

The role of the attorney in the environmental litigation

~with a focus on the efforts of the Aarhus Net~

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Issues and Background of NGOs in Japan

■ Issues

NGOs in Japan are small (only a few percentage has more than 10,000 members) and not so highly professional

➡ Their influence on decision making of environmental policy is not significant

■ Background

- The civil society is not matured enough.
- The public awareness of environmental problems are not so strong.
- There is no systematical guarantee for NGOs participation.
- It is difficult to secure enough finance.
- etc.

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The foundation of the Aarhus Net (Oct. 2003)

- The Aarhus Convention was adopted by UNECE in 1998, enforced in 2001.
- In Japan, neither the Rio 10th principle nor "the environmental rights" are set down. **The 3 rights secured by the Convention (access to information, public participation and access to justice)** are not implemented. Especially, the implementation of the access to justice has not been progressed at all.
 - ⇒ the Aarhus Net was founded mainly by Scholars, NGO members and attorneys to implement the 3 rights secured by the Convention in Japan.

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The purposes of the Aarhus Net

- Educational activities concerning the Aarhus Convention
- Promoting the exchange of information on this issue among the public and NGOs
- Making policy proposals to make national laws fulfill the Aarhus standards
- Persuading the Japanese government to accede to the Aarhus Convention
- Establishment of an Asian version of the Aarhus Convention or efforts to switch the Convention to an entire UN Convention

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Activities of the Aarhus Net (1)

1 Translation of the Aarhus Convention

Conducted by the translation team under the editing supervision of Prof. Noriko OKUBO (Osaka University), Prof. Yayoi ISONO (Tokyo Keizai University), Prof. Yukari TAKAMURA (Nagoya University)

⇒ Uploaded on the UNECE website !

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2 Holding symposiums, lectures, etc

- 2004 Jan~Mar A series of study meetings on the Aarhus Convention (3 times, along with the EPO·GEOC)
- 2004 ~2006 Study meetings to consider the "Actual condition and issues of public participation as a subject of the River Act" (4 times)
- 2006 Jan Symposium on "Exploring the possibility to realize an Asian version of the Aarhus Convention"
- 2007~2008 Study meetings to consider "The public participation in road projects" (4 times)
- 2008~2009 Study meetings to consider "The public participation to the law making process" (3 times)
- 2010 Oct The commemorative speech for the visit of Mr. Fiona Marshal (Secretariat of the Convention) to Japan
- 2009~2011 Activities on the amendment of the Act for the Promotion of the Environmental Activities through the Enhancement of Environmental Education

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3 Making policy proposals

- Resolution on the reform of the judicial system (Oct, 2003)
- Submission of public comments on the scheme of environmental assessment (Jun, 2009)
- A statement on the revised Act for the Promotion of the Environmental Activities through the Enhancement of Environmental Education (2009)

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4 Making a brochure on the Aarhus Convention (2012~2013) Together with the Green Access Project



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Future Activities

- Facilitating efforts to improve the access to justice such as by introducing collective litigation law
- Making efforts toward the amendment to specify the Aarhus standards in the Basic Environment Law
- Promoting participation of the public and NGO representatives into councils of various fields
- Further Facilitating educational activities on the Aarhus Convention through the use of the brochure
- Persuading the Japanese government to accede to the Convention

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Concluding remarks—

Despite the Fukushima disaster, the Japanese government has not clearly mentioned any idea of its policy change toward denuclearization and kept the conventional policy to promote nuclear energy.

According to a recent survey, more than 80% of the people hope denuclearization, which is not reflected in the governmental decision making. This indicates **the weakness of the NGO movement in Japan.**

→ **We will strengthen the power of Japanese NGOs** by establishing the basic ideals of the Aarhus Convention in the Japanese legal system and society. We will not allow a certain interest group to make a decision. Also, we will expand the field of our activity to realize decision making based on the will of the people as sovereign members, by the consensus formation through discussion.

—Thank you very much for your attention!!

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