b. Administrative Law

Science and Technology Basic Law.

Promulgated on November 15, 1995. Ch. 130. Effective as of November 15, 1995.

[Background of the Legislation]

As technology has progressed dramatically, its role has become more and more important in solving contemporary problems such as involving the environment or energy. Nevertheless, the present state of our science and technology is in a grievous condition. For example, research conditions and resources have remained poor and the overseas drain of excellent scientists has never stopped. Although industrial development in Japan brought results in the post-war years, cutting edge technology such as that in the information industry has fallen behind and basic research has been forced to stagnate. In addition, during the recent prolonged recession, not a few businesses have increasingly moved their facilities to foreign countries and industrial hollowing-out has occurred regularly. Thus, in order to deal with these many problems, a new framework for science and technology policies has been earnestly desired. The Science and Technology Basic Law, originally proposed as legislation by non-partisan House members and passed unanimously by the Diet, was enacted against such an impasse in domestic development of scientific technology. With this law, it is expected that the promotion of science and technology will be recognized as the primary policy for the country and many more resources will be distributed for that purpose on a high-priority basis.

[Main Points of the Act]

The purpose of the Act:

This law provides basic matters for measures concerning the promotion of science and technology and improves the level of our science and technology by systematically promoting measures to be taken concerning the promotion of science and technology. The objective of the law is to contribute not only to the development of

the Japanese economy and the improvement of the welfare of the Japanese people, but also to the progress of science and technology in the world and the continuing development of human society (Article 1).

The guideline for the promotion of science and technology:

Taking into consideration that science and technology are a basis for the future development of Japan and human society, and the acquisition of knowledge about science and technology is an intellectual resource for human beings, the promotion of science and technology must be conducted actively and in harmony with human life, society, and nature, aiming at making full use of the creativity of scientists and those in technological fields (Article 2 (1)).

In promoting science and technology, the cultivation of research and development ability from a variety of fields, the harmonious development of basic, applied, and development research, and the integral affiliation of national examination and research institutes, universities, and private institutes and so on must be given consideration. Taking into consideration that the interrelationship between natural sciences and cultural sciences is important to the progress of science and technology, harmonious development of both sciences must be addressed (Article 2 (2)).

The nation's duties:

The nation has duties to adopt and enforce measures concerning the promotion of science and technology (Article 3).

The local public bodies' duties:

The local public bodies have duties to adopt and enforce measures concerning the promotion of science and technology, which correspond to national measures, and which independently promote the strengths of their own regions (Article 4).

The science and technology basic plan:

The government must settle on a basic plan concerning the promotion of science and technology in order to systematically promote measures concerning the promotion of science and technology (Article 9 (1)).

[Comment]

With the enactment of the Science and Technology Basic Law, it is expected that the policies concerning science and technology, industry, education, finance, and so on will be strongly affected. In particular, basic research in science and technology, or research and development in the field of cutting-edge technology, will be strongly promoted based on provisions of the law. In this sense, the law, worthy of its name, has a basic character, by which our system of science and technology is guided. However, there still left several problems concerning the law. First, the law lacks some important principles that must be paid attention to in the promotion of research and development. In particular, the peaceful use of science and technology must be added to the purpose of its provisions, in order to prevent research for military purposes. Similarly, it is problematic that the law does not show any concern for freedom or transparency of research and development. Because those principles should be essential for a law that professes itself to be a basic law concerning science and technology, this legislation is not insulated from criticism. Second, although the law is epoch-making in the development of our policies concerning science and technology, the law does not promise the automatic improvement of research conditions. Such a decision is left to future discussion on the distribution of available resources. Taking into consideration that research conditions or circumstances are the starting point for the abundant creation of science and technology, the improvement of basic conditions for research should be strongly required. Third, it must not be forgotten that the promotion of research and development by the state tends to increase the danger of the state's involvement in the content of research. Based on this viewpoint, it must be said that academic freedom should have been confirmed again in the law. In this sense, the future development of science and technology policies should be carefully monitored.

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