

Referendums in Britain and Japan: Turnouts, campaigns, and systems

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I. Introduction

It is observed that the use of referendums has been increasing in many countries. Accordingly the party politics that had proved to be unshakable in the twentieth century now faces considerable difficulties such as low voter turnouts, decrease in the number of party members, and corruption. The increase in the use of referendums can be regarded as a reflection of the tendencies that many democracies have exhibited across the globe.

In Britain, until the Blair government took power, referendums were held only on the problems that the British two-party system could not solve, and each referendum measure was ad hoc. However, the Labour Party led by Tony Blair visibly attempted to change the passive character of referendums and use them as a permanent device to raise the level of political participation, particularly at the local level. Nevertheless, ultimately, Blair's policies appear to have failed. Not only the referendums but also the mayoral elections introduced in the local authorities have been suffering from low voter turnouts, and many Labour candidates have been defeated in these elections. In an unexpected development, the Campaign Alliance for Referendums in Parishes (CARP) and the UK Independence Party (UKIP) urged several parishes to hold referendums on whether Britain should hold a referendum on the European Union Constitution (EUC). These referendums were an unintended result of the Blair reform agenda for local politics. Blair considered referendums on issues under the purview of national politics to be undesirable unless the representative government approved of them. This is the reason why he intended to confine the use of referendums as permanent devices to local politics, in the form of 'local polls' on particular issues, and as referendums pertaining to the introduction of directly elected mayors. Blair and the Labour Party believed that it was possible to segregate national and local referendums, while the Conservative Party and other right-wingers attempted to link the two.

Blair appears to have envisaged referendums as tools leading to lively discussions coupled with high voter turnouts for each local authority. However, his vision has been

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realized not in Britain but rather in Japan. Even large Japanese cities, with populations of over 100,000 have witnessed high voter turnouts for certain referendums. In addition, surprisingly, the voter turnout in these cases was high despite the fact that the polling for the referendums was held separately, and not in conjunction with any other election. Japan is different from Switzerland and the US. It has a representative democracy with a cabinet system and a constitutional monarchy; therefore, only a limited number of referendums have been held. Japan has also suffered from political apathy in the past, with these referendum cases serving as exceptions. It is, therefore, quite meaningful to compare some Japanese cases with British ones, since the countries have similar political systems and share some features.

At the outset, I shall explain some features of the referendums that were held before Blair took office and then proceed to the topic of the introduction of referendums by the Blair government before concluding with some Japanese examples on the subject.

II. Features of referendums before Blair

1. Referendums on constitutional matters

The following four referendums were held in the British mainland before the Blair government came into power: Northern Ireland Border Poll in 1973, referendum on the European Economic Community in 1975, and Scottish and Welsh devolution referendums in 1979. It was argued that all of these concerned constitutional issues. In the Northern Ireland Border Poll, the matter contested was whether Northern Ireland should belong to the UK or to the Republic of Ireland (HC Deb, 21 November 1972), which was viewed as a constitutional issue. The referendum on the UK's entry into the European Economic Community (EEC) was regarded as a 'major constitutional innovation' (Bogdanor, 2003, 696). Finally, the issue regarding Scottish and Welsh devolution was unquestionably a constitutional issue, because devolution in both signified the transfer of certain powers from the UK to Scotland and Wales.

At the same time, every constitutional reform in British history was not demanded to be voted on through a referendum. For example, the Maastricht Treaty was ratified without a referendum despite the fact that many Eurosceptics regarded the treaty as a constitutional issue and demanded a referendum on it. Similarly, although the Human Rights Act 1998 obviously fell under the scope of constitutional law, but a referendum was not held on it; moreover, few advocated that a referendum should even be held. The fact, therefore, is that referendums have been deemed necessary only in certain cases involving constitutional reforms, and most of them are related to sovereign matters and not human rights.

2. Referendums only on state and regional matters

In Britain, referendums were held solely on state and regional matters until the Blair

government came into power. However, theoretically, each referendum on a regional matter should have been held not merely in the concerned region but throughout the UK because its being a constitutional issue would automatically make it a national issue. In fact, it was somewhat understandable that in 1973, the Catholics in Northern Ireland demanded a 'national' referendum, to be held throughout the Republic of Ireland as against a referendum limited to merely Northern Ireland.

In any case, until the Blair government came into power, the local authorities did not have any legal system in place to hold referendums, although local polls — which were not binding but could pertain to any subject — could be held by parish councils under the Local Government Act of 1972.

3. Ad hoc legislation and final decision by the parliament in each case

Until the Blair government came to power, each referendum in Britain was conducted by an ad hoc legislation that was proposed by the government and approved by the parliament. The final decision on whether a referendum should be held, therefore, rested with the government. Occasionally, the government would come under intense pressure, thereby forcing it to hold the referendum in question. As Matt Qvortrup rightly pointed out, there were many aspects related to the referendums of that time, including 'tactical', 'politically obligatory', and 'mediating' (Qvortrup, 2005, 90-115). In fact, it is now widely recognised that each referendum had many aspects. For example, in the case of the 1975 referendum, the Eurosceptic MPs of the Conservative and Labour parties obviously proposed the referendum for the purpose of compelling Britain to leave the EEC. Giving in to pressure, Harold Wilson reluctantly promised to allow the people to decide this issue by vote. He included this promise in the party's manifesto in 1974. Wilson's aim was to mediate through the Labour Party and seek settlement on this issue. The referendum in 1975 was, therefore, brought about with multiple aims. The same can be said about the Scottish and Welsh devolution referendums in 1979. While it was true that anti-devolution MPs such as George Cunningham and Leo Abse proposed the referendum to resist the devolution, Dafydd Williams — the general Secretary of Plaid Cymru — proposed the referendum in favour of the devolution (*The Times*, Thursday 23 December 1976). Under these circumstances, the referendum became inevitable for the Labour government. It is, therefore, difficult to single out any one characteristic with regard to the past referendums. However, at the least, we can state that a referendum was held only on those issues that the parliament could not reach a decision on or in which further turbulence was expected if the parliament was the sole deciding authority. In other words, until the Blair government came into power, a referendum was considered as the last resort in Britain.

The above-mentioned situation is also the reason why the legislation pertaining to referendums was enacted by the parliament on an ad hoc basis. The decision whether or not a referendum would be held rested on the government — or at least the parliament —

even if this decision would occasionally be forced by some MPs.

4. The advisory nature of referendums

Until the Blair government came into power, the actions to be taken following a referendum were the sole responsibility of the government. Furthermore, prior to the Local Government Act 2000, all the referendums held in Britain were of an advisory nature — with the exception of the 1979 Scottish referendum — despite the fact that each one involved a statute. The Heath government enacted the Northern Ireland Assembly Act 1973 and the Northern Ireland Constitution Act 1973 after the majority of voters participating in the referendum chose to stay in the UK. In addition, the Wilson government declared that the continuation of Britain's membership in the EEC was endorsed after the majority vote in the referendum supported its continuation. On the other hand, the Callaghan government dropped the devolution of Wales after the majority voted against it in the referendum. However, the criteria of approvals had never been stipulated in these referendums.

In the case of the Scotland Act of 1978, a statutory instrument resulting from the Act stipulated that the issue debating whether the Act should be repealed would be tabled in parliament if the approvals in the referendum did not exceed the threshold of 40% of the electorate. The provision was famously advocated by the anti-devolution Labour MP George Cunningham, who despite being Scottish, was elected from the constituency of Islington, London. In other words, the final decision was taken not on the basis of the referendum itself but by the parliament after the referendum was held. In addition, following the referendum, the government still formally had scope for manoeuvring, although its decision to drop the devolution of Scotland led the Scottish National Party (SNP) to withdraw its support to the government, and this led to the collapse of the Callaghan government in the subsequent vote of no confidence. The vote to repeal the Act did not occur until 26 July 1979, at which point the Labour government had been replaced by the Conservative government under Margaret Thatcher.

III. Features of referendums under Blair government

Since the inauguration of Tony Blair as prime minister, several measures on referendums have been introduced, substantially altering existing principles of referendums. The features that the Blair government altered are as follows.

1. From constitutional issues to local politics

It has been stated that until the Blair government was elected, referendums in Britain were held only on constitutional issues. It is, therefore, not surprising that the Labour Party promised referendums on the adoption of the euro in Europe and the devolutions in

Scotland and Wales in its manifesto for the 1997 general election.

Britain already had some experiences with referendums, namely, the referendum on the European issue in 1975 and the Scottish and Welsh devolution referendums in 1979. Many opponents of a single currency for Europe demanded a referendum, including Conservative MPs and billionaires such as James Goldsmith who founded the 'Referendum Party' in 1996. In addition, in the Commons debates, Blair himself — as the Opposition leader — repeatedly attacked John Major on the whether a referendum would be held on the single currency issue. In connection with this issue, a national weekly wrote, 'Mr. Blair is shooting the Tories' fox' (*The Economist*, 23 November 1996). Therefore, if Blair had not accepted the referendum in his government, he would undoubtedly have been a target of the same criticism. This is the reason why Blair had no choice but to accept the referendum.

However, while recognising the referendum as the only inevitable option, Blair and the Labour Party did have a clear vision of democracy, wherein the power would be distributed to the people. Thus, owing to their theory of democracy, their stance on referendums was more positive. Tony Blair, as a member of the National Executive Committee (NEC), made the following statement at a party conference in 1993:

A modern democracy is not just about the rights of the individuals to challenge power, but the community's ability to use it. What we propose today is a revolution in democratic accountability and control, to redistribute power from Government to people — not the state governing the people, but enabling the people to govern themselves (Labour, 1993, 182).

In this manner, Blair emphasised on 'community' and 'people' and the distribution of power from the government to the people. In an article published in *The Economist* in 1996, Blair also advocated 'greater use of referendums' and 'citizens' juries' as 'two means of achieving far broader democratic objectives' (Blair, 1996). Moreover, he linked referendums and citizens' juries and described them like democratic twins. Peter Mandelson — the former secretary of state for Northern Ireland and one of Blair's closest allies — went a step further and at a meeting in Germany in March 1998 stated that, 'it may be that the era of pure representative democracy is coming to an end', and he commented on the effects that 'plebiscites, focus groups, lobbies, citizens movements, and the Internet will have on replacing Westminster democracy' (HC Deb, 21 July 1998: Column 950).

Obviously, in the 1990s, the Labour Party was increasingly making use of direct democracy: bypassing representative democracy meant bypassing party politics. Thus, it can also be stated that 'the style of government is deliberately advertised as non-partisan' (Mair, 2000, 28). However, it appeared that a non-partisan approach in national politics could prove to be a double-edged sword for the Labour Party. This is why Blair attempted

to confine the use of referendums to local politics. In 1998, despite his continued support for the principles of direct democracy, he wrote the following in his pamphlet *Leading the Way: a New Vision for Local Government*:

Britain comes bottom of the European league table for turnout in local elections. And some councils are much better than others in consulting and involving local people. We should consider new ways of making it easier for people to vote, including placing polling booths in shopping malls, holding elections entirely by postal ballot and voting at weekends. Councils should also use surveys, citizens' juries and other methods to make it easier for people to participate in local affairs. Enabling councils to hold referendums could be another way of encouraging this process. (Blair, 1998, 2)

In this manner, referendums were recognised only as a local political device, though not a national one. Specifically, Blair regarded the local referendums and citizens' juries as devices to tackle low voter turnouts in local elections. In Britain, the average turnout in local elections was 40% before 1995 and 35% after 1995, which was considerably low compared with 72.1% before 1995 and 66.3% after 1995 in Europe (Office of the Deputy Prime Minister, 2002, 122). Blair believed that the application of direct democracy would be quite useful towards tackling this problem. In fact, American politics offer some interesting data in this regard. Although British politics had never followed the system of 'initiative' wherein a petition signed by a certain minimum electorate can force a local referendum on certain matters, it was found that in the period between 1978 and 1984, the turnout in American states with initiatives on the ballot was on average 5% higher than in the states without them (Qvortrup, 2005, 25). However, Blair did not mention how local referendums are linked to increase in turnouts. For example, he does not refer to factors such as whether the referendum was held on the same day as the date for the municipal or state-level elections or whether the results of such elections were binding.

What is evident, however, is that Blair did attempt to change the principle of strictly holding referendums on constitutional matters. In other words, since Blair proposed in his pamphlet that local referendums be held in a number of local authorities throughout Britain, they could not be regarded as constitutional referendums.

2. Referendums initiated by local councils and citizens

Before the Blair government came into power, a referendum could not be held without the consent of the parliament. This was because the legislation pertaining to referendums had to be enacted by the parliament on an ad hoc basis. However, in 1999, in the White Paper *Modern Local Government: In Touch with the People*, the Blair government proposed a system that allowed referendums for the introduction of directly-elected mayors to be held in all local authorities except parishes. These referendums were

to be triggered almost automatically in the following three cases:

- when a local council proposed to introduce a decision-making model involving an executive, generally a directly-elected mayor;
- when 10% or more of the council's electorate has signed a petition to introduce a directly-elected mayor; or
- when the secretary of state requires a local authority to hold a referendum to decide on the introduction of a directly-elected mayor.

In the White Paper, the government wrote as follows: 'We propose to give local people the right to call for a referendum on whether there should be a directly-elected mayor. . . . The result of either form of referendum would be binding'. The fact that the Blair government considered the referendum to be a people's right was of utmost significance. Incidentally, the petition of 10% threshold for petitions advocated in the proposal was later lowered to 5% when the bill was proposed.

It was also important for the British government to state that the result of any referendum would be binding. According to the Local Government Act 2000 — which resulted from the White Paper — the Secretary of State still formally decided whether a referendum be held in the case of proposals forwarded by a local council or through a petition. However, there was considerable scope for controversy should the secretary of state overturn a proposal by a local council or through a petition for a directly-elected mayor without persuasive reasons. Therefore, the question of whether a referendum would be held more or less depended on the local council and citizens.

3. Threshold of majority

Before the Blair government's term, although the majority vote in a referendum was, in fact, considered as a criterion in decision making, this had not been stipulated in any act as such. Thus, the government still had scope for manipulation in cases where the results were not evident.

However, in the White Paper *Modern Local Government: In Touch with the People*, the Blair government promised that the result of a referendum on the introduction of a directly-elected mayor would be 'binding'. Moreover, although the Local Government Act 2000 did not specify the majority criterion for the referendum results, it stipulated that 'if the result of a referendum' is 'to approve the proposals to which the referendum relates, the local authority concerned must implement those proposals' and vice versa.

After the 2000 Act, Statutory Instrument 2001 No. 1298 — the Local Authorities (Conduct of Referendums) (England) Regulations 2001 — stipulated that 'if the majority of the votes cast in a referendum' were 'yes' votes, it signified approval; however, if the majority of the votes were 'no' votes, it signified rejection.

According to the 2000 Act, if a local council disregards the result of a referendum, for example, if it does not hold a mayoral election despite the approval of the majority, the secretary of state can force the local council to hold it. Thus, the provisions for referendums in the 2000 Act made them fairly binding although the word of majority was not used.

However, six years later, the Government of Wales Act 2006 stipulated that 'if the majority of the voters in a referendum' vote in favour of the Assembly Act provisions, then they 'are to come into force'. By the 2006 Act, the Assembly would be able to create legislation — known as Acts of the Assembly — for the areas for which it is responsible. Thus, they no longer had to wait for full bills to be drawn up in parliament. In addition, the 2006 Act would prevent a 'hostile' Welsh secretary in Westminster from blocking the transfer of legislation to the Assembly. Yet, in the future, a majority vote will be mandatory in a Welsh referendum for forcing provisions of Acts of the Assembly to be enacted, including their legislative competence.

It was the first time in Britain that the majority was stipulated in an act as a threshold with respect to referendums. Currently, the referendum is on the verge of being transferred from a subjective instrument of the government to an objective device by law.

4. Local poll as a permanent device

As mentioned above, as per the Local Government Act 2000, a referendum for a directly elected mayor has been held almost automatically in all the local authorities where a council or more than 5% of the electorate demanded a referendum. However, such referendums had constituted the *de facto*, one-off referendums in each authority because once the plan for electing a mayor was approved, further referendums were not necessary and were therefore not held. Only in the case where a plan was rejected could a second referendum be held — in five years after the first referendum — according to the Local Government Act 2000. Note that this span was extended to ten years in the Local Government Act 2004.

The Blair government, however, proposed another referendum as a permanent device in the White Paper *Modern Local Government: In Touch with the People*:

Referendums

The Government believes that councils should see and use referendums as an important tool to give local people a bigger say. The Government will therefore introduce legislation to confirm the power of councils to hold referendums. However, they would be neither obligatory nor binding except in the particular circumstances described in the previous chapter. Councils might wish to use referendums to consult their local people on such issues as major local developments or matters of particular local controversy (DETR, 1998).

This type of referendum was introduced in the Local Government Act 2003. However, at the time, the term 'local poll' rather than 'referendum' was used. The explanation note of the 2003 Act was as follows:

Local polls

This section confirms, by creation of an express power, the right of a local authority to conduct an advisory poll. There is no obligation on a local authority to hold such a poll, nor any requirement to act in accordance with the result of such a poll.

The following are some of the features of this type of referendum. Firstly, this local poll is not binding but advisory, as stipulated in the Act. Whatever result the local poll produces, the local council is not bound by law to follow it. Secondly, a decision to hold a local poll rests solely with the local authorities and not the government. This poll was referred to as 'the right of a local authority', and therefore, for the first time in Britain, the government virtually renounced its formal right on de facto referendums. Thirdly, the right was vested not in the people but rather in the council or mayor in the local authorities. Further, the 2003 Act does not include provisions to petition for local polls. Thus, the public in the local authority was not allowed to propose local polls. Finally, the scope of the local poll was limited to issues pertaining to the functions of the local authority. National issues beyond the purview of the functions of the local authorities were, therefore, not open to being voted on by the public through this poll [see section 116 (1)]. This provision might have been influenced by successive parish referendums on national issues such as the EU Constitution or the euro, an aspect I discuss further on in this paper.

Of course, it can be said that a local poll is different from a referendum because it does not have any binding powers and is, therefore, akin to an 'opinion poll' that is held publicly. However, as mentioned above, Tony Blair and his government frequently referred to this type of 'opinion poll' as a 'local referendum'. Obviously, even before they enacted the Local Government Act 2003, Tony Blair and his government recognised that referendums provided the public with some opportunity to voice their opinions on certain issues other than the introduction of mayoral elections.

IV. Blair's U-turn and its unintended results

Tony Blair could remember a time when Harold Wilson was aggravated with the serious division in the Labour Party and Britain because he frequently admitted to having voted 'Yes' in the referendum of 1975, when he was 22 years of age. Nevertheless, while Blair apparently believed that in general, the referendum was quite useful and served to raise the political participation of the people without leading to adverse consequences. However, he was, in reality, quite concerned with the serious problems involved in the actual issue.

1. Low voter turnouts

The referendums that the Blair government introduced through the Local government Act 2000 have thus far recorded visibly low turnouts (see Table 1). Compared to the average turnout (35% after 1995) in the elections for local councils in Britain, 30% was much lower. This can be regarded as the first unintended result of the mayoral referendum for Tony Blair, because in 1998 he had stated in his pamphlet that referendums could raise turnouts. As mentioned earlier in the paper, American examples showed that elections with initiatives on the ballot could raise the percentage of turnout. In fact, the referendum in Berwick-upon-Tweed was held on the polling day of the 2001 general election, and its turnout was 4.4% higher than the national turnout (59.4%). Although Berwick-upon-Tweed had recorded slightly higher turnouts (2.6% higher on average) in the past five general elections, the 4.4% recorded above the national turnout in 2001 was exceptionally higher than the percentages recorded in past five general elections (see Table 2). We can, therefore, regard the turnout in Berwick-upon-Tweed as an example in which the referendum raised the turnout, as Qvortrup pointed out in examples pertaining to America. On the other hand, the low turnouts in the rest of the mayoral referendums should be noted. The turnout in Berwick-upon-Tweed was exceptionally higher than the others in which referendums were not held in conjunction with a general election. We have to recognise, therefore, that general elections are far more effective in raising the turnout than are mayoral referendums, although the turnout in the 2001 General Election was the lowest recorded. Thus, it can be stated that the combined effect of a general election and a mayoral referendum increased the turnout in Berwick-upon-Tweed.

On the other hand, it is evident that the records for national and regional referendums showed relatively higher turnouts as compared to mayoral referendums (see Table 3). Yet, these figures are lower than the turnout figures for the general elections. The only exception is the referendum on the Good Friday Agreement in 1998, which recorded a higher turnout than the regional turnout in the closely contested general election in 1997. The average turnout for national and regional referendums was 62.5%, which was on an average 10.5% below the national or regional turnouts in the closest general elections.

Analysing referendums on the basis of these results, it cannot be stated that referendums in general are highly effective in raising voter turnouts. However, it would not be accurate to say that they are totally ineffective. If one were to judge the entire referendum scenario, it would be fair to state that referendums certainly help in raising voter turnouts, albeit slightly. Moreover, referendums are more effective in raising turnouts when they are held simultaneously with other types of elections.

2. Parish referendums and the UKIP

Although mayoral referendums did not raise voter turnouts dramatically, this was

Table 1: The List of Referendums on Mayors

Date	Council	Yes	Percentage	No	Percentage	Turnout (%)
7-Jun-01	Berwick-upon-Tweed	3,617	26	10,212	74	64
28-Jun-01	Cheltenham	8,083	33	16,602	67	32
28-Jun-01	Gloucester	7,731	32	16,317	68	31
12-Jul-01	Watford	7,636	52	7,140	48	25
20-Sep-01	Doncaster	35,453	65	19,398	35	25
4-Oct-01	Kirklees	10,169	27	27,977	73	13
11-Oct-01	Sunderland	9,375	43	12,209	57	10
18-Oct-01	Brighton and Hove	22,724	38	37,214	62	32
18-Oct-01	Hartlepool	10,667	51	10,294	49	34
18-Oct-01	Lewisham	16,822	51	15,914	49	18
18-Oct-01	Middlesbrough	29,067	84	5,422	16	34
18-Oct-01	North Tyneside	30,262	58	22,296	42	36
18-Oct-01	Sedgefield	10,628	47	11,869	53	33
8-Nov-01	Redditch	7,250	44	9,198	56	28
20-Nov-01	Durham (City)	8,327	41	11,974	59	29
6-Dec-01	Harrow	17,502	43	23,554	57	26
24-Jan-02	Plymouth	29,559	41	42,811	59	40
24-Jan-02	Harlow	5,296	25	15,490	75	35
31-Jan-02	Newham	27,263	68	12,687	32	26
31-Jan-02	Southwark	6,054	31	13,217	69	11
31-Jan-02	West Devon	3,555	23	12,190	77	42
31-Jan-02	Shepway	11,357	44	14,438	56	36
21-Feb-02	Bedford	11,316	67	5,537	33	16
2-May-02	Hackney	24,697	70	10,547	30	32
2-May-02	Mansfield	8,973	55	7,350	45	21
2-May-02	Newcastle-under-Lyme	12,912	44	16,468	56	32
2-May-02	Oxford	14,692	44	18,686	56	34
2-May-02	Stoke on Trent	28,601	58	20,578	42	27
1-Oct-02	Corby	5,351	46	6,239	54	31
12-Dec-02	Ealing	9,454	45	11,655	55	10
5-May-05	Isle of Wight	28,786	44	37,097	56	62
14-May-05	Fenland	5,509	24	17,296	76	34
14-Jul-05	Torbay	18,074	55	14,682	45	32
4-May-06	Crewe and Nantwich	11,808	38	18,768	61	35
mean						30.18
mean (without Berwick-upon-Tweed)						29.15

* The case of Berwick-upon-Tweed was held on the polling day of General Election

Source: HC Written Answer, 4 Dec 2006: Column 173.

Table 2: Turnouts in Berwick-upon-Tweed and Britain

General Election	Berwick-upon-Tweed (a)	National Turnouts (b)	(a – b)
1987	77.3	75.3	2.0
1992	79.1	77.7	1.4
1997	74	71.2	2.8
2001	63.8	59.4	4.4
2005	63.4	61.2	2.2
Mean	71.52	68.96	2.6

Source: Butler & Kavanagh, 1987; Butler & Kavanagh, 1992; Butler & Kavanagh, 1997; Butler & Kavanagh, 2001; Kavanagh & Butler, 2005.

Table 3: The List of National and Regional Referendums

Date (A)	8-Mar-73	5-Jun-75	1-Mar-79	1-Mar-79	11-Sep-97		18-Sep-97	22-May-98	
UK or Region (B)	Northern Ireland	UK	Scotland	Wales	Scotland		Wales	Northern Ireland	
Yes % (C)	98.9	67.2	51.6	20.3	74.3	63.5	50.3	71.1	
No % (D)	1.1	32.8	43.4	79.7	25.7	36.5	49.7	28.9	Mean
Turnout % (E)	58.7	64.0	63.7	59.0	60.4		50.3	81.1	62.5
Issue (F)	Britain or Ireland	Stay in EC	Scottish Assembly	Welsh Assembly	Scottish Parliament	Taxation Power	Welsh Assembly	Good Friday Agreement	
Turnout in a closest general election (G)	69.9	72.8	76.8	79.4	71.3		73.4	67.4	
	Turnout in NI in Feb 1974	National turnout in Oct 1974	Scottish turnout in 1979	Welsh turnout in 1979	Scottish turnout in 1997		Welsh turnout in 1997	Turnout in NI in 1997	Mean
E – G (H)	-11.2	-8.8	-13.1	-20.4	-10.9		-23.1	13.7	-10.5

Source: Research Paper 01/54.

merely a simple miscalculation that did not prove to be harmful for Tony Blair. However, he was involved in a fatal miscalculation in another type of a local referendum.

Before the Blair government's term, referendums were occasionally held in several parishes. These parish referendums, also known as parish polls, were held in accordance with a provision of the Local Government Act 1972. This provision provided electors the right to hold a parish referendum on any subject if at least ten people or one-third of the participants of a parish meeting voted in its favour, regardless of the number of people opposing it. For example, a housing development scheme was rejected in a parish referendum in Thame, Oxfordshire, in 1980 (*The Times*, Wednesday 02 July 1980). Other parish polls were held on various issues, but those issues were mainly local, such as pub closing times, housing, or parking.

However, this tendency changed at the end of the 1990s. As mentioned above, Tony Blair and the Labour government applauded the application of direct democracy and urged that mayoral referendums be held in the local authorities. Furthermore, four successive

referendums — on Scotland, Wales, London, and Northern Ireland — reminded many people, local campaigners in particular, of the new devices they could use for their campaigns.

When the new millennium arrived, the citizens in St. Osyth and Wivenhoe, Essex, held parish referendums on whether or not genetically modified (GM) crops should be allowed in their parishes, despite the fact that the GM crops issue was a major national concern (*Essex County Standard*, Friday, 9 June 2000). This said, the debate on whether GM foods should be allowed in their parishes could still be considered a local issue, and the intentions of the concerned parish were not necessarily hostile towards the Blair government.

However, from 2000 onwards, numerous parish referendums were held throughout Britain on whether the pound should be retained as the currency of the UK. The Campaign Alliance for Referendums in Parishes (CARP), a Eurosceptic pressure group affiliated with the UK Independence Party (UKIP), organized campaigns on the basis of the 1972 Act. Referendums held in 12 parishes in Devon, Cornwall, Dorset, Lincolnshire, Wiltshire, and Essex showed that 93.8% of voters were in favour of retaining the pound. According to an article in the *Daily Telegraph*, the parish polls concerning this issue recorded turnouts of up to 56%, and the average turnout was higher than the 24% turnout in the previous year's elections for Member of the European Parliament (MEPs) (*The Daily Telegraph*, 19 June 2001). However, the precise average turnout is still unclear.

After April 2007, when Tony Blair clarified that the Lisbon Treaty would be ratified in Parliament without a referendum, another wave of parish referendums swept across the country. On 20 September 2007, the residents of a village in East Stoke, Dorset voted overwhelmingly in favour of holding Britain's first official poll to enquire if the government should hold a referendum on the new European Union treaty. Villagers in East Stoke decided by a 90% majority that the country should be surveyed. However, only 80 of the 333 people in the electorate turned out, of whom 72 voted for the motion and 8 voted against it. In this case, a supporter of the UKIP cited the Local Government Act 1972 as the basis for holding the referendum. After this parish referendum, several referendums were held in the parishes of Shaldon in Devon, Yealmpton in South Hams, Broughton Astley in Leicestershire, and Crigglestone in Yorkshire. This type of referendum was quite unique because the local referendums demanded a national referendum. It should be noted, however, that as far as we can judge from newspaper articles, the turnouts in the parish referendums were low. In addition, the government also did not comprehend just how many parish polls had been held under the Local Government Act 1972 in the past (HC Deb, 28 November 2006: Column 535W).

Some people, including politicians, have been occasionally quite critical of parish referendums. Some journalists have pointed out that a considerable amount of money was wasted on non-binding opinion polls from which many abstained. Some MPs repeatedly

questioned the government on its plan to abolish parish referendums through the 1972 Act or on its plan to set the turnout thresholds. The government, however, did not have any plan to abolish or discourage parish referendums as of January 2008 (HC Deb 14 January 2008: Column 926W).

3. Conservative attack on the link between local and national referendums

Blair apparently believed that the link between local and national referendums could be disconnected successfully, but as a matter of fact, not only the CARP but also the Conservatives attempted to link the two.

In June 2003, Blair rejected the referendum on all European issues except the one on the euro; however, the debate between Blair and Duncan Smith, then Conservative leader, showed that Duncan Smith's aim was to link local referendums with the national ones, while Blair's aim was to avoid doing so, as is evident from the following quoted text:

Mr. Iain Duncan Smith (Chingford and Woodford Green): Some 42 million people were consulted on regional assemblies. How many people said that they wanted one ?

The Prime Minister: In the three areas where we said we wanted a referendum, people also wanted a referendum.

Mr. Duncan Smith: Of the 42 million people, a mere 4,000 said yes. That is 0.01 per cent. of the whole population. Will the Prime Minister explain why, when only 4,000 people say yes to a referendum, they get it, but when more than 1.5 million people say they want a referendum on the European constitution, he says no ?

The Prime Minister: There should be a referendum in circumstances in which there is a proposal to alter fundamentally the Government's constitutional arrangements. That is not the case with the European Convention. Perhaps the right hon. Gentleman could specify the fundamental constitutional changes that the Convention outlines (HC Deb, 18 Jun 2003: Column 352).

This 'convention' would later be known as the EU Constitution. Furthermore, in the House of Commons, Blair answered the question on whether the EU Constitution would change the constitutional status of UK with the following words: 'I repeat that if there were a change in the fundamental nature of our constitution, a referendum would be right, but there is not' (HC, 10 Sept 2003: Column 328).

In brief, according to these remarks, Blair's argument was that Britain did not require a referendum on the ratification of the EU Constitution because although the term 'constitution' did feature in its name, in substance it did not change the constitutional status in Britain.

However, his attitude changed astonishingly in April 2004, when he announced that a referendum would be held on the EU Constitution. The reason for this U-turn on Blair's part is explained below.

I also believe that it does not alter fundamentally the nature of the relationship between the European Union and the member states. I must accept that it is not merely that many people in this country want this matter decided finally in a referendum, but that, frankly, it is time to dispel the myths about Europe (HC, 20 April 2004: Column 166).

According to his remark, the reasons behind deciding on a referendum were two-fold. Specifically, he wished to not only give the public the final say but also he also wanted 'to dispel the myths about Europe', that is, to cure Britain of Europhobia. However, it should also be recalled that according to Blair, the EU Constitution still 'does not fundamentally alter the nature of the relationship between the European Union and the member states'. It, therefore, remains unclear whether Blair accepted the referendum for purely pragmatic reasons or whether he interpreted the term 'constitution' in the EU Constitution in the literal sense.

Several EU member states famously failed to ratify the EU Constitution. It was subsequently abandoned as a consequence of being rejected in referendums in France and Holland. In place of this 'new' constitution, in December 2007, the EU council introduced a new treaty (Lisbon) that amended the Treaty on the European Union (Maastricht) and the Treaty Establishing the European Community (Rome). As a result, the Lisbon Treaty virtually replaced the controversial EU Constitution. In April 2007, Blair once again changed his attitude owing to the replacement of the constitution with the amending treaty. He asserted that a mere amending treaty was not the same as a constitutional treaty, and therefore, a referendum was no longer necessary (*Financial Times*, 20 April 2007).

In October 2007, Blair's successor, Gordon Brown, answered an MP's question regarding his intention to hold a referendum on the Lisbon Treaty as follows: 'If this were the old constitutional treaty, we would be having a referendum. The fact that we have secured major protections for the British national interest, while the constitutional concept has been abandoned, leads us to the conclusion that the best way of debating the matter is in detail on the Floor of this House' (HC, 22 October 2007: Column 36).

It is common knowledge that in the Lisbon Treaty, references to the EU flag and anthem were removed and the rejected part of the constitution's flowery preamble and the article on the principles of the EU were truncated. In addition, some countries negotiated new terms for exiting the union. Nevertheless, many politicians and journalists such as Valéry Giscard d'Estaing, David Cameron, and Andrew Marr pointed out that the Lisbon Treaty was similar to the EU Constitution (*The Independent*, Tuesday 30 October 2007). Jens-Peter Bonde, Danish MEP, emphasized that the Lisbon Treaty had the same contents

as the EU Constitution and that only the format was changed to avoid referendums (Bonde, 2007). This leads to the question of whether Brown's remark signifies that the Lisbon Treaty becomes unconstitutional owing to the removal of the flag, anthem, preamble, etc.

It can, at the very least, be stated that the stance of the Labour government on constitutional issues and referendums has fluctuated considerably over the past decade. In addition, Blair's optimistic view on referendums or direct democracy also must have fluctuated accordingly.

4. Citizens' juries: Controllable direct democracy ?

Factors such as low voter turnouts in mayoral referendums, uncontrollable parish referendums, and ruination of the EU Constitution were sufficient to lead the Blair government to reconsider its policy of encouraging referendums. However, the final blow came from north-east Britain. On 4 November 2004, the North East referendum — which concerned the Regional Assembly — was held. The 'Yes' campaigns were supported by the government, the Liberal Democrats and other bodies such as trade unions, churches, etc. North east Britain was known to be one of the Labour Party's strongholds. Nevertheless, the 'yes' votes were a mere 22% against the 78% of 'no' votes with a turnout of 48%. A week later, John Prescott, the deputy prime minister, was forced to announce the cancellation of the referendums scheduled in Yorkshire and the North West.

In 2006, the White Paper *Strong and Prosperous Communities* stated that the new legislation would allow local authorities to adopt a mayoral model without the need for a referendum, and the Local Government and Public Involvement Health Act 2007 stipulated the same. In fact, the Blair government acknowledged the necessity of holding a referendum to grant more powers to the Welsh Assembly in the Government of Wales Act 2006, because this referendum was unavoidable towards obtaining support in Parliament.

However, generally speaking, the attitude of the Blair government towards the referendum ultimately became negative. Thus, in the place of referendums, 'citizen's juries' became the focus of political attention. On 3 July 2007, Gordon Brown, immediately after his election as prime minister, stated that one of the most important areas to be focused on was 'new rights for the British people to be consulted through mechanisms such as "citizens juries" on major decisions affecting their lives' (HC Deb, 3 July 2007: Column 819).

According to a Standard Note in the House of Commons, citizens' juries would be randomly selected from among the public (Maer, 2007). Yet the details of the policies that citizens' juries are to deal with are still unclear.

What can be stated with some certainty is that a citizens' jury does not have any decisive powers, and it remain as a type of survey. Furthermore, the public cannot force the determination of an issue through a citizens' jury, and no system of petition exists.

Only the government can confer such a power. In this system, the people need not go to polling stations, while the government will not be affected by the result or turnout.

As a matter of fact, a citizens' jury may prove to be a valuable contribution to the democratic system if the selection is conducted in a reasonable manner. However, it should be remembered that upon winning the general election in 1997, the Labour government had emphasised that both referendums and citizens' juries were the keys to a new democracy. In retrospect, it appears that they were seeking a method to use referendums for political participation while neglecting the use of citizens' juries for a decade. However, citizens' juries have now apparently become a part of Brown's flagship scheme, while referendums are more or less a discarded concept for the government.

V. Examples of successful referendums in Japan

1. Blair's nightmare and some developments in Japan

Blair's dream of direct democracy was not realized but rather became his nightmare. Unexpectedly, the direct style of local politics that Blair had dreamt of might actually be realised in some local authorities in Japan, which is similar to the system in the UK in that both have constitutional monarchs and PM/cabinet/parliamentary systems. Moreover, Japan has suffered from political apathy, recording turnouts as low as 44.5% in the 1995 Upper House Election, which are considerably lower than the turnouts in Britain (Curtis, 1999, 209). However, recently, a particular type of local referendum has brought about incredible success in the form of extremely high turnouts, massive petitions, and lively discussions. Turnouts in some types of referendums were far higher than turnouts in the national Diet elections. I shall now explain the features of successful referendums in Japan.

2. History of referendums in Japan

Japan is one of the countries that follow the pattern of representative democracies with parliamentary cabinet systems; therefore, a limited number of referendums have been held. According to the Japanese Constitution, which was enacted in 1946, a referendum should be held only as the last phase in the process of amendment, and even in this case, a majority of votes is mandatory for the amendment to be passed. The Local Autonomy Law has used referendums as a device to recall the mayor in a local authority. Specifically, a mayor can be dismissed through a referendum triggered by a petition signed by one-third of the electorate in a local authority. In addition, a few mayors have been dismissed for issues such as sleazy conduct or power consolidations. There are several special laws in place that require local authorities to hold referendums in order to consolidate them or abolish their community police forces.

A referendum on an amendment to the Constitution has never been held, although

recently, the controversial National Referendum Law — which detailed the amendment referendum — was enacted. Referendums on the consolidation of local authorities and the abolishment of their community police forces were held immediately after the end of World War II. However, no such referendums have been held since then.

3. Referendums by local Acts

Generally speaking, turnouts in all types of referendums, for example, referendums on the consolidation of local authorities, the abolishment of a community police force, and the recall of a mayor, are higher than that for the national Diet elections. Yet, in this paper, I intend to focus on one type of referendum, namely, the referendum by local Act. This referendum in Japan has the combined features of the local polls established through the Local Government Act 2003 and the parish poll established through the 1972 Act in Britain. Firstly, such referendums do not have any binding powers. Secondly, issues that this type of referendum can address depend upon local acts, but they are not limited to local issues because the referendum has no binding power. Thirdly, a petition signed by more than 2% of the electorate requires the local authority to hold only a debate on their proposal and not a referendum. In Japan, any proposal introduced through this petition system is often referred to as an ‘initiative’, which is the same as the term used in the US. Yet, the system for initiatives in Japan does not encompass the right to hold a referendum. Consequently, the consent of the concerned local council is necessary to hold a referendum. Indeed, the local councils in Japan did not adopt referendums easily. As a matter of fact, more than 100 petitions demanded the establishment of local acts for referendums; however, such acts were passed in local councils in only a few cases. Thus, people occasionally resorted to petitions signed by the majority of residents. The local councils were apprehensive of receiving a high number of petitions exceeding the recall threshold, and thus, they finally agreed to hold referendums. Although many obstacles had to be overcome to bring about this type of referendum in Japan, it nevertheless led to considerably higher voter turnouts and lively discussions. I will explain some such cases below.

The issues on which local referendums were held for local acts were also called NIMBY issues which implies ‘not in my back yard’. NIMBY issues were often regarded as selfish complaints on issues that everyone has a stake in but no one wishes to address. However, in the cases described in this paper, it was the government and the corporations that were persistently and significantly more selfish and profit-greedy, thus forcing a considerable number of difficulties onto the people. Although the issues in these referendums were confined to local politics, they could be regarded as symptomatic of the national problems arising from corporations or quangos who were solely interested in securing their own profits, while the government supported them (Shindo, 1999, 6). Since these issues were not NIMBY issues, many people became intensely involved in

campaigning for the referendums.

4. Cases in Japan

(1) Maki: Case of a nuclear power plant

Maki in Niigata Prefecture is located on the Japan Sea. It is a relatively small town, but its population is approximately 30,000. In Japan, since a long time, such small towns have been favoured for the construction of nuclear power plants. However, the two atomic bombs that were dropped on Japan in World War II frightened the Japanese people and made them despise nuclear facilities. In addition, the Three Mile Island and Chernobyl disasters horrified the Japanese and made them warier of nuclear facilities. However, despite the massacre in 1945, the Japanese government famously promoted the building of a nuclear power plant. In addition, the government offered considerable incentives to local authorities, as a consequence of which they accepted nuclear power plants in their areas. This was the reason the government and a regional electric power company, Tohoku Electric Power, chose Maki as the place where a power plant would be built.

In Maki, a mayor who had promised to freeze the construction of the nuclear power plant suddenly changed his attitude in 1994 and declared that the nuclear plan would proceed. Angry residents organised a cross-party and non-partisan campaign against the nuclear power plant and in December 1994, a councillor proposed to the council that a local referendum be held; however, the council rejected the proposal. Following this, the campaigners undertook a self-organised referendum, which was held in February 1995. The turnout in the referendum was 45.5%, although it was organised completely by campaigners. Furthermore, campaigners participated in the local council election in April, and they nearly tied with their pro-nuclear rivals in terms of the number of votes. However, it still appeared that the nuclear plan could not be stopped, and therefore, a petition for the recall of the mayor was initiated. The people successfully submitted a petition signed by over one-third of the electorate, which was the designated threshold for recall. Subsequently, the mayor was dismissed and an anti-nuclear campaigner won the next mayoral election in January 1996. The new mayor declared that a local referendum would be held on the nuclear plant. Subsequently, a local act for the local referendum was passed in the council.

In the campaign for the referendum, many meetings or forums were held, which were attended by many residents. In the pro-nuclear camp, not just the people of Maki but also employees of the Tohoku Electric Power played outstanding roles. Many employees of this power company were campaigning, even canvassing, for the nuclear plan. However, the result of the referendum proved disappointing for them. On the evening of 4 August 1996, the result was announced: the majority of the people participating in the referendum

Table 4: local referendums by local act in Japan

local authority	population	initiator	date	turnout	approval	rejection	majority*1	Issue
Maki, Niigata Prefecture	30,535	Councilor	4/ 8/1996	88.2	39	61	OK	nuclear power plant
Okinawa Prefecture	1,287,023	Petition	8/ 9/1996	59.53	89	9	OK	downsizing of US base and amendment to immunity US soldiers from arrest
Mitake, Gifu Prefecture	20,058	Petition	22/ 6/1997	87.51	19	80	OK	Industrial waste plan
Kobayashi, Miyazaki Prefecture	41,654	Petition	16/11/1997	75.86	40	59		Industrial waste plan
Nago, Okinawa Prefecture	52,193	Petition	21/12/1997	82.45	45	53		US base
Yoshinaga, Okinawa Prefecture	5,439	Petition	8/ 2/1998	91.65	2	98	OK	Industrial waste plan
Shiraishi, Miyagi Prefecture	41,505	Mayor	14/ 6/1998	70.99	4	94	OK	Industrial waste plan
Unakami, Chiba Prefecture	11,176	Mayor	30/ 7/1998	87.31	2	98	OK	Industrial waste plan
Konagai, Nagasaki Prefecture	6,989	Mayor	4/ 7/1998	67.75	—*2	—*2		expansion of quarry
Tokushima, Tokushima Prefecture	263,358	Councilor	23/ 1/2000	55	8	92		dum plan
Kariwa, Niigata Prefecture	4,761	Petition	27/ 5/2001	88.14	42.7	53.4		nuclear power plant
Miyama, Mie Prefecture	9,764	Mayor	18/11/2001	88.64	32.4	67.26	OK	nuclear power plant
Hidaka, Kouchi Prefecture	5,940	Petition	26/10/2003	79.8	60.3	39.6		Industrial waste plan
Sodegaura, Chiba Prefecture	59,549	Petition	23/10/2005	57.95	63.5	34.9		city development plan
Iwakuni, Yamaguchi Prefecture	145,537	Mayor	12/ 3/2006	58.68	10.8	87.4	OK	US base
				mean	75.96		%	%

*1 "OK" means approval or rejection acquired the majority of electorate.

*2 The result was too complicated to be written.

In Japan, local authorities consist of 47 prefectures, and there are cities, towns, and villages in each prefecture. Even in the smallest city 30,000 residents live, roughly speaking.

voted against the nuclear plan (see Table 4). At a later date, the mayor sold the land prepared for the nuclear plant to the anti-nuclear campaigners, and the nuclear plan was finally terminated.

(2) Mitake: Case of an industrial waste plant

The advisability of building an industrial waste plant was always a controversial issue for the local authorities in Japan. An industrial waste plant is without doubt a necessary facility, and ideally, someone should have stepped forward to accept the responsibility. However, in reality, the concerned companies were often linked to outlawed groups. It is, therefore, understandable that residents were disinclined towards this facility, which led to many difficulties.

In the Mitake case, an industrial waste company and Gifu Prefecture — which comprises several cities and towns — strongly promoted a plan to build a huge industrial waste plant in the town of Mitake. They, particularly the waste company, not only aggressively promoted their plan but also supplemented it with a number of underhand methods such as bribes, intimidation, and violence.

After Mr. Yanagawa was elected as the new mayor in 1993, he discovered that the former mayor had signed an agreement between Mitake town, Gifu Prefecture, and Junna, an industrial waste company. According to the agreement, a huge industrial waste plant was to be built in Mitake. Following the discovery, he did not conceal his objection to the waste plant. The residents also supported his attitude and campaigned against the waste plant. Mitake is a riverside town with a considerable amount of water resources to protect. However, some of the campaigners were being intimidated, and it was revealed that the telephone lines at the mayor's residence were being tapped. Finally, the situation culminated in the kidnapping of the mayor, and he was nearly beaten to death on 30 October 1996.

This angered many people in Mitake, and they decided to hold a local referendum on the issue. They undertook the collection of a petition towards this cause. The threshold number of signatures for the petition, i.e. 2% of the total number of residents, was soon collected. When the mayor returned from the hospital to the council, he agreed to hold a town referendum, accepting the initiative supported by the petition. The result of the referendum was overwhelming against the waste plant (see Table 4). After the result was announced, Mayor Yanagawa stated the following in a press conference: 'Everyone must recognise the heavy result of more than 10,000 votes. The waste plan of Junna should be withdrawn' (Imai, 2000, 92). Since the referendum, several conflicts have occurred between the people and the entities advocating the waste plant. However, finally, Mitake Town, Gifu Prefecture, and Junna agreed to drop the plan for the industrial waste plant on 26 March 2008.

(3) Tokushima: Case of a dam

There are many dams in Japan that are constructed not only for the purposes of drinking water, electric power, or flood control but also for construction companies and the Ministry of Land, Infrastructure, Transport and Tourism (MLIT). Dam plans are significant not only because they have provided a huge amount of profits to construction companies but also because they have created a considerable number of quangos and cronyism under the MLIT. On the other hand, dam plans have occasionally destroyed natural rivers and wasted huge amounts of public money. This is why, over the decades, dam plans have acquired notoriety in Japan.

In the early 1990s, a new dam constructed on the river Yoshino in Tokushima City sparked a huge controversy. The MLIT urged Tokushima City to build it, but upon further examination, the dam plan was found to be unreasonable. Several experts pointed out that if the alleged purpose behind the construction was flood control, an alternative approach should have been proposed. It was also dangerous to destroy a natural river and its fishery. To make matters worse, the construction cost was revealed to be ¥204 billion, which was equivalent to approximately \$1 billion. Many people regarded the construction

of this dam as unnecessary. Finally, some people in Tokushima began collecting petition signatures for an initiative to hold a referendum on whether or not a dam should be built. Their campaign gained popularity, even though some companies refused to allow campaigners to collect signatures on their premises. Eventually, in January 1999, the petition was signed by 48.8% of the electorate in Tokushima, which exceeded the turnout percentage in the closest contested council election. Despite this, the council rejected the initiative in February 1999. Some councillors also stated that the will of the electorate could only be represented by councillors and that this referendum would deny them that role.

Anti-dam campaigners decided that there was no other option than changing the Council, and therefore, they began seeking candidates to contest in the next council election. Anti-dam citizen groups and some political parties, including the Social Democratic party and Communist party — which have only a few Diet members — fought the council election. In the election result of April 1999, the pro-referendum camp, and not the anti-dam camp, won the majority of the seats, with 22 seats, against the pro-dam camp's 18 seats.

Immediately after this victory, the pro-referendum camp was shaken by a new proposal offered by the Komei Party, which was allegedly pro-referendum but not anti-dam. Members of the Komei party from Tokushima proposed that a majority in turnout should be held as a threshold for the referendum. If the turnout did not exceed the majority, the result would not count and no result would be declared. This proposal was passed in the council because the Komei Party had five seats whose anti-referendum stance implied the defeat of the pro-referendum camp in the council.

Evidently, the pro-dam camp was persistently campaigning not for 'No' votes but to ask the electorate to abstain from the referendum. However, the result of the referendum held on 23 January 2000 showed that the turnout did exceed the majority. In addition, the total number of votes against the dam plan amounted to 49.6% of the electorate (see Table 4).

Following this referendum, the mayor announced that the dam plan had been rejected by the electorate. Following this, several mayoral elections and city council elections were held, but the dam plan was not enthusiastically proposed by any figure in these authorities, although it is said that the MLIT is still seeking opportunities for restoring the plan (Imai, 2000).

(4) Okinawa: Campaign against the US base

Okinawa (Ryukyu) consists of many islands that are 340 miles away from mainland Japan, and has a long history of independence before it became a part of Japan 130 years ago. It was occupied by the US Army until 1972 since the bloody battle of World War II in which the Japan lost over 100,000 troops, and the US suffered more than 50,000

casualties, with over 14,000 killed in action. Hundreds of thousands of civilians in Okinawa were killed or wounded, or they attempted suicide. On the other hand, the Japan mainland regained its independence in 1951. There have been huge US bases in Okinawa since 1945 to the present day, and many US soldiers have been guilty of various crimes including burglary, theft, rape, and murder. Even if the US military police arrested suspects in connection with these crimes, the people of Okinawa were unaware of the procedure for judicial redress through US court-martial. Since 1945, once inside the US base, US soldiers have continued to enjoy de facto immunity from arrest in Japan upon leaving the US base.

Since the restoration of sovereignty to Japan in 1972, the number of crimes committed by US soldiers have decreased. However, a serious incident occurred in September 1995. A twelve-year-old girl was raped by three Marines in Nago, a northern city in Okinawa. They fled to the US Kadena base immediately afterwards. This implied that owing to the immunity of US soldiers from arrest by Japanese authorities, the Japanese police could not arrest them even if the police had outright evidence and were granted arrest warrants by the court.

After the incident, on 21 October, a huge rally was held at a park in Ginowan, which was attended by many angry people and all the political parties of Okinawa. Reportedly, 80,000 people gathered at this rally. The number of participants constituted 10% of the population of Okinawa. The governor of the Okinawa Prefecture, Masahide Ota, also attended the rally and declared that he would not implement the procedures to renew the use of lands appropriated for the US base. This implied that certain parts of the US base would be termed illegal occupations after March 1996.

At the same time, some trade unionists began collecting petition signatures for a referendum on the US base. The signatures were soon collected, and the proposal — which asked whether the US base in Okinawa should be downsized and whether the Status of Forces Agreement (SOFA) should be amended to remove the immunity of US soldiers from arrest — was discussed in the council. All the parties in Okinawa, excepting the LDP, supported the proposal, and it was passed in the council. Moreover, it was decided that a referendum would be held on 8 September 1996. In the campaign, a subtle emotion running through Okinawa was revealed. Most people desired downsizing of the US base, but at the same time, they realized that on doing so, a number of jobs would be lost. In addition, the Okinawa branch of the LDP — which had been in power in Japan for a long time — decided to abstain from voting.

As a result of these factors, the turnout did not exceed 60%, which was below the turnout of the most recent council election (66.36%); however, 89% of those who voted were in favour of the proposal, which implied that the majority of the electorate was in its favour. However, several days later, the governor, Mr. Ota, surprisingly declared that he would implement the procedures he had frozen a year ago and accept a transfer plan of the

US base to another rural place in Okinawa, instead of simply downsizing it. He also accepted a huge grant and development plan that the government proposed towards the creation of a significant number of jobs. This angered some people who regarded his decision as a betrayal. While the Futenma base, which was proposed to be transferred, was built in a busy, populated area, its transfer to another place in Okinawa would still place a huge burden on the people in Okinawa. On the other hand, some people believed that the decision was understandable not only because the referendum but also because the prefecture itself did not have any binding powers with regard to the base agreements. Even if the government had altered the law that Mr. Ota froze for a year, as it indeed intended to do, Okinawa would lose the final opportunity to downsize the US base and improve people's lives. The size of the US base and the immunity granted to its soldiers fell under the purview of foreign affairs, in which the local people and the council did not have legal and decisive powers. However, it was surprising that 60% of the electorate participated in the referendum despite the fact that they were aware of its non-binding nature.

VI. Conclusion

Thus far, it would not be accurate to state that referendums in Britain have intensified political participation. If Blair imagined that referendums would achieve this purpose owing to their non-partisan or cross-partisan nature while encouraging the participation of people in local issues — on which people do not take right wing positions, but positions that are rather left of centre — his notion was justified not in Britain but in some local councils in Japan. Referendums in Japan successfully raised voter turnouts. This leads to the following question: How do the political systems of referendums in the two countries differ? In my opinion, this is because the instances where the referendums were successful in Japan were when they were supported by massive campaigns conducted by the people. The most critical difference, therefore, would be in the campaign rather than in the system. The Blair government created a system in which it was relatively easy to hold a referendum, for example, the threshold for a mayoral referendum petition was a mere 5%. However, a petition signed by slightly more than 5% of the electorate for a mayoral referendum or ten people for a parish referendum could only result in an average of 30% voter turnout. Ofcourse, the political system is also undoubtedly important. In the Japanese cases, the people also used the system of initiatives to hold referendums on local Acts, although this system of initiatives is weaker than its counterparts in the US and Switzerland. Thus, these initiatives could easily be rejected by the local councils on the basis of Japanese law. On the positive side, Japanese campaigners had to campaign much harder to collect petition signatures for referendum in order to exceed the recall criterion of one-third of the electorate. As a result, turnouts in the referendums were much higher

in the Japanese cases if they were held. The campaign, rather than the system, resulted in higher voter turnouts in the referendums.

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