

# Local Government and the Citizen in Coastal Zone Management – A Case Study of Reclamation in Hakata Bay, Japan

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The purpose of coastal zone management is the sustainable and wise use of the coastal zone and its resources. In many developed countries ocean or coastal zone policies include the provision for citizen participation in the policy-making process, in addition to the more usual restrictions and regulations regarding environmental protection. In Japan, however, based on the experiences of public nuisance in 1960s, government regulates sources of pollution but does not respect citizen participation.

Since the 1980s, the growth of production and the technological innovation has resulted in large amounts of industrial and household waste, and has led to new pollution and destruction of environment through both the private and public sector activities. In some ways it may be said that the public sector brought about the environmental destruction by ignoring citizens' opinions. This is especially true regarding coastal reclamation, which has resulted in the disappearance of wetlands and natural coastlines. In this article, I demonstrate many procedural defects in public sector coastal reclamation activities in Japan, using Hakata Bay, Fukuoka Prefecture, as an example.

**Key Words** : reclamation, citizen participation, master plan

## Introduction

The Commonwealth Coastal Policy of Australia shows very clearly the object of coastal zone management. Sound management of the coastal zone is of profound importance to both the maintenance of ecological systems and socio-economic development. Although many people are concerned about damage to the coastal environment, they also want to continue using the coast for a wide variety of purposes. In short, a national coastal policy is required to attain sustainable development or wise use of the coastal zone (The Commonwealth Coastal Policy, 1995).

To make sound national coastal policy, the following three items should be considered/undertaken:

- the framework of governmental activities,
- the review of existing policies and programs, and
- the identification of governmental initiatives.

The purpose of the policy should then be decided. Generic to any such policy would be the following purposes (The Commonwealth Coastal Policy, 1995):

- principles to guide the actions of departments and agencies of government and to promote coordination to achieve an integrated sustainable approach;
- facilitation of inter-governmental co-operation to deal with coastal management issues; and
- promotion of broad community participation in decision-making about actions and issues which affect them.

The coastal zone and ocean policies of other developed countries, U.S.A., the United Kingdom and France, for example, show almost the same purposes for the coastal zone policy and management.

In this article I focus on the third purpose, the

promotion of community and citizen participation, with particular reference to the situation in Japan. I consider it important to thoroughly promote serious citizen participation in coastal zone developments in Japan.

### **Coastal zone management in Japan**

The National Government does not have a comprehensive or integrated coastal zone policy similar to those of the USA, France or, more recently, Australia. The *Environmental Conservation Special Act for the Inland Sea*, enacted in 1978, proposed the principles and purposes mentioned above, and has articles on environmental preservation and assessment. But it lacked coercive or compulsory regulations necessary to ensure environmental preservation. After passage of the Act, none of the branches of government involved (the Environment Agency, the Ministry of Construction and the Ministry of Transport) issued the orders or circulars needed to implement the legislation.

On the other hand, public works in the coastal zone imply complex relations with private and citizen interests. The *Public Water Surface Reclamation Act* and the *City Planning Act* regulate fisheries and land use by citizens, respectively. Although these acts include articles on community involvement, ministries and local governments have not made the best use of the spirit of these articles. In other words, authorities have played down citizen participation.

### **Coastal Zone Control and Inter-Governmental Relations**

#### **Historical Background**

The management of the coastal zone is shared by the national government and local governments. Historically, after the Meiji Restoration, in 1868, the central government has been the owner of the coastal zone, and has had the responsibility for managing it. In the process of industrialization, both the private and public sectors, including local governments, used the coast exclusively. With respect to port management, ports and fishing ports were controlled mainly by the Ministry of Home Affairs. But because the Ministry of Finance and the Ministry of the Army opposed integrated control by the Ministry of Home Affairs, it could not manage the ports as a whole.

After World War II, the Central Government, guided by the General Headquarters of the United Nations, charged prefectural governors or mayors of local governments with the responsibility for managing the coastal zone. But the national government did not give its authority to the local government as an association. Rather it mandated its authority to the heads of local government as subordinates of central ministries. Although the governors and mayors became the managers of the coastal zone, they have had to obey the "suggestions" of central ministries. This charged form is known as "the Agency Assigned Function"(AAF) system.

#### **Who manages the coastal zone?**

The coastal zone in Japan is divided into four categories: port, fishing port, seashore protection district for agriculture, and other coast. Each area is controlled by the several ministries with their own founding laws. In other words, the coastal zone is handled "horizontally" by the cooperation of 3 ministries and 1 agency of national government (Figure 1.) Vertically, it is managed by the heads of local governments, especially governors and mayors of large cities.

#### **Inter-Governmental Relations**

Under the AAF system, heads of local governments are treated as a division of central ministries and agencies, and do not have any administrative discretion. But from the political point of view, the heads of local governments as managers are able to adjust the difference of opinions with the central bureau during the planning and implementation process of programs. Through prior consultation local governments can reflect their opinions on the program. However, this consultation process means making an agreement at government level. Because of this, it is not practical for citizens living in the program implementation area to participate.

In addition, a particular bureau, for example, the Port Bureau of the Ministry of Transport at the national level, the Port Division of a prefectural government and the Port Bureau of a municipal government, build a strong wall around their "turf" to maintain their powers, interests, authority and budgets. So each bureau and section tries to build a wall among the three spheres of governments.

**Figure 1. Function of Coast and Jurisdiction**

function	jurisdiction	management
• port	Ministry of Transport port bureau, coast/ disaster protection section	Governor, Mayor, or direct supervision of Ministry of Transport
• fishery port	Fisheries Agency fishery port division disaster protection/coast Agency section	Governor or direct supervision of Fishery
• protection shore for agricultural land	Ministry of Agriculture Forestry and Fisheries farm land bureau disaster/coast section	Governor or direct supervision of Ministry of Agriculture, Forestry and Fishery
• other coast	Ministry of Construction river bureau, disaster protection/ coast of Construction section	Governor or direct supervision of Ministry

### Case Study: Port Development by Cabinet Order in a Designated City - Fukuoka City's Comprehensive Plan

Fukuoka City is located in the northern part of Kyushu Island. It is the capital of Fukuoka Prefecture, has a population of about 1.3 million, and is one of most rapidly developing cities in the nation. Fukuoka City is the center of economy, politics, and culture in Kyushu Island as well as in Fukuoka Prefecture. It became a Designated City by cabinet order in 1972. It has seven administrative wards (Higashi, Hakata, Chuo, Minami, Jonan, Sawara, and Nishi).

Almost all local governments have their own long-term plans, called Comprehensive or Master Plan. Fukuoka City began its seventh plan in 1995. In it the city government listed 10 key policies. The first emphasizes the promotion of citizen-government cooperation for city development, and the tenth attaches importance to development of the city in harmony with the environment, particularly environmental preservation and improvement in Hakata Bay and coastal areas. These concepts were also described in the sixth plan, in 1987.

### City Island Project

In a sense, Hakata Bay is a microcosm of the

Japanese coastal zone. It has many resources: natural coast and fisheries in the western area, a commercial and industrial center with port facilities and water-front development in the middle area, and tourism, cultural and historic inheritance, fisheries and tidal wetland in the eastern area. Hakata Bay as a whole is managed by Fukuoka City under the AAF system. The Ministry of Transport appointed Kanmon Port (Kitakyushu and Simonoseki) and Hakata Port in the northeastern Kyushu Island as one of the most important Special Ports.

In 1989, the *Public Water Surface Reclamation Act* was amended. It required an environmental assessment when an application was made for a reclamation license. In that year, Fukuoka City decided to implement the reclamation plan in eastern Hakata Bay, which had already been listed in the sixth Comprehensive Plan. But the city authorities changed the original plan into one that would construct a new artificial island. They call this plan the "Island City Project".

### Reclamation Procedures

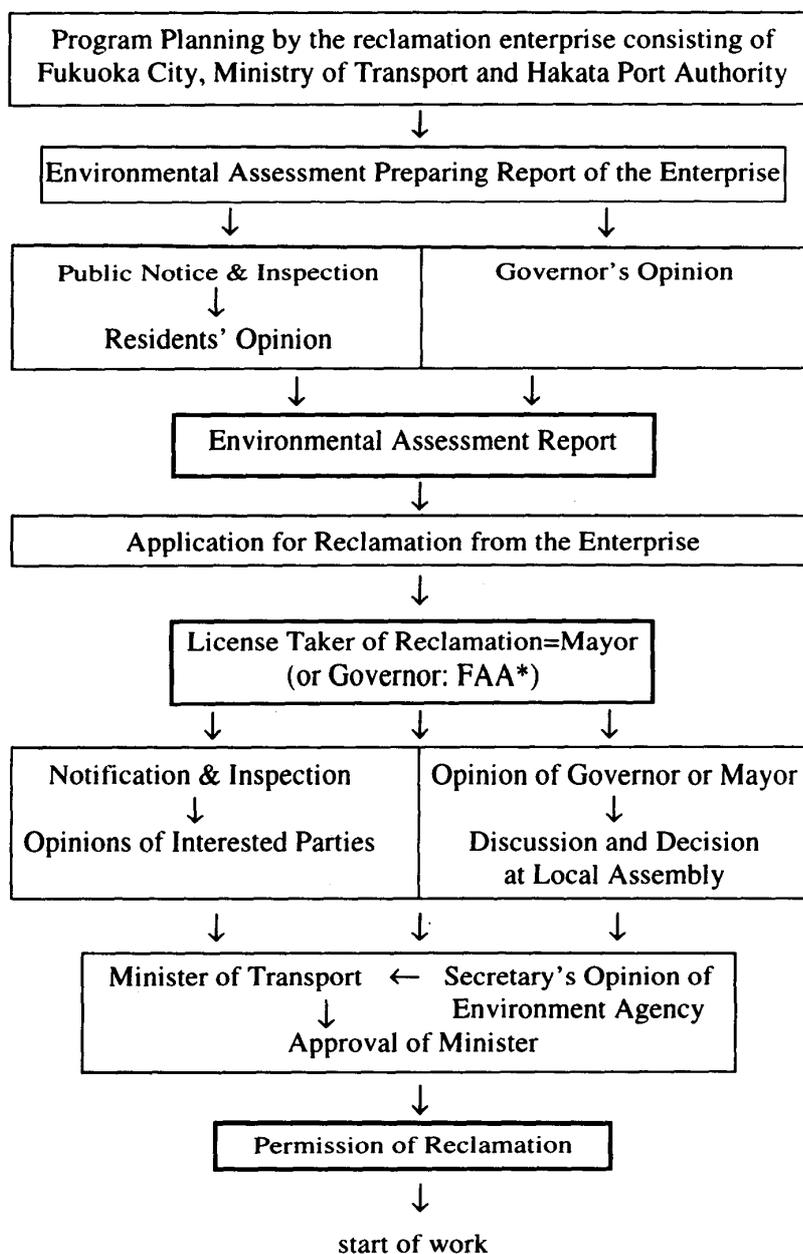
In the Spring of 1993, the reclamation enterprise, consisting of Fukuoka City, the Ministry of Transport and Hakata Port Corporation, presented the "Preparatory Report" of environmental assessment to the mayor of Fukuoka City. This is the first stage of the application procedure at the local level (Figure 2.).

Public notice and inspection were done and the city government held a single public hearing (which the *Reclamation Act* does not require).

On the other hand, prefectural Governor Okuda, supported by left-wingers, required a more detail assessment. The main issue was on the degree of sea pollution in Hakata Bay and the impact on the Wajiro wetland, that supports large numbers of migratory

waterfowl and which is listed under the Ramsar Treaty, by constructing of the "Island City". Only three months later, the enterprise presented the full environmental assessment report. After the same procedures were processed, the enterprise applied for the reclamation license to the Mayor of Fukuoka City, who deals with it under the AAF system. Needless to say, the mayor issued a reclamation license to the applicant.

**Figure 2. Procedure of Reclamation**



\*FAA: Function Assigned Agency

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The second stage begins at the national level. The mayor has to receive the approval of the Minister of Transport, as the final decisionmaker. The mayor must hold a notification meeting and hear opinions of persons concerned, mainly the Fishery Cooperative Associations. However, bargaining over compensation for lost or damaged fishery rights had finished earlier in the series of procedures (as is usually the case). In essence, the mayor's opinion as a head of the city and the discussion of this agenda at the City Assembly would be only a ceremony. The final check point is the opinion of the Secretary of the Environment Agency. But even his opinion lacks any binding force over the approval of Minister of Transport.<sup>(1)</sup> Finally, the approval of Minister of Transport legitimized the plan to the joint enterprise, consisting of national ministry, local government and special corporation. In a such way, all procedures of public water surface reclamation are concluded.

The reclamation enterprise took the license and approval, and construction started in April 1994. Three citizen groups filed a suit against the mayor in the Fukuoka Local Court, demanding that the budget for the Island City Project be withdrawn. The judge said that the procedure of assessment was not illegal, that the reclamation was needed, and that the environmental rights and human rights of the plaintiffs had not been violated. However, at the same time, the court commented that the content of environmental assessment was slipshod and lacking in detailed ecological research.<sup>(2)</sup>

### **Conclusion: toward citizen participation in reclamation procedures**

There are at least four points and suggestions regarding solution of the problems arising in the reclamation process.

First, local government in Japan has adopted the strong mayor system. The head of local government, governor and mayor, has two faces: a representative and executive head of local government, and a division of central ministries. In general, the average citizen is unable to distinguish the two roles. In the Island City Project, the mayor can manage the port, but the final responsibility of port administration belongs to the Ministry of Transport. The City Island Project is not a national project. But citizens are unable to influence the minister of central government directly, and that person is the final decisionmaker. To remedy this, the right to grant permission to conduct reclamation should

reside with prefectural governments.

Second, the *Public Surface Reclamation Act* has a structural defect in the procedural process. In an extreme case, the governor or Minister of Transport as a developer is at the same time an applicant, license-taker and approval-giver for reclamation. Once the reclamation procedure starts, even the secretary and minister are not able to stop the public works. At the very least, the evaluator of environmental assessment should be a third party.

Third, a public hearing is not compulsory in the first and second stages of the procedure. In this case, at the first stage a public hearing was held for the residents of a particular ward (Higashi Ward). Residents of other wards were not permitted to attend the meeting. At the second stage, the general public has no opportunity to express its opinion. The license-applicant has no obligation to hold a public hearing, except for the Fishery Cooperative Association. In addition, because the term of procedure processing was so short, a representative variety of opinions could not be reflected on the process of development. In comparison, the Mission Bay Redevelopment, in San Francisco, California, took about 10 years to reach a final decision. Compared with that case, the term of planning for the Island City was far too short. The "due process of law" is needed to carry out large-scale public projects.

Fourth, with respect to ports, the 2 km area inland of the shoreline (*rinko* area) is under the jurisdiction of the Ministry of Transport. For a municipality, city planning is one of the most important tasks, but even that is controlled by the Ministry of Construction under the AAF system. The municipality cannot make decision on land use in the *rinko* area. It is the result of introducing the vertical division system of the central ministries into local government. In order to secure the comprehensiveness of master plan in local government, it is important to decentralize the authority and finance from the national government.

**Notes**

- (1) In the case of Fujimae wetland, Nagoya City planned to reclaim the wetland for waste disposal. Preparing to pursue its plan, the city government consulted with the Ministry of Transport and the Environment Agency since the mid-1990s. However, the secretary of the Environment Agency opposed the reclamation plan of Nagoya City in 1998, and presented it to the Ministry of Transport. At the final stage of prior consultation, the Minister of Transport accepted the opinion of the Environment Agency, and declared himself against the plan, though the practical procedure of reclamation had already started at the working level between the city authority and the Ministry of Transport. Finally, the city government abandoned the reclamation plan in February 1999. This is a rare case regarding public works. But there are several reasons for the situation: (1) citizens and NPOs strongly opposed the reclamation plan, (2) Fujimae wetland is one of the precious coastal points in the big city, (3) government officials government have an improved awareness of the natural environment protection, (4) the Environment Agency will be elevated to the Ministry of Environment in 2001 under the administrative reform of central government, (5) the Environment Assessment Act will be put into effect in June 1999.
- (2) *Nishinihon Shinbun*, Editorial, April 1. 1998, p.3.

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