

Briefing Memo

Proposal on Strengthening Foreign Intelligence Collection

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Preface

The kidnapping and the murder of Japanese citizens by the Islamic State extremists that occurred between January and February 2015 in Syria sent shockwaves throughout Japan. There was also a terrorist attack in Tunisia in March that resulted in deaths and injuries to a total of 70 people, including six Japanese. In reaction to these terrorist attacks overseas, there are growing demands from the public to enhance the counter-terrorism measures, including the reinforcement of intelligence gathering activities. Moreover, the strengthening of counter-terrorism measures both within Japan and in cyberspace is also becoming a pressing need as Japan awaits the 2020 Tokyo Olympics.

Nonetheless, the reinforcement of intelligence gathering activities has been a theme that has been repeatedly discussed before. In recent years, it was mentioned in the “National Security Strategy” announced by the Japanese government in December 2013. Furthermore, the “Project Team for the Evaluation of Intelligence and Security” of the Liberal Democratic Party have been holding meetings since March of this year, and decided to begin discussions with a view to strengthen the foreign intelligence gathering activities of the government.

In the past, discussions on intelligence gathering came to nothing. This was attributable to various issues that arose when it came to the actual execution of the reinforcement of the foreign intelligence gathering. The fundamental issue was awareness about the purpose of the reinforcement of the gathering. Specific discussions were slow to materialize due to the need for a new institutional design and the anticipation of the accompanying intensification of the rivalry between the ministries, public outcry, etc.

However, since the synchronized terrorist attacks in 2011, more and more Japanese citizens are being affected by terrorist attacks overseas and, while protection systems for Japanese citizens who are located overseas are gradually being established, there is a pressing need for the reinforcement of overseas intelligence gathering for peace preservation and on terrorism. Furthermore, with the deployment of the Self-Defense Force overseas, intelligence gathering in the field remains as an issue. With the establishment in December 2013 of the Japan’s National Security Council (NSC), which discusses foreign diplomacy and national security, there was an increasing demand for high quality intelligence for the purposes of policy and strategic planning. This paper discusses on overseas intelligence specifically human intelligence (HUMINT), which is defined as any intelligence that can be gathered from human sources.

The Increasing Demand for Intelligence and the Existing State of Japan

The objectives for reinforcing the foreign intelligence collection of Japan can be listed as follows: (1) counter-terrorism measures, (2) protection of Japanese citizens overseas, and (3) contribution to the policy-making and decisions on activities by the government. With regard to (1), counter-terrorism measures are currently conducted by the Security Police and the Public Security Intelligence Agency in Japan, with significant results being achieved. Moreover, concerning intelligence on terrorism overseas in the past, in times of peace the Police Attaché of the embassies of Japan overseas and in times of emergency the Terrorism Response Team (Tactical Wing for Overseas, or T RT-2) of the police had been despatched overseas. However, a International Counter-Terrorism Intelligence Collection Unit was formed under the Ministry of Foreign Affairs, , December 8, 2015. With the creation of this unit, hereafter the collection of information on terrorism overseas has been under the responsibility of the Ministry of Foreign Affairs. The members of the unit consist of not only the staff of the Ministry of Foreign Affairs, but also those despatched from the National Police Agency and the Ministry of Defense , along with the executives who hold the post of the Cabinet Secretariat.

As regards “protection of Japanese citizens overseas” in (2), there may be a considerable overlap with the anti-terrorism intelligence, However, the prominent aspect of counterterrorism measures is prior intelligence collection to prevent terrorism, while the protection of Japanese nationals, on the other hand, involves dealing with incidents after they have occurred. Moreover when incidents occur, while in some cases the Self-Defense Forces will secure the protection and transportation of Japanese staying overseas, it is also necessary to assume the intelligence gathering with reference to the securing of routes and the armament of the terrorists. In this area, in addition to the International Counter-Terrorism Intelligence Collection Unit of the Ministry of Foreign Affairs, there will be a need for intelligence gathering by the members of the Self-Defense Forces who are versed in military intelligence.

“Intelligence concerning policy making and judgment on activities of the government” as in (3) has been a long-pending question. After the Pacific war, Japan has long neglected reflecting on the intelligence in its policies. The main reason for the foreign intelligence not being applied to policies lay within the policy departments among the ministries, and the fact that the intelligence gained at great pains would be sent off to the Prime Minister’s Office intermittently. Whether or not the intelligence would be used was up to the political leaders at that time.

However all this would change dramatically with the establishment of the National Security Council (NSC) in December 2013. The NSC is an organization that was formed to enable government leadership in the formulation of strategy in diplomacy and national security. In addition it is provided in paragraph 2, Article 6 of the Act for Establishment of the Security Council of Japan, that the Chief Cabinet Secretary and the heads of relevant administrative organs are to provide necessary cooperation, regarding matters such as the provision of materials or intelligence and explanation on national security, at the request of the NSC, and the ministries are obligated to meet the demands for intelligence by the NSC.

Although the NSC receives intelligence directly from the ministries, the analysis of the intelligence is performed by the Joint Intelligence Council of the Cabinet Secretariat or the responsible department/bureau in charge of intelligence in the relevant administrative body. The framework is not fully functioning to carry out adequate analysis as there are only seven Cabinet Intelligence and Research Officers in charge of analyzing within the Cabinet Secretariat, so there is a need to establish a system that can deliver high quality information.

The Current Issues of Foreign Intelligence Gathering and an Idea for a Concrete Systematic Implementation

Although we often seem to hear the opinion that Japan should establish an overseas intelligence service similar to the Central Intelligence Agency (CIA) of the United States, there are many problems associated with the establishment of such an organization. Certainly it would be ideal that CIA style organization was set up. However, on a practical basis, it would be difficult for Japanese government officials to collect intelligence considered to be in the “grey zone” overseas. The Ministry of Foreign Affairs of Japan does not permit the issuance of passports under false names, and the possibility of Japanese government officials who do not have diplomatic privileges being arrested overseas would also have to be dealt with. Many other countries have a spy prevention act in place, and therefore if a spy from one’s own country were to be arrested overseas, they could arrest a foreign spy within the country and exchange the prisoners to save their own secret agents. However, this is not possible to carry out in Japan.

Conversely even with the existing framework, if the human intelligence gathering was possible overseas, and moreover, if superior function of the counter intelligence functions such as intelligence security is secured, then there is no longer a need to establish a new organization. The current situation should be evaluated based on matters such as whether the staff in charge of information in the Japanese Embassy overseas can obtain the necessary information from local agents or the government officials of the country where he/she is, and if so, whether there are any issues with the counter intelligence functions. If there are any issues, measures should be worked out, including the development of the new organization.

In the case of Japan, the personnel of the Ministry of Foreign Affairs of Japan (such as ambassadors and secretaries) and the personnel of the Ministry of Defense (such as the military attachés and personnel of the National Police Agency) are stationed in the Japanese embassies overseas, but none of these personnel are in charge of intelligence gathering. Furthermore, there may be information exchange between diplomats and diplomats, military attachés with military personnel and police personnel with relevant police personnel due to their connections. However there are no personnel specializing in intelligence who liaise with the intelligence service of the country they are stationed in. Along this line of thinking, even more important is the establishment of a department specialized in intelligence in the Japanese embassies overseas, thus establishing a counterpart to the intelligence agencies of the other countries.

What is more, the group of personnel that carries out the human intelligence gathering at the embassies should be composed of people who have been dispatched from the intelligence community (Cabinet Intelligence and Research Office (CIRO), Ministry of Foreign Affairs, Ministry of Defence, the National Police Agency or the Public Security Intelligence Agency (PSIA)). These should be people who have received the necessary professional education on intelligence activities and security and who have gained a certain level of experience. Conversely, just because a department specialized in intelligence and specialist personnel has been established, it does not mean that the necessary intelligence will automatically come in. In the world of intelligence, whether the close links will be maintained and reinforced between the intelligence agencies will depend on the relationship between Japan and the country of assignment (for the ambassador). Factors include alliances and cordial relations, and matters of interest regarding politics and security. In addition to this, an important point is how much valuable intelligence we can offer our counterpart, which would be the intelligence agency of the country of assignment. To this end, among intelligence that is shared with the community of the Japanese government, intelligence that is pertinent to the counterpart should be shared in a timely manner with the department specialized in intelligence established in the Japanese embassies overseas.

Moreover, it is crucial to commit our best efforts in delivering the counter-intelligence function (such as the preservation of the intelligence collection and analysis skills) when carrying out human intelligence gathering overseas. For example, when the person in charge of intelligence of the Japanese embassies overseas exchanges intelligence or liaises with Tokyo or other diplomatic establishments abroad, a closed telecommunication network system dedicated exclusively to intelligence services with a high level of maintenance should be utilized. This is an issue to be examined hereafter.

Additionally, when establishing a department specialized in human intelligence in the Japanese embassies overseas, even if the personnel of the said department are of the embassy staff level, it is an open question as to where to locate the headquarters that controls the intelligence activities of these departments. This would probably be in Tokyo. The candidates will probably be the Cabinet Intelligence and Research Office of the Cabinet Secretariat or the Intelligence and Analysis Service of the Ministry of Foreign Affairs. In any event, as an organization of the intelligence community of the Japanese government, it should be managed separately in terms of personnel and expense administration from general diplomacy (administrative) work.

Hiring, education and personnel management are important matters that should be addressed from a medium- to long-term perspective. There is also a need to discuss how to recruit and nurture personnel who are fluent in the language of the country of assignment and have excellent communication skills. With regard to recruiting, the current method of simultaneous recruiting of administrative officials cannot be adopted, and there will be a need for mid-career recruitment. In terms of education, the number of specialist institutions and personnel who can provide professional education within Japan are extremely limited. Therefore, there will be a need to make steady progress going forward on this issue, while working together with allies and friendly nations.

Finally, in democratic states, the lawmaking bodies, such as the Diet, monitor the activities of the foreign intelligence organizations. In our country, to a certain degree there is a need to design the system as regards the checking of the foreign intelligence gathering activities by the National Diet. On this point, isn't it necessary to discuss whether to assign a new role to the Intelligence Monitoring Review Board (a system that monitors specially designated secrets) or to establish a new government committee that monitors the intelligence community?

Conclusion

To a certain degree, it will be possible to reinforce the foreign intelligence gathering function within the current framework by making the most of “people/ goods/ money” and by tailoring operation procedures. However, in order to materialize the “reinforcement of intelligence functions” that is clearly stated in the “National Security Strategy”, the reinforcement of the gathering function concerning foreign intelligence (human intelligence) is essential. I hope that through the sharing of issues that need to be solved, including the matters I have pointed out in this paper, there will be more concrete initiatives aimed at the reinforcement of foreign intelligence gathering functions, from the viewpoint of the entire intelligence community of our government.

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