USJI Seminar
Differences of Policy Formulation Processes in Japan and U.S. Parliaments:
Roles of the Cabinet, Congressional Staff, Government Officials, Lobbyists,
Parliamentarians, and Think Tanks
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Law Making in Japan

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My definition:
Cabinet law: submitted by the Cabinet
Diet law: submitted by a Diet member(s)
## Number of laws established

<table>
<thead>
<tr>
<th></th>
<th>Submitted by</th>
<th>Established</th>
<th>Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK (1975-1993)</td>
<td>Government</td>
<td>671</td>
<td>94.4</td>
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<tr>
<td></td>
<td>Diet</td>
<td>189</td>
<td>12.9</td>
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<td>France (1978-1993)</td>
<td>Government</td>
<td>1258</td>
<td>89.1</td>
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<td></td>
<td>Diet</td>
<td>197</td>
<td>4.8</td>
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<td>Germany (1949-1990)</td>
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<td>3491</td>
<td>83.2</td>
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<td></td>
<td>Diet</td>
<td>984</td>
<td>33.4</td>
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<td>Japan (1947-1994)</td>
<td>Government</td>
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<td>83.8</td>
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<tr>
<td></td>
<td>Diet</td>
<td>1033</td>
<td>29.8</td>
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Source) Ishimura 1997
Bills in Japan

• Drafting a bill always requires highly sophisticated technique.

• All bills must be approved by a Legislation Bureau (of Cabinet or Diet) before submission to the Diet.

• No inconsistency is allowed between the bill and all of the existing laws.
Commission of Inquiry

report (justification)

consensus

consentation approval

Cabinet Legislation Bureau

Ruling Party

Ministry

Cabinet decision and submission to the Diet
Lobbying to a Ministry

- Diet Member of Ruling Party
- Political Appointee
- Senior Officer
- Junior Officer

Most informed person!
Personal motivation for diet law making

• Making Japan better

• Promotion within the Ministry

• Job after retirement
Process of Diet Law Making

1. Diet member requests a ministry to draft a bill.

2. The bill is approved by the Diet Legislation Bureau.

3. It is submitted to the Diet.

1. Diet member drafts a bill or requests the Diet Legislation Bureau to draft it.

2. The bill is approved by the Diet Legislation Bureau.

3. It is submitted to the Diet.
Ministry’s motivation for supporting diet law making

• Good relations with politicians
• Preparing a better (or less worse) bill
Diet Laws

1. relevant to the Diet (National Diet Law)
2. manifestation of a party (Basic Biodiversity Law)
3. supporting a stakeholder (International Tourism Hotel Preparation Law, Basic Energy Law)
4. supporting to a Diet member's constituency (regional development laws)
5. Diet member’s personal view (Animal Welfare Law)
6. difficult to submit by the cabinet (Japan Tourism Agency law)
7. urgently needed.
Bill Concerning Special Measures against Environmental Pollutions by Radioactive Substances Emitted from Fukushima First Nuclear Power Plant

• Urgent measures is required.
• Ministry of the Environment is drafting.
• Existing pollution related laws, all of which exclude radioactive substances, will be amended later according to ordinary cabinet law making process.
Law Concerning Special Measures against Dioxins

- Established in 1999.
- “Pollution” of dioxins was widely reported by mass media.
- After a few minutes discussion, the bill was unanimously adopted in the both Houses.
- The law stipulates both definitions of chemicals and Tolerable Daily Intake (4 pg/kg/day).
- Dioxin could have been regulated only by the amendment of the cabinet orders of existing pollution related laws.
If more Diet Laws are needed....

- Politicians should more use bureaucrats as “bill drafting machine,”
- Diet facility to support bill drafting is strengthened, or
- Diet member have literal “policy staff.”
Thank you.