

Implementation of the Convention on Biological Diversity in Japan and Its Characteristics

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Abstract This paper analyzes Japan's implementation of the Convention on Biological Diversity (CBD) and highlights its distinctive features. Japan has established a comprehensive framework through the Basic Act on Biodiversity (2008), successive National Biodiversity Strategies, and recent measures aligned with the Kunming-Montreal Global Biodiversity Framework (GBF). Japan's approach reflects its cultural tradition of harmony with nature, emphasizing ethical responsibility and collaboration among government, businesses, and citizens. Japan's policies are characterized by the integration of international obligations with traditional ecological values.

Keywords Convention on Biological Diversity. Japan. Biodiversity Strategy. Kunming-Montreal Global Biodiversity Framework. Environmental law. Symbiosis with nature.

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1 Introduction

Princess Mononoke,¹ written and directed by Hayao Miyazaki, depicts the relationship between humanity and nature. It portrays the conflict between humans and the forest gods and animals, the destruction of the woodland, and the renewal of nature. There is no pure evil in the movie and even the humans who destroy nature receive justice, as the film illustrates the necessity for human life of clearing forests while at the same time highlighting the sadness originating from the acknowledgement that cleared areas will never return to their original state. In a radio interview, French philosopher Corine Pelluchon referred to *Princess Mononoke* and stressed the need to protect animals and nature. This idea is particularly evident in her book, *Réparons le monde* (Pelluchon 2020).

The concept of dominating nature has deep roots within European Christianity (Nakanishi, Joachim 2023, 28). Notably, as claimed by French philosopher Michel Serres in his 1990 book *Le contrat naturel* (Serres 2009), the very idea of nature as a controllable possession has spread since the modernization of Descartes. Conversely, unlike in Europe, the Japanese share no such notion. Indeed, since ancient times, they have experienced the threats as well as blessings of nature, always coexisting with natural disasters such as typhoons, floods, and earthquakes.

According to statistics from 2022, Japan's forest area is approximately 25.02 million ha, accounting for 67% of the country's total land area of 37.3 million ha, with a planted forest rate of 40% (10.09 million ha).² Compared to other nations around the world, Japan can be said to be a country blessed with forestlands. That being said, does Japan have any problems in the context of biodiversity? Yes, it most certainly does. For example, the Japanese wolf became extinct, and the Japanese crested ibis disappeared from mainland Japan in 2003 due to overhunting and habitat degradation. Although several hundred crested ibises now live on Sado Island, their presence is the result of a successful artificial breeding program using birds provided by China, followed by their reintroduction into the wild. Furthermore, the deteriorating condition of state forests has become increasingly evident, making human maintenance necessary to ensure proper tree growth.³ Furthermore, the Japanese timber industry cannot compete

1 *Princess Mononoke* (*Mononoke hime* もののけ姫) is a Japanese animated film from 1997.

2 Japanese Forestry Agency, Forest Coverage Rate and Planted Forest Rate by Prefecture (as of March 31, 2022), <https://www.rinya.maff.go.jp/j/keikaku/genkyou/r4/1.html>.

3 Japan Innovation Center of Civil Engineering, <https://www.jice.or.jp/knowledge/japan/commentary07>.

with cheap foreign imports, so forestry has ceased to be a sufficiently profitable occupation. The March 2025 Issue of the Web Magazine,⁴ published by the Ministry of Agriculture, Forestry and Fisheries, also explained that wood imports increased since 1971, causing the domestic wood self-sufficiency rate to decline until 2002. However, it also indicates that the enactment of the Forest and Forestry Basic Act in 2001 led to a greater emphasis on the multifunctional role of forests.⁵ In recent years, the wood self-sufficiency rate has been rising, supported by the expansion of plantation forest resources and improvements in processing technology within the domestic wood industry.

The purpose of this paper is to describe the national measures for the implementation of the Convention on Biological Diversity (CBD) and highlight the characteristics of biodiversity conservation in Japan. Accordingly, this paper will first describe Japan's engagement with the CBD and its Conferences of the Parties. Second, since the EU has contributed to maintaining biodiversity and adopting the Kunming-Montreal Global Biodiversity Framework, this paper will present the EU's activities in comparison with Japan's. Finally, three key characteristics of Japan's approach regarding biodiversity will be outlined: first, symbiosis with nature; second, future generations; third, involvement of businesses and individuals.

2 National Measures for the Implementation of the Convention on Biological Diversity

2.1 The Convention on Biological Diversity and Japan

Japan is a contracting party of the CBD, which was adopted at the Earth Summit in 1992. Thus, in compliance with Article 6 of the Convention, entitled 'General Measures for Conservation and Sustainable Use', Japan's First National Biodiversity Strategy was formulated in October 1995. In March 2002, a 'New National Biodiversity Strategy' was decided by the Council of Ministers concerned with global environmental conservation, which summarized the inspection work

⁴ Japanese Ministry of Agriculture, Forestry and Fisheries, https://www.maff.go.jp/j/pr/aff/2503/spe1_01.html.

⁵ *Forest and Forestry Basic Act* (1964) [*Shinrin ringyō kihonhō*, 森林・林業基本法], Act No. 161 of 1964. For the text of the Act in Japanese and the English translation, see <https://www.japaneselawtranslation.go.jp/ja/laws/view/132>. Note that, *Japanese Law Translation Site: The Japanese Laws Foreign Language Translation Database System* is a website operated by the Ministry of Justice that provides translations of Japanese laws.

of the National Biodiversity Strategy and comprehensively revised it. This new National Biodiversity Strategy identified three kinds of crises: 1) caused by human activities such as development; 2) caused by reduced interaction with nature; and 3) caused by elements introduced by humans; and drew a concept of a society coexisting with nature (*shizen kyōsei shakai* 自然共生社会). Furthermore, nature restoration was identified, together with strengthening protection and sustainable use, as three major directions for future policy initiatives. More recently, the Third National Biodiversity Strategy was set forth by the Cabinet on November 27, 2007. This Strategy addressed the effects of global warming, which at the time was becoming increasingly apparent, and also presented an image of the desirable national land from the perspective of biodiversity as a ‘100-year plan’ to restore the ecosystems that have been destroyed over the past 100 years, emphasizing the need for local and private sector participation.⁶

2.2 Basic Act on Biodiversity

The Japanese Basic Act on the Environment, often regarded as the ‘Constitution’ of Japan’s environmental law, was enacted in November 1993 following the June 1992 Rio Summit (Nakanishi 2016, 4-5).⁷ Notably, the provision has been the basis of several additional relevant acts on environmental protection, among them the Basic Act on Biodiversity,⁸ which took effect in 2008.

The Basic Act on Biodiversity consists of a preamble and 27 articles. Furthermore, the Act highlights seven main contents (Ōtsuka 2023, 374-5). First, the following recognition is made in the preamble: “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 asset of each region, also supports the diversity of unique regional culture”. Furthermore, the preamble also lays down, “We are responsible for ensuring biodiversity, which is a common property of all human

⁶ Ministry of the Environment, Cabinet Decision on the Third National Biodiversity Strategy, <https://www.env.go.jp/press/9089.html>; For the text, see <https://www.mofa.go.jp/mofaj/files/000062251.gif>.

⁷ *Basic Act on the Environment* (1993) [*Kankyō kihonhō*, 環境基本法], Act No. 91 of 1993. For the text of the Act in Japanese and the English translation, see <https://www.japaneselawtranslation.go.jp/en/laws/view/3850/je>.

⁸ *Basic Act on Biodiversity* (2008) [*Seibutsu tayōsei kihonhō*, 生物多様性基本法], Act No. 58 of 2008; unless otherwise stated, all quotations from this Act are taken from the English translation available at <https://www.japaneselawtranslation.go.jp/ja/laws/view/3892/je>.

beings, and for carrying it on to *the next generation* so that human beings can continue enjoying benefits therefrom in the future” (italics added). Second, under its Article 1, this Act aims “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” (italics added). Third, Article 3 entitled ‘Fundamental Principles’ set forth the following: “(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” (italics added) and “(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*” (italics added). In other words, Article 3 confirms the ‘principle of sustainability’ as well as the ‘precautionary principle’ (Ôtsuka 2023, 374). Fourth, pursuant to Articles 4-6, the Act regulates not only the responsibility of the State and local governments, but also that of business, citizens and private bodies. Fifth, in view of Article 10, the Government is obliged to submit to the Diet a report on the state of biodiversity and policies which the government has implemented. Sixth, the Act mandates the Government to define a “National Biodiversity Strategy”, as Article 11(1) provides that the government must set up a basic plan for the purpose of promoting policies for conservation and sustainable use of biodiversity in a comprehensive and systematic manner. Moreover, Article 12(1) of the Act stipulates that the National Biodiversity Strategy is to be formulated based on the Basic Environment Plan prescribed in Article

15(1) of the Basic Act on the Environment. Therefore, in compliance with Article 11 of the Act, the National Biodiversity Strategy has since been adopted; thus, rendering the article above the domestic provision that establishes the obligations envisaged under Article 6 of the CBD. Seventh, under Articles 14-16, the Act stipulates basic policies including conservation of regional biodiversity, conservation of diversity of wildlife species and prevention of damages by alien species.

2.3 Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety was adopted as a supplementary agreement to the CBD on 29 January 2000 and entered into force on 11 September 2003. This protocol seeks to protect biological diversity from the potential risks posed by Living Modified Organisms (LMO) resulting from modern biotechnology. Japan signed it and it has been effective since February 19, 2004. According to the explanation by the Ministry of Foreign Affairs of Japan, since then, the country has participated in various initiatives under the Protocol, taking an active role in the Sixth Meeting of the Conference of the Parties to the Protocol (COP-MOP 6), and achieving the adoption in Nagoya in 2010 of the ‘Nagoya-Kuala Lumpur Supplementary Protocol’.⁹ Furthermore, to ensure the precise and smooth implementation of the Cartagena Protocol, the Act on the Conservation and Sustainable Use of Biological Diversity through Regulations on the Use of Living Modified Organisms was enacted in 2003.¹⁰

2.4 Nagoya Protocol

In October 2010, Japan hosted the Tenth Meeting of the Conference of the Parties (COP10) of the CBD in Nagoya, in which the ‘Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity’ was adopted, aiming to establish procedures to ensure fair and equitable Access and Benefit Sharing (ABS) in using

⁹ Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/policy/environment/convention/cartagena.html>.

¹⁰ *Act on the Conservation and Sustainable Use of Biological Diversity Through Regulations on the Use of Living Modified Organisms* (2003) [*Idenshi kumikae seibutsu tō no shiyō tō no kisei niyoru seibutsu no tayōsei no kakuho nikansuru hōritsu*, 遺伝子組換え生物等の使用等の規制による生物の多様性の確保に関する法律], Act No. 97 of 2003. For the text of the Act in Japanese and the English translation, see, <https://www.japaneselawtranslation.go.jp/ja/laws/view/132>.

genetic resources. In light of this, Japan issued the ABS guidelines on May 18, 2017, as domestic ABS measures.¹¹

2.5 The Kunming-Montreal Global Biodiversity Framework

The Kunming-Montreal Global Biodiversity Framework (GBF)¹² was adopted during the Fifteenth Meeting of the Conference of the Parties (COP 15) of the CBD on December 19, 2022. It aims to halt and reverse biodiversity loss by 2030, paving the way for a ‘Nature-Positive’ world. According to this Framework, “Nature embodies different concepts for different people, including biodiversity, *ecosystems*, Mother Earth, and systems of life. Nature’s contributions to people also embody different concepts, such as ecosystem goods and services and nature’s gifts. Both nature and nature’s contributions to people are vital for human existence and good quality of life, including human well-being, *living in harmony with nature*, and living well in balance and harmony with Mother Earth” (italics added).¹³

The GBF envisions four global goals (under letters from A to D) for 2050. For instance, Goal A states that “the integrity, connectivity and resilience of all ecosystems are maintained, enhanced, or restored, substantially increasing the area of natural ecosystems by 2050”.¹⁴ It also sets 23 targets to be achieved by 2030. For example, Target 15 sets forth to “take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions: (a) Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios; [...] in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production”.¹⁵ Furthermore, it shows a vision of the world in which by living in harmony with nature: “By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem

11 Access the Japanese ABS Guidelines in English on the site of the Ministry of the Environment website at <https://www.env.go.jp/nature/biodic-abs/english.html>.

12 UNEP, CBD/COP/DEC/15/4, December 19, 2022, <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>.

13 UNEP, CBD/COP/DEC/15/4, December 19, 2022, Section C. § 7(b).

14 UNEP, CBD/COP/DEC/15/4, December 19, 2022, Section G. Goal A.

15 UNEP, CBD/COP/DEC/15/4, December 19, 2022, Conference of the Parties to the Convention on Biological Diversity, Fifteenth meeting, Section H. Target 15.

services, sustaining a healthy planet and delivering benefits essential for all people”.¹⁶ Following the GBF, all Parties committed to setting national targets to implement it.

The GBF has substantially adopted the 2030 ‘Nature-Positive’ mission, although such term does not explicitly appear in its mission statement. Therefore, following this, notable changes in Japan substantiated in the formulation of a new national strategy, the National Biodiversity Strategy 2023-2030 and the enactment of the Law on the Promotion of Activities for Enhancing Biodiversity (Oikawa 2025, 3).

2.6 National Biodiversity Strategy 2023-2030

As mentioned above, Article 11 of the Basic Act on Biodiversity requires the government to develop the National Biodiversity Strategy. As a result, the National Biodiversity Strategy 2023-2030, a new government plan document based on the GBF, serving as a roadmap to achieve the ‘2030 Nature Positive’ was approved by the Cabinet on 31 March 2023. The strategy defines ‘Nature Positive’ (*i.e.*, Nature Revitalization) as follows: “Nature Positive means halting and reversing the loss of biodiversity in order to put nature on a recovery track”.¹⁷ Furthermore, to achieve ‘Nature Positive 2030’, it specifies that “we must secure a healthy ecosystem as a foundation for human existence, maintain and restore the blessings of nature, and expand socioeconomic activities to protect and utilize natural capital, based on the concept of a regional recycling symbiosis zone that aims for integrated environmental, social, and economic improvement”.¹⁸ Oikawa identified three important aspects of setting ‘Nature Positive’ as a policy goal (Oikawa 2025, 8-9). First, a ‘statutory’ strategy was employed to express the will to change, leaving it up to each country to decide how to make ‘Nature Positive’ a national policy goal (for instance, Japan developed a national strategy based on the statutory provisions of the Basic Act on Biodiversity). Consequently, the legitimacy of the ‘Nature Positive’ concept is bolstered by its inclusion within such statutory framework. Second, the new national strategy goes a step further than the GBF by explicitly adopting the concept of ‘Nature Positive’, a term that was not originally used in

16 UNEP, CBD/COP/DEC/15/4, December 19, 2022, Conference of the Parties to the Convention on Biological Diversity, Fifteenth meeting, Section F. § 10.

17 The National Biodiversity Strategy 2023-2030, p. 25, <https://www.env.go.jp/content/000124381.pdf>. In the absence of an official translation of the Strategy drafted in Japanese only, the English translation of the cited extracts which follows has been provided by the author.

18 The National Biodiversity Strategy 2023-2030, p. 25.

the framework itself. The very choice to embrace such a simple yet foundational and memorable phrase being pivotal to ‘mainstreaming biodiversity’. Indeed, since laws and policies are ultimately words, if the phrase ‘Nature Positive’ becomes commonplace in the mass media and permeates the general public, related measures will arguably follow. Third, ‘Nature Positive’ serves as an incentive for the review and revision of existing laws.

The National Biodiversity Strategy 2023-2030 sets forth five basic strategies.¹⁹ The first is to restore ecosystem health, aiming to reach the ‘30-by-30’ target of conserving at least 30% of land and sea by 2030. In this context, conservation efforts of protected areas is promoted through Other Effective Area-based Conservation Measures (OECM). More specifically, OECM is an area that is governed and managed in a manner that continuously achieves positive long-term outcomes for the *in situ* conservation of biodiversity, together with cultural, spiritual, socio-economic, and other locally relevant values. For example, OECMs are areas such as *Satochi-Satoyama* (里地里山), corporate green spaces, and shrine and temple forests where private efforts are being made to preserve biodiversity.²⁰ These efforts will include the conservation of the entire community of organisms, including common species. The second basic strategy is solving social issues by utilizing nature. The third is realization of a ‘Nature Positive’ economy, aiming to reduce the burden of business activities on biodiversity and natural capital, as well as to increase their positive impacts by establishing an evaluation system in collaboration with the government. The fourth basic strategy is recognition of the value of biodiversity in daily life and consumption activities, and behavior change of each individual. In fact, since individuals play a critical role through consumption and use, measures should be taken to restore and strengthen the connection between lifestyle and consumption activities. Last, the fifth basic strategy pushes for developing infrastructure to support biodiversity-related initiatives and promote international collaboration.

19 The National Biodiversity Strategy 2023-2030, pp. 25-6.

20 The National Biodiversity Strategy 2023-2030, p. 10.

2.7 The Law on the Promotion of Activities for Enhancing Biodiversity

Furthermore, Act on Promoting Activities to Enhance Biodiversity through Cooperation among Regional Diverse Actors (commonly known as the Act on Promoting Activities to Enhance Biodiversity, *Chiiki seibutsu tayōsei zōshin hō* 地域生物多様性増進法) was promulgated on 19 April 2024, and came into effect on 1 April 2025.²¹ The purpose of this law is to promote biodiversity-related activities by companies and other entities in local communities with the aim of achieving ‘Nature Positive’ objectives. Namely, the law intends to encourage voluntary private-sector activities that restore or create ecosystems on abandoned land in addition to activities in areas with rich biodiversity. To this end, it establishes a system through which the government certifies outstanding private-sector activities to conserve and create biodiversity. Oikawa pointed out that in Japan, prior to the Cabinet decision on the National Biodiversity Strategy 2023-2030, a system called ‘nature symbiosis sites’ had begun to be implemented. This system certifies areas, such as company-owned forests, *Satochi-Satoyama*, and urban green spaces where biodiversity is being conserved through private-sector activities (Oikawa 2025, 5). Finally, the Act on Promoting Activities to Enhance Biodiversity supports conducts that ‘maintain’ areas already rich in biodiversity, ‘restore’ biodiversity in abandoned areas, and ‘create’ biodiversity in former development sites (Oikawa 2025, 6). Oikawa explains that the new law focuses not on places like nature symbiosis sites, but rather on activities that encourage biodiversity. The promotional activities authorized under the new law can theoretically be carried out possible anywhere within the defined space of Japan, and in a variety of ways (Oikawa 2025, 6).

21 *Act on Promoting Activities to Enhance Biodiversity Through Cooperation Among Regional Diverse Actors* (2024) [*Chiiki ni okeru tayō na shutai no renkei niyoru seibutsu no tayōsei no hozon notameno katsudō no sokushin tō nikansuru hōritsu*, 地域における多様な主体の連携による生物の多様性の保全のための活動の促進等に関する法律], Act No. 18 of 2024. For the text of the Act in Japanese only, see, <https://laws.e-gov.go.jp/law/422AC0000000072>.

3 Nature Conservation and Biodiversity Protection in the EU

Although the Christian concept of mankind dominating nature culturally originated in Europe, it does not mean that Europe has adopted a destructive and neglectful stance on nature. On the contrary, the EU has made significant efforts to conserve nature and maintain biodiversity (De Vido 2016, 115-31). The first of these steps was the adoption of the Wild Bird Conservation Directive²² of 1979 which, seeking comprehensively to protect wild birds by setting rules for their conservation, management and control, mandated EU Member States to take measures to protect, maintain or reconstruct an adequate diversity of habitats and areas for all bird species. Migratory birds, in particular, were considered to be the common heritage of the constituent countries and their effective protection deemed a transboundary environmental issue involving common and shared responsibilities. In this regard, protecting wetlands is considered of prime importance for conserving migratory birds. Thus, in view of the above, EU Member States must establish Special Protection Areas (SPAs) for the conservation of these species.

Second is the Directive on the Conservation of Natural Habitats and of Wild Animals and Plants, also known as the 'Habitats Directive', entered into force in 1992. Based on the concept that habitats and wild fauna and flora are part of the EU's natural heritage, the directive aims to contribute to biodiversity in the EU.²³ Significantly, Article 2(2) states that measures must be taken to maintain and restore natural habitats and wild fauna and flora. To this end, it covers more than 1,000 plant and animal species and 200 habitat types. Furthermore, it prompted the designation of approximately 900 Sites of Community Importance, which are currently included in the Natura 2000 network (*i.e.*, an European ecological network of special areas of Conservation designated by EU Member States under the Directive).

Third, the concept of 'Nature Positive' was already manifested in the EU's Environmental Action Plan 10 years ago. Indeed, the seventh Environmental Action Plan (EAP), released in 2013, was titled 'Living Well Within Our Planetary Boundaries', placing emphasis on the

22 OJ 1979 L103/1, Council Directive 79/409 on the conservation of wild birds; Currently, OJ 2010 L20/7, Directive 2009/147 of the European Parliament and of the Council on the conservation of wild birds.

23 OJ 1992 L 206, Council Directive 92/43 on the conservation of natural habitats and of wild fauna and flora.

terms ‘planetary boundaries’.²⁴ This notion has been expanded in the following eighth EAP in 2022,²⁵ pursuant to which, under Recital 16 and Article 2(2)(c) the idea of ‘giv(ing) back to the planet more than we take’ is recognized; providing a glimpse of the shift in consciousness from parasitism to symbiosis, as under this model, humanity would no longer be exploiting nature. The very same Recital 16 states that the EAP should accelerate the green transition, in a just and inclusive way, to a climate-neutral, sustainable, non-toxic, resource-efficient, renewable energy-based, resilient and competitive circular economy. Another noticeable feature of the eighth iteration of the plan is an explicit focus on protecting, conserving and enhancing the Union’s natural capital whilst improving the quality of life of current and especially future generations, as clarified under Recital 5. This very same concern for future generations and the idea of intergenerational responsibility are also enshrined and reiterated in Article 2(1), which requires the Union to set the pace to ensure the global prosperity of present and future generations.

Finally, the EU published the EU Biodiversity Strategy as its contribution to the international negotiations for COP 15 of the CBD, which in turn led to the aforementioned Kunming-Montreal GBF. The 2030 biodiversity strategy is an ambitious, long-term plan to protect nature and reverse ecosystem degradation; it aims to put Europe’s biodiversity on a path to recovery by 2030 and contains specific actions and commitments. Following the GBF, a new regulation, the EU Nature Restoration Law²⁶ was also adopted in June 2024, drawing the EU Biodiversity Strategy for 2030. Coherently, it integrates an overarching restoration objective for the long-term recovery of nature in the EU’s land and sea areas with binding restoration targets for specific habitats and species. Notably, under Article 1, the measures it envisages are projected to encompass at least 20% of the EU’s terrestrial and maritime territories by 2030, with the objective of encompassing all ecosystems requiring restoration by the year 2050. Interestingly, the notion of ‘ecosystem’, as defined in Article 3, suggests the potential for law to transcend the conventional anthropocentric paradigm; then again the EU environmental legal framework remains grounded in this very anthropocentric foundation.

24 OJ 2013 L 354, European Parliament and of the Council Decision 1386/2013 on a General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’.

25 OJ 2022 L 114, European Parliament and of the Council Decision 591/2022 on a General Union Environment Action Programme to 2030.

26 OJ 2024 L 1991, European Parliament and of the Council Regulation 1991/2024 on nature restoration and amending Regulation (EU) 2022/869. Rooting its legal basis within is Article 192 (1) TFEU, the Regulation was barely adopted when Austria voted in favor of it.

4 Characteristics of Japan Regarding Biodiversity

4.1 Symbiosis with Nature

The concept of ‘symbiosis with nature’ (*shizen to no kyōsei* 自然との共生) in Japan is a widely accepted idea. In contrast to the Catholic doctrine, which posits that human beings are above and should be in control of nature, the Japanese concept of nature encompasses and includes human beings (Nakanishi, Joachim 2023, 30). This notion is not exclusive to Shintoism but is also shared by Buddhism, according to which human beings are not regarded as superior to animals; rather, both possess a sense of empathy and should strive to lead ethical lives. Indeed, in the Buddhist worldview, the concept of interdependence and interconnectedness is a fundamental principle, and asserts that all living beings – including human, animals, and plants – are in a state of mutual dependence and interconnection. This philosophy is thus guided by a set of precepts that govern the relationship between humans and the natural world. From a legal standpoint, the concept of ‘symbiosis with nature’ can be found in the Japanese Act on Welfare and Management of Animals (Nakanishi 2025, 239-40).²⁷ Specifically, within the statement of the purpose of the provision described under Article 1, it explicitly address the need to foster symbiosis between humans and animals, thereby promoting a harmonious relationship between the two. Article 2, entitled ‘Fundamental Principle’ further stresses this notion laying down, “in light of the fact that animals are living beings, no person must kill, injure, or inflict cruelty on animals without due cause, and every person must treat animals properly by taking into account their natural habits and giving consideration to the *symbiosis between humans and animals*” (italics added). Furthermore, since the Japanese have been confronted with natural disasters such as typhoons, earthquakes, and floods, people have always held a sense of awe toward nature, rather than the idea of dominating it. This has been highlighted also within Japan’s National Strategy 2023-2030, which stated that in light of the Great East Japan Earthquake, it is important to recognize the relationship between people and nature in terms of both blessings and threats, and to engage in continuous recovery efforts by making the most of nature in the region.²⁸

²⁷ *Act on Welfare and Management of Animals* (1973) [*Dōbutsu no aigo oyobi kanri ni kansuru hōritsu*, 動物の愛護及び管理に関する法律], Act No. 105/1973. For the text of the Act in Japanese and the English translation, see, <https://www.japaneselawtranslation.go.jp/ja/laws/view/3798>.

²⁸ The National Biodiversity Strategy 2023-2030, p. 21.

On the same vein, GBF also states that “both nature and nature’s contributions to people are vital for human existence and good quality of life, including human well-being, *living in harmony with nature*, and living well in balance and harmony with Mother Earth” (italics added).²⁹ It is noteworthy that the term ‘living in harmony with nature’ is used. In the area of biodiversity as well, based on the GBF, which represents a global objective, Japan is required to set a new target by 2030 to achieve a ‘society in harmony with nature’ in 2050.³⁰ The National Biodiversity Strategy 2023-2030 reports that the Biodiversity Strategy 2012-2020 was formulated as a roadmap for Japan to achieve the Aichi Targets and demonstrate the path toward a nature-symbiosis society.³¹ This strategy includes the concept of ‘nature symbiosis zones’, in which rural areas supply the bounty of nature and cities receive its benefits, and the two support each other, while also stating that Japan should further develop this concept. Moreover, it contains a section entitled ‘Theory of a Society in Harmony with Nature Concept’³² which indicates that, to build a sustainable society, we must choose actions based on the laws of nature, such as symbiosis and cycles; as doing so would allow nature to remain stable and flexible to change for the continuous and future benefit of humankind. Within this framework, the need to view natural capital as an asset to be passed on to future generations, to properly recognize its value, and to transform our society into one that protects and sustainably uses natural capital has been further emphasized. Notably, Section 2, entitled ‘Vision of a Nature-Symbiotic Society (Vision 2050 as a Long-Term Goal)’, explains that the goal is to realize “a society living in harmony with nature, valuing, conserving, restoring, and using biodiversity wisely; maintaining ecosystem services; sustaining a healthy planet; and providing essential benefits to all people by 2050”.³³

29 UNEP, CBD/COP/DEC/15/4, December 19, 2022, Conference of the Parties to the Convention on Biological Diversity, Fifteenth meeting, Part II, 15/4, Section C. § 7(b).

30 The National Biodiversity Strategy 2023-2030, p. 3.

31 The National Biodiversity Strategy 2023-2030, p. 3.

32 The National Biodiversity Strategy 2023-2030, p. 23.

33 The National Biodiversity Strategy 2023-2030, p. 23.

4.2 Consideration for Future Generations

The Japanese Constitution (*Nihonkoku kenpō* 日本国憲法), drafted under the direction of Douglas MacArthur, was promulgated in 1946 and took effect on May 3, 1947, following World War II. Even though the Japanese Constitution has never been amended, the rights of future generations are from its very first conceptualization nonetheless explicitly stipulated therein; feature that renders the Japanese Supreme Charter particularly notable among its peers (Nakanishi 2023a, 241, 259-60). Specifically, Articles 11 and 97 of the Japanese Constitution envisage the fundamental human rights of not only the present but also future generations of citizens (Hatajiri 2021, 107-8). The very same notion of ‘future generations’ explicitly remerged within the Japanese statutory framework on environmental protection (Kurokawa 2012, 165), and more precisely under Article 1 of the Basic Act on the Environment, as mentioned regarded as the ‘Constitution’ of Japan’s environmental law. Notably, such provision stipulates that the purpose of the law is to contribute to ensuring healthy and cultured lives for present and *future generations of citizens*, and to contribute to the welfare of mankind. This idea is also reinforced in the preamble of the Basic Act on Biodiversity, which in turn states we have a responsibility to secure biological diversity, as the common property of mankind, and to pass it on to *the next generation* so that they may enjoy its blessings in the future. Again, the Act on Promoting Activities to Enhance Biodiversity also refers to the relationship between future generations as well as the present generation under its Articles 1 and 3, the latter of which states, “The promotion of biological diversity shall be carried out in close coordination with the national government, local governments, business operators, citizens, and private organizations organized by them, based on the fact that securing rich biological diversity is the foundation for the survival of humankind, in order to achieve a society in harmony with nature, where the conservation of biological diversity and other natural environments is compatible with sustainable economic and social development, and *the present and future citizens can enjoy the benefits of rich biological diversity*” (italics added).

Lastly, the National Biodiversity Strategy also refers to ‘future generations’ as: “It is our responsibility to protect the habitats and habitats of diverse organisms in Japan and pass them on to future generations”.³⁴ Moreover it reiterates the aforementioned notion also in stating its objective of fostering “a society in which the blessings of nature produced by diverse and healthy ecosystems, as well as culture and lifestyles-including knowledge and skills to draw various

34 The National Biodiversity Strategy 2023-2030, p. 2.

blessings from the relationship with nature, are passed on to the next generation, and local communities are revitalized.”³⁵

4.3 Involvement of Businesses and Individuals

Both business and individuals are subject to the Japanese environmental framework, as the responsibility envisaged by its relevant provisions encompasses not only the government, but also business operators and the very citizens (Nakanishi 2023a, 260). According to Article 1 of the Basic Environment Act, such law establishes principles for the preservation of the environment and clarifies the responsibilities of the national government, local governments, business operators and citizens. Similarly, The Basic Act on Biodiversity also establishes basic principles for the conservation and sustainable use of biological diversity, and clarifies the responsibilities of the national government, local governments, business operators, citizens, and private organizations. For instance under its Article 6, entitled ‘Responsibility of Businesses’, it mandates that, “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”. Furthermore, under the same Act’s Article 7, entitled ‘Responsibility of Citizens and Private Bodies’, it stipulates that citizens 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, and furthermore, should make voluntary efforts for conservation and sustainable use of biodiversity. Moreover, Article 3 of the Act on Promoting Activities to Enhance Biodiversity stipulates that the activities shall be carried out under close cooperation among the national government, local governments, business operators, citizens, and private organizations organized by them. For the sake of completeness, complementing the provisions above Articles 6 and 7 of the Act on Promoting Activities to Enhance Biodiversity also refer to efforts by businesses and individuals.

In addition to this, individual responsibility and initiatives (and their pivotal role) have been further highlighted outside positive sources. Notably, the mentioned National Biodiversity Strategy 2023-2030 acknowledges that its ambitions cannot be achieved

35 The National Biodiversity Strategy 2023-2030, p. 23.

by governmental efforts alone, and therefore individuals ought to collaborate to achieve the 2030 ‘Nature Positive’ objectives.³⁶ Furthermore, it recognizes the value of biodiversity in daily life and consumption activities, action as well as the necessity of behavior change on an individual level.³⁷

In view of this, Japan Business Federation (Keidanren 経団連), has voluntarily contributed to the development of due diligence practices (Nakanishi 2023b, 300-7), by working for example on the Keidanren Declaration on Biodiversity and Action Guidelines-Toward Nature Positive 2030.³⁸ The document, introduced on March 17, 2009, and revised on October 16, 2018, and again on December 12, 2023, addresses the role of businesses and states that “as companies, our role in building a society in harmony with nature will be to provide goods and services and conduct R&D that steadily reduce negative impacts on natural capital including biodiversity and ecosystems inside and outside Japan, and instead contribute to increasing positive impacts. In addition, we will take action to conserve and restore natural capital including biodiversity and ecosystems not only within our group companies, but also throughout our supply chains”. Interestingly, as of August 29, 2025, 375 companies and private organizations have endorsed the Keidanren Declaration for Biodiversity and its Guidelines, and have applied to use the logo mark to demonstrate their commitment to future-oriented biodiversity conservation efforts;³⁹ Ricoh Company, which engages in product procurement and forest conservation, is a notable example.⁴⁰

5 Concluding Remarks

As it modernizes, Japan has adopted Western legal culture and has also kept pace with the international community in environmental protection, developing its own laws. Regarding the topic of biodiversity protection, which is the focus of this paper, Japan has enacted relevant laws to implement its obligations. As mentioned above, the GBF is based on the concept of ‘Nature Positive’. Based on this protocol, the National Biodiversity Strategy 2023-2030 was approved by the Cabinet and the Law on Promoting Activities to Enhance Biodiversity

36 The National Biodiversity Strategy 2023-2030, pp. 3-4.

37 The National Biodiversity Strategy 2023-2030, p. 22.

38 Keidanren, https://www.keidanren.or.jp/en/policy/2023/082_proposal.html.

39 Keidanren Initiative for Biodiversity Conservation, https://www.keidanren-biodiversity.jp/logo_en.php.

40 Ricoh Company, <https://www.ricoh.com/sustainability/environment/biodiversity>.

was enacted. The National Biodiversity Strategy further explicitly enshrines the concept of ‘Nature Positive’, which was not expressly mentioned in the GBF, and put symbiosis with nature at the forefront of its policy goals. Additionally, Japan’s approach encompasses corporate consideration for future generations, and responsibility of companies, and individuals. In particular, the aforementioned Law on the Promotion of Activities for Enhancing Biodiversity following through the framework of Japan’s Basic Environmental Act, includes consideration of future generations and defines the role of corporations and individuals. That being said, although the law is intended to protect nature and biodiversity based on Japanese values, its effectiveness remains to this day unclear since it does not impose strict obligations but rather leaves it up to companies and individuals to take their own voluntary initiatives.

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