

## Accessing Japanese Government Documents - Policy Making Process and Documents -



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### ***Abstract***

The Japanese policy making process is often confusing to those who are unfamiliar with the system. In the Japanese Parliamentary system, most policies are introduced to the Legislative branch by the bureaucracy after going through several intricate steps. Since the policy making process is largely obscured from the public, documents generated during the process frequently go undetected and many are simply lost.

The author attempts to help uncover how to find these critical documents by describing the Japanese policy making process, along with the life-cycle of these documents at each step. The author believes there are two major fundamental changes that must be made to improve access to Japanese government documents;

- (1) an enforceable records management system must be established across the government, and
- (2) a legally mandated open government mechanism must be created.

### ***1. Introduction***

I was asked to discuss Japanese government documents for today's mini seminar. Since it is such a broad topic and time is very limited, I would like to focus on the Japanese policy making process and some of the documents that are generated during this process. I would also like to tie my discussion to the life-cycle of documents. As you can see on the slide, a document's life-cycle is defined as:

1. Generation of documents
2. Maintenance & storage
3. Dissemination & use
4. Disposition (archive or destruction)

### ***2. The Policy Making Process in Japan***

As I said, we need to examine the policy making process in Japan so that we can understand how documents are generated.

Unlike the presidential system in the United States, under the Parliamentary system, the majority of policies are introduced to the Legislative branch (the Diet) as Cabinet bills (Naikaku-houan or Kaku-hou), which are generated by administrative branches. The administrative branches in Japan are roughly equivalent to Federal

departments and agencies in the United States. Let's take a quick look at the Cabinet organizational structure and Major administrative branches in Japan ([chart 1](#)). The Cabinet (Naikaku) is composed of a Prime Minister and 12 Ministers. For example, [the management and coordinating agency](#) is directly under [the Prime Minister's Office](#).

I would like to show you the [chart 2](#) and will explain how a draft bill moves through the system. A draft bill begins its life in a ministry with an interest in a particular issue. For example, an information disclosure bill was originated from the Management and Coordination Agency.

Usually in the first stage a ministry bureaucrat drafts up a proposed bill. The draft bill then goes through several rewrites within the agency. The document division within the agency is responsible for reviewing the contents of the proposed bill and negotiating the language between other government agencies and politicians in Parliament.

If a bill is controversial or high visibility, bureaucrats often form an official advisory council or commission (shingikai) to solicit input and recommendations. An advisory council is ideally composed of outside experts but reality often finds councils top heavy with hand-picked ex-bureaucrats. Issues surrounding the bill are studied and a report supporting agency bureaucrats is generated.

Sometimes instead of using an advisory council an unofficial private study group or ad hoc consultative group may be utilized. These groups are usually chaired by a high profile ex-official. One good example is the Maekawa study group chaired by the former Bank of Japan Governor.

Once the agency is satisfied with the language of the proposed bill, it is transferred to the [Cabinet Legislation Bureau](#) for official investigation. The CLB primarily focuses on the bill's legality and the successful passage of the bill often depends on how well refined the bill's language is when it arrives at the CLB.

When the bill arrives at the CLB, the agency simultaneously begins briefing members of the ruling party on the bill to garner support from the ruling party. As we know now that the ruling party is a coalition party.

If the bill passes the CLB investigation, it will next be presented at a Cabinet meeting (kakugi). If the Cabinet supports the bill it will go to the [House of Representatives](#) or the [House of Councilors](#) as a Cabinet proposed bill, where it will then be passed to the Parliamentary Legislative Committees for review. Originating agency officials brief, answer questions, and submit supporting materials to the committee members who are Diet members from both ruling and opposition parties. Once the bill is passed in the committee meeting, it is then sent to the full Diet for discussion and vote.

### ***3. Generated Documents and Life-Cycle***

Keeping this Japanese policy making process in mind, let's examine the documents generated at each step and their life-cycle. I will begin with a ministry or agency level.

#### **1. Agency's Internal Information to Aid a Policy Draft**

The types of documents generated fall into two main categories: Those intended for public release and those that are not. The documents released to the public can be obtained at the originating agency but there is no guarantee that any copies will be left when you get there.

The documents typically used as a basis for the draft policy proposal are not released to the public. These documents could include supporting materials for the advisory council members. The maintenance and storage of these documents are at the discretion of each agency, and unfortunately, even where there are agency record management guidelines, they are seldom enforced. In reality, the agency official(s) who happened to work on an issue has the most control over the fate of the documents. That means that the entire document life-cycle (creation, storage & maintenance, dissemination, and disposal) is uncertain. It also means that you'll be more successful at obtaining documents if you can develop a personal network within different organizations and the officials you choose are good document record keepers.

I see this is not always due to politics in Japan. Apparently it can be a headache even for government officials. One official said, "I was told to talk to Mr. so-and-so, who worked on the issue once. But he had been transferred to a different division. I tracked him down and asked for some background documents and information. But he said that he threw away some documents but thought some were still in a document storage room. I then went to the document storage room and spent almost two hours searching through boxes and scattered documents since there is no such a thing as indexes or catalogs for the documents in the room. Finally I found the dust covered documents I was looking for. But I kept sneezing all day from allergies triggered by dust."

#### **2. Advisory Council/Commission Information**

There are 3 types of documents generated by advisory councils, namely

- 1) minutes,
- 2) distributed materials to advisory committee members, and
- 3) council reports (or recommendations).

With few exceptions, 1) and 2) are customarily NOT released to the public. However, they often do get circulated by the council members. The company, where I used to work always lobbied very hard to get at least one of its senior researchers on an advisory council. Through the council member, the company can access all advisory council information and may

influence the final advisory council recommendations.

I should note here that after the recent Cabinet Decision regarding Advisory Councils (1995: Regarding the Transparency, etc. of Advisory Councils, etc.), some summaries of minutes and full-text reports have become available on the Internet. Especially [Prime Minister's Office](#), [Ministry of Post & Telecommunications](#), and [Ministry of International Trade and Industry](#) have good web sites. One caution here is that although there is an English version of a page is available, it is usually not as comprehensive as a Japanese one.

3), council reports are first released to the press and then the public can obtain copies at the agency which initiated the bill if there are leftover copies. Since record management systems are at the discretion of each agency, the permanent maintenance and storage of these documents are very uneven and range from good systems to no system at all.

### **3. Private Study Group/Ad Hoc Consultative Group Information**

Even though a private study group is quite influential with regard to decision-making, any generated documents are privately held and there is no standardized way to locate and obtain them, nor are they formally maintained and stored. Quite often, however, some documents such as the so called, "Maekawa Report" are informally circulated. Again, if one can develop a personal network, they can be obtained.

I heard the comment once that even the [National Diet Library](#) does not house the Maekawa Report. However, I found it when I was there. But it is often located under a formal title such as the "Report of the Economic Structure Adjustment Study Group for Integrating the Economy into the World" rather than the informal popular name such as "Maekawa Report."

### **4. Agency's Briefing Information to the Ruling Party**

Since this is a sensitive internal negotiation process between ruling party politicians and bureaucrats, there is no formal document released to the public. However, some information is sometimes leaked to the press but leaking is not the finest art in Japan yet.

The ruling party investigations: Yotoushinsa. The formal legislative check point is at the Political Affairs Research Committee (PARC). There are about 17 subcommittees which conduct actual investigations for the PARC. Each of subcommittees is closely tied to a correspondent agency. If you would like to know more about the LDP's organizational structure, the [LDP](#) has a good web page in English.

Since the ruling party is a coalition party now, there is another level of negotiations between the Liberal Democratic Party and the others. For example, it took them about three weeks to reach a concession regarding the Information Disclosure Bill.

## **5. Cabinet Legislation Bureau Information**

The checking procedure and reasons are NOT released. It is a highly secretive but powerful procedure. However, information is sometimes leaked to the press. We have to check the newspapers carefully.

## **6. Cabinet Meeting Information**

Discussions conducted at the Cabinet Meetings are NOT released and there are no minutes of the meetings. However, Cabinet decisions (kakugi kettei) and agreements (kakugi ryoukai) are announced to the press after decisions have been made by the Chief Cabinet Secretary. Written documents of decisions are also distributed from an originating agency. So for example, the Cabinet decision on the Information Disclosure Bill can be obtained from the Management and Coordination Agency. Later an agency's annual report will include Cabinet decisions and information on related issues. Nowadays, some agencies have information on their home pages too.

## **7. Parliamentary Legislative Committee Information**

The Committee minutes are available at the National Diet Library and they may also be purchased at the Parliamentary sales offices. However, supporting materials submitted to the committees are not recorded in the minutes but they can be obtained from individual committee members. Also, the Statutes and Parliamentary Documents Room of the National Diet Library collects these documents but they are not cataloged and can be difficult to retrieve.

## **4. Final Thoughts**

As we can see, we cannot currently rely on the Japanese government for a systematic information life-cycle. However, luckily there are other institutions that fill the gap in the last stage of the document life-cycle. Mr. Kado from the NDL and Mrs. Morita from [the Japan Documentation Center \(JDC\)](#) will discuss this in more detail. I have prepared a [handout](#) that shows some of these institutions.

Unfortunately, as it has been frequently pointed out, it is not easy to follow the Japanese government information life- cycle. Two major problems are:

1. the lack of an enforceable records management system across all agencies, and
2. the lack of a legally mandated open government mechanism.

Recently several laws have been introduced to reform these problems. Also, new technologies such as the Internet have created new avenues to access information. However, these two problems must be addressed in unison and people must recognize that technology alone will not solve the problems. To illustrate what I am talking about, I talked to MITI officials in Japan about how they organized and archived information on their web site. Their unanimous responses were that they had never even considered that as an issue.

## 5. Handout

### Information Storage/Maintenance and Archives Other Major Institutions

#### The National Diet Library

NDL-Law defines that NDL is the sole depository library of Japanese gov't documents. The deposition of the central gov't agencies is made through NDL's 35 Branch libraries. Their new computer system, the Branch Libraries Network System, is under way. I am not sure that it will be open to the public near future. I would like to point out here that deposition from each agency does not meet the level that the Law intended. Some examples are:

1. The actual operation of each Branch library is under the control of each agency. Therefore, the quality of the library operation varies from agency to agency. When I interviewed one official of the MPT, she bluntly said, "It is not functioning at all. I don't think there are any professional librarians working there. Rather, the position is usually rotated among non-career bureaucrats every few years. What they do is just sit in the position and wait for the next rotation."
2. According to the Ministry of International Trade and Industry official, partly because of the agency's budgetary constraints, some of its publications are printed by closely tied extra-governmental organizations such as MITI's JETRO and JICA. Although the Law includes the publications of these extra-governmental agencies, the deposition decisions are made by the organizations and there is a lack of consistency.
3. Again agencies are not required to have systematic records management to store and control information. A more aggressive government-wide convention is needed with an enforcement mechanism to ensure compliance.
4. Hopefully the NDL database will be available on the Internet in the near future.

#### Japan Documentation Center

I am very impressed and have directly benefited from JDC's active role in Japanese government document collection. I am not just making this up. I have been researching Japan's information disclosure law for a while and I collected most of documents I needed by searching JDC's database on the Net, examining retrieved abstracts, and obtaining the full text by mail from JDC. I also visited the JDC's Tokyo Acquisitions Facility (TAF) and witnessed how the TAF team, literally, walked through agencies to collect information.

#### **Hosei University Center for Business and Industrial Research**

2-17-1, Fujimi, Chiyoda-ku, Tokyo, Phone: (03)3264-9421

If you are not looking for the most current information, this is a good place to check. The Center is a depository library for government documents collected by special libraries. I believe that many of you may be familiar with the Gray Literature Detective Club. Five years after acquisition, Gray Literature Detective Club

companies transfer information to the Hosei University Center. There are very interesting and very gray documents there and the online catalog is available at the Center.

### **National Archives**

The National Archives Law (1988) defines historical materials and ensures "the thirty- year principle." Each agency is supposed to transfer documents, which have some historical value, to the National Archives. Documents which passed thirty years after creations are open to the public. However, transferring documents from agencies does not meet the level that the Law intended.

### [Institute for Dissemination and Research of Government Data](#)

Membership required. Approximately 5,000 government documents are collected annually. On-line database, GIOSS-Net, is available for members.

Publications:

*Seifu Shiryo Abstract, Monthly*

*Kancho Shiryo Yoran, Annually*

### ***New Policy Information Service (NPIS)***

Membership required. Approximately 20,000 government documents are collected annually. Fax delivery service is available for members. Publications:

*Monthly New Policy*

*Monthly Report*

### **Dai-ichi Hoki Shuppan**

Membership required. Publications:

*Weekly List*

*Monthly Digest*

*Annual Indexes*

*Keizai Seisaku Joho*