



(Photo: United Nations/M. Yousuf Tushar)

# Bay of Bengal Maritime Dialogue

14 - 15 February 2022



## **Second Bay of Bengal Maritime Dialogue 14-15 February 2022**

### **Outcome Document**

On 14 and 15 February 2022, the Pathfinder Foundation (PF) and the Centre for Humanitarian Dialogue (HD) organised the Second Track 1.5 Bay of Bengal Maritime Dialogue to discuss opportunities and challenges for greater regional maritime cooperation in the Bay of Bengal. Participants included government officials, maritime experts, and representatives of prominent think tanks from the littoral states of the Bay of Bengal (Sri Lanka, India, Bangladesh, Myanmar, Thailand and Indonesia) and took place under Chatham House Rules.

Building on the outcomes of the first Dialogue held in July 2021, the second Dialogue identified concrete steps for strengthening regional cooperation on marine environmental protection, marine scientific research, illegal, unreported and unregulated (IUU) fishing, and interaction between fishing vessels and maritime law enforcement agencies. As the Bay of Bengal is an important source of natural resources for a coastal population of approximately 185 million and provides many opportunities for the region, from maritime trade and shipping to aquaculture industries and tourism, participants agreed that countries in the region need to strengthen cooperation and adopt more sustainable and meaningful engagements to tackle transboundary issues more effectively.

This outcome document summarizes the key takeaways of the discussion and recommendations for greater regional maritime cooperation in the Bay of Bengal. These outcomes will also be made available to the Secretariat of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and its member states for their consideration, ahead of the upcoming BIMSTEC Summit scheduled to take place on the 30<sup>th</sup> March 2022.

## **Opportunities and challenges in improving regional cooperation on marine environmental protection in the Bay of Bengal**

1. Participants agreed on the urgency of improving marine environmental cooperation in the region, particularly since pollution, overfishing, habitat degradation, and climate change were transboundary in nature. These issues negatively impacted the marine environment of the Bay as well as food security, livelihoods, and the economic ecosystem in the region.
2. While there is no regional Track 1 platform that includes all the littoral states of the Bay, participants agreed that existing regional platforms like BIMSTEC could be strengthened to improve marine environmental cooperation in the Bay of Bengal. Other regional mechanisms, such as the Bay of Bengal Maritime Dialogue, could also enable all littoral states of the Bay, including Indonesia and Malaysia, which are not BIMSTEC members, to come together on such issues.
3. The establishment of a Regional Framework for Coastal and Marine Environmental Protection was recommended to improve the coordination of project-level activities by regional and national organizations. Participants acknowledged that existing activities to promote marine environmental protection, while complementary, lacked coordination between states and organisations. Under such a framework, a Regional Implementation Mechanism could be introduced to strengthen planning and coordination of activities related to transboundary marine environmental issues.
4. Other recommendations to improve regional cooperation on marine environmental protection in the Bay included strengthening fisheries management, promoting sustainable fishing methods, establishing Marine Managed Areas (MMAs), and developing frameworks for regional cooperation on pollution, such as industrial and agricultural waste and oil spills.

## **Opportunities and challenges for marine scientific research in the Bay of Bengal**

5. Participants noted that while there has been an increase in research publications on marine fisheries in the Bay, linkages between research institutions in the region, such as sharing of information and data, remained weak. As such, an epistemic community of research scholars, scientists, and civil society that will work together on marine environmental challenges, such as the expanding dead zone, degradation of mangrove forests, and increasing amount of marine plastics in the Bay, should be established. Policies regulating data sharing in the region could be formulated and implemented to further strengthen cooperation on marine scientific research.

6. Participants agreed that regional cooperation on marine scientific research should not be hampered by geopolitics. Instead, it could serve as a positive agenda and provide opportunities for littoral states in the Bay to build trust.
7. In view of the need to strengthen regional cooperation on marine scientific research, participants requested Pathfinder and HD, as a first step, to undertake a stock-taking exercise of existing marine scientific research on the Bay of Bengal and the status of collaboration between scientists and research institutions in the region.
8. Ahead of the BIMSTEC Summit on 30 March, participants recommended that BIMSTEC could take the lead on developing regional cooperation on marine scientific research by emphasising the need for greater regional cooperation related to fisheries, the environment, and climate change, in the outcome document of the summit.

### **Preventing and mitigating illegal, unreported, and unregulated (IUU) fishing in the Bay of Bengal**

9. IUU fishing was highlighted as a priority issue as the current Covid 19 pandemic, and reduced physical port inspections have led to an increase in IUU fishing in the Bay. There is thus an urgent need to increase regional efforts to better manage common resources and reduce IUU fishing in the Bay of Bengal.
10. On the challenges in eliminating IUU fishing in the Bay, participants identified limited infrastructure, human resources, lack of transparency, and lack of information sharing between littoral states as some of the main issues that hinder regional cooperation in combatting IUU fishing.
11. To effectively combat IUU fishing in the Bay, participants recommended:
  - Establishing regional guidelines that include concrete measures on how to deter and prevent IUU practices;
  - Setting up an international vessel tracking system and making it mandatory for vessels to be equipped with AIS trackers;
  - Establishing a regional fishing vessel registry system and publishing vessel license lists to increase transparency to help identify illegal vessels;
  - Increasing monitoring, control and surveillance in IUU fishing hotspots in the Bay;
  - Improving the implementation of joint regional patrols in the Bay and outreach programmes targeted at fisherfolk; and
  - Exploring the value of a regional fishing moratorium in the Bay to increase fish stocks. Such a moratorium would have to be complemented by efforts to provide an alternative source of income for fisherfolk to prevent IUU fishing.

12. Given the complexity of enforcement in handling IUU fishing cases, participants suggested that a multi-legal approach to enforcement could be adopted, as some cases are linked to other transnational crimes, such as drug and human trafficking. Littoral states could improve collaboration with international organisations, such as the International Organisation for Migration (IOM), the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), and Regional Fisheries Management Organisations (RFMOs), to support transnational enforcement measures.
13. Regional platforms, such as BIMSTEC and the Indian Ocean Rim Association (IORA), could also promote further cooperation, information sharing, and dialogue and consider establishing a platform for maritime law enforcement agencies to meet under these platforms.

### **Regional approaches for managing interactions between (foreign) fishing vessels and maritime law enforcement agencies**

14. Participants stressed the importance of maintaining the humanitarian treatment of fishers during interactions between fishing vessels and maritime law enforcement agencies, noting that the humanitarian treatment of fishers is an interest that all littoral states have in common.
15. Maritime law enforcement agencies could adopt tailored approaches when interacting with different types of fishing vessels since there are distinct differences between large fishing vessels owned by companies and smaller vessels that are used by local fishers for their livelihoods.
16. To improve coordination and safe interactions between fishing vessels as well as between fishing vessels and maritime law enforcement agencies, table-top exercises could be conducted on fisheries enforcement in the Bay. This could also help build confidence and trust among maritime law enforcement agencies when dealing with such incidents.
17. Participants also highlighted the need to harmonise existing laws and policies between littoral states and align them with a human-centric approach for future generations. This would ensure that actions taken towards fishers, who cross neighbouring countries' borders, will be underpinned by empathy and be in line with the United Nations Convention on the Law of the Sea (UNCLOS).

## Conclusion

18. Participants concurred that there is an urgent need to shift discussions into action-oriented solutions that can be taken forward, including through existing processes such as BIMSTEC and IORA. A proactive rather than reactive approach should be adopted, and it was agreed that the upcoming BIMSTEC Summit was an important first opportunity for this. As such, ideas from the Dialogue should be brought to each country's BIMSTEC representatives, such as building a community of practice for the Bay of Bengal and bringing operational agencies together through joint tabletop exercises so that they can bear greater fruit.
19. Participants identified marine environmental protection as a priority area for cooperation in the Bay of Bengal. Specific issues, such as industrial waste and pollution, oil spills, the collapse of fish stocks and conservation of endangered species, were highlighted as areas to be addressed. These issues will thus be taken up in some of this Dialogue's future activities.
20. Participants also affirmed the value of having a community of practices, including the current Dialogue that provides them with the opportunity to share their best practices, views, and build collaborative solutions to tackle maritime issues in the Bay. It was important for stakeholders in the Bay of Bengal to identify solutions that meet national needs, leverage regional strengths and opportunities, and meet global goals and responsibilities, including the Sustainable Development Goals (SDGs).

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Pathfinder Foundation is a premier think tank that has played a catalytic role in research and analysis aimed at contributing to economic policy reforms in Sri Lanka. Over the years, it has established a wide network of partner organizations worldwide, thereby enhancing bilateral and multilateral partnerships to promote economic, social and political development, in addition to its security and strategic focus. Serving as a platform to engage in critical thinking and cross-disciplinary analysis, Pathfinder Foundation aims to increase knowledge and raise awareness of salient issues with relevant stakeholders locally and internationally.



The Centre for Humanitarian Dialogue (HD) is a Swiss-based private diplomacy organisation founded on the principles of humanity, impartiality, neutrality and independence. HD's mission is to help prevent, mitigate, and resolve armed conflict through dialogue and mediation. HD uses the tools of private diplomacy to expand the space for the non-violent resolution of armed conflict. It opens channels of communication and mediates between parties in conflict, facilitates dialogue, provides support to the broader mediation and peacebuilding community, carries out capacity building work, and conducts research on mediation issues. HD deploys its expertise to support local processes that protect civilians and foster lasting and just peace.