

Law for the Promotion of Nature Restoration

(Law No. 148, December 11, 2002)

Article 1. (Purpose)

This Law establishes the basic principles of nature restoration, defines the responsibilities of effecters, and stipulates necessary matters for the implementation of nature restoration, including the establishment of the Basic Policy for Nature Restoration. This is done for the purpose of pursuing the comprehensive implementation of measures concerning nature restoration, thereby securing biodiversity in support of efforts toward realizing a society that is in harmony with nature, and contributing to conservation of the global environment.

Article 2. (Definitions)

“Nature restoration” in this Law means the conservation, restoration or creation, and maintenance of the conditions of rivers, marshes, tidal flats, *moba*(seaweed/seagrass beds), *satoyama* (community-based woods), *satochi* (rural landscapes), forests, and other natural environments, with the participation of various actors in the community, including concerned governmental agencies, concerned municipal governments, local residents, specified nonprofit corporations (nonprofit organizations designated by Article 2, Paragraph 2 of the Law to Promote Specified Nonprofit Activities (Law No. 7 of 1998); hereinafter the same), and individuals with specialized knowledge of the natural environment, with the objective of recovering the ecosystems and other natural environments that have been damaged or destroyed in the past.

2 “Nature restoration project” in this Law means a project to be implemented with the objective to restore nature.

3 “Landowner, etc.” in this Law means an individual who owns a piece of land, woods, or bamboo thicket; or the right to the use of and profits from a piece of land, woods or bamboo thicket; or the fishing rights or common of piscary to an area (excluding special facilities and other facilities clearly known to have been set up for temporary use).

Article 3. (Basic Principles)

Nature restoration shall be carried out appropriately for the purposes of maintaining and passing on a sound and bountiful natural environment to future generations, realizing a society in harmony with nature through the protection of biodiversity, and contributing to the conservation of the global environment.

2 Nature restoration shall be carried out with the cooperation of various actors in the community, including concerned governmental agencies, concerned local governments, local residents, specified nonprofit corporations, and individuals with specialized knowledge of the natural environment, in a voluntary and active manner. Efforts shall be made to ensure transparency.

3 Nature restoration shall be carried out based on scientific knowledge, taking into account characteristics of the natural environment in the area and the delicate balance of the ecosystem, as well as nature's ability to recover.

4 Nature restoration shall be carried out in such a way that, even after a nature restoration project has begun, the state of nature restoration is monitored, the monitoring results are assessed scientifically, and the assessment results are reflected in the project.

5 Due to the important need for people to learn about conservation of the natural environment (hereinafter referred to as "natural environmental learning"), arrangements shall be made to utilize the nature restoration project as a venue for natural environmental learning as it is implemented.

Article 4. (Responsibilities of the National and Local Governments)

The national and local governments shall strive to provide the necessary assistance to facilitate the implementation of nature restoration projects undertaken by local residents, specified nonprofit corporations, and other private organizations.

Article 5. (Responsibilities of the Effector)

The effector, who undertakes a nature restoration project pursuant to this Law (including a party commissioned to undertake a nature restoration project by a party who manages a part or whole of an area subject to the nature restoration project pursuant to the River Law (Law No. 167 of 1964), Port and Harbor Law (Law No. 218 of 1950), or the provisions of other laws; hereinafter referred to as "effector"), shall strive to take the lead in carrying out the nature restoration project based on the basic principles.

Article 6. (Coordination with Other Public Interests)

Nature restoration shall be carried out taking into consideration the need to coordinate such efforts with the conservation of national land and other public interests.

Article 7. (Basic Policy for Nature Restoration)

The government shall formulate a basic policy for comprehensively promoting nature restoration measures (hereinafter referred to as “Basic Policy for Nature Restoration”).

2 The Basic Policy for Nature Restoration provides the following:

- (1) Basic direction for the implementation of nature restoration
- (2) Basic matters concerning the committee detailed in Paragraph 1 of the following article
- (3) Basic matters concerning formulation of the overall plan for nature restoration detailed in Paragraph 2 (1) of the following article and an implementation plan of nature restoration projects detailed in Article 9, Paragraph 1
- (4) Basic matters concerning the promotion of natural environmental learning concerning nature restoration
- (5) Other important matters concerning the promotion of nature restoration

3 The Minister of the Environment shall draft the Basic Policy for Nature Restoration, consulting with the Minister of Agriculture, Forestry and Fisheries and the Minister of Land, Infrastructure and Transport and shall call for approval from the Cabinet.

4 The Minister of the Environment shall seek public opinion when drafting the Basic Policy for Nature Restoration.

5 The Minister of the Environment shall, without delay, make public the Basic Policy for Nature Restoration when a Cabinet decision is made in accordance with the provision in Paragraph 3.

6 The Basic Policy for Nature Restoration shall be revised approximately every five years in accordance with progress in the implementation of nature restoration projects.

7 Provisions from Paragraphs 3 to 5 are applicable to changes to the Basic Policy for Nature Restoration.

Article 8. (Nature Restoration Committee)

To administer the matters provided in the following paragraph, the effector shall form a nature restoration committee (hereinafter referred to as “Committee”) with concerned local governments, concerned governmental agencies, and other parties who intend to participate in the nature restoration project or activities related to the project to be carried out by the

effector, including local residents, specified nonprofit corporations, individuals with specialized knowledge of the natural environment, and landowners, etc.

- 2 The Committee shall administer the following matters:
 - (1) Draw up the overall plan for nature restoration
 - (2) Discuss the drafted implementation plan of the nature restoration project detailed in Paragraph 1 of the following article
 - (3) Conduct communication and coordination for implementing the nature restoration project

- 3 The overall plan for nature restoration detailed in (1) of the preceding paragraph (hereinafter referred to as “overall plan for nature restoration”) determines the following matters in line with the Basic Policy for Nature Restoration:
 - (1) Areas subject to nature restoration
 - (2) Goals of nature restoration
 - (3) Names of organizations and individuals to join the Committee and their responsibilities
 - (4) Other necessary matters for facilitating nature restoration

- 4 The Committee decides the necessary matters related to the organization and management of the Committee.

- 5 Members of the Committee shall cooperate in promoting nature restoration.

Article 9. (Implementation Plan of Nature Restoration Project)

The effector shall formulate a plan for implementing the nature restoration project (hereinafter referred to as the “implementation plan of the nature restoration project”) based on the Policy for Nature Restoration.

- 2 The implementation plan of the nature restoration project shall provide the following:
 - (1) Name of effector and name of the Committee to which the effector belongs
 - (2) Areas subject to and contents of the nature restoration project
 - (3) Relationship between the area subject to the nature restoration project and its local natural environment, and the significance and effect of the conservation of natural environment
 - (4) Other necessary matters related to implementation of the nature restoration project

- 3 In drawing up the implementation plan of the nature restoration project, the effector shall fully discuss the draft with the Committee beforehand and draw up the plan according to the results of the discussion.
- 4 The implementation plan of the nature restoration project shall be in conformity with the overall plan of nature restoration.
- 5 Upon drawing up the implementation plan of the nature restoration project, the effector shall promptly submit a copy of the plan (including copies of documents attached to the implementation plan of the nature restoration project; hereinafter the same) and a copy of the overall plan of nature restoration for the nature restoration project implementation plan (including copies of documents attached to the overall plan for nature restoration; hereinafter the same) to the competent minister and the prefectural governor under whose jurisdiction the area covered by the nature restoration project in the implementation plan lies, pursuant to the ordinance of the competent ministry.
- 6 Upon receiving a copy of the implementation plan of the nature restoration project and a copy of the overall plan for nature restoration as detailed in the preceding paragraph, the competent minister and prefectural governor may offer the effector advice on the implementation plan of the nature restoration project as it is deemed necessary. In this case, the competent minister shall listen to the opinions of the Nature Restoration Expert Panel, as detailed in Article 17, Paragraph 2.
- 7 Provisions from Paragraph 3 to the preceding paragraph apply to changes made to the implementation plan of the nature restoration project correspondingly.

Article 10. (Agreement on Maintenance)

In order to conduct maintenance related to nature restoration on all or part of the area covered by the nature restoration project, the effector may carry out the maintenance by concluding an agreement with the landowner of the area.

Article 11. (Establishment of a Consultation System for Effectors)

The competent minister shall set up the necessary system to provide proper consultations to effectors.

Article 12. (Consideration for the Implementation of Nature Restoration Projects)

When asked for permits or other legally prescribed actions for the implementation of a nature restoration project based on the implementation plan of the nature restoration project,

the heads of governmental agencies and concerned local governments shall give proper consideration to enable the smooth and speedy implementation of the nature restoration project.

Article 13. (Announcement of the Implementation Status of Nature Restoration Projects)

The competent minister shall announce the implementation status of nature restoration projects annually.

2 The competent minister shall make an announcement upon the receipt of a copy of the implementation plan of the nature restoration project and a copy of the overall plan for nature restoration which was submitted pursuant to the provision in Article 9, Paragraph 5 (including the case when Paragraph 7 of the same article is applicable).

Article 14. (Reporting Progress of the Implementation Plan of the Nature Restoration Project)

Pursuant to the competent ministerial ordinance, the competent minister may request the effecter, who carries out the nature restoration project according to its implementation plan, to report on the progress of the implementation plan of the nature restoration project.

Article 15. (Financial Measures, etc.)

The national and local governments will make efforts to take the necessary measures, financial and otherwise, to implement nature restoration.

Article 16. (Other Measures related to Nature Restoration)

The national and local governments will take the necessary measures to promote natural environmental learning regarding nature restoration and to expand public awareness activities to promote nature restoration.

2 The national and local governments will make efforts to provide appropriate information on nature restoration to facilitate nature restoration activities carried out by local residents, specified nonprofit corporations, and individuals with specialized knowledge of the natural environment, etc.

3 The national and local governments will pursue research and development on nature restoration, disseminate the results, and promote other science and technology for nature restoration.

4 The national and local governments will pursue agriculture, forestry, and fisheries in harmony with the local environment in conjunction with the implementation of nature restoration projects.

Article 17. (Nature Restoration Promotion Conference)

The government shall establish the Nature Restoration Promotion Conference, made up of officials from the Ministry of the Environment, Ministry of Agriculture, Forestry and Fisheries, Ministry of Land, Infrastructure and Transport, and other concerned governmental agencies, to carry out communication and coordination in order to implement nature restoration in a comprehensive, effective, and efficient manner.

2. The Ministry of the Environment, Ministry of Agriculture, Forestry and Fisheries, and Ministry of Land, Infrastructure and Transport shall establish the Nature Restoration Expert Panel, made up of individuals with specialized knowledge of the natural environment, to consider the opinions provided when the communication and coordination provided in the preceding paragraph are carried out.

Article 18. (Competent Ministers, etc.)

Competent ministers in this Law are the Minister of the Environment, the Minister of Agriculture, Forestry and Fisheries, and the Minister of Land, Infrastructure and Transport.

2 Competent ministerial ordinances in this Law are orders issued by the Minister of the Environment, the Minister of Agriculture, Forestry and Fisheries, and the Minister of Land, Infrastructure and Transport.

Supplementary Provisions

(Effective Date)

1 This Law is to be enforced as of January 1, 2003.

(Consideration for Nature Restoration Projects)

2 From the Law's enforcement date until five years have passed, proper attention and consideration shall be given to a nature restoration project with regard to the implementation status of the Environmental Impact Assessment Law (Law No. 81 of 1997), and the implementation status of measures for preventing obstacles in the conservation of the natural environment resulting from projects involving changes to land figuration, new installation of structures, etc.

(Review)

3 The government shall review the implementation status of this Law five years after it takes effect and take the necessary measures based on the review result.