

The Role of Ombudsman in Decentralization: Outsourcing and Public-Private Relationship

Thank you for introduction.

Good morning, ladies and gentleman. My name is Yamaoka. I am Professor Emeritus, Nihon University in Tokyo, Japan, and also have been a member of the administrative counselors since April 1993.

Today, my topic is The Role of Ombudsman in Decentralization as you can see on the screen. I would like to make my presentation by using this power point, and I try to compare Ombudsman Systems of the United State of America with that of Japan.

Slide. 3 The first point that I would like to focus is the Power of the Legislature in Japan and the United States. Japan employs the national government system which is composed of the Diet (House of Councilors and House of Representative), under which there are 47 prefectural governments and 1820 local governments. In Japan, the only Diet has the power to enact laws, and the metropolitan and ward assemblies have the power to enact only ordinances. As the United States has the Federal System, there are the one federal government and 50 state governments.

Slide 4. In the United States, however, both the federal and state governments have power to enact laws or statutes. In the federal level, the Congress has power to enact laws in the areas enumerated in the only 18 provisions of the Constitution of the United States (Arts. 1-8-1 to 1-8-18), and the other remaining legislative power is reserved for the State Congress (10th Amendment). This point is completely different from the Japanese system.

Slide 5. We call sometimes, the Federal Congress has the limited legislative power and

Slide 6. The State Congress has the general legislative power (i.e. Police Power).

As you see this government system, I would like to say that the United

States of America is the most advanced decentralization nation.

Regarding the Ombudsman system, the United States have no general ombudsman system. They only have the special ombudsman system such as ombudsman for welfare, tax, university, and navy and many others. However, the several states and the local government have the general ombudsman system.

Slide 7. Now, I would like to introduce Mechanism of Administrative Counseling System of Administrative Evaluation Bureau in Ministry of Internal Affairs and Communication (MIC)..

Slide 8. This slide describes 2010 Result of Administrative Counseling. We received the total of 176,531 cases. The following are types of these cases: The number of cases to Local Public Bodies is 57,385 which is about 32.5%; Complaints or Requests to Public Office is 21,043 which is 11.9%; References to Public Office is 41,587 which is 23.6%; and Others are Civil Affairs, the number of which is 56, 516 which is 32%.

Slide 9. This slide shows Top Five Areas of Complaints and Requests in 2010. (Ref. Slide 14)

The first one is Medical Insurance and Pension

The second is Social Welfare

The third one is Matters of Road

The fourth one is Radio Wave and Communication

The fifth one is Employment.

Slide 10. This one is Windows for Counseling.

(A) Cooperation with Several Agencies

We have several agencies which receive complaints. These agencies include Administrative Evaluation Bureau and Administrative Counselor. They provide consultation to complainants about the complaints or grievance.

Slide 11. This is Window for Counseling

(B) Floor of Local Public Office

Administrative Counselors have been regularly opening a consulting

window at a City Hall, a town or village office or a community center and receiving complaints from everyone. This consultation activities have been supported by their local public bodies or others.

If cities, towns and villages are located in a large district or inconvenient places, Administrative Counselors goes around these locations to receive complaints and provides their consultation.

Also, a consulting window has been jointly opened by Commissioned Welfare Volunteers and Civil Rights Commissioners.

Slide 12. This is Windows for Counseling

(C) Special Booth Opened for Counseling

Counseling Windows were also opened at a stricken area at the time of a disaster. This picture is one of examples of Special Booth opened in Kawanami Town of Miyazaki Prefecture, after East Japan Big Earthquake. Since then, the total of 111 Special Booths have been opened and received 24,947 complaints and requests, including free dial telephone service as of October 30, 2011.

Slide 13. This is Windows for Counseling

(D) One Day Combined Counseling Plaza

We also have been opening “One-Day Combined Counseling Plaza” at places including department stores or public buildings. It has been opened jointly by public servants of the related administrative agencies, the 47 prefectures and wards, towns and villages, administrative counselors, lawyers and tax attorneys. It serves as a one-stop counseling window. It has been used by people who seek consultation about pensions, medical insurances, employments, taxes, registrations, roads, etc. Even if their cases are related to matters concerning multiple administrative agencies or if people do not know where to ask about their complex cases, “One-Day Combined Counseling Plaza” will readily provide a necessary advice on the premise at once.

Slide. 14. Kind of Grievance (Ref. Slide 9)

Slide 15. Kinds of Grievance

(1) Health Insurance/ Pensions

Questions asked on the qualifications to receive pensions and on the amount to be provided.

Slide.16 Kinds of Grievance

(2) Employment

Requested to improve labor conditions including working hours because long working hours are compelled.

Slide 17. Kinds of Grievance

(3) Road

Requested to promptly fix dangerous spots on a national highway.

Slide 18. Kinds of Grievance

(4) Social Welfare (Public Assistance)

Questions asked on the qualifications to receive livelihood protection.

Slide 19. Kinds of Grievance

(5) Radio Wave • Communication

Explanations sought about terrestrial digital broadcasting.

Slide 20. Kinds of Grievance

(6) Counseling Window

Asked where to make applications or procedures.

Slide 21

(7) Braille Block Road

Requested to promptly fix broken Braille blocks on a road, which resulted in a dangerous situation that not only cannot properly guide the visually impaired, but also is likely to cause the health persons to stumble. The administrative counselor who received such request took care of this problem. He went out to check the road condition, confirmed the dangerous status, and reported about the problem to a management office of the road. As a result, the broken Braille blocks were fixed finely.

Finally, we, administrative counselor, may usually solve claims or grievances by himself or herself, but when we receive difficult matters, we report to the local offices of Administrative Evaluation Office and the problems are solved in cooperation with the officers of the local offices.

Slide 22. End

I would like to thank you for your attention. I hope you enjoy staying in Japan.