

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 take measures 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 hereby enacted 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 systematic 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 Basic Environment Act (Act No. 91 of 1993), to clarify the responsibility of the State, local governments, businesses, citizens and private bodies, and to promote policies for conservation and sustainable use of biodiversity in a comprehensive and systematic 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 maintaining a rich biodiversity, and to aim at realizing a society living in harmony 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 means 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 means 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, is to be

maintained in the future.

(Fundamental Principles)

Article 3 (1) Conservation of biodiversity must 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 in accordance with the natural and social conditions of the region, taking into consideration the fact that maintenance of sound and bountiful nature is indispensable for conservation of biodiversity.

(2) Use of biodiversity must 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, in light of the fact 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 must 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 the project, etc. is started, scientific evaluations are made on the monitoring results and the evaluation results are reflected on the project, etc., taking into consideration of the fact 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 must be carried out for the purpose of endeavoring for conservation and regeneration of ecosystems, etc. from a long-term standpoint, taking into consideration of the fact that biodiversity continuously brings many benefits over the long term.

(5) Conservation and sustainable use of biodiversity must 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 State)

Article 4 The State has the responsibility to formulate and implement basic and comprehensive policies for conservation and sustainable use of biodiversity in accordance with 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 have the responsibility to formulate and implement, in accordance with the fundamental principles, policies that conform to the government's policies and other policies in accordance with the natural and social conditions of their areas with regard to conservation and sustainable use of biodiversity.

(Responsibility of Businesses)

Article 6 In conducting business activities, businesses are to 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 coordinating with other businesses and other persons concerned, in accordance with the fundamental principles.

(Responsibility of Citizens and Private Bodies)

Article 7 (1) Citizens, in accordance with the fundamental principles, are to 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, in accordance with the fundamental principles, are to make voluntary efforts for conservation and sustainable use of biodiversity and endeavor to cooperate with other persons' measures for conservation and sustainable use of biodiversity.

(Legislative Measures)

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

(Considerations on Organic Coordination of Policies)

Article 9 In implementing policies for conservation and sustainable use of biodiversity, necessary considerations are to be given so as to ensure the mutual organic coordination of prevention of global warming, creation of a recycling society and other policies for conservation of the environment, taking into consideration of the fact that global warming is likely to have a serious impact on biodiversity.

(Annual Reports)

Article 10 (1) The government must each year, submit 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 must each year, prepare a document clarifying policies it seeks to implement in consideration of the state of biodiversity pertaining to the report set forth in the preceding paragraph, and submit the document to the Diet.

Chapter II Biodiversity Strategy

(Formulation of the National Biodiversity Strategy)

- Article 11 (1) The government must set up 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 systematic manner.
- (2) The national biodiversity strategy is to provide for the following matters:
 - (i) basic principle for policies for conservation and sustainable use of biodiversity;
 - (ii) goals for conservation and sustainable use of biodiversity;
 - (iii) policies which the government should implement in a comprehensive and systematic manner with regard to conservation and sustainable use of biodiversity; and
 - (iv) beyond what is set forth in the preceding three items, necessary matters to promote policies for conservation and sustainable use of biodiversity in a comprehensive and systematic manner.
 - (3) The Minister of the Environment must prepare a draft national biodiversity strategy and request a cabinet decision.
 - (4) When the Minister of the Environment intends to prepare a draft national biodiversity strategy pursuant to the provisions of the preceding paragraph, the Minister must 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, in advance.
 - (5) When a cabinet decision under the provisions of paragraph (3) has been made, the Minister of the Environment must publicize the national biodiversity strategy without delay.
 - (6) The provisions of the preceding three paragraphs 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 is to be formulated based on the Basic Environment Plan prescribed in Article 15, paragraph (1) of the Basic Environment Act (simply referred to as the " Basic Environment Plan " in the

following paragraph).

- (2) National plans other than the Basic Environment Plan and the national biodiversity strategy are to be based on the national biodiversity strategy with regard to conservation and sustainable use of biodiversity.

(Formulation of Regional Biodiversity Strategy)

Article 13 (1) Prefectures and municipalities must endeavor to independently or jointly set up 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) Regional biodiversity strategy is to provide for the following matters:
- (i) the area covered by the regional biodiversity strategy;
 - (ii) goals for conservation and sustainable use of biodiversity within the relevant area;
 - (iii) policies that should be implemented in a comprehensive and systematic manner with regard to conservation and sustainable use of biodiversity within the relevant area; and
 - (iv) beyond what is set forth in the preceding three items, necessary matters to promote policies for conservation and sustainable use of biodiversity in a comprehensive and systematic manner.
- (3) When prefectures and municipalities have formulated a regional biodiversity strategy, they must publicize the regional biodiversity strategy and send its copy to the Minister of the Environment.
- (4) The provisions of the preceding paragraph apply mutatis mutandis to changes to the regional biodiversity strategy.

Chapter III Basic Policies

Section 1 Policies of the State

(Conservation of Regional Biodiversity)

- Article 14 (1) The State, for the purpose of conservation of the biodiversity of endemic organisms, is to conserve regions that are found to be significant 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 the ecosystem that has been damaged in the past, and take other necessary measures.
- (2) The State, 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, is to establish a mechanism to continuously conserve those regions in accordance with the natural and social conditions of the regions, and take other necessary measures.

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

(Conservation of Diversity of Wildlife Species)

Article 15 (1) The State, for the purpose of conservation of diversity of wildlife species, is to 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 proliferation and take other necessary measures, in accordance with the likelihood of extinction and other situations that wildlife species are presently facing.

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

(Prevention of Damages by Alien Species)

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

(Promotion of Appropriate Use of National Land and Natural Resources)

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

(Promotion of Proper Use of Biological Resources)

Article 18 The State, taking into consideration the usefulness of biological resources, is to promote research and technical development for effective use of biological resources, and collect and systematically preserve biological resources, and take other necessary measures, for the purpose of promoting proper use of biological resources in agriculture, forestry and fisheries,

industries and other fields, while giving consideration to biodiversity.

(Promotion of Biodiversity-Friendly Business Activities)

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

(2) The State is to disclose information on considerations to biodiversity pertaining to business activities, improve understanding of the importance of biodiversity-friendly consumption lifestyle 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 of Global Warming)

Article 20 The State, taking into account the fact that conservation and sustainable use of biodiversity contribute to prevention, etc. of global warming, is to 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 periodic thinning and cutting of grass for fodder or compost, is promoted, and take other necessary measures.

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

Article 21 (1) The State, for the purpose of properly formulating and implementing policies for conservation and sustainable use of biodiversity, is to 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 State, 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, is to 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 of a mechanism to form policies after sufficiently taking into consideration of those opinions.

(3) The State is to take necessary measures to ensure that activities to acquire, maintain and conserve land that is significant 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)

Article 22 (1) The State, for the purpose of properly formulating and implementing policies for conservation and sustainable use of biodiversity, is to 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 State, for the purpose of comprehensively evaluating the status of biodiversity and its benefits, is to develop appropriate indicators and take other necessary measures.

(Promotion of Science and Technology)

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

(Improving the Citizen's Understanding)

Article 24 The State is to take necessary measures to improve the citizen's understanding of biodiversity by promoting education related 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)

Article 25 The State, taking into consideration the fact that it is important to give considerations at an early stage before implementing 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, is to 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 conduct surveys, 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 International Coordination and Promoting International

Cooperation)

Article 26 The State, taking into consideration the fact that conservation and sustainable use of biodiversity is an important issue in terms of conservation of the global environment, is to 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 are to implement policies equivalent to the policies of the government prescribed in the preceding Section and other policies for conservation and sustainable use of biodiversity in accordance with the natural and social conditions of their areas, aiming at comprehensive and systematic promotion of these policies.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into force as of the date of promulgation.

(Review of the Implementation Status of the Laws Related to Conservation of Biodiversity)

Article 2 The government, for the purpose of achieving the purpose of this Act, is to review the implementation 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 Amendment of the Basic Environment Act)

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

The phrase "and the Act on Asbestos Health Damage Relief (Act No. 4 of 2006)" in Article 41, paragraph (2), item (iii) is amended to "the Act on Asbestos Health Damage Relief (Act No. 4 of 2006) and the Basic Act on Biodiversity (Act No. 58 of 2008)."