

**Civil Society and Development of
Local Governance in Japan:
Search for a New Public Sector**

Kunihiko Ushiyama
Professor
Meiji University
Japan

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Introduction

The Law to Promote Specified Nonprofit Activities (hereinafter referred to as the NPO law), which was enacted in March 1998, ushered in an era of nonprofit organizations' full-fledged participation in Japanese society. The establishment of the law was an landmark wherein NPOs' activities in our society were recognized by the government. It must be noted, though, that prior to the enactment of the NPO law, their active role in society had been recognized by the public due to the wide media coverage of energetic volunteer activities at the event of natural disasters, most notably after the Hanshin-Awaji Earthquake in 1995. Furthermore, the first roots / history of NPO activities can be traced back to citizens' volunteer activities since the 1960's, involving environmental and community development in the field of town planning.

There are two factors behind the increased attention to NPOs in the 1990's. First is the maturity of civil activity whereby citizens' groups present their counterproposals to local governments, rather than just criticizing them for 'government failure'. Second is the government, once-dominant providers of public services, had ceased to function properly to meet public needs due to dynamic socio-economic changes. As for the first factor — the maturity of civil activity —, a sociologist, Takamichi Kajita pointed out that civil movement in Japan has changed its character from anti-government to community development movement. The current place of NPOs' activities in Japan can be interpreted in this context. The second factor — expansion of public service providers, socio-economic changes in population, the aging population combined with declining birthrate as well as expected era of low economic growth have made it impossible for governments to provide various public services and forced them to transfer some of their functions to the business and civil sectors.

Meanwhile, government administrative system in the 1990's was ill equipped for the new period whereby local governments and civil groups share the role of providing public services. The government back then remained cautious toward civil movement and even viewed it as hostile to them. Their experience / exposure to civil activity made them skeptical.

However, rapidly changing socioeconomic situation and the enactment of the NPO law have drastically changed the whole situation. Civil activities are now recognized by the government, pressing local governments to face civil activities at the forefront. Progressive local governments which had previous contact with civil

groups, including NPOs, are now being forced to take a new approach. Conservative local governments which have been reluctant to deal with civil activities will also be pressured to work out NPO-related measures soon or later.

In light of these recent developments surrounding NPOs, there seem to be two major questions facing local governments. First is whether local governments should have policies regarding local NPO activities in the first place. Second is whether it is rational for local governments to promote NPOs which are potential competitors of private sector businesses and municipalities themselves.

This paper examines the need for and direction of NPO policies of local governments by answering the above two questions. It also considers the ideal future of local governments which base their existence on their relationships with citizens in the age of devolution of power.

1. Basic Characteristics of NPOs

Currently, there have been many studies on the definition of NPO. According to the Johns Hopkins Comparative Nonprofit Sector Project or the CNP Project by the Johns Hopkins University Institute for Policy Studies, NPOs are defined as ones that; 1) are institutional organizations, 2) are non-governmental, 3) don't distribute profit (nonprofit), 4) are self-governing and 5) are voluntary. (NPO Research Forum of Japan) This definition, however, doesn't seem to reflect the current situation of NPOs in Japan. This is because the CNP project based its analysis on NPOs in the United States which have different backgrounds from those of Japanese counterparts. American NPO's are more mature and have served as a bridge among citizens, private sector and public sector. (Hrebenar) Meanwhile, there are only a limited number of NPOs that fit this definition in Japan. Rather, there are many large industrial and professional organizations which fall under the U. S. definition of NPOs. Then, What is the current situation of NPOs in Japan?

The NPO law stipulates that organizations must engage in any of the 17 designated areas of activity to apply for NPO corporate status.¹ The number of organizations which have met this requirement and recognized totals to 25,000. However, NPOs defined in broader terms greatly outnumber incorporated NPOs. The 1997 survey by the Economic Planning Agency reported that there were 85,786 existing organizations. Undoubtedly, the number is increasing. Local governments now face a serious question of how they should treat various civil activity organizations, which are not authorized as NPOs under the NPO law. This paper takes a broader definition of NPO. Therefore, the range of NPO policies to be taken by local governments must also be examined. In such an assessment, civil movements which once acted as accusers must be included given that they are now playing an increasingly important role in the field.

2. Two Important Features of NPOs — Collective Action and Social Movement

I would like to reiterate the types of organizations this paper considers as NPOs. Civil activity organizations which play a role in providing public services are defined as NPOs in this paper regardless of whether they are defined as specified non-profit organizations under the NPO law or not. Importantly, such organizations have to be providers of public services in addition to meeting requirements listed by the above mentioned CNP project of Johns Hopkins University.

Another important aspect in defining NPOs is whether organizations are engaged in collective activity, namely, activity by an organized group of individuals, which is fundamentally different from volunteer activities by individuals. Also, it must be noted that the fact that NPOs lack characteristics such as commercialism and competitive exclusiveness, unlike private sector companies, that makes NPOs ideal partners of local governments in sharing the role of providing public services. For this very reason, it can be conceived that it is rational for local governments to implement NPO policies and promote NPOs' participation in the public service field. These observations seem to address the above-mentioned question of whether local governments should have policies to facilitate NPOs' participation in public service sector.

Therefore, it is clear that there are no reasons for local governments to hesitate to outsource some of the public services to NPOs and provide them assistance. The expansion of NPO activities and the subsequent increase of public service providers will surely contribute to the realization of a better society.

Another detail which local governments must come to terms with is that the NPO activity is a form of social movement and has transformed itself into "the new social movement". While there may be a gap between what we call "movements" and NPO activities in our perception, NPO activities are not limited to enterprises but "collective actions" aiming for the creation of a better society. In this regard, it can be said that NPO activity is "historical action that produce society" (Touraine, 1973)

Governments have had a sense of vigilance against "protest, accusation and resistance" — type movements such as anti-pollution movement. The government was compelled to change the official name for the NPO law from "law to promote civil activities" into "law to promote specified nonprofit activities" as well as the official name for organizations from "civil activity corporation" into "specified non-profit corporation". However, it has long been recognized that "social movements" have changed their nature from "protest and accusation" — type into "the new social movements" which are "participation and proposal-making" — type. Recall that an NPO activity is a "collective action" or a form of "the new social movements".

Two valuable suggestions can be obtained from the theory of "the new social movement" when local governments build new relationships with NPOs. The first proposal is that the recent development of civil movements where they transformed

themselves from protest-type movements into civil activities reminds me of “the double dialectique des class sociaux”², a theory advanced by Alain Touraine. The theory says that “the new social movement” (NPOs) are replacing technocrats (bureaucrats) as a main actor in the creation of a new society (historical action), amid historical changes.

The second suggestion is that there are far more activity areas for NPOs, which is the main actor of “The Self-production of The Society”, than stipulated under the NPO law. Citizens’ groups are now playing a role in broader areas and local governance has come under their scrutiny. Under the NPO law, incorporated status is granted to citizens’ groups engaged in 17 areas of nonprofit activities. In reality, however, such groups are playing significant roles in far broader areas than the law stipulates.

3. Co-production between NPOs and Local Governments

When NPO activities are examined in reference to the theories of collective action and social movement, the advantages of collaborating with local government become more evident. First advantage is the nature of NPOs-non-market and inclusive- make it easier for NPOs to forge a “co-productive relationship” with local governments as NPOs’ entry into the public service sector doesn’t exclude others. The second advantage is that NPOs are ideal as providers of public goods as they are relatively small in size. Third advantage is that NPOs can make counterproposals to correct “government failures” as a main actor of “historical action”.

Next, I would like to discuss the kind of relationship that should exist between NPOs and local governments. As aforementioned, NPOs and local governments should make a co-productive relationship. Then, what does it take to realize a co-productive³ bilateral relationship? From the earlier discussion it was mentioned that local governments need to keep the previous bitter relationship in the past and respect NPOs as equal partners. In addition, they need to formulate and implement NPO policies to elevate NPOs’ activities to “collective actions” that play a key role in our society. In this regard, the ideas of “Competition in the division of labor” or “Competition in complementary” (Kaijita) may be useful in considering the relationship between the two.

When we try to view the relation between NPOs and local governments from the perspective of “co-production”, what sort of image comes to mind? While it is important to perceive NPOs as equal partners, in reality, it is undeniable that there exists a gap between the ability of the NPOs and local governments or private companies’ abilities as a social service provider. However, as has been mentioned, it is those very unique characteristics of NPOs that make them important players in the field of public services. With the introduction of the public nursing care insurance system and increased needs in the field of community welfare, NPOs are playing an increasingly important role in more fields than ever before.

In light of these circumstances, it is important for both sides to have mutual respect for each other’s activities and find common ground. Local governments also

need to formulate various NPO policies, which are tailored to individual NPOs.

4. Current Situations of Local Governments' NPO Policies and their Challenges

(1) *Points at Issue of NPO Policies*

The measures that have been implemented by local governments to promote co-production with NPOs are accommodating, providing them with activity space, monetary support, information and support for human development. There are no major differences in NPO policies among individual local governments as most of them have failed to incorporate measures to promote "co-production" in their NPO policies and have focused on "nurturing" and "support" — type measures.

Local governments are seemingly hesitant to face issues the relationship between public and civil sector, such as what is the best form of providing public services in the belief that they are only supposed to provide "support" to citizens' activities. While some of local governments are supportive enough to provide activity space or grant subsidies, few of them have treated citizens' groups as equal partners.

However, some progressive local governments have made active efforts to elevate local NPOs' status as their equal partners by outsourcing welfare services to them, thus extending their support beyond just providing financial assistance⁴. A noteworthy example of such efforts is the Minoh City Ordinance to Promote Non-profit Civil Activity for Public Service, enacted by the Minoh city assembly (Osaka prefecture) in June 24, 1999, the first such ordinance in the country aimed at promoting NPO policies. The following is the outline of the ordinance:

- 1) The city certifies civic organizations engaging in non-profit activities as "nonprofit civil activity organizations for public service"
- 2) The city actively collaborates with such organizations to promote their activities
- 3) The city recognizes such organizations as possible contractors when outsourcing public services and provides opportunities for them to enter public service sector
- 4) The city sets up a committee as an advisory panel to the mayor to invigorate their activities.

The ordinance bill was carried over to the next session before its final passage. The delayed passage was attributable to the fact that the ordinance bill stressed "promotion of NPOs' activities" and "collaboration with NPOs", rather than "support for NPOs' activities". Another reason behind the prolonged deliberation is that it was difficult for assembly members to grasp the concept of the idea that the city should make efforts so that "nonprofit civil activity organizations for public service" can perform public services. This underscores that there was a deep-rooted stance on the part of the local government that civic activity groups are receivers of their support

and are not equal partners with which they can collaborate with.

This is not a problem for one municipality but seems to have a far-reaching effect on the future course of NPO-related measures of local governments across Japan. Local governments throughout the nation will face fundamental questions of whether to help civil activity organizations to enter public service sector and what a collaborating relationship with such organizations mean.

(2) *NPO-related Measures toward Co-production*

Then, how should local governments implement their NPO-related measures to promote collaboration with local NPOs? In considering this question, we must heed another complicated problem, namely, that NPOs, likewise have deep-seated distrust of local governments. A substantial number of organizations have refused to accept local governments-sponsored policies. Some NPOs have expressed opposing views against "NPO support centers" which some local governments are setting up. There are also organizations which hesitate to obtain corporate status under the NPO law. Therefore, local governments need to work out NPO policies that would take into consideration their nature, as well as, development.

However, despite this tendency, local governments need to implement NPO-related policies by crafting various programs that fit NPOs' development stages. In this connection, it must be noted that due to non-market and inclusive characteristics of NPOs, it is necessary for local governments to create a favorable environment to ensure the entry of as many NPOs as possible into public service sector regardless of their development stages. To this end, local governments need to work out a broad range of policy programs tailored to NPOs' development stages.

During the initial stages of a NPO, or immediately after it has been organized, possible measures taken by the local government include the provision of activity space, information, human development (advices on the policies), monetary assistance. In many cases, local governments tend to take initiative to provide assistance. When a NPO has yet to be organized, there may even be cases where the local government oversee all matters. In addition, while there are no reasons for a NPO to reject the local government's progressive policies, any NPO which regards such programs unnecessary is not forced to accept them.

As the NPOs develop, local governments are well advised to start cutting back on financial aid while continuing to provide activity space, thus prompting NPOs to become independent of their assistance. This is the preparatory stage toward "co-production". NPOs, for their part, need to raise their awareness to become self-supporting.

When the NPOs are further developed, local governments should stop providing "support" and embark on measures toward "co-production" with NPOs. At this stage, local governments are advised to promote NPOs' activities indirectly, particularly by outsourcing administrative services to them and paying for their services. Furthermore, local governments need to determine whether to outsource public services currently provided by the affiliated organization to NPOs or to transform such organizations into NPOs.

At this stage, local governments and NPOs compete against each other for better quality of public services for the benefit of local citizens. NPOs, at this stage, are supposed to raise questions on administration policies as main actors of "historical action", to correct local governance.

In addition, throughout its development, it is advantageous for both sides to share information, which will give rise to calls for administrative system reform. Such administrative system reform should involve amending vertically divided administrative functions, such as establishing a one-stop administrative service to improve convenience for local residents as well as creating systems to outsource public services to NPOs. In this regard, the ordinance of Minoh city deserves credit for setting an example to other municipalities by providing organizations which are not granted corporate status under the NPO law with opportunities to enter the public services sector. It assists in registering organizations which meet certain requirements as its possible contractors.

During the deliberation of the NPO law, the issue of tax reduction and exemption became a focal point of the debate. The feasibility of implementing tax reduction and exemption should also be considered at the local government level. Reduced rates or exemption of local taxes have already been in place in some municipalities. In Minoh city, civil activity organizations are exempted from tax and entitled to reduction status for the city tax, property tax and light vehicle tax. To further promote NPO activities, other local governments are called on to follow suit.

(3) *Administrative Reform and Policy Assessment by NPOs*

Among the expected effects of NPOs' participation in the public service sector, it is essential that NPOs' collaboration with local municipalities eventually leads to administrative reform. As previously indicated, NPOs contribute to the expansion of the public sphere. This denotes that through the activities as NPO members, citizens raise their interest in administration and become familiar with administrative system and policy in such areas as welfare and community development. As NPOs increased their presence as public service providers, they were able to voice out their opinions on what administration ought to be and pressured local governments to carry out administrative reform.

Needless to say, administrative reform can hardly be expected to produce results when proposals for the reform come from within administrative bodies. Such reform must be carried out from the objective perspective of local residents and in a way that reflects their needs. In this regard, it is of great significance that NPOs which are well versed in administrative policies and systems play a role in administrative reform from the viewpoint of citizens.

Mie prefecture's NPO policy deserves attention as the first attempt in the nation to leverage its partnership with NPOs to promote administrative reform. Well known for its progressive style of administration, Mie prefecture became the first local government in Japan to introduce "public administration evaluation system" under the leadership of the former Governor Masayasu Kitagawa. Under the system,

“administrative system reform”⁶ various areas have been making progress. In parallel with such reform efforts, NPO-related measures have also been implemented: In 1998, the NPO Bureau was established in the Department of Social Affairs of the prefectural government. In the same year, Mie Prefecture Civil Activity Center was launched. In 1999, the NPO joint projects study group was set up in the prefectural office to strengthen the government staff’s understanding of NPOs.

It was against these conditions that citizens and government staff jointly created “Program Evaluation System 99 for Non-Profit”, was developed into a system that allowed NPOs to assess the prefecture’s work and is still used as an evaluation tool. The idea was conceived through collaborative works such as hosting events or operating joint businesses, between the prefectural government and NPOs. In the course of conceptualization, NPOs came to think that there is a need for a system to evaluate their works from the viewpoint of citizens. In developing the system, NPOs drew upon the essence of the above-mentioned “public administration evaluation system”.

Under the “Program Evaluation System 99 for Non-Profit”, both the prefectural government and NPOs evaluate their joint projects and figure out the best way to manage the projects based on their evaluations. The system was developed to assess not only joint projects but also activities by citizens and NPOs, making the system a useful tool to reflect on NPO activities.

It’s function as a communication tool is another important characteristic of the system where it’s in-between two sectors which stands on different footing, namely, a local government and citizens.⁷ Specifically, “using common evaluation system when the two sides collaborate enables them to share a common awareness of the issues”. In addition, behind the success of the system are principles of information openness and free discussion which have been ensured from the planning stage. Against these conditions, a new NPO, Mie Community Institute for Evaluation was established to assess public projects.

These evaluation systems marked a major step toward NPOs’ increased participation in local governance. In December, 2005, the Civil Activity Promotion Committee in Kawasaki city, Kanagawa Prefecture, made a proposal on “civil activity evaluation” that third-party evaluation system should be introduced to ensure fair distribution of subsidies to individual civil activity groups. The proposal was aimed to enhance the social position of NPOs and establish their role as a public service provider.

As evidenced by these developments, NPOs has come to play a role in promoting administrative reform by raising the question of what local governance should be and are playing an increasingly significant role toward the realization of an administration that meets the local residents’ needs in the age of devolution of power.

(4) *Relation between Local Governments and Private Sector Companies Regarding NPO Support*

Another measure that local governments should take to promote NPO activities is to create a favorable environment to encourage as many residents as possible to

participate in NPO activities. The Article 6 of the Minoh city ordinance stipulates that employers should deepen their understanding of nonprofit civil activity for public service and make an effort to promote such activities through the provision of support." The Article lays down a code of conduct to encourage private sector companies to promote NPO activities.

Japanese NPOs are generally smaller in size and more reliant on citizen volunteers unlike their counterparts in the US and Europe. Therefore, NPO activities rely on the presence of citizen volunteers is indispensable. The NPO law was created on the premise that citizen volunteers are the foundation of NPO activities in Japan. However, given the fact that volunteer activities gained social recognition only recently in Japan, participating in NPO activities takes more than citizens' will.

For example, if a person working for a private company wants to participate in NPO activity as a volunteer on work days, the person has to take a day off, which might put the person at a disadvantage at workplace. Private sector businesses are urged by local governments to take effective measures to ensure employees' active participation in NPO activities, thus providing greater opportunity to prospective volunteers. To this end, making volunteer leave system more workable is crucial.

Local governments should call on regional companies to introduce a system if they aim to create a regional community friendly to residents. A reward system for companies that respond to their calls should also be considered, including releasing a list of these company names and recognizing them as "public-interest activity promoting companies". The system will enhance their corporate images, which may have a positive effect on their businesses, thus motivating them to step up their efforts. In the future, if preferential tax treatment is provided for donations and financial aid from private companies with the revision of the NPO law, private companies will be more motivated to provide monetary support to NPOs.

As have been stated, many municipalities across Japan have initiated by exerting their efforts through studies to promote NPO activities. At the beginning of a full-fledged NPO era, local governments need to step up their efforts to promote reform in their relation with citizens and implement NPO measures. The central government, for its part, should increase its efforts to invigorate NPOs through measures including revising the NPO law and enacting legislation to make volunteer leave system more practical.

Conclusion

This paper has discussed how the maturity of civil society has transformed the characters of local governments and NPOs as public service providers and how the need for local governments is growing to formulate and implement NPO measures. This paper also has examined socioeconomic structures behind the increased need for the implementation of NPO measures including the characteristics and social position of NPOs.

To summarize this paper, I would like to review two points to provide suggestions to the future course of NPO policies of local governments. The first point is

that because of non-market and inclusive characteristics of NPOs, it is rational for local governments to implement NPO policies to support and promote NPO activities. The second point is that local governments need to view their relationship with NPOs as relative, not absolute as has been traditionally regarded. Specifically, they should implement NPO policies by devising various programs tailored to the different development stages of NPOs, such as support, nurturing, promotion and collaboration stages. Seeing the bilateral relation will help change conventional attitude of local governments which have regarded themselves as support providers for NPOs. At the same time, this renewed perspective will also prompt NPOs which have rejected any form of support from local governments to change their attitude.

To conclude this paper, I would like to raise two questions for future discussion on the effects that the expansion of NPO activity will have on local governance, namely administrative reform, and the relationship between local governments and citizens.

The first question is how best to provide public services, which will affect the future relationship between local governments and citizens. As mentioned, it is becoming increasingly impossible for governments to remain dominant providers of public services. NPOs will certainly play a greater role as public service providers. However, to determine what is the best form of providing public services, we must first define what public services are in the first place, and which areas of public services local governments should be in charge of. In considering these questions, various options should be taken into account including administrative reform, outsourcing services to private and civil sectors and privatization of public services.

The second question pertains to the relation between local governments and citizens from a political point of view. Needless to say, the reform towards decentralized society must go beyond an administrative system reform and ensure citizens' active participation in local governance. It also must provide citizens with a greater opportunity for their opinions to be heard and be reflected in local administration policies. The presence of NPOs as public service providers and partners of local governments will contribute by facilitating the reform of the relation between local governments and citizens in the age of devolution of power.

In addition, given the current situation surrounding NPOs in Japan, we must analyze questions at which stage NPOs are in, what their relationships with local governments are and how local governments are implementing their NPO policies based on empirical facts.

Amid the dynamic socio-economic changes in the beginning of 21st century, will NPOs be able to increase their presence to change Japanese political structure and society itself? Will the government, specifically, local governments be able to build a new public sphere in collaboration with NPOs? We must keep a close eye on the developments to see what the future holds for our society.

Notes

- 1 Under the NPO law, activities of specified nonprofit corporations are categorized into 17 areas such as "promotion of health, medical treatment, or welfare", "promotion of

community development,” “promotion of sound nurturing of youth,” and “promotion of economic revitalization”. To apply for incorporated status, organizations must declare which categories their activities fall under.

- 2 The “double dialectique des class sociaux” is the theory advanced by Alain Touraine. The theory says that, contrary to the social class structure characterized by rigid role sharing and the subsequent conflicts between the upper class and popular class in the industrial society, in the post industrial society, the two classes cease to assume their conventional roles and come to determine the roles they are supposed to play in society on their own. The act of creating a society toward a new phase is called “historical action” At issue is which social class assumes this role. In this paper, in discussing social roles that local governments and NPOs are to play, I drew on this theory.

	particularism	relation to historicity
Upper class	dominant	ruling
Popular class	defensive	contestatory

- 3 Shojiro Araki has pointed out that the term “*kyodou*”, a Japanese translation of “collaboration”, is also used as a translation of “co-production” coined by Vincent Ostrom. The term “co-production” carries the implication that the two sides collaborate with each other on an equal footing to create goods and services with value”. “Partnership” has been often used as a synonym for “co-production” with little difference between the two terms in their connotations. In connection with the Touraine’s theory, in 1988, Kajita Takamichi presented the useful ideas of “Competition in the division of labor” or “Competition in complementary”, which I drew on in considering the relation between governments and citizens.
- 4 According to the survey conducted by Kawasaki city, Kanagawa prefecture, “co-production” between the city government and citizens’ groups is taking place in the form of outsourced welfare services such as meal delivery service to “citizen participation welfare union”, which subcontracts the service to its member organizations from the city government. See the city report (March, 1996) for the details.
- 5 Kazuho Seko “Partnership in the Age of Global Citizen — NPOs as Catalyst for a New Civil Society”, *Chihou Koumuin Geppo*, August 1998
- 6 Mie prefecture calls its reform “administrative system reform” rather than “administrative reform”. This reflects former governor Kitagawa’s stance that his government’s reform must be a system reform that responds to the residents’ needs in contrast to the central government’s reform which only involves personnel reduction and administrative streamlining.
- 7 Ichiro Kogawa, “Past and Future of Public Administration Evaluation System by Citizens” (*Asu no Mie* No. 114, 30P, summer edition 1999), This paper serves as a useful reference as Mr. Kogawa was involved in devising the concept and method of “Program Evaluation System 99 for Non-Profit”.
- 8 The Kawasaki City Civil Activity Promotion Committee (chairman: Hiromi Muto) made this proposal to the city mayor. I was involved in formulating the proposal as a committee member. See Kawasaki City Civil Activity Promotion Committee (2005).

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