
From the Frontline of the Construction Conflict

Graduate School of Frontier Sciences, The
University of Tokyo
Socio-Cultural Environmental Studies
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Self Introduction

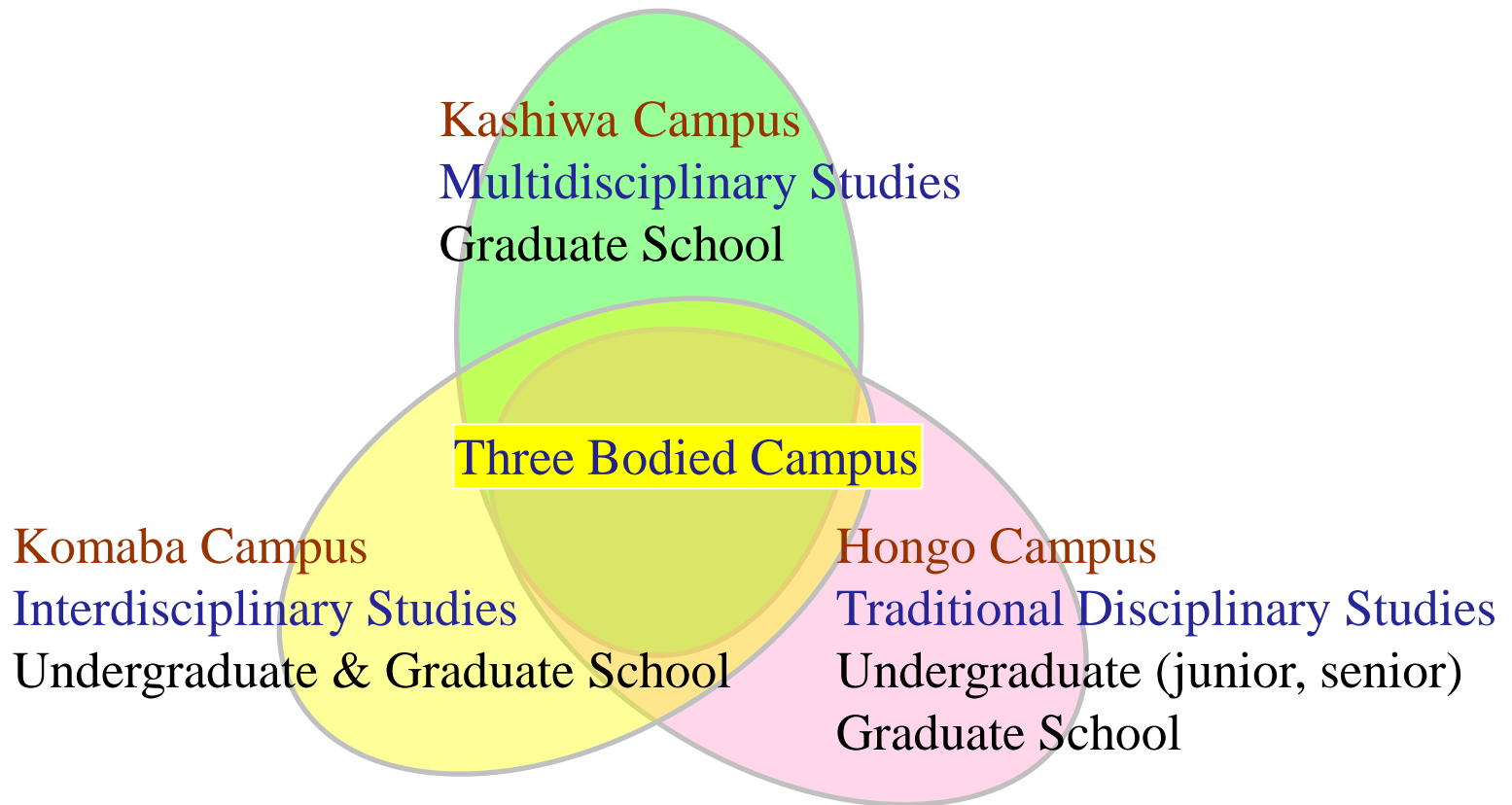
Introduction of the Kashiwa Campus

My Profile



- Name: Ryo Shimizu
- Specialties: Sociology of Local Community, Environmental Sociology
keywords: residents' campaign, civic movement, community development, construction of a region
- Studies: Reconstruction of city after the Earthquake in Hanshin Awaji region
The transformation of local communities through reclamation of Isahaya Bay
Scenery, district planning, and community development in urban areas
- Position: Socio-Cultural Environmental Studies, Environmental Studies, Graduate School of Frontier Sciences, The University of Tokyo (2005 ~)

The Faculty Mission and Three-Bodied Campus Structure



Mission:

- Intellectual Adventure: Explore a new field of study through intellectual adventure. Don't be afraid of failure
- Multidisciplinary Studies: Creating new fields of studies by bringing in multiple disciplines

Graduate School of Frontier Sciences

Nano technology, Complexity,
material, energy

■ Transdisciplinary Sciences

- Advanced Materials Sciences
- Advanced Energy
- Complexity Science and Engineering

Biology, medicine

■ Biosciences

- Integrated Biosciences
- Medical Genome Sciences

■ Computational Biology

Bio-informatics

■ Environmental Studies

- Natural Environmental Studies
- Ocean Technology, Policy, and Environment
- Environmental Systems
- Human Environmental Studies
- **Socio-Cultural Environmental Studies**
- International Studies
- Graduate Program in Sustainability Science

Environment, International,
Culture, Sustainability

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Reconstruction of city after Earthquake in Hanshin Awaji region(1995～)

Civic Movement by fishermen on the reclamation project of
Isahaya Bay(2001～)

Breaking news: December 6th, 14:41

In the case of “Revive! The Ariake bay”, the
Fukuoka High Court decided to decline the appeal
of the government by supporting the judgment of
the Saga District Court, which orders the flood
gate to remain open.

Construction Conflict, the Right to a view, Community Development(2005～)



Lawsuit for the right to a view

Conflict about construction does get resolved



A case of conflict of a condo building in Fukuoka

Sociological Thinking

Sociological Thinking

- Individual and society, individual and group, part and total
 - ▪ ▪ It tried to understand the **relation**
 - “Let go of common knowledge”
 - “Make the invisible visible”
 - Jump into the field of “**social problems**”
 - Listen to voices in the “**field**” and think from the “**field**”
-

From the Frontline of the Construction Conflict

Residents' Movement

⟨Logic of Development⟩
⟨Logic of architecture⟩



Residents' movement means

- ❑ A movement to state objection “complaint” = ⟨Residents' logic⟩
 - ❑ Enormous efforts · · · it is not just “weirdoes”
 - ❑ Social problems rising from the existing institutions, orders and the reality
it embodies contradictions in society = gap
-

Construction Conflict (Urban Construction Conflict)

■ Construction conflict

- ❑ Construction errors
- ❑ Construction conflict with regard to tall buildings
 - ▪ ▪ conflict between developers/ architects and residents in the neighborhood

■ Development conflict

- ❑ Land readjustment project
- ❑ Redevelopment project
- ❑ Road problems
- ❑ Destruction of nature

Points of Construction Conflict

- Loss of a view
 - ❑ Scenery problem
 - ❑ Increase of high-rise buildings = "height" problem
 - ❑ Destruction of a "town view" = texture, color, wall location
 - Increasing population and change of surrounding environment
 - ❑ Sunlight problems, wind problems, blanketing . . .
 - ❑ Infrastructure problem road, school, commercial buildings . . .
 - ❑ Destruction of community
-



Moving wall back → system for alleviated capacity

maximization of floor capacity ••• maximization of self benefit

Unified wall location ••• **consideration** for others = **collaboration**

The Kunitachi Condo Lawsuit

The Kunitachi Condo Lawsuit

1999.1.1. The ordinance for scenery development of the city of Kunitachi goes in effect

7.24. Sales contract of Meiwa Property(Tokyo Kaijo – Meiwa Property)

9.22. The Kunitachi City Council adopts the appeal to reconsider the construction plan

2000.1.5. Construction permission was issued and the construction started on the same day

1.31. Creating of construction ordinance on district planning in the city of Kunitachi

2.24. Appeal to invalidate the construction ordinance on district planning (Meiwa Property)

2001.3.29. Lawsuit to request the removal of buildings higher than 20m by residents

2002.12.18. The District Court rules in favor of residents

2004.10.27. The High Court reserved the ruling

2006.3.30. The Supreme Court ruled against residents

Clio Remington Village Kunitachi

- Number of Rooms 353
 - Built in December, 2001
 - 1 Basement, 14 floors
 - Category II Exclusive High and Medium Rise Residential Zone, Category I Exclusive Low Rise Residential Zone, Semi Fire Zone
 - Vendor: Meiwa Property Management
 - Note: “This condominium is so called “existing unfit building”, therefore, cannot be reconstructed higher than 20m in future renovation”
-

The First Ruling (in favor of Residents)

Decision on the lawsuit on the condominium in
Kunitachi city 2002 December

Land owners came into possession of **their duty
and benefits to maintain the scenery as an
extension of their property rights**

.....

The rights of land owners remain violated unless
the part which goes higher than 20m is removed

The Nature of the Right to a View

District Court	High Court
<p>It is worth protecting by law as derivation of the property rights if it is recognized as a result of long-term self control and a favorable scenery, and if it offers additional values to the owned land</p>	<p>The scenery cannot be understood as individual and concrete rights or benefit for individual residents to enjoy. Government should take an initiative in creating a favorable scenery.</p>

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Asahi Newspaper (morning), March 31, 2006 page2
(society)

「The benefits of view is protected」 The first decision by
the Supreme Court: Rules against residents in the lawsuit
of condos in Kunitachi

Normalization of “scenery”

- After the Kunitachi lawsuit, the court ruled more in favor of the “benefit of a view”
 - Kyoto Takusei New Town (2005), Tokiwa-dai (2006), Tamagawa Gakuen (2007), Ishigakijima Yoshiwara condo lawsuit (2009)
 - However, few cases find it worth protecting by law
 - The Scenery Law (2004)
 - Tomonoura (2009) court ordered the cessation of development
-

The Japan Scenery Civic Movement Network

- Founded in December, 2005
- Core Members
 - Activist, consultant (urban planning)
 - Adviser scholars
- Activities
 - Regular meeting (information exchange)
 - Seminars
 - Support for individual campaign



The Japan Scenery Civic Movement Network

■ Characteristics

- Core members are from the group of Kunitachi condo case
 - Passing on experiences
 - ”mortification” “regret” →revenge in other areas
 - ⇒accumulation of experiences
 - Their activities centers around cases in Kanto Region
 - Little systematic progress towards law-making
 - It considers each case with great attention
-

The Japan Network to Think Scenery and Living Environment

- Founded in July, 2008
- Core Members
 - Lawyers, politicians (civic movement friendly), activists
 - Consultants (architecture, urban planning)
 - Scholars (urban planning, law)
- activities
 - Social events (information exchange)
 - Seminars
 - Support for individual campaigns
 - Lobbying for revision of the Urban Planning Law



The Japan Network to Think Scenery and Living Environment

■ Characteristics

- ❑ No regular meetings for information exchange
- ❑ The main office consists of those who lead their regional campaigns
- ❑ Nation-wide activities
Naha, Fukuoka, Kochi, Kyoto, Fujisawa, Yokohama, Kawasaki, Tokyo, Funabashi, Chiba, Urawa
- ❑ Maximizing use of emailing lists
- ❑ **Aims at revising existing laws**

景住 network

私たちは
住環境と景観の破壊で涙した。
だから未来のために
美しい都市を
あきらめない。

みんなにどんどん建てて
これからどうなるの？

二層とマンション競争の
起きない町をつくりたい

まちの歴史や環境を破壊する
開発計画はほんとに必要？

まちをつくる法律や
条例が変だよ

目の前のマンション問題
どうすればいいの？

自分たちの住む街だから
みんなで考えたい。

**誕生！ 景観と住環境を考える
全国ネットワーク**
<http://machi-kaeru.com/>

(景・住ネットワーク)は、「地域住民が守り育ててきた住環境や歴史的景観が、いとも簡単に破壊をされてしまう現在の日本のシステムを変え、そして各地の建築競争が孤立せずに効果的にたたくための情報交換の場をつくるために」2008年7月19日京都において結成されました。(5月10日東京一真鶴の全国集会以全国ネットワークの結成を確認。)各地で戦うみなさま、環境・景観・文化を重んじる都市づくりへの転換をめざす各分野の専門家みなさま、ご参加をお願いします。

連絡先 <http://www.machi-kaeru.com/> mail : 510@machi-kaeru.com
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Summary

- Problems arise due to gap between existing laws and the reality
⇒ a new order is created in the process of problem solving
 - Creating orders surrounding “scenery” (the process through which “rights” emerge)
 - Residents' movement
 - Solving my problem → the end
 - Solving my problem → provides support to other districts
 - support for individual campaign (goes down?)
 - movements towards law revision (goes up?)
-

“Scenery” is

- View

 - visual beauty question of the standard of “beauty”

- Relationship between residents and the land, scenery

 - attachment, memory

 - active action on land (spontaneous restriction)

 - Thickness of “community development”

Scenery = visual representation of a
relationship between human and land/ nature/
buildings
