

Introduction – Public Opinion, Psychological and Legal Warfare

Prussian general and military theorist Carl Philipp Gottfried von Clausewitz characterized war in his work *Vom Kriege*, i.e. *On War*, as “An act of force to compel our enemy to do our will.”¹ Clausewitz, in his own words, masterfully distills the essence of war from a political science perspective. Meanwhile, French political philosopher Jean-Jacques Rousseau defined war sociologically, asserting that “...the effect of a mutual, steady and manifest disposition to destroy the enemy State, or at least weaken it, by all means possible. This disposition reduced to actions is war properly so called; so long as it remains without consequences, it remains nothing but the state of war.”² As such, war is a dynamic expression of a country's will to fulfill its national interests through any assortment of means it has at its disposal.

Conventionally, war is envisioned as conflict manifested as the exertion of military force between states. However, in an age where waging war is deemed illegal by the United Nations Charter (Chapter 1 Article 2.4), which restricts all member states from threatening or using military force within in their international relations, states are forced to concoct other means to compel others to their will. Thus, states now adeptly practice three types of warfare – legal warfare, media or public opinion warfare, and psychological warfare – in pursuit of diplomatic and national security policies that align with their national interest. In December of 2003, the Chinese Communist Party and the Central Military Commission revised its People's Liberation Army Political Work Regulation, which were originally promulgated in 1963. The revised Political Work Regulation clearly states that “The [the Central Military Commission] will conduct public opinion, psychological and legal warfare, while endeavoring to collapse an adversary's institutions, demoralize its peoples, implement countervailing policies, as well as pursuing military law and legal subjugation operations.”³ As such, Beijing conducts these three manners of warfare to implement its diplomatic and security policies.

Beijing's wages war in the arena of public opinion by stoking zealous belligerency within its military forces, while peddling public sentiments to demoralize its enemies.⁴ Beijing's motive is to build support for its actions within and without China by promoting messaging that casts it in a favorable light to influence public opinion, both domestically and abroad. Its creation of an online digital museum (tentative translation: Chinese National Museum for the Diaoyu Islands) on October 3 of 2020 is a prime example of public opinion warfare.⁵ The museum's webpage reads “the Diaoyu Islands are China's sovereign territory (September of 2012).” The

¹ Karl von Clausewitz, *Vom Kriege* 1932-34, Translation by H. Shinoda 『戦争論』 Vol. 1, Iwanami Shoten, 1967, p.29. (The English translation for this quote was sourced from: That Clausewitz-is-Irrelevant “Hot Take” isn't Blasphemous. It's Just Wrong. - Modern War Institute (usma.edu) (This link was accessed on March 31, 2021).)

² Jean J. Rousseau, “Que L'etat de Guerre naitre l'etat social,” Translation by H. Miyaji 「戦争状態は社会状態から生まれるということ」 (War is a product of society), 『ルソー全集』 (Rousseau Collection) Vol. 4, Hakusuisha, 1979, p.378. (The English translation for this quote was sourced from: [Microsoft Word - SASQ39280_supp_AAD4CFF6-3620-11DF-BAA7-466BF0E6BF1D.doc \(umd.edu\)](#) (This link was accessed on March 31, 2021).)

³ “Defining the Relationship between China's ‘Three Wars’ and its Air Power ‘Three Wars’ Case Study,” The Strategic Research Group, “Air Power Studies,” Issue No. 2, June of 2016, p.114-115, Japan Air Self Defense Force (JASDF) Air Command and Staff College Center for Air and Space Power Strategic Studies (page numbers correspond to the Japanese publication, 「3 中国による三戦の定義等およびエア・パワーに関する三戦の事例」). (This quote was translated into English from Japanese.)

⁴ “China Report,” National Institute for Defense Studies, Premier Issue, March 2011, p.10 — (page numbers correspond to the Japanese publication, 「中国レポート」).

⁵ This digital museum can be accessed via this URL (<http://www.diaoyudao.org.cn/dydbwg.html>).

museum is solely web-based without any physical presence, nevertheless the exhibition panels indicate information pertaining to territorial claims which is completely contrary to the facts. Currently, the museum content is only available in Chinese. However, this information will be translated into foreign languages in the near future, promoting China's view of history within the forum of international public opinion. This form of messaging in itself is public opinion warfare.

Beijing's psychological warfare seeks to crush an enemy force's will to resist through propaganda, threats, deception, and alienation. This manipulation of perception, coupled with the psychological fortification of China's own forces, comprises the basis for its strategy, using deception to distort the truth and coax its adversaries into miscalculations and poor actions by causing misapprehension.⁶ Meanwhile, the purpose of Beijing's legal warfare campaign is to certify the legality of the Chinese military's use of force and strategic operations. The campaign seeks to expose the illegality of an adversary's actions and prohibit the interference of third party countries. Beijing asserts its own interpretation of international law. Moreover, there is a pronounced fervency to wage this legal war as indicated by China's enactment of domestic laws rooted in their own interpretation of international law. Beijing's legal warfare is coupled with the broad usage of its psychological warfare, which sets out to prey on emotional weaknesses.

1 People's Armed Police Law Reform and the Chinese Coast Guard

(1) Beijing's assertion of territory in the South China Sea

Beijing, in defiance of international law, announced on April 18 of 2020 that it would newly establish the Seisha and Nansha Districts, to administer the Paracel and Spratly Islands respectively, within Hainan Province's Sansha City in an attempt to further militarize its man-made islands within the South China Sea.⁷ Sansha City is charged with governing the waters and islands encircled by the 'Nine-Dash Line'. In 1992, Beijing enacted the 'Law of the People's Republic of China on Territorial Seas and the Contiguous Zones' contrary to the fact that the South China Sea is a myriad of territorial claims made by its littoral states.⁸ Article 2 of the law stipulates that in addition to its continental territory, all coastal islands, Taiwan, all islands attributed to the Diaoyu Islands, the Pescadores Islands, the Pratas Islands, the Paracel Islands, the Zhongsha Islets, and the Spratly Islands are all Chinese territory. Article 8 of the law stipulates that foreign vessels may exercise their right of innocent passage within 12 nautical miles (NM) of these islands, however, Article 10 requests that all foreign military vessels receive authorization prior to passage. The United States does not recognize Beijing's claims over the waters surrounding its man-made islands in the South China Sea. As such, Washington is known to exercise freedom of passage through Freedom of Navigation Operations (FONOPs), i.e. by dispatching warships to waters claimed by Beijing.⁹

⁶ 「中国レポート」, op. cit. 4.

⁷ 「国务院于近日批准，海南省三沙市设立西沙区、南沙区。三沙市西沙区管辖西沙群岛的岛礁及其海域，代管中沙群岛的岛礁及其海域，西沙区人民政府驻永兴岛。三沙市南沙区管辖南沙群岛的岛礁及其海域，南沙区人民政府驻永暑礁。」中華人民共和國民政部關於國務院批准海南省三沙市設立市轄區的公告 (This link was accessed on April 18, 2020).

⁸ 「中华人民共和国领海及毗连区法 (1992 年 2 月 25 日第七届全国人民代表大会常务委员会第二十四次会议通过 1992 年 2 月 25 日中华人民共和国主席令第五十五号公布自公布之日起施行)」, (http://www.npc.gov.cn/wxzl/wxzl/2000-12/05/content_4562.htm) (This link was accessed on August 10, 2020).

⁹ For more information regarding freedom of navigation operations near the Spratly Islands please reference: Ankit Panda, 'US Conducts Freedom of Navigation Operation Near China-Held Features in Spratlys -The operation comes shortly after the unveiling of a new South China Sea position by the U.S. government', THE DIPLOMAT, July 15, 2020 (<https://thediplomat.com/2020/07/us-conducts-freedom-of-navigation-operation-near-china-held-features-in-spratlys/>) (This link was accessed on August 10, 2020).

In 1988, Beijing promulgated the 'The Law of the People's Republic of China on Exclusive Economic Zones (EEZ) and Continental Shelves' and has since built man-made islands in the South China Sea in defiance of the United Nations Convention on the Law of the Sea (UNCLOS).¹⁰ Articles 3 and 12 of the Chinese law assert that Beijing holds sovereign interest over any economic resources within the EEZ, i.e. 200NM, of the man-made islands and any continental shelf defined within Article 2 of the law. Beijing maintains these claims despite the South China Sea Arbitration ruling against them in 2017. One interesting point is that Beijing asserts that its own laws embody the principles outlined within UNCLOS. However, Article 121 of UNCLOS stipulates that only natural features which are above water at high tide may be classified as islands and are thus eligible for claims concerning territorial waters, EEZ or continental shelves. Consequently, Beijing insists that its man-made islands built upon atolls qualify as islands in order that they may assert their entitlement to territorial waters around these features located within the South China Sea.

In this manner, China wields these three manners of warfare. Firstly, Beijing arbitrarily interprets international law and enacts domestic laws which reflect its national goals – legal warfare. Then it presents these domestic laws as grounds for imposing its own diplomatic and security policies – public opinion warfare. Finally, Beijing applies psychological pressure to quash an adversary's will to resist – psychological warfare.

(2) Chinese Coast Guard vessels in waters around the Senkaku Islands

Beijing employed 'cabbage tactics' to take the Paracel and Spratly Islands by military force.¹¹ The state ships cruising through the South and East China Seas are indeed Chinese Coast Guard vessels. In September of 2012, the Japanese Government purchased the three Senkaku Islands from a private owner which reclassified these islands as public land. Tokyo did not provide a reasoning for the purchase, however, Japanese media outlets reported that the lands were 'nationalized.'¹² This development enraged Beijing, which continues to infringe on the territorial and contiguous waters surrounding the Senkaku Islands.¹³ In September of 2012, Chinese Defense Ministry Spokesman Yang Yujun commented in relation to the Senkaku Island issue that the Chinese military "will closely cooperate in regard to marine surveillance and fishing administration, ensuring the maritime enforcement of China's national laws while providing security for the fishing industry as

¹⁰ 「中华人民共和国专属经济区和大陆架法」(1998年6月26日第九届全国人民代表大会常务委员会第三次会议通过1998年6月26日中华人民共和国主席令第6号发布), (http://www.china.com.cn/diaoyudao/2014-12/11/content_34291834.htm) (This link was accessed on August 10, 2020).

¹¹ Cabbage tactics is a term used to describe Beijing's methods for taking control of islands. The cabbage core corresponds to the targeted islands, Chinese fishing vessels — in recent years the People's Armed Forces Maritime Militia play the role of the fishermen— are the softer leaves around the core, China Coast Guard vessels correspond to the firmer leavers one layer out, and the hardest outer leaves refer to the People's Liberation Army Navy (PLAN) vessels. First, Chinese fishing vessels will operate in waters surrounding another country's islands. Then China Coast Guard vessels are deployed under the guise of protecting these fishing vessels when the targeted country deploys its own patrol ships to crack down on the fishing operations. Finally PLAN vessels are deployed if the targeted country mobilizes its navy to counteract the armed China Coast Guard vessels. Cabbage tactics were demonstrated in the case of the Scarborough Shoal which was once an island territory of the Philippines. The Philippine Navy were deployed to counteract Beijing's actions, but pulled out in favor of not taking military actions and the shoal fell into the hands of Beijing. Afterwards, it was widely reported that Manila referred the issue to an international tribunal.

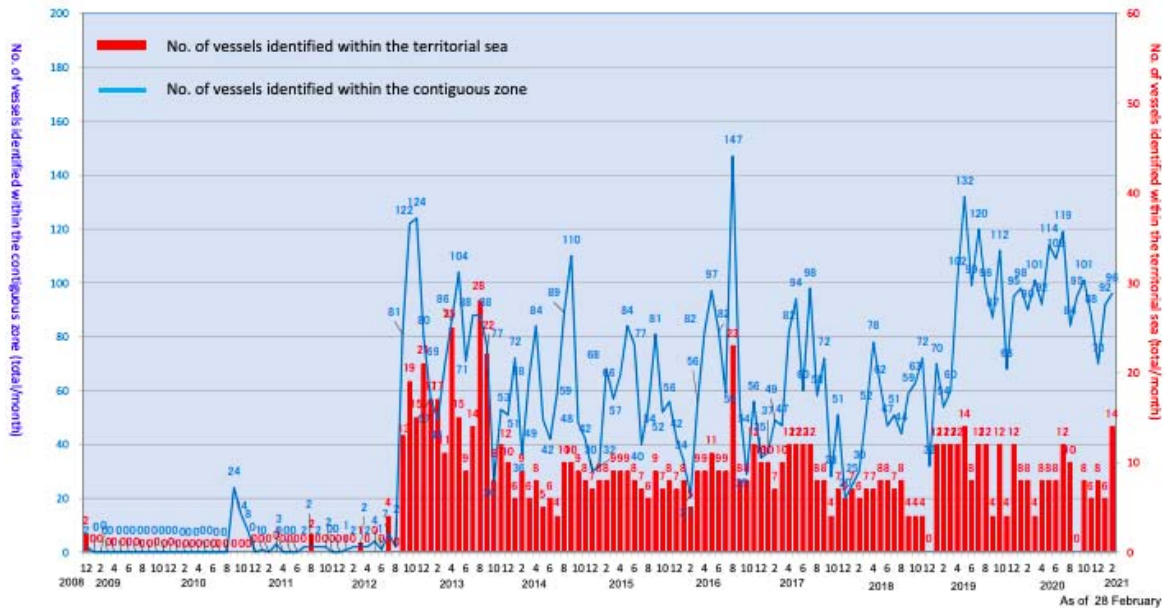
¹² Please see S. Takai, 「千島列島と全千島列島」(The Chishima Islands and all of the Chishima Islands), *The Journal of Island Studies*, Vol. 5.1 (October 2015) for more information on "nationalization" in socialist states.

¹³ 11th Regional Coast Guard Headquarters, located in Okinawa's Naha city, confirmed on the night of October 13 of 2020 that two China Coast Guard vessels had infringed on Japanese territorial waters around the Senkakus for 57 hours and 39 minutes. This is the longest recorded stint of Chinese infringement of Japanese waters since Japan nationalized the Senkaku Islands in 2012. This was the third instance just this year of China Coast Guard vessels infringing on these Japanese territorial waters for a record-breaking length of time. China is escalating its operations in these waters (reported by the Mainichi Shimbun on October 13 of 2020) (Japanese: <https://news.yahoo.co.jp/articles/8c8167497ee3b17323073553ab1b460a9ee483b3>) (This link was accessed on October 13, 2020.)

well as the development of oil and gas resources.¹⁴ It has insisted as much ever since and is now regarded as a powerful naval state. In 2013, Beijing established the “East China Sea Air Defense Identification Zone” (ADIZ), requesting that civilian aircraft provide their flight information when passing through the ADIZ.¹⁵

¹⁴ “China Security Report 2012,” National Institute of Defense Studies, December 19, 2012, p.20 (page numbers correspond to the Japanese publication, 「中国安全保障レポート 2012」). (This quote was translated into English from Japanese.)

¹⁵ Beijing announced that it would establish an East China Sea Air Defense Identification Zone (ADIZ) based on its National Defense Law of March 14 of 1997, its Civil Aviation Law of October 30 of 1995, and its General Flight Rules enacted on July 27 of 2001. This decision was reflected in the Chinese Embassy in Japan’s statement, 「中国政府、東中国海防空識別区設置に関する声明発表」 (Statement from the Chinese Government announcing the establishment of an East China Sea Air Defense Identification Zone) announced on November 23 of 2013 (<http://www.china-embassy.or.jp/jpn/zgyw/t1101846.htm>) (This link was accessed on August 10, 2020).



(Source: Japan Coast Guard)
 (Updated English graph was sourced from the Ministry of Foreign Affairs of Japan HP:
https://www.mofa.go.jp/region/page23e_000021.html)

Generally, fishing ships are not permitted to operate in a foreign country’s territorial waters. However, the right of innocent passage is recognized for all non-military *commercial* vessels – including those for fishing – providing that they maintain the peace, safety and order of the littoral state. Japan Coast Guard patrol ships are charged with cracking down on foreign fishing ships operating in Japanese territorial waters surrounding the Senkaku Islands. Chinese Coast Guard vessels infringe on Japanese territorial waters in the attempt to apply the domestic laws of that country. In this manner these vessels are undermining the order of the littoral state, i.e. Japan, and are thus not permitted the right of innocent passage.

(3) People’s Armed Police Law reform

On June 22, 2018, the Standing Committee of the National People’s Congress promulgated “The Chinese Coast Guard authorization to exercise its capacities to enforce the law in order to protect its maritime rights” (Chinese: 关于中国海警局行使海上维权执法职权的决定). The 2018 authorization established the China Coast Guard by placing China’s maritime police force and its related functions underneath the People’s Armed Police Force.¹⁶ The People’s Armed Police Force is entrusted with guarding critical facilities and charged with missions such as maintaining security and counter-terrorism efforts. A reform was enacted on January 1 of 2018 which placed this organization under the sole command of the Central Committee of the Communist Party of China and the Central Military Commission. Similarly, reforms also made the China Coast Guard a subordinate body to these two organizations in July of that year.

¹⁶ Mori, Hamada & Matsumoto 「中国最新法令<<速報>> (China’s Newest Legislation <<newsflash>>), (No.333) (Issue dated August 7, 2020), p.2 (<http://www.mhjmjapan.com/content/files/00042793/20200807-122201.pdf>) (This link was accessed on August 15, 2020)

During the 11th National People's Congress, the Standing Committee began reforming the People's Armed Police Law, which is the legislation that designates the mission and authority of that organization. Ultimately, the reforms were passed on June 20 of 2020.¹⁷ The reform stipulates that if China regards a situation as a state of war, then the China Coast Guard would fall under the command of the People's Liberation Army Eastern Theater Command, which is responsible for the East China Sea, and conduct joint operations with the People's Liberation Army Navy. Article 26 of the law states that any deployment of the People's Armed Police abroad to prevent terrorism or to conduct counter-terrorism missions would be executed under the authority of related legislation and regulations, as well as stipulations dictated by the Central Military Commission.¹⁸

One can assume that Beijing made this tranche of reforms to the People's Armed Police Law because it has its sights set on the Senkaku Islands. Moreover, the reforms are just part of Beijing's legal warfare strategy to define the legal standing of China Coast Guard vessels so that they may enact Salami and Cabbage tactics.¹⁹ A Rear Admiral within the People's Liberation Army Navy has already been appointed as the Director Commandant of the China Coast Guard.²⁰ In the near future, China Coast Guard vessels will likely push Japan Coast Guard patrol ships out of the waters surrounding the Senkaku Islands, which is part of the underlying mission of the reformed People's Arms Police Law. Beijing will cunningly and coercively bolster the enforcement of its domestic laws, targeting Japanese fishing vessels in Japan's territorial waters and foreign vessels within the contiguous zone. It is foreseeable that many countries will naturally draw the perverse conclusion that the Senkaku Islands are Chinese territory if China Coast Guard vessels remained unchecked by the Japanese Coast Guard for a protracted period of time.

2 Japan-Russia Joint Economic Activities and Russia's Constitutional Amendment

(1) Russian President Vladimir Putin and peace treaty negotiations

Russian President Vladimir Putin hopes to etch his name into Russian history by restoring Russia's great power status by capitalizing on the natural resources and vast land available in Siberia, thus developing the economy of the country's far eastern regions. Cooperation with Japan and China are important themes in achieving this goal. However, Japan refuses to purchase additional oil produced in eastern Siberia given the Northern Territories problem.²¹ Beijing exploits the situation by purchasing the oil at reduced prices.

¹⁷ For more information on the People's Armed Police Law please see: 「中华人民共和国人民武装警察法 ((2009 年 8 月 27 日第十一届全国人民代表大会常务委 员会第十次会议通过 2020 年 6 月 20 日第十三届全国人民代表大会常务委 员会第十九次会议修订) (http://www.moj.gov.cn/Department/content/2020-06/22/592_3251131.html) (This link was accessed on August 15, 2020).

¹⁸ 「中国最新法令<<速報>> (China's Newest Legislation <<newsflash>>) (op. cit. 16), p.2.

¹⁹ Salami tactics refers to a strategy in which territory is taken, or in this case, eaten at such an incremental pace that an adversary does not realize it is taking place until it is too late. In real-world terms this tactic refers to a state-actor coming out strong and pulling out when an adversary resists, only to encroach further when that adversary lets its guard down. The waters around the Senkaku Islands are a setting where salami tactics are taking place. China Coast Guard ships are expanding their mission area and undoubtedly pairing salami tactics with their cabbage tactics. Beijing will never give up on taking ownership of the Senkaku Islands.

²⁰ 「中國海警總隊首任司令員王仲才少將即出身中國海軍，此 前曾經擔任解放軍東海艦隊副參謀長等海軍重要職務」、非傳統安全所王尊 彥助理研究員「中國修改《武警法》對周邊國家海上安全之意涵」、The Institute for National Defense Security Research (June 24, 2020), (https://indsr.org.tw/tw/News_detail/2200/) (This link was accessed on August 22, 2020)。

²¹ China is the largest importer of crude oil from the Eastern Siberia — Pacific Ocean Oil pipeline (ESPO) from Vladivostok (via the port of Kozmino), consuming 78.9% (494,000 barrels per day), whereas Japan consumes 9% (56,000 barrels per day). Japan has been the second largest export market for ESPO since 2015. This

The population of Russia's eastern regions of Siberia, Sakhalin and the Kuril Islands (i.e. the *Chishima Retto* in Japanese) – save for the island of Shikotan – is not increasing. The Northern Territories are not only regarded as a backwater far-removed from Moscow, but also suffer from a high cost of living and scarce employment opportunities due to a lack of industry. To top it all off, the harsh winters are nearly unbearable for the elderly. Today's strained Russian economy is incapable of enacting preferential policies to incentivize immigration into the region. One can speculate that the only way for Russia to maintain control over the Northern Territories is for Moscow to put the concerns held by residents in the area to rest by stabilizing the economy.

Japan-Russia peace treaty negotiations have continued for more than a half century, but to no avail.²² Tokyo adamantly asserts that a resolution to the Northern Territories problem is a prerequisite to treaty negotiations. Initially, the Soviet Union persistently denied the existence of the Northern Territories problem, but there was a glimmer of hope when Moscow's position softened with the presidencies of Mikhail Gorbachev and Boris Yeltsin.

During Russia's territorial crisis, former KGB head President Vladimir Putin strode onto the scene with the aim of reviving Russia as a great power. President Putin took on a very strict position towards returning the Northern Territories to Japan. The scene of Putin being showered with applause from the Russian people after he refused to return the Northern Territories, while suffering criticism and economic sanctions by NATO (North Atlantic Treaty Organization) after Russia annexed the Crimea by force in 2014, is well known.²³ Shortly after taking office in 1999, Vladimir Putin asserted that Tokyo agreeing to the return of the two territories of Habomai and Shikotan, as stipulated in Article 9 of the Soviet-Japanese Joint Declaration of 1956, was to be a prerequisite for negotiations.²⁴ However, President Putin is a cunning diplomat and coaxed Tokyo into thinking that there was a chance that it could regain all four of the Northern Territories – even weaving in judo terminology in the process. Tokyo, highly regarding Putin's political clout within Russia, anticipated a swift resolution to the Northern Territories problem..

Putin, the standard bearer for restoring Russia as a great power, had no intention of returning even two of the Northern Territories much less four. In September of 2005, President Putin proclaimed in a televised address to the Russian people that, "In regard to our negotiation process over the Kurile Islands with Japan,

figure is one-fourth that of when Japan was the largest importer of ESPO crude in 2014, when it comprised 35.3% (217,000 barrels per day). D. Harada 「ロシア：石油ガス産業を巡る最近のトピックス (短報)」 (Russia: The Latest Topics on the Oil and Gas Industry (Brief Report)), Japan Oil, Gas and Metals National Corporation (JOGMEC) 『石油・天然ガス情報』 ('Oil and Natural Gas Information') (March 19, 2019) (https://oilgas-info.jogmec.go.jp/info_reports/1007679/1007748.html) (This link was accessed on August 10, 2020).

²² For more information on peace treaty negotiations between Japan and Russia please see S. Takai, "A History of the Northern Territories and Pertaining Rights (3)," (Author references Japanese original text: 「北方領土問題の歴史と諸権利(3)」 'The Journal of Island Studies,' Vol. 9.1 (November 2019).

²³ In 2014 Russia unilaterally annexed Ukraine's southern peninsula of Crimea. Since the annexation, the Ukrainian Army and pro-Russian anti-government forces have fought for the past five and a half years in Eastern Ukraine. A total of 13,000 lives have perished from this conflict to date. Kiev and Moscow agreed to a 'full, and comprehensive' ceasefire agreement by the end of 2019 for the conflict in Eastern Ukraine. The agreement was brokered by French President Emmanuel Macron and German Chancellor Angela Merkel on December 9, 2019. 「ウクライナとロシアが停戦合意 ウクライナ東部の紛争で」, 'BBC news Japan' (December 10, 2019), (<https://www.bbc.com/japanese/50723594>) (This link was accessed on August 19, 2020).

²⁴ 'The Krasnoyarsk Agreement' (November 2, 1997), Ministry of Foreign Affairs 『われらの北方領土』 (Japan's Northern Territories) (2015年版資料編), p.29.

these islands are under the sovereignty of the Russian Federation. This fact has been recognized by international law. This is a result of World War II, and I have no intention of discussing the matter.²⁵ It is speculated that Tokyo interpreted the address as being meant for domestic consumption.

In 2012, Vladimir Putin once again took office as Russian President, taking a hard-line stance toward returning the Northern Territories, stymieing Japanese-Russo peace treaty negotiations. The leaders of both Japan and Russia agreed to take on a 'New Approach' with the aim of breaking the gridlock and shedding past preconceptions on the matter. Given this, the two sides agreed to generate an atmosphere conducive to resolving the Northern Territories problem through private sector economic exchange in Russia's far eastern regions. In this regard, one can say that President Putin was successful in using Japan for its economic prosperity.

(2) Development of bilateral economic cooperation

During the Japan—Russia Summit Meeting of 2016, both leaders agreed to a Japan-Russia economic exchange promotion plan, based on a 'new approach', comprising eight points. These points are: (1) Extending healthy life expectancy, (2) developing clean and comfortable cities, (3) exchange between Japanese and Russian small-to-media enterprises, (4) energy cooperation, including oil and gas, (5) Russian industrial diversification, including projects such as cultivating vegetables within greenhouses, (6) developing industries and export bases within Russia's far eastern regions to service the Asia-Pacific, (7) leveraging bilateral knowledge to cooperate on cutting-edge technologies, and (8) a drastic expansion of people-to-people exchanges on multiple tiers.²⁶

Both Tokyo and Moscow agreed to joint economic activities within the private sector, using a "special arrangement" that would not compromise either party's position on the Northern Territories within the peace treaty negotiations.²⁷ There were five projects that were identified as areas conducive to expedited cooperation: (1) joint aquaculture activities, (2) greenhouse vegetable cultivation, (3) development of tourism packages, (4) introduction of wind-power generation, and (5) waste reduction measures. Joint economic activities are progressing at a private-sector level within the Northern Territories under this special arrangement without any explicitly codified legal basis.

The progression of amicable relations between Tokyo and Moscow is a welcome development, but one plausible speculation is that the severely impoverished residents of the Northern Territories will oppose the return of the four islands to Tokyo if their lives were to become rich and stable. It is safe to say that it seems that Tokyo, driven by its people's yearning for a resolution of the Northern Territories problem, has been manipulated by Mr. Putin's masterful diplomacy.

(3) Russia's constitutional amendment and the Northern Territories

President Vladimir Putin, on his crusade to restore Russia's great-power status, rammed through an amendment to Russia's constitution in July of 2020. The amendment plainly stated Moscow's position

²⁵ I. Ozaki 「ロシア政治における「南クurlルの問題」に関する研究 - ロシアから見た「北方領土問題」 - 」 (Research on the 'Southern Kurile problem' in Russian politics — the Russian perspective of 'the Northern Territories Problem.'). Footnote No. 336 (ПрезидентРоссии: Стенограммапрямоготел-ирдиоэффира («ПрямаялиниясПрезидентомРоссии») (Kremlin homepage, 'Shorthand Record of Radio and Television Broadcasts (Talks with the Russian President)' <<http://www.kremlin.ru/transcripts/23190#sel=>>) (http://r-cube.ritsumei.ac.jp/repo/repository/rcube/6591/k_1059.pdf) (This link was accessed on August 31, 2019.) (This quote was translated into English from Japanese.)

²⁶ Japan—Russia Summit Meeting, "3. Bilateral relations for the economy, security, cultural and people-to-people interactions, (1) Economy" (May 7, 2016), Ministry of Foreign Affairs of Japan homepage, (https://www.mofa.go.jp/mofaj/erp/rss/page3_001680.html) (This link was accessed on August 20, 2020).

²⁷ Japan—Russia Summit Meeting, "1 Issue of concluding a peace treaty (1) Joint economic activities on the Four Northern Islands" (September 10, 2018), Ministry of Foreign Affairs of Japan homepage, "Issue of concluding a peace treaty," (https://www.mofa.go.jp/mofaj/erp/rss/hoppo/page1_000649.html) (This link was accessed on August 20, 2020).

against returning the Northern Territories to Japan. The amendment could also be characterized as Moscow's declaration of legal war.

Ballot counting for the national referendum regarding this constitutional amendment ended on July 2 of 2020, and the amendment was effectuated two days later on July 4. President Putin, who aspires to be Russia's redeemer, fervently desires to restore Russia's great-power status, which was lost after the dissolution of the Soviet Union. Putin gained overwhelming support within the referendum with over 75% of the vote in favor of the changes, which also allow him to stay in office until 2036 if he so desires.²⁸ One Russian presidential term is six years; these changes will allow Putin and his authoritarianism to reign over Russia until he is 83 years of age, unless he were to be deposed via a coup d'etat or via some other means.

The amended constitution outlaws the cession of any Russian territory, barring the demarcation of borders. Newspapers report that Mr. Putin rammed these articles through in the final stages of formulating the draft proposal for an amended constitution. The constitutional amendment revealed Mr. Putin's true intentions of refusing to return even two of the four Northern Territories to Japan. There are concerns that Mr. Putin will pressure Tokyo to forgo seeking the return of two of the Northern Territories in peace treaty negotiations, a dialogue which has hitherto been predicated on the return of these two islands, leveraging articles codified in Russia's amended constitution forbidding the cession of territory. This in itself is legal warfare which refutes the return of the Northern Territories.

The amended Russian Constitution stipulates provisions for Russia demarcating its borders with its neighbors. President Putin is likely aiming to sign a peace treaty with Tokyo where the borders between Japan and Russia are demarcated between Hokkaido and the Northern Territories, once joint economic activities under the 'new approach' are on track. Russia, in addition to its legal warfare campaign which added in a new article regarding territory to its constitution, may also be targeting Japan with psychological warfare as well. This psychological warfare likely intends to convince Japan that it will be difficult for it to request the return of the Northern Territories.

Conclusion

As stated above, both China and Russia are adeptly deploying the three types of warfare to capture the Senkaku Islands in the case of Beijing, and to shelve the Northern Territories problem before signing a peace treaty in the case of Moscow.

Beijing is waging legal warfare by placing the China Coast Guard underneath the command of the People's Liberation Army Navy and is suspected of beginning its psychological warfare to prevent Japanese Coast Guard patrol ships from entering the waters near the Senkaku Islands. Japan must avoid armed conflict in the waters surrounding these islands. In order to avoid and deter an armed conflict, Tokyo must inform the world so that the international community will acknowledge that the Senkaku Islands are Japanese territory. In 2012, the Tokyo Metropolitan Government conducted a survey of the Senkaku Islands²⁹ and reported dire environmental destruction, such as overgrazing by goats on Uotsurishima.³⁰ Surveys must be authorized in order to prevent this manner of environmental destruction.

Tokyo could launch a legal warfare campaign of its own that would enable survey teams to be dispatched to the Senkaku Islands, or provide for the development of resources on the island, passing legislation hypothetically named "The Law for Conducting Surveys on and the Development of the Senkaku Islands." Prece-

²⁸ "78% vote in favor of constitutional reform in Russian referendum, President Putin may now stay in office until 2036," 『BBC NEWS JAPAN』 (July 2, 2020), (<https://www.bbc.com/japanese/53260238>) (This link was accessed on August 10, 2020).

²⁹ Tokyo Metropolitan Government 『東京都尖閣諸島現地調査 調査報告書』 (Tokyo Metropolitan Government Report on a field survey of the Senkaku Islands) (October 2012).

³⁰ *Ibid.*, p.45-47.

dent indicates that even without such a law, Japanese government activities such as surveying and developing the Senkaku Islands are possible.³¹ Furthermore, the Japanese Government has in the past surveyed avenues for development of the Senkaku Islands 'main island of Uotsurishima absent of such legislation. This should not be a difficult feat for Tokyo given that Japan holds the administrative rights over the islands. It is possible for Japan to target China with its own psychological warfare as well by conducting surveys on these islands. The presence of Japanese citizens on the islands conducting surveys would also raise the stakes for Beijing to exercise a use of force.

Regarding the sovereignty of the Northern Territories, discrepancies between Tokyo and Moscow over the prerequisites for signing a peace treaty ensures a permanent standstill even though negotiations between both parties began over a half century ago. Moscow, similar to Beijing, enacted a legal warfare campaign which enables President Vladimir Putin to rule over Russia from the Kremlin until 2036 via a constitutional amendment. It is plausible to suggest that it has begun its psychological campaign on Japan to encourage it to give up on the Northern Territories and force Tokyo to compromise.

Territorial problems are not solved overnight; they are characterized by the fact that the stakeholders as well as the international state of play are subject to change over many long months and years. It is unthinkable that Tokyo will succumb to Mr. Putin's legal and psychological warfare and give up on negotiations for the return of the Northern Territories in the near future. If it is possible for the Russian constitution to be amended because of one president's strong beliefs, it is also plausible to suggest that another president may re-amend the article prohibiting the cession of territory somewhere down the line. Japan should adamantly continue peace treaty negotiations and rid itself of its current aimless information campaign. Instead, Tokyo should campaign in third-party countries to popularize the fact that sovereignty over the Northern Territories rests solely with Japan. Tokyo is at a juncture where it must combat the aforementioned advances by waging its own legal and psychological campaigns based on new strategies and ensure that its positions are heard abroad.

³¹ For more information see M. Fujita 「旧・沖縄開発庁の尖閣諸島利用開発可能性調査の経緯」(Background for the former Okinawa Development Agency's survey into the possible use and development of the Senkaku Islands), 'The Journal of Island Studies,' Vol. 7.2 (March 2017).