

**FINAL MONOGRAPH**  
**25TH GROUP TRAINING COURSE**  
**IN LOCAL GOVERNMENT**

**JULY, 1989**

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FINAL MONOGRAPH 25TH GROUP TRAINING COURSE IN LOCAL GOVERNMENT JULY, 1989

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# FINAL MONOGRAPH

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JULY, 1989

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**FINAL MONOGRAPH**  
**TRAINING COURSE: LOCAL GOVERNMENT**

by  
**Susana Sakurada**  
Chile



# INTRODUCTION

One of main objectives that the government of all world's country want to achieve, is improve the quality of life of population. This countries search its own system adapted to its necessity, political system, culture and customs.

## LOCAL GOVERNMENT SYSTEM

The chapter 8 (article 92-95) of the constitution provides for a local government system of Japan and makes it clear that local autonomy is one of the principles of government.

The local autonomy law divides local public entities into two major categories; ordinary local public entities and special local public entities subdivisions of these categories are as follows:

About the relations between central and local governments, some affairs, such as foreign affairs, defense and jurisdiction are undertaken by the central government. However, in cases of education, welfare services, health and hygiene, public works, industrial promotion, fire defense and police, duties are shared by the central government, prefectures and municipalities.

The duties of local public entities are taken through of governors, mayors and members of assemblies who are elected by the population. The participation of the central government is resticted and it advise, when in legal issues is required.

Local Public Entities	}	Ordinary Local Public Entities	{	Prefectures <ul style="list-style-type: none"> <li>To — 1 Tokyo —to</li> <li>Do — 1 Hokkaido —do</li> <li>Fu — 2 Osaka —fu</li> <li style="padding-left: 20px;">Kyoto —fu</li> <li>Ken — 43</li> </ul>
		Municipalities	{	<ul style="list-style-type: none"> <li>Shi (Cities) ..... 655 (Designated Cities)</li> <li>Cho (Towns) ..... 2,000</li> <li>Son (Villages) ..... 590</li> </ul>
As of April 1, 1985				
Special Local Public Entities	}	Special Local Public Entities	{	<ul style="list-style-type: none"> <li>Special wards ..... 23</li> <li>Cooperatives of local public entities ..... 2,871</li> <li>Cooperations for local public works ..... 14</li> <li>Property wards ..... 4,078</li> </ul>

About the local government in Chile, 1980's constitution created a new territorial division. It is organized in regions, provinces and communities:

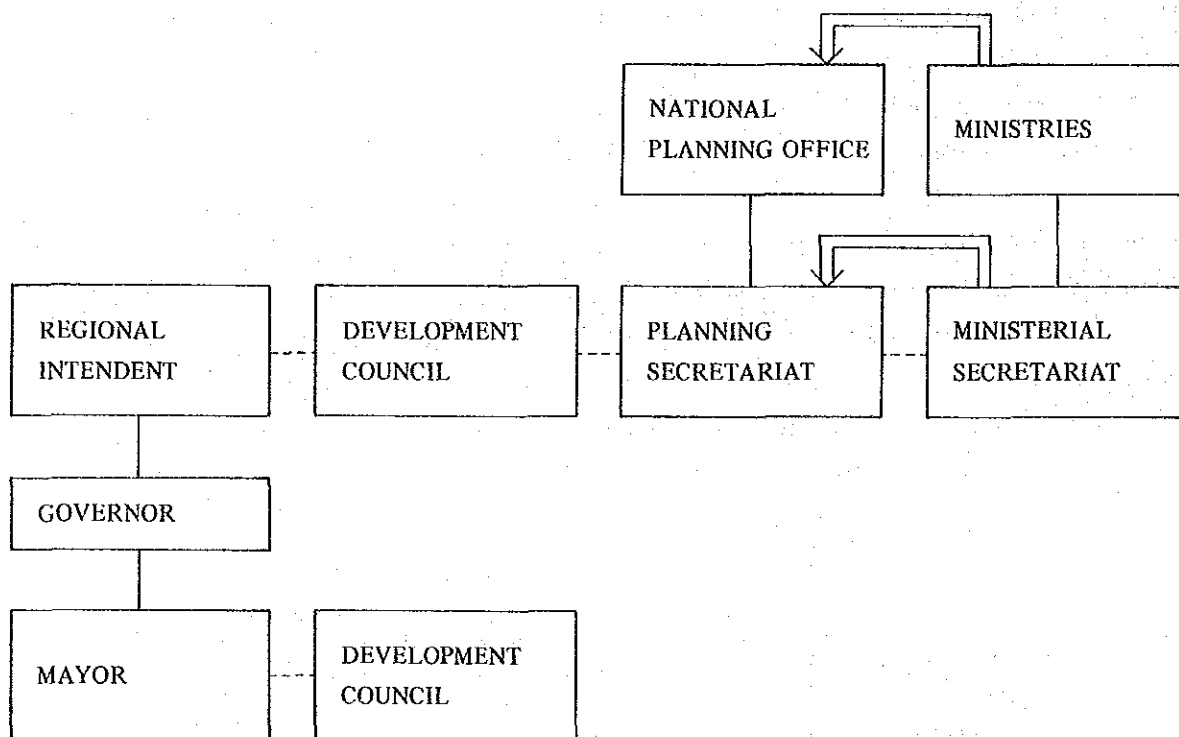
Regions: 13

Governings: 50

Municipalities: 325

The local government is related to the central level directly and through the regional branches. This local government advises the intendant, who is the head of the region, with the exercise of the government and administrative of the region following the central government's guidance.

The governor and mayor of local government are not selected by the population.



## URBAN DEVELOPMENT

Many of the urban problems, in regional planning of Japan are the result of rapid speed of urbanization.

The main problem is that they are resulting in degradation of the quality of life such as: housing shortage, sharp rise of land price, congestion in automobile



traffic and shortage of parks and green zones.

The concentration of population and industries in urban areas is in the Tokyo, Osaka and Nagoya areas their peripheries within a radius of 50 kilometers.

In 1970 in these areas was concentrated about 40% of the total population.

The policy for the metropolitan areas and in order to eliminate these problems is important to check the flow of industries into metropolitan areas and to promote measures to distribute and relocate the functions excessively accumulated in such areas.

About Chile the main urban areas are Santiago, Valparaíso and Cocepción and have the typical problems of big cities such as:

Congestion, air pollution and deteriorate down town areas. Desperately diseases mainly in children is actually the main problem caused by air pollution.

Immediately this problems don't have solutions because one of the limitations that the execution of plans have had is the restriction of financial resources. However, has been developed incentives aimed to avoid the descongestion of the urban area, for example, colonization plans in the austrial region of the country, many incentives for to live in isolated rural areas.

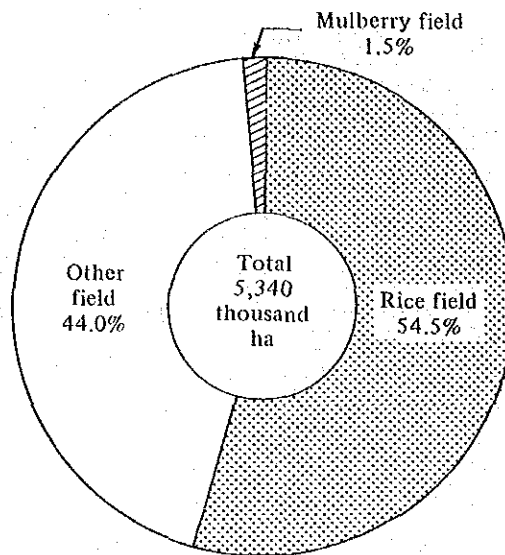
## RURAL DEVELOPMENT

The concept "rural area" in Japan includes agriculture, forestry and fishing villages and represents the major part of the land area of the country.

## INDICES OF THE AGRICULTURE STRUCTURE

The total area of Japan	378,000 km <sup>2</sup>
Arable lands in 1987	5,340,000 ha (14.7%)
— rice field	2,889,000 ha
— other field	2,428,000 ha
Arable land per house hold	1.25 ha

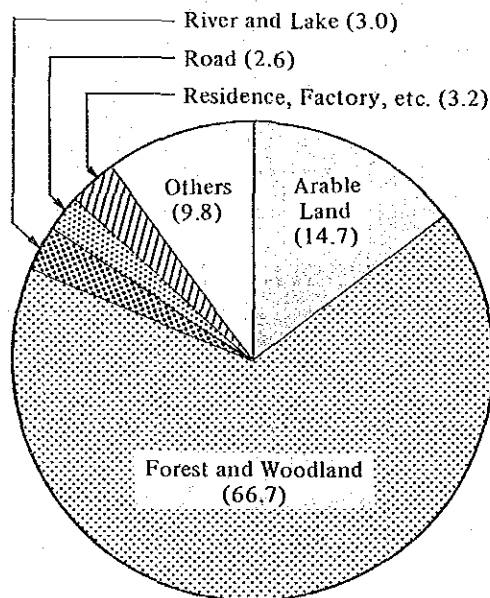
As a result of the rapid economy growth, increasing residential, industrial and transportation, the program for increasing agriculture land require considerable efforts.



### INDICES OF THE FORESTRY STRUCTURE

The percentage of forest and woodland is very high in Japan compared with other developed countries.

Japan's 378,000 km<sup>2</sup>: forest and woodland 66.7%, arable land 14.7% and urban 3%.



About Chile, it has varied geography and climate influence her agriculture. In the north, the microclimate of the oasis favour the production of guavas, lemons, olives and all sorts of vegetables produce. In "North Chile," the vine is cultivated for making pisco (liquor) and wine. Central and southern regions cereals are

mainly grown, together with alfalfa, clover, wheat, barley, vegetable produce, fruits, grapes and sugar beet. Kiwis, apples, oranges, water pears, strawberry, paw-paws, peaches, apricots, vaspberries, water melons, melons and Cherimoyas are grown the length and breadth of the country.

The forestry is also of great importance for the country's industrial and economic development. Reforestation programs carried out in the south of Chile.

Chile has many projects for to improve the quality of life and increase the economy development of rural areas. The rural areas needs to invest in health, education, roads, potable water, telephony, electrification, etc. and actually this area is been developed in this aspects.

#### PARAMETERS OF QUALITY OF LIFE RURAL SECTOR

Parameters	Urban Sector %	Rural Sector %
Illiteracy	4.5	14.7
Coverage Grammar School	96.6	90.8
Coverage High School	71.3	65.4
Coverage of the Infant Foot Program, data for the poorer quintile of the population	50.1	35.4
Infant Desnutrition (0-6 years)	9.8	13.3
Coverage of Potable Water (data for the poorer quintile of the population)	92.1	34.6
Coverage of Electrification (for connected housing)	97.7	60.4

## LOCAL PUBLIC FINANCE

Local governments in Japan, carry out major parts of governmental activities and they are responsible for about 70% of the entire government expenditure. Therefore, the central government is expected to guarantee sufficient financial resources for to carry out their services. For this purpose, the central government forms basic policies for the local public finance in every fiscal year. According to these policies, the central government makes an official estimation of the total expenditure and revenue of all the local governments.

The items of the local public finance program are:

### MAIN ITEMS

#### A. Revenue

1. Local Taxes: ordinary taxes, special purpose taxes.
2. Local transfer taxes: local road, petroleum gas, aviation fuel, autonomic tonnage.
3. Local allocation tax.
4. Central government disbursements.
  - personnel salaries and wages for school education
  - grant-in-aid
  - grant-in-aid for the current expenditure except
  - grant-in-aid for the capital expenditure for public works
  - for the employment creations programs
  - traffic safety measure grant
  - on so on
5. Loans
6. Miscellaneous

#### B. Expenditures

1. Salaries and wages
2. Current expenditure
3. Debt charges
4. Repair and maintenance
5. Capital expenditures for public works constructions: employment creation programmes, projects, etc.
6. Transfer to local public enterprises
7. etc.

## **LOCAL PUBLIC ENTERPRISES**

Local governments operate such enterprises as water supply, transportation, hospitals and sewerage in order to contribute to maintaining and improving the quality of life for the general public as well as administrative education, social welfare, health and sanitation, police and fire protection and other general affairs.

Local public enterprises are to be financed by service charges collected from beneficiaries.

The initial investments on the expenditures for construction works are usually financed by local loans.

## **ENTERPRISES**

- Water Supply
- Industrial Water Supply
- Transportation
- Electricity Services
- Gas Supply
- Hospital Services
- Land Development
- Others

About Chile, the local governments are financed both own resources and funds that come from of the National Public Budget.

The main items of the National Public Budget are the following.

## **RESOURCES**

- Leasing on municipal property and taxes
- Common municipal fund (come from of the National Public Budget)
- Actual funds (come from especific sectors: education, health, housing, etc., from the central level)
- External funds (come from international organizations)
- Private sectors (come from the business community)

## EXPENDITURES

- Salaries and wages
- Combustible
- Repair and maintenance
- General services
- Investments
- Others

## CONCLUSION

There are many differences between the local governments of Japan and the local government in Chile, but the most noticeable point that I want to point up is that the great difference between is the power they have and its independent from central level as much prefecture as municipality level.

It is possible mainly for the economical power and financial independence that they possess.

Chile has less autonomy because almost all resources are provided from the central level.

It's too important point up the local government effort in the social public welfare promotion and development recognizing in this way the great investment roll in human resources in the economical and social progress of the country.

**A COMPARATIVE STUDY OF LOCAL GOVERNMENT SYSTEM  
IN INDONESIA AND JAPAN**

by

**Aurora F.R. Hutauruk**

**Indonesia**





## 1. INTRODUCTION

Local Government System in Japan is provided in the constitution. Article 92 which reads that "Regulations concerning organization and operation of Local Public Entities shall be fixed by law in accordance with the principles of Local Autonomy." The local Autonomy Law No. 67 of April 17, 1947 clearly states in Part 1. General Provisions, Article No. 1 that "the purpose of this law is to classify local public bodies, to lay down the outlines of their organization and operations, and to regulate the basic relationship between the state and such bodies in accordance with the principle of local autonomy, in order to assure each of them democratic and efficient administration as well as sound development."

Local Government System in Indonesia is also provided in the 1945 constitution of the Republic of Indonesia, Article 18 which says that the whole territory of Indonesia is divided into large and small territory further, a formal system of Local Government was introduced which was embodied in the National Law No. 5/1974 concerning the principles of Local Government in Indonesia.

It is obvious that both in Japan and Indonesia the concept of Local Government System is laid down in their respective country constitutions and laws and are aimed for achieving the prosperity of the local people. Even though the Local Government Administration in Japan is currently called as Local Public Bodies/Entities, it may be hoped that in the future its name would be Local Government, since their role is the same as the Central Government but in the local level.

## 2. THE ROLE OF PREFECTURE

The basic Local Government system in Japan is a two-tier system of prefectures and municipalities. Municipalities comprise cities, towns and villages and generally handle affairs directly connected with community life. Prefectures have a larger areas and generally deals with matters on a broader scope and provide liaison, coordination and advice to municipalities within their area. Prefectures and municipalities both stand in equal position as independent Local Public Bodies/Local Government, so municipalities do not fall under the direction of prefectures.

Even though prefecture governments and municipalities have equal standing, it seems that municipalities have more autonomous power than prefectures, because prefectures are somehow more tied to the Central Government. This fact can be seen from the organization of the Local Governments. The Local Autonomy Law provided the organization such as titles and assigned responsibilities of classified bureaus of a

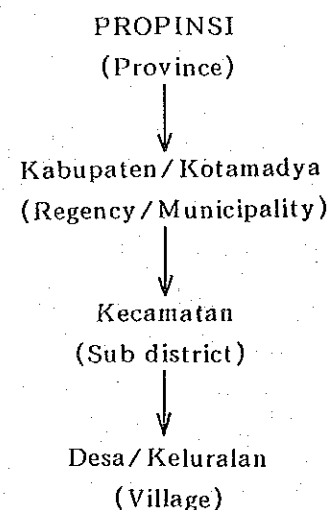
prefecture and when a prefecture intends to establish more bureaus than provided by the law, prior consultation with the Ministry of Home Affairs is required. On the other hand, there is no comprehensive standard of organization of a municipality provided by the law. Therefore, a municipality can establish its organization freely by its own by-laws.

The fact that municipal government are the one which handle affairs directly connected with community life such as transportation, sewerage, electricity, housing, elementary education etc. come out to the question "what is exactly the role of the prefectures?" This question are also raised among Japanese citizen because they could not "feel" the importance of having a prefectural government.

If one make comparison of the activeness of Japanese people to participate in an election in the National Level, prefectural level and municipal level, it will be clearly showed that people fully participate to use their right to elect for the national level and municipal level, but not in the prefectural level. Election on the prefectural level is not so popular among them, record shows that sometimes only 50% of the suffrage actually use their votes. It means that people are not so concern about who the next governor will be.

To overcome this problem, prefectures should be given a "higher" status than the municipality. In fact, actually, prefectures has the right and obligation to coordinate, advice and guide the municipalities throughout their work or even sometimes given financial support. To ensure that the municipalities follow the guidance and advice of the prefectures, it has to have a certain power namely higher rank is the Local Government System.

Indonesian Local Government system operates at 4 levels ranks:



The term "level" is widely used in Indonesia to describe a tier of authority.

Provincial level and regency/municipality are autonomous in the sense that they have an elected assembly with power to make laws (subject to the approval of the next higher level), they have their own budgets and can levy taxes and user charges. The sub-district and village level are non-autonomous—merely administrative agency/subdivisions. Kabupaten (regency) and Kotamadya (Municipality) have equal status as second level authorities, although the latter have a slightly wider range of taxes to exploit. Kotamadya (Municipality) govern cities, while kabupaten (regency) cover smaller towns and the whole of the rural area, but both are under the supervision of the first level authority namely Provincial Government.

Indonesia with about 2,000,000 km<sup>2</sup> consists of 27 provinces, while Japan with an area only about 370,000 km<sup>2</sup> have 47 prefectures. So, it is only logical that there is some sound in the public offices urging that prefectures should be merged.

### 3. ELECTION SYSTEM

Local government in Japan consist of:

a. Legislative organ: assembly

The members of the assembly vary according to the form of the local government and are elected directly by the people.

b. Executive organ:

1. Chief executive (governor or mayor) is elected directly by the people
2. Administrative commission which are independent of the head of the executive organ although they are appointed by the chief executive

- e.g. — Education committee  
 — Personnel committee  
 — Election committee

Since every Local government has both the legislative and executive organ, the number of persons to be elected in Japan for the public offices are as follows:

— Governors of prefectures:	47 persons
— Members of prefectural assemblies:	2,899 persons
— Head of cities, towns and villages (incl.: designated cities & special wards) :	3,276 persons
— Members of cities, towns and villages assemblies:	66,918 persons

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Total: 73,140 persons

In Indonesia, the members of the Assemblies, from the National Level, Provincial Level and Regency/Municipal level are elected at the same election day through a party — elected system, so they are not elected directly by the people.

The head of the executive organ namely governor of Provinces and Regent/Mayor from Regencies/Municipalities are chosen by the member of the assembly respectively. (usually 3 names will come out as the candidate chosen by the assembly). These names will then brought to the Ministry of Home Affairs, and the Minister will choose one of them to be the head of the local government.

This procedure of combination between elected and appointed head of the local gov't, is because based on the Law No. 5, 1974, Head of the Region namely Governors, Regents/Mayors have dual function, on the hand he is Agent of National Government and on the other hand he is also Head of Autonomous Region.

Although, it may seem that Indonesian Local government are not as democratic and autonomous as local government in Japan, at present the national government is encouraging the Local governments to be able to be self-sufficient by delegating some of its power to local governments which proved to be capable on running certain services.

#### 4. PROBLEMS OF LOCAL GOVERNMENT

Towards the 21st century, Japan has to be ready to the trends they are facing now, which is among their: aged society, high-tech, internationalization, changes in the social value etc. How is the Local Government (s) in Japan take part in these national tendency? Local government (s) have a very multi-purpose activity; they are expected to do anything as long as it is for the public welfare. Concerning these trends, local gov't should also prepare themselves by giving facilities and information to its people:

##### — Aged Society:

Average life expectancy at birth, which in 1935 stood at 47 years for men and 50 years for women, has increased by more than 25 years, reaching 73 years for males and 78 years for females. Those aged 65 or over now represent 9.6% of the total population, and government offices anticipate that it will reach 15.6% by the year 2000. This means that while at present one is every 11 people is aged 65 or more, by 2,000 it will be one in every 6.4 people.

A number of elderly people in Japan are active and wield a lot of influence in financial, educational and other circles, but there are also old people who

are confined to their beds and live alone.

The main problem now is how the burden of providing for the aged in society is going to be met in the future. At present, the Local government have already realized this problem and social welfare facilities for them were established, including pensions, medical care etc.

#### — High-tech Society:

Japan is a very well-known high-tech country in the world. Everywhere through out Japan we are met with electronic automation machine: bank automation, alcohol or cigarette vending machines, the rail road system from the "Bullet Train" on down utilize ATC (Automatic Train Control), making the engineer next to unnecessary, on the assembly line of factories, robots are at work alongside humans etc.

The media equipment, facilities and systems, such as radios, televisions, telephones and tape recorders, have also developed with rapidly growing industrial fields. In response to the development and spread of computers, the development of even more advanced communication system is expected.

Local gov't has to be very alert to this development of high-tech society. The people expect their government to supply and provide services which suits their high-tech needs. Local governments, however, must also take benefit of this information, e.g. by encouraging high-tech industries to their local area as a way to increase their local income.

#### — Internationalization:

The trend of internationalization is more and more seem in the Japanese society nowadays more people goes abroad, and there is also an increase of foreign people coming to Japan. Japan now must not be closed to the outside world, because they now realized by contact with foreigner, they can broaden their view local gov't has to prepare internationalization not only is the economic view but also socio-cultural, e.g. build facilities such as cultural exchange center to give the opportunity for the local people to learn and understand other cultures outside Japan.

Unlike Japan, Indonesia is still now facing the problem of population density and inconvenient distribution. Indonesia consist of 6,000 inhabited island with 170 million people in  $\pm 2,000,000$  sqkm and it is predicted that in 20 years, at the 1980-85 average of 2.13% annual growth, there would be 255 million. On Java island, at present live  $\pm 100$  million people. A million more are added every seven months to an island that makes up only 7% of the country.

Jakarta, the capital city of Indonesia also forced the population density problem. In 1961, there were 3 million people living in Jakarta. Today, the population has mushroomed to a shade over 8 million, more than 150% increase in a quarter of century.

The problems of the local governments of Jakarta is now: how to meet in so short a time the needs to almost twice as many urban dwellers. The government must find ways to dissuade rural folk from migrating to the metropolis in hopes of work and opportunity. One critical problem: housing especially for the poor. Because of the space crunch in Jakarta and the consequent rocketing cost of available land, residential areas/estates being developed are generally geared towards the middle and upper classes.

The population explosion is also threatening Jakarta's natural resources. The local gov't are especially concerned about the water supply, which is endangered by over-demand. The city can only provide 60% piped-water, the rest comes from wells in private backyards, which tap a water table fed from southern mountains.

Traffic congestion is also another problem the Local Government of Jakarta is facing. The public actually relies mainly on buses but the number of private cars are now increasing more and more. The city depends on vehicle taxes for about 30% its revenue, making any effort to limit car ownership unlikely.

Although the problems in Japan and Indonesia differs, still problem is problem and something has to be done to deal with it. The role of Local Governments in assisting its people towards welfare and prosperity is the same in Indonesia, Japan and all over the world.

**THE COMPARISON OF LOCAL GOVERNMENT SYSTEM IN  
INDONESIA AND JAPAN**

by

by Wahyu Suradihardja

Indonesia





## 1. INTRODUCTION

1.1 The 25th training course of Local Government held by L.A.C. has been lasted for two months from May 17 to July 17, 1989, followed by 11 countries, namely Chili, Indonesia, Jordan, Kenya, Malaysia, Nepal, Pakistan, Philippine, Tanzania, Thailand and Turkey. The activities consist of:

- 17 lectures
- 6 days seminar  
(3 Topics: Local Government systems, The role of Local government in Rural Development and the role of Local Government in the Urban Development) .
- 8 Field Study Trips included visits
- 1 Discussion

1.2 Systematically this final monograph will be divided into 7 parts, as follows:

1. Introduction
2. The basic principle of local government
3. Classification of local government
4. Role and function of local government
5. Organs of local government
6. The relationship between central government and local government
7. Conclusion

## 2. THE BASIC PRINCIPLE OF LOCAL GOVERNMENT

The basic principle as the fundamental basis of local government in Indonesia and Japan is not the same. It is in line with the historical background and constitution. Based on Law No. 5/1974, the basic principle of Local Government in Indonesia is real and responsible autonomy, which is meant that the autonomy should be given basic on calculations and measures which shall fully guarantee that the region concerned is able to take care of their autonomy. Responsible, means that autonomy shall be fully in line with the national aim, to speed up development and not contradictory with the political aspiration and unity of the nation, besides shall guarantee the harmony relationship between the Central Government and the Local Government.

Meanwhile in Japan, based on Constitution article 92 Chapter 8, the basic principle of Local Government is Corporative autonomy and resident's autonomy. Corporative autonomy means that an independent entity, established on the basis of a

specified area should be given status and powers independent of Central government, and be allowed to administer such specified area with minimum of intervention from Central Government.

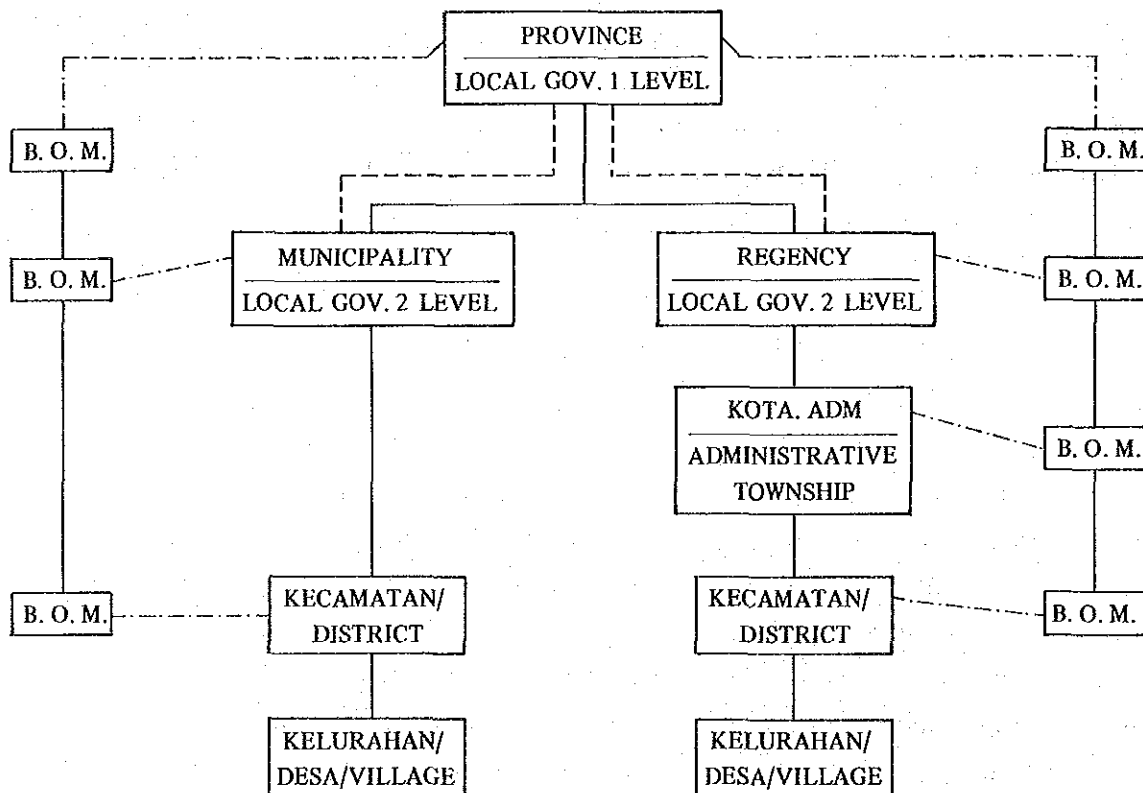
Resident's autonomy is a concept that local administration should be carried out with the resident's initiative and under their responsibility.

As mentioned above, the main Law concerned to Local Government in Indonesia is Law No. 5/1974. Concerning Basic Principles on Administration in the Region.

In Japan there are some Laws concerned to Local Government as follows:

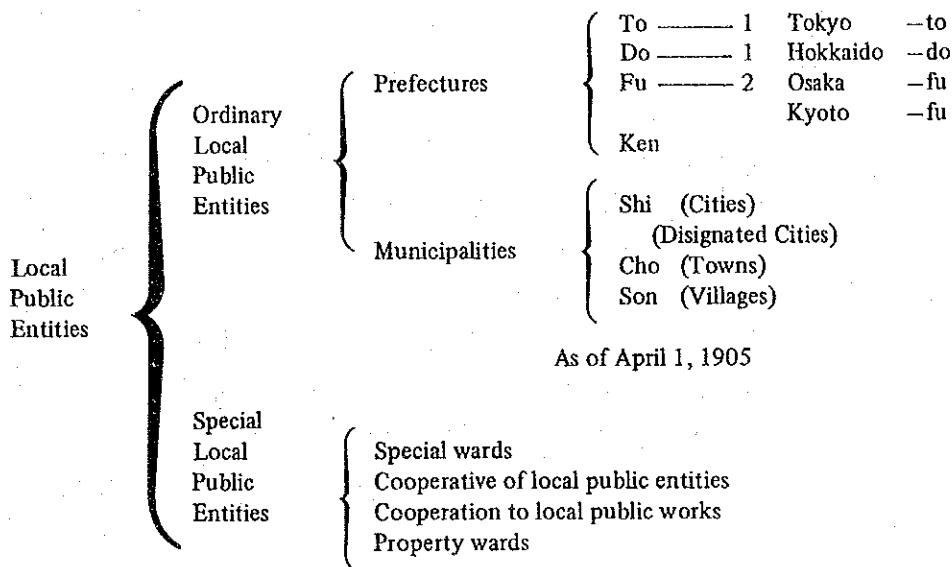
- Local Autonomy Law
- Local Public Service Law
- Local Finance Law
- Local Tax Law
- Public Officers Election Law
- Local Public Enterprise Law

Chart 1.



- B. O. M. = Branch Office of Ministries
- = Commanding line
- - - - = Functional line from the 1st level to the 2nd level
- . - . = Coordinating line

Chart 2.



### 3. CLASSIFICATION OF LOCAL GOVERNMENT

In Indonesia the Governmental System in the region is divided into two tier systems, namely the administrative system and the autonomous system.

The administrative system is the system which is related to the Branch of Central Government in the region. Hierarchical from top to the bottom is Province, Municipality (Katamadya) /Regency (Kabupaten), Administrative Town (Kota Administratip), District (Kcauata). Municipality and Regency both are in the same level. (Chart 1).

In terms of administrative system there are also some Branches Office of Departments and National Agencies, such as Branch Office of Agriculture Department (Kunwil Departemen Pertanian), Branch Office of Industry Department etc.

In Japan there is no such administrative area, except some Branch Offices of certain Department or National Agency, among others is Police in Prefecture and Municipality as "Branch Office" of National Police Agency.

In Indonesia the Head of Administrative Area in all levels (Province, Kotamadya/ Kabupaten, Kota Administratip and Kecamatan) act as the representative of Central Government and is a single authority in the field of administration in the territory. In this case there is the similarity between Indonesia and Japan. The Chief executives and administrative boards act in the capacity of agencies of the Central Government in performing national functions delegated to them. In such position they are

under direction and control of Central Government. \*)

In terms of autonomous system, Indonesia has two levels of Local Government namely:

- The Local Government of the first level.
- The Local Government of the second level.

Both of them have the same status, different in level so it is very different with Japan where Prefecture and Municipality are not only the same status but also the same level. Meanwhile, the different level between first and second level in Indonesian Local Government is not in the sense that the higher has the authority to order or to command the lower. The right meaning is, that the higher one (first level) could transfer some functions to the second level.

The Local Autonomy Law in Japan divides local public entities into two major categories, namely ordinary local public entities and special local public entities.

(Chart 2)

In Indonesia although uniformity of Local Government is stated as the principle, but in some cases there is an exception. Article 6 Law No. 5/1974 stated that the Capital City of the Republic of Indonesia, Jakarta, regarding to its growth and developments may possess the different form. It means Jakarta, compared to other local government is special local government. Besides Jakarta, there is also special local government, namely Yogyakarta which is led by King (Sultan Hamenghen Buwano IX up to 1988).

#### 4. ROLES AND FUNCTIONS

In line with the idea of real and responsible autonomy the functions transferred to Local Government by Central Government depend on financial condition and managerial ability.

Basically, except East Timor and Trian Java Province, all provinces have the same amount of functions devolved by Central Government. There are 18 functions, as follows:

1. Agriculture
2. Husbandry
3. Inland fishery
4. Marine fishery

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\*) LOCAL GOVERNMENT IN JAPAN.....1989 - JICA, LAC page 35, 36

5. Small scale rubber plantation
6. Forestry
7. Education
8. Public health
9. Public works
10. Small industry
11. Social affairs
12. Labour affairs
13. Housing
14. Transportation
15. Mining
16. General administration
17. Plantation
18. Tourism

It does not mean that all the affairs related to the functions mentioned above is given to Local Government. For instance in the field of education function, the affairs is only personnel management connected to primary school. The policy of curriculum is still managed by Department of Education and Culture in the Central Government. Secondary school and high school, university as well, are fully under Central Government, in the region it is managed by the Branch Office of department of Education and culture.

In Japan based on lecture and observation in Atsugi City and Gunma Prefecture it seems that the functions held by Local Government is larger than in Indonesia. Such situation is indicated by the lack of Branch Office of Central Government in the Region. Nevertheless in relation with the terms of "prefecture road, national road, municipality road" it is quite the same with Indonesia.

In Indonesia, in some cases the roles of Local Government is not only concerned to the functions given by Central Government, but also related to Central Government function itself. In this case, let take sample in West Java province, where the Local Government, fully involved to construct the Office of District and the Official House of the Head of District, even such function is still the function of Central Government. Logically it should not be done, because of the lack of fund of Local Government. The problem is because Local Government is very concerned to well managed District in terms of public services. So it needs sufficient office condition, on the other hand, the Central Government do not have enough fund to construct District office. Such case, extremely is the intervention from Local Government to Central Government. In Japan I'm not sure whether such cases

happen or not. Of course persistently in the same case it would not happen, because Central Government and Local Government, both have strong budget to manage their function in line with regulations.

Connected to budget of Local Government, as the main factor determining the role of Local Government there is the very big difference between Japan and Indonesia.

As the comparative study, let take sample between West Java Province and Gunma Prefecture, as it shown in figure below.

West Java Province Indonesia	Gunma Prefecture Japan
Expenditure 1989: 53 mil. yen	681,760 mil. yen
Population: 33 mil.	1.9 mil.
Local Gov.: 24	11 cities
District: 439	30 towns
Village: >7,000	29 villages

In Indonesia, where Local Government has a great numbers of people has small budget, in a contrary with Japan Condition who has small number of people but compensated with great amount of yen. It shows so far the Local Government could manage their roles. Even though the figure above is not fully shown the comparative facts, because there is the different level of price between Indonesia and Japan.

## 5. THE ORGANS OF LOCAL GOVERNMENT

Basically the main organ of Local Government in Indonesia and Japan is the same. Both has legislative organ and executive organ, the differencies related to:

- 5.1 Term of office of Head of Local Government and member of local assembly. In Indonesia is 5 years, while in Japan is 4 years both for Head of Local Government and member of assembly.
- 5.2 The election of Head of Local Government and member of Local assembly. In Indonesia, Head of Local Government is elected by the members of assembly, After the candidate approved by Central Government.

In Japan Head of Local Government elected by the people directly, the same

as the member of local assembly. In Indonesia, the members of assembly elected by the people indirectly. People give their vote to the party after they know the candidates of party and their programs.

5.3 The number of the Local assembly member. In Indonesia Local assembly of the first level has 60 to 90 members depend on the number of population while in the second level is 18 to 45 members.

In Japan, the number of Local assembly members, as follows:

To: 130 members

Do: 40–120 members

Fu and Ken: varies according to the population.

Shi: 30–100 members

Cho and Son: 12–30 members

5.4 The power of Local assembly

In Indonesia the powers of Local assembly is reflected by their rights which is consist of 6 rights, namely:

- The right of regional budget
- The right of enquiry
- The right to ask for information
- To make amendments
- The right of initiative
- The right of investigation

In Japan the powers of Local assembly consist of powers of resolution and other powers. Powers of resolution are powers given to the assembly to decide upon important issues relating to the local public entity. Such major issues that call for the resolution of the assembly are as follows:

- To enact, amend or abolish by laws
- To fix the budget
- To authorize the settlement of accounts
- To fix the levy or collection of local taxes or the collection of assessments, charges, admission dues or fees, except as provided for by laws or by cabinet orders duly authorized by laws.
- To authorize contracts
- To authorize the barter, investment, or offer as a means of payment, or cession or lease without compensation of public properties.

Other powers of the aseembly include the right of inspection, in which the assembly can inspect any documents and books relative to the affairs of the

local public entity and demand on administrative or financial report from the executive organs, and the right of investigation in which the assembly may conduct investigations in relation to the affairs of the local public entity, and may demand the presence and testimony of witnesses, and the production of records for such purposes.

Related to the powers of Local assembly it is clear that there is the extremely different, because of difference of historical background and philosophy of democracy.

#### 5.5 The organizational structure of executive organ

In Indonesia, Governor and Vice Governor is assisted by:

- Secretarial led by Secretary, consist of 3 to 4 Assistants of Secretary, 16 Bureaus, 68 Divisions and around 200 Sub Divisions
- Regional Audit Board
- Regional Development Planning Board
- Regional Investment Coordinating Body
- Regional Advisory Board
- Regional Service Divisions

In Japan, Governor assisted by Vice Governor. Chief Accountant, Public Enterprise Manager, Education Board, Election Administration Committee, Personnel Committee, Auditor, Local Labor Committee and of Departments.

Compare to Indonesia, in Japan there is no secretary who led Departments. It is difficult for new comer to distinguish which Department has the secretariat functions which owe as the operational functions.

## 6. THE RELATIONSHIP BETWEEN THE CENTRAL GOVERNMENT AND LOCAL GOVERNMENT

The relationship between Central and Local Government can be seen clearly from the basic principle of Local Government as has been mentioned in part 1.

In indonesia as the consequence of real and responsible autonomous principle, the Central Government is more powerful. The Central Government has the right to revoke the functions have been transfered to Local Government more over to abolish an autonomous region. It is stated in article 5 Law No. 5/1974, as follows:

“A Region may be abolished through a Statute, if it is evident that the requirements as intended in article 4 paragraph (1) of this statute is not fulfilled anymore in such a way that this Region is not able to manage its own services.”



Article 4 paragraph (1) :

“A Region shall be set up and established with regard to conditions of economical strength, number of population, space of area, defence and national security and other conditions which enabled the Region to implement development, to manage political stability and unity of the Nations in the frame work of implementation of a real and responsible autonomy in the Region.

In Japan the relationship between the Central Government and Local Government are established on the principle of cooperation and minimum intervention by the Central Government into the administration of Local affairs. It means that the Local Government in Japan is more powerful than in Indonesia. According to Mr. H. Kimura, the Commissioner of the Fire Defense Agency (the previous position is Director General of Local Government of Home Affairs Ministry) , at present is the “Era of Local Government.” That is why the term of Local Government is used instead of Local public entities or local public bodies. Such term reflect that now besides Central Government for nationwide, there is government in the local, for region-wide.

In some matters, there is the similarity between Japan and Indonesia, especially related to assistance and advice of the Central Government to Local Government, which is covered:

- Assistance for Efficiency in Local Administration, consist of technical assistance, field inspection of administrative management, report on budget and bylaws.
- Financial supervision, consist of inspecting of financial business, approving of the floatation of local bonds, authorizing for creating new taxes.
- Measures to correct illegal or improper procedures
- Financial support which is consist of grant in aid and local allocation tax.

There is also the similarity between Japan and Indonesia that in general the Ministry of Home Affairs is responsible for local government affairs, through some activities, as follows:

- To plan the local government system
- To give guidance and advice on local public administration
- To act as a liaison office between the Central Government and the local governments
- To promote mutual cooperation among local governments
- To help local governments in the exchange of personnel
- To help settle disputes among local governments

The extreme differencies between Japan and Indonesia is related to local gov-

ernment budget; in Indonesia except Jakarta, all Local Government is strangely depend on subsidies from Central Government. As the sample, the corporative of West Java Province and Gunma Prefecture shown in figure below.

Sources of Revenue	West Java Province	Gunma Prefecture
Original revenue	13.83%	72.3%
Subsidy from Central Gov.	81.06%	20.4%
Others	5.11%	7.3%

Meanwhile in Japan according to Mr. H. Kimura, there is strong connection between Central Government (Certain Ministries related to the Local Government affairs) and Local Government, which is called Verticalism or Centralism. For instance there is the very strong ties between Prefecture and Municipality and Ministry of Construction or Ministry of Education.

## 7. CONCLUSION

Comparing the progress of local government in Japan and in Indonesia, of cause it is so different. Historically there is a very long period of local government process in Japan. One century has passed by the Local Government in Japan and now it has established as the strong local government both legal and financial. While in Indonesia, still force to achieve the strong local government after 44 years in process since 1948.

In relation to comparative study, local government in Japan is a model of 21st century of local government as the result of mixturing principle of corporative and resident's autonomy, advanced technology, the traditional system and customs of Japan.

There are some points can be considered as the input to promote local government in Indonesia, as follows:

- 7.1 Transferring functions to local government as much as possible especially functions close to daily life of people in the regions.

- 7.2 Providing laws and regulations of local government in line with constitution and law No. 5/1974. In Japan there are 6 laws concerning to local government directly.
- 7.3 The effective role of Central Government in the sense of minimum intervention but effective control, advice and supervision.
- 7.4 The effective and efficient of local government management.
- 7.5 The effective cooperation among local governments.
- 7.6 The more realistic development policy carried out by local government in the sense of priority public need and clear purpose of fulfilling people satisfaction in all aspects (material and spiritual aspects) .



**FINAL MONOGRAPH  
AND  
SEMINAR SUMMARY REPORTS 25th GROUP TRAINING COURSE  
IN LOCAL GOVERNMENT**

by

**Mahmoud Al-Momani**

**Jordan**



## BACKGROUND

In the Early Age up to now, several small Kingdoms prevailed in Jordan, such as: Edomites, Moabites, Amorites, Nubatoeans, Romans, and Ottomans Empire. By the end of 1920, the Emirate of transjordan was established. Jordan became fully independent from Great Britain in 1946, in 1948 Israel occupied Palestine, and took over most of it, after that in 1967 Israel remained the West Bank, and thus took the whole Palestine.

### Japan

In the fourth century A.D. there was a unified society in Japan, the capital of which was in the Yamato district (in the area of present day Nara). In the early eighth century, a system of Laws and government organization were established, following the model of the Chinese system. The capital of ancient Japan, which had been moved from one place to another in the Yamato district, was established in Nara in the early eight century, but it was transferred to Kyoto late. In the modern ages, in 1854, Japan concluded a treaty of amity with the United States. This was followed by similar treaties with of other countries. Thus Japan opened its doors to the rest of the world. These events had a major impact on the domestic currents of political changes. At the same time, the capital transferred to Edo, the name of which was changed to Tokyo.

The new era was named Meiji. Along with the Meiji Restoration, occidental science, technology and civilization surged into Japan, and on this basis the Japanese people at a rapid rate established a modern nation with modern industries, modern political institutions and a modern pattern of society. The Japanese economy, which had been completely ravaged and was totally confused at the close of the war.

In the 1960's Japanese economy achieved high economic growth rates, unique in the world, because the policy giving to heavy and chemical industries. In 1970's Japan maintained higher growth rates than other developed countries, and found it self achieving the Second Largest Growth National producting. This growth has resulted not only in a change in the industrial structure but also in the concentration of industries and population in urban and metropolitan areas. The living standard of the people was improved remarkably. Japan is now concerned in its domestic policy with the need to further the well-being of the people by placing emphasis on promoting social welfare, including living and health conditions, cultural life, in addition to making progress in economic fields of life, while its international policy is to contribute to the development of a peaceful world com-

munity.

## LOCATION AND GEOGRAPHY

### Jordan

Jordan is located in the Middle East, surrounded by Syria in the north, Iraq and Saudi Arabia in the east. Saudi Arabia in the south, and occupied Palestine in the west.

Jordan have a total area of about 94,000 square kilometer and population of about three million, the population growth is about 3.9% per annual the majority of Jordanians are Sunni Muslim, Christians make up about 7% percent of population. The Jordan river crosses the country from north to south, ending in the Dead Sea, this area lying below sea level reaching about 200–400 meters.

This river also divided the country in two sections, the East Bank, and the West Bank.

We can divided the lands in the East Bank into four areas (regions).

1. Dry Region: Its area gets 91.1% from the whole area, the annual average rain less than 200 m.m.
2. The Bounded area: Its area gets to 5.7%, the average of rain 200–300 m.m.
3. The similarity Dry area: Its area gets to 1.8%, the annual rain average 300–500 m.m.
4. Humidity area: Its gets 1.1% the average rain 500–800 m.m.

### Japan

Japan is an island country, consists of four main islands of Hokkaido, Honshu, Shikoku and Kyushu together, with more than a thousand smaller islands, the total land area about 377,815 square kilometers, Japan is a mountainous land 75% covered by forest, and the remaining 25% is relatively flat, these islands are inhabited by more than "122" million people — about 70% of the people live in the area from Tokyo, Kitakyushu, Japan has the highest population per arable land area but we can consider that Japan's reputation as a small country lacking in space comes from the way in which the geographical features of the country necessitated an unusual distribution of the population.



## THE GOVERNMENT

Governmental power under the constitution is Democratic, Monarchy, and according to this law, the country is ruled by three independent authorities:

1) The legislative power: consists of a Bicameral House (upper house and lower house) of parliament. It's authority is to set up laws which the draft laws are formulated by the Ministry of Justice and the public institutions concerned. They are reviewed by the legislative bureau at the prime ministry, then by the ministerial committee on legislation in its second reading and is subsequently approved by the cabinet.

Therefore, the constitutional process is completed by referred to parliament, then to upper house, and finally to the Royal Court for promulgation through a royal Decree. But if it was Draft by Laws which enacted by the executive authority. Following review by the ministerial committee and legislative bureau on legislation and approval by the cabinet, they are issued by Royal Decree. The legislative bureau is composed of four jurists including the bureau chief. Each ministry or institution as a legal advisor either on full time basis or on retainer.

2) The Executive power: which represented by the Prime Minister, and council of Ministers, Ministers, and Departments and their duties is to implement laws, Security and Safty of the Country. In accordance with the constitution, enacted in 1952 executive authority is vested in the King, and exercised on his behalf by the cabinet. The cabinet is composed of the Prime Minister (who appointed by the king, from Central Government, or local government or public people) and a number of ministers (whom appointed by the prime minister through the Royal Decree).

Now, there are 24 ministries, Reporting to them are 18 central government departments, each headed by a director general at under secretary level, who reports directly to the minister. Also attached to them are 27 public institutions.

3) The Judiciary power: which handled judiciary matters it also has the authority to rule on the constitutionality of laws. It is currently composed of 452 judges, distributed in the various governorates.

### Japan

The Governmental power under the constitution is clearly divided among the (1) Legislative, (2) Executive branches, (3) Judicial branches.

### (1) The Legislative Branch

The legislature is the bicameral diet, the highest organ of state power and sole law-making body, consists of the house of representatives with (512) member, and (252) member House of Councillors. A parliamentary body, the diet designates the prime minister from among its members. At present there are (9) political parties which hold seats in the diet. The Liberal Democratic Party has the most seats, and has been in power since 1948.

### (2) The Executive Branch

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. He appoints the prime minister and the chief justice of the supreme court. The prime minister, however, is the first designated by the diet and the chief justice by the cabinet. The Emperor also performs such acts behalf of the people as promulgating laws and treaties, convoking the diet, and awarding honors, with the advice and approved of the cabinet. 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 rejects a resolution of confidence in the government, the cabinet must resign, unless the House of Representatives is dissolved within ten days.

### (3) The Judiciary Branch

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 prefecturer, 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.

## **LOCAL GOVERNMENT SYSTEM IN JORDAN AND JAPAN**

### **A. Local government system in Jordan**

The first Law Concerning Municipalities was issued in 1925 in Jordan. After the East Bank of Jordan got its independence the new constitutions was issued in 1946,

underlining the important role of the local councils. The East Bank of Jordan is comprised of eight governorates each headed by a governor and consisting of districts, sub-districts and countries. The governorate is usually advised by an appointed advisory committee of the local department heads, representatives of municipalities, chambers of commerce, public organizations and individuals selected on the grounds of their experience and qualifications. The governors "whom appointed by the prime minister that the Royal King agree that," enjoy wide administrative authority, and they exercise, in certain specific matters, the powers of ministers. This system facilitates and administrative process by eliminating bureaucratic procedures, and provides some provides for supervision, and collection of taxes, and tends to the general affairs of the governorate. At the local government level, Jordan is composed of 173 municipalities, and 345 village councils. The local affairs of each city or village are managed by a city or village council headed by a council head, and composed of a majority of elected members. The councils fall under the supervision and guidance of the ministry of municipal and rural affairs.

This ministry supervises 173 municipalities according to law No. "29" in the year 1955 and its Amendments, which involves technical, financial, and administrative matters, with the full authority of supervision. The Ministry of Interior supervises the 345 rural councils, and human settlements, with less than "250" inhabitants, according to the law No. "5" of 1954. In addition to the administrative governors with full authority to supervise their administrative units, including municipalities. The Government services through official and unofficial institutions to provide rural inhabitants with all adequate services to attract them to stop migration to highly populated areas.

Finally, local administration in Jordan consists of:

- A: Municipal councils in the cities including of: AMMAN (The Capital) , IRBID, ZARKA, MAFRAQ, SALT, KARAK, TAFILA, MAAN.
- B: Rural councils in villages:

In order to set up a municipal council in a city or a village, either of them must have a rural council for more than five years, and its population not less than 2,500, and at the same time, the majority of the city-village most sign a request to the governor expressing their desire to establish the municipal council.

When the Minister of Municipalities agree to establish the municipal, its member are elected and some of them are appointed, and usually the members of municipal councils and not less than seven and not more than twelve. The council enjoys wide administrative authority for four years. The minister appoints the head and the members of the council in the care of municipalities which are formed for the first

time. Also the minister may appoint two extra members in each municipal council provided that the cabinet of the ministers agree to that.

#### B. Local government system in Japan

There are two levels of local autonomy:

1. "47" prefectures including the Metropolis of Tokyo.
2. "3,245" municipalities, encompassing 655 cities, 1,999 towns, and 5% villages (As of 1 March 1988) each of them has its own autonomous government with an elected assembly.

The chief executives in respect of all the two categories of local government are elected by the people. These executives are governors for the prefectures and mayors for the cities and towns. The other local personnel who assist these executives are appointed by the respective executives. These activities are performed there under the supervision, co-ordination and direction of the Ministry of Home Affairs. The prefectures are maybe treated as regional government.

According to historical background these prefectures considered, and remained as: To, Do, Fu, Ken.

In Japan, organs of local government consist at

1. An assembly as legislative organ, the members elected directly by residents, the number of members:  
To: (130), Do: (40-129), Fu and Ken: (according to the population) Shi: (30-100), Cho and Son: (12-30) members.
2. Members of committee, consists of three members and appointed by the chief Executive with the consist of the assembly.

However, Tokyo has different exception, because of twenty-three special wards, declared by prefecture government in 1943, and remaining area of the Tokyo are further divided into municipalities, beside there are ten designated cities. In Japan the municipalities are considered as a basic local government institutions which has direct contact with the people, having different titles:

shi (city), cho (town), son (villages)

There is no difference among the cities, since all of them based on the historical background. Relation between central government and local government municipality is the Second Stage in the ladder of local administration. It is governed by the law of municipalities. According to the law, the municipalities enjoy a limited freedom greater, however, than that of the governorate, however, municipalities are supervised by the Ministry of Interior, and Ministry of Village and City Affairs. This

supervision could be divided into:

1. Supervision over the council itself, and its members

1-a: Members of the municipal council are directly elected by the people, to run the local services within the framework of their limited responsibilities.

The Minister of Municipal Affairs is given authorities as to the formation of the council and its supervision. These authorities given to the minister could be summed as follows:

1) The Minister appoints the head and the members of the council in the case of municipalities which are formed for the first time.

The minister takes into full consideration the opinion of the local governor.

2) The minister may appoint two extra members in each municipal council provided that the cabinet of ministers agree to that

3) The minister recommends the appointment of the head of the municipal council provided that the cabinet agree to that

4) The minister fixes the date of elections and issues that results of the elections in the official gazette.

1-b: The right of dissoluting of the municipal council is enjoyed by the cabinet only. In this case, a new municipal council is to be elected within two years.

As far the formation of new municipalities or their termination, and changing their geographical limits, the responsibility is that of the minister of municipal and rural affairs who works on the recommendation of the local governor.

2. Supervision over the council and its decision

The supervision exercised by the Ministry of Municipalities and the Ministry of Interior. Could be Summed as follows:

2.1. The decision of the Council concerning tenders and contracts of any sort should be ratified by the minister if the value at the tender exceeds five thousand Jordanian Dinar.

2.2. Decisions on budget are ratified by the Minister

2.3. Decisions of the sale of the properties of the municipality should be ratified by the minister.

2.4. Organizational decisions of the municipality, the ministerial committee for administrative organization supervises and recommends to the

higher council for organization headed by the minister.

## Japan

The local governments are formed by the Central Government. They are self-governing entities, and by no means subordinate to central government. The duties of local public entities are discharged through the initiatives of governors, mayors, and members of assemblies who are elected by residents, with due consideration for the needs of the public.

However, in case of education, welfare services, health, public works, industrial promotion, fire defence and police, that are closely linked to daily life, duties are shared by the central government, prefectures, and municipalities, but the implementation of these fields is mainly should by prefectures, and municipalities, and the central government takes care of those fields that are beyond these ability of local public entities.

## ELECTIONS

Elections in Jordan divided into national elections for the Upper House, and local elections for cities, and towns, to elect the Mayor and the other assemblies. All Jordanian adults (18 or older) can vote, to elect the upper House's member, or the mayors to the towns and villages. Candidates must be at least 30 years old for the Upper House of councillors, the Upper House in Jordan has 120 members elected from the people, while in Japan those members elected from 130 election districts.

In Japan, the elections divided into national elections for the Houses of Representatives and councillors and local elections for town, city, prefectural, and other local government councils all Japanese adults (20) can vote, candidate must be at least 25 years old for the House of Representatives and local councils, and 30 or older for the House of Councillors. In Japan, the local government, election is held after every four years, under the supervision and the control of the Ministry of Home affairs, and the people choose the councillors as member of prefectures and municipalities.

The House of Councillors has 252 members elected both in a nationwide contest with votes cast for the parties' binding candidate lists and in prefectural contest electing 1-4 Councillors per prefecture.

## FINANCE

The Jordanian government's fiscal year begins on January 1 and ends on December 31 of the end of year. While Japanese government's from April 1 to March 31 of the following year. The National budget in Jordan and in Japan are submitted to the Upper House.

In Japan the national budget consists:

- General Account: for the government administration
- The Special Accounts: for the management of special funds outside the limits of the General Account.

Each of this has its own specific revenue source, such as transfers from the General Account, revenues from Government enterprises administered under the Special Account, and interest revenue from Laws.

In Jordan, we have a National budget, prepared by the Ministry of Finance, the draft budget is made final at a cabinet meeting. The cabinet submits the draft budget to the Upper House, normally in November, after that the budget should be design from the King. Most of the revenue in Jordan and Japan consists from Income tax, Consumption tax, National loan, Tobacco tax, other taxes. In Jordan we have, Customs tax, Telecommunication tax, Land tax. The expenditure distributed to local allocation tax. National debt charges, established important enterprise other expenditures.

## LOCAL FINANCE

In Japan, every ordinary local authority is authorized, by the local tax law (1950). The taxes levied by prefectural authorities are called: "prefectural taxes" and those by municipal authorities called "municipal taxes" the other local taxes are called "ordinary taxes." The state and the local autonomous prefectures, cities, towns, and villages, divided up functions and responsibilities and collaborate in various administrative activities. Tax revenue are divided between the Central government and local governments in accordance with respective expenditures that they have to bear.

The actual allocation of tax revenues is currently 28.5 percent to the Central government and 71.5% to the local governments. Thus, with this tax revenue redistribution, the work of administering the welfare of the people is primarily being carried out by the local governments. The most important of all revenue sources are local taxes which provide finances for the independent activities of the local govern-

ments. The local government also receives subsidies from the Japan National treasury which account for 18.5% of the total revenue.

However, the role of the national government is only that of giving advice and general supervision, there are also various sources of revenue for the activities of local administration such as: local public bonds, local allocation, local transfer taxes and others. Due to the weak financial situation of local government in Jordan, the Central Government support the local government financially. In Jordan, fees collected directly by municipalities from the largest percentage of revenues (43.9%) followed by taxes and fees collected by the government (21%). Loans Constituted (17.6%) of total revenues.

It is worth nothing that:

1. Loans extended to the municipalities.
2. Fees, collected by the Amman municipality amounted to about 78% of the total at a time, when other municipalities continue to suffer from structural weakness in the Connection of taxes and fees.
3. Expenditures on loan repayments rose at an annual average increase of about (49.7) %. During the period (1985-1988), the percentage of loan repayments to total annual expenditures increased from 22% in 1984 to 26.8% in 1988. This indicates that loan repayments are a major burden on all municipalities, except the Amman municipality.

The principal lender to municipal councils is the cities and villages development Bank established in 1979. During the period 1985-1988 the cities and villages Developments Bank extended loans to municipal councils. However, for a variety of reasons since 1984 the volume of annual loans began to decrease.

## **LOCAL PUBLIC PERSONNEL SYSTEM**

In Japan, the employees of the prefectural government and municipalities are appointed by the governor and Mayor respectively, except teachers appointed by the board of education at the prefectured level. The seniority system has been introduced since along times. However in some prefectures the merit system is entered the retirement age is sixty, the government can requested the employees to retire but is up to employees to retire or not.

In Jordan: Several institutions and agencies have made a contribution to administrative development in Jordan, either directly or indirectly. The civil service commission oversees the implementation of the Civil Service By-Law, while the In-



stitute of public Administration has a substantial role in training personnel for the government in Jordan, the employees of the prefectural government appointed by the Ministers, but the employees of the Municipalities appointed by the Mayor, provided that the governor agree while the employees of the council village appointed by the governor.



**A COMPARATIVE STUDY OF THE ROLE PLAYED BY LOCAL  
GOVERNMENT IN URBAN DEVELOPMENT IN JAPAN AND  
KENYA—FINAL MONOGRAPH**

**1989**

by

Geoffrey Maina Mwangi

Kenya



## 1. INTRODUCTION

The comparative study on the role played by local governments in urban development in both Japan and Kenya is as a result of the lectures received and information obtained during the two months course in group training course in Local Government. The study is an attempt to analyse the functions of Local Government in development of urban areas and how effective they have been in their efforts. It is an open secret that the rate of urbanization in both developed and developing countries in the recent years has increased the need for strong and effective Local Governments as units of development of urban areas. The high rate of urbanization has been caused by the migration of people from the rural areas to the urban areas in search of urban opportunities. The influx has brought about problems as a result of the increased demand for services which has increased at a higher rate than the supply for them. The concentration of industries in the urban areas has been the major factor in accelerating the migration as people come to take up the jobs created.

Identifying the problems caused by the high rate of urbanization the National Government has decided to take corrective measures hence the establishment of the Local Government in urban areas as units of development. In other the establishment of Local Governments closer to the people has been seen as the only solution in coping up with the problems caused by the migration hence urbanization. This paper will attempt to reflect the role played by such local governments within the framework of the law that governs their operation. The writer will also make use of the experience in the Local Government system in Kenya as he is the chief Executive officer of one of the Local Government units.

## 2. JAPAN

Japan which is a developed country has an area of 378,000 km<sup>2</sup> and a population of over 120 million people with the high population concentrated in a small area, urbanization is more pronounced. With this in mind the National Government identified the need to establish Local Government hence the enactment of the Local Autonomy Law No. 67 of April 1947 General Provisions which clearly sets out the establishment of the two levels of Local Governments and stipulates their functions and classifications. The law which sets out the affairs of each class of Local Government and their powers also provides the machinery to be used in the implementation of the programmes within the respective areas of operations. For coordination purpose the Law provides the relationship that should exist between each class of Local Government with one another and the National Government since the objective is one — Promoting and improving the welfare of the citizens within the resources

available.

At the moment the following classes of Local Governments have been established in Japan under the Local Autonomy Law:

First Level

— prefectures: 47

Second Level

— municipalities: 3,245

The above number of Local Governments in Japan clearly demonstrates the importance of their establishment as units of development to their development activities especially in the urban areas. The municipalities are involved in urban development. Whereas the Prefecture Governments are rural based and with coordinating function of the municipalities within their area of operation. The prefectures also give the municipalities both technical and financial assistance based on the Local Autonomy Law. The National Government communicates its policy guidelines to the municipalities through the Prefecture Governments hence they have also an input in urban development within its jurisdiction.

The municipalities in their endeavor to promote the welfare of the citizens within the stated policy of the National Government are expected to steer development covering the following services:

- 2.1 Provision of clean drinking water to its citizens and enough for use by the industries which are important in economic development. Japan being an industrialized country, they have endeavoured to supply water.
- 2.2 Provision of housing to many workers in the government and industrial sector whose rents should be within their level of income hence affordable. Housing as a shelter is a basic need which has been taken care of by the municipalities.
- 2.3 Transportation: Movement of people within the urban areas to and from work hence reliable and affordable means of transport. The role played by the Municipal Government and shared by the private sector is clearly reflected by the efficient transportation system in Japan. The research centre visited also demonstrated the efforts to improve all the more urban transportation.
- 2.4 Provision of fire fighting service to ensure that property is not destroyed by

fire. The fire fighting volunteers promoted and mobilized by the Local Governments are clear steps of the seriousness given to this service.

2.5 Welfare administration hence ensuring that the handicapped both mentally, physically, and even financially are also enjoying the fruits of development and infringement development. The care and facilities provided for the welfare of the aged and children are self explanatory as far as the efforts of promoting the welfare of the citizens are concerned.

2.6 Effective planning to ensure proper use of the resources available especially land use which is a scarce factor of production.

2.7 Provision of good road system, drainage, street lighting and parks.

2.8 Sewage and garbage collection, and environmental administration.

2.9 Provision of public health facilities, education to ensure that there are enough for the increasing population.

2.10 Sports promotion and public enterprise are also areas which the municipal government have endeavoured to improve.

### 3. FINANCIAL RESOURCES:

Provision of the above cannot be possible without finances hence the need to have financially strong units of development capable of discharging its obligations as required. From the information obtained, Local Governments in Japan have strong financial backgrounds hence have been successful in delivering good effectively to its citizens as required. The National Government has provided rich revenues to Local Government in the Local Autonomy Law to generate its revenues. The spirit of the citizens in paying the tax levied is something that made Local Governments in Japan even more strong financially. Generally, Local Governments in Japan generate their finances for its development form.

3.1 Local Taxes — Residents tax

3.2 Local transfer Tax — From Government.

### 3.3 Local Allocation Tax — From Government.

### 3.4 Central Government Disbursement

### 3.5 Loans

### 3.6 Charges and Fees

### 3.7 Miscellaneous.

The above Services of Finance available to the Local Governments in Japan has contributed to the high rate of development steered in the urban areas by the municipal governments as witnessed in the field study trips during the course. The management by those charged with the responsibility was very admirable hence they managed the resources available effectively resulting to efficient implementation of development programmes hence boosting the tax payers morale which increased their high spirit in paying the tax levied by the Municipal Governments.

## 4. KENYA

Kenya which is a developing country in Africa has an area of 582,648 km<sup>2</sup> with a population of over 21 million people as per the 1979 National Population Census. However, the projected population is well over 25 million people as at 1989. Kenya has witnessed a high rate of population growth. With only 1/4 of the total area being arable coupled with high rate of population growth, urbanization has increased at a higher rate. The urbanization proven has brought about problems just like in other countries calling for concerted effort by the government hence the establishment of Local Government System as units of development. The Local Government Act Cap 265 clearly defines the classes of Local Government in Kenya and their respective functions, powers and limitations.

At the moment we have two levels of Local Government System in Kenya. The Country councils which is a clan of Local Government to steer development in the rural area as the first tier councils and municipalities to steer development in the urban areas as several tier councils. Both classes of Local Government are fully established and are in operation in Kenya. They have democratically elected assemblies having the responsibility of formulating policies for development within the framework of the guidelines issued by the National Government through the minister for Local Government and physical planning.



At present there are 109 Local Governments in Kenya broken down as follows:

First Tier	
— county councils.....	39
Second Tier	
— city councils .....	1
— municipalities .....	19
— town councils .....	23
— urban councils .....	27
	<hr/>
Total	109

Each clan of Local Government has its functions within its area of operation. In other words the law empowers the minister to define boundaries of each clan of Local Government. The functions of each clan increases as the status are increased. The lowest is the urban council with powers increasing to town, municipal and city council which has the biggest share of services respectively. The functions of municipal councils or the second tier councils charges with the responsibility of urban development would be summarized as follows:

- 4.1 Provision of clean drinking water to its residents and sewage system.
- 4.2 Provision of housing and upgrading shanties
- 4.3 Provision of town planning service to ensure orderly development
- 4.4 Fire fighting as a service to safeguard property from fire
- 4.5 Garbage collection and environment control
- 4.6 Public health and education
- 4.7 Construction of roads, drainage and street lighting

## 5. SOURCES OF FINANCE

To finance the urban development programmes the following are the available revenue:

- 5.1 Land Rates
- 5.2 Fees and Charges
- 5.3 Local Tax
- 5.4 Loans
- 5.5 Foreign Aid
- 5.6 Agriculture Cess \*
- 5.7 Service Charge \*

\* These sources were introduced this year-1989.

Although the above sources of revenue are identified the revenues generated are not enough to effectively finance the development programmes. The collection is not effective or it is very costly. The level of income of the tax payers is low hence their spirit to pay the levied tax is low resulting in low income to the Local Government hence low rate of implementation of the programmes — the vicious circle.

## 6. COMPARATIVE ANALYSIS

From the above outlined functions of Local Government's roles in urban Development in both Japan and Kenya it is clear that they play an important and indispensable role in development of urban areas. Both Governments had a common objective when establishing the Local Government as units of steering developments. They wanted to promote and improve the welfare of the citizens more effectively within the resources available. However, from the information available and practical experience it is clear that Local Government in Japan have more function than their counterparts in Kenya. The Local Autonomy Law which Governs the day to day operation of Local Government in Japan have given them more autonomy in implementation of the development programmes and their formulation. On the other hand, in Kenya the Local Government Act Cap 265 has given autonomy with very pronounced limitations in its planning and programme formulation and implementation.

However, what is encouraging in the efforts by the Local Governments in Japan and Kenya is coping up with the problems caused by the rapid urbanization in the

recent years calling for concerted effort to cope up with the increased demand for Services. What has come out clearly from the course is the fact that the quality and quantity of the roles played by the Local Governments in urban development in the two countries are not the same. Japan has delegated more function to its Local Government than Kenya Government. In Japan all developmental matters in urban areas are undertaken by the municipalities whereas in Kenya they are shared by both Local and National Governments.

On the other hand, the National Government in Japan has identified reliable sources of revenue to finance the programmes whereas in Kenya the Local Governments continue to experience financial differencies due to unreliable sources of revenue. However, the Government of Kenya last year decided to strengthen the financial services for the Local Government by allowing them to levy tax/cess on agriculture produce and also collect service charge. These are additional services of revenue which we hope will positively improve the finance standing of the Local Governments hence improve their rate of development. Lack of framed manpower in the Local Government in Kenya is another disadvantage which has made them not effective as opposed to their counterparts in Japan which are manned by qualified personnel equipped with modern management techniques.

The comparative study on the two countries has influenced our mind to state that the two countries continue to recognize the importance of Local Government as units of development. However, the resources have directed the mode of implementation of the development programmes. Due to the good financial resource, Japan has delegated more to the Local Government. Kenya on the other hand, attempted within its resources to strengthen its Local Government system as evidenced by the analysis above. All things being equal there is hope for a strong Local Government System in Kenya.

## **7. COMMENTS**

From the comparative study as outlined above it has come out clearly that:

- 7.1 Local Government in Japan has achieved notable success in development of urban areas among others.
- 7.2 Local Government in Japan is enjoying more autonomy than its counterpart in Kenya. However, on the financial side Japanese Local Government continues to look upon the National Government which affects the autonomy but not very much.
- 7.3 Local Government in Japan has reliable sources of revenue hence are finan-

cially viable. There are some sources of revenue that could be applied by Kenyan Local Government.

7.4 The Local autonomy Law has given its Local Government more functions and the law is clear and explanatory.

7.5 Being within a developed country hence enjoying the fruits of developed country, Local Government in Japan has effectively coped up with the problem caused by urbanization and is at advanced stage in preparing for the problems to be caused by the aging society.

## 8. CONCLUSION

In my conclusion to the comparative study on the role played by Local Government in urban development in both Japan and Kenya, it is fair to state that I have gained a lot of experience in Local Government Management within two months. *In other words, the course Group Training in Local Government 1989 has been a success.* The schedules prepared for Lectures and Field Study trip plus visits to business establishment gave me useful knowledge to assist me in my day to day work while working in Kenya's Local Government. The willingness of the course facilitators to give us information despite the language handicap is something that inspired our love for the course. Time management is something worthy a mention as the course was very tight but we covered all the programme due to the way the available time was managed. No doubt Japan has achieved high economic growth within a short time maybe due to their hard work, commitment and time management.

I would like at this juncture to say that I will put into effective use the knowledge gained within the framework of the Kenya's Local Government System. However, only the workable and relevant material will be put into use guided by the framework of the Local Government Act and other guidelines by the National Government within the resources available.

My monograph would be incomplete without the mention of the Local Autonomy College which is playing an important role in training Local Government officers. Also the important role played by the coordination of the course Ms. Kayoko Kajiyama who was kind to interpret all the lectures given in Japanese, Mr. Ohmura of the L.A.C. for administering the course and Ms. Thomine for the valuable services which made our stay comfortable. Not forgoing my fellow participants also added flavour to my stay.

Finally, thanks to the Government of Japan through JICA for framing the course and my Kenya Government for selecting me to attend the course.

**LOCAL GOVERNMENT SYSTEM IN JAPAN AND MALAYSIA--  
A BRIEF COMPARATIVE STUDY  
1989**

by  
*Wan Ismail bin Wan Hamat*  
Malaysia



## 1. INTRODUCTION

- 1.1 Japan, which at present well known as a high technology country and one of the economic superpower in the world, is an island country stretching along northeastern coast of the Asian Continent. It consist of four main islands and more than 3,900 small islands. The four main islands are Hokkaido, Honshu, Shikoku and Kyushu. Tokyo, capital of Japan, is locataed in Honshu island.
- 1.2 The total area of Japan is 145,834 square miles (377,708 square kilometers). Out of the total area, 73% is mountainous area and 27% is relatively flat.
- 1.3 Meanwhile Malaysia is located centrally in Southeast Asia and situated near the equator at a latitude of 1° -7° north and longitude of 100° -119° east. The total land area of Malaysia is 127,581 square miles and divided into two regions, namely Peninsular Malysia; and Sabah and Sarawak. Peninsular Malaysia covering 50,806 square miles while Sabah and Sarawak about 76,775 square miles.
- 1.4 The whole of Malaysia is divided into several states; they are Perlis, Kedah, Pulau Pinang, Perak, Selangor, Negeri Sembilan, Malacca, Johor, Palsang, Tereagganu, Kelantan and the Federal Territory in Peninsular; and Sabah and Sarawak. Kuala Lumpur, the capital of Malaysia, is located in Federal Territory.

## 2. STRUCTURE OF GOVERNMENT

- 2.1 In Japan, generally we can say that structure of government can be divided into three levels, namely, National Government, Prefecture Government and Municipalities. It is necessary to state here that actually, according to the relevant law, both of Prefecture Government and Municipalities are Local Governments and enjoy the same status.
- 2.2 At the National Government level, there is a ministry which incharges or responsables for local government affairs in general, that is, Ministry of Home Affairs. The main functions of Ministry of Home Affairs regarding the Local government are as follows:

- 2.2.1 To plan the local government system.
  - 2.2.2 To give guidance and advice on local public administration to local government.
  - 2.2.3 To act as a liaison office between the central government and the local governments.
  - 2.2.4 To promote mutual cooperation among local governments.
  - 2.2.5 To sanction the floatation of local bond and to grant the local allocation tax.
  - 2.2.6 To help local governments in the exchange of personnel.
  - 2.2.7 To help settle disputes among local governments." (1)
- 2.3 At the Prefecture Government level, normally there is division which responsible for municipalities matters. The function of the Division is more to the advisory and guidance role. It cannot give instruction or control the municipalities because it is stated in the law that Prefecture and municipalities are enjoy the same status. This situation makes the Prefecture Government is in difficult position.
- 2.4 In Malaysia also, structure of government can be divided into three levels, namely, National or Federal Government, State Government and Local Government. Anyway there is a difference because State Government and Local Government are not at the same status. State Government enjoys the higher status and power compare to Local Government. According to the Local Government Act, 1976 State Government has a power to control to some extent of Local Government.
- 2.5 At the National level, like in Japan, there is a ministry which responsible for Local Government affairs, namely, Ministry of Housing and Local Government through Local Government Division. The main functions of Local Government Division, Ministry of Housing and Local Government are as follows:
- 2.5.1 As secretariat for several meetings, for example National Council for Local Government and Consultative Meetings of Municipalities.
  - 2.5.2 Instituting changes to legislations on Local Government through periodic review and updating of Local Government laws and Regulations.

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(1) Source: Local Government In Japan by Japan International Cooperation Agency and Local Autonomy College.



- 2.5.3 Administaring Federal Government financial assistance to Local Govern-  
ment.
  - 2.5.4 Providing technical assistance in designing and implementing minor pro-  
jects financed by Federal Government grants.
  - 2.5.5 Providing technical expertise in solid waste and sewerage systems.
  - 2.5.6 Assisting actively to improve the administrative capability of Local  
Government.
  - 2.5.7 Organising and conducting seminars and training courses on specific  
Local Government subjects.
- 2.6 At the State Government level, there is a division which responsables for Local Government affairs. Compare to Local Government Division at the Prefecture Government level in Japan, this Division is more powerfull. It can controls to certain extent the Local Government activities. This is because State Govern-  
ment is enjoys the higher status than Local Government.

### 3. LOCAL GOVERNMENT STRUCTURE

- 3.1 In Japan, according to Local Autonomy Law, Local Government (Local Public Entities) can be devided into two major categories; ordinary Local Government (Local Public Entities) and special Local Government. This monograph or re-  
port shall stress to the ordinary Local Government only.
- 3.2 Local Government (ordinary Local Government) in Japan, which are established in order to advance the welfare their residents, consist of two types, namely Pre-  
fecture and Municipality. Both of Prefecture and municipality are equal stand-  
ing or status. In the whole of Japan, there are 47 Prefectures.
- 3.3 Generally, Municipality can be divided into 4 types; they are City, Town, Village and Designated City. For the City, the normal characteristics are as follows:
- 3.3.1 Population more than 50,000
  - 3.3.2 More than 60% of the total population are living in its urban area.
  - 3.3.3 More than 60% of the population engaged in commercial, industrial or  
other urban activities, or dependent upon those engaged in such activi-  
ties.
  - 3.3.4 Other conditions stipulated in Prefectural bylaws.

3.4 Meanwhile town status normally has been given to the Local Governments or municipalities which satisfy conditions stipulated by Prefectural bylaws, which usually require more urbanized characteristics. Another type of municipality is village. Village is normally municipality which covers the rural area.

3.5 Designated city is the city which has more than 500,000 population and designated by the government order. At present, designated cities are Osaka, Nagoya, Kyoto, Yokohama, Kobe, Kita-Kyushu, Sapporo, Kawasaki, Fukuoka and Hiroshima.

3.6 In Malaysia, Local Government can be classified into three types, namely City Council, Municipal Council and District Council. The characteristics of City, Municipal and District Councils can be listed down as follows:

#### 3.6.1 Characteristics of City Council

- 3.6.1.1 State's administrative centre.
- 3.6.1.2 Population exceeding 100,000.
- 3.6.1.3 Financially autonomous with revenue exceeding M\$20 million.
- 3.6.1.4 Fast expanding economy.
- 3.6.1.5 With strong financial institutions.
- 3.6.1.6 Commercial or industrial centre.
- 3.6.1.7 Centre of higher education with colleges, universities or libraries.
- 3.6.1.8 Special Features e.g. long history or reputation as a cultural or sports centre.

#### 3.6.2 Characteristics of Municipal Councils

- 3.6.2.1 Urban centres, such as State Capitals.
- 3.6.2.2 Population exceeding 100,000.
- 3.6.2.3 Revenue exceeding M\$5 million.
- 3.6.2.4 Serving as a centre of administration.
- 3.6.2.5 Residents needing urban services more than infrastructure.

#### 3.6.3 Characteristics of District Councils

- 3.6.3.1 Rural based with small urban concentration.
- 3.6.3.2 Population of less than 100,000.
- 3.6.3.3 Revenue of less than M\$5 million.
- 3.6.3.4 Inferior urban services and infrastructure.

3.7 Until now, there are 95 Local Governments in Malaysia (Peninsular Malaysia) .  
The number of Local Governments according to the states are as follows:

States	Number of Local Governments			
	City	Municipal Council	District Council	Total
1. Kejah	—	1	10	11
2. Perak	1	1	13	15
3. Selangor	—	3	8	11
4. Negeri Sembilan	—	1	7	8
5. Johor	—	1	13	14
6. Pahang	—	1	9	10
7. Terengganu	—	1	6	7
8. Kelantan	—	1	11	12
9. Malacca	—	1	2	3
10. Pulau Pinang	—	2	—	2
11. Perlis	—	1	—	1
12. Federal Territory	1	—	—	1
<b>Total</b>	<b>2</b>	<b>14</b>	<b>79</b>	<b>95</b>

#### 4. RELATIONSHIP BETWEEN NATIONAL GOVERNMENT AND LOCAL GOVERNMENT

- 4.1 In Japan, we cannot deny that Local Governments are created by National Government for the purpose of effectiveness of administration at the local level. But anyway it does not mean that Local Governments are subordinate to the National Government. Local Governments are self-governments and separate entities from National Government.
- 4.2 Relationship between National Government and Local Governments is based on the principles of:
- 4.2.1 Cooperation between National Government and Local Government.
  - 4.2.2 Minimum intervention by the National Government into the administration of local affairs.
  - 4.2.3 National Government gives technical advices and financial support with minimum control over the Local Governments.
- 4.3 In Malaysia, according to the Federal Constitution, local government (outside of Federal Territory) is a subject under the State List. This means that all Local Governments come under the exclusive jurisdiction of the State Government.
- 4.4 However, for the purpose of ensuring uniformity in laws and policies, Federal Constitution empowers Parliament to make laws pertaining to the local government. Beside that, Federal Constitution also establishes the National Council for Local Government as the highest policy-making body for local government matters. The decisions of this Council are binding on both the Federal Government and State Government.
- 4.5 The members of the Council consist of:
- 4.5.1 Federal Minister (usually Minister of Housing and Local Government) as chairman.
  - 4.5.2 Chief Ministers of every State in Peninsular Malaysia.
  - 4.5.3 Ministerial level representative from every Ministry connected with Local Government (not exceeding 10).
  - 4.5.4 Representatives from Sabah and Sarawak as observers.
- 4.6 National Council for Local Government was established with the certain functions. There are two main functions of this council; they are:

- 4.6.1 To formulate from time to time in consultation with the Federal Government and State Governments, a national policy for the promotion, development and control of Local Governments.
- 4.6.2 To advise the Federal Government and State Governments in laws and other matters relating to Local Governments.

## 5. NATIONAL GOVERNMENT FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT

- 5.1 We cannot deny that in some cases, Local Governments in Japan still depend on financial assistance from National Government. In 1984 for example, 15.5% of the total revenues of all Local Governments in Japan was come from National Government in form of Local Allocation Tax.
- 5.2 Actually, there are two main types of National Government financial assistance to Local Governments in Japan, namely, Local Allocation Tax and Grants-in-Aid. Local Allocation Tax is "the one in which the central Government, in order to distribute to the local governments necessary sources of revenues to keep the adequate level of public services, grants a certain portion of financial receipts collected as national taxes, calculating the amount given to the respective local governments in proportion to their lack of revenues, taking into consideration the standardized financial receipts and demands of individual local governments."<sup>(2)</sup>
- 5.3 The Local Allocation Tax was created with certain objectives; among them are:
  - 5.3.1 To guarantee sufficient revenues to Local Governments.
  - 5.3.2 To guarantee well — planned Local Governments administration.

Local Governments are free to spend the money allocated under this Local Allocation Tax.

- 5.4 The Local Allocation Tax can be divided into two types; Regular Allocation Tax and special Allocation Tax. The Regular Allocation Tax is allocated by Minister of Home Affairs according to a formula, to the Local Governments which

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(2) Source: Local Public Finance In Japan by Japan International Cooperation Agency & Local Autonomy College.

standard level of revenues are below than expenditure. Meanwhile, Special Allocation Tax is granted to the Local Governments according to their extraordinary financial needs.

5.5 In case of Grants-in-Aid, it is given to Local Governments base on necessity. The National Government has discretion power to create or abolish these grants. The objective of these grants is to support, encourage and promote Local Governments carrying-out their functions efficiently and smoothly.

5.6 In Malaysia, as part of modernizing the Local Government System, the National Government provides financial assistance to all Local Governments (in Peninsular Malaysia) which has been restructured under the Local Government Act, 1976. The National Government financial assistance can be divided into four categories as follows:

5.6.1 Launching Grants.

5.6.2 Annual Grants.

5.6.3 Grants for Development Projects in Local Government Area.

5.6.4 Loans for certain projects.

5.7 The Launching Grants, which are paid out to the Local Governments when they are restructured, are meant mainly to enable the Local Governments to acquire capital equipment which necessary, to provide better and efficient services to the people in the area under their jurisdiction. These grants are given to the Local Governments based on certain formula. The number of population and the area are the main elements in this formula. For a Municipal Council, the maximum payable in the form of a Launching Grants is M \$ 3,420,000 and M \$ 4,125,000 in respect of a District Council.

5.8 The second form of National Government financial Assistance is Annual Grants. These grants are given to the Local Governments for purposes of:

5.8.1 Assisting the Local Governments in administration or management.

5.8.2 Helping the Local Governments to balance their budget.

The Annual Grants are computed on the basis of the population of the newly restructured Local Government and the revenue that such Local Authority is able to collect. The maximum payable in the form of an Annual Grant is M \$ 107,500.

- 5.9 Beside the Launching Grants and the Annual Grants, the National Governments also gives financial assistance to the Local Governments in form of Grants for Development Projects in Local Governments Area. The development projects which are considered under these grants are minor projects such as markets, street lighting, eating stalls, taxi stands, bus stops etc. These grants are made available under the Five Year Development Plans. A detailed evaluation of the requirements of the Local Governments is made and the money required is allocated according to the scale of the priorities determined by the Federal Treasury (at the National Government level) . Under these grants, the total allocation is depend on type of projects. Normally special emphasis is placed upon projects which would generate income for the Local Government concerned and at the same time provide employment opportunities for the people at the local level.
- 5.10 Another form of National Government financial assistance is loans to the certain Local Governments. Normally the loans are given for certain purposes mainly for large markets and more specifically, for sewerage projects.

## 6. THE ROLE OF LOCAL GOVERNMENT

- 6.1 In Japan, Local Governments are very powerfull agencies and functioning as the implementors at the local level. Intervention of the National Government is restricted to minimum necessary to maintain a consistency in public administration, and for every intervention a separate legal mandate is required.
- 6.2 Because of that, the role or the duties of the Local Governments in Japan are very wide. Anyway there are several main fields of public administration at the local level which undertaken by the Local Governments such as education, public works, social welfare, health and hygiene, industry, fire defence, police and local public enterprise (for example water supply, industrial waste supply, public transport, electricity supply, gas supply, hospitals and sewerage services) .
- 6.3 Meanwhile, the role or functions of the Local Governments in Malaysia are based on the three main Acts; they are Local Government Act, 1976; Street, Drainage and Building Act, 1974; and Town and Country Planning Act, 1976. The three Acts define clearly the functions of Local Governments.

6.4 Generally the functions of Local Governments in Malaysia can be divided into two categories, namely, obligatory functions and discretionary functions. The obligatory functions are such as:

- 6.4.1 Sanitary and cleansing services, for example garbage collection, drain cleansing, street sweeping and grass cutting.
- 6.4.2 Conservancy and sewage disposal.
- 6.4.3 Cleanliness and beautification.
- 6.4.4 Playing fields, parks and open spaces.
- 6.4.5 Control of markets, hawkers and abnoxious trades.
- 6.4.6 Controlling the construction of roads, drains, and buildings.
- 6.4.7 Preserve public health, public safety and abate nuisance.

6.5 Meanwhile, the discretionary functions are such as:

- 6.5.1 Provision of housing for the poor people.
- 6.5.2 Job creation through commerce and industry.
- 6.5.3 Health services and clinics.
- 6.5.4 Community halls and libraries.
- 6.5.5 Urban transport services.
- 6.5.6 Electricity and gas supply.

6.6 Compare to the Local Governments in Japan, the functions of the Local Governments in Malaysia are more limited. Education sector, fire defense and police, for example, are under the National Government. In Japan, all of these sectors are under the Local Governments.

## 7. CONCLUSION

7.1 Generally we can say that in principle, the concept of the Local Governments in Japan and Malaysia in most cases are the same. It is clear there are similarities, for example, in the several matters as follows:

- 7.1.1 There are three level of governments.
- 7.1.2 Local Governments are located at the bottom or at the lowest level.
- 7.1.3 Minimum National Government interference in the Local Governments activities.
- 7.1.4 Local Governments are still need financial assistance from the National Government.



7.2 Anyway we cannot deny that in detail, especially in implementation aspects, there are some differences between the Local Governments in Malaysia and Japan. In the context of status between Prefecture and Municipalities, for example, is different. In Japan, Prefecture Government (Government at the second level) and Municipalities (Government at the third level) enjoy the same status whereas in Malaysia, State Government (Government at the second level) enjoys the higher status compared to the Local Government (Government at the third level) .



# **LOCAL GOVERNMENT SYSTEM: NEPAL AND JAPAN**

by  
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Nepal



## INTRODUCTION

Japan is a much advanced and prosperous country in the world. It has progressed much in science and technology, agriculture and industry transportation and communication which is imitable for both the developing and other developed countries. Japanese are recognized as much hard labourist and intelligent in the world. Japanese goods are much liked by the people of any country as they are pretty and strong. Japan is being the centre of attraction not only by the development in science and technology but by the soft-laughter, sweet talk, love and affection and good hospitality of the people.

Nepal is also a famous country though it is small and poor. Mount Everest, the highest mountain in the world is in Nepal, Nepal, is full of many national parks, forests, majestic himalayas, hills, speeding rivers, pagoda typed temples and buildings etc. The preacher of peace in the world the founder of Buddhism, Gautam Buddha was also born in Nepal. Nepal is also recognised as the country of great fighters and most famous monarchical country in the world.

Japan is advance and prosperous country and Nepal is a small and developing country but it can be found some important similarities in both the countries they are:

Though Japan is a secular country, Buddhists are much in number. And Nepal is a Hindu Kingdom but there are many Buddhists in the northern-part of the country, in Kathmandu and near by it. The Hindus show the great respect to the Buddhists heartly.

When we turn the pages of history of Japan, we come to know that Japan was formed a single state under the dynamic leadership of Emperor Meiji uniting all the feudal petty states. And Nepal was formed into a mighty Kingdom by the Great King Prithi Narayan Shah, combining numerous small states.

Japanese are most popular in good hospitability in the world. Nepalese also consider the great as a good.

## LOCAL GOVERNMENT SYSTEM IN NEPAL

To govern the rule according to our constitution Partyless Democratic Panchayat System is main media in Nepal. The Panchayat System is made up of three tiers, namely the village or Town Panchayats, the District Panchayats and the Rashtriya (National) Panchyat.

In Nepal Local government is known as village Panchayat or Town Panchayat and

District Panchayat. There are 75 District Panchayats, 33 Town Panchayats and 4015 Village Panchayats.

The District Panchayats which form the second tier of the Panchayat Structure, are the executive bodies of the District Assemblies. A district Panchayat is composed of the chairman, the vice chairman and nine elected members. The chairmans of district level class and professional organization are also the ex-officio voting members of District Panchayats.

The District Panchayats, are responsible for the planning, supervision and execution of different development activities within the district according to the decentralization policy of his Majesty Government.

The town and village Panchayats are considered the base of the Panchayat Structure.

The Town Panchayat is the executive body of the Town Assembly. Its consists of the Pradhan Pancha (chairman) the Opa Pradhan Pancha (Vice chairman) and one member such from each of the ward committees of the town.

The village Panchayat is the executive body of the village Assembly. It consists of the Pradhan Pancha (chairman) the Opa Pradhan Pancha (Vice chairman) and one member from each of the nine wards.

The Town and village Panchayats are responsible for the planning, supervision and execution of different development activities within their respective towns and villages.

## LOCAL GOVERNMENT SYSTEM IN JAPAN

Japan has adopted a Parliamentary of Government. It has also three tiers governments, namely National Government, prefectural Governments and Municipal Government.

In Japan Local Government is known as Prefectural Governments and Municipalities. There are 47 Prefectures, 3,253 Municipalities and 7,546 Special Local Public Entities. The Prefectures, Municipalities and Special Local Public Entities also are divided into following categories:

Prefectures—47

- 1) To.....1 Tokyo-to
- 2) Do.....1 Hokkai-do
- 3) Fu.....2 Osaka-fu, Kyoto-fu
- 4) Ken.....43

47

Municipalities

1) shi (cities) .....	652
(Disignated city) .....	101
2) cho (Towns) .....	2,005
3) son (village) .....	596
	<hr/>
	3,253

Special Local Public Entities

1) Special wards .....	3
2) Co-operative of local public entities .....	2,918
3) Corporations for local public works .....	14
4) Property wards .....	4,641
	<hr/>
	7,576

**ORGANS OF LOCAL GOVERNMENT AN ASSEMBLY AS LEGISLATIVE ORGAN**

Assemblies consists of members elected directly by residents. An assembly elects a president and vice-president from among its members.

To.....130 members

Do.....40-120 members

Fu and Ken according to the population

she (city) .....30-100 member

cho (Town) .....12-30 member

son (village)

**THE POWERS OF ASSEMBLY**

The powers of an assembly can be divided into powers of resolution and other powers.

Powers of resolution are powers given to the assembly to dicide upon important issues relating to the local public entity. Such major issues that call for the resolu- tion of the assembly are as follows:

- a) To enact amend or abolish bylaws;
- b) To fix the budget;

- c) To authorize the settlement of accounts;
- d) To fix the levy or collection of local taxes or the collection of assesment, charges, admission dues or fees except as provided for by laws or by cabinet orders duly authorized by laws.
- e) To authorize contracts;
- f) To authorize the barter, investment or offer as a means of payment, or cession or lease without compensation of public properties.

Other powers of the assembly include the right of inspection, in which the assembly can inspect any documents and books relative to the affairs of the local public entity and demand an administrative or report from the executive organs, and the right of investigation in which the assembly may conduct investigations in relation to the affairs of the local public entity and may demand the presence and testimony of witnesses and the production of records for such purposes.

## **THE EXECUTIVE ORGAN**

A local public entity consists of an assembly as its legislative organ and a head executive (a governor in the case of a Prefecture, a mayor in the case of a municipality) and administrative committees as executive organs.

The chief executive of local government is elected directly by the people.

In the prefecture the Governor assisted by Vice Governor, chief Accountant, Public Enter Price Manager, Education board, Election Administration committee and eight departments.

In the municipality mayor assisted by Deputy Mayor, Transurer, Education Committee, Election Administration Committee, Equity Committee, Auditor, Agriculture Committee, and eight division.

## **ADMINISTRATIVE COMMITTEES**

The members of the Administrative committees are appointed by the chief executive with the consent of the Assembly.

In the Prefecture there are nine Administrative committees namely — Education committees, Election Administration committee, either a Personnel committee, or Equity Committee, Public Safety Committee, Prefectural Labour Relations Committee, Expropriation Committee, Maritime Disatrick Fishery Coordination com-



mittee and Inland waters Fishing — Ground Administration Committee.

While in the municipality there are six Administrative committees namely, Education Committee, Election Administration Committee, either Personnel Committee or equity Committee, Agricultural Committee and Fixed Assets Assessment Examination Committee.

Major items of the powers of the chief executive are as follows:

- a) Enacting regulations;
- b) Presenting bills for the resolution of the assembly;
- c) Preparing and executing the budget;
- d) Levying and collecting local taxes;
- e) Collecting assessments charges, initial charges or fees and imposing administrative fines;
- f) Procuring, administering and disposing of properties;
- g) Establishing, operating and cessation of public facilities and
- h) Submitting a statement of accounts for certification of the assembly.

## PERSONNEL SYSTEM

In Japan it is found that the personnel system is well developed in local government as well as in central government. Local government personnels are well trained and efficient in Japan. Therefore they are capable of doing any challengeable performance. Their rights, duties and responsibilities are specified clearly. There is no delay in work. Right man in the right place theory has been applied perfectly in Japan. Efficiency effectiveness, justification and regularity can clearly be observed in the administration.

There is realised much efforts to progress in administration bringing efficiency, effectiveness and quickness in Nepal. There should be much efforts to increase the working — efficiency in the administration reforming in the procedures of appointment, replacement, transfer, promotion etc.

## CONCLUSION

The local governments of Nepal still require more efforts in the political, social and economic fields and people should be motivated to fulfill their needs, increasing their political and social awareness. In Nepal it is realized that the development works are going forward after applying the decentralization planning.

And the rights and duties are also transferred to the lower level, from which local leadership is developing in the people.

Local governments are much developed in Japan. Local Government System is successful in Japan as there is developed political sensibility, social tidiness and intellectuality in local people.

A greater measure of the functions of the central government such as education have been transferred to the local governments.

Village development is also satisfactory in Japan as there is developed in the fields political, economical and social in the villages. Villages are being progressed as the people and their representatives are well acquainted with their rights, duties and responsibilities.

At last I would like to give thanks and grateful to the Minister of Home Affairs, President and vice president and all officials of the Local Autonomy Collage for their warm wellcome good hospitality and the co-operation.

I would like to give thanks and to be grateful to the our co-ordinator Ms. K. Kajiyama and Mr. Ohmura for the unlimited assistance and kindness.

The preasant and fruitful stay in Japan will be unforgettable and once more I would like to express my gratitudes to all of you.

**A COMPARATIVE STUDY OF LOCAL GOVERNMENT  
SYSTEM IN PAKISTAN AND JAPAN**

by  
Mohammad Arif Arbab  
Pakistan



## INTRODUCTION

The Local Government System in Pakistan and Japan are provided in the constitutions of the respective countries. In Japan Article 92 of the constitution 1946 recognizes the organization and operations of Local Public entities shall be fixed by law in accordance with the principles of Local Autonomy, while in Pakistan the constitution 1973 recognizes Local authorities as organ of state. Article 32 provides that the state shall encourage Local Government institutions composed of elected representative of the area and in such institutions special representative will be given to peasants, workers and women.

In Pakistan, the Local Governments are based on Local Government ordinances of 1979 and 1980 which covers the composition, power, functions, development plan, non development budget, accounts, taxes, offences and penalties while in Japan the Local Government, are based on Local Autonomy law 67 of 1946. The main purpose of the Local Autonomy law as follows:

The purpose of this law is to classify local public bodies, to lay down the outlines of their organization and operations and to regulate the basic relationship between the state and such bodies in accordance with the principle of local autonomy, in order to assure each of them democratic and efficient administration as well as sound development, therefore, it is obvious that in both countries, the concept and foundation of the Local Government system is based on the principles of democratic harmony and subjectiveness. The system are laid down in their respective country constitutions and laws and are aimed for smooth, efficient, and democratic participation of the people in the management of local affairs of their own Local area of jurisdiction for their well-being and development.

In this comparative study report on the Local Government System in Pakistan and Japan I would like to touch the following headings.

1. Historical Background and Development of Local Government in Pakistan and Japan.
2. Organization and Classification and Structure and Number of Local Government system in both countries.
3. Function of Local Government.
4. The Relationship between the Central and the Local Government Organizations.
5. Financial Source of Income of Local Government in Pakistan and Japan.
6. Local Public Personnel System in Pakistan and Japan.
7. Election System of Local Government in Pakistan and Japan.
8. Conclusion

# 1. HISTORICAL BACKGROUND AND DEVELOPMENT OF LOCAL GOVERNMENT SYSTEM IN PAKISTAN AND JAPAN

## Pakistan

The Local Government System has existed in the Indo-Pak Sub-Continent since ancient times, in as much as it finds specific mention in the writings of Megasthenes I in 300 B.C. In the history of the Sub-Continent, the oldest institutions of Local Government are known to be village panchayats which are also recorded to have existed for a long time. The village panchayats were less democratic in the modern sense because the decision had been taken by the land lord which were only representative of upper class but they provided the population a feeling of participation and Self Government. Before the establishment of Pakistan, the British Government has introduced the local boards in the urban and Rural areas. The main objective of these Boards were to look after the affairs of the Local Communities.

After the establishment of Pakistan in 1947, the Government has replaced the Local Boards by District Board, at the District level and in 1948 the Local Government has been given fullest autonomy and for the welfare of rural and urban peoples. Several development programmes have been launched from 1953 to 1972 (1) village AID programme (2) integrated rural development programme (3) peoples works programme (4) Agrovillage development programme (5) Rural works programme but the special feature of the Local Government System in Pakistan has been started since the introduction of basic Democratic System in 1959 is that the Local Government institutions are meant to be development oriented. It means that the Local Councils not only provide institutions of Local Self Government, provide Civic Services to the people of urban and rural areas. Since from 1971 to 1978 the Local Government institutions were not so organized to undertake development activities. However, lately realising the need and importance of the vehicle of Local Government, the Government of Pakistan have redirected their major strategies for Socio-economic Development of rural and urban areas for next decade towards increasing the productivity of land, labour and meeting the basic needs and demands of rural and urban communities. However, in 1979 the present Local Government system has been introduced throughout the country.

## Japan

The Local Government System in Japan has taken quite a long history dating back to over more than 2,000 years ago. However, the most important period of development and change took place during the period of Tokugawa when the basic foundation and Structure of Local Government were laid down. In the course of time, the organizational structures were gradually changed and improved. All the same, the most

important crystal period for development and changes took place during the Meiji Era when the country was divided into prefectures, counties and districts that formed the administrative units and Local autonomous bodies. The system existed until the World War II was over.

After World War II, it was felt necessary to establish, the Local Government and organs in order to meet the new challenges, conceptions and to rehabilitate, restore and reconstruct the warm out economy of nation. Hence in 1946 the Local Autonomy Law has been introduced. This law laid down the foundation of current structure of Local Government in Japan. Part I General provisions and Part II ordinary local public bodies Chapter I deals common rules, covers the structured organs.

## **2. ORGANIZATION, CLASSIFICATION AND STRUCTURE AND NUMBER OF LOCAL GOVERNMENT IN PAKISTAN AND JAPAN**

Pakistan is a Federation. There are four Provinces, Punjab, Sind, NWFP and Baluchistan. Islamabad is the Capital of Pakistan. Local Government System is a provincial subject yet the respective Local Government System is act and different because Provincial laws was coordinated to considerable extent by Federal Government. At the central level, there is a Ministry of Local Government is headed by Federal Minister is appointed by prime minister who supervises and issue directives to Local Government Department of all provinces in important matters. Besides these there is a federal Secretary who is overall incharge of his administration.

At provincial level, there is a Local Government and Rural Development Department in each province is supervised and headed by Minister and Secretary. Secretary Local Government and Rural Development Department in each province is over all in-charge of administration who is assisted by Secretary provincial Local Government Board, Deputy Secretary, Section Officers and Administrative Officers at the secretariat level and Director Local Government and Deputy Director at the divisional level.

The Local Government institution in each province is divided into two tiers that is 3,973 Union Councils and 74 District Councils for rural areas headed by chairman who is elected by 2/3 majority vote of members of the Local Council. The members of the Council are elected by the people directly. For urban area there are 286 Town Committees, 117 municipalities and 14 municipal corporation/one metropolitan Corporation is headed by chairman/mayor. The members of the Local Councils are called councillors representing the rural and urban Communities. There are 73,473 Local Councillors.

In Japan, the Local Government is divided into two tiers. The whole Country is divided into 47 prefectures, Tokyo-to, Hokkai-do, Osaka-fu, Kyoto-fu and 43 kens. In turn the prefectures are further divided into municipalities. The chief executives in respect of all the two categories of Local Government are elected by the people directly. These executives are governors of the prefectures and mayors of the cities and towns and these executives have executed their administrative affairs under the supervision and direction of the minister of Home affairs. The prefectures are regarded as the regional level Local Government institutions. These prefectures are considered and renamed To, Do Ken, Fu according to their historical background. However, Tokyo is rather exception from others, that is, Tokyo-to has 23 special wards with the boundary of the former city which was put in the Tokyo by prefectural Government in 1943. The rest of Tokyo-to area is divided into ordinary municipalities. Besides these, there are 11 designated cities.

In Japan, the municipalities are the basic Local Government institution which has direct contact with the people. The Shi (City), Cho (Town) and Son (villages) are the various titles for municipalities. There is no fundamental difference among the cities since all are based on the historical background of each area of Jurisdiction. However, generally speaking, the cities have larger population and consequently entrusted with more urban function than towns and villages.

Presently in Japan, there are 47 prefectures and 3,253 municipalities, 652 cities, 11 designated cities, 2,005 towns and 596 villages. Besides ordinary Local entities, there are special Local public entities.

### **3. FUNCTION OF LOCAL GOVERNMENTS**

In Pakistan, the compulsory function of Local Government is to provide Services to the public and realization of development within municipal area. The establishment of Local Council, are to advance the welfare of their resident life and covers the following affairs:

- (a) Preparation of development plans by the Technical staff and approval of Local Council.
- (b) Provision, maintenance and improvement of its roads, public street and public ways, culverts, bridges, public buildings, wells, drinking water supply, water pumps and cleaning of drainages.
- (c) Establishment of hospital, rural health centre and basic health units.
- (d) Payment of grants to medical aid societies.
- (e) Supply of pure drinking water from tube well to the residents.



- (f) Construction and maintenance of slaughter house for seracifice of animals.
- (g) Plantation of trees on each side of roads.
- (h) Establishment and management of primary school for promotion of education.
- (i) Establishment and maintenance of fire defence and relief measures in the event of fires, flood, famine, earthquake etc.
- (j) Regulate erection and reerection of building.
- (k) Proper lighting of streets and roads.

In Japan, the basic principle being that those fields of public administration is mainly shared by Central Government. In cases of education, welfare services, health and medical services, public works, industrial and tourism promotion, fire defence and police, transportation and others that are closely linked to daily life of general public to be taken by local public entities as much as possible. The Central Government in case of these administrative fields that are beyond the ability of Local public entities. However, the actual administration and implementation in those fields of Services has been done and carried out by the prefectures and municipalities.

#### **4. THE RELATIONSHIP BETWEEN CENTRAL GOVERNMENT AND LOCAL GOVERNMENT**

In Pakistan, the relationship between the Central Government and Local Government is that the Federal Government may advise and give assistance to ensure the development of the Local Government as a viable institution. The ministry of Local Government at the central level plays an magnificent role in the relationship and co-ordination which exists between the Central Government and the Local Government.

In Pakistan, the Local Governments are under the Provincial Government directly, however, the Central Government still has certain Jurisdictions and control over the Local Government. The Provincial Government is giving technical advice if necessary with financial support in form of grant in aid with minimum control and intervention into the administration of Local affairs.

In Japan, even though the Local Governments are formed by the Central Government, they are self-governing entities and by no means subordinate to the Central Government. However, the Central Government still has a bigger role to play in relation to the proper administration and smooth running of the Local Government. The role of the central government is merely giving technical advice and financial help and less control and intervention in affairs of Local public entities.

## 5. FINANCIAL SOURCE OF INCOME OF LOCAL GOVERNMENTS

In Pakistan, all Local Council, receive minimum grants for non-development-expenditure and maximum grants for development expenditure from the provincial Government.

In the beginning of every financial year, the provincial Government transfers some of its taxes entirely and some partly to the Local Council Especially in Baluchistan province. Besides these the Local Councils imposes the following taxes to raise their income and meet the development and non-development expenditure in order to provide the civic services to the resident:

1. Imposition of taxes on different goods.
2. Collection of octroi duty.
3. licence Fee.
4. House tax.
5. Water tax.
6. Rent of Local Council property.
7. Interest on fixed deposits kept in different banks.
8. Fine and forfeiture.
9. New water connection.
10. Tax on sale of immovable property.
11. Share of motor vehicle tax.
12. Share of property tax.
13. 100% royalty collections from surface minerals (sand and bajri (stone) ).
14. Miscellaneous.

In Japan, financially the Local Government institutions are so strong and stable, the role of the Central Government is only that to give advice and general supervision. However, Local Government, have various source of revenue such as local allocation tax, local public bonds, local transfer tax and others. The most important of all revenues are Local tax which provide finances for the independent activities of the Local Governments. The Local Government, also receive subsidies from the Central Government near about 18.3% of the local revenue.

## 6. LOCAL PUBLIC PERSONNEL SYSTEM

### I. Appointment

In Pakistan, there are two categories of employees (1) member of the Local Council, Service appointed by provincial Government to serve in any Local Council throughout the country (2) Employees of Local Council, appointed by mayor and chairman for field duties of water supply, sanitation and engineering works for carry out of the function as laid down in law.

In Japan, the employees are appointed by the governor of the prefectures and the mayor of municipalities excepting teachers who are appointed at the prefectural level by the Board of Education.

### II. Promotion

In Pakistan, the prevailing system in promotion is the seniority system but capability and experience is also observed.

In Japan, though seniority is the accepted system, however, the trend is how changed and in some prefectures the merit system is introduced.

### III. Retirement

In Pakistan, retirement age is 60 but those who want, to retire after 25 years of qualifying service are allowed to be retired.

In Japan, retirement age is 60 and the employer can request from an employee to retire two or three years earlier, but it is upto the employee to retire or not.

## 7. ELECTION SYSTEM OF LOCAL GOVERNMENT

In Pakistan after every four years, local bodies election is held under the control and supervision of Local Council Election Authority established by the Provincial Government and whos chairman is the Provincial Minister of Local Government. The Local Council Election Authority is responsible to conduct fair election.

A person shall be qualified to be elected as a member of Local Council if he has fulfilled the following terms and condition laid down in law:

- a. He must be citizen of Pakaistan.
- b. He has attained the age of twenty-five years on the last day fixed for the filling of nomination paper and
- c. His name, for the time being appears in the electoral roll of that electoral unit.

In Japan after every four years, the election is conducted by prefectural Election Management Committees under the guidance, supervision and control of central ministry of Home Affairs and the member of prefectural Assembly, municipalities cities and towns are elected by the people directly. A Japanese national is eligible for election according to the following divisions:

1. he must be a citizen of Japan
2. he has to attain the age of 25—30 years old
3. his name should be enrolled in electoral unit

## 8. CONCLUSION

From the above comparison, it is concluded that the Local Government System in Pakistan and Japan are much different. The difference appears in the historical background, organizational structure of Local Government. In Pakistan each province has a governor appointed by the Central Government and mayor of municipalities is elected among the member of the council by 2/3 vote of majority while in Japan the Governor of prefecture and mayor of municipalities is elected by the people directly.

The objective with regards to provision of civic services to urban and rural communities are the same. The common problem of both countries are

- (1) Urbanization Movement of rural population to urban area in search of employment and for better standard of living.
- (2) Over-population in Tokyo, Karachi and Lahore
- (3) Air pollution in Tokyo, Karachi, Lahore, Quetta, Peshawar
- (4) Traffic problem

At last I thank to Japan International Cooperation Agency, Government of Japan, to give me an opportunity to visit here, indeed I have learned many things about Japan and Japanese people concerning their administrative system of Local Government, their habits, cultures, traditions and languages. Thus this training Course was very useful and knowledgeable for me.

My deepest appreciation to Mr. Y. Kakimoto, president Local Autonomy College and Mr. I. Tsuge, vice-president, Mr. M. Majima, Director Research Department and Mr. S. Saitoh, Director Instruction Department of Local Autonomy College for magnificent arrangement of the course and cooperation during our stay in Japan.

The participant is greatly indebted to Mr. S. Ohmura, Ms. Kajiyama, Ms. J. Tohmine and Mr. Kobayashi and other staff for valuable cooperation, assistance and expertise guidance made the course more attractive, charming and interesting.

**EXECUTIVE-LEGISLATIVE ORGANS:  
THE CASE OF PHILIPPINE AND JAPANESE LOCAL GOVERNMENT**

by  
Miss Edna N. Aragon  
Philippines



This is the final monograph submitted to the Local Autonomy College, Ministry of Home Affairs, Government of Japan, in fulfillment of the requirements for the completion of Group Training Course in Local Government, held in Tokyo, Japan for the period, May 17 to July 17, 1989.

This paper describes the comparative study on the Philippine and Japanese local government systems, giving more importance as to the relationship of its executive and legislative organs, in its efforts to uplift the political, social and economic life of communities.

## I. LEGAL FRAMEWORK

Present local governments in the Philippines evolved from more than 400 years of historical continuum. In accordance with the mandate stated in Article X of the 1987 Constitution, one fundamental and basic document essential in the continuing functional and structural evolution of various local governments is the enactment of a Local Government Code (which is the bible of local governments), which prescribes the following:

- a. defining a more responsive and accountable local government structure with an effective system of recall;
- b. allocating among different local government units their powers, responsibilities and resources; and
- c. providing for the qualifications, elections and removal, term, salaries, powers, functions and duties of local officials and all other matters relating to the organization and operation of the local units.

While the Local Autonomy Law marked the establishment of a new local government system in Japan, which is in pursuance to the provisions of Articles 92—95 of its 1947 Constitution. The Local Autonomy Law has the following features:

- a. a widened scope of initiative of a local public entity, with more power to the assembly and less supervision by the central government;
- b. extended rights of residents with direct election of governors, mayors and members of the assembly, and various recalls; and
- c. more impartial and more efficient administration with the establishment of the election management commissions and the auditors.

## II. LOCAL GOVERNMENT SYSTEM

The Philippines and Japan have the same category of local governments but, they differ as to the number which is based on the requirements set for their creation. Please see Figure 1 as to the distribution of local governments by administrative regions, and Table 1 as to the total number of local government units in both countries, respectively.

In the Philippines, local governments are political and administrative subdivisions of the state created for the purpose of administering local affairs and in the delivery of local development programs and projects. As defined in the Constitution, local government units are the provinces, cities, municipalities and barangays. In addition, it also provides for the creation of a metropolitan authority and the autonomous regions of Muslim Mindanao and the Cordilleras, which will constitute higher-level tiers over the local units within their areas.

The provinces, comprising of municipalities and component cities, are intermediate tiers serving as administrative mechanisms in the development process and assuming basically areawide functions, roles and activities. The cities and municipalities serve as general — purpose government for the coordination and delivery of basic, regular and direct services within their respective jurisdictions. The barangays are the primary planning and implementing unit of government programs, projects and activities, and act as the forum in which the collective views of the people in the community may be crystallized and considered.

The Constitution also provides that Congress may create special metropolitan political subdivision subject to a plebiscite, and autonomous regions in Muslim Mindanao and the Cordilleras, consisting of provinces, cities, municipalities and geographic areas sharing common and distinctive historical and cultural heritage, economic and social structures and other relevant characteristics within the framework of the Constitution and national sovereignty and integrity. This may be considered as the counterpart of special local public entities in Japan.

Every local government unit has its executive and legislative arms. The Local chief executives are the provincial governors, city mayors, municipal mayors and the barangay captains (punong barangay). Local legislative power, on the other hand, is exercised by the local council known as the sanggunian. All local chief executives and members of the respective councils are elected-at-large by the people, and whose term of office, except for barangay officials, is six (6) years. However, under Section 8 of Article X as related to Section 2 of Article XVIII of the 1987 Constitution, the local officials first elected under the new charter shall serve until noon of June 30, 1992. Local officials elected thereafter shall serve only



Figure 1

LOCAL GOVERNMENTS BY ADMINISTRATIVE REGIONS IN THE PHILIPPINES AND JAPAN

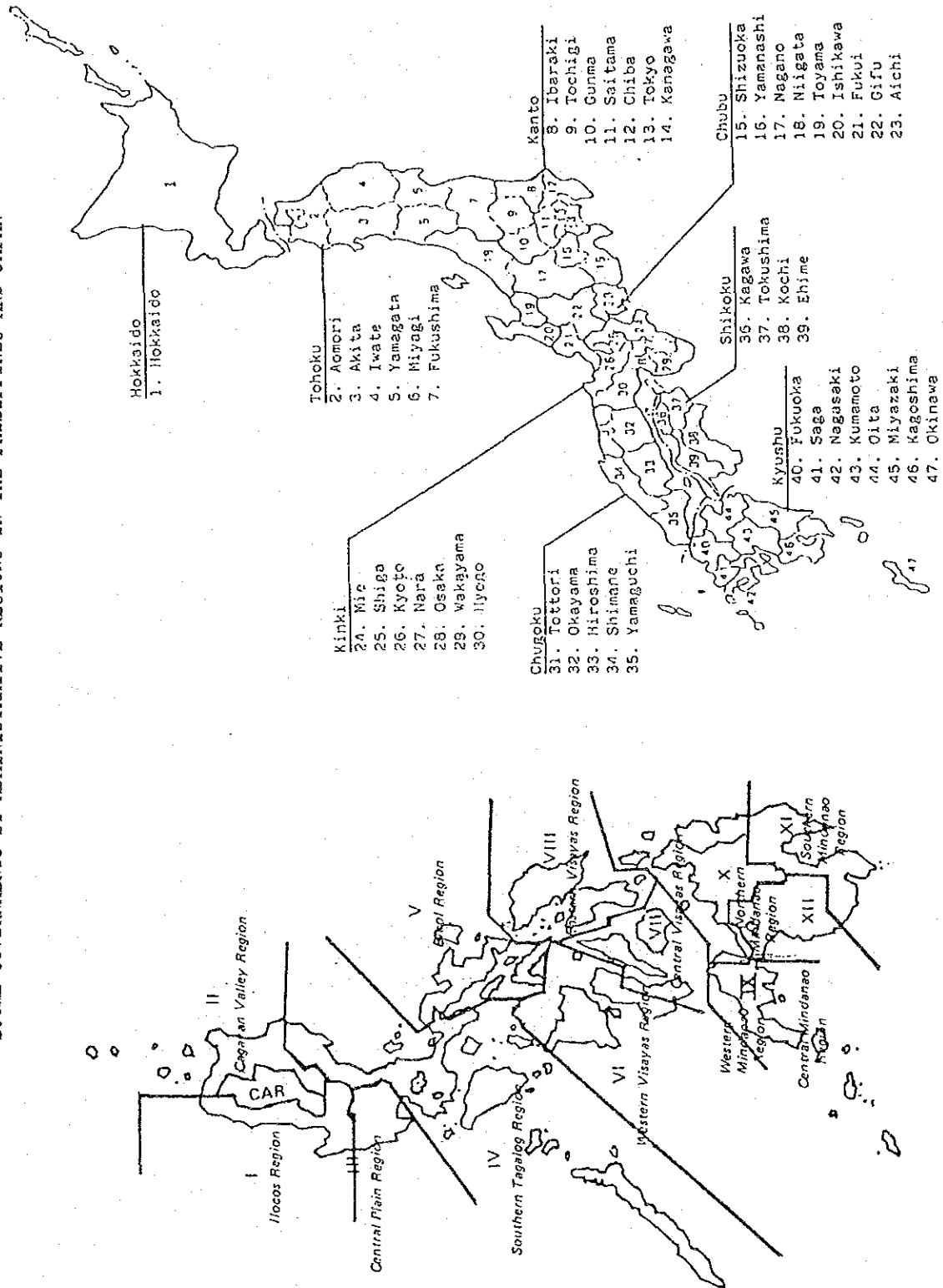


Table 1

**TOTAL NUMBER OF LOCAL GOVERNMENTS IN THE  
PHILIPPINES AND JAPAN**

Country	Classification of Local Governments	Total Number
<b>PHILIPPINES</b>	Provinces	75
	Cities	60
	Municipalities	5,134
	Barangays	41,657
	Metropolitan authority	1
	Autonomous regions (Muslim Mindanao and the Cordilleras)	2
<b>JAPAN</b>	<u>Ordinary</u>	
	Prefectures:	47
	To (Tokyo-to)            —    1	
	Do (Hokkaido)          —    1	
	Fu (Osaka-fu)          —    2	
	(Kyoto-fu)	
	Ken                      —   43	
	Municipalities:	3,253
	Shi (cities)            —   642	
	(designated cities) —    10	
	Cho (towns)           — 2,005	
	Son (villages)         —   596	
<u>Special</u>		
Special wards	23	
Cooperatives of local public entities	2,918	
Local development corporations	14	
Property wards	4,641	

for three (3) years.

While on Japanese local government system, local public entities consist of two (2) major categories: ordinary public entities (prefectures and municipalities) and the special public entities (special wards, cooperatives of local public entities, local development corporations, and property wards) . Prefectures are upper-tier and wide-based local public entities, comprising of municipalities. While the municipalities are basic local public entities situated within the residents' locale. They take charge of all local administration, except on matters taken charge of by the prefectures. On the other hand, the special local public entities are created for a special purpose, so that their area, organization and functions are limited.

A local public entity in Japan has a head executive (a governor in the case of prefecture and a mayor in the case of municipality) and administrative commissions (such as educational commission and the election administration commission) as its executive organs, and an assembly as its legislative organ. Both the executive head and the members of the assembly are elected directly by the people and whose term of office is four (4) years.

### III. FUNCTIONS AND INTERGOVERNMENTAL RELATIONS

As to the powers and functions, local governments in both countries exercise and perform planning, levying and collecting regulations, and administering certain public services. In the Philippines, provinces have an important share of responsibilities for agricultural planning and extension services, road and public building/construction and maintenance, and the administration of high schools, hospitals and health services. Cities perform similar service functions; they may establish elementary, vocational and other educational institutions as well as high schools. Urbanized ones may, in addition, have development regulation (e.g., zoning and building) , environmental sanitation, transport and traffic regulation, housing, and other urban functions. Probably because many cities still include large agricultural areas within their boundaries, "highly urbanized cities" are mandated by the Code to have "city agriculturists" among their regular department heads.

Like cities, municipalities perform financial, regulatory and service functions. They levy and collect real property, business and other taxes and fees. They may establish and operate public markets, slaughterhouses, cemeteries, and other facilities and utilities. In addition to the administration of "barangay justice," barangays are in charge of minor protective and improvement activities, but serve as conduits for rural road construction, health and social services, and may, if they can afford to,

establish smaller high schools.

In Japan, prefectural public entities do the preparation of overall development plans of the region, including its mountains and rivers, prescribe uniform standard of compulsory education and its facilities as well as the administration and operation of police force, provide liaisoning and coordination functions with national government and municipalities, and responsible for the discharge of other functions which municipalities are not capable of such as the establishment and maintenance of senior high schools, laboratories and museum. While the municipal public entities provide the delivery of basic services to its constituencies within their jurisdiction. All special public entities perform such special kinds of services as refuse and garbage disposal, fire defense and compulsory education.

Since local governments can only be infra-sovereign nation and in such a system, perform a measure of decentralization of function, local governments are subject to central government supervision. Local governments in the Philippines and in Japan are under the general supervision by the Department of Local Government and the Ministry of Home Affairs, respectively. These central government department/ ministry are generally and primarily concerned with matters affecting local government administration and with the setting of standards for the development of effective and responsive local governments.

Central and local governments are established on the principle of cooperation and minimum intervention by the central government in administration of local affairs. In the Phils., provinces have supervisory powers over cities and municipalities, which, in turn, supervise barangays. Just as the national government or its agencies have review and "ratification" powers over local plans, legislation, budgets, personnel and other actions, so do superior local governments. Although such local actions are otherwise legally considered final, review is often taken for control. Local intergovernmental relations also often take the form of coordination and cooperation, sharing of revenues and lending of funds.

While in Japan, prefectures and municipalities are of equal standing, so municipalities do not fall under the supervision of prefectures. However, the governors, while acting in the capacity as central government agencies in relation to its delegated national functions, are under the supervision and direction of the appropriate Ministers. Also, the mayors, acting in the capacity as representatives of the central government, are under the supervision and direction of the governors.

#### IV. RELATIONSHIP OF EXECUTIVE-LEGISLATIVE ORGANS

The executive — legislative organs relationship in both countries can be premised on the principle that: legislative organization decides upon matters such as bylaws and budgets, while the executive organization implements the actual administration in accordance with the decisions of the legislative organization.

In Philippine local councils, the council (sanggunian) is composed of the chief executive as the presiding officer, except in cities where the city council is presided over by the City Vice-Mayor; the Vice-Governor or Municipal Vice-Mayor, eight (8) elective council members (number of council members in each local government unit is dependent upon the number of population); the members appointed by the President of the Philippines consisting of the President of the local unit's Association of Barangay Councils and the Kabataang Barangay (youth sector) provincial/city/municipal federal president, and one representative each from the agricultural and industrial labor sectors as may be recommended by the council pursuant to law.

The sanggunian (council) in each local unit shall:

1. enact such ordinances as may be necessary to carry into effect (legislative power); and
2. discharge the responsibilities conferred upon it by law, and such shall be necessary and proper to provide for the health, safety, comfort, and convenience, maintain peace and order, improve the morals, and promote the prosperity and general welfare of the community and the inhabitants thereof, the protection of property therein. (police power)

With reference to the organization of the assembly in Japan local legislative body, they are directly elected by the people. An assembly elects a president and a vice-president from its members. The president keeps order in the assembly, arranges the proceedings, presides over the meetings and represents the assembly. The powers vested on an assembly can be divided into powers of resolutions, and other powers. Powers of resolution are powers given to the assembly to decide upon important issues relating to the local public entity. Such major issues that call for the resolution of the assembly are the following:

1. to enact, amend or abolish bylaws;
2. to fix the budget;
3. to authorize the settlement of accounts;
4. to fix the levy or collection of local taxes or the collection of assessments,

charges, admission dues or fees, except as provided for by laws or by Cabinet of its duly authorized bylaws;

5. to authorize contracts; and
6. to authorize the barter, investment or offer as a means of payments, cession or lease without compensation of public properties.

The composition and nature of functions exercised by local councils and assemblies in the Philippines and Japan are almost entirely the same.

## V. CONCLUSIONS

Real autonomy is experienced by local governments in Japan than in the Philippine local government units. This is so because in the Philippines, it can only be said that delegation of authority or decentralization of functions/policies has so far been achieved by local governments in the field of local autonomy. Local public entities in Japan are more independent in carrying-out its day-to-day local affairs, while local government units in the Philippines adhered to standards set by the central government and are under general supervision by central government departments and upper-tier local governments.

No matter what may be the differences in local government system in both countries, they both have achieved the most attainable satisfaction expected by the people of local governments. But as to the degree of development reached in a global society, of course, there are a lot to learn of Japanese experience.

In one side, there is no doubt that there are also similarities in each system of local administration which greatly contributed to its being effective and efficient agents of the central government. They have been created for the purpose of administering local affairs, with the aim in view of developing its community, for its people to feel and experience that they are taken cared of by the government with the provision of their basic needs, thereby bringing the government closer to its people, both sides sharing a sense of commitment and belongingness in one's society.

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