

A FINER NET

Relevant for: Indian Economy | Topic: Economics of Animal-Rearing incl. White, Blue & Pink Revolutions

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A Marine Fisheries Regulation and Management (MFRM) Bill 2019 is in the public domain for discussion. Comprehending the Bill's rationale requires understanding the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and the World Trade Organisation (WTO) agreements under which India has obligations to frame laws. The MFRM Bill 2019 is one such piece of legislation.

Under UNCLOS, which India ratified in 1995, the sea and resources in the water and the seabed are classified into three zones — the internal waters (IW), the territorial sea (TS) and the exclusive economic zone (EEZ). The IW is on the landward side of the baseline — it includes gulfs and small bays. Coastal states treat IW like land. The TS extends outwards to 12 nautical miles from the baseline — coastal nations enjoy sovereignty over airspace, sea, seabed and subsoil and all living and non-living resources therein. The EEZ extends outwards to 200 nautical miles from the baseline. Coastal nations have sovereign rights for exploration, exploiting, conserving and managing all the natural resources therein.

Since fisheries is a state subject, fishing in the IW and TS come within the purview of the states concerned. Other activities in the TS and activities, including fishing beyond the TS up to the limit of the EEZ, are in the Union list. No Central government, so far, has framed laws covering the entire EEZ. The Bill attempts to make up for this. The annual fishery potential of the country's EEZ is about 5 million tonnes. Utilising it judiciously is an important priority of the government that was underscored by the formation of a new fisheries ministry.

The Bill is also a response to discussions on fisheries' subsidies at the WTO since the Doha Round of 2001. India has been defending the rights of developing nations for special and differential treatment. Developed countries contend that nations without laws to manage fisheries in their respective EEZs are not serious about unregulated fishing. The MFRM Bill is India's response to such sentiments.

The Bill prohibits fishing by foreign fishing vessels, thus nationalising our EEZ. An Indian fishing vessel desirous of fishing in the EEZ, outside the TS, must obtain a permit. This requirement has been contested by the fishing industry — particularly small-scale operators.

There is a faulty assumption in the Bill that only large-scale vessels fish outside the TS. Actually, thousands of small-scale fishing crafts regularly venture into such areas. Their freedom to access fish outside the TS will cease if the Bill becomes law. A few exemption clauses to safeguard their livelihoods should be incorporated in the Bill.

Bigger vessels, particularly trawlers, registered and licenced under state departments, will need a permit to fish. This is a welcome measure to manage the fishing sector.

The Bill lacks congruence with important regional fishery agreements. It is incomplete compared to the regulations in other coastal nations. However, it is necessary for the sustainable future of the marine fishing industry. The Bill respects the jurisdiction of our coastal states over the TS.

It proposes social security for fish workers and calls for protection of life at sea during severe weather events. State governments, fisher associations and the fishing industry representatives should not blindly oppose the entire Bill on the basis of their fears of the fishing permit. They should argue for greater “cooperative federalism”.

Fish cannot be bound by territoriality diktats of the Centre or states. Cooperative governance between them over different territories (IW, TS and EEZ) is key to the sustainable management of marine fisheries, which should now ideally go into the Concurrent List . Small-scale fish workers should demand making the entire IW and TS completely free of trawling using the FAO/UN Small-Scale Fisheries Guidelines to support their arguments. This will raise their incomes, ensure a steady supply to consumers, heal the coastal areas and curb the bane of destructive fishing.

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