

The Changing Institutional Framework for Local Democracy in Japan

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Introduction

The establishment of local self-government in Japan constituted a focal point of the Allied Occupation's democratic reforms after World War II. Under the terms of the new constitution and the Local Autonomy Act, democratic principles were introduced to local government along with the principle of local autonomy. However, the reality as it emerged differed greatly from the ideal of local self-government. The relationship between the central administration and local governments was profoundly centralized, and the elected local officials were obliged to undertake certain functions delegated to them by central government agencies.

With the passing of the decentralization reform package in 2000 – praised as one of the most spectacular reforms of post-war Japan – the system of agency-delegated functions (*kikan i'nin jimū*) was eliminated and replaced with an equal cooperation system (*taitō kyōryoku*), which has substantially changed Japan's centre-local relations. The revision of the Law on Municipal Mergers, a complement of the decentralization reform package, has led to a reorganization of municipalities by reducing their number significantly. Finally, the NPO (Non-Profit Organization) Law has established a new legislative framework in response to activities undertaken by NPOs.¹

Decentralization reforms occur nearly universally in the developed world, and there is evidence of a close link between the granting of more autonomy and societal transformations, such as declining birth rates and ageing populations. Central governments increasingly rely on localities and private actors to provide services formerly delivered by the Nation State. Therefore, the question regarding the extent, to which the reforms of the past decade impacted the nature of Japan's local democracy remains to be answered.

The article begins by examining the decentralization reform package. The next section will focus on the revision of the Law on Municipal Mergers. After that, the enactment of the NPO-Law will be analyzed. Further, we pay attention

¹ In Japan, groups that are active locally are usually called 'NPOs' (Non-Profit Organizations) rather than 'NGOs' (Non-Governmental Organizations), which is commonly used in Western societies.

to the regulations of the Local Election Law due to its importance for setting the framework for local democracy in Japan. Since all local government is embedded in a particular systemic context, local democracy cannot be regarded as being completely independent of democracy on the national level. The essay concludes with a set of implications of the reforms' impact on the balance of power between local and national authorities in Japan.

The Decentralization Reform Package

Until the revision of more than 400 laws concerning local autonomy, known as the decentralization reforms, extensive use had been made of local governments as central government implementing agents through the system of agency-delegated functions. This system gave the central government in Japan the authority to require local executives to implement certain functions that they chose to delegate. In the 1970s, some 70 to 80 percent of administrative tasks performed by local authorities were of this nature (Stockwin, 2003, p. 153). The greatest change that the decentralisation reforms in 2000 brought about was the elimination of the system of mandatory delegation of administrative functions from the national government to local authorities. The elimination of the system meant that governors and mayors would no longer have to serve as the regional representatives of the central bureaucracy.

The new pattern of burden-sharing between central and local government in Japan is defined by law as follows: National governments' tasks are now limited to international affairs that involve the state or the international community (e.g. diplomacy or defence), to affairs that need to be defined and unified throughout the nation (social welfare standards, ensuring fair trade, labour standards etc.) and affairs concerning policies and projects undertaken from a national point of view (such as the basic infrastructure or space projects). The role of local government lies in independently overseeing the field of local affairs and the promotion of local public policies. Central government can only intervene in local affairs, where this has been legally defined (Yagi, 2004, p. 14).

In response to the increase in political autonomy, local governments increasingly enact local ordinances (*jôrei*) that serve as a political framework for local politics. In order to encourage assembly members to submit an ordinance, the consent of one-twelfth of assembly members is now sufficient for enactment instead of the previous one-eighth. This regulation encourages smaller parties to take part in local policy-making and offers them better conditions to improve their political performance.

Several referendum schemes have been trialled at the municipal level, even though this has not been formalized in legislation at the national level. Consequently, referenda results still lack legal binding power. However, these referenda results demonstrate a remarkable response to citizens' demands since citi-

zens have initiated referenda in the past, as in the city of Maki for instance, to stop the construction of a nuclear power plant and in Okinawa, to shut down the US military bases. In addition to the promotion of public hearings, citizens are now allowed to apply for membership of administrative councils. By inviting members of the public to serve on advisory councils, they are not only given a direct voice in the policy formulation process, but information disclosure is also improved. Innovations like these vary from local government to local government, but the diffusion of successful policies can be observed (Sasaki, 2004, pp. 129-130).

The 1999 enactment of the Information Disclosure Law (*Jôhō kôkai hô*) was a further important development in the relationship between citizens and the Nation State. Japanese citizen groups had for long campaigned for the enactment of the law and helped to elevate the issue on the policy agenda. After more than 20 years of lobbying by Japanese citizen groups, opposition parties and others, the ruling LDP finally presided over the enactment of the law due to public pressure after years of political scandals involving high-ranking bureaucrats as well as politicians. Since its promulgation in 2001, government information on almost all areas has been made available to the general public. This availability of information is particularly significant in that it encourages greater levels of bureaucratic accountability and thus enhances government transparency and accountability (MacIachlan, 2000).

The reforms have strengthened local authority, but much depends on the local governments' financial autonomy. The proportion of tax revenues granted to the national and local governments is approximately 2 to 3, while the expenditures are roughly vice versa. Even though local governments collect their own taxes, fees, and charges, they have never been able to cover more than 30% of their expenditures. Consequently, Japanese local autonomy has been called "30 % autonomy", implying that only one third of revenues can be spent without the national government's control (Ikawa, 2007, p. 2). Without an adequate and independent financial base for local government, all other reform goals are unlikely to be realized (Doi, 2004; Nishio, 1999). In order to promote structural reform, the 'Trinity Reforms' are currently underway, which re-examine the financial relationship between the national government, the prefectures and municipal governments.

Revising the Special Law on Municipal Mergers

The decentralization reform was complemented by the enactment of the Special Law on Municipal Mergers (*Shichôson gappei tokurei ni kansuru hôritsu*) at the end of the 1990s. The extent of local autonomy is largely determined by a city's size. It is quite evident that small towns have only a restricted level of adminis-

trative authority, which means that they largely depend on the national level. Therefore, highly centralized nations are usually characterized by small local entities and, conversely, nations with a high level of local autonomy have a structure of medium-sized and large cities (Wehling, 1992).

In Japan, government policy towards localities was strongly centralized between the Meiji period (1868-1912) and 1945. During this time, modernization was given top priority and power was concentrated on the central level. By 1945, the local level consisted of more than 10,000 municipalities, the vast majority of which were villages. As a result of the reforms of the Allied Occupation (1945-1952), democratic principles were introduced to local government. As described in the previous section, the reality differed from the democratisation and decentralisation ideal of the occupation authorities. However, the principle of decentralised power and the subsequent need to establish and supervise a new junior high school system, local fire and police departments, and provide regional social welfare and health services drove a wave of municipal mergers in the early 1950s. In 1953, a new Law on Promoting Municipal Mergers (*Shichison gappei sokushin hō*) was passed by the Diet and in the following years the number of municipalities was reduced to about one-third of the 1950 number (Onishi, 2005, p. 2).

The following decades saw little change in the number of cities until the end of the 1990s, when a major revision of the Law on Promoting Municipal Mergers was passed. The law was promoted to help local communities overcome their financial crisis and streamline local government. Newly merged municipalities could obtain financial help, an offer that was set to expire in March 2005. By January 2006, the number of municipalities nationwide had fallen to 1,821. If all currently planned mergers take place, the number of municipalities will be reduced even further to about 1,780 (see Figure 1).

The figure also reveals that Japan is increasingly transforming into an 'urban democracy'. The number of cities has increased significantly while the number of towns and villages has simultaneously decreased markedly. According to an estimation of the Ministry of Internal Affairs and Communications, the number of villages should have been reduced to only around 200 in 2008, while the number of cities is expected to increase to more than 780.

The combination of two or more cities into one obviously encompasses many difficult issues. If the merging municipalities are part of the same urban concentration, as it was the case with Urawa, Omiya and Yono, which now form Saitama City, this is a natural merger. In other cases, in which towns that are physically separate and distinct from one another are merged to form one city, there is not a clear obvious city centre. Other problems are the selection of a location for the new city/town administration and the naming of the newly created municipality (Fujii, 2005, p. 1). These mergers may therefore lead to an eroding of traditional loyalties and foster the citizens' estrangement and loss of identity.

It has further been pointed out that merging cities are wasting billions of yen in taxes on payrolls. For example, when Omagiri City and seven other municipalities in Akiti prefecture merged to form Daisen City on March 2005, its newly created assembly had a whopping 146 members for 98,000 citizens, which is even larger than the 127-member assembly of Tokyo prefecture with its population of 12 million. Besides Daisen, the ongoing 'Great Merger of the Heisei Era' as it is called, has already created oversized assemblies across Japan, inflating salaries by at least 22 billion yen (Suganuma, 2006). The necessity of post-merger reduction in the number of assembly members is a difficult future issue as well. In addition to these difficulties, the mergers have led to a power shift towards regional governments. Consequently, the mergers can be regarded as an opportunity for more local democracy in Japan and a strengthening of local autonomy.

However, even after the mergers, there still will be a significant difference in municipality sizes. With a total population of over 8 million people, the area comprising the 23 Tokyo city wards, which is informally considered the 'City of Tokyo', is one of the largest urban agglomerations and the largest metropolitan economy in the world (United Nations, 2007).² Even though each of the 23 city wards is administratively a city in its own right, the Tokyo Metropolitan Government takes on part of the work usually assigned to municipalities in order to maintain its unity and cohesion as a single 'city' (Tokyo Metropolitan Government, 2008). Despite Japan's overall declining population, the population of Tokyo is still growing. In 2002, the governor of Tottori, Katayama Yoshihiro, therefore suggested relocating more political and administrative functions to other areas in order to foster decentralized society (Katayama, 2002). However, such plans are controversial and are unlikely to be realized within the near future.

Besides the reorganization of cities, there have been attempts to restructure prefectural government by reducing the prefectures from the current 47 to around 10. However, this reorganization of regional governments (*dōshūsei*) has faced much resistance, especially in Okinawa prefecture, which was mooted for merger with the physically separate Kyūshū region. Historically, the Okinawa islands had been an independent kingdom, and the Okinawan language and culture differ considerably from that of mainland Japan. Consequently, a reorganization of the regional government may therefore destroy local autonomy rather than strengthen it (Sato, 2008; Tamura, 2007). Further, it should be noted that the merger of prefectures would lead to massive changes in both the local political structures and the local electorates, the outcome of which is very unclear.

² On 1 July 1943, Tokyo City was merged with Tokyo Prefecture, forming the current Metropolitan Prefecture (*Tōkyō to*), which is one of the 47 prefectures of Japan.

Enacting the NPO Law

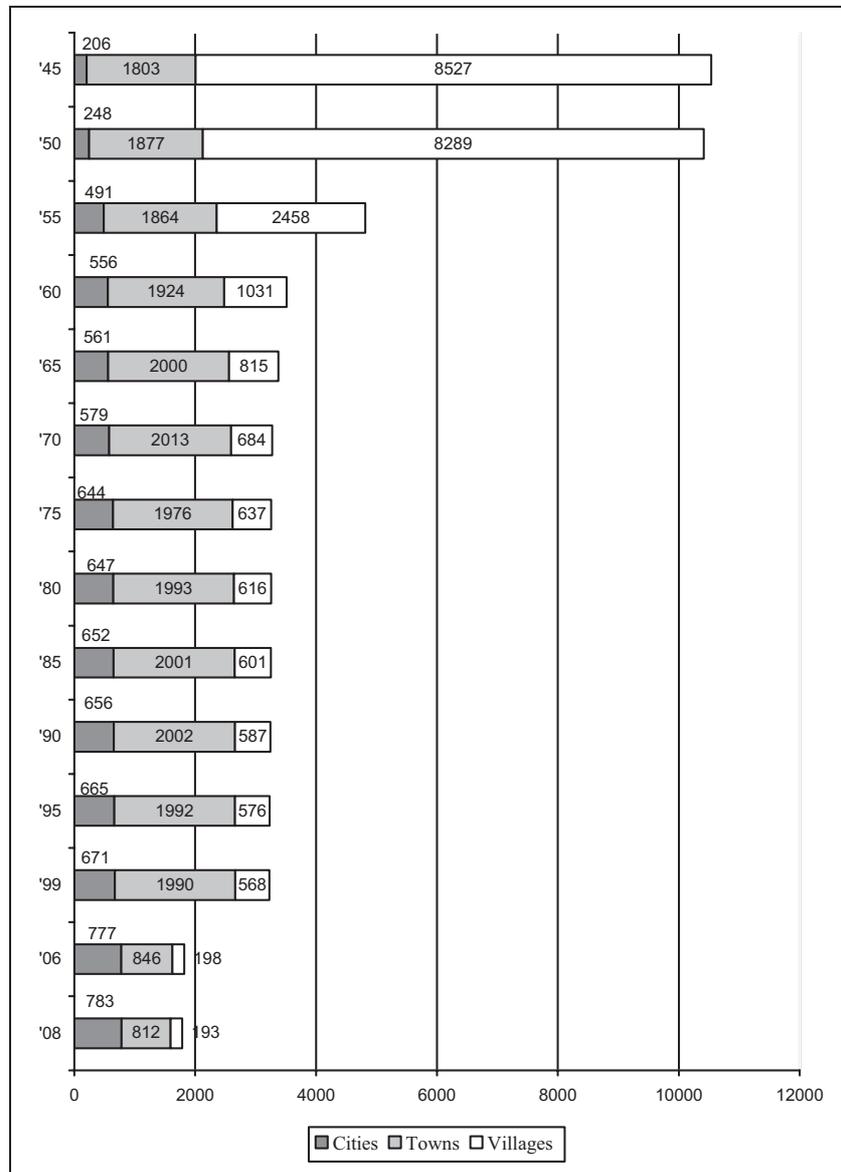
The passage of the 1998 NPO Act (*Tokutei hiheiri katsudô sokushin hô*) was a watershed in the recognition of civil society in Japan, which now allows voluntary organizations to obtain legal status, which was not possible before. Before the enactment of the law, civic organizations fell within the realm of the Uniform Civil Code (*Minpô*) of 1896. According to this law, non-profit public interest corporations had to be established under the strict supervision of competent authorities and the administration's permission was specifically required for every new project. In addition, applicant organizations were required to have a 'sound financial basis', interpreted to mean an endowment of at least three hundred million yen. Most civic organizations lacked such funds and were thus disqualified (Hirata, 2004, p. 111). These provisions were changed fundamentally, when the new law was enacted. Since the Act's promulgation, NPOs are no longer part of the administration. All groups that satisfy the specified required conditions obtain authentication from the jurisdiction agency and can become a corporation.

According to the NPO Law, the required conditions are as following: The organization must make an unspecified number of civic contributions with the specific purpose and aim to promote the welfare of an unspecified, large group of people. Such organizations should not be profit oriented and must have ten members or more and, in principle, everyone should have a right to membership. The possible activities of such organizations are specified in twelve fields, which include social welfare, environmental protection, human rights and social education.³ Finally, the activities should not promote or support a political or religious principle or a candidate for a public office.

The jurisdiction agency is any of the 47 prefectures or the Cabinet Office of the central government and should legitimise an organisation meeting the conditions within four months of application. The incorporated NPO has to present annual activity reports to the jurisdiction agency and introduce itself to the public. No basic fund or starting capital is required (Matsubara 2002, pp. 4 ff.).

Due to the new law regulations, the number of NPOs rose from less than 2,000 in 1999 to more than 33,000 in 2007. In 2007, the majority (or 30,497) was active on the local level, while only a few (2,627) acted nationwide (see

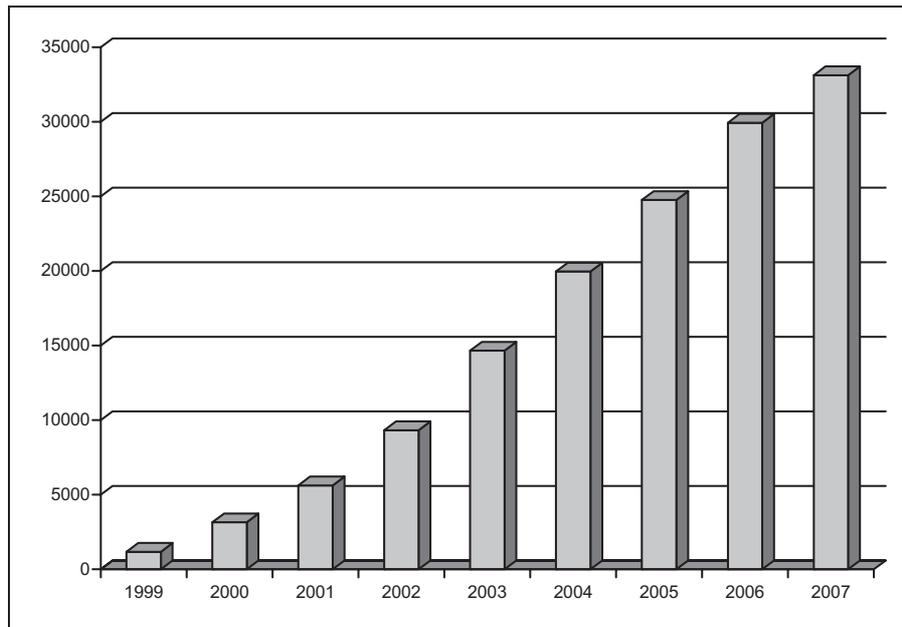
³ NPO Law Chap. 1, II B. The fields include: (1) Activities to promote health, medical care, or welfare; (2) social education; (3) community development; (4) culture, the arts, or sports; (5) to protect the environment; (6) disaster relief activities; (7) activities to ensure community safety; (8) to protect human rights or promote peace; (9) international cooperation activities; (10) activities to promote the creation of a gender-equal society; (11) the sound nurturing of the youth; (12) liaising, advising, or support activities related to the operation or activities of organizations performing any of the activities listed above.

Figure 1: Number of Municipalities in Japan 1945-2008

Source: 1945-99: Asahi shinbun sha 2000: p. 202; 2006 and 08:
<http://www.soumu.go.jp/gapei/gapei.html>. Note: Figures for 2008: Estimation.

Figure 2).⁴ The main working environment for NGOs is Tokyo, where the ratio of organizations per 10,000 inhabitants was 2.84 in June 2004, while it is lowest in rural Kagoshima prefecture with only 0.68 organizations per 10,000 people.⁵

Figure 2: Growth in the Number of NPOs 1999-2007



Source: Cabinet Office, NPO-Homepage (<http://www.npo-homepage.go.jp/data/pref.html>).

Note: 1999-2006: Number of registered NPOs as of December of the respective year; 2007: as of November.

The legislation progress of the law, which began in the mid-1990s, was praised as very progressive. The first point to note about Japan's legislative process is that the majority of passed legislation comprises cabinet bills. This means that in Japan, the lion's share of legislation is derived from the central government bureaucracy. Therefore, the legislation process of the NPO Law, which began in 1994, was surprisingly unique. A member of the opposition party had presented this legislation directly from the floor and the bureaucracy was not involved. Of special interest is the point that the legislation process was led by various private organizations with many civic groups participating. Ultimately, 3,000 NPOs from all over Japan participated in the preparation and process of this law. Although it was a very confrontational bill, it was finally adopted unanimously in

⁴ See Cabinet Office, NPO Homepage; <http://www.npo-homepage.go.jp/data/pref.html>; 26 January 2008.

⁵ See Ministry of Education; www.mext.go.jp/b_menu/houdou/16/08/04081301/008/008.pdf.

1998, after undergoing many modifications (Watanabe, 1999, p. 21 ff.).⁶ However, to date this has not led to fundamental changes in the Japanese legislative process as some observers predicted at that time (see e.g. Pekkanen, 2000, p. 142). Even though the number of Diet member bills has increased significantly, of the bills passed in 2002, fully 86% were cabinet submissions, drafted by the bureaucracy, and only 14% were member bills (Schmidt, 2005, p. 119).

Nevertheless, the new law not only provided the basis for an increase in the number of civil society groups, but it also conferred legitimacy on voluntary groups and on the civil society sector as a whole. Further, it has been noted that citizen groups are an excellent mechanism for coordinating votes, especially for smaller opposition parties, but also for the LDP in single-member districts, even though registered NPOs are officially not allowed to concern themselves with politics (Pekkanen 2000, pp. 113; 140).

Hirata (2004, p. 114) argues that the enactment of the NPO Law was due to the government's change of heart in respect of civic organizations. In part, the latter stems from Japan's serious fiscal problems and the increasing need to involve citizen groups in policy implementation. Since the 1990s, the central ministries have therefore started to channel funds to NPOs in order to privatise State services. On the other hand, there have also been cases where NPOs exercised great political influence by criticizing business and corporate interests for acting without regard for the public interest. An example was the pesticide aid programme for Cambodia, which the government cancelled after the Japanese International Volunteer Centre – one of the largest and most influential NPOs in Japan – brought together a broad coalition of Cambodians, Japanese, and international NPOs to protest against the programme. The coalition pointed out that the pesticides involved were highly toxic, and inappropriate for use in Cambodia's tropical climate (Hirata, 2004, p. 117).

Local Election Law: Old and New Regulations

The local government system in Japan is a two-tiered system comprising the 47 prefectures and approximately 1,800 municipal authorities that carry out administrative work at the city, ward, town, and village level. The municipalities represent local government at the basic level, while the prefecture represents local government at a wider regional level. The political and administrative structures are based on popularly elected executives (governors or mayors) and an assembly that forms the legislative body.

Traditionally, the mayors and governors have a strong role. Important powers are given to local chief executives, including rights to enact regulations, to draft budgets and introduce bills. In addition, they are responsible for the execution of

⁶ For details on the legislation process also see Pekkanen, 2000, pp. 120ff.

all local government affairs. Even though the assemblies are responsible for enacting local legislation and deciding their politics, the majority of local assemblies are believed to play a weak role. Their lack of competence, low political morale, and low level of activity are the most commonly mentioned criticisms (Etô, 2004, pp. 19-25).

Through Japan's system of local government, local residents have had a direct voice in the way matters are run for a long time. Eligible voters can, for example, demand the dissolution of the assembly as well as the dismissal of assembly members and municipality chiefs by obtaining a required number of signatures. The governor or mayor may be dismissed if a majority of the eligible voters in an administrative district approves a referendum for his or her dismissal. In 2002, subsequent amendments to the Local Autonomy Law (*Chihô jichi hô*) saw a reduction in the minimum number of voter signatures, required for petitions involving dissolution or dismissal, where the local government population exceeds 400,000. The new minimum threshold is now defined as the sum of one third of 400,000 (= 133,000) plus one-sixth of the number in excess of 400,000 (Ohsugi, 2007, p. 5).

The local election regulations are spelled out in the Public Office Election Law (*Kôshoku senkyo hô*). Each municipality has a single-chamber assembly. The assemblymen are elected directly by popular vote for a four-year term. The head of the municipality or prefecture is likewise elected for a period of four years. Members of local assemblies and heads of local governments can only be elected by Japanese citizens, who are 20 years of age or older and who have been resident at an address within the respective community or prefecture for at least three subsequent months. Candidates for local assemblies and mayoral posts must fulfil the residence requirement in order to be eligible for election and must be 25 years of age or older, while candidates for governorships must be at least 30.

In any election, each voter can cast one vote for one candidate in a multi-candidate race for multiple offices, known as a single, non-transferable vote (SNTV). The candidates with the most votes obtain the posts. SNTV electoral systems generally produce more proportional electoral outcomes as the size of the electoral districts, i.e. the number of seats in each constituency, increases (Nohlen, 1989, pp. 65ff.). As a rule, in Japan cities as a whole constitute a voting district; exceptions are the designated (largest) cities and the Tokyo special wards. In these cases, the wards (*ku*) constitute the voting district (Public Office Election Law, Art. 15). In the case of the Tokyo city ward councils, for example, the average number of seats per constituency is 40, which means that the proportional outcome is very high and even small parties and independents have a good chance to be represented.

A recent revision of the Public Offices Election Law allows candidates running for leadership posts in local government to print their election 'manifestos' with public money and to distribute copies during the campaign period. The dis-

tribution of printed manifestos for Diet elections has been allowed since the 2003 Lower House elections. The introduction of manifestos for local government elections is expected to encourage candidates to work harder to write feasible and attractive policy proposals as a means of attracting votes. In their manifestos, candidates are likely to present their policy proposals with numerical goals, specifying available financial resources and presenting timetables for realizing these goals. Voters will be able to judge the feasibility and attractiveness of policy proposals by comparing different candidates' manifestos. After the election, voters can later judge the policy achievements of the winning candidates by reviewing the manifestos distributed during the campaign. For the candidates these manifestos mean a greater independence from political parties and their platforms as they can present their political goals and views independently.

Overall, it is obvious that the local voting system differs markedly from the national system, especially with respect to modes of direct political participation and the prospects of election.⁷ The local system works towards benefiting smaller parties and independent candidates and offers them a greater chance of election to a public office than the national voting system does. The latter only allows independents to run in single-seat districts and requires the majority of the districts' votes for election. Consequently, on the local level, the nomination, campaign and election are more likely to focus on the candidate than on the party. At the government level, regulations foster strong executive leadership and less party politisation.

However, strong leadership is not always a guarantee for more democracy. We should bear in mind that due to the decrease in national and local finance after the burst of the bubble economy in the 1990s, national and local governments made huge borrowings to deal with budget deficits; consequently, both governments are now forced to undertake strict fiscal measures to repay their borrowings (Muto, 2008). Local authorities have thus increasingly introduced private sector management and are driven by ideas of efficiency, managerialism and cost effectiveness rather than the needs of the population.

Conclusion

Japan's local democracy is undergoing a considerable change. With the decentralization reform package, the power of local governments has increased significantly. The central government is now restricted to handle administrative measures that affect the entire country or more than one prefecture, while the local authorities are responsible for administrative tasks that affect local residents directly. Simultaneously, the reform is providing citizens with the means

⁷ For details on the national voting system see Schmidt, 2001: chap. 4.1.

to actively participate in local politics by, for example, taking part in policy committees. Additionally, the Information Disclosure Law asserts the public's right to know about government activities, which can be regarded as the foundation of accountability in a democracy.

Conversely, it should be noted that there seems to be a close link between socio-economic transformation on the one hand and the granting of more autonomy on the other. Against the background of the national government's severe financial deficits, municipalities are required to take over tasks formerly provided by the Nation State. Therefore, the momentum behind much that has been regarded as decentralization reform is the result of economic and political pressure and not democratic considerations as such.

Local authorities still face an immediate crisis with respect to the autonomous financing of their budgets. Without local government having a sufficient and independent financial base, essential reform goals such as giving local citizens a substantial degree of self-management of local affairs, the empowering of communities to take control of their own affairs, and citizens' participation in local governance are unlikely to be effectively realized. Since the national government is still planning to drastically cut its contribution to education and social welfare, it has been criticized for duplicity in the decentralization of power.

The merger drive has impacted the relationship between the centre, local government and citizens in a number of ways. Firstly, the larger municipal boundaries mean that Japan is increasingly transforming into an urban democracy with a structure of cities and towns rather than villages. Since nations with a high level of local autonomy are expected to have a structure of medium-sized and large municipalities, the merger drive strengthens the role of regional governments. Secondly, the process of reducing the number of municipalities runs the risk of rapidly eroding the sense of traditional localities. This is particularly true when a smaller municipality is subsumed into a larger one. Even though there is a lack of studies on local voting behaviour in Japan, there is evidence that the general factors of urbanization, such as mobility, cross-pressures, and loss of identification, are promoting political apathy and disengagement among the population. The merger drive can therefore have an impact on political participation and lead to a further drop in the turnout rate.

Furthermore, we have to note that even after the mergers there will still be significant differences in municipalities' size and importance. Despite Japan's overall declining population, the population of Tokyo is still growing, and the dominance of the Tokyo Metropolitan Government over the Japanese local entities is still immense.

The passage of the NPO Act was a turning point in the recognition of civil society in Japan, which now allows voluntary organizations to obtain legal status. The law has drastically improved the conditions for citizen participation and encourages civic groups' grassroots activities in various fields. Measured by the number of NPOs, we observe greater citizen participation and diversity in Japa-

nese associational life. However, we cannot focus on this number alone when democracy is the goal. There is evidence that the spread of NPOs has been partly caused by the government's recognition of NPOs as partners in local government due to financial pressures and the need for public-private cooperation.

For local representatives are elected directly by the people, they can take a stronger leadership role than their counterparts at the national level. Due to the financial shortcomings local authorities are increasingly driven by cost effectiveness. As a result, they become city managers rather than political leaders, working only for the interest of the locality they represent.

Overall, the local level has gained more importance over the past decade and Japan's local democracy has been strengthened significantly through the political reforms. However, as long as budgetary streamlining is the major driving force behind these reforms, local democracy remains a secondary goal and we cannot predict whether the political system moves from a strong central State towards a dual power structure with the national and the local level each developing their own leadership roles.

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