Introduction

1. The Report of the Expert Committee Constituted for Comprehensive Review of the Deep-sea Fishing Policy and Guidelines, dated August 2014 (hereafter referred to as the Report, available at http://dahd.nic.in/dahd/report-of-the-expert-committee.aspx) examines Indian marine fishing from a national, regional and global perspective, probably for the first time. The Expert Committee was constituted by the Department of Animal Husbandry, Dairying & Fisheries (DAHD&F), Ministry of Agriculture, Government of India, in August 2013, under Dr. B. Meenakumari, Deputy Director General (Fisheries), Indian Council of Agricultural Research (ICAR) as Chairperson, and seven other members. The Report embraces many aspects of Indian marine fishing using new databases (such as the ‘ReALCraft’ database), undertakes analyses of fishing in the Indian exclusive economic zone (EEZ), and makes many innovative recommendations. In this feedback, we have dealt with TOR (Terms of Reference) 1 and TOR 4 separately and TOR 2 and 3 together.

TOR 1: Comprehensive Marine Fishing Policy, 2004

2. We support the recommendation of the Report to set up a committee to formulate a new comprehensive marine fishing policy after undertaking broad-based consultations to ensure that the interests of all relevant stakeholders and interested parties are taken into account. Such a committee should comprise members with in-depth understanding of the economic, social and environmental dimensions of fisheries, as well as representatives of coastal states/Union Territories (UTs), and representatives of fishing communities and the fishing industry. We concur that an effective national fisheries legislation for all types of fishing operations in the EEZ—made as far as possible coherent with state marine fishing regulation acts—is relevant before developing a national fishing, or fisheries, policy. But plans should be afoot to proceed with revising the existing national fisheries policy if an inordinate delay is expected in formulating and implementing a new national fisheries legislation.

3. The Terms of Reference of the new committee to revise the national fisheries policy should be consistent with the recommendations made in section 2.0: review of CMFP, 2004, of the Report. These recommendations include:
• (i) broadening the spatial scope of the policy to encompass both territorial waters and the EEZ;

• (ii) ensuring stakeholder consultation and participation in decision-making processes to protect vulnerable and marginalized groups;

• (iii) developing a national legislation for fishing in the EEZ;

• (iv) addressing gender-related issues in fisheries;

• (v) protecting the rights of traditional fishers to coastal and marine fisheries resources;

• (vi) defining different categories of fishing;

• (vii) seeking coherence across fish production, fisheries conservation, management and fish-consumption objectives;

• (viii) developing criteria for mechanization and motorization of fishing vessels;

• (ix) improving working and living conditions of fishers and fishworkers, both onboard and onshore;

• (x) developing measures to comply with international legal instruments of relevance to trade in fish and fish products;

• (xi) proposing guidelines for monitoring, control and surveillance (MCS) systems in marine fisheries;

• (xii) considering co-management regimes in coastal and marine fisheries;

• (xiii) managing fishing fleet movement from the territorial waters to the EEZ;

• (xiv) promoting infrastructure subsidies and phasing out capacity-enhancing subsidies;

• (xv) improving fisheries governance and management towards greater accountability of all stakeholders;

• (xvi) building up capacity of fisheries administrations;

• (xvii) promoting social-security protection of fishing communities; and

• (xviii) improving co-ordination with other relevant Ministries/Departments to enhance the welfare of fishers and fishing communities.
4. In addition, a comprehensive fisheries policy should examine how a value-chain approach to marine fisheries would be beneficial, besides looking at fisheries issues from both supply-side and demand-side perspectives. Market-access issues, such as free trade agreements that include fish and fishery products; tariff and non-tariff issues related to fish trade, such as sanitary and phytosanitary measures, as well as trade in fishing vessels (including hull, engine, and gear); navigation, fish-finding and safety equipment; and protection of the traditional knowledge and intellectual property rights of traditional fishing communities are also relevant to be considered within the ambit of a national comprehensive fisheries policy. The role of certification and ecolabelling in fish trade would also be pertinent from the perspective of meeting expectations of fish trade at different levels. Additional considerations of a national fisheries policy should include issues outside the scope of state legislation, such as movement of fishing vessels and fishers. In the latter case, there are also very significant levels of inter-state migration of workers into fishing and fish processing that are currently unregulated.

5. A new comprehensive national fisheries policy should also consider how inter-agency mechanisms could be set up to resolve inter-sectoral conflicts involving fishing and other uses of marine and coastal space, including conservation zones, as well as how to address pollution and degradation of the coastal and marine ecosystems that threaten fisheries, including decreased river water discharge into the sea. It should also promote transparency and accountability. Many of the proposed changes in a new fisheries policy could be better addressed if it adopts a human-rights-based approach to fisheries as enunciated in the FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) (see page 94 of the Report). The adoption of the SSF Guidelines at the 31st Session of FAO’s Committee on Fisheries, in Rome, in June 2014, was supported by India. Different elements of a national fisheries policy may be developed, if necessary, through sub-committees, for greater expediency.

**TOR 2: To review existing guidelines for deep-sea fishing in the EEZ**
**TOR 3: To suggest full exploitation of catch potential in the Indian EEZ and international waters**

**Commercial viability of LOP vessels**

6. The Letter of Permission (LOP) vessels basically refer to the authorized vessels >20 m length overall (LOA) under the joint-venture scheme of DAHD&F introduced into the deep sea or the EEZ—meaning an area beyond, and adjacent to, the territorial sea of 12 nautical miles measured from baselines—which is under the full jurisdiction of the Union Government. It is instructive to observe that in spite of several deep-sea fishing policy initiatives since 1981 to introduce fishing vessels >20 m LOA in the Indian EEZ, their number keeps diminishing, whilst
vessels < 20 m LOA are growing in fleet size. It is moot if the deep-sea fishing policy initiatives failed only because of policy flaws or lack of foreign crew. Or is it due to what M. Giudicelli, an FAO fisheries expert hired by the Government of India in 1992 to study deep-sea fisheries development, called a lack of real commercial potential for developing a theoretical potential resource base? Giudicelli also highlighted the difficulties in finding, on the joint-venture world market, fishing boats appropriate for an efficient exploitation of the Indian marine fishery resources in its EEZ. Most of the available fishing units in the joint-venture world market, he said, were designed for distant-water fishing in regions of the world much richer than the Indian waters, and often too big and powerful for local Indian conditions, resulting in excessive operation costs (see Giudicelli, M. 1992. Study on deep-sea fisheries development in India. FAO, Rome).

7. The interest in fully exploiting 216,500 tonnes of oceanic fishery resources, particularly yellowfin and skipjack tuna, is reasonably fair but what is unclear is if, employing vessels >20 m LOA, these scattered aggregations can commercially be harvested in an area of nearly 1.83 mn sq. km outside the 500-m isobath in the Indian EEZ. Given the consistent failure to attract tuna longliners and purse-seiners of >20 m LOA since the Charter Policy was initiated in 1981, it is high time to back horses for courses, rather than flogging dead ones.

**Promote artisanal deep-sea tuna fleet in the Indian EEZ/ABNJ**

8. In this context, the operations of the artisanal fishermen of Thoothoor in Tamil Nadu appear to be the most attractive option, particularly for the EEZ adjacent to the territorial sea along the western seaboard, and areas beyond national jurisdiction (ABNJ), or the high seas, in the Indian context. They have the “technical skills and endurance to take up deep-sea fishing”, as the Report has pointed out on page 36. Table 20 of the Report makes it quite explicit that of the four oceanic fishing fleets—(i) trawlers converted to longliners under a scheme of the Marine Products Export Development Authority (MPEDA) of the Ministry of Commerce and Industry (MoCI); (ii) vessels under the LOP scheme of DAHD&F; (iii) Thoothoor artisanal deep-sea vessels; and (iv) Visakhapatnam trawlers or vessels < 20 m LOA—the Thoothoor artisanal fleet shows the best daily average catch per vessel (360 kg). This, interestingly, is higher than the daily average catch per vessel of converted trawlers, or of LOP vessels. The artisanal fleet caught 42,336 tonnes in the year 2012 and accounted for 71 per cent of the oceanic tuna landings, as against just 1,991 tonnes landed by the LOP vessels in the same year (Table 20). Given the important role played by the Thoothoor artisanal fleet in EEZ fishing, it is surprising that none of its representatives was invited to attend any of the meetings of the Expert Committee.

9. Table 13 of the Report shows that the Thoothoor deep-sea-going fishing vessels seem to be fishing not only in the EEZ but also in the high seas from the western seaboard. Thus, the Thoothoor artisanal fleet seems to belie the observation made in the Report that adequate expertise or resources are lacking in India to exploit waters beyond the 500-m isobath. We would, therefore, recommend promoting the artisanal deep-sea-going fishing vessels of Thoothoor to fish sustainably in the Indian EEZ and the high seas, *in lieu* of promoting LOP vessels.
10. The viability of the Thoothoor artisanal fleet in the EEZ on the eastern seaboard and around the Andaman and Nicobar Islands should also be explored and confirmed. Its operations along the western seaboard could be successfully replicated in these areas if adequate onshore facilities are provided to help them undertake longline fishing operations as well as to land their catch, hassle-free, at onshore facilities. They would also be encouraged if the tuna middlemen guarantee competitive dock-side prices. As in the case of countries like the Republic of Korea (ROK), the Government of India could consider offering a minimum support price for the tuna landings of indigenous fishing vessels from the Indian EEZ to incentivise tuna fishing and to discourage tuna processors from bringing down dock-side prices.

11. In short, based on the analysis of LOP vessels provided in the Report, we are of the view that there is no manifest justification in importing fishing vessels under joint ventures for tuna fishing in the Indian EEZ, especially considering the consistently poor record of all such initiatives in the past 33 years. Moreover, it is difficult to envisage the introduction of LOP vessels in the absence of substantial subsidies, which might expose export of fish and fish products from these vessels to harsh trade-related measures in tuna import markets. Based on the analysis in the Report of deep-sea fishing policy and practice, we would request the Government of India to rescind its joint-venture policy, which has contributed neither to increased fish production nor to knowledge and technology transfer to the Indian fishing industry, and to promote, instead, a viable indigenous fishing fleet.

12. We would also like to point out that vessels < 20 m LOA have, contrary to what is observed on page 33 of the Report (last paragraph), been recognized globally as deep-sea fishing vessels. Even the Indian Ocean Tuna Commission (IOTC) includes vessels < 20 m LOA in its database (see www.iotc.org/vessels/current). There are registered Indian vessels < 20 m LOA in the IOTC database.

Buffer zone

13. The recommendation in the Report to adopt a 200-500-m bathymetric area as a buffer zone to diversity the existing fishing fleet and to rejuvenate fishery resources in the nearshore and offshore waters would, in our view, lead to fostering inequity. Such a recommendation would tend to reward fishing vessels along the seaboard of a coastal state with a broad continental shelf (for example, Gujarat) to accommodate structural change in its fishing fleet, and would unfairly penalize fishing vessels along the seaboard of a coastal state with a narrow continental shelf (for example, Tamil Nadu) to forego any such fleet-restructuring option.

14. The scientific rationale for proposing this marine strip as a buffer zone is opaque. There is no evidence, whatsoever, offered in the Report to suggest that most commercial fishery species are breeding in this zone along both the western and eastern seaboards. Moreover, it is unclear, in our view, how such a zone would augment fishery resources in both the nearshore and the offshore
waters. Is there, for example, any scientific evidence to support this equitable replenishment theory? Also, the use of a buffer zone appears inappropriate since there is no active fishing fleet in waters beyond the 500-m depth contour. (According to the Oxford English Dictionary, a ‘buffer zone’ means a zone lying between two others to prevent hostilities between them.)

TOR 4: To examine the status of compliance of regional and global requirements of management and regulation of marine fisheries, including CCRF and proposed FAO Guidelines on Flag State Responsibilities

15. Within the framework of rights and duties of Member States of the United Nations and its Specialized Agencies, we are fully supportive of complying with all legal instruments that India has endorsed or is party to. The attention given to the progressive implementation approach under the International Labour Organization (ILO) Convention concerning Work in the Fishing Sector (ILO Convention 188), we hope, will be transposed into national labour legislation in fishing, and would lead to ratifying the Convention. Needless to say, the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF) and the 2014 SSF Guidelines to complement the Code, would greatly contribute to the sustainable development of fisheries and the social development of fishing communities.

16. Several World Trade Organization (WTO) Agreements, such as the Sanitary and Phytosanitary Agreement, the Technical Barriers to Trade Agreement and the Agreement on Subsidies and Countervailing Measures, are relevant to fisheries as well. Some of these agreements cross-reference multilateral environmental agreements (MEAs) such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS, or the Bonn Convention). It may also be important to consider the United Nations Framework Convention on Climate Change (UNFCCC). The short-term and long-term implications of these multilateral obligations to the fisheries sector should be well understood and articulated to all the primary stakeholders.

17. Regarding important resolutions of IOTC mentioned in this chapter, some of them have already been superseded by new resolutions (for example, Resolution 08/02). Some others have a different object than what is mentioned in the Report. In regard to Resolution 05/01, for example, the action proposed for a fleet-development plan is for bigeye tuna but not for other tuna resources. Also, whilst discussing the Convention on Biological Diversity (CBD), it should be flagged that the jurisdiction of CBD is up to the limit of the territorial sea (that is, up to 12 nautical miles from the baselines), and not up to the limit of the EEZ. This is the richest area in terms of marine and coastal biodiversity that needs careful consideration from the perspective of conservation and sustainable use of marine and coastal biodiversity.
Concluding Remarks

18. Making the Report available to the public and seeking feedback in a transparent manner is a particularly welcome development. We see the Report as offering an opportunity to all stakeholders to reflect on recommendations related to proposed changes in the national fisheries policy as well as to developing EEZ fisheries. The Report further provides an opportunity—perhaps for the first time—to understand marine and coastal fisheries issues from the perspective of India’s international obligations that are required to be upheld.

19. Whilst agreeing with most of the recommendations made in the Report, we retain certain reservations about some others. We support the recommendations related to developing a new comprehensive marine fisheries policy, especially by setting up a new committee to formulate this policy, and to promote compliance with international legal regimes that India is party to (TOR 1 and TOR 4, respectively). We have made some additional suggestions to be considered as part of developing this policy, including integrating the 2014 FAO SSF Guidelines and the ILO Work in Fishing Convention, 2007, into relevant legal instruments.

20. We have serious doubts about some of the recommendations dealing with TORs 2 and 3, especially with regard to fleet development for oceanic tuna resources employing LOP vessels, and the rationale for creating a buffer zone between 200-m and 500-m isobaths. We believe that the joint-venture policy has not met its planned objectives since the inception of the Charter Policy in 1981, and has neither contributed to increased fish production nor to facilitating knowledge and technology transfer to the indigenous fishing industry. Such a policy should, therefore, be rescinded. Local fishing vessels, especially the Thoothoor longliners, which are based on indigenous knowledge and skills and local capacity, should be promoted since they appear to be the most viable type of fishing vessels for oceanic tuna fishing in the Indian EEZ.

21. In sum, we hope all the innovative recommendations of the Report that promote equity, sustainability and self-reliance in the Indian fisheries sector are endorsed by the Government of India and are implemented in a time-bound fashion.

Chennai
22 September 2014