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Landscape policy, economic influences and the human right to landscape in Japan

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1. Introduction of Japanese landscape policy

The nature and the landscape have the strong influence on Japanese mentality, for example, mountains, hot springs and waterscapes are fundamental for us. On the other side the nature influences our lives as the disasters of earthquake, tsunami and typhoon in Japan. We inevitably and sustainably respect the local nature and our voluntary collaboration for community and security. We proud of our landscapes in Japan, they are not only particular beautiful sites but ordinary landscapes, they are called “hometown landscapes”.

From the end of 19th century the conservation of old shrines and temples was started by law and the first landscape Law of no.44/1919 was enacted for the conservation of historic sites, noted landscapes, and natural monuments (natural monuments include natural species and geological formations). Now we use the integrated Law of no.214/1950 for the protection of Cultural Properties. This law is competent of the National Agency for Cultural Affairs under the Ministry of Education, Culture, Sport, Science and Technology. By this law 1,724 historic sites, 378 noted landscapes, and 1,012 natural monuments are selected until 2014.

A series of environmental law have been promoted by the Ministry of Environment; Law on Natural Park (no.161/1957), Law on Conservation of Endangered Species of Wild Fauna and Flora (no.75/1992), Law on Environmental Impact Assessment (no.81/1997), Law for the Promotion of Nature Restoration (no.148/2002) and Law on Biodiversity (no.58/2008)

The new Landscape Law of no.110/2004 introduced the Provincial and Municipal landscape plans including their ordinary landscapes in all Japan. This law is mainly competent of the planning division of the Ministry of Land, Infrastructure, Transport and Tourism. 20 Provinces and 379 local authorities have already adopted their landscape plans by law until 2013. For example, Kyoto published a new landscape plan by law in 2008. The down zoning of new building heights, view protections, surrounding assessment areas for the cultural gardens were dramatically introduced in the urban area of Kyoto.

In the modified Law for the Protection of Cultural Properties of 2004, the concept of “Cultural landscape conservation area” was introduced as the new category of cultural properties. 43 Cultural Landscapes are selected by the National Agency for Cultural Affairs until 2014. Their cultural landscape plans by law are more sensitive to the historic landscapes in the rural areas.

2. Economic influences of landscape in Japan

Landscape contributes the economic effects. For example, in the case of downtown of Ise, the economic effect of landscape restoration rose annual tourist number from 350,000 to 3,000,000.

After the Japanese ratification of the World Heritage Convention in 1992, the economic effects of the conservation is good understanding for people. The Japanese cognition of tourism is changing by the international economic activities.

For another example of agriculture, the traditional production of highest quality of green tea in

Uji (Kyoto) is kept by the landscape preservation. People are recognizing their economic value of landscape elements as the unique agriculture.

In the urban area landscape design of the new development has sometimes the opportunity to rise the land value and the quality. The case of Kashiwa-no-ha (Chiba) is realizing with the Urban Design Center in cooperation with universities.

It looks also positive in the case of the conservation areas in Japan. For example, my study of the City of Kanazawa reveals the positive relationship between the landscape regulation and the land price by the static analysis of Hedonic approach. From the many points of analysis the factors could be clarified. Usually it is said the volume of buildings is the primary factor of land value. But in the central Kanazawa the conservation areas are the primary factor. Popular landscapes became the “high value of land price” in this case.

We see the negative influence of economy, for example, the change of the number of international visitors by the 2011 earthquake and tsunami of great east Japan.

The earthquake was the greatest Magnitude 9.0, the huge impact was once in the millennium. Not only the highest seismic intensity but the highest tsunami have completely changed the territory and the landscape. The territory of waterfront was flooded and sunk.

Three years passed after the disaster, recent number of international visitors were recovered. So the national vision of the number of international visitors became double until 2016. We are challenging to overcome the economic problems of the disaster. Many reconstruction plans have been published and thanks to all international helps people generally feel better than before. For example, in the reconstruction plan of Rikuzentakata (Iwate), the waterfront of the pine woodland which were destroyed by tsunami will be replanted as their hometown landscape.

3. The lost landscape in Fukushima

The general reconstruction projects are carrying out, but the reconstruction from the Fukushima nuclear accident remains in their heavy problems. The public access are limited in the higher radioactive areas. Some areas will be decontaminated the radioactivity by the reconstruction plans in these years. But some areas are impossible to reconstruct for a long time. The landscapes of a certain area were lost by the accident. The “evacuation area” is now very huge about 1,150km². The decontamination projects were tried in Fukushima. The surfaces were removed from the field and the housing area.

The number of escaped inhabitants by the earthquake remains over 250,000 which number is including escaped people to the temporary public housing. 130,000 inhabitants are escaping by the nuclear accident. 80,000 inhabitants of “evacuation area” cannot return to their original homes for the reason of the higher radioactivity. 45,000 inhabitants are escaping from Fukushima Prefecture to other region. They have lost their hometown landscapes.

Negative influence of the Fukushima nuclear accident is spread all life and economy in the territory. All of agriculture, forestry, fishery, industry and services have been damaged by the

invisible radioactivity. Their landscapes were abandoned.

4. Problems of the human right to landscape

People can't live happily without hometown landscapes. I couldn't imagine how the ordinal landscapes are important for the personal life. In the case of Fukushima the central government have established the Alternative Dispute Resolution Center for the accident of Fukushima under the Ministry of Education, Culture, Sport, Science and Technology in cooperation with Japan Federation Bar Associations. In this case total 12,663 requested the reconciliation and 8,037 arrived at a compromise at this center until now.

While many lawsuits of many City Councils, associations and inhabitants were independently brought against the Tokyo Electric Power Company (TEPCO). The Fukushima Nuclear Accident Independent Investigation Commission of National Diet of Japan have concluded that "the accident was clearly "manmade". The accident was the result of collusion between the government, the regulators and TEPCO, and the lack of governance by said parties. They effectively betrayed the nation's right to be safe from nuclear accidents." (the official report of National Diet of Japan, 2012). But TEPCO have not admitted their formal compensation, paid only minimum.

Victims of Fukushima had to escape from the hometown to the temporary public housing or anywhere they could escape for the security reasons of their family. The Alternative Dispute Resolution Center for the accident of Fukushima recommended to include the compensation for victim's mental pain of the long term, but TEPCO rejected it in June 2014.

I understood the problems of the human right to landscape and the human right to environment in Japan. The Japanese Constitution (1946) says about "the human right to life, liberty and the pursuit of happiness" (article 13), but the human right to environment have never been added in the Constitution and legislation.

Although environmental problems had already appeared in '60s, for example Minamata disease, unfortunately the right to environment and the right to information weren't established by the experiences of the environmental pollution in Japan.

The preamble of European Landscape Convention is the first mention about the human right to landscape in the world. This is very important mention for the future.

5. What is the landscape for people?

The Japanese landscape law of 2004 doesn't say about the definition of landscape by the central government. It is said because local authorities can freely define their local landscapes by the bottom up way.

On the other hand the modified Law for the Protection of Cultural Properties (2004) defines "Cultural Landscapes are landscape areas that have developed in association with the modes of life or livelihoods of the people and the natural features of the region, which are indispensable

for understanding of our people's modes of life and livelihoods". This definition says there is a strong relationship between life and landscape.

We worry that victims of Fukushima have lost their fundamental right to live in their hometown landscape. It would be called "Lifescape". Some of them died for the reason of the transfer from their hometown, although they survived in the disaster. Some researches of the Japan Federation Bar Associations are clarifying the components of mental pains of victims in Fukushima as following absences; place, family, community, culture, works, education, local food and local music... Their landscapes must be restored. I think the place and associations would be strongly connected to the human right to landscape and the definition of landscape.

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