

Criticism of this Law by constitutional scholars includes the following: (1) the very existence of the SDF is unconstitutional; (2) since the end of the Cold War and the Persian Gulf war, the character of United Nations peace-keeping operations has changed considerably, particularly in terms of participation by the superpowers and the use of military force, and (3) it will now be very difficult to abide by the so-called Five Peace-keeping Operation Principles with active SDF participation in qualitatively changing peace-keeping operations.

b. Administrative Law

Special Law on Curbing Emissions of Nitrogen Oxides from Automobiles in Designated Areas.

Passed on June 3, 1992. Ch. 70. Effective as December 1, 1992.

[Background of the Legislation]

According to data from measurements of air pollution in major urban areas, pollution by nitrogen oxides (NO_x) has been exceptionally pronounced, thus posing the urgent task of ameliorating the situation and preserving the environment. The aim of this law is therefore to gradually reduce the number of commercial vehicles (motor vehicles engaged in business activities) that do not satisfy the latest standards restricting emissions of nitrogen oxides from motor vehicles.

[Main Points of the Law]

Articles 3 through 5 of this law define the responsibilities of the national government, local governments, businesses, and citizens in preventing air pollution by emissions of nitrogen oxides from motor vehicles. Article 6 stipulates that the national government is to determine a basic policy for reducing the total volume of nitrogen oxides emitted by motor vehicles in areas (specified areas) in which vehicular traffic is concentrated, and where it appears difficult to attain environmental quality standards (EQS) with the controls previously employed, while Article 7 states that prefectural governors are

to formulate and enact implementation plans in line with the basic policy. Articles 12 through 14 define the duties of the director-general of the Environment Agency and the ministers whose responsibilities cover businesses including manufacturing and transport.

[Comment]

A feature of this law is that under Article 6 it does not allow the new registration in specified areas of “designated motor vehicles,” or motor vehicles that cannot attain the “specified motor vehicle emission standards,” which are environmental quality standards for nitrogen oxides established by an ordinance of the Prime Minister’s Office, and it gradually prohibits the use of such vehicles currently in use. There are specific designations for geographical areas and vehicles types, thereby making the law an unprecedented and far-reaching measure for preventing air pollution. With regard to motor vehicles currently in use, however, some people have voiced concerns that restricting their use may violate the intent of Article 29 of the Constitution, which guarantees the right to own property.

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2. Family Law

An Interim Report concerning the Reexamination of the Marital and Divorce System (an arrangement of issues).

Published by the Civil Bureau of the Ministry of Justice on December 11, 1992.

[Background of the Reexamination]

Since January 1991, the Family Law Subcommittee of the Civil Law Section of the Advisory Committee on the Legal System, an