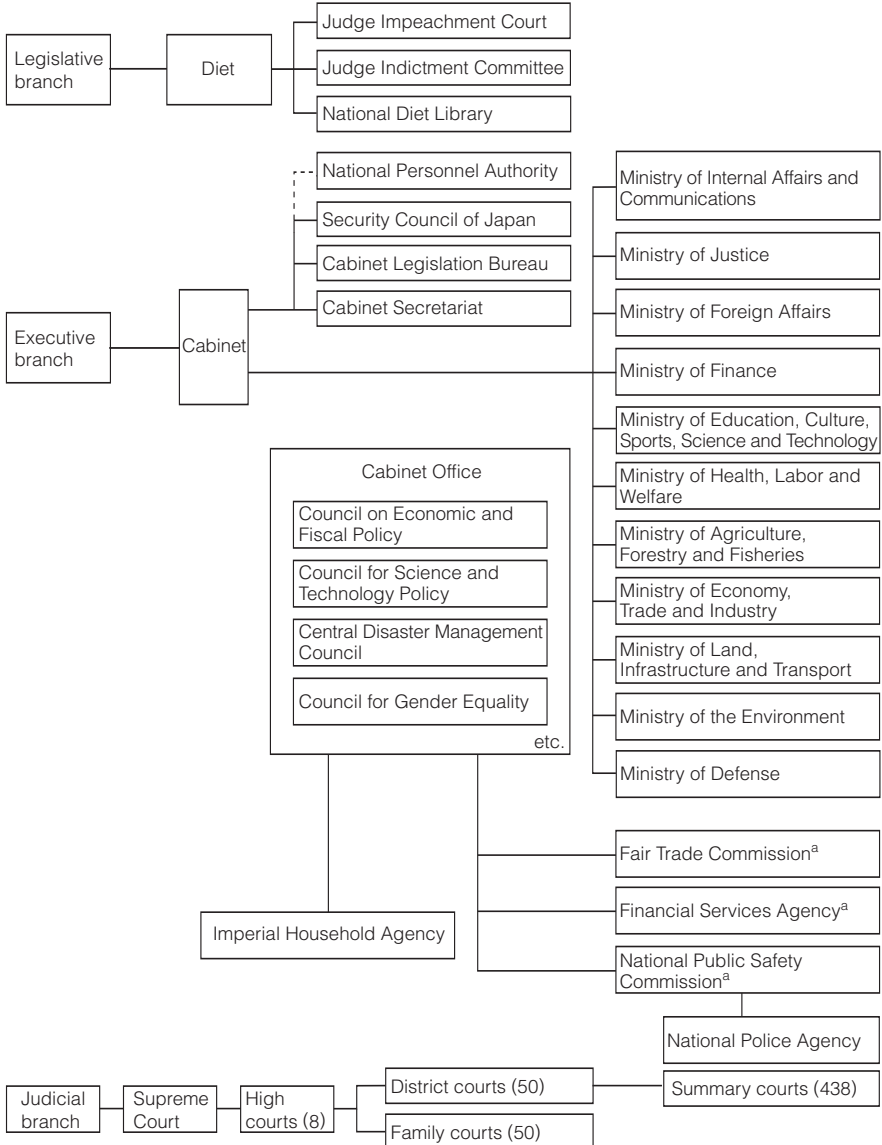


# 03 Government

## Government Organization, 2007



a. External organs of Cabinet Office, headed by ministers of state.

## The Constitution of Japan

The Constitution of Japan was promulgated on November 3, 1946, and took effect on May 3, 1947. Consisting of 11 chapters with a total of 103 articles, it is based on the three principles of sovereignty of the people, pacifism, and respect for basic human rights. The first principle is explicitly stated in the preamble: "We, the Japanese people, do proclaim that sovereign power resides with the people and do firmly establish this Constitution." The Constitution defines the Emperor as the symbol of the state and of the unity of the people but stipulates that the Emperor has no powers related to government, acting only in certain matters of state.

In January 2000 the Diet established the Research Commissions on the Constitution in both the House of Councillors and the House of Representatives to discuss the process by which the present Constitution came into being and its problems. The commissions of both houses issued final reports in April 2005, in which a majority agreed on the necessity of constitutional revision, but differences remained on Article 9, which renounces war and war potential, and other issues. The reports also suggested including new safeguards for environmental and privacy rights.

As the discussions on constitutional revision gained momentum, the ruling Liberal Democratic Party in November 2005 finalized its draft of a new constitution, including the revision of Article 9, for the party's 50th anniversary. In the same month, the Democratic Party of Japan, the largest opposition party, also made a proposal showing the general direction of constitutional revision. In April 2007, the LDP and its coalition partner, the New Komeito, approved a bill for holding a national referendum to amend the Constitution, and it was enacted in May 2007. The new law will come into force in 2010.

## The Emperor and the Imperial Family

The Constitution of Japan declares that the Emperor is the symbol of the state and of the unity of the people and that the Emperor shall perform only such acts in matters of state as are provided for in the Constitution without having any powers related to government.

His Majesty Emperor Akihito acceded to the throne as Japan's Emperor on January 7, 1989, upon the demise of Emperor Hirohito (posthumously named Emperor Showa). Emperor Akihito was born in Tokyo on December 23, 1933, the first son of Emperor Hirohito and Empress Nagako. In April 1959 then Crown Prince Akihito married Michiko Shoda (now Her Majesty Empress Michiko), who was born on October 20, 1934, the eldest daughter of the former president of a major flour manufacturing company.

Emperor Akihito and Empress Michiko have three children: Crown Prince Hiro (personal name Naruhito), who was born on February 23, 1960; Prince Akishino (personal name Fumihito, known as Prince Aya before his marriage), who was born on November 30, 1965; and Princess Nori (personal name Sayako), who was born on April 18, 1969.

In June 1993 Crown Prince Hiro married Masako Owada, a diplomat who was born on December 9, 1963. On December 1, 2001, a baby girl was born to the Crown Prince and Princess, their first child. The child was given the personal name Aiko and the title Toshi-no-Miya, or Princess Toshi.

Prince Aya married Kiko Kawashima, who was born on September 11, 1966, the daughter of a professor at Gakushuin University, in June 1990, upon which a new household was created and he became Prince Akishino. A daughter, Princess Mako, was born in October 1991; a second daughter, Princess Kako, was born in December 1994. In September 2006, Princess Kiko gave birth to a baby boy, Prince Hisahito, the first boy in the Imperial Family in 41 years. Princess Nori married Yoshiki Kuroda, a Tokyo metropolitan government employee, on November 15, 2005. Upon her marriage Princess Nori relinquished her status as a member of the Imperial Family and became an ordinary private citizen with the name of Sayako Kuroda.

Emperor Akihito's younger brother is Prince Hitachi, who married Hanako Tsugaru in September 1964. Other members of the Imperial Family include Prince and Princess Mikasa, Prince and Princess Tomohito of Mikasa, Prince Katsura of Mikasa, and Princess Takamado. (The last two princes are sons of Prince Mikasa, who is the youngest brother of the late Emperor Hirohito. Prince Chichibu and Prince Takamatsu, who were also younger brothers of the late Emperor, are deceased. Prince Takamado, the youngest son of Prince Mikasa, died in November 2002. Princess Takamatsu, the Emperor's aunt, died in December 2004 at the age of 92.)

As the Imperial House Law stipulates that only a male of patrilineal descent is eligible to succeed to the throne, and there had been no male child born since Prince Akishino, there was public concern over the future of the Imperial Family. Under such circumstances, a private advisory panel to former Prime Minister Junichiro Koizumi started discussions in January 2005 on the Imperial House Law to explore, among others, the possibility of a female ascending the throne. In November of that year, the panel submitted a final report recommending recognition of a female emperor and emperor of the female line and granting the right of succession to the firstborn, regardless of sex. However, after Prince Hisahito's birth on September 6, 2006, the process to revise the Imperial House Law was put on hold.

## **Judiciary**

All the courts, including the Supreme Court, which is the nation's highest judicial organ, exercise their judicial power independently of other powers. Judges, whose status is heavily protected by law, may be removed only in the following instances: (1) when the people vote for their dismissal in a national referendum (only in the case of Supreme Court justices); (2) when they reach retirement age; (3) when they are judicially declared incompetent, mentally or physically, to perform their official duties; or (4) when they are disqualified as judges by the Judge Impeachment Court of the Diet. Under Japan's three-tiered court system, a decision handed down in the court of first instance can be appealed to a superior court and finally to the Supreme

Court.

In June 2001 the Judicial Reform Council, a government panel, made proposals after two years of deliberations for the first drastic reform of the Japanese judicial system since World War II. The proposals called for such changes as increasing the number of lawyers, judges, and prosecutors from about 20,000 at present to some 50,000 by 2018, opening postgraduate law schools, and introducing a system under which selected members of the public would participate as lay judges in criminal trials. In July 2005, over 2,000 law school students took the first bar exam, and 1,009, or only 48% of all applicants, passed. In the 2006 school year, 74 universities (23 national, 2 local governmental, and 49 private) had postgraduate law schools, with a full quota of over 5,800 students.

The cabinet in March 2004 approved a package of bills related to judicial reform, including legislation that would create a new trial system under which six lay judges, chosen at random from eligible voters nationwide, would work together with three professional judges in hearing serious criminal cases, such as murder, and in writing verdicts. The Diet passed the bills in May 2004, and the new system will go into effect by May 2009.

## Number of Judges, Prosecutors, and Lawyers

	Judges	Prosecutors	Lawyers
Japan	3,341 <sup>a</sup> (2.62)	2,490 <sup>a</sup> (1.95)	22,056 <sup>b</sup> (17.26)
USA	Federal 1,811 <sup>c</sup> (0.61)	5,375 <sup>d</sup> (1.81)	1,026,356 <sup>g</sup> (346.26)
	State 29,763 <sup>e</sup> (10.04)	29,262 <sup>f</sup> (9.87)	
UK	3,817 <sup>*</sup> (7.20)	2,900 <sup>h</sup> (5.47)	103,935 <sup>**</sup> (195.94)
Germany	20,395 <sup>i</sup> (24.72)	5,106 <sup>i</sup> (6.19)	138,131 <sup>i</sup> (167.43)
France	5,645 <sup>j</sup> (9.27)	2,065 <sup>j</sup> (3.39)	43,403 <sup>k</sup> (71.31)

Source: Supreme Court.

Note: Figures in parentheses show judicial professional ratio per 100,000 population.

USA: Figures show the sum of those in all the 50 states and Washington, D.C. The number of lawyers was obtained by subtracting the numbers of judges and prosecutors from the total number of judicial professionals in all the states.

UK: Figures show the sum of England and Wales. \*The number of judges is for those holding jurist certificates, the full-time judges (as of May 2006) and the part-time judges (as of March 2006 or May 2006).

\*\*The figure for lawyers was obtained by subtracting the numbers of part-time judges, prosecutors, and the attorney general from the sum of barristers (as of December 2005) and solicitors (as of July 2004).

a. FY 2006; b. April 2006; c. September 2005; d. March 2006; e. State Court Caseload Statistics, 2004;

f. Prosecutors in State Courts, 2001; g. December 2004; h. December 2005; i. December 2004;

j. January 2006; k. January 2005.

## Administration

The cabinet, in which the nation's supreme executive power is vested, exercises control and supervision over the various administrative organs of the government. Under Japan's parliamentary cabinet system, the cabinet depends on the confidence of the Diet, to which it is collectively responsible. The prime minister is elected from among Diet members by a Diet resolution. Usually the head of the political party with

a majority in the House of Representatives is elected.

In June 1998 the Diet passed the Basic Law on the Administrative Reform of the Central Government aimed at creating a slimmer and more efficient administration. In July and December 1999 a number of related administrative reform laws were enacted. In January 2001 the central government underwent a major reorganization. The government ministries and agencies were restructured from the previous 23 ministries and agencies into one Cabinet Office and 12 ministries and agencies. In January 2007, the Defense Agency was formally renamed the Defense Ministry, marking a turning point for the government body in charge of national security. With this launch, the Self-Defense Forces' overseas operations, such as participation in United Nations peacekeeping activities, were upgraded from auxiliary activities to main duties.

In accordance with the various administrative reform laws, a large number of government-affiliated corporations, public hospitals, national universities, and research centers were turned into independent administrative institutions (IAIs). In April 2003 the Postal Services Agency became a new government-owned public corporation called Japan Post. Japan Post is to be split into four companies—mail delivery, over-the-counter services, postal savings, and postal insurance—operating under a holding company, in October 2007. The presidents for these four companies were appointed in July 2006. The government plans to fully privatize the postal savings and insurance businesses by October 2017. In June 2004 the Diet passed bills concerning the privatization of four semigovernmental highway corporations, and six private highway companies started operations in October 2005.

## Number of National and Local Government Employees

FY	National government	Local government (1,000 persons)			
		Total	Prefectures	Cities <sup>a</sup>	Towns and villages
1980	856,405	3,165	1,706	1,004	365
1985	836,204	3,219	1,745	1,014	362
1990	822,600	3,225	1,741	1,019	358
1995	819,599	3,278	1,726	1,057	376
2000	799,855	3,201	1,667	1,039	365
2005	633,215	3,042	1,610	1,071	248
2006	n/a	2,998	1,596	1,124	175

Source: Ministry of Internal Affairs and Communications; National Personnel Authority.

a. Include 23 wards of Tokyo.

## Legislature

The National Diet, the Japanese parliament, is the highest organ of state power and the sole legislative organ of the state in Japan. It is bicameral, consisting of the House of Representatives and the House of Councillors. The House of Representatives takes precedence over the House of Councillors in passing laws, acting on the budget, ratifying treaties, and designating the prime minister. Business

cannot be transacted in either house unless a quorum of one-third of the total membership is present. All matters are decided either by a simple majority of those present or, in some special cases, by a two-thirds majority.

### House of Representatives (Shugiin)

In November 1994 a package of reform bills was passed that introduced a system combining single-seat electoral districts and proportional representation for the House of Representatives, or lower house. The multiseat districts from which all 511 lower house members had formerly been elected were replaced by 300 single-seat constituencies, with 200 more proportional-representation seats determined through voting for political parties in 11 regional blocs from lists of candidates prepared by each party. In February 2000 the Diet enacted a bill to reduce the proportional-representation seats by 20 to 180 in the 500-member lower house, which now has a total of 480 members. The term of office is four years, but it may be terminated earlier if the cabinet dissolves the house.

### House of Councillors (Sangiin)

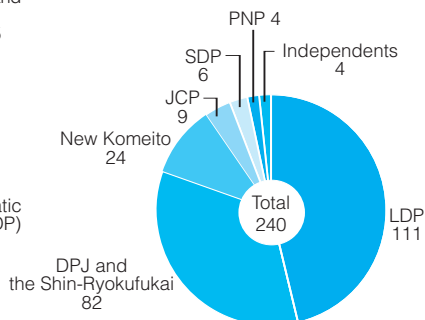
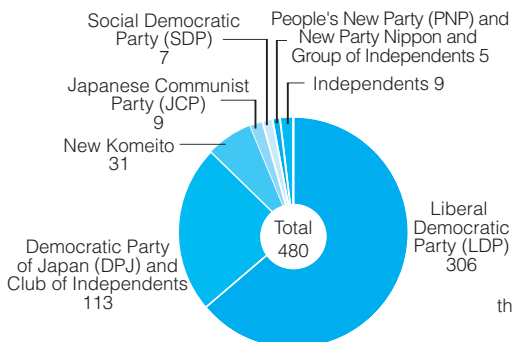
The term of office for the House of Councillors, or the upper house, is six years, with an election of half the members taking place every three years. Up to the upper house election in July 1998, 100 members were elected from the nation at large through a proportional-representation system, and 152 were elected directly from prefectural electoral districts. In October 2000 the Diet passed into law a new electoral system bill that allows voters to cast ballots for either a political party or one of its candidates on a proportional-representation list in upper house elections. The new electoral system also reduced the house's seats by 10—six constituency seats and four proportional-representation seats—bringing the total to 242. The first upper house election under the new system was held in July 2001.

## Diet Strength of Parliamentary Groups

(as of January 2007)

House of Representatives

House of Councillors



## List of Prime Ministers of Japan since 1945

43rd	1945.8.17	<b>Higashikuni, Naruhiko</b>	(imperial prince)
	1945.10.9	<b>Shidehara, Kijuro</b>	
	The first postwar general election was held on April 10, 1946.		
45th	1946.5.22	<b>Yoshida, Shigeru</b> (1st)	Japan Liberal Party
	1947.5.24	<b>Katayama, Tetsu</b>	Japan Socialist Party
	(coalition with Democratic and National Cooperative Parties)		
	1948.3.10	<b>Ashida, Hitoshi</b>	Democratic Party
	(coalition with Socialist and National Cooperative Parties)		
	1948.10.15	Yoshida, Shigeru (2nd)	Democratic Liberal Party
	1949.2.16	Yoshida, Shigeru (3rd)	DLP (transformed to Liberal Party on March 1, 1950)
50th	1952.10.30	Yoshida, Shigeru (4th)	Liberal Party
	1953.5.21	Yoshida, Shigeru (5th)	Liberal Party
	1954.12.10	<b>Hatoyama, Ichiro</b> (1st)	Japan Democratic Party
	1955.3.19	Hatoyama, Ichiro (2nd)	JDP
	The Liberal Party and Japan Democratic Party merged on November 15, 1955, to form the Liberal Democratic Party.		
	1955.11.22	Hatoyama, Ichiro (3rd)	LDP
55th	1956.12.23	<b>Ishibashi, Tanzan</b>	LDP
	1957.2.25	<b>Kishi, Nobusuke</b> (1st)	LDP
	1958.6.12	Kishi, Nobusuke (2nd)	LDP
	1960.7.19	<b>Ikeda, Hayato</b> (1st)	LDP
	1960.12.8	Ikeda, Hayato (2nd)	LDP
60th	1963.12.9	Ikeda, Hayato (3rd)	LDP
	1964.11.9	<b>Sato, Eisaku</b> (1st)	LDP
	1967.2.17	Sato, Eisaku (2nd)	LDP
	1970.1.14	Sato, Eisaku (3rd)	LDP
	1972.7.7	<b>Tanaka, Kakuei</b> (1st)	LDP
65th	1972.12.22	Tanaka, Kakuei (2nd)	LDP
	1974.12.9	<b>Miki, Takeo</b>	LDP
	1976.12.24	<b>Fukuda, Takeo</b>	LDP
	1978.12.7	<b>Ohira, Masayoshi</b> (1st)	LDP
	1979.11.9	Ohira, Masayoshi (2nd)	LDP
	Masayoshi Ito, then chief cabinet secretary, served as acting prime minister from June 12 to July 17, 1980, after Ohira's sudden death.		
70th	1980.7.17	<b>Suzuki, Zenko</b>	LDP
	1982.11.27	<b>Nakasone, Yasuhiro</b> (1st)	LDP
	1983.12.27	Nakasone, Yasuhiro (2nd)	LDP
	1986.7.22	Nakasone, Yasuhiro (3rd)	LDP
	1987.11.6	<b>Takehita, Noboru</b>	LDP
75th	1989.6.3	<b>Uno, Sosuke</b>	LDP
	1989.8.10	<b>Kaifu, Toshiki</b> (1st)	LDP
	1990.2.28	Kaifu, Toshiki (2nd)	LDP
	1991.11.5	<b>Miyazawa, Kiichi</b>	LDP
	1993.8.9	<b>Hosokawa, Morihiro</b>	Japan New Party (JNP)

		(non-LDP coalition)	
80th	1994.4.28	<b>Hata, Tsutomu</b> (non-LDP coalition)	Japan Renewal Party (JRP)
	1994.6.30	<b>Murayama, Tomiichi</b> (coalition with LDP and Sakigake)	Social Democratic Party of Japan
	1996.1.11	<b>Hashimoto, Ryutaro (1st)</b> (coalition with SDPJ and Sakigake)	LDP
	1996.11.7	Hashimoto, Ryutaro (2nd)	LDP
	1998.7.30	<b>Obuchi, Keizo</b>	LDP
		Prime Minister Obuchi reshuffled his cabinet on January 14, 1999, and formed a coalition with the Liberal Party, and again on October 5, 1999, to form a coalition with the Liberal Party and the New Komeito. After Prime Minister Obuchi was hospitalized, Chief Cabinet Secretary Mikio Aoki served as acting prime minister from April 3 to 4, 2000.	
85th	2000.4.5	<b>Mori, Yoshiro (1st)</b> (coalition with the New Komeito and the New Conservative Party)	LDP
	2000.7.4	Mori, Yoshiro (2nd) (coalition with the New Komeito and the New Conservative Party)	LDP
	2001.4.26	<b>Koizumi, Junichiro (1st)</b> (coalition with the New Komeito and the New Conservative Party)	LDP
	2003.11.19	Koizumi, Junichiro (2nd) (coalition with the New Komeito)	LDP
	2005.9.21	Koizumi, Junichiro (3rd) (coalition with the New Komeito)	LDP
90th	2006.9.26	<b>Abe, Shinzo</b> (coalition with the New Komeito)	LDP

Note: The cabinet system in Japan started on December 22, 1885, with the inauguration of the cabinet led by Hirobumi Ito, the first prime minister of Japan.

## Elections

All Japanese citizens who have reached the age of 20 have the right to vote. Those who have reached the age of 25 are legally qualified to run in House of Representatives elections, local assembly elections, and mayoral elections, and those who have reached the age of 30 can run in House of Councillors and gubernatorial elections.

In April 1998 the Diet passed a revised Public Offices Election Law giving Japanese nationals living abroad the right to vote in the country's national elections. Under this law, Japanese nationals aged 20 and older who intend to return to Japan, and those living overseas in one place for more than three months, are eligible to vote for the proportional-representation seats in the lower and upper houses. Overseas voting is, in principle, done by direct balloting at Japanese diplomatic establishments, but voting by postal mail is also allowed. The law was first implemented in the June 2000 general election.

The House of Representatives has a total of 480 seats. Of these, 300 are elected from single-seat constituencies; for the remaining 180, the country is divided into 11

blocs, and selection is made on the basis of proportional representation. The House of Councillors has 242 seats, of which 96 members are elected under a nationwide proportional-representation system and 146 from electoral districts; elections for half the house seats are held every three years.

In November 2003 a lower house election was held. The ruling coalition led by the Liberal Democratic Party (LDP) lost seats but still managed to secure a comfortable majority, winning a combined total of 275 seats. The largest opposition party, the Democratic Party of Japan (DPJ), captured 177, its highest number of seats ever, and considerably increased its strength in the house. In the July 2004 upper house election, the DPJ won 50 of the 121 contested seats, exceeding the 49 captured by the LDP. In the September 2005 lower house election, however, the DPJ suffered a crushing defeat, gaining only 113 seats, while the LDP won a landslide victory with 296 seats, which, combined with the seats won by the New Komeito, gave the ruling coalition a total of 327 seats, or over two-thirds of the lower house.

### Number of Candidates Elected and Voter Support Ratio in House of Representatives Elections by Party

	LDP		NFP	DPJ	JCP	SDP	Other parties	Independents	Total
20 Oct. 1996	239		156	52	26	15	3	9	500
	169		96	17	2	4	3	9	300
	(38.6)		(28.0)	(10.6)	(12.6)	(2.2)	(3.6)	(4.4)	(100.0)
	70		60	35	24	11	0	–	200
	(32.8)		(28.0)	(16.1)	(13.1)	(6.4)	(3.6)	–	(100.0)
		DPJ	Komeito	LP					
25 June 2000	233	127	31	22	20	19	13	15	480
	177	80	7	4	0	4	13	15	300
	(41.0)	(27.6)	(2.0)	(3.4)	(12.1)	(3.8)	(5.3)	(4.9)	(100.0)
	56	47	24	18	20	15	0	–	180
	(28.3)	(25.2)	(13.0)	(11.0)	(11.2)	(9.4)	(1.9)	–	(100.0)
				NCP					
9 Nov. 2003	237	177	34	4	9	6	2	11	480
	168	105	9	4	0	1	2	11	300
	(43.8)	(36.7)	(1.5)	(1.3)	(8.1)	(2.9)	(1.1)	(4.6)	(100.0)
	69	72	25	–	9	5	–	–	180
	(35.0)	(37.4)	(14.8)	–	(7.8)	(5.1)	–	–	(100.0)
							PNP		
11 Sep. 2005	<b>296</b>	<b>113</b>	<b>31</b>	–	<b>9</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>480</b>
	219	52	8	–	0	1	2	–	18
	(47.8)	(36.4)	(1.4)	–	(7.3)	(1.5)	(0.6)	(0.2)	(4.8)
	77	61	23	–	9	6	2	2	–
	(38.2)	(31.0)	(13.3)	–	(7.3)	(5.5)	(1.7)	(3.0)	–

Source: Ministry of Internal Affairs and Communications, *Nihon tokei nenkan* (Japan Statistical Yearbook), 2007.

Note: Figures represent from top to bottom: total seats; seats obtained in single-seat districts; (percentage of single-seat votes won); seats obtained in proportional-representation districts; and (percentage of proportional-representation votes won).

## Number of Candidates Elected in House of Councillors Elections by Party

	LDP	Komeito	DSP	JNP	SDP	JCP	Saki-gake	DRP	Other parties	Independents	Total
1980	69	12	5	–	22	7	–	–	3	8	126
1983	68	14	6	–	22	7	–	–	8	1	126
1986	72	10	5	–	20	9	–	–	4	6	126
1989	36	10	3	–	46	5	–	11	5	10	126
1992	68	14	4	4	22	6	–	0	4	5	127
			NFP								
1995	49		40		16	8	3	2	2	6	126
		DPJ	LP	New Komeito							
1998	45	27	6	9	5	15	0	–	0	19	126
2001	64	26	6	13	3	5	–	–	1	3	121
2004	49	50	–	11	2	4	–	–	0	5	121

Source: Ministry of Internal Affairs and Communications, *Nihon tokei nenkan* (Japan Statistical Yearbook), 2007.

## Voting Percentage and Number of People Entitled to Vote

### House of Representatives Elections

	Voting percentage			Number of people entitled to vote (1,000 persons)			
	Male	Female	Total (%)	Male	Female	Total	
38th (1986)	70.21	72.52	71.40	41,842	44,585	86,427	
39th (1990)	71.93	74.61	73.31	43,768	46,555	90,323	
40th (1993)	66.39	68.09	67.26	45,828	48,650	94,478	
41st (1996)	Single constituencies	59.03	60.23	59.65			
	Proportional representation	59.01	60.20	59.62	47,385	50,296	97,681
42nd (2000)	Single constituencies	62.02	62.94	62.49	48,698	51,736	100,434
	Proportional representation	61.97	62.90	62.45	48,731	51,761	100,492
43rd (2003)	Single constituencies	59.68	60.03	59.86	49,506	52,727	102,233
	Proportional representation	59.63	59.99	59.81	49,545	52,762	102,307
44th (2005)	Single constituencies	66.80	68.18	67.51	49,831	53,154	102,985
	Proportional representation	66.75	68.13	67.46	49,874	53,194	103,068

### House of Councillors Regular Elections

	Voting percentage			Number of people entitled to vote (1,000 persons)			
	Male	Female	Total (%)	Male	Female	Total	
14th (1986)	Proportional representation	70.14	72.44	71.32	41,842	44,585	86,427
	Local constituencies	70.17	72.47	71.36			
15th (1989)	Proportional representation	64.35	65.62	65.01	43,557	46,334	89,891
	Local constituencies	64.36	65.63	65.02			
16th (1992)	Proportional representation	50.56	50.84	50.70	45,225	48,029	93,254
	Local constituencies	50.57	50.86	50.72			
17th (1995)	Proportional representation	44.66	44.36	44.50	46,957	49,802	96,759
	Local constituencies	44.67	44.37	44.52			
18th (1998)	Proportional representation	58.36	59.27	58.83	48,039	51,010	99,049
	Local constituencies	58.38	59.28	58.84			
19th (2001)	Proportional representation	55.95	56.86	56.42	49,125	52,185	101,310
	Local constituencies	55.98	56.88	56.44	49,085	52,151	101,236
20th (2004)	Proportional representation	56.58	56.51	56.54	49,667	52,922	102,588
	Local constituencies	56.61	56.54	56.57	49,625	52,883	102,508

Source: Ministry of Internal Affairs and Communications.

