

Basic Act on Biodiversity

(Act No. 58 of June 6, 2008)

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Since the creation of life, organisms have evolved adjusting themselves to various environments through a several billion-year history. There are now diversified organisms on the earth, and a diversified ecosystem has been formed through interaction with natural components of the environment surrounding organisms, including air, water, and soil.

Human beings are living through enjoying benefits from biodiversity. Biodiversity thus serves as a basis of the survival of human beings. In addition, biodiversity, as the particular assets of each region, also supports the diversity of unique regional culture.

On the other hand, biodiversity is facing serious crises, including extinction of species and destruction of ecosystems due to development and other activities by human beings, deterioration of satoyama (managed woodlands or grasslands near human settlements), etc. due to reduced human activities along with changes in socioeconomic conditions and disturbance of ecosystems, etc. by alien species, etc. In addition, climate changes, including global warming, which are recently rapidly advancing, have exceeded the speed at which species and ecosystem can adjust themselves, and are thus likely to have serious impacts, including extinction of many species. Therefore, it has become a major challenge, from the perspective of conservation of biodiversity, to make efforts to prevent global warming.

Seen from a global standpoint, biodiversity has been significantly damaged, including decrease and deterioration in forests and decrease in marine biological resources due to overexploitation. Taking into consideration that the Japanese economy and society are carried on in a close mutual dependence relation with

other countries, it is important for Japan to play a leading role in the international community to ensure biodiversity.

We are responsible for ensuring biodiversity, which is a common property of all human beings, and for carrying it on to the next generation so that human beings can continue enjoying benefits therefrom in the future. Now is the time to mark a first step toward realizing a sustainable society, in which human beings can continue enjoying benefits from biodiversity in the future, while comprehensively promoting policies to ensure biodiversity and avoiding or minimizing impacts on biodiversity.

This Act is established here with the aim of clarifying the fundamental principles for conservation and sustainable use of biodiversity and thereby indicating the direction thereof and promoting related policies in a comprehensive and planned manner.

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to set fundamental principles for conservation and sustainable use of biodiversity in line with the basic principle of the Environment Basic Act (Act No. 91 of 1993), to clarify the responsibility of the government, local governments, businesses, citizens and private bodies, and to promote policies for conservation and sustainable use of biodiversity in a comprehensive and planned manner by developing the National Biodiversity Strategy and prescribing other matters that serve as a basis of policies for conservation and sustainable use of biodiversity, thereby conserving rich biodiversity, and to aim at realizing a society in coexistence with nature where human beings can continue enjoying benefits therefrom in the future and to contribute to conserving the global environment.

(Definitions)

Article 2 (1) The term "biodiversity" as used in this Act shall mean the existence of various ecosystems and the existence of various differences between species or within species.

(2) The term "sustainable use" as used in this Act shall mean using the components of biodiversity by a method that does not cause long-term decrease in organisms and other components of biodiversity and benefits from biodiversity (hereinafter referred to as "sustainable method") to ensure that current and future-generation human beings can enjoy benefits from biodiversity and that biodiversity, which is a basis of the survival of human

beings, will be maintained in the future.

(Fundamental Principles)

- Article 3 (1) Conservation of biodiversity shall be carried out for the purpose of ensuring that conservation of endangered wildlife species, etc. is aimed at and that the diversified natural environment is conserved according to the natural and social conditions of the region, taking into consideration that maintenance of sound and bountiful nature is indispensable for conservation of biodiversity.
- (2) Use of biodiversity shall be carried out for the purpose of using national land and natural resources by a sustainable method to ensure that impacts on biodiversity are avoided or minimized, taking into consideration that biodiversity has been damaged along with changes in socioeconomic activities and that use of natural resources is likely to have an impact on biodiversity in Japan and abroad.
- (3) Conservation and sustainable use of biodiversity shall be carried out for the purpose of making responses by a preventive method in which biodiversity is conserved while endeavoring to enrich scientific knowledge and by an adaptive method in which the state of biodiversity is monitored even after project, etc. is started, scientific evaluations are made on the monitoring results and the evaluation results are reflected on said project, etc., taking into consideration that biodiversity is based on a subtle balance and involves many phenomena that have yet to be scientifically explained and that it is difficult to regenerate biodiversity once it is damaged.
- (4) Conservation and sustainable use of biodiversity shall be carried out for the purpose of endeavoring for conservation and regeneration of ecosystems, etc. from a long-term standpoint, taking into consideration that biodiversity continuously brings many benefits over the long term.
- (5) Conservation and sustainable use of biodiversity shall be carried out based on the understanding that global warming is likely to have a serious impact on biodiversity and that conservation and sustainable use of biodiversity contributes to prevention of global warming, etc.

(Responsibility of the Government)

Article 4 The government shall be responsible for formulating and implementing basic and comprehensive policies for conservation and sustainable use of biodiversity with the purport of the fundamental principles for conservation and sustainable use of biodiversity prescribed in the preceding Article (hereinafter referred to as the "fundamental principles").

(Responsibility of Local Governments)

Article 5 Local governments shall be responsible for formulating and

implementing, with the purport of the fundamental principles, policies pursuant to the government's policies and other policies according to the natural and social conditions of their areas with regard to conservation and sustainable use of biodiversity.

(Responsibility of Businesses)

Article 6 Businesses shall, in conducting their business activities, endeavor to reduce impacts on biodiversity and to achieve sustainable use by gaining an understanding of impacts of their business activities on biodiversity and by conducting biodiversity-friendly business activities while aiming at coordination with other businesses and other persons concerned, with the purport of the fundamental principles.

(Responsibility of Citizens and Private Bodies)

Article 7 (1) Citizens shall, with the purport of the fundamental principles, recognize the importance of biodiversity and endeavor to reduce impacts on biodiversity and to achieve sustainable use by handling alien species in an appropriate manner and choosing biodiversity-friendly goods or services in their daily life.

(2) Citizens and private bodies shall, with the purport of the fundamental principles, make voluntary efforts for conservation and sustainable use of biodiversity and endeavor to cooperate for other persons' efforts for conservation and sustainable use of biodiversity.

(Legislative Measures, etc.)

Article 8 The government shall take legislative, financial or tax measures or any other measures that are necessary to implement policies for conservation and sustainable use of biodiversity.

(Considerations to Organic Coordination of Policies)

Article 9 When implementing policies for conservation and sustainable use of biodiversity, necessary considerations shall be given so as to ensure the mutual organic coordination of prevention of global warming, creation of a sound material-cycle society and other policies for conservation of the environment, taking into consideration matters such as that global warming is likely to have a serious impact on biodiversity.

(Annual Report, etc.)

Article 10 (1) The government shall submit every year to the Diet a report on the state of biodiversity and policies which the government has implemented for conservation and sustainable use of biodiversity.

- (2) The government shall, every year, prepare a document clarifying policies it intends to implement in consideration of the state of biodiversity pertaining to the report set forth in the preceding paragraph, and submit it to the Diet.

Chapter II Biodiversity Strategy

(Formulation, etc. of the National Biodiversity Strategy)

- Article 11 (1) The government shall set a basic plan for conservation and sustainable use of biodiversity (hereinafter referred to as the "National Biodiversity Strategy") for the purpose of promoting policies for conservation and sustainable use of biodiversity in a comprehensive and planned manner.
- (2) The National Biodiversity Strategy shall provide for the following matters:
- (i) Basic principle for policies for conservation and sustainable use of biodiversity;
 - (ii) Targets for conservation and sustainable use of biodiversity;
 - (iii) Policies which the government should implement in a comprehensive and planned manner with regard to conservation and sustainable use of biodiversity;
 - (iv) In addition to what is listed in the preceding three items, necessary matters to promote policies for conservation and sustainable use of biodiversity in a comprehensive and planned manner.
- (3) The Minister of the Environment shall prepare a draft of the National Biodiversity Strategy and seek a cabinet decision.
- (4) When the Minister of the Environment intends to prepare a draft of the National Biodiversity Strategy pursuant to the provision of the preceding paragraph, he/she shall, in advance, take necessary measures to reflect citizens' opinions by means of the Internet or by any other appropriate methods, and hear the opinions of the Central Environment Council.
- (5) When a cabinet decision under the provision of paragraph (3) has been made, the Minister of the Environment shall make public the National Biodiversity Strategy without delay.
- (6) The provisions of the preceding three paragraphs shall apply mutatis mutandis to changes to the National Biodiversity Strategy.

(Relationships between the National Biodiversity Strategy and Other National Plans)

- Article 12 (1) The National Biodiversity Strategy shall be formulated based on the Basic Environment Plan prescribed in Article 15(1) of the Environment Basic Act (simply referred to as the "Basic Environment Plan" in the next paragraph).
- (2) National plans other than the Basic Environment Plan and the National

Biodiversity Strategy shall be based on the National Biodiversity Strategy with regard to conservation and sustainable use of biodiversity.

(Formulation, etc. of Regional Biodiversity Strategy)

Article 13 (1) Prefectures and municipalities shall endeavor to independently or jointly set a basic plan on conservation and sustainable use of biodiversity within their areas (hereinafter referred to as "regional biodiversity strategy") based on the National Biodiversity Strategy.

(2) A regional biodiversity strategy shall provide for the following matters:

(i) The area covered by the regional biodiversity strategy;

(ii) Targets for conservation and sustainable use of biodiversity within the relevant area;

(iii) Policies that should be implemented in a comprehensive and planned manner with regard to conservation and sustainable use of biodiversity within the relevant area;

(iv) In addition to what is listed in the preceding three items, necessary matters to promote policies for conservation and sustainable use of biodiversity in a comprehensive and planned manner.

(3) When prefectures and municipalities have formulated a regional biodiversity strategy, they shall, without delay, make it public and send a copy of the regional biodiversity strategy to the Minister of the Environment.

(4) The provision of the preceding paragraph shall apply mutatis mutandis to changes to a regional biodiversity strategy.

Chapter III Basic Policies

Section 1 Policies of the National Government

(Conservation of Regional Biodiversity)

Article 14 (1) The government shall, for the purpose of conservation of the biodiversity of endemic organisms, conserve regions that are found to be important in terms of conservation of biodiversity, including those having natural characteristics that represent the natural environment of Japan and those that are important as habitats of diversified organisms, regenerate any ecosystem that has been damaged in the past and take other necessary measures.

(2) The government shall, for the purpose of conservation of satochi and satoyama (rural landscapes), etc. where a unique ecosystem has been maintained through agriculture, forestry and fisheries and other human activities, establish a mechanism to continuously conserve such regions according to the natural and social conditions of the regions and take other necessary measures.

(3) The government shall take necessary measures to conserve regions that are found to be important in terms of conservation of biodiversity in an integrated fashion, ensuring inter-regional migration of organisms and other organic connections.

(Conservation, etc. of Diversity of Wildlife Species)

Article 15 (1) The government shall, for the purpose of conservation of diversity of wildlife species, gain an understanding of and evaluate the inhabitation status of wildlife, and conserve the habitat, regulate capture, etc. and transfer, etc., and carry out projects for protection and multiplication and take other necessary measures, according to the likelihood of extinction and other situations that wildlife species are in now.

(2) Where there is a risk that wildlife causes damages pertaining to the living environment or agriculture, forestry and fisheries, the government shall conserve the habitat, prevent damages, manage population and take other necessary measures.

(Prevention of Damages by Alien Species, etc.)

Article 16 (1) With regard to alien species, living modified organisms, etc. that are likely to cause damages pertaining to the ecosystem, the government shall regulate or prevent their raising, etc. or use, etc. and take other necessary measures.

(2) With regard to chemical substances that are likely to cause damages pertaining to the ecosystem, the government shall regulate their manufacture, etc. and take other necessary measures.

(Promotion of Appropriate Use, etc. of National Land and Natural Resources)

Article 17 The government shall, taking into consideration that promotion of sustainable use is indispensable for sound development of the local community, take necessary measures to ensure that appropriate use or management of national land with consideration given to prevent regional ecosystems from being damaged and appropriate use or management of natural resources with consideration given to prevent natural resources from significantly decreasing are promoted in a comprehensive and planned manner, according to the national and social conditions of the region.

(Promotion of Rational Use of Biological Resources)

Article 18 The government shall, taking into consideration the usefulness of biological resources, promote research and technology development for effective utilization of biological resources, and collection and systematic preservation of biological resources, and take other necessary measures, for the purpose of

promoting rational use of biological resources in agriculture, forestry and fisheries, industries or other fields, giving consideration to biodiversity.

(Promotion of Biodiversity-Friendly Business Activities)

Article 19 (1) The government shall take necessary measures to promote use of biodiversity-friendly raw materials, ecotourism, organic agriculture and other efforts to reduce the impact of business activities on biodiversity.

(2) The government shall disclose information on considerations to biodiversity pertaining to business activities, improve understanding of the importance of biodiversity-friendly consumption life and take other necessary measures, to ensure that biodiversity-friendly business activities are promoted as citizens choose biodiversity-friendly goods or services.

(Promotion of Policies that Contribute to Prevention, etc. of Global Warming)

Article 20 The government shall, taking into consideration that conservation and sustainable use of biodiversity contribute to prevention, etc. of global warming, conserve forests, satoyama (managed woodlands or grasslands near human settlements), grassland, wetland, etc. which absorb and fix much carbon dioxide, promote the use of biomass to ensure that necessary management to conserve biodiversity, including thinning and grass collection, is promoted, and take other necessary measures.

(Coordination and Cooperation among Diversified Actors and Promotion, etc. of Voluntary Activities)

Article 21 (1) The government shall, for the purpose of properly formulating and implementing policies for conservation and sustainable use of biodiversity, aim at strengthening mutual coordination among relevant ministries and agencies, and endeavor to coordinate and cooperate with diversified bodies, including local governments, businesses, citizens, private bodies and persons who have expert knowledge about conservation and sustainable use of biodiversity.

(2) The government shall, for the purpose of reflecting public opinion on formulation of policies for conservation and sustainable use of biodiversity and ensuring fairness and transparency of the process thereof, ask for the opinions of diversified bodies, including businesses, private bodies and persons who have expert knowledge about conservation and sustainable use of biodiversity, and aim at utilization, etc. of a mechanism to form policies after sufficiently considering such opinions.

(3) The government shall take necessary measures to ensure that activities to acquire, maintain and conserve land that is important in terms of conservation of biodiversity and other voluntary activities for conservation and sustainable use of biodiversity, which are conducted by businesses, citizens or private

bodies, are promoted.

(Promotion of Surveys, etc.)

Article 22 (1) The government shall, for the purpose of properly formulating and implementing policies for conservation and sustainable use of biodiversity, implement surveys on biodiversity, including understanding and monitoring, etc. of the status of biodiversity, and establish necessary systems for the surveys, collect materials, including samples and systematically preserve them, and provide information and take other necessary measures.

(2) The government shall, for the purpose of comprehensively evaluating the status of biodiversity and its benefits, develop appropriate indicators and take other necessary measures.

(Promotion of Science and Technology)

Article 23 The government shall, for the purpose of promoting science and technology relating to biodiversity, gain an understanding of the characteristics of wildlife species, promote research and development, including clarification of a structure of ecosystem and disseminate the results thereof, develop a system for test and research, train researchers and take other necessary measures.

(Improvement of Public Understanding)

Article 24 The government shall take necessary measures to improve public understanding of biodiversity by promoting education relating to biodiversity in school education and social education, developing human resources with expert knowledge or experience, enriching public relations activities, providing places and opportunities to interact with nature and conducting other activities.

(Promotion of Environmental Impact Assessment Pertaining to Biodiversity at the Stage of Planning Project Plans, etc.)

Article 25 The government shall, taking into consideration that it is important to give considerations at an early stage in advance of implementation of projects that have an impact on biodiversity, since biodiversity is based on maintenance of a subtle balance and it is difficult to regenerate biodiversity once it is damaged, take necessary measures, in consideration of the characteristics of projects, to promote project operators, etc. that conduct projects that are likely to have an impact on biodiversity to survey, predict or assess impact of the projects on biodiversity from the stage of planning the projects to the stage of their implementation and to give proper consideration to conservation of biodiversity pertaining to the projects based on the results.

(Ensuring of International Coordination and Promotion of International Cooperation)

Article 26 The government shall, taking into consideration that conservation and sustainable use of biodiversity is an important issue in terms of conservation of the global environment, proactively participate in international efforts based on the Convention on Biological Diversity, etc. and ensure other international coordination, and carry out technical cooperation for conservation and sustainable use of biodiversity, and take other necessary measures to promote international cooperation.

Section 2 Policies of Local Governments

Article 27 Local governments shall implement policies pursuant to the policies of the government prescribed in the preceding Section and other policies for conservation and sustainable use of biodiversity according to the natural and social conditions of their areas, aiming at comprehensive and planned promotion of these policies.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into force as from the date of promulgation.

(Review of the Enforcement Status of the Related Laws)

Article 2 The government shall, for the purpose of achieving the purpose of this Act, review the enforcement status of laws pertaining to conservation of endangered wildlife species, conservation and regeneration of the natural environment, including forests, satoyama (managed woodlands or grasslands near human settlements), agricultural land, wetland, tidal flats, rivers and lakes, or conservation of other biodiversity, and take necessary measures based on the results of the review.

(Partial Revision of the Environment Basic Act)

Article 3 A part of the Environment Basic Act shall be revised as follows:

The phrase "and the Act on Asbestos Health Damage Relief (Act No. 4 of 2006)" in Article 41(2)(iii) shall be revised to "the Act on Asbestos Health Damage Relief (Act No. 4 of 2006) and the Basic Act on Biodiversity (Act No. 58 of 2008)."