

Japan's Counterterrorism Policy

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Introduction

In the past few years, Tokyo has rapidly set up numerous counterterrorism measures.

Nevertheless, if professional terrorists challenge these defensive measures in earnest, can

Japan really detect and prevent terrorism? In the event of a CBRN attack, can first-

responders effectively cooperate with each other? In terms of international cooperation,

Tokyo has provided various kinds of capacity building assistance for Asian countries.

However, have the efforts been useful for strengthening their domestic counterterrorism?

We must reevaluate our capacities and reconsider our policy. One thing is certain: Japan

promotes a counterterrorism scheme both domestically and internationally, but without a

strategic framework; its goals, objectives, priorities, means, and threat assessments are all

ill-defined.

This paper describes the current terrorist threat and analyzes Japan's counterterrorism efforts.

Terrorist Threat: Relatively Low

To what extent is Japan threatened by international terrorism? Unlike the situation in

India and the United States, not a single international terrorist incident has taken place in Japan during the past decade. A French terrorist, Lionel Dumont, who was wanted by the ICPO (International Criminal Police Organization) and listed on the United Nations' al Qaeda-Taliban Sanction List, lived in an apartment in Niigata where he worked as a used-car dealer for more than a year before he was arrested in Germany in 2003. It was the sole example of a foreign terrorist footprint on Japanese soil; yet even in this case there was no evidence that his target was Japan. Moreover, Japanese law enforcement authorities have neither arrested a single foreign terrorist nor thwarted a terrorist conspiracy.

The population of Muslims in Japan is said to be one hundred thousand (less than 0.1 percent of the total population), which is far smaller than that of European countries. Major social and political conflicts between the Muslim community and Japanese residents have not taken place in any city, although some minor conflicts have occurred.

Overseas, several Japanese were victims of terrorism in recent years; some were taken hostage in South America and Iran, and some were killed in Bali, Indonesia; Iraq; and Afghanistan. However, they were targeted not because of their Japanese nationality but because they were there by accident. From the fall of 2003 to 2004, a would-be al-Qaeda group also threatened Japan, but the group's intentions and capacity to inflict harm on Japan were not certain.

In the war on terrorism, the Japanese Navy (MSDF) participates in OEF-MIO

activities in the Arabian Sea. It keeps a low profile, limiting itself to refueling other countries' naval vessels. Judging by these circumstances, the possibility of terrorism in Japan by Islamist forces is relatively low.

On the other hand, in June and July 2008, the G8 summit and relevant ministerial meetings will be held in Hokkaido and several other major Japanese cities. Japan, as a host country, will be a main target for the anti-globalization movement, or *Han Guro* in Japanese. Now, law enforcement agencies are concerned about trends and movements of Han Guro rather than religious radicals. An extreme radical left-wing group, JRCL, is said to penetrate and control one of the well-known Han Guro cells who protests against G8 and WTO regimes as well as military allies.

Law enforcement and other relevant agencies also keep an eye on international eco-terrorists like the anti-whaling Sea Shepherd Conservation Society which attacked Japanese whale hunt vessels with chemical agents more than twice. It is likely that such eco-groups will enter Japan or approach the coast by ship during the summit meetings.

Domestic groups such as former NBC terrorist Aum Shinrikyo and its splinter groups, and "Marxist" left wing and "Nationalist/Patriots" right wing groups are also active. They are also on the watch-list of security agencies.

Japan's Current Counterterrorism Policy

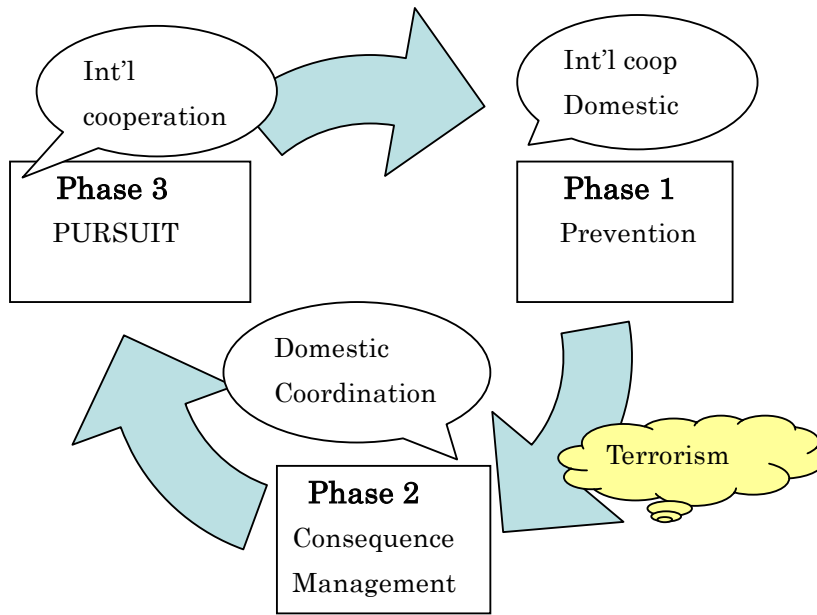
Counterterrorism policy consists of numerous measures. We can divide them into three phases: prevention, consequence management, and pursuit.

Phase 1 is prevention; that includes strengthening immigration control and the protection of infrastructure. Despite preventative efforts, it is almost impossible to thwart every conspiracy; therefore, Phase 2 – consequence management (CM) should be well developed. Immediately after terrorist attacks, the success of minimizing casualties and mitigating social unrest depends mainly on a first responder's proper action and risk-communication.

Phase 3 is pursuing the perpetrators. In addition to actually seizing terrorists, a nation is often required to apply sanctions against the terrorist organizations to which perpetrators belong, and, in the case of supporting terrorists, the states that are involved.

Each phase needs domestic coordination as well as international cooperation. Phases 1, 2 and 3 are closely interconnected with each other; it is not good when one phase is strengthened while another phase is not.

【Three Phases for Counterterrorism】



Phase I: Prevention

In spite of the humiliating struggle against the Japanese Red Army (1970's-80's) and Aum Shinrikyo (1990's), Japan's stance towards the prevention of terrorism has been lax until recently. It was in 2004 that Tokyo changed its attitude mainly because of the shock of Lionel Dumont's case, and adopted in December the *Action Plan for Prevention of Terrorism*.¹ As Table 1 shows, the Action Plan lists sixteen measures that the government should undertake.² This kind of plan is the first worthy endeavor in the history of the Japanese struggle against terrorism.

Three years have passed since the Action Plan's adoption, and the government

¹ See website: The Headquarters for the Promotion of Measures Against Transnational Organized Crime and Other Relative Issues and International Terrorism, http://www.kantei.go.jp/foreign/policy/index/sosikihanzai/index_e.html.

² Action Plan for the Prevention of Terrorism, available from Japan's Ministry of Foreign Affairs, <http://www.mofa.go.jp/policy/terrorism/action.pdf/>.

claims that all but one measure (No. 4, see table 1) has been carried out. But some measures are realized to a lesser degree than originally expected. In addition, it seems that three measures still “require continued study,” such as legislation on basic policy, and are suspended.

It is important to note that many of the measures cannot be effective without cooperation with relevant members of the business world. For example, measure No. 3 requires cooperation with airlines and shipping companies. In the same way, No. 7 requires cooperation with hotels, No. 8 with research and medical institutions, No. 9 with pharmacies, No. 11 with financial institutions, real estate agencies, jewelry shops etc., and No.13 and No. 14 with nuclear power plants.

It is often said that the success of prevention depends on collecting information, especially through HUMINT (human intelligence). HUMINT in the counterterrorism field usually means a spy’s infiltration into terrorist organizations or the hiring of informants who know terrorists well. When the enemy is invisible or not a specific organization, it is important to collect information through relevant private companies and institutions as the Action Plan expects.

In general, domestic preventive measures have two main aims: 1) to deter actual terrorism like bombings and hostage taking in the home country and 2) to not make loopholes in the country. For a relatively terrorism-free country, the latter is more

important than the former. If the government cannot catch terrorist movements on its own soil, and as a result the terrorists succeed in carrying out bombings/hijackings in another country, it will lose its international reputation, and it will take a long time to regain it. Before 9/11, members of al-Qaeda gathered in Hamburg, but German officials failed to keep watch. For Japan, not to let terrorists create a “Hamburg cell” should be the main lesson learned from Germany before 9/11.

Table 1 Action Plan for Prevention of Terrorism and Performance with Grade

Urgently Needed Terrorism Prevention Measures

Border Control

① Tightened Immigration Control by Taking Fingerprints at Landing Examination and Visa Application

(⇒ Immigration Control Act was amended in 2006) [Grade A]

② Entry Restriction for Terrorists

(⇒ Immigration Control Act) [Grade A]

③ Mandatory Advanced Submission of Crew and Passenger list by Airplane/Vessel Captain

(⇒ APIS=Advanced Passenger Information System) [Grade A]

④ Denial of Entry of Terrorist by Using ICPO's Database on Lost and Stolen Passports.

(⇒ currently not available) [Grade F]

⑤ Mandatory Check of Passengers' Passports by Air and Sea Carriers

(⇒ Immigration Control Act amended) [Grade—]

⑥ Assistance to Foreign Governments to Improve Travel Document Examination Capacity by Dispatching Advisors

(⇒ advisors dispatched) [Grade B]

Prevent domestic activities

⑦ Thorough Identification of Foreign Guests by Hotels and Inns

(⇒ Implementing Rules of Hotel Business Law amended)[Grade C]

Bomb material control

⑧ Establishment of System to Control Pathogenic Microorganisms Potentially Used for Bioterrorism

(⇒ Law Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases amended) [Grade C]

⑨ Tightened Control over Explosive-related material Potentially Used for Bomb Attacks

(⇒ ministerial notice issued to advise relevant industries to implement a tighter control over chemicals) [Grade C]

⑩ Tightened Import Control through Designation of Explosives as Prohibited Goods for Import

(⇒ Customs Tariff Law amended) [Grade B]

Suppress Terrorist Financing

⑪ Measures to Fully Implement FATF Recommendations

(⇒ Criminal Profit Transfer Prohibit Act) [Grade B]

Infrastructure Protection

⑫ Tightening of Security Measures for Important Facilities in Emergency situation

(⇒ Bomb detection Device) [Grade B]

⑬ Firmer Counter-terrorism measures at Airports and Nuclear Facilities

(⇒ security check when employees enter into restricted area, physical protection against bringing bombs into the facilities) [Grade C]

⑭ Stronger Protection for Nuclear Material

(⇒ Law for Regulating Nuclear Source Material, Nuclear Fuel Material, and Reactors amended) [Grade A]

⑮ Firmer Anti-hijacking measures through Sky Marshall Program

(⇒ Sky Marshall Program launched) [Grade -]

Intelligence

⑯ Reinforcement of Terrorism-related Intelligence Capacity

(⇒ Continue to make efforts to reinforce it) [Grade -].

*On each item, the author adds to current measures with parenthesis and evaluates the performance. The grading scale:

A fully implemented as originally planned.

B... .. partially implemented.

C measure is introduced but the performance is imperfect.

F not implemented.

— denotes that government claims to have done it, but the author cannot judge whether it is enough or effective because information has not been made public

Recommendation: IED Detection

In the Table 1 box, Grade F items should be implemented as soon as possible, and B and C also should be fully implemented. This applies especially to No. 13, which was planned at first to introduce security clearance systems, but has yet to be done. Government and its relevant bodies should re-investigate the possibility of implementing the system. Besides the sixteen items in the Action Plan, we should not overlook another point.

Among the terrorist's weapons, IEDs (Improvised Explosive Devices) are widely used and cause massive casualties. It is the most difficult weapon to control. TATP (triacetone triperoxide), which was used in the 2005 London bombing during the G8 summit, is a well-known explosive. One can easily and legally buy the necessary materials at pharmacies and home-supply stores. No. 9 in the Action Plan is related to the control of IEDs; however, the measure's implementation is very weak.

For the past several years, Japanese would-be terrorists failed to make TATP and

explode it successfully. In June 2007, a man who was making a bomb and planned to explode it on Tokyo's Seibu subway line was arrested using information from a pharmacy. We may say that this is an exception. In general, it is extremely difficult to question shops' customers because the materials they buy are commonplace and dual-use.

Accordingly, Japan needs to improve the capability to restrict terrorists' ability to bring IEDs into public transportation. Bomb quick-detection machines should be equipped at ticket gates for Shinkansen (bullet train) and several of the other most crowded railway stations. In fact, companies and universities are in progress researching and developing this type of device. However, it has not yet put to practical use at railway stations for economic reasons.

Phase II: Consequence Management

For Japan, CM is a relatively new approach. Although Aum Shinrikyo released chemical and biological agents, it was only quite recently that we've seen terrorism-response drills nationwide. In particular, the 2002 FIFA World Cup Korea/Japan was a turning point from a passive to positive attitude toward CM. The event promoted multi-agent drills among the police, firefighting, military, coast guard, and public health sectors.

In 2004, the Japanese Diet passed the Civil Protection Law. Accordingly, central

and local governments and select private sector institutions made the Civil Protection Action Plan a manual for early warning, evacuation, and relief in case of war or emergency. In this context, each has executed various response drills. Many of the scenarios they used have been chemical terrorism at railway stations or public facilities. A few local governments also used biological or nuclear terrorism scenarios.

NBC antiterrorism squads have been deployed in nine major local police headquarters: Hokkaido, Miyagi, Tokyo, Chiba, Kanagawa, Aichi, Osaka, Hiroshima, and Fukuoka. Scientific progress on decontamination and detection is ongoing.

Japan consists of 47 prefectures, including Tokyo; one-third of them have already done drills related to the Civil Protection Action Plan with the support of the Cabinet Office for National Security and Crisis Management – the coordinator of Japan’s counterterrorism policy. There are approximately 1800 city-level administrative districts under the prefectures. Many of them now plan to carry out drills with the help of the national government and/or private consulting companies. At the private level, drills have been carried out for their own purpose.

Improving Risk Communication

As mentioned above, while national and local governments carry out terrorism-response

drills, almost all of these drills are focused on the initial stage and on the first responder's performance. In the long process of responding to a terrorist incident, risk communication between the central government, local agencies, victim's families, local residents, mass media, and international society is also very important. Hostage-taking incidents sometimes take a long time to solve and people often get impatient about the government's performance and begin to criticize their own government. CBRN terrorism can be more serious because the knowledge gap between experts and non-experts is so huge that the latter tend not to accept risk at all. Non-experts perceive that any degree of risk is unacceptably high risk; they are affected by rumors that tell them not to go somewhere or not to eat something. The worst-case scenario is likely to be panic. Yet even experts would disagree about the nature of the danger. With such mixed information, people cannot judge what constitutes safe action.

In the case of hostage-taking incidents and CBRN terrorism, the government must convey information accurately and explain policy to the public within a reasonable time. It is possible to improve risk communication skill through drills. In the scenarios, players should be forced to respond to mass media, local residents and people in general who do not know CBRN well. The goal is to prevent the proliferation of wrong information and to contain social panic. Mock press conferences should be included in such a drill.

Phase Three: Pursuit of Terrorists

For a long time, Japanese attitudes toward hostage-taking incidents overseas had been “if hostages are released, then it is solved.” Japan did not make efforts to pursue the perpetrator overseas. It sanctioned neither the terrorist organization to which the perpetrator belonged nor the state which supported or sponsored terrorism.

Since 2003, when Japanese hostage incidents and murder cases occurred in Iraq, the Japanese government has recognized the continued importance of protecting the safety and security of Japanese overseas. The National Police Agency has dispatched TRT-2 (Terrorism Response Team-2) to the state (or the neighboring state) where incidents have occurred – to Indonesia immediately after the Bali bombings in 2002 and 2005, and to Jordan when hostage incidents happened in Iraq. The Japan Coast Guard also sent patrol vessels frequently to support of local law enforcement agencies.

Extradition treaties have been negotiated among the United States, South Korea and Japan. In fact, the Japan-ROK Criminal Mutual Assistance Treaty just came into effect in 2007. Terrorist financing restriction measures are also for prevention and pursuit. The United Nations makes the Consolidated List of Taliban-al-Qaeda public on the basis of Security Council Resolution 1267 authority. According to the list, Japan has been

enforcing terrorists' financing prohibitions. Since 9/11, fortunately or unfortunately, Japan has no record of arresting foreign terrorists.

For more International Cooperation

Japan should enhance international cooperation among law enforcement agencies. The National Police Agency with JICA has been supporting the Indonesian National Police since 2001. The scope of assistance varies from scientific criminal investigation methods to implementing the Koban-system (Japan's community police watch program), which appears to be a good model for cooperation.

In the world of terrorism, only 30 percent of the total number of incidents end with the perpetrators being arrested or identified. Many terrorist activities are not based on solid organizations but small ad-hoc groups or individuals. This makes it difficult for law enforcement officials to stymie terrorist movements.

We can also point out that many newcomers are attracted to radical ideology and war. The Internet and other information and communication systems are widely used for recruiting. In general, although the root-cause of terrorism is hard to identify in any one country, it is obvious that counterterrorism needs to include social reform in education and employment for the younger generation in some nations. Japan should therefore help

provide comprehensive schemes for social reform as well as law enforcement reform in appropriate countries.

National Strategy for Counterterrorism

Tokyo has carried out many antiterrorism measures in accordance with the decisions and recommendations of international institutions. Japan is expected to enhance its commitment to capacity building overseas. It is time to rearrange its antiterrorism policy more strategically. First, it needs to write and publish a National Strategy for Combating Terrorism. As it currently stands, Japan's efforts sometimes seem to be uncoordinated among agencies, passive in response to events, irresponsive and inflexible to changing situations, and insufficiently adept at problem-solving approaches. For foreign countries, it is not obvious what Japan aims for or what it wants to do on the issue of terrorism.

The Cabinet Office, on behalf of government, (not each department/agency) should present counterterrorism principles, long-, medium-, and short-term goals, objectives, ways and means, and priorities, in one pamphlet. These are basic components of strategy. Japan has neither a legal definition of terrorism and terrorists nor a designation system for state sponsors of terrorism. Although most of the lawmakers agreed that North Korea's abduction of Japanese citizens was a terrorist act, they just hope

that the United States continues to designate the DPRK as a state sponsor of terrorism without considering a designation system of its own. Definitions and a designation system should be included in the strategy.

It must also be emphasized that no independent or bipartisan review system has been set up even after large-scale terrorist incidents such as the Aum Shinrikyo affair and the MRTA's (Tupac Amar Revolutionary Movement's) hostage incident in Peru. Needless to say, a review system is important for democracy. As the Aum Shinrikyo affair demonstrates, the victims' relief system is imperfect.

In sum, establishing a national strategy for counterterrorism in both the domestic and international realms is a new starting point for Japan's struggle against complex terrorism.