

Implementation of International Fisheries Management Policy and Law by Madagascar

*(Application du droit et la politique internationaux dans la politique et législation
de la gestion des pêches malgaches)*

L. Ylénia RANDRIANARISOA

UN-Nippon Fellow 2006-2007

Presentation outline

- Madagascar fishery background
- Research approach
- Elements of analyzes
- Implementation of international fishery management policy and Law by Madagascar
- Concluding remarks

Geographical location

- Located between 11° 57 'S and 25° 30 'S (longitude) and between 43° 14 'E and 50° 27 'E (latitude)
- Surface: 587.400 Square Kilometres
- Coastlines: 5 000 kilometres



Madagascar fisheries background

- Source of foreign currency of the national economy;
- Fishery goods: shrimps, lobsters, tunas;
- Commercial fishery (demersal fish): after the establishment of colonial administration in 1922;
- Other commercial fishery : *1) shrimp fishery (by 1960);
2) tuna fishery (by late 1970s).*

- Categories of Fishery in Madagascar:

- Subsistence fishery,
- **Commercial fishery,**
- Recreative fishery,
- Scientific fishery.

Commercial fishery :

- *Traditional Fishing* : done on foot or in a dugout canoe;
- *Artisanal Fishing* : characterized by the use of motorized boat not over 50 horsepower;
- *Industrial Fishing* : made up of boat powered by engines over 50horsepower. For the industrial shrimps fishing, maximum authorized power is less than 500horsepower.

- Fishery legislation

- Regulations governing fishing :

- *Legislation influenced by the colonial system;*
- *Legislation under influenced by the independence era, largely based on customary law and colonial law acquired;*
- *Legislation in accordance to the openness to the internationalization approach*

Research approach

International fishery law
(Legal elements)

Policy and Legal framework

Institutional framework

ANALYZES OF IMPLEMENTATION

Level of implementation

National

Regional

Elements of analyzes

- Elements concept of marine resource governance :
 - **Policy and Legal framework** based on:
 - UNCED (United Nation Conference of Environment and Development)
 - WSSD (World Summit of Sustainable Development)
 - **Legal framework** granted by:
 - LOS Convention (Law of Sea Convention)
 - The 1995 Agreement

Policy and Legal Framwork

- UNCED
 - Rio Declaration
 - Agenda 21
 - Chapter 17
 - CBD (Convention on Biological Diversity)

- WSSD

- Chapter III of JPOI (Johannesburg Plan of Implementation): ... *the modification of non viable modes of consumption and production;*
- chapter IV of JPOI (Johannesburg Plan of Implementation): *protection and management of natural resources for the purposes of social and economic development, and enumerate the plans of action which can reverse the actual tendency of the degradation of resources.*

- LOS Convention

- Maritime zones of national jurisdiction;
- Legal regime of high seas;
- Legal regime of marine environmental protection and scientific research.

- The 1995 Agreement

- References provisions of:

- obligation of States to apply the precautionary approach of conservation;
 - conservation of resources, protection of biodiversity, precautionary in the overexploitation and overcapacity with the aim of sustainable resources exploitation;
 - uncertainties in the management of resources, in fact, it's necessary to evaluate the impact of fisheries in association with dependant or associated species, taking in consideration preventive measures in case of the risk situation;
 - obligation to cooperate for conservation and management of the straddling fish stocks and highly migratory fish stocks;
 - scientific and management functions details that regional organizations and proper arrangements have to lead to the management.

Consideration of Implementation of international fishery management policy and Law by Madagascar

■ Legal framework

■ Legislation and regulations related to Maritime Zones

- *Law concerning the delimitation of Maritime Zones of national jurisdiction (Malagasy Maritime Code, Law n° 99-028)*

■ Legislation and regulations concerning to the marine environment related to fishery

- *Law establishing the general framework of execution of Malagasy environmental policy (law n° 97-012)*
- *Law concerning integration of resources management (Laws n° 96-112 and n° 2003-1033)*

■ Legislation and regulations related to the fishery organizations

- *General organization of the maritime fishery activities (Decree 94-112)*
- *Protocol establishing the new standards on fishing agreement for access to "surplus" stocks (Arrêté Ministeriel n° 20510-2003)*

■ Legislation and regulations related to scientific research for fishery

- *Scientific research on coastal resource management particularly shrimps*
- *Measurements and regulations on the agreed protocols of fishery in high seas*

- Institutional framework
 - The Fishery [administration](#)
 - Central Administration
 - Decentralized Administration
 - Related institutions
 - Research Centre
 - Professional Services

- Institutional framework established by international law for fisheries
 - National
 - ***The “Centre de Surveillance de Pêche”*** : created in 1999, aiming to control and monitor the maritime activities related to fisheries in the Malagasy EEZ:
 - *Control and surveillance of the fishery activities;*
 - *Control of vessels operating in Malagasy waters;*
 - *Control the economic operators of fishery and aquaculture sector.*
 - ***The “Cellule Environnementale”*** : attached to the Prime Minister Duties; and each Ministry has a representative of this network, to ensure, among other aspects:
 - *Diffusion of environment information;*
 - *Contribution on the implementation of environment action;*
 - *Contribution on the management tools elaboration of the environment.*
 - ***The “Observatoire Economique”*** : created to establish such process of consideration the new governance of resources in the zones of national jurisdiction.
 - *created by initiative of engagement and consideration of Madagascar to Part VII (article 20) of Convention*
 - *detail for the directives of sustainable fishery implementation*
 - *takes into account all economic compatibilities of the exploitation related to the sustainable stocks*

- Regional

- [IOTC](#) (Indian Ocean Tunas Commission)

- *Tuna Organization management but not in charge of fishery agreement;*
 - *IOTC is opened to coastal States and non coastal States, fishing in Indian Ocean.*

- WIOTO (Western Indian Ocean Tunas Organization)

- *only Tuna (fishing) regional organization that can have an important role in the regional agreements;*
 - *Madagascar is not member.*

- IOC (Indian Ocean Commission)

Fonding States : Mauricius, Seychelles and Madagascar

Members States : Mauricius, Seychelles, Madagascar, France and Comoros

The IOC developed actions in the following domain:

- Diplomacy, Economy and Trade;
 - Agriculture, maritime fishing and conservation of resources and ecosystem;
 - Culture, science and technology, education and justice;

Common interested domain of all States : Tuna fishery

- *Structure of management : « **Association thonière** » , fit's a regional Project for Tunas management (project achieved in 1996)*
 - *Mécanism : institution under the aegis of IOC and cooperate in fishing field, by the fishing coordinating committee.*

Concluding remarks

- Advanced implementation
 - Madagascar is bounded of the pillars of the international fishery law and other instruments and/or arrangements by:
 - Incorporation of the tuna management in the regional level after the adoption of the 1995 Agreement.;
 - Valorization/Use/Promotion of EEZ to open the Maritime Zone for foreign fishing vessels by bilateral and/or multilateral agreements;
 - Application of instruments defined as principles and norms of international fishery treaties;
 - Including fisheries activities in the national policy of development and management, using the coastal zone management integrated approach.

Concluding remarks (cont...)

- Low level of implementation
 - The gaps to fill out are:
 - Management of multiple species and ecosystems;
 - Consideration in the question of habitats;
 - Illegal, unregulated and undocumented fishing (IUU fishing);
 - Reduction of by-catches;
 - Evaluation of the production capacity of EEZ;.

Concluding remarks (cont...)

- Actions Proposal for Strengthening
 - Updating of national jurisdiction in all fishery sector;
 - Consideration of scientific aspect to process decision of management;
 - Strengthening of capacity and emphasis in the value of human resources, surveillance and elaboration of rules in the high seas in the context of international cooperation;
 - Strengthening of regional cooperation.