

**COMMENTS ON DRAFT GUIDELINES FOR REGULATION OF FISHING BY INDIAN FLAGGED
FISHING VESSELS IN THE HIGH SEAS, 2022 (I.E., FOR AREAS BEYOND THE EXCLUSIVE
ECONOMIC ZONE OF 200 NAUTICAL MILES)**

06 July 2023

To

The Secretary (Fisheries)
Ministry of Fisheries, Animal Husbandry and Dairying (MoFAHD), New Delhi.

Sir,

We are a diverse group of concerned citizens with a proactive background in marine fisheries development and management (fisher associations, fisher unions and fisheries professionals). We individually responded to the above draft guideline last year (August 2022), and some of us were part of the online discussions that MoFAHD organized on 17 June 2023. We did not receive any communication from MoFAHD addressing our apprehensions, and therefore, we are once again raising these concerns, hoping that there will be an acknowledgement, recognition and actions based on our remarks.

- 1) We are glad that the current guidelines invoke the high-sea resource conservation and sustainability conditions espoused by international instruments such as UNCLOS, IOTC, SIOFA and UNFSA. Besides, the preamble of the guidelines states that India is committed to promoting SSF (small-scale fishers) and to providing opportunities for livelihood security of SSF and their families. However, we are disappointed to note that the measures in the guidelines pay mere lip service to the above statements.
- 2) Our primary objection concerns statements in the draft that encourage large corporate capital investment in the sector. We are not in favour of allowing Partnership Firms; Private Ltd. Companies; Public Ltd. Companies; and Corporations as players in the fishing sector when the sector is already overcapitalised with traditional/existing fishers. This will seriously impact the livelihoods of current fishers. The guideline does not mention the number of Indian-flagged vessels that are already fishing in the ABNJ. Besides, it does not take cognizance of the precarious state of the major offshore tuna stocks published by IOTC reports (see summary in the table below).

Indian Ocean (IO) Species/Stock	Current Catch 2021 (t)	MSY (t)	SSB _{current} /SSB _{MSY}	F _{current} /F _{MSY}	Status of Stock
Bigeye tuna	94,500	96,000	0.90	1.43	Overfished
Yellowfin tuna	421,800	349,000	0.87	1.32	Overfished
Skipjack tuna	655,000	601,000	1.99	0.48	Sustainable
Albacore tuna	35,000	45,000	1.56	0.68	Sustainable

- 3) Additionally, the IOTC Scientific Committee in 2021 noted the increase in catches in recent years has substantially increased the pressure on the Indian Ocean Yellowfin tuna stock resulting in fishing mortality exceeding the MSY. Therefore, the catches need to be significantly reduced to realistically achieve the Scientific Committee recommendations. The Maldives is proposing to reduce the total catches above 20% to recover the stocks with a probability of greater than 50% in 2030.
- 4) Significantly, the current guideline is also contravening Article 5 of the UNFSA (UN Fish Stocks Agreement of which India is a party) which requires coastal States and States fishing on the high seas to ensure that the measures they adopt ensure the long-term sustainability of fish stocks and are based on best scientific evidence available.

- 5) The above facts and action points are part of the IOTC resolution, IOTC-2022-S26-PropM&J_Rev1[E], which is effective from 1st January 2023 and the current guidelines are not in agreement with this.
- 6) Therefore, the provision of allowing Partnership Firms; Private Ltd. Companies; Public Ltd. Companies; and Corporations in the sector has to be deleted from the current guideline.
- 7) The class of fishing vessels allowed to apply for permits is from >12 metres to >24 m. Currently, <24m vessels do not need the services of a licensed skipper and the DoT does not give RT licenses to small fishing vessels. This situation needs to be rectified through the intervention of MoFAHD. Besides, India is not an industrial fishing nation, our fishers do not operate factory vessels and vessels larger than >24m. We insist that this situation should not be changed, and India should remain a small-scale fishing nation. On the other hand, the GOI should formulate capacity-building schemes to modernize the existing SS high-sea fishers.
- 8) We also believe that 12-15m vessels are too small to operate on the high seas and safety at sea is a big risk for such vessels. Besides, ILO convention C-188 should be applied to protect fish workers on board such fishing vessels. It is also not clear whether the crew have to carry passports or specific identity cards.
- 9) We do not agree to the licence fees prescribed and, these have to be reduced substantially so as not to burden the small-scale fishing sector.
- 10) The number of licenses should be regulated based on the scientific advice of scientific institutions such as CMFRI/FSI. Already ~34% of the coastal stocks are overfished due to overcapacity.
- 11) Although the guideline talks about fishing logs, a model fishing log is not prescribed in the schedules. A definition for mother ships is not provided (all definitions are poor). Is it a collector vessel, processing vessel or supply vessel? Although the maximum gillnet length is mentioned (2.5km), there is no resource-specific gillnet mesh size prescribed. The same is the case with longline hook size.
- 12) Another major resource harvested from the ABNJ of the northwest Arabian Sea (Northwest Indian Ocean – NWIO) is the oceanic squid which is targeted by fishing fleets from China. More than 300 large vessels target this resource using squid jiggers and light lift nets from October to May. The CMFRI has advised the GOI about targeting this resource by modifying Indian small-scale mechanized vessels, but so far no specific schemes to encourage this have been formulated by the MoFAHD, and nothing specific has been mentioned in the current guidelines. Significantly, no specific RFMOs are managing this resource in the ABNJ.
- 13) It should be noted that China took steps to strengthen the management of its high-seas squid fleet in 2020, including the release of a circular on squid management measures, which contained provisions for the use of closed seasons for its squid fishing fleets. In November 2021 China announced a cap on the number of its squid jiggers operating in international waters. However, the effectiveness of these measures is not known.

In light of the above issues and comments, we urge the MoFAHD to completely modify the draft guidelines keeping in mind India's international obligations and its protective role of the Indian SS fishers. This guideline is very necessary as currently, a considerable number (>900) of Indian fishing vessels are fishing in areas outside Indian EEZ (ABNJ) without any protection or security from the GOI. However, it is disheartening to note that these regulations have to come out as a guideline and not as part of the proposed Indian Marine Fisheries Regulation Act (which seems to be forever in 'Bill' form). Kindly acknowledge receipt of this communication and the actions taken thereof.

Thank you,
Sd/
Concerned Citizens

List of Concerned Citizens

No	Name	Affiliation
1	Dr K Sunil Mohamed	Ex-CMFRI & Sustainable Seafood Network of India (SSNI)
2	Dr M Harikrishnan	Professor, School of Industrial Fisheries, CUSAT
3	Dr M S Shibu	Professor, School of Industrial Fisheries, CUSAT
4	Dr P Kaladharan	Former Principal Scientist, CMFRI & CEATECH
5	Shri Charles George	Trade Union Centre of India (TUCI)
6	Shri Joseph Xavier Kalapurackal	All Kerala Fishing Boat Operators Association (AKFBOA)
7	Shri Majeed M	All India Deep Sea Fishers Association
8	Smt J Mercykutty Amma	Former Fisheries Minister, GOK
9	Shri S Sarma	Former Fisheries Minister, GOK
10	Shri T Raguvaran	All India Trade Union Centre (AITUC)
11	Shri Jackson Pollayil	National Fishworkers Forum (NFF)
12	Shri Vincent Jain	South India Fishermen Forum (SIFFS)
13	Monsignor Eugene Pereira	Thiruvananthapuram Diocese
14	Fr Shaijon Jose	Thiruvananthapuram Diocese
15	Fr Darwin Peter	Thiruvananthapuram Diocese
16	Shri Joseph Jude	Hind Mazdoor Sangh (HMS)
17	Shri T N Pratapan	Member of Parliament (MP)
18	Shri Hibi Eden	Member of Parliament (MP)
19	Shri M N Sivadasan	Janatha Matsyathozhilali Union
20	Shri Munambam Santhosh	All India Fishermen Congress
21	Dr P Vijayagopal	Former Principal Scientist, CMFRI & CEATECH
22	Dr K K Vijayan	Former Director, CIBA, Chennai & CEATECH
23	Dr P U Zacharia	Former Principal Scientist, CMFRI & CEATECH
24	Prof Shaju Thomas	Former HOD, Zoology & CEATECH
25	Shri V Dinakaran	Ex MLA, Akhila Kerala Dheevera Sabha
26	Dr N K Sasidharan Pillai	Kerala Shastra Sahitya Parishad (KSSP)
27	Shri Joji Koottummal	Kerala Shastra Sahitya Parishad (KSSP)
28	Dr K V Thomas	Former Chief Scientist, NCESS