

National Ocean Policy of **JAPAN**

DATED: 27 April 2007

PURPOSE

To set out basic principles, to clarify the responsibilities of central and local government, business operators and members of the public in regard to the oceans, to formulate a basic plan in regard to the oceans and prescribe other basic matters concerning measures relating to the oceans and, lastly, by establishing a Headquarters for Ocean Policy, to promote measures relating to the oceans in a comprehensive and systematic manner and thus contribute to the sound development of the economy and society of Japan, improve the stability of life for its people and promote the peaceful coexistence of humanity and the oceans.

ADDITIONAL INFORMATION

The National Ocean Policy of Japan was approved by the The National Diet of Japan (Japanese Parliament).

The Act stipulates as Basic Plan on Ocean Policy (Act n.33 of 27 July 2007) in the Chapter II, but the Basic Plan has been examined by the Japanese Government and not finalized yet. Headquarters for Ocean policy which is provided in the Chapter IV was launched in July, 2007.

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BASIC ACT ON **OCEAN POLICY**

I. GENERAL **PROVISIONS**

Article 1 Purpose

Given that the oceans, which cover a large portion of the globe, are indispensable to all life, including the human species, and that, amidst international efforts to achieve the sustainable development and exploitation of the oceans, it is important for Japan, surrounded as it is by sea, to become a new ocean-oriented nation striving for harmony between the peaceful and positive development and exploitation of the oceans and the conservation of the marine environment, in cooperation with the international community and in accordance with the *United Nations Convention on the Law of the Sea* and other international agreements, the purpose of this Act is to set out basic principles, to clarify the responsibilities of central and local government, business operators and members of the public in regard to the oceans, to formulate a basic plan in regard to the oceans and prescribe other basic matters concerning measures relating to the oceans and, lastly, by establishing a Headquarters for Ocean Policy, to promote measures relating to the oceans in a comprehensive and systematic manner and thus contribute to the sound development of the economy and society of Japan, improve the stability of life for its people and promote the peaceful coexistence of humanity and the oceans.

Article 2 Harmonization of the development and exploitation of the oceans with conservation of the marine environment

Given that the development and exploitation of the oceans is the basis for the existence of the economy and society of Japan, and that securing marine biodiversity and otherwise conserving good marine environmental conditions are essential to the survival of humanity and indispensable if the Japanese people are to enjoy full and prosperous lives, the development and exploitation of the oceans must be pursued in a positive manner, with a view to making possible the sustainable development and exploitation of the oceans while promoting the conservation of the marine environment, so that the people may enjoy the benefits of the oceans into the future.

Article 3 Ensuring the safety and security of the oceans

Given that it is important for Japan, which is surrounded by sea, that the safety and security of the oceans should be ensured, positive efforts shall be made to this end.

Article 4 Advancing scientific knowledge of the oceans

Given that scientific knowledge of the oceans is indispensable for the appropriate development and exploitation of the oceans and for the conservation of the marine environment, and that many matters relating to the oceans have yet to be explained in scientific terms, measures shall be taken to advance scientific knowledge of the oceans.

Article 5 Sound development of ocean industries

Given that industries concerned with the development, exploitation and conservation of the oceans (hereinafter referred to as "ocean industries") are essential to the sound development of Japan's economy and society and to the stabilization and improvement of the life of the Japanese people, measures shall be taken to promote their sound development.

Article 6 Comprehensive governance of the oceans

Given that issues relating to ocean resources, the marine environment, maritime transport, and the safety and security of the oceans are closely inter-related and need to be considered as a whole, governance of the development, exploitation and conservation of the oceans shall be pursued in a comprehensive and integrated manner.

Article 7 International partnership with regard to the oceans

Given that the ocean is the common heritage of all humanity, and that the economy and society of Japan are closely dependent on those of other countries, measures relating to the oceans shall be pursued through international partnership, so that Japan may play a leading role in the establishment and development of international order in regard to the oceans.

Article 8 Responsibilities of the State

The State shall be responsible for comprehensively and systematically formulating and implementing measures relating to the oceans, in accordance with the basic principles set out

in Articles 2 to 6 (hereinafter referred to as the "basic principles").

Article 9 Responsibilities of local government

Local government shall be responsible, in accordance with the basic principles and subject to an appropriate division of labour between local government and central government, for the formulation and implementation of measures relating to the oceans that reflect natural and social conditions in the area managed.

Article 10 Responsibilities of business operators

The business operators of ocean industries shall strive to conduct their business in accordance with the basic principles and to cooperate in regard to ocean measures implemented by central and local government.

Article 11 Responsibilities of members of the public

Members of the public shall recognize the benefits of the oceans and shall strive to cooperate in regard to measures relating to the oceans implemented by central and local government.

Article 12 Cooperation and partnership among the parties concerned

Central and local government, business operators in ocean industries, organizations undertaking ocean-related activities and other parties concerned shall strive to establish partnerships and to coordinate among themselves with a view to implementing the basic principles.

Article 13 Events on Ocean Day

Central and local government shall endeavour, on Ocean Day, proclaimed in Article 2 of the National Holidays Act (Act No. 178 of 1948), to hold events that enable members of the public to gain a better understanding of and develop a greater interest in the oceans.

Article 14 Legislative and other measures

The Government shall take any legislative, fiscal, financial or other measures necessary for the implementation of measures relating to the oceans.

Article 15 Preparation and publication of documents

The Government shall draft documents regarding both the state of the oceans and measures relating to the oceans implemented by the Government and shall publish them in an appropriate manner, as and when necessary.

II. BASIC PLAN ON OCEANS

Article 16

1. The Government shall formulate a basic plan relating to the oceans (hereinafter referred to as the "Basic Plan on Oceans") in order to promote the comprehensive and systematic pursuit of measures relating to the oceans.
2. The Basic Plan on Oceans shall prescribe the following matters:
 - (i) basic policy on measures relating to the oceans;
 - (ii) measures relating to the oceans that the Government should implement in a comprehensive and systematic manner;
 - (iii) in addition to the matters listed in the preceding two items, any matters necessary for the promotion of measures relating to the oceans in a comprehensive and systematic manner.
3. The Prime Minister shall seek cabinet approval of the draft Basic Plan on Oceans.
4. When the cabinet approval prescribed in the preceding paragraph has been granted, the Prime Minister shall publish the Basic Plan on Oceans without delay.
5. The Government shall review the Basic Plan on Oceans every five years and shall make any necessary changes, taking into consideration any changes in situation with regard to the oceans and an evaluation of the effects of measures relating to the oceans.
6. The provisions of paragraph 3 and paragraph 4 shall apply *mutatis mutandis* to any changes made to the Basic Plan on Oceans.
7. The Government shall strive to take such measures as are necessary for the smooth implementation of the Basic Plan on Oceans, for example, by appropriating in its budget each financial year, to the extent permitted by the nation's finances, the funds necessary to ensure payment of the expenses required for implementation of the plan.

III. BASIC MEASURES

Article 17 Promotion of the development and exploitation of ocean resources

The Government shall take such measures as are necessary for the conservation and management of fishery resources, the conservation and improvement of the habitat of ocean fauna and flora, the enhancement of fishing ground productivity and the promotion of the development and exploitation of petroleum, combustible natural gas and other mineral resources, including manganese ore and cobalt ore, found on or under the sea bed, as well as other measures necessary for the establishment of organizations for the management of the above, in order to promote the positive development and exploitation of the oceans, while taking into consideration the conservation of the marine environment and the need to permit the sustainable development and exploitation of ocean resources well into the future.

Article 18 Conservation of the marine environment

1. Given that the oceans play an important role in the conservation of the global environment, for example, in the prevention of global warming, the Government shall take such measures as are necessary for the conservation of the marine environment, including measures for the preservation of the biodiversity of the oceans through the conservation and improvement of habitats, the reduction of the pollution load of water flowing into the oceans, the prevention of the discharge of waste materials into the oceans, the prompt control of oil spills caused by shipping and other accidents and for the conservation of natural seascapes.
2. In addition to implementing the measures prescribed in the preceding paragraph, the Govern-

ment shall endeavour to review them as appropriate, on the basis of scientific knowledge, with a view to preventing adverse effects on the marine environment.

Article 19 Promotion of the development of the exclusive economic zone

Given that it is important to strengthen initiatives relating to the development, exploitation and conservation of the exclusive economic zone (hereinafter referred to as “the development of the exclusive economic zone”; “exclusive economic zone” as defined in Article 1, paragraph 1, and “continental shelf” as defined in Article 2 of the Law on the Exclusive Economic Zone and Continental Shelf (Law No. 74 of 1996)), the Government shall take such measures as are necessary for the promotion of the development of the exclusive economic zone, including measures to promote development reflecting the characteristics of the sea areas falling within the exclusive economic zone and measures to prevent the infringement of the sovereign rights of Japan in the exclusive economic zone.

Article 20 Securing maritime transport

The Government shall take such measures as are necessary to secure efficient and stable maritime transport, including measures for the securing of Japanese vessels, the training and recruitment of mariners and the construction of hub ports that will serve as bases in an international maritime transport network.

Article 21 Ensuring the safety and security of the oceans

1. Given that ensuring safety and security in the development and exploitation of ocean

resources and of maritime transport and maintaining order on the oceans is essential for the economy and society of Japan, which is surrounded by sea and depends on imports for a major part of its resources, the Government shall take, with regard to the oceans, such measures as are necessary to ensure the peace and security of Japan as well as to ensure maritime security and order.

2. The Government shall take such measures as are necessary for the prevention of natural disasters, together with measures to limit and repair damage in the event of natural disasters (hereinafter referred to as "disaster prevention"), in order to protect Japan's national territory and the persons and property of its citizens from disasters such as tsunamis and high tides.

Article 22 Promotion of ocean surveys

1. In order to ensure the appropriate formulation and implementation of measures relating to the oceans, the Government shall undertake such surveys as are necessary, including surveys serving to maintain an understanding of the state of the oceans and to predict changes in the maritime environment (hereinafter referred to as "ocean surveys"), and shall strive to establish systems for observation, monitoring, measurement and other necessary ocean survey activities.
2. The Government shall endeavour to make the information obtained from ocean surveys available to the public in order to contribute to the formulation and implementation of measures by local government in regard to the oceans and to facilitate the activities of business operators and other entities.

Article 23 Promotion of research and development in marine science and technology

The Government shall take such measures as are necessary to promote research and development in sciences and technologies relating to the oceans (hereinafter referred to as "marine science and technology") and the dissemination of their results, including the establishment of research systems, promotion of research and development, fostering of researchers and technicians and strengthening of partnerships among research institutions operated

by the central government, independent administrative agencies (independent administrative agencies as defined in the Law on General Rules for Independent Administrative Agencies (Act No. 103 of 1999), Article 2, paragraph 1) prefectural authorities and local independent administrative agencies (local independent administrative agencies as defined in the Law on Local Independent Administrative Agencies (Act No.118 of 2003), Article 2, paragraph 1), universities, private sector bodies, etc.

Article 24 Promotion of ocean industries and strengthening of their international competitiveness

The Government shall take such measures as are necessary to promote ocean industries and strengthen their international competitiveness, including the promotion of advanced research and development, the improvement of technology, the training and recruitment of human resources, the strengthening of operational bases and the development of new businesses through the improvement of competitive conditions and other measures.

Article 25 Integrated management of the coastal zone

1. Given that the origins of problems in coastal seas lie in activities on land and that the implementation of measures in respect of coastal seas alone is insufficient to ensure enjoyment of the benefits of the resources and natural environment of coastal seas well into the future, the Government shall, in regard to coastal seas and coastal land areas where natural and social conditions warrant measures to be implemented in a unified manner, take such measures as are necessary to ensure that the regulations and other measures applied to activities on land are managed appropriately by being implemented in an integrated manner.
2. Given that, of all coastal sea and coastal land areas, the coast in particular is subject to severe natural conditions, is the habitat and breeding ground for a wide variety of life and possesses unique natural beauty, the Government shall, when implementing the measures set out in the previous paragraph, make due provision to protect the coast from damage caused by tsunamis, high tides, ocean waves and other movements

of seawater or the earth's crust, to maintain and conserve the coastal environment and to exploit the coast in an appropriate manner.

Article 26 Conservation of isolated islands

Given that isolated islands play an important role in preserving Japan's territorial waters and exclusive economic zone, in ensuring the safety and security of maritime transport, in the development and exploitation of ocean resources and in the conservation of the marine environment, the Government shall take such measures as are necessary for the conservation of isolated islands, including measures to conserve the coast, ensure the safety and security of maritime transport, establish facilities for the development and exploitation of ocean resources, conserve the natural environment in surrounding waters and maintain the infrastructure for the inhabitants.

Article 27 Securing international partnership and promoting international cooperation

1. The Government shall take such measures as are necessary to secure international partnership in regard to oceans, including taking the initiative in the establishment of international agreements relating to the oceans.
2. To enable Japan to fulfil its role in international society in respect of the oceans, the Govern-

ment shall take such measures as are necessary to promote international cooperation in relation to ocean resources, the marine environment, ocean surveys, marine science and technology, crime prevention at sea, disaster prevention, sea rescue and other matters.

Article 28 Promotion of understanding of the oceans among members of the public

1. To enable members of the public to gain a better understanding of and develop a greater interest in the oceans, the Government shall take such measures as are necessary to promote ocean education in the context of both school education and of public awareness raising, the dissemination of information on the *United Nations Convention on the Law of the Sea* and other international agreements and international initiatives aimed at achieving the sustainable development and exploitation of the oceans, and also the popularization of ocean-related recreation.
2. With a view to securing a pool of people who hold the knowledge and skills required to address the political issues in an appropriate manner, the Government shall take such measures as are necessary to promote interdisciplinary education and research in universities and other institutions.

IV. HEADQUARTERS FOR OCEAN POLICY

Article 29 Establishment

In order to promote measures relating to the oceans in an intensive and comprehensive manner, a Headquarters for Ocean Policy (hereinafter referred to as “the Headquarters”) shall be established within the Cabinet.

Article 30 Matters under jurisdiction

The Headquarters shall hold responsibility for the matters listed below:

- (i) matters relating to the drafting and promotion of the execution of the Basic Plan on Oceans;
- (ii) matters relating to the overall coordination of measures implemented by the administrative bodies concerned, on the basis of the Basic Plan on Oceans;
- (iii) matters relating to the planning, proposal and overall coordination of key measures relating to the oceans other than those listed in the preceding two items.

Article 31 Organization

The Headquarters shall consist of a Director-General of the Headquarters for Ocean Policy, Deputy Directors-General of the Headquarters for Ocean Policy and members of the Headquarters for Ocean Policy.

Article 32 Director-General of the Headquarters for Ocean Policy

1. The Headquarters shall be led by a Director-General of the Headquarters for Ocean Policy (hereinafter referred to as “Director-General”), which post shall be held by the Prime Minister.
2. The Director-General shall be responsible for the overall supervision of the affairs of the Headquarters and shall direct and supervise the officials assigned to the Headquarters.

Article 33 Deputy Directors-General of the Headquarters for Ocean Policy

1. Deputy Directors-General of the Headquarters for Ocean Policy (hereinafter referred to as “Deputy Director-General”) shall be appointed to the Headquarters. These posts shall be held by the Chief Cabinet Secretary and the Minister for Ocean Policy (a Minister of State whose role is to assist the Prime Minister in the intensive and comprehensive promotion of measures relating to the oceans under the orders of the Prime Minister).
2. The Deputy Directors-General shall assist the Director-General in his or her duties.

Article 34 Members of the Headquarters for Ocean Policy

1. Members of the Headquarters for Ocean Policy (hereinafter referred to as “members”) shall be assigned to the Headquarters.
2. The members shall consist of all Ministers of State other than the Director-General and Deputy Directors-General.

Article 35 Submission of materials and other forms of cooperation

1. The Headquarters may, as it may consider necessary for the performance of tasks under its jurisdiction, request the submission of materials, statements of opinion, explanations and other forms of cooperation required from the heads of the relevant administrative agencies, local government bodies, independent administrative agencies, and local independent administrative agencies and from the representatives of special public corporations (corporations established directly by Acts or corporations established according to a statute provided by special Act, under the provisions of Article 4, paragraph 15 of the Act Establishing the Minis-

try of Internal Affairs and Communications (Act No. 91 of 1999)).

2. The Headquarters may also request any necessary cooperation from parties other than those listed in the preceding paragraph, if it considers this to be particularly necessary for the performance of tasks under its jurisdiction.

Article 36 Clerical work

Clerical work relating to the Headquarters shall be performed within the Cabinet Secretariat and administered, under commission, by the Assistant Chief Cabinet Secretary.

Article 37 Competent minister

The competent minister, as established in the Cabinet Law (Law No. 5 of 1947), for matters relating to the Headquarters shall be the Prime Minister.

Article 38 Delegation by Cabinet Order

In addition to the matters prescribed in the present Law, any other necessary matters concerning the Headquarters shall be prescribed by Cabinet Order.

SUPPLEMENTARY PROVISIONS

Effective Date

1. This Law shall come into force on the date specified by Cabinet Order, within a period not exceeding three months from the day of promulgation.

Reviews

2. A comprehensive review of the Headquarters shall be undertaken approximately five years after this Law comes into force and such measures as are determined to be necessary on the basis of the results of the review shall be taken.