

International law of the sea

Introduction

The 3rd United Nations Conference on Law of the Sea in 1973-1982 achieved the status of law in 1994. Until early 50's there were only international agreements for sharing of fishery resources. The 1st United Nations Conference on law was held on 1958 followed by 1960 and a series of meetings during 1973-1982. According to United Nations Conference on law of seas, Part V EEZ of from territorial waters became the property of coastal states. The doctrine of the freedom of the seas as it pertained to fisheries, rested upon two premises:

- The high seas fishery resources are inexhaustible
- Coastal states will not be able to control the resources beyond their territorial waters

However with the developments in fishing technology, shipping and transport, the above reasons were found to be wrong. Under part V of the UNCLOS 1973-1982 coastal states were granted the right to establish EEZs out to 200 nautical miles (370.4 kilometers) from the shore. Within the EEZ the coastal state has "sovereign the rights for the exploring and exploiting, conserving and managing the fishery resources contained therein" If the coastal state has effective property rights to fishery resources within the EEZ, then the next and obvious question is the impact of EEZ on world capture fisheries. It was estimated that 90 percent of the world commercial marine capture fisheries were harvested within the EEZ.

Reason for International Law of the Sea, 1982

- Freedom of seas
- Extension of territorial waters
- Rights of the coastal state like India, Bangladesh, Srilanka

Prohibition of Driftnet Fishing

In November 1989, the Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific was opened for signature at Wellington, New Zealand (Wellington Convention 1989) can also be touched upon. Since the Convention is only concerned with South Pacific, it may not be of much relevance to India; however, it can be briefly touched upon as it is concerned with the problem of fisheries administration.

Sustainable Fishing- Marine Stewardship Council- BLUE ECOLABEL

The concept of Sustainable Fishing must a part of the course. A study can be made of the Marine Stewardship Council (MSC) which is an independent non-profit organization with an ecolabel and fishery certification programme. Fisheries that are assessed and meet the standard can use the MSC blue ecolabel. The MSC mission is to 'reward sustainable fishing practices'. When fish is bought that has the blue MSC ecolabel, it should indicate that this fishery operates in an environmentally responsible way and does not contribute to the global environmental problem of overfishing. As of

the end of 2010, more than 1,300 fisheries and companies had achieved a Marine Stewardship Council certification.

European Union Fish Labeling Requirements

The European Union introduced new labeling requirements for fishery products from 1 January 2002 specifying that all products (some processed products are excepted) shall carry labels that state production method (capture or farmed), catch area of wild species (FAO fishing area) and country of production in the case of farmed fish products, Latin name and commercial name. It can be studied whether India can adopt the same measure

Code of conduct for responsible fisheries

The FAO of United Nations developed a code of conduct for responsible fisheries and it was adopted in 1995. It is being implemented by committee of fisheries of FAO. India was also one of the founder signatory. There are 12 articles in the code of conduct for responsible fisheries:

- Nature & scope
- Objectives
- Relationship with other international instruments
- Implementation and monitoring
- Special requirement of developing countries
- General principles
- Fisheries management
- Fishing operation
- Aqua development
- Integration of fisheries in to coastal area management
- Post harvest practices
- Fisheries Research

However it is not binding on the part of members & is considered as voluntary code.

Objectives

- To establish principle & criteria for the elaboration & implementation of National policy for conservation of fisheries resources & management.
- To serve as instrument for reference.
- To provide guidance for implementation of international agreements.
- To promote protection of living aquatic resources.
- To promote trade of fish.
- To promote research in fisheries.

Important articles:

- Article 6.1-states and users of living resources should conserve aquatic ecosystem. Right to fish carries with it, the obligation to do so in responsible manner.

- Article 6.4-conservation & management decision should be based on best scientific evidences taking in to account traditional knowledge of the resources and their habitat.
- Article 6.16-promote awareness of responsible fisheries through education and training.
- Article 6.18-protects the rights of fishers and fish workers.
- Article 7.2.2-avoid excess fishing capacity
- Article 7.6.4-measure the performance of all the fishing gears and ensures that fishing practice which is not consistent with responsible fishing are phased out and replaced with more acceptable alternatives.
- Article 7.6.9- minimize waste discard and catch of non target species

SEZ Law(s) and India's Coastal Areas

The new SEZ bill that was tabled in the monsoon session (but not yet cleared) of the Maharashtra state assembly is raising serious concerns. These zones are duty-free enclaves for trade and operations, with developers getting fiscal and regulatory incentives. The new bill will give developers a tax holiday for 25 years, complete governance powers over the area and complete privatization of water and electricity supply with the right to determinate their rates. No labor laws will be applicable, so locals who have been employed cannot protest against the developer's decisions. It also gives the developers sweeping powers to appoint the SEZ chairman to head the self-contained zone and not be governed by any local civic body.