

# The Japan Times

INCORPORATING

Thursday, November 13, 2014

International New York Times

8 THE JAPAN TIMES THURSDAY, NOVEMBER 13, 2014

community

## A radical child-friendly vision for local government

Whether seeking to guarantee child visitation for divorced parents or challenging the *koseki* system, lawyer-mayor pushes the envelope

### LAW OF THE LAND

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Every time I try to read or write about local government in Japan I get so easily distracted—say, is that *paint drying over there?* You see the problem?

However, dull as it sounds, the subject not only deserves more attention but also looks likely to get more interesting thanks to politicians such as Fusaoh Izumi, mayor of Akashi city in Hyogo Prefecture. Since taking office in 2011 he has attracted national attention for his laws and implementing child-centric policies. Radical stuff (for Japan).

A lawyer himself, Izumi grew up in a family of fishermen, then went from Tokyo University student radical to director at NHK to parliamentarian to his current post. His two years in the Diet taught him that change at the national level was difficult — perhaps impossible when constrained by party politics — and so, after returning to his hometown to practice law, he ran for mayor as an independent, winning by a mere 69 votes.

Though people who understand law might seem naturally suited for such a job, surprisingly few municipalities are headed by lawyers. Izumi estimates Japan has less than a dozen lawyer-mayors (including Osaka's infamous Toru Hashimoto). More mayors are doctors. Izumi also brought lawyers into the ranks of city government, hiring a total of seven on fixed-term contracts. One unintended consequence of Japan's ongoing botched experiment with more lawyers and too many law schools has been more people with advanced legal training becoming public servants. Nonetheless, the number of lawyers hired by Akashi is unprecedented for a city with a population less than 300,000.

What do his lawyers do? Many things: internal counsel roles like providing legal advice to city government departments, making court appearances to evict tenants from public housing (before Izumi's tenure, city officials had fallen into a practice of actually *paying* squatters to vacate) and offering free consultations to residents, including visiting the homes of those unable to come to City Hall. Policy-making, however, is where mayors armed with lawyers may prove most interesting.

Japan has long had a three-tiered system of government: national, prefectural and municipal. In the past, town and village officials were the interface through which taxation and policies such as conscription were imposed on the people in a top-down fashion. Before the U.S. Occupation, prefectural governors were appointed from the ranks of Home Ministry bureaucrats, with mayors also generally being appointed by the ministry from a narrow range of local nominees.

The Americans who planned Japan's demilitarization saw local government as a font of democracy. They dismantled the Home Ministry and ensured that Japan's Constitution required all political subdivisions to have elected executives and democratic assemblies vested with autonomous rule-making authority.

After the Occupation, Japan's leaders set about undoing some of these reforms. Municipal police forces were replaced with prefectural ones. Governors and mayors were no longer appointed, but in 2012, 1,722 national bureaucrats were on "secondment" to local and regional governments, including 23 as vice-governors and dozens as vice-mayors. The central government's influence is also apparent from the fact that all 47 prefectural assemblies have passed similar ordinances dealing with organized crime and penalizing certain types of *meiwaku* (troublesome) behavior (such as groping on trains).

Governance also gravitated back to a three-tier top-down pyramidal structure, with municipalities functioning as obedient local interfaces for implementing national policies. Unelected central government bureaucrats telling elected local officials what to do was routine.

Nonetheless, the recent trend has been one of shifting more responsibilities (and burdens) to local government and of amalgamation, a trend driven as much by efficiency and cost-cutting as any high ideals about local democracy. Early Meiji Japan had 300 prefectures and 70,000 municipalities; this has been reduced through mergers to the current 47 prefectures and roughly 1,700 cities, towns and villages. Even this number, however, may involve excessive duplication and overlap, including a multitude of elected assemblies whose total membership exceeds 30,000, many drawing generous public salaries for what may be a part-time job.

Izumi regards the prefectures as an unnecessary tier of government that consumes budgetary resources and adds a layer of bureaucracy that has few direct dealings with the people (he speculates that most mayors would agree with his assessment). Perhaps not coincidentally, the government has been quietly advancing plans to replace Japan's prefectures with something like a federal system with about a dozen "states." It may sound improbable, but there is a Cabinet post devoted to the concept.

In the meantime, fewer larger municipalities mean more can be expected of those that remain. A 1999 law dramatically restructured the relationship between the national, regional and local governments. Municipalities — *shi* (cities), *cho* (towns) and *son* (villages) — now have more autonomy to create their own rules, even when performing nationally mandated functions such as registering births and administering welfare programs. Waiting for instructions from Tokyo may no longer be the winning strategy (if it ever was) for municipalities, and those such as Akashi with their own lawyers to help figure things out may come out ahead.

The scope of this comparatively new local autonomy is still being explored, as Izumi

discovered in 2013 when Akashi introduced a birth reporting form lacking any indicator of whether the baby was "legitimate" (*chakatsuzusushi*). This outdated notion comes from the requirements of the *koseki* (family register system) and Japanese rules on marriage and parenthood that remain frozen in the 19th century. Challenged by the Justice Ministry for using an "illegal" form, Akashi backed down.

Even though national law requires his government to administer the *koseki* for Akashi, he dislikes Japan's anachronistic system of family registration.

"The *koseki* is a pointless system that just facilitates discrimination," he told me. Differing treatment for children born out of wedlock is deeply embedded in Japanese law and the *koseki* system, but it is unregistered children (mothers hiding from an abusive spouse, for example, may be reluctant to register) who suffer most, since nonregistration means they don't officially exist for many purposes, rendering them ineligible for basic services or benefits. Izumi described one

small accomplishment of his own administration: enabling unregistered Akashi residents to get library cards. The city has also set up a special consultation service for unregistered people.

Izumi's political objectives have long focused on helping children (as well as crime victims and the handicapped).

He believes Japanese children get short shrift in governance because there is no "Ministry of Children" or even a department within a ministry devoted exclusively to children's issues. Part of one ministry does education, another office elsewhere handles child abuse, yet another

oversees day care centers. The lack of any central authority having a holistic mandate — or budget — for children serves Japan's most vulnerable and important constituents sporadically, inconsistently and poorly.

This was clear when I attended a conference in Osaka on children and divorce at which Izumi spoke. At the event, a recurring theme was the lack of financial resources to facilitate post-divorce parent-child contact. On my way there, how-

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AKASHI CITY MAJOR FUSAHO IZUMI

ever, I received a bag containing a pen, mask and other goodies that the Osaka prefectural government was doling out for free to raise awareness of child abuse. (That Japan is miraculously experiencing a sharp "increase" in child abuse at the same time as it is experiencing a declining number of children may also be a reflection of issue-specific budgeting that generates expanded definitions and increased reporting — often conflated with an actual increase — through awareness campaigns such as this).

Izumi laments how little he can do about child abuse because Child Welfare Centers are prefectural and function mainly as a place to warehouse victims. Similarly, the mayor is responsible for public schools in Akashi ("I'm named as the defendant in the lawsuit if something happens at a school," he says) but Izumi has little control over how they are run, since school staffing decisions are controlled by the prefecture. And while Akashi's assembly can pass ordinances imposing minor criminal penalties, the city can't ensure enforcement, since the police are also prefectural.

Nonetheless, Izumi has used those powers the city does have to help children, particularly those suffering after parental divorce. Here the administration of the *koseki* has proved a useful tool. Most Japanese divorces are accomplished through *koseki* filings rather than the courts. Amendments to the Civil Code in 2011 require parents divorcing this way to make arrangements for custody, visitation and child support. Nationwide, this has resulted in little more than a line being added to the divorce paperwork asking, "Have you made arrangements for the children?"

Under Izumi's leadership Akashi has been more proactive in favor of children. To couples contemplating divorce, the city

provides not only the divorce registration form, but also a model agreement for reaching a deal on the terms of the separation and a form for preparing a post-divorce parenting plan. They also get a booklet explaining how divorce affects children. What's more, parents may consult with the specialized personnel Akashi has been hiring into city government — not only lawyers but social workers and mental health professionals. (Izumi himself is also qualified as a social worker.)

Akashi also facilitates post-divorce visitation, the realization of which is a perennial problem in Japan. The city planetarium has been designated as a venue for visitation, and last month the city started issuing divorcing parents with a "Childrearing Handbook." This is modeled after the handbook widely given to new mothers in Japan but is intended to encourage divorced parents to share information about their children. Izumi has also allocated scarce budgetary resources to helping pay for supervised visitation through local NPOs.

While deeply idealistic, Izumi is also a pragmatist who appreciates most people respond best to tangible incentives. Parents can still get divorced without any formal agreement, but he hopes to start using child welfare allowance programs administered by his city to encourage parents to agree to visitation. After all, he says, the allowance is for the child, not the parents, so he should be able to use it in a way that benefits the child.

Izumi has more policies to implement, assuming he is re-elected next spring. The city is already planning a visitation summer camp for parents and children separated by divorce. Also planned are pre-divorce educational programs for parents to help them understand how a split will affect the kids. He also wants to get the city involved in supporting and endorsing child support arrangements (poverty in single-mother households being another perennial problem).

Perhaps Izumi's most ambitious plan is to establish a "civic court" inside Akashi City Hall. A real court would be impossible, but Izumi thinks a combination of a mediation center and a public notary's office is feasible (he has already succeeded in getting Ho Terasu, the government's legal aid center, to open a branch in City Hall). Divorcing couples could then negotiate the terms of their divorce through a neutral professional and have them reflected in a formal agreement, which, if notarized, would have the same force as a court order. Such a combination could probably help resolve countless other local disputes, bypassing the courts entirely.

Yet Izumi acknowledges social attitudes remain a major hurdle to change. "Unfortunately, in Japan there is little concept of children being separate individuals," he says. "Too often they are treated as luggage."

This is why initiatives such as Izumi's are so important — because they are aimed at changing attitudes at the grassroots level, where the government and the people interact face-to-face.

Izumi's policies have received a lot of press and other towns and cities have started looking at new ways of helping children and divorcing families. Akashi now receives a steady stream of visitors from municipalities around the country seeking to learn from its initiatives. Perhaps the central government will also notice and cites like Akashi will end up guiding Japan into a more child-friendly version of the 21st century.

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Blazing his own trail: Mayor Fusaoh Izumi is using Akashi city in Hyogo Prefecture as a testing ground for bold initiatives that are drawing interest across Japan. COURTESY OF FUSAHO IZUMI