

The Science Council of Japan (SCJ) is the national academy representing the Japanese scientific community domestically and internationally. The SCJ is a national institution under the SCJ Act 1948, and performs its duties independently of the government. The 210 members are appointed by the Prime Minister based on the recommendation of the SCJ, and it has been long understood that the Prime Minister's appointment authority is merely a formality. In October 2020, however, then Prime Minister Yoshihide Suga refused to appoint six of the candidates recommended by the SCJ without giving any reasons. At the same time, the government and the ruling Liberal Democratic Party launched an attempt to "reform" the Council. As a result, in December 2022, the Cabinet Office presented to the SCJ with the document to indicate a policy for its reform.

We, The Forum for Overcoming the University Crisis and Opening Up Tomorrow (University Forum) have issued the following statement, asserting that this government policy threatens the independence of the SCJ and urging an immediate halt to the legal reform on the SCJ. The University Forum is a civil society organization, established in 2019 based on the call of 51 university figures, including Nobel Prize winner in chemistry Hideki Shirakawa and former SCJ president Seigo Hirowatari.

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The Attempt to amend the law to deny the independence of the Science Council of Japan should be stopped immediately

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Forum on Overcoming the University Crisis and Opening Up Tomorrow (University Forum)

A critical situation has arisen that could affect the fate of the Science Council of Japan (SCJ). On December 6, 2022, just two days before the General Assembly of the SCJ, the Cabinet Office unveiled "the Policy on the desirable way of the Science Council of Japan" to revise the SCJ Act. At the General Assembly on December 8, the government also attended and discussed, but the gap between both sides only deepened. The SCJ announced "Concerns about 'the Policy on the desirable way of the Science Council of Japan'" in the name of the president (December 15, 2022). The Cabinet Office presented "Draft outline for implementation" which expanded "the Policy", to the General Assembly on December 21, but the discussion afterward did not clear various concerns and doubts of the SCJ. So the Assembly adopted the statement calling for reconsideration of "the Policy". It concludes with the words, "We strongly urge to reconsider" the "legislation that could jeopardize the

independence of the SCJ”. We, University Forum share its recognition of the crisis and make the following statement.

1. The Cabinet Office did not only make a fait accompli the October 2020 rejection of the appointment of the six candidates for the SCJ membership, but also unilaterally declare that the Cabinet should submit a bill to amend the SCJ Act to the ordinary Diet session, and that the next term's members should be selected in accordance with the revised Act, ignoring the fact that the nomination process for membership, whose term is from next October, is already underway within the SCJ. This kind of heavy-handed approach without respect for the SCJ fundamentally destroys the relationship of trust between the SCJ and the government, which has been already damaged by the refusal of the appointment, so that is doubly unforgivable.

2. The SCJ is already in the process of implementing far-reaching autonomous reforms based on its policy document, “Toward a Better Role for the Science Council of Japan” (April 2021), including strengthening the functions of expression of will and scientific advisory and increasing transparency in the membership selection process. The Cabinet Office says that “the Policy” is consistent with the direction of this SCJ's autonomous reforms, but then fails to explain why the SCJ Act needs to be revised at all. As is suggested in its explanation at the General Assembly of the SCJ, the Cabinet Office is under pressure from the Project Team of the Liberal Democratic Party, which advocates separating the SCJ from the state in their “Proposal” (December 2020). So the Cabinet Office cannot understand the nature of the SCJ, which is one of “the national institution”, but at the same time is “independent” from the government (Article 3 of the SCJ Act), and is trying to substantially alter such a character of the SCJ through legal reform. This is precisely the reason why they cannot answer the concerns and questions of the Council squarely.

3. The lack of understanding of the independence of the SCJ is manifested in the fact that the SCJ is repeatedly requested “to share awareness of issues and time axis” with the government and others. The role of the SCJ is not limited to respond to government requests for advices or deliberations. Its *raison d'être* is first and foremost to set issues to be discussed for itself, to formulate and to express its views independently under an autonomous deliberation system from the standpoint of science that pursues universality beyond national borders. So its standing point is different from that of the government which makes decisions based on its own political judgment at the time. The emphasis on “to share awareness of issues and time axis” shows a lack of understanding of the basic difference between the SCJ and any other advisory bodies, which act solely on the request of advice of the government and others and whose members are selected by the requesting sides. It may be assumed that

the SCJ should be an obedient organization that provides only answers which are deemed useful for the government, and that it should not be the real one which does not hesitate if necessary to express concerns about government policies from the standpoint of academia and the academic freedom, as in the “Statement on Research for Military Security” (March 2017). This is nothing less than a denial of the SCJ as a “representative body” of scientists (Article 2 of the SCJ Act) that has been in existence for over 70 years and meets the international standards of the national academy.

4. The most serious problem that shakes the foundation of the independence of the SCJ is the government’s concept of membership selection derived from “the desirable way” of the SCJ as described above. This is expressed in the sentence, “the Council shall operate a rigorous selection process under a high degree of transparency, and shall take necessary measures to ensure that selection and recommendation by the SCJ, and appointment by the Prime Minister are carried out appropriately and smoothly upon the position of a national institution”. Increasing the transparency of the selection process has been already implemented by the SCJ itself, including publication of the selection policy and expansion of the qualifications for recommending scientists to the pool of candidates beyond the Council members, its associate members and cooperative academic research organizations (academic societies) as until now. The problem is that “a committee composed of third parties” is supposed to “express opinions on the selection” and the SCJ is supposed to “respect the opinions” of this committee. Although the composition and the powers of the third-party committee have not been clarified yet, we cannot help but think that some actions in the name of “a third party” could be intended to interfere with the autonomy of the Council, which, as a representative body of scientists, is responsible for selecting candidates from among “scientists with outstanding research or achievements”. This concept of membership selection is inextricably linked with the fact that the Prime Minister is still perceived to have the substantive discretion to decide whether or not to appoint candidates recommended by the SCJ, and that the demand for “transparency” required of the SCJ is not directed toward the Prime Minister's act of appointment (therefore no reason for refusal of appointment is not questioned at all). Government approach to the selection of the SCJ members is nothing less than a new and even more serious example of the orientation of successive administrations in recent years toward controlling through personnel appointments over institutions and organizations whose independence should be respected, as seen in the appointment of the Director General of the Cabinet Legislation Bureau.

5. In light of the above, it must be said that “the Policy” contains fundamental problems that cannot be resolved by partial revisions. Therefore, the process of legal amendments based on “the Policy” should be stopped immediately. This does not mean maintaining the status quo.

As already mentioned, the SCJ is in the process of reforming its scientific advice and membership selection process, and is making active efforts to explain these reforms to the public. The desirable way of the SCJ should be discussed out and out on the basis of the facts, taking into account the results of these efforts.

6. The real question now is how the government has dealt with the SCJ and the science it carries out so far. We urgently have to ask, for example, what is really the role and the decision-making process of the Council for Science, Technology and Innovation under the Cabinet Office, which is regarded as “the command post” of science and technology policy in Japan and has been leading the recent university policy as the “International University of Research Excellence” concept. In doing so, we must think together with citizens about how to overcome the crisis of universities as “centers of science” and how to build the relationship between "science" in a broad sense which universities are responsible for, and "science and technology" which means in fact "science-based technology" in governmental policy.