

## Tomohiro Fukuda

Faculty of Political Science and Economics, Waseda University, Japan. (email: tomfukud@aoni.waseda.jp)

Submitted: 28 November 2024, Revised: 29 January 2025, Accepted: 30 January 2025

**Fukuda, Tomohiro** is an assistant professor of international public administration and European Union studies at Faculty of Political Science and Economics in Waseda University in Tokyo, Japan. He experienced a research visit to IEE-ULB (Institut d'Études Européennes – Université Libre de Bruxelles) in Belgium as a visiting researcher in 2022, and obtained his PhD degree in Political Science in March 2024 from Waseda University. His research interests encompass administrative resource management in the European Union (EU). He published several articles and book chapters on personnel, budgetary, and legal competence management by the European Commission after Lisbon Treaty in 2009. One of his recent works is a book published by Seibundo titled "Contemporary EU Public Administration (Japanese: Gendai EU-no Gyosei Kanri)."

# Toward a More Responsive and Responsible Bureaucracy: Incorporation of Gender Norm in the EU and Japanese Staffing Policy

## Abstract

This paper discusses limited responsiveness of the public organizations to contemporary social norms. Bureaucracy is sometimes said to be slow and inadequate to accept new principles, but most preceding studies did not directly analyze its causes. This study takes the cases of the European Union and Japan and analyzes the intra and extra organizational impediments in the process of internalization of the gender norms into these personnel administration and draws a hypothesis of the cause(s) of bureaucratic limited responsiveness toward contemporary social norms by the method of agreement. In both cases, gender-related provisions existed in their regulation on staffing from its early days, but its effectiveness was enhanced only recently. In case of the EU before 2000, those responsible for the staffing were initially hesitant to incorporate gender criteria into its policy, and even after recognizing the importance of the norm, they had little idea on how to realize it. In case of Japan, effectiveness of legislation regarding gender equality has been incremental, which represented the practitioners' struggle on conflicting considerations on staffing. Through this analysis, the paper draws a conclusion that public organizations have developed and maintained its basic principles to strengthen its legitimacy and autonomy against its political control, but this bureaucratic practice paradoxically makes the organization less sensitive to newly emerged social norms.

## Keywords

personnel administration; gender; European Union; Japan; policy implementation

## Introduction

Regardless of public sector or private sector, when advocating certain norms, the norm advocators cannot effectively persuade the norm recipients to comply with the norm if the advocators themselves are

hesitant to accept the norm in question. However, public sector, or specifically bureaucracy, is often reluctant to accept social norms; it is all the more so when the norms in question have unstable reputations. In most cases, such norms touch upon the

issue of basic human rights (see United Nations, n.d., hereinafter UN). These norms are required to be accepted by the society timely. If public sector plays its role to navigate the civil society, it will be more important for the bureaucracy to be willing to accept the norm in question at its earliest opportunity.

In this recognition, there are some preceding studies which describe the background where some nation states did not internalize certain contemporary social norms into their bureaucracies or examine the conditions under which such limited norm penetrations show up from comparative perspectives; the author also contributed to these discussions in his previous publications (Fukuda, T., 2023; 2024). However, one simple question remains unsolved at least in the latest context: why public organizations have limited responsiveness toward contemporary social norms? Especially regarding the gender related norms (hereinafter “gender norm”) such as gender equality, few preceding studies in gender politics examined deeply into the bureaucracy, and vice versa, except for a small number of preceding analyses (Pollack & Hafner-Burton, 2000; Ban, 2013; Locher & Prügl, 2009; Murao, 2022; Izumo, 2023; Otani, 2023), gender has merely been one of the tentative perspectives in the studies of personnel administration. There emerges the necessity of addressing this dichotomy.

## Method

This study aims to clarify the common contemporary nature of public organizations both in the nation states and international organizations through comparative case studies. More in detail, this study takes the cases of the European Union<sup>1</sup> and Japan and analyzes the intra and extra organizational impediments in the process of internalization of the gender

norm into the personnel administration in these bureaucracies.

What are the causes of limited bureaucratic responsiveness toward contemporary social norms? To draw an answer to this question, this paper sets three additional sub-questions: how the location and evaluation of gender norm changed in staffing rules of the EU and Japan throughout their history of bureaucracies; in which phase (e.g. policy drafting, policy implementation or still another) both bureaucracies resisted to consolidate gender norm in their personnel administration, and what logics are used to justify their rejection; which actor(s) brought the opportunity for the bureaucracies to effectively consolidate gender norm, and what logics both bureaucracies adopted to justify its transformation toward gender friendly organizations.

This study is in the first place to describe the trajectories of norm consolidation and to draw hypothetical conclusions, so there is no specific theoretical basis supposed to generalize the findings of the case studies in advance to the analyses. However, as is nuanced in the concluding remarks, gender norm consolidation in personnel administration of the EU and Japan has two dimensions, the norm itself worked, or it did not work but some following (somehow occasional) changes external to the bureaucracies in question brought the effective development. Regarding these assumptions, the discussion this paper extends is affined to historical institutionalism. Regarding its methodology, this study is conducted as a comparative analysis of at first glance quite different cases of the EU and Japan by descriptive inference with the method of agreement. This study is an introductory attempt to tackle the universal question to clarify the essential characteristics of public organizations. Unpacking the two cases, based on preceding studies and official documents, will induce tips for more precise causal inference in future studies. As far as space permits, the discussion will be extended

---

<sup>1</sup> This paper, unless necessary to differentiate, uses the term EU (European Union) to refer to its predecessor institutions even before the Treaty of Maastricht

to the different outcomes of each case and seek their provisional determinants.

This paper is organized as follows. This introductory remark is followed by two sections examining the process, impediments and status quo of gender norm consolidation in EU and Japanese personnel administration. The concluding part summarizes the findings of the two case studies and draws the answers and probable hypotheses corresponding to the questions and discusses the limitations and potentials of this study.

## **Results and Discussion**

### **Gender in the EU Personnel Administration**

This section analyzes the personnel administration in the EU bureaucracy and the treatment of gender related considerations therein.<sup>2</sup>

#### **Basic features of the EU bureaucracy**

This subsection firstly describes the basic information about EU bureaucracy, focusing on its history, organizational structure, basic legislation, principles of personnel administration therein, and relation between these principles.

The origin of EU bureaucracy can be traced back to the establishment of the secretariat of the European Coal and Steel Community (ECSC) in 1951, where a small number of staff were responsible only for community administration. The foundations of the European Economic Community (EEC) and European Atomic Energy Community (EAEC) in 1957 were accompanied by the establishment of their secretariats, but these bureaucracies were separated with each other. However, these three communities are expected to integrate their executive bodies, which was eventually made happen in 1967 by Merger Treaty, and their bureaucracies needed a single legal basis of the personnel administration. In

this background, the three communities adopted the Staff Regulation (Regulation No 31(EEC), 11(EAEC), hereinafter SR) governing all staffing inside the community institutions including its non-permanent staff, e.g. contract staff, temporary staff, and trainees (Fukuda, K., 1992: 63-65), which is still in force as of 2024.

EU bureaucracy is characterized by its position classification. Especially regarding the permanent staff, they are classified into three categories: Administrators (AD, AD5-16), Assistants (AST, AST7-11), and Secretaries/Clerks (AST/SC, AST/SC1-6). Each category has several grades, and the remunerations correspond to them. This classification system was introduced by the SR amendment in March 2004 (Council Regulation (EC, Euratom) 723/2004).

The core principles of the EU personnel administration are inscribed in the SR, which are merit system and geographical balance. Merit system literally means the principle to recruit those candidates who have the highest standards of ability, efficiency and integrity regarding their potential responsibility (Article 27). Officials are recruited based not on the will of the citizen but on the permanent and objective criteria, which is one of the rationales of bureaucracy. International bureaucracy is not an exception; those who have job aptitude will obtain the position<sup>3</sup>. However, regarding international bureaucracy, another consideration also counts, which is geographical balance. The principle of geographical balance requires the staff recruitment from as wide a range of geographical sphere as possible. International organizations seek to realize a policy promoting the impartial interests common to all its internal entities. The staff are

---

<sup>2</sup> The description of the timelines and facts are based on Fukuda, T. (2023: pp.181-195).

---

<sup>3</sup> Merit system in the international bureaucracy is underpinned by Noblemaire Principle, which guarantees the highest remuneration among all the member states and give incentives to the potential applicants to choose their career not in the national but in the international bureaucracy.

strongly and legally required to work with sheer consideration of the interest of the Community. However, it is sometimes difficult for all staff to accomplish their professional responsibilities without special consideration of the countries of their origin. Therefore, as a *contrefilet*, the EU institutionalized the system to prevent the emergence of any section/unit occupied by single or too small number of nationalities. In the history of the EU, the focal point of the discussion on these principles has been the condition under which this principle may be prioritized to merit system (see European Court of Justice, 1966).

### **Gender in the early days of the EU bureaucracy**

This subsection overviews the treatment of gender norm in the bureaucratic and social spheres. There were some indirect but influential criticisms and reform proposals toward the staffing policy from the outside. What “outside” means three folds: outside the Europe, or other international organizations and networks; outside the EU administrative system, or civil society in the EU; and outside the EU bureaucracy as an independent supranational organization, or the member states.

The original SR in 1962 already had a clear mentioning of anti-discrimination based on gender; its article 27 stipulated “Officials shall be selected without reference to race, creed or sex”, based on a provision of Treaty of Rome 1957 (Traité de Rome, Article 119). However, it is worth noting that this provision of non-discrimination was not based solely on the purely ethical discussion, which means that equal treatment between men and women was originally advocated by French government to be inscribed in the Treaty because the inequality would be an impediment of fair competition and prospected market integration.

Also, despite its principle of non-discrimination, the original SR had peculiarly

inconsistent provisions on the survivors’ pension based on the recognition that widowed wives were not be able to earn their living alone<sup>4</sup>.

Despite the above-mentioned unconscious gender-based bias in the basic regulation, gender equality gradually obtained its normal status in the international sphere. Started with the UN plenary resolution on Women’s political rights in 1946, World Assembly for Women (WAW) was held every five years since 1975, through which the wide range of issues on the women’s rights got mentioned and international legal basis (Akamatsu and Japanese Association of International Women’s Rights, 2005: pp.20-21). Even inside the EU, a series of iconic legal battle on the European Court of Justice (case 80/70; 43/75, Defrenne cases I/II, see Pollack, 2003: pp.350-354) aroused public awareness of existing gender-based inequality, which resulted in the adoption and its effective implementation of community legislations on gender equality in 1970s.

### **Impediments in the norm consolidation in the bureaucracy and its overcome**

Despite the growing momentum of gender equality promotion, community policy on gender was not reactive enough to this social environment and failed to initiate its swift implementation. This was partly because there said to be a sort of confusion among several issues regarding gender: equal opportunity, women’s right protection, and consideration toward individual gender (Booth & Bennett, 2002: p.435). The importance of the gender equality promotion inside the bureaucracy was duly recognized from not only normative but also scientific perspectives, but the recognition did not result in a swift addressing of gender inequality inside the EU bureaucracy<sup>5</sup>.

---

<sup>4</sup> It required a scrutiny on survivors’ eligibility only when the applicant is male (OJ (1962) 45, Article 77 and Annex VIII Article 23).

<sup>5</sup> The intraorganizational recognition was reflected in the politico-administrative initiatives in several policy areas

Its reasons can be found in several preceding analyses, which are stubborn set of the principles of personnel administration and limited organizational experience on positive actions. First, the established set of principles of personnel administration limited the potentials of self-purification inside the bureaucracy. Since gender issue encompasses diverse range of moot points, it has been seen as a highly political issue even around 2000 in Europe (Locher & Prügl, 2009: p.181). On the contrary, the rationales of bureaucracy rests on more permanent and objective principles such as independence, neutrality, and impersonality. EU bureaucracy was not an exception; it regarded the increasing momentum for gender equality promotion as strongly ideological or something inside the political sphere and expressed its strong resistance against its incorporation in decision making in staffing (Minto & Mergaert, 2018: p.214). Secondly, even with the thin but broad recognition of the necessity of gendered consideration on personnel administration, some Directorates General (hereinafter DGs) lacked their intraorganizational attempts for gender equality promotion in their early days. For example, even though DG for Research (DG RTD) fostered its internal recognition on gender equality and advocated its necessity through various means as mentioned above, its ratio of female administrators was lowest (7.6%) among all DGs in 1990s and did not have sufficient experience of tackling gender issues. This was also true for DG for Competition (DG COMP); which even did not create any output for gender mainstreaming (Pollack & Hafner-Burton, 2000: pp.448-449).

A stir was created by French Commissioner Édith Cresson in this bureaucratic reluctance, who advocated the necessary reframing of gender issues; gender inequality regarding employment was formerly framed as an issue of equal opportunity, but she strived to situate the

issue as that of women's right protection. However, this proposition was not immediately reflected in the attempt because she unintentionally opened a way of another or much drastic reform by her misconduct in budget implementation. A member of the European Parliament raised a suspicion to her in 1994 on her inappropriate expenditure, and the case was deliberated in committee of independent experts (CIE). CIE identified Cresson's responsibility, but she rejected to resign, which caused a resignation in masse of Santer Commission 1999 (Schön-Quinlivan, 2011: pp.58-66). The conception of administrative reform was proposed as early as 1980s, and President Santer (1995-1999) was succeeded from the previous Commission and rather lead the reform formulation, but there emerged a growing necessity of much more drastic reform due to the incidental scandal.

In the discussion behind the European Governance Reform around 2000, European Commissioners of several newly accessed northern member states had a significant impact on its gender related aspects. In particular, Commissioners Erkki Liikanen of Finland and Anita Gradin of Sweden questioned the gender inequality inside the EU bureaucracy and strived to have their influences based on more advanced norm and implementation experience for gender equality promotion in the countries of their origin (Pollack & Hafner-Burton, 2000: p.436). This was how gender mainstreaming and budgetary management reform were integrated in the same basic context of European Governance Reform, and its reformist agenda was actively implemented within a couple of years in the early 2000s.

### **Gender-friendly EU Bureaucracy and its whereabouts**

Regardless of the above-mentioned resistance in several DGs, the EU bureaucracy eventually reached an effective transformation, which was significant especially from the 2000s

---

including research (Fukuda, Y., 2016: pp.269-270) and budget (Booth & Bennett, 2002: pp.432-437) in 1990s.

due to the European Governance reform. Since the SR governs as far as remuneration system and experienced revisions 157 times as of September 2024, but essential revisions were made only countable times and can be identified respectively. This subsection describes the series of essential revisions of staff regulation and the related communications regarding gender issues and evaluates the aftermath and significance of the reform.

After the active advocacy from inside and outside, the European Commission embarked on the substantial amendments of the staff regulation in 2004 onwards. As a first steps, the amendments in March 2004 introduced several significant improvements. It broadened the scope of non-discrimination on gender even applicable to the promotion and relocation of the staff. It also introduced a quasi-quota system in the selection board organized in each EU institution, which requires minimum number of underrepresented gender therein. In addition, it institutionalized a set of countermeasures against harassments at work, which is not limited to sexual ones. Finally, it strengthened the protection for information of individual staff and enhanced its transparency and impartiality of job evaluation (OJ (2004) L124). Further amendments were made in 2010, which enlarged the scope of non-discrimination even covering newly established posts and enhanced the Commission's supervision on its implementation juxtaposing reference to gender with geographical balance (OJ (2010) L311).<sup>6</sup>

Besides the SR itself, the European Commission added several revisions of staffing policy, one of which was a linguistic requirement for applicants. After the establishment of European Personnel Selection Office (EPSO), the concours,

or selection procedure, changed its policy of language requirement, where applicants are required to prove their Commission working language(s), English or French, as well as one or two of other EU official languages, which eventually contributed to the great increase of newly appointed female officials from new member states after 2007 (Ban, 2013: pp.206-208). In addition, to realize substantial equality, the Commission guaranteed the fair treatment of those who come back from maternity/paternity leave and rigid limit of maximum working hours for all permanent staff, which promotes the gender equality even in the households.<sup>7</sup>

As a consequence of these initiatives, the situation improved significantly. The sheer ratio of female staff was 44% in 1995, which reached 57.1% in October 2023. Even regarding the AD class staff, 47.5% of the administrators are women (Ban 2013: p.181; European Commission, 2023). When we see the chiefs of the DGs, there was no female director general more than three decades from the bureaucracy's establishment, but starting from the first female director general under the presidency of Jacques Delors (Hartlapp & Blome, 2021: p.4), the number increased and currently more than 40% of DGs are headed by female directors general,<sup>8</sup> which is how the series of reform resulted in effective improvement on gender equality in the bureaucratic sphere.

To summarize the trajectory of gender equality promotion in the EU personnel administration, some members of the European Commission tried to react to the enhanced gender related norm in the civil society and successfully introduced their idea into the Commission's official standpoint. The initial attempts confronted

<sup>6</sup> The provision on the staffing of the heads of delegations within the European External Action Service (EEAS) stipulates that "the powers concerning appointments shall be exercised using a thorough selection procedure based on merit and having regard to gender and geographical balance" (p.5, Article 95(2))

<sup>7</sup> The impartial treatment for the returned staff was developed originally in the discussion of nationality in Herman Report (European Parliament Committee on Institutional Affaires, 1999: pp.6-7, also see Fukuda, T., 2022: p.169)

<sup>8</sup> As of September 2024, at least 19 out of 38 Directors General (except for DG IDEA) are female (European Commission, n.d.)

with resistance by several DGs, but with strong advocacy from northern member states, it successfully implemented its policy through multiple amendments of the staff regulation and issuing of relevant communications and accomplished substantial improvements.

## **Gender in the Japanese Personnel Administration**

This section examines the Japanese case. As World Economic Forum (2024) describes in its annual report of gender gap indicator, the current progress of internalization of gender norm in Japan is left behind by most of the EU member states. However, there can see a steady process of gender norm consolidation, and its process is worth examining to extract a clue to the main question.

### **Features of Japanese staffing system**

This subsection describes the basic information about the Japanese bureaucracy, including its history, multilayered organizational structure, basic legislation, principles of personnel administration therein, and politico-administrative relation over political appointment.

It is not easy to identify the establishment of the Japanese bureaucracy. However, at least as an organization composed by those who are recruited through the open competition, the history of its bureaucracy can be traced back to 1899, when Amended Civil Service Appointment Order (Bunkan Ninyô-rei, Edict No. 61 of 189) entered into force to introduce impartial staff recruitment system. However, Japanese bureaucracy or politico-administrative system in large experienced an irreversible and whole sized reform after WWII.

In this background, National Public Service Act (Act No. 120 of 1947, hereinafter NPSA) was adopted in 1947, which is still in force as of 2024. However, for the reasons reviewed below, the act is situated at the center of Japanese personnel

administration system, but there are several, or plenty of, other acts and orders referring to it. At the re-establishment of its bureaucracy after WWII, the Japanese government initially intended and somehow required to construct its bureaucracy based on position classification (Article 29-32) pursuant to the Hoover Draft with a prospect that it would promote democratic character of the executive order. Although the government once completed provisional allocation of positions on the paper in 1950, it was not effectively implemented on the ground for a long time, and the government gave it up even in principle in 2009<sup>9</sup>. This is why Japanese bureaucracy, at least currently, is not a single hierarchical structure; it is certainly hierarchical but disintegrated into each service category.

It is also worth reviewing the system for local public service. Japanese personnel administration in local municipalities is regulated by Local Public Service Act (Act No. 261 of 1950, hereinafter LPSA). Local legal regime in Japan has been created and modified by that of central government, and the legal framework for personnel administration is not an exception; this was why the act for local service followed the act for national service<sup>10</sup>.

Regarding the underlying principles, Japanese personnel administration also based on the merit system. NPSA stipulates that employment of officials shall be made by open competitive examination or selection based on demonstrated ability in order to examine whether the applicants have sufficient ability to fulfill their profession (Article 36, 45). The examination is

---

<sup>9</sup> The hardship of the substantial implementation of position classification are discussed by Kanai (2006) and Okada (2023). In this regard, Japanese former position classification was adopted only for the guarantee of remuneration corresponding to the position.

<sup>10</sup> This is why the position classification were not consolidated also in the local public service system (Miyake 1958). However, local municipalities have also been able to provoke normative contestation against national legal order and its respective interpretations (see 3.3 and 3.4).

de facto operated to recruit the applicants with highest ability (Article 50-52), but the overall stipulation leaves the room for staffing based on other considerations, most notable of which is the political appointment which has created a distorted relations between the political leaders and bureaucracy. Due to their different rationales, politicians and bureaucrats often have different policy preferences and recognition of feasibility of proposed policies, and both parties are keen to control the other and to device defensive instruments against those attempts. Since NPSA situates selection as an exceptional mode of staffing except for several posts in special service, the Japanese bureaucracy has been sensitive to political interference on its internal staffing<sup>11</sup>.

### **Gender in Post-War Japanese bureaucracy and civil society**

This subsection examines the basic legislation on personnel management of the public service and the changing civil society following a number of domestic acts for gender equality.

Since the enforcement of the original NPSA, it prohibits discrimination based on gender. It clearly stipulates:

*In the application of this Act, all citizens shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliation except as provided for in item 5 of Article 38 (Article 27(2))*<sup>12</sup>

The same provision is inscribed in LPSA, and gender norm in Japanese personnel administration has been penetrated from central to local level.

However, since its status was just as a principle and was not detailed in the act and its relevant domestic legal sources, the effectiveness of the provision above was questionable, and its normative basis has also been ambiguous.

In the international sphere, several basic norms on human rights has been embedded in the accumulation of the UN regime, and the Japanese government did not make any explicit contestation against it. Based on the vague but firm recognition on gender equality promotion, the Japanese government adopted numerous acts for protecting women's rights at work in the first decade since WWII, and in line of which it adopted the Working Women Welfare Act (Act No. 113 of 1972) with an intention to empower women from the perspective of employment (Gender Equality Bureau, n.d.). However, these governmental initiatives were insufficient to address the existing inequality in that the act could not give incentives for any socio-economic actors to reform their working environment itself, which caused subsequent hardships. Since its accession to the UN, past delegates of the Japanese government in the UN Commission on the Status of Women were actively involved in advanced norm formulation for gender equality. On the other hand, in the domestic sphere, even though the public attention toward gender issue arose, it took a certain length of time to legalize new standards for its effective implementation. In this regard, one of the main impediments for the ratification of Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) was the Labor Standards Act (Act No. 49 of 1947) with insufficient provisions on non-discrimination based on gender. As discussed in the next subsection, the government experienced some hardships in the meantime but ended up with the adoption of the Act on Equal Opportunity and Treatment between Men and Women in Employment (Act No. 45 of 1985, hereinafter EOA) and ratified the CEDAW in June 1985, which lead

<sup>11</sup>Here can find a proximity with the EU; since Spierenburg Report (1979), the European Commission strived to reduce the application of political appointment and its maximum ratio is strictly limited to a few designated positions (see Fukuda, T., 2022, p.167).

<sup>12</sup>The provision on the applicants' political affiliation is added in the amendment in the next year (Act No. 222 of 1948)

the further development of gender equality by Basic Act for Gender Equal Society (Act No. 78 of 1999, hereinafter BAGES).

### **Impediments to the Consolidation of Gender Norm into the Bureaucracy**

This subsection then revisits the question; what were the major impediments in the gender norm consolidation process? One of the answers can be insinuated in the previous subsection; the Japanese government agreed with the overall worldly norm formation but did not seem to share the same extent of recognition of necessary improvements. But the core hardships were both in the drafting of EOA and broader discussion on administrative reform around 1990s and onward.

One of the most influential policymakers throughout the series of legislations above was Ryoko Akamatsu, who was the director of women and juveniles affairs bureau in Ministry of Labour and left detailed autobiography (Akamatsu, 2003: pp.57-188) touching the preparatory work for EOA adoption, where she confronted several hurdles.

According to Akamatsu's retrospect, the consultative council initially could not formulate its basis of EOA, which strived her to reach out to direct consultation with stakeholders inside/outside the government. The main resistance force was Japan Business Federation (Keidanren); it was about to make a declaration of opposition against EOA in early 1980s. She also suffered from some radicalistic women's associations but maintained the essence of the draft EOA, which was adopted by the Diet and entered into force in 1985. Pursuant to the evolution on effective gender equality, bureaucratic sphere became gradually open for women. Corresponding to the amendments on job category restriction for women, the government deactivated the restriction on several positions formerly only for male applicants.

However, the effectiveness of these implementing instruments was still questionable

under the plural orientations within the public service reform from 1990s. The two directions for the reform proposed in 1997 in the wake of the past corruptions were to strengthen both political control over the personnel affairs of senior public servants and consolidation of a performance/ability-based management of bureaucrats. Despite harsh opposition not only from the bureaucracy but also from the political sphere, the government made a cabinet decision to necessitate cabinet's approval on the staffing of senior bureaucrats, and the successive attempts resulted in the institutionalization of the performance evaluation by the amendment of NPSA (Act No 108 of 2007) and enactment of relevant cabinet orders from 2007 to 2009<sup>13</sup>. The increasing reliance on performance evaluation has not been conflicted with or even referred to the consideration of gender, but eventually fell into an ambivalent relations with it, which hindered effective consolidation of gender norm in the center of bureaucratic sphere.

Japanese government set some numerical targets on staffing policy since 1996, none of which were legally-binding, and the first several years from the introduction of the targets did not see a substantial improvement because of their limited coverage. However, after the enforcement of the BAGES, basic plans for gender equal society are published in every five years, and situation on personnel affairs gradually improved, where the gender norm consolidated in the Japanese personnel administration at the normative level.

### **Current Progress on Gender-related Considerations in Staffing.**

This subsection reviews the gender norm consolidation in the Japanese bureaucracy after the hardships in the reforming process and

---

<sup>13</sup>All cabinet orders implementing the amended NPSA are listed in National Personnel Authority (n.d.), and the history of reform in personnel administration is discussed in detail by Morinaga (2010)

discusses its potential determinants of steady but limited progress.

After the adoption of BAGES, Japanese Cabinet Bureau of Personnel Affairs regularly disclosing the information on the targets and their relevant current progress, from which we can see an incremental compositional transformation of the Japanese bureaucracy. Regarding the newly recruited officials, the ratio of women among them was 12.6% in 1999, but it reached 35.9% in 2023. Pursuant to this increase, the ratio of female staff in managerial posts also grew steadily, which was formerly 1.2% in 1999 but reached 7.5% in 2023 (Gender Equality Bureau, 2008; 2024b).

However, the actual improvements have been modest and most of the targets are not satisfied even in the latest interim evaluation (Cabinet Bureau of Personnel Affairs, 2024: p.1). The reason of which can be found in the positioning of gender norm in the Japanese domestic legal order. Throughout the administrative reform, NPSA was amended multiple times and the provisions on performance-based staffing was inscribed therein. Regarding consideration of gender, the provisions regarding gender issue remained, but the relevant orders and plans referring to NPSA reflect the government's willingness for the gender equality in the public service system. However, regarding its actual operation, the basic plans contain the overall condition that any special consideration on gender in personnel affairs, especially in the recruitment process, must be consistent with merit system and must not jeopardize impartiality due to its undergoing broader administrative reform, especially its strengthening of performance-based staffing (e.g. Cabinet Decision on 24.6.2014). The failure of juxtaposition of gender norm with other more longstanding principles generated a different outcome from that of the EU, but its position as a secondary non-binding consideration may have facilitated the bureaucratic acceptance of gender norm.

Regarding limited norm consolidation in Japanese bureaucratic sphere, there are two additional factors to review and overcome in the practical discussion in the future. First, the personnel administration in local municipality has been more gender-friendly and corrective to the existing inequality than that of national one. Even though the basic plans stipulated by BAGES has directive characteristics from central to local governments, the ratio of women among newly appointed staff (excluding clerical category) has been above 30% for more than two decades (Gender Equality Bureau, 2024b, Figure 1-8), and the ratio of female staff in managerial positions in prefectural and ordinance designated cities exceeded that of national level even in the late 1990s (Akamatsu & Japanese Association of International Women's Rights, 2005: pp.80-81). This situation shows the outcomes of the reform focused on overall efficiency and gender equality depends on the extent of bottom-up ideological diffusion in the domestic multilayered structure. Seen from a broader context, local municipalities may function as a forum of norm formulation and consolidation in policy implementation such as debates on same sex partnerships. Such a local momentum and its subsequent governmental discretions would have a positive impact on the national bureaucracy.

Secondly, there can see a unique discourse and context of women in staffing in Japan, which is also insinuated in the past attached Diet resolutions on legislations concerning women. Even though the gender issue should be discussed referring to its ethical aspects, women have often been framed mainly as an issue of workforce procurements in the general legislations, and as the Japanese public service regime followed these instruments, discussion on the female public servants strayed from its basic normative foundation.

Such a biased discussion and framing of women as workforce to maintain private or

public organization is also reflected in the newly adopted acts, such as Act on the Promotion of Women's Active Engagement in Professional Life (Act No 64 of 2015). As the Council of Europe once states, it is necessary to introduce its perspective in every stage of policy in every policy area (Council of Europe, 1998). However, in personnel administration or the original home of the human resource management, the consolidation of the very gender norm in question should solely be sought in the first place; the strategy to realize it as a byproduct in the process of addressing the other social problems will not bring its accomplishment.

## Conclusion

This article analyzed the essential features of the public organizations both in nation states level and supranational level and identified the possible causes of its limitation and driving forces of overcoming the bureaucratic responsiveness toward contemporary social norms, especially gender norm.

In the case of the EU, there has been a provision prohibiting arbitrary recruitment or discrimination based on the sexes of the staff since the first version of the SR in 1962, but gender issue has been recognized as an agenda of secondary importance. There emerged several community legislations and case laws of the European Court of Justice since 1970s, but those are not powerful enough to change the community personnel administration in front of the merit system and principle of geographical balance. Combined with the lack of its implementation practices, these barricaded two principles hindered the EU bureaucracy from addressing its intraorganizational gender imbalance when recognizing it as necessary. However, based on the strong advocacy by political leaders and European Commissioners from the newly accessed northern European member states, the EU eventually transformed itself into a more gender-friendly organization. The series of reform are reflected

in the SR and related communications, which resulted in the sufficient representation of female staff in the bureaucratic sphere.

In the case of Japan, gender equality in its bureaucracy has been addressed incrementally but steadily, but it also experienced hardships in its transformation process. NPSA iterated its ban on any discrimination on gender as early as its enactment, but it was just as an overall principle of the personnel administration. In a broader context, domestic legislations such as EOA provided the basis of bureaucratic initiatives of internal gender equality, but the process was filled not only with external oppositions mainly by economic actors but also with internal discord stemming from bureaucratic history of devising countermeasures against political control on personnel affairs. However, the Japanese government introduced numerical targets on gender and, although it still has further potentials, the situation improved since BAGES entered into force.

Pursuant to the subquestions, these two cases are summarized as follows. Firstly, the EU and Japan both have legal bases for non-discriminative staffing based on gender from the early days, which had limited effect in addressing existent inequality, but eventually materialized after their affirmative initiatives. Secondly, the EU and Japan had the same normative orientation on gender issue, even though its priority differed, but both attempts for gender equality promotion in the bureaucracy confronted several impediments, but what they had in common was an issue of consistency with other principles of personnel administration, which casted a shadow over the phase of implementation. However, the EU and Japan show different actors and logics triggering effective improvements in their bureaucratic spheres. The EU, or the European Commission's attempts to address its internal gender related problems were brought by several member states, the advocacy of which was successfully integrated into the context of

administrative reform. On the other hand, the Japanese government accepted gender related criteria with its pragmatic interpretation not to infringe the longstanding principles of the staffing policy. Here can see a possibility that this difference may cause different extents of gender norm consolidation in the two cases.

Based on the analysis above and revisiting the main question, regardless of national or international organizations, bureaucracy underestimates the priority of contemporary social norms in its process of strengthening its legitimacy based on the traditional bureaucratic principles, and which is because the bureaucracy has long been keen to keep its logical consistency in justification of conflicting requirements for several decades and did not accumulate its know-hows for the implementation of contemporary social norms and had to formulate its measures to break the status quo from scratch. The study reached the conclusion that such a persistent bureaucratic practice causes the limited responsiveness of public organizations to contemporary social norms. In addition, one cause of such a limited responsiveness of national and supranational bureaucracy could be the experience that the locally shared norm in question did not get crystallized by upper class administrative unit, and in its background, there can see the lack of channels of consultation and consideration between local and central governments. It is of increasing necessity to overcome this common weakness of unitary states to realize truly gender-equal society including both private and public sectors.

The validity of this tentative conclusion and several hypotheses potentially derived from the conclusion, such as that those organizations with relatively short history of their consolidated bureaucratic customs shows better responsiveness, remain to be tested. Furthermore, this study cannot fully reject the possibility that the EU and Japan take on a similar aspect because the EU has clearer separation of

powers and stronger bureaucratic autonomy than other international organizations. Having regard to these aspects, the author reflects that future studies will strengthen the conclusion by case studies of other international organizations which are under political control by surrounding social actors.

The most paradoxical and ironical fact is that, while the Japanese NPSA requires *sufficient* ability, at least on the paper, to fulfill their potential responsibility but confronts its limitation on gender-based positive action on staffing, the EU requires through its SR *the highest* standards of ability of the applicants but has taken numerous measures, sometimes not in line with the primal principle, to realize gender equality in bureaucracy from its early days. In order to secure the individual and social interest and justice, every nation states and international organizations should make a steadfast effort to internalize the contemporary social norms timely and effectively through its multilevel politico-administrative structures. As Maurice Maeterlinck, a Belgian playwright, depicted an unperceived but so close as in the arm's length symbol of happiness in his outstanding work *L'Oiseau Bleu*, when the government is about to launch an initiative, successful predecessors do exist inside the domestic sphere. The first step is to find "a blue bird" and to listen to it.

### Acknowledgement

This research is supported by JSPS Grants-in-Aid for Scientific Research (Kakenhi) grant No. 23K18765). The paper presentation at EROPA2024 is financed by Local Autonomy College, MIC Japan.

### References

- Akamatsu, R., & Japanese Association of International Women's Rights eds. (2005). *Shinban Josei-no Kenri* (Japanese), CEDAW, Iwanami Junior Pocket.

Akamatsu, R. (2003). *Kintou-Hou-o Tsukuru* (Japanese). Keisoshobo.

Ban, C. (2013) *Management and Culture in an Enlarged European Commission: from Diversity to Unity?*. Palgrave Macmillan.

Booth, C. & Bennett, C. (2002). Gender Mainstreaming in the European Union: Towards a New Conception and Practice of Equal Opportunities?. *The European Journal of Women's Studies*, 9(4), 430-446.

Cabinet Bureau of Personnel Affairs. (2024). *Follow up on the situation around female public service*. [https://www.cas.go.jp/jp/gaiyou/jimu/jinjikyoku/pdf/20240119\\_siryu2.pdf](https://www.cas.go.jp/jp/gaiyou/jimu/jinjikyoku/pdf/20240119_siryu2.pdf)

Council of Europe. (1998). *Gender Mainstreaming, Conceptual Frameworks, Methodology and Presentation of Good Practices, Final Report of Activities of the Group of Specialists on Mainstreaming*. Strasbourg, Council of Europe.

European Commission. (2023). Statistical Bulletin: as of 10/01/2023.

European Commission (n.d.) *Departments and executive agencies*. [https://commission.europa.eu/about-european-commission/departments-and-executive-agencies\\_en](https://commission.europa.eu/about-european-commission/departments-and-executive-agencies_en)

European Court of Justice. (1966). Case 62/65, *Manlio Serio v. Commission of the EAEC*.

European Court of Justice. (1971). Case 80/70, *Defrenne v. Sabena* [Defrenne I], ECR445.

European Court of Justice. (1976). Case 43/75, *Defrenne v. Sabena* [Defrenne II], ECR455.

European Parliament Committee on Institutional Affairs. (1999). Report on improvements in the functioning of the Institutions without modification of the Treaties, A4-0158/99.

Fukuda, K. (1992), *EC Gyousei-Kouzou-to Seisaku-Katei* (Japanese). Seibundo.

Fukuda, T. (2022). Cabinet-no Henka-ni Miru Oushû-Iinkai-no Toumeisei: Kousei-in, Katsudou-Rinri, Jouhoukougai-no Bunseki-kara (Japanese). *EU Studies in Japan*, 42, 162-184.

Fukuda, T. (2023). EU-niokeru Kokusai-Jinji-Gyousei-to SDGs: EU Kanryou-Sei-ni-okeru Gender-byoudou-o Mezashite (Japanese). In Fukuda, K. (Eds.). *EU Oushû-Tougou-no Shin-Tenkai-to SDGs (Japanese)* (pp.179-201). Seibundo.

Fukuda, T. (2024). Rethinking EU Gender Diplomacy: Norm Promotor or Loophole for Asian Countries?. EISA-PEC 2024 Conference, working paper.

Fukuda, Y. (2016). EU Kagaku-Gijutsu Innovation-to Gender (Japanese). In Fukuda, K. (Eds.), *EU Oushû-Tougou-Kenkyu: Brexit Ikou-no Oushû-Governance (Japanese)* (pp.264-282). Seibundo.

Gender Equality Bureau. (2008, 2024b). *White Paper on Gender Equal Society*.

Gender Equality Bureau. (2024a). *Report on the current progress relevant to the numerical targets set by the 5th basic plan for gender equal society – Reiwa 6*.

Gender Equality Bureau (n.d.). *History of the enactment of the Basic Act for Gender Equal Society*. [https://www.gender.go.jp/about\\_danjo/law/kihon/index.html](https://www.gender.go.jp/about_danjo/law/kihon/index.html)

Hartlapp, M., & Blome, A. (2021). Women at the Top of the European Commission – Drivers and Barriers. *European Policy Analysis – 2021:6epa*.

Izumo, A. (2023). Koumu-de Josei Shoku'in-no Kanrishoku-e-no Touyou-ga Naze Susumanai-noka: Jinjiseido, Un'you-e-no Chakumoku (Japanese). *The Annals of the Japanese Society for Public Administration*, 58, 5-32.

Kanai, T. (2006). Sengo Nihon-no Koumuin-Seido-ni-okeru Shokkaisei: Seido-ni Umekomareta (Han) Chousei-Genri (Japanese). *Journal of Public Policy Studies*, 6(0), 64-80.

Locher, B. & Prügl, E. (2009). Gender and European Integration. In Wiener, A. & Diez, T. (Eds.) *European Integration Theory* (pp.181-197). Oxford University Press.

- Minto, R. & Mergaert L. (2018). Gender mainstreaming and evaluation in the EU: comparative perspectives from feminist institutionalism. *International Feminist Journal of Politics*, 20(2), 204-220.
- Miyake, T. (1958). Chihou Koumuin-no Shokkaisei (Japanese). *Gyosei Kenkyu Sosyo*, 3, 80-96.
- Morinaga, K. (2010). Kin'nen-no Koumuin-Seido-Kaikaku-no Kei'i: Jitsugenshita-Mono, Nokoru-Kadai (Japanese). *Bulletin of National Personnel Authority*, March 2010.
- Murao, Y. (2022). Koumu'in-no Saiyou-Senkou-to Seibetsu-Jouhou: Sabetsu-to Tatakau Tool-toshiteno Gender Toukei (Japanese). *The Journal of Ohara Institute for Social Research*, 763, 33-48.
- National Personnel Authority (n.d.). *Personnel Evaluation*. <https://www.jinji.go.jp/seisaku/kihonshisaku/jinjiyouka.html>
- OJ. (1962)45, Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.
- OJ. (2004)L124, Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities.
- OJ. (2010)L311, Regulation (EU, Euratom) No 1080/2010 of the European Parliament and of the Council of 24 November 2010 amending the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of those Communities.
- Okada, M. (2023). Kokka-Koumuin-no Shokumu Gainen: Shokkaisei-no Keigaika-kara Mieru Genjou-to kadai (Japanese). *The Japanese Journal of Labour Studies*, 65(10), 4-12.
- Otani, M. (2023). Chihou Jichitai-ni Okeru Saiyoukatsudou-no Genjou-to Kadai: Saiyou Shiken-no Minaoshi-wo Chuushin-ni (Japanese). *Journal of Local Government Legal Research*, 72, 14-18.
- Pollack, M. A. (2003). *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU*, Oxford University Press.
- Pollack, M. A. & Hafner-Burton, E. (2000). Mainstreaming Gender in the European Union. *Journal of European Public Policy*, 7(3), 432-456.
- Schön-Quinlivan, E. (2011). *Reforming the European Commission*. Palgrave Macmillan.
- Spierenburg, D. (1979). Proposals for Reform of the Commission of the European Communities and its Services Report made at the request of the Commission by an Independent Review Body under the chairmanship of Mr Dirk Spierenburg. Brussels, 24 September 1979.
- Traité de Rome (CEE): Traité instituant la Communauté Économique Européenne et documents annexes.
- United Nations - Department of Economic and Social Affairs - Sustainable Development. <https://sdgs.un.org/goals>
- World Economic Forum. (2024). *Global Gender Gap 2024*. Insight Report.