Fisheries Legislation System in Japan and Lake Biwa

The establishment of regulatory systems on fisheries in Japan was early 17th Century. In those days, the political centralization was firstly started in Japan by Edo-shogunate. The Edo government decided one very simple general rule on fisheries. “磯は地付き、沖は入会”, this means that fishing right along near coast area of a community belongs to the community, but offshore area is free. And border between near coast and offshore was decided as 20 fathom depth.

After the Meiji Restoration in 1868, the basic principle of this general rule was succeeded by the new Japanese Government, and fishing right along near coast area was provided as three categories of fishing rights. This is succeeded until now.

1) Set-net fishing right
2) Blocked aquaculture right
3) Shared fishing right

Blocked aquaculture right was also divided to the following three types,
1) 1st type blocked aquaculture: aquaculture with constructing certain enclosed area by using stones, slates, bamboos, woods and so on.
2) 2nd type blocked aquaculture: aquaculture with a certain area enclosed by soils, stones, bamboos, woods and so on.
3) 3rd type blocked aquaculture: aquaculture with except above tow types.

Shared fishing right was also divided to the following five types;
1) 1st type shared fishing: fishing for benthos.
2) 2nd type shared fishing: small scale set-net fishing.
3) 3rd type shared fishing: drag-net fishing.
4) 4th type shared fishing: angle fishing.
5) 5th type shared fishing: fishing at inland area except Lake Biwa.
And these five types of fishing right are given to only fishery associations.

The fishing right is regarded as a legal real right, and all provisions on land
are applied to the fishing right. Also, in any case impacted by public requirements such as fishing coordination, navigation, anchoring or cable setting so on, fisherman having fishing right must be compensated.

The effective duration of fishing right is 10 years for blocked aquaculture and shared fishing, and 5 years for set-net fishing. However, all fishing rights are available for renewal.

The coordinating mechanism for fishing conflicts with other regions or other sectors is arbitration and decision by a fishing coordination committee which is provided in each coastal prefecture, Shiga Prefecture where has no sea side area and Ibaraki Prefecture. The last two prefectures have Lake Biwa in Shiga and Kasumigaura in Ibaraki each of which is designated as a sea by the Fishery Law in Japan. The committee consists of 9 members elected by fishermen (6 in Lake Biwa and Kasumigaura), 4 members from scholars and men of experience designated by each prefectural governor (3 in Lake Biwa and Kasumigaura) and 2 public representatives designated by the governor (1 in Lake Biwa and Kasumigaura).

Then I would like to brief on fishery regulatory systems in Lake Biwa.

First is fishing prohibition period:
For fish species:
  Ayu-fish; from 21st August to 20th November
  Biwa-salmon; from 1st October to 30th November
  Pearl shellfish; from 1st May to 31st July
  Amago-fish (*Oncorhynchus masou*); from 1st October to 11th November
  Iwana-fish (*Salvelinus leucomaenis*); from 1st October to 31th November
For fishing method
  Dragnet fishing for gori-fish (a kind of gobies); from 1st March to 19th July
  Dragnet fishing for ayu-fish; from 1st March to 31st Next January
  Dragnet fishing for other fish; from 1st May to 31st July
  Rake up fishing; from 1st May to 31st July
Dip up fishing for ayu-fish; from 1st August to 31st Next May
Gillnet fishing; from 1st October to 30th November
Enclosing fishing; from 1st May to 19th July

Second is catcheable fish length or shell width:
Eel; longer than 35cm
Carp; longer than 15cm
Biwa-salmon; longer than 25cm
Crucian carp; longer than 15cm
Pearl shellfish; wider than 10cm
Corbicula shellfish; wider than 1.5cm
Amago-fish; longer than 12cm
Iwana-fish; longer than 12cm

Third is limitation of fishing operator numbers on some fishing methods. The governor of Shiga Prefecture may limit operator numbers on some fishing methods because of fish resource condition or fishing conflicts, based on consultation with fishing coordination committee.

Fourth is designation of protected areas from fishing. In those areas, nobody can fish.

Fifth is prohibition of introducing exotic species. Nobody can introduce exotic fish species without governor’s permission.