

**Submission to the UN Universal Periodic Review
41st Session of the UPR Working Group**

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Joint Stakeholders' Report on Coastal Sector in Tamil Nadu

Submitted by Coastal Action Network (CAN)

This UPR Submission is supported by the Forum for UPR in Tamil Nadu, People's Watch, Human Rights Defender's Alert – India (HRDA) along with 1993 endorsees across the State of Tamil Nadu, India

For this UPR Submission, 1993 endorsements across Tamil Nadu have been received out of which 1317 endorsees wish to remain anonymous. Anonymous endorsees have given their consent to endorse but due to the reprisals they have seen being targeted against organizations and human rights defenders by the Government of India, they have chosen to remain anonymous.

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A. Context

- India is a largely populated developing peninsular nation in Asia. The Marine Fisheries has a long coastline of 8118 km. India has rich and diverse fisheries resources ranging from deep seas to lakes, ponds, rivers and more than 10% of the global biodiversity in terms of fish and shellfish species. The marine fisheries resources are spread along the country's vast coastline and 2.02 million square km Exclusive Economic Zone (EEZ) and 0.53 million sq.km continental shelf area. The inland resources are in the form of rivers and canals (1.95 lakh km), floodplain lakes (8.12 lakh hectares), ponds and tanks (24.1 lakh hectares), reservoirs (31.5 lakh hectares), brackish water (12.4 lakh hectares), saline/alkaline affected areas (12 lakh hectares) etc.
- The share of the fisheries sector in India's gross domestic product is about 1.03 %¹ as of 2017-'18 and it contributed Rs.1.75 trillion during 2017-'18. The sector provides livelihoods to about 16 million² fishers as well as assures employment for 36 million people in fisheries allied activities, especially the rural poor.
- Tamil Nadu has a 1076Km stretch of the coastal line (13% of the country's coastline), 1.9 lakh sq.km of EEZ (9.4% of India's EEZ) and 41,412 sq.km continental shelf. This vast ocean and coastal resources are customarily asserted by 10.07 lakh marine fisherfolks distributed in 608 marine fishing villages along with the 14 coastal districts. The fisherfolks have 38,779 traditional crafts and 5893 mechanized boats. Including 6 major fishing harbours, 3 medium fishing harbours, 36 fish landing centres and 254 fish landing points as the infrastructure facilities to harness the potential of fisheries.
- Tamil Nadu is one of the leading states in marine production with 5.21 lakh tons, of which 1,28,845 MT valued at Rs.5,591.49 Crore³ gained export revenue in the year 2018-19. Apart from this, Tamil Nadu has a 1.83 lakhs Inland Fisher people population involved in both Capturing and traditionally Culturing fisheries resources 3.7 lakh hectares of water area. However, the

¹Available at: http://nfdb.gov.in/PDF/National_Fisheries_Policy_2020.pdf

²Available at: http://nfdb.gov.in/PDF/National_Fisheries_Policy_2020.pdf

³ FISHERIES POLICY NOTE 2020-2021, Fisheries Department, Government of Tamil Nadu

fisher people are less in number and need to be classified as Sea Tribe but are classified as Most Backward Classes in Tamil Nadu, whose resources were subjected to revenue exploitation and alienation and dispossession of the rights of the fishing community at large.

B. Coastal Perspectives

- The coastal zone is the fuzzy interface between sea and land, where freshwater meets its saline counterpart. The coastal ecosystem is the most productive but also the most fragile. It is a dynamic realm with constantly changing boundaries, especially around bar mouths. Being at the tail-end of the terrestrial landscape, it is also the final recipient of all the runoff from the mainland.
- The coastal zone is the playground for the sand and the sea to frolic – and should be safeguarded against hair-brained developmental activities. The near shore waters are also the most productive part of the seas. The technological interventions on the coast not only lack a scientific basis but fail miserably to acknowledge the limitations of scientific understanding of the coastal processes. The greed of capitalism fuels the vanity of technology, seeking to conquer the natural seascape.
- Coastal communities all over the world face numerous challenges which are only increasing in intensity – a simultaneous onslaught by large scale industrialisation and infrastructural activity on the coasts, coastal pollution, destructive industrial fishing and a deep crisis in the resource base that sustains their very existence. In addition to this, they are the most vulnerable to the devastating impacts of climate change.
- There is massive dislocation and displacement of traditional communities on the coast, a shift towards harbour-based capital-intensive fisheries and damage to rivers, riverine and coastal ecosystems; impacting the livelihoods of small-scale fishermen, women fish vendors and in turn the health and nutrition of coastal communities. It is fairly obvious to see that the ultimate result of this is complete devastation to the systems of knowledge, ecology and political economy essential for coastal communities and small-scale fisheries to prosper.

C. Issues and Concerns

1.Coastal Ecology: River linking and Waterways

Developments

- Under the National Waterways Act of India,2016, the government of India nationalised a total of 111 rivers across the country, including sections of 9 rivers in Tamil Nadu. This is to convert rivers into waterways, for transport of goods from hinterland industries to nearby ports for export, and vice versa.
- Called Jal-Marg scheme, subsumed under Sagarmala programme as its 5th pillar, operated by Ministry of Ports, Shipping and Waterways. A separate Inland Waterways Authority of India has been established for this purpose, along the lines of NHAI.
- National River Linking Project, operated by the Ministry of Water Resources.
- A Vast number of inter-basin transfers of water from one river basin to another. This is to be achieved through a series of large dams and vast pipelines and pumping stations.

Concerns

- Waterways are not feasible since most rivers simply do not have sufficient water, especially monsoonal rivers. In the absence of fresh water in coastal areas, seawater may make up sufficient volumes, which will permanently damage the river basin.
- Channel deepening through capital dredging of river sections, and widening of the section, to ensure navigability for larger ships and barges.
- Existing rivers are already sites of major conflicts with different sectors staking their claim over share in river water. Adding inland waterways would imply simply no water for the agricultural and capture fisheries sector.
- Excessive mining of river sand creates water without sediments and nutrients – further exacerbating the productivity loss of coastal waters, and preventing the natural cycle of silt, sand from reaching the coast.
- *“The seas start from the mountains”* - River linking would ensure that practically no major river would meet the sea, thereby cutting off the freshwater supply as well as the movement of silt and nutrients from inland to coastal and marine ecosystems.

- This is the death knell for river and estuary based capture fishers, who are marginalised among marginal communities, especially women and traditional, non-mechanised fishers. It will destroy the river basin, its biodiversity and the riverine ecosystem.

2. Coastal erosion

Issues

- National Centre for Coastal Research analysed that 64% of Tamil Nadu's coast is unstable with high levels of erosion and accretion, over 25 years, with 41% eroded⁴.
- Certain locations have exceptionally high levels of erosion, such as north Kattupalli losing over 8 m per year of the coast, Pudupettai-MGR Thittu losing 8.7 m per year, Tiruchendur over 4.8 m per year, Thengapattinam over 5.4 m per year and so on.
- Unique island ecosystems of the Gulf of Mannar are being lost – Numerous studies have shown that these islands are fast disappearing. For example, Van island, Kasuwar island, Karaichalli island, Vilanguchalli islands have shrunken (Nagarajan, 2017)⁵ by 82%, 55%, 57%, 95%.
- Coastal protection infrastructure like sea walls, groynes have become a full-time activity for the PWD funded by World Bank projects⁶. These have led to cascading erosion - shifting the erosion to other areas, along the littoral drift.

Concerns

- Erosion has led to enormous loss of coastal land and loss of habitations. There is no mechanism to even compensate victims/villages which have lost several acres of land. It is a clear case of corporate induced erosion, while the ones who pay the price are traditional fisher villages.
- Loss of shore space for pre-fishing and post-landing activities is the extinction of shore-based Small scale fisheries and coerces the traditional fishing community to shift to Fish Landing centres and Harbour based fisheries.

⁴ National Assessment of *Shoreline Changes Along Indian Coast* - A status report for 26 years (1990-2016), published by National Centre for Coastal Research in 2018.

⁵ Assessment of Landcover Dynamics and shoreline changes of Gulf of Mannar Islands through Remote Sensing, by R.Nagarajan, S.Punitha and V.Selvam. M.S. Swaminathan Research Foundation published in 2017.

⁶<https://projects.worldbank.org/en/projects-operations/project-detail/P143382>

- Shore-seine nets are becoming rare.
- Coastal infrastructure like harbours, ports, breakwaters which block the littoral flow of sand is the main cause of erosion. Loss of river silt washing into the sea due to excessive dams, and blocking river flow is another main cause.
- Erosion-induced displacement of coastal communities.
- Permanent alteration to the shoreline.

3. Climate crisis / Disasters

Issues

- In 2019, the IPCC Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC) highlighted that coastal ecosystems are already impacted by the combination of Sea Level Rise (SLR), other climate-related ocean changes, and adverse effects from human activities on ocean and coastal land.
- Climate-Related Ocean and Cryosphere Changes will induce disaster risks for people inhabiting the coastal deltas, low-lying coastal areas, coastal cities and megacities.
- Climate Crisis has been recognised and the need for immediate action resolved at the UN⁷.
- Goal 13 of the Sustainable Development Goal also extols all member countries for climate action but has very weak targets.
- 32% increase in the number of cyclones in the last 5 years⁸. These include Ockhi, Thane, Gaja, Roanu, which are just some of the cyclonic storms to hit TN coasts in the last few years causing grave loss of lives and livelihoods.
- Destructive solutions to Climate Crisis such as Blue Carbon through Marine Conservation. SDG has mandated 10% of the global ocean space to be declared as Marine Protected Areas.

⁷UN-GA resolution 67/210, in which the Assembly reaffirmed that climate change is one of the greatest challenges of our time, expressed deep concern that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change and are already experiencing increased impacts, including persistent drought and extreme weather events, sea-level rise, coastal erosion and ocean acidification, further threatening food security and efforts to eradicate poverty and achieve sustainable development, and emphasized that adaptation to climate change represents an immediate and urgent global priority.

⁸<https://timesofindia.indiatimes.com/india/32-rise-in-number-of-cyclones-in-past-5-years-imd/articleshow/72031005.cms>

- TN Environment Policy-note 2021 proposes a vast number of Conservation based projects mushrooming along with the coastal and marine areas like Gulf of Mannar, Pichavaram, Muthupettai lagoon areas, marshlands like Pallikaranai, Kaliveli lagoon, etc.
- India has a target of 500 GW from renewable energy by 2030 and has launched Coastal solar hybrid parks in Thoothukudi V.O.C Port Limits, and Offshore Wind Energy Leasing Guidelines 2019, which leases an area of up to 500 sq. km in the seas for private wind energy investors. The Gulf of Mannar is identified for wind farms.

Concerns

- Human-induced climate change is causing ocean warming, acidification, and change in ocean currents, which deeply impact the fish stock, reproduction and migration patterns. Reports say by 2030, 23 per cent of the transboundary fish stocks would have shifted⁹, impacting fish catch.
- Climate Change Reports like IPCC elaborate on sea-level rise sinking coastal urban areas, but fishing villages will be even more affected, since space for future habitation is not provided for, in reality.
- In addition to disasters, disaster rehabilitation programmes cause widespread displacement and evictions. G.O.774 of 2007 mandated people to move away from the coasts and provided houses far from their livelihood resources¹⁰.
- Solutions proposed through Conservation and MPAs seek to displace traditional resource-dependent communities and curtail their rights to access these resources.
- It not only commodifies these resources by treating them as State property for commercial benefit but also financialises them as assets through Blue

⁹ “Timing and magnitude of climate-driven range shifts in transboundary fish stocks challenge their management” by Juliano Palacios-Abrantes, Thomas L. Frölicher, Gabriel Reygondeau, U. Rashid Sumaila, Alessandro Tagliabue, Colette C. C. Wabnitz, William W. L. Cheung

¹⁰<https://www.tn.gov.in/tsunami/Projects/GOs/GONo774.htm>

¹¹Blue bonds are a subset of green bonds, those used specifically to **finance projects related to ocean conservation**. This includes managing plastic waste, but also promoting marine biodiversity by ensuring sustainable, clean and ecologically-friendly developments. These are market-based measures to link marine conservation with the global financial market. Also read <https://www.adb.org/news/adb-issues-first-blue-bond-ocean-investments>

Bonds¹¹, Biodiversity trading¹², etc.

- In the name of Climate Action, the search for new energy sources like offshore wind, solar owned and operated by global corporates, are targeting coastal and marine spaces to appropriate, and denying customary access to fishers.

4. **Ecosystem destruction**

Issues

- Ecosystem damage due to existing developmental and infrastructure projects
- Beach beautification – Chennai, Coastal Tourism – Blue Flag Status for 10 beaches across TN.
- Nearshore waters across ports are extremely polluted. Various studies have shown JNPT, Chennai, Mangalore as among the most polluted seawaters due to the intense port activity¹³.
- Untreated wastewater is excreted directly to the sea from Coastal industries, and coastal waste management has emerged as an industrial sector in itself. Eg, Cuddalore SIPCOT coastal industrial estate
- Desalination is being promoted as the solution for solving the water crisis in urban and industrial zones.
- Massive dead zones in the near shore waters due to eutrophication, uncontrolled bacterial/algal growth due to breakup of the marine food web, frequently occurring in the Gulf of Mannar.
- Capital intensive industrial fishing fleets, deep sea fishing fleets engaged in fisheries appropriation in all seas of India. Though foreign fishing vessels are proposed to be banned in Indian Marine Fisheries Bill 2021, the coast guard and authorities have rarely acted upon them.

¹¹Blue bonds are a subset of green bonds, those used specifically to **finance projects related to ocean conservation**. This includes managing plastic waste, but also promoting marine biodiversity by ensuring sustainable, clean and ecologically-friendly developments. These are market-based measures to link marine conservation with the global financial market. Also read <https://www.adb.org/news/adb-issues-first-blue-bond-ocean-investments>

¹² UN Conference on Trade and Development promotes Sustainable Trading and advocates for amendment in CBD. Further read <https://unctad.org/news/why-trade-must-be-part-solution-biodiversity-loss>

¹³ Sharma, Eliza & Das, Subhankar. (2019). Measuring impact of Indian ports on environment and effectiveness of remedial measures towards environmental pollution. 10.1504/IJEW.2019.10021787.

Concerns

- Displacement of communities from their living spaces.
- Dispossession of their rights to resources or commons.
- State at regional and union level itself is the biggest violator, thus depriving the traditional fishing community.

5. Major destructive projects along the coast.

Issues

- Destructive programmes like Sagarmala have been furthered through Maritime Agenda 2030, during the pandemic time.
- Building new ports such as Kattupalli Adani port, Enayam/Colachel International Transshipment Port and expanding existing ports for new terminals and berths, and capital dredging such as Ennore Kamarajar Port, Cuddalore Port, VOC Thoothukudi Port.
- Offshore hydrocarbon exploration projects consisting of CY-OSHP-2017-01 and CY-OSHP-2017-02 that covers the entire marine spaces in Nagapattinam, Karaikal, Mayiladuthurai, Cuddalore, Puducherry and Villupuram districts of Puducherry and Tamil Nadu. A total of 274 exploratory wells are to be dug in the sea by Vedanta r, a global corporate.
- Promotion of industrial aquaculture through the establishment of Aquaculture Parks covering a potential 56,000 hectares of brackish water resources in estuaries, creeks, backwaters across TN coastal districts, funded through state and central government schemes like PMMSY¹⁴.
- Expansion of Kudankulam Nuclear Plant to 4 reactors.
- Reclassification of NDZ, CRZ 1 and 3 to suit commercial interests under Coastal Regulation Zone 2019 notification.

Concerns

- Through the larger umbrella of Blue Economy, traditional coastal and marine resource-dependent communities, especially traditional fishers are being excluded and eliminated from their traditional livelihoods as well as habitats,

¹⁴ Tamil Nadu has identified all the lands meant for these industrial aquaculture parks through a consultant. <https://timesofindia.indiatimes.com/city/chennai/state-to-explore-brackish-water-aquaculture-parks/articleshow/74346719.cms>

through legitimised ocean grabbing.

- The discourse of Overfishing is being foisted upon traditional capture fishers in India, to victimise and squeeze them away from the capture fisheries sector, in favour of corporates.

D. Women's Role in Fisheries:

- Fisherwomen in Tamil Nadu predominantly work as self-employed persons in the small-scale purchase, preserving, processing and vending of fish. Women's role in fisheries has historically not been recognised by government policymakers. The fisheries sector in India has an important role in food security and employment. The process of globalization and industrialization have exacerbated the degradation of fishery resources by targeting the coast for unregulated industrial and infrastructure projects. The use of over efficient fishing technology, export market driving the economy by replacing capture fishery with artificial culture (monoculture shrimp industries) centralization of resources (more and more centralized fish landing centres) has resulted in a threat to food security, loss of Bio-diversity. The women and children are the major victims as their access to hawk and traditional processing has been denied considerably. The younger women are employed in fish processing units.
- Fish vendors/head loaders (women) have been restrained from using traditional pathways along the coastal line, and now have to take a longer route to reach the market. Sexual harassment of women has been on the increase as the industrialists are hardly accountable to the villagers.
- In Tamil Nadu, there was 71,541 fisherfolk engaged in fishing allied activities, 33,212 women are involved in vending, 2,528 in repairing net, 6,135 in curing and processing, 3,717 are labourers and 2,554 (*includes, auctioneers, ice breakers, collection of bivalves, collection of other shells, collection of seaweed, collection of ornamental fish).
- In the majority of the fisherwomen's families, the major share of income comes from selling dry fish. About 48.6 per cent of income comes from the dry fish trade (If their spouse is a wage earner in fishing activities) Majority of Fisherwomen involved in the dry fish production process in Tamil Nādu belong to the middle age group.

- Women fish vendors who get caught between private developers, who are looking to develop the markets that are located in prime real estate, and the government authorities who control the markets.
- Bulk auctioning and centralized landing centres are slowly eliminating the head loaders who are supplying 25% of fish consumption in the domestic market.
- No enrollment of women fish workers in the fisheries board and denial of accident insurance or life insurance. Women fish workers may be the largest women's labour force engaged for generations in one business, namely, fish marketing; yet, they are on the verge of extinction due to their inability to regroup and restructure themselves and due to the negligence of the fisheries sector organizations in protecting their interests
- Women's participation and membership in mainstream co-operatives are limited as women rarely have the time to take up active roles in these organizations, saddled as they are with the dual burden of earning a living and managing the household.
- Fish marketing, once the domain of these women, is being taken over by male vendors and by malls and upscale shops that promise home delivery.
- The changing face of coastal districts has impacted the fisherfolks' way of life; pollution and infrastructure projects on the coast have decimated near shore fisheries. The livelihoods of women vendors and processors have been affected by reduced access to resources.
- Post-harvest fisheries are not considered important by the fisheries sector in Tamil Nadu. There is a lack of infrastructure for post-harvest fisheries; the main landing centre is unable to deal with the volume of traffic; also, the existing facilities have not been maintained well
- The incidence of Domestic Violence is increasing and women and children are the victims.
- Unemployment among the men folk in the family has increased the burden on the women.
- Workplace pressures in the form of sub-optimal working conditions have also added to the health woes of the women vendors.
- Feminisation of labour, poverty and violence as a result of destructive projects.

- Paucity of data available on women in the fishing economy, starting with the landing centres.

E. Policy Challenges

- The policy of the Indian government to promote cultural fisheries and harbour based fishing not only affects the small scale fisheries, it directly eliminates women from processing and marketing. Mariculture and aquaculture activities bring larger investors and private corporates who not only control the marketing, they also influence policies.
- Subsidies, tax holidays and credit support are available for bigger players in the market whereas the small scale, traditional fishing communities are forced to move out of the sector and are refugees in their hinterland as they do not have credit support or technological support.
- They are limited to fish within twelve nautical miles and are governed by the state government. The state government has no explicit monitoring mechanisms to regulate the destructive gears and craft by the larger fleets.
- Distress migration is on the increase and they go to coastal states in search of employments wage labourers. Needless to say, the women face the burden of running the households and face both sectoral and societal violence. Feminization of poverty, violence and labour need to be addressed. Our policies do not reflect full employment and decent work as potential by-products of economic growth.
- By taking a market-oriented perspective, full employment and decent work have been down-graded in the policies and schemes from fundamental human rights necessary to human dignity to dividends of economic growth despite the lack of evidence showing such a causal relationship.

- The continuing industrial fishing activity is in the context of an ocean in crisis, with many fish populations already on the brink of collapse.
- Once the pandemic is over, attention must turn again to reforming global fisheries governance and placing at least 30% of the world's oceans off-limits to fishing activity, to give fish populations space to recover from decades of destructive industrial fishing activity.”
- The conversion of farmland, wetlands, reservoirs and other surface water bodies to promote aquaculture through lease policy is resulting in ecological implications and loss in biodiversity of species.
- As the entire promotion of culture fisheries is based on a market economy the trade deficit and fiscal deficit are inevitable.

F. Impact of Labour Code

- The Code will cover every working person of the country whether he/she belongs to the unorganized or organized sector in the nation under it. If any of the listed factories or establishments fail in contributing to the workers' social security schemes, they will be responsible for paying compensation.
- The Code also covers households employing domestic workers and requires them to contribute towards the social security scheme. All these concerns apply to workers in the fisheries sector, including fish vendors. They need to be seriously addressed if fish vendors are indeed to comprehensively benefit from the Act.
- There are also concerns vis-à-vis women fish workers regarding the schemes in Schedule that, in effect, are the main component of the Act. The National Scheme for Welfare of Fishermen and Training and Extension, for example, applies to “active fishermen”. This could exclude those involved in fisheries-related allied activities, including women fish vendors, though this segment is estimated to constitute about half of those working in the marine fisheries sector, according to CMFRI data. The workforce in India. The Act, moreover, does not define ‘social security’.

- Social security is probably the most complex, political and inter-disciplinary horizontal in a vertically organised government. No single ministry knows to author a solution. The present labour code didn't talk anything about formal job creation, and sustainability. Only formal job creation with high wages can contribute to the high social security system.
- There is a huge necessity to rethink this labour code draft because it does not balance the difficult trade-offs between rich and poor citizens. Nor does it differentiate between informal and formal enterprises, mandatory and voluntary participation, employer versus individual funding, and unsubsidised versus subsidised accounts. No single ministry can draft a bill on social security, thus making it mandatory to have a multi ministerial model of developing a new draft with more pragmatism.

G. Denial of Constitutional Rights Over the Sea as Historical injustice

- According to the Constitution of India, Entry 57 of List 1 of the 7th Schedule states that Fishing and Fisheries beyond Territorial Waters (12 Nautical Miles (NM)) as Union Subject, whereas Entry 21 of List 11 states that Fishing and Fisheries within Territorial Waters (0-12NM) as a State Subject. It means that State Government and Union Territories hold power within territorial waters (12NM only) and the Central Government (188NM) holds power beyond Territorial Waters in the sea space. In addition, the State has powers only to control and regulate fishing and fisheries within territorial waters whereas the Union acts as a facilitator and coordinator responsible for policy formulation, carrying out fishery research and channelling funding support to the States/UTs in line with the national priorities and the commitments made to the State/UT Governments.

H. Ministry Level: Fisheries Development Policies

- Constitutionally, Fisheries Development is a State subject in India. But the Union Government promotes and finances fisheries development through State's Planning, and Implementation institutions. The State's Fisheries Policy and Schemes will reflect the Union Government's Fisheries Development Frameworks. This distribution of fisheries resources with centralized policies and acts reveals that states have limited sovereign rights over the sea and also fisheries governance arrangements such as policies, acts and institutions

operate with centralized fisheries management and regulation systems. The Union Government unilateral decides the fisheries developments of India with or without the consultation of the princely states of India. This centralized Fisheries Governance is undemocratic, unconstitutional and unethical.

- The Ministry of Agriculture (Department of Animal Husbandry, Dairying and Fisheries-DAHD&F) is the nodal Ministry to address fisheries-related matters, there is no separate Ministry for Fisheries (to date), rather there exists a Department for Fisheries with an empowered State Minister of Fisheries. Therefore, Fisheries are considered as part(subsector) of Agriculture, even though the fishing industry contributes a large amount to the national GDP and also Fisheries in large deal with fishery resources activities including culturing fish and aquatic animals, rather the welfare of fishers is minimally addressed.

I. Denial of Right to Resources

- India's feudal land governance system has led to resource appropriation to the fisherfolks as a whole while denying and dispossessing their rights over the resources for sustainable development. The imposed fragmentation of administrative and political boundaries over the resources and its institutional governance structures had imposed a threat to the exercise of fisherfolks' governance rights over their resources. As a result, the fisherfolks the citizens of India have no rights over resources or no place in the constitution of India. Further, it strengthens the Union and the State to perpetuate the subjugation of rights and lead paths for historical injustice.
- Fish is considered a commodity, raised as a cash crop through cultural fisheries, and included under Non-Agri Market Access treaties under WTO. This was supported by ASEAN and EU trade agreements, which allowed India to import fish by lifting the ban on 733 items including fish.
- The limitations of fisheries borders on sea paved way for several marine fisheries acts/ laws such as the Merchant Shipping Act 1958, Major Port Trusts Act of 1963, Marine Products Export Development Authority Act 1972, Indian Coast Guard Act, 1978, the Marine Fishing Regulation Act of the Maritime States 1980 as well as the Maritime Zone of India (Regulation of Fishing by Foreign Vessels) Act 1981.

- The core objective of the acts is to regulate delimit powers and enforce marine surveillance and security in the seascape, not on the coast (landward side). Among the Seascope Acts, the *Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976* is a prominent one.
- The Act declared the maritime zones of India to seek to reaffirm India's sovereignty over the territorial waters, the seabed and underlying subsoil, and air space over such waters. However, the act limited the boundaries of the States to 12 NM and Union Government to 188NM.
- In 2021, Union Government proposed a draft *Indian Marine Fisheries Bill, 2021* which aimed at regulation and accountability of Indian origin fishing vessels in all maritime zones (EEZ) including Territorial Waters through a common legal framework addressing the regulation of fisheries, and conservation and sustainable use of fishery resources. The scope of the Bill dissolves the powers of the States in the Territorial Waters. The Marine Coastal States, fishers opposed the Bill stating it unconstitutional. This Bill was also highly resisted by the fishers, so this bill was currently put on hold. In nutshell, all the IMF Bill (related to Seascope) largely nationalise the ocean waters and alienate the fisher rights in the sea, resulting in large-scale ocean grab, dispossessing the customary access of fishers over the sea.

J. RECOMMENDATIONS

Recommendations for protection of riverine ecosystem

- In March 2017, the Uttarakhand High Court ordered that rivers should be treated as legal entities and are entitled to rights enshrined in persons¹⁵. Thus, it held that pollution and ecosystem damage to rivers could be considered criminal offences.
- New Zealand has passed legislation that accorded special rights to rivers, and recognised rivers as “an indivisible and living whole” and “a legal person,” with appointed guardians to represent the River’s interests. It is time to recognise the Right of Rivers, as a measure of Ecological Integrity, and ensure Ecology is a stakeholder.

¹⁵<https://www.hindustantimes.com/india-news/uttarakhand-hc-says-ganga-is-india-s-first-living-entity-grants-it-rights-equal-to-humans/story-VoI6DOG71fyMDihg5BuGCL.html>

- It is the nature and fundamental right of a river to freely flow and meet the sea. This criterion is the starting point for ecological integrity.

Recommendations for halting coastal erosion

- Moratorium on new Port construction activities across the coasts
- Decommission old, unused, under-used ports, harbours, jetties, etc
- Moratorium on sand mining along the coast.
- Coastal Infrastructure Companies should be penalised for land loss by coastal villages, through Erosion Compensation Fund. For instance, the Karnataka government paid 1 lakh compensation to those who lost houses in Mangaluru, including Rs.10,000 per month as rent until alternate housing was provided¹⁶.
- With the “polluter-pay” principle, this paltry amount should be increased to market land value, and should be raised from the penalties paid by violators.

Recommendations for coastal and community resilience

- Redrafting and implementation of people-centric Disaster Risk Reduction Plan through coastal resilience approach.
- Climate Change should be acknowledged as human-induced, and as end-result of crony capitalism¹⁷.
- Instead of endless negotiations on global temperature rise targets of 1.5°C, 2°C, etc, the focus should be based on the traditional wisdom of resource-dependent communities.

Recommendations for amendments in global legal instruments/agreements

- The **International Convention for the Prevention of Pollution from Ships (MARPOL)** as the main international convention covering the prevention of pollution of the marine environment by ships from operational or accidental causes, should be strengthened.
- Instead of considering Ecology as a stakeholder, India with its ratification of UNCLOS, Biodiversity Convention, Paris Convention, permits the investors to exploit the ocean and coastal commons ruthlessly for the expansion of global capital and governance in alliance with Indian MNCs

¹⁶<https://www.thehindu.com/news/cities/Mangalore/victims-of-sea-erosion-to-get-compensation/article27952161.ece>

¹⁷ This Changes Everything: Capitalism vs. The Climate, by Naomi Klein

- The commodification of fish, is the root of the industrialized fisheries-based resource appropriation. Fish is a food, and fisheries are a livelihood, and cannot be considered a global commodity. Fish must be taken out of NAMA in the World Trade Organization.

Recommendations for Halting Destructive Coastal Infrastructure and Industrial projects

- Cumulative Impact Assessment of SEZs, SIRs Ports and related industrial projects along the coast to be carried out using International Protocols and Standards
- moratorium on further expansions till the completion of the study and with the application of Polluter Pay Principle and Precautionary Principle by the Supreme Court of India, 1996 verdict on Industrial Shrimp Farms.
- It is high time to demand the centre enact a Central Legislation along the lines of the Forest Act to protect the customary and governance rights of the marine and coastal communities over marine and coastal commons.
- Flowing from UNCLOS, Contiguous Zone (12-24 Nm) should be for traditional small scale fishers and Maritime Zones Act of India, 1976 should be amended to ensure state rights to contiguous zone, since Fisheries is a state subject.

Recommendations for ensuring social security for coastal communities

- The Welfare board should secure a contribution of at least 2% from the exporters.
- The Governance of the Welfare board and cooperatives is yet to be separated.
- The saving cum relief fund for fishermen should also be extended to fisherwomen, especially in women-headed households.
- The State to provide funds and personnel and measures for reconstitution of board members for the fisheries welfare board with a 50 % representation of women.
- Strengthening existing cooperatives through the allocation of adequate funds and promotion of new fisherwomen cooperatives where ever needed.

- Training needs to be imparted to start fishing-related enterprises.
- FDI need to be stopped in retail trade as it affects the livelihood options of women vendors.
- The national Fisheries Development Corporation should extend the grants to fisheries cooperatives to run the existing fish markets.
- Effective implementation of the domestic violence act to protect women from alcoholic violence.
- Occupational health hazards especially those working in processing and export-oriented marine industries must be provided with health care services
- The Assignee pattas must be replaced by permanent pattas for houses and the housing pattas is yet to be issued in the name of the women.
- Creation of infrastructure facilities like toilet, drinking water, restroom, crutches, refrigeration facilities and transportation services in markets. in the domestic markets, settlements/shelters.
- Enhanced livelihoods of women fish workers to economic opportunities, strengthening of productive capacities and development of skills to improve employability and facilitate income-generation
- Resilience/risk reduction and greater equity through inclusion in social protection programmes and ensuring their right to coastal resources and coastal habitats
- Access to formal fish markets for Fish vendors, Auctioneers.
- Government of Tamil Nadu should have drafted a comprehensive policy cum legislation for enabling the fishing community to restore their right to life, dignity and livelihood, where it must include a policy statement on the protection of coastal lands, resources, water bodies, the sea and marine wealth only for the traditional fishing community.
- Conferment of the status as workers should have been ensured.
- Women workers should have been included as beneficiaries in the social security programmes by the government.

- Gender equality in their workspace and community must have been strengthened.
- Lobby for a total ban on the sale of liquor to prevent the loss of lives, domestic violence, harassment and the increasing morbidity and mortality seen in the fishing communities.
- Ensuring social security programmes for all the eligible women fish workers.
- Halting shrimp industries and other destructive projects as they adversely affect the land and water resources resulting in time poverty and increasing workload, displacement violence loss of livelihood sources
- Political empowerment of fisherwomen through a constitutional amendment for reservation and delimitation of coastal constituencies.
- Formation of CASH committees under district administration to protect women from gender violence.

Recommendations for protection and promotion of coastal integrity, and rights of coastal communities in governance.

- Declaring traditional fishing communities as Sea Tribes by Union and State governments, through Constitutional Amendments.
- Delimitation of coastal constituencies and reservation for representation in governance at Union, State and Local levels.
- Ensuring customary governance and rights by the coastal communities over coastal and marine commons through the Comprehensive Coastal and Marine Rights Act.