

Shore-Based Fishing Operations: Improving Working Conditions

Neena Koshy and Chandrika Sharma

The Work in Fishing Convention 2007 defines commercial fishing as all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing. A fisher is defined as a person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board, who are paid on the basis of a share of the catch. It excludes pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and observers of fisheries. Significantly, although the definition of commercial fishing encompasses all fishing operations, the definition of fishers takes into account only vessel-based fishers. Shore-based fishers are thus excluded from the scope of the Convention.

The provisional record of the discussion on the definition of the term 'fisher' during the 92nd session of the International Labour Conference (ILC) in June 2004 throws some light on the debate that took place on the issue of an inclusive definition of a fisher (see box) to cover both vessel- and shore-based fishers.

Delegates agreed that for the purposes of ILO's Work in Fishing Convention, a fisher would be seen as a person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, but that member states could extend the protection of the Convention to other types of workers, if they so wished. It was noted that the ILO Constitution allows governments to apply more favourable conditions than those provided for in a Convention or Recommendation.

The onus is then on governments to consider the Work in Fishing Convention 2007 in the light of the realities within its own fishing sector, and to ensure that the protection provided by the legislation following this Convention is enjoyed by all significant categories of fishers. In particular, provisions related to minimum requirements for work, conditions of service, occupational safety and health protection, medical care and social security should be ensured to all significant categories of fishers.

In many countries, particularly developing countries, fishers who engage in the harvesting of living resources without the use of vessels - those who glean, dive and shore-seine - are an important part of the fishing population. By all accounts, many of these fishers are amongst the most marginalised and vulnerable among the fishing population, and many are women. This is certainly the case in India.

From Provisional Record, 92nd Session of the ILC, 2004. "Fifth item on the agenda: Work in the fishing sector - A discussion with a view to the adoption of a comprehensive standard (a Convention supplemented by a Recommendation)"

<http://www.ilo.org/public/english/standards/reIm/ilc/ilc92/pdf/pr-21.pdf>

Discussion under Point 5 (Definitions), Clause 5(c)

The Government member of Brazil, speaking also on behalf of the Government member of Chile, introduced an amendment to address a possible exclusion from protection under the Convention to fishers who were not working aboard ships, given that presence aboard a fishing vessel was a strict requirement under the proposed Convention. It was informed that according to Brazilian legislation, workers working in aqua farming, as well as persons catching crabs in swamps or picking oysters were also considered fishers.

The Government member of Brazil stressed that "the amendment's goal was not to provide an automatic extension of cover, but to allow member States to fill gaps resulting from too strict a definition of fishers, thus giving discretion to member States to extend the cover of the Convention to other groups of workers they considered fishers."

However, the Government member of Norway pointed out that Norwegian legislation did not treat workers involved in fish harvesting as fishers. They were covered by regulations for shore-based workers. Since the amendment created two alternative definitions of fisher, Norway did not support it. Member States could, in any case, extend the protection to other types of workers, if they so wished, it was stressed. The Norwegian position was supported by several other Government members, including Greece and Germany, and by the Employer and Worker Vice-Chairpersons.

The representative of the Secretary-General pointed out that article 19, paragraph 8, of the ILO Constitution, allows governments to apply more favourable conditions than those provided for in a Convention or Recommendation. On this basis, the Government member of Brazil withdrew the amendment.

A rapid appraisal, based on secondary literature and interviews with fishworkers' and other organisations, on the kinds of shore-based fishing activities across the coastal states in India, is revealing. Shore-based fishing operations target a wide range of species, such as clams, molluscs, certain shrimp species, seaweed, sea cucumbers and shells. A wide range of gear is employed, including shore-seines, traps, stake nets, bag nets, small gill nets and diving gear. The species harvested are used for domestic consumption, sale in the domestic market or export. The people engaged in shore-based activities are either self-employed, working under a share system or employed under a contract system by traders or their agents. Vessels may be used to assist in the transport of fishers or to carry the harvest, but not for fishing operations per se.

Information on the number of fishers engaged in shore-based fishing operations in India, and indeed in other countries, is hard to come by. The information in the table below is based on a survey of existing literature and information provided by organisations working on fisheries issues. Though these are only rough estimates, the figures do indicate that thousands of people are engaged in shore-based fishing operations, and that any legislation put in place to improving working conditions in fishing must necessarily cover this segment of the fishing population.

Type of fishing	Number of people involved
Fishing for prawns and other species by <i>pagariya</i> fishermen in the Gulf of Kachchh, Gujarat	About 3,230 <i>pagariya</i> households are estimated to be involved this fishing, using stake nets. (Survey undertaken by Setu, Kachchh, Gujarat)
Monsoon fishing for <i>Metapenaeus kutchensis</i> (a type of shrimp) in the Gulf of Kachchh, Gujarat, by the <i>miana</i> community	5000 fishers from the <i>miana</i> community are estimated to be involved in this fishing. (Kizhakudan et al, 2003)
Seaweed collection in the Gulf of Mannar, Tamil Nadu	An estimated 5,000 fishers, mainly women, are engaged in this type of fishing. (Rajagopalan, 2007)
Crab fishing in Diviseema area of Andhra Pradesh	An estimated 1,000 women from 20 villages are engaged in handpicking of crabs. (Integrated Coastal Management ICM, Andhra Pradesh)
Mollusc fishing in Kerala	An estimated 4,250 people, 600 of them women, are involved in mussel collection in the Vembanad estuary. About 1,250 people engage in oyster collection. Again, about 600 are estimated to be women. (South Indian Federation of Fishermen Societies, SIFFS, Kerala)
Prawn seed collection (using stake nets or hand-pulled, drifting bag nets) in	An estimated 30,000 people are known to earn their livelihood from this type of fishing, with a significant proportion being women and children. (DISHA, West

Sunderbans, West Bengal	Bengal)
-------------------------	---------

From an occupation health and safety perspective, those engaged in shore-based fishing operations, that take place mainly in the tidal or the inter-tidal zones, are exposed to various types of hazards, illness and disease, related to the nature of their occupation, and to natural calamities.

Diving for a collection of seaweeds, chanks and bivalves, for example, though lucrative, is dangerous. Divers may dive to a depth of 10 to 25 m with just a pair of goggles and flippers (a pair of flat tin plates attached to the feet, a very recent addition to the gear), and without an oxygen mask. In the Gulf of Mannar, fishers start diving at the age of 15, continuing till the age of 40-45. Premature ageing is prevalent among divers. Even though accidental deaths are a rarity, there are other reported cases of health ailments such as earache and hearing impairment (Kumaraguru et al, 2000).

Clam pickers and other fishers, like the women, who wade in the waters for long hours, in the kolim (a type of shrimp) fishery in Maharashtra, are exposed to various sorts of occupational health hazards, such as rheumatoid arthritis and backache, due to their posture and their constant exposure to water (ICSF, 1997). These issues of occupational health and safety are clearly important and need to be addressed to improve the conditions of work in shore-based fishing activities.

Shore-based fishers are also highly vulnerable to natural disasters. In the severe cyclone that hit the East Godavari district of Andhra Pradesh, India, on 6 November 1996, as many as 2,560 people lost their lives, of whom, 1,435 were fisher people. Whereas 600 of these were fishers on mechanised boats at sea, the other 830 people - women, men and children - who lost their lives were those engaged in shore-based fishing operations, collecting shrimp seed (Salagrama and Murty, 2002). These were amongst the most vulnerable people in the area. Similarly, in the 2004 tsunami, the lives and livelihoods of gleaners, mostly women, collecting shells in the Buckingham canal near Chennai were badly affected. Given the invisible nature of their work, these communities were initially excluded from the relief and rehabilitation efforts.

Shore-based fishers, working as they do in tidal and inter-tidal areas, estuaries and coasts, are also victims of the growing levels of pollution in the coastal zone. For example, due to the high levels of pollution in the Upparar river and estuary in Cuddalore district, Tamil Nadu, cases of skin disease and even chemical burns have been reported, forcing fishers to stop fishing due to their failing health (Indian People's Tribunal on Environment and Human Rights, 2003).

The linked issue of social security for shore-based fishers also needs to be examined. Whereas no reliable data is available, it appears that shore-based fishers, other than the fishers involved in shore/beach seining operations, are, by and large, not covered by government schemes for fishers in states where such schemes exist. It would be in order for the government to ensure that this marginalised segment also derives social security benefits from any legislation that might be adopted towards implementing the Work in Fishing Convention 2007.

In this context, the welfare schemes, including social security, of two states - Kerala and Tamil Nadu - merit greater attention. Tamil Nadu, for example, has a group accident insurance scheme for fisherwomen (state scheme). Tamil Nadu has also extended the savings-cum-relief scheme to fisherwomen, a long-standing demand of many women's groups. The Kerala Fishermen's Welfare Fund Board implements about 21 welfare schemes for fishermen and nine schemes for allied workers. Significantly, there are several schemes for fisherwomen and wives of fishermen. Another innovative scheme is the Allied Workers' Welfare Scheme that aims to induct workers engaged in the fishery-related activities as 'members' of the welfare fund. There are nine schemes for allied fish workers, including Group Accident Insurance Scheme, old age pension, maternity benefit scheme for women, SSLC cash award and scholarship, financial assistance for the treatment of fatal diseases of allied workers, and for the marriage of daughters of allied workers, and pension for widows (ICSF, 2003).

The possibility of introducing/strengthening these schemes in other coastal states, ensuring that any gaps in covering shore-based fishers is addressed, should be considered.

It would also be useful to examine and replicate, as appropriate, the few social security-related initiatives taken by shore-based fishers themselves, and support organisations. For example, in the black clam fisheries of Vembanad, Kerala, there are seven black clam shell co-operative societies established with a view to organise clam fishers and the black clam shell trade. Most of the fishers are women, who dive and pick the clams, or rake them up from a canoe with a hand dredge locally known as kolli or varandi. The clams are directly sold to co-operatives, which in turn sell them to lime industries, pharmaceuticals and cement industries. During the off-season, the south west monsoon months of June and July, one of these co-operatives provides financial assistance to fishers, based on their catch output. Each fisher can avail 2 kg of rice per tin of clams sold to the society, and a loan for the purchase of provisions during lean seasons (Laxmilatha and Alloycious, 2001). Co-operatives play a significant role in the welfare and development of these fishers by providing them financial assistance for various activities (Kripa et al, 2004).

In the wake of the adoption of ILO's Work in Fishing Convention, which can go a long way in improving the conditions of work in the fishing sector worldwide, it is to be hoped that the

Indian government will enact appropriate legislation, ensuring that all significant categories of fishers are covered. Extending the provisions of occupational health and safety, and social security to those engaged in shore-based fishing operations will do justice to women in fishing, in particular