

Report on

National Training of Trainers (TOT)

Workshop on the SSF Guidelines (Marine Fisheries)



October 13-15, 2022

Asha Nivas Social Service Centre, Chennai, India

Report prepared by Ahana Lakshmi and Nivedita Shridhar



International Collective in Support of Fishworkers Trust
www.icsf.net



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Front Cover

Participants at the National Training of Trainers (TOT)

Workshop on the SSF Guidelines (Marine Fisheries)

Front Inside

Enthusiastic participants during the activity session on day one of the workshop

Back Inside

Participant from West Bengal setting the paperboat on sail signifying solidarity among small-scale fishers

Back Cover

Shoreside fishing, Maharashtra, India

Shuddhawati Peke / ICSF

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List of Abbreviations

ABNJ	Area Beyond National Jurisdiction
AIS	Automatic Information System
BOBP-IGO	Bay of Bengal Programme – Inter-governmental Organization
BPL	Below Poverty Line
CCRF	Code of Conduct for Responsible Fisheries
CIFE	Central Institute for Fisheries Education
CMFRI	Central Marine Fisheries Research Institute
CRZ	Coastal Regulation Zone
CS	Central Sector scheme
CSO	Civil Society Organization
CSS	Centrally Sponsored Scheme
CVCA	Critically Vulnerable Coastal Areas
EEZ	Exclusive Economic Zone
ETP	Endangered, Threatened and Protected Species
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization (of the UN)
FIMSUL	Fisheries Management for Sustainable Livelihoods
FLC	Fish Landing Centre
FRA	Forest Rights Act, 2006
FRP	Fibre Reinforced Plastic
FWO	Fishworkers' Organization
GPS	Global Positioning System
GVA	Gross Value Added
HDI	Human Development Index
ICSF	International Collective in Support of Fishworkers
IMD	India Meteorological Department
IOTC	Indian Ocean Tuna Commission
IUU	Illegal Unreported and Unregulated
IYAFA	International Year of Artisanal Fisheries and Aquaculture
LED	Light Emitting Diode

MCS	Monitoring, Control and Surveillance
MFRA	Marine Fisheries Regulation Act
MoEF&CC	Ministry of Environment, Forest and Climate Change
MPA	Marine Protected Area
MSC	Marine Stewardship Council
NFF	National Fishworkers' Forum
NGT	National Green Tribunal
NPSSF	National Platform for Small Scale Fish Workers
PMMSY	Prime Minister's Matsya Sampada Yojana
ReALCRaft	Registration and Licensing of Fishing Craft (India)
RFCTLARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RFMO/A	Regional Fisheries Management Organization / Arrangement
RTI	Right to Information
SC	Scheduled Caste
SDG	Sustainable Development Goals
SOFIA	State of the World's Fisheries and Aquaculture
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
ST	Scheduled Tribe
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	UN Fish Stocks Agreement
WTO	World Trade Organization

Executive Summary

A 3 day ‘Training of Trainers Workshop’ was held at Asha Nivas Social Service Centre, Chennai from 13th to 15th October 2022. The aim of the workshop was to enhance the capacity of fishworkers’ organizations, civil society organizations, and community-based organizations to engage with the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines) and negotiate issues of concern with regard to policy, legislation, lives and livelihoods of the SSF communities. The workshop saw the participation from 23 members of fishworkers’ organizations, 13 from civil society and community-based organizations, 10 resource persons from key fisheries research institutes, academia etc, 6 interpreters to cater to participants from the various states and the documentation team. Based on feedback from earlier workshops like the 2019 Workshop on National Policy on Marine Fisheries in Chennai, key topics for the workshop were identified during the 2021 meet of the National Fishworkers’ Forum in Goa. The TOT had a mix of presentations on key topics followed by question-answer sessions and session-related activities conducted by the facilitator, Sarita Fernandes.

Session 1: The first presentation was on ‘Life and Livelihood on the Coast: Moving from Custom to Claims, Rights and Tenure’ by John Kurien. Kurien explained how fishing communities have many customs, claims, practices and arrangements, most of which are undocumented. These were accepted by society-at-large, but there was no post-independence effort to convert customs into rights. As a result, what was thought of as rights became only ‘claim’. Fishermen also do not think of exclusion and claim rights only for certain benefits. Next, V.Vivekanandan spoke about ‘Establishing Rights Over Land and Sea: Challenges facing the Marine Fishing Communities of India’. He said the current journey of asking for rights began in 2007 with the Forest Rights Act when fishers began to ask for fishers rights. Fundamental issues needed to be resolved to make any headway. Vivekanandan concluded by saying that there were many problems at sea due to conflicts between different groups and pointed out that state induced technological changes had badly divided the fishermen. The presentations were followed by a ‘fish bowl’ activity where the difference between rights and claims for the coastal zones (landward and seaward) were debated by participants.

Session 2: ‘Marine Fisheries Management in India: Current Practices and Future Needs’ was Sunil Mohamed’s focus in the first presentation of the session. He started by profiling Indian marine fisheries. He spoke about the high diversity of Indian fish catch and pointed out that more than 100 of the 133 species analysed were resilient yet vulnerable. He analysed Human Development Indicators with reference to fishing communities and advocated for the development of Fisher Development Indicators. Mohamed provided an outline of the current fisheries management scenario in India and concluded with a set of issues to be tackled in the sector. He was followed by Sathianandan T.V. who spoke about the ‘Status of Marine Fish Stocks in India’. Sathianandan spoke about the importance of stock assessment and how they are modelled. He summarized findings from models for assessing stocks of the Indian maritime states saying that only about 34 per cent of fish stocks fell in the ‘sustainable’ category. As part of the session activity, states were paired and given two fish species each. They were asked to come up with suggestions for recovery of stock of these overfished but important species.

Session 3: What is WTO? what are fisheries subsidies? These are concerns for all fishworkers. John Kurien’s presentation ‘WTO and Fisheries Subsidies’ explained all these and more. Kurien spoke about subsidies that could help create more ecologically and economically sustainable fisheries. This was followed by Sebastian Mathew’s presentation on the ‘WTO Agreement on Fisheries Subsidies’. Mathew spoke about the recently concluded agreement and its implications on India.

The activity for this session was to rank alternate suggestions for subsidies suggested by Kurien, and also to suggest new subsidies.

Session 4: The first presentation was on ‘Public Expenditure for Fisher(ies) Development in Coastal

States and India’ by P.S. Ananthan in which he decoded the schemes and budget lines at the central and state level. Ananthan also showed how different states varied in budgetary allocation and usage of funds. Following this, Ahana Lakshmi presented ‘SSF Guidelines and State Schemes in Fisheries – A Rapid Analysis’ to see under what paragraphs of the SSF Guidelines the various budget lines of the states could be categorized.

Sarita Fernandes, the facilitator, summarized the state-wise recommendations of the participants who had worked on the question ‘what governance reforms are necessary to improve fisheries governance in India at the Union and State level’.

Session 5: Manju Menon and Kanchi Kohli put forward a two-part presentation on ‘Coastal land rights: Social and economic issues’ to open the fifth session. The first dealt with land rights. Manju Menon discussed land redistribution by pointing out that the current scenario was private led and led to displacement without development. She compared this to a time just after independence when land was acquired by the state for development projects and led to economic improvement. In the second part, Kanchi Kohli spoke about regulatory spaces, coastal livelihoods and conservation explaining how available options must be considered to find remedies to restore land rights.

Vedant Katkaran advocate from Mumbai spoke on how they had worked to restore Koliwada rights in his presentation ‘De-notifying of Koliwadadas and Land Rights of Koli Community’. Katkar spoke about drawing on historical documents and the problems of interpretation—terms in the vernacular may mean different things but were often translated into English as one word. This was followed by D. Nagasaila, an advocate from Chennai who spoke about ‘Coastal Land Rights: Legal Issues’. With her experience in representing street hawkers before and after the Street Vendors Act came into being, she emphasized that strong organizational support and a people’s movement was essential for groups to get the benefit of any such law.

Session 6.: Nivedita Shridhar and N. Venugopalan of ICSF made a presentation on planning for state-level workshops including a checklist of essentials and budget plans. From each state, a representative volunteered to organize the workshops before the end of November 2022.

As a closing activity, the facilitator provided slips to each state group to write their two pressing problems and exchange with a neighbour who suggested solutions. The sheets were turned into paper boats and set to sail in a tub—a gesture of solidarity between participants who were all ‘sailing together’.

Feedback for the workshop was provided by 3 participants representing the three major groups. The TOT workshop was brought to a close with a formal vote of thanks by N. Venugopalan of ICSF.

1. Opening Session

1.1. Welcome Address

N. Venugopalan, Programme Manager, ICSF

The workshop began with a minute's silence to commemorate members of the fishing community who lost their lives in the pandemic and at sea. N Venugopalan of ICSF Secretariat welcomed the gathering. He highlighted that 23 FWO representatives and 13 CSO representatives would participate in the training programme. Venugopalan said the ICSF Trust was collaborating with FAO, the UN specialized agency in charge of IYAFSA, to organize several activities through 2022 and the training of trainers was the second of a series of such workshops. It would be followed by a workshop on local self-government in fisheries and fisheries management in Kerala.

The curriculum for the training programme had evolved over a three-year period incorporating critical inputs from senior representatives of fishworker organizations. Venugopalan described briefly the contents of the various sessions. They would also include a series of activities facilitated by Sarita Fernandes.

1.2. Introductory Remarks

Sebastian Mathew, Executive Trustee, ICSF Trust

Introducing the workshop, Sebastian Mathew, Executive Trustee, ICSF Trust said that we are living in a time when coastal and marine spaces are contested. Referring to the 1995 Code of Conduct for Responsible Fisheries he said that we are increasingly dealing with the flux between tradition and modern and therefore have to negotiate for rights rather than use language to assert them. In that context, he asked how the language of the SSF Guidelines could help SSF communities living adjacent to the sea. The aim was to train a group of people from various states and union territories, who could in turn, undertake training programmes at the state level.



Sebastian Mathew, Executive Trustee, ICSF, delivering the Introductory remarks during the opening session. He highlighted the importance of consultation and participation—principles in the SSF Guidelines

He highlighted the importance of consultation and participation—principles in the SSF Guidelines as well as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security(2022) and very relevant for all kinds of negotiation. Sebastian spoke about tenure rights described in the SSF Guidelines. This included defining legitimate tenure rights, how they would be recorded, respected and defended. He pointed out that there were many levels of tenure rights engagement within the guidelines. When discussing the various Fisheries Department schemes, he said an attempt had been made to map the themes to the guidelines. Sebastian emphasized that the Guidelines talk about financial measures, not subsidies. One key message was that financial measures must not contribute to overfishing/ overcapacity.

Sebastian concluded by outlining the three outputs expected from the training programme: that people have a better understanding of tenure rights; learn how best to engage with various schemes; and develop a sound and healthy perspective on fisheries subsidies.

1.3. Pin Code Activity

Sarita Fernandes, Ocean, Coastal and Ecological Alliance Network

Nivedita Shridhar introduced Sarita Fernandes, the facilitator for the workshop. This was followed by a participants introduction activity. Sarita called out a range of pin codes and participants residing in that pin code group introduced themselves.



Parbati. A, a participant from Odisha introducing herself as a part of the pincode activity during the opening session. The aim of the workshop was to train a group of people from various states and union territories, who could in turn, undertake training programmes at the state level

2. Session 1: Tenure

2.1. Presentation 1: Life and Livelihood on the Coast: Moving from Custom to Claims, Rights and Tenure

John Kurien, Trustee, ICSF Trust

John Kurien started his presentation with a picture of a vice to explain the current situation. The fishing community, he said, was being squeezed by sea-based activities on one side and the land-based activities on the other. He said the focus of his talk would be on custom, claims and rights.

Custom refers to our traditional practices and integral to our identity. Each community had different customs, which were not always understood by those outside it. Custom was derived from practice and communicated across generations. It was rarely written down because once it was written down, it became like a positive law. Custom exists like a living law, adjusting according to the situation.

Fishing communities used to have many practices. These were agreed upon and adhered to by the rest of society, who also stood by the fishing communities' customary claim. In Maharashtra for example, customary rights of the Koliwada found mention within colonial documents. Such instances are exceptions. John also referred to the *oor panchayat* of Tamil Nadu and the Sunderbans community in West Bengal which have a lot of rules and regulations for management.

Post-independence, there was no systematic effort to convert these practices into any formal law by the Government of India. No effort was made to accept customary rights as positive rights of the community. As a result, society's acceptance of customary rights dwindled and today what the fishing community considered as customary right has been reduced to a claim.

This led to a discussion on the words 'right' and 'claim' in various coastal languages. Claim is not the same as right and could be contextual. One participant said one could claim one's rights. Another said that settlement of claim turns it into a right. John agreed and pointed out that often, to get rights, one had to endure struggle. Kiran Koli reiterated this by recollecting an incident dating back to colonial times.

The discussion went into greater detail about claims and rights regarding possessions such as a craft or a purse. This led to discussions on the idea of property. There is general acceptance that certain things belong to a person without desiring proof—such as a pen when it is in your possession and you claim it is yours. In contrast, the possession of a craft for can be proved with a registration document. John subsequently asked if the right over the craft was only for the wooden structure itself. What were the benefits of a fisherman owning a craft? Did he just keep it there to show he has a craft? Participants listed a variety of benefits of owning a craft. John explained that the value of the property was not so much in the structure, as from the benefit received using that structure. Hence, when talking about property, one should think about the stream of benefits received from that property. It was key to remember that different perceptions about the benefits could exist.

Next, stating that claims are not rights, John explained how rights appear only when you get 'the other' to stand by your claim. Before independence, the government and the other communities agreed when fishermen said 'the sea is ours'. Now the government does not agree and other communities may or may not agree. If you wanted a claim to become a right, someone else had to stand by your claim. Thus, there are three things to always consider: the person who makes a claim—claimant; what the claim is about—property's benefit stream; and the 'other' person who stood by your claim. The triangle had to be completed and bound by socially sanctioned mechanisms. When there is no 'other', it is only possession.

He explained further by giving the example of fishing in the EEZ. When India puts crafts in the EEZ to fish, India is the 'claimant'. The crafts and procuring fish for foreign exchange are the 'benefits'.

As signatories to UNCLOS, the ‘other countries’ stand by it, completing the triad for property. Thus, within the EEZ, it is a property right. In the open sea, the triangle is not completed because UNCLOS does not cover the area outside the EEZ. In the open sea, only possession right exists and the area is open access. Everyone can fish but no one can claim the fish in the water as theirs. Once the fish is caught and put it into the craft, it becomes their property. In open access regimes, only possession exists, because only two requirements are ever present—the claimant and the benefit stream.

John said that in today’s coastal struggles, the support of other communities was imperative for the fishermen’s claim for land by the sea. The support of the state was equally important. Property rights was about a larger social relationship, about how everybody else looks at it, including and importantly, the state. To get others to stand by the fishermen’s claim, a struggle was necessary. Struggle was a very important element of this process of creating, repairing or renewing a social relationship that had been lost over time.

John said that tenure referred to conditions for holding one’s rights. Tenure could be had only on rights and was applicable only if the triangle was complete. When discussing tenure rights, it was assumed that rights existed. If those rights had existed earlier and had now become claims they had to be reestablished and held. Holding of rights could not be done with violence. Tenure is not applicable in open access. Tenure is about the time duration, the condition for holding the rights to a benefit stream. For example, if fishermen say ‘the sea is ours’, and everyone else also says ‘the sea is ours’, the fishermen’s is a claim just like anyone else. John introduced the Latin word *usufruct*, meaning ‘use of the fruit’ to explain that fishermen could retain the right to use the fruit of the sea and be given a tenure right over that—e.g. they could use the fruit for ten years. The next logical step then was how to govern the tenure.

John concluded his presentation emphasizing that where once fishermen had many rights, many of those rights had now become only claims. Customary rights came long before the nation state. Today, however, the situation was different and the composition of the ‘other’ as well as the nature of the state had changed. This had to be recognized before reestablishing fishers’ rights. Subsequently there could be talk about tenure, governance of tenure etc.



John Kurien, Trustee, ICSF presenting on life and livelihood on the coast, about moving from custom to claims, rights and tenure. He spoke on how the triangle had to be completed for a claim to become a right

One of the participants posed a question regarding land transfer from government to others. John responded saying that the state was the ultimate owner of all the benefit streams of a property. If the state owned land, it could convert that land into private property or into community property and give usufruct rights, with restrictions. But the state could also lease it away for a very long time so that it was almost like private property.

Pradip Chatterjee said that within India there is very little recognition of customary rights and practices. A competent law prevails over customary practices. In an ensuing conversation it was revealed that in fish landing centres in West Bengal, the government had tried to override the rights of the management committee of the fish landing centres. A second comment was about tenure rights. Pradip said small-scale fishers were not getting any access, not even usufruct rights.

John wanted to know if customary rights could be extinguished. Vedant Katkar, a lawyer from Mumbai said that in Maharashtra, the British had defined the customary rights for the fishing community. This had been upheld by the Court wherever documents were available as the Court always stands on merits. In some cases, post-independence, the government had acquired the land through compensation. Most of the Koli community had taken the compensation or had not agitated against the acquisition. In Bombay, Dharavi Koliwada and Worli Koliwada have title ownership that has been proved in the Supreme Court. The Supreme Court subsequently dismissed the state government's claims citing these rights.

John referred to the work done by Saravanan and his group—who had mapped fishing spaces using GIS. They had filed RTI and given the information to the collectors who had incorporated it into the coastal maps. This small intervention proved that it was possible to convert community rights into regular positive law rights.

Leo Colaco from Maharashtra referred to notifications issued by the government of Maharashtra about fishing communities using land by the sea to keep their nets, dry their nets, dry fish and craft repair. Today all these procedures were at a standstill and hence they just used the word claim.

Kanchi Kohli said that whether it was use rights or any legal ownership right, the state had the power to extinguish it. Any right that was given under various laws could be taken back after due procedure. Due procedure compensation was there, but that differed from place to place and was dependent on paperwork.

John said there were examples of other societies where such positions had been taken and the state was forced to draw back. A key example was, New Zealand, where indigenous rights had been reinstated. With adequate pressure, these things were not impossible. The first CRZ notification had clearly mentioned the customary rights of the *gaothan* but it had been removed in subsequent notifications. John pointed out that it was a big contradiction that a mere notification—the lowest level of law in the hierarchy of law—governed the coast. Rather, there should be a law to govern the coast discussed in Parliament.

V. Vivekanandan wanted to know if another feature of property was the right to exclude others. He pointed out that he had never come across a member of the fishing community who sought exclusivity over a part of the sea and prevented others from using it at all.

John agreed saying that the claim was only for certain benefits never excluded anybody from passage. It only excluded people from the right to accessing fish near shore. Vivekanandan then said that there was rarely any objection to some other people fishing, and to that extent it was not an exclusionary intention. John replied with a clarification. It had to be understood that there was no absolute right. Only one particular benefit stream was being claimed, certain others were excluded from it.

Saravanan spoke about the proposed elevated expressway and the impact it would have on their livelihood. He said that loss of habitation was not as important as loss of livelihood space. Often considered a wasteland by outsiders, its importance was known only to fishermen. He said that even

when the rights exist in law, it was how you pushed and retrieved them that was important. Pooja Kumar added that though there were customary rights enjoyed by the community, the fact that no legal instruments recognized led to their erasure. It was necessary for communities to map and assert their rights in order to claim them.

2.2. Presentation 2: Establishing Rights on Sea and Land

V. Vivekanandan, Trustee, ICSF Trust

Vivekanandan said his presentation would analyze the actual ground level situation on the Indian coast regarding the issue of rights, the challenges and ways to establish these rights. The current journey of asking for rights began in 2007 when the Forest Rights Act (FRA) was implemented, he said. One of the immediate thoughts was that it could be a model for the fishing communities through a fishers' rights bill. Fifteen years later though, no headway has been made as there are important issues to be resolved to be able to formulate the rights.

One fundamental issue here is the existence of historical communities undertaking marine fishing as a hereditary occupation. Over the centuries, different groups settled in different parts of the coast to undertake and specialize in fishing activities full time. An important point to keep in mind was that marine fishermen in India, by and large, are full time fishermen, with no other job. This was also due to the caste system which designates fishing as a specialized occupation. Life at sea and on shore was managed with very little external control. This situation continued even during the colonial era and the early decades after independence.

Thereafter, the government began to intervene in every aspect to improve people's welfare. Fisheries, which had been left to the imagination and capacity of the fishing communities, came under scrutiny in the 1960s when there was a shortage of food and foreign exchange. The government looked at all departments to see what could be done. Unfortunately, in the case of fisheries, Vivekanandan said, the process did not include a clear examination of what was already there. There was no recognition of the past. Interventions were made without looking at the existing social system and customary set of rules. Over the last 50 years, fishers have faced constant problems with their livelihood. These include fish resources not being easily available, too many crafts and decline of some resources; an influx of new activities in the sea such as mariculture, energy production, oil drilling, undersea mining; and a large number of infrastructure projects taking over large stretches of the coast and encroaching upon the fisher settlements on the land.

'The sea is ours', Vivekanandan said, was more a sentiment. Historically, sailors and fishers—both old occupations—coexisted peacefully. Today there are a lot more people in the sea and a lot more threatening to enter it.

He highlighted two problems at sea. The first came from within, due to competition between fishermen and a lack of control over craft and gear. The second were problems that were going to come in from outside, like with the coast, large stretches of which had already been taken away over the last few decades for various reasons.

These two issues were linked. If fishers did not have a place to land fish on shore, they wouldn't go to catch fish. But from a rights point of view, Vivekanandan said, it was important to discuss them separately and in depth. He emphasized that it was not enough to be convinced of them as rights and seek them. It was important to convince the 'others' which included the government and the general public. Pointing out the diversity of fishing communities across 9 coastal states and 4 union territories Vivekanandan said that while formulating demands for rights, it was important to consider whether all fishers would support them.



V. Vivekanandan, Trustee, ICSF presenting on establishing rights on sea and land. He discussed about the longest stretch of coastline managed by Pattinavars, illustrating a successful community-based management of fisheries

Next, he delved into explaining who actually governed marine fisheries, a necessity to understand ground realities. On paper, it was the Department of Fisheries, whether at the Centre or the State level, who were believed to be governing fisheries. According to him, the ground reality was that 75-90 per cent of what happened in fishing was governed by the local village, and perhaps 15-20 per cent by many villages coming together. Practically all sea going fishermen, he pointed out, were part of self-governing organizations. There were a variety of these, ranging from traditional village organizations, landing centre bodies and those meant only for dispute resolution. There could be conflicts, sometimes violent, between groups. Decisions were taken by the community through such institutional structures. He gave a specific example of the Pattinavars who claim about 700 km of the coast from the mouth of the river Krishna in Andhra Pradesh to Kodikkarai in Tamil Nadu, as their home coast. Vivekanandan opined that this was probably the longest stretch of coastline managed by one single community with a small percentage of people from other communities distributed among them. They have village councils in each village and a set of 8 or 16 villages have a common committee, and an apex committee for 64 villages; thus, forming a three-tier structure. This historical system is believed to have been institutionalized during the *Chola* period (300 BCE-1279 CE). Though the structure is tottering with disappearance of higher levels, even today it is the village council in each village that takes decisions, whether it is to go fishing or to resolve a mid-sea dispute, among others. Variations of this exist all along the Indian coast. In the case of Christian communities, it was the parish council that controlled decisions.

He then gave the example of Kasimedu fishing harbour—the biggest landing centre in Tamil Nadu. While the area belongs to the Port Trust, the fishing harbour and its improved facilities are under control of the Fisheries Department. But it was the 18 villages that controlled the landing point. In 2000, when the ring seine ban in Tamil Nadu was not properly implemented, landing from ring seine was not allowed in Kasimedu harbour. Another example cited was with regard to the use of powerful Chinese engines by some fishermen. The association talked with the *Aikea Panchayat* (the 18-village association) and decided that those who used Chinese engines could not sell fish in Kasimedu. The fishermen were forced to remove the high HP engine. Subsequently, a split in the Association and collapse of control resulted in everyone using Chinese engines. Vivekanandan concluded by saying that such organizations saw both success and failure.

Vivekanandan spoke about some of the big successes of the Fisheries Department such as the 2 month/8 week ban that was implemented successfully in most states. Another was the craft registration and licensing which was complied with, though more out of security concerns than fisheries management. It was only when the community and the government had a common purpose or stand that there was real success such as the 3-4 day rule in Ramanathapuram in Tamil Nadu. This was based on a deal brokered by the District Collector in 1978 and is still in place.

He pointed out that while individual fishermen identity cards and craft registration were given by the Fisheries Department, they would never say that only Kolis could go to the sea, or only Pattinavars could own a craft. Fishermen are members of cooperatives, which in turn file recommendations for registration of crafts and identity cards. It was fishing communities that controlled cooperatives across the coast. Therefore 95-99 per cent of fishers at sea were fishermen whose occupation was hereditary despite there being no law or rule saying so. Thus, in these ways some communities continue to assert control and effectively establish *de facto* rights over the sea. Where traditions are strong and fishing communities are well established, some have ways of dealing with the mainstream and actually being able to effectively establish or maintain their control. It was the reason why migrant fishers not from traditional fishing communities failed to get benefits—as they could not be part of cooperatives. He pointed out that state induced fisheries development and technological changes had badly divided the fishing community. It was not as if historical fishermen had lost rights to fishing. The fishing community and their institutions were still the main players though the growing differences between them was a cause for concern.

He then gave a list of issues to be resolved on sea rights. The first one was ‘defining ourselves—who are “we” and who all is part of us?’ To explain this, he recalled past discussions with the NFF where they had proposed ‘scale subsidiarity’ as a potential solution to the problem on the basis of two criteria:

- 1) Size: HP, length of craft, net (scale)
- 2) Nature of technology: Active- mechanized craft—fishers chase fish; passive—the fishermen and the net are waiting for the fish to get caught. Passive technology is less harmful. Efficiency is not necessarily good for fisheries.

The subsidiarity concept can be explained in terms of governance. Anything that cannot be resolved at the lowest level goes to the next level. Scale subsidiarity will allow the smallest crafts to catch what they can. What they cannot catch goes to the next level. Similarly, priority must be given to what can be caught using passive gear. The remainder can be caught by active gears. The advantage of using the subsidiarity principle is that it is a relative concept and gives priority to those smaller in size.

Another issue that Vivekanandan raised was how mariculture—which would require space and restrict sea-going fishermen—would be dealt with. This could create anomalies. A newcomer coming to use the space would get a tenure right while those settled there for centuries do not have their rights codified. Mariculture would exclude the dominant group in fisheries. Similarly, there was a need to discuss the various non-fishing uses of marine spaces that interfere with fishing operations—such as power generation at sea, mining etc.

2.3. Fishbowl Activity

Participants were divided into two groups. One participant from each state joined the inner circle while a second group formed a circle around them. They discussed the following questions and then presented state-wise highlights. (See page no. 38)

- What is the difference between rights and claims for coastal zones? (landward and seaward)
- What is currently present in your home state/village/city?

3. Session 2: Sustainable Fisheries

3.1. Presentation 1: Marine Fisheries Management in India: Current Practices, Future Needs

K Sunil Mohamed, Principal Scientist (Retired) & Former Head of Division (Molluscan Fisheries), Central Marine Fisheries Research Institute (CMFRI) and Chair, Sustainable Seafood Network of India (SSNI)

Sunil Mohamed began his presentation by asking the audience what they thought the average Indian citizen ate in terms of fish in a year. To aid those answering he revealed that the global average was 22 kg per year. Participants came up with various numbers going up to 100 kg/year. Sunil subsequently revealed that the per capita consumption in India was 6.5 kg per year. For most people in India, he said, fish is not important in the scheme of things. He then provided a profile of Indian marine fisheries.

India has over 3000 marine fishing villages and an active fishermen population which is close to a million. There are more than 1000 landing centres and mechanized, motorized and non-motorized vessels. The value of fisheries was nearly US\$ 28 billion with exports worth US\$ 6.4 billion. Fish exports, he said, were on a decline due to an increased proportion of cultured shrimp being exported now. Sunil said that 81 per cent of our marine fish is marketed fresh, 5 per cent is frozen, 6 per cent dried and about 5 per cent converted into fish meal—also increasing. The share in Gross Value Added (GVA) is 1.24 per cent and share in agricultural GVA is 7.5 per cent.

After a period of rapid growth, Indian seafood exports have seen a decline in recent years. Over the years, there has also been a reduction in the volume of catch by non-motorized vessels and even motorized vessels. The mechanized trawl became the predominant method of catching fish. Mechanized crafts and mechanized trawl together are now responsible for more than 80 per cent of Indian marine fish production.



K Sunil Mohamed, Principal Scientist (Retired) & Former Head of Division (Molluscan Fisheries), Central Marine Fisheries Research Institute (CMFRI) presenting on marine fisheries management in India: Current practices, future needs

Of the ten major resources being caught, Indian mackerel (8.1 per cent) and cephalopods (6.3 per cent) were the highest in 2018. Oil sardines catch (4.5 per cent in 2018) came down further in 2019-20. Oil sardines used to be 20-25 per cent of the catch.

Sunil, while showing a picture of Vizhinjam harbour in Thiruvananthapuram, Kerala, said that with more than 30 craft-gear combinations employed in fisheries it was proving difficult to understand and manage them. The five major gears were trawl net, gillnet, bagnet, seines and hook and line. These were used in various combinations by the three major groups of craft—mechanized, motorized and non-motorized. There was also a high biodiversity in the catch. For example, in Tamil Nadu, 488 species were caught in 2017 and 564 in 2018. The number of species caught is decreasing in some places like Goa. Overall, over a 12 year period, more than 1106 species have been recorded as caught in Indian waters. This shows the complex nature of fisheries. Sunil said that their studies looked at resilience to fishing and other environmental stresses using 13-15 attributes, mainly to manage fish stocks. Most crustaceans show high resilience while sharks and rays have low resilience and high vulnerability.

Presenting information from the 2016 Marine Fisheries Census, Sunil said that the population of fishers had come down over the last decade but the number of fishermen families had remained the same. This was also true for the number of traditional fishermen families. However, the number of families which fell under the BPL category had increased. Sunil opined that the freebies provided made being in the BPL category aspirational. He asked the participants from different states to inform the group about the socio-economic conditions of fishermen to help facilitate some understanding. Pradip Chatterjee from West Bengal said that marine fishermen in West Bengal are generally not the poorest of the poor. In Kerala, Jackson said, conditions were improving. While the men had low life expectancy—because of alcoholism and loss of lives at sea—life expectancy of women was higher than others. Compared to the general public, women in Kerala had an almost equal level of achievement/development. In Odisha, a growth in the level of education had contributed to a reduction in alcoholism, but economically there was little change.

Sunil went on to explain that there are three dimensions in the Human Development Index (HDI—health, education and living standards—and four indicators. Using Kerala as an example, he said that a comparison between 2005 and 2015 showed that the HDI of fishers in Kerala was lower than that of the general population—though there has been an improvement over time. Compared to all India figures, the HDI of fishermen in Kerala was higher and linked to the welfare support given by the government. Sunil then showed a modification of the HDI with additional parameters for a proposed Fisher Development Index. Four dimensions—social status, economic well-being, technological proficiency and resource sustainability—with three indicators each were considered. They found an increase in the composite FDI between 2005 and 2016. They also found a rapid increase in technological proficiency but a decline in resource sustainability in 2016 compared to that in 2010. With decline in fish resources there would be a decline in the FDI over time.

Next, Sunil spoke about the importance of the precautionary principle in managing fisheries. Discussing where India stands globally in fisheries management, he cited a paper which showed that developed countries were at the top in research, management, enforcement, socio-economics and stock status. India is high on research, medium on stocks, but scores low in enforcement and management.

Sunil Mohamed then explained the way fisheries are governed in India. Fisheries in the EEZ fall in the central list and fisheries in territorial waters falls in the state list. In general, it is considered as open access—at the most a state can deny craft registration or licensing. As per international classification, Indian fisheries are considered small-scale. Multiple laws make fisheries governance complex especially when they work at cross purposes. The Union Ministry of Fisheries is not the single management agency for marine resources. Others such as the Ministry of Environment, Ministry of



K Sunil Mohamed presenting information from the 2016 Marine Fisheries Census said that the population of fishers had come down over the last decade but the number of fishermen families had remained the same

Earth Sciences, Ministry of Shipping, Ministry of Commerce etc also play a role in managing marine resources.

Earlier there were guidelines for fishing operations in the EEZ. Current regulatory methods include input and output controls. Input controls are regulatory mechanisms that happen before fishing and include vessel registration and licenses, closed fishing season; closed fishing areas (e.g. the Bombay High area, during Arribadda in Odisha or missile testing), area restriction (MPA); gear restriction via control over size/ mesh; control over destructive fishing (earlier people used dynamite, Fish Aggregating Device (FAD), Light Emitting Diode (LED), which is harmful in some ways). Output control includes control over catch either via implementation of Minimum Legal Size (MLS), or forbidding catch of endangered and protected species (ETP) listed under the Wildlife Protection Act, 1972.

Next, Sunil discussed 'fishing for catastrophe' and said this was growing. He said that of the 1000 species caught, many are very small and hence sent to meal factories. But with this kind of harvest, our wealth was being destroyed. According to him, sending unusually large hauls of fish which are not consumed much to fish meal factories was acceptable. But it was important to not target juvenile and small fish. In fact, it was this excessive catch of small fish that resulted in regulation of fish size. Such minimum legal size recommendations were made for 58 species in Kerala where rule changes have been made and are being strictly enforced. In Karnataka, rules have been changed for 72 species. Recommendations were pending for 113 species in Tamil Nadu, 61 species in Andhra Pradesh and 48 species in Maharashtra. The recommendations had been made by the CMFRI.

The next issue was overcapacity. Sunil said CMFRI had studied the issue of overcapacity of fishing fleets across India. The study revealed considerable overcapacity in fishing fleets now which also could be a reason for the reduction in per capita income of fishermen. To tackle this, four methods were under consideration: a moratorium on new fishing crafts, registration of fishing craft building yards, only replacement of old craft and some degree of control over effort.

Responding to a question about how one person could have a large number of crafts, Sunil said that in states like Gujarat, fleet owners were traditional fishermen who had made money and expanded.

DAY 2 FRIDAY, 14 OCTOBER 2022

Sunil continued his presentation the next day. He started by explaining the concept of co-management, which recognizes fishermen participation in decision making and is seen as a better way to manage a fishery. It existed in traditional systems in Tamil Nadu and Kerala. In 2014, they recommended that the Kerala government start a three-tier system which would contain an apex state council, district councils and village councils. Each of these councils would have representatives from fishermen organizations, the scientific community and departmental officials who would discuss and take decisions. The decisions were supposed to be bottom-up rather than top-down. In 2017 Kerala amended its Act to include this system. Based on Fisheries Management for Sustainable Livelihoods (FIMSUL) recommendations, Tamil Nadu passed a resolution but did not amend the rule. Their co-management systems worked through notification of committees and councils.

A participant from Andhra Pradesh asked whether council members were nominated or elected through fishing unions. Sunil said that in Kerala, currently, members were nominated, but it was made sure that all different fishermen unions were included. Speaking about the CRZ Notification, a participant from Maharashtra said there was a lack of fishing community representation in the coastal zone management authority. Sunil clarified that CRZ comes under the Ministry of Environment, Forest and Climate Change (MoEF&CC). When it was first notified in 1991, CRZ had a statement about protecting traditional coastal fisheries. Over time with many amendments, these were diluted. Sunil said that the points raised by participants were real problems, and the role of participatory management was an important one.

Sunil said that it had been recommended that the council management system be taken to the national level. A set of regional councils—such as North East Arabian Sea, South East Arabian Sea, North West Bay of Bengal, South West Bay of Bengal and the Islands—had been proposed. There would be participatory management at all levels. This arrangement was being proposed to address regional level conflicts.

Sunil next spoke about certification or ecolabelling—where a fishery was assessed by auditors for sustainability. In India, the first fishery to be thus certified was the clam fishery in Ashtamudi lake in Kerala. It was done by the Marine Stewardship Council (MSC). Many governments, he said, had recognized that sustainability is important in fisheries had begun implementing fishery improvement projects (FIP). A fishery was selected, gaps in meeting certification parameters identified and work was done to cover the gaps. A partial list of fisheries in India moving towards FIP included gillnet caught blue swimming crab in Palk Bay in Tamil Nadu, two groups of trawl caught fisheries in Kerala, trawl caught threadfin bream in Ratnagiri in Maharashtra, and pole and line caught skipjack tuna in Lakshadweep. In a matter of 4-5 years, if all the gaps were met, they would be certifiable. This would ultimately lead to better markets and better prices for products being exported. Sunil said exporters were interested in certification because the market was demanding this.

Vivekanandan stepped in to explain that ecolabelling and certification was a market instrument and not a government instrument. It had developed over the last 20-25 years. The export value chain was increasingly asking for a label. In developed countries, consumers were sometimes prepared to pay extra for such labels and would not buy without one. Though many governments supported this—sensing an opportunity—it was, essentially, a market driven initiative. While there were many parties doing certification, MSC was the biggest.

Leo Colaco commented that a push towards certification could lead towards greater commercial fishing and isolate small-scale fishers, the key stakeholders of this meeting. Leo said he looked forward to suggestions or remedies for this.

Sunil agreed with the observation. He said that this was correct to an extent but also pointed out that first fishery to gain certification, the Ashtamudi lake clam was a small-scale fishery. The next in line, the gillnet caught blue swimming crab was also a small-scale fisheries project. He emphasized

that traditional fishers are pro-sustainability. Certification increased the value of the final product, with scope for a better price.

Sunil went on to highlight and explain Illegal, Unreported and Unregulated (IUU) fishing. He pointed out that currently fishing was regulated only in Indian territorial waters through the various state Marine Fisheries Regulation Act (MFRA). Responding to a question, Sunil said the Union government had been working over the last 10 years on a central fisheries regulation act. This bill had not yet been presented to Parliament. Fishermen and various states had raised several objections that needed to be resolved. Responding to another participant's query, Sunil said that despite the absence of an act regulating EEZ, other country vessels could not fish in Indian EEZ.

In the final section of his talk, Sunil presented a list of issues to be tackled. An advisory in the national policy requires that territorial waters upto 12nm be reserved for small-scale fishers and not for mechanized fishing. No government had implemented this. In order to do so, electronic surveillance like Automatic Information System (AIS) is needed. This is already a law in some states but not fully implemented. It was also necessary to transition to participatory co-management across the country. He also suggested that a central Marine Fisheries Regulation Act be legislated and guidelines issued to manage fisheries in the Area Beyond National Jurisdiction (ABNJ). The latter would protect Indian fishermen fishing in international waters. The number of BPL fishermen families was growing. It was necessary to plan and reduce the number of Below Poverty Line (BPL) fisher families. IUU fishing needed to be brought down and fisheries targets for SDG14—Life Under Water must be met. Sunil concluded by saying that it was necessary to look at a greener way of conducting fisheries. It was necessary to take into account the impacts of climate change and how the use of fuels like kerosene was damaging the ecosystem and environment.

Discussion

Kiran Koli from Maharashtra said it was important that information about destructive fishing reach those who practice it. Citing the example of LED fishing, he said there was insufficient enforcement and only small-scale fishers were targeted. Kiran also felt that institutions like as CMFRI and CIFE must inform the government about these problems. He felt it was also necessary for scientists to listen and understand the fishing community's concerns. He gave the example of their suggestion on dates for the ban period. The suggestions came from their on-field experience and accounted for climate change. The actual ban period imposed though was of no use. Similarly, he suggested that there be greater stakeholder participation in new legislation such as the Port Bill and the draft guidelines for regulation of fishing by Indian Flag vessel of high seas 2022.

3.2. Presentation 2: Status of Marine Fish Stocks: India

Sathianandan, T.V., Principal Scientist (Retired) & Former Head of Division (Fisheries Resources Assessment), Central Marine Fisheries Research Institute (CMFRI)

Sathianandan started his presentation saying that stock assessment is an important part of fisheries management. It provides inputs for management of fisheries. There was almost linear growth in the marine fish landing production in India, peaking in 2012. Subsequently there has been a decline in total production. In 2020, a lot of fishing days were lost due to Covid-19 lockdowns. After the 1990s, there was no growth in global production but in India, the upward trajectory continued due to reasons such as the variety of species caught and expansion of fishing grounds. The first marine fisheries census, he said, was carried out in 1980. The last census was conducted in 2016 and it was time for another. There had been a steady growth in population till 2010 and a marginal reduction thereafter. There had been steep growth in the number of mechanized vessels between 1980-2010 and it had subsequently declined steeply.

Vivekanandan pointed out that the overall figure of mechanized crafts was confusing because many mechanized crafts had doubled their horsepower and capacity. This had reduced numbers. There was also the issue of classification. For example, in Kerala, ring seine crafts with an inboard



Sathianandan, T.V., Principal Scientist (Retired) & Former Head of Division (Fisheries Resources Assessment), Central Marine Fisheries Research Institute (CMFRI) presenting on Status of Marine Fish Stocks: India

diesel engine above 15hp were classified as mechanized. CMFRI's categorization was on the basis of engine and hp could be misleading. It has nothing to do with what the fishing community considers small-scale, artisanal, passive craft and gear combination. Pradip Chatterjee said that in West Bengal, crafts used inboard engines and hence, according to CMFRI, were considered mechanized resulting in zero motorized craft. Debasis from West Bengal said that ReALCRaft—used to register crafts—followed Government of India criteria which were different from the CMFRI criteria.

Sathianandan said that the census was only from a particular period in time. In ReALCRaft, data was continuously added and hence it would not match the census. This, he said, was only to show that there was a drastic reduction in the number of mechanized vessels though the reduction in population was marginal. Addressing stock assessment, he said the main objective was to know how much is left at a particular time in the sea. Indirect methods were used to estimate the biomass of species. Stock assessment of commercially important species was a major mandate of CMFRI.

CMFRI had a data collection system for estimating marine fish landings. Inputs for fish stock assessment included individual species-wise fish catch, the number of fishing vessels in operation and biological information about the fish. Biomass dynamics models for stock estimation helped calculate reference points such as maximum sustainable yield. After conducting a stock assessment, the status of the stock is presented using Kobe plot in which the biomass ratio is plotted against fishing mortality ratio. The values derived from are distributed across four quadrants depicting overfished, overfishing, recovering and sustainable stocks. This exercise has been carried out for different coastal states where the stocks they fish are considered separate entities.

The results of the exercise for commercially important fish stocks for the various states and the recommendations based on the assessment were summarized by Sathianandan.

- In West Bengal, 19 fish stocks were assessed. They found 53 per cent of stocks sustainable and 26 per cent overfished. A reduction in fishing hours by 19 per cent and 24 per cent respectively for mechanized multi-day trawl nets and mechanized gillnets in the state has been recommended.
- Of 27 fish stocks assessed for Odisha, 26 per cent of stocks were sustainable and 33 per cent overfished. A reduction in fishing hours by 14 per cent for the mechanized multi-day trawl nets was recommended.

- In Andhra Pradesh, 18 fish stocks were assessed. 22 per cent of stocks were sustainable and 28 per cent overfished. It was recommended that they reduce fishing hours by 42 per cent for mechanized sona trawl nets, 39 per cent for outboard gillnets and 19 per cent for outboard hooks & lines.
- In Tamil Nadu, of the 28 stocks assessed, 50 per cent of stocks are sustainable and 18 per cent overfished. It was suggested that fishing hours be reduced by 21 per cent and 30 per cent respectively for mechanized trawl nets and mechanized gillnets in the state.
- Of the 21 fish stocks assessed in Puducherry, 14 per cent are sustainable and 72 per cent overfished. This prompted calls for reduction in fishing hours by 62 per cent, 10 per cent and 16 per cent respectively for mechanized multi-day trawl nets, mechanized single day trawl nets and mechanized gillnets in the state.
- Of Kerala's 25 stocks assessed, 52 per cent of the stocks were sustainable and 24 per cent overfished. This called for a reduction in fishing hours by 34 per cent, 27 per cent and 43 per cent respectively for mechanized multi-day trawl nets, mechanized hooks & lines and outboard ringseines in the state.
- In Karnataka, of the 26 fish stocks assessed, 46 per cent are sustainable and 31 per cent are overfished. It was recommended that they reduce fishing hours by 62 per cent for Mechanized multi-day trawl nets in the state.
- In Goa, of the 11 assessed stocks, 64 per cent were sustainable and only 9 per cent overfished. No recommendations were made to control the fishing fleet.
- In Maharashtra, 18 per cent of the 28 stocks assessed were sustainable and 46 per cent were overfished. This called for a reduction in fishing hours by 50 per cent for mechanized multi-day trawl nets and by 7 per cent for mechanized dolnets.
- In Gujarat, only 5 per cent of the 20 fish stocks assessed were deemed sustainable and 65 per cent were considered overfished. A reduction in fishing hours by 44 per cent for mechanized multi-day trawlnets in the state was recommended.
- In the case of Andaman and Nicobar Islands, the data was very limited. It was estimated that 70 per cent of the stocks are sustainable and 30 per cent overfished.

Pradip Chatterjee disagreed with the assertion that in West Bengal the number of mechanized vessels had gone down. He claimed that the fishermen population had gone down drastically but not the number of mechanized vessels. Sathianandan said that there were a lot of non-operational vessels in the registry and they had taken only those in operation.

Palsamy suggested that for Tamil Nadu, the ban period be changed to October-December as it is the rainy season, during which there is breeding and spawning of fish.

Sathianandan said that these were taken into consideration while deciding the fishing ban, which he believed was now under review.

Vijayan asked if the population referred to the number as per the census or the actual number of fishermen working in crafts. He said that in Kerala, most of the catch was contributed by mechanized fishing and over half the people working in these crafts were from other states such as West Bengal and Tamil Nadu.

When Sathianandan said that the population was village based, Vijayan said that it would be incorrect to correlate the population with the number of craft, as it was misleading.

Leo Colaco of Maharashtra wanted to know if the census surveys were reliable. Sathianandan said they were. In fact, he was in charge of the 2016 census at CMFRI. It was based on the marine fishing village list given by the state fisheries department.



CSO representatives from Andaman and Nicobar islands, Delhi, Gujarat and Andhra Pradesh during the Day 2 of the workshop, where the focus was on WTO subsidies

3.3. Fish Stock Recovery Activity

States were paired. Each pair was given a pair of fish species listed below to find traditional or innovative ways to increase the percentage of recovery in fish stocks in their region.

1. Andhra Pradesh and Andaman & Nicobar Islands: Sharks and Ribbon Fish
2. West Bengal and Gujarat: Indian Mackerel and Bombay Duck
3. Maharashtra and Kerala: Silver pompano and Crab
4. Odisha and Tamil Nadu: Oil Sardine and Black pomfret

A summary of the discussions is given in the appendix (see page no. 39)



Participants from Gujarat and West Bengal, present innovative ways to increase the percentage of recovery in Indian Mackerel and Bombay Duck stocks during the activity session

4. Session 3: Fisheries Subsidies

4.1. Presentation 1: WTO and Fisheries Subsidies: Implications for India

John Kurien, Trustee, ICSF Trust

John Kurien discussed the meaning of WTO and subsidy; the history of fisheries subsidies; and the implications of the agreement made in July 2022.

WTO, he said, is the World Trade Organization, a global organization consisting of 164 member countries. It dealt with the rules on global trade. The main role of the WTO is to settle disputes between nations regarding trade.

Subsidy, he said, is a temporary gift. It is best defined as a financial contribution made to help do good, or to facilitate action. Subsidies are usually given by the central or state government and are politically difficult to withdraw. Government subsidies are meant to support the fishers' livelihoods. Fisheries subsidies, John said, were debated even before the WTO. Developed countries like Canada and Norway benefitted from subsidies in the 19th and 20th century. It is hypocritical of them to now ask for a halt on subsidies saying that it led to IUU, overfishing etc. Having reached the top of the ladder, they were now pushing it away, stopping other aspiring nations from climbing it.

Fisheries subsidies have always been a bargaining point between countries. Even before the WTO, when the agreement on agriculture—which included fisheries—was being discussed, the United States of America and Japan could not agree on the issue of fisheries subsidies. Since the vote was by consensus, they removed fisheries subsidies from the agreement on agriculture and placed it within industry.

In June 2022, it was India that objected to the full WTO agreement on fisheries subsidies, disagreeing with one of the four pillars. Here again, fisheries subsidies became a bargaining chip between nations and resulted in an agreement on the fisheries subsidies in a truncated fashion.

John said that even without the last pillar of overcapacity and overfishing, the agreement was still useful. Because India signed the agreement, it would force the government to enact relevant legislation and not merely talk about it—especially with regard to fisheries management. Currently, fisheries were divided between centre and state. There would be pressure on this relationship as most of fishing happens in the EEZ and comes under the centre's purview. Currently no legislation regulates it. It may lead to the cooperative federalism talked about by the Prime Minister of India.

John said that it was incorrect to assume that the WTO agreement would result in a stoppage of subsidies. He said the purpose for which the subsidy is given needed to be changed. He then went on to give a few examples of subsidies that could help create a more ecologically, economically sustainable and more equitable and self-reliant marine fisheries.

Citing an example, he said that more financial contributions given to the fisheries sector will help rebuild fish stocks. Similarly, money could be allocated for buyback arrangement—to help those who wanted to exit the sector—to reduce capacity.

Subsidies for downscaling could be provided. John gave an example of Alleppey in Kerala, where, when ring seines were introduced, motorization went up, and then collapsed. Some fishermen took to downscaling, using small craft to fish for a short while. They would sell their catch and by 11 am were free to take on other work. This could be encouraged.

John referred to an article in the recent Bay of Bengal Programme (BOBP) newsletter in which a former coordinator of the BOBP had also cited, among a string of success stories, an example of a failure. The project was to help fishermen improve their sailing technique. Expert sailors brought in from Australia and other countries found that these fishermen were experts in using the sail in ways they could not even understand and said they did not need technical assistance. This showed that skills were available and perhaps efforts could be made to resurrect them.

Subsidies could also be given for improving quality of fish. This would include building infrastructure like markets. If the domestic market is of a high quality, then export will automatically be of good quality, John said. He further suggested that huge investments be made in infrastructure to improve the quality of fish.

John spoke about the loss of fishing days due to India Meteorological Department (IMD) advisories. If fishermen did not listen to the IMD advisory and lost their lives in the sea, they would lose insurance. John cited the case of a fisherman who filed a case in the Human Rights commission in Kerala saying that since the government banned fishing and since he knew no other job, the government must compensate him by giving him at least the minimum wage of INR 600 per day. The Human Rights Commission passed an order saying the fisherman's human rights had been denied by the government, so they needed to compensate him financially. It was passed to the government for action, but since the government had no money, no action was taken. According to his own rough calculations, John said, losses due to no fishing in inclement weather amounted to the same as what the fisheries department was giving the fisheries sector in one year. Therefore, there was a need to argue for parametric insurance based on weather related parameters. This would trigger a predetermined amount to be deposited into fishermen's accounts. It would also make it easy for insurance companies. Of course, he added, the list would have to be made by the state government and authenticated by unions. This kind of monetary compensation was allowed under the disaster clause in the WTO.

His last suggestion asked for funds to provide training for fishers for specific fishery skills as there is an international market for skilled fishing labour. John concluded his presentation saying that for all the above, support from below was as essential. It was essential to make themselves heard.

4.2. Presentation 2: WTO Agreement on Fisheries Subsidies

Sebastian Mathew, Executive Trustee, ICSF Trust

Sebastian Mathew began his presentation by recalling the preamble of the WTO Agreement—often not highlighted by people. The preamble seeks to ensure a) Optimal use of the world's resources in accordance with the objective of sustainable development, seeking to protect and preserve the environment and b) Endorses provisions relating to the conservation of exhaustible natural resources, which include fisheries resources as well.

Sebastian said that it was important to understand why a multilateral organization was adopting measures to concentrate on sustainable use of marine fisheries resources. Figures from the State of the World's Fisheries and Aquaculture (SOFIA) 2022 indicated that 65 per cent of marine capture production was already coming from developing countries. This meant both developed and developing countries had fully exploited available resources in their maritime zones. It was also important to keep in mind that marine capture fisheries production hit its peak almost 25 years ago—in 1996 at 87.7 million tonnes—and has now come down to 78.5 million tonnes. Developing countries, having increased their share in total production, are five of the top ten producers. China is highest with 15 per cent, Indonesia second (8 per cent), Peru in third (7 per cent), India fourth (5 per cent) and Vietnam fifth (4 per cent). Sebastian said that the developing–developed classification is irrelevant now. Of the world's 27 lakh fishing vessels, two-thirds are in Asia. Asia is the main engine for marine capture fisheries today. Of 38 million people, 79 per cent are employed in Asia and 13 per cent in Africa.

Sebastian referred to the common but differentiated responsibility in climate change negotiations. In his opinion, specifically for marine fisheries, both developed and developing countries were responsible for the state of marine fisheries resources and hence there was a need to adopt a common approach to resource management.

Referring to SOFIA 2022, he said that several species including Indian sardines and South American pilchard were said to be overfished. The share of marine stocks fished at unsustainable levels had

increased from 10 per cent in 1974 to 35.4 per cent in 2019. From Sathianandan's presentation on Indian fish stocks, it was learnt that 34 per cent were sustainable and 36 per cent were overfished. 3 per cent were marked as overfished and 27 per cent were recovering. A depletion of inshore fishing grounds in India and expansion of fishing grounds to deeper areas within the continental shelf showed the need to talk about overfishing and overcapacity pressures.

It was important to remember that the fisheries agreement was not a trade agreement—the agreement spoke about a new committee on fisheries subsidies. Sebastian said it was interesting that a trade body was moving towards looking at a resource to improve the resource management situation. It was good that the Doha development round was trying to clarify and improve fisheries subsidies.

Emphasizing that the agreement was against only three types of subsidies, Sebastian said he would first discuss the permitted subsidies. Many subsidies could be maintained for fisheries activities if they were meant to maintain or rebuild fish stocks. Due restraint has to be shown when granting subsidies to vessels not flying a Member's flag, and when granting subsidies to fishing stocks of unknown status. These are the green and amber type of subsidies.

Subsidies denied—the red category subsidies—are of three types. No subsidies were to be granted or maintained for vessels or operators engaged in IUU fishing. No subsidies were to be given for fishing an overfished stock and no subsidies to fish outside the jurisdiction of a coastal state or in an area outside the jurisdiction of a regional fisheries management organization or arrangement (RFMO/A).

With regard to IUU fishing, the MFRA was limited to territorial waters whereas the EEZ is unregulated. If a fishing vessel was going from Kochi to fish in the territorial waters of Kerala but subsequently moved into the EEZ to catch fish then upon their return to the Kochi harbour they needed to report their catch. Failure to do so was considered IUU fishing because it violated regulations within the territorial sea. IUU fishing is any activity cutting across law and areas where there is no regulation. Sebastian said it was to be seen if our fishing vessels were subject to IUU discipline. In addition, legislation for the EEZ had to be thought out.

The agreement, he said, was very clear that the onus was on the coastal state or the RFMO to determine IUU fishing, operators and vessels. This affirmative determination needed to be communicated to the fisheries committee which will have to be set up. The committee will be informed by the coastal state. He said that there were five Indian small-scale tuna longliners from Thoothoor, Tamil Nadu on the Indian Ocean Tuna Commission (IOTC) IUU Vessels List, dated 26-05-2022 (and four Indian longliners on the IOTC Record of Authorized Vessels—all owned by the Fisheries Survey of India). Many vessels from India crossing the maritime boundaries (i.e. EEZ) and into the high seas may not know that they are violating any law because they lack legal literacy. It was important therefore to ensure enough legal literacy and raise awareness amongst those people, and to make sure that all those vessels were listed in the authorized list of vessels. Sebastian said ICSF had corresponded with the IOTC and shared papers and procedures with the Association of Deep Sea Going Artisanal Fishermen (ADSGAF) of Thoothoor on how to become authorized fishing vessels.

Next, he spoke about the territorial implications of the WTO fisheries agreement. The UNCLOS had defined the baseline. All the waters landward of the baseline, such as the Gulf of Khambat, Bombay Bay and Palk Bay, were considered internal waters and did not come under any international legal obligations. Legal obligations to UNCLOS started from the baseline. From there upto 12nm was the territorial sea, and from baseline upto 200nm was the EEZ. In the WTO agreement, the continental shelf was also mentioned. India has ratified the UN Fish Stocks Agreement (UNFSA) that tuna resources sometimes lie outside 200nm. Hence India may have to rethink the territorial implications upto 350 miles.

This agreement was made in June 2022 and was supposed to be implemented by 2024. Developing countries would get an additional two years to put legislations in place. Subsidies given to IUU fishing after that period would not be exempted. There was a window of exemption for developing countries upto 2026. After that, there is an expectation that India has a legal instrument for the EEZ

and that compliance of fishing vessels is very good. This called for a change in perspective from business as usual to business with management.

Sebastian went on to discuss the exceptions. He said the agreement talked about subsidies that may be granted and maintained for rebuilding fish stocks. It does not define what the subsidies to rebuild were. Sebastian used examples from a paper (Murawski, 2010, *Rebuilding depleted fish stocks: the good, the bad, and, mostly, the ugly. ICES Journal of Marine Science, Volume 67, Issue 9, December 2010, Pages 1830–1840*) which spoke about social adjustment payments, such as paying to keep fishing vessels away from fishing, finding alternative species to target permanently or in the interim, utilizing excess capacity to assist in evaluating the state of stocks, payment for permanent retirement of fishing vessels, etc. It was most likely that subsidies for overfished stocks by developing countries would be exempt until 2026. Another important exemption was the subsidies granted for disaster relief, subject to certain conditions.

The most important part of this agreement was rigorous notification requirements. Scientific establishments needed to show that there was no overfishing. At the national level, there needed to be stronger political will to ensure reporting and ensure transparency. Rich countries may be able to do this better than poorer countries, so there existed a provision for technical assistance to developing countries. Smaller developing countries could use this.

Sebastian emphasized that the essence of this agreement was to eliminate overcapacity and overfishing. This could be a very good opportunity to reset the fisheries 75 years after independence. The 1976 parliamentary debate on UNCLOS had raised a lot of expectations in terms of fish and mineral resources but the years subsequent to the LOS convention had been a reality check. There isn't that kind of cornucopia in the ocean. Hence, he said there was a need to defend and plan and manage resources to ensure sustainably and equity.

4.3. Activity on WTO subsidies

Participants were asked to draw or write from the list of new subsidy possibilities from John Kurien's presentation, and choose and rank which ones they considered important. A summary of the state-wise responses is given in the appendix (See page no. 40)



Participants from Maharashtra presenting their points through illustrations during the activity on WTO subsidies, where they were asked to choose and rank the kind of subsidy that they considered important for their state

5. Session 4: Public Expenditure

5.1. Presentation 1: Public Expenditure and Coastal Fishing Communities: India

Ananthan PS, Principal Scientist, Social Sciences Division, Central Institute of Fisheries Education (CIFE)

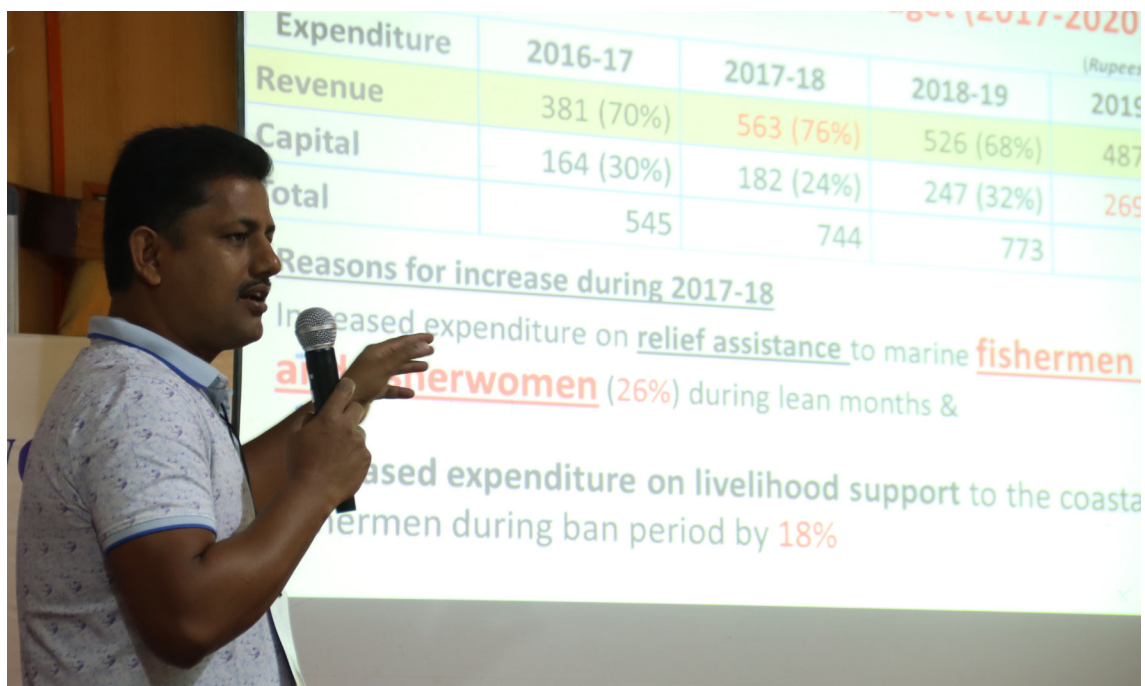
Ananthan started by defining terms commonly used in budget statements. He explained that capital expenditure is any expenditure spent on creating assets. All other types of which are recurring in nature came under revenue expenditure. It was important to be clear whether the funding went to capital creation of long-term assets—giving returns over a period of many years—or would get consumed during that year. It was necessary to distinguish between the two very clearly.

Schemes, Ananthan said, were of three types. The first one, the Central Sector scheme (CS), was designed and funded by the central government. Some of its components were implemented by the state (province). The second, the Centrally Sponsored Scheme (CSS) was developed by the Centre or the State or jointly. Only a part of the funding came from the Centre, and the remainder was borne by the State and beneficiaries. The third was the state scheme where the state government prepared for its own state based on requirement using funds of its own. In the case of the CSS, the central government releases its share only when the state government commits to spend it. Thus, responsibility for CSS lies with both the state and central government. Grants-in-aid are a gift. In the case of subsidies, part of the finance is given as a gift. A loan is something that is not a gift but is to be returned back, with or without interest depending on the scheme.

Speaking about the Prime Minister's Matsya Sampada Yojana (PMMSY), Ananthan said that though the Finance Minister announced it in February 2020, it was only in September 2020 that the structure of the programme was announced. Existing CS and CSS were brought together, a few more components added, and it was called PMMSY. It listed objectives such as, increasing fish production to 22 million tonnes by 2024-25, generating employment for 15 lakh people, doubling exports, reducing post-harvest losses to 10 per cent and doubling incomes. The programme was touted as the largest with INR 20,050 crore (US\$ 2,455 million) for five years.

Of the INR 20,050 crore, INR 1,720 crore (US\$ 210 million) was a central sector component. This major component was the centrally sponsored component of INR 18,330 crore (US\$ 2,244 million) which had two parts. One set was beneficiary oriented, meant for fishers, farmers, and other entrepreneurs with an allocation of about INR 12000 crore (US\$ 1469 million). Non-beneficiary-oriented schemes are partly funded by the Centre, with the State matching it. There were two sets under beneficiary-oriented schemes. In the general category, the central government gave state governments 40 per cent of the project cost and the remaining 60 per cent was borne by the beneficiary. If the beneficiary was a woman or from the Scheduled Castes or the Scheduled Tribes, the government would contribute 60 per cent; this would be shared by the State and the Centre. The central government would release the money only if states committed to matching the grant.

Thus, the INR 20,050 crore promised was not entirely the central government's contribution but included the state government's contribution and the beneficiary's contribution. The central government's share was only about INR 9400 crores (US\$ 1,151 million). About INR 5000 crore (US\$ 612 million) came from beneficiaries and the remaining from the state government. For Union Territories, the central government contribution was 100 per cent; in the case of North Eastern states, the central government contributed 90 per cent. This amount was supposed to be spent over the next five years meaning, the central government would spend about Rs.1700 crore (US\$ 208 million) per year. A website (with tutorial) had been created for PMMSY, Ananthan said. He was highlighting only points relevant to coastal states in the following sections.



Ananthan PS, Principal Scientist, Social Sciences Division, Central Institute of Fisheries Education (CIFE) presenting on Public Expenditure and Coastal Fishing Communities in India. Ananthan said that fisheries management and regulatory framework was a major component under the CSS

1. Under CS, 13 mentioned items could be utilized. Of these, the following were relevant:
2. Innovations & innovative projects/activities, technology demonstration including startups, incubators and pilot projects,
3. Modernization of fishing harbours of central government and its entities,
4. Need based assistance to State Fisheries Development Boards and Fish farmers producer Organizations/ Companies (FFPOs/CS).

Many were broad based and some awards for creating e-marketing platforms had already been given. Many others were relevant only for aquaculture or inland states.

In the case of CSS implemented by the state government and partly funded by central government under PMMSY, there were three major areas. Under programmes meant to enhance production and productivity, mariculture, seaweed cultivation as well as ornamental fish cultivation were listed. Under post-harvest and cold chain infrastructure, Ananthan pointed to a number of programmes relevant for people in marketing. Under this funding could be availed directly by the beneficiary. There also existed schemes for construction of retail fish markets, e-platforms, upgradation and acquisition of vessels for deep sea fishing and establishment of bio-toilets in mechanized fishing vessels.

Ananthan referred to discussions in the previous session and said that fisheries management and regulatory framework was a major component under the CSS. The programmes included MCS, strengthening of safety and security of fishermen, fisheries extension and support services and insurance of fishing vessels and fishermen. It also included livelihood and nutritional support for fishers for conservation of fisheries resources—such as compensation during lean season. The components were framed broadly and it was up to the concerned state government to frame them as per their own requirements, submit the proposal and avail funding from the Centre. Ananthan said that using this, some states like Andhra Pradesh and those in the North East were hiring fisheries assistants from the village—matsya mitras—to liaison between the community and the department to help implement the scheme.

Kiran Koli from Maharashtra wanted details of insurance schemes. Ananthan said that NFDB had made detailed guidelines and they were available on the website. He also said this was not being done uniformly across states.

Another question discussed the safety and security of fishermen. Ananthan said that this included a provision of GPS, satellite phone, and purchase of other safety devices. Details were available for the beneficiary contribution and state contribution. He said that not all schemes were new but some enhancement of provisions for various programmes had been done.

Pradip Chatterjee made two points. It was very difficult for small-scale fishermen to get money to complete the beneficiary contribution because state governments were not giving bank guarantees for the CSS. The second was that the state governments were not implementing many of the schemes. Leo Colaco asked how much money each state had been given and how many beneficiaries were there.

Ananthan said that the budget for the entire Department of Fisheries was INR 880 crores (US\$ 107 million). PMMSY accounted for INR 540 crores (US\$ 66 million) for this year, whereas it should have been spending close to INR 2000 crore (US\$ 244 million). Only a quarter of the money planned was spent. Of that budget, two-thirds had been distributed among different states. The central government spent about a third directly on its own and 2 per cent went towards establishment expenses including salaries. The budget estimate for the second year (2021-22) was about 1000 crores (US\$ 122 million). Thus, for the first two years put together, it was about INR 1600 crores (US\$ 196 million), far below expectations.

Ananthan looked at the funds utilized by coastal states under Blue Revolution (3 years) and PMMSY (2 years). The biggest recipient over the 5 years was Karnataka, receiving nearly INR 200 crores in 5 years (US\$ 24 million). This was followed by Tamil Nadu and Andhra Pradesh. West Bengal received a meager INR 12 crore (US\$ 1.5 million). Inland states fared much worse. Most of the programme contributions were based on both the demands by the states and their capacity to utilize the Centre's matching grant. This exercise was meant to understand what is happening and work on demanding better finances.

Ananthan then showed an analysis of how much each state government was spending on its own, as well as what it received from the Centre. He pointed out that states like Tamil Nadu, Karnataka and Kerala had better allocation compared to other states. The figures included all the different kinds of spending, capital and revenue, for inland and marine sectors.

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To a question from Sebastian Mathew, Ananthan said that on an average 15-20 per cent of a state's budget was from the Centre, though it varied across the years. In the case of West Bengal, it was closer to 5 per cent. Ananthan went on to do a detailed analysis of the budget of the state Fisheries Department of Tamil Nadu for 2016 to 2020. In 2019-20, the total budget was INR 755 crores (US\$ 92 million). On an average, he noted that the state spent about INR 500 crores (US\$ 61 million) with a third for capital and two third for revenue expenditure.

Under revenue expenditure there were four major components—administration, extension and training, welfare benefits and education, research and development. The recently set up fisheries university was also accounted for in the Fisheries Department's budget. Almost 66-74 per cent of this went towards welfare. Administration mainly included the salary component—12-13 per cent in Tamil Nadu, and as high as 30 per cent in other states. In Tamil Nadu, there were about 1500 personnel, including both administrative and technical staff.

Kiran Koli wanted to know whether the relief fund for women and fishermen came from the Savings-Cum-Relief fund or from PMMSY. Ananthan said that a little came from PMMSY but mostly it came from the state budget. Kiran then said that Saving-Cum-Relief fund could only be accessed by BPL. In the case of Maharashtra and Goa, if one owns a craft, even a small one, it cost above INR 1 lakh (US\$ 1224) and hence it was not possible to list these people under BPL. He wanted to know why this was happening and whether they could advice the government. Ananthan suggested they sit and analyze the Maharashtra budget so they could make appropriate recommendations to the government.

Ananthan next looked at the welfare expenses. Approximately 34 per cent of this went to the subsidy, mainly fuel subsidy, kerosene subsidy and compensation. Almost two-thirds went into income support to fishers with both men and women benefitting through grants in aid, relief, compensation during lean months and non-fishing periods. The amount under welfare was roughly INR 285-300 crore (US\$ 34-27 million), under five major components: livelihood support to coastal fishermen during ban period, grants for commercial kerosene subsidy to fishermen, special allowance to fishermen during non-fishing period, relief scheme for Tamil Nadu marine fishermen during lean months and relief scheme for Tamil Nadu marine fisherwomen during lean months which was unique in the case of Tamil Nadu.

Sebastian Mathew said that Covid relief in 2020-21 could have driven up the figures. Ananthan said that though they were yet to look at the figures closely, it was certainly not more than this.

A woman participant from Tamil Nadu said that money was not being given to fisher widows during the lean months and fishing ban period. They had made representations to the fisheries department but were told that this was standard procedure. Ananthan said that it was probably a lapse of procedure, but it could and should be made. Palsamy said that widowed women face difficulties and asked that women-headed families be given preference.

Ananthan clarified that the relief scheme for Tamil Nadu fisherwomen was for all women classified or counted as fisherwomen. This meant that even in households where there was a fisherman, and the wife was also considered a fisherwoman, and if she was a member of one of the cooperative societies, money would be given to both.

Ananthan moved on to say how much was spent by the state, how much the Centre provided and how much money was mobilized from outside. In 2019-20, for example, more than 80 per cent came from the state government, about 15 per cent from the Centre and 4 per cent from internationally aided programmes such as the World Bank—often taken as a soft loan. Over the last ten years, every year almost 4-5 per cent of the money came from outside sources.

Ananthan said that the fisherwomen Saving-cum-Relief scheme was a state scheme. Among centrally sponsored schemes consisted of the National Fishermen Saving-cum-Relief Scheme (NFSRS) for marine fishermen, Group Accident Insurance Scheme for fisherfolk, Motorization of Traditional Crafts, Subsidy assistance for diversification of trawl fishing in Palk Bay Districts to deep sea fishing and Subsidy assistance for construction of Fibre Reinforced Plastic (FRP) crafts.

Ananthan attempted to show the government's spends per fisherman or per family across states. The figures were an average for 2017-2020. The expenditure per coastal kilometer for Tamil Nadu was INR 45 lakhs (US\$ 55,000), per coastal district INR 35 crore (US\$ 4.3 million) and per fishing village INR 79 lakhs (US\$ 96,729). The expenditure per hectare of inland water body was INR 1,240 (US\$ 15.18). In the case of active marine fishers (both men & women), it was INR 6546 (US\$ 80) per person, Rs 26,184 (US\$ 320.6) per active marine fisher family, INR 2,745 (US\$ 33.6) per marine fisher woman and INR 2,291 (US\$ 28) per marine fisherman.

Next Ananthan presented an analysis of the West Bengal Fisheries Department budget for four years (2017-20). While about INR 400-450 crore (US\$ 49-55 million) was initially planned, the actual spend was between INR 270 and 330 crore (US\$ 33-40)—a huge gap between what was planned and what was actually spent. Also, the expenditure had declined and if inflation was taken into account, the actual expenditure would be lower.

Vedant Katkar wanted to know what happened to the budgeted amounts that remained unspent. Ananthan said that funds released but not utilized were usually returned, or adjusted in the next year.

Pradip Chatterjee said that central funds CS and CSS could not be reallocated. In West Bengal, there was extensive inter-departmental reallocation, especially for populist schemes. The budgetary amounts were also released for 3 months at a time and hence big demands could not be placed.

Ananthan said that in the case of West Bengal, most of the spending was for inland fisheries. A special component was for scheduled castes. But other assistance was very little, less than INR 10 crores (US\$ 1.2 million).

A participant from Andhra Pradesh said that in many districts, cooperative societies were formed under the SC ST Corporation and fisheries funds were diverted there. Pradip Chatterjee said that in West Bengal, the special component plan for scheduled castes was also eventually funded by the Centre.

Ananthan said that in every state it was funded by the Centre. This didn't happen in Tamil Nadu because the fishing community in the state did not use that component. He continued his presentation by saying that in West Bengal, the contribution of the Centre was meagre (13 per cent) and had declined to less than 5 per cent over the last two years.

He presented a unit analysis similar to the one for Tamil Nadu. In West Bengal, the expenditure per Coastal Kilometer was INR 83,538 (US\$ 1023), INR 65 lakhs (USD 80,000) per coastal district and INR 70,207 (USD 860) per marine fishing village. The expenditure per hectare of Inland Water body was INR 3,639 (US\$ 46) as the state has more inland waters. The expenditure per marine fisherman was INR 33 (US\$ 0.4) compared to that for an active inland fisherman which was INR 207 (US\$ 2.53).

A preliminary analysis of the Maharashtra budget followed. Ananthan said that the focus was largely on marine fisheries under which construction of fishing harbours/ jetties and subsidy for fuel took the largest chunks. There was no allocation for relief assistance in the state.

Concluding his presentation, Ananthan said that this was only a beginning and that analysis should form the basis for finding solutions and asking questions. Why did some states spend so less? Do states spend enough? Who decides how much, on what and on whom to spend? Does higher spending translate to better livelihoods/well-being for fishers/fisheries? Are schemes targeted at the genuine deserving fishers/fish workers? Do fisher women/fish workers benefit as much as fishermen? Should diesel supplied to mechanized vessels/fishers be subsidized? Do fishers/ fisheries get a fair share *vis a vis* farmers and other occupational groups?

Ananthan said it was not clear if higher spending translated to better livelihoods or well-being. It was necessary to target subsidies correctly, and ensure they were delivered to those in need. Once this was done, there was a need to look at the farm sector, see how much farmers were getting in comparison to how much they contributed and how fishers fare compared to them.

Vivekanandan suggested carrying out a longer historical analysis would take time. In Tamil Nadu, the 2004 tsunami had created a peak and after that the investments remained high for a fairly long time as there was a huge World Bank project, especially for infrastructure. Subsequently the budget went down.

Ananthan concluded by citing a resource everyone could use—<https://openbudgetsindia.org/>. Like ICSF, this was a non-profit which compiled various budget related information for free use.

Sebastian said that there appeared to be a lot of interest in making the welfare programme part of central schemes. He asked if it was possible to find out how many from the fishing community were there in the data base. Additionally, how many fishermen and fisherwomen were benefitting from central schemes, what was the pattern and whether, over a period, there was a shift from the state assisted welfare to the centrally assisted welfare.

Ananthan said it could be done with that data. He sensed a slight move away from states to the Centre which, in his opinion, was not a good sign. The Centre was attempting to do what the states should be doing therefore undermining the federal structure of India.

5.2. Presentation 2: Linking the SSF Guidelines with List of Schemes in Coastal States

Ahana Lakshmi, Independent Researcher, Chennai

Ahana Lakshmi started off by saying that there were attempts underway to understand whether the SSF Guidelines were being implemented in some way or the other by looking at the state level schemes. The focus was on the five chapters of Part II the SSF Guidelines: Chapter 5A, Responsible Governance of Tenure, Chapter 5B, Sustainable Resource Management, Chapter 6, about social development, Chapter 7, about Value Chains, Post-Harvest and Trade, Chapter 8, on gender equality, and Chapter 9 Disaster Risks and Climate Change.

As an initial exercise, a list of schemes and budgets from the coastal state Departments of Fisheries, Demand for Grants, Policy Note etc. were extracted and an attempt made to classify each scheme under one or more chapter and paragraph of the SSF Guidelines. Thus, provision of capital expenditure on housing was linked with Chapter 6, para 2 (6.2), National Fishermen Saving-cum-Relief Scheme was 6.3 and Insulated ice box for women and Construction and renovation of fisheries jetties and landing centres came under 7.3.



Ahana Lakshmi, Consultant, ICSF presenting on Linking the SSF Guidelines with List of Schemes in Coastal States. The maximum allocation of budget was generally in the paragraphs falling under Chapter 6: Social development, employment and decent work

A list of all the possible points from the different budget lines was classified under the different paragraphs of the five chapters. It was found that the budget lines fell only under certain chapters and were mostly linked to certain paragraphs in the chapter.

It was found that in most cases, maximum allocation of budget was generally in the paragraphs falling under Chapter 6: Social development, employment and decent work. It was also the longest chapter. Some examples from most state budgets include housing schemes (6.2), social security schemes (6.3), insurance, credit and savings (6.4), input for fisheries (6.7) and inputs for diversification (6.8).

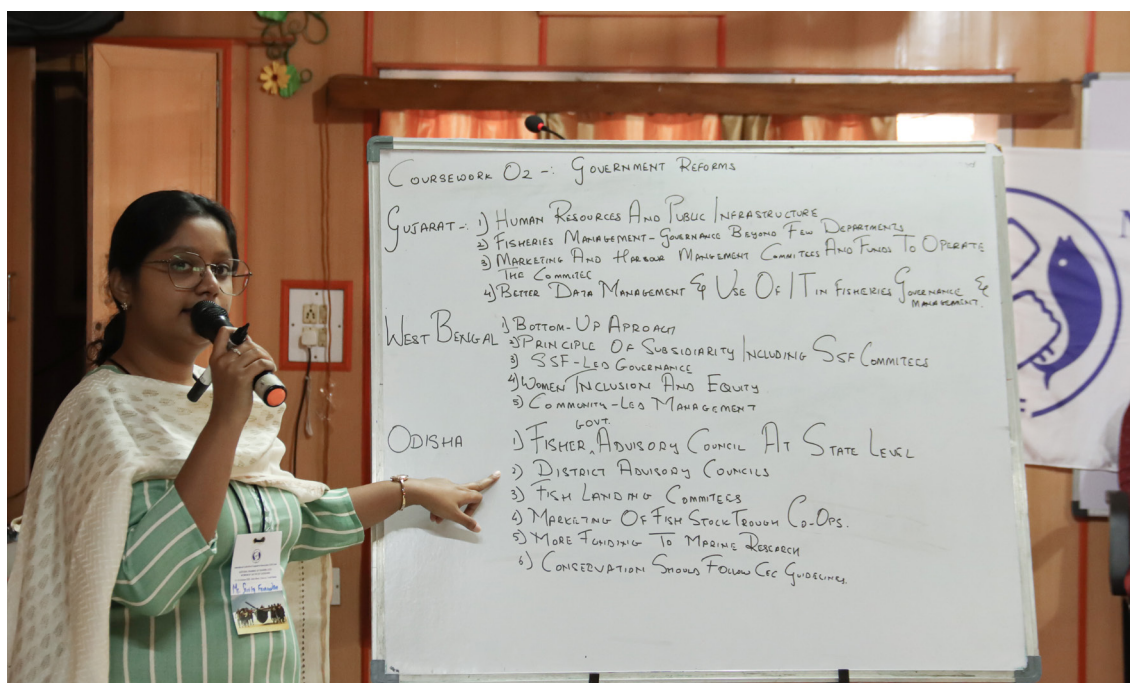
Chapter 7 deals with Value Chains, Post-harvest and Trade. Paragraph 7.2 focuses on women to be provided special attention for matters of post-harvest whether by fish vending or by provision of insulated ice boxes and so on. Infrastructure comes largely under 7.3. Chapter 9 Disaster Risks and Climate Change found a budgetary mention, with some states providing calamity relief.

Ahana subsequently presented a descriptive analysis which showed that most budget lines fell in Chapters 6 and 7—showing where the spending was. In Gujarat, Maharashtra and Goa, most of the funding fulfilled objectives of Chapter 7 (infrastructure) related activities whereas in the case of Tamil Nadu and Puducherry, the focus was on the social development related activities.

Some of the key conclusions of the study were as follows. Schemes were found to have multiple components and fell under different chapters of the SSF Guidelines; a break-up showing schemes and budget lines would provide greater clarity. Schemes related to Chapters 5a (Tenure), 8 (Gender Equality) were not identified in any of the budgets except in one case—that too was for inland fishers. Most budget lines and amounts relate to –(6) Social development, employment and decent work (savings, insurance, input support). The second largest allocations come under (7) Value chains, post-harvest and trade (Infrastructure such as harbours, ice boxes) and reduction in wastage in post-harvest fisheries. A point to note is that budget lines and schemes change from year to year. Allocation and amount disbursed do not always match. The point of the exercise was to identify that the SSF Guidelines were being implemented through various activities.

5.3. Activity on Governance Reforms

The question “What governance reforms are necessary to improve fisheries governance in India at the Union and State level?” was discussed by the participants. State-wise responses have been compiled in the appendix (See page no. 42).



Sarita Fernandes, the facilitator of the workshop presenting the points that evolved from the various state group discussion activity on governance reforms

6. Session 5: Coastal Land Rights

6.1. Presentation 1: Coastal Land Rights and India: Social and Economic Issues

Manju Menon, Senior Fellow, Centre for Policy Research, New Delhi

Manju Menon's presentation focused mainly on coastal land rights. She said that while some questions had already come up from earlier sessions, her attempt would be to try and connect those questions. While it was difficult to find answers to these questions, the aim, she said, was to try and figure out if there were any mechanisms, projects or activities that could help find solutions.

Referring to topics that came up on the first day—about constitution, property and land rights—she said that in 1978, the Fundamental Right to property in the Constitution was abolished because of tensions between protecting private property and improving or increasing social and economic equality in the country. In 2009 somebody filed a public interest litigation in the Supreme Court to re-instate the fundamental right to property because there was (the petition stated) too much land acquisition, land grabbing and take over. That petition, however, was dismissed in 2010, though not on grounds of merit.

Hence, Manju said, one could say that land had become the most important requirement in the economic growth planning in the country and was also the most difficult resource to take away from people in an electoral democracy. The current presentation, it was necessary to recognize, focussed on a specific context of the present situation. Government policies, schemes and implementation of laws and policies were distributing land. But who was it getting distributed to? Looking at the country-wide experience, not just the coast. Manju said that what was really happening was that land was being transferred upwards, moving more and more into the hands of people who already had a lot of it. But in the case of land rights, it was about distribution from top to bottom.

Manju said that the trend of redistribution of land from the bottom to the top was happening even in the context of the progressive new rights-based legislations such as Forests Rights Act, Panchayat extension to scheduled areas and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013. (RFCTLARR). Land dispossession—the



Manju Menon, Senior Fellow, Centre for Policy Research, New Delhi presenting on Coastal Land Rights and India, with focus on Social and Economic Issues. Manju said that CRZ has a clear portion on conservation but these activities are seldom taken up

opposite of what was being aimed at; to possess land or to claim land or to get rights over land—was underway.

Though it had happened in the 1960s, 70s, and 80s, then land dispossession was for industrialization and improving the economy. It was led by the government and was development induced displacement. Today's land dispossession on the other hand, was being led entirely by private agencies and organizations and was displacement without development. Manju said that a lot of the land acquired or taken over for certain kinds of projects was being taken over by private agencies and remained unused for development but was used as assets to obtain loans. There was lesser promise of socio-economic equality after displacement and more likelihood of political conflicts. After displacement, jobs and compensation does not materialise. Communities that have livelihood or customary usufruct rights to use the land or some spaces lose out because the land is fenced off, despite not being put to any immediate use. She said that every state had reached such a point where their ability to engage in economic growth depended, to a very large extent on how much land they could get for private agencies. This meant every state was doing as much as possible to move people out of land, and free it up. If someone went to the state government and asked for land rights, it was not likely to materialize.

Almost all laws required consent when land was being taken over. Manju said there were three ways of getting consent. The first was by force or coercion. The second was persuasion. The third was through compensation for parting with the land. In India though, land could be taken without consent based on the principle of eminent domain.. Since 2013, the Land acquisition law included compensation clauses for 2-4 times the market value. Compensation seemed to help create some sort of compromise between people taking land and those whose land was being taken. If the process of taking consent was violated, people went to court to use legal processes to try and protect their rights over land. Manju said there was a need to validate reasons for taking away the land and whether it would improve the lot of people or not. She raised a question about how these points impacted CRZ laws. She said it was hard to integrate CRZ with welfare housing schemes as seen in coastal Karnataka. Similarly, when it came to such approvals in CRZ, the role of district level committees was unclear. State CZM authorities were seen as taking the decisions.

While there was now greater emphasis on mobility related infrastructure projects on the coast, it was not clear if they would do anything for the development of these places. Most of these projects dealt with mobility to pass through the coastal areas. Impact assessment reports had very little information of how they impacted particular caste groups or livelihood groups. Gender was generally absent in such studies. Many such projects were now causing second or third displacements in several areas—impact assessment reports did not have any information about this. Manju said that CRZ has a clear portion on conservation but these activities are seldom taken up—evident in the case of Godavari where they had to go to court to ensure that mangrove restoration was actually taken up. Since land is considered an asset, conservation efforts are blocked. It is even more difficult in the case of climate related responses. Manju said no study had been conducted before seawalls were constructed. Many activities therefore were kept outside the purview of CRZ. Manju concluded saying that it was necessary to understand that we are talking about coastal land rights in a context where land has become an asset. There was a need to understand what these laws would do.

6.2. Presentation 2: Regulatory Spaces, Coastal Livelihoods and Conservation

Kanchi Kohli, Senior Researcher, Centre for Policy Research, New Delhi

Presentation on Regulatory Spaces, Coastal Livelihoods and Conservation was made by Kanchi Kohli. The aim was to legally protect livelihoods dependent on healthy coastal ecologies in the absence of tenurial security.

Kanchi began by talking about accessing spaces for coastal mapping and planning. The first are the Coastal Zone Management Plans, where under the CRZ notification, various zones and permitted activities are identified and to be updated. There is validation and resolution of map data from satellite and ground reality. It involves public hearings and open access. The administration has to be engaged to ensure that the data depicts reality. The second set is pollution control. While an issue such as water pollution is not recognized, air pollution is noticed and acted upon. The third deals with state climate action plans—being prepared by many states—seeking to secure national and international cooperation. It remains to be seen how this will affect coastal areas. The fourth are urban master plans where it was yet to be seen how coastal areas are reflected. The first step, she said, is to see that the version of reality that is frozen in these plans is the correct one.

Understanding the potential and risks of Zoning Instruments in Environment Regulation was important. The first of these were critically vulnerable coastal areas (CVCA) under CRZ, which are essential for livelihoods and conservation. The second one were ecologically sensitive areas and zones. This uses Section 3(2)v of the Environment Protection Act, 1986 that empowers the Central government to act. Declaration of ESA/ESZ empowers the government to prevent certain types of industries in certain areas. A proactive instrument, it has been used to prevent tourism and mining in certain areas. Biodiversity Heritage Sites (under the Biodiversity Act, 2000) was another tool which could be adapted to the local needs as they are broad and flexible. They could be used to protect one single tree or an entire region. Biodiversity and fishing practices are connected. Declaration of an area as a biodiversity heritage site will have to take land use into account. Community and conservation reserves for wild life (under the Wildlife Protection Act, 1972) necessitate land use change at community level. These empower local communities in its management.

The third option, Kanchi said, involves participating in environmental regulatory processes, in many cases requiring prior permission. These have requirements like public hearing, short duration consent etc and needs to be reviewed each time. The decision for land use change can be reviewed at various levels. In the case of CRZ, there is an approval process while the EIA requires a public hearing. Kanchi also spoke about contextualizing forest conservation and rights for coastal areas. The Forest Rights Act of 2006 could also influence CRZ in places where the coastal area was a forest.



Kanchi Kohli, Senior Researcher, Centre for Policy Research, New Delhi presenting on Coastal Land Rights and India. She explained how understanding the potential and risks of zoning instruments in Environment Regulation was important

Traditional use rights fall in this area. Mangroves, mudflats, turtle nesting all fall under this. When discussing exploring spaces in administrative planning, Kanchi spoke about Panchayat and Urban Planning laws. The laws have strong clauses for removal of encroachments. The district collector has powers to remove anything considered public nuisance. These could be used for the protection of common use lands via the district level coastal committee. While far from comprehensive these planning, zoning, procedures and administrative instruments could be used where secure clear titles were not in place.

Nandakumar Pawar said that the points raised in the presentations by Manju and Kanchi were important for their lives and livelihoods. He spoke about how the dilution of CRZ notification by JNPT, and the port, had resulted in the shrinking of mouth of the Thane creek at the mouth of the Arabian Sea to only 80m from the original 1580 m. This had impacted the overall fishing area of the region changing the ecology and the landscape. Sludge generated due to continuous excavation, piling, drilling and dredging was deposited in the spawning and breeding area of the fish and contaminated the entire creek. They had approached the NGT with a specific request of an additional review of the status of the area. The JNPT claimed that the area to be reclaimed came under CRZ IV. Their contention, that it was CRZ I area—biologically active mud flats—was honoured by the Court. They further ordered the constitution of a four member committee which met with them and saw that their claim of the biological mud flat was completely exposed during low tide. Yet, the committee submitted a misleading report to the NGT that only a small portion of 110ha fell under CRZ I area and remaining was CRZ IV. Nandakumar Pawar also pointed out that Thane creek had been declared a flamingo sanctuary in 2016 and a Ramsar site in 2022. The area was now completely contaminated because of the three huge dumping grounds set up on the bank of Thane creek and the untreated effluent being drained in. Sebastian Mathew asked if the Easement Rights Act could protect access to fishing grounds through these areas.

Nagasaila, an advocate, responded saying that easement rights were very difficult to enforce even in regular private property matters. The whole issue was of where you fell legislatively. She said that easement rights could not be raised in the NGT because that did not come within the scheduled enactments. Hence there were jurisdictional issues. It was impossible for people to assert them but they could try the civil courts.

6.3. Presentation 3: Coastal Land Rights: Koliwadadas and the Koli Community, Maharashtra

Vedant Katkar, Advocate High Court, Mumbai

Vedant Katkar's presentation covered coastal land rights with a specific reference to the Koliwadadas and the Koli community of Mumbai. He began by saying that coastal land was reducing because of rising sea levels on one hand and reclamation and development on the other. There was no concrete policy besides the CRZ defined by the government for fisher community. Hence, they were forced to go to courts to define their rights and protect their lands.

When the British left, Bombay Improvement Trust (BIT) had been formed. This was later handed over to the Bombay (Mumbai) Corporation. Vedant showed pictures of the present day with Koliwada framed in front of high rise buildings. It was all vertical development with some pockets declared as slum. Some colonies had been entirely wiped out. The British had protected the fishermen's rights. The question was how to protect the rights now.

Government records provide history. In 1661 AD the islands of Bombay were part of the Royal Dowry on the occasion of the marriage of King Charles II. An extract from the letter dated 7th December 1791 by the Collector Mr. George Stevens read, "The indulgence granted these people are an exclusive right to all the fishery, not only in all water surrounding this island but for several leagues out in the



Vedant Katkar, Advocate High Court, Mumbai presenting on Coastal Land Rights of Koliwadās and the Koli Community in Maharashtra. He said it was important to be able to prove claims and it took 35 years of fighting with authorities to claim titles at Worli village

sea and where they and their property are protected and secured from being plundered by pirates, by the armed vessels belonging to the Honourable company. On the share they are indulged by having the privilege of building their habitations on any spot of ground most suitable to the advantage of their business and if this ground happens to be the property of Honourable Company they are allowed to occupy it without paying any rent.”

The land remained with the British till 1947. The Bombay Land Revenue Act 1876 was repealed by the Maharashtra Land Revenue Code 1966. The TPS (Town Planning Scheme) was started when land was acquired for Bombay. BIT provided compensation to every villager. While some accepted this many others refused to leave the land of their forefathers. They wanted land rights, not compensation. That was the main reason the de-notifying list was prepared.

Vedant said that they had prepared a forensic report which contained historical detail. Every state had a historical background, and its own identity. Despite different geographical conditions, he said it was important to secure the documentation created over time by our forefathers and the East India Company. It was important to be able to prove claims. It took 35 years of fighting with authorities to claim titles at Worli village.

Vedant also spoke about how words were interpreted. Different words were used in the vernacular for describing different things. They often translated into the same English word. For example, land owners paying *fasaldari* rent of one *anna*¹ to the *fasaldar* (tax collector) during the British period did not mean that the title was held by the British. There were two types of land—residential and freehold. The latter was for parking crafts, drying fish etc., and while residents could hold property cards, there was no policy for freehold land. The Corporation claimed to own the land and the fishers were mere tenants. Vedant said that while the government could acquire land for public interest projects citing policies and compensations, loss of activities was never considered. A fishing craft could not be parked on the road. Fishers always lived on the coast as they need the sea. It was a human rights violation to be asked to leave their native place. When developers came in and offered compensation, it was believed that the people would immediately accept but that was incorrect.

¹ An *anna* (or *āna*) was a currency unit formerly used in British India, equal to 1/16 of a rupee.

Sustainable development through an appropriate policy was the need of the hour. Bombay (Mumbai) did not have any Member of Parliament from the Koli community. It was politicians who made the laws and policies.

6.4. Presentation 4: Coastal Land Rights and India: Legal Issues

Nagasaila. D, Advocate, Madras High Court, Chennai

With a lot already said about coastal land rights, Nagasaila began by sharing her learnings as a lawyer over the last 30 years, representing people from the unorganized sector. It was necessary to be cautious and diligent before making demands for the state to impose regulation, because often in the name of regulation the state could take away rights.

She used the example of the Industrial Disputes Act, 1947 to explain how things had changed over time. The Act had its origins in the Madras Labour Union, the oldest trade union in India, predating the Constitution and Independence. They were the first union to strike, demanding that workers get a share in the profits earned by the employer Binny Mills. Binny Mills had earned enormous profits supplying cloth to armies during the second World War. The owners took the labour union to court citing loss of profit and filed cases against the workers. Thereafter, the Trade Union Act was enacted granting trade unions immunity for collective action.

The Industrial Disputes Act recognized that workers can go on a strike. But due process needs to be followed—this includes a 14 day notice, process of conciliation and finally going to court. During the notice period as well as the conciliation period (for which no time limit is prescribed), there could be no strike; the labour officer could keep initiating discussions. The process could end in conciliation. In case of a failure report, the government would be asked to refer the dispute for adjudication. During this period, there could be no strike. Once you went to court, the case could go on for years. The trade union and workers' energy would be expended in meeting the lawyer, going to court, noting down the next date of hearing and returning. At the end of this, the Industrial tribunal/Labour court might award a judgement in favour of the workers, or against them. This would hold good for a minimum of one year. During the period again workers could not legally go on strike. At the end of one year, in case the judgement was unsatisfactory, then once again all due process had to be started right from the 14-day notice.

A key learning from this is that while the law was meant to protect our rights, sometimes we end up in the vortex of the law, going round and round the legal measures. Sometimes a solution comes through, but the struggle of workers is of greater concern. Courts, in many ways, disempowered people with the struggle removed from the site of action. The chief players were no longer the worker and the employer, but lawyers and the judges.

Today, she said, the trade union movement was at its weakest because the leaders were busy attending courts, hiring lawyers and filing cases rather than organizing workers. There was an overreliance on borrowed strength which had become a weakness.

She then spoke about the street vendors of Chennai. Nagasaila had been representing them even before the Street Vendors Act, 2014 came into force. At the time, an entire federation of street vendors across the state fought back against large scale evictions. Finally, they obtained rights via the court, and in the 1990s, to some extent, the street vendors' rights were established. Over the years, street vendors had become complacent thinking that the courts would come to their rescue any time. Saying that the Street Vendors Act is a progressive legislation, Nagasaila pointed out the many caveats. Hawkers could not be evicted unless a proper census was taken. The census needed to be renewed every five years. A town vending committee with elected representatives of street vendors took decisions, but since others were also part of the committee, the vendors become a minority and lost their voice. Today, generally, the town vending committee of an area was run by the zonal officer of the corporation. Duly, most streets where there was active vending have been declared street vendor free zones committee.



Nagasaila. D, Advocate, Madras High Court, Chennai presenting on legal issues with reference to coastal land rights in India. She said It was necessary to be cautious and diligent before making demands for the state to impose regulation

Therefore, it was not good to rely entirely on law. Without organization at the ground level, nothing could be achieved. When street vendors were well organized, they succeeded in many ways to establish their rights. But initial successes led them to rely more on courts than street vendor organizations. The organizations splintered, each street creating its own association. Despite a legislation recognizing their rights for the first time, without a people’s movement, without proper organizational strength, they were unable to benefit from it. It was one thing to get the law but another to benefit from it.

The third example she cited was the Forest Rights Act (FRA). There had been a growing demand among the fishers that there should be a similar legislation recognizing the rights of the fishers to the coast and to the marine resources. But the fact is that tribals and traditional forest dwellers got the benefit of the act only in states where the tribal rights movements were strong. In a state like Tamil Nadu, the tribal population was relatively small, and the enforcement was done by the forest department. She cited a case presented to the Madras High Court. The state government had filed an affidavit about implementing the FRA in certain districts and had given a list of beneficiaries to the court. Having agreed to a ground check, the Judge went through the record to find that the form given to each individual had been pre-printed with a ‘no’ response for all community rights. Here the FRA had been reduced to merely giving *pattas*².

In her concluding points, Nagasaila said that these were lessons for communities aspiring to realize their rights through legislation alone. The weakening of the people’s movement in the case of street vendors as well as the tribal communities showed that even beneficial legislation was only on paper. It was very important to have a strong people’s movement at the ground level. Nagasaila said that the fishing community, usually the most cohesive and best organized, was getting fragmented due to political allegiance and other pressures. Thus, even while working in terms of legislation and lobbying, it was important to ensure that the house was in order and there is complete organization at the ground level.

² In India, a type of land deed issued by the government to an individual or organization

Discussion

Vivekanandan wanted to know what sort of claims could be made by fishing communities that have been living for a very long time on the non-arable beach areas of the coast, generally considered common property resources. Nagasaila said that the Constitution recognizes customary rights as law. In the Forest Rights Act, they had to prove three generations, or 75 years of having lived in that area and being dependent on the forest. These were people without documentation and hence their rights were tougher to establish. The fishing community's rights, she said, were generally more easily recognized. The coast no longer belongs to the fishing community, having been taken over by real estate. Few fishing communities have documentation, and ultimately in the court, everything depends on paperwork. It was not easy to prove in a court of law your traditional right even though in theory it is available to you. Vivekanandan said that the case for Bombay was different as they had documentation. The question therefore was how customary rights were to be established for a particular hamlet.

Nagasaila said that old revenue maps, old village records could probably be used to identify fishing villages. It was not easy to rely on unwritten customary rights though that may be accepted as a general proposition. John Kurien wanted to know if an area was unsurveyed—falling between the surveyed lands and the sea—was it part of the nation? Nagasaila said it was. Hamlets or dwelling places of the fishing community are recognized via electoral rolls and ration cards which provide some amount of documentation. John asked if the mapping done for over 150 villages would help in determining one's rights. Nagasaila said it would. Despite the state not undertaking this initiative on their own, today it was possible to be more participatory using technology and GPS and aerial photography. This kind of documentation would help push the agenda forward.



Unstructured fish market, Mumbai, India. Nagashaila in her presentation said that without organization at the ground level, nothing could be achieved. When street vendors were well organized, they succeeded in many ways to establish their rights

7. Closing Session

7.1. Presentation: Planning for the State (Province) Level Training Workshops on the SSF Guidelines

Nivedita Shridhar, Programme officer, ICSF Trust and N.Venugopalan, Programme Manager, ICSF Trust

Nivedita spoke about the next step, which involved conducting a training programme in each of the participating states. She outlined the methodology, the objectives and ICSF's expectations. The overall objective was to enhance fishworker organizations capacity, help CSOs and Community-based organizations negotiate issues regarding policy, legislation, lives and livelihoods of the SSF communities. The plan was to hold a one-day (or two days, if the partner organization is supportive) capacity building programme, in each state. A minimum of 10 participants with equal number of men and women across all age groups were expected to participate. The essential requirements would be a banner with the suggested title, badges, nameplates, stationery items, a hall with audio-visual capacity, a professional photographer for documenting the event, and refreshments. Nivedita showed a sample banner, programme and the list of documents to be shared with ICSF after the workshop. The available budget and the suggested break-up was also presented. In the subsequent discussion, locations for the workshops and the persons in charge were finalized. Venugopalan said that the inputs from the training programme would help decide activities in 2023-24.

7.2. Paper-boat Activity

Sarita Fernandes organized the last activity of the training programme. Two slips of coloured paper were distributed to each state. They were asked to write a pressing issue or project and exchange their slips with the neighbouring state. Participants read from the slips they received and were invited to suggest solutions. They then made paper boats out of the slips, proclaimed solidarity and let their boats sail in a tub of water.



Participant from Kerala, India floating her group's paper boat during the last day of the workshop. The paper boats signified solidarity with other members from the SSF community

7.3. Feedback Session

Madhuri Mondal of Dakshin Foundation, representing CSOs, Pradip Chatterjee representing the National Platform for Small Scale Fishworkers and Leo Colaco representing the National Fishworkers Forum provided feedback on the workshop. Madhuri said that she found the interesting perspectives



Leo Colaco from National Fishworkers' Forum giving feedback about the three-day national training of trainers workshop on the SSF Guidelines. He lauded the contribution of the resource persons and the interpreters

between claims and rights and different ways of looking at subsidies useful. She suggested that some presentations be further simplified and their relevance to others better explained. It was also an excellent opportunity for networking.

Pradip Chatterjee said that there were many in-depth discussions on many pertinent issues. The problem was that too many issues were discussed in a short time. To make sessions more interactive, he suggested that problems should be given out at ground level and then taken up from there. ICSF, he said was always very informative. Leo Colaco called for a round of applause for ICSF. He lauded the contribution of the presenters and the translators.

7.4. Vote of thanks

A detailed vote of thanks was proposed by N. Venugopalan.



Pradip Chatterjee, from National Platform for Small Scale Fishworkers putting forth his feedback on the three-day workshop

8. Appendix: Group Activity Reports

8.1. Fishbowl Activity

*What is the difference between rights and claims for coastal zones? (landward and seaward)
What is currently present in your home state/village/city?*

West Bengal: The state has two main coastal districts, East Medinipur and 24, South Parganas. East Medinipur has fish landing centres called khoti which are a 100 years old. Despite activities being conducted their land rights have still not been awarded. It has a small and traditional fishing community. The khoti community committee decides where to place nets. Now new navigation routes cut across nets. They were fighting for recognition of community rights and claim. Rights of customary coastal land and seaward use were not honoured by the state. Other sectors have greater claim to use the same zones.

Gujarat: The state has a vast inter-tidal zone ranging from 200m to 20km. In terms of rights, the fishermen have the right to live on the coast and park crafts. 50,000 fishermen houses were bulldozed in Dwarka because the government considered them illegal encroachers. Seaward in the Narmada delta, there is 2800 ha of creeks, grasslands etc. 28 sq.km has been allotted to salt pans. In this area, thousands of pagadiyas fish for small crab etc. There was a clash between salt pan owners and fishers. The fishers won. There is a CZMP but area demarcation (the number of hectares) is not available. Claims are not honoured. This results in our rights being given to others.

Kerala: Rights have been reduced to controlled rights and claims. Land documents are available but there is a fear of land being taken away for developmental activities. License to fish may also be taken away. It was always believed that where a family lived, the coast could be used by them. Now this was getting away from their control. Tourism, sand mining etc has increased. Children could play as they wished earlier, but now face restrictions. These were rights earlier, now reduced to claims. Fishing licenses are neither a right nor a claim. Rights to own and park crafts or sell fish can be taken away. Right to use land close to home is becoming a claim.



Participants discussing on the difference between rights and claims and what is available in their region during the Fishbowl activity on Day 1

Andaman and Nicobar Islands: The longest coastline has 97 fishing villages. After 1960, fishermen mainly from Srikakulam (Andhra Pradesh) and Kerala settled there. They are not recognized as a fishermen community and have to travel long distances for fishing. Only restricted permissions are given. A fight for the OBC category is ongoing.

The State plans fisher migration. There is no scope to understand the difference between rights and claims and no scheme to allot any land or seaward rights to A&N fishers. Decisions are made by the Panchayat. The government looks at fishermen as businessmen.

Tamil Nadu: Rights have become claims, having been made so by the government. 27 villages under Mayiladuthurai, Nagapattinam and Karaikal have broken up. Seaweed collectors in Ramanathapuram district are harassed by the Forest Department. Though fishers have got new houses, the *patta* is held by the Collector.

There is a feeling that the rights of fisherfolk have become a claim. There has been post-tsunami damage to four villages. Seaweed gathering fisherwomen's licenses are now cancelled and they are regularly harassed by the forest department. The new settlements post-tsunami were given on *pattas* and their old residence considered void. 64 villages have gone missing in the CRZ maps.

8.2. Fish Stock Recovery Activity

Find traditional or innovative ways to increase the percentage of recovery in fish stocks in your region. The states were paired and each pair was given a pair of fish.

1. Team 1: Andhra Pradesh and Andaman & Nicobar Islands: Sharks and Ribbon Fish

Andhra Pradesh (Ribbon Fish)

A 6-month ban be implemented in a way where 5 months is for trawlers and 3 months for motorized crafts. The mesh size must be increased from 0.5 inch to 2 inches.

Andaman & Nicobar Islands (Sharks)

There has been increase in the mechanized fishers in the last 3 years. Enforcement during the ban period needs to be increased. A shark policy has to be made because motorized vessels are fishing even during the ban period. Just like dolphin ban, there should be a ban on sharks and rays too. Fishers need to be made aware of protected species. The MFRA should be implemented.

2. Team 2: West Bengal and Gujarat: Indian Mackerel and Bombay Duck

Gujarat (Bombay duck)

The catch is dried and sold but because of cloudy weather, often it does not dry and goes waste. In cloudy weather, there is a tendency within the community to not fish. A voluntary fishing ban will work better than the government ban. The ban period for mechanized crafts should be increased.

West Bengal (Indian mackerel)

There needs to be a moratorium on new mechanized crafts in territorial waters and EEZ. Exclusive fishing zones for small fishers must be enhanced. Effort must be matched with stock. There needs to be a stock quota system and fish habitat must be protected. A voluntary ban must be enforced within and by the community. There needs to be an increase in the mechanized ban period.

3. Team 3: Maharashtra and Kerala: Silver pompano and Crab

Maharashtra (Silver pompano)

Maharashtra and Gujarat have the biggest catch. The ban period must be enforced during the breeding period and catching juveniles should be banned.

Kerala (Crab)

There is a lot of demand from overseas. Because it's a seasonal catch, it needs to be monitored. Crab nets need to be voluntarily banned between June and September. Pollution and plastic waste are a major threat. Catching juveniles needs to be avoided and sea beds need to be cleaned. There has to be a reduction in the usage of pesticide in neighbouring areas. Sewage outflow needs to be reduced.

Team 4: Odisha and Tamil Nadu: Oil Sardine and Black pomfret

Tamil Nadu (Oil sardine)

Traditional methods like cotton nets need to be brought back. Implement a ban during breeding season of oil sardines. If small fish like oil sardines are overexploited, then the large fish that prey on them won't come.

Odisha (Black pomfret)

There is a need for a ban on night fishing, ring seine and trawl net. The mesh size has to be increased and the ban period strictly followed.

8.3. Activity on WTO subsidies

In this activity, the participants were asked to draw or write from the list of new subsidy possibilities from John Kurien's presentation, choose and rank which ones you consider important. A summary of the state-wise responses is given below.

1. Andaman & Nicobar Islands:

A: Ranking subsidies

- 1) Buy back
- 2) Rebuilding fish stocks
- 3) Subsidies for downscaling
- 4) Better facilities to improve quality of fish
- 5) Weather-related compensation
- 6) Training to improving human capacity

B: New schemes

- 1) Fishing craft (like small fish renovation schemes)
- 2) Nets/fishing gear/electronic devices subsidy schemes to be implemented through central government/state
- 3) Disaster management (like cyclone, lockdown) schemes
- 4) Diesel subsidy
- 5) Age 50 and above to get pension (fishermen / fisherwomen)

2. Andhra Pradesh

A: Ranking subsidies

- 1) Rebuilding fish stocks
- 2) Subsidies for downscaling

- 3) Better facilities to improve quality
- 4) Parametric insurance
- 5) Subsidies for multiple energy
- 6) Training to improving human capabilities
- 7) Buy back capacity

B: New schemes

- 1) Value chain improvement—storage, transport, packaging
- 2) Diesel subsidy for motor crafts
- 3) Longline promotion
- 4) Compensation for ban period (minimum wages)
- 5) Restoration of mangroves and palm trees which act as nesting beds and also for carbon sequestration

3. Gujarat

A: Ranking subsidies

- 1) Rebuilding fish stocks
- 2) Improve quality
- 3) Downscaling
- 4) Buyback

4. Kerala

A: Ranking subsidies

- 1) Rebuilding fish stocks
- 2) Better facilities to improve quality of fish
- 3) Parametric insurance measures to compensate for weather related unemployment
- 4) Training to improve fisheries specific human capability
- 5) Fuel subsidy for traditional fishermen using outboard engine

5. Maharashtra

A: Ranking subsidies

- 1) Buy back
- 2) Subsidies for downscaling
- 3) Infrastructure improvement
- 4) Insurance
- 5) Skills improvement

6. Odisha

A: Ranking subsidies

- 1) Better facilities to improve quality of fish
- 2) Subsidies for multiple energy use
- 3) Rebuilding fish stocks
- 4) Parametric insurance measures for compensating weather related unemployment

B: New schemes

- 1) Craft without engine for traditional fishing
- 2) Marketing facilities for women fish vendors

7. Tamil Nadu
 - A: Ranking subsidies
 - 1) No to WTO
 - 2) No subsidy for downscaling
 - B: New schemes
 - 1) Clean market
 - 2) No subsidy for women
 - 3) Government schemes for fisherwomen
 - 4) Prioritize employment, education, sports for fisherfolk
8. West Bengal
 - A: Ranking subsidies
 - 1) Rebuilding stocks
 - 2) Parametric insurance measures for compensating weather related unemployment
 - 3) Subsidies for multiple energy use
 - 4) Subsidies for down-scaling
 - B: New schemes
 - 1) Women fishworkers life and livelihood needs need to be secured, so schemes have to be introduced. Subsidy is strongly recommended
 - 2) Immediate stop on subsidies to fishing fleets responsible for overfishing and destructive fishing

8.4. Activity on Governance Reforms

What governance reforms are necessary to improve fisheries management in India at the Union and State Level?

- i) Andhra Pradesh
 - Co-management has to be prioritized with more coordination among states, the union, and the regional local levels. This includes more participation of the community and community organizations
 - CRZ Notification has to be made a legislation and CRZ committees must have representation from the community both at state and block levels
 - There needs to be an exclusive regulatory mechanism overlooking the conservation of the marine ecosystem at the central, state as well as district levels
 - Destructive projects should not be initiated without prior intimation to fishers; its impact on the local biodiversity must be considered
 - There has to be enough representation from the community in all the concerned committees at all levels
 - 50 per cent of the total carbon sequestration is done by the oceans. When that is the case, this sequestration has to be supplemented by prioritizing mangroves and leguminous plants in these zones
 - Cooperative societies in this domain have to be devoid of politics and all of them should be community-owned.
 - There have to be strict regulations on aquaculture and the permission granting process has to be more transparent.

- Tenure rights of water must be granted to the village fisher communities without any auctioning process
- Measures to sustainably maintain wetlands have to be put in place
- Ministry of Fisheries has to be renamed Ministry of Fisheries and Fishermen Welfare and there has to be greater focus on the welfare aspect of the community
- All coastal public representatives have to be trained on the lives, customs and traditions of fishing communities

2) Kerala

- The exact time period and details of the reproductive cycles of different species of fish must be researched and identified to make the ban more effective. A complete ban with state and central support needs to be enforced
- The ownership of crafts, fishing vessels and other fishing equipment should be limited to traditional fishermen belonging to the fishermen community
- There should be a national level standardization of particular fishing vessels and fishing practices used for easy monitoring and regulation.
- To put an end to unscientific fishing practices, strong central marine enforcement must be put in place along with local enforcement
- Strong powers must be vested with existing harbour and fish landing management committees to curb unscientific fishing practices.
- Fisheries decision-making committees must have proper representation and participation of actual fishermen at the grassroots, instead of limits of people with an outside perspective.

3) Andaman and Nicobar Islands

- It is necessary to form of village, state, district and union level committees with fisher representatives, fisheries officials and scientific institutions. MFRA and National Marine Fisheries Act needs to be amended to mandate this committee formation for participatory fisheries management



Participants from Andhra Pradesh discussing during the activity on governance reforms. They put forth the thought that there needs to be an exclusive regulatory mechanism overlooking the conservation of the marine ecosystem at the central, state as well as district levels



Participants from Tamil Nadu and Odisha presenting their discussion points during fish stock recovery activity. They spoke on the need for a ban on night fishing, ring seine and trawl net to recover stocks

- Research and technology from government institutions on fish stocks, socio-economic conditions, fisheries stock and catch should be made available to the fishing communities. Engagement with scientists and researchers on a periodic basis will be helpful.
- Customary rights of local fishers should be recognized by the government and fishery department. Tenure rights on coastal commons and marine commons should be recognized and prioritized.
- Fisheries department's capacity needs to improve to help monitor and enforce regulations. Fisheries officials must have knowledge of fisheries science and fishing communities.

4) Gujarat

- There needs to be strength of department of fisheries (DOF) at local level to enforce and comply with rules and regulations (overfishing, ban period, destructive fishing etc.)
- Use of technology must be taken seriously
- Co-management is not yet taken up in a big way by the government
- Build-Own-Operate (BOO) or Public-Private Partnership (PPP) type of methodology/ system should be adopted for harbour management to achieve hygiene
- Harbour management committee should be formed with members of craft owner associations, merchants, users etc. Funds for operation to be allocated at state level.
- There needs to be comprehensive data management for all government organizations, research organizations and other organizations. There needs to be better coordination at central level. MOF level (NFDB, CIBA, CIFA, MPEDA, State fisheries dept., CMFRI, CIFT, CIFRI) needs to have better coordination
- Fisheries must adopt information technology

5) Maharashtra

Union Level	State Level
<ul style="list-style-type: none"> • Fisheries Ministry shall be more capable in administration and execution • Prior commitment and consent of state for funds shall be sought while introducing PMMSY schemes • There shall be ‘whistle-blower’ committee or monitoring committee consisting of local state level fishers representatives • Budget preparatory committee shall include state level fisheries representatives • Need state level representation from fishers at central level 	<ul style="list-style-type: none"> • 2 IAS officers shall be appointed for state level administration • More budgetary funds to be given for welfare schemes • Co-management at state level shall be improved. Every important decision-making committee shall have local fisher representation (Panchayat Raj system) • Budget preparatory committee shall include district level fisher representatives • Need district level representation at state level

6) Odisha

State	Central/ Union
<ul style="list-style-type: none"> • Fishermen advisory council at state level to advise the government with participation of traditional fishers • District level fishermen advisory council • Fish landing committee to monitor fish landing activity • Ensure marketing of fish through cooperatives / FPO (women) 	<ul style="list-style-type: none"> • More money to states for marine fisheries sector • Declaration of protected area and conservation centre with consultation of local people and management by local people

7) Tamil Nadu

- Separate constituency for fisher villages so they can assert their rights politically. The state assembly must include directly elected political representative from fisher villages
- The Fisheries Department must keep separate crafts (coast guard) ready for rescuing fishermen who get lost or suffer accidents in the sea
- Fisherfolk’s pension and other funds must be delivered by the Labour Department instead of Fisheries Department because fishermen are often never recognized as labour force. This way more funds and allocations can be availed rightfully by the fisherfolk
- The Union Government gets a great deal of profit and income through the Fisheries Department, i.e. through the fisher community. But the fisherfolk get a very small share of it, often sometimes nothing. So, through welfare schemes, fisherfolk should get a sizeable share of the profit made by the government.
- Fish markets with proper sanitation facilities must be set up
- Transportation facilities must be arranged for fisherwomen to transport fishes from the landing centre to the sales market.
- Every coastal district in Tamil Nadu must adopt a fisheries cooperative through which loans for fishers be disbursed. The existing banks and cooperative banks are often note the crisis of fishers’ livelihoods and yet deny them loans.



Participants from Maharashtra starting Day 3 of the workshop by with Marathi fisherfolk songs

- Any new projects companies that come up in coastal villages must be discussed with fishers via the forum of public opinion meetings
- A separate Ministry for Fisherfolk is needed

8) West Bengal

- Top-down approach must be replaced by bottom-up
- The principle of subsidiarity should be followed where small-scale fishworkers community organizations are empowered to decide on issues affecting their livelihood
- The authorities higher-up should comply to decisions of the community organizations under over-arching policies adopted in consultation with community organizations
- Women fishworkers must be given adequate space
- Sufficient budgetary allocations must be provided towards community-based governance.

PROGRAMME

Day 1 – THURSDAY, 13 OCTOBER 2022	
09:00 AM- 09:10 AM 09:10 AM- 09:30 AM 09:30 AM- 11:00 AM	<p>Welcome Address Dr. N. Venugopalan, Programme Manager, ICSF</p> <p>Introductory Remarks Mr. Sebastian Mathew, Executive Trustee, ICSF Trust</p> <p>Pincode Activity Ms. Sarita Fernandes, Ocean, Coastal and Ecological Alliance Network</p>
11:00 AM- 11:15 AM	Tea/Coffee Break
11:15 AM- 12:00PM	<p><i>Session 1: Presentation 1</i></p> <p>Life and Livelihood on the Coast: Moving from Custom to Claims, Rights and Tenure Dr. John Kurien, Trustee, ICSF Trust</p>
12:00 PM- 01:00 PM	<p><i>Session 1: Presentation 2</i></p> <p>Establishing Rights Over Land and Sea- Challenges facing the Marine Fishing Communities, India Mr. V. Vivekanandan, Trustee, ICSF Trust</p>
01:00 PM- 02:00 PM	Lunch
02:00 PM- 04:00 PM	<p>Fishbowl Activity Ms. Sarita Fernandes, Ocean, Coastal and Ecological Alliance Network</p>
04:00 PM- 04:15 PM	Tea/Coffee Break
04:15 PM – 05:00 PM	<p><i>Session 2: Presentation 1</i></p> <p>Marine Fisheries Management in India: Current Practices and Future Needs Dr. K Sunil Mohamed, Principal Scientist (Retired) & Former Head of Division (Molluscan Fisheries), Central Marine Fisheries Research Institute (CMFRI) and Chair, Sustainable Seafood Network of India (SSNI)</p>
DAY 2 – FRIDAY, 14 OCTOBER 2022	
09:00 AM- 09:30 AM	<i>Session 2: Presentation 1 (Continued)</i>
09:30 AM- 10:30 AM	<p><i>Session 2: Presentation 2</i></p> <p>Status of Marine Fish Stocks: India Dr. Sathianandan. TV, Principal Scientist (Retired) & Former Head of Division (Fisheries Resources Assessment), Central Marine Fisheries Research Institute (CMFRI)</p>
10:30 AM- 10:45 AM	Tea/Coffee Break
10:45 AM- 12:00 PM	<p>Fish Stock Recovery Activity Ms. Sarita Fernandes</p>
12:00 PM- 01: 00 PM	<p><i>Session 3: Presentation 1</i></p> <p>WTO and Fisheries Subsidies: Implications for India Dr. John Kurien, Trustee, ICSF Trust</p>
01:00 PM- 02:00 PM	Lunch

02:00 PM- 03:00 PM 03:00 PM- 04:15 PM	<i>Session 3: Presentation 2:</i> WTO Agreement on Fisheries Subsidies Mr. Sebastian Mathew, Executive Trustee, ICSF Trust Activity on WTO Subsidies Ms. Sarita Fernandes
04:15 PM- 04:30 PM	Coffee/ Tea Break
04:30 PM- 05:30 PM	<i>Session 4: Presentation 1</i> Public Expenditure and Coastal Fishing Communities: India Dr. Ananthan PS, Principal Scientist, Social Sciences Division, Central Institute of Fisheries Education (CIFE)
Day 3 – SATURDAY 15 OCTOBER 2022	
09:00 AM- 09:30 AM	<i>Session 4: Presentation 1 (Continued)</i> Public Expenditure and Coastal Fishing Communities: India
09:30 AM- 10:00 AM	<i>Session 4: Presentation 2</i> Linking the SSF Guidelines with List of Schemes in Coastal States of Odisha, Andhra Pradesh, Tamil Nadu, Puducherry, Kerala, Karnataka, Goa, Maharashtra and Gujarat Dr Ahana Lakshmi, Consultant, ICSF and Independent Researcher, Chennai
10:00 AM- 11:15 AM	Activity on Governance Reforms Ms. Sarita Fernandes
11:15 AM- 11:30 AM	Tea/Coffee Break
11:30 AM- 01:00 PM	<i>Session 5: Presentation 1</i> Coastal Land Rights and India: Social and Economic Issues Ms. Manju Menon, Senior Fellow, Centre for Policy Research, New Delhi <i>Session 5: Presentation 2</i> Regulatory Spaces, Coastal Livelihoods and Conservation Ms. Kanchi Kohli, Senior Researcher, Centre for Policy Research, New Delhi
01:00 PM- 02:00 PM	Lunch
02:00 PM- 02:30 PM	<i>Session 5: Presentation 3</i> Coastal Land Rights: Koliwadas and the Koli Community, Maharashtra Mr. Vedant Katkar, Advocate High Court, Mumbai
02:30 PM- 03:30 PM	<i>Session 5: Presentation 4</i> Coastal Land Rights and India: Legal Issues Ms. Nagasaila. D, Advocate, Madras High Court, Chennai
03:30 PM- 03:45 PM	Tea/Coffee Break
03:45 PM- 04:15 PM 04:15 PM- 05:00 PM	<i>Closing Session</i> Planning for the State Level TOT Workshops Ms. Nivedita Shridhar, Programme officer, ICSF Trust and Dr. N.Venugopalan, Programme Manager, ICSF Paper Boat Activity Ms. Sarita Fernandes
05:00 PM- 05:15 PM	Feedback session
05:15 PM- 05:30 PM	Vote of Thanks Dr. Venugopalan. N, Programme Manager, ICSF

10. Concept Note

I. Introduction

The Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of Food Security and Poverty Eradication (the SSF Guidelines) were endorsed by the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) at its Thirty-first Session in June 2014. The implementation of the SSF Guidelines is identified as a significant step for enhancing the contribution of small-scale fisheries to nutrition and food security. As part of the implementation process, International Collective in Support of Fishworkers (ICSF) Trust is organizing a National Training of Trainers (TOT) Workshop (Marine Fisheries) in Chennai¹ from 13 to 15 October 2022. Key fishworker representatives from Andaman and Nicobar Islands, Andhra Pradesh, Goa, Gujarat, Kerala, Maharashtra, Odisha, Tamil Nadu, Puducherry and West Bengal are expected to attend the workshop.

II. Context

The Indian coast of 8,118 km is home to marine fishing families in nine coastal states and four Union Territories, comprising nearly 4 million men, women and children. There are nearly 300,000 fishing vessels in the marine fisheries sector, which include 66,000 traditional craft, 140,000 motorized traditional craft and 70,000 mechanized craft, including deep sea fishing vessels.²

The country is endowed with wetlands, coral reefs, mangroves, lagoons and estuaries, apart from an extensive delta on the east coast and a broad continental shelf on the west coast contributing to significant fish production. In order to manage these resources and their use, a range of legal instruments such as acts, notifications, administrative orders, advisories, guidelines, policies and regulations exist.

The responsibility for fisheries and the marine habitats is spread over the Union and states. The Department of Fisheries under the Ministry of Fisheries, Animal Husbandry and Dairying of the Union Government, is responsible for fisheries in the exclusive economic zone (EEZ) and the state departments of fisheries are responsible for fishing up to the limit of territorial waters. There are several Union Government schemes for fish production and fishers' welfare that are implemented through the state fisheries departments.

The Indian Coast Guard, under the Ministry of Defence, among other duties, provides protection and assistance to fishers at sea while in distress and prevents fishing by foreign fishing vessels in Indian maritime zones. The Ministry of Environment, Forests and Climate Change (MoEFCC) protects and preserves the coastal and marine biodiversity, and environment. The Ministry of Earth Sciences holds responsibility for the preservation, protection and conservation of the marine environment in the EEZ, development of technology, mapping of resources and for the establishment of the Earth Commission to draft policies and legislation relating to the ocean and ocean resources.

India is also a party to international legal instruments such as the 1982 United Nations Convention on the Law of the Sea (LOSC), the 1971 Convention on Wetlands (the Ramsar Convention), the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or the Washington Convention), the 1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS, or Bonn Convention), and the 1992 Convention on Biological Diversity (CBD), which has a marine biological diversity component added in 1995 called the Jakarta Mandate.

¹ Asha Nivas, No. 9, Rutland Gate, 5th Street, Thousand Lights, Chennai 600 006 (Tel: 044-2833 3311)

² Based on the Handbook on Fisheries Statistics, 2020. The fleet size, however, is only two-thirds of the above figures if the 2016 census figures of the Central Marine Fisheries Research Institute (CMFRI) are consulted.

III. Background

The workshop is based on feedback and suggestions from the 2019 Workshop on National Policy on Marine Fisheries in Chennai, as well as from interactions with other fishworkers' organizations and CSOs in India. During a National Fishworkers' Forum (NFF) event in Goa in February 2021, ICSF mooted the idea of a national-level training of trainers' (TOT) workshop. It was welcomed and NFF representatives recommended several topics for consideration including; (i) rights of small-scale fishers to the coastal and marine areas against large-scale development projects (including oil and gas exploration and exploitation); (ii) protecting livelihoods of fishers during seasonal fishery closures; and (iii) granting subsidies to offset against rising fuel costs.

Upon consulting the National Platform for Small-scale Fish Workers (NPSSF), it was suggested to that the Pradhan Mantri Matsya Sampada Yojana (PMMSY) be assessed to ascertain how small-scale fishers and fishworkers (men and women) could access these schemes, especially at the local level. A further suggestion asked to look into how to protect livelihoods of small-scale fishers and fishworkers, living in the proximity of protected areas such as coastal and marine national parks (e.g. the mangrove forests of Sunderbans National Park, West Bengal).

In regard to large-scale development projects, the SSF Guidelines draw attention to ensuring access to judicial and administrative procedures for dispute resolution, and to provide effective remedies such as reparation, indemnity, and just compensation to affected fishers and fishworkers (para 5.11). The SSF Guidelines would like to ensure that small-scale fishers are not arbitrarily evicted and their legitimate tenure rights not extinguished or infringed upon (para 5.9). Towards addressing the grievances of small-scale fishers, States are to provide access to justice through impartial and competent judicial and administrative procedures (para 5.11).

In regard to protected areas and livelihood options, the SSF Guidelines draw attention to ensuring the participation of small-scale fishing communities in the design, planning and implementation of management measures including protected areas (para 5.15). To compensate for livelihood losses from seasonal closure of fisheries, social security protection for workers in small-scale fisheries (para 6.3) can be employed. The SSF Guidelines, however, caution against employing financial measures (e.g. subsidies) that contribute to overcapacity and overfishing (5.20).

The SSF Guidelines note that tenure rights, including customary rights, to marine fishery resources, small-scale fishing areas and adjacent land of small-scale fishers, fishworkers and their communities, with special attention to women, are to be secured through law and are to be identified, recorded and respected. Likewise, the State must recognize and protect publicly-owned resources that are collectively used and managed (para 5.6). Further, States are to grant preferential access of small-scale fisheries to fish in waters under national jurisdiction, and to create exclusive zone for small-scale fisheries.

IV. Aim of the Workshop

The workshop will enhance the capacity of fishworkers' organizations, CSOs, and community-based organizations to engage with the SSF Guidelines to negotiate issues of concern in regard to policy, legislation, lives and livelihoods of the SSF communities.

V. Objectives of the Workshop

- To comprehend, consistent with the SSF Guidelines, issues related to the just access of small-scale fishers, fishworkers and fishing communities, including women, to marine and coastal fisheries resources and adjacent coastal land through the responsible governance of tenure at the national and local level;
- To understand existing schemes and entitlements with respect to the lives and livelihoods of small-scale fishers and fishworkers; and
- To discuss implications of new international instruments of concern to small-scale fishers and fishworkers (e.g. WTO Agreement on Fisheries Subsidies).

VI. Methodology

The resources for the TOT Workshop are developed after undertaking a need assessment of fishworkers' organizations. Practical exercises and group work are planned to help trainers to address their concerns. Background documents and PowerPoint presentations are to be shared to introduce and explain each theme. The TOT Workshop will be followed by a one-day capacity development training workshop in several coastal states of India, led by the trained participants.

VII. Expected Outcome

Strengthened capacity of small-scale fishing communities at local level to actively engage in securing sustainable small-scale fisheries in the context of the implementation of the SSF Guidelines.

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12. Feedback from Participants

FEEDBACK

(Based on the feedback collected from 37 participants)

Key Learnings:

A few of the FWO members were happy to know that the year 2022 was declared the International Year of Artisanal Fisheries and Aquaculture. The workshop helped participants gain clarity on the difference between claims and rights, and the process required to convert a claim to a right. The concepts of co-management and coastal rights were understood. The session on fisheries management was insightful, the scientific method of fish biomass assessment and the data derived from it was of interest to participants from various states. The session on Public Expenditure and Coastal Fishing Communities was well received and the participants found the details on PMMSY very useful. The participants felt more time should have been spent on understanding various schemes at both state and union levels. The participants requested the fisheries budget and schemes be translated to respective regional languages for better understanding and reach. The sessions on WTO subsidies and its relevance to small-scale fisheries were of interest to the participants. Many opined that it was through this workshop that they got to know of an array of subsidies that can be availed by the SSF community under the WTO agreement.

Suggestions and comments received:

One of the common suggestions was to ensure better time management. It was felt by many that there was inadequate time for discussion after every session. Some of them suggested shorter sessions and longer discussion times, while there were also suggestions to shorten the number of sessions, as there was not enough time to delve deep into the topics discussed. The other suggestion was that at least a few group discussions could have participants from different states (mixed groups). There was also a suggestion to have one session dedicated to women in fisheries.

There were participants who requested that all presentations be given in advance or during the workshop registration, with an addition that every state table be provided a laptop with the translated version of the presentations. Some presentations were suggested to be made more generic, as not many of the participants might be able to interpret statistical/data-based information. There were also suggestions that the workshop be held in a hybrid mode.

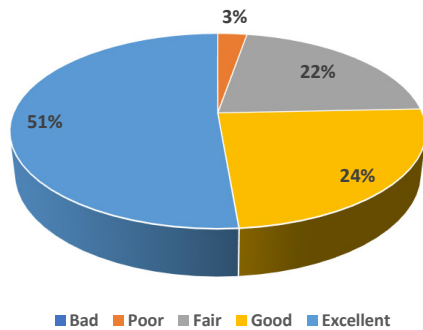
There were some very specific suggestions received, these included request for details on Indian port bill 2022, to have a discussion about the challenges of Inland SSF communities and communities who fish within 6 nm from the coast in Maharashtra, and the need for more focus on land acquisition with respect to traditional fisher community.

In conclusion:

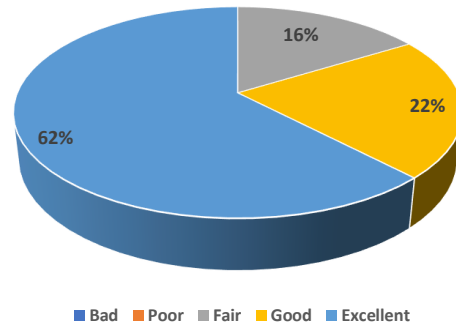
The participants felt their awareness levels on the SSF Guidelines, government schemes and subsidies had been raised. Through this workshop they could widen their network and understand the various challenges that the SSF community face in different parts of the country and came to an understanding about various good practices followed. The participants carried back a key learning that People's movements are empowering than mere policies or acts.

Based on the answers received for the ranking questions asked, the following charts were drawn:

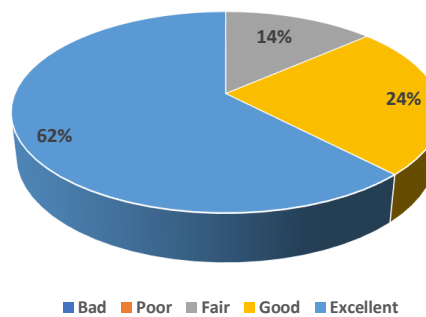
Materials Shared With Participants



Workshop Content

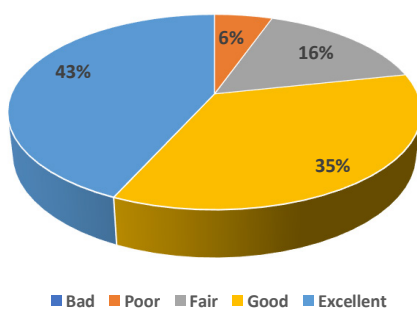


Translation/ Interpretation

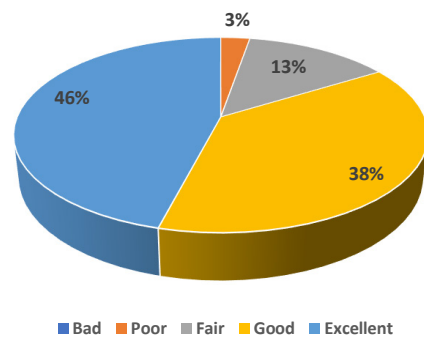


Methods used and their impact on participants' learning

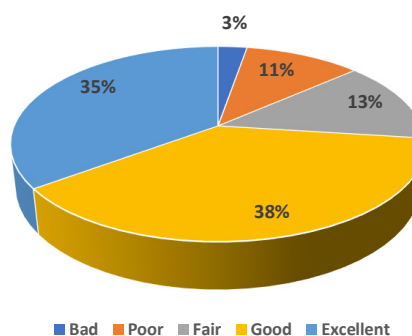
Facilitator's Special Activities



Presentations by Resource Persons



Group Discussions





Report on National Training of Trainers (TOT) Workshop on The SSF Guidelines (Marine Fisheries)

The International Collective in Support of Fishworkers (ICSF) Trust organized a National Training of Trainers (TOT) workshop on the SSF Guidelines (Marine Fisheries), India at Asha Nivas Social Service Centre, Chennai, India, on October 13-15, 2022. There were sixtyseven participants from the coastal states of Andaman and Nicobar Islands, Andhra Pradesh, Goa, Gujarat, Kerala, Maharashtra, Odisha, Puducherry, Tamil Nadu and West Bengal. The three-day workshop was organized with an aim to enhance the capacity of fishworkers' organizations, CSOs, and community-based organizations to engage with the SSF Guidelines to negotiate issues of concern in regard to policy, legislation, lives and livelihoods of the SSF communities. The sessions had presentations by resource persons along with practical exercises and group work to help the trainers address their concerns. The TOT Workshop will be followed by a one-day capacity development training workshop in several coastal states of India, led by the trained participants.

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