

# The New Initiative on Comprehensive Ocean Policy and the Basic Act on Ocean Policy of Japan

Hiroshi Terashima  
Executive Director  
Ocean Policy Research Foundation

24 November 2009  
Workshop on Ocean Policy and Legislation:  
Implementation and New Initiatives  
EAS Congress 2009

# 1. Establishing Legal and Policy Frameworks for Ocean Governance

- Dramatic rise of world's population
- Marine pollution
- Resource depletion and environment degradation
- Rapid and unplanned development of coastal areas



**Adoption of UNCLOS and Agenda 21**

# UN Convention on the Law of the Sea

Adopted in 1982 and came into effect in 1994

- Twelve mile territorial waters
- The archipelagic regime
- 200 mile Exclusive Economic Zone
- Continental Shelf system
- “Area-common heritage of mankind” system
- Protection and preservation of marine environment
- Marine scientific research
- Development and transfer of marine technology
- Settlement of disputes

# Agenda 21 and WSSD

- United Nations Conference on Environment and Development, the Rio Earth Summit, in 1992
- Adoption of “Sustainable Development” principles
- Agenda 21, program of action for SD
- Chapter 17 of Agenda 21 – a policy framework on the Ocean Governance
- World Summit on Sustainable Development in 2002
- WSSD Plan of Implementation

# PEMSEA: Partnerships on Environmental Management for the Seas of East Asia

- PEMSEA started as a GEF/UNDP/IMO project in 1994, addressing environmental hotspots and ICM
- Adoption of “Sustainable Development Strategy for the Seas of East Asia – SDS-SEA” in 2003
- Adoption of “Haikou Partnership Agreement on the Implementation of Sustainable Development Strategy for the Seas of East Asia” in 2006
- Transformation of PEMSEA to a regional mechanism with its own secretariat

## 2. Challenges in Implementing the UNCLOS/Agenda 21 Framework

- Marine pollution over increasingly wider areas
  - Sustainable management of marine biological resources and proper control on IUU fishing
  - Increase in transnational crimes at sea
  - Disputes over border delimitations
- ↓   ↓
- Harmonization between the UNCLOS/Agenda 21 regime and the implementation by individual states is necessary

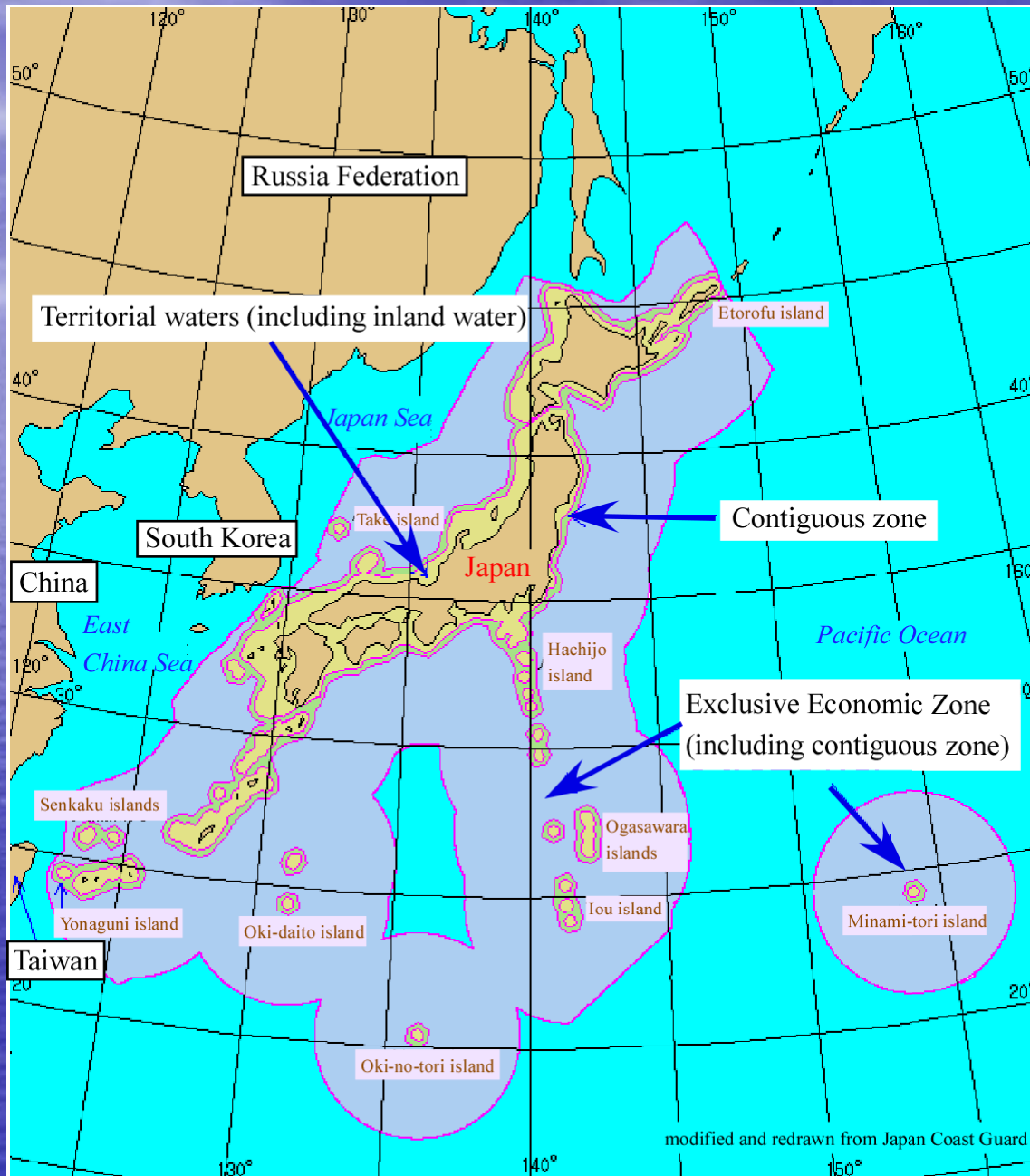
### **3. A recent Japanese Initiative on the Integrated Ocean Management and Sustainable Development**

# Basic Information on Japan (1)

- Five major islands and 6,847 smaller islands in the North Pacific Ocean and adjacent seas.
- The total land mass is 377,835 square km.
- Coastline is approximately 35,000 km.
- Coastal cities and communities comprise 30% of the land area and about half of the country's 127,580,000 population resides in these cities and communities

# Basic Information on Japan (2)

- Territorial seas: 12 NM, except for the five straits below
- Territorial seas in straits: between 3 NM and 12 NM in the five straits used for international navigation - Soya, Tsugaru, Osumi, and the Eastern and Western Channels of the Tsushima Strait
- Contiguous zone: 24 NM
- Exclusive economic zone: 200 NM, 4,050,000 km<sup>2</sup>
- Continental shelf: 200 NM, with some areas extending beyond
- The third Monday of July is a national holiday termed “Ocean Day”.



# Tardy Response of Japan to UNCLOS/Agenda 21

- Although Japan is surrounded by the ocean, has strong fishing and maritime industries, a long tradition of ocean research and development, and entrusted with managing the world's 6<sup>th</sup> largest EEZ and CS, its contributions to ocean governance under UNCLOS and Agenda 21 have been uninspiring.
- Its government agencies have been characterized by their vertically compartmentalized division of functions. There was neither a Minister nor coordinating office for the oceans that could consider these problems in a comprehensive manner.

# Efforts for Establishing a New Ocean Policy

- The OPRF's 「Proposal for a 21<sup>st</sup> Century Ocean Policy」 in 2005
- Adoption of a National Ocean Policy Scheme
- Enactment of a Basic Ocean Law
- Establishment of a ministerial level council for the ocean, and appointment of an Ocean minister.
- Proposals comprised of thirty-five concrete measures over eight fields of activities for managing the expanded “ocean space”.

# Basic Ocean Law Study Group: Discussion and Policy Formation

- A multi-partisan Basic Ocean Law Study Group was established in 2006 consisted of 10 political leaders, scholars and experts in various ocean fields, and observers from relevant government ministries and agencies
- The Group met ten times, from April to December in 2006, and succeeded in establishing common understanding and views on the Guideline for Ocean Policy and Outline of Basic Act on Ocean Policy

# The Enactment of the Basic Act on Ocean Policy in Japan

- The text of the Basic Act on Ocean Policy was drafted based on the Ocean Policy Guideline and presented to the Diet by MPs from ruling and opposition parties and adopted smoothly
- The Basic Act on Ocean Policy came into force in July 2007

# The Significance of the Basic Act on Ocean Policy

- The Basic Law system is especially useful for facilitating effective coordination in multi-faceted policy areas, such as ocean affairs, which will necessarily involve the different ministries overseeing maritime transport, shipbuilding, fisheries, energy, environment, and so on.
- The Basic Act on Ocean policy establishes a basic framework and mechanism to cope with the comprehensive ocean management.

# 4. Contents of the Basic Act on Ocean Policy

- Chapter 1 General Provision
  - Principles(6), obligations and responsibilities of national and local public bodies, industries, and general public, etc
- Chapter 2 Basic Plan on Ocean Policy
- Chapter 3 Basic Measures
  - 12 basic measures, such as “development, use and conservation of EEZ and CS”, “integrated management of coastal zone” among others
- Chapter 4 Headquarters for Ocean Policy
  - Headquarters for Ocean Policy shall be established in the Cabinet

# Basic Principles on the Ocean Policy

- Harmonization of the Development and Use of the Oceans with the Conservation of Marine Environment
- Securing the safety and Security on the oceans
- Improvement of scientific knowledge on the Oceans
- Sound Development of Ocean Industries
- Comprehensive Governance of the oceans
- International Partnership with regard to the Oceans

# Basic Plan on Ocean Policy

The Basic Plan on Ocean Policy shall prescribe the Following:

- Basic Policy on Measures relating to the Oceans
- Measures relating to the oceans that Government should implement in a comprehensive and systematic manner
- Any matters necessary for the promotion of measures relating to the oceans in a comprehensive and systematic manner

# Basic Policy Measures

- Promotion of Development and Use of Ocean Resources
- Conservation of the Marine Environment
- Promotion of Development, use, conservation of EEZ and Continental Shelf
- Securing Maritime Transport
- Securing the Safety and Security of the Oceans
- Promotion of Ocean Survey
- Promotion of Research and Development of Ocean Science and Technology
- Promotion of Ocean Industries and Strengthening the International Competitiveness
- Integrated Management of the Coastal Zone
- Conservation of the Remote Islands
- Securing International Coordination and Promotion of International Cooperation
- Enhancement of Citizen's Understanding of the Oceans

# **Headquarters for Ocean Policy**

**Head – the Prime Minister**

**Deputy – the Chief Cabinet Secretary  
the Minister of State for  
Ocean Policy**

**Members – all Ministers of State**

# Lead Agency

- The Ministry for Land, Infrastructure, Transport and Tourism oversees many ocean related areas.
- the MLIT Minister also oversees as the Minister for Ocean Policy in the current Cabinet .
- However, MILT has not been explicitly designated the lead agency for the ocean policy.

# 5. The First Basic Plan on Ocean Policy

- The First Basic Ocean Plan was decided in March 2008
- The Measures that Government shall implement with regard to the Oceans comprehensively and systematically are listed in the Plan according to the Act
- However it is said only a few measures are described concretely and further efforts are necessary to promote implementation of the ocean policy measures comprehensively and systematically

# Contents of the Basic Plan on Ocean Policy

- General Remarks
- Chapter 1 Basic Policy of Measures with regard to the Ocean
- Chapter 2 Comprehensive and Systematic Ocean Measures to be implemented by the Government
- Chapter 3 Other matters to comprehensively and systematically promote measures with regard to the ocean

# Basic Plan on Ocean Policy

## Chapter 2

Measures relating to the oceans that Government should implement in a comprehensive and systematic manner

- Promotion of Development and Use of Ocean Resources
- Conservation of the Marine Environment
- Promotion of Development, use, conservation of EEZ and Continental Shelf
- Securing Maritime Transport
- Securing the Safety and Security of the Oceans
- Promotion of Ocean Survey
- Promotion of Research and Development of Ocean Science and Technology
- Promotion of Ocean Industries and Strengthening the International Competitiveness
- Integrated Management of the Coastal Zone
- Conservation of the Remote Islands
- Securing International Coordination and Promotion of International Cooperation
- Enhancement of Citizen's Understanding of the Oceans

# Basic Plan on Ocean Policy (2)

- Energy and Mineral Resources

Necessary policy resources should be invested intensively in immediately urgent subjects of exploration and development in the EEZ and continental shelves, i.e. petroleum, natural gas, methane hydrate, and polymetallic sulphides. Regarding methane hydrate and polymetallic sulphides, commercialization in about ten years should be the goal.

- Japanese Shipping Industry

It is aimed to increase the number of Japanese-flag ships by 100% in five years and the number of Japanese crew members by 50% in ten years, both from 2008, under the tonnage tax system.

# Progress in implementing Basic Plan on Ocean Policy

- Submission to the Commission on the Limits of the Continental Shelf in November 2008
- Enactment of the Act for the Amendment of Maritime Transportation Act and Seafarers Act in June 2008 (Introduction of Tonnage Tax System)
- Establishment of the Plan for the Development of Marine Energy and Mineral Resources in March 2009
- Enactment of the Act for Punishment of and Response to the Piracy Act in May 2009.

**Thank you for your attention**

**Hiroshi Terashima  
Executive Director**

**Ocean Policy Research Foundation**