ENVIRONMENTAL DISPUTE SETTLEMENTS IN JAPAN

by

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I. Historical Background of Environmental Dispute Settlements

Environmental pollution dispute settlements have been a large social concern in Japan especially since the latter of 1960's. As a result of the rapid development of the Japanese economy, the national income doubled and unprecedented material prosperity was brought about. The social change brought not only positive effects, but also negative impacts represented by several cases of damage to agricultural products by mining waste and other sporadic air pollution, such as the Minamata disease[1], Yokkaichi asthma[2], and Itai-itai (ouch-ouch) disease[3]. As they had extremely tragic consequences for human health and life, the importance and urgency of settling environmental pollution problems[4] was widely recognised. To settle environmental pollution dispute, civil trials by the general judicial system were expected to play a significant role. However, the system was inadequate to provide relief for victims for the reasons below.

(1) Victims must establish a cause-effect relationship based upon highly technical scientific knowledge, which was extremely difficult

(2) Trial costs were prohibitively expensive

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1 A disease caused by organic mercury toxins in wastewater from factories in Minamata Bay in Kagoshima and Kumamoto Prefectures, and in the Basin of the Agano River in Niigata Prefecture.

2 An asthmatic disease caused by smoke from factories in Yokkaichi City in Mie Prefecture.

3 A disease caused by cadmium toxins in wastewater from mining and industrial factories in the Basin of the Jintsu River in Toyama Prefecture.

4 Environmental pollution problems were considered to be extremely difficult with distinctive characteristics compared with ordinary civil cases such as (1) the number of victims was usually large, (2) the damage usually destroyed not only lives and health, but also the property and living environment of human beings, and (3) investigating a cause-effect relationship, confirming the exact amount of damage and appropriate compensation remained difficult.

(3) Trial proceedings were rigid and it took a long time to final judgements

Under these circumstances, social-infrastructure improvements in the judicial system with regard to pollution dispute settlements were considered to be a prime task. Thus, there was a strong demand to establish a new and discrete system besides a civil trial by the general judicial system to obtain prompt and proper resolution by easing the conventional rigid procedures. The Basic Law for Environmental Pollution Control was enacted in 1967[5], which requires that the government take appropriate measures to establish a proper system for environmental dispute settlements[6]. Later, after specific deliberation in the central antipollution measure committee, the Law concerning the Settlement of Environmental Pollution Disputes was also enacted in 1970 setting up administrative commissions at both central and local government levels. The reason why an administrative commission at local government level was established was that it had played an important role settling pollution dispute promptly and properly and was the most familiar organization offering consultation regarding daily pollution complaints to local citizens.

II. Overview of the System for Environmental Pollution Dispute Settlements

1. The Environmental Dispute Coordination Committee

The Environmental Dispute Coordination Committee was established on the 1st of July 1972, as an external agency[7] of the Prime Minister's Office, by consolidating the Land Coordination Commission[8] and the Central Pollution Examination Commission[9]. One of its main aims is to offer a prompt and proper resolution by means of mediation, conciliation, arbitration, and adjudication. The committee has quasi-judicial functions, and its neutrality and independence are presented by law. It consists of a chairperson and six commissioners who are nominated by the Prime Minister with the consent of the Diet for a five-year term and

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5 One of aims of the Law is encouraging environmental awareness by the pubic.
6 Defined in Article 21 of the Basic Law for Environmental Pollution Control.
7 Defined in Article 3 of the National Government Organization Law.
8 Established on the 31st of January 1951.
9 Established on the 1st of November 1970.

are supposed to exercise their authority independently[10]. Three of them serve part-time. Three full-time commissioners' former avocations are bureaucrats in the Ministry of Land, Infrastructure, and Transport, the Office of the Prime Minister, and the Ministry of Health and Welfare. The remaining six include an academic whose specialty is Administrative Law, a lawyer, and a former director in the Industrial Technology Academy. In addition, three of them are qualified lawyers so their expert knowledge can be taken as an advantage in their assignment with regard to settling disputes on behalf of the public. Moreover, to ensure political independency, they are restricted from engaging in political activity. The committee can nominate up to 30 experts to investigate technical problems and also has an executive bureau with 40 staff to handle the business of the committee as necessary[11]. Furthermore, the committee can request other administrative agencies relating to a case to submit documents, offer technological knowledge, and provide their views on the case. The committee can also request local government, academic institutions, public research institutes and so forth to do further investigation and research[12]. A secretariat to deal with clerical work is also established. It is comprised of two divisions; one is a general affair division dealing with regular administrative affairs, and the other is an investigative division in charge of settling disputes according to each case's speciality with staff on loan from the Ministry of Health and Welfare, Economy, the Ministry of Trade and Industry, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Land, Infrastructure, and Transport, and the Environmental Agency. It is also required to have personnel qualified as lawyers[13]; three judges are now on loan to the secretariat from the judicial system.

2. Prefectural Environmental Dispute Councils

As provided by the Law concerning the Settlement of Environmental Pollution Disputes, each prefecture can establish an environmental dispute council by local government ordinance, and regulations regarding its administrative affairs, organizational structure, and so forth are specifically defined by the Law. In a prefecture that doesn't establish such a council, a prefectural governor is required to

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[10] Defined in Article 5 of the Law of establishment of the Environmental Dispute Coordination Committee.
[11] Defined in Article 6-9, and 18, *ibid.*
[12] Defined in Article 15 and 16, *ibid.*

nominate nine to fifteen coordinators in charge of examining pollution disputes[14]. In 2000, thirty-eight local governments established such councils and nine of them[15] have nominated coordinators.

3. Prefecture Environmental Dispute Council Unions

When damages span several prefectures, the case concerned is called an inter-prefectural case and related local governments are required to cooperate with each other and can establish a council union to precede mediation and arbitration[16]. If the union could not be established, the Environmental Dispute Coordination Committee will have jurisdiction over the case.

4. The Relationship between the Environmental Pollution Coordination Committee and Prefectural Environmental Dispute Councils

Both the Environmental Pollution Coordination Committee and the Prefecture Environmental Dispute Council must act appropriately as independent organizations according to each authority. As the Environmental Dispute Coordination Committee has authority to oversee justice with regard to the Law concerning the Settlement of Environmental Pollution Disputes, it coordinates closely with each prefecture Pollution Dispute Settlement liaison meetings. The jurisdiction of the committee and councils regarding environmental pollution settlement is shown below.

According to Article 24 of the Law concerning the Settlement of Environmental Pollution Disputes, the Environmental Pollution Coordination Committee exercises authority over the cases below.

(1) Grave Cases

- Cases involving health impairments such as chronic bronchitis, bronchial asthma or Minamata disease caused by air or water pollution, where damages are usually widespread and serious

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13 Defined in Article 19, *ibid.*

14 Defined in Article of 13-19 of the Law concerning the Settlement of Environmental Pollution Disputes.

15 Yamanashi, Nagano, Wakayama, Tottori, Shimane, Tokushima, Kagawa, Ehime and Nagasaki Prefectures.

- Cases in which more than 500 million yen in damages to animals, plants or their living conditions because of air or water pollution are claimed.

(2) Cases with nation-wide implications

- Cases requiring widespread solution, such as damages affecting citizens in more than two prefectures
- Cases involving noise from airplanes
- Cases involving noise from Shinkansen trains (bullet trains)

⑶ Inter-Prefectural Cases

- Cases involving damage affecting more than two prefectures[17]

Prefectural Environmental Dispute Council exercise authority regarding mediation conciliation, and arbitration in cases except grave ones, cases with nation-wide implications, and inter-prefectural cases[18]. As for adjudication, only the Environmental Dispute Coordination Committee has authority. In the cases below, both the Committee and Councils can settle related disputes.

(1) When significant effects on society can be foreseen such as a large number of victims suffering economic hardships if a case is left as is, either the Committee or a Council can work on mediation within the scope of their authority after an official deliberation to appoint an authority[19]

(2) Settling a dispute through conciliation after failing to settle it through mediation, the mediation authority is decided by consultation between

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16 Defined in Article of 20, 21, and 27, ibid.

17 In this case, an official application by parties has to be submitted to a prefectural governor of either prefecture. Moreover, the council has to give notice that the case is an inter-prefectural case. All prefecture governors concerned are required to discuss to establish the council union to settle the pollution dispute. When the council union is established after discussion, it has authority over the case. If prefecture governors do not reach final, the Environmental Pollution Coordination Committee will exercise authority so that all paper work will be done in the Committee (Defined in Article of 27, *ibid*.).

18 Defined in Article 24-2, *ibid*.

19 Defined in Article 27-2, *ibid*.

the Committee and a Council[20]

(3) Taking over a case concerning conciliation for some appropriate reasons between the Committee and a Council[21]

(4) When the adjudication committee settles the dispute by means of conciliation, even though the case had to be settled by adjudication

(5) By agreement between the parties concerned, it was decided that authority would be exercised

5. Environmental pollution complaints

As pollution problem usually have a direct impact on local citizens and communities, local governments deal with environmental pollution complaints from local citizens. Their complaints are the preliminary step in environmental pollution disputes, therefore appropriate settlement of pollution complaints becomes the significant first step in solving pollution disputes overall. Consequently, the Law concerning the Settlement of Environmental Pollution Dispute positioned pollution complaint settlements as one factor of pollution dispute settlements, and requested local governments to endeavour to cooperate with related administrative agencies for appropriate administration on complaints regarding environmental pollution, and to provide for the placement of environment pollution complaint counsellors in local governments[22]. Their chief tasks are to hear complaints from local residents, to provide advice on resolving complaints, and to notify the concerned administrative agencies about such cases. From the 1st of April 1996 to the 31st of March 1997, about 62,315 complaints were received by local governments, and about 3,016 counsellors were posted nationwide by the end of year of 1999. As the Environmental Dispute Coordination Committee plays a role of public leadership and guidance with regard to dealing with complaints concerning pollution disputes received by local governments[23], the Committee is required to do the research necessary to comprehend complaints as well as provide information and documents to facilitate activities at local governments by holding workshops on pollution complaints and consultation related to pollution complaints.

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[20] Defined in Article 27-3, *ibid.*
[21] Defined in Article 38, *ibid*.
[22] Defined in Article 49, *ibid.*
[23] Defined in Article 3, *ibid*.

III. Procedures for Environmental Dispute Settlements

To settle environmental pollution disputes, an official application by the parties concerned is required in principle. Unless the application is offered, no means of mediation, conciliation, arbitration or adjudication functions effectively. The first three means are based upon each party's mutual agreement. Each of the procedures is shown below:

1. Mediation

Mediation is provided by a mediation committee consisting of three Committee or Council members. The mediation committee does not have authority to render a legally binding decision, but helps the parties concerned to meet a feasible voluntary solution. The mediation committee may propose a solution based upon their judgements[24].

2. Conciliation

Conciliation based upon an official application by the parties concerned is provided by up to three conciliators who are appointed from Committee or Council members. Conciliators intermediate between the parties to help them reach a feasible settlement through mutual negotiations and discussions. Conciliators may collect oral from the parties and further specific information from technical experts. Although it totally depends on the parties to accept a proposal offered by conciliators, if they agree to accept it, the agreement becomes a legally binding contract[25]. It is said that, compared with mediation, conciliation is effected by public authority.

3. Arbitration

In the process of arbitration, the parties abandon their rights to appeal to a judicial court and entrust an arbitration committee consisting of three Committee or Council members to pass judgement. Both of the parties promise to accept the proposal of the arbitration committee as a final judgement according to an arbitrating

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[24] Defined in Article 27, *ibid*.

contract that they agreed upon at the beginning. The arbitration committee can officially initiate and proceed with a fact-finding process, and the arbitration award has a legal force identical to a judicial sentence[26].

4. Adjudication

Unlike conciliation, mediation and arbitration processes based on agreement by the parties, the law gives certain legal effect to a judgement of an adjudication committee that is composed of three to five Committee members. An adjudication award is legally binding unless an appeal to a judicial court is made within 30 days, and adjudication is available only from the Environmental Dispute Coordination Committee. There are two types of adjudication, cause-effect and responsibility for damages. The cause-effect adjudication establishes whether or not a cause-effect relationship in legal terms exists between the alleged harmful act and the damage in the case concerned. The responsibility for damages adjudication establishes whether a party is responsible for the monetary compensation for the case concerned. Adjudication can be done by only the Environmental Dispute Coordination Committee.

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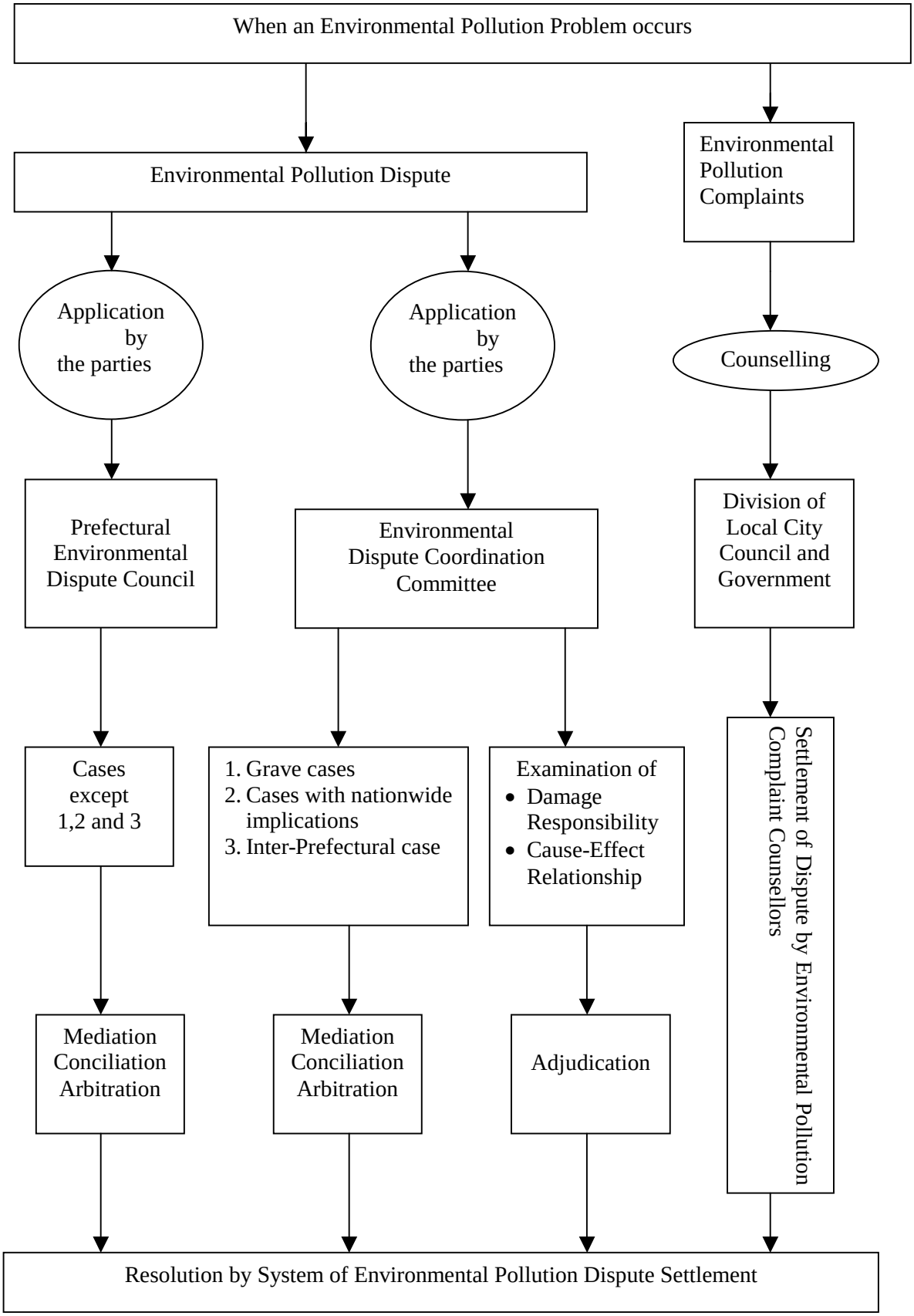
[25] Defined in Article 31, 32, and 33, *ibid.*
[26] Defined in Article 42-20, *ibid.*

Table 1: Flowchart of System of Environmental Pollution Dispute Settlements
(Source: By Author based upon information from White Paper of Pollution Dispute Settlement 2001)



5. Exhortation of Implementation of duty

To make the system for Environmental Pollution Disputes more effective, the Environmental Pollution Coordination Committee and Prefectural Environmental Dispute Councils can exhort an implementation of duty settled through Conciliation, Arbitration and the responsibility for damages adjudication to the party obligated when an appropriate reason is seen based upon an application by a concerned party[27].

6. Advantages of Using Administrative Commissions

Compared with civil trials by the general judicial system, environmental dispute settlements offered by these commissions have several advantages. Firstly, it helps to simplify procedures for a prompt settlement. To facilitate prompt dispute settlement, flexible proceedings with agreements by the parties and investigation and collection of case materials on official initiative are possible. Secondly, a lower-cost alternative is available. Resolving problems and settling disputes by taking advantage of the system helps to minimise the financial burden on the parties, as in this case the main part of the total cost of proceedings is borne by the government and prefectures. As a result, application fees are smaller than those for civil mediations by judicial courts[28]. Thirdly, taking advantage of professional knowledge and expertise is possible. For a prompt and proper dispute settlement, the professional knowledge and expertise of Committee members with secretariat staff are quite essential. Appointing technical experts for further investigation is also helpful. Next, fact-finding through official initiative is possible. In this system, the Committee or the Councils can initiate a fact-finding process that helps alleviate the financial burdens on the parties and facilitates difficult fact-finding processes. Lastly, reflecting the Committee's experience on anti-pollution policies is possible. The Committee may present its own opinion to the Prime Minister concerning the improvement of environmental pollution control measures based on experiences gained while handling environmental pollution disputes.

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[27] Defined in Article 43-2, *ibid.*

[28] Approximately 20 to 30 % of fees are decreased.

IV. System Operation of Environmental Pollution Dispute Settlements

1. System operation by the Environmental Dispute Coordination Committee

Since the enforcement of the Law concerning the settlement of Environmental Pollution Disputes on the 1st of November 1970, 739 cases have been accepted by the Committee, and 730 of them have been settled. Owing to the rapid social changes accompanying the growth of Japanese economy, the characteristics of environmental pollution dispute varied; especially pollution based upon urban orientated life styles has taken root instead of the conventional industrial pollution since the middle of 1980's. Here is an overview of system operation divided into two periods; one is from 1970 to the middle of the 1980s and the other is from the middle of the 1980s to the present.

1) The Period from 1970 to the middle of the 1980s

This is the period when the system was launched and Disputes in this period were mainly caused industrially on a large scale that was anticipated at the establishment of the system. The Minamata disease at the Shiranui River in Kumamoto Prefecture, mining pollution at the Watarase River in Gunma Prefecture, and noise pollution at Osaka International Airport, were typical cases.

Firstly, in the Minamata disease case, victims sought arbitration claiming a payment of compensation for damages against Chisso (Nitrogen) Co. Ltd. Since the first conciliation took effect in 1973, an application has been filed with the Committee every year for another arbitration to establish a rank of based upon a compensation agreement between victims and the company. The Committee also dealt with an application for changing the fees for consolation after setting up conciliation and this affair had been a large involvement for the Committee.

Secondly, in the case of mining pollution at the Watarase River, victims sought arbitration with regard to damages from mining pollution from the Ashio copper mine. Farmers in Ota city, Gunma prefecture, sought payment of

compensation and consolation regarding agricultural products damaged between 1952 and 1971, and arbitration was set up in 1974. This case is very significant in that it enabled a company to recognise its liability in resource-causing mining pollution as well as to pay appropriate compensation.

Lastly, in the case of noise pollution at Osaka International Airport, more than 20,000 local citizens living around the airport sought for payment of compensation from the State represented by the Minister of Transport, setting up measures to decrease noise, and prohibition of using the airport and so forth, claiming interference with their daily life causing psychological damage. This case generated 24 applications for arbitration between 1973 and 1981. In these arbitrations, prompt resolution regarding measures to decrease noise pollution was achieved and arbitration concerning prohibition of using the airport was agreed in a civil framework. Besides these cases, there were arbitration or adjudication cases related to air and noise pollution and fishery damages.

2) The Period from the middle of the 1980's to the present

After the middle of the 1980's, various incidents based upon an urban orientated life style such as roadway noise pollution, spiked tire dust pollution, damages from agricultural chemical used on golf courses, railway noise pollution and so forth increased rather than the large-scale industrial cases predicted at the system's establishment. The particular characteristic of incidents in this period was one of seeking to improve environmental conditions rather than remedy serious damages like those caused by conventional pollution incidents. Among others, prospective damages, the so-called "alarming pollution" became contained as a cause besides the incident that damage has generated actually. Moreover, when processing these incidents, an applicant is not required to have a civil right to claim, and it became more significant to settle arbitration through various means according to distinctive cases, taking various requests including administrative measure at a large scale into account. Consequently, various resolutions were based upon reality, making the most of the flexibility of the system for environmental pollution disputes. Additionally, it is notable that cases, which the Committee dealt with, increased, even though they were under the jurisdiction of prefectural environmental dispute councils. It is possible that

they were deemed to be inter-prefecture cases, making use of the adjudication or succession system.

Table 2: Number of incidents accepted by the Environmental Dispute Coordination Committee (Source: White Paper of Pollution Dispute Settlement 2001)

Year of	Total	Alarming Incidents	Incidents other than Alarming incidents	The Percentage of Alarming Incidents
1982	48		48	0.0
1983	42		42	0.0
1984	31		31	0.0
1985	31		31	0.0
1986	31		31	0.0
1987	25		25	0.0
1988	14		14	0.0
1989	11	4	7	36.4
1990	21	6	15	28.6
1991	5	3	2	60.0
1992	3	1	2	33.3
1993	10	4	6	40.0
1994	2	1	1	50.0
1995	2	2		100.0
1996	4	2	2	50.0
1997	1		1	0.0
1998	1	1		100.0
1999	1		1	0.0
2000	2		2	0.0
Total	285	24	261	

The trend is reflected in several cases such as noise pollution by automobile, dust pollution by spiked tires against a private company, and construction of a golf course where damage was caused by the agricultural chemicals used[29].

The current trend is represented by a case of noise pollution from the Odakyu Railway line settled through examination of the cause-effect relationship under public authority of the Committee. It was filed by local citizens in Setagaya Ward, Tokyo against Odakyu electric railway company for compensation of health damages caused by noise pollution, vibration, and iron dust. In 1988, the final arbitration including

[29] In this case, termination of the golf course construction was strongly requested, and it became the first such dispute accepted by the Environmental Dispute Coordination Committee in order to prevent pollution that could be caused in the future. The case was concluded with a permission to use agricultural chemicals as little as possible and a requirement that every possible effort be made to protect the environment by course developers.

setting up measures against recurrence was achieved. A case of damages from industrial waste and water pollution (an inter-prefecture case) is also a remarkable case in that local citizen sought removal of waste and payment of compensation. It was a large-scale industrial waste case and received great public attention. The final resolution including removal of the waste to Nao Island was achieved through arbitration in June 2000.

Additionally, after the middle of the 1980s, the various urban life style related incidents that involved the Environmental Disputes Coordination Committee occurred. This trend continues to the present, and is seen in incidents of waste-related, railroad noise, water pollution damage by liquid detergent, and blighted pine trees that called for an end to crop-dusting of agricultural chemicals. As a recent trend, quite a large number of similar incidents involving prefectural environmental dispute councils are being seen increasingly around the same time as a waste-related incidents or blighted pine tree cases.

Furthermore, diversification of the source of the outbreak has become a remarkable feature. Although pollution incidents caused by manufacturing and processing industries were historically the mainstream at the beginning of the system's establishment, in recent years, more incidents caused by waste and sewer processing, transportation, construction and civil engineering related matters are occurring in line with the changing society. Moreover, it is notable that cases seeking health and psychological or mental damages are increasing, rather than those involving property damages.

Another special characteristic of current cases is that the State, a municipal corporation, and public corporation have become parties in quite a number of cases. This is often seen in disputes concerning roads, garbage dumps, and so forth. When it comes to settling disputes, this characteristic becomes an advantage in that it promotes smooth proceedings, as the Prefectural Environmental Dispute Councils are one of the administrative agencies dealing with pollution dispute settlements, and it also promotes pollution prevention measures at the same time.

On the other hand, a number of incidents, which claims for factors that worsened living environments including for access to sunshine and ventilation, as well as traffic problems, have been increasing rather than the typical seven representative pollution cases. These days integrated dispute solutions are being sought. When dealing with such various disputes over pollution, it can be said that mediation by the Prefectural Environmental Dispute Councils Play a remarkable role in settling not only conventional industrial pollution dispute, but also various other pollution incidents caused these days, as it can offer a good opportunity for both the victims and responsible parties to negotiate on the basis of a neutral third-party organization in the spirit of concession.

Table 3: Number of incidents involving in the Environmental Dispute Coordination Committee Categorised by Outbreak Source
(Source: White Paper of Pollution Dispute Settlement 2001)

Year	Total	Business Institution	Construction	Road Way	Rail Way	Waste/ Sewage	Recreation/ Sports	Airport	Spiked Tire	Others
1982	49	48	1							
1983	42	42								
1984	31	31								
1985	31	31	1							
1986	33	31	1					1		
1987	28	21	1	2	1				3	
1988	15	15								
1989	11	5		1			3		2	
1990	23	13		1			3		2	4
1991	6	2	1	2	1					
1992	6	1			5					
1993	12	3			3					1
1994	5	1			3					1
1995	2									2
1996	10	2			4	2				2
1997	6	1			3	1				1
1998	2	1				1				
1999	4	1	2		1					
2000	4	2	2							
Total	320	251	9	6	21	4	6	1	7	11

V. Environmental Pollution Dispute Settlements in Practice

Since the Law concerning the Settlement of Environmental Pollution Disputes was enacted on the 1st of November 1970, 743 cases have been filed to the Environmental Dispute Coordination Committee as of the end of 2000. The total comprised 1 conciliation, 694 mediations, 1 arbitration, 45 adjudications including 36

examinations of responsibility for damages and 9 cause-effect relationships, and 2 exhortation or implementation of duty. Among them, 736 cases were concluded; they comprised of 1 conciliation, 691 mediations, 1 arbitration, and 41 adjudications including 33 examinations of responsibility for damages and 8 cause-effect relationships. In 2000, the Environmental Dispute Coordination Committee accepted 4 cases including 2 mediations and 2 adjudications regarding examination of responsibility for damages. The number of cases examined in the year was 13 and comprised 4 newly accepted cases and 9 cases such as 6 mediations, 3 adjudications, 2 examinations of responsibility for damages, and 1 cause-effect relationship case brought over from last year. The number of cases concluded within the year were 6 and the rest were carried over to next year.

Table 4: Number of Cases Filed/Concluded at Environmental Dispute Coordination Committee

(Source: White Paper of Pollution Dispute Settlement 2001)

*Not Concluded **Number in ( ) is examination of cause-effect relationship

	Conciliation			**Mediation**			**Arbitration**			**Adjudication**		
	Filed	Conc-luded	Not Con.*	Filed	Conc-luded	Not Con.	Filed	Conc-luded	Not Con.	Filed	Conc-luded	Not Con.
1982	0	0	0	48	40	75	0	0	0	1(1)**	0	2 (1)
1983	0	0	0	42	46	71	0	0	0	0	1	1 (1)
1984	0	0	0	31	40	62	0	0	0	0	0	1 (1)
1985	0	0	0	31	38	55	0	0	0	1	1	1 (1)
1986	0	0	0	31	61	25	0	0	0	1	0	2 (1)
1987	0	0	0	25	29	21	0	0	0	3	0	5 (1)
1988	0	0	0	14	22	13	0	0	0	1 (1)	6 (2)	0
1989	0	0	0	11	18	6	0	0	0	0	0	0
1990	0	0	0	21	14	13	0	0	0	2 (1)	1 (1)	1
1991	0	0	0	5	16	2	0	0	0	1 (1)	2 (1)	0
1992	0	0	0	3	1	4	0	0	0	3	0	3
1993	0	0	0	10	5	9	0	0	0	2	0	5
1994	1	1	0	2	4	7	0	0	0	2	0	7
1995	0	0	0	2	2	7	0	0	0	0	0	7
1996	0	0	0	4	4	7	0	0	0	6 (1)	0	13 (1)
1997	0	0	0	1	2	6	0	0	0	4 (1)	0	17 (2)
1998	0	0	0	1	1	6	0	0	0	1 (1)	15 (1)	3 (2)
1999	0	0	0	1	1	6	0	0	0	3	3 (1)	3 (1)
2000	0	0	0	2	5	3	0	0	0	2	1	4 (1)
Total	1	1	-----	285	349	----	0	0	----	33 (7)	30 (6)	----

VI. Summary

Environmental pollution dispute settlements have been a large social concern in Japan especially since the latter of 1960's. To settle them, civil trials by the general judicial system were expected to play a significant role, however, it was inadequate to provide proper relief for victims for reasons of efficiency time and cost. Under these circumstances, the Basic Law for Environmental Pollution Control and the Law concerning the Settlement of Environmental Pollution Disputes were enacted, and the Environmental Dispute Coordination Committee in Tokyo and Prefectural Environmental Dispute Councils in each prefecture were set up to prevent pollution as well as improve the living environment, making the most of their advantages such as simplified procedures, fact-finding through official initiatives, lower cost alternatives and so forth. The main purpose of that is to offer a prompt and proper dispute resolution by means of mediation, conciliation, arbitration, and adjudication, acting appropriately as independent organisations along the lines of each authority. In accordance with Article 24 of the Law concerning the Settlement of Environmental Pollution Disputes, the Environmental Pollution Coordination Committee is to exercise its authority over (1) Grave Cases that involves health impairments such as chronic bronchitis, bronchial asthma or Minamata disease caused by air or water pollution, where damages are usually widespread and serious; (2) Cases with Nation-Wide Implications that requires widespread solution including damages affecting citizens in more than two prefectures; and (3) Inter-Prefecture Cases that involves damage affecting more than two prefectures. Prefectual Environmental Dispute Council is to exercise its authority through processes of mediation, conciliation, and arbitration in cases except those three explained above. As for adjudication, only the environmental Dispute Coordination Committee can exercise the authority, as characteristics of cases concerned are so serious and complex.

Although the legal system was originally enacted to settle industrial pollution disputes chiefly occurred during the 1970's, it now has to deal with a new type of pollution dispute influenced by today's urban lifestyle such as noise pollution by automobile, dust pollution by spiked tires against a private company, and construction of a golf course where damage was caused by the agricultural chemical used. Based upon the tendency, these administrative organisations are expected to contribute to the

prevention of future pollution from occurring through establishing mutual agreements between parties concerned. Although compensation for damage from responsible companies was a main concern for the last decades, the Committee and Councils are now expected to concentrate on coordinating the merits for the parties.

One remained practical difficulty is that there has been no remarkable amendment of the Law since 1949, even though our society has been through various kinds of changes for past decades. The Committee has managed to deal with new type of pollution disputes with a flexible interpretation and application of the Law's Articles; however, limitations on flexibility of legal operation are still remained. Thus, it is necessary for the Committee to strengthen the system of dispute settlement dealing with environmental protection by enlarging its scope of targeted pollution, bringing an amendment of the Law into view.