

Governance questions in India's river-floodplain capture fisheries: access, rights, entitlements, and responsibilities

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**International Collective in
Support of Fishworkers**

A brief history

- Revenue from inland fisheries in British India
- Capitalistic relations, expanding supply chains, access to markets
- “Colonial hydrology” (D’Souza 2006) and fisheries management
- Shift to aquaculture dominance in production: rivers as spawn banks
- Social changes and changing contexts of fisher identity in colonial rule

Attributes of riverine capture fisheries in India

- Diversity of arrangements: private to state to cooperative to free-for-all
- Customary and informal modes of access
- Open-access with weak or no barriers to entry/exit
- Compromised and altered ecosystems
- Weak state control
- Community fragmentation, increasingly so!





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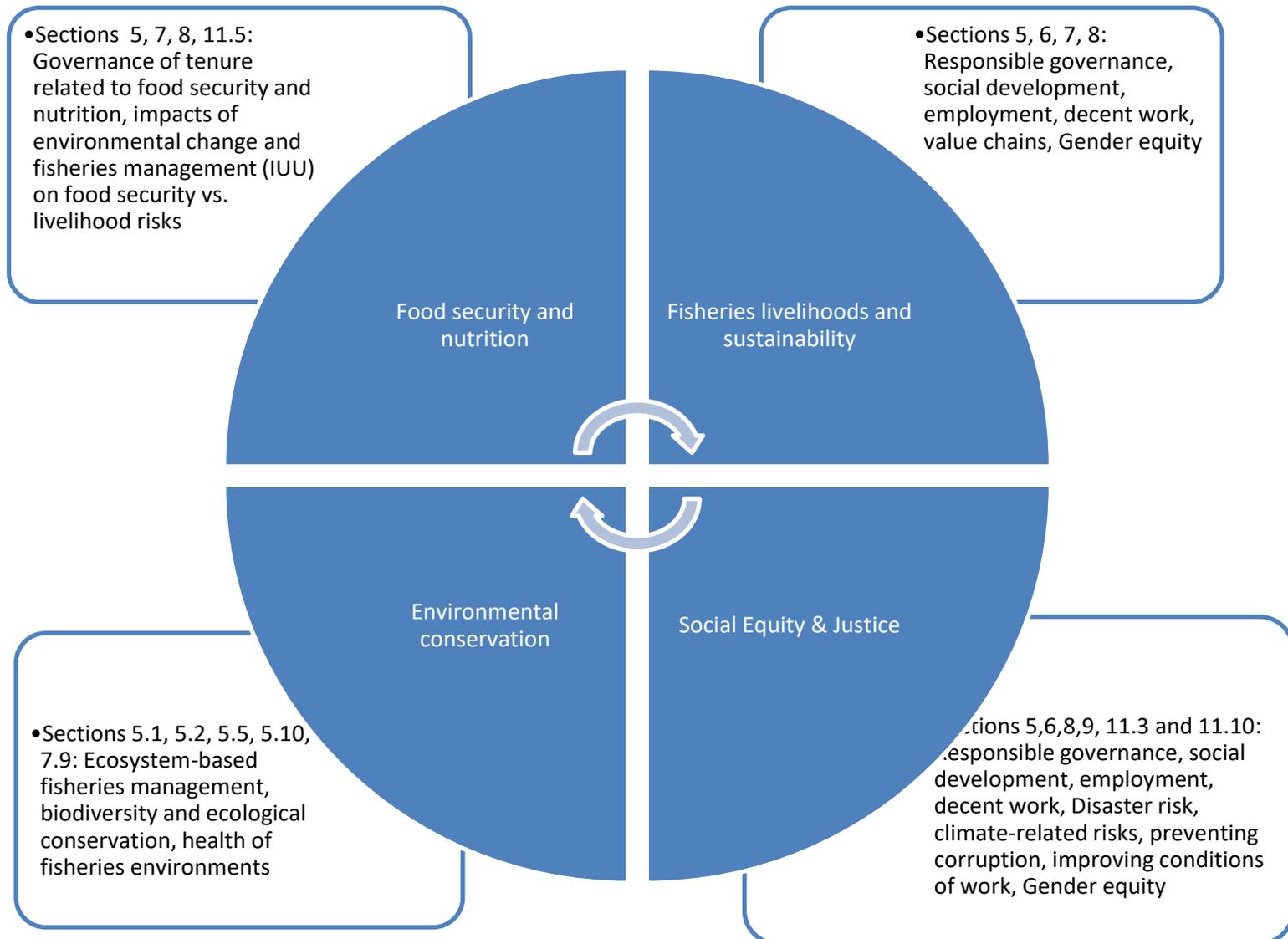
**A REVIEW OF GOVERNANCE AND TENURE IN INLAND CAPTURE
FISHERIES AND AQUACULTURE SYSTEMS OF INDIA**



Kelkar, N. & Arthur, R.I. (2022). A review of governance and tenure in inland capture fisheries and aquaculture systems of India. FAO Fisheries and Aquaculture Circular No. 1230. Chennai, FAO and ICSF. <https://doi.org/10.4060/cb8615en>

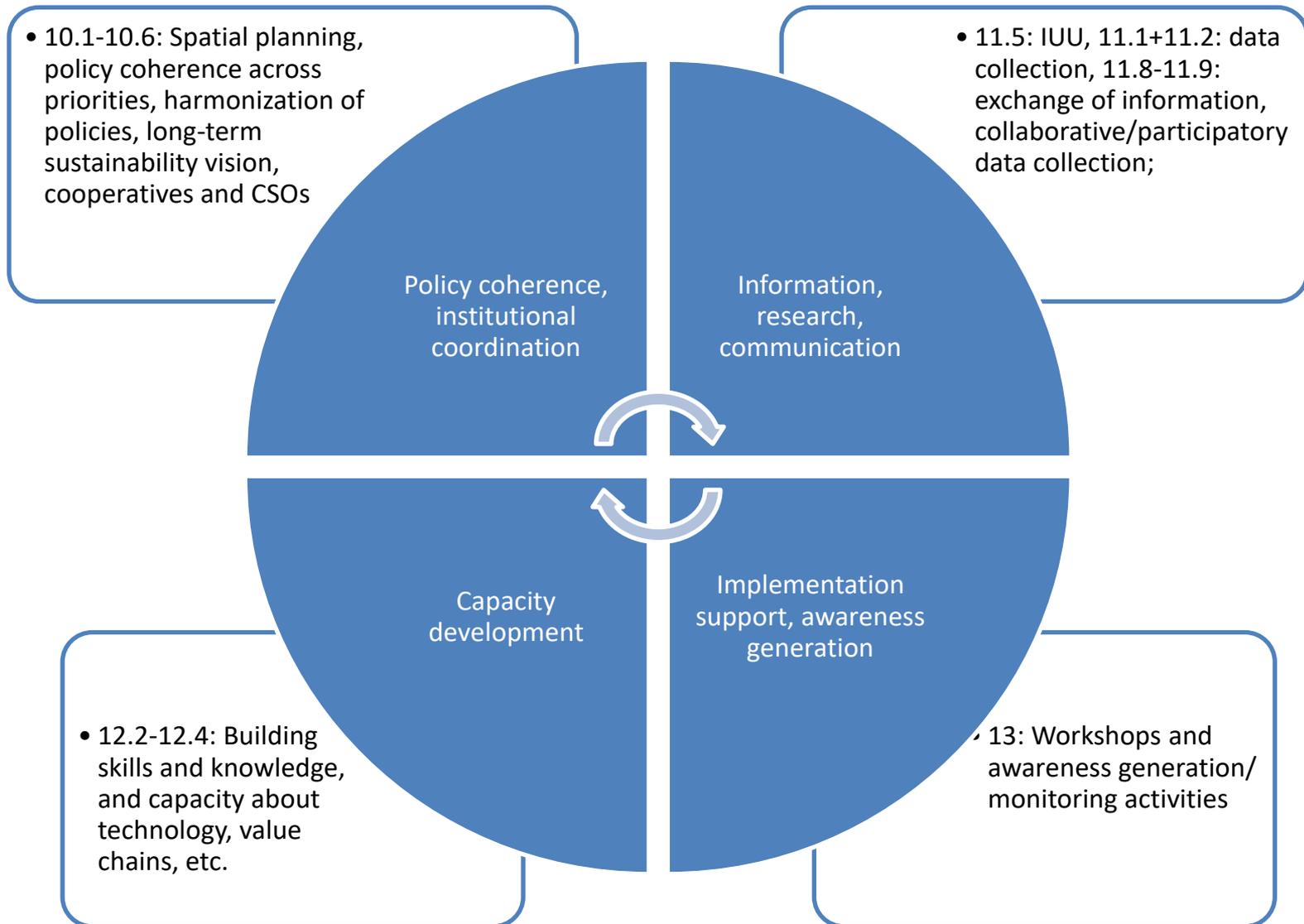
Voluntary Guidelines on Small-Scale Fisheries: sections 5 to 9

Normative Goals



Voluntary Guidelines on Small-Scale Fisheries: sections 10 to 13

Enabling conditions





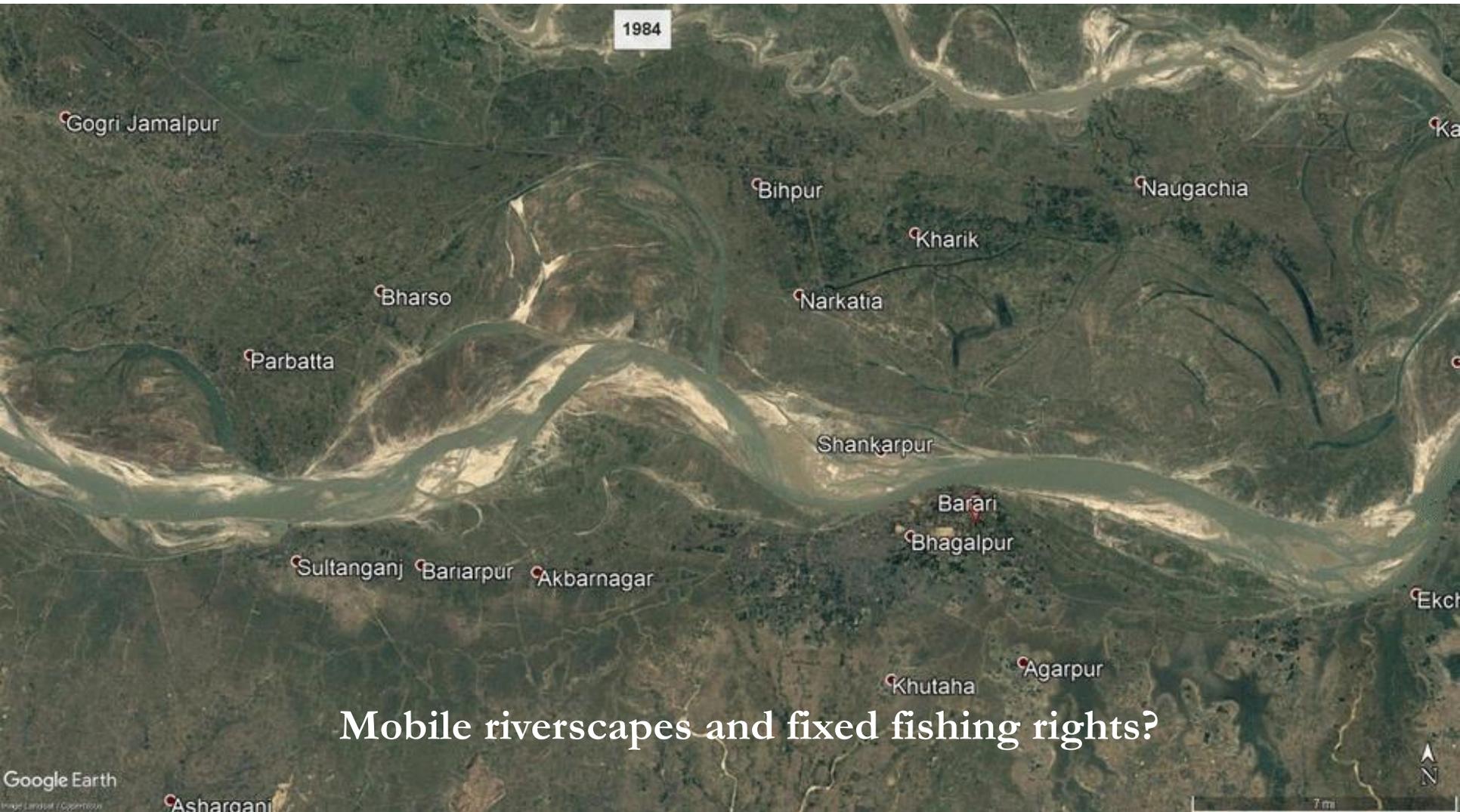
Normative concerns in capture fisheries management

- Sustainability of livelihoods and incomes
- Food security and nutrition
- Equity and justice
- Environmental conservation: biodiversity, ecology, resources

Trade-offs and synergies

Institutionally governed rights

- Private auction-leases: **profit** maximization
- Cooperatives: **distribution** of benefits
- Community arrangements: **self-reliance**
- Open-access: **survival** and **livelihoods**
- State-regulated: **balancing** revenues, social wellbeing, conservation



Mobile riverscapes and fixed fishing rights?

Google Earth
Image Landsat / Copernicus

Asharqani

Source: Google Earth

Courtesy: Native Picture | Nachiket Kelkar

Fishing rights and human rights

- Exclusive and universal rights – and attendant duties
- Importance of collective rights, not individual (5.6)
- Human rights across multiple water users (5.6)

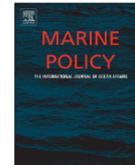
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Situating human rights in the context of fishing rights – Contributions and contradictions



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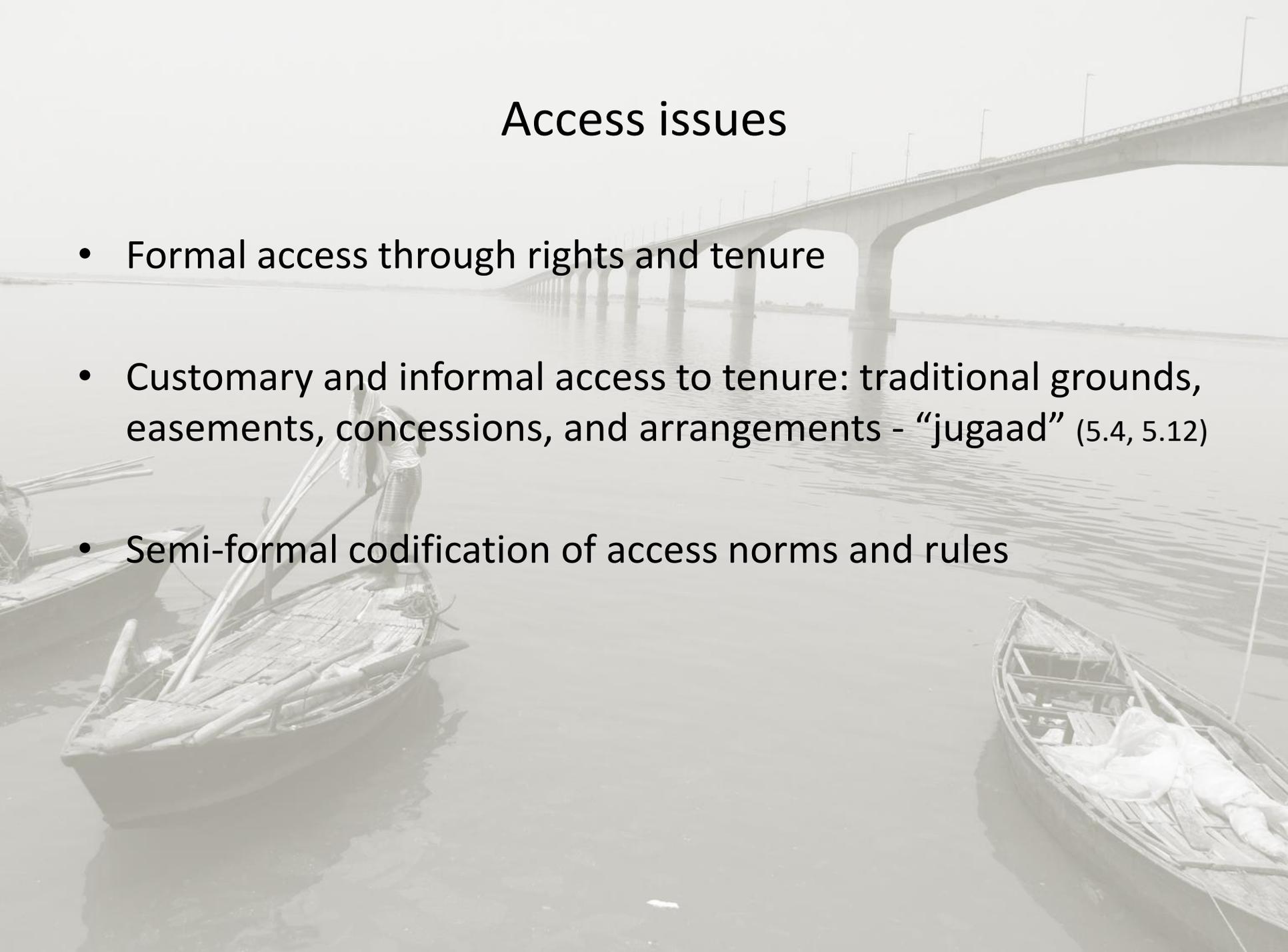
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^c The Fisheries Law Centre, Vancouver, Canada

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Access issues



- Formal access through rights and tenure
- Customary and informal access to tenure: traditional grounds, easements, concessions, and arrangements - “jugaad” (5.4, 5.12)
- Semi-formal codification of access norms and rules

Caste and tradition as constraints for granting access and rights

- Defining “traditional” communities and user groups (5.7, 5.12; common feature of most existing policies to grant preferential rights to traditional groups)
- Micro-political processes of exclusion
- Competitive caste politics and community fragmentation
- Invented traditions and evolving identities

Spatial entitlements

- Socially and culturally appropriate tenure rights to fisheries – water and adjacent land (5.3)
- Need to foreground spatial planning (10.2) for efficient management and coherent regulations
- Regulating entry and exit according to semi-formal codes

Harvesting rights and responsibilities

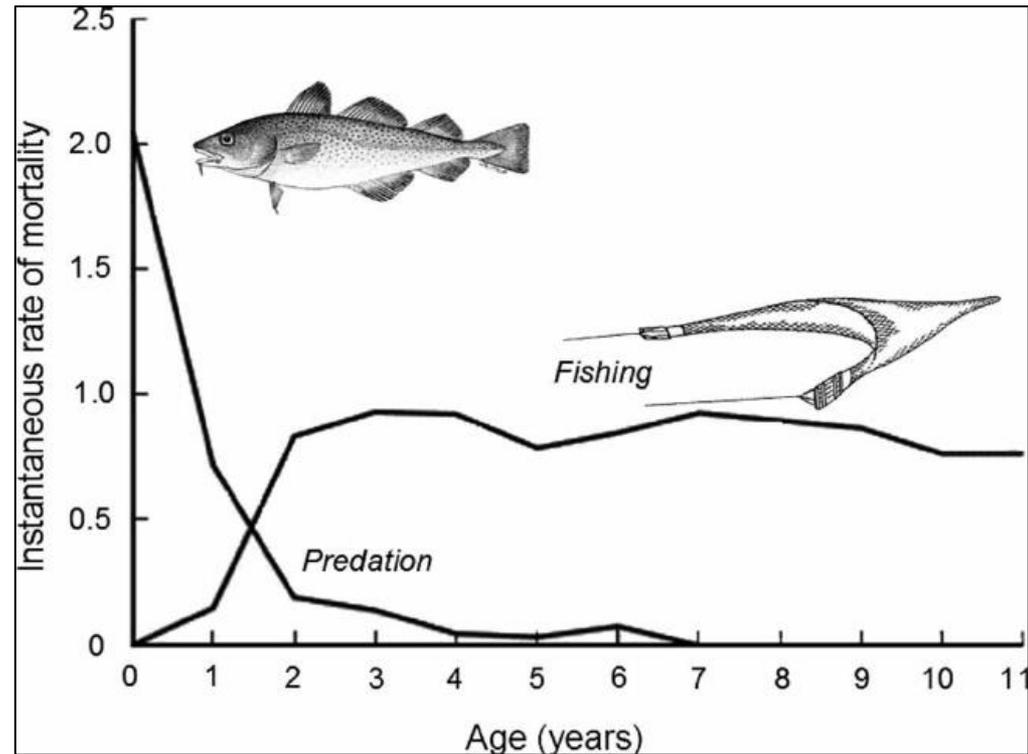
- Types of fishing practices and water bodies
- Environmental “pulsing” effects on fisheries sustainability
- Management decisions: effort versus selectivity or harvest timing
- Traditional and customary =? ecologically desirable

Tradeoffs between conservation, sustainability, and social justice?



New approach to multi-species, multi-gear fisheries management

- “Balanced harvesting”
- Effort regulations
- Ecological impacts (bycatch)
- Changes to law and policy



Kolding & van Zwiiten 2011

Overplaying overfishing?

- With a mass exodus out of fishing, present fishing impacts would surely be less than past
- Environmental change and fishing impacts: are we getting this right?
- Hyperstability and hyperdepletion
- Increased desperation in fishing practices
- What are the implications for EAFM?

Contradictions in policy frameworks and goals: an example

- **Promoting fisheries for nutrition and legal fishing: SIFFs¹ and minimum mesh size regulations**
- Growth overfishing paranoia in policy
- Changes in policy to recognize basic principles of long-sustained modes of harvest in multi-species, multi-gear fisheries

¹ Small Indigenous Freshwater Fish

Fishery departments and their role

- Current focus **only** on aquaculture!
- Mobility and opportunity into aquaculture may be limiting
- Converting river fisheries into a cooperatively run, self-sustaining, revenue-generating, and ecologically managed system
- Major overhauls in state policy needed

Fisheries turning into a criminal political economy

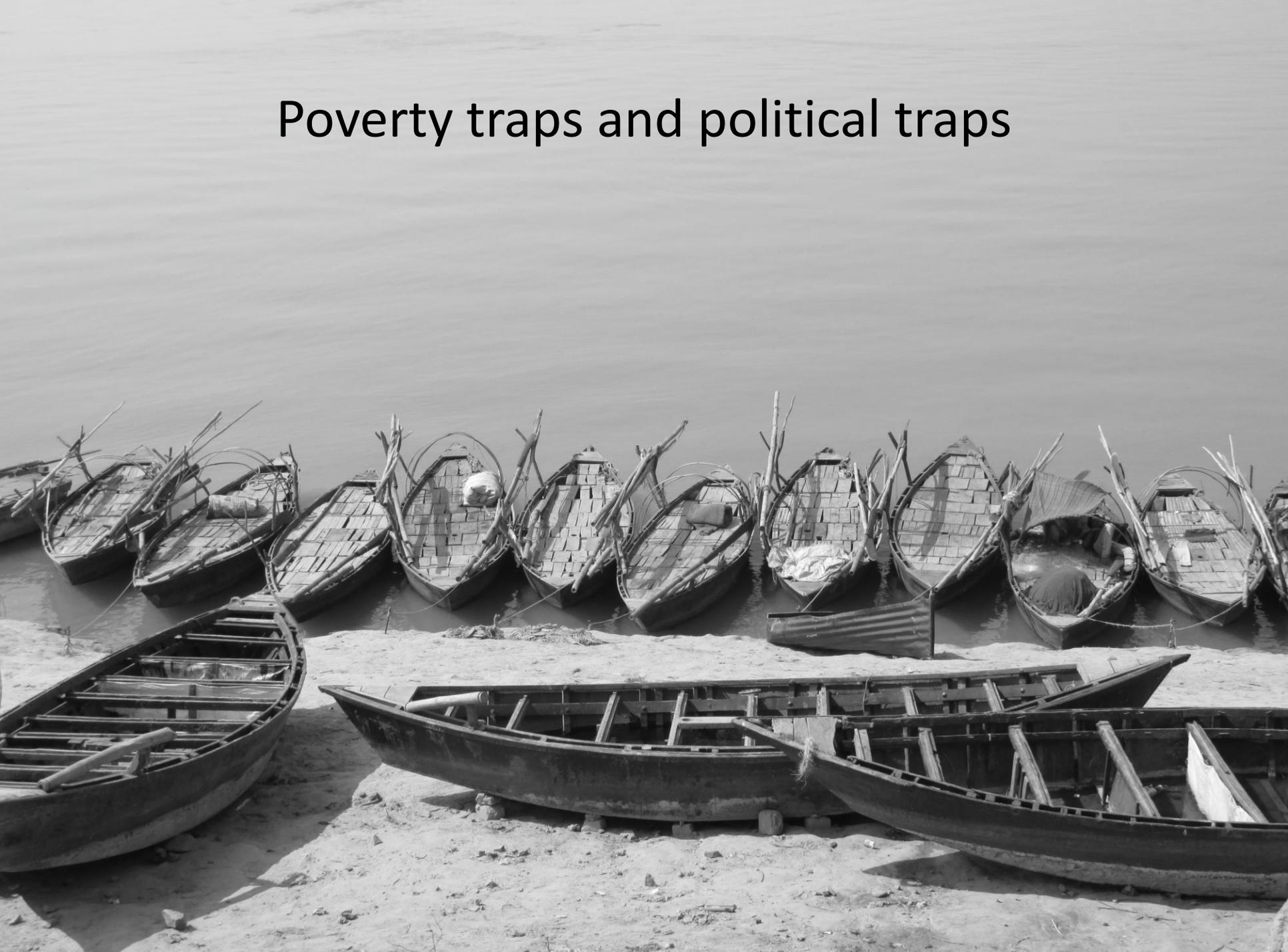
- State apathy towards capture fisheries: no revenue, “refuge for the poor” attitudes
- Increasing criminal control – similar to the problem of sand mining



Reviving co-operation and adaptive management

- Ecological flows and river restoration: compounded positives
- Stronger local institutions: **reviving cooperatives** and enabling community governance models for open water ecosystems
- Women's participation
- “New” identity politics and mobilization: hits and misses

Poverty traps and political traps



Three questions

- With the rapid and continuing exit of fishers from riverine capture fisheries, what will be the future of governance and tenure of these systems?
- In riverine capture fisheries, there are indicators that this system is transitioning into a "criminal political economy" in many regions. How should the role of state institutions and of local communities in governing capture fisheries be recalibrated to face this challenge?
- How can the function of cooperative institutions be rejuvenated for riverine capture fisheries, to address open-access conflicts?