

Whose custom is important? A case of conflict among multi-layered customary rights groups for fishing in Okinawa, Japan

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Abstract

I introduce a case study of Shiraho village, Okinawa Japan, as a case of conflict among multi-layered customary rights groups for fishing activities. Japanese Fisheries Cooperative Associations have been regarded as one of the world's oldest and best-established fisheries institutions that involve resource users for coastal resource management. In Okinawan islands, located the most south-western part of the country, however, there was a different history of the establishment of common fishing rights and FCAs. Common fishing rights were granted to the FCAs consisting of *Itoman* fishers -professional fishers group, not to the coastal villages in Okinawa. The case study site, Shiraho village is located in the south-eastern part of Ishigaki Island, Okinawa. The village lagoon has been utilized by local farmers-fishers for subsistence activities for a long time. However, the common fishing rights are not granted to the Shiraho Village but to Yaeyama (the name of a district in Okinawa that includes Ishigaki Island) FCA that mainly consists of *Itoman* fishers, just like other Okinawan coastal villages. This multi-layered user rights system resulted in a serious conflict over the airport construction plan on the village lagoon which was declared in 1979 by the Okinawa government. Residents of Shiraho village fought against that construction plan for over 20 years. The government and FCA consistently pushed the plan, while the local community consistently opposed to the plan during this period. Thus, the Shiraho airport conflict became a battle between governments, FCAs, and local residents because the fishing rights have been granted to the FCA consisting of *Itoman* fishers. This case indicates the complexity and dynamism of customary rights for fishing activities and the potential risk of institutionalization of customary rights, which could result in a serious conflict among multi-layered customary rights groups.

1. INTRODUCTION

1.1 Customary fishery management system in Japan general and in Okinawa

Japanese fishing rights have been regarded as one of the world's oldest and best-established fisheries institution that involves resource users for coastal resource management (Pomeroy and Berkes, 1997; Makino, 2011). During the Edo period (1603–1868), which was after the establishment of feudal villages, the Edo government initiated a policy stating that 'coastal resources belong to the coastal village' because there were increasing conflicts over fishing grounds among various federal villages (Fisheries Information Center, 2005). This policy has succeeded as a common fishing rights policy after the Meiji fisheries law until today (Kumamoto, 2010; Makino, 2013), and here the common fishing rights had been codified by the fisheries law in Japan. Based on the fisheries law, Fisheries Cooperative Associations (FCAs) were established as bodies to be granted the fishing rights by the government (Makino, 2013). However, in Okinawan islands (the most south-western part of the country), there was a different history of the establishment of common fishing rights and FCAs. Common fishing rights were granted to the FCAs consisting of *Itoman* fishers (professional fishers group based on Okinawa island), not to the coastal villages in Okinawa (Kumamoto, 1995). It was because the Ryukyu government granted the right to use fishing grounds to the *Itoman* group for enabling them to develop the fishery production system in 1673 (Akimichi, 1984).

1.2 Brief description of the case study site

The case study site, Shiraho Village is located in the southeastern part of Ishigaki Island in Okinawa Prefecture (Figure 1). It has a population of 1 570 with 703 households (Ishigaki City, 2014). The village lagoon has been utilized by local farmers-fishers for subsistence activities for a long time (Tamanoi, 1995; Tabeta, 1990). In addition to the subsistence fishing activities, professional fishing was started by immigrants after World War II (Tabeta, 1990). Currently, there are approximately 20 fishers who mainly depend on fishing for all of their income and are recognized by local residents. They mainly consist of immigrants from other Okinawan islands or prefectures (Sugimoto, 2016). Similar to other (sub) tropical islands, fishers are likely to catch a wide range of species, rather than focusing on limited kinds of species.

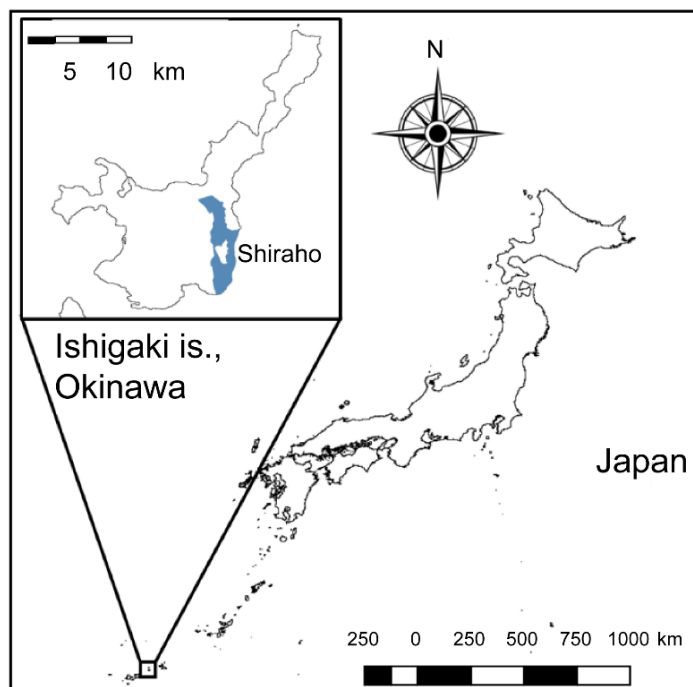


Figure 1. Location of the case study site: Shiraho Village, on the east coast of Ishigaki Island.

Source: created by the author.

1.3 Economic contribution and social implications of the fishing activity

In Shiraho village, the dependence on the fishery is not high: none of the villagers (including professional fishers) were observed to fish as a mere means to sustain their livelihoods. It is common for villagers to fish as a second or minor subsistence activity. However, this does not mean they can build their livelihood without fishing activities; fishing still remains very important livelihood means for them. Also, with regard to the market of fishery products, there are not many villagers selling their catch to the official market (through Fishery Cooperatives), but rather it is common for villagers to distribute/share the catch among their families, relatives, friends and neighbours in the local community. This helps the villagers to enhance social relationships and cultural practices which have been generated through a long history of interaction between the community and the natural environment (Sugimoto, 2016). Thus, fishing activities are offering important socio-cultural values to the community, in addition to the economic contributions.

2. LIMITATION OF RIGHT-BASED APPROACH: IMPLICATION FROM SHIRAHO AIRPORT CONSTRUCTION CONFLICT CASE

2.1 Shiraho village airport construction conflict: A victim between formal fishing rights and people's sense of ownership

The Ishigaki new airport construction plan was declared by the prefectural government in 1979. It was supposed to be developed over the lagoon of Shiraho village. Since it was obvious that local farmers-fishers' daily practices over the lagoon would be severely affected by the construction plan, many villagers strongly opposed this plan. However, the common fishing rights are not granted to the Shiraho Village but to Yaeyama (the name of a district in Okinawa that includes Ishigaki Island) FCA that mainly consists of *Itoman* fishers, just like other Okinawan coastal villages. This multi-layered user rights system resulted in a serious conflict over the airport construction plan on the village lagoon. Residents of Shiraho village resisted against that construction plan for over 20 years. The government and FCA consistently pushed the plan, while the local community consistently opposed the plan during this period. After the long, severe conflict, the plan was finally amended to relocate the runway over the terrestrial part of the village, in 2000. Thus in Shiraho village, common fishing rights did not assure the principle "coastal resources belong to the coastal village". However, Shiraho villagers were still able to protest against the airport construction plan. How did they do that?

2.2 What shapes peoples' sense of ownership over the lagoon?

An environmental sociologist documented the local perception during that time. One narrative that was commonly expressed by villager is as follows: "even without any knowledge about the law, directly, residents living here can say that here (the sea) is ours, I think...as Shiraho people, we get just embarrassed to hear that the airport will be constructed here, no other place than Shiraho..." (Yanaka, 1996: 227)

Thus we can notice here that, without any assurance nor recognition of the 'rights', the residents did have a sense of ownership over the lagoon: "the sea is ours". Based on such narratives, Yanaka (1996) discussed that the Shiraho residents could fight against the construction plan not because they had some official 'rights' in advance, but because they had the following elements: 1. A shared image of the environment and a connection with it, which had been generated by daily practices of individual residents, and 2. A social mechanism which generated a sense of collective struggle against the construction plan, by collecting the individual 'image of the environment'.

2.3 Lessons learnt from Shiraho case

Based on the above case, my thought about fishing or any use rights of natural resources is as follows. At first, there is people's interaction with the natural environment. And when the pressure hits the community, the sense of ownership can be realized. Hence, I'd suggest that people's interaction with natural resources generates a sense of ownership which should be the precondition for the rights-based approach, rather than the 'rights' coming first. And because of this, any 'official rights' (once formally institutionalized) could have the potential risk of causing conflict among different resource user groups since the interaction between people and environment is always dynamic, even when their practices are called 'customary'.

3. MAIN CHALLENGES AND WAY FORWARD

3.1 Challenges for the fishery

This case indicates the complexity and dynamism of customary rights for fishing activities, and the potential risk of institutionalization of customary rights, which could result in serious conflict among multi-layered customary rights groups. One lesson from this case may be that any formal institution including the fishing rights, could cause conflict among the diverse resource user groups. This would be especially true for the countries which have great socio-cultural diversity in terms of geographical,

linguistic, religious senses. We should always be careful of the legitimacy of ‘customary’ rights so that the decision-making process for using/managing the target resources could work well. Similar to the rest of Japan and elsewhere, as the fluidity of people and economic activities increases more and more in Okinawa, so does the pressure for fishery/coastal resources. Given this, it is critically important for the right-based fishery management approach in this region to craft legitimacy through careful dialogue with various stakeholders.

3.2 Improving fishery sustainability in the future

The interaction between people and natural resources is always diverse, and the way people use, manage natural resource is diverse and dynamic. Given this, the rights-based approach should also be flexible and adaptive enough to meet such diversity and dynamics. My final message in this article is that we should not focus on the ‘right’ itself, but the social mechanism that is supporting the actual local practices under the rapidly changing social-ecological environment.

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