

National Campaign for the Protection of the Coast (NCPC)

PROPOSALS TO IMPROVE CRZ NOTIFICATION OF 1991 AND THE LIVELIHOOD SECURITY OF FISHING COMMUNITIES

(Developed at the NCPC meeting at Bombay on 11 August 2009)

The invitation from CEE states that the purpose of the consultations organized by the MoEF is to discuss the recommendations of the M.S.Swaminathan Committee Report (Final Frontier). However, the NCPC is firmly of the view that these consultations are not just to discuss the recommendations of the Committee but to discuss improvements to the CRZ notification of 1991 and other relevant issues for protecting the livelihoods of traditional fishing communities.

Proposals

- 1. Go back to CRZ 1991:** The 25 amendments made so far lack legitimacy as most were made without inviting public comments and were often meant to legitimize violations and to weaken the notification. Hence we reject all the amendments made so far with the proviso that amendments that are in public interest are reintroduced along with the new amendments after due public debate.

Circulars and letters issued by the MoEF interpreting the CRZ notification should be withdrawn

- 2. Recognize inalienable rights of fisherpeople to the coast**
 - Recognize in the CRZ all the 3,202 coastal fishing hamlets identified in the CMFRI census of 2005 and provide for those that might have not been enumerated; recognize also the spaces in the CRZ used by fishing villages for their livelihood and social needs;
 - All areas of fishing communities in the CRZ that have been encroached should be cleared of encroachments and reverted back to use by the fishing community;
 - There should be minimal restrictions on fishermen housing:
 - a. All existing houses of traditional fisherfolk within 0 to 500 m should be regularized
 - b. In CRZ II and III, permission for construction of new houses within 50 to 500 m should be granted by fishing community village/hamlet sabhas. Permission for only 'ground plus one buildings' may be granted
 - c. No new house within 0 to 50m should be permitted after cut off date (date of new notification?)
 - d. Houses belonging to fishing communities in the CRZ should not be transferred or sold to non-fishing communities
 - Housing needs of fishing communities, especially in major urban areas are difficult to cater to due to shortage of space and urban development. More study is required to

come up with a comprehensive proposal to ensure that the fishing community rights to housing are properly executed;

- In all urban areas, housing schemes for fishing communities should be funded by government to avoid exploitation by builders;
 - States should develop a long-term plan for housing of fishing communities, in view of erosion and sea level rise. Gram sabhas should work with state governments to develop this. Where sea erosion is displacing fishing communities, state governments should provide alternatives, including land and housing along the coast, while ensuring buffer zone for future development of the community,
3. **Enact legislation to protect rights of fishing communities to the coast:** There is need to develop a clear road map to enact such a legislation in a time-bound manner.
 4. **Recognize livelihoods rights of coastal fishing communities:** It is essential to ensure that the livelihood rights of traditional fishing communities are protected. Any changes whether by any policy, law or regulation (for example for marine protected areas, industrial, commercial or non-fishing activities etc) that could impact these livelihood rights must only be undertaken after due process of consultation and approval from the communities to be affected.
 5. **Include territorial waters as part of CRZ:** Territorial waters should be included within the CRZ, as a separate zone that can be called CRZ V. There should be a ban on drilling/ mining/ reclamation/ pollution/ dumping/ dredging in CRZ V. No effluent discharge should be permitted in the coastal water bodies and the sea. This is particularly important in the context of global warming/ disaster management.
 6. **Implement provisions for protection of mangroves and other coastal ecosystems in the CRZ notification:** There is need to protect 'mangals'/ wetlands, that is the whole ecosystem which includes saline blanks in mangrove areas. Local fishing communities should be recognized and given the responsibility to protect and prevent encroachment of mangrove areas.

Provisions for protection of sand dunes, inter-tidal zones, tropical evergreen dry forest vegetation along the coast need to be implemented.

7. **Set up Task Force on improving implementation and enforcement of the CRZ Notification of 1991.** This should have representation from fishing community organizations.
8. **Demarcate the High Tide Line (HTL)**
 - Reconstruct HTL of 1991 from satellite maps to identify and book violations after 1991
 - Map HTL for the entire coast within one year, with the participation of local communities. There should be only **one** notified CRZ map, which should be available to the public.

9. **Severely punish violations:** Section 24(2) of the EPA should be deleted to allow for this.
10. **Ensure disposal of complaints against CRZ violations filed with State CZMAs within two months.** The procedure should be transparent.
11. **Do not permit SEZs and industrial activities on the coast.** There is need to strictly implement the provision in the CRZ Notification that allows only activities that require waterfront facilities to be located within the CRZ. No airports should be permitted within the CRZ.
12. **Declare a moratorium on new ports:** Study on cumulative impact of ports should be taken up. No ports should be allowed in mangrove/ coral reef areas.
13. **Ban ship breaking units in the CRZ**
14. **Prohibit unregulated and unplanned construction of coastal protection structures:** Structures such as groynes and seawalls should be constructed only as part of a comprehensive macro plan. Such structures should not be constructed in inter-tidal zones.
15. **Maintain existing FSI as per CRZ 1991 for construction activities in CRZ areas**
16. **Reject the Aquaculture Authority Act 2005 as it legitimizes violations to the CRZ Notification, 1991**
17. **Use funding from international agencies only for implementation of the CRZ Notification**
18. **Reject the idea of a vulnerability line:** Appears to be an attempt to bring back CMZ by the back door

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NCPC members

National Fishworkers Federation (NFF), Tamil Nadu-Pondy Fisher Peoples Federation, Conservation Action Trust, South Indian Federation of Fishermen Societies, World Wide Fund for Nature (WWF), Greenpeace India, ICSF Trust, Kalpavriksh, Dakshin Trust, Pondy Citizen's Action Network, Centre for Education and Communication (CEC)