

Critical Maritime Infrastructure and EIA:

Seabed Mineral Extraction within Japan's National Jurisdiction

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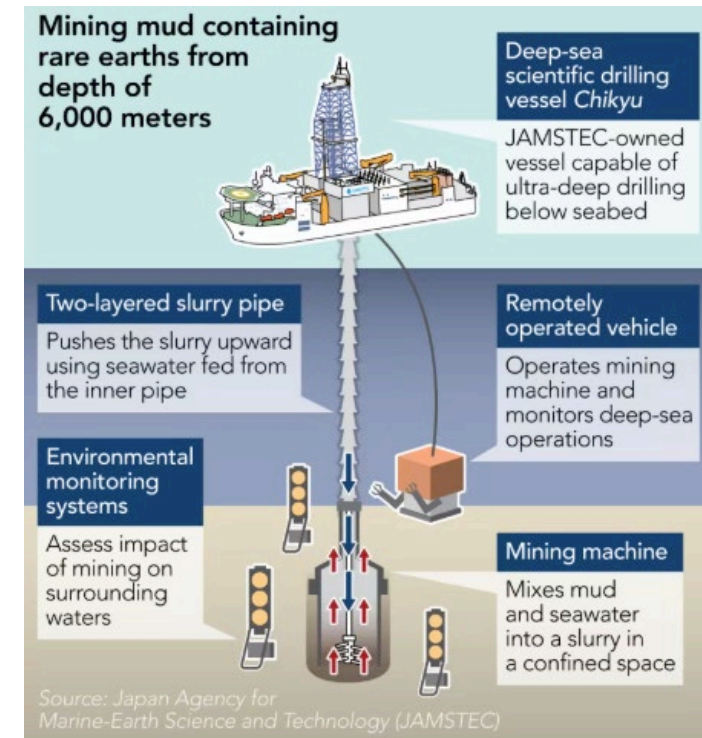
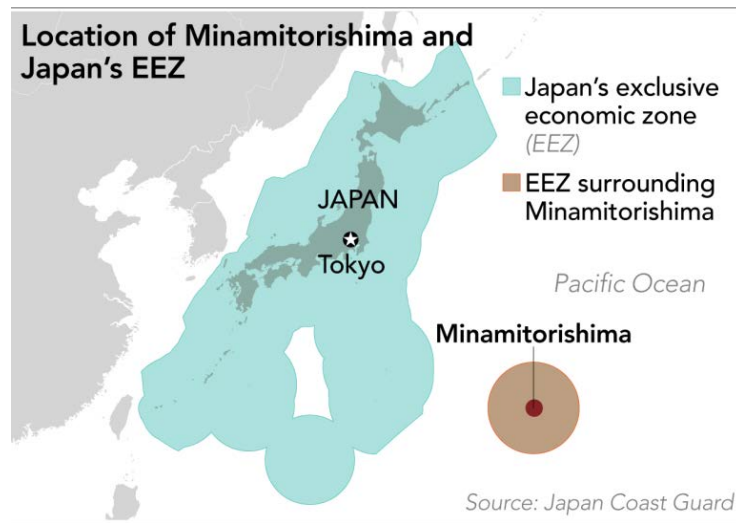
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The Problem: Infrastructure Vulnerability and the "Double Risk"

- Malicious interference
 - Potential for significant marine harm
 - Strategic Risk: Damage to critical assets
 - Legal Risk: Breach of Due Diligence
- EIA = infrastructure risk management



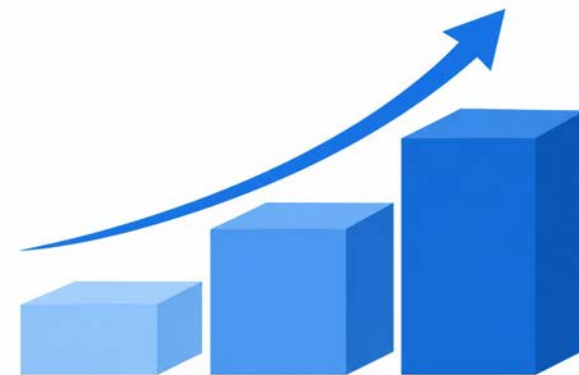
International Standards vs. Japan's Statutory EIA Gap



- EEZ seabed extraction = critical for economic security
- International law: *"all necessary measures"* to prevent transboundary harm
- Japan's EIA Act: no mandate for EEZ seabed extraction

Evolving Due Diligence Standards for High -Risk Activities

- ICJ Jurisprudence (Pulp Mills 2010)
 - EIA required where there is a risk of significant transboundary harm
- ITLOS 2011 Advisory Opinion
 - Due diligence as a "variable concept"
- ITLOS 2024 Advisory Opinion (requested by COSIS)
 - “Stringent” due diligence in the climate context



The Interim Measure: Soft Law and Its Limits

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BBNJ EIA Guidelines

(de facto binding)

Dilemma 1: Enforcement

- Compliance through permitting
- Criminal penalties require legislation

Dilemma 2: Cyber Risks in EIA

- Assessing environmental consequences
- Protecting sensitive information

Conclusion: The Future of Maritime Governance

- A Fundamental Shift:
 - Separation of environment and security is no longer tenable
- Integrated risk assessment
 - Environmental + Security = An emerging paradigm



Thank you for your attention

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