

Comment

Jaws: the ban

India is the second largest producer of elasmobranchii (sharks, rays and skates) in the world, after Indonesia. Shark fin from India is exported to Chinese consumers around the world, while, domestically, shark meat is consumed in the hinterland of south India.

In 1999, the total production of elasmobranchii was around 70,000 tonnes, about 75 per cent of its maximum potential yield, as estimated by the Central Marine Fisheries Research Institute of India. Yet, on 11 July 2001, India's Ministry of Environment and Forests (MoEF) banned all fishing of sharks, finding it expedient to bring all elasmobranchii under Schedule I of the Wild Life (Protection) Act, 1972.

That blanket ban was a terrible blow for over 120,000 Indian fishers. Not surprisingly, they reacted vehemently. A Joint Action Council, backed by the National Fishworkers' Forum and the South Indian Federation of Fishermen Societies, began a spirited campaign against the ban, which included a sit-in by nearly 500 fishermen before the MoEF.

Was such a ban ever warranted? Indian seas are home to at least 57 species of shark, of which 18, according to the IUCN Red List, are in the 'Lower Risk' category and four are in the 'Vulnerable' category. Just one freshwater species, Ganges shark, is in the 'Endangered' category, but it is no longer found. Significantly, none of the Indian species is listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Protection is meant for species that are endangered or threatened with extinction. The initial rationale for the ban, therefore, is unclear. Only four species in the 'Vulnerable' category and one in the 'Endangered' category can, rationally speaking, be brought under the purview of the Wild Life (Protection) Act. Why then were all species of shark banned initially? Were Indian officials quick to apply different criteria?

Consider how other countries have dealt with the issue of protecting elasmobranchii. The United States has imposed a ban on dusky shark, sand tiger (grey nurse) shark, night shark, white shark and smalltooth sawfish; the Philippines, on whale shark and manta ray; Maldives, on whale shark; the United Kingdom, on basking shark; Australia, on grey nurse shark, speartooth shark, northern river shark, whale shark and great white shark; and Malta, on white shark, basking shark and manta ray. All these are 'Vulnerable', 'Endangered' or 'Critically Endangered' species, according to IUCN.

These arguments seem to have hit home. On 5 December 2001, the MoEF, in another Notification, further amended Schedule I of the Wild Life (Protection) Act. Now, only nine species of shark and ray—listed 'Vulnerable', 'Endangered' or 'Critically Endangered' by IUCN—are on the protected list. This list, incidentally, also includes speartooth shark, which is not found in Indian waters. This is a far cry from the earlier blanket ban. India thus narrowly avoided the dubious distinction of becoming the first country in the world to protect all sharks, irrespective of their status in the IUCN Red List.

This entire episode is a wake-up call. Fishers, rather than feeling complacent, should push for sensible fisheries management plans for effort control and limited entry, to ensure that shark (and other) fisheries are sustainably managed. Implementing FAO's International Plan of Action for Conservation and Management of Sharks (IPOA-SHARK), elaborated within the framework of the Code of Conduct for Responsible Fisheries, can help this process.

The analysis on the ban in this issue of *SAMUDRA Report* (see page 3) was written before the 5 December Notification. It was, in fact, based on a presentation to the affected fishers as part of their campaign. Nonetheless, the analysis clearly establishes the need for considered and responsible actions, not ill-conceived trigger-happy decisions.

