ISSN 2435-032X

2026
Meiji Journal of Governance Studies

Vol.12

Meiji University
Graduate School of
Governance Studies

Meiji Journal of Governance Studies
Vol. 12, 2026

Contents

Reclaiming the Future of Care:
Co-Production, Democratic Governance, and Institutional Resilience in Aging Democracies 1

Rosario Laratta
Associate Dean & Professor, iCLA (International College of Liberal Arts), Yamanashi Gakuin University, Japan

Climate Change Policy and Local Government
— The Case of Japan 17

Shunsuke KIMURA, Ph.D.
Professor, Meiji University

Teaching Negotiation to Public Policy Students:
Reflections from decades-long experience with graduate programs in Japan 45

Masahiro Matsuura, Ph.D.
Professor, Graduate School of Governance Studies, Meiji University

Counterintelligence in Japan:
An Overview of Key Issues in the Debate over "Anti-Espionage" Legislation 55

Yoshiki Kobayashi, Ph.D.
Professor, Graduate School of Information Security, Institute of Information Security (IISEC), Japan

Reclaiming the Future of Care:

Co-Production, Democratic Governance, and Institutional Resilience in Aging Democracies

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Abstract

Population aging is not only a fiscal challenge but a structural transformation of democratic governance. Long-term care (LTC) systems reveal tensions in dominant administrative paradigms: hierarchical welfare-state institutions struggle with relational coordination under demographic contraction, while New Public Management reforms risk fragmenting provision and diffusing accountability. This article asks: How do different governance paradigms mediate demographic stress in long-term care systems, and under what institutional conditions does co-production enhance institutional resilience rather than undermine distributive equity?

Through comparative analysis of Japan, Germany, and Italy, the study demonstrates that collaborative governance enhances resilience when embedded in strong legal entitlements and stable public financing. Institutional design — rather than demographic pressure alone — conditions sustainability and legitimacy. Aging societies thus function as laboratories of democratic adaptation, where structured co-production operates as democratic infrastructure sustaining social citizenship under prolonged interdependence.

Keywords: Population aging; Long-term care governance; New Public Governance; Co-production; Institutional resilience

1. Introduction

Demographic aging is frequently framed in alarmist fiscal terms, emphasizing pension insolvency, healthcare inflation, and labor-market contraction. While these pressures are empirically significant, such narratives obscure a more fundamental transformation in democratic governance. Japan's population is already 29.1 percent aged 65 or older, followed by Italy (24 percent) and Germany (22 percent). By 2040, Japan is projected to approach 35 percent, with Germany and Italy nearing or exceeding 30 percent, accompanied by steep increases in old-age dependency ratios. Japan currently sustains more than 48 elderly persons per 100 working-age individuals, with Germany and Italy steadily converging toward similar levels (OECD, 2023; European Commission, 2021).

Demographic aging, however, does not mechanically generate institutional crisis. Rather, it exposes structural tensions within welfare architectures designed for demographic expansion. Postwar social insurance systems were constructed under conditions of industrial growth, high fertility, and expanding labor-force participation, presupposing broad-based population pyramids. Population aging inverts these assumptions, placing sustained pressure on contributory financing and service delivery models.

This article argues that aging constitutes a structural transformation of governance rather than a temporary fiscal deviation. Long-term care (LTC) systems offer a critical analytical lens because they integrate redistribution, professional regulation, family involvement, and relational service provision over extended time horizons. Unlike acute medical interventions, LTC requires durable coordination across housing, health, mobility, and social participation domains.

Under such conditions, hierarchical bureaucracies exhibit rigidity, while market-oriented arrangements risk fragmentation and weakened accountability. The central issue, therefore, is not simply the cost of aging, but whether prevailing governance models are institutionally

capable of managing prolonged interdependence.

This article asks: *How do different governance paradigms mediate demographic stress in long-term care systems, and under what institutional conditions does co-production enhance resilience rather than undermine distributive equity?*

Comparative analysis yields three central findings:

1. Universal insurance systems (Japan, Germany) demonstrate greater resilience when participatory coordination is embedded within statutory entitlement.
2. Market-oriented reforms improve fiscal transparency but may generate coordination risks when relational continuity is central.
3. Familist and fragmented systems (Italy) display adaptive flexibility but risk territorial inequality absent national integration mechanisms.

Institutional design — rather than demographic pressure alone — conditions sustainability and legitimacy.

2. Analytical Framework: Institutional Paradigms Under Demographic Stress

This framework analyzes three coexisting governance paradigms:

1. Hierarchical welfare states
2. New Public Management (NPM)
3. New Public Governance (NPG)

Aging societies expose the adaptive strengths and structural limits of each paradigm. Rather than treating demographic pressure as an exogenous shock, this study conceptualizes aging as a structural stress test of institutional design. The central analytical task is therefore to evaluate how different governance arrangements mediate demographic strain and condition adaptive capacity.

For the purposes of this study, **institutional resilience** refers to the capacity of long-term care (LTC) systems to sustain functionality, legitimacy, and distributive fairness under conditions of demographic contraction. It is assessed along four dimensions:

1. **Fiscal sustainability** — the ability to maintain stable financing without destabilizing retrenchment, abrupt benefit reduction, or contribution volatility.
2. **Relational continuity of care** — the degree of coordination and integration across service domains over extended care trajectories.
3. **Accountability clarity** — the presence of clearly defined administrative and political responsibility for financing, regulation, and service delivery.
4. **Territorial equity of access** — the extent to which statutory entitlements are evenly realized across regions, minimizing geographic disparities.

These dimensions together constitute the institutional basis of democratic legitimacy under demographic stress. They function as the dependent analytical construct guiding the comparative evaluation that follows.

(1) Hierarchical Welfare States

The mid-twentieth-century welfare state institutionalized social citizenship through centralized administration and standardized entitlements. Drawing on T. H. Marshall's conception of social

rights (1950), redistribution became embedded in democratic governance as a matter of entitlement rather than charity. Comparative scholarship, notably Gøsta Esping-Andersen's regime typology (1990), identified liberal, conservative, and social democratic variants. Despite institutional variation, hierarchical welfare regimes shared structural reliance on demographic expansion, broad contributory bases, and sustained economic growth.

Assessed against the four dimensions of institutional resilience, hierarchical systems exhibit a distinctive profile.

Fiscal sustainability

Centralized contribution systems and statutory financing historically provided predictable fiscal foundations. However, demographic contraction destabilizes this equilibrium. Rising dependency ratios narrow contribution bases while expanding expenditure demands. Fiscal responses often involve incremental contribution increases or tightened eligibility thresholds, revealing reduced elasticity under sustained aging.

Relational continuity of care

Hierarchical administration relies on standardized eligibility categories and rule-bound assessment. While effective for income transfers or acute medical services, this model struggles with the individualized and longitudinal character of long-term care. Frailty trajectories are shaped by cognitive decline, family structure, housing conditions, and local service ecosystems. Standardization simplifies this complexity, often weakening coordination across service domains and constraining adaptive integration.

Accountability clarity

Hierarchical systems perform strongly on this dimension. Lines of responsibility are anchored in administrative law, ministerial authority, and statutory entitlement. Political responsibility is clearly defined and subject to judicial oversight, reinforcing democratic legitimacy in Marshall's sense of social citizenship.

Territorial equity of access

National standardization promotes uniform benefit structures and limits regional disparities. Territorial equality remains one of the core normative achievements of hierarchical welfare governance.

The evolution of Japan's Long-Term Care Insurance (LTCI) system illustrates this resilience profile. Since its introduction in 2000, beneficiaries and expenditures have expanded substantially, while municipalities assumed responsibility for needs certification and care planning (MHLW, 2022). The system preserves entitlement uniformity and accountability clarity, yet faces increasing strain in fiscal sustainability and relational coordination under sustained demographic pressure.

In resilience terms, hierarchical welfare states strongly protect accountability clarity and territorial equity, maintain conditional fiscal stability, but encounter structural limitations in sustaining relational continuity as demographic contraction intensifies.

(2) New Public Management (NPM)

Fiscal stress in the late twentieth century prompted reforms associated with New Public Management, conceptualized prominently by Christopher Hood (1991). NPM emphasized managerial autonomy, performance measurement, contracting, and competition. In LTC systems, this translated into separation of financing and provision, quasi-market mechanisms, and expanded roles for nonprofit and private providers.

Evaluated across the four resilience dimensions, NPM reconfigures institutional priorities rather than uniformly strengthening resilience.

Fiscal sustainability

NPM enhances cost transparency and managerial discipline. Contractual arrangements and performance metrics increase visibility of expenditure flows and constrain unchecked spending growth. In this respect, NPM may strengthen short-term fiscal control.

Relational continuity of care

However, fragmentation across multiple contracted providers complicates coordination. Long-term care depends on trust, longitudinal monitoring, and integration across health and social services. Competitive provision may disrupt continuity, particularly when provider turnover or segmented contracting is high. Integration burdens often shift onto families.

Accountability clarity

Under NPM, accountability becomes contractual rather than hierarchical. While contracts specify service obligations, responsibility is dispersed across insurers, regulators, and providers. This diffusion may obscure political responsibility when coordination failures occur.

Territorial equity of access

Market-oriented provision may generate geographic disparities, especially in rural or low-density areas where provider competition is weak. Access becomes partly contingent on market viability rather than solely on statutory entitlement.

Germany's long-term care insurance system exemplifies regulated competition within a social insurance framework. Provider pluralism enhances diversity and managerial flexibility, yet OECD evidence (2021) indicates that fragmented systems correlate with coordination failures and administrative duplication when integrative mechanisms are insufficient.

From a resilience perspective, NPM strengthens fiscal transparency but risks weakening relational continuity, accountability clarity, and territorial equity unless coordination is institutionally embedded.

(3) New Public Governance (NPG) and Co-Production

New Public Governance emerged in response to both bureaucratic rigidity and market fragmentation. Rather than privileging centralized command or competition, NPG emphasizes networked coordination, stakeholder engagement, and collaborative problem-solving.

The paradigm draws on Elinor Ostrom's theory of co-production (1996), which demonstrated that public value often emerges through structured interaction between institutions and citizens. Building on this insight, Ansell and Gash (2008) conceptualized collaborative governance as formalized decision-making processes involving public agencies and non-state stakeholders.

In aging societies, co-production reflects empirical reality: families, volunteers, and community organizations already contribute to care provision. The institutional question is whether such participation remains informal and unsupported or becomes structured, publicly resourced, and democratically accountable.

Assessed against the four resilience dimensions:

Fiscal sustainability

Co-production does not automatically reduce costs. However, when embedded within stable public financing, collaborative coordination may reduce duplication and prevent unnecessary institutionalization. Without fiscal safeguards, co-production risks becoming implicit cost

shifting onto families.

Relational continuity of care

This is NPG's principal strength. Networked governance and collaborative planning enhance integration across service domains and enable individualized adaptation to complex care trajectories.

Accountability clarity

Distributed authority introduces risks of responsibility diffusion. Clear role definition and oversight mechanisms are necessary to preserve political accountability within collaborative arrangements.

Territorial equity of access

Participation capacity varies across communities. Without equalization mechanisms, collaborative governance may privilege resource-rich municipalities and reproduce inequality.

Normatively, co-production aligns with Jürgen Habermas's account of communicative legitimacy (1996) and Joan Tronto's ethics of care (2013), both of which foreground interdependence as a democratic condition. Yet collaborative governance is not self-validating. Institutional safeguards are required to prevent participation inequality and accountability erosion.

In resilience terms, NPG offers the strongest potential to enhance relational continuity and participatory legitimacy, but only when embedded within stable financing, clearly defined accountability mechanisms, and territorial equalization frameworks.

Propositions, Research Design, and Case Selection

Taken together, the three paradigms represent competing institutional logics rather than sequential historical stages. Each secures certain dimensions of institutional resilience while exposing others to strain. Demographic contraction intensifies these trade-offs, transforming latent design tensions into explicit governance dilemmas.

From this structured comparison, three theoretical propositions follow:

Proposition 1:

As demographic contraction intensifies, hierarchical systems experience declining relational continuity and fiscal elasticity unless localized coordination mechanisms are institutionally embedded.

Proposition 2:

Market-oriented reforms increase fiscal transparency but weaken relational continuity and may erode territorial equity in the absence of integrative governance structures.

Proposition 3:

Co-production enhances institutional resilience — across fiscal sustainability, relational continuity, accountability clarity, and territorial equity — only when supported by stable public financing, clearly defined responsibility structures, and inclusive participation frameworks.

These propositions reposition aging not merely as fiscal pressure but as a constitutional test of democratic governance capacity. The sustainability of long-term care systems is inseparable from the durability of institutional authority itself.

The propositions derived above require comparative assessment of how different institutional architectures perform across the four dimensions of institutional resilience. To evaluate these dynamics, this study employs qualitative comparative institutional analysis combined with descriptive statistical examination of demographic and expenditure data.

Three countries were selected to maximize institutional variation:

1. Japan — universal insurance-based LTC in the world' s most advanced aging society.
2. Germany — conservative-corporatist social insurance model with regulated competition.
3. Italy — Southern European familist system characterized by fragmented regional governance and reliance on informal care.

The selection follows a most-different systems logic: each country confronts demographic aging, yet institutional architectures differ significantly. This permits assessment of how governance paradigms mediate demographic stress.

Data sources include OECD Health Statistics (2023), European Commission Ageing Report (2021), Japan's Annual Health, Labour and Welfare Reports, Germany's Federal Ministry of Health publications (2023), and Italian policy documents associated with the National Recovery and Resilience Plan (PNRR).

The comparative analysis evaluates each case through empirical indicators corresponding to the four theoretical dimensions of institutional resilience:

- Demographic pressure and expenditure trends — assessing fiscal sustainability
- Financing structure and benefit design — assessing stability and distributive reach
- Governance coordination mechanisms — assessing relational continuity and accountability clarity
- Workforce structure and informal care reliance — assessing territorial equity and adaptive capacity

The objective is analytical generalization rather than statistical causal inference: identifying how institutional design conditions fiscal sustainability, relational continuity, accountability clarity, and territorial equity under sustained demographic stress.

By integrating theoretical paradigms with structured comparison, this framework enables systematic evaluation of the propositions advanced above. Institutional resilience remains the dependent analytical construct guiding the comparative analysis that follows.

3. Comparative Institutional Analysis
Demographic Trajectories and Structural Aging

Demographic aging across advanced industrial democracies reflects the sustained interaction of below-replacement fertility and rising life expectancy. Yet while this transformation is universal across OECD contexts, its magnitude, tempo, and spatial distribution vary significantly. These variations matter analytically because demographic contraction operates as the structural stressor against which institutional resilience must be evaluated.

Japan represents the most advanced demographic transition globally. As of 2023, 29.1 percent of its population is aged 65 or older, and approximately 15 percent are aged 75 or older (OECD, 2023). The median age exceeds 48 years, placing Japan at the forefront of global aging. Projections from the National Institute of Population and Social Security Research indicate that by 2040 nearly 35 percent of the population will be aged 65+, while the working-age population (15−64) will shrink by more than 15 million compared to 2000 levels. The old-age dependency ratio — already above 48 elderly persons per 100 working-age individuals — is projected to exceed 60 by mid-century. This demographic configuration intensifies all four dimensions of institutional resilience simultaneously: it narrows the fiscal contribution base, increases long-term care demand, complicates coordination of services for the 80+ cohort, and amplifies

territorial disparities in depopulating rural areas.

Germany's demographic trajectory, though less extreme than Japan's, remains structurally consequential. Approximately 22 percent of Germany's population is currently aged 65+, with projections rising toward 28 percent by 2040 (European Commission, 2021). The old-age dependency ratio is expected to increase from roughly 37 to above 50 within two decades. Immigration has partially mitigated workforce contraction, yet sustained fertility rates around 1.5 maintain long-term structural aging. Germany's demographic pressure therefore tests fiscal sustainability and workforce capacity while also challenging coordination mechanisms in both federal and municipal governance.

Italy presents an equally aged but institutionally distinct profile. Roughly 24 percent of its population is aged 65+, with fertility rates near 1.2 — the lowest among the three cases. The median age now exceeds 47. Projections indicate continued growth in the over-80 population, the cohort most associated with high-intensity long-term care utilization. Regional disparities intensify this dynamic: southern regions face combined aging and youth outmigration, producing localized demographic contraction and asymmetric fiscal capacity. In institutional terms, such spatial divergence places particular strain on territorial equity and governance coordination.

Across OECD countries, long-term care demand is projected to increase by more than 60 percent by 2050 under current morbidity assumptions (OECD, 2021). The expansion of the 80+ cohort — those most likely to experience multimorbidity and cognitive decline — introduces relational complexity that standardized bureaucratic systems struggle to manage. However, demography alone does not determine institutional outcomes. Institutional architecture mediates demographic stress. The central analytical question is not whether aging occurs, but how governance design shapes resilience under its pressure.

Table 1 Demographic Aging Indicators: Japan, Germany, Italy

Indicator	Japan	Germany	Italy
Population aged 65+(%)	29.1%	22%	24%
Population aged 75+ (%)	～15%	～10%	～12%
Median age (years)	48+	45－46	47+
Old-age dependency ratio (65+/15－64)	48+per 100	～37 per 100	～38 per 100
Projected 65+ population in 2040	～35%	～28%	～30%+
Fertility rate	～1.3	～1.5	～1.2
Projected LTC demand growth by 2050	+60%	+50－60%	+60%

Source: *Organisation for Economic Co-operation and Development (2023)* OECD Health Statistics*; European Commission (2021) Ageing Report; National Institute of Population and Social Security Research population projections; national statistical data.*

Demographic indicators illustrate shared structural aging but differing intensity. The institutional consequences of these pressures are examined below through financing, workforce capacity, and coordination mechanisms, each mapped onto the four dimensions of institutional resilience.

Financing Structures and Expenditure Growth

Financing design constitutes the foundation of fiscal sustainability and strongly conditions

accountability clarity and territorial equity.

Japan's Long-Term Care Insurance (LTCI), introduced in 2000, established universal entitlement based on assessed need rather than income. Financing combines mandatory social insurance contributions (for those aged 40 and above) with national and local taxation. Public LTC expenditure has increased from approximately 0.7 percent of GDP at inception to between 1.8 and 2.0 percent in 2022 (MHLW, 2022). Nominal spending has more than tripled, reflecting beneficiary growth and expanded service intensity; roughly 6.9–7 million individuals receive services annually.

From a fiscal sustainability perspective, expenditure growth is substantial but institutionally structured. Premium adjustments occur periodically through legislated reform, and co-payment differentiation by income maintains distributive balance. Broad risk pooling across generations stabilizes financing despite demographic contraction. Accountability clarity remains high: statutory entitlement, standardized needs assessment, and municipal administrative responsibility preserve transparent lines of authority. Territorial equity is reinforced by nationally regulated benefit categories, even as municipalities manage service coordination.

Germany's Pflegeversicherung, introduced in 1995, is similarly contribution-based. Payroll contributions shared between employers and employees finance benefits for approximately 5 million recipients annually. Public LTC expenditure stands near 1.6 percent of GDP and has risen steadily following eligibility expansion between 2015 and 2021 (Federal Ministry of Health, 2023). Legislative rate adjustments preserve actuarial balance. Germany's model secures fiscal transparency and accountability clarity through statutory regulation and corporatist negotiation among sickness funds, welfare associations, and state authorities. Territorial equity is moderated through federal equalization mechanisms, though service availability varies regionally.

Italy's configuration diverges structurally. Public LTC expenditure remains approximately 0.7–0.8 percent of GDP. A significant portion of spending consists of the Indennità di accompagnamento, a flat-rate cash allowance for individuals with severe disability irrespective of income. While legally guaranteed, the allowance is weakly integrated with service provision. As a result, households frequently employ migrant caregivers in informal or semi-

Table 2 Long-Term Care Financing and Institutional Design

Dimension	Japan	Germany	Italy
System Introduction	2000 (LTCI)	1995 (Pflegeversicherung)	Fragmented; cash allowance dominant
Financing Model	Social insurance + taxation	Payroll-based social insurance	General taxation + cash benefits
Public LTC Expenditure (% GDP)	1.8–2.0%	~1.6%	0.7–0.8%
Universal Entitlement	Yes (needs-based)	Yes (insured population)	Limited; disability-based cash
Role of Cash Benefits	Limited, regulated	Structured option	Dominant
Risk Pooling	Broad intergenerational	Contribution-based solidarity	Household-centered
Accountability Clarity	High	High	Moderate to low
Territorial Equity	Nationally standardized	Federally equalized	Regionally uneven

Source: *Ministry of Health, Labor and Welfare (2022); Federal Ministry of Health (2023); Organisation for Economic Co-operation and Development (2023) ; Italian National Institute of Statistics; national policy documents.*

formal arrangements.

When informal expenditure is included, total LTC spending is considerably higher than public statistics suggest. Yet risk pooling remains fragmented at the household level. Fiscal sustainability appears superficially contained due to limited public expenditure, but this masks cost externalization. Accountability clarity is weaker because coordination responsibilities are dispersed across regional authorities and private households. Territorial equity varies significantly depending on regional administrative capacity.

Universal insurance systems demonstrate stronger fiscal transparency and accountability clarity. Italy's cash-centered system reduces visible public expenditure but increases relational fragmentation and territorial inequality.

Workforce Dynamics and Care Labor

Workforce sustainability directly affects relational continuity and fiscal stability.

Japan employs approximately 2.1 LTC workers per 100 individuals aged 65+. Despite this comparatively high ratio, projections anticipate shortages exceeding 300,000 workers by 2040. Wage reforms, training incentives, and limited immigration programs attempt to stabilize supply. Investments in robotics and assistive technologies aim to mitigate physical strain and enhance productivity. However, technological substitution remains partial. Workforce scarcity intensifies coordination demands and tests fiscal sustainability.

Germany faces comparable challenges. Workforce ratios are lower than Japan's, and demographic contraction reduces domestic labor supply. Recruitment of foreign-trained caregivers has expanded, yet regional disparities persist. Federal reforms seek to standardize training and improve wage conditions, strengthening accountability and professionalization.

Italy presents a distinct pattern. Formal workforce capacity is limited, while an estimated 800,000 migrant caregivers — many informally employed — provide household-based care. This configuration alleviates immediate service gaps but externalizes labor regulation and accountability to families. Relational continuity may be strong at the household level, yet system-wide coordination remains weak.

Workforce design thus mediates institutional resilience. Systems embedding professional labor within regulated financing structures preserve accountability clarity and fiscal visibility. Household-centered models reduce public expenditure but increase vulnerability to inequality and labor precarity.

Governance Coordination Mechanisms

Relational continuity and accountability clarity depend on coordination architecture linking healthcare, social services, and community actors.

Japan's Community-Based Integrated Care System institutionalizes municipal coordination. Local governments serve as hubs connecting medical providers, care managers, preventive services, and volunteer networks. Community support centers operate as front-line nodes for assessment and referral. Integration is explicitly framed as essential for aging-in-place. Evaluations suggest municipalities with robust coordination experience lower avoidable hospitalization rates among older adults. Participatory elements operate within statutory entitlement, reinforcing rather than replacing state responsibility.

Germany relies on corporatist coordination. Sickness funds, nonprofit associations, and private providers operate within negotiated frameworks. Care advisory centers (Pflegestü

tzpunkte) assist families in navigating benefits. Accountability remains anchored in statutory law despite plural provision. Digitalization strategies aim to enhance information exchange.

Italy's coordination mechanisms vary regionally. Some northern regions demonstrate integrated social cooperative networks. However, fragmentation persists nationally. Investments under the National Recovery and Resilience Plan seek to establish Community Health Houses to centralize services. Whether these reforms will enhance relational continuity and territorial equity remains contingent on sustained institutional embedding.

Table 3 Workforce and Governance Coordination Indicators

Dimension	Japan	Germany	Italy
Workforce Capacity	Relatively high	Moderate	Limited formal
Informal Care Reliance	Moderate	Moderate	High
Integration Mechanism	Municipal integrated care	Corporatist advisory centers	Emerging, uneven
Accountability Clarity	Strong	Strong	Variable
Territorial Inequality Risk	Moderate	Managed	High

Source: *Organisation for Economic Co-operation and Development* (2021, 2023)*; Ministry of Health, Labour and Welfare workforce reports; Federal Ministry of Health statistics; Italian labor market and policy reports.*

Across cases, institutional integration capacity correlates strongly with resilience performance. Where coordination is formalized within universal entitlement, relational continuity and accountability clarity are stronger than in fragmented systems.

4. Co-Production, Institutional Resilience, and Democratic Governance in Aging Societies

Co-production in long-term care governance must be understood as institutional architecture rather than participatory technique. Its contribution to resilience depends on its alignment with the four dimensions defined in Section 2.

In Japan, municipal-led participatory initiatives operate within the LTCI framework. Volunteer networks, dementia cafés, and community planning councils complement universal entitlement. Stable financing and statutory eligibility preserve fiscal sustainability and accountability clarity. Participation strengthens relational continuity without eroding territorial equity because benefits remain nationally standardized.

Germany's corporatist model embeds participation through negotiated consultation among sickness funds, welfare associations, and caregiver organizations. User engagement is mediated institutionally rather than individually. This preserves accountability clarity while enabling incremental adaptation.

Italy's participatory initiatives are vibrant but uneven. Social cooperatives and civic associations play crucial roles, yet absence of consistent national coordination produces territorial disparities. Where civic capacity is strong, relational continuity improves; where it is weak, fragmentation persists.

Thus, co-production enhances institutional resilience only when embedded within universal entitlement, stable financing, and defined accountability structures. Without such

embedding, participation risks diffusing responsibility or shifting burdens onto families.

Fiscal metrics dominate demographic debate, yet they capture only one dimension of resilience. Long-term care systems confront predictable structural transformation: rising demand, workforce contraction, and increasing complexity. Institutional resilience encompasses fiscal sustainability but also relational continuity, accountability clarity, and territorial equity.

Comparative evidence suggests that integration mechanisms generate adaptive feedback loops. Municipal coordination in Japan and corporatist negotiation in Germany enable policy learning and recalibration. Fragmented systems struggle to institutionalize such feedback.

Aging challenges liberal-democratic assumptions centered on autonomy as independence. Care ethics reframes interdependence as universal (Tronto, 2013). Co-production operationalizes this normative shift by recognizing older adults as participants in governance. Deliberative legitimacy (Habermas, 1996) extends into institutional practice when user councils possess defined consultative authority.

Participation, however, requires safeguards against inequality and accountability diffusion. Structured embedding within statutory frameworks remains essential.

5. Institutional Design Under Demographic Transformation

Comparative analysis confirms Proposition 3: co-production enhances institutional resilience only when embedded within universalistic entitlement frameworks.

Japan and Germany illustrate alignment between rights-based guarantees and participatory governance. Italy demonstrates risks of compensatory civic substitution under fragmented entitlement.

Resilient care systems require dual architecture:

- Universal entitlement securing fiscal sustainability, accountability clarity, and territorial equity.
- Structured co-production enhancing relational continuity and adaptive responsiveness.

Resilience emerges as coordinated adaptation across workforce sustainability, technological governance, and territorial equalization.

Workforce integration into participatory councils strengthens both relational continuity and democratic legitimacy.

Technological stewardship requires oversight to align innovation with dignity and accountability.

Territorial equity demands balancing decentralization with national redistribution to prevent demographic divergence from producing unequal citizenship.

Across cases, institutional design — not demographic inevitability — determines adaptive capacity. Aging thus functions as a constitutional test of democratic governance. Systems that integrate universal entitlement with structured co-production demonstrate stronger capacity to sustain fiscal stability, relational continuity, accountability clarity, and territorial equity under sustained demographic stress.

6. Conclusion

Dominant policy discourse continues to frame population aging primarily as a fiscal emergency.

Rising old-age dependency ratios, expanding long-term care expenditures, and projected workforce shortages are routinely interpreted as evidence of welfare-state exhaustion. Such narratives reduce demographic transformation to actuarial imbalance. While fiscal sustainability remains indispensable, this perspective is analytically incomplete. It overlooks the institutional dimension of demographic contraction and obscures the ways in which aging operates as a structural test of governance architecture itself.

This study has advanced a different claim: population aging constitutes a prolonged, predictable stress test of institutional resilience. The central analytical question is not whether demographic pressure increases expenditure — this is empirically uncontested — but how governance paradigms mediate that pressure across four interdependent dimensions: fiscal sustainability, relational continuity of care, accountability clarity, and territorial equity of access. Institutional resilience, defined as the capacity to maintain these four dimensions under sustained demographic stress, has served as the dependent construct guiding the comparative analysis.

The comparative findings demonstrate that demographic contraction does not mechanically erode democratic legitimacy. Rather, institutional design conditions adaptive capacity.

Hierarchical welfare-state models preserve accountability clarity and territorial standardization. Their rule-bound entitlement structures provide distributive security and transparent lines of responsibility. Yet under conditions of demographic contraction and increasing care complexity, these systems encounter declining relational flexibility and fiscal elasticity unless localized coordination mechanisms are deliberately embedded. Standardization alone proves insufficient for managing the individualized, longitudinal needs of aging populations. This finding substantiates Proposition 1: without institutionalized coordination at the local level, hierarchical systems experience diminishing adaptive capacity as demographic pressure intensifies.

Market-oriented reforms associated with New Public Management strengthen fiscal transparency and enhance cost visibility. Contractualization and performance measurement can discipline expenditure growth in the short term. However, fragmentation across multiple providers diffuses accountability and weakens relational continuity, particularly when integrative governance structures remain underdeveloped. Territorial disparities may also widen when service provision becomes contingent on market viability. These dynamics confirm Proposition 2: market-oriented reforms increase cost visibility but risk eroding relational integration and territorial equity in the absence of robust coordination mechanisms.

By contrast, governance arrangements aligned with New Public Governance — particularly those institutionalizing structured co-production — demonstrate stronger potential for adaptive resilience. Japan's municipally anchored integrated care networks, Germany's negotiated corporatist reforms, and Italy's evolving community-based initiatives reveal varied but instructive experiments in collaborative governance. Where co-production is embedded within universal entitlement, supported by stable public financing, and bounded by clearly defined accountability structures, it enhances relational continuity and strengthens participatory legitimacy without undermining fiscal sustainability or territorial equity. This supports Proposition 3: co-production contributes to institutional resilience only when institutionally structured and publicly anchored. Absent these safeguards, participation risks becoming compensatory substitution or concealed retrenchment.

Across the three cases, aging emerges not simply as a budgetary burden but as a catalyst for institutional differentiation. Japan illustrates how rapid demographic contraction can coexist with universal entitlement when integration mechanisms are systematically embedded at the municipal level. Germany demonstrates how negotiated coordination within a contributory insurance model can preserve solidarity while adapting eligibility and financing rules incrementally. Italy exposes the vulnerabilities of fragmented territorial governance, where reliance on household-centered coordination generates uneven resilience across regions. These contrasts confirm the central theoretical claim of this study: institutional architecture, not demographic inevitability, determines adaptive capacity.

The implications extend beyond long-term care policy. Aging societies confront interdependence as a structural condition. As life expectancy increases, democratic polities must govern extended life courses characterized by shifting phases of contribution, vulnerability, and caregiving. The conventional dichotomy between "contributors" and "dependents" becomes normatively and empirically unstable. Long-term care systems become institutional arenas in which societies renegotiate reciprocity, recalibrate solidarity, and redefine the boundaries of public responsibility.

Institutional resilience in this context is inseparable from democratic legitimacy. Fiscal sustainability without relational continuity erodes trust. Participation without accountability clarity diffuses responsibility. Decentralization without territorial equalization fragments citizenship. The four dimensions identified in this study are analytically distinct but empirically interdependent. Durable adaptation requires their simultaneous maintenance.

Aging differs from exogenous crises such as financial collapse or pandemics. It unfolds incrementally and predictably. This temporality creates space for anticipatory reform, institutional learning, and iterative recalibration. Systems capable of embedding participation within universal guarantees, integrating professional expertise into governance structures, and sustaining territorial solidarity are better positioned to maintain legitimacy across demographic maturity. In this sense, demographic transformation offers an opportunity for institutional refinement rather than inevitable retrenchment.

Normatively, the future of care governance lies neither in bureaucratic rigidity nor in unregulated marketization. It lies in democratic institutional innovation that aligns universal social rights with structured co-production. Universal entitlement provides the distributive and constitutional floor of social citizenship. Structured co-production — legally defined, publicly financed, and inclusively designed — constitutes the adaptive superstructure enabling responsiveness under sustained demographic stress. When these elements are institutionally aligned, aging becomes a catalyst for governance maturation.

The broader theoretical contribution of this study is therefore twofold. First, it repositions aging from a fiscal threat narrative to an institutional resilience framework grounded in comparative governance analysis. Second, it demonstrates that democratic systems retain significant adaptive capacity when institutional design integrates fiscal sustainability, relational continuity, accountability clarity, and territorial equity.

Population aging does not signal the erosion of democratic governance. Properly governed, it compels the refinement of democratic institutions to accommodate interdependence as a central organizing principle of modern societies. The sustainability of long-term care systems is thus inseparable from the durability of democratic authority itself. Aging societies illuminate not the limits of democracy, but its capacity for structured adaptation and renewal

under conditions of demographic maturity.

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Climate Change Policy and Local Government — The Case of Japan

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Abstract

This paper addresses the research question: "Why is climate change policy proliferating at the local level?" The hypothesis suggests that the global nature of environmental issues requires sustained cooperation among local stakeholders, particularly citizen participation, to enhance local initiatives' effectiveness. Focusing on "citizen energy" initiatives (solar power generation) in Japan, the author highlights unique characteristics of renewable energy projects within Japan, such as the significant role of solar power, especially in rural areas.

Key characteristics of the Citizen Energy Framework in Japan include: (a) Diverse Local Stakeholder Involvement: Local governments collaborate with various stakeholders — operators, investors, and construction companies — creating a sustainable cycle that promotes community reinvestment. (b) Community Contributions: Renewable energy initiatives lead to CO2 reduction, enhanced local energy self-sufficiency, improved disaster resilience, and direct community benefits like donations.

(c) Role of Local Governments: Municipalities facilitate these projects through supportive ordinances, acting as essential coordinators among stakeholders. (d) Successful Project Factors: Successful initiatives rely on public trust in partnerships, cooperation from local businesses, and community support fostered by operators' contributions.

(e) Challenges to Sustainability: Issues include shifting public perceptions, establishing collaborative governance structures, and adapting to technological advancements while managing aging infrastructure.

Social factors supporting these initiatives encompass CO2 reduction policies gaining public support, the tradition of local energy self-sufficiency, economic stimulation through local business engagement, citizen financial contributions, and alignment with local values.

In conclusion, addressing climate change requires establishing tangible cooperative relationships among stakeholders rather than relying solely on abstract goals. Multifaceted partnerships among local actors provide a strong foundation for tackling large-scale environmental challenges sustainably.

Keywords: climate change, citizen energy, renewable energy projects, solar power generation, local stakeholder, operator

Introduction

As Salih (2013)[1] points out, climate change is a phenomenon, which has brought about socioeconomic and environmental transformations as significant and wide-ranging. In recent years, the global ramifications of climate change have intensified, prompting governments, local authorities, and businesses worldwide to actively pursue mitigation strategies such as net-zero emissions and green transformation (GX). These initiatives align with the commitments established in the Kyoto Protocol and the Paris Agreement under the United Nations Framework

1 Source; M. A. Mohammed Salih, *"Local Climate Change and Society"*, 2013, Routledge, p. 1.

Convention on Climate Change. From the perspective of sustainable regional development (SDGs), climate change has emerged as a critical issue that local governments must systematically address, extending beyond national policies to encompass local administrative actions. The measures undertaken by local governments to combat climate change differ significantly from those at the national level. They involve concrete actions, including the assessment of public facility development, residential building standards, transportation systems, regional energy strategies, land use, and the promotion of a circular economy. These initiatives directly impact essential administrative services that affect residents' daily lives. Amid these challenges, climate change represents a substantial global issue, influencing regions across Europe and Asia. Community-level initiatives are increasingly recognized as effective strategies for both mitigating and adapting to climate change.

This research is inspired by the following observation by Salih (2013)[2]: the climate change should be understood outside such profound global crises and not merely as physical environmental change devoid of the socio-economic, political and behavioral consequences propelled by its pervasiveness. Therefore, it aims to investigate the distinct public governance landscape surrounding climate change, focusing on grassroots, micro-level initiatives that empower local governments to address the overarching challenge of global warming through green transitions. The central research question guiding this study is: "Why is climate change policy proliferating at the local level?" More specifically, it seeks to understand: "Why are grassroots, micro-level initiatives by local governments expanding in response to the overarching global environmental challenges?"

The author's research focus addresses the points raised by Salih[3]'s recognition that there is a gap between global challenges and local initiatives, as he states as follows: "the gap between local- and global-centered debates, prompted by the lack of sound linkages to day-to-day practice of adaptation to climate change, where "traditional top-down decision-making processes have become inadequate, due to their inability to create appropriate solutions for local communities."

Based on this recognition, the author posits the following hypothesis:

"The super-macro nature of global environmental issues necessitates multifaceted and sustained cooperation among local stakeholders including citizen participation, thereby enhancing the effectiveness of local initiatives."

In other words, innovative citizen engagement allows local governments to incorporate diverse perspectives, promote personal transformation through experiential learning, and ensure that citizens' ideas inform policy development. Climate change measures require the understanding and cooperation of local residents, as these measures lead to significant changes in the delivery of essential services.

To test this hypothesis, the author will focus on multifaceted and sustained cooperation among stakeholders including citizen participation in climate change countermeasures. Specifically, the author will examine the concept of *"energy communities,"* which is integral to climate change initiatives, noting that leveraging *community power* is considered crucial for the sustainable implementation of these initiatives on an international scale. Therefore, the author will organize and analyze the extent to which community power is utilized in specific examples

2 *Op.cit.,* p. 2.
3 *Op.cit.,* p. 5.

of *"citizen energy"* initiatives implemented by local governments in Japan.

Material and Method

This paper is grounded in a comprehensive literature review of specialized publications on renewable energy projects, including the 2015 report by the Ministry of Environment ("the report", hereafter.)[4].

Additionally, it incorporates insights gained from interviews with stakeholders in four Japanese cities that exemplify successful renewable energy initiatives (Odawara, Konan, Iida, and Fukuchiyama). This research examines those four cities, despite the regional disparities in such efforts across Japan. These cities — Odawara City in the Kanto region, Iida City in the Chubu region, and Konan City and Fukuchiyama City in the Kinki region — have effectively sustained their projects through collaborative engagement among diverse stakeholders, including private-sector operators, local governments, businesses, and residents. The selection of these cities ensures a balanced geographical representation, facilitating a comprehensive analysis of best practices in renewable energy collaboration.

Chapter 1 The Current State of Japan's Renewable Energy Projects

This chapter commences by examining the characteristics of renewable energy in Japan, specifically through a comparative analysis with European nations.

1. Power Generation Mixes

Looking at the power generation mix by country as of fiscal year 2022, Japan's combined share of renewable energy and hydrogen power stands at 22%, which is relatively low compared to the EU (overall), the UK, and Germany, where these sources account for approximately 40%.

Furthermore, nuclear power[5] accounts for 5.5% of Japan's total, which is lower than the EU's 21.8%. (See Figure 1-1.)

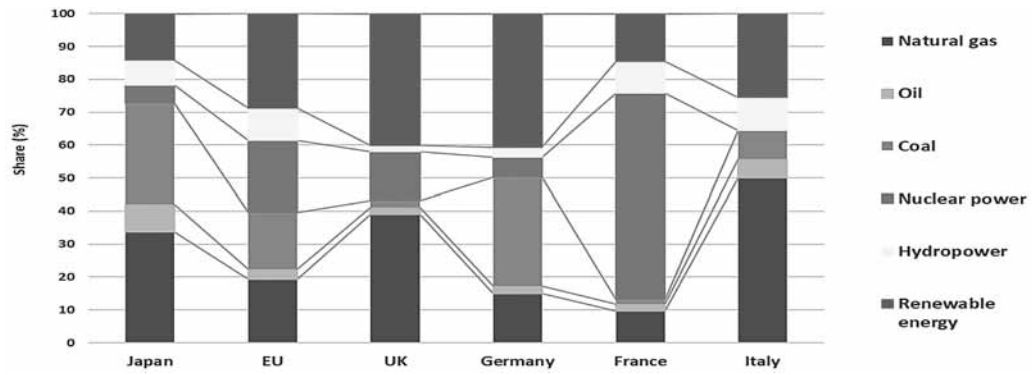

Figure 1-1 Comparison of Power Generation Mixes by Country (Created by the author based on IEA World Energy Balances (2022).

4 Report on the Commissioned Study for the Fiscal Year 2015: Measures for the Medium — to Long-Term Expansion of Renewable Energy Introduction Toward the Realization of a Low-Carbon Society — Ministry of the Environment.

5 Following the 2011 Fukushima Daiichi Nuclear Power Plant accident, Japan temporarily suspended operations at all of its domestic nuclear power plants, but has been gradually restarting them since 2015.

In accordance with Japan's "7th Basic Energy Plan," which was approved by the Cabinet on February 18, 2025, specific targets for the future energy mix have been established. Regarding renewable energy supply objectives, the government has outlined medium- to long-term goals aimed at achieving a decarbonized society, with a target of carbon neutrality by 2050:

A. FY2030 Target: The objective is to increase the share of renewable energy in total electricity generation to between 36% and 38%.
B. FY2040 Policy: The deliberations surrounding the new Basic Plan aim to designate renewable energy as the "primary power source."

Under these circumstances, it is imperative for local governments to implement targeted measures that align with the policies established by the national government, while simultaneously ensuring the engagement and cooperation of the community.

2. Trend

Japan's energy mix for fiscal year 2024 is predominantly comprised of thermal power, which constitutes 72% of the total. This is followed by hydroelectric power and solar power, each contributing 9%, while biomass accounts for 4% and wind power comprises a mere 1%. (See Figure 1-2.)

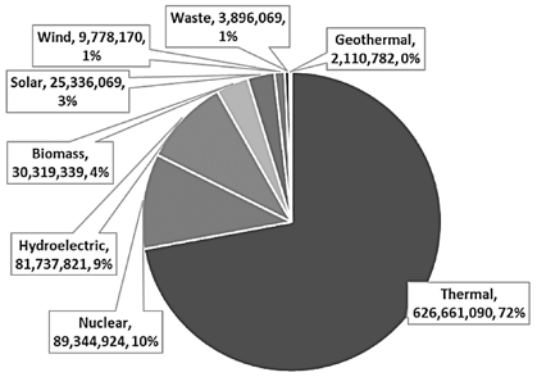

Figure 1-2 Breakdown of the power supply configuration (FY 2024) (Created by the author based on 'Electricity Survey Statistics Table' (Agency for Natural Resources and Energy))

Examining the trends in electricity generation by power source from fiscal year 2014 to fiscal year 2024 reveals a consistent decline in thermal power generation. In contrast, there has been a significant increase in nuclear power generation, accompanied by notable growth in both solar and biomass power generation. (See Figure 1-3.)

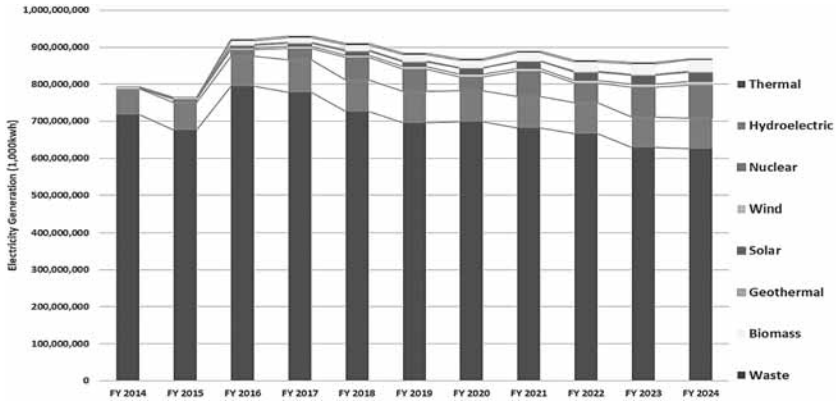

Figure 1–3 Trends in Electricity Generation by Energy Source in Japan (Created by the author based on 'Electricity Survey Statistics Table' (Agency for Natural Resources and Energy))

A prominent characteristic of Japan's renewable energy sector is the extensive adoption of solar power, which can be attributed to several key factors:

A. Consistent Solar Radiation: Power generators have the capability to install solar panels, benefiting from stable solar radiation throughout the year.
B. Installation Flexibility: Unlike wind power facilities, which are often constrained by the availability of vast open fields, solar panels can be easily installed on the rooftops of residential buildings or in vacant lots.
C. Economic Incentives for Self-Consumption: The self-consumption model, in which solar panels are installed on private homes, aligns with individuals' motivations to reduce energy costs.
D. Resilience Against Natural Disasters: Given the high frequency of natural disasters in Japan, solar power provides substantial value as a reliable emergency power source.

In addition, Soufargi (2021)[6] states as follows: "Solar energy is renewable …In contrast to its thermodynamic variant, passive solar energy can be used in regions with average sunshine. In the operational phase, the use of thermal energy has no impact on the environment. There are no polluting emissions and waste." It is reasonable to conclude that this harmony with the environment is the reason why solar power generation has become relatively widespread in Japan.

Given the significant reliance on thermal power, the Japanese government's Basic Energy Plan has consistently sought to develop a more diversified energy portfolio. This initiative aims not only to enhance energy self-sufficiency but also to meet the target of achieving net-zero greenhouse gas emissions by the year 2050.

Next, focusing on non-fossil fuels, an analysis of electricity generation trends from renewable energy sources and nuclear power between fiscal years 2014 and 2024 reveals a noteworthy increase in nuclear power production, albeit with some fluctuations. Following the 2011 Fukushima Daiichi Nuclear Power Plant accident, operations at various nuclear facilities were temporarily halted. Since then, each plant has cautiously resumed operations, undergoing

6 Source; Mehdi Soufargi, "The geopolitics of renewable energy, issues and strategies, from local to global", Our knowledge publishing, 2021, pp. 16–17.

rigorous inspections to ensure safety.

In contrast, renewable energy generation has exhibited a consistent upward trajectory. Since fiscal year 2014, the growth rate of nuclear power has outpaced that of renewable energy; however, the latter has also demonstrated steady progress. (See Figure 1–4.)

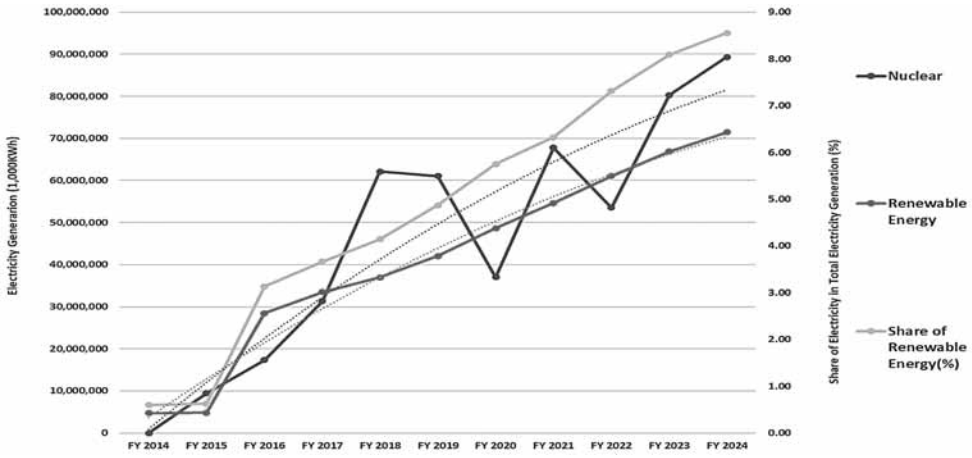

Figure 1–4 Trends in Electricity Generation from Renewable Energy and Nuclear Power in Japan (Created by the author based on 'Electricity Survey Statistics Table' (Agency for Natural Resources and Energy))

Public sentiment regarding nuclear power in Japan remains divided, reflecting an ongoing debate over the trade-off between stable energy self-sufficiency and associated risks. Conversely, renewable energy, particularly solar power, has successfully increased its generation capacity to date, despite the ongoing challenge of securing stable demand.

3. Background of Japan

In this section, we will examine the context in Japan that is pertinent to understanding the challenges facing the country's renewable energy sector, particularly in comparison with Europe.

Japan exhibits two distinctive characteristics that significantly influence its energy landscape. First, the nation's limited usable land area and high population density impose significant constraints on the siting of power generation facilities. The scarcity of flat land restricts potential locations for these facilities, while high population density creates additional challenges even in regions with substantial energy demand. Consequently, the placement of renewable energy infrastructure is often hampered by competing land use requirements.

Compared to European countries, Japan is generally notable for its small land area and high population density. (See Figure 1–5.)

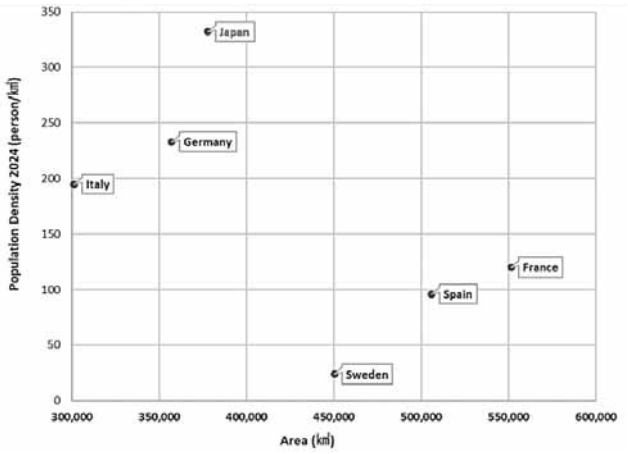

Figure 1-5 The Relationship Between Area and Population Density in Countries (Created by the author.)

Second, there exists a pronounced concentration of the population in urban areas relative to rural regions. When analyzing the proportion of the population residing in metropolitan areas across various countries, it becomes evident that Japan's figure surpasses that of many European nations. (See Figure 1-6.)

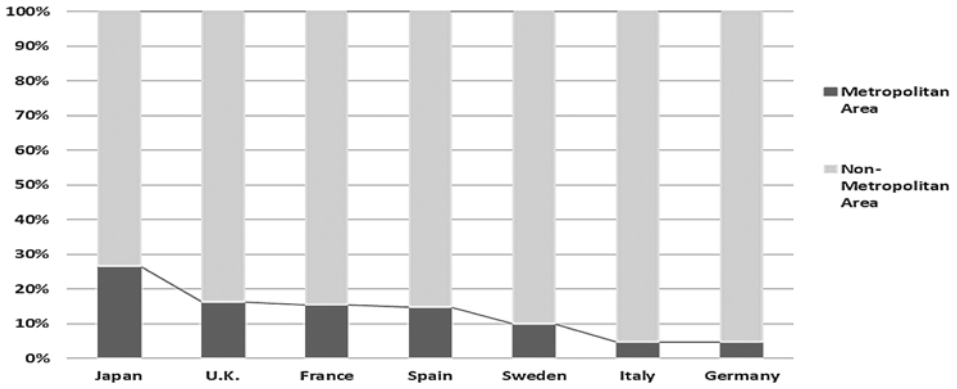

Figure 1-6 Percentage of Population in Metropolitan and Non-Metropolitan Areas by Country (2025) (Created by the author.)

This demographic distribution suggests that, despite the substantial consumer base for renewable energy in urban centers, the uneven population density complicates the aggregation of renewable energy facilities in these locales. As a result, urban areas may struggle to attain energy self-sufficiency, posing a significant challenge to the broader goals of renewable energy deployment.

4. Feature of Japan

In light of the aforementioned circumstances in Japan, it is essential to examine the current state of the renewable energy sector. Considering the previously discussed circumstances in Japan, it is pertinent to examine the current state of the renewable energy sector. An analysis of the relationship between renewable energy generation and land area across prefectures reveals a distinct trend: prefectures with larger land areas, such as Hokkaido, Iwate, Fukushima, and

Aomori, generally exhibit higher levels of energy generation. This correlation is quantitatively supported by a correlation coefficient of 0.6932, indicating a significant correlation. (See Figure 1–7.)

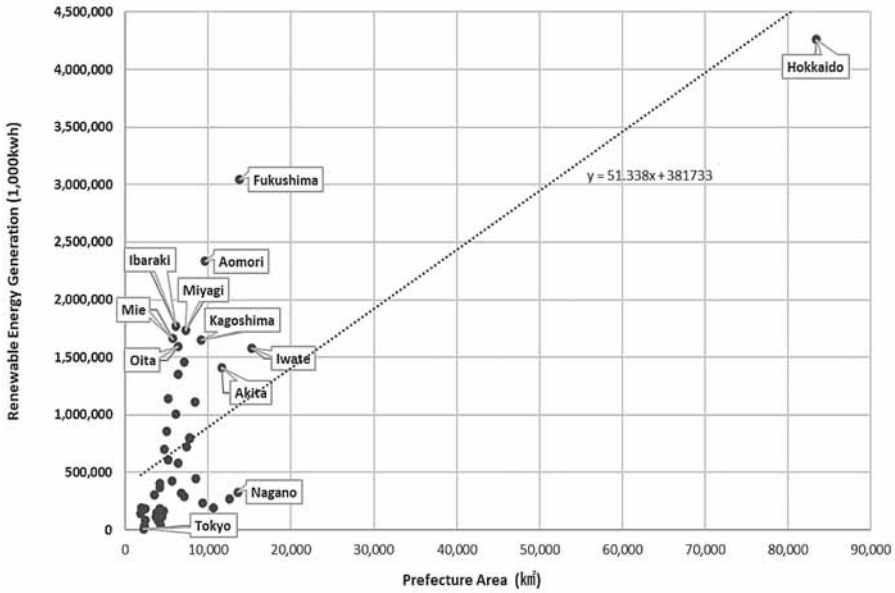

Figure 1–7 Relationship Between Area and Renewable Energy Generation by Prefecture (FY 2024) ($r = 0.6932$)

On the other hand, an analysis of the relationship between renewable energy generation and population size across prefectures reveals no significant positive correlation ($r = -0.0421$). Nevertheless, a notable trend emerges: prefectures with larger populations, including Tokyo, Kanagawa, Osaka, and Aichi, generally exhibit lower levels of renewable energy generation. In contrast, prefectures with smaller populations, such as Hokkaido, Fukushima, and Aomori, tend to demonstrate higher levels of energy generation. This observation suggests the potential for a parabolic relationship, as indicated by the best-fit curve. (See Figure 1–8.)

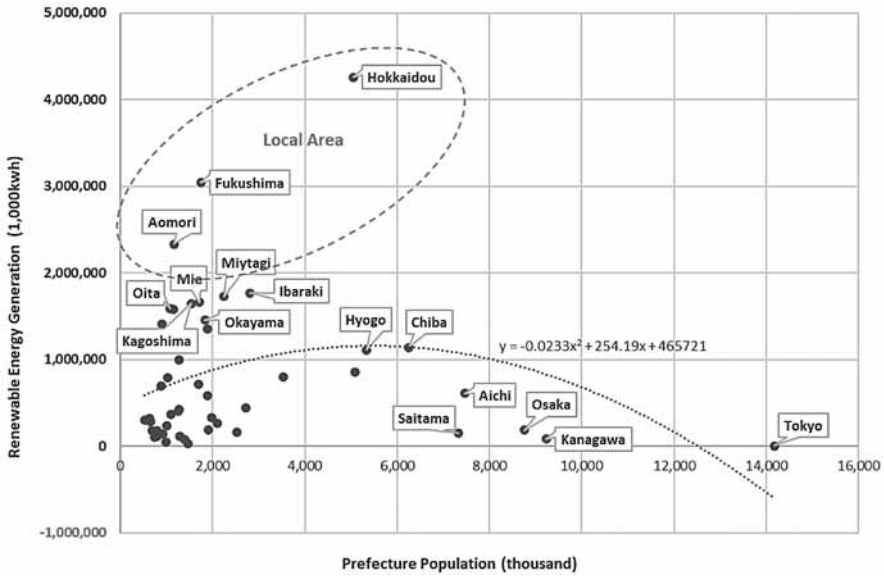

Figure 1-8 Relationship Between Area and Renewable Energy Generation by Prefecture (FY 2024) (r = 0.6932)

The characteristics of renewable energy in Japan provide two critical insights regarding its potential for further expansion within the country.

First, in recent years, the disposal of solar panels has emerged as a significant environmental concern, particularly in rural areas characterized by abundant land. This issue has, in some regions, prompted a backlash against renewable energy initiatives. In light of this context, it is imperative to pursue the enhancement of potential energy self-sufficiency while simultaneously ensuring the preservation of the natural environment.

Second, in urban centers, where high population density may pose significant challenges, and given the impending conclusion of the Feed-in Tariff (FIT)[7] program, the promotion of self-consumption models emerges as a viable strategy to address these issues. Although initiatives to encourage the adoption of solar panel and battery storage systems are currently in progress, there remains an essential need to cultivate a market tailored to detailed, self-consumption-oriented electricity consumers.

Chapter 2 Citizen Energy Type Renewable Energy Projects

1. Community Power

This chapter aims to examine the relationship between renewable energy and citizen participation, with a specific focus on Citizen Energy Type Renewable Energy Projects, which are being actively promoted by the Japanese government, as a particular manifestation of citizen energy initiatives. The concept of "community-led renewable energy projects" can be assessed through various specific criteria.

For instance, the Global Wind Energy Council has articulated the "Three Principles of Community Power" as a framework for defining community-contributing projects. According to

7 The "Feed-in Tariff" (FIT) is a system under which electric power companies purchase renewable energy at a predetermined price.

this framework, projects must meet at least two of the following three criteria to qualify as community-led initiatives:

A. Local Ownership: The majority or entirety of the project is owned by local stakeholders.
B. Decision-Making Authority: Project decisions are made by an organization embedded within the community.
C. Distribution of Benefits: The majority or all social and economic benefits are allocated to the local community.

The central concerns of these principles revolve around identifying the project operator and determining the beneficiaries of the initiative.

2. Components of the Project

In other words, this approach focuses on how to integrate the community into the renewable energy project smoothly and effectively. In line with this approach, the report categorizes community-contributing renewable energy projects into four components. The main forms of community participation as "operators" include: "led by local governments," "led by local stakeholders," "led by local governments and local stakeholders," and "led by local governments, local stakeholders, and external operators." The primary ways in which a region participates "financially" include "investment and financing by regional financial institutions," "investment and financing by regional financial institutions and city banks," and "regional funds (such as those funded by citizens or established by local governments)."

The main elements in which the community participates "financially" include "investment and financing by regional financial institutions," "investment and financing by regional financial institutions and urban banks," and "regional funds (citizen investments, municipal funds, etc.)."

The main elements in which the community takes part in as "related operators" include "participation of local operators in development operations" and "participation of local operators in O & M operations."

Furthermore, regarding the continuous "return of project benefits" to the region, if project benefits are divided into "direct effects" and "indirect effects," the former are expected to include "electricity consumption (revenue from selling electricity)," "heat utilization," and "CO2 reduction" as the main effects. As for the latter, the main expected effects include "improved energy security" through the securing of emergency power sources, "regional infrastructure and environmental improvements" through the development of land, roads, and waterways, "expansion of public services" utilizing revenue from electricity sales, "promotion of local industry and commerce" through renewable energy projects, and "human resource development" in the region through the project. (See Table 2–1.)

Table 2-1 Ways for the community to get involved to the Citizen Energy Type Projects

Ways for the community to get involved	Components of Citizen Energy Type Renewable Energy Projects	
The community participates as a “business operator”. (*Must meet at least one of the following criteria.)	Led by local governments	
	Led by local stakeholders	
	Led by local governments and local stakeholders	
	Led by local governments, local stakeholders, and external businesses	
The community participates by providing “financial support”. (*Must meet at least one of the following criteria.)	Investments and loans by regional financial institutions	
	Investments and loans by regional financial institutions and city banks	
	Regional funds (citizen-funded funds, municipal funds, etc.)	
	Investments and loans by regional financial institutions and city banks	
The community participates as a “related business operator”. (*May meet multiple criteria.)	Local stakeholders participate in power plant construction	
	Local businesses participate in O & M	
	Local stakeholders cooperate with and support the project	
Continuous “return of business benefits” to the community. (*May meet multiple criteria.)	Direct effects	Electricity Generation (Revenue from Electricity Sales)
		Heat Utilization
		Transportation Fuel Utilization
		Job Creation
		Increased Tax Revenue
		CO2 Reduction
	Indirect effects	Enhanced Energy Security
		Regional Infrastructure and Environmental Development
		Expansion of Public Services
		Revitalization of the Local Economy, Promotion of Local Industry and Commerce
		Improvement of the Local Environment
		Human Resource Development and Fostering Environmental Awareness
		Strengthening of Local Communities

(This table was created by the author by translating Table 3-1, “Elements of Community-Contributing Renewable Energy Projects” (p. 176), from the report.)

This table systematically categorizes the actors involved in citizen-led renewable energy projects, emphasizing the stages at which they emerge.

First, in contrast to projects solely executed by government agencies utilizing public funds, such as public works initiatives, citizen-led renewable energy projects are marked by the involvement of a diverse array of stakeholders.

Second, stakeholders are classified based on their modes of participation: local actors may engage as project operators (i.e., responsible entities), financial contributors, or as related parties distinct from the responsible entity. This latter group includes beneficiaries of the project’ s benefits, as well as collaborators or supporters.

Third, in assessing the contributions these projects make to the region, we address the overarching issue of climate change by distinguishing between direct effects — such as the revenue generated for the region by renewable energy operators — and higher-order indirect effects, such as enhancements in regional energy security.

This model serves as a clear illustration of the principle that the sustainable establishment of renewable energy projects within a specific region is achieved when these actors occupy appropriate roles, facilitating effective collaboration in accordance with their forms of involvement.

3. Risks and Considerations

To facilitate the seamless and effective integration of the community into the project, planners must acknowledge the inherent risks and considerations within the project framework. In this regard, the following summary is provided[8]:

"The participation of a community as an "operator" in renewable energy projects carries several risks and considerations. If the benefits, such as revenue from electricity sales, are limited to a select few, other community stakeholders — including nearby residents and local businesses — may not perceive the project as genuinely beneficial. This could lead to misunderstandings regarding project fairness.

Additionally, community-contributing renewable energy projects can pose environmental challenges, including noise, landscape impacts, and issues related to disaster prevention (e.g., the panel installations on slopes). Large-scale projects may also result in significant losses from accidents or malfunctions, which the community might struggle to manage alone due to a lack of technical expertise and personnel.

When communities engage as "related business operators", they face increased risks of accidents due to limited technical capabilities.

Financially participating community risk substantial losses from business failures stemming from accidents or other issues. Continuous "returns of business benefits" to the community are similarly at risk if stakeholders fail to recognize overall community benefits.

In order to mitigate these risks, it is crucial to design a business model that enables a broad range of local stakeholders to benefit. Maintaining close communication with the community from the project's development stage is essential to foster understanding among local stakeholders. Collaborating with major operators that have the necessary financial resources and expertise can also help address potential risks and losses." (For details, see Table 2-2.)

8 It was translated and condensed by the author from page 177 of the report.

Table 2-2 Potential Risks and Considerations by Type of Community Participation

Type of Community Participation	Potential Risks and Considerations
Community Participation as a "Business Operator"	Even in the case of community-contributing renewable energy projects, entities not directly involved in the project may fail to demonstrate an understanding of the project.
	Even for community-oriented renewable energy projects, there is a possibility that they may impact the local environment (noise generation, impact on the landscape, impact on disaster prevention (installation on slopes, etc.)
	Especially in the case of large-scale projects, the local community may not be able to bear the financial losses resulting from accidents or malfunctions on its own.
	The local community may lack the necessary technical expertise and information.
Community Participation as an "Affiliated Business Operator"	A lack of technical expertise and know-how may increase the risk of accidents or malfunctions.
Community Participation as a "Funding Provider"	If significant business losses occur due to accidents or malfunctions, this could result in major damage to the local community.
Continuous "Return of Business Benefits" to the Community	Even for community-contributing renewable energy projects, entities that do not recognize the benefits to the community as a whole may fail to demonstrate understanding of the project.
	Even for community-contributing renewable energy projects, there is a possibility that they may impact the local environment (noise generation, impact on the landscape, impact on disaster prevention (installation on slopes), etc.)

(This table was created by the author by translating Table 3-2, "Risks and Considerations Associated with Community-Based Renewable Energy Projects" (p. 178), from the report.)

Projects are inherently multifaceted, involving a diverse array of stakeholders such as business operators, business-related entities, funding providers, and local governments. Therefore, it is essential to evaluate the project's effectiveness from the perspectives of each of these actors.

4. Components of Project and Their Application to Specific Examples

This report delineates specific initiatives undertaken by local governments concerning the aforementioned "elements constituting the project" and incorporates insights gathered from interviews.

The distinct characteristics emerge contingent upon the nature of community involvement. When the community engages as an operator, local enterprises often act as power generators for solar energy projects. Consequently, numerous instances exist where local businesses collaborate with municipalities to advance these initiatives, rather than the municipalities executing them directly. Conversely, in biomass power generation, technical constraints typically necessitate a higher degree of municipal involvement.

In scenarios where community participation is financial, loans from regional financial institutions are the predominant funding source for solar, wind, biomass, small-scale hydro, and geothermal projects. Following these institutions, regional funds — such as citizen-funded and municipal funds — are also extensively utilized across solar, wind, biomass, and geothermal initiatives. Additional funding avenues include municipal budgets and local bonds, particularly for biomass and small-to-medium-scale hydroelectric projects. (See Table 2-3.)

Table 2–3 Elements of Community-Based Renewable Energy Projects

Ways for the community to get involved	Components of Citizen Energy Type Renewable Energy Projects		Solar Power		Wind Power		Biomass Power		Small-Scale Hydropower			Geothermal Power	
Cases			Case.A	Case.B	Case.A	Case.B	Case.A	Case.B	Case.A	Case.B	Case.C	Case.A	Case.B
Name of the municipality implementing the project			Gousi City	Konan City	Akita City (Kunimi-yama)	Akita (Hane-kawa)	Betsukai Town	Shihoro Town	Fuku-shima City	Nakatsu-gawa City	Yaita City	Fuku-shima City	Beppu City
Name of the project			Goshi Agri-cultural Vitality Project	Conan Citizen-Owned Power Plant Project	Akita Kunimi yama No. 2 Wind Power Plant	Hagawa Wind Power Plant	Betsukai Town Biogas Power Plant	Shihoro Town Biogas Plant	Tsuchiyu Onsen Higashi-Kamo-gawa Hydro electric Power Plant	Ochiai Hiraishi Small-Scale Hydro electric Power Plant	Tochigi Prefec-ture Tera-yama Dam ESCO Project	Tsuchiyu Onsen No. 16 Spring Binary Power Plant	Yuyama Geo-thermal Power Plant
Community participates as a "business operator".	Led by local governments							○					
	Led by local stakeholders					○			○			○	
	Led by local governments and local stakeholders			○							○		
	Led by local governments, local stakeholders, and external businesses		○		○		○						○
	Led by an external operator									○			
Community participates by providing "financial support".	Investments and loans by regional financial institutions		○	○	○	○	○		○				○
	Investments and loans by regional financial institutions and city banks											○	
	Regional funds (citizen-funded funds, municipalfunds, etc.)			○		○	○						
	Others (Municipal budget, local loan, etc.)							○			○		
Community participates as a "related business operator".	Local stakeholders participatein power plant construction		○	○	○	○	○	○	○	○	○		○
	Local businesses participate in O & M		○	○			○		○	○	○	○	○
	Local stakeholders cooperate with and support the project		○	○	○	○	○	○	○	○		○	○
Continuous "return of business benefits" to the community.	Direct effects	Electricity Generation (Revenue from Electricity Sales)	○	○	○	○	○	○	○	○	○	○	○
		Heat Utilization					○	○				◎	
		Transportation Fuel Utilization											
		Job Creation	○	○	○	○	○	○	○	○	○	○	○
		Increased Tax Revenue	○	○	○	○	○		○	○		○	○
		CO2 Reduction	○	○	○	○	○	○	○	○	○	○	○
	Indirect effects	Enhanced Energy Security		◎	◎								
		Regional Infrastructure and Environmental Development								◎	◎		
		Expansion of Public Services			◎	◎							
		Revitalization of the Local Economy, Promotion of Local Industry and Commerce	◎	◎		○	○	○	◎			◎	○
		Improvement of the Local Environment					○	○					
		Human Resource Development and Fostering Environmental Awareness	○	○			○	○	○	○	○	○	○

(This table was created by the author based on Table 3–4, "Elements of Community-Based Renewable Energy Projects and Characteristics of Each Case Study" (p. 180) , from the report.)

In models where the region functions as a related business operator, local firms are integral to the construction of power plants across all project types, from solar to geothermal. Moreover, local companies actively collaborate with and support these projects across various initiatives. Their involvement in Operation and Maintenance (O&M) is particularly prevalent in solar, small-scale hydro, and geothermal projects.

Regarding the sustained benefits returned to the community, the following *direct effects* are recognized across all project types: (a) increased electricity consumption, (b) job creation, and (c) CO2 reduction.

On the other hand, as a significant *indirect benefit* of this initiative, the revitalization of the local economy is identified. Additionally, numerous respondents highlighted the projects' contributions to human resource development and the enhancement of environmental awareness. In the context of solar and wind energy, improvements in energy security through the establishment of emergency power sources are also noted. For small-to-medium-scale hydropower, the development of land, roads, and waterways associated with the projects is acknowledged, while in wind energy, the enhancement of public services funded by electricity sales is cited.

In summary, several key conclusions can be drawn:

A. Direct operation of renewable energy projects by local governments is infrequent; the predominant model involves local private companies collaborating with municipal authorities.
B. Regional financial institutions play a significant role in financing, with regional funds — such as citizen investments — now extensively involved across all forms of renewable energy.
C. Local enterprises are actively engaged in the construction of power plants and the promotion of projects across all types of initiatives, frequently participating in O&M activities.
D. The direct benefits to the community encompass: (1) increased electricity consumption, (2) job creation, and (3) CO2 reduction. The revitalization of the local economy is recognized as a significant indirect benefit across all project types.

Chapter 3 Japanese Case Studies

This chapter offers a comprehensive overview of the renewable energy project case studies in Japan as presented in the report. It also includes the findings from interviews conducted by the author with representatives from four municipalities engaged in implementing these renewable energy initiatives. (See Figure 3-1).

Figure 3-1 Organizations surveyed (○ Organizations interviewed. Created by the author.)

1. Konan City (Shiga Prefecture)

The business model of the Conan Citizens' Cooperative Power Plant is illustrated in Figure 3-2. This power plant exemplifies the "Conan Citizens' Cooperative Power Plant Project", a general

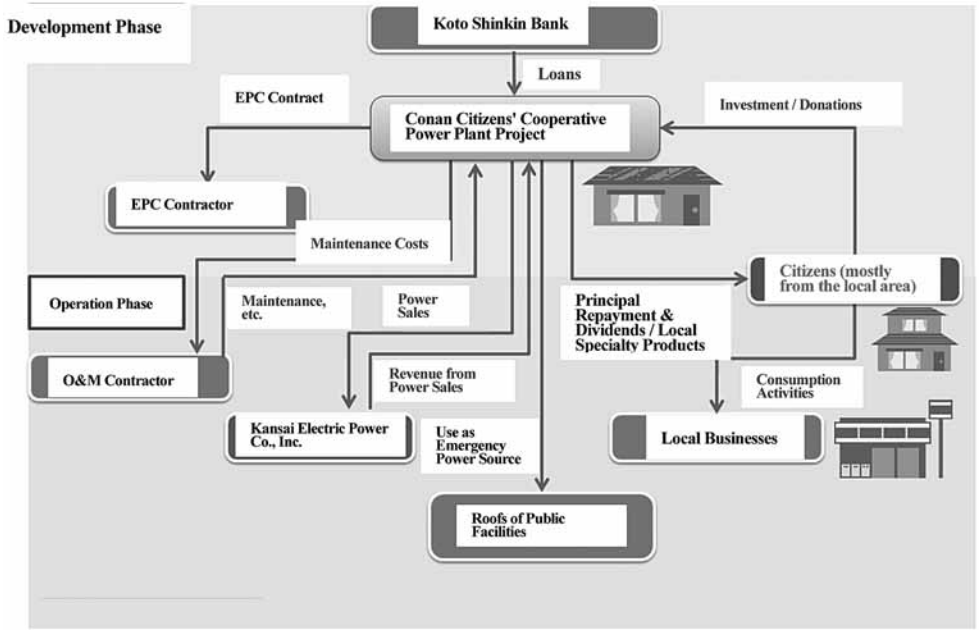

Figure 3-2 The business model of the Conan Citizens' Cooperative Power Plant (Created by the author based on figure 3-2 (Conan Citizen-Collaborative Power Plant Project Scheme), p. 186, the report.)

incorporated association that operates solar power generation facilities with capacities of 20.9 kW and 105.6 kW, strategically installed on rooftops through collaboration with the Konan City Regional Energy Division. The project was initiated following the establishment of the "Conan Citizens' Cooperative Power Plant Project" as the primary entity for energy initiatives.

The report states the outline of this project as follows[9]: "This development emerged from the deliberations of the "Conan Mutual Support Project Promotion Council", which was formed to advance regional development focused on energy, welfare, and food sectors. Funding for the project is predominantly sourced from citizen investments, primarily from local residents, at a rate of 100,000 yen per share. It is anticipated that the dividends from these investments, along with the repayment of principal, will stimulate local consumption. Moreover, for Units 3 and 4 of the solar power generation facilities, partnerships with local businesses and financial institutions have been established."

This multi-faceted approach underscores the capacity of renewable energy projects to generate economic benefits for the community, thereby making a significant contribution to regional development.

Table 3-1 provides a comprehensive summary of the project's characteristics, success factors, and challenges. The key points are outlined below[10]:

"A notable aspect of this project is the implementation of a citizen investment and donation scheme. Repayment of principal and dividends is partially or wholly returned in the form of local gift certificates, which can be redeemed at businesses and commercial establishments within Konan City. Additionally, local specialty products are offered to donors, effectively channeling revenue from electricity sales back to the community. This mechanism not only revitalizes local cash flow but also bolsters local commerce. Moreover, for Units 3 and 4, the installation, maintenance, and management of power generation facilities were delegated to local enterprises, and financing was sourced from local financial institutions. The project contributes to the economic revitalization of the area, extending beyond the mere return of electricity sales revenue in this way. Consequently, the initiative fosters community contributions throughout the power generation project, primarily through enhanced local commerce and the engagement of local businesses.

A critical success factor for this project is the active involvement of Konan City's Regional Energy Division. The division's participation in various facets — ranging from administrative procedures and investor recruitment to the dissemination of operational updates — has cultivated substantial trust among local residents, framing the project as a collaborative effort between the administration and the incorporated association. This collaboration has significantly encouraged citizen investment, thereby enhancing the project's overall success.

Conversely, a significant challenge for future expansion involves securing funding to increase the number of power plants, particularly Units 3 and 4. While existing networks were effectively utilized for soliciting investments in Units 1 and 2, future endeavors will necessitate innovative strategies to attract investments from a diverse range of stakeholders, including younger generations who have yet to engage actively in investment opportunities. For instance, for Units 3 and 4, contributions of ¥10,000 per share are being accepted, allowing for participation in the project with minimal financial commitment." (See Table 3-1.)

9 This description is a translation and summary by the author of the report on page 185.

10 A translation and summary of the report on page 186.

Table 3–1 Conan Community Power Plant: Community Contributions, Success Factors, and Challenges

Ways for the community to get involved	Specific Details	Contributions to the Local Community that have been achieved	Success Factors	Challenges
The community participates as a "business operator".	The General Incorporated Association Conan Citizens' Cooperative Power Plant Project, established following deliberations by a council composed of local organizations and government officials, serves as the project operator.	Implementation of power generation projects with the understanding of local stakeholders.	The Philosophy of the Konyan Mutual Support Project Promotion Council (Regional Development Focused on Energy, Welfare, and Food).	The high average age of the business entity's executives could lead to operational weaknesses.
The community participates by providing "financial support".	Fundraising through citizen investment (The majority of investors are citizens).	Reimbursement of principal and payment of dividends to citizen investors via local gift certificates.	Thanks to the active involvement of the Konan City Regional Energy Division, citizens trust this project as one endorsed by the city.	Recruiting investors and donors for Unit 3 and 4 ; the existing network wes already approached for Phase 1 and Phase 2.
	For Power Generation Facility Unit 3 and 4, the project operator raised funds through citizen investment and donations as well as by receiving a loan from the local Koto Shinkin Bank.	Interest payments to Koto Shinkin Bank.	Citizens' strong commitment to regional development (including aspects beyond energy, such as welfare).	
The community participates as a "related business operator".	Utilizing the roofs of local businesses and public facilities.	Payment of rent to the roof owner	Introduction of rooftops (for power generation) through local networks and support from government officials.	
	For Units 3 and 4, installation and operational management were contracted to local contractors.	Payment of installation and operational management fees to local contractors.	Local requests for contracts with local businesses.	
Continuous Return of Business Benefits to the Community	Returning dividends to investors in the form of local product vouchers.	Circulation of funds through the use of local gift certificates at local stores.	Expansion of stores accepting gift certificates (including convenience stores, supermarkets, and shopping malls).	Concerns about the usability of local gift certificates may lead to residents not participating in the investment.
	In Unit 3 and 4, local specialty products are provided to donors.	Increased orders for local specialty producers.		
		Use of power sources during disasters (in the case of public facility rooftops).		
Community Support	Active involvement by the Konan City Regional Energy Division (recruiting investors, assisting with various procedures, featuring the project in the city newsletter, and promoting rooftop solar installations).	Implementation of power generation projects with the understanding of local stakeholders.	The Existence of the Konan City Basic Ordinance on Local Renewable Energy.	Possible changes in circumstances due to personnel changes among city hall staff or senior management.

Created by the author based on figure 3–9 (Summary of Survey Results on the Conan Citizens' Cooperative Power Plant (Units 1–4) (Konan City, Shiga Prefecture)), p. 187, the report.

This report presents an analysis of the Conan City Project, conducted through an interview with the incorporated association on April 3, 2026. The findings are summarized as follows:

Project Highlights

A significant aspect of this initiative is its ability to deliver diverse benefits to local stakeholders. These benefits include: (a) The provision of electricity to the region: The

distribution of local gift certificates to citizen investors, facilitating shared advantages for both investors and local retailers. (b) The payment of rent to landlords whose roofs are utilized for solar panel installations.

Factors Contributing to Success

Several key factors have contributed to the project's success: (a) Active municipal involvement, characterized by the mayor' s strong leadership and the cultivation of public trust in the initiative. (b) The effective securing of installation sites for solar panels through the use of local networks. (c) The establishment of a foundational policy through the enactment of relevant ordinances.

Challenges

The project faces several challenges, including: The necessity of securing self-consumption customers in anticipation of the expiration of the Feed-in Tariff (FIT) program in the 2030s. The development of a sustainable model that integrates solar panels with storage battery systems.

2. Goushi City (Kumamoto Prefecture)

The report states the outline of this project as follows[11]:

"The Goshi Agricultural Vitality Project Solar Power Plant is a 1,000 kW solar facility established through a partnership involving Shizen Denryoku Farm Co., Kumamoto Seifun Co., and Goshi City in Kumamoto Prefecture.

Initiated in July 2012, the project began when Shizen Denryoku Co. secured a contract for a mega-solar project. Supported by Goshi City and local stakeholders, the project benefits from Shizen Denryoku Farm's expertise in power plant operations.The business model gained strength with interest-free loans from the Ministry of Agriculture, Forestry and Fisheries in May 2013. It emphasizes local enterprise engagement during construction and reinvestment of electricity revenue into local agriculture. This initiative not only brings economic benefits during construction but also supports the community through sustainable practices.

A key feature is its reinvestment model, where dividends from electricity sales are allocated to the "Goshi Agricultural Vitality Fund." This fund supports local agricultural initiatives, termed "proactive agriculture", which enhance local industries. Additionally, a portion of the sales revenue improves agricultural infrastructure, such as irrigation systems, in the Koshi Land Improvement District, part of the "Defensive Agriculture" initiative.

Through these ongoing efforts, the Goshi Solar Power Plant significantly contributes to local agricultural development and sustainability, reinforcing its role as a renewable energy source that benefits the community throughout its operational lifespan.

Key factors contributing to the project's success include the comprehensive agreement established between Shizen Denryoku Farm Co., Ltd. and the Koshi City local government, which fostered collaboration with Kumamoto Seifun Co., Ltd., a highly trusted entity in the region. This partnership ensured robust credit enhancement during the loan screening process by local financial institutions.Moreover, the smooth progression of the project was facilitated by Goshi City's proactive support in various areas, including deliberations on profit distribution to the community, administrative procedures, and stakeholder engagement. Consequently, a significant contributor to the project's success has been the alignment of local businesses and municipal government support, guided by Shizen Denryoku Farm Co., Ltd.'s commitment to

11 This description is a translation and summary by the author of the report on page 183.

community contribution.

However, a future challenge lies in developing effective strategies for returning project profits to the local community. Establishing a framework for optimizing contributions within limited funding sources — such as dividends and a portion of electricity sales revenue — while evaluating the impact of community contributions will be essential for future success." (See Table 3–2.)

Table 3–2 The Goshi Agricultural Vitality Project Survey Results

Ways for the community to get involved	Specific Details	Contributions to the Local Community that have been achieved	Success Factors	Challenges
The community participates as a "business operator".	Kumamoto Seifun Co., Ltd., a local company, and Koshi City, a local municipality, are participating in the project.	Dividends paid to two local companies (in this project, all funds are returned to the community).	Alignment of corporate philosophies regarding community contribution between the Shizen Denryoku Group and Kumamoto Seifun Co., Ltd.	—
			The Relationship Between the Shizen Denryoku Group, Kumamoto Seifun Co., Ltd., and Koshi City in Existing Mega-Solar Projects.	
			Kumamoto Seifun's high standing and reputation in the local community.	
The community participates by providing "financial support".	A bridge loan prior to the construction of the power plant was secured from Higo Bank, a regional financial institution.	Income generated for local financial institutions through interest payments.	Mutual reinforcement of credibility through the participation of Kumamoto Seifun and Koshi City in the project.	Since bridge loans offer little benefit to financial institutions, loan negotiations are typically difficult.
The community participates as a "related business operator".	Contract a local electrical contractor to build the power plant and appoint the company as a local partner for O&M in the event of an incident.	Placed an order worth 50 million yen (approx. €270,000) with one local electrical contractor.	Attitudes Toward the Utilization of Local Operators in the Renewable Energy Sector.	Solar power generation requires minimal operational and management work, making it difficult to generate significant regional
	Contract the Silver Human Resources Center to perform grass cutting.	The Silver Human Resources Center generates 200,000 yen (approx. €1,000) per session in revenue from grass cutting (grass cutting is performed about five times a year).		(It should be understood that the primary benefit of this project lies in the local reinvestment of its revenues.)
Continuous Return of Business Benefits to the Community	A portion of the dividends will be allocated to the Goshi Agricultural Vitality Fund and used to promote local industries, with a focus on agriculture.	Contributions toward training costs for agricultural workers in Goushi City, Donation of a forklift to the market (planned).	Easy return on investment thanks to interest-free loans from the Ministry (Agriculture): enabling the decision to return most of the dividends generated during the project period to the local community.	It is necessary to examine the intended use of funds to be reinvested in the local community (with a focus on agricultural development).
	5% of the revenue from electricity sales will be provided to the Goshi Land Improvement District and used to improve agricultural infrastructure.	Profits returned to the land improvement district are used for repairs to irrigation canals and other infrastructure.		It is necessary to define community contribution and establish criteria for evaluating the impact of contributed funds on the community.
Community Support	Koshi City is cooperating with administrative procedures and briefings for local stakeholders.	—	Goushi City's proactive stance toward this project.	—

Created by the author based on figure 3–7 (Summary of Survey Results on the Goshi Agricultural Vitality Project (Goshi City, Kumamoto Prefecture)), p. 184, the report.

This initiative is distinguished by its targeted contribution to the local community, specifically within the agricultural sector. It employs a framework in which the power generation operator, upon receiving investment, reinvests revenue from electricity sales into agricultural development. This approach has fostered long-term sustainability, stability, and enhanced investor confidence in the project.

3. Four Cities (Interview)

This report examines four cities that are at the forefront of implementing citizen-participatory renewable energy projects through citizen investment, based on interviews conducted with stakeholders in each location. The results of the interviews are summarized by category as follows:

3.1. Project Framework

The framework for these projects involves the leasing of rooftop space by the city and individual homeowners to an operator for solar panel installation. The mechanisms of operation can be categorized into two systems: (a) a feed-in tariff (FIT) system, where all generated electricity is sold to a power producer, as seen in Odawara City and Konan City; and (b) a self-consumption model, where the electricity generated is first utilized to meet the consumption needs of the roof space providers, with any surplus sold to a power producer, as implemented in Iida City and Fukuchiyama City.

3.2. Project Scale

The scale of investment varies significantly among the projects, with investor numbers ranging from approximately 100 in Odawara City and Fukuchiyama City to over 600 in Konan City and around 3,000 in Iida City.

3.3. Contribution to the Community

While the environmental benefits, particularly CO2 reduction, are frequently highlighted, many cities also emphasize the need for securing energy sources. This necessity is underscored by Japan's vulnerability to natural disasters, which creates a pressing demand for reliable "emergency power sources" (self-consumption power sources) to mitigate potential power outages from thermal power plants or interruptions in supply to evacuation shelters. Furthermore, some cities have introduced regional gift certificates or local specialty products as dividends to investors, thereby linking project operations to local economic development.

3.4. The Role of the City

In many instances, the city acts as a coordinator among businesses, electric utilities, and the local business community. Typically, the city enacts ordinances that establish a foundational framework for renewable energy supply, subsequently facilitating coordination among the involved parties, as observed in Odawara City, Konan City, and Iida City.

3.5. Factors for Success

The following factors have been identified as critical for the success of these renewable energy projects:

A. Confidence in Collaboration: All cities recognize that the success of renewable energy initiatives is contingent upon establishing trust between financial institutions, investors, and public entities.

In particular, establishing public trust in public-private partnerships has long posed a

significant challenge. Tyfield (2022)[12] points out the following; "The climate emergency can be reviewed as a governance relations between state and diverse non-state actors. In this context, two apparently contradictory narratives arise from discussions about appropriate governance responses.… The first calls for the building of new polities capable of governing themselves collaboratively, which include politicians, citizens, and private, public and third sectors.This approach blurs conventional dualisms between the governing and the governed, expert and lay, and ordinary citizens and decision makers." As stated here, climate change measures necessitate multifaceted cooperation among diverse stakeholders, which may contradict traditional governance norms. However, if mutual trust among stakeholders is cultivated through a shared commitment to contributing to the local community, such initiatives can successfully take root.

B. Local Context: The unique natural conditions and historical context of each region — such as heightened environmental awareness due to proximity to Lake Biwa, experiences with flooding leading to a focus on emergency power sources, and a spirit of self-governance aimed at addressing local challenges — have been instrumental in fostering consensus for project implementation, particularly in Konan City, Fukuchiyama City, and Iida City.

C. Leadership: The several operators: During interviews, several operators asserted that the mayors' leadership at the project's inception was a critical factor in launching the initiative successfully. In relation to this, Staden (2010)[13] states that Communities are led by local governments, as the political and/or administrative bodies that have a responsibility to ensure a healthy, safe environment and functioning society. Staden cited the following three points regarding the role of local government: (a) Guiding the community, (b) Acting as service provider and manager and/or owner of infrastructure, and (c) Providing leadership.[14] This is a characteristic that also applies to Japan in the context of climate action.

3.6. Challenges

A. Shifting Public Perception;

It is imperative to cultivate a public perception of renewable energy projects as initiatives that extend beyond mere profit generation for businesses. Rather, these projects should be recognized as vital contributions to local communities, offering benefits such as carbon dioxide reduction and enhanced energy self-sufficiency.

B. Establishing a Cross-Functional Structure within Local Governments;

The establishment of a cross-functional organizational framework within local governments is essential. This framework should integrate multiple departments — including environmental administration and economic development — to facilitate the swift implementation of renewable energy policies.

C. Promoting Regional Collaboration Among Local Governments;

A robust framework for regional collaboration among municipalities must be developed.

12 Source; David Tyfield and Andy Yuille, *"Bringing Governance Back Home-Lessons for Local Government regarding Rapid Climate Action"*, MDPI, 2022, p. 1.

13 Source; Maryke van Staden, *"Local Government and Climate Change"*, Routledge, 2010, p. 23.

14 Staden adds the following regarding this point: "Not only through its own exemplary action, but also by sharing information on experiences and examples (either good or bad) with others — both in and outside the community — can local governments help to raise awareness, improve the level of knowledge, motivate and encourage others — thereby leading a change of direction. Bringing together the concept of culture, climate protection and sustainable energy is a key element resorting under this category."

This framework will empower even small towns and villages with populations under 10,000 to engage in the implementation of renewable energy projects.

D. Reducing Dependence on FIT;

While the FIT has played a crucial role in the expansion of renewable energy sources, particularly solar power, the initial feed-in tariff system for surplus solar power — first introduced for industrial applications in 2012 — was designed for a 20-year duration. Consequently, several projects will approach the end of their purchase agreements by 2032 or later. In the post-FIT landscape, one viable strategy is to utilize generated electricity for residential consumption and other applications in conjunction with electric vehicles and storage batteries, thereby promoting self-consumption. As the FIT is gradually reduced, transitioning to a self-consumption model presents a significant challenge for renewable energy operators who have historically depended on the FIT for stable business operations.

E. Embracing Technological Advancements;

It is crucial to leverage emerging technologies that support the advancement of renewable energy projects. This includes the widespread adoption of microgrids and biomass power generation systems.

F. Addressing Public Facility Management Issues;

Local governments are currently undertaking initiatives to *reorganize public facilities* in response to the *aging* of infrastructure equipped with solar panels and ongoing population decline. Operators must adapt to these changes and develop strategies for the maintenance of solar panels in order to ensure their continued effectiveness. (See Table 3–3.)

Table 3–3 The cases of Four Cities (Framework, Contribution and Challenges)

City Project Start Date (Year)	Odawara City 2012	Konan City 2012	Iida City 2013	Fukuchiyama City 2018
Project Operator	Hōtoku Energy (Odawara Mega-Solar Community Power Plant).	Conan Community Power Plant Project (General Incorporated Association)	Ohisama Shinpo Energy Co., Ltd.	Tantan Energy Co., Ltd.
Project Description	(A) The city leases the roofs of public facilities to operators.	(A) Facilities for people with disabilities, local businesses, and the city lease their rooftops to operators.	(A) Residents, local businesses, and the city (public facilities) lease their rooftops to operators.	(A) The city (public facilities) lease their rooftops to operators.
	(B) The operators install solar panels, generate electricity, and initially sell it to electric utilities (FIT).	(B) Operators install solar panels, generate electricity, and sell it to electric utilities (FIT).	(B) Operators install solar panels, generate electricity, and supply residents with the amount they consume on-site. They sell the surplus electricity to the utility company (FIT).	(B) Operators install solar panels, generate electricity, and supply residents with the amount they consume on-site. They sell the surplus electricity to the utility company (FIT).
	(C) Currently, direct supply for personal self-consumption is the mainstream approach.	(C) Citizens invest in the operators.	(C) Funding comes primarily from individuals outside the region (such as those in the Tokyo metropolitans area).	(C) Residents invest in the operators.
	(D) Citizens invest in the operators. A distinctive feature is that local infrastructure companies (such as city gas and propane gas providers) are among the investors.	(D) Council for biomass power generation has also been established.		
Power Generations Capacity	Daily power generations: 2,620 kWh.	Total generating capacity (4 units) : 166.3 kW.	Total generating capacity 1,000 kW.	Daily power generation: 592 kWh.
Involvement of Local Businesses	38 local companies have invested. Capital : 58 million yen.	Total contributions from corporations and individuals: 61.5 million yen.	12 projects, total investment of 2,787.7 million yen.	—
Involvement of Citizens	(A) Total investment: 100 million yen.	(A) Total investment: 61.5 million yen.	(A) Total investment: 2,299 million yen.	(A) Total installed capacity: 600 kW (2024)
	(B) 100,000 yen per share (maximum of 50 shares).	(B) 100,000 yen per share (maximum of 50 shares)	(B) 100,000 yen per share	
	(C) Number of investors: 179.	(C) Number of investors: 615 (total).	(C) Number of investors: 3,025 (total).	(B) Number of investors: 146.
	(D) Average investment: approximately 560,000 yen.		(D) Average investment: approximately 75,702 yen.	(C) Number of renewable energy suppliers (including households): 45

Current Contributions to the Community	(A) Reducing CO2; In addition to combating global warming by reducing CO_2 emissions, these efforts contribute to a virtuous cycle in the local economy by preventing the outflow of energy costs and expanding local employment.	(A) CO2 reduction: 1,213 tons (cumulative total for FY2015–2019). Contributions to the environment and health, starting with the leasing of rooftops at welfare facilities.	(A) Securing Energy Source; Electricity supply from solar and small-scale hydroelectric power generation.	(A) Securing Energy Source; Realizing the enhancement of local disaster prevention capabilities against the backdrop of a history of flood damage.
	(B) Securing Energy Source; They also help secure energy sources during disasters and revitalize local communities by maximizing the potential of citizens and the region.	(B) Economic benefits: 107 million yen.		
	(C) Direct contribution to the communiy ; Donating storage batteries to elementary schools using revenue from electricity sales, and hosting tours for investors in the citizen-led fund.	(C) Contribution to Investors; Dividends to investors (local gift certificates) : 11 million yen. The principal of the investment is repaid and a 2% dividend is distributed in the form of local gift certificates, thereby contributing to the local economic cycle.		
Ordinances Serving as the Legal Basis for These Initiatives	Odawara City Ordinance on the Promotion of Renewable Energy Use, etc. (2012)	Konan City Basic Ordinance on Local Renewable Energy (2012)	Iida City Basic Ordinance on Local Autonomy (2007)	—
Factors Contributing to Success	(A) Trust in public-private collaboration regarding CO2 reduction.	(A) Aligning renewable energy projects with local values (Starting with cooperation from facilities for people with disabilities. Citizens' interest in environmental conservation of Lake Biwa.)	(A) Trust in public-private collaboration regarding CO2 reduction.	(A) The mayor's leadership.
	(B) Energy self-sufficiency policies align with local companies' policies (such as city gas providers).	(B) Local businesses' understanding of the economic benefits; the industries of construction, transportation, real estate, and electrical equipment have expressed their support.	(B) Aligning renewable energy projects with local values; A mindset of solving local challenges within the local community.	(B) Clearly establishing renewable energy within the city's policies.
	(C) Operator's contributions to the community lead to community support for their operations ; Donating storage batteries to elementary schools using revenue from electricity sales.	(C) Strong leadership from the mayor.	(C) The reliability of business plans and key stakeholders, along with prospects for future growth, were central to establishing credibility for investment.	(C) Building networks with experts.
Challenges	(A) Reducing Dependence on FIT ; A Shift Away from a Structure Dependent on the FIT; The purchase price is fixed for 20 years under the FIT program. However, running costs related to maintenance and equipment upgrades, are subject to constant fluctuation and therefore require close monitoring.	(A) Reducing Dependence on FIT ; A Shift Away from a Structure Dependent on the FIT ; Since the operation of the four power plants relies on FIT program, it is difficult to build any new power plants. Therefore, it will be necessary to develop demand for on-site consumption moving forward.	(A) Shifting Public Perception; Deepening public awareness is required (shifting the perspective from "profit" to "benefiting the community").	(A) The aging of public facilities where the panels are installed.
			(B) Promoting Regional Collaboration Among Local Governments ; A robust framework for regional collaboration among municipalities must be developed.	(B) Establishing a cross-functional framework to accelerate policy implementation.
			(C) Establishing a Cross-Functional Structure within Local Governments; The establishment of a cross-functional organizational framework within local governments is essential — including environmental administration and economic development.	
			(D) Embracing Technological Advancements; It is crucial to leverage emerging technologies (microgrids and biomass etc.)	
			(E) Addressing Public Facility Management Issues; Local governments are currently undertaking initiatives to reorganize public facilities (aging of infrastructure, population decline). Operators must adapt to these changes.	

Created by the author based on the interviews conducted in April 2026.

Discussion

As previously outlined, an overview of initiatives in Japan's leading cities has been presented. In this section, the social factors that have driven local renewable energy initiatives will be revisited. The following points can be identified as the primary social factors.

A. CO2 Reduction; Recent alterations in agricultural practices, driven by rising temperatures and increased occurrences of heavy rainfall, have significantly affected the lives of local citizens. As a result, municipal policies aimed at reducing CO2 emissions are increasingly likely to garner public support.
B. Local Energy Self-Sufficiency; Japan has a longstanding tradition of agricultural and consumer policies focused on the local production and consumption of crops, which are integral to local government initiatives. However, the frequent occurrence of natural disasters has heightened interest in local energy self-sufficiency — particularly in securing emergency power supplies during such events — thus fostering an environment conducive to public endorsement of these initiatives.
C. Promotion of the Local Economy; Efforts to stimulate the local economy, such as engaging local businesses in the construction of solar energy facilities or redistributing a portion of electricity sales revenue to land improvement districts to bolster agriculture, facilitate the acquisition of public support for local renewable energy projects.
D. Citizen Financial Contributions; Interviews with project operators reveal that investors often become repeat contributors, creating a favorable environment for sustained financial support from citizens and other stakeholders for renewable energy projects. Numerous examples exist in Japan of citizen financial participation in public interest initiatives, including resident-participatory local bonds and crowdfunding; this civic engagement serves to reinforce renewable energy efforts.
E. Alignment with Local Values; Operators have noted that citizens' interests in social welfare for individuals with disabilities, environmental conservation, and civic autonomy in addressing local social issues are interconnected with their cooperation in renewable energy projects. Achieving alignment with these region-specific values fosters an environment conducive to ongoing support for renewable energy initiatives.

Conclusion

This paper investigates the research question: "Why is climate change policy proliferating at the local level?" To explore this, the hypothesis is proposed: "The super-macro nature of global environmental issues necessitates multifaceted and sustained cooperation among local stakeholders, including citizen participation, thereby enhancing the effectiveness of local initiatives." The paper examines this hypothesis through the lens of 'citizen energy' initiatives implemented by local governments in Japan. When analyzing renewable energy projects in Japan, it is crucial to consider the country's unique characteristics, which differ from those in Europe. Key factors include Japan's compact size and the disparity in population and industrial concentration between urban and rural areas. In this context, solar power is expected to remain a dominant energy source, especially in rural regions where the feasibility of installations is

recognized, particularly with future technological innovations like microgrids.

The paper summarizes the characteristics of citizen energy in Japan, focusing on local stakeholder involvement, community contributions, and the role of local governments in coordinating renewable energy projects. It also discusses the social factors that support these initiatives and their implications for climate change mitigation.

Current Characteristics of the Citizen Energy Framework in Japan:

A. Diverse Local Stakeholder Involvement: Renewable energy projects engage various stakeholders, including local governments, operators, financiers (investors and local financial institutions), property providers (individuals leasing rooftops), and local construction firms. This diversity fosters a sustainable cycle of investment, facility construction, power generation, and reinvestment into the community.
B. Varied Community Contributions: Renewable energy initiatives benefit the community through: (a) Reduction of CO2 emissions, (b) Enhanced energy self-sufficiency via electricity sales, self-consumption, and emergency power supplies. (c) Improved disaster resilience by securing emergency power during crises. (d) Direct contributions from operators, such as donations to schools or local gift certificates for investors.
C. Role of Local Governments as Coordinators: Municipalities promoting renewable energy projects often enact ordinances to facilitate these initiatives, establishing local governments as vital coordinators among stakeholders. Lee (2015)[15] highlights the relationships between subnational governments and various actors, noting that "the Tokyo metropolitan government's introduction of robot technology to detect and fix water leaks encouraged local companies to expand their markets." In Japan, the trans-local activities and relationships are expected to grow, with local governments playing crucial roles as coordinators both regionally and beyond.
D. Factors Contributing to Successful Projects: Successful renewable energy projects typically demonstrate (a) Public trust in public-private partnerships for CO2 reduction, evidenced by repeat investments, (b) Cooperation from local businesses regarding energy self-sufficiency, and (c) A virtuous cycle where operators' community contributions garner greater local support.
E. Challenges to Sustainable Development: Renewable energy projects in Japan face several challenges, including (a) Shifting public perceptions to view these projects as beyond mere profit, (b) Establishing a cross-functional structure within local governments, (c) Promoting inter-municipal collaboration, (d) Reducing reliance on FIT, (e) Embracing technological advancements like microgrids and biomass systems, (f) Addressing management issues related to aging public infrastructure.

This paper demonstrates that all examined case studies possess frameworks that effectively established multifaceted and sustained cooperation, supporting the hypothesis.

However, solar power generation in Japan faces fundamental challenges, including maintaining public support, achieving environmental harmony, and transitioning to a self-consumption model. Resolving these challenges, reliant on stakeholder consensus, will shape the future of renewable energy in the region.

In light of the framework around renewable energy projects and their social under-

15 Source; Taedong Lee, *"Global Cities and Climate Change -The Trans-local Relations of Environmental Gov ernance",* Routledge, 2015, p. 134.

pinnings, it is clear that the super-macro issue of climate change cannot be tackled through abstract goal-setting alone. Instead, tangible cooperative relationships among stakeholders are essential. In conclusion, establishing multifaceted and visible partnerships lays a solid foundation for sustainably addressing large-scale challenges, including global environmental issues.

Acknowledged

In the preparation of this paper, sincere gratitude is extended to the staff of ENPA for their considerate support. Additionally, the deepest appreciation is expressed to the local governments and businesses in the four cities — Odawara, Konan, Iida, and Fukuchiyama — for their invaluable cooperation and insights provided during the research process.

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Teaching Negotiation to Public Policy Students:

Reflections from decades-long experience with graduate programs in Japan

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Abstract

This paper explores the challenges of teaching negotiation in Japanese public policy programs, based on two decades of classroom experience. While established negotiation pedagogy originates largely in North American contexts, its application in Japan reveals recurring learning challenges, including difficulty adopting a strategic perspective, reliance on normative reasoning, risk-averse behavior, and limited ability to apply analytical tools such as BATNA in practice. These patterns are interpreted as context-dependent learning barriers shaped by cultural norms, cognitive tendencies, and institutional conditions rather than as shortcomings in student ability. The paper argues for a more context-sensitive approach to negotiation education that adapts teaching methods while maintaining core theoretical principles, emphasizing the role of experiential learning and structured reflection in expanding students' strategic capabilities.

1. Introduction

Negotiation skills are widely recognized as a core skill for government staffers and public policy professionals, who are frequently required to reconcile competing interests, coordinate across organizational boundaries, and build consensus among diverse stakeholders (Forester 1988, Lee and Hong 2025, Susskind and Cruikshank 1987). Reflecting this importance, negotiation has become a standard component of public policy school education in many countries, supported by a well-developed body of theory and pedagogy such as the one heralded by Harvard's Program on Negotiation (Matsuura *et al.* 2013, Susskind 2015, Wheeler 2015). Much of this pedagogical tradition, however, has been developed in Western contexts, particularly in the United States, where negotiation is often framed as a strategic process of value creation and value claiming based on the articulation of interests and the exploration of alternatives (Brett 2007).

The transferability of such pedagogical models to non-Western contexts remains an open question (Movius *et al.* 2006, Salacuse 2003). Cultural frameworks, such as those proposed by Hofstede (2001), suggest that dimensions including power distance, individualism-collectivism, and uncertainty avoidance may shape how individuals perceive and engage in negotiation. In the Japanese contexts where relational harmony, hierarchical sensitivity (Nakane 1970), and implicit communication (Hall and Hall 1990) are emphasized, students may approach negotiation differently from the US-based assumptions embedded in standard teaching methods. At the same time, negotiation is also a learnable skill, and it is not self-evident how deeply such cultural factors constrain the acquisition of negotiation competencies.

This paper examines these issues through a practice-based reflection on teaching negotiation in graduate-level public policy programs in Japan. Drawing on twenty-year teaching experience at graduate schools at Meiji University and the University of Tokyo, the paper identifies recurring patterns of difficulty observed in students' engagement with negotiation concepts, simulations, and reflective exercises in classroom settings. Rather than treating these patterns as isolated or anecdotal, the analysis seeks to organize them into systematic learning challenges that arise at the intersection of cultural norms, cognitive tendencies, and pedagogical design.

By documenting and analyzing these challenges, the paper contributes to a more nuanced understanding of how negotiation education operates outside the contexts in which it was

originally developed. The findings also suggest directions for adapting negotiation pedagogy to better align with diverse educational and cultural environments.

2. Teaching Context and Pedagogical Approach

This paper draws on the author's experience teaching negotiation courses in two graduate-level public policy programs in Japan: the Graduate School of Governance Studies at Meiji University since 2016 and the Graduate School of Public Policy at the University of Tokyo since 2007. Both programs attract students with diverse academic and professional backgrounds, including those who have just finished undergraduate programs, mid-career public servants, and international students pursuing policy-related careers. While the institutional contexts differ, the author's negotiation courses share a common pedagogical foundation and learning objectives primarily drawn from the American curriculum.

The negotiation courses are designed to equip students with fundamental analytical frameworks and practical skills widely recognized in the field of negotiation and dispute resolution. Core concepts include the distinction between positions and interests, the identification of best alternatives to a negotiated agreement (BATNA), the analysis of zone of possible agreement (ZOPA), and the distinction between single-issue distributive bargaining and multi-issue integrative bargaining (Fisher and Ury 1991, Lax and Sebenius 1987, Raiffa 1985). These concepts are introduced through lectures and reinforced through a sequence of structured negotiation simulations of increasing complexity.

A central feature of the courses is the use of experiential learning. Students engage in in-class negotiation exercises, ranging from simple distributive bargaining scenarios to more complex, multi-issue, multi-party negotiations (Rumore *et al.* 2016, Susskind and Corburn 1999, Susskind 2019). These exercises are followed by structured debriefing sessions, in which students are encouraged to reflect on their strategies, outcomes, and underlying assumptions. Reflection assignments further support this process by requiring students to analyze their own negotiation behavior and consider alternative approaches.

The pedagogical approach is influenced by established models of negotiation education developed in the United States, particularly those associated with programs at Harvard University and the Massachusetts Institute of Technology where the author had received graduate-level educations. These models emphasize active learning, iterative practice, and the integration of theory and practice. At the same time, the courses are conducted in a Japanese educational and cultural context, where students' prior experiences, expectations, and interactional norms may differ from those assumed in the original pedagogical frameworks.

This combination of imported pedagogical models and local educational context provides a valuable opportunity to observe how negotiation concepts are interpreted, practiced, and internalized by students in Japan. Over multiple years of teaching, recurring patterns have emerged in students' engagement with negotiation exercises, their performance in simulations, and their reflections on learning. These observations form the basis for the analysis presented in the following section.

3. Observed Patterns of Learning Challenges

Over multiple years of teaching negotiation in Japanese graduate programs, several recurring patterns have emerged in students' engagement with negotiation concepts and exercises. These patterns are not universal across all students, but they appear with sufficient regularity to suggest systematic challenges in the acquisition of negotiation skills. This section organizes these observations into four interrelated themes.

3.1 Conceptions of Negotiation and the Self

A recurring pattern emerges in how students conceptualize negotiation and their own role within it. Many initially approach negotiation as an extension of everyday interpersonal interaction, emphasizing sincerity, harmony, and responsiveness to the immediate social context. In this view, negotiation is not primarily understood as a strategic process for advancing one' s interests, but rather as a continuation of ordinary communication practices.

This orientation makes it difficult for students to internalize the idea that negotiation requires deliberate preparation and, at times, the conscious enactment of a role. When introduced to the notion of negotiation as a form of "play," in which parties strategically perform, frame, and press their interests, some students respond with a sense of awkwardness, reflecting limited prior exposure to this kind of role-based, performative interaction. The tension between authentic self-expression and strategic action is therefore not easily resolved, but instead becomes a central point of friction in the learning process for some students.

Simulated negotiation exercises play a critical role in confronting and reshaping these assumptions. Students who adhere closely to an "honest" or affect-driven approach, particularly those who feel uncomfortable about making explicit claims, often achieve suboptimal outcomes in role-playing exercises. However, as they experiment with alternative approaches, including more assertive and strategically calibrated behaviors, many begin to observe tangible improvements in their outcomes. Through repeated cycles of action and reflection, students gradually reconcile the perceived divide between authenticity and strategy, recognizing that effective negotiation does not necessarily require abandoning sincerity, but rather complementing it by managing the presentation of the self.

This underlying orientation is also evident in students' difficulty in articulating their own interests. Instead of identifying and expressing underlying preferences, some students focus on inferring what is contextually appropriate and adjust their behavior accordingly. In such cases, the "self" in negotiation is not treated as an autonomous source of interests, but as relationally embedded and shaped by situational expectations. This has important implications for how core negotiation concepts, such as interests, BATNA, and value creation, are introduced and internalized in non-Western educational contexts.

3.2 Normative Reasoning and Limited Counterfactual Thinking

A second recurring pattern concerns how students engage in reflection and analysis. In post-simulation debriefings and written reflections, some students frame their actions primarily in terms of justification rather than inquiry. Instead of examining how alternative strategies might have produced different or improved outcomes, they focus on explaining why their choices were reasonable or appropriate given the circumstances. This pattern contrasts with what Donald

Schön describes as reflective practitioner who critically examine their own assumptions and explore alternative courses of action (Schön 1992). In response, the instructor provides feedbacks to such students so that they adopt such meta-approaches for learning.

This tendency can be further understood through the lens of bounded rationality: their reasoning is "bounded" by internalized norms about appropriate behavior (Simon 1955). As a result, instead of exploring the full space of possible strategies, including "offensive" ones, they gravitate toward choices that are consistent with their existing moral beliefs. This manifests in a broader orientation toward normative reasoning: students evaluate negotiation behavior according to standards of fairness, appropriateness, or correctness, rather than treating it as a domain of strategic choice under constraints.

Insights from cultural cognition (Nisbett 2003) further illuminate this pattern. Students' interpretations of negotiation situations and of their own behavior within them are filtered through culturally embedded schemas about the appropriate conduct. In the Japanese contexts where relational harmony and situational appropriateness are emphasized, students may recognize actions that prioritize individual gain or strategic maneuvering unfamiliar or uncomfortable, even when they are pedagogically intended. When faced with simplified negotiation exercises designed to isolate particular strategic choices, some students continue to evaluate outcomes through the lens of fairness or justice. For instance, even in exercises explicitly structured to encourage self-interested behavior aimed at maximizing individual gains, students may prioritize equitable outcomes or norm-consistent behavior.

Closely related is a limited use of counterfactual thinking. Students may struggle to consider how they could have acted differently in a given situation, especially when such alternatives deviate from their internalized norms. From the perspective of reflective practice, this represents a constrained form of learning. While many students come to recognize that considerations of fairness are an additional layer over the simplified theory of negotiation, some continue to treat normative concerns as primary, relegating strategic action in pursuit of self-interest to a secondary role. This imbalance limits their ability to fully engage with core analytical concepts, such as interests and BATNAs, and to extract broader lessons from simulated negotiation experiences.

3.3 Interactional Norms and Risk Aversion

A third recurring pattern emerges in students' behavior during negotiation simulations, particularly with respect to risk-taking. Many students adopt a cautious approach, avoiding moves that could be perceived as overly assertive or confrontational, while a smaller number gravitate toward aggressive tactics. This caution is evident in hesitant opening offers, reluctance to press for concessions, and discomfort with the possibility of reaching no agreement. Although repeated exercises enable many students to develop a more calibrated sense of aspiration and assertiveness, others continue to struggle with this shift.

These tendencies have predictable consequences for negotiation outcomes. A cautious stance can lead students to accept suboptimal agreements that do not achieve Pareto efficiency in integrative settings. In some cases, outcomes resemble well-documented negotiation phenomena such as the "winner's curse" where a party accept any agreement only slightly better than their BATNA. More broadly, students may avoid potentially advantageous strategies due to concerns about disrupting interpersonal relationships or violating implicit norms of appropriate conduct.

From an analytical perspective, this pattern can be interpreted as a form of risk aversion shaped not only by material payoffs but also by psychological and social considerations. Insights from prospect theory (Kahneman 2011) suggest that individuals tend to weigh potential losses more heavily than equivalent gains, which may help explain students' reluctance to risk an agreement or interpersonal tension. At the same time, this sensitivity to risk is mediated by culturally embedded expectations about appropriate behavior for the maintenance of harmony over conflict. As a result, the range of strategies that students consider remains narrow, particularly in the early stages of course.

Importantly, this pattern is not fixed. Repeated exposure to negotiation exercises, combined with structured feedback and reflection, can gradually expand students' willingness to experiment with a broader repertoire of strategies. Over time, some students begin to test more assertive moves, reassess the perceived risks of no agreement, and recognize the value of well-managed risk-taking behaviors. In this sense, assertiveness emerges not as a cultural belief but as a skill that can be developed through reflections.

At the same time, the need to explicitly cultivate assertiveness points to a broader tension between negotiation pedagogy and culture. In contexts where conformity, deference, or harmony are emphasized from an early age (Markus and Kitayama 1991), the encouragement of assertive behavior may feel counterintuitive. This suggests that negotiation curricula are not culturally neutral: they implicitly reflect particular assumptions about individual agency, assertiveness, and the legitimacy of pursuing one's own interests. Recognizing and addressing this tension is therefore essential for effective negotiation education across diverse cultural settings.

3.4 Constraints in Applying Analytical Tools to Practice

A fourth recurring pattern concerns the application of analytical frameworks, most notably the concept of BATNA, to real-world contexts. While students generally understand such concepts at a theoretical level, they often encounter difficulty when attempting to apply them to their practices. Thus the challenge lies less in comprehension than in application: moving from abstract models of negotiation to the specific constraints of real-world settings.

In particular, students may struggle to identify realistic alternatives to an existing negotiating counterpart. In many cases, institutional conditions sharply limit the availability of alternative partners or viable no-agreement options. A frequently cited example is land acquisition for public projects in Japan. Government officials must negotiate with the owners of specific parcels of land, and the size of compensation is tightly regulated to mitigate risks of corruption. More broadly, public-sector environments, which is characterized by bureaucratic decision-making structures and formalized procedures, can constrain the imagination of alternatives. Under such conditions, the practical relevance of BATNA may not be immediately apparent, especially to students operating at the field level. While instructors may emphasize that alternatives can be leveraged to the higher levels of management, students seeking immediate applicability of lessons to their day-to-day responsibilities may feel frustration with the principled negotiation models.

This difficulty can also be interpreted through the lens of bounded rationality. Students' ability to generate and evaluate alternatives is shaped not only by objective constraints but also by their perception of what is feasible within a given institutional context. When alternatives are not readily viable, they are effectively excluded from consideration even if they exist in theory.

In this sense, the challenge of applying BATNA reflects both structural limitations and cognitive framing.

At the same time, this pattern coexists with broader societal changes. In domains such as employment and career trajectories, Japanese society has become more fluid, potentially making alternative options more conceivable in the last two decades. For example, in the context of postwar lifetime employment norms, it would have been difficult for junior employees to conceive of credible alternatives, such as changing employers, as part of their career development. The labor markets in Japan have become fluid during the market opening after the bubble burst of 1990s, however, the possibility of moving to other employers have become more salient, suggesting that the applicability of BATNA is historically contingent and likely to shift over time.

Nevertheless, encouraging students to systematically consider BATNAs may still conflict with prevailing norms in certain domains of practice. In contexts where stability, continuity, or relational commitment are emphasized, the explicit articulation of BATNAs can appear undesirable. From this perspective, the teaching of BATNA is not merely a technical exercise but may also have subtle normative implications. By foregrounding the legitimacy of alternatives and the strategic value of exploring other options, negotiation education may contribute to a reconfiguration of expectations about agency and choice, potentially reinforcing more individualistic orientations over time.

4. Structural and Institutional Constraints on Negotiation Education

In addition to the learning challenges at the student level, negotiation education in Japan faces structural and institutional constraints. One major limitation is the small number of qualified instructors with formal training in the theories of negotiation and dispute resolution in the United States where they originate. Many graduate programs rely on a single faculty member, or even an adjunct instructor, to offer a negotiation course, and some programs do not offer one at all. This situation limits how often courses are available and how many students can take them. The absence of institutions similar to the Program on Negotiation at Harvard Law School may partly explain the shortage of qualified instructors in Japan.

This limited teaching capacity affects how courses are designed. Experiential learning plays a central role in negotiation education. It requires instructors to choose or develop suitable role-play exercises, give individual feedback, and run well-structured debriefing sessions. These tasks demand time and resources. They also require instructors with enough experience to respond effectively to a wide range of student questions and comments. When those resources are limited, it becomes difficult to offer repeated practice or detailed feedback. As a result, graduate students in Japan may have fewer chances to improve negotiation skills in an interactive manner.

Institutional factors also shape how negotiation fits into the broader curriculum. Among six accredited public policy schools in Japan, four schools (Hokkaido University, University of Tokyo, Meiji University, and Kyoto University) offer negotiation courses. However, each school treats these courses as electives rather than core requirements. Tohoku University's public policy school identifies negotiation as a core competence, but it does not offer a full semester

course with systematic instruction. In contrast, institutions in the United States, such as Harvard Kennedy School, often provide multiple courses in this area. Japanese programs usually offer only one course per institution. This difference can affect student motivation and limit how much negotiation frameworks connect to other subjects.

These constraints suggest that the challenges discussed earlier do not come only from student-level factors. The institutional context of postgraduate education in Japan also plays a significant role in shaping negotiation education.

5. Discussion: Implications for Negotiation Pedagogy

The patterns identified in this study reveal a set of challenges that arise from the interaction among cultural norms, cognitive tendencies, and pedagogical design. These challenges should not be treated as fixed traits of students. It is more useful to see them as context-dependent learning barriers. They emerge when established negotiation frameworks enter a different educational and social environment, especially in non-Western settings.

One key issue is a possible mismatch between widely used negotiation teaching methods from North America and the expectations and interaction styles of students in Japan. Many approaches assume that students will engage in explicit self-assertion, take on strategic roles, and openly explore alternatives. These assumptions may not fit well with students who have developed different communication styles and norms through their earlier education.

At the same time, some of these challenges can be addressed through changes in teaching. Students showed greater willingness to take risks after repeated role-play simulations. This pattern suggests that experiential learning can gradually expand the range of behaviors students feel comfortable using. In addition, structured debriefing and reflection can promote counterfactual thinking. They can also help students move beyond simple justification and consider more assertive negotiation strategies.

These observations suggest the need for a more context-sensitive approach to negotiation education. This does not require abandoning established frameworks. Instead, instructors can adjust how they introduce, practice, and review these frameworks. For example, instructors can explain the difference between authenticity and strategic behavior. They can provide guidance on how to identify one's interests and express them strategically. They can also design reflection tasks, such as asking for essays, that prompt students to explicitly consider alternative actions. At the same time, the assumptions built into negotiation theory also shape the learning context. Educators need to strike a balance between adapting to local conditions and preserving the core elements of the theory.

Finally, the institutional constraints discussed earlier show the importance of building capacity in negotiation education in Japan. Increasing the number of trained instructors and integrating negotiation more fully into public policy curricula would give students more systematic opportunities to develop these skills. Instructors in Japan also need to collaborate in order to support these improvements.

6. Conclusion

This paper examined the challenges of teaching negotiation in Japanese graduate-level public policy programs by reflecting on the two-decade experience. It identified recurring patterns in students' engagement with negotiation, including difficulty adopting a strategic perspective, a tendency toward normative reasoning, risk-averse behaviors, as well as institutional challenges.

These findings suggest that theory of negotiation developed in North America does not transfer seamlessly across contexts. Their underlying assumptions about assertiveness, individual agency, and strategic action may not align with norms emphasized in Japan, such as harmony, situational appropriateness, and hierarchical sensitivity. The resulting tensions should be understood as context-dependent learning barriers rather than as student deficiencies.

At the same time, the analysis shows that these challenges can be addressed through pedagogy. Experiential learning, repeated practice, and well-structured reflection can expand students' willingness to experiment with alternative strategies and deepen their understanding of negotiation concepts.

The findings point to the need for a more context-sensitive approach to negotiation education. This involves adapting how frameworks are introduced and practiced while maintaining their analytical core. It also highlights the importance of strengthening institutional capacity, including increasing the number of trained instructors and integrating negotiation more fully into public policy curricula.

Overall, negotiation education in Japan illustrates both the limits and the adaptability of established pedagogical models when applied in different cultural and institutional settings.

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Counterintelligence in Japan:

An Overview of Key Issues in the Debate over "Anti-Espionage" Legislation[1]

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1 This research is part of the results of a study funded by JSPS KAKENHI Grant-in-Aid for Scientific Research (24K04748). This article is an English translation of the following manuscript, originally published in Japanese, with the permission of the copyright holder: Kobayashi, Y. (Kobayashi Yoshiki) (2026)「Nihon no Kaunta Interijensu: Iwayuru 'Supai Boshi Ho' wo meguru Giron ni okeru Ronten no Seiri」[Counterintelligence in Japan: An Overview of Key Issues in the Debate Surrounding the Enactment of the "Anti-Espionage Law"].『Gabanansu Kenkyu』[Governance Studies] (22), pp. 33–66. [In Japanese]

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Abstract

The objective of this study is to identify and clarify the key issues to be considered when examining ways to improve Japan's current counterintelligence capabilities.

In recent years, debate in Japan over the so-called "Anti-Espionage Law" and related legislation has intensified. However, the concept of "spy" lacks a clear, consensus definition in both legal and academic contexts. In academic discourse, the concept of counterintelligence is generally considered a more analytically useful framework.

This study first clarifies the concept of counterintelligence. It then examines the following key issues: (1) the role of responsible organizations (or departments), (2) legal frameworks concerning enforcement and regulation, (3) the recruitment and development of personnel, and (4) systems of democratic oversight. Each of these issues is analyzed from the perspectives of basic principles, the situation in the United States and other countries, and the situation and challenges in Japan.

When considering how to enhance counterintelligence capabilities, it is important to move beyond a narrow focus on strengthening punitive legislation and to pursue a comprehensive examination from multiple perspectives. The present study provides a structured overview of the fundamental issues relevant to this objective.

Introduction

The purpose of this study is to identify and clarify the key issues involved in improving Japan's current counterintelligence capabilities.

Japan's growing interest in counterintelligence legislation reflects a significant shift in its national security environment. Since the early 2020s, Japanese policymakers have expressed mounting concern over foreign intelligence activities targeting Japan, including the alleged theft of sensitive technological and defense-related information, cyberattacks on government and private-sector systems, and influence operations aimed at shaping public opinion and political discourse. Under these circumstances, efforts are underway to strengthen Japan's overall intelligence capabilities. Among these efforts, the review of the current legal framework and institutional structure for counterintelligence is attracting particular attention. Proponents of new legislation argue that current statutes are insufficient to deter and prosecute foreign intelligence operations. Critics, by contrast, raise concerns about potential abuse, the chilling effect on press freedom and academic inquiry, and the need for robust democratic oversight. This paper does not adjudicate between these positions but aims to map the key issues relevant to any serious consideration of reform.

Recently, debate in Japan regarding the so-called "Anti-Espionage Law" and similar legislation has intensified.[3] However, there is no single definition of the concept of "spy" or its synonym "espionage" that is widely accepted either legally or academically. Consequently, in discussions regarding the "Anti-Espionage Law" and similar legislation, the concept of a "spy"

3 For example, *Asahi Shimbun,* December 8, 2025, "(Editorial) Drafting the Anti-Espionage Law: Will It Undermine the Foundations of a Democratic Society?"; *Mainichi Shimbun,* November 29, 2025, "(Editorial) Anti-Espionage Law: Endless Doubts About Its Necessity." [Both articles in Japanese]

assumed by each commentator differs, leading to instances of confusion in the debate. On the other hand, in academic circles, it is generally considered more common to use the concept of "counterintelligence" rather than "spy" or "espionage." Accordingly, and with reference to the debates surrounding the "Anti-Espionage Law" and similar legislation, this paper organizes the principal issues based on the concept of counterintelligence.

The structure of this paper is as follows. In Section 1, as a premise for the discussion, the concept of counterintelligence is clarified, and its defining characteristics are discussed. In Section 2 and subsequent sections, this paper organizes the principal issues bearing on the improvement of Japan's counterintelligence capabilities. Specifically, it addresses the following issues: the responsible organizations (or departments), laws and regulations concerning enforcement and oversight, the recruitment and training of personnel, and systems for democratic oversight. Each of these issues is examined from the perspectives of fundamental principles, the situation in the United States and other countries, and the situation and challenges in Japan.

This analysis aims to enable a more systematic and comprehensive understanding of recent debates surrounding the "Anti-Espionage Law" and related issues.

1. The Concept of Counterintelligence

1.1 Definition

There is no single, widely accepted definition of the concept of counterintelligence, either legally or academically. For this reason, when engaging in discussions regarding counterintelligence, it is considered important for participants to share a common understanding of the concept's definition. Conversely, discussions conducted without a shared understanding of the definition among stakeholders may result in miscommunication and confusion.[4]

Mark Lowenthal, an American intelligence scholar, defines counterintelligence as "efforts undertaken to protect a nation's intelligence activities from infiltration and disruption by hostile nations or their intelligence organizations."[5] Furthermore, Section 3.5 (a) of U.S. Executive Order 12333 (1981, revised in 2008) defines counterintelligence as activities and information collected for the purpose of identifying, deceiving, exploiting, disrupting, or defending against espionage and other activities conducted by foreign or foreign non-state actors.[6]

In light of these trends in U.S. discussions, this paper defines counterintelligence as countermeasures against intelligence activities conducted by foreign powers against one's own country.

However, this is strictly a working definition for the purposes of this paper. It does not

4 As mentioned earlier, similar issues are believed to exist regarding the concepts of "spy" and "espionage."

5 The original text reads as follows: "Counterintelligence (CI) refers to efforts taken to protect one's own intelligence operations from penetration and disruption by hostile nations or their intelligence services" (Lowenthal, 2022, p. 217).

6 The original text reads as follows: "Counterintelligence means information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities."

preclude other definitions (Note: The concept of "foreign powers" is discussed later in Section 1.2.1).

1.2 Characteristics

Based on the above definition, the following characteristics can be identified regarding the concept of counterintelligence (CI):

1.2.1 CI is a countermeasure against intelligence activities "by foreign powers" directed against one's own country

In this paper, counterintelligence refers to countermeasures against intelligence activities conducted by "foreign powers" against one's own country. The term "foreign powers" here typically refers to foreign governments (particularly intelligence organizations). It is also considered to include non-state actors such as foreign terrorist organizations. Furthermore, even if the direct actors are nationals or domestic actors, they may be considered part of "foreign powers" if they are effectively operating under the influence of foreign powers. It should be noted that in the relevant laws and regulations of other countries, such as the United States and the United Kingdom, the concept of "foreign principal" is frequently used with a similar intent (see Section 3.2). However, the legal definitions of "foreign" vary slightly from country to country and are not strictly identical. For the purposes of this paper, the concept of "foreign powers" will be used as an umbrella term encompassing the concept of "foreign" as defined in the laws of various countries.[7]

Conversely, countermeasures directed solely against activities by one's own nationals or domestic actors are not covered in this paper. It should be noted that activities such as the theft of secrets held by governments and other entities may be carried out not only by foreign forces but also by one's own citizens or domestic actors. Countermeasures against such issues are often discussed not under the rubric of counterintelligence but under the concept of information security (the definition of information security and the relationship between the two concepts will be discussed later in Section 1.3).

However, in actual specific cases, it is not always easy to distinguish or assess whether an activity is "carried out by one's own citizens or domestic actors under the de facto influence of foreign forces (i.e., a case that is essentially a counterintelligence matter)" or whether it is purely an activity carried out by one's own citizens or domestic actors.

1.2.2 CI is a countermeasure against "intelligence" activities conducted by foreign powers against one's own country

Counterintelligence in this paper refers to countermeasures against "intelligence" activities directed against one's own country. Regarding the intelligence activities referred to here, both the aforementioned definition by Lowenthal and the definition under U.S. Executive Order 12333 are understood to refer to so-called "intelligence in the broad sense." Intelligence in the broad sense includes covert operations (Covert Action) in addition to so-called "intelligence in the narrow sense."

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7 The definitions of "foreign entities" under the laws of various countries are not identical. For example, in the so-called "foreign agent registration" systems of the United States, Australia, and Canada, the concept of a foreign entity is defined more broadly to include not only foreign governments and political parties but also related companies and individuals.

"Intelligence in the narrow sense" generally refers to "activities that support the decision-making of policymakers regarding national security."[8] Therefore, countermeasures against intelligence activities in the narrow sense generally refer, specifically, to countermeasures against collection activities (particularly the theft of classified information) conducted against the target state by foreign intelligence organizations and related entities.[9]

Intelligence in the broad sense, by contrast, encompasses intelligence in the narrow sense as well as covert operations.

Covert operations refer, for example, to propaganda directed at the target country; disruption through political and economic activities; support for sabotage or coup d'état activities carried out by anti-government forces within the target country; and paramilitary activities.[10] Activities aimed at disseminating disinformation as part of so-called information warfare or influence operations are also considered to fall under covert operations.[11] Since these activities constitute the execution of already established policies, they are qualitatively distinct from intelligence in the narrow sense (activities that support decision-making by policymakers). However, in practice, intelligence organizations in various countries, including the U.S. Central Intelligence Agency (CIA), may engage in such covert operations. Therefore, when discussing counterintelligence, it is reasonable to interpret it as including countermeasures against covert operations conducted by foreign powers. It should also be noted that such intelligence activities conducted by foreign powers against the target country may constitute illegal acts under that country's domestic law, but this is not necessarily always the case.

1.2.3 CI is a "countermeasure" against intelligence activities conducted by foreign powers against one's own country

Counterintelligence in this paper refers to measures taken against intelligence activities conducted by foreign powers against one's own country.

It is a "countermeasure" against intelligence activities. Regarding the "countermeasures" referred to here, the definition provided in the aforementioned U.S. Executive Order 12333 states: "activities intended to identify, deceive, exploit, or disrupt (the adversary's activities), or to defend against them (remainder omitted)." In other words, counterintelligence is not limited to mere criminal investigative functions (such as the detection of illegal activities) but is understood more broadly as part of the government's national security functions.

First, such countermeasures include not only responses to specific, individual cases (such as leaks of classified information) but also the formulation and implementation of general policies aimed primarily at prevention. Examples include government-wide classification systems and so-called security clearance systems, as well as public relations and awareness campaigns targeting relevant organizations and the general public.

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8 Lowenthal, 2025, p. 14.

9 Among such measures, countermeasures specifically aimed at preventing the theft of secrets from one's own intelligence organizations by foreign powers and others are sometimes referred to as counter-espionage (Lowenthal, 2025, p. 331).

10 Lowenthal, 2022, pp. 255–260.

11 Regarding the definition of information warfare, for the purposes of this paper, based on prior research by the U.S. Congressional Research Service (CRS), we define it as "strategy for the use and management of information to pursue a competitive advantage, including both offensive and defensive operations" (Theohary, 2022, p. 1; 2018, p. 1). Note that the term "information" in information warfare refers to "information" rather than "intelligence."

Second, even when addressing specific individual cases, judicial measures (such as the prosecution of leaks of classified information) are merely one of several options. Countermeasures are considered to include various other administrative measures as well. For example, measures such as utilizing sources of foreign intelligence organizations discovered within one's own government as so-called "double agents" to conduct intelligence-gathering activities or disinformation campaigns against the target country;[12] measures utilizing diplomatic negotiations with the target country, including the exchange of captured spies (discussed later in Section 3.1.3) ; among others.

1.3 Supplementary Notes

(1) Scope of Counterintelligence

Table 1 summarizes the above content. (a) and (b) represent distinctions based on the actor conducting the adversary's intelligence activities. (i) and (ii) represent classifications based on the "form" of the adversary's intelligence activities.

Table 1 Overview of Counterintelligence Concepts

	(i) Countering the theft of secrets, etc.	(ii) Countering covert operations (propaganda, political and economic activities, sabotage, coups, etc.)
(a) Activities by foreign actors	(1)	(2)
(b) Activities by domestic actors	(3)	(4)

Source: Prepared by the author.

As noted above, counterintelligence in this paper falls within the scope of (a), namely areas (1) and (2). Conversely, area (b) — that is, activities conducted exclusively by one's own citizens or domestic actors (activities falling under areas (3) and (4)) — is excluded from its scope. However, as noted above, distinguishing between (a) and (b) is not always straightforward in actual cases.

Intelligence activities (primarily collection activities) by adversaries falling under Area (1) in Table 1 are often deemed illegal under the laws of the targeted country (as discussed later in Note 2.1). For example, among the debates surrounding economic security, issues such as the protection of advanced technological information are primarily related to Area (1).

Covert operations by the opposing party that fall under Area (2) in Table 1 may be deemed illegal under the laws of the targeted country, but this is not always the case. For example, if a foreign power substantially supports sabotage, a coup d'état, or similar acts within Japan (or through collaborators within Japan) using covert methods (e.g., by providing funds, information, or operational advice), depending on the nature of the act and the degree of involvement, it may constitute joint principal, instigation, or aiding and abetting under the crimes of insurrection (Article 77 of the Penal Code) or riot (Article 106 et seq. of the Penal Code).[13] On the other hand,

12 Such activities are sometimes referred to as offensive counterintelligence (Lowenthal, 2025, pp. 331–349).

13 The crimes of insurrection and riot are subject to punishment for offenses committed abroad. Therefore, punishment is not necessarily ruled out even in cases of foreign involvement from outside Japan.

information warfare conducted through propaganda, political and economic activities, etc., may be carried out within the scope of political activities or freedom of speech under Japanese domestic law.

As noted above, activities falling under Area (3) in Table 1 are not directly within the scope of counterintelligence discussed in this paper. However, these activities are also significant issues from the perspective of so-called information security (Information Security).[14] Regulation or enforcement regarding activities falling under this Area (3) may become a subject of debate due to their relationship with freedom of the press (the so-called "leak" issue) and the protection of whistleblowers (Lowenthal, 2025, pp. 369–370). Furthermore, as mentioned earlier, with regard to actual, specific cases, distinguishing and assessing whether an activity is "carried out by one's own citizens or domestic actors under the substantial influence of foreign powers (i.e., cases that are essentially counterintelligence matters)" or whether it is "carried out purely by one's own citizens or domestic actors" is not necessarily easy (at least in the initial stages of addressing the case).

Information security is understood to be related to both Areas (1) and (3) in Table 1 but is not directly related to Areas (2) and (4).

(2) The Relationship Between Counterintelligence and Information Security

Table 2 provides an overview of the relationship between counterintelligence and information security.

Counterintelligence focuses primarily on countering the theft of secrets and covert operations (particularly influence operations) by foreign forces. On the other hand, leaks of secrets and influence operations not involving foreign forces are generally understood to fall outside the direct scope of counterintelligence.

In contrast, information security focuses primarily on countering information leaks and similar incidents, regardless of whether the activities are carried out by foreign or domestic actors. On the other hand, countering influence operations and similar activities is generally understood to fall outside the direct scope of information security.

Thus, while the two concepts can be distinguished from the perspectives of purpose and subject, they are considered to partially overlap. Countering the theft of secrets by foreign powers (that is, leaks involving foreign actors) can be considered a domain where counter-

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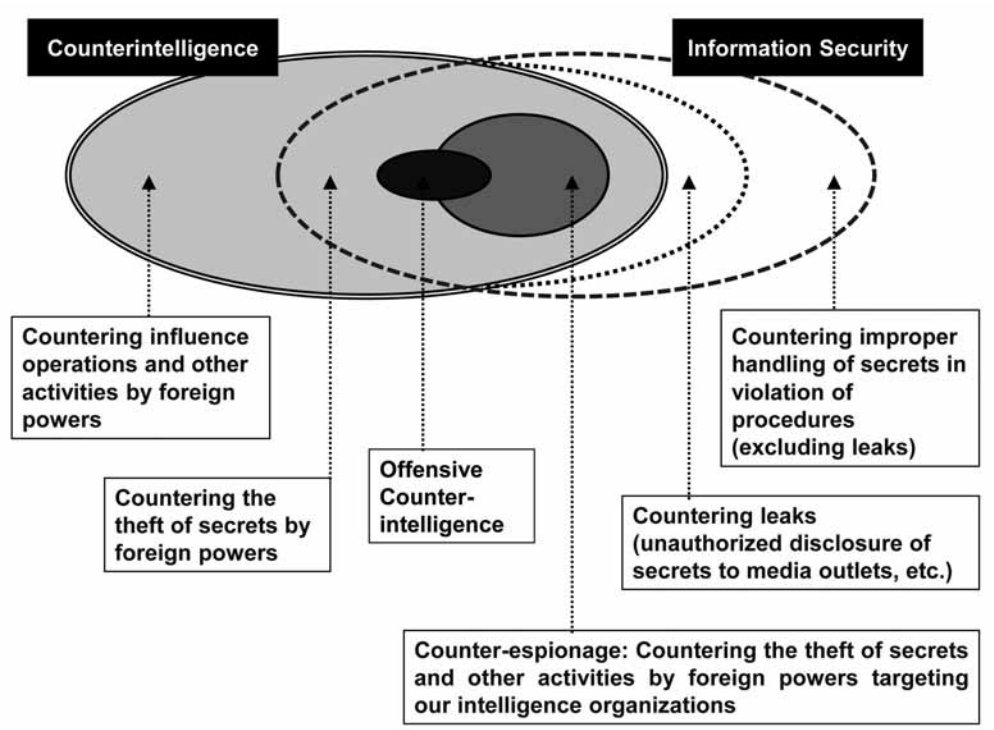
However, "sabotage" and "coup d'état" are not terms used in Japanese law. Whether such activities actually constitute illegal acts within Japan is determined based on the elements of the offense as defined in the relevant provisions.

Furthermore, regarding Japanese nationals who cooperate with the activities of these foreign forces, if they conspire with a foreign power to provoke the use of force against Japan, the crime of inciting foreign aggression (Article 81 of the Penal Code) may be applicable; in addition, they may be charged as joint principal offenders, instigators, or accomplices to the crimes of insurrection or riot.

14 There is no clear definition of "information security" in Japanese law. However, based on documents from the Organisation for Economic Co-operation and Development (OECD) and other sources, the key elements of information security are generally understood to be "the protection of (a) confidentiality, (b) integrity, and (c) availability of information" (Moriyama & Watanabe, 2024, p. 377). Furthermore, Article 2 of the Framework Act on Cybersecurity (Act No. 104 of 2014) provides a clear definition of "cybersecurity." The key points of this definition are understood to be twofold: (1) the prevention of information leakage, loss, or damage, and (2) the implementation of necessary measures to ensure the safety and reliability of information systems and information and communications networks, and the proper maintenance and management of that state.

Table 2 Relationship Between Counterintelligence and Information Security



Source: Prepared by the author.

intelligence and information security intersect.

2. Organizations (or Departments) Responsible for Counterintelligence

This section discusses issues surrounding the organizations (or departments) responsible for counterintelligence from the perspectives of (1) the formulation and implementation of relevant policies, and (2) the handling of specific cases (particularly those involving the theft of secrets). In particular, with regard to the functions described in (1) and (2), the analysis focuses on the nature of the organization (or department) that oversees them — that is, the so-called "central coordinating authority" or "lead agency."

2.1 Formulation and Implementation of Counterintelligence Policies

2.1.1 Basic Approach

As noted above (1.2.3), counterintelligence is understood to include not only the handling of specific individual cases but also the formulation and implementation of general policies aimed primarily at prevention. For example, this includes the formulation, implementation, and coordination of policies regarding various government-wide measures (such as the classification system, security clearance system, and public relations and awareness campaigns targeting

relevant organizations and the general public).[15] This may also include the compilation and analysis of relevant situational information that serves as a prerequisite.

Such various counterintelligence-related policies are often carried out not only by multiple organizations within the government, including those within the intelligence community, but also by private organizations outside the government. To promote efficient counterintelligence operations across the entire government, it is essential to establish a unified direction for these policies to achieve the necessary integration, while also coordinating and reducing overlaps in initiatives that span multiple organizations.

Therefore, it is considered useful to establish an organization (or department) to oversee the formulation and execution of such intelligence-related policies.

2.1.2 The Situation in the United States

In the United States, the National Counterintelligence and Security Center (NCSC), an organization under the Office of the Director of National Intelligence (ODNI), serves as the "central coordinating authority" overseeing related policies.[16] Title 50, Section 3383 of the United States Code (50 U.S.C. § 3383) (d) stipulates, with regard to the Center's mission, that it shall "integrate government agencies as necessary to counter intelligence activities by foreign powers, and formulate and lead strategic planning for the U.S. government's counterintelligence activities."[17]

Provisions (1) through (7) of subsection (e) of the same section explicitly outline the specific responsibilities of the Center. These responsibilities include, for example, the formulation and implementation of the "National Counterintelligence Strategy" — a government-wide policy document on counterintelligence — as well as the related situation analysis and threat assessments that underpin it; the coordination of relevant budgets; the formulation and implementation of public relations and awareness campaigns targeting government agencies and relevant private organizations; and the conduct of related training, among other tasks. (*Regarding the National Insider Threat Task Force (NITTF) under the Center's jurisdiction discussed further in Section 4.1.)

2.1.3 Current Situation and Challenges in Japan

In Japan, a Counterintelligence Center has been established within the Cabinet Intelligence and Research Office of the Cabinet Secretariat. The Center was established pursuant to the "Implementation of the Basic Policy on Strengthening Counterintelligence Functions" (decided by the Counterintelligence Promotion Council on August 9, 2007)[18] and is tasked with "coordina tion and liaison regarding the implementation of the Basic Policy on Strengthening Counter-intelligence Functions."[19]

15 In many countries, three elements — the classification system, the security clearance system, and penal laws — are established and operated as an integrated general framework for counterintelligence. In Japan, the so-called Act on the Protection of Specified Secrets (Act No. 108 of 2013) corresponds to this.

16 Lowenthal, 2025, p. 356; the Center's official website: https://www.dni.gov/index.php/ncsc-home

17 The original text reads as follows: "The mission of the National Counterintelligence and Security Center shall include organizing and leading strategic planning for counterintelligence activities of the United States Government by integrating instruments of national power as needed to counter foreign intelligence activities."

18 Official website of the Cabinet Intelligence and Research Office: https://www.cas.go.jp/jp/seisaku/counterintelligence/pdf/basic_decision_summary.pdf

19 Official website of the Cabinet Intelligence and Research Office: https://www.cas.go.jp/jp/gaiyou/

However, the details of the Office's activities are unclear. Compared to the U.S. National Counterintelligence and Security Center, its activities are presumed to remain relatively small in scale. Furthermore, no comprehensive government policy document equivalent to the U.S. "National Counterintelligence Strategy" has been formulated, at least not one that is publicly available.

Therefore, in discussions regarding the improvement of counterintelligence capabilities in Japan, potential points of debate could include enhancing these counterintelligence-related policy functions and whether to establish a central coordinating body (or department) to oversee related policies. If such a central coordinating body were to be established, expanding the existing Counterintelligence Center within the Cabinet Intelligence and Research Office could be considered a relatively realistic approach.[20]

However, when considering these issues, it is necessary to keep in mind matters such as securing financial resources and personnel.

2.2 Handling of Specific Cases (particularly those involving the theft of secrets)

2.2.1 Basic Approach and the Situation in the United States

In addressing specific cases related to counterintelligence — particularly those involving the theft of secrets by foreign forces — sufficient coordination and cooperation among relevant organizations are often necessary. For example, in cases where there is suspicion that an informant cooperating with foreign forces has been planted within a government organization, it is considered more effective to address the situation through the coordination and cooperation of multiple relevant organizations rather than having the enforcement agency handle it alone.[21] As a case study, the Ames case (in which Aldrich H. Ames, a senior CIA officer, provided secrets to the Soviet Union), uncovered in the United States in 1994, has been cited as an example where a delay in appropriate action resulted from a lack of cooperation between the CIA and the Federal Bureau of Investigation (FBI).[22]

To achieve coordination and cooperation among these multiple relevant organizations, it is considered useful to designate a coordinating body (or department) — that is, a so-called lead agency — to handle specific cases.[23]

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20 Recently, there has been discussion regarding the elevation of the Cabinet Intelligence and Research Office to a National Intelligence Agency. As one of the points of discussion in this context, it is conceivable to consider expanding the Office's Counterintelligence Center and strengthening its policy formulation and implementation functions.

21 For example, if a suspicion arises that a "spy" from a foreign intelligence organization is present within a diplomatic organization, it is more efficient and effective to address the situation through mutual coordination and cooperation among relevant organizations, rather than having the internal security department of that diplomatic organization or an external law enforcement agency (such as domestic intelligence agencies or the police) handle it alone. Such coordination and cooperation also make it possible to expand the range of options available for addressing the situation.

22 Lowenthal, 2025, p. 351; Senate Select Committee on Intelligence, November 1, 1994, An Assessment of the Aldrich H. Ames Espionage Case and Its Implications for U.S. Intelligence.

23 Similarly, establishing a coordinating body is considered effective for addressing information warfare or influence operations by foreign powers. However, since such efforts are expected to involve the entire government — including not only intelligence agencies but also public relations and policy departments — this paper does not address them. (For details on the discussion regarding this matter, see Kobayashi (2024).)

2.2.2 The Situation in the United States

In the United States, when dealing with specific counterintelligence cases (particularly those involving the theft of secrets by foreign powers), pursuant to Section 1.14 (a) of Executive Order 12333, the FBI is responsible for coordinating within the intelligence community.[24] Furthermore, 50 U.S.C. § 3381 (e) (1) (A) mandates that the heads of federal agencies and other relevant officials notify the FBI upon becoming aware of such cases.[25] This lead agency system is said to have been established based on lessons learned from the aforementioned Ames case.[26] Under this system, in the United States, even in counterintelligence cases involving, for example, the CIA, the military, or the State Department, the FBI is designated from the outset to take the lead in handling the case.

2.2.3 Current Situation and Challenges in Japan

In Japan, the foreign affairs divisions of the police are primarily responsible for investigating specific domestic counterintelligence cases. However, a lead agency system similar to that of the United States does not currently exist. Therefore, in discussions regarding the improvement of counterintelligence capabilities in Japan, the feasibility of introducing such a system may become a point of debate.

(1) National-Level Organization or Local-Level Organization

As mentioned above, in the United States and other countries, counterintelligence is positioned as part of security policy (*See 1.2.3). Consequently, even when dealing with specific counterintelligence cases, national-level security organizations, led by the FBI, play a central role.[27] On the other hand, in Japan, as mentioned earlier, the police are primarily responsible for investigating specific domestic counterintelligence cases. The current Japanese police system adopts a prefectural-level local police system. Consequently, the foreign affairs divisions of the prefectural police forces — which are part of local governments — are responsible for investigating specific domestic counterintelligence cases. In such cases, issues may arise as to whether appropriate and timely judgments can be made from a national security perspective, and whether the government can ensure adequate democratic accountability to the public.

In light of these points, when discussing the improvement of counterintelligence functions in Japan, a key point of contention may be whether an organization responsible for handling specific, individual cases should be established at the national level.

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24 The original text reads as follows: (The Director of the FBI shall) "Within the United States, conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community."

25 The original text reads as follows: (the head of each department or agency within the executive branch shall ensure that) "the Federal Bureau of Investigation is advised immediately of any information, regardless of its origin, which indicates that classified information is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power."

26 Lowenthal, 2025, p. 351; Senate Select Committee on Intelligence, November 1, 1994, An Assessment of the Aldrich H. Ames Espionage Case and Its Implications for U.S. Intelligence.

27 For example, local police forces such as the New York City Police Department could also be involved. However, the role of these organizations would be strictly defined as supplementary to the activities of national organizations such as the FBI.

(2) Whether It Should Be a Police Organization

Among these discussions, there is the idea of establishing a dedicated national-level domestic intelligence organization separate from the police, such as a so-called "Japanese version of MI5."[28] On the other hand, there is also the possibility of creating an organization directly under the national government within the existing police system, such as the Cyber Investigation Unit established within the NPA.

In the case of the former option (establishing a dedicated domestic intelligence organization separate from the police), the role of counterintelligence as a national security function would become clearer, and placing the responsible organization under the direct supervision of a cabinet minister would also contribute to ensuring democratic accountability. However, the potential risk of arbitrary political manipulation of the system would be higher (compared to the latter option).

In the case of the latter option, because the responsible organization would remain within the police structure, the positioning of counterintelligence as a national security function would remain somewhat ambiguous. In particular, since the organization would be placed under the management of the NPSC, democratic accountability would be weaker compared to an organization under a ministerial system. On the other hand, compared to the former option, the potential risk of arbitrary political manipulation of the system would be lower.[29] Furthermore, since this would involve merely reorganizing the police force rather than establishing a completely new organization, challenges related to securing funding and personnel are expected to be relatively few.

While this paper does not aim to judge the merits of either proposal, regardless of which option is pursued, it is necessary to keep issues such as securing financial resources and personnel in mind during the deliberation process.

3. Legal frameworks Concerning Enforcement and Regulation

This section examines the legal challenges related to counterintelligence. First, it provides an overview of the challenges in laws and regulations concerning countermeasures against the theft of secrets by foreign forces, dividing them into penal laws, laws governing authority, and other issues. Second, among the legal systems for countering covert activities by foreign powers

28 Among the eight G7 nations and Australia, six countries other than Japan and the United States have national-level organizations dedicated to domestic intelligence separate from the police (*In the United States, this function is handled by the FBI, a federal law enforcement agency). Note that "MI5" in the text refers to the organization dedicated to domestic intelligence in the United Kingdom (officially known as the Security Service (SS)).

29 Against this backdrop, the "reconciliation of political neutrality and democratic accountability" — the very objective of the Public Safety Commission system — is not always easy to achieve in practice. Rather, these two elements tend to be contradictory. Regarding this point, Tamura (2025a) notes that "in the case of the police, they are not under the command and supervision of governors or ministers, and control cannot be directly exercised through elections (omitted). In an era of distrust in government, police organizations possess structural weaknesses in responding to demands for control" (Tamura, 2025a, p. 27). Furthermore, Tamura (2025b) points out that "current laws are intended not only to prevent actual political abuse by the police but also to ensure that even the slightest possibility of such abuse does not remain, and are rooted in a sense of vigilance toward police operations (and politicians)" (Tamura, 2025b, p. 390).

(particularly propaganda, political, and economic activities), the discussion focuses specifically on the so-called Foreign Agent Registration System and provides an overview of its challenges. The first set of challenges corresponds to Area (1) in Table 1, while the second corresponds to Area (2).

3.1 Laws Concerning Countering the Theft of Secrets by Foreign Powers

3.1.1 Penal Laws

In Japan, public officials and others who disclose government or local government secrets without proper authorization may be punished under the National Public Service Act, the Local Public Service Act, the Act on the Protection of Specified Secrets, and other relevant laws (*details are discussed later in this section). When addressing cases involving the theft of secrets by foreign forces, foreign nationals and others who obtain such secrets through these public officials may also be punished as accomplices, instigators, or accessories.

Regarding the protection of corporate trade secrets, various penalties are stipulated in the Unfair Competition Prevention Act (Articles 21 and 22) (up to 10 years). When addressing cases involving the theft of trade secrets by foreign entities, foreign nationals and others may be punished not only as principal offenders but also as accomplices, instigators, or accessories. Under this Act, attempted offenses are also punishable (Article 21, Paragraph 4).

The following is an overview of the penal provisions regarding the leakage of government secrets, etc.[30]

First, general-duty civil servants are subject to a duty of confidentiality (Article 100 of the National Public Service Act; Article 34 of the Local Public Service Act), and violations of this duty are subject to penalties (Article 109 of the National Public Service Act; Article 60 of the Local Public Service Act) (up to one year). Similar provisions are found in the Foreign Service Civil Servants Act (Article 27) and the Self-Defense Forces Act (Article 59). Furthermore, regarding special defense secrets under the Act on the Protection of Secrets in Connection with the Japan-U.S. Mutual Defense Assistance Agreement, etc., stricter penalties are prescribed for their leakage or unauthorized collection (Article 3 of the same Act) (up to 10 years).

Second, the Act on the Protection of Specified Secrets (enacted in 2014) provides stronger protection for "specified secrets" than for ordinary secrets. Specifically, in cases where "a person engaged in duties involving the handling of specified secrets discloses a specified secret obtained through such duties," penalties generally equivalent to those for the disclosure of specified defense secrets are imposed (Article 23 of the Act). Furthermore, equivalent penalties are imposed on persons who acquire designated secrets by means of "acts that interfere with the management of the holder of designated secrets" for the purpose of promoting the interests of a foreign country or for similar purposes (Article 24 of the Act). "Acts that undermine the management of the holder of a specified secret" include fraud, assault, intimidation, theft or damage to property, trespassing on premises, interception of wired telecommunications, and unauthorized access (Paragraph 1 of the same Article). Furthermore, penalties are imposed for conspiracy, instigation, or incitement to commit such illegal disclosure or acquisition of specified secrets (Article 25 of the Act).

30 The explanations of the point 1 through 3 in the main text regarding penal provisions, etc., are reprinted from pages 245 to 247 of Kobayashi (2025).

Third, the Act on the Protection and Utilization of Important Economic Security Information (enforced in 2025) expanded the scope of the security clearance system. Specifically, the Act extended its application to employees and researchers of private companies who receive certain classified information from the government. It should be noted that the Act on the Protection of Specified Secrets had already stipulated the application of the government's security clearance system to certain private-sector employees. Articles 23 through 25 of this Act prescribe penalties that are largely similar to those in Articles 23 through 25 of the Act on the Protection of Specified Secrets. However, the penalties are lighter than those under the Act on the Protection of Specified Secrets (up to five years).

Compared to other countries, Japan's current situation can be assessed as having the necessary penal provisions largely in place (see Table 3). However, based on media reports and other available information, the number of actual arrests is not necessarily high at this point. Possible factors contributing to this include constraints related to authority, personnel, and operational aspects.

A comparison of the legal systems in Japan, the United States, the United Kingdom,

Table 3 Penal Provisions by Country

Country	Subject of Protection	Legislation	Penalties
Japan	Government's secrets	National Public Service Act Local Public Service Act	Up to 1 year
	Government's specially designated secrets	Act on the Protection of Specially Designated Secrets Act on the Protection	Up to 10 years
		Utilization of Critical Economic Security Information	Up to 5 years, etc.
	Corporates' trade secrets	Unfair Competition Prevention Act	Up to 10 years
U.S.	National defense-related information, etc.	Espionage Act (18 U.S.C. § 793 etc.)	Up to 10 years (Sentences may be extended due to concurrent sentences.)
	Corporates' trade secrets	Economic Espionage Act (18 U.S.C. § 1831–1832)	Up to 15 years
U.K.	National defense-related information, etc.	Official Secrets Act of 1989* National Security Act 2023	Life imprisonment
	Corporates' trade secrets		Up to 14 years
Canada	National Security-Related Information, etc.	Foreign Interference and Security of Information Act**	Life imprisonment
	Corporates' trade secrets		Up to 10 years
Australia	National Security-Related Information, etc.	Criminal Code Act 1995 Part 5.2 (Amended in 2018)	Generally, 20–25 years (Life imprisonment is also possible under aggravated circumstances.)
	Economic information		

Source: Prepared by the author.

(Note) Given the significant differences in legal systems across jurisdictions, direct comparison is not straightforward. This table presents each country's framework in simplified form for illustrative purposes only. Readers are encouraged to consult the primary legal sources of each country for precise and comprehensive information.

*Official UK Government Website: https://www.gov.uk/government/publications/national-security-bill-factsheets/espionage-etc-national- security-bill-factsheet

**Canada's FISIA is a law concerning a comprehensive framework targeting all forms of interference by foreign powers) and operates under a mechanism that differs significantly from Japan's Act on the Protection of Specified Secrets.

Canada, and Australia reveals that they share a similar structure in which there is a certain degree of distinction between state secrets (such as those related to national defense) and trade secrets held by private companies and other entities. On the other hand, there are differences among these countries regarding sentencing. Life imprisonment is available in the United Kingdom, Canada, and Australia.

Consequently, in discussions regarding the enhancement of counterintelligence capabilities in Japan, the feasibility of strengthening these penal laws may become a point of debate. Specific points for discussion include the following:

(1) Expansion of the scope of punishment: In cases involving the theft of government secrets, current Japanese laws allow for the punishment of foreign forces as accomplices to the principal offender. However, it is generally interpreted that for an accomplice to be established, the principal offender must have commenced the act. A potential point of discussion is whether it is necessary to allow for the punishment of acts of solicitation or other actions that do not reach this stage.

(2) Harsher Penalties (Part 1) : In cases involving the theft of government secrets, current Japanese laws allow for punishment only under the National Public Service Act or the Local Public Service Act for violations of confidentiality obligations regarding secrets that do not qualify as "specified secrets" (i.e., those with a lower level of classification), with a maximum sentence of one year. A potential point of debate is whether there is a need to impose harsher penalties for such acts.[31]

(3) Harsher Penalties (Part 2) : Beyond the point raised in (2) above, are the penalties under the various existing penal statutes all insufficient? For example, whether there is a need to introduce harsher penalties, such as life imprisonment, could be a point of debate.[32]

(4) Consolidation of Laws : A potential point of debate is whether the various penal laws currently scattered across multiple statutes should be consolidated into a single symbolic law, such as an "Anti-Espionage Act" or a "Counter-Espionage Act."

(5) Effectiveness : In examining each of the points listed above (1) through (4), a key point of debate is the extent to which the introduction of various measures can be expected to have a concrete effect on deterrence or detection.

3.1.2 Authority and Legislation

With regard to counterintelligence cases, prosecution is difficult compared to general criminal cases, partly because it is not easy to gather sufficient evidence.[33]

In Japan, as mentioned above, the police are primarily responsible for investigating specific domestic counterintelligence cases. However, the investigative powers granted to the police

31 *Asahi Shimbun,* December 9, 2025, "What Will Happen to the Anti-Espionage Law? Shigeru Kitamura, Former Director of the National Security Bureau, Discusses the Necessity for National Security." [In Japanese]

32 Regarding the introduction of harsher penalties, such as life imprisonment, there may be counterarguments regarding consistency with the overall penal system and the lack of empirical evidence regarding general deterrence.

33 Lowenthal, 2025, pp. 351–352. When the evidence required for proof is obtained from sensitive intelligence sources (e.g., SIGINT, HUMINT, etc.), the relevant intelligence organization may prioritize the secrecy of the source and collection methods and be reluctant to submit the evidence to court (Kobayashi, 2021, pp. 239–240).

(such as the authority to intercept communications and conduct undercover investigations) are limited compared to those in other countries.[34] Consequently, even if the aforementioned strengthening of penal laws were implemented, there is a view that, unless accompanied by a corresponding strengthening of the necessary legal authority, the collection of evidence required for criminal prosecution would remain practically difficult under current conditions.[35]

For these reasons, in discussions regarding the improvement of counterintelligence capabilities in Japan, the feasibility of strengthening the necessary legal authorities may become a point of contention. Specific points for discussion include, for example, the following:

(1) Specific authorities to be strengthened: To begin with, the question of exactly which authorities should be strengthened could become a point of contention.

(2) Effectiveness: A potential point of contention is the extent to which concrete effects in terms of deterrence or detection can be expected from the strengthening of authority. Note that this point is also related to the issues of securing and training personnel, as well as democratic control, discussed later (Sections 4 and 5).

(3) Protection of Human Rights: How to achieve a balance between strengthening authority and protecting human rights may become a point of debate.

(4) Policy Priorities: A potential point of contention is whether priority should be given to strengthening penal laws or to strengthening laws granting authority.

3.1.3 Other Issues: The Exchange of Captured Spies

There is also the view that improving counterintelligence capabilities contributes to the protection and rescue of one's own citizens through the exchange of captured spies. For example, this involves the exchange between Country A and Country B of nationals from the other country who have been apprehended and detained on suspicion of being "spies" or similar offenses.[36] For example, such cases can be seen between the United States and Russia.[37]

To avoid implementing such measures as extra-legal actions, it is necessary to establish the requisite legal basis and other necessary provisions. In the United States, the legal basis for such measures is believed to be grounded in the President's power of pardon as stipulated in the U.S. Constitution (Article II, Section 2, Clause 1), as well as in legislation such as the so-called Levinson Act.[38] In Japan, such a legal framework has not yet been established.[39]

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34 Kobayashi, 2019, pp. 147–148.

35 Furthermore, even if penal and authorizing legislation is in place, it is considered difficult to ensure the effectiveness of deterrence or enforcement without the necessary systems and personnel to exercise these authorities (see Sections 2 and 5). Furthermore, regarding undercover operations conducted by investigative agencies and intelligence organizations in the United States and other countries, mental health issues such as trauma and PTSD among practitioners have been noted (Moretti, Cavagnis, Flutti, Silvestri, & Travaini, 2025). If such activities are to be carried out in practice, it is considered necessary to address these issues.

36 Lowenthal, 2025, p. 205.

37 *The New York Times,* July 16, 2010, "Spy Swap Forced Prosecutors Into Balancing Act"; *Asahi Shimbun,* December 9, 2025, "What Will Happen to the Anti-Espionage Law? Shigeru Kitamura, Former Director of the National Security Bureau, Discusses the Necessity for National Security." [In Japanese]

38 It is believed that implementing such measures requires not only the establishment of legal systems but also the exercise of sophisticated political judgment regarding national security.

39 Although not a case of spy exchange, during the 1977 Dhaka JAL hijacking incident, as an extra-legal measure, prisoners and pretrial detainees were released in exchange for the release of hostages (passengers and crew).

3.2 Countering covert operations by foreign forces (particularly propaganda, political, and economic activities) — Foreign Agent Registration System

As mentioned above, covert operations by foreign powers targeting Japan (Area (2) in Table 1) may be considered illegal under Japanese law in some cases, but this is not always the case. For example, so-called information warfare and influence operations conducted through propaganda, political and economic activities, etc., may sometimes be carried out within the scope of political and freedom of speech activities that are considered legal under Japanese law. Broadly speaking, responses to information warfare and similar activities include: (1) regulations on certain forms of speech and other activities; (2) the identification and analysis of disinformation (including so-called fact-checking); and (3) proactive public communications activities (including "counter-narrative" efforts against disinformation). The following discussion focuses specifically on point (1), examining the so-called Foreign Agent Registration System as introduced in the United States and other countries.[40]

3.2.1 Overview of the Foreign Agent Registration System in the United States

The foreign agent registration system in the United States was established under the Foreign Agents Registration Act (FARA), enacted in 1938, with the primary purpose of ensuring the transparency and visibility of political influence activities and public opinion manipulation targeting the United States by foreign powers (at the time of its enactment, the main objective was to make visible propaganda activities against the United States by entities such as Nazi Germany). This system defines individuals who engage in political activities on behalf of a "foreign principal" as "foreign agents" and requires such individuals to periodically disclose information regarding their relationship with the foreign principal, the nature of their activities, and their financial transactions.[41] This system does not directly prohibit political activities by foreign agents. On the other hand, some academic studies assess that, from a counterintelligence perspective, registration requirements and information disclosure may have a deterrent effect, such as inducing certain behavioral changes in foreign agents.[42]

In terms of operational implementation, the department responsible for this system is the Counterintelligence and Export Control Section (CES) within the National Security Division of the Department of Justice. In cases in the United States that appear to be related to counterintelligence, there are instances where suspects are prosecuted not under the Espionage Act or similar laws, but on charges of procedural violations under the Foreign Agents Registration Act. This is likely due to the fact that, even in the United States, it is not easy to

40 Regarding (1), for example, regulations on the dissemination of disinformation on social media could also be a point of discussion. However, since such issues fall outside the scope of this paper, they will not be addressed here.

For the issues discussed in (2) and (3) (particularly the separation of roles and division of labor between intelligence (analysis) and policy (public relations and information dissemination) in information warfare), see Kobayashi (2024).

41 U.S. Department of Justice official website: https://www.justice.gov/nsd-fara

42 Krishnakumar (2021); Fattal (2019). It should be noted that these prior studies point out that, given the abstract and broad nature of the concept of "political activities" in these systems, there remains scope for arbitrary application.

gather sufficient evidence to support prosecution under the Espionage Act or similar laws.

3.2.2 The Situations in Australia, the UK, and Canada

In recent years, similar systems have been introduced in Australia (established in 2018),[43] the United Kingdom (established in 2024),[44] Canada (established in 2024; as of the time of writing (January 2026), preparations for implementation are underway)[45] and elsewhere (see Table 4). This trend appears to stem from growing concerns in recent years in these countries regarding information warfare or influence operations by foreign powers. The fact that the terms "Foreign Influence" are included in the names of the systems or their enabling legislation in all three countries is seen as evidence of this.

Table 4 Foreign Agent Registration Systems by Country

Country	Year of Establishment	Legislation	Responsible government agency	Objective of the System
U.S.	1938	Foreign Agents Registration Act (FARA)	Department of Justice	To combat the covert influence of foreign governments in the U.S. political process and safeguard the integrity of U.S. democracy[46]
Australia	2018	Foreign Influence Transparency Scheme ACT 2018 (FITSA)[47]	Attorney-General's Department	To improve transparency regarding the activities of foreign entities in Australia (Section 3 of FITSA)
U.K.	2023	National Security Act of 2023 (Scheme name : Foreign Influence Registration Scheme (FIRS))	Home Office	Ensuring transparency of foreign influence in the UK political process[48]
Canada	2024	Foreign Influence Transparency and Accountability Act (FITAA)[49]	Public Safety Canada	Ensuring transparency in Canada's political process (FITAA, Section 3)

Source: Prepared by the author.

Furthermore, in Australia and Canada, the term "Transparency" is explicitly included in the title of the enabling legislation. This indicates that the primary focus of the system is on

43 Australian Government official website: Foreign Influence Transparency Scheme (FITS) https://www.ag.gov.au/integrity/foreign-influence-transparency-scheme

44 UK Government Official Website: Foreign Influence Registration Scheme (FIRS) https://www.gov.uk/government/publications/foreign-influence-registration-scheme-introduction

45 Canadian Government Official Website: Foreign Influence Transparency Registry (FITR) https://www.canada.ca/en/public-safety-canada/news/2024/05/canadas-foreign-influence-transparency-registry.html

46 U.S. Department of Justice official website: "FARA Brochure: Protecting the United States from Covert Foreign Influence" https://www.justice.gov/d9/pages/attachments/2020/09/01/protecting-us-covert-foreign-influence.pdf

47 Australian Government official website: https://www.legislation.gov.au/C2018A00063/latest/text

48 UK Home Office official website: "Guidance on the Foreign Influence Registration Scheme (FIRS) : parliamentarians and targets of influence" (1 July 2025) https://www.gov.uk/government/publications/foreign-influence-registration-scheme-targets-of-influence/guidance-on-the-foreign-influence-registration-scheme-firs-parliamentarians-and-targets-of-influence#:~:text=the%20enhanced%20tier.-,Chapter%201:%20About%20the%20scheme,have%20been%20specified%20in%20regulations.

49 Canadian Government Official Website: https://lois.justice.gc.ca/eng/acts/F-29.2/FullText.html

ensuring the transparency of the political process (rather than restricting political activities) and is intended to strike a balance between national security requirements and the protection of political activities and freedom of speech.

It should be noted that, as of the time of writing (January 2026), Canada's FITR (Foreign Influence Transparency Registry) system is still in the preparatory stages. Furthermore, regarding Australia's FITS (Foreign Influence Transparency Scheme), a report was released in March 2024 by a joint parliamentary inquiry committee pointing out that the scheme is not functioning effectively. In response to this, there is a possibility that reforms to the scheme will be implemented in the future.

3.2.3 Current Situation and Challenges in Japan

In Japan, such legal frameworks have not yet been established. Consequently, when discussing the enhancement of counterintelligence capabilities in Japan, the feasibility of introducing similar systems may become a point of debate. In such discussions, the design of a system that takes into account appropriate political, economic, cultural, and academic activities, as well as freedom of expression, is likely to be a key issue. Specific points of discussion could include the following : [50]

(1) To begin with, is the primary purpose of the system to restrict certain political activities, or to ensure transparency in the political process?
(2) Scope of registrants : Should the scope include researchers, members of the press, and others?
(3) Scope of covered activities : Should the system include academic research and cultural exchange, or should certain activities be prohibited?
(4) Scope of information disclosure : How can an appropriate balance with privacy protection be ensured?
(5) Selection of the responsible ministry or department.

4. Securing and Developing Human Resources

Even if the necessary organizational structures, laws, and other systems mentioned in the preceding chapters are established, it does not necessarily follow that results in deterrence, detection, and other areas will appear immediately. To ensure the effectiveness of counterintelligence, it is considered essential not only to establish organizational structures, laws, and other systems but also to secure and develop the personnel responsible for practical operations. In particular, discussions regarding the strengthening of authority mentioned earlier (3.1.2) must be evaluated with an understanding of the constraints related to personnel and operational capabilities.

50 As noted above (3.2.1), prior research on the U.S. system has pointed out that, given the abstract and broad nature of the concept of "political activities," there is room for arbitrary application of the system (Krishnakumar (2021); Fattal (2019)).

4.1 Basic Approach and the Situation in the United States

First, it is believed that securing sufficient human resources to carry out various intelligence activities, including counterintelligence, and developing those personnel will require a considerable amount of time. For example, Lowenthal points out that it takes at least about seven years to train personnel responsible for HUMINT operations at the CIA and other U.S. agencies.[51] Furthermore, it has been noted that within the U.S. intelligence community, the massive expansion of counterterrorism personnel following the September 11, 2001, terrorist attacks resulted in a decline in the overall skill level of operational personnel.[52]

In the United States, as mentioned earlier, the National Counterintelligence and Security Center, an agency under the Office of the Director of National Intelligence, serves as the central coordinating body responsible for formulating and implementing counterintelligence policies. Within this center, the National Insider Threat Task Force (NITTF) has been established. This task force develops a unified program regarding internal counterintelligence and security operations for government agencies and related private organizations, and is responsible for conducting training and exercises, in addition to related public relations and awareness-raising activities.[53]

4.2 Current Situation and Challenges in Japan

In Japan, the recruitment and training of personnel for counterintelligence appear to be conducted individually by each relevant organization. (As far as can be confirmed through publicly available information) there is no evidence of cross-cutting personnel development and training across the entire intelligence community, nor of support for the training of security personnel in private companies.

Given this, discussions regarding the improvement of counterintelligence capabilities in Japan could focus on issues such as the feasibility of introducing personnel development programs modeled after the aforementioned U.S. National Insider Threat Task Force. These issues could also be examined within the framework of the discussion in Section 2.1 regarding the expansion of counterintelligence policy functions.

5. Institutional Framework for Democratic Oversight of Counterintelligence Activities

5.1 Basic Principles and Current Situations in Other Countries

In democratic nations, intelligence — including counterintelligence — is considered important to ensure democratic control over intelligence functions, including counter-intelligence. The main reason is that intelligence activities may involve actions that restrict the human rights of citizens. Furthermore, an appropriate system of democratic control contributes to enhancing public trust and the legitimacy of intelligence organizations, which in turn is

51 Lowenthal, 2025, p. 204.
52 Lowenthal, 2025, p. 314.
53 Official website of the Task Force: https://www.dni.gov/index.php/ncsc-how-we-work/ncsc-nittf

believed to lead to the strengthening of intelligence capabilities.[54] Looking at recent trends in advanced Western nations, there are numerous examples where the strengthening of intelligence organizations' functions and the strengthening of democratic oversight over them are being implemented in a manner that strikes a certain balance.

Generally, democratic oversight of intelligence is carried out by the legislature, the executive branch, and the judiciary. As for systems of oversight by the legislature, many countries have established committees within parliament dedicated to supervising the intelligence community. As for systems of control by the executive branch, some countries have established administrative commissions with a certain degree of independence, or so-called "Inspector-General" systems, within the executive branch to oversee the intelligence community. As for systems of control by the judiciary, one example is the Foreign Intelligence Surveillance Court (FISC) in the United States. Each approach has its own characteristics (strengths and weaknesses), and no single approach is always superior to the others.[55] In each country, multiple approaches are used in combination, taking into account their respective political and social circumstances.[56]

5.2 Current Situation and Challenges in Japan

In Japan, the current state of democratic oversight of intelligence activities is weaker than in advanced Western nations. As noted earlier, in advanced Western nations, it is common for dedicated organizations responsible for democratic oversight of the intelligence community to be established within the legislature or the executive branch. However, no such organizations have been established in Japan. The Intelligence and Surveillance Review Committees of the House of Representatives and the House of Councillors, established in 2014, are primarily intended to oversee the implementation of the Act on the Protection of Specified Secrets and are not designed to provide comprehensive and general oversight of the intelligence community. The background to this situation is that, since the postwar period, Japan's intelligence community has been relatively small in scale and weak in authority compared to those of advanced Western nations. Consequently, the issue of democratic control over the intelligence community has not sufficiently emerged as a major political issue.[57]

For this reason, in discussions regarding the improvement of counterintelligence functions in Japan, the enhancement of democratic oversight mechanisms over these functions may become a key point of debate. In such cases, while drawing on examples from other countries, it

54 Kobayashi, 2021, pp. 268–269.

55 Control by the legislature is the most superior from the perspective of democratic accountability. On the other hand, it faces challenges such as being susceptible to the influence of partisanship in parliament and a lack of expertise. Control by the executive branch is superior in terms of ensuring expertise and maintaining confidentiality. On the other hand, since it is merely an internal system within the executive branch, the degree of democratic accountability is low. Judicial oversight is superior from the perspective of ensuring political neutrality and expertise. On the other hand, since it generally involves ex post facto responses (with the exception of systems such as the U.S. FISC), there are issues regarding speed.

56 Kobayashi, 2021, pp. 274–276.

57 Kobayashi, 2021, p. 123; p. 287. Looking at situations in other countries, for example, in the United States in the 1970s and in the United Kingdom and Canada in the 2010s, the discovery of cases perceived as cases perceived as "excessive intelligence activities" were uncovered, which served as a catalyst for strengthening democratic oversight systems over the intelligence community (Kobayashi, 2021, p. 123).

is considered necessary to carefully examine and establish a system appropriate for Japan, taking into account its political and social circumstances.[58]

Furthermore, as noted above, in Japan, the police are primarily responsible for investigating specific domestic counterintelligence cases. Therefore, in discussions regarding democratic control over counterintelligence functions, the structure of the Public Safety Commission system, which oversees the police, may also become a point of discussion (*see 2.2.3).[59]

Conclusion

This study has endeavored to organize the fundamental issues to be considered when examining methods to enhance Japan's current counterintelligence functions.

In recent years, debate in Japan over the so-called "Anti-Espionage Law" and related legislation has intensified. However, the concept of "spy" lacks a clear, consensus definition in either legal or academic contexts. In academic discourse, the concept of counterintelligence is generally considered a more analytically useful framework. Accordingly, this paper does not evaluate the merits of the "Anti-Espionage Law" as such; rather, it provides a structured overview of the various issues that underlie the debate.

This study first clarified the concept of counterintelligence. Building on this foundation, it examined the following key issues: (1) the role of responsible organizations (or departments), (2) legal frameworks concerning enforcement and regulation, (3) the recruitment and development of personnel, and (4) systems of democratic oversight. Each issue was analyzed from the perspectives of fundamental principles, the situation in the United States and other countries, and the prevailing circumstances and challenges in Japan.

When considering how to enhance counterintelligence capabilities, it is important to pursue a comprehensive examination from multiple perspectives, rather than limiting the discussion to measures such as strengthening punitive legislation.

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58 For details on the system of democratic oversight of intelligence in Japan, see Kobayashi (2022), among others. Furthermore, Supplementary Provision 3 of the Partial Amendment to the Diet Act (Act No. 86 (June 27, 2014)), stipulates: "After the enforcement of this Act, if an administrative agency is established for the purpose of collecting overseas intelligence necessary to ensure the security of Japan and its citizens within the international community, the manner of oversight of said administrative agency by the Diet shall be examined, and necessary measures shall be taken based on the results." Although this provision concerns the expansion of overseas intelligence-gathering functions, a similar approach is considered useful when considering the expansion of counterintelligence functions.

59 Kobayashi (2020); Kobayashi (2025).

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2026
Meiji Journal of Governance Studies

Vol.12