

Basic Act on Ocean Policy

(Act No. 33 of April 27, 2007)

Table of contents

- Chapter I General Provisions (Art.1-15)
- Chapter II Basic Plan on Ocean Policy (Art.16)
- Chapter III Basic Measures (Art.17-28)
- Chapter IV Headquarters for Ocean Policy (Art.29-38)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, with regard to the oceans, to stipulate the basic principles, to clarify the responsibilities of the State, the local governments, business operators and the citizens as well as to formulate the basic plan with regard to the oceans and other basic matters with regard to the measures on the oceans, by establishing the Headquarters for Ocean Policy in order to promote measures with regard to the oceans comprehensively and systematically, through contributing to the sound development of the economy and society of our State and to improve the stability of the lives of citizenry as well as to contribute to the coexistence of the oceans and mankind, in consideration of the fact that the oceans, occupying broad portion of the globe, is an indispensable factor for maintaining the lives of the living beings including mankind, and the fact that it is important to realize a new oceanic State in harmonization of the peaceful and positive development and use of the oceans with the conservation of the marine environment, under the international cooperation, as our State surrounded by the oceans, based on the United Nations Convention on the Law of the Sea and other international agreements as well as on the international efforts on the realization of the sustainable development and use of the oceans.

(Harmonization of the Development and Use of the Oceans with the Conservation of Marine Environment)

Article 2 With regard to the oceans, in consideration of the fact that the development and use of the oceans are the basis of existence for the economy and society of our State, and that securing the marine biological diversity and conserving other better marine environment are the basis of the existence of mankind and also indispensable for prosperous and affluent lives of the

citizenry, the positive development and use of the oceans must be executed, aiming at allowing for the sustainable development and use of the oceans with conservation of marine environment in order to enjoy the benefit of the oceans in the future.

(Securing the Safety and Security on the Oceans)

Article 3 With regard to the oceans, in consideration of the fact that securing the safety and security on the oceans is important for our State surrounded by the oceans, efforts to secure the safety and security of the oceans must be positively promoted.

(Improvement of Scientific Knowledge of the Oceans)

Article 4 In consideration of the fact that scientific knowledge of the oceans is indispensable for the proper development and use of the oceans and conservation of the marine environment, while many scientifically unsolved fields remain with regard to the oceans, the scientific knowledge of the oceans must be improved.

(Sound Development of Ocean Industries)

Article 5 With regard to the industries bearing the development, use and conservation of the oceans (hereinafter referred to as "Ocean Industries"), in consideration of the fact that they are the basis for the sound development of the economy and society of our State and of stabilization and improvement of the lives of the citizenry, their sound development must be promoted.

(Comprehensive Governance of the Oceans)

Article 6 Governance of the oceans must be executed comprehensively and integrally with respect to the development, use and conservation of the oceans, in consideration of the fact that the matters with regard to ocean resources, marine environment, maritime traffic and the safety and security of the oceans interrelate closely with each other, and the relevant matters must be examined as a whole.

(International Partnership with regard to the Oceans)

Article 7 In consideration of the fact that the oceans are the common heritage of mankind, and that the economy and society of our State have been conducted in close international interdependent relationship, promotion of measures with regard to the oceans must be executed under the international partnership, aiming at bearing the leading role for the formation and development of the international order.

(Responsibilities of the State)

Article 8 The State is responsible for comprehensively and systematically formulating and implementing measures with regard to the oceans, in conformity with the basic principle prescribed in Article 2 through the preceding article (hereinafter refer to as "basic principle").

(Responsibilities of the Local Governments)

Article 9 Based on an appropriate sharing role with the State, the Local Governments are responsible for formulating and implementing the measures that suit the natural and social conditions of their areas with regard to the oceans, in conformity with the basic principle.

(Responsibilities of Business Operators)

Article 10 The business operators of Ocean Industries must endeavor to conduct their business activities, pursuant to the basic principles, and to cooperate with the State and the Local Governments in implementing measures with regard to the oceans.

(Responsibilities of Citizens)

Article 11 Citizens, in recognition of the benefit of the oceans, must endeavor to cooperate with the State and the Local Governments in implementing measures with regard to the oceans.

(Coordination and Cooperation among the Relevant Parties)

Article 12 The State, the Local Governments, business operators of Ocean Industries and other relevant parties, including organizations executing activities with regard to the oceans, must endeavor to cooperate and coordinate with each other, in order to realize the basic principles.

(Events of the Ocean Day)

Article 13 The State and the local governments must endeavor, on the Ocean Day as stipulated in Article 2 of the Act on National Holidays (Act No. 178 of 1948), to hold the events that enable the citizens to have better understanding and deeper interests of the oceans.

(Legislative Measures)

Article 14 The Government must take necessary legislative, fiscal or financial measures, and other measures in order to implement measures with regard to the oceans.

(Preparation of the Documents and Publicizing)

Article 15 The Government must prepare documents on the situation of the oceans and the implemented measures by the Government with regard to the oceans, and must publicize them in an appropriate way as needed.

Chapter II Basic Plan on Ocean Policy

Article 16 (1) The Government must formulate a basic plan with regard to the oceans (hereinafter referred to as "Basic Plan on Ocean Policy"), in order to promote measures with regard to the oceans comprehensively and systematically.

- (2) The Basic Plan on Ocean Policy is to prescribe the following matters:
- (i) the basic policy of measures with regard to the oceans
 - (ii) the measures that the Government must implement with regard to the oceans comprehensively and systematically
 - (iii) beyond what is set forth in the preceding two items, any matters necessary for promoting measures with regard to the oceans comprehensively and systematically
- (3) The Prime Minister must seek a cabinet decision on the draft of the Basic Plan on Ocean Policy.
- (4) When the cabinet decision prescribed in the preceding paragraph has been made, Prime Minister must publicize the Basic Plan on Ocean Policy without delay.
- (5) Bearing in mind the changes on the situation with regard to the oceans, as well as based on an evaluation of the effect of measures with regard to the oceans, the Government is to review the Basic Plan on Ocean Policy almost every five years, and is to make necessary changes.
- (6) The provisions of paragraph 3 and paragraph 4 apply mutatis mutandis to make changes to the Basic Plan on Ocean Policy.
- (7) The Government must endeavor to take necessary measures for the smooth implementation of the Basic Plan on Ocean Policy by, for example, appropriating its budget each fiscal year, to the extent permitted by the State's finances, in order to secure funds necessary to ensure payment of the expenses required for the implementation of the plan.

Chapter III Basic Measures

(Promotion of Development and Use of Ocean Resources)

Article 17 The State is to take necessary measures on conservation and management of living aquatic resources, conservation and improvement of the growing environment for aquatic plants and animals, increase of the fishing ground productivity, promotion of the development and use of petroleum,

inflammable natural gas, other mineral resource including manganese ores, cobalt ores existing on and under the sea floor, establishment of the system for the above mentioned missions and execution of others, in order to promote the positive development and use of the oceans, considering conservation of the marine environment and to allow for the sustainable development and use of the ocean resources in the future.

(Conservation of Marine Environment)

Article 18 (1) The State is to take necessary measures to conserve the marine environment including securing the biodiversity in the oceans with conservation and improvement of the habitat, reduction of the pollution load caused by water flow into the oceans, prevention of the discharge of waste materials to the oceans, prompt prevention of the oil spill caused by accidents of the vessels and others, conservation of the seascape and others, in consideration of the fact that the oceans make a great impact on the conservation of the global environment, such as the prevention of global warming and others.

(2) The State, from the view point of preventing adverse effect on the marine environment, based on the scientific knowledge, is to execute the measures prescribed in the preceding paragraph and to make efforts to review them properly.

(Promotion of Development of Exclusive Economic Zone)

Article 19 The State, in consideration of the fact that it is important to strengthen the efforts with regard to the development, use and conservation and others of the Exclusive Economic Zone and other areas (the term "the Exclusive Economic Zone and other areas" means the Exclusive Economic Zone defined by Article 1, paragraph 1 of the Act on the Exclusive Economic Zone and the Continental Shelf (Law No.74 of 1996) and Continental Shelf defined by Article 2 of the Law. The same applies hereinafter) (hereinafter referred to as "Development and others of the Exclusive Economic Zone and other areas") is to take necessary measures in order to promote the Development and others of the Exclusive Economic Zone and other areas including the Development and others of the Exclusive Economic Zone and other areas according to the characteristics of its sea areas, prevention of the infringement on the sovereign rights of our State in the Exclusive Economic Zone and other areas and execution of others.

(Securing Maritime Transport)

Article 20 The State is to take necessary measures to secure the efficient and stable maritime transport, including securing of Japanese vessels, nurturing

and securing mariners, developing ports and harbors that are hubs for the international maritime transport network and executing others.

(Securing the Safety and Security of the Oceans)

Article 21 (1) The State, in consideration of the fact that, for the economy and society of our State, surrounded by the oceans and dependent on import for major portion of the resources, it is essential to secure the development and use of the marine resources, the safety of the maritime transport and others as well as to maintain the order in the oceans, with regard to the oceans, is to take necessary measures to secure the peace and safety of our State as well as to secure the maritime safety and public order.

(2) The State is to take necessary measures with regard to the prevention of natural disaster, prevention of damage expansion in case of occurrence of natural disaster and recovery from disaster (hereinafter referred to as "Disaster Prevention"), in order to protect national land as well as life, body and property of the citizens from disasters, such as tsunamis, storm surges and others.

(Promotion of Ocean Survey)

Article 22 (1) The State, in order to formulate and implement the measures with regard to the oceans properly, is to make efforts to execute the necessary survey including the grasp of the ocean situation, the prediction of the change of marine environment and other survey to formulate and implement the measures with regard to the oceans (hereinafter referred to as "Ocean Survey"), as well as to establish systems for monitoring, observing, measuring and other activities necessary to the Ocean Survey.

(2) The State is to make efforts to provide the information obtained by Ocean Survey, in order to contribute to the formulation and implementation of measures by the Local Governments with regard to the oceans as well as to contribute to the activities by the business operators and others.

(Promotion of Research and Development of Ocean Science and Technology)

Article 23 The State, in order to promote the research and development and to disseminate the result with regard to the science and technology of the oceans (hereinafter referred to as "Ocean Science and Technology"), is to take necessary measures including establishing the research systems, promoting research and development, nurturing researchers and technicians, strengthening coordination among the relevant research institutions as the State, Incorporated Administrative Agency (referring to the Incorporated Administrative Agency set forth in the Act on General Rules for Incorporated Administrative Agencies (Act No.103 of 1999), Article 2, paragraph 1; the same

applies hereinafter), the prefecture, and Local Incorporated Administrative Agency (referring to the Local Incorporated Administrative Agency set forth in the Local Incorporated Administrative Agency Act (Act No.118 of 2003), Article 2, paragraph 1; the same applies hereinafter), universities and private bodies, and executing others.

(Promotion of Ocean Industries and Strengthening the International Competitiveness)

Article 24 The State, in order to promote the Ocean Industries and to strengthen the international competitiveness, is to take necessary measures with regard to the Ocean Industries, to promote the cutting-edge research and development, to upgrade the level of technology, to nurture and secure the human resources and to reinforce the management basis with the improvement of competitive conditions and others as well as to exploit new businesses and to execute others.

(Integrated Management of the Coastal Zone)

Article 25 (1) The State is to take necessary measures for the coastal sea areas and land areas, where recognized suitable for the measures to be implemented in a unified manner upon the natural and social conditions, to be managed properly, by the regulatory and other measures to the activities implemented in the integrated manner, in consideration of the fact that there are difficulties in keeping on enjoying the benefit brought by the resources, natural environment and others of the coastal sea areas in the future only by implementing the measures with respect to the coastal sea areas when issues in the coastal sea areas are originated by the activities on land.

(2) The State is to give enough consideration, when executing the measures prescribed in the preceding paragraph, to securing the protection of the seacoasts from damages caused by tsunamis, storm surges, high waves and other movement of seawater or ground deformation, and to securing improvement and conservation of the coastal environment as well as to promoting proper use of the seacoasts by the public, in consideration of the fact that specifically the coast between the coastal sea area and land area is under the severe natural condition with characteristic landscape, while supporting and raising a great variety of life.

(Conservation of the Remote Islands)

Article 26 The State, with regard to the remote islands, is to take necessary measures including conserving the seacoasts and others, securing the safety of navigation as well as establishing the facilities for the development and use of ocean resources, conserving natural environment in adjacent sea areas,

maintaining infrastructure for the life of inhabitant and executing others, in consideration of the fact that the remote islands bear a significant role in conserving our territorial sea and the Exclusive Economic Zone and other areas, and in securing the safety of navigation in the development and use of ocean resources as well as in conservation of the marine environment.

(Securing International Coordination and Promotion of International Cooperation)

Article 27 (1) The State is to take necessary measures to secure the international coordination with regard to the oceans including subjective involvement in the formulation of international agreements and others with regard to the oceans as well as execution of others.

(2) The State is to take necessary measures, with regard to the oceans, to promote the international cooperation related to ocean resources, marine environment, Ocean Survey, Ocean Science and Technology, crime control at sea, Disaster Prevention, disaster rescue at sea and others, in order to accomplish the role positively in the international society.

(Enhancement of Citizen's Understanding of the Oceans)

Article 28 (1) The State is to take necessary measures, in order that citizens may have a better understanding of and deeper interests in the oceans, to promote school education and social education with regard to the oceans, propagation and enlightenment of the United Nations Convention on the Law of the Sea and other international agreements as well as international efforts to realize the sustainable development and use of the oceans, and popularization of ocean recreation.

(2) The State is to take necessary measures to promote interdisciplinary education and research at universities and others, in order to nurture human resources with knowledge and capability required to meet the political issues appropriately with regard to the oceans.

Chapter IV Headquarters for Ocean Policy

(Establishment)

Article 29 In order to promote measures with regard to the oceans intensively and comprehensively, Headquarters for Ocean Policy (hereinafter referred to as "the Headquarters") is established in the Cabinet.

(Affairs under the Jurisdiction)

Article 30 The Headquarters take charge of affairs listed in the following items:

(i) matters with regard to drafting and to the promotion of execution of Basic

Plan on Ocean Policy.

(ii) matters with regard to synthesis coordination of measures of implementation by relevant administrative organs based on Basic Plan on Ocean Policy.

(iii) beyond what is set forth in the preceding two Paragraphs, matters with regard to planning and drafting of important measures with regard to the oceans as well as synthesis coordination.

(Organization)

Article 31 The Headquarters consist of the Director-General of the Headquarters for Ocean Policy, the Vice Director-Generals of the Headquarters for Ocean Policy, and Members of the Headquarters for Ocean Policy.

(Director-General of the Headquarters for Ocean Policy)

Article 32 (1) The Headquarters is headed by the Director-General of the Headquarters for Ocean Policy (hereinafter referred to as "Director-General"), the post which is served as Prime Minister.

(2) The Director-General is in charge of general coordination of the affairs of the Headquarters, and directs and supervises the relevant officials.

(Vice Director-General of the Headquarters for Ocean Policy)

Article 33 (1) The Vice Director-General of the Headquarters for Ocean Policy (hereinafter referred to as "Vice Director-General") is assigned in the Headquarters, and The Chief Cabinet Secretary and the Minister for Ocean Policy (meaning the Minister of the State appointed by the Prime Minister, who performs his duty to assist the Prime Minister, with regard to intensive and comprehensive promotion of measures with regard to the oceans) serve that position.

(2) The Vice Director-Generals assists the duties of the Director-General.

(Members of the Headquarters for Ocean Policy)

Article 34 (1) Members of the Headquarters for Ocean Policy (hereinafter referred to as "Members") are assigned in the Headquarters.

(2) The Members are assigned with all Ministers of the State other than the Director-General and Vice Director-General.

(Submission of Materials and Other Forms of Cooperation)

Article 35 (1) The Headquarters may, if it considers it necessary for implementing affairs under the jurisdiction, demand submission of materials, statements of opinions, explanations and other required cooperation from the heads of the relevant administrative organs, Local Governments, Incorporated

Administrative Agencies and Local Incorporated Administrative Agencies and the representatives of statutory juridical persons (Corporations which are directly established by Acts or juridical persons which are established according to their statute of establishment provided by special law, under the provisions of Paragraph 15 of Article 4 of the Act for Establishment of the Ministry of Internal Affairs and Communications(Act No. 91 of 1999)).

- (2) The Headquarters may also demand required cooperation from parties other than those prescribed in the preceding paragraph, if it considers it especially necessary for implementing affairs under the jurisdiction.

(Affairs)

Article 36 Affairs concerning the Headquarters are processed within the Cabinet Secretariat and administered by the Assistant Chief Cabinet Secretary under commission.

(Competent Minister)

Article 37 The competent Minister as set forth in the Cabinet Act (Act No. 5 of 1947) for the matters pertaining to the Headquarters is the Prime Minister.

(Delegation to Cabinet Orders)

Article 38 In addition to what is provided for in this Act, necessary matters concerning the Headquarters are prescribed by a Cabinet Order.

Supplementary Provisions

(Effective Date)

- (1) This Act comes into effect from the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

(Review)

- (2) With regard to the Headquarters, comprehensive review is to be executed in five years after entering into force of this Act, and necessary measures is to be taken based on the results of the review.