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The Specific Secrets Law [tokutei himitsu hogo hō]: national and international issues

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ÉDITORIAL

In the night of the 6th to 7th December 2013, following only 44 hours of deliberation the *tokutei himitsu hogo hō*, a new State Secrets Bill¹, was passed by both Houses of the Japanese Diet. Both national and international media considered this to be a symbolic step in the “conservative” shift of Abe’s government, which the Prime Minister seems to have undertaken following the Liberal Democratic Party’s landslide victory in the House of Councillors elections of July 2013.

Three months later, the law on protecting “specific” State secrets is still subject to many negative critiques, from both nationalist and

liberal sections of the general public: from the Japanese Communist Party to the Japan Restoration Party created by the mayor of Osaka, Hashimoto Tōru; from Japanese experts to Western researchers based in Japan such as Michael Cucek (Associate researcher at the MIT Centre for International Studies) or Lawrence Repeta (Professor of Law at Meiji University); people are condemning the worthlessness of this type of law in a country such as Japan, where the distribution of information is already restricted by tradition².

Critics of the law agree: the problems lie with the vague definition of a specific secret and the lack of counter-power able to defend a civil servant or journalist accused of disclosing any information classified as secret, despite the fact that the penalties linked to this law are particularly severe. This law could be used to dramatically limit access to detailed information on sensitive subjects outside the fields of defence and diplomacy. With no oversight mechanism, the law could

¹ Depending on the context, the invariable adjective *tokutei* means “fixed, determined” or “specific” in Japanese. The expression *tokutei himitsu* can be taken to mean a State secret. However, we have chosen the translation “specific secret” to differentiate this law from previous proposed laws on State secrets for which the “State secret” translation has already been used by other authors. An example of this is the “law on protecting State secrets” (*kokka himitsu hōan*) proposed by the Nakasone government in 1985. See César Castellvi’s article, “Understanding the mistrust surrounding the law on protecting specific secrets”, p. 3 in this issue.

² See Repeta Lawrence, “A New State Secrecy Law for Japan?”, *The Asia-Pacific Journal*, vol. 11 (42), October 2013.

also be used to commit serious abuses by government officials responsible for classifying the information they process.

Some commentators have already highlighted the potentially devastating effects the law could have on the quality of information collected in relation to on-going operations at the Fukushima nuclear reactor site, or to Japan's already dropping rank in the international press freedom index.

What, therefore, are the benefits of rushing through such uniformly contested law for a stable government that has the necessary leverage for reform in the Diet? What arguments or what analysts influenced this decision by the Abe government? The culprits would seem to be in Washington: it has been admitted that, in addition to creating a Japanese version of the American National Security Council (NSC), the vote on the law on protecting specific secrets is part of a drive to strengthen Japanese-American security and defence cooperation on an East Asian scale. Clarification of these international issues and their impact on the decisions made by Abe's government, as well as a review of existing measures would help to improve our understanding of the conditions under which the *tokutei himitsu hogo hō* was passed.

It is precisely these issues that will be addressed in this 33rd issue of *Japan Analysis*, edited by Sophie Buhnik in collaboration with César Castellvi. The issue starts with an analysis by César Castellvi which explains the context in which the law was passed and discusses how the debates were conducted and received outside the Diet. Translations by Amélie Corbel and Antonin Francesch highlight the arguments put forward by those who support stricter protection for State secrets, a minority argument that is less well-known than those opposing the law. Finally, together

with a review of civil and press liberties and access to information in present-day Japan, Xavier Mellet will analyse the development of the campaign that preceded the recent elections for the governor of Tokyo as well as the socio-political issues that led to the defeat of Hosokawa Morihiko, the former Prime Minister supported by yet another former Prime Minister, Koizumi Junichirō.

SOPHIE BUHNIK AND CÉSAR CASTELLVI

CURRENT ANALYSIS

1. Understanding the mistrust surrounding the law on protecting specific secrets.

- **CÉSAR CASTELLI**

In the night of the 6th to 7th December 2013, almost one month after the draft law was originally proposed, the law on protecting specific secrets (*tokutei himitsu hogo hō*) was adopted by the two Houses that make up the Japanese parliament. This rapid approval³, which complements the law facilitating the creation of a Japanese version of the American National Security Council (*Kokka anzen hoshō kaigi*) was a key moment for Abe's second government, occurring as it did, one year after his victory in the general elections of December 2012. Within a context of almost

³ Deliberations in the House of Representatives only lasted for 44 hours, making this one of the laws most quickly adopted by ministers from the parliamentary commission responsible for examining the project, along with the law on sending the Self Defence Forces to Iraq in 2003 and the law on protecting private information in 2003 (*Asahi shimbun*, editorial of 27 November 2013).

uninterrupted diplomatic tensions between Japan and its neighbours, particularly China and North Korea, since 2010, the combination of these two laws is meant to be one of the cornerstones of a military defence and cooperation policy between Japan and the United States. The laws should also be placed within a global context in which the boundaries between public and private are being erased by growing internet usage and where Japan is trying to avoid controversies such as the Snowden and Wikileaks affairs.

The fact that this law was adopted despite protests organised outside the Diet buildings continues to provoke violent reactions from opposition parties and the general public. There are many different criticisms of this law, which create a bipolar debate that is often reduced to a fight between those “in favour” and those “against”. However, it is obvious that reactions to the vote on the law on protecting specific secrets are more complex. In order to improve our understanding of the situation, it is important to look at the circumstances surrounding the approval of the law and the

way in which the debate was held. Only then can the criticisms of this law, which mainly seem to involve issues of form, be analysed. Finally, the difficult ambiguity of the criteria used to define “secrets” will be discussed, along with their consequences on access to information by investigative journalists.

Origins of the Proposed Draft Law

The law on protecting specific secrets should primarily be viewed as part of the Abe government’s policy of collaborating with the United States to exchange information. It is linked to the creation of a National Security Council (NSC) based on the American model, which will strengthen the Japanese government’s power in relation to foreign policy and defence, giving the Prime Minister more room for manoeuvre. One of the starting points for this law is a visit to the United States and the United Kingdom by Isozaki Yōsuke, a special adviser to Abe Shinzō who was tasked with collecting information to create the new National Security Council. During his visit, his American hosts - particularly Evan Medeiros, director of the Asia section of the NSC - shared the uncertainty felt by the United States with regard to the current state of Japan’s legislation protecting classified information, despite the fact that the country is Japan’s special partner for strategic information exchange. Legal reinforcement was suggested⁴.

At the time, Japan already had several laws dealing with the issue. As part of the Japanese-American military collaboration, the Mutual Defence and Assistance treaty signed on 8 March 1954 had already anticipated the creation of a “specific defence secret” status for some information relating to national security. Any distribution of this

⁴ “1985, Repealing a draft law due to negative public opinion” (1985, yoron no hantai de haian), *Asahi Shimbun*, 26 October 2013.

classified information could result in up to ten years imprisonment⁵. Japanese legislation for the Self Defence Forces (JSDF) also had a “defence secret” provision for classified information, whose distribution could lead to up to five years imprisonment⁶. In 2009, a new law expanded the scope of this law to government civil servants⁷.

Although these protective systems existed before the new law was passed in December 2013, and while the amendment creating a Japanese version of the NSC was approved on 4 December 2013 by a significantly large majority⁸, discussions surrounding stronger penalties have occurred several times over the past 30 years. For example, a similar attempt was made in 1985, when the Nakasone government proposed a draft law on State secrets (*kokka himitsu hōan*). At that time, the general public largely rejected the draft law, particularly as it planned to impose the death penalty on any civil servant found guilty of distributing certain types of information to foreign powers⁹. A second attempt to increase penalties for civil servants was made by the Democratic Party of Japan in November 2010 when a video revealed a collision between a Chinese fishing boat and a Japanese coast-guard vessel just off the Senkaku islands (known as the Diayou islands in China). The video

⁵ From the government’s digital law database, <http://law.e-gov.go.jp/htmldata/S29/S29HO166.html>.

⁶ From the Prime Minister’s website, http://www.kantei.go.jp/jp/singi/jouhouhozen/housei_kaigi/dai2/siryou1.pdf.

⁷ “Promulgating the law on protecting specific secrets: the structure of executive oversight by the executive” (tokutei himitsu hogo hō seiristu – “gyōsei ga gyōsei wo kanshi” no kōzō), *Nihon Keizai Shimbun*, 7 December 2013.

⁸ This was mainly due to the fact that the main opposition party, the Democratic Party, also voted in support of the draft law.

⁹ *Op. cit.*, *Asahi shimbun*, 26 October 2013.

was uploaded to the internet by a coast-guard almost two months after the events, in direct contravention of the professional confidentiality required by the Law on State Civil Servants (*kokka kōmuin hō*). It increased tensions between Japan and China and, therefore, reignited the debate. However, a draft law was rejected when the Noda government came to power in the autumn of 2011.

Finally, during an announcement to the press on 26 September 2013, government spokesperson Suga Yoshihide officially announced that a law was being drafted to complement the Japanese version of the NSC by reinforcing the protection of State secrets. The draft law was presented one month later during a session of the House of Representatives of the Diet on 26 October.

The Law on Protecting Specific Secrets and Access to Information: Contentious Issues

According to the law on protecting specific secrets, a “specific secret” (or special secret) can be defined as any information relating to one of the four following subject areas:

- 1) defence,
- 2) diplomacy,
- 3) protection against designated dangerous activities¹⁰ and
- 4) protection against terrorism.

This is information that, if distributed, could create a threat to national security.

Heads of the organisations involved (ministers, police commissioners) can classify any information as “secret”. The classification is then valid for five years and may be renewed up to a maximum period of thirty years. However, if a piece of information classified as secret is judged to be particularly sensitive

and if its concealment is considered necessary to safeguard the general public, its classified status may be extended to sixty years, with government approval. Should a piece of information be intentionally leaked by a civil servant or any other person with access through their job role, the penalty is up to ten years imprisonment¹¹.

In addition to the debate about whether Japan actually needs a new law to protect information or not, the main problem with this particular law and how it affects access to information relates to the criteria used by the heads of the relevant organisations to classify information. The amount of information that could be included by the criteria, particularly in relation to anti-terrorist protection, is the reason why both the Japan Restoration Party (*Nihon Ishin no Kai*) and Your Party (*Minna no Tō*) only joined the majority group on the condition that an oversight organisation was set up to provide a right to inspection that was not included in the original draft law.

The independent oversight organisation that resulted from this agreement between the majority party and its political allies was included in the law approved on 6 December and is made up of three committees, each directly attached to the Prime Minister’s office. The first committee, the Information Protection Advisory Assembly (*jōhō hozon shimon gikai*), is an advisory body attached to the Prime Minister’s office that will draft criteria to designate or repeal classification. Its members will be taken from the general public, and Watanabe Tsuneo, owner and manager of the *Yomiuri shimbun*, the most popular newspaper in the country, was nominated as its president on 14 January 2014.

¹¹ From the Prime Minister’s office website, http://www.kantei.go.jp/jp/topics/2013/headline/houritu_gaiyou_j.pdf.

¹⁰ This generally corresponds to spying activities.

The second committee, the Protection and Surveillance Committee (*hozen kanshi iinkai*), will be linked to the government spokesperson's office; it will bring together the heads of various organisations such as the Tokyo Police Department, the Ministry for Foreign Affairs, and the Ministry of Defence, and will oversee classifications and repeals once the proper time limit has expired. This committee is based on the American Interagency Security Classification Appeals Panel, an organisation designed to oversee and manage the balance between information that can be distributed to the public and information that must remain classified¹².

Finally, the third committee is also directly linked to the government and is divided into two groups. The first, the Independent Official Document Oversight Group (*dokuritsu kōbunsho kanrikan*) is responsible for deciding if official information can be destroyed or not. The second, the Information Protection Inspection Office (*jōhō hōzen kansatsu shitsu*), will be a deliberative assembly of civil servants responsible for checking whether it is appropriate for information to be classified or not.

The main characteristic of this complex system of regulatory organisations, which have occasionally overlapping remits, is that it is almost completely and directly linked to the government and provides no parliamentary oversight mechanism¹³. This has been the main criticism of the law since it was approved. Two months after the law was approved, a poll by the *Mainichi shimbun*, published on 17 February 2014, revealed that 71% of respondents believed the law approved on 6 December 2013 should be amended to

create oversight organisations that are more independent of government¹⁴. The Secrets Protection Advisory Assembly represents the only part of the oversight system that does not depend on the government. Nevertheless, it has been criticised for two reasons: firstly, because its scope is limited to defining designation criteria without looking at how these are applied and, secondly, because of the government's decision to appoint as its president a media owner who clearly supports the Abe government.

Freedom of Information Issues Raised by the Law

The problem of information which could be “classified” as “secret” by this law has been discussed critically by a large portion of Japan's media. While the press is mainly opposed to the idea that a new law on information is needed¹⁵, they also agree that there is a problem with the currently approved law due to the classification criteria used within it. Even newspapers that supported the law, such as the *Sankei shimbun* and *Yomiuri shimbun*, used editorial articles to call for the implementation of a decision oversight organisation that would be independent from the government and that would monitor the information classification decisions made.

The press are directly threatened by the vagueness of the classification process, as illustrated by previous incidents that have had significant consequences for Japanese

¹⁴ “70% of people support an amendment to the law on protecting specific secrets” (honsha yoron chōsa: himitsu hogo hō “shūsei hitsuyō” 70%), *Mainichi Shimbun*, 17 February 2013.

¹⁵ The *Asahi shimbun*, *Mainichi shimbun* and *Tōkyō shimbun* were clearly opposed to the draft law as a whole, while the *Sankei shimbun* and *Yomiuri shimbun* supported it. *Nihon keizai shimbun*, Japan's economic newspaper, did not express an opinion. The regional press were largely against the law.

¹² *Op. cit.*, *Nihon keizai shimbun*, 7 December 2014.

¹³ Article 72 of the 1947 Japanese Constitution states that all administrative branches of the government fall under the control of the Prime Minister.

journalists following the distribution of classified information. The most well-known of these is without doubt the Nishiyama affair that uncovered secret agreements between the United States and Japan on the reversion of Okinawa. In 1971, Nishiyama Takichi, a political journalist for the *Mainichi shimbun*, learned from a contact within the Ministry of Foreign Affairs that Japan had paid the equivalent of four million dollars compensation to its former occupiers. The information was not revealed by a journalistic scoop - as would be expected - but by a Minister from the Socialist Party who had been made aware of the secret agreement. The revelation led to a six month prison sentence for the journalist and a one year suspended sentence for his source, due to laws relating to civil servant secrecy that were valid at the time.

The affair was particularly significant due to the ethical debate on methods of obtaining information that it sparked among journalists and was referred to during a press conference by Minister Masako Mori, responsible for the current draft law, who insisted that a similar incident would have the same results today¹⁶.

The main difference between previous legislative measures relating to civil servant secrecy and the current law on protecting specific secrets is the severity of sentencing provided by the law. Civil servants remain one of the main human sources of information for investigative journalists. The secrecy that surrounds classified information will now have two consequences. Firstly, it will become increasingly difficult for the press to convince potential sources to cooperate in investigations as these sources may fear an aggravated sentence following the disclosure of information. Secondly, and as a direct result of the practical difficulties of

the first consequence, journalists will find it increasingly difficult to investigate several areas relating to national security and public life. Specifically, the scope of the classification criteria means that information relating to the situation at the Fukushima power plant or to the deployment of *Osprey* aircraft on American bases in Okinawa could be defined as classified, thereby complicating any potential investigations. Yet, currently, there are no real measures in place to guarantee that excesses will not be committed, under the pretext of “protecting information”. This vagueness is even more worrying given that the legitimacy of Japanese authorities has clearly been called into question following the way in which information relating to the impact of the March 2011 earthquake has been processed¹⁷.

The law could have gained some popularity if it had been clearly explained to the general public before it was adopted. However, the speed at which discussions were held and the fact that public opinion canvassed by local government (particularly in the Fukushima province) was not taken into account, have only contributed to the public’s mistrust of the law, despite the fact that the final aim does seem to be a legitimate one according to most of the population¹⁸. Even the LDP has taken critiques into account, as it put forward

¹⁷ This is supported by the fact that Japan dropped from 22nd to 53rd in the World Press Freedom Index published by Reporters without Borders, before this law was even approved. The country is now ranked 59th in the world, as the organisation took the approval of the law into account, http://fr.rsf.org/IMG/pdf/classement_2013_fr_bd.pdf.

¹⁸ According to a poll carried out by the *Sankei shimbun* one week after the law was passed, on 14 and 15 December 2013, 50.5% of people asked answered positively to the question “Do you think this law is necessary?” However, 66.2% believed that the fact that it was passed during an extraordinary session of Parliament was not a good thing.

¹⁶ Remarks made during a press conference following the cabinet meeting of 22 October 2013.

a draft law on 5 March 2014 to implement an oversight organisation responsible for monitoring the classification of secrets within the House of Representatives¹⁹.

Although it is important not to be excessively critical and to remember that good information management and distribution is crucial during a crisis, this protection must not come at the expense of the fundamental rights to freedom of information. Guarantees are needed and those provided by the third-party monitoring system proposed by the new law are not particularly convincing due to their lack of independence. The context of defiance, hasty adoption and implementation without taking into account canvassed public opinion are issues that do not help the general public understand the importance of this law, leading to widespread scepticism, regardless of whether or not there are benefits to protecting specific secrets.

¹⁹ Sugisaki Shinya, « Law on protecting specific secrets: An oversight organisation in the Diet, a limited opening » (tokutei himitsu hō: kokkai no kanshi kikan – gentei kaisai), *Asahi Shimbun*, 5 March 2014.



2. Electing Tokyo's Governor: Hosokawa Morihiro and Koizumi Junichirō's lost bet.

– **XAVIER MELLET**

The events surrounding Tokyo's gubernatorial election, held on 9 February this year, could have been lifted directly from a Hollywood blockbuster: two retired former Prime Ministers organise a comeback to fight an electoral war against the political establishment. Former head of government from 2001 to 2006, Koizumi Junichirō (72 years old) decided, against all expectations and in opposition to the Liberal Democratic Party that he used to lead, to provide active support to Hosokawa Morihiro (76 years old), former leader of the 1993-1994 coalition that took power away from the LDP for the first time since 1955. These two men, Koizumi Junichirō in particular, are very popular. In addition, they adopted a position shared by the majority of the general public²⁰: no nuclear power, as soon as possible. Their competitor, Masuzoe Yoichi is a former Minister of Health who was supported by Abe Shinzō's LDP and the powerful Rengō²¹ trade union. Almost despite

²⁰ Around 60% of the population, according to polls quoted in the Japanese press. See "Opinion polls, Masuzoe takes the lead, Hosokawa and Utsunomiya follow closely" (Honsha seronchōsa Masuzoe-shi ga joban rīdo Hosokawa utsunomiya shi), *Sankei shimbun*, 25 January 2014.

²¹ The Japanese Trade Union Confederation is the result of a partnership at the end of the 1980s between the country's three main trade unions. Today it has around 6 million members. For this election, the Tokyo branch

himself, he represented the establishment.

The result was incontestable: Hosokawa only finished third, with less than 20% of the vote, while Masuzoe came closest to an absolute majority (42.83%)²². Koizumi was not able to save the day as he has done since the early 2000s, and Hosokawa was not able to replicate the achievement of Aoshima Yukio who, in 1995, became Tokyo governor without the support of a major party²³. Despite the unfavourable polls and their position as outsiders, the conditions seemed right for the two to win: two charismatic leaders for the price of one; the issue of energy transition, particularly significant following the Fukushima disaster; a feeling of defiance towards politicians. Can this apparently inexplicable failure be explained?

By analysing the Japanese political market, this article will attempt to do just that. A politician, even a popular one, cannot be a charismatic leader²⁴ away from his natural environment. In other words, the environment in which a politician has evolved makes his charisma possible. However, the environment in question, the Japanese political market²⁵,

of the union officially decided to support Masuzoe.

²² Masuzoe Yoichi, supported by the LDP and the Kōmeitō, received 42.83% of the vote. Utsunomiya Kenji, supported by the Communist party and the Social Democratic party, came in second with 19.93% of the vote. Supported by the DPJ, Hosokawa Morihiro came in third place with 19.39% of the vote. The candidate supported by the Japan Restoration Party (nippon ishin no kai), Tamogami Toshio, came in fourth with 12.39% of the vote. Detailed results are available in Japanese on the Tokyo government website: <http://www.senkyo.metro.tokyo.jp/h26chijisokuho/index.html>.

²³ Since then, no one has managed to repeat this feat.

²⁴ If Max Weber's definition of charisma is used, i.e. a belief in the extraordinary quality of a person, and measured by polling popularity.

²⁵ According to the minimalist view of democracy provided by Schumpeter, the political market is where

does not (or no longer?) seem able to produce this type of personality. In its nature and its results, this election has provided the insight needed to analyse the current and supposed state of stagnation within Japanese politics.

Although Koizumi and Hosokawa presented "zero nuclear" as the major issue of their campaign, they were not able to make it the main issue of the campaign. Their opponents did not have to take a stand on the issue. One reason for this failure is the lack of any clear difference between the policies based on this issue offered by the various political parties, both at a national level and, more specifically, for the Tokyo gubernatorial election. Secondly, Hosokawa and Koizumi were unable to create this difference as they lacked the necessary media and political leverage. Japanese media reports, particularly on television, tend to favour established parties to the detriment of *outsiders*. Politically, the pair suffered due to the deterioration in quality of political choices, which has led to apathy among Japanese voters. These points will be analysed below.

The Non-Differentiated Nuclear Issue

Hosokawa and Koizumi failed to build a public debate around the nuclear issue despite the fact that their meetings were very successful, attracting more people than those held by Masuzoe. With his usual persuasiveness, Koizumi announced that "Tokyo can be developed without nuclear energy. And Japan can achieve economic growth [without it]. We can realise this dream if we try"²⁶. Nevertheless, the subject was not considered to be the most important campaign issue by the Tokyo public. In this respect, it would

political entrepreneurs compete for votes. It comprises a political offer (candidates), demand (the electorate) and meeting places, which include the press.

²⁶ "Koizumi Theater' Alarms Ruling LDP" in Tokyo Gubernatorial Race, *Mainichi shinbun*, 24 January 2014.

seem that the Japanese public's unflinching support for any anti-nuclear policy is nothing more than a polling artefact²⁷.

The hierarchy of topics considered to be important by voters actually highlights the pervasiveness of *silver politics*²⁸. It reveals an ageing electorate. Health and well-being were the key issues for the duration of the campaign, coming before the economy and energy issues²⁹. Faced with two opponents, Hosokawa and Utsunomiya, trapped by nuclear issues, Masuzoe was better at addressing the concerns of voters, as well as being more moderate, well rounded and reassuring. In other words, he was the most adapted to the conservative demands of elderly voters.

Moreover, Masuzoe declared himself to be in support of a gradual reduction in nuclear power over the long-term, while also supporting the revival of reactors proposed by Prime Minister Abe Shinzō in the short

²⁷ A polling artefact is the ability of polls to self-generate a position without taking into account their respondents' actual level of commitment. See Bourdieu Pierre, "L'opinion publique n'existe pas", (Public opinion does not exist) *Les Temps modernes*, n° 318, January 1973.

²⁸ Silver politics is a concept that is frequently used in discussions of Japanese politics to represent the simultaneous development of voter demands and policies offered towards proposals focused on health and maintaining a certain lifestyle for voters belonging to the over-60 age groups.

²⁹ A poll published on 25 January stated that 26.8% of respondents chose "wellbeing and aging" as their most important issue, with 23% choosing "economy and employment" and 18.5% choosing "nuclear power and energy problems". "Gubernatorial elections, the situation at the start of the campaign: Masuzoe in the lead, closely followed by Hosokawa and Utsunomiya" (Tochiji-sen - joban jōsei Masuzoe-shi ga senkō Ou Hosokawa, utsunomiya shi - Mainichi shinbun seronchōsa), *Mainichi shinbun*, 25 January 2014.

term³⁰. This strategic ambiguity meant that the issue of nuclear power did not clearly differentiate the candidates. In addition, Koizumi and Hosokawa were not able to expand the issues of the Tokyo campaign to a national level as none of the major parties has taken a clear position on the issue. While the Liberal Democratic Party supports restarting the power stations, it remained strategically ambiguous during the general elections in December 2012 and the House of Councillors elections in July 2013. It is now counting on restarting some reactors to meet summer power consumption peaks. None of the opposition parties have responded by clearly rejecting nuclear energy, a step which would have divided opinion and attracted media interest. The Democratic Party of Japan (DPJ) is mainly opposed but remains internally divided, as does the Japan Restoration Party (*nippon ishin no kai*), while the Kōmeitō has not expressed strong opposition to using nuclear energy due to its current partnership with the LDP. However, despite this unfavourable situation, both Koizumi and Hosokawa could have made nuclear power the key issue of this campaign. Unfortunately, they did not achieve sufficient levels of media visibility to do so.

The Conservative Neutrality of the Press

The visibility of their campaign was particularly hampered by the fact that it started late and without significant grass-roots support³¹. Masuzoe and Hosokawa essentially declared themselves candidates one after the other, around one month before voting took

³⁰ “Win by Anti-Nuclear Candidate Could Affect Japan’s Policy to Restart Idled Reactors”, *Mainichi shimbun*, 24 January 2014.

³¹ “Gubernatorial election, Hosokawa’s ‘lack of preparation’ and the ‘zero nuclear’ miscalculation” (Tochiji-shen Hosokawa-san ‘junbi fusoku’ ‘Genpatsu zero’ fuhatsu), *Yomiuri shimbun*, 10 February 2014.

place³². With such little time, Hosokawa and Koizumi’s position was not strong enough for the campaign battlefield, and they were not able to push their single subject to the top of the media agenda, despite Koizumi’s experiences in 2005 with the privatisation of the post office. That situation was somewhat different as Koizumi dominated Japanese political life at the time, which enabled him to dissolve the House of Representatives, thereby “neutralising” the issue of privatisation. In 2014, other local issues raised previously during the campaign - such as the award of the 2020 Olympic Games to Tokyo - were already likely to affect the election, to the detriment of the nuclear issue.

Although it may not seem like enough to run a campaign by taking a prominent position on one single subject, this is a natural Japanese electoral practice. Descriptions within the written³³ and televised³⁴ press in particular, tend to allocate one key idea to each candidate in order to ensure the competition remains understandable and to present candidates unambiguously, without highlighting any troublesome issues.

³² “Masuzoe to Run for Tokyo Governor”, *The Japan Times*, 9 January 2014. “Gubernatorial election, former Prime Minister Hosokawa will commit and collaborate with former Prime Minister Koizumi” (Tochiji-shen Hosokawa moto shushō no dōkō chūmoku Koizumi moto shushō to no renkei fujō), *Yomiuri shimbun*, 10 January 2014.

³³ See, among others: Iwase Tatsuya, *Why Japanese newspapers are uninteresting* (Shimbun ga omoshirokunai riyū), *Kōdansha bunko*, 2001.

³⁴ Hagiwara Shigeru and Fukuda Mitsuru demonstrated the difference between newspapers and television by studying the Tokyo campaign in 1999. They found that television focused more on the competition between candidates (political games) while newspapers reported more on the content of policy proposals. See Hagiwara Shigeru and Fukuda Mitsuru, “Electoral Information on Television” (terebi ni okeru senkyō-hōdō), in Hagiwara Shigeru (ed.) *The changing face of information and the media* (Henyō suru media to nyūsu-hōdō), 2001.

This is due to the policy of "neutrality" adopted when producing information³⁵. The truth is that the tenets of Japanese journalism restrict reporting and editorial articles. Text and images must not be presented with any bias by journalists, nor must it be possible to use them for any propaganda. Due to the strictly professional, and even repetitive, nature of the articles, readers of Japanese editorial newspapers (*Asahi*, *Yomiuri*, *Mainichi*, *Nikkei*, *Sankei*, etc.) are less exposed to clearly expressed ideological points of view than their French counterparts. In addition, politician participation in campaign meetings tends to be short (around fifteen minutes) and mainly focused on presenting the candidate and their main idea, rather than giving long speeches that describe projects in great detail. The press can then only extract a few phrases without misinterpreting the facts.

This neutrality is conservative as it hampers differentiation through electoral marketing³⁶. The high level of simplification and the smoothing that occurs for each candidate favours already strong politicians: in the present situation, following Abe Shinzō's return to power at the end of 2012, this means politicians supported by the LDP. The Japanese media have therefore ensured that nuclear power remains one problem

among many, revealing that there is no media leverage without significant political leverage.

The Liberal Democratic Steamroller

Koizumi and Hosokawa, the 2014 *outsiders*, were lacking this leverage. However, the election revealed once again that political parties are currently weak. During this particular campaign, all the candidates canvassed as "independents" (not officially representing any party). This is an escalation of a choice already noted during the previous gubernatorial elections: Ishihara Shintarō stood as an "independent" candidate from 1999 to 2012, as did Inose Naoki³⁷. As the political parties weaken, they are happy to support the most plausible candidates without recruiting them from within their own ranks. Masuzoe, a popular candidate before the campaign started, was careful to announce his candidacy earlier than expected in order to pre-empt the political parties and appear independent³⁸. Although the Democratic Party of Japan (DPJ) was initially going to support him, they decided to support Hosokawa once he announced his candidacy. For its part, the LDP supported Masuzoe as he was more likely to beat the "threat" of Hosokawa³⁹.

³⁵ A policy enshrined in the "ethical journalism code". The press must follow three principles designed to guarantee their independence, which can all be interpreted to mean "neutrality" in English: "fuhēn" (impartiality or neutrality), "futō" (non-participation) and "chūritsu kōsei" (neutral and fair). Feldman Ofer, *Politics and the News Media in Japan*, The University of Michigan Press, 1993. Takeshita Toshio and IDA Masamichi, « Political Communication in Japan », in Willnat Lars et Aw Annette (dir.), *Political Communication in Asia*, Routledge, 2009.

³⁶ Electoral marketing includes all communication methods (verbal and non-verbal) used by candidates to differentiate themselves from their opponents during an electoral campaign.

³⁷ Inose Naoki is a writer, essayist and journalist born in Nagano in 1946. During the 1960s, he led the local section of Zenkyōtō, a radical student union. The author of publications criticising the operation of Japanese public corporations and denouncing their relationships with various ministers, Inose was also an advisor to Koizumi Junichirō as well as Deputy Governor of Tokyo (appointed by Ishihara Shintarō) from 2007 to 2012. Elected as Governor of Tokyo in December 2012, following the departure of Ishihara, he was forced to resign due to a financial scandal linked to the funding of his electoral campaign.

³⁸ "Why Masuzoe Joined Race Early", *The Japan Times*, 10 January 2014.

³⁹ Tokyo Gubernatorial Race Incongruous for Blowing 'Denuclearization' Trumpet", *The Japan Times*, 14 January 2014.

This was a surprising decision as Masuzoe left the party in 2010 following his announcement that the "historical mission of the Liberal Democratic Party [was] finished". He then joined the Reform Club (*kaikaku kurabu*) and alienated a section of the LDP, before leading the club, renamed the New Reform Party (*shintō kaikaku*)⁴⁰. Finally, Masuzoe did not start out as a professional politician. A researcher in international relations, he became known as a political adviser to the television programme "TV Tackle", produced by Kitano Takeshi.

Since its landslide victory in the general elections of December 2012 (alongside a crushing defeat for the DPJ), the LDP - historically linked to the "nuclear village" (*genshiryoku mura*)⁴¹ - has dominated with no credible opposition due to recent developments within Japanese politics. In fact, the main conservative party dominated the political landscape from its creation in 1955 to its temporary eviction in 1993. A reform of the voting system was then approved so that Japan changed to a first-past-the-post majority voting system that was meant to encourage rotation, in accordance with Duverger's famous law. This initially worked: the DPJ progressively absorbed the opposition until the LDP was beaten in 2009⁴². However, the Japanese public was quickly disappointed by this disparate coalition. Its fall from power at the end of 2012 means that the LDP stands alone against dual left and right-wing opposition. The left of the political spectrum is dominated by the

⁴⁰ "Masuzoe Quits LDP to Form New Party", Daily Yomiuri, 23 April 2010. "Ex-minister Making Waves", *The Japan Times*, 18 January 2010.

⁴¹ The expression "nuclear village" is used to mean a network of institutions linked to the construction and development of nuclear power stations in Japan. The village includes local government and companies as well as the press, universities and even mafia organisations.

⁴² Reed Steven, "Duverger's law is working in Japan", *Senkyō kenkyū* (Electoral Studies), n° 22, 2007.

DPJ while right-wing populism is represented by the Japan Restoration Party (*nippon ishin no kai*) founded by Hashimoto Tōru and Ishihara Shintarō. However, the DPJ has been discredited since its failure in government and has lost much of its political power due to various defections⁴³. This has allowed small opposition parties to flourish, contributing to the current splintering of political power. As a result, whatever happens, the LDP seems to have settled back into power, regardless of its reputation or the popularity of its Prime Minister in the polls.

In this context, the conservative party resembled an electoral steamroller during the Tokyo campaign. Despite expectations, the 1994 electoral reforms did not destroy the clientelistic networks of support groups (*koenkai*) that help elected officials get re-elected. Although their influence has diminished, well established - often conservative - candidates still use these networks today⁴⁴. Analysing social networks has helped to quantify the occupation of media space more clearly. According to an article in the *Huffington Post*, it would seem that the LDP is the only party able to distribute election-related information on a massive scale⁴⁵. In total, the LDP network distributed its election information across 447 platforms, in contrast to Watanabe Yoshimi's Your Party (*minna no tō*) who were able to harness 94 platforms and the DPJ who accessed only 59 platforms. In these conditions, it is not surprising that support from the LDP guarantees good results in major elections.

⁴³ Particularly Ozawa Ichirō, who left to form the People's Life Party (*seikatsu no tō*).

⁴⁴ Krauss Ellis et Pekkannen Robert, *The Rise and Fall of Japan's LDP*, Cornell University Press, 2011.

⁴⁵ "Illustrating the organisation of party support for candidates during the 2014 Tokyo gubernatorial elections" (2014-Nen tochiji-sen kōho-sha o sasaeta Tōkyōtonai no kaku seitō shibu soshiki o gurafu-ka suruto), *Huffington Post* (Japan edition), 25 February 2014.

Resigned Voters

Koizumi and Hosokawa not only had to face the unchallenged domination of the LDP, they also had to deal with voter apathy. Participation rates were at 46.14%, their lowest since 2003⁴⁶. This drop in rates is particularly striking as it occurred in a local election, usually considered to be a useful expression of local democracy against a centrally directed State that has been managed almost constantly by a single party during the post-war period⁴⁷. However, the Tokyo campaign was unable to drum up interest among local residents, and particularly younger voters. A poll by the *Asahi shimbun* revealed that even Hosokawa only obtained between 11% and 15% of the vote from twenty and thirty year olds respectively, which put him fourth in these two age groups⁴⁸.

The results of this poll illustrate the two main trends among Japanese voters: an ageing population and a growing indifference among young people. This new trend is based on the fact that young voters are increasingly likely to vote for nationalist candidates - Masuzoe, in this case, but also Tamogami Toshio and Hashimoto Tōru in Osaka - whose previous support was largely taken from an older demographic. Furthermore, their participation in elections has consistently decreased since the 1980s, whereas the number of "floating" voters (with no party affiliation) has

tended to increase⁴⁹. The end result is that these undecided voters are now determining election results. A poll published by the *Yomiuri shimbun* revealed an almost even distribution of these voters between Masuzoe, Hosokawa and Utsunomiya⁵⁰. The article also reveals that there were similar levels of support for the three main candidates but that the floating voters who chose Masuzoe were more concerned with well-being, while those who voted for Hosokawa considered nuclear power to be the more important issue⁵¹. The electoral base for Koizumi and Hosokawa was, therefore, very reliable.

Voter apathy, which favours the LDP, can be interpreted as a result of the limited electoral choices offered. Moreover, voters are under the impression that the "game"

⁴⁹ See, among others: Bouissou Jean-Marie et Pombeni Paolo, "Grandeur et décadence de la 'partitocratie redistributive régulée'. L'évolution du système politique au Japon et en Italie depuis la guerre", (The Rise and Fall of 'Regulated Redistributive Partitocracy'. The Development of Political Systems in Post-War Japan and Italy) *Revue française de science politique*, n°51, vol.4, August 2001. Tanaka Aiji, "The Rise of the Independent Voter", Asia Program Special Report, n°101, February 2002. Krauss Ellis and Nyblade Benjamin, "Presidentialization in Japan? The Prime Minister, Media and Elections in Japan", *British Journal of Political Science*, n°35, 2005.

⁵⁰ 29% of these supported Masuzoe, 26% supported Hosokawa and 26% supported Utsunomiya. "Gubernatorial election, voting exit poll, 29% support from independent voters, healthcare and well-being at 20%" (Tochiji-sen deguchi chōsa mutōha 29-pāsento ga shiji iryō fukushi jūshi 20-pāsento), *Yomiuri shimbun*, 10 February 2014.

⁵¹ Candidate ranking: 20% support for "well-being and aging", 18% for "economy and jobs" and 17% for "nuclear power and energy problems". Among those who voted for Masuzoe, 34% chose well-being as their main concern, while 62% of voters who supported Hosokawa were focused on nuclear issues. "Gubernatorial election, voting exit poll, 29% support from independent voters, healthcare and well-being at 20%", *op. cit.*

46 The rate was 62.6% in 2012, 57.8% in 2011, 54.35% in 2007, and only 44.94% in 2003. <http://www.senkyo.metro.tokyo.jp/h26chijisokuho/index.html>.

47 SCHEINER Ethan, *Democracy without competition in Japan. Opposition Failure in One-Party Dominant State*, Cambridge University Press, 2006, chapter 5. KANAMARU Yuji, "Local Network Parties in Japan", speech presented at the 20th IPSA Conference in Fukuoka, 2006.

48 "Koizumi's Theater Politics Comes to End in Japan", *Dong-A ilbo daily*, 11 February 2014.

has been won in advance and that the "real decisions" are made outside the electoral process. By December 2013 the LDP was only supporting Masuzoe, after having considered several internal candidates, including Ishihara Nobuteru, Koike Yuriko, Katayama Satsuki and Higashikokubaru Hideo⁵². In this respect, at least Hosokawa's candidacy offered a potential alternative, although it was not enough to stop voters feeling the stagnation of the political landscape. The high number of so-called fringe candidates (destined to become well-known without being able to win) is very likely linked to this feeling of stagnation. Candidates from local micro-parties focused on a single issue or section of the electorate that do not offer global, structured social projects include Kazuma Ieiri, representing start-ups, Nakamatsu Yoshirō, known as "Doctor Nakamatsu", a Japanese television celebrity (*talento*), and Akasaka Mac (Makoto), candidate for the Smile Party (*sumairu tō*), a Japanese version of *positive attitude*⁵³. Nationally, the strange Grandmother's Party (*obāchan tō*) can also be included in this group.

The Japanese Political Cycle

In conclusion, it is clear that Koizumi and Hosokawa were expected to fail. Opinion poll results consistently predicted this outcome. Within the national political context, Masuzoe's easy victory raises issues surrounding the consolidation of LDP control over Japanese political life, although this is masked by the apparent proliferation of small parties and is in

⁵² Around a month and a half before the vote, Masuzoe implied he would not present himself for the election and rumours mentioned Koizumi as a potential LDP candidate. See "Tokyo Election Board Picks Feb. 9 for Governor's Race", *The Japan Times*, 26 December 2013.

⁵³ These last two previously presented themselves to the 2012 gubernatorial elections. Akasaka Mac is a follower of smile therapy: <http://smileparty.info>.

spite (or because) of the growing indifference of the Japanese public to national and local elections. A political landscape saturated by the LDP electoral machine and the ideological confusion caused by the proliferation of micro-parties was enough to ensure that, as long as Masuzoe avoided any scandal, he would be able to win. Luckily for him a statement he made in 1989 (!) that was brought up during the election, in which he declared that women were unable to govern due to their periods, did not have any negative effect on his campaign⁵⁴.

Finally, the advancing age of the two protagonists highlights a lack of renewal in the political landscape. Japanese politics seems to be characterised by regular swings against the majority. Following the collapse of the speculative bubble at the end of the 1980s, a coalition of eight parties - called the New Japan Party (*nihonshintō*) - was needed to take power away from the LDP. Built around a disparate group, the coalition only survived for ten months. Then, following the electoral reforms of 1994, the DPJ managed to combine with all the opposition parties before finally removing the LDP from power in 2009. However, again, as a disparate group, the party lost power in 2012. Given the currently fragmented nature of the opposition and the general public's growing indifference, can this cycle be repeated for a third time? It seems that, for now at least, the LDP is not under threat, particularly as the next general elections will only be held in 2016. For the medium term, it is difficult to pinpoint which of the political parties would be able to compete with it, as illustrated by the defeat of Koizumi and Hosokawa.

⁵⁴ See "In Japan, Women Launch Sex Strike to Protest Yoichi Masuzoe, Tokyo Governor Candidate", *Huffington Post*, 2 February 2014.

3. Interview with Ishiba Shigeru and Tamura Shigenobu,

"Progress in information transparency with the law on protecting specific secrets" ["Himitsu hogo hō" de jōhō kōkai wa susumu], *Will*, February 2014, p. 44-55. Translated from the Japanese source by Amélie Corbel.

Ishiba Shigeru, Secretary-General of the Jimintō (LDP, Liberal Democratic Party), was elected to the House of Representatives for the first time in 1986, at 29 years of age. Director-General of the Defence Agency under Koizumi Junichirō (2002-2004), he became Minister of Defence under Fukuda Yasuo (2007-2008) then Minister of Agriculture, Forestry and Fisheries under Asō Tarō (2008-2009), before being appointed to the role of Secretary-General of the Jimintō in 2012. An active participant in military and national security issues, he is enthusiastically supports a review of Article 9 of the Constitution. During the recent discussions surrounding the draft law on protecting specific secrets, he attracted attention for his statement comparing protests around government buildings to "acts of terrorism" (December 2013). Assistant to

the Political Affairs Research Council of the Jimintō, **Tamura Shigenobu** also teaches at the law faculty of Keiō University. He has written several books on the Constitution and Japanese defence policies.

After discussing the political implications of the Chinese decision to create an Air Defence Identification Zone in the China Sea, Messrs Ishiba and Tamura spoke of the interests and limitations to the recently formed "Japanese NSC [National Security Council]" before mentioning the law on protecting specific secrets.

Mr Tamura: [...] The draft law on protecting specific secrets is particularly significant as a measure to prevent any important information from abroad from being leaked.

Its opponents criticise the law by claiming that it is a "return to the pre-war Peace Preservation Act" (*Chian iji hō*) or by asking if "Japan is looking for war". Newspapers published on 7 December, the day after the draft law was adopted, were actually presenting information in an unusual manner, as if war was about to break out.

Mr Ishiba: Yes, I was particularly surprised by how the information was portrayed. I absolutely do not understand why they presented the information in this manner. However, I recognise that, perhaps, we should have anticipated this type of reaction from the press while we were working towards adopting of the draft law.

Misunderstandings surrounding the "law protecting State secrets"

Mr Tamura: Every day, at the Jimintō headquarters, we receive many requests for information from the general public in relation to the law on protecting specific secrets. The other day, I spoke on the telephone with a housewife who was asking me, with a hesitant voice, if "[she] could be subject to sanctions". Many people are still misunderstanding this draft law.

Mr Ishiba: I believe we should address these misunderstandings and continue to carefully explain the details of the law. It is based on very simple principles. Firstly, people should know that the "secrets" targeted by the law on protecting specific secrets already exist within the Ministry of Defence, the Ministry of Foreign Affairs and the police force. People who deny that there is a need to keep information secret within these organisations are out of play before the discussion has even started. The penalties for disclosing (voluntarily) the same secret vary according to which Ministry the civil servant works for: there is a maximum five year sentence at the

Ministry of Defence, and a one year sentence at the Ministry of Foreign Affairs.

Information sharing suffers and we have seen a situation develop where disparate pieces of information from each Ministry (and agency) are passed on or, on the contrary, not passed on to the Prime Minister's office. This is an extremely dangerous situation for a country.

For this reason, the first thing we propose to do is define standard criteria for these secrets and call these "specific secrets". For example, going back to the situation with the pictures of the Chinese fishing boat off the Senkaku islands⁵⁵. Although, personally, I don't believe these images can be classified as "specific secrets", it is true that following the adoption of the law on protecting specific secrets, the criteria for classifying secrets, rules relating to the removal of that classification, and the subsequent responsibilities that would be linked to these secrets will all be made clearer. We should then be able to build a system that stops the government of the day taking arbitrary action and does not support cover ups.

Mr Tamura: One of the benefits [of the law] is that it will help make information more transparent.

Mr Ishiba: Yes, precisely. There is no basis for the criticism that "the right to know will be infringed". From now on, we will have to work with the general public to ensure they have

⁵⁵ This relates to the incident on 7 September 2010, during which a Chinese boat that was fishing off the Senkaku islands collided with a Japanese patrol vessel that had approached to ask it to leave the area. According to coast-guards, the Chinese boat then collided with another Japanese vessel forty minutes later. On 5 November, supposedly secret videos of the accident held by the Japanese authorities were published to the Internet by a coast-guard, showing the Chinese boat deliberately colliding with the Japanese coast-guard vessel.

a better understanding of the law. In fact, contrary to what some people have implied, this law will increase, rather than decrease, the number of opportunities to provide the general public with information to which they are entitled.

And then, Tanaka Makiko, former Minister of Foreign Affairs, was able to disclose the evacuation location used by the President of the United States and State Department officials shortly after the terrorist attacks of 11 September. It is obvious that this kind of leak left the United States feeling confused and convinced them not to trust us with strategic information. Standards (of confidentiality) are, however, defined for Cabinet members, particularly for Ministers, Deputy Ministers and Secretaries of State. However, in this situation, although a violation was recognised, there were no consequences.

Mr Tamura: In the draft law on protecting specific secrets, "each Cabinet Member will define those people who may be informed of State secrets. In addition to Ministers, Deputy Ministers, Secretaries of State, the Assistant Secretary-General and the Deputy Prime Minister, the definition can include any State civil servant who has been specifically approved by decree". Should the latter allow a specific secret to be disclosed, they will be subject to a maximum sentence of ten years in prison and a maximum fine of ten million yen.

Mr Ishiba: When I was working at the Defence Agency or the Ministry of Defence⁵⁶, it was common for information discussed internally to be mentioned in the newspapers within several days. I began to have serious doubts about the system of protecting information, to the extent that reading the papers in the mornings was frightening.

⁵⁶ In 2007, the Japanese Defence Agency became the Ministry of Defence.

When we sent the Self Defence Forces to Iraq, I wanted to check the situation on the ground, in order to better understand the reality and to encourage our troops. Three times, we drew up inspection plans in the greatest of secrecy. Each time the information leaked: it was distributed across the media and we were unable to execute our plans. The third time, we didn't leave anything to chance: I can't tell you anything about the content, but we prepared the schedule as carefully as possible, almost as if we were in a James Bond film. The day before departure, I was watching the 6 o'clock news on the NHK channel when the presenter announced that "Al Jazeera [had just] announced that Mr Ishiba Shigeru, Director of the Defence Agency, [was due] to go to the Samawah region of Iraq", on this month, this day. Why was there a leak? And how did it get to Al Jazeera? Honestly, I was astounded (...).

In the end, we were unable to identify the person leaking the information or their intentions. Although which parts of the trip schedule for the Director of the Defence Agency should be classified as State secrets remains to be defined, it is clear that there was no effective deterrent to stop anyone leaking out the information. Far from it.

If something had happened to me, it is - I believe - a risk of the job. But, suppose there had been an impact on the activities being carried out on the ground, that something had happened to the troops or to a foreign country? These are risks that we could not take, and for this reason, the inspection visit was cancelled. Although this was the right decision, I was disappointed.

During all my years as Director of the Defence Agency and then as Minister of Defence, I asked my self repeatedly how this information could have leaked out. I suffered disappointment after disappointment.

These leaks have a negative impact on our relationships with foreign countries, particularly with the United States. When we asked them to share information about their travel plans, several times the person in charge would say: "Why would we tell a country who isn't fighting by our side?" Or: "Why tell the truth to a country where information is immediately passed on to the general public?"

If satellite images provided by the United States were leaked to the general public, everyone would be aware of the analytical capabilities of Japan and the United States. This is particularly dangerous given the amount of key, sensitive, information available on submarine movements.

In order to defend the independence of our country and to protect the lives and property of our citizens, there is information that a State should never reveal; it is that country's duty to ensure that the information remains secret.

The current draft law aims to define the concept of a specific secret, who is able to keep these secrets and to provide a deterrent against criminal disclosure. It does not involve ordinary people. The information surrounding this issue has been biased and processed superficially [by the press] to the point where I have been repeatedly attacked. However I would like them to tell me how this law affects ordinary citizens.

A small number of requests for direct television appearances

Mr Tamura: Prime Minister Abe has clearly explained to the Diet that "specific secrets" would only involve information that needs to be kept secret and relates to defence, foreign policy, "preventing dangerous activities" and preventing terrorism.

Mr Ishiba: Yes, but the press did not pay attention to this. Live programmes [aired] on television are the only ones to give us the possibility to explain the situation clearly. However, even if we take the time to explain ourselves during these direct programmes, we know that the news programmes will not mention it during the few minutes they allocate to the subject. Lately, requests to attend live programmes have been rare.

Mr Tamura: Is that because you are explaining things convincingly to the general public and they don't like it? Anyway, it is true that we haven't seen much of you during live programmes, so much so that we wondered if it wasn't intentional. In contrast, academics and intellectuals that oppose the draft law have been very well represented on these programmes and their comments are widely reported in the press.

Mr Ishiba: Previously, when sending troops to Iraq was controversial, I was invited to appear on "News 23", produced by TBS, and the presenter, Chikushi Tetsuya, maintained that "deployment to Iraq was unconstitutional". Well, because I won that debate, I was never invited back to their show! [Laughter].



4. Interview with Murai Tomohide,

"Anti-Japanese manoeuvres, espionage... Japan devoured" [Tainichikōsaku, chōhōkatsudō...kuimono ni sareru nihon], *Chūō kōron*, December 2013, p. 88-95. Translated from the Japanese source by Antonin Francesch.

Born in 1949, **Murai Tomohide** is a graduate of the University of Tokyo (1978) and was a Visiting Scholar at the University of Washington (1978-1981). Lecturer then, since 1981, Professor of International Relations at the Japanese National Defence Academy, he became its programmes director in 1995. He specialises in the analysis of security issues in South East Asia. His publications include the following two books: *Chinese Politics and International Relations* (University of Tokyo Press, 1984), and *Essence of Failure: Organisational Study of Japanese Military Forces* (Diamond, 1984).

Without a counter-espionage law it is impossible to participate in the global information war.

Chūō Kōron: The parliamentary debate on the draft law on protecting specific secrets has started. What is your opinion of this law?

Mr Murai: In Japan, it is essential that we ensure information is not leaked. To this end, we need to create a system to protect secrets. For this reason the start of a parliamentary debate on the issue is a good thing. Personally, I think it is normal that we do what other countries in the world are doing regularly. It is usual to have counter-espionage laws that prevent spying and espionage perpetrated by other States. Without this type of law, it becomes impossible to defend

the country, which is why an *ad hoc* law was created. There is no democracy in which the right to information does not create problems. However, normal countries have weighed up the disadvantages and limitations to the public interest that are the result of information leaks and have concluded that these are so severe that legislation needs to be put in place. I wish that those who have doubts about this counter-espionage law would refer to the decisions made by various other countries with similar legislation.

Chūō Kōron: If the future law on protecting specific secrets is approved, will the situation change significantly? There are limits when standing up to a large country like China. It is said that the American army is currently hesitant to share information with Japan because of the difficulties the country has with regard to protecting State secrets. Will we be able to share more information with the United States in the future?

Mr Murai: True. Although I don't think that adopting the law will be enough. I have mentioned this before, if we do not improve Japanese awareness of protecting information, we will not be able to resolve the issue once and for all. Information leaks, such as providing industrial secrets to a rival country, even if these are by an individual to achieve personal gain, have negative repercussions on the national interest and on many Japanese citizens. It is important to develop this sense of awareness, not just to help with anti-espionage.

Chūō Kōron: Within private companies, it seems that people involved in technological development are not particularly aware of this? Is this the case?

Mr Murai: For China or Russia, Japan represents a treasure chest of technology that could be applied militarily. However, because

our awareness of these issues is limited, we naively try to export high technology products used by everyone. Would it not be useful to raise awareness by providing "security and information education"?

Following its defeat, Japan turned its back on any teaching relevant to war and removed them from its areas of learning. However, in times of peace as well as in times of war, there are common values that match moral rules such as courage and self-sacrifice. The same applies to information. However, these subjects were all removed from the education system as they related to war. So, values of "kindness" were the only ones kept during the post-war period, with no corresponding idea of self-sacrifice and continuing denial of the possibility of espionage. I would like to highlight that "ordinary countries" across the world did not go through this ideological break and, even during times of peace, they push the importance of these values and teach the value of information.

Only an information war can address this reversal of the balance of power.

Chūō Kōron: What do you think of the "Japanese NSC⁵⁷" project that Prime Minister Abe wants to set up?

Mr Murai: A little earlier, I mentioned that "China stokes or calms tensions with Japan according to its internal situation", in other words, it puts highlights or masks issues from a selection of options. China has its own foreign policy. The aim of the Japanese NSC would be to promote security and diplomatic measures designed within a "100% Japanese" system: for example, with reference to a strategy for China, coming up with several realistic options and implementing some of these.

⁵⁷ Translator's Note (from Japanese): The reference to the American National Security Council was left as is.

Regardless of whether information experts argue loudly that "everyone's fate depends on information", even if a system is well established, we will achieve nothing if an appropriate budget is not also provided. The NSC could make information activities a priority within the national strategy. I would like the NSC to be formed as soon as possible so that the debate on information can start.

Chūō Kōron: According to a poll carried out by the Jiji press agency in September on the law on protecting specific secrets, 63% of respondents believed it was "necessary". If we draw parallels with 1985, when a draft law on counter-espionage was rejected because of strong public opposition, can we say that the modern Japanese public is beginning to understand its importance? Trends in public opinion are definitely changing.

Mr Murai: I believe that the main reason that Japan has neglected the information war with China until now is that we, wrongly, believed ourselves to be in a favourable position across all areas. Since the beginning of the 20th Century, Japan has attacked unilaterally. It was militarily superior and, in the post-war period, it benefited from a certain amount of manoeuvrability due to its economic power. In contrast, while China had to give way to Japan in terms of power, it turned to an information war, using whatever methods it could.

Chūō Kōron: The propaganda used before and during the Second World War was part of this strategy. As Japan has so often experienced, to its cost.

Mr Murai: Today, the balance of power between Japan and China has been reversed. To continue to exist as part of the Asian continent, we have to reinforce our position in this information war. Previously, we addressed the anti-Japanese methods

used by journalists and researchers. Those who obeyed the will of the Communist Party are strong and talented. However, when you deal with them, you get a sense of unexpected frailty. After having lived in an exclusively sanitised environment, it's as if they did not have any resistance... Even the general public has no experience of being personally exposed, listening instead to the various opinions of the extreme right and the extreme left.

Chūō Kōron: As you mentioned, education is key.

Mr Murai: I think so. When you look at university lectures across Japan, you notice that "irenology"⁵⁸ is very common, in contrast to "polemology"⁵⁹. In order to avoid conflict, it is necessary to study war and military issues; focusing only on an analysis of peace is not particularly realistic. It is time for the general public to discuss the current state of our education system. The Latin proverb "If you want peace, prepare for war" (*Si vis pacem, para bellum*) is still partly true today. I am repeating myself, but first we need to create a counter-espionage law. To save a Japan that is severely affected by leaking secrets, we must turn to drastic measures and accept their side effects. There is no cure without compensation. Japan will not survive without intervention. I would like the general public to understand this.

⁵⁸ Translator's Note (from Japanese): the study of peace.

⁵⁹ Translator's Note (from Japanese): the study of war.

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