

Enactment of the fundamental law of sport in Japan: the effect for sports promotion policy

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The year of 2011 was a turning point for the Japanese sports promoting legislation. This is due to the fact that the Sports Promotion Act, which had undergone several revisions and served as the fundamental law in sports promotion between 1961 and 2011, was thoroughly changed by the Fundamental Law of Sport. Therefore, the aim of this study is to examine the effect of the enactment of the Fundamental Law of Sport for sports promotion policy in Japan.

The Fundamental Law of Sport contains a preamble, 5 chapters and 34 articles as well as supplementary provisions. The Preamble states that "it is the right of every man to live a happy and prosperous life through the practice of sports". Therefore, the new law specifies clearly that "the practice of sports is a human right". As regards this point, that is an explicit statement, absent from the previous act. Furthermore, the Preamble also says that the sports policy is to be comprehensively and systematically promoted as a national strategy, because an establishment of a sport-oriented nation is indispensable for the development of Japan in the 21st century. That is to say, establishing a sport-oriented nation is one of the main purposes of the enactment of the new law. In other words, the Preamble specifies that the State also bears responsibility for the promotion of sports. However, the Preamble does not contain a precise definition

of concrete rights and thus the responsibility of the State and local governments to ensure the right to sport remains unclear, namely, their obligation is defined as a pledge to "make an effort".

Another provision worth mentioning is Article 5 concerning the "effort of sports organizations". This provision states the necessity to ensure transparent management of sports organizations so that they will function properly. This is due to the fact that some Japanese organizations promoting sports, such as The Sumo Association, have management-related problems and there is a necessity to enhance their governance. In addition, Article 14 is also worth mentioning because this article states that it is essential to take measures which would contribute not only to the prevention of sport-related accidents, but also to injuries and disorders (this includes, for example, a warning of overuse).

As described above, by qualifying the sporting activity as a human right and by defining a certain responsibility of the State (i.e. a comprehensive formulation and implementation of measures concerning the sports policy), the new law as compared with the previous one, plays a more important role for the execution of the sports promotion policy. We can also expect that the involvement of the State and local governments in the promotion of sports will increase. However, as was pointed out, considering that the law does not provide a precise definition of concrete rights and that it states the government's "effort" instead of "obligation", it cannot sufficiently guarantee the exercise of the right to sport. Therefore, in order to ensure the execution of this right as well as the effectiveness of the sports promotion policy, it is necessary to establish laws and regulations such as the order for enforcement.