

Landscapes as Cultural Assets—The New Landscape Law Tests the Public’s Sensibilities and Behavior

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1. World Heritage Values Landscapes as Cultural Assets

World Heritage properties are enjoying a quiet boom, judging from the popularity of sightseeing tours and publications. The World Heritage List was created by the Convention Concerning the Protection of the World Cultural and Natural Heritage, as adopted by UNESCO at its 17th General Conference in 1972. UNESCO states that it “seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.” As of July 2004, there are 788 registered properties: 611 cultural, 154 natural, and 23 combined properties.

Japan has twelve properties on the World Heritage List, including cultural heritage properties in Kyoto and Nara, and natural heritage properties of Yakushima and Shirakami-Sanchi. The latest addition, made last July, is the Sacred Sites and Pilgrimage Routes in the Kii Mountain Range. Many other cultural and natural heritage properties are being prepared for nomination. The Convention holds the global community accountable for having various organizations cooperate in surveying and protecting the world’s natural and cultural heritage from the threat of damage and destruction. As of July 2004, 134 countries have signed the Convention, of which Japan joined relatively late as the 125th member.

The World Heritage List also includes properties considered to be in danger (World Heritage in Danger List) such as the Cultural Landscape and Archaeological Remains of the Bamiyan Valley in Afghanistan, which recently received extensive coverage in the Japanese media. Last year, the Cologne Cathedral in Germany was added to the list on the grounds that the landscape is being threatened by the construction of high-rise buildings. The threat to landscapes from high-rise buildings is a familiar problem in Japan’s old capital of Kyoto, and exemplifies the difficulty of preserving cultural heritage in urban areas.

Figure 1 World Heritage Sites in Japan

<p>Cultural Heritage</p> <p>Buddhist Monuments in the Horyu-ji Area (1993) Himeji-jo (1993) Historic Monuments of Ancient Kyoto (Kyoto, Uji and Otsu Cities) (1994) Historic Villages of Shirakawa-go and Gokayama (1995) Hiroshima Peace Memorial (Genbaku Dome) (1996) Itsukushima Shinto Shrine (1996) Historic Monuments of Ancient Nara (1998) Shrines and Temples of Nikko (1999) Gusuku Sites and Related Properties of the Kingdom of Ryukyu (2000) Sacred Sites and Pilgrimage Routes in the Kii Mountain Range (2004)</p> <p>Natural Heritage</p> <p>Yakushima (1993) Shirakami-Sanchi (1993)</p>

Source: UNESCO web site (whc.unesco.org).

2. Japan's First Landscape Law

Japan implemented its first Landscape Law in June 2004. Events leading to the law began in 2001, when the Liberal Democratic Party of Japan set up a Subcommittee on Cityscapes, and the Koizumi administration designated the development of tourism as a national policy goal. The movement achieved a critical mass in 2003 with the "Policy Outline for Building a Beautiful Nation," which recognized that "from the perspective of promoting international exchange and invigorating our economy, it is critical to develop tourism in Japan by creating, rediscovering and improving natural, historical, cultural and other tourism resources, and transmitting information throughout Japan and abroad."

Regretting that "each and every member of the public does not find the country to be attractive," the new law articulates the concept of "developing our national assets while striving for harmony with the natural beauty of our nation, and passing them on to future generations." Moreover, the law calls on the national government to support local landscape conservation ordinances, already existing in some areas, and to collaborate with initiatives by local government, business establishments, residents and NPOs. The history of landscape conservation ordinances in Japan dates back to the 1960s, and today such ordinances exist in 450 municipalities and 27 prefectures. While this is a rather late start compared to other countries who began efforts in the early 1900s, it is nonetheless a meaningful first step to deal with contemporary issues including cultural and other assets.

3. Economic Growth and Japan's Disappearing Scenic Beauty

In ancient times, the Japanese lifestyle was characterized by a deep respect for nature and appreciation for the beauty and bounty of the changing seasons, inspiring works of art and poetry. In 1894, geographer Shigetaka Shiga wrote a best-selling book called *Nihon fukei-ron* on Edo era literature praising Japan's scenic beauty. Over a century later, of world war, rapid economic growth, and the tumultuous asset bubble era, much of the scenic beauty passed down from ancient times has been lost. Meanwhile, a monotonous urban landscape has engulfed the nation, punctuated by advertising billboards of like color and design along streets and highways.

In Europe, the recognition of landscapes first began with the preservation of cathedrals and other historic structures. In contrast, the first landscapes recognized as such in Japan were of natural scenery—mountains and rivers, waterfalls, coastlines, and ponds—with the concept later extended to include rural landscapes such as productive fields and paddies, villages, and *satoyama* (fields and mountains surrounding rural villages). These landscapes, once abundant and accessible just beyond the city limits, were not immediately recognized as something that should be protected and maintained.

However, as a result of many factors including economic growth, global price competition in agricultural products, and lack of successors on farms, much of Japan's valuable ecological preserves and cultural landscapes—agricultural land, forest land, rice terraces and *satoyama*—have been lost.

4. Landscapes as Expressions of Lifestyle and Culture

The Landscape Law has five important features. First, it expands the applicable spatial domains. Japan already has a land use plan based on the National Land Use Planning Law. Actually, however, the so-called plan simply maps out which land areas are regulated by one of five different laws: the Urban Planning Law, Agricultural Land Law, Forest Land Law, Natural Parks Law, and Natural Environment Conservation Law. In the past, many have pointed out that substantive and jurisdictional conflicts among these laws rendered Japan's land use regulations ineffective. The new law marks a significant advance in that co-jurisdiction rests with three ministries (Land, Infrastructure and Transportation, Environment, and Agriculture, Forestry and Fisheries). Moreover, the new law is accompanied by the revision of the Cultural Properties Protection Law by the Cultural Affairs Agency. Armed with these important changes, the new law's effectiveness will be followed with much interest.

In the past, regulatory guidance was conducted in a haphazard fashion: natural landscapes were

regulated under the Natural Parks Law, historical landscapes under the aesthetic area designation of the Urban Planning Law, and cultural assets such as historic scenic sites and important traditional structures by the Cultural Affairs Agency. On the other hand, typical rural landscapes of agricultural, forest, and fishing villages, being regarded primarily as food production sites, were strictly excluded from landscape regulation.

By stipulating that spatial domains include cities and rural villages, the new law greatly expands the scope of landscapes from primarily urban areas to rural areas as well. Moreover, the scope of cultural assets has been further expanded by adding a new category of cultural landscape, defined as being “formed by the local people’s livelihood and local climate.”

Second, the new law defines the term landscape as being “formed by nature, history, culture, livelihood and economic activity.” The term landscape has in the past triggered semantic debates regarding definitions of scenery, view, landscape, and so forth. But an approach centered around buildings and structures, as typified by terms such as landscape design and city landscape, is vastly different from the *landschaft* approach to land use practiced in Germany. Unlike a visual landscape of a dynamic community in which people work and produce, *landschaft* refers to a space with an ecological coherence, unique cultural foundation, and historical community with a shared sense of belonging. The new law, by defining landscape as being “formed by history, culture, livelihood and economic activity,” thus expands the concept of landscape, while clarifying people’s responsibility and involvement in the landscape.

5. Productive Landscapes are Included

For the newly included rural villages, the new law establishes “landscape and agriculture development areas,” which seek to secure good farming conditions in harmony with the landscape. Recommendations can be issued that urge agricultural land use in harmony with the landscape, and in case compliance is inadequate, farmland rights can be transferred and an agricultural public corporations or NPO can act as a landscape improvement organization to manage the land. It is widely known that agricultural and forest lands perform not only productive functions but other important functions such as watershed protection and national land conservation. Significantly, the new law recognizes productive landscapes both for their cultural value and scenic beauty, and thus includes rice terraces as a form of production unique to the hillsides of Asia, as well as landscapes of lavender, sunflower, and buckwheat. The Cultural Affairs Agency has already implemented the recommendations of a 2003 report, “Study of the Protection of Cultural Landscapes Related to Agriculture, Forestry and Fisheries Industries.” The report defines cultural landscapes to include productive landscapes, landscapes with religious or artistic importance, and landscapes that exemplify traditional industries and lifestyles. Out of 2,311 sites

selected from around the country, 180 areas have been recognized as important areas.

Third, the new law makes it possible to designate landscape planning areas not only to preserve landscapes, but to create them. Thus local residents who want to preserve a particular landscape in their town can impose land controls by establishing a landscape agreement. In previous landscape ordinances, only a handful of sites nationwide met the requirement of having a natural or historical asset worthy of preservation, but no longer. For example, the current gardening boom has inspired some residents to build English-style open gardens at home. People can now create landscape agreements to protect their own properties in residential and commercial areas.

Fourth, the new law strengthens enforcement measures, including reporting requirements for landscape districts and landscape planning areas. Previous landscape ordinances served as guidelines but had no legal enforcement provisions. But by using the new law along with landscape ordinances to designate landscape districts, it is possible not only to issue recommendations but to issue orders to change or improve designs and coloring. The new law thus has unusually strict enforcement provisions for a land regulation in Japan. In addition, it does what local ordinances were unable to do with regard to providing tax measures (including special exceptions to the inheritance tax) and public subsidies.

6. Residents & NPOs to Participate in Landscape Planning and Management

Fifth, compared to the limited participation available to local residents in conventional community renovation projects, the new law encourages local residents and NPOs to take a more active role. They can not only still participate in the government's project planning process, but can even take the lead role in the landscape planning process. Moreover, even when property inheritance is impeded by the lack of successors or other reason, it is no longer inevitable that the structures are to be demolished and the land sold off. If the property lies in a landscape district, an administrative recommendation or improvement order can be issued to preserve the property, and the government agency, local residents or NPO acting as landscape administrator (landscape improvement organization) can preserve the property in place of the owner.

However, the new law is not without flaws. One problem is the protection of property rights and private rights. Land laws in Japan are characterized by inordinately strong private land rights. In one sense, the chaotic cityscapes of modern Japan can be blamed on an emphasis on private rights over urban planning, architectural control and advertising regulations. Some would argue that leapfrogging other laws and strictly enforcing the Landscape Law alone is like putting the cart before the horse. However, the important point here is to spread the recognition that regulatory guidance can play a meaningful role. By identifying landscape districts and landscape

planning areas, establishing landscape ordinances and initiating landscape agreements, local residents and businesses can actively protect landscapes, thereby improving the community's reputation and protecting property values.

Today we are surrounded by signs of economic despair—hollowed-out downtown areas, abandoned theme parks and amusement parks, vacated sites of large commercial facilities and industrial plants, and deserted farmland and woodland. But now instead of waiting for new businesses to arrive, communities can grasp the initiative and create a new order. They can transform themselves into beautiful, attractive and vital communities.

7. Shared Values Help to Maintain Landscapes

Some would argue that the Landscape Law is one sign that the country has reached sufficiency in clothing, food and housing. But in an era of falling land prices, the preservation of asset values is an important concern for local governments and residents, who are confronting the issue for the first time in the postwar era. Other countries recognized as early as the 1960s that cityscape and architectural design regulations, landscape garden maintenance and management, community and security issues are all important determinants of asset value.

In the present deregulatory environment, we must confront a choice—whether to implement regulations to guarantee collateral values in the future environment, and thereby enhance asset values, or continue to allow the present chaotic, uncontrolled construction that often stretches the limits of the law.

Second is the issue of regulating cityscapes and advertising. Along with the Landscape Law, the Outdoor Advertising Law has been expanded to cover the entire nation, and has introduced a registration system for the violation-prone outdoor advertising business. However, the law does not prohibit family-restaurant and convenience-store chains from strategically placing massive billboards, loud neon lights and vividly colored displays along roads and railways throughout Japan's cities, suburbs and even tourist sites. Somewhere along the way, we acquiesced to a life surrounded by advertising. What is worse, many younger people actually find this scenery to be familiar and comforting. When compared to the old towns of Germany, where fast food restaurants quietly blend into the neighborhood, one gets the strong sense that the Japanese public's paralyzed senses has ruined the nation's landscape.

In this context, there is an interesting phenomenon called the psychology of broken windows, made famous by the New York City Police Department in fighting misdemeanor crimes, which has been successfully introduced in Japan by the police. The logic is simple: suppose an ordinary

car has been abandoned on a neighborhood street. Normally, average local residents will assume that the car belongs to someone, and not touch it even after several days. But suppose that the car now has a broken window. The same residents who had walked by before will suddenly start to steal tires, paint graffiti and trash the car. The NYPD has applied this psychology by erasing graffiti in the subways. While seemingly unrelated to crime fighting, this approach has helped reduce misdemeanor crimes.

The same psychology applies to city landscapes. When we first see oversized billboards, they may appear garish and ugly. But after seeing more and more of them day after day, our reaction softens and they seem to only clutter; eventually, they actually seem to enliven the area when compared to the monotonous surroundings. As new billboards spring up and compete for attention, they become even more provocative and eye-catching. The time has come to rehabilitate our paralyzed senses and reclaim our sensibilities.

One feature of Japan's landscape often cited as a glaring defect—ubiquitous utility poles and cables—is addressed in a special provision called the Public Utility Conduit Law, which stipulates that utility cables running along landscape-designated roads be buried underground. In the past, utility cables have been buried underground for various reasons, including in the U.K. and Germany, to make sidewalks safer, and to enable barrier-free access. However, following the Hanshin Earthquake, reconstruction efforts were found to be greatly facilitated by above-ground utility poles, and local residents became less insistent on burying cables except from a barrier-free perspective. Given the persistent recession, the public now appears more interested in implementing new urban redevelopment projects than in spending limited public funds to bury cables simply for aesthetic purposes.

8. Rome Wasn't Built in a Day

In Europe, the legal foundation for land use and landscape emerged in the early 1900s, beginning with the protection of historical landscapes, and then developing into broad landscape planning in collaboration with land use planning and urban planning. The constitutions of Italy and Germany even make the preservation of landscape and historical assets a duty of the state. At the same time, the public has also come to assume responsibility.

Figure 2 Comparison of Landscape Conservation Laws

Year	Japanese laws	Year	Foreign laws	Country
		1882	Ancient Monuments Protection Act	England
		1902	Landscape Protection Act (Prussia)	Germany
1911	Advertisement Enforcement Law	1912	1912 Act no. 688	Italy
1919	Urban Planning Law enacted	1913	Law on protection of historic buildings	France
1919	Scenic Area & Aesthetic Area System (Urban Planning Law)	1919	Weimar Constitution	Germany
	Historic, Scenic and Natural Monument Law	1922	1922 Act no. 778	Italy
1926	First scenic area designation: Meiji Jingu Shrine	1923	Cultural Asset Conservation Act	Austria
		1930	Law on protection of natural beauties	France
1933	First aesthetic area designation: Imperial Palace	1938	St. Paul's Heights	England
		1939	1939 Act no. 1089 and 1497	Italy
1950	Building Standard Law enacted	1943	Piano Paesistico	Italy
1957	Natural Parks Law	1947	Constitution of the Italian Republic	Italy
1966	Special Measures Law for Historical Conservation Areas	1955	Wiener Naturschutzgesetz	Austria
1968	Kanazawa City Ordinance Concerning Conservation of the Traditional Environment	1962	Malraux Law	
1968	Kurashiki City Ordinance for Traditional Aesthetic Conservation (These ordinances were the first at the municipal level)	1966	Historic Sites Act	U.S.
1969	Miyazaki Prefecture Ordinance on Roadside Landscape Beautification (first ordinance at the prefectural level)	1967	Civic Amenities Act	England
1973	Urban Green Area Conservation Law			
1975	Revision of the Law for the Protection of Cultural Properties Groups of Historic Buildings Designation System implemented	1975	Orbildschutzgesetz	Austria
1980	District Planning System created (Urban Planning Law)	1976	Gesetz uber Naturschutz und Landschaftspflege	Germany
1983	Urban Landscape Model Program created			
1988	Cityscape Environment Improvement Program created	1983	Zone de protection du patrimoine architectural et urbain (ZPPAU)	France
		1985	Legge Gallasso (1985 Act no. 431)	Italy
1995	Residents' Green Space Program created (Urban Green Space Conservation Law)	1985	Magistrat der Stadt Wien	Austria
		1987	Bundesbaugesetzbuch	Germany
2001	Basic Law for Promotion of Culture and the Arts (Building a Society that Appreciates Culture)	1990	Town and Country Planning Act	England
2002	Scenic Area Protection Agreement System (Natural Parks Law)			
2003	Policy to Beautify Japan	1993	Loi sur la protection et mise en valeur des paysages	France
2003	Landscape Impact Assessment System introduced	1993	Zone de protection du architectural urbain et paysager (ZPPAUP)	France
2004	Landscape Law, Revised Cultural Properties Protection Law, revised advertising regulations			
2004	Fundamental revision of the Green Law			

Source: Compiled by NLI Research Institute.

In Germany, the Nature Conservation Act of 1976 mandates landscape planning by local governments, while the Code of Law for Construction of 1987 attempts to control land by means of land use planning (F Plan) and landscape planning, and covers water quality, soil, climate, atmosphere, fauna and flora, and scenery. In Italy, the *Legge Galasso* law of 1985 mandates landscape planning at the state level, and comprehensively covers the environment including topography, geology, soil, water system, vegetation, fauna, history and archaeology. Similarly, in the U.K., the Town and Country Planning Act of 1990 seeks to preserve the views and structures of historical landscape districts, and to regulate advertising. In France, the land use plan (POS) of 1977, designated city blocks, monuments, scenic sites and areas with aesthetic, historical, or ecological value as landscape areas protected by publicly enforced land use controls. In 1993, landscape laws were established to designate and preserve areas with architectural, urban and cultural assets (*zone de protection du patrimoine architectural urbain et paysager; ZPPAUP*). Just as Rome was not built in a day, European countries have built a long tradition of landscape

preservation that now permeates the government and people of these countries.

9. Protecting Landscapes That Depict the National Lifestyle

One of the things protected under the new law are rice terraces. Admittedly, the terraced landscape is aesthetically pleasing, and no one would object to their preservation. However, the maintenance requires considerable manpower. If tourism is to be promoted by national policy, it seems reasonable that tourists who enjoy the vista be asked to pay part of the maintenance cost. Tokyo Disneyland, highly regarded in the theme park business as a model of facility management, boldly charges a high admission fee to cover maintenance cost. Most productive landscapes are privately owned, and need water, fertilizer and manpower to maintain the landscape. It is blatantly unfair to buy farm products inexpensively from the owners, and on top of that to enjoy the landscape for free.

The movement to preserve cultural heritage is spreading to modern properties such as the productive landscape of agricultural, forestry, fishing, and mining industries. Under the banner of economic development, primary industries have supplied food to the public as well as land for urban development. However, the long-term decline in global agricultural prices has dampened the industry's pride and depressed agricultural land prices, while the shortage of successors is acute in many areas. Many people recognize the monetary value of photos and pictures of rice terraces and farm villages, but the people who actually live in these areas and preserve the landscape receive no returns whatsoever. If the cost to these people of preserving the landscape is too great, alternative means must be found.

To build a national consensus to create a beautiful country and preserve the cultural landscape of traditional industries, we can start by first reforming the white-collar bias of education. It will take time to develop the necessary awareness of landscape preservation and spatial aesthetics for the historical, natural and urban environment.

To create a beautiful country, we first need to identify the kind of environment the public wants, and then generate shared values so that the public is willing to shoulder the cost and effort. This means taking pride in traditional industries as part of the national culture, and creating a social environment that encourages more people to make a living in these industries. To merely appreciate the landscape while imposing maintenance on others is to put the cart before the horse.

Since landscape preservation involves many factors requiring long-term vision and maintenance and management, conventional assistance programs are insufficient since they are administered

by ordinances and budgets. We need a community-based framework with an integrated and comprehensive approach that creates value transcending individual programs.

Landscapes are spatial images that reveal the lifestyle of the particular village, town or country. When we consider passing down to future generations urban and rural landscapes as assets a hundred years from now—or even ten years from now—with pride and attractiveness, the sense of responsibility rests heavily on us regarding our own sensibility, awareness and behavior.