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THE NIPPON FOUNDATION
Research Task Force on National Ocean Policies

**Compilation of Summaries of National
and Regional Ocean Policies**

Research Task Force on National Ocean Policies
Chair: Dr. Biliانا Cicin-Sain, University of Delaware
Vice-Chair: Dr. David VanderZwaag, Dalhousie University

Prepared by:
Dr. Miriam C. Balgos, Nicole Ricci, Laverne Walker, Jason Didden,
Amanda Wenczel, and Kateryna Wowk
Gerard J. Mangone Center for Marine Policy
University of Delaware
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Foreword

While most coastal nations of the world already have a variety of sectoral policies in place to manage different uses of the ocean (such as shipping, fishing, and oil and gas development), it has only been in the last decade that coastal nations have undertaken concerted efforts to articulate and implement an integrated vision for the governance of ocean areas under their jurisdiction—to harmonize existing uses and laws, to foster sustainable development of ocean areas, to protect biodiversity and vulnerable resources and ecosystems, and to coordinate the actions of the many government agencies that are typically involved in oceans affairs.

This is a very encouraging development, responding, as it does to the reality of serious conflicts of use in most national ocean zones and to the prescriptions articulated in both the Law of the Sea (“*the problems of ocean space are closely interrelated and need to be considered as a whole*”), and in the 1992 Earth Summit (given the interrelationship among uses and processes in the coast and ocean, ocean and coastal governance must be “*integrated in content and precautionary and anticipatory in ambit*”).

The Nippon Foundation Research Task Force on National Ocean Policies, the first research activity of the International Ocean Governance Network established by the Nippon Foundation, brings together academic experts and government officials working on national and regional ocean policies from around the globe for the following purposes:

1. Develop a framework for cross-national analysis of national ocean policies and for drawing lessons useful to other cases.
2. Carry out systematic comparative analyses of national ocean policies in a selected number of countries.
3. Draw lessons from the comparative analyses and develop suggested guidance for other nations contemplating national ocean policy formulation and implementation.
4. Organize an international conference for lesson sharing on national ocean policies.
5. Disseminate the results of the research work through publications, Internet services, policy briefings to public officials and to journalists.
6. Develop and disseminate educational materials on national ocean policies.

The Research Task Force on National Ocean Policies is led by Dr. Biliana Cicin-Sain, University of Delaware (chair), and Dr. David VanderZwaag, Dalhousie University, Canada (vice-chair).

This volume is a preliminary compilation of summaries of 19 national and 3 regional ocean policies. Full-blown case studies will be incorporated in a forthcoming book on integrated ocean policy, a sample of which will be showcased at the TOPS 2005 The Ocean Policy Summit: International Conference on Integrated Ocean Policy to be held in Lisbon, Portugal on October 10-14, 2005. Please note that any omissions or mistakes in the summaries should be brought to the attention of the compilers and will be corrected in consultation with the authors of the case studies.

Biliana Cicin-Sain and David VanderZwaag

Australia

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

Australia is the sixth largest country and the world's largest permanently populated island. It has a land area of 7,692,024 km² and 59,736 km of coastline, which includes offshore islands but not external territories. External territories including Australian Antarctic Territory, add a further 5,897,500 km² to Australia's territory. With responsibilities for approximately 14 million square kilometres of ocean, Australia has one of the largest marine jurisdictions of any country in the world. In September 2005, the country's population was estimated at 20.4 million people, giving Australia a population density of approximately 2.5 persons per km². More than 80% of the population lives in the coastal zone.

B. Brief overview of nature and evolution of national ocean policy

Australia's Oceans Policy was developed and launched in 1998 with the goal of coordinating marine activities in Australia to create an effective and efficient oceans management regime. The management of Australia's marine jurisdiction is shared between seven state and territory governments in addition to the federal Australian Government. Within each government's sphere of influence, management is divided along sectoral lines that operate independently of one another with varying degrees of integration. In the early stages of the Oceans Policy process the sheer diversity of interests proved to be difficult to integrate and the state and territory governments were not signatories to the Policy. Thus, internal cross-jurisdictional arrangements had to be negotiated in the political arena.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

The policy development process was led by the Department of Environment and Heritage. However, given that Australia's oceans fall within the jurisdiction of both State and Territory Governments and the federal Australian Government, an extensive consultation process was planned that would include all Australian governments, the

community, interest groups, and other major stakeholders. Several technical papers on best practices, indigenous interests, cultural considerations, and international obligations were commissioned by the government. The consultation process led to the Australian Oceans Forum in 1997. The forum hosted representatives from all of the coastal Australian governments, scientists, policy makers, representatives of broad range industries, conservation and other NGO interests. The policy was completed and signed off for the Australian Government by the Prime Minister in late 1998. The State and Territory governments chose not to sign the policy and as a result it is binding only on the federal Australian Government. Oceans Policy is not legislated.

B. Major Principles

Australia's Oceans Policy incorporates a number of major planning principles. Within the policy, each principle is expanded upon and defined. The principles within the policy are summarized below.

Ecosystem based Management and Integration

Australia's ocean ecosystems and their marine biological diversity are core national assets. If their use is well managed, they can meet a broad range of economic, social, and cultural aspirations. Marine planning under Oceans Policy, uses entire ecosystems as the basic planning unit. As a result marine plans seek to integrate across jurisdictions and sectors to ensure that all impacts on the ecosystem are considered concurrently.

Ecological Sustainable Development

Ecological sustainable development can only be achieved if the ecosystem can be maintained at a level wherein the resources it provides are available for future generations. The ability to use natural resources in the long term is dependent on maintaining the health and integrity of the ecosystems that provide them.

Multiple Use Management

Implementation of multiple use management requires scientific support for decision making and in the operation use of performance measures. Multiple use management requires all ocean resource use (extractive and non-extractive) to be considered jointly. This allows the cumulative impacts of ocean resource use and the interaction between different uses to be understood.

Precautionary Approach

Incomplete information on possible impacts should not postpone action intended to reduce or avoid unacceptable level of change, or to prevent serious or irreversible environment degradation of the oceans. If the potential impact of an activity is uncertain, priority should be given to maintaining ecosystem health.

Best Available Science and Adaptive Management

Improvement of coordination and integration of research efforts is fundamental to maximizing their effectiveness and efficiency, particularly in the area of government-funded research. These two approaches together require the identification of useful indicators and performance measures and the close monitoring of those indicators and measures so the management plan can remain strategic and effective.

Indigenous Rights

The policy provides for the participation and representation of indigenous people in all processes related to the implementation of the Oceans Policy.

Stewardship and Transparency

The National Oceans Advisory Group (NOAG) includes representatives of industry, conservation, science, law, policy makers, and indigenous people. The group is independent of government agencies. NOAG reports to the Ministers to ensure that the process remains fair and transparent.

C. Institutional Arrangements

The wide scope of the Oceans Policy required that a number of administrative bodies be created in support of the policy's implementation. There are numerous technical working groups, representative groups, and advisory panels that have been established to work on specific projects under the Oceans Policy. Ultimately, high level decisions are made by the Minister for the Environment and Heritage who will consult with his colleagues as each particular issue requires. In instances when high level, whole-of-government decisions are required, the matter will be put before the Sustainable Environment Committee of the Cabinet of the Australian Government.

The following are the key administrative bodies involved in the implementation of the policy.

The Oceans Board of Management (OBOM) is composed principally of the heads of the federal Australian Government agencies with major marine interests. The OBOM is a forum for constructive discussion among senior government department officials on oceans management issues. As the most senior government group that discusses matters related to Oceans Policy, the advice OBOM provides to the Minister for the Environment and Heritage has a significant influence on the management of marine issues.

The National Oceans Advisory Group (NOAG) is a high-level non-governmental stakeholder group consisting of representatives from main interest groups, such as, tourism, conservation, ports, shipping, commercial and recreational fishing, oil and gas, minerals, science, and the local community. It is an independent body, which reports directly to the Minister for the Environment and Heritage for the purpose of advising on the effectiveness of the implementation of Oceans Policy. NOAG has also proven to be an excellent forum for the exchange of ideas between all sectors simultaneously in one venue without the government acting as an intermediary.

The Oceans Policy Science Advisory Group (OPSAG) was established in 2003 to promote a more coordinated and integrated approach to marine science, across the Commonwealth, in relation to marine planning and the implementation of Oceans Policy. OPSAG involves both governmental and non-governmental marine science experts and is supported by the Department of the Environment and Heritage and the Department of Education, Science, and Training.

The Marine Division of the Department of the Environment and Heritage (including the National Oceans Office) is responsible for the development and implementation of Oceans Policy and marine planning, and provides support and advice on a number of technical topics to other groups and agencies. The Marine Division coordinates the day-to-day development of the Oceans Policy.

Planning and Advisory Committees are either interest- or expert-based and are used in the implementation of marine planning. These plans, which are defined by large marine ecosystems, are the primary implementation tools for the Oceans Policy.

The primary body that negotiates across jurisdictions and coordinates between the State and Territory governments

and the federal Australian Government is the Council of Australian Governments (COAG). COAG is the highest intergovernmental forum in Australia, comprising of the Prime Minister, State Premiers, Territory Chief Ministers, and the President of the Australian Local Government Association. Under the leadership of the COAG, a number of Ministerial Councils, with representatives from each jurisdiction, meet to discuss specific policy matters. The Council most commonly associated with the Oceans Policy is the Natural Resource Management Ministerial Council.

3. Nature of the Policy and Legislation

Australia's Oceans Policy was completed in 1998 and approved by the Prime Minister that same year. Since the State and Territory governments chose not to sign on to the policy, it is binding only to the federal government. Australia's Oceans Policy is not legislated. The Oceans Policy is a high-level "umbrella" policy in the sense that it does not replace existing policies and legislation; rather, it is designed to integrate and coordinate existing mechanisms without adding to further oceans management arrangements. Since the Oceans Policy cannot replace or remove existing instruments, the policy must draw together the range of existing programs as a guide for ocean users. Without supporting legislation, there are no direct enforcement activities related to the policy.

4. Implementation, Evaluation, and Long-term Outlook

In order to focus the Oceans Policy into a regional context, a series of regional marine plans were proposed, one for each area of reasonably ubiquitous ocean territory. These plans were intended to be the primary implementation tool for the Oceans Policy, however the goals of the policy are so diverse and the scale of the plans so large that there was a tendency for the plans to try to achieve too much, to effectively be every solution to every problem.

This led to a major adjustment of the regional marine planning model in 2004 to focus on three major outputs: a description of the marine region, ten-year ecological sustainability indicators and an outline of strategies and indicators. Although this framework was essentially correct some adjustment was needed to bring the focus more directly to biodiversity conservation priorities at the regional level and create the long term security of access and certainty of process for existing and future marine-based industries that was one of the key objectives of Oceans Policy.

After almost five years of regional marine planning there are a number of processes and instruments in place that will facilitate the evolution of regional marine planning into a more focused and

outcomes oriented mechanism without losing the lessons learned and benefits gained.

The new bioregional planning model sits within the existing legislated framework of the *Environment Protection and Biodiversity Conservation Act 1999*. Bioregional plans would present a comprehensive ecological profile of each planning region and identify key conservation values, features and threatening processes. The plans will set objectives, strategies and actions for biodiversity conservation in the planning region that will be delivered over the life of the plan.

The bioregional plans will include an overview of the current suite of biodiversity conservation powers and initiatives available to the Australian Government such as threatened species recovery planning, threat abatement plans, strategic assessments, marine protected areas development and fisheries assessments. Bioregional plans will also include baseline measures for ecological sustainability, which will be reported on every five years. The sustainability indicators will be agreed with Australian Government agencies and will then be used in sector based planning and regulatory processes.

By doing so, the bioregional plans will operate as a key reference document to guide industry engagement with the Australian Government in its administration of the Environment Protection and Biodiversity conservation Act 1999. The plans will increase knowledge and understanding of the conservation objectives for a region and in so doing improve capacity to pursue ecologically sustainable development, as well as enhancing the certainty of process for the future management of marine resources.

5. Progress on Implementation

The South-east Regional Marine Plan, the first of what was to be six regional marine plans, was finalized in May 2004.

The Northern Regional Marine Plan is approaching completion and is expected to be adapted to the new bioregional planning model in late 2005.

The South-west Regional Marine Plan was begun in early 2005 and is still very much in its infancy. It will be completed using the new bioregional marine planning model.

6. References

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Brazil

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

This brief summarizes a case study on Brazil's National Ocean Policy prepared by Milton L. Asmus, Etienne Villela Marroni and Guilherme G. Vieira for the Nippon Foundation. Additional resources are included as references and cited as appropriate.

The largest country in South America, Brazil, has a coastline of about 8,400 km² and a population of approximately 180,000,000, of which 40% percent reside in coastal counties and generate 70% of the country's GNP. The four hundred coastal counties have a mean density of 105 inhabitants/km², which is five times larger than the national mean density of 20 inhabitants/km². Ninety percent of Brazilian international commerce circulates through 34 main coastal ports creating more than US\$100 billion in port business yearly. Brazilian industrial exportations are mainly in sectors with high polluting potential such as paper cellulose and other chemicals and are usually located in metropolitan regions of the coastal zone. Socio-economic activities within Brazil's coastal zone have the potential to influence not only the national economy and society but the environmental state of the South Atlantic. This situation motivated the establishment of the National Policy for Sea Resources in 1980 in Brazil, aimed at the management of its coastal population and marine resources.

B. Brief overview of nature and evolution of national ocean policy

In 1973, the Special Secretary of Environment to the Presidency of Brazil was created, which was a meaningful step in the institutional history of the marine policy process. One year later the Interministerial Commission of Sea Resources (CIRM) was formed to coordinate marine activities and lead the development of a national policy for the coastal region. Brazil's 1980 *National Marine Resources Policy* (PNRM) aims to promote the integration of the maritime areas to the Brazilian territory, the rational use and exploitation of marine living and non-living resources, as well as ecological sustainability. After almost two decades of existence, the National Marine

Resource Policy was revised and updated in 2005 (DJI, 2005). The PNRM, whose implementation is coordinated by CIRM, is made up of multi-year and yearly Plans and Programs. Currently, these instruments are:

- Sectoral Plan for Marine Resources (PSRM)
- National Coastal Zone Management Plan (PNGC)
- Plan to Survey the Brazilian Continental Shelf (LEPLAC)
- Brazilian Antarctic Program (PROANTAR)

In 1988 major changes in the Brazilian government's attention towards natural resources took place. Brazil's Federal Constitution refers to the essential functions and rules that discipline and frame the jurisdiction and interaction between the Federal government, states, and counties. It is important to note here that the Brazilian Constitution establishes the principle of sustainable management and declares the coastal zone as a national patrimony, or good of public interest. This important decree has guided and shaped Brazil's approach to policy setting, is the foundation for integration and coordination of the sectors and scientific disciplines, and ensures public participation in both implementation and planning. In addition, there is the *1994 National Maritime Policy*, which aims to "direct the development of the country's maritime activities, in an integrated and harmonious manner, aiming for the effective, rational and full use of the seas." Brazil already developed its own National Agenda 21, and there are ongoing efforts to draft and implement Local Agendas 21s that incorporate the principles emanated from UNCED (UNCSD 2003).

2. Efforts toward an Integrated National Ocean Policy

A. Policy development process

The National Policy for Sea Resources (PNRM) instituted through Presidential Decree in 1980 with CIRM as its coordinating body, aims to connect the sectors within government that manage marine resources. The main objectives of the PNMR are to promote integration of the Territorial Sea and the Continental Shelf within the current Brazilian territory, and the rational exploration

of the oceans. The National Policy of Environment (PNMA), instituted by law one year later, organizes all the national systems of environmental control of the country, and delegates to the Environmental National Council the responsibility of forming legislative bodies to address implementation of the PNMA. Even though it is beyond the coastal zone, it is worth mentioning that in 1990, the Coordinating Commission of Economic-Ecological Zoning of the National Territory was established to coordinate, implement, and evaluate actions taken by government, further establishing Brazil's integrated approach to the environment. The Coastal Management Act created the National Plan for Coastal Management (PNGC) of Brazil and mandated it with planning and managing the socio-economic activities that take place in the coastal areas in an integrated and decentralized way.

B. Major Principles

The major principles of sustainability, precautionary principle, adaptive and integrated management, ecosystem-based management, coordinating mechanisms, stakeholder involvement, and transparency of process are integrated into all of Brazil's environmental laws. In addition, Brazil's laws stress the importance of decentralized and participatory planning. The lead agencies for implementation of actions can change depending on the nature and focus of the action. In this way, targeted groups of experts involving all levels of government and the public can be involved in planning and implementation.

C. Institutional Arrangements

The Brazilian government operates as a federal republic (CIA 2003). The major Ministries with responsibilities in ocean management are: Ministry of the Environment, Ministry of the Navy and the Ministry of Agriculture and Food (CMP et al. 2005). The Interministerial Commission for Marine Resources (CIRM) was created in 1974 and coordinates the National Marine Resources Policy (PNRM) as well as the National Plan coordinated by Navy. The National Environment Council (CONAMA) is led by the Minister of Environment. CIRM is a multi-disciplinary organ managed by the Navy with a Secretary, known as SECRIM, which gathers and executes all the programmed activities. CIRM works as an "articulator" between the public and private sector by holding meetings on policy setting, implementation, and evaluation that

involve stakeholders. CIRM coordinates the integration of horizontal and vertical sectors in government and reports to the President of Brazil. Within its structure is a Coordinating arm led by the Navy which coordinates the Ministries of Foreign Relations, Transport, Agriculture, Industry and Commerce, Energy, Housing, Education, and Environment. CIRM coordinates the ministries within the Navy's purview and the activities of the Planning Secretariat of the President's Office, the Brazilian Council for Research, and the Civil Society Institutions.

3. Nature of the Policy and Legislation

In 1998, Brazil enacted the Federal Action Plan for the Coastal Zone (PAF), which constitutes an overarching federal framework for coastal management. Brazil's government developed a policy for horizontal integration through the creation of mechanisms of coordination. Brazil also follows a set of national policies relating to the environment, including policies targeted toward environmental conservation and management, biodiversity, and oil spill response. Various ministries promulgate the policies. The most relevant laws in this context are the laws that established the National Environment Policy (1981), the Fishing Code (1967); the law dealing with the Brazilian Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf (1993); the National Water Resources Policy and the National Water Resources Management System (1997); Waterway Traffic Safety in Waters under National Jurisdiction (1997) and the Law of Environmental Crimes (1998) (CMP et al. 2005).

Brazil has ratified numerous environmental conventions including the Convention on Biological Diversity, Framework Convention on Climate Change, Convention on the Law of the Sea, MARPOL Convention, and has adopted the FAO Code of Conduct for Responsible Fisheries and the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, identifying priorities for action and establishment of guidelines to draft a Regional Program of Action (CMP et al. 2005). Furthermore, Brazil already developed its own National Agenda 21.

4. Implementation, Evaluation, and Long-term Outlook

The National Plan for Coastal Management (PNGC) and the National Policy for Sea Resources (PNRM) are

continually updated and changed in an adaptive management approach to incorporate analysis of policy evaluation and new scientific information. Implementation of these policies is carried out by action plans, working groups, and technical groups. The Integration Group of Coastal Management is a working group established under the auspices of the PNGC. The working groups craft the Federal Action Plan (PAF), which specifies a means to integrate federal actions in a strategic manner by incorporating all federal actions in planning and implementation of the various agencies' missions. Currently the PAF is establishing performance measures that are indicators of effectiveness of actions. There is also a Sectoral Plan for Sea Resources (PSRM) which is a division of PNM. These plans, as required by legislation, promote the use of the precautionary principle in maritime spaces, such as the territorial sea and EEZ. The PSRM report to the PNM serves as the basis for updating the PNM. This update is based on the analysis of the implemented programs, such as the Coastal Program, the Global System of Ocean Observations (GOOS), and the Archipelago Program, to name a few. The constant updating of the PNM is also a result of international treaties and conventions.

Progress on Implementation

A number of programs have been put in place to implement the PNM. LEPLAC is a program instituted by the government to establish an exterior limit of the Brazil's Continental Shelf. REMPLAC is an evaluation program of the mineral potential within the jurisdiction of Brazil's Continental Shelf. REVIZEE is a program which studies the extraction of marine resources in a sustainable manner from the EEZ. This program incorporates agreements from the UN Convention on the Law of the Sea and the Brazilian Constitution. The program involves several subdivisions or action groups. The latest Global Ocean Observation System (GOOS) program's main goal is to implement, systematize, and make fully operational, the collection and analysis of data on oceanographic properties within Brazil's jurisdiction. The Navy coordinates the program in conjunction with CIRM.

5. Recommendations for Improving the National Ocean Policy/Program

Improvement in organization, implementation process, community involvement, and governmental priorities are

always needed to keep Brazil's programs and policies both current and moving functionally forward. Although the plans have a hierarchy of structure they are not always clearly defined by the federal government. Although the laws and policies state the importance of community involvement, this is an area that is very difficult to implement successfully. For this reason the general public does not always feel "involved" in the process. The policies have a very "top-down" structure to them and would benefit from an inclusion of more "bottom-up" structure for participation.

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Canada

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

Canada's land area is 9,093,507 km², making it the second-largest country in the world after Russia. In addition to its coastlines on the Atlantic and Pacific oceans, Canada has a third seacoast on the Arctic Ocean, giving it a coastline of 265,523 km, the longest coastline of any country. Maritime zones claimed by Canada include:

- contiguous zone: 24 NM
- continental shelf: 200 NM or to the edge of the continental margin
- exclusive economic zone: 200 NM
- territorial sea: 12 NM (APEC undated)

Canada has proclaimed an EEZ covering 3,006,236 km², which is the tenth largest EEZ in the world. (WRI 2004).

B. Brief overview of nature and evolution of national ocean policy

Increasing coastal and ocean development pressures, stock declines and the collapse of an internationally harvested fish stock, and the emerging international ocean agenda were motivations for Canada's Oceans Act, which was passed by the parliament in 1996. It came into full force in 1997 and Canada's Oceans strategy was issued in 2002.

2. Efforts toward an Integrated National Ocean Policy

A. Policy development process

In the early to mid-1990s dedicated efforts commenced to develop and implement an integrated oceans governance regime in Canada under the aegis of the Committee on Oceans and Coasts of the National Advisory Board on Science and Technology. This Committee recommended to the Prime Minister that Canada develop a strong oceans policy by implementing an Oceans Strategy and enacting a Canadian Oceans Act.

Following the recommendations of the Committee on Oceans, the Oceans Act (OA) was passed in 1996 and came into force on 31 January 1997.

The Act provides authority to the Minister of Fisheries and Oceans to develop and implement a national strategy for the management of estuarine, coastal and marine ecosystems in waters that form part of Canada or in which Canada has sovereign rights under international law. The Minister is required to coordinate the development of integrated management plans with other federal departments and other levels of government and the Act provides principles for the implementation of these plans.

The Oceans Act 1997 established other broad oceans management initiatives to conserve and protect Canada's oceans including:

- A National Marine Protected Areas program including designating areas for special protection for reasons specified in the Oceans Act.
- A Marine Ecosystem Health program to provide technical support for other programs and initiatives under the Act. This program includes the formulation of marine environmental quality objectives, standards and guidelines which may have the force of regulation

Canada's Oceans Strategy (COS) completed in 2002, was one of the key requirements of the Oceans Act of 1997. The Strategy sets out the policy objectives and activities to support them. It draws from feedback and lessons-learned during five years of pilot-testing over 30 integrated management and marine protected area projects (DFO 2005).

B. Major Principles

Modern development, international commitments and conservation challenges support the need for an integrated approach to management. The Oceans Act and COS provide key principles for this approach, such as, ecosystem based management, sustainable development, shared responsibility, coordination, stakeholder involvement, and the precautionary approach. Sustainable development recognizes the need to balance environmental, social, and economic values, without compromising the ability of Canadians to meet their future needs. The COS set out three policy objectives of:

1) Understanding and Protecting the Marine Environment, 2) Supporting Sustainable Economic Opportunities, and 3) International Leadership.

Integrated Management

The 1997 Oceans Act requires the Minister of Fisheries and Oceans to develop and implement Integrated Management Plans for all activities and measures likely to affect Canada's offshore environment (APEC undated). Fisheries and Oceans Canada has also published a "Policy and Operational Framework for Integrated Management of Estuarine, Coastal, and Marine Environments in Canada," in which the definitions of integrated management and guidance for implementation are laid out. The Framework lays out a model for governance based on collaboration between stakeholders, institutional arrangements that bring different stakeholders together, management systems that encourage multi-user input, and a role for all interests involved in ocean and coastal management (DFO 2005). The Act set the objectives of instituting integrated management plans for all Canadian marine waters, and the department has focused the Oceans Action Plan on the short term goal of initiating planning efforts where intensity of oceans uses are greatest and stakeholder interest and capacities exist.

Precautionary Principle

Canada has attempted to apply the precautionary approach more broadly through several of the country's laws and policies and has developed a "Framework for the Application of Precaution in Science-based Decision Making about Risk" in 2003. The document was prepared by a federal interdepartmental committee including the Department of Fisheries and Oceans. The principle has been adopted in the Canadian Environmental Assessment Act (through Amendments in 2003). NGOs and academics have criticized the effort stating the federal document limits application of the precautionary principle in situations where scientific risk assessment has identified threats or irreversible harm, suggests only cost-effective measures need to be taken, fails to give priority to finding alternatives to hazardous technologies and ecologically harmful activities, and shifts the burden of proof to those who propose developmental change.

To date, no Provinces have included the approach in aquaculture or fisheries legislation. In areas of marine pollution the only strict application of the precautionary principle has been in the area of ocean dumping; and the principle has been incorporated in recent amendments to the Canadian

Environmental Protection Act (2003). Canada has only recently proposed regulations to reduce the risk of harmful aquatic species being introduced into Canadian waters through ballast water. The proposed regulations prescribe management measures and restrict ballast exchange to low risk zones. In areas of land-based pollution, no Province mandates a pollution prevention plan as a precondition to licensing or approval of industrial emissions, and only one Province, Nova Scotia, has adopted the precautionary approach in general environmental legislation.

Public Participation/Community Management

Public comment has been invited during the formulation of Canada's Oceans Strategy and after its inception. Participants in ocean and coastal management are clearly identified, including the federal government, provincial/regional/territorial authorities, aboriginal organizations and communities, industry, NGOs, community groups, and the academic/science/research community (DFO 2005). In keeping with the enabling (rather than directive) and collaborative nature of the Oceans Act, the DFO oceans management programs clearly direct and enable community involvement in the design and management of Integrated management Plans and Marine Protected Areas.

The Oceans Act contains an explicit provision to provide certainty that it does not abrogate or derogate from existing Aboriginal and treaty rights. This provision sets out the framework for the relationship of Oceans Act program and activities with First Nations. While Integrated Planning and the development of Marine Protected Area is without prejudice to rights and title, the involvement and support of First nations, where their interests are potentially affected is clearly required. Many coastal communities of and by themselves have large aboriginal populations, in addition to specific arrangement made with First Nations in a particular area. Arrangements often include harvesting and co-management aspects.

Ecosystem Based Management

The Oceans Act of 1997 (section 32) requires the Minister of Fisheries and Oceans to develop, in collaboration with other ministers, agencies and boards, national marine environmental quality (MEQ) guidelines, objectives and criteria respecting estuaries, coastal waters and marine waters. The objective of the program is to define measurable criteria to monitor marine ecosystem health and implement an ecosystem based approach to support integrated management. A system of

collecting and synthesizing information in order to identify ecosystem objectives is the key “implementation” element to this principle. The Ecosystem Objectives and related criteria and indicators are intended to assist planners in designing integrated management plans that provide for the sustainability of the ecosystem supporting the ocean related activities.

C. Institutional Arrangements

The Canadian government operates under a federal structure. The major departments with oceans responsibilities are: the Department of Fisheries and Oceans (DFO), Transport Canada, and the Department of National Defense (DND). Other departments having an interest in specific areas of oceans and coastal management include: National Resources Canada, Environment Canada, Foreign Affairs Canada, International Trade Canada, Industry Canada, the Canadian International Development Agency (CIDA), and Public Safety and Emergency Preparedness Canada.

Canada has attempted to implement the principles of integration in the management of oceans activities through working with provinces and territories in coastal area management, working with other regulators and industries horizontally through sectors, and, at the regional level, with stakeholders and First Nations. Horizontal integration is implemented through the establishment of interdepartmental committees and similarly vertical integration is implemented through joint Federal-Provincial arrangements, including councils and federal-provincial agreements. For example, the Canada-British Columbia Memorandum of Understanding on Implementation of Canada’s Oceans Strategy was signed in September 2004.

3. Nature of the Policy and Legislation

The Oceans Act required the Minister of the Department of Fisheries and Oceans (DFO) to lead and facilitate the development and implementation of an Oceans Strategy which included Integrated Management Plans for all activities affecting estuaries, coastal waters, and marine waters out to the edge of the continental shelf. The strategy (COS), released in 2002, was the result of extensive public, federal, provincial and First Nations consultations. Canada’s Oceans Strategy is very general with three overall policy directions: better understanding of protecting the marine environment, supporting sustainable economic opportunities, and providing international leadership. International leadership includes promoting effective

governance and regulation, as well as supporting capacity-building in developing countries for sustainable marine resource management and supporting the United Nations consultative process on oceans.

4. Implementation, Evaluation, and Long-term Outlook

Vertical integration, or cooperation and coordination through Federal and Provincial jurisdictions, has been attempted through joint Federal-Provincial Councils such as the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) through the Agreement on Interjurisdictional Cooperation with Respect to Fisheries and Aquaculture. A parallel agreement related to land is the subject of a Harmonization Accord (1998) of the Canadian Council of Ministers of the Environment (CCME). Under the CCFAM the oceans management with is focused through an Oceans Task Group which works together with the individual federal provincial agreements and regional working arrangements. Other activities under this group include a Canadian Action Plan for Aquaculture, an approach to freshwater among others. It is through the federal provincial/territorial and stakeholder successes in integrated management planning that the regulation of other activities of common interest such as aquaculture or fishing will fully align with oceans act principles and objectives.

Implementation of horizontal integration, or coordination across Federal departments and agencies, has been achieved through the establishment of interdepartmental committees at the national and regional levels. The Interdepartmental Committee on Oceans (ICO) has been reestablished in 2003 based on Canada’s Ocean Strategy. The Committee’s focus is, more recently, on the implementation of the Oceans Action Plan Phase I (May 2005) and the development of OAP Phase II. DFO policies in support of the COS are brought to these committees.

5. Progress on Implementation

Canada’s “Policy and Operational Framework for Integrated Management of Estuaries, Coastal and Marine Environments in Canada” (2002) document proposes two main types of integrated planning, large-scale ocean management areas and coastal management areas.

Large Oceans Management Areas (LOMA) primarily address large scale ecosystem and economic development, while adjacent

Coastal Management Areas focus on local environmental and economic issues, including ecotourism and aquaculture, more often within the provincial and municipal areas of responsibility.

LOMA planning initiatives are led by DFO, with other departments, levels of government, First Nations and stakeholders. In the Phase I of the Oceans Action Plan, there are five priority areas, where the identification of ecosystem objectives and integrated management planning is underway. There are, at the same time federal, provincial and local planning in place or underway which will both inform and be informed by the LOMA plans.

The priority large scale planning initiatives are, the Eastern Scotia Shelf Integrate Management Project off Nova Scotia on Canada's Atlantic Coast, the Pacific North Coast Integrated Management Initiative in British Columbia and the Beaufort Sea Integrated Management Planning Initiative in the Arctic, the Placentia Bay-Grand Banks initiative off Newfoundland and the Gulf of St Lawrence Integrated Management initiative.

Problems and challenges in moving Integrated Management initiatives forward have included a lack of directed funding, specific guidance on ecosystems based management, the capacity of stakeholders to participate and a preference on the part of some regulators and industries to remain in the narrow "client based" relationship of the past. The focus provided through the COS and the financing and priorities of the Oceans Action Plan are currently providing a more focused and outcome centered approach.

The "enabling" rather than regulatory aspect of the Oceans Act requires collaboration and relationship and capacity building. The Oceans Act does not provide planning powers over coastal lands nor does it specify regulatory power for effective plans. To date, no Province has passed its own integrated coastal management legislation; however one federal provincial agreement is in place and others are being negotiated. Without stipulated regulatory power, the implementation of integrated management plans depends on collaboration between regulators, interest groups and stakeholders.

6. Recommendations for Improving the National Ocean Policy/Program

The Oceans integrated management objectives involve significant changes in science advice, regulatory activities, intergovernmental and stakeholder relationship. While significant progress has been made in specific but separate pilot areas, the advent of the targeted Oceans Action Plan with federal government political and financial support is allowing the coherent development of integrated management plans in five key areas of Canada's oceans.

Experience since the promulgation of the Oceans Act has highlighted the need for agreement on policy (the COS), intersectoral and interdepartmental buy-in (Canada's Oceans Strategy and funding) intergovernmental relationships (CCFAM and federal-provincial agreements) and clear guidelines for the interpretation and implementation of ecosystem based management. With these tools now in place and under continuing development, the opportunities for successes in the five areas are clear.

The relationship with provinces and territories continues to develop and much of the success of integrated planning will depend on continuing progress. It is through these relationships interjurisdictionally and between regulators that an existing fragmented set of laws and policies will be coordinated in the domestic management of oceans activities. The inclusion of principles set out in the Oceans Act in other federal laws and policies is underway; but needs continuing focus and attention at the local, provincial, federal and international level each with its own set of interests and obstacles.

The development of criteria and indicators of health of the oceans continues at the domestic and international levels. In Canada, the tools to develop Ecosystem Based Objectives are providing the foundation for our first integrated management plans for Large Oceans Management Areas.

7. References

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Jamaica

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

This brief summarizes a case study on Jamaica's National Ocean Policy prepared by Laleta Davis-Mattis for the Nippon Foundation. Additional resources are included as references and cited as appropriate.

Jamaica is the third largest island of the group of islands in the Caribbean known as the West Indies. It is located 18° 5' North and 77° 20' West. Flanked by Cuba approximately 145 kilometres to the North, Haiti, 161 kilometres to the East, Central America to the West and South America to the South, Jamaica's terra firma is approximately 4,411 square miles in area, with a coastline of 1,022 km. In 1996, pursuant to the Maritime Areas Act, Jamaica was redefined to be an archipelago. The upshot of this redefinition was the expansion of Jamaica's marine space to include a significant amount of marine area. Additionally, under the Exclusive Economic Zone Act, which followed closely on the heels of the Maritime Areas Act, Jamaica actively sought to address the management of resources within the exclusive economic zone. As may be appreciated, the close proximity of Jamaica to other neighboring states mandates negotiations for delimitation of EEZs. To date, Jamaica has concluded delimitation agreements with Cuba and Columbia. Of interest, the agreement between Jamaica and Columbia creates a joint management regime for the management of resources within that area. A fisheries management agreement is still anticipated. The majority of the island's population of 2,731,832 is concentrated in major towns, which are to a large extent concentrated along the coastline. Approximately two thirds of Jamaica's population lives in coastal towns and cities. Maritime zones claimed and contemplated by Jamaica include:

- territorial sea: 12 NM
- contiguous zone: 24 NM
- exclusive economic zone: Jamaica cannot claim 200 NM around the coastline as its proximity to other coastal states, mandate that delimitation agreements be concluded

- continental shelf: 200NM or to edge of the continental margin (issues relating to this marine area are also being discussed.)

B. Brief overview of nature and evolution of national ocean policy

In Jamaica, like most coastal states, there is a heavy dependence on the use of coastal and oceans resources. Correspondingly, there is a great diversity in use. Jamaica's coastal and oceans resources include but are not limited to wetlands and mangroves, swamp forests, estuarine areas, cays, coral reefs, coastal lagoons, and sea grass beds. These ecosystems provide the economic base for a variety of activities like tourism, fisheries, shipping, industries and housing. The effective use and management of coastal and oceans resources is crucial for the country's development. This sentiment was echoed in the Jamaican Cabinet as the recognition that a more critical, comprehensive and cohesive look be given to the management of oceans and coastal resources.

Following the recognition for the need for co-operative efforts at managing oceans resources, and to arrive at jurisdictional consensus, The Jamaica Cabinet in 1996 created the Advisory Committee that was contemplated under the Exclusive Economic Zone Act. The Committee's Terms of Reference was to examine the issue of licenses for uses of resources within the Exclusive Zone, as well as examine and articulate the broader array of issues commensurate with managing the coastal zone. This committee, housed in the Ministry of Foreign Affairs, evolved into the National Council on Ocean and Coastal Zone management with a mandate that included definition of national policy, for the effective use and management of Jamaica's coastal and oceans resources.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

The process for the development of any regime for the implementation of integrated coastal zone management (ICZM) begins with an analytical process to set objectives for the development and management of the coastal zone. ICZM should seek to attain a compromise between the broad spectrum of interest groups in the process of setting objectives, planning and implementation, and aim at a balance of those interests in the overall use of the country's coastal zones. The process includes

policy making, enforcement, boundary definitions, zoning, monitoring, the development of guidelines and standards and appropriate control measures, incentives and disincentives.

Jamaica's process of policy formulation was involved and encompassed dialogue at varying levels with an emphasis on the interface between government efforts and the role of coastal communities. The process began with a Cabinet endorsement of the policy process and an identification of the primary issues involved. National consultations sought to further advance the need for a new regime and to set the stage for the official process for the formulation of a policy. Three sub-committees of the council were established: a Legal sub-committee, a Financial sub-committee and a Resources sub-committee.

B. Major Principles

The major principles of Jamaica's oceans policy aim to enhance national institutional capacities for integrated coastal zone management, integrate planning and management of the fisheries, agriculture and forestry sectors into coastal area management, and to prevent and control environmental degradation in coastal areas. Finally, the policy engages a process of evaluation of the success rate of the policy implementation process and articulates the benchmarks from which success will be measured.

C. Institutional Arrangements

Jamaica's recognition of the need for a comprehensive approach to the effective management of coastal resources came early. Coastal management legislation in the form of the Beach Control Act 1956 addresses the need for marine protected areas as well as the preservation of coral reefs and mangroves. Under the Wild Life Protection Act, corals, mangroves, dolphins and other forms of marine life are protected. Marine parks regulations also seek to protect the marine environment and provide a regulatory regime within which the resources within a marine park may be utilized. Development orders addressed marine areas as one category, which require special planning considerations. The Town and Country Planning (Trelawny Parish) Provisional Order 1980 for example addresses coastal erosion, pollution, water borne effluent, quarrying and sand mining. The Order declares that severe coastal erosion and deleterious alteration to the marine environment by natural and artificial means requires the control of development, which might affect the coast and coastal waters and provides for

the repair of damage, which is evident or imminent. It also refers to the need to affect coastal modification works for shoreline protection. In response to pollution, the Order provides that the coast and coastal waters are to be protected against pollution by controlling adjoining development. Development proposals are to be examined with regard to prevention or control of pollution.

On a global scale, Jamaica has recognized its role in the environment and has given its commitment to many international doctrines. Jamaica is party to numerous international and regional conventions, including the International Convention for the Prevention of Pollution of Ships, 1973 as amended by the Protocol of 1978 (MARPOL), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London 1972, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Basel 1989, and the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena 1983.

3. Nature of the Policy and Legislation

Earlier legislation impacting the coastal zone were sectoral in origin, and provided limited scope for the effective management of Jamaica's coastal and oceans resources. Therefore, in 1991, the Natural Resources Conservation Authority Act was passed. This Act provides for the management, conservation and protection of the natural resources of Jamaica. It recognizes the concept of an ecosystems approach to the management, conservation and protection of natural resources and provides for the co-ordination of the efforts of all agencies and departments of government that carry out any function similar to those of the Authority. To date, the Natural Resources Conservation is the principal agency with responsibility for holistic environmental management including that of coasts and oceans.

4. Implementation, Evaluation, and Long-term Outlook

Achieving Integrated Coastal Zone Management is never an easy task. The multi-jurisdictional issues alone are enough to act as a deterrent to any concerted effort. But ICZM has moved beyond a 'concept' to an active method of addressing these competing interests with the one goal: that of effectively managing the coastal and oceans resources. Jamaica has been fortunate, in that there has been a consistent flow of political will to accomplish Jamaica's obligations to protect and manage marine resources. As a result,

much has been accomplished. It is submitted that the single most important product of Jamaica's efforts is the creation of the Council, which forms the nucleus of this process. The success of ICZM in Jamaica therefore depends on the effective operation of the council.

Given the challenges being experienced by the Council to date, one recommendation is for the Council to be given legal recognition, not necessarily as a statutory body enjoying legal personality, but a body established with specific functions and duties for the primary purpose of seeking the integration of decision making relating to coastal and oceans resources. The legislation envisioned would give to the Council a functional role as one to be consulted in matters of national importance as they relate to coastal and oceans resources. Of course, the modalities of such consultations and the classification of 'matters of national importance' would need to be further articulated.

5. References

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Clarke John R. "Integrated Management of Coastal Zones" FAO Fisheries Technical Paper No. 327, Rome, FAO. 1992. p. 102.

First National Communication to the United Nations Framework Convention on Climate Change, Government of Jamaica, p. vii.

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Japan

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

This brief summarizes Hiroshi Terashima's and Moritaka Hayashi's case study on Japan's National Ocean Policy for the Nippon Foundation, supplemented by a few additional factual information as appropriate.

Japan consists of five major islands and a number of smaller islands in the North Pacific Ocean and adjacent seas. Its total land mass is 377,835 square km with a significant proportion of the land area (circa 75%) being mountainous terrain. Surrounded completely by oceans, Japan has for many centuries heavily depended on oceans for food, transportation, industry, recreation, trade, and the exchange of people and cultures with other countries. 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. Japan currently claims the following maritime zones:

- territorial sea: 12 NM, except for the five straits below
- territorial sea 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
- continental shelf: 200 NM, with some areas extending beyond

Japan's EEZ occupies an area of 4,050,000 km² and overlaps partially with neighboring countries. No delimitation agreements have been concluded at this time. Japan's coastline is approximately 35,000 km. Recognizing the importance of the oceans to Japan, the country has designated the third Monday of July as a national holiday termed "Ocean Day".

B. Brief overview of nature and evolution of national ocean policy

Development of the coastline and loss of critical habitat with industrial facilities, port, harbor, and hazard

protection, and multiple use conflicts were the impetus in adopting special laws or provisional measures aimed at environmental improvement of certain areas like bays and semi-enclosed seas, as well as amending previous laws with more general application. Problems in human health, such as the Minamata disease, also contributed to the government in crafting the laws which regulate various ocean and coastal problems.

Japan does not have a national regime for ocean governance; rather it governs its oceans through a series of sectoral ocean policies for each main functional area. These include shipping, shipbuilding, fisheries, environment, science and technology, maritime safety, energy and seabed minerals development.

Responsibility for oceans governance issues is dispersed throughout various Ministries and agencies, including the Ministry of Economy, Trade and Industry; the Ministry of Environment; the Ministry of Agriculture, Forestry and Fisheries; the Ministry of Land, Infrastructure and Transport (MLIT); the Ministry of Education, Culture, Sports, Science and Technology; and the Ministry of Foreign Affairs. Among these, MLIT, including the Coast Guard and the Meteorological Agency, was created through the consolidation and reorganization of Japanese ministries in 2001, to oversee the comprehensive and systematic use, development and conservation of the entire area under national jurisdiction, as well as hydrographic surveys, oceanographic and weather observations, marine and maritime and shipping affairs, safety at sea, ports, promotion of ocean use, marine pollution countermeasures, safety of maritime traffic, coastal zone management, sewerage, rivers, dams, land planning, and city planning. The creation of this ministry gives hope that significant advances will be made in developing ocean and coastal zone policies for Japan.

An Inter-Agency Contact Group on Ocean Development has been set up as a liaison committee on ocean development problems, chaired by the Deputy Chief Cabinet Secretary. The Group consists of representatives from most of the above-mentioned ministries, as well as from the Ministry of Public Management, Home Affairs, Post and Telecommunications. This committee, however, has not been effective enough in coordinating policy. Another Inter-Agency Contact Group on Continental Shelf Researches and Ocean Resources was organized in 2004, chaired also by the Deputy

chaired also by the Deputy Chief Cabinet Secretary, adding the Defense Agency to the above mentioned ministries as members of the group.

Currently, the only existing advisory body of experts on long-term ocean development policy is the Subdivision on Ocean Development of the Council for Science and Technology, which reports to the Minister for Education, Culture, Sports, Science and Technology. The Subdivision's first report is discussed below.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

In a follow-up to UNCED, Japan began a slow process of reviewing national ocean policy with a more multipurpose and comprehensive approach. In 1993 the Government prepared a "National Action Plan for Agenda 21," which reiterates the approach of Japan's 1987 Fourth Comprehensive National Development Plan: Local communities should lead the development of the comprehensive plans to ensure the preservation and safety of the coastal environment, allow for multiple uses, and promote better coastal development. In 1998, a Fifth Comprehensive National Development Plan was adopted by the Cabinet entitled "The Grand Design for the Country in the 21st Century." This plan required government to prepare a set of guidelines for the preparation of the local coastal comprehensive plans. To this end, in 2000 the Government released the "Guidelines for the Integrated Coastal Zones Management Plans." The guidelines lay down the basic principles and components of ICZM and identify the basic elements to be incorporated in the management plans.

In the meantime, the River Law, the Coastal Law and the Harbor Law were modified between 1997 and 1999 to include conservation of the respective environment as an additional purpose of these laws. Further, the Fundamental Law on Fisheries was enacted in 2001, aiming to secure sustainable use of finite fishery resources as a component of the ecosystem. In addition, the Law concerning the Special Measures for Regeneration of the Ariake and Yatsushiro Seas, and the Law concerning the Promotion of Nature Restoration were adopted in 2002. These are a new type of law, requiring inter-sectoral collaboration involving several ministries concerned. In an additional effort to advance ocean development beyond the coastal zone with a long-term perspective, the above-mentioned

Subdivision on Ocean Development submitted a report entitled "Japan's Ocean Policy in the Early 21st Century." The major focus of this report is a declaration to shift the nation's policies from "benefits to be reaped from the ocean" to "realization of sustainable use of oceans." It also stresses the importance of developing and implementing the ocean policy in a comprehensive manner based on interdisciplinary sciences, including the social and human sciences. However, generally speaking, some suggestions of the report above have been adopted only individually and sectorally and an integrated and cross-sectoral approach is very slow to be taken. In this regard, it is noteworthy that the Comprehensive National Development Law was revised in 2005 and incorporated into the new National Area Reformation Planning Law in 2005, in which the utilization and conservation of the sea areas including EEZ and continental shelf are explicitly stipulated.

Additional proposals and initiatives were put forth by private groups in cooperation with government entities with a common theme of needing an integrated approach in development and implementation of policies.

B. Major principles

The 2000 "Guidelines for the Integrated Coastal Zone Management Plans" are based on the following concepts: the creation or restoration of aesthetic, safe, and sound coastal areas for this and succeeding generations; balance of competing demands of environment, safety, and various land and water uses in coastal areas; and fostering of partnerships among various concerned local governments, agencies, groups and individuals. Among other things, the Guidelines call for the new designation of Coastal Zones based on natural environment and social elements, and the establishment of a Integrated Coastal Zone Management plan.

3. Nature of the Policy and Legislation

There are several major ministries concerned with ocean and coastal issues as mentioned above, along with various national laws that govern ocean and coastal issues in a sectoral and uncoordinated manner. Recently, initiatives aimed at vertical and horizontal integration are beginning to be taken through governmental guidelines and special laws. In addition, the Government worked with local governments, communities, academics, as well as private and industrial stakeholders to formulate and implement policies. However, most of these initiatives have been addressed to coastal zone areas. The national policy on oceans still depends largely on administrative guidance or guidance for local governments and

communities; there is no comprehensive national legal framework under which guidelines are effectively enforced.

The influential business and industrial association, Keidanren, the Japanese Association for Coastal Zone Studies and the Nippon Foundation have made recommendations calling for the establishment of ocean and coastal policy, and the adoption of the basic ocean law and specific legislation on integrated management of the coastal zone. The Nippon Foundation's suggestion specifically called for the establishment of a Ministerial Council on Oceans and restructured government organizations to be supervised by a Minister for the Ocean.

4. Implementation, Evaluation, and Long-term Outlook

Japan has yet to begin formulating a national policy. Some of the suggestions of the national report on ocean policy have been adopted within sectors of concern but no formal cross-sectoral and integrated approaches have been realized. As of now, no permanent administrative body for implementing ocean policy in general exists. None legal efforts towards coordination are being pursued through the meeting of Director level representatives from various ministries. These meetings have not proven, thus far, to be effective. Without a strong governmental framework for coordination, emerging issues are dealt with through ad hoc arrangements. For example, the requirement for Japan to submit the extent of its continental shelf claims was spurred by the creation of the Continental Shelf Research Office within the Cabinet Secretariat.

5. Recommendations for Improving the National Ocean Policy/Program

The Japanese government should develop legal framework(s) on strategic and integrated ocean and coastal zone management that will allow various stakeholders to participate in the decision making processes. These frameworks should address and establish a central coordinating body directed at emerging ocean and coastal issues so that management can move from a piece meal, ad hoc fashion to a more strategic and integrated approach. In the interim, think tanks, academics and private organizations should be encouraged to continue to craft initiatives and recommendations for the purpose of generating awareness in both the general public and policy makers.

6. References

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Mexico

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

This brief summarizes a case study on Mexico's National Ocean Policy prepared for the Nippon Foundation. Another marine profile for Mexico is included with the references and cited as appropriate.

Mexico is surrounded by four main seas: Pacific Ocean, Gulf of California, Gulf of Mexico, and the Caribbean with a coastline of 11,600 km. Mexico's continental platform is 388,000 km² and the EEZ comprises an area of 3,149,920 km². There are 17 coastal states divided into the following regions: Gulf of Mexico and Caribbean Sea on the Atlantic; region of the California Current, the Gulf of California, and the America's Central Pacific Coastal Zone. Mexico's coastal population is estimated at 14,572,188 people, which is equivalent to 15% of the nation's total population. There are approximately 35,626 coastal localities with more than 35 of these containing over 50,000 inhabitants. A migration trend toward the coast is growing.

Territorial sea: 12 NM

Contiguous Zone: 24NM

EEZ: 200NM

Continental Shelf: 200NM or to the edge of the continental margin

(APEC undated)

B. Brief overview of nature and evolution of national ocean policy

Mexico's coastal regions are subject to multi-use conflicts. The maritime activities of energy production, fisheries, port business, tourism, and transportation compete to use the available natural resources, inducing a permanent tension between such activities and environmental conservation objectives. Except for specific problems that require coordination, Mexico does not currently have an integrated policy for oceans and coasts. Each federal government agency works independently to implement agency missions outlined by law and the national Constitution, and each agency sector promotes their own specific activities. In addition to fractionalization among

government agencies and sectors there is no coordination between federal and local authorities. A strategic, coordinated approach to pursue economically beneficial activities in a sustainable manner is needed to guarantee adequate natural resources and the preservation of the relevant ocean and coastal ecosystems.

The following stakeholders should be involved in the formulation of public policy for oceans and coasts in Mexico: Federal ministries and their respective subdivisions and commissions within the ministries charged with managing coastal and ocean resources, State and Municipal governments from the local level, the Local Congress, coastal communities, private and public organizations, and academic institutions. Within the Federal government the following Ministries are charged with ocean and coastal issues: Ministry of Agriculture, Livestock, Rural Development, Fisheries, and Food, Ministry of Tourism, Ministry of the Sea (Navy), Ministry of Communications and Transportation, Ministry of Economy, Ministry of Energy, Ministry of Environment and Natural Resources, and the National Congress.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

The Ministry of Environment and Natural Resources (SEMARNAT), through legal mandate, administers the maritime and coastal federal zone, and protects, conserves, and sustainably manages natural resources, ecosystems, and biodiversity. Under the direction of the Office of the President an initiative entitled "Oceans Agenda" established in 2001 heads an Inter-Institutional Coordination mechanism for oceans and coasts with the purpose of coordinating activities among public and federal administrative institutions and sectors related to maritime actions. Whereas SEMARNAT directs to institutional efforts that involves participation from 19 different areas within SEMARNAT that are legally responsible for aspects of ocean and coastal issues. The initial main goal, other than coordination, was to build a general diagnostic on the environmental status of Mexican oceans and coasts and an analysis of the management issues and functions of the Ministry. The Ministry's Undersecretary for Planning and Environmental Policy

and its General Directorship on Environmental Policy, Sectoral and Regional Integration assumed this task in 2004. Its main focus has been to widen the scope of the Ministry's institutional group, updating diagnostics and establishing a "Position Paper" towards Environmental Public Policy on ocean and coastal issues of Mexico in order to create a joint working program within SEMARNAT and enhancing coordination with other federal agencies.

Implementation is planned to take place in four stages. The first stage will focus on the establishment of a coordination mechanism and the development of the Ministry's position paper that reflects the institutional vision and policy proposal of SEMARNAT towards these issues. The second stage will be primarily concerned with obtaining consensus among the relevant federal agencies. At this time the country will define a National Environmental Sustainable Policy on oceans and coasts and will be engaged in capacity building for policy implementation. The third stage will involve gaining consensus on the National Policy with the general public and promote participation from the public in the administrative process. The implementation of the policy will take place during this third stage. The fourth stage will involve evaluation and implementation of the National Policy.

B. Major principles

The principles of ecosystem based management, multiple use, sustainability, participatory governance, precautionary and integrated approaches, protection of biodiversity, and adaptive management will be incorporated into the future integrated management strategy for oceans and coasts. The policy will be implemented within a framework of transparency, access to information, and accountability.

C. Institutional arrangements

"Project Oceans and Coasts" will be incorporated into the President's Ocean's agenda with the initiation of the second stage of the strategy. This will facilitate all Federal Executive Agencies to participate jointly and in a coordinated fashion. Since different Federal Agencies and their institutions are linked to various aspects of coastal zone issues, it is necessary to identify conflict areas,

cooperation issues, and opportunities to enhance national development. This will also address the goal of integrated management of ocean and coastal areas. The tasks identified to achieve coordination include integration of formal working groups, establishment of issues for each working group, defining sustainable use of oceans and coasts in national public policy, and implementation of the policy.

3. Nature of the Policy and Legislation

The policy proposal has an administrative source and is based on current legal framework. The development of a general law addressing ocean and coastal issues is being considered. The purpose of the law would be to institutionalize the process, giving it legal support and an established instrument of basic guidelines of National Policy for oceans and coasts.

4. Implementation, Evaluation, and Long-term Outlook

Differences in sectoral objectives, difficulty in integrating the provided criteria among the sectors, difficulty in garnering support for change in missions and jurisdictions of agencies, resistance from some stakeholders who might not benefit from a coordinated and regulated plan, lack of administrative capacity of some municipal authorities, and differences of vision on priorities and strategies from federal to local governments are all challenges yet to be overcome.

5. References

Asia-Pacific Economic Cooperation (APEC). Undated. Mexico. Inventory of Integrated Oceans Management Arrangements in APEC Economies. Available: <http://www.apec-oceans.org/inventory.htm>.

Ministry of Environment and Natural Resources (SEMARNAT). 2004. Case Study on Mexico's National Ocean Policy. (Draft)

New Zealand

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

New Zealand has a landmass of 268,670km² and 5,650kms of coastline. It has a population of 4,039,000 and an approximate population density of 15 people per km². The 1.03 million km² of EEZ is 15 times larger than the size of its landmass and currently produces about one percent of the total world commercial catch. New Zealand has marine jurisdictional boundaries with Australia, Tonga, France and Fiji. There is a recent boundary treaty with Australia (not yet formalised). New Zealand's mainland continental shelf appears likely to overlap with that claimed by Australia, in three areas, and potentially with that claimed by France, Fiji and Tonga.

New Zealand claims the following marine zones of jurisdiction under UNCLOS:

Territorial Sea: 12NM

Continental Shelf: 200NM

EEZ: 200NM

B. Brief overview of nature and evolution of national ocean policy

The decision to develop an Oceans Policy for New Zealand began several years ago with the recognition not only of the significant value of the ocean resources, but also that existing environmental and economic pressures on the ocean ecosystem were beginning to intensify. New Zealand has extensive and integrated policies for managing the country's land, but has only recently begun to develop integrated policies of oceans management beyond the coastal marine area. New Zealand's existing fragmented management system, international obligations and national biodiversity strategy have all been instrumental in creating the need for a national ocean policy.

In July 2000, the New Zealand Government (via a Ministerial Cabinet decision) initiated the process for the development of a national Oceans Policy. The stated intention was to develop a policy for the integrated and consistent management of the oceans within New Zealand's jurisdiction. The policy should take a whole of government approach and cover all aspects of management (including the effects from land) and extend out to the edge of the EEZ and the Continental Shelf beyond.

The policy process was suspended in 2003, pending resolution of some related (but politically sensitive) issues. Little work has been done since the suspension. At the present time, there is no draft available for public comment. However, indications are that the policy process may well resume within the next six months.

2. Efforts Toward and Integrated National Ocean Policy

A. Policy development process

Until suspension, the Oceans Policy was being developed in three stages. The first stage, called *Design the Vision*, was completed in 2001 when a Ministerial Advisory Committee on Oceans Policy reported to the Cabinet on the outcome of an extensive public consultation process. Stage Two was to be conducted in two separate phases its overall purpose was to develop various options and preferences for the mechanisms and management approaches necessary to achieve the Vision. The first phase of Stage Two involved the commissioning of a number of reports and analyses. This has included the preparation of eleven draft working papers which were released for comment to stakeholders by the Secretariat during 2003. 1 Papers looked at particular issues and how they were currently being managed, and concluded with how a national ocean policy might improve the situation. Meetings were held by the Secretariat to receive feedback on the issue papers. This was then summarized in a report which was to be used to help draft an oceans policy.

Phase two of Stage 2 involves the writing of a 'Discussion Document'. It is understood that this *may* have been drafted in some form after feedback was received on the working papers produced in phase one. However, the Secretariat has not yet presented a Discussion Document, or draft policy, to Cabinet (or the public). It is understood that after the nearly three year delay, this document would have to be re-drafted following further work by government agencies and updating.

Stage Three is designed to implement the policies, processes and mechanisms identified in Stage Two, and any necessary legislation would be passed and institutional changes effected. Stage Three will also include monitoring mechanisms to assess progress towards the Vision and identify any further work required.

B. Major Principles

New Zealand's draft Oceans Policy will likely take a sustainable development approach to the management of the nation's oceans, recognising the need for an overriding and consistent principle to guide oceans management. This includes ensuring that the ecological health of the oceans is maintained over the long term. Related principles will include recognition of the Treaty of Waitangi (treaty recognising indigenous people's rights), public participation and transparency in decision-making, precautionary principle and future generational equity. These principles, and others, will be used to facilitate effective implementation of policies at both the national and local level, in an attempt to ensure environmental protection while also providing for economic utilisation of the ocean's resources.

5. Notes

1. The papers, meeting and summary feedback reports can be found on the Secretariat website at <http://www.oceans.govt.nz/policy/stage2.html>. Accessed on 11 May 2005.

Norway

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

This brief summarizes a case study on Norway's National Ocean Policy prepared by Alf Håkon Hoel and Terje Lobach for the Nippon Foundation. Additional resources are included as references and cited as appropriate.

Norway has an ocean area of more than 2 million km², 22,000 kilometers of coastline and a population of 4.6 million. The country is situated between 55 and 84 degrees N latitude, with the Svalbard archipelago to the north in the Barents Sea and the Jan Mayen Island to the Northwest in the Norwegian Sea. Petroleum, fisheries, shipping, and various marine industries are fundamental to the country's economy, culture and politics. Norway has jurisdiction over oceans more than six times its land area. The ocean areas under Norwegian jurisdiction are in the North Sea, bordering on the territories of Sweden, Denmark, and the United Kingdom, in the Norwegian Sea, bordering the waters of the UK, Greenland, Iceland and the Faroe Islands, as well as in the high seas, and in the Barents Sea. In the latter an unresolved boundary with Russia defines a disputed area. The Barents Sea also includes an area of high seas.

B. Brief overview of nature and evolution of national ocean policy

Norway has a long history of maritime activities and production. Today, the offshore petroleum industry is the most important industry in the country, accounting for about one fifth of the country's GDP. Petroleum is the country's major export commodity, and fisheries have always been important to the coastal areas. With a total catch of 2.7 million tons of marine fish, Norway ranks 10th in the world's fishing nations. Its fish farming industry produces about half a million tons of Atlantic salmon and trout. Norway has a limited domestic market and exports most of its marine products. It is the world's third largest net exporter of petroleum, and the third largest fish exporter.

The management of oceans and coastal areas is a crucial political issue. The various marine sectors are embedded in a broader security framework, the basis of which is the country's membership of NATO. Norway is not a member of the European Union. Its position vis-à-vis the union, with regard to marine natural resources in particular, is an important issue in domestic politics. With a small population and vast coastal and ocean areas, conflicts among

different types of uses of the oceans have not been as prevalent as in other countries. The development of ocean policies has therefore until recently largely been sector-based endeavors. Conflicts that have arisen, for example between fisheries and petroleum development, have been possible to reconcile.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

Within the various policy sectors regulatory frameworks have been institutionalized with the establishment of ministries and subsidiary bodies, as well as legislation. The uses of the oceans are in general strictly regulated. The last few years has witnessed a drive towards greater coordination between various policy sectors. The evolution of scientific knowledge, first-hand experience with problems related to pollution and over-fishing, the requirements of international agreements, and increasing conflicts between different uses of the oceans are important driving forces in this regard. A critical juncture was a Report to Parliament in 2002, in which a more integrated and ecosystem oriented marine policy was outlined.

B. Major Principles

All major policy sectors in the marine realm have strong international dimensions. The most significant pollution problems are brought from abroad by ocean currents. The major fish stocks are shared with other countries. And due to the small domestic market, fisheries products as well petroleum production have to be exported. The importance of the international aspects of marine policy can therefore hardly be overstated.

C. Institutional Arrangements

Commencing with the 1958 UN Conference on the Law of the Sea (UNCLOS I), a broad framework regulating almost all uses of the oceans has emerged. UNCLOS III (1973-1982) brought the concept of Exclusive Economic Zones (EEZs), which set the stage for a major reconfiguration of rights to natural resources and the development of a coastal state based system of resource management regimes. Many fish stocks were not circumscribed by the EEZ of any one country, however, but were shared among two or more countries, and in some instances also the high seas. The current domestic ocean regime is constituted by the 1963 Continental Shelf Act and the 1976 Economic Zone Act, and the 2004 act extending the territorial waters to 12 nautical miles. The

1976 Act extends jurisdiction over living marine resources to 200 nautical miles, and reserves the utilization of those resources for Norwegian vessels. In addition come several acts that elaborate the regulatory systems for petroleum resources, fisheries, and the environment. The acts provide for enabling legislation, in order to facilitate the adaptation of regulatory regimes to changing circumstances.

An important feature of Norwegian fisheries is that the most important fish stocks are shared with other countries. International cooperation in their management is therefore crucial. Since the introduction of extended jurisdiction in the 1970's, a comprehensive network of bi- and multilateral agreements have been negotiated with the neighboring countries to provide for the management of shared and straddling fish stocks. The most important of these agreements are the ones with Russia and the EU. Norway is also party to several RFMOs: the North East Atlantic Fisheries Commission (NEAFC), the Northwest Atlantic Fisheries Organization (NAFO), and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) are the most important.

International cooperation on the protection of the ocean environment is largely based on regional institutions. In the Northeast Atlantic the protection of the marine environment is based on the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention). The work under the Convention is based on five strategies with each their committee, producing decisions that are placed in five corresponding annexes for land-based pollution, dumping, ocean-based pollution, environmental assessments, and conservation of ecosystems and biodiversity. The annexes and the work in the committees are the basis for domestic implementation.

3. Nature of the Policy and Legislation

Norway is a parliamentary democracy. The Government remains in power as long as it commands the confidence of the majority in parliament. Important aspects of its political system include a strong tradition for participation of organized interests in the formulation and execution of public policies, a comparatively high degree of centralization of decision-making powers, and a relatively consensual political process where the differences between political parties may be difficult to discern, at least as viewed from abroad. The implication is that policy-making in the marine sectors tends to be inclusive, involving interests that are likely to be affected by decisions. The ministries are the hubs of decision-making, with little or no powers devolved to regions. In broad terms questions of the use of the oceans and reconciliation of conflicting uses are

relatively uncontroversial in Norway, compared to the situation in other countries.

Marine issues are however frequently at the center stage of domestic political debate. The perhaps most significant political issue in the country over the last decades, the relationship to the EU, has had fisheries as a chief ingredient. The country has twice negotiated agreements with the European Union about membership (1972 and 1994), but the negotiation outcomes in the area of fisheries contributed to a "no" majority in referendums.

4. Implementation, Evaluation, and Long-term Outlook

While the introduction of EEZs brought vast ocean areas under Norwegian jurisdiction, the drawing of new boundaries also brought controversial issues in relations with other countries, some of which still remains. The different views on principles for the drawing of boundaries and application of international treaties appear not to have hampered the cooperation on resource management or the compliance with Norwegian policies.

The uses of the ocean are generally regulated on a sector basis, with different sets of legislation applying according to type of use. Due to the small population and the long coastline, conflicts deriving from competing uses of the oceans and the coast have not been as prevalent in Norway as in more densely populated countries. This may be changing, however, in particular due to the northwards expansion of the petroleum industry, the growth of aquaculture, increasing environmental awareness, and other uses of the oceans.

The implementation of the precautionary approach, the ecosystem-based approach, and the integrated oceans management approach are significant aspects of the current oceans policy in Norway. While the implementation of a precautionary approach to fisheries management has been in the works since the late 1990's, the efforts to implement an ecosystem approach and integrated oceans management are more recent.

The domestic ocean governance regime is in the process of a major overhaul, with the introduction of new legislation for biodiversity conservation, the management of living marine resources and the establishment of a process to develop a comprehensive management plan for the Barents Sea, the first of several such plans to cover all oceans under Norwegian jurisdiction.

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Philippines

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic information

The Philippines is an archipelago of 7,100 islands in the South China Sea. It has a land area of 298,170 km² and an EEZ, which occupies an area of 2.2 million km². The Philippines has 36,289 km of coastline, 79 provinces, 61 cities, 832 coastal municipalities, and a coastal population of approximately 39 million. The coastal population density is 285 persons per km². The two largest islands are Luzon to the north and Mindanao in the south, with the central Visayas islands lying in between. The largest cities are the national capital, Manila (population of about 10 million), the central Visayan capital of Cebu City (population approximately 0.7 million), and the southern Mindanao city of Davao (population approximately 1 million). The maritime zones claimed by the Philippines are as follows:

- Exclusive Economic Zone: 200 NM
- Continental shelf: to depth of exploitation
- Territorial sea: irregular polygon extending up to 100 NM from coastline as defined by 1898 Treaty of Paris;
- In the late 1970s, the country claimed a polygonal-shaped area in South China Sea of up to 285 NM in breadth known in the Philippines as the Kalayaan Island Group (APEC undated).

B. Brief overview of nature and evolution of national ocean policy

The Philippine's National Marine Policy (NMP) was formulated in November 1994 to serve as a framework instrument for addressing all ocean-related concerns. Through the NMP the government shifted its focus from land focused policies and attempted to institute management regimes that focused on marine and coastal resources. In recognition of the need for a coordinated approach to implementation and for resolution of multi-use conflicts, the document established an interagency Technical Committee. The Committee operated under the auspices of a Cabinet Committee on Maritime and Ocean Affairs (CABCOM-MOA). Although the NMP was functional in implementing its strategy for the United

Nations Convention on Law of the Sea (UNCLOS), it did not achieve all of its goals in integrated management. The omission of major economic sectors, such as shipping and tourism, in the plan's scope along with its sectoral approach were, in part, responsible for the plan's ineffective management of resources. The CABCOM-MOA is now defunct.

As part of a commitment to the *Sustainable Development Strategy for the Seas of East Asia* (2000), the Department of Natural Resources and the University of the Philippines Archipelagic and Ocean Studies Program (ARCOAST) collaborated on a National Coastal Resource Management Policy (NCRMP). The policy, which was submitted to stakeholders for review in 2001, was an implementation plan that combined integrated coastal area management and improved governance as a national strategy. The document served to reinforce local management initiatives, realign national government agency policy and resources, and improve multi sectoral support systems for the management of the coastal and marine environment. However, this NCRMP still did not incorporate marine industry development and continental shelf exploration or maritime security (DENR et al. 2004).

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

In February of 2004 the United Nations Development Programme granted assistance for the development of a national coastal policy framework entitled *A Framework for Sustainable Philippine Archipelagic Development* (ArcDev). ArcDev focuses on coastal resource management concerns and elaborates on the NMP's initial objectives, to view coastal marine areas as a locus of community, ecology, and resources. The ArcDev also drew upon and expanded on the NCRMP. The initiative sought to facilitate ways of improving implementation mechanisms and to harmonize various resource use and access arrangements. The framework calls for a functional cooperation between government and relevant stakeholders to strengthen the existing terrestrial focused, national planning and policy framework. The document recognized that the people's welfare relied on management bodies incorporating institutional mechanisms, which

account for both the vast potential and the sustainable use of the country's predominant maritime resources, environment, and heritage (DENR et al. 2004).

B. Major principles

Principles listed in ArcDev promote an integrated archipelago, which recognizes the interaction of land, sea, air, and people within the archipelagic setting. It also encourages meaningful and responsive participation by all concerned stakeholders in all policy creation phases of planning, formulation, implementation, monitoring, and evaluation. The plan recognizes the importance of an effective integrated ocean management policy. The application of resource valuation methods and programmatic environmental impact assessment in decision making are also outlined in the plan. The plan utilizes a sustainable use approach by including the importance of conservation, protection, and management of both marine resources and marine environment for the benefit and use of present and future generations of Filipinos. Adoption of the precautionary and stewardship principles are used in particular in the area of economic activities in the marine and coastal environment. Principles in communication are also guided by the plan for the areas of environment and policy development. Within the plan, stakeholder involvement is recognized as important in enhancing the understanding of the oceans, marine resources and ecosystems and their processes as well as in strengthening multi-sectoral participation, and obtaining scientific support for sustainable development (DENR et al. 2004).

The Philippine government has adopted their own Agenda 21, which provides an action plan that addresses issues in individual ecosystems (coastal/marine, freshwater, upland, lowland, and urban) as well as across ecosystems.

C. Institutional arrangements

No overarching oceans governance policy exists for the Philippines. Policy measures taken in respect of the environment are based on a sectoral approach; however the Philippine Environment Policy serves as the overarching policy instrument for the conservation of the environment in general (APEC undated).

The Department of Environment and Natural Resources (DENR), the Department of Agriculture's Bureau of Fisheries and Aquatic Resources (BFAR), and the Center for Maritime and Ocean Affairs (an attached agency to the Department of Foreign Affairs), are the main government agencies principally responsible for the national policy planning, formulation, and evaluation of the Philippine marine environment. In particular, the DENR's Protected Areas and

Wildlife Bureau (PAWB) is responsible for marine protected areas and wildlife. DENR's Coastal Environment Project is responsible for coastal monitoring and evaluation and the DENR's Environmental Management Bureau is responsible for pollution management. The Department of Transportation and Communication is responsible for all marine transport and navigation issues and oversees the Philippine's Coast Guard and Maritime Industry Authority (MARINA), which manages and enforces marine safety issues (APEC undated).

3. Nature of the Policy and Legislation

ArcDev suggested three alternative structures of institutional mechanisms to implement the integrated management policy. The first structure suggests the ArcDev be implemented via a separate council with regional and local counterparts, which would be drawn from the regional and local development councils. Such a council would have high level support, a separate coordinating structure, and create clear links between policy-level and operational-level structures. The second option offered two modes to establish ArcDev as part of the Philippine Council for Sustainable Development (PCSD). One mode would be to create the implementation body of ArcDev as a sub-committee within PCSD. The other suggested expanding the mandate and structure of the PCSD to accommodate ArcDev. Advantages to this scenario are, ArcDev would require less time and resources to set up as it would call upon the already established resources and structure of the PCSD. Potential disadvantages are competition in agendas between ArcDev and PCSD. This potential competition in agenda might result in a loss of certain areas of concern articulated in ArcDev but not covered by PCSD, such as, maritime safety and security. A second potential disadvantage is PCSD does not fully achieve integrated management in its current state. The third recommendation in institutional mechanisms is the creation of an ArcDev Council, with an independent Regional ArcDev Management Board. Advantages to this strategy are a clear policy-making and operational structure for ArcDev's planning and management. Such a structure would assist in addressing the difficulties inherent in coordination at the sub-national and local levels, provide field based mechanisms that address cross-regional and cross-sectoral concerns, and function to resolve conflicts where they occur. This type of structure would also be consistent with decentralization efforts being made by the Philippines. Potential disadvantages would include additional budgetary support for the creation of a Regional ArcDev Management Board, and the requirement of extensive

capacity building to prepare the Board as the work requires a high level of expertise (DENR 2004).

4. Implementation, Evaluation, and Long-term Outlook

ArcDev is a “work in progress” and has benefited from regional and national consultations. The concept has yet to be fully accepted among all sectors of stakeholders, national agencies, and regional agencies and the framework lacks detail for implementation. However, ArcDev has a great deal of support from the various entities and representatives who have participated thus far in the process. The main uncertainty is an identified means for integrating and coordinating the implementation portion of the policy. Limitations to this are not solely in identifying a mechanism but once a mechanism is identified, the momentum for implementation can be kept through budgetary restrictions and bureaucratic resistance, and lack of adequately trained personnel. Such a mechanism would also need to not only recognize the importance of archipelagic integration but the harmonization of sectoral plans and programs in the area of marine resource monitoring and the resolution of conflicts among the various entities involved in implementation and monitoring (DENR et al. 2004).

It must be realized, to think in an archipelagic way is to recognize the interconnectedness of different sectors and ecosystems. There must be a consciousness to the connections of uplands, forests, rivers, lakes, coastal and marine areas. In addition, implementation must deal not only with the link between the environment and economic development but the pursuit of economic development may have significant and possible irreversible impacts and may have greater impact in one area than another. Finally, ArcDev is not politically biased and is independent of party affiliation but it needs “champions” to act as catalysts among the stakeholders to ensure that the many months of effort invested thus far are translated into meaningful benefits (DENR et al. 2004).

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Portugal

1. Basic Information and Overview of National Ocean Policy

A. Basic information

This summary was prepared by Dr. Tiago Pitta e Cunha - former Coordinator of the Portuguese Strategic Commission on Oceans, and by Professor Mário Ruivo, former Member of the Commission.

With an Economic Exclusive Zone eighteen times larger than its territory, the maritime waters under Portugal's jurisdiction account for a large proportion of the waters of the European Union. For such reason alone, Portugal can easily be called a maritime nation. The country's most western tip projects well into the Atlantic Ocean, providing it with a location at the cross roads of three continents: Europe, America, and Africa. Including the mainland, the Azores and Madeira, Portugal has a coastline of 2,147 km with an EEZ of 1,656,402 km².

The ocean is the most important natural resource of the Country. The direct and indirect benefits derived from the ocean and coastal areas account for 11% of Portugal's GDP, 12% of its employment, and 15% of its trade margins. A large part of imported commodities and energy arrive by sea through the Country's port infrastructure. The sea is decisive for the tourist industry, and one of Europe's largest fishing communities still draws its livelihood from it. A better knowledge of the ocean, including Coastal Zone and Deep Sea rich biodiversity can provide a basis for developing a biotechnology industry.

The ocean is not just a natural resource; it is also a key component of the Country's geography, linking the mainland to the archipelagos of the Azores and Madeira.

B. Brief overview of nature and evolution of national ocean policy

Pursuant to Resolution of the Portuguese Council of Ministers No 81 of 17 June 2003, the Oceans Strategic Commission was given the task of putting forward a national strategy for the ocean with a view to strengthen Portugal's association with the sea, based on the sustainable development of the ocean and its resources, and to enhance the management and exploitation of maritime waters within national jurisdiction, with a view of achieving the objectives of a Sustainable Development.

In accordance with the preamble to that Resolution, the mandate of the Oceans Strategic Commission was based on the following policy objectives:

- Upgrade the strategic importance of the sea for Portugal;
- Make maritime affairs a priority and give prominence to that priority internationally;
- Sustainably manage maritime waters within national jurisdiction with a view to making the most of their economic, environmental and cultural potential.

The Oceans Strategic Commission was charged with the task of achieving sound ocean governance on a national level, through institutional coordination and integration of coastal and ocean management. This high level policy group was made up of ministerial representatives and members of civil society, covering diversified fields of expertise including oceanography, hydrography, marine biology, marine geology, robotics, naval engineering, fisheries, aquaculture, ports, maritime transportation and ship building, marine defence and vigilance, Law of the Sea and international affairs, marketing and communications, sociology, economics, and management. The Oceans Strategic Commission was the first initiative of this kind in Portugal, encompassing an integrated, intersectorial and interdisciplinary approach to the sea.

The Oceans Strategic Commission fulfilled her mandate by formulating in 2004 a final Report entitled "The Ocean: a national aim for the XXI Century" and was extinguished in November of that year. The Commission's Report was presented to the Prime Minister followed by a public session attended by Ministers of on the 19th of November 2004.

C. The Report of the Oceans Strategic Commission

The Report includes 250 Recommendations and Proposals. These recommendations focus on measures designed to draw on the strengths identified, counter the shortcomings, deal in advance with the dangers or risks, and tackle the challenges, exploiting the opportunities of a sustainable use of the ocean.

Part I of the Report contains the main components of the Strategy:

- the policy objectives underpinning the establishment of the Oceans Commission by the Government;
- the Vision and the Mission;

- the set of Strategic Goals;
- the main Action Lines;
- the Principles and Parameters underlying the Strategy.

Part II of the Report develops the Strategic Goals in depth. This analysis is based on a larger set of Strategic Vectors that define the scope of those strategic objectives. It includes diagnoses of each of the Strategic Vectors and concludes with the Recommendations and Proposals referred to above.

2. Efforts toward an Integrated National Ocean Policy

A. Policy development process

The rationale for a national ocean's strategy lies in the need to manage ocean areas under national jurisdiction by means of a comprehensive, integrated, long-term policy that will apply a cross-sectoral, interdisciplinary and truly transversal approach to the sea and Ocean Affairs. The main goal is to address and overcome fragmented sectoral approaches by providing an integrated framework and global vision of the ocean.

An integrated strategy for the ocean is also needed to reap the full benefits of this natural resource.

These aims demand a clear strategy, which in turn calls for a vision that can articulate the benefits of environmentally sustainable oceans and seas. Such a Vision declares that a safe, secure, and sustainable ocean is the main natural and cultural resource of Portugal. In addition to setting out a conceptual framework by means of a vision, the strategy indicates where to get to and also explains how this is to be achieved. All this should be anchored in a set of strategic goals.

The five strategic goals formulated by the Oceans Strategic Commission are:

1. To further develop a close interconnection between Portugal and the ocean (this includes a communication component whereas the oceans are seen as a branding and a communication tool; an educational component driving people to care more about the ocean; a cultural component focused on the preservation of traditional uses of the ocean and of underwater cultural heritage);
2. To know more and to better protect the ocean (it focuses on marine scientific research, ocean observation and monitoring, and technology and on environmental protection, interconnecting both areas);
3. To promote sustainable economic development of maritime activities (including fisheries and aquaculture, ports and maritime transport, shipyards, biotechnology, mineral resources, energy, technology and tourism);
4. To specialize and develop leadership in the fields of: (i) Ocean science and technology; (ii) international affairs on oceans and seas; (iii) security and defence of the national EEZ and other relevant maritime areas.
5. To set in place institutional adjustments of ocean governance (the Commission also proposed adjustments on the way we govern ocean issues to ensure the rationalization of mandates and increased efficiency of national institutions responsible for ocean affairs).

The above described Strategic Goals are in turn divided up in several Strategic Vectors, of which the following are examples:

- Exploiting the ocean as a Country's brand image;
- Developing a public communication policy that fosters greater general awareness of the oceans richness and threats; Providing better school education of the ocean environmental aspects;
- Preserving the cultural heritage, including the marine cultural heritage, which the ocean represents for Portugal;
- Enhancing the value of Portugal's geostrategic position in international relations;
- Developing an integrated management system for ocean affairs based on a modern institutional framework suitable for developing such integrated management;
- Promoting and developing economic sectors with a direct link with the sea, including tourism, fisheries and aquaculture, ports, multimodal logistic platforms and associated rail links, maritime transport, shipbuilding and ship repair, biotechnology, and mineral and energy resources, with a view to foster economic growth and job creation;
- Putting the focus on research, science, technology and innovation, in particular in areas of potential interest for national development;
- Ensuring the defence of the nation's maritime interests, surveying and inspecting maritime areas under Portuguese jurisdiction and promptly observing international obligations;
- Taking an active role on oceans affairs dealt with in international organisations;
- Establishing a modern institutional framework for ocean governance that is suitable for integrated management of maritime affairs.

B. Major Principles

- **Integrated management**, based on holistic approach to the ocean and its resources;
- **Transversal, intersectoral and multidisciplinary nature**, as a means of implementing the concept of integrated management;
- **Comprehensive approach** to the search for solutions, i.e. taking in environmental, economic, social and cultural considerations;
- **Sustainable development**, from a perspective that both reconciles the environmental aspects and economic and social development and optimises fairness within and between generations;
- **Precaution**, i.e. a predisposition towards implementing measures aimed at preventing a serious and irreversible degradation of the Ocean, of coastal areas and of their resources;
- **Importance of the ecosystem**, insofar as maintaining healthy and productive marine ecosystems is essential to the use and management of the oceans;
- **Knowledge**: managing human activities that have an impact on the oceans calls for a gradual improvement in the knowledge of the ocean's resources and processes;
- **Science-based decisions**: the planning and management of decisions relating to the oceans must be based on the most up-to-date scientific information and recognition of the fact that information on oceanic processes and resources is often incomplete and limited;
- **Monitoring capacity**: the existing Systems must be broad and made more effective so as to facilitate the gathering of information and data needed for decision-making;
- **Dissemination of information**, in particular access to, and management of, georeferenced information and its use in the evaluation and decision-making process;
- **Objective indicators** must be developed in order to evaluate progress and the achievement of objectives;
- **Marine research** must be encouraged, developed and promoted with a view to a better understanding of the ocean and its processes;
- **Coordination** between central, regional and local government departments and with all relevant partners (the epistemological community, private and non-governmental sectors etc.);
- **Transparency of objectives and of management processes**, as a means of encouraging effective involvement on the part of civil society and ensuring that all stakeholders are taken into consideration;
- **Participation**, on the part of organisations representing civil society, in the planning and implementation of ocean-

related public policies, with the aim of making the policies more relevant and acceptable;

- **Responsibility**: clear lines must be drawn in the processes of management, decision-making and implementation;
- **Reducing red tape and simplifying regulations and processes**: without prejudice to an adequate level of environmental protection and the need to ensure the safety of human life at sea, management and decision-making in ocean-related matters must involve a minimum of rules and regulations;
- **International cooperation and coordination**, to be encouraged and developed with a view to ensuring effective participation in the international governance of the oceans;
- **Economic and social development** with environmental concerns are pillars of an integrated oceans policy. Internationally competitive and environmentally sustainable maritime activities and industries are important for job creation and for economic development;
- **Fairness/equity**: resources in the national public maritime domain are jointly owned by the people. The benefits derived from those resources, and responsibility for their maintenance and productivity must be shared by all those concerned, including future generations;
- **National identity**: the values of the ocean, in particular in terms of natural heritage, landscape, geography and cultural heritage, are key elements of the differentiation and affirmation of the national identity;
- **Spatial specificity**: oceans and coastal areas do not constitute a single, uniform whole with the same environmental, landscape, economic, social and cultural characteristics. Their diversity must therefore be taken into account when implementing any public policy relating to the oceans and coastal areas.

C. Institutional Arrangements

Further to the establishment of the Oceans Strategic Commission in 2003 the Government has recently decided by Resolution of a Council of Ministers August 2005 to create a Task Force (Estrutura de Missão) in charge of reviewing and formulating guide lines for implementation of the Ocean National Strategy and to follow up related issues. This Task Force is under the authority of the State Secretary for Defence and Maritime Affairs.

A Consultative Council is foreseen in the framework of the Task Force; it will be composed by the representatives of the Ministries concerned; hearings with public and private sectors active in the field of Ocean Affairs are planned; The Task Force should submit a report within one year

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Russian Federation

1. Basic Information and Overview of National Ocean Policy

A. Basic information

The Russian Federation, the world's largest country, is bordered by the Arctic, Atlantic and Pacific Oceans. It has a total land area of approximately 17.1 million km² and a coastline of 61,000 km (without taking into account its small island territories). The Russian population is 143.5 million with a density of about 9 people per km². Of the 12% of the country's population that live in the coastal zone, 45% reside in only 2% of the total coastal area, the coastal zone of the Black, Azov and Baltic seas. The Arctic region accounts for 67% of the entire coastal zone area and only 15% of the country's coastal population live there. The Russian Federation's EEZ covers an area of 6,255,799 km² (WRI 2000) and the maritime zones in which Russian Federation has its own sovereignty are: continental shelf (within legal framework of UNCLOS); exclusive economic zone (200 NM); territorial sea (12 NM).

B. Brief overview of nature and evolution of national ocean policy

Russian Federation production assets shown in the middle to end of the 1990s made it clear that successful development of the marine resources and expanses demanded an improvement in marine resource management and state regulation of sea and ocean activities. To this end, the federal target program (FTP) "World Ocean" was approved by the Act of the Russian Federation Government in 1998 for the purpose of changing the existing narrow sectoral approach to conducting marine activities to a more centralized, effective, and integrated approach. The concept of FTP "World Ocean" realization was approved by the President of the Russian Federation by Decree in 1997. Forty-five federal and provincial executive agencies and 13 research organizations took part in the development of this program.

2. Efforts toward an Integrated National Ocean Policy

An understanding of the role a cohesive marine policy would provide in the protection of national interests in World Ocean has become an important factor in the formulation of marine policy in Russia. The basic purpose of the FTP "World Ocean" is the development of a system for developing and utilizing ocean resources and expanses in a manner that enhances economic development, national security, and the protection of marine frontiers. The program includes 10 subprograms, involves 9 federal executive agencies, and places the Ministry of Economic Development and Trade of the Russian Federation as the state coordinating body. Federal coordination functions in the program are carried out by the Interagency Commission on FTP "World Ocean" and its Scientific Expert Council. The 15-year term program is to be carried out in three stages.

Other FTPs related to problems of marine activity, such as on the ecology and natural resources of Russia, Russia's transport system modernization, energy effective economy, and research and developments in the priority areas of science and technology, are now in place. The FTP "World Ocean" also led to the crafting of the Marine Doctrine of the Russian Federation, which was authorized by the President of the Russian Federation in July of 2001. The Marine Doctrine's purpose is to reveal the essence, contents, and means of realizing a national marine policy for Russia, which is also one of a major component of the state policy of the Russian Federation. This marine policy attempts to link functions of the federal executive authorities with coastal subjects of the Russian Federation. Unlike other Russian doctrines and conceptual documents, the Marine Doctrine provides a set of objective criteria for a national marine policy that will allow the Russian Federation to realize its long and short term goals of safeguarding state sovereignty, sovereign rights and freedoms of the high seas, protection of human life at sea, prevention of marine environmental pollution, and the promotion of marine economic benefits.

The status of the national sea expanses is determined in accordance with the international law and regulated by the federal laws "On the Continental Shelf of the Russian Federation" (1995), "On the Internal Maritime Waters,

Territorial Sea and Contiguous Zone of the Russian Federation” (1998), “On the Exclusive Economic Zone of the Russian Federation” (1998).

A. Policy development process

The Marine Board of the Government of the Russian Federation, headed by the Chairman of the Government of the Russian Federation (the Prime-Minister), is the permanent coordination body. It coordinates actions of federal executive agencies, executive agencies of subjects (provinces) of the Russian Federation, and organizations engaged in marine activities. It has also become the basic body charged with the formulation of short-term and current tasks. The Marine Board members are heads of federal executive agencies and executive agencies of subjects of the Russian Federation, members of the scientific community, and other stakeholders who are directly related to the study and development of the use of the oceans. The Government of the Russian Federation approves the membership of the Marine Board. Representatives of interested government bodies, federal executive agencies, executive authorities of subjects of the Russian Federation, state institutions, scientists and experts in marine issues participate in Marine Board sessions. At the discretion of the Chair of the Marine Board, non-governmental organizations, media, and commercial organizations can be invited to Marine Board sessions. The Board’s initial focus is to implement the UNCLOS and the maintenance of the federation’s military-political stability with regards to the sea. The Board met seven times during the period 2001-2004 to determine practical guidance for marine activities that are grounded in sound recommendations in regards to the scientific, political, and economic interests of the Russian Federation. The Marine Board’s interagency commissions and working groups on functional directions of the marine policy may be created in aims of draft legislative and other normative legal documents’ preparation and also for preliminary consideration of draft decisions of the Marine Board. Representatives of the stakeholders in the Marine Board are involved in these ad hoc commissions and working groups according to their area of expertise. The Council for the Study of Productive Forces of the Ministry of Economic Development and Trade, a state research organization, and the Russian Academy of Sciences provide scientific information and analytical support to the Marine Board.

B. Major Principles

The development of the Russian Federation’s marine policy will be guided by the principles of national marine policy, (e.g., integrated approach and precautionary approach); formulated in national legislation, including marine management directives. These principles will be consistently applied in both functional and regional national marine policy development.

C. Institutional Arrangements

The President of the Russian Federation, the Federal Assembly of the Russian Federation, and the Government of the Russian Federation carry out formulation and setting of perspective to problems of national marine policy within the limits of their power.

The two chambers of the Federal Assembly of the Russian Federation carry out legislative regulation of marine activities. Draft laws go to the State Duma where they are examined by appropriate committees and commissions, or are elaborated on by the latter. Then they go into plenary sessions where they are affirmed or denied. Once the draft law is accepted by the State Duma it goes on to the Council of the Federation for approval. In cases of disagreements, reconciliatory commissions are created. If the draft laws are approved in the upper chamber of parliament, they go on to the President of the Russian Federation for signing into final law. If an issue of marine policy involves national security, they are considered in the sessions of the Security Council, as a special constitutional deliberative body headed by the President of the Russian Federation.

There are 89 constituent units (subjects of federation) of the Russian Federation. 22 of them have direct access to sea. Subjects of federation have the right to make their own laws within the limits of broad framework laws emanating from the central institutions of the Federation in Moscow. The legislation set out in this report is principally framework legislation, which indicates a long period of transition from the legal framework of the Soviet period. It shows that the system of oceans governance in the Russian Federation is still evolving to provide a balance between central and provincial authorities.

2. Nature of the Policy and Legislation

According to the Constitution of the Russian Federation (1993) the internal maritime waters, territorial sea, exclusive economic zone

and continental shelf of the country are under federal jurisdiction. At the same time issues of ownership, use and disposal of the land, interior, water and other natural resources are in joint competence of the Russian Federation and subjects of the Russian Federation, but there is no direct mentioning about sea objects in the Constitution. Development of the constitutional provision on joint competence in context of definition of the competence of the federal center and subjects of federation as applied to marine and coastal resources hasn't been realized yet.

Marine activities in Russia are managed through a sectoral approach, which is realized through federal ministries and agencies with marine related responsibilities. And different natural resources are regulated by different laws, vesting the responsibility for monitoring, registration, preservation, protection and management of the coastal natural resources with different government bodies.

3. Implementation, Evaluation, and Long-term Outlook

On the way to modern political and economic system Russia has been rather successfully accomplishing the goal of deep social and economic transformations.

Basic postulates of national marine policy were formulated in the Russian Federation with the approval of the Marine Doctrine. The system of long-term decision-making, which is necessary for realization of the sound state marine policy has been developed with creation of the Marine Board on the whole and continues to be improved. The FTP "World Ocean" is currently one of the basic mechanisms of realization of these decisions.

Realization of the FTP "World Ocean" promoted strengthening of economic and raw material potential of the country and the country's defense capabilities, sustaining and expansion of scientific research in the World ocean, growth of the sea transport cargo base, and increase of Russian seaports loading level, increase of fishery profitability, and, as consequence, increase of payments to the budget and increase the employment level due to creation of new job opportunities in coastal provinces.

Revealed necessity of special regulations establishing a legally optimum regime for coastal areas as the economically and environmentally integrated whole to harmonize interests of different users of natural resources resulted in development of a special

draft law on coastal management which built upon the international legal expertise in this area (Kalyuzhny 2001.)

Although Russian experts differ in opinions of the specific timeline, it is anticipated that within ten years, the volume and variety of maritime activity in the country will increase on the whole. The increasing demands for economic development within the country will also increase Russia's connections with the external world and in turn increase Russia's participation in various forms and types of international cooperation. Development of marine activity in Russia demands precise identification of its priorities, modern administrative and managerial approaches, and modernization of coastal infrastructure. Therefore, development of an integrated management system for marine and coastal resources and an elaboration of the legal and institutional bases for the realization of such a system are the next key tasks in Russia's marine policy formulation and implementation. Other key task is the formation of effective resolution mechanisms to deal with disputes along the interaction line "federal center - subjects of federation - municipalities". The essential progress in actual coordination and integration of various spheres of marine activity at all levels of administration and management, with special attention to regional and provincial components, remains paramount to Russia's realization of effective and efficient marine policy (Kolochkov et al. 2004).

4. Recommendations for Improving the National Ocean Policy/Program

Further progress of Russia's national marine activity development depends, first of all, on successful solution of a number of problems, common for the country and its economy.

Russia's efforts to modernize their marine policy capacity and infrastructure to deal with multiple use conflicts through integrated management and a high level coordinating body should be continued. Ultimately, once Russia broadens its marine policy focus of improving economic and social development through the expansion and increased exploitation of living and non-living marine resources, to incorporate principles of ecosystem based management, sustainable production, and environmental conservation the country's marine policies will reach their full potential.

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United Kingdom

1. Basic Information and Overview of National/Regional Ocean Policy

A. Basic Information

The United Kingdom (U.K.) is a somewhat complex political entity, with corresponding complexities for marine and coastal policy. The boundaries of the continental shelf were progressively settled with neighbouring states between the mid-1960s and late 1990s, and a 12 nm Territorial Sea was declared in 1987. The U.K. has not declared an Exclusive Economic Zone (EEZ). It has, however, established an Exclusive Fisheries Zone and a pollution zone in which it exercises EEZ fisheries rights and pollution control rights respectively.

Of the four constituent countries, Scotland has a large measure of administrative and political devolution and a separate legal system; Wales and Northern Ireland currently have a lesser degree of political devolution. These varying degrees of devolution have implications especially for coastal and inshore waters policy. The adjacent Channel Islands and the Isle of Man are not part of the U.K. and European Union (EU), but their Parliaments are directly responsible to the Crown through the Privy Council. The UK is also responsible for a substantial number of Overseas Territories and Crown Dependencies throughout the world ocean.

The UK is one of the world's major maritime powers, with a strong maritime heritage deriving from its leading global maritime role from the industrial revolution (1780-1830) to the outbreak of the First World War. At the present time the U.K. has a population of around 60 million and a GDP of just over 1,000,000 million sterling. U.K. marine-based industries generate approximately 5% of GDP and employ at least one million people directly. All major sea use sectors are significant, although some are especially important, including shipping and related industries, where the U.K. remains a global focus; offshore hydrocarbon extraction which is concentrated in the North Sea; fisheries and salmon farming; and coastal and marine leisure and tourism industries. There is a large and diverse marine research and education community. In the field of waste disposal, dumping at sea has largely been eliminated, while coastal and marine conservation is growing rapidly in importance. Multiple use intensity is greatest in the restricted 'urban' sea areas of major estuaries and firths. Beyond are the 'rural' seas

of the continental shelf, where shipping routes and marine resource extraction are dominant: the southern North Sea and eastern English Channel are more intensively used, and the remaining northern and western regions less intensively used.

B. Brief overview of nature and evolution of national ocean policy

The starting point for understanding national UK maritime policy remains the country's strategic and economic interests which, together with its maritime heritage, define it as one of the world's great maritime powers, a position which it always tends to maintain in international negotiations in the field of maritime affairs. The cornerstone of UK maritime policy is a set of sector-based policies with a strong legislative base, most notably in ports and shipping, mineral and energy extraction, fisheries, marine nature conservation, water quality, coast protection and flood defence. The development of integrated policies involving multiple use has emerged only in the course of the 1990s, notably in coastal management and, latterly, sea use management offshore through the evolving concept of marine spatial planning. The development of national policy has also been and continues to be influenced by international global and regional (North East Atlantic) marine conventions; and by the role of the EU in marine affairs, most notably through the Common Fisheries Policy.

2. Efforts Toward an Integrated National Ocean Policy

A. Policy development process

The current phase in policy development is underlain by profound economic changes and the emergence during the past three decades of environmental policy as a major concern of the state. Important influences have been the Stockholm Conference on the Human Environment of 1972, the accession of the UK to the European Economic Community in 1973, the UNCLOS negotiations, the Brundtland Commission of 1987 and the Rio Conference of 1992. A central theme emerging in both sectoral and over-arching policy development has been that of integration, including progressive co-ordination and sometimes restructuring of government activity.

B. Major principles

While there is not a co-ordinated set of prioritised principles in existing UK marine policy, certain principles have been made increasingly explicit. Of particular significance has been the recent attempt to pull together a coherent set of principles for the marine environment through the *Marine Stewardship Report*. Of especial note are stewardship, sustainability, the ecosystem approach, and best available science. Acknowledgement has also been made of the importance of the precautionary principle, integration, stakeholder involvement, protection of biological diversity and, in the wider European context, subsidiarity.

C. Institutional arrangements

Marine policy is implemented by central government departments and their associated executive agencies and non-departmental public bodies, together with advisory non-departmental public bodies and other bodies. These remain sectorally based for the most part. At UK level the principal departments involved in implementation of marine policy are the Department of Environment, Food and Rural Affairs; Department of Transport; Department of Trade and Industry; and Ministry of Defence. In the present context, relevant devolved administrative responsibilities are concentrated in the environment field.

3. Nature of the Policy and Legislation

In the round, UK marine policy is legislatively based in the first instance, with a fairly comprehensive framework of national law tied as appropriate to international conventions and EU law. Fisheries is an exclusive competence of the EU, whereas other policy areas are mixed competence. The practical implementation of policy is administratively based as noted above.

Implementation of principles is difficult to fully assess. Integration among sectors is relatively limited, although current policy development points to a sea change in this regard in the near future. Science-management integration exists in a number of areas such as weather forecasting, defence, offshore hydrocarbon and renewable energy development, and tackling pollution from land-based sources and dumping at sea, but has largely failed in fisheries management. The precautionary principle and ecosystem-based management are widely acknowledged, but arguably some considerable way from widespread implementation. Public

participation and community-based management is notable in certain developments within the coastal management field, such as those concerned with onshore installations for the offshore oil industry.

The administration of the marine environment is complicated by the fact that the UK has devolved certain important powers over domestic matters. Within the UK, most major marine policy fields are reserved by the UK Government, including shipping, defence, and offshore hydrocarbons and energy. While the EU Common Fisheries Policy is supreme, there is a large degree of administrative devolution of fisheries matters in Scotland. There is also a wide range of devolved statutory functions in other areas including the environment, ports and harbours, natural and built heritage, economic development and tourism, culture and sport. By contrast, the degree of administrative devolution in Wales is relatively limited and whilst the National Assembly for Wales (NAW) has responsibilities in several fields that are significant for coastal and marine management, primary legislation relating to Wales can only be made by the Westminster Government. Political devolution in Northern Ireland is suspended pending the outcome of the 'peace process'. Each country therefore needs to be considered separately and as part of the UK.

The UK is signatory to all the major international conventions which are directly or indirectly marine-related, including those concerned with shipping, fisheries, pollution, the law of the sea, and the environment. In addition the country is signatory to an important series of regional conventions and agreements in the North East Atlantic, covering shipping, waste disposal and pollution, fisheries, and defence. National resources for enforcement are concentrated on fisheries and shipping.

The UK has a large infrastructure for marine research and education. Of special note are the national laboratories which cover marine science and fisheries science; the Meteorological Office and Hydrographic Office which fall under the aegis of the Ministry of Defence; and some 26 universities which have substantial marine-related research and teaching capabilities, as well as professional consultancy firms with substantial marine capabilities. The country plays a leading role in international marine science programmes and management.

4. Implementation, Evaluation and Long-term Outlook

From an environmental point of view, the principal immediate problems in marine policy centre round degradation of the ecosystem due to over-fishing and conflicts of use in intensively used sea areas. Major related issues include the need to secure a fully representative system of coastal and marine protected areas for conservation, allied to an effective system of development control offshore. The present sectorally-based administration and management does this to some extent; proposed developments in ICZM and the Marine Bill should lay the foundations for effectively tackling these problems and issues over the next decade or so through, among other things, the anticipated development of marine spatial planning. A particularly important recent development has been the publication by Defra of *Charting progress: an integrated assessment of the state of UK seas*, a key link between the evidence base and the desire to have ecosystem-based management.

At national level it is likely that the UK will retain most of the key marine policy powers, but devolved administrations will become involved to a greater extent. The UK remains a leading player in both regional and global international policy networks, as well as in the context of the developing European Marine Strategy and the emerging EU Maritime Policy. While a single national ocean policy does not exist, the combination of sectoral and integrated measures currently being developed are likely to constitute a truly national system set within European, North Atlantic and global frameworks, even if it is not called that.

5. Progress on Implementation

An emerging theme in the developments outlined above is that of the regional approach to marine policy, with Europe and the North Atlantic being major foci; together with sub-regional developments centring round the emerging roles of the devolved administrations.

A second important theme is the emergence of the partnership idea in marine policy – moving away from the somewhat statist expectation that government will take full responsibility for all aspects of marine policy, to a situation in which the private sector (which bears most of the cost) and voluntary sector together with public participation generally play a greater part in policy-making.

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United States

1. Basic Information and Overview of National Ocean Policy

A. Basic information

The United States (U.S.) has claimed an 11.5 million km² Exclusive Economic Zone (EEZ), the world's largest. The U.S. EEZ is 25% larger than the U.S. land mass area of 9.2 million km² and U.S. coastlines extend for 19,924 km (CIA 2004).

The U.S. coastal zone accounts for half of the gross domestic product and contains more than 50% of the 296 million residents of the United States. The oceans of the U.S. directly support marine transportation, fisheries and aquaculture, energy production, recreation, biotechnology, and other emerging uses.

The U.S. has not signed or acceded to the United Nations Convention on the Law of the Sea (UNCLOS), but claims maritime zones consistent with UNCLOS:

- Territorial sea: 12 nautical miles (NM) from baseline
- Contiguous Zone: 24 NM from baseline
- EEZ: 200 NM from baseline
- Continental Shelf: Not specified

B. Overview of national ocean policy

US ocean policy currently consists of 20 federal agencies and commissions implementing at least 140 ocean-related federal statutes. The power of states (which generally control ocean areas out to three nautical miles offshore) versus the power of federal government creates further tension and confusion. Ocean policy has been essentially developed on an ad hoc basis by congressional policy entrepreneurs seeking to address public demand, industry need, or international considerations.

General increases in environmental concern (e.g., the Santa Barbara oil spill), the 1969 Stratton Report on U.S. ocean policy, and proactive Congress combined to give rise to significant ocean-related legislation and regulation from 1969 through the 1970s. Highlights include the 1972 Clean Water Act, the 1972 Coastal Zone Management Act (initiating state management of coastal areas), the 1972 Marine Mammal Protection Act, the 1972 Marine

Research, Protection, and Sanctuaries Act, the 1973 Endangered Species Act, the 1976 Magnuson Fishery Conservation and Management Act, and the 1978 Outer Continental Shelf Lands Act Amendments. The Council on Environmental Quality, the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), and the State Department's Bureau of Oceans and International Environmental and Scientific Affairs were also created during this time period. Key Cabinet-level Departments dealing with the ocean and coasts include the State, Commerce, Interior, Justice, Transportation, Homeland Security, and Defense Departments (USCOP 2004, Cicin-Sain and Knecht 2000).

While some improvements have occurred since the 1970s, degradation of many U.S. ocean and coastal resources persists, leading to demands for better governance. Key issues include excess nutrients, water and sediment contamination, harmful algal blooms, fishery declines, coastal habitat loss, and invasive species. Increasing user demand for ocean resources, natural coastal hazards, and the threat of climate change amplify the challenges of managing ocean and coastal resources (USCOP 2004).

2. Policy Development Process

A. Initiation of new policy

To address the deficiencies of the current management scheme, Congress passed and President Clinton signed the Oceans Act of 2000. The act mandated that a U.S. Commission on Ocean Policy (USCOP or "the Commission") evaluate the state of U.S. coasts and oceans, their management, and suggest proposals to establish effective and coordinated ocean policy. Eight and a half million U.S. dollars (\$8.5 million) was appropriated for the Commission to complete its analysis and publish its findings.

B. Major principles

The USCOP used 13 principles to guide analysis and recommendations:

- Sustainability
- Ocean-land-atmosphere connections
- Stewardship

- Ocean-land-atmosphere connections
- Ecosystem-based management
- Multiple use management
- Preservation of marine biodiversity
- Best available science and Information
- Adaptive management
- Understandable laws and clear decisions
- Participatory governance
- Timeliness
- Accountability
- International responsibility (USCOP 2004)

C. Institutional arrangements for new policy development

The Oceans Act of 2000 established the process for development of a national U.S. Ocean Policy. First, the Commission would be made up of 16 Presidential appointments. Eight of those appointments had to be from lists from the majority party in Congress and four had to be from lists submitted by the minority party, ensuring a range of expertise and interests. The Oceans Act specified that the Commission would assess and comment on existing and/or planned coastal facilities, activities, laws, regulations, resources, investment, private-local-state-federal relationships and activities, needed legal and institutional changes, and federal interagency coordination.

The Oceans Act specified several avenues for public participation including publicized open meetings, availability of documents, and pre-publication and acceptance of public comments on a draft report. The Commission held sixteen public meetings around the country, generating over 1800 pages of testimony. Additionally, the final report was required to include comments from coastal state governors regarding the report's recommendations (Oceans Act of 2000 available in Appendix A of 2004 USCOP).

Working groups were created for governance, stewardship, investment and implementation, and research, education, and marine operations. A Science Advisory Panel also assisted the Commission to use the best available science.

The Oceans Act required the President to submit to Congress proposals to implement or otherwise respond to the Commission's recommendations within 90 days. The actual U.S. Ocean Policy will evolve from the Commission's recommendations into the

proposals of the President and be implemented through executive order, regulation, or proposed legislation.

3. The Proposed Policy

A. Nature of the proposed policy

The current state of a new U.S. Ocean Policy is a detailed set of recommendations from the USCOP and the President of the United States' Administration's (the Administration) response to the USCOP, which outlines how the Administration plans to implement or address the USCOP recommendations. The final product is a combination of recommendations for administrative and legislative actions to improve national coordination and leadership, develop an ecosystem-based regional approach, coordinate offshore governance, and strengthen the federal agency structure. Given the early stage of policy formation, Part 3 approaches the following sub-topics from the point of view of the USCOP's recommendations. A summary of the Administration's response follows in Part 4 of this case summary.

B. Issues and objectives

As described by the USCOP's chairman, the Commission submitted a report that "contains balanced and practical proposals for the establishment of a comprehensive and coordinated ocean policy" (USCOP 2004, front material). That policy would manage ocean resources according to the above detailed 13 principles, at the same time coordinating and possibly reorganizing the agencies dealing with the ocean.

C. Authority at national level

As described in the Oceans Act of 2000, ultimately the Executive Branch (the President) would be responsible for advancing proposals to develop a National Ocean Policy. The Council on Environmental Quality, the National Ocean Council, the National Science & Technology Council, and the Office of Science and Technology Policy would report to the President, while a non-federal President's Council of Advisors on Ocean Policy (PCAOP) and President's Council of Advisors on Science and Technology (PCAST) would serve as advisory bodies in developing national ocean policy.

D. Cross-sectoral coordination/interaction

USCOP recommends creation of a National Ocean Council (NOC) within the Executive Office of the President to oversee enhanced federal leadership and coordination. The NOC, comprised of

department and agency heads, would coordinate, integrate, fill gaps in, and streamline federal ocean policy through partnerships among government, the private sector, academia, the public, and other nongovernmental agencies. Eventually the NOC would resolve interagency conflicts and suggest federal reorganizations to improve ocean management. The President's Council of Advisors on Ocean Policy (PCAO) would provide formal input from lower levels of government and non-governmental organizations representing a variety of stakeholders.

E. National/Sub-national division of authority and interaction

Given that the coastal States generally have jurisdiction over the first three statute miles of coastal waters, there is often conflict between national and sub-national authority on ocean issues. Provisions in the Coastal Zone Management Act also provide for state participation in federal actions in offshore waters that affect state waters. USCOP recommends the voluntary creation of regional ocean councils with members from all levels of government to assist in coordination of efforts. The Commission recommends an additional \$1 billion be distributed to states to assist with mandates created by implementation of a national ocean policy. The Council of Advisors on Ocean Policy would also allow participation by lower levels of government in national policy making.

F. Enforcement

In general, enforcement recommendations center on strengthening cooperation (where enforcement is shared between agencies), increasing training of enforcement personnel, improving data sharing, and increasing field inspections. Better enforcement is mentioned in recommendations relating to: marine protected areas, mitigation of coastal development, natural hazard protection, septic systems, the National Pollution Discharge Elimination System, non-point pollution, stormwater, marine safety, ballast water treatment (invasive species), marine debris, fisheries, marine mammals, infrastructure and technology development, and reporting requirements for federally funded research.

G. Research and education

USCOP calls for doubling investment in research over five years so that decisions are grounded in unbiased, credible, and timely information. The Commission recommends a national ocean

research strategy, infrastructure enhancement, and support of new technology, including an integrated ocean observing system and monitoring network. A national ocean education office would be created under the National Ocean Council to improve and coordinate informal, K-12, and higher education.

H. Financing

The USCOP suggests that resource rents from use of Exclusive Economic Zone (EEZ) waters be used to fund the implementation of the report's recommendations. Offshore oil and gas leases currently generate about \$4 billion in non-earmarked funds, sufficient to fund the estimated \$3.9 billion per year cost of implementing the USCOP's specific recommendations. The USCOP suggests these and any future revenues from use of EEZ waters be placed into an Ocean Policy Trust Fund. Such a fund does not currently exist. Several critical projects such as water and sewer infrastructure upgrades needing \$600 billion in private and public investment over twenty years were deemed outside the scope of the report (USCOP 2004).

4. The Bush Administration's Response to the USCOP

The Bush Administration published the U.S. Ocean Action Plan (USOAP) in response to the USCOP's report and recommendations, as mandated by the Oceans Act of 2000. The plan proposes many specific actions as well as a mechanism to further evaluate and address the USCOP's recommendations. The six sections of USOAP address improving and supporting marine and Great Lakes management:

- Leadership and Coordination
- Knowledge and Understanding
- Use and Conservation
- Coastal and Watershed Management
- Transportation
- International Science and Policy

A. Leadership and coordination

To improve leadership and coordination, the Administration proposed two key items. First, establish NOAA within the Department of Commerce through an Organic Act. In hearings on a NOAA Organic Act, Congressman Vernon J. Ehlers (R-MI) argued that an Organic Act would give Congressional direction on NOAA's mission and functions while allowing the Administration the flexibility to adapt to future needs (Ehlers 2004). Second,

create the Committee on Ocean Policy at the Cabinet-level. In addition to further analyzing USCOP's recommendations, this committee would advise the president, implement principles and goals for ocean policy, ensure use of quality science, disseminate ocean information, and create or work with existing subsidiary bodies to coordinate ocean policy across government agencies. The Administration will also pursue regional collaboration for specific sectors such as fisheries and for specific regions such as the Great Lakes and Gulf of Mexico.

B. Knowledge and Understanding

The USOAP proposes development of an ocean research strategy to oversee coordination of key research priorities including: earth and ocean observation, new research platforms (satellites, ships, etc.), water quality monitoring, and mapping. The Administration also wants to increase research on connections between oceans and human health, and to promote ocean education.

C. Use and conservation

The USOAP contains seven themes in its use & conservation section: first, to improve fisheries, provide support for individual fishing quotas, wider representation on regional fishing councils, better data collection, guidelines on the use of science, and international coordination; second, to protect coral reefs the Administration will promote cooperative conservation, marine reserve protection in Hawaii, and research of deep-sea corals; third, the Administration will give specific attention to marine mammals, sharks, and sea turtles via international cooperation, by-catch reduction, and better enforcement; fourth, the Administration will propose legislation and guidelines for offshore aquaculture; fifth, the USOAP argues for improved coordination of marine managed areas (including marine protected areas); and sixth, the Administration will support offshore energy development and seventh, protect shipwrecks with national heritage implications.

D. Coastal and watershed management

To improve coastal watersheds, the Administration has proposed many specific programs that focus on assisting local and state management, addressing effects from farming, increasing and restoring wetlands, preventing the spread of invasive species, and reducing pollution from runoff and airborne deposition.

E. Transportation

For marine transportation, the goals are two fold. First, facilitate the coordination, development, and efficiency of shipping through interagency cooperation, capacity building, short sea shipping, reduced taxes, and improved navigation. Second, reduce vessel pollution with a program to reduce effects from federal ships and ports and by EPA rules to decrease vessel air emissions (nitrogen oxide and particulates).

F. International science and policy

The Administration's international priorities include acceding to UNCLOS, ratifying MARPOL's marine engine pollution reduction requirements, and strengthening the London Convention (dumping at sea). Through various partnerships, the Administration also seeks to improve earth and ocean observing, management of marine-based ecosystems, protection of coral reefs, and land-based pollution reduction programs on global scales.

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Viet Nam

1. Basic Information and Overview of National Ocean Policy

A. Basic Information

This brief summarizes a case study on Vietnam's National Ocean Policy prepared for the Nippon Foundation.

Viet Nam has a total approximate land area of 331,700 km² which includes 2,779 nearshore islands and two archipelagos. The mainland is surrounded by the Bien Dong Sea (South China Sea) which includes two gulfs, the Gulf of Tonkin in the north and the Gulf of Thailand in the south. Twenty nine coastal provinces and 125 coastal districts are situated along 3,260 km of coastline. This area includes over half of Vietnam's major cities, where greater than 50% of the total 82,032,300 population lives (as of 2004).

Coastal waters provide 80% of the country's total fishery catch, which contributes to over US\$2 billion worth of GDP exports. Oil and gas are important natural resources found on the continental shelf. In 2003, the total exploitation of these products reached 17.6 million tons of oil and exceeded 3 billion metric tons of gas. To date, 80% of the country's tourists visit the coastal region with the number increasing annually. Viet Nam is currently considering the potential to develop ports and navigation.

B. Brief Overview of Nature and Evolution of National Ocean Policy

Economic activity, in its currently managed state, has caused loss of biodiversity, coastal pollution, degradation of marine ecosystems, destruction of coastal habitat, overfishing, oil spills, and other coastal disasters. Current national marine policies focus on marine economic development, sustainable development, scientific research, environmental protection, biodiversity conservation, marine protected area management, conservation management of habitat, population, and species, coastal wetland conservation and management, oil spill emergency response plans, sustainable oil and gas development, and legal frameworks for various sectors (e.g., fisheries, maritime transport, and energy development).

2. Efforts toward an Integrated National Ocean Policy

A. Policy Development Process

Although the government has given attention to the sea in its writing as early as 1874, the first official decree on ocean issues was the Law of Fishing for Colony Nations in 1926. This Law, which first

appeared as a policy in 1888, was the first step in national and international laws that are in place today. The strategy for contemporary marine management has developed in a two-step process. The first step, or preparatory step, involves the development of a directive framework for marine strategy development, which required an amendment to the constitution to include maritime zones. The formulation and implementation step began in 1986. In doing this, marine areas have been considered as dynamic and strategic areas for economic development as well as areas integral to the nation's security. The government has also recognized that integrated coastal and marine management is a new approach in need of associated policy and legislation in order to sustain resource development in the future.

Presently, Viet Nam is preparing a national marine policy entitled "Strategy of Marine Economy Development toward Year 2020". The strategy involves line ministries, sectors, and national consultants in the preparation process.

A multi stakeholder approach is being taken to create full participation at the formulation stage of this strategy. Over 60 thematic reports have been prepared detailing inputs from and overviews of the participants. Participants will include public agencies, non-profit organizations, local communities, and other stakeholders. The strategy was submitted in May of 2005 and is now being revising before approval.

B. Major Principles

The main objectives and directions for Vietnam's 2020 strategy are to: increase growth in marine economy; improve social concerns relating to marine affairs; promote inter-sectoral coordination in governance of marine affairs; preserve key coastal and marine ecosystems; reform current framework to include inter-sectoral approach; identify sustainability development strategies; conduct poverty reduction for local communities; and link economic development to national defense, security and safety as well as to general national interests.

C. Institutional Arrangements and Nature of the Policy and Legislation

UN Conventions, Viet Nam's Constitution, and declarations and decrees by the government and ministries underpin the country's coastal and ocean management policies. Among these are policies and laws which strengthen environmental protection activities in periods of industrialization and modernization in which the government mandates environmental protection at all levels, sectors,

and population. Regarding coastal and marine concerns, Viet Nam has adopted the key laws such as: Law of National Boundaries (2003), Law of National Security (2004 and in force 2005), Code of Navigation (1990 and amended 2005), Law of Oil and Gas (1993 and amended in 2000), Law of Environmental Protection (1993), Fisheries (Dec. 2003 and in force July 2004) and Order of Tourism (1999), Order of National Boundary Guards, including Coast Guards (1997) and Order of Marine Police (1998).

Viet Nam has also prepared its own Agenda 21, focusing the strategic orientation for sustainable development in Viet Nam (2002) and it was enacted by the Prime Minister in August 2004. Currently, 6 provinces and 4 priority sectors, including the fisheries sector, are in the implementation phase of Vietnam Agenda 21.

In addition there are a number of legal documents crafted to implement the above laws, such as the National Plan of Environment and Sustainable Development (2000), Biodiversity Action Plan (1995), and a planned National Strategy on Environmental Protection (2010). A number of coastal management projects, such as the national project on the Development of ICZM Plans and a project on Coastal and Marine Management of Vietnam's South China Sea are currently underway.

The policy making, law making, implementation, and enforcement activities are undertaken by the following parties: Communist Party of Viet Nam Central Committee, National Assembly, Prime Minister, Sea and Island Commission, Provincial People's Committees, Ministry of Justice, line ministries, and their associated institutions.

3. Implementation, Evaluation, and Long-term Outlook

The current and existing policies do not possess sufficient impacts on social activities. There is weak conformity with current policies because they are not enforced. The lack of experience and expertise in policy analysis and development creates problems in capacity building and in updating information. These limitations have reinforced the need for effective coastal and marine governance which is integrated and centrally coordinated. Lessons learned have indicated sustainability and environmental considerations have to be integrated into marine policy in each step of the preparatory process.

4. References

Chu Hoi, N. 2004. National Ocean Policy: Viet Nam. Nippon Foundation Research Task Force on National Ocean Policies. (Draft)