

Introducing the Concept of a “Functional Archival Institution” : Promoting Public Records Management Administration in Local Governments in Japan

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Introducing the Concept of a “Functional Archival Institution”: Promoting Public Records Management Administration in Local Governments in Japan

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1. Introduction
2. The structure of local government in Japan
3. Local autonomy system under the Constitution of Japan
4. The current situation of public records management in local governments of Japan
5. The “function” of the public archives
6. Functional archives in Japanese local governments
7. Overview

1. Introduction

This paper provides an overview of the current state of affairs and issues surrounding the development of public archives in local governments in Japan, and also clarifies that the concept of “functional archival institutions (in Germany: funktionale Archivierungsanstalt)” in German Archival law should be referred to in order to develop and shape the legal system for archival institutions (public archives). There are three main points in this essay. First, it should be noted that the current state of public record archives in Japanese local governments is inadequate for the development

of democracy. Second, the concept of functional archival institutions as a means to overcome this situation is introduced. Third, the obstacles to achieving a functional archival institution are clarified.

2. The structure of local government in Japan

First, a concise overview of the structure of local government in Japan will be provided. Japan is a unitary state, and thus does not have any federal states. There are two tiers of local governments that have been granted autonomy under the Constitution of Japan. The fundamental tier of local governance comprises cities, towns, and villages, which are classified according to their population size. The aggregate number of cities, towns, and villages within the local government system is 1,718, including 792 cities, 743 towns, and 183 villages¹. It is noteworthy that some prominent cities are designated by governmental ordinance, thereby conferring them with greater authority compared to other municipalities. The term “ordinance-designated cities” refers to municipalities that have been formally designated by the relevant government authorities. Currently, there are 20 such cities in Japan, including prominent metropolitan areas such as Osaka, Kyoto, and Nagoya. These cities, due to their substantial population size, possess a level of authority and responsibility comparable to that of the prefectures within which they are situated. This administrative status confers upon them a significant degree of autonomy and influence in numerous administrative domains.

The Tokyo Metropolitan District and the prefectures constitute the regional governments that contain these basic local governments. The to-

1 Japan Ministry of Internal Affairs and Communications, Graph showing the change in the number of cities, towns and villages (2019.4.1; https://www.soumu.go.jp/main_content/000651403.pdf).

tal number of prefectures and the Tokyo Metropolitan District is 47. The Tokyo Metropolitan District and prefectures are responsible for performing administrative functions that extend over wide areas and for coordinating between local governments. These are tasks that would be difficult for cities, towns, and villages to implement on their own.

The Tokyo Metropolitan District, prefectures, cities, towns and villages are all local governments, each of which possesses its own autonomy and independent legal personality. Each local government carries out its own administration within the legal framework, independent of the influence of the national government or other local governments.

3. Local autonomy system under the Constitution of Japan

In the Japanese political order, the Constitution guarantees local autonomy. The Constitution is understood to adopt a vertical separation that divides the administration of the national government and the politics of local governments. Local autonomy is regarded as a system of vertical separation of powers, with the objective of implementing democracy and liberalism, which are considered fundamental principles of the Constitution. The concept of local autonomy signifies the capacity of the residents of a particular region to engage more profoundly in the governance of their community. This heightened involvement is characterized by the autonomy to make decisions that are specific to the local context, without the influence or interference of external entities, particularly the national government². In accordance with the previously mentioned points, it can be understood that the elements of the local autonomy system of the constitution are twofold: Resident Autonomy and Group Autonomy. The con-

2 YOSHIDA (1993), pp.111-112.

cept of “Resident Autonomy” signifies that local administration should be conducted in accordance with the expressed will of the residents. In contrast, “Group Autonomy” refers to the principle that local administration should be undertaken by autonomous local governments that are independent of the national government. These local governments are expected to exercise their authority and assume responsibility in accordance with their own volition. These two elements are regarded as the substance of the “essential principle of local autonomy,” as delineated in Article 92 of the Constitution³. The Constitution stipulates that the system of local autonomy should be established through legislation based on the aforementioned essential principle. Consequently, if a law is enacted that renders it impossible for residents or groups to govern themselves, it would constitute a violation of the Constitution. In recent years, there has been a shift in perspective regarding the organizational principles of autonomy. In addition to the traditional understanding, there are now views that advocate for the incorporation of principles such as the principle of subsidiarity, as stipulated in the European Charter of Autonomy⁴. The Local Autonomy Act of Japan, a reflection of this constitutional interpretation, stipulates the principle of local autonomy in the allocation of powers between the national government and local governments. The act clearly states that the national government and local governments stand in an equal and cooperative relationship. The Act also stipulates the principle of priority for basic local governments, and clarifies the principle of allocation of powers between basic local governments and wide-area regional governments.

3 YOSHIDA (2001), pp.232-234.

4 JODAI (2019), pp.43-44.

4. The current situation of public records management in local governments of Japan

All local governments in Japan are responsible for local administration under their own authority and responsibility. Consequently, each local government produces a large number of official documents related to local administration on a daily basis. These documents are intricately linked to the lives of residents and serve as records of the implementation of the region’s distinct administration and local events. Examples of such events include the Tokyo Olympics and Paralympics Games, which have been postponed to 2021, and the Osaka/Kansai Expo in 2025. Moreover, the significance of local government archives in the context of historical research and regional studies cannot be overstated. These repositories, which contain documents and records that shape the history of the region, are of equal importance to national government archives⁵. The current documents that are stored by each local government for official use are managed and stored in accordance with the regulations of each local government. However, the issue arises in determining the fate of these documents after the conclusion of their designated storage period. The retention period for official documents of Japanese local governments generally ranges from one year to 30 years, depending on the specific type of document. Despite the expiration of their designated storage period, official documents retain significant value as historical materials for the region⁶. Consequently, the disposal of public documents that are no longer in use will have a substantial impact on the preservation of local government records and history. For this reason, each local government endeavors to preserve significant official documents that are no longer in use by establishing archival facilities. However, in

5 HAYAKAWA (2017), pp.112-114.

6 MIYAMA (2022), pp.3-5; YAGIRI (2021), pp.75-78.

Japan, the establishment of systems for preserving official documents of historical importance remains limited to a few local governments⁷.

Table 1 is a chart based on data published in 2018 by the Ministry of Internal Affairs and Communications, which oversees local government administration.

[Table1: Status of Public Records Management Facilities in Japanese Local Governments]

	Regional Municipality (47)		Ordinance-designated city (20)		other city, town, and village (1721)	
	number	%	number	%	number	%
Already established	33	70.2	8	40.0	97	5.6
Not established	14	29.8	12	60.0	1624	94.4
Under consideration	7	50.0	7	58.4	112	6.9
Unnecessary	7	50.0	5	41.3	1512	93.1
Supported by current facilities	2	28.6	0	0.0	542	35.8
resource shortage(person, finance, facility)	1	14.3	4	80.0	893	59.1
Other reason	4	57.1	1	20.0	77	5.1

(Source: Japan Ministry of Internal Affairs and Communications, Survey of 2018. [https://www.soumu.go.jp/main_content/000542521.pdf])

70% of regional municipalities have their own local archives to preserve official documents, which are historically important materials. In contrast, only less than 6% of the basic municipalities have their own local archives. The reason for not having local archives is that most municipalities

⁷ JODAI (2022), pp.51-54.

consider local archives to be “unnecessary” . From this table we can see that there is not enough awareness of the need to preserve and manage public records. In addition, many municipalities seem to have problems with financial resources, facilities and personnel for archives.

The following table shows the number of municipalities that have enacted laws and regulations for public records management as of 2018.

[Table2: Status of establishment of rules for public records management in Japanese Local Governments]

	Regional Municipality (47)		Ordinance-designated city (20)		Other city, town, and village (1721)	
	number	%	number	%	number	%
Local Regulation	5	10.6	4	20.0	12	0.7
Internal Rules	40	85.1	15	75.0	1583	92.0
Other forms of rules	2	4.3	1	5.0	10	0.6
With no rules	0	0.0	0	0.0	116	6.7

(Source: Japan Ministry of Internal Affairs and Communications, Survey of 2018. [https://www.soumu.go.jp/main_content/000542521.pdf])

The majority of municipalities have only internal regulations, which are only used for internal administrative purposes and by local government officials. Thus, very few municipalities have adopted external regulations (called “Jō-Rei” in Japanese, local regulations adopted by local assemblies) that guarantee the right of citizens to use documents in the archives.

The right of citizens to use public documents held and managed by public archives is fundamental to local autonomy and is the basis of democracy and self-government. This is also true for local governments that

provide public services to citizens⁸. In order to promote democracy, local governments should make their official documents available for use in public archives and restrict access to documents only in exceptional cases⁹.

5. The “function” of the public archives

It is therefore true that local governments have problems with staff, facilities and financial resources to set up their own archives. What can be done to overcome this situation? I will focus on the concept of “function” in the field of German and Austrian archival law. The following photo shows an archive of a city in Germany.

[Figure 1: District administration of the district of potsdam-mittelmark, Land of Brandenburg, Germany]



(The archives are located in the basement of the building on the left. Photo by Landkreis potsdam-mittelmark [https://www.kleinmachnow.de/Landkreis-Potsdam-Mittelmark-Bad-Belzig-JPG/].)

8 INABA (2023),pp.15-17; HAYAKAWA (2022), pp.32-35.

9 BERGER (2019), S.45-48.

This archive is responsible for the function of preserving the official archives of the counties, which are the regional authorities in Germany, and the three cities. In Germany, the Archives Act of the Länder (federal states) obliges the municipalities to establish archives¹⁰, and the situation is similar in Austria¹¹. However, it is often difficult for smaller towns to establish and run an archive, as the establishment and operation of an archive often requires the development of facilities and professional staff, and the financial burden is not light¹². For this reason, the Archive Acts of each Länder set out the functions that municipal archives must fulfill, and if they fulfill these functions, they are considered to have fulfilled their obligation to establish an archive¹³. The three functions are as follows:

The first is the essential function of the archive: to collect, preserve, manage and make available to the public official documents. A typical example of the provisions of this function can be found in Article 3, Paragraph 3 of the Archives Act of the Land Salzburg. This provision requires municipalities and their associations to preserve for themselves documents that are no longer permanently needed and that have recordkeeping value. And this provision allows the municipality to perform the functions of collection, preservation, management and public access that are supposed to be performed by the State Archives, in cases where the municipality and its association establish and operate their own archives¹⁴. Therefore, this provision means that the principle of subsidiarity, as a principle of local autonomy, is applied to the establishment and operation of archives, and the administrative authority is allocated by focusing on the functions

10 FRANZ/LUX (2018), S.36; REIMANN/STUMPF (2018), S.39-41.

11 NACHBAUR (2022), S.77-80.

12 GEHRING (2016), S.80.

13 JODAI (2014), pp.84-87.

14 JODAI (2011), pp.20-21.

required for public archives.

Second, the municipalities are required to be staffed with specialized personnel to fulfill their functions as public archives. In Germany and Austria, this professional staff means archivists qualified by the state. In Germany, there are two categories of archivists: the higher archivist (in Germany: *höherer Archivdienst*) and the senior archivist (in Germany: *gehobener Archivdienst*)¹⁵. Municipal archives are generally required to employ senior archivists who have completed specialized training as archivists and hold a university degree. A typical example is Article 2, Paragraph 8 of the Archives Act of the Land of Brandenburg. This provision requires that in order for an official archival institution to be a legal archive, it must either be supervised and receive expert advice from an archive with professional archival staff (usually the state archives) or have full-time professional archival staff and be supervised by them. The important point is that local government archives do not need to have specialized staff, but they do need to be advised and supervised by an archive with specialized staff. This provision can also be understood as focusing on the specialized functions that are essential for public archives.

Third, municipalities are required to meet the requirements of the facilities for storing documents, such as fire protection, waterproofing, and data protection¹⁶. For example, Article 2, Paragraph 8 of the Archives Act of the Land of Brandenburg states that the legal requirement for an archive is to have appropriate and sufficient storage facilities and rooms for operations that comply with regulations on fire protection, data protection, and security¹⁷. It is not a requirement that the facility be independent, but

15 JODAI (2012), pp.161-162.

16 STTOFELS (2024), S.225.

17 SCHRECKENBACH (1998), S.292.

rather a condition for preservation, so even if it is a corner of a government building in use, it can still function as an archive, as long as it meets the conditions. In Japan, there is a strong tendency to think that the “kan” in the word “kōbunshyokan (archives)” refers to a separate building, and it is often thought that it is necessary to build a separate facility, but what is important is the function, not the form of the building¹⁸.

The German City Archive mentioned above is located in the basement of the District Administration Building and meets the facility requirements. Storing public documents is one of the original functions of this building, and documents can be disclosed to residents when they come there. The difficulty lies in the assignment of professional archivists, but in the Land where this city is located, the state archivists make rounds to each municipality and these archivists carry out the work of public records management in that city or district with the financial and technical support of the Land. Therefore, this archive is open only two days a week, when the state archivists come there. Nevertheless, it is recognized as a legitimate archive because it fulfills the functions of the Archives Act of the Land.

6. Functional archives in Japanese local governments

Japan’s Public Records and Archives Management Act (2009) and the Archives Act (1987) do not clearly specify the functions that archives should have. However, Article 4 of the Archives Act of Japan stipulates that an archive is an institution whose purpose is to preserve important official documents as historical materials and to conduct research and study on these documents. This provision also stipulates that there should be

18 JODAI (2017),pp.203-205.

specialized staff to conduct research and study on important official documents as historical materials, but in reality there are very few municipal archives that have specialized staff.

Nonetheless, there are instances of local government initiatives to establish archives management institutions, with a focus on the functions of the public archives. For instance, the Iwate and Yamagata prefectures in the Tohoku region of Japan have established public records management centers in an alternative to conventional public archives.

[Figure 2: Entrance of the Iwate Prefectural Public Records Management Center. Morioka city, Iwate prefecture, Japan]



(The Institution is located behind the prefectural office building. Photo taken by author, in 2024.)

[Figure 3: Entrance of the Yamagata Prefectural Public Records Management Center. Yamagata city, Yamagata prefecture, Japan]



(The Institution is located in a corner of the prefectural library. Photo taken by author, in 2024.)

It has been determined that these institutions in question do not meet the definition of “archives” as delineated in Article 4 of the Archives Act of Japan. This determination is based on the observation that these institutions do not possess specialized staff and are thus incapable of fulfilling the research and study duties stipulated by the Archives Act. The first example of this type of facility in Japan is the Shimane Prefectural Public Records Management Center, which was established in 2011. However, it should be noted that these institutions do in fact meet the functional requirements for the preservation of official documents, as evidenced by their capacity to resist fire and water damage. Moreover, the institutions in question are accessible to the public for the purpose of viewing materials. Consequently, these institutions have the function of a public archive, which was established with the aim of taking appropriate measures for the preservation and use of historical materials such as official documents, and they comply with Article 3 of the Archives Act, which stipulates the

responsibility of local governments to establish institutions for managing official documents. From the perspective of functionality, they can be evaluated as well-equipped public archive institution¹⁹.

7. Overview

As previously indicated, Japanese local governments are confronted with challenges related to financial resources, infrastructure, and human capital when establishing public archives. However, the concept of “function” introduced in this paper offers a potential solution to enhance the institutions and facilities of these archives. For Japanese local governments, this concept of a functional archive institution can serve as a methodology for developing their own public archives facilities. In contemporary Japan, the number of public facilities, including schools, that are no longer in use is gradually increasing due to the declining population. However, this concept of “function” also demonstrates methods for reusing such public facilities. Moreover, this concept offers a potential solution to the pressing issue of Japan’s shortage of professional archivist staff.

The following issues must be addressed in future discourse.

Firstly, the question of how to ensure that this “function” is carried out by the nation must be addressed. Therefore, the issue of defining this concept of “function” in legislation on public records management must be considered.

Secondly, if the requisite level of this “function” is inadequate or excessive, its implementation may encounter challenges. The challenge lies in ascertaining the content of the request for this function and establishing the lowest limit.

19 KOSEKI (2022), pp.292-295.

Thirdly, the allocation of financial resources is a crucial consideration. The implementation of this function necessitates financial resources; however, the allocation of responsibility for this cost between the national and local governments remains a contentious issue.

The development of democracy and the self-determination of local residents are contingent upon the understanding of the function of archives. This essay aims to contribute to the ongoing discourse on the ideal form of this functional archive.

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