

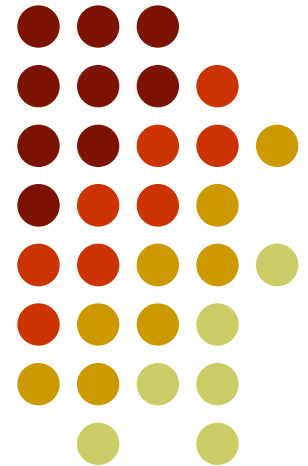
Review of legal regimes concerning Chinese fishing industry

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Contents

- **Sea fishing in China**
- **Problems with current legal regimes on Chinese fishing**
- **Recommendations to improve Chinese fisheries law**

Understand Chinese fisheries in depth and from the different angles



- About 12 million tons of sea fish caught annually
- About 430,000 fishing vessels
- About 14 million fisheries personnel
- 500 fishing personnel dead (2011)
- China is a country with a huge population and experiencing political and economical transformation!

What does Aquaculture mean to Fishing?



MAR 23 2011

Reasons for depletion of fish resources?

Environment-friendly marine oil industry?



blog.sina.com.cn/greenpeace2007

Where fishermen live and fish?



Understand Chinese fisheries in depth and from the different angles



- Think of fishermen, rather than fish only.
- Observe fishing through fishers' eyes, rather than always from fish biologists' perspectives.
- Think of those non-fishing sectors which influence sea fishing negatively.
- How many fishing rules? Chinese rules and Foreign rules!
- What does sea fishing mean to fish biologists, government, vessel-owners, ordinary fishermen?
- What are the objectives of fisheries law?

Fisheries management does not mean to control fishermen only!



What does an elephant look like?

Problems with current legal regimes on Chinese fishing



1. Fishing permit and fishing right
2. Allocation of fishing areas
3. Control on fishing methods
4. Record and return of fishing information
5. Self-government of fishermen through their own associations
6. Fishing relations with our neighbouring countries
7. Control on non-fishing activities: oil exploitation, dumping of waste,

Fishing permit and fishing right



中华人民共和国
渔业捕捞许可证
(海洋大、中型捕捞渔船)

中华人民共和国农业部制

渔船登记内容

许可证编号	(辽海甘渔) (2006) 第HY-000002号		
船 名	辽大甘渔15278	渔船编码	2102112001100004
渔船检验 证 书 号	210000001069	渔船(国籍) 登 记 号	21021115278
船舶呼号	/	船舶港	大连
主作业类型	拖网	作业方式	底拖网
船体材料	钢质	建造完工 日 期	2001年10月24日
登记尺度	船长: 30.40 米, 型宽: 6.30 米, 型深: 2.85 米		
登记吨位	总吨: 125.00 , 净吨: 44.00		
主机总额定功率 290.00 千瓦, 其中: 母船: 主机数量/ 台, 主机型号 6190ZLCA , 额定功率共 290.00 千瓦 子船: 主机数量/ 台, 主机型号/ , 额定功率共 0.00 千瓦			
持证人名称			
持证人地址	甘井子区大连湾新街60号		

签发人(签字):

发证机关(盖章)

发证日期: 2006年01月05日



2 Fishing permit and fishing right



- What does a fishing permit mean?
- What are the conditions to be entitled to a permit?
- Where is a fishing right from?
- How to measure a fishing right?
- How to exercise a fishing right?
- Should a fishing right be transferable like common goods?



3 Allocation of fishing areas

- **Importance of fishing areas to realize fishing right**
- **How to justify the allocation of fishing areas?**
- **Where are the boundaries, domestically and internationally?**

4 Control on fishing methods



a vicious circle

Small Mesh → **Small fish** → *smaller mesh* → smaller



DEC 29 2009

4 Record and return of fishing logbook



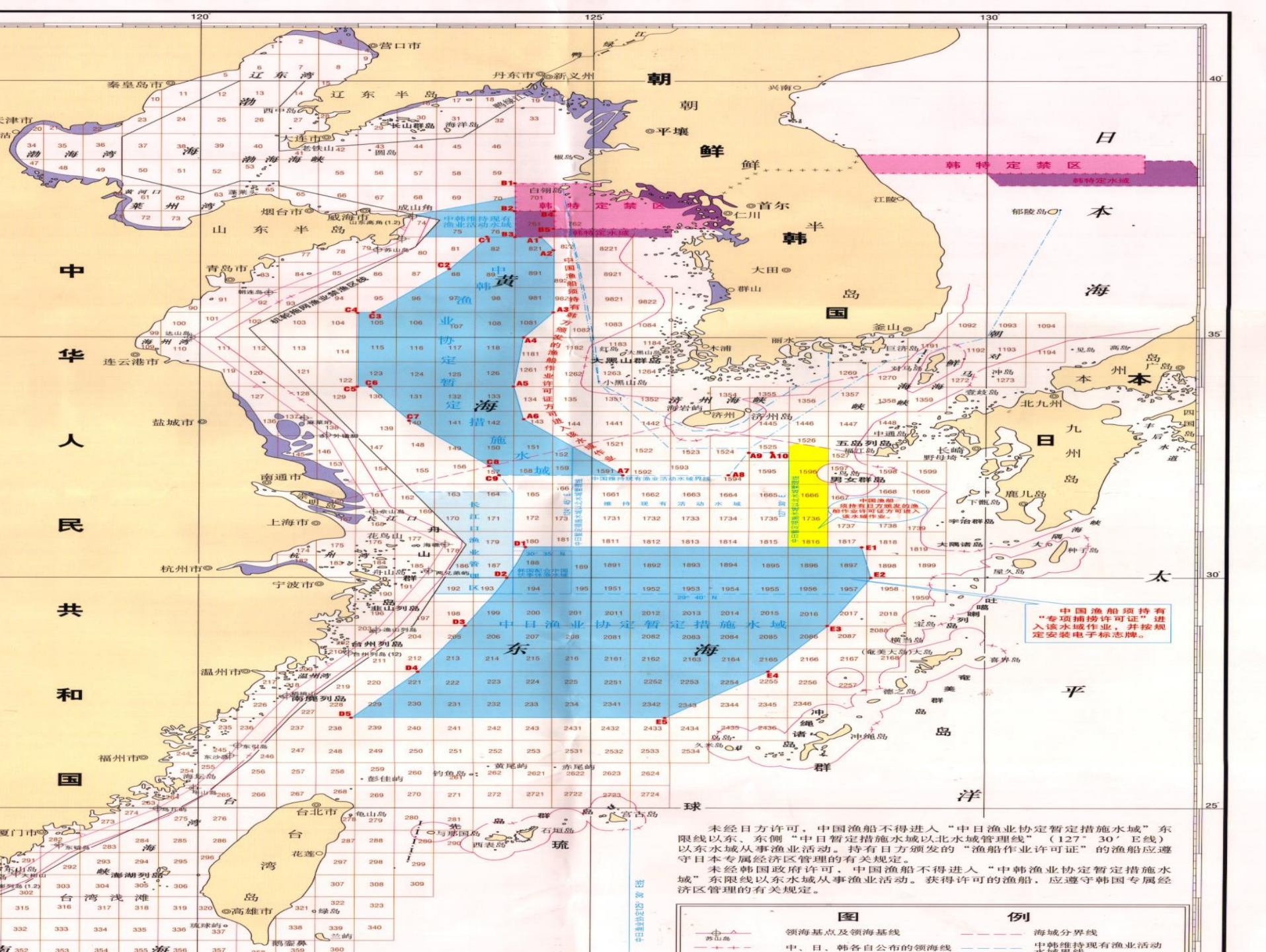
- Importance of fishing information under market economy to policy-maker and legislators
- Develop a good habit
- How to punish lawfully?
- Lack of provisions in the current Chinese fisheries Act!!

5 Fishing relations with our neighbours

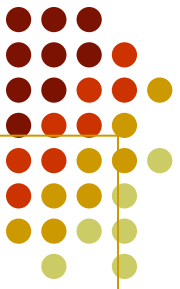


Eight neighbouring fishing nations, but only three fisheries agreements signed.

- Fisheries Agreement between China and Japan signed in November 11, 1997; came into force in June 1, 2000
- Agreement between China and Korea signed in August 3, 2000 and came into force in June 30, 2001.
- Agreement between China and Vietnam signed in Dec. 25, 2000 and came into 2004 June, 30



5 Fishing relations with our neighbours



- **Much worse, territorial disputes exists between China and its six marine neighbouring nations.**
- **Can fishing make a country gain or lose a piece of land?**
- **Fishing right is from fishing history, neither from the UNCLOS nor from national fisheries legislation!**
- **It is time to review these three fisheries agreements, and fishing relations between China and its marine neighbouring States ,especially from fishers' angles**
- **How about the Common Fisheries Policy of the EU?**

Recommendations



- Respect and believe fishers, and make a specific regulation on fisheries association
- Establish right-based fishing licensing system
- Allocate the fishing areas among fishing right holders much more regionally
- Make more specific and detailed provisions on fishing logbook and fishing methods
- Approximate fisheries laws of China and its neighboring nations because fish should live and be caught under the same rules.



Thanks