

# CHAPTER 11

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## Japan's Newer Steps in its Evolving Security Policy

*Hiroshi Yamazoe\**

### Introduction

In 2015 we witnessed significant newer steps in Japan's defense policy. However, they were not revolutionary but evolutionary.<sup>1</sup> With the aging population and other features of Japan's basic structure in these seventy years, a rapid military build-up of a different type of posture would be highly unlikely. The more important thing is to see the 2014-2015 changes on activities of Japan's Self Defense Forces (SDF) in the context of Japan's longstanding evolutionary development in security affairs.

Here, this paper will first address issues in the regional security environment and Japan's defense. Then we will see the contents of two major defense policy decisions: the revision of the Guidelines for Japan-U.S. Defense Cooperation (hereafter "Guidelines") and the enactment of the Legislation for Peace and Security (*heiwa anzen hosei* 平和安全法制, hereafter "LPS"). Finally this paper will show some recent concrete steps of Japan's security and foreign policy, with some prospects of development in the security environment.

## 1. Security Environment and Challenges for Japan's Defense

### 1.1 China and Korea issues

Here we will first see issues originating from the People's Republic of China (PRC) and Democratic People's Republic of Korea (DPRK). It is a widespread custom to refer to them as obvious drivers for Japan's security thinking. But these are different issues to deal with than the military threats posed by the former Soviet Union.

The PRC is in the center of global economic growth and almost every nation is strongly tied with Chinese economic activities. Many Japanese entrepreneurs operate

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\* The views expressed here are those of the author and do not necessarily coincide with those of any organization such as the NIDS or the MoD. This paper was written for the presentation on January 27, 2016.

<sup>1</sup> Bruce Klingner, "Japanese Defense Reform Supports Allied Security Objectives," Heritage Foundation, January 11, 2016, p. 7.

in China and many industries inside Japan now depend on consumption by a lot of wealthy Chinese visitors. That is a great difference from the Cold War era and every security problem should be dealt with against the background of huge economic and human interdependence between China and Japan.

One clear example of complex security relations between China and Japan is the issue around the Senkaku Islands, administered within Japan's Okinawa Prefecture. Beijing and Taipei raised their voices for historical rights over the islands in the 1970s, but only recently did the issue become that of security, when the PRC started to send ships to the islands in 2008.<sup>2</sup> In 2012, a political crisis escalated from both sides, with an upgraded danger of an unintended clash in the surrounding area. Since then, the Japan Coast Guard and Air SDF have been obliged to continue frequent patrolling duties. Japan urged China to set up mechanisms to avoid an unintended clash, but the Xi Jinping leadership in Beijing refused for two years even to grant a high-ranking meeting, pointing to "Japan's historical problems" as obstacles for dialogue.

There are some more points of debate arising from a growing China in relation to the international order. Beijing insists on "revising deficits in the existing unfair order" and started to launch projects concerning how to govern international affairs, such as the Asian Infrastructure Investment Bank (AIIB) and the "One Belt, One Road" Initiative. These are not directly issues of confrontation, but create a potential for change to be watched carefully and could give China a wider range of maneuver with political support from cooperative states.

A more direct security problem in the Asia-Pacific region is confrontation over islands in the South China Sea. China's forceful pressure and *fait accompli* are major sources of danger in its relations with Vietnam and the Philippines. In October 2015, the Permanent Court of Arbitration decided that it has the jurisdiction over the case raised from the Philippines under the United Nations Convention on the Law of the Sea (UNCLOS) but China continues to refuse to participate in the legal process.<sup>3</sup>

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<sup>2</sup> According to the Japan Coast Guard, although the intrusions into the territorial waters around the Senkaku Islands by the Chinese government vessels have been constant since September 2012, the first such case occurred in December 2008, seven months after the top leaders of China and Japan agreed on the mutually beneficial relationship. <http://www.kaiho.mlit.go.jp/senkaku/images/image01.png> ; [http://www.mofa.go.jp/region/page23e\\_000021.html](http://www.mofa.go.jp/region/page23e_000021.html)

<sup>3</sup> Ankit Panda, "Philippines v. China: Court Rules Favorably on Jurisdiction, Case Will Proceed," *The Diplomat*, October 30, 2015, <http://thediplomat.com/2015/10/philippines-v-china-court-rules-favorably-on-jurisdiction-case-will-proceed/>

China's land reclamation activity in the South China Sea was a major subject of security significance in 2015. China widened the land of some points in the sea, over which China claims legal sovereignty only because of the land's presence within China's unilaterally published "Nine dotted lines" maps, and prepared military infrastructure already there. The United States repeatedly opposed the activity as undermining international norms and freedom of navigation. Combined with China's growing capabilities in naval operations, these Chinese activities convinced many people of the heightened probability of Beijing's arbitrary controlling of major sea routes in the region. The US raised questions over China's claims and showed determination to sustain freedom of navigation by sending the USS *Lassen* within 12 nautical miles of the Subi Reef.<sup>4</sup>

North Korea continues to pose threatening problems to the regional and global order. The closed and cruel leadership of Kim Jong Un forces neighbors to consider a wide range of risks: missile and nuclear attacks, conventional provocation or offensives, special forces operations, miscalculated attacks and escalation, the proliferation of weapons of mass destruction, regime collapse and refugee crisis, and others. The PRC once hosted Six-Party Talks for the DPRK de-nuclearization, but now cannot resume the talks or control the Kim regime as Beijing wishes.

In August 2015, an explosion incident in the demilitarized zone resulted in an escalation between north and south with a heightened sense of probable military confrontation. It was later de-escalated by the bilateral talks. The most recent provocation came on January 6, 2016, when the DPRK conducted a nuclear explosion, which they claimed to be that of a hydrogen bomb, but was not widely confirmed.

The DPRK's continued development of missile and nuclear capabilities is very different from twenty years ago. It is highly probable that the DPRK has or will soon have capabilities of conventional or nonconventional missile strikes on Japan and beyond. In 2015 the DPRK claimed the success of submarine launched ballistic missiles, which could make DPRK's offensives easier.

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<sup>4</sup> U.S. Department of Defense, "Dunford: U.S. Engagement in Pacific 'Unprecedented'," November 4, 2015. <http://www.defense.gov/News-Article-View/Article/627611/dunford-us-engagement-in-pacific-unprecedented>

In case of major contingencies, the scope cannot be limited within the Korean Peninsula. The US bases in Japan and the US-Japan missile defense systems would be required to operate, with the DPRK's widened scope of military operation. The much closer cooperation of the ROK-US-Japan defense efforts is urgently required.

### *1.2 Cooperative security efforts*

Challenges for Japan's defense also include "cooperative" aspects. The above mentioned the ROK-US-Japan trilateral framework is one example. These aspects are not only in case of high-intensive Korean contingencies, but also for global security efforts such as piracy, terrorism, non-proliferation and disaster relief issues. PRC in this sense is also a great partner to neighboring states, unlike the Soviet Union in the former bipolar world structure. As a capable member of the international community, Japan is required to participate in cooperative security activities using its own resources in a more effective manner.

International terrorism is a major factor undermining security in the already unstable region and also in wider areas of the world. The so-called "Islamic State of Iraq and the Levant" (hereafter, "ISIL") grew in the security vacuum of Iraq and Syria and survives as an entity governing territory with methods of terror. Loose networks of terrorists which affiliate themselves to the ISIL grew in some unstable spots in the Middle East and expanded to as far as Paris in November 2015 and Jakarta in January 2016. Bangkok suffered from terrorist bombings in August 2015. These attacks and incidents involve victims of many nationals, including Japanese. The spread of international threats urges different camps of states to cooperate in information exchanges and prevention.

The spread of political Islamist extremists is also a concern in the former Soviet states and neighboring China. Afghanistan can be a source of extremist ideology and illegal drug distribution. Core member states of the Shanghai Cooperation Organization (SCO) share the view that stronger state control is a priority over civil liberty, which may allow rebellious thoughts and movements of discontent people. A rebel attack in Tajikistan in September 2015 is considered a symptom of spreading extreme movements.

International anti-piracy operations and peacekeeping operations are major activities Japan has been engaging in for global security. The more effective operations are

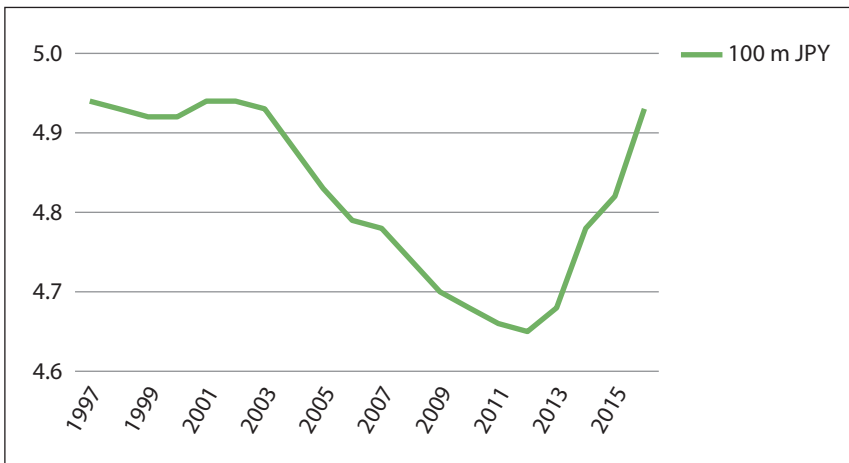
necessary for Japan's security under severer resource limitation. They would prevent deterioration of the security situation and spread of problems, and also enhance trust and confidence among cooperating partners, such as the PRC, the ROK, Australia, to name a few.

### *1.3 Constraint on Japan's Resources*

Before discussing the policy choices of the Japanese government, we need to take note of major long-term trends it cannot change easily: aging population and budget burden. Successful economic policy would improve the productivity of the Japanese economy, but still, the size of working population will continue to shrink. Human resources for defense personnel will also be more severely limited. The aging of the population creates a problem of social welfare costs.

Accordingly, the GDP growth and sustainable government spending, with still increasing government bonds, continues to be a huge challenge for Japan's policy making. The GDP and government income are not expected to increase radically. Although the three years of the Abe Cabinet's priority to security are significant, they resulted in not a resurgence of a great-power military budget, but a limited recovery of the defense spending, still below one per-cent of the GDP.

**Figure 1: Defense expenditure**



(Source) FY 2016 requirements as of August 2015, Ministry of Defense, <http://www.mod.go.jp/j/yosan/2016/gaisan.pdf>

## 2. Security Steps in Frameworks: US-Japan Guidelines and Security Legislation

### *2.1 Continuing Process of Security Orientation*

In December 2013, the Abe Cabinet made two significant security policy steps. First, for the first time, it established the National Security Council (NSC). It is a body of inter-ministry representatives and supported by the National Security Secretariat, headed by Shotaro Yachi. The NSC has been facilitating the integrated policy-making among defense and foreign ministries and police agency, for example.

Next, on December 17, 2013, the NSC and the Cabinet approved the first National Security Strategy (NSS) and the revised National Defense Program Guidelines (NDPG).<sup>5</sup> The major keyword in the NSS is “Proactive Contribution to Peace,” renouncing passivity as a good way for peace. The NSS stipulates major elements of Japan’s long-standing security approach such as priority to peace and stability, a non-military contribution to global stability, international cooperation, exclusively defense-oriented posture, and the fundamental cooperation with the US. The NDPG, now as a sub document under the NSS, defines the role of the SDF with the keyword “Dynamic Joint Defense Force” and the necessary resources and steps for the SDF. The “Medium Term Defense Program (FY2014-FY2018),” published at the same time, specifies concrete items to be prepared under the NDPG in the coming five years.<sup>6</sup>

The main course of defense policy was defined in these steps and documents in 2013, and the new set of frameworks in 2015 is not the single revolutionary change in post-war Japan, but a significant step following the already set orientation. The shift to southeast theaters, and to maritime-air operations was already evident in earlier defense documents, and the SDF has been long preparing for “grey-zone” contingencies. This was developed also under the former Democratic Party of Japan (DPJ) cabinets. Also in the sphere of procurement and technology, Japan’s long-term discussion regarding a perceived need for drastic change resulted in the establishment of the Acquisitions, Technology and Logistics Agency (ATLA) in October 2015. This, coupled with the preceding relaxation of the 1970s self-imposed restrictions

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<sup>5</sup> Both available at <http://www.cas.go.jp/jp/siryou/131217anzenhoshou.html>

<sup>6</sup> NDPG and Medium Term Defense Program are available at <http://www.mod.go.jp/j/approach/agenda/guideline/2014/>

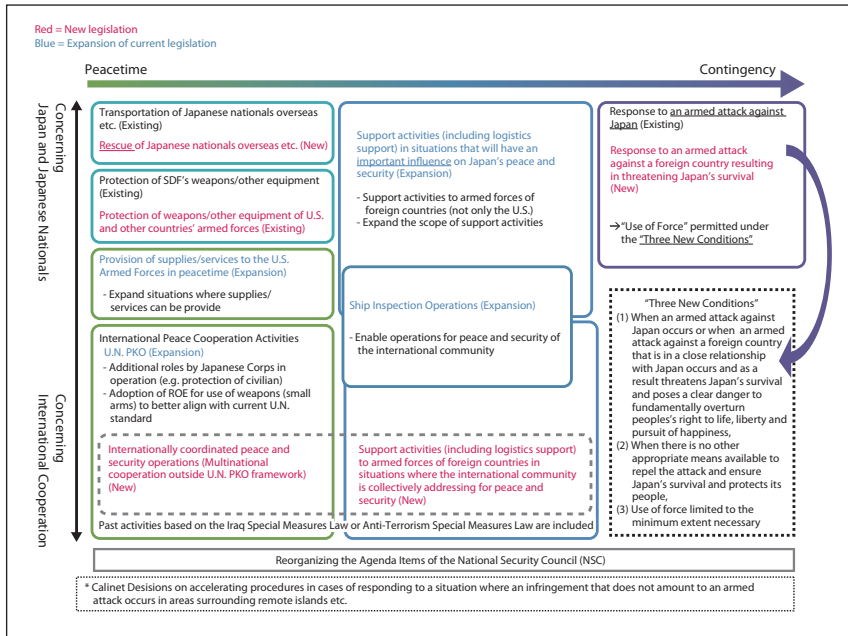
on arms export, unifies defense procurement strategies previously separated between the military services and enables cost-effective defense technology development through international technology cooperation, which in turn provides an important option for defense-related diplomacy.

Concerning international cooperative operations, each aspect took time to develop. Japan started to participate in UN Peacekeeping Operations in 1992, in limited non-combat areas. In relations to the wars in Afghanistan (2001) and Iraq (2003), Japan enacted respective special temporary laws to send non-combatant support SDF units to the areas where battles had ended. In 2009 the SDF began operations to defend civilian cargo ships from pirates in the Gulf of Aden. These various activities have already formed the role of Japan as a player in international security cooperation and need to continue in an effective way.

## ***2.2 Legislation for Peace and Security (LPS)***

In May 2015 the Abe Cabinet completed a draft of the LPS bill, and the Diet after fierce and long debates approved the LPS in September 2015. This was a highly controversial process, often compared to the revision of the US-Japan Security Treaty in 1960. The LPS includes revision of ten existing laws and a new law for supporting international collaboration. A large part of the LPS only supplements deficits of the existing activities, thus making a collection of “patchwork” laws into the “seamless” system of security legislation. An overview is shown in the chart below.

**Figure 2: Matrix of the Legislation for Peace and Security**



Source: “Japan’s Legislation for Peace and Security: Seamless Responses for Peace and Security of Japan and the International Community,” Government of Japan, May 2015, available at: [http://www.au.emb-japan.go.jp/pdf/japan's\\_legislation\\_for\\_peace\\_and\\_security.pdf](http://www.au.emb-japan.go.jp/pdf/japan's_legislation_for_peace_and_security.pdf)

One important point in this matrix chart is that the LPS lacks a foundation for the full use of defense capabilities for international contingencies not directly affecting Japan. The left side shows peacetime activities, the right side contingencies, the upper side defense of Japan itself, and the lower international cooperation. The “collective self-defense” issue only touches upon the use of the SDF for direct defense of Japan, not expanding its scope to cases such as Afghanistan in 2001 or Iraq in 2003.

In peacetime, the existing laws provided a foundation of SDF’s activities of transportation of Japanese nationals, protection of defense assets, and UN Peacekeeping Operations. A major problem of SDF activities in UNPKO was a lack of stipulation to defend colleague military units. The new LPS remedies this gap and enables more effective and robust peacekeeping operations by SDF.



Referencing the middle column, the SDF is supposed to play supporting roles, not fight in the front. The SDF already has experience with these activities, sometimes under specifically designated laws, enacted after each case had taken place. The International Peace Support Law, a new law, provides the foundation for SDF's logistic supporting roles in international operation arena, including former examples of those for Afghanistan and Iraq. The LPS also remedies deficits in supporting activities concerning situations with "important influence" on Japan's security.

The LPS stipulates right of collective self-defense only in regards to the defense of Japan under strict conditions. This is based on the cabinet decision of July 2014 for a new interpretation of the Constitution. The former interpretation formed in the 1970s said "the Constitution cannot possibly be interpreted to prohibit Japan from taking measures of self-defense necessary to maintain its peace and security and to ensure its survival," and "these measures should be limited to the minimum extent necessary for repelling these situations," and "the use of force under our Constitution is permitted only in cases dealing with imminent unlawful infringements against Japan. Accordingly, it follows that the exercise of the so-called right of collective self-defense, which entails repelling armed attacks against other countries, cannot be permitted under the Constitution."<sup>7</sup> The 2014 cabinet decision interprets the restrictive exercise of collective self-defense as within "the minimum extent necessary" of the same logic of reading the Constitution.

The SDF's response to an armed attack now requires three conditions: (1) "not only when an armed attack against Japan occurs but also when an armed attack against a foreign county that is in a close relationship with Japan occurs and as a result threatens Japan's survival and poses a clear danger to fundamentally overturn people's right to life, liberty and pursuit of happiness," (2) "when there is no other appropriate means available to repel the attack and ensure Japan's survival and protects its people," (3) "use of force to the minimum extent necessary."<sup>8</sup> Thus Japan's legislation still excludes the SDF's defense of a foreign country not directly connected to Japan's survival.

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<sup>7</sup> Cited and translated in the Advisory Panel on Reconstruction of the Legal Basis for Security, "Report of the Advisory Panel on Reconstruction of the Legal Basis for Security," May 15, 2014, p.7, [https://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku\\_en.pdf](https://www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku_en.pdf)

<sup>8</sup> "Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan's Survival and Protect its People," Cabinet Secretariat, July 1, 2014, p.8, [http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei\\_eng.pdf](http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei_eng.pdf)

Now that some, not all, of Japan's unique restrictions in the legal framework have been removed, Japan has to make concrete policy steps which follow a clearer logic of priority given limited resources, as other nations do. Since Japan's security challenges in its immediate neighborhood remain severe, the resource balance among national defense, regional cooperation, and global contribution should be carefully calculated and adjusted appropriately.

### ***2.3 US-Japan Defense Guidelines***

In April 2015, the US-Japan foreign and defense ministers' meeting (2+2) approved a new version of the US-Japan Defense Guidelines,<sup>9</sup> first since the 1997 Guidelines. The DPJ government in 2012 first initiated formal process of the revision and both governments worked for the revision throughout 2014. The new version was decided and published in parallel with the public debate process of the LPS bills early in 2015.

The Guidelines work within the obligations and rights in the US-Japan Security Treaty and do not change them. Anticipating the LPS, the Guidelines define upgraded items of cooperation concerning Japan's defense in the spectrum from peacetime to contingency. The Guidelines confirm the global nature of contemporary US-Japan alliance, enumerating such items as peacekeeping, HA/DR, capacity building, intelligence, surveillance, maritime security, and space and cyber security. Further, the Alliance Coordination Mechanism (ACM) was newly established to facilitate constant contact and coordination in the full seamless spectrum.

With the new Guidelines and what the SDF can now do, the SDF and the US military have more robust foundations than before for the collective defense of Japan and the Alliance forces in relation to Japan's defense. They are now in a constant process of preparing better concrete procedures and exercises to implement aims of the Guidelines.

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<sup>9</sup> "The Guidelines for Japan-U.S. Defense Cooperation," Japan Ministry of Defense, available at [http://www.mod.go.jp/e/d\\_act/anpo/](http://www.mod.go.jp/e/d_act/anpo/)

### 3. Security steps in practice: foreign and security policy

#### *3.1 Resumed Level of Dialogue with PRC and ROK*

In the years 2012-2014, the Abe Cabinet experienced tough challenges in dialogue with two important neighbors: the PRC and the ROK. Both had suspicions of Prime Minister Abe's long-standing conservative agenda, especially history issues.

With China, there is always a danger of an unintended clash over the Senkaku Islands and surrounding waters. Tokyo patiently called for dialogue to reduce risks of an unintended clash and carefully avoided provocation. Beijing continued to avoid a top-level meeting expecting to attain the upper hand, but Tokyo did not make an easy concession in politicized history issues.

However, on the occasion of China's hosting the APEC summit meeting in November 2014, the first Sino-Japanese top-level meeting since September 2012 took place. It was not only a symbolic meeting to end an unusual period of disconnected ties, but also a major step with concrete measures to reduce tension. The so called "four points" shared between Yang Jiechi, the Chinese State Councilor, and Shotaro Yachi, the head of the National Security Secretariat, resumed dialogue between two defense authorities to set up a crisis management mechanism. Since then many bilateral meetings were held and continue to work.

The "Senkaku crisis" did not end. It no longer has a salience of 2012, but vessels and airplanes of the Chinese government continue to operate around the islands. Japan Coast Guard and Air SDF in response continue to prevent undermining of the Japanese sovereign stance. The number of Air SDF scrambles in relation to the Chinese airplanes continues to rise.

The year 2015 was one of a difficult anniversary for the Abe Cabinet: 70 years after the end of World War II, and 50 years of the Treaty on Basic Relations between Japan and the ROK. Russia held the 70<sup>th</sup> anniversary victory parade against "fascists" in May and China set the stage of victory in anti-Japanese struggles in September as a symbol to pressure Japan with "history issues." However, Prime Minister Shinzo Abe managed to minimize the negative effects of "history issues." In April he visited Washington, D.C., and gave a speech of historical reconciliation after World War II at the Congress. At the same time, the Guidelines were revised, thus showing

renewed core of the US-Japan Alliance. Skepticism in the US or other Western nations over Shinzo Abe's conservative agenda had greatly been reduced by that time. The August 2015 comment of Prime Minister Abe on the commemoration of war victims did not cause disruption of diplomatic situations. Japan's Imperial Family's commemorating acts also impressed the sense of remorse and regret shared among the Japanese.

Seoul reached a position to resume high-level talks in November 2015, when the bilateral summit took place. On 28 December 2015, Japanese Foreign Minister Fumio Kishida visited Seoul to conclude an agreement on "comfort women" issues. This included concrete measures intended to remedy wounds of those women. Seoul had been insistent on settling the issue within that symbolic year. Despite discontent of some former "comfort women" and also the Japanese nationalists, the two governments so far continue to value this agreement as an important step for their bilateral practical talks. Seoul no longer refuses dialogue due to their dissatisfaction to Japan's attitude on this issue.

Even though Seoul and Tokyo can now have basic talks, that does not necessarily ensure full cooperation. One of the largest gaps is that of China relations. Seoul has still reasons to avoid raising Beijing's eyebrows both for trade and DPRK factors, whereas Washington and Tokyo are relatively inclined to take issues on security affairs posed by China, despite a huge dependency on the Chinese economy. Much like the China-Japan relations, the ROK and Japan have to carefully develop practical results of cooperation in less sensitive areas such as anti-piracy operations in the Gulf of Aden.

### ***3.2 Multilateral Cooperation and Dialogue for Regional and Global Security***

Japan's security aspect of diplomacy has been constantly expanding its scope and nature. By contributing to a wider range of security issues, Japan aims to uphold a stable level of regional and global security, and thus to obtain a status of an indispensable key security player.

After a long history of cooperation with Southeast Asian nations, there is still more that Japan can contribute in the security sphere. Recently, hardware and technical cooperation in coast guard security is an important item of Japan's efforts to improve Vietnam's and the Philippines' security. Japan's P-3C surveillance plane visited the

Philippines for an exercise, and the Philippines is reportedly talking to the Japanese about obtaining a P-3C.

With the increased tasks of US alliance systems, not only the US-Japan alliance but also trilateral frameworks of US-Australia-Japan and US-ROK-Japan have been growing. The more advanced one is that with Australia, which includes ACSA arrangements, sharing the experiences of major disaster relief operations, and a potential deal regarding Japan's advanced submarine technology. The US-ROK-Japan development suffered a couple of years of stall, and now has to grow in the face of urgent danger in relation to the DPRK. India is also an increasingly important partner of Japan in the West Pacific affairs as well, and defense dialogue level has been upgraded, with some shared concern about China's power.

The dialogue in Asia-Pacific security is going around the ASEAN-cored frameworks, such as ASEAN Regional Forum and the ASEAN Defense Ministers' Meetings plus. Japan has been actively involved in these multilateral talks. Japan, especially under the Shinzo Abe leadership, has also actively extended the scope of dialogue partners. NATO member states are important partners with a shared sense of international norms and security, and also of defense technology cooperation. In June 2015, Prime Minister Abe visited Ukraine and then Germany to participate in the G7 summit, thus prioritizing the support of Ukraine in its ongoing geopolitical crisis. Meanwhile, Tokyo keeps a certain level of security dialogues with Moscow, to encourage Russia's constructive approach both in Europe and Asia. Prime Minister Abe has been very eager to keep contact with Russian President Vladimir Putin, and to try to realize a bilateral visit. In October 2015, Prime Minister Abe renovated ties with the Inner Asia region, another important aspect of Asian security, by visiting Mongolia and all five Central Asian former-Soviet states.

These mainly diplomatic activities are not necessarily an expansion of military-security operations but enhance the chances of positive roles of Japan's security efforts for each region. And the sense of recognition of Japan as one important reliable security player has been growing in many countries in the world.

## **Conclusion and Prospects**

Japan now has a better set of security frameworks. But what Japan can do has not drastically changed and will be limited in the near future. Two major steps of 2015 for Japan's security frameworks are in line with the continuous process of its security renovation. The "patchwork" collection of security schemes have now turned into a system of more seamless security mechanisms. Now Japan, still sticking to its exclusively defensive orientation, can advance in a more effective posture of Japan's defense during SDF and US-Japan alliance activities, and contribute to the world's peace efforts in an effective manner.

In 2015, an immediate danger to Japan's national defense did not occur. Political frictions with the PRC and the ROK were also lowered. But challenges continue. Future security depends on reducing regional tensions and choices Japan will make to contribute to that. Better wisdom is now required and the role of intellectual exchanges also grows.