

ARTICLE

**New Systems for More Transparent
and Accountable Government**
— The Japanese Case —

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Summary

In the last decade, the Japanese government introduced new legislation for securing transparency and accountability in public governance. Such legislation is composed of the Administrative Procedure Law and the Access to Government Information Law.

The Administrative Procedure Law has come to take root in Japan and continuous undertaking has been carried out to make the administrative procedures as transparent as possible. Current practices are analyzed by making use of the monitoring survey results. Examination standards for the most of applications have been established and released to the public. The basic principles for administrative guidance have come to be understood by the government officials as well as the businesses. In all, it can be said that the Administrative Procedure Law has provided the legal basis for minimizing the discretion of government agencies and realizing public administration

based on clear rules.

From the viewpoint of ensuring access and openness in public governance, the Access to Government Information Law constructed the firm legal ground for any citizen to demand the disclosure of any government documents, records and other information. This institution has been greatly improving the transparency of the government since its enforcement in 2001 according to the monitoring survey results. The impact of the law in the government is analyzed.

However, there are some weak points of burdensome procedures to get the government information disclosed. Rather than taking the information disclosure procedures, the public release of government information is one of the more convenient and time-saving means to improve the transparency and accountability of the government.

At the beginning of the 21st century, Japan introduced new institutions that would promote the public management based on the performance and result. These are the policy evaluation system and the incorporated administrative agency system. Transparency elements are built in these systems as one of the indispensable tools for realizing the objectives of the systems. The key point is to make the performance reports and to release them to the public for open deliberation on public governance.

In concluding, the future challenges are suggested to improve the transparency and accountability of the government.

1. Legislation for Transparent and Accountable Government

In the last decade, the Japanese government introduced new

legislation for securing transparency and accountability in public governance. Such legislation is composed of the Administrative Procedure Law and the Access to Government Information Law. The Administrative Procedure Law was enforced in 1994 and the Access to Government Information Law was made effective in 2001. In this section, the background and outline of these laws are described, followed by the current practices. Then the effects of the new legislation are analyzed by making use of the monitoring survey results.

1.1. Administrative Procedure Law

1.1.1. Background

In Japan, the proposal of enacting a law stipulating general rules of administrative procedures was once made by a government advisory body in the 1960s. However, such enactment had never been realized until 1990s, when intensive deliberation concerning the government regulations was carried out at a powerful government advisory council on administrative reform. During such deliberation, it was repeatedly emphasized that the examination process for permit application and the procedures for administrative guidance lacked the transparency and tended to be too discretionary. Upon the recommendation by the advisory council, requesting the government to establish common rules on administrative procedures by enacting a law, the government prepared the necessary bills and the Administrative Procedure Law was enacted and came into force in October 1994.

1.1.2. Outline of the Law

The Administrative Procedure Law lays down common rules for preliminary procedures for dispositions and notifications as well as procedures for administrative guidance. It stipulates the establishment and publication of examination standards and typical process time frame, the procedures for hearing statements of opinions from interested entities related to adverse dispositions, and the general principles for administrative guidance. The law aims at protecting the people's rights and interests by assuring impartiality in public administration and by improving transparency.

In enforcing the Administrative Procedure Law, the government has been undertaking the following measures;

- Establishment and public announcement of examination standards for permit applications and adverse dispositions.
- Concretization, clarification and quantification of the examination standards through periodical review
- Determination and public announcement of typical process time frame for permit applications.
- Stipulation of objectives, contents and officials in charge in providing administrative guidance.

1.1.3. Current Practices

A monitoring survey has been conducted repeatedly by the Ministry of Internal Affairs and Communications. Such survey was conducted six times since the enforcement of the Administrative Procedure Law. The latest survey was conducted in 2005.

The survey covered all the ministries and agencies including their local branch offices. The items in the questionnaire were as follows.

- 1) Whether examination standards were established for specific applications or not.
- 2) Whether typical process time frames for specific applications were determined or not.
- 3) Whether examination standards were established for specific adverse dispositions or not.
- 4) Whether hearing and justification procedures for adverse dispositions were taken or not.
- 5) When providing administrative guidance, whether such documents were handed out as stipulating the objectives, contents and officials in charge or not.
- 6) Whether any directive for administrative guidance applicable to more than one entity was publicly announced or not.

As for the first and second questions, examination standards were established for 84.6% of all kinds of applications¹ and typical process time frames were established for 71.4% of all kinds of applications as of 31 March 2005. As for the third question, examination standards were established for 71.2% of all kinds of adverse dispositions² as of 31 March 2005. The reason why the examination standards or typical process time frames had not been established was that such application or adverse dispositions had been extremely rare so that it was quite difficult to establish the standards or time

frames beforehand.

As for the fourth question, hearing procedures were taken for 328 adverse dispositions and justification procedures were taken for 3092 adverse dispositions from April 2004 to March 2005. Among such hearings, 36.9% of them were finalized with no-show of the applicants.

As for the fifth question, the document was handed out for 43 cases from April 2002 to March 2005. As for the last question, 29 directives for administrative guidance applicable to more than one entity were publicly announced from April 2002 to March 2005.

In all, the Administrative Procedure Law has been appropriately enforced according to the monitoring survey results. Moreover, a business federation, the Nippon Keidanren, conducted its own monitoring survey in 2001 and the same results were obtained. It can be said that the law has provided the legal basis for minimizing the discretion of government agencies and realizing public administration based on clear rules.

1.1.4. Public Comment Procedure and the Amendment of Law

A “Public Comment Procedure for Formulating, Amending or Repealing a Regulation” was introduced based on the cabinet decision in April 1999 to further promote the deregulation and minimize the discretion of government agencies. Under this procedure, each regulating government agency should formulate, amend, or repeal a regulation after considering comments and information submitted by the public in response to the public notice of a proposed regulation. By so doing, the fairness and transparency are to be achieved in

the process of formulating cabinet orders, ministerial ordinances, and other statements of general applicability to formulate, amend or repeal a regulation.

This procedure was not based on the law. The businesses were not satisfied with the procedure because it seemed to them that the government agency only received the comments from the public and did not do anything about the proposed regulation. Moreover the public comment procedure was only applicable to issuing statements related to formulating, amending or repealing a regulation.

In the three-year regulatory reform action plan decided in 2004, it was noted that the Administrative Procedure Law was to be amended in such a way as including a general public comment procedure applicable to issuing cabinet orders, ministerial ordinances and other guidelines. Upon this request, the government organized an expert group to study and investigate the possible amendments of the law. A bill to amend the Administrative Procedure Law was submitted to the parliament and the new law was promulgated in June 2005. The new law took effect in April 2006. A general public comment procedure is now implemented as a legal institution in Japan.

It is expected that through the new public comment procedure more transparency and impartiality of public administration will be ensured.

1.2. Access to Government Information Law

1.2.1. Background

In March 1983, a highly authoritative advisory council mentioned in its report to the prime minister the necessity of study and

research toward the systems for disclosure of government information. Upon this, the cabinet decided to carry out serious research on the systems that concerned access to government information. An advisory council to the prime minister was newly created and started to survey and deliberate legal and other systems needed for disclosure of government information in December 1994. After extensive and overall survey and deliberation, the advisory council submitted the report on laws and systems about access to government information to the prime minister in December 1996.

Based on this report, the government prepared the necessary bills on access to government information, which were submitted to the parliament. The Access to Government Information Law was promulgated in March 1999 and took effect in April 2001.

1.2.2. Outline of the Law

1.2.2.1. Objectives

The law provides a basic institution for more trustworthy, impartial and democratic public administration. The law enables the people to make the government release the information concerning how it actually performs its functions so that they can individually review and evaluate. Accordingly, more impartial public administration may be secured as well as reasonable decision-making by the people will be realized. It is expected that with this law more adequate relationship between the people and the government will be established in the present democratic society.

1.2.2.2. Government Organizations Subject to the Law

All government organizations in the executive branch are subject to the law. As for the other public entities, another law enabling the people access to information was enforced in October 2002.

1.2.2.3. Government Documents Subject to the Law

Any form of documents is subject to the law such as paper, magnetic tape, floppy disk etc., to be prepared or obtained by any official of any government organization as well as to be kept in that organization for using collectively.

1.2.2.4. Establishment of Right to Claim Disclosure

Any person may claim to the head of government organization the disclosure of documents held by the organization concerned.

1.2.2.5. Procedures of Claiming Disclosure

In claiming the disclosure of documents, the person shall submit a disclosure application filled with the necessary information to the head of the government organization. The head of the organization shall disclose to the applicant the claimed documents unless they are identified as “non-disclosure information.” The law also stipulates the procedures for the protection of third parties, transfers of cases, methods of disclosure, fees and so forth.

1.2.2.6. Non-disclosure Information

The law identifies six types of government information as non-disclosed.

- 1) Information about the individuals.
- 2) Information about corporations that may endanger the legal interests of corporations if disclosed, as well as that is submitted to a government organization under the condition of keeping it confidential.
- 3) Information about diplomatic relations that could endanger the benefits of the government as a whole if disclosed.
- 4) Information about public safety and maintenance of public order that could provoke public disorder if disclosed.
- 5) Information concerning the process of policy formation within the government that could damage the neutrality of decision-making or provoke public disorder or benefit of specific persons or damage the interests of specific persons if disclosed.
- 6) Information on inspection, examination, survey, personnel management etc., which could cause difficulties in managing the government if disclosed.

1.2.2.7. Appeals of Decisions

Any applicant can submit an appeal when he/she is not satisfied with the decision on his/her disclosure claim based on the Administrative Appeals Law.

When such an appeal is submitted by the applicant, the head of the government organization shall make a reference to the Information Disclosure Review Board³ before making a ruling or decision on the appeal. Upon the reference from the head of the government organization, the review board is to investigate and deliberate whether the original decision is to be maintained or to be modified.

After the investigative and deliberative procedures, the review board is to submit its report regarding the reference. The head of government organization is to make a ruling or decision on the appeal by taking account of the report of the review board.

1.2.3. Current Practices

After the enforcement of the law, a monitoring survey has been conducted annually. The latest survey was carried out in 2006.

Table 1 shows the main results of the monitoring surveys. In the fiscal 2005 (from April 2005 to March 2006), the number of disclosure claim totaled 78,639, the number of decision being 74,676 and 95.1% of them was decisions to disclose the claimed information. 743 appeals were submitted and 28 lawsuits were newly filed. As for the activities of the Information Disclosure Review Board, 642 references were made and 641 reports were submitted.

Table 2 shows the change over the previous year. In general, disclosure claims increased rapidly until fiscal 2004, but the number of claim decreased first time in fiscal 2005. The number of non-disclosure decision decreased greatly from fiscal 2001 to fiscal 2002. The level remained almost the same in fiscal 2003 and 2004. The non-disclosure decisions totaled 3,664 in fiscal 2005, 40 percent increase from fiscal 2004.

Table 1. Main Results of the Monitoring Surveys

	Fiscal 2005	Fiscal 2004	Fiscal 2003	Fiscal 2002	Fiscal 2001
No. of disclosure claim	78,639	87,123	73,348	59,887	48,670
No. of decision	74,676	76,743	68,867	59,203	44,734
of which disclosure or partial disclosure decision	71,012	74,119	66,275	56,651	39,653
of which non-disclosure decision	3,664	2,624	2,592	2,552	5,081
No. of appeal	743	1,367	1,158	914	1,359
No. of newly filed lawsuit	28	21	18	39	15
No. of references	642	692	927	709	374
No. of reports to the reference	641	671	818	540	177

Table 2. Change over the Previous Year (Unit: %)

	2005/2004	2004/2003	2003/2002	2002/2001
No. of disclosure claim	-9.7	18.8	22.5	23.0
No. of decision	-2.7	11.4	16.3	32.3
of which disclosure or partial disclosure decision	-4.2	11.8	17.0	42.9
of which non-disclosure decision	40.0	1.2	1.6	-49.8
No. of appeal	-45.4	18.0	26.7	-32.7
No. of newly filed lawsuit	33.3	16.7	-53.8	160.0
No. of references	-7.2	-25.4	30.7	89.6
No. of reports to the reference	-4.5	-18.0	51.5	205.1

In all, it can be said that the Access to Government Information Law is duly enforced in Japan. The citizens are gradually getting used to exploit the system for monitoring the government.

1.2.4. Impact of the Law in the Government

After the enforcement of the Access to Government Information Law, it has brought great impacts in the government. These impacts

are to be analyzed from three viewpoints. The first one is how it has changed things inside the government organizations. The second is how it has changed organizational culture in the government. The last one is how it has changed the relationship between the specific interest groups and the government.

① How the Access to Government Information Law has changed things inside the government organizations

Although there is an internal ministerial order on document management, officials are in principle responsible for managing documents prepared by themselves and the documents taken from the outside. There are few officials who are specialized in document management so that there are a lot of personal documents mixed with the formal documents in official files. During the preparation stage for the enforcement of the law, extensive works were conducted inside the government organizations to distinguish formal documents used collectively from those of personal use. Those documents identified as formal documents were registered into the ministerial document ledgers.

As all the government organizations have to deal with public claim for any government information, there arose the acute necessity of a comprehensive document management system. At the same occasion, the government was to promote e-government initiatives. Ministerial document ledgers were put into the websites of the respective ministries and each ministerial website was linked to a government portal site, “e-Gov” (<http://www.e-gov.go.jp>), which has been in operation since April 2001. The public can look for the titles

of the documents to be used in information disclosure claims by using a powerful search engine at “e-Gov.” 20,347,707 titles are stored at the government websites as of the end of June 2007.

② Change of organizational culture in the government

At the beginning of the information disclosure system, a lot of citizens' groups submitted disclosure claims concerning the use of public money in wining and dining or other leisure activities. At the time there occurred some scandals at the Ministry of Foreign Affairs and the huge number of disclosure claims was submitted to the ministry. The claims were too many to properly handle so that it took a lot of time and human resources for the ministry to make disclosure decisions for these claims. Many decisions were made after more than two years from the submission of the claims. The ministry was accused by the media and the public because of prolonged procedures.

The impacts of these incidents were so strong that government officials came to put the transparency first in carrying out government affairs. Since the enforcement of the law, the amounts of government information publicly released have been increasing. In the policy making process inside the government, officials have come to be compelled to always take transparency elements into account. “Transparency” became the keyword and such change of organizational culture in the government organizations accordingly affected the attitudes of the politicians. In the political arena, transparency is now one of the indispensable phrases in the political deliberation.

③ Relationship between the government and the specific interest groups

As “transparency” became the keyword in policy making process, consultation and coordination between the government organizations and specific interest groups behind closed doors ceased to be carried out. Instead, open forums have often been used to present various views and opinions for the formation of policies. Currently, specific interest groups can no longer control the whole policy making processes. On the other hand, various public relations campaigns have been carried out rather actively such as holding town meetings/regional conventions, conducting opinion surveys, broadcasting policy messages and convening international conferences.

2. Other New Institutions for Improving Transparency and Impartiality of the Public Administration

From the viewpoint of ensuring access and openness in public governance, the Access to Government Information Law constructed the firm legal ground for anyone to acquire any government documents, records and other information. However, there are some weak points in this system. Even though anyone can claim the disclosure of government information at any time, it takes lots of cumbersome works to submit a disclosure application to the government ministries. The applicant has to identify the exact title of the information by referring to the ministerial document ledgers. Sometime, more works must be done to identify the title of the information. If the government ministry rejects the disclosure application, then the applicant may appeal the rejection decision and go through the review

process by the Information Disclosure Review Board. If the applicant regards the appeal decision unsatisfactory, he/she may present the case to the court.

Rather than taking the information disclosure procedures, the public release of government information is one of the more convenient and time-saving means to improve the transparency and accountability of the government.

At the beginning of the 21st century, Japan introduced new institutions that would promote the public management based on the performance and result. These are the policy evaluation system and the incorporated administrative agency system. Transparency elements are built in these systems as one of the indispensable tools for realizing the objectives of the systems. The key point is to make the performance reports and to release them to the public for open deliberation on public governance.

In this section, the background and outline of these new systems are described, followed by the current practices. The effects of the systems are analyzed by making use of the performance reports. Lastly, the future challenges are suggested.

2.1. Background: Reform of the National Government in 2001

In Japan, the new performance-based public management systems were introduced in 2001, when the drastic government reforms were conducted including the restructuring of ministries and agencies of the national government. This reform is called “Hashimoto Reform” as Mr. Hashimoto, former prime minister initiated the reform undertaking in 1996 after winning the general election.

In the Hashimoto Reform, the division of the policy planning and development function and the policy implementing function was emphasized. The dominant argument was to keep the policy planning and development function inside the government on the one hand and to make the policy implementing function be transferred to the outside of the government on the other.

In the context of performance based management, the policy evaluation system was established for the policy planning and development function. And the incorporated administrative agency system was established for policy implementing function. The main features of these two systems are described as follows.

Policy Evaluation System

- Self-evaluation, feedback of evaluation results to the policy planning process, to overcome the conflicting views and opinions inside the government, to promote the coordinated policy approach under the leadership of the prime minister and the cabinet.

Incorporated Administrative Agency System

- Medium-term goals set by the supervising ministers, medium-term plans and annual plans made by the agencies, annual evaluation and evaluation at the end of the medium-term by third party committees, necessary actions by the supervising ministers

2.2. Policy Evaluation System

2.2.1. Aims and Objectives of the System

In the Hashimoto Reform, with a view to promoting the

comprehensive, speedy and transparent public administration, the number of minister of state was reduced for more flexible and speedy operation of the cabinet, the prime minister's authority to initiate basic policy-making was stipulated, and new ministries were established by merging two or three or four ministerial-level organs to facilitate better and speedier coordination of interrelated functions within a single ministry with wider jurisdiction.

In addition to these reform measures, the policy evaluation system was introduced for effective coordination of relatively independent ministries under the leadership of the prime minister.

The National Government Organization Law was revised to include policy evaluation function in the management cycle of policy. It stipulates that the national administrative organs shall --- evaluate their policies by themselves, conduct planning and development of policies and strive for mutual coordination among the national administrative organs---.

Thus, policy evaluation gives the groundwork for policy planning and development. In its own nature, the policy evaluation is the self-evaluation by each ministry.

2.2.2. Outline of the System

Under the new structure of the central government, all the ministries and the Cabinet Office established their own policy evaluation units in charge of conducting strict and objective evaluations in January 2001.

To make the policy evaluation system more effective and to gain more confidence of the public to the system, the Government Policy

Evaluation Law was enacted and implemented in April 2002.

The purpose of the law is to promote effective and efficient public administration and to ensure accountability to the public with thorough understanding of government activities by

- promoting the objective and strict implementation of policy evaluations by the ministries based on the standard evaluation procedures,
- ensuring that the evaluation result is appropriately fed back to policy making,
- ensuring the disclosure of information on the policy evaluation

The law stipulates the following items.

- **Principle of policy evaluation:** Self-evaluation in terms of necessity, efficiency, effectiveness. Utilization of policy evaluation results in policy planning and development. Policy effects are to be estimated as quantitatively as possible, knowledge of the learned and experienced is to be exploited.
- **Utilization of the policy evaluation results:** Appropriate utilization of policy evaluation results for the budget preparation and the policy planning and development involving more than two ministries
- **Adoption and public release of policy evaluation guidelines:** Basic guidelines for the government-wide systematic and effective implementation of the policy evaluation system are to be established.

- **Adoption and public release of basic plans for policy evaluation:** Ministries are to decide the basic plans covering three to five year period.
- **Adoption and public release of operational plans for conducting ex-post evaluations:** Ministries are to decide annual operational plans for conducting ex-post evaluations. The operational plans are to include the specific policies to be subjected to evaluation and the specific evaluation methods. Ministries are to conduct ex-post evaluations based on their basic plans and operational plans.
- **Conduct of ex-ante evaluations:** Ministries are to conduct ex-ante evaluations when they intend to decide on a policy pertaining to an individual project of R&D, public works and ODA that is estimated to cost one billion yen or more.
- **Preparation and public release of policy evaluation reports:** Ministries are to prepare reports of individual evaluations describing the evaluation results, information about evaluation processes, data used and other relevant explanations. These reports are to be submitted to the Ministry of Internal Affairs and Communications as well as to be made public via various media.
- **Public release of how the evaluation results are fed back to policy planning and development:** Ministries are to publish at least once a year reports on how the self-evaluation results are fed back to their policy planning and development.

- **Independent policy evaluation by the Ministry of Internal Affairs and Communications:** The ministry is to conduct independent evaluation of the self-evaluation results by the respective ministries with a view to ensuring the objective and rigorous self-evaluations. In addition, the ministry is to carry out collaborative evaluations of policies involving various ministries such as the water environment protection policy to ensure coherent and comprehensive policy evaluation.
- **Submission of the annual reports to the parliament:** The Ministry of Internal Affairs and Communications is to prepare an annual report on the policy evaluation including how the evaluation results were fed back to the policy planning and development. The report is to be submitted to the parliament.

2.2.3. Current Practices

Since the enforcement of the Government Policy Evaluation Law, the Cabinet Office and the ministries conducted policy evaluation five times and the government-wide policy evaluation report was submitted to the parliament five times since 2003.

Approximately 100,000 evaluations were conducted a year since 2003, most of which were those for individual projects of public works, R&D and ODA. In fiscal 2006, number of evaluation conducted was decreased as about 4,000 with a view to effective implementation of evaluations with limited resources.

Table 3. Number of Policy Evaluation Conducted in Fiscal 2006

Total number		3,940
	Of which Ex-ante evaluation	1,251
	Of which public works	802
	Of which R&D programs	145
	Of which ODA programs	35
	Of which Ex-post evaluation	2,689
	Of which mid-term evaluation (Public works, R&D, ODA)	1,141

As for how the policy evaluation results were fed back to the budgetary requests, most of the policy evaluation results completed between April and August 2006 were made use of in the 2007 budgetary requests to the Ministry of Finance according to the annual report compiled by the Ministry of Internal Affairs and Communications.

At the start of the policy evaluation system, evaluation was done on a trial and error basis. As the civil service has been getting used to policy evaluation procedures, the quality of policy evaluation has been improving gradually with the appropriate guidance from the central management office (Ministry of Internal Affairs and Communications) as well as outside experts.

In the context of ensuring access and openness in the government, the policy evaluation system has brought the following changes on the public administration. In conducting policy evaluation activities, a series of information is to be collected and processed and by analyzing such information evaluation reports are to be prepared. The Policy Evaluation Law obligates government

organizations to release to the public the evaluation plans, evaluation reports and reports on the use of evaluation results in policy planning.

Currently, the government ministries make the following information available at their websites.

At the websites of respective ministries

- Basic plans on policy evaluation
- Annual operational plans on policy evaluation
- Annual evaluation reports
- Annual reports on the use of evaluation results in policy making

At the website of the Ministry of Internal Affairs and Communications

- Annual evaluation reports: Consolidated version
- Annual reports on the use of evaluation results in policy making: Consolidated version
- Evaluation reports on the government-wide policies
- Reports on the review of policy evaluation conducted by respective ministries
- Annual reports on the review of policy evaluation

With such information at hand, the citizens can understand how the government policies are developed and implemented and why certain policies are modified or terminated. Such understanding may lead to the public deliberation of certain policies as well as to ensuring the people's confidence in the government.

2.2.4. Future Challenges

The Government Policy Evaluation Law stipulates in its supplementary provisions that the government shall review the status of enforcement of the law when three years have elapsed from the date of its enforcement and take necessary measures based upon the results of such review.

Based on this provision, the review of the law enforcement had been conducted and the 2001 policy evaluation guideline was revised by the cabinet based on the review results in December 2005.

The new guideline has included the following policies.

- 1) Government-wide evaluation undertaking should be promoted for the priority policies of the cabinet.
- 2) A policy unit to be evaluated is to be compatible to a policy unit of the budgetary request and account settlement for effectively feeding back evaluation results to the policy making process.
- 3) Outside experts are to be more involved in the policy evaluation process for ensuring the objectivity of evaluation.
- 4) Evaluation report forms are to be standardized and more quantitative data and relevant information are to be included in the evaluation reports with a view to increasing government accountability to the public.

The government organizations will conduct policy evaluation based on the new guideline. It is expected that the government will undertake necessary measures to improve and develop the policy evaluation system through the proper implementation of the government-wide policy evaluation activities.

2.3. Incorporated Administrative Agency System (IAA System)

2.3.1. Purpose and Basic Framework of IAA System

An incorporated administrative agency is a corporate type public organization, separate and independent from government ministry, to carry out certain public functions. The basic idea of the Incorporated Administrative Agency (IAA) System is to separate, as much as possible, policy or program implementing functions from policy-making functions of the government and to allow more flexible, business-like, autonomous but responsible management for policy implementing activities to efficiently and effectively achieve objectives or goals assigned by the government. It is a kind of application of “Management by Objectives” in the public sector.

Under the IAA System, the chief executive of an IAA is appointed by the supervising minister, and the IAA is assigned medium-term goals by the supervising minister. To achieve these goals the IAA makes the medium-term plan. To implement the medium-term plan, the chief executive of the IAA is given sufficient authorities and responsibilities. Instead of supervision or intervention during the process of implementation by the supervising minister, ex post facto evaluation by the third party organization of performance and achievement is most emphasized in the IAA System.

There are two kinds of laws concerning the IAA System. One is the IAA General Framework Law and the other is a group of establishment laws for each IAA. The IAA General Framework Law stipulates the general and common rules to be applied to all IAAs. An establishment law for each IAA provides for the specific name of the specific IAA, specific missions and services of each IAA and other

matters to be provided for by law.

2.3.2. Evaluation of Achievements in the IAA System

Under the IAA System, evaluation of achievements is regarded as an indispensable element for improving the effectiveness and efficiency of IAA management and operations. The evaluation system stipulated in the General Framework Law is as follows.

① Evaluation committee

Third party organs comprising experts outside the government shall be established in the supervising ministries of IAAs.

② Medium-term business goals and plans

Medium-term (three-to-five-year) business goals shall be decided and assigned to IAAs by the supervising minister. Medium-term business plans shall be prepared by the IAAs and approved by the supervising minister.

Annual business plans shall be notified by the IAAs to the supervising minister. Medium-term business goals, medium-term business plans and annual business plans shall be released to the public as soon as possible.

③ Annual evaluation and evaluation at the end of medium-term

Annual and medium-term reports of business achievements and performance prepared by the IAAs shall be evaluated by the evaluation committees

The committees' evaluation reports shall be submitted to the Policy

and IAA Evaluation Council.⁴

The evaluation committee may recommend measures for improving operation and management of the IAAs when necessary.

The evaluation council may submit its opinions to the evaluation committee concerning the reported evaluation results, if necessary.

The public release of medium-term reports is legal obligation of IAAs.

④ Necessary actions by the supervising ministers

At the end of the medium-term, the supervising minister shall examine and review overall organizational and operational issues by involving the evaluation committee and shall take necessary actions based on the examination and review results. The evaluation council may recommend to the supervising minister necessary organizational and operational reform measures.

2.3.3. Current Practices

As of April 2007, there are 101 IAAs. At the beginning of the IAA System, 57 IAAs were newly established and then the number was increased due to the progress of reform undertaking of government organizations and public corporations.

In making IAAs perform their functions according to the medium-term plans, ensuring the transparency of their operations is mostly needed. Thus, the IAAs, respective evaluation committees and the evaluation council have been promoting the release of information concerning the management and operation of IAAs as follows.

- Quite a few IAAs voluntarily release the annual and medium-term

reports at their website.

- All of the annual and medium-term evaluation reports by the evaluation committees are announced publicly and available at the websites of the ministries.
- All of the reports and recommendations by the evaluation council are available at the website of the Ministry of Internal Affairs and Communications.

3. Conclusion

In Japan, the Administrative Procedure Law and the Access to Government Information Law paved the way for transparent and accountable government. According to the above-mentioned analysis, these two laws have provided the people with the legal framework for transparency and these two systems have enabled the people to have substantial information about the government activities.

According to the monitoring survey conducted in 2001 by the Nippon Keidanren (Japan Business Federation), it was recognized that the Administrative Procedure Law had gradually contributed to improving the transparency of public administration. As for the Access to Government Information Law, it was noted that the law had come to take root in Japan and been functioning as an infrastructure for impartial and democratic public administration in the review report⁵ published in March 2005.

The mechanism of compulsory release of government information was built by the Policy Evaluation System and the Incorporated Administrative Agency System. Policy evaluation activities have

become annual routines and various methods and techniques have been experimented. The evaluation of performance and achievements and the public release of the evaluation results occupy the most essential parts of the IAA system. Some IAAs went through the evaluation at the end of the medium-term and more IAAs are to go through the procedure in the near future.

Now is the time to exploit these laws and systems for more transparent, impartial, effective and responsive government. In concluding, the future challenges will be suggested with a view to promoting this initiative.

① Administrative Procedure Law

Various publicity activities for further understanding of the law should be undertaken by the businesses as well as the government. In addition, the examination standards for applications are to be made more concrete through continuous review.

② Access to Government Information Law

The prompt implementation of disclosure procedures, the active use of information and communication technologies for disclosure and disclosure cost reduction measures should be conducted further.

③ Policy Evaluation System

The knowledge and experiences concerning policy evaluation have been accumulated in the ministries. And such accumulated know-how and information may upgrade the quality of policy evaluation. Exploitation of these inside knowledge as well as research and development of evaluation methods and techniques should be promoted further for the improvement of quality of evaluation.

④ IAA system

Especially important point is to let the IAAs function on their own responsibilities in accordance with the medium-term plans to achieve the medium-term goals. And to make the evaluation as an effective tool of the management, concrete and specific, as much as possible, medium-term goals and plans should be made, as these goals and plans are the most important criteria for evaluation of performance and achievements.

In addition, intensive media coverage and the interest of the public in the administrative procedure, information disclosure, policy evaluation and the IAAs will be a great promoter for realizing transparent, effective and responsive government.

Notes

1. As of 31 March 2005, there existed 8,361 kinds of applications stipulated by the statutes in the national government.
2. As of 31 March 2005, there existed 6,002 kinds of adverse dispositions stipulated by the statutes in the national government.
3. The Information Disclosure Review Board was established in the Cabinet Office as an advisory body in April 2001. It consists of fifteen learned persons from the outside of the government. Five members have full-time position.
4. The Policy and IAA Evaluation Council was established inside the Ministry of Internal Affairs and Communications in January 2001. It has an authority of examining and reviewing the evaluation report made by each evaluation committee.

5. The review report on the enforcement of the Access to Government Information Law was prepared by the expert group organized by the Ministry of Internal Affairs and Communications. The group met twelve times to review the law enforcement. Several hearing sessions were held, where relevant entities were invited to present their views and opinions.

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