

Administrative centralization threatens commons-owning municipal sub-unit: Property Wards (Zaisanku) in Toyota City, Japan

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ABSTRACT

In Japan, when the Meiji government encountered great resistance to its drive to convert traditional commons into national forest and to extinguish village commons by amalgamating villages into larger municipal units, the government consented to allow communities to continue to own their commons, particularly forests and reservoirs, as new legal entities called “property wards” or *zaisanku*. In this paper, we describe the characteristics of this system and discuss its current problems and its potential for resource management, using Toyota City in Aichi prefecture as a case study.

In Japan, local communities and village sections (such as *buraku* or *ōaza*) below the level of municipalities cannot in principle own land. When local authority borders are altered through processes such as amalgamation of municipalities (*gappei*), existing community units in the municipality can be granted corporate status as property wards, which are recognized as juridical persons that are then allowed to own their commons. The property ward system is regulated under the Local Autonomy Law and falls under the control of the government bureaucracy. Even though the earlier management structure is respected, its operation can be rejected or negated by the bureaucracy.

Before 2004, the Inabu ward of Toyota city, Aichi prefecture was an independent town with 13 property wards. Under the Inabu town authorities, the customs of each ward were respected and each ward was managed autonomously. However, after Inabu merged with Toyota City in 2005, the city authorities placed broad restrictions on the use of revenues, threatening the continuity of autonomous management of the commons by the property wards. This example suggests that city bureaucrats have not recognized the productive possibilities of continued management of resources held by property wards as commons.

Zaisanku (Property ward), Local Autonomy Law of Japan, municipality, bureaucracy, legal merger, Toyota City

INTRODUCTION

Typical commons in Japan is *iriai*. Its traditional structure and system were introduced by M. McKean (1982) about thirty years ago. The objective of this paper is

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to review the current status of *iriai* (communal) forests, in particular those owned by property wards, which have been passed down over the years with numerous and complex contradictions underlying their development. A property ward has been one of the ownership forms of *iriai* forest in Japan. At the same time, it is a special local public entity regulated by the Local Autonomy Law, and its management jurisdiction is under the control of the municipality to which it belongs. Consequently, a discrepancy between customary management and municipal administration has been noted, creating concern that autonomous management by the local community may be hindered by the intervention of local government. In reality, the concern has manifested itself in the 13 property wards of the Inabu district in Aichi Prefecture in the aftermath of the municipal mega-merger after 2000.

In this paper, we will look at the nature of current property ward system and its difference from the conventional practices of *iriai*, based on a review of previous study. Then, through field investigation, we will clarify how the problems in the Inabu district appeared and what effects they could have on the area, and finally examine how local commons should be managed under the local administration, which is becoming increasingly centralized.

This paper was written based on interviews with assembly members and related people in the Inabu district's 13 property wards, Inabu Municipal Branch Office of Toyota City and Toyota City Forest Cooperative, as well as collected information materials, conducted over a total of 11 days since April 2008.

1 PROPERTY WARD SYSTEM AND ITS CONTRADICTIONS

In this chapter, we will outline the property ward system within the range necessary for the case study examination, focusing on the situations under which the property ward system was established and how the system started to become irreconcilable with the conventional management practices of commons in the area².

1) *Government policy negating 'iriai', and the property ward*

Since the beginning of the Meiji period, successive governments have been taking a stance and implementing policies that effectively negate the existence of communal forests, necessitating *iriai* forests to be subject to a wave of restrictive policies (Figure1). The first was the Public/Private Ownership Separation Policy (1873 to 1881); the second was the Town and Village Municipal Law (1889); the third was the Village-owned Forest Land Integration Policy (1910 to 1939); and the fourth was the Commons Forest Modernization Law (1966). Of these, the property ward system was

² The history and nature of a property ward is explicated and compiled by Watanabe (1974). The relevant part of this paper was written in reference to his research. The recent status of property wards is overviewed on a national level by Izumi et al (2009).

generated from the second policy³.

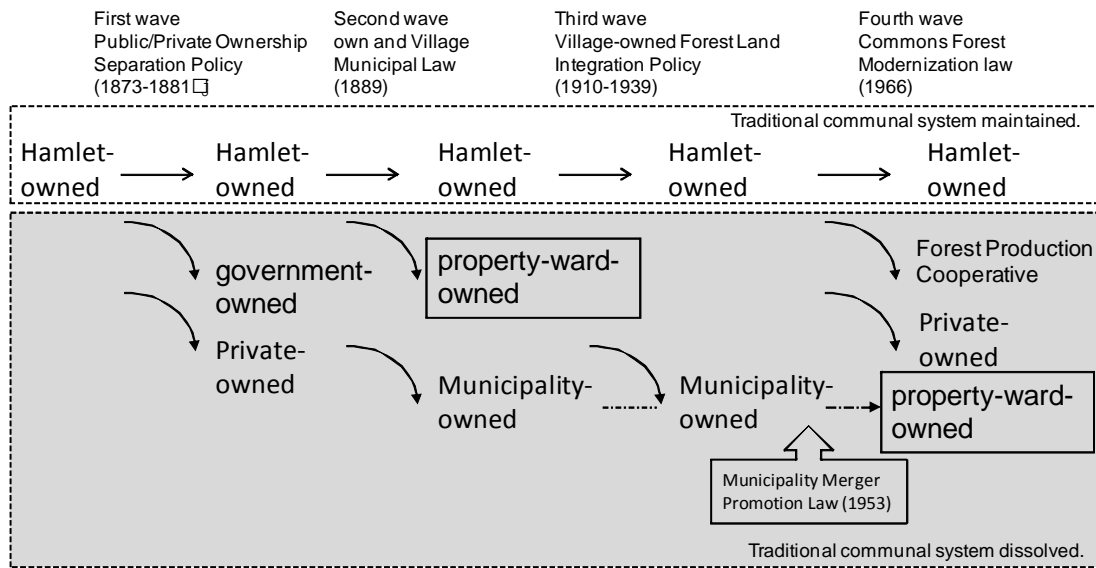


Figure 1 Policies that affected iriai forests (traditional commons)

Under the Public/Private Ownership Separation Policy, many communal forests fell under government (state) ownership on the grounds that private ownership could not be verified. Meanwhile, there were some communal forests that were exempted from the confiscation. They were granted ownership under the name of former towns, villages or community sections called *kumi*, *oaza*, *koaza*, etc., which were later called “*buraku-yū*” (village/hamlet-section-owned). This ownership type suffered greatly as a result of the second policy.

The national government had the following political motives when enforcing the Town and Village Municipal Law: to reinforce the modernized administrative foundation of towns and villages as a basic local government body through the amalgamation of former villages in existence since the Edo period; and accordingly to integrate the lands owned by former villages into the fundamental property of new municipalities, regarding them as administrative assets. This means that the ownership of village commons moved to the new municipalities formed after amalgamation. As a result, the policy created a great deal of backlash from villagers and there was fear that the amalgamation implemented by the government would not progress as expected. Communal forest was a primary source for the supply of daily commodity products indispensable for the life of farming and mountain villages at that time. Indeed, it was an important lifeline for them. In response to the resistance mounted by villagers, the

³ The third and fourth policies, also relevant in considering the overall property ward system, are beyond the scope of this paper.

government had little choice but to adopt a compromise plan as follows. An article was added to the Town and Village Municipal Law stating that “in the case of a part of a village or a town (*buraku*, etc.) owning a property or a building structure, the village or town can set up a ward meeting or a ward general meeting for conducting administrative work regarding such property or building structure” (summarized by the author from Article 114 of the Town and Village Municipal Law). The “ward” stated here is the body treated as “property ward” today. This article was succeeded to Article 294 of the Local Autonomy Law, which was enacted in 1947, almost without change. It was then that the name “property ward” appeared for the first time in statutory law.

2) Property ward as a product of compromise

The aforementioned article on the one hand demonstrated the government’s persistence of the policy negating local commons, while at the same time highlighted the limit of its policy over the commons (Watanabe, 1974). The government carried through its original intention by incorporating the property ward within its local administration. The position of administrator of the property ward is assumed by the mayor of the municipality. Consequently, the operation of the property ward has come under specific supervision and audit of the mayor of the town or the village, or the governor of the prefecture in some cases. The mayor of the village or the town, or the governor of the prefecture, administers and manages the property ward under the Local Autonomous Law, and also based on “*gyousei jitsurei*” (actual instances of administration), which will be discussed later. In that way, the government accomplished the goal of its policy.

Conversely, the government could not realize its plan to define a municipality as the smallest administrative subdivision in local administration, necessitating granting corporate status to a lower-level entity (property ward). Accordingly, former villages are allowed to continue to own and manage their commons through the property ward system. The government had to back down due to villagers’ resistance regarding commons.

By this means, a property ward is a product of compromise in the form of exceptions from the standpoint of the government policy for streamlining the local administration. The property ward system has caused a number of problems due to its nature of being fraught with contradictions.

3) Contradictions of the property ward, and threat to the autonomous management by local community

Article 114, which had been added to the Town and Village Municipal Law, was the only direct regulation regarding the property ward. When any question arose in

connection with actual administration of the property ward, the municipality, which was in a position of supervising and auditing the property ward, made inquiries to its regulatory authority (historically changed: Interior Ministry→Agency of Local Autonomy→Agency of Home Affairs→Ministry of Home Affairs→Ministry of Internal Affairs and Communication), and took measures to solve the problem based on the replies (*gyousei jitsurei*) as touched above, or according to court rulings issued in relevant cases. An accumulation of these has formed the basis of guidelines for the administration of the property ward.

In addition, the relevant law has changed through amendments and therefore become more detailed over time. The Local Autonomy Law, which was enacted in 1947, not only succeeded Article 114 of the Town and Village Municipal Law as Article 294, but also stipulated the issues regarding the assembly and general meeting, operation, and delegation to ordinances in Article 295 through Article 297 in slightly more detail. In particular, Article 296, which was stipulated when Local Autonomy Law was revised in 1954, has significant meaning for the operation of the property ward.

In Section 5 of Article 296 of the existing Local Autonomy Law, it is stipulated, as a basic principle of operating the property ward, that regarding the administration, disposition or abolition of its property or public facilities, 1. the property ward should make best efforts “to promote the interests of the inhabitants”, but “not to go so far as to disintegrate the city, town or village or special ward to which it belongs” (“inhabitants” refers to all the residents of the property ward). In the property ward, however, there are publicly-owned properties (property-ward-owned) with the rights of common which do not have the nature of co-ownership in accordance with the Civil Code (Article 294), while there are properties with rights of common that have the authoritative nature of co-ownership by specific members called *Iriai-shudan* (Article 263)⁴. The people concerned, consciously or subconsciously, have simply continued the conventional customs (*iriai* customs) in many cases. According to the *iriai* customs, no problems occur even when those who receive profits are limited to residents of commons, or revenues are distributed among limited members of the commons community⁵. The principle of “not to go so far as to disintegrate the city, town or village” contradicts the intended purpose of establishing a property ward. If the above provision is observed, the operation of the property ward, which respects the *iriai* customs, is inevitably

⁴ All the contradictions and current problems originated when policy makers almost forced communal forests to be property-ward owned under the village-owned Forest Land Integration Policy and the municipal merger (Watanabe, 1974).

⁵ The property ward has been acknowledged as a kind of local public entity in *gyousei jitsurei* and various theories, though not stipulated in the Town and Village Municipal Law (Ota, 1998). The Local Autonomy Law clearly defines a property ward as a local public body. The constituent members of the property ward are deservingly all of the residents whose addresses are within the property ward due to its nature as a local public body. However, commons rights are endowed to limited qualified households in accordance with custom.

impossible.

It has been pointed out that, because of the existence of such provision and *gyousei jitsurei*, there is a possibility at some time in the future that if the control by the municipality is strengthened, problems will be brought to the surface even in property wards where self-governing management has been conducted according to the *iriai* customs (Ike, 2006).

In the following, we will take a detailed look at the case of 13 property wards in the Inabu district, Toyota City, Aichi Prefecture, where problems had been in the open and causing difficulties since the municipal mega-merger of the Heisei era.

2 OUTLINE OF THE INABU DISTRICT

The Inabu district is a mountainous region, with a slightly cool climate, located adjacent to Gifu Prefecture and Nagano Prefecture (Figure 2). The central part has an elevation of about 500 meters. Cultivable areas such as flatland and gentle slopes are scarce, demonstrated by the fact that only 3.4% of land is cultivated. Forests cover 85.8% of the land. The number of forest owners is 547 per 371 farm households, which indicates the district has been dependent upon the mountains and forests (Census of Agriculture and Forestry 2000).

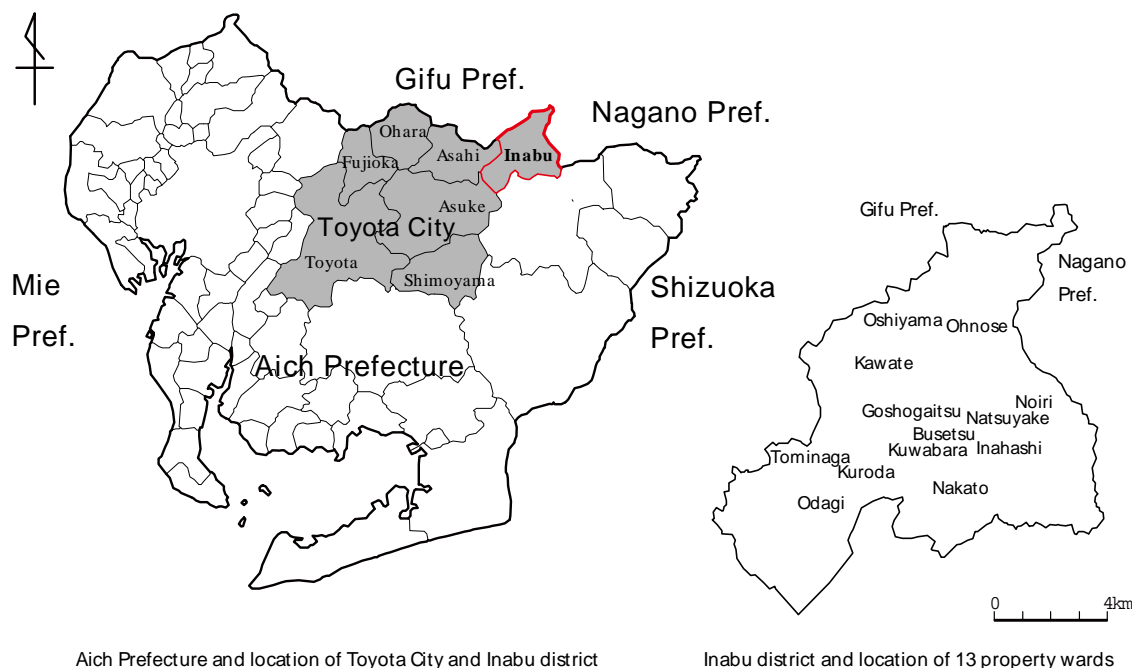


Figure 2 Location of 13 property wards of Inabu district in Toyota City

In the Inabu district, there are 13 property wards corresponding to 13 existing community districts (Inahashi, Ohnose, Oshiyama, Odagi, Kawate, Kuroda, Kuwabara,

Goshogaitsu, Tominaga, Nakatou, Natsuyake, Noiri, Busetsu). These community districts were once independent villages.

In 1889, under the Town and Village Municipal Law, Inahashi, Natsuyake, Nakatou, Noiri, Ohnose, and Oshiyama were merged into Inahashi Village, Kita-shitara County, while Busetsu, Gosyogaitsu, Kuwabara, Kawate, Kuroda, Odagi and Tominaga were merged into Busetsu Village, Kita-shitara County. In 1897, both villages formed a single village association, in which they jointly conducted the clerical work of both villages. In 1940, both villages were amalgamated into Inabu Town, Kita-shitara County, which existed for 65 years.

In 2005, the long-standing administrative system of Inabu Town faced a significant change. It was merged into the already large Toyota City together with Asuke Town, Asahi Town and Shimoyama Village of Higashi-kamo County, and Fujioka Town and Ohara Village of Nishi-kamo County.

With the merge, the Inabu district, while retaining its distinct identity, found itself swallowed up by Toyota City, a major conurbation and home to one of the world's corporate giants, Toyota Motor Corporation. The characteristics of the district, in comparison with the entire Toyota City as a whole following the amalgamation, are shown below (Table1). The population of the Inabu district is 2,800, as part of Toyota City's total population of 420,000, with a population ratio of 0.67%. The population density of the district is 28.5 / km², which is the lowest of those of the former towns and villages before the merger.

		Population	Population density (per sq. km)	Area (sq. km)	Ratio of Forest (%)	Forest area per capita (ha)
urrent Toyota City		424,128	461.8	918.47	68.6	0.15
Districts before merger	Toyota	379,312	1307.5	290.11	35.6	0.03
	Fujioka	19,922	303.8	65.58	73.2	0.24
	Ohara	4,305	57.8	74.54	82.8	1.43
	Asuke	9,095	47.1	193.27	86.4	1.84
	Shimoyama	5,369	47.0	114.18	85.8	1.82
	Asahi	3,312	40.3	82.16	82.1	2.04
	Inabu	2,813	28.5	98.63	85.8	3.01

References: the statistical information of Toyota City (June 2009) and Census of Agriculture and Forestry (2000)

As seen above, the Inabu district is positioned as a minority group in Toyota City. When focusing attention on its natural environment, however, the position of the Inabu district is quite the opposite. The Inabu district is located in the upstream area of the Yahagi River which runs through the central part of Toyota City, and is regarded as a key area for the protection and cultivation of a water source, and also provides flood

control protecting Toyota City. The district, with its vast forest area, is expected to play a leading role for Toyota City, which started off as an environmental model city⁶. The ratio of the forest area per capita in the Inabu district is about twenty times as much as that of the whole of Toyota City (Table1).

3 THIRTEEN PROPERTY WARDS AS LOCAL COMMONS

1) *Existing community districts and property wards*

The community district, as an administrative body, which follows in the line of former villages in the Edo period, is a different entity from the property ward (special local public entity). However, both entities have been managed for the same purpose (local autonomy), as they have been recognized by the residents of the Inabu district as an identical unit. This is because of the process through which current property-ward-owned properties have been used and managed as communal forests since the Edo period. In the following section, we will look at this process, as well as the management status of the commons in Inabu Town before merging with Toyota City. The outline of the 13 property wards of the Inabu district is shown in Table 2.

2) *Property wards as an entity which took over the commons customs*

In the Edo period, there were systems for managing communal forests called *souyama* (or *isson iriai*: one forest owned by one village) and *muramura iriai* (one forest owned by several neighboring villages) in all of the village communities in Japan (Inabu Education Board, 2000). It can be reasonably assumed that cemeteries and residential lands owned by the property ward were also communally used and managed at the time.

The kind of ownership forms that have been adopted over the commons since the beginning of the Meiji period is not precisely understood. From studying the cadaster, which is kept in former Inabu Town, forests and other properties have been registered as “*buraku-owned*”, such as *oaza-mochi* and *kumi-mochi*. Some of them became *buraku-owned* as a result of the disposition of government-owned forests (Tokoro, 1696).

When considering the momentum for establishing a property ward (Watanabe, 1974), it could be claimed that many property wards should have been set up in 1889, the year of amalgamation, but all 13 property wards were established on April 1, 1901, according to the materials of former Inabu Town. The background as to why property wards were established in that year has not been clarified. Whatever the reason was, property wards which were established at that time took over the ownership of the

⁶ As of January 2009, Toyota City was designated by the national government as an environment model city. The city chose the forests for one of its strategic environmental projects.

communal properties of the community districts. The ownership was then succeeded to Inabu Town, which in 2005 was taken over by Toyota City. According to the cadaster, we can assume that during this period, registrations under the ownership of the property ward would have been made in order to exchange lands, etc. According to the Inabu Municipal Branch of Toyota City, procedures for changing the land ownership from *buraku*-owned to property-ward-owned were carried out in 2004, a time just before the amalgamation with Toyota City⁷.

According to the Inabu branch of the Toyota Forestry Cooperative, the actual measurement value of 5,016 hectares of property-ward-owned forest land, which is about 60% of the forest of the Inabu district, has been passed down through the years, playing a crucial role for the forestry management of the district. In addition, communal forests owned and managed through the *muramura iriai* system are owned by several property wards.

3) Changes in the form of use and management: Elaboration of the commons system

In the Edo period, when *souyama* is recorded to have been implemented, communal forests were utilized mainly for mowing grass for feeding cattle, and logging for charcoal production (Inabu Education Board, 2000). At the end of the Edo period, in the area designated as *tomeyama*, individual use of forest by users with commons rights started to be regulated to prevent excessive logging, and a communal tree planting project was implemented. This type of utilization was created for saving bankrupt farmers after experiencing recurring crises, including the Great Famine of the Tempo Period (Hiramatsu, 1929; Tokoro, 1969).

Since the beginning of the Meiji period, the utilization type of ward-owned forests has developed in diverse ways (Table 2). A typical example is *wariyama* (allotment utilization), as well as the communal tree planting that was first seen in the Edo period. In the *wariyama* utilization type, property-ward-owned forest is divided and allotted to individual members of the ward almost like providing private ownership. This system started to be implemented in every property ward from the middle of the Meiji period. In many property wards, however, the utilization contract between the property ward and the user stipulates its valid period as 99 years. When the contract expires, *warikae* (re-allotment) is conducted. In case a user moves out of the property, the right of use must be returned to the property ward. This rule is shared by all the property wards. Users who had planted trees, which happened in most cases, return the allotted land after cutting down the trees, or, if not, receive a stipulated amount of money in compensation. According to interviews with elderly local residents, the system was

⁷ Not all of the village-owned properties were transferred to property-ward owned. As of July 2009, old ownership registrations, such as oaza-owned and kumi-owned, remained in some property wards.

borne out of local wisdom that deemed it wrong to let land flow outside the property ward⁸.

Table 2 Outline of the 13 property wards of the Inabu district

Name of Property Ward	Number of Households	Type of Property	Area (ha)	Administrative Organization	Type of Usage			Regulations	
					direct	wariyama (allotted)	lease		
Inahashi	134	forest, grassland, residential, cemetery, field, wasteland, roads	621.26	Assembly	yes	yes	yes	youth association, fire defence, school, hospital	Regarding forestation, and wariyama
Ohnose	80	forest, grassland, residential, cemetery, field, wasteland, roads	176.71	Assembly	yes	yes	yes	youth association, fire defence, school	Vary depending on each kumi
Oshiyama	48	forest, grassland, residential, cemetery, rice field, wasteland, roads, channels	173.75	Assembly	yes	yes	yes	youth association, school	Regarding wariyama
Odagi	93	forest, grassland, residential, cemetery, wasteland, roads	260.72	Assembly	yes	yes	yes	youth association, fire defence, shrine, aiding retired warriors, electric pole	not investigated
Kawate	48	forest, grassland, residential, cemetery, rice field, field, wasteland	130.34	Assembly	yes	yes	no	youth association, temple, school, repairing channels	Regarding superficies
Kuroda	104	forest, residential, cemetery, wasteland	133.73	Assembly	yes	yes	yes	youth association, school, lady's society, shrine	Regarding wariyama
Kuwabara	126	forest, grassland, residential, cemetery, wasteland	*65.63	Assembly	yes	yes	yes	fire defence, youth association	Regarding wariyama
Goshogaitsu	109	forest, grassland, residential, cemetery, field, wasteland	**55.14	Assembly	yes	yes	no	not investigated	not investigated
Nakato	31	forest, grassland, residential, cemetery, wasteland	141.22	Assembly	yes	yes	yes	bridge	Regarding wariyama and bunshurin (shared forest)
Natsuyake	91	forest, grassland, residential, cemetery, wasteland, roads, channels, spring site	114.55	Assembly	yes	yes	yes	youth association, lady's society	Regarding wariyama
Noiri	61	forest, grassland, residential, cemetery, field, wasteland, roads	237.95	Assembly	yes	yes	no	youth association, fire defence, lady's association	The byelaw of the property ward
Busetsu	121	forest, grassland, residential, cemetery, field, wasteland, roads	**62.40	Assembly	yes	yes	yes	not investigated	not investigated
Tominaga	9	forest, residential, cemetery, wasteland	18.41	General meeting	yes	yes	yes	youth association, fire defence, shrine	Regarding wariyama, etc.

Reference: This table was prepared according to Izumi et al.(2009), materials (as of July 27, 2009) and interviews of Inabu Municipal Branch of Toyota City.

*including the land communally owned by Goshogaitsu and Busetsu Property Wards

**including the land communally owned by Kuwabara Property Ward

Communal tree planting, which started in a bid to save forests from destruction at the end of the Edo period, has been widely promoted as a means for positive asset accumulation since the beginning of the Meiji period. The earnings from logging were used not only as a revenue source for operating the entire property ward, but also for specific purposes such as for building schools, etc. The forested sites for specific purposes, collectively called *mokuteki-rin* (purpose-based forest), comprise *seinen-yama*, *shobo-yama*, *iryō-yama*, *gaku-rin*, etc. depending on the purpose. The detail of *mokuteki-rin* and the background of its establishment will be discussed in the next section.

⁸ Measures to prevent communal property (except for forests) from flowing outside the area, or outside funds from flowing in, have been devised through the ages in local commons with the aim of protecting the autonomy of the community. A distinguished example was found in hot spring commons that the authors visited (Mitsumata and Saito, 2005). In the hot spring site, every measure has been taken to thoroughly prevent the source of hot spring from becoming dependent on outside investment.



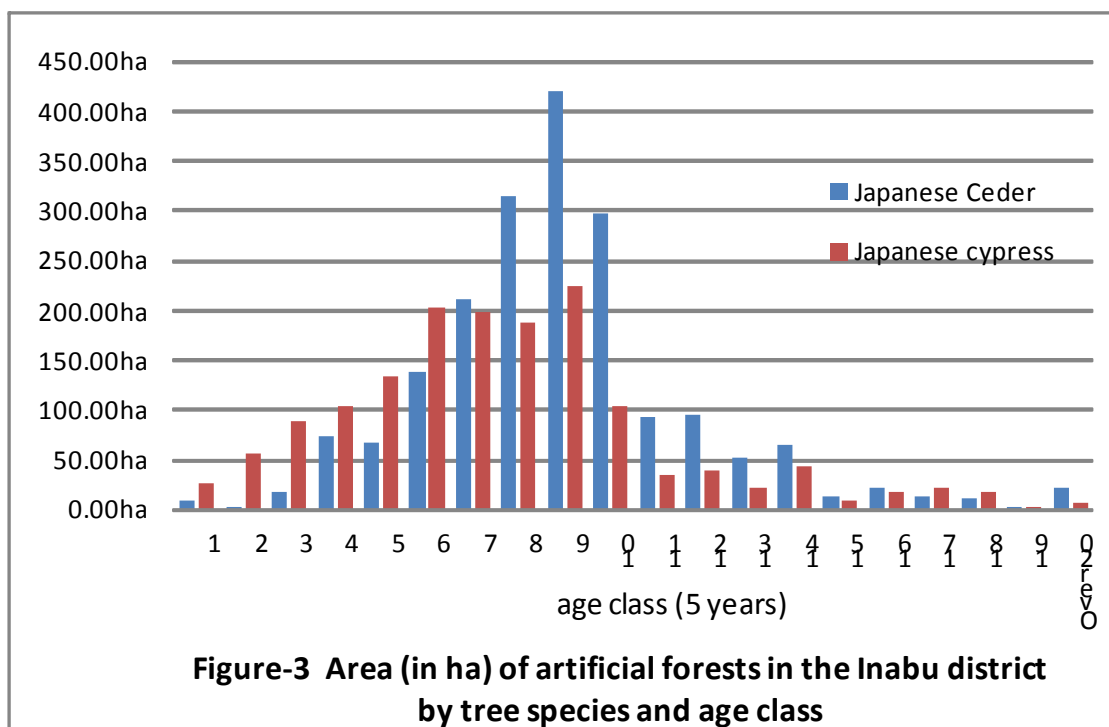
Picture-1 Weeding as part of *oyaku* (The photo was provided by Mr. Tadayuki Yamada from the Inahashi Property Ward.)

These forested sites have been managed and maintained through the collaborative work (*oyaku*) of the residents (Picture 1). *Oyaku* includes tree planting, weeding, improvement cutting and thinning. Between 1955 and 1964, a time when *oyaku* was implemented most actively, such work was conducted for more than 10 days per year in many property wards. As shown in Figure 3, most of the artificial forests in the Inabu district are reaching maturation, and light and comparatively safe work in forested sites, such as weeding, has decreased⁹. Currently, weeding on forest roads is the main work¹⁰, which requires 1 to 3 days per year depending on the district.

As we have seen above, artificial forests have increased through *wariyama* utilization and communal tree planting. As of 2000, the ratio of artificial forests was 78.5% (Census of Agriculture and Forestry). The lumber resources have been reinforced.

⁹ When forested trees grow taller than the bush, weeding becomes unnecessary. As forests grow thick, thinning becomes dangerous work, which requires entrustment to professionals.

¹⁰ The Inabu district boasts its road maintenance and improvement system as one of the best in Aichi Prefecture (As of 2004, the ratio of forest road: 12.3m/ha). This is because that the forests are property-ward owned, which makes road planning and financing easier. Also, the forest roads are managed and maintained through communal work (*oyaku*). These aspects can be highly regarded now that tree thinning is being promoted in the forests throughout Japan.



Furthermore, since the high-speed economic growth period of Japan, a type of utilization in which land lease revenue is earned under the land lease contract has significantly increased. As a starting measure, local volunteers in the Inabu district encouraged the Municipal Education Board of Nagoya City to build an open-air education center (information taken from a leaflet of the Nagoya Municipal Open-air Education Center at Inabu; year of issue: unknown). It was also a countermeasure against the decline of forestry due to the import liberalization of foreign lumber. Presently, in a time when forestry revenue is not expected to rise due to the unusual slump in lumber prices, land lease revenue has become a valuable revenue source.

4) Enhanced common benefit in the property ward

As seen in the previous section, the utilization type of property-ward-owned forest in the Inabu district has been changing as necessary over time. It was a process of seeking the interest of individual residents in the community district (private benefit), thereby at the same time enhancing the benefit of the entire district (common benefit). Utilization of mountains and forests with the clear aim of benefiting the public has been seen since the communal tree planting implemented at the end of the Edo period.

In the beginning, communal tree planting was conducted in preparation for famines, as social security for unforeseeable circumstances, but since the Meiji period, enhancement of common benefit through positive asset accumulation has been focused on.

Mokuteki-rin attracts our interest as it reflected the historical background and

circumstances unique to each district. *Gaku-rin* was a forest as a revenue source for building schools and purchasing school equipment (Takemoto, 2009). In the case of when a school district straddled several property wards, a section of one property ward was designated as *gaku-rin*, where communal tree planting was conducted by all the property wards comprising the school district. Another unique *mokuteki-rin* was a *hashi-yama* in the Nakato district, where a river runs through by dividing the district. One forest area was designated as *hashi-yama*, which provided both lumber and a revenue source for building three bridges, enabling the crossing of the river from both sides.

Seinen-yama and *shobo-yama* existed in many property wards. *Seinen-yama* was a revenue source for conducting a festival, the main activity of the *seinendan* (youth association), while *shobo-yama* was a revenue source for purchasing fire pumps. These collaborative activities, which each property ward conducted on its own, moved to the public service that the municipality assumes. As a result, *mokuteki-rin* completed its original role and is now positioned as a fundamental asset of each property ward.

Table 3 Items of general expenditure in community districts	
‡ <input type="checkbox"/> <input type="checkbox"/>	Conference Cost 1)General meeting 2)Account settlement 3)Handover process 4)Board meeting
‡ <input type="checkbox"/> <input type="checkbox"/>	Security-assurance Cost 1)Fire-fighting 2)Health and sanitation
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	Subsidy for the activities of various organizations 1)Sports clubs 2) Women's Association 3)Elderly peoples' Association 4)Children's Association
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	Ceremonial Cost 1)District festivals 2)Mountain God Festival 3)Mountain Products Festival
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	Rewards of Officers 1)Ward Head 2)Deputy Ward Head 3)Accounting 4)Kumi Leader 5)Assembly Members 6)Public Health 7)Agriculture 8)Shrine Parishioner Representative 9)Forestry 10)Sports 11)Sports Support 12)Local History 13)Drainage 14)Residents Representative
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	Forest Management Cost 1)Forestation 2)Forest Roads 3)Communal Work
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	User Fee for Infrastructure Development and Improvement 1)Roads within the district 2)Street Lights
‡ <input type="checkbox"/> <input type="checkbox"/>	Facilities Expenses 1)Land Rental Fee 2)Expenses for utilities 3)Management costs 4)Equipment costs 5)Shrine Repair Costs
‡ <input checked="" type="checkbox"/> <input type="checkbox"/>	Other Costs 1)Clerical costs 2)Forest Cooperatives Levy Funds

Earnings from forested sites managed directly by each ward became a source of general revenue for its autonomous administration. Under the current circumstances, when forestry revenue is not expected, land lease revenue has made up a substantial portion of the property ward's total revenue, and the utilization fee of *warichi* has also

become an important revenue source for autonomous administration. As we discuss later, some property wards owed their major financial source to the administration subsidy from Inabu Town, but the revenue which the property ward independently earned contributed to the entire management of the district, including expenses for various activities in the district and a contribution to local infrastructure development, as resources for public benefit (Table 3).

5) The property ward and the administration of Inabu Town

Inabu Town was in the position of administrating the property ward under the Local Autonomy Law. In most former property wards, an ordinance regarding its establishment was not enacted, nor was a decision-making body established (Watanabe, 1974; Izumi et al., 2009). In contrast, a management structure and system as a property ward was well prepared in Inabu Town after the Local Autonomy Law came into effect. An ordinance regarding the property ward was stipulated in 1949. As a decision-making body, a general meeting was established in the Tominaga Property Ward, while an assembly was established in the 12 other property wards in accordance with Article 295 of the Local Autonomy Law (The Assembly or The General Meeting). The procedure for collectively putting the land ownership in the name of the property ward was also performed, as already mentioned.

Such emphasis on the formation of various operating systems only indicates one of Inabu Town's positive responses toward property wards. The operational details of property wards were in substance inextricably linked to those of existing community districts. Inabu Town permitted property utilization of property wards in respect for their autonomous management, and sometimes provided a great convenience for property wards.

Each community district claimed subsidies necessary for its autonomous management as shown in Table 3, and the town disbursed the required amount as a transfer to the district. When a property ward offered a site within its district for building a high school for the enrichment of education, Inabu Town assigned the site to be town-owned as an expedient measure to clear the regulations of land registration. In this case, the town assured the ownership right of the property ward and became a nominal owner for the convenience of the property ward. Furthermore, when disbursing subsidies to each district, Inabu Town accepted that small and relatively poor ward should receive subsidies from property wards with abundant revenue, passing them on to those with lower revenue. Through such arrangement as a coordinator, Inabu Town was very careful not to disrupt the administration of the property ward, even in a district with less financial capability.

During the period of former Inabu Town, property wards, whose framework has been

formally established, virtually acted as part of autonomous administration of the community districts (villages in the Edo period), and thereby property-ward-owned resources kept their status as commons owned by existing community districts.

4 PROPERTY WARDS UNDER THE CONTROL OF TOYOTA CITY

1) Discussion of amalgamation: advocating the maintenance of the existing system

In the Toyota-Kamo Wide Area Administration Research Council (established in April 2002 for advancing preparations toward a new Toyota City through merging with six neighboring towns and villages), issues regarding wide-area administration, such as improvement of partial cooperatives, adoption of wide-area cooperatives, and municipal mergers, were studied and examined. At the same time, a discussion on how to treat a property ward after amalgamation also took place, but, to the best of our investigation, almost no materials which recorded the evidence of sufficient discussion regarding this matter appear to exist.

Meanwhile, it is reported that the mayor of Inabu Town at the time, Masakiyo Ota, explained at the assembly that the management of the property ward under Inabu Town would be conducted as had conventionally been done even when its management moved to Toyota City after amalgamation. In addition, Inabu Town distributed a leaflet to the residents of former Inabu Town, claiming that existing property wards would continue as normal in principle, without being affected by amalgamation (from the journal, “What will happen after amalgamation?”, issued by the planning division of the government of Inabu Town in June 2003)¹¹.

Despite the lack of sufficient discussion regarding the position of the property ward after amalgamation, as well as the scant information provided other than the mayor’s remark and explanation, there is no evidence that the people of the involved property wards conducted an in-depth examination or written confirmation regarding details of the status of the property ward, because presumably they relied solely on the mayor’s remark talking of what “has conventionally been done”. In November 2003, the Toyota-Kamo Amalgamation Council was established as a legal council¹², and the preparation for the amalgamation further progressed. In the fifth Toyota-Kamo Amalgamation Council (March 26, 2004), an agenda regarding the property ward was

¹¹ This leaflet contains additional comment stating “The related document and operational procedures of the property should be properly organized”. The transfer of the ownerships in the property-ward-owned forest land (refer to Chapter 2) is considered to have been conducted as one of the efforts to properly organize.

¹² This council is also called a merger council. A legal council can be established by the resolution of the assembly of a local public body in accordance with the provisions of the Local Autonomy Law (252-2) and the Special Merger Law (Article 3). In advance of the establishment of a legal council, an arbitrary council, or an arbitrary merger council, is usually established. If a local public body designs an overall merger plan and merger agreement terms, it can be granted special systemic treatment under the Special Merger Law.

tabled, but there was only a short mention stating that the properties owned by Asuke Town and Inabu Town should be taken over by Toyota City as property-ward owned properties (from the website of the Toyota-Kamo Amalgamation Council). A description about how the properties would be taken over (specifically, how the property ward would be managed after amalgamation; Toyota City's regulatory power on the property ward; and the discretionary powers of the property ward) was not to be found at all.

The amalgamation was concluded on November 1, 2004, through the aforementioned procedure. There was no specific agreement regarding the management of the property ward, except for a description stating that the 13 property wards would be taken over by Toyota City. On April 1, 2005, Inabu Town was abolished and the new Toyota City was born, underpinned only by the phrase "as has conventionally been done".

2) Toyota City's intervention disrupts the basis of autonomy

The vague remark of the former mayor became the prologue to the increasing problems of the 13 property wards soon after the amalgamation. It was only in 2005, immediately after the amalgamation, that the property wards were managed "as has conventionally been done".

On August 22, 2006, the General Administration Division of Toyota City required Inabu Municipal Branch Office (former Inabu Town) to review the use of subsidies to property wards, after having been advised by the audit commissioner to implement the operation in accordance with the basic principles stipulated in Section 5 of Article 296 of the Local Autonomy Law. In response to this, the Inabu Municipal Branch Office explained to the chairpersons of the 13 property wards, as well as committees of the property wards and officials of the community districts, about the abolition of the subsidy to the community districts due to the reason that expenditure as a subsidy from the property ward to the community district would disintegrate the uniformity of Toyota City (August 25, 2006).

Here, we examine the reasons in more detail about why Toyota City started to advocate the change of management policy regarding the property ward following the directive from the audit commissioner. Section 5-1 of Article 296 of the Local Autonomous Law notes that "in the administration and disposition or abolition of its property or public facilities, the property ward shall make best efforts to promote the interests of the inhabitants, but not to go so far as to disintegrate the city, town or village or special ward to which it belongs". Toyota City financially supports all of the community districts regarding their management. It claims that if community districts also receive financial support from property wards, they technically obtain double subsidies from the municipal account of Toyota City, which "disintegrates" the

uniformity of Toyota City. In addition, Toyota City is adopting the stance that expenditure by the property ward, other than for the management and maintenance of its property, is not allowed, based on one of the administration instances (*gyousei jitsurei*). From this standpoint, generating funds from the property ward to the community district, for example, as many collaborative activities whose role and characteristics are very close to public service is completely forbidden.

As previously shown in Table 3, each property ward was able to use its financial sources flexibly to promote the well-being and autonomy of the entire residents depending on the needs of each district before the administrative directive from Toyota City. The subsidy from the property ward was used for cultivation, preservation, and management of property-ward-owned forests, operation of festivals, and repair costs of shrines, as well as expenses necessary for local facilities including schools, associations for elderly people, women, youth and fire volunteers associations. Such highly discretionary management inherited from former Inabu Town was the “conventional” identity of the property ward.

As it turns out, the commitment regarding the property ward was withdrawn, in effect, unilaterally by Toyota City. The 13 property wards of the Inabu district, which completely lost discretion, faced difficulties in changing residents’ communal use and management of forests, as well as their life-style and autonomous management centering on forestry.

This withdrawal not only hindered the conventional forest management system, but also started to affect the management of the property wards in various ways. The property wards held discussions with Toyota City in pursuit of flexible management of the property ward (restoration to original state)¹³. Meanwhile, councilors of Toyota City elected from the Inabu district and the advisor of the Property Ward’s Chair Persons Liaison Committee of the Inabu District, etc. visited Aichi Prefecture and the Ministry of Internal Affairs and Communications, as well as Toyota City, for intermediary negotiations to seek ways to reach a solution. In 2008, the Property Ward’s Problems Liaison Committee was established, and its resolution for requiring the restoration of the conventional management system of the property ward was brought to Toyota City three times. At the time of writing (October, 2010), however, the complete settlement - elimination of the stringent restriction on the use of revenues generated from

¹³ Although this paper does not discuss it in detail, Toyota City’s virtual restriction on the use of revenues of the property ward has caused increased friction between Toyota City and each district, regarding the change of beneficiary of land rent revenue and the use of security deposits which property wards received in convenience in the past. In addition, Toyota City’s rigid interpretation of the Local Autonomy Law, as well as its excessive emphasis on formality, has caused various problems regarding the land acquisition in property wards (allowed by Toyota City in early 2009), the land with expedient ownership of Inabu Town having been rented by Toyota City (automatically transferred to Toyota City through the merger). Regarding these issues, Toyota City originally stated that the city’s disbursement was not necessary as the relevant lands were city-owned, resulting in controversial discussions.

property-ward-owned property¹⁴ - has not been reached.

Toyota City, having once softened its stance in 2008, showed an unyielding attitude as of June 2010, alleging that management of the property ward in accordance with the Local Autonomous Law is the foundational rule.

5 LOCAL COMMONS SHAKEN BY THE “REAGEDY OF THE WIDE-AREA MERGER”

1) *What Toyota City lacks*

The level of discretion regarding property ward management substantially decreased since administrative jurisdiction moved from Inabu Town to Toyota City. The underlying cause of this is found in the contradiction specific to the property ward system. In other words, there is a discrepancy between the actual status of commons seen particularly in former property wards and the nature of local government with corporate status. Under the present circumstances, a methodology for coping with this discrepancy is entrusted to the discretion of each municipality, which further causes inconsistency regarding the management of the property ward.

Former Inabu Town, while formally embracing a property ward system, respected the autonomy of each district by undertaking a flexible policy, such as allowing for comparatively independent management of the property ward, and providing support as necessary. This kind of approach – maneuvering around the intrinsic contradictions and problems of a management system, and respecting local customs and autonomy – was not peculiar to Inabu Town but was widely seen in local governments which have had a long history with property wards (Watanabe, 1974). No less important is the fact that, as Inabu Town has property wards in all of its districts and the administrative members are the residents of the districts, the roles and significance of the property ward are easy to understand and appreciate.

On the other hand, Toyota City, which incorporated disparate mountainous areas as a result of the municipal mega-merger of this time, is not yet flexible and adaptable to diverse management situations. It is notable that Toyota City has developed along with the global corporate giant, Toyota Motor Corporation, and that may have made it even more difficult for the city or city officials to understand the communities established based on mountain forest resources. We can point out Toyota City’s lack of understanding in the following three areas:

Firstly, Toyota City does not seem to recognize the objective of the establishment of

¹⁴ “The positions of local administration and local residents (right holders) have always been paradoxical regarding the management of both former and current property wards. The Municipal Merger Promotion Law and Local Autonomy Law both advocate respect of the custom on the one hand, and emphasize the uniformity of municipality on the other hand. The underlying cause of all the problems regarding the property ward is the fact that such contradictory provisions had to be put in the statutory form. If local administration can be conducted without disintegrating the uniformity of the municipality, a property ward did not need to be authorized in the nature of things. A property ward can justify its *raison d’être* only if the principle of the uniformity of the municipality is abolished.” (Kawashima et al., 1968, p.645)

property wards. Property wards were set out with the aim of retaining former villages' property ownership as a conventional unit, and ensuring the communal use and management system according to the traditional local practices unique to individual villages. In that sense, the explanation of "as has conventionally been done" expressed the true nature of the situation. However, it was difficult for Toyota City, which adopted a property ward system for the first time in 2005, to understand that traditional customs should be respected in the property ward system, without the knowledge of its history. We can say that the "uniformity as a municipality" concept, with which Toyota City empathized, was a clear manifestation of the lack of understanding.

In this regard, Yozo Watanabe, a scholar of sociology of law and a leading researcher in the area regarding *iriai* and the property ward, pointed out that the basic principles of operating the property ward (discussed in Chapter 1), "to promote the interests of the inhabitants" and "not to go so far as to disintegrate the city, town or village or special ward to which it belongs" (Section 5-1 of Article 296, Local Autonomy Law), are incompatible provisions with contradictions involved¹⁵. Regarding the latter, he stated specifically:

- (1) As far as the existence of a property ward is admitted, the latter principle should not be emphasized;
- (2) This should be interpreted simply as an advisory provision;
- (3) Restrictions should not be imposed by wielding this as a major principle.

He concluded that a rigid insistence of the principle would disrupt the entire system (Kawashima, et al. eds., 1968, p.646). He reached this conclusion through the examination of actual legal problems generated on the spot, as well as detailed literature study regarding the historical process of a property ward. It precisely identified the core issue of the problem.

As previously noted, the meaning of establishing property wards lies in the denial of uniformity, while Toyota City emphasized the uniformity under the miscomprehension of the original purpose, which also opposed the official standpoint of Inabu Town expressed before the merger. It is therefore clear that Toyota City has been ignoring, whether intentionally or not, the purpose and process of establishing the property ward system.

Secondly, Toyota City is not aware of the importance of the traditional management of communal properties. In each community of the Inabu district, the residents have exercised collective ingenuity and effort through discussions for using and managing communal forests to meet the needs of the times since the period of former villages. It

¹⁵ The General Administration Division of Toyota City, which is in the position of directing the management of property wards, should be concerned with the issue of forest management. We should note that the so-called "vertical hierarchy administration" can be one of the causes of the city's unawareness.

is a history in which people in the local area have produced public services which benefited all of the residents of the area, by sharing their knowledge and labor, as well as using their communal properties as capital. This has been realized in a way to maintain the autonomy and solidarity of the local community. Such a management structure and system is significant in considering the issue of the broader region administration such as Toyota City, regarding how to manage the local community with scrupulous attention and care tailored to the situation in each area. Unfortunately, Toyota City, due to its scarce experience of the autonomous management system based on the local natural resources, has not yet cultivated the basis to exercise the policy in line with the actual situations of the local communities.

Thirdly, Toyota City lacks understanding of the significance of natural resources management. Property-ward-forests have been a source for enriching the life of the residents, and for this reason people have been utilizing and managing the forest resources with utmost care and attention for their sustainable use. Mountain forests have been cultivated and maintained through communal works. Forest roads, which are an important part of the infrastructure regarding forest management, have been built, managed and maintained at the expense of the property ward. Such attentive care and timely maintenance given to the forests demonstrates the fact that valuable natural resources are properly reserved for Toyota City, whose city center is located in the downstream of the Yahagi River, and which has been advocating efficient and effective management of natural resources as one of the most crucial tasks of its administration. However, the city has not yet adopted a positive stance to understand the role which property wards play in the management of local natural resources.

As we have seen, Toyota City does not have sufficient recognition to exercise flexible discretion for the management of property wards. Thus, the city administration has been preoccupied with maintaining a rigid attitude toward the management of the property ward basing the criteria solely on the laws and *gyousei jitsurei*.

2) *Impact on the 13 property wards*

We have examined and identified the causes of the deeply difficult situation facing the 13 property wards by looking at the response of Toyota City and its underlying views. In this section, we will investigate how this situation has affected the property wards and the entire Toyota City.

Local autonomy of agricultural and mountain villages has been undermined with the decline of agriculture and forestry. It is communal resources (property), such as mountain forest, that have been underpinning the autonomy in agriculture and forestry. As we have seen in detail in Chapter 2, mountain forests in the 13 property wards of the Inabu district have been managed through the collaborative work of the residents

(*oyaku*) under the rules (regulations) defined in individual communities, which have been seen particularly in *iriai* throughout Japan. *Oyaku* included various works, which vary depending on each ward, such as weeding, pruning, thinning, road repair and putting up signs on forest roads.

Long-standing forest management efforts have provided tremendous financial benefit to the relevant areas, which has been spent in various ways as shown in Table 3. In former times, lumber from property-ward-owned forest was directly used for repairing shrines, schools and bridges. When forests (particularly artificial forests) started to generate profit, it was spent on road maintenance and improvement, building schools and bridges, improving social capital which underpinned residents' living, promoting the activities of local organizations including women's and youth associations and fire volunteers associations, as well as on annual festivals and sports days in the area.

As long as the balance between management practice and benefit achievement was maintained, the autonomy of the 13 property wards was able to continue to exercise its power throughout the livelihood domain of the residents. Forests are managed and maintained through the fulfillment of obligations such as *Oyaku*, and the profit generated with forest as capital resource is returned to them as a common benefit. Thus, the autonomous management cycle was built based on residents' awareness to recognize their common benefit right, show considerable concern in forest management, and positively fulfill their duties. The property wards of the Inabu district have been managing the forest as a "local forest keeper", as well as furthering autonomous activity in the district. It is very important that the residents' obligations and rights were equally balanced and secured at the base, and assurance of the beneficial right became a drive toward autonomy (awareness of autonomy), as well as the actual management of the communal forest.

However, the rigid response of Toyota City caused a significant decrease in the benefit generated from the property ward, which led to disruption in the balance and circulation of the autonomous management. As a result, the awareness of autonomy has been lowered in every area of residents' life. According to the property ward official, residents' incentive to engage in forest management has already started to dwindle. The residents of the property wards are trapped in an adverse situation in which they are not able to manage the forest in the conventional way. This also provides a difficult situation for Toyota City, which wishes to promote forest improvement in the whole area of the city.

6 LOCAL COMMONS UNDER THE WIDE-AREA ADMINISTRATION

Since the beginning of the Meiji period, communal properties have experienced a

number of critical moments when they have fallen into ownership of the public sector. Property wards, while assuming a local public entity in form, were established to ensure that they would be able to conduct management of communal properties according to the traditional practices. At present, they are once again facing the same crisis. This time, however, the sovereignty of the property ward, in other words, the autonomy as commons, is still in danger of being removed.

In addition, in municipalities with a much wider administrative area, the voice representing local commons (the 13 property wards) has become a minority. At the time of writing, property wards account for only 0.67% of the population of Toyota City. The majority of the remaining residents of Toyota City lives in areas far from mountain villages, and has a bigger influence over the direction of the city.

Is it excusable to abandon local commons to its fate regarding it as the trend of the times under wide-area administration? Or rather, should we not find a way to take advantage of the local commons to supplement the role of the wide-area administration?

Local commons facilitates the realization of community welfare which substantially reflects specific and unique situations of each area, and also contributes to sustainable use and management of valuable forests through autonomous participation of the residents. It is highly necessary for Toyota City to respect the nature and characteristics of each area and harmonize them as a wide-area local public entity. If that happens, real uniformity, connecting the city area and mountain village area, will be attained, making it more deserving of its designated label: 'environment model city'.

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