

Fishery management

Fishing for democracy

Community-based fishery management has been well developed in Japan, thanks to a legal framework in which fishermen could participate

It is often said that the community-based fishery management system (CBFM) in Japan has been well practised due to the historical development of a fishing right system, which emerged during Japan's feudal era. This is not always correct. Until August 1945, when Japan was defeated in the World War II, Japanese people served the emperor under the military government. In those days, there was no democracy at all. Thereafter, Japan was occupied by the Allied Forces for seven years, until April 1952. During this period, the policy of the Occupied Forces was to make Japan a real democratic country. Within such a fundamental policy, the contents of Japan's fishery law was thoroughly redrafted in order to entitle fishermen to participate in planning the use of fishing areas and fishery resources through a fishery co-ordination committee in the most democratic manner. This gave the fishermen an ideal circumstance to create their own CBFM.

Fishery management in Japan has been developed in two ways. One is the CBFM, which has been developed with the initiative of fishermen and is applied to the coastal small-scale fishery. The other is the total allowable catch (TAC) system, which has been developed based on the UN Law of Sea and is mainly applied to migratory species such as Saury pike, Alaska pollack, horse mackerel, pilchard, mackerels and Tanner crab. This article describes how the CBFM was developed for the coastal small-scale fishery, which is the mainstay of Japanese fisheries.

With the end of the World War II, in August 1945, for seven years Japan was under the control of the Occupied Forces, whose basic policy during this period was to make Japan a democratic country. Thus, Japan changed its administrative

status completely from a country under a military government to democracy. Under such a radical change in her administrative status, a land reform was carried out by order of the Occupied Forces. However, in its implementation, there was no political and methodological difficulty at all, as the idea of land reform was already in existence even in the pre-War days. The success of the land reform eliminated landless farmers.

In November 1946, the Allied Forces requested the Japanese government to renovate its fishery institution in a democratic manner. However, neither the Occupied Forces nor the Japanese government had an exact idea what to do on this crucial subject.

In such circumstances, Takashi Hisamune devoted every effort, along with his colleagues, to democratise the use of fishing areas and fishery resources. Until the final bill of a new fishery law was approved by the national assembly in October 1949, there were many twists and turns, due to different views among the Occupied Forces, political parties and fishermen's organizations. In such a confused situation, Hisamune remembered that the fishery law for the future must be for the benefit of fishermen, who actually engage in the coastal small-scale fishery.

Rich resources

Japan is an island country and is located in a temperate zone, with *Kuroshio*, which is a warm current running up from the area of the equator, and *Oyashio*, which is a cold current running down from the North Pacific Ocean. For these reasons, fishery resources in the coastal waters of Japan are rich, particularly in terms of the variety of species. Due to the traditional preference of Japanese people for any sea

product, fishermen fish any aquatic animal and plant, as long as it is edible.

Thus, even in one fishing area, it was possible to develop a variety of fisheries using different gear, targeting different species. However, in the past, there was no plan to make synthetic use of these different fisheries resources. As a result, a number of severe conflicts happened among different groups of fishermen, which resulted in overfishing. In the worst cases, fishermen killed each other on the sea.

To reduce conflicts among fishermen, to make harmonious use of fisheries resources among them and to improve their productivity, in 1935, Kanichi Nomura, who was a chief for coastal fishery at the Ministry of Agriculture and Forestry, proposed and tried to establish a fishery co-ordination committee with the participation of fishermen, but little was achieved due to the intensification of the war.

With the enactment of the 1901 Fishery Law, which was the first fishery law in Japan, four different types of fishing rights, valid for 10 or 20 years, were granted to fishery societies (80 per cent of the total rights) or to individuals (20 per cent). In addition, with the development, after 1901, of new coastal fisheries, new fishing rights were also granted. In 1910, with the introduction of trawl fishery,

which was an offshore fishery, a fishing licence system was added to the 1901 fishery law. The fishing licence was issued to individuals, limiting the number, the size of the fishing boat and gear in use, fishing area, fishing season, etc. An advantage of the 1901 Fishery Law was that it gave a motive to all fishermen to organize themselves into fishery societies (FSS), which later on developed into fishery co-operative associations (FCAs).

Of the four types of fishing rights in the 1901 Law, an exclusive fishing right was the mainstay, which was granted to the entire sea area of a FS and entitled it to fish both migratory and sedentary resources. In time, migratory fishery resources, which were included in the exclusive fishing right, disappeared due to oceanic changes or for other reasons. It became meaningless to maintain them within the fishing right. In contrast, sedentary resources had remained unchanged, but gathering such non-migratory resources as abalone, lobster, etc. were apt to be monopolized. Thus, it was necessary to democratically redistribute such sedentary resources to actual fishermen.

Severe conflicts

Motorization of coastal small boats began in the latter half of the 1920s. By 1930, the majority of small fishing boats had already been mechanized, resulting in the overuse of coastal resources, and severe conflict among different groups of

fishermen. Toward the end of World War II, the number of trawlers operating in the sea area around Japan's islands increased. This also resulted in overfishing of resources and severe conflicts with coastal fishermen. Thus, after World War II, one of the problems of Japan's marine fishery was to rejuvenate resources and increase the productivity of coastal fishermen.

The 1901 Fishery Law was thoroughly redrafted with the enormous effort of Takashi Hisamune, who was a lawyer and the Chief of the Planning Division of the Bureau of Fishery, Ministry of Agriculture and Forestry, from 1947 to 1950. In redrafting the fishery law, he tried to make it as democratic as possible to establish a Fishery Co-ordination Committee which was actually the one proposed by Kanich Nomura.

The 1949 Fishery Law is composed of nine chapters, with 138 Articles. However, the core of the law was the establishment of a fishery co-ordination committee to make democratic and optimum use of fishery resources.

Administratively, Japan is divided into 47 prefectures. A fishery co-ordination committee (FCC) is established for each prefecture, with 15 members, of whom nine are elected from among fishermen. Of the remaining six, four are men of learning and experience, who are acquainted with fishery and fishery resources in the area, and two represent the interests of the public.

These two groups of the FCC members are nominated by the prefecture governor. The FCC is a legal organization, established by the 1949 Fishery Law, and interfacing between the prefecture government and fishermen, with the following functions:

- to formulate "a plan to make synthetic use of all fishery resources available in a sea area right off a prefecture on behalf of fishermen, taking into account the conservation of fishery resources". A fishing right and a fishing licence are the basic tools;
- to organize a public hearing to listen to the voices of fishermen;

- to allow the prefecture governor to issue fishing rights and licences, based on the recommendations;
- to issue orders to regulate fishing operations, whenever necessary; and
- to amend or adjust the plan in accordance with natural changes in the type and size of the fishery resources. This is done particularly at the time of the renewal of fishing rights and licences, at an interval of 5 or 10 years.

In addition to a FCC at the prefecture level, another FCC, with more or less similar functions, was established at the regional level, whenever the same resources are fished by fishermen from two or more neighboring prefectures. Apart from these FCCs, there is a national council, which examines the size and operational conditions of industrial fisheries, which have been specified by the minister who is responsible for fishery.

All the fishing rights granted on the basis of the 1901 Fishery Law became invalid when the new Fishery Law came into operation on 1 March 1950. The first election to the FCC took place on 15 August 1950, which means that the actual activity of the FCC started in the fall of 1950. To compensate the abolishment of old fishing rights, the government paid a sum of 18 billion yen to all the owners of fishing rights granted on the basis of the 1901 Law, who had to post a bond, repayable in 25 years. Later on, the bonds were encashed for the economic rehabilitation of FCAs.

With a few exceptions, a fishing right is granted by a prefecture governor to a FCA. There are three types of fishing rights:

Common fishing right: This is the fishing right that is commonly granted to every FCA. It covers the coastal sea area off the entire coast of a FCA. The distance from the coast varies according to the availability of resources and gear. The right is valid for sedentary resources such as abalone, turban shell, lobster, scallop and seaweeds, and non-mobile gear such as set gill-nets, boat and beach-seines, portable



trap and small set-net. The right is valid for 10 years. (Unlike in the 1901 Law, migratory resources were excluded from the 1949 common fishing rights.)

Aquaculture right: This right is established for a sea area suitable for aquaculture, for five years.

Right for large set-net: This is a right to set a large set-net, at over 27 m depth, to catch migratory fish in an area specified on a map. The validity is for five years.

Fishing licences are issued to either an individual fisherman or a fishing company. There are two types of fishing licences:

Fishing licence issued by the governor of the prefecture: This licence is issued to the owner of the fishing boat, who operates within the prefecture sea area. The validity is for five years.

Fishing licence issued by the minister responsible for fishery: This is issued to the owner of a fishing boat who operates in the sea area off two or more neighboring prefectures or on the high seas.

The grant of fishing rights and licenses based on the plan drawn by the FCC brought about the ideal circumstance for fishermen to create their own Community-based Fishery Management

system (CBFM). Such a situation was further accelerated by two facts: (a) The fishing rights granted based on the 1901 Law had already been nullified; and (b) fishermen's organization, such as the FCAs, which could be made responsible for the CBFM, was already available.

According to the Fishery Censuses, the total number of fishermen's organizations (FMOs) in Japan in 1952 was only 359, which increased to 1,339 in 1988, 1,524 in 1993 and 1,734 in 1998. Since the total number of FCAs in 1998 was 1,890, on average, one FMO has been developed in almost every FCA. Of the 1,734 FMOs in 1998, 460 (27 per cent of the total) were proper FCAs, 106 (6 per cent) were those that had been established by two or more neighboring FCAs, 742 (43 per cent) were fishermen's groups, which had been formed within a FCA, and 90 (5 per cent) were those that did not fall into any of these categories.

It is important to note that these FMOs appeared only after 1950, when the present fishery law was enacted. There was no FMO at all before 1945, when Japan was not a democratic country. In terms of fisheries management, there is no standard CBFM. They vary to a great extent, from very simple ones to sophisticated ones, as the ideas and ways of conserving fishery resources are, in many instances, created by the fishermen themselves.


Unrestricted fishing operations may result in excess of effort, wasteful operational costs and oversupply of fish, which will, in turn, lower the price of fish. To overcome such situations, a pool system has been developed for some fisheries, under the leadership of an experienced fisherman, who decides the days for fishing.

Only on those days do the fishermen go fishing. The size of the catch may vary among the fishermen, but the sale—and fuel expense—of every boat is pooled. The profit is then equally distributed among all the fishermen. This system greatly reduces the fishing effort. Catch limits have also been developed, whenever a fishery's experimental station is capable of providing the size of MSY to fishermen.

In recent years, with the enhancement of marine ranching, FMOs to cover the entire coast of a prefecture are being developed in several prefectures. The FMO developed for the entire coast of Fukushima Prefecture for an increased production of Bastard halibut (*Hirame*) is a typical example. In Akita Prefecture, an FMO was developed for the recovery of sand fish (*Hatahata*).

With the advent of the regime of the 200-mile economic zone, Professors Yutaka Hirasawa and Akira Hasegawa of the Tokyo University of Fishery did a

nationwide campaign to encourage fishermen to develop their own self management, using, as a synonym for CBFM, the term '*Resources Management Fishery*', which is now commonly used whenever fishery management is discussed among Japanese people.

In 1950, when the present fishery law was enforced, no one had thought that it would be so effective in developing CBFM. Even Hisamune, who drafted the 1949 Fishery Law, had never intended his law to be the base for CBFM. The reason for its success in Japan is thought to be the existence of a legal framework in the fishery law, namely, the establishment of a fishery co-ordination committee, by which fishermen were fully allowed to participate in the formation of a fishery management plan. 

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