

FISHERIES IN THE UNION OF MYANMAR

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1. INTRODUCTION

Geographically, Myanmar has the Bay of Bengal to the west and the Indian Ocean to the south. Inland, the physiognomy is one of mountain ranges in the north and east, with river systems flowing south, forming an extensive and very fertile freshwater delta system in the south of the country. Hence there are extensive fisheries, both freshwater and marine.

Fish and prawn, especially from freshwater sources, are said to have been major protein sources in the country for centuries. Marine fisheries started in the 1960s, creating an awareness of marine resource potential among a nation that had traditionally looked to freshwater sources for its aquatic protein supply.

Realizing the national importance of fisheries products in the economy and food security of the country, and aware of the need to use resources in a manner supportive of their sustainability, a number of fisheries laws have been passed to ensure the ongoing availability of this cheap protein source. The principle aims of the legislation are to:

- conserve and sustain fisheries resources;
- develop fisheries industries;
- prevent the extinction of fishes;
- safeguard and maintain fisheries waters; and
- manage the fisheries and to take action in accordance with the fisheries Laws.

2. FISHERIES LEGISLATION

The Myanmar Fisheries Act (VII of 1875) ("First Act") was enacted nearly a quarter of a century earlier than the All-India Act. Prior to the First Act, fishery administration was governed by the rules framed in 1864 and subsequently revised in 1872. The purpose behind these rules was to raise revenue from the fisheries sector. Later, reforms were advocated by fisheries biologists, researchers and revenue officers. They were given the task of redrafting a new Myanmar Fisheries Act (Act III of 1905), and the rules and directives thereunder.

Rules framed under the First Act were subsequently incorporated into the Lower Myanmar and the Upper Myanmar Land Revenue Manuals. The 1905 Act repealed the First Act (VII of 1875) as a whole, and it applied initially to Lower Myanmar only. Under Section 32(1), the government was empowered to make rules consistent with the Act on several matters affecting fishery practice and administration. In 1912, the Myanmar Fisheries Act, 1905, was extended to cover Upper Myanmar, and the Lower Myanmar Provisions were also incorporated into the amalgamated Rules and Directives. The Rules under the Act came into force in 1911 and the Directives in 1912.

At that time the Government of Myanmar had a great initiative in leading all the provinces of India in the field of fishery legislation, although little was done to help the industry to

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develop along modern lines. Activities of the then Myanmar Government was almost exclusively focused on questions of security or improvement of fishery revenue.

The time then arrived in 1988 to turn our back on the colonial type of legislation, whose primary concern was collecting revenue. The Union of Myanmar introduced four new laws, namely the Law relating to the Fishing Rights of Foreign Fishing Vessels (1989); the Law relating to Aquaculture (1989); the Myanmar Marine Fisheries Law (1990); and the Freshwater Fisheries Law (1991). The Fisheries Act (Myanmar Act III of 1905) has now been repealed. The new legislation was drawn up in such a way as to cover all fishery aspects.

The 1989 Law relating to the Fishing Rights of Foreign Fishing Vessels and the 1990 Myanmar Marine Fisheries Law are the key enactments with respect to the marine fishery sector. The Foreign Fishing Vessels Law was enacted prior to the more general Myanmar Marine Fisheries Law because of the opening up of the fishing industries to foreigners in 1988. In practical terms, a more general law should have been completed prior to the Foreign Fishing Vessels Law. Since Myanmar fishing is predominantly carried out by small-scale, artisanal fishers, emphasis on safeguarding their interests were included in the new legislation.

Both pieces of legislation are skeletal, providing a framework for more detailed regulations. The legislation envisages the use of procedures, orders and directives to carry out the objectives of the legislation. Enabling clauses exist in the laws, allowing the Ministry to issue Procedures, Orders and Directives. Procedures refer to Form 5, fees and (formal) requirement respecting application for licence, etc. Orders and Directives have the force of law, although issued directly from the Department of Fisheries (DOF). A Directive is a regulation designed for application throughout the country, while an Order is a regulation which is more specific in its application.

It should be noted that the Director General has been given the authority to determine licence conditions, and more generally to make and implement important decisions regarding all fishing activities under the 1989 and 1990 laws. The result is that both the Ministry and the Director General have the capacity to issue regulatory instruments.

3. THE DEPARTMENT OF FISHERIES

DOF is the sole government body responsible for:

- managing fisheries;
- conserving resources;
- providing extension services;
- conducting research; and
- compiling national fisheries statistics.

The Director General is the head of DOF.

Seasonal notices from DOF are made by public posters and through news media, as notices of bans on fish capture during spawning seasons.

4. MONITORING, CONTROL AND SURVEILLANCE

Fisheries inspectors/officers are assigned to each and every State, Division, District and Township. Fisheries officers are responsible for ensuring compliance with conservation fisheries regulations and laws. The work of fisheries officers is backed up by the Township Administration sector.

The Myanmar DOF's main concern is controlling authorized fishing by fishing vessels in Myanmar Waters. It is the general view of the Department that the recently enacted laws are working satisfactorily, although we admit that unauthorized fishing activities are extensive.

To strengthen its power for monitoring, DOF has thirteen checkpoints established for fishing vessels. Upon going to a fishing ground, the vessel has to proceed to the respective checkpoint for initial inspection and the vessel again has to be inspected at the same checkpoint upon return from the fishing ground. DOF also stipulates the relevant terms and conditions at the time of issue of a licence.

The main duties and powers of fisheries inspectors/officers are stopping, boarding, accompanying, inspecting and searching any fishing vessel in the Myanmar Fisheries Waters, without warrant, demanding, examining the license, registration certificate, ship logbook and other papers, seizing and taking action in respect of any contravention of the provisions of the law, arresting and prosecuting.

5. CONCLUSION

Fisheries legislation in Myanmar has a long history, going back to 1875. To address the diversity of fisheries – both marine and freshwater – comprehensive legislation has been enacted.

Legislation has been adjusted in conformity with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS 1982) regarding the sharing of the surplus fishery resources with neighbouring states.

The surveillance and control of vast areas of marine territorial area is difficult, and violations of laws sometimes have been discovered.

The inland fisheries sector has a long history of management, control and surveillance, so fewer problems are found.

Finally, we believe that with goodwill, cooperation and consultation, better and more effective MCS can be achieved for marine fisheries in the region.

