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Global Environmental Issues: Responses from Japan

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Abstract

The timing of the Japanese Government's acceptance of the United Nations multilateral treaties governing several environmental concerns indicates Japan's priorities: biodiversity, global warming, and depletion of the ozone layer. Banning transboundary movement of hazardous wastes is the least prioritized, as indicated by Japan's failure to accept the Ban Amendment to the Basel Convention. The Japanese Environment Agency's policy statements and budget allocations between 1985 and 2000, as well as other official statements and programs, likewise indicate the same priorities. Moreover, of the three priorities, global warming is the top.

Japan, which has been looking for a niche in world leadership, has found it in global warming concerns. However, it would be hard for it to maintain a leadership role in global environmental concerns if it would not be able to play a proactive role in the more technologically, economically and politically difficult task of banning transboundary movement of hazardous wastes.

Environmental protection and sustainable development are broadly encompassing. It would not be an exaggeration to say that they cover almost all aspects of life in and under the sky, from depletion of the ozone layer to water pollution and land degradation; from climate change and food security to waste disposal. Aspects of defense and security problems, in fact, can be subsumed under global environmental issues, because weapons used for such purposes involve chemicals, hazardous materials, and their transport.

Until the 1980s, Japan's role in international efforts to protect the environment had been small, if not nil.[1] It was the Swedish ambassador to the United Nations who, in 1968, prompted the United Nations to call the world organization's Conference on the Human Environment (UNCHE) at Stockholm in 1972. The ambassador was

[1] In this article, environmental protection and sustainable development will be used interchangeably. Much has been written about the compatible, necessary, or conflicting relationship between the two, but this article takes the position that sustainable development is the most acceptable compromise between environmental protection at the sacrifice of development and development at the sacrifice of environment.

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concerned about the acidification of the Scandinavian aquatic systems, a regional concern.[2] And yet, he brought it to an international body. Meanwhile, Japan, who had had environmental problems since the late nineteenth century, had chosen to solve the problems through its own efforts, instead of sharing the problems and the information about their dangers to human health and environment to an international organization like the United Nations.

By the time of the Stockholm Conference, the Japanese government had had experiences of settling disputes between victims of water pollution and the industrial establishments that had caused the pollution. It had succeeded in minimizing noise pollution, controlling one of the world's worst air pollution, and had enacted two basic environmental laws, the first one in 1967, and the second one in 1970.[3] In the 1980s and 1990s, Japan had to face industrial pollution of its rivers and lakes, causing suffering to victims of minamata and itai-itai diseases. Japan's environmental policies had remained basically oriented only towards domestic concerns.

As soon as the United Nations became more active in tackling global environmental issues however, Japan followed suit by issuing statements of support to subsequent United Nations reports and recommendations. This was in the mid 1980s, at the time of the economic bubble and mounting international pressure for Japan to assume a greater role in world affairs. In 1987 the Upper House of the Japanese Diet passed a resolution declaring that Japan should take initiatives in environmental issues. Inspired by the Brundtland Commission Report's concept of 'sustainable development', the Environment Agency declared that Japan, being an economic power, must assume a leadership role in the global efforts to protect the environment and achieve sustainable development.[4]

In the late 1990s, Japan displayed a stronger determination to play a leading role in global environmental protection. This is an area, where its active role will not be impeded by constitutional restrictions, such as Article 9, and historical memories of World War II.[5] The 1997 publication of the Environment Agency, *Quality of*

[2] Michael Grubb, Matthias Koch, Koy Thomson, Abby Munson, and Francis Sullivan, *The 'Earth Summit' Agreements: A Guide and Assessment* (London: The Royal Institute of International Affairs, 1993), p. 4.

[3] See comparative ranking of Japan's pollution control equipment in Makoto Natori, 'Japan's Pollution Control Technologies and Their Role in the World, in *Japan Review of International Affairs*, 7(1, Winter 1993): 50-67. See also appraisal by the Organization for Economic Cooperation and Development (OECD), declaring Japan's efforts in improving quality of enviroment as good as, if not better than other countries, in OECD, *Environmental Policies in Japan*, Paris: OECD, 1977.

[4] The origin of the concept 'sustainable development' was the report of the World Commission on Environment and Development, under Gro Harlem Brundtland, then Prime Minister of Norway. In this report, protection of the environment was not seen as an obstacle to, but rather an aspect to be considered, in making development policies. See Grubb, *The 'Earth Summit'*, p. 7. For the declaration of the Environment Agency, see Government of Japan, Environment Agency, *Quality of the Environment in Japan 1997* (Tokyo: Environment Agency, 1997), p. 427.

[5] A similar observation is made in Yasuko Kawashima, 'A Comparative Analysis of the Decision-making Processes of Developing Countries Toward CO_2 Emission Reduction Targets', *International Environmental Affairs*, 9(2, Spring 1997): 95–126, cited in Micahel Grubb with Christian Vrolijk, and

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the Environment in Japan, English version of its *White Paper on the Environment*, quotes from the Basic Environment Plan of 1994: 'All sectors of society, including the government, shall promote international cooperation with a view to maintaining a healthy global environment. By fully utilizing the experiences and technologies that overcame severe domestic pollution in the past, Japan shall strive to make significant contributions, appropriate to its position in the global society'.[6]

This short declaration says a lot. It is an expression of the pride that Japan feels over its success in combating domestic pollution, and in producing modern anti-pollution technologies. Furthermore, it is a declaration that Japan is now ready to share its expertise and technologies with the world, for the maintenance of a healthy global environment.

This article will try to find out Japan's priorities in contributing to global environmental protection and sustainable development. Naturally, issues in which Japan seems to be less enthusiastic will surface in the course of doing this.

The article takes off from a general observation that Japan's environmental policies are primarily influenced by outside pressure, narrow interests of several ministries in the Japanese bureaucracy, business and industrial interests, and politicians. NGOs and citizens, while active in the 1970s, receded from the scene, but have begun to gradually reappear, especially since the 1990s. Nevertheless, they have yet to play more substantial role in the policy-making process. Japanese decisions regarding global environmental issues are still primarily a 'from top to bottom' process.[7]

Focusing on the 'top', in other words, the Japanese government, this paper will use three indicators of Japan's priorities in playing a proactive role in global environmental concerns. The indicators are the Japanese government's actions on selected multilateral treaties, the Environment Agency's (a ministry since 2001) annual statement of policy focus, with an accompanying budget, and Japanese officials' statements and programs. Each one of these indicators, by itself, is not a convincing gauge of Japan's interest in cooperating to help solve global environmental problems, but taken together, can strongly point the direction of Japan's priorities.

Still, there is nothing better than actual compliance to the treaties, implementation of the policy focus and budget, and putting into action official statements, programs,

Duncan Brack, *The Kyoto Protocol: A guide and Assessment* (London: The Royal Institute of International Affairs, 1999), p. 33.

[6] Environment Agency, Government of Japan, *Quality of the Environment in Japan 1997*, p. 427.

[7] See for example Miranda A. Schreurs, 'Japan's Changing Approach to Environmental Issues', *Environmental Politics*, 6(2, Summer 1997): 150–156; Miranda A. Schreurs, 'Domestic Institutions and International Environmental Agenda in Japan and Germany', in Miranda A. Schreurs and Elizabeth Economy (eds), The *Internationalization of Environmental Protection* (Cambridge: Cambridge University Press, 1997), pp. 134–161; John Knight, 'The Forest Grant Movement in Japan', in Arne Kalland and Gerard Persoon (eds), *Environmental Movements in Asia* (Surrey: Curzon Press, 1998), pp. 110–130; Anny Wong, 'The Anti-Tropical Timber Campaign in Japan', in ibid.; Robert J. Mason, 'Whither Japan's Environmental Movement? An Assessment of Problems and Prospects at the National level', *Pacific Affairs*, 72(2, Summer 1999): 187–207.

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and strategies, as an indication of Japan's contributions to international efforts to protect the environment. These have been discussed in existing literature, and will not be repeated in this study.[8]

Hitherto literature on Japan's role in international environmental protection are thorough and are therefore necessarily highly selective; that is, most of them deal only with certain issues, such as forests, whaling, acid deposition, local NGOs, and Official Development Assistance (ODA). This article aims to contribute two things to the existing literature. First, it aims to provide an overall view of multilateral treaties concerning global environmental issues, hitherto simply assumed by the more specialized studies. Instead of putting this overview in the body of the paper, it is in Appendix A, so as to provide a quick reference, without taxing the patience of the experts who may wish to skip it. Second, it aims to clearly identify the global issues in which the Japanese government has decided to play a more proactive role, and, in doing so, identify which issues are neglected. As environmental problems grow in number and Japan's participation in addressing them gets deeper, a holistic view of such involvement may contribute to a better understanding of Japan's role in global environmental protection.

Environmental issues and multilateral treaties

Deposited with the United Nations Secretary General, as at the end of 2000 are 14 environmental multilateral treaties. Half of them apply only to the European Union, or the European Community, and other regions, such as Africa or the Baltic and the North Seas. The other half apply to all members of the United Nations.

This article will discuss only the treaties that apply to all members of the United Nations, for the other treaties are not global in nature, and do not involve Japan. The relevant treaties are the Vienna Convention for the Protection of the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification Particularly in Africa (UNCCD), and the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.[9] The list includes the protocols to these conventions, if any, as well as amendments to the conventions and the protocols.

[8] Some of the more recent ones are Jeffrey Broadbent, *Environmental Politics in Japan: Networks of Power and Protest* (Cambridge: Cambridge University Press, 1998), Peter Dauvergne, *Shadows in the Forest: Japan and the Politics of Timber in Southeast Asia* (Cambridge, MA and London: Massachusetts Institute of Technology Press, 1997), and Anny Wong, *The Roots of Japan's International Environmental Policies* (New York and London: Garland Publishing, 2001).

[9] The Convention on the Law of the Non-Navigational Uses of International Watercourses is included in the list for convenience, but it is not limited to issues of the environment. See 'Multilateral Treaties Deposited with the Secretary-General Status as at 31 December 2000' (New York: United Nations, 2001), p. 389.

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The global problems addressed by these treaties are depletion of the ozone layer, transboundary movement of hazardous wastes and chemicals, climate change or global warming, biodiversity and biosafety, and desertification, including drought. As to whether desertification is global is debatable. At the UNCCD, industrialized countries avoided using the term 'global', for fear that describing the problem as such would imply responsibility and obligations for them towards developing countries.[10] It is nevertheless included here, for the treaty applies to a wide area, namely, Africa, Asia, Latin America and the Caribbean, and the Northern Mediterranean. And, if climate change is global, desertification and drought, logically, should be considered as global, for they are partly both result and cause of climate change.

It must be stressed that aside from these multilateral treaties under the auspices of the United Nations, Japan is a party to numerous other international treaties on environment and sustainable development outside of the United Nations.[11] This article, however, will discuss only the United Nations multilateral treaties. Such arbitrary limitation may be justified by the fact that the multilateral treaties under the auspices of the United Nations are global in scope, and varied enough to cover major aspects of global environmental problems presently known. Another limitation of this article is that it does not include treaties under the auspices of the United Nations, which have been adopted prior to 1985. This is because prior to the mid 1980s, the United Nations had not concretely tackled global environmental issues.

Japan's priorities: biodiversity, global warming, ozone layer depletion

All the treaties mentioned above and described in Appendix A provide certain numbers of ratifications, acceptance, approvals, or accessions to them before they can be enforced. Mere signature by a country does not result in enforcement of the treaties. Ratification, acceptance, approval, or accession, strictly speaking, vary in procedures and impact, but as far as the United Nations is concerned, there is no difference among them in terms of the commitments and obligations of the countries that ratify, approve, accept or accede to the treaties.[12] Whatever action is taken will contribute to the entry into force of the treaties and the earlier action is taken, the better.

Since certain numbers of ratifications, acceptance, accessions, or approvals are necessary for a treaty to be enforced, early action by parties is an indication of their eagerness to see the enforcement of the treaty. Moreover, for a country like Japan that wishes to be recognized as a leader in global environmental concerns, timing of its

[10] Elizabeth R. DeSombre, 'Developing Country Influence in Global Environmental Negotiations', *Environmental Politics*, 9(3, Autumn 2000): 23–42.

[11] For a partial list, see Erwin C. Surrency (comp. and ed.), *Index to International Treaties and Agreements* (London: Oceana Publications, 1993). For a selected list of UN environmental conferences and activities, 1948 to 2000, see Thomas G. Weiss, David P. Forsythe, and Roger A. Coate, *The United Nations and Changing World Politics* (Oxford: Westview Press, 2001), pp. 256–257.

[12] Robert L. Bledsoe, *The International Law Dictionary* (Oxford: Clio Press, 1987), pp. 261–263.

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Table 1. *Approval by the Foreign Affairs Committees of the Lower House and the Upper, and by Each of the Whole House, Japanese Diet, of the Environmental Multilateral Treaties**

	Lower House		Upper House	
Multilateral Treaty	Committee	House	Committee	House
Vienna Convention	1-Apr-88	12-Apr-88	26-Apr-88	27-Apr-88
Montreal Protocol	1-Apr-88	12-Apr-88	26-Apr-88	27-Apr-88
Basel Convention	27-Nov-92	4-Dec-92	7-Dec-92	10-Dec-92
London Amendment	8-Mar-91	12-Mar-91	26-Mar-91	26-Mar-91
UNFCC	27-Apr-93	28-Apr-93	13-May-93	14-May-93
CBD	27-Apr-93	28-Apr-93	13-May-93	14-May-93
Copenhagen Amendment	28-Nov-94	1-Dec-94	1-Dec-94	2-Dec-94
UNCCD	2-Sep-98	3-Sep-98	8-Sep-98	9-Sep-98
Ban Amendment				
Montreal Amendment				
Kyoto Protocol	17-May-02	21-May-02	30-May02	31-May-02
Rotterdam Convention				
Basel Protocol				
Beijing Amendment				
Cartegena Protocol				

Source: *Summarized from Kokkai Kaigiroku (Records of the Japanese Diet Sessions, 1985–2001), http://Kokkai.ndl.go.jp, viewed on several dates.

action on these treaties has symbolical importance. It was in this spirit that a member of the Foreign Affairs Committee of the 120th Diet Session in 1991 urged the Japanese government to be one of the first to accept the London Amendment to the Montreal Protocol, and show to the world that Japan was sincerely concerned about the problem of ozone depletion.[13] Likewise, with regards to the procrastination displayed by the Japanese government regarding acceptance of the Basel Convention, a member of the Special Committee on the Environment of the 121st Session of the Upper House warned that Japan might be regarded as backward in the area of environmental problems if it failed to accept the convention sooner.[14]

The Japanese Diet has to discuss and approve the treaties before the Ministry of Foreign Affairs can submit the letter of ratification or acceptance to the United Nations Secretary General. Table 1 shows when the treaties were approved by the Foreign Affairs Committees of the two Houses of the Japanese Diet, and when they were approved by each of the whole House.

[13] Kokkai Kaigiroku, Foreign Affairs Committee of the Lower House of the Japanese Diet, 120th Session, p. 9. Schreurs, 'Domestic Institutions and International Environmental Agenda in Japan and Germany', pp. 147–148.

[14] Kokkai Kaigiroku, Special Committee on the Environment of the 121st Session of the Upper House, 25 September 1991, p. 3, http://Kokkai.ndl.go.jp, viewed on 9 January 2002.

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Table 2 summarizes the status of the multilateral treaties: how many countries have ratified them, and when are they enforced. Here, Japan is compared with the United States, not with Europe. Comparison with European countries is out of the question, because being the first to industrialize and therefore the first to experience environmental problems, most of them have traditionally led the world in combating environmental problems. On the other hand, Japan, in tandem with the United States, is now vying for leadership in the area of global environmental protection.

Table 2 shows that Japan did not contribute to the elevation of the following treaties towards enforcement, because it accepted or acceded to them only after enforcement: Vienna Convention, Basel Convention, Copenhagen Amendment, and the UNCCD. The Montreal Amendment has been enforced since 1999 November, and Japan may in due time accede to it. Japan contributed to the entry into force of the Montreal Protocol, London Amendment, UNFCCC, and the Convention on Biological Diversity.

Japan was initially slow in supporting the United Nation's first effort to prevent further depletion of the ozone layer. This was because of the opposition from Japanese industries and the Ministry of Trade and Industry (MITI), now Ministry of Economy, Trade, and Industry (METI). It responded positively only after an active lobby from the United States and after CFC producing companies, especially Du Pont, the largest CFC producer, decided to cooperate in the international effort to phase out CFC.[15] After this initial hesitation, Japan has become more decisive, as can be seen in the speedy acceptance of the Montreal Protocol. It accepted the London Amendment to the Montreal Protocol even ahead of the United States' ratification.

Even though Japan accepted the UNFCCC before enforcement, it did so only after the United States had ratified it. Moreover, even after entry into force of the UNFCCC, Japan did not show any enthusiasm regarding reduction targets of gas emissions causing global warming.[16] Even in the Third Conference of the Parties to the UNFCCC held in Kyoto, Japan, in spite of being the host, Japan failed to display leadership by calling for only a 2.5% reduction in emissions by 2010.[17]

There is a gap between Japan's initial behavior on the international scene and its activities on the domestic level regarding global warming. As early as the late 1980s, the Environmental Agency has been encouraging research and pushing for gas emission reduction targets.[18] This gap may be explained by the political and psychological positioning of the European Union, the US, and the developing countries. Negotiations

[15] Schreurs, 'Domestic Institutions and International Environmental Agenda in Japan and Germany', p. 148.

[16] Peter Newell and Matthew Paterson, 'Profile: From Geneva to Kyoto: The Second Conference of the Parties to the UN Framework Convention on Climate Change', *Environmental Politics*, 5(4, Winter 1996): 731; Grubb, *The Kyoto Protocol*, p. 54.

[17] Peter Newell, 'Profile: Who "CoPed" Out in Kyoto? An Assessment of the Third Conference of the Parties to the Framework Convention on Climate Change', *Environmental Politics*, 7(2, Summer 1998): 154.

[18] Schreurs, 'Domestic Institutions and International Environmental Agenda in Japan and Germany', p. 150.

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Table 2. *Status of multilateral treaties deposited with the United Nations Secretary General**

Multilateral Treaty	Place of adoption	Date of adoption	U.N. deadline for signature	Signature by Japan	Japan's accession, acceptance	Ratification by US	Enforcement date
Vienna Convention	Vienna	22-Mar-85	21-Mar-86		30 Sep 88	27-Aug-86	22-Sep-88
Montreal Protocol	Montreal	16-Sep-87	15-Sep-88	16-Sep-87	30 Sep 88	21-Apr-88	1-Jan-89
Basel Convention	Basel	22-Mar-89	22-Mar-90		17 Sep 93		5-May-92
London Amendment	London	29-Jun-90	N.A.	N.A.	4 Sep 91	18-Dec-91	10-Aug-92
UNFCCC	New York	9-May-92	19-Jun-93	13-Jun-92	28 May 93	15-Oct-92	21-Mar-94
CBD	Rio de Janeiro	5-Jun-92	4-Jun-93	13-Jun-92	28 May 93		29-Dec-93
Copenhagen Amendment	Copenhagen	25-Nov-92	N.A.	N.A.	20 Dec 94	2-Mar-94	14-Jun-94
UNCCD	Paris	14-Oct-94	13-Oct-95	14-Oct-94	11 Sep 98	17-Nov-00	26-Dec-96
Ban Amendment	Geneva	22-Sep-95	N.A.	N.A.			
Montreal Amendment	Montreal	17-Sep-97	N.A.	N.A.			10-Nov-99
Kyoto Protocol	Kyoto	11-Dec-97	15-May-99	28-Apr-98	4-Jun-2002		
Rotterdam Convention	Rotterdam	10-Sep-98	10-Sep-99	31-Aug-99			
Basel Protocol	Basel	10-Dec-99	10-Dec-00				
Beijing Amendment	Beijing	3-Dec-99	N.A.	N.A.			
Cartegena Protocol	Montreal	29-Jan-00	4-Jun-01				

*See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December* 2000 (New York: United Nations, 2002), pp. 338–392, and respective home pages of the conventions or treaties.

became like bidding in an auction, wherein participants should be careful not to overbid, for a high bid might only be bait. For example, the EU initially proposed to cut its emissions by 15% of the 1990 level, and, in the end, accepted only an 8% cut. Japan was a cautious player, trying to adjust its position *vis-à-vis* other players, especially the United States. Moreover, the Environment Agency and the MITI had to adjust their own proposed reduction emission targets. After Prime Minister Hashimoto Ryutaro intervened, the Japanese government finally proposed a 5% reduction.[19]

Japanese enthusiasm towards efforts to prevent global warming became evident only after the conclusion of the Third Conference of the Parties in Kyoto. Japan accepted a cut of 6%, while the US delegation agreed to a 7% cut. The US Senate, however, did not accept the Kyoto Protocol. The US described as 'arbitrary and unscientific' emission targets set by the Protocol. The emission targets are deemed detrimental to the US economy. The US is not willing to pay this price in the face of what it considers inadequate scientific knowledge: how much effect natural fluctuations in climate may have had on warming, how much and how fast the climate would change in the future, and how some of the efforts to prevent global warming might in fact increase it. Moreover, the US objects to the exception of China and India, two of the top emitters among developing countries, from the emission reduction requirements.[20]

On 18 April 2001 the House of Councilors and on the following day the House of Representatives of the Japanese Diet issued identical resolutions. They expressed regret over the fact that the Bush Administration had decided to leave the Kyoto Protocol. They further declared that Japan should take leadership in seeing to it that the Kyoto Protocol enter into force early in the year 2002.[21] The Minister of Foreign Affairs has issued statements that Japan would encourage the US to rejoin the Kyoto Protocol.

Japan ratified the Kyoto Protocol on 4 June 2002, but the treaty will not be enforceable until nations that together spewed 55% or more of carbon dioxide in 1990 ratified the treaty. Japan was the seventy-fourth country to ratify the treaty, but these countries together accounted for only 35.8% of carbon dioxide emissions in 1990.

Japan also signed the Convention on Biological Diversity ahead of the United States, who only signed on 4 June 1993.[22] It has been commented that it was fortunate that other developed countries did not follow the US example, for, if they did, the developing countries could have come up with their own objections.[23] Japan and the UK did hesitate for a while, due to 'concerns about financial arrangements, and a

[19] Grubb, *The Tokyo Protocol*, p. 59.

[20] 'President Bush Calls for Research, Technology to Reduce Global Warming', http://usinfo.state.gov/topical/global/environ/climate/01061101.html, viewed on 15 June 2001.

[21] www.mofa.go.jp/policy/environment/warm/kyoto_r2.html, viewed on 6 November 2001.

[22] Initial US objection to the CBD was prompted by its desire to protect its biotechnology industry from safety and patenting requirements, and concerns about the financial arrangements. Grubb, *The 'Earth Summit'*, p. 16; Ranee K.L. Panjabi, *The Earth Summit at Rio, Politics, Economics, and the Environment* (Boston: Northeastern University Press, 1997), pp. 218–309.

[23] Grubb, *The 'Earth Summit'*, p. 23.

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desire to avoid isolating the US government'.[24] Japan has accepted the Convention on Biological Diversity, while, to date, the US has not ratified it. Results of research on plant and animal resources that can boost Japan's food security is naturally an attraction to Japan, a country that is ever aware that it is poor in natural resources. In this connection, Japan's stubborn resistance to the ban on commercial whaling is indicative of Japan's interest in biodiversity and biosafety. It is more interested in research that will increase food production and variety of plant and animal lives, than protection of endangered species.[25]

Japan accepted the UNCCD only after almost two years of entry into force, but it was ahead of the US. Japan's lukewarm attitude is understandable, considering the nature of the issue. Desertification and drought are quite far from Japan's experience and technical knowledge. It has more technical know-how on flood control. The UNCCD is not a priority, but joining it does not harm Japan. It adds to the list of Japan's international cooperation activities and opens a door to possible investments and financial loans. Moreover, financial contribution to it is not obligatory.

Low priority: ban on export of hazardous wastes

Japan procrastinated in accepting the Basel Convention. It was first taken up in 1991 in the Special Committee on the Environment and in the Foreign Affairs Committee of the Upper House of the 120th Diet, but it was explained that ratification could not be done until rules and regulations about disposition of hazardous wastes were in place.[26] A token importance was given to the problem of transport of hazardous waste in the environmental protection policy statement of the Special Committee on the Environment in the 121st Session of the Lower House. The statement basically declared cooperation in the enforcement of global environmental treaties, such as those that touched on global warming, depletion of tropical forest resources, minimizing desertification, protection of biodiversity, preservation of the world's cultural heritage, and to exert efforts towards the ratification of the Basel Convention.[27] The Foreign Affairs Committee of the Lower House took up the question of ratifying the Basel Convention and approved it on 27 November 1992, six months after the convention had been enforced. In some discussions, it was pointed out that the Basel Convention was beneficial for Japan, which imports and exports recyclable wastes, for it would not stop trade in hazardous wastes: it would only require consent from the importing country.[28]

[24] Ibid., p. 83.

[25] Wong, p. 7.

[26] Kokkai kaigiroku, Foreign Affairs Committee of the 120th Session of the Upper House, 26 March 1991, p. 6, http://Kokkai.ndl.go.jp, viewed on 9 January 2002; Special Committee on the Environment of the 120th Session of the Upper House, 17 April 1991, p. 8, http://Kokkai.ndl.go.jp, viewed on 9 January 2002.

[27] Kokkai kaigiroku, Committee on the Environment of the 121st Session of the Lower House of the Japanese Diet, 3 October 1991, p. 1, http://Kokkai.ndl.go.jp, viewed on 9 January 2002.

[28] Comments to this effect are in many places, but see for an example, Kokkai kaigiroku, Foreign Affairs Committee of the 125th Session of the Lower House of the Japanese Diet, 4 December 1992, p. 8, http://Kokkai.ndl.go.jp, viewed on 10 January 2002.

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But, a stricter amendment to the Basel Convention followed suit: it banned members of the EU, OECD, and Liechtenstein from exporting hazardous wastes for final disposal and recycling to all other parties to the Convention. Thus, it is called the Ban Amendment. To date, Japan, a member of the OECD, has not ratified or accepted the Ban Amendment. The report submitted by Japan to the 5th Session of the Commission on Sustainable Development in 1997, mentioned that Japan permits the import and export of recyclable wastes as a resource to and from the United States and Southeast Asian countries.[29] Whether these wastes are hazardous or not, can of course be known only upon thorough investigation, a process that a developing country can hardly be expected to do.

Japan's country fact sheet for 1999, submitted to the Basel Convention Secretariat, contains information that will shed light on Japan's uncooperative attitude towards the ban on the export of hazardous wastes, either for final disposal or recycling. Japan adheres to the Basel Convention classification of hazardous wastes. According to a domestic law of Japan, a person intending to import waste (excluding navigational wastes and carried-in wastes) has to obtain permission from the Minister of Environment. 'Any person intending to export domestic or industrial wastes (excluding valuable material) must obtain the confirmation of the Minister of the Environment that the export of domestic wastes comes under the respective items in the following: 1) The wastes to be exported are deemed difficult to be properly treated in Japan in the light of the available know-how; and 2) The wastes to be exported will be recycled in the country of destination'.[30]

The country fact sheet reports that in 1999, Japan exported 2,926 metric tones of hazardous wastes, and imported a total of 1,939 metric tones. The government, as well as industries and waste generators do not have economic instruments or initiatives to reduce transboundary movement of wastes.

Japanese strategies or policies to reduce hazardous waste generation consist of re-using, recycling, and burning things that cannot be used as resources, and using the heat produced from their incineration. Included in the strategies is the export of wastes to countries that can recycle them.

Directly relevant is the discovery of 122 containers of hazardous wastes from Japan in the Philippine Port Area in January 2001. The containers revealed wastes defined as hazardous in the Basel Convention, to which Japan is a party. They included syringes, diapers, sanitary napkins, and other sorts of wastes.[31] It was first claimed that these materials were exported to the Philippines for recycling. Philippine and Japanese laws allow trade of hazardous wastes for purposes of recycling. In fact, the Philippines has not accepted/ratified the Ban Amendment because it has 'economic impacts to

[29] Agenda 21-Japan, p. 51

[30] Basel Convention Country Fact Sheet, www.unep.ch/basel/centers/country.html, viewed on 9 December 2001. pp. 159–163.

[31] www.atimes.com/japan-econ/BA18Dh01.html, viewed on 30 November 2001.

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local industry dependent on using secondary materials classified as hazardous wastes' under the Basel Convention.[32] As far as national laws of Japan and the Philippines are concerned, and as far as the claim that the discovered wastes were for recycling was true, the discovery did not reveal anything illegal. Moreover, since the Ban Amendment is not enforced yet, Japan did not violate any international agreement. However, it was reported later that the 'president of an industrial-waste disposal company in Tochigi Prefecture pleaded guilty' to the crime of exporting non-recyclable hazardous wastes, such as syringe needles and soiled diapers.[33] The issue was therefore not only a legal, but also a moral one. While there is not enough information about the incident regarding whom to blame, Japan or the Philippines, it is clearly an incident that aggravates Japan's failure to cooperate in seeing to it that the Ban Amendment enters into force.

A more serious situation than this incident is the importation from Japan of used machines and buses. This is more serious because it is considered as part of regular trade between Japan and the Philippines. Moreover, it is almost a necessity for a developing country like the Philippines to import these second-hand buses and machines, for they are cheap. But, these necessary, cheap, second-hand goods are sources of gas emissions dangerous to health and the environment.

The Ban Amendment has to be ratified or accepted by three-quarters or 62 of the parties present at the time of its adoption (Art. 17, Ban Amendment). As of 14 November 2001, only the following countries have ratified/accepted it: Gambia, Tunisia, China, Malaysia, Sri Lanka, Andorra, Austria, Cyprus, Denmark, Finland, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, the UK, Ireland, Estonia, Slovakia, Bulgaria, Czech Republic, Ecuador, Panama, Paraguay, Trinidad and Tobago, Uruguay.[34]

One of the reasons for Japan's failure to join the treaty, as can be read in the 1999 country fact sheet submitted to the Basel Convention Secretariat, is that Japan has not found cost-efficient ways of disposing of or recycling hazardous wastes in its own backyard. Exporting them still seems to be the cheapest, even profitable method. The emphasis of the Japanese government, according to one activist, is to get 'rid of waste cheaply'. The activist continues: 'Companies and other waste producers such as hospitals are simply required to produce papers that certify they have asked garbage disposal firms to take responsibility for the waste, and those firms in turn also forward documents that show they have done so. Nobody bothers to check how safe the disposal methods are'.[35] It may be added that while dump sites have shrunk in size and number,

[32] Among the Southeast Asian countries, only Thailand and Indonesia reported implementation of the Ban Amendment, but Indonesia allows used lead acid batteries until September 2002. A domestic law of Vietnam prohibits importation of hazardous wastes; Singapore requires permit. Basel Convention Country Fact Sheet, various pages.

[33] 'Japan Running Out of Room to Dump Industrial Waste: Study', *Japan Times*, 27 January 2002, p. 2.

[34] www.unep.ch/basel/ratif/raif.html, viewed on 28 November 2001.

[35] www.atimes.com/japan-econ/BA18Dh01.html, viewed on 30 November 2001.

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and laws on building and operating incinerators have become more strict, Japan has not found effective ways of reducing garbage.[36]

Since many developed countries, including the United States, have not ratified/accepted the Ban Amendment for various reasons, such as its adverse economic implications on developing countries, and other considerations, it is indeed a big challenge for Japan to be one of the first to accept it. And, if it wants to exert leadership in the area of global environmental protection, it must boldly face the challenge. Pending enforcement of the Basel Amendment, the Japanese government could at least exert more efforts in preventing Japanese companies from taking advantage of loose restrictions in developing countries regarding importation of hazardous wastes.

Environmental Agency's policy focus and budget

Statements of the Environment Agency in connection with its annual budget show that nature and wildlife conservation, which includes protection of biodiversity and research on biotechnology, has been a part of its policy focus since 1985, sliding up and down the priority scale. On a scale of one to five, it occupied either the third or fourth position up to 1994 (Appendix B). A couple of years after Japan accepted the Convention on Biodiversity, it began to assume a higher priority, occupying the second position from 1995 to 2000, and the first in 2001.

The ranking is not exclusive, for the policy statements sometimes put biodiversity or biotechnology under more than one category. For example, in the 1986 statement, biotechnology was mentioned in the focus on 'development of a new environment policy', which occupied the third ranking, and biodiversity was mentioned under 'nature and wildlife conservation', which occupied the fifth rank. Again, in 2001, biodiversity was mentioned in the category 'securing safety and peace of mind through comprehensive environment management', which occupied the first rank', and again in the category 'promotion of closer co-existence of man and nature', which occupied the second rank.

Global warming was first mentioned in the policy statement of 1990, a couple of years ahead of the United Nations Framework for Climate Change. It was grouped together with prevention of ozone depletion and research to reduce transboundary transport of hazardous waste, under the category 'contribution towards environmental protection', a category that occupied the fifth rank. Since then, it was always a part of the policy focus, being put under categories that occupy either the third or fourth ranking. Like biodiversity and biotechnology, it was sometimes mentioned under several categories. In 2000, for instance, it was mentioned under three categories.

Prevention of ozone depletion or, more specifically, abolition of CFCs, was first mentioned in the policy focus of 1988, the year the Vienna Convention came

[36] 'Recycling Waste a Burning Issue', *Asahi Evening News*, 12 July 1998, p. 2; 'Ministry Plans First Law to Cut Waste', *Asahi Evening News*, 29 March 1999, p. 1; 'Environment Agency Closes Burner Loophole', *Asahi Evening News*, 22 August 1999, p. 2; 'Japan Running Out of Room to Dump Industrial Waste: Study', *Japan Times*, 27 January 2002, p. 2.

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Table 3. *Estimated Budget Allocation of Japan for Global Environmental Protection, 1985–2000 (in million yen)**

	Ozone Depletion	Hazardous Waste Transport	Recycling	Global Warming	Biodi/Tech	Desertification
1985					3,307	
1986					3,211	
1987					3,164	
1988					3,168	
1989					3,295	
1990				1,827	3,710	
1991	Missing		Missing	missing	missing	missing
1992	34	7	14	347	3,821	
1993	155	24		121	1,321	8
1994	14		288	353	478	
1995			142	397	11,499	38
1996	40		244	1,036	16,066	80
1997	69		173	9,355	16,104	
1998	64		241	7,092	2,716	13
1999			14,825	10,434	19,925	106
2000			900	1,150	21,200	
2001	**		174,600	78,000**	21,000	

Notes: *Constructed from Japan, Environment Agency, Policy Focus of the Environment Agency, 1986–2001 (print-outs in Japanese). Each year has the budget of the previous year, which is used here to reflect the actual budget. Hence, the table begins with 1985 and ends with 2001, even though the print-outs begin with 1986 and end with 2001. See Appendix A for details.
**Ozone depletion and global warming are classified under 'global environment'.

into force. It was put under the category 'contribution towards global environmental protection', which occupied the sixth rank. Like global warming and biodiversity/biotechnology, it appeared several times in the policy statements and, at times, under multiple categories, but not as often as biodiversity and global warming.

Indeed, there has been a gradual shift of focus from domestic environmental problems to international ones, reflecting the 1997 White Paper's pronouncement of cooperation in the efforts towards international environmental protection. While from 1985 to 1999 compensation of victims of pollution, that is those suffering from minamata and itai-itai diseases, was consistently the top priority in terms of policy statements and budget appropriation, since 2000 the priorities have been biodiversity, global warming, and ozone layer depletion.

However, transboundary transport of hazardous wastes and chemicals appeared the least number of times in the policy statements, and in the very few times that it was given a budget allocation, it got the least amount. Desertification was mentioned more often, albeit with a small appropriation.

Table 3 summarizes the budget allocation for global environmental protection from 1985 to 2000. The figures are culled from the annual statements of policy focus

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Table 4. *Fiscal year 1996 and 1997 Budget for Global Environmental Issues (Unit: Y 100 million)*

Environmental problems	1996	1997	Growth rate
Global warming	4,605	4,725	3% increase
Ozone layer depletion	24	27	11% increase
Acid deposition	66	86	30% increase
Marine pollution	28	27	4% reduction
Transport of hazardous waste	3	2	25% reduction
Tropical forest depletion	20	22	6% increase
Reduction in species of wild fauna and flora	16	17	4% increase
Desertification	11	14	26% increase
Pollution in developing countries	36	32	11% reduction
Others	879	885	0.6% increase

Source: Environment Agency, Government of Japan, *Quality of the Environment in Japan*, 1997 (Tokyo: Environment Agency, 1997), p. 430.

and budget allocations illustrated in Appendix B. At best, the figures should be taken as mere estimates, for the way the categories are stated are open to various interpretations.

A quick glance at the table will show that Japan puts stress on protection of biodiversity and research on biotechnology first, prevention of global warming second, controlling ozone depletion third, and last but not least, prevention of desertification and drought.

Putting an end to transboundary transport of hazardous wastes and chemicals is the least prioritized. However, recycling may be taken as an indirect way of controlling the export of hazardous wastes. Hence, recycling is included in Table 3, even though strictly speaking it is not part of global environmental concerns, but, rather, a domestic one. Recycling is one of the main solutions to reduce waste, including some hazardous wastes and chemicals. A large appropriation for it, especially for research and development of technology to reduce hazardous wastes, therefore, is an indirect indication of Japan's efforts to solve the problem of disposal of hazardous wastes.

In Table 3, there is no appropriation for solving the problem of transboundary movement of hazardous wastes for 1996 and 1997. A table in the English publication of the Environment Agency, *Quality of the Environment in Japan*, however, has it (Table 4). This is because in *Quality of the Environment in Japan*, a publication meant for foreign consumption, recycling is considered as part of the efforts to stop transport of hazardous wastes. On the other hand, in the policy focus statements and budget, it is more clearly classified as recycling, a domestic endeavor only indirectly contributing to international efforts to stop the transport of hazardous wastes.

The Japanese government has also undertaken bureaucratic reorganizations in order to better address the problem of waste disposal. In 2001 the Environment Agency was elevated to a ministry. Its personnel were increased from 1,020 to 1,131. Management of waste and the water cycle, which used to be under the Ministry of Health, was

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transferred to the new ministry. Waste and Water Cycle Bureau, which used to have only two sections, manned by 38 employees in the Ministry of Health, is now the Bureau of Waste and Recycling, with three sections, manned by fifty-five people.[37]

Of course, it still means that until Japan is able to come up with technology that will eliminate or at least reduce hazardous wastes, it will continue exporting hazardous wastes to developing countries allowing their importation. This is because Japan is not a party to the Ban Amendment to the Basel Convention, and also because its policy statements and budget allocations do not reflect significant direct allocations for putting an end to transboundary movement of hazardous wastes and chemicals.

Official statements and programs

Opinions expressed in the Committees on the Environment and on Foreign Affairs in both houses of the Diet in connection with actions to be taken regarding the multilateral treaties on global environmental issues indicate that Japan has great interest in contributing to the protection of the ozone layer, minimization of global warming, and protection of biodiversity.[38] Various statements also show that Japanese leaders take pride in the fact that Japan has the technology and know-how to contribute to these environmental concerns. The opportunity for Japan to share the technology and know-how on these environmental concerns may explain why these global environmental problems are top priorities. Moreover, economic profits can be expected from the production and sale of chemicals that do not deplete the ozone layer. Financial gains can also be expected from the exportation of energy devices that do not cause global warming.

In diplomatic speeches meant for international consumption, the ban on transport of hazardous wastes is hardly mentioned, while global warming is usually highlighted. In his speech in June 1997 at the Special Session of the General Assembly for the Overall Review and Appraisal of the Implementation of Agenda 21, the then Prime Minister, Hashimoto Ryutaro, singled out global climate change as a serious global environmental issue. He proposed a strategy to prevent further worsening of global warming. The strategy, called the 'Green Initiative', constituted the introduction of non-fossil energy sources, such as photovoltaic power generation, and other energy-related technologies to developing countries, and the use of ODA and private financial resources to help developing countries in their efforts to obtain clean energy and prevent global warming.[39]

[37] Environment Agency, Government of Japan, Environment Agency Policy Focus for 2000 (print-out in Japanese), pp. 24–25.

[38] For sample statements, see Kokkai Kaigiroku, Foreign Affairs Committee of the 126th Session of the Lower House, pp. 1–16, http://Kokkai.ndl.go.jp, viewed on 10 January 2002.

[39] Statement by Prime Minister of Japan Hashimoto Ryutaro at the Special Session of the General Assembly for the Overall Review and Appraisal of the Implementation of Agenda 21, 23 June 1997, New York, United Nations, www.mofa.go.jp/announce/arhive-3/agenda 21. html, viewed on 6 November 2001.

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On the same occasion, the Japanese Prime Minister announced Japan's 'Initiatives for Sustainable Development Toward the 21st Century' (ISD). Priorities spelled out in this program would be the basis of a new ODA with an environmental thrust. The ISD priority areas are (1) combating air and water pollution, (2) combating global warming, (3) dealing with fresh water problems, (4) nature conservation and forests, and (5) promoting public awareness. Among the five areas, two are global – namely, global warming and nature conservation and forests – which can be classified as falling under biodiversity. There was no mention of hazardous wastes. Again, in December 1997 Japan announced the 'Kyoto Initiative' to support developing countries' efforts to counter global warming under the ISD.

Japan's strong interest in the problem of global warming is further reflected in the creation in 1997 of the 'Global Warming Prevention Headquarters', chaired by no less than the Prime Minister.

Conclusion

Japan's record since 1985 in accepting or acceding to environmental multilateral treaties shows that it has given prevention of transboundary movement of hazardous wastes a cold response, and is most interested in biodiversity, global warming, and depletion of the ozone layer. It is also interested, to a certain extent, in the prevention of desertification and drought. This record is also reflected in the Environment Agency's policy focus statements and budget, as well as in the components of the ISD and several official statements.

Japan has given an especially warm response to global warming. It has taken the same position as the EU, resulting in the isolation of the United States, which has withdrawn its support to the Kyoto Protocol. Moreover, Japan offered an 'honorable race for the quickest ratification of the protocol', happily accepted by the German Environment Minister, Juergen Trittin.[40] The offer was made good when Japan ratified the protocol on 4 June 2002.

At present, global warming is Japan's priority. This is not only because it is the most recent environmental global issue, but also because the strategies to solve it are closely inter-related with the strategies for the protection of biodiversity and prevention of ozone depletion and of desertification.

Furthermore, protection of biodiversity, prevention of global warming, and protection of the ozone layer share a common characteristic; that is, their results are global, as each country tries to achieve them individually. Thus, in the case of Japan, protection of its own biodiversity, controlling emission of gases with greenhouse effects domestically, and phasing out chemicals that destroy the ozone layer, will eventually contribute to the worldwide improvement of biodiversity and prevention of global warming and ozone depletion. It is similar to cleaning one's yard, without having to throw the garbage into the neighbor's yard.

[40] *The Japan Times*, 9 November 2001, p. 2

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Moreover, by positively helping the developing countries in solving these global environmental problems, including desertification, through aid, loans, technology transfer, and export of chemical substitutes and environment-friendly sources of energy, Japan would be enhancing a role it is used to: that of an aid-giver. Moreover, exportation of chemical substitutes and environment-friendly energy would boost Japan's international trade.

On the other hand, putting a stop to the transboundary movement of hazardous wastes and chemicals is economically, technologically, and politically difficult. Until Japan is able to recycle in its own territory hazardous wastes and chemicals, or phase them out, and until developing countries are no longer in need of cheap recyclable materials for their economic development, the temptation for Japan and other countries to export these wastes will be there. For they are treasures, at least in the short run, for the countries in need.

Japan has been searching for a place of leadership in international affairs. It may be on the right track, but it would be hard for it to claim world leadership in matters of global environmental protection if it would not be able to successfully take the challenge of ratifying the Ban Amendment to the Basel Convention. It has to proactively contribute to stopping transboundary movement of hazardous wastes, for global environmental problems are inter-related, calling for holistic, comprehensive solutions.

Appendix A: Overview of Global Environmental Issues and Multilateral Treaties

1. Ozone layer depletion: Vienna Convention, Montreal Protocol, London Amendment, Copenhagen Amendment, Montreal Amendment, Beijing Amendment.

The Vienna Convention for the Protection of the Ozone Layer marks 'the first time nations agreed in principle to tackle a global environmental problem before its effects were felt, or even scientifically proven'.[41]

In May 1985 British scientists led by Dr Joe Farman published in *Nature* their findings about ozone depletion in the Antarctic. The findings were confirmed by American satellite observations and offered the first proof of severe ozone depletion. The identified culprit was chlorofluorocarbon (CFC), an organic compound widely used in the production of foam for insulation, as refrigerants or air conditioner coolants, and other uses. It became urgent for experts to take measures to stop, or at least minimize the production of CFCs. From 14 to 16 September 1987 the Conference of Plenipotentiaries on the Protocol on Chlorofluorocarbons to the Vienna Convention was held. On the third and final day of the conference, the Montreal Protocol on Substances that Deplete the Ozone Layer was adopted.

The Montreal Protocol had aimed at reducing the production of CFCs by half of the industrialized countries' current consumption in 1998. However, it was adjusted

[41] http://www.unep.org/ozone/vinaa.shtml, viewed on 21 November 2001.

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and/or amended, as more scientific findings came out. Tighter and greater controls were deemed necessary, and practical considerations regarding implementation were taken into account. The first amendment to the Montreal Protocol was agreed in London on 29 June 1990. In this amendment the parties agreed to phase out CFCs by 2000 and to add a series of other chemicals to the original list of controlled substances, including carbon tetrachloride and methyl chloroform. The EU had pushed for the target date of 1997, but Japan successfully lobbied for 2000.[42] A financial mechanism was established for transfers of financial resources and non-ozone depleting substances (ODS) to developing countries. Amendments/and or adjustments agreed in Copenhagen in 1992, Montreal in 1997, and Beijing in 1999 followed the London Amendment. These amendments and/or adjustments, generally aimed at speeding up the phase-out of certain kinds of controlled materials. In recognition of the gap between developed and developing countries, the latter was allowed longer periods to comply with the agreements.

In addition to the accelerated pace of the phasing out of controlled substances, the Copenhagen Amendment broadened the scope of controlled substances by adding to the list methyl bromide and hydrochlorofluorocarbons (HCFCs). Consumption and production of methyl bromide was frozen at 1991 levels beginning 1995. Consumption of HCFCs was banned beginning 1 January 1996.

The Montreal Amendment, on the other hand, provides for the phase-out of methyl bromide in 2005, five years earlier than previously agreed. Moreover, parties agreed to a system of licensing the import and export of new, used, recycled, and reclaimed CFCs, Halons, HCFCs, and methyl bromide. The system requires parties to assist in preventing illegal traffic in these substances and to allow cross-checking of information between trading countries. The system was to begin in 2000.

Finally, the Beijing Amendment provides for a multilateral fund to help developing countries in completely phasing-out CFCs by 2010. It also targets the year 2020 for the complete phase-out of HCFCs for developed countries, and 2040 for developing countries. In addition, it bans trade in HCFCs in countries that have not ratified the 1992 Copenhagen Amendment, the document calling for the phase-out of HCFC.

2. Transboundary movement of hazardous wastes and chemicals: Basel Covention, Ban Amendent, Rotterdam Convention, Basel Protocol

The Basel Convention adopted on 22 March 1989 addresses the public outcry especially from African states against the indiscriminate dumping of hazardous wastes in developing countries by the developed ones. It obliges parties to the Convention to (1) inform other parties of their decision to prohibit the importation of hazardous wastes or other wastes for disposal; (2) prohibit the exportation of hazardous wastes and other wastes to the parties which have prohibited importation of such wastes; (3) prohibit

[42] Kokkai Kaigiroku, Foreign Affairs Committee of the Lower House of the Japanese Diet, 120th Session, 8 March 1991, p. 11, http://Kokkai.ndl.go.jp, viewed on 9 January 2002.

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all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations, and (4) perform many other obligations, which, on the whole, aim at an 'environmentally sound management' (EMS) of hazardous wastes. The ultimate goal is to protect human health and the environment by minimizing hazardous waste production, and managing its storage, transport, treatment, reuse, recycling, recovery, and final disposal.

The Basel Convention lists, among others, the following as hazardous: wastes from medical care in hospitals, clinics, and other medical centers; wastes from pharmaceuticals, drugs, and medicines; wastes from heat treatment and tempering operations containing cyanides; wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish; wastes containing mercury, lead, asbestos, etc.; wastes which are flammable, poisonous, or corrosive. Such materials or substances, when dumped indiscriminately, or spilled accidentally, can cause severe damage, even death, to human beings, and pollute water and land for decades.

From 18 to 22 September 1995, the Third Meeting of the Conference of the Contracting Parties to the Basel Convention was held in Geneva. In the meeting, participating countries decided to adopt an amendment to the Convention. More popularly called the Ban Amendment, it calls on members of the EU, OECD, and in Liechtenstein to ban export of hazardous wastes for final disposal and recycling to all other parties to the Convention.

On 10 December 1999 the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal was adopted. The protocol establishes rules on liability and compensation for damages caused by accidental spills of hazardous waste during export, import, or during disposal.

A party to the Basel Convention is duty-bound to report to the Convention Secretariat information about wastes considered as hazardous under its national legislation, and of any requirements concerning transboundary movement of such materials, and to inform the Secretariat of any significant changes to the information.[43]

The Rotterdam Convention, adopted at a diplomatic conference in Rotterdam on 10–11 September 1998, was the result of two years of negotiations by governments on how to solve health and environment hazards caused by toxic pesticides and other chemicals. Officially called the Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Rotterdam Convention lists pesticides and other chemicals banned or restricted for trade purposes. It obligates parties to the convention to inform the importing country of the specifics of the pesticide or chemical content of the export items prior to the sending of the goods. The exporting country should see to it that the importing party has received and acknowledged receipt of the information. It also obligates parties to

[43] Article 3, Basel Convention.

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provide the secretariat with a list of chemicals and pesticides banned or restricted by their respective national legislatures.

3. Biodiversity and biosafety: Convention on Biodiversity (CBD), Cartagena Protocol

The United Nations Environment Programme (UNEP) organized an *ad hoc* working group of experts on biological diversity in 1987. In May 1989 another *ad hoc* working group of experts on biological diversity prepared an international legal instrument for the conservation and sustainable use of biological diversity. This legal instrument, the Convention on Biological Diversity, became one of the conventions adopted in the Earth Summit in Rio de Janeiro on 5 June 1992.

The principal objectives of the Convention on Biological Diversity are the conservation and sustainable use of biological diversity, and the fair and equitable sharing of benefits arising from its utilization.[44] The CBD obligates parties to develop national strategies, plans or programs for the conservation and sustainable use of biological diversity, both in-situ and ex-situ; identify and monitor components of biological diversity important for its conservation and sustainable use; provide incentives for conservation; encourage research and training, public education, and awareness about biological diversity; assess the impact of projects upon biological diversity; and regulate access to genetic resources. Furthermore, it enjoins developed countries to transfer technology and provide financial resources to developing countries for the attainment of projects and plans for the conservation and sustainable use of biological diversity.[45] The Convention's Conference of the Parties called an extraordinary meeting in Cartagena, Colombia in February 1999 for the purpose of negotiating a protocol to the convention. No agreement was arrived at in Cartagena, but upon the resumption of the meeting in Montreal (24–29 January 2001), the Cartagena Protocol on Biosafety was adopted on 29 January 2001.

Proceeding from principle 15 of the Rio Declaration on Environment and Development, stating that 'in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities', the Cartagena Protocol aims to 'contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements'.[46]

[44] Article 1, CBD.
[45] Article 1–20, CBD.
[46] Article 1, Cartagena Protocol.

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Parties to the Protocol who intend to export living modified organisms are obligated to inform the importing country of the relevant specifics according to the procedures set in the relevant articles of the Protocol.[47]

4. Global warming: United Nations Framework Convention on Climate Change (UNFCCC), Kyoto Protocol

The UNFCCC, adopted in New York on 9 May 1992, aims to achieve 'stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner'.[48]

Negotiations were extremely complicated in the first two meetings of the Conference of the Parties, but, basically, the parties agreed, at the end of the second meeting, that emissions of gases that produce greenhouse effects should be reduced globally. No agreement was reached on the details of implementation. The third meeting, held in Kyoto on 1–11 December 1997, was epoch making, in that it produced the Kyoto Protocol to the UNFCCC, which concretized what the UNFCCC merely aimed at.

The Kyoto Protocol assigns legally binding emissions limitation targets of greenhouse gases (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexaflouride) for each industrialized country for the period 2008–2012. The aggregate aim of the emissions limitation is to reduce these emissions to at least 5% below 1990 levels.[49] The Protocol has provisions that allow flexibility of actions for countries to comply with these limitations. One means of flexibility is international emission transfers and/or trading; that is, 'any Party included in Annex I may transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy', within limitations set by the Protocol.[50] 'Sink' is defined as 'any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere'.[51] The other source of flexibility, called clean development mechanism (CDM), aims at assisting developing countries to achieve sustainable development with the minimum destruction of the environment. Developed countries may benefit from projects resulting in certified

[47] Article 6–10, Cartagena Protocol.
[48] Article 1, UNFCC.
[49] Article 3, Kyoto Protocol.
[50] Article 6, Kyoto Protocol. The UNFCCC divides countries not classified as developing, into Annex I and Annex II countries. Annex I includes developed countries undergoing the process of transition to a market economy – therefore, they are the Eastern European countries. Annex I does not include countries undergoing the process of transition to a market economy.
[51] Article 1, UNFCCC.

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emissions reduction in developing countries. They can use the certified emissions reduction accruing from such projects to help them comply with portions of their emission limitation and reduction commitments.[52] These mechanisms for flexibility, however, are ill-defined, and if disabused, might undermine commitments to emission limitation and reduction.[53]

5. Desertification and/or drought: Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification (UNCCD)

'Desertification' is defined as 'land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities'.[54] Drought is defined as 'the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems'.[55] The scope of the UNCCD, therefore, is related to the UNFCCC in particular, and forms part of the integrated efforts for sustainable development, in general.

While the UNCCD focuses on Africa in the light of the particular situation of the continent, it does not neglect affected developing countries in Asia, Latin America and the Caribbean, and the Northern Mediterranean.[56]

The UNCCD enjoins affected parties to arrive at national programs for the attainment of its objective, which is to combat desertification and mitigate the effects of drought, through long-range strategies of improving land productivity and rehabilitation, as well as land and water resources conservation and sustainable management.

Developed countries which are parties to the Convention are 'obligated' to support efforts of the developing countries through provision of financial resources, mobilization of new and additional funding for projects, and provide access to appropriate technology and know-how.[57] Funds may be provided through grants and concessional loans.[58] The mechanism for funding, however, is a vague mere expression of 'hope' that the money will be forthcoming.[59]

[52] Article 12, Kyoto Protocol.
[53] See Michael Grubb, *The Kyoto Protocol, a Guide and Assessment* (London: The Royal Institute of International Affairs, 1999), pp. xxxiv–xxxix.
[54] Article 1, UNCCD.
[55] Ibid.
[56] See Annex I, II, and III, UNCCD.
[57] Article 7, UNCCD.
[58] Article 20, UNCCD.
[59] Elizabeth R. DeSombre, 'Developing Country Influence in Global Environmental Negotiations', *Environmental Politics*, 9(3, Autumn 2000): 23–42.

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Appendix B: Environment Agency's policy focus and budget (in million yen)*

1985	
1. Compensation of Victims of Pollution Recycling	18,058
2. Preservation of Safe and Desirable Environment	7,303
3. Support for Environmental Research and Information Dissemination	7,242
4. Nature and Wildlife Conservation Biodiversity	3,307
5. Formation of a Society Attuned to Environmental Protection	874
1986	
1. Compensation of Victims of Pollution and Development of a Comprehensive Policy Towards a Healthy Environment	16,285
2. Strengthening the Foundation of Environmental Management	7,265
3. Development of a New Environmental Policy Biotechnology	4,101
4. Preservation of Safe and Desirable Environment Recycling	3,328
5. Nature and Wildlife Conservation Biodiversity	3,192
1987	
1. Measures for Promotion of Healthy Environment	23,408
2. Strengthening the Foundation of Environmental Management	7,014
3. Protection and Appropriate Use of Environmental Resources	4,300
4. Nature and Wildlife Conservation Biodiversity	3,139
5. Pollution Control	2,615
6. Measures to Prevent New Kinds of Pollution Biotechnology	428
1988	
1. Measures for Promotion of Healthy Environment	23,011
2. Strengthening the Foundation of Environmental Management	6,600
3. Furtherance of a Region-based Environmental Protection Policy and Activities	4,496
4. Protection and Appropriate Use of Nature and Wildlife Biodiversity	3,168

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5. Pollution Control Recycling	2,769
6. Contribution Towards Global Environmental Protection Ozone depletion	317

1989

1. Measures to Promote Healthy Environment	24,021
2. Strengthening the Foundation of Environmental Management	6,208
3. Diversifying ways and activities to protect the environment	4,613
4. Protection and Appropriate Use of Nature and Wildlife Biodiversity	3,295
5. Pollution Control	2,595

1990

1. Measures to Promote Healthy Environment	23,573
2. Pollution Control	6,728
3. Strengthening the Foundation of Environmental Management	6,582
4. Protection and Appropriate Use of Nature and Wildlife Biodiversity	3,710
5. Contribution Towards Environmental Protection Global warming, hazardous waste transport, ozone depletion	2,147

1991 (Missing)

1992

1. Measures for Promotion of a Healthy Environment	24,071
2. Strengthening and Widening the Scope of Environmental Research	10,337
3. Strengthening the Foundation of Environmental Management	6,109
4. Protection and Appropriate Use of Nature and Wildlife Biodiversity	5,414
5. Promotion of a New Environmental Policy for the Age of Globalization Biodiversity, global warming, ozone depletion, hazardous waste transport	2,568
6. Strengthening of Comprehensive Protection of the Atmosphere, Water, and Land	1,659
7. Contribution Towards Global Environmental Protection Global warming	1,062

1993

1. Measures for Promotion of Healthy Environment	24,471
2. Promotion of Environmental Research Ozone depletion	11,043

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3. Protection and Appropriate Use of Nature and Wildlife Biodiversity	8,539
4. Development of a New Environmental Policy Ozone depletion	2,984
5. Promotion of Regional Environment Protection Ozone depletion, global warming, hazardous waste transport, desertification	2,136

1994

1. Prevention of Health Hazards and Enforcement of Compensation to Victims of Pollution	23,671
2. Establishing the Foundation of a Sustainable Society	12,243
3. Support for Community Environmental Protection Activities	11,811
4. Promoting Closer Co-existence of Man and Nature Biodiversity	10,306
5. Conservation of Water, Soil, and Land Recycling	2,191
6. Protection of the Atmosphere Ozone depletion	1,325
7. Control of Hazardous Chemicals	1,183
8. Contribution Towards Global Environmental Protection Global warming	1,181

1995

1. Prevention of Health Hazards and Enforcement of Compensation to Victims of Pollution	22,446
2. Promoting Closer Co-existence of Man and Nature Biodiversity	12,393
3. Reducing the Risk of Hazardous Chemicals on the Environment Biodiversity, recycling	11,773
4. Furtherance of Measures Towards Global Environmental Protection Global warming, desertification	7,680
5. Enforcement of the Basic Environmental Plan on the Regional Level Biodiversity	4,083
6. Conservation of Water, Protection of Water Resources	2,041
7. Protection of the Atmosphere	1,495
8. Establishing the Foundation of Sustainable Society Recycling	399

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1996

1. Prevention of Health Hazards and Enforcement of Compensation to Victims of Pollution	21,817
2. Promoting Closer Co-existence of Man and Nature Biodiversity	13,679
3. Promotion of a System of Environmental Impact Assessment, Strengthening the Foundation of Environmental Protection Recycling	8,938
4. Furtherance of Measures Towards Global Environmental Protection Global warming, ozone depletion, desertification	5,805
5. Promotion of environmental Protection Activities on Regional and Community Levels	4,648

1997

1. Prevention of Health Hazards and Enforcement of Compensation of Victims of Pollution	21,821
2. Promoting Closer Co-existence of Man and Nature Biodiversity	16,104
3. Strengthening of Radical Measures to Prevent Global Warming Global warming	9,355
4. Creation of a Holistic Environment-Friendly Society Ozone depletion	8,423
5. Improvement of Water and the Atmosphere	5,139

1998

1. Compensation to Victims of Pollution, Prevention of Pollution	21,360
2. Promoting Closer Co-existence of Man and Nature Biodiversity	15,976
3. Shaping a Socio-Economic System Capable of Solving Global Environmental Problems Global warming, desertification	12,814
4. Recycling Ozone depletion	2,927
5. Control of Dioxin and Other Causes of Pollution Biodiversity	2,486

1999

1. Compensation of Victims of Pollution, Prevention of Pollution	21,171
2. Protection of Biodiversity of Each Region Biodiversity	19,925

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3. Towards a Model Environment-Friendly Society Global warming, recycling	14,825
4. Support for the Environment Ministry to be Established in 2001	14,106
5. Concrete Domestic and International Measures to Prevent Global Warming Global warming, desertification	10,540
6. Control of Dioxin, Endoctrine Disruptors, etc. Biodiversity	6,237

2000

1. Towards a Model Environment-Friendly Society Recycling	160,100
2. Conserving the Riches of Nature for the Next Generation Biodiversity	21,200
3. Preventing Hazards to Human Health Global warming	12,600
4. Contribution to Environmental Protection in the Asia-Pacific Global warming	7,500
5. Technological Innovations to Protect the Earth Global warming	400

2001

1. Securing Safety and Peace of Mind Through Comprehensive Environmental Management Biodiversity	37,200
2. Promoting Closer Co-existence of Man and Nature Biodiversity	21,000
3. Environmental Research; Development of Environmental Technologies	16,600
4. Furthering Efforts Towards Global Environmental Protection Global warming, ozone depletion	7,800
5. Promotion of Environmental Partnership with the Community	2,300
6. Shaping of a Recycling-based Society Recycling	1,746

Notes: *Constructed from Japan, Ministry of Environment, Policy Focus of the Environment Ministry, 1986–2001 (print-outs in Japanese). Each year has the budget of the previous year, which is used here to reflect the actual budget. Hence, the table begins with 1985, even though the print-outs begin with 1986.

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