



Kerala Swathanthra Malsyathozhilaly Federation

Reg. No. 155/53

(Affiliated to National Fishworkers Forum)

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Date.....10.09.2006.....

To

Shri Sharad Pawar
Hon. Minister for Agriculture
Government of India
New Delhi

Subject: Response of Small-scale fishers to the proposals of Swaminathan Committee
Recommendations on Coastal Zone and the National Commission on Farmers

Sir,

We, representing the small-scale fishworkers of India, would like to draw attention to the following problem areas in the Recommendations of the Swaminathan Committee on Coastal Zone, and the fishery-specific recommendations of the National Commission on Farmers (NCF):

1. There is no clarity on the issue of violations that are yet to be booked and penalized under the 1991 Notification. The recommendations of the Swaminathan Committee do not anywhere state that violations committed under the 1991 notification must be settled and penalized before any new Notification is considered. We strongly oppose any notion of supercession that, in effect, amounts to condoning the many violations that have taken place since 1991, with severe implications for the social and ecological integrity of the coastal zone and livelihoods of fishing communities.
2. The zonation proposed by the MS Swaminathan Committee, particularly CMZ II, is not acceptable, given that it is likely to pave the way for unsustainable developmental activities in large areas of the coastal zone that can be classified as CMZ II. We strongly advocate for the earlier zonation, as per the 1991 Notification, to remain in place. We also stress that coastal lands (within or outside municipal areas) used by fishing communities should not be diverted for any purpose (SEZ, Ports, tourism, beautification of coastal areas, sand mining). In this context we are of the considered opinion that the shift in focus from regulation

to management proposed by the Swaminathan committee is nothing but an attempt at diluting the regulatory aspects of the 1991 Notification, by facilitating greater 'development' activities in the coastal zone.

3. The recommendations from the Swaminathan Committee do not explicitly state the necessity of protecting traditional and customary rights of fishing communities in the coastal zone. These rights were recognized in the 1991 Notification. We assert that rights of fishing communities must include:
 - a) Right to housing in coastal areas/existing fishing villages, settlements or fishing hamlets, with or without having legal title deeds, for housing of fishing communities
 - b) Right to use coastal lands for occupational purpose (landing, selling, salting, smoking, curing and drying of fish, parking and maintenance work of boats and implements etc.
 - c) Right to access sea and marine resources.
4. The Swaminathan Committee recommends the expansion of the coastal zone to include territorial waters-the area from the shore to 12 nautical miles. This expansion into territorial waters has major implications for livelihoods of fishing communities. The right recommended for tourism development also lead to the displacement of traditional fisher people. We are concerned that there is no explicit 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. It needs to be explicitly stated that no part of this area shall be given /diverted for any other purpose. In the light of the above serious concerns we reiterate again our strong opposition to attempts to replace the 1991 Notification without due consultation, particularly with fishworker organizations. Ironically, adoption of a non-consultative approach will also be against the basic principles outlined by the Swaminathan committee, regarding the need for stakeholder participation at all levels of decision-making and implementation.
5. The definition of a fisher has to be clarified as a person who "works with her/his hands in capturing, rearing, selling, drying & traditional processing of fish and rendering physical labour for fisheries related activities".
6. Land used by Land used by fishing communities for traditional activities should be designated as community property and titles conferred on the community.
7. The NCF should emphasize strict adherence to Murari Committee recommendations and put thrust on diversification of the mechanized sector by upgrading them for harvesting the deep-sea resources.
8. The NCF should give emphasis on ensuring better labour standards in the mechanized fishing sector, industrial aquaculture/mariculture units and processing plants
9. Marine Protected Areas (MPAs) should only be created in consultation with local communities depending on the coastal resources for their livelihoods.
10. Adequate compensation must be provided in case of closure of a fishery on any account-be that of fisheries management measures, military, or space applications
11. The management of Coastal Zones must be entrusted with a single Government department, rather than the existing arrangement whereby different departments such as Fisheries Department, Forest

Department and Revenue Department are each entrusted with a part of the total development process

12. Aquaculture promotion should emphasize on the role of small-scale and family-oriented culture rather than intensive, industrial aquaculture. Natural resources should be allocated for mariculture and industrial aquaculture farms only after ensuring that this does not impinge upon the spaces of small-scale fishers and aqua-farmers

In the light of the significance and enormity of the proposed changes, we request you to intervene:

- i. To bring out a policy note on the CMZ concept, accompanied by a Plan of Action detailing how the MoEF intends to implement the CMZ process. A draft notification should also be circulated for discussion.
- ii. To ensure wide range consultations with fisher organizations as well as other stakeholders including State Governments, coastal Panchayats, and relevant government departments, before any decision to replace/ modify the 1991 Notification is taken.
- iii. To create a new Ministry of Fisheries, so as to enable focused attention to the issues and problems of the sector and in order to resolve them
- iv. To ensure that the small-scale fisheries sector is not left out in development efforts of the sector. In particular, we request your attention in ensuring subsidies-especially for kerosene used for small-scale fishing units-are also available to the small-scale sector.

We earnestly request you to please take prompt action in this regard.

Thanking you.

Yours sincerely,

T.Peter (President)

P.P.John (General Secretary)