

Backgrounder on

CRZ and Tsunami

- Government is the biggest violator
- Coast is used as a free resource to increase private profit
- Salient features of the M.S. Swaminathan committee report



The Coastal Edge 4

is as rich as it is fragile. The Problems of the TN Coast stem from 2 over-urbanisation, industrialization and also over-exploitation of marine life..all as a result of us trying to extract more money from nature. This affects the

Environment and 2 Economy of TN AS more and more money is poured in to developing infrastructure, the more sustainable livelihood, namely

Traditional Fishing is 4 badly affected.

CRZ & Tsunami

The very regulation meant to protect traditional fishermen is now being used to create insecurity.

GO 172 says that 9 government will not pay for reconstruction inside these zones.

GO 25 sets out condi- 10 tions to NGOs, such that only the bigger ones can rebuild, and that too according to government specifications.

The Other View 11 like that of UNDP is that this disaster cannot be converted into an opportunity by government to displace local communities.

Activists Speak 11 against the bullying tactics, and emphasise that people have a right to rehabilitation on their own terms and government should support.

CRZ: Coastal Regulation Zones 4

CRZ: Coastal 5 Regulation Zones actually 5 aims to protect ecologically sensitive areas (Z I) and rural fishing villages (Z III). Today we are seeing efforts to dilute this protection through

CMZ: Coastal 6 Management Zones based on what the Swaminathan Committee calls "Vulnerability" index to promote modernised fish processing industries and safeguard agricultural and horticultural livelihood in the coastal zones.

Reactions to the 8 Swaminathan Committee Report from activists are that the Committee makes way for precisely those things like aquaculture, development and tourism, that have destroyed the coast.

Most of all we have a RIGHT TO BE INFORMED!

Further Reading 24

Some of them specially translated for you is available. Please write to us.

Problems in Coastal Regulation 1

stem from the battle between long term resource management and short term economic gains.

History of CRZ 13 unfortunately has been a history of compromises with powerful lobbies from construction, hoteliering.

Violations of CRZ 16 in letter and spirit are therefore common place with government being the biggest violator.

Alternatives

We always look to the government, but they are the main promoters of destructive development. Therefore organisation & struggle is imperative. In addition, the only alternative is

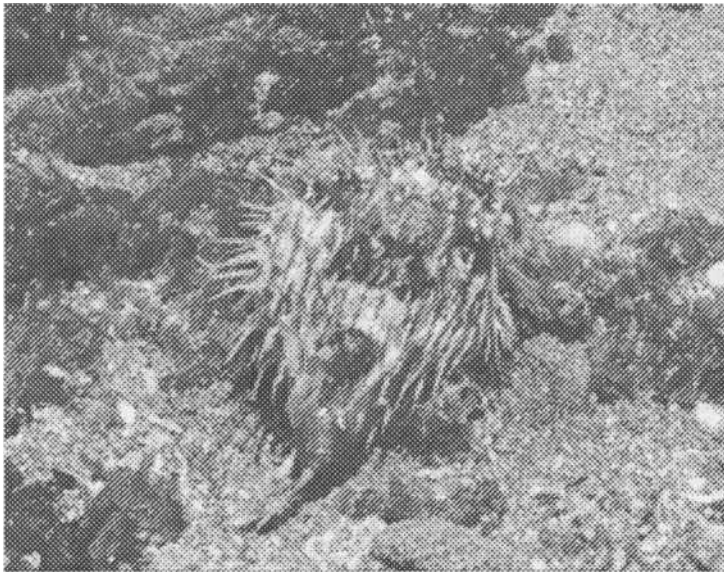
Decentralisation and 19 Autonomy

Rehabilitation & 22 Reconstruction must be done with meaningful participation of local people, who should have the right to take the final decision.

This is the right time to Redesign the Village from Bottom Up for 23 empowering democratically elected panchayats. Decentralisation can be effective only if the Local Economy is strengthened.

The Coastal Edge

The coastal zone is always rich and diverse. Being on the edge, it supports and nourishes a wide variety of life both animal and plant. But it is also fragile and complex.



Coastal zones

- > 25% of global primary productivity occurs
- > around 60% of the human population lives
- > 90% of world fish catch
- > account for
 - 18-33% of global ocean production
 - 80% of global organic matter
 - 90% of global sedimentation
 - 75-90% of the global sink of suspended river load
 - 75-90% of pollutants

Adapted from **Understanding Coastal Regulation Zone Law in India, An Education Material** Compiled by Coastal Action Network, Tamil Nadu, Pg 2 [R.E31b.605 - /ELDOC/e31b/Understanding CRZ In India.pdf]

The major cause for the destruction of the coast - its ecology and livelihood systems in Tamil Nadu are

- > Industrial activities like chemical and power industries, defence and nuclear establishments, ship breaking yards, wind mill farms
- > Discharge of urban sewage and other effluents
- > Mining activities including rare earth mining, mining of corals, limestone and beach sand, groundwater extraction, oil exploration and extraction
- > Tourist and recreational activities like hotels, amusement parks, farm houses
- > Infrastructure development viz. transport highways, construction and dredging of ports and harbours, land reclamation, plantation and afforestation, highway road projects

These activities

- > deplete and destroy natural resources and habitats and interfere with processes occurring naturally in the coastal zone
- > lead to deprivation and poverty and loss of control over coastal peoples traditional livelihood, since local communities are either displaced, or their access to hitherto common resources is limited or alienated from them as these activities of a commercial profit oriented nature require substantial acquisition and privatisation of common resources.

Adapted from **Protection of Coastal Ecology and Coastal Communities Issues and Concerns, An Update** by Coastal Action Network, Tamil Nadu, January 2004. [/ELDOC/e31b/protection coastal ecology.pdf]

Problems of TN Coast

Urbanisation: Concentration of population is higher, and rate of growth of population is also higher than interiors. Traditional fishing villages have grown into town and large scale reclamation of low lying areas from the sea for factories, housing complexes, commercial areas.

Flooding: Water congestion and flooding in the delta, cyclone are an annual feature, damaging crops. Lakes are silted and wetland disappearing.

Over Exploitation of Marine Life: The traditional fishing sector represented by the marine artisanal fishing units face stiff competition from the mechanised sector of medium sized and deep sea fishing vessels. The deep sea fishing industry is almost a 100% shrimp oriented enterprise with problems of over exploitation.

Pollution of Marine Environment : Many pollutants including heavy metals, petroleum, hydrocarbons, chlorinated hydrocarbons and sewage.

Sewage : Being one of the commonest pollutants of the sea, raw or treated, which in reasonable quantities can be harmless, while on the other hand, over abundance is harmful.

Industries : Industrial pollution is worst in the heavily industrialised areas with a high concentration of heavy metals found in water and sediments.

Pesticides: More research is required to understand the process of pesticides pathway in the food chain in the tropical marine aquatic environment.

Power Station: The thermal power generation of electricity which is 70% of the state's requirements results in the discharge of fly ash slurry into the sea.

Oil Spills: A major source of modern pollution and has an immense effect on the flora and fauna of the marine ecosystem.

Dredging: Dredging sand and gravel for building material.

Taken from *Problems of Tamil Nadu's Coastline, Chapter in Coastal Zones: An overview, Equations, Bangalore*, Page 92-96. [R.E31b.601]

Time and again the Government has relaxed norms in the coast to allow industrial activities. These activities are leading to the destruction and depletion of natural resources leading to poverty and loss of control over coastal peoples traditional livelihoods.

Environment and Economy of Tamil Nadu Coast:

Some of the problems of Tamil Nadu's coastline cited are over-population, flooding, over exploitation of marine life, pollution of the marine environment released into the sea include heavy metals, petroleum and sewage. One third of the total investment proposed in 1999 was concentrated in the coastal belts of which these following projects were allocated for Tamil Nadu.

Chengalpattu

Chengalpattu MGR district of Tamil Nadu ranks second in terms of outstanding project investment. The coastal district has 56 projects with an aggregate investment of Rs 43,886 crore. In the midst of severe competition among the states, the district attracted three large passenger car projects of Hyundai Motors, Ford India and Hindustan Motors. Bulk of the projects are concentrated in Gummidipoondi, Ennore, Manali, Maraimalainagar and Sriperumbudur. Tamil Nadu Industrial Development Corporation proposes to set up a Rs 7,000 crore naphtha cracker, a 1875 MW power project and a Rs 2,000 crore LNG terminal at Ennore in the district. Other large power projects planned are:

- < A 1500 MW Rs 4,000 crore Cheyyur power project of NTPC
- < A 1050 MW Rs 4,542 crore North Madras project of Videocon Power
- < A 1000 MW Rs 4,000 crore Kattupalli power project of Chennai Power Generation

Nagapattinam

This district has seven projects entailing a total investment of around Rs 23,395 crore. Two naphtha crackers and a giant petroleum refinery account for the bulk of the investment. The petrochemicals complex is being planned by BPCL and MRL. MRL also plans to set up a nine million tonnes refinery with IOC at a total cost of Rs 8,000 crore. The 1,000 MW Pillaiperumanallur power project of PPN is also coming up in the coastal district.

Coastal Districts Corner the Cream, by *Shashikant Hegde*, Economic Times, July 13,1999. [/ELDOC1/E31b/E31bB1041.pdf]

Traditional Fishing

The traditional fishing community is the natural custodian of this fragile zone, because its very and absolute survival depends on it. For them it is a way of life, not just a source of income. Traditionally, small scale or artisan fishers have provided fish for local consumption, but as fish becomes scarce, its value increases, it enters the global market and become unaffordable to common human being.

Mechanisation which has put the fishing community at the mercy of exporters and multinationals and resulted in the marginalisation of coastal communities especially women due to deprivation of the sources of life and livelihood of the coastal communities.

With regard to the fishing community and coastal protection there is a direct relationship between industrial aquaculture and industrial fishery both of which are destructive to the ocean wealth and the coast and must be prohibited. The opening up of the economy to foreign companies has led to rapid siting of mega projects along the coast leading to destruction of the coast and livelihood system.

In practice, government policy, far from protecting the coast, promotes exactly those activities that promote the destruction of the coast. The government policy regarding the Tamil Nadu coast is characterized by

- Port policy-privatisation - of the 14 minor ports, 7 of them are declared for private sector

Sethusamudram - The govt has given green signal to the Sethusamudram project

- Infrastructure development including urban infrastructure development

New industrial complexes mostly in the coastal districts

This is exacerbated by impact of globalisation including

- > privatisation of coastal resources and concentration of coastal resources in the hands of industries
- > loss of local food security as production is increasingly geared towards export
- > the appropriation of coastal common lands under the guise of industrial agreements
- > loss of bio-diversity due to industrialisation and industrial fishing, destruction of habitats dumping of industrial wastes
- > increasing public finance for practice of mono species production
- > intensive aquaculture
- > dramatic decrease in variety species catch and prices are some of the impacts of the globalisation on the coast.

Interview with Vincent Benedict ,
VCD from CED.

The CRZ law was intended to conserve the coast and coastal environment, which is most welcome by the fishing community.

But now construction, mining and other activities are taking place very close to the sea, which is the most protected area. Government is promoting modern & commercial enterprises at the cost of coastal ecology. Mining activity has consumed the coast and reduced the coastal space to minimal size.

These activities are non-conducive for the fishing community as well as the coastal environment and are therefore encroaching upon the rights of the fishing community .

In Sumatra the sea had been mined and this aggravated the impact of disaster. Even in Orissa and Andhra Pradesh where cyclone struck, their coastline is dotted with shrimp farms. These farms had done away with the mangroves, which are the natural barriers against disasters like cyclones. These fishermen undertake traditional practices like mangrove plantation. They have been protecting the coast for ages. Their displacement will be detrimental to the coastal ecology as well as the country.

The shrimp industry under a World Bank project is spreading all along the Indian coastline. This industry caters to the foreign market and hence make use of commercially imported species. The production pattern has changed under the pretext of foreign collaboration. So the labour intensive traditional fishing industry have been very systematically wiped out through capital-intensive intervention.

More than one third of the feed given is not consumed by the shrimp. This settles down and slowly pollutes water. In turn the soil becomes saline and this causes desertification of soil. The soil becomes unproductive.

Shrimp farming has also destroyed several mangroves. It has encroached upon the coastal space. Hence what has happened is, there is not enough space for the waves to slowly come and empty themselves. Since there is not enough space for the tidal waves to empty themselves they sometimes enter the river mouth destroying the fresh water flora and fauna. As a result the agricultural products also suffer due to increased soil salinity.

Fishermen are part and parcel of the coast. They are the unpaid soldiers who have been protecting the coast and the coastal ecology for ages. They see the sea as their mother. They should not be taken away from mother's fondling care. Any traditional right has been considered by the Global Justice Norms as a human right. All modern enterprises under the guise of development are encroaching upon the traditional rights as well as the human rights of fishing community.

CRZ: Coastal Regulation Zones

After the Tsunami, we learned a new word - CRZ.

It stands for Coastal Regulation Zone, a government notification formulated in 1991, under the Environment Protection Act. The main aim of the regulation was to control the destructive activities along the coastal line like construction of hotels, roads, etc and mining.

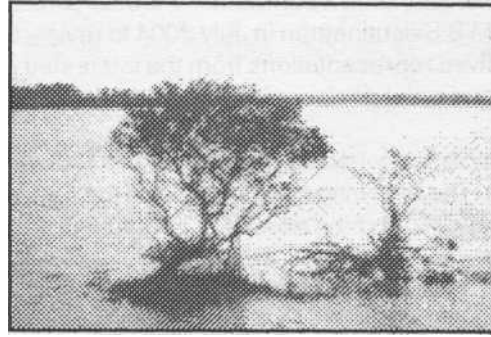
The CRZ outlines four different regulation zones and sets out restrictions on "development" in each zones. They are

Zone I	Ecologically Sensitive area	national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs	No new construction is permitted within 500m of High Tide Line. Roads, railway lines, airstrips prohibited.
Zone II	Developed Areas	Predominantly urban	No industries Mining of rare minerals is allowed
Zone III	Undeveloped/Undisturbed	Predominantly rural/Fishing villages	Non conventional energy is allowed Permits jetties, harbors, agriculture, horticulture. Fish processing units not allowed.
Zone IV	Islands like Andamans		



From the perspective of the fishing community, the provisions of the Coastal Regulation Zone (CRZ) Notification, as of 1991 as a minimum coastal protection arrangement if well implemented, can be of benefit. The 1991 notification specifically recognizes the traditional and customary rights of fishing communities to build, repair and consolidate their homesteads in CRZ-III areas. It also specifically allows activities that require waterfront facilities, such as jetties and boatyards, of benefit to fish workers. However, ice plants and fish processing plants are not permitted.

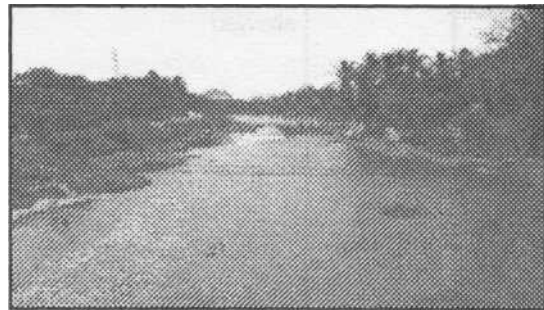
Extract from Protection of Coastal Ecology and Coastal Communities: Issues and Concerns, An update by Coastal Action Network, Tamil Nadu, January 2004. [/ELDOCl/e31b/protection_coastal_ecology.pdf]



CRZ 1 : This would include the area of the beach between High Tide Line (HTL) and Low Tide Line throughout the length of the coast. Also included are national parks / marine parks, mangroves, coral reefs, areas close to breeding and spawning grounds of fish, areas rich in genetic diversity, places of outstanding natural beauty, areas that are likely to be inundated due to rise in sea level due to global warming and such other areas which are ecologically highly sensitive as may be declared by government of India from time to time. The whole of CRZ 1 is demarcated as No Development Zone (NDZ), where further influx in population and further unplanned exploitation of resources is disallowed.

CRZ 2 : This would include areas that have already been developed upto or close to shore line. Thus areas under corporation and municipal limits come in this category. Area towards seaward side of any existing or proposed coastal road, or of existing authorised building line is demarcated No development Zone (NDZ). In the regulated zone (Restricted Activity Zone, RAZ) permissible activities subject to local town and country planning norms are allowed.

CRZ 3 : Rural panchayat areas which does not come under the above two categories comes under CRZ 3. It also includes areas 200m from the HTL in the seacoast and 100m from backwaters, lakes etc. The area coming under this zone is demarcated NDZ. In the remaining RAZ areas, certain regulated constructions and other activities are allowed.



CRZ 4 : Consists of Lakshadweep, Andaman and Nicobar islands.

Adapted from Coastal Zone Regulations & An Alternate Vision for Coastal Villages by G.Jaigopal. [/ELDOCI/e31b/coas zone regu coas villa.pdf]



"But no one respected this law so far. However after Tsunami the government has started talking about the law and demanded that people should not live along the coast, through a half-baked logic. The fact is that according to the CRZ Law, the fisherman living in this zone between 200mts to 500mts have the primary right to live and expand \ their area of work. With the permission of the central government other actors can build hotels and resorts. No other right is given to anyone else," says **T. Mohan** , \ Advocate of Coastal Action Network.

And now another new word - CMZ

The Ministry of Environment & Forests constituted an expert committee under the chairmanship of Prof M S Swaminathan in July 2004 to review the existing CRZ Notification supposedly because they "received representations from the interested groups pointing out the inadequacies of the notification from the point of view of both conservation as well as sustainable livelihood".

In their report released shortly after the Tsunami, the Committee has suggested Coastal Management Zone. The following chart compares the regulation and management aspects in each zone between the old CRZ and the new CMZ suggested.

		1991 CRZ	2005 CMZ*	Some NGOs
Zone I	Ecologically Sensitive area	No new construction is permitted within 500m of High Tide Line. Roads, railway lines, airstrips prohibited.	Talks about Line of Vulnerability to shift dwelling units behind that. Marine part to be included in the Law. Ports and Harbors are permissible	Who will define VULNERABILITY?
Zone II	Developed Areas	No industries Mining of rare minerals is allowed	Economically important areas Rare minerals is changed to Placer minerals, its permitted. Non polluting industries are permissible.	Which are non-polluting industries?
Zone III	Undeveloped/ Undisturbed	Non conventional energy is allowed Permits jetties, harbors, Agriculture, horticulture. Fish processing units not allowed.	Non conventional energy is allowed Integrated fishing unit. Roads allowed under EIA. Govt. should prevent transformation of agriculture lands.	What all will come under fishing unit?
Zone IV: Islands like Andaman's not discussed here, but by and large conservationist approach				

* According to Swaminathan Committee recommendations.

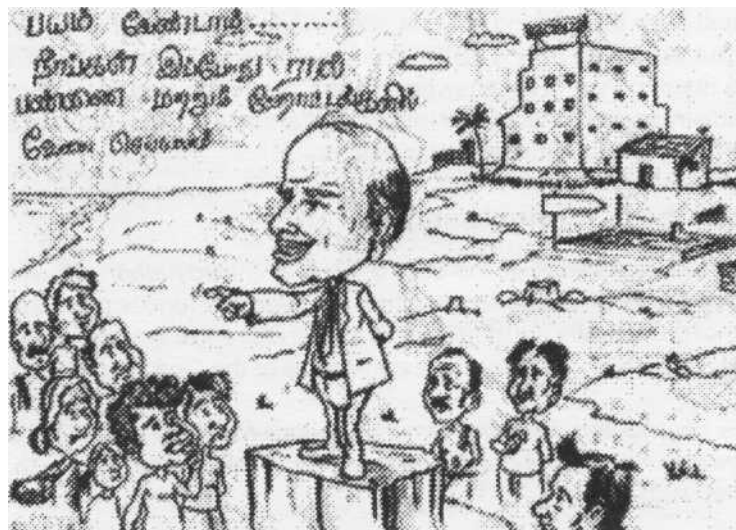
To manage the above areas, the Committee has suggested

- > Integrated Coastal Zone Management (ICZM) approach.
- > Demarcation of vulnerability (of the coast to natural hazards) line all along the coastal areas and said that the dwelling units must be located behind these places.
- > National Sustainable Coastal Zone Management Institute along with organisational structure to address issues relating to policy, law, conflict resolution and to creating public awareness.
- > Developing bio-shields all along the coastal areas by intensive plantation of mangroves, casuarina, etc.
- > Inclusion of the marine part within the purview of the new coastal regulation regime, whereby dredging, deepening, dumping of the dredged material can be adequately regulated.

The Swaminathan Committee suggests 12 guiding principles for Integrated Coastal Zone Management and says that coastal policy and regulations should be based on Mahatma Gandhi's dictum, "Nature provides for everyone's needs, but not for everyone's greed."

- Ecological and cultural security, livelihood security and national security should be the cornerstones of an integrated coastal zone management policy.
- The coastal zone will include an area from territorial limits (12 nautical miles), including its sea-bed to the administrative boundaries or the biological boundaries demarcated on the landward side of the seacoast.

The Committee suggests that Integrated Management Plans for these areas shall be prepared by the



Ministry of Environment & Forests through scientific institutions which will be implemented by the concerned States/Union Territory and monitored by the Coastal Zone Management.

Sustainable human security in all its dimensions - ecological, economic, ethical, cultural and human well being, in terms of the health and happiness both man and nature, should be the goals of an enlightened Coastal Zone Management policy.

Other Recommendations of the Committee

- Non-conventional energy resources should be promoted along coastal areas of the country as these energy will benefit the local communities. But it may be ensured that EIA is done before implementation.
- The fish and shell fish being highly perishable commodity the port harvest technology are very important for improving the shelf life of fish for purpose of marketing and processing.. an integrated fishing unit should be setup after adequate environmental safety measures.
- The Ministry should map agriculture and horticulture areas and prevent change of land use of such areas for the purpose of safeguarding the livelihood security of the local communities.
- Certain public amenities which are of essential nature should not be prohibited in the coastal areas.
- The saltpan activities are permissible in the inter tidal areas other than eco-sensitive areas.
- Keeping in view the impact of tsunami on the Kalpakam Atomic Power Plant, it would be advisable if such nuclear power plants were located a little away from the coast rather than very near the coast.

Extract from the Report of the Committee Chaired by Prof. M. S. Swaminathan to Review the Coastal Regulation Zone Notification 1991, by Ministry of Environment and Forests, New Delhi, Page No.80-89. [R.E31b.604]

Reactions to the Swaminathan Committee Report

The Swaminathan Committee Reports has many drawbacks.

"The report of this committee states that the CRZ lacks scientific logic. As if all other laws are very scientific. The beginning of this report speaks of the problems of the CRZ law. Then the Tsunami happened. After that, even if they wanted they could not suggest that CRZ be abandoned. Then they started speaking of how important this law is. So there is a crucial shift from the first to the second section of the report. The committee does not take any clear stand against the issue of Prawn farms etc", says **T. Mohan**, Coastal Action Network.

The Committee just says that mining, constructing roads, exploration of oil etc can be done in the coastal regions, but permitted only after Environment Impact Assessment (EIA). But how far this EIA, will work is a question yet to be answered. The Committee also favours tourism and says that the concerned Ministry must identify tourism potential areas along the country and make Integrated Tourism Management Plan for promoting this industry.

Opinions about the Swaminathan Committee

"Nature has delivered a message at the door of Dr M S Swaminathan, Chairman of the aforesaid committee. It struck Chennai, his home, and the message is stronger than anything the NGOs and environmentalists of this country could tell him. He must disband the committee and enforce the CRZ as directed by the Supreme Court, says Claude Alvares of the Goa Foundation.

'The tsunami has resurrected the entire environmentalist lobby's warning that unless the CRZ is strictly enforced calamities will continue to recur, says V Vivekanandan of South Indian Federation of Fishermen's Societies (SIFFS)

The reason for the destruction of the coast is aquaculture, development and tourism. People should address that instead of making nonsensical, irresponsible, ill-informed statements about fishermen's livelihoods, says Tom Kocherry.

Adapted from **Environmental Lessons from the Tsunami** by Mari Marcel Thekaekara (<http://www.infochangeindia.org/features241.jsp>)



In the context of Tsunami rehabilitation process it is important for both the government and rehabilitation agencies to clearly understand the role and position of the CRZ within the jurisdiction of this law. Several activities in the rehabilitation process do not find a clear definition in the CRZ notification.

The rehabilitation efforts undertaken must envisage future disasters and should be designed to protect coastal communities from their impacts. This disaster should not be converted into an opportunity to displace local communities living along the coast. It is evident from the government orders that the government is trying to move the people away from the shore in the name of protection.

Shifting people away from the shore

The GO 172 dated 30.3.2005, uses the CRZ notification to say that for those who live within the 200 meters line, only repairs of their houses will be permissible and no new construction is "possible". Therefore the government says that whether houses are partially or fully damaged the government will give new houses worth 1.50 lakhs, only if they go beyond the 200-metre mark.

If you choose to repair the house yourself, you are not eligible for any assistance from the government.

Guidelines for Reconstruction

Extract from the GO No. 172

While constructing new houses, the following guidelines shall be kept in view s

- a) Houses located within 200 metres of the High Tide Line
 - (i) As per the Coastal Regulation Zone notifications, only repair of structures authorized prior to 1991 is permissible and no new construction is possible. Therefore, all the house owners of fully damaged and partly damaged Kutcha and pucca houses within 200 mts. of the High Tide Line, will be given the choice to go beyond 200 mts., and get a newly constructed house worth Rs.1.50 lakh free of cost.
 - (ii) Those who do not choose to do so will be permitted to undertake the repairs on their own in the existing locations, but they will not be eligible for any assistance from the Government.
 - (iii) Even for houses, which are not damaged, the owners would be given the option of getting a new house beyond 200 mts. If they are not willing, they will be allowed to continue in the existing locations.
- b) Houses located between 200 metres and 500 metres of the High Tide Line
 - (i) For the fully / partly damaged Kutcha and fully damaged pucca houses in the area between. 200 to 500 mts. of the High Tide Line, new houses would be constructed beyond 500 mts. of the High Tide Line based on the willingness of the house-owners .
 - (ii) If they are not willing to move beyond 500 mts. of the High Tide Line, the houses for them will be constructed in the existing locations.
 - (iii) For the repair of partly damaged pucca houses, financial assistance will be provided on the following scale based on the assessment of the damage by a technical team nominated by the District Collector consisting of Civil Engineers/Diploma holders from at least two Government departments and a private Civil Engineering Consultant.

Taken from GO. Ms. No. 172 dt. 30/03/2005 of Tamil Nadu Government (/ELDOCI/Tsunami/guideline 172.htm)

The government is giving more incentives to those who choose to move beyond 500 metres.

Tying up NGOs and other parties

The GO 25 in the name of regulating participation of NGOs has set out "The framework for partnering" and binds the NGOs to follow their policies and also only recognizes those NGOs who can take up a minimum of 50 houses and infrastructure. Thereby washing it hands from the infrastructure work and preventing small NGOs from doing small improvement works.

Extract from GO No. 25

The Government desires that when an NGO/Voluntary agency etc takes up such work in a habitation it should be comprehensive following certain standards,

- a) They may select a particular habitation/habitations < with the plan for providing permanent housing, livelihood rehabilitation, community infrastructure such as roads, water supply, schools/ health facilities, noon meal centre etc for the entire habitation chosen.
- b) They are free to choose a habitation of any suitable size accommodating at least 50 families.

Voluntary organizations public sector enterprises, NCO's and corporate houses can choose any habitation or habitations with a minimum of 50 families based on their capacity. The agency bringing in the funds can associate with a facilitating and/or technical support organization with good credentials. The Collector will have the proposal verified and accept/reject the same. Small variations in cost per habitation can be approved by the Collector provided the rehabilitation plan is comprehensive. The decision of the Collector is final.

(Taken from **G.O. Ms. No. 25 dt. 13/01/2005 of Tamil Nadu Government** ([/ELDOCI/Tsunami/guideline 25.htm](#)))



Extracts: UN Guiding Principles on Internal Displacement

National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence. The prohibition of arbitrary displacement includes displacement: in cases of large-scale development projects, which are not justified by compelling and overriding public interests; and in cases of disasters, unless the safety and health of those affected requires their evacuation

Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities/ peasants pastoralists and other groups with a special dependency on and attachment to their lands. (For fishermen, the coast is their- Land - Ed)

All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination. (Does Notification no 172 violate this principle? - Ed)

Moving fishermen off their lands: safety considerations or dispossessions?

UNDP in its report clearly states that "... it is essential to establish certain important and non-negotiable principles that will guide all the recovery and rehabilitation work:

- There should be no further victimisation of the tsunami affected.
- This disaster should not be converted into an opportunity to displace local communities living along the coast
- A robust and sustained process of negotiation with affected communities under a clearly established and fully understood set of rules needs to be initiated immediately.
- A sustained, comprehensive and honest attempt has to be made to establish pre-tsunami socio-economic baseline.
- All attempts should be made to restore rights and entitlements due to the affected people so that their lives return to a minimum level of normalcy, which should at least be equivalent to the pre-tsunami situation.
- All actors, especially the government and NGOs, need to work with affected communities by fully involving them in decision-making and implementation of recovery and rehabilitation initiatives and not to drive the process merely by government orders.

Fisherfolk have to be part of dialogues on coastal regions. It is their essential right. If not for them, there is little reason to talk about coastal areas. This whole thing is about them.... CRZ ZONE. Like adivasis have right to live in forests similarly fisherfolk have the right to live in the coastal areas.-



T. Mohan, Advocate, Coastal Action Network. (<http://www.doccentre.org/RDC/for-website/T-Mohan-interview.html>)

Taken from UNDP - A zone of contention (/ELDOC1/Tsunami/crz_note100305-1.pdf)

The jurisdiction of the CRZ Notification is not just defined by its physical boundaries but also by the nature of activities that it regulates or restricts in the zone. Technically, each zone should be classified by the characteristics that existed in 1991, during which period the States were directed to prepare their CZMPs, and not by those characteristics that exist at present.

The CRZ Notification either extinguishes the rights of persons to carry out activities in certain areas (like in CRZ-I areas) or it restricts their rights to carry out activities (e.g the building regulations in CRZ-II and III). What the law does not prohibit is permitted (within the limits of the intent and spirit of the law) because any extinguishments or restriction of a right must be made explicit in the law. In

view of this understanding, fishing activities and fisherfolk settlements are permitted in the Notification.

The Government is using vulnerability factor of these scared people after tsunami, to move them off the shore. The Government Order (25,26) clearly says that those who decide to continue to stay within 200 meters of the High Tide Line will not get any Government support. It says that within 500m there should not be any homes. After 500meters or 1 km away from the coast houses can be built. - jesu Rathnam, SNEHA.



(<http://www.doccentre.org/RDC/for-website/Jesu-rathnam-interview.html>)

Adapted from Statement on CRZ & Post Tsunami Rehab by ATREE, Bangalore. (/ELDOC1.Tsunami/statement on CRZ&post tsunami rehab by Atree, Bangalore.pdf)

A study done by the Tamil Nadu Environment Council (TNEC), Social Action Movement (SAM) and EQUATIONS on the Environmental status in the

coastal areas of Tamil Nadu titled **Rapid Assessment Study on the Environment and Ecosystems -Post Tsunami Scenario** shows that any developmental activity like keeping an industry, constructing wall, tourism development etc, without due concern of the environment will hamper the topography. Such activities lead to pollution and erosion, ultimately loss of bio-diversity. Living resource of the sea contribute to the livelihood of the people and also act as a natural barrier against such calamities and people are against removing them from their present housing site.

Adapted from Rapid Assessment Study on the Environment and Ecosystems -Post Tsunami Scenario (/ELDOC1/Tsunami/rapid assessment study reportpdf]

PROBLEMS WITH COASTAL REGULATION

The coast is a contested area - fisherfolk, especially the traditional ones are being made to feel that they are blocking "development" and working against the so-called "national interest".

In fact, it is battle between a long-term resources management and short-term economic gains.



The main reasons for problems being faced in the implementation of CRZ are:

Modern Economy

Unbalanced growth of tourism: Beach tourism is the major activity that is being promoted. This has led to a concentration of resorts and undesirable pressures on coastal strips.

Lack of political will: Powerful lobbies of builders and resort owners, who have invested heavily in coastal areas, are mainly responsible for construction of illegal structures and for flouting environmental guidelines.

Destructive Economic Activity: Shrimp farming, Polluting Industries and Mining activities find that it is more profitable for them to be located on the coast, as there is no mechanism of charging for consumption of natural resources.

Habitation

Migration of human population towards coasts: Unchecked movement of people towards sandy areas has caused anthropogenic stress on coastal systems, degradation of coastal environment and unrestrained growth of coastal strips.

Coastal Management

Sectoral practices: There is a fragmentation of jurisdiction because several agencies work at cross-purposes due to reluctance to cooperate and coordinate. As a result, conflicting economic and management interests are observed.

Irregular management policies: Diverse ecosystems often need sound site-specific management skills. On the contrary, we find a lack of cooperative planning.

Ignorance about the strategic value of the coastal zone: Due to lack of awareness and ignorance about the intrinsic value of coastal ecosystems, policy and planning decisions are based on short-term economic gains. Long-term value of resources is rarely considered.

Lack of integrated information base: Information about various ecosystems and processes and inventories of coastal resources and habitats are hard to find. More importantly, we find a missing link between results of scientific research and coastal area planning.

Adapted from **The Coastal Regulation Zone of Goa: Oceanographic, environmental and societal perspectives** by Antonio Mascarenhas, National Institute of Oceanography, Goa.(www.ias.ac.in/currci/dec251999/article16.htm /ELDOCI.Tsunami/CRZ.htm)

The History of CRZ

It is a history of compromise with the forces of short-term economic gain. Since 1991, there has been 19 amendments, and three corrections: each of these amendments dilute and introduces newer clauses that complicate and render many of the protective clauses meaningless.

On 19, February 1991 the Coastal Zone Regulation Notification was issued with classification of zones, which prohibited certain activities and regulated certain other activities.

Prohibited activities included

- > setting up of industries or fish processing units
- > dumping of untreated industrial effluents and waste materials
- > land reclamation
- > mining land/rock
- > total ban on any construction in the inter-tidal zone or altering natural landscape

For all other activities clearance from Ministry of Environment and Finance is a requisite. These include construction activities related to defense requirements, ports, thermal power plants or any other activity with investment exceeding Rupees 5 crore.

Amendments

During Prime Minister Mr. Rajiv Gandhi's term, it was decided that the 500 m limit on beach construction be relaxed to 200 m in four specific cases - Goa, Puri - Konarak, Madras - Mahabalipuram and Trivandrum - to foster tourism. In order to strictly regulate these, an inter-ministerial committee was set up under the Ministry of Tourism to examine and clear each proposal for a hotel or beach resort between 500 m and 200 m, subject to safeguards laid down by the Government. It was evident, from the rapid pace at which hotels were being cleared, that both the committee and the State Government were not effective regulators, instead they were the biggest violator.

Following this the Vohra committee was set up by a notification dated January 9, 1992, by the Union Ministry of Environment and Forests (MoEF) to review its policy under the 19 February, 1991 Notification as per the relevant provision of Sub-rule 3 of Rule 5 of Environment Protection Rules, 1986 on construction of beach hotels and resorts. After almost a whole year of heated debate on construction of hotels along the coastline, the expert committee appointed by the MoEF said that the No Development Zone (NDZ) should remain at 200 metres of the HTL on the comparatively fragile sandy beaches. However on a case-to-case basis, relaxation may be permitted on coastlines that have rocky formations and promontories.

On December 12, 1994 a Supreme Court bench comprising Justice Kuldip Singh and Justice S.C.Sen ordered that all construction activities within 500 m of the HTL be stopped. This came as a shot in the arm for the environmental movement and the movement of the fishing community and has served a reminder to would-be destroyers that they are not all - powerful and can be held accountable to the public.

As per Supreme Court requirements, each state government with a coastline were expected to draw up Coastal Zone Management Plans which consequently were sent to the MoEF for approval. As a requirement of the enforcement of Coastal Regulation Zone Notification 1991 issued by MoEF the High Tide Line and the Coastal Regulation Zone was to be marked.

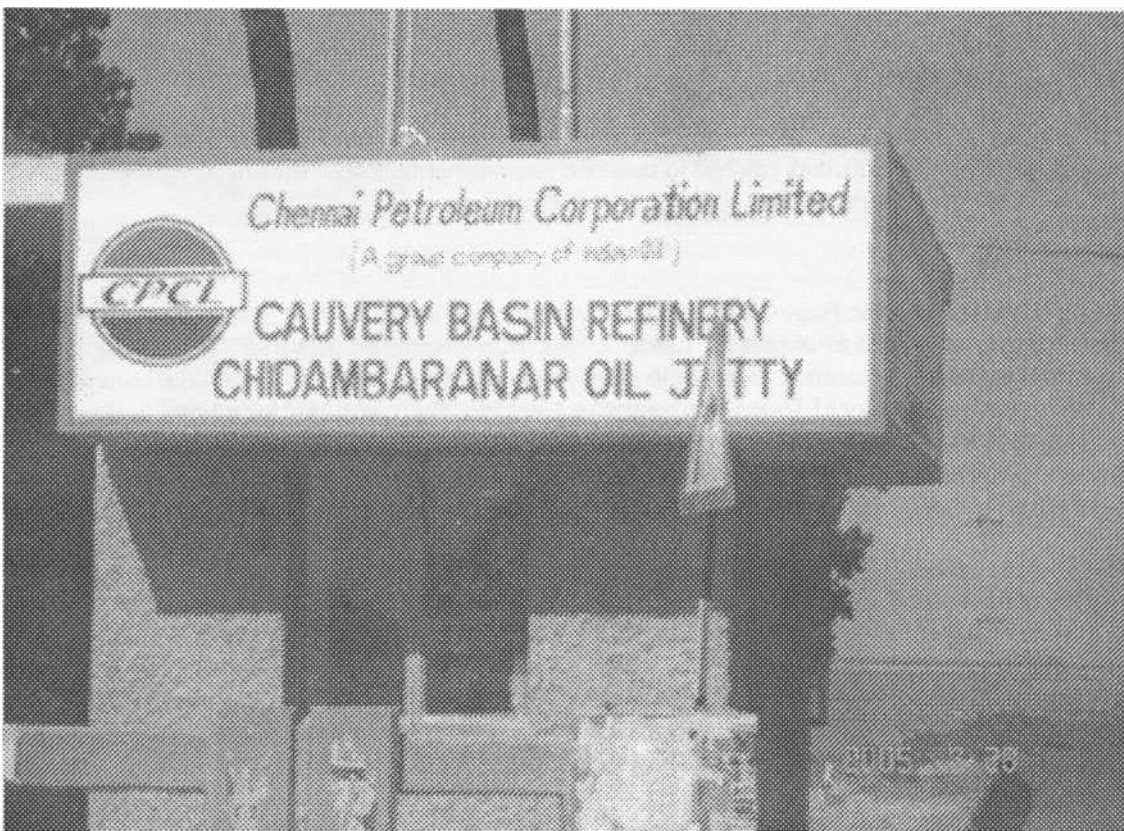
The amendment dated 29, December 1998 has recognised a few institutions to mark the HTL / LTL. Till today many state governments have not marked the High Tide Line but permitted project based markings by the Public Sector and Private Sector, using these recognised institutions.

The MoEF has failed to enforce this minimum requirement, which will enable people to monitor and protect the coast. No coastal state, except Kerala has marked the High Tide Line with stones at

regular intervals. All attempts at reclassification of Coastal Zones especially CRZ I & CRZ III will destroy the coast. Allowing concerned project authorities or the corporate sector to engage the designated authorities for marking the High Tide Line and thereby submitting for new reclassification is an irresponsible act of the State. This is against the directives of the Supreme Court and the CRZ law.

In the meanwhile, the 1991 Notification was further diluted by the two amendments in 1997 on 31 st January and 9th July, heeding to the pressure of the industrial lobby.

- > permission for storage of petroleum products in CRZ areas other than CRZ I was allowed subject to the implementation of safety measures and regulations.



- > construction of infrastructure facilities within CRZ III was permitted
- > shifting of the authority for the clearance of projects related to ports, harbours, jetties, quays, slipways, bridges and sea-links from the MoEF to Ministry of Surface Transport (MOST) became an open invitation for the establishment of the most toxic polluting industrial complexes.

The amendment was gazetted and was later enforced without much opposition, to the benefit of the industrial and commercial interests.

This CRZ law was further proposed for dilution by the August 5, 1999 amendment. It contained 4 major proposals which would have far reaching destructive consequences along the coast. They are

- Permitting oil and natural gas exploration, receipt, storage and regasification.
- Permitting withdrawal of ground water manually in the NDZ area from 50 metres onwards from the HTL with some conditions.

- (c) It modifies the original wording of "fishing villages" and "goathens" to "local inhabitants" thereby legitimising all farm houses, hotels, tourist resorts, industries, non-coastal communities as "local inhabitants" and thereby regularise all these groups who had occupied/could occupy in violation of CRZ law.
- (d) This amendment proposes to reduce the protected (no development) areas along rivers, creeks, bays, estuaries, etc., to 50 m which again will have severe repercussion on the water bodies and coastal eco-systems. This is only a back door means to allow commercial construction in the CRZ areas and legitimisation of all violations.

It completely dilutes the very purpose of CRZ in the false name of restoring rights of fishing communities. It will ruin the habitats and livelihood of the fishing communities, coastal ecology and bio-diversity and especially marine resources. This amendment was vehemently opposed by various fisher people's federations, environmentalists, consumer groups, advocates, NGOs, human rights activists from all over the country. As a result, this notification has not yet been gazetted.

It is evident that the State has consistently diluted the CRZ law despite the Supreme Court wisdom on this matter and still to serve the industrial / hotel / tourism interests, is trying to dilute it and make the notification a useless piece of law. Added to the act of dilution it has also violated its own laws through its policies and implementation measures. This is a big crime committed jointly by the government and the industrial / infrastructure interests (private and public sector).

Always the State remained as the biggest violator of law and an oppressor of collective community rights and there by human rights.

Extracted from Understanding Coastal Regulation Zone Law in India, An Education Material Compiled by Coastal Action Network, Tamil Nadu.Pg. No.3-6, (/ELDOCI/e31b/Understanding CRZ In India.pdf)



Violations of CRZ

The biggest violator of the coast is the Government. The Supreme Court observed that NONE OF THE state HAD DONE ANYTHING WHICH COULD BE quashed the same. Indian Council for Environmental Action v/s Union of India, {1996(5) SCC281}

(Taken from *The Environmental Activist Handbook II*, by Ritwick Dutta, Socio-legal Information Centre Mumbai Pg 172 [B.E11.D60])

In the stretch between Palavakkam to Mahabalipuram, along the East Coast Road in Tamil Nadu CRZ law is totally violated in the name of Tourism development.

Out of 92 violations in this stretch, there are

14 Hotel Industries, which includes, 3 Amusement parks, 6 Shrimp farms, 7 Farm Houses, 37 Real Estates, all of them established within 150 mts from the High Tide Line much after 1991.

This coastal tourism has dangerously affected the very livelihood of the fishing communities, by depriving their very right to use traditional crafts and gears, their space for fishery related activities, their traditional pathway, polluting the groundwater resources, etc.

Pulicat Lake, the second biggest brackish water lake in India, categorized under Coastal Regulation Zone I (CRZ) in the Coastal Zone Management Plan of Tamil Nadu 1996, and notified as a Ramsar site under the Convention on Wetlands of International Importance especially as waterfowl Habitat (Ramsar Convention), is facing destruction due to the functioning of North Chennai Thermal Power Station, the construction of Ennore Satellite Port and the proposed construction of a gigantic Petrochemical Park at Kattupalli in 7500 acres of wetland.

The fishing villages in and around Pulicat Lake are already facing extensive erosion due to the construction of the Ennore Satellite Port. Pulicat lake, the Kattupalli (Island), the Buckingham Canal, the Ennore Creek and Backwaters and the adjacent salt marshes are part of one fragile and sensitive eco-system extending over a coastal stretch of 59 kms. This brackish water lake provides the following functions and values:

- | | |
|---|-----------------------|
| 1. Flood control | 2. Storm protection |
| 3. Nutrient cycling and nutrient export | 4. Waste assimilation |
| 5. Sedimentation | 6. Habitat |

The 3500 acres of ecologically sensitive, high productive salt marshy lands are being destroyed for the Petro-chemical Industrial Complex without even clearance from the MoEF or required authorities.

The very purpose of handing over the ecologically sensitive salt marshy lands categorised originally as CRZ due to its fragile nature, to the Tamil Nadu Industrial Development Corporation for promoting the petrochemical park, getting it reclassified from CRZ I to CRZ III violates the law and defeats the very purpose of the Notification.

In a landmark judgement by Justice Kuldip Singh and Justice S. Saghir Ahmad the Supreme Court in 1996 directed that all shrimp industries in violation of CRZ law should be demolished including those along rivers, creeks, lagoons, estuaries, etc. They also held that 1000 m all around the Pulicat and Chilka lake no shrimp farms should be permitted. The court permitted the functioning of traditional and improved traditional types of shrimp farming practiced in coastal low lying areas (none of which is possible or exist in Tamil Nadu).

Campaign Against Shrimp Industries (CASI), a forum campaigning against the development of industrial aquaculture, in its recent fact finding found that hundreds of shrimp industries continue to function in spite of the verdict which amounts to contempt of Supreme Court and also contempt of the court by the Aquaculture Authority, Fisheries Department, Public Sector Banks for permitting shrimp industries.

Based on the information collected from the districts of Cuddalore, Nagapattinam, Thanjavur and Pudukottai. The team has found that as of June 99 there are nearly 386 shrimp farms functioning in Nagapattinam district, 98 in Cuddalore district, 49 in Pudukottai district and 78 in Thanjavur district, all violating the Supreme Court verdict 11.12.96.

Extracted from Understanding Coastal Regulation Zone Law in India, An Education Material, Compiled by Coastal Action Network, Tamil Nadu. Pg 8-9. (/ELDOCl/e31b/Understanding CRZ In India.pdf)

The purpose of the CRZ Notification 1991 was to control and minimize environmental damage to coastal ecosystems. But the amendments and violations have resulted in severe negative impacts on coastal ecosystems namely:

- rapid elimination of sand dunes
- damage to dune vegetation
- increase in mobility of sand
- transport of sand inland
- instability of dunes
- denudation of hill slopes
- deposition of sediment into estuaries
- localized shoreline erosion
- seasonal marine salt water ingress
- progressive build up of plastic litter
- reduction of mangroves, wetlands and breeding grounds of marine life.

Taken from The Coastal Regulation Zone of Goa: Oceanographic, Environmental and Societal Perspectives by Antonio Mascarenhas, National Institute of Oceanography, Goa. (<http://www.ias.ac.in/currsci/dec251999/article16.htm>)

ALTERNATIVES

Going to the court is good theoretically but not practical. For the past 15 years environmentalists have been fighting to protect the coastal ecology. Areas with strong people's struggles are the ones that have seen some success. The random petitions and memos don't yield results. If you want to change the life of fishermen, make a better world for them, you have to have a direct approach to this problem. It has to be face to face. Just legal action won't help. Legal lobbying is only one part of the struggle. Similarly to file a court case, or to build your house, to ask for your rights, you don't need middle men like NGOs.

You have the right and ability to build your house. You don't need a third person. If government gives offers or any support you have the choice to accept it or not. That is your right. Similarly, be it going to court or initiating direct action, you have to understand your rights.

The second problem is that many people in these villages still have tsunami in their minds. The fear is fresh. One cannot force them to stay or leave. They have to be given counseling to help them get out of the traumatic experience and back to normal life. Government should give aids of all kinds and the NGOs should also support them.

Fisherfolk after understanding all the aspects, if they decide to move out of coastal areas no one has the right to stop them. Similarly the government does not have the right to ask them to leave either. Fisherfolk have the right to stay where they chose. If you do decide to move out (fisher folk), then you need to make sure that the rehabilitation set up is satisfactory on the front of basic amenities as well as whether it is compatible with the culture and tradition of the community. This is not a favour that the government is doing. It is your right. Like how the farmers have fed the rest of us, so have you. The government is only paying you back for feeding people for generations. This is not alms but your right.

[T Mohan talking about "Going to Court," interviewed in Chennai on August 30 2005 by Priya C Nair and Shruti Kulkarni-for full interview visit www.doccentre.org]

We have seen how—

- The Government is the biggest violator of the coast, as it pursues a destructive development agenda.
- The Supreme Court may help by passing a few verdicts in favour of protection, but ultimately it has to go by a system of law and governance. Ultimately, the government would get a series of committees to give what they called "scientific" or "economically" sound options with the powers that be can exploited.
- Thus the Swaminathan Committee Report is also likely to be used to justify more violations, rather than protect the coast. An example of this was the Supreme Court Judgement on Goa Foundation v/s Diksha Holding [AIR 2001 SC 184] where the supreme court held that a particular plot came under Zone III and not Zone I as contended by the NGO, and allowed the construction of a hotel in the 200 to 500 metre zone as they got "permission" from the Environment Ministry.

Therefore organisation & struggle is imperative

The Coastal Action Network, the National Fish Workers Federation, are some of the organisations working for organisation and struggle.

In addition to Organisation and Struggle,

The only alternative is decentralisation and autonomy.

Local Institutions

In a mature and responsible administrative system where power is in the hands of the people and their democratically elected local government institutions, relief operations, day-to-day running of civic services, providing medical assistance, etc. could best be done by the local government.

As Amartya Sen has argued, democracy is the best antidote to drought, famine and such other calamities. In our context, gram panchayats are any day better than "small-time" bureaucrats for crisis management at the local level.

Tsunami TVagedy: Where are the Panchayats? by *Dr. George Mathew*, Deccan Herald, January 4, 2005.

"The lack of institutions at the grassroot level has caused gigantic and gruesome injury to the elements - soil, water and vegetation." The alternative institution must have not only people in it on a participatory basis, but in a position of command. The power they exert must be not only a countervailing one to the over-centralised structure, but also the power to divest centralisation of its prefix 'over' in order to help it to shed its unhealthy fat." Panchayat raj is not only a measure of democratic decentralisation, but also one of downright rationalisation."

In Touch with People by *L. C.Jain*, Former Planning Commission Member, The Hindu Survey of the Environment 1992.



Thus the major task is to set up and capacitate local organisations and institutions.

Local Economy

The problem with the panchayats and local institutions is that they rely almost entirely on the largess of the state and central governments. As long as the economic system is such that money, infrastructure, production and markets are centralised, local bodies and organisations will be dependent on the state for their existence.

"It is not a question of choosing between 'modern growth' and 'traditional stagnation'. It is a question of finding the right path of development, the middle way between materialist heedlessness and traditionalist immobility, in short, of finding 'right livelihood'.

The essay is taken from E.F. Schumacher's well known book "Small is Beautiful".

Buddhist Economics, *E.F.Schumacher*, The Eye, No.2 Vol.1. March-April 1992.

Thus the best economy is that which is decentralised and localised.

Fisheries

Suggestions for improvement of socio-economic status of traditional fisherfolk

- Improving the socio-economic condition of the traditional fisherfolk means to guarantee their present employment. They should not be displaced by development.
- The need to restrict the right of ownership of fishing assets only to those who are willing to fish.
- The entire territorial waters must be exclusively kept for the use of only traditional fisherfolk.
- A major policy shift is required which will have an effect on the structure of the fish economy. This pertains to the need to exercise greater social control over the marine export sector. There is need to ensure a balanced development of this sector in such a way that it does not result in socio-economic and technological polarisation of the type that exists now.



- Fisheries development means increasing "production". But "production" only means making more efficient the fish capturing by improved craft and gear technology.

Taken from *Coastal Zones: An Overview, Equations*, Bangalore. Pg. 51-56. [R.E31b.601].

Alternative Tourism

Alternative tourism is a process which promotes a just form of travel between members of different communities. It seeks to achieve mutual understanding, solidarity and equality among participants. This article is the story of an experiment to implement as benign a travel philosophy as is possible in today's world.

Responsible Tourism: An experiment by *Ranjit Henry, The Eye*, Vol.11. No.4



Training for Alternative Employment

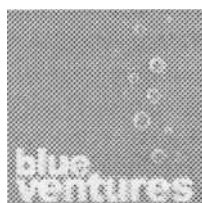
In the recent times, SIFFS has been seriously concerned with the alarming threats to the sustainability of the fisheries sector. It understands that lack of sustainability of the sector would adversely affect the livelihoods of thousands of fishermen and their families, who are already reeling under increasing costs and dwindling catches.

SIFFS believes a restriction in further increase in the fishing effort through creation of alternative employment opportunities may ease the pressure on the resources as well as maintain the livelihoods of these communities.

At the same time, SIFFS realises that it is beyond the scope of SIFFS (or any NGO) to make a comprehensive intervention in alternate employment generation. The best solution is for each agency/institution to do its bit in generating alternative employment using its strengths.



SIFFS has opted for high quality technical training in certain fields for youths from fishing community, and set up Centre for Employment Oriented Training (C-EOT), an autonomous division, in 2003 to diversify and upscale current activities in alternative employment generation.



Alternative Livelihoods

Research into alternative fishing and livelihood options is currently being developed through collaborative projects with Madagascar's marine institute and other national and regional partners.

Seaweed farming

Seaweed farming and aquaculture have been incorporated into many community-centred coastal management initiatives as an alternative livelihood option in tropical developing countries.

Alternative fishing grounds

One technique that can provide an alternative source of fish protein for personal consumption or sale is the use of Fish Aggregating Devices (FADs). These are floating devices specifically designed and located to attract tuna and other pelagic fish so that fishers can find and catch them more easily. Two experimental FAD modules implemented in the Andavadoaka region in October 2003 were seen to attract large numbers of commercial fish species in a relatively short period of time.



Ecotourism

Carefully managed ecotourism is seen as an effective means of generating incomes as well as the funding and resources needed for resource management planning in Andavadoaka.

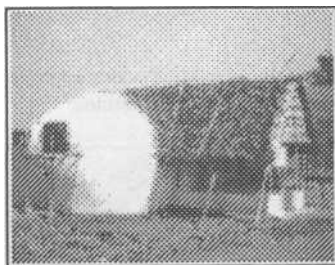
Rehabilitation & Reconstruction

"The only way to help these people who have suffered so much is to give them their livelihoods back as quickly as we can." says Vivek Harinarain, Secretary, Government of Tamil Nadu, Information Technology Division.

Thus we need to explore how to improve the ability of coastal communities to cope with crisis by developing a livelihood security programme.

The Options therefore include:

- community-based coastal resources management
- livelihood security projects
- introduction of appropriate financial instruments



Protection & Safety: Green belt protection and 200 to 500 meter belt should be kept as a no development zone. Prevent destructive solutions like the sea-wall and have a menu of alternatives chosen as per local conditions.

Village based IT enhances communications network for central warnings as well as horizontal linkages to other coastal villages on disaster preparedness.

Housing & Infrastructure: Good Housing, appropriate sanitation, and water facilities, lighting and spacious community facilities, all provided close to the "no development zone". Investment in community oriented infrastructure like bridges, community halls, schools, fish landing sites.

Livelihood: Responsible Fisheries resource management is imperative. This should be based on the following principles. Small beach landing craft (kattamarans) need to be replaced immediately, and nets and small scale motors should be provided and damaged trawlers not to be replaced as pre-tsunami trawlers resulted in overfishing.

Workers in aquaculture farms and trawlers should be given compensation and alternative rehabilitation options. These could be based on decentralised low energy, Fish processing techniques, and coastal area market infrastructure focusing on domestic/local market potential required. Producer controlled marketing of fish and rights to coast.

Training schemes in masonry, plumbing, carpentry, water harvesting, ecological sanitation etc.

Adapted from Tsunami and a **Secure Future** by John Kurien, Development Issues, June 1, 2005. [ELDOC | Tsunami/Tsunamis_and_a_secure_future.html]

Most important: Rehabilitation & reconstruction must be done with meaningful participation of local people, who should have the right to take the final decision.

Redesign the Village from Bottom Up

The panchayats have the potential to manage and implement post disaster reconstruction and rehabilitation programmes as the 73rd constitutional amendment of India entrusts the village panchayats to be the sole responsible bodies for the development in villages and function as local self-governance institutions. Their primary duties are:

- Effective habitat development including zoning for safe locations and sites for the site-less.
- Providing basic infrastructure such as roads, electricity, drainage, waste management, safe drinking water and sanitation facilities.
- Providing adequate employment to provide food security and to prevent the starvation and deaths.
- Disaster preparedness and management.

The panchayat can provide critical support and direct the reconstruction and rehabilitation in many ways. These are:

Planning and design: Based on correct and actual data of damage and needs of the various village communities provide a village level plan for reconstruction and rehabilitation.

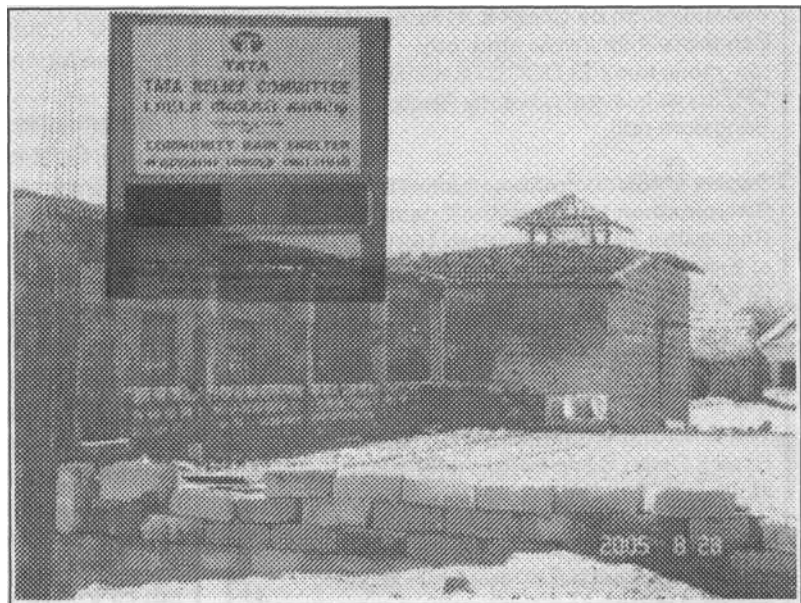
Educating the village community regarding safety of new construction: The village panchayat will be in a position to "educate and convince" the village families about safe construction practices and safety of new structures being constructed.

Quality Control: With adequate technical guidance, the panchayat can provide the necessary manpower to manage quality of the physical reconstruction work.

Ensuring community participation: Panchayats are best placed to motivate families to participate in the process of reconstruction and provide inputs - both time and labor towards the reconstruction.

Facilitation and supports to the implementation of reconstruction plans: The panchayats can provide facilitation of work, land use planning and zoning, decision on location of community assets, conversion of land, allotment of land for the landless and also validating and verifying claims of various families for compensation and new constructions.

Implementing community based disaster mitigation measures: The Panchayats are best placed to motivate and include the gram sabha in order to set in place localised measures to prevent large scale damage in case of natural climatic extremities.



This list is not meant to be an academic bibliography, but to point to references that are available in CED and the website

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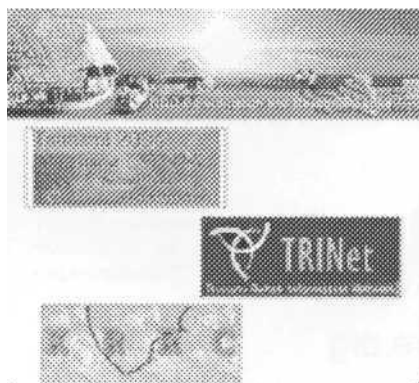
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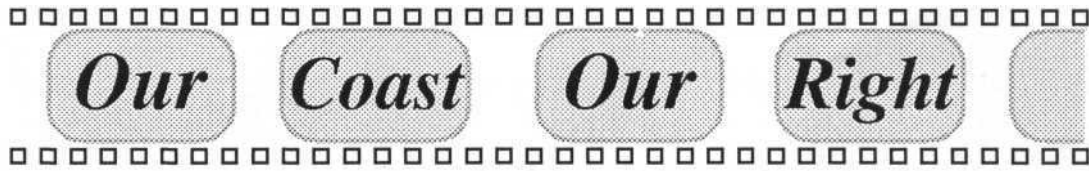
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Tsunami and a Secure Future by John Kurien, Centre for Development Studies, (<http://www.ukabc.Org/tsunamis.http://www.ukabc.org/tsunamis.htm>) [/ELD0C1.Tsunami/Tsunamis_and_a_Secure_Future.html]

All GOs can be had from NCRC (Government Orders Related to Relief and Rehabilitation of Tsunami Affected Areas and Communities, A Compilation of Government Orders as on 10th May 2005 by NGO Coordination and Resource Centre, Nagapattinam, Tamil Nadu. <http://www.ncrc.in> [R.Y00.607]

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[Tamil, 54 mins, PAL VCD Colour]



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A film explaining the Coastal Regulation Zone, and the Economics and Politics of its Implementation from the point of view of Local Community Rights

Traditional Fishermen have a manifest and inherited right to the coast given by nature. Their way of life is intrinsically linked with the coast - it sustains their livelihood, their culture and cosmos. After the tsunami, the government has at best tried to 'disincentivise' people from staying in their traditional habitat, by pushing them to relocate away from the coast.

The argument remains... the law, which was originally formed to protect fishermen and their livelihood is now being used against their interest. The government says that the fishermen cannot continue living within 200 meters of the High Tide Line. On the other hand it acquiesces in cordoning off these areas by hotels and aquaculture farms.

The CRZ notifications of 1991 clearly mentions that fishermen have the right to live and expand their work in CRZ III zone, which is where most fishing community villages are. After the tsunami, the government has suddenly started talking about the law. Its interpretation of the original notification of 1991 seems to have gone completely awry. In its recent attempt to undermine the law, and overcome inconveniences created by several adverse Supreme Court Judgements, the government has appointed a committee under the scientist M S Swaminathan of "Green Revolution" fame, to analyze the law and suggest changes to it. The suggestions appear to 'science-wash' government's own history of violations, and continuing handing over of the coast to short term economic interests to the detriment of the traditional fishermen and the coastal ecology.

The film is aimed to educate local communities. It is part of a series of AV material on Tsunami related issues. This backgrounder is meant to supplement the showing of the film with editorial information. We expect activists and social workers to use the information in this booklet to take the discussion forward. We have also provided references to other information, which are available to our website or as the physical copy. The main aim is to promote the right to information, and people's right to know, determine and participate in their own development particularly their re-development and rehabilitation.

Also available on VCD

On CRZ and Fishermen, by T Mohan, Advocate. Interviewed in Chennai on August 30, 2005 by Priya C Nair and Shruti Kulkarni. Tamil. [<http://www.doccentre.org/RDC/for-website/T-mohan-interview.html>]

On CRZ and Fishermen's struggle:

By Jesu rathinam, SNEHA. Interviewed in Chennai on August 30, 2005 by Priya C Nair and Shruti Kulkarni. In English and Tamil, [<http://www.doccentre.org/RDC/for-website/Jesu-rathinam-interview.html>]

Fishermen - Soldiers of the coast: Vincent Benedict, Secretary, KSMTF, Kerala, English. Interviewed in Bangalore by Priya C Nair and Shruti Kulkarni on August 19, 2005.

For more information & Tamil version of backgrounder log onto
www.doccentre.org/docsweb/RDC-Tsunami/CRZ-Tamil-lstpage.html

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