

Existing Legal Framework for Marine
Protection and Management:
Is there need for a rethink?

International legal framework

United Nations Convention on the Law of the Sea, 1982

- “The coastal State, taking into account the best scientific evidence available to it, shall ensure through *proper conservation and management measures* that the maintenance of the living resources in the exclusive economic zone (EEZ) is not endangered by overexploitation.” (Article 61.1: Conservation of Living Resources)

Convention on Biological Diversity, 1992

- ”Protected areas, together with conservation, sustainable use and restoration initiatives in the wider land-and seascape are essential components in national and global biodiversity conservation strategies”.

VII/ 28 PROGRAMME OF WORK ON PROTECTED AREAS

National Policy Framework

National Biodiversity Action Plan, 2008 (Objectives, 4.2)

- To promote holistic approach to conservation, enhancement and sustainable utilization of biodiversity, providing access to bioresources for all sections of society, in particular, the economically poor, who are mostly dependent on them, thereby ensuring inter-and intra-generational equity.

National Wildlife Action Plan (2002-2016)

- Calls for revision of fishing laws and their effective implementation

National Policy Framework

Comprehensive Marine Fishing Policy, 2004

The policy objectives are:

- (1) to augment marine fish production of the country up to the sustainable level in a responsible manner....,
- (2) to ensure socio-economic security of the artisanal fishermen whose livelihood solely depends on this vocation and
- (3) to ensure sustainable development of marine fisheries with due concern for ecological integrity and bio-diversity.

Framework for Marine Protection: Need for a rethink?

- Need for greater collaboration between the agencies responsible for fisheries and for environment to put in place a holistic management framework

Framework for Marine Protection: Need for a rethink?

Need for a management framework:

- that effectively addresses management concerns (fishery and non-fishery)
- that secures the preferential access rights of communities to resources and their rights to participate in management.

Framework for marine protection

Nodal Ministry for fisheries

- needs to move from a focus on production to management
- needs to have an environmental action plan for fisheries, setting out measures that can be used towards effective management
 - Could include protected areas as one of the tools, along with other measures (working group on fisheries for eleventh five year plan
 - artisanal zones can be considered as one form of protected areas (it enjoys a higher level of protection than its surroundings).
- Need to have a policy paper on co-management (drawing on provisions of panchayati raj act, FRA....)

Framework for marine protection

Fisheries legislation:

- Need for an EEZ Act (under MZI Act, 1976: Union has the sovereign rights to explore, exploit, conserve and manage resources (Art. 6.3))
- Need to revise state-level MFRAAs

Environmental legislation

- ? Need for effective regulation of non-fisheries factors affecting the coastal and marine environment