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# Exclusive fishing rights in Japan

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# *Exclusive fishing rights in Japan*

Fishing communities, through local fisheries cooperative associations or FCA, are granted exclusive rights to harvest sedentary resources in the waters immediately adjacent to their community. Access to waters further offshore, however, is granted to a number of different user groups.

## **Fishing rights and fishing communities**

There are at least 5 000 fishing communities in Japan. Fishing communities tend to be close-knit homogeneous social units. Members of a fishing community often speak a distinct dialect, interact daily, and participate in community rituals such as the annual Shinto festival. Thus under ideal conditions, the Japanese exclusive common rights are granted to a highly cohesive social unit of fishermen. Fishermen can then subdivide access to fisheries and allocate resources among themselves according to long-established traditions and social processes. In addition, social sanctions are far more effective than legal sanctions as a force for compliance. A fisherman who flagrantly or repeatedly violates regulations is sure to be discovered, and risks censure, isolation within the community, loss of face and reputation, or even outright social banishment.

Another important feature of the Japanese system is that FCAs are permitted, to a large degree, to determine management policies for the resources specified under their common rights. FCAs formulate a set of official Fishery Right Management Rules for each right that they have been granted.

This is not to say that government fishery regulations do not exist. Based on the Fisheries Resources Conservation Law, each prefecture has established a set of regulations stipulating seasonal and areal closures, as well as minimum capture length and other restrictions. These regulations, however, are general in nature, and the prefecture does not set annual quotas for each individual target species. Thus the FCAs enjoy considerable freedom in deciding management policies for the resources and

fisheries covered by their rights, and the Management Rules are usually a combination of prefectural and FCA-initiated regulations.

Almost all Japanese fishing communities have a long history. Coastal fishing in Japan is an occupation passed down from father to son, with little outside recruitment. As a result, fishing communities have produced a long continuity of fishing in the local area. They have developed fishing techniques ideally suited to local environmental conditions, and have amassed over generations an enormous knowledge regarding local resources and ecological relationships.

Seen from these perspectives, the advantages of the Japanese exclusive common rights are obvious. Giving a group of local fishermen exclusive rights to utilize and manage demersal resources allows them to continue their traditional practices. The fishermen employ their detailed knowledge and understanding of the local marine ecology in the formulation of appropriate policies.

This special privilege awarded to fishermen would perhaps be politically unacceptable and unpopular in other nations. The Japanese, however, have been exceptionally tolerant of the privileged position of coastal fishermen. One reason is that self-sufficiency in food production is an accepted national priority. Another is that Japanese consumers realize, to a degree unknown in other countries, that the fishing industry is responsible for providing the high-quality seafood products they desire.

The fishing rights system legally recognizes the traditional system of sea tenure. It allows fishermen to utilize their detailed knowledge of the local marine ecosystem, their traditional rules for allocating access to grounds and resources, and their traditional conservation practices, as the basis for resource management. The relative success of the Japanese coastal fishing industry must be understood in terms of this resource management system.

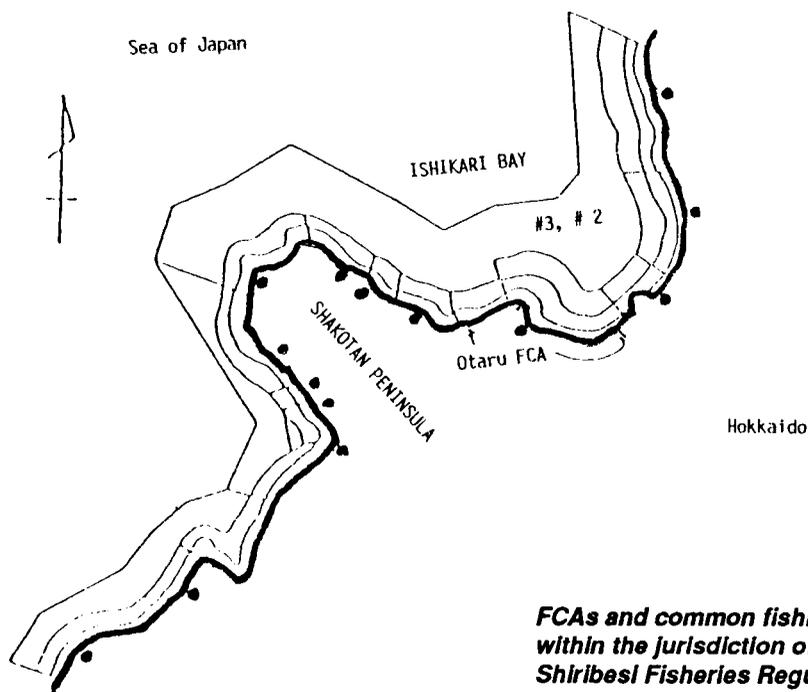
## Hokkaido: an example

Hokkaido is divided into 14 districts with the island capital at Sapporo. Ultimate responsibility for managing fishery resources in Hokkaido rests with the Hokkaido Fisheries Agency, which has its main office in Sapporo and branches in each of the districts and in major coastal cities. The Fisheries Regulatory Department of the Agency maintains a set of general fishery regulations, and is responsible for the issuance and renewal of fishing rights and prefectural licenses.

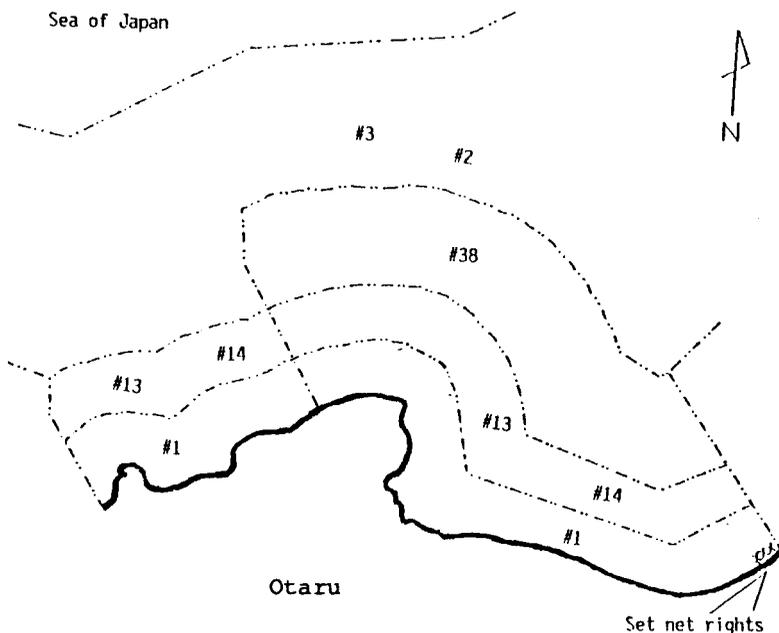
In deciding whether to issue or renew an application for a right or a license, the Fisheries Regulatory Department is required to seek the advice of a Fisheries Regulatory Commission. Normally, there is only one such Commission per prefecture, but Hokkaido, with a comparatively large area and high fisheries production, has ten. Each Commission advises the Fisheries Regulatory Department on rights and license applications within its jurisdiction. There is also a Hokkaido United Commission, consisting of one representative from each of the ten local Commissions, which advises the prefecture on matters such as the general regulations.

**Distribution of fishing rights.** Otaru is the largest coastal city and most important fishing port within Ishikari-Shiribeshi in Hokkaido. The figure below shows the various common fishing rights held by FCAs in the region. The FCAs are indicated by dots; the three sets of lines, 2 500, 5 000 and 10 000 m from shore, show areas of common fishing rights. One of the FCAs is that of Otaru, shown enlarged in the figure next page.

The common fishing rights of the Otaru FCA fall into two basic categories. Most are exclusive common rights that can be used only by Otaru FCA members. Others are joint common rights issued to and managed by Otaru and a number of other nearby FCAs. Right #1 is a Type 1 Right (the right to harvest sedentary animals and plants) issued for several species of bivalves, abalone, sea cucumber, two species of sea urchin and various marine algae from the shore to 2 500 m. Right #1 gives Otaru FCA members exclusive access to these resources. Right #13 and Right #38 are also exclusive Type 1 Rights, issued for octopus within 5 000 m and mantis shrimp within 10 000 m. Right #14 is a Type 2 Right (the right to operate small-scale set net and bottom gill net) for flatfish and other



**FCAs and common fishing rights within the jurisdiction of Ishikari-Shiribeshi Fisheries Regulatory Commission. Dot indicates location of a FCA.**



**Common fishing rights held by Otaru FCA. Numbers indicate rights established by the Hokkaido Prefectural Government.**

fishes within 5 000 m. Right #3 is a Type 1 Right for octopus from 5 000 to 20 000 m, held jointly by Otaru and a number of neighboring FCAs. Right #2, for gill netting of flatfish and other fishes, covers the same area as #3 and is held jointly by the same group of FCAs. The full extent of these two rights can be seen in the previous figure.

**Management of common fishing rights.**

For each of the common rights, the Otaru FCA is required to establish a set of Fishing Right Management Rules. These Rules are submitted to the Fisheries Regulatory Department whenever the rights come up for renewal or when changes or additions are desired. The Rules stipulate gear restrictions (net mesh sizes, net length), seasonal and areal closures, and other regulations for each of the fisheries specified under the Right. The Department is required to seek the advice of the Ishikari-Shiribeshi Fisheries Regulatory Commission when acting on the applications for Rights.

**Self-management of fishing rights.**

The Otaru City FCA is a city-wide organization encompassing several distinct fishing communities within the boundaries. The common rights are held by the FCA as a whole, and do not

specify special privileges for any of the specific communities. In other words, final division of access to resources among FCA members is left to the fishermen themselves.

The first level at which this sub-division is accomplished is through written intra-FCA Agreements that specify rules for participation in the fisheries. The sea urchin and abalone fisheries, for example, are open to all members, with the qualification that a fisherman must have been a full member for three years before participating. The octopus trap-line fishery, on the other hand, is broken down so that each community has exclusive rights to adjacent spots.

The next level of resource allocation is even more informal and is based on traditional practices within each community. Some communities, for example, allocate octopus trap line spots on a first-come first-serve basis, while others employ a lottery or rotating system for assigning spots.

In this manner, final allocation of access to resources is delegated to a closely knit social group. An interesting example of this process was observed in the sea-urchin fishery. Sea urchin fishing is accomplished by leaning over the side of a small boat and peering into the water through a large glass face mask. A long pole fitted with a round net is used to scoop up

the urchin. Two species of urchin, horse dung and purple spiny, are taken. Horse dung urchins lie camouflaged among rocks and under kelp fronds and are thus difficult to spot and retrieve. Purple spiny urchins rely on their spines for defense and tend to be in more open areas where they are easily found and captured.

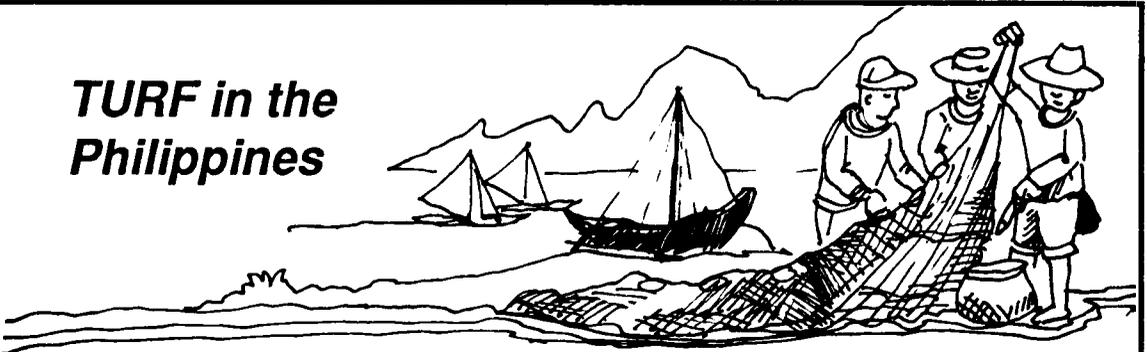
Neither the Management Rules nor any of the Agreements specify who can harvest which species. But there is a clear consensus among the fishermen that the purple spiny urchins should be left to inexperienced fishermen who lack the skill, and to elderly fishermen whose failing eyesight and arm power hamper their ability to find and retrieve the horse dung urchins. Experienced fishermen in their prime refrain from harvesting the purple spiny urchins, although they could easily increase their daily income by doing so.

### Advantages of fishermen-initiated resource management

- Artisanal fishermen are not displaced by larger, more heavily capitalized vessels.
- Livelihood and access to resources are secured.
- Artisanal fishermen can self-determine fishery management policy. They are able to incorporate their experience and knowledge into resource management policy. Also, traditional management in use for centuries can continue.
- Traditional conservation practices assure that important species are not overharvested.

Source: K Short. 1991. *The Japanese coastal fisheries management system based on exclusive fishing rights*, pp. 44-65. In: T Yamamoto and K Short (eds.). *International Perspectives on Fisheries Management; Proceedings of the JIFRS/IIFET/ZENGYOREN Symposium on Fisheries Management*; 26 Aug - 3 Sept 1991; Tokyo, Japan. National Federation of Fisheries Cooperative Associations.

## TURF in the Philippines



*"Careful, guys, we're all in this together."*

The granting of territorial use rights in fisheries (TURF) to fisherfolk associations, similar to that practiced in Japan, is recommended as a management tool for small-scale fisheries in the Philippines. A study by the SEAFDEC Aquaculture Department in five municipalities in Panay Island, central Philippines, showed that coastal dwellers perceived the practice of TURF as acceptable in that it would lead to an improvement of their catch. The present predicament of low catch and poor livelihood provides just the rationale for community-based management of coastal marine resources.

Source: SV Siar, RF Agbayani, JB Valera. 1992. *Acceptability of territorial use rights in fisheries: towards community-based management of small-scale fisheries in the Philippines*. *Fisheries Research* 14: 295-304.