

Policy and legislation for fisheries and fishing communities in India

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Fisheries in India

- India produced 13.76 million tonnes of fish 2018-19 (third-largest producer after China and Indonesia). (56 percent from aquaculture)
- Fisheries contributed 1.12 percent to the national GDP and 7.28 percent of agricultural GDP. During the same period, the sector has earned foreign exchange worth USD 6.7 billion crores from fish exports (1.4 million tonnes or 10 percent of production).
- Marine fisherfolk population is an estimated 3.77 million (0.93 million are active fishers). An estimated 0.52 million people are engaged in allied activities (69 percent are women)

What makes good policy?

- A set of coherent decisions
- Long term purpose
- Ability to address the relevant issues related to the sector
- How do we implement provisions of legislation?
- To laydown guidelines for the preparation of Legislation
- How do we implement a policy without legislation?
- Struggles of fishworkers
- MFRA- Trawl ban- Purse-seining
- Provisions for minimizing negative impacts
- Design, Acceptance and implementation provisions
- Ability to incorporate multiple objectives
- Balance between social, environmental and economic objectives

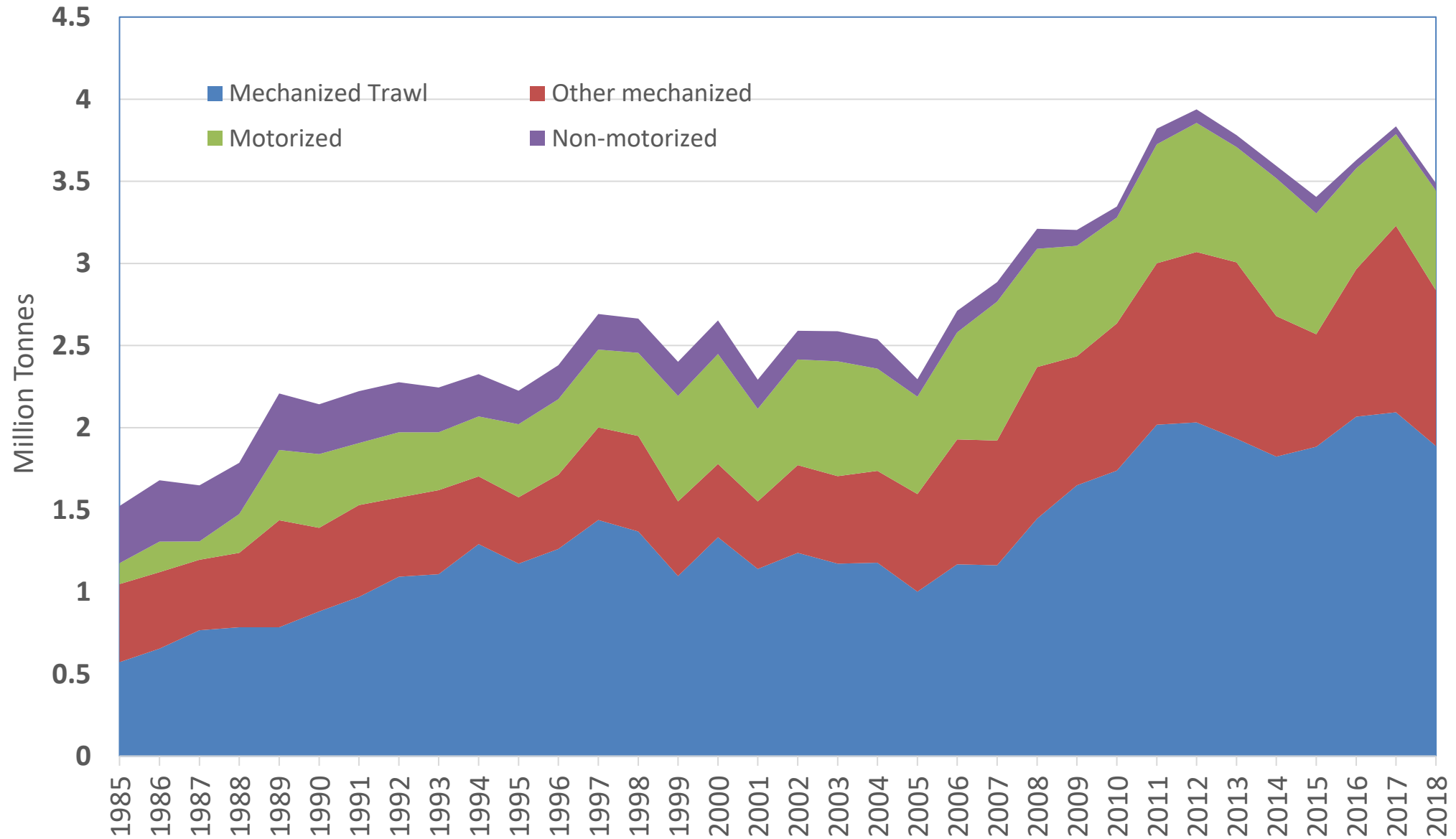
What makes good policy?

- **Mediating impact of policies**
- **Adaptive nature to understand uncertainties**
- **Evidence based information for change**
- **To understand the concerns of wide range of stakeholders**
- **Inclusive and transparent and dialogue and participation**
- **To develop advisory groups**
- **Appropriate balance**
- **To be able to develop coherence between policies**
- **To strive for measurable outcomes**
- **To emphasize sustainable use**
- **To identify trade-offs and synergies**

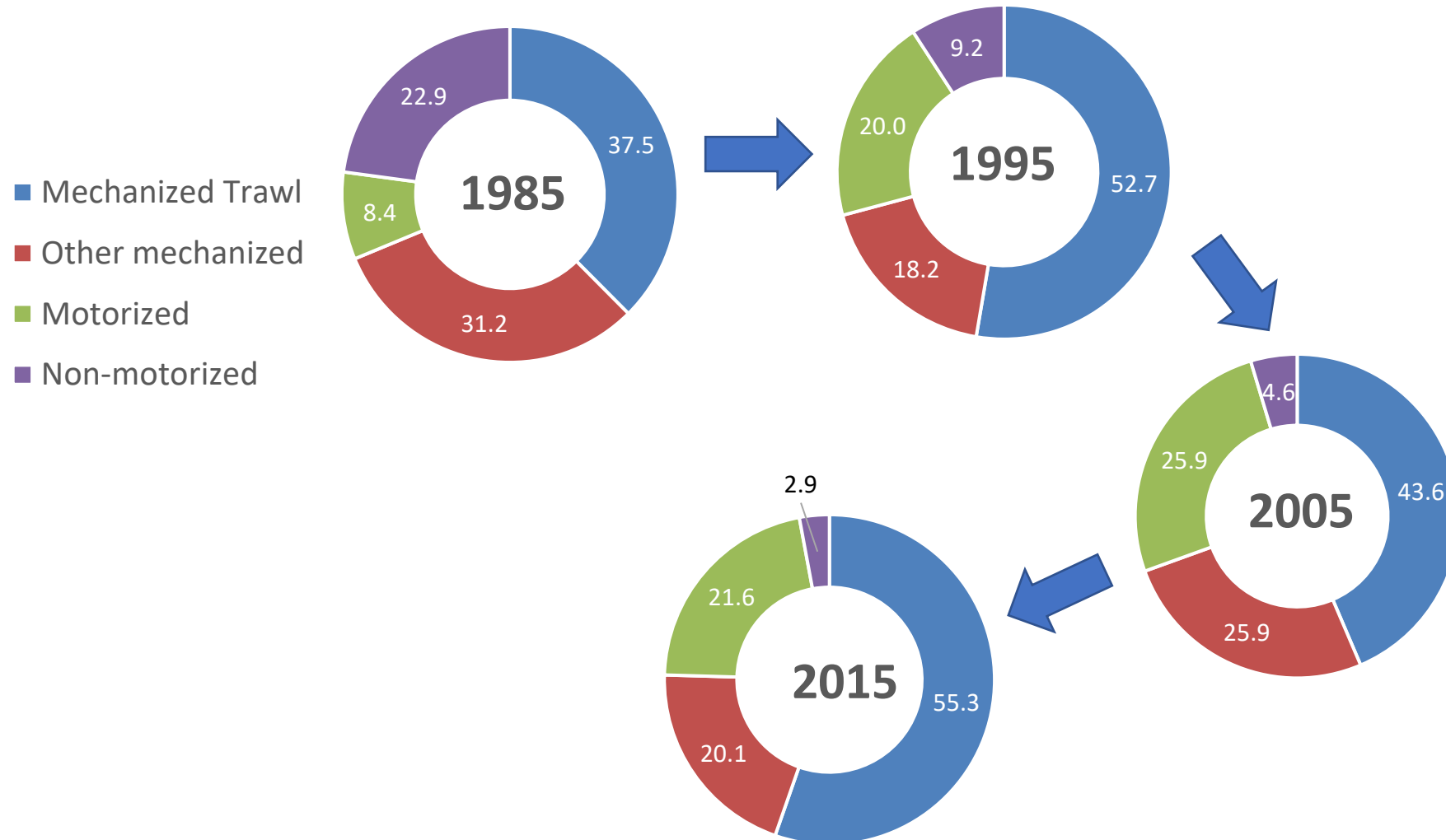
Fisheries legislation

- **A legal regime for operation and management**
- **Ability to develop subsidiary legislation**
- **Ability to set standards for preparatory work on Policy**
- **Ability to go for scrutiny by stakeholders**
- **Coherence and development of criteria**
- **Enabling framework to address problems**
- **To contribute to better regulation of human behaviour**
- **To improve the focus on implementation**
- **Harmonization**
- **Legal certainty**
- **Fairness and clarity**
- **Proportionality and conformity**
- **Justiciable**

Sector-wise marine fish landings - India (1985-2018)



Share of marine fish landings - India



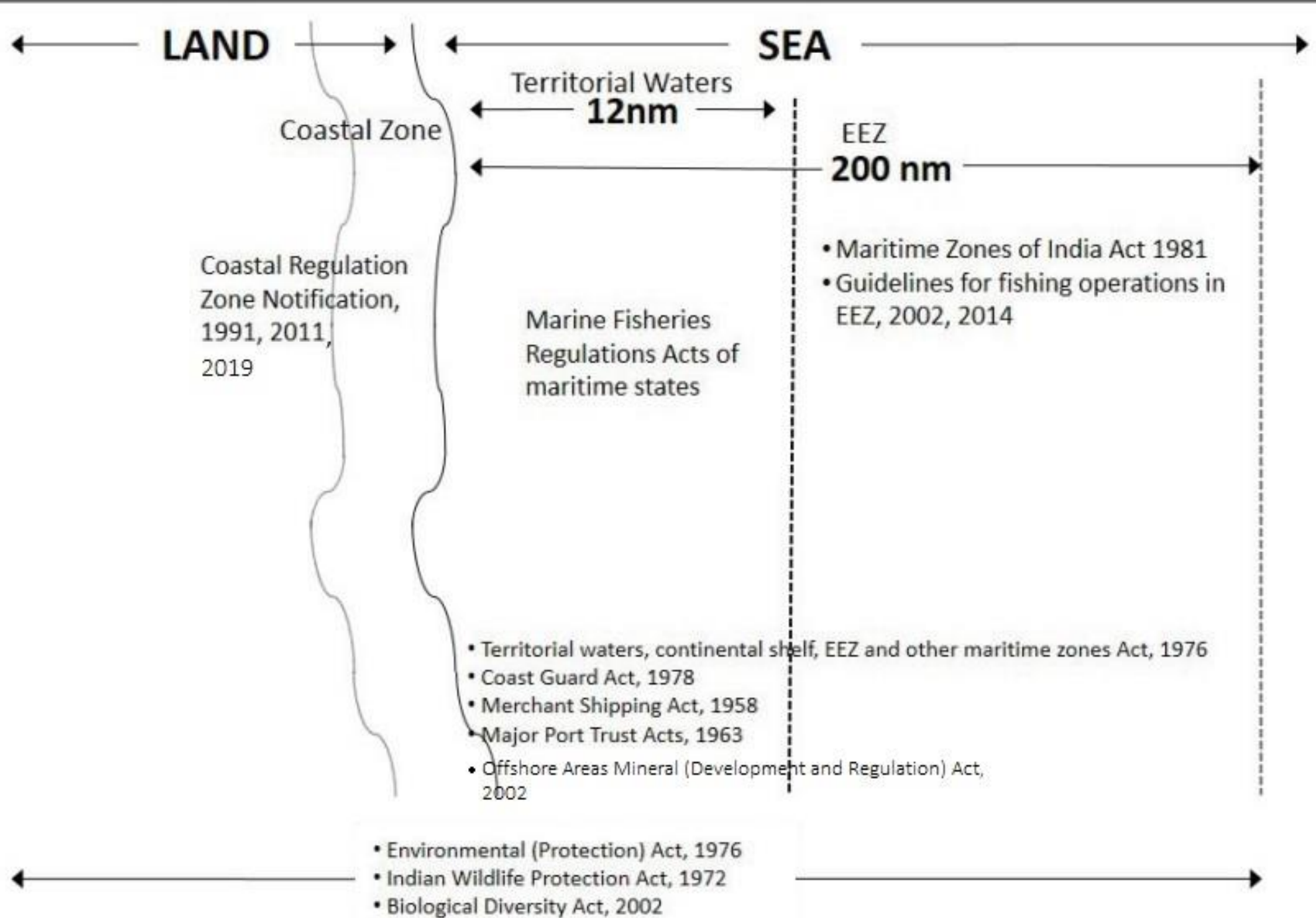
State MFRAs and preferential access for SSF

States	Year Adopted	Area reserved for traditional craft	Area reserved for Mechanized craft (up to 12 nautical miles)
Gujarat	2003	5 nautical miles (nm)	Beyond 5 nm (9kms)
Maharashtra	1981	5 fathoms (Mumbai, Raigad, Thane) 10 fathoms (Ratnagiri, Sindhudurg)	
Goa, Daman and Diu	1980	2.6 nm(5 km)	Beyond 2.6 nm (5 km)
Karnataka	1986	3.23 nm (6 km)	Vessels upto 50ft beyond 3.23 nm (6 km) Vessels above 50ft beyond 10.79 (20 km)
Kerala Southern sector (1): Kollengode to Paravoor Pozhikkara Southern sector (2): Pozhikkara to Kovilthottam Northern Sector: Kovilthottam to Manjeswaram	1980	Southern sector (1): upto 25 fathoms Southern sector (2): upto 18 fathoms Northern sector: upto 12 fathoms	Motorized fishing zone Southern sector: area upto 20 fathoms Northern sector: area upto 10 fathoms Mechanized fishing vessels less than 25 GRT Southern sector: upto 35 fathom line Northern sector: upto 20 fathom line
Tamil Nadu	1983	3 nautical miles	Beyond 3 nautical miles

Fisheries management measures in India

- Input control measures, such as Vessel registration & fishing licenses; closed fishing season (fishing/trawl ban); closed fishing areas (MPAs mainly A&NI), gear specifications – size/mesh; control over destructive fishing practices,
- Output control measures, such as minimum legal size of fish species and protected species. Marine organisms included in Schedule I of WLP Act, 1972 include all species of turtles found in Indian waters, ten species of sharks and rays, all species of seahorse, giant grouper, hermatypic corals, black, organ pipe and fire coral, sea fans, nine species of mollusks and sea cucumbers and all marine mammals spotted in India

[Legal framework in India](#)



Institutions for marine fisheries management and development in India

Item	Agency / Ministry / Department
Deep sea fishing (List I), Survey & assessment of fisheries resources, Research, Training & extension, Fisheries development	Ministry of Fisheries, Animal Husbandry & Dairying/DoF, Indian Council of Agricultural Research, Fisheries Survey of India, National Fisheries Development Board (NFDB)
Prevention of IUU fishing in the EEZ (List I), Prevention of marine pollution by ships, Protection of endangered species (Wildlife Protection Act, 1972)	Navy / Coast Guard
Fish processing / Exports	Ministry of Food Processing Industries/Ministry of Commerce & Industry (MoCI) - MPEDA
Seafood exports (List I), Quality control, Law of the Sea negotiations (List I)	MoCI - MPEDA, Export Inspection Council, Ministry of External Affairs
Potential fishing zones, ocean pollution	MoES
Fishing vessel industry (List I), Major fishing ports (List I), Minor fishing ports (List II), Fisheries in territorial waters and internal waters (List II)	Ministry of Shipping, Road Transport and Highways/, Ministry of Agriculture, State Governments
Protection of marine biodiversity (List III) ¹ , Protection of coastal habitats (List III)	Ministry of Environment and Forests (MoEF), MoES
Infrastructure	Ministry of Agriculture / MoCI, MPEDA

Global fisheries: Production and fish stocks

- Global fish production in 2018 was 179 million tonnes, (value of USD 401 billion) of which 46 percent (value USD 250 billion) came from aquaculture production. Aquaculture accounts for 52 percent of fish for human consumption.
- Including China, Asia accounts for 69 percent of fish production.
- Fish exports accounted for 37 percent of total production (value USD 164 billion)
- Maximally sustainably fished stocks were 59.6 percent in 2017 (down from 90 percent in 1974) and 6.2 percent underfished stocks. Stocks fished at unsustainable levels were 34.2 percent (10 percent in 1974). (Note: 78.7 percent of current marine fish landings come from biologically sustainable stocks)

[Source: FAO SOFIA 2020](#)

Global fisheries: Fleet and employment

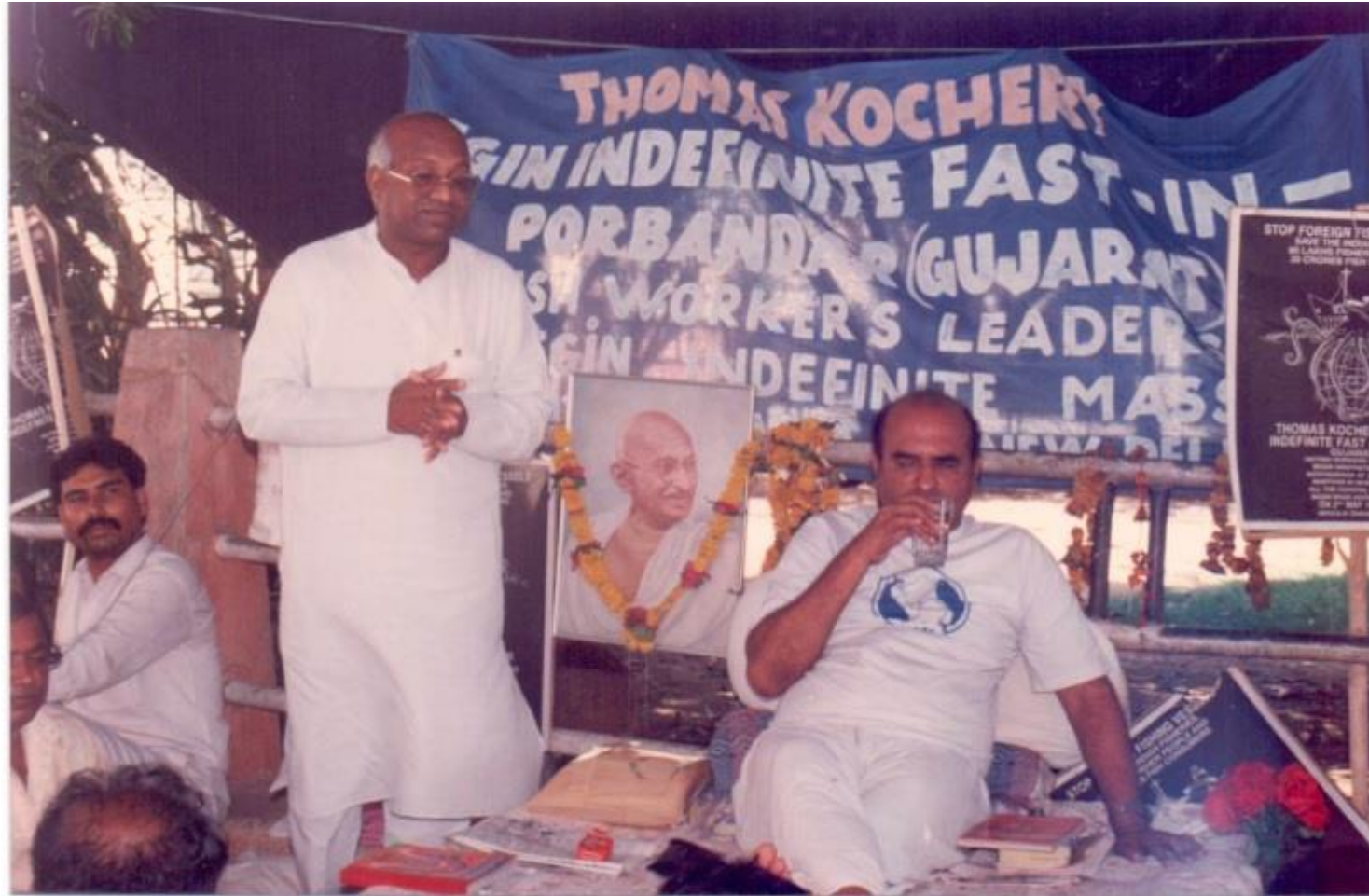
- 39 million people are engaged in capture fishing. (90 percent are SSF; 85 percent are in Asia). An additional 200 million people are employed in pre- and post-harvest activities.
- Of 4.56 million fishing vessels in the world, Asia has the largest fishing fleet (68 percent). 97.5 percent of all vessels are motorized and non-motorized <12 m OAL
- In developing countries, SSF produce more than half the fish (90 percent consumed locally - important nutrition for the rural and urban poor). Employment in SSF is several times higher per tonne of harvest than in large-scale fisheries.

Sustainable use - a history

- Ramsar Convention, 1971: “wise use”, sustainable utilization of wetland resources
- Stockholm Conference, 1972: “...representative samples of natural ecosystems must be safeguarded for the benefit of present and future generation...”
- United Nations Conference on Environment and Development, 1992: Sustainable development, protect the environment for future generations, precautionary approach (Rio Declaration)
- The Convention on Biological Diversity (CBD), 1992: Conservation, sustainable use, and the fair and equitable sharing of the benefits

International framework for fisheries management

- **United Nations Convention on the Law of the Sea (UNCLOS), 1982:** Coastal states to determine allowable catch in their EEZs for the conservation of living resources (Article 61 and 62)
- **United Nations Fish Stocks Agreement (UNFSA), 1995:** Conservation and management of straddling and highly migratory fish stocks, based on the precautionary approach
- **Code of Conduct for Responsible Fisheries (CCRF), 1995:** Principles and standards for conservation, management and development of living aquatic resources
- **Agreement on Port State Measures (PSMA), 2009:** Prevent, deter and eliminate IUU fishing by preventing such vessels from using ports and landing their catches (In South Asia, only Maldives and Sri Lanka are signatories.)







Securing rights to resources for SSF

- [Article 61 of UNCLOS, 1982](#) asks States to take into account relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, while taking measures to conserve and manage the living resources of the EEZ. [Article 5 \(i\) of UNFSA, 1995](#) requires States to take into account the interests of artisanal and subsistence fishers, while giving effect to their duty to co-operate in accordance with the Convention. [Article 6.18 of the 1995 FAO CCRF](#), stresses the need to protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction.

International human rights framework

- United Nations charter, the 1948 Universal Declaration of Human Rights (UDHR) and subsequent legally binding human rights conventions and treaties, in particular the 1966 International Covenant on Economic, Social and Cultural Rights (CESCR), and the 1966 International Covenant on Civil and Political Rights (CCPR), which elaborate on the rights included in the Universal Declaration.
- 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) seeks protection for women against discrimination at home or in the workplace, and calls for participatory decision-making, adequate living conditions and social security for women
- International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples (1989) aims to protect IPs, based on respect for their cultures, their distinct ways of life, and their traditions and customs.
- ILO Conventions set standard for workers in the organized sector, as well as for home-based workers. In 2007 ILO Work in Fishing Convention 188 aimed to ensure safe navigation and operation of fishing vessels, Ensure safety and health of fishers (protective and preventive measures, guarantee decent work and living conditions and protect young persons at work

The SSF Guidelines: sustainable fisheries and tenure rights

- Recognize that **responsible governance of tenure is central for the realization of human rights**, food security, poverty eradication, sustainable livelihoods, social stability, housing security, economic growth and rural and social development (5.2)
- Recognize **the role of SSF communities and IPs** to restore, conserve, protect and co-manage ecosystems (5.5)
- Grant **preferential access of SSF** to fish in waters under national jurisdiction (5.7)
- **Involve SSF communities** – special attention to women, vulnerable and marginalized groups – in the design, planning, implementation of management measures, including Pas (5.15)

Global movements of small-scale fisheries

- *“The fishing communities of the world are uniting in the World Forum of Fish Harvesters and Fishworkers to uphold their human rights, social justice and culture; affirming the sea as source of all life; and committing themselves to sustain fisheries and aquatic resources for future generations, protect their livelihoods and secure preferential access for small- and medium-scale, artisanal, and traditional fishers, and indigenous peoples, to coastal resources on which they have historically depended.”* – **Preamble to Charter of the Interim Arrangement for the Operation of the World Forum of Fish Harvesters and Fishworkers, November, 1997, Delhi**



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