

Papers on the Local Governance System and its Implementation
in Selected Fields in Japan No.11

The Organization of Local Government Administration in Japan

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Foreword

The Council of Local Authorities for International Relations (CLAIR) and the National Graduate Institute for Policy Studies (GRIPS) have been working since FY 2005 on a “Project on the overseas dissemination of information on the local governance system of Japan and its operation”. On the basis of the recognition that the dissemination to overseas countries of information on the Japanese local governance system and its operation was insufficient, the objective of this project was defined as the pursuit of comparative studies on local governance by means of compiling in foreign languages materials on the Japanese local governance system and its implementation as well as by accumulating literature and reference materials on local governance in Japan and foreign countries.

In FY 2008, as a project which were begun in FY 2005, we continued to compile “Statistics on Local Governance (Japanese/English)” and to conduct a search for literature and reference materials concerned with local governance in Japan and overseas to be stored in the Institute for Comparative Studies in Local Governance (COSLOG). We have also started a new research to compile a new series on “Historic Development of Japanese Local Governance”.

In addition, continuing from the previous year, we compiled “Up-to-date Documents on Local Autonomy in Japan” and took up 4 themes in FY 2008 on “Papers on the Local Governance System and its Implementation in Selected Fields in Japan”, for which we have already taken up 10 themes in the past years.

This project is to be continued in FY 2009, and we aim to improve the materials so that they will be of real use and benefit to those who are working in the field of local governance.

If you have any comments, suggestions or inquiries regarding our project, please feel free to contact the Council of Local Authorities for International Relations (CLAIR) or the Institute for Comparative Studies in Local Governance (COSLOG) of the National Graduate Institute for Policy Studies (GRIPS).

July 2009

Michihiro Kayama
Chairman of the Board of Directors
Council of Local Authorities for International Relations (CLAIR)
Tatsuo Hatta
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Preface

This booklet is one of the results of research activities conducted by the Institute for Comparative Studies in Local Governance (COSLOG) as one part of a project that started in FY 2005 entitled “Project on the overseas dissemination of information on the local governance system of Japan and its operation”, in cooperation with the Council of Local Authorities for International Relations (CLAIR). For the purpose of implementing this project, a “Research committee for the project on the overseas dissemination of information on the local governance system of Japan and its operation” has been set up, and a chief and deputy chiefs with responsibility for the project have been designated from among the members concerned with each research subject.

“Papers on the Local Governance System and its Implementation in Selected Fields in Japan” (FY2008, Volumes 11-14) were written under the responsibility of the following five members. (Title of members as of March 2009)

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This booklet, the eleventh volume in the series, is about The Organization of Local Government Administration in Japan, and was written by Professor Ohsugi.

While presenting specific case studies, this booklet aims to provide a commentary on the basic mechanism of local government administration in Japan. In addition, in a context in which decentralization is progressing and there are strong demands for the reform of local government management, it also aims to give an overview of trends in the reform of local government organization and the debates that have exercised people’s minds in recent years.

We will continue to take up new topics, and add to the series.

Finally, I would like to express my appreciation to Professor Ohsugi, and also to other members of the research committee for their expert opinions and advice.

July 2009

Hiroshi Ikawa
Chairperson

Research committee for the project on the overseas dissemination of information
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The Organization of Local Government Administration in Japan

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1. Introduction – objectives of this paper

The objectives of this paper are to provide an explanation in specific terms concerning the administrative organization of local government in Japan, and to give an overview of points of discussion and recent reform trends against the background of strong demands for managerial reform in local government as decentralization proceeds.

Local government in Japan takes two forms, ordinary local public bodies and special local public bodies. The discussion in this paper will be limited to ordinary public bodies (however, among special local bodies, special wards are included because they have the same legal status as cities, towns and villages that constitute ordinary local public bodies).

2. Characteristics of local government administrative organization in Japan

2.1 The uniform and the summary nature of organizational laws and regulations

Matters concerned with the organization and management of local government rest on law on the basis of the principle of local autonomy, as determined in constitutional provisions (Article 92 of the Constitution of Japan), and central government's control over local government organization and management depends on legislative rules. With this kind of thinking as a foundation, matters of general rules concerning local government are determined under the Local Autonomy Law. Before the present Constitution was promulgated, there were no general regulations concerned with local autonomy in the Greater Japan Imperial Constitution; instead, the organization of local government was regulated by Prefecture Organization Law, City Organization Law, Municipality Organization Law, Tokyo Metropolitan Organization Law, and Local Officials Governmental Organization Law.

In Japanese local government at the present time, what is known as a dual representative system is adopted, whereby an assembly is established as a procedural institution, and the chief executive officer (hereafter: Chief) and the assembly members are separately chosen by direct election¹. It follows that in this paper, the

local government administrative institutions which are the object of our considerations comprise executive organs as well as auxiliary and attached organs associated with them that remain after excluding assemblies, as procedural institutions, from the organization of local government.

A major characteristic of organizational regulations in the context of the Local Autonomy Law is that, with the exception of some differences in titles and minor exceptions, there is almost total uniformity, regardless of whether the local government in question covers a wide area like a prefecture or is a basic unit like a municipality and regardless too of differences in scale.

On the other hand, although there are uniform regulations that are comprehensive in scope, the legal regulations that form the general rules of the wide variety of local governments can be seen as having taken on a summary form. It should also be noted that as a result of progress in decentralization, a tendency can be observed, as will be explained later in this paper, of movement in the direction of relaxing organizational regulations from the perspective of paying respect to the autonomous structure of local governments. Excluding regulations which are required by law to be put in place, there is a tendency for a wide range of diversification to be permitted in such areas as the structural composition of individual local governments, the scale of organizational units, the pattern for the division of duties, organizational titles and so on. Specific examples are given below.

2.2 The multi-dimensional nature of executive institutions

A characteristic of executive institutions is that administrative authority is not concentrated in the institution of the Chief, but that a large number of independent executive institutions, in such forms as commissions, commissioners and so on, are established on the basis of the Local Autonomy Law and other individual laws, and that while the decentralization of administrative authority is practiced within specified limits, the Chief exercises a coordinating function of executive institutions as a whole. This kind of structural composition of executive institutions is termed multi-dimensionalism of executive organs.

This multi-dimensionalism of executive organs means that the Chief can avoid despotism, and makes a contribution to democratic administrative management, but on the other hand, various problem issues have been pointed out, such as the fact that it becomes difficult for the Chief to develop leadership, and because there is a tendency for sectionalism to develop within executive organs, this can form a barrier to overall administrative operations, and ambiguity can easily arise over questions of

responsibility.

2.3 Unity and the Chief's jurisdiction over executive organs

With regard to multi-dimensional aspects of executive organs, if we focus on the overall coordination of executive organs by the Chief, we see that the structure of local government executive organs is such that under the Chief's jurisdiction, the following arrangements are stipulated. Firstly, the composition of the executive institution of an ordinary local public body shall take the form of a systematic organization of various executive organs with clearly defined duties and powers under the jurisdiction of the chief executive (Local Autonomy Law, Article 138, Clause 3, Paragraph 1; unless otherwise indicated, references below to Articles and Clauses will be to the Local Autonomy Law). Secondly, various executive organs of an ordinary local public body shall cooperate with one another under the jurisdiction of the Chief so that they may as a whole enhance the administrative functions of the local public body.

For example, matters such as preparing and executing budgets, presenting drafts concerned with matters needed for assembly resolutions, imposing and collecting local taxes, collecting allotted expenses and participation fees, imposing penalties, and obtaining the approval of the assembly to the settlement of accounts, do not fall within the jurisdiction of commissions and commissioners, but are subject to the authority of the Chief (Article 180, Clause 6), in accordance with the spirit of preserving the uniformity of local government.

It is also stipulated that the Chief shall make best efforts to adjust any conflict of jurisdictions which may occur between executive organs under his/her jurisdiction (Article 138, Clause 3, Paragraph 3).

Moreover, it is stipulated (Article 180, Clause 4, Paragraph 1) that the Chief, whose comprehensive authority in terms of powers of adjustment extends to the operation and management of executive organs, budgetary execution, and the administration of public assets, may make recommendations to commissions or commissioners concerning their organization and necessary measures to be taken with regard to the number of personnel or the personnel administration of the secretariats of such commissions or commissioners, if found necessary in order to achieve efficiency in organization and operation throughout various executive organs and to maintain a balance among them. It is further stipulated that commissions and commissioners shall consult with the Chief in advance if they purport to establish or amend regulations or other stipulations on such items among the matters referred to here as are specified by cabinet order (*ibid* Paragraph 2).

A further point is that the Chief has the authority to demand reports on the actual or

estimated state of revenues and expenditures from commissions or commissioners or any competent organ thereunder, to require field investigations on their execution of budget to be made, or to request them to take necessary measures in conformity with the results of such investigations, in order to assure proper execution of the budget (Article 221, Clause 1, Paragraph 1). Furthermore, when there is a need to aim at the effective use of public assets, similar authority exists (Article 238, Clause 2, Paragraph 1) to require the collection of reports and actual investigations concerning income from public assets and their administration, and the results obtained therefrom; when commissions or commissioners carry out procedures concerned with the acquisition or change of use of public assets, they are under an obligation to consult with the Chief (ibid, Paragraph 2).

Excluding the authority of commissions or commissioners stipulated by cabinet order, the Chief not only possesses wide-ranging administrative and executive authority, but can also execute the coordinating authority referred to above, and in addition, by means of consultation with commissions or commissioners, the Chief may delegate part of his/her authority or ask any member to assist him/her (Article 180, Clause 2), or may detail any official to carry out service concurrently with the work already being undertaken (Article 180, Clause 3). These devices serve to confirm the unified management of executive organs as a whole by the Chief. As already explained, the multi-dimensionality of executive organs has a tendency to give rise to harmful sectionalism, but on the other hand, as a result of possession by the Chief of very strong coordinating authority, a lack of independence and autonomy can be seen in the administration and management of the commission or commissioner system, and it is often pointed out that the basic functions that are expected of the administrative commission system are not sufficiently carried out.

2.4 Organs attached to executive organs

As a result of a determination by laws or bylaws, a local government may attach to an executive organ an organ such as a local disputes management commissioner, an inquiry, examination or investigation committee, or any other organ established for the purpose of arbitration, inquiry, examination or investigation (Article 138, Clause 4, Paragraph 3). These consultative organs are not executive organs.

In addition, with the aim of utilizing specialist knowledge, or in order to enable the will of the people to be reflected, a committee system has been established whereby through administrative rules, it is possible for committees, committees of inquiry, research committees etc., that are analogous to attached committees, to be set up.

For example, in the case of the Tokyo Metropolitan Government, the following attached organs have been established: ① 161 organs, comprising 92 different kinds of “attached organs” based on the Local Autonomy Law (ex. The Local Independent Administrative Corporation Evaluation Committee (required by law), Tokyo Metropolitan Inquiry Committee on the Remuneration of Special Staff (established by bylaw), etc.); ② 3 different kinds of 3 ad hoc “consultative committees” established by the Governor of Tokyo (ex. Tokyo Metropolitan Investigation Committee on the Tax System, etc.); ③ 80 organs, comprising 80 different kinds of “specialist committees” established by bureau chiefs so as to introduce specialist knowledge from outside the government; and ④ 40 organs, comprising 35 different kinds of “contact adjustment councils” established by bureau chiefs in order to carry out contact adjustments in the course of project implementation (data correct as of April 1, 2008) ².

Examples are increasing of citizen participation being promoted in such forms as recruitment and selection from among ordinary citizens of some of the members of these attached organs ³.

3. The Chief and executive organs

3.1 The Chief and subsidiary organs

(1) The Chief

As the chief executive officer (Chief) of a local government, the governor of a prefecture or the mayor of a municipality are installed in their respective posts (Article 139) as a result of direct elections by citizens, and serve a term of 4 years.

The main powers of a Chief are:

- ① to have summary and representative authority in the local government (Article 147)
- ② to manage and execute the affairs of the local government (Article 148)
- ③ to carry out coordinating adjustments throughout executive organs as a whole (Article 180, Clause 4)
- ④ to enact regulations (Article 15)
- ⑤ to appoint and dismiss, and to direct and supervise staff (Article 154)
- ⑥ to annul or suspend actions (Article 154, Clause 2)
- ⑦ to carry out organizational changes (Article 158)
- ⑧ to direct and supervise public organizations (Article 157)

Among these various powers, duties concerned with administration and execution for which the Chief is responsible are set out in a comprehensive and wide-ranging fashion as follows (Article 149). The Chief shall:

- ① present bills on matters to be settled by a resolution of the assembly;
- ② prepare and execute the budget;
- ③ levy and collect local taxes, collect assessments, usage charges, participation charges or fees, and impose penalties;
- ④ submit a statement of accounts to be approved by the assembly;
- ⑤ supervise the accounts;
- ⑥ procure, administer, and dispose of assets;
- ⑦ establish, operate and close down public facilities;
- ⑧ hold in safekeeping certificates and public documents;
- ⑨ execute other local government duties in addition to those specified in ① through ⑧ above.

(2) Representing, delegating or assisting with the execution of the Chief's professional authority

As set out above, the authority of the Chief covers a very wide range, but it is impossible for the Chief to execute the whole of this authority independently, and proxy, delegation and assistance are methods of enabling the authority to be exercised by others.

Regarding proxy, ① when the Chief is incapacitated or absent, a vice governor or a vice mayor can act for the Chief in the performance of his or her duties (Article 152), and ② the Chief can delegate part of his or her to an official or an auxiliary organ, and ask the official to act for him/her temporarily (Article 153 Clause 1). The effects of actions by the representative are the same as those generated by the actions of the Chief.

In contrast to proxy, in the case of delegation, the Chief may delegate a part of his or her powers, and cause the delegated powers to be exercised by the official or body to whom the powers are delegated. Specifically, the Chief may delegate the said powers to an official as an auxiliary organ (Article 153, Clause 1), to an administrative agency within the Chief's jurisdiction (Article 153, Clause 2), or to any commission, or to the head or a member of the said commission, or to any official assisting executive organs of this kind with the execution of their duties, or to an official attached to the administration of said executive organ (Article 180, Clause 2).

With regard to assistance in execution, such assistance may be given internally to execution of the authority of the Chief with regard to the execution of an external action carried out in the name of the Chief. In addition to officials of the assisting organ, the Chief may cause assistance to be given by officials who are giving assistance with the duties of commission or commission members, or by officials of organs that

are subordinate to the administration of the said executive organ (Article 180, Clause 2).

(3) Top executive officials

There is no clear legal definition concerning the most senior officials, who make up the top management level in local government, but in respect of the organs which assist the Chief, it is stipulated that the Chief can appoint a vice governor in each prefecture, and a vice mayor in each municipality (Article 161). The vice governor and/or vice mayor shall assist the Chief, on receipt of orders from the Chief, take charge of policy and planning, and supervise the work of the responsible officials comprising the assisting organ. Furthermore, points relating to the top management organ of local government, such as the occasions, referred to in this paper, when they must perform duties in the capacity of a substitute for the Chief (Article 167), have been clarified by the 2007 revision of the Local Autonomy Law, carried out after receipt of the Report of the 28th Local Government System Research Council⁴. Prior to the revision, the persons holding the post immediately under the mayor in cities, towns and villages were known as “deputies”, but with the revision, the post became known as that of “vice mayor”, and it was formally clarified that they belonged to top management. It was also stipulated that it shall be possible to determine by bylaw that there shall be no vice governor or vice mayor (Article 161), or that several persons shall occupy this post, the number to be determined by bylaw (Article 161-2), and that the appointment of an vice governor or vice mayor requires the approval of the assembly (Article 162).

In addition, it is stipulated that the Chief shall appoint a chief accountant as an official in charge of accounting matters (Article 168). Prior to the implementation of the 2006 revision of the Local Autonomy Law, there was a special post, called in prefectures Head of Receipts and Disbursements, and in municipalities, Treasurer, and in both cases, the agreement of the assembly to this special post was required. In all, there were “three posts”, namely that of the Chief, the Deputy Chief or Assistant Chief, and the Head of Receipts and Disbursements or Treasurer that required assembly approval. However, after the revision, the post of “chief accountant” no longer required assembly approval, and was subsequently categorized as a regular service.

(4) Local government officials

In addition to the executive posts listed above, it is stipulated that in each local public body, officials shall be appointed (Article 172, Clause 1), and that the Chief shall have the power of appointment and dismissal (*ibid*, Clause 2). The number of such officials shall be decided by bylaws (*ibid*, Clause 3). Further, matters related to the

appointments of such officials shall be determined by the Local Public Service Law (ibid, Clause 4).

Moreover, prior to the revision of the Local Autonomy Law in 2006, the local public servants employed as what were known as positions of regular service were divided by law into public officials, that is, *Ri'in*, and other officials, but there was no distinction between the two categories in terms of the system of local public servants. Furthermore, public officials were divided into clerical officials and technical officials, but in the increasingly complex and diversified context of local government, it was very difficult to make a precise distinction, and it is against this background that through the revision of the law, the distinction was abolished, and all officials, including vice governors and vice mayors were known collectively as “public employees”.

3.2 Internal organization under the Chief

(1) Internal organization and deregulation

There was one exception to the uniformity that characterized the administrative structure of local government regulations in Japan, and that was the rules concerned with the internal organization of the Chief's office. However, under the revision of the Local Autonomy Law carried out in 2003, given the need to pay respect to the right of organizational autonomy in local government on the basis of decentralization, the rules that had hitherto been different in prefectures and municipalities respectively were unified. Specifically, it is stipulated that necessary internal structures may be established with a view to implementing the division of duties within the Chief's authority. In such cases, the direction that has been taken with regard to the organizational structure directly under the Chief as well as to the division of duties within that structure, is that such matters should be covered by establishing bylaws (Article 158, Clause 1).

Prior to the revision of the Local Autonomy Law, the situation in prefectures, compared to municipalities, was that while deregulation gradually moved forward in respect of the establishment of bureaus and departments, a strictly regulated system still existed. From the period of postwar reconstruction through the period of high economic growth, there was a marked expansion in administrative demand, and accompanying this, pressure for the expansion of administrative organization. On the other hand, in the context of the financial situation of local governments, a re-evaluation of organizational regulation was also being demanded as a result of pressure for administrative simplification and rationalization.

The following can be said. The postwar administration inherited the prewar

system of local government, and in the first Local Autonomy Law (1947), it was stipulated that regulations concerning the establishment of specific bureaus and departments and the allocation of duties among them should be directly ordered by law (legally stipulated establishment), and that the division and amalgamation of bureaus and departments as well as changes in the distribution could be arranged by means of bylaws. In the Tokyo Metropolitan Government, there were to be 8 bureaus and 2 departments, namely the General Affairs Department, the Accounting Department, the Public Welfare Bureau, the Education Bureau, the Economy Bureau, the Construction Bureau, the Transportation Bureau, the Water Bureau, the Sanitation Bureau and the Labor Bureau. In prefectures generally, there were 7 departments, namely the General Affairs Department, the Public Welfare Department, the Education Department, the Economy Department, the Civil Engineering Department, the Agriculture Department and the Police Department. In sum, these various structures represent the successors to the systems established on the basis of the Local Officials Governmental Organization Law, the Tokyo Metropolitan Organization Law, and the Hokkaido Organization Law.

Subsequently, after a revision of the law in the same year, 1947, the nomenclature of a number of bureaus and departments was changed, and it was stipulated that in addition to the 7 departments that had to be obligatorily established by law, namely General Affairs, Public Welfare, Education, Economy, Civil Engineering, Sanitation and Agriculture, it was also possible for Do-Fu-Ken (i.e. prefectures other than Tokyo) to establish by bylaw, when it was deemed necessary, departments of Agriculture and Forestry, Commerce, Water, Labor and Public Works (however, a Department of Agriculture and Forestry and a Department of Commerce could not be established at the same time). In 1948, Departments and Bureaus of Education were abolished with the introduction of the Board of Education system.

According to the 1952 revision of the Local Autonomy Law, all appointments were to be made into ones established by bylaws. However, it was stipulated that the standard number of bureaus and departments would be 8 bureaus for Tokyo, 8 departments for Hokkaido, and varying numbers for other prefectures depending on the population: 8 departments for prefectures with a population of 2.5 million or more, 6 departments for populations between 1 and 2.49 million, and 4 departments for prefectures of less than 1 million. The number of departments to be established in each prefecture according to the size of the population was changed from time to time by revisions of the law, but the system remained in place until 2003. It should be noted that for the provision or revision of the name of bureaus or departments or the

allocation of duties, and increase or decrease of their number, consultation with the Prime Minister was required (after the establishment of the Ministry of Home Affairs in 1960, this was changed to consultation with the Minister of Home Affairs). According to the 1956 revision of the Local Autonomy Law, report to the Prime Minister (later, the Minister of Home Affairs) was also required for the voluntary establishment of much more bureaus or departments than the standard number.

Under the revision of the Local Autonomy Law in 1991, the practice of tabulating the nomenclature of the bureaus and departments and the division of duties was discontinued, and under the revision of 1997, the obligation to consult with the Minister when establishing departments and bureaus so that the total number exceeded that stipulated in the law, was ameliorated into an obligation simply to inform the Minister.

With regard to municipalities, the practice adopted since the enactment of the Local Autonomy Law was that of passing bylaws to cover the establishment of necessary departments and sections. Furthermore, while it had hitherto been the case with regard to the names of internal structures that a distinction was made between on the one hand, bureaus and departments, as well as the sections comprised in these, in prefectures, and on the other hand, departments and sections in municipalities, under the revision of 2003, this distinction was abolished, and uniformity was established with regard to “internal organization”.

There is also a regulation which requires that the Chief must take sufficient consideration to ensure simplification and effectiveness in administrative and project management when he/she makes internal organizational adjustments (Article 158, Clause 2). This reflects the fact that hitherto, there was no legal regulation stipulating the number of departments in municipalities as there was for prefectures, but it was stipulated that ① when official business is being carried out, the aim should be to achieve the maximum effect with minimal cost; each public body shall also make adjustments to its operations with a view to rationalizing structure and management (Article 2, Clauses 14, 15); and ② a balance with the organization of subdivisions of other municipalities should not be lost (Article 158, Clause 7). If we compare the situation before and after revisions to the law, it is fair to talk of large-scale deregulation. Furthermore, it is stipulated that before making any organizational adjustments through bylaws in the form of establishing or abolishing any bureaus or divisions, the governor, in the case of a prefecture, or the mayor, in the case of a municipality shall make a notification to the Minister of Internal Affairs and Communications or, to the governor respectively (Article 158, Clause 3).

(2) Examples of the composition of internal organization

a) Internal organization of a prefecture

If we take the case of the internal organization of Kanagawa Prefecture (Attachment 1), we see that the internal organization under the Governor's direct control, i.e. the internal organization of the chief executive, consists of 7 departments and 1 bureau. According to the regulations prior to the 2003 revision of the Local Autonomy Law, the legal number of departments in Kanagawa Prefecture was stipulated as being 9 ("9 departments in the case of a prefecture with a population of 4 million or more"), hence it follows that the actual number of departments is fewer than the number legally stipulated at the time in question. We can find many examples of local governments, as in the case of Kanagawa Prefecture, where, driven by the demands of administrative reform, the issue of organizational reform is being tackled by means of large-scale adjustment and unification.

Furthermore, in the case of Kanagawa Prefecture, quite separately from the internal organization under the Governor's direct control, 2 agencies have been established, the Public Enterprises Agency (Administration Bureau and Waterworks and Electric Power Bureau), and the Prefectural Hospital Agency (Prefectural Hospital Bureau). Enterprises of this kind managed by local governments are subject to the application of the Local Public Enterprises Law (however, in the case of hospitals, on the basis of Article 2, Clause 2 of the said Law, the provisions of the law are applied with the exclusion of financial provisions). It is also the general rule for an administrator of local public enterprises to be appointed (Local Public Enterprises Law, Article 7), and for the said administrator to execute the business of the enterprise and to represent the local government in carrying out this execution (ibid, Article 8).

b) The internal organization of municipalities

Turning to the organization of municipalities, it is difficult to make a simple statement covering all of them, not only because there are large differences in the size of cities, towns and villages, but also because there are wide differences in the respective level of administrative authority between large cities such as ordinance-designated cities that have some of the powers of prefectures, core cities, general cities, towns and villages. Against this background, I would like to look at 2 examples, Yokohama City, which is an ordinance-designated city in the largest population category, and Mitaka City, as an example of a general city.

The internal organization of Yokohama City consists of the offices of the city mayor, 18 ward offices, 3 headquarters, 13 bureaus, and 3 public enterprise bureaus, while Mitaka City has 7 departments. The structure of Yokohama City is shown down to

section level in Attachment 2, while the structure of Mitaka City, down to the posts in charge of individual duties, is shown in Attachment 3. It is clear from comparing the diagrams that there are differences in the scale and the complexity of the organization in the 2 cities. The legal basis for the division of duties among bureaus and the establishment of an enterprise headquarters can be found in the case of Yokohama in a bylaw regulating the division of duties and in the case of Mitaka City, in a bylaw regulating the organization.

c) Characteristics of the internal organization of local governments

The above summary gives an overview of examples of the internal organization under the Chief's direct control in the case of a prefecture and a municipality, and it is appropriate in this connection to point out the following characteristics.

Firstly, the organizational units established as the internal structure can be broadly divided from the point of view of their composition into those concerned with general affairs and planning and those concerned with activities and projects.

Within the units concerned with general affairs and planning, those responsible for the management of finance, personnel and organization (in Kanagawa Prefecture, the Policy Department and the General Administration Department; in Yokohama City, the Administrative Management and Coordination Bureau, and in Mitaka City, the Planning Department and the General Affairs Department, and within these, the Finance Section, and the Personnel Section. All these various units are responsible for taking forward the overall administration of the local government, and emphasis is generally put on them in charge of comprehensive management of the administrative organization as a whole, which in the usual course of things has a tendency to become vertically structured and sectionalized.

It should also be noted that since policy management power of local government has been strengthened in the context of decentralization, we can observe a tendency for large numbers of organizational structures to strike out in a policy-making direction (for example, the Policy Department in Kanagawa Prefecture, the Urban Management and Planning Bureau in Yokohama City, and the Policy and General Affairs Section of the General Affairs Department in Mitaka City).

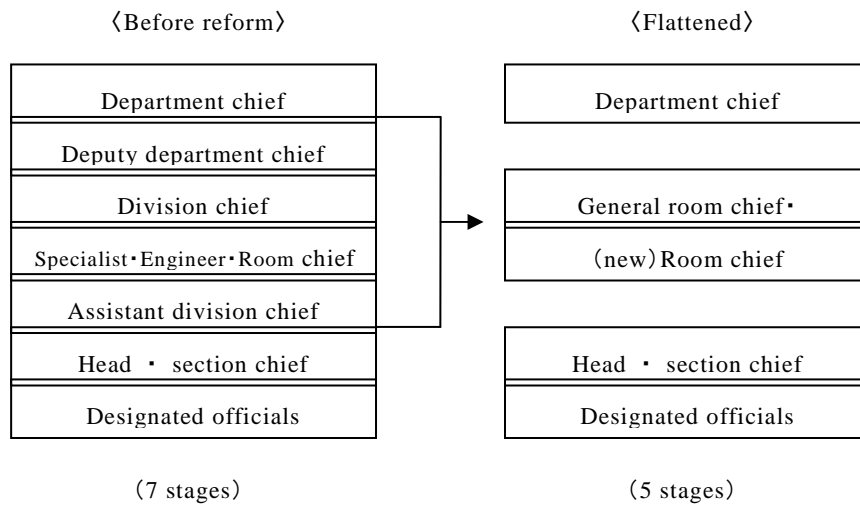
Turning to project-based or activity-based units, slight differences can be observed in the pattern of organizational nomenclature, but in prefectures and municipalities alike, it is usual to find units dealing with important areas of administration such as daily life, welfare, the environment, civil engineering, the industrial economy and so on. This is because it is not necessarily the case that different levels of the administration, namely, national, prefectural and municipal, are dealing with

different administrative areas, which are allocated and dealt with, but rather that in many cases, responsibility for dealing with a common administrative area is divided between national and local levels.

In the second place, the structural composition of the internal organization of different administrations exhibits a significant number of points that follow a fixed pattern, so that at different stages, the same organizational pattern is followed, namely in prefectures: department – division – section in charge; in Tokyo metropolitan government and ordinance-designated cities: bureau – department – division (room) – section; and in municipalities: department – division (room) – section (or in small-scale municipalities: section – sub-section). These various patterns are all determined by bylaws and regulations, and uniformity is applied within one municipality (using the previous examples, we find in the case of Kanagawa Prefecture, Administrative Organizational Regulations; in the case of Yokohama City, Duties Allocation Bylaws; and in the case of Mitaka City, Organizational Regulations). It is also usual to find that the nomenclature of posts corresponds to the pattern laid out above, so that we find the posts of bureau chief, department chief, division chief and section chief.

In recent years, there has been an increase in the number of local governments in which the administrative structure has been flattened out in line with organizational reforms. For example, in Kanagawa Prefecture, the level of section has been abolished. Taking a wider view, in many cases, when a flattened system begins to be operated, a more highly dynamic and mobile structure can be introduced, taking such forms as what is termed a team system or group system. One example of this is that in Kanagawa Prefecture, when it is considered necessary, the room chief and the division chief can form, with the consent of the governor, a very detailed and specific organizational element known as a “han,” that is, a group (Kanagawa Prefectural Administrative Structure Regulations, 8, 2). Apart from this case, the example of Shizuoka Prefecture (Diagram 1) offers a representative example of a flattened structure introduced at division level (deputy department chief ~ assistant section chief).

Diagram1 Example of flattened structure in Shizuoka Prefecture



Thirdly, regardless of whether one is talking about national or local government level, matters regarding the allocation of administrative duties are only formally decided down to division or section level, and it should also be noted that regulations are framed in the form of a summary or overview.

For example, if we take the case of how public relations duties are handled within the Secretariat and Public Relations Section in Mitaka City as an example, the content of these as determined in the Mitaka City Organizational Regulations, Article 8 is only given in the following general terms: “matters concerned with (1) planning PR activities and liaison adjustments; (2) the dissemination of city policy; (3) contact with the media; (4) editing and dispatch of the city newsletter; (5) handouts on city conditions; (6) visual PR; (7) the city home page; (8) other PR matters”. Furthermore, the detailed duties of the individual staff members responsible for PR are not formally specified.

The points described here are very closely connected with the way in which work is taken forward in the Japanese context; specifically, in line with the description of Japanese workplace organization as the so-called “Large Room-ism (*Ohbeya-shugi*)”, the physical work space is that of one room in which people belonging to one or several divisions or sections work, not in isolation each in their own private space or in a location divided from others by partitions, but allocated into divisions or sections in a summary way, so that work is taken forward by mutual cooperation and division of responsibility⁵.

3.3 Outlying branch offices

With a view to giving a geographical spread to the allocation of duties within the Chief's jurisdiction, the headquarters, which forms the keystone of operations, can establish outlying branch offices in different locations. Branch offices can be thought of as being of many different kinds, but the patterns do correspond to the following criteria.

(1) Jurisdictional areas

The first point is the establishment of a jurisdictional area. This means either dividing up the area of a local government and establishing set jurisdictional areas, or making the entire local government area into a jurisdictional area.

In the former case, it is usual for jurisdictions to be established in the form of branch offices of prefectures or of municipalities (Article 155). For example, to take the case of Kanagawa Prefecture referred to above, one can quote the examples of the Regional Prefectural Administration Centers, Prefectural Tax Offices, and Public Health and Welfare Offices. Facilities such as these are established on the basis of bylaws dealing with the establishment of facilities concerned with Kanagawa prefectural administration policy, and the names, locations and jurisdictions are all set out in the appropriate bylaws.

In addition to the above, mention could be made of office organizations established in administratively demarcated areas such as the offices of administrative areas in ordinance-designated cities (ward offices) as well as branch offices (Article 252, Clause 20), branch offices of (general-type) areal self-governing districts based on the Local Autonomy Law (Article 202, Clause 4), and of (special-type) areal self-governing districts, and special merged districts based on the Special Law for Mergers of Municipalities.

In contrast to these institutions, in the case of such facilities as those for health care and the police, there are cases where the jurisdiction of an office covers the whole area of the local government concerned, and also cases where, depending on the scale of the local government, multiple facilities (including branch offices) are established so as to cover several jurisdictional areas within the local government,

Moreover, in the case of local governments resulting from municipal mergers, we can find cases where in addition to the headquarters facility, those facilities that functioned as the central offices in municipalities prior to the merger, are used as branch offices. Strictly speaking, divided offices ("Bun-cho") are a part of the internal structure of a headquarters but physically separated from it and are different from outreach offices; it can be said that the administrative functions which they exercise

extend over the entire local government area.

(2) The scope of legally determined functions

The second point is that of the scope of legally determined functions. The distinction to be made here is one of whether in the case of important administrative fields, the legally determined duties should be comprehensively divided up, or whether only specially designated duties should be divided up. Generally speaking, in the former case, the institutions used are termed comprehensive branch offices, while in the latter case, they are termed special branch offices.

For example, in the case of prefectures, there are cases in which a special outreach facility is individually established. However, there are also cases where comprehensive outreach facilities (branch offices) are established, taking the name of a Local Promotion Bureau or a Community Relations Bureau, and unifying in one facility by area, outreach offices dealing with major designated administrative fields such as taxation, welfare, public health, agriculture, forestry and fisheries, and civil engineering. Alternatively, branch offices may be established to unify or coordinate a number of different designated administrative fields. Taking the case of Kanagawa already referred to above, there are no comprehensive outreach facilities (branch offices), but there are facilities which deal with both public health and welfare combined, and the Regional Prefectural Administration Centers have responsibility for comprehensive adjustment, within the Centers, of prefectural administration covering prefectural tax offices, child guidance and counseling centers, welfare and public health offices, civil engineering offices, and so on.

In addition, we can see in recent years, accompanying the demands for administrative reform and the ongoing merger of municipalities, movements aimed at restructuring prefectural branch offices.

It should also be noted that, in the case of municipalities that have merged, taking account of such matters as the convenience of local residents, it is possible to establish branch offices as units in the municipalities as they existed prior to the merger, and there are many examples of comprehensive branch offices to which duties are parceled out in such a way that, to a certain extent, important administrative fields can be handled in local areas in the same way as before the merger, so that the local offices are not limited simply to over-the-counter work. However, when a certain period of time has elapsed after a merger, a trend can be observed where the number of staff in the comprehensive branch offices is reduced in response to administrative reform requirements, and important duties carried out in the comprehensive branch offices are effectively limited to over-the-counter work.

Turning to special outreach organs (special branch offices), facilities that can be found include health care offices, police stations, tax collection offices, welfare offices, and so on. In addition to these, with a view to giving consideration to the convenience of local residents, it is possible to create service points specially adapted for over-the-counter work (for example, service centers in station forecourts, etc.), and to think on a very wide scale, for example, in terms of administering and managing offices in public facilities such as citizens' halls, libraries, and so on.

4. Commissions and commissioners – administrative commission system

4.1 The character and kinds of commissions and commissioners

As already pointed out above, multi-dimensional thinking about implementation methods prevails in Japanese local government, and what is adopted, leaving aside the single-headed system used by the Chief and the Chief's assistant organs, is generally a commission system based on commissions and commissioners. The reasons adduced for adopting an administrative commission system include safeguarding political neutrality, confirming specialist skills and expertise, and implementing quasi-judicial and legislative functions.

The system of commissions and commissioners made obligatory by law is as follows (the items in brackets are based on laws other than the Local Autonomy Law).

(1) Items common to prefectures and municipalities

- ① Board of Education (Act on the Organization and Operation of Local Educational Administration)
- ② Election Administration Commission
- ③ Personnel Commission or Equity Commission (Local Public Officials Law)
- ④ Audit commissioners

(2) Items relevant to prefectures only

- ① Public Safety Commission (Police Law)
- ② Local labor Commission (Labor Union Law)
- ③ Expropriation Commission (Land Expropriation Act)
- ④ Marine Fisheries Commission (Fisheries Industry Law)
- ⑤ Freshwater Fisheries Commission (Fisheries Industry Law)

(3) Items relevant to municipalities only

- ① Agricultural Commission (Law concerning the Agricultural Commission)
- ② Fixed Assets Evaluation Commission (Local Tax Law)

4.2 Recent debates concerning commissions and commissioners

What must be mentioned first are the calls for a strengthening of top management, starting with the Chief, and increased emphasis on leadership, as well as comprehensive policy management in the face of a variety of problems. At the same time, there are also demands from the side of administrative management reform for greater simplicity and efficiency, and in recent years, there are an increased number of people saying that the system of administrative commissions should be reformed by the Chief and others in local governments. For example, in the 28th Local Government System Research Council Report referred to above, reference was made to the issue of administrative commissions and commissioners. Specifically, the Report indicated a need to reform the situation that had arise in administrative areas where the Chief, who was directly elected by the residents, was unable to exercise sufficient responsibility, and a need to reform compulsory provisons to set certain commissions and make their organization and management flexible with a view to achieving more comprehensive and efficient local administration and more organizational simplicity.

Within the framework of these various demands, particular attention has been focused on educational problems such as bullying, a lowering of academic standards, and so on, and with the emergence in different localities of local government Chiefs who have proposed distinctive ways of raising the level of educational ability, an active debate has developed. Specifically, the matters debated are issues such as whether as a result of the influence from the Chief's office, measures should be taken to abolish or re-evaluate the vertical hierarchy of boards of education, with its high degree of autonomy, extending from the Ministry of Education, Culture, Sports, Science and Technology (hereafter, MEXT) through prefectural boards of education down to municipal boards of education⁶.

The issue of boards of education was also taken up in the report of the 28th Local System Investigation Committee. It was pointed out firstly that the Chief's office and the board of education in the jurisdiction concerned dealt with analogous issues such as nurseries and kindergartens, private schools and public-sector schools, and that this duplication constituted a hindrance to unified organizational management. Reasons cited to support the establishment of a board of education included the need to guarantee the political neutrality of education and the need to reflect the opinions of local residents, but on the other hand, it was pointed out that it was possible to respond to these needs by using other methods, such as the activities of deliberative councils. In this situation, it was suggested in the above-mentioned report that it was appropriate for local governments to be able to choose, using their own judgment,

whether matters concerned with education should be carried out by the Chief's office or by a board of education.

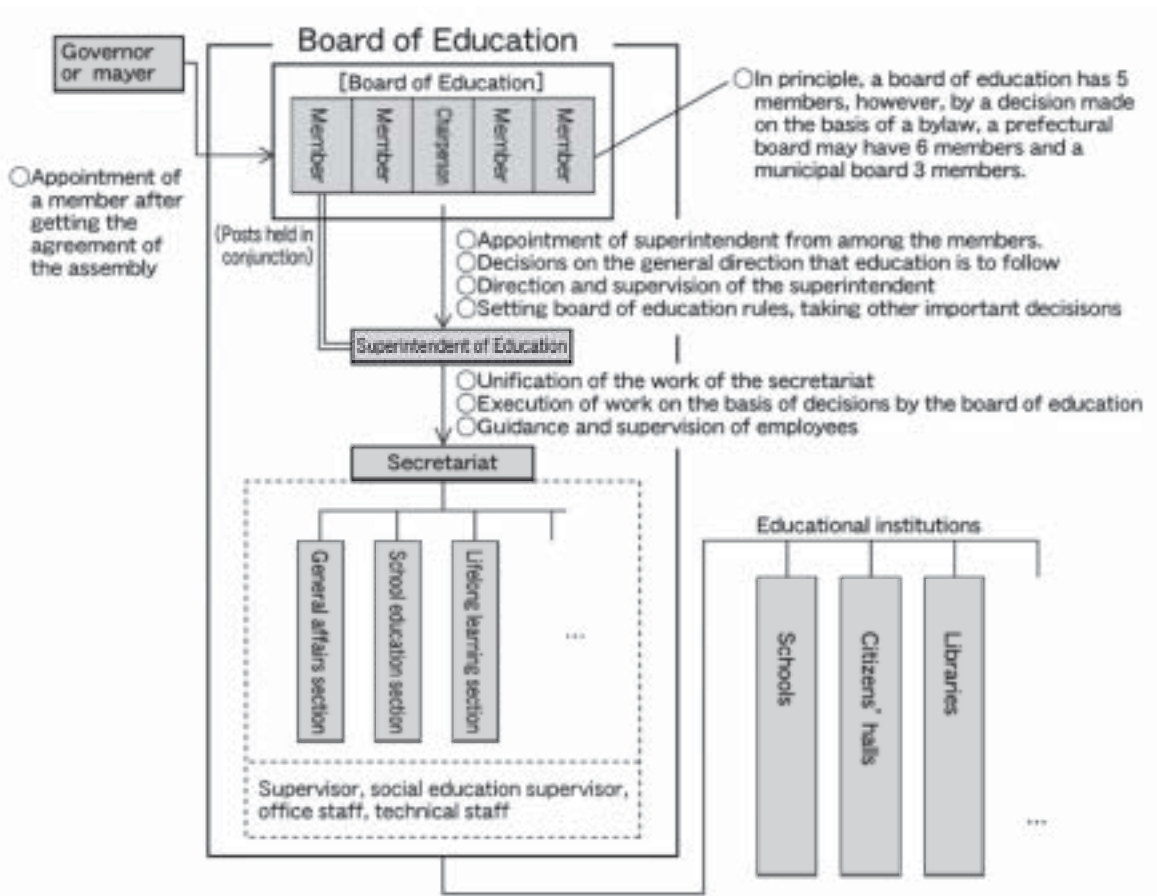
It was further suggested that the ability on the part of local governments to exercise selective functions should be expanded, on the basis of local governments' own judgment, in relation to tasks other than those connected with education in public-sector schools, for example, in the areas of culture, sport, support for lifelong learning, kindergartens, social education, protection of cultural assets, and so on.

With regard to the former of the two proposals outlined here, namely removal of the obligation to establish a board of education and its replacement by the right of local government to choose, no work has started. However, with regard to the latter proposal, as a result of revisions in 2007 to the Act on the Organization and Operation of Local Educational Administration, it is now possible, through bylaws passed by local government, for the Chief to undertake administration and implementation specifically in the areas of sport and culture (Article 24, 2). In the case of Yokohama City, referred to above, as a result of a bylaw passed by the City, responsibility for work in the administration of sport and culture has been passed to the Culture and Art Promotion Department and the Sports Promotion Department of the Civic Engagement Promotion Bureau, coming under the authority of the Mayor.

On the other hand, as a result of the revision of the law referred to above, changes running counter to the spirit of decentralization can be found, such as the revision that makes it possible for the Minister of MEXT to issue a rectification demand or direction to a board of education when a law or regulation has been contravened.

Generally speaking, the voices calling for a re-evaluation of the administrative commission system in the direction of a reduction, including the possibility of abolition, are strong, but on the other hand, taking into account the trigger effect of the financial collapse of local governments one after the other (the so-called "Yubari shock" named after the financial collapse of Yubari City, located in a former coal mining region), the perspective becomes one of stressing the need for local governments to aim at greater equity and efficiency, and against this background, the direction of reform being debated is that of strengthening the functions of audit commissioners.

Diagram2. The Organization of a Board of Education



(Source) MEXT website: http://www.mext.go.jp/a_menu/chihou/05071301.htm

5. In conclusion

In recent years, under the influence of NPM (New Public Management), local government management reform has been taken forward. NPM has had a wide range of diverse influences on local government organization. For example, if we look at the separation of the planning and drafting function on the one hand and the implementation function on the other, we can find examples, as referred to in this paper, of large-scale reorganization of the Chief's internal office or organizational adjustment of policy directions. Or we can take the example of the establishment of the system of local independent administrative corporations in line with the government policy of promoting bodies with independent corporate status, and it is pertinent to refer here to the transformation of local public universities, which were formerly classified as one part of the internal structure of the Chief's offices into public university administrative corporations. Taking a broader view, in the area of the introduction of the market principle into administrative services, we can find various

methods of outsourcing, for example, commissioning private-sector firms, designating specific firms to carry out specified administrative supervision, PFI, implementing marketing tests, and so on, in relation to such sectors as general affairs or the supply of services to residents.

Reform trends such as those outlined here have greatly changed the organizational character of local governments, and what is more important than anything else in this context is the adoption by local governments of the principle of improving and enhancing the wellbeing of residents by using their own autonomous powers. Firstly individual local governments are required to make unceasing efforts to activate organizational revisions with a view to improving administrative services focused on local residents. With this aim in mind, what is now required is to take decentralization forward even more strongly with the aim not only of reducing direct regulations, but also indirect regulations in the form of substantial restrictions imposed through regulations concerned with the administrative work and authority of individual sections, as well as reducing restrictive conditions so as to make it possible for local governments to exercise appropriate autonomous organizational authority.

Notes

- ¹ For further information on local assemblies and the Chief as well as the relationship between them (including the dual representational system), refer to “Local Assemblies in Japan”, by OHSUGI, Satoru, No. 5 in Papers on the Local Governance System and its Implementation in Selected Fields in Japan, published in 2008.
- ² Refer to the following page on the Tokyo Metropolitan Government web site:
<http://www.soumu.metro.tokyo.jp/03jinji/fuzoku.htm>
- ³ For further information on this point, refer to “People and Local Government,” by OHSUGI, Satoru, No.1 in Papers on the Local Governance System and its Implementation in Selected Fields in Japan, published in 2007, p.18.
- ⁴ Refer to the “Report on the Expansion of Local Government Autonomy and Independence as well as on Local Assemblies”, issued by the 28th Local System Investigation Committee (December 9, 2004).
- ⁵ On the “Large Room-ism”, refer to OHMORI, Wataru, (2006) [*The system of government*], *Kan no shisutemu*, University of Tokyo Press.
- ⁶ On boards of education, see KOYAMA, Nagaki, “Educational Administration In Japan and the Role of Local Governments,” No. 9 in Papers on the Local Governance System and its Implementation in Selected Fields in Japan, published in 2008, p.6.

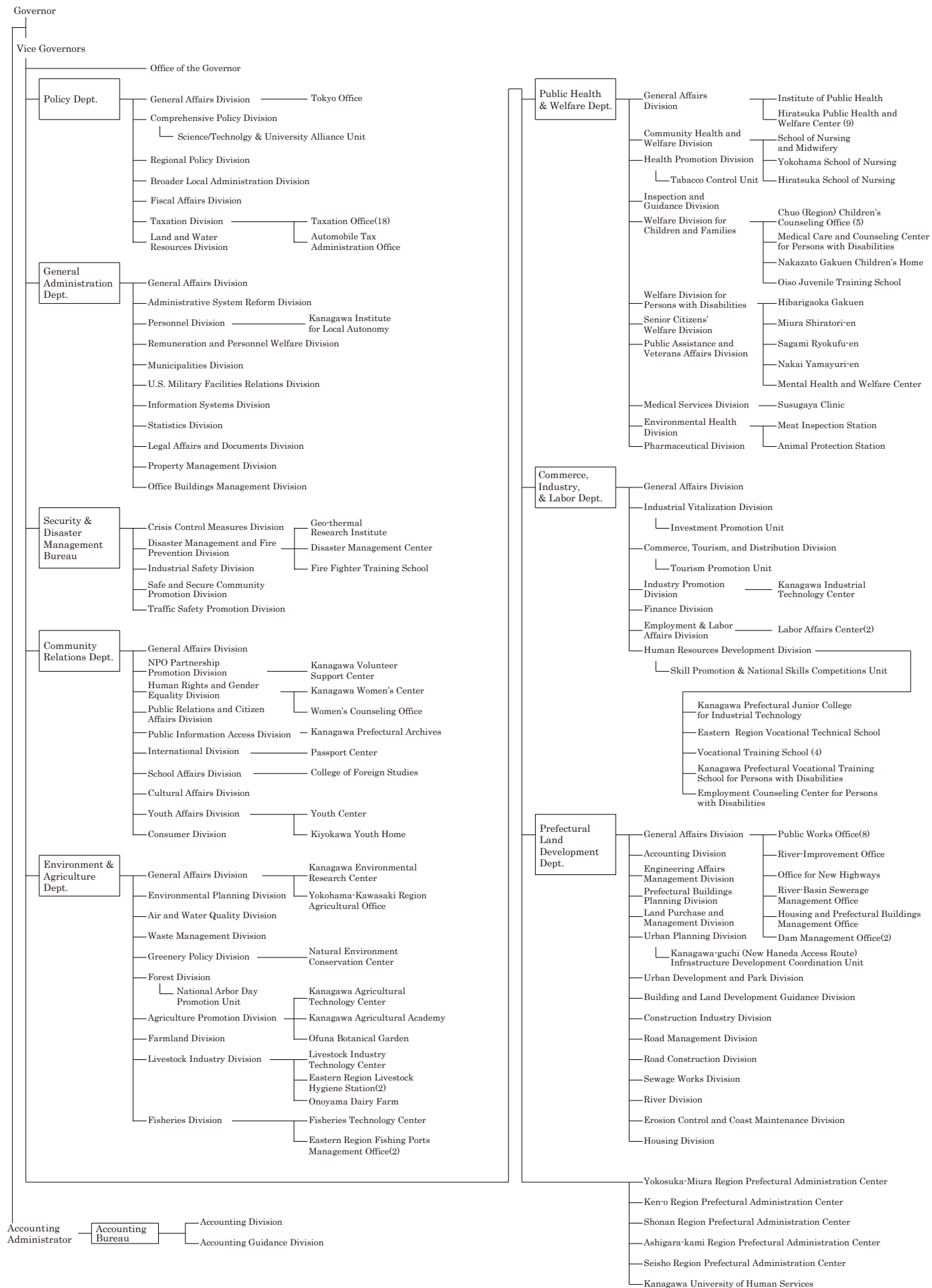
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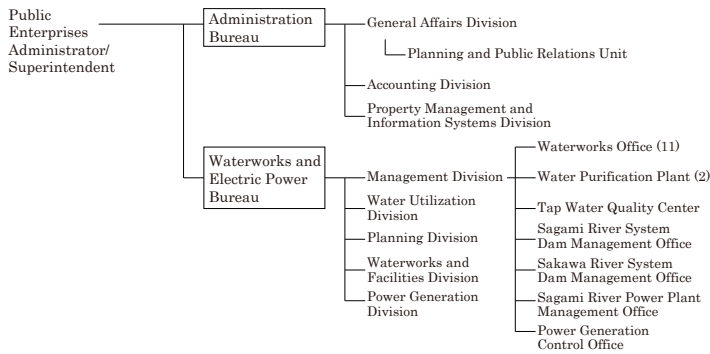
Attachment 1

ORGANIZATION OF KANAGAWA PREFECTURAL GOVERNMENT

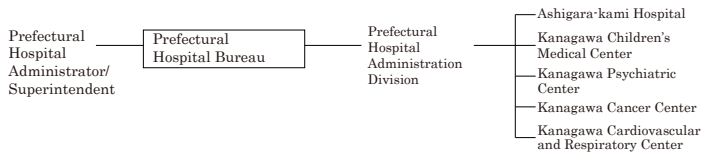
■ Governor's Organs



■ PUBLIC ENTERPRISES AGENCY



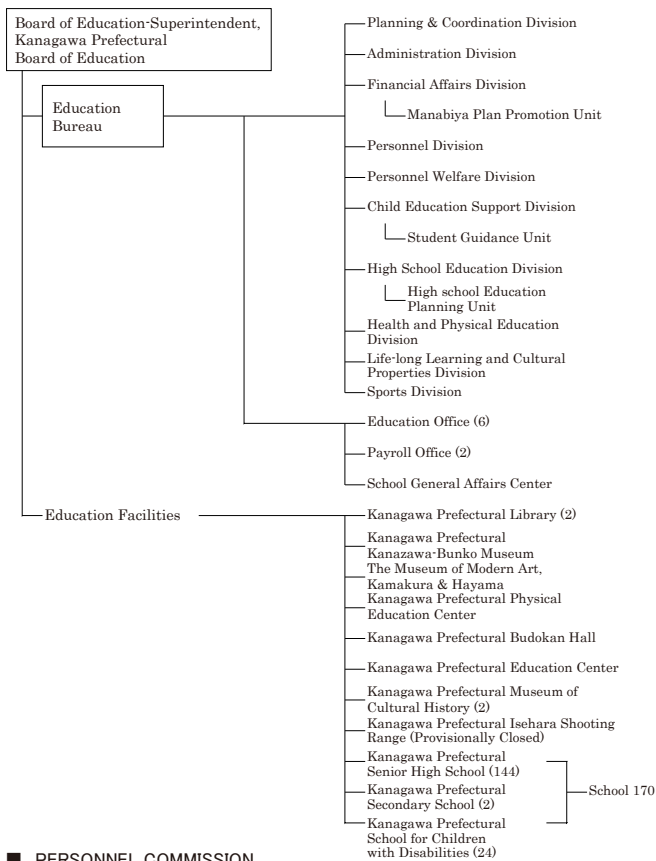
■ PREFECTURAL HOSPITAL AGENCY



■ KANAGAWA PREFECTURAL ASSEMBLY



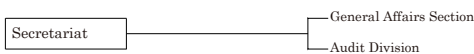
■ BOARD OF EDUCATION



■ PERSONNEL COMMISSION



■ AUDIT COMMISSIONERS



■ LABOR RELATIONS COMMISSION



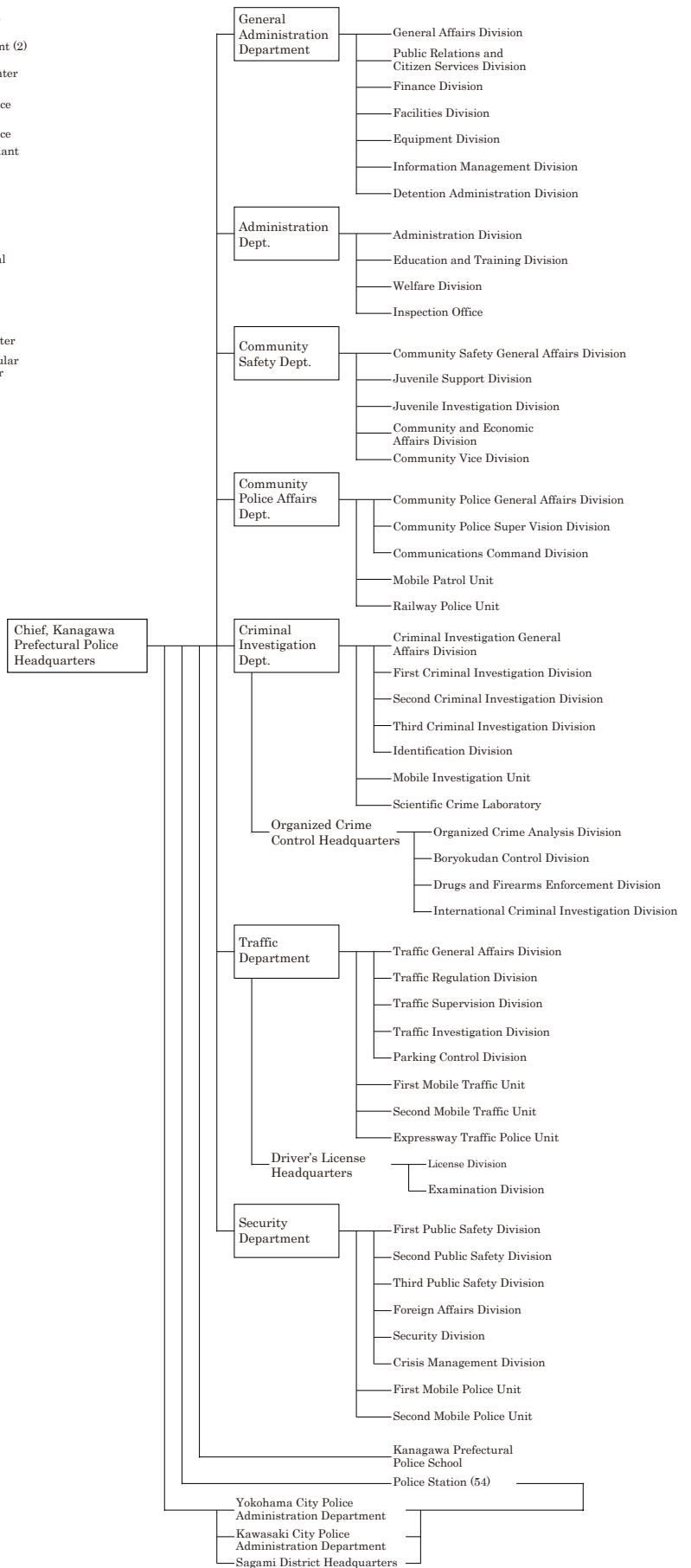
■ ELECTION MANAGEMENT COMMISSION

■ EXPROPRIATION COMMISSION ——— Secretariat

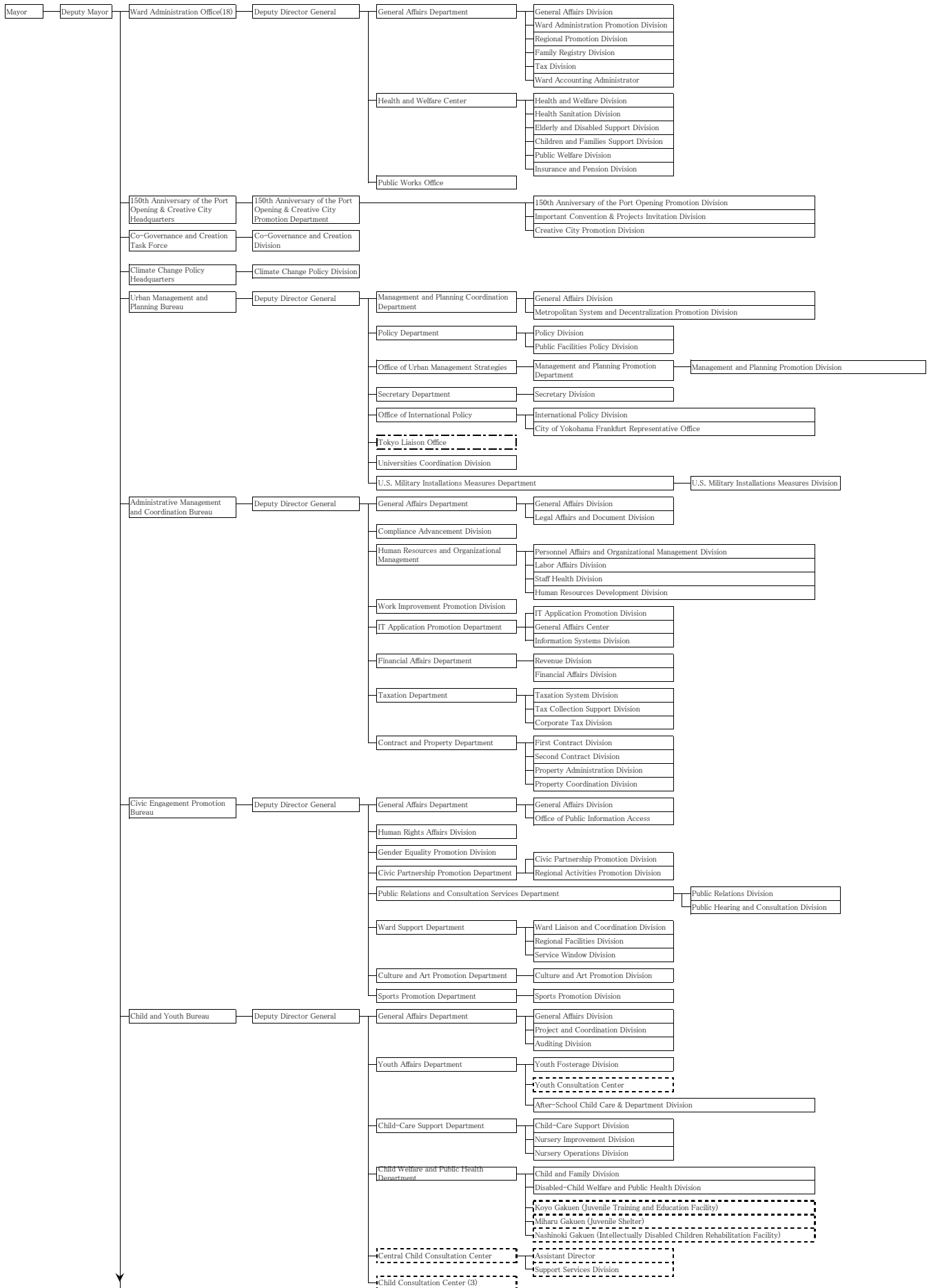
■ MARINE FISHERIES COMMISSION ——— Secretariat

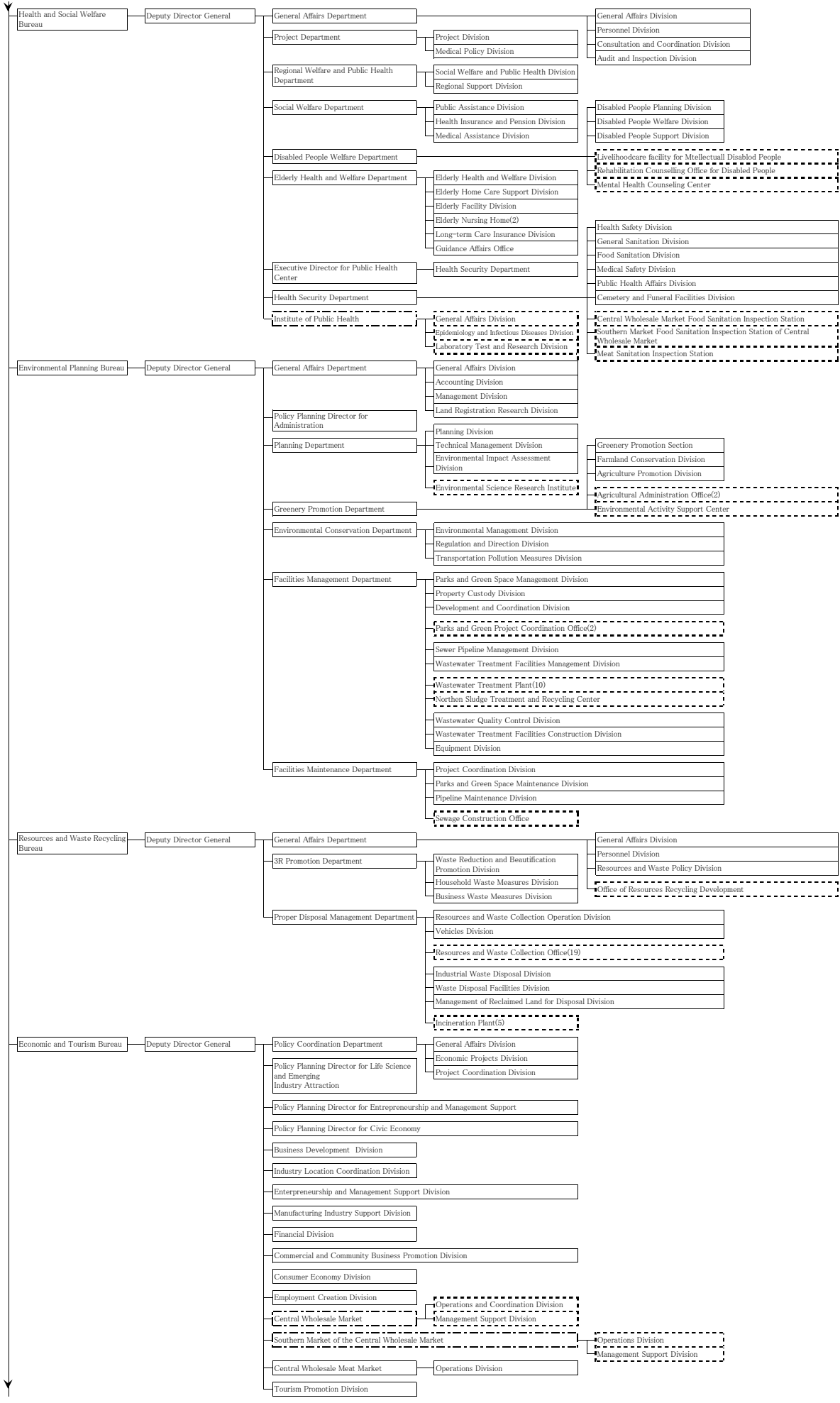
■ FRESHWATER FISHERIES COMMISSION ——— Secretariat

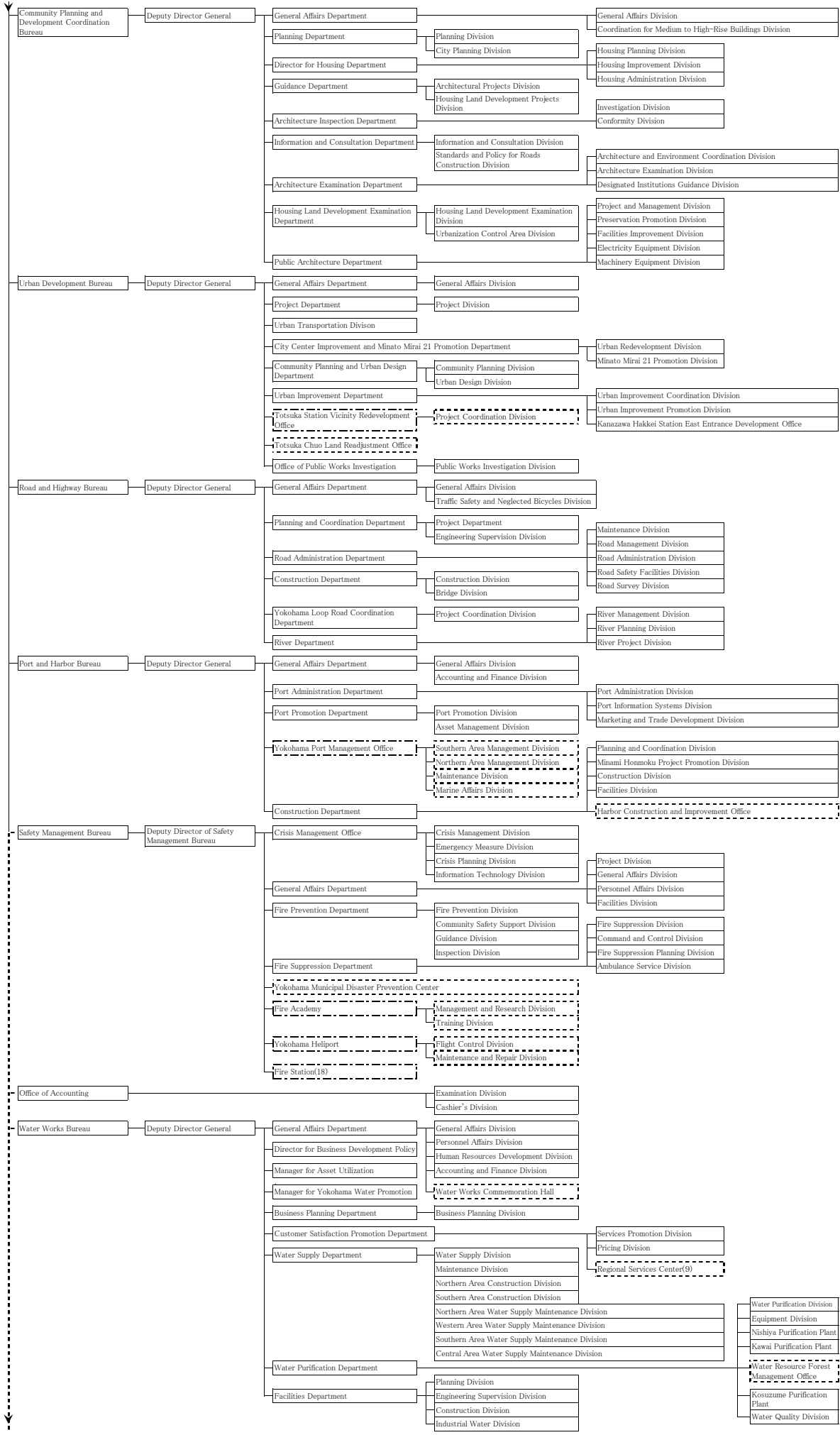
■ PUBLIC SAFETY COMMISSION

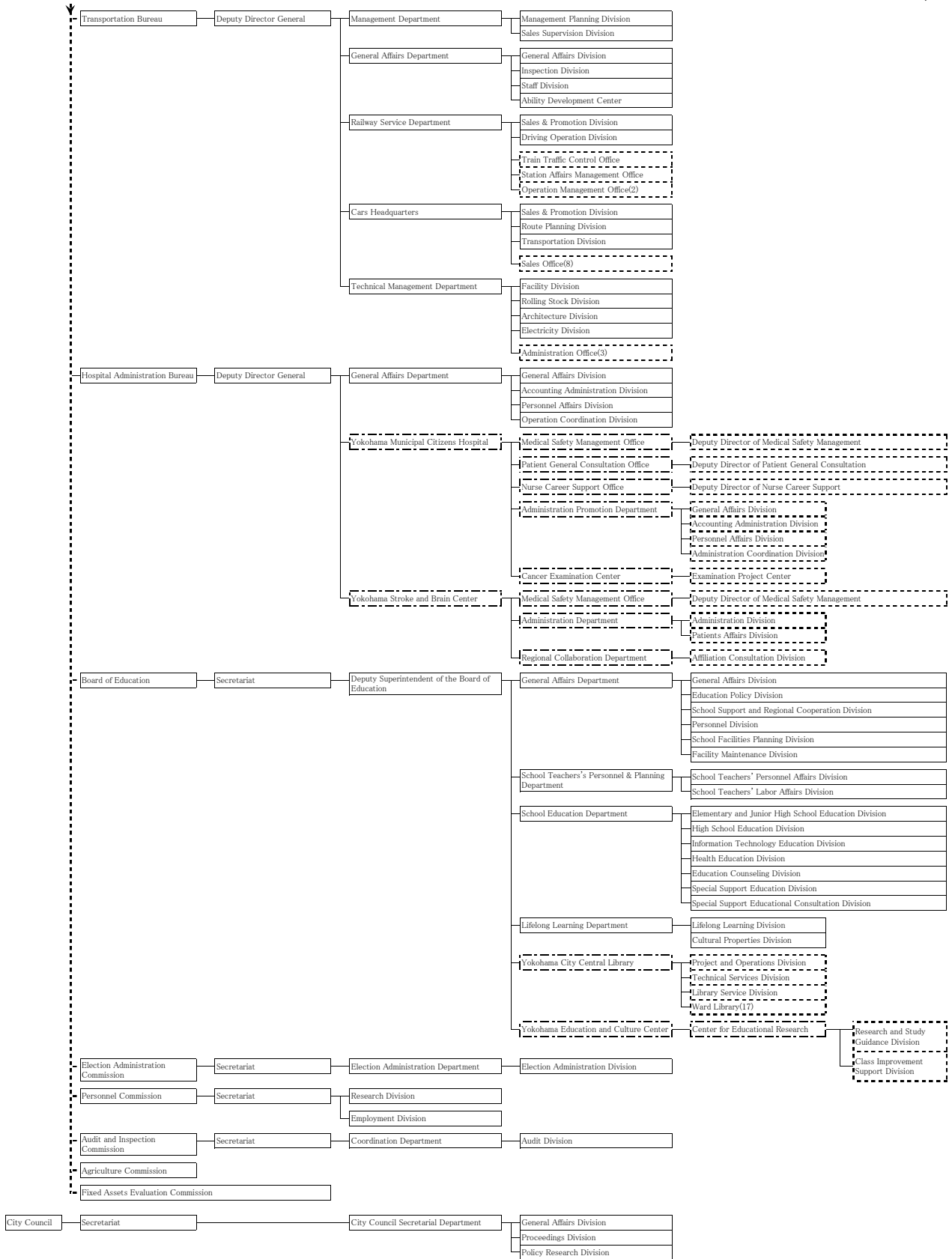


Organogram of the City of Yokohama (as of April 1, 2009)









1. This organization chart shows each Divisions and related upper sections.
2. Administrative and project-based offices enclosed by [] are of Division level and above; those enclosed by [] are of Section level
3. The number in brackets, i.e. (), shows the number of administrative and project-based offices and their equivalents
4. ————— shows the individual supervision and instruction line.
5. shows the general supervision and communication line.

Attachment 3

Organization of the City of Mitaka (as of April 1, 2009)

【number】 shows the number of offices established

