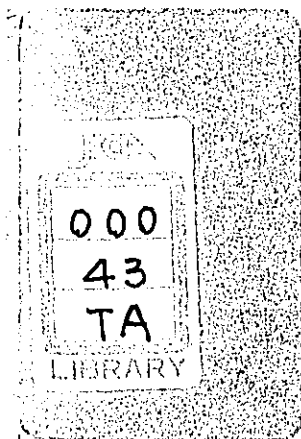


**ADMINISTRATIVE ORGANIZATION OF JAPAN**



**JAPAN INTERNATIONAL COOPERATION AGENCY**

国際協力事業団

受入 月日 '84. 5. 23	000
登録No. 06975	43
	T.A

**ADMINISTRATIVE ORGANIZATION OF JAPAN**

**Compiled and edited**

**by**

**FUSAO YAMAGUCHI**

**JICA LIBRARY**



1013328[8]

1013328	8
1013328	8
1013328	8

## I. THE GOVERNMENT OF JAPAN

### 1. Constitution

In the new Constitution, which was promulgated on November 3, 1946, and came into effect on May 3 the following year, the Japanese people pledge to uphold the high ideals of peace and democratic order. The Preamble of the Constitution states:

"We, the Japanese people, desire peace for all time . . . We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth."

The new Constitution\* differs in many important respects from the Meiji Constitution of 1889. Some of its key provisions are:

The Emperor is the symbol of the State and of the unity of the people. Sovereign power now rests with the people.

Japan renounces war as a sovereign right. It also renounces the threat or the use of force as means of settling disputes with other nations.

Fundamental human rights are guaranteed as eternal and inviolable rights.

The former House of Peers is replaced by the House of Councillors, whose members, like those of the lower House of Representatives, are elected as representatives of all the people. The House of Representatives has pre-eminence over the House of Councillors.

Executive power is vested in the Cabinet, which is collectively responsible to the Diet.

Local self-government is established on an extensive scale.

The Emperor has no powers related to government. He performs only those acts that are stipulated in the Constitution. Thus, for example, he appoints the Prime Minister and the Chief Justice of the Supreme Court. The Prime Minister, however, is first designated by the Diet and the Chief Justice by the Cabinet. The Emperor also performs such acts on behalf of the people as promulgating laws and treaties, convoking the Diet and awarding honors, with the advice and approval of the Cabinet.

\* Adopted as an amendment to its 1889 predecessor it is in substance a new Constitution, drastically transforming the governmental structure of Japan.

2. The three powers of the government

Legislation, administration and judiciary are independent of each other.

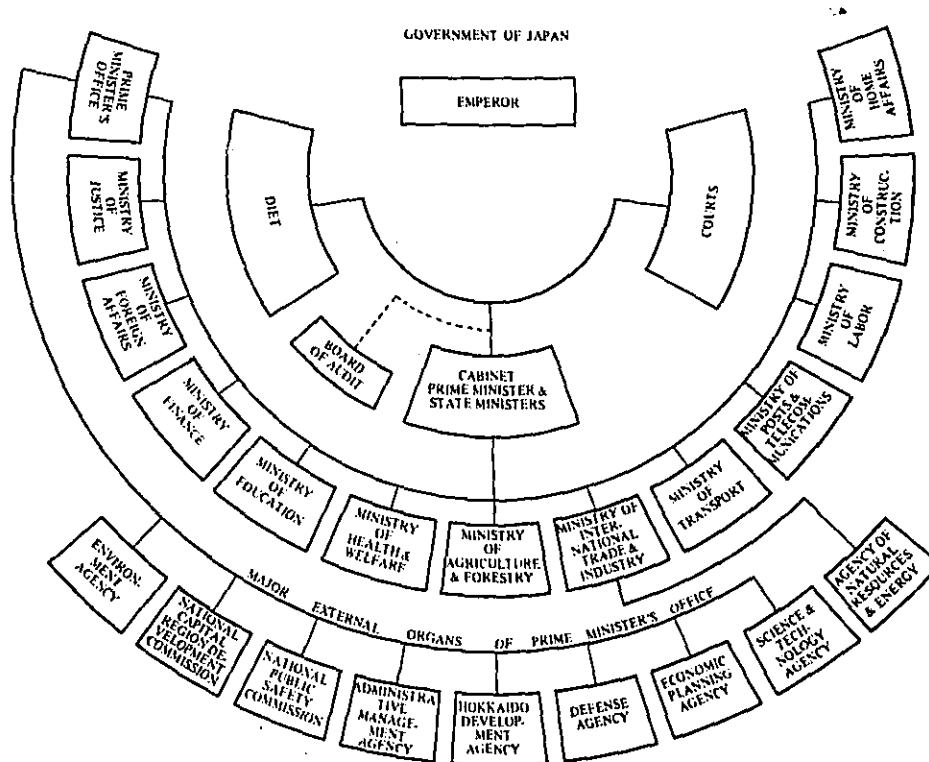
A. Legislation

The Diet is the highest organ of State power and the sole law-making body. It consists of the House of Representatives with 491 seats (to be increased to 511 in the next election) and the House of Councillors with 252 seats.

The Members of the House of Representatives are elected for a term of four years, but this term may be terminated before the expiry of the four years if the House is dissolved. Members are elected from 130 constituencies, which, with one exception, are multi-member constituencies, returning from three to five elected members, depending on the size of the constituency and the density of population.

Members of the House of Councillors are elected for a term of six years. Half of its members are elected every three years. One hundred members are elected from what is called the National Constituency, which means that they are elected by voters throughout the country. The remaining 152 members are elected in 47 prefectural constituencies.

Japan has universal adult suffrage. All men and women of the age of 20 and above are eligible to vote in all elections.



## **Political parties**

The five major parties are represented in the Diet. They are the ruling Liberal-Democratic Party, and four (4) opposition parties: The Socialist Party, the Komei Party, the Communist Party and the Democratic Socialist Party.

### **The Liberal-Democratic Party**

The Liberal-Democratic Party is Japan's only conservative political grouping and is at present the ruling party. Its policy aims are (1) to create a democratic order in Japan with higher living standards by reforming existing institutions in line with the basic principles of democracy; (2) to strive for improved international relations on the basis of universal justice, peace and freedom, and to build up a self-supporting and independent Japan; and (3) to ensure economic and social stability by carrying out properly formulated plans consistent with individual initiative and free enterprise, and to serve the public interest.

### **The Socialist Party**

The primary aim of the Socialist Party is to create a socialist society in Japan through a peaceful revolution. It opposes the Treaty of Mutual Cooperation and Security (Security Treaty) between Japan and the United States of America and urges the withdrawal of U.S. military forces from Japan. In foreign affairs, it urges a neutralist policy, with Japan's security and peace in East Asia maintained through a treaty embracing Japan, the United States, the Soviet Union and the People's Republic of China.

### **The Komei Party**

The Komei Party was formed in November 1964, originally as the political arm of the "Soka Gakkai," a religious group of the Nichiren Sect of Buddhism. Participating in its first General Election in January 1967, the party succeeded in having 25 of its candidates elected to the Lower House. The aims of the party's policies include creating a welfare state based upon respect for humanity and human socialism and establishing a clean parliamentary and democratic system of government. It calls for an independent foreign policy and advocates a step-by-step dissolution of the U.S.-Japan Security Treaty in line with a strengthening of the United Nations' security functions.

### **The Communist Party**

The basic aim of the Japan Communist Party is to create a communist society through a democratic revolution. It insists that Japan is actually controlled by American imperialism and Japanese monopolistic capital, and it advocates the scrapping of the Japan-U.S. Security Treaty and the formation of a coalition government of democratic political forces as the first step toward achieving its goal of an "independent, democratic" Japan.

### The Democratic Socialist Party

The Democratic Socialist Party was formed in January 1960 by a group that broke away from the Socialist Party the previous year. It stands against extreme ideologies and is dedicated to the creation of a socialist society through democratic processes. Its policies include the achieving of full employment, a consolidated social welfare system and the raising of living standards among those in the lower income brackets. In foreign affairs, it advocates an independent policy without leaning towards any particular foreign country.

**Political Party Composition of the Japanese Diet  
as of July 1, 1976**

	House of Representatives	House of Councillors
Liberal-Democratic Party	269	128
Socialist Party	114	62
Communist Party	39	20
Komei Party	30	24
Democratic Socialist Party	19	10
New Liberal Club	5	0
Ni-in Club	0	5
Independents	1	3
Vacancies	14	0
Total	491	252

N.B.: Under the Diet Law, a Diet member cannot present a proposal unless supported by more than 20 members of the lower House or 10 members of the upper House.

### B. Executive

Executive power is vested in the Cabinet, which consists of the Prime Minister and not more than 18 State Ministers and is collectively responsible to the Diet.

The Prime Minister is designated by the Diet and must himself be a member of the Diet. He has the power to appoint and dismiss the Ministers of State, all of whom must be civilians and a majority of whom must be members of the Diet.

If the House of Representatives passes a resolution of non-confidence or refuses to pass a vote of confidence in the Government, the Cabinet must resign, unless the House of Representatives is dissolved within ten days.

There are 12 ministries, 5 ministerial-level agencies, and the Prime Minister's Office and

there were a total of 1,192,000 government employees, including 266,000 uniformed personnel of the Self-Defense Forces in 1974.

In addition to these, there is the Board of Audit, an independent constitutional body, which is responsible for the annual auditing of the accounts of the State.

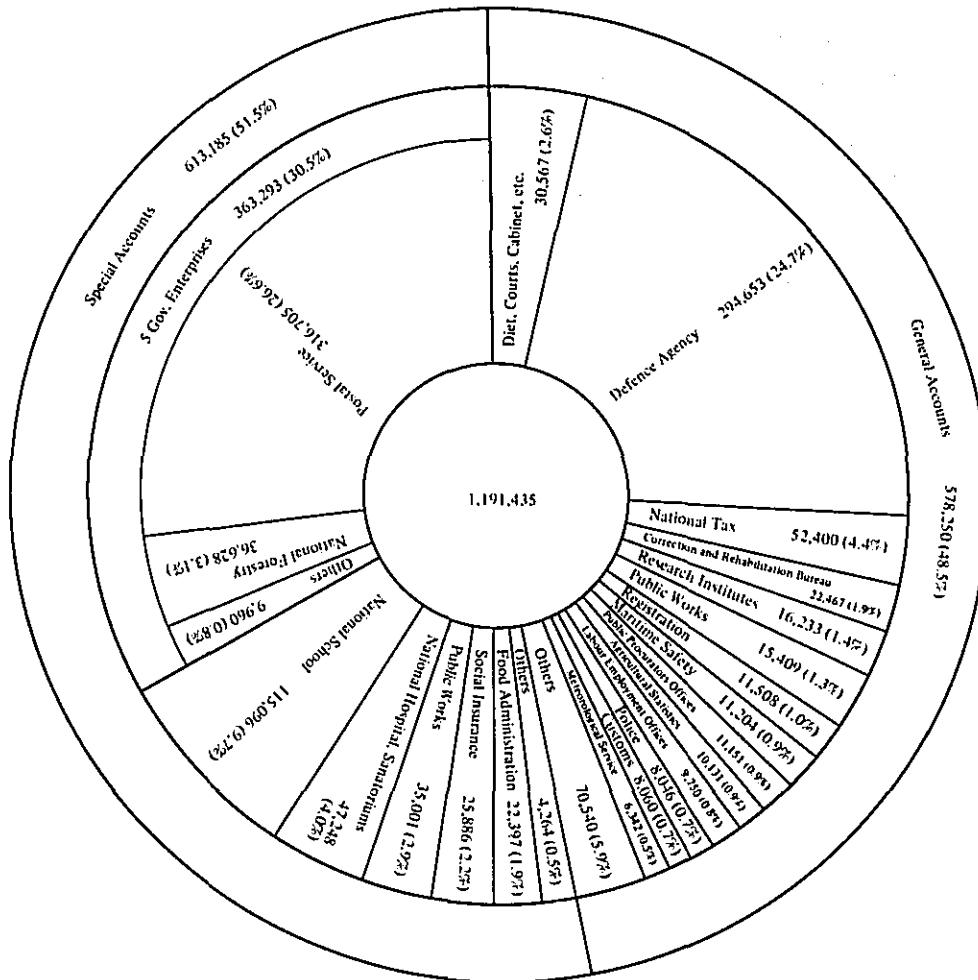
For the purpose of local administration, Japan is divided into 47 prefectures, including the Metropolis of Tokyo. Local administration is conducted at the levels of prefectural, city, town and village governments, each with their respective assemblies.

The prefectural governors and city, town and village mayors, as well as the members of the local assemblies, are elected by the registered voters within the district concerned. In 1974, local governments had a total of 2,857,000 employees, including 853,000 teachers and 189,000 policemen.

In addition to the national and local governments, public corporations are established to perform efficiently the business of the State. Their numbers are increasing with a variety of names.



**II. DISTRIBUTION OF FIXED NUMBERS  
OF FULL-TIME PERSONNEL, NATIONAL  
GOVERNMENT, AS OF MARCH 1976**



	Defence Agency	5 Gov. Enterprises	National School	General Administration	Total
1971	288,718	372,461	108,366	415,452	1,184,997
1972	292,430	372,106	110,212	419,591	1,194,339
1973	294,334	369,389	111,675	418,470	1,193,868
1974	293,976	366,949	113,134	417,816	1,191,875
1975	294,653	363,293	115,096	418,393	1,191,435

### C. Judiciary

The Judiciary is completely independent of the executive and legislative branches of government.

The judiciary system consists of the Supreme Court, eight high courts, a district court in each of the prefectures, with the exception of Hokkaido which has four, and a number of summary courts. In addition, there are many family courts to adjudicate domestic complaints.

The supreme court is composed of a chief Justice and 14 other Justices.

The Chief Justice is appointed by the Emperor upon designation by the Cabinet, while the other 14 Justices are appointed by the Cabinet.

The lower court judges are appointed by the Cabinet from a list of persons nominated by the Supreme Court. All lower court judges are appointed for ten years, although there is no restriction on their being re-appointed.

All judges are independent in the exercise of their conscience and are bound only by the Constitution and the laws enacted thereunder. No judge can be removed except by public impeachment unless judicially declared mentally or physically incompetent to perform his official duties. Every judge must retire at an age set by law.

The appointment of the Justices of the Supreme Court is subject to review in a national referendum, first at the time of the general election following their appointment and then at the general election following the lapse of ten-year periods. In addition, impeachment may be ordered by a Court of Impeachment, which consists of members of the House of Representatives and the House of Councillors. The Supreme Court is the court of last resort in determining questions of constitutionality of any law, order, regulation or official act.

Trials must be conducted and judgment declared publicly, unless a court unanimously determines publicity to be dangerous to public order or morals. However, trials of political offenses, offenses involving the press or cases relating to the rights of the people as guaranteed in the Constitution must always be conducted publicly.

## II. THE NATIONAL ADMINISTRATIVE ORGANIZATION IN JAPAN

### 1. The Outline of National Administrative Organization

National administration is uniformly carried out by the Cabinet and the organization under the Cabinet.

The Cabinet, Ministries, Agencies and Corporations form one organization, at the top of which exists the Cabinet. It is responsible for all the activities of State except legislative and judicial ones. Consequently it is natural that the Agencies and Corporations which take care of national administration should be institutionally organized under the Cabinet.

There are the Prime Minister's Office and twelve Ministries under the Cabinet. They are national administrative organization in the proper sense of the term. So, usually, national administrative organization means the Prime Minister's Office and twelve Ministries.

But the activities of State which are taken care of by those Ministries do not cover all the areas of State activities.

The larger part of them is delegated to the heads of local governments like prefectures and municipalities. As far as those governors and mayors carry out the delegated State business, they are called "State agencies".

In addition to the local governments, special Corporations or government Corporations such as Japanese National Railways, Nippon Telegraph and Telephone Public Corporation, Japan Tobacco and Salt Public Corporation and other Corporations and Associations, which now, amount to 112 have been established to perform efficiently the business of the State. These special Corporations are subject to the supervision and control of Ministers through the means of appointment of directors and financial supervision. Some of them are regarded as the same with government offices in the application of statutes and ordinances concerned.

It may be safe to say that government Corporations are the instrumentality or agency of the national government, though their juridical person is different from that of State.

Therefore, the whole organization for the national administration covers larger area than that of national administrative organization in the proper sense of the term (the Prime Minister's Office and 12 Ministries).

### 2. Shared Responsibility of Management of State Organs

The Constitution stipulates that the executive power shall be vested in the Cabinet. The Cabinet itself is given several proper administrative works by the Constitution. (See Article 73.)

The Cabinet has following functions:

- to administer law faithfully
- to conduct affairs of State
- to manage foreign affairs
- to conclude treaties
- to administer the civil service

to prepare the budget and present it to the Diet

to enact Cabinet Order to execute the provisions of this Constitution and law.

But it is needless to say that the Cabinet can never perform all the activities of State for itself. Article 74 provides that all laws and Cabinet Orders shall be signed by the competent Minister of State and countersigned by the Prime Minister. And Article 72 provides that the Prime Minister exercises control and supervision over various administrative branches. In other words the Constitution presupposes that the Ministers of State shall be competent Ministers and that specialized administrative organization which takes care of State affairs shall be established.

Under this Constitution the Cabinet Law provides that the Ministers shall divide among themselves administrative affairs and be in charge of their respective share thereof as a competent Minister.

In accordance with the provision of the Cabinet Law, the National Government Organization Law (Article 5 (1)) provides that the heads of the Prime Minister's Office and each Ministry shall be, respectively, the Prime Minister and the Minister of each Ministry, who, as competent Ministers referred to in the Cabinet Law, shall have charge and control of their respective administrative affairs. Namely, Ministers who are competent Ministers are the heads of the Prime Minister's Office and the Ministries. Their administrative affairs are the fields of public administration which are shown by "the scope of the function and powers of the respective administrative organs", which is defined by law. Generally speaking, each establishment law has provisions called "Duties of Ministry" where various duties of each Ministry are described for the convenience of the people who are interested in the activities of State.

The fact that each competent Minister has the responsibility of management of each field of national government doesn't tell what authority he has in dealing with the specific affairs within his jurisdiction. There are many cases where the Prime Minister or each competent Minister has no authority to perform the affairs which are subject to his control and supervision. For example, the Minister of Finance has responsibility for the management of national taxation but has no power to impose certain amount of tax on the citizens. The power belongs to the chief of taxation office.

The central function of the Cabinet is the coordination which secures uniformity of governmental administration performed by various administrative branches.

That is the reason why the Constitution provides that the Prime Minister, representing the Cabinet, exercises control and supervision over various administrative branches. The Cabinet Law stipulates that this power should be exercised in accordance with the policies decided upon at the Cabinet meetings and that the Prime Minister shall, following consultation at the Cabinet meetings, decide on any point of doubt relating to the jurisdictions between the competent Ministers. And the Prime Minister may suspend the official measures or orders of any administrative office, by the consent of Cabinet. These powers of the Prime Minister are needed for securing integrity or uniformity of the national administration.

### 3. The Cabinet

#### (1) The Organization of the Cabinet

The Cabinet consists of the Prime Minister, who shall be its head, and 20 Ministers of State. [Const. Article 66 (1), Cabinet Law Article 2 (1)]

- 1 Prime Minister's Office
- 2 Ministry of Justice
- 3 Ministry of Foreign Affairs
- 4 Ministry of Finance
- 5 Ministry of Education
- 6 Ministry of Health and Welfare
- 7 Ministry of Agriculture and Forestry
- 8 Ministry of International Trade and Industry
- 9 Ministry of Transport
- 10 Ministry of Posts and Telecommunications
- 11 Ministry of Labour
- 12 Ministry of Construction
- 13 Ministry of Home Affairs
  - Administrative Management Agency
  - Hokkaido Development Agency
  - Defence Agency
  - Economic Planning Agency
  - Science and Technology Agency
  - Environment Agency
  - Okinawa Development Agency
  - National Land Agency
  - National Public Safety Commission
  - Director-General of the Prime Minister's Office

\* Some Ministers of State may hold two or more than two offices.

The Prime Minister shall be designated from among the members of the Diet by a resolution of the Diet. (Const. Article 67) The Emperor shall appoint the Prime Minister designated by the Diet. (Const. Article 6)

The Prime Minister shall appoint and dismiss Ministers of State. More than half of the ministers must be chosen from among the members of the Diet. But usually all the ministers are chosen from among the members of the Diet.

The Prime Minister and the Ministers of State must be civilians.

The Prime Minister may remove the Ministers of State as he chooses. This power of removal is also the basis on which he keeps unity and integrity of the Cabinet.

#### (2) Management of the Cabinet

##### Cabinet Meeting

The Cabinet shall perform its functions through Cabinet meeting. (Cabinet 4 (1))

There is no written regulation concerning the procedures of Cabinet meeting. At present Cabinet meeting is held on every Tuesday and Friday.

Sometimes a matter is carried around to each Cabinet member, and a Cabinet decision is made.

As the Cabinet, in the exercises of executive power, shall be collectively responsible to the Diet, it is presupposed that the decision should be unanimous. In order to secure the unanimity the Prime Minister is provided with the right to appoint or dismiss the Ministers of State.

The Prime Minister shall preside over Cabinet meetings.

As a rule the matters are submitted to Administrative Vice-Ministers' conference before they go to the Cabinet meeting. Administrative Vice-Ministers' conference is held on every Monday and Thursday, one day before the Cabinet meeting. This meeting is customary practice which is the most important device for the coordination of administrative branches.

### (3) Subsidiary Organs of the Cabinet

The Cabinet Secretariat is in charge of  
the arrangement of the agenda,  
the coordination necessary for maintaining integration of the policies, and  
the collection of information and research

The Cabinet Legislation Bureau  
reviews proposed bills, drafts of cabinet orders and treaties,  
expresses legal opinion to the Cabinet, the Prime Minister or each Minister.

The National Defense Council  
deliberates important matters on national defense.

This is a kind of inner Cabinet, whose members are the Prime Minister, the Minister or Foreign Affairs, the Minister of Finance, the Director-General of Defense Agency, and the Minister of Economic Planning Agency.

The National Personnel Authority  
was established to secure neutrality of national civil service in accordance with National Civil Service Law, and it is under the general control of the Cabinet.

## 4. The National Administrative Organs and Their Structure

The National Government Organization Law provides four kinds of administrative organs;  
Office on the Ministerial Level, Ministry, Agency, Commission.

The main purpose of this Law is to provide the criterion of structuring those administrative organs.

The primary administrative organs are the office on the ministerial level and Ministry. The Agency and the Commission are not on the same level with the other two. They are put as external organs of Ministry or Office on the ministerial level under its control.

The office on the ministerial level is, as a matter of fact, only one. It is the Prime Minister's Office. There are twelve Ministries.

Each Ministry except those of Finance, Agriculture and Forestry, and International Trade and Industry shall have one Parliamentary Vice-Minister. Those three have two Parliamentary Vice-Ministers. The Parliamentary Vice-Minister shall assist the Minister, participate in the formation of policies and in programme planning, conduct the political affairs and under prior orders of the Minister, perform the Minister's functions on his behalf in the absence of the Minister. (Org. 17-3)

Each Ministry shall have one administrative Vice-Minister who assists the Minister in such a way as to keep in order the affairs of Ministry and to supervise the working of respective bureaus and divisions, attached agencies and local branches.

In the Prime Minister's Office there are the Director-General and two Assistant Director-Generals. A Minister of State occupies the position of the Director-General.

As mentioned above, Agencies and Commissions shall be set up as independent organs of an office on the ministerial level or of a Ministry. But in case of special necessity, Commissions or Agencies may be set up in a Commission or an Agency of which the head is a Minister of State.

An Agency is established, when a certain area of the activities which are dealt with by a Ministry is of large volume, its character is different from other works, and consequently it is appropriate for the area of work to be separated from the other and to be taken care of by a head (who is substantially independent of the minister) from the viewpoint of efficiency.

A Commission may be established, when substantial control and supervision by a Minister is likely to thwart the achievement of objectives of a certain work, and the work may well be carried out by a joint conference or panel, precluding direct control and supervision of a Minister.

Fair Trade Commission

National Public Safety Commission

Environmental Disputes Commission

Administration Commission of National Bar Examination

Public Safety Investigation Commission

Labour Relations Commission for Seafarers

Central Labour Relations Commission

Public Corporation and National Enterprise Labour Relations Commission

The head of an Agency is called "Director-General" and that of Commission is called "Chairman".

They cannot directly submit bills or propose Cabinet orders to the Cabinet nor issue ministerial orders.

Except these two, Agencies and Commissions enjoy almost equal status with that of Ministries.

Agency shall have "Deputy Director-General" but those, the heads of which are Ministers of State, shall have "Administrative Vice-Ministers".

Imperial Household Agency	Prime Minister's Office
* Administrative Management Agency	do
* Hokkaido Development Agency	do
* Defense Agency	do
* Economic Planning Agency	do
* Science and Technology Agency	do
Defense Facilities Administration Agency	do
	(Defence Agency)
* Environment Agency	do
* Okinawa Development Agency	do
* National Land Development Agency	do
Public Security Investigation Agency	Ministry of Justice
Tax Administration Agency	Ministry of Finance
Social Insurance Agency	Ministry of Health and Welfare
Food Agency	Ministry of Agriculture and Forestry
Forestry Agency	do
Fisheries Agency	do
Natural Resources and Energy Agency	Ministry of International Trade and Industry
Patent Agency (Office)	do
Smaller Enterprises Agency	do
Maritime Safety Agency	Ministry of Transport
Marine Accidents Inquiry Agency	do
Meteorological Agency	do
Fire Defence Agency	Ministry of Home Affairs

\* Means the Agency, the head of which is a minister of state.

The establishment or abolition of Office on the ministerial level, Ministries, Agencies or Commissions shall be made by law.

Administrative organs are hierarchically structured at the top of which exists Minister, Chairman or Director-General.

National Government Organization Law classifies the internal structure into three groups.

(1) Internal Subdivisions

	Secretariat	Bureau	Department
Prime Minister's Office			
Ministry	do	do	do
Agency (head is minister)	do	do	do
Agency (head is not minister)	do	/	Department
Commission	do	/	do

Secretariats are the organization for staff work. It, as a rule, takes care of archives and documents, budgetting, staffing, public relations, statistics, investigation, etc., through which it controls and coordinates the activities of various bureaus and departments.



Bureaus and departments are line organizations which directly take care of the duties of the administrative organ.

Secretariats, bureaus and departments are provided for by law.

Divisions are established within secretariat, bureau and department. Their establishment or abolition is regulated by Cabinet Order.

(2) Local Branch Offices

They are established by law to take care of a portion of the affairs of administrative organs in places outside of the headquarters.

(3) The Attached Organizations

There are many types of organizations which belong to the category provided in Article 8 of the National Government Organization Law. But the most important of them is the advisory council.

The national government has established advisory councils as the device to get information from specialists in various fields, to secure fairness of administration, to adjust the conflicting interests and to coordinate various fields of administration. It is useful for the Government to keep up with the social, economic, and technological development.

5. Governor or Mayor as State Agency

As already mentioned, some affairs of State are executed by a governor or mayor under the supervision and direction of a competent Minister. (Local Autonomy Law 150\*)

The affairs of State which devolve upon them are enumerated in the Local Autonomy Law. (148\*\*)

A competent Minister may resort to mandamus proceeding against a governor or mayor in the capacity of State agency, if he fails to take corrective measures in spite of the warning from the competent Minister. (146\*\*\*)

\* Article 150. The governor of To, Do, Fu or Ken or the mayor of a city, town or village in the capacity of State Agency shall execute the administrative affairs under the supervision and direction of the competent Minister or a governor of To, Do, Fu or Ken respectively.

\*\* Article 148. The chief executive shall manage and execute the affairs of the ordinary local public body as well as the affairs of State, other local public bodies or other public organization devolving upon him by laws or cabinet orders duly authorized by laws. (Reference from "The Government of Japan" January 1975 published by Administrative Management Agency.)

### **Brief Introduction of The Instructor**

Professor Fusao Yamaguchi is dean of the Tokai University. He was born in 1918 and graduated from the School of Law, Tokyo University in 1941. He worked for Japan Socialist Party from 1943 to 1967, eventually becoming director of International Department of J.S.P. He has attended various international conferences and made frequent observation trips abroad. He has been a professor of Tokai University since 1967. Among his books are *Neutrality*, Shuseido Press, 1959; *The Age of Super-Power*, Simul Press, 1968 and *Lectures on International Relationship*, Tokai University Press, 1972.

Mr. Shinroku Nosaki entered the Japan Times in 1945, and became the managing editor of the Student Times in 1956. His major was Economics in Tokyo University and he obtained B.A. in 1944. Several times he was invited by West Germany, West and East European countries, and South Korea, and studied international politics. He has own column to cover international political affairs on Japan Times every week.