

The comparative analysis of neighborhood associations in Japan and Russia

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Abstract. *Traditional forms of international interaction are losing their effectiveness. Countries need to find a new common ground between them. Neighborhood associations can correct the situation. A neighborhood association includes the original characteristics regardless of state affiliation: a single territory, a self-governance, principles of collective democracy, domestic goals. The exchange of experiences between neighborhood associations can help to develop relations between countries. The purpose of the article is to find the similarity between neighborhood associations in Japan and Russia by using a comparative analysis.*

Keywords: *neighborhood association, chounaikai, jichikai, territorial public self-government, licensed territorial association, local self-government, municipality, state.*

Russia and Japan are neighboring countries, each of them has a unique history and an original culture. Their features have a reflection in any aspects of life. For example, Japanese municipalities are comfortable for living, their neighborhoods are attractive because of cleanliness and safety. A neighborhood association (NHA) has a direct impact on this result. The exchange of practices of interaction between citizens and local self-government is a way to develop a good-neighborly relation between countries.

Japan, being an eastern state, has a characteristic as collectivism. For this reason, researchers have a great interest in all kinds of associations, one of which is an NHA. Understanding of the implementation practice may become an aid for neighborhood association in Russia. Relevant characteristics of these social institutions can be identified by a comparative analysis of laws and implementation practices in both countries. It can help to develop relations between countries at the level of neighborhood associations by means of citizen diplomacy.

A modern state is a complex and multi-level management system, where community can be considered as a constituent unit. The "free community" theory dictates that local communities are autonomous and not created by a state, they have natural rights to manage their own domestic affairs [2]. Any state can also be considered as an alliance of local communities which decided to submit some of their freedoms to the authority in exchange for maintenance of the social order. A neighborhood association is a modern form of the local community.

Because of the increasing complexity of bureaucratic system, local communities have lost some of their functions by limiting the self-realization as part of a municipality. Local self-government is a political phenomenon that is based on the interaction and confrontation between local communities and state authorities. The distribution of power is an integral part of political management, aimed at an efficient use of resources by the authorities for the good of citizens. States recognize the right of neighborhood associations to manage a territory. For example, European Union realize such principles by "The European Charter of Local Self-Government".

There is the practical experience, gained in implementing a neighborhood association in Japan. The definitions used to refer this form of cooperation are chounaikai and jichikai. Both are synonymous and they are most used to refer a neighborhood association in Japan. Chounaikai and jichikai are a voluntary form of self-organization, intended for the solution of community's problems. There are over 290,000 NHAs throughout the country [5]. They can occupy the territory of an entire settlement or a couple of houses. Historically, the constituent units of the Japanese community are households. It varies from 100 to 300 households [5]. Based on the

United Nations report on household size in Japan (2.4 people) [6], one neighborhood association has from 240 to 720 people.

The legal basis for a neighborhood association in Japan is the article 21 of the Constitution of Japan, which guarantees the freedom of assembly and the freedom of association throughout the country. Based on the article 16 of the constitution, people have the right to make a peaceful petition for all matters of interest to them. Because of that, they can affect the municipal authority. Any neighborhood association in Japan has the right to be established as legal entity. Before 1991, any establishing had the form of a non-profit organization, but after the amendment to the "Local Autonomy Law", neighborhood associations acquire the status of a licensed territorial association (Ninka Chien Dantai) [4].

A licensed territorial association (LTA) is a neighborhood association that is established by the mayor. An LTA has a legal personality. The mayor's recognition can be obtained by following certain requirements, located in the "Local Autonomy Law". An LTA has to submit a bylaws, which includes the following provisions: the name of the association, the purpose of the association, the occupied territory, the location of the office or a meeting place, representatives and the internal structure, matters concerning community property. In accordance with the article 260-2 of the "Local Autonomy Law", the association's bylaws shall be reviewed. Once approved by the head of the municipality, the neighborhood association acquires the status of an LTO. The legal entity is obliged to follow the requirements imposed on them by the "Local Autonomy Law". An LTO is obliged to provide membership to all residents who live in the area indicated in bylaws and who are ready to take an active part in the life of the association. Also, a formal registered neighborhood association cannot be used by any political party.

There is the institutionalized form of a neighborhood association in Russia. It is a territorial public self-government (TPSG). Residents have the right to take the initiative to organize themselves. Such self-organized party can solve local issues within their own living space. According to the "National Territorial Public Self-government Association", there are more than 30 thousand self-organized NHAs in the Russian Federation [2]. TPSGs have the same number of members as any local community. It varies from 100 to 2,000 people [2]. The legal basis for a neighborhood association is the Constitution of the Russian Federation and the Federal Law №131 "About the General Principles of the Organization of Local Self-Government in the Russian Federation". According to the paragraph 3 of article 27 of the Federal Law №131, a TPSG is self-organized association for independent implementation of their own initiatives on issues of local importance within the territory of settlements. Territorial public self-government may be implemented within the following territories: the part of an apartment building, an

apartment building, a group of apartment buildings, a residential neighborhood, a rural settlement, other territories of residence [3].

A neighborhood association acquires the status of a TPSG from the moment of registration of its bylaws by the authorized body of a local self-government. The procedure for registering a bylaws is laid down by the municipal law of a locality. The content of a bylaws should include the following information: the occupied territory, the purpose and objectives of the association, the form of participation in the local self-government, main activities, the structure of TPSG bodies, the decision-making procedure, issues related to community property. Having received the approval of the head of the municipality, the neighborhood association acquires the formal status as a participant of municipal legal relations. Also, residents can initiate a registration of the legal entity in the form of a non-profit organization.

The comparative analysis has included several aspects of the above-mentioned social institutions: the principle of self-organization; the principle of territorial unity. However, there are an additional characteristic of the neighborhood association, which was not mentioned. It is the principle of collegiality in decision-making.

Japanese associations are characterized by collegial bodies. Their structure and internal organization can be observed by an analysis of the legislative framework. A neighborhood association with an LTO status is obliged to have an official chairman in accordance with the provisions of article 260-5 of the "Local Autonomy Law". In addition, one or more auditors are voluntarily appointed, according to the article 260-11 of the same law. Additionally, there are positions such as a vice-chairman, a general secretary, an accountant; together they are referred to as "officials". All issues may be solved by the general meeting, except those delegated to representatives and other officials.

Representatives of a licensed territorial association must hold a regular general membership meeting at least once a year. Before calling a general meeting, the representative must give five days' notice to the association's members before the meeting. The notice must include all matters on which decisions will be made. The chairman will call a special meeting if one-fifth or more of members apply with a corresponding request. The "Local Autonomy Law" states that decisions are made by voting, where each member has an equal vote. Members who are not present at the general meeting may participate in a written form by proxy. The law states that each member has the equal right to take part in solving issues of the neighborhood association.

Russian associations are also characterized by having collegial bodies, the presence of which can be observed by an analysis of the Federal Law №131 "About the General Principles of the Organization of Local Self-Government in the Russian Federation". Collective decisions can be made by a meeting of citizens or a conference (a meeting of delegates). They form collegial bodies and determine the activity of the neighborhood association. Collegial bodies of a territorial public self-government are engaged in representing the interests of the residents. Their economic activity aims to meet all the needs of members.

In conclusion, there is the similarity of neighborhood associations in Japan and Russia. Their activities take place at a certain territory of a municipality, based on the principle of self-organization and territorial unity. In both countries they have a formal status and are recognized by national authorities as part of a local self-government. Both forms of neighborhood association are characterized by the fact that members are all residents living in the territory, which is delimited according with the bylaws. The similarity of the characteristics of these social formations allows us to consider that neighborhood associations can be promising participants of international relations at the level of citizen diplomacy. The unity of purpose and objectives is the basis for the possible exchange of experience in the practice of direct democracy between countries.

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