

# The Making Process of the first “Citizen-handmade” Basic Autonomy Ordinance (2005) in Japanese Municipal History

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※Explanatory note for translation is at the Appendix A

**Abstract:** *From point of view of local governance this article focuses the discussion on the progressive "municipal legislation" movement that emerged since 2001 in local level of Japan, apart from the national legislation edifice.*

*Its symbolic legislation is "Basic Autonomy Ordinance (BAO)" - so called "the constitution of city".*

*And especially this article treats the first "BAO draft making by hands of citizens" in a city, which was conducted by citizens' initiative without scenario, and in the mixed urban political situation. What does it mean for Japanese municipal history? And what added it to city management and city planning as the result?*

*From the essential point of view, the social impact of BAO on "local governance" in Japanese municipal history, a question about concrete way of molding or restructuring the local configuration in local cities, this article endeavored to throw a light to the making process of BAO draft by hands of citizens in the first case city in detail, as well as the impact of "citizen hand-made" BAO in and around the city after its enactment.*

## I Municipal Legislation (Basic Autonomy Ordinance) in Japanese Local Governance

There have been the elements for “paradigm shift from local government to local governance” in Japan from 1995-2010, especially 1998-2010. As to local governance, G.Stoker’s “community governance” is appropriate to set as the terminological basis (policy network woven by stakeholders with common public interest) here (Stoker 2004).

And an international research group project for local governance was conducted on more than 17 countries in Europe, Oceania and the U.S. (Denters et al. 2005). According to the result when the elements for local governance proceed in each country, the devices to build the public’s intention /consensus tend to be required, or even the devices to realize it tend to be required. And they show that that devices have been set in the center of local governance. Of course we should think about the problem raised by Pierre (2000) about the practical consensus building issue among stakeholders, especially business.

In terms of concrete process and devices of local governance the new way of municipal legislation movement in Japan, of which symbolic legislation is BAO, is a fundamental research theme. That is woven with not only legislation realm, but also with social “paradigm shift”.

## Three Trends for Local Governance in Japan

There are 3 typical trends that have driven the great shift to the local governance in Japan from 1995. And that shift is the greatest shift in this 130 years since Japan the establishment of Meiji Government and of municipal systems (from Edo era= samurai era). The first trend is Non

Profit Organization Act (so-called “NPO Act”) exercised in December of 1998. Based on the heavy impact from Hanshin Earth Quake (1995), and due to the regime shift in the Cabinet of Japanese Government (from the long reign of Liberal Democratic Party to new amalgam of young parties, Social Party, Sakigake Party, Shinsei Party) the movement had occurred for establishing the act to promote voluntary actions and non profit organizations as well as to build devices for them (such as corporate status of NPOs). (Kojima 2002)<sup>1</sup>. Since then NPO boom occurred in Japan.

The second is the impact of “Omnibus Law for Local Devolution” (Chiho Bunken Ikkatu Ho 地方分権一括法) -OLLD-that House of Representatives and the House of Councilors passed in 1999 and enforced in 1 April 2000. Its main purpose was to cut central ministries’ persistent and strong control over municipalities<sup>2</sup> in order to promote devolution and to fasten the power of municipalities.<sup>3</sup> The starting point was the meeting and proposal from young Congress members who proposed the devolution in 1990s. Treating existing 457 laws, main issue was to abolish the system of agency delegated functions (“Kikan Inin Jimu” 機関委任事務) that has been imposed by central ministries to each municipality.

Related to the OLLD, cities’ merger had been promoted by Ministry of Home Affairs, and “special law on the merger of municipalities” (市町村合併特例法の改正) passed in both Houses for that in 1995. (That law focused on the establishment of local bonds for facilitating cities’ mergers. The result of it is the outstanding reduction in the number of municipalities. In ten years municipalities have reduced by 53.5%. (1999 March, 3,232 municipalities → 2010 March 1,730 municipalities).

The third is the emergence of Basic Autonomy Ordinance (自治基本条例: BAO). This is connected closely with two other trends. Epoch-makingly it emerged, playing the quintessential role in Japanese “local governance” movement.

Before 2001 as to establishing ordinances in cities, they were strongly supposed to obey the rules or orders by “implementing regulations” issued by each ministry. The regulations are so detailed and strict in equality despite the local characters in each areas. Regulations on schools, open spaces are so equal that facilities and rules for them tend to be so inflexible sometime. Therefore when cities made their ordinances, it tend to be simplified laws or simplified “implementing regulations”.

“Hokkaido Chiho-Jichi Kenkyukai”, a research meeting tried to examine and build a new type of ordinances that should be based on the “policy legal work”. The meeting advocated, to the actual issues and problems in the cities they should correspond accurately with their legal work and skills. Here a new type of ordinances was advocated. Id est, a prototypes of new ordinances were shaped as ones that are based on the intrinsic work for accurately responding their own situations and solutions, not like the old ones that conformed the Japanese Government’s (municipalities’) regulations. And the symbolic ordinance of them is “Basic Autonomy Ordinance”: Jichi Kihon Jorei (BAO). In reality the first BAO was established in March of 2001 in Niseko City (Hokkaido Prefecture). (Maeyama 2009c)

## The Recognized Meanings of BAO

According to the result of research on development process and analysis on the components and implications of BAOs (Maeyama 2009c), the followings are recognized at present.

(1) According to data, Autonomy Basic Ordinance (BAO), citizen participation ordinance, city council basic ordinance have increased dramatically in 8 years since 2001, just after first

NISEKO's establishment. Established number is 257, that is 14 % cities of all Japanese cities. Though there are different patterns of increase tendency in each ordinance, BAO and related ordinances are becoming "standard" in Japanese municipality. It is the first experience in Japanese municipal history.

(2) BAO started from the local small research group of cities' staffs (“Hokkaido Chiho-Jichi Kenkyukai”). And without any advice / intervention from some ministry of Japan Government, Niseko City, a small city in Hokkaido prefecture, adopted the “municipality legislation” concept as the first BAO in Japan in 2000 (2001 in force). It has “self-sworn” background.

(3) As to the components and implications, it is settled as the normative position over all of other ordinances in a city. Shigeo Kisa, the scholar who contributed to establish the first BAO in Niseko, says quote-unquote “BAO is the Constitution of the city”.

(4) Conception of BAO is so strongly interwoven with new shift in the understanding of “autonomy” (from governmental autonym to residential autonomy). The new thought “Kyodo” - coproduction, born in 80s and 90s, is so harmonious with new autonomy concept, and is being used to BAO.

And especially, the new concept “policy legal work” (direct legal policy making in legal work in the way that solves problems in the locality), and the concept “municipal legislation” (legislation by local municipality itself) is encouraging to promote establishing BAOs.

### **Next Step - “BAO Draft-Making by Hands of Citizens” !**

“Hokkaido Chiho-Jichi Kenkyukai”, a research meeting introduced the new concept of BAO to municipalities in Hokkaido prefecture as mentioned. After a member of the meeting, Siji Ohsaka became the city mayor, who had been a city staff of Niseko, Niseko City rushed to establish the first BAO. The Niseko BAO, of which draft was made by a division of the City that drew on the proposed draft from the “Hokkaido Chihojichi Ho Kenkyukai” meeting. It was passed and exercised in March 2001.

And the next step occurred in a few years. A new challenge was launched in a city: Making the draft of BAOs by hands of citizens<sup>4</sup>. After two years work this was realized (passed 2006, exercised April 2007) in a city named Hachinohe City (Aomori prefecture).

### **The Purpose of This Article**

“Making the draft of BAOs by hands of citizens”. What does it mean for Japanese municipal history? And what did it add to city management and city planning as the result? Our purpose in this article is to search for the social meaning to municipal legislation.

## **II Emergence of “BAO Draft-Making by Hands of Citizens”**

### **Background**

Hachinohe City (Aomori Prefecture) is located in the top north of Honshu Main Island with 243,924 populations<sup>5</sup>. Before examining the process, the background is treated.

The background of this action was that a proceeding committee of the city, “Citizen

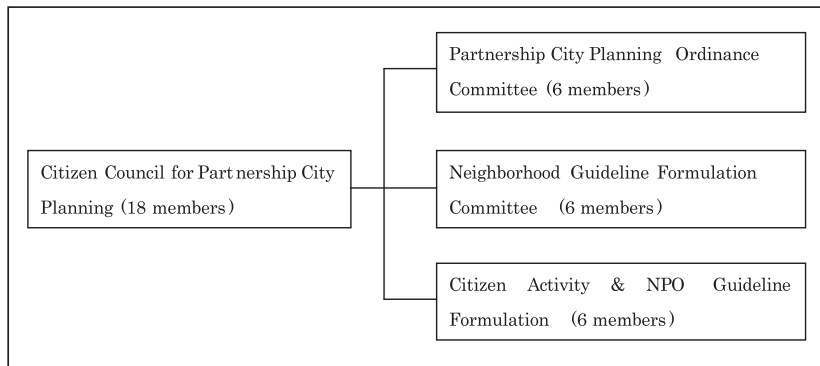
Activity Promotion Committee"(2000-2001). It promoted to build a "Citizen Activity Center" for voluntary associations and NPOs, and advocated the concept "citizen- based activities should be the key in local planning" as well.

Here we should consider the situation in and around the city at this point. On the one hand the city was surrounded by the mood to accept new citizen-oriented devices and policies such as "non profit organizations" by being affected by NPO Act (1998) and the strong promotion of merger with other cities by Ministry of Home Affairs. According to the result of questionnaire about the neighborhoods conducted by the coproject team (2003 Hachinohe City and Aomori Prefecture), we could grasp the new situation. To the question "what kind of neighborhoods do you need?", more than 50 % of 20s and 30s , who were perceived as inactive generations cohort analysis, selected the answer "I would like to attend the new neighborhood organization of new type which we can freely attend and talk about the future of our neighborhood". And also they showed high expectation about the role of voluntary associations and NPOs. Here we can see the high expectation for the new shape of locality. Based on this result the Citizen Partnership Division of the City decided to accept new project: "Partnership City Planning" project (Kyodo no Machizukuri).

### The Establishment of "Citizen Council for Partnership City Planning"

In June of 2003 "Citizen Council for Partnership City Planning" (Kyodo no Machizukuri Simin Kaigi) was established as one of city's committee. 18 members were delegated by the city for two years.

The Citizen Council was consisted of the following three sub-committees.



The purpose of this Citizen Council was set for formulating or advocating three programs. In April of 2003, that is two months ago, it was sketched by way of discussion and brain storming with 2 staffs of Citizen Partnership Division and a scholar (Maeyama). BAO is the starting point. But when we searched for several cities which already implemented BAOs, due to the observation some city did not appeared to lead to some programs in the next steps. Therefore, considering long-life program, three pillars were set: BAO(①) and its two action plans(②, ③).

- ① Formulation for the draft of Basic Autonomy Ordinance for new governance.
- ② Formulation of the guideline for activation of neighborhoods
- ③ Formulation of the guideline for promotion of citizen activities and NPOs

The Making Process of the first “Citizen-handmade”  
Basic Autonomy Ordinance (2005) in Japanese Municipal History

These points are seen in the following paper that was passed to the members at the first plenary “citizen council” meeting (June 21, 2003). (Table 1)

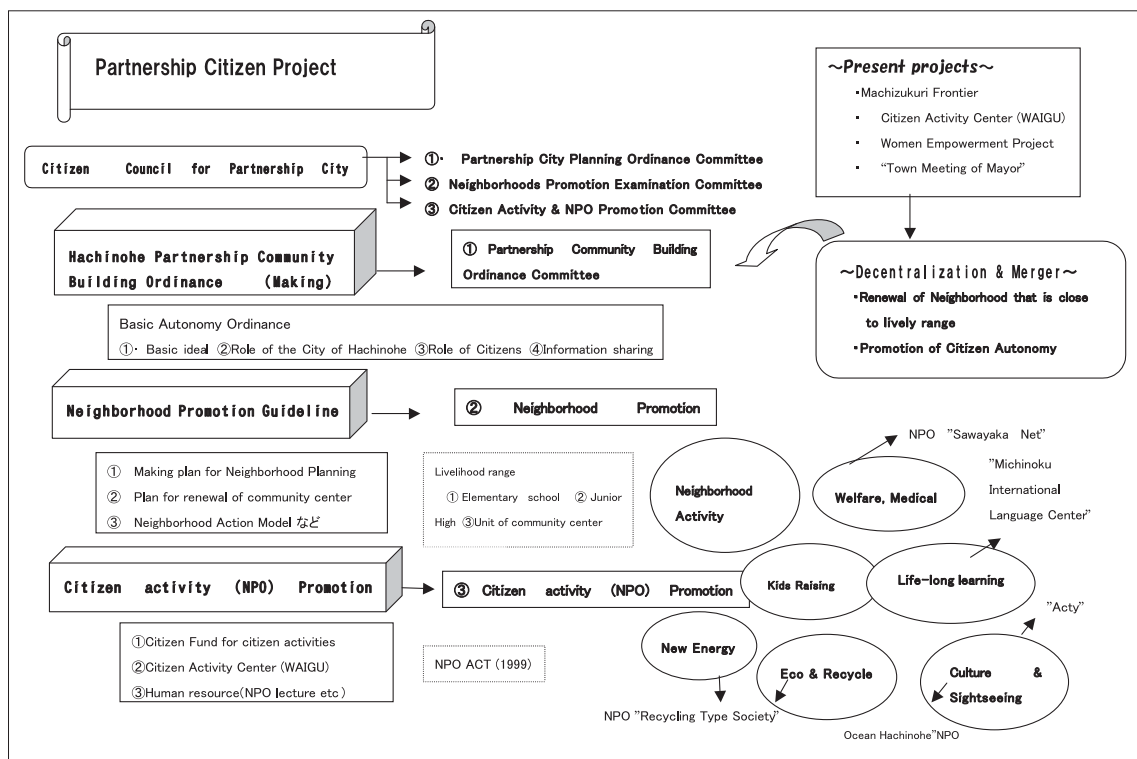


Table 1 : Agenda Sheet

18 members were designated in two ways. First, the chair of each committee was designated directly by the city(university instructors) in terms of the leadership who are familiar with socio-political situation and background. In the second way other 15 positions are selected by open application from citizens. As the members voluntary associations leaders (“kids raising”, “gender free”, “international relations”), leaders of neighborhoods, members of chamber of commerce, staff of a community center were designated (Member list at Appendix B).

## Official Start : Embarrassment, Heated Debate, and Proactive Development

The first plenary “citizen council” meeting was the first occasion for citizens to encounter the BAO and coproduction realistically. As to the agenda and concept shown in the paper they agreed.

On the other hand at the meeting they debated so heatedly about the characteristics of the BAO more than 30 minutes. There were two layers in the debate. One is about the naming and image of the “Citizen Council for Partnership City Planning” (Kyodo no Machizukuri Simin Kiaigi). Japanese word “Machizukuri” = city planning (literally “town creation”) is a vague word. Standard understanding of the word “Machidukuri” is something like making circles for raising children, committing a festival, commitment to local opportunities by way of arts and

so on. But they were not so familiar with the concept “citizen public participation” (such as public comment) and the concept coproduction that V.Ostrom provided as the ground theory (Ostrom 1977). It was a really great surprise or shock for them that they were supposed to touch the making process of an ordinance. Some members felt some discomfort or doubt about the new concept of the new project itself.

The second is the doubt about the mission or the way of the formulation of BAO. Some member said, *“We do not have a history to make the draft of an ordinance by our hands. And more. The ordinance mentioned here is the Basic Autonomy Ordinance. That is “constitution of the city”. So, it is more impossible.”*

From point of view of “autonomy” some members and scholars showed a new view that BAO is a new legal trend, and that BAO is a new “municipal legislation” - native legislation since 2001. And they emphasized “citizen-handmade” process of the ordinance will make the citizen-initiative movement from now. Finally in the end of the meeting the mission for “citizen-handmade” BAO was agreed.

In a few days after the meeting, some members realized its meaning. Some members suggested having meetings more often (two or three times in a month; and without compensation). And other members made a positive proposal to make “news letter from citizen council” to 240,000 citizens. Two out of each committee (in total 6 persons) were to be in charge of news letter. And The first news letter was published in December 1<sup>st</sup>, 2003.

## Process of Making the Ordinance-Draft

Partnership City Planning Ordinance Committee took the charge of making-draft process. And the committee tried to take close connection and information sharing with Neighborhoods Promotion Examination Committee and Citizen Activity & NPO Promotion Committee.

### A) Study Session and Research Session

At this first step the study sessions were held for improving their understanding several times like below. Especially some members felt uncomfortable about the word “autonomy” or “ordinance”. In Japanese context “election” and its related words such as “autonomy” tended to get felt scared to many citizens.

- ① Background of "City Planning by way of partnership"  
( 1. Development of Local Devolution 2. Background of Cites' Merger, 3. Collapsing Phenomena of Neighborhoods 4. Changing of Civil Consciousness)
- ② Outline of Local Devolution Reform  
(1. Division of Roles between Central Government and Local Governments  
2. abolition of “System of Agency Delegated Functions 3. Readjustment about Central Government's Intervention to Local Governments 4. Extension of Administrative Realms in Local Governments 5. Extention of Financial Recourses in Local Governments 6. Readjustment about “Public Works”).)
- ③ What is Ordinance  
(1. What is Ordinance? 2. Municipal Legislation 3. Omnibus Law for Local Development (April of 2000) 4. Categories 5. Social Meaning)
- ④ Basic Autonomy Ordinance  
(1. Top Normative Position and Characteristics over other Ordinances in a

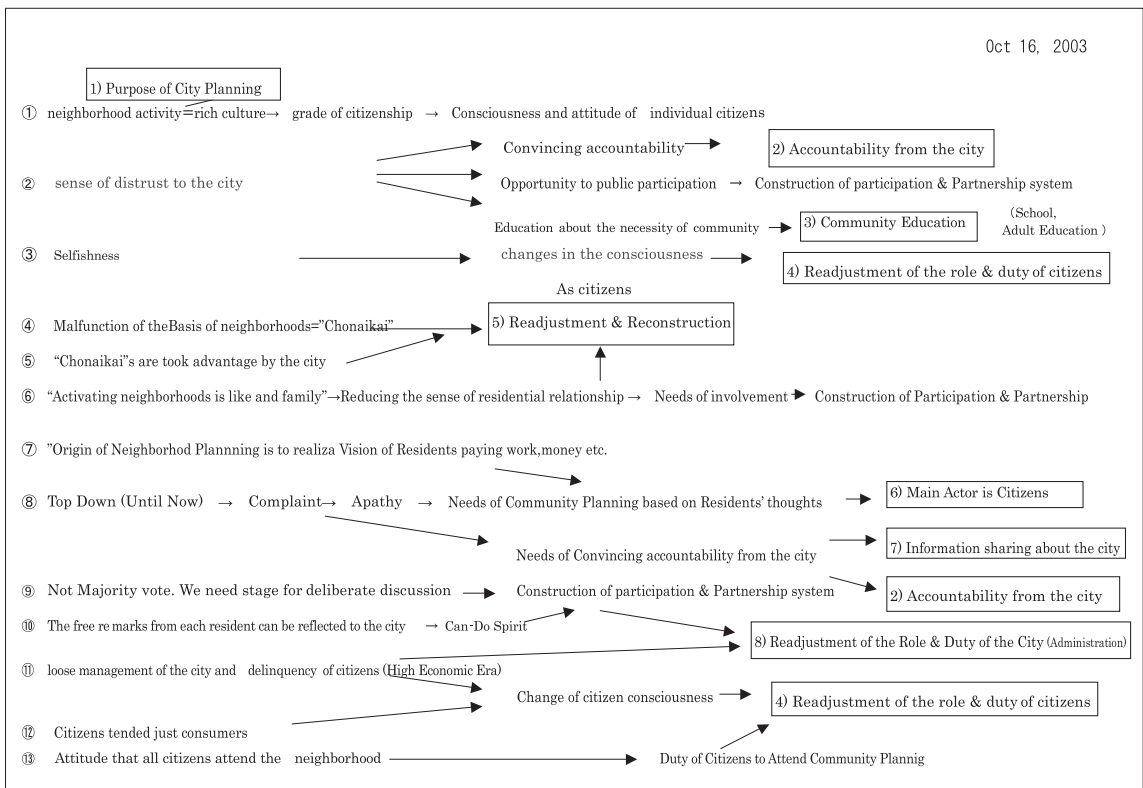




### C) Development into Building Framework of Ordinance

The Committee shared the huge information presented by the workshop, and tried to confirm the regional issues and to make the basis for building the framework of the ordinance. The committee members tried to pick up the best suited issues to the skeleton of framework from the workshop sheets, id est: voices, ideas, thinking, problems from the workshop participants (Table 2). At that time each committee took often communication with other two committees on their realms and got the advices.

For instance as for neighborhoods, according to the analysis from the workshop sheets (including input from 5 groups) as well as the advices from the neighborhoods promotion examination committee, the following 12 articles became apparent as suitable to the framework of the ordinance from view point of the regional aspects, necessary coproduction: 1. purpose of neighborhood planning/activation, 2. necessity of accountability from the city, 3. "community education", 4. clarification about roles & duties of citizens, 5. readjustment & reconstruction of neighborhoods, 6. actor, 7. information sharing about the city (administrative sector), 8. readjustment about the roles & duties of the city (administrative sector) (Table 3)





The Making Process of the first “Citizen-handmade”  
Basic Autonomy Ordinance (2005) in Japanese Municipal History

“smooth partnership between voluntary associations/NPOs and neighborhood organizations”. In this city it was discussed that voluntary associations/NPOs tend to focus on specific themes (environment, new energy, education etc.), and tend not to commit neighborhoods<sup>6</sup>. The second. The issue “how to treat the residential ballot measure in the ordinance” was discussed so heatedly. In Japan the residential ballot measure was/ is not the common system. Some committee members insist strongly, *“we need to put the precise articles about residential ballot measure in the ordinance. It is very important device for our citizenry autonomy. This committee has no meaning, if we lose it.”* It is the very symbolic situation that in the legislation realm such an opinion occurred (Maeyama 2009b). But from the realistic point of view concerning its passage in the city council as well as the fundamental characteristics of this “coproduction” ordinance, the texts were adjusted to some extent (ie.precise procedure was avoided) and the strong recommendation was inserted.

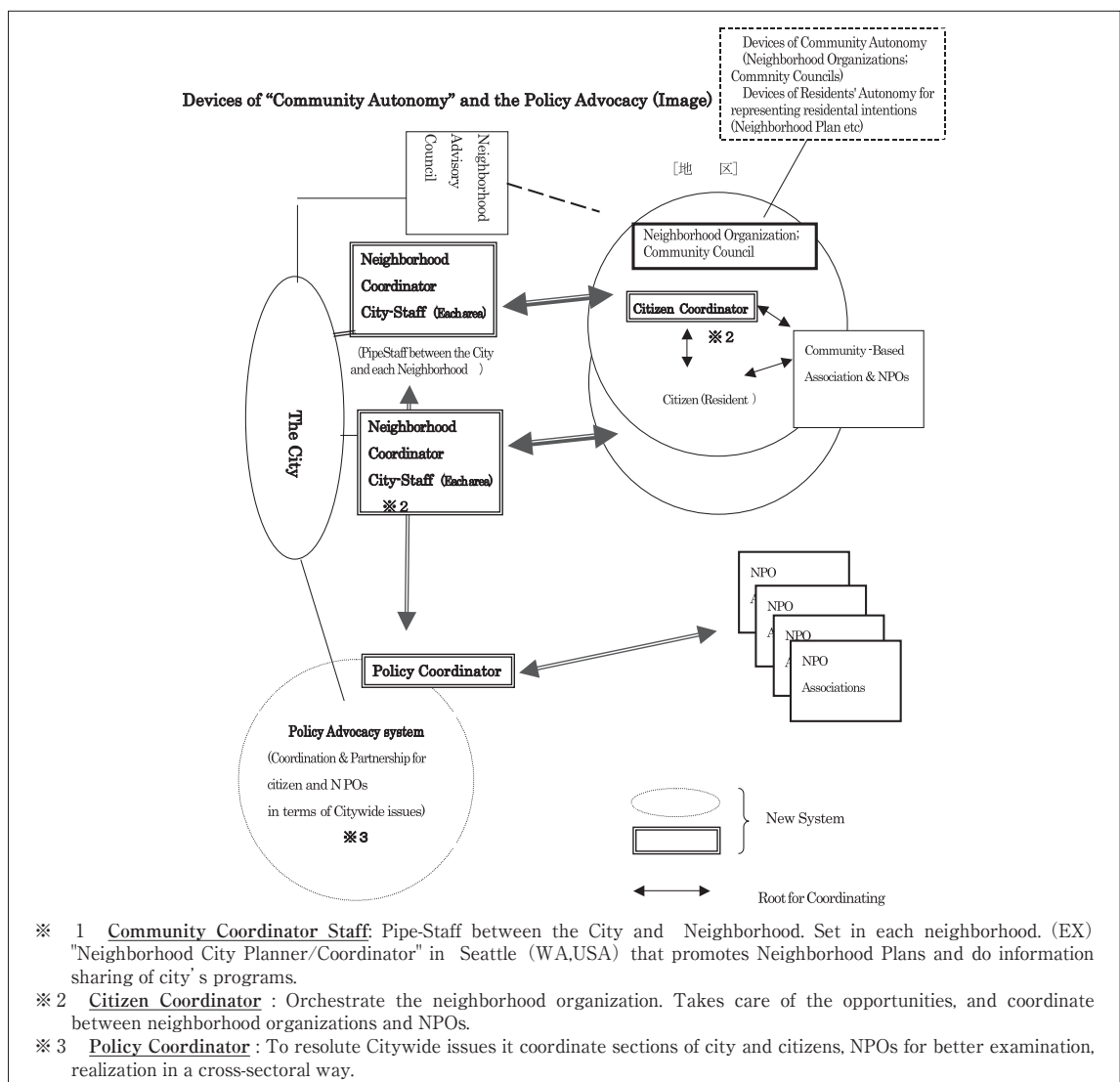


Table 4 : Discussion Sheet about “Neighborhood Coordinator”

The third issue was “smooth partnership between citizens and municipality (administrative sector)”. The biggest issue was that in the traditional neighborhood organizations such as “Chonakai”, they have no experience and image of “vision planning” (Yoshihara et al. 2003). When we think about the “coproduction”, the co-productive works for public services or public goods that are comprised of the municipality section, citizen section (neighborhoods, voluntary associations, individual citizens), and other stakeholders, especially the concrete devices are necessary. The committee searched for some progressive systems in the world, Europe and the U.S. At that time Neighborhood Plans and Neighborhood Coordinators of the City of Seattle (WA) were suggestive to the committee (Diers 2005). And the “Community Coordinator” were the good issue for the visioning in the committee.

Three options were thought: 1. Citizen Coordinator: The position that orchestrates the neighborhood organizations, and plays the role for adjustment between neighborhood organizations and NPOs. 2. Policy Coordinator: Coordinator for regional policy that orchestrates divisions of the city, neighborhood organizations, specialists<sup>7</sup>. 3. Neighborhood Coordinator that is the “pipe line”- city staff who promotes the Neighborhood Plans, and providing the information about regional issues to neighborhood citizens. (Table 4)

## F) Articles' Texts Building Session by Hands of Citizen Committee

November of 2003 the committee launched the step to build up texts of the articles by hands of 6 citizen committee members. Every meeting they brought each composition about the assigned part. It took for a considerable length of time. As to the one article such as “fundamental idea”, 6 persons brought their own texts. Through much discussion about the meaning, background of each text and so on, the text of the article were set one by one. And duplication, positional meaning in the ordinance, adequacy as legislation term were examined as well. Table 5 is the publicly proposed framework from the committee.

## G) Information Sharing to Citizens and to the City

Considering the framework is that of the “constitutional” ordinance, it was most important to inform citizens and all sectors as well as the all divisions of the city. Through city’s public newsletter, broadcasting, news (news company) the framework

December 9, 2003	
Draft-Framework of Basic Autonomy Ordinance (Tentative Title)	
<b>1 Preamble :</b>	Background of establishment or the ordinance; Basic explanation about residential autonomy as well as municipal autonomy
<b>2 Purpose :</b>	Purpose of the establishment, Basic idea of City Planning; Realization of residential autonomy
<b>3 Position :</b>	① Normative position of this ordinance over other ordinances ② meet the needs of the times.
<b>4 Basic Idea</b>	: Realizing wellbeing of citizens; Guarantee to enjoy the result of city creation through partnership, coproduction
<b>5 Policy Advocacy</b>	: Realization of policy advocacy advocated by citizens
<b>6 Information Sharing :</b>	Mutual information sharing between citizens and the city
<b>7 Accountability :</b>	City's responsibility to provide citizens with convincing explanation
<b>8 Evaluation System :</b>	Building partnership; evaluation, administrative evaluation
<b>9 Residential Voting Measure :</b>	Direct voting to show citizens intention
<b>10 Comprehensive Plan :</b>	Should be formulated on the base of this basic idea with citizen public participation
<b>11 Promotion of Neighborhood Activity:</b>	Building neighborhood system that are the basis of residential autonomy
<b>12 Role and Duty of Citizen :</b>	① Role as the bearer of public share ② Right to participate in Community Planning and City Management
<b>13 Role and Duty of City :</b>	① Promotes voluntary actions of citizens for community Building ② Human resource for community → Article No24?
<b>14 Public Comment :</b>	the device by which city listen to citizens opinion in planning phases of comprehensive plans and so on.
<b>15 Information Disclosure :</b>	Disclose information about city's matters.
<b>16 Protection of personal data :</b>	Personal information should be protected
<b>17 Cooperation with other municipalities:</b>	Cooperate with other municipalities. Build the cooperation in between sectors in the city
<b>18 Role of Businesses :</b>	① The role as one member of citizenship(one bearer of the public matters) ② Endeavor to help and contribute society
<b>19 Role of City Council :</b>	As the representative of citizens pay the endeavor for open and faithful city management.
<b>20 Role of City Mayor :</b>	① Promotes City Planning by way of partnership on the basic idea. ② Take endeavor to manage open and faithful city management. ③ City staffs' human recourse development 職員の人材育成
<b>21 Promotion of Citizen Activity:</b>	Promote citizen activities that support “new public share”
<b>22 Term Definition:</b>	① Citizen, ② Business, ③ Citizen Association, ④ Neighborhood etc.
<b>23 Right &amp; Role of Juvenile :</b>	Participation to neighborhood activity; Community education

Table 5 : Framework of Basic Autonomy Ordinance

The Making Process of the first “Citizen-handmade”  
Basic Autonomy Ordinance (2005) in Japanese Municipal History

were put to the public. And the committee got the input from citizens and some division of the city. (Table 6)

The comments that are seen in the table were almost positive ones. It is interesting that these positive comments are from the active sections. And at this time there was no input from other sections and department directors.

Comments from Citizens		
1	“citizen”, “the city”, “companies”, “city council”, “city mayor” seem to be even in the framework. But is it adequate to set so?	citizen
2	Does “city council” better should be involved in “citizen”? And “city mayor” in “the city (administrative sector)”?	citizen
3	Role of council and residential voting measures are already in Local Government Act. So that is not necessary to make the article about residential vote measures.	citizen
4	Please think about the position of existing “Citizen Charter”	citizen
5	What is the meaning of constitutional position of BAO?	citizen
6	In the case of BOA (kind of city constitution), we should be careful for revision. So the expression “growing ordinance” is not necessary	citizen
7	It is not necessary to make the article about the participation of juveniles.	citizen
Comments from Divisions of the City		
1	We would like to use this “wonderful” ordinance as a study material in some subjects in elementary and middle school.	Comprehensive Education Center
2	The phrase “the person who resides in this city, the foreign born person who resides in this city” is Japanese-oriented one. “the person who resides in the city (No distinction about the nationality)” might be better.	Division of Policy Promotion
3	As for the article No. 18 “satisfaction evaluation” does it enough to implement at the discretion of the city?	
4	As to “public comment” the framework describes as “enhancement of the institution should be endeavored”. But we need to institutionalize it directly, because public comment is very important device to get input from citizens’ voices. For example how about the phrase “Whenever the city plans comprehensive plan, master plan, ordinances, the public comment should be set...”?	Division of Administrative Management
5	“Land Readjustment Association” is the agency that sells land and gets money. There are similar agencies. The definition “Business Agency” in the article No.2 is not enough. .	Division of Land Readjustment
6	Word “As possible” is not suitable for legal work.	

Table 6 : Comments from Citizen and City- sectors (April 30,2004)

## H) “The Process through Citizens’ Hands” and the Urban Regimen

Through the following procedures (Table 7) Hachinohe BAO took shape on February of 2004. And after the committee examined the input from citizens and city-divisions, they made the official draft of Hachinohe BAO. In total the ordinance committee was held for 27 times in these two years. and the plenary “citizen council” meeting 6 times, Neighborhood Guideline committee 26 times, Citizen Activity & NPOs Committee 21 times. Including workshops, meeting for newsletters, some other meetings, each member tended to attend more than 40 times in this two

years. It is like “twice a week in the city hall.” Two guidelines were also completed up as well by these two committees. Finally the draft of “Hachinohe Basic Autonomy Ordinance” was submitted to the city mayor (the City of Hachinohe) by the “Citizen Council for Partnership City Planning” (including three committees) on July 16, 2004.

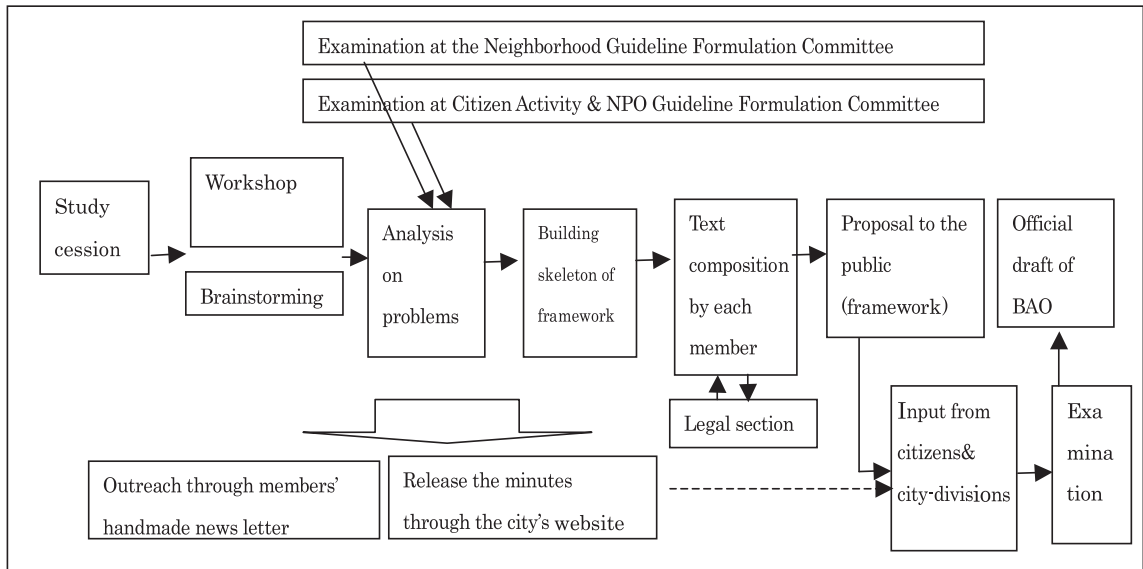


Table 7 : Process for making draft of BAO

We can understand the BAO making process was driven by strong citizen initiative. (The Division of Cityzen Partnership purposefully did not provide the scenario about the draft in order that committee members could build the draft from A to Z.) What does this case mean? Our purpose is to search for the meaning to municipal legislation. In order to grasp the whole picture, we should think about what happened after that.

### Ⅲ The result of “Citizen Handmade Draft of BAO” and its Influence to Other cities.

What was the result of “citizen handmade draft of BAO” to the city? And what influence has it have on other cities?

#### The BAO Movement in Mixed Jam Urban Situation<sup>8</sup>

After that submission to city mayor, the draft of BAO was supposed to be submitted to the city council from city mayor (the city) on December of the same year. Just one month later a meeting named “ordinance deliberation meeting” started checking the contents of the draft as usual way. That meeting was consists of directors of each departments. The responsible staff of Citizen Participation Division who had been in charge of the draft was summoned to explain. When she explained the background and the contents, some directors tried to point out some problems and asked to delete some texts, saying “Oh. It is a basic autonomy ordinance! And the persons (who are involved in making the draft of BAO) are not specialists”. This meeting lasted for

three times.

According to her understanding if it lasted for 3 or 4 months the draft may lose the core as BAO. Even after the submission to the city mayor, the Citizen Council for Partnership City Planning unofficially advised her to let it submit to city council on September, instead of December.

It is interesting that in the city body it was not united in terms of their thinking. The city mayor Toshifumi Nakamura seemed not to have specific interest. Most city staff felt the BAO and its related method "coproduction" complicated. But when 60 city staffs got the lecture by way of workshop, more than 50 percent of them felt it has the possibility to bring the tight relationship with citizens (May 18, 2006)<sup>9</sup>. The some top staffs of the city, directors showed objection. On the other hand beside the Division of the Citizen Partnership, we looked at some divisions that have the positive understanding for the BAO, the Education Center, the Division of Policy Promotion, and the Division of Administrative Management. And also Legal Section gained the positive understanding through the long interactions with the Division of Citizen Partnership. A few years later it was the Law Section that supported the private-public partnership project on Sanjo Middle School (ditch construction for the schoolyard) for making new law procedures, by which the city supported the finance and the regional citizens paid their work. The city was in a jumble like a salad bowl at that time.

The action as to personnel relocation after that should be mentioned. In April of 2005, as BAO was exercised, the city made personnel relocation on the Division of Citizen Participation. Among 7 staffs, except director of Citizen Department and a rank-and-filer, most old and most young, 5 staffs were ordered to move to another section. Subdirector himself said *"it is very unusual. It is like a atomic bomb"* (Aprile, 2005). Most of them got promotion in each rank though.

On September 29, 2004 the draft was submitted to city council. On the same day the city council passed it as the No.34 ordinance of the city without any objection. For the most part of city council members they did not have any feeling or motivation to oppose it. In contrast especially a city council member Ms.Noriko Ito was one of the persons who initiated the fire at the very first days. She had made remarks on the BAO at the city council of July, 2002<sup>10</sup>.

As mentioned, the back ground was a proceeding committee of the city, "Citizen Activity Promotion Committee" (2000-2001). It promoted to build a "Citizen Activity Center" for voluntary associations and NPOs, and advocated the concept "citizen- based activities should be the key in local planning" as well. There were some resonance between this movement and that promoting remarks of the city council member (See the list at appendix B).

In total as the result in the urban regime situation in Hachinohe, the movement, emerged as the "Citizen Council for Partnership City Planning", could realized their motion as ordinance in the mixed jam of power structure.

## **Influence on the City**

After the citizen-handmade draft of BAO was passed by the Hachinohe City Council it has a considerable influence on the city. Some programs or measures that were proposed by Citizen Council for Partnership City Planning during the BAO making process have been realized in several realms: Some neighborhood plans, hand-made areal visioning plans by residents, have been completed<sup>11</sup>, and the 24 "Neighborhood Coordinator Staff" were set up in April of 2009 (combined as area staff and a position in the city hall)<sup>12</sup>.

## Influence on Other Cities in Japan

The citizen-handmade draft of BAO have influenced on other cities. Cities that are close to Hachinohe have tried the BAO and its related measures. In Hashikami, the next city to Hachinohe, (15,000 population) launched to build BAO by hands of citizens in 2007<sup>13</sup>. And Hashikami succeeded to establish 19 Neighborhood Plans as well. That is, every neighborhood made their own neighborhood plan, and that are connected in Comprehensive Plan of the city since 2010. Takko City and Misawa City are trying the same. Many investigations visited the Division of Citizen Participation of Hachinohe City from all over Japan. Some cities have succeeded to build BAO by “the citizen-handmade draft” style in Hirono (Iwate), Kitamoto (Saitama), Yonago (Tottori), Kobayashi (Miyazaki) and so on.

There are some blank themes about this realm at present. One issue is concerning the variety in “citizen-handmade draft of BAO”s. There is some variety at present. The citizen-initiative cases without scenario like Hachinohe cases are growing in Takko, Hirono, Kobayashi. On another front some cities are trying BAO by strong leadership of mayors. In the case of cities that are trying BAO by strong leadership of mayors, they tend to take the guise of citizen initiative in the BAO formulation though<sup>14</sup>.

And there is some criticism on BAO in terms of “citizen public participation” itself. And the criticism against guaranteeing the voting right to foreign-born residents in BAOs<sup>15</sup>. When we think about this criticism, we can treat the criticism as the issue about consensus-building. Who should do the “representative” work for the BAO draft? And what are the criteria for the selection and approval? How “public interest”, as suggested by G.Stoker (2004), is treated in concrete procedures? These might be worth next study.

We recognized the following points: In the municipal history of Japan, as mentioned, BAO gained its shape in Niseko as the self-grow municipal legislation that emerged apart from the national legislation edifice. This case of Hachinohe shows that “the citizen-handmade draft of BAO” of it provided considerable cities and localities with the practical method or *capsula interna* for the new governance – local governance by way of the partnership/ coproduction supported by local stakeholders – to which BAO is supposed to lead.

## IV Findings

The findings in this article are:

- 1) After the first BAO (Niseko: Hokkaido prefecture, 2001), a new movement occurred: “the citizen handmade draft of BAO”. That was realized in Hachinohe City (Aomori prefecture) in April of 2005 as for the first case.
- 2) In the process for constructing the skeleton of BAO, the concrete devices such as “Neighborhood Plan”, “Neighborhood Coordinator” was focused on for the future picture of the governance. That was based on a broad research on such as Seattle Neighborhood Planning (the US). And during the process the communication with citizens, “input from citizens” was most attached weight.
- 3) This movement in the city accepted the drive power from the tailwind of cities’ merger program as well as NPOs boom. On the other hand, it confronted the against-wind, withstanding pressure from inside of the city. Nevertheless citizens who



- promoted new governance & BAO, some sections of the City, a council member (at least) had resonated each other in the mixed urban political situation.
- 4) After the citizen-handmade draft of BAO was passed by the Hachinohe City Council, without any resistance or withstanding action, it has an considerable influence to the city as well as to many cities in Japan. Beside the realization of the proposal by the Citizen Council/ Partnership Ordinance Committee (such as Neighborhood Plans, Neighborhood Coordinator Staff of the city), many cities have adopted “the citizen-handmade draft of BAO”. Cities such as Hashikami, Takko, Misawa (Aomori Prefecture), Hirono (Iwate), Kitamoto (Saitama), Mitaka(Tokyo), Yonago (Tottori), Kobayashi (Miyazaki) and so on.
  - 5) In the municipal history of Japan BAO gained its shape in Niseko as the self-grown municipal legislation that emerged apart from the national legislation edifice. The case of Hachinohe shows that “the citizen-handmade draft of BAO” of it provided considerable cities and localities with the practical method or *capsula interna* for the new governance – local governance by way of the partnership/coproduction supported by local stakeholders – to which BAO is supposed to lead.

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- <sup>1</sup> The another act for taxation incentive for NPOs passed in March 2001, that was sidestepped in the act of 1998.
  - <sup>2</sup> It has 5 main policies: (a) Clarification of the respective roles of central and local "government"; (b) abolition of the system of agency delegated functions (ADFs); (c) Re-examination of central government intervention; (d) Promoting devolution of authority; (e) Curbing regulatory obligations.
  - <sup>3</sup> Its title is "地方分権の推進を図るための関係法律の整備等に関する法律" (Chiho Bunken no suisin o hakaru tame no kanren horitu no seibi to ni kansuru houritu), literary "law concerning adjustment of laws related to promotion for local devolution". The abbreviation is "地方分権一括法" (Chiho Bunken Ikkatu Ho) that means Packed Law for Local Devolution), and is more used commonly.
  - <sup>4</sup> And it might profit to our observations, that Maeyama was involved in this first case of BAO draft-making by hands of citizens as "insider". Maeyama suggested the new idea to city staffs of the "citizen participation division" of Hachinohe City in 2002.
  - <sup>5</sup> "Public Information from the City of Hachinohe" (Feb 2010)
  - <sup>6</sup> Its tendency relates to the social characteristics of the persons who are taking roles in voluntary associations and NPOs. They tend to be new residents in the neighborhoods, and tend to work closely with governments. On the other hand the persons who work for neighborhoods, "Chonakai", tend to be native-born person and the average of them is relatively high. Concerning "Chonakai", traditional and common grassroots associations in Japan, See: Yoshiwara; Pekkanen.
  - <sup>7</sup> This was recommended from a city staff because of a regret. A neighborhood person advocated a voluntary cleaning service for a public park (including public toilet). But due to sectional walls of the city it was not realized.
  - <sup>8</sup> This article does not get engaged on the urban regime theory that was proposed by Stone (1989). The schematic problematic of her theory has been pointed out (Stoker et al. 1994).
  - <sup>9</sup> Lecture about the "City Planning by way of partnership": at Hachinohe City Hall, B&C meeting room, 2nd floor, 18:30~20:00.
  - <sup>10</sup> "I would like to make a question about Basic Autonomy Ordinance. We need to build up the citizen-initiative city planning. But it would not be realized without the consciousness and devices for partnership type city planning (Kyodo no Machizukuri) in citizens as well as the city body. For that purpose the devices for partnership are necessary. And to that devices the gender free concept, the concrete involvement of NPOs, and autonomic neighborhood planning in each small neighborhood share should be related. Therefore, I think, BAO should be, with the help of citizens, formulated in order to promote partnership city planning." (Hachinohe City Council Record, July of 2002). Her power base has been women-movement and citizen activity movements.
  - <sup>11</sup> 3 neighborhoods (Odate, Konakano, Shimonaga) at present (as of February 2010).
  - <sup>12</sup> Neighborhood Coordinator Staff, is in charge of pipe role for each neighborhood (equal to middle school district) such as support for Neighborhood Plans, pipe for interaction between citizens and the city hall.
  - <sup>13</sup> That was passed March 13, 2007, and exercised April 1, 2007
  - <sup>14</sup> In the case of cities that are trying BAO by strong leadership of mayors, they tend to take the guise of citizen initiative in the BAO formulation. As the idea of mayors or some division the BAO formulation process start, and they have the citizen workshop process and public comment as well, saying "the BOA needs citizens input", "citizen are the pillar of city planning (machizukuri)". We need more research on this situation (Maeyama 2009c).
  - <sup>15</sup> Ito, T., 2007, *Min-i Raisan ni hisomu Kiken* (The hidden crisis in "the public will"), *Ashita e no Sentaku* [Japan Policy Center], November 2007

## APPENDIX

### A : EXPLANATORY NOTE FOR TRANSLATION

Translated term	Japanese pronunciation	Japanese term
Act to Promote Specified Nonprofit Activities (NPO Act)	Tokutei Hieiri Katsudo Sokushin Ho	特定非営利活動促進法
Administration Basic Ordinance	Gyosei Kihon Jorei	行政基本条例
Basic Autonomy Ordinance (BAO)	Jichi Kihon Jorei	自治基本条例
City	Si/Cho[Machi]/Son[Mura]	市／町／村
Cities' merger	Sichoson Gappei	市町村合併
Citizen Council for Partnership City Planning	Kyodo no Machizukuri Simin Kaigi	協働のまちづくり市民会議
City Council Basic Ordinance	Gikai Kihon Joeri	議会基本条例
Hachinohe	Hachinohe	八戸
Hokkaido Local Government Act Research Meeting	Hokkaido Chihojichi Ho Kenkyukai	北海道地方自治法研究会
Land Readjustment Association	Kukaku Seiri kumiai	区画整理組合
Law concerning Adjustment of Laws related to Promotion for Local Devolution (=OLLD)※	Chiho Bunken no suisin o hakaru tame no kanren horitu no seibi to ni kansuru houritu	地方分権の推進を図るための関係法律の整備等に関する法律
Local Government Act	Chiho Jichi Ho	地方自治法
locality planning/ city planning	machizukuri	まちづくり
municipal legislation	jichi rippo	自治立法
Neighborhood Coordinator Staff	Chiiki Tanto Shokuin	地域担当職員
Omnibus Law for Local Devolution (OLLD)※	Chiho Bunken Ikkatu Ho	地方分権一括法
Partnership City Planning	Kyodo no Machizukuri	協働のまちづくり
Policy Legal Work	seisaku homu	政策法務
Residents' Participation Ordinance	Jumin Sanka Jorei	住民参加条例
system of agency delegated functions	Kikan Inin Jimu	機関委任事務
tax allocation grant	Chiho koufu kin	地方交付金
Urban Planning Act	Toshi Keikaku Ho	都市計画法

## B : LIST “Hachinohe Citizen Council for Partnership City Planning”

Position in Citizen Council	committee	name	sex	occupation
President	Ordinance :Char	S.Maeyama	m	Professor of Hachinohe University
	Ordinance: Vice Chair	E.Hirama	f	Theater Activity for Children
	Ordinance	N.Miyazaki	f	Technical Instructor of Hachinohe Technology University
	Ordinance	Y.Nitta	m	Chamber of Commerce (Shop Owner)
	Ordinance	M.Ikeda	m	Director of Shimonaga Community Center
	Ordinance	M.Higashiyama	f	President of Parent Effectiveness Training
	Community : Char	I.Osawa	m	Professor of Hachinohe university
	Community : Vice Chair	K.Kanisawa	m	President of Odate Chonaikai
Vice President	Community	Y.Fujimura	f	Board of Aomori Gender Free NPO
	Community	A.Hashimoto	m	PTA President of Chiba Kindergarten
	Community	Y.Keicho	f	Vise President of Hachinohe Gender Free Network
	Community	M.Inagaki	f	President of Hachinohe International relations
	Citizen Activity& NPO : Char	Y.Fukuda	m	Assistant Professor of Hachinohe University
	Citizen Activity& NPO : Vice Chair	T.Tomioka	m	Vice President of Junior Chamber of Commerce
	Citizen Activity& NPO	R.Iwamura	m	Director of Future Port NPO
	Citizen Activity& NPO	T.Kabasawa	f	Hachinohe Women's Action
	Citizen Activity& NPO	T.Takazawa	f	Director of ICANOF
	Citizen Activity& NPO	H.Nishijima	m	NPO Working Meeting