Submission by the Orissa Marine Resources Conservation Consortium (OMRCC) –
“Proposal to Improve CRZ Notification of 1991 and the livelihood security of
fishing communities

To
Mr. Jairam Ramesh,
Honourable Minister of State,
Ministry of Environment and Forests,
Government of India.

Dear Sir,

Greetings from the Orissa Marine Resources Conservation Consortium (OMRCC).

The OMRCC is a body comprising various members from civil society, including fish-worker unions, conservation and environmental organisations, development NGOs, turtle biologists and individuals interested in sea turtle conservation and the welfare of marine fisheries in Orissa. The OMRCC and its support group comprise of individuals with expertise in the social and natural sciences from institutions such as the Wildlife Institute of India, Dehradun, Dakshin Foundation, Bangalore, national and local conservation and environmental organisations such as the World Wide Fund for Nature-India, Greenpeace India, the Rushikulya Sea Turtle Protection Committee (RSTPC), Green Life Rural Association, Sea Turtle Action Programme, Project Swarajya, Action for Protection of Wild Animals (APOWA), Maa Ganga Devi Santhi Maitri Yuvak Sangha, fish-worker support organisations such as the United Artists Association, Action for Food Programme (AFPRO), Bhubaneshwar, Peera Jahania Fish Workers’ Union and the Orissa Traditional Fish Workers’ Union (OTFWU) and several interested individuals from Orissa and across the country.

As part of the ongoing public consultation to strengthen the Coastal Regulation Zone Notification, 1991, coordinated by the Centre for Environment Education (CEE), on behalf of the Ministry of Environment and Forests, we would like to make the following submission for your prompt action.

We would like to highlight three central demands and subsequently will outline details related to each point. Further, we present our suggestions on how the Central Government can work towards the same:

Demand 1. A Strengthened Legislation for Coastal Environment and Livelihood Protection
Priority to coastal environment protection and safeguarding natural resources-based livelihoods of coastal and fisherfolk communities

Demand 2. Rights and Responsibilities of fishing communities over coastal lands
Ensuring land rights for coastal lands and ensuring coastal commons are governed by coastal, especially fisherfolk communities

Demand 3. Process of introducing changes to the legislation on coastal areas and communities
Consultation, participation and a grounded approach to strengthening the CRZ legislation and working on related coastal protection and rights related legislations
Hereafter, we present a detailed account of how each of the above demands can be achieved by the MoEF.

**Demand 1. A Strengthened Legislation for Coastal Environment and Livelihood Protection**

*Priority to coastal environment protection and safeguarding natural resources-based livelihoods of coastal and fisherfolk communities*

The CRZ notification was introduced in 1991 to fulfill two key requirements - protecting the coastal environment while addressing the concerns of thousands of fishing communities dependent on coastal ecosystems for their livelihoods. Unfortunately, since its inception, this notification has been amended and weakened 25 times. These dilutions and poor enforcement of the CRZ notification has significantly compromised and impacted India’s coastal environment, and the livelihood of millions who depend on the coast for their sustenance. The 25 amendments made in the original CRZ Notification 1991 need to be examined thoroughly and only those that are in the interests of coastal protection (if any) should be retained.

To strengthen the existing CRZ notification, OMRCC is calling for the inclusion of the provisions listed below. These are critical for a strengthened CRZ notification to truly perform its primary role – that of protecting the coastal environment and the communities dependent on it.

1. **Regulating development to ensure sustainable development**
   - The clearance procedures for all port projects – major, intermediate or minor - should be drastically revised to incorporate the latest advancements in environment and social impact assessments, and go several steps beyond the procedures outlined even in the EIA, 2006 notification. This should include an integrated approach which includes post-facto EIA studies, continuous and rigorous monitoring of various social and environmental parameters, and an integration of other legal requirements under the Merchant Shipping Act, the Indian Ports Act, the Major Ports Act, and the various national and international agreements related to ballast water treatment, waste management and environmental management in port areas.
   - All large-scale infrastructural projects and particularly port projects – major and minor – should require a comprehensive EIA and clearance under CRZ from both CZMA and Centre, prior to the commencement of any work on the project. This should also apply to expansion of existing projects. Similarly, provisions must be included to ensure that local communities, particularly fishing communities, are consulted prior to the commencement of any project. This would require the EPA and the EIA notification 2006 and any other relevant notification under the EPA to be amended accordingly.
   - The Andaman & Nicobar and the Lakshadweep islands should remain under CRZ IV, as per the existing CRZ Notification, 1991, but without the numerous dilutions that it has undergone.

2. **Development of Ports**
   - The buffer area around CRZ I areas in which ports should be prohibited should be 20 km at least, keeping in mind that the impacts from commercial ports though lighting, pollution, shipping traffic, invasive species, increase in population etc can be long ranging. This prohibited buffer area should also be applicable for 20 km. around all Protected Areas and other areas identified as Ecologically Sensitive Areas under the Environment Protection Act.
   - All port projects - both new and expansion of existing ports; must require a comprehensive EIA based on three years data.
   - Further, on this issue, please find enclosed the Annexure titled “Orissa – A Representative Example of the current Paradigm of Port Development”, which highlights the problems posed by the currently proposed mode of development with respect to ports in Orissa.
3. Industrial Activity
- There is need to strictly implement the provision in the CRZ Notification that allows only activities that require waterfront facilities to be located within the CRZ. No airports should be permitted within the CRZ. No SEZs should be permitted within the CRZ unless waterfront access is essential and unavoidable. Any SEZ in coastal areas has to be subject to permission under the CRZ and should be brought under the EP Act.
- Territorial waters (12 nautical miles) should be included as part of CRZ, as a new category, CRZ V. There should be a ban on drilling/ mining/ reclamation/ pollution/ dumping/ dredging in CRZ V and no effluent discharge should be permitted in the coastal water bodies and the sea (12 nautical miles).

4. Jurisdiction and Punitive Mechanisms
- A Task Force should be established to ensure significant improvement in the implementation and enforcement of the CRZ Notification 1991. This should have representation from fishing community organizations and civil society.
- State governments should be vested with a time-bound responsibility to identify CRZ violations since its introduction, through a series of public consultation. Each state government should also identify violations based on earlier reports and ground verification. Action should be taken by the CZMA and the concerned state government departments to severely punish violations.
- Section 24(2) of the EPA does not allow for prosecution of cases under the Environment Protection Act, where an offence is punishable under another Act. This clause should be called into question for cases such as the CRZ, which are exclusive laws for coastal protection under the EPA.
- Ensure disposal of complaints against CRZ violations filed with State and National CZMAs and concerned authorities within two months. The procedure should be transparent with information accessible to the public upon request and on public websites.

5. Conservation and Protection
- Implement provisions for protection of mangroves and other coastal ecosystems in the CRZ notification: There is need to protect ‘mangals’/ wetlands i.e. whole ecosystem which includes saline blanks within mangrove areas, and not just the mangrove plants. Local fishing communities should be recognized and given the responsibility to protect and prevent encroachment of mangrove areas. This should also include the provisions for the protection of sand dunes, intertidal zones, and tropical evergreen dry forest vegetation along the coast need to be implemented. There should be provisions for restoration of ecosystems (only where necessary and along scientific lines) including regeneration of mangrove ecosystems

6. Documentation and implementation
- As required by the notification, it is vital that the HTL be demarcated. Similarly, the HTL of 1991 should be reconstructed from satellite maps to identify and book violations after 1991. For effective and transparent implementation, the map of the HTL for the entire coast should be prepared within a year, with the participation of local communities. It is essential to ensure that there is only one notified CRZ map, which should be made publicly available.

Demand 2. Rights and Responsibilities of fishing communities over coastal lands
"Ensuring land rights for coastal lands and ensuring coastal commons are governed by coastal, especially fisherfolk communities"

- Livelihood rights of traditional fishing communities must be protected. This includes declaring government lands as coastal commons to be protected and utilized based on its characteristics, by coastal communities.
- The rights of traditional fisher communities to coastal spaces needs to be recognised, including spaces in the CRZ used by fishing communities for their livelihood and social needs.
In this regard, we support the demands of the Orissa Traditional Fish Workers’ Union which has submitted a detailed submission outlining the demands from the traditional fishing communities with regard to coastal land rights, housing and settlements, marine conservation, the implementation of the CRZ and violations of the CRZ. We highlight some of these:

a. In the implementation of the CRZ Notification, there should be a role for PRI institutions and gram sabhas. In panchayat areas where there are fewer fishing communities, the pali sabha should be involved in implementation and monitoring.

b. The implementation and monitoring structure of the CRZ mechanism should include adequate representatives of the fishing community at the district, state and national level.

c. Settlements of traditional beach-based and sea-going fishing communities should not be considered violations as the coast is their home.

d. The traditional and habitual right of the traditional/beach based/sea-going fisher people should be emphasised.

Demand 3. Process of introducing changes to the legislation on coastal areas and communities

Consultation, participation and a grounded approach to strengthening the CRZ legislation and working on related coastal protection and rights related legislations

The process of consultation is critical in the coastal legislation reform and strengthening process and the OMRCC joins various national and local campaigns that strongly demand a committed and comprehensive consultative process for coastal planning and law making with respect to:

* Legislations related to ensuring coastal land rights

* Interim measures to ensure that the CRZ Notification of 1991 is brought back into operation in its original form.

* working out the means to further strengthen the CRZ notification or work towards an improved coastal livelihoods and environment protection legislation.

ORISSA-SPECIFIC SUGGESTIONS

We make the following suggestions especially in the context of our knowledge of Orissa

1) CRZ – I areas in Orissa: CRZ 1 areas, coastal stretches which are significant congregation and aggregation patches and nesting habitats of sea turtles, river-mouth areas, mangrove habitats, protected areas and other ecologically sensitive areas should unconditionally be no development zones. Large industries and infrastructure projects should be banned within a 20 km. radius of such areas.

2) Beach sand mining: Any new CRZ Notification should totally prohibit the extraction / mining of sand from the coast. This is critical especially when a study conducted by the National Institute of Oceanography, “Coastal Processes along the Indian Coastline” is taken into consideration. This study clearly identifies the coastline of Orissa as one of the hotspots of coastal erosion. Significant erosion at Satabhaya in the Kendrapara district, and north of Gopalpur port, Podampeta, Ramayapatna and other areas illustrates the same.

3) Seawalls: The proposal of seawalls as a climate adaption strategy in Orissa is worrisome. The “Final Frontier” report also concludes that hard-engineering solutions should be considered only when all other solutions are exhausted. In this regard, proposals to construct seawalls in Pentha, Kendrapara District, should be held in abeyance, and considered only following a thorough cumulative environment impact assessment of such proposals.

4) Port development: Any proposal for the further development of new ports / expansion of existing ports should be subjected to thorough environmental impact assessments and a decision to approve or reject the project taken on this basis. Further, provisions laid out in
clause 1 above should be strictly applied for ports as well. Currently, there are over 10 ports proposed in Orissa, of which 8 are in the close proximity of ESAs / PAs or located at rivermouths and CRZ1 areas. Further, any proposed large-scale development on the coast, inclusive of ports, should be subjected to a thorough and detailed "cost benefit analysis of Ecological services", the results of which, should inform any further decision on these projects. Please refer to the enclosed annexure "Orissa – A Representative Example of the current Paradigm of Port Development".

5) **ICZMP:** The World Bank-funded ICZMP project in Orissa is currently operating parallel to the process of strengthening the existing CRZ Notification. Although the Ministry has announced that the CMZ Notification has been withdrawn, it appears that the ICZMP still incorporates some of the more controversial concepts such as vulnerability mapping etc. Till date the public has not been invited to any of the workshops conducted in Orissa by the ICZMP implementation agencies. This entire ICZMP project and process, we strongly believe is not in keeping with the objective and spirit of the ongoing public consultations on CRZ, initiated by you. We demand that information be shared on the project, and that the OMRCC be called to public consultations on the nature of this project and its implementation in Orissa.

6) **Mangroves** The diversion of mangrove habitats for aquaculture in Astaranga, Mahakalpada and other regions has resulted in the denudation of mangroves and has had multiple detrimental impacts. This should be immediately stopped, and we would strongly recommend that provisions to be laid out in any new strengthened notification for the regeneration of mangroves, from an ecological as well as a climate adaptation perspective. For this the Aquaculture Authority Act of 2005, which currently supersedes the CRZ notification 1991, should be changed.

7) **Polluting industries:** The issue of high levels of pollution being released from Jayshree Chemicals, Ganjam, and the Indian Farmers Fertiliser Cooperative (IFFCO) and Paradip Phosphates Limited (PPL), Jagatsinghpur and other such industries located on Orissa's coast, need to be strictly monitored and remedial measures need to be taken at the earliest. In this regard, we would recommend a new category - CRZ V - that prevents the dumping of pollutants in territorial waters. Similarly, the issue of light pollution, especially through the DRDO facility in Gahirmatha, Devi and the proposed construction of a lighthouse in the close proximity of the Rushikulya region, which are critical mass-breeding and nesting habitats for sea turtles, requires urgent action.

8) **Tourism:** No new tourism structures should be permitted in the CRZ. However, tourism in the form of access to beach may be permitted, following the consent and involvement of local communities.

9) **Demolitions and accountability:** The MOEF should be the watch dog of the SCZMA authority and should have the powers to demolish any structures, if found violating the rules of construction within 200 – 500 m from the HTL and river lines even if the same have been licensed by SCZMA.

10) **Transparency in clearance process:** There should be transparency on issuing clearances in CRZ II and CRZ III areas and therefore, all clearances issued by MOEF in the past should be reviewed and if they have violated the NDZ, the structures within NDZ should be demolished since they have been permitted through fraud and manipulation.

11) **Coastal commons:** Common lands of fisher villages and fisher-folk should not be allowed to be acquired by non-fishing coastal communities. This includes government land.
12) **Recognition of fisher rights:** The government should recognise and acknowledge the rights of the fishing community to have access over lands that are used for fishing purposes and for the economic, recreational, social and cultural purposes of the fishing community.

13) **Land titles:** All fisher-folk homes need to be given proper titles and land patta and settlements till date.

14) **Right to settlements:** The right to the construction of residences in the CRZ for the fisher people should be established. Whenever there is a move to deny rights to fishing or to access the sea to facilitate a project or development, the fishing community should first be consulted in this regard and, if agreeable, should be compensated for their losses. The terms of compensation should be arrived through consultations before the project is approvedstartDate.

15) **Implement the recommendations of the Central Empowered Committee:** In 2003-2004 a Central Empowered Committee constituted by the Supreme Court visited the coast of Orissa and made detailed recommendations with respect to the protection of Orissa's coast. We are highlighting the main points with respect to coastal protection here with a demand to ensure its implementation:
   - No intensive aquaculture should be permitted within 5 km of the coast and inland boundaries of the Gahirmatha Marine Sanctuary and the Bitharkanika National Park
   - Restrictions on illumination by industrial, municipal and residential units along coastal areas
   - The State Government may consider taking measures to ensure that existing industries such as M/s Oswal Fertilisers (now IFFCO) and M/s Jayshree Industries do not release harmful effluents or solid wastes into the sea, rivers, creeks or beaches directly or indirectly. Industries found violating pollution laws need to be dealt with strictly
   - The CEC raised concerns regarding the proposed Reliance Gas Handling facility at Rushikulya as also the proposed BPCL crude oil facility with respect to its impacts on the mass nesting beaches at this site. Similarly, the CEC raised its concerns on the proposed Dhamra Port at point of time, on account of its location, and recommended that the port be shifted from its proposed location.

**SPECIFIC SUGGESTIONS ON THE ‘FINAL FRONTIER’ REPORT**

We would like to note that the MoEF constituted this second committee headed by Prof. M.S. Swaminathan at a time when active negotiations were on between fisherfolk leaders and NGOs with the MoEF to oppose the CMZ Notification and work on the future of the CRZ, however absolutely no intimation was given of the Committee’s constitution and neither were inputs solicited in its preparation. We therefore do not consider this report as being critical to informing the future coastal planning, as it was not participatory nor inclusive.

Despite this, we have been through its 12 main recommendations and we have the following brief comments to offer on it, although we disregard its importance for future negotiations and discussions on coastal issues.

- The committee has clearly asked for the withdrawal of the CMZ Notification. This was only logical as there was wide-spread opposition to this from fishworkers and NGOs across the coast.
- It recognizes some important demands that have been made time and again, such as the need to prioritise fishworkers’ livelihoods, bring attention to violations, bring attention to climate changes issues, vulnerability of coastal communities etc, but really does not do justice to these issues in terms of spelling out a way forward or even how to tackle these through the medium of legislation.
While discussing the need for introducing new coastal protection regimes, it refers to the negative impacts of ‘old protection regimes’ without discussing how to deal with the ongoing impacts of the older legislations, on fishing communities.

An attempt at working on the definition of certain terms such as mangroves and other ecological aspects has been made but this falls short and should be re-done with wider consultation with experts and with community groups.

Though mentioning the need and action to document violations, there is no recommendation to actually work on this. This is the most controversial matter and has been skirted.

The report does not reflect a clear understanding of the problems in the regulatory regimes and instead relies on technical solutions such as web-enabled, satellite and GIS mapping to sort these issues out. This amounts to evading the core issues.

In conclusion, the assessment and analysis of the existing CRZ Notification and reform of coastal policies must necessarily lead to the strengthening of the existing notification, which should result in an environmentally and socially just regulatory process for the conservation and sustainable use of the coast.

We remain hopeful that our suggestions and feedback will be considered in all seriousness by you and your ministry, as part of a process of strengthening the currently existing CRZ Notification.

Thanking You
Yours Sincerely

Mangaraj Panda
Coordinator – OMRCC
Annexure “Orissa – A Representative Example of the current Paradigm of Port Development”

Along Orissa’s short coastline of 480 km., there are a total of over 10 ports proposed, in addition to the two existing and operational ports at Paradip and Gopalpur, and the Dhamra port, which is currently under construction. This makes a total of over 12 ports with one port approx every 40 km!

List of proposed ports and locations, as of January 2010

<table>
<thead>
<tr>
<th>Location</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>Kirtania, Balasore</td>
<td>Concession agreement has been signed between the Govt. of Orissa and Chennai based Creative Port Development Private Limited (CPDL). The port will be located at the Subarnarekha Mouth, near Kirtania.</td>
</tr>
<tr>
<td>Inchuri, Balasore</td>
<td>Identified for Port Development</td>
</tr>
<tr>
<td>Chandipur, Balasore</td>
<td>Intended for major-scale port. Expression of interest from IL &amp; FS and SSL Energy</td>
</tr>
<tr>
<td>Chudamani, Bhadrak</td>
<td>Essel Mining, an Aditya Birla group company, has submitted a formal proposal to the Orissa government to develop a port at Chudamani and awaits approval.</td>
</tr>
<tr>
<td>Dhamra, Bhadrak</td>
<td>JV between Tata Steel and L &amp; T. On completion it is expected to be one of the largest ports in South Asia.</td>
</tr>
<tr>
<td>Barunei, Kendrapara</td>
<td>Expression of interest from Mittal Steel, Adhunik Metallic and SPI infrastructure.</td>
</tr>
<tr>
<td>Paradip, Jagatsinghpur</td>
<td>Major Port operational for well over three decades. With plans of expansion of capacity to be doubled to around 110 MT by 2011-2012.</td>
</tr>
<tr>
<td>Posco, Jagatsinghpur</td>
<td>Minor captive port and an exclusive private port for Posco’s Steel Plant. Facing opposition from locals. Preparation work to have started from end October 2009</td>
</tr>
<tr>
<td>Astaranga, Puri</td>
<td>Navjuga Engineering Pvt. Ltd, a Hyderabad-based company submitted proposal in Apr 2007. The port is proposed to be developed under a BOOST Scheme and over three phases.</td>
</tr>
<tr>
<td>Baliharchandi, Puri</td>
<td>14 million tonne cargo handling capacity all weather port. Kolkata-based Shyam-Century Group of Industries has submitted proposal.</td>
</tr>
<tr>
<td>Palur, Ganjam</td>
<td>Future Metals has expressed interest for a PPP project.</td>
</tr>
<tr>
<td>Gopalpur, Ganjam</td>
<td>To be expanded and developed as an all weather port, an MoU has been signed between the Govt of Orissa and Gopalpur Ports Ltd. (GPL), a private sector consortium comprising of Orissa Stevedores Ltd, Sara International Ltd and Hongkong-based Noble group Ltd.</td>
</tr>
<tr>
<td>Bahuda, Ganjam</td>
<td>Expression of interest by Mehta &amp; Company. Additionally interest has been expressed by Chennai based Good Earth Maritime Limited.</td>
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What’s at Stake?

Biodiversity
The coast of Orissa forms a highly complex yet dynamic ecosystem, comprising of wetlands, deltas, mangroves and mudflats. Orissa is home to a high diversity of marine and aquatic life, with estuarine
crocodiles, fresh and brackish water terrapins, dolphins, porpoises and the endangered sea turtles. Bitharkanika supports the second largest contiguous mangrove forest in India, after the Sunderbans. Mangroves play a vital role as a line of natural defense against climate change associated sea level rise, storm surges, and cyclonic events, besides other calamities. Besides harbouring a wide range of diversity, they are critical nurseries for various fish, crustacean and mollusc species and therefore play a crucial role towards replenishment of fish stock. The Bitharkanika region also supports the largest population of salt-water crocodiles in Asia. Orissa harbours Asia’s largest brackish water lake, Chilika, which is best known for the critically endangered Irrawaddy Dolphin.

**Threats to Sea Turtles**

Orissa also supports three of the world’s six remaining mass nesting beaches of the Olive Ridley Sea Turtle. Almost half a million turtles nest here annually, between January and March, at the Gahirmatha and Rushikulya mass-nesting beaches.

The Devi River Mouth region is a recorded mass nesting site which still witnesses significant turtle congregations and sporadic nesting of high densities. Ports are proposed at Dhamra (under construction) and Barunei near Gahirmatha, Astaranga at Devi and Palur near Rushikulya. The implication of these ports on the biodiversity of these areas has yet to be studied, but most biologists agree that there will be impacts and that these developments pose a threat to the sea turtles and other species. The potential cumulative impacts of such developments along each of the nesting and breeding sites should be seen as a plain and significant threat to this high-profile and ecologically significant, yet threatened population of sea turtles.

**Orissa’s Marine Fisheries**

Orissa’s coastal and marine environment support and sustains the livelihoods of thousands of fishing families. Orissa’s 480 km coastline spreads across six districts – Balasore, Bhadrak, Kendrapara, Jagatsinghpur, Puri and Ganjam. While covering just 14.5% of the total land area, the coastal region constitutes nearly 30% of the total population of the state, with an average population density of more than twice the state as a whole.

Over 4.5 lakh fisher-folk are directly dependent on the sector for a livelihood and more through market linkages. Of this around 1.2 lakh are estimated to be active fishermen by official records with 641 officially recognised marine fishing villages spread across the six coastal districts. Almost all marine fisheries capture is from the coastal waters in Orissa, while deeper waters remain untouched, except for the occasional cases of Illegal, Unregulated and Unreported (IUU) fishing in the EEZ and territorial waters.

The contribution of marine fisheries to the state domestic product has been consistently growing. In 2001, the earnings from exports to other countries was valued at around Rs. 3,800 Million (around 30%) from a previous value of around Rs. 900 Million (24% of the total production), which strongly suggests that marine fisheries exports are increasingly important for the state’s economy.

**Concerns on current port development**

The model of port development proposed for Orissa mimics what was initiated in Gujarat and is now being followed by many coastal states. This could have profound and disastrous impacts on the coastal and marine environment and allied fisher livelihoods. In the absence of any assessment on the cumulative carrying capacity of the coastal environment for large scale development (including ports), the ongoing proliferation of ports is a matter of serious concern.

At Orissa, of the 10+ ports identified and/or proposed, at least 6 are in violation of the guidelines issued by the Ministry of Environment and Forests in 2003 in its Manual on Eco (Turtle) Friendly
Coastal Development’ which explicitly states that “No ports, harbours and jetties should be planned within a range of 25 km. from any important nesting and congregating site”

Some of these ports like Dhamra (currently under construction) are less than 15 km away from the Gahirmatha Marine Sanctuary and less than 5 km away from the Bitharkanika National Park. Similarly, the ports proposed at Posco, Astaranga and Palur would be less than 10 kms away from the mass-breeding and nesting sites of the Olive Ridley Turtles in the Devi and Rushikulya regions. The port of Barunei will be immediately adjoining the southern border of the Gahirmatha Marine Sanctuary.

A common feature of this rampant port development is the very poor environmental science & planning that dominates everything from initial site selection, port design and Environment Impact Assessments. Further, environmental problems are not restricted to the direct impacts of individual projects alone but also from ancillary development and the cumulative impacts of a number of projects within the same coastal/marine landscape. Similarly, these projects are often planned and executed in isolation with the result that excess capacities are being created at a tremendous environmental cost.

For example, the Dhamra port and others in eco-critical areas are being built even though the Paradip port is undergoing a doubling of capacity to 110 mtpa. It makes more financial, economic and ecological sense to invest in increasing capacity of existing ports rather than developing ones, particularly those in close proximity to ecologically sensitive areas.

The example of Gujarat is instructive – the large number of ports (over 40) and the resulting mushrooming of industries in the vicinity of these ports – has led to declining fish abundance in the coastal waters of large parts of Gujarat. There are admittedly several factors involved in this – industrial development, oil spills, effluent discharge etc – but the role of ports is one of the factors at play.

Moratorium on ports
In August 2009, in its report “Final Frontier”, the M.S.Swaminathan chaired committee, in response to the growing concern on the issue of rampant port development, came out with the following recommendations.
1. Introduce regulations to manage the proliferation of ports
2. The need to study the cumulative impacts of individual projects on coastline pending on which there should be a moratorium on new ports and expansion of existing ones. New projects on which work is ongoing should be halted pending this study. CRZ 1991 must be modified to include seaward side to regulate ports.
3. Amendment of EIA notification (Jan 9, 2009) – “exemption from clearance for modernisation and expansion proposals must be re-examined”
4. Amendment of EIA notification (Jan 9, 2009) – “exemption from clearance for modernisation and expansion proposals must be re-examined”

In August 2009, the MoEF declared a moratorium on ports, pending a study on the “cumulative impacts of ports on the coastal environment”, on the basis of which a “Policy on Ports”, will be formulated to decide on new port projects keeping in mind environmental and social imperatives. However, this moratorium was limited and restricted to port proposals submitted after July 29th 2009. This clause does not align with the spirit, intent and scale of ambition with which the MoEF has initiated the public process on strengthening of the CRZ or the ongoing study on the cumulative impacts of ports and large coastal projects, or indeed the spirit of the recommendation made in ‘Final Frontier’. 
Furthermore, the MoEF’s latest office memo (No.15-3/2009-IA-III) reverses the earlier moratorium on port development! It virtually reduces all the opposition to port construction down to the problem of shoreline displacement. By introducing a few simple suggestions of doing EIAs for areas with high erosion problem, and identifying non-erosion prone areas for port development, the MoEF has moved several steps behind from its initial commitment to taking port related problems seriously.

**Conclusions**

OMRCC welcomes development that is people-centric, equitable, and ecologically sustainable and has the uplift of the poorest sections of this nation as its direct aim. A model of development which instead privatises vast tracts of India’s coastal and marine spaces will do so only at the cost of both the environment and people.

1. The currently proposed model and scale of coastal development, including ports and its impacts (given the past pattern of port development) will be disastrous for the coastal environment and fisher-folk dependent on these resources. Further, many of the currently operational ports are either under-utilised or undergoing expansion. This leads to the very real fear of the creation of excess capacity at immense financial and environmental cost.

2. It would be prudent for the government to plan for just a few efficient ports rather than over 10 competing and haphazardly planned ports which will cause lasting and disastrous social and environmental impacts.

3. There must be a complete moratorium on all new ports pending a thorough and detailed analysis of existing and planned ports in India to assess their social and environmental impacts, and their economic and financial advisability. This assessment must be consultative and involve communities impacted by port development.

4. No new port projects/ expansion of existing ports should be considered in the following areas: mangrove/coral reef areas, or within a 25 km. radius of national parks, sanctuaries, marine reserves, conservation reserves, ecologically sensitive areas, mass nesting grounds for sea turtles, horseshoe crabs.

The clearance procedures for all port projects – major, intermediate or minor - should be drastically revised to incorporate the latest advancements in environment and social impact assessments, and go several steps beyond the procedures outlined even in the EIA, 2006 notification. This should include an integrated approach which includes post-facto EIA studies, continuous and rigourous monitoring of various social and environmental parameters, and an integration of other legal requirements under the Merchant Shipping Act, the Indian Ports Act, the Major Ports Act, and the various national and international agreements related to ballast water treatment, waste management and environmental management in port areas.

The present limited process of a narrow clearance channel under the CRZ or the EIA Notifications, marginally involves the State and National CZMA. This has to be drastically revised to include meaningful public hearings, consultations, information sharing and an overall move towards a more progressive environmental governance approach.

Recognising the coastal communities, and fisherfolk in particular as the custodians and having the first right over the coast will be the first step towards sustainable port development in the country.