

RIGHTS DISCONTENT AT RISING TIDE

Coastal management schemes have fisherfolk deeply distrustful. The move, they say, is only exploitation legitimised. **Nilanjana Biswas** reports

Resistance: Protestors burn a copy of the Swaminathan report, which proposes coastal regulation reforms Photo courtesy: The Kerala swatantra matsya thozhilali federation

To date, the 1991 Coastal Regulation Zone notification has been amended 21 times. Years of lobbying have ensured that its original spirit is all but lost Veli is a tiny fishing village in south Kerala, much-promoted as a tourist hotspot. By day, it's idyllic enough — after dark, the visitor stepping out for a quiet walk by the sea could be in for a nasty surprise. Not the gentle lapping of waters upon a moonlit shore but frenetic activity characterises the typical Veli night, as gangs of men shovel sand into waiting trucks from sundown to sunrise. By dawn, at least 150 city-bound trucks leave the village, piled high with sand for the booming urban housing and construction industry. Sand mining is illegal. In Kerala, not only has it been placed under interim stay by the state high court, it also goes against the provisions of the 1991 Coastal Regulation Zone (CRZ) notification, the only specialised attempt to lay down norms for coastal development in India.

Frequent offenders include seaside hotels, factories, housing projects and export-oriented shrimp farms. But, given that the government itself is a violator of coastal norms — for example, the original CRZ notification was tweaked to allow a nuclear power plant to come up on Kalpakkam beach — it is little surprise that offences go unchecked.

Areas under the 1991 CRZ notification include coastal lands influenced by tidal action upto 500m from the high-tide line, as well as land between low-tide and high-tide lines. To regulate permissible activities, the CRZ was in turn divided into four zones of varying ecological sensitivity with provisions for stringent protections in the core zone. For the first time, the traditional rights of India's six million-strong fishing population also received some measure of legal recognition.

The CRZ notification has, however, been flouted countless times. To date, it has undergone at least 21 amendments. Powerful vested interests have lobbied over the years to water it down so that today the protective spirit of the original notification is all but lost. Approved state-level coastal zone implementation plans don't exist. With demarcation of high-tide and low-tide lines still incomplete, implementation is only a farce.

When the problem lies in implementing the law, is it to be addressed by removing the law itself, asks activist Ossie Fernandez Having dodged the implementation question for years, the government is now preparing for a knock-out round. Based on the recommendations of a high-power committee

led by agricultural scientist MS Swaminathan, it proposes to do away with the concept of coastal regulation altogether, replacing it with an Integrated Coastal Management Plan instead. This, say activists and fisherfolk alike, would be nothing short of catastrophe. They allege that the committee's 2005 report is just a mouthpiece for global capital. A UNDP-sponsored review of the report, published in May 2006, has also expressed "serious reservations" over the committee's claims and recommendations. Representatives of the People's Campaign for Coastal Area Rights, a coalition of trade unions and environmental and civil liberties groups, point out: "What is being proposed is in line with the move to enable deregulation and legitimise the presently illegal exploitation of the coasts." This, claim activists is a sure-fire method to ensure that "anything goes", as long as political and commercial interests coincide.

The stringent provisions of the CRZ notification are to be replaced by a much more complex system of rules for delineating coastal zones, which are to be extended to include not just the coastal belt but also offshore waters 12 nautical miles from the shoreline. Says Gilbert Rodrigo, advisor to the Tamil Nadu-Pondy Fisher People's Federation, "Twelve nautical miles on the seaward side are to be deemed a fragile zone, and will therefore be out of bounds for fisher people. Licenses would be needed to fish there. This only means further unemployment and more harassment from coastal guards." T. Peter, president of the Kerala Swatantra Matsya Thozhilali Federation (KSMTF), a fisher people's union, takes the issue further. According to him, the extension into the sea of what is deemed the coastal zone is "an open invitation to the sand mining lobby to mine mineral-rich deep sea areas."

Coastal industrial growth has already left many fisher people jobless. Fish stocks have declined dramatically, following the arrival of mechanised trawling. Traditional fishing is hard-hit as stretches of coast that were used for critical fishing-related activities are now owned by hoteliers and tourism promoters. "With no place to dry fish, we are losing our livelihoods," says Kalyani, a fisherwoman from Kolavipalam. In places like Veli and Kolavipalam, where relentless sand mining has greatly weakened the coastline, the increasing intrusions of the sea have made flooding an annual occurrence. Says Magline Peter of the Theeradesa Mahila Vedi, a fisherwomen's organisation, "The sea level is rising every day. More than 30 fisher people's homes in Veli alone were flooded in 2006."

With their traditional livelihoods brought under severe threat by unregulated commercial activity, fishing communities are demanding the strict implementation of the 1991 CRZ notification — when the law is there, why is it not implemented, they ask. Observes Ossie Fernandez, director of the Chennai-based Human Rights Advocacy and Research Foundation, "A management approach is a classic way of dismantling existing, protective regulation. When the problem is with the implementation of the law, should you address it by removing the law itself? The CRZ notification was useful, to an extent, because violators could be taken to court. We could, for example, close down polluting shrimp farms, after the Supreme Court passed a ban, on the grounds that they violated CRZ norms. Similarly, we could put also some brakes on the tourism and hotel industry."

Today, fisherfolk fear those brakes are being dismantled and see the move to liberalise the coasts as one that will only exacerbate their problems. In the context of globalisation, activists regard deregulation as nothing less than a state-sponsored ploy to evict fisher people. Says John TP, district leader of the KSMTF: “Fisher people are being alienated from the sea so that the coasts can be handed over to lobbies with vested interests.”

The fears are not baseless. Evictions, claim fisher people, are being made by hook or by crook — and mostly, they say, by crook. Activists of the Theeram Prakriti Samrakshana Samiti — a Kolavipalam-based conservation group on whose petition the Kerala High Court’s 1999 stay order on sand mining was passed — have been attacked on several occasions by an organised sand mining mafia. Even more disturbing was the Tamil Nadu government circular, issued within a month of the December 2004 tsunami, advising district collectors to evict, by force if necessary, fisher people living within 200 meters of the sea. When faced with opposition, the government backed down, but not before making it clear that funds for repair activities would not be available to fisherfolk living in the zone. Since most fisher people fall into this category, they viewed the stipulation as arm twisting to force relocation.

With existing regulation dismantled, coastal communities can be easily displaced to make way for a coastal industrial boom. Coastal deregulation is not, however, an isolated move. Recently, the Environmental Impact Assessment process was modified to facilitate fast-track approval of projects, and the controversial Special Economic Zones (sez) Act, 2005, was introduced to favour large-scale land acquisition and tax holidays for exporters.

“The idea is to attract big capital,” says Ossie Fernandez. “For the capitalists, coastal land is already-developed land available at a low price. A management approach will lead to large-scale industrialisation of the coast — and sound the death knell for seashore fishing.”

That according to him is what the World Bank wants. “The World Bank has come here saying we will fund all your harbours, so that fisher people can fish,” he says. Referring to the inevitable displacement of fishing communities, he asks: “Just what fisher people are they talking about?” The fishing communities themselves, however, are girding up for the long haul. On September 21 last year, they gathered in thousands in Thiruvananthapuram to burn a copy of the Swaminathan Committee report. Today, waves of dissent are spreading across India’s coastal communities. Neither the government’s red herrings nor the World Bank’s dubious charity will do, they say, when what’s at stake is a very fundamental right: to live and work as they have always done, at home by the sea.