

Briefing Memo

The purpose of this column is to respond to reader interests in security issues and at the same time to promote a greater understanding of NIDS.

A “briefing” provides background information, among others. We hope these columns will help everyone to better understand the complex of issues involved in security affairs. Please note that the views in this column do not represent the official opinion of NIDS.

Issues and Challenges of the “Japanese NSC”

MATSUDA Yasuhiro

Senior Fellow, 6th Research Office, Research Department

Introduction: Japanese Security Council and Cabinet Secretariat

Prime Minister Shinzo Abe (resigned in September 2007) has proposed creating a Japanese version of the National Security Council (JNSC), modeled after that of the United States, with the role of advising the Prime Minister on security issues. Abe believes this would improve the government’s efficiency in planning, drafting, and coordinating security policies, as well as in managing crises. An advisory panel chaired by Prime Minister Abe to discuss strengthening security functions of the Prime Minister’s Office was formed immediately after the Abe administration took office, raising the likelihood of new institutional reforms.

Japan has already established a Security Council in the Cabinet modeled after that of the US, made up of cabinet ministers closely involved with security matters and chaired by the prime minister. The Special Advisory Committee for Contingency Planning (headed by the Chief Cabinet Secretary) has been set up under the Security Council to study and analyze issues necessary to address situations such as armed attacks. The panel supersedes government ministries in making adjustments during peacetime.

The Cabinet Secretariat takes the leading role when the Cabinet addresses security and crisis management issues, and at the same time also performs the role of secretariat of the Security Council. The Chief Cabinet Secretary serves as the “control tower” for security and crisis

management, under whom the Deputy Chief Cabinet Secretary, the Deputy Chief Cabinet Secretary for Crisis Management, and the Assistant Chief Cabinet Secretary for Security and Crisis Management serve. More than 70 staff members (a fixed number) assist the Chief Cabinet Secretary in security and crisis management issues (the intelligence staff is outside the scope of this report).

It is commonly known that, under the Koizumi administration, the Cabinet took the lead in managing security using the current system. So what are the disputed aspects of the new system, and which points should we focus on in reforming the current system? This briefing attempts to outline the issues and challenges of the Japanese version of the NSC as derived from an analysis of the current system and precedents overseas, and thus provide readers with the ability to form their own judgments.

Issue 1: Putting Policy Decisions in the Hands of the Security Council

The main problem with the current system is that policy decisions are made not by the Security Council, but in Cabinet meetings. The Japanese Constitution states, “The Cabinet, in the exercise of executive power, shall be collectively responsible to the Diet” (Clause 3, Article 66). The Cabinet holds the ultimate right to make decisions in Japan’s executive branch of government, and the prime minister’s decision-making authority is limited. The current Security Council deliberates on important issues regarding national defense and during serious emergencies, and then merely states its views. In other words, in most cases the Cabinet must make a formal decision again after the Security Council has met.

NSCs in countries such as the US that are led by a president are almost all advisory bodies without the authority to make decisions. However, the president makes decisions in these countries, which naturally means that the goal of the NSC is to make policy decisions on security and crisis management issues, for which purpose it functions adequately. In the UK, which has a parliamentary system, Cabinet members with similar briefs typically meet together outside of the full Cabinet in committees. Not only the full Cabinet, but also these Cabinet committees can make decisions. The Ministerial Committee on Defence and Overseas Policy is the UK’s Cabinet committee equivalent to the US’s NSC, and is a decision-making body headed by the prime minister. Accordingly, there is no need to hold a full Cabinet meeting again after the committee meets, as in Japan.

So perhaps Japan does not need a Security Council, and all decisions could be made in cabinet meetings. However, in the current Security Council, the Chief of Staff of the Joint Staff, Self-Defense Force, can participate in meetings and give his views. Japan's Cabinet system is not designed for the participation of the Chief of Staff of the Joint Staff in Cabinet meetings. The current Security Council has the merit of providing a forum in which key Cabinet officials involved in security and crisis management issues can share information with the top uniformed brass.

However, this would not lead to any change in the factor that makes the Security Council an empty shell: the need to hold Cabinet meetings to make the same decisions after the Security Council has met. Unless this issue is resolved, a new Japanese NSC would have the same problem as the current Security Council. This problem could be overcome without revising the Constitution if, for example, the Cabinet decided to give the prime minister or the newly formed NSC decision-making body authority in advance¹. It is also worth considering adding the "Clause 3, Article 66" problem to the list of Constitutional issues nominated by the Abe Cabinet for revision in order to strengthen the functions of the Cabinet.

Issue 2: Organic Operation of Consultative Bodies and Staff Organizations

The Special Advisory Committee for Contingency Planning under the current Security Council is a consultative body that coordinates with government ministries and is made up primarily of Cabinet Secretariat staff below the Chief Cabinet Secretary. However, it should be noted that, as "contingency planning" indicates, this panel does not have a role in the overall coordination of security and crisis management. In the US's NSC, in addition to meetings at the secretarial level (Principals Committees), there are meetings at the under-secretary level (Deputies Committees) and the assistant secretary level (Policy Coordinating Committees) in which any issue related to security and crisis management can be addressed if necessary.

¹ Note: "The Response to Foreign Submarines Navigating under Water in Japan's Territorial Waters and Inland Waters" passed by the Security Council and Cabinet Meeting in December 1996 stated that the Cabinet Meeting had already determined the basic policy and procedures for the SDF: request that a submerged submarine traveling in Japan's territorial waters and inland waters surface, show their flag, and leave. This gave the SDF the authority to respond promptly following decisions of the prime minister without having to request separate decisions through Cabinet meetings for each incident. This approach should be considered as putting the Japanese NSC into effect.

Further, the NSC is not only a consultative body, but also has a powerful staff organization made up of the National Security Adviser and the Deputy National Security Adviser, as well as the heads of executive departments and agencies responsible for specific functions and regions that work under them. As staff members directly responsible to the president, they analyze conditions and draft policy, and at the same time have control over the aforementioned three level committees that coordinate among governmental agencies and departments. Typically the NSC, led by this staff organization, coordinates policy in a bottom-up fashion, but during emergencies such as the events of September 11, 2001, the president takes the lead in making top-down decisions.

As described above, in the Koizumi Cabinet the Cabinet Secretariat accomplished a great deal. This was only possible because beginning in 2001 Prime Minister Koizumi exercised a leadership role and used his authority to plan and frame important policies given to the Cabinet in order to have the Cabinet Secretariat prepare important legislation. The relationship that a newly formed Japanese NSC would have with the current Cabinet Secretariat, which has already functioned in this role to some extent, must be carefully considered.

Issue 3: Establishing Lines of Authority for the “Command Post”

Under the current system, the Cabinet’s function as a “command post” for security and crisis management issues is exercised by the Chief Cabinet Secretary and the Deputy Chief Cabinet Secretary (administrative), but unlike their counterparts in the UK, they are not experts in foreign affairs and security. In the UK, the Cabinet Secretariat comes from the head office of the Committee of Imperial Defence (CID), a body of experts on foreign affairs and security. In Japan’s case, a bureaucrat from the former Interior Affairs Ministry, or its succeeding ministries in the post war period, is typically appointed as the Deputy Chief Cabinet Secretary (administrative) in a completely different tradition than that customary in the UK. Considering that the Chief Cabinet Secretary and the Deputy Chief Cabinet Secretary have to deal with all the important affairs of the government, the responsibilities given to them are too grave for this kind of practice.

If the Special Advisor to the Prime Minister in charge of security, besides the chief of staff, is separately appointed as in the US—in other words, the Special Advisor in charge of security is appointed outside of the Cabinet Secretariat—it is not clear what kind of leadership and

coordination abilities this Special Advisor would have. This is because, according to research, the Chief Cabinet Secretary and the Deputy Chief Cabinet Secretary (administrative) have strong influence over top-level personnel in the ministries, and this was the source of the Cabinet's ability to coordinate policy. Another issue is the extent of the Special Advisor's authority within an executive branch centered on Cabinet meetings if the Special Advisor is not a Cabinet member.

This concern could be resolved if the new "control tower" is a Cabinet official under the Chief Cabinet Secretary and focuses on security and crisis management to assist this busy official. The new control tower post could be taken by someone at the Chief Cabinet Secretary level, the Deputy Chief Cabinet Secretary level, ministerial level, or the Special Advisor, who either is or is not a Cabinet member, but in any case the prime minister will have to make the final decision on how the system is designed.

In addition to this point, the person taking this control tower post must have the trust of the prime minister and have experience dealing with security and crisis management in several ministries.

Issue 4: Reinforcing Personnel Training in Security and Crisis Management

Many of the posts in the US's NSC are political appointments, but in the UK bureaucrats well-versed in policy control security and crisis management staff organizations. Furthermore, the adverse effect of departmentalism in government ministries is much less in the UK compared to Japan. In Japan, the Cabinet Secretariat staff form select enclaves in the ministries, and there is strong criticism that the staff show favoritism to the ministry in which they originated. This is not always the case, but many observers point to the negative effects caused by the departmentalism resulting from the principle of division of administrative responsibilities.

In the US, where political appointments are the norm, many of the NSC staff are university professors and researchers at think tanks with apparent immunity to departmentalism. However, increasing political appointments to overcome the departmentalism in Japan would actually not be that simple. In the US, even university professors are granted security clearances for classified information and can share some intelligence, the same as government employees. These academics work for the government as private citizens, partly share the

same intelligence, and face punitive action if they leak confidential information.

In other words, in the US government activities have extended over into the private sector to create a “security community” going beyond the bounds of the public and private sectors. The public and private sectors share information under strict confidentiality, creating a labor market in which the public and private sectors cross freely. Japan has yet to establish legislation on ensuring confidential information, and the government’s sharing of information on foreign affairs and security with the private sector in particular has been a long-standing issue. Political appointments to private citizens unaccustomed to security and crisis management carry the risk that the organization could not be run. Such a system would be unlikely to succeed unless the government spent a long time sharing information with private citizens and training staff.

Conclusion: Balance between Effective Security and Robust Democracy

Establishing a Japanese NSC and putting it into operation would mean that the government was reinforcing the centralization of authority over security and crisis management. Administrative reforms thus far have frequently led to debates over strengthening the Cabinet’s functions and the prime minister’s functions, partly because of the criticism that Japan’s security and crisis management lacks flexibility and promptness.

As shown by terrorist attacks and ballistic missiles, the threats that society faces today are more diverse, the authority needed to respond crosses multiple ministries, and the lead time is all too short. There is no question that a more efficient security and crisis management system must centralize authority in the Cabinet (or prime minister). Indeed, since the Cold War ended and particularly since the events of September 11, 2001, the world’s major countries have been reinforcing NSC functions.

Nevertheless, centralized authority is a double-edged sword. If a centralized government errs in haste, the problem in need of redressing can even worsen further. Also, if the government centralizes authority, its disclosure obligations toward the Diet and its citizens expand, and the government must also explain its actions to the outside world to avoid triggering anxieties in neighboring countries. Further, Japan must leave precise records of its decision-making process to stand up against a future review of the historical record, as in the US and UK. Finally, in closing I would like to point out that national security is vitally

important for Japan's national interests, but at the same time all possible steps must be taken to prevent democracy from being sacrificed.

Bibliography

Cabinet Secretariat website, available at <<http://www.cas.go.jp/>>.

Defense of Japan 2005, Defense Agency, 2005, available at
<http://www.mod.go.jp/e/publ/w_paper/index.html >.

Hitoshi, Yuichiro, "Nihon ban NSC no kadai: Nihon no anzen hosho kaigi to beikoku no NSC (Issues with Japanese NSC: Japanese Security Council and US NSC)," No. 548 *Chosa to Jyoho*, (*Issue Brief*), 22 September 2006.

Imanura, Tsunao, *Kancho sekushonarizumu (Government office sectionalism)*, Tokyo: University of Tokyo Press, 2006.

Omori, Keiji, "Imakoso Nihon-ban NSC wo (Now for it: Japanese NSC)" *Ronza*, May 2005.

Shinoda, Tomohito, *Kantei gaiko: Seijiteki rida shippuno yukue (Cabinet diplomacy: Political leadership)*, Tokyo: Asashi Shimbun Publications Inc., 2004.

Shinoda, Tomohito, *Reisen go no Nihon gaiko: Anzen hosho seisaku no kokunai seiji katei (Japanese diplomacy after the cold war: the Domestic security policy political process)*, Tokyo: Minerva Publishing Co., Ltd., 2006.

Please contact us at the following regarding any questions, comments or requests you may have. Please note that no part of this document may be reproduced in any form without the prior consent of NIDS.

Planning and Coordination Office, The National Institute for Defense Studies
Telephone: 03-3713-5912
Fax: 03-3713-6149
E-mail: nidsnews@nids.go.jp
Website: <http://www.nids.go.jp>