

(3) Legal Systems of Japan

3-5) Natural Parks Law : Law No.161, 1957 enacted on June 1, 1957

(a) Purpose

The Natural Parks Law intends to conserve excellent scenic beauty of Japan with characteristic ecosystems or configuration forever in its original state as much as possible. In accordance with the law the Director General of the Environment Agency designates areas of natural beauty as National, Quasi-national, which, open to the public, will contribute to peoples health, recreation, and culture.

The Law stipulates that Prefectural Governments can designate Prefectural Natural Parks equivalently in accordance with the prefectural regulation.

(b) Substance

1) Designation of Parks (Articles 10 and 41)

National Parks are designated by the Director General of the Environment Agency accepting advice from the Nature Conservation Council. Also the Director General of the Environment Agency designates Quasi-national Parks in response to application from the Prefectural Government concerned, accepting advice form the Nature conservation Council. Prefectural Natural Parks are designated by the Prefectural government in accordance with prefectural regulations.

2) Park Plan (Articles 2 and 12)

Park Plan refers to regulations for protection or use of parks, or plans of park facilities. Park Plan forms the basis of protection, maintenance, and management of natural parks as well as the basis of facilities maintenance. Regarding National Parks, the Director General of the Environment Agency decides the park plan, accepting advice from the Nature Conservation council. Regarding Quasi-national Parks, the Director General of the Environment Agency decides major parts of the plan in response to application from the Prefectural Governor concerned, accepting advice from the Nature Conservation council. The other parts of the plan are decided by the Governors.

Park plans are classified into protection plans and utilisation plans. Protection plans are aimed at restricting such activities as injure scenic beauty or ecosystems of natural parks, while utilisation plans are intended for effective and appropriate use of natural parks for outdoor recreational activities.

3) Park Permissions (Articles 2, 14 15 and 16)

Park Permissions are executed in accordance with the park plan. It includes, for

example, construction of roads, picnic area, lodgings, rest-place, and facilities for vegetation restoration by State, prefectural government or private enterprise.

In principle, Park Permissions are executed by the State regarding National Parks, and by the Prefectural Governments regarding Quasi-national Parks. It is, however, difficult for the State or Prefectural Governments alone to execute Park Permissions, and hence it is stipulated that part of Park Permissions may be executed by local public bodies, with consent of the Director General of the Environment Agency or Prefectural Governors, or may be executed by private enterprises, with approval from the Director General of the Environment Agency or Prefectural Governors.

4) Restriction of activities in natural parks, etc.

The natural park system of Japan is built on what is called a zoning system. It is assumed that economic activities and daily deeds are performed in the park. However, if these activities or deeds cause considerable hindrances to scenic beauty, they need to be restricted from the viewpoint of park protection.

The Law stipulates, in protection of natural parks, that special zones, special protection zones, or marine park zones designated in National or Quasi-national parks, in accordance with park plan (i.e. plans concerning the regulation for the protection), with the view of controlling specific deeds under a license system. The Law also stipulates that notification be submitted regarding specific deeds in ordinary zones other than those zones mentioned above.

Characteristics and restrictions in each zone are described below.

Special protection zones (Article 18)

Special protection zones refer to those zones where the excellent scenic beauty or wilderness is maintained in a park. They are the most important place of special zones in a park.

Special zones (Article 17)

Special zones refer to those places with landscape and ecosystem that are important from the viewpoint of protection or utilisation of parks. Emphasis is laid on harmony between development and nature conservation in these zones. At the necessity of natural beauty conservation considerably differs from place to place, the Law stipulates that special zones (excluding special protection zones) be classified into three types, namely, class I, class II and class III special zones, in making plans concerning the regulation for the protection to maintain landscape and ecosystem of these zones (Enforcement Regulations Article 9-2)

Marine park zones (Article 18-2)

Marine park zones refer to those underwater spheres having landscape and ecosystem.

Ordinary zones (Article 20)

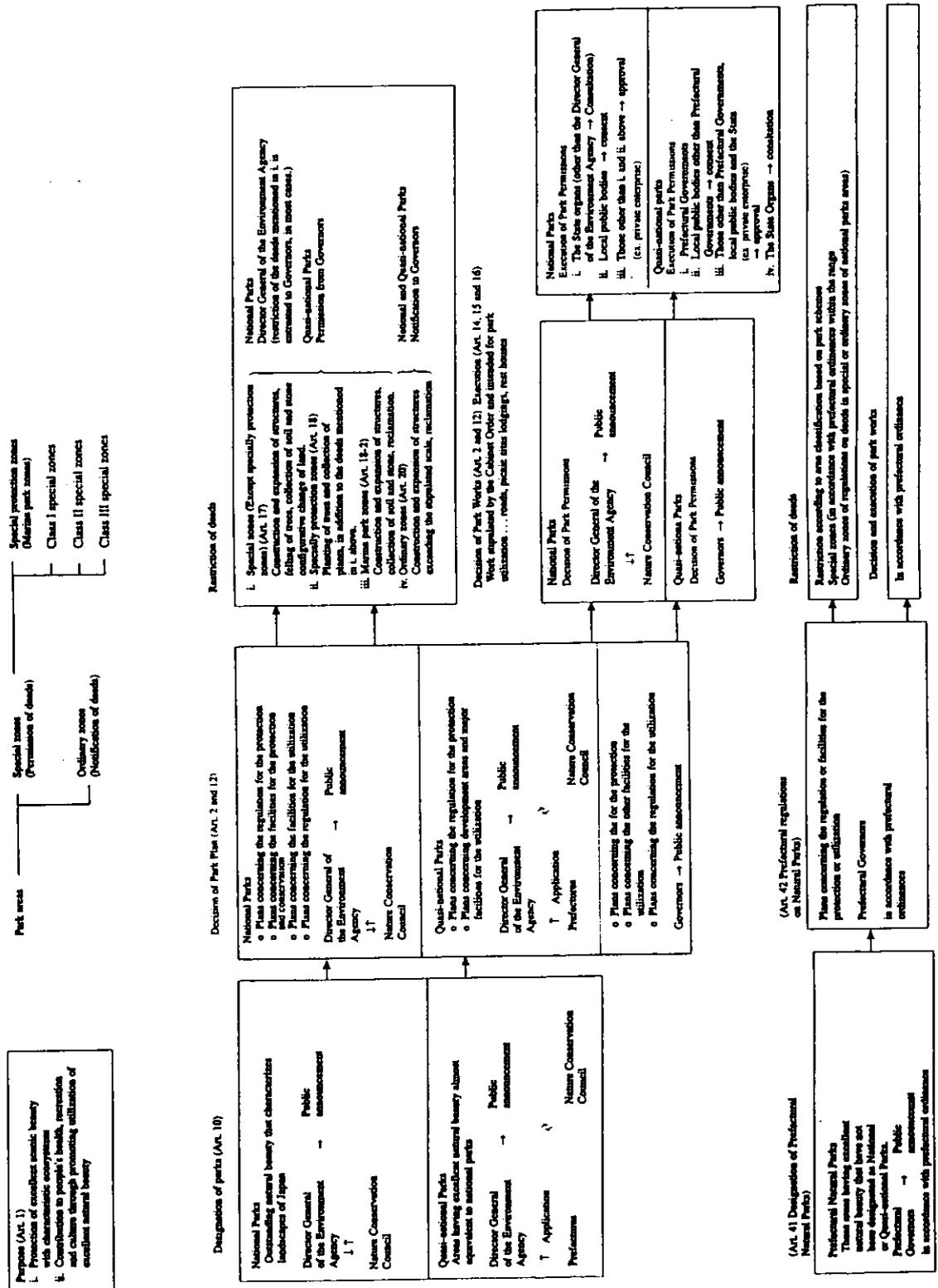
Ordinary zones refer to park zones that are not designated as special zones or marine park zones. Ordinary zones are those zones inseparable from special zones indispensable for utilisation of parks. Change in natural conditions of these zones needs to be restricted, though to a smaller extent than in the case of special zones, with the view of protecting scenic beauty.

5) Town Sites (Article 23)

Town sites are designated with the view of preventing facilities scattered over a park from injuring landscape and ecosystem of the park. These areas are designated also for effective use of various facilities maintained in group in specified sites, with a view to promoting appropriate use of parks.

(3) Legal Systems of Japan 3-5) Natural Parks Law

Structure of the Natural Parks Law



Japan International Cooperation Agency (JICA) (1999): Textbook for the Group Training Course in Nature Conservation and Natural Parks Management, FY99, "Basic Policies"

(3) Legal Systems of Japan

3-6) Wildlife Protection and Hunting Law (Law No 32, 1918)

(a) Purpose

The purpose of this Law shall be to protect and increase wildlife, to control pest and prevent the danger caused by hunting through the execution of wildlife protection projects and effectuation of hunting for the purpose of the improvement of living environment and contribution to the promotion of agriculture, forestry and fisheries.

(b) Substance

1) Wildlife protection project plan (Articles 1-2 and 1-3)

The prefectural governor shall establish a full-scale plan of projects for wildlife, in accordance with the standard specified by the Director-General of the Environment Agency, in order to actively promote and coordinate wildlife protection projects, from the medium-term point of view and taking into consideration regional characteristics.

The eighth plan is presently underway (FY 1997 – FY 2001).

2) Regulations for the protection of wildlife (Articles 1-14, 2 etc.)

In addition to the prohibition of the capture of wildlife, except the capture of game species, the following measures have been taken to protect and increase game species, including the establishment of restrictions on the type, area, period, hunting method, etc.

Restriction on game species

Restriction on hunting area

Restrictions on hunting period and the number of captures

Restriction on hunting methods and means of hunting

Prohibition of the capture of young birds and collection of eggs

3) Hunting license and hunter's registration (Articles 3 through 8-17)

Any individual who intends to practice hunting must be granted an appropriate hunting license issued by the prefectural governor of his/her place of residence and, in addition, register with the prefectural governor who governs place of his/her intended hunting.

4) Wildlife Protection Area, Special Protection Area, Designated Special Protection Area (Article 8-8)

Wildlife Protection Area

The Director-General of the Environment Agency or the prefectural governor, when he deems it necessary for protection and reproduction of wildlife, may establish the

wildlife protection area for a duration not exceeding 20 years. Wildlife protection areas are established to protect and to promote the reproduction of birds and mammals, and the hunting of wildlife is prohibited within such areas. Persons who hold any rights regarding the land or standing trees have to give precedence to any actions of the Director-General of the Environment Agency and/or the prefectural governors aiming at providing facilities for nest building, supply of water and food on land and in standing trees for wildlife.

Special Protection Area

The Director-General of the Environment Agency or the prefectural governor, when he deems it necessary for protection and reproduction of wildlife, may designate a special protection area within a wildlife protection area for a duration not exceeding that of the wildlife protection area in which such a special protection area is placed. Felling of standing trees and/or bamboo, construction of any structures, reclaiming wetlands and the like shall require permission of the Director-General of the Environment Agency or the prefectural governor, unless such action is of minor scale.

Establishment and designation of wildlife protection area and special wildlife protection area.

When establishing a wildlife protection area and when designating a special wildlife protection area, the opinions of local groups making their livelihood in agriculture, forestry and fisheries, as well as hunters and wildlife protection groups, and any others who are concerned will be heard. The case is then reviewed by the Nature Conservation Council in the government or prefecture concerned, and then in accordance with the Law, the area is established or designated as such for a maximum of 20 years (subject to renewal). The Director-General of the Environment Agency establishes a wildlife protection area where the protection of wildlife is of particular importance from a national viewpoint, and such cases shall be discussed as necessary with the Minister of Agriculture, Forestry and Fisheries.

5) Restriction on Circulation of Wildlife (Articles 13-2 and 20-1 and 20-2)

It is prohibited to circulate wildlife captured and/or eggs of bird collected in violation of the provisions of this Law. The sales of copper pheasant are also prohibited.

Importing/exporting certain wildlife and eggs of bird is regulated.

6) Hunting area (Article 14)

The hunting area is the area where active protection and reproduction of wildlife subject to hunting are pursued through releasing wildlife and the like, in which the number of hunters entering the area, hunting period, wildlife permitted for hunting and the number of captures are restricted. The person who intends to establish a hunting

area is required to obtain permission from the Director-General of the Environment Agency.

7) Surveillance/control System (Articles 19-1 and 19-2)

While surveillance/control is exercised by officers of the Environment Agency or the prefecture, the prefectural officials who are responsible for actual surveillance/control are designated as special judicial policemen (1,212 as of FY 1997). A wildlife protection official (part-time prefectural employee; 3,253 as of FY 1994) who is placed for each town/village is responsible for controlling hunting, as well as promoting/spreading the philosophy of protecting wildlife.

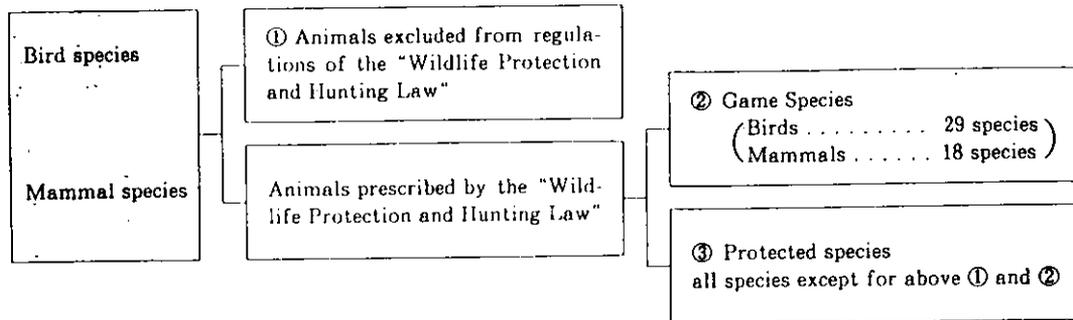
8) Permission to Pest Control (Articles 12 and 13)

Pest, which may cause damage to agricultural and forestry products, may be captured for repellent purposes under permission by the Director-General of the Environment Agency or the prefectural governor in order to minimise the damage. Capture for special purposes, such as capture for scientific research, as well as capture of certain species for breeding as a pet, and the like, is also approved.

Breeding following capture is subject to additional approval by the prefectural governor.

(3) Legal Systems of Japan 3-6) Wildlife Protection and Hunting Law

Game Species and Protected Species



Hunting Licenses

License classification	Hunting tackles	Number of licenses issued (as of 1991)
A class	Net, Trap	16,000
B class	Shotgun, Rifle	228,000
C class	Airgun, Firearm using compressed gas	15,000

Nature Conservation Bureau, The Environment Agency (1995): Nature Conservation in Japan

(3) Legal Systems of Japan

3-7) Law for the Conservation of Endangered species of Wild Fauna and Flora (Law No 75, 1992)

a) Purpose

Recognising that species of wild fauna and flora are important components of ecosystems, as well as having essential value for humanity, the Law for the Conservation of Endangered Species of Wild Fauna and Flora (LCES) aims to ensure the conservation of endangered species of wild fauna and flora, and contribute to the conservation of natural surroundings for present and future generations.

b) Substance

1) The National Guidelines for Conservation of Endangered Species

The Government must adopt “The National Guidelines for the Conservation of Endangered Species”. These guidelines include the fundamental concept and basic approaches for protection of organisms, protection and rehabilitation of natural habitats, maintenance of viable population, and other items necessary for the conservation of Endangered Species.

2) Definition

“Endanger” means that there is a threat of extinction. In other words, the population of a species has decreased, or is decreasing, to the level at which its survival is at risk, or the habitat of a species has degraded or decreased or is degrading or decreasing.

“Endangered Species” refers to all species in danger of extinction. They are divided into four categories, “National Endangered Species”, “Designated National Endangered Species”, “International Endangered Species” and “Temporarily Designated Species”.

“National Endangered Species” means endangered species known to exist in Japan. They are designated by the government. Migratory species would also be so designated if it is considered to be in danger of extinction in Japan.

“Designated National Endangered Species” means species whose population in the wild is in danger of extinction, even though the commercially domesticated or cultivated population is ample. This type of species may be in danger of extinction due to illegal overexploitation because of their commercial value.

“International Endangered Species” means species that are listed in CITES Appendix or in Japan’s bilateral convention or agreement with the U.S., Australia and Russia. Although these conventions and agreements request the contracting parties to regulate

only the international trade of these species, transferring within Japan should also be regulated so as to ensure the enforcement of the conventions and agreements.

“Temporarily Designated Endangered Species” means species that are designated by the Director General of the Environment Agency.

If a new species, or a species thought to be extinct, is found, the Director General of the Environment Agency will designate the species as “Temporarily Designated Endangered Species”. The duration of the designation is limited to three years.

3) Prohibition on Acquisition, Transfer and Trading of Endangered Species

Hunting, gathering, killing or damaging (hereafter “acquisition”) of live Endangered Species except International Endangered Species is prohibited unless the Director General of the Environment Agency permits the acquisition for the purpose of research, investigation, instruction or rehabilitation. Acquisition of live organisms without permission is allowed in case of emergency, or if it is necessary for their protection.

Transfer of organisms of Endangered Species including eggs, seeds, live and processed intact organisms, parts and processed parts (specified by cabinet order, hereafter “organisms and others”) either on a commercial or non-commercial basis, is prohibited.

The exception is allowed in such cases as,

- when the Director General of the Environment Agency permits transfer for the purpose of research, investigation, instruction or rehabilitation,
- when organisms and others of Designated National Endangered Species are transferred,
- when Designated Specific Parts which are parts of International Endangered Species and their processed parts, are transferred,
- when live organisms of National Endangered Species which are “taken” without permission in case of emergency or for their protection, and their parts and processed parts are transferred, or when organisms and others of registered International Endangered Species and specific materials with prior-registration are transferred.

International Trading of organisms and others of National Endangered species (except those of Designated National Endangered Species) is prohibited either on a commercial as well as non-commercial basis except if conditions adopted by the Government have been fulfilled. The Director General of the Environment Agency will permit international trading so long as it does not threaten the survival of the Endangered Species.

4) Registration of Organisms and Their Parts of International Endangered Species

To ensure the enforcement of CITES, those who intend to transfer an International Endangered Species in Japan must first register the organisms and others. Transfer of a registered International Endangered Species, either on a commercial or non-commercial basis, must be made with the registration certificate corresponding to the said organism and others.

5) Registration of Businesses, which deal in Designated National Endangered Species

Designated National Endangered Species are in danger of extinction because of their commercial value. For that reason, businesses which deal in Designated National Endangered Species must ensure that they will not deal in Designated National Endangered Species taken illegally.

Businesses which deal in Designated National Endangered Species, whether they are retail businesses or wholesale businesses, must be registered. If they do not deal in Designated National Endangered Species in an appropriate manner, the Director General of the Environment Agency must order the business to improve their business practices, or order suspension of the business for three months.

6) Habitat Conservation

For the purpose of ensuring the conservation of National Endangered Species, the natural habitats of National Endangered Species are designated by the Director General of the Environment Agency as “Natural Habitat Conservation Areas”.

One type of Natural Habitat Conservation Area is the “Conservation Area”. In this area, construction, modification of land, mining, reclamation, changing of the water level, tree felling and other habitat modifications are prohibited without the permission of the Director General of the Environment Agency. If it is necessary and appropriate, the Director General may designate “Protection Areas” and “Strict Protection Areas” in Conservation Areas. In a protection area, in addition to the prohibited actions listed above, introduction of alien species and the taking of any other species are also prohibited without prior permission. In a “Strict Protection Area”, the Director General prohibits entrance to the area without prior permission.

Another type of Habitat Conservation Area is a “Monitoring Area”, which functions as a buffer zone. In this area, construction, modification of land, mining, reclamation and changing of the water level are regulated. Those who intend to engage in these actions in the area must first give notice to the Director General. If the Director General finds that the action may affect the conservation of the National Endangered Species, he/she will order the party in question to take necessary and appropriate measures or to stop the action.

Before designation of the Natural Habitat Conservation Areas, the Director General must hold a public hearing.

7) Programmes for Rehabilitation of National Habitats and Maintenance of Viable Population

Since the stable survival of Endangered Species may not be achieved by the protection of each organism or its natural habitat alone, the Government may promote the rehabilitation of natural habitats and the maintenance of viable populations of National Endangered Species. The Environment Agency will establish a programme promoting the rehabilitation of natural habitats and maintenance of viable population in cooperation with other Ministries and Agencies if appropriate.

Japan International Cooperation Agency (JICA) (1999): Textbook for the Group Training Course in Nature Conservation and Natural Parks Management, FY99, "Wildlife Management"

(3) Legal Systems of Japan

3-7) Law for the Conservation of Endangered species of Wild Fauna and Flora

Extinct Species in Japan

	Scientific name	English name
Mammals	<i>Canis lupus hodophilax</i>	Japanese wolf
	<i>Canis lupus hattai</i>	Ezo wolf
	<i>Zalophus californianus japonicus</i>	Japanese sea lion
	<i>Pteropus loochoensis</i>	Okinawa flying fox (Okinawa fruit bat)
	<i>Pipistrellus sturdeeii</i>	Bonin pipistrelle
Birds	<i>Nycticorax caledonicus crassirostris</i>	Rufous night heron (Ogasawara island subspecies)
	<i>Tadorna cristata</i>	Crested shelduck
	<i>Poliolimnas cinereus brevipes</i>	White-browed crane (Iwo islands sub-species)
	<i>Columba jouyi</i>	Ryukyu wood pigeon
	<i>Columba versicolor</i>	Bonin wood pigeon
	<i>Halcyon miyakoensis</i>	Miyako kingfisher
	<i>Dryocopus javensis richardsi</i>	White-bellied black woodpecker (Far east subspecies)
	<i>Troglodytes troglodytes orii</i>	Wren (Daito island subspecies)
	<i>Turdus terrestris</i>	Bonin island thrush
	<i>Cettia diphone restrictus</i>	Borodino bush warbler (Daito islands subspecies)
	<i>Parus varius orii</i>	Varied tit (Daito islands subspecies)
	<i>Apalopteron familiare familiare</i>	Bonin islands honeyeater (Mukoshima islands subspecies)
	<i>Chaunoproctus ferreorostris</i>	Bonin islands grosbeak
Brackish-water or fresh-water fishes	<i>Oncorhynchus kawamurae</i>	
	<i>Pungitius kaibarae</i>	
Insects	<i>Ishikawatrechus intermedius</i>	
	<i>Rakantrechus elegans</i>	

<http://www.eic.or.jp/canet/cn/soc/reddata.html>