

Chewing the Policy Cud

Reflections on the ICSF workshop and recommendations to India's draft National Inland Fisheries and Aquaculture Policy (NIFAP), September 2019

The International Collective in Support of Fishworkers (ICSF) organized a national workshop to discuss the draft National Inland Fisheries and Aquaculture Policy (NIFAP), being finalized by India's Union Ministry of Agriculture and Farmers' Welfare. The main objectives of the workshop, held in Kolkata on September 6-7, 2019, were to review existing social and ecological knowledge-gaps, to develop long-term and short-term recommendations—action points—for implementation, to integrate the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines) with NIFAP, and to build capacity and awareness of fishers and fishworkers about the draft policy and its realization.

The workshop intended to generate discussion on the factors that could influence processes and outcomes of existing and proposed inland fisheries governance systems. It embraced a human-rights-based approach (in accordance with the SSF Guidelines) to address the needs of vulnerable and marginalized fishing groups. The workshop was an important step towards expanding the relevance and scope of NIFAP by connecting it with on-ground experiences of the participants. It brought together fishworkers—men and women—fisheries scientists, academics, policymakers, activists, community workers, and non-governmental organisation (NGO) representatives.

Five months on, the recommendations that evolved from the workshop can be broadly classified, analysed and mapped. By understanding the core positions from which discussions took place

and reflecting on the conflicts and complementarities that emerged, it is possible to detail their positive outcomes—and some difficult questions they have left behind.

The NIFAP vision

NIFAP provides the Indian states and union territories with guidelines to implement fisheries management. It helps identify and prioritize sustainable management and governance of inland fisheries and aquaculture. Its vision is: “ecologically healthy, economically viable and socially inclusive inland fisheries and aquaculture that generates gainful employment and economic prosperity.” Other objectives pertain to increasing fish production

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and fishers' living standards, to create gainful employment and marketing opportunities, and to ensure food security while conserving native fish genetic stocks and associated ecosystem services from fisheries, in a complementary manner. NIFAP advocates an ecosystem approach to fisheries management and recognizes significant scope for utilizing the potential of inland waters for commercially viable fish production. It also incorporates a wide range of issues, including development of post-harvest and trade, gender equity, governance, stakeholder participation, public-private and community partnerships and market support, among other things.

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The chair of the NIFAP drafting committee addressed the workshop participants and said that the time had come to move from mass production to “production for the masses”. Given this intent and vision, we must bear in mind the various challenges to implementing the NIFAP. Fisheries researchers and forums have emphasized that the policy’s implementation across states needs more discussion. This pertains especially to addressing issues of rights that are essential to realizing the benefits of fisheries, as also to acknowledge and engage with conflicts over fishing rights and access that complicate effective governance of inland fisheries.

Inland fisheries are complex, diverse and dynamic socio-ecological systems. Varied outcomes are expected when the NIFAP is superimposed upon and adapted to locally changing and socially contingent realities. These stem from the varied characteristics of ecosystems and social contexts—including cultural practices, community norms, power relations, and history—in which inland fisheries relate with broader social objectives. The diversity of existing policies, legislation, and institutional arrangements at the national and subnational levels highlights the need to find consensus principles for

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implementation, which can be brought about by combining NIFAP vision with the SSF Guidelines.

Classifying the recommendations

Overall, 50 recommendations emerged from the workshop. They were organized as per the themes of awareness and outreach, data gaps and review needs, pollution and health issues, gender issues, and interventions in legislation and policy issues. Almost 50 per cent of the recommendations were related to legislation and policy-related

interventions. Discussions on rights and entitlements, responsibilities, co-operative management, environmental protection, restoration, and sustainable use of fisheries resources, livelihood security, and gender issues dominated the suggested final recommendations.

The themes on data gaps, awareness and outreach, pollution and health, and gender issues were strongly linked. An encouraging sign in the recommendations from these themes was that ecological, environmental, social and policy research figured as critical to address the existing gaps. The degraded or deteriorating ecological condition of India’s rivers and floodplain wetlands was repeatedly flagged by several participants. Their emphasis included the recognition of ecological flows, not just minimum flows, for conservation of fish resources as well as biodiversity; fisheries studies to understand fish responses to hydro-climatic changes; impacts of dams and barrages on river flows; fishing practices that are illegal and regarded as destructive; generation of basic knowledge on fish ecology and biology; and biological assessments of water pollution status.

The degree of water pollution and impacts of hydrological modification on riverine-wetland fisheries had to be assessed at large landscape or region scales. The formalin problem in fish from Andhra Pradesh, which was experienced across eastern India in May-June 2019, was a strong reference point in discussions during the workshop. A complete ban on dangerous additives, improved sanitation at fish markets and accessibility to soil and water labs were some crucial recommendations for these issues.

Sanitation and health issues were also directly connected with sustaining the involvement of women in fishing and fisheries’ work. Poor literacy, lack of a secure working environment, limited social bonds and networks, and their decreasing participation were strong hindrances for women in fishing communities.

Social science research was proposed on a range of subjects, including demographic and socioeconomic data, legislation, fishing practices and

cultural beliefs, seasonal fishing activity especially in poorly-known irrigation ponds and canal systems, and migration of fishers. Participants highlighted the need for focused attention on fishery conflicts with business interests, especially tourism, industry and aquaculture. Key recommendations included the need to promote gender-sensitive and gender-disaggregated research and data on women's involvement in inland fisheries.

The call for rights

The primary drivers of legal and policy recommendations were the perceived gaps related to recognition of rights, awareness about rights, allocations of rights through equitable and just ways, the minimal right to water, collective and individual rights, community rights, and so on. NIFAP states the minimal right to water but the call for recognizing fishers as the primary non-consumptive users of river water is equally important. It was driven home by activists that the National Water Policy of 2012, which guides the grant of rights to water use, does not even mention 'fishers' or fisheries as important stakeholders. The Policy thus needs revision to include fishers' inalienable rights to water. Recommendations towards the recognition, definition and formal or legal codification of rights came mostly from fishworkers and their institutional representatives across several states.

The call for rights involved the recognition of a large bundle of rights. A key aspect of the recognition of rights was their diverse origins. Rights demands were pervasive across categories, and hence most important to engage with. The recommendations involved demands to replicate community-based fishing rights akin to community forest rights to be granted as per the provisions of the Forest Rights Act, 2006. The need to secure the rights of fishers by modifying national and state management priorities and institutional structures was also expressed. Institutional processes towards maintaining rights also needed to involve rural self-governments (panchayats, tribal councils, societies) and co-operative

functionaries. Examples of successful governance could be shared for their application in other contexts.

Overall, some important recommendations emerged. It was discussed that fishing rights could be granted on a hierarchy of needs: from locality-based rights (proximity to water body) to traditional identity, and to preferences and priorities of fishing communities. Women also needed to be recognized as fishers 'in their own right' and not through their status as dependents of fishermen. In river channels, community rights over access and use were thought necessary to prevent conflicts over open access, which remains the dominant mode of access for riverine fishers. Similarly, leasing periods should be increased up to 10 years in water bodies fished through leasing arrangements. Shorter leases might lead to overharvesting. For large reservoirs, while lease systems were needed, stocking rights and responsibilities could be granted to communities. This could bring a sense of stake and ownership to the fishers involved in leasing regimes. Special arrangements are also needed to secure rights pertaining to dynamic shifts

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in the spatial extent and characteristics of the fishing areas; this bears upon tenurial uncertainty in river channels and estuaries due to flooding, meander cut-offs, frequent and rapid erosion-deposition processes. Inland water bodies in India are almost always multi-use systems. Hence the issue of equitable management comes to the fore, when fishery rights compete with other rights to the same water. It was discussed that the 'first right' to use water to fish must be granted to fishing communities. The compatibility of such rights with other uses needed to be ensured.

The rider of responsibilities

It was stated throughout the workshop that the enjoyment of fishing rights

came with responsibilities of fishers towards protecting human rights, social harmony, economic opportunity and equity, and environmental conservation. The demand for fishing rights and tenure thus needed to include voluntary expression by fishing communities of responsibilities towards environment and biodiversity conservation, prevention of crime, and prevention of human exploitation in the form of child labour and forced labour. Fishing involved risks both to and from biodiversity. In inland waters, where fishers interacted closely with threatened species, therefore, there was a need to identify ways in which any mutual negative impacts could be minimized. To do so, conservation laws for biodiversity could not be side-lined, while securing fishing rights. The risk of bycatch of threatened species in fishing gear, the introduction of exotic and potentially invasive species in inland waters, disease spread and the contribution of fishers to plastic waste pollution were some of the issues discussed.

In light of the already noticeable impacts of climate change, 'climate-smart' fisheries and aquaculture needed identification, especially in the aquaculture sector. Fishers agreed that fishing rights came with responsibilities. However, when rights had not been granted, responsibilities are being imposed without the rights getting granted. Responsible tenure and rights are essential to the effective

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and sustainable governance of inland fisheries, but existing laws and regulatory regimes do not allow for both. In this regard, it was proposed that a review of fishing policies be undertaken in relation to legislation on biodiversity and environment, and other social issues. This would mean amendments to existing regional and national laws concerning fisheries and

environment laws, such as the Forest Rights (Traditional and other Forest-Dwellers) Act, 2006 and the Wildlife (Protection) Act, 1972.

The appeal for improvement

A significant part of the discussions focused on safeguarding and improving the condition of fishers. Numerous gaps remaine unaddressed: disaster relief and insurance schemes for fisherfolk who are the most vulnerable to disasters such as cyclones and flooding; protection from harassment related to corruption and crime and its tussle with law enforcement (for example, the suspicious activities associated with sand mining); measures for full social security and safety of fishworkers during work; reviving and restoring wetlands for urban and rural poor who could avail of their fishing benefits; and mechanisms for grievance redress.

Many recommendations also involved structural changes in the working of fisheries departments and their governance systems. The need for independent fishery departments in all states was strongly felt, because currently, fisheries are often managed together with agriculture and animal husbandry. Independent fisheries departments could be more active in directly addressing the needs and grievances of fishers, especially with regard to constitutional violations of human rights and fishing rights.

Improvements in the staffing and technical capacity of fisheries departments were recommended, as also increase in extension and training for fisheries development. Reviews of fishery legislation and co-operatives across states were wanting, and a priority for upcoming planning of inland fisheries and aquaculture development was welcomed. Value addition of fish produce was a major area of intervention called for. In fish supply-chains, reducing the length and role of market intermediaries could help add value and secure consistent prices for fish. In the case of water bodies on which major fisheries depend, inter-sectoral and inter-departmental co-ordination at the state-level, between states, and between the state and national levels was identified to be of utmost importance.



Group photo of Kolkata workshop on India's National Inland Fisheries and Aquaculture Policy (NIFAP), September 6-7, 2019. It is hoped that the collective learning at the workshop will remain cognizant of generally unacknowledged realities

Co-operatives in special focus

A major strand of discussions throughout the workshop was the performance of co-operative institutions in inland fisheries. It was vehemently emphasized by the director of the National Federation of Fishers Co-operatives Ltd. (FISHCOPFED) that co-operatives were the most widespread institutions in India. They were thus best placed to grant community rights in inland fisheries. However, their failure in doing so, over the past decades of their existence deserved critical attention. The ineffectiveness of co-operatives emerged repeatedly and throughout, as also the need to overhaul or revisit many basic assumptions about them. The recommendation to have state-level reviews of co-operative institutions to identify the factors responsible for their current functioning and their relevance to fishing rights and tenure was made in this respect. It was suggested that model studies on selected co-operative institutions that were both regarded as 'successes' and 'failures' be undertaken. Women's co-operatives, on lines similar to those in Bangladesh, also needed to be created.

Fundamental questions

To realize and implement the above recommendations, some fundamentals needed to be known well. We still do not have accurate or precise estimates

of how many fishers are actively fishing in India, how many in each state, or who can be defined as a fisher. The participants learnt that clear or correct answers to these fundamental questions are still not forthcoming. Who are traditional fishers? More importantly, in a changing economy and climate and shifting ecological baselines, what do we mean by community, tradition and knowledge in inland fisheries?

The need for active applied research towards understanding more on these aspects was emphasized. It was pointed out that recognizing fishing rights based on traditional identity has direct connections with deep-rooted caste politics at local scales. How we overcome exclusionary politics over fisheries would be an important challenge to the sustainability and productivity of fishing tenure—in the process of granting rights and access to fishers.

Conflicts and complementarities

The dominant discourse of the workshop was on fishing rights, but the means to realize them were negotiated from multiple positions. Overall, there appeared to be broad agreement on the need for moving institutional regimes towards community-based and participatory management. Importantly, while the call for rights mostly came from fishworkers, activists and development workers,

government officials, scientists and NGO representatives emphasized more on the responsibilities of fishers that come along with their rights. The primary normative concerns of scientists were related to the state of freshwater ecosystems and their decline, which needed restoration for actually realizing the most benefits from the allocated rights. Legal concerns about the status of fishing rights in multi-use water bodies and the conflicts involved therein formed the mainstay of the views of scientists and officials. Scientists and policymakers often took a balancing position, while fishers and fishworkers remained largely focused on the granting of rights and access. The balancing or reconciliatory position was summed up well by a senior speaker, who said that we needed a “development-oriented” and “value-chain oriented” approach towards fishery management in a departure from current modes of operation, which are either only revenue-oriented or welfare-oriented.

There were some key outcomes of these alignments. First, several inland fisheries experts who were part of the drafting committee of the

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NIFAP were present; they did not appear overtly defensive of the NIFAP guidelines and were open to listening to the participants’ varied concerns. It appeared that the workshop had succeeded in facilitating discussion in ways that sustained the dynamic and adaptive evolution that was envisioned for the policy.

Second, almost all participants agreed that the state fisheries departments needed more autonomy and should be the central institution to the vesting and transfer of rights. This derived consensus leads us to think about what would be the hypothetical point where fishing rights would truly

become autonomous. Once fishing rights were granted according to sets of rules and principles, the role of the fisheries department role would be largely that of a regulator and an arbiter of conflicts. Or would it? A member of the audience asked why government officials do not initiate consultations with inland fishers proactively, rather than as reconciliation, response or reaction. This issue will remain as long as radical shifts happen towards stronger bottom-up management processes for inland fisheries. But such shifts have seen numerous endogenous and exogenous hurdles.

In the big policy vision for inland fisheries, there is a need to ideate about the social justice and ecological conservation goals that must be achieved first. A senior scientist said that fisheries has always been a “residual activity”. This must change to allow inland fisheries, especially capture-based fisheries, to develop in an organic way.

Today’s rights in future possibilities

The workshop tossed up difficult questions. One of the most telling examples of this came about in the exchange sessions when the translator for participants from Andhra Pradesh found it hard to share with the audience what he had just heard. The fisher representatives from Andhra had told him that the basis for providing fishing rights must be caste, that some so-called ‘lower castes’ had no business getting fishing rights. The translator appeared embarrassed as he went about translating. He told the audience that he was only translating and did not subscribe to what these participants had said. This shows how it’s impossible to wish away caste in any matter pertaining to traditional fishing rights. Typically, we treat human rights and fishing rights as inseparable in matters of fisheries sustainability and development. Sound research has highlighted that human rights and fishing rights show convergences and divergences. Human rights are universal whereas fishing rights are specific. Thus achieving one could come at the cost of the other.

When we speak of shifting institutional management towards community involvement, where is the community we are talking about? If the community is to be defined by caste and tradition, it could lead to the exclusion of other socially and economically marginalized fishers. If the community is to be defined by locality and spatial access, seasonal fishers that traditionally visit specific water bodies to fish might get excluded. In short, we cannot take for granted the idea of what makes a fishing community. This becomes particularly important in regions such as Bihar where community institutions have eroded and fragmented. With distress-linked out-migration being a major determinant of active fishers across the Gangetic plains, few fishers remain on the ground to assert their rights in many areas. If we must go by the numbers, most members of particular fishing communities may not be fishing. Will they be recognized as fishers and granted rights? These issues are by no means simple. Policymakers or the people fishing on the ground don't understand them in their complexity. But that does not mean that they remain neglected or wished away in our continuing engagement.

Conclusions

The ICSF workshop was a remarkable and invested effort. It facilitated serious discussions on numerous issues affecting inland fisheries governance, tenure and rights. The primary draw of the workshop was that it deliberated on several aspects before the finalisation of the draft NIFAP. This generates hope. With its diverse representation across regions, its elaborate and cross-cutting recommendations, it provides NIFAP with an excellent opportunity to move forward. The destination of 'successful implementation' must be reached by taking the path of recognizing the multi-dimensional nature of inland fishers' rights. But this path is not all roses.

As NIFAP embarks on the ambitious effort of guiding state policies on inland fisheries, it must also take on the challenge of conflicts across a range of politics. In times of deepening social

divisions, conflicts over identities, entitlements, priorities, resources and even histories, are very real in their political expressions. It is hoped that the collective learning at the workshop will remain cognizant of these generally unacknowledged realities. Will the implementation of NIFAP be successful in creating and sustaining a space for rights of inland fishers? Only time will tell. But a good beginning has been made at chewing the policy cud; more rumination always helps!.

For more

https://igsf.icsf.net/images/SSF%20India%20workshop/Kelkar_Situation%20Paper_Inland%20Fisheries%20and%20Aquaculture%20in%20India.pdf

Governance of Inland Fisheries and Aquaculture in India: Situation Paper in the Context of India's Draft National Inland Fisheries and Aquaculture Policy and the FAO SSF Guidelines

<https://www.icsf.net/en/samudra/article/EN/81-4391-Some-Grains-of-.html>

Some Grains of Salt, Samudra Report No.81, June 2019