

# INTERNATIONAL LEGAL INSTRUMENTS AND MECHANISMS IN JAPAN

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## Summary

Japan's initiatives in response to international movements in environmental conservation vary between fields and topics. Response and action in industry-related problems have been very quick and many initiatives from the industrial sector can be observed. A good example of such a rapid response is seen in climate change policy.

Japan hosted COP 3 of UNFCCC and tried to achieve a meaningful outcome. After the conference, at which the Kyoto Protocol was adopted, Japan made an important amendment to the Energy Conservation Act, passing new legislation to promote climate change action. The latter was the first legislation in the world to address a comprehensive climate change policy.

On the other hand, responses and action in nature conservation such as biodiversity and forest conservation are not so visible. The National Biodiversity Strategy made in accordance with the Biodiversity Convention has not received much attention so far. Recognition for forest conservation is also not very prominent. This may be a result of the small amount of forest industry activity in Japan, because of its high cost. However, through hosting a Conference of the Parties to the Ramsar Convention at Kushiro, and through the registration of two natural areas (Yakushima Islands and Shirakami-sanch Mountains) under the World Heritage Convention, the importance of ecosystem management in the international arena is gradually becoming recognized.

A remarkable example of the movement in environmental conservation in recent years is the popularity and influence of the ISO 14001 "Environmental Management System" in industry. Japan's industrial sector is very active in ISO 14001 certification. Such "voluntary action" by industries coupled with gradually increasing the "Green Consumer" movement in citizens, can be an important step in integrating economic activity and environmental conservation worldwide through the expanding international trade, though the real effect of ISO environmental management system has not yet been so clear.

## **1. Introduction**

International legal instruments such as environmental conventions and treaties, as well as international standards applied to industrial and commercial sectors through market mechanisms, are very important in the conservation of environment and sustainable development.

In this chapter, Japan's response and initiatives to international movements in environmental conservation are first briefly described. Then, in section 2, an example of Japan's active participation and response to global environmental movements is discussed, using the example of climate change policy. On the other hand, Japan's responses and action to biodiversity conservation, as well as to forest conservation, are not so significant. The reason for this poor activity and the present condition and future agenda will be examined in section 3. The response to forest conservation in the international sphere will be also described in the same section.

A recent interesting movement in environmental conservation is "Voluntary Action" the in industrial sector. ISO's "Environmental Management System (ISO 14001)" is a typical example. The effectiveness and problems of such voluntary activity and especially the influence of ISO's environmental management system, will be examined in the section 4, with another new movement—the "Green Consumer".

## **2. Japan's Initiatives in Response to International Movements in Environmental**

## **Conservation**

### **2.1. Response to International Environmental Treaties and Conventions**

The government of Japan has been actively participating in international environmental treaties and conventions such as the Ozone Layer Protection Treaty (1985) and its Montreal Protocol (1987), the United Nations Framework Convention on Climate Change (UNFCCC, 1992), the United Nations Biological Diversity Convention (1992) and the Environmental Protection Protocol to the Antarctic Convention (1997), and trying to show its initiatives in global environmental policies. Hosting COP3 of the UNFCCC in Kyoto, 1997, in which the Kyoto Protocol was adopted, is an example of such initiatives.

However, Japan's response and initiatives to the international environmental movement has been variable between the different fields and topics. Response and action in industry-related problems has been very quick and many initiatives from the industrial sector can be observed. A good example of this rapid response is seen in climate change policy. After the COP3 which adopted the Kyoto Protocol, the government of Japan made an important amendment to the "Energy Conservation Act" and introduced new legislation named the "Global Warming Policy Promotion Act" to promote climate change action. The latter is the first legislation in the world to address comprehensive climate change policy for a whole country.

On the other hand, responses and action in nature conservation, such as biodiversity and forest conservation, have not been so visible. The National Biodiversity Strategy made in accordance with the Biodiversity Convention has not received much attention to date. Recognition of forest conservation issues has also not been prominent. However, through hosting the Conference of the Parties to the Ramsar Convention at Kushiro, and through the registration of two natural areas (Yakushima Islands and Shirakami-sanch Mountains) under the United Nations World Heritage Convention, the importance of ecosystem management from an international perspective is gradually becoming recognized.

### **2.2. "Voluntary Action" by Industries**

The words "voluntary action by industries" should not be regarded as a legal system because it is "voluntary" by definition. However, it has become a very important system and tool in the business sector for promoting conservation and some environmental laws encourage (or actually "require" in some cases) such "voluntary action". Voluntary action is also useful in integrating environmental concern with business activities through a market mechanism.

Voluntary action addressing environmental concern becomes popular in Japan. For example, the Federation of Economic Organizations (FEO, known as "Keidanren" in Japanese abbreviation) which consists of Japan's leading industries, developed the "Keidanren Global Environment Charter" in 1991 to address global environmental concern from industry's point of view. This Global Environmental Charter may be the first of this kind of message from a business sector. Many companies are also very

active in promoting their efforts in environmental conservation through their public relations and commercial messages.

A good example of the recent remarkable extent of voluntary activity in the business sector is the popularity and influence of the ISO 14001 "Environmental Management System" in industry. Japan's industrial sector is very active in securing ISO 14001 certification and ranks first in the world for the number of certificates issued.

Such voluntary action by industries coupled with the gradually increasing "Green Consumer" movement among citizens can be very important in integrating economic activities and environmental conservation worldwide through the expanding international trade, though the real effect of the ISO environmental management system is still not very clear.

### **3. COP 3 and Climate Change Policy**

Climate change at the global scale, such as global warming caused by the emission of GHGs (greenhouse gasses), is considered to be the most important environmental problem in Japan, because this problem and actions needed to prevent it will be very difficult for industries and the lives of people. Therefore, policy and action for climate change is probably the best example to use in demonstrating Japan's active response and initiatives to the global movement in environmental conservation.

In this section, the present condition of GHGs emission is described briefly (3.1), followed by the target of the present policy (3.2) and the situation of policy implementation and problems therein (3.3), concluding with some policy recommendations (3.4).

#### **3.1. Present Condition of the GHGs Emission**

Japan's GHGs emission is 5% of the total anthropogenic emission for the world. This volume ranks fourth after USA, China and Russia, and takes second place among the OECD countries. Emission per capita is far lower than the OECD average but a little higher than the average of EU countries (15 states). Japan's per capita emission is also twice as high as the world average.

Most of the GHGs emitted in Japan is CO<sub>2</sub> from fossil fuels (mainly oil). According to statistics from 1996 (the fiscal year), 40.2% of this CO<sub>2</sub> emission comes from the industrial sector. High economic activity in the country causes high emission volume even though energy efficiency in industry has very much improved. Transportation caused 20.6%, 11.6% is emitted by the commercial sector and 12.8% is from residential use. Emission from transportation and residential use has been increasing recently.

#### **3.2. Target of the Present Policy**

Before the United Nations Conference on Environment and Development (UNCED, 1992, Rio de Janeiro) and adoption of the UNFCCC, Japan had already developed a basic policy to deal with the problem. The "Action Plan to Prevent Global Warming",

agreed by the cabinet in 1990, was the first in the world of this kind of governmental policy addressing climate change. The target of this Action Plan is to stabilize GHGs emission to the level of the year 1990, after the year 2000, to prevent critical climate change.

After ratification of the UNFCCC in 1992, Japan's target in climate change policy has been set by international agreements. The UNFCCC requires stabilizing GHGs emission at the 1990 level until the year 2000. The Kyoto Protocol(1997) adopted by COP3 set Japan's new target at 6% reduction from 1990 emission levels by 2008 to 2012 (as a 5 year average).

However, the actual CO2 emission in Japan in the year 1996 was 336.8 million tons, an increase of 9.8% from the amount emitted in 1990. It is estimated that, if special countermeasures for emission control are not carried out, the amount of CO2 emission will reach 369million tons in the year 2000, which means 20% more than that of the year 1990.

Therefore, Japan's 6% reduction target set by the Kyoto Protocol in reality means a reduction of more than 26%, which will have a severe impact on society.

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