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The Strategic Partnership Agreement between the EU and Japan: The Pitfalls of Path Dependency?¹

Abstract

This article examines the current attempt by the European Union and Japan to negotiate a Strategic Partnership Agreement (SPA). Sitting alongside negotiations for an Economic Partnership Agreement (EPA), this SPA represents an attempt to reignite bilateral relations between these two global powerhouses. Still confined by the origins of their institutionalised partnership in 1991, this article argues that both sides find it hard to break away from earlier functional and normative assumptions about their relative significance and about each other, in order to forge a new meaningful, overarching partnership. It examines the development of Japan-EU relations building up to the preparations for this SPA, against the background of path dependent processes of engagement. Path dependency in its various forms ‘views institutions as “carriers of history,” which maintain existing behavioural norms and cultural patterns throughout time’ (Vergne and Durand 2010, 738). Despite some of the problems such claims elicit, as will be explored below, this article proposes that path dependency – and a particular focus on ‘imprinting’ - offers a useful starting point for explaining the apparent institutional inertia and incremental change that characterise much of this bilateral relationship today.

Key words Economic Partnership Agreement, European Union, Japan, path dependency, Strategic Partnership Agreement

Introduction

There is no single template for Strategic Partnership Agreements (SPAs). Since the 2000s, this generic label has been used by the EU to describe a range of activities with ten of its most significant state partners across the world. These partners do not share economic behaviours, political values, or security interests with the EU or each other, but are deemed – broadly – to be ‘pivotal for addressing global challenges and safeguarding the EU’s core interests and objectives – mostly security and prosperity’ (Renard 2015).² SPAs – also known among some member states and partners simply as ‘Framework Agreements’ – are usually classified as political agreements, and may encompass cooperation in areas as diverse as climate change, counter-terrorism and the fight against the trafficking of drugs. Alongside these negotiations sit also free trade agreements (FTAs) – or Economic Partnership Agreements (EPAs) – which also contain a diversity of ambitions, based broadly around the opening of greater market access. For example, the EU-China Investment Agreement is focused on increasing access and protection for investors in both markets;³ in contrast, the comprehensive FTA deal with South Korea that came into force in 2011 aims not only to eliminate duties on the majority of goods traded, but also to reduce non-tariff barriers in specific sectors and to increase market access in a range of enterprises. Increasingly, SPAs and EPAs are regarded as complementary processes designed to promote and enhance mutual peace and prosperity (de Prado 2014).⁴ In addition, security-related agreements can also be set within a Framework Participation Agreement, covering cooperation as part of the EU’s Common Security and Defence Policy operations (Renard 2015). As these forms of agreement came to proliferate through bespoke arrangements during the early 2000s, in 2010 the then President of the European Council, Herman van Rompuy observed that: ‘We have

strategic partners, now we need a strategy.’⁵ This lack of coordination sits at the core of many of the challenges facing the EU-Japan relationship today.

At the twentieth Japan-EU summit held in Brussels in May 2011, then Japanese Prime Minister Naoto Kan, President Herman Van Rompuy of the European Council and European Commission President José Manuel Barroso agreed further to strengthen bilateral ties between Japan and the EU, with the promise of beginning negotiations towards an Economic Partnership Agreement (EPA) alongside the parallel development of a binding political agreement, designed eventually to go ‘beyond recurrent declarations of common positions on peace promotion, including disarmament and nuclear nonproliferation, to increase strategic dialogues and to promote industrial cooperation’ (de Prado 2014, 27). Following a scoping exercise, in March 2013 Summit leaders, making reference to their ‘founding’ document of the 1991 Joint Declaration, agreed to ‘lift their relations onto a higher, more strategic plane, and make them more enduring.’⁶ They then launched negotiations for the EPA (including a free trade agreement), and expressed support for the general idea of a ‘Japan-EU agreement.’ The rhetoric remained high:

In recent years, EU-Japan Summits have shown that despite the global financial crisis and other global challenges, the EU-Japan relationship has inexorably gained in substance ... In sum, at the 20th EU-Japan Summit, both parties fully grasped the rationale for setting political cooperation in motion again.⁷

Observers at the heart of negotiating and promoting EU-Japan relations note that they have ‘entered a mature stage,’ and according to then

President Barroso, the SPA-EPA agreement was designed to access ‘untapped potential.’⁸ European Parliament representatives even regarded the SPA as marking ‘a turning point for an ambitious upgrade of political and economic relations between the EU and Japan.’⁹ By the time of their June-July 2013 meetings, the EU’s idea for a ‘Framework Agreement’ and Japan’s notion of a ‘Political Agreement’ had been consolidated in the new concept of a ‘Strategic Partnership Agreement.’¹⁰ Documents pertaining to these negotiations make it clear that they need to be seen in the context of Japan-EU structural developments since the institutionalisation of their relations through the Hague Declaration in 1991 and the subsequent 2001 Action Plan.¹¹ Since that time, the dialogue between Japan and the EU has come to span a wide spectrum of interests from trade, geopolitics and energy, to issues of social well-being and culture (see Gilson 2011). These mutual interests reflect a history of cooperation and tensions, informal and institutionalised exchanges, and the recognition of a need to deal collectively with contemporary global challenges. What is more, these institutional developments demonstrated an attempt to shape and further define the idea of an EU-Japan strategic partnership, to support ‘effective multilateralism’ and to ‘promote the notion of responsible powers, whereby [the EU] expects that its recognition of the emerging powers’ enhanced status will act as an incentive for them to take a larger share of responsibility for the maintenance of global peace and security’ (Vasconcelos 2010, 65). Bendiak and Kramer highlight the ill-effects of path dependency when it comes to the choice of partner, finding that:

it generally holds that the older and more consolidated the cooperative trade and development relations between the EU (and its respective member states) and its partners are, the more difficult

it is for the EU-27 to give fundamentally new directions or priorities to these existing relations when they are rhetorically upgraded to the 'strategic' level (Schmidt 2010, 5).

The basis upon which the origins of the current strategic partnership was built, therefore, has been undermined by a host of global, regional and national events, and yet those initial agreements set in train a number of expectations which, this article will argue, can make contemporary negotiations difficult. In short, the founding premises upon which their current institutional relations were built lock Japan-EU relations into structural and normative path dependency. This article explores the ways in which original 'imprinting' of a form of strategic partnership makes it very hard for Japan-EU negotiators to move forward despite the manifold reasons for which their partnership should represent a major global economic and political force today.

Treading a Familiar Path

The history of scholarship on path dependency is vast, covers a range of disciplines and engages with a wide set of debates and controversies, including from within Economics, Organisational Theory, Sociology, and Politics (see Alexander 2001). In recent years in particular, there has been considerable criticism about the ways in which the very term has been applied to all sorts of assertions that 'history matters,' to the extent that it has become a catch-all phrase (see for example, Hay 2007, 66). Drawing initially on Organisational Theory about human behaviour, the concept of path dependency essentially explains how patterns of behaviour persist, even in the face of a significant change in the environment. For Mahoney, it refers 'specifically [to] those historical sequences in which contingent events set into motion institutional patterns or event chains that have

deterministic properties' (2000, 507). There are several ways to navigate the route taken by a path once established and many scholars focus on the 'self-reinforcing sequences characterized by the formation and long-term reproduction of a given institutional pattern,' which leads to 'increasing returns,' whereby a pattern becomes embedded and the processes of reproduction of the original pattern become reinforced (Mahoney 2000, 508). Thus, once mechanisms and norms of behaviour are set in train, it is very difficult to change them, even where more efficient options might seem appropriate. As suggested below, moreover, this patterning can institute a normative as well as a structural framework for behaviour (Sewell 1996, 62-64). A number of critics of this position suggest that this creates a 'dismal science,' one that is 'endlessly demonstrating that actors are doomed to keep re-enacting their past legacies' (cited in Bell 2011, 885). Others are critical that such accounts are static and 'largely bracket the issue of change' (Thelen and Steinmo 1998, 16). In most literature on path dependency, early events are seen to depend on 'contingency;' namely, they cannot be explained by examining foregoing events. The issue of contingency is particularly thorny in literature on path dependency and in its narrowest reading it involves a stochastic process, something that is irreducibly unexplainable (Bennet and Elman 2006, 254).

Much of the literature on path dependency focuses, then, on a static reading of a contingent historical moment. In response to these critiques, Marquis and Tilcsik advanced the idea of 'imprinting,' drawn from the work of Stinchcombe, who suggested that environmental conditions can determine many of the characteristics of an organisation. The originating phase, then, leaves a 'persistent mark,' which has the effect of shaping 'organizational behaviours and outcomes in the long run, even as external

environmental conditions change' (Marquis and Tilcsik 2013, 196). This concept, moreover, is similar to the findings of Thelen and Steinmo, who observe that by 'shaping not just actors' strategies...but their goals as well, and by mediating their relations of cooperation and conflict, institutions structure political situations and leave their own imprint on political outcomes' (1998, 9). In this way, Marquis and Tilcsik recognise that the 'stamp' of the environment exerts an early and profound influence, but they do not negate the possibility of change. The continuation of patterns of behaviour once created also relies on the ways in which the stamped-in features continue to influence behaviour through structures and norms (see Mahoney 2000). Indeed, for Perkmann and Spicer, imprinted forms can be subsequently 'augmented,' through the reinforcement of core values and through opposition to any values seen to lie outside that core (2014, 1785). Those same underlying values, for Greenwood and Suddaby, give 'coherence' to the institution (cited in Perkmann and Spicer 2014, 1785). Thus, the structures and norms underpinning institutions derive from embedded 'conceptions of the normal' imprinted at a foundational stage, and leading to persistence and the reproduction of forms of behaviour, and the shaping of strategies and goals (see Manners, cited in Diez 2013, 195; and Thelen and Steinmo 1998). Against this background, the present article seeks to examine – within a particular historical moment – those structures and norms which have become embedded in the institutionalised relationship between Japan and the EU (see also David 1994). In terms of institutional structures, it examines the 'imprinting' of structural mechanisms, in both formal and informal institution-making; including foundational documents, and arrangements for meetings and the means of establishing institutional memory. The goals of the institution are also shaped by these structures, whilst more subtle influences of power and authority can be

determined by the remit and external credentials bestowed upon a given institutional arrangement. Alongside these structures, the normative foundations of the institution are imprinted based upon the historical experiences of those determining the founding documents. As will be suggested below, the context in which Japan-EU ties were institutionally and normatively cemented represented an historically momentous era defined by the apparent victory of the free market and of democracy.

Building a Strategic Partnership between Japan and the EU

The US-Japan Security Treaty of 1952 determined the path of Japan's foreign policy for the decades to follow, and this enduring document continues to bind Tokyo to the foreign policy decisions of Washington today. Moreover, the military and strategic protection afforded by this treaty enabled Japan to pursue an economics-first strategy of regrowth and successful reintegration into the international political economy. At the same time, this bilateral relationship ensured that Japan remained politically and economically distant from its own region and that it made only slow progress in engaging with the newly developing European Community in the 1960s and 1970s (see Gilson 2000; Hook *et al.* 2005). Across the world, Western European states – bolstered by their own alliances with the US – were preoccupied with the rebuilding of their war-torn economies, ensuring sustained peace and rehabilitating Germany by establishing what was to become the European Economic Community (EEC), the precursor of the European Community (EC) and today's EU. By the 1970s Japan had the attention of a concerned and critical Europe, worried about the rapid growth in Japanese direct investment and the penetration of the European market by Japanese goods. The second boom period of the 1980s saw the EC's share of Japanese direct investment (mostly in office and telecommunication machinery and equipment)

increase from eleven to twenty one per cent (Hook *et al.* 2005: 306-7). This led to considerable criticism in the EC (and US) against Japanese trade practices. Following the 1985 Plaza Accord (to drive down the value of the US dollar) and changes in Japanese export practices (to shift assembly to Europe and elsewhere abroad) the trade imbalance worsened for Europe as Japanese direct investment intensified, leading to trade disputes and the imposition of restrictions such as voluntary export restraints (Oppenheim 1991, 287; see also Gilson 2011). By the late 1980s, trade concerns were to be matched by political interests. Following the collapse of the Berlin Wall on 9 November 1989, the Japanese government recognised the need not only to take advantage of the new emerging markets of former Eastern Europe, but also to engage with the growing political engine of the European bloc and to recognise the growing impact of regional endeavours across the world. Moreover, the apparent triumph of democracy in the wake of the so-called ‘velvet revolutions’ intensified debates about the nature of contemporary security and gave greater voice to those who highlighted the role of ‘human security’ in promoting both freedom from want and freedom from fear, as well as the challenges of achieving them in practice (Acharya 2001). It was against this background that the 1991 Hague Declaration was signed between Japan and the EC.

The short Hague Declaration put in place an institutional framework to ensure continuity of dialogue, by building in particular on an expanding EC, an economically thriving Japan, and existing institutional arrangements based around economic imperatives. These arrangements, still in place today, include annual summits, ministerial and parliamentary contacts and thematic dialogues. It set out as its key objectives: the need to strengthen international organisations, most notably the United Nations

(UN), the General Agreement on Tariffs and Trade (GATT, precursor to the World Trade Organisation) and the Organisation for Economic Cooperation and Development (OECD); the need to support democratisation, especially in Central and Eastern Europe and in Asia; and the desire to cooperate on international issues wherever possible (European External Action Service 1991). In terms of its fundamental principles, it codified a set of generalised values and a joint understanding of the need for democratisation and a free market economy, and has become the touchstone of Japan-EU relations since that day (see Gilson 2000). The structures and norms of the Hague Declaration were re-emphasised in the 2001 Action Plan that issued from the expanding Japan-EU dialogue, and which sought more explicitly to shape a 'common future' (European External Action Service 2001). The new Plan recognised institutional changes within Europe and the Asia Pacific, the need to address 'new' global issues, such as international terrorism, and a joint commitment to starting a significant dialogue on climate change and the environment. It also included a strategic dialogue on East Asian security and discussions about the pursuit of a secure energy supply. The December 1998 European Council conclusions introduced the expression 'strategic partnership' to the EU's official vocabulary with reference to Russia, and the term was first applied to EU-Japan relations in 2001. Subsequently, it came to be used in numerous official documents within Europe and Japan, including the 2003 European Security Strategy (ESS), which reviewed the importance of partnerships with key countries and organisations, but without further clarifying the objectives to be achieved or the list of partners;¹² and annual Japanese Diplomatic Bluebooks which highlighted the importance of intensifying cooperation with the EU in order 'to advance effectively Japan's diplomacy in the international community.'¹³ These initiatives were explicitly underpinned by Articles

21 and 22 of the Treaty on European Union, identifying partners sharing ‘democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.’¹⁴ The term was fully inaugurated at the 18th EU-Japan Summit in May 2009. This trajectory reflects Renard’s view that ‘all ten current “strategic partners” of the EU were chosen “more by accident than by strategic reflection,”’ and the case for the partnership with Japan was built upon the founding documents of 1991 and 2001 and the incremental developments since that time (2012, 6). The formulation of the EPA and SPA needs to be understood in the context of these two documents, as they provided and reinforced the institutional imprint upon which today’s relations between Japan and the EU are based. Today, the original institutional foundations remain in place, as annual high level summits and ministerial meetings continue to provide the key focus for bilateral relations. Sectoral dialogue was envisaged by the original framework, and has expanded to include, for example, regulatory reform dialogue and stronger cultural activities through the creation of ‘EU Centres’ since 2009. Cooperation within international forums was always regarded as a core point of engagement for Japan and the EU and in these arenas there has been closer dialogue on, for example, piracy and the environment, as illustrated below.

Against this background, in the 2010s the desire to achieve an Economic Partnership Agreement (EPA) issued from the stark reality of figures that speak for themselves. At that time, this bilateral pairing brought together the world’s first (EU) and third largest economies, jointly accounting for one third of the world’s GDP and more than one fifth of world trade.

Today, they stand as second and fourth, respectively.¹⁵ The EU continues

to be a major trading and investment partner for Japan, and in 2014 contributed to approximately ten per cent of Japan's total trade volumes.¹⁶ For the EU, the anticipated benefits of the EPA include estimates that it could increase European exports to Japan by 32.7% and Japanese exports to the EU by 23.5%.¹⁷ For the negotiators within the EU, an EPA with Japan would add an ambitious free trade agreement, one designed to cover a vast array of areas from the reciprocal liberalisation of goods and services, to the elimination of non-tariff barriers and the facilitation of EU business entry to public procurement in Japan.¹⁸ Moreover, a range of sectoral agreements sit at the heart of the negotiations; from the financial sector and information and communication technology, to agriculture, fisheries, and urban development.¹⁹ All of these factors have come to be included within the broader pursuit of an EPA between Japan and the EU. In terms of the Strategic Partnership Agreement, too, there are obvious affinities between the two sides. Thus, contemporary mutual areas of concern include international terrorism, illegal drugs trafficking and the trafficking of humans, climate change and cyber-attacks. All of these security concerns require a comprehensive and collective response.²⁰ For many years, Japan and the EU have engaged bilaterally in a number of areas of joint cooperation, including mutual concerns over Russia, peace keeping and the mutual pursuit of energy security (see Hook *et al.* 2011, 300-1).

In spite of this growing list of obvious areas of common interest, there have been some fundamental structural shifts in the global context within which Japan and the EU work, not to mention in the very composition and nature of the two partners themselves. As a result, the structural and normative frames of reference upon which this partnership was imprinted have changed and are worth exploring here.

Structural determinants

The structures within which Japan and the EU continue to engage with one another have changed at both international and local levels since 2001. At the level of international affairs, the growing relevance of regions was imprinted onto the original fabric of the Hague Declaration, as the (Western) world perceived the triumph of capitalism with the fall of communist regimes, a move that was met by attempts by most of former Eastern Europe to enter the EU. The rise of regions as units of international economic activity – notably in the forms of the ASEAN Free Trade Area, the Asia Pacific Economic Cooperation forum and the EC - meant that economies of scale and multilateral approaches to contemporary problems were increasingly promoted. For Japan of course, access to the vast European market was crucial, and factories strategically located in Poland and Romania, for example, were designed to gain direct access to that much broader market. In this way, Japan had a foothold in the new European economy once these countries started to gain full membership of the economic community and to benefit from the lower transaction costs it afforded. From a European perspective, as noted above, Japan was a major economic player at the end of the 1980s, a democratic ally in a growing region, and a potential bridge to China. Following the rise of regions, the 2000s also saw a proliferation of FTAs around the world, creating what Dent observed to be a ‘lattice’ of economic regionalism (2006, 203). Elsewhere, he observes that the trend towards FTAs ‘inevitably meant that less time and fewer resources in trade diplomacy have been spent on WTO negotiations at a time when the future of the global multilateral trade system is in the balance’ (2013, 973). Hamanaka similarly examines concerns about the ways in which FTAs further erode the multilateral trading system (2015). Against this

background of an apparently failing WTO and concurrent rise of FTAs, today the Japan-EU relationship finds itself located within a triangle of ‘mega FTAs.’²¹ As Japan goes to sign its participation in the Trans-Pacific Partnership (TPP) and the EU pushes on with the Transatlantic Trade and Investment Partnership (TTIP) with the US, there is concern that the Japan-EU deal should not be left at the wayside.²² Competition among these different initiatives also raises the question as to whether these concurrent negotiations ‘will act as a stepping-stone or a stumbling block to reach an efficient and successful EPA/FTA between the EU and Japan.’²³

In addition to a changing international context, the very nature and composition of the two sides of the Japan-EU relationship have altered significantly since the signature of the 1991 declaration. First, the ‘EU’ (which formally became that only in 1993) has expanded its membership from twelve member states in 1991 to 28 members in 2015. The 2004 enlargement alone added a population and GDP increase ‘equivalent to more than half of Japan’s population and close to 10 per cent of Japan’s GDP’ (Hook *et al.* 2005, 311). In addition to membership enlargement, institutional changes within the EU mean that, for example, the role of the Commission has expanded so that it speaks for Europe on trade matters. In particular, the Lisbon Treaty, which came into force in 2009, introduced majority voting for the Council of Ministers in more policy areas, strengthened the role of the European Parliament, and created the position of a long-term President of the European Council and a High Representative of the Union for Foreign Affairs and Security Policy. More recently, severe tensions have arisen within the EU about its future membership and remit. The failure of the euro following the global recession of 2008 derived from unsustainable government debt in a

number of countries, most notably Greece. An initial €200 billion stimulus agreed by the EU member states in December 2008 to boost growth was insufficient to stop the crisis. By the following year, concerns had grown and Greek debts had reached a record high of €300 billion, equal to 113 per cent of GDP.²⁴ As a result, in 2011 the EU established a permanent bailout fund, the European Stability Mechanism, worth around €500 billion. But this was not enough to stop the crisis, and UK Foreign Secretary William Hague in 2011 called the euro a ‘burning building with no exits.’²⁵ Subsequent austerity measures assuaged some concerns but ensured the clear demarcation of a ‘them’ and ‘us’ Europe. Dinan noted that the crisis ‘revealed serious divergences among Member States and rifts among national governments that are bound to make the conduct of EU institutions and governance even more challenging in the years ahead (2011, 119).

This grave situation was brought into sharper relief over the 2014 and 2015 ongoing crisis over refugees in Europe, painfully demonstrating the EU’s apparent inability to deal with this monumental problem collectively. Indeed, the EU’s ‘stumbling response’ to this crisis has for some ‘become symbolic of Europe’s inability to act together.’²⁶

Furthermore, disagreements over EPA negotiations with Japan also issue from the fact that the European Commission desires an EU-only agreement (giving the EU exclusive competence) whilst some member states are of the view that any agreement should retain shared competence, especially in areas such as energy and education.

Tyszkiewicz observes that such internal disagree makes an already ‘long and cumbersome procedure’ even more difficult (2013). The UK referendum on continued membership of the EU in June 2016 took place against this background.

Second, expectations derived about Japan in the late 1980s have not been met. Japan plummeted into recession shortly after the signature of the Hague Declaration. The so-called ‘lost decade’ followed the collapse of asset prices and was followed by further recession. The Nikkei stock market lost more than sixty per cent of its value between 1989 and 1992 and between 1995 and 2002 Japan’s annual average growth rate of GDP was only 1.2%.²⁷ Cargill remarked how this picture stood in ‘stark contrast to Japan’s previous postwar record of economic growth, financial stability and progress towards financial liberalization’ (2000, 37). Ten years later, in 2012 *The Economist* observed that Japan was ‘40 to 50 percent below what the world in 1991 would have estimated,’²⁸ and it was against this background that Prime Minister Abe returned to power in 2012 with a ‘sense of urgency’ to reform the economy and foster growth through his ‘three arrows’ of fiscal stimulus, monetary easing, and structural reform to boost growth.²⁹ It is this third of the arrows that Abe seeks to locate through the EPA deal.³⁰ As demand for Japanese products within Europe continued to fall in 2015, moreover, the earlier enticement to shift Japanese manufacturing to Europe meant that Japan suffered from the decline in exports to the regional bloc.³¹ Whilst ‘Abenomics’ has its supporters (see, for example, Inoguchi 2014), this approach has been labelled as ‘voodoo’ by Katz, who sees a hollowness in the victories claimed by the prime minister; thus, whilst he boasts the increases in employment he fails to address the problems related to irregular labour and the real-term loss in regular work. He notes too that the rise in consumption tax has undone any positive outcomes of fiscal stimulus (2014). In addition to these factors, Japan was fundamentally pushed to agree to the new EPA and SPA by the regional competition raised by South Korea’s free trade agreement with the EU, which came into force

in 2011. For de Prado, the EU-South Korea agreement was particularly significant as it enabled the EU to develop relations with a complex Asian market. And whilst it benefited South Korean export industries – notably motor vehicles and electronics – it placed Japanese exporters at a disadvantage. As a result, the elimination of EU tariffs through the EPA is fundamental to Japan’s export sector, whilst the EU seeks to link such tariff removal to the elimination of duties and non-tariff barriers on European goods in Japan (Commission Staff Working Document 2012). Whilst in 1991 economic agreements between Japan and the EU were pursued by two sides in the ascendant, in 2015 both the external and local economic contexts have changed.

Abe’s pursuit of geopolitics alongside financial reform underlines the other major strand of Japan’s interests during these past two decades; namely, the rapid rise of the ‘China threat’ to Japan’s economy, its security and its position in East Asia (Inoguchi 2014). The Hague Declaration was signed at the end of the ‘friendship era’ between Japan and China, and Japan was left to face the rise of China as it presented many ‘challenges and opportunities ... clouded by uncertainties’ (Mochizuki 2007, 739 and 746). Following the 1989 Tiananmen Square massacre, Japan had moved swiftly to bring China back into the international fold. However, this event and a number of other factors – including territorial issues and the Chinese nuclear tests of 1995– began to sow seeds of significant wariness in the minds of Japanese politicians and people towards China. For Mochizuki, this period represented ‘balancing and engagement’ during the 2000s, which also heralded a stronger pursuit of regional arrangements to counter the China ‘problem’ (2007, 746; see also Terada 2010). Much has been written in recent years about Japan’s resurgent nationalism in response to the concerns about

China, and Prime Minister Abe's return to office in 2012 marked a distinctly stronger Japanese tone towards Beijing (see Pempel 2015; Pugliese 2015). Furthermore, problems arising over the Senkaku/Diaoyu Islands especially after 2012 elicited 'another cycle of mistrust and tension' and the Japanese government showed its determination to deal with Beijing in a 'resolute manner' (Suzuki 2015, 96). Simultaneous to this change in Sino-Japanese relations, the US-Japan Security Treaty also came under attack for its lack of relevance in the contemporary era, and Abe launched his controversial proposal to revise the Japanese Constitution to permit the so-called 'Self Defence Forces' to be deployed overseas if Japan or a close ally is attacked (Genser and Brignone 2015). These illustrations demonstrate that the very nature and perspectives of the actors who signed the Hague Declaration have been altered dramatically, as have the external structures and environment they inhabit. Linked to these changes are the normative developments over the past two decades or so.

Normative determinants

Scholarship on the normative project of the EU is widespread, not least in the work of Diez, who takes as his starting point the original definition by Manners, that norms shape 'conceptions of the normal,' and that in this way the EU seeks not simply to articulate and achieve material goals, but also to transmit a particular worldview through the 'force of ideas' (Diez 2013, 195 and 197). Much of this normative power has been framed around the pursuit of the spread of democracy and a neoliberal market, and the fundamental protection of human rights.³² For Diez, this 'civilising' role is closely linked to the EU's normative power and a project of neo-colonial hegemony (cf Manners 2006, 175), and the EU's attempts to shape its strategic partnerships may also be read through this

normative lens. As noted above, alongside this external projection of the EU's own role and purpose lie those changes internal to the EU's membership since 1991, which have further intensified debates about whom the 'EU' represents and whose interests are being met by that projection. Norms underpinning Japan's own foreign policy since the 1990s have also come under intense scrutiny and debate, as Japan's material influence within and beyond its own region has waned and as it continues to wrestle with the notion of 'normalcy' in the contemporary global structure, against the background of the challenges posed by China and questions about the enduring value of the US-Japan Security Treaty (see Hook *et al.* 2011). Given these internal concerns, the apparently shared pursuit of the norms of a global neoliberal market, democracy, and a certain conceptualisation of security – as set out in 1991 and 2001 – in fact masks different approaches to these fundamental issues.

First, the pursuit of opening economic spaces is central to Japan-EU relations still today. However, their focus is not on jointly creating mutual spaces for opportunity, but rather on maximising self-interest through the creation of reciprocal spaces of opportunity. To this end, moreover, the espoused promotion of regional endeavours has also been challenged, both through the intra-regional difficulties faced by the EU over the past several years in particular, and through the direct competition over regional design in East Asia. The latter is most notably articulated by Japan's preference for the all-inclusive East Asia Summit and China's more exclusive ASEAN Plus Three process, as well as its recent creation of the China-led Asian Infrastructure Investment Bank. Ongoing debates over the nature of regional engagement, moreover, are reflected in discussions regarding the distinction between the EPA and SPA, with the latter frequently depicted as a mechanism to support the former. In

reality, most of the ‘strategic’ partnership meetings revolve around economics-enhancing activities, such as the Japan-EU Industrial Policy Dialogue, the ICT Dialogue, the Railway Industrial Dialogue, the Symposium on Employment, and the dialogues on aviation and fisheries.³³ Although it can be argued that the nature of contemporary negotiations is complex and subject areas are often intricately interconnected (Allen and Smith 2011, 215), the link between the SPA and EPA has been disputed by the Japanese side, with reference to the human rights clause, as noted below.³⁴

Second, democratisation lay at the heart of the Hague agreement, coming as it did in the immediate wake of the fall of the Berlin Wall. The Declaration’s Preamble states that Japan and the EU are ‘conscious of their common attachment to freedom, democracy, the rule of law and human rights,’ as well as being ‘conscious of their common attachment to freedom, democracy, the rule of law and human rights; joint contribution towards safeguarding peace in the world.’ The Action Plan subsequently ensured that these foundations remained in place, stressing as it did common values including a ‘belief in peace, freedom, democracy and the rule of law, respect for human rights and the promotion of sustainable development.’ In these ways, the bilateral relationship was framed within a mutually accepted idea of behaviour and expectations, setting conditionalities for future actions, and thereby laying out a normative agreement as to what ‘strategic’ relationship actually means. In the current negotiations over the SPA, certain cleavages in understanding the normative underpinnings of the relationship have been exposed. Most notably, the EU has used the negotiations over the SPA to push Japan for the abolition of its death penalty, and to secure better treatment in Japanese prisons. In addition, the European Parliament has lobbied to

ensure that any agreement includes a clause on suspending or not completing the SPA if their ‘commonly declared values’ are not respected (de Prado 2014). More tellingly still, the EU is calling for a clause that allows Brussels to suspend the EPA if Japan engages in human rights’ violations. The EU insists that this move represents a mutual respect of human rights, but Japan opposes the requirement, not least on the grounds that it believes that the EU is trying to apply a policy aimed at developing countries to a member of the Group of Seven major industrial nations. Despite the fact that this element of the negotiations is designed in practice to pave the way for eventual talks with China, Tokyo points out that the EU places no such impositions on its free trade agreement talks with the US.³⁵ In essence, Hosoya agrees that Tokyo and Brussels have taken different pathways towards interpreting shared norms and finds that whilst ‘it is relatively easy to draft joint declarations in which the sharing of norms is mentioned, reaching concrete agreements on how to implement them can be more agonizing and frustrating’ (cited in de Prado 2014).

Third, the pledges made in the Action Plan focused on how ‘Promoting Peace and Security involves strengthening the UN, opposing WMD [weapons of mass destruction] and promoting Human Rights.’ The 1990s saw the active promotion of human security and civilian power in the EU and Japan, but events in the intervening years suggest that the EU’s focus is on human rights and freedom from fear whilst Japan’s is on freedom from want and that it retains an holistic approach to the term, focused as it is more on ‘economic development and community building than by a clear definition of what human security actually represents’ (Bosold and Werthes 2005; see also Edström 2003). Since 2001, moreover, the very nature of security has changed and thus the normative imprint is as

problematic as the structural one, as security interests now include cyber-crime, strategic dialogues and industrial cooperation. Recent areas of cooperation have included working together on missions to improve security in the Republic of Niger and the Republic of Mali, as well as anti-piracy activities off the coast of the Somalia.³⁶ Although the recent turn of events in Japan has elicited support from the EU, whose leaders have shown approval for Japan's efforts to develop a 'proactive contribution to peace,' there is no evidence to suggest that Japan and the EU have become meaningful security partners since the 1990s. In these ways, although they continue to be driven by economic imperatives, it seems clear that in practice the special relationship developing in 1991 – based on two thriving and growing economic and growing political poles in a globalising world able to articulate a particular view of (human) security – has given way to a set of encounters leaving negotiators for Japan and the EU 'struggling to find a new paradigm.'³⁷

Conclusion

The EU and Japan together represent a dynamic and significant economic force, and share a number of political and security concerns and interests. This article has argued that the context in which they cemented their contemporary relations has altered significantly, the very composition of the 'EU' is unrecognisable from its 1991 form, and the role of the Japan in its own region and the wider world has also changed beyond recognition. The European Union as a term only came into being in 1993 in a form of likeminded polities and economies seeking to develop an 'ever closer union.' That aspiration has been set aside by a number of members, who aim to develop a 'concentric circle' or 'variable geometry' approach to membership and participation within complex and difficult current regional circumstances. Whilst significantly weakened by the

eurozone crisis, the EU has nevertheless strengthened its institutional foundations through the Lisbon Treaty, but it finds itself reputationally weaker than it was in 1991. In the case of Japan, from riding high as a leading economy at the end of the 1980s, the country has experienced over two decades of economic failure. Alongside this, the so-called ‘Japan-bashing’ of the 1980s gave way to the so-called ‘Japan passing’ of the 2000s, with a focus firmly fixed on China’s rise. Moreover, structural weaknesses within Japan have not been met with normative conformity, as Prime Minister Abe’s intended rewriting of the constitution and his strong position vis-à-vis China indicate. In essence, then, Japan and the EU are two different interlocutors from those who came together in 1991, and for these reasons, the initial aim of developing a strategic partnership has not been realised as planned.

Against this background, the aim of finding that untapped potential and focusing on the ‘common values’ of the ‘two’ sides is a challenging aspiration. As was the case in 1991, the principal driver of contemporary EU-Japan relations is obviously economic interests. However, this is not built on – as it was – a notion of a particular type of (‘special’) relationship or on the idea that regions are growing as economic actors in a globalising world, but in the context of the rise of ‘mega FTAs’ and disillusion over international structures for economic management, notably the WTO. For the EU, its attention to Japan should be seen in the context of the preparation of bilateral agreements with other states of Asia, including South Korea, Singapore and Vietnam (de Prado 2014). Japan is simply ‘on the list,’ standing in a queue behind the EU agreement already in place with South Korea. In terms of security interests, Japan and the EU can cooperate in many areas, including civil and military missions and cyber security, but they are not primary

partners in most of these endeavours. And Berkovsky is correct to observe an apparent European neglect for Japan, as it focuses on China and as its references to Japan as a ‘natural ally’ and ‘strategic partner’ have not been matched by ‘sufficient resources and energy to making sure that the political reality of bilateral cooperation kept up with the political rhetoric promising such cooperation’ (2012, 286). Japan, for its part, is embroiled in its regional relationships, particularly with the US and China, and looks to Europe as an important but fractured partner. For both sides, the promises of 1991 cannot be met in the context of today’s realities.

The biggest problem is the path dependent creation of the idea of ‘strategic partnerships’ set in train in the 1990s, and developed in a piecemeal way since then. Moreover, although the EU and Japan considered themselves strategic partners and they used the term in summit statements during most of the 2000s, that terminology did not appear in the summit statements of 2010 and 2011. One of the problems, then, is that the actors involved do not even know what ‘strategic’ means to them (see Schmidt 2010). The initial formulation of a strategic plan implied by the Hague Declaration and substantiated by the Action Plan of 2001 was designed to create a more comprehensive relationship with multilateral purpose and normative underpinnings. However, by 2015 Japan found itself on a list of important but not priority partners, housed within the vague notion of a strategic partnership and locked into a deal with the EU made in earlier times. The ‘persistence of the characteristics developed during the sensitive period even in the face of subsequent environmental changes’ means that contemporary architects of Japan-EU relations are misreading the actors and the setting (Marquis and Tilcsik 2013, 201). Thus, bilateral cooperation over issues such as market

penetration, liberalisation, climate change, the environment, piracy and intellectual property rights is stymied by expectations formulated under different international, regional and domestic conditions. Every ten years negotiators try to reinvent the relationship with ever more grandiose rhetoric, all referencing the formative Hague Declaration as a foundation stone. In fact, Berkovsky is right to note that not much happened after the promises of 2000. Indeed, he goes on to say that negotiators were ‘far too ambitious in view of the fairly limited resources in Tokyo and Brussels dedicated to EU-Japan relations in general and the implementation of the Action Plan in particular’ (2012, 266). Japan and the EU need to wipe the slate clean, to implement functional and workable agendas, based on contemporary mutual interests and not constrained by outdated and unworkable structural or normative frames of reference. As Vivet and Lalande argue, technically detailed work on specific issues can be more productive than grandiose pledges and ‘political momentum,’ and these can even become the main ‘driver of the relation’ (2014). A move away from a strong emphasis on strategic partnerships and the perennial search for institutional justification could enable interest-led, specific agenda building to develop and thereby translate EU-Japan cooperation into a meaningful and realisable set of priority areas. These could then set the foundations of a genuine strategic partnership to match today’s structural and normative realities.

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² The ten partners are: Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the US. However, in 2015 the European Parliament passed a non-legislative resolution to note that Russia could no longer be a strategic partner, given its aggression towards Ukraine and annexation of Crimea, see

www.europarl.europa.eu/news/en/news-room/20150604IPR62878/Russia-is-no-longer-a-strategic-partner-of-the-EU-say-MEPs, accessed on 30 March 2016.

³ See http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/index_en.htm, accessed on 30 March 2016.

⁴ Beyond the scope of this article, this dual approach to political and economic engagement also sits at the heart of the concept of ‘soft power,’ see for example Bacon *et al.* 2015.

⁵ See http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/16494.pdf. Accessed on 30 March 2016.

⁶ See <http://www.mofa.go.jp/mofaj/files/000002373.pdf>. Accessed on 5 January 2016.

⁷ See <http://www.euinjapan.jp/en/relation/political>. Accessed on 5 January 2016.

⁸ Ibid.

⁹ See <http://www.eppgroup.eu/news/EU-Japan-Strategic-Partnership-Agreement>. Accessed on 5 January 2016.

¹⁰ See http://www.mofa.go.jp/press/release/press6e_000117.html. Accessed on 5 January 2016.

¹¹ See <http://www.mofa.go.jp/files/000087793.pdf>. Accessed on 5 January 2016.

¹² <http://epthinktank.eu/2012/10/02/eu-strategic-partnerships-with-third-countries/>

¹³ Dip BB 2004

<http://www.mofa.go.jp/policy/other/bluebook/2004/chap2-d.pdf>

¹⁴ <http://epthinktank.eu/2012/10/02/eu-strategic-partnerships-with-third-countries/>

¹⁵ See <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html>; and <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2001rank.html#ee>, accessed on 31 March 2016.

¹⁶ See <http://www.mofa.go.jp/files/000013835.pdf>. Accessed on 5 January 2016.

¹⁷ <http://www.eppgroup.eu/press-release/New-agreement-between-EU-and-Japan-to-deepen-cooperation>; see also http://europa.eu/rapid/press-release_MEMO-14-332_en.htm. Accessed on 7 January 2016.

¹⁸ (http://www.eeas.europa.eu/factsheets/news/eu-japan_factsheet_en.htm):

¹⁹ (http://www.eeas.europa.eu/factsheets/news/eu-japan_factsheet_en.htm)

²⁰ See <http://www.tokyofoundation.org/en/articles/2014/growing-japan-eu-partnership>. Accessed on 5 January 2016.

²¹ <http://asiahouse.org/eu-japan-accelerate-fta-bid-conclude-end-year/>

²² See <http://asiahouse.org/eu-japan-accelerate-fta-bid-conclude-end-year>.

The growing debates about these ‘mega FTAs’ are beyond the scope of this article, but they raise important issues about not only the scope but also the ambition of such deals, see

<http://www.voxeu.org/article/bilateral-renaissance-or-multilateralism>.

Wilson also offers an interesting set of observations about how such deals are like to affect Asian regionalism (2015).

²³ <http://www.eamsa.org/wp/wp-content/uploads/2015/10/AlvstamNakamura1.pdf?PHPSESSID=1bed59824af8efa978f3ba4ce94ecd51>

²⁴ See <http://www.bbc.co.uk/news/business-13856580>. Accessed on 5 January 2016. This figure represented almost a doubling of the eurozone limit of 60 per cent.

²⁵ See <http://www.bbc.co.uk/news/uk-politics-15098567>. Accessed on 6 January 2016.

²⁶ See <http://www.theguardian.com/world/2015/nov/23/yanis-varoufakis-europe-is-being-broken-apart-by-refugee-crisis>. Accessed on 5 January 2016.

²⁷ See <http://www.adb.org/sites/default/files/publication/177252/adbi-wp554.pdf>. Accessed on 5 January 2016.

²⁸ See <http://www.economist.com/blogs/freeexchange/2012/08/lost-decades>. Accessed on 6 January 2016.

²⁹ See http://www.asia.udp.cl/Informes/2013/Japan_Is_Back.pdf. Accessed on 6 January 2016.

³⁰ See, for example, <http://marketrealist.com/2015/07/shinzo-abes-third-arrow-structural-reforms-boost-japans-growth>.

³¹ See <http://www.ft.com/cms/s/0/6ea6a59e-ec09-11e1-93565-00144feab49a.html#axzz3dqywPMvE>. Accessed on 5 January 2016.

³² This important topic is marked by a range of debates surrounding the EU's external relations and Japan's international relations. See for example, Flowers 2016; Wiessala 2013.

³³ See <http://www.mofa.go.jp/files/000082848.pdf>. Accessed on 6 January 2016.

³⁴ See <http://www.japantimes.co.jp/news/2014/05/06/national/politics-diplomacy/eu-demands-human-rights-clause-linked-economic-partnership-agreement-japan/#>. Accessed on 6 January 2016.

³⁵ See <http://www.japantimes.co.jp/news/2014/05/06/national/politics-diplomacy/eu-demands-human-rights-clause-linked-economic-partnership-agreement-japan>. Accessed on 5 January 2016.

³⁶ See http://www.mofa.go.jp/erp/ep/page4e_000279.html. Accessed on 6 January 2016.

³⁷ See <http://www.jfir.or.jp/e/pdf/141121.pdf>. Accessed on 5 January 2016.