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# Rights of Artisanal Fishers and Fishworkers in Bangladesh

Upholding the rights of artisanal fishers and fishworkers is essential for protecting human rights, strengthening food security and safety, safeguarding biodiversity, and sustaining fisheries. Legally recognizing the collective customary tenure of fishers and fishworkers enables them to be effective guardians and custodians of aquatic territories. However, Bangladesh has a long way to go to uphold human rights and rights of fishers and fishworkers. In Bangladesh, customary tenure rights are not legally recognized; access exists as an “opportunity” or “privilege” for artisanal fishers and fishworkers, not as a protected right. Furthermore, traditional community-led governance and management of fisheries are not legally recognized.

## WHY IS THIS IMPORTANT?

Artisanal fisheries serve as a major sociocultural, ecological, and economic safety net in Bangladesh. Artisanal fisheries support food sovereignty for millions of families. The sector provides millions of jobs and empowers women, who are the dominant force in the postharvest sector. Artisanal fisheries are also inextricably intertwined with biodiverse rivers, wetlands, mangroves, and coastal seas, providing vital flood control and climate adaptation.

For the communities sustaining this sector, insecure water tenure creates a plight comparable to that of landless farmers. Even though access to these waters provides artisanal families with essential subsistence and livelihoods, the absence of recognized customary governance and tenure rights means fishers and fishworkers are treated as mere “allowed guests” in their ancestral waters.

Legal certainty of collective customary tenure secures fishers’ rights and empowers fishing communities to act as the custodians of aquatic territories. It gives them the authority to stop wetland encroachment and pollution and to protect local biodiversity from unsustainable exploitation.

Furthermore, because customary governance safeguards deep connections to cultural identity, traditional ecological knowledge, and social learning, protecting these rights is essential for Bangladesh’s overall sustainability. Doing so ensures that those who care most deeply for these waters can ultimately achieve economic, social, and cultural prosperity as their true guardians.

## KEY ISSUES

In Bangladesh, public land operates as “government property” (khas) rather than a public trust—a colonial-era system prioritizing executive control and revenue over traditional community rights and public benefits. Fisheries governance and management operate primarily through a centralized, top-down administrative framework. Within this structure, the Department of Fisheries, the Forest Department, the Department of Environment, the Ministry of Land, and local authorities representing them hold exclusive, discretionary, and arbitrary power over fisheries access, use, and enforcement in their respective jurisdictions.

## TENURE RIGHTS AND CUSTOMARY GOVERNANCE

Across inland, riverine, and marine waters, the customary tenure rights of artisanal fishing communities are not recognized. Community-led governance and management are also legally unrecognized. In riverine areas specifically, the legal protection of artisanal fisheries is extremely weak because they are treated as open-access fisheries with no framework to secure customary tenure. Because tenure rights remain legally unrecognized across the board, the government can arbitrarily restrict artisanal communities from accessing aquatic areas.

## NATURE OF ACCESS

Usufruct rights are explicitly granted in certain cases for fishing. However, due to various systemic barriers, artisanal fishers and fishworkers rarely secure them in practice. In marine waters, while guidelines prohibit the fishing operation by commercial trawlers up to a 40-meter depth— theoretically providing a reserved zone for artisanal fishing—this area is not exclusively reserved for them. The government retains absolute discretionary authority to permit other uses of this zone, such as industrial development or marine protected areas. It has already declared five marine protected areas within this 40-m depth, contravening the best practice of the free, prior, and informed consent (FPIC) process with traditional fishing communities.

In inland waters, areas are temporarily leased out as Jalmahals (water estates), typically lasting three to six years. Because artisanal fishers cannot afford the high upfront lease fees, middlemen capture control and sublet the rights, driving short-term resource exploitation. In the Sundarban mangrove wetlands, access, seasonal stays, and fish harvesting rights are entirely contingent on a permit-and-fee system. Because the formal and informal costs of these administrative permissions remain beyond the capacity of poor, traditional fishers, they are progressively deprived of their customary use rights.

## PARTICIPATION IN STATE-LED GOVERNANCE

This unequal legal framework marginalizes traditional communities while benefiting capital-driven and influential non-fishers who can easily secure administrative access. In the Sundarbans, the Forest Department exercises exclusive administrative control. Similarly, although Jalmahal policy theoretically prioritizes registered cooperatives of “genuine fishers,” this definition fails to differentiate artisanal fishers from commercial investors and ignores customary rights. The Protection and Conservation of Fish Act 1950 was recently updated in February 2026 to allow the government to declare Other Effective Area-Based Conservation Measures (OECMs) in inland wetlands. Instead of functioning as another bureaucratic tool for top-down, colonial-style governance, this must be implemented as a human-rights-based mechanism that establishes participatory governance and recognizes the tenure of artisanal fishers.

## WHAT CAN BE DONE?

Advancing human rights and sustainability in fisheries requires moving beyond rhetoric to include marginalized artisanal fishing communities, including women and youth, and translating that inclusion into binding legislation and active implementation.

- Through necessary legal and policy changes, the government has an opportunity to go beyond weak co-management and usufruct rights, to recognize artisanal and subsistence fishing and fishworking as a “protected right,” to uphold traditional and customary collective tenure rights of fishing communities, and to recognize customary governance.
- When deciding the priorities of the National Plan of Action for Small-Scale Fisheries, the government and other stakeholders must engage People’s Organizations and groups truly representing artisanal fishers and fishworkers, with a special focus on translating voluntary international guidelines into concrete, rights-based local governance that overrides the current top-down governance systems.
- By ratifying ILO Convention No. 169, the government can ensure that the distinct identities, self-determination, and customary land and water tenure rights of Indigenous Peoples and traditional fishing communities are finally legally protected.

Issue Brief prepared by Sagar Seba/CaST  
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