

*Systems of Government in Some Foreign Countries:  
Japan*

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# CONTENTS

	<i>page</i>
<b>Executive Summary</b>	
<b>Part 1 - Introduction</b>	<b>1</b>
Background	1
Scope	1
Methodology	1
<b>Part 2 - Some Basic Information</b>	<b>2</b>
<b>Part 3 - Head of State</b>	<b>3</b>
The Emperor	3
<i>Succession</i>	3
<i>Functions and Powers</i>	3
<b>Part 4 - The Executive</b>	<b>4</b>
Prime Minister	4
<i>Selection of Candidates</i>	4
<i>Appointment</i>	4
<i>Removal / Resignation</i>	4
<i>Functions and Powers</i>	6
The Cabinet	7
Ministers	8
The Bureaucracy - The Senior Public Officers	8
<b>Part 5 - The Legislature</b>	<b>10</b>
Introduction	10
The House of Representatives	10
<i>Composition</i>	10
<i>Election Method</i>	10
<i>Dissolution</i>	10
<i>Functions and Powers</i>	11
The House of Councillors	11
<i>Composition</i>	11
<i>Election Method</i>	12
<i>Dissolution</i>	12
<i>Functions and Powers</i>	12
Legislative Procedures	13
Voting Majority Requirements	13

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<b>Part 6 - Executive-Legislative Relationship</b>	<b>14</b>
Ministerial Responsibility	14
Dismissal of Government	14
Initiation of Legislation	14
Delay of Legislation	15
Monitoring of the Executive	15
<i>Legal Basis</i>	15
<i>Question Time</i>	15
<i>Committees</i>	16
Scrutiny of Public Expenditure	16
<i>Budget Approval and Revision</i>	16
<b>Part 7 - Some Features of Political Participation</b>	<b>18</b>
Political Parties	18
<i>Legal Regulatory Framework</i>	18
<i>Funding Support</i>	18
Recent Electoral Reform	18
<i>Previous Electoral System</i>	18
<i>Events Leading to the Electoral Reform</i>	19
<i>Current Electoral System</i>	20
<i>Election Results</i>	21
Constitutional Amendments Related to Political Reform	23
<b>References</b>	<b>24</b>

## EXECUTIVE SUMMARY

1. Japan is a constitutional monarchy. The Head of State is the Emperor who performs largely ceremonial functions. In performing any state act defined in the Constitution, he must seek the advice and approval of the Cabinet.
2. The Head of Government is the Prime Minister. He is elected as a Diet member and is normally the leader of the majority party. The Constitution vests the executive power in the Cabinet which consists of the Prime Minister and other ministers. At least one half of the Cabinet ministers must be Diet members.
3. The Diet consists of the House of Representatives and the House of Councillors. Members of both Houses are elected by universal suffrage. The terms of office for Members of the House of Representatives and House of Councillors are four years and six years respectively.
4. The Constitution states that the Cabinet must be collectively responsible to the Diet. They must be accountable for the actions of their departments to the Diet. When a resolution of no-confidence is passed by the House of Representatives, the Cabinet resigns en bloc, unless the Prime Minister dissolves the House of Representatives.
5. Legislative power is vested in the Diet. Bills may be introduced by Cabinet ministers or Diet members.
6. The Diet uses a variety of means to monitor the executive, which include question time and select committees. The Diet also controls taxation and public expenditure.
7. Japan does not have a political party law. Political parties receive government financial support under the Political Funds Control Law.
8. Japan changed its electoral system of the House of Representatives in 1994 from the multi-seat constituency system to a combined system of single-seat constituencies and proportional representation.
9. Procedures of amending the Constitution require the consent of at least two-thirds of members in each House of the Diet and the amendments must be submitted to a national referendum. Based on the information available to us, no constitutional amendment has been made in Japan since 1947.

# SYSTEMS OF GOVERNMENT IN SOME FOREIGN COUNTRIES: JAPAN

## PART 1 - INTRODUCTION

### 1. Background

1.1 In January 2000, the Panel on Constitutional Affairs requested the Research and Library Services (RLS) Division of the Legislative Council (LegCo) Secretariat to conduct a study on systems of government in some foreign countries.

1.2 This report forms part of the series of studies discussing systems of government. There are seven separate research reports (RP03/99-00 to RP09/99-00) on this subject.

### 2. Scope

2.1 The scope of the research, as agreed by the Panel, covers

- the election or appointment of the Executive;
- the election or appointment of the Legislature;
- the structural and operational, formal and informal inter-relationships between the Executive and the Legislature; and
- other features of political participation, e.g. referendum, constitutional assembly or constitutional convention, political parties, etc.

2.2 This research studies the systems of government of the United States of America (the United States), the United Kingdom, Republic of France (France), Federal Republic of Germany (Germany), Japan, New Zealand and Singapore. The United States is chosen because it is a typical form of presidential government. The United Kingdom is chosen because its Executive ministers are all members of the Legislature. France is chosen because its Executive ministers are not allowed to be members of the Legislature. Germany is chosen because it allows but does not require Executive ministers to be members of the Legislature. Japan, New Zealand and Singapore are chosen because their electoral laws have been reformed in recent years.

### 3. Methodology

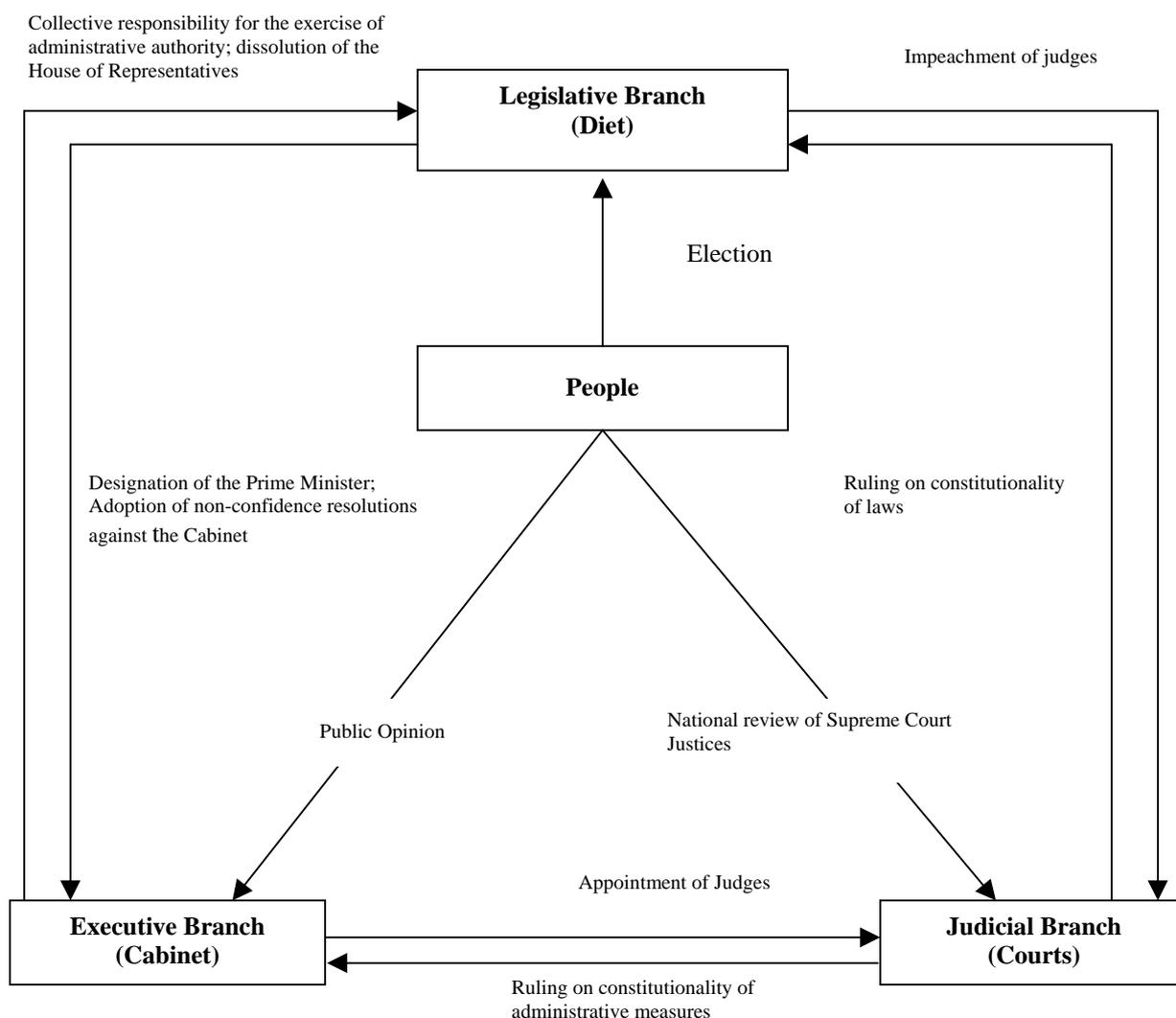
3.1 Information in this report is obtained from the Internet, government reports and relevant reference materials.

## PART 2 - SOME BASIC INFORMATION

4.1 In 1999, the population of Japan was 127 million<sup>1</sup>. Japan has a parliamentary system with the Head of Government separated from the Head of State (i.e., the Emperor), and the latter performs largely ceremonial functions. The Head of Government (i.e., the Prime Minister) leads a Cabinet consisting of Members of the Legislature; they are responsible to the Legislature.

4.2 The Meiji Constitution was replaced by the 1947 Constitution (hereafter "the Constitution"). It defines the functions and powers of the Diet (i.e., the Legislature consisting of the House of Representatives and the House of Councillors), the Cabinet and the judiciary, the rights and duties of the people, etc. Figure 1 gives a simplified diagram of the relationship of the executive, the legislature and the judiciary prescribed in the Constitution.

**Figure 1 - Relationship of the Executive, the Legislature and the Judiciary**



Source: <http://www.jinjapan.org/>

<sup>1</sup> <http://www.stat.go.jp/english/15k2.htm>

## **PART 3 - HEAD OF STATE**

### **5. The Emperor**

5.1 The Head of State of Japan is the Emperor who plays no active part in policy-making processes and his role is mainly ceremonial. Article 1 of the Constitution states that the Emperor is the symbol of the State and sovereignty belongs to the people.

#### Succession

5.2 Article 2 of the Constitution states that the Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet, i.e., the House of Representatives and the House of Councillors.

#### Functions and Powers

5.3 Under the Constitution, the Emperor has no governing power.<sup>2</sup> In performing any state act defined in the Constitution, he must seek the advice and approval of the Cabinet.

5.4 The major functions performed by the Emperor include:

- The appointment of the Prime Minister on designation by the Diet and the Chief Justice of the Supreme Court;
- The appointment and dismissal of Ministers of State;
- Promulgation of laws, Cabinet orders, treaties and constitutional amendments;
- The convocation of the Diet, dissolution of the House of Representatives and proclamation of elections to the Diet;
- The granting of amnesties, reprieves and pardons;
- The ratification of treaties, conventions or protocols; and
- The award of honours and performance of ceremonial functions.

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<sup>2</sup> Article 4 of the Constitution.

## **PART 4 - THE EXECUTIVE**

6.1 The Constitution vests the executive power in the Cabinet<sup>3</sup> and gives particular powers to the Head of Government, the Prime Minister.

### **7. Prime Minister**

#### Selection of Candidates

7.1 The Prime Minister must be a member of the Diet.<sup>4</sup> He is usually the president of the majority party.

#### Appointment

7.2 The Prime Minister is not elected directly by the people as such but is designated from among the Diet members by a resolution of the Diet. He is elected by a simple majority of members in both Houses of the Diet. If the two Houses disagree, and if no agreement can be reached even through a Conference Committee<sup>5</sup>, or if the House of Councillors fails to make a designation within ten days (excluding recess time) after the House of Representatives has made a designation, the decision of the House of Representatives prevails.

7.3 There was only one occasion in 1989 when there was disagreement of the two Houses over the choice of Prime Minister. The decision of the House of Representatives prevailed.

#### Removal / Resignation

7.4 The Constitution has not provided any limitation on the maximum number of terms that a Prime Minister can serve. However, when the House of Representatives passes a vote of no-confidence or a confidence vote is rejected, the Prime Minister must either dissolve the House of Representatives within ten days or he must resign along with his Cabinet ministers.

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<sup>3</sup> Article 65 of the Constitution.

<sup>4</sup> Article 67 of the Constitution.

<sup>5</sup> A Conference Committee comprises members from both Houses to decide matters disagreed by both Houses.

7.5 In 1993, a vote of no-confidence was passed by the House of Representatives. The Prime Minister dissolved the House on the same day.

7.6 From 1955 to 1993, there was a high turnover rate of Prime Ministers in Japan. It is noted that the reasons they left office are not the passage of votes of no-confidence but are intra-party conflict, poor performance of his party in elections and political scandals. Table 1 gives the reasons for the high turnover rate of Prime Ministers in Japan.

**Table 1 - Reasons why Prime Ministers left office, 1955-1993**

Prime Minister	Year	Reason
Hatoyama	1956	Intra-party conflict
Ishibashi	1957	Ill health
Kishi	1960	Intra-party conflict
Ikeda	1964	Ill health
Sato	1972	Stood down under party pressure
Tanaka	1974	Forced to resign because of scandal
Miki	1976	Party did badly in the election of the House of Representatives
Fukuda	1978	Intra-party conflict
Ohira	1980	Died in office
Suzuki	1982	Intra-party conflict
Nakasone	1987	Stood down voluntarily
Takeshita	1989	Forced to resign because of scandal
Uno	1989	Party did badly in the election of the House of Councillors
Kaifu	1991	Intra-party conflict
Miyazawa	1993	Party lost the election in the House of Representatives

Source: Elgie, Robert, *Political Leadership in Liberal Democracies*, 1995, p.149

## Functions and Powers

7.7 Listed below are the main functions and powers of the Prime Minister provided for in the Constitution:

- To appoint and remove other ministers;
- To submit bills and report on national affairs and foreign relations to the Diet;
- To exercise control and supervision over various administrative branches of government;
- To countersign all the decrees of the Cabinet and laws;
- To fix the dates for the election of the Diet and its session; and
- To give necessary approval for any legal action being taken against other ministers.

7.8 Cabinet law states that the Prime Minister has the power to decide the jurisdiction of policy issues and to suspend ministry orders temporarily pending Cabinet action.

7.9 The Prime Minister has been weakened by the highly factionalized party structure<sup>6</sup>. This is demonstrated by the selection of Cabinet ministers.

7.10 Although the Prime Minister is empowered by the Constitution to appoint Cabinet ministers, in practice, it is noted<sup>7</sup> that since 1968, Cabinet posts have been allocated roughly in proportion to the strength of the different factions of the leading party, the Liberal Democratic Party, in the Diet. The people to be appointed from each faction were often chosen by the leader of that faction, rather than by the Prime Minister. Hence, loyalty to the Prime Minister was not their main concern. This 'fair shares' rule had weakened the potential power of the Prime Minister.

7.11 Yet, the Prime Minister still exercises enormous powers as the Constitution gives him the de facto authority to dissolve the House of Representatives and he may use this power to help him handle opposition parties. For example, in 1983, the opposition parties were not prepared for an election. The Prime Minister, Nakasone, was therefore able to break their boycott to the Diet by threatening to hold election for the House of Representatives in that year.

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<sup>6</sup> For example, the Liberal Democratic Party is characterized by highly organized intra-party factions. These factions are not loosely organized. Rather, they are formal political entities with headquarters, regular meetings, a known membership, an established structure and firm discipline. Source: Hayao, Kenji, *The Japanese Prime Minister and Public Policy*, University of Pittsburgh Press, 1993, p.124.

<sup>7</sup> Elgie, Robert, *Political Leadership in Liberal Democracies*, 1995. Hayao, Kenji, *The Japanese Prime Minister and Public Policy*, University of Pittsburgh Press, 1993.

## 8. The Cabinet

8.1 Article 66 of the Constitution states that the Cabinet shall consist of the Prime Minister and other Ministers of State, as provided for by law. Under Article 2 of the Cabinet Law, the Prime Minister can appoint up to 20 Ministers of State. As at February 2000, there were 18 Cabinet ministers.

### *Selection of Candidates*

8.2 Article 68 of the Constitution stipulates that at least one half of the Cabinet ministers must be chosen from the Diet. The rest can be whoever the Prime Minister chooses.

8.3 By convention, almost all Cabinet ministers are members of the Diet. Most of them are members of the House of Representatives who have served for at least six or seven terms, a few of them are members of the House of Councillors who have served for at least two to three terms.

### *Appointment / Removal*

8.4 Ministers are appointed and removed by the Prime Minister. The House of Representatives can remove the Cabinet by a vote of no-confidence.

### *Functions and Powers*

8.5 The Cabinet's primary functions stated in the Constitution are:

- To administer the law faithfully;
- To conduct state affairs;
- To conclude treaties and obtain prior or subsequent Diet approval;
- To administer the civil service in accordance with the law;
- To prepare and present the budget to the Diet;
- To enact Cabinet orders in order to make effective legal and constitutional provisions; and
- To decide on amnesties, reprieves or pardons.

8.6 The Cabinet may convene extraordinary sessions of the Diet when one-quarter or more of the members of either House of Diet request it.

8.7 Cabinet meetings are closed to the public but the Chief Cabinet Secretary normally issues Cabinet statements to the press. By convention, details of Cabinet proceedings are kept secret.

## **9. Ministers**

9.1 Article 68 of the Constitution empowers the Prime Minister to appoint and dismiss ministers. It is by this authority that the Prime Minister can dismiss dissident ministers.

9.2 Ministers can be ministers with portfolio, i.e., they are in charge of certain ministries or agencies, and ministers without portfolio, i.e., they are usually highly political appointments which carry with them no specific administrative duties. Both types are known as Ministers of State.

9.3 Article 75 of the Constitution states that Ministers of State, during their tenure of office, are not subject to legal action without the consent of the Prime Minister.

## **10. The Bureaucracy - The Senior Public Officers**

10.1 Each ministry or agency is headed by a Minister of State who is appointed by the Prime Minister. Under each Minister of State is a Vice-Minister who is the top-ranking civil servant of the ministry or agency concerned. The Vice-Minister oversees a number of bureaus as well as a secretariat, each with its own director.

10.2 Japan has a strong bureaucracy for two main reasons. First, there is a high turnover rate of Ministers of State. On average, a Cabinet minister served in office for less than a year.<sup>8</sup> This high level of ministerial instability implies that ministers will be largely dependent on the advice of the permanent administration during their short stay in the office. It is observed<sup>9</sup> that it is the Vice-Minister, i.e., the most senior civil servant in each government ministry, rather than the Minister, who is responsible for policy co-ordination within a ministry. All the Vice-Ministers meet weekly to discuss policy matters. These weekly meetings serve as the primary site of inter-ministerial policy co-ordination.

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<sup>8</sup> Elgie, Robert, *Political Leadership in Liberal Democracies*, 1995, p. 155.

<sup>9</sup> Ibid.

10.3 Secondly, almost all civil servants serve only one ministry for their whole career. Inter-departmental personnel exchange programmes happen only occasionally. This career pattern strengthens the loyalty of the civil servants to their ministries rather to the Cabinet. In addition, each Diet member is provided with three personal staff members only. This limited staff support does not permit Diet member to command sufficient resources to draft legislation himself but to rely substantially on the bureaucracy.

## **PART 5 - THE LEGISLATURE**

### **11. Introduction**

11.1 The Japanese parliamentary system is quite similar to that of the United Kingdom. The Japanese legislature, which is known as the Diet, is 'the highest organ of state power' (Article 41 of the Constitution). It consists of the House of Representatives and House of Councillors.

11.2 A Diet member cannot be a member of both Houses. He cannot hold concurrently any official post in the government or in any local public entity, or any post as executive or staff member of a public corporation. Exceptions are posts provided for in the law such as the Prime Minister, Minister of State, etc.

### **12. The House of Representatives**

#### Composition

12.1 The House of Representatives comprises 500 elected members.

#### Election Method

12.2 Members of the House of Representatives are elected by universal suffrage. The age requirement for voters is 20 years and that for candidates is 25 years.

12.3 Members are elected for a four-year term. Before 1994, the House of Representatives had 511 members elected from multi-seat districts, with an average of four members representing each district. Under the 1994 reforms, the number of members was reduced to 500. Of the 500 members, 300 members were from new single-seat districts and the other 200 were determined by proportional representation, with each party receiving seats according to the proportion of their overall votes.

#### Dissolution

12.4 The House of Representatives can be dissolved at any time by the Emperor on the advice and consent of the Cabinet under Article 7 of the Constitution.

12.5 Only the House of Representatives can be dissolved. This is a powerful tool given to the Prime Minister because he can change the balance not only between the ruling party and the opposition parties but also among the factions of the ruling party.

### Functions and Powers

12.6 The Constitution establishes the supremacy of the House of Representatives. Listed below is a summary of the functions performed by the House of Representatives:

- Initiate bills;
- Nominate the Prime Minister;
- Ratify treaties;
- Review and approve the budget;
- Provide a government; and
- Investigate state affairs.

12.7 The Constitution also empowers the House of Representatives to pass resolutions of no-confidence and confidence in the Cabinet (Article 69), to initiate constitutional amendments (Article 96) and to set up a Court of Impeachment to try judges (Articles 64 and 78).

12.8 The House of Representatives takes precedence over the House of Councillors in decisions on legislation and the budget. Article 60 of the Constitution requires that the budget has to be submitted to the House of Representatives first. By convention, all the important bills are also presented to the House of Representatives first.

12.9 The House of Representatives can also override decisions of the House of Councillors. The Constitution provides that for such an overriding decision to be effective, the House of Representatives must have the consent of two-thirds of its members present for the vote. The House of Representatives can also override the rejection of a bill made by the House of Councillors by passing the bill a second time.

## **13. The House of Councillors**

### Composition

13.1 The House of Councillors consists of 252 members.

### Election Method

13.2 Members of the House of Councillors are elected by universal suffrage. They are elected at the national and prefectural levels. 100 members are elected from the whole nation, and 152 members are elected from 47 prefectures<sup>10</sup>, each constituting an electoral district. The age requirement for voters is 20 years and that for candidates is 30 years.

13.3 The term of office is six years, and half of the members are elected every three years. Each voter can cast two ballots, one under the proportional representation system and one in the electoral district to which the voter belongs.

### Dissolution

13.4 The House of Councillors cannot be dissolved. The Councillors close their session when the House of Representatives is dissolved<sup>11</sup>. In times of national emergency, the Cabinet may convoke the House of Councillors, but measures taken are provisional and become null and void unless they are agreed to by the House of Representatives within ten days after the opening of the next session of the Diet.

### Functions and Powers

13.5 The House of Councillors is also empowered by the Constitution to initiate bills and pass them into law. It may conduct investigations in relation to the government and may demand the presence and testimony of witnesses and the production of records.

13.6 The Constitution stipulates that the House of Representatives takes precedence over the House of Councillors in the following matters:

- if the two houses disagree on a proposed bill;
- nomination of the Prime Minister;
- deliberation of the budget;
- submission of resolutions of confidence or no-confidence in the Cabinet.

13.7 While the Constitution provides that the House of Representatives can override decisions made by the House of Councillors by a two-thirds majority, in reality, it rarely happens. This is because the government has never had enough seats (two-thirds majority) in the House of Representatives.

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<sup>10</sup> A prefecture is allotted seats in proportion to its population; roughly two to eight seats are allotted to each prefecture.

<sup>11</sup> Article 54 of the Constitution.

## **14. Legislative Procedures**

14.1 Bills affecting the budget or other important bills and treaties are usually submitted to the House of Representatives first. Generally, a bill becomes law if both Houses pass it.

14.2 If the House of Councillors amends the bill passed by the House of Representatives, the bill has to be returned to the House of Representatives for re-consideration. The bill becomes a law when the House of Representatives agrees to the amendment.

14.3 It is up to the two Houses to call for a Conference Committee if they disagree on the text of a bill. The Conference Committee consists of 20 members, 10 from each House. Decisions made by the Conference Committee must have obtained the consent of at least two-thirds of its members from each House present at the meeting. A final compromise reached by the Conference Committee shall not be subject to any further amendment proposed by either House. When no agreement can be reached even through a Conference Committee, the decision of the House of Representatives becomes that of the Diet.

## **15. Voting Majority Requirements**

15.1 In each House or each committee, all matters are decided by a majority vote of those present, except as elsewhere provided for in the Constitution. In the case of a tie, the Speaker or the President or the chairman of the committee casts the deciding vote.

15.2 If the House of Councillors rejects a bill passed by the House of Representatives, the bill is sent back to the House of Representatives and it becomes a law only when it is passed again by the House of Representatives by a two-thirds majority of the members present. This provision also applies if the House of Councillors fails to take action within 60 days after receipt of the bill.

15.3 The Constitution gives the House of Representatives overriding authority when the two Houses do not agree on the budget, treaties or designation of a Prime Minister.

## **PART 6 - EXECUTIVE-LEGISLATIVE RELATIONSHIP**

### **16. Ministerial Responsibility**

16.1 Article 66 of the Constitution states that the Cabinet is collectively responsible to the Diet. It is therefore considered that Cabinet decisions must be made unanimously and they must be accountable to the Diet. If a Cabinet minister refuses to accept any Cabinet decision, he must resign or otherwise the Prime Minister will remove him.

### **17. Dismissal of Government**

17.1 When the House of Representatives passes a no-confidence resolution or rejects a confidence resolution, the Cabinet resigns en bloc, unless the Prime Minister dissolves the House of Representatives within ten days.

17.2 If a Member of the House of Representatives wishes to introduce a vote of confidence or no-confidence in the Cabinet, he has to submit a draft of the resolution with reasons attached to the Speaker of the House of Representatives and the draft must be signed by at least 50 members.

17.3 Resolutions of no-confidence are rare. This is because the Liberal Democratic Party has a comfortable majority in the House of Representatives since 1955. There was one passed in 1993 when the Prime Minister was heavily criticized for his inability to bring in political reforms. The Cabinet did not resign en bloc but it dissolved the House of Representatives and called a general election to ask the people, in effect, for their vote of confidence.

### **18. Initiation of Legislation**

18.1 Members of both Houses can initiate bills. They are required to present their drafts to the Speaker or the President of the House, depending on which House they belong to. Presenting members must secure the support of at least 20 members in the House of Representatives or 10 members in the House of Councillors.

18.2 The Prime Minister can initiate bills to both Houses. A standing committee or a special committee can also present a bill concerning matters under its jurisdiction to the Speaker or President of the House to which it belongs.

18.3 Most bills are passed with no or with only minor amendments<sup>12</sup>. This is because by convention, the majority party often negotiates with the opposition parties before introducing legislation.

## **19. Delay of Legislation**

19.1 The Diet meets and conducts parliamentary business for 150 days a year<sup>13</sup>. If a bill does not get passed in one session, it has to be re-submitted in the next session as a new bill unless the opposition parties agree that it should be carried over to the next session.

19.2 The opposition parties have considerable influence over the introduction of bills to the legislature. A bill is introduced by the Cabinet to the House of Representatives through the House Management Committee. The House Management Committee is run by an executive committee of representatives from all the major parties, including the opposition parties. Although on paper, it is the Speaker of the House of Representatives who has the authority to refer bills to appropriate committees, in practice, it is the House Management Committee that makes the decision. If the House Management Committee cannot reach an agreement on where or when a bill should be referred to, the bill will be postponed. This practice gives the opposition parties an opportunity to delay deliberations on bills they oppose.

## **20. Monitoring of the Executive**

### Legal Basis

20.1 The Diet is empowered by the Constitution to monitor the activities of the state.

### Question Time

20.2 Members of either House can address questions to the Cabinet verbally or in writing. The Cabinet must answer any question put to it within seven days of its receipt. If the Cabinet fails to provide an answer within that period, it must give the reasons and the time when a reply will be given. When a question is of an urgent nature, it may be asked orally with the permission of the House.

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<sup>12</sup> Hayao, Kenji, *The Japanese Prime Minister and Public Policy*, University of Pittsburgh Press, 1993, p.132.

<sup>13</sup> [http://www.shugiin.go.jp/top\\_e/guide.htm](http://www.shugiin.go.jp/top_e/guide.htm).

### Committees

20.3 Each House may conduct investigations relating to state administration. It may also demand the presence and testimony of witnesses and the production of records. Such investigations are usually conducted at committee meetings.

20.4 Committee meetings are, as a rule, closed to the public. However, committees must hold public hearings on areas such as the budget, important revenue bills and bills of grave public interest. Members of the press, radio and TV, and other media may be admitted to meetings at the discretion of the committees' chairmen.

20.5 Each Diet member should join at least one standing committee. The places on each committee are allocated to political parties or groups in proportion to their numerical strength in the House, and the Speaker or the President of the House nominates them on the recommendation of parties or groups<sup>14</sup>.

## **21. Scrutiny of Public Expenditure**

### Budget Approval and Revision

21.1 The budget can only be initiated by the Cabinet and it must be first introduced to the House of Representatives. The budget is referred to the Budget Committee, which has the largest committee membership. This committee may request the Prime Minister and other Ministers of State to be present at its meetings.

21.2 If a member wishes to present a budget amendment bill, he has to secure the support of at least 50 members in the House of Representatives or at least 20 members in the House of Councillors.

21.3 Note that the decisions of House of Representatives on matters relating to the budget always prevail. If the House of Councillors makes a decision on the budget different from that of the House of Representatives and no agreement can be reached, the decision of the House of Representatives becomes that of the Diet. In the case where the House of Councillors fails to take final action within 30 days (recess time excluded) of receipt of the budget passed by the House of Representatives, then that budget becomes the official national budget.

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<sup>14</sup> <http://www.shugiin.go.jp/guide/committee.htm>

21.4 For the past few decades, the Liberal Democratic Party has been able to maintain a majority in the House of Representatives. It has little difficulties to have its bills passed. However, in 1987, the opposition parties had a voting majority in the Budget Committee of the House of Representatives. They demanded the government to incorporate some of their demands into the budget. They threatened to submit a motion to rewrite the budget or boycott the deliberations if their demands were not taken. This threat was effective because a delay would have seriously threatened the scheduled trip of the Prime Minister to the United States. This trip was important to the Japanese government because it had to show to the Congress that it had taken steps to ease the trade imbalance between Japan and the United States. As a result, their demands were incorporated into the budget.

## **PART 7 - SOME FEATURES OF POLITICAL PARTICIPATION**

### **22. Political Parties**

#### Legal Regulatory Framework

22.1 Japan does not have a political party law to define the basic functions of political parties, their status within the government, nor their organization structure. The only legal reference we can find is the Political Funds Control Law.

#### Funding Support

22.2 The Political Funds Control Law gives a legal base to political parties to receive government financial support for both the government and opposition parties. Under this law, political parties are defined as political organizations to which five or more Diet members belong, or which received more than 2% of the total votes in an election at the national level. If they meet these requirements, they are entitled to receive government subsidies.

22.3 The aim of the Political Funds Control Law is to prevent corruption. The government believed that corruption might be the result of the lack of public financing for political activities. With government subsidies, politicians would feel less compelled to engage in illegal fund raising. In 1995, the first year the Japanese government provided subsidies to political parties, eight parties received a total of 30.2 billion yen (or HK\$2.07 billion<sup>15</sup>). This amounted to one-third to two-thirds of their total revenue.<sup>16</sup>

### **23. Recent Electoral Reform**

#### Previous Electoral System

23.1 For 50 years up to 1993, Japan held its general elections of the House of Representatives under a multi-seat constituency system. Under the old system, the country was divided into 130 electoral districts, electing a total of 511 representatives to the House of Representatives. Each district had between two to six seats (except the Amami district named which has only one seat).

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<sup>15</sup> According to the Census and Statistics Department, *Hong Kong Monthly Digest of Statistics*, February 2000, p.117, the average exchange rate of Japanese currency was ¥ 1,000 = HK\$68.5 in 1999.

<sup>16</sup> Sachsenroder, Wolfgang and Frings, Ulrike E., *Political Party Systems and Democratic Development in East and Southeast Asia*, Aldershot: Ashgate, 1998.

23.2 Under this multi-seat system, each party had a chance of winning more than one seat. Consequently, large parties such as the Liberal Democratic Party would field more than one candidate in the same district. Hence, candidates of the same party competed against each other in the same district. This meant increased factional politics and increased campaign spending because competition based on policy issues was an ineffective strategy for those who stood on the same party platforms. The real competition was therefore among candidates of the same party while the opposition party with different party platforms was usually able to win one seat within the same district.

23.3 Elections were expensive contests in Japan. A candidate had to spend large amounts of money cultivating and maintaining personal support groups between elections. A typical politician had 50 to 80 of these support groups.

23.4 With the lack of public money, fund-raising by individual candidates and their factions escalated, increasing further the election campaign costs. When a series of political scandals involving high profile politicians were revealed in the 1980s and the early 1990s<sup>17</sup>, there was a call for political reform.

#### Events Leading to the Electoral Reform

23.5 Public opinion at the time thought that the main cause of the excessive 'money politics' was the electoral system which fostered intense factional competition within the Liberal Democratic Party.<sup>18</sup> They urged for an electoral reform but the Liberal Democratic Party was divided on the issue and the then Prime Minister, Miyazawa, was unable to produce a proposal which would be accepted by both the opposition parties and the different factions within the Liberal Democratic Party. As it became clear that there would not be any consensus within the Liberal Democratic Party, the opposition parties decided to present a no-confidence bill against the Miyazawa government.

23.6 The no-confidence bill was passed on 18 June 1993 by a vote of 255 to 220.<sup>19</sup> Forty members of the Liberal Democratic Party supported the bill while 18 members were absent from the vote. Since the Constitution stipulated that if the House of Representatives passed a no-confidence bill, the Cabinet must resign unless the House of Representatives would be dissolved in ten days<sup>20</sup>. In the event, Miyazawa dissolved the House of Representatives on the same day as the date of the passage of the no-confidence bill and called a general election.

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<sup>17</sup> The scandals were about high profile politicians receiving money from private corporations either illegally or unethically.

<sup>18</sup> Kohno, Masaru, *Japan's Postwar Party Politics*, Princeton University Press, 1997, p. 137.

<sup>19</sup> *Ibid.*, p. 139.

<sup>20</sup> Article 69 of the Constitution.

23.7 Before the general election was held, 55 members of the Liberal Democratic Party left the party and formed two new separate parties. The general election was held on 18 July 1993, no party obtained a majority. On 28 July 1993, a coalition government was formed and the new Prime Minister, Hosokawa, promised to launch an electoral reform.

23.8 In January 1994, the coalition government passed a new election reform law for the House of Representatives.

### Current Electoral System

23.9 The election reform of 1994 made the following changes:

a. Electoral System

1. It altered the multi-seat constituency system to one of a combination of single-seat constituencies and seats allocated through proportional representation.
2. The size of the House of Representatives was to be reduced to 500 seats, comprising 300 single-seat constituencies and 200 seats determined by proportional representation. The proportional representation base was to be divided into 11 regions, and a party would qualify for a proportional representation seat if it gained a minimum of 2% of the vote.
3. Each voter has two votes: one for an individual candidate in a single-seat district and another for a political party in a regional bloc.
4. Under the new system, the candidate capturing the most votes is elected in the single-seat district. The 200 proportional-representation seats are allocated by bloc to the parties in accordance with the votes they receive.
5. Any individual who is 25 years or older can run in a single-seat district. To compete for a proportional representation seat, the candidate must be listed with a party affiliation. A candidate can run for a single-seat district and a proportional representation seat at the same time. This enables him to win a seat even if he is defeated in one of the two contests.
6. An independent body would be set up to draw up new electoral boundaries.

b. Political Donations

1. All political donations exceeding 50,000 yen (or HK\$3,425) are to be disclosed and any politician found guilty of corruption would be prohibited from holding further office.
2. Donations amounting to 500,000 yen (or HK\$34,250) annually per private sector corporation to individual politicians are permitted, but this will be phased out after five years.
3. Restrictions on corporate donations will be subsidized by the government under the Political Funds Control Law.

c. Campaign

1. Only certain kinds of leaflets and posters are allowed.

23.10 This electoral system was a product of political compromise. The Liberal Democratic Party believed that a single-seat electoral district system would be more advantageous to it. Smaller political parties wished to have a proportional representation which allowed diverse political views to find representation in the Diet. The compromise was the combination of single-seat and proportional representation districts.

### Election Results

23.11 The first general election for the House of Representatives under the new electoral system was held on 20 October 1996. The results confirmed the beliefs of the Liberal Democratic Party and the smaller parties. The Liberal Democratic Party made large gains in the single-seat electoral districts, winning 28 seats more than it held prior to the election while the smaller parties did better in the proportional vote.

**Table 2 - Party Strength in the House of Representatives Prior to and After the General Election Held Under the New Electoral System**

Party	Seats won in single-seat electoral districts	Seats won under the proportional representation system	Total number of seats won	Number of seats prior to election
Liberal Democratic Party	169	70	239	211
The New Frontier Party	96	60	156	160
Democratic Party of Japan	17	35	52	52
Japanese Communist Party	2	24	26	15
Social Democratic Party	4	11	15	30
New Party Sakigake	2	0	2	9
Others	1	0	1	6
Independent	9	0	9	10
Vacancies	--	--	--	18
Total	300	200	500	511

Sources:

1. <http://210.235.30.41/stat/stats/03PLT21.html>
2. <http://210.235.30.41/trends96/honbun/tj961004.html>

## 24. Constitutional Amendments Related to Political Reform

24.1 Article 96 of the Constitution stipulates the procedures of amending the Constitution. It reads as follows:

*"Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all members of each House and shall thereupon be submitted to the people for ratification, which shall require the affirmative vote of a majority of all votes cast thereon, at a special referendum or at such election as the Diet shall specify.*

*Amendments when so ratified shall immediately be promulgated by the Emperor in the name of the people, as an integral part of this Constitution."*

24.2 The procedures are laid down as follows:

- A member of the Diet initiates an amendment;
- The amendment must obtain the consent of at least two-thirds of members in each House;
- The amendment must be submitted to a national referendum;
- The amendment must obtain a majority vote from the referendum; and
- Finally, the amendment is promulgated by the Emperor.

24.3 Based on the information available to us, no constitutional amendment has been made in the past few decades.

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6. <http://www.shugiin.go.jp/guide/diagram.htm>.
7. [http://www.geocities.com/~watanabe\\_ken/election.html](http://www.geocities.com/~watanabe_ken/election.html).
8. <http://210.235.30.41/stat/stats/03OLT21.html>.
9. <http://www.unf.edu/groups/jsr/article2.html>
10. [http://www.shugiin.go.jp/top\\_e/guide.htm](http://www.shugiin.go.jp/top_e/guide.htm)
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