

## ARTICLE

# Decline in the Use of Election System in Japan's Local Administration and Small Shift of Power to the Executive Branch

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### Abstract

In modern public administration theories, it is generally thought that elected representatives of people lay out the policies, laws and budgets and permanent officials implement them. This principle is thoroughly incorporated into Japan's systems especially after the end of WWII as the result of the review of the old pre-war systems. Especially, in local governments in Japan most of the important positions including chief executives, members of local assemblies and some of the members of the independent administrative boards were stipulated to be elected by residents. However, recently in Japan, the author observes a few changes in the reverse, giving more authority to appointed officials in local government systems. The author tries to show this tendency of less use of election systems in local governments in Japan. For instances, in newly created systems for smaller parts of local government public administration, election system is not employed.

At the same time, the systems which put executive branches under strict supervision of the legislative branches is slowly changing.

In this paper the author introduces these new tendencies in Japan's public administration systems and tries to argue that being responsive can give legitimacy for decision-making to appointed officials

### Introduction

0-1. In modern public administration theories, it is generally thought that, in principle, legislative branches which are made up by elected representatives of people lay out the policies, laws and budgets and executive branches which includes many permanent officials implement them. This principle is thoroughly incorporated into Japan's systems at the time of drastic reform toward more democratisation after the end of WWII as the result of the review of the old pre-war systems.

0-2. In addition to that, there is another fact in Japan that even in the executive branches, more of the key positions became reserved for elected people after WWII.

0-3. During pre-war time, Japan's executive branch had a way of bypassing the authority of legislative branch in the form of Imperial Ordinance<sup>1</sup>, which could substitute acts made by the approval of the Parliament. None of such a by-pass was incorporated into the post-war system<sup>i</sup>.

0-4. However, recently in Japan, the author observes a few changes giving more authority to executive branches and, within the executive branches giving more authority to appointed officials.

0-5. In this paper, the author intends to describe these changes and try to explore what these changes imply.

## 1. Gradual changes in post-war period toward less use of election

1-1. In Japan, there was a big shift in the way of selecting public officials from appointment by the authority of the Emperor to election by the people after the end of the WWII. In addition, under the new Constitution, the Constitution of Japan, introduced in 1947<sup>2</sup>, all rule making powers with regard to important matters are reserved by the Parliament which consists exclusively of elected members. This was a big change because until this change the system was so different under the authority of the Emperor. Until the end of the war only members of the House of Representatives and members of local assemblies of prefectures and municipalities were elected representatives of the people. The other house of the Parliament, the House of Peers, had members who were members of the Royal Family, notable peers, representatives of the lesser peers elected from among themselves and members appointed by the Emperor. However, after the reform in the wake of WWII, all members of the both houses of the Parliament, the House of Representatives and the House of Councillors, have been elected directly by the people.

1-2. Furthermore the head of the executive branch, called Prime Minister both in old and new systems, had not been required to be a member of Parliament, but after the change of the Constitution in 1947, has been required to be a member of the Parliament<sup>3 ii</sup>, meaning he/she has to be a member of either of the two houses of the Parliament. This again means that he/she must be an elected person. Prime Ministers were just appointed by the Emperor before the post-war reform and no membership in the Parliament was required<sup>4</sup> then.

1-3. Also, another important point is that, before the reform, the government had Imperial Ordinance as a general tool to substitute acts at a time of emergency. Acts were made by the resolution of the Parliament but when something must be done quickly the executive branch could bypass it. There is nothing like it left after the post war reform.

1-4. There were also reforms in the system of local governments. Chief executives, called governors in prefectures and mayors in municipal governments, who had been appointed by the central government<sup>5</sup>, are after the reform in 1946<sup>6</sup>, elected directly by the residents. The members of local assemblies were all elected by the residents from the start of their existence in 1870s, even though only male residents who had paid more than a certain amount of taxes were given suffrage at the start and even when this restriction by the tax payment was lifted, only males had suffrage until just after the WWII<sup>7</sup>.

1-5. Unlike the central government's executive branch in Japan, chief executives of local governments in Japan have had a way to take a shortcut or even overrule the decisions of the local assemblies. A chief executive can make the decision which normally requires approval of the local assembly on one' own when there is no time to convene the local assembly<sup>iii</sup>. On limited emergency cases like natural disaster relief and epidemic prevention the chief executive officer can even overrule the decisions of the local assembly with regard to the budget required for them<sup>8</sup>. These exceptions were created in the pre-war days and retained in the post-war system, with the reasoning that local

governments are nearer to people and have more occasions when they have to make decisions quickly on the spot. So in this sense, on local government level, executive branches have been having relatively larger authority against local legislative branches in Japan.

1-6. There was other symptoms of inclination towards elected representatives in local public administration in Japan at the time just after WWII. New systems involving somewhat independent administrative boards were newly introduced in the process of post-war reforms<sup>9</sup>. The kinds of those administrative boards newly established for both prefectures and municipalities were and are Education Boards, Election Management Boards, Personnel Management Boards (or Equity Boards in smaller municipalities) and Auditors. Public Safety Boards, Labour Relations Boards, Land Confiscation Boards, Sea District Fisheries Adjustment Boards and Inland fisheries Management Boards were established in prefectures and Agriculture Boards and Fixed Assets Evaluation Boards were established in municipalities. The unique and new point in Japan about these systems of independent public administrative boards was that some of the members of those boards were to be elected by people concerned, although most of them were appointed by the elected chief executive of the respective local government with the approval of the local assembly of the local government. There are exceptions and the members of the Election Management Board are elected by the members of the local assembly of the local government and some of Auditors are to be appointed from among the members of the local assembly of the local government. These systems have not been totally changed from the start until now. But in the case of the latter, by an amendment to the Local Autonomy Law in 2017, it is now allowed for a local government not to include members of the local assembly among Auditors. When this new system of independent administrative boards was introduced in 1947, all members of Education Boards were to be elected by residents of the local government concerned<sup>10</sup>. This Board is very important because they are in charge of public education and this includes, in the case of municipalities, management of public compulsory education schools, primary schools and junior high schools and, in the case of prefectures, management of public senior high schools. Also, part of the members of the Sea District Fisheries Adjustment Boards in prefectures and part of the members of Agriculture Boards in municipalities were to be elected by the people concerned, meaning local people engaged in fishery or agriculture as the case may be.

1-7. Therefore, after post-war reforms following WWII, Japan had elected people in many of the positions of the heads of executive branches in the central and local governments. A Prime Minister is elected by the members of both Houses of the Parliament, not directly by the people, but nevertheless elected in parliament from among its members. This means that a Prime Minister is required to be an elected person.

1-8. Since this start of the new system, there have been a few changes but it seems that all the changes are in the same direction. As early as in 1956, the election system for the members of the Education Boards was abolished. This was looked upon as rather an isolated development at that time and the reason given for the abolishment of it was that the election system induced too much involvement of party politics into Education boards. Since the Education Boards deal with education including compulsory education for young people, more political neutrality was considered desirable. After the abolishment of the election system for the members of the Education Boards, the members were then appointed by the chief executive officers of local governments, governors and mayors, with the approval of respective local assemblies. This system has been still maintained until now.

1-9. The cases of part of the members of the Sea District Fisheries Adjustment Boards in prefectures and part of the

members of Agriculture Boards in municipalities are a little different because although they are elected, they are not elected by the voters in general in the local government's jurisdiction but elected by fishermen and farmers living in the local government's area. However, there also has been a change here. Even though the election system for part of the members of the Sea District Fisheries Adjustment Boards is still maintained, the election system for part of the members of the Agriculture Board was abolished in 2016. They are now appointed by the municipal mayor with the approval of the local assembly of the municipality.

1-10. These changes all show a trend towards less use of election systems although the progress is very slow and hardly noticed.

1-11. However, there is an example to the contrary. This is the case of the election of the chief executive of the special wards in the central part of Tokyo Prefecture. There are twenty-three special wards and they were originally established as internal subdivision of the city government organisation of the City of Tokyo in pre-war time<sup>11</sup>. With the amalgamation<sup>12</sup> of the City of Tokyo with the Tokyo Prefecture in 1943, their status became something in between municipalities and internal organisations of a municipality<sup>13</sup>. After the end of WWII with post-war reforms, election system for their chief executive officers started in 1946 but in 1952, this system was abolished<sup>14</sup> and then chief executive officers were selected by their local assemblies with the approval of the governor of Tokyo Prefecture. Then again, the system was changed in 1975 and election system was then re-employed for their chief executive officers. In this case, the first move of abolishment of election system of their chief executives was taken in accordance with other reforms making them more subordinate to and more like internal organisations of the Metropolitan Government. It can also be considered as belonging to the same tendency as the abolishment of the election system of the members of the Education Boards in local government system in that it followed the tendency toward less use of elections. However, the second change shows a move in the opposite direction. Nonetheless, this can be considered as a move not directly related to the argument if election system fits in the special ward system but a move coupled with the change of the status of these special wards into something more like a usual municipality. In other words, this change was made not as a move in favour of election systems but made as special wards were given more authorities and became more like an ordinary city. In the amendment to the Local Autonomy Law in 1975, these special wards were given, in principle, a status almost similar to other cities. This change of the way of selecting their chief executive officers was part of that set of reform of its systems in 1975. So this does not make an exception to the tendency toward less employment of election systems.

1-12. In 2012, a new law, making it possible in Metropolitan areas other than Tokyo, to introduce a special ward system similar to the system in Tokyo, was enacted. This act also employs election system for the chief executives officers and local assembly members of those entities. This system has not yet introduced in any part of Japan, although there was a try in Osaka area. This was aborted when residents' referendum was implemented and the residents said "No" with very narrow margin<sup>15</sup>. This new system is seen as the act of division of existing large cities and their chief executives officers and local assembly members are to be elected in the legal framework because they succeed the places of the chief executives officers and local assembly members of the large cities to be divided into special wards. Thus this is not seen as representing increased use of election system.

1-13. Another evidence that Japan is moving toward less use of election as a way of choosing its key officials is the fact that, although Japan's local government system newly adopted systems which targeted to create small entities

for local residents, they were not designed with a chief executive officer elected by the residents or with councils necessarily comprising elected members. There are two of this kind, namely, Autonomous Districts (provided for in Articles 202-4 through 202-9 of the Local Autonomy Law)<sup>iv</sup> and Comprehensive Wards (provided for in Article 252-20-2 of the Local Autonomy Law)<sup>v</sup>.

1-14. The Autonomous Districts are new organisations whose system was created by the amendment to the Local Autonomy Law in 2004. It is optional for municipalities to create them and not many municipalities are actually having them. As of April 1<sup>st</sup> of 2018, 14 municipalities have in total 141 Autonomous Districts<sup>16</sup>. They are not devised as independent local governments with legal incorporation. They do not have corporate status. Actually, they were originally conceived as something like neighbourhood local governments. With strong promotion of amalgamation of municipalities to deal with ageing population and depopulation by the central government, especially on rural side of Japan, the average size of municipalities in Japan was growing rapidly<sup>17</sup>. Then it was thought that after large scale amalgamation, residents need some form of government nearer to them than municipalities after amalgamation. Initially, something like Parishes in United Kingdom was conceived. But the idea was then changed into internal subdivision of a municipality, with some matters delegated from the parent municipality. They have a chief executive officer who is appointed from among the staff of the city, which means he/she is a subordinate of the mayor<sup>18</sup>. They also have a kind of local council. The members of the council are appointed by the mayor of the municipality, of which the Autonomous District is a part. Here the members of the Council are to be selected in the way the parent municipality determines in its by-law. In practice nowadays, most of the members are chosen because they are executive members of public organisations like Farmers' Cooperative, Fishermen's Cooperative Neighbourhood Association and League of Entrepreneurs' of the area.

1-15. Another new system is that of a Comprehensive Ward. Comprehensive Wards can be established within largest cities, which are called Designated Cities<sup>19</sup>. This system was introduced through amendment to the Local Autonomy Law in 2014 and put into force in 2016. So far no Designated City has adopted this system. These are entities which can be established in the place of wards<sup>20</sup> in those cities, which are not independent entities but defined as part of the city organisation. Comprehensive Wards are also stipulated to be part of the city organisation but they have a chief executive officer, who has more authority than the head of an ordinary ward office of a designated city. The chief executive officer of a Comprehensive Ward is to be appointed by the mayor of the Designated City which created it with the approval of the local assembly of the Designated City<sup>21</sup>. More important thing is that these chief executive officers are considered as political appointees, unlike chief executive officers of ordinary wards<sup>22</sup>. These chief executive officers can have decision making authorities when delegated from the mayor. Even though these Comprehensive Wards are more independent than an ordinary ward of a Designated City, they are not necessarily provided with a local assembly. A designated city may establish a Ward District Council, which is almost exactly the same as District Councils in Autonomous Districts, in a Comprehensive District. But it is optional, as it is the case with an ordinary wards of a Designated City. This system was also conceived as something like an intermediate organisation between large cities and their citizens. Even though Designated Cities have ordinary wards, they are more like local branch offices of the city office and have almost no decision making authorities. However, since Designated City governments cover such a large population, some delegation of decision making authorities to smaller entities was thought better and, therefore this new system was devised.

1-16. Both the system of Autonomous Districts and Comprehensive Wards could have been devised as a new class of

independent local government but if they were made as independent local government, there could be a problem with Article 93 of the Constitution<sup>vi</sup>, which states that all local governments have to have an elected chief executive officer and a local assembly whose members are elected by the residents. So these present systems can be interpreted as a form of local government which was designed to avoid this problem.

1-17. These changes show that the number of the occasions where the use of election systems are seen in public administration has consistently decreasing in local government systems in Japan. Election being most typical way of representation in democracy, this shows that Japan has been modifying its model of democracy gradually over a fairly long time span of seventy years.

## 2. Small revival of emergency measures given to the executive branches

2-1. As to the division of functions between the legislative branches and the executive branches, as the author wrote, on the central government level, all legislative powers were taken up by the legislative branch<sup>23</sup> after WWII. After the introduction of the new Constitution of Japan in 1947, all members of the two houses of the Parliament have been elected persons. There had been no exceptional power given to the executive branch in the field of legislation, like the authority to enact Imperial Ordinance under the old Constitution of Japan Empire.

2-2. However, recently we see some small changes even in this field. As early as in 1961, after a large typhoon hit central part of Japan, the Basic Act for Natural Disaster Countermeasures was enacted and it contained an article allowing the government to put into force Cabinet Orders in the place of acts on limited matters on several conditions. The conditions are mainly that State of Disaster Emergency is declared and the Parliament is not available. However, this Declaration of the State of Disaster Emergency has never been declared even at the time of earthquake and tsunami in 2011, which hit Northern Japan very severely. The Act for the Protection of Citizens at the Time of Armed Aggression, which was enacted in 2004 also contains similar provisions. But these are as the only ones of this kind that can be seen so far.

2-3. On the other hand, in the local governments, the chief executive officer can make decisions on almost all matters for which the approval of the local assembly is required without those approvals when the local assembly is not available. These measures were introduced in the pre-war local government system, when chief executive officers were all appointed by the central government, and even at the time of reform after WWII, retained in the new Local Autonomy Law, enacted in 1947. Following an amendment to the Local Autonomy Law in 2012, the chief executive officers can no longer make decisions substituting the decisions of the local assembly, in the case of the local assembly's approval to the appointment of vice governors and vice mayors. This amendment was made following a conflict between a mayor and the local assembly in one rather small city in 2010, when the Mayor did not convene the local assembly at all and made all the decision himself. So this amendment does not represent a trend to squeeze this kind of authority of chief executive officers.

## 3. Observations

3-1. Legitimacy of democracy is said to lie in representativeness and responsiveness. In Japan, at the time of the post-war reforms, election system was introduced on a comparatively much larger scale than in pre-war time. However, it

seems that the use of election system did not increase after that time. Almost no changes are seen in the system of the central government. But in local government system there is definitely a trend toward less use of elections. Adding to that, there is a fact that in new systems in local government like Autonomous Districts and Comprehensive Wards the systems were so designed that they do not necessarily have to have elected organs. These new systems are not designed as new kinds of local government but rather as internal organisations of local governments. Therefore, these systems can also be interpreted as showing the same trend.

3-2. It is also interesting that this tendency of less use of election is seen mainly in local government and especially in small parts of local governments. This fact can be construed as an evidence which shows that in smaller scale democracy, people can more easily trust responsiveness of the government concerned and they do not necessarily require elected representatives. There people think that, since the scale of public administration is small and the government is near to the people, those non-elected officials can feel the needs of the citizens and their actions directly and are under directly observation by the people.

3-3. Those phenomena may mean that in small scale public administration in Japan, it is gradually recognised that democracy does not necessarily requires elected representatives.

3-4. Those non-elected executive officers can often have the advantages of professional skill and experiences. At the time of natural disasters which Japan is suffering a lot from recently, these advantages can give a lot of merits.

3-5. In Japan's public administration systems, it seems nowadays that being responsive can give legitimacy for decision-making to non-elected officials. This new tendency of employing more non-elected officials in executive positions aims at higher efficiency. The degree to which responsiveness can be recognised must vary according to the size of the local government units, or scale of democracy. But in general, recognising responsiveness more widely as a source of legitimacy can make public administration more efficient, and especially at a time of emergency, more resilient.

## Notes

- <sup>1</sup> Under the Constitution of Japan Empire, acts were the most powerful legal documents and important matters had to be provided for by acts but if there was an emergency the government could make rules by Imperial Ordinance, where normally provisions of an act were called for.
- <sup>2</sup> WWII ended on 15<sup>th</sup> of August, 1945 for Japan. The Constitution of Japan was promulgated on the 11<sup>th</sup> of November, 1946 and put into force on 3<sup>rd</sup> of May, 1947.
- <sup>3</sup> Article 67 of the Constitution of Japan explicitly requires this.
- <sup>4</sup> Actually under the old Constitution, there were only three members of the House of the Representatives who made Prime Minister and more than ten members of the House of the Peers were appointed as a Prime Minister.
- <sup>5</sup> Normally in the case of cities, larger municipalities, the local assembly of the city selected three candidates and the central government appointed one of them as the mayor.
- <sup>6</sup> This reform was made in 1946, just before the introduction of the Constitution of Japan, anticipating coming changes in the new constitution. Article 93 of the Constitution of Japan requires all the chief executive officers and members of the local assemblies to be elected directly by residents of the areas of the local governments.
- <sup>7</sup> Female suffrage was recognised in late 1945, when House of Representative Election Act was amended.
- <sup>8</sup> Article 179 of the Local Autonomy Law provides that when a chief executive officer cannot find enough time to convene its local assembly, or when the local assembly does not make a decision on what they have to make a decision on, he/she can make a decision on his/her own, which, if not in emergency, requires approval of the local assembly. Moreover, Article 177 of the same act provides that a chief executive officer can overrule a decision of the local assembly of the local government, when the local assembly rejects budget proposal for the purpose of disaster relief, disease prevention and so on.
- <sup>9</sup> These boards are enumerated in Article 180-5 of the Local Autonomy Law.
- <sup>10</sup> In this election, suffrage was given to those who have votes in elections for the members of both houses of the Parliament, Governors and Mayors, and members of local assemblies. This means residents who is twenty years of age or above, (now eighteen or above) who have lived in the local government's jurisdiction for more than three month.
- <sup>11</sup> This system was commonly introduced in three largest and most important cities in Japan, Tokyo, Osaka and Kyoto, when modern local government system was introduced and these wards were incorporated in 1889, however, only wards in Tokyo retained incorporated status after WWII, because the City of Tokyo which had included them was abolished as a result of the amalgamation with Tokyo Prefecture, which created Tokyo Metropolitan Government in 1943. Wards in other cities became internal organisations of the city including them.
- <sup>12</sup> This amalgamation took place as an emergency measure to deal with needs of war. This was done also with the intention of letting the governor, who were appointed from among ministry officials, rule the important capital directly, rather than by the mayor who was not a bureaucrat.
- <sup>13</sup> After the amalgamation of the Tokyo Prefecture and City of Tokyo, central part of Tokyo, formerly governed by the City of Tokyo was directly governed by the Tokyo Prefectural Government. Because Tokyo Prefectural Government was so large that it used those wards as something in between the Prefecture and the citizens.
- <sup>14</sup> The system of an elected local assembly in each special ward was kept. Also there was an argument if this change is acceptable under Article 93 of the Constitution. The government said that Article 93 of the Constitution is only applicable to Ordinary Local Governments (Prefectures and Municipalities) and not to Special Local Governments like Special Wards.
- <sup>15</sup> The referendum was taken on 17 May, 2015 and 694,844 (49.6%) voted for the introduction of the new system and 705,585 (50.4%) voted against it.
- <sup>16</sup> A similar system was made legally applicable to parts of amalgamated municipalities, which represent former municipalities before amalgamation for five years after amalgamation made before 2010. There are none in existence now. This system was used in eleven municipalities.
- <sup>17</sup> The number of municipalities was 3,100 in May, 2004 but now there are only 1,718 municipalities in Japan.
- <sup>18</sup> The chief executive officer is considered a clerical staff and not a political appointee. So although some authorities can be delegated to him by the mayor of the municipality, no approval by the local assembly of the municipality is required.
- <sup>19</sup> There are twenty of them and all but one of them have a population of more 700,000.



<sup>20</sup> These wards in Designated Cities are different from special wards in Tokyo and are completely internal organisations of the city with appointed chief executive under the mayor and without any deliberative organs.

<sup>21</sup> Heads of ordinary wards are also appointed from among a city government staff

<sup>22</sup> Therefore, the system of "Recall," Residents' Initiative to dismiss a public officer is applicable to the chief executive officer of a Comprehensive Ward.

<sup>23</sup> Legislative branch means the Parliament, and legal documents the legislative branch can make are limited to Cabinet Orders and Ministerial Orders which cannot make provisions about important issues like human rights, criminal punishments and taxes, unless there is explicit delegation of authority from an act and their provision has to be within the delegation.

## References

"Report of the 30th Commission for Local Government System Research on Reform of Large City System and Municipalities' Service Providing Systems" (25/6/2013) (Prime Minister's Office)

Report of the 27th Commission for Local Government System Research on Future Local Government Systems (13/11/2003) (Prime Minister's Office)

Kamiko, Akio "Did Recent Amalgamations of Local Governments Change the Scale of Democracy?" 'Policy Science' vol. 25 Nr. 3 (College of Policy Science, Ritsmeikan University) (March, 2018)

Murayama, Hiroshi & Murayama Toru "Features of Democracy Given by the Scale of the Area and the Discretion of the Executive Branch" 'Policy Science' vol. 26 Nr. 1 (College of Policy Science, Ritsmeikan University) (September, 2018)

Murayama, Hiroshi "Discretion in Policy Formation and Policy Implementation during the Process of Politics and Public Administration –with suggestions from the positions of Commune Councillors in Cambodia–" 'Policy Science' vol. 25 Nr. 2 (College of Policy Science, Ritsmeikan University) (September, 2017)

<sup>i</sup> Article 41. of the Constitution

The diet shall be the highest organ of state power, and shall be the sole law-making organ of the state.

<sup>ii</sup> Article 67. of the Constitution

The prime minister shall be designated from among the members of the diet by a resolution of the diet. this designation shall precede all other business.

If the house of representatives and the house of councillors disagree and if no agreement can be reached even through a joint committee of both houses, provided for by law, or the house of councillors fails to make designation within ten (10) days, exclusive of the period of recess, after the house of representatives has made designation, the decision of the house of representatives shall be the decision of the diet.

<sup>iii</sup> First Clause of Article 179 of the Local Autonomy Law (Author's abridged translation)

When the local assembly is not properly represented, when the chief executive of an ordinary local government recognises that there is no time to convene the assembly to request the assembly's approval because of an emergency or when the assembly does not make a decision on an issue it must make a decision on, the chief executive can make a decision him/herself. However, this does not apply to the appointments of vice governors, vice mayors and chief executive officers of Comprehensive Wards.

<sup>iv</sup> Articles related to Autonomous Districts in the Local Autonomy Law (Author's abridged translation)

(Establishment of an Autonomous District)

Article 202-4 A municipality can divide its area and establish an Autonomous District to each of those divided areas by a by-law, for the purpose of letting the Autonomous District to share part of the mayor's responsibilities and letting it discharge them, reflecting the opinions of the residents to a greater degree.

2 An Autonomous District shall have an office and its location, name and jurisdiction shall be provided for in a by-law.

3 The head of the office of an Autonomous District shall be selected from the staff of the mayor.

4 When determining the location of the office, consideration to the convenience of the residents must be made. Head of the office shall work under the decisions of the mayor, following the instructions of his/her superiors and supervising his/her subordinates.

(Establishment of District Council and its members)

Article 202-5 An Autonomous District shall have a District Council.

- 2 Members of the District Council shall be appointed by the mayor from the residents.
- 3 When selecting the members of said District Council, the mayor must pay attention to the appropriateness of the composition of the membership to reflect the variety of opinions of the residents in the District.
- 4 The term of office of the members of the District Council shall be determined by a by-law in a period within four years.
- 5 The membership of the District Council can be unpaid.

(Chairperson and vice chairperson of a District Council)

Article 202-6 A District Council shall have a chairperson and a vice chairperson.

- 2 The way they are selected and dismissed shall be determined by a by-law.
- 3 The term of the office of a chairperson and a vice chairperson shall be the same as the term of the members of the Council.
- 4 The chairperson of the Council shall manage the affairs of the Council and represent it.
- 5 The vice chairperson shall act for the chairperson when he/she is unavailable.

(Responsibilities of the Council)

Article 202-7 A District Council can deliberate on issues asked by the mayor or other municipal organisations, or they consider it necessary, from among following issues and offer its opinion to the mayor or other organisations.

A Issues related to responsibilities of the office of the Autonomous district

B Other issues related to the responsibilities of the municipality implemented by the municipality in the area of the District.

C Issues related to closer relationship with its residents with regard to the implementation of the municipal responsibilities.

- 2 The mayor shall hear the opinions of the District Council before he/she decides on or make changes of an important municipal policy issue that is enumerated in a by-law and related to the area of the Autonomous District.
- 3 The mayor and other municipal organisations, taking account of those opinions, must take appropriate actions when they think them necessary.

(Organisation and Management of a District Council)

Article 202-8 Other items related to the management and organisation of a District Council outside those provided for in this law, including the number of membership, shall be determined by a by-law.

(Delegation to Cabinet Orders)

Article 202-9 Other items related to a Autonomous District outside those provided for in this law shall be determined by Cabinet Orders.

<sup>v</sup> The Article related to Comprehensive Districts in the Local Autonomy Law (Author's abridged translation)

(Establishment of a Comprehensive District)

Article 252-20-2 A Designated City can establish a Comprehensive District in the place of ordinary wards by a by-law, when it recognises it necessary to secure smooth implementation of its public administration, in order to let the chief executive officer of a Comprehensive District to implement part of the mayor's responsibilities in the District following the provision in Clause 8. It can establish its office and, if necessary, its branch offices.

- 2 The location, name and its jurisdiction of the office of a Comprehensive Ward and its branch offices and the responsibilities the office of a Comprehensive District shares shall be provided for in a by-law.
- 3 A Comprehensive District shall have a chief executive officer.
- 4 The chief executive officer shall be appointed by the mayor with the approval of the local assembly.
- 5 The term of office of the chief executive officer shall be four years. However, the mayor can dismiss him/her before the end of the term.
- 6 When the chief executive officer is unavailable, an official of the office appointed as such shall act for hem/her.
- 7 (Most of the restrictions (for example prohibition of having other works) applied to other political appointees like vice governors and vice mayors are applicable to the chief executive officer.)
- 8 A chief executive officer of a Comprehensive District shall deal in policies and planning of the Comprehensive District and

discharge responsibilities given to him/her by acts, cabinet orders based on acts or by-laws and the part of the following responsibilities of the mayor which are mainly related to the area of the Comprehensive District. The chief executive officer shall represent the designated city in the implementation of these affairs, except where an act provides for an exception.

A The responsibility of promoting the area of the Comprehensive District reflecting the opinions of the residents. (Except for those reserved to the mayor by acts, cabinet orders based on acts or by-laws.)

B The responsibility of promoting interactions between residents. (Except for those reserved to the mayor by acts, cabinet orders based on acts or by-laws.)

C The responsibilities related social welfare and public hygiene provided directly to the residents of the Comprehensive District. (Except for those reserved to the mayor by acts, cabinet orders based on acts or by-laws.)

D Other responsibilities mainly related to the area of the Comprehensive District which are provided for by a by-law.

9 The chief executive officer shall appoint and dismiss the officials (except for those provided for in the cabinet order) of the offices and branch offices of the Comprehensive District. However, the chief executive officer shall get the approval of the mayor before he/she appoints or dismisses important officials listed in a city ordinance.

10 The chief executive officer can give his/her opinion to the mayor on the part of the budget related to the affairs he/she implements, when he/she sees it necessary.

11 A Comprehensive Ward shall have a Election Management Board.

12 When determining the location of the office, consideration to the convenience of the residents must be made. Head of a branch office shall work under the decisions of the chief executive officer, following the instructions of his/her superiors and supervising his/her subordinates.

13 A Designated City can establish a Ward District Council in a Comprehensive District.

14 Other items related to a Comprehensive District outside those provided for in this law shall be determined by Cabinet Orders.

<sup>vi</sup> Article 93. of the Constitution

The local public entities shall establish assemblies as their deliberative organs, in accordance with law.

The chief executive officers of all local public entities, the members of their assemblies, and such other local official as may be determined by law shall be elected by direct popular vote within their several communities.

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