

JAPAN

Japanese Laws and Regulations for Enforcing the Public Duty Performance at Sea against Foreign Ships

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1. The Minshinryo 5179 Case of 2010

On September 7, 2010, the Japan Coast Guard (“JCG”)’s patrol vessel ‘*Yonakuni*’ spotted *Minshinryo* 5179, a Chinese fishing trawl boat, with nets cast into Japanese territorial waters around the Senkaku Islands. At first, *Yonakuni* warned *Minshinryo* 5179 to leave the area and then pursued her with another ship called the *Mizuki*. The JCG officers arrested the crew and took the captain into custody. However, the captain and crew were later released by the Japanese government. The following table highlights the timeline of events.¹

The obstruction of the Chinese fishermen against the JCG officers case can be examined from the following three perspectives: (1) what obstructions have been committed by foreign ships against the JCG officers in the performance of their public duties at sea; (2) which Japanese laws and regulations can be applied to such obstructions; and (3) what Japanese laws and regulations have been developed in order to regulate and punish such obstruction.²

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¹ Most of the facts of the *Minshinryo* 5179 case were provided by the Government of Japan in the hearings before the Committee on Land, Infrastructure, Transport and Tourism of the 175th Session of the House of Representatives on September 10, 2010, and the Budget Committee of the 175th Session of the House of Representatives on September 30, 2010.

² Cf. Tsuruta Jun, *The Minshinryo 5179 Case*, 353 HOUGAKU KYOUSHITSU 2-3 (2010) (available only in Japanese).