short-term capital needs, while the other US\$15 billion would designated for medium to long-term financial needs of economic recovery.[12] Yen-denominated loans and credit guarantees primarily constituted the funds disbursed to the region.[13] Obuchi also proposed a consultative conference to make recommendations for Japan-ASEAN cooperation and extended ¥500 billion for a 'human security fund,' some of which was designated for reconstruction in East Timor.[14]

ASEAN-Japan Economic and Security Relationships in the 2000s

This section will discuss developments in ASEAN-Japan economic and security cooperation

---

8   Jing Sun, "Japan's Shrinking ASEAN 'Soft Power,'" The Diplomat, August 8, 2012. https://thediplomat.com/2012/08/japans-shrinking-asean-soft-power/.

9   Sudō, Evolution of ASEAN-Japan Relations.

10   "Japanese Participation in UN Peacekeeping in CAMBODIA," Ministry of Foreign Affairs of Japan, accessed December 8, 2020, https://www.mofa.go.jp/policy/un/pko/pamph96/02_2.html.

11   Radha Sinha, "Japan and ASEAN: A Special Relationship?," The World Today 38, 12 (1982): 483-492. https://www.jstor.org/stable/40395344.

12   Mie, "Japan-ASEAN Cooperation: A Central Element."

13   Jennifer Amyx, "Moving Beyond Bilateralism? Japan and the Asian Monetary Fund," Australia-Japan Research Centre, September 2002, https://openresearch-repository.anu.edu.au/bitstream/1885/40431/3/pep-331.pdf.

14   Sudō, Evolution of ASEAN-Japan Relations.

from 2000 to 2009. The main economic issues included are ODA, financial cooperation, and trade. Regarding security, the topics covered include terrorism, maritime security, and peacekeeping missions. This decade spans the leadership of the following ASEAN Secretary Generals: Rodolfo Severino (1998-2002), Ong Keng Yong (2003-07), and Surin Pitsuwan (2008-12).[15] In terms of Japanese Prime Ministers, this decade covers Yoshiro Mori (2000-01), Junichiro Koizumi (2001-06), Shinzo Abe (2006-07), Yasuo Fukuda (2007-08), and Taro Aso (2008-09).[16]

From the early 2000s Japan expressed a clear interest in strengthening the provision of ODA to ASEAN member states. At the Japan-ASEAN Summit Meeting in October of 2000, Japan submitted the "Towards Vision 2020: Japan-ASEAN Consultation Conference on Hanoi Plan of Action" which outlined 45 recommendations for deeper ASEAN-Japan cooperation. This document included a commitment to provide development assistance for Cambodia, Laos, Myanmar, and Vietnam in the form of infrastructure and human resource development.[17] In January of 2002, Prime Minister Koizumi proposed the Initiative for Development in East Asia (IDEA). This initiative called for a commitment to a sustained distribution of ODA in a "transparent, efficient and effective manner" and emphasized alleviating poverty and assisting the socially vulnerable through human resource and economic development.[18] At the ASEAN-Japan summit meeting in December of 2003, the "Tokyo Declaration for the Dynamic and Enduring Japan-ASEAN Partnership in the new Millennium" was adopted through which Japan pledged to prioritize ASEAN's economic development and integration efforts through its development assistance.[19] During this decade, a little over half of Japan's ODA was concessionary yen loans with low interest rates and long repayment terms—about a third of the loans was technical assistance, and the remainder was grant aid. Following the Asian financial crisis, Japan's ODA to Southeast Asia spiked to US$3,921 million in 1999, comprising 37.3% of Japan's total ODA. Although ODA declined in subsequent years, it remained substantial in the 2000s: US$1,754 million in 2002 and US$907 million in 2004. The largest individual recipients of aid during this time period were Indonesia, Vietnam, the Philippines, and Thailand.[20]

Japan also played a critical role in Southeast Asia in terms of disaster relief. Two days following the Indian Ocean tsunami that took place off the coast of Sumatra, Indonesia on 26 December, 2004, Prime Minister Koizumi announced that Japan would provide an assistance package of approximately US$30 million for immediate emergency relief and rehabilitation. Additionally, Japan dispatched the Japan Disaster Relief Team and Self-Defense Forces to the affected

---

15   "Former Secretaries-General of ASEAN," Association of Southeast Asian Nations, accessed December 5, 2020, https://asean.org/asean/asean-secretariat/former-secretaries-general-of-asean/.

16   "List of Prime Ministers of Japan," Britannica, accessed December 5, 2020, https://www.britannica.com/topic/list-of-prime-ministers-of-Japan-1812632.

17   "Towards Vision 2020: ASEAN – Japan Consultation Conference," Association of Southeast Asian Nations, October 2020, https://asean.org/?static_post=towards-vision-2020-asean-japan-consultation-conference-on-the-hanoi-plan-of-action-the-final-report-with-recommendations.

18   "Initiative for Development in East Asia (IDEA)," Ministry of Foreign Affairs of Japan, August 12, 2002, https://www.mofa.go.jp/region/asia-paci/idea0208-4.html.

19   Sudō, Evolution of ASEAN-Japan Relations.

20   Hugh Patrick, "Legacies of Change," Asia-Pacific Economic Cooperation Study Center, January 2008, https://www8.gsb.columbia.edu/apec/sites/apec/files/files/discussion/54HP.pdf.

area which included a rescue, medical, and expert team. Furthermore, he announced that Japan would extend up to US$500 million of grant money to affected countries, as well as to international organizations assisting with the damage. In total, Japan extended US$3.02 million in emergency grant aid to Indonesia, Sri Lanka, and the Maldives in addition to US$550,000 in emergency assistance for items including tents, blankets, medical supplies, and water purifiers.[21] Following the 2006 large-scale earthquake in Indonesia, Japan extended grant aid totalling US$10 million, dispatched rescue and medical teams, and provided US$180,000-worth of emergency items.[22] In response to the 2008 Myanmar cyclone, Japan extended emergency relief goods including generators and water tanks totalling ¥43 million.[23]

Japan and ASEAN achieved great progress in forging financial integration during this period. At the annual meeting of the Asian Development Bank in May of 2000, the Chiang Mai Initiative (CMI) was launched by the ASEAN+3 countries (ASEAN, Japan, People's Republic of China, and South Korea). This was the region's first currency swap and was meant to address difficulties surrounding short-term liquidity in the region. It was composed of the ASEAN Swap Arrangement among ASEAN countries and a network of bilateral swap arrangements among the ASEAN+3 countries.[24] Furthermore, in December of 2002, ASEAN+3 launched the Asian Bond Markets Initiative (ABMI). This initiative aimed to develop local currency bond markets while promoting regional financial integration to strengthen financial stability and reduce regional vulnerability to sudden reversals of capital flows.[25] Japan also provided substantial FDI to ASEAN member states during this decade. For example, in 2004, Japanese FDI to all of Southeast Asia totaled to the amount of US$2.8 billion. Most Japanese investments consisted of joint ventures or majority-owned subsidiaries. Japanese companies invested primarily in manufacturing, especially vehicles and electronic goods, most notably in Singapore and Thailand. Some prominent examples are vehicle assembly plants in Thailand and major air conditioner production and assembly operations in Malaysia. Overall, Japanese FDI was overwhelmingly directed to Indonesia, Singapore, Thailand, Malaysia, and the Philippines.[26] This investment has promoted economic growth, industrialization, and connectivity in the recipient countries.[27] In March of 2006, the Japan-ASEAN Integration Fund (JAIF) was established. The purposes of the JAIF included the comprehensive economic integration of ASEAN, narrowing development gaps among nations, promoting transfer of technology and investment flow, and cultural exchange.[28] In the 13th AEM-METI Consultation, Japan

---

21   "Japan's Official Development Assistance White Paper 2005," Ministry of Foreign Affairs of Japan, 2005, https://www.mofa.go.jp/policy/oda/white/2005/ODA2005/html/honpen/hp202010300.htm.
22   "Japan's Assistance for Earthquake Disaster in Central Java," Ministry of Foreign Affairs of Japan, May 28, 2006, https://www.mofa.go.jp/announce/announce/2006/5/0528.html.
23   "Japan Extends Third Emergency Relief Goods," Reliefweb, May 2008, https://reliefweb.int/report/myanmar/japan-extends-third-emergency-relief-goods-cyclone-nargis-vic tims-myanmar.
24   "Chiang Mai Initiative [Multilateralization,." Asia Regional Integration Center, accessed December 6, 2020, https://aric.adb.org/initiative/chiang-mai-initiative.
25   Avonechith Noy Siackhachanh, "The Asian Bond Markets Initiative," Asian Development Bank, June 2017, http://dx.doi.org/10.22617/TCS178831-2.
26   Patrick, "Legacies of Change."
27   Hong Zhao, "Chinese and Japanese infrastructure investment in Southeast Asia: from rivalry to cooperation?," Institute of Developing Economies 689, February 2018. http://hdl.handle.net/2344/00050160.
28   "Overview Purposes of JAIF," Japan-ASEAN Integration Fund, accessed December 6, 2020, https://jaif.asean.org/overview/.

proposed to establish a think tank called the Economic Research Institute for ASEAN and East Asia (ERIA). Japan committed to contribute over ¥10 billion over the course of ten years. ERIA conducts research under three main pillars: "Deepening Economic Integration," "Narrowing Development Gaps," and "Sustainable Development."[29]

During this decade, ASEAN and Japan enacted two major initiatives to expand economic integration and minimize trade barriers. At the outset of the century, ASEAN and Japan expressed great interest in promoting trade liberalization under the "Towards Vision 2020: Japan-ASEAN Consultation Conference on Hanoi Plan of Action."[30] Moreover, at the 2002 ASEAN-Japan Summit, the Joint Declaration on the Framework for Comprehensive Economic Partnership (CEP) was signed. The CEP provided a general framework for a bilateral free agreement. Its main objectives were to increase economic integration, provide greater market opportunities through the creation of larger and new markets, and further liberalize trade through customs procedures, standards and conformance, and non-tariff measures.[31] In November of 2004, the negotiating process began with talks ending three years later in November of 2007. Later, in December of 2008, the ASEAN-Japan Comprehensive Economic Partnership Agreement (AJCEP) was signed, establishing more concrete trade goals.[32] The primary goal of the AJCEP was tariff elimination, thus constituting Japans' first multilateral free trade pact. Under this agreement, tariff elimination for "normal track" products was to be completed within ten years of the agreement entering into force for Japan, Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. A flexibility of thirteen years to implement the agreed tariff eliminations was afforded to Cambodia, Laos, and Myanmar. Moreover, Sub-Committees on Services and Investment were established to conduct negotiations concerning improvements in trade obligations of other goods and services.[33] In subsequent years, ASEAN member states also concluded bilateral economic partnership agreements (EPAs) with Japan: Malaysia in 2005; Philippines in 2006; Thailand and Singapore in 2007; Indonesia in 2008; and Vietnam, Cambodia, and the Philippines in 2009.[34]

In this period, ASEAN and Japan initatied efforts to strengthen counterterrorism measures in response to the terrorist bombings in Kenya and Tanzania as well as the 9/11 terrorist attack. Since 1996, the Japanese Ministry of Foreign Affairs and National Policy Agency have held annual regional dialogues (except for 2000) to discuss counterterrorism cooperation in Southeast Asia.[35] In 2001, ASEAN and Japan adopted the Joint Declaration for Cooperation to Combat International Terrorism which expressed unequivocal condemnation of terrorism

29   "History." Economic Research Institute for ASEAN and East Asia, accessed December 6, 2020, https://www.eria.org/about-us/history.
30   Association of Southeast Asian Nations, "Towards Vision 2020: ASEAN–Japan Consultation Conference."
31   "Joint Declaration of the Leaders of Japan and ASEAN," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/region/asia-paci/asean/pmv0211/joint.html.
32   "Japan-ASEAN," Bilaterals, May 2012, https://www.bilaterals.org/?-Japan-ASEAN-.
33   "Agreement on Comprehensive Economic Partnership," Ministry of Foreign Affairs of Japan, accessed December 8, 2020, https://www.mofa.go.jp/policy/economy/fta/asean/agreement.html.
34   "Free Trade Agreement (FTA)," Ministry of Foreign Affairs of Japan, December 2 2020, https://www.mofa.go.jp/policy/economy/fta/index.html.
35   "Japan's International Counter-Terrorism Cooperation," Ministry of Foreign Affairs of Japan, accessed December 6, 2020, https://www.mofa.go.jp/policy/terrorism/cooperation.html.

and aimed to promote regional cooperation in combating terrorism on a global scale.[36] Following the terrorist bombings in Bali, Indonesia on 12 October 2002, the Asia-Pacific Economic Cooperation (APEC), of which ASEAN is an official observer and Japan is a member, released the "Leaders' Statement on Fighting Terrorism and Promoting Growth" which condemned the bombings and called for the strengthening of regional security measures through the sharing of intelligence, coordination in travel security standards, and anti-piracy cooperation.[37] The Counter-Terrorism Task Force (CTTF) was also established as a specific forum within APEC for organizing both counterterrorism and non-proliferation efforts.[38] In November of 2004, ASEAN and Japan adopted the Joint Declaration for Cooperation in the Fight Against International Terrorism, which laid out a framework to prevent, disrupt, and combat international terrorism. The primary areas of cooperation outlined were the exchange of information and law enforcement cooperation. Specific measures and activities included cooperation in extradition and mutual assistance in criminal matters; implementation of all relevant United Nations Resolutions on international terrorism; measures to prevent the financing of terrorists—such as the use of alternative means of remittance like illegal money transfer; strengthening immigration controls and national transport security; prevention of terrorists using groups such as charitable organizations to cover their activities; and the development of cooperative counterterrorism projects.[39] At the 2005 ASEAN-Japan Summit Meeting, the ASEAN-Japan Counter-Terrorism Dialogue was launched. This provided a forum on the ambassadorial level to exchange views on the current terrorist situation and discuss counterterrorism projects funded by the JAIF.[40]

Collaboration in maritime matters is arguably the most critical area of security cooperation for ASEAN and Japan. The narrow Malacca Straits is particularly vulnerable to piracy, which creates a major economic and security concern since approximately a quarter of the world's trade and half of global oil shipments pass through it, including 80% of Japan's oil and a substantial portion of its trade.[41] In April 2000, Japan hosted the "Regional Conference on Combating Piracy and Armed Robbery against Ships," which was attended by sixteen Asian states including ASEAN nations. At this conference, the participating countries agreed to strengthen regional cooperation in response to, and in the prevention of, armed robbery against merchant and fishing vessels.[42] Following this conference, ASEAN member

---

36   "ASEAN-Japan Joint Declaration for Cooperation," Association of Southeast Asian Nations, accessed December 7, 2020, https://www.mofa.go.jp/region/asia-paci/asean/pmv0411/joint.html.

37   "APEC Leaders' Statement," Ministry of Foreign Affairs of Japan, October 26, 2002, https://www.mofa.go.jp/policy/economy/apec/2002/state_terro1.html.

38   "Asia-Pacific Economic Cooperation," U.S. Department of State, accessed December 6, 2020, https://2001-2009.state.gov/s/ct/intl/io/apec//index.htm.

39   "ASEAN-Japan Joint Declaration for Cooperation," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/region/asia-paci/asean/pmv0411/joint.html.

40   "Japan's Cooperation with ASEAN 2025," Mission of Japan to ASEAN, February 2016, https://www.asean.emb-japan.go.jp/asean2025/jpasean-ps03.html#:~:text='ASEAN%2DJapan%20Joint%20Declaration%20for%20Cooperation%20to%20Combat%20Terrorism%20and,in%20preventing%20and%20combating%20ter-rorism.

41   Lindsay Black, Japan's Maritime Security Strategy. (London: Palgrave Macmillan, 2004). https://doi.org/10.1057/9781137385550_6.

42   "Japan's Efforts to Combat Piracy," Ministry of Foreign Affairs of Japan, November 2001, https://www.mofa.go.jp/region/asia-paci/asean/relation/piracy.html.

states and Japan collaborated on combined naval exercises. Accordingly, in November 2000, Japan conducted anti-piracy training exercises with India and Malaysia; in 2001 with the Philippines, India, and Thailand; in 2002 with Brunei, Indonesia, and India; in 2003 with the Philippines and Singapore; and in 2004 with Thailand.[43] In November 2004, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) was concluded, entering into force in September 2006. The contracting parties included Japan and all ASEAN member states besides Indonesia. The agreement provided a framework for parties to cooperate in the areas of information sharing, capacity building, and cooperative arrangements. Specifically, the activities of ReCAAP included sharing information on the incidence of piracy and armed robbery; analysis of information concerning piracy and armed robbery through the verification and classification of incidents as well as production of monthly reports; and the development of research projects to enhance parties' abilities to respond to incidents of piracy and armed robbery.[44]

In the meantime, Japan has also made substantial contributions to the peacekeeping missions in Southeast Asia. It is important to discuss the significance of Japan's peacekeeping activities in Timor-Leste. Although Timor-Leste is currently not an ASEAN member state, it was recognized as an observer state in 2002, joined the ASEAN Regional Forum in 2005, and officially applied for ASEAN membership in March 2011. Therefore, it is likely to be a future member of ASEAN.[45] Following East Timor's independence from Indonesian rule, the founding of the UN Transitional Administration in East Timor (UNTAET) led to the establishment of the Demcratic Republic of Timor-Leste in May 2002. In February 2002, Japan dispatched a total of 2,300 staff officers and engineer unit personnel to assist the mission. This was Japan's largest commitment of personnel to UN peacekeeping operations. From February 2002 to May of 2003, Japan sent two groups of staff officers, a ten-member unit and a seven-member unit, to UNTAET headquarters to help plan and coordinate the repair of infrastructure including roads and bridges, among other logistic support. Additionally, from March 2002 to June 2004, Japan sent four engineer units with 680 personnel to continue the reparation of transportation infrastructure, to maintain water supply joints, and assist civilian support projects such as landscaping the grounds of elementary schools. On a humanitarian front, about twice a year, Japan would send C-130H transport planes to fly in with food supplies.[46] In the wake of protest activities against the government led by soldiers who left the East Timorese Armed Forces, the security situation in Timor-Leste began to decline in 2006. In response, the UN Integrated Mission in Timor-Leste (UNMIT) was created. Between January of 2007 and February of 2008, Japan dispatched four civilian police officers who advised the local civilian police force at UNMIT headquarters.[47]

---

43   John Bradford, "Japanese Anti-Piracy Initiatives in Southeast Asia," Contemporary Southeast Asia 24, 3 (2004): 480-505.

44   "Regional Cooperation Agreement on Combating Piracy," United Nations, accessed December 6, 2020, https://www.un.org/Depts/los/consultative_process/mar_sec_submissions/recaap. pdf.

45   Angaindrankumar Gnanasagaran. "Admitting ASEAN's 11th Member." The ASEAN Post. January 5, 2018, https://theasean post.com/article/admitting-aseans-11th-member.

46   "International Peace Cooperation Assignment in East Timor," Secretariat of the International Peace Cooperation Headquarters, accessed December 6, 2020, http://www.pko.go.jp/pko_e/result/e_timor/e_timor07. html.

47   "International Peace Cooperation Assignment in Timor-Leste," Secretariat of the International Peace

ASEAN-Japan Economic and Security Relationships: From 2010 to Present Day

This section will discuss developments in ASEAN-Japan economic and security cooperation from 2010 to present day. The main economic issues continue to be ODA, financial cooperation, and trade. Similarly, the security topics covered will continue to be terrorism, maritime security, and peacekeeping. This decade covers the leadership of the following ASEAN Secretary Generals: Surin Pitsuwan (2008-12), Le Luong Minh (2013-17), and Lim Jock Hoi (2018-present).[48] The Japanese Prime Ministers during this period were Yukio Katoyama (2009-10), Naoto Kan (2010-11), Yoshihiko Noda (2011-12), Shinzo Abe's second term (2012-20), and Yoshihide Suga (2020-present).[49]

Throughout the second decade of the twenty-first century, Japan has remained the largest provider of ODA to Southeast Asia, and Southeast Asia has remained the largest recipient of Japanese ODA. In 2019, Japan's ODA stood at US$15.5 billion, making it the largest donor country in Asia.[50] From 2012 to 2016, Japan provided roughly ¥4 billion in ODA to Cambodia, ¥55.9 billion to Indonesia, ¥2.8 billion to Laos, ¥11.21 billion to Malaysia, ¥13.86 billion to Myanmar, ¥32.69 billion to the Philippines, ¥28.31 to Thailand, and ¥30.32 billion to Vietnam.[51] This makes Indonesia, Myanmar, and Vietnam the largest recipients of Japanese ODA within ASEAN during this time period. Japan has particularly focused assistance on the Mekong region. In 2015, the "New Tokyo Strategy 2015 for Mekong-Japan Cooperation" was adopted by Japan, Cambodia, Laos, Myanmar, Thailand, and Vietnam. Through this initiative, Japan committed ¥750 billion in ODA to the Mekong region over the next three years. The 2015 document outlined four specific pillars of cooperation for promoting regional stability and growth: industrial infrastructure development, "soft" efforts like industrial human resource development, sustainable development, and coordination with various stakeholders.[52]

Disaster relief also continues to be an important form of assistance between ASEAN and Japan. In March 2011, Japan endured a severe earthquake and tsunami. In response, ASEAN member states contributed financial assistance and dispatched rescue personnel. Cambodia, Indonesia, Laos, Singapore, Thailand, and Vietnam provided millions in financial assistance, deployed

Cooperation Headquarters, accessed December 6, 2020, http://www.pko.go.jp/pko_e/result/e_timor/e_timor10. html.

48   Association of Southeast Asian Nations, "Former Secretaries-General of ASEAN."

49   Britannica, "List of Prime Ministers of Japan."

50   "Japan," Donor Tracker, accessed December 7, 2020, https://donortracker.org/country/japan.

51   "Japan's ODA Data for Cambodia," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142541.pdf; "Japan's ODA Data for Indonesia," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142543.pdf; "Japan's ODA Data for Laos," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142 544.pdf; "Japan's ODA Data for Malaysia," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www. mofa.go.jp/files/000142545.pdf; "Japan's ODA Data for Myanmar," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142547.pdf; "Japan's ODA Data for Philippines," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142548.pdf; "Japan's ODA Data for Thailand," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/ files/000142550.pdf; "Japan's ODA Data for Vietnam," Ministry of Foreign Affairs of Japan, accessed December 7, 2020, https://www.mofa.go.jp/files/000142552.pdf.

52   "New Tokyo Strategy 2015," Ministry of Foreign Affairs of Japan, July 4, 2015, https://www.mofa. go.jp/s_sa/sea1/page1e_000044.html.

rescue teams equipped with medical supplies, and delivered thousands of tonnes of rice.[53] In return, Japan has also continued to provide disaster relief to ASEAN member states. For instance, Japan dispatched two Japan Disaster Relief Expert Teams to maintain Bangkok's subway networks and airport facilities in response to the 2011 flood disaster in Thailand.[54] In October 2013, when the Philippines endured a devastating earthquake, Japan extended an emergency grant aid worth US$3.5 million in addition to emergency relief goods worth ¥38 million.[55] Following the September 2018 earthquake and tsunami in Indonesia, Japan dispatched the Japan Disaster Relief Team and provided emergency relief goods including tents, generators, and water purifiers.[56]

During this decade, financial cooperation between ASEAN and Japan strengthened. In 2010, Japan and Brunei concluded an EPA.[57] Following the 2008 global economic crisis, members of the CMI requiring liquidity turned to the US Federal Reserve and World Bank rather than the CMI. In hopes of strengthening its network, the CMI was "multilateralized" in 2009 to become the Chiang Mai Initiative Multilateralized (CMIM). This established a self-managed reserve pooling arrangement in which ASEAN countries would contribute 20% while the "plus three" countries would contribute 80%, with Japan providing 32% of the entire arrangement. The CMIM came into effect on 24 March 2010 with US$120 billion. In 2011, the ASEAN+3 Macroeconomic Research Office (AMRO) was set up as an independent surveillance unit, though the agreement did not enter into force until February of 2016. In 2012, the CMIM doubled in size to US$240 billion, and a crisis prevention facility called the CMIM Precautionary Line was introduced to address sudden short-term liquidity shortages. The same year, it was agreed to invite central bank governors of the thirteen member countries and the head of the Monetary Authority of Hong Kong to participate in the finance ministers forum. This forum is now known as the ASEAN+3 Finance Ministers and Central Bank Governors' Meeting (AFMGM+3).[58] In June of 2020, the CMIM agreement was amended to promote consistency among CMIM-IMF co-financing agreements and strengthen CMIM-IMF coordination mechanisms.[59]

In May of 2013, Japan and five ASEAN countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand) also made agreements to enhance bilateral financial cooperation.[60]

53   "Japan: ASEAN Extends a Helping Hand," Reliefweb, March 15, 2011, https://reliefweb.int/report/japan/japan-asean-extends-helping-hand-hours-need.
54   "Dispatch of Japan Disaster Relief," Ministry of Foreign Affairs of Japan, October 28, 2011, https://www.mofa.go.jp/region/asia-paci/tha iland/jdr_111028.html.
55   "Japan Announces Additional Emergency Aid," Reliefweb, November 1, 2013, https://reliefweb.int/report/philippines/japan-announces-additional-emergency-aid-victims-bohol-earthquake.
56   "Emergency Assistance to the Earthquake," Ministry of Foreign Affairs of Japan, October 3, 2018, https://www.mofa.go.jp/press/release/press4e_002181.html.
57   Ministry of Foreign Affairs of Japan, "Free Trade Agreement (FTA)."
58   "Chiang Mai Initiative: An Asian IMF?," Asian Century Institute, April 5, 2017, https://asiancenturyin-stitute.com/economy/248-chiang-mai-initiative-an-asian-imf.
59   Olivia Negus, "The Chiang Mai Initiative Multilateralization," Center for Strategic & International Studies, September 1, 2020, https://www.csis.org/blogs/new-perspectives-asia/chiang-mai-initiative-multilateralizatio n-cmim-if-not-now-then-when.
60   "Financial cooperation between Japan and ASEAN," Mission of Japan to ASEAN, April 2016, https://www.asean.emb-japan.go.jp/asean2025/jpasean-ec01.html#:~:text=Japan%20has%20been%20promoting%20sever-al,Mai%20Initiative%20Multilateralization%20(CMIM).

FDI continued to remain high throughout the decade with Japan being the second-largest investor in ASEAN with a total of US$13.3 billion in 2017.[61] During the 2019 ASEAN-Japan Summit, Japan launched the "Initiative on Overseas Loan and Investment for ASEAN" with an aim to mobilize US$3 billion from public and private sectors to provide loans and investment for infrastructure projects, banking facilities to improve financial access, and projects facilitating green investment in the ASEAN region.[62] In September of 2020, Japanese Foriegn Minister Toshimitsu Motegi pledged to disburse US$1 million to the COVID-19 ASEAN Response Fund for the procurement of medical supplies and the development of vaccines.[63]

At the same time, ASEAN and Japan fortified their trade relations throughout this decade. At the 2012 AEM-METI Consultations, the two parties endorsed the "ASEAN-Japan 10-year Strategic Economic Cooperation Roadmap." This plan aims to strengthen the ASEAN-Japan economic partnership by setting targets of doubling trade and investment flows by 2022.[64] As of 2018, 13,000 Japanese companies were operating in ASEAN. In 2019, trade between ASEAN and Japan stood at US$214 billion. The same year, ASEAN and Japan completed the legal procedures to amend the First Protocol of the AJCEP. The amendment includes provisions on trade in services, movements of business persons, and investments that are meant to increase cross-border capital and trade flows. The amendments will facilitate companies' abilities to establish operation bases in different ASEAN countries and move products across borders. Additionally, the protocol outlines rules and liberalization commitments from ASEAN countries that were not included in prior bilateral EPAs.[65]

Meanwhile, ASEAN and Japan closely collaborated in response to emerging security threats throughout this decade. It is important to first address the ASEAN Defense Ministers' Meeting Plus (ADMM-Plus) as it pertains to terrorism, maritime security, and peacekeeping. The Inaugural ADMM-Plus was convened in October of 2010. This provides an annual platform for ASEAN and its eight dialogue partners (Japan, Australia, China, India, New Zealand, South Korea, Russia, and the US) to strengthen security cooperation for peace, stability, and development in the region. The ADMM-Plus focuses on seven primary areas of practical cooperation: maritime security, counterterrorism, humanitarian assistance and disaster management, peacekeeping operations, military medicine, humanitarian mine action, and cyber security. Since the establishment of the ADMM-Plus, parties have continuously utilized the platform to coordinate defense and communications exercises.[66]

---

61   Francesco Alberti, "Japan And ASEAN To Improve Trade Deal," The ASEAN Post, June 20, 2020, https://theaseanpost.com/article/japan-and-asean-improve-trade-deal.
62   "Initiative on Overseas Loan," Ministry of Foreign Affairs of Japan, December 2019, https://www.mofa.go.jp/files/000545078.pdf.
63   "Japan Pledges $1 Mil. in Fund," Kyodo News, September 9, 2020, https://english.kyodonews.net/news/2020/09/46d85657a4e7-japan-pledges-1-mil-in-fund-to-assist-aseans-covid-19-response.html.
64   "ASEAN, Japan to Strengthen Ties,"Association of Southeast Asian Nations, June 3, 2019, https://asean.org/asean-japan-strengthen-ties/.
65   Alberti, "Japan And ASEAN To Improve Trade Deal."
66   "About the ASEAN Defence Ministers' Meeting Plus," ASEAN Defence Ministers' Meeting, February 6, 2017, https://admm.asean.org/index.php/about-admm/about-admm-plus.html.

During this period, ASEAN and Japan expanded joint counterterrorism initiatives. In 2013, Prime Minister Abe announced that Japan would contribute $US100 million for a 'JAIF 2.0' under which one of the key points listed is counterterrorism.[67] That year additionally marked the launch of the "ASEAN Plus Japan Ministerial Meeting on Transnational Crime" (AMMTC + Japan). This biennial meeting is meant to enhance dialogue in combatting transnational crimes such as terrorism, illicit drug trafficking, trafficking in persons, money laundering, sea piracy, arms smuggling, international economic crime, and cyber crime.[68] At the 2016 ASEAN-Japan Summit, Prime Minister Abe condemned the terrorist attacks in the Philippines and announced that Japan would be extending ¥45 billion over the next three years for Asian counterterrorism efforts, in addition to the training of 2,000 counterterrorism personnel.[69] Terrorism has been particularly prevalent in the Philippines. In response to an Islamic State five-month siege starting in May 2017 of Marawi, a Philippine city, Japan provided assistance consisting of ¥15.9 billion in low-interest financing for a water management project, ¥100 billion for the Manila subway, patrol boats for the Philippine coast guard, and training programs to advance Philippine security capacity.[70] In response to the January 2019 terrorist bombings in Mindanao, Japanese Foreign Minister Taro Kono renewed Japan's commitment to fight terrorism in the Philippines and assist with infrastructure projects.[71]

Maritime threats were the largest area of concern for ASEAN-Japan security cooperation during this decade. The 2011 ASEAN-Japan Summit adopted the Bali Declaration for Enhancing ASEAN-Japan Strategic Partnership for Prospering Together. This document promoted the enhancement of political-security cooperation to maintain regional peace and stability, emphasizing cooperation on maritime security and safety.[72] In 2013, Beijing declared an Air Defense Identification Zone (ADIZ) in the East China Sea. Since then, it has regularly launched armed naval patrols around the disputed Senkaku Islands, which are administered by Japan.[73] This action followed up the 2009 announcement of the 'Nine-Dashed Line' through which China has argued historical rights to its maritime claims in the South China Sea. Furthermore, China launched the "Maritime Silk Road" initiative in 2013 through which it sought to develop stronger ties with countries via the seas, thus reflecting its ever-growing attention to the maritime domain. The South China Sea has been a particular area of contention due to its strategic importance. It contains numerous submarine communication cables, is rich in natural resources, and is home to the Malacca and Singapore Straits through which almost half of the world's shipping fleets pass through. China has undertaken sustained

---

67   Mission of Japan to ASEAN, "Japan's cooperation with ASEAN 2025."
68   "The First ASEAN Plus Japan," Ministry of Foreign Affairs of Japan, November 22, 2013, https://www.mofa.go.jp/region/page5e_000031.html.
69   "The Japan-ASEAN Summit Meeting," Ministry of Foreign Affairs of Japan, September 7, 2016, https://www.mofa.go.jp/a_o/rp/page3e_000590.html.
70   Mari Yamaguchi, "Japan Offers Duterte Aid," AP News, October 30, 2017, https://apnews.com/article/4da4e8d5c686436c8b52d93a91ea0e48.
71   Nestor Corrales, "Japan Renews Vow to Help," Inquirer.net. February 11, 2019, https://globalnation.inquirer.net/173035/japan-renews-vow-to-help-ph-fight-terrorism.
72   "Joint Declaration for Enhancing ASEAN-Japan," Association of Southeast Asian Nations, accessed December 8, 2020, https://www.asean.org/wp-content/uploads/archive/documents/19th%20summit/ JP-JD.pdf.
73   Michael Hart, "Japan's Maritime Diplomacy Mission in Southeast Asia," The Diplomat, August 28, 2017, https://thediplomat.com/2017/08/japans-maritime-diplomacy-mission-in-southeast-asia/.

maritime incursions in the East and South China Seas, threatening the sovereignty of Japan and of the ASEAN member states of Brunei, Malaysia, the Philippines, and Vietnam.[74] In 2012, the Expanded ASEAN Maritime Forum (EAMF) was established based on Japan's proposal. This platform facilitates the active discussion of maritime security issues. In celebration of forty years of ASEAN-Japan friendship and cooperation in 2013, Prime Minister Abe outlined the "Five Principles of Japan's ASEAN Diplomacy," which included cooperation to keep the seas open and free.[75] At the 2014 ASEAN-Japan Summit Meeting, Abe also expressed that Japan would continue to work with ASEAN on joint naval exercises, navigation safety, and capacity building in safeguarding the seas for approximately 700 people in the next three years.[76] At the 2017, ASEAN-Japan Summit Meeting, Abe further promised to provide ¥55 billion over the next three years to strengthen regional maritime law enforcement capabilities under the "Partners for Peace and Stability" pillar announced at the 2013 ASEAN-Japan Commemorative Summit.[77]

During this decade, peacekeeping operations in Southeast Asia were minimal. At the outset of the century, UNMIT was still active with its mandates to maintain peace and security in Timor-Leste and support the parliamentary and presidential electoral processes. From September 2010 to September 2012, Japan dispatched two military liaison officers to support the mission at the UN's request.[78] UNMIT completed its mandate in December of 2012.[79] Since then, there have been no peacekeeping operations in Southeast Asia.[80]

Conclusion

The twenty-first century has observed great strengthening in the ASEAN-Japan partnership. Regarding ODA, Japanese assistance to ASEAN member states was substantially greater in the second decade. In 2013, Japan pledged ¥2 trillion in ODA to ASEAN over the following five years, while they pledged ¥750 billion in ODA in 2015 to just the Mekong countries, with two-thirds of it being implemented within a timeframe of three years.[81] Additionally, there was greater cooperation in disaster relief due to an increase in disasters occurring: the 2011 Japanese earthquake and tsunami, the 2011 Thai flood, the 2013 Philippine earthquake,

74   Shafiah Muhibat and Audrey Stienon, eds., "The Future of the Seas," Centre for Strategic and International Studies, January 1, 2015, http://www.jstor.org/stable/resrep14743.
75   Rajaram Panda, "Emerging Security Architecture," Institute of Peace and Conflict Studies, May 1, 2013, https://www.jstor.org/stable/resrep09114.
76   "Japan's Support in the Field of Maritime Security," Mission of Japan to ASEAN, January 2016, https://www.asean.emb-japan.go.jp/asean2025/jpasean-ps01.html.
77   "Japan-ASEAN Summit Meeting," Ministry of Foreign Affairs of Japan, November 13, 2017, https://www.mofa.go.jp/a_o/rp/page3e_000791.html.
78   "International Peace Cooperation Assignment in Timor-Leste," Secretariat of the International Peace Cooperation Headquarters, accessed December 8, 2020, http://www.pko.go.jp/pko_e/result/e_timor/e_timor12.html.
79   "Mission Home," United Nations Integrated Mission in Timor-Leste, accessed December 8, 2020, https://peacekeeping.un.org/mission/past/unmit/index.shtml.
80   "Asia and the Pacific," United Nations, accessed December 8, 2020, https://www.un.org/en/sections/where-we-work/asia-and-pacific/index.html.
81   "White Paper on Development Cooperation," Ministry of Foreign Affairs of Japan, 2017, https://www.mofa.go.jp/policy/oda/page_000008.html.

and the 2018 Indonesian earthquake and tsunami. This form of aid was more of a mutual assistance since Japan became a recipient of disaster relief assistance itself. Regarding financial cooperation, the first decade arguably yielded more success. The period immediately following the 1997 Asian financial crisis was critical for rebuilding economies in the region. Therefore, the establishment of the CMI and ABMI were crucial for restabilizing the region financially. Moreover, the founding of the JAIF and ERIA were vital in strengthening ASEAN-Japan economic integration and facilitating the narrowing of development gaps. Furthermore, the first decade was arguably more important for trade relations since it saw great trade liberalization. The signing of the CEP and the conclusion of bilateral EPAs established concrete trade goals, especially concerning tariff elimination, which facilitated a substantial increase in cross-border flow.

Regarding counterterrorism measures, more initiatives were undertaken in the first decade. The terrorist attacks in Kenya, Tanzania, and 9/11, and similar security events of the first decade created more pressure for an international response to terrorism. Hence, ASEAN and Japan took concrete steps to combat terrorism on a global scale through the Joint Declaration for Cooperation to Combat International Terrorism, the Joint Declaration for Cooperation in the Fight Against International Terrorism, and the ASEAN-Japan Counter-Terrorism Dialogue. In terms of maritime security, both decades presented distinct challenges. ASEAN and Japan closely collaborated on piracy during the first decade and on Chinese aggression in the second decade. However, the second decade's security issues were arguably more complex, thus meriting more attention from ASEAN and Japan. The second decade experienced sustained Chinese incursions into the East and South China Seas, creating diplomatic, economic, and security concerns. ASEAN and Japan have readily responded by establishing the EAMF, collaborating on joint naval exercises and capacity building, and committing to keep the seas open and free. Regarding peacekeeping, the first decade saw more activity with the Timor-Leste conflict at its peak, which led Japan to contribute thousands of personnel to help coordinate infrastructure repair and monitor the ceasefire.

The current state of the ASEAN-Japan relationship foreshadows greater progress to come with a new Japanese leader. Japanese Prime Minister Suga has pledged to support ASEAN in addressing the COVID-19 pandemic and enhancing regional security.[82] Nonetheless, it is important to note potential future areas of concern for the partnership. First, the Chinese strong-arm approach in the East and South China Seas will continue to be a major security concern as China has given no signs of flexibility concerning sovereignty issues. China has also been rigorously repressing domestic movements for democracy and building closer ties with Philippine President Duterte who has faced international scrutiny for human rights violations in his "war on drugs."[83] Second, US leadership in the region is critical. Following the Trump Administration's withdrawal from the Trans-Pacific Partnership (TPP), Japan has mainly filled the economic power vacuum. Moreover, the Trump administration pursued alienating policies in Southeast Asia such as investigating Vietnam for currency manipulation and

---

82   "Suga Vows to Support ASEAN," The Japan Times, November 13, 2020, https://www.japantimes.co.jp/news/2020/11/13/national/politics-diplomacy/suga-vows-support-asean-virus-security/.
83   Mie, "Japan-ASEAN Cooperation: A Central Element."

suspending duty-free access for Thai imports.[84] However, the US continues to play a crucial role in countering Chinese dominance in the region—it has taken steps to coerce Beijing into dropping sovereignty claims and unfair trade practices.[85] Therefore, President-Elect Biden's foreign policy approach to Southeast Asia will have a decisive influence on the diplomatic, security, and economic relations in the region. A third point is that the COVID-19 pandemic presents unprecedented challenges for the ASEAN-Japan relationship. Prior to the pandemic, Southeast Asia was already behind their objectives to achieve the 2030 UN Sustainable Development goals due to high levels of inequality, low levels of social protection, a large informal sector, regressions in peace, and worrying levels of ecosystem damage. The pandemic has only exacerbated these concerns.[86] Moreover, countries have endured substantial economic contractions, especially due to the decline in tourism.[87] Thus, the following years will require large-scale efforts to restabilize the region politically, socially, and economically, and Japan's assistance will continue to be greatly valued.

Author Biography

Julia Benbenek is a third-year senior at the Georgetown University Edmund A. Walsh School of Foreign Service, majoring in international politics with a concentration in international law and a minor in Spanish. Julia has conducted research on international diplomatic, economic, and security relations for the Polish American Congress, The Counterterrorism Group, and the Georgetown Center for Latin American Studies. Passionate about activism, Julia hopes to pursue a career promoting and protecting human dignity. Beyond her undergraduate studies, Julia aims to attend law school and concentrate in international and comparative law.

Bibliography

Alberti, Francesco. "Japan And ASEAN To Improve Trade Deal." *The ASEAN Post.* June 20, 2020. https://theaseanpost.com/article/japan-and-asean-improve-trade-deal.

Amyx, Jennifer. "Moving Beyond Bilateralism? Japan and the Asian Monetary Fund." *Australia-Japan Research Centre*. September 2002. https://openresearch-repository.anu.edu.au/bitstream/1885/40431/3/pep-331.pdf.

ASEAN Defence Ministers' Meeting. "About the ASEAN Defence Ministers' Meeting Plus (ADMM-Plus)." February 6, 2017. https://admm.asean.org/index.php/about-admm/about-admm-plus.html.

---

84 Joshua Kurlantzick, "What Will the Biden Administration Mean?," World Politics Review, November 30, 2020, https://www.worldpoliticsreview.com/articles/29251/what-will-the-biden-administration-mean-for-southeast-asia.

85 Mireya Solís, "The Underappreciated Power," Foreign Affairs, December 2020, https://www.foreignaffairs.com/articles/japan/2020-10-13/underappreciated-power.

86 "Policy Brief: The Impact of COVID-19," UNESCAP, July 2020, https://www.unescap.org/sites/default/d8files/2020-07/SG-Policy-brief-COVID-19-and-South-East-Asia-30-July-2020.pdf.

87 Yen Nee Lee, "Most Southeast Asian Economies Will Struggle," CNBC, August 5, 2020, https://www.cnbc.com/2020/08/06/most-southeast-asian-economies-s truggling-to-grow-amid-the-coronavirus.html.

Asia Regional Integration Center. "Chiang Mai Initiative [Multilateralization]." Accessed December 6, 2020. https://aric.adb.org/initiative/chiang-mai-initiative.

Asian Century Institute. "Chiang Mai Initiative: An Asian IMF?." April 5, 2017. https://asiancenturyinstitute.com/economy/248-chiang-mai-initiative-an-asian-imf.

Association of Southeast Asian Nations. "Agreement on the Establishment of the ASEAN Cultural Fund Jakarta, 2 December 1978." Accessed December 8, 2020. https://asean.org/?static_post=agreement-on-the-establishment-of-the-asean-cultural-fund-jakarta-2-december-1978.

Association of Southeast Asian Nations. "ASEAN-Japan Joint Declaration for Cooperation to Combat International Terrorism." Accessed December 7, 2020. https://asean.org/?static_post=asean-japan-joint-declaration-for-cooperation-to-combat-international-terrorism-2.

Association of Southeast Asian Nations. "ASEAN, Japan to Strengthen Ties." June 3, 2019. https://asean.org/asean-japan-strengthen-ties/.

Association of Southeast Asian Nations. "Former Secretaries-General of ASEAN." Accessed December 5, 2020. https://asean.org/asean/asean-secretariat/former-secretaries-general-of-asean/.

Association of Southeast Asian Nations. "History." Accessed December 7, 2020. https://asean.org/asean/about-asean/history/.

Association of Southeast Asian Nations. "Joint Declaration for Enhancing ASEAN-Japan Strategic Partnership for Prospering Together (Bali Declaration). Accessed December 8, 2020. https://www.asean.org/wp-content/uploads/archive/documents/19th%20summit/JP-JD.pdf.

Association of Southeast Asian Nations. "Towards Vision 2020: ASEAN–Japan Consultation Conference on the Hanoi Plan of Action The Final Report With Recommendation." October 2000. https://asean.org/?static_post=towards-vision-2020-asean-japan-consultation-conference-on-the-hanoi-plan-of-action-the-final-report-with-recommendations.

BBC. "Japan Country Profile." Accessed December 7, 2020. https://www.bbc.com/news/world-asia-p acific-14918801.

Bilaterals. "Japan-ASEAN." May 2012. https://www.bilaterals.org/?-Japan-ASEAN.

Black, Lindsay. *Japan's Maritime Security Strategy. Critical Studies of the Asia-Pacific Series.* London: Palgrave Macmillan, 2004. https://doi.org/10.1057/9781137385550_6.

Bradford, John. "Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses." *Contemporary Southeast Asia* 24, no. 3 (December 2004): 480-505.

Britannica. "List of Prime Ministers of Japan." Accessed December 5, 2020. https://www.britannica.com/topic/list-of-prime-ministers-of-Japan-1812632.

Corrales, Nestor. "Japan Renews Vow to Help PH Fight Terrorism." *Inquirer.net.* February 11, 2019. https://globalnation.inquirer.net/173035/japan-renews-vow-to-help-ph-fight-terrorism.

Donor Tracker. "Japan." Accessed December 7, 2020. https://donortracker.org/country/japan.

Economic Research Institute for ASEAN and East Asia. "History." Accessed December 6, 2020. https://www.eria.org/about-us/history.

Gnanasagaran, Angaindrankumar. "Admitting ASEAN's 11th Member." *The ASEAN Post.* January 5, 2018. https://theaseanpost.com/article/admitting-aseans-11th-member.

Haddad, William. "Japan, the Fukuda Doctrine, and ASEAN." *Contemporary Southeast Asia* 2, no. 1 (June 1980): 10-29. https://www.jstor.org/stable/25797599.

Hart, Michael. "Japan's Maritime Diplomacy Mission in Southeast Asia." *The Diplomat.* August 28, 2017. https://thediplomat.com/2017/08/japans-maritime-diplomacy-mission-in-southeast-asia/.

Ichimura, Shin'ichi. "Japan and Southeast Asia." *Asian Survey* 20, no. 7 (July 1980): 754-762. https://doi.org/10.2307/2643927.

Japan-ASEAN Integration Fund. "Overview Purposes of JAIF." Accessed December 6, 2020. https://jaif.asean.org/overview/.

Kojima, Takaaki and Takashi Shiraishi. *ASEAN-Japan Relations.* Singapore: Institute of Southeast Asean Studies, 2013. https://doi.org/10.1355/9789814519229.

Kurlantzick, Joshua. "What Will the Biden Administration Mean for Southeast Asia?." *World Politics Review.* November 30, 2020. https://www.worldpoliticsreview.com/articles/29251/what-will-the-biden-administration-mean-for-southeast-asia.

Kyodo News. "Japan Pledges $1 Mil. in Fund to Assist ASEAN's COVID-19 Response." September 9, 2020. https://english.kyodonews.net/news/2020/09/46d85657a4e7-japan-pledges-1-mil-in-fund-to-assist-aseans-covid-19-response.html.

Lee, Yen Nee. "Most Southeast Asian Economies Will Struggle to Grow--Even if Some Saw Success in Containing the Virus." *CNBC.* August 5, 2020. https://www.cnbc.com/2020/08/06/most-southeast-asian-economies-struggling-to-grow-amid-the-coronavirus.html.

Liow, Joseph. "U.S.–Southeast Asia Relations Under the Trump Administration." *Asia Policy* 24, no. 1 (July 2017): 53–58. https://doi.org/10.1353/asp.2017.0044.

Mie, Ōba. "Japan-ASEAN Cooperation: A Central Element of East Asia's Regional Architecture." *Nippon.* September 1, 2017. https://www.nippon.com/en/currents/d00345/.

Ministry of Foreign Affairs of Japan. "17th Japan-ASEAN Summit Meeting." November 12, 2014. https://www.mofa.go.jp/a_o/rp/page3e_000260.html.

Ministry of Foreign Affairs of Japan. "The 18th Japan-ASEAN Summit Meeting." November 22, 2015. https://www.mofa.go.jp/a_o/rp/page3e_000422.html.

Ministry of Foreign Affairs of Japan. "21st Japan-ASEAN Summit Meeting." November 14, 2018. https://www.mofa.go.jp/a_o/rp/page4e_000946.html.

Ministry of Foreign Affairs of Japan. "22nd Japan-ASEAN Summit Meeting." November 4,

2019. https://www.mofa.go.jp/a_o/rp/page3e_001122.html.

Ministry of Foreign Affairs of Japan. "Agreement on Comprehensive Economic Partnership Among Japan and Member States of the Association of Southeast Asian Nations." Accessed December 8, 2020. https://www.mofa.go.jp/policy/economy/fta/asean/agreement.html.

Ministry of Foreign Affairs of Japan. "APEC Leaders' Statement on Fighting Terrorism and Promoting Growth." October 26, 2002. https://www.mofa.go.jp/policy/economy/apec/2002/state_terro1.html.

Ministry of Foreign Affairs of Japan. "ASEAN-Japan Joint Declaration for Cooperation in the Fight Against International Terrorism." Accessed December 7, 2020. https://www.mofa.go.jp/reg ion/asia-paci/asean/pmv0411/joint.html.

Ministry of Foreign Affairs of Japan. "Dispatch of Japan Disaster Relief (JDR) Expert Teams in response to the Flood Disaster in the Kingdom of Thailand." October 28, 2011. https://www.mofa.go.jp/region/asia-paci/thailand/jdr_111028.html.

Ministry of Foreign Affairs of Japan. "Emergency Assistance to the Earthquake and Tsunami Disaster in the Republic of Indonesia." October 3, 2018. https://www.mofa.go.jp/press/release/press4e_002181.html.

Ministry of Foreign Affairs of Japan. "The First ASEAN Plus Japan Ministerial Meeting on Transnational Crime (AMMTC + Japan), and the 6th ASEAN Plus Three Ministerial Meeting on Transnational Crime (AMMTC + 3) (Overview of the Outcome)." November 22, 2013. https://www.mofa.go.jp/region/page5e_000031.html.

Ministry of Foreign Affairs of Japan. "Free Trade Agreement (FTA) / Economic Partnership Agreement (EPA) and Related Initiatives." December 2, 2020. https://www.mofa.go.jp/policy/economy/fta/index.html.

Ministry of Foreign Affairs of Japan. "Initiative for Development in East Asia (IDEA) Ministerial Meeting (Outline and Evaluation)." August 12, 2002. https://www.mofa.go.jp/region/asia-paci/idea0208-4.html.

Ministry of Foreign Affairs of Japan. "Initiative on Overseas Loan and Investment for ASEAN." December 2019. https://www.mofa.go.jp/files/000545078.pdf.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." August 1, 2019. https://www.mofa.go.jp/a_o/rp/page4e_001058.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." August 2, 2018. https://www.mofa.go.jp/a_o/rp/page3e_000892.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." August 5, 2015. https://www.mofa.go.jp/a_o/rp/page3e_000360.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." August 6, 2017. https://www.mofa.go.jp/a_o/rp/page3_002193.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." August 9, 2014.

https://www.mofa.go.jp/a_o/rp/page3e_000222.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." July 27, 2016. https://www.mofa.go.jp/a_o/rp/page3e_000523.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting." September 9, 2020. Retrieved from https://www.mofa.go.jp/a_o/rp/page3e_001061.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting (Overview)." July 11, 2012. https://www.mofa.go.jp/region/asia-paci/asean/relation/meeting1207_mm.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Ministerial Meeting (Overview)." June 30, 2013. https://www.mofa.go.jp/region/page3e_000065.html.

Ministry of Foreign Affairs of Japan. "Japan-ASEAN Summit Meeting." November 13, 2017. https://www.mofa.go.jp/a_o/rp/page3e_000791.html.

Ministry of Foreign Affairs of Japan. "The Japan-ASEAN Summit Meeting." September 7, 2016. https://www.mofa.go.jp/a_o/rp/page3e_000590.html.

Ministry of Foreign Affairs of Japan. "Japanese Participation in UN Peacekeeping in CAMBODIA." Accessed December 8, 2020. https://www.mofa.go.jp/policy/un/pko/pamph96/02_2.html.

Ministry of Foreign Affairs of Japan. "Japan's Assistance for Earthquake Disaster in Central Java, Republic of Indonesia." May 28, 2006. https://www.mofa.go.jp/announce/announce/2006/5/0528.html.

Ministry of Foreign Affairs of Japan. "Japan's Efforts to Combat Piracy and Armed Robbery Against Ships." November 2001. https://www.mofa.go.jp/region/asia-paci/asean/relation/piracy.html.

Ministry of Foreign Affairs of Japan. "Japan's International Counter-Terrorism Cooperation." Accessed December 6, 2020. https://www.mofa.go.jp/policy/terrorism/cooperation.html.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Cambodia." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142541.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Indonesia." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142543.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Laos." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142544.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Malaysia." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142545.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Myanmar." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142547.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Philippines." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142548.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Thailand." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142550.pdf.

Ministry of Foreign Affairs of Japan. "Japan's ODA Data for Vietnam." Accessed December 7, 2020. https://www.mofa.go.jp/files/000142552.pdf.

Ministry of Foreign Affairs of Japan. "Japan's Official Development Assistance White Paper 2005." 2005. https://www.mofa.go.jp/policy/oda/white/2005/ODA2005/html/honpen/hp202010300.htm.

Ministry of Foreign Affairs of Japan. "Joint Declaration of the Leaders of Japan and ASEAN on the Comprehensive Economic Partnership." Accessed December 7, 2020. https://www.mofa.go.jp/region/asia-paci/asean/pmv0211/joint.html.

Ministry of Foreign Affairs of Japan. "New Tokyo Strategy 2015 for Mekong-Japan Cooperation (MJC2015)." July 4, 2015. https://www.mofa.go.jp/s_sa/sea1/page1e_00 0044.html.

Ministry of Foreign Affairs of Japan. "White Paper on Development Cooperation 2017 Assistance for Each Region: East Asia." 2017. https://www.mofa.go.jp/policy/oda/page_000008 .html.

Mission of Japan to ASEAN. "Japan's Cooperation with ASEAN 2025 (Counter-Terrorism)." February 2016. https://www.asean.emb-japan.go.jp/asean2025/jpasean-ps03.html#:~:text='ASEAN%2DJapan%20Joint%20Declaration%20for%20Cooperation%20to%20Combat%20Terrorism%20and,in%20preventing%20and%20combating%20terrorism.

Mission of Japan to ASEAN. "Financial cooperation between Japan and ASEAN." April 2016. https://www.asean.emb-japan.go.jp/asean2025/jpasean-ec01.html#:~:text=Japan%20has%20been%20promoting%20several,Mai%20Initiative%20Multilateralization%20(CMIM).

Mission of Japan to ASEAN. "Japan's Support in the Field of Maritime Security for Realizing ASEAN 2025." January 2016. https://www.asean.emb-japan.go.jp/asean2025/jpasean-ps01.html.

Muhibat, Shafiah and Audrey Stienon, eds. "The Future of the Seas in East Asia: Forging a Common Maritime Future for ASEAN and Japan." *Centre for Strategic and International Studies.* January 1, 2015. http://www.jstor.org/stable/resr ep14743.

Negus, Olivia. "The Chiang Mai Initiative Multilateralization (CMIM): If Not Now, then When?." *Center for Strategic & International Studies.* September 1, 2020. https://www.csis.org/blogs/new-perspectives-asia/chiang-mai-initiative-multilateralization-cmim-if-not-now-then-when.

Panda, Rajaram. "Emerging Security Architecture in Southeast & East Asia: Japan and ASEAN." *Institute of Peace and Conflict Studies.* May 1, 2013. https://www.jstor.org/stable/resre p09114?seq=1#metadata_info_tab_contents.

Patrick, Hugh. "Legacies of Change: The Transformative Role of Japan's Official Development Assistance in its Economic Partnership with Southeast Asia." *Asia-Pacific Economic Cooperation*

Study Center. January 2008. https://www8.gsb.columbia.edu/apec/sites/apec/files/files/discussion/54HP.pdf.

Reliefweb. "Japan Announces Additional Emergency Aid to the Victims of Bohol Earthquake." November 1, 2013. https://reliefweb.int/report/philippines/japan-announces-additional-emergency-aid-victims-bohol-earthquake.

Reliefweb. "Japan: ASEAN Extends a Helping Hand in Hours of Need." March 15, 2011. https://reliefweb.int/report/japan/japan-asean-extends-helping-hand-hours-need.

Reliefweb. "Japan Extends Third Emergency Relief Goods for the Cyclone Nargis Victims of Myanmar." May 2008. https://reliefweb.int/report/myanmar/japan-extends-third-emergency-relief-goods-cyclone-nargis-victims-myanmar.

Secretariat of the International Peace Cooperation Headquarters. "International Peace Cooperation Assignment in East Timor." Accessed December 6, 2020. http://www.pko.go.jp/pko_e/result/e_timor/e_timor07.html.

Secretariat of the International Peace Cooperation Headquarters. "International Peace Cooperation Assignment in Timor-Leste." Accessed December 6, 2020. http://www.pko.go.jp/pko_e/result/e_timor/e_timor10.html.

Secretariat of the International Peace Cooperation Headquarters. "International Peace Cooperation Assignment in Timor-Leste." Accessed December 8, 2020. http://www.pko.go.jp/pko_e/result/e_timor/e_timor12.html.

Siackhachanh, Avonechith Noy. "The Asian Bond Markets Initiative Policy Maker Achievements and Challenges." *Asian Development Bank*. June 2017. http://dx.doi.org/10.22617/TCS178831-2.

Singh, Bhubhindar. "ASEAN's Perceptions of Japan: Change and Continuity." *Asian Survey 42*, no.2 (2002): 276-96. doi:10.1525/as.2002.42.2.276.

Sinha, Radha. "Japan and ASEAN: A Special Relationship?" *The World Today* 38, no. 12 (December 1982): 483-492. https://www.jstor.org/stable/40395344.

Solís, Mireya. "The Underappreciated Power." *Foreign Affairs.* December 2020. https://www.foreignaffairs.com/articles/japan/2020-10-13/underappreciated-power.

Sudō, Sueo. *Evolution of ASEAN-Japan Relations.* Singapore: Institute of Southeast Asian Studies, 2005.

Sukma, Rizal and Yoshihide Soeya. *Navigating Change: ASEAN-Japan Strategic Partnership in East Asia and in Global Governance.* Tokyo: Japan Center for International Exchange, 2015.

Sun, Jing. "Japan's Shrinking ASEAN 'Soft Power.'" *The Diplomat*. August, 8 2012. https://thediplomat.co m/2012/08/japans-shrinking-asean-soft-power/.

The Japan Times. "Suga Vows to Support ASEAN on Coronavirus and Security." November 13, 2020. https://www.japantimes.co.jp/news/2020/11/13/national/politics-diplomacy/suga-vows-support-asean-virus-security/.

Tung, Nguyen Vun. "Vietnam—ASEAN Co-operation after the Cold War and the Continued Search for a Theoretical Framework." *Contemporary Southeast Asia* 24, no. 1 (April 2002): 106-120. https://www.jstor.org/stable/25798582.

UNESCAP. "Policy Brief: The Impact of COVID-19 on South-East Asia." July 2020. https://www.unescap.org/sites/default/d8files/2020-07/SG-Policy-brief-COVID-19-and-South-East-Asia-30-July-2020.pdf.

United Nations. "Asia and the Pacific." Accessed December 8, 2020. https://www.un.org/en/sections/where-we-work/asia-and-pacific/index.html.

United Nations. "Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia." Accessed December 6, 2020. https://www.un.org/Depts/los/consultativ e_process/mar_sec_submissions/recaap.pdf.

United Nations Integrated Mission in Timor-Leste. "Mission Home." Accessed December 8, 2020. https://peacekeeping.un.org/mission/past/unmit/index.shtml.

U.S. Department of State. "Asia-Pacific Economic Cooperation" (APEC). Accessed December 6, 2020. https://2001-2009.state.gov/s/ct/intl/io/apec//index.htm.

Yamaguchi, Mari. "Japan Offers Duterte Aid for Rebuilding, Fighting Terrorism." *AP News.* October 30, 2017. https://apnews.com/article/4da4e8d5c686436c8b52d93a91ea0e48.

Zhang, Yicheng. "The Empire Strikes Back: Post-Brexit Britain's Return to East of Suez." *Columbia Journal of International Affairs.* February 8, 2019. https://jia.sipa.columbia.edu/online-articles/empire-strikes-back-post-brexit-britain's-return-east-suez.

Zhao, Hong. "Chinese and Japanese infrastructure investment in Southeast Asia: from rivalry to cooperation?." *Institute of Developing Economies* 689, February 2018. http://hdl.handle.net/2344/00050160.

'Be Water': Violent Social Movement Escalation and the 2019 Hong Kong Anti-Extradition Law Amendment Bill Movement

Connor Weathers
Suffolk University

Abstract

For the second time in five years, citizens of Hong Kong mobilized in protest against proposed legislation that threatened to erode the Special Administrative Region's relative degree of autonomy from the People's Republic of China. The ensuing Anti-Extradition Law Amendment Bill (Anti-ELAB) Movement subsequently became the largest social movement in Hong Kong's history. While the movement had peaceful beginnings, clashes between police and protesters turned increasingly violent over time. Under what conditions do primarily nonviolent movements escalate to violence? Given the widespread diffusion of social movements around the world, insights into potential explanations to this question are important for both policymakers and citizens alike. Regarding this question of violent escalation, the social movements literature suggests that movements make strategic decisions to escalate, are driven toward this outcome by state repression, or alternatively engage in nonviolent escalation. This paper argues that a combination of state repression and a determination of the inefficacy of nonviolence by movement actors influences the likelihood of violent escalation. In a qualitative case study of the Anti-ELAB Movement, this paper finds support for the hypothesis that a combination of state repression and the perceived ineffectiveness of nonviolent protest drives violent escalation.

Introduction

In the summer of 2019, massive protests erupted in Hong Kong over proposed legislation that opponents held would facilitate the extradition of political dissidents to China. Hundreds of thousands of Hong Kongers took to the streets, demanding the Hong Kong government and Chief Executive Carrie Lam implement a growing list of reforms. While a majority of the

protesters participated in primarily nonviolent collective action, a substantial portion engaged in more contentious conflict with governing authorities in street battles, sieges, and other forms of confrontation. This paper examines movement escalation, posing the question: Under what conditions do primarily nonviolent movements escalate to violence? Social movements persist throughout the world and are often a collection of actors with a range of beliefs, preferences, and goals. Possessing a better understanding of the conditions under which such movements escalate to violence is important for both policymakers and citizens alike.

This paper examines the scholarly debate surrounding this question, identifying explanations that point to violent escalation as a strategic choice, others that highlight wholly nonviolent escalation, and additional scholars who argue for state repression as a driver of violent escalation within movements. This paper suggests that a combination of state repression and a determination of the inefficacy of nonviolence by movement actors influences the likelihood of violent escalation. In seeking to analyze these conditions, a qualitative analysis case study approach will be employed to examine the Anti-Extradition Law Amendment Bill Movement during the summer of 2019 in Hong Kong. This paper argues that a combination of state repression, in-group solidarity, and perceived ineffectiveness of nonviolence contribute to violent escalation within this movement. Insights gained from this paper may serve to illuminate collective action in Hong Kong and discourse on violent escalation, or simply provide useful ideas for future research.

Understanding Violent Escalation within Social Movements

Social movements and resistance campaigns have profound impacts on society as a whole and the authorities and power-holders whom they challenge. These forms of contentious politics generally consist of a collection of groups and individuals who may or may not have competing interests and objectives with different beliefs and strategies as to how to best achieve them. Under what conditions do primarily nonviolent movements pursuing political objectives escalate to violence? I consider two explanations for violent escalation and one rationale for nonviolent movement escalation.[1] Scholars of the state repression school disagree about this 'punishment puzzle' between repression and violent escalation. For instance, Robert W. White argues that state repression is a driving cause of violent escalation.[2] Other scholars in the state repression school, including Dipak K. Gupta, Harinder Singh, Tom Sprague, and Ted Gurr, argue the repression-dissent nexus may take a parabolic, inverted-U shape, where repression increases levels of dissent and collective action to a certain point after which unbearable costs are imposed that drive down participation and violence.[3] Scholars of the strategic motivation and capacity school argue that the decision to escalate to violence is centered around an existing capacity to pursue violence, the perceived inefficacy of nonviolence as a strategy, and the urgency of contested issues at hand. The nonviolent escalation school argues that not all

1   I have demarcated and named these schools of thought.
2   Robert W. White, "From Peaceful Protest to Guerrilla War: Micromobilization of the Provisional Irish Republican Army," American Journal of Sociology 94, no. 6 (1989): 1277-1302.
3   Ted Gurr, "Psychological Factors in Civil Violence," World Politics 20, no. 2 (1968): 245-278; Dipak K. Gupta, Harinder Singh, and Tom Sprague, "Government Coercion of Dissidents: Deterrence or Provocation?," Journal of Conflict Resolution 37, no. 2 (1993): 301-339.

escalation is violent, and some movements seek rather to peacefully increase the visibility of their cause, fostering conditions under which the conflict at hand must be addressed.[4]

Each of these explanations provides insight into movement escalation. However, further research is needed on the issue of violent escalation specifically. This is an important subject, as collective action can have significant influence on salient issues afflicting societies and markedly impact both future policy and government functions.

Strategic Motivation and Capacity

Scholars of the strategic motivation school argue that a conscious decision to escalate to violent tactics is made by both movements and protesters participating in individual demonstrations. As John D. McCarthy and Zald N. Mayer hold, the emergence of and support for social movements in society is not driven by grievance, as a critical mass of dissatisfaction is constantly present in society, but rather by the presence of organization and "the power and resource of some established elite group."[5] In a similar vein, Kirssa Cline Ryckman maintains that the likelihood of violent escalation of a nonviolent movement is fundamentally reliant upon the movement's existing capacity for violence, along with the presence of a perceived lack of progress toward movement goals using nonviolent tactics.[6] Ryckman defines campaign escalation in this regard as the "adoption of violence as the movement's primary tactic."[7] This type of escalation is a strategic choice by the movement as a whole in pursuit of stated objectives through the adoption of violence. Embracing a strategy of escalation on the movement level is distinct from what Ryckman refers to as the breakdown of nonviolent discipline, "implied to be less about strategy and more about the inability of a centralized movement to control individual actors."[8]

As Ryckman, like other scholars, assumes that social movements consist of collective groups with differing agendas and tactics, radical flanks and parallel movement armies embedded within social movements can also make decisions to escalate to violence separate from movement leaders, allowing for independent action without unanimity.[9] This paper uses Erica Chenoweth and Kurt Schock's definition of radical flanks, defined as "a group that is part of the broader movement and pursuing the same goals as the movement, but uses violent tactics to achieve those goals."[10] However, as Chenoweth and Schock conclude in their quantitative analysis of 106 predominantly peaceful resistance movements with maximalist political goals,

---

4   Daniel J. Gustafson, "Peace to Violence: Explaining the Violent Escalation of Nonviolent Demonstrations," Master's Thesis, (2016): 1-35.

5   John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," The American Journal of Sociology 82, no. 6 (1977): 1212-1241.

6   Kirssa Cline Ryckman, "A Turn to Violence: The Escalation of Nonviolent Movements," Journal of Conflict Resolution 64, no. 2-3 (2020): 318-343.

7   Ibid., 321.

8   Ibid., 321.

9   Ibid., 318-323.

10   Erica Chenoweth and Kurt Schock, "Do Contemporaneous Armed Challenges Affect The Outcomes Of Mass Nonviolent Campaigns?," Mobilization 2, no. 4 (2015): 427-451.

no significant evidence is found that violent flanks increase success rates in these campaigns.[11] In fact, these authors argue that the existence of violent flanks within a movement decreases overall participation.[12] The authors further disaggregate the effects of violent flanks in the short and long term, arguing that while some campaigns containing violent flanks experienced success in the short term, the presence of these groups hurt the likelihood of achieving longer term, strategic goals.[13] On the level of individual demonstrations, Gustafson argues that nonviolent demonstrations are likely to escalate to violence when groups perceive nonviolent strategies to be ineffective and become impatient with their current tactics.[14] Rather than analyzing escalation to be a strategic choice on the movement level, Gustafson holds the "aggregation of individual preferences" on the group level ultimately drives the decision to escalate violently.[15]

While the capacity for violence, judgements regarding the inefficacy of nonviolent action, and immediacy of demands play important roles in violent escalation, these explanations fail to account for a movement's interaction with the state. As Erica Chenoweth, Evan Perkoski, and Sooyeon Kang discuss, dissent, in some capacity, will always arouse state repression.[16] Therefore, these explanations ignore an important intervening variable that scholars as far back as Ted Gurr have identified as a critical influence on levels of violence.[17]

Nonviolent Escalation

Other scholars argue that escalation of nonviolent conflict need not be violent. Majken Jul Sørensen and Jørgen Johansen reason that nonviolent actors engaged in contentious politics often strategically escalate conflict in pursuit of achieving stated goals.[18] However, the authors distinguish between violence and conflict: conflict escalation does not imply violent escalation.[19] In this view, nonviolent actors escalate conflict in order to achieve visibility and affect change, judging escalation to be successful when the conflict can no longer be ignored.[20] Such actors seek increased attention through quantitative means, employing attention grabbing methods, creating predicaments for their opponents that cannot be ignored, provoking their targets, and persevering.[21] This occurs not only through the use of specific tactics, but through a "complex interaction between all the stakeholders and external actors, such as media, and cannot be controlled by one party alone."[22]

This type of escalation is no doubt valid, and a prime example of its efficacy is demonstrated

---

11   Ibid., 427.
12   Ibid., 446.
13   Ibid., 446.
14   Gustafson, "Peace to Violence," 19.
15   Ibid., 7.
16   Erica Chenoweth, Evan Perkoski and Sooyeon Kang, "State Repression and Nonviolent Resistance," Journal of Conflict Resolution 61, no. 9 (2017): 1950-1969.
17   Gurr, "Psychological Factors," 265-267.
18   Majken Jul Sørensen and Jørgen Johansen, "Nonviolent Conflict Escalation," Conflict Resolution Quarterly 34, no. 1 (2016): 83-108.
19   Ibid., 85-88.
20   Ibid., 87-88.
21   Ibid., 91.
22   Ibid., 89.

with the case of the 1950s and 1960s American Civil Rights Movement, in which attention was drawn to the main issues through demonstrations, creating a quandary for the movement's targets and drawing both media attention and frequent repression.[23] Nonviolent escalation was instrumental in the campaign for civil rights during this period.[24]

State Repression

Scholars of the state repression school argue that government sanctions against opposition groups drive an escalation to violence. This relationship between repression and dissent, however, is complicated, and conclusions vary within the literature. Mark Irving Lichbach argues that state repression has a mixed effect on opposition groups, producing both escalation and deescalation.[25] According to Lichbach's rational actor model, repression influences the tactics used by opposition groups.[26] Repression targeted at nonviolent tactics reduces their use by opposition groups, while simultaneously increasing the use of violent tactics.[27] The rising cost of pursuing nonviolent tactics drives this shift, leading dissident groups to pursue the path of least resistance toward stated political objectives.[28] This model highlights a paradoxical effect of state repression, as coercion against successful tactics leads to an increase in overall group activity, while coercion against unsuccessful methods results in an overall decrease of group activity.[29] Furthermore, the author argues that consistency in state response to dissent, either through accommodation or repression, decreases overall dissent while an inconsistent response produces the opposite effect.[30] Lichbach therefore demonstrates how state repression drives the adoption of either nonviolent or violent tactics by opposition groups.

Alternatively, Gupta et al. argue that the effect of government repression on dissidents is conditioned by regime type.[31] In democracies, the autonomy of the state to repress is constrained by constitutions, civil rights protections, and the rule of law, among other factors.[32] The potential that severe repression may negatively affect political legitimacy also serves to constrain the state's use of repressive tactics.[33] The authors therefore contend a positive relationship is present in democracies between repression and the extent of political protests and protest-related deaths, as costs associated with protesting are not substantial enough to impede action by the opposition.[34] In non-democracies, however, the state is not bound by such constitutional constraints and wields greater autonomy in its decision to repress dissidents,

---

23   Ibid., 90.
24   Ibid., 103.
25   Mark Irving Lichbach, "Deterrence or Escalation? The Puzzle of Aggregate Studies of Repression and Dissent," Journal of Conflict Resolution 31, no. 2 (1987): 266-297.
26   Ibid., 268.
27   Ibid., 268.
28   Ibid., 293.
29   Ibid., 293-294.
30   Ibid., 293-294.
31   Gupta et al., "Government Coercion," 335.
32   Ibid., 335-336.
33   Ibid., 335-336.
34   Ibid., 335.

enabling it to levy unendurable costs.[35] This ability to impose high costs on dissidents therefore results in repression negatively affecting the extent of political dissent, reducing overall levels of protest.[36]

In disagreement with Gupta et al., Karen Rasler asserts regime type has no effect on the relationship between repression and overall protest levels.[37] Rather, in her case study of the Iranian Revolution, she finds that repression negatively affects overall protest levels in the short term while positively affecting them in the long term.[38] Analyzing the Shah's response to internal Iranian opposition, Rasler agrees with Lichbach that an inconsistent regime response can increase overall protest levels, finding that government concessions coinciding with repression increased protest levels and the spatial diffusion of protests.[39] Interestingly, Rasler references Karl-Dieter Opp and Wolfgang Reuhl, who assert that negative effects of repression can be canceled out and even reversed if "repression leads to micromobilization processes that raise incentives for protests" which "are launched if people are exposed to repression, if they consider the repression illegitimate, and if they are members of groups that support protest."[40]

Similar to McCarthy and Zald, who argue evidence that relative deprivation, defined by Gurr as "actors' perception of discrepancy between their *value expectations* and their environment's apparent *value capabilities*," significantly affects levels of collective action is at best unreliable, Robert W. White finds that state repression, rather than economic deprivation, was the driving factor behind the violent escalation of the Provisional Irish Republican Army's (IRA) tactics.[41] While White found that the increase in violence in this Northern Ireland context correlated with state repression, he concludes that his "findings show that support for political violence results from a complex process in which people consider such factors as social solidarity, political repression, and the potential of peaceful versus violent protest before they endorse political violence."[42] Thus, according to the author, the presence of state repression is not the only factor influencing the propensity of a "community mobilized for peaceful protest" to support political violence as a means of achieving political objectives.[43] Based on interviews with IRA supporters, White finds that support for political violence stems from a determination that nonviolence is an ineffective strategy to achieve political goals and also substantiates the conclusions of Ryckman and the strategic motivation school. Such a determination, White argues, is influenced by levels of solidarity among individuals experiencing repression and by social status.[44]

---

35   Ibid., 336.
36   Ibid., 336.
37   Karen Rasler, "Concessions, Repressions, and Political Protest in the Iranian Revolution," American Sociological Review 61, no. 1 (1996): 132-152.
38   Ibid., 143.
39   Ibid., 137.
40   Karl-Dieter Opp and Wolfgang Ruehl, "Repression, Micromobilization and Political Protest," Social Forces 69, no. 52 (1990): 521-547.
41   McCarthy and Zald, "Resource Mobilization," 1215; Gurr, "Psychological Factors," 252-253; White, "From Peaceful Protest," 1297-1298. See Gurr for a discussion of relative deprivation as "the necessary precondition" for civil violence.
42   White, "From Peaceful Protest," 1279.
43   Ibid., 1283.
44   Ibid., 1297.

In his analysis of contentious politics in the West Bank, Marwan Khawaja focuses on the effects of state repression on both individuals and the collective.[45] A positive relationship is demonstrated between repression and extent of collective action on both levels, though sanctions against individuals produce a stronger effect.[46] At this individual level of analysis, both 'harsh' methods like shootings and uses of tear gas, as well as 'soft' tactics like threats and general provocations significantly increased rates of collective action.[47] Like White, Khawaja indicates this positive relationship may be influenced by levels of increased solidarity, as repression unifies previously heterogeneous groups around common goals, "increasing identification with and commitment to social movement organizations."[48] While Khawaja addresses overall levels of collective action rather than violent escalation, he does indicate his findings generally agree with the hypothesis of a parabolic, inverted 'U' shaped relationship between repression and collective action.[49] This analysis of the relationship is intriguing, as it acknowledges that severe forms of repression, like mass arrests, may decimate organizational structures and create logistical issues that constrain collective action.[50]

William H. Moore acknowledges the disparate conclusions about the repression-dissent relationship. Key to this disagreement, in his view, is the use of aggregate analysis.[51] Moore argues that arbitrary temporal sampling will influence results obtained from such analyses, limiting their explanatory power.[52] Therefore, Moore employs a sequential analysis approach, analyzing the theories postulated by Lichbach, Gupta et al., and Rasler. Moore's analysis finds support for Lichbach's conclusions, substantiating the argument that state repression can influence tactics employed by the opposition.[53] Notable distinctions are made in this analysis, such as the importance of considering not only state repression, but also state accommodation of opposition demands when examining this relationship, as well as repression's reciprocal nature, in that dissent can also influence repression.[54]

The relationship between state repression and violent escalation is complex and findings are often contradictory, varying based on case choice and method of analysis used. Moreover, outside of White's research, there is a lack of specific focus on violent escalation since much of the literature focuses on the extent of overall collective action. In a review of the state repression literature, Chenoweth et al. identify consensus on points including the effect of regime type on the scope and intensity of repression, along with findings that state repression is less effective against highly organized movements, yet there is no mention of violent escalation.[55]

---

45   Marwan Khawaja, "Repression and Popular Collective Action: Evidence from the West Bank," Sociological Forum 8, no. 1 (1993): 47-71.
46   Ibid., 64.
47   Ibid., 65.
48   Ibid., 66.
49   Ibid., 65.
50   Ibid., 65.
51   Will H. Moore, "Repression and Dissent: Substitution, Context, and Timing," American Journal of Political Science 42, no. 3 (1998): 851-873.
52   Ibid., 858.
53   Ibid., 870.
54   Ibid., 862.
55   Chenoweth et al., "State Repression," 1951.

While many factors influence the conditions under which nonviolent movements and campaigns pursuing political objectives escalate to violence, insights obtained from the state repression and strategic motivation and capacity schools improve understanding of violent escalation. Chenoweth et al. argue that dissent consistently elicits some level of state repression, and thus understanding the effects of such sanctions is important for both movement actors and the state.[56] Likewise, violent escalation can be dependent on a movement or campaign's strategic decision to pursue such a course of action, as well as its capacity to do so. Of course, many cases of nonviolent collective action do not experience violent escalation, but nonetheless intensify their tactics below this violence threshold. Thus, explanatory consideration of these processes are also worthwhile. Yet, due to wide variations in collective action across cases, explanations for violent escalation are limited in their external validity. Therefore, it may be more beneficial to examine both the influences of state repression as well as a movement's strategic motivation and capacity for violence in future analyses.

However, gaps in the literature that specifically address the escalation of nonviolent movements remain. Many scholars are interested in the success and outcomes of campaigns and movements and how state repression and tactics affect outcomes. Few studies examine the underlying causes of violent escalation of both movements as a whole as well as individual demonstrations and acts of protest. Future research should further analyze this important subject.

Research Design

An examination of the literature regarding explanations of the conditions under which primarily nonviolent movements escalate to violence suggests that a capacity for violence and determination that nonviolence is ineffective drives escalation, that escalation can be inherently nonviolent, and that state repression drives violent escalation. This paper will conduct a qualitative case study of the Hong Kong Anti-ELAB Movement, analyzing scholarly literature and a limited amount of quantitative data. This paper argues that violent escalation is driven by state repression and a perception among movement participants that nonviolence is ineffective. Like other case studies, the external validity of this paper's conclusions will likely be limited since characteristics of social movements vary widely from case to case.

A History of Protest in Hong Kong

The Hong Kong Special Administrative Region (HKSAR) possesses a long and contentious history of protest. Demonstrations commemorating the anniversary of the Tiananmen Square massacre and pro-democracy protests have been an annual occurrence under both British rule and the 'one country, two systems' arrangement following the 1997 handover. In the lead-up to this momentous occasion, during the signing of the Joint Sino-British Declaration of 1984, the Chinese government declared Hong Kong as a Special Administrative Region (SAR), stating that "the current social and economic systems in Hong Kong will remain unchanged, and so will the lifestyle," until the agreement is scheduled to conclude in 2047, 50 years after the

---

56   Ibid., 1957.

handover.[57] While Hong Kong is by no means a liberal democracy, grievances among citizens have been rising since the handover regarding the lack of promised reform, particularly the absence of vertical accountability pertaining to Hong Kong's Chief Executive, who is elected by "an elite 1200-member group meant to represent the diversity of constituent interests and opinions in Hong Kong."[58] In theory, under Hong Kong's quasi-democratic constitution, known as the Basic Laws, the SAR boasts an independent judiciary and a directly elected legislature. In practice, however, representation is unequal in the Legislative Council, the Chief Executive remains indirectly elected, and China is increasingly asserting itself in the operations of the judicial system.

In response to the perceived inadequacy of the proposed electoral reforms, which would have granted universal suffrage beyond the 1,200 member Nominating Committee while retaining the Committee's right to nominate candidates, Hong Kongers began participating in the most extensive demonstrations in the city's history.[59] Coinciding with planned demonstrations organized by the Occupy Central movement, subsequently known as the Umbrella Movement, demonstrators poured into Hong Kong's streets by the hundreds of thousands for 79 days between late-September and mid-December 2014, physically occupying strategic locations around the downtown area.[60] Yet, despite this massive turnout, the movement ultimately failed to achieve its political goals, which Lee et al. argue can be attributed to four main reasons.[61] First, the movement did not possess the capability to influence political reform from within existing institutions.[62] Second, the physical occupation and immobilization of major portions of downtown Hong Kong ultimately suppressed popular support, as demonstrators were perceived to be excessively radical.[63] Third, perhaps sensing this general sentiment, the state's initial repression of the demonstrators, characterized by the deployment of tear gas by police on the movement's first day that catalyzed the huge numbers of protesters to follow, was replaced with a strategy that sought to wait out and wear down the protestors.[64] Finally, as it became clear that such contentious, nonviolent strategies were not producing the desired effects, inter-movement disagreement regarding tactical escalation ultimately demobilized the movement over the long term, with its tactics proving unsustainable.[65]

Rising in popularity from the ashes of the Umbrella Movement's failures, the progressively rooted ideals of localism began to incorporate an "ideologically radical, pro-independence political agenda," utilizing increasingly confrontational tactics.[66] In February 2016, the

---

57   Jonathan Robison, "One Country, Two Futures? How Hong Kong's System Will Survive," New Perspectives in Foreign Policy 5, Spring (2018): 44-47.
58   Ibid., 44.
59   Victoria Tin-bor Hui, "Hong Kong's Umbrella Movement: The Protests and Beyond," Journal of Democracy 26, no. 2 (2015): 111-121.
60   Ibid., 114.
61   Francis L.F. Lee et al., "Hong Kong's Summer of Uprising: From Anti-Extradition to Anti-Authoritarian Protests," China Review 19, no. 4 (2019): 1-32.
62   Ibid., 5.
63   Ibid.
64   Ibid.
65   Ibid.
66   Hiu-Fung Chung, "Changing Repertoires of Contention in Hong Kong: A Case Study on the Anti-Extradition Bill Movement," China Perspectives 2020/3, (2020): 57-63.

Mongkok protests marked a pronounced period of escalation for the historically and predominantly peaceful protests that had previously characterized collective action in Hong Kong. Protesters, in response to a "crackdown" campaign by the Hong Kong authorities on small-scale street vendors, directly engaged police forces, throwing objects including bricks and glass bottles.[67] The SAR government successfully repressed these protests, charging and sentencing influential movement leaders from both the Mongkok unrest and the Umbrella Movement while also disqualifying a pro-democracy political party, effectively demobilizing large scale protests in Hong Kong until early 2019.[68]

The Anti-ELAB Movement Escalation

The emergence of the movement collectively known as the Anti-Extradition Law Amendment Bill (Anti-ELAB) Movement, the Water Movement, or simply "pro-democracy protesters" by US media, can be better understood within the context of Hong Kong's recent history with the Umbrella Movement and Mongkok protests. Following the introduction of an amendment to the Fugitive Offenders Ordinance and the Mutual Legal Assistance in Criminal Matters Ordinance in February 2019, which would have allowed for the extradition of fugitives to mainland China to face trial, large and sustained protests broke out in opposition throughout Hong Kong.[69] The Anti-ELAB protests quickly gathered strength and by June 2019 numbered in the hundreds of thousands, eclipsing one million demonstrators on June 9.[70]

On June 12, during what was supposed to be the second public reading of the bill at the Legislative Council building, protesters demonstrated by surrounding the building and blocking adjacent roads.[71] Although the majority of protesters were nonviolent, a radical faction numbering in the thousands attempted to gain access to the building, prompting police to repel them with tear gas, rubber bullets, and bean bag rounds. As these violent confrontations extended throughout the day, according to Amnesty International, "'the use of force by police in the largely peaceful protest that took place on 12 June violated international human rights law and standards.'"[72] This repressive response, coupled with the official designation of the clashes as a "riot," a specific offense carrying a 10 year maximum sentence, exacerbated rising tensions.[73] The riot designation was significant, because by definition, once police declare an unlawful assembly, everyone present commits the offense, including those strictly practicing nonviolence.[74]

In response to this unrest, Chief Executive Carrie Lam issued a formal apology and shelved the bill. However, Lam's accommodative measure backfired, and the SAR's inconsistent response continued to inflame demonstrations. In the wake of the bill's indefinite retraction,

---

67   Ibid., 58.
68   Ibid.; Lee et al., "Hong Kong's Summer," 6.
69   Lee et al., "Hong Kong's Summer," 2.
70   Ibid.
71   Ibid.
72   Martin Purbrick, "A Report of the 2019 Hong Kong Protests," *Asian Affairs* 50, no. 4 (2019): 465-487.
73   Ibid., 470.
74   Ibid., 471.

the movement ballooned in size and increased the scope of their demands, directing their grievances at security forces. The Hong Kong Legislative Council building, previously fought over just days before, was raided and vandalized on July 1 by protesters demanding the "complete withdrawal of the bill, investigation into police abuse of power, and implementation of popular elections of the whole LegCo and the Chief Executive."[75] The inconsistency of SAR's response during this period provides support for the conclusions of Lichbach and Rasler, as simultaneous repression and accommodation increased protest levels, which were followed by increased spatial diffusion of protests, a phenomena not previously seen in Hong Kong.[76] This spatial diffusion reached an all time high in Hong Kong's protest history, ultimately benefiting the movement by exposing more residents to the severity of the state's repression of demonstrators, driving public opinion about ownership of responsibility for violent protest escalations.[77] Indeed, 83 percent surveyed blamed the Hong Kong government and 73 percent levied blame on the police for the increased violence.[78]

Escalation continued into mid-July, and protesters donning masks and protective gear frequently engaged in violent conflict with police, whose harsh response included widespread uses of rubber bullets and tear gas.[79] Data collected by the ANTIELAB Research Data Archive show that arrests, police injuries, and the use of rubber bullets and tear gas canisters all increased during July through November. A major event occurred during violent engagements between police and protestors on July 21 in which the latter were ambushed by "thugs in white shirts [who] launched an indiscriminate attack on civilians."[80] Distrust in the police continued to rise, as demonstrators admonished the security forces for their apparent tacit acceptance of these attacks (thought to be executed by Triad members), evident by the extremely slow response time and zero arrests made following limited investigations.[81] As the summer wore on, protesters were increasingly adopting more violent and confrontational tactics, "surrounding local police stations or confronting riot police on the streets and in metro stations with umbrellas, bamboo sticks, bricks and even petrol bombs."[82] Arrests in August more than tripled, uses of rubber bullets increased almost 400%, and the amount of tear gas deployed skyrocketed.[83]

75   Lee et al., "Hong Kong's Summer," 10.
76   Lichbach, "Deterrence."; Rasler, "Concessions."
77   Chung, "Changing Repertoires," 59-60.
78   Ibid., 60.
79   ANTIELAB Research Data Archive, (2020).
80   Lee et al., "Hong Kong's Summer," 10-11.
81   Ibid., 20; Purbrick, "A Report," 473.
82   Lee et al., "Hong Kong's Summer," 11.
83   ANTIELAB.

Arrests, Police Injuries, and Discharged Munitions by Month[84]

Source: ANTIELAB Research Data Archive

		Arrests	Bean Bag Rounds	Police Injuries	Rubber Bullets	Tear Gas Grenades
2019	June	73	3	34	19	240
	July	224	3	92	134	608
	August	750	43	96	405	2,187
	September	764	139	62	348	492
	October	1,189	386	101	1,625	2,848
	November	2,899	1,425	120	7,479	9,597
	December	697	27	50	66	166

A mix of peaceful and violent clashes, substantial spatial diffusion and the prominence of spontaneous demonstrations and conflict with police characterized this period. Notably, 90.9% "of respondents either agree[d] or strongly agree[d] that confrontational actions could be justified when the government does not listen to the people," while 85.2% "believed that peaceful and confrontational actions should be combined to yield the maximal impact."[85] This provides evidence for the argument that violent escalation is more likely when there is a perception that nonviolent tactics are not producing the desired results. An overwhelming majority who believed in a combination of peaceful and confrontational tactics implies that success is not, or cannot be achieved through nonviolent tactics alone. In addition, corresponding with an increased interest from China in quieting the discontent, Hong Kong security forces themselves increased their levels of repression. Yet crucially, they were generally unable to differentiate between nonviolent and violent protesters in their uses of force. These indiscriminate uses of force increased protest levels and further contributed to the radicalization of previously nonviolent demonstrators.[86] Indeed, these events support the position of Rasler, Opp, and Reuhl, who argue that the negative effects of repression can be reversed when individuals experiencing state sanctions view them as illegitimate and are "members of groups that support protest."[87]

Two important characteristics of the Anti-ELAB Movement are its leaderless organization and high levels of inter-group solidarity. Providing further evidence for White's argument that repression seen as illegitimate increases solidarity, the widespread repression of anti-extradition bill protests measurably increased levels of solidarity.[88] This effect is illustrated not only by previously cited views on support for different tactics, but also through the inclusion of a

---

84   Ibid.
85   Lee et al., "Hong Kong's Summer," 18.
86   Purbrick, "A Report," 477.
87   Opp and Ruehl, "Repression, Micromobilization," 521.
88   Lee et al., "Hong Kong's Summer," 23.

diverse background of movement participants, engaging from multiple "generations, class and political orientations."[89] Bridging gaps regarding tactical preferences, the main drivers of this solidarity were "accumulated grievance toward police brutality and unresponsive government."[90] Indeed, central to solidarity in this case was the notion of "no mat cutting," or the practice of not fracturing the group due to differences in opinions.[91] Learning from the failure of the Umbrella Movement, the Anti-ELAB Movement adopted a "be water" strategy as a "defining organizational principle."[92] This strategy was characterized by the "fluidity and diversity of the tactics adopted in the Anti-ELAB Movement," along with the absence of both leadership structure and performances on "main stages."[93] Furthermore, protests were more spontaneous than in 2014, a tactical choice facilitated through the widespread use of technology, including apps like Telegram to communicate rapidly and securely, allowing for real time adjustments based on new intelligence like police whereabouts.[94]

Ultimately, conditions during the escalatory period that culminated in the standoff at the Chinese University of Hong Kong in November supports the main argument of this paper, suggesting that state repression and a lack of success utilizing nonviolent tactics contributed to violent escalation.[95] The immediate repression protesters faced in mid-June set the tone for the weeks to come. As protesters began to face sustained repression and documented abuses of force, a perception of illegitimacy took hold, increasing the size of the demonstrations and expanding the movement's demands to include investigations into the police and Chief Executive. This paper identifies the interaction of state repression and high solidarity levels within the Anti-ELAB Movement to account for the persistence of the perceived inefficacy of nonviolent tactics. Highly cohesive, the structure of the movement allowed for individuals to defect from primarily nonviolent protest and radicalize to some degree without creating fissures between the peaceful and more militant factions. Furthermore, the initial inconsistent response of both repression and accommodation facilitated the expansion of protestors' demands and overall levels of collective action.

Although this paper does not address the current state of the movement in Hong Kong, which remains active, analysis of the Anti-ELAB Movement in Hong Kong indicates a parabolic, inverted 'U' shape relationship between state repression and levels of collective action. Throughout the summer, state repression was no doubt extensive and often brutal, yet protesters evidently judged the potential costs, including arrest and injury, to be sufficiently worth the risk. However, the June 2020 passing of the new national security law arguably signifies that the apogee of repression's catalyzing effect on protest has passed. Utilization of coercive tactics by the SAR has decreased overall protest levels in accordance with the inverted 'U' relationship. The law threatens potential life sentences for the vaguely defined offenses of secession, subversion, terrorism, and foreign collusion, potentially levying unbearable costs for

---

89   Ibid., 23.
90   Chung, "Changing Repertoires," 59.
91   He Rowena, "To Lead or Not to Lead: Campus Standoff in Hong Kong's Water Movement," *Journal of International Affairs* 73, no. 2 (2020): 119-134.
92   Lee et al., "Hong Kong's Summer," 24.
93   Ibid., 24; He, "To Lead," 124.
94   Purbrick, "A Report," 474-475.
95   He, "To Lead," 125-130.

protestors and suppressing future demonstrations. Moreover, the law has *de facto* undermined the independence of Hong Kong's judiciary through the establishment of national security committees and offices in the city's government, and individuals charged can have their cases heard under Chinese law, facing potential extradition to the mainland.[96]

Conclusion

Hong Kong experienced the most significant levels of protest in its history in 2019. Stemming from a proposed extradition bill, millions of Hong Kongers engaged in collective action, voicing their demands through the employment of a wide repertoire of tactics. Many protestors chose paths of nonviolence and peaceful demonstrations, while others became more militant and directly engaged in violent conflict with security forces. Through an analysis of Hong Kong's Anti-ELAB Movement, this paper examined the conditions under which primarily nonviolent movements escalate to violence.

The literature on this subject highlights three schools of thought pertaining to this question of escalation. The nonviolent escalation school argues that movements can escalate entirely without violence, instead seeking to draw abundant attention to an objective at which point it can no longer be ignored. The strategic motivation and capacity school suggests an existing capacity for violence within social movements and perceptions of the inefficacy of nonviolent tactics increases the likelihood of movement escalation. Finally, the state repression school argues that government coercion drives movement escalation, though the 'punishment puzzle' remains unsolved.

In the case of Hong Kong's Anti-ELAB Movement, there is support for this paper's argument that a combination of state repression and the ineffectiveness of nonviolent protest drives escalation. With the onset of initial and severe repression by Hong Kong police at the beginning of the movement, protesters quickly adopted a perception of such repression as illegitimate. Protesters coalesced around their shared experiences on the receiving end of violent police crackdowns with the police failing to differentiate between violent and nonviolent protesters when deploying tear gas, rubber bullets, and bean bag rounds. A commitment to solidarity within the movement succeeded in alleviating tension between nonviolent and violent factions, allowing protesters who had become disenfranchised with nonviolent tactics an outlet to engage in more contentious confrontations. This paper identified an inconsistent state response to protests as an incitement method since the dissonance of repression and accommodation contributed to the movement's expansion in size and demands.

This predominantly qualitative study has several limitations. First, data collection on individuals' engagement in violence or their rationale for doing so is challenging and potentially dangerous for both the researcher and the subjects. Therefore, this paper did not pursue such data collection and utilized scholarly research and data collected through the ANTIELAB Research Data Archive instead. Second, a core issue in determining the relationship between repression and escalation is an inability to sequence events, and many qualitative studies described

---

96   Javier C. Hernández, "Harsh Penalties, Vaguely Defined Crimes: Hong Kong's Security Law Explained," The New York Times, June 30, 2020.

only "clashes" or "confrontations," rarely detailing which side instigated the encounter. This paper has also not considered demographic information on protesters or economic factors in explanations for violent escalation. Despite these limitations, this paper contributes to the discourse on violent escalation by directly examining the conditions under which social movements escalate to violence, a focus that has been frequently overlooked in literature examining social movement success and failure and how diverging conditions affect overall protest levels.

Finally, Hong Kong's government structure is unique. The city is governed by two systems: the HKSAR government as well as a "second government" principally composed of the Hong Kong and Macau Affairs Office that answers to China's State Council.[97] While Hong Kong is not a liberal democracy, the new national security law has arguably reduced Hong Kong's judicial independence. Therefore, further research might analyze the relationship between the presence of precursors to and symptoms of democratic erosion and violent social movement escalation.

Author Biography

Connor Weathers is currently a senior at Suffolk University in Boston, MA studying Government with a concentration in International Relations. His main research interests are focused on international conflict and American foreign policy. In addition to coursework, he has served for the past seven months as a Data & Analytics intern with the U.S. Department of Health and Human Services, assisting the federal government's COVID-19 response. He has also interned as a research assistant with a Professor of International Relations at Suffolk. Following the completion of his undergraduate degree in January 2022, Connor plans to pursue graduate study in the field of International Relations.

Bibliography

Alimi, Eitan Y. "Relational dynamics in factional adoption of terrorist tactics: a comparative perspective." *Theory and Society* 40, (2011): 95-118. https://doi.org/10.1007/s11186-010-9137-x.

Alpaugh, Micah. "The Politics of Escalation in French Revolutionary Protest: Political Demonstrations, Non-violence and Violence in the Grandes Journées of 1789." *French History* 23, no. 3 (2009): 336-359. doi:10.1093/fh/crp055.

Anduiza, Eva and Jordi Muñoz. "'If a fight starts, watch the crowd': The effect of violence on popular support for social movements." *Journal of Peace Research* 56, no. 4 (2019): 485-498. https://doi.org/10.1177%2F0022343318820575.

ANTIELAB Research Data Archive. Accessed November 30, 2020, https://antielabdata.jmsc. hku.hk/.

---

97   Purbrick, "A Report," 480.

Barton, Greg, Muhammad Iqbal, and Matteo Vergani. "Beyond social relationships: Investigating positive and negative attitudes towards violent protest within the same social movement." *Journal of Sociology* 53, no. 2 (2017): 445-460. https://doi.org/10.1177%2F1440783316688344.

Carey, Sabine C. "The Use of Repression as a Response to Domestic Dissent." *Political Studies* 58, (2010): 167-186. https://doi.org/10.1111%2Fj.1467-9248.2008.00771.x.

Chan, Johannes. "A storm of unprecedented ferocity: The shrinking space of the right to political participation, peaceful demonstration, and judicial independence in Hong Kong." *International Journal of Constitutional Law* 16, no. 2 (2018): 373-388. doi:10.1093/icon/moy053**.**

Chenoweth, Erica and Kurt Schock. "Do Contemporaneous Armed Challenges Affect The Outcomes Of Mass Nonviolent Campaigns?" *Mobilization* 2, no. 4 (2015): 427-451. https://doi.org/ 10.17813/1086-671X-20-4-427.

Chenoweth, Erica. "Trends in Nonviolent Resistance and State Response: Is Violence Towards Civilian-based Movements on the Rise?" *Global Responsibility to Protect* 9, (2017): 86-100 https://doi.org/10.1163/1875984X-00901006.

Chenoweth, Erica, Evan Perkoski and Sooyeon Kang. "State Repression and Nonviolent Resistance." *Journal of Conflict Resolution* 61, no. 9 (2017): 1950-1969. https://doi.org/10.11 77%2F0022002717721390.

Chung, Hiu-Fung. "Changing Repertoires of Contention in Hong Kong: A Case Study on the Anti-Extradition Bill Movement." *China Perspectives* 2020/3, (2020): 57-63. http://journals. openedition.org/chinaperspectives/10476.

della Porta, Donatella. "Research on Social Movements and Political Violence." *Qualitative Sociology* 31, (2008): 221-230. https://doi.org/10.1007/s11133-008-9109-x.

deMerrit, Jacqueline H.R. "The Strategic Use of State Repression and Political Violence." *Oxford Research Encyclopedia of Politics*. (2016): 1-19. New York: Oxford University Press. https://doi.org/10.1093/acrefore/9780190228637.013.32.

Gupta, Dipak K., Harinder Singh, and Tom Sprague. "Government Coercion of Dissidents: Deterrence or Provocation?" *Journal of Conflict Resolution* 37, no. 2 (1993): 301-339. https:// doi.org/10.1177%2F0022002793037002004.

Gurr, Ted. "Psychological Factors in Civil Violence." *World Politics* 20, no. 2 (1968): 245 278. https://www.jstor.org/stable/2009798.

Gustafson, Daniel J. "Peace to Violence: Explaining the Violent Escalation of Nonviolent Demonstrations." (2016): 1-35. Master's thesis, University of North Carolina at Chapel Hill.

He, Rowena. "To Lead or Not to Lead: Campus Standoff in Hong Kong's Water Movement." *Journal of International Affairs* 73, no. 2 (2020): 119-134. https://www.jstor.org/ stable/26939969.

Hernández, Javier C. "Harsh Penalties, Vaguely Defined Crimes: Hong Kong's Security Law

Explained." *The New York Times*, June 30, 2020. https://www.nytimes.com/2020/06/30/world/asia/hong-kong-security-law-explain.html.

Hong Kong Free Press. "Hong Kong Protest Movement Data Archive." Accessed December 1, 2020. https://hongkongfp.com/hong-kong-protest-movement-data archive-arrests-protest-statistics/.

Hui, Victoria Tin-bor. "Hong Kong's Umbrella Movement: The Protests and Beyond." *Journal of Democracy* 26, no. 2 (2015): 111-121. https://doi.org/10.1353/jod.2015.0030.

Kadivar, Mohammad Ali, and Neil Ketchley. "Sticks, Stones, and Molotov Cocktails: Unarmed Collective Violence and Democratization." *Socius: Sociological Research for a Dynamic World* 4, (2018): 1-16. https://doi.org/10.1177%2F2378023118773614.

Khawaja, Marwan. "Repression and Popular Collective Action: Evidence from the West Bank." *Sociological Forum* 8, no. 1 (1993): 47-71. https://www.jstor.org/stable/684284.

Lee, Francis L.F., Samson Yuen, Gary Tang, and Edmund W. Cheng. "Hong Kong's Summer of Uprising: From Anti-Extradition to Anti-Authoritarian Protests." *China Review* 19, no. 4 (2019): 1-32. https://muse.jhu.edu/article/743118.

Lichbach, Mark Irving. "Deterrence or Escalation? The Puzzle of Aggregate Studies of Repression and Dissent." *Journal of Conflict Resolution* 31, no. 2 (1987): 266-297. https://doi.org/10.1177%2F0022002787031002003.

Loveman, Mara. "High Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina." *American Journal of Sociology* 104, (1998): 477-525. https://doi.org/10.1086/210045.

McCarthy, John D., and Mayer N. Zald. "Resource Mobilization and Social Movements: A Partial Theory." *The American Journal of Sociology* 82, no. 6 (1977): 1212-1241. https://doi.org/10.1086/226464.

Moore, Will H."Repression and Dissent: Substitution, Context, and Timing." *American Journal of Political Science* 42, no. 3 (1998): 851-873. https://doi.org/10.2307/2991732.

Olivier, Johan L. "Causes of Ethnic Collective Action in the Pretoria-Witwatersrand Triangle, 1970 to 1984." *South African Sociological Review* 2, no. 2 (1990): 89-108. https://www.jstor.org/stable/44461157.

Purbrick, Martin. "A Report of the 2019 Hong Kong Protests." *Asian Affairs* 50, no. 4 (2019): 465-487. https://doi.org/10.1080/03068374.2019.1672397.

Rasler, Karen. "Concessions, Repressions, and Political Protest in the Iranian Revolution." *American Sociological Review* 61, no. 1 (1996): 132-152. https://www.jstor.org/stable/2096410.

Robison, Jonathan. "One Country, Two Futures? How Hong Kong's System Will Survive." *New Perspectives in Foreign* Policy 5, (Spring 2018): 44-47. https://www.csis.org/npfp/one-country-two-futures-how-kong-kongs-system-will-survive.

Ryckman, Kirssa Cline. "A Turn to Violence: The Escalation of Nonviolent

Movements." *Journal of Conflict Resolution* 64, no. 2-3 (2020): 318-343. https://doi.org/10.1177%2F0022002719861707.

Sørensen, Majken Jul and Jørgen Johansen. "Nonviolent Conflict Escalation." *Conflict Resolution Quarterly* 34, no. 1 (2016): 83-108. doi:10.1002/crq.21173.

White, Robert W. "From Peaceful Protest to Guerrilla War: Micromobilization of the Provisional Irish Republican Army." *American Journal of Sociology* 94, no. 6 (1989): 1 2 7 7 - 1302. https://www.jstor.org/stable/2780960.