The Implementation of the Convention on Biological Diversity in Japan and China: A Comparative Analysis

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Abstract

The Convention on Biological Diversity (CBD) is dedicated to promoting sustainable development through implementing the principles of Agenda 21. However, even as we attempt to conserve our natural resources and biological diversity, the natural world is in crisis. Because wildlife is so diverse and such creatures are constantly on the move, if we are to preserve them we must cooperate on a broader scale.

Japan and China ratified the Convention in 1993. I examined and summarized each country's localization process for the CBD through a series of analyses of certain aspects of Japanese and Chinese society: legislation for conserving biological diversity, legal systems, environmental education, and environmental business (including Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, known as the Nagoya Protocol). I also considered how these various sectors interact in the development of biodiversity law and policy.

Although differences exist in the two countries' legal systems, lawsuits, social culture, etc., it is evident that the CBD is being implemented domestically in both China and Japan. I am confident that these differences will not hinder cooperation between China and Japan; therefore, it is possible to advance the argument for broader East-Asia-area cooperation in international environmental circles.

1. Introduction

Although Japan is a small island country of about 378 thousand km^2, it is considered to have a particularly rich biota (United Nations CBD Secretariat, "Country Profiles: Japan"). Excessive human activity (over-use) and neglect of the environment (nonperformance for requiring cares by people: under-use) are having deleterious effects on precious natural resources in Japan recently. The People's Republic of China (PRC) is one of a few "mega-

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biodiversity" countries where over 20 percent of its total land area is covered by forest that harbors various forms of wildlife (United Nations CBD Secretariat, "Country Profiles: China"). The main threats are accelerated urbanization and industrialization. Although both countries have abundant natural resources and biodiversity, their biological diversity has been threatened.

Japan and China are situated next to each other across the Sea of Japan. Both countries have recent histories of being antagonists during war (e.g., the Japan-China War and the Second World War), but they also share a history of exchange and intermingling in terms of politics, economics, and culture. In 1978, both countries signed the Japan-China Peace and Friendship Treaty. Therefore, the basic diplomatic relationship between Japan and China has been formed politically, economically, and culturally.

Because of this shared history, I think Japan and China need to cooperate with each other in the objective of conserving biological diversity. One of the main reasons for this is that there are complex connections between the two countries' ecosystems. Consider the conservation of migratory birds, for example: Though we protect migratory birds here in Japan, this is not enough. Migratory birds move through many countries, and it is not possible to draw borders across the ecosystem. If we would like to preserve the sustainable existence of migratory birds, we must cooperate with many neighboring countries on migratory bird habitats.

There are many differences between Japan and China when it comes to political systems, economic mechanisms, legal models, etc. I hope I will be able to clarify both countries' localized approaches to the Convention on Biological Diversity (CBD) in order to understand how they cooperate with each other.

In this short paper I will therefore examine and summarize the localization process of the CBD in each country using analyses of the following aspects of Japanese and Chinese society: (1) legislation for conserving biological diversity; (2) legal systems; (3) environmental education about biological diversity; and (4) environmental business (including Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, i.e., the Nagoya Protocol). The term "localization" in this paper refers to the domestic process and legal policy measures/methods of implementing and enforcing international Norm CBD and "biodiversity protections" in each country. I will also consider the interaction of these various sectors in the development of biodiversity law and policy, and argue for the potential for constructing a broader East Asia cooperation area (similar to the Natura 2000 program in the EU) in international environmental circles. Some of the analyses related to Japan are drawn from my previous work (Kohyama et al., 2015, 29–56).

2. CBD Legislation

(1) Japan's CBD Legislation

(i) Japan's Ratification of the CBD

The environmental degradation and destruction that has occurred in Japan has also taken place in other countries. Starting in the 1960s, and gathering momentum in the 1970s, the issue of environmental destruction and concern over the local, national, and global effects of environmental destruction became a global issue. This activity was furthered on an international level by various initiatives undertaken by the United Nations (UN).

A significant addition to these international efforts was the CBD, which was presented at the 1992 Rio Earth Summit. The CBD was the first global agreement to advocate both the conservation and sustainable use of biodiversity and the sustainable use of biological resources, as well as seeking to achieve a fair and equitable sharing of benefits arising from the use of genetic resources.[1] Parties to the CBD committed to pursuing these objectives in accordance with the Convention's operative provisions,[2] and to developing national strategies, plans, and programs that reflect these provisions.[3]

Japan signed the CBD in 1992 and ratified it in 1993 (Ministry of Foreign Affairs of Japan, "The Convention on Biological Diversity (CBD)"). Prior to the CBD, serious concerns had been raised about the accelerating extinction of wildlife species, the reduction and destruction of wildlife habitats, and the deterioration of the biological ecosystems. Against this backdrop, the Japanese government signed the Convention on Wetlands of International Importance (Ramsar Convention) (1971) (Ibid., "The Ramsar Convention"), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973) (Ibid., 2016), two international treaties designed to conserve and provide for the sustainable use of wetlands. However, these more particular conventions failed to provide a holistic framework to preserve biodiversity. As such, in order to create a truly international framework, the United Nations Environment Programme (UNEP) established an expert group that sought to develop a general framework and accompanying institutions in 1987. After 1990, the work of these expert groups was complemented by further intergovernmental treaty negotiations.

(ii) The Basic Act on Biodiversity (BAB) and Japan's Hosting of the COP10

Despite the relatively quick ratification process of the CBD in Japan and efforts to include consideration for biological diversity in domestic legislation, it has taken some time to implement biodiversity legislation that reflects the obligations imposed by the Convention.

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1 The Convention on Biological Diversity, Article 1.
2 Ibid
3 Ibid., Article 6(a).

Not until 2008 were the main provisions of the CBD formally implemented in Japanese legislation. Under increasing pressure from environmental NGOs such as WWF Japan (the Japanese branch of the World Wide Fund for Nature) and the Japan Committee of IUCN (the International Union for Conservation of Nature) (Kusakari, 2009, 162–163), the Japanese Government established the Basic Act on Biodiversity [4] (Act No. 58) in 2008. An additional impact on this legislative process was the Tenth CBD Conference of the Parties (COP10) held in Japan in 2010 (Kusakari, 2009, 159).

(iii) The Philosophy of Norm Localization and the National Biological Diversity Strategy

Japan has expanded its natural environmental policy purview from "precious natural protection" (Nature Protection) to "interaction with familiar nature" (Biodiversity Conservation and the Satoyama Initiative).[5] Japan had traditionally been passive in terms of environmental initiative, often simply incorporating overseas policy and law when the need arose. However, this passive stance changed rather dramatically with the introduction of the CBD and the biodiversity initiative.

A major trigger in this process was the hosting of the COP10 in Japan. In 2007 the Japanese government felt that the publicity and media exposure brought by the COP10 would provide political and policy impetus for the "21st Century Environment National Strategy" (Ministry of the Environment of Japan, 2007). This national strategy identified three main environmental challenges: "The Threat of Climate Change," "Threats Resulting from Unsustainable Use of Resources," and "Threats to Ecosystems." These environmental challenges were to be addressed in light of more general normative goals that were seen as desirable for the Japanese people and global standards of living: "A Low-Carbon Society," "A Society in Harmony with Nature," and "A Sound Material-Cycle Society."

The second of these challenges, which focuses on the conservation of biodiversity configured as the theme of this paper, held up the Satoyama Initiative as a model of development and conservation for other countries to pursue in order to build a society that is in harmony with nature. The Initiative aims to conserve ecosystems to create a social and ecological framework that enriches the biodiversity of the common places that are not famous scenic spots, etc., through the traditional and sustainable use of natural resources. It focuses on preserving biodiversity and encourages conducting socioeconomic activities in

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4 Unless otherwise noted, all translations of the titles of Japanese and Chinese laws are the official translations published by the government.

5 *Satoyama* is often called *Satochi-Satoyama,* and envisions that biodiversity can be maintained, for instance, in a countryside where natural woodland coexists with a nearby populated area. It envisions a harmonious coexistence between nature and human beings.
The Satoyama Initiative was approved by the Cabinet as a part of the "Twenty-first Century Environment Nation Strategy" in June 2007.

harmony with nature by recommending that agricultural, forestry, and fishery operations follow natural cycles. It also creates various opportunities and venues for individuals to experience and enjoy the natural environment. The environment is conceived of as forming the basis of human existence, and the Initiative is understood as developing a "society in harmony with nature" so that humans can enjoy the benefits of nature for generations to come.

Following this national strategy, the second challenge, "A Society in Harmony with Nature," was proposed (Takeuchi & Watanabe, 2014, i) and sought to promote humanity's harmonious coexistence with nature. Japan is now engaged in its Fifth National Biodiversity Strategy, the National Biodiversity Strategy of Japan 2012–2020 (MOE Japan, 2012), which was passed by the Cabinet on September 28, 2012 (Ministry of Foreign Affairs of Japan, 2012). This strategy, based on the BAB, sets national targets in line with the Aichi Biodiversity Targets, which constitute a part of the X/2.Strategic Plan for Biodiversity 2011–2020 adopted at the COP10 to the CBD as a new set of global targets for 2011 onward.

(iv) The "Environmentalization" of Laws related to Biological Diversity

Over the last decade, there has been a more general "environmentalization" of the laws and policies that may affect biodiversity.[6] Environmentalization (Oikawa, 2010, 60–70) means that laws whose main purpose is promoting development and industrial upgrading should include environmental considerations and biodiversity conservation. In other words, such laws have recently begun to combine the elements of environmentally friendly or (as suggested by Kitamura) "greening" methods (Kitamura, 2017, 24).

There are two patterns of environmentalization processes (Figure 1). Pattern 1 presents cases where large-scale revisions that take environmental considerations into account are made to existing laws.[7] This is the process that was used when the Agricultural Basic Act (Act No. 127 of 1961) was significantly revised into the Food, Agriculture, and Rural Areas Basic Act (Act No. 106 of 1999). In terms of policy issues, "conservation of the natural environment" and the promotion system of multiple functions of farmland

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6 According to Professor Hiroki Oikawa of Yokohama National University, Japan, "after the CBD was adopted in 1992, and especially after the first National Biodiversity Strategy of Japan was decided in October 1995, we often confirm that the 'environmentalization' of laws means that they are related to biodiversity and ecosystem friendly" (Oikawa, 2010, 63).

7 Pattern 1 includes the River Act, revised in 1997 (Act No.167 of 1964); the Seacoast Law, revised in 1999 (Law No.101 of 1956); the Forest and Forestry Basic Act, significantly revised in 2001 (Act No.161 of 1964); the Land Improvement Act, revised in 2001 (Act No.195 of 1949); the Natural Park Act, revised in 2002 (Act No. 161 of 1957); the Wildlife Protection and Hunting Management Law, revised in 2002 (Law No. 88 of 2002); the Forest Act, revised in 2004 (Act No.249 of 1951); the Law for the Protection of Cultural Properties, revised in 2004 (Law No.214 of 1950); the Natural Park Act, revised in 2009 (Act No.161 of 1957); the Nature Conservation Act, revised in 2009 (Law No.85 of 1972); the Act on the Conservation of Endangered Species of Wild Fauna and Flora (ACES), revised in 2013 (Act No.75 of 1992); etc. (Kohyama et al., 2015, 44–46).

were added (Article 3). Pattern 2 comprises cases where new laws designed to be more environmentally friendly are enacted,[8] such as the Invasive Alien Species Act (Act No.78 of 2004).

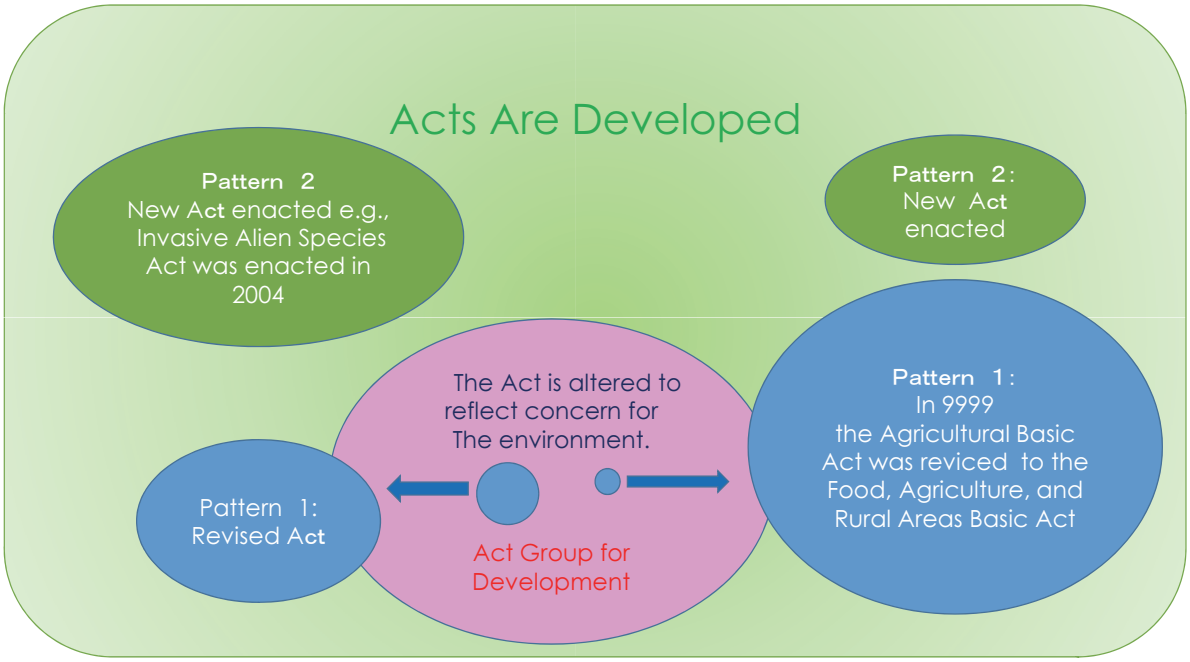

Figure 1. The Environmentalization of Laws Related to Biological Diversity

(v) The Socialization Process in Local Governments (Municipalities) and Social Sectors

The Japanese government is seemingly trying to establish the country as a "model state" in terms of preserving biological diversity in the international community. As such, it has continued to implement the objectives and legislative framework set forth in the BAB as a means of enhancing its leadership under the CBD. This regional aspect of the BAB is evident in Article 4, which outlines each state's individual responsibility to protect biodiversity but recognizes that the efforts have broader regional, domestic, and international implications. The Act on the Promotion of Activities for Biodiversity Conservation through Cooperation among Regional Diversified Actors (also known as the Act on the Promotion of Regional Cooperation for Biodiversity) enacted in 2010 (Act No.72 of 2010) was designed to ensure that the BAB is concretely implemented (see Figure 2). These efforts were given even

8 Pattern 2 includes the Fisheries Basic Act enacted in 2001 (Act No.89 of 2001), the Law for the Promotion of Nature Restoration enacted in 2002 (Law No.148 of 2002), the Act on the Promotion of Environmental Conservation Activities through Environmental Education, etc. (Environmental Education Promotion Act) enacted in 2003 (Act. No.130 of 2003), the Landscape Act enacted in 2004 (Act No.110 of 2004), the Act on the Promotion of Activities for Biodiversity Conservation through the Cooperation among Regional Diversified Actors (Act on Promotion of Regional Cooperation for Biodiversity) enacted in 2010 (Act No.72 of 2010), etc. (Kohyama et al., 2015, 44–46).

more urgency by the need to reconstruct the ecosystems affected by the 2011 Great Eastern Japan Earthquake.[9] The objective has been a more comprehensive environmentalization of the policy process, where biodiversity consciousness is embedded within the process in a manner that necessarily engages various interested parties without always resorting the less flexible formal or top-down regulatory processes.

Figure 2. The Mechanism for Collaboration in the BAB and the Act on the Promotion of Regional Cooperation for Biological Diversity

(vi) The Nagoya Protocol and ABS[10]

The Nagoya Protocol was adopted at the COP10. The purpose of the Protocol is to provide a fair and equitable sharing of the benefits derived from the use of "genetic resources"—Article 2 of the CBD stipulates that "genetic resources" means genetic material of actual or potential value—through the appropriate access to genetic resources, the transfer of related technologies, the provision of funds for the conservation of biological diversity, and the sustainable use of the Nagoya Protocol's constituent parts. Because Japan has faced opposition from the industry (particularly regarding pharmaceutical plants and seedlings) and from some academic circles, and because domestic legislation has not been completed, it took a long time to ratify the Protocol. The Japanese government made a Cabinet decision to ratify the Protocol in May 2017 and submitted a ratification document to the United Nations

9 The official translation of the name given to the 2011 Japanese earthquake, known in Japanese as *Higashi Nihon Dai-shinsai.*

10 Article 15 of the CBD and the Nagoya Protocol prescribe ABS (Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization).

Headquarters. In August 2017, it became the 99th contracting party / region.

Among the various measures included in the Nagoya Protocol, Japan's domestic measures concerning the use of genetic resources (ABS) are as follows.

First of all, Japan is an importer of genetic resources. Therefore, in May 2017, the Ministry of Finance, the Ministry of Education, Culture, Sports, Science, and Technology, the Ministry of Health, Labor, and Welfare, the Ministry of Agriculture, Forestry, and Fisheries, the Ministry of Economy, Trade, and Industry, and the Ministry of the Environment jointly issued the so-called "ABS Guidelines: The Guidelines for Fair and Equitable Sharing of Benefits Arising from Opportunities to Acquire Genetic Resources and their Use" (Ministry of Finance et al., 2017). As this is a set of guidelines (a technical suggestion of the government) rather than law, the business sector will carry out the procedure concerning ABS relying on advice and guidance that lacks legal grounds.

Secondly, the ABS guidelines issued by the Japanese government are not enforceable., The Japanese government is instead presenting good examples and informing business operators of procedural information that must be accounted for in importing genetic resources from each country. As represented by the ABS guidelines, the Japanese government is working to prevent Japanese companies from engaging in illegal activities unintentionally. The method is not based on the regulatory authority, but presents good examples and recommends awareness and promotion by through information provision.

(vii) Features of Japan's Legal Policy on Biodiversity

I have three observations about Japan's CBD legislation. First, the establishment of basic laws to conserve biological diversity, referred to as the BAB, has proven to be a significant contribution. The success of COP 10, which won the invitation by advertising the enactment of the BAB to other countries, has also promoted the growing appreciation for biological diversity conservation in Japan.

Second, the Japanese government is trying to implement CBD domestically by environmentalizing laws for the conservation of biological diversity (including species, genetic, and ecosystem components).

Third, regarding the promotion of conservation of biodiversity under the BAB, although it is not a regulatory method, collaboration and cooperation (including promotion and recommendation) are its central execution methods.

Forth, as represented by the ABS guidelines, the Japanese government does not act as a regulatory authority, but presents good examples and recommends awareness and promotion through providing information.

(2) China's CBD Legislation

(i) China's Ratification of the CBD

China committed to the CBD early on: It was one of the first states and the first

member of the UN Security Council to ratify the Convention. China also signed "the Cartagena Protocol on Biosafety in 2000" as a party to these two multilateral environmental legal agreements, and has adopted a number of positive compliance measures, making positive progress in biodiversity conservation. In addition, China ratified and accepted the Nagoya Protocol in 2016 (United Nations CBD Secretariat, ""Parties to the Nagoya Protocol").

(ii) No Single Statute, but a Group of Laws (Acts and Regulations) Loosely Related to Biological Diversity Conservation

There is no basic or fundamental law on biodiversity in China as there is in Japanese law; instead, there is a set of loosely related laws, statutes, rules, and normative documents concerning natural resources. Most of China's biological diversity conservation legislation is presented in the form of rules and normative documents, especially notices issued from the central national mechanism, such as those published by politicians' aides.

The laws concerning biological diversity include not only those related to protecting wildlife species but also those designed to preserve wildlife habitats (e.g., pollution prevention, ecosystem conservation, and conservation of natural resources (natural capital)). These laws include (Wenxuan, 2015, 242–243):

the PRC Environmental Protection Law (1989, revised in 2014)
the PRC Forest Law (1984, revised in 1998)
the PRC Marine Environmental Protection Law (1982, revised in 1999)
the PRC Agriculture Law (1993, revised in 2013)
the PRC Water Law (1988, revised in 2002)
the PRC Land Management Law (2004)
the PRC Wild Animal Protection Law (1988, revised in 2004)
the PRC Fisheries Law (1986, revised in 2000 and 2004)
the PRC Seed Law (2004, revised in 2013)
the PRC Patent Law (2000)
the PRC Law on Prevention and Control of Desertification (2001)
the PRC Animal Epidemic Prevention Law (2007)
the PRC Grassland Law (1985, revised in 2002)
the Law on the Entry and Exit Animal and Plant Quarantine (revised 2009)
the PRC Soil and Water Conservation Law (1991, revised in 2010)

Biological diversity-related regulations include (Wenxuan, 2015, 243):

Regulations on Nature Reserves (1994)
Regulations on Aquatic Resources Reproduction Protection (1979)
Administrative Regulations on Wild Medical Materials Resources (1987)
Implementing Regulations of Fisheries Law (1987)
Regulations on Prevention and Control of Forest Diseases and Insect Pests (1989)
Regulations on City Greening (1992)
Regulations on the Protection of Terrestrial Wild Animals (1992)
Regulations on the Protection of Aquatic Wild Animals (1993)
Regulations on the Implementation of Water and Soil Conservation Law (1993)
Regulations on the Protection of Traditional Chinese Medicine Varieties (1992)
Administrative Regulations on Breeding Stock and Poultry (1994)
Regulations on Wild Plant Protection (1996)
Regulations on the Implementation of Law on Entry and Exit Animal and Plant Quarantine (1996)
Regulations on New Plant Species Conservation (1997, revised in 2013)
Regulations on Basic Farmland Protection (1998)
Regulations on the Implementation of Forest Law (2000)
Administrative Regulations on Agricultural GMOs Biosafety (2001)
Regulations on the Implementation of Patent Law (2010)

Of these laws and regulations, three in particular (the PRC Wild Animal Protection Law 1988, revised in 2004; Regulations on Nature Reserves 1994; and the Regulation on Wild Plant Protection 1996) are driving the biological diversity conservation administration to implement the BAB.

(iii) Normative Documents

I will now outline the current plan for China's conservation of biological diversity. This plan is an administrative and executory as well as a normative document, and it is still in development. It is called the "China Biodiversity Conservation Strategy and Action Plan (2011–2030)" (PRC-MOE, 2010). Because it is so broad a plan, the fields and projects that China is prioritizing are listed in order below. It can be seen that China is implementing various approaches.

The Priority Fields include:

1	Improving the policy and legal system for the conservation and sustainable use of biological diversity.
2	Integrating biological diversity conservation into sectoral and regional planning to promote sustainable use.
3	Conducting a biodiversity survey, assessment, and monitoring.
4	Strengthening in situ conservation of biological diversity.
5	Promoting scientific research to carry out biological diversity conservation.
6	Promoting the rational use and benefit-sharing of biological genetic resources and associated traditional knowledge.
7	Strengthening the management of invasive alien species and genetically modified organisms.
8	Improving resilience to climate change.
9	Strengthening scientific research and personnel training in the field of biological diversity.
10	Establishing public participation mechanisms and partnerships for biological diversity conservation.

Priority Field 1 consists of the following three Actions: Action 1 – Develop policies to promote biological diversity conservation and sustainable use; Action 2 – Improve the legal system for the conservation and sustainable use of biological diversity; and Action 3 – Establish and improve biological diversity conservation and management institutions to improve cross-sectoral coordination mechanisms.

The Priority Projects include:

Project 1	Establishing biological diversity protection and encouragement measures for sustainable use.
Project 2	Establishing impact assessment guidelines for large construction projects on biological diversity.
Project 3	Revising and improving legal regulations related to biological diversity protection.
Project 4	Accessing biological genetic resources and establishing a profit-distribution system.
Project 5	Creating a biological diversity protection plan and model projects for land use.
Project 6	Creating a biological diversity conservation and utilization plan and model project in the urban rural construction field.

Project 7	Incorporating biodiversity conservation into economic and social development planning model projects.
Project 8	Conducting priority area surveys and cataloging biological diversity.
Project 9	Surveying and cataloging aquatic organism resources in major rivers and lakes.
Project 10	Surveying and cataloging biological resources to conserve them "ex situ" (according to Article 2 of the CBD, "Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats) at city zoos (wild zoos), aquariums, botanical gardens (arboretums), etc.
Project 11	Investigating and cataloging the traditional knowledge of ethnic minorities.
Project 12	Building a biodiversity monitoring network and model project.
Project 13	Constructing monitoring and warning systems at agricultural wild plant protection points.
Project 14	Constructing a model for wetland protection and recovery and a monitoring system for important wetlands.
Project 15	Evaluating the influence of the sources of infectious diseases and animal epidemics and the impact of such epidemics on biological diversity.
Project 16	Constructing a national biological diversity division management system.
Project 17	Maintaining and managing a cross-border wildlife nature reserves model.
Project 18	Undertaking typical ecological protection and ecological restoration projects in coastal regions and other areas near water.
Project 19	Undertaking a nature reserve maintenance management project.
Project 20	Undertaking a mangrove ecosystem restoration project.
Project 21	Implementing an ecosystem consideration recovery model project in a typical coal mining district.
Project 22	Improving the ecological protection zones of typical desert ecosystems and undertaking an ecological restoration project.
Project 23	Developing a model project in the community around nature reserves.
Project 24	Using an alternative livelihood model (for agricultural pasture) in the fragile northwest ecological area as a business model.
Project 25	Constructing a system for ex situ conservation of species habitats and resources.
Project 26	Collecting and preserving germplasm resources for agricultural crops.
Project 27	Rescuing endangered wildlife species.
Project 28	Rescuing and preserving the habitats of endangered wild plant species.

Project 29	Appraising, evaluating, developing, and utilizing the genetic resources of livestock and poultry.
Project 30	Appraising, evaluating, developing, and utilizing crop germplasm resources.
Project 31	Introducing and acclimatizing rare wild medicinal species of endangered species and developing substitutes.
Project 32	Maintaining biological species resource identification technology systems and platforms.
Project 33	Constructing an immigration control system for species resources.
Project 34	Monitoring foreign invasive species and constructing forecasting and emergency systems.
Project 35	Monitoring and managing the influence of genetically modified pest-resistant cotton on biological diversity.
Project 36	Monitoring and managing the impact of genetically modified timber on biological diversity.
Project 37	Evaluating and taking measures for the impact of climate change on biodiversity.
Project 38	Undertaking a public relations project on biological diversity protection.
Project 39	Establishing a mechanism and model to allow private organizations to participate in protecting biological diversity.

Projects 1 to 3 exemplify the necessity of legal policies to protect biological diversity, and Project 5 exemplifies protection plan and model projects. The strange thing is that Project 4 involves handling ABS (biological genetic resources). In Project 4, the securing of profits by ABS relates to Project 7, which also covers economic development. This demonstrates that China considers CBD and biological diversity protection as a factor directly linked to economic profits.

(iv) China's Performance Status

China has, for the most part, achieved and continues to implement Projects 1–6 domestically and has presented some success examples on the following subjects (funds and technology transfers).

China's compliance actions include the following (World Environment, 2015, 60–61):

1) Establishing a coordination mechanism for biodiversity conservation and a national committee on biodiversity conservation in China, consisting of 25 departments;

2) Issuing more than 50 relevant laws and regulations and plans, and beginning the establishment of a biodiversity conservation regulatory system;

3) Making significant achievements in on-site and ex situ conservation of biological diversity. As of the end of 2014, China had established 2,729 nature reserves, of which 428 were national nature reserves. The total area of the nature reserves is 1.47 million km^2,

accounting for 14.84 percent of China's land area, exceeding the average of 12.7 percent around the world;

4) Emphasizing the importance of the construction, protection, and restoration of ecosystems, organizing a number of national and regional surveys, and monitoring important species resources;

5) Organizing a series of publicity and educational activities to raise awareness of public biodiversity conservation and participation; and

6) Engaging in international cooperation and exchanges with a number of countries and international organizations.

Successful examples of the conservation of biodiversity include the protection of the Siberian Tiger Forest and the protection of the giant panda (in cooperation with the World Wide Fund for Nature, or WWF, and the National Forestry Bureau) as a flagship protection project; protection of the finless porpoise in the Yangtze River wetland; and protection of the snow leopard in mountainous regions (World Environment, 2013).

In accordance with the provisions of the CBD, the problem of funding has come into stronger focus. As part of their commitment to the CBD, developed countries should be providing new and additional funding to developing country signatories to enable them to fulfill their obligations under the Convention and also to provide a funding mechanism. For a long time, however, developed countries have not really fulfilled their commitments, and funding provided to developing countries has been scarce.

At the COP10 in 2010, developing countries once again called on developed countries to honor their commitments and stated that they could not implement the 2011–2020 Strategic Plan for Biodiversity without adequate financial support; however, developed states responded negatively. The Eleventh Conference of the Parties convened in 2012 made progress on funding issues, and it was decided at that meeting to double the flow of biological-diversity-related international financial resources to developing countries until 2015.

However, at the Twelfth Conference of the Parties convened in 2014, a number of developed countries attempted to renege on this promise. They demanded that the target be postponed for five years until 2020, but that developing countries adhere to the goals defined in 2015. The final decision adopted by the General Assembly was to double the amount of funds provided to developing countries until 2015.

The developing countries demanded that the decision be written as "the ultimate goal," but they were opposed by the developed countries, who used the word "target." This leaves room for future renegotiation on this issue. Lack of funds is an important reason many developing countries cannot fulfill their obligations under the Convention (World Environment, 2015, 61).

Technology transfer is also a problem with compliance. The United Nations Conference on Environment and Development decided that developed countries should provide developing countries with the technology needed to protect the global environment on concessional terms.

The Convention provides for the establishment of specialized technology transfer and scientific and technical cooperation programs in support of compliance. On this issue, however, there has been a major divergence between developed and developing countries: Developed countries stress that technology transfers should be achieved through market mechanisms and emphasize the importance of protecting intellectual property rights. There has always been a negative attitude towards transferring technology to developing countries for the conservation of biological diversity; there are also divergent views on the transfer of traditional knowledge on how to conserve biological diversity (discussion related to ABS) (Kohyama, forthcoming), and some countries fear that this will not guarantee the effective protection of biological diversity.

There is also a difference when it comes to who is leading the technology transfer. The COP10 discussed the establishment of a biodiversity technology program. With regard to the Secretariat of the program, the African Group voted for the Secretariat of the Convention on Biological Diversity, while the European Union wanted the United Nations Environment Program. As a result of these differences and the ensuing arguments, the technology transfer goal established by the Convention was never really achieved. Many developing countries are unable to fulfill their obligations under the Convention and the Protocol because they lack the relevant technologies (World Environment, 2015, 61).

(v) The Nagoya Protocol and ABS

China is the birthplace of traditional Chinese medicine, and it is the leading exporter of the resources needed to create and synthesize such treatments. The proportion of producers to total use of traditional Chinese medicinal herbs was 12.2 percent in Japan, 83 percent in China, and 4.8 percent in other countries (Japan Kampo Medicines Manufacturers Association (JKMA), 2011, 2).

In China, there is a strong movement to protect intellectual property rights related to genetic resources. Article 5, paragraph 2 of the Chinese Patent Law provides for “inventions contrary to public order and morals” and Article 26 paragraph 5 “documents of patent application.” The genetic resources in Article 26 paragraph 5 are intended for genetic resources originating from all countries, and the applicant is supposed to describe concrete information on the direct source and original sources of such material.

In January 2010 the detailed law on implementation of the patent law was also revised with the addition of Article 26. Definitions related to “genetic resources” and “invention creation dependent on genetic resources” in the Patent Law were added. Where

an invention was completed using genetic resources, it was also stated that the applicant must explain so in the request and fill in the form prescribed by the National Council Patent Administration. On September 9, 2011, the Code of Biological Genetic Resources Technical Norms was enacted.

A list of wild medicines that the country intends to protect (catalog) was also created (1987). The local regulations of the Administrative Regulations on Wild Medical Materials Resources (1987) are also being examined. Especially in Heilongjiang Province and Inner Mongolia, damage such as stealing is serious when it involves the deterioration of biodiversity. As mentioned above, the Seed Law was revised and tightened in 2013; the new plant variety protections and ordinances, including detailed bylaws, were also revised that year.

Regarding the legislation of domestic localization, the "Draft on acquisition and benefit sharing of biological genetic resources (biological resource access and benefit sharing management regulations / draft)" was released in March 2017 (PRC-MOE, 2017). Public comments were invited for one month, from March 23 to April 22. It is currently under scrutiny internally based on the public comments made. In the draft, not only "biological genetic resources" but also "traditional knowledge on biological genetic resources" and "derivatives (the genetic record of biological genetic resources)" are mentioned. It also stipulates that anyone violating these rules must bear criminal responsibility therefor and will be subject to environmental public interest lawsuits.

These examples demonstrate the seriousness of securing profits generated from securing ABS in China and protecting biological diversity.

(vi) Features of China's Legal Policy on Biodiversity

Although China did not establish the BAB, it has implemented the conservation of biodiversity by combining the development of laws and regulations for conservation of natural resources, ecosystems (including habitats), ABS (genetic resources), etc. The Chinese government is considering conservation thoroughly, not only in terms of endangered species but also ecosystems (including habitats). It also emphasizes biological diversity protection as a factor directly linked to economic profits.

Policy documents and enforceable administrative plans play a greater role than laws and regulations due to the nature of the Chinese Communist Party dictatorship. In this respect numerous normative and aimed targets (targets) have been indicated for the short-, medium-, and long-term, also promotion of personnel appointment to achieve these targets (including dismissal) will be implemented promptly.

3. Using lawsuits to conserve biological diversity

In organizing environmental lawsuits to conserve biological diversity, I will highlight

two perspectives. One seeks to expand the right to live in a better environment (including enjoying the natural environment), while the other seeks to expand the right of the public to participate in environmental lawsuits. I will examine environmental lawsuits in Japan and China from the following viewpoints.

(1) Japan's Environmental Lawsuits

(i) The Environmental Right, the Nature Privilege Right, and Environmental Public Welfare

The Basic Environment Law (BEL) (Law No. 91 of 1993)[11] defines some of the basic principles related to the environment. Article 3 of the BEL provides the following two important legal basic principles concerning biodiversity: 1) a healthy ecosystem (i.e., the natural environment), being the basis for the survival of human beings and wildlife, is essential for human health and cultural life; and 2) it must therefore be sustainably maintained for future generations. Article 3 of the BAB specifies that the BEL's Article 3 will be implemented more concretely to minimize the impact on biodiversity as much as possible.

In this way, there is a provision that a rich ecosystem (the natural environment) is essential for human beings, but environmental rights are not stated in the law. Therefore, the idea of "environmental rights" was proposed by the Bar Association in 1970 (Hatakeyama, 2013, 82). This is a right possessed by every individual, and it is a development-suppressive characteristic that developers can exclude development using this environmental right. Therefore, it was used as a basis for the Civilian Injunction lawsuit in a lot of lawsuits seeking for the development control and nature conservation.

This environmental right was not accepted by all of the court. This was why the legal rights were vague and why it was not clear how far the rights of other people should be restricted due to specific people's environmental rights. This was also the underpinning of the idea that the right to enjoy nature should not be limited only to those who live in a particular area, but should be encouraged for a wider area, as pollution became more serious in the 1970s and 1980s. This environmental right was then constituted as the "nature privilege right" (an individual right). This right was confirmed to be held by a wider range of people than were environmental rights (Kitamura, 2015, 51). However, the nature privilege right was not accepted by the court because it was stipulated by its definition as the condition of standing that it is its extensive, a so-called "anyone's right."

The next attempt to codify environmental protection as a law was to reconstruct it as a public right, i.e., part of the "environmental public welfare." These rights are not held by individuals, but belong to the people as a common benefit (Kitamura, 2015, 51).

11 This is the official translation of the title of the Japanese law *Kankyō Kihon Hō.*

Environmentalization is also relevant to this. Establishing cooperative profitability to protect the environment and a natural monetary valuation that is the shared property of everyone will give momentum to establishing environmental public welfare.

(ii) Civilian Injunction Lawsuits, Administrative Case Litigation, and Class Actions by Citizens

Japan has civil and criminal courts, but its administrative court was abolished after the Second World War. Some courts can handle specific matters, such as intellectual property rights, etc., but there are no courts specifically designated to handle environmental cases. As mentioned above, "civil injunction lawsuits" are a common form of environmental lawsuit, which often provoke discussions of environmental rights, natural privilege rights, etc., in court. In terms of public participation, many people can participate, but plaintiffs' standings to sue are often not accepted.

The Administrative Case Litigation Act (Act No. 139 of 1962)[12] was revised in 2004. Article 9 paragraph 2 states as follows:

…the court shall not rely only on the language of the provisions of the laws and regulations which give a basis for the original administrative disposition or administrative disposition on appeal, but shall consider the purposes and objectives of the laws and regulations as well as the content and nature of the interest that should be taken into consideration in making the original administrative disposition…the court shall take into consideration the purposes and objectives of any related laws and regulations.[13]

Therefore, the following two things can be said. First, concerning biodiversity, the BEL, the BAB, and other laws and regulations concerning ecology and its development shall be taken into consideration. However, the extent of such consideration is left to the discretion of the judge in each case. The other is that it became possible to grasp the related laws and regulations in order to examine the interest and the content and nature thereof; it also expanded plaintiffs' standing to sue. I think that a consequence of all this was the expansion of public participation (Kohyama, 2015, 8–9).

In addition to these changes, the Class Action by Citizen Lawsuit prescribed in Article 242-2 of the Local Autonomy Act (Act No.67 of 1947)[14] was also raised. In this case, the illegality of public money expenditure is often questioned, and the monetary evaluation of biodiversity, which is an important asset for residents of ecologically fragile areas, is beginning to be cited in lawsuits.

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12 Official translation of the title of the Japanese law, *Gyōsē Jiken Sosyo Hō.*

13 Ministry of Justice, Official translation of Administrative Case Litigation Act, Law number: Act No. 139 of 1962, Amendment Act No. 109 of 2007.

14 The title of this law in the original Japanese is *Chihō Jichi Hō*; I have translated it into English for the sake of convenience.

(iii) The Direct Application of CBD in Court

One particularly notable court case, a class action concerning road construction, was heard by the Sapporo District Court on September 19, 2013 (LEX/DB Literature No. 25502559). The court showed that it was possible to apply the CBD directly, without the BAB and/or the Act on the Convention of Endangered Species of Wild Fauna and Flora (Act No. 75, 1992, ACES)[15] (Kohyama, 2014, 309–312).

(2) China's Environmental Lawsuits

(i) Civil Lawsuits and Civil Law Revisions

Civil litigation involving development injunctions and claims for damages is common, so establishing monetary assessments of the natural environment is important if courts and governments (administrations) are to assess the value of the natural environment and award appropriate damages.

Chinese scholars have been studying the concept of Payments for Ecosystem Services (PES) for some time (Qin & Wang, 2013). The Chinese government and the public are focusing a great deal of attention on this matter due to its inclusion in the Eleventh Five-Year Plan for National Economic and Social Development (2006–2010). A pilot project on eco-compensation has already begun. Work also began in May 2016 on amending the Civil Code Law to include statements related to the environment in the General rule of the Civil Code Law.

(ii) Public Benefit Lawsuits (Class Actions)

A characteristic aspect of China's recent environmental litigation was the creation of the public benefit lawsuit, which gave public participation in the legal process a significant boost (Wang, 2015, 62–63).

In July 2014, the Supreme People's Court promulgated two opinions that they would enrich the judicial measures concerning the environment and started a trial experiment of the environmental civil service public interest lawsuits in five provinces (Jiangsu Province, Fujian Province, Yunnan Province, Hainan Province, and Guizhou Province). By December 2014, there were 65 cases concerning various types of environmental public interest lawsuits received by each class of People's Courts (PRC People's Court, 2016, 14).

As mentioned earlier, there is no biodiversity protection law in China. The Environmental Protection Law (EPL) (1989)[16] is the center of the country's environmental law, and prescribes many environmental proceedings. It was last revised in 2015.

Article 58 of EPL 2015 reads as follows:

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15 Official translation of the title of the Japanese law *Syu no Hozon Hō*.

16 Official translation of the title of the Chinese law 中国人民共和国环境保护法 . The law had a ten-year trial implementation (1979–1989) prior to its official implementation.

For activities that cause environmental pollution, ecological damage and public interest harm, social organizations that meet the following conditions may file litigation to the people's courts: (1) Have their registration at the civil affair departments of people's governments at or above municipal level with sub-districts in accordance with the law; (2) Specialize in environmental protection public interest activities for five consecutive years or more, and have no law violation records. Courts shall accept the litigations field by social organizations that meet the above criteria. The social organizations that file the litigation shall not seek economic benefits from the litigation. (Schulze, 2016, 18)

Between 2002 and 2011, 118,779 criminal, civil, and administrative cases involving environmental resources were heard by the People's Court nationwide; judgments were handed down in 116,687 of these cases. Between January 2012 and June 2016, 575,777 criminal, civil, and administrative cases involving environmental resources were heard by the People's Court nationwide; judgments were handed down in 55,138 of these cases (PRC People's Court, 2016, 2). These data indicate that environmental lawsuits are on the rise, and it is also apparent that the Chinese government has strengthened its legal system to handle such cases.

From January 2015 to June 2016, the People's Court heard 116 environmental public benefit lawsuits nationwide and handed down judgments in 61 of these cases. Of these cases, 104 were environmental civil and public benefit cases, while 12 cases concerned environmental administrative public benefit lawsuits (Ibid., 14). During the same period, the People's Court heard 93 environmental civil service public prosecution lawsuits nationwide, brought by social organizations such as environmental NGOs and NPOs; judgments were handed down in 50 of these cases (Ibid., 15).

The Supreme People's Court appointed a People's Jury and founded a Talent Data Bank of Experts on Environmental Resources and a Tribunal. Judgments results and judgment contents were made public through this network; the remedy of environmental public benefit cases, a public notice system for mediation statuses, and a guarantee of the public's right to know the results of environmental cases were also implemented. In addition, court hearings dealing with serious incidents are broadcast live, and environmental resource referee information is released promptly (Ibid., 4).

The number of citizens bringing environmental lawsuits has also increased (Ibid., 1). Although the Chinese government founded a public benefit litigation system, it is unlikely that this was intended to promote public participation. Public benefit lawsuits brought by citizens can be dismissed, and therefore, even with environmental public benefit lawsuits, Chinese residents' dissatisfaction with the environment cannot be fully relieved. Public dissatisfaction has become so severe that it cannot be suppressed, and the Communist Party of China wants to avoid a confrontation with the people. Therefore, the Communist Party

has devised a scheme wherein a prosecuting agency is now able to pursue environmental public benefit litigation and related administrative litigation to ameliorate and mitigate people's frustration about the environment. That is, prosecuting agencies are now appealing to companies, provinces, etc.

Between January and June 2015, a prosecution agency accepted by the People's Court filed two environmental administrative public benefit lawsuits, but between July 2015 and June 2016, the number of such cases rose to 21; of these, 11 were environmental civil and public benefit lawsuits, three of the 11 cases were judged, 10 were environmental administration public benefit litigation cases (one of these dealt with environmental administrative public interest law incidental to civil utility lawsuits), and six of the 10 cases resulted in judgments (Ibid., 15–16).

The reason the Chinese government makes prosecutors bring environmental public interest litigation is because it is difficult to control the people, but it can control how such cases are prosecuted. It is significant for the Chinese government to take the posture thoroughly preserving the environment through the prosecutors' investigation of illegal development activities and the like.

(iii) The Environmental Court

In June 2014, the Supreme People's Court set up an environmental resource trial court and instructed the environmental resource referee organization for each category of case to offer more detailed guidance on such litigation. By June 2016, each class of people's courts established a total of 558 environmental resource trials, councils, and patrol tribunals (Ibid., 2).

Since 2014, the Supreme People's Court has successfully conducted three sessions of the Nationwide People's Court Environmental Resource Trial Job Training Course, and systematized specialized training for more than 600 judges nationwide (Ibid., 2). The Supreme People's Court has strengthened the top-down policy enforcement design and implemented policy guidance frequently as necessary. In November 2015, the first Nationwide Juristic Environment Resource Referee Business Conference was held in Furuna Prefecture, Fujian Province. After that, various opinions, interpretations, regulations, and typical cases were promulgated (Ibid., 2).

Below, I present an outline of the environmental lawsuits filed between January 2014 and June 2016. Many of these were civil lawsuits (see Figure 3) (Ibid., 5), the majority of which were conflict cases concerning the development and use of natural resources (see Figure 4) (Ibid., 9). Because criminal cases are handled in the courtroom (see Figure 5) (Ibid., 7) and PRC administrative case law has no regulations dealing with the environment, these cases were characteristically handled as administrative cases (Figure 6) (Ibid., 11–12).

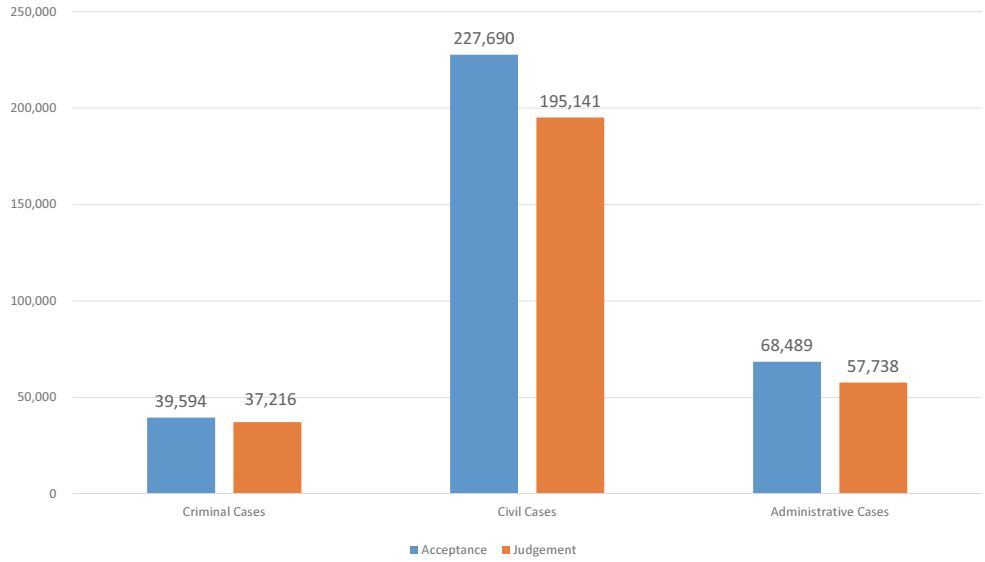

Figure 3. PRC First-Trial Environmental Resource Cases (January 2014 – June 2016) (PRC People's Court, 2016).

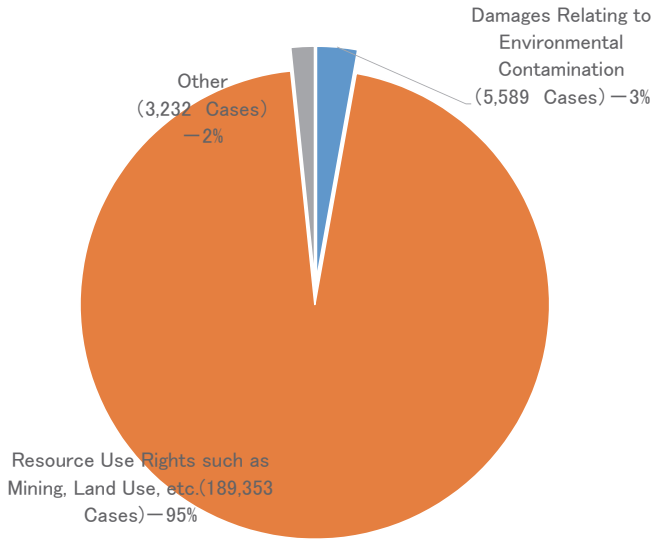

Figure 4. PRC Environmental Resource Cases: First-Trial Civil Cases (January 2014 – June 2016) (PRC People's Court, 2016)

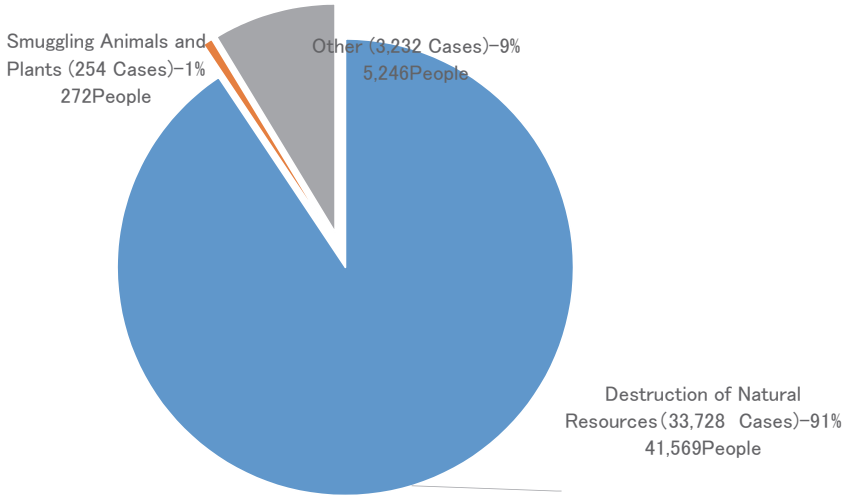

Figure 5. PRC Environmental Resource Cases: First-Trial Criminal Cases (January 2014 – June 2016) (PRC People's Court, 2016)

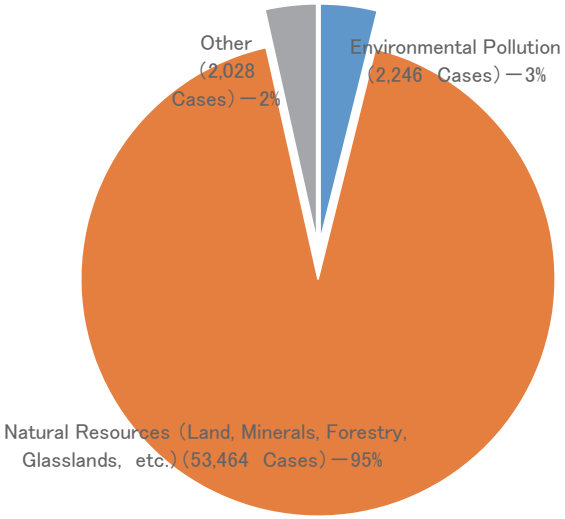

Figure 6. PRC Environmental Resource Cases: First-Trial Administrative Cases (January 2014 – June 2016) (PRC People's Court, 2016)

(3) Observations

Both countries are making efforts to preserve and improve the environment through environmental lawsuits. However, Japan has no environmental court. Although it would cause little inconvenience, as senses of unevenness compared with the legal system of other countries are gradually disappearing, it is not yet possible for environmental NPOs and NGOs to file lawsuits in Japan. Scholars are required to develop new theories—to expand public participation as examples of NPOs, NGOs, etc.—on the assumption that these will benefit the environmental public interest.

It is apparent that China is working to resolve the environmental lawsuits currently in progress by creating a specialized environmental court. It is also excellent news that China is trying to establish a system of examination and compensation based on the unique viewpoint of environmental problems, which will be called the PES. There are many cases that could be handled in such a court; even lawsuits brought by small groups and individuals could be heard. In order to contribute to the litigation economy and to deal with serious problems, it is necessary to establish a framework for ecological litigation that is appropriate for each country.

4. The Correspondence between Environmental Education and Culture

(1) The Correspondence between Environmental Education and Culture in Japan

(i) Cultural Correspondence

COP10 adopted the Nagoya Protocol following difficult negotiations. Three issues were particularly difficult for the participants to agree upon in establishing global rules: the Cartagena Protocol on Biosafety (Living Modified Organisms, or LMOs), post-2010 targets, and access and benefit sharing (the Nagoya Protocol).

How the keyword "biological diversity" has been introduced and become well known to the public shows the important role the mass media has played. The word biological diversity has the natural scientific meaning and the political, economic, and diplomatic meanings. It is necessary to trace how the government, researchers, and the mass media (in particular, reporting and broadcasting) introduced them to Japan.

When it was announced that the COP10 would be held in Japan, an analysis was conducted of the ensuing media reports (Kōsaka, 2015, 293–294). It was found that up to one month before the COP10, an ease of understanding and approachability to daily life had been achieved. For example, some of the keywords used were "various creatures" ,"food chain in ecosystem" , "beautiful natural scenery" and "nature protection" COP10—then referred to as the "Kokuren Chikyu Ikimono Kaigi" (the image that many creatures on Earth gather for the meeting under the United Nations)—was discussed frequently relying more often on certain easily understood terms when explaining the planned meeting in terms of a

media campaign, but when the conference actually began much of its coverage in the press was negative and started to inspire tension (for example, the more common keywords at this point were North-South conflict, benefit sharing (with the resource-providing countries), and exploitations of biological resources (biopiracy)). For many Japanese, the term "biological diversity" was a politically charged phrase.

In order to reduce the destruction of biodiversity, it is necessary for more people to be aware of the meaning of the term "biological diversity" and to take the concept into account when making decisions and taking actions in their everyday lives. The first of the 20 individual Aichi Biodiversity Targets adopted at COP10 is that "People [must] become aware of actions for the value and conservation of biodiversity and sustainable use" (MOE of Japan, 2012). According to a public opinion survey conducted by the Cabinet Office of Japan (Cabinet Office, Government of Japan, 2012), the national degree of public awareness of biodiversity (the percentage of people who have heard the term or know what it means) is increasing, but it nevertheless remains relatively low. While the percentage of informed individuals increased dramatically following COP10, the percentage of individual awareness (in particular, "Full understanding group" + "Familiar with the term but not its meaning group") later dropped from 55.7 percent (19.4+36.3(%)) in 2012 to 46.4 percent (16.7 +29.7(%)) in 2014 (see Figure 7).

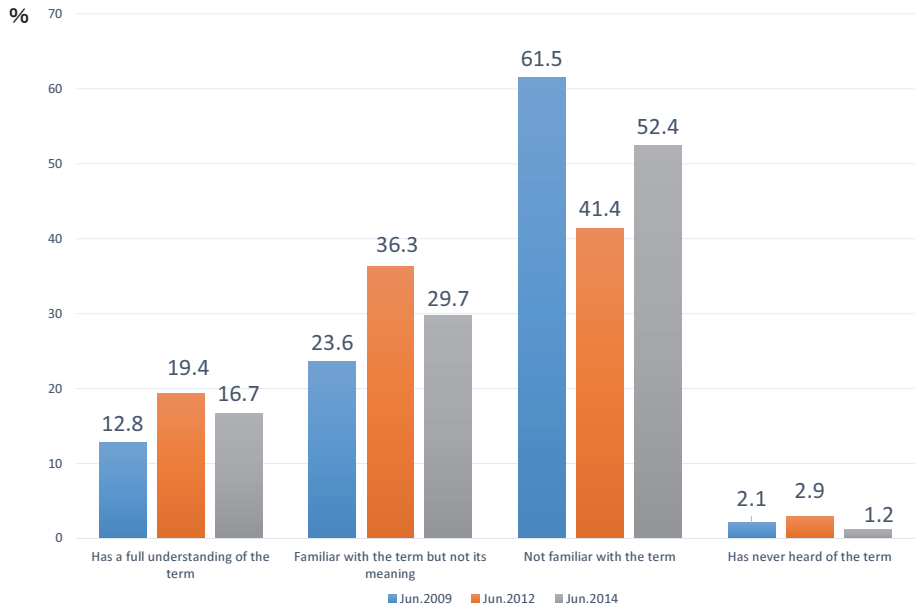

Figure 7. Degree of Awareness of the Term "Biological Diversity" in Japan. (Image uses data from Cabinet Office, Government of Japan)

(ii) The Business Sector

Corporations and other businesses entities are playing an important role in broadly providing the benefits of biological diversity at the social level through products and services. In addition, industrial activities affect and benefit from biodiversity in various ways (Adachi, 2010, 323–346).

The Japan Business and Biodiversity Partnership was established by the *Nippon Keidanren* [the Japan Business Federation], the Japanese Chamber of Commerce and Industry, and the *Kēzai Dōyūkai* [The Japanese Association of Corporate Executives], in collaboration with the Ministries of the Environment, Agriculture, Forestry and Fisheries, Economy, and Trade and Industry, and the IUCN Japan Project Office. The Japan Business and Biodiversity Partnership was inaugurated in October 2010 during the COP10 (Sawada, 2011).

The Japan Business and Biodiversity Partnership is one of the economic associations willing to support these business actions that has also been welcomed to join the nationwide Partnership by the related existing affiliates promoting biological diversity. As a multi-stakeholder framework, participation on the part of NPOs/NGOs, academia, and local governments that are active in supporting business efforts toward biological diversity conservation is encouraged.

(2) The Correspondence between Environmental Education and Culture in China

(i) Cultural Correspondence (Education)

The Chinese government is responding to the criticism that the United States is not a signatory to the CBD. Meanwhile, the Ministry of Environmental Protection's Publicity and Education Center and the Chinese Academy of Environmental Sciences have formed and designed the China-EU Biodiversity Program to promote environmental education. One of the aims of this program is to translate English-language books related to biological diversity into Chinese. One of these books, *A Short Way to Get Close to Nature*, was edited by the China-EU Biodiversity Program (2012). This book does not just show the image of emotional nature; it also provides realistic science and business information. It provides clear knowledge about biological diversity, including the fact that almost every industry is to some degree associated with biological diversity and must prepare to assess the risks that the World Bank has proposed. This shows that ecological education is for children, young people, and business persons.

(ii) Chinese Businesses and Biological Diversity (e.g., the Nagoya Protocol)

The Foreign Economic Cooperation Office (FECO) has taken the lead in administrating the China Business and Biodiversity Partnership. The FECO is affiliated with the Ministry of Environmental Protection (MEP), the leading ministry for the CBD in China, and also the leading member of the National Committee for Biodiversity

Conservation, the top decision-making body on biological diversity in China. The Committee is comprised of 26 ministries and is chaired by the Vice Premier of China (FECO, 2016).

The China Business and Biodiversity Partnership aims to work with a number of associations in China that deal directly with biodiversity-related issues. These include associations that deal with the extractive industry, liquor (wineries), Chinese herbal medicine, and cosmetics. There is a push to expand the Partnership to include more significant local governments such as Shanghai, Jiangsu, Zhejiang, etc. They share some of the NGO specializations in sustainability and CSR issues, and are welcome to join the Partnership.

In terms of relations with Japan, pressing matters of concern are the issue of ratifying the Nagoya Protocol and enacting the domestic implementation of a law to enforce it. Japan is a country that imports genetic resources, whereas China exports them.[17] China has a considerable history of many resources being exported both lawfully and illegally, so it is currently studying how to establish laws and regulations to protect its domestic genetic resources.

The Chinese government is therefore trying to protect genetic resources at the national level. In 2010, the State Council approved the publication of the aforementioned "China Biodiversity Conservation Strategy and Action Plan (2011–2030)" (PRC-MOE, 2010), which establishes the strategic tasks and priorities for the access and benefit-sharing of biological genetic resources. To implement the China Biodiversity Conservation Strategy and Action Plan and the international convention (in view of China's current efforts to protect its biogenetic resources and manage the weak links), and in order to strengthen China's ability to conserve and manage its biological genetic resources and promote the sharing of benefits, the PRC-MOE has compiled the National Program of Work on the Strengthening of Biological Genetic Resources Management (2014–2020) (Ibid., 2014). The laws and regulations included in the Program are as follows: the PRC Patent Law (2000); the Administrative Regulations on Wild Medical Materials Resource (1987); Regulations on the Protection of Traditional Chinese Medicine Varieties (1992); Regulations on New Plant Species Conservation (1997, revised in 2013); Regulations on the Implementation of Patent Law (2010) (Ibid., 2016, 17), and the Law on Traditional Chinese Medicine and Cultural Property. Three of the issues covered by the Program are particularly important: the revision of Regulations on New Plant Species Conservation in 2013; the further discussion on

17 Yunnan Province has rich ecosystems, Guizhou Province has a highland area, Fujian Province is rich in greenery, and all have many genetic resources. Therefore, these regional governments are wary of overseas companies because they often do not comply with laws and regulations, such as the prohibition on mountain climbing.

revising the Administrative Regulations on Wild Medical Material Resources (1987); and the additional discussion over whether the Regulations on Biological Genetic Resources Access and Benefit Sharing Management should be enacted.

(3) Observations

China's nascent efforts to understand and protect its biodiversity are more realistic than Japan's. There are two reasons for this: First, Japan tends to regard nature with awe and respect, such as in the slogan "harmony with nature"; second, China is trying to incorporate scientific and utilitarian views in its cooperation with the EU. I believe that the difference in these characteristics is due to the differences in both the citizens' view of nature and geographical factors.

Regarding the two countries' respective approaches to the Business Sector, though Japan has enacted a promotion law that means it is not a law requiring regulation, the enforcement of the law is left to the autonomy of the business sector, and the company's subjective activities have been quite successful; the Chinese government is enforcing the law itself. The Chinese government is conscious that the Nagoya Protocol is in the national interest, and they are reforming their domestic system in accordance with that. It seems that China is doing more to support biological diversity as a serious matter and the government is leading efforts to safeguard the national interest.

5. Conclusion

As described above, I have examined and summarized each country's localization process for the CBD through the style to extract characteristic points and a series of analyses of certain aspects of Japanese and Chinese society. Although differences can be seen in terms of the two countries' legal systems, lawsuits, social culture, etc., it is evident that the CBD is being implemented domestically in both China and Japan. Regarding law maintenance, there are basic laws in Japan, but not in China. Regarding how regulations are implemented, while the Japanese government adopts recommendations and enlightenment / promotion methods, the Chinese government has enforcement power. Regarding the litigation system, environmental lawsuits and public benefit lawsuits that are not found in Japan are beginning to function. Culturally, there is a glimpse of China's attitude towards national interests and profits, compared to Japan, which is the view of religion (animism, feel awe and respect) and the aesthetics of rich and diverse natural world.

I am confident that these differences are not a reason that China and Japan should not be able to cooperate. These two countries share a long history of proof that it is possible to collaborate on independent cultural areas and research ecosystem conservation in the region between the Sea of Japan and the East China Sea in Northeast Asia (e.g., "the Japan

Sea Rim"). Because wild creatures live a highly mobile existence, if we are to preserve them we must institutionally design a mechanism to conserve biodiversity in a wider area, such as "the Natura 2000 program" in the EU.

Even if the processes of Norm Localization practiced in the two countries differ, by working toward this common goal, each region is striving to become self-reliant and achieve the subjective international standard of CBD. As an example, there is the promotion of the joint Japan-China Japanese Crested Ibis (*Nipponia Nippon*)[18] Protection Plan (Ministry of the Environment, 2003). This project was concluded at the national level and promoted at each specialized institution and in each local area. In each region, we promote: (1) exchange and breeding cooperation between individuals from Japan and China; (2) technical assistance from Japan for the Japanese crested ibises protection project in China; (3) technology / research exchange on Japanese crested ibises protection; and (4) the promotion of information exchange. These things cannot be promoted and achieved without cooperation between the implementers of the two countries' workshops.

We must pay attention to concerted efforts made by neighboring countries such as Japan and China. We are required to understand each other's practices and laws more deeply if we are to cooperate effectively to ensure the global enforcement of CBD.

Acknowledgments

This research was supported by Mitsui & Co. Ltd., and I would like to offer my greatest appreciation to Professor Dr. Wang Jin (Peking University Law School), Professor Dr. Wang Canfa (University of Political Science and Law), Professor Dr. Qin Tianbao (Wuhan University Research Institute of Environmental Law), Mr. Naomi Inoue (Economic Section – Environment, Embassy of Japan in China), and Mr. Kenji Someno (The Sino-Japan Friendship Center for Environmental Protection) for their help with my field survey in China.

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18 The Japanese crested ibis (*Nipponia Nippon*) an endangered bird species that lives only in Japan and China and is likely to soon go extinct globally.

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