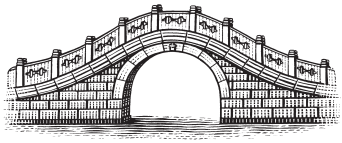
ASIA POLICY, VOLUME 17, NUMBER 2 (APRIL 2022), 125–54
HTTP://ASIAPOLICY.ORG

Japan's Human Rights Diplomacy: A Convergence of Geopolitical and Geoeconomic Interests

Ryan Ashley and Elliot Silverberg



RYAN ASHLEY *is an Intelligence Officer in the United States Air Force and an Adjunct Lecturer with the Air Force Special Operations School (United States), where he teaches courses on Japanese politics, culture, and security. Mr. Ashley has previously published on Asia-Pacific security issues with War on the Rocks, the* Diplomat, *and* Military Times. *He is also a PhD Student at the Lyndon B. Johnson School of Public Affairs at the University of Texas, focusing on Southeast Asian security relations with Japan. He can be contacted at <rashley@utexas.edu>.*

ELLIOT SILVERBERG *is an analyst of Indo-Pacific geopolitics based in Washington, D.C. (United States). He has conducted research as a fellow at Georgetown University's Institute for the Study of Diplomacy and as a nonresident James Kelly fellow at the Pacific Forum in Hawaii. His work has been published in* Foreign Policy, *War on the Rocks, and the* Japan Times, *among other media outlets. He can be contacted at <eis15@georgetown.edu>.*

NOTE: *This article represents only the views and positions of the authors and not those of the U.S. Air Force or U.S. government.*

KEYWORDS: JAPAN; HUMAN RIGHTS; FOREIGN POLICY; IRAN; MYANMAR; PHILIPPINES; HONG KONG; XINJIANG

EXECUTIVE SUMMARY

This article argues that Japan's human rights diplomacy has undergone four distinct stages in the postwar period and analyzes Tokyo's efforts in case studies focusing on the Middle East, Southeast Asia, and China.

MAIN ARGUMENT

For decades after its defeat in World War II, Japan was perceived as a laggard in promoting human rights internationally. Today, Japan advances human rights on the global stage through a combination of peacekeeping missions, developmental assistance, and other technical investments in human security. However, Tokyo notably refrains from involving itself in certain conflicts where an unambiguous stance would interrupt meaningful business or investment ties. Japan's gradual but significant shift regarding the use of human rights as a tool of diplomacy reflects the close links of the ruling Liberal Democratic Party to domestic commercial interests. As a result of these links, the Japanese government increasingly understands its foreign policy aims through a primarily geoeconomic lens.

POLICY IMPLICATIONS

- *Focus on global human rights standards instead of individual cases.* Past interactions with Japan demonstrate that underscoring the larger economic and political benefits of a more robust global human rights regime, as well as the isolating effects of not upholding international standards and responsibilities, can be an effective diplomatic approach. Such methods have been a good motivator for sparking pivotal shifts in Japanese behavior.
- *Embrace business-sector leadership on human rights promotion.* Japan is on a positive trajectory toward embracing human rights diplomacy primarily because of the changing priorities of large companies and industry groups. Thus, addressing human rights through these domestic commercial avenues and encouraging business-to-business dialogue represent perhaps the best hope for concrete and meaningful engagement.
- *Welcome and co-sign Japanese leadership whenever evident.* Japan has displayed a newfound sense of "skin in the game" from its recent leadership in high-standard multilateral trade facilitation. Simultaneously, Japan has continued to distinguish itself as an international proponent of good governance frameworks. Japan's success in socializing its "free and open Indo-Pacific" vision should be used to incentivize Tokyo's further involvement in devising new means of holding China and other rising powers accountable to international governance standards.

Japan's recent leadership on international rule-, norm-, and institution-building represents an incredible, albeit incremental, divergence from its history. In the decades following Japan's postwar reconstruction, Tokyo's responsibilities within the liberal international order were fulfilled through meaningful measures, even if they were initially reconciliatory, always self-interested, and somewhat peripheral. These actions typically took the form of contributions to so-called human security through developmental assistance and other technical investments in low- and middle-income parts of the world. Today, Japan appears to be assuming a newfound global leadership, although, contextualized within recent setbacks to liberal rules-based institutions, this has been in some instances construed as a kind of placeholder effort, simply endeavoring to fill a U.S.-sized gap without adding anything in particular.

Yet, there is a seeming contradiction at the heart of Japanese liberal norms promotion: the role of human rights within that agenda. Japan has long claimed to be an advocate of global human rights, by which this article refers to the internationally recognized set of political, social, and civil rights enshrined in the United Nations' Universal Declaration of Human Rights (and ratified by Japan in 1979). Indeed, in language evoking the Universal Declaration, the Japanese foreign ministry has publicly affirmed that "all human beings are born free and have the right to live with dignity" and that Japan "strongly supports UN activities in the human rights field, believing that all human rights are universal."[1] Historically, however, and when among foreign friends, Japanese policymakers in practice prefer to champion liberalized trade and responsible defense behavior, remaining notably recalcitrant on specific political, social, and civil rights causes.

In recent years, this preference for diplomatic ambiguity on specific human rights issues has become particularly conspicuous in Japan's relations with China. Indeed, Beijing is an important trading partner that Tokyo is increasingly willing to confront over other non-rights-related areas of disagreement and insecurity, such as territorial disputes in the East China Sea and Beijing's export restrictions on strategic commodities. Nevertheless, even as Japan's perceptions of China have hardened, Tokyo struggles to strike a decisive and unified position on Beijing's human rights record, falling behind more forthcoming allies like the United States and Australia that have promoted unambiguous stances toward abuses in Xinjiang and Hong Kong.

[1] Ministry of Foreign Affairs (Japan), "UN Activities on Human Rights" ~ https://www.mofa.go.jp/policy/un/pamph96/status.html.

Why is this the case? What distinguishes human rights from the other planks of the liberal international order that Tokyo is committed to upholding? This article argues that Japanese policymakers interpret their international human rights obligations through a relatively expansive lens of "redefined security," which encompasses human security threats from military and nonmilitary sources.[2] Under this loosened, multidimensional idea of human rights, a myriad of other economic, social, and environmental challenges that might not generally appeal to the attention of international human rights observers can fall within the scope of Tokyo's self-perceived human rights diplomacy. For example, Tokyo's efforts since the 1950s to promote sustainable development in low- and middle-income countries have long been represented by Japanese policymakers as essential work in encouraging democracy, rule of law, and other foundational pillars of the liberal international order, seeing these as supportive of the UN Universal Declaration.

Admittedly, for many decades Japanese leaders did not consider human rights promotion, in the West's comparatively narrow and explicit sense of the concept, to be a vital aspect of participating in the liberal international order. Despite gradually weakening as Tokyo has assumed a more proactive attitude toward security matters, Japan's reluctance to rely on the zeitgeist and explicit language of human rights has lingered within its conservative leadership, and—perhaps just as significantly for a liberal democracy—the general public. To this day, the natural inclination of Japanese policymakers in government and industry has remained either to feign ignorance to foster goodwill with security and economic partners or, alternatively, to apply careful diplomatic pressure against an offender—usually within a multilateral context such as the United Nations or G-7, to avoid drawing unilateral blowback. Japan rarely undertakes the latter approach, appearing to join the international community or close allies in condemnation only when it suits Tokyo's strategic interests or when not doing so would be seen as inexcusable.

As such, while this article argues that Japan will continue to embrace a more proactive line on human rights promotion within its expansive sense of the concept—insofar as those efforts support its larger liberal rules-based agenda—Tokyo's approach to explicit human rights considerations will likely continue to lag behind other planks of its foreign policy. This is due to the still-overriding concern that intervention regarding specific abuses could endanger key relationships. Such an argument is fundamentally

2 Roland Paris, "Human Security—Paradigm Shift or Hot Air?" *International Security* 26, no. 2 (2010): 87–102.

grounded in theoretical realism and guided by one strategic (i.e., geopolitical and geoeconomic) assessment in particular: after Japan was stripped of its warfighting powers in 1945, cultivating other means of diplomacy—including promoting liberal values—gained priority in its foreign policy. As a result, human rights have rarely been a mere abstraction in postwar Japanese foreign policy, but rather are a recognized, if closely held, tool of international relations that decision-makers necessarily utilize to further their strategic ambitions.

That said, this article identifies three geopolitical and geoeconomic imperatives behind Japan's recent efforts to pursue a more overt stance on human rights. First, the government has sought to change its role in the international order amid stressors to its national security caused by Japan's declining economic competitiveness, China's growing strategic assertiveness, and long-term questions about the strength of U.S. leadership. Likewise, in a bid to stay internationally relevant, Japanese companies and institutional investors have begun to follow—and, in some instances, spearhead—a larger global trend of big business prioritizing corporate social responsibility. Finally, as Japan seeks to define a new role for itself in international norms and rules creation, accelerated *gaiatsu* (foreign pressure) on the Japanese government and industry, especially from the United States, to promote international rights conventions is in turn propelling a transformation of its own policies. Research into the historical responses of Japanese political and corporate establishments to international pressure to conform indicates that previously gaiatsu was less significant in shaping Japanese behavior than an incentives-based approach that emphasized the benefits of international advocacy for (beyond mere domestic compliance with) evolving global norms.[3]

As Japan's geopolitical and geoeconomic interests continue to converge, government and business leaders can be expected to increasingly rely on human rights as a tool of strategic competition and diplomacy. This trend may result in Tokyo endangering some long-standing business relationships, such as those in Myanmar and Iran. In the short term, however, Japan will likely avoid risking more indispensable economic relationships, such as with China or its largest Middle Eastern energy partners. Indeed, Prime Minister Fumio Kishida's appointee to the newly minted cabinet-level post of special adviser on human rights, former defense minister Gen Nakatani, has stated that "Japan has been under intense scrutiny over how we protect human rights at the government[al], corporate and individual levels"—implying a greater desire in Tokyo to pursue human rights

3 Kevin J. Cooney, *Japan's Foreign Policy since 1945* (London: Routledge, 2007), 21–49.

diplomacy (albeit under pressure).[4] Unless Japanese policymakers determine that the national security benefits outweigh the potential drawbacks to its carefully cultivated network of economic relationships in developing countries, Tokyo can be expected to continue favoring a conservative, noninterventionist approach to specific human rights issues. Given Japan's international stature, this could have significant consequences for the way other like-minded democratic countries navigate similar sensitive matters when their security and commercial interests are affected.

This article is organized as follows:

- pp. 130–34 provide an overview of the four phases of Japan's human rights diplomacy to chart how the country reached its strategy today.
- pp. 134–38 examine Japan's human rights diplomacy in the Middle East, with a focus on Iran.
- pp. 138–44 turn to Japan's human rights diplomacy in Southeast Asia, particularly in regard to Myanmar and the Philippines.
- pp. 144–51 explore Japan's human rights diplomacy with China today in light of Beijing's crackdown in Hong Kong and human rights abuses in Xinjiang.
- pp. 151–54 conclude with a discussion of the impact of Japan's evolving human rights diplomacy, potential future trajectories, and implications for U.S. policymakers.

THE FOUR PHASES OF JAPAN'S EVOLUTION ON INTERNATIONAL HUMAN RIGHTS

The postwar evolution of Japan's human rights diplomacy can be divided into four phases. In the first, the immediate post-occupation period from 1952 to 1972, Japan's reconstruction and desire for international legitimacy led the country's leaders to prioritize reconciliation in foreign policy in the interest of developing export and import partners to prop up their nascent postwar industry. Japan's normative approach to human rights during this period emphasized self-determination and noninterference as fundamental tenets of international human rights in an attempt to side with the prevailing

[4] "Japan PM Adviser Keen for Firms to Address Human Rights Issues," Kyodo News, November 18, 2021 ~ https://english.kyodonews.net/news/2021/11/3b579357204b-japan-pm-adviser-keen-for-firms-to-address-human-rights-issues.html.

anti-colonial and nonaligned sentiments in developing countries across Southeast Asia, the Middle East, and Africa.[5]

In its second phase of human rights diplomacy, from 1972 to 1990, Japan's economic miracle spurred the aggressive flexing of its competitive muscles and saw policymakers redouble their efforts to lay the foundations of a globalized mercantilist geoeconomic strategy. During this period, Tokyo largely doubled down on its investments in troubled human rights spaces, motivated by a sense of superiority regarding its postwar developmental state model. It also cultivated ties with countries in which Japan had a vested historical or cultural interest. Despite ratifying the country's first UN human rights conventions in 1979, Japanese policymakers still preferred to focus on economic interests and made only passive commitments to supporting basic human rights overseas. This pragmatic attitude to human rights was bolstered in part by Beijing's geopolitical realignment from the Soviet Union to the United States in 1972, which paved the way for trillions of Japanese yen in investment in China's economy over the next two decades. At the same time, Japan's mercantilist behavior sparked successive public backlashes in the Middle East, Southeast Asia, and the West, as this article later elaborates. Each crisis of Japanese moral authority resulted in minor recalibrations of the country's human rights diplomacy to stem the public backlash.

The third phase of Japan's human rights diplomacy, from 1990 to 2016, was triggered by a profound recognition of Tokyo's tarnished geopolitical image as only a passive contributor to world peace, combined with the sudden bursting of its bubble economy, chronic financial turmoil, and growing demographic problems. In the face of renewed uncertainty about Japan's role in the world after the Cold War, Tokyo found itself adrift in the global community. After the 1989 Tiananmen Square incident, Japan was widely panned for not following the other G-7 nations in levying retaliatory economic sanctions on China. To compensate, Tokyo sought to prop up its image by underscoring greater concern for human rights in its economic relations. This was symbolized by Japan's release in 1992 of its first Official Development Assistance (ODA) Charter, subsequently revised in 2003 and 2015, which emphasized peace and inclusivity as fundamental pillars of economic development and conditions for development assistance.[6] Simultaneously, Japan began integrating military

5 Kweku Ampiah, "Japan at the Bandung Conference: The Cat Goes to the Mice's Convention," *Japan Forum* 7, no. 1 (1995): 15–24.

6 Ken Okaniwa, "Changes to ODA Charter Reflect New Realities," *Japan Times*, May 29, 2015 ~ https://www.japantimes.co.jp/opinion/2015/05/29/commentary/japan-commentary/changes-oda-charter-reflect-new-realities.

force within its diplomatic toolbox as a direct response to international criticism of Tokyo's "checkbook diplomacy" during the 1991 Gulf War. Legislative reforms, such as the 1992 International Peace Cooperation Law, which allowed Japanese Self-Defense Forces (JSDF) to participate in UN peacekeeping operations (PKOs), and the 2001 Anti-Terrorism Special Measures Law, gave Japanese policymakers new means to address emerging security challenges. During the NATO operations in Iraq and Afghanistan, the JSDF adopted a limited noncombatant role focused on providing logistics for humanitarian projects. Still, Japan took a dim view of specific human rights issues compared to its international peers, even as it generally embraced the United Nation's view that peacekeeping is essential for the realization of human rights.

Japan's current, fourth phase of human rights diplomacy is marked by a sea change in Tokyo's strategic consensus regarding liberal values as an important determinant of the strength of neoliberal economic initiatives backed by the ruling Liberal Democratic Party (LDP) and a new emphasis on regional stability in the face of 21st-century challenges. The intellectual fillip for this strategic pivot began developing in the 2000s as Japan started coming to terms with the long-term unsuitability of its traditional UN-centric model of diplomacy, given its expanded role in the U.S. war on terrorism. Tokyo was also driven to abandon its UN "centrism" after failing to win a permanent seat at the UN Security Council, even as it took on a greater role in UN PKOs.[7] In 2002, spurred by U.S. democracy promotion, the administration of Junichiro Koizumi revived the concept of an "East Asian Community" that envisioned Japan, South Korea, China, and the Association of Southeast Asian Nations (ASEAN) all collaborating on "interest-based diplomacy" to further freedom, human rights, and democracy. Running parallel to the ASEAN +3 concept but building on Koizumi's efforts, in 2006, Prime Minister Shinzo Abe's first, ill-fated government proposed an "Arc of Freedom and Prosperity." This framework applied to the entire Pacific Rim but similarly intended to define a new order of engagement based on freedom, human rights, and democracy. Since 2008, a gradual but marked transformation in Japanese perceptions of China as an indispensable economic partner yet also an imminent national security threat has reaffirmed the importance of promoting liberal governance values for maintaining geoeconomic stability.[8]

---

7 Yuichi Hosoya, "Japan's Two Strategies for East Asia: The Evolution of Japan's Diplomatic Strategy," *Asia-Pacific Review* 20, no. 2 (2013): 146–56.

8 Genron NPO, "Japan-China Public Opinion Survey 2020," November 2020 ~ https://www.genron-npo.net/en/201117_en.pdf.

Today, by promulgating popular frameworks for rules-based relations and regional trade, including the "free and open Indo-Pacific" (FOIP) vision, the Quad, and the reformed Trans-Pacific Partnership (now the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, or CPTPP), Tokyo is promoting itself as a leader against the forms of mercantilism and economics-first nationalism that it famously employed during its own postwar economic growth. Under the FOIP rubric, Japan is centering liberal values, including human rights, in many of its multilateral initiatives. For example, soon after revising the ODA charter in 2015, the Abe administration announced the five-year, 13.2 trillion yen Partnership for Quality Infrastructure, a program aimed at considering a wider range of social and human factors when making investment decisions. Japan's "quality" infrastructure efforts seek to counterbalance China's Belt and Road Initiative (BRI) and have even succeeded in forcing BRI's promoters to consider a larger ambit of issues, such as environmental sustainability, to remain competitive.

As a major digital economy, Tokyo also plays an important role in embedding concepts such as privacy, transparency, and the free flow of information into regional and global data governance principles. Its "data free flow with trust" (DFFT) framework, signed by the G-20 nations in 2019, fostered important crosscutting linkages with similar efforts by the European Union, Singapore, and others to embed liberal norms in the data economy. Likewise, in response to national security and privacy concerns surrounding perceptions of a Chinese monopoly of the 5G telecommunications industry, the Japanese government and industry have played a global role in supporting the development of open, disaggregated, and interoperable network architectures (so-called Open Radio Access Networks, or O-RANs). Japan was also one of the first countries to release a national artificial intelligence (AI) strategy and has since played a leadership role in supporting open AI governance frameworks within the Organisation for Economic Co-operation and Development (OECD). These trends in Japanese rulemaking across a variety of critical fields have been matched by a striking turnaround in Asian perceptions of Japan (notwithstanding Chinese and Korean views), which polls often identify as the most admired and respected country in the region.[9] Whereas Japan suffered

[9] These findings are evident across surveys targeting both Southeast Asian publics and elites. See for example, Bruce Stokes, "How Asia-Pacific Publics See Each Other and Their National Leaders," Pew Research Center, September 2, 2015; Bruce Stokes and Kat Devlin, "Countries' Views of Japan, Abe; Japanese Views of China", Pew Research Center, November 12, 2018; "Powers, Norms, and Institutions: The Future of the Indo-Pacific from a Southeast Asia Perspective," Center for Strategic and International Studies, 2020: and Sharon Seah et al., *The State of Southeast Asia: 2022 Survey Report* (Singapore: ISEAS–Yusof Ishak Institute, 2022) ~ https://www.iseas.edu.sg/wp-content/uploads/2022/02/The-State-of-SEA-2022_FA_Digital_FINAL.pdf.

from a poor reputation among security allies and adversaries alike in prior phases, in the fourth phase, Tokyo enjoys the benefits of immense soft power alongside a larger profile in international peacekeeping and norm-setting for trade and technology. The unique motivations and policy outcomes of each phase help frame Japan's global human rights diplomacy since the postwar period, which the following regional case studies will now explore.

MIDDLE EASTERN ENERGY PARTNERS: COMMERCIAL INTERESTS AT THE FORE

Nowhere is Japan's ambivalent approach toward human rights more discernible than in its engagement with the Middle East since the end of World War II. While Japan's human rights diplomacy in the region has changed in parallel with its overall foreign policy strategy and capabilities, Tokyo's approach to human rights infractions in the region has remained largely counterposed against its security obligations to the United States. Varied economic interests across a number of politically or socially repressive countries—such as Saudi Arabia, the United Arab Emirates, Qatar, Libya under the Qaddafi regime, and Iran both before and after the 1979 Islamic Revolution—have also interfered in rights diplomacy. As elsewhere, Japanese human rights activity in the Middle East has identifiable patterns of behavior across the four-phase construct this article describes. Similar to the Asian cases examined later, Japanese policy toward the Middle East has been buttressed by strong and institutionalized commercial and interpersonal ties. Loosely characterizable as a "Middle East lobby," a group of prominent political and business leaders, including Prime Minister Kishida and Tokyo governor Yuriko Koike, has played a decisive role in maintaining Japanese engagement in the region, regardless of numerous human rights issues.[10] Accordingly, some degree of continuity is likely even as the foreign policy approach laid out below takes a potential further dynamic turn.

Historically, Japan favored a low-key, noninterventionist policy in the Middle East due to its dependence on the region's oil for energy and transportation needs. Japan would occasionally calibrate its approach when its oil imports were threatened or its economic interests were negatively affected in the short term. Nevertheless, broadly speaking, for decades Tokyo avoided

[10] Mieczysław P. Boduszynski and Christopher K. Lamont, "Japan-Libya Relations: A Window on Japan's Diplomacy in the Middle East and North Africa," Middle East Institute, June 2, 2020 ⇝ https://www.mei.edu/publications/japan-libya-relations-window-japans-diplomacy-middle-east-and-north-africa.

making material adjustments to either its commercial interests or its security commitments in the region as a U.S. ally. Rather, Tokyo pursued a dual strategy of simultaneously accommodating U.S. security policy and appeasing its Middle Eastern partners with economic "carrots," mostly to safeguard its own commercial interests. Human rights did not figure prominently in Tokyo's strategic calculations unless a rights violation undermined regional political or economic stability. When speaking out on human rights aligned with Japan's investment goals in emerging Middle Eastern markets, Tokyo would adopt a discreet attitude to addressing the incumbent regime, often utilizing trusted private actors as intermediaries to manage differences.[11]

Japanese overtures to the Middle East during the early Cold War period emphasized Tokyo's "anti-Western credentials" predating World War II,[12] a message that resonated with the region's postcolonial and often nonaligned regimes. During this period, Japan adeptly combined its anti-Communist bona fides with its non-Western identity, imbuing the country with a unique appeal to regimes wary of deepening relations on either end of the Cold War ideological divide. But Japan's adherence to U.S. policy in the Middle East risked interfering with its engagement in the region (as well as in Muslim-majority states in Southeast Asia) due to the unpopularity of the United States' support for Israel, engagement with repressive regimes, and covert and military interventions. Therefore, this balanced approach inevitably faced a major setback following the end of the Cold War. Unable to continue playing on either side of the ideological divide, Tokyo faced pressure from Washington to become more engaged with the region on U.S. terms following Japan's failure to meaningfully contribute to the 1991 Gulf War, the region's first major post–Cold War crisis. These pressures intensified with the onset of the war on terrorism following the September 2001 terrorist attacks. After the Gulf War, Japan ratified new legislation and guidance—the PKO law and ODA Charter—which saw the JSDF gain regional prominence as a peacekeeping force and distributor of humanitarian and developmental assistance.[13]

More recently, Japan's broader role in support of the war on terrorism—notably, its participation in NATO's peacekeeping efforts in Iraq and Afghanistan—has threatened its image in the region as a sympathetic,

---

11 Embassy of the Islamic Republic of Iran, Tokyo, "Establishing Friendship Association of Japan-Iran," September 30, 2017 ~ https://japan.mfa.gov.ir/en/newsview/537090/establishing-friendship-association-of-japan-iran.

12 Boduszynski and Lamont, "Japan-Libya Relations."

13 Nakanishi Hiroshi, "The Gulf War and Japanese Diplomacy," Nippon.com, December 6, 2011 ~ https://www.nippon.com/en/features/c00202.

noninterventionist actor. For decades, Japan's soft power in the Middle East stemmed from its postwar eschewing of Western-style intervention, its pacifist approach to conflict, and its active international peace promotion efforts (including the pursuit of a nuclear-free world). Tokyo's greater involvement in U.S. interventions not only interferes with the diversified regional business interests that Japanese companies have developed since the end of the Cold War but also jeopardizes the goodwill it has cultivated as a bystander to the region's negative historical experience with the West.

In recent years, no Middle Eastern energy partner has presented a greater challenge for Japan than Iran. Until 2011, Iran was Japan's fourth-largest oil supplier and a valued partner due to its plentiful untapped hydrocarbon energy resources. Japanese leaders are intimately aware of the delicate security balance in the Strait of Hormuz and prize stable relations with Iran as a guarantor of access to energy resources and other shipments passing through the strait. As the country's second-largest trade partner in the 2000s, Japan possessed significant diplomatic leverage over Iran. Yet, beginning in 2010, U.S. pressure against Iran's nuclear program forced Tokyo to retreat from the relationship.[14] Between 2010 and 2015, Japan's total exports to Iran plummeted from more than $2 billion to $66 million.[15] Yet throughout, Tokyo maintained a human rights dialogue with Tehran, holding the 11th Japan–Islamic Republic of Iran Human Rights Dialogue in 2017.[16] Through this dialogue, Tokyo was able to gain some leverage with Iran's authoritarian government as a respected member of the international human rights regime while endearing itself to leaders in Tehran.

This trust earned from established business and public ties in Iran allowed Tokyo to quickly re-enable commercial relations with Tehran following the negotiation of the Joint Comprehensive Plan of Action (JCPOA) in 2015. The Japan-Iran Investment Agreement, signed in 2016, instituted a most-favored-nation trading regime between the two countries, forbade bilateral export restrictions, and created an investor-state dispute settlement

14 Osamu Tsukimori, "Inpex Eyes Iran Azadegan Exit under U.S. Pressure," Reuters, September 29, 2010 ~ https://www.reuters.com/article/japan-iran-inpex/update-1-inpex-to-quit-iran-azadegan-under-us-pressure-media-idINTOE68T00F20100930.

15 "Iran (IRN) and Japan (JPN) Trade," Observatory of Economic Complexity ~ https://oec.world/en/profile/bilateral-country/irn/partner/jpn.

16 "The 11th Japan–Islamic Republic of Iran Human Rights Dialogue," Ministry of Foreign Affairs (Japan), Press Release, February 5, 2016 ~ https://www.mofa.go.jp/press/release/press4e_001015.html.

process, among other favorable measures.[17] Japanese entities such as Mitsubishi and Toyota were among the first foreign companies to re-enter the Iranian market when the JCPOA took effect.[18] By 2017, the same year as the last Human Rights Dialogue, the value of Japanese exports to Iran had returned to almost $1 billion, and serious discussions over major new investments in Iran's energy, aerospace, and infrastructure sectors were underway.[19]

More recently, Japan was an active participant in efforts to mediate rising U.S.-Iran tensions under the Trump administration. In 2019, Abe and Iranian president Hassan Rouhani exchanged visits to their respective capitals to discuss sanctions relief and economic cooperation.[20] Significantly, in early 2020, after the U.S. assassination of Qasem Soleimani, commander of Iran's Quds Force, and Iran's retaliatory rocket attacks targeting U.S. troops in Iraq and Syria, a JSDF force was dispatched on an "intelligence-gathering" mission to the Gulf of Oman and the Bab el-Mandeb Strait. The mission, which ended in late 2021, demonstrated Japan's intent to protect the region's shipping lanes that are an important public good for the world economy—especially East Asian markets such as Japan, China, and South Korea that depend on imported energy.[21]

However, Iran's persistent geopolitical significance has had less salutary effects for Japan's attempts at human rights promotion. As Japanese decision-makers have been forced to concentrate on fundamental issues of regional political and economic stability, more pointed governance issues, such as concerns about Iran's attitude toward free speech, religious liberty,

---

17 "Japan Signs Investment Pact with Iran to Boost Economic Ties," Kyodo News, February 5, 2016, available at https://www.japantimes.co.jp/news/2016/02/05/business/japan-signs-investment-pact-iran-boost-economic-ties.

18 Bryan Coleman, "In Japan's Return to Iran: Risky Business," Middle East Institute, December 7, 2016 ~ https://www.mei.edu/publications/japans-return-iran-risky-business.

19 "Iran Plans to Buy 20 Regional Jets from Japan's Mitsubishi Heavy," Reuters, August 7, 2016 ~ https://www.reuters.com/article/us-iran-aircraft-mitsubishi/iran-plans-to-buy-20-regional-jets-from-japans-mitsubishi-heavy-idUSKCN10I0TA; Raj Kumar Sharma, "Iran Port Tie-up Marks Strategic Milestone for India and Japan," *Nikkei Asia*, December 15, 2016 ~ https://asia.nikkei.com/Politics/Iran-port-tie-up-marks-strategic-milestone-for-India-and-Japan; and Sachi Sakanashi, "Japan Strives to Keep Importing Iranian Oil despite U.S. Sanctions," Atlantic Council, January 14, 2019 ~ https://www.atlanticcouncil.org/blogs/iransource/japan-strives-to-keep-importing-iranian-oil-despite-us-sanctions.

20 "Prime Minister Abe Visits Iran," Ministry of Foreign Affairs (Japan), June 12, 2019 ~ https://www.mofa.go.jp/me_a/me2/ir/page3e_001024.html; and "Rouhani Concludes Japan Visit, Seeks Support for Iran Economy," Agence France-Presse, December 21, 2019, available at https://www.france24.com/en/20191221-rouhani-concludes-japan-visit-seeks-support-for-iran-economy.

21 "Japan Cabinet Approves MSDF Units' Dispatch to Middle East," *Nikkei Asia*, December 29, 2019 ~ https://asia.nikkei.com/Politics/International-relations/Japan-Cabinet-approves-MSDF-units-dispatch-to-Middle-East3; and "Japan OKs 1-yr Extension of MSDF Intel-Gathering Mission in Mideast," Kyodo News, December 11, 2020 ~ https://english.kyodonews.net/news/2020/12/3c8917c66941-update1-japan-oks-1-yr-extension-of-msdf-intel-gathering-mission-in-mideast.html.

and gender and sexual rights raised at previous Human Rights Dialogues, have taken a backseat. Likewise, Japanese companies intent on protecting their regional equities—and, as far as Iran is concerned, winning competitive bids for projects with high-value market access—are not as invested in raising specific human rights issues that could jeopardize those cardinal objectives. The absence of further Tokyo-Tehran human rights discussions since the partial dissolution of the JCPOA framework under the Trump administration underscores this article's basic argument that Japanese commercial interests are an overriding determinant of Tokyo's human rights diplomacy.

SOUTHEAST ASIA: LONG-STANDING TIES WITH UNSAVORY REGIMES

Southeast Asia is undoubtedly a cornerstone of Japan's geoeconomic strategy, placing Tokyo in a far more involved position on regional human rights concerns. Japan remains the largest source of foreign investment in the area,[22] and essentially every major Japanese business holds significant equities in Southeast Asian trade, including infrastructure projects and manufacturing centers.[23] These deep ties have their origins in the immediate post–World War II period, phase one of this article's paradigm, in which Japan sent considerable sums to the region in the form of war reparations and developmental aid.[24] The evolution of these grants into investments throughout the Cold War required Japanese moral flexibility toward working with socialist, capitalist, and nonaligned regimes with highly flawed human rights records. Throughout the first and second phases of Japan's human rights diplomacy, Tokyo demonstrated a willingness (indeed, perhaps even an enthusiasm) for investing and doing business in such isolated states. As the bubble economy burst and Japan entered its third and fourth phases, however, hangovers from these investments still led Japan to make compromises, given its increasingly core economic interest in championing openness and interconnectivity.

---

22 UN Conference on Trade and Development, *World Investment Report 2020: International Production Beyond the Pandemic* (New York: UN Publications, 2020) ~ https://unctad.org/system/files/official-document/wir2020_en.pdf.

23 "A Glimpse into Japan's Understated Financial Heft in South-East Asia," *Economist*, August 14, 2021 ~ https://www.economist.com/finance-and-economics/2021/08/14/a-glimpse-into-japans-understated-financial-heft-in-south-east-asia.

24 Akira Suehiro, "The Road to Economic Re-entry: Japan's Policy toward Southeast Asian Development in the 1950s and 1960s," *Social Science Japan Journal* 2, no. 1 (1999): 85–105 ~ http://www.jstor.org/stable/30209747.

Myanmar

Japan's relationship with Myanmar is far more long-standing and tight than initially meets the eye. During World War II, Japan's dominant militarist clique held warm feelings toward Burmese independence leader Aung San, granting him a favored position within Tokyo's network of Greater East Asian Co-Prosperity Sphere puppet states.[25] In the postwar period, the government of Myanmar (then called Burma) sent generous donations of foodstuffs (mostly rice) to the devastated urban populations of Japan. This set the stage for successive Japanese governments to reciprocate this loyalty and kindness over decades, despite the Burmese military's repressive and violent unilateral rule and reports of systemic human rights violations from the United Nations and other international organizations. Even during the military's most isolated years of leadership, Japan remained one of the few Western-aligned and capitalist countries willing to provide both aid and business investment to the ostracized nation.[26]

Within Japan's ruling LDP, scholar David Steinberg has identified a continuous "Burmese lobby" pushing for closer economic relations with the pariah state, most brazenly so during Tokyo's second phase of human rights diplomacy from 1972 to 1990. Notable members of the lobby during this period included former prime minister Nobusuke Kishi and foreign minister Shintaro Abe—respectively, the grandfather and father of Shinzo Abe—as well as LDP powerbroker Michio Watanabe.[27] Four Japanese prime ministers officially visited Myanmar in the 1960s and 1970s, visits that were frequently reciprocated by Burmese dictator Ne Win. Each member of the lobby justified these ties through the argument (frequently seen in this article) that economic engagement and incentives from an "independent" power like Japan would eventually result in concrete gains for average members of the oppressed society.[28] Despite no shortage of criticism from the West, including the United States, Japan's confidence in its mercantilist investment strategy during these years led it to embrace deep ties with the military junta.

Nevertheless, after decades of controversial outreach, support for investments in Myanmar began to fade in the post–Cold War period,

---

25 Joyce Lebra, *Japan's Greater East Asia Co-Prosperity Sphere in World War II: Selected Readings and Documents* (Oxford: Oxford University Press, 1975).

26 Patrick Strefford, "Japan's Bounty in Myanmar: Finally Reaping the Rewards of Its Long-Term Investment," *Asian Survey* 56, no. 3 (2016): 488–511 ~ https://www.jstor.org/stable/26364370.

27 David Steinberg, "Japanese Economic Assistance to Burma: Aid in the 'Tarenagashi' Manner?" *Crossroads* 5, no. 2 (1990): 51–107.

28 Donald M. Seekins, "Japan's Aid Relations with Military Regimes in Burma, 1962–1991: The Kokunaika Process," *Asian Survey* 32, no. 3 (1992): 246–62.

coinciding with Japan's transitional third phase of human rights diplomacy. Tokyo's 1992 ODA Charter, which limited investment in countries accused of violating human rights, resulted in some curtailment of economic ties with the regime.[29] While this was a considerable blow to the bilateral relationship, it was far from fatal. Major Japanese trading firms continued to invest in Myanmar, and Japanese ODA was simply channeled into projects that could support human security (seen as the "needs of the people") such as infrastructure and education projects.[30] This characterization was typical of the third phase, in which language surrounding Japanese policy changed faster than the policies and investments themselves. Following Myanmar's transition to an elected government in 2010–11, the limited criticism Japan faced for its activities faded amid a larger Western embrace of commercial ties with the new proto-democracy.

Phase four of Tokyo's increasing unwillingness to overlook human rights concerns in trade and investment partners coincided with political realities following the coup and return to military governance in Myanmar on February 1, 2021. One day after the coup, Japanese defense minister Yasuhide Nakayama warned that the coup represented an opportunity for China to spread its influence in mainland Southeast Asia, stating, "If we do not approach this well, Myanmar could grow further away from politically free democratic nations and join the league of China."[31] The next day, the Japanese government signed onto a joint statement by the leaders of the G-7 nations "condemning the military coup."[32] However, notwithstanding the defense minister's warning, the Japanese foreign ministry took around two weeks to formally speak out against the Tatmadaw (the Myanmar military) for the coup in the form of two statements on February 21 and March 28.[33] On March 27, Nakayama signed an international statement from defense ministers and secretaries condemning the military crackdown following

29 Strefford, "Japan's Bounty in Myanmar."

30 Ministry of Foreign Affairs (Japan), "Japan's ODA Charter," September 1997 ~ https://www.mofa.go.jp/policy/oda/summary/1997/09.html.

31 "Japan Defence Official Warns Myanmar Coup Could Increase China's Influence in Region," Reuters, February 2, 2021 ~ https://www.reuters.com/article/us-myanmar-politics-japan/japan-defence-official-warns-myanmar-coup-could-increase-chinas-influence-in-region-idUSKBN2A20PX.

32 "G-7 Foreign Ministers' Statement," Ministry of Foreign Affairs (Japan), Press Release, February 3, 2021 ~ https://www.mofa.go.jp/press/release/press3e_000162.html.

33 "Casualties in Protests in Myanmar," Ministry of Foreign Affairs (Japan), Press Release, February 21, 2021 ~ https://www.mofa.go.jp/press/release/press1e_000175.html; and "Civilian Casualties in Myanmar," Ministry of Foreign Affairs (Japan), Press Release, March 28, 2021 ~ https://www.mofa.go.jp/press/danwa/press6e_000275.html.

the coup.[34] Meanwhile, as early as February 4, Japanese brewing giant Kirin announced it would pull out of a joint venture with a Myanmar state-backed firm in response to the coup, leading foreign news outlets to describe the company as a "leader" among international investors seeking to punish Myanmar's military leaders for their actions.[35]

These unsynchronized actions point to splits in contemporary Japanese industry and government views toward human rights promotion. It is striking that the first example of meaningful Japanese opposition to the coup came from the business sphere rather than the government. Kirin's rapid reaction suggests a heightened level of responsiveness within the Japanese business community toward human rights as a public and investor relations concern, though it must be noted that Kirin has since gone back and forth regarding its exit plans in a potential case of backsliding.[36] By contrast, the Japanese government's first reaction was geopolitical, concerned more with the potential for a bastion for Chinese power in Southeast Asia than with human rights and governance conditions within Myanmar. While Tokyo lent its voice to multilateral denunciations of the coup, such as the G-7 statement and joint defense ministers' statement on February 3, it took roughly two weeks before the foreign ministry spoke directly against the actions of the Tatmadaw. While both the Japanese government and business spheres spoke and acted against the coup far more than previous actors might have, especially on geopolitical terms, the imbalance between rapid industry action and uneven ministry responses speaks to the still-lagging nature of human rights promotion in Japanese conceptions of leadership within the liberal international order.

The Philippines

In sharp contrast to the pattern of warmness (despite international opprobrium) followed by coolness in Japan-Myanmar relations, human rights in the Philippines have had less of an impact on Tokyo-Manila ties. Despite protracted and emotional negotiations over war reparations, following the

---

34 "Joint Statement of Chiefs of Defense Condemning Military-Sponsored Violence in Myanmar," U.S. Department of Defense, Press Release, March 27, 2021 ~ https://www.defense.gov/News/Releases/Release/Article/2552778/joint-statement-of-chiefs-of-defense-condemning-military-sponsored-violence-in.

35 Lisa Du, Khine Lin Kyaw, and Philip Heijmans, "Top Japan Brewer Leads Backlash among Investors to Myanmar Coup," Bloomberg, February 4, 2021 ~ https://www.bloomberg.com/news/articles/2021-02-05/japan-s-kirin-to-cut-ties-with-myanmar-partner-in-wake-of-coup.

36 Nana Shibata, "Kirin CEO: Top Priority Is to Continue Brewing in Myanmar," *Nikkei Asia*, December 15, 2021 ~ https://asia.nikkei.com/Editor-s-Picks/Interview/Kirin-CEO-top-priority-is-to-continue-brewing-in-Myanmar.

restoration of formal diplomatic relations in 1956 the postwar Japanese-Philippine relationship started on strong footing. With both nations firmly ensconced in the U.S.-led capitalist bloc, their economic, military, and diplomatic ties enjoyed little resistance and were emblematic of the first and second phases of Japan's human rights diplomacy. President Ferdinand Marcos visited Japan in 1966 following a formal invitation by Emperor Hirohito, marking the unofficial beginning of bilateral ties that were later formalized in 1973 when the Treaty of Amity, Commerce, and Navigation, signed in 1960, finally took effect.

In 1972, the same year that Marcos dissolved the legislature, Japanese prime minister Kakuei Tanaka visited the Philippines partly to celebrate the long-delayed initiation of the Treaty of Amity, Commerce, and Navigation.[37] The treaty mutually granted most-favored-nation status, reduced tariffs, and offered other economic incentives, sparking a wave of Japanese business investment in the Philippines.[38] The treaty talks and Tanaka's subsequent visit notably contained no mention of any concerns about the Philippines' new authoritarian leader, and are representative of a phase-two Japan that was willing to deepen profitable relations without concern for human rights. While many Western nations eschewed further ties with Manila out of distaste for Marcos, Japan had no such compunctions. By 1975, Japan was the largest foreign investor in the Philippines, surpassing the United States.[39]

These close ties, often led by powerbrokers in the LDP, would come back to haunt Japanese politicians after the 1986 People Power Revolution and Marcos's subsequent fall from power. After fleeing to exile in Hawaii, U.S. law enforcement confiscated many of Marcos's personal papers, revealing a long-standing practice of 10% to 15% "commissions" paid to Marcos and his associates by Japanese overseas investment agencies in return for favorable access to the Philippine market. This unambiguous example of corruption, dubbed the Marcos scandal (*Marukosu giwaku*) in Japan, would eventually directly result in domestic anti-corruption and human rights reforms culminating in the 1992 ODA Charter and served as one of

---

37 Richard Halloran, "Tanaka in Manila at Start of Southeast Asian Tour," *New York Times*, January 8, 1974 ~ https://www.nytimes.com/1974/01/08/archives/tanaka-in-manila-at-start-of-southeast-asian-tour-economic.html.

38 "Treaty of Amity, Commerce, and Navigation," *United Nations Treaties* 1001, no. 14703, December 9, 1960 ~ https://treaties.un.org/doc/Publication/UNTS/Volume%201001/volume-1001-I-14703-English.pdf.

39 Eric Vincent C. Batalla, "Japan and the Philippines' Lost Decade: Foreign Direct Investments and International Relations," Institute of Developing Economies, Japan External Trade Organization, VRF Series, no. 464, February 2011.

the largest transitional events for Japan's shift to phase three in its human rights diplomacy.[40]

Despite this political and moral setback, Japanese-Philippine economic relations continued to deepen under the newly democratic administrations of Presidents Corazon Aquino and Fidel Ramos. Indeed, the Philippines is a rare example of an economic relationship that continued to strengthen through Japan's transitional phase three of human rights relations. During this period, Aquino visited Japan twice, receiving a formal apology from Emperor Hirohito for Japanese wartime atrocities as well as a new pledge of foreign aid for the Philippines.[41] Despite lingering peripheral human rights concerns, the Philippines' newly democratized government at the time matched ideally with Japan's image-conscious phase-three investment desires.

Today, the Japanese-Philippine economic relationship has continued to grow despite a renewal of human rights concerns. Arguably, this is because policymakers in Tokyo, sensing similarities in geopolitical circumstances, afford a significant level of respect for the bilateral relationship. Given that Japan and the Philippines are fellow archipelagic nations that face profound security challenges from a rising China, Japanese strategists see no shortage of parallels between their situation and the Philippines. Thus, while economic opportunities for Japanese businesses have certainly encouraged the Japanese government to ignore human rights concerns in the Philippines, geopolitical imperatives only further incentivized this pattern. This intimate involvement in Philippine internal affairs goes further than Japan's passive and tacit acceptance of human rights violations in Myanmar. Indeed, the close and long-standing nature of Tokyo-Manila ties helps explain contemporary Japan's unwillingness to publicly invest in Myanmar while at the same time remaining silent toward Philippine president Rodrigo Duterte's frequent use of extrajudicial arrests and killings as part of a state campaign of anti-drug violence. Although Myanmar always enjoyed the support of an influential but limited "Burma lobby" inside the Japanese bureaucracy, the "Philippines lobby" in Tokyo can be fairly described as the entire LDP security and economic establishments. This rarified position in influential Japanese circles, even compared with Tokyo's other close partners, will likely continue to grant future Philippine governments a great deal of moral flexibility in response to any new human rights concerns in the country.

---

40 Keiko Hirata, *Civil Society in Japan: The Growing Role of NGOs in Tokyo's Aid and Development Policy* (London: Palgrave Macmillan, 2002).

41 Ikehata Setsuo and Lydia Yu-Jose, eds., *Philippines-Japan Relations* (Quezon City: Ateneo De Manila University Press, 2003), 580.

The Philippines, like much of Southeast Asia today, is notable for its relative democratic backsliding. In relatively extreme cases, such as Myanmar, Japan has demonstrated a willingness to forgo immediate business interests to promote human rights in the region. In contrast, the Philippines provides an example of a maintained Japanese government focus on geopolitical imperatives over human rights promotion. Barring a high-profile reversal in human rights as seen in Myanmar, human rights abuses in the Philippines case demonstrate that despite Tokyo's pride in its leadership role in the liberal international order (typical of phase four), leaders remain unlikely to endanger key geopolitical relationships without prodding from outside actors such as the business community. This seemingly contradictory approach to human rights promotion is again indicative of an internal distance among elements of the Japanese government and business communities toward human rights.

CHINA: GOVERNMENT OPPROBRIUM VS. BUSINESS INTERESTS

Hong Kong

China's stifling of civil liberties and the pro-democracy opposition in Hong Kong is a pressing human rights issue on Japan's foreign relations docket and a clear example of a comparatively assertive Japanese human rights diplomacy. Japanese businesses have a long history in Hong Kong, with almost every major Japanese investment and trading firm having an office in the regional finance hub. Hong Kong's political and economic independence from China, codified in "one country, two systems," was central to the city's high appeal to Japanese businesses and investment firms before and since its return to mainland control in 1997, and the city remains an important source and destination of Japanese trade and investment. As such, Japanese diplomats and businesses have been forced to toe a careful line between feigned disregard and moral outrage at Beijing's recent political crackdowns in the city.

During the first three phases of Japan's human rights evolution, Tokyo enjoyed considerable preferential treatment and investment in Hong Kong. The continuation of British control of Hong Kong after World War II smoothed the way for economic cooperation in the 1950s as Japan and the United Kingdom did not require separate reparation and normalization pacts, unlike those Japan forged with its former occupied territories in

the region. This set up Hong Kong as a convenient springboard for the Japanese economy's global re-emergence after the war.

Indeed, a great deal of Japanese business dealings with other regions of interest in this article, such as Southeast Asia, received financing through Japanese bank branches in Hong Kong that made use of the city's proximity and access to the global economy. After Japan's normalization of relations with China in 1972, Tokyo redoubled its commitments to Hong Kong due to the city's natural position as a testbed for Japanese investment in the Chinese mainland. Even in the 1990s, Japanese companies still reticent about directly engaging China perceived Hong Kong to be the safest and most logical point of contact with the greater Chinese market.[42] As such, Japan has been one of Hong Kong's staunchest trading partners and featured prominently in Hong Kong's rapid economic development in the 1960s and 1970s. A symbol of this economic cooperation is apparent today in Hong Kong's distinct fleet of taxi cabs, which is almost entirely made up of Toyota Comfort model sedans.

Fitting its trend of human rights nonintervention during these phases, Japan rarely took sides on the various colonial conflicts between Hong Kong's residents and the British government. Likewise, Tokyo followed the international consensus of support for the 1997 handover, which overlooked speculation about the city's long-term vitality given the governance and human rights implications of mainland control, especially after the Tiananmen Square incident.[43]

Yet, as China has increased its pressure on Hong Kong's democratic institutions, threatening to subvert the political status quo that had buttressed the city's contributions to Japan's economic success, Japanese leaders in both government and industry have been compelled to speak up. Such messages typically follow the United States and other G-7 nations in calling on China to follow international norms and uphold the "one country, two systems" framework. Beijing has aggressively pushed back, referring to Hong Kong as an internal matter and threatening economic coercion (including against Japan) through export restrictions on rare earth minerals, among other measures.

This is all complicated by the disposition of Hong Kong's opposition movement toward Japan. Strikingly, Hong Kong's protesters have counted on Japan as a safe haven and idealized its government and society compared to

---

42 Brian Bridges, "Hong Kong and Japan: Commerce, Culture and Contention." *China Quarterly*, no. 176 (2003): 1052–67 ~ http://www.jstor.org/stable/20059073.

43 Ian Scott, "The Disarticulation of Hong Kong's Post-Handover Political System," *China Journal*, no. 43 (2000): 29–53 ~ https://doi.org/10.2307/2667531.

their own. Despite relative silence from the Japanese foreign ministry, some of the largest solidarity protests supporting Hong Kong's democratic opposition took place in Japan in 2019 and 2020.[44] Arguably, the ability of Japanese policymakers to highlight the human consequences of not responding to rights violations in the specific case of Hong Kong has improved Tokyo's efforts to rally Japanese public opinion against Beijing and, simultaneously, empowered individual politicians to speak up on the matter. Polling of Japanese views toward China, and specifically on Beijing's crackdowns in Hong Kong before versus after the imprisonment of democracy activist Agnes Chow, demonstrates that underscoring specific human costs is an effective strategy to encourage public sympathy and inspire greater political attention toward human rights.[45] Chow, a fluent Japanese speaker, is a darling of the Japanese media for her ability to communicate the plight of the pro-democracy movement directly to a Japanese audience. Even many months after Chow's international celebrity peaked with her six-month imprisonment in 2021, Japanese policymakers continue to latch onto her story to drive reforms that would improve Tokyo's enforcement of international human rights norms, such as an economic sanctions bill resembling the U.S. Global Magnitsky Act and similar laws elsewhere.[46]

There is also a strategic explanation for Japan's outspokenness on human rights issues in Hong Kong. While the presence of a "Hong Kong lobby" per this article's framework would likely represent an overly assertive posture by Tokyo, the strong coalescing of a "Taiwan lobby" led by senior LDP leadership can be viewed as playing that role by proxy. Indeed, recent high-profile statements from Japanese politicians warned China that the city's experience must not be repeated in Taiwan. At a U.S.-Japan-Taiwan trilateral strategic dialogue in July 2021—the first such gathering—senior Japanese lawmakers, including former prime minister Shinzo Abe, vowed that unilateral Chinese attempts to overturn the geopolitical status quo in the East and South China Seas, including any effort to subvert Taiwanese sovereignty, would

44 Ryusei Takahashi, "Demonstrators in Tokyo Show Support for Hong Kong Protests," *Japan Times*, June 13, 2019 ~ https://www.japantimes.co.jp/news/2019/06/13/national/demonstrators-tokyo-show-support-hong-kong-protests-extradition-bill.

45 Shibani Mahtani, "Agnes Chow, Revered in Japan as 'Goddess of Democracy,' Faces Prison in Hong Kong," *Washington Post*, November 30, 2020 ~ https://www.washingtonpost.com/world/asia_pacific/agnes-chow-hong-kong-democracy-japan/2020/11/29/541fb542-2e4c-11eb-9dd6-2d0179981719_story.html.

46 Ibid.

not be tolerated.[47] Tokyo appears to view human rights in Hong Kong as a bellwether for Beijing's future geopolitical assertiveness in and beyond its near abroad. This rising skepticism regarding Chinese goals and ambitions within the Japanese government may eventually enable a more unambiguous commitment toward human rights advocacy by Japanese industry, paving the way for administering significant economic punishments against Beijing and Hong Kong's leaders beyond the diplomatic hits already inflicted.

Xinjiang

China's alleged but well-documented abuses against the Uighur people in its northwestern province of Xinjiang also rank among the highest-profile international human rights issues confronting the Japanese government. In particular, the Japanese policy community's attention on Xinjiang has been animated by reports of Uighur conscription into labor camps and the international business community's growing awareness of the supply chain risks associated with the public backlash over real or perceived links to human rights violations there. As a relatively new human rights topic, the implications of forced labor in Xinjiang for Japanese economic security offer a unique case study. Although human rights abuses in Xinjiang date back to the earliest years of the People's Republic of China, a lack of international attention on the topic until recently left it a backwater in global human rights debates. Yet, this has not resulted in a clear-sighted balance in Tokyo between human rights in foreign policy and business prerogatives. Indeed, Japanese government and business responses to this crisis are far more uneven than those toward actions in Hong Kong.

Japan's leadership in the CPTPP and the Quad suggests an increasing willingness on the part of senior policymakers to play an important role in implementing liberal norms and rules in the Indo-Pacific region. Accordingly, the Japanese government closely monitors international efforts, especially by the United States, to restrict commercial ties to Xinjiang.[48] Nevertheless, despite denunciations from close allies and partners, Japan seems unwilling thus far to allow the issue to threaten economic ties with China, its largest trading

---

47 Ryo Nemoto, "Abe: Taiwan Must Never Repeat Hong Kong Experience," *Nikkei Asia*, July 30, 2021 ~ https://asia.nikkei.com/Politics/International-relations/Abe-Taiwan-must-never-repeat-Hong-Kong-experience.

48 Shinichi Isobe, "Baiden Amerika seiken, Shinkyouigurujichiku fukumu sapuraichen ni kansuru kankoku o koshin" [Biden Administration Updates Supply Chain Recommendations, Including for Xinjiang Uyghur Autonomous Region], Japan External Trade Organization, July 14, 2021 ~ https://www.jetro.go.jp/biznews/2021/07/caeba4888a116b13.html.

partner. Xinjiang is a highly sensitive topic for Beijing, which resists any calls for international solidarity with the Uighurs and has sanctioned leaders in the United States and EU who speak out against abuses in the region.

Cotton, the region's largest export, is central to the intersection of human rights and foreign industry in Xinjiang. U.S. law requires clothing companies to verify that none of their cotton is from Xinjiang due to forced labor there, but in reality, this represents a de facto ban on all cotton from China, as forensic verification that Chinese-sourced cotton is not from Xinjiang is essentially impossible at any profitable scale. Facing such pressure from Western consumers, investors, and governments, Japanese clothing firms such as World and Mizuno have independently announced they will cease sourcing cotton from Xinjiang.[49] However, other Japanese businesses are bucking this trend. Far from avoiding the controversy, Muji, a trendy clothing and household goods brand, advertises its use of Xinjiang cotton at its Chinese branches. While this move invites pressure on Muji from Western leaders and investors, the company's Beijing-friendly stance has allowed it to avoid the fate of its competitors, which faced closures and protests inside China. Experience suggests that Muji's position is closer to the norm than an exception. Industry and government surveys in Japan indicate that only a fraction of companies properly screen their suppliers for human rights violations,[50] and policymakers have yet to decide on whether and how to impose enforceable supply chain rules for companies to abide by international labor statutes.[51]

Indeed, this split in Japanese private-sector responses is likely indicative of equivalent tensions within the Japanese government. In 2020 and 2021, the Ministry of Economy, Trade and Industry (METI) pressured a number of textile industry leaders to craft guidelines to identify and root out human rights violations in their supply chains. In February 2021, the Japanese government supported a move by Toshiba to cut investment ties with a Chinese partner company accused of ties to forced labor in Xinjiang. However, within the LDP leadership, a desire to stand up to Japan's leading geopolitical rival on human

---

49 Yabu Kyohei, "Jinken shingai ni taisuru shisaku ga nikkei kigyo ni mo eikyo (Beikoku)" [Measures to Counter Human Rights Violations Impact Japanese Companies (U.S.)], Japan External Trade Organization, June 25, 2021 ~ https://www.jetro.go.jp/biz/areareports/2021/7d71c95432ad0c76.html.

50 "Release on the Results from the Questionnaire Survey on the Status of Efforts on Human Rights in the Supply Chains of Japanese Companies," Ministry of Economy, Trade and Industry (Japan), November 30, 2021 ~ https://www.meti.go.jp/english/press/2021/1130_002.html.

51 "Supply Chain Human Rights Abuses a Blind Spot for Japan: Poll," *Nikkei Asia*, June 29, 2021 ~ https://asia.nikkei.com/Business/Business-trends/Supply-chain-human-rights-abuses-a-blind-spot-for-Japan-poll; and "Kishida's Adviser Eyes Human Rights Guidelines for Supply Chains," *Japan Times*, December 2, 2021 ~ https://www.japantimes.co.jp/news/2021/12/02/business/rights-supply.

rights clashes with the government's economic goals as well as with the concrete needs of businesses to remain profitable in the region's largest market and preserve critical links in their supply chains. Despite the strain of recent shortages, the business case against further restrictive supply chain guidelines is a struggle that members of the LDP's "China lobby"—most notably former party secretary-general Toshihiro Nikai—appear to be losing.[52]

Still, Japan seems eager to project a unified face of concern on the international stage. In 2021, Foreign Minister Toshimitsu Motegi stated at a high-level meeting of the UN Human Rights Council that "Japan is deeply concerned about the recent situation in these areas [referring to Hong Kong and Xinjiang] and strongly urges China to take positive concrete actions." He went on to state, "Universal values such as freedom, respect for human rights and the rule of law must also be protected in China."[53]

As the Hong Kong case also evinced, Japanese leaders clearly see a need for decisive statements and actions that hold the Chinese Communist Party accountable for its domestic activities. Despite abiding trade and economic links, Japanese policymakers and leaders seem to view the situation in Xinjiang as indicative of a core conflict in Sino-Japanese relations: Tokyo's liberal ideals are increasingly at cross-purposes with Beijing's economic governance model. More generally, Xinjiang evokes other challenges that Japanese companies doing business in China face in terms of dealing with state-subsidized competitors, intellectual property theft, and forced technology transfers. Hence, perceiving China as both a socioeconomic and geopolitical threat, political leaders in Tokyo seemingly have begun to place Xinjiang alongside Hong Kong as an example of the illegitimacy of China's model and methods.

Gaiatsu also appears to be an important motivating factor. As the United States tightens its restrictions on industries with supply chain links to Xinjiang, Japanese companies increasingly risk running afoul of guidance from Washington and other governments that follow suit unless they preemptively implement corrective policies. In January 2021, the U.S. Customs and Border Protection blocked imports of Uniqlo brand shirts at a port in Los Angeles on suspicion that their production was linked to forced labor in Xinjiang. Uniqlo filed an appeal for re-examination but was unable to provide sufficient evidence that it did not source cotton from its local

---

52 "A Powerful Faction in Japan Strives to Keep China Sweet," *Economist*, May 1, 2021 ~ https://www.economist.com/asia/2021/05/01/a-powerful-faction-in-japan-strives-to-keep-china-sweet; and "Japan to Set Out Human Rights Guidelines for Companies," *Japan Times*, February 15, 2022 ~ https://www.japantimes.co.jp/news/2022/02/15/business/human-rights-supply-chain.

53 "Japan Urges China to Take 'Positive' Actions over Hong Kong and Uyghurs," *Japan Times*, February 24, 2021 ~ https://www.japantimes.co.jp/news/2021/02/24/national/japan-china-hong-kong-uyghurs.

Chinese Communist Party–affiliated supplier.[54] In July 2021, six U.S. agencies released a business advisory restricting supply chain links to Xinjiang across an expanded list of twenty sectors, including critical technology inputs such as silicon and wafers.[55] That same month, the French government launched an investigation into four fashion firms, including Fast Retailing, the parent company of Uniqlo, for using illegally sourced fabric from Xinjiang.

That said, without unambiguous support from the Japanese government, Japanese private-sector resistance to such external pressure will likely endure. Notwithstanding the endorsement of the Japanese Business Federation (Keidanren) in December 2021 for strengthened due-diligence provisions on human rights issues, economic, investment, and supply chain relations with Asia's largest producer and market are impossible for any lone Japanese firm to avoid.[56] Despite METI's efforts since its release of a National Action Plan on Business and Human Rights in October 2020 to spur businesses to contribute to protecting human rights overseas, industry views on China remain mixed.[57] Indeed, an October 2020 survey of Japanese businesses in Hong Kong found that 67% of companies were concerned about the Hong Kong national security law, and 34% said they were reviewing their corporate controls and considering reallocating resources elsewhere or leaving the city entirely.[58] Nevertheless, subsequent surveys of the same companies in April and July 2021 found that markedly fewer (51% and 57%, respectively) were still concerned about developments in Hong Kong.[59] Likewise, at the height of the Covid-19 economic lockdowns in 2020, only 7% of Japanese companies indicated any plans to downsize or withdraw their operations from China as

54 Lisa Du, "U.S. Blocked Uniqlo Shirts on Xinjiang Forced-Labor Concerns," Bloomberg, May 18, 2021 ~ https://www.bloomberg.com/news/articles/2021-05-19/u-s-blocked-uniqlo-shirts-on-xinjiang-forced-labor-concerns.

55 U.S. Department of State et al., "Risks and Considerations for Businesses and Individuals with Exposure to Entities Engaged in Forced Labor and Other Human Rights Abuses Linked to Xinjiang, China," July 13, 2021 ~ https://www.state.gov/wp-content/uploads/2021/07/Xinjiang-Business-Advisory-13July2021-1.pdf.

56 Keidanren Policy and Action, "Kigyo kodo kensho jikko no tebiki" [Guidance for Implementing the Charter of Corporate Behavior], December 14, 2021 ~ https://www.keidanren.or.jp/policy/cgcb/2021point.pdf.

57 Ministry of Foreign Affairs (Japan), *Bijinesu to jinken' ni kansuru kodo keikaku (2020–2025)* [Action Plan on Business and Human Rights (2020–2025)] (Tokyo, 2020) ~ https://www.mofa.go.jp/mofaj/files/100104121.pdf.

58 Yuji Kihara, "Honkon no Nikkei kigyo, 34% ga kyoten shukusho nado kento" [34% of Japanese Companies in Hong Kong Are Considering Reducing Their Presence], *Nikkei Shimbun*, October 19, 2020 ~ https://www.nikkei.com/article/DGXMZO65181860Z11C20A0FFJ000.

59 Yuji Kihara, "Honkon no Nikkei kigyo, 57% ga Kuniyasu-ho kenen kyoten minaoshi kento 26%" [57% of Japanese Companies in Hong Kong Are Concerned about Security Law, 26% Considering Reviewing Their Presence], *Nikkei Shimbun*, July 26, 2021 ~ https://www.nikkei.com/article/DGXZQOGM264KX0W1A720C2000000.

a result of human rights violations or interruptions.[60] Such realities are likely the explanation for Japan's conspicuous absence from the combined U.S.-EU sanctions on Chinese officials connected to forced labor and detention camps in Xinjiang.

Questions thus remain with respect to whether Japan's human rights diplomacy regarding Xinjiang will advance past the performative stages of the U.S. and other G-7 governments' statements. Although it is still early to assess Japan's long-term strategy on the issue, Tokyo appears more willing to channel its concerns into statements than into meaningful commercial actions that could risk economic consequences. As such, Japan appears to be behaving along lines similar to phase three of its human rights diplomacy development in other regions: Tokyo is willing to criticize but unwilling to fundamentally reshape commercial relationships with partners in China.

CONCLUSION AND IMPLICATIONS FOR U.S. POLICYMAKERS

Japan's four phases of human rights promotion are framed by a larger transformation in Japanese attitudes toward the liberal international order of economic development, fair trade, and globalization. In its first phase, a defeated postwar state attempted to underpin economic recovery through political reconciliation and the development of basic trade partners. In turn, international human rights promotion played little to no role in Japan's foreign relations. In its second phase, Japan enjoyed the simultaneous benefits of its economic miracle and central position in the U.S. Cold War security network in Asia. Yet, alongside reputational hits from global perceptions of mercantilism and free-riding, the country invited further criticism through deepened economic relations with problematic human rights regimes. At the same time, Japan contributed to a great economic and social revival in Southeast Asia during the latter half of the twentieth century through infrastructure investment in Singapore, Thailand, and Malaysia, as well as other nations now at the forefront of the region's rapid economic growth.

These substantial contributions to human security began to lose steam in phase three. Japan's economic miracle overreached just as the geopolitical flux after the Cold War plunged its security establishment into a period of strategic ambiguity. The reputational damage Japan incurred from its failure

60 "Results of JETRO's 2020 Survey on the International Operations of Japanese Firms," Japan External Trade Organization, February 17, 2021 ~ https://www.jetro.go.jp/en/news/releases/2021/601d3a6485e0a414.html.

to meaningfully contribute to the 1991 Gulf War coalition served as an additional shock to a government that had previously dismissed complaints about its behavior as grumblings from the sore losers of international trade. In an attempt to reverse these misfortunes and restore domestic political trust after a series of local and international corruption scandals, Japanese leaders began to prioritize international human rights arguably more than at any point in the country's modern history.

Finally, in phase four, the government and business community are reconverging on an international geoeconomic strategy, albeit one quite different from that of the mid-twentieth century. Japan's embrace of a once-improbable leadership role in promoting international institutions and free trade through both the FOIP vision and the CPTPP represents a remarkable crystallization of security and economic priorities coupling together to form the genesis of a more clear-eyed approach to human rights promotion. Nevertheless, despite this revolutionary change in Japan's geopolitical and geoeconomic strategies, adoption of assertive human rights diplomacy remains admittedly incremental. Perhaps this evolution is best exemplified by ambiguous policies toward China. Japanese businesses remain unwilling to expose themselves to the sort of direct nationalist backlash from Beijing seen in Australia and South Korea, despite Tokyo's otherwise stalwart determination to counter Beijing's worst impulses as a rising nation.

Likewise, Japan's human rights promotion in the Middle East could provide an important litmus test for the resiliency of its similar efforts elsewhere. The gulf region's large capital reserves and profligate investment habits, which place profit-minded Japanese companies at odds with the Japanese government's more holistic social welfare concerns, indicate the same shortcomings for international human rights promotion seen in other key economic markets. Moreover, though Japan has tried intermittently to reduce its Middle Eastern oil dependency to obtain greater diplomatic bandwidth, including on human rights, the region's strategic importance as an energy supplier will continue for some time, placing limits on Tokyo's ability to engage on sensitive topics in the region. In a bid to address climate change, Japan has committed to reducing its greenhouse gas emissions and to ultimately achieving carbon neutrality by 2050.[61] But the likelihood of Japan's Green Growth Strategy to meet its energy self-sufficiency targets remains indeterminate, leaving short-to-medium-term prospects for significant diversification away from

61 "Japan Boosts Renewable Energy Target for 2030 Energy Mix," Reuters, July 20, 2021 ~ https://www.reuters.com/business/energy/japan-boosts-renewable-energy-target-2030-energy-mix-2021-07-21.

the Middle East dim. This leaves any far-reaching promotion of human rights in the region by Japan unlikely and underscores Tokyo's high barriers to such promotion elsewhere.

Still, looking ahead into the future, the fundamental strategic underpinnings of phase four are unlikely to shift; indeed, they appear only likely to strengthen. Japanese political, economic, and security leaders are united by a mutual skepticism toward China's ambitions and governance model. Tokyo once again enjoys a central role in a mutually beneficial U.S.-led security order. Japan's soft power in regions like Southeast Asia is unmatched. Observers should expect Japan's future foreign policy to be bound by core threads of liberal internationalist values and to prioritize key human rights–adjacent frameworks, including quality infrastructure, data governance, open telecommunications networks, and access to clean and sustainable technologies. Nevertheless, Japan may continue to only make incremental advances on the explicit promotion of human rights in its critical economic relationships, potentially frustrating Tokyo's Western partners. Understanding this, policymakers in the United States and elsewhere would benefit from following three overall guidelines when addressing Japanese human rights diplomacy.

Focus on global standards instead of individual cases. Japan is unlikely to bolster its human rights posture through outside pressure to sign onto tough measures in specific cases, especially with critical economic partners like China. Rather, the most effective use of gaiatsu is a subtler approach in which the United States underscores the larger economic and political benefits to Japan of a more robust global human rights regime, as well as the isolating effects of not upholding international standards and responsibilities. Such methods are a better motivator for sparking shifts in Japanese behavior, as shown by the example of the 1991 Gulf War. In that instance, Japan was isolated by its choice to only contribute funding and this "passing" left Tokyo embarrassed and flustered, spurring a change in geopolitical imperatives that eventually led to voluntary Japanese participation in UN-backed peacekeeping operations. That said, lobbying Tokyo on specific abuses should be limited to highly egregious cases where Japan's enthusiastic participation could meaningfully improve the situation, like Myanmar. By U.S. standards, Japan is not yet a fully satisfactory participant in human rights diplomacy, but it is improving. By focusing on concrete and global standards where Japan is lagging, such as the passing of a Japanese version of the Magnitsky Act, the United States can support this trend.

Embrace a business-led strategy. Japan is on a positive trajectory toward embracing human rights in its diplomacy primarily because of the changing

priorities of private business and industry groups. Thus, addressing human rights through these avenues represents the best method of engagement. Tokyo's actions following the Myanmar coup serve as a case in point. The first meaningful punitive Japanese actions toward the coup regime came from beer giant Kirin, which pulled out of a partnership with Myanmar state-owned firms following the outbreak of violence. This, in turn, paved the way for larger action from the Keidanren and the Japanese government itself. Encouraging business-to-business dialogue on improved human rights standards, perhaps via "lower track" diplomatic meetings between U.S. industry and Japanese business institutions, such as the Keidanren and Japan Chamber of Commerce and Industry, creates potential for a more constructive form of gaiatsu. Finally, public-private partnerships focused on more widely agreeable social causes like environmentalism and sustainability could galvanize broader support for thornier human rights stances involving governance and transparency in Japan's closest economic partners.

Welcome and co-sign Japanese leadership whenever evident. Japan clearly derives satisfaction from its leadership role in international institutions, and prestige from these efforts has led leaders in Tokyo to value their newfound sense of having "skin in the game" of rules-building. The highly cooperative nature of U.S.-Japan relations in particular should incentivize leaders in Washington to embrace this role for Japan. While U.S. participation in headline Japanese-led acts (namely, CPTPP) may not come to pass, at least in the near term, other functional and regional efforts are ripe for cooperation. Japan's leadership on sustainable development in the Greater Mekong subregion, through the Japan-Mekong Connectivity Initiative, dovetails nicely with parallel U.S. efforts through the Lower Mekong Initiative and Clean EDGE Asia projects. On sustainable infrastructure, the Biden administration's "Build Back Better" agenda is well-placed to serve a dual leadership role with Japan's ongoing Expanded Partnership for Quality Infrastructure and the Japan-U.S. Strategic Energy Partnership. Affirmations of Japanese leadership through such cooperative and parallel support could provide Japan with both the trust and the confidence it needs to continue growing its role in human rights diplomacy. ◈