Marine Fisheries Regulation and Management (MFRM) Bill 2019

Why in news?

The Marine Fisheries Regulation and Management (MFRM) Bill 2019 is in the public domain for discussion.

What is the Bill for?

- India has obligations to frame laws under the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and the World Trade Organisation (WTO) agreements.
- The Marine Fisheries Regulation and Management (MFRM) Bill 2019 is one such piece of legislation.

What does UNCLOS provide for?

- Under UNCLOS, which India ratified in 1995, the sea and resources in the water and the seabed are classified into three zones:

1. the internal waters (IW)
2. the territorial sea (TS)
3. the exclusive economic zone (EEZ)

- The internal waters (IW) is on the landward side of the baseline; includes gulfs and small bays.
- Coastal states treat IW like land.
- The territorial sea (TS) extends outwards to 12 nautical miles from the baseline.
- In this, 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.

What are the objectives of the Bill?

- **Regulation** - 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 gap.
- 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.
- **WTO** - 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 comes as India's response to this too.

What are the key provisions?

- The Bill prohibits fishing by foreign fishing vessels, thus nationalising the country's EEZ.
- An Indian fishing vessel keen on fishing in the EEZ, outside the TS, must obtain a permit.
- This requirement has been contested by the fishing industry, particularly small-scale operators.
- Bigger vessels, particularly trawlers, registered and licensed under state departments, will need a permit to fish.
- This is a welcome measure to manage the fishing sector.
- The Bill respects the jurisdiction of the coastal states over the TS.
- It proposes social security for fish workers and calls for protection of life at sea during severe weather events.

What are the concerns?

- There is a faulty assumption in the Bill that only large-scale vessels fish outside the TS.
- In reality, 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.
- The Bill also lacks congruence with important regional fishery agreements.
- It seems to be incomplete compared to the regulations in other coastal nations.
- However, it is necessary for the sustainable future of the marine fishing

industry.

What is the way forward?

- 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.
- Hence, ideally, this should now go into the Concurrent List.
- Small-scale fish workers should demand to make 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.

Source: Indian Express

