

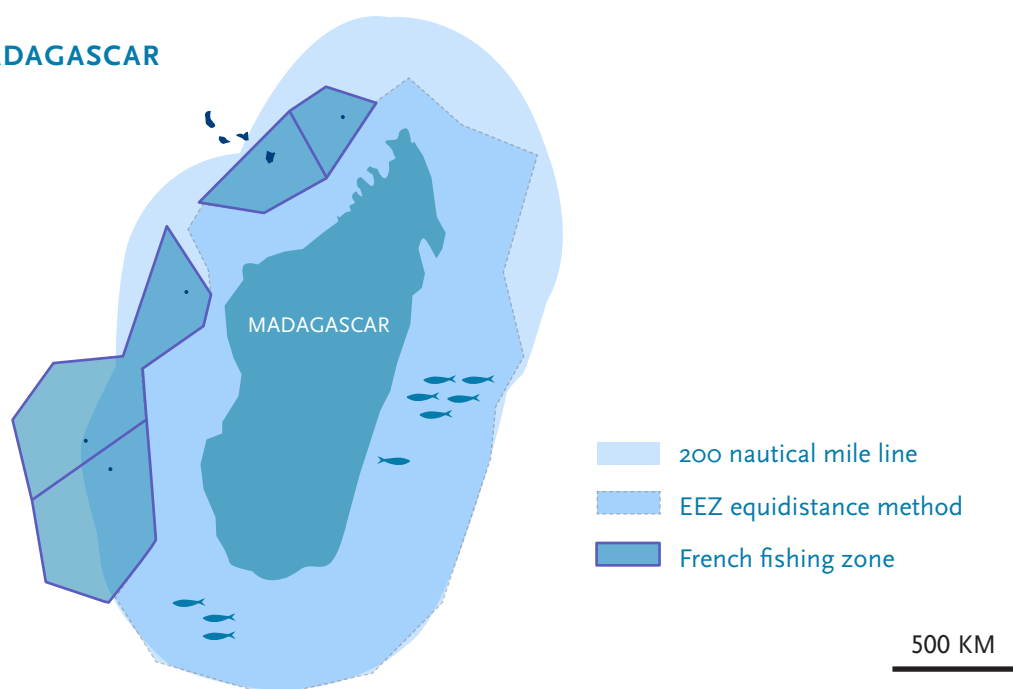


REGULATIONS FOR SMALL-SCALE FISHING ZONES IN MADAGASCAR

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The issues of delimiting and securing small-scale fishing (“petite pêche”) zones in Madagascar are circumscribed by the history of the 2 nautical miles (NM): a 1922 ban on trawling within these 2 NM was repealed in 1971. After that, the situation became unclear. In the 2000s, consultation with certain stakeholders was institutionalised, but small-scale fishers were excluded due to the lack of a representative professional organisation. Today, the ban on trawling within 2 NM has been confirmed by Decree No. 2021-361 on the organisation of coastal shrimp fishing.

EEZ DE MADAGASCAR
(CSP 2003)



1. LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE DELIMITATION OF FISHING ZONES IN MADAGASCAR

Regional anchoring

The Pan-African Strategy for Fisheries and Aquaculture (SP/NEPAD) announces the principle of user rights for small-scale fisheries through the new vision for the sustainable exploitation and management of Africa’s fisheries. Adopted in 2014, the SP/NEPAD encourages states to recognise the importance of small-scale fisheries and the objectives in terms of food security, employment, poverty alleviation, and foreign exchange earnings, give small-scale fisheries prime attention.

Furthermore, the Indian Ocean Commission’s Regional Fisheries and Aquaculture Strategy 2015-2025 (SRPA/COI), adopted in 2005, also places the securing of access

rights at the centre of its concerns from a sustainable development and poverty reduction perspective.

In addition to the above-mentioned instruments, there are other non-binding but important international instruments, such as the FAO Code of Conduct for Responsible Fisheries and the Voluntary Guidelines for Sustainable Artisanal Fisheries in the Context of Food Security and Poverty Eradication, which provide for preferential access rights and the creation of zones reserved for small-scale fisheries.

National anchoring

The regulation of fishing zones is mainly provided for by Law No. 2015 - 053 on the Fishing and Aquaculture Code, Decree No. 2021-361 organising the exercise of coastal shrimp fishing and the standard fisheries agreement protocols for artisanal and industrial fishing of demersal fish, tuna, small pelagics and cephalopods.

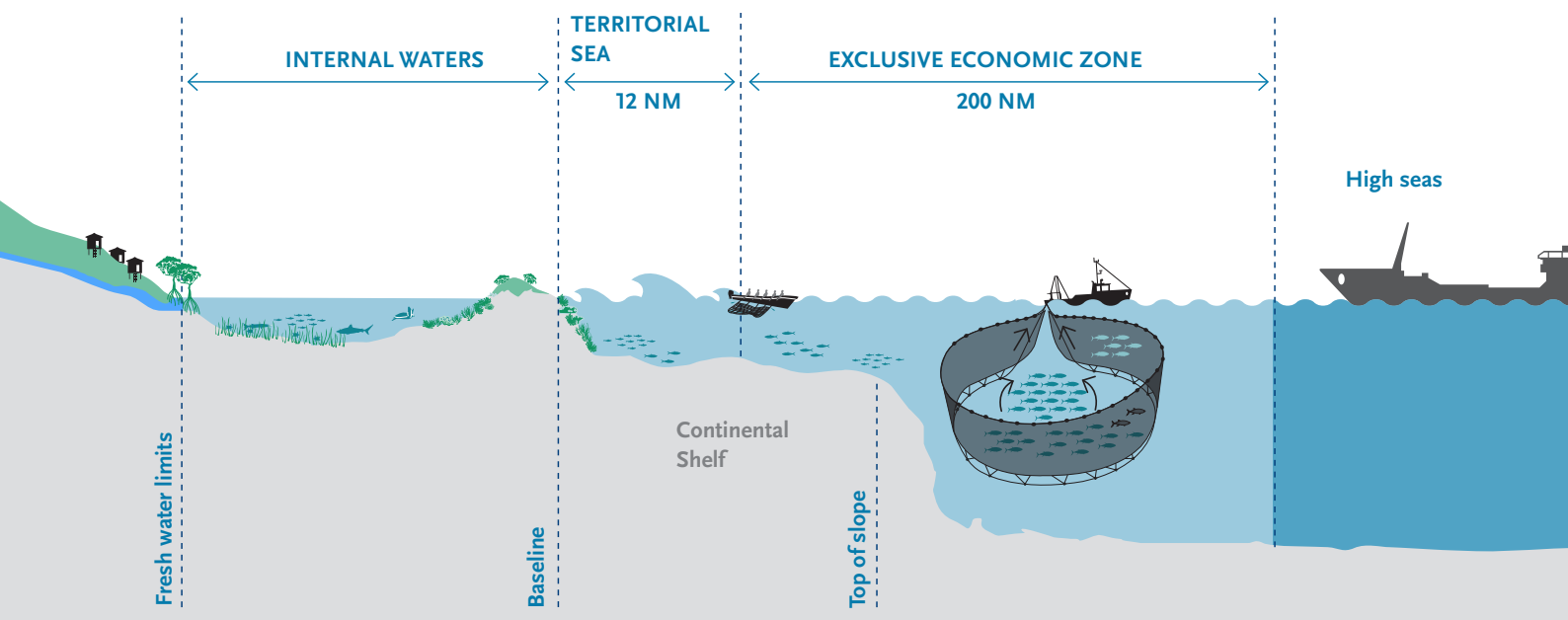
a) The Fisheries and Aquaculture Code (2015)

The Code stipulates in Article 24 that any person practising small-scale fishing in Malagasy waters must (1) be in possession of a fisher's card; (2) and/or have a registered boat; - (3) and/or have marked fishing gear. It also gives priority to small-scale fishing in fishing zones, which are to be defined by decree.

The code also emphasises that local communities should be involved in the governance process, values community governance and provides for the creation of a consultative body for local and participatory management of small-scale fisheries.

b) Decree on the organisation of the coastal shrimp fishery (2021)

This decree stipulates that shrimp fishing by small-scale fishermen is free if one has a fisher's card and informs that the authorised zone for industrial shrimp fishing starts beyond 2 nautical miles.



Delimitation of maritime zones according to international law

c) The standard protocols of agreement

Protocols of agreement are established between the Ministry in charge of fisheries and fishing companies for the management of artisanal and industrial fishing zones for demersal fish or tuna or small pelagics or cephalopods in the Malagasy Exclusive Economic Zone (EEZ).

The industrial fishing zone of Madagascar in which this protocol of agreement applies concerns the waters beyond the 02 NM band on the West coast and 08 NM on the East coast. They also require the boarding of an observer from the Fisheries Monitoring Centre and/or a scientific observer.

2. REVIEW OF ENFORCEMENT OF REGULATIONS

a) Relevance of the zone

Fishing communities have a very precise idea of their traditional fishing zone, especially where natural landmarks are present. Fishing communities claim ownership of these areas and the right to enjoy the resources they contain. They demand formal and exclusive recognition and protection of their access rights.

The delimitation of 2 NM is, according to them, a bit unclear. They have difficulty in locating it in relation to their traditional zones. The establishment of an official map issued by the fisheries administration, by generating a sense of ownership, would encourage the active participation of small-scale fishers in the sustainable management of fisheries resources.

b) Effectiveness of monitoring and surveillance

The measures provided for by the texts would be, a priori, largely sufficient for effective fisheries control and surveillance in Madagascar. However, the current fisheries control and surveillance system does not cover the coast of Madagascar. A total of 109 people is responsible for fisheries surveillance in Madagascar, which has 5,600 km of coastline, i.e. approximately 50 km of coastline per officer. In addition to the lack of governance by the authorities, there is also a lack of co-governance (that is, community control and surveillance), due to the lack of adequate structures and means.

photo: Karimiy Louloua/Unsplash.



3. RECOMMENDATIONS

- Strengthen the Fisheries Control and Surveillance system:
 - Strengthen the capacity of the FCS in terms of human, financial and material resources;
 - Establish and institutionalise community participatory surveillance mechanisms; and
 - Strengthen the application of the texts (decree 211-2017) institutionalising the transfer of management of traditional fishing areas to the communities.
- Institutionalise small-scale fisher's professional organisations:
 - Accelerate the professionalisation of small-scale fishers by issuing fisher's cards and registering pirogues;
 - Establish fisher's groups/associations and federate the groupings into umbrella organisations to have more say in negotiations; and
 - Strengthen the organisational capacity of the structures set up.
- Multi-sectoral actions:
 - Ensure cohabitation with tourism operators; and
 - Ensure land tenure security for the “traditional” living areas of fishing communities.



Photo by Faustinato Behivoke

Note :

This is the summary of a report which was commissioned by **CAOPA** with the support of the **Coalition for Fair Fisheries Arrangements (CFFA)** and the **Swedish Society for Nature Conservation (SSNC)** and written by Dr. Lala RANAIVOMANANA, Fisheries Engineer.

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