

**Tenure, Fishing rights,  
Institutions and Governance-**  
in the context of Inland Small-scale  
Fisheries in India

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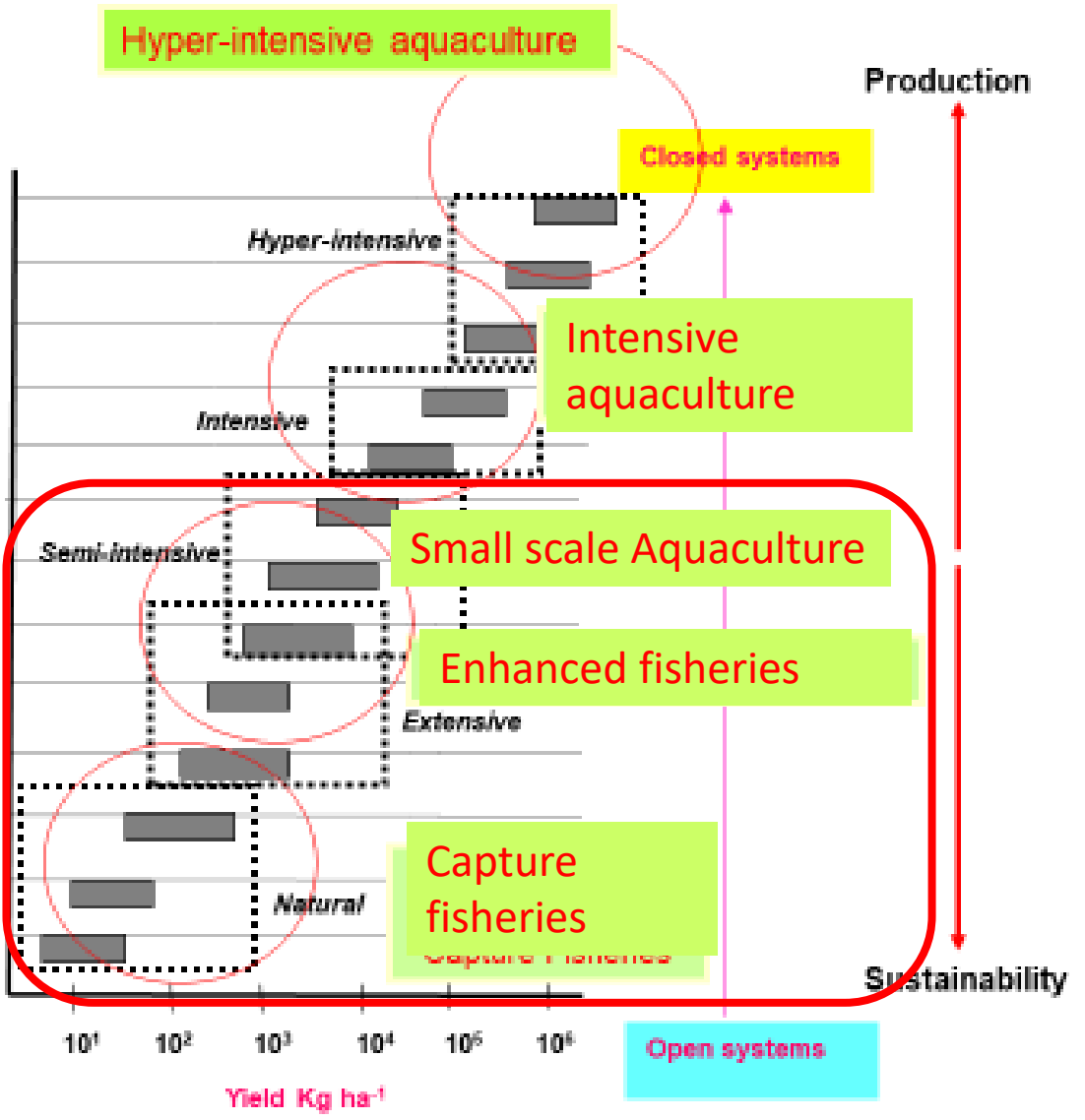
# **Outline**

- **Small scale fisheries**
- **Tenure and tenure governance**
- **Ownership of water bodies and allocation of fishing rights**
- **Tenure issues in SSF**

## **Small scale fisheries**

- **Contribute almost half of global fish catches**
- **But when considering catches destined for direct human consumption, the share contributed by the sector increases to two-thirds.**
- **Inland fisheries food fish production is a dominating subsector in the small-scale fisheries**
- **Involvement of poor and vulnerable sections of society**

- Recirculation systems
- Raceways
- Cages
- Completely fed & aerated
- Fertilised and fed ponds
- Fertilised ponds
- Brush parks and pens
- Heavily stocked, fertilised
- Extensive stocked unfertilised
- Drain-in ponds
- Extensively stocked natural
- Tropical lakes and rivers
- Temperate lakes, rivers
- Cold temperate lakes, rivers



# Tenure

- **Tenure is how people gain access to natural resources**
  - Who has legitimate right to use who does not*
- **Defining and negotiating the relationships between people in the context of the utilization of natural resources**
- **Many livelihoods depend on access to and control over these resources**

# Governance of tenure

## Governance of tenure is:

- how tenure rights are allocated, administered and changed (legalized, transferred, etc.)
- How to acquire rights to control resources or to protect already existing rights

## Weak tenure governance

- Inadequate and insecure tenure rights to natural resources

## Tenure Governance in Fisheries

- In the fisheries sector, formal tenure rights are generally still a developing concept (FAO)
- **But customary and traditional tenure systems in fishing communities exist in the form of rights (to fish) in certain areas i.e. spatial access or use rights**
- Ineffective governance of tenure constitutes a major obstacle to a sustainable, equitable and efficient use of natural resources
- **Many small-scale fishing communities suffer from insecure access to the resources they depend on, an impediment to livelihood and poverty eradication**

## **Access to other related services**

- **Fishing communities also depend on access to other resources and services:**
  - land, housing, markets, financial resources, information, legal systems and social services (e.g. education, health care, sanitation).
- **Small-scale fishing communities need secure right on land in the coastal, lakeshore or waterfront area for ensuring and facilitating access to the fishery waters**
- **Thus, fisheries tenure cannot be viewed in isolation but needs to be considered in connection with a broader land and livelihoods context (FAO)**



# Inland Small-scale fisheries

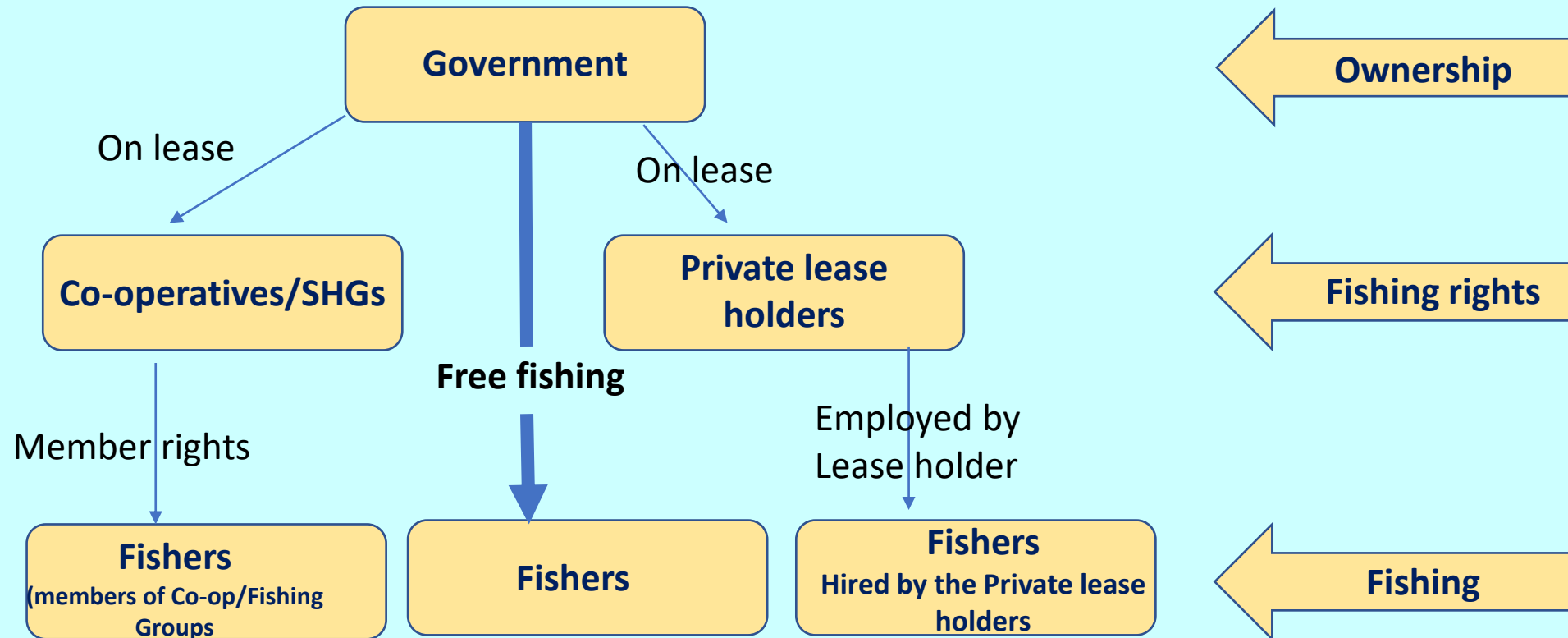
## Open water fisheries

- Pure capture Fisheries (Rivers and Estuaries)
  - *Common pool Free Access*
  - *In some cases, Auction of river stretches*
- Enhanced Fisheries (Reservoirs and *beels*)
  - *Members of Cooperatives & SHGs*
  - *Lessees and contractors*

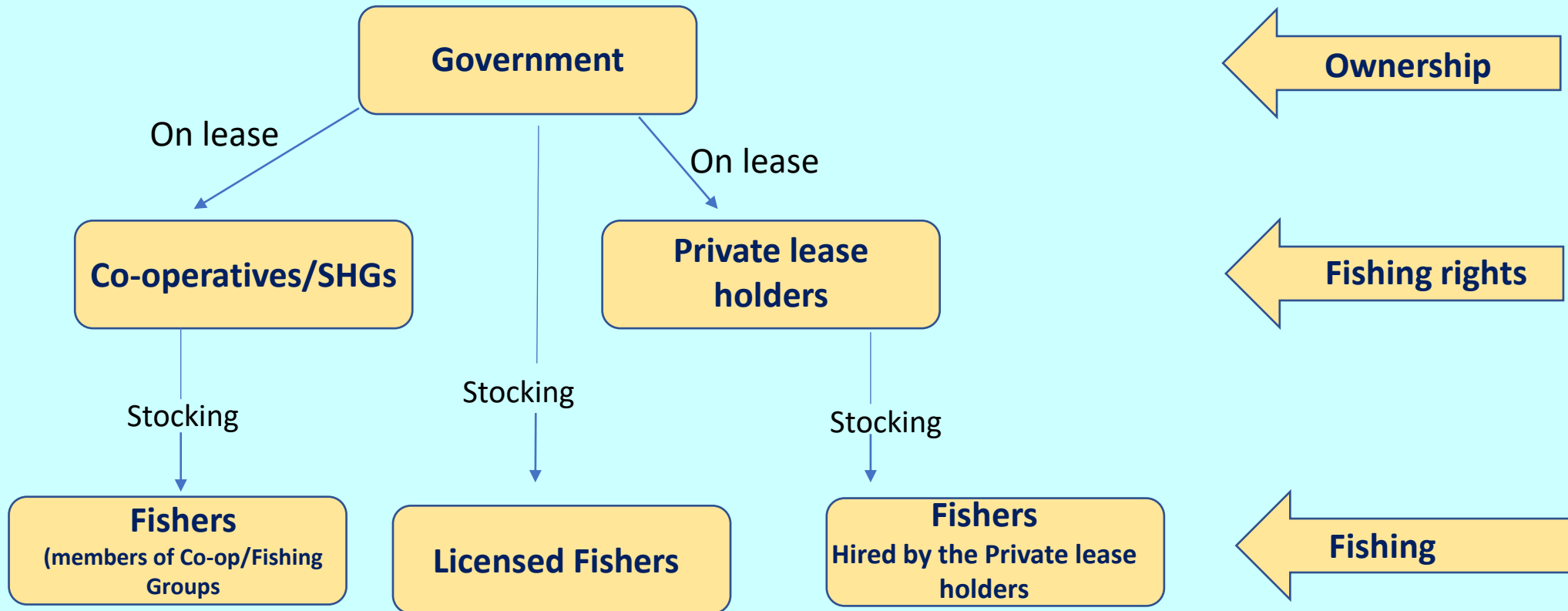
## Small scale fish culture

- *Own pond or leased pond*
- *Individual enterprises*

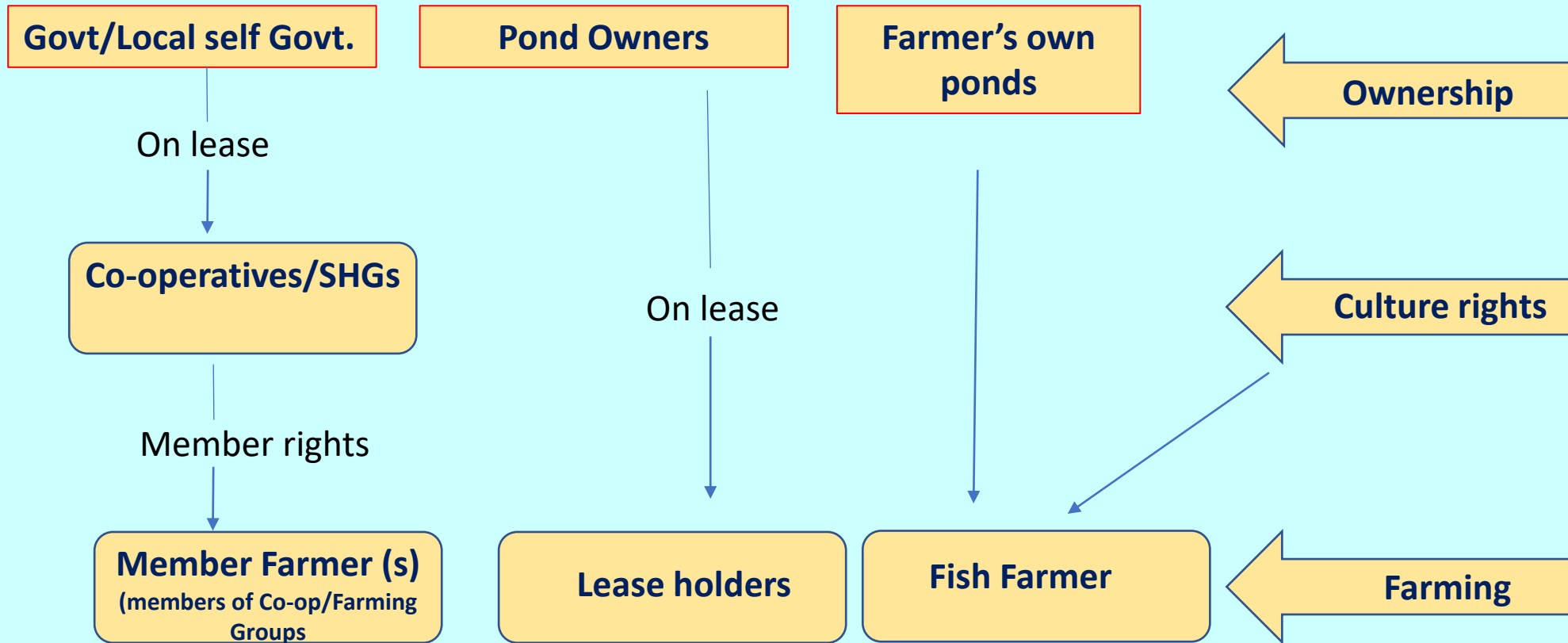
## Fishing right Systems : Rivers, Lakes & Estuaries (Capture fisheries)



## Fishing right Systems: Reservoirs Wetlands (Enhanced fisheries)



## Small-scale Aquaculture: Own/homestead ponds (Leased ponds)



## Fishing rights ownership and distribution in open waters

Resource	Nature of resource	Owner of resources	Fishing rights	Who can fish
Rivers/ Estuaries (Capture Fisheries)	Common pool	<b>Government</b> <ul style="list-style-type: none"> <li>Department of Fisheries</li> <li>Other Govt Departments</li> <li>Local self governments</li> <li>Government owned Fisheries Corporations</li> </ul>	<ul style="list-style-type: none"> <li>Free Access</li> <li>Auctioned to river stretches for fishing to (<i>panidaars</i>)</li> </ul>	<ul style="list-style-type: none"> <li>Any one</li> <li>Those hired by <i>paanidaar</i></li> </ul>
Reservoirs and <i>beels</i> : (Enhanced Fisheries)	Common pool With limited access		Fishing Licenses	Only licensed fishers
			Leased to Fishers' Cooperatives/SHGs	Only members of Fishers' Coops & SHGs
			Leased to local community	Only members of local community
			Water body leased to individual bidder	Those hired by the lease holder

# Tenure issues in SSF

## (Open water fisheries)

Many small-scale fishing communities suffer due to flawed tenure governance:

- **Insecure access to:**
  - Not only Water bodies,
  - But also to marketing, processing infrastructure too
- **Fishers are often denied access to water bodies due to ownership tussles between Fisheries, Irrigation, Power and Environment Departments**
- **Many times, Government's approach is maximizing the revenue rather than improving the productivity of water body to the benefit of fisher communities**

## **Tenure issues in SSF**

### **(Open water fisheries)**

- **SS Fishers generally not empowered**
- **Not organized into strong community organization platforms**
- **No access to market-post harvest facilities**
- **Rather long market chain**
- **Being exploited by market intermediaries**
- **Their access to resource gets weakened**

## Challenges

- **Lack of strong community platform**
- **Lack of institutional arrangements to:**
  - **Enable, motivate and install a community management platform**
- **Lack of enabling policy instruments in support of fishers and small scale fish farmers**



## **Governance arrangements**

- **The open water (reservoir/wetlands) fish stock should be owned by the community**
- **Reservoir fisheries should be recognized as a community activity**
- **Co-management platform (The community manages the 'enhanced fisheries' operations with govt. participation/support to ensure sustainability and equity norms)**
- **Stock management (including stocking) shall be a community responsibility**
- **Benefits should be shared by the community**
- **Community organization should be empowered for all decision-making (At present, there is a flawed Tenure governance)**

# Paradigm Shift in Approach at National and State levels

## Objective of open water fisheries development:

- Benefit to the fishers through increased productivity
- Not to maximize revenue from the water body

## Why water bodies are under-stocked ?

- bcz. the government takes the burden of stocking
- an empowered community should do the stocking

# Stocking

- Stocking should be the responsibility of the community that manages the reservoir
- Govt. does not have the wherewithal for stocking all reservoirs in the country
- Create demand so that fish seed industry meet the demand
- The role of Govt. agencies should be limited to:
  - *To facilitate/empower/demonstrate;  
To provide incentives in the form of initial seed money/revolving fund/or soft loan for stocking, marketing, etc*

## **Shift in Policy**

- **Shift from revenue generation approach to development approach**
- **Shift from Enforcement (control/punitive) approach to participatory approach**
- **Shift from sectarian approach to integrated resource management approach**

## **Creating enabling environment for:**

- **Market intervention & marketing channels**
- **Value addition**
- **Utilizing the emerging market trends**
- **Policy on incentives/benefits at par with agriculture**

# Tenure issues in SSF

## (Capture fisheries)

- Free access to fish in rivers, estuaries and lakes are is not conducive to sustainability
  - Some regulations to prevent overfishing, overcapacity, juvenile catch, etc would be needed
- The policy of auctioning river stretches to private individuals should be discouraged
- Fishers' access should be linked with conditions on following government policies on conservation of environment and biodiversity
- Along with fishers' right to access, their duties to the environment need to be recognized
- The fishing community should be motivated to follow Responsible Fishing and Aquaculture Practices

## **Tenure issues in SSF (small-scale aquaculture)**

- **Small fish farmers need a strong policy level support to protect their interests**
- **In contrast to their intensive aquaculture counterparts, small scale fish farmers do not have access to information, processing facilities and market infrastructure**
- **They are deprived of benefits such as concessional power tariff, insurance & tax benefits, support price and other incentives enjoyed by their agricultural counterparts**

## **National Policy should explicitly affirm**

- **Primary ownership of fisheries (fishing rights) to the communities**
  - Traditional fisher communities
  - Local communities
  - Rehabilitated communities
- **Tenure governance of fisheries should be transferred to the State Department of Fisheries**
- **Value chain approach in developing**
  - Seed production infrastructure
  - Market links,
  - Processing and value addition
- **Lease terms, & Private partnership (Without losing sight on the primary interest of fishers)**
- **Responsible fishing and fish farming by fishers and fish farmers (Introduction of exotics, Protection of environment etc)**