

# Reviewing the environmental regulation in China and Japan

Dr. Satoshi KUROKAWA (黒川哲志)

School of Social Sciences, Waseda University

## 1. Introduction

It is my honor to have an opportunity to talk in front of you at Beijing University. I am Satoshi KUROKAWA, the deputy dean of School of Social Sciences of Waseda University. My research field is the administrative law, especially the regulation of environment. I am pleased that your school, the school of international studies, Pekin University and my school have an intimate relationship and start the academic collaboration to develop academic achievements.

I have a lot of friends in China. When I was a graduate student, 30 years ago, I studied with several international students from China. Some of them are now famous professors in Chinese universities. After I got an academic position in the university, I became acquainted with scholars of Chinese universities, indeed, including the Pekin University. Now, my students from China are scholars in the Universities in China. So, the academic exchange between China and Japan is now common practice. Among them, our academic collaboration is located and is expected to last long to be fruitful.

I know that I am expected to talk about the future-oriented relationship between China and Japan in the new era. However, I am just an environmental law researcher. So, I cannot talk about comprehensive international relationship between China and Japan. Therefore, I will talk about the theme from the perspective of an environmental law researcher.

It is apparent that trans-boundary pollution problems and global environmental problems have involved both China and Japan. As for trans-boundary pollutions, such as acid rain, PM2.5, yellow sand, and floating plastic waste problems, Japanese people have thought that the Chinese situation contributed the pollution in Japan not a little. So, Japanese people expected that the Chinese government would regulate them in China. For example, regulating SO<sub>2</sub> emission from factories and power plants, protecting forest and grassland to prevent desertification, managing plastic waste. Because of the western wind, pollutants are carried by the wind and ocean current from China to Japan.

Before Chinese economy and technology developed enough to deal with these environmental problems, Japanese government and people helped Chinese people to manage these problems. ODA (Official Development Assistance) was at the center of Japanese contributions to help Chinese environmental struggle. China is a so large country and has too many populations that the ODA for environment was destined to environmental technology transfer and environmental human resource development. However, it is sometimes said that the environmental assistances by Japan were not successful actually, because Japanese environmental technologies were created in Japan fitting to Japanese situation. Natural and social conditions of both countries are so different that

China needs the environmental technology suitable to it.

## 2. History of environmental problem and regulation in Japan

Now Japanese people who live in metropolitan cities enjoy clean environment. However, in the 1960s, Japan was the most polluted country in the world. The atmosphere of cities was polluted tremendously, like many cities in China a few years ago. I think you have heard four disastrous industrial pollution cases in 1950s and 1960s, such as Minamata mercury poisoning case, Itai-Itai(ouch-ouch) cadmium poisoning case and Yokkaich asthma case. A lot of victims suffered from contamination with hazardous pollutants caused by big factories. To overcome these serious industrial pollutions, the Japanese government employed so-called Command & Control regulatory scheme. It sets emission standards and required factories to meet them. In case of violation, an administrative order issued and criminal sanction came.

As a legal scheme, the Command & Control system was prepared, but the governmental mandates and the criminal sanctions were seldom used to Improve the illegal emission behaviors of factories. Just a recommendation or advice made the illegally polluting factories to obey the emission standard. In Japan, it is almost impossible for businesses to neglect the governmental advice, because neglecting governmental advice induces the negative evaluation against the business, which also induce social sanction against the business. In Japanese society and business, the reputation is the most important factor. So, businesses fear losing their reputation. Once a business is recognized to be selfish and polluting one, it will lose a lot of sale and profit. In the middle of 1970s, the serious industrial pollution had disappeared in Japan.

In 1970s the focus of environmental problems in Japan changed from the serious industrial pollution to the urban environmental deterioration problems, such as air pollution by car exhausts in urban area, water pollution by household waste water, and waste management. These problems were caused by the ordinary activities of people, which could not be blamed as illegal. The accumulation of pollutants in urban area caused the problems. To deal with these problems, the command & control were not suitable and necessary. Therefore, to overcome these problems, the incentive-based methods were utilized, such as economic incentives and information distributions. In 1980s, the global environmental problems began to collect attraction. Among them, the global warming is most important. The global warming problem has the similar structure with the urban environmental deterioration. The difference is that in urban environmental problems are caused by the pollutants' concentration in the urban area but in global warming is caused by the GHGs concentration in the atmosphere of the earth. So, to deal with the global warming, some economic incentive mechanisms and information measures have been utilized in Japan.

In terms of nature protection, I would like to mention the socio-ecological production landscape protection. Most of Japanese nature is not pristine one, but secondary nature which have been

created by the agricultural and forestry usage of land. Now, the agricultural industry and forestry industry are declining so that the secondary nature, i.e., the socio-ecological production landscapes are also decreasing.

### 3. Analyzing Chinese environmental regulation from the Japanese perspective

In China, Industrial pollution problems and urban environmental deterioration problems came together. Also, Chinese environmental scholars went to a variety of developed countries, studied environmental schemes in respective countries and imported or implanted them into China. They were the most sophisticated environmental schemes tailor-made to the countries. So, now China has the most excellent environmental scheme in the world, at a glance. For example, China has the public interest litigation scheme in the field of environment, which Japan does not have. Chinese environmental regulatory schemes use environmental insurance mechanism well, which I have encouraged Japanese government to employ but not yet realized enough. Nevertheless, Chinese environment cannot be said to become clean enough. I think the excellent environmental schemes imported from developed countries, including Japan, do not fit the Chinese society, stage of development. I am observing how China adjusts foreign environmental schemes to its own situation.

In the field of renewable energy penetration, China has a big influence to other countries. For example, China is the biggest renewable electricity generator in the world. For example, the price down of solar panel was realized in China and encouraged the PV penetration in the world.

### 4. Conclusion

As my talk showed Chinese environmental schemes developed absorbing foreign excellent schemes. Japan helped this process through ODA etc. However, we are now in the new stage where China develops its own scheme and collaborates with Japan and other countries to further develop environmental schemes. The paradigm has changed in the east Asian environmental relationship.

# Reviewing the environmental regulation in China and Japan

早稲田大学社会科学研究科教授

博士(法学)

黒川哲志

# 1. Introduction

- trans-boundary pollution & global environmental problems h
  - acid rain, PM2.5, yellow sand, and floating plastic waste problems
  - yellow sand
  - global warming
- ODA (Official Development Assistance) for environment
  - not so successful.
  - Natural and social conditions are different.

## 2. History of environmental problem and regulation in Japan

- Devastating industrial pollutions(1950s-1970)
  - 水俣病、四日市喘息etc
  - Command & Control. But actually advice and guidance effective.
- Urban environmental deterioration(1970-)
  - Urban air pollution by cars, water pollution by household waste water, & too much waste generated beyond disposal capacity.
  - the incentive-based methods(経済的手法 & 信息利用).
- Climate change
- Socio-ecological production landscape protection

### 3. Analyzing Chinese environmental regulation from the Japanese perspective

- Industrial pollution problems and urban environmental deterioration problems came together.
- Sophisticated regulatory scheme but not fitting to Chinese reality.
- Renewable energy development is great.

## 4. Conclusion

- New stage
- Collaboration with Japan and other countries to further develop environmental schemes.
- Paradigm has changed in the east Asian environmental relationship.