

A scenic view of a traditional Japanese village. The foreground shows a paved road and a grassy area with a small stone structure. In the middle ground, several traditional houses with thatched roofs are visible. The background is a steep hillside covered in dense forest with autumn foliage in shades of orange, red, and green.

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

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1. Introduction of Japanese landscape policy



Photo: Historic landscape of Nara

- the first landscape Law of no.44/1919
- Law of no.214/1950 for the protection of Cultural Properties
1,724 historic sites



Photo: Promnade for Nikko
made in 1625-50 (37km)

378 noted landscapes



Photo: Historic garden of Tenryūji temple made in 1345, Kyoto


1,012 natural monuments



Photo: Crested ibis, Credit: Ministry of Environment

Photo: Aso Kuju National Park

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



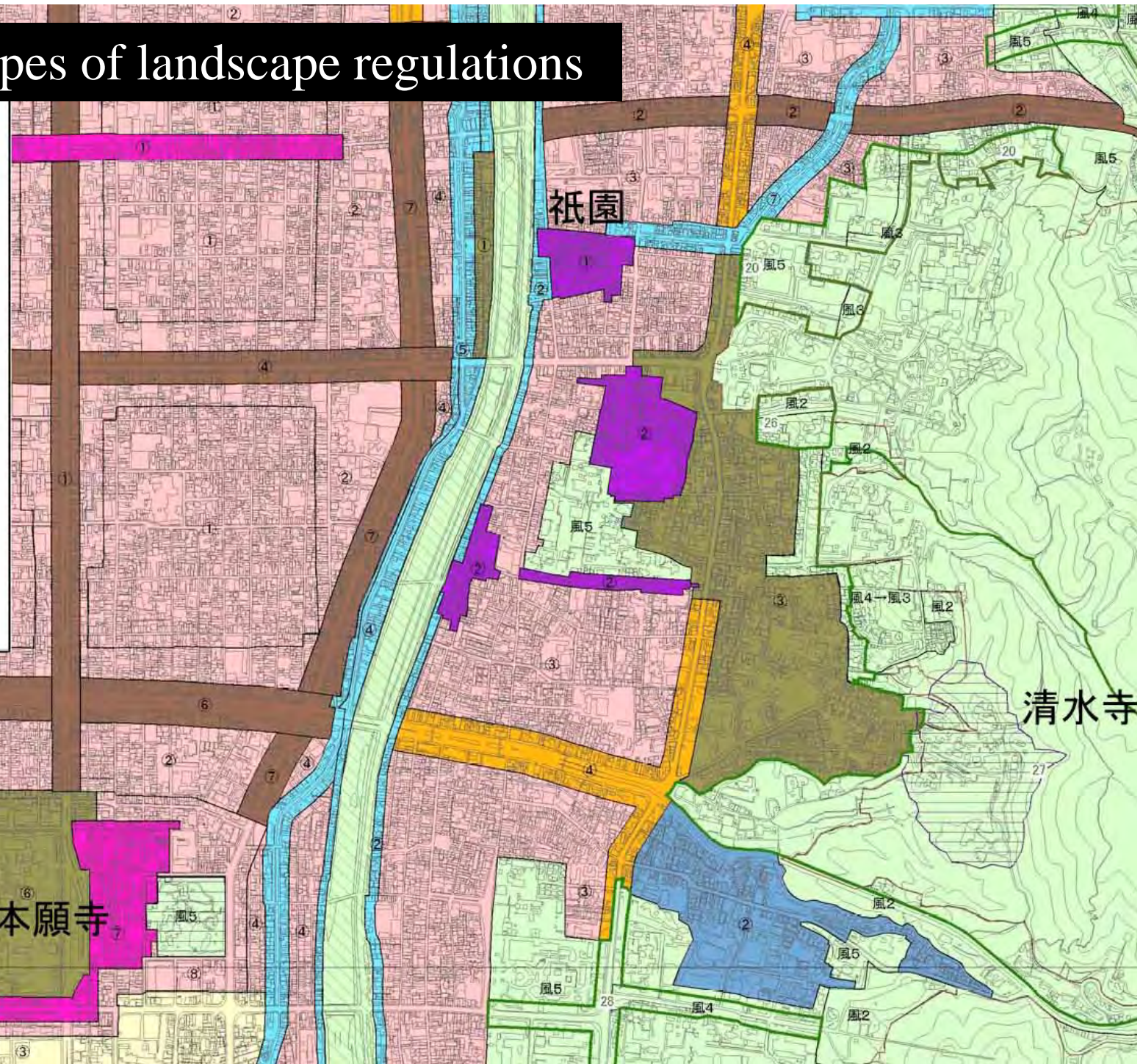
The new Landscape Law of no.110/2004 introduced the Provincial and Municipal landscape plans including their ordinary landscapes in all Japan. This law is mainly competent for the planning division of the Ministry of Land, Infrastructure, Transport and Tourism.

20 Provinces and 379 local authorities have already adopted their landscape plans by law until 2013

Kyoto published a new landscape plan by law in 2008

Zoning: Varied types of landscape regulations

- 市街化区域
- 風致地区
- 風致地区 種別変更範囲
- 風致地区 拡大範囲
- 風致地区 特別修景地域
- 世界遺産等の登録資産
- 山麓型美観地区
- 山並み背景型美観地区
- 旧市街地型美観地区
- 岸辺型美観地区
- 歴史遺産型美観地区
- 歴史遺産型美観地区(歴史的景観保全修景地区)
- 歴史遺産型美観地区(界わい景観整備地区)
- 沿道型美観地区
- 市街地美観形成地区
- 沿道美観形成地区
- 山麓型建造物修景地区
- 岸辺型建造物修景地区
- 山並み型建造物修景地区
- 町並み型建造物修景地区



The down zoning of new building heights of Kyoto (before 2008: 45m height)



The down zoning of new building heights of Kyoto (after 2008: 31m height)

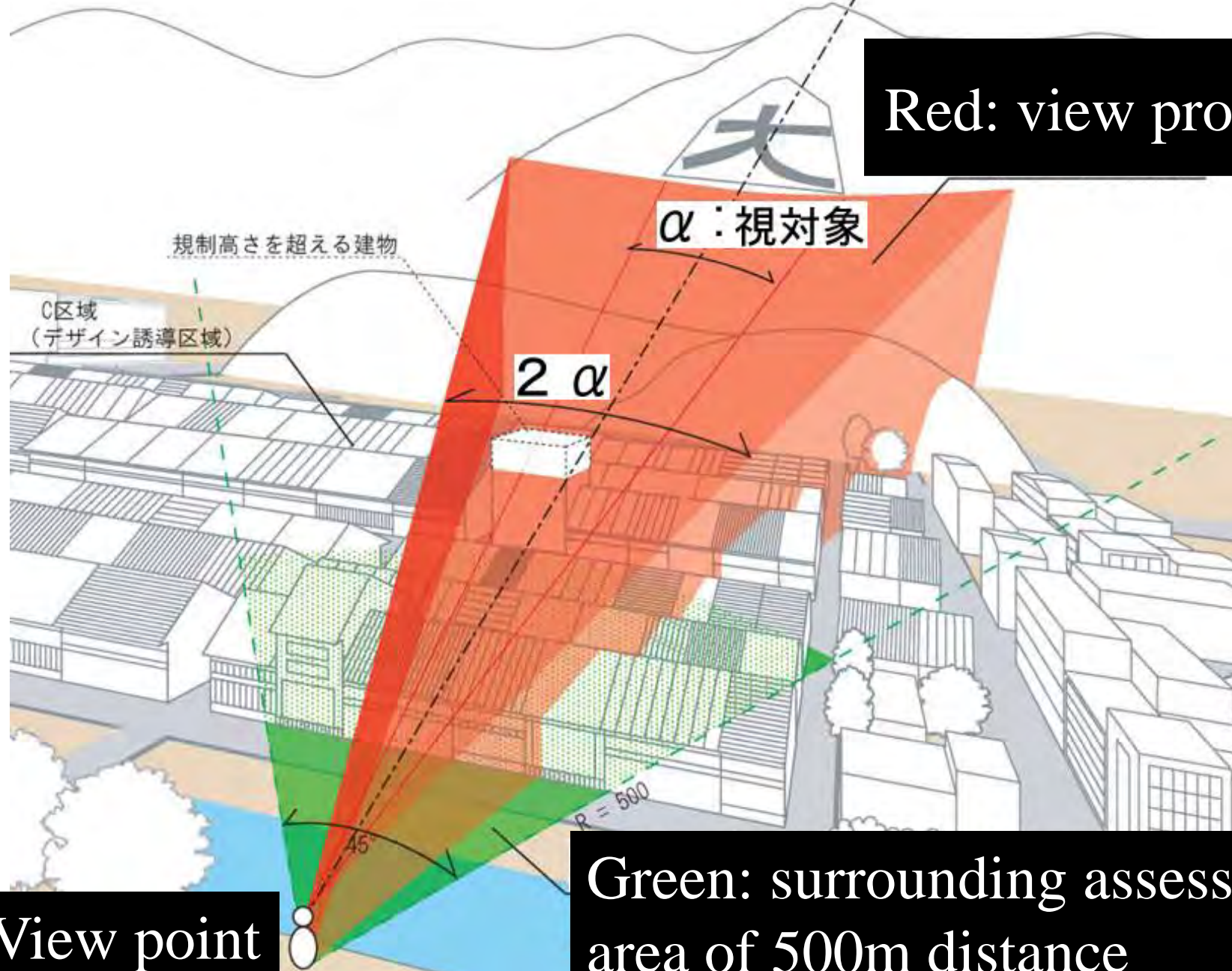


View protections, Okuribi: Historic ceremony of Kyoto, Buddhism

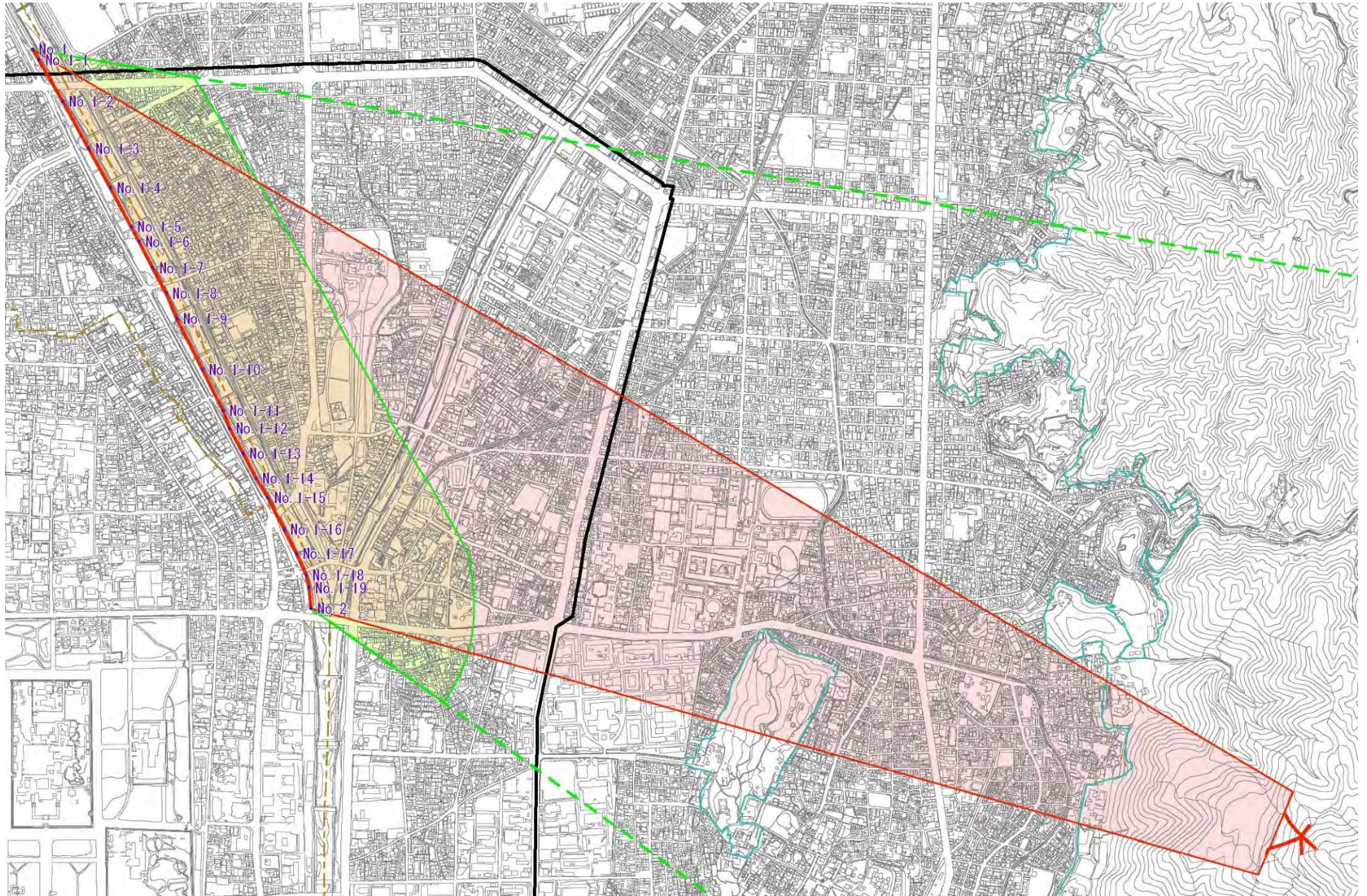


Photo credit: City of Kyoto

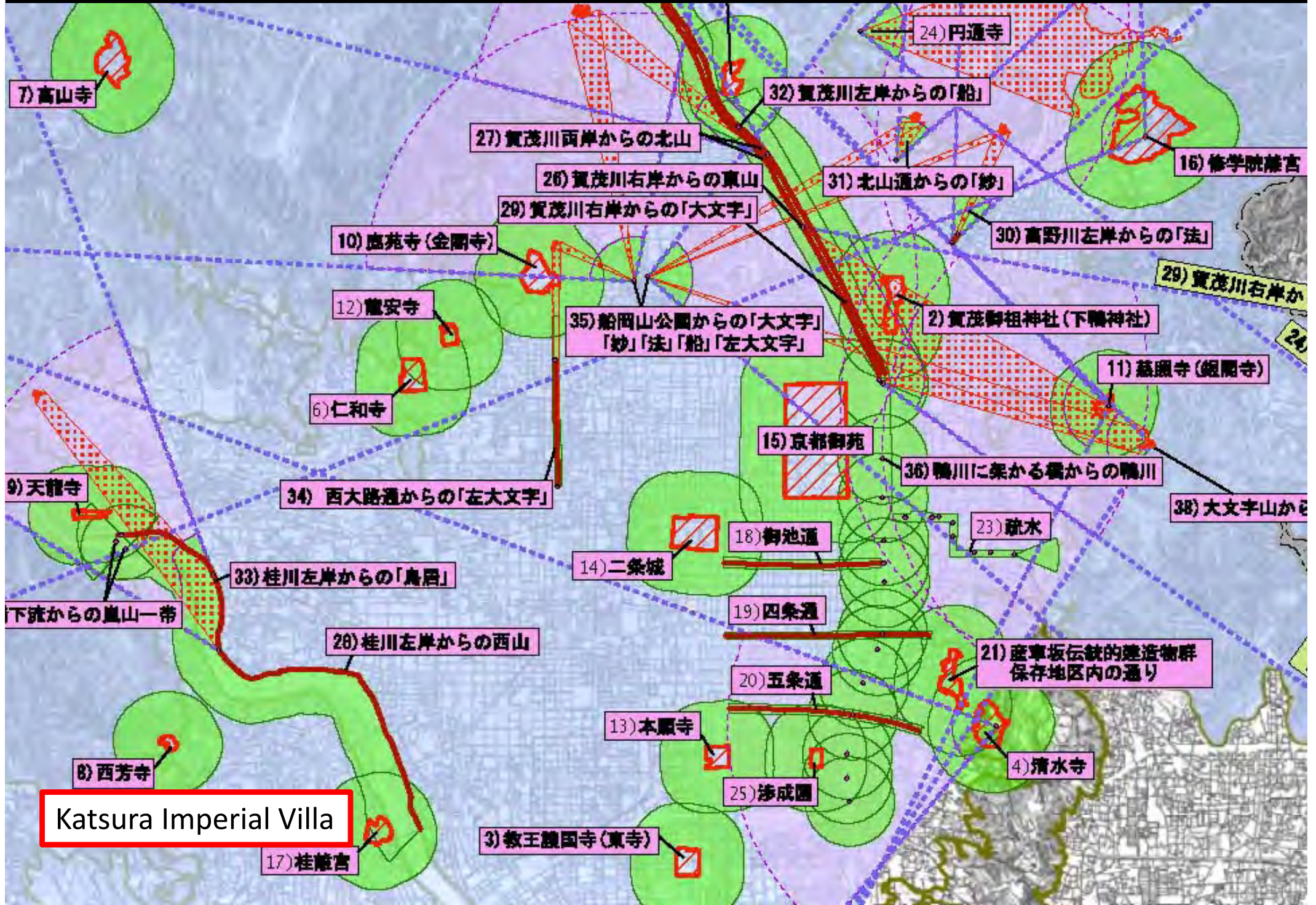
The concept of view protections and the surrounding assessment areas of Kyoto



a view protection area on the landscape plan of Kyoto



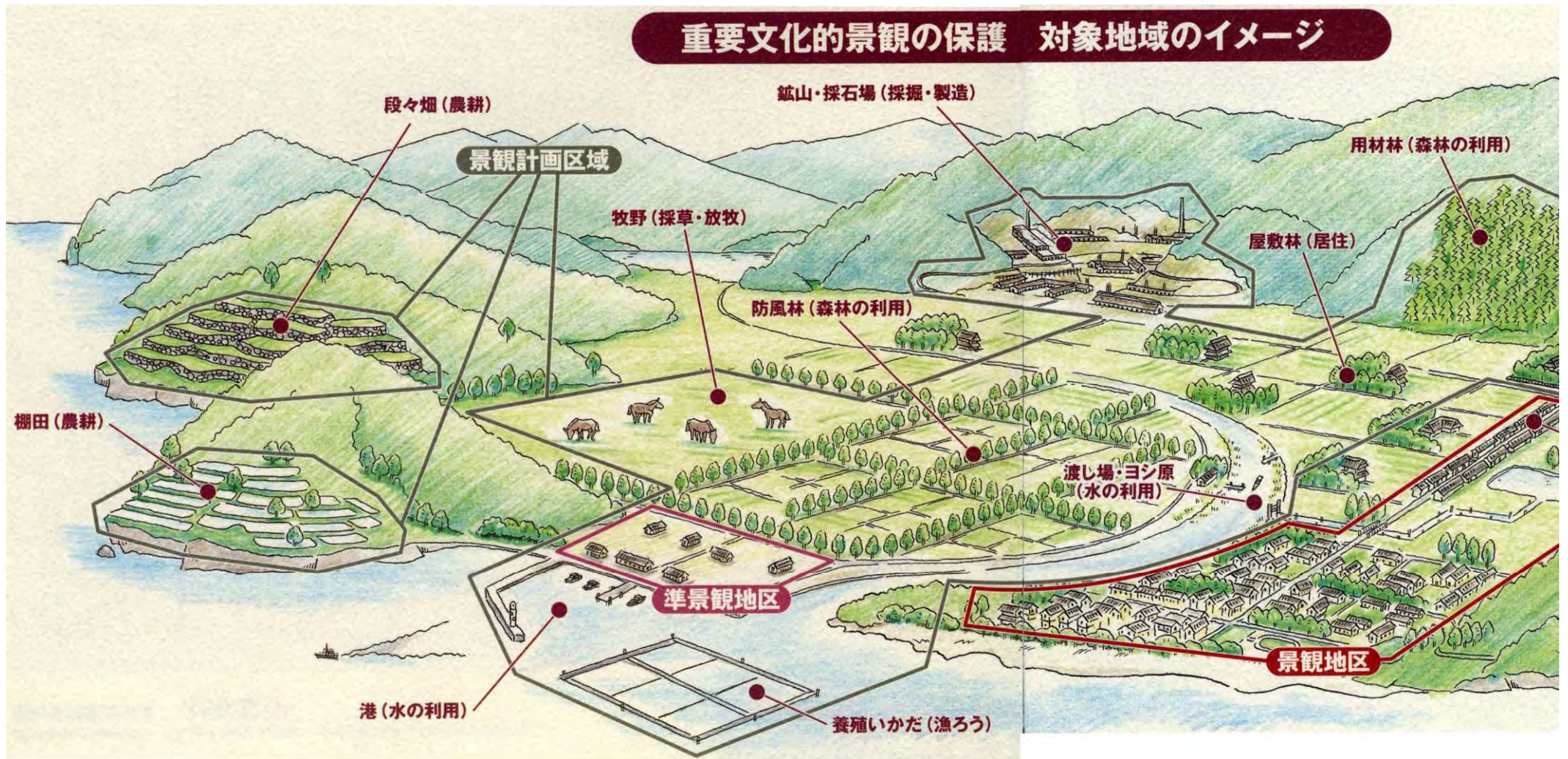
surrounding assessment areas on the landscape plan of Kyoto





For example, a surrounding assessment area of historic garden, Katsura Imperial Villa, Kyoto, 17th Century

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.



2. Economic influences of landscape in Japan

Advertisements

Before the restoration
350,000 tourists in 1992



Poles

Building designs

Regulation of
Advertisement

Association

After the restoration
3,000,000 tourists in 2002



Design
quality

Pavement

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.



Urban Landscape Design in Kashiwa-no-ha for the Smart City Source: Mitsuihudosan Co., Ltd



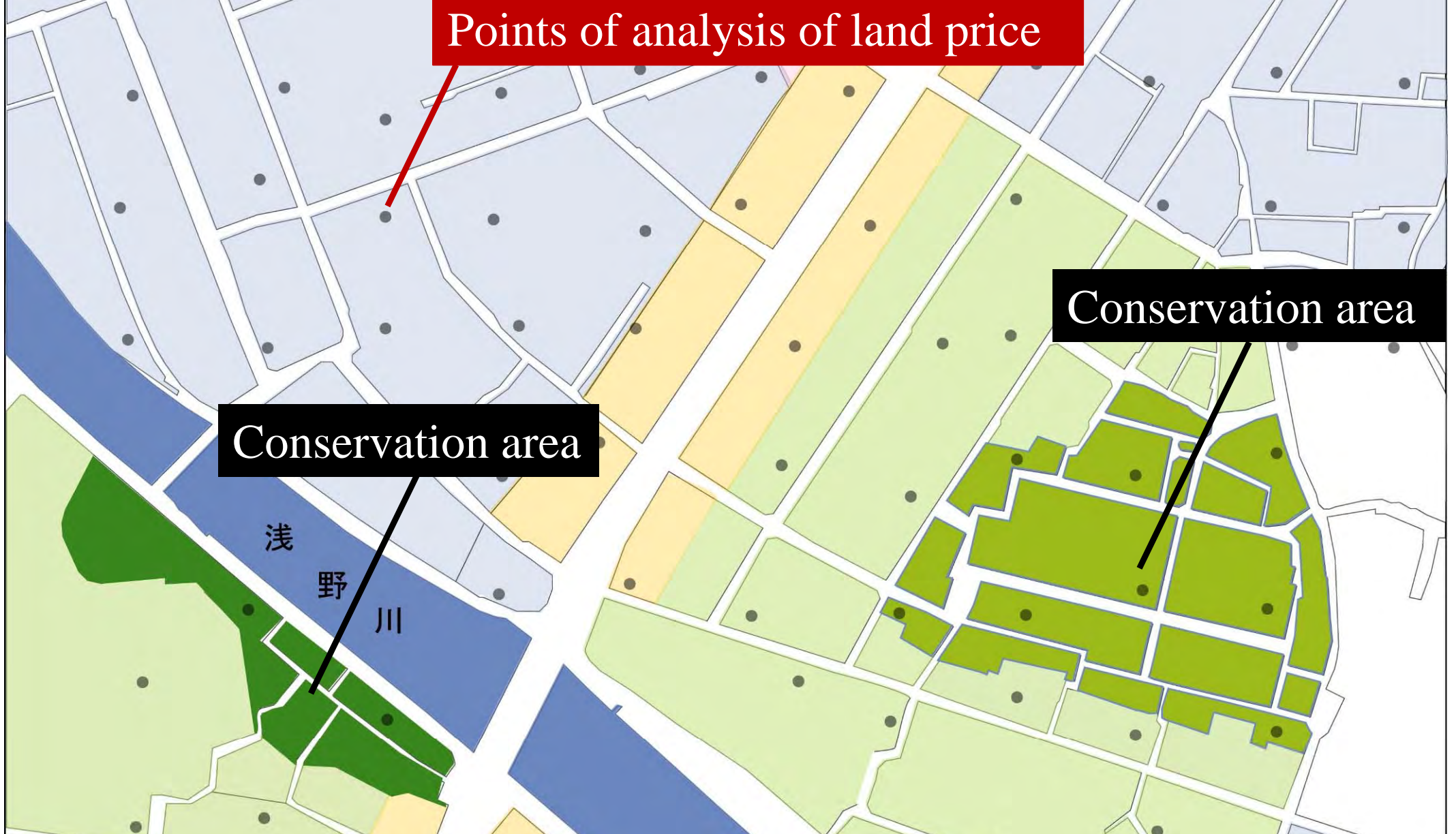
Design management association: Urban Design Center Kashiwa-no-ha

It looks also positive in the case of the conservation area 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.



Photo: Conservation area of Kanazawa

Points of analysis of land price

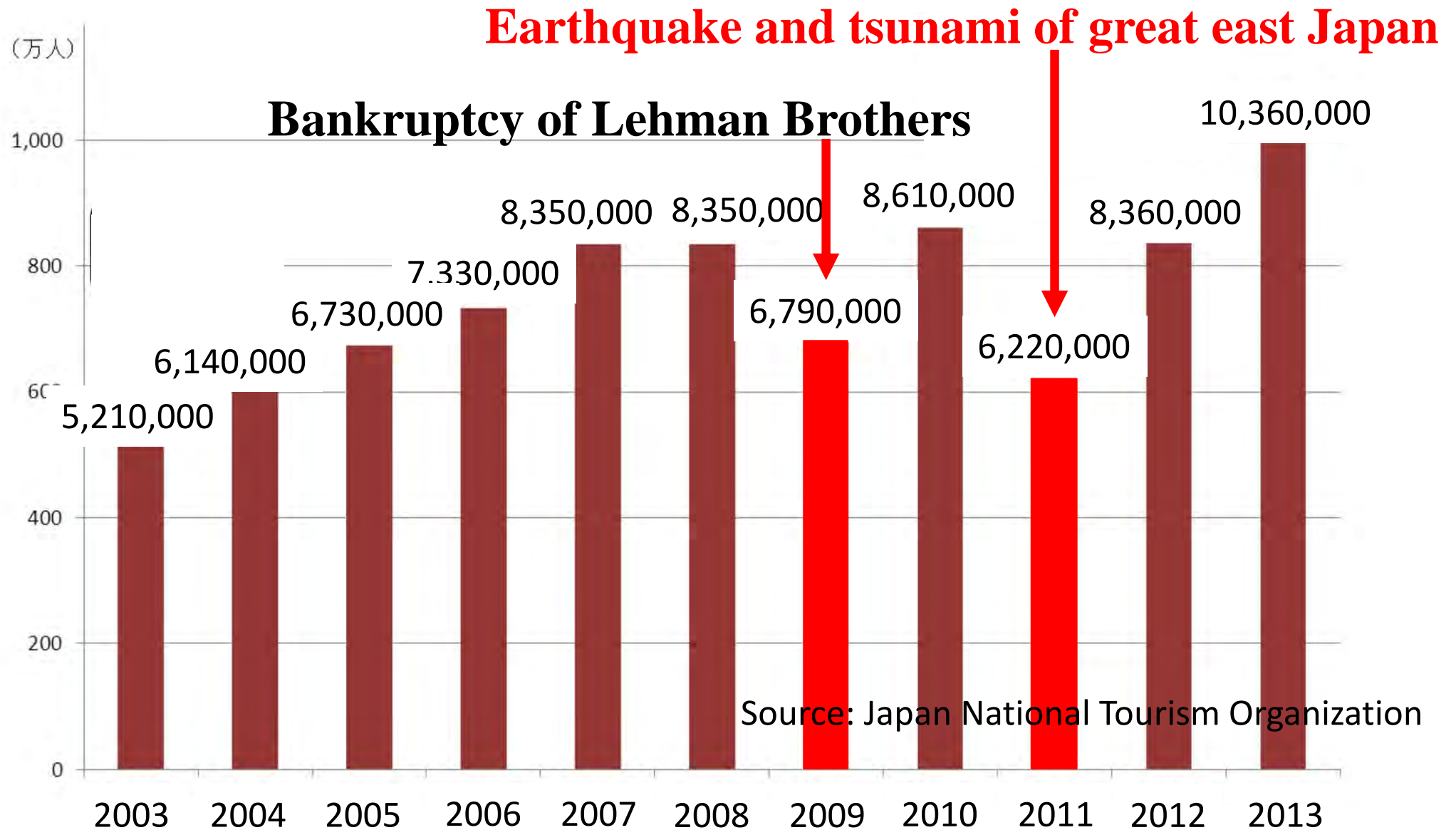


Conservation area

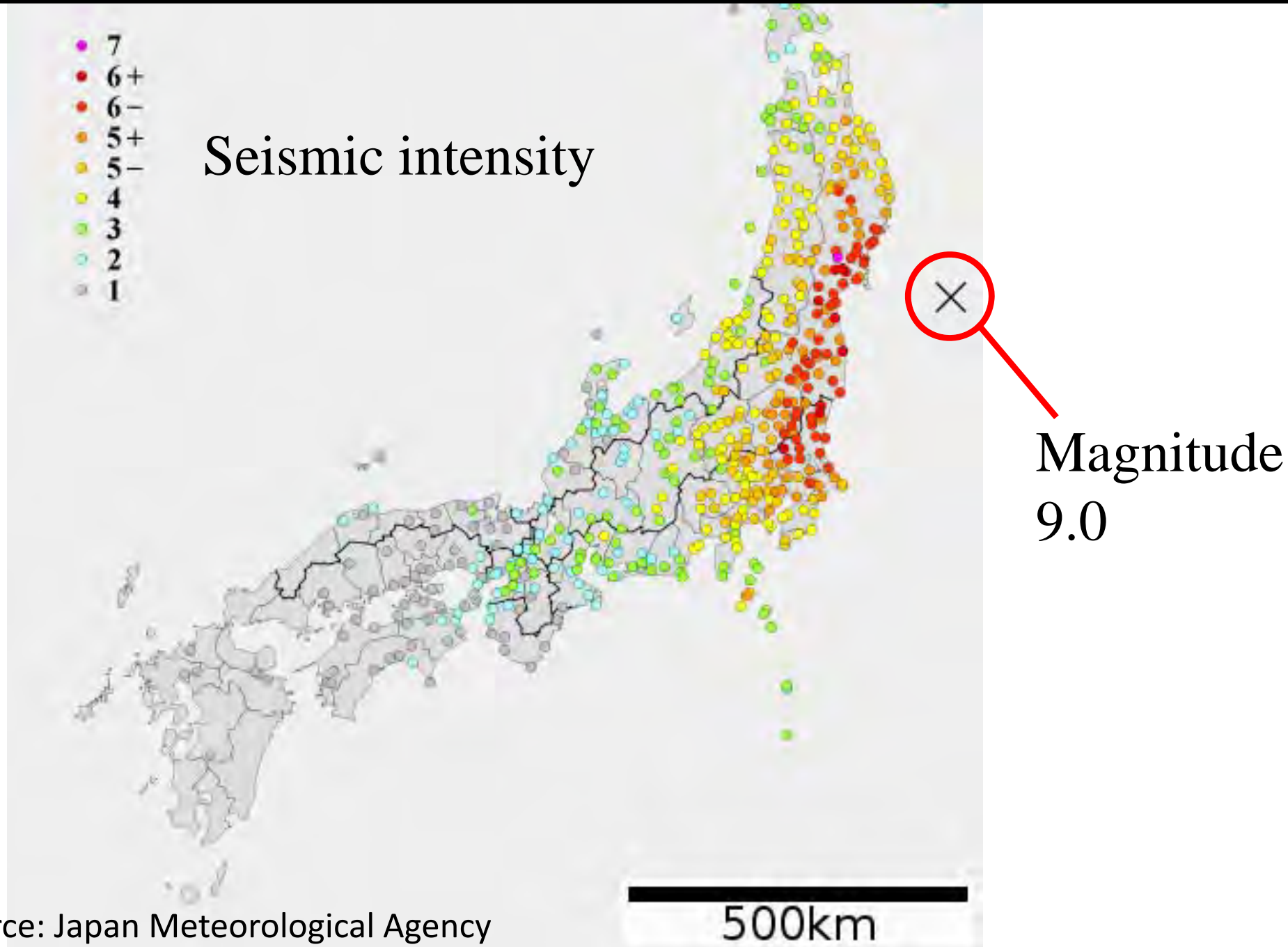
Conservation area

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.



Source: Japan Meteorological Agency

Not only the highest seismic intensity but the highest tsunami have completely changed the territory and the landscape.



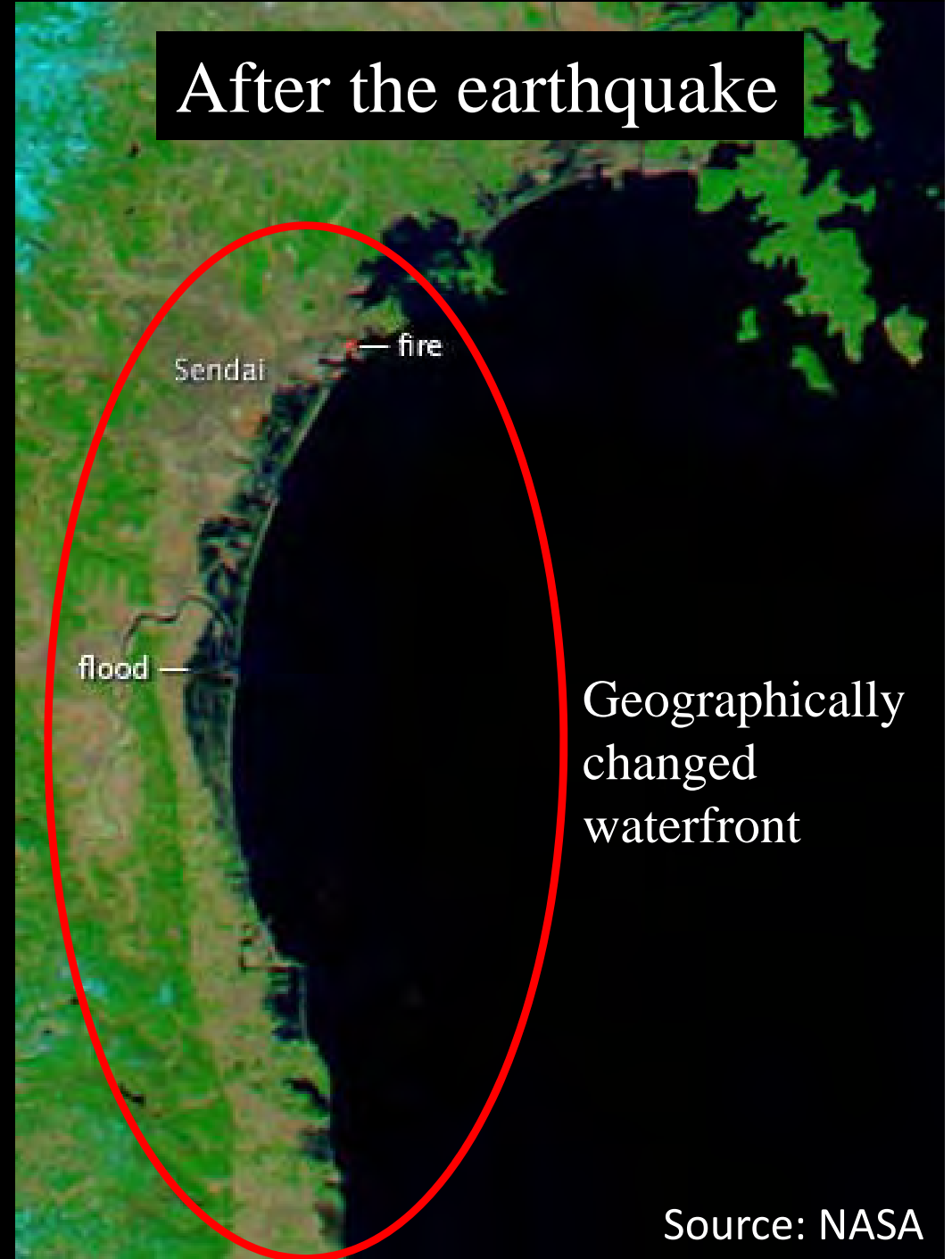
Source: United States Navy

The territory of waterfront was flooded and sunk

Before the earthquake



After the earthquake



Geographically
changed
waterfront

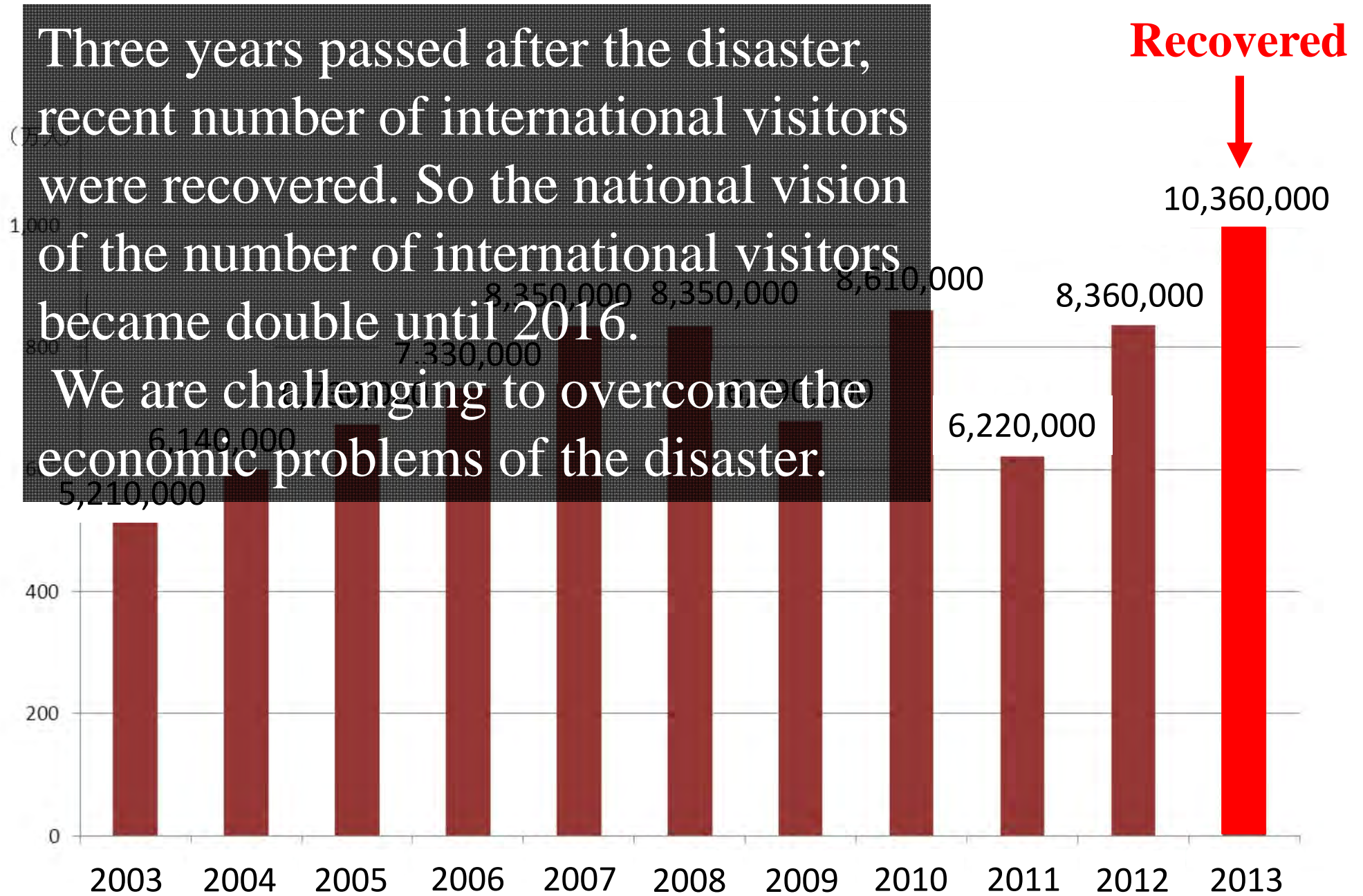


Source: Town of Minamisanriku, Miyagi

Tsunami in 2011

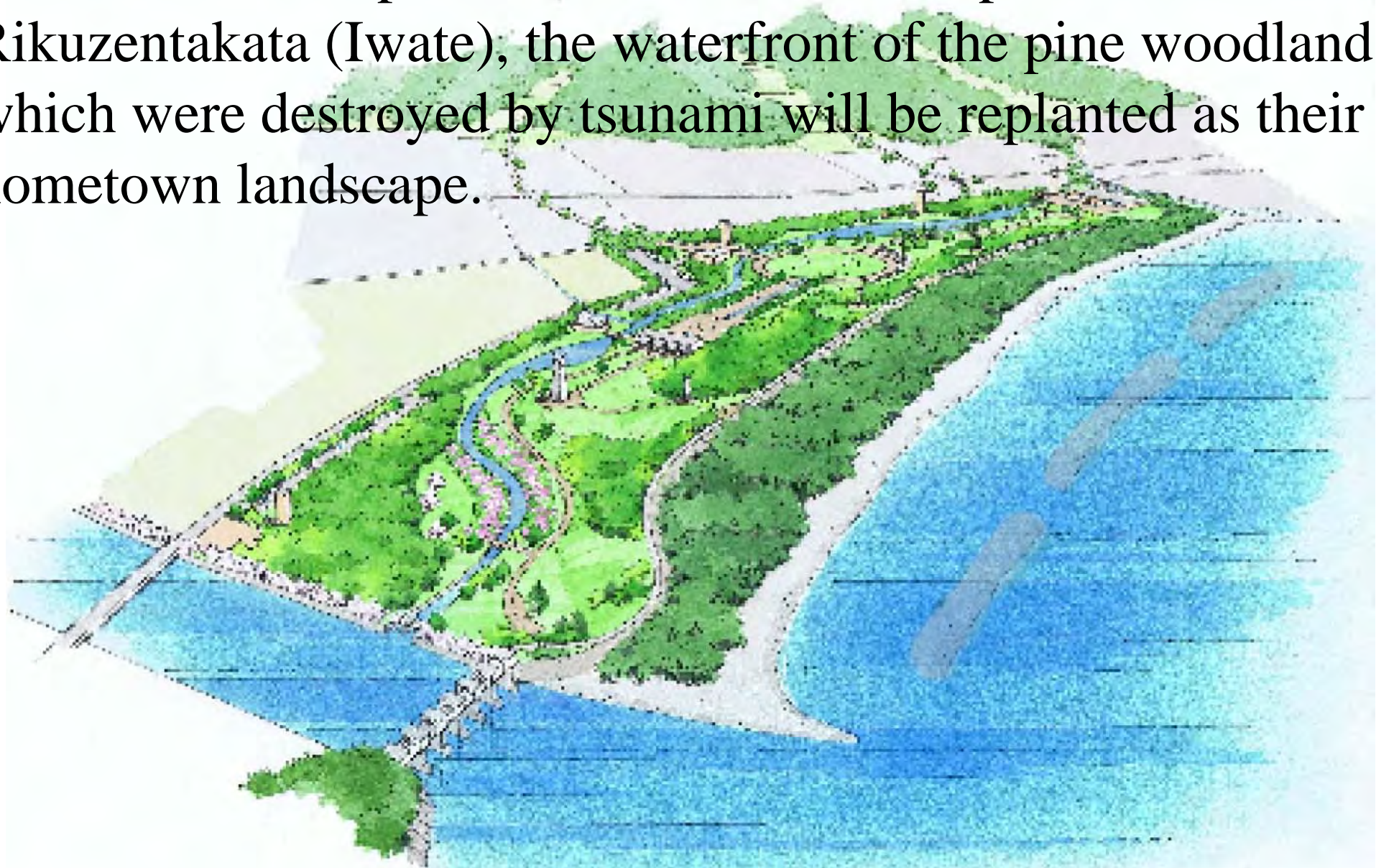


Source: Town of Minamisanriku, Miyagi



Source: Japan National Tourism Organization

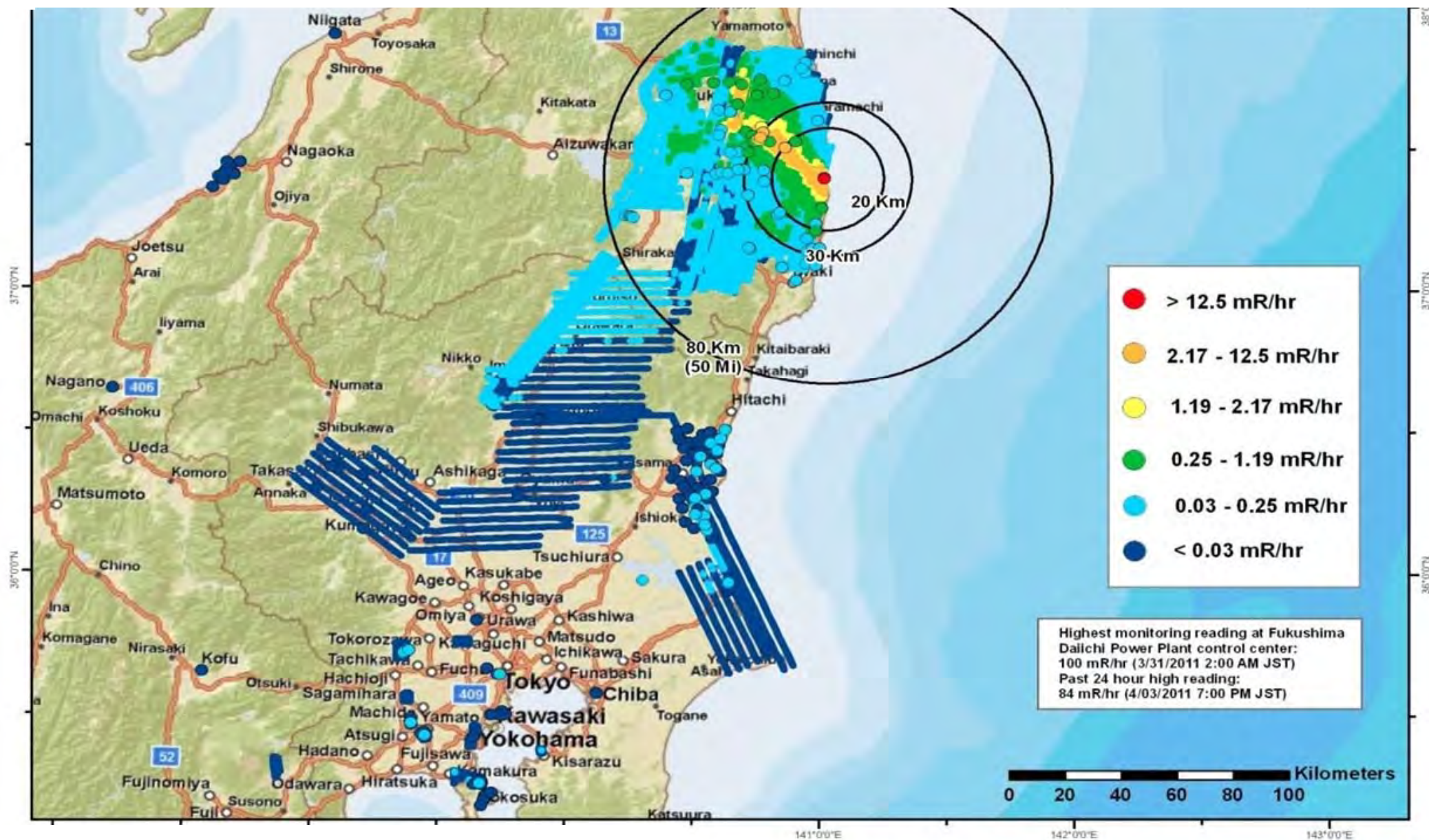
Many reconstruction plans have been published and thanks to all international helps people generally feel better than before. For example, in the reconstruction plan of Rikuzentakata (Iwate), the waterfront of the pine woodland which were destroyed by tsunami will be replanted as their hometown landscape.



Memorial Park of Rikuzentakata (2011), City of Rikuzentakata

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.



Source: 30 March-03 April 2011, NNSA, USA

“Areas to which evacuation orders are ready to be lifted” [Area1]

“Areas in which the residents are not permitted to live” [Area2]

“Areas where it is expected that the residents have difficulties in returning for a long time” [Area3]

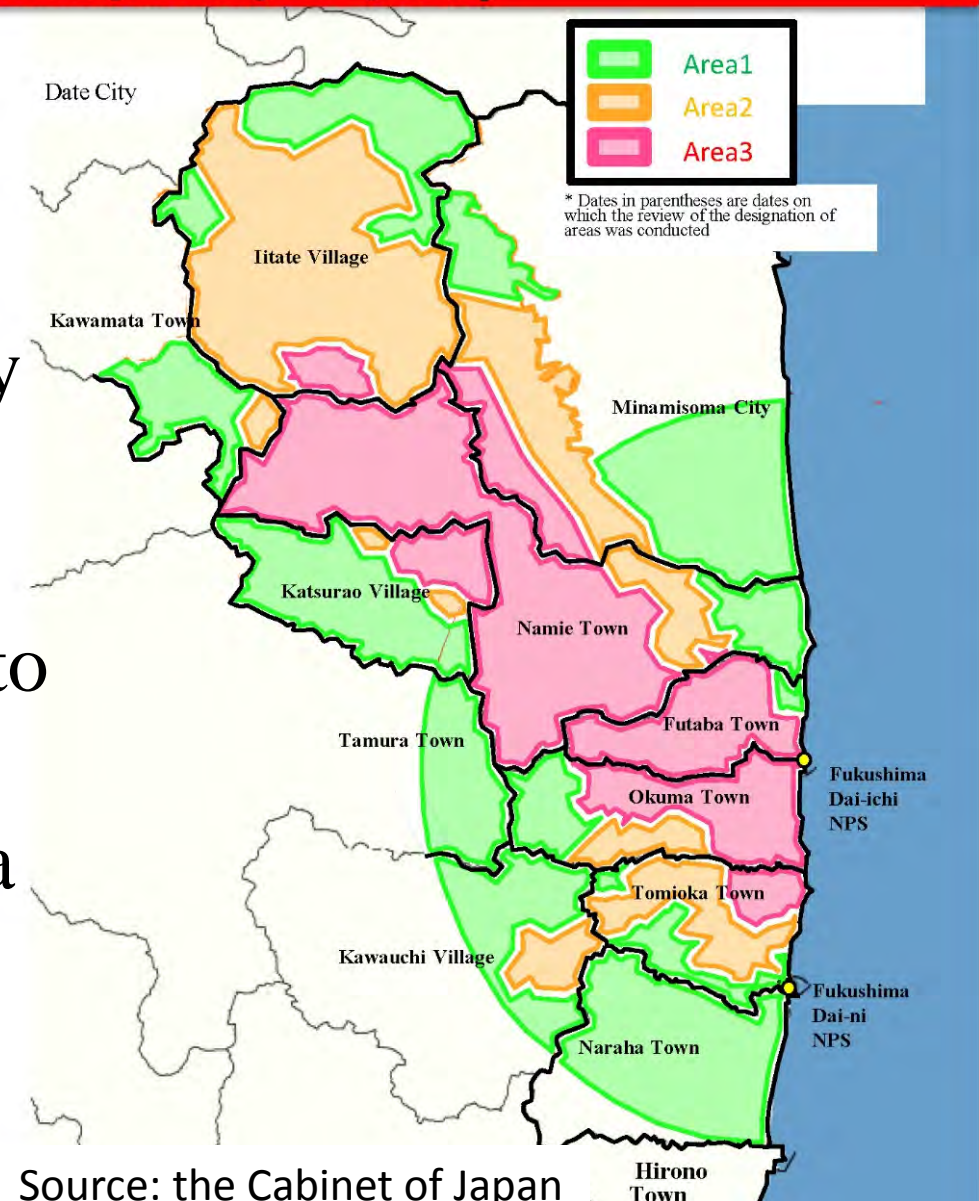
The public access are limited in the higher radioactive areas.

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 .

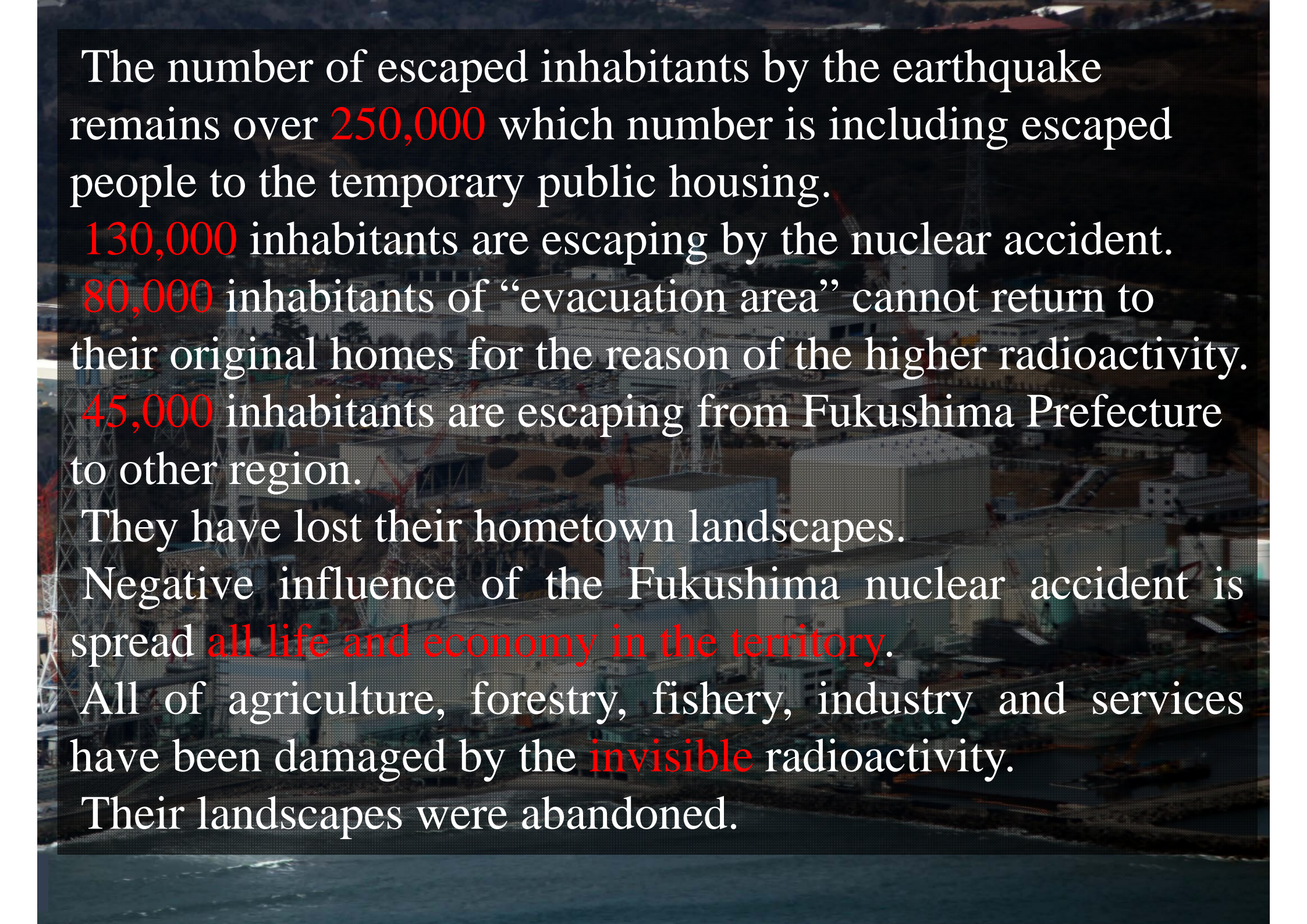


Source: the Cabinet of Japan

the evacuation area

The decontamination projects were tried in Fukushima. The surfaces were removed from the fields and the housing areas.





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 image 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.

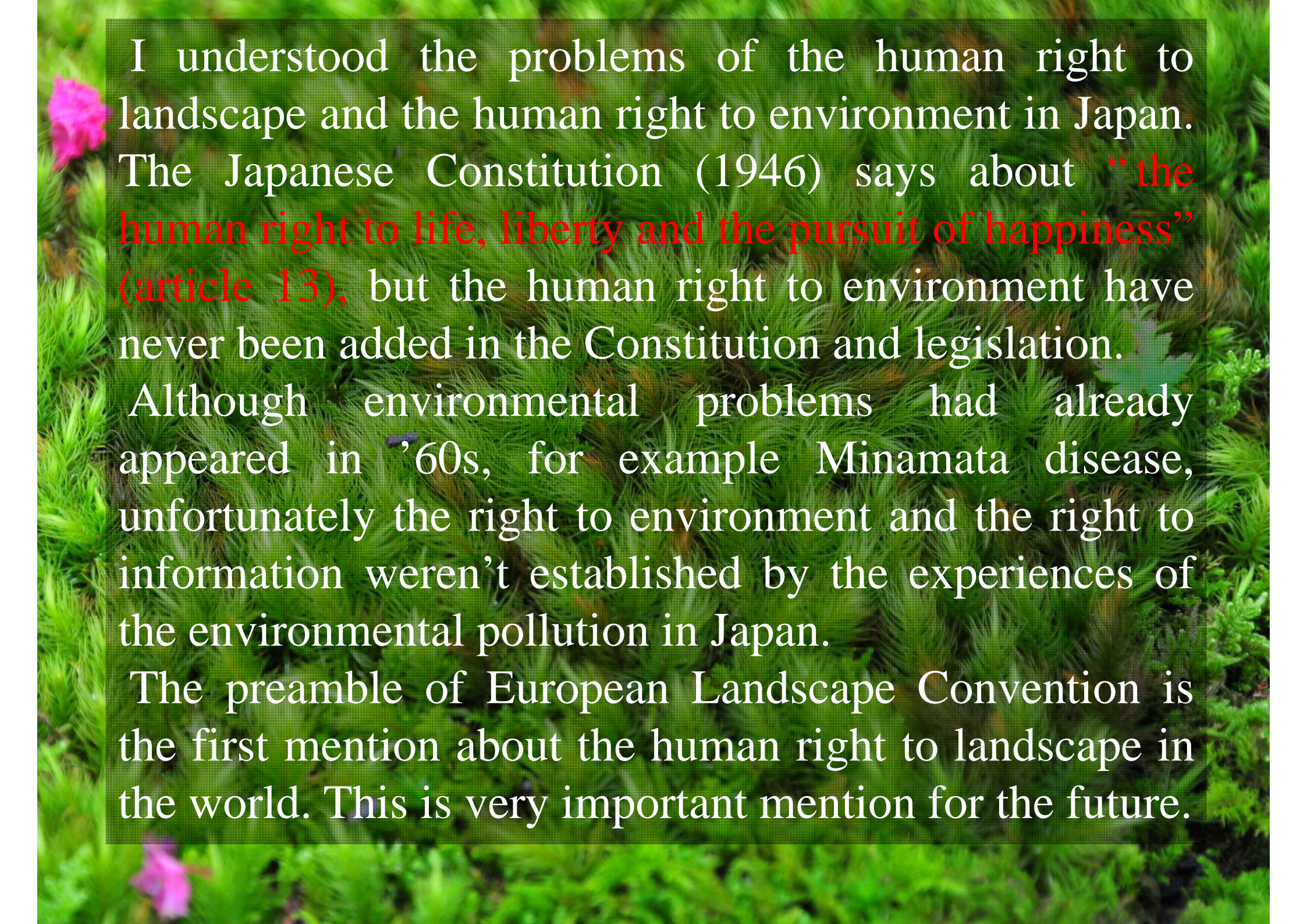
Photo: Anti-Nuclear Power Plant Rally on 19 September 2011 at Meiji Shrine

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.

看護師





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.

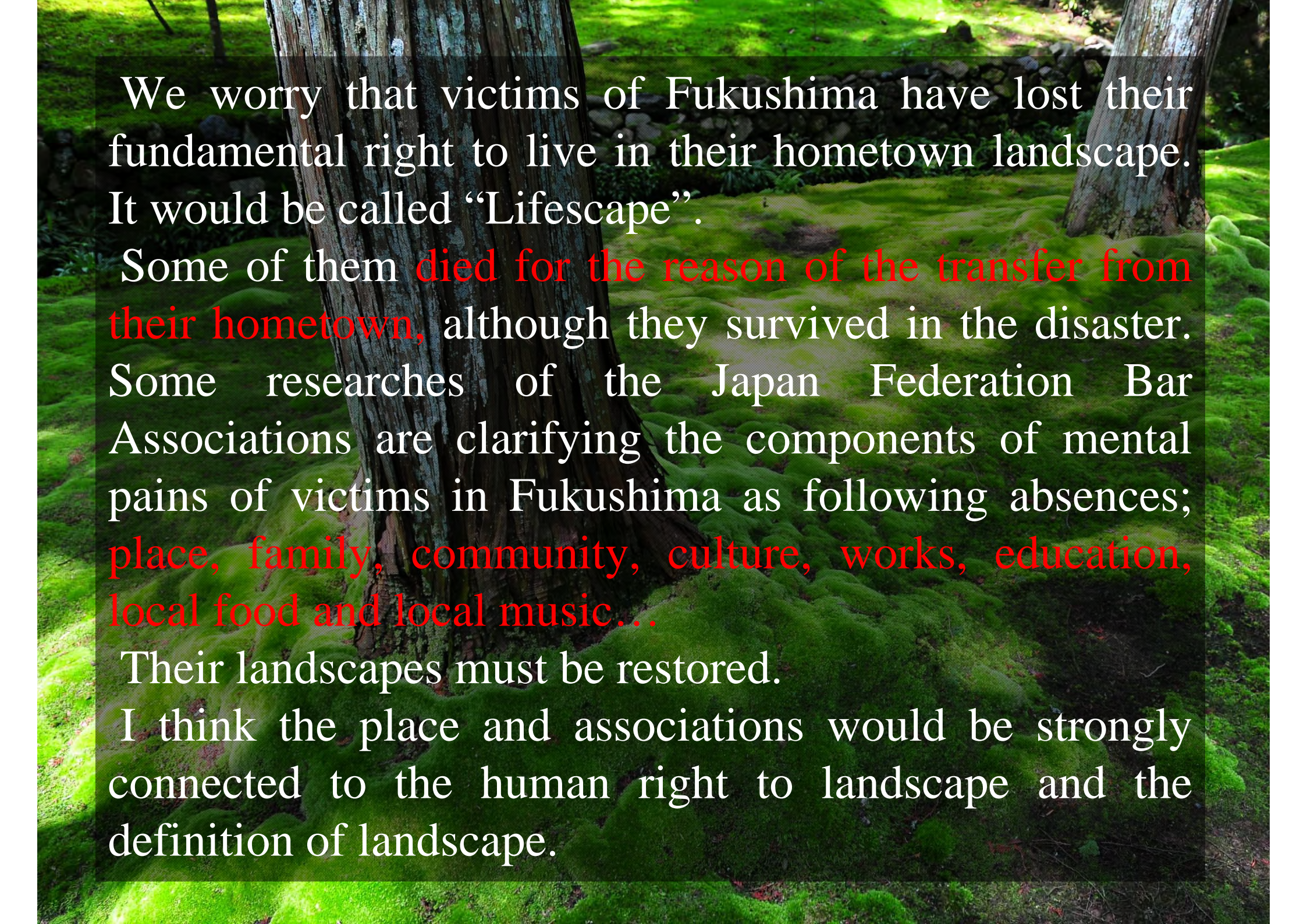
Although environmental problems had already appeared in '60s, for example Minamata disease, unfortunately the right to environment and the right to information weren't established by the experiences of the environmental pollution in Japan.

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.

A photograph of a forest floor covered in vibrant green moss. The moss is thick and bright green, covering the ground around several tree trunks. The tree trunks are dark brown and textured. In the background, there is a low stone wall made of irregular stones. The scene is lit with soft, dappled sunlight, creating a serene and natural atmosphere.

Thank you / Merci