



Policy Brief 2012-5

March 2012

The Role of the Japanese Diet in Promoting Defense Transparency

Jeffrey KWONG

Summary

While it is clear that Japan's legislative body, the Diet, is empowered in budgeting and oversight mechanisms, there is no consensus on whether the Diet wields actual power in influencing defense policy and whether the Diet's role in defense policy approaches that of other democratic legislative systems. In this policy brief, we first outline the substantial budgetary and oversight responsibilities carried out by the Diet's ruling coalition. Second, we suggest a framework to strengthen the role of the Diet in improving defense transparency. In particular, we look at the coalitional nature of Japanese party politics, changing ideologies in the midst of constant party renaming and reorganization, and the lack of party defense policy platforms. We also examine the relationship of Diet members to two important actors in Japanese politics: 1) the media; and 2) the ruling coalition; in particular, the Diet's relationship to the Prime Minister.

The Defense Transparency Project (DTP) is a project of the University of California Institute on Global Conflict and Cooperation. DTP Policy Briefs provide analysis and recommendations based on the work of project participants. Author's views are their own.

THE DIET'S ROLE IN DEFENSE BUDGETING AND OVERSIGHT

The role of the Diet in defense transparency has been lauded as one of the best examples of legislative oversight in the region. The Diet by all measures executes its powers as outlined in Article 41 of the Constitution as “the highest organ of state power” and “the sole law-making organ of the State.” The Diet also conducts a robust review of the annual defense budget and all subsequent supplementary defense spending bills offered by the government in addition to ratifying multilateral and bilateral treaties, including defense agreements with the United States. According to former defense officials and Diet members, all defense matters must go to committee and undergo Diet review. Examples of investigatory powers held by the Diet include near-weekly appearances before it by the Defense Minister, who has been repeatedly cited as the most visible and scrutinized member of the Cabinet after the Prime Minister.

However, while the Diet enjoys strong, constitutionally-guaranteed powers on legislative and budgeting matters, this level of oversight does not seem to extend to the process of defense planning, policy deliberation, and the crafting of crisis responses where plans have not yet been sketched out and proposed. A former senior member of the defense agency cites a culture of bureaucratic control where information about policy implementation and development is closely held, even by subunits within the same agency. In a parliamentary system where control of information and data depends on a civil-service system of career, non-appointed government officials, ministers often lack information and/or guard information from the public.

Large information gaps also persist between ministers and the defense minister and between lower-level political and non-political defense officials. In regard to the Prime Minister's weekly question period in the Diet, both former government officials and Diet members expressed frustration with the level of guardedness displayed by the government. In response to questions submitted by Diet members, the government's strategy is often one of intentional obfuscation, according to a Japanese researcher on defense matters.

MONITORING AND INVESTIGATING DEFENSE MATTERS: RULES AND INSTITUTIONS OF THE DIET

On examining other aspects of its role on defense, we find that much attention has been given to both the formal and informal rules and institutions of the Diet. In particular, following the 1994 Diet electoral reforms (which resulted in a Mixed Member Majoritarian system that combined the United States and British “first-past-the-post” voting system with proportional representation by party list), the voting and electoral system weakened party organization, leading in part to changing coalitions, constant party rebranding, and a Liberal Democratic Party (LDP) that has suffered losses in Diet representation. These changes have not resulted in greater transparency.

The media, Diet members, and Japanese researchers all highlight the lack of closed sessions, which remains a barrier to closing the defense information gap between ordinary members of the Diet and Cabinet members. This inability to hold closed sessions denies the Diet an opportunity to let the government be more transparent on crisis issues and military hotspots, allowing information to be shared beyond the closed doors of Cabinet meetings. Various former and current members of the Diet cite past fears of information leakage due to Socialist Party members' sympathy with communist regimes, when it served as the main opposition to the LDP. While changes in the electoral system have wiped out much of the strength of the pacifist political parties, the new system has not resulted in increased defense transparency in the form of closed parliamentary sessions.

The current barriers to monitoring, while not institutionally or legally created, are not necessarily easy to resolve. They are driven primarily by the lack of cohesive party views and platforms on important defense policy issues. The shuffling of parties—names, ideologies, members, and coalitions—has had a number of effects on the Diet's ability to play its key monitoring role.

First, the institutional and electoral changes have weakened the LDP, which traditionally featured clear policy factions, foreign policy wonks who dominated either a functional area of defense

policy or a geographical area covered by defense policies, and a more aggressive and robust defense spending preference. The LDP's electoral defeats and shift from being the de facto government of Japan for much of the post-war period have led to a loss of institutional expertise and the appointment of Diet members of varying levels of competence to the top Ministry of Defense positions.

Its fall from power has also led to weakened policy cohesiveness within the LDP. While policy divisions and clear factions, such as those supporting various interpretations of Article 9, have persisted throughout the LDP's history, these variations have become more divergent with the entry of more pacifists into the party following the LDP coalition government of 1994 headed by Socialist Prime Minister Murayama Tomiichi.

A number of highly controversial Japanese defense bills have further split members within the same party and point to the lack of cohesive party agendas and platforms even within smaller parties that might be expected to have a more unified doctrine.

Second, the electoral system has propelled the Democratic Party of Japan (DPJ) and other smaller parties into increased influence and into government. A current member of the Diet notes that various political parties, including the DPJ, currently host both conservative former LDP party members and leftist former Socialist party members of the Diet. He cited the case of the Iraq War, where the DPJ's intra-party divisions were featured in the media. These were ultimately resolved when the DPJ ruled that the operation could be interpreted as constitutional and therefore acceptable for Diet authorization. The decision resulted in various party members leaving and a continual shuffling of members between smaller parties, such as the Little Party.

Third, the electoral system makes it difficult for smaller parties both to work together and to have distinctly different political agendas. For both LDP and DPJ coalition governments, the need to ally with smaller parties with varying views on defense makes passage of defense initiatives difficult. At the same time, in a proportional system that allows minority party representation in the Diet, parties need to be ideologically dis-

tinct on defense policy. This dichotomy between electoral and national interests challenges the ability of political parties to develop cohesive and permanent platforms on defense. This is apparent in the current government where the mishmash of largely moderate defense policies held by the DPJ coalition government reflects both the continuation of LDP policy positions and the influence of leftist, intra-party actors. This has resulted in a lack of clarity on Japan's defense policies for both the public and for neighboring states.

COMPARING JAPAN'S LEGISLATIVE POWERS TO GLOBAL POWERS

When compared to Western states with parliamentary or presidential systems, the Japanese Diet is distinct in both its high levels of transparency and the informal constraints on its ability to exercise its full oversight abilities. For instance, Japanese legislators, along with the Japanese public, enjoy the same legal power to submit freedom of information (FOI) requests to the government, as is the practice in the United States and United Kingdom. However, in Japan, formal FOI requests are shunned, and as one journalist put it, "will result in you being excluded from information sources and the deliberative process in Japanese politics."

Also in comparison to other legislative bodies, the Japanese Diet primarily exercises its powers passively—such as the review and enactment of budget proposals sent by the government or the consideration of troop authorization requests drafted by the Ministry of Defense. The exercise of direct influence and legislative power is rather limited. Less than ten percent of defense bills introduced in the Diet are member bills, and an estimated 90-plus percent of defense legislation is sponsored by the government and usually passed.

The level of power held by specialized defense committees in the Diet is also limited in comparison with, for example, the United States, where a committee holds extraordinary veto power and can halt the passage of legislation. The power of seniority and rank in a U.S. Congressional committee allows for the accrual of institutional knowledge and a set of formal and informal rules

that maximizes the oversight power of legislators serving on subcommittees such as armed services or defense appropriations. The Diet has traditionally held similar institutionalized power in the hands of party bosses and committee elders. In recent practice, however, the Diet has preferred the creation of ad hoc committees when focusing on pressing or specialized issues. As one Diet member notes, on urgent issues such as the authorization of the SDF as part of the U.S. alliance in Iraq or the dispatch of destroyers to the Indian Ocean on anti-terrorism missions, an ad hoc committee is in charge of taking up the government-sponsored proposals.

In conclusion, the nature of the coordination process within the Diet and between the Cabinet and members of the Diet can be improved to strengthen its defense committees and their power to obtain information. Improving the committee structure to allow for the development of long-term relationships between Diet members and entrenched actors in the defense establishment can also allow for more complete information transmission and the building of trust between civilian and military officials.

IMPROVING THE ROLE OF THE DIET IN DEFENSE

All in all, the Japanese Diet remains one of the most active and public legislative bodies, but as one Japan expert points out, the key takeaway is that Japan features a parliamentary system that is quantitatively transparent and able to hold the government accountable. However, the Diet does not play as great a role in controlling defense activities. Japan's neighbors are concerned in particular with historical issues such as those arising from fears of Japan's remilitarization and growth of power projection capabilities in the region. More importantly, the policy deliberation process and ongoing policy preferences on a number of arms development issues are opaque. On nuclear weapons, while Japanese policy is quite clear, the Diet and the Cabinet must be proactive in providing assurances or disclosing discussions on any possible change of current nuclear weapons policies. The absence of Diet oversight or public coverage of other weapons development issues such

as second strike and refueling capabilities also adds to the lack of transparency in the ongoing debate. Finally, the scope of the U.S.–Japan alliance and how much this applies to Taiwan is also an area of concern for neighboring states.

The perceived lack of Diet input in these important weapons development and alliance activities points to a lack of procedural and developmental transparency, as policies are conceived and planned prior to their presentation as legislative drafts in the Diet. Korean scholars, for example, are concerned with the question of Japan's intentions in surrounding waters and the active role played by some nationalist Diet members. The Diet has failed to elucidate its views on the Takeshima/Dokdo dispute, or indicate how strenuously Japan will assert its claims in other territorial issues. A Chinese military official commented that some countries worry about changes in established Japanese policies, again regarding disputed islands in surrounding waters, and also raised the issue of Japan's future military projection capabilities, which also lack the Diet's input.

Given the challenges to the Diet's full and unfettered ability to control defense activities, the relationships central to the Diet's functioning as a legislative body must be stressed. Here, in suggesting a framework to strengthen the role of the Diet in improving defense transparency, we examine the relationship of Diet members to other important and connected actors in Japanese politics: 1) the media; and 2) the ruling coalition, in particular the Prime Minister.

THE MEDIA: WHO INFORMS WHOM?

The first relationship that deserves attention is the linkage between the media and the Diet. There is widespread TV and Internet coverage of the Diet's defense activities, and all committees are covered on the Internet. In addition, the coverage is archived for several years, available for online access and review by the general public. However, there is little consensus on whether the mass media simply delivers the messages the Prime Minister or the Defense Minister wants it to convey or whether the media shapes public opinion and the Diet's views on defense policies.

Some government and Diet members argue that the Japanese media, being one of the most vibrant, well-funded, and organized entities in Japan, is able to unduly influence public opinion. The way the media reports on controversial policies, they feel, significantly impacts the feedback Diet members receive; for example, the media was able to direct public opinion and shape policy on issues such as the passage of terrorism guidelines in 2002 following the September 11 attacks and on various defense legislative actions in 2003 and 2005 that expanded the military power and the policing abilities of defense and security forces.

A number of journalists disagree with this assessment and view their ability to influence public discourse as limited and oftentimes exaggerated by politicians. The national security correspondent of a prominent Japanese newspaper suggested that since the Ministry of Defense requires press pool members to attend daily press briefings and Ministry events, the ability for journalists to conduct independent or hard-hitting investigative journalism remains limited. Embedding requirements for journalists covering the Japanese troop deployments to Iraq and the Indian Ocean also highlight the “conveyor-belt,” rather than independent, defense watchdog role played by the media.

Both sides, however, recognize the interdependence of the Diet and media actors. Increasing both journalists’ and Diet members’ ability to investigate defense issues may expand the effectiveness of both institutions as effective interlocutors in efforts to improve defense transparency.

THE RULING PARTY: ROOM FOR COMPROMISE?

The 1994 electoral reforms changed the way a ruling coalition is constituted and have altered the degree of ideological polarization in the Japanese Diet. The ruling party no longer projects a uniform ideological position on defense matters and instead relies on a variety of negotiated bargains on defense policy changes. From the 2003 Emergency Measures Laws, to the SDF’s Iraq mission authorization, to the dispatch of destroyers to the Indian Ocean, the ruling coalition was unable to muster enough support from among their own members and relied instead on a coalition from

various political parties. This lack of congruence between political parties and ideology results in a number of challenges for clear policy signaling to the public.

First, intra-party struggles over defense policy are less likely to be publicly acknowledged as compared to inter-party struggles. This conceals an important part of the defense policy-making process, given the electoral shifts caused by the post-1994 parliamentary system in Japan. One recent example is the public split between the DPJ and the Small Party on the authorization of SDF missions abroad. When the first mission was authorized, it was approved by the DPJ, but when the anti-Iraq War Small Party merged with the DPJ, their differences on defense policy were removed from the public limelight. The diversification of defense policy viewpoints within the LDP, which has now become the opposition, is another example. It has absorbed many members of other political parties, including smaller parties that have since been disbanded or lost representation in the Diet.

Second, the weakening role of party ideology in defense policy, combined with the centralization of defense planning power in the hands of the Prime Minister, has resulted in behind-the-scenes coalition-building efforts led by the Prime Minister and the Cabinet. This has further concentrated defense policy powers in the hands of an elite few. Since the 1980s and under the Koizumi government in particular, the Prime Minister increasingly gained influence from factions and entrenched LDP defense apparatchiks in the Diet. As Koizumi became more like a president than a prime minister, he used visits to the United States and television appearances to shore up his foreign policy credentials. With the current coalitional form of government, where the Prime Minister continues to take the lead in arranging bargains over defense policy changes, base restructuring and closure, and weapons development, the Cabinet and the ruling elite remain privileged over the Diet in obtaining and guarding information and the drafting of new legislation.

This concentration of power in the Prime Minister can also weaken the oversight role of other important players in the Diet. For instance, in parliamentary systems, the opposition can be totally

cut out of the policy debate if their policy positions place them effectively outside of the bargaining range of the ruling coalition, as in the case of the DPJ during the debate over Iraq. The role of former Japanese defense ministers and vice ministers in other ministries is also increasingly limited. According to the head of a Japanese think tank, even former defense ministers cannot access sensitive information, resulting in a large information gap and a growing disconnect between members of the Diet and the elite. He adds that in the current government, DPJ members and vice ministers in departments outside of the SDF and Ministry of Defense cannot gain access to more sensitive defense information.

CONCLUSION

In closing, we must reflect on the effectiveness of the Diet as democratically elected representatives of the Japanese citizenry, especially given the recent lack of correlation between Japanese public opinion and Diet decisions on controversial issues such as the deployment of troops to Iraq in 2003. In the future, more discussion on whether the public actually affects Diet members' votes and

policy positions can help us understand how Diet members are influenced when it comes to defense spending and policy planning. The area of transparency that needs the most work is on signaling and informing the defense complex of voters' views—and vice versa.

The need to better communicate policy deliberations and position changes happening in defense policy circles is also of importance. As governments in power become more coalition based and temporary, political leadership on defense issues accumulates less institutional and subject-area expertise. This, in addition to the widening of political ideological debates within political parties, makes the monitoring of intra-party policy planning and debate more difficult. Making defense planning public with clear pronouncements of various political parties' policy positions is critically important in improving the role of the Diet in defense transparency efforts.

Jeffrey KWONG is a Ph.D. student in political science at UC San Diego studying cybersecurity and Chinese politics. He is a graduate of Harvard College in government with minors in Korean and education.