

Tamil Nadu fisheries

## The twilight zone

**The experiences of zoning for small-scale fishermen in Tamil Nadu, India reveal both potential and hazards**

One of the suggestions made to protect the livelihoods of small-scale fishermen throughout the world is the installation of special artisanal fishing zones. Such zones would make inshore fishing areas off-limit to industrial fishermen and, correspondingly, reserve them for small-scale operators. The experiences of Tamil Nadu's zoning from the 1970s onward point out potential hazards as well as conditions necessary for the success of such arrangements.

At the onset of the so-called Blue Revolution in the early 1960s, Tamil Nadu had thousands of marine fishermen, operating from small hamlets along its 1000-km long coastline. These fishermen generally confined their operations to an innermost sea area, which roughly coincided with the contours of the continental shelf. Seasonal migration took them up and down the coast, but rarely further than 10 km from shore.

The government's promotion of trawling technology drastically changed the seaside panorama. By the late 1960s, harbour centres berthing small trawlers had developed all along the coast, and conflicts between trawler and artisanal fishermen were rampant. The main problem was that trawlers ventured inshore to catch high-value shrimp. Not only did they intrude on grounds that artisanal fishermen considered theirs, but the trawlers also caused extensive damage to artisanal fishing gear.

These confrontations resulted in major unrest. The State government, anxious to keep the peace, constituted committees to investigate and settle whatever incidents came to its attention. At the same time, it started to explore available policy choices. One of its core options was the physical

separation of the antagonists through the installation of distinct fishing zones.

As the government of Tamil Nadu exerted strong control over access to trawling technology in the first phase of modernization—most trawler fishermen depended on the government loans and construction schemes for their vessels—it first tried out this lever. Around 1968, the Fisheries Department included a clause in its contract, stating that recipients of trawling gear could only fish outside a limit of three nautical miles.

This clause is important as it constituted the first, albeit indirect, mention of an official artisanal fishing zone in Tamil Nadu. However noble its intent, the measure failed to make a dent on the flow of the 'pink gold rush'. As trawlers did not bear registration marks, violators of the clause could not easily be identified. Moreover, the clause's foundations were shaky, such as in the case of a transfer of ownership. Could the new trawler owner be held to the original terms of agreement? The Fisheries Department had its doubts and rarely seems to have pursued the matter.

In 1978, after serious riots between artisanal and trawler fishermen rocked Tamil Nadu's capital, Madras (now Chennai), the State government decided to formulate legislation based on the distinction of fishing zones.

### Long-drawn process

Realising, however, that law-making is a long-drawn process and that immediate action was being expected, the government immediately issued an executive Government Order (GO 881 of 1978). Alongside other measures such as time zoning, GO 881 prohibited trawling activities within a 3-mile inshore zone. For



the first time, the government also made attempts to *mark* this zone by means of a series of 'country buoys'. As the name suggests, however, these markers were so elementary that the first storm washed them away.

**T**rawler fishermen straightaway challenged GO 881 in court. It was not the 3-mile rule which incurred most of their wrath, however; it was time-zoning. According to the order, time-zoning implied that trawler fishermen remain in port during the night, only to be released at 6 a.m. Not only would this deny them the best fishing moments (night-fishing purportedly being more productive than fishing in daytime), it also closed off fishing grounds that could not be reached in a day's voyage. Most seriously, time-zoning stood a great chance of being *enforced*, as it involved no more than installing a chain across the harbour mouth.

In response to the appeals, the High Court of Chennai imposed a stay order suspending GO 881's main clauses for several years. The order was finally superseded by the Tamil Nadu Marine Fishing Regulation Act of 1983. This Act continued along earlier lines, decreeing the introduction of geographical fishing zones as well as time-zoning arrangements for trawler fishermen. It too was greeted by a flurry of court cases from disquieted trawler owners.

Interestingly, one of the plaintiffs argued that if trawler fishermen were to be relegated outside the 3-mile zone, artisanal fishermen should be obliged to stay within. Although this was contrary to the import of the Act, which did not make any mention of a mandatory zone for artisanal fishermen, the district court judge who was handling the case felt otherwise. According to his decree, artisanal fishermen not only enjoyed a preferential *right* to a separate inshore zone, it was also their *duty* to confine their operations to this area. This, of course, artisanal fishermen protested against.

As in the case of GO 881, courts pronounced stay orders on the Act of 1983, and it was only toward the end of the decade that the various legal objections were definitely refuted by the Supreme Court of India. During all this time, the State government was unable to enact any of its fishing regulations.

By 1995, the situation had fundamentally changed. Although time-zoning was still in cold storage, the Fisheries Department was now free to implement other sections of the 1983 Act. The 3-mile rule was its showpiece regulation. Any beachside visitor, however, could tell that it was poorly observed. In fact, trawler fishermen regularly encroached on inshore waters, and conflicts with artisanal fishermen persisted. It is instructive to consider why the 3-mile rule

was, and is, so badly implemented by the State government.

**O**ne of the basic factors is a lack of political will. This is related to the fact that trawler fishermen wield considerable clout in Tamil Nadu, whereas the movement of artisanal fishermen has lost force since the 1970s. Fisheries Department officers charged with enforcement thus receive insufficient backing to undertake sensitive missions, such as the apprehension of trawlers. Another reason is found in the Act's motivation, which is primarily of a social nature. Like similar legislation in other parts of the world, its main goal was the resolution of social conflict, not the management of depleting marine resources. Once overt conflicts died down, government attention was once again diverted.

The character of coastal fisheries and the set-up of fisheries management also posed formidable barriers to the enforcement of an artisanal fishing zone. Where does one find the resources to install an infrastructure capable of guarding a 1000-km long coastline? And how does one establish encroachments, if the artisanal fishing zone is unmarked and participants lack advanced positioning technology?

In 1995, the Fisheries Department in northern Tamil Nadu owned only one

small speedboat and a small crew to patrol 400 km of shore. This boat was slow and frequently out of order. In addition, officers generally lack sea legs and are reluctant to set out for sea, fearing molestation and other unpleasantness. The prevailing reality, therefore, is that patrolling seldom occurs, and fishermen are left to settle any problems that arise amongst themselves.

This directs attention to the management set-up. In spite of the fact that fishermen along the Coromandel Coast of India have a long and rich tradition of resource management, their institutions do not enjoy any official recognition. As it is, the State government is the sole authority for fisheries regulation and enforcement with regard to inshore waters. There is, however, a mismatch between governmental capacities and the sweep of fisheries legislation. Under present circumstances, the 3-mile rule in Tamil Nadu mainly has a token value.

The idea of artisanal fishing zones derives its charm from its comprehensiveness as well as its simplicity. It ventures a simple and apparently effective solution to the problems of artisanal fisherfolk. Developments in Tamil Nadu, however, indicate potential obstacles and potholes.

#### **Unenforceable rule**

An important question is whether it is worth striving for an artisanal fishing

zone if the rule cannot be enforced. Many inshore fishing zones are heavily contested, and industrial fishing interests do not give up their stakes without a fight. Political support is imperative to achieve any success.

**I**t also helps if a proposal stands a real chance of being implemented. Declaring an artisanal zone many kilometres in length and badly marked does not contribute to its realization, particularly if staffing and resources are meagre. Co-management arrangements of government, together with fishermen, might form a solution, provided fishermen are also given official enforcement authority. To my knowledge, however, this has not been tried out seriously at a more than local level in Africa, Asia or Latin America. Many governments are wary of decentralization and the loss of power it implies, and will not readily concede far-reaching co-management arrangements.

This does not deny the potential value of artisanal fishing zones as an instrument of fisheries management. It does suggest, however, that the scheme should be well designed and tested.

The Tamil Nadu experience finally makes clear that the successful enactment of any measure to defend the interests of artisanal fishermen requires concerted and enduring effort. The proclamation of GO 881 and the Tamil Nadu Marine Fishing Regulation Act of 1983 was directly related to the activities of the artisanal fishermen movement in India. This movement, starting in Tamil Nadu and in Goa, soon developed into a potent nationwide force. The decline of the same movement in Tamil Nadu after the 1970s, likewise, constitutes one of the main reasons for the non-implementation of available legislation. To achieve success, political momentum must clearly be maintained over a long time period. For many fishermen movements, this is a huge challenge.

This article is by Maarten Bavinck (mbavinck@siswo.uva.nl) of the Centre for Maritime Research (MARE), University of Amsterdam, The Netherlands