

Chapter 7

JAPAN

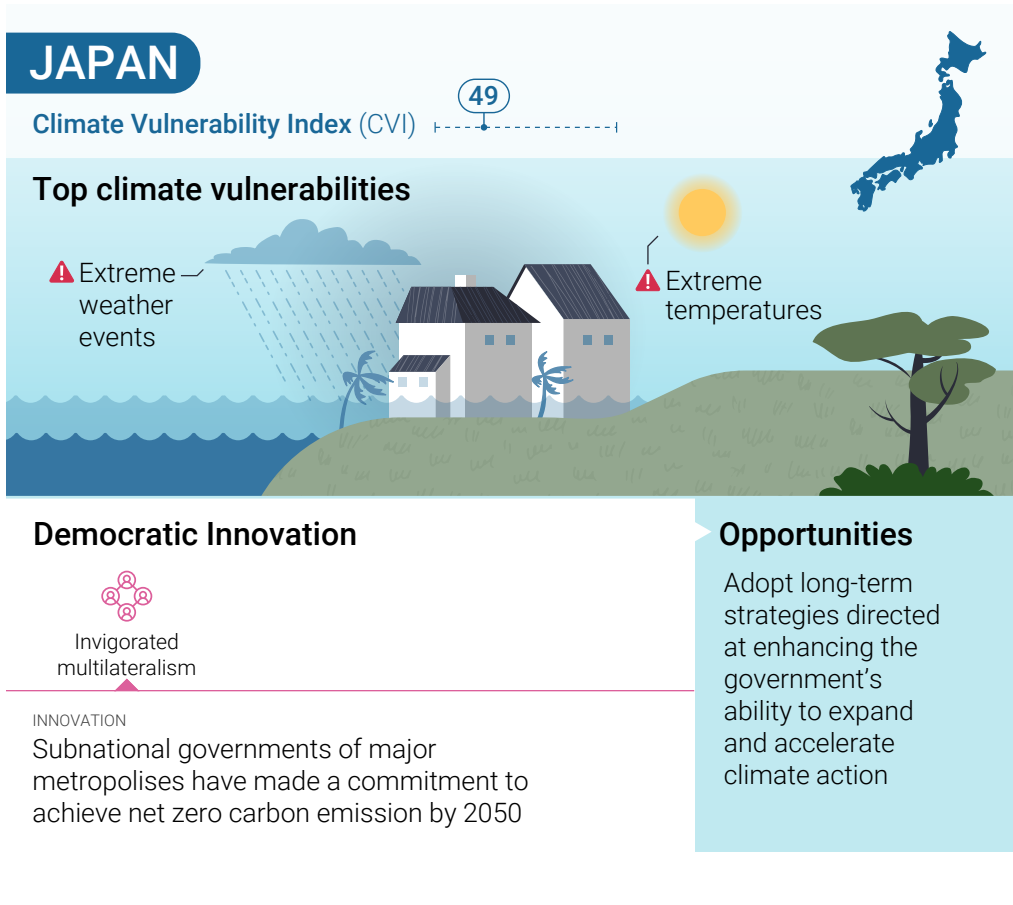
7.1. INTRODUCTION

Japan is a parliamentary democracy with a unitary system of government. The 1947 Constitution provides for a separation of powers among the legislative, executive and judicial branches of the national government. The prime minister and Cabinet are accountable to a freely elected bicameral national parliament, the Diet. At the subnational level, Japan is divided into 47 prefectures and 1,741 municipalities, where governors, mayors and unicameral legislatures are elected by popular vote. The party system is characterized by the dominance of the Liberal Democratic Party (LDP) as the ruling party, and the near-complete absence of opposition parties capable of winning voter trust as a credible alternative at the national level.

International IDEA's Global State of Democracy (GSoD) Indices show that Japan has performed strongly in terms of forming a representative government, guaranteeing fundamental rights, holding the executive branch accountable and protecting the rule of law, but it has underperformed in the areas of direct democracy, electoral participation, women's political representation and judicial independence. Overall, Japan is considered to be well prepared for climate change and its risks. However, democratic improvements to some of the areas in which it has underperformed could help it to achieve its full potential in the global fight against climate change.

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Figure 7.1. Japan



7.2. CLIMATE VULNERABILITY

The LDP–Komeito Coalition Government recognizes that climate change is having profound impacts on many parts of Japanese society (Government of Japan 2017). It accepts that climate change has severely affected a wide range of areas, such as agriculture, forestry, the fishing industry, the water environment and resources, the natural ecosystem, public health and urban living. The government predicts that, as climate change continues, the frequency and intensity of water-related natural disasters will increase, including

flooding and landslides near rivers, and storm surges in coastal areas.

The government's views on climate vulnerability are well supported by data on the impact and frequency of climate-related disasters in Japan. The Global Climate Risk Index ranked Japan the most affected country in the world in 2018 and the fourth-most affected country in 2019, in relation to fatalities and monetary losses from extreme weather events (Eckstein et al. 2019; Eckstein, Künzel and Schäfer 2021). According to data from the World Bank Climate Change Knowledge Portal (2021), the most severe climate-related natural hazards in Japan are floods, extreme temperatures and storms. Between 1980 and 2020, storms were the most frequently occurring natural disaster in Japan, followed by earthquakes, floods, extreme temperatures and landslides.

Despite experiencing climate-related events of this nature, Japan is considered to have a relatively low level of climate vulnerability because it exhibits a high level of climate change readiness. It is ranked 19th of the 182 countries listed on the University of Notre Dame Global Adaptation Initiative (ND-GAIN) Index for 2020, where it features as the 133rd most vulnerable country and the 11th most ready country (University of Notre Dame 2022a, 2022b). These scores suggest that Japan has a relatively low level of vulnerability and a higher state of readiness in respect of climate change impacts. It should, however, be noted that Japan is considered especially vulnerable in relation to dam capacity, urban concentration and its dependence on imported energy (University of Notre Dame 2022b).

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7.3. LEGAL ASPECTS OF CLIMATE ACTION

Today, climate change is high on the government's agenda, although Japan's record of global climate action is largely mixed. Despite its unique position as the third-largest economy (World Bank 2022a), and the fifth-largest emitter of greenhouse gases (World Bank 2022b), Japan has been less active in global action against climate change. Apart from the late 1990s, as the Kyoto Protocol was being adopted, Japan's leadership on the issue has been largely absent at the global level, and its commitment to international treaties on climate change

(e.g. the Paris Agreement) has often been criticized (Koppenborg and Hanssen 2021). Similarly, the government's commitment has not translated into domestic policy and action. The global climate policy watchdog, Climate Action Tracker, rates Japan's climate change policies as 'highly insufficient' (Climate Action Tracker 2022).

In recent years, however, there have been signs of positive change. Since the beginning of his premiership in October 2021, Prime Minister Fumio Kishida has been advocating the creation of 'a new form of capitalism' that promotes economic growth and redistribution in a more sustainable manner (Prime Minister's Office of Japan 2021). Whether his vision leads to major policy change remains to be seen, but in his 2022 New Year's speech to the Diet he stated that tackling climate change is among the priority issues that will serve as 'engines of growth' (Prime Minister's Office of Japan 2022). His Administration has formally updated Japan's Nationally Determined Contribution targets, made an official commitment to achieving a 46 per cent reduction in greenhouse gas emissions by 2030 and pledged carbon neutrality by 2050. The challenge is now to ensure that the country as a whole fulfils its commitments.

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Japan's 1947 Constitution makes no specific reference to climate change or environmental protection. Given that climate change threatens the constitutional rights of individuals to life, liberty and the pursuit of happiness, however, it might be possible to suggest that the Constitution provides the state with a responsibility to address climate change issues and protect the natural environment. Meanwhile, some environmental civil society organizations (CSOs) have called for an amendment to enshrine protection of the environment as the fourth principle in the Constitution, in addition to the existing principles of pacifism, popular sovereignty and fundamental human rights (e.g. Japan Association of Environment and Society for the 21st Century n.d.).

At the statutory level, two separate laws provide the overall legal framework for governmental climate action. The first is the Act on Promotion of Global Warming Countermeasures (Law No. 117 of 1998), intended to promote the formulation and implementation of a national mitigation plan for reducing greenhouse gas emissions. It sets out the roles and responsibilities of government, business

and citizens, as well as institutional arrangements at the national and subnational levels. Several amendments have been made to the Act since its enactment. Most notably, a 2021 amendment incorporates the objective of achieving carbon neutrality by 2050 and a 2022 amendment is designed to facilitate private investment in decarbonization projects and intergovernmental transfers to support climate action by subnational governments.

The second piece of climate legislation is the Climate Change Adaptation Act (CCAA, Law No. 50 of 2018). This focuses on the formulation and implementation of a national plan and adaptation measures to respond to climate change impacts. Like the 1998 Act, the CCAA defines the roles and responsibilities of government, business and citizens, as well as nationwide institutional arrangements to promote climate change adaptation practices. The CCAA also calls for international cooperation and assistance to developing countries.

According to the Global Climate Change Litigation database published by the Sabin Center for Climate Change Law, there are three active climate litigation cases in Japan (Global Climate Change Litigation n.d.). A civil and administrative case on the construction of new coal-fired units in Kobe and an administrative case on the construction of a new coal-fired power plant in Yokosuka have been brought by citizens concerned about climate change. These are critically important not only in their own right, but also in shaping the prospects for climate change litigation in Japan. It is worth noting that the GSoD Indices assign a mid-range score to judicial independence in Japan (International IDEA 2020), which can probably be attributed to Japan's long tradition of judicial restraint and conservatism. It is possible that this may have an impact on the prospects for climate change litigation.

7.4. POLITICAL ECONOMY OF CLIMATE ACTION

Climate policymaking is ultimately a political exercise that involves making choices among competing interests and preferences, which produces winners and losers. Thus, the design and implementation of climate policy and action are shaped by a complex interplay of power

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interests and incentives among different political and economic institutions, and societal actors.

At the national level, the pro-business Ministry of Economy, Trade and Industry (METI) and the pro-environment Ministry of Environment (MoE) have taken the lead in determining climate policy action. METI is usually considered the better-established ministry with more political clout and influence within government than the relatively newly established MoE (Sofer 2016). The two ministries were not previously viewed as sharing the objective of achieving carbon neutrality, but it seems that there is currently broad consensus within government on the transition. This is a significant departure for METI, which was reluctant to pursue climate action and carbon neutrality at the expense of economic growth. There is less consensus around how to achieve carbon neutrality. METI favours voluntary approaches to carbon pricing, such as the creation of a carbon credit market in which participation by private business and industry would be voluntary. This approach clearly contrasts with the more hands-on regulatory approach favoured by MoE (e.g. through implementation of a carbon tax) (Arimura 2022).

METI has long supported the interests of the business community, especially those of the powerful Japanese Business Federation (Keidanren), which serves as a collective lobbyist and interest group on climate policymaking and represents more than 1,000 Japanese corporations and industrial associations. Given that its members include energy-intensive industries such as iron and steel, power generation, coal, oil and car makers, Keidanren is reluctant to shift its position on carbon neutrality. The business community is generally more interested in developing 'green technology' to achieve carbon neutrality rather than make structural changes in the energy sector (Yamada 2021). However, it is worth noting that not everyone in the business community shares Keidanren's position on climate action. The Japan Climate Leaders' Partnership—a growing coalition of business corporations—has expressed a commitment to the creation of a decarbonized society and actively supports climate action.

In 2018, various non-state actors, including business corporations, CSOs and subnational governments, established the Japan Climate Initiative (JCI) as a member of the Alliances for Climate Action, a

global network of coalitions. The JCI aims to accelerate climate action in Japan. As of April 2022, it had more than 680 member organizations from the private business sector, the non-profit sector and the public sector. Notable JCI members include the Tokyo Metropolitan Government, the Kanagawa Prefectural Government and the Kyoto Prefectural Government. However, it is as yet unclear how non-state actors and groups committed to carbon neutrality will be able to affect public opinion and climate policymaking in Japan.

Public demand for comprehensive climate policy and urgent action is not particularly strong. A recent survey suggests that most Japanese people are well aware of the climate crisis but do not necessarily believe that a comprehensive climate policy and urgent action are required. According to a global public opinion survey conducted by the United Nations Development Programme and the University of Oxford (2021), 79 per cent of Japanese people believe that climate change is a global crisis, but only 62 per cent consider it necessary for Japan to take urgent, comprehensive climate action. Thus, there is a gap between public awareness of the global climate crisis and public support for climate action. Together with the general perception that Japan has a relatively low level of climate vulnerability and a high level of readiness for climate change, the relatively low level of public support for urgent, comprehensive climate action could explain the current government's less than robust approach to taking action to limit global temperature rises and address climate change.

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7.5. INTERGOVERNMENTAL RELATIONS AND CLIMATE ACTION

Both national and subnational governments are involved in climate action. Generally, the national government sets nationwide policy and subnational governments implement it within their jurisdictions. For example, the Act on Promotion of Global Warming Countermeasures and the Climate Change Adaptation Act both spell out the roles and responsibilities of subnational governments in the implementation of mitigation and adaptation measures. However, this division of labour is gradually changing. Recent years have witnessed subnational governments not only implement national policies, but also develop

their own initiatives and play a more prominent role in the planning and implementation of climate action.

According to the Japanese Ministry of the Environment (2022), as of 30 June 2022, 749 subnational governments, including those in major urban cities such as Tokyo, Osaka, Kyoto and Yokohama, had made a commitment to achieve net zero carbon emissions by 2050. These subnational governments are host to 119 million people and account for 94 per cent of Japan's population. Working closely with the national government, many of them are now busy developing and implementing action plans and priority measures to achieve the net zero target. Their performance varies, and some are certainly performing better than others, but they are all part of a broader movement with the potential to reshape Japan's national climate policy (Koppenborg and Hanssen 2021).

With a population of over 13.5 million, Tokyo is often considered to be at the forefront of subnational climate action in Japan. It announced its commitment to achieve carbon neutrality by 2050 in 2019—ahead of the national government. The Tokyo Metropolitan Government has implemented a range of climate measures (Lee 2020) such as an Emissions Trading System (ETS), which is the world's first mandatory carbon dioxide cap and trade programme at the city level. Launched in 2010, the ETS was considered a local response to the national government's inability to make a strong commitment (Roppongi 2016). It initially included 1,340 large facilities from industrial factories to public and commercial buildings, and education buildings (Lee and Colopinto 2010). According to the Tokyo Metropolitan Government, the ETS has contributed to a 33 per cent reduction in baseline emission levels compared to average emissions in the compliance period 2002 to 2007 (Tokyo Metropolitan Government 2022).

7.6. CLIMATE ACTION IN A COMPARATIVE PERSPECTIVE

While Japan appears to be in a better position than most to protect its national interests in the global climate crisis, as the world's third-largest economy and fifth-largest greenhouse gas emitter, its climate

action may be insufficient. Critics highlight that the government's commitment and action fall short of what is required to limit global temperature increase to the critical threshold of 1.5°C. It is argued that Japan's updated targets are still insufficient even for a 2°C benchmark. In addition, concerns have been raised about the lack of a clear plan and policies from the government for achieving targets, as well as the low share of renewable energy sources in total power generation and Japan's significant continuing dependency on coal (Burck et al. 2021).

Japan is ranked 45th on the 2022 Climate Change Performance Index, performing at a medium level on efficient energy consumption and at a lower level on reduction of greenhouse gas emissions, developing renewable energy capacity and implementation of climate policies (Burck et al. 2021). In the Asia-Pacific region, Japan is ranked eighth, far behind countries such as India, the Philippines, Indonesia and Thailand. Similarly, the Climate Action Tracker assesses Japan's climate targets, policies and financing as 'insufficient', an indication that Japan will need to improve its climate policies, commitments and contributions substantially to be in alignment with the Paris Agreement's 1.5°C threshold (Climate Action Tracker 2022).

7.7. DEMOCRATIC CONSTRAINTS ON CLIMATE ACTION

It is likely that climate action in Japan is hampered by a combination of weak supply from government and weak demand from the general public. The lack of momentum behind climate action in Japan is linked to institutional characteristics that can affect liberal democracies, such as short-termism, self-referring decision making, weak multilateralism and capture by vested interests (Held and Hervey 2009). As in many other democratic countries, short-termism is a defining feature of Japanese politics. Political leaders attempt to increase their chances of election or re-election by presenting policies and promises directed at providing short-term benefits to constituents within the electoral cycle. At the same time, voters tend to select candidates who they hope will deliver benefits to them in the not-too-distant future.

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While free, fair and regular elections are a central accountability mechanism in democracies, the self-referring decision making of voters can lead to decisions about parties or individual candidates based on their ability and performance in serving voters' self-interest. The characteristics of short-termism and self-referring decision making do not readily translate into strong demand for and supply of climate action, particularly as upfront transaction costs are often unattractively high while the benefits manifest themselves over the longer term and beyond generations. Indeed, climate change is not a key feature of national elections in Japan. Recent research conducted by WWF (2021) on the 2021 general elections in Japan noted that neither the LDP nor Komeito made a strong commitment to reducing greenhouse gas emissions or eliminating coal-fired power stations in their manifestos. Voter turnout was as low as 55 per cent, which is not unusual given Japan's under-performance on electoral participation, as reflected in the International IDEA GSoD Indices (International IDEA 2020). The two-party coalition retained control of the country's lower house.

Self-referring decision making in democratic elections prevents the emergence of strong multilateralism, which in this context would manifest as a coordinated global effort to address the climate crisis. Japan is a high-income country with one of the highest levels of greenhouse gas emissions per capita, but it is the poorer countries that generally face greater risks and levels of suffering from the climate crisis. Thus, there may not be a strong incentive for Japan to participate in global collective action against climate change if such action conflicts with Japan's self-interest. Indeed, Japan's mixed record on global climate action could, in part, reflect its relatively weak engagement with multilateralism more generally.

Finally, there is the problem of capture by vested interests. It is clear that Keidanren is in a unique position to influence climate policymaking in Japan. The business federation enjoys strong connections not only to METI, but also to the LDP. It is reported that Keidanren has been a major donor to the LDP in the past (Sofer 2016). Keidanren has also negotiated with the MOE on behalf of polluting corporations and industries. In addition, when new environmental policy and regulations are being created, Keidanren is regularly invited to serve as a member of the government's

advisory board, the opinions of which are often used as the basis for drafting documents (Arimura et al. 2016). The active involvement of Keidanren in climate policymaking helps to explain the lack of strong climate action in Japan.

7.8. POTENTIAL APPROACHES TO THESE CONSTRAINTS

Government and public support for climate action to address the global climate crisis is currently limited by the self-interested agenda that dominates domestic politics and voter sentiment. As a high-income country and significant greenhouse gas emitter, Japan is expected to mitigate its own climate risks and contribute to global action on climate change. Potential strategies for stimulating substantive climate action by Japan would include incorporating approaches that draw on notions of ‘a planning state’, ‘a solidaristic ethos’, ‘invigorated multilateralism’ and ‘fair and inclusive politics’ (see Chapter 1)—all of which are largely absent from contemporary Japanese politics.

To overcome short-termism and self-referring decision making, Japan’s political leaders and political parties need to adopt a long-term, programmatic orientation directed at enhancing the government’s ability and willingness to expand and accelerate climate action—not only to protect Japan’s national interests, but also to promote global public goods. A programmatic approach to politics emphasizes the distribution of public goods and services, rather than the delivery of private goods in return for political support. This approach is better suited to an agenda that envisages action on climate change, where such action could be characterized as a public good, the benefits of which are enjoyed by all members of society. While programmatic politics on climate change may still be at an early stage of development in Japan, the long-term focus of a planning state and the intergenerational development of a solidaristic ethos on climate action would be likely to contribute to the creation of an environment in which programmatic practices take root, thereby making the government less reluctant to design and implement long-term climate action and policies.

The prevalence of multilateralism and inclusive politics in the global 'climate action' space might lead to an increase in domestic public demand for an improved and accelerated effort by the national government to accelerate climate action. One of the benefits of strong multilateralism in the global space is the opportunity for domestic climate action movements to link up with those around the world. As the notion of multilateralism on climate action is further acknowledged and accepted in Japan, the public will be able to leverage the influence of global climate action to demand more action on climate change from the national government. This has the potential to open up the climate policymaking process to make space for the public to voice their concerns and opinions on climate action, while also enabling consultations between the government and relevant stakeholders.

Public education and information campaigns on the global climate crisis will be crucial to elevating public awareness on the urgent need for action on climate change.

Public education and information campaigns on the global climate crisis, including how it will affect Japan both directly and indirectly, will be crucial to elevating public awareness on the urgent need for action on climate change. Some national government agencies, subnational governments and CSOs are already actively engaged in this space. The key to implementation of the approaches referred to above, in terms of encouraging Japanese citizens to demand greater action on climate change from their government, is for citizens to have a better understanding of the suffering generated by the global climate crisis, regardless of nationality, ethnicity or age. It is hoped that greater empathy might prompt people to take action and demand an expansion and acceleration of climate action. Greater public awareness will be equally important in helping people to make more informed decisions, including changing their social and political behaviour in the light of the global climate crisis. It may even force climate change onto the policy agenda of political parties as an electoral issue.

7.9. CLIMATE THREATS TO DEMOCRACY

The effect of the global climate crisis on the state of democracy in Japan is an important question that requires further research, particularly in relation to the risk of insecurity, inequality and instability (see Chapter 1). The government's failure to respond to

the climate crisis might lead to political instability and democratic backsliding, and undermine free and fair elections. As the issue gains traction with the public, the government's inability or refusal to respond to the climate crisis and climate-related natural disasters could lead to greater opposition or civic unrest as dissatisfaction with the government's position on climate action animates a more informed citizenry. This might create a more hotly contested electoral space, as voters articulate their dissatisfaction through the ballot box. Although changes in government are part of a healthy, functioning democracy, if they occur frequently in a political culture unused to such changes this can destabilize the democratic system and risk disrupting long-term, coherent climate action.

On the other hand, public dissatisfaction with mainstream political parties and their climate policies might fuel the rise of populists and extremists, who could challenge existing democratic institutions and norms in the name of more comprehensive, accelerated climate action. Political stability has been one of the key features of Japanese democracy. Since the current political system was established in 1955, the LDP has dominated Japanese politics and formed the government except for two brief periods in 1993–1994 and 2009–2012. Power tends to transition between different factions in the LDP, not among different political parties. However, it is possible that the ruling party's poor handling of the climate crisis and major climate-related natural disasters could set the stage for the rise of populist sentiments, as the latter play on people's grievances and create polarization as a way to gain control and remain in power.

Alternatively, those dissatisfied with the government's attitude to climate action might feel disconnected from climate policymaking, lose confidence in the political establishment and subsequently disengage from the democratic process altogether. A recent opinion poll shows that 60 per cent of the people in Japan are dissatisfied with the way democracy works, 42 per cent say that the political system needs major reform and 24 per cent believe that it needs to be completely overhauled (Wike et al. 2021). At the same time, people may be less optimistic about the prospects for change through politics. Just a few years earlier, a similar survey indicated that 68 per cent of the population believed that nothing changes, regardless of who wins an election (Stokes and Devlin 2018). Aside

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from apathy, widespread cynicism may also explain the country's low voter turnout, which at slightly above or below 50 per cent of eligible voters has been among the lowest in the region (International IDEA 2021). When people walk away because of dissatisfaction and cynicism with the democratic system, the quality of democracy deteriorates—or deteriorates further.

7.10. MITIGATING THE CLIMATE THREATS TO DEMOCRACY

If democracy in Japan is to better address the threats from the global climate crisis, it is essential that public dissatisfaction with the government's climate action and response leads to more public engagement in the democratic process rather than greater public disengagement. This means increasing the number of people involved in democratic politics and climate policymaking, as well as changing the way that people become involved in the climate policy process.

It is critically important that the democratic process of climate policymaking becomes more transparent and inclusive.

It is critically important that the democratic process of climate policymaking becomes more transparent and inclusive, creating a space and incentives for all segments of the population—CSOs, women, youth and minorities—to participate in deliberations on climate action. The inclusion of those who have been underrepresented and disengaged in the past could counterbalance the strong influence of energy-intensive industries and others who stand to lose the most from comprehensive, accelerated climate action. Shifts of this nature have the potential to create new dynamics in the political economy of climate action in Japan.

It is essential that the mode of public engagement shifts from simple information sharing and ad hoc consultation to more systematic involvement in climate policymaking, and eventually to collaboration and co-production where government works with citizens as partners to design and implement climate policy and action (on different types of policy engagement, see Martin 2009). Meaningful public engagement underpins the foundations of a healthy democratic society. It could help to overcome the Japanese public's deep-seated mistrust of government and the political system, and prevent the global climate crisis from turning into a democratic one.

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LEGISLATION

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