

## IUU Fishing: 'Policy, Regulation and Management System' Gap Identification and Possible Intervention in the Context of Bangladesh



The incidents of IUU fishing activities are of significant concern to the littoral states of the Bay of Bengal. Frequent cases of IUU fishing arrests by India and Sri Lanka in the Palk Strait, by India and Pakistan in the Rann of Kutch, and by India and Bangladesh in the Bay of Bengal witness to this point (Pooja Bhatt, International Law Studies). Among coastal states of the Bay of Bengal, no countries are better poised to address challenges of IUU fishing than Bangladesh. Unfortunately, IUU fishing activities in the maritime zones of Bangladesh have been persisted due to lack of legal and administrative monitoring, and surveillance mechanisms.

World Wide Fund for Nature (WWF) and Trygg Mat Tracking (TMT) disclosed a report that indicates gaps in terms of both geographic locations and species that trigger IUU fishing in the BoB. Narrowly divided and often confusing demarcation of maritime delimitation zones between some closely located Asian coastal states further complicates matters for fishers that unknowingly fish in other states' waters.

The 'Protection and Conservation of Fish Act, 1950' as well as the 'Marine Fisheries Ordinance of 1983' address the necessity of conservation of inland and marine fish. However, both laws lack comprehensive mechanisms to prevent and deter unauthorized fishing activity. These laws also do not contain any provision that would either define or recognize IUU fishing activity as a crime.

Although section 10 of the Coast Guard Act of 2016 mentions about the constabulary function of law enforcement agencies to tackle IUU fishing, several issues have remained unaddressed, such as: inspection of alleged foreign flagged IUU vessel and the prevention of IUU catch product to enter into the port. All of these have made it harder to effectively pin down the challenge of illegal and unreported fishing activities. However, regarding the Maritime Zones Act, 2019, published in December 07, 2021; all is not what it seems. The law had the scope to update, strengthen and add some legal elements that a littoral state like Bangladesh should take into account. A specific definition regarding IUU fishing is totally absent in the Maritime Zones Act of 2019. This has thrown an unexpected gapping into the regulation of illegal fishing activities. It is very likely to presume that only foreign fishing vessels are involved in the IUU fishing activities but it has been seen that along with foreign vessels, the involvement of domestic licensed fishing vessels cannot be ignored. Due to this unclear definition, the evasive violations of the provisions relating to IUU fishing would obviously loom large. The existing legal regime of Bangladesh against IUU fishing, it stands at odds with the existing international law, principles, and obligations.

Bangladesh's Department of Fisheries (DoF) is under the Ministry of Fisheries and Livestock (MOFL) and is the main government body charged with fisheries management. So, DoF is the main authority to continue duty regarding the conservation and development of marine fisheries as well as the licensing of marine fishing in the Bangladeshi waters. The DoF is composed of the head office in Dhaka, 64 District Fisheries Offices (13 are coastal) each headed by a District Fisheries Officer, and 460 Sub-District Offices (Upazilla Offices) headed by Upazilla Fisheries Officers (UFO). In addition to the DoF there are at least 12 other government departments involved in the management fisheries or their development (Khan et al., 1997). The legal framework by which the DoF manages Bangladesh's fisheries is contained within The Marine Fisheries Ordinance (1983), as implemented by the Marine Fisheries Rules (1983). This regulation stipulates specific fisheries management tools to be utilized by the DoF, such as vessels licences, gear restrictions, and provisions for demarcating marine reserves. Fines and penalties associated with violations of fisheries laws are also clearly stated. However, this legislation is acknowledged to be out dated and in need of revision.

Several studies indicate that the nation's monitoring of fisheries is very poor as capabilities to monitor vessels, both national and foreign, are restricted to port state. Controls and that the country has no at-sea boarding and inspection capabilities. Furthermore, Flewwelling (2001) states that port state inspections lack formalized procedures for inspection reports and that there is an absence of a data management system and also proper inspection capabilities. However, it is concluded by Pramod and Pitcher (2006) that port state measures are relatively ineffective with few trained personnel, poor infrastructure and shortage of financial support for monitoring beyond coastal waters. The European Union through its Council Regulation EC

1005/2008 has laid down Catch Certificate Scheme (CSS) to combat Illegal, Unreported and Unregulated (IUU) Fishing. Under the scheme any company wanting to export marine fishes to European Union countries must take IUU-Catch Certificate (CC) from the flag state's Competent Authority. The marine Fisheries Ordinance 1983 has been amended to include the provision of issuing IUU-Catch Certificate in 2010.

Recognizing the need for accumulating national, regional and international actions to address IUU fishing, 14 countries in the South and South East Asia region, including Bangladesh, Cambodia, Myanmar, Thailand and Viet Nam, requested FAO support to address IUU fishing by reviewing, updating and harmonizing national laws, strengthening national strategies and policies, building capacity in areas related to addressing IUU fishing (such as monitoring, control and surveillance and vessel inspection) (FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing [PSMA] and United Nations Fish Stocks Agreement [UNFSA]).

Strengthening capacity and cooperation to combat IUU fishing through sharing of experiences and lessons, National Plan of Action to prevent- deter- eliminate IUU fishing, Development of the Regional Plan of Action, Regional consultation on the development of the Regional Plan of Action to combat IUU fishing, Report of regional meeting for the review and validation of the Regional Plan of Action, Updating existing Rules and Regulations are very important at this threatening moment to protect IUU fishing and also in non-traditional security threat concern.

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