

# Public's reaction to 'betrayal'

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On Nov. 11, Prime Minister Shinzo Abe visited the National Archives of Japan in Tokyo. It was the first time that an incumbent prime minister visited this institute. But the visit was reported only on its website.

Some would think the visit is a trivial pastime because the archives are apolitical in nature and keep old materials that they think are of only narrow interest to academic historians. But it is rather suggestive in relation to the state secrets law railroaded through the Diet on Dec. 6.

Documents stored at archives can be very political because there are cases in which disclosed documents show the reality of highly politically delicate decisions. The problem with the state secrets law is that it enables the government to hide public documents designated as secrets semi-permanently and even to discard them, completely contrary to the international standard.

The International Council on Archives suggests to governments that documents and archives are not only precious resources and irreplaceable witnesses to show what governments have done but also central to good governance because well-managed archives and records enable them to explain and defend their actions.

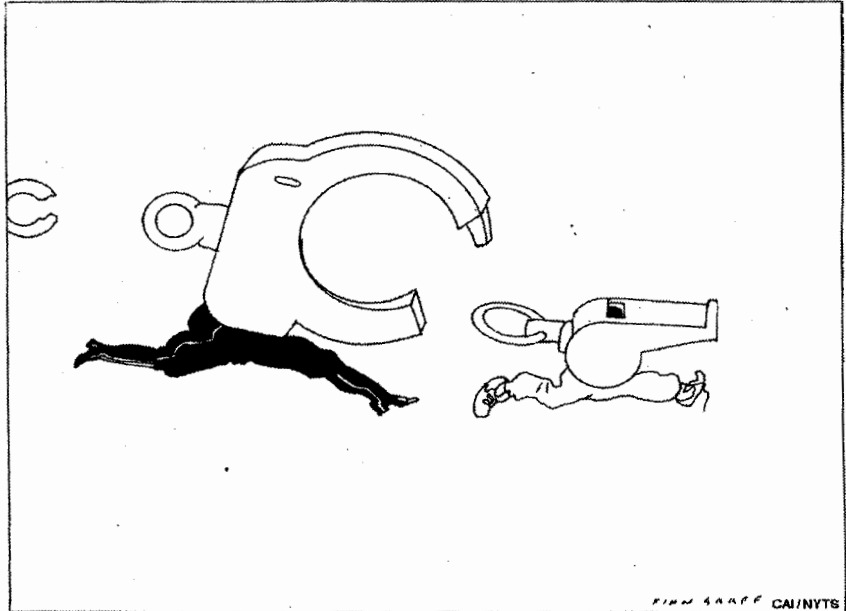
But the state secrets law denies citizens and journalists access to a vast amount of government information arbitrarily designated as secrets by administrative bodies.

Although all secrets have to be declassified after 60 years, there is a loophole. Information in seven special categories including vaguely-defined "important information to be defined by government ordinances" will be exempted from the 60-year limit.

Thus the law would seriously hinder the understanding of history and development of historical science. Several academic societies have issued protest statements against this law, pointing out that government documents and archives are not disposable private property of political leaders or parties. Because such documents are public property, they do not have the right to discard them. That barbarity or shortsighted irresponsibility to put inconvenient truth into oblivion forever is unpardonable profanity to *noblesse oblige*. Those who commit this "crime" notwithstanding would be given harsh judgment by history.

Then what are the grounds for some information having to be kept secret, at least for some time, in spite of people's right to know what their government is doing? In other words, what is the meaning of "confidentiality" or the justification of the duty of civil servants to keep things they deal with as secrets under a threat that they would be punished if they disclose them?

In the field of national security, the government is supposed to make diplomatic tactics effective for the sake of,



in principle, securing the safety of the state and its people. It would be technically impossible and jeopardize national security to make every detail open during the process of diplomatic bargaining.

But it is difficult to imagine cases in which a large number of people would die, as Shigeru Ishiba, former defense minister who is now the Liberal Democratic Party's No. 2 official, insisted, if some information is disclosed.

What's more, secret diplomacy sometimes makes use of a double standard at the expense of the weaker — that is, protecting the powers that be but not ordinary citizens.

Any attempt by the powers that be to protect their comfort or interests is, in many cases, an act of injustice and certainly contains elements of inequality.

That is why an action to disclose concealed government information is often important because it unmasks such injustice or inequality.

In some instances, this kind of action becomes a mission for some conscientious citizens or officials. The bold behavior of whistleblowers to leak government secrets with the intention of exposing injustice or inequality should be protected.

In Japan, the law for protection of whistleblowers in the private sector went into force only in 2006, taking cues from the Public Interest Disclosure Act in Britain and the Whistleblower Protection Act in the U.S. Still, Japan's law is inadequate in protecting workers who become whistleblowers.

The state secrets law includes no provisions designed to protect whistleblowers. From the time of Ellsberg Affair in 1971, in which a member of the U.S.'s top elite leaked entire pages of the Pentagon Papers to The New York Times in order to oppose the Vietnam War, to the WikiLeaks in 2006 and the case of Edward Joseph Snowden in 2013, who shed light on the U.S. National Security Agency's global surveillance activities, whistleblowers have experienced hard times.

Governments should take seriously the

Tshwane Principles on National Security and the Right to Information, which in substance has become the international standard for reference about the subjects.

The principles point out, among other things, that access to information, which allows people to play a role in determining state policies, is crucial to genuine national security, democratic participation and sound policy formulation and that legitimate national security interests are best protected when people are well informed about the state's activities.

The manner in which the ruling coalition of the LDP and New Komeito rammed the state secrets bill through the Diet on the strength of the numbers of its lawmakers disgusted and angered many people in different occupations and with different political stances.

Even after its enactment, protest statements and demonstrations to criticize this law are continuing.

People are absolutely allergic to an undemocratic regime and to any threat to freedom of expression — the result of decades-long liberal-oriented education in Japan since the end of World War II thanks to the long domination of the "Liberal Democratic" Party.

People will take the "tit for tat" strategy to maximize the effect of their protest. The basic principle of "liberal" economics and the game theory tells us: If one is betrayed, the optimal next move is betrayal.

It is urgent to improve Japan's Information Disclosure Act. This country is a latecomer to the development of the proper handling and disclosure of government information.

People should exercise their power as the sovereign of this country in compelling the government to get serious about freedom of information — a step toward making Japan a mature democracy.

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