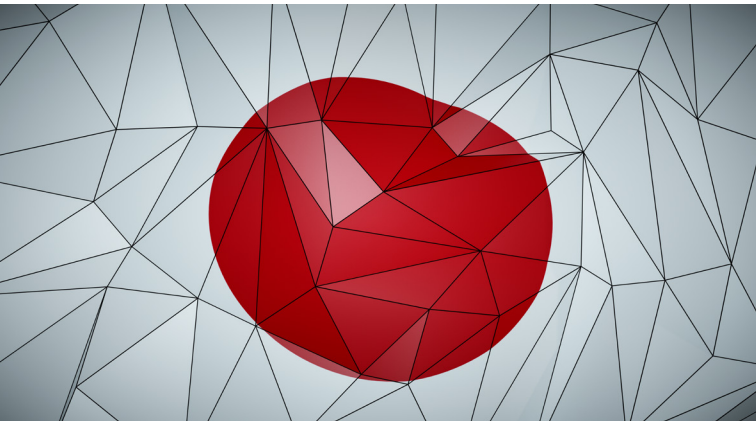


## Policies to Please Political Partners: *The Development of Japan's Intelligence Policy in the 21st Century*



*"Japan should move promptly to adopt the security protections required to make its inclusion in Five Eyes a realistic possibility." Armitage and Nye (2018: 9)*

Taking Australia's intelligence policy development as a case study, Nicholas Fishlock analyzes what steps Japan needs to take in order to effectively reform its intelligence community.

In 2018, Japan was confronted by a series of shortfalls in its ability to make agile decisions based on foreign intelligence gathering and assessment. In its own neighborhood, the state was left out of security discussions between North and South Korea and continued to struggle with Russia's coy behavior towards the Kuril Islands (*Hoppou Ryoudo*). A disputatious United States also butted heads with an unapologetically aggressive China in the economic realm, as territorial tensions continued to tighten in the South China Sea.

Meanwhile, Japan sought to further its international influence through multilateral economic forum leadership and trade agreements, attempting to preserve the rules-based international order as it stood in the late 20<sup>th</sup> century. Japan's intelligence community currently lacks the specialized foreign apparatus needed to inform decisions regarding these existing international dilemmas even as new issues emerge.<sup>1</sup>

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This paper will encourage the reader to consider the likely paths Japan's executive may take in the coming decade in developing its intelligence community. One path presented by the Japan-U.S. relationship is embracing recommendations from allies to better facilitate intelligence liaison, effectively allowing experts from overseas to drive intelligence policy development locally. This paper cites the creation of Japan's Specially Designated Secrets Act (SDS Act) as an example of this model, and how the creation of said Act has stunted elements of local security policy development. The second path in contrast to the first, is

for Japan to encourage a centrally directed intelligence community by expanding and enhancing existing coordination powers of the Cabinet Intelligence and Research Organization to resemble the U.S.' Director of National Intelligence office. This move is popular amongst both Japanese and Western academics from states with similar intelligence structures.<sup>2</sup> It is unlikely that such reinforcement would be performed in isolation, however, and an example of marrying both methods described is explored by observing the often overlooked actions of Australia in reforming its intelligence community throughout the Cold War.

Taking a shared history and intelligence ties between Australia and Japan into account, this paper draws on a period of rapid intelligence policy development in Canberra's history as a case study for improvement. Following demographic changes and the fragmenting of Australia's communist parties, the Australian intelligence community struggled to shift attention to emerging threats of transnational crime and terrorism. It took numerous high profile and public intelligence failures to inspire an overhaul which eliminated redundancies and created new services of oversight to ensure independent intelligence mostly free from partisan political interference. As Japan does today, Australia looked abroad to inform its intelligence policy reform, particularly the U.K., Canada and the U.S. Public interest and changing government in the 1970s ensured the reforms were only loosely based on those overseas superpowers, and oversight and review measures were implemented to encourage future adaptation.

Although there is much to learn from the world's great intelligence powerhouses, this paper aligns itself with contemporary trans-governmental policy transfer literature which cautions that the implementation of such learning is integral to democratic policy representative of local society. Despite the strategic benefits that come from a close relationship with the U.S., this paper asserts that Washington's influence over Tokyo's intelligence policy is a hindrance to positive independent development. After briefly building a context by outlining the current state of the Japanese intelligence community and demonstrating a desire for better foreign intelligence capability, this paper goes on to show the political lengths Tokyo goes to maintain intelligence alliances. The creation of the National Security

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ty Council has optimized security policy reform and has provided a direct link between Washington and Tokyo in diplomatic discussions on security. The SDS Act is raised as a controversial product of this close relationship and the newly streamlined security decision-making method. This paper then presents Australia as a potential alternative policy development model to the U.S.; identifying the nation's experience of developing its intelligence policy during the Cold War through independent analysis and implementation of oversight blended with observation of allied practice.

## The Japanese Intelligence Community and the Search for Foreign Intelligence

For context, this paper will briefly introduce Japan's existing intelligence community, which consists of five core organizations. The limited scale of Japan's foreign intelligence capabilities are often criticized in a globalized geo-political and economic age, and this absence is notable when each organization is studied in turn.<sup>3</sup> The U.S has shown itself most willing to com-

compensate for Japan's limitations here, but as this chapter will demonstrate such reliance on Washington for information is not without its own political shortfalls.

The Ministry of Foreign Affairs' (MOFA) Intelligence and Analysis Service reportedly engages in intelligence gathering overseas insofar that it extends to on-the-ground open source intelligence (OSINT) and diplomatic endeavors, but the Service reportedly acts as a coordinator of analysis within the MOFA instead of being a major intelligence institution itself.<sup>4</sup> The Public Security Intelligence Agency (PSIA; *Kouanchousa-chou*) operates under the Ministry of Justice, and acts as a national intelligence organization akin to Australia's Security Intelligence Organisation (ASIO), providing intelligence assessments concerning counter-terrorism and domestic extremism. Defense Intelligence Headquarters (DIH; *Jouhouhonbu*) answers to the Ministry of Defense and takes care of the intelligence needs of the Japanese Self Defense Forces (JSDF; *Jieitai*), mainly naval and signals intelligence (SIGINT) operations. The National Police Agency's (NPA; *Keisatsu-chou*) Security Bureau is charged with investigating cyber-crime, organized crime and miscellaneous national security-related cases, as well as cooperating with PISA in counterintelligence and counter-terrorism operations. Lastly the Cabinet Intelligence Research Office (CIRO; *Naikakujouhouchousa-shitsu*) was created with the intention of centralizing operations of these organizations under the direct supervision of the Prime Minister, yet it is often accused of lacking the "budgetary or personnel authority" to effectively direct other members of the intelligence community.<sup>5</sup> The Organization is still used as a point of contact with foreign intelligence services as described in earlier, but that role is now shared by the PISA and NPA.

Each of the above organizations operate independent of the other in what is referred to as a UK-inspired "collegial" system, operating in a particular field and largely staying out of each other's way.<sup>6</sup> Academics are quick to note the limited overseas reach of Japan's intelligence apparatus, underscored by the lack of a dedicated foreign intelligence apparatus in contrast to most major global powers.<sup>7</sup> Based on legislative flexibility alone, the NPA has the most freedom to act overseas as an intelligence service, as the Police Law (*Keisatsu Hou*) authorizes international activities beyond local-

ly relevant criminal investigations.<sup>8</sup> Other members of Japan's intelligence community provide a point of contact with partner nations' intelligence wings in a liaison capacity. For example, the DIH trains with and provides signals data to aligned military intelligence arms, and the PSIA works with allies' national security organizations on counter-extremist investigations and participates in exercises. Cheaper global mobility and communications technology, however, have increased the prevalence of transnational crime and connectivity between states. As technology has developed, both the need and expectation for intelligence assessments at short notice has increased as decision-makers demand efficiency of service. Former director of the U.K.'s Government Communications Headquarters (GCHQ), Sir David Omand, noted in 2010 that strategic intelligence is prioritized less than actionable intelligence as decision-makers seek the flexibility to react to changes overseas.<sup>9</sup> As Prime Minister Shinzo Abe's Cabinet has sought to increase Japan's role in liberal multilateral trade agreements and the Self Defense Forces engage more actively overseas, so too is Japan's need for actionable foreign intelligence increased.<sup>10</sup>

The recognized dearth of external capacity described above is supplemented with close cooperation with the U.S. under the bilateral Treaty of Mutual Cooperation and Security (1960). The relationship provides Japan with the invaluable resources and strategic influence of one of the world's most experienced intelligence operations, but this one-sided power balance has formed the mold of security policy development in Japan since the Cold War.<sup>11</sup> Successive Japanese governments have sought to stretch this mold by improving in-house intelligence capability and diversifying engagement with other intelligence allies, but most direct changes to security policy have been made to funding, personnel and decision-making infrastructure.<sup>12</sup> Effective oversight and flexibility of individual agencies is stifled by bureaucratic processes however, and constrained by the fact that it is internally focused and modelled on American intelligence infrastructure.<sup>13</sup> Critics often recommend that Japan develop its own foreign human intelligence (HUMINT) institution based on the U.S.' Central Intelligence Agency (CIA) or the U.K.'s MI6.<sup>14</sup> Reports on citizen sentiment indicate, however, that resistance to the creation of such an agency is linked to



Japan's anti-militarist constitution and that "in the eye of the public, intelligence and militarism are deeply intertwined".<sup>15</sup> Instead of building a new agency many suggest continuing tight relations with the U.S., but several caveats remain before Japan can consider itself a member of Washington's inner circle of intelligence.

### Tailored to Specification:

#### *How the Success of the National Security Council and Reliance on Shared Intelligence has Influenced Foreign Intelligence Policy-Craft in Tokyo*

Without a comprehensive foreign intelligence arm as outlined above, Japan's endeavours in this realm risk being unable to keep up with increasing demands for actionable foreign intelligence. This section looks at how recent pushes to expand Japan's intelligence capabilities have emerged from outside the Japanese political sphere, and how such recommendations often carry secondary motives. One of the strongest pushes for change in Japanese security policy comes externally, from think tanks in the U.S. calling for Japan to bring information security up to American standards in order to facilitate intelligence sharing and engagement with the Five Eyes Agreement formally. One prominent example is the Centre for Strategic and International Studies (CSIS), in 2018, suggesting that Japan deepen engagement with the Five Eyes Agreement to a point of formal inclusion.<sup>16</sup> The recommendation has come at a time when Japan's regional neighbors have been increasingly securitized by the Five Eyes member states. In line with the longstanding Japan-U.S. Alliance, drawing Japan formally into the Five Eyes is a logical step to guarantee allied resources are distributed efficiently. This would further allow the U.S. and her allies to capitalize on Japan's unique geospatial territory, historically echoing Australia's geospatial significance during and after the Cold War period.<sup>17</sup> The CSIS reports Japan would benefit in turn from greater participation in joint priority setting, reduced stress on its own military defense budget as it is alleviated by the U.S., access to greater military technology increased regional infrastructure.<sup>18</sup>

However, the CSIS recommendation is unusual in one sense at least, as Japan already compensates for its limited foreign intelligence by utilizing the resources of its allies, particularly the U.S.' CIA under the

Treaty of Mutual Cooperation and Security of 1960.<sup>19</sup> The relationship is not one-way, with Japan providing reputedly excellent signals and image intelligence (SIGINT and IMINT) through uniquely positioned ultra-modern satellite networks.<sup>20</sup> Furthermore, Japan is increasingly engaged in "traditional" naval and military exercises with the Five Eyes nations and was recently invited alongside Germany and France to develop shared contingencies against threats posed by the new strategic domains of space and cyberspace.<sup>21</sup> The NPA also participates in operations training with the Australian Secret Intelligence Service (ASIS), signaling greater convergence in how intelligence is conducted internationally and Japan's interest in HUMINT norms of the Five Eyes nations.<sup>22</sup>

The CSIS recommendation, therefore, aims to promote prevailing ties rather than to generate all new ones. Propositions to expand the emphatically multilateral Five Eyes Agreement are not uncommon amongst western intelligence academics, but these calls often prioritize bilateral engagement within the agreement rather than all parties concerned.<sup>23</sup> The CSIS uses the Five Eyes Agreement as a prop to promote a closer Japan-U.S. relationship with little mention of teammates Australia, New Zealand or Canada. There is a sense of subtle coercion in its hints that Japan must adopt policies that suit the U.S. if it is to deal with them at a higher level. Policy transfer in national security is increasingly common between nations with enduring diplomatic and defense ties, but prioritizing suggestions from a foreign power to facilitate liaison with that power inhibits organic development of local systems.<sup>24</sup>

The close contact between executive decision-makers from different nations described above has been theorized to influence state policy direction to align more closely with one another. A term coined by Dolowitz and Marsh, trans-governmental policy transfer is a phenomenon whereby the policies and administrative norms of one state are modelled or adopted by another.<sup>25</sup> Greater involvement with the Five Eyes community may relieve some of the Japan's foreign intelligence demands, but it will not eliminate the growing need for in-house collection and analysis capabilities. This is yet to be acknowledged at an executive policy-craft level and is often neglected from discussion on the issue. Japan's recent policy aims instead re-

main largely concerned with facilitating information exchange with allies by enriching data security alone.

Considering foreign intelligence has been a lasting challenge for Japan's security offices, a string of incidents in 2013 - a hostage crisis in Algeria, increased nuclear and missile testing by North Korea, and fresh territorial challenges by China to the Senkaku/Diaoyu Islands - gave the Liberal Democratic Party of fresh public justification to develop an alternative method of security governance.<sup>26</sup> The formation of the National Security Council (NSC) was a move to streamline security reform in the wake of these major security challenges. Under the chairmanship of the Prime Minister, the NSC gathers the Chief Cabinet Secretary, the Foreign Minister and the Defense Minister, and other security executives as needed in secretarial roles, to examine and adjust national security policy, ostensibly cutting through a bureaucracy that is said to plague senior decision-making in Japan.<sup>27</sup> Five years into its creation, the NSC has been considered a success in reforming national security policy, including the controversial reinterpretation of Article 9 of the Constitution to permit SDF deployment overseas.<sup>28</sup>

A secondary and impactful role of the NSC is as a point of diplomatic contact with foreign governments. Regular dialogues are held with heads of state and security councils of allied states on security topics such as cybersecurity, missile technology and military activities.<sup>29</sup> Diplomat and intelligence scholar Hajime Kitaoka identifies diplomacy as an indispensable element of intelligence practice despite the contrasting depictions of the two fields. Intelligence is traditionally represented as a realist-modelled “zero-sum game” and diplomacy contrastingly a cosmopolitan “positive sum game”.<sup>30</sup> In layman's terms, the result of intelligence activity directed at a foreign nation is portrayed as a win for one nation and a loss for the target, whereas diplomacy is interpreted as seeking success for both parties involved. Kitaoka argues that reconciling these two aims should be the goal of executive security offices in friendly states, and in doing so move towards a more realist equilibrium.<sup>31</sup> Tim Legrand, who has written extensively on trans-governmental security ties in the West, identifies informal liaison between nations' executive security heads as a significant contributor to the lasting similarities between the Five Eyes

nations' security legislation and priorities.<sup>32</sup> Legrand and Kitaoka both note the impact liaison has on intelligence behavior between allies, and national security councils, including Japan's as described above, have been noted as key players in contributing to a multinational converging security policy environment.<sup>33</sup>

## Keeping Secrets:

### *Pushing Policy in the Shadow of the U.S. Alliance and the Specially Designated Secrets Act*

Although the process is observed voluntarily, cases of economic and security policy transfer are often earmarked as a coercive process by one state to align other nations' regulations with their own.<sup>34</sup> Certainly, insistence that Japan “promptly move to adopt the security protections required to make its inclusion in Five Eyes a realistic possibility” paints Japan's moves to modernize its security policy with a coercive tinge.<sup>35</sup> This statement from Armitage and Nye's 2018 report came years after Japan had already begun cracking down on information security. Notably, the Specially Designated Secrets Act (SDS) crafted in 2013, bears a striking semblance to equivalent policies in the U.S. and the UK.<sup>36</sup> Although the Act was written one year before the formation of the NSC, the policies of foreign partners are often used in Japan's parliament as what some have termed “politically neutral truths”; uncontroversial examples on which to base Japan's own lagging policy development, regardless of divergent norms.

The SDS Act left security experts in the U.S. and elsewhere commending Japan for at last ensuring strict legal regulations to protect state secrets, after objectively weak penalties for leaking secret information had caused criticism by intelligence critics beforehand.<sup>37</sup> It is evident that Japan's information security regime prior to the Act was insufficient to consistently protect sensitive information. The 2000s were plagued with leaks and data breaches, including the public release of classified footage of a Chinese submarine incident igniting an investigation into the Air Self Defense Force and secrets being sold to a Russian defense attaché by a Maritime Self Defense Forces (MSDF) officer. A 2007 MSDF investigation further uncovered 38 uncleared officers who were in possession of the highly classified Aegis weapon systems data, and in 2010 there was leaked video footage of a Japanese patrol boat colliding

with a Chinese trawler, inciting diplomatic tensions.<sup>38</sup>

However, the SDS reform also exemplifies a major concern held by Eilstrup-Sangiovanni that trans-governmental policy transference in the security context inhibits domestic input from local citizenry.<sup>39</sup> The SDS Act was widely seen as being crafted to meet the demands of allies and enhance multilateral intelligence sharing, with little regard for independent oversight or the needs of the Japanese citizenry.<sup>40</sup> Pushback against the legislation quickly emerged as critics claimed that the personal security of the Japanese people was being seconded to pleasing U.S. intelligence allies, with little independent oversight and no whistle-blower protection measures.<sup>41</sup> A shroud of secrecy over the SDS Act also had critics concerned over it diminishing democratic representation in security policy, despite the executive being mostly composed of elected officials.<sup>42</sup>

Furthermore, it is worth questioning how compatible Japan's executive and political systems are with policies inspired by the West. Japan's ability to avoid politicization of its intelligence community was questioned well before the Act was implemented.<sup>43</sup> The culture of concealing embarrassment and unpalatable outcomes that inspired such a criticism remains in the political makeup of Japan's executive, notable in the absence of records of the NSC discussions resulting in the controversial reinterpretation of Article 9 of the Japanese Constitution.<sup>44</sup> A regular refrain from policy transfer academia is the caution that transfer can only be considered successful if the systems and norms of the state onto which policy is mapped are similar to the systems and norms from which the policy is lifted.<sup>45</sup> Third party publication of leaked information in the U.S. is commonly shielded from the State Secrets Act by the Bill of Rights' often flaunted Second Amendment for freedom of speech, but the Japanese Constitution's equivalent Article 21 is narrower and less open to interpretation than the U.S.<sup>46</sup> Assumed protections to open discussion of security matters in the U.S. is not reflected in Japan, where the policy has been mapped.

Although plenty is written on the potential impact of the SDS Act on press freedom and open government, yet to be questioned is the impact the reform may have on the development of Japan's intelligence apparatus overall.<sup>47</sup> Kobayashi is clear in stating the

new security regime will “improve Japan's overall counterintelligence capabilities, and enhance intelligence-sharing both within the IC and with foreign counterparts”.<sup>48</sup> If however, the criticisms of the SDS Act and accompanying legislation outlined above are accurate, and the Act caters more to intelligence allies than the immediate security needs of Japan itself, it should not be assumed that an Act which centers on data security is beneficial to the long term evolution of the Japanese intelligence community. Alongside retroactive oversight and review of operational conduct, legal protection granted to whistleblowers has been noted as essential to facilitating acceptable intelligence practice in functioning democracies.<sup>49</sup> By prioritizing the security of alliances before considering where the Japanese intelligence community was headed next, the SDS Act actively removed some of those protections without implementing fresh independent review bodies to address potential legal and ethical grievances aired by intelligence employees.

In order to explore the possible benefits and drawbacks distinct to such policy direction, it is worthwhile looking at the example of Australia's history of intelligence reform. Intelligence liaison and shared training have been reliable links in the quasi-alliance between Japan and Australia since the 1950's, and their respective intelligence community structures and relationships to major intelligence powers UK and U.S. are alike enough to draw significant comparison.<sup>50</sup> Furthermore, a period in Australia's Cold War history sets an example of how an intelligence community's development can be inhibited when local security policy set as part of a multilateral coalition inhibits open discourse.

## **Australia's Balancing Act:**

### *Close U.S. Ties and Citizen Demand for Intelligence Reform in the 1970s*

Applied without due consideration for the cultural, linguistic, and political differences between nations, lessons learned from overseas can have unintended outcomes on local landscapes.<sup>51</sup> It follows that balancing the influence capacity of a powerful intelligence ally with the benefits a close relationship brings, whilst promoting an independently developed intelligence community is a difficult scenario. The manner of reform undergone by ASIO and the Australian Secret



Intelligence Service (ASIS) during the Cold War is a case study in how a state can learn from its intelligence allies and still retain the ability to evolve detached from those allies' involvement. Public outcry over numerous high-profile "intelligence failures" in the 1970s and 1980s resulted in two Royal Commissions into the Australian IC. As part of the "Hope Royal Commissions", Justice Robert Marsden Hope travelled to the U.S. and the UK to observe how those nations were adapting to new security challenges, but the wide-ranging recommendations of the final reports aimed to modernize Australia's intelligence apparatus without simply mimicking foreign structures.<sup>52</sup> The independent nature of Royal Commissions prevented partisan intrusion into the review process, and news media and public interest at the time encouraged the incumbent government to accept Hope's recommendations for an IC structure that valued oversight and the needs of the Australian people.

Before presenting why Australia's case is relevant to Japan, it is worth describing the underappreciated shared history the two state's intelligence fields. Known as the "North and South anchors" of regional U.S. security during the Cold War, Japan and Australia share a lengthy past of assisting the U.S. as "junior partners", providing Eastern hemisphere geospatial capabilities otherwise unavailable to the UK or U.S.<sup>53</sup> The UK and U.S. took direct roles in shaping both Japan and Australia's modern-day intelligence communities, a history tied with a close comparable intelligence community structure and a lengthy relationship of intelligence sharing. One of the first formal security ties signed between Australia and Japan after the Second World War was an intelligence liaison agreement between the Australian Secret Intelligence Service (ASIS) and Japan's Cabinet Intelligence Research Office (CIRO; *Naikakujouhouchousa-shitsu*), a relationship that continues to be built on today.<sup>54</sup>

In line with aggressive anti-communist tactics of the U.S. and Japan, in the leadup to the Hope Royal Commissions, long-running conservative governments had normalized the practice of wiretapping and investigations into the political left.<sup>55</sup> Even after Australian communist groups moved away from talk of revolution into legitimate politics, subsequently frac-

turing and fading from national security significance, a dogged mentality was embedded into executive decision-maker's minds in the IC and the government that oversaw it. By failing to reallocate valuable resources elsewhere, Australia was late to adapt to rising religious and right-wing extremism and the emergence of international terrorism until prompted by independent investigation.<sup>56</sup> To mitigate this myopic approach, Hope recommended reinforcing existing oversight mechanisms on top of creating new supervisory bodies wholly independent from the services which they oversaw.

The above case is not dissimilar to Japan's lengthy Liberal Democratic Party (LDP) majority government, a conservative party that has maintained power almost continuously since its foundation in 1955. Continued investigations into Japanese Communist Party members and activities years after the Party has moved away from a rhetoric of violence also resemble the actions of Australia's long serving conservative government until the first Royal Commission recommended greater legal constraints on intelligence activity in Australia.<sup>57</sup> Before implementing processes through which grievances of those unfairly targeted by intelligence agents could be addressed, warrants into communist affiliates were accused of being rubber-stamped without due consideration.<sup>58</sup> Criticized as undermining democratic representation contrary to the lasting rule of the LDP majority, now Japan skirts the risk of allocating precious intelligence resources into a line of investigation that is pursued out of political drive more than genuine security concerns.<sup>59</sup>

Australia and Japan also share similarities in the roots of their intelligence structure grown from American or British intervention, with Australia learning from the UK during World War II and Japan learning from the U.S. throughout the Cold War period. As Juan Luis Lopez Aranguren notes, Japan continues to struggle to reconcile U.S.-influenced centralized intelligence mechanisms with UK-inspired collegial systems, resulting in an inefficient amalgam of both.<sup>60</sup> Australia has similarly modelled its intelligence structure after both the U.S. and the UK, but shared histories, language and culture has contributed to apparently smooth modelling.<sup>61</sup> Distinct differences, however, spring from the values prioritised by legislators during

periods of political reform. For example, counter-terrorism laws in each of the Anglosphere nations resemble each other, but vary with regards to protections given to free speech, civil disobedience and public protest.<sup>62</sup> Japan's U.S.-influenced constitution and legislative norms give the impression that U.S. systems will fit neatly into the Japanese setting, but if policy-makers prioritize a relationship with the U.S. over the development of their own intelligence systems, they risk leaving the intelligence community stale.

The creation of the SDS Act and NSC, accompanied by a significant increase of briefings to the Prime Minister by the Cabinet Intelligence Council indicates serious intent to modernize Japan's intelligence institutions.<sup>63</sup> By fostering close partnerships, Japan is set to learn from security policies of overseas allies. The experience of Australia and to a lesser extent the U.S. in independent investigation of intelligence agencies and actors could provide a positive inspiration for Japanese policymakers, and Japan already participates closely with each nation's own intelligence communities. The proscriptive SDS Act described earlier in this chapter, however, implemented measures based on overseas legislation that relies on existing legislation to balance civil liberties valued in Japan but not always legislated for. The NSC has strengthened executive decision-making and bolstered engagement with allies, but without truly independent oversight of those decisions and alliances there is a risk to democratic representation in security policy. Risk also remains in failing to apply lessons learned externally through an internal policy development mechanism, as Australia sought accomplish through the Hope Royal Commissions described above.

## Conclusion

Within a globalization of modern security policy, it is worth asking where Japan wishes to place itself in the international security environment. The state's continued reliance on the U.S. for foreign intelligence has granted the U.S. authority to effectively dictate elements of security policy development to Japan, with the CSIS report representing one facet of such authority. It is not as though a sovereign nation needs to be told to keep a secret, yet the Specially Designated Secrets Act has clearly not allayed American concerns that their shared intelligence may leak out of Japan. Caution is para-

mount when developing policy to meet such requests, or the results may not reflect the reality of the Japanese security environment or the wishes of its citizenry.

Reforms made to strengthen and expand the Self-Defense Force branch of national security have been framed by the LDP and Prime Minister Abe as a "normalization" of state security in line with major global powers, prominently the U.S.<sup>64</sup> Intelligence reform is an underappreciated arm in these security reforms, and in taking a direct modelling approach for intelligence infrastructure Japan risks neglecting a formative period in its intelligence development. Although the creation of a National Security Council has facilitated greater executive decision-making overall, the lack of whistle-blower safeguards in the SDS Act allows mismanagement to go unnoticed by the Japanese public, stunting institutional growth.

In constructing the Secrets Act before introducing relevant oversight mechanisms independent from executive government, there are also concerns over continued impartiality of the state's intelligence direction. This skirts with a real potential for security institutions to become entrenched in political bias as Australia witnessed in the latter half of the Cold War.<sup>65</sup> Ultimately, in developing intelligence policy in a globalized security context it is inevitable for close allies to have some impact on direction, but comprehension and acknowledgment of this impact is paramount to guarantee representation of the citizenry.

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## Endnotes

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