

Public Participation in Japan's EIA System -its institutionalization and modes-



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1. Citizens' Movement in '60s

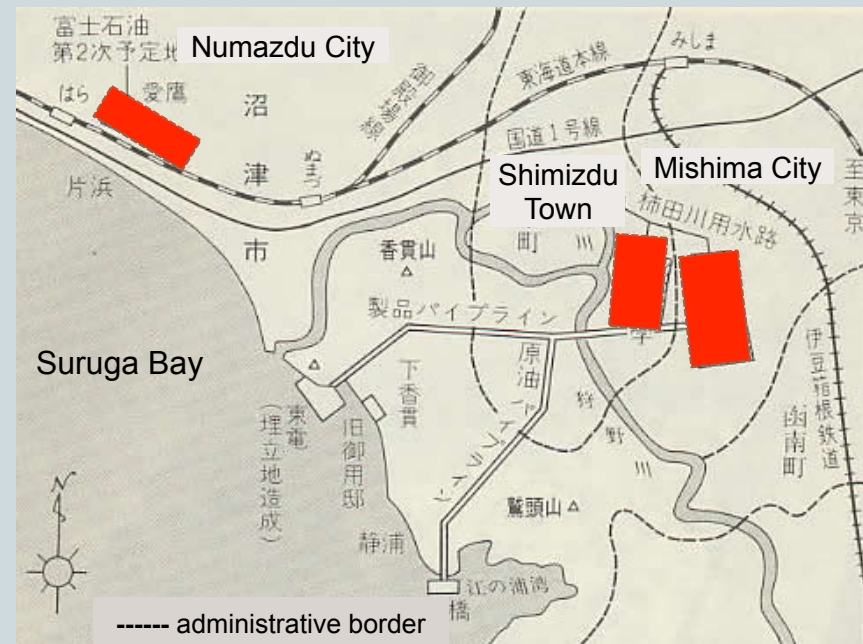
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- ◆ GOVERNMENT'S INDUSTRIAL DEVELOPMENT PLAN
 - ◆ HOW CITIZENS REACTED
 - ◆ HOW CITY GOVERNMENT REACTED
 - ◆ HOW THE GOVERNMENT OF JAPAN REACTED
 - ◆ IMPACTS BROUGHT BY CITIZENS' MOVEMENT

■ Government's Industrial Development Plan

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- In 1963, the Local Government of Shizuoka Prefecture presented a plan, on behalf of the Government of Japan, to develop a petroleum complexes in the government's special industrial development area in Mishima City, Numadzu City, and Shimidzu Town



Planned petroleum complexes
in Shizuoka Prefecture

(source) <https://www.city.mishima.shizuoka.jp/ipn001983.html>
(accessed in Oct 2016)

■ How Citizens Reacted

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- Citizens paid visits on other industrial complex areas early 1964.
- They studied how local people suffered from asthma caused by air pollutions in Yokkaichi City of Mie Prefecture.
- Women, youth, neighborhood associations of Mishima City took collective actions to oppose the plan.



Citizens' Mass Meeting against the Plan in Mishima City

(source) <https://www.city.mishima.shizuoka.jp/ipn001983.html>
(accessed in Oct 2016)

■ How Citizens Reacted

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- Farmers whose lands were to be requisitioned, and fishermen also responded to the movement.
- They contributed money voluntarily to the movement.
- They distributed local papers to disseminate their movement.



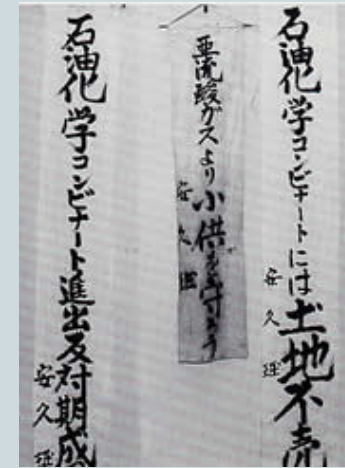
Vehicle March by Mishima Fishermen to protest against the Plan

(source) <https://www.city.mishima.shizuoka.jp/ipn001983.html>
(accessed in Oct 2016)

■ How City Government Reacted

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- Mishima City then established the Matsumura Commission, named after a Doctor of Science, for scientific investigation.
- The group examined relevant documents and predicted the degree of long-term impacts on ambient air.
- They led an intermediate conclusion that the City would not be able to avoid environmental pollutions if the petroleum complex had been built.



Banners

“Against the Plan” “No land on sale” “Protect children”

(source) <https://www.city.mishima.shizuoka.jp/ipn001983.html>
(accessed in Oct 2016)

→ City Mayor of Mishima finally **declared to call off the development plan** of petrol complex in May 1964.

■ How the Government of Japan Reacted

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- Simultaneously, the GOJ also entrusted an industrial pollution survey to the Kurokawa Commission.
- Tens of scholars conducted a large-scale survey.
- They reported that pollution could be prevented and removed if there had been measures taken in advance.

- Citizens held meetings among them and local intellectuals over 100 times to learn what sort of impacts would be caused.
- Based on scientific knowledge and results of their field experiments, **citizens revealed false in the Kurokawa Report.**

**In the end, local opinion was proven scientifically legitimate.
The GOJ withdrew the development plan in 1965.**

Impacts Brought by Citizens' Movement

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- **ACOMPLISHMENTS**

- They changed city government's attitude towards them.
- City Government made a decision in favor for them.
- They changed the GOJ's direction in their development plan.

- **UNEXPECTED IMPACTS**

- GOJ's bitter experience in Shizuoka Prefecture constituted a grave menace to their future public works with industrial community.
- Establishing a national framework of environmental assessment did not move forward well after the Shizuoka case.
- Public participation remained only in name. Formalities were merely followed.

2. Institutionalization of EIA System and Modes of Public Participation in Japan

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- ◆ INSTITUTIONALIZATION OF ENVIRONMENTAL ASSESSMENT IN USA
- ◆ DECISIONS AND ACTIONS AT CENTRAL AND LOCAL GOVERNMENT LEVELS IN '70S
- ◆ WAY TO INSTITUTIONALIZE EIA SYSTEM
- ◆ KAWASAKI CITY'S EFFORTS

■ Institutionalization of Environmental Assessment in USA

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- The Federal Government of USA enacted the National Environmental Policy Act (NEPA) in 1969.
 - It requires all federal agencies environmental assessments and environmental impact statements to assess the likelihood of impacts.
- The GOJ considered it effective to establish a national framework for preventing pollutions and protecting the environment and necessary to introduce a system into the country.

■ Decisions and Actions at Central and Local Government Levels in '70s

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- The GOJ decided to issue a cabinet acknowledgement on “environmental conservation countermeasures for public works” in 1972. Based on it, national projects were implemented.
 - An EIA was conducted for the Second Basic Plan of Mutsu-Ogawara Comprehensive Development Plan in 1976
 - Another EIA was conducted for the Honshu-Shikoku Bridge Project (Kojima-Sakaide Route) in 1977.
- Local governments took actions likewise for implementation of environmental assessment.
 - Kawasaki City Government of Kanagawa Prefecture passed an ordinance on environmental impact assessment in 1976
 - So did by Hokkaido Government in 1978.

■ Way to institutionalize EIA System in '80s

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- 1981: Former EIA Act Bill was submitted to the Diet.
- 1983: Former EIA Act Bill was rejected while deliberation was incomplete.
 - There were concerns for frequent occurrence of litigations and complicated land acquisition, and for citizens' negative reaction against their participation in consultation process and delays in project planning progress accordingly
 - Opposition parties were not satisfied with insufficient contents of the bill, saying "it would give project proponents good excuses for any development activities."
- 1984: Cabinet decision on EIA Implementation was made ("Cabinet EIA Guideline").

■ Institutionalization and Mode of Public Participation: Cabinet EIA Guideline

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- Public participation was not legally binding.
 - Issuance of permits for projects depended on the results of assessment evaluation.
 - Sectors, sizes and volumes of the projects subject to EIA, environmental items to be assessed, evaluation criteria and other conditions were all fixed and limited.
 - Reflection of opinions from the Environment Agency was limited.
 - It mentioned that EIA should be prepared prior to the project implementation by project proponents.
- Public participation was allowed only for the concerned local residents in the EIA procedures.
- Quality of public participation was not concerned as long as their participation was confirmed.

■ Way to institutionalize EIA System in '90s

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- 1993: Enactment of the “Basic Environment Act”
 - EIA became legally binding.
- 1994 -1996: Review by the EIA System Study Group comprised of concerned ministries and agencies
- 1996 -1997: Review by the Central Environment Council
- 1997: Enactment of the EIA Act
- 1999: Enforcement of the EIA Act
 - EIA became legislated.

■ Institutionalization and Mode of Public Participation: EIA Act 1997

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- The Act applied an idea that EIAs should be conducted for the betterment of project planning.
 - The EIA Act disused the idea that public participation should be limited to the citizens in the concerned area.
 - Citizens' rights of participation were ensured by giving them the liberty to state their opinions for the scoping documents and the draft Environmental Impact Statement.
- Public participation however was still limited for the purpose of information collection.

■ Way to institutionalize EIA System in 2010s

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- 2010: Partial amendment that incorporated the concept of SEA, etc. was submitted to the Diet.
- 2011: The amended EIA Act was formed and promulgated
- 2013: The amended EIA Act was enforced.

■ Institutionalization and Mode of Public Participation: **Amended EIA Act 2011**

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- The amended Act newly introduces the followings:
 - *Procedures for 'Planning Consideration Document'* prior to procedures for the Scoping Document.
 - *Procedures for Reporting* on the outcome of exercising the environmental conservation measures and ex-post survey.
- Sharing information with citizens is promoted by obligating the project proponents to (i) hold consultation meetings, (ii) provide information via electric devices, and (iii) develop and disclose summary documents of such information.
- People are given opportunities to deepen their understandings on the project only through mandated consultation meetings.
- Public participation still remains participation for information.

(Note) Procedures for Planning Consideration Document refers to the environmental consideration efforts at the project planning stage to the extent possible through examining alternatives when deciding volumes and locations of their projects based on the secondary data and information.

2. Institutionalization of EIA System and Modes of Public Participation in Japan

■ Kawasaki City's Efforts in Environmental Consideration

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- Enacted EIA Ordinance for the first time in the country in 1976, and renewed it in 1999.
 - It reflected an idea that procedures should be more transparent and righteous through:
 - ✦ Promote disclosure of information to the citizens, and
 - ✦ Provide more opportunities of public participation.
 - Actions:
 - ✦ 1) Introduce the procedures for planning consideration documents,
 - ✦ 2) Introduce the procedures for scoping documents,
 - ✦ 3) Conduct procedures based on project scales,
 - ✦ 4) Improve follow-up surveys, and
 - ✦ 5) Allow certain period of time as standard examination time-frame.

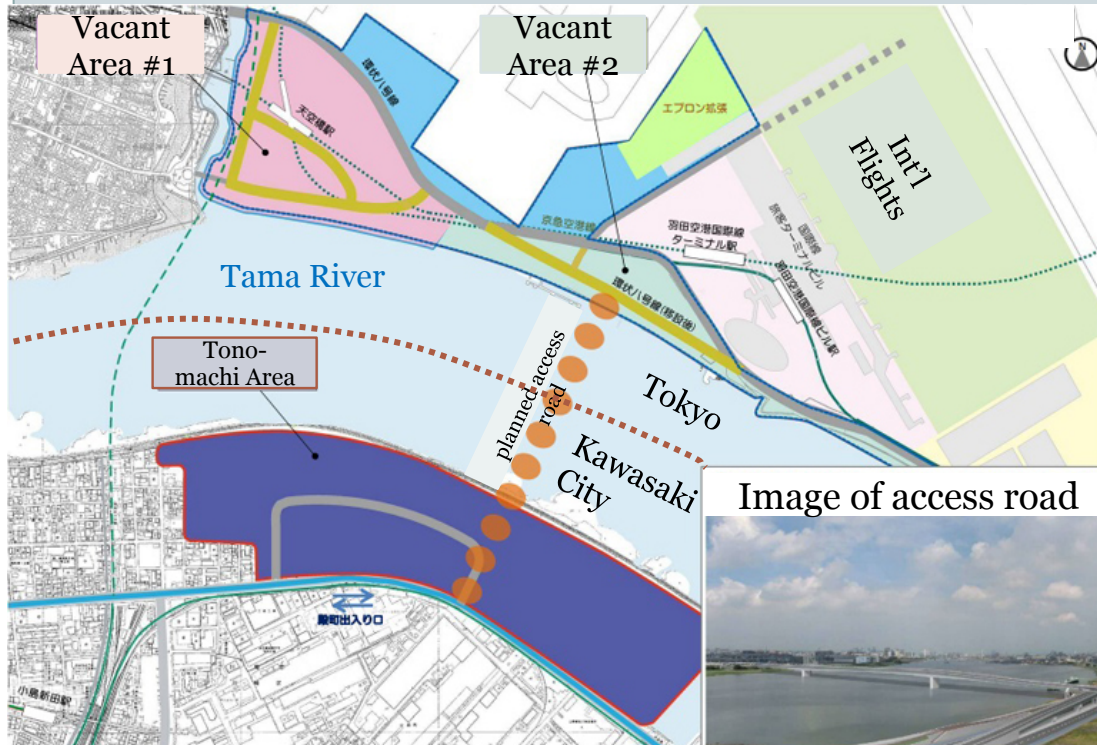
■ Kawasaki City's Efforts in Environmental Consideration

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- Amended the EIA Ordinance in 2012
 - Major amendments:
 - ✦ 1) Improve the procedures for planning consideration documents,
 - ✦ 2) Disclose documents related to EIA via internet,
 - ✦ 3) Obligate the project proponents to hold consultation meetings on EIA, and
 - ✦ 4) Simplify the procedures to hold public hearings.
- Kawasaki City implements its environmental assessments at earlier stage for alternative examination.

■ Recent Case of Kawasaki City's Efforts: Haneda Airport Access Road Development

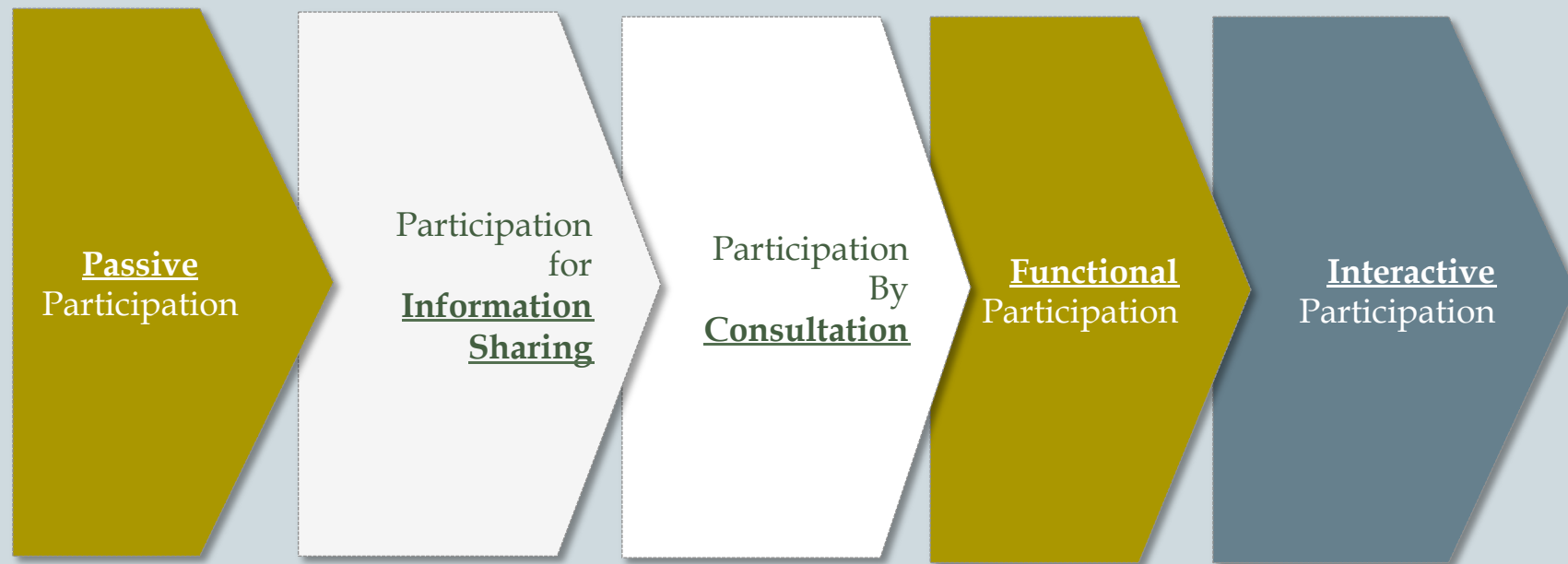
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(source) http://www.kantei.go.jp/jp/singi/tiiki/toshisaisei/hk_renkeikyouka/dai3/siryou2.pdf
(accessed in Oct 2016)

- Kawasaki City conducted an EIA on voluntary basis in 2016.
- Voluntary EIA is encouraged and endorsed by the City's Ordinance.
- The city disclosed the environmental impact statements and summary documents to the public for their comments.

■ Degree of People's Participation in Japan



Amended EIA Act 2011

Kawasaki City Ordinance

3. Conclusion and Way Forward

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- ◆ CONCLUSION
- ◆ WAY FORWARD

■ Conclusion

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- “Mere façade” participation system will not enhance the project proponents’ confidence in making use of public participation into their better decision making.
 - Decision-makings shall be based on scientific knowledge and evidences, and wider variety of public opinions and participations.
 - All relevant authorities shall raise their awareness further and examine ways to improve EIA systems.
- “Voluntary” attitude and approach is needed in EIA implementation.
 - Japan’s experience of EIAs that started with the pollution cases still reflects “regulatory” aspects in EIA system.
 - More attention should be paid to biodiversity, ecosystem, landscape and climate change. Citizens need better learning system and organizations.
 - Good practice is found in Kawasaki City’s efforts.

■ Way Forward

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- The following purposes are all pre-requisites to achieve true and significant public participation:
 1. Deliver information
 2. Provide proper and required knowledge
 3. Collect information
 4. Claim rights
 5. Have consultations
 6. Make decisions

■ Way Forward

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- Requirements for Effective Public Participation are:
 - Target stakeholders specified
 - Time-bound
 - Right information provided at right time for right bodies
 - Right opportunities provided for all stakeholders to state their opinions
- Public monitoring and citizens' involvement play key roles in check-and-balance system.

■ Way Forward

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- Successful application SEA relies on the followings:
 - Specifics of political decision-making process
 - Degree of political accountability
 - Presence and degree of influence by public activities, NPOs and NGOs

Thank you for your kind attention.