

MASS PETITION AGAINST PROPOSED COASTAL ZONE MANAGEMENT NOTIFICATION

[English version of the enclosed signed petition in Bengali]

Date: 09.08.2007

To
The Honourable Prime Minister of India
South Block, Raisina Hill,
New Delhi,
India-110 011.

Sir,

Millions of traditional fisher people of India along with many academicians, activists and civil society groups, concerned with conservation of coastal resources and sustainable traditional livelihood, are seriously perturbed to know that all their concerns and protests have fallen on the deaf ears of the Ministry of Environment and Forests (MoEF) and the highly contentious Coastal Zone Management (CZM) Notification based on the Swaminathan Committee to replace the Coastal Regulation Zone (CRZ) Notification of 1991 is in the offing.

Our coasts are increasingly being targeted for destructive 'development' practices. In line with it the CRZ Notification of 1991 was amended as many as 19 times chiefly under pressure from commercial interests. Against this backdrop, doing away with the 1991 Notification altogether, and introducing, in its place, a CZM Notification is nothing but a blatant effort to facilitate greater commercialization of the coastal zone.

The zonation, particularly CMZ II, paves the way for the proliferation of SEZs, ports, tourist resorts, mining and similar activities in large areas of the coastal zone. It also paves the way for displacement of fishing communities from their habitats and the areas they have traditionally used and fished especially as the Swaminathan Committee has not, in its recommendations, recognized the traditional and customary rights of fishing communities to their habitat, highlighted in the 1991 Notification.

With the new Notification, all violations that have taken place since 1991 under the CRZ Notification, mainly by commercial interests, with severe implications for the social and ecological integrity of the coastal zone and traditional livelihoods, are likely to be condoned. This will again be a concession to commercial interests that have blatantly violated the provisions of the earlier Notification.

The very existence and future of fishing and other natural-resource dependent communities is linked to the health of the coastal ecosystem. Effective protection of coastal habitats and regulation of activity in the coastal zone is very much in the interests of coastal communities, and fishing communities have taken several initiatives to protect coastal habitats and resources.

However, even as large areas of the coastal zone declared as CMZ II are likely to be taken over for unsustainable development, areas declared as CMZ I, for conservation, are likely to pose as much threat to livelihoods of fishing communities, if the non-participatory, exclusionary approaches adopted by the MoEF in marine protected areas in India so far, are anything to go by.

The proposed expansion of the coastal zone to include territorial waters, that is, from the shore to 12 nautical miles, has major implications for livelihoods of fishing communities, but the draft of the new Notification does not explicitly mention that this area should be managed with full participation of fishing communities, and that their rights to fish in this area should be protected and promoted, including in proposed CMZ-1 areas.

The proposed Notification, therefore, poses serious threats to livelihoods of coastal fishing communities and to coastal ecosystems.

In this context it is pertinent to remind that:

1. Article 10 (c) of the Convention on Biological Diversity (CBD) directs to: **“Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements”**.
2. Para 38, Principle 5 in the "Principles and guidelines for incorporating wetland issues into Integrated Coastal Zone Management (ICZM)" annexed to **Ramsar Resolution VIII.4** states that **"Participation of local communities and indigenous peoples in ICZM is particularly important where they have customary rights or tenure in the coastal zone"**.
3. Article 10.1.2 of the 1995 FAO Code of Conduct for Responsible Fisheries states: **“In view of the multiple uses of the coastal area, States should ensure that representatives of the fisheries sector and fishing communities are consulted in the decision-making processes and involved in other activities related to coastal area management planning and development”**; and Article 10.1.3 states: **“States should develop, as appropriate, institutional and legal frameworks in order to determine the possible uses of coastal resources and to govern access to them, taking into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development.”**

Any legal dispensation for coastal zone management must be compatible with the above as India has ratified all these international instrument.

We, therefore, totally reject all attempts to replace the 1991 Notification and demand that:

1. The CRZ notification in its original 1991 form shall prevail and be firmly implemented till a new comprehensive legislation is enacted that satisfies the requirements of the fishing communities
2. All violations committed under the CRZ Notification 1991 be penalized with utmost urgency. Punitive measures shall be immediately announced as per Environment Protection Act.
3. All efforts to replace CRZ Notification until the comprehensive legislation is enacted, be stopped.
4. A comprehensive legislation (to protect coastal environment and the livelihoods of coastal communities) on the basis of public consultations, particularly with fishing and other natural-resource dependent communities, with customary rights in the coastal zone, be enacted, to –
 - a. Conserve coastal resources
 - b. Protect customary use and sustainable traditional livelihood practices dependent on coastal resources
 - c. Ensure community-based and participatory coastal management
5. Settlements and customary uses of coastal spaces by the 3000 odd marine fishing villages along India’s coastline identified by the Marine Fisheries Census, 2005, be recognized and regularized.
6. Interests of other communities traditionally depending on coastal resources for their livelihood should also be considered when enacting the new legislation.

Sir, we sincerely hope that this petition will make you feel and realize the pain and anguish of the coastal fisher people to take adequate steps in the matter.

With regards,

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