

GOVERNMENT OF INDIA
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
DEPARTMENT OF FISHERIES

LOK SABHA

STARRED QUESTION NO. *237
TO BE ANSWERED ON 14th DECEMBER, 2021

Marine Fishing Conflicts

***237. SHRI ANUBHAV MOHANTY:**

Will the Minister of FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
मत्स्यपालन, पशुपालन और डेयरी मंत्री be pleased to state:

- (a) Whether the Government has any specific institutional mechanism to reduce and manage inter-State as well as international conflicts for management of marine fisheries;
- (b) if so, the details including the text of such policy/plan/proposal/institutional mechanism; and
- (c) if not, the manner in which the Government proposes to deal with inter-State and International marine fishing conflicts?

ANSWER

THE MINISTER OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING

(SHRIPARSHOTTAM RUPALA)

- (a) to (c): A Statement is placed on the Table of the House.

Statement referred to in reply to the Lok Sabha Starred Question No 237 put in by Shri Anubhav Mohanty, Member of Parliament for answer on 14th December, 2021 regarding Marine Fishing Conflicts:

(a). Yes, Sir. Article 263 of the Constitution of India provides for the establishment of an Inter-State Council to *inter alia* look into the disputes which may have arisen between States. Accordingly, an Inter-State Council has been constituted by the Ministry of Home Affairs (MHA) with the vision to support Centre-State and Inter-State coordination and cooperation in India. The Inter-State Council, in consultation with the Department of Fisheries, Government of India considers the inter-State fisheries related issues as well. With regard to addressing international fisheries related matters, there are multilateral organisations like Regional Fisheries Management Organizations (RFMOs) which take up such matters. India has been a member of Indian Ocean Tuna Commission (IOTC), which is the RFMO for Indian Ocean. In addition, there is an organization called International Tribunal for the Law of the Sea (ITLOS) which adjudicates on such disputes. Besides, the Government of India has also established the bilateral Joint Working Groups (JWGs), such as India-Bangladesh and India-Sri Lanka JWGs to foster cooperation with partner countries and to sort out disputes/differences on bilateral negotiation basis in the fisheries related matters.

(b). The text of the Article 263 of the Constitution of India relating to reads as under:

"263. Provisions with respect to an inter-State Council – If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of –

- (a) inquiring into and advising upon disputes which may have arisen between States;
 - (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
 - (c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,
- it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organization and procedure."

An RFMO is an international organisation dedicated to the sustainable management of highly migratory and straddling fishery resources in a particular Area of Competence. RFMOs may focus on specific species (e.g. the Commission for the Conservation of Southern Bluefin Tuna CCSBT) or have a wider remit related to living marine resources in general within a region (e.g. the Commission for the Conservation of Antarctic Marine Living Resources - CCAMLR).

RFMOs are endowed with a management mandate. This means that RFMOs may develop legally binding conservation and management measures (or rules) – often referred to as CMMs – which their Members are expected to implement. CMMs can cover a wide range of fisheries management measures; ranging from the collection of statistics to the types of fishing gears that may or may not be deployed within its Area of Competence. These RFMOs including IOTC try to settle differences of opinion and disputes if any relating to fishing rights and fishing quotas on a consensus basis.

ITLOS has jurisdiction to entertain an application for the prompt release of a detained vessel or its crew in accordance with the provisions of article 292 of the United Nations Convention on the Law of the Sea (UNCLOS). This article provides that where the authorities of a State Party have detained a vessel flying the flag of another State Party and it is alleged that the detaining State has not complied with the provisions of the UNCLOS for the prompt release of the vessel or its crew upon the posting of a reasonable bond or other financial security, the question of release from detention may be submitted to the Tribunal if, within 10 days from the time of detention, the parties have not agreed to submit it to another court or tribunal (UNCLOS, article 292, paragraph 1). The application for release may be made only by or on behalf of the flag State of the vessel (UNCLOS, article 292, paragraph 2).

The JWG formed under the Memorandum of Understanding (MoU) signed 6th September, 2021 between India and Bangladesh is to provide guidance, review the progress of activities and to facilitate co-operation under the said MoU. JWG Meeting is to be arranged every year alternatively in India and Bangladesh.

The Secretary level JWG between India and Sri Lanka was formed as per the Decision in the Ministerial level bilateral talks on fishermen issues between the two countries held on 5th November, 2016. The Ministerial level talks were co-chaired by the Ministers for Foreign Affairs and for Fisheries on the Sri Lankan side and by the Hon'ble External Affairs Minister and Hon'ble Agriculture & Farmers Welfare Minister on the Indian side.
