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Media Watchdogs In The Asia-Pacific: Japan

By

Kyoto Ito
1. Introductory

a) Brief description of the country

Location:

Japan is a long, narrow chain of islands, stretching 3,800km north to south. Its northernmost point, including the Russian-occupied Northern Territories, is located at 45.33 north latitude, and its southernmost point is at 20.25 north latitude. The four main islands lie almost at the latitudinal center of the northern hemisphere. Japan's capital, Tokyo, lies at 139.46 east longitude and 35.41 north latitude, almost the same latitude as Tehran, Athens, and Los Angeles.

Area:

Japan has four major islands - Hokkaido, Honshu, Shikoku, and Kyushu - and about 3,900 smaller islands. Their combined area is 377,737 square
kilometers - slightly more than that of Italy or Malaysia, and slightly less than Morocco or Sweden. Honshu, the largest of the Japanese islands, is divided into five regions: Tohoku, Kanto, Chubu, Kinki and Chugoku. Administratively, the country is divided into 47 prefectures.

Plains and basins account for 32% of Japan's total area; the remaining 68% is mountainous. A long chain of mountains runs down the middle of the Japanese island chain, dividing it into two sides, one on the Pacific and the other, the Sea of Japan. Rivers are short generally with rapid currents.

Japan has about one-tenth of the world's active volcanoes. Its best-known mountain is Fuji-san (Mount Fuji), a dormant volcano that is the nation's highest peak.

Population:
Japan's population was 124.5 million, as of October 1, 1993. This is the seventh largest in the world, behind China, India, the United States, Indonesia, Brazil, and Russia. Japan's population has
increased by 1.9% since 1987 (when it stood at 122.2 million), a yearly rise of around 0.4%. Due to a falling birthrate, this rate of growth is the lowest since World War II.

Japan's population density was 332 persons per square kilometer in 1990, or 8.5 times the world average of 39 persons per square kilometer (U.S. statistics) Japan has the fourth highest population density among countries with a population of over 10 million, behind Bangladesh (803 persons/km²), South Korea (432), and the Netherlands (366).

Japan has one of the highest average life expectancies in the world and the aging of the population is proceeding at a rapid pace. People aged 65 or over accounted for 12.6% of Japan's total population in 1991.

**Literacy rate:**

Under Japan's compulsory education system, six years of elementary school and three years of lower secondary school are mandatory.
Main ethnic/religious groups:

Almost all the residents of Japan are Japanese, and they are not sharply divided into distinct religious groups. Minor ethnic groups include those of Ainu, Korean and Chinese origin.

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<tr>
<th>No. of priests</th>
<th>Shinto</th>
<th>18,380,000</th>
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<tr>
<td></td>
<td>Buddhist</td>
<td>89,030,000</td>
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<tr>
<td></td>
<td>Christian</td>
<td>1,510,000</td>
</tr>
<tr>
<td></td>
<td>Others</td>
<td>11,150,000</td>
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Language: Japanese

b) Constitutional background, and prevailing political legal system

The Constitution of Japan is based on the three principles of sovereignty of the people, pacifism, and respect for basic human rights. The first principle is explicitly stated in the preamble: "We, the Japanese people, do proclaim that sovereign power resides with the people and do firmly establish this Constitution." The Constitution defines the emperor as the symbol of the state and of the unity of the people, and provides that the emperor shall have no powers related to government, acting only in certain matters of state specially provided for.
As for the principle of pacifism, the preamble declares. "We, the Japanese people, desire peace for all time ..." Article 9 states that "the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. All fundamental freedoms and rights are guaranteed by the Constitution. Specifically, they include the right to life, liberty, and the pursuit of happiness; freedom of thought and conscience; economic freedom; social rights (the right to enjoy a minimum standard of living, the right to receive education, etc.); suffrage rights; and the right of petition such as to the Diet.

The Constitution stipulates a separation of powers for the legislative, executive, and judicial branches of government. It makes the Diet the highest organ of state power, provides for a cabinet to exercise executive power, and guarantees the independence of the judiciary. Amendments to the Constitution must be initiated by the Diet and then submitted to the people for ratification.

Legislature:

The Diet (parliament) is the highest organ of state power and the sole legislative organ. The
Japanese parliament is bicameral, consisting of the House of Representatives and the House of Councillors. The House of Representatives takes precedence over the House of Councillors in passing laws, acting on the budget, ratifying treaties, and designating the prime minister. Business cannot be transacted in either house unless a quorum of one-third of the total membership is present. All matters are decided by a simple majority of those present, or, in some special cases, by a two-thirds majority.

House of Representatives:
511 members (This is soon to be reduced to 500.)

House of Councillors:
252 members

Political parties:
The LDP was in power since its formation in 1955 up until August, 1993, when it lost its parliamentary majority and a coalition government was established.

Article of 21 of the Japanese Constitution guarantees freedom of the press. This includes freedom in both covering and reporting the news, and presenting programs, but the exercise of this freedom is constantly balanced against the interests of society and the rights of individual.

Broadcast Law:

The legal framework for Japanese broadcasting is founded on the Broadcast Law and the Radio Law, both of which embody Japan's guarantee of freedom of speech in Article 21 of the Constitution. Along with newspapers and magazines, broadcasting is one of the major mass media, and its freedom of speech and expression is protected in the same way. This guarantee is qualified, but not diluted, by a minimum of regulations that prevent monopoly of the airwaves and recognize the responsibilities that accompany broadcasting's social impact. The laws define broadcasting as
the transmission of wireless signals to be received directly by the public, and distinguish between broadcasters originating programming and covered by the Broadcast Law, and broadcast stations representing the technical or hardware side and regulated by the Radio Law.

2. What kind of legal regulations are there regarding mass media? If not, how are they controlled?

1) Broadcasting

Basically, freedom of association, speech, publication and all other means of expression is guaranteed in Article 21 of Japan's constitution. This clearly stipulates that the government shall not censor or infringe on communication secrets. Therefore, mass media are not formally regulated by the government or other institutions. Article 3 of the Broadcast Act stipulates freedom in editing broadcast programs. On the other hand, Clause 2 says programs should

1. not harm public security and good morals;
2. be politically impartial;
3. not misrepresent facts in news reports; and
4. Treat controversial issues from various angles so as to clarify the points involved.
Broadcasting stations are expected to uphold the basic human rights stipulated in the constitution, and to observe the Broadcast Act in the production and broadcasting of the programs. In response, the public broadcaster NHK publishes its own handbook on program standards for all program producers to read and apply. Program producers for commercial broadcasters refer to a guide book on broadcast standards issued by the Japan Federation of Commercial Broadcasters, which includes all commercial stations across the country.

With regard to NHK, additional provisions are given in Article 44 of the Broadcast Act. As the public broadcaster, NHK is to broadcast programs rich in content and morally upright, helping to raise cultural standards; to broadcast on a nationwide network; and to make the utmost efforts to help preserve the nation's precious cultural heritage and develop and popularize new forms of culture.

3. Supervisory System for Mass Media

At present Japan does not have any third party organ to supervise the activities of mass media, but each type has its own principles to follow. For example, broadcasters are to produce and transmit programs in compliance with the Broadcast Act, and newspapers are to write and publish
articles on the basis of the Canon of Journalism. In addition, representatives of mass media-related organizations convene a national conference every year on the ethics of mass media. Its parent body was an association for mass media ethics which was started in Tokyo on March 7, 1955, with the goals of improving mass media ethics and ensuring the freedom of speech and expression. Similar groups appeared throughout Japan in the following years, leading to the formation of the National Council to Promote Ethics of Mass Media in 1958. Today this consists of ten district associations and ten mass media related organizations, serving as the only body to link Japan's mass media horizontally. The national organization -- with a membership of about 200 enterprises (and groups) including newspapers, broadcasters, publishers, film companies, record companies and advertisers -- holds a national convention in autumn each year. Also, monthly meetings and annual general assemblies are held in each district to exchange information and opinions and to help improve the ethics of mass media.

Activities dealing with such issues as consideration for young people, privacy, libel and the murals of advertising are carried out by each enterprise concerned, but other issues are taken care of by groups from each medium. In short, ethics-related activities are conducted
at many levels. The National Council to Promote Ethics of Mass Media is designed to serve as a liaison regarding ethical issues common to all the media. It convenes conferences and helps establish consensus among the mass media. It also guards against any unfair intervention from outside forces, including the government.

4. In broadcasting, each broadcaster sets up committees in each division to make sure that programs are in with the standards stipulated in Clause 3, article 3, of the Broadcast Act (enforced as of May, 1950).

a) NHK's Program Advisory Committees

NHK has both a Central Program Advisory Committee and local Program Advisory Committees. The outcome of the monthly discussions of both the central and local committees are given as feedback to production staff, to be reflected in broadcast programs.

Committee members are selected from among leading figures in a wide range of fields, including literature, art, economics, industry, farming and forestry, fishery, welfare, labor, school sports and mass media. (Moreover, none of the members are public officials.) The central program advisory committee meets in Tokyo once a month. In January each year, the committee provides advice or the
basic programming plan for the coming broadcast year (which starts in Japan in April, along with the fiscal year.)

b) Broadcast Standards Advisory Meeting of the Japan Commercial Broadcasters' Federation.

Clause 4, Article 3 of the Broadcast Act stipulates that broadcasters shall set up broadcast program advisory organs for promote proper and balanced programming and that advisory organs, in response to inquiries by the broadcasters, shall provide advice on matters necessary for the proper and balanced programming. In this regard, the advisory organs shall be entitled to express their views to the broadcasters. Broadcasters are obliged to observe this provision.

5. Program Monitoring System

NHK, the Union of Commercial Broadcasters and individual broadcasting stations each have their own monitoring systems, operated independently. NHK has its program Inspection Bureau and Audience Relations Center. About 60 staff members of NHK are asked to watch as monitors the programs on NHK's networks in the Program Inspection, while a total of 1200 other viewers across the country are also asked to become monitors. Reports from these monitors
are carried in a monthly gazette, distributed among the program production staff.

Monitors are selected through an application system. The annual number of applicants from around Japan totals around 7000. These monitors are selected for a balanced representation of vocations, gender and age.

6. Summary

Having learned a bitter lesson during World War II, when government propaganda was conveyed to the general public, Japan's mass media established the current system which is free from the government's power. Japan's constitution, promulgated during the US occupation period immediately after the war, clearly stipulates the renunciation of war and the freedom of speech. This marked the fresh start for Japan's mass media, which eventually drew up for themselves the above-mentioned Canon of Journalism, intended for the self-regulation of broadcasting. Maintaining the principles of this Canon is one of the major goals for Japanese media.

Japanese broadcasters are under the jurisdiction of the Ministry of Posts and Telecommunications, and they are sometimes requested to reflect the views of the ministry. It is not unusual to broadcasters to face serious decisions
about whether or not comply with such requests, since the Ministry holds the right to license broadcasting. Broadcasters are striving to improve this situation, to ensure a high degree of freedom.

Occasional friction is inevitable between the Ministry of Posts and Telecommunications and the broadcasters it administers. Regarding the general election of July 1993, for example, the Sankei Newspaper disclosed in its morning issue of October 13, 1993, that Mr. Sadayoshi Tsubaki, Managing Director of the News Department of the commercial station TV Asahi had indicated to his subordinates before the election that reporting could be used to end the Liberal Democratic Party government. This triggered a big controversy over the fairness of broadcasting. Mr. Tsubaki referred to his controversial remark from the standpoint of a person responsible for reporting, in support of a change of government at the September meeting of the media investigation board, where he was a guest speaker. The board was started in November, 1992 with a goal of raising ethical standards in commercial broadcasting. After the disclosure of his remark by the Sankei, Mr. Tsubaki admitted that he had made a careless comment for a journalist, and submitted his resignation to TV Asahi, which accepted it on October 19, 1993. At the same time, the president of TV
Asahi publicly apologized, and the special investigation committee inside TV Asahi released an interim report saying that despite Mr. Tsubaki's remarks, no instructions had been given to make biased news reports or to broadcast programs indicating political preferences.

The Liberal Democratic Party, however, demanded that Mr. Tsubaki be questioned by a parliamentary committee, on the grounds that his remarks might have violated the Broadcast Act, which stipulates political fairness. On October 20, 1993, the political reform investigation's special committee in the Lower House voted unanimously to summon Mr. Tsubaki. Journalists criticized this move and expressed fear of intervention in the press. Eight leading Japanese newscasters went so far as to protest formally Mr. Tsubaki's summoning, since they claimed such an action might eventually limit freedom of press and cause too much self-restraint among journalists.

But some other media spokesmen pointed to the public consensus that Mr. Tsubaki's remark was inappropriate and supported his summons as a matter of course.

The monthly gazette of the board of broadcast program investigation, which contains the minutes of each meeting, records in detail the remarks of the participants. The secretariat of the Federation of Commercial Broadcasters
initially denied the existence of such a record. On October 20, however, it became clear that the secretariat had recorded tapes of the meetings. On October 22, at the suggestion of the Ministry of Posts and Telecommunications, the Federation of Commercial Broadcasters submitted these tapes to the Diet, and the details of Mr. Tsubaki's remarks were made public. Five members including the chairman of the examination board resigned in protest, for the following reasons:

1. Details of the closed-door meetings were leaked to outsiders through an illegal procedure; and
2. The submission of the tapes was an encroachment on privacy and the freedom of thought and expression.

A conditional license renewal was granted for TV Asahi.

Since Japanese broadcasting stations are granted licenses by the Ministry of Posts and Telecommunications, and since the controversy occurred when the expiration of its license was drawing near, TV Asahi had been very much concerned. But the ministry renewed the license, on November 1, 1993, under the condition that the ministry would take necessary steps as soon as its investigation of facts was completed.

Japan had been under the rule of the Liberal Democratic Party since 1955. While this party brought economic
prosperity to the nation, political corruption as a result of such long rule by a single party was inevitable. The majority of Japanese wanted a change of government, and 70% favored the new coalition government, consisting of eight parties and groups, which was formed in August, 1993, (according to the poll taken by NHK).