

平成24年3月9日

作用法に規定がある個別の事務・権限の移譲の検討に係る  
考え方について（回答）

環 境 省

平成24年2月23日に照会のあった標記について、以下のとおり回答いたします。

1. 1月27日に提出した環境省回答のうち、「移譲の例外」とすべきとしたものについて、再度検討した結果は以下のとおり。

(1) 自然公園法、自然環境保全法、絶滅のおそれのある野生動植物の種の保存に関する法律、鳥獣の保護及び狩猟の適正化に関する法律、特定有害廃棄物等の輸出入等の規制に関する法律、廃棄物の処理及び清掃に関する法律に係る事務・権限については、以下の理由により、前回の回答を変更することは困難。

○これらはその大部分が許認可事務であり、個々の申請に応じてケース・バイ・ケースの対応が必要となることから、貴室提示の別紙1中の「大臣同意を要する事業計画の策定」にはなじまない。

○貴室提示の別紙1中の「法定受託事務の暫定的な拡大」「並行権限行使の活用」によっても、当省が移譲により不都合が生じると考えている国際標準との整合、開発と保護のチェック&バランスの確保、自然保護の専門的知見のある職員配置、外国政府に対する一元的対応等の課題を克服することは困難。

(2) 土壌汚染対策法については、貴室における「区域外権限行使」の考え方の提示を待って対応を再検討する。

2. 1月27日に提出した環境省回答中の、「国際的な機関の定義」「平成10年の地方分権推進計画における区分」「国際条約との関連」などについての参考資料は、別添1、別添2及び別添3のとおり。

3. 1月27日に提出した環境省回答中の、「協働型管理」の具体的な考え方については、別添4のとおり。

## IUCN(国際自然保護連合)

- IUCN(International Union for Conservation of Nature and Natural Resources)は、1948年に設立された世界最大の国際的な自然保護機関。“自然を尊び、保全する公平な世界”を目指している。本部はスイスのグラン。
- 160の国家、207の政府機関、961の非政府機関、38の団体が会員となり(2011年12月現在)、約10000人の科学者、専門家とともに世界規模での協力関係を築いている。
- 野生生物の保護、自然環境・天然資源の保全の分野で専門家による調査研究を行い、国際条約等の会議の支援、関係各方面への勧告・助言、開発途上地域に対する支援を実施している。
- また、生物多様性損失の危機を防ぐ手段として、毎年、「絶滅の恐れのある生物リスト(レッドデータブック)」を作成している。
- 日本は、国家会員として加盟しているほか(1995加盟)、政府機関会員として環境省(1978加盟)、団体会員として日本自然保護協会・日本動物園水族館協会・WWF ジャパン・日本野鳥の会などの21のNGOが加盟。

## APPENDIX XIX

# International Union for Conservation of Nature and Natural Resources

1110 Morges, Switzerland

## RESOLUTIONS ADOPTED BY THE TENTH GENERAL ASSEMBLY OF IUCN

New Delhi, India, 1 December 1969.

### 1. Definition of National Parks

*Considering* the importance given by the United Nations to the National Park concept, as a sensible use of natural resources,

*and considering* the increasing use which has been made during these last few years in some countries of the term "National Park" to designate areas with increasingly different status and objectives,

the **10th General Assembly of IUCN** meeting in New Delhi in November 1969

**recommends** that all governments agree to reserve the term "National Park" to areas answering the following characteristics and to ensure that their local authorities and private organizations wishing to set aside nature reserves do the same:

a National Park is a relatively large area 1) where one or several ecosystems are not materially altered by human exploitation and occupation, where plant and animal species, geomorphological sites and habitats are of special scientific, educative and recreative interest or which contains a natural landscape of great beauty and 2) where the highest competent authority of the country has taken steps to prevent or to eliminate as soon as possible exploitation or occupation in the whole area and to enforce effectively the respect of ecological, geomorphological or aesthetic features which have led to its establishment and 3) where visitors are allowed to enter, under special conditions, for inspirational, educative, cultural and recreative purposes.

Governments are accordingly **requested** not to designate as "National Park":

1. a scientific reserve which can be entered only by special permission (strict nature reserve);
2. a natural reserve managed by a private institution or a lower authority without some type of recognition and control by the highest competent authority of the country;
3. a "special reserve" as defined in the African Convention of 1968 (fauna or flora reserve, game reserve, bird sanctuary, geological or forest reserve, etc.);
4. an inhabited and exploited area where landscape planning and measures taken for the development of tourism have led to the setting up of "recreation areas" where industrialization and urbanization are controlled and where public outdoor recreation takes priority over the conservation of ecosystems (parc naturel régional, nature park, Naturpark, etc.). Areas of this description which may have been established as "National Parks" should be redesignated in due course,

### 2. List of National Parks and Equivalent Reserves

*Considering* the importance of the work achieved by the International Commission on National Parks at the request of the Economic and Social Council of the United Nations which, in 1959 (Resolution 810, XXXI) asked for the establishment

of a United Nations List of National Parks and Equivalent Reserves,

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**requests** the Economic and Social Council of the United Nations to approve the text of the revised and evaluated edition of the List as prepared and published by the International Commission on National Parks in 1967 in French and in 1969 in English and to certify it as an official document sanctioned by the United Nations.

### 3. Zoological and botanic gardens

*Considering* the importance to conservation of Zoological and Botanic Gardens or Parks and their educational and scientific values,

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**recommends** that many more such gardens should be established, where possible simulating the natural surroundings of the animals and displaying them in spacious conditions, and combining both zoological and botanical collections in biological gardens,

but **further recommends** that such gardens be maintained or initiated only when their scientific or financial support assure adequate standards of animal husbandry and public education.

### 4. Periyar Wildlife Sanctuary

*Whereas* the Periyar Wildlife Sanctuary has great scientific and recreational potential and is currently being subjected to pressures of all kinds (tourism, grazing, forestry, uncontrolled burning, poaching),

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**urges** the responsible authorities to integrate the various interests involved and place them under the control of one senior administrator and to manage the Sanctuary on a planned, scientific basis so that it is most effectively developed in the interests of Kerala and of the Indian nation as a whole.

### 5. Reserves in expanding urban areas

*Recognizing* the importance for research and teaching purposes of nature reserves especially when situated within reach of universities and colleges,

but *recognizing* the frequent difficulty of maintaining such reserves in the face of engulfing urban growth.

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**urges** the assistance in this matter of local governmental and other authorities, and