

Implementing International Legal Instruments in Marine Fisheries: The South Asia Context

Sebastian Mathew

Executive Director, International Collective in Support of Fishworkers (ICSF)

Second Biennial Conference of the South Asia International Economic
Law Network on the Law of the Blue Economy: International and
South Asia Perspective, Kovalam, 27 July 2019

South Asian Marine Fisheries

Average Marine Capture Fishery Production (MT) 2015-17 Average Fisheries Commodity Exports (USD) 2014-16

	MT	World Share (%)	USD ('000)	World Share %
India	3,643,852	4.57	5,339,513	4.71
Bangladesh	621,283	0.78	535,418	0.47
Sri Lanka	436,190	0.55	209,947	0.19
Pakistan	373,354	0.47	360,798	0.32
Maldives	133,267	0.17	139,850	0.12
Total	5,207,946	6.54	7,844,226	5.81
Global Total	79,709,983		113,278,046	

Source: A Cap-Based Approach to Addressing Certain Fisheries Subsidies
Submission of Australia and the United States

Status of Fish Stocks in the Indian Ocean

- * Trends of stocks in the Bay of Bengal and Andaman Sea regions is relatively uncertain owing to data limitations
- * Most stocks of shads and coastal fishes (e.g. croaker, mullets, catfish, hairtails) in the Eastern Indian Ocean are probably fished at or below the MSY level
- * Small pelagic resources, including Indian oil sardine, anchovies and squids, are probably maximally sustainably fished to underfished
 - * Source: SOFIA, 2018

UNCLOS/UNFSA and South Asia

* UNCLOS

India (1995)

Sri Lanka (1996)

Pakistan (1997)

Maldives (2000)

Bangladesh (2001)

* UNFSA

India (2003)

Sri Lanka (1996)

Pakistan (....)

Maldives (1998)

Bangladesh (2012)

2009 Agreement on Port State Measures (PSMA) and South Asia

- * Article 2: The objective of this Agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems
- * IUU in PSMA is defined based on 2001 IPOA-IUU
- * Currently, 61 Parties to the Agreement including two South Asian countries: Maldives and Sri Lanka

Indian Ocean Tuna Commission

- * All South Asian countries are members of IOTC
- * IOTC objectives are to promote cooperation among its members with a view to ensuring through appropriate management the conservation and optimum utilization of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks

National Legislation to Conserve and Manage Fish Stocks

- * Maritime zones acts are promulgated
- * Although there are national policies on marine fisheries (e.g. India, Sri Lanka, Bangladesh, Maldives), legislation, consistent with UNCLOS and UNFSA, to conserve and manage fish stocks in the EEZ and the high seas, is yet to be developed in South Asian countries

Conclusion

- * Realize the importance of bottom-up processes in conservation and management of fish stocks
- * Effective conservation and management of fish stocks and protection of the marine environment, including through coastal State, flag State, and port State measures, and regional cooperation, are essential for the enjoyment of human rights, poverty eradication and food security
- * Promoting and protecting a human rights based approach and securing tenure rights, consistent with the 2014 FAO-SSF Guidelines, are vital to give a fillip to bottom-up processes to create conditions for responsible and sustainable fisheries, and to achieve effective conservation and management of fish stocks

Thank you