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The Implementations of the Government Policy Evaluation Act in the Ministry of Land, Infrastructure and Transport

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Abstract

This paper reviews how the policy evaluation system mandated by the Government Performance Policy Evaluation Act of 2001 has been implemented in the Ministry of Land, Infrastructure and Transport. The results of the evaluation can be used to judge both whether changes to any given policy should be made and whether the original decision making of the policy was appropriate. This system has contributed to the release of more information to the public, and to changes in behavior and thinking at least among young officers.

Keywords : Reflection of the results, effective and efficient administration,
accountability to the public, spontaneous efforts toward
management reform

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Introduction

The Japanese Government Policy Evaluation Act of 2001¹⁾ ("GPEA") requires Japanese Cabinet ministries to implement "policy²⁾ evaluation" systems to evaluate both the prospects and the achievements of their policies. The GPEA was preceded by the Government Performance and Results Act of 1993 in the United States³⁾, and by similar systems that had been introduced in the United Kingdom and in the European Union. The GPEA was enacted in January 2001 shortly after the reconstruction of the Cabinet and the ministries⁴⁾, and was intended to restore public confidence in the government, which had been seriously damaged to modify or terminate unsuccessful policies and by scandals involving senior administrative officials.

The introduction of evaluation systems was meant to "strengthen the

1) Gyoseikikan no okonau seisaku no hyouka ni kansuru houritsu [The Government Policy Evaluation Act], Law No.86 of 2001 (effective in April 2002)

2) Policy is defined as a set of activities planned and developed by an administrative organ to achieve a certain objective within its duties or jurisdiction. (Article 2(2), GPEA)

3) 103 P.L. 62; 107 stat. 285

4) The evaluation system was implemented tentatively before the GPEA became effective in April 2002.

government's accountability to the public, to achieve effective and high quality public administration and to shift to results-oriented public administration"⁵⁾ by improving the content of the policy through checking and releasing sufficient information.

The GPEA does not mandate in detail the evaluation systems that particular Cabinet ministries must implement. As a result, each ministry has had the responsibility of choosing and implementing an evaluation system. This process has involved a constant reconsideration as to which style of evaluation to adopt or what standard of evaluation for the result was permissible for each division, and so on.

This paper is aimed at discussing what the outcomes and improvements of the policy evaluation system⁶⁾ were in these four years, and which problems are still unsolved. Given the author's experience in the position of coordinating this evaluation in the Ministry of Land, Infrastructure and Transport ("MLIT"), the focus of this paper is on the policy evaluation system of the MLIT.

Part 1 of this paper contains a background as to why policy evaluation was introduced, and Part 2 shows an overview of the present system in the MLIT. Part 3 reviews the achievements of the MLIT evaluation system, followed by a discussion in Part 4 of problems that are yet to be changed or solved. Part 5 describes briefly certain fundamental limitations of the policy evaluation system.

1. Background

The introduction of policy evaluation is related to efforts to restructure the administrative system, which gathered momentum in the 1996 general election, when most of the political parties publicly promised reform of the administrative

5) "Policy Evaluation System of the Government of Japan"
(http://www.soumu.go.jp/english/kansatu/evaluation/evaluation_01.html)

6) Some commentators have suggested that the term "performance measurement" should be used rather than "policy evaluation" on the grounds that as a formal matter, policies are not finally decided and authorized in the Cabinet nor a ministry but in the Diet (UEYAMA (2002), p. 28). The author finds that the term "policy evaluation" is preferable for purposes of this paper, as this term is actually used in the GPEA, and this paper is based on the structure of the statute. In addition, use of the term "policy evaluation" also reflects the reality that the Cabinet or the ministry is often responsible for the creation of policies that in theory should be attributed to the Diet's legislative function.

system. The background for this reform included bribery and other scandals involving high-ranking officers⁷⁾, strong budgetary pressure on the administrative system as a consequence of the huge balance of payments deficit and perceived administrative mismanagement in the wake of the collapse of the "bubble" economy of the 1980s.⁸⁾

In this reform, the main target was to reconstruct the various ministries and their related bureaus which had been kept basically the same after the Second World War. The system of policy evaluation was another tool of governmental reform, by improving the content of the policy through checking and releasing sufficient information. This system was embodied in the Basic Law of Reconstruction of the Central Government⁹⁾ in 1998. Pursuant to this law, the former Ministry of Transport, the Ministry of Construction, the National Land Agency and the Hokkaido Development Agency were reorganized into the MLIT.

Other factors influencing the introduction of policy evaluation systems to the MLIT included (1) the trend toward small government and privatization, (2) the end of planning-oriented policy, and (3) the increasing focus on achievements and accountability¹⁰⁾; each of which is elaborated briefly as follows.

(1) The trend toward small government and privatization

Japanese government had to cut the expenditure, reform regulations, and privatize some departments in the late 1990s after the collapse of the bubble economy. At that time, the government increased the budget for construction of social infrastructure so as to stimulate the local economy.

The previous attitude to stick to the routine budget just to keep the size and status of the present organization was attributed to the budget examination system, which was strict for new proposals but rather loose for a routine proposals continued from previous fiscal years.

(2) The end of the planning-oriented policy

With the collapse of the bubble economy, the time of steady economic growth and increasing revenue ended, so governmental planning which focused on active

7) SHINDO, p. 181

8) Id at 6)

9) Chuoshouchouto kaikaku kihonhou, Law No. 103 of 1998

10) For (1)-(3), FURUKAWA and KITAOJJI, p. 6

expenditures could not be continued in the same manner. For example, the construction and management of the social infrastructure, plans, budgets and the basic statutes had been kept separately among road, river, ports and coasts; this was criticized as inefficient and sectional.

(3) The increasing focus on achievements and accountability

The media strongly criticized the public construction projects which were already out of date but still continued only for political reasons. The media also criticized that basic data and minute reasoning or explanation for the new budget or statute was used and kept inside the office and that only the abstract and insufficient background explanation and reasoning was made public¹¹⁾.

These complaints had a structural basis, as the decision-making process of the ministries was opaque and the responsible actors were almost invisible. The minister and the politically appointed vice ministers had only limited direct staffs, and these top positions were usually changed every year to give the seats to other waiting politicians. As for the proposal or decision-making in the organization of permanent full time officers, the basic trait was a "bottom up" structure of suggestion in which the middle management class had the most amount of information and worked as the core staff of the projects.

2. An overview of the present system

2.-1 The basic system regulated in the GPEA

The Government Policy Evaluation Act was the foundation of this system, which declared the purpose of the system and the basic procedure that was to be applied to each ministry. The content and the standard of evaluation are delegated to each ministry, but the Ministry of Internal Affairs and Communication ("MIC") is allowed to review and give comments to its published reports.

Some of the main provisions of GPEA are as follows:

- (1) The MIC must set the basic guidelines of the evaluation (Article 5).
- (2) Each ministry must set a basic plan with a term of three to five years (Article

11) ABE, p. 331-2

- 6), and an annual operational plan for an ex-post review (Article 7).
- (3) Each ministry must execute an ex-post review based on the plan in Article 7 (Article 8).
 - (4) Each ministry must execute an ex-ante review of each project of technology development, scientific research, construction of social infrastructure, and Official Development Assistance (Article 9).
 - (5) Each ministry must make up a report of evaluation, and publish and forward it to the MIC (Article 10).
 - (6) The MIC must evaluate policies that are related to more than two ministries, with the objective of maintaining overall consistency (Section 1, Article 12).
 - (7) The MIC must evaluate the reports handed in by Article 10 in terms of checking the objectiveness and rigorousness among the ministries (Section 2, Article 12).

The 1997 final report of government system reform required each ministry to establish a new division in order to ensure that each ministry manages and coordinates the procedures of (2), (3), (4) and (5)¹²⁾.

Figure 1 Outline of the GPEA

(source: http://www.soumu.go.jp/english/kansatu/evaluation/evaluation_08.pdf
created by the MPHPT¹³⁾)

Based on these rules, the MLIT set the basic plan for the five-year-term, which set "policy checkup" and "policy review" for ex-post review¹⁴⁾. For the ex-ante review, new policies related to budget or regulation are subjected to the "policy assessment", which is not required by the statute but the MLIT implemented them voluntarily. These evaluations are based on the idea of the "Plan → Do → See" management cycle, in which all these steps are made in each policy.

The "policy checkup", the most important system, is made up of each division's

12) 5(2)① of the report published in December 1997.

As the report did not ensure the new division the mandate for examination of budget, or bills which were managed by other present divisions, the division's function as a coordinator was only a nominal one.

13) Ministry of Public Management, Home Affairs and Post and Telecommunication was the previous name of the MIC.

14) As for the evaluation system in the MLIT, see the website:
<http://www.mlit.go.jp/hyouka/pdf/english.pdf>

performance report based on 27 policy goals, and the application of each of them of 118 performance indicators. The MLIT's policy checkup is published in July when the data is collected and meant to be used as a tool to improve the policy in the new fiscal year which begins in April of the same year. These goals include "traffic safety", and uses indicators such as "the number of incidents in the domestic air flights" and "the ratio of the underground railway stations which is equipped with sufficient fire prevention system".

The "policy review" is made up of detailed reports on some of the important programs by setting viewpoints and analyzing sufficient data, which is published in March, at the end of each fiscal year, to make a final evaluation on the previous policies and to improve them in the new fiscal year. Examples of such reports include the "The achievements of regulatory reform in airline industry since 2000" and "The merits of dam construction for disaster prevention".

The purpose of "policy assessment", the ex-ante review, is to evaluate the necessity and benefit of the new budget, tax or regulation based on the logical consistency of the explanation. These reviews include, for example, "the extension of the housing tax reduction" and "the new subsidiary system of railway to connect different company's lines to enable direct access". All policy assessment reports are decided and authorized in the top management meeting, consisting of the minister and the director general of each bureau.

Figure 2 Operation of "Policy Management Cycle" in the MLIT

(source: [http://www.mlit.go.jp/hyouka/pdf/english.pdf\(p.5\)](http://www.mlit.go.jp/hyouka/pdf/english.pdf(p.5)) created by the MLIT)

2.2 Other systems not subject to the GPEA

Some of the major departments of the MLIT, such as Road Bureau and Japan Meteorological Agency, have established own system of evaluation and publish additional reports in the name of the director general of the purean. As these kinds of evaluation systems treat one bureau as a part of the ministry, they wish to make up an additional independent system which is more appealing to readers. Another reason is that they wish to be free from the ex-post review of the MIC of the Article 12, which is applicable to the reports based on the basic plan in Article 6.

3. Outcomes and improvements

In general, the various ministries have successfully implemented the GPEA, with beneficial impacts on their respective decision-making and policy implementation processes. The implementation of policy evaluation has had a substantial impact at the MLIT.

3-1 Implementation generally

The purposes of policy evaluation, as set forth in Article 1 of the Government Policy Evaluation Act, can be summarized as:

- (1) to reflect the result of the evaluation to policy planning :
- (2) to promote effective and efficient administration:
- (3) to fulfill accountability to the public.

As for (1), it has been achieved as a nominal level in that the MIC reported that 91.0% of the whole budget drafts handed in to the Ministry of Finance for review in September 2004 were based on the policy evaluation. The MIC report further declared that 405 programs or projects were improved, reviewed or abolished as a result of evaluation, and this amounted to 38.1%¹⁵⁾ of all the evaluations for all ministries.

As for (2), introducing quantitative standards in place of subjective or vague ones can be useful in promoting effectiveness and efficiency. As the MIC has strongly advised setting quantitative indicators in the ex-post objectiveness review, most of the ministries try to set them in their basic plans. The percentage of quantitative indicators in the basic plan of all ministries rose from 32.4% in FY2002 to 49.8% in FY2003¹⁶⁾. In the "policy checkup" review of the MLIT, all indicators are quantitative ones from the beginning.

Another way to achieve this purpose is to abolish costly projects as a result of evaluation. In the public infrastructure construction projects, the MLIT announced that 15 projects were to be abolished in March 2005 as unnecessary or out of date

15) See: http://www.soumu.go.jp/s-news/2004/pdf/040930_4.pdf

16) See: http://www.soumu.go.jp/hyouka/kaisai_result_t.html

following the ex-post review of each of them¹⁷⁾.

As for (3), it has been achieved in that the various Cabinet ministries now release the data and the grounds underlying their policy decisions. Each ministry is now publishing the evaluation reports annually, as required by the GPEA by distributing copies to the press and putting them on the public website. In doing this, much more information is publicly accessible by anyone, and this has certainly changed the attitude of many ministries, which had been rather reluctant to release the information.

3.2 Change in attitude and decision-making at the MLIT

The introduction of policy evaluation has provided an opportunity for each ministry to rethink and reexamine what had been kept and continued without question. In the MLIT, the attitude of young officers seems to have changed when making up reports for policy evaluation to check whether the present policy or organization system is "acceptable in society" or "match[es] the common sense of value", and they often welcome free and open discussion with the policy evaluation management division. As for the work related to policy evaluation, it is treated as routine and handled by young officers who are section chiefs and have to ask their supervisors in the division for authorization. This "bottom up" style of handling work and decision-making is rather general for routine works in Japanese ministries.

In order to give each director a sense of responsibility for publishing these reports, the MLIT started to put his or her full name in the report. Directors naturally tend to check drafts of reports with the objective of avoiding negative reactions from the press or the opposition group of the policy. The top management meetings to decide and authorize these reports are rather ceremonial ones, and each bureau implicitly wishes that the policy evaluation division manage the meeting properly without getting orders or comments from the minister.

17) See http://www.mlit.go.jp/kisha/kisha05/15/150325_.html

4. Problems which have yet to be solved

4.-1 The purpose of the GPEA

In the preceding practices in the United States, the system of performance measurement was not a perfect one from the beginning, but has been improved by regularly by reexamining the evaluation system itself¹⁸⁾. After the four years of managing and practicing the policy evaluation system, some issues have already come to the surface which may require attention in the coming years. Following are the issues set in accordance with the each purpose of the GPEA in parallel with 3.-1.

4.-1-1 Reflect the result of the evaluation to policy planning

Most of the drafts of the MLIT budgets are reported as based on policy evaluation, however, it was rather difficult to find differences between the evaluation report and the documents handed in to budget coordination division in the MLIT. As the ex-ante review, "policy assessment", is edited and published at the same time as the budget draft in the same process, it was natural that the contents of both reports become very similar¹⁹⁾. This is because the policy evaluation coordination division cannot review or check the draft beforehand independently, as mentioned in 2.-1.

In some prefectures in Japan, however, this kind of coordination and evaluation-based budget planning has already been introduced by the leadership of the governor. This system is reported to be promoting efficiency and motivation by prioritizing budget items in terms of necessity²⁰⁾.

4.1-2 Promote effective and efficient administration

In the MLIT, the 27 goals and the 118 performance indicators have already contributed to making the results more visible, and have given some incentive to achieve the target by prioritizing the budget or by reorganizing the division in charge of this project.

However, the standard of evaluating the results varies among policies and

18) UYAMA(2001), p. 22

19) Setting them too close will make the evaluation just as a part of the budget examination process.
FURUKAWA and KITAOJI(2004), p. 62

20) MLIT(2004), p. 52

handling divisions, and there are fewer indicators in the fields related to business regulation and supervision in transportation, construction and housing, in which the efforts of the government side such as stricter enforcement or more frequent inspections does not directly promote the observance of the regulation. In contrast, in the fields of construction of the MLIT policies, it is easier to set and achieve the goals by the efforts of the division. For example, "reducing traffic jams by road construction" or "building more parks and gardens so as to promote amenity" can be achieved once the division acquired the necessary budget.

In 2006, most of the indicators have to be renewed or changed to new ones, and the imbalance of indicators among 27 goals should be improved.

In setting more indicators or doing more analysis on the data, the MIC review on objectiveness set in Section 2, Article 12 of the GPEA, is rather discouraging to each division in MLIT. This is because the review is rather to check negatively whether the evaluation is based on quantitative indicators or numerical calculations. This superficial review is useful to advise the ministry in whether the quantitative indicator is not or only partially adopted, but, as the MLIT already fulfilled this minimum requirement of the objectiveness, the advice of the MIC seems to be trivial to many of the divisions in the MLIT²¹⁾. Once all the ministries fulfill the minimum objective standards, it would be helpful if the MIC review is supposed to be changed to encourage each ministry's policy and management reform by presenting and publishing the leading cases²²⁾.

Another reform should be made to improve the coordination and cooperation by ministries that take charge of reviewing and evaluating other ministries' budgets or organizational structure in the Cabinet. In the reform of governmental organizations in 2001, these ministries' mandate for review and evaluation of others, in the fields such as budget and tax reduction of the MOF, inspection, organizational structure, local budget and local tax reduction of the MIC, and the expenditure of the Board of Audit, were kept unchanged. As the mandate for

21) This attitude might be attributed to the origin of the Administrative Evaluation Bureau of the MIC which was originally in charge of inspection, a totally different function from evaluation. As the inspection officers are trained to find the objective violation of procedure rules, they tend to treat the policy evaluation in the same way.

22) The MLIT officially announced this way of reform in MLIT(2004), p. 52

policy evaluation was added to the MIC in 2001 reform, this has increased the burden of each ministry because this evaluation should be handed in to each ministry in each review²³⁾. The burden and inefficiency caused by this complicated procedure has not so often been criticized, as this is an internal problem and does not affect the general citizen. In order to improve this situation, the reviewing and evaluating ministry should improve their coordination and cooperation by keeping the basic information in common.

4.1-3 Fulfill accountability to the public

The first issue here is the common criticism from the media that the system of self-evaluation leads to incorrect and overly-optimistic evaluations, which should be resolved by having the evaluations conducted by third party council members²⁴⁾. This kind of criticism is misguided because obliging each division of the ministry to make up the reports for the purpose of explaining and justifying the usefulness of the policy itself is important here, and this kind of official explanation had not been required until this system was set by the GPEA. Third-party review of the conclusions and the reasoning of evaluations is of course also important, but the media or opposition groups can now freely conduct such reviews and can argue the policy should be changed or abolished because the evaluations are made public.

This availability of third-party review is itself a factor that will affect the results of each ministry's policy evaluations, and may lead to changes in policies and priorities. But when a policy has been affirmed, it is rather natural that the policy evaluation supports the policy. In this respect, the responsibility of the director for the evaluation and decision-making should be enforced more strictly and in a longer time span.

The second related issue is that the evaluation reports and their summaries have not so commonly been used for news topics by the media or the subject of analysis and review by researchers. In a public forum²⁵⁾ on policy evaluation that was organized by the MIC in November 2004, one of the issues was how to get the media's attention on the policy evaluation reports, and the suggestion was made to

23) As for the problem of "regulation inside government", FURUKAWA and KITAOOJI(2004), p. 158

24) As for the evaluations of the public construction projects, one of the examples was p. 2 of the Tokyo Shinbun dated March 13, 2005.

25) See: http://www.soumu.go.jp/hyouka/kaisai_result_t.html

use plain words or make up more visually attractive summaries. As the policy itself is complicated, the reports usually become long and difficult by using technical terms or explaining the whole system. In making up the reports, the main target of readers should be the media, NPO or researchers, rather than the common citizen. As discussed in the previous paragraph, the reports should be used later in order to review the validity of decision-making at the time the evaluation was made. It should be more important to check whether the reports cover the important policies or give an answer to a controversial issue, and that these reports meet the level for ex-post review.

5. Problems which cannot be solved in the policy evaluation system

Some of the problems cannot be solved by changing or improving the evaluation system, as there are the issues of other related areas. Two major issues here are as follows:

5.1 Setting priorities among other policies

The policy evaluation can be used to set priorities among budget or regulations in the same or relevant fields, but cannot function among different policy fields²⁶⁾ such as public welfare and public infrastructure, or telecommunication and transportation regulation. As for different policy goals, it is impossible to compare the efficiency or importance based on the data or analysis. These kinds of priorities are usually made by the results of political negotiations, the size of the pressure group or the common opinion based on the media. It is the role of the Council on Economic and Fiscal Policy ("CEFP") to discuss and decide the prioritization in an open place^{27) 28)}.

26) Kuniaki TANABE, summary of the workshop held in July, 2004 (See: <http://www.pp.u-tokyo.ac.jp/events/workshop/summary/ws20040716.htm>)

27) CEFP was established in January 2001 in the reconstruction of the Cabinet with the aim of strengthening prime minister's political leadership. (See: <http://www.keizai-shimon.go.jp/english/about/index.html>)

28) Professor Tanabe emphasized the importance of separation of roles between politics and administration in the MIC forum. (See: http://www.soumu.go.jp/hyouka/pdf/kaisai_result_t_01.pdf, p. 13)

5-2 Further reform in governmental organization and employment system

As the evaluation is planned to be used to make a decision whether to start a new policy, or continue or abolish the present one, the leadership and the eagerness of the minister who is free from the power balance or the interest among the lifetime employed officers is expected to function in this system. Otherwise each officer would feel discouraged or unsatisfied for this burdensome evaluation and lose the incentive to change the policy or improve the efficiency through this work.

The lifetime employment system, which has strongly protected officers from displacement, is one source of maintaining the precedents or trying to keep the information hidden, as well as the autonomous structure of the organization which rarely appoints an outside person to a managing position.

In the process of further reform in governmental organization, these structural problems which were more difficult than the organizational reconstruction in the 2001 reform, should also be addressed.

6. Conclusion

This paper has discussed the implementation of the policy evaluation system under the GPEA using the MLIT as an example. This system serves as a feedback mechanism to indicate to a ministry when it should revise or abandon a policy. Another function is to judge the validity of decision-making at the time of policy planning when the meaning of the policy is at issue later on. This kind of tension would change the attitude to plan and continue the policy or the project among government officers and promote voluntary efforts among them to reform the management of the organization. I will close by showing two main pressures which will affect the policy and organization of the MLIT in the near future, and can be solved by the management reform.

A pressure to reduce the budget for public construction is not so severe at present and the ratio of sending decrease is only 3-4% each year. In such a condition, most of the management officers are rather passive to change the policy

or to stop big projects. However, more drastic reduction of the budget will be inevitable in the near future, which will require severe prioritization in construction projects, and young officers' continual training in evaluation work will be rewarded then.

Another pressure is to stop the damage on recruiting new officers from university students. If a ministry is judged as out of date or sticking to the present interest, it cannot be an attractive place to work for a lifetime, and each management officer should be more sensitive to this influence. This can be a barometer of the status or condition in a public organization which does not issue stock exchanged in the market.

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Outline of the Government Policy Evaluations Act (GPEA)



