

b. Administrative Law

Law to Partially Amend the Local Autonomy Law.

Promulgated on June 29, 1994. Ch. 48. Effective not later than one year from June 29, 1994 and fixed by Cabinet Order.

[Background of the Legislation]

The Japanese local autonomy system has adopted a dual system of prefectures and municipalities. Municipalities consist of cities (including ordinance-designated cities), towns and villages. Under the Local Autonomy Law, each of the cities, towns and villages is equal in its powers except for the ordinance-designated cities. However, as the population gap among the municipalities increased, the argument for granting larger cities more powers became stronger. In addition, there arose an argument for the reform of the existing local self-government system in order to meet the real necessities of administrative demand. Therefore, in 1993, responding to the report by the second committee on administrative reform concerning the relationship between the national and local governments, the twenty-third study committee on the local system submitted its report concerning the establishment of broader units of local-governing bodies and core cities. In 1994, the government submitted an amendment of the Local Autonomy Law to the Diet, and it was passed.

[Main Points of the Act]

With respect to the establishment of core cities, core cities or their executive organs may deal with matters which are fixed by Cabinet Order and which designated cities or their executive organs may deal with, except for those matters which are more efficiently dealt with by each prefecture or which are not appropriately dealt with by core cities (Article 252-22).

The requirement for the establishment of core cities is as follows: (a) a population of more than three hundred thousand, (b) an area of more than one hundred square kilo-meters, (c) if the population of the proposed core city is five hundred thousand or less, it must meet the standard fixed by Cabinet Order as a city which functions

as the center of the economic and social life in the neighboring area, including the proposed core city (Article 252–23).

The procedure for the designation of core cities follows Cabinet Order. The city which wishes to apply to be a core city must get the approval of the prefecture's legislature in advance, after obtaining the resolution of the legislative organ of the proposed core city (Article 252–24).

With respect to the establishment of the broader units of local-governing bodies, ordinary local public bodies and special wards may create plans covering a broader area with regard to matters which are appropriately dealt with in that area, and may establish a broader unit of local-governing bodies, with permission of the Minister of Home Affairs or the governor of the prefecture (Article 284 (3)).

[Comment]

With the establishment of core cities and the broader units of local-governing bodies, the local autonomy system in Japan is expected to enter a new phase. It is said that this new act will hopefully contribute to the promotion of decentralization in Japan.

Core cities are vested with a wide range of powers which ordinary cities cannot have. Those powers range from city planning to various kinds of welfare functions. It is reported that some twenty cities throughout this country are hoping to shift over to these newly-established forms of local government. The broader units of local-governing bodies have also activated an argument concerning the existing system of the local self-government. Through this new device, all of the prefectures and municipalities may make up a unit in a theoretical sense. In particular, if several prefectures make up one broader local governing body unit, there will be the possibility of radically changing the existing local self-government. Thus, the effects of this new act depend upon the future operation and need to be carefully monitored.

Prof. KENJI URATA

Assoc. Prof. (Aichi University of Education)

SATOSHI KOTAKE