PLANNING THROUGH ASSISTED NEGOTIATION: 
CONSENSUS BUILDING FOR TRAFFIC SAFETY

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Abstract: This paper examines the prospect of using interest-based negotiation for public participation in designing traffic safety improvement plans. Through participatory observation of experimental deliberative processes for improving safety at the Kita-Josanjima Intersection in Tokushima, Japan, we examined its effectiveness in satisfying differing interests of its neighbors and users. Even though the experiment demonstrated the effectiveness of using consensus building techniques in such dialogues, it also revealed challenges in identifying and involving appropriate stakeholders, as well as in managing their relationship. It also suggests the need for adaptations in using “imported” planning tools due to cultural and institutional differences.

Key Words: Consensus Building, Dispute Resolution, Public Participation

1. INTRODUCTION

Japan has recently been faced with new challenges in the transportation sector: the number of automobiles in the rural areas has soared in the last decade. For instance, outside the 3 major urban areas\(^1\), the number of passenger automobiles increased by 31.9% between 1996 and 2006, while the population decreased by 1.6% (AIRA, 2006). This second wave of motorization may have contributed to the revitalization of Japanese automobile industry in recent years; however, it came with a price. This increase in the automobile usage has become one of the critical barriers to achieving the Kyoto Protocol goal to curtail the greenhouse gas emission. In addition, trunk roads and streets must be improved in these rural areas in order to minimize the risks of traffic accident. In particular, many road/street intersections are not designed to handle rapidly increasing traffic volumes. They need to be upgraded so that drivers, bicycle users, pedestrians, and physically challenged people can move through these intersections with minimal risk of collisions.

One way of minimizing such risks is to advance technological innovations. New types of traffic control devices and construction materials have been extensively deployed in different parts of Japan. The other way is to involve the public in designing safety improvement measures. Instead of simply deploying innovative traffic control devices, public agencies can work with local residents and drivers to identify the most important problems, deliberate on the most effective improvement measures, and evaluate their usefulness in the field. This kind of participatory processes has already been tried in different ways. For example, Japan has pioneered in developing Hiyari (meaning “near accident”) Maps. Local residents and others report their “near accident” experiences on a map by marking their location of these incidents. The cumulative result is a map indicating possible areas for improvement which
are not identified in the existing accident reports. The technique has already been experimented elsewhere in Asia (Fukuda et al., 2005). More recently, public involvement for traffic safety improvements is carried out in the framework of “Road Performance Management (Ieda, 2004).” It intends to improve the transparency and effectiveness of coordination between relevant agencies by involving more stakeholders in planning.

These efforts value public input as a kind of information that helps government agencies make wise decisions. In this framework, additional information gathered through participatory efforts will improve the process and outcome of safety improvement efforts. In the United States, on the other hand, participatory planning efforts are often structured as an instance of negotiation and dispute resolution. In this framework, stakeholders have different, often confronting, interests. They not only participate and voice their concerns but also negotiate an agreement that is acceptable to all participants, and make a commitment to it. In Japan, this kind of approach to planning had not been tried, particularly in the field of transportation planning and design.

2. FRAMEWORK: NEGOTIATION AND CONSENSUS BUILDING IN PLANNING

Negotiation theories suggest that even disputing parties can reach a mutually beneficial agreement in many seemingly irresolvable cases by adopting integrative bargaining strategy, also known as principled negotiation (Fisher and Ury, 1991). In order to satisfy all stakeholders’ interests, they are encouraged to trade across the interests that they value differently (Lax and Sebenius, 1986).

Planning theorists and practitioners in the US started to incorporate this approach into their participatory planning efforts in the 1980s (Bingham, 1986). In particular, efforts to resolve intractable public disputes over urban and environmental planning issues—such as wetland protection and land use planning—explored the prospect of consensual agreements through a series of face-to-face stakeholder dialogues. This movement was founded on the reflection of failed participatory planning efforts in the past. Public agencies that naively sought public inputs were often criticized for not fully implementing what “the public” requested; however, it was simply impossible for the agencies to satisfy everyone’s requests because different stakeholders wanted different outcomes while available resources were limited. Carpenter and Kennedy (1988) characterized this dilemma as “Solomon’s Trap.” Public agencies were often forced to assume the “decide-announce-defend” approach after listening to the public (O’Hare, Bacow, and Sanderson, 1983).

Since then, the role of planners has gradually shifted from a technocratic bureaucrat to a mediator. Instead of just listening to public ideas, planners began to position themselves as a mediator, or facilitator, of the dialogue between stakeholders (Susskind and Ozawa, 1984). By facilitating the integrative bargaining between stakeholders, they help stakeholders find an acceptable agreement that will transcend to an actual plan. This approach to planning is often referred to as consensus building (Innes, 2004). In addition to facilitating the dialogue, consensus building seeks to invite the full range of stakeholder representatives through stakeholder assessment. Because of the public nature of planning efforts, advocates of consensus building often argue for the importance of accountability in ensuring the representation of a full range of stakeholders in such dialogues (Susskind, 1981).
3. RESEARCH QUESTIONS

The key question that we address in this paper is the role of negotiation in planning road/street improvement strategies at the neighborhood level. As we reviewed, there were a number of examples of introducing public inputs into such efforts of street planning in Japan; however, they did not structure the dialogue as negotiation. Can a street planning effort in Japan be designed as an instance of public negotiation between various kinds of stakeholders? Will the interests of all kinds of stakeholders be met through such efforts? What are the issues and challenges in implementing such efforts in Japan? We are also interested in exploring how the current institutional and cultural settings in Japan influence the effectiveness of negotiation and consensus building. Even though negotiation and consensus building techniques have been widely used in the United States in the last few decades, they might not be as effective in Japan as they are elsewhere because of various differences in the environment. Answers to these questions will clarify what needs to be carefully attended in designing a negotiation-based planning in Japan.

In order to explore these questions, we designed and observed an experimental use of consensus building processes for designing an improving plan for a road intersection. The experiment took place between January 2005 and May 2006 in the City of Tokushima. A stakeholder committee was organized to discuss and reach an agreement on possible improvements to Kita-Josanjima Intersection—which is an intersection of National Route 11 and the city’s main street. Unlike other efforts of “participatory” street planning, this experiment was carefully designed to encourage participants to negotiate, not to make demands or petitions unilaterally.

![Map of Kita-Josanjima intersection]

Figure 1 Kita-Josanjima intersection
4. CASE STUDY: IMPROVING THE KITA-JOSANJIMA INTERSECTION

4.1 Background
The Kita-Josanjima Intersection is located on National Route 11 (NR 11: kokudō). It is approximately one mile north east of Tokushima’s downtown. NR 11 is a six-lane (both directions) road and one of the major entryways to the city. It is crossed by Prefecture Route 39 and a city’s road at Kita-Josanjima (See Figure 1). These roads are two-lane road and function as one of the main east-west axis of the city.

The intersection has a pedestrian overpass structure. According to traffic rules, pedestrians should cross the street by walking over the overpass in order to avoid traffic accidents and to facilitate the flow of automobile traffic. In order to accommodate bicycle traffic, however, Bicycle Crossing Zones (BCZ: jitensha-ōdantai) are drawn between corners (See Picture (3) in Figure 1). Even though only bicycles are supposed use the BCZ, the physical arrangement allows pedestrians to walk on the BCZ.

The Ministry of Land, Infrastructure and Transport (MLIT) is responsible for managing and improving physical arrangements of National Routes, including their intersections with crossing streets. Its local field office staff—Tokushima River and Road Office—maintains the Kita-josanjima Intersection. Even though the number of reported accidents at the intersection has been slightly decreasing since 1999, the Intersection was officially designated as one of the most dangerous points (jiko kiken-kasho) in Tokushima prefecture due to the relatively large number of accidents. Because of this designation, the field office had a mandate to improve the physical arrangement of the Intersection in order to reduce the number of accidents in a short term.

4.2 Stakeholder Assessment
In January 2005, the MLIT has designated COMMONS—a not-for-profit organization in Tokushima—as a third-party neutral that would facilitate the negotiation between stakeholders. Before engaging stakeholders in an actual dialogue, COMMONS initiated a process called “stakeholder assessment (kankeisha-bunseki)”. The assessment was designed to capture a broad range of stakeholder interests as comprehensive as possible. Information was collected through a series of confidential interviews. The MLIT initially suggested 20 interviewees to COMMONS, and 34 additional interviewees were identified by the first round of interviewees using the “snowball sampling” technique. All interview results were kept confidential in order to ensure candid reactions from each stakeholder. Before the interview started, the MLIT and COMMONS reached a formal agreement on the confidentiality of the interview: the MLIT would not be able to access the information regarding each interview

<table>
<thead>
<tr>
<th>Stakeholder Category</th>
<th>Number of interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers*</td>
<td>11</td>
</tr>
<tr>
<td>Local residents and schools</td>
<td>14</td>
</tr>
<tr>
<td>Local businesses</td>
<td>20</td>
</tr>
<tr>
<td>Government (Traffic, Road)</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>54</td>
</tr>
</tbody>
</table>

*Drivers include bus companies, parcel delivery services, drivers associations, and local fire station.
even though the MLIT covered the cost.

Based on reactions gathered from 54 interviews, COMMONS published a draft assessment report on February 25, 2005. After incorporating suggestions from interviewees, it published the final report on March 17, 2005. The report identified the following five key issues for negotiation:

- Traffic on the north-south axis;
- Traffic on the east-west axis;
- Reduced visibility due to the pedestrian overpass;
- Bicycle crossing lanes; and
- Others.

It also suggested a creation of participatory committee to deliberate on possible improvements to the intersection. In fact, the assessment was intended not only to identify the full range of stakeholders but also to evaluate the possibility of stakeholders reaching a meaningful agreement.

### 4.3 Stakeholder Committee: CIKI

Later in the year, the MLIT, with help of the Japan Society of Civil Engineers (JSCE), convened the Committee for Improving the Kita-Josanjima Intersection (CIKI). Committee
members were selected based on the stakeholder assessment recommendations in order to ensure the full representation of stakeholders and to limit the Ministry’s “subjective” judgments in the selection.

The first meeting was held on July 22, from 2 PM to 5 PM. The first meeting was attended by 18 members (3 members were absent). They were seated in a roundtable format. A camera crew from a local branch office of NHK, the national broadcasting company, came to record the scene. The first meeting was designed to encourage the participants to understand and agree on the committee’s framework. After each member’s self-introduction, the moderator of the meeting introduced COMMONS as a “candidate” for the CIKI’s facilitator. Representatives of COMMONS provided a short presentation about the organization and proposed a work plan, ground rules, organizational structure, and meeting agenda for the upcoming committee meetings. COMMONS also suggested the use of a Technical Assistance Team (TAT) that would help the committee analyze traffic patterns and examine improvement options. After those presentations, the committee unanimously decided to appoint COMMONS as the facilitator for the following meetings. This three-hour meeting was dedicated to shaping this shared understanding that the members would negotiate and they chose COMMONS as the facilitator for the meetings.

Following three meetings were organized to discuss current issues with traffic safety, strategies for dealing with these issues, and possible ways of improving the safety at the Kita-Josanjima Intersection. The whole committee was divided into two or three subgroups in the meetings so that each member would have more opportunity to speak during the limited time for each meeting. Staff of COMMONS facilitated these discussions. By the end of fourth meeting, a set of possible options emerged.

4.4 Reaching an Agreement
Following a recommendation by the facilitator, the MLIT and the local police agency held a private meeting—known as “caucus” in the US—between the fourth and fifth meetings in order to finalize a set of possible agreements from purely technical perspectives. The outcome of this caucus meeting was almost identical to the emerging agreement in the fourth meeting. The idea of painting the road surface, which was suggested in the fourth meeting, was abandoned in the caucus because of its incompatibility with current regulations and other technical considerations.

COMMONS prepared a draft final agreement, and distributed it to all committee members before the fifth meeting. The final meeting was held on February 10, 2006. Members of COMMONS assumed that there would not be lively discussion in this final meeting based on the reactions they received during their follow-up visits and phone calls before this meeting; however, a representative from the Handicapped Persons’ Association (HPA) rejected the proposed agreement. He harshly and critically observed that the eight proposals did not include any scheme for handicapped persons, and demanded that elevators for the existing pedestrian overpass or an underground pedestrian path be built. A new round of negotiation began. Representatives from the MLIT and the HPA negotiated in front of the whole committee members. After several rounds of revisions, it was decided that the draft agreement would include a paragraph acknowledging the need of improving the access for handicapped and elderly people as well as continuing the discussion for exploring long-term plans.
In addition to these provisions for future planning efforts, the committee decided the following eight “short-term” recommendations by consensus (See Figure 3):

1. Reducing the corner radius and moving the Bicycle Crossing Zone to the center of the intersection;
2. Installing night lighting equipment;
3. Drawing the border between the road and the sidewalk;
4. Adding a sign “Time-Lagged Signal (jisa-shiki shingō)” next to the signal;
5. Installing a signboard to warn drivers of crossing bicycles;
6. Drawing road markings to reduce the speed;
7. Drawing guidance lines (for right turns) from the north; and
8. Adding a digital signboard for bicycles showing the remaining time for the green signal.

4.5 Implementation
On November 29, 2006, the MLIT published a newsletter for the Kita-Josanjima communities informing that it would implement the CIKI’s recommendations within a few months. Six recommendations would be implemented in December and another one was in the final design phase. Meanwhile, the recommendation to install an electric information board showing the remaining seconds for the green signal for bicycle riders was still being studied by the police agency. During this implementation phase, the facilitator for the CIKI acted as a monitoring agent for the committee. Even though he was not explicitly asked to do so, he corresponded with the MLIT occasionally and gave a mild pressure to ensure the implementation of recommendations.
5. EVALUATION

5.1 Stakeholder Reactions
The authors conducted a paper-based survey of stakeholder representatives’ opinions about the process and the outcome of the CIKI. It was distributed on February 16, 2006 (i.e., immediately after the final meeting) to all committee members as an insert in the final recommendation report. They were asked to respond to the survey before February 24 by mailing completed forms in an attached pre-paid envelope. Seventeen members responded and the response rate was 81%. The survey was designed to capture participants’ evaluation of the process from a wide variety of perspectives. To elicit their candid reactions, the survey did not ask their names and any other background information that would possibly suggest their identity.

Nearly three quarters of respondents were satisfied with the process, while three respondents evaluated it unfavorably (See Figure 4). Based on their written comments, the frustration about the process focused on the inappropriate role of government agencies in the process, inefficient management of the process, the lack of detailed analyses of accident records, and insufficient attention to particular stakeholders. On the other hand, five participants (29%) responded that they were not much satisfied with the CIKI’s recommendations (i.e., outcomes). Based on cross tabulation analysis with responses to other questions, it appears that these members were unsatisfied with the final agreement because issues that were important to them was neither fully recognized by the committee nor addressed by innovative solutions because of the limited range of improvement options that the committee was allowed to consider.

5.2 Meeting Stakeholder Interests
Because this effort was designed as negotiation, it is important to assess whether stakeholders’ interests were sufficiently addressed by the final agreement in order to measure the stability of the agreement. Otherwise, these stakeholders will question the benefit of supporting the agreement and eventually challenge its legitimacy when the processes are over. If the agreement harms their interests, they will try to stop its implementation. Based on the stakeholder reactions, it seems that a few stakeholder representatives were not satisfied with the agreement.

Based on the observation, as well as on the analysis of the survey responses, it is likely that a few stakeholders were frustrated with the outcomes (See Figure 5) because their interests were not addressed by the agreement because of the limited scope of deliberation allowed by
the CIKI’s framework. The committee was convened to discuss possible improvements that would be implemented in a very short term (i.e., in one or two years). Some stakeholders, particularly physically challenged people, were not satisfied with the agreement because what they wanted—access improvement projects that would require a long time for implementation—were rejected from the agreement because of this scope limit. However, in order to make this intersection an “accessible” one, all committee members (including physically challenged people) seemed to agree that it would take at least a decade to design, purchase land, and follow necessary processes. From the perspective of social justice and long-term policy-making, the co-optation of such groups in the process could be considered as a critical flaw in this experimental negotiation process. However, this experiment was designed to hammer out a pragmatic agreement that would be realized in a short term. Meanwhile, handicapped people were worse off, even if not better off, by the agreement. In a nutshell, this experiment revealed the tension between narrowing and expanding the agenda.

The other difficult issue in designing this process for traffic safety was the representation of private (not commercial) drivers. Even though all drivers have a substantial stake in this project, no one was sent to the committee especially as a representative of drivers. At the outset, it was probable that their interests might not be met by the agreement because of their absence from the process. However, it turned out that other stakeholder representatives could serve as a proxy for the driver’s interests. Many of stakeholder representatives occasionally drive through the Intersection as a private citizen, and had a stake in this process as a driver as well as a representative of other kinds of interests. In fact, they explicitly spoke for the interest of drivers in the meeting discussions. For example, an option of reconfiguring the signal patterns, which would allow pedestrians to walk through the Intersection, was unanimously rejected by the committee members because it would worsen traffic congestions in rush hours. In the end, the absence of a driver’s representative did not necessarily transcend to unfair outcomes for drivers.

5.3 Implementability
In terms of effectiveness, this process was highly successful. The negotiation between various stakeholders could reach an agreement that would be really implemented. Unlike other “participatory” processes, implementation of the agreement was almost guaranteed because relevant authorities participated in the process as committee members and did not dissent. Even though public agencies had the authority to veto and ignore these agreements, their representatives negotiated with other stakeholders and were morally obliged to implement these3. They were also given a chance to say “no” to the emerging agreement in the committee meetings, and were encouraged to do so, if they would not be able to commit to implementing the agreement. Therefore, the outcome turned out to be a very realistic one without “bells and whistles” that no one can promise their implementation.

6. ISSUES AND CHALLENGES

6.1 Balancing Efficiency and Fairness
This experimental use of problem-solving processes revealed the strength, as well as the weakness, of the “negotiation” approach to street planning. As mentioned above, the outcome of the Kita-Josanjima negotiation processes is currently being implemented without any protest. The likelihood of having the agreement implemented is presumably very high because all stakeholders accept the agreement because it is beneficial, or at least does no harm, to them.
On the other hand, once the problem is defined, negotiation processes often limit the discussion of “other” issues in order to help stakeholders concentrate on finding appropriate solutions. Otherwise, the agenda (i.e., the scope of problems that stakeholders have to solve) will expand to an overwhelming volume. However, if someone, like the physically challenged people’s representative in the Kita-Josanjima process, considers that his or her concerns cannot be attended by participating in an ongoing negotiation, he or she might want to reframe the problem definition so that his or her interest can be advanced through the process. Such a redefinition of the problem in the middle of the process will jeopardize the effectiveness of the problem-solving approach to planning.

The Kita-Josanjima experiment clearly involved this dilemma between efficient process and fair representation. No “right” balance between these two factors can be determined in advance. It hinges on the hindsight; If the agreement is fully implemented, the process of crafting it may be considered fair and efficient.

6.2 Technical Complexity and Negotiation

This Kita-Josanjima experiment revealed difficulties of managing the interaction between public officials and laypersons particularly on the issue of traffic safety. One kind of criticism to the Kita-Josanjima process—which was indicated in the survey responses as well as members’ comments made in the committee meetings—was the facilitator’s inefficient handling of technical analysis. In particular, public officials who are adept at technical information and analysis were visibly frustrated by the slow pace of the dialogue. On the other hand, this committee was organized in a quasi joint fact-finding fashion: a separate Technical Assistance Team (TAT) was set up to assist the committee. The facilitator asked the TAT to conduct a very thorough traffic pattern analysis and feasibility studies, which seemed unnecessary to public officials with traffic engineering expertise, in order to make the TAT accountable to all committee members including those who were not familiar with such analyses. The TAT had to use a good chunk of time for explaining technical analysis and feasible options to the non-engineers. Based on this reflection, it was probably important to remind the public officials (particularly engineers) of the joint fact-finding nature of this committee. Public officials and local residents were supposed to craft the agreement “together.” The facilitator could also encourage residents to participate in the process more proactively.

In addition, a “caucus” was used in the end of the process so that relevant agencies could hammer out technically feasible arrangements. Caucus is a forum in which only a few stakeholder representatives meet separately from the whole committee. The facilitator encouraged public agencies to hold a caucus so that engineers could negotiate on technical details without wasting their time in the whole committee (i.e., explaining all details to laypersons).

Based on this experience, it is important to create a mechanism to fill in the gap of technical expertise when the negotiation approach is used in formulating street safety improvement plans. The joint fact-finding framework and caucuses may be useful. At the same time, it is important to manage the tension between efficiency and accountability. Even if engineers want to speed up the process using their expertise, it has to be slowed down so that both engineers and other laypersons develop and evaluate options for safety improvements at the same pace.
6.3 Institutional and Cultural Differences between the US and Japan

Because consensus building techniques for planning were originally developed in the US, we presumed that the use of these techniques would require certain adaptations to the Japanese context. Theories of policy transfer (Rose, 1993; Dolowitz and Marsh, 2000) and the international transfer of organizational innovations (Westney, 1987) inform that such adaptations are necessary in making transferred social technologies useful in the new location.

Our participatory observation of the experiment revealed a range of creative process adaptations in the consensus building techniques. The facilitator team, the convening agency, and stakeholder representatives adapted consensus building techniques both consciously and unconsciously to fit the Japanese context. Some were added at the beginning of the experiment, while others were introduced in response to unexpected situations emerged during the process. Three categories of adaptations were identified:

- Choosing the right participants based on the Japanese context (involving academics, choosing facilitator based on age, and complete anonymity in conflict assessment);
- Adapting processes to accommodate the needs of government agencies (using shingikai system, incorporating traditional ways of interagency negotiation, and developing the work plan to fit with the fiscal year); and
- Adapting the processes to maximize their effectiveness (integrating workshop techniques and meeting each member in the nemawashi fashion).

In addition, a wide range of parties involved in the experiment also noted certain kinds of “organizational change” during the Kita-Josanjima process (Matsuura 2006). Although the signs of such changes were less clear—compared to the instances of adaptation—organizational changes had greater impact in the agreement among stakeholder representatives. Without such transformations in the way stakeholders negotiated and developed recommendations, the experiment would have failed and the government agency would not have been willing to carry them out. In addition, organizational changes seemed to be a demanding experience for those individuals who went though such changes because they had to abandon their familiar routines and explore new ways of “doing businesses.” The change was particularly difficult since it needed to be implemented through collaboration among different organizations.

7. CONCLUSION

This paper analyzed an experiment of introducing the interest-based negotiation strategy into traffic safety improvement planning. Though the Kita-Josanjima experiment, it is proven that participatory street planning efforts can be organized in the negotiation and consensus building fashion, which has been extensively practiced in the United States. In particular, this negotiation-based strategy was effective in crafting a realistic plan that could be fully realized in a timely manner.

While the experiment demonstrated the effectiveness of negotiation and consensus building approach, it faced several challenges to introducing such an approach to designing traffic safety improvements. The challenges include:

- Managing the tension between inclusion (fairness) and exclusion (efficiency);
- Ensuring the representation of automobile drivers and other kinds of unorganized
users;

- Filling the gap in technical expertise between government officials and laypersons while maintaining an accountable process; and
- Adapting for institutional and cultural differences after learning from techniques developed in foreign countries.

These challenges must be considered carefully in utilizing the “negotiation” framework, or consensus building processes, in participatory transportation planning efforts; however, these concerns do not overshadow the effectiveness of negotiation-based planning. The Kita-Josanjima experiment was the one small step. Government agencies, planners, and other kinds of practitioners who work on participatory traffic safety planning are strongly encouraged to test this approach in their ongoing and upcoming efforts. With help of planning theorists, they can develop and improve an effective method for negotiation and consensus building that are well suited for traffic safety planning.

NOTES

1. In this paper, 3 major urban areas (san-dai toshi-ken) include Tokyo, Ibaraki, Tochigi, Gunma, Saitama, Chiba, Kanagawa, Yamanashi, Toyama, Ishikawa, Fukui, Nagano, Gifu, Shizuoka, Aichi, Mie, Shiga, Kyoto, Osaka, Hyogo, Nara, Wakayama prefectures. These are defined in the National Capital Region Development Act, the Chubu Region Development Act, and the Kinki Region Development Act.

2. In snowball sampling, each interviewee is asked to recommend additional interviewees. The number of samples increases like “snowball” as interviewee candidates are added after each interview.

3. The committee was officially organized to create a set of informal recommendations to the ministry, because of the institutional limitations of government officials to commit to certain plans without formal authorizations. It was legally not permissible for any public official to delegate their formal decision-making power to the committee.

REFERENCES