

## **Characteristics of the System for Settling Environmental Disputes**

This settling system was established to create a simplified and quick settlement system by administrative agencies in addition to the judicial system. Following characteristics in comparison with judicial proceedings can be identified as regards this system.

### Short History

#### **a. Simplified procedure and quick settlement of disputes**

In settling environmental disputes, flexible proceedings such as settlements by agreements between the parties, investigation and collection of case materials on official initiative are employed instead of the adversary proceedings, thus facilitating quick settlements. Average time required to resolve a case by a Prefectural Pollution Examination Commission is 11 months in fiscal 2006.

#### **b. Lower-cost alternative**

In this system, the government and prefectures take up the main part of the cost of proceedings. Furthermore, application fees are kept small (about 20 to 30% of fees for civil mediations by judicial courts) to minimise the financial burden of the parties concerned.

#### **c. Employment of professional knowledge and expertise**

In resolving disputes quickly and justly, the professional knowledge and expertise of Commission members and secretariat staff can be useful. Furthermore, it is also possible to appoint technical experts to investigate professional matters or entrust technical investigations with research organisations.

#### **d. Fact-finding on official initiative**

In this system, the Commission or Prefectural Commissions can initiate a fact-finding process on their own. This helps alleviate the financial burdens of the parties concerned and facilitate otherwise difficult fact-finding processes.

#### **e. Reflecting the Commission's experience on anti-pollution policies**

The Commission may present to the Minister for Internal Affairs and Communications (Prefectural commissions to governors of the prefectures) its opinions on the improvement of environmental pollution control measures based on experiences gained through its handling of environmental disputes.