

# **Political Procedures between the Central Government and Local Governments**

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## **1. Perspectives and Characteristics of Political Procedure Theory**

### **1-1. Perspectives on Political Procedures**

Political procedure is a new concept that is not yet in common use. When a new term appears, it is more important to consider the awareness of the problem, the background, and the approach and perspective of the concept that brought it into being than its definition.

Political procedure is a perspective that grasps the reality of politics and analyses its dynamics. Therefore, it is not limited to the static appearance of political systems and institutional theory, but seeks to understand how political reality moves. Political process theory and political sociology, which seek to understand politics in a dynamic way and in the wider context of society, have a similar awareness of issues, but seek to clarify the procedures, methods and mechanisms that take place between political actors as concretely as possible. The process by which political actors make decisions within their own organisations and attempt to realise their aims through interaction with external actors is broadly understood, but the crucial parts are a black box and not revealed. Each political actor gathers opinions and demands, makes decisions, and then communicates them to others. The recipient side then coordinates opinions on how to deal with them, makes decisions, and communicates them to others. All of this is carried out through a set of procedures. In addition, when there is a difference of opinion between the parties involved, there needs to be a procedure for reconciling this. Specifically, it is necessary to clarify who, when, where, for what reason, and by what means and methods this is being done. As this procedure is repeated, it takes on a certain form and becomes a set of procedures, systems and methods. This is what we should call political procedure.

Political procedures are not usually formalised in the same way as administrative procedures. For this reason, they are always liable to change. It is also politics that seeks to maintain new procedures. We should consider political procedures in terms of their contradictory aspects of change and stability.

What is the relationship between political procedures and administrative procedures? In modern states, most of politics is formulated into policy and implemented through administration. Administrative procedures include formalised administrative procedures and standardised procedures such as sacredness, investigation, disposition, hearings, service, execution, appeals and complaints.<sup>1</sup> However, the policy formation, administrative disposition and policy execution that are the content of these procedures are not simply administrative procedures, but in reality proceed as policy procedures. Administrative procedures include both administrative procedures and policy procedures. In addition, there are also political procedures that are carried out in a completely negative way, separate from administrative procedures. Political procedures include both the political aspects of administrative procedures and the procedures that are not included in them.

In general, the term 'political decision' refers to something that is difficult to explain rationally or is unknown because it is carried out behind the scenes. However, any decision is made within its own political procedures. To deliberately blur this with the term 'political' and push politics into the realm of the unknowable or untouchable is to keep citizens at a distance from politics. Therefore, the theory of political procedure, which seeks to establish these political procedures, will help to reveal the reality of politics to the people and build a democratic society.

### **1-2. Characteristics and classification of political procedures**

Policy procedure theory seeks to clarify the reality of politics, treat it as objectively as possible, and find a perspective and method that will make it possible to study politics as a policy science. So, let's look at the features and key points of policy procedure theory.

Firstly, political procedure is an attempt to view political action or the implementation process as a continuous procedure. By viewing it as a continuous process rather than an intermittent one, the aim is to eliminate the black box. By looking at all the process, we can see how each political actor has intentions, participates, influences and

leads politics, and how each actor interacts with each other, communicates information, guides, resists, cooperates and compromises. Since procedures start with the initiation of an action and produce results, it is important to consider who is leading the process.

Secondly, the material that is the subject of political procedure is the reality of politics, but it is not just political phenomena in the narrow sense, but also administrative phenomena, judicial phenomena, phenomena carried out through social practices, social movements and social activities that must be broadly covered. In the modern administrative state<sup>2</sup>, a significant part of politics is carried out through administration, so political procedures related to administration become an important subject.

Thirdly, while political procedure theory attempts to dynamically approach the reality of politics, on the other hand, it reinforces the content of external institutional and structural theory. Institutional and structural theory is currently in decline compared to dynamic political process theory,<sup>3</sup> but it clarifies the internal and three-dimensional nature of visible institutions and structures by revealing not only the visible mechanisms but also the invisible functions and mechanisms of the reality.

Fourth, while some political procedures are formed naturally, many are formed intentionally. Where many intentions are at play, political procedures are always fluid, and it is an important issue in political procedure theory to consider who is trying to change them for what purpose, or who is trying to form new procedures.

Fifth, political procedures are naturally carried out because they have merit for one or both of the parties involved. It is also important to consider what kind of benefits are being aimed for. We also need to consider whether political procedures are only for the benefit of the parties involved. This is because in many cases, the interests of the parties involved are at the expense of the overall interests. For this reason, we also need to consider the relationship between the intentions of the parties involved and the overall interests. If the basis of democratic politics is to improve the total interests of the people, then it is also an important issue to consider what kind of political procedures should be used to achieve this.

Political procedures can be classified from many different angles. To give a few examples, from the perspective of the type of activity, there are (1) political procedures, (2) policy formation procedures, (3) disposition and enforcement procedures, (4) cancellation and correction procedures, (5) inspection procedures, and (6) participation procedures.

In terms of the political actors involved, there are (1) intra-organisational procedures, (2) procedures between specific actors, and (3) procedures between unspecified actors. Taking local government as an example, (1) refers to inter-departmental conflict and relations with the local assembly, (2) refers to relations with central government ministries, and (3) refers to relations with citizen participation and citizen movements.

Furthermore, it is possible to make various classifications according to political organisation (e.g. national government, local government), political actor (e.g. politicians, bureaucrats, business world, citizens' groups), purpose (e.g. welfare, environment, education, transport), etc.

As for classifications by research method, there are (1) factual analysis, (2) historical analysis, (3) comparative analysis, (4) problem analysis, (5) discovery of regularities, and (6) hypothesis/model construction and verification, etc. As you can see, political procedure theory can approach various phenomena from a variety of angles.

#### Footnote

1. Hiroshi Minami, '*Nihon no gyosei-jitsuzai* (Japanese administrative procedures),' Gyosei-gaku kouza 2 (Administrative science course 2: History of government), University of Tokyo Press, 1976, pp. 229-258.

2. For more information on the modern administrative state, see for the time being Takashi Teshima, '*Gendai Gyosei Kokka-ron*' (A Theory of the Modern Administrative State), Soshobo, 1969, and Arihiko, '*Gendai Gyosei no Tenkai to Gyosei Kokka no Keisei*' (The Development of Modern Administration and the Formation of the Administrative State), '*Gyosei Gakka 2 Gyosei no Rekishi*' (A History of Public Administration 2), etc.

3. Keiichi Matsushita, '*Gendai Seijigaku*' (Modern Political Science), University of Tokyo Press, 1968, p. 43.

## 2. Characteristics of the Political Procedures of Local Governments

The main topic of this essay is the political procedures involved in the relationship between local governments and the central government. Before moving on to that, however, I would like to look at the political procedures of local governments and their characteristics.

The first important reform carried out by the Meiji government in Japan as it embarked on the path of a modern state was the establishment of a centralised state by denying the existence of local self-government<sup>1</sup>, such as that of the machimura, which had existed to a limited extent during the feudal period. This is a notable characteristic of the Japanese political system, and has continued to be a constant undercurrent ever since. In 1878, the so-called Three New Laws<sup>2</sup> were passed, which allowed for a certain amount of autonomy in a compromising manner, and with the establishment of the Meiji Constitution, a new local government system was born, which allowed for a weak form of autonomy. However, rather than being a form of genuine voluntary autonomy, autonomy was seen as a duty of the citizens.<sup>3,4</sup> The central government oversaw the local government, which was given a subordinate role, and the people were made to participate in the administration and bear the costs. This was not a recognition of the people's independent autonomy, and so the content of local government was too weak to be called 'autonomy'.

It was the current Constitution of Japan, enacted in 1947 after the end of World War II, that changed this situation and brought about true local autonomy. Chapter VIII of the Constitution is entitled 'Local Autonomy' and, although it only has four articles, it incorporates local autonomy as a fundamental national system and guarantees it. There is<sup>5</sup> a lot of debate about the content of local autonomy, as it is vaguely defined in Article 92 of the Constitution as 'the principle of local autonomy'. However, the fact that this constitution specifically sets out a chapter on local autonomy, which was not even mentioned in the old constitution, represents a complete turnaround from the pre-war era, when local autonomy was a bureaucratic, formalistic concept and local governments were treated like subordinate administrative agencies of the central government. It means that within a certain area, the residents living there are allowed to have their own local government as an independent governing body. This means that the citizens, who are the sovereigns of the country, have a concrete and accessible political arena.

Furthermore, it is not just a matter of local autonomy being guaranteed by the constitution, but also of local autonomy guaranteeing the principles of the constitution.<sup>6</sup> This is not just a matter of the constitution recognising the sovereignty of the people and renouncing war, but is also an important principle of the current constitution, and it is only through this principle that all the principles of the constitution come to life. Therefore, 'if local autonomy declines and the "essence of local autonomy" as described in the Constitution is distorted and reduced, this is an infringement on the principles of the Constitution and means that the principles of the Constitution of Japan are in decline.'<sup>7</sup> Without going into the point that Tocqueville and Bryce said that local self-government is the father or mother of democracy, the basis of modern democracy is the principle of self-government, in which those being governed govern themselves, and it is local self-government that has the potential to actually put self-government into practice even in a society that has become huge and complex. Democratic local governments are the basis for their existence and operation.

As such, local governments, which are positioned as one of the constitutional principles, have the ability to directly elect their own leaders and legislators, enact legislation, execute necessary administration, and manage property, and as such, they have the form of a government. The English term 'local government' or 'local government' can be translated directly as 'local government'. The argument that there can only be one central government is a pre-war way of thinking<sup>8</sup> that still sees local governments as subordinate government offices or branch offices of the central government.

However, the reason why local governments can be independent governments is not simply down to legal stipulations, but also depends on whether the residents have the conditions to be able to express their will in various ways, have a place to discuss this, including differing opinions, and participate in the decision-making process. By enabling citizens to participate in important parts of the political process of local governments and having the potential to participate at any time, local governments should be established as governments that are equal to the central government in our country, which is a nation of popular sovereignty.<sup>9</sup>

When considering the political procedures of the central government and local governments, the key question is whether local governments are governments of the people. As I will explain later, while they are positioned as local governments in principle, this is not necessarily the case.

When considering local governments as independent local governments, their political procedures can be considered from the following three dimensions.

- (1) Political procedures in local governments as general governments - between the head of government, the assembly, administrative organisations, pressure groups, etc.
- (2) Political procedures unique to local governments that differ from those of the central government - unlike the central government, local governments are not organisations with exclusive independence. They also have a direct relationship with the residents. The Local Autonomy Law also recognises direct requests from residents,<sup>10</sup> and there are also political procedures unique to local governments that are more like direct democracy<sup>11</sup>.
- (3) Political procedures between local governments<sup>12</sup> and other entities, especially in relation to the central government. These should be treated as intergovernmental relations<sup>13</sup>.

The political procedures of the general government in dimension (1) are similar to those of the political procedures, because local governments are also a government, just like the central government, despite of their difference in scale. The content of these procedures spans everything from policy planning, legislation, budgets, personnel, organisations, the execution of administrative work, coordination between departments, financial settlement, and auditing. These procedures are carried out in relation to the mayor, administrative organisations, various administrative committees, parliaments, political parties, various pressure groups, affiliated organisations, companies and citizens. These can be seen as a miniature version of the central government.

However, there are some aspects that differ slightly from the political procedures of the central government. The first is that, depending on the size of the local government, it is generally much smaller than the central government, so it is easier to grasp the whole picture. What is carried out in each ministry is a matter between each department, so it is not impossible to grasp the whole picture.

There are large differences in the size of local governments, and the conditions under which they operate also differ, as do regional characteristics and awareness. Even if the population size is similar, there is no such thing as a local government that is the same. It is difficult to discuss this as a general political procedure for local governments.

Thirdly, even within local governments, there are naturally different procedures depending on the differences in the systems of prefectures, government-designated cities, municipalities, special wards, etc.

The first political procedure unique to local governments in the dimension of (2) is that they cannot be considered without considering their relationship with the central government. This is only natural, as local governments are not only self-contained governments, but are also subsystems of the overall government. However, in the current era of internationalisation, even central governments are no longer considered in isolation from international relations, such as diplomacy, defence and trade, and are constantly affected by international politics from the outside, so the number of self-contained systems is decreasing. The phenomenon that the fact that neither central nor local governments are self-contained is only a relative difference is also becoming more and more pronounced.

Secondly, although the Local Autonomy Law recognises direct requests from residents, many of the procedures are carried out in direct contact with residents. This raises issues of participation in political decision-making and enforcement, and conflicts with residents. As municipalities are basic local governments, they are in a position where they are required to respond to the requests and needs of residents for all issues, regardless of whether they have the authority to do so under the system. Even outside the legal system, there are also cases where citizens' assemblies and residents' councils are established as direct democratic procedures.

Thirdly, all local governments in Japan adopt the so-called presidential system, where the head of the local government is elected directly by the residents. This contrasts to the central government, which adopts a parliamentary cabinet system, and local governments have their own unique procedures that differ from the central government.

The political procedures between local governments in dimension (3) and other governments are intergovernmental procedures. Some people think that intergovernmental relations are limited to international relations.<sup>14</sup> This is because they are trapped in a pre-war mindset that does not recognise local autonomy. As a single government, a local government has relationships with the other three dimensions of government.

The first dimension of intergovernmental relations is, of course, the political procedures between the central government and local governments. If you look closely, there are three relationships: central government and

prefectures, prefectures and municipalities, and central government and municipalities, and each of these relationships is different. In the past, these relationships were seen as hierarchical, but in principle they are all equal relationships, and the only difference is the size of the area they govern, whether it is a wide area or a small area. However, there are many problems, as there is still a sense of inferiority among the pre-war administrative agencies, and after the war, there has been a movement to strengthen this through laws and regulations, subsidies, and other matters and meetings, with each ministry strengthening its position.

The second dimension is the relationship between local governments, such as municipalities. In a relationship of equality, this is where they handle wide-area issues and issues that affect each other, and work together to achieve a common goal. There are various types of these, including metropolitan municipalities, settlement areas, regional development corporations, some types of mutual aid associations, and voluntary councils.

The third dimension is the relationship between local governments and the governments of other countries, or between local governments and those governments. Diplomacy is no longer the exclusive preserve of the central government, except in official matters. This point has not yet developed in areas such as sister city partnerships, but in the future, we can expect to see more active people-to-people diplomacy and international intergovernmental exchange. In fact, there are now many international conferences between local governments, and there is potential for intergovernmental relations in this area to develop.<sup>15</sup>

As we have seen here, the scope of political procedures for local governments is vast. As mentioned earlier, here we will first focus on the first dimension of intergovernmental relations, namely the political procedures between the central government and local governments, and we will also touch on the unique political procedures of local governments (2). However, even this alone is a broad topic, and it is impossible to cover everything in this short article, so we will have to limit ourselves to outlining the structure and pointing out the issues.

Of these, I would like to focus on two points. The first is who is involved in the formation of the procedures and where the procedures were initiated. The second is who benefits from the political procedures and how this benefits all the people. Both are major issues. There is not enough space here to consider them in depth, but I would like to touch on the main points and use them as a guide to thinking about the political procedures between the central government and local governments.

I would like to take the position of focusing on the political procedures of the central government from the perspective of local governments. By placing the viewpoint on the side of local governments, it is possible to correct some of the shortcomings of the central government's approach, which has been discussed in the past.

If we only look at the relationship between the central government and local governments from the central government's point of view, we will be ignorant of the actual situation of local governments and tend to take a uniformed view, which could result in an abstract discussion lacking in empirical evidence. There are many local governments, and each has its own unique circumstances, but even so, by taking the local government's point of view as much as possible, it is possible to consider the situation in a way that is close to the actual situation.

Secondly, by looking at the central government from the perspective of local governments, we can gain a clearer picture of the reality of the central government than we would be able to by looking at it directly. The reality is often hidden or veiled by a bureaucratic veil, with only the surface of the political procedures within the central government being apparent. However, the central government relies on local governments for its actual policy activities and enforcement. There is a close relationship between the central government and local governments. Therefore, rather than directly knowing the central government, it is also important to understand the political procedures of the central government from the perspective of local governments.

#### Footnote

1. Immediately after its establishment, the Meiji government promulgated the Family Registration Law in April 1871, three months before the abolition of the han and establishment of prefectures, in the 170th Grand Council of State Ordinance, dividing the whole country into wards and appointing ward heads and deputy ward heads.

At this stage, the existing towns and villages were still in existence, and it was also possible to appoint the village headman or village head to the position of ward head. However, in April of the following year, in accordance with the 117th Grand Council of State Ordinance, the position of village headman and village head was abolished, and rather than recognising the independent status of towns and villages, they were eliminated and absorbed into the wards. In this way, the local system of the Meiji era began by positioning towns

and villages as the lowest rung of the national administrative organisation, and treating them as mere administrative districts that denied self-government. This is the clearest example of the Meiji government's attitude towards local government. For more information, see Kikegawara Hiroshi, 'Meiji Chihō Jichi Seido no Seiritsu Katei' (The Formation of the Meiji Local Autonomy System), Tokyo Shisei Chōsa-kai, 1955, pp.17-31; Tokyo Shisei Chōsa-kai, 'Jichi Gojūnen-shi: Seido-hen' (Fifty Years of Local Autonomy: The System), Ryōsho Fukyū-kai, 1940, pp.2-4, 28-40.

2. The County, Ward, Town and Village Organisation Law, Prefectural Assembly Regulations and Local Tax Regulations, which are commonly referred to as the Three New Laws, were enacted in 1878. These laws were a partial restoration of the excessive destruction of local autonomy caused by the Family Registration Law. (Kikegawa Hiroshi, *ibid.*, pp.35-93)

3. The city, town and village systems were established in 1888, and the prefectural and group systems were established in May 1890. The local government system was established prior to the opening of the Diet in November 1890. However, the 'Reasons for the Municipal and Village Systems' document from that time states the following: 'The reason for reforming the local government system is to delegate government affairs to local areas, and to have the people participate in these affairs, thereby reducing the complexity of government and enabling the people to fulfil their main duties. The government would then be able to grasp the main guidelines of politics, give direction, and achieve the practical administration of the nation, while the people would share the responsibility of self-government and be motivated to consider the public good of their local area. In this way, self-government was more of a duty for the people, and it was a system in which the people participated in the affairs of the central government under its supervision and bore the costs of these affairs. It was a very poor form of self-government.'

4. The following points have been made about the reality of local autonomy: 'The reason why the establishment of a local government system was rushed ahead of the opening of the Diet was that there was a fear that local autonomy might be inclined towards rights, and that if the idea of a local autonomy system was conceived after the opening of the Diet, it would be too late. Yoshinori Ide, 'The Politics of Local Autonomy', University of Tokyo Press, 1972, p.23.

5. See Akagi Suruki, 'The True Aim of Local Autonomy and Its Functions' (Shiso, May 1961 issue) for details. Akagi states that 'the concept of "the true aim of local autonomy" is an "undefined concept" in the proper sense of the word' and 'therefore, although it is an abstract concept that constantly calls for a unified approach, its content is difficult to define.'

6. Kiyoshi Tsuji, *Nihon no Chihō Jichi* (Local Government in Japan), Iwanami Shoten, 1976, p. 4.

7. Kiyoshi Tsuji, *ibid.*, p. 5.

8. Yoshinori Ide, 'Chihō Seifu-ron (Theory of Local Government)', *ibid.*, pp. 3-19. This book briefly summarises the usage and significance of the term 'local government'.

9. See Akira Tamura, 'Local Government: The Conditions for Functioning as Local Self-Government', Mitsuharu Ito, Shigeharu Kagoshima, Akira Tamura, Yasuo Watanabe, 'The Concept of Local Government and the Practice of Local Government Administration', Tamura and Watanabe (eds.) 'Local Government Towards the 21st Century: The Concept of Local Government', General Labour Research Institute, 1983.

10. Chapter 5 of the Local Autonomy Law was established to deal with direct requests. This was established in 1946 as part of the so-called first round of local government system reforms that preceded the enactment of the Constitution of Japan and the Local Autonomy Law, and was later incorporated into the Local Autonomy Law (promulgated on 17 April 1947, with effect from 3 May) and has been amended several times since then. The content of the law includes provisions on the establishment of treaties, requests for audits, and requests for dissolution and dismissal.

11. For more information on direct democracy in local government, see Asukada Kazuo, *Jichitai Kaikaku no Rironteki Tenbo* (Theoretical Outlook on Reforming Local Government), Nippon Hyoronsha, 1964.

12. While the central government has a parliamentary cabinet system, local governments have a presidential system in which the residents directly elect the head (Article 93, Paragraph 2 of the Constitution).

13. A book with the same title appeared, 'Intergovernmental Relations Theory' by Toshiyuki Kotaki, Dai-ichi Hoki, 1983. Yoshinori Ide also states that 'if we take the position that local governments are local au-pairs, then the relationship between the national government and local governments should naturally be seen as "intergovernmental relations"'. Ide, *ibid.*, pp. 4-5.

14. Ide, *ibid.*, p. 5. Kotaki, *ibid.*, pp. 3-4.

15. Akira Tamura, 'Daitoshi to Kokusaika' (Large Cities and Internationalisation), 'Korekara no Daitoshi' (Large Cities of the Future), Jurist Sogo Tokushu 40, 1985.

### **3. Political Procedures between the Central Government and Local Governments**

#### **3-1. Three Aspects of Relations between the Central Government and Local Governments**

The relationship between local governments and the central government has three aspects: (1) legislation, (2) administration, and (3) the judiciary.

From the outset, the political procedures for legislation should have the greatest significance in relation to the Diet, the highest organ of state power, in that it determines the laws and budgets for local governments. However, in reality, most of the original plans are drawn up by the executive branch, and the 'preparation' of the original plans itself has

been transformed into something that means 'decision', and<sup>1</sup> the executive branch has substantial power. Furthermore, the executive branch is not only involved in the themes of legislation, but also has a wide range of day-to-day, ongoing, and constant relationships. In addition, the executive branch also has control over the enforcement and interpretation of laws, and in the end, the majority of political procedures is carried out by local governments in relation to the executive branch through policy and enforcement.

In principle, judicial decisions are made independently of politics and based purely on the law and one's conscience, but the problem is who initiates and uses judicial procedures. The most problematic judicial procedure between the central government and local governments is the mandamus proceeding. Even if the conclusion is made in a judicial setting, the decision to invoke it is made under the political judgement of the executive branch. This includes the dismissal of the head of a local government, and the judicial setting is used under the initiative of the administration as part of an extremely high-level political procedure.<sup>2</sup>

Conversely, there are also cases where the local government takes the central government to court. A typical example of this is the Settsu lawsuit, which took up the issue of excessive burdens<sup>3</sup>, and it progressed as a highly political procedure, including the background, the administrative relationship up to the point of filing the lawsuit, and political decisions. This can be thought of as a case where the local government, as an administrative body, took the initiative in establishing a political procedure in a judicial setting.

As you can see, the political procedures involved in the relationship between the central government and local governments in Japan are mostly carried out in the relationship between the central administrative agency and local government administration, including legislation and judicial proceedings.

### **3-2 The formation of political procedures**

The political procedures between local governments and the central government, which are carried out through administrative channels, are naturally carried out by those in charge of administration. On the local government side, this is the local government officials, and on the central government side, it is the bureaucrats. For minor issues, the local branch offices of the central government get involved, act as a contact point, and make certain decisions. In the case of local governments, the route is central government - prefecture - municipality.

These administrative processes and procedures are governed by various rules, forms and required documents, and sometimes they are carried out as objective, administrative procedures. However, many decisions, choices, decisions and instructions are repeated, and they are not just administrative procedures. The central government and local governments have political relationships surrounding these decisions, etc. The political process is taking place beneath the surface of the superficial administrative process, and what appears on the surface of the political process can be seen as the administrative process. It includes both the administrative process and the administrative process as an external process. Even if the administrative process is carried out along the administrative line of local government staff - central bureaucrats, in the political process, many other actors are involved, such as politicians, pressure groups, businesses and residents.

The way in which these procedures are carried out is basically determined by the political relationship between the central government and local governments. Therefore, they differ depending on the era, the type of problem, the differences between specific ministries and specific local governments, and the relationships between the people in charge, so there is no end to the variety of ways in which they are carried out. It is impossible to examine them in detail.

Here, I would like to examine the main trends in political procedures between the central government and local governments within the context of the major historical trends.

From this perspective, we can identify five major historical trends in political procedures.

- (1) Pre-war period: Centralised administrative procedures under the central bureaucracy
- (2) Immediately after the war - idealised central-local government relations led by GHQ
- (3) Post-war A - administrative-led politics with centralised government by ministry
- (4) Post-war B: Political procedures based on a centralised administrative system with political intervention
- (5) Post-war C: Political procedures based on independent policy formation led by citizens and local governments

Of these, (1) can be divided into the pre-war period and the period from the end of the war to around 1951, while (3) began around 1952, and (4) and (5) began from the end of the 1950s to the beginning of the 1960s. It is thought that (3), (4) and (5) currently coexist in a multilayered way. So, we will first give a brief overview of (1) and (2), and then examine (3), (4) and (5) in a separate section.

### **3-3 Political Procedures in the Prewar Period: Centralised Bureaucracy and Controlled Administrative Procedures**

As already mentioned, the Meiji government originally aimed to create a strong, centralised administrative state. For this reason, it initially rejected the idea of local autonomy. Later, it began to take a more positive view of local autonomy, but the idea of local autonomy under the Meiji Constitution was to avoid the spread of central political influence to local governments and to keep them under administrative control.<sup>4</sup> As a result, the central bureaucracy was extremely powerful, and it was able to promulgate imperial ordinances that had the same or even greater force than laws, even without the approval of the Diet. Prefectures were completely subordinate to the central government, and the central government had strong supervisory powers<sup>5</sup> and the right to dissolve the Diet. Governors<sup>6</sup> and senior officials appointed by the central government ruled under orders from the central government. Although municipalities had some degree of freedom,<sup>7</sup> their functions were weak and they were controlled strongly through the prefectures. The central government, prefectures and municipalities were like the lines in a single administrative organisation, with a relationship of top-down obedience. There were also city councils that attempted to resist from time to time, but they were ordered to be dissolved by the central government.<sup>8</sup> The Ministry of Home Affairs obviously stood at the top of the pyramid.

In this situation, local autonomy is just a name, and local governments mechanically execute laws, notifications, and instructions from the centre. Since local governments have almost no independent autonomy towards the central government, and since they have almost no room for political procedures, they are subject to unilateral orders and controlling administrative procedures from the centre alone. One of the few things that started from the local government side was the fact that the mayor and deputy mayor were not appointed, and the prefectural governor and various prefectural organisations held these positions concurrently. (Tokyo, Osaka, Kyoto) The Tokyo City Council proposed a campaign to change this special status and to establish a full city system. This was submitted eight times in the form of a petition from the city council to abolish the special status, and after more than nine years, on 1 October 1908, the special status of the city was abolished and it was placed on the same footing as a general city.<sup>9</sup> Although it was a weak position, with the Tokyo City Council petitioning the Diet, it was a rare political activity that was persistently repeated as bureaucratic control.

However, where political procedures between the central government and local governments are blocked and do not develop, political interest in local government politics usually focuses only on the execution of projects, and political procedures in terms of policy formation do not arise in local governments. Therefore, the major role of political procedures in local governments has become to strengthen the right to speak while placing orders on the execution, and to direct the execution to benefit one's own group.<sup>10</sup> The main reason for the devaluation of local government politics is that the central government has taken away the policy-making and self-governing abilities of local governments.

### **3-4. Political procedures for ideal-type central-local government relations led by GHQ in the immediate post-war period**

Post-war local government reform was pursued with the aim of making a complete 180-degree turn from the pre-war centralised bureaucratic control. The constitution was amended to include provisions on local autonomy, and centralised power was dismantled and curtailed, taking the democratic decentralisation route.

All political parties, both conservative and reformist, were quick to call for the establishment of local autonomy, decentralisation and the democratisation of local government.<sup>11</sup> The peak of this trend towards strengthening local government came in May 1949, when Dr Schaub, who had come to Japan at the request of GHQ, made his recommendations. The recommendations were groundbreaking, and included such measures as the redistribution of administrative duties between the central government, prefectures and municipalities, clarification of responsibilities, the enhancement of local government financial resources, strengthening of responsibilities and authority through local government independent taxation, the abolition of general national treasury subsidies to eliminate national government recommendations, and the establishment of a new local government financial balance subsidy system.



In particular, the fact that the recommendations prioritised municipalities and sought to strengthen their autonomy was in line with the essence of local government. In response to these recommendations, the 'Local Administration Investigation Committee' (the so-called Kobe Committee) was established in December 1949, and it made recommendations regarding national subsidies and the redistribution of administrative duties. These recommendations were ultimately shelved. Nevertheless, at least in principle, local governments were to have the necessary financial resources and be democratic autonomous governments with real autonomy.

In this way, the relationship between the central government and local governments became one of two governments that were essentially equal. The political procedures that arose from this were not a one-way flow, but a two-way process. There were requests from the local governments for action from the central government, and there were requests for cooperation from the local governments for policies from the central government. In theory, this was supposed to be done with both sides having their own autonomy, rather than being a battle of demands, petitions and snatching from the local governments.

Things did not progress in this way, and the reason for this was that autonomy was not something that was gained by the citizens and local governments themselves, but something that was passively given to them from the outside due to the defeat of the war and the occupation. Furthermore, GHQ also took the form of indirect rule through central bureaucrats, so there was resistance from the central government and revisions to GHQ's policy of strengthening local governments, and this led to a division between the central government and local governments. Citizens and local governments were unable to participate in the procedures with GHQ. In addition, they were preoccupied with the pressing issues of suppressing the post-war chaos and planning reconstruction, and the pre-war centralised and dependent nature of the system remained unchanged.

This does not mean that there were no autonomous movements in which local governments made their own decisions or residents took the initiative.<sup>12</sup> The arrival of new local government systems and a democratic society encouraged politically conscious people to seek a new form of local government. Although these were only a small part of the whole, regardless of the actual situation, the significance of this period in showing the ideal form of local government in contrast to the pre-war era's completely centralised bureaucratic system is great.

#### Footnote

1. Ito Daiichi, 'Gendai Nihon Bakansho no Bunseki (An Analysis of the Modern Japanese Bureaucracy)', University of Tokyo Press, 1980, p.160.
2. Because it takes time to implement the orders, legislation was passed to allow for simplified procedures for the execution of duties under Article 146 of the Local Autonomy Law, without the need for a lawsuit to enforce the order, as stipulated in Article 13 of the National Land Use Planning Law, article 24 of the City Planning Law, and Article 24 of the Land Expropriation Law. More recently, the Temporary Council for Administrative Reform submitted a report on 22 July 1985 concerning measures to promote administrative reform. In this report, they proposed a review of the system of lawsuits to enforce official duties, and suggested that (1) instead of abolishing the system of dismissing the head of an organisation, (2) the government should be able to carry out direct enforcement without the need for a court. The fact that the central government can carry out direct execution without the intervention of an intermediate body such as a court means that the political process of changing administrative procedures to make local autonomy a mere shell is progressing under the name of administrative reform.
3. On 17th May 1973, the mayor of Settsu City in Osaka Prefecture submitted a written opinion to the Cabinet and the Diet regarding the national expenditure on the establishment and operation of nursery schools, based on the provisions of Article 20-2 of the Local Finance Act, and requested that the excessive burden be corrected. Later, on 4th August of the same year, Settsu City filed a lawsuit against the national government in the Tokyo District Court, demanding that the national government cover the costs of establishing a nursery school. This is what is known as the Settsu lawsuit. During the 1973 fiscal year, similar letters of opinion were submitted to the government by nine government-designated cities and 68 other city mayors regarding the costs of establishing and operating nursery schools, maintaining public educational facilities, and operating public health centres.
4. The Meiji government was also extremely concerned about the politicisation of local governments themselves. In 1889, when the new local government system was being established, Aritomo Yamagata, the Minister of Home Affairs, gave the following famous instruction to the local governors: 'The benefits of preventing the repercussions of political changes in central government from spreading to local government are certainly not small.' The idea was to place administration independent of politics, and to control local governments through administrative procedures under the guidance of central government. Strengthening the central-local government line was intended not only to prevent the influence of central politics from reaching the local level, but also to limit the influence of local politics to a local area. The idea that it would be enough to strengthen the central-local administrative axis would turn local governments into the central government's local administrative agencies, and control them down to the smallest detail.

5. The basic local government system under the Meiji Constitution was the 'Guideline for Compiling a Local Government System' that was decided at a cabinet meeting on 24 February 1887. Although there were some revisions, this principle was consistently applied, and, the section on 'supervision' was established, whereby the Minister of Interior supervised prefectures, and governors supervised cities, towns and villages with populations of 10,000 or more, with the Minister of Interior supervising those with populations of less than 10,000. The content of supervision includes 'monitoring whether or not they comply with the law and the orders of political parties, and whether or not they disrupt administrative order', 'the right to demand reports', 'the right to a compulsory budget', 'disciplinary action' (which could ultimately lead to dismissal), 'the right to abandon a decision', and 'the right to approve a decision'. It was also possible to dissolve the assemblies, and while it was stated that 'neighbourhood associations, county assemblies and prefectural assemblies may be dissolved by imperial order upon the recommendation of the cabinet', the law went one step further and stipulated that the Minister of Home Affairs would order the dissolution of prefectural assemblies after receiving imperial approval, making it possible to dissolve them very easily in terms of procedure. As for city organisation, the original draft, which stated that 'city assemblies may be dissolved by cabinet order', was revised during deliberations in the House of Peers to state that 'the Minister of Interior may dissolve city assemblies', placing them under central control and making it possible to carry out the procedure in an even simpler way. (Tokyo Municipal Government Research Association, 'Fifty Years of Local Autonomy' Vol. 1: System, Ryosho Fukyukai, 1940, Kikegawa Hiroshi, 'The Formation of the Meiji Local Autonomy System', Tokyo Municipal Government Research Association, 1955, pp.114-116, p.183).
6. Some prefectural governors were transferred after less than a month, by a single telegram. As the governor was just one post on the career path that led from a small prefecture to a medium-sized prefecture and then to a large prefecture, his face was completely turned towards the 'centre', and to the residents he was the face of the 'government', the voice of the centre
7. From 1905, the Ministry of Home Affairs collected examples of diligence, thrift, etc. in towns and villages. Although the meaning of the term differs somewhat from today's usage, it is notable that the term 'local management overview' was used to acknowledge the autonomy of towns and villages. Local management here refers to the example of self-reliance, where the mayor took the initiative in road construction with the villagers, and traffic became much more convenient without the help of the national or prefectural government.
8. The dissolution of city councils was carried out vigorously. When the law came into effect in 1889, the Kofu City Assembly was ordered to dissolve as early as March 1890. By 1894, 22 city assemblies had been dissolved for clear reasons. The Tokyo City Assembly was also dissolved twice due to a vote of no confidence in the governor. (Tsumaru Taisuke, 'A History of the Local Autonomy System', Shin Nihon Shuppansha, 1982, p.77)
9. Tokyo Hyakunen-shi Hensan Iinkai, Tokyo Hyakunen-shi, Vol. 3, Tokyo Metropolitan Government, 1972, pp. 158-161.
10. In the newly established Tokyo City, the famous Water Pipe Scandal broke out as early as 1895 due to the interests involved in the execution of projects rather than policy. Politicians flocked to the projects they happened to be handling, without responsibility or authority. The recent book by Naganuma Ishine, 'Local Politicians', Bansyosha, 1983, which reports on this situation, gives a good picture of the situation.
11. Narumi Masayasu, 'Postwar History of Local Government Reform', Nippon Hyoronsha, 1982, pp.69-70.
12. See Narumi, *ibid.*, pp.149-153.

### **3-4. Ministry-oriented, vertically divided and centralized administration-initiated political procedures**

The start of the Korean War in 1950 led to major changes in the occupation policy. The General Matthew Ridgway Statement of May 1951 authorised a review of the various laws and ordinances in force under the occupation, and in September of the same year the Treaty of Peace with Japan and the Japan-US Security Treaty were signed, with both coming into force in April 1952. The so-called San Francisco System began, and the trend towards decentralisation and strengthening of local governments, which had been established as a post-war ideal, was reversed in the direction of centralisation.

The central bureaucracy, which had been waiting for an opportunity to make a comeback<sup>1</sup>, was responsible for this reversal, but the local governments, including the mayors, councillors, officials and citizens, The fact that there was little awareness of local autonomy among the public, including the local government leaders, council members and staff, led to a reversion to the pre-war model of centralised government.

The two main tools used by the central government to control local government were agency-commissioned affairs<sup>2</sup> and national treasury subsidies<sup>3</sup>. Each central government ministry used these two tools to incorporate local governments under the centralised control seen before the war. The main difference from the pre-war period was that the powerful Ministry of Interior was dismantled, so the ministries lost their integrated control over local governments, and each ministry divided up the local governments and took control of them separately.<sup>4</sup> In addition, after the war, social demands increased to a level that was incomparable to the pre-war period, and this increased the role of local governments. Examples of this include the development of urban and industrial infrastructure, and the improvement of welfare and education. The various ministries and agencies created numerous laws and subsidies, including some

that were similar or even duplicated. As the number of departments under each ministry increased, each department took charge of its own area of responsibility, and as the number of administrative tasks for local governments increased, the vertical segmentation of responsibilities increased, and the comprehensiveness of the work was lost.

The most typical example of this is the 'agency-commissioned affairs', which incorporate local governments into the executive branch of the central government and treat them as subordinate administrative agencies<sup>5</sup>. Local government assemblies are also unable to get involved. In addition to the law, there are also enforcement orders, enforcement regulations and enforcement processes, and numerous notifications and instructions are issued,<sup>6</sup> so in effect local governments have become branch offices of central government ministries. Rather than interpreting the law themselves, local governments consult the relevant ministries and seek their instructions<sup>7</sup>, and these are accumulated in the regulations collection. As only administrative experts in each field can understand these details, they are carried out in accordance with detailed, formalised procedures within the administrative line from central bureaucrats to local government employees, making it difficult for political intervention or citizens to have a say. The central bureaucracy has a strong distrust of local governments, especially local government assemblies and citizens, and eliminating political influence and intervention, the administration further formalises its procedures. As a result, decisions are monopolised by the bureaucratic administration line, and information is not passed on to anything other than specialised administration, strengthening the vertical split.

This is a model of the pre-war political procedures of a centralised bureaucratic control system, which has been further strengthened in each ministry. The central government ministries have absolute authority over the administrative affairs under their jurisdiction, to the extent that each department is said to be the Japanese government, and the local government departments and sections that correspond to them have strong ties with the central government, but are fragmented and separate from other departments of the local government. Even though they work side by side in the same local government office, if the laws and regulations they are working under are different, they act as if they are fully separated organisations, and they don't even help each other out with their work. The people in charge here are doing things according to the law, and each of them is unwilling to give in to the others. The head of the local government is heard to say the self-deprecating words, 'We are nothing more than caretakers of an apartment building'<sup>8</sup>. Even so, the only thing the local government is concerned with is carrying out its administrative duties in a comprehensive manner in response to the trust of the citizens, and the other departments are, so to speak, a collection of branch offices of central government ministries and agencies, and they only look at central government ministries and agencies, not the citizens.<sup>9</sup>

Administration is carried out according to uniform national standards<sup>10</sup>, ignoring local circumstances, and even if citizens raise new issues, unless they are covered by law, the authorities will not take action to resolve them. This means that local governments are not responsible for their own localities. Furthermore, it is unclear whether the responsibility for agency-delegated affairs lies with the central government or with local governments. Although there is no freedom for local governments, from the perspective of citizens, it appears to be the business of the local government, and this has only encouraged an increasingly irresponsible system and inefficiency.

What is more problematic is that the procedures that cause local governments to lose their autonomy and refuse to allow citizens to participate<sup>11</sup> are in fact procedures that are surprisingly acceptable not only to central bureaucrats but also to local government employees.<sup>12</sup> As long as they are carrying out policies from the centre, they don't have to worry about making their own policy proposals or go through the difficult process of trying to implement them. If there is opposition to this, or if the policies are inadequate, the local government is not responsible. As long as they have carried out the instructions of the central government accurately and there are no procedural deficiencies in the process, the local government has no authority and cannot be held responsible. Neither the local government assembly nor the citizens will pursue the matter any further. On the other hand, when a local government, like a central government ministry, formulates new policies, adds its own interpretation to laws and regulations, and sets precedents, it will naturally not only cause problems with the relevant ministries and agencies, but also have to deal with the local government assembly, citizens, and pressure groups on its own judgment and responsibility. They lack the confidence to persuade people without borrowing the authority of central government ministries. So many local government employees stop being policy makers and become satisfied with becoming familiar with laws and precedents and firmly adhering to the administrative procedures they are given. This is not in the interests of the central bureaucracy, but they work together to support the top-down procedures of the local governments.

The second pillar used as a new tool of central control is national treasury subsidies<sup>13</sup>, which are sometimes linked to agency-delegated affairs. They are also distributed to the various departments within each ministry, and they divide

and control the corresponding departments within each local government. Subsidies once accounted for nearly 34% of the national budget, and they still account for nearly 30% of the budget today.<sup>14</sup> From the perspective of local government revenue, they account for 22-23%, and when you consider the hidden costs incurred by local governments in relation to subsidies, the budget that is controlled directly and indirectly by subsidies is extremely large.

The problem here is that the subsidies are still being administered in a completely vertical manner by each ministry's individual departments and sections. The number of subsidies is said to be around 1,500 in terms of the number of projects, and when broken down into smaller units, the number is close to 4,000. The majority of these are targeted at local governments, and the vertical departmentalisation of local government administration has spread to every corner of local government administration. There are also many similar subsidies, so even if the local government tries to combine them to create a complex facility for children, young people, women, the elderly, etc., the uniqueness of each subsidy project is emphasised, and the local government is forced to build things like entrances, offices, toilets, libraries, and kitchens, etc., in duplicate.<sup>15</sup> Furthermore, even if they try to make the directors of the facilities common or have the staff work in multiple roles, they will be complained about by the vertically divided central government agencies,<sup>16</sup> and they will be forced to streamline and cut waste.

The procedures for obtaining subsidies can be broadly divided into (1) application procedures, (2) procedures for determining the grant (including screening and setting conditions), (3) procedures for implementing the project (including reporting on the situation and issuing orders to temporarily suspend the project), (4) procedures for finalising the amount and settling accounts (including on-site inspections, orders to make corrections, returning the subsidy, and late payment charges), and (5) Procedures after the completion of the project (including restrictions on the disposal of property).<sup>17</sup> There are detailed manuals for each of these procedures for each project, and it is difficult to understand them unless you are in charge of the project, and central control is carried out in a uniform manner within the administrative line. Central bureaucrats control local governments through such things as the selection criteria, the criteria for eligible projects, and the detailed administrative procedures for implementation. The imposition of uniform standards restricts the ability of local government staff and citizens to come up with ideas that are suited to the local area, and they are not able to mature as internal political procedures for local government. On the other hand, if they just follow the rules, the detailed procedures will specialise the staff in charge, and the line from the central government to local government staff in each specific department will create a sense of family that outsiders cannot approach, strengthening the administrative line. This line is constantly reinforced through personnel and meetings. However, although there are many difficult criteria, once you are in this administrative line, flexible management is possible at the centre, and the human relationships you have on a day-to-day basis are important in making this happen. The administrative line political procedures play the role of excluding outsiders.

The most important procedure in the subsidy system is the decision-making process for whether or not to grant the subsidy. For long-running projects, the incremental approach of adding on to the previous amount has been taken, based on past performance. This has been decided through the long-standing relationships between central government ministries and local government officials. For new projects or particularly large-scale projects, the mayor and other relevant parties make various appeals. This is the most suitable way for the mayor of a local government to show off his or her political status. However, in this kind of procedure, the internal political procedures of local government, in which citizens take responsibility for their own region and discuss how to allocate limited financial resources while voicing many opinions and requests, have not matured. The political procedures of local governments are in other words the procedures for making petitions to central government ministries. If the one-sided petition procedures that move one frame within the administrative lines created by central bureaucrats become the most important political procedures for local governments, it will not foster the political independence of citizens.

Further strengthening the administrative lines of the various ministries in the central government, there are numerous five-year plans for individual projects, such as the Five-Year Road Improvement Plan and the Five-Year Port Improvement Plan. This is an internal matter for the central government ministries, but for major projects, a petition campaign is started at this stage in advance. In addition, the ministries and agencies of the central government submit their budget requests to the Ministry of Finance around September. This is a procedure for the relationship between the ministries and agencies of the central government and the Ministry of Finance, but prior to this, the ministries and agencies request that local governments submit materials. There are also many preliminary procedures, such as informal preliminary explanations, on-site inspections and explanations, and related surveys. The unofficial procedures that take place before the formal application for a subsidy are the real political procedures. These are carried out persistently and continuously, but they are not visible to the public. The flashy lobbying of central

government ministries and the Diet during the budget planning period has a demonstration effect, but in reality, the continuous unofficial procedures that take place behind the scenes are more important. These political procedures are basically one-sided procedures of petitioning and requesting, and the final authority is always held by the central government. This relationship is increasingly leading to a vertical division between ministries and local governments, and individual vertical forces are ignoring the overall interests and expanding their own framework subsidies in an unregulated manner through various means.<sup>18</sup> Local governments are overwhelmed by the process of acquiring these subsidies, and have lost the ability to think about policies and allocate funds on their own initiative.

Subsidies are not always the result of lobbying and requests, but can also be imposed from the centre. It is common practice to allocate funds to those who can spend them at the end of the financial year so that the budget is not left unspent. In addition, there are cases where funds are allocated even when they are not needed due to one-sided central government policies,<sup>19</sup> or where budgets are suddenly increased and the local government is forced to spend the extra money.<sup>20</sup> Local governments are forced to accept these funds due to their relationships with central government ministries, and this can lead to a loss of balance in the rational allocation of budgets within the local government, or to sloppy spending without the ability to execute.

In addition to agency-commissioned affairs and national treasury subsidies, there are various other means used by central government ministries to control local governments, such as bond issuance permission<sup>21</sup>, local allocation tax<sup>22</sup>, organisation<sup>23</sup>, personnel affairs<sup>24</sup>, personnel expenses<sup>25</sup>, licensing and approval<sup>26</sup>, etc., but these cannot be discussed in detail here.

In any case, they are used to treat local governments as if they were not fully-fledged entities, to control them with a sense of mistrust, to confine them within a uniform framework, and to reserve central authority. Furthermore, since each ministry uses these procedures in a vertical manner to control, political procedures are carried out in a fragmented manner along the lines of the central bureaucrats of these ministries and local government employees. As a result, it is impossible for local governments to formulate integrated policies or carry out operations. It has also made local governments lose their responsibility to citizens and the methods that should be used in their regions, and has made their responsibilities ambiguous. Citizens have no room to take the initiative other than in petition movements, and political maturity within local autonomy cannot be cultivated. If policies are decided at the centre, local government employees, who should hold the key to the political procedures of local government, will often become involved in the interests of individual projects. This is because there will be almost no policy formation procedures in the political procedures of local government, which do not have their own judgment, and the focus will be on the execution side, which is related to the interests of the area.

In this way, the political procedures of the post-war era, which were based on a centralised bureaucratic administration system with ministries and agencies divided along vertical lines, were basically a breakdown of the pre-war system into individual ministries and agencies, and in reality were carried out by local government officials under the leadership of central bureaucrats. Citizens and council members were kept away from policy formation, making local government politics sterile, and only irresponsible requests and petitions became political procedures for the central government.

#### Footnote

1. The following words well express the feelings of the central bureaucrats at the time. 'In September 1951, the peace treaty was signed, and there was a mood in the country to use this to change the system of occupation rule to one that was more in line with the situation in Japan... There was a sense of a hundred schools of thought vying with each other, but for those who had been patiently waiting, it was like the weather on the sea changing from a headwind to a tailwind.' (Mamoru Shibata, 'In the Flow of Local Autonomy', Gyosei, 1975, p.92)

2. With the introduction of the system of popularly elected prefectural governors, the system of delegating national affairs to the heads of local public bodies for processing and execution was incorporated into the Local Autonomy Law without any major problems. For more information on the circumstances at the time, please refer to Takeshita Yuzuru, 'Kikan-inin Jimu to Chihō Jichi' (Agency-commissioned affairs and local autonomy), Toshi Mondai (Urban Problems), Vol. 66, No. 8, 1975, pp. 11-16.

3. Due to the poor state of local finances, and the increase in compulsory education costs due to the introduction of the 6-3-3 system, the principle of local autonomy and self-financing was undermined by the national government's increased funding for compulsory education, and national subsidies increased. For more information on this period, see Shibata, *ibid.*, pp.102-106

Narumi, *ibid.*, pp.106-112, 137-140.

4. 'As the Ministry of Interior was being dismantled, each ministry in turn began to set up local offices, and the coordinating role of the Ministry of Home Affairs' accounting department in adjusting the subsidies of each ministry gradually became ineffective. ...In the past,

the national treasury subsidies for local government offices were distributed to local government offices via the Ministry of Interior, and it was at this time that the subsidies were adjusted. ...There is no doubt that the abolition of the Ministry of Interior created an economic climate that led to the proliferation of local offices of each ministry and increased the adverse effects of national treasury subsidy administration.

5. Takeshita, *ibid.*, p. 4.

6. In the 1965 fiscal year, the Tokyo Metropolitan Government received 9,069 documents from central government ministries and agencies. The Ministry of Agriculture and Forestry, which received the most 3,485 documents, followed by the Ministry of Justice (1,378), the Ministry of Home Affairs (1,097) and the Ministry of Health and Welfare (924). Although not all of these documents were official notifications, they all had some kind of power element from the central government to the local government. (National Political Research Institute, 'Proposals Regarding Local Governments - Data Supplement', p.17)

7. After discussing the matter with the relevant ministry in advance, the local government asks the central government for an interpretation in writing, such as 'Is it correct to interpret it as ...?' or 'Is it all right to carry out ...?'. In many cases, the central government responds with an answer along the lines of 'That is correct', and other local governments also follow this as an administrative precedent.

8. Statements made at a round-table discussion in the 'Theory of Local Government Administration' in the *Journal of Local Government Studies*, pp. 23-36.

9. It is said that there is poor communication between departments within local governments, but in fact this is a reflection of the confrontational relationship between the various government ministries. Each department of the local government is run under the strong guidance of the various government ministries, and the local government departments that mechanically execute this are deprived of the ability to coordinate with each other within the local government. This is something that would be unthinkable in a private organisation, but it is the most difficult thing to do: to coordinate the actions of each department of the local government. The term 'administrative veteran' refers to someone who is skilled in the regulations and rules of a particular section, but not in the ability to look at the municipality as a whole. These people often become a hindrance to overall management, especially in large municipalities where departments are subdivided and there are many administrative veterans. However, in small municipalities, it is possible to have a sense of overall unity under the leadership of the head of the municipality.

10. For example, until a few years ago, the Ministry of Education's notification stipulated that school lunch trays should be made of metal. Therefore, a local government in the mountains used wooden chopsticks made from thinned wood, but they were told that they could not use them because of the notification. Later, the notification was revised and the use of wooden chopsticks was made permissible.

11. According to Takeshita Yuzuru, the problems with agency-delegated affairs are: (1) the strong leadership and supervision of the central government administration; (2) the vertical sectionalism of local governments; (3) the overwhelming majority of local government affairs; and (4) the refusal of local residents to participate. (Takeshita, *ibid.*, pp.4-10)

12. According to a survey by the Japan Urban Centre, although there is a feeling that there is an excessive burden and a large amount of work involved in agency-delegated affairs, only 13.9% of respondents overall felt that they 'undermine local autonomy'. However, in cities with a population of 350,000 or more, 20-30% of respondents felt that agency-delegated affairs undermine local autonomy, and in government-designated cities, 75% of respondents felt this way, indicating a growing sense of autonomy. Three percent of cities with populations of over 350,000, and 75 percent of government-designated cities, said that agency-commissioned affairs were undermining local autonomy, and there was a growing sense of autonomy. (Japan Urban Centre and Municipal Finance Research Committee, 'New Relationships between Cities and Prefectures', 1983, p. 56)

13. Michisada Hirose, *Seiken-to to Hojokin (Political Parties and Subsidies)*, Asahi Shimbunsha, 1981, discusses the process of subsidy formation and their functions in a concrete and accurate manner.

14. A former senior official at the Ministry of Home Affairs stated, 'If the government no longer has the room to spread out subsidies, then it means that more than half of the work of each ministry will disappear.' (Japan Urban Centre, *ibid.*, p.237)

15. For example, the House for Working Women and the Youth Labour Home are both under the jurisdiction of the Ministry of Labour, but they have been instructed to set up separate rooms, such as offices and meeting rooms. In addition, the jurisdiction of the Ministry of Education and the Ministry of Health and Welfare is different for community centres and children's centres, and even in the case of combined facilities, they are required to have separate facilities such as libraries and toilets. Furthermore, they receive support from three ministries - the Ministry of Education (for community centres), the Ministry of Health and Welfare (for health centres) and the Ministry of Labour (for homes for working youth) - and each has its own cooking room, even though they are all on the same site. (Local Autonomy Management Association, 'Local Autonomy Reforms Hampered by the Government', Chuohoki, 1985, pp.249-251)

16. For example, the Community Centre Act (28 February 1959, Ministry of Education Bulletin No. 98) stipulates that a full-time director must be appointed. This cannot be delegated or shared with other staff, and so it is not possible to control personnel costs or manage personnel efficiently. Furthermore, even if the local situation requires a community centre to be built, this is not permitted.

17. See Goichi Kato, 'Hojokin Seido' (Subsidy System), *Nihon Densan Kikaku*, 1984, pp. 134-246.

18. According to the Ministry of Finance's thinking around 1955, the way to establish local finances was to reduce public works spending and reorganise subsidies, and there was a perception that increasing subsidies would increase the burden on local governments and expand the scale of local finances. (Shibata, *ibid.*, pp.118-119)

19. As one mayor said, 'Our city is having trouble with the wholesale market. The Ministry of Agriculture and Forestry and the prefecture give us subsidies for running the market, but the city has to pay a huge amount. The Ministry of Agriculture and Forestry and the

prefecture tell us to run the market through the central wholesale market, but we know from the start that it will be a loss-making venture. If it was for the benefit of the citizens, we would understand, but the question is why the prefecture won't run a market that will have an impact on the whole prefecture.

20. For example, in the two years from 1977 to 1979, the growth in general account expenditure was 35.4%, and the growth in public works expenditure, excluding sewerage-related expenditure, was 33.0%, almost the same rate as the growth in general account expenditure. However, the subsidy for the improvement of sewerage, environmental hygiene and other facilities increased by a remarkable 93%, from 487.3 billion yen in 1977 to 941.3 billion yen in 1979. Comparing fiscal 1976 with fiscal 1979, the amount increased by 157.9%, more than doubling in just three years. Of course, sewage systems are the most backward sector in Japan, and it is understandable that the cost of their development would increase, but the central government unilaterally imposed this on local governments without providing sufficient technical support, and local governments were left scrambling to cope with the situation. However, since the 1955 fiscal year, the amount of public works has been curbed, and the amount of money spent on sewerage-related projects has also been reduced. When the central government suddenly gives out large subsidies for one reason or another, and then suddenly stops the growth of the amount of money spent, the local governments are at the mercy of the central government, and they are unable to carry out sufficient, well-planned maintenance or train engineers. Alternatively, they may suddenly find themselves with a surplus of staff. If they had their own financial resources, local governments could listen to the opinions of their citizens and, if they decided to spend money on sewage works, they could also prepare a long-term implementation plan and achieve results within their own responsibility.

21. According to Article 250 of the Local Autonomy Law, borrowing money requires the permission of the Minister of Home Affairs or the prefectural governor for the time being.

22. Although the amount should be calculated based on objective criteria, recently a second subsidy system has begun to be implemented.

23. According to Article 158 of the Local Autonomy Law, the number and names of departments within prefectures are set in detail, and if a prefecture wishes to increase the number of departments, it must consult with the Minister of Home Affairs in advance.

24. In many cases, the central government is filling certain posts in local governments.

25. The central government also provides guidance on salary levels, so local governments are unable to carry out flexible management, such as reducing staff numbers and hiring high-level specialists.

26. Even though the governor is the person who makes decisions on urban planning, in accordance with Article 18, Paragraph 3 of the Urban Planning Act, they are required to obtain permission from the Minister of Construction in advance.

## **5. Political intervention and a centralised administrative style of political procedure**

As we have seen, political procedures between the central government and local governments have been promoted by strengthening the bureaucratic and administrative lines led by central bureaucrats, and by eliminating political intervention as much as possible. Although many politicians have also emerged from this, these bureaucratic politicians have also carried out politics on the bureaucratic and administrative lines, and have guaranteed the strengthening of the administrative lines.

However, from the latter half of the 1960s, this began to gradually change. The long-term stable rule of the Liberal Democratic Party as a one-party dictatorship meant that the bureaucracy could no longer maintain its self-righteous position of superiority based on its expertise, procedural complexity and organisational structure. Even if the bureaucrats drew up a policy, it was only natural that they would have to obtain the approval of the ruling party, as Japan was a parliamentary system. First, the policy must be approved by the various sections of the LDP's Policy Research Council, which is the ruling party. Each section corresponds to a government ministry. So-called 'groundwork (*Nemawashi* in Japanese, preparatory negotiations)' is carried out with members of the Diet (Japanese national assembly) who are likely to oppose the policy in advance, and efforts are made to gain their approval so that the original draft can be passed. If a decision cannot be reached in the section, the matter is discussed at a meeting of the Policy Research Council, and finally, it is decided as the party's will at a meeting of the General Council.<sup>1</sup> At first, these procedures were relatively formal. This was due to that there were no policy experts within the party, and the party was repeatedly splitting and merging. However, because of the long-term dominance of a single party, specialisation in each field increased, and the procedures became more substantive. Politicians known as 'XXX-zoku' (meaning 'XXX tribe') began to have a strong voice in each committee.<sup>2</sup> Nevertheless, the bureaucracy continues to play a substantial role in the formulation of real-world policies, making use of its organisational strength. However, the tradition of self-righteousness among bureaucrats since the Meiji era is finally being forced to change. Political parties and politicians are also beginning to take the initiative in suddenly creating subsidies.<sup>3</sup>

The trend to exclude politicians and carry out substantive politics within the bureaucratic administrative line has begun to show signs of becoming politicised.

In principle, politicians in the administration should have been a natural part of the democratic parliamentary system. It is the role of parliament to check the self-righteousness of the bureaucracy, and in a party cabinet, the political party itself should have the ability to formulate policy and lead the bureaucrats. The political procedure of a democratic society is to eliminate the veiled secretiveness of the bureaucracy, to freely present a variety of different opinions, and to work out a consensus by reconciling these opinions.

However, the politicians in this case neither correct the bureaucracy and administrative lines, nor create a free and open political procedure for a society with citizen participation. In the case of Japan, political intervention strengthens the bureaucratic and administrative lines of local government even further. The central government ministries have a strong influence over local government, for example in the allocation of subsidies, and this is why the procedures that involve the ruling party, influential factions and influential members of parliament acting as intermediaries are effective and strengthen their influence. If local government autonomy is recognised, there is no place for central politicians. Therefore, rather than being a process of 'politicisation in government', this kind of procedure should be called 'political intervention in government'. Ironically, politicians who are popular with the local community, such as those who secure subsidies for the local area, are the ones who are most opposed to local independence and self-governing, and who strengthen centralisation. Here, the interests of the bureaucrats and administrative line of the central government ministries and powerful politicians coincide in a mutually complementary way.

This kind of political intervention often takes the form of political intervention by individual politicians, because it is the most straightforward way of demonstrating individual power. Therefore, such individual political intervention is mainly directed towards the operational execution side of the system, rather than policy planning, especially in relation to local governments. The operational side is carried out through bureaucrats, and here the politicians who have influence over the bureaucrats' policy planning have a strong voice in the operational side. In particular, there are many types of national subsidies, and they are specific and bring real benefits, so this is an area where politicians have the most to gain from intervening. If it were not for the long-term dominance of a single party, the bureaucratic administrative line would be strong, and political intervention in the execution of policy might only be possible in a relatively weak form. However, at present, the process of obtaining subsidies through political intervention has become completely commonplace. Rather than through the formal political channels of the Diet or political parties, individual and specific interventions by politicians and bureaucrats have become commonplace, the logic of bureaucrats who should be carrying out fair enforcement has broken down, and procedures in venues that are not yet open to the public have come to have the greatest significance.

The route from local government to politicisation to central bureaucracy was a political procedure that was a kind of bypass for the official, powerful bureaucratic control procedure of local government administration to central bureaucracy. On the one hand, it was an attempt to break down the powerful bureaucratic line from the local government side, so at first the bureaucratic line was reluctant to proceed with political procedures with politicians over the heads of bureaucrats. Therefore, a lot of attention was paid to the timing and method. However, as political intervention-type procedures became more common, the bureaucrats themselves even began to seek political intervention. This was because the intervention of influential Diet members could justify the bureaucrats' decision-making procedures, and because providing services to politicians could be expected to gain their cooperation at other times.

In this way, political intervention-type procedures represent a significant change from the bureaucrat-self-righteous political procedures of the past, but rather than rejecting the vertically segmented bureaucratic line, which was seen as a drawback, they have served to continue and strengthen it. In other words, by opening a bypass, they have sought to further improve the path of the administrative bureaucracy and administrative line.<sup>4</sup> In fact, as this type of politically-intervening political procedure becomes more common, the two pillars of central control - agency-commissioned affairs and subsidies - will not decrease, but will both increase.<sup>5,6</sup>

What is interesting is that it was the politicians from the party faction who promoted political intervention and strengthened the bureaucratic administrative line, rather than the politicians from the bureaucracy. Rather than the former civil rights politicians who sought to eliminate the bureaucracy and create a free political arena, they were complicit in strengthening the demand-and-petition-type 'superior' consciousness and procedures. The more the bureaucratic and centralised system is strengthened, the more the power of the politicians who drive it is valued. This has created a contradictory situation where those who do not respect autonomy are respected in local areas because they individually guide people to benefit from it. This strengthening of political intervention has meant that local governments have had to go through procedures through two routes: central government ministries and politicians.



This has made the internal political procedures for the autonomous policy formation of local governments increasingly fruitless, and the allocation of funds has been prioritised towards obtaining national subsidies, with local government funds also being allocated in a way that is dragged along by this. From the perspective of the country, the subsidy framework has only been amplified by the two routes of bureaucrats and politicians, and it has become impossible to control it, eventually leading to a huge budget deficit. This type of political intervention based on dependence and lobbying procedures may have appeared to benefit individual local governments, but it led to the collapse of the national finances, suppressed the independent capabilities of local governments, and failed to foster responsible political decision-making and political participation by residents. From the perspective of local governments, it was an inefficient procedure that deprived them of their independence and undermined the morale of their staff.

#### Footnote

1. Murakawa Ichiro, 'Seisaku Kettei Katei' (Policy Decision-Making Process), Kyoikusha, describes the relationship between bureaucrats and the LDP in terms of policy and budget.
2. See Nakamura Akira and Takeshita Yuzuru, 'Nihon no Seisaku Katei' (The Policy Process in Japan), Azusa Shuppansha, 1984, pp. 43-61.
3. See Hirose Michisada, *ibid.*, pp. 40-50.
4. See *ibid.*, pp. 234-249.
5. In 1952, the number of affairs delegated to organisations was 169 and the number of affairs delegated to agencies was 366, an increase of 91 and 200 respectively from 1965. After the establishment of the LDP's dominance, these figures continued to increase steadily, and in 1977, the number of affairs delegated to organisations was 260, an increase of 91 from 1965, and the number of affairs delegated to agencies was 566, an increase of 200.
6. National subsidies, which accounted for only 15.5% of the total budget in 1951, increased to 27.9% in 1965 and 33.7% in 1978. The ratio subsequently fell slightly due to the national budget deficit, but amid calls for administrative reform, the subsidy budget reached a record high of 14.995 trillion yen in 1983.

## **6. Political procedures for independent policy formation led by citizens and local governments**

In contrast to the previous two points, from the end of the 1950s, there was a movement towards local governments taking the initiative in formulating and implementing their own policies. This was a move to change their position to one of equality with the central government ministries.

The factors that led to citizens and local governments formulating their own policies were twofold: firstly, the growth of local communities and local governments themselves, and secondly, the harmful effects of centralised procedures becoming apparent in many areas.

The following four factors can be identified as internal factors within local communities and local governments. Firstly, after almost 20 years of post-war democracy, there was a growing awareness of citizenship. Secondly, the fact that the heads of local government, who are elected directly by the residents, are now paying more attention to the local population, and there is a big difference between them and the bureaucratic system. Thirdly, due to urbanisation and regional change, problems have arisen that can only be solved by local governments that are closely connected to the region. Fourthly, the attitude of the heads of local government and the methods used to solve local problems have led to a decisive shift towards citizen participation. At one time, citizen participation was proposed by the reform camp and was one of the points of contention between the conservative and reformist camps, but today, regardless of whether they are conservative or reformist, no one denies citizen participation, and it is being incorporated into local government administration through various means.

In addition, the following four points can be raised as the drawbacks and limitations of a centralised administrative system. Firstly, as mentioned previously, the vertical division of administrative duties between central government ministries is carried over to local government, and this prevents the comprehensive administration necessary for the region. Secondly, it is not possible to take measures that are suited to the actual situation of the region, and the policies are uniform across the country, lacking flexibility, and this is an obstacle to the creation of unique regions and attractive cities. Thirdly, the procedures of the bureaucratic and administrative line, which are all about laws, precedents and manuals, have excluded citizen participation. Fourthly, excessive centralisation has undermined the autonomy and independence of local governments, and as a result, has not fostered responsible local government, and has also endangered the national finances.

In this situation, local governments have had to make and implement their own policies. This was not just a superficial form of local autonomy, but a necessary step to manage the region and protect the safety and livelihoods of the citizens. Let's look at some examples of this below.

### **6-1. Pollution Policy**

From around 1960, the development of the Numazu-Mishima petrochemical complex was promoted by the central and prefectural governments as a joint project. Development plans that had previously been promoted through unilateral procedures from the centre and requests for investment from the local area were cancelled in 1963 and 1964 after opposition from residents, and the local government opposed the plans. In response to uniform industrial development, the local government worked to make use of the local characteristics and the will of the residents.<sup>1</sup> It was a landmark event that the local government side was able to change the national government's will.

As a result, in the former Yokohama City, the residents demanded that measures be taken to prevent pollution from companies moving into the Isogo reclaimed land. Conventional local government administration only moves within the scope of central government laws and directives. Under the inadequate laws of the time, these demands from the residents were not even put through the political procedures within the local government, and were excluded from the administrative line as 'not being within the jurisdiction of the local government'.<sup>2</sup> However, the mayor of Ichio Asukata, who came to power in 1963, took a stance of dealing with the problem from the citizens' side, even if it was not based on laws and regulations, and the local government itself took the initiative in formulating policies. Starting with objective scientific surveys, the extent and scope of the impact was investigated, and negotiations with the companies that had moved in were entered into in a convincing manner. As a result, the companies and the local government were able to conclude a pollution prevention agreement and take preventive measures in advance. The first company to do so was the national policy company J-Power, and the second was Tokyo Electric Power Company.<sup>3</sup> Both of these companies are strongly controlled by the central government. The central government was extremely reluctant to react, as it believed that strengthening pollution prevention measures would increase power generation costs, which in turn would push up product and export prices, reducing international competitiveness and making trade less favourable. With no legal basis, it seemed impossible to realise the demands of residents and local governments, and the power relations between the central government and local governments and between local governments and businesses had not changed. However, the local government, backed by the residents and public opinion, conducted persistent negotiations with the company, using the small clauses in the land reclamation sale contract as a clue. This made it possible for the local government, as a representative of the residents, to conclude a pollution prevention agreement with the company.

In this case, although there was a negative reaction from the centre, the fact that the pollution problem was not related to the strictly regulated agency-delegated affairs or national treasury subsidies between the central government and local government, so to speak, was a reason that enabled the local government to take the initiative in formulating and implementing its own policies. After that, the pollution prevention agreement spread rapidly to local governments nationwide.

The political procedures were carried out not between the central government and local governments, but between local governments and companies. Eventually, the central government was forced to tacitly approve the results. Pollution prevention agreements are carried out as a local political procedure. Some agreements were even made directly between residents and companies, without going through the local government.<sup>4</sup> This opened up the possibility for citizens and local governments to create their own policies, which had previously been restricted by the administrative procedures between the central government and local governments.

After that, the so-called four major pollution lawsuits, which had been a long-standing issue,<sup>5</sup> were held, and the victims took their case to court. When, in the administrative sphere, the bureaucracy and the administrative line had not provided effective political procedures by protecting the companies, the victims chose to use the courts as a venue for effective political procedures. In this context, the central government also decided to establish a comprehensive pollution policy in 1970,<sup>6</sup> and in the following year, it established the Environment Agency. The relationship between the central government and local governments, in which the central government was encouraged to formulate policies under the guidance of local governments, was a complete reversal of the traditional relationship between central and local governments.

## 6-2 Housing development policy

The rapid urbanisation and advances in civil engineering machinery led to the development of housing on steep slopes, and because there was a legal vacuum in this area, landslides and flooding became widespread. In response to this, advanced local governments began to formulate their own ordinances from around 1960, and implemented a notification system for civil engineering work on sloping land. The aim was to ensure that the minimum technical standards were adhered to through notification. Seeing that these ordinances were having a certain effect and that public opinion supported them, the central government also enacted the 'Land Development Control Law'. This was also a case of the central government enacting legislation after observing the policy formation of local governments. The central government, further emboldened, proceeded with its policy on residential land development, and moved from the 'Residential Land Development Business Law' to a full revision of the 'City Planning Law'. This means that local governments set the precedent, central government departments incorporate this into legislation, and new agency-delegated affairs are created. Late-developing local governments can make use of these laws, but in exchange they are constrained by a vertical, uniform approach. Meanwhile, advanced local governments are also incorporated into legislation and strengthened as laws, but at the same time their own policy-making abilities and rational management suited to the local area are constrained.

However, the problem of residential land development is not as simple as a landslide. Residential land development requires a comprehensive approach, both physically and in terms of its impact on the lives of the residents. This means that it is not just a matter of roads, rivers, parks, railways, water supply and sewage systems, etc., but also involves issues such as waste disposal, schools, nurseries, healthcare, welfare, shopping, culture, community, disaster prevention, local economy, local finances and taxation. It became clear that such total issues, which also have strong regional characteristics, could not be dealt with by the central government's vertical administrative system. Therefore, in May 1967, the city of Kawanishi in Hyogo Prefecture established the 'Guideline for the Residential Land Development'. Although the guideline is not an ordinance or regulation, it is a standard that shows the city's basic stance on residential land development, and it requires developers to provide school sites, pave roads, etc. The aim was to deal with the environmental degradation caused by rapid and unplanned development, and the financial difficulties caused by the sharp increase in demand for public works due to large-scale development. The establishment of the guidelines was, of course, the city's own stance on housing development, and in the case of Kawanishi City, the city council, as representatives of the citizens, discussed the serious problems caused by housing development in the area, and the local government itself, as a local government, went through the political procedures for housing development. Kawanishi City had no authority at all over the central government or local government administrative line agencies in terms of delegated affairs regarding residential land development, and so it created its own guidelines through independent procedures.

Seeing this situation, local governments that were struggling with similar problems created various development guidelines. They were not only seeking to share the cost burden, but also to comprehensively improve the local environment. They achieved a comprehensiveness that had previously been impossible across the various ministries, within the limited scope of local politics, and with specific issues. In terms of the political procedures within the local government, there were many cases where the local government administration, led by the mayor, took the lead in creating the guidelines, rather than the city council, as in the case of Kawanishi City. In some cases, the council is consulted, but in general, the administration takes responsibility for the matter, either with a simple explanation or with a more informal agreement. This is because of the characteristics of the presidential system of local government, where the political responsibility of the head of the local government, who is directly elected by the residents, is to fulfil their direct responsibility to the citizens. This has made it possible to establish the guideline of the policy even when the council is somewhat passive.<sup>7</sup>

Even in cases where the mayor or the assembly took the lead, the residents were behind them, and from their position as representatives, they formed policies with their own comprehensiveness as internal procedures of the local government, separate from the centralised administrative line.

Naturally, there was a counterattack from the central government ministries in this process. Firstly, the representative local government that initially established the guideline would be asked to explain the situation directly or indirectly. In some cases, they would be asked to withdraw the plan on the grounds that it was against the law, and pressure would be applied with the right to dismiss them through the mandamus (a judicial writ issued as a command to an inferior court or ordering a person to perform a public or statutory duty) procedure. However, unless there was a clear connection with the delegated administrative tasks, it was not possible to reach a decisive situation. Secondly, there was opposition from the department in charge of processing the delegated administrative tasks at the local

government. Unlike pollution, which was a blank area for the time being, the staff in charge at the local government were newly appointed and were not people who had been fitted into the existing administrative line with the centre, but although the housing development was inadequate, there was an administrative line from the centre. Therefore, there is more internal resistance in cities with a high level of authority, such as government-designated cities, than in small municipalities with no authority. This is because central control through agency-delegated affairs has permeated the departments within local governments, and there has been a backlash from the bureaucracy and administrative line.

This internal resistance may be due to instructions from the centre, but it may also be due to the nature of the local government, which is comfortable with the procedures of the administrative line. The central departments that create guideline administration are carried out by the council and the planning department, which did not exist under the traditional vertical administrative system. These organisations are relatively free from the control of the traditional administrative procedures, and they can also seek the comprehensiveness of internalisation.<sup>8</sup> As a result, local governments that go beyond the lines now have some kind of guideline, and internal procedures within local governments that make use of comprehensive administration based on the special circumstances of each region are becoming established.<sup>9</sup> In response to this, there are also moves from central government ministries to demand the correction of inappropriate content, but on the other hand, this also means that central government ministries have basically accepted the guidelines as a matter of fact.<sup>10</sup>

### **6-3. Creating a unique urban landscape and character**

Not content with the creation of uniform cities, progressive local governments have begun to create cities with a human and attractive character. These have been created with the support of the residents. Asahikawa's Kaimono Koen shopping district was a joint project between the local government and the shopping district, and was carried out with the aim of revitalising the central shopping district and making the city a richer and more enjoyable place. At first it was a temporary measure, but as a result of negotiations with the central government, it eventually developed into the relocation of a national highway, and the local government was able to change the way in which the standards of the uniform road structure order were thought about.<sup>11</sup> This is an example of how a local government, rather than a central government, had a forward-thinking philosophy, and by making this into a comprehensive policy, it changed the framework of the central government ministries that were acting as obstacles. The creation of Odori Park and the realisation of the concept of urban landscape and urban design through the undergrounding of the expressway in Yokohama City was initially promoted through negotiations between the local government, which had received requests from residents, and the central government ministries. As urban landscape and the individualisation of cities were values that the central government did not have at the time, we saw a fierce clash between the central government and local governments.<sup>12</sup> However, when public opinion came to support these examples, the central government began to make policies in this area. Once the value of a policy area that had been left blank is decided, the various government ministries and agencies will compete to turn it into a policy and pass it on to the local governments. For example, the Ministry of Construction's 'Model Project for Urban Landscape Improvement', 'Square Park Project', 'Symbol Road Improvement Project', and 'Historic District Environment Improvement Project', the National Land Agency's 'Flower and Green City Model District Improvement Project', the Environment Agency's 'Comfortable Environment Improvement project', the Ministry of International Trade and Industry's 'Community Mart Concept', and the Ministry of Home Affairs' 'Special Town Development Project', etc.,<sup>13</sup> all of which aim to create towns with attractive scenery, greenery, a sense of humanity, and distinctive features. There are also many other projects that include similar content. All of these are very recent trends. While there was a critical reaction when they were first started by advanced local governments, it is also the central government ministries that are the quickest to turn them into policies with flexibility.

### **6-4. Local industrial promotion**

Not only in cities, but also in rural areas, independent policies are being born. One example is the town of Oyama in Oita Prefecture. In the mid-1950s, the Ministry of Agriculture and Forestry was promoting a project to improve the agricultural structure, which involved expanding rice paddies and increasing rice production using large machinery. However, Oyama is a valley in the mountains, and is not suitable for either large machinery or a focus on rice production. Therefore, they looked around not only in Japan but also overseas, and switched to a policy of focusing on fruit cultivation rather than rice, reducing heavy labour and improving the cultural nature of the residents. The catchphrase 'Let's plant peaches and chestnuts and go to Hawaii' was a soft idea rooted in the local area that would not have been possible under the country's uniform agricultural policy. After that, the national government also

changed its rice-centric policies, such as the policy of reducing rice production, but at the time, the town was opposed to the uniform policies of the national and prefectural governments. The mayor and staff were able to explain their policies with confidence, and they gained the support of the local community, so in terms of both theory and practice, they were able to outperform the national and prefectural government officials. This strength enabled them to formulate their own policies.<sup>14</sup> The success of towns like Oyama was later taken up by Oita Prefecture and became a model for the whole country as the 'One Village, One Product Movement'. The original policies that went against the policies of the national and prefectural bureaucrats and administrative lines are now being praised as being at the forefront of the times.

The local government's decision to make this policy through its own political procedures was based on the following: (1) there were compelling local circumstances, (2) the policies coming from the centre were inadequate, (3) a comprehensive policy was needed, (4) there was a need for citizen participation, and (5) the content differed from region to region, so a uniform policy was not suitable.

From the perspective of local governments, these policies do not require any administrative procedures with the central government, as long as they go through the internal political procedures of the local government, but in response to policy formation under the guidance of local governments, direct and indirect political procedures have arisen from central government ministries. These usually begin as a counterattack, but eventually change to a policy adoption type.

A new route for policy formation was born, one that had not existed before: guideline → ordinance → law (guideline → law). Furthermore, in the process of turning these into laws and policies, there was no political procedure such as a petition from the local government. The fact that the central government has incorporated these into legislation and policies is proof of the foresight of the local government, but it cannot be said that this is a success for the local government. This makes it easy to move towards a vertical, department-based, centralised administration, and because similar measures are announced one after another, local governments can sometimes be confused. However, these central measures aim to integrate in a south-east direction, and respect regional individuality, so there is a change from the traditional centralised procedures. Opinions from local governments are also being taken into account more than before, and uniformity is being relaxed.

The autonomous policy formation led by local governments is neither a preliminary procedure for the central government to incorporate into its policies, nor is it being carried out to seek this. At first, local governments were forced to formulate policies and react because the central government did not enact laws or formulate policies, but gradually they began to gain confidence in their own policy formulation. Not only because they had no choice, but also because they had experienced that there were many things that were difficult to turn into policies, or that even if they were turned into policies, they would not have any effect on management. This has become a driving force for the creation of independent policies in the future, and in terms of relations with the central government, rather than a one-sided process of making requests and petitions, there has also been a rise in the autonomy to examine central government policies and systems, and to make use of them through selection and combination.

This kind of autonomous policy formation by local governments is born out of the democratic local government created by the residents. It has come to reorganise the division of roles between the central government and local governments, and to make the political procedures of intergovernmental relations more mature and equal.

#### Footnote

1. For information on the movement against the Shimizu, Mishima and Numazu oil refinery complex, see Nishioka Akio and Yoshizawa Toru, 'Shimizu, Mishima and Numazu Oil Refinery Complex Opposition Movement', in *Nihon Gyosei Gakkai Hen, Kojo Gyosei (Pollution Control Administration)*, Soshobo, 1968.

2. In April 1960, a petition was submitted by the Isogo Ward Doctor Association in Yokohama City regarding the prevention of pollution in the Negishi Bay Industrial Zone. However, Kiyoshi Nakarai, the mayor of Yokohama at the time responded with the following: 'With regard to pollution prevention, the current Kanagawa pollution prevention ordinance for industrial developments is being implemented throughout the prefecture, and the city is hoping that the prefectural ordinance will be implemented effectively. Although the city was responsible for the reclamation of the industrial zone, it left all responsibility for pollution control to the prefecture, abandoning its own initiative.'

3. Narumi Masayasu, 'Pollution Control Agreements with Businesses: The Yokohama Method,' *Jurist Special Issue on Pollution*, Yuhikaku, 1970.

4. On 29th May 1970, the Onahama Factory of the Nippon Suiso Kogyo Company and the Onahama District Pollution Prevention Union Committee (with 2,600 members), residents' organisation, agreed to a pollution prevention agreement to prevent pollution and protect

the living environment. The company insisted that the prefecture and city be included in the agreement, but the residents refused, saying that if the prefecture and city were included, responsibility would become ambiguous. (Nihon Keizai Shimbun, 30th May 1970).

5. The so-called four major pollution trials - Minamata disease, Niigata Minamata disease, Itai-itai disease, and Yokkaichi industrial complex pollution - were all filed between June 1967 and June 1969.

6. A total of 14 bills were submitted to the Diet as government proposals during the 64th extraordinary Diet session, which ran from 24 November to 18 December 1970, including a revision of the Basic Law for Environmental Pollution Control, and it was commonly known as the 'Pollution Diet'.

7. For more information on the establishment of the Guideline for Residential Land Development and its effects, see Akira Tamura, 'Residential Land Development and the Guideline for Guidance: The Establishment Process and Effects', 1980.

8. According to a survey by the Ministry of Construction and the Ministry of Home Affairs on 1st September 1981, there were 1007 municipalities that had established the guidelines, and the total number of guidelines established reached 1104.

9. See Kihachiro Goto (ed.) 'Toshi-zukuri Yoko-saiban (Trials of City Planning Guidelines)', Nihon Hyoronsha, 1985.

10. Since 1983, the Ministry of Construction and the Ministry of Home Affairs have issued various recommendations and guidance on the content of the guideline administration, but on the other hand, they have also acknowledged the existence of the guideline itself.

11. Yasushi Nagai, 'Heiwa Dori Kaimono Koen (Peace Avenue Shopping Park)'. Akira Tamura and Kei Mori (eds.), *Bunka Gyosei to Machizukuri (Cultural Administration and Town Making)*, Jiji Press, 1983, pp.131-137.

12. Akira Tamura, 'Toshi Yokohama wo Tsukuru (Yokohama: The Making of a City)', Chuokoronsha, 1983, pp.26-47.

13. For more information on these model projects, see 'The Model Projects' by the Regional Exchange Centre, 1985.

14. Advance Oita, 'Oyama Dokuritsukoku (Oyama Independent Country)', Oita Bunko, 1982.

## 7. Conclusion

Three types of the political procedures © translated by T.Taguchi 20									
	types of structure	political intervention	citizens	comprehensiveness	activities of local government	wighting of procedures	types of execution	applied standards	types of model
A	typical	exclude	none	inter-ministerial fragmentation	demand or petition to the central	policy formulation and its implementation	one-sided	universally applied detailed manual	linear administrative model
B	both typical and atypical	intervened	only local bosses participate	inter-ministerial fragmentation	demand or petition to the central	implementation only	individual	universally applied detailed manual and flexible application	detour model
C	atypical	on local initiative	participate	local comprehensiveness	locally created own policies	policy formulation and its implementation	local uniqueness	locally characterized standards	equal partnership interactive model

Except of a period after the war, the three types of political procedure described above have been carried out in parallel. Let us call the first type of procedure, in which the government takes the lead in a vertically divided, centralised administrative system, (A); the second type, in which political intervention leads to a centralised administrative political procedure, (B); and the third type, in which citizens and local governments take the lead in an autonomous policy-making political procedure, (C).

The characteristics of each type can be shown diagrammatically in the table on the right.

Political procedures are formed by the following factors: (1) the political situation within the central government; (2) the political situation and policy-making capacity within local governments; (3) social demands; (4) citizens' political awareness; and (5) public opinion. These factors change the political relationship between the central government and local governments, and the procedures themselves change.

The emergence of (B) in response to (A) was due to the strengthening of the power of the ruling party over the central bureaucracy as a political situation within the central government. However, rather than forming policies through their own democratic political procedures, the political parties turned to collusion and the utilisation of bureaucratic power. Therefore, although (B) is a variant of (A), (A) did not disappear even after (B) was implemented. Even in the era of democratisation and the era of the ruling party, it is the bureaucrats themselves who carry out fair policy formation, and the basic principle of the bureaucrats to preserve bureaucratic politics as far away as possible from party politics continues. (B) is created through political compromise, but the procedures of (A) are universal in areas that are not subject to political intervention or are difficult to intervene in. Central bureaucrats, who are experts in procedures, are constantly making efforts to create areas where (A) is possible. In addition, while carrying out (B) procedures, they also strengthen (A) procedures. If, for some reason, procedure (B) were to cease to be carried out, procedure (A) would be strengthened immediately. While procedure (A) has changed somewhat with the advent of

procedure (B), the two procedures coexist and are currently progressing through a relationship of mutual reinforcement.

Furthermore, as we have already mentioned, Type (A) is not a political procedure for intergovernmental relations between the central government and local governments, but a bureaucratic administrative line that controls local governments in the same way as subordinate agencies, weakening the substance of local autonomy. (B), which attempts to extract benefits from the centre through influential politicians, appeared to certain local governments to be advantageous, as it bypassed the procedures of central bureaucratic politics, and it appeared to be a slight modification of bureaucratic political procedures. However, as we have already seen, in the end, it has ended up strengthening bureaucratic political procedures that suppress (A) autonomy. It is also a major factor that has put pressure on central government finances, leading to huge government debt and forcing it to carry out administrative reform. (B) appears to be leading to favourable results for specific local governments, but in the long run it has had the opposite effect on local governments. It does not foster local autonomous efforts, nor does it foster the initiative of residents or the abilities of local assembly members or local government employees. It has resulted in an inefficient increase in national expenditure, and the bill has been passed on to all citizens.

This is where the (C) model appears, in which local governments start to act as independent local governments. This is still insufficient and limited to specific issues, but it has arisen because the traditional (A) and (B) models are unable to solve important issues for the region. This has become possible because of changes in public opinion and citizens' awareness, and the emergence of leaders, staff and citizens in local governments who have their own principles and abilities. This has changed the balance of power between the central government and local governments. It has also made it possible to create regions with a high level of individuality and maturity.

The realisation of (C) has enabled local governments to formulate policies through their own internal political procedures for the first time. This will lead to the emergence of political procedures between governments as equal partners with the central government. If this happens, it will be necessary to coordinate the positions of the central government ministries, which are nationwide but divided into specialist departments, with the positions of the local governments, which are limited to a small area but have regional characteristics and a comprehensive approach. In this context, it will be necessary to use a coordinating political procedure that takes account of differences in position, rather than a procedure based on requests or petitions, or one that is based on orders or control. Of course, at this stage (C) is limited to a few themes and is still in its infancy. However, even from the perspective of democratic ideals, the effectiveness of regional management, the realisation of citizen participation, and even from the perspective of fiscal reform for the whole country, there is a strong possibility that the more effective (C) type will need to be strengthened. In order to get there, a fundamental solution to the current local administrative and fiscal system will also be necessary. However, this does not mean that (C) will not be carried out without fundamental reform. As we have already seen, the central government's policies will change if (C) is carried out in practice depending on the situation and the theme, but if the accumulation of (C) continues, it will fundamentally change the substance of the political procedures between the central government and local governments.

In order for (C) type political procedures to develop, it is important to start with the attitude of the head of the local government, the quality of the staff, and the awareness of the citizens. Furthermore, it is important that this leads to the creation of political procedures for policy formation within the local government. This requires both citizen participation procedures and comprehensive policy formation procedures within the local government. In addition to the ideals of the Enlightenment era, such as citizen participation, we also need to create new procedures for citizen participation, such as free discussion between citizens, the planning and selection of alternative policies, and the creation of counter-proposals by citizens. We also need a planning and coordination function that can integrate vertical divisions and independently formulate policies, as well as procedures that enable this to happen.

What should not be overlooked is that the local government assembly should play a sufficient role in the policy formation function. To do this, firstly, the assembly members should make decisions and take action from the perspective of the entire region, rather than from their own individual interests. Secondly, each political party should be able to make its own judgments for the region, rather than being given direct instructions or orders from the central political parties. If the administration of central organisations, including political parties, were to rigidly impose their vertical divisions on local government assemblies, then local government assemblies would not be able to become a place for formulating policies that are suited to the local area. It is only natural that there should be a movement to take the position of the entire local population rather than that of political parties, which are generally referred to as 'citizen's party'.

The emergence of (C) has shown the potential for local autonomy in Japan. The maturing of (C) will lead to reforms of (A) and (B) and a change in the way central government operates. Therefore, (C) will also need to develop into a new model as a more permanent and comprehensive procedure that is not a one-off event. Such a move is the issue that will enable the formation of political procedures between central and local governments that are appropriate for a mature democratic philosophy.