



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

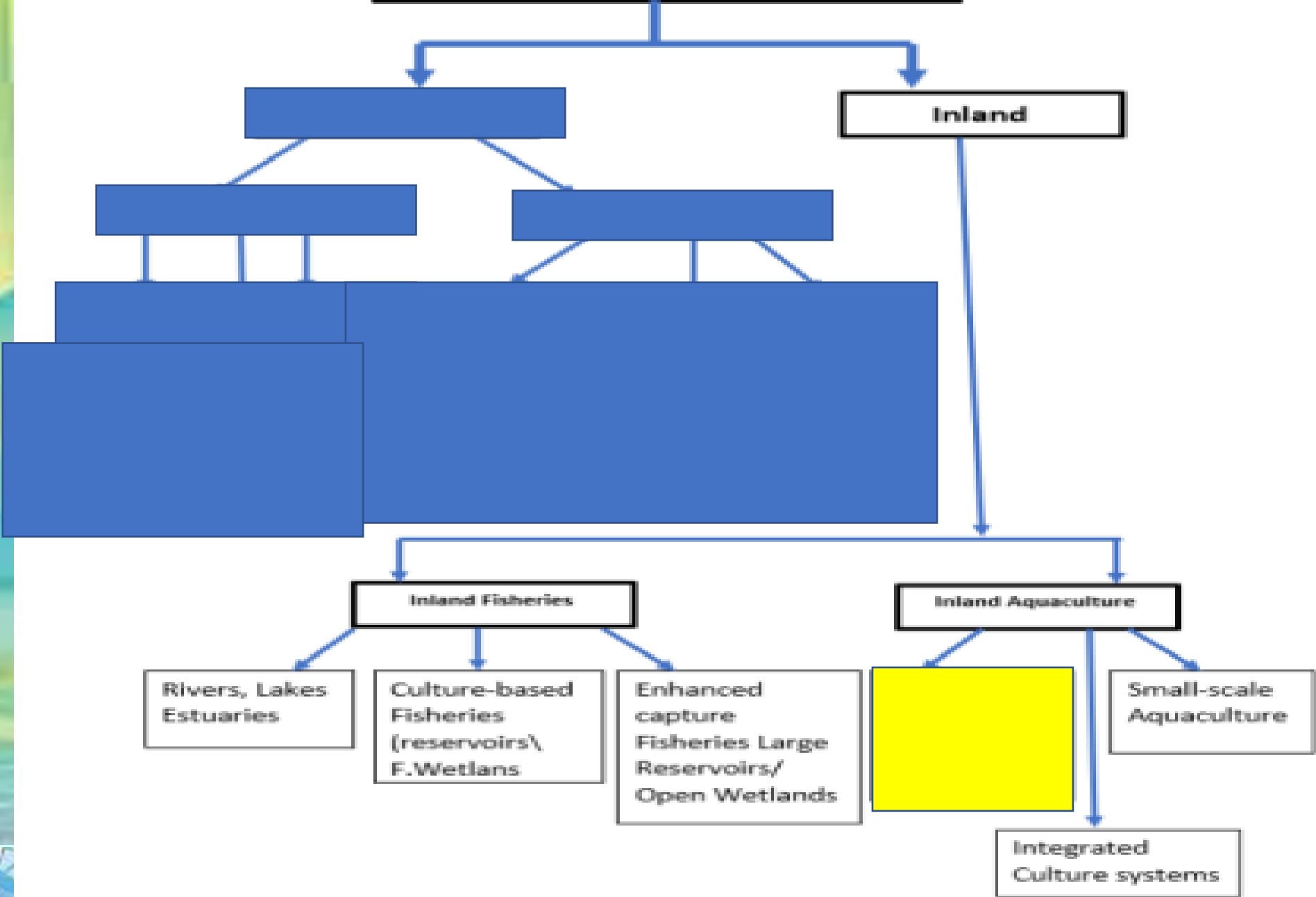
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Outline

- **Small scale fisheries (Inland fisheries)**
- **Tenure and tenure governance**
- **Ownership of water bodies and allocation of fishing rights**
- **Tenure issues in SSF**
- **Enabling policy environments**
- **Changes needed in approach**

Fish Production Systems



Rivers, Lakes Estuaries

Culture-based Fisheries (reservoirs), F. Wetlands

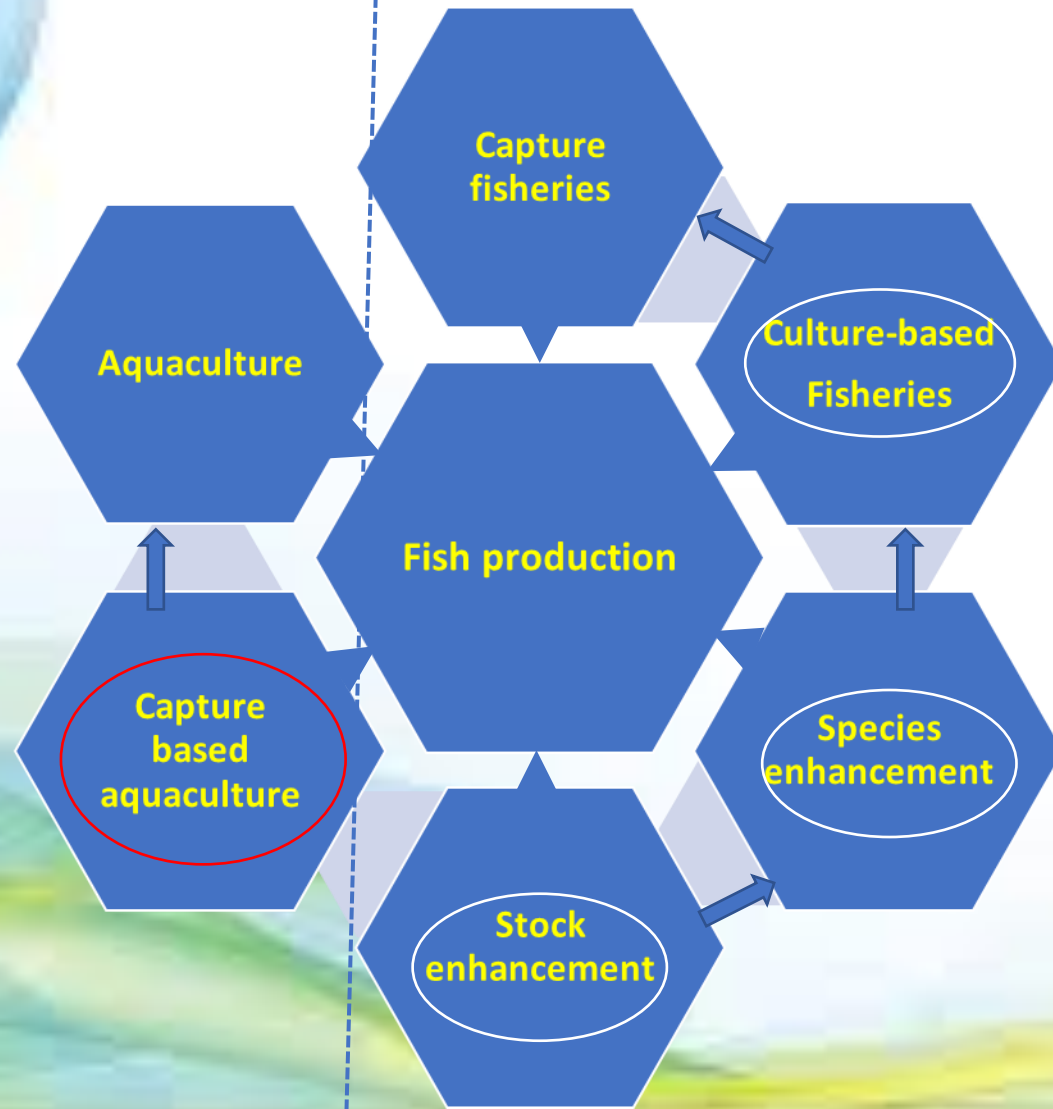
Enhanced capture Fisheries Large Reservoirs/ Open Wetlands

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Small-scale Aquaculture

Integrated Culture systems

Capture, Culture and Enhanced fisheries



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*

Tenure

- Relationship among people with respect to land and other natural resources
- It determines who may benefit from natural resources (land, forests, fisheries and so forth), how long and under what conditions (FAO, 2012; Kitolelei *et al.*, 2019)
- *Tenure is how people gain access to natural resources*
-Who has legitimate right to use who does not
- It defines the relationships between peoples on utilization of natural resources and makes negotiations among them
- As many livelihoods depend on access to and control over these resources, *It is a vital aspect of small-scale fisheries*

Tenure.....

- **Tenure is considered as** the period during which groups or individuals have a legitimate set of capacities to benefit from the fishery (**Ribot and Peluso, 2003; Leach, Mearns and Scoones, 1999**)
- **Factors that can enable or constrain their ability derive such benefits to do so are also important (for example, an individual may be allowed to fish but may not have the necessary gear, or societal norms and customs (e.g. related to caste or gender) may prevent the person from engaging in fishing or handling fish**
- **Rather than focusing on property rights, Ribot and Peluso's (2003) theory of access presents access as a 'the ability to benefit' that is derived from the bundles of rights that, in turn, enable people, individually and collectively to benefit from natural resources, including fisheries**
- **This approach to access is useful when** considering traditional, customary and informal institutions, which are common in inland fisheries of India at the local level, that may not emphasize property rights
- **Indeed, a regular feature of customary arrangements is that** individuals are often subject to constraints to enable a wider range of people to be able to benefit from the fishery

Role of Tenure

The key goal of tenure should be:

- To improve food security and/or livelihoods and the contributions towards human well-being, with an emphasis on vulnerable and marginalized people
- Protection of tenure and access rights of inland fisheries is critical
- Given the frequently informal nature of many arrangements and the current interest in developing inland fisheries, it is important to:
 - *explore the role of tenure in inland fisheries governance*

This is especially pertinent where there may be implications for dependent people regarding changes in tenure arrangements that may result from drivers such as economic development



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 will lead to 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**

Complexities of Tenure

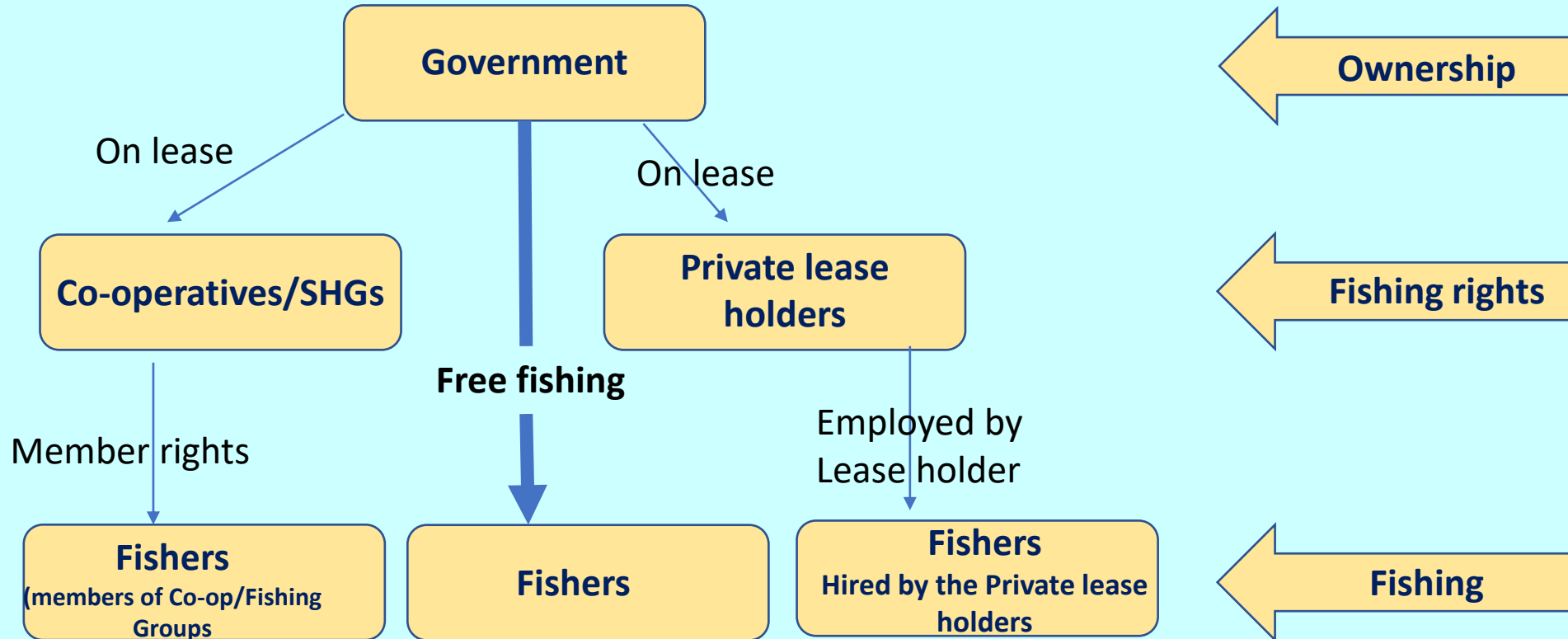
- Small-scale inland fisheries and aquaculture operates in wide range of fishing environments, rivers and reservoirs, floodplains, peri-urban wetlands, estuaries and river deltas
- **Tenure is defined under:**
 - formal law,
 - customary law, or
 - traditional practice
- **These laws make governance rights and responsibilities concerning:**
 - who can benefit,
 - in what ways,
 - under what conditions, and
 - for how long.
- **Tenure can also establish whether any rights can be transferred and under what conditions.**

Tenure arrangements are dynamic and are affected by the actions of groups and individuals who seek to make claims on rights, both formally and informally. Thus there can be a range of actors who may be involved and who can draw on different sources of authority to legitimize their claims, including the state, religious bodies, kinship networks and communities

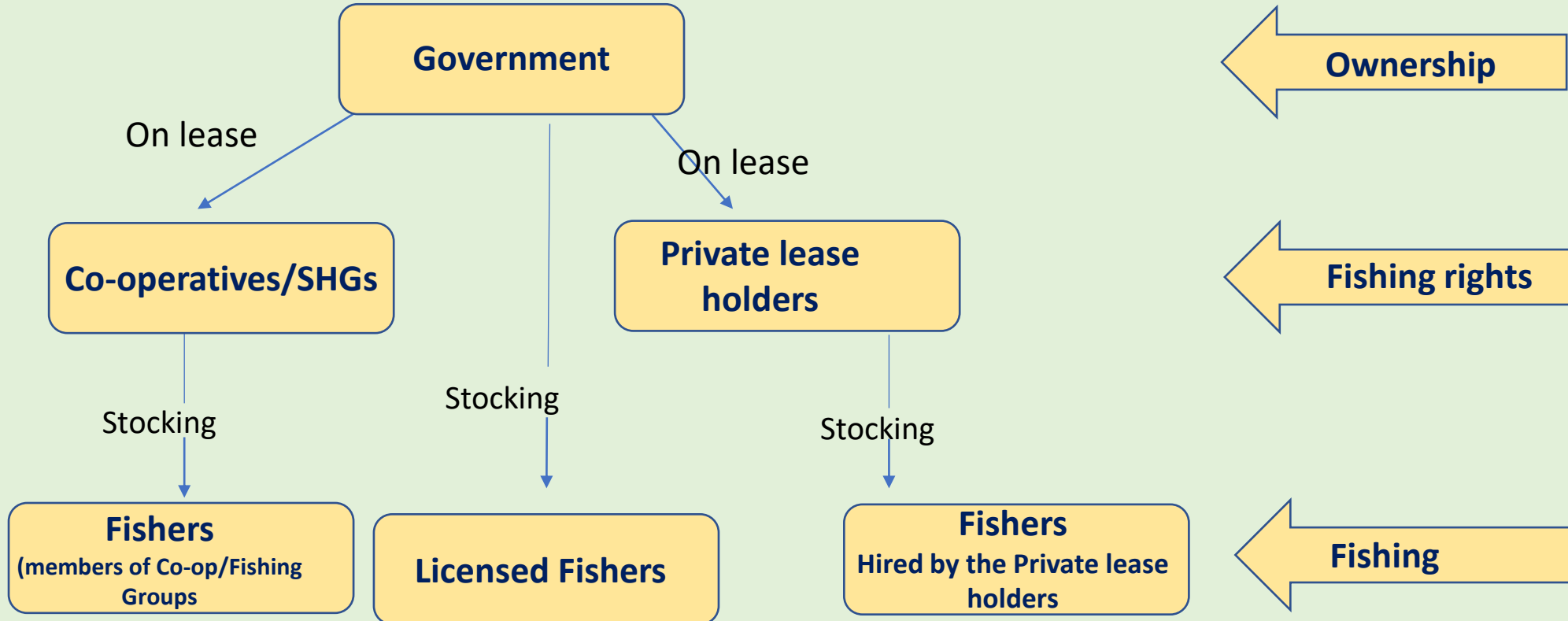
Tenure includes access to other related services too

- **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)**

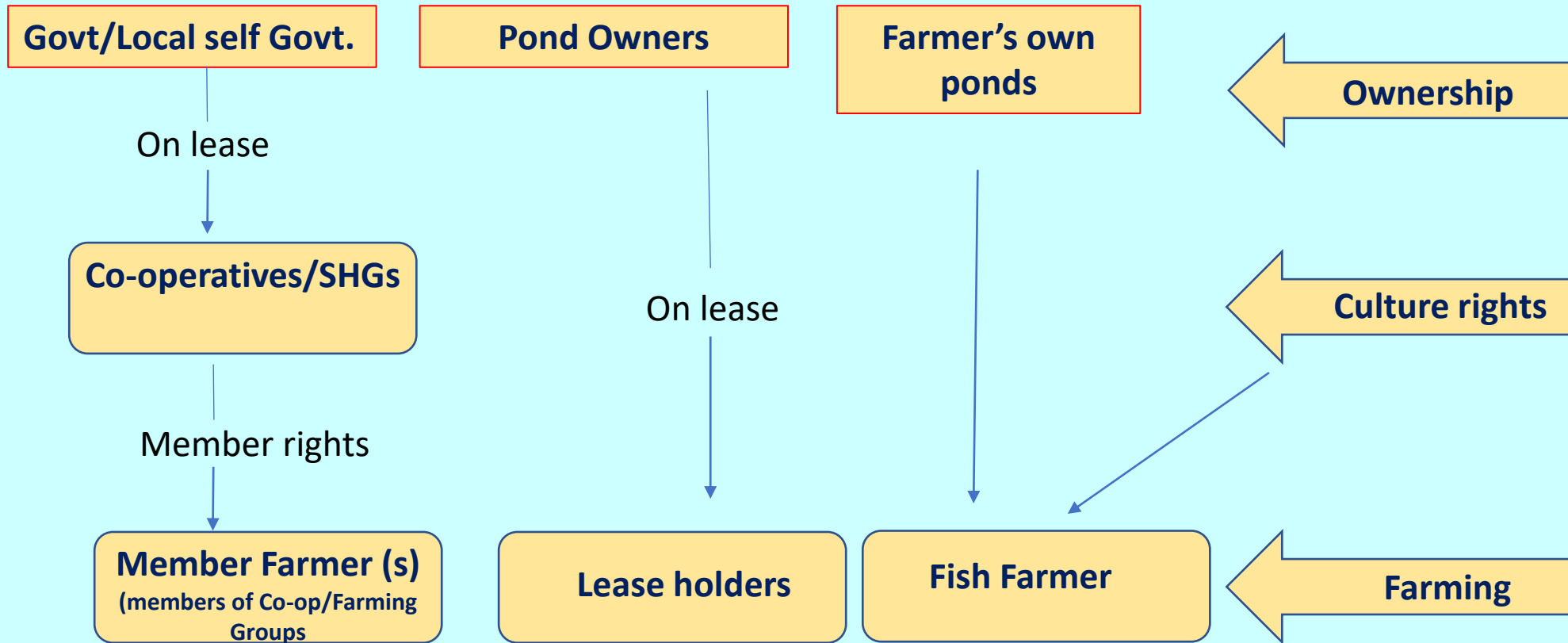
Fishing right Systems : Rivers, Lakes & Estuaries (Capture fisheries)



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	Government <ul style="list-style-type: none"> Department of Fisheries Other Govt Departments Local self governments Government owned Fisheries Corporations 	<ul style="list-style-type: none"> Free Access Auctioned to river stretches for fishing to (<i>panidaars</i>) 	<ul style="list-style-type: none"> Any one Those hired by <i>paanidaar</i>
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

(Enhanced fisheries)

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

- **Insecure access to:**
 - Not only Water bodies,
 - But also to, post harvest, processing and marketing infrastructure
- **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**
- **Their access to resource gets weakened because:**
 - SS Fishers in inland water bodies generally not empowered
 - Not organized into strong community organization platforms
 - Rather long market chain (being exploited by market intermediaries)

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**

Enabling Governance, Institutional and Policy environments

Tenure rights in inland fisheries (including culture-based fisheries and freshwater aquaculture) are associated institutional arrangements. There is:

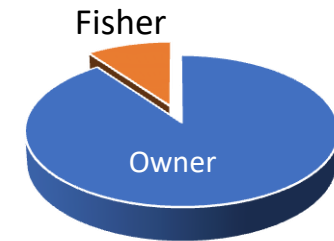
- **Lack of strong community platform**
- **Lack of institutional arrangements to:**
 - enable, motivate and install a community management platform
- **Inadequate policy instruments in support of fishers and small-scale fish farmers**

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 platforms (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)**

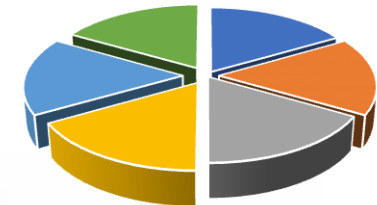
Why community activity ?

- Increased production in culture-based and enhanced fisheries is mainly achieved through utilization of the productive capacity of the water body
- Although some investment is involved in enhancement for procuring stocking material and harvesting of the grown-out stock, the cost involved is very low when compared with the increase in production obtained
- As the increase in production due to this intervention is attributable to utilization of natural production in water body rather than return on investment of an individual, it is desirable to allow these water bodies to be utilized under a community ownership and management
- In India, traditionally, the fishing in inland water bodies has been a community activity and the reservoirs are no exception to it



Profit share in
Aquaculture

Members of the community



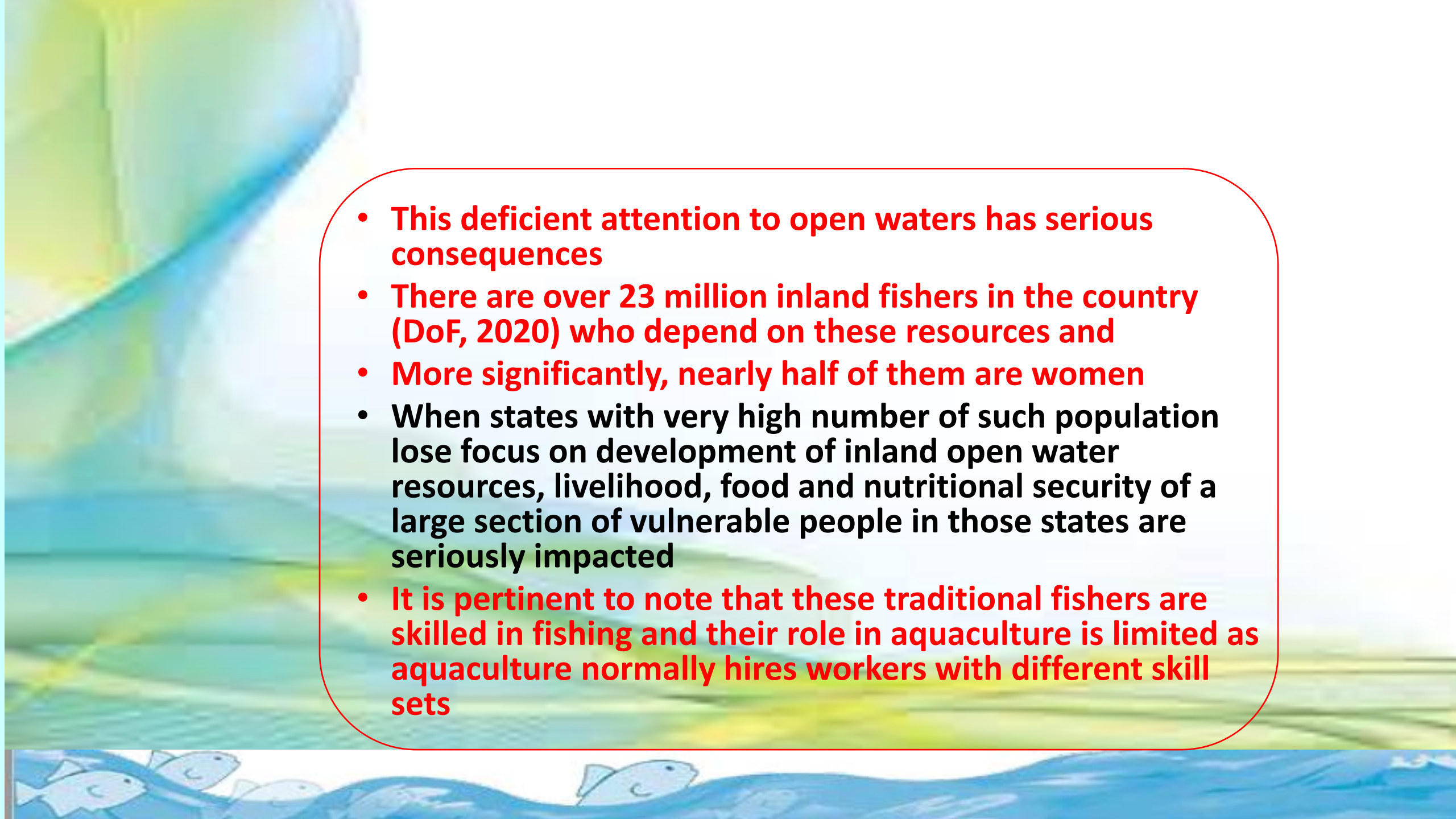
Profit share in Community
managed resource

Shift from capture to culture

- The aquatic environments across have a diverse range of fisheries with equally diverse tenure arrangements and comprising a range of actors possessing management and access rights
- **Both formal, legally recognized rights, informal rights based on customary practices (although these may be considered formal at the local level) and combinations of formal and informal rights**
- Furthermore, in some of the larger waterbodies there may different tenure arrangements, operating in the same waterbody, (for example cage culture, extensive culture-based fisheries and subsistence fishing for wild fish in a reservoir)
- **There is evidence of changes in the fisheries and in the tenure arrangements in many fisheries environments.**
- One clear trend is the increase of stocking and shifts towards culture-based fisheries and aquaculture.
- **The development of culture systems transforms the fisheries from an extractive system, based on natural productivity, to more input-output-oriented systems that may be less dependent on maintaining natural cycles.**
- A growing trend has been to allow limited access and cooperative-based management of river stretches for capture fisheries and small-scale culture or enhancement through the formation of village fishing committees, instead of granting leases to private contractors and entrepreneurs, e.g. (River fisheries in Bihar)
- **In many states, allocations of leases to enclosed waterbodies have been decided on different classes and categories of different waterbodies.**

Importance of Capture Fisheries

- Governments everywhere pursue fishery policies that often tend to pay attention to resources that can be developed to generate large scale income, employment, and trade.
- As most of the government-driven development is focussed on production, yield improvement and return on investment, the open waters go off the development radar and more importantly, the players cannot attract the attention of funding agencies and financial institutions.
- They face a series of difficulties or find it impossible to obtain credit, extension services, marketing assistance, or similar aid from development programs.
- The problems are further compounded as land and water resources are under pressure due to increasing and often conflicting demands from urban and industrial requirements.
- The wild and enhanced fisheries are getting lesser attention even in states with rich riverine, estuarine and reservoir resources. Some do not even mention these in their policy statements.

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- The background features a soft-focus illustration of a river with green banks and a blue sky. At the bottom, there is a decorative border with stylized blue waves and several cartoonish blue fish swimming.
- **This deficient attention to open waters has serious consequences**
 - **There are over 23 million inland fishers in the country (DoF, 2020) who depend on these resources and**
 - **More significantly, nearly half of them are women**
 - **When states with very high number of such population lose focus on development of inland open water resources, livelihood, food and nutritional security of a large section of vulnerable people in those states are seriously impacted**
 - **It is pertinent to note that these traditional fishers are skilled in fishing and their role in aquaculture is limited as aquaculture normally hires workers with different skill sets**

Paradigm Shift in Approach at National and State levels

National and State Policies 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)**

- There is an increasing trend to intensify fisheries through stocking to create culture-based fisheries or aquaculture systems.
- In some large reservoirs, all three types of fisheries may be found operating at the same time.
- Because wild capture fisheries have played important roles in the livelihoods of many people in India, it is important to:
 - consider how the benefits are derived,
 - the tenure arrangements that govern this, and
 - how these might be changing because of changes in policies, society and fisheries technology
- Objective of open water fisheries development should be to:
 - Benefit the fishers through increased productivity and
 - Not just 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

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**

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*

Conclusions

- **Most of the inland fisheries and fish farming falls under SSF**
- **Tenure system in inland fisheries is a complex mix of traditional, formal and informal practices**
- **The concept is still emerging**
- **Institutions and Governance are weak and need support from policy level**
- **Inadequate reforms in tenure and access & lack of institutional support can adversely impact livelihoods**
- **Value of fishery-based livelihoods in inland open waters needs much better appreciation that what they get now.**
- **National and State policies need to focus on open water fisheries and the value they add to livelihood security**