



Chapter 1 Background

Internationally, to provide a basis for promotion of the biodiversity and sustainable use of the ocean, “United Nations Convention on the Law of the Sea (UNCLOS)” was adopted in 1982, and came into force in 1994. After preparation of relevant domestic policies, Japan became its 94th ratifier, and the Convention was nationally put into effect on July 20 (original “Ocean Day” of national holiday) in 1996.

This Convention, also referred to as a “Constitution for the Oceans”, recognizes that “the problems of ocean space are closely interrelated and need to be considered as a whole” in its preamble. The Convention aims to facilitate international communication and promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment.

UNCLOS is composed of 17 parts, 320 articles and 9 annexes. Its Part 12 entitled “Protection and Preservation of the Marine Environment” declares in the opening article that “States have the obligation to protect and preserve the marine environment” (Article 192), to confirm that it is a common obligation for states to protect the marine environment including those within their exclusive economic zone, and this Part

provides detailed regulations for protection and preservation of the marine environment. From the perspective of biodiversity conservation, Paragraph 5 of Article 194 states that measures to prevent, reduce and control pollution of the marine environment shall include measures “necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life”. Specific measures, however, are not provided in this paragraph, and they are left in the hands of each state.

In the 1980’s, there increased a sense of crisis over the global-scale extinction of species and the loss of biological resources essential for the survival of human beings, and this led to adoption of the “Convention on Biological

Diversity” at the United Nations Conference on Environment and Development (Earth Summit) in 1992. Objectives of this Convention are “conservation of biological diversity,” “sustainable use of its components” and “fair and equitable sharing of the benefits arising out of the utilization of genetic resources.” In May 1993, Japan ratified the Convention as its 18th ratifier, and the Convention came into force in December of that year.

In 2002, parties agreed to “achieve, by 2010, a significant reduction of the current rate of biodiversity loss” (2010 Biodiversity Target) at the 6th Ordinary Meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD-COP6). However, this could not be accomplished, and new targets were set for years after 2011 (Strategic Plan 2011-2020



(Aichi Biodiversity Targets)) at the 10th Meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD-COP10) hosted by Japan in 2010, to clearly present a future roadmap. Strategic Plan 2011-2020 (Aichi Biodiversity Targets) consists of 20 individual targets, many of which are relevant to marine biodiversity, such as the sustainable management and harvest of all fish and invertebrate stocks and aquatic plants (Target 6); the minimization of multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification (Target 10); and conservation of at least 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures (Target 11).

At the Conference of the Parties to the Convention on Biological Diversity, discussions have been made on various issues relevant to the biodiversity in the ocean, as one of the categories of interest, since the decision on “Conservation and Sustainable use of Marine and Coastal Biological Diversity” (Decision II/10; known as “Jakarta Mandate”) was adopted at the 2nd Conference of the Parties (COP 2) in 1995. At the 10th Conference of the Parties, decisions were made under the agenda for “marine and coastal biodiversity” for better understanding of application of “scientific criteria for the identification of Ecologically or Biologically Significant Areas (EBSA) in need of protection”, promotion of efforts to accomplish a plan to “establish networks of marine protected areas by 2012” as stated in the “Johannesburg Plan of Implementation” adopted at the “World Summit on Sustainable Development (WSSD)” in 2002, scientific advice for conservation of the biodiversity in waters beyond national jurisdictions, cooperation with relevant organizations to assess impacts of unsustainable fishing, and assessment of impacts of the marine acidification associated with the climate change².

In Japan, in response to increasing public interests in the coastal environment, Coast Act was amended in 1999 to include “establishment



and protection of good coastal environment” as one of its objectives. With increasing general interests in environment, Port and Harbor Act was also amended in the following year (2000) to include “consideration for environmental protection” among its objectives. In such ways, concept of environmental protection was incorporated into individual acts relevant to the sea. In addition, with increasing public awareness for integrated management of the ocean, Basic Act on Ocean Policy was enacted in April 2007. This Act was formulated under the recognition 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” Article 18 on the Conservation of Marine Environment, etc. clearly requires “securing the biodiversity in the oceans” along with reduction of the pollution load caused by water flow into the oceans, prevention of the discharge of waste materials to the oceans. “Basic Plan on Ocean Policy” decided by the Cabinet in March 2008 under this Act also clearly lists efforts to secure the biodiversity among the measures to be taken by the government.

In May 2008, with increasing national and international concern on biodiversity, “Basic Act on Biodiversity” was enacted. This act aims to promote policies for conservation and sustainable use of biodiversity in a comprehensive



and planned manner, thereby conserving rich biodiversity, and to aim at realizing a society in coexistence with nature where human beings can continue enjoying benefits therefrom in the future and to contribute to conserving the global environment.

In May 2009, Natural Park Act and Nature Conservation Act were also amended (effective since April 2010) to clearly provide “contributions to security of the biodiversity” as their objective.

With the establishment of the Basic Act on Biodiversity, “National Biodiversity Strategy of Japan 2010” was decided by the Cabinet in May 2010. This is the 4th one since the first National Biodiversity Strategy was established in 1995 on the basis of the Convention of Biological Diversity, and its reference to the marine environment has been extended.

National Biodiversity Strategy of Japan 2010 describes various measures by the government for conservation and sustainable uses of the coastal and marine biodiversity. However, at the same time, this strategy clearly states that the effective conservation and restoration of extensive coastal and marine areas require characterization of ecosystems there and systematic implementation of regulations and conservation measures.

This Marine Biodiversity Conservation Strategy reflects such international and national actions and summarizes the basic principles to promote general protection of marine biodiversity in line with the Strategic Plan 2011-2020 (Aichi Biodiversity Targets) and the National Biodiversity Strategy of Japan 2010.

² UNEP/CBD/COP/DEC/X/29