

# Community Concerns

**A recent workshop in New Delhi, India, discussed about how a balance may be achieved between conservation and fisheries-dependent livelihoods**

**A** two-day workshop, titled “Fishery-dependent Livelihoods, Conservation and Sustainable Use of Biodiversity: The Case of Marine and Coastal Protected Areas in India”, was held in New Delhi during 1-2 March 2012. The workshop was a follow-up to the one held in Chennai in 2009, which was titled “Social Dimensions of Marine Protected Area (MPA) Implementation in India: Do Fishing Communities Benefit?”.

The 2009 Chennai workshop had discussed the findings of five

recent Delhi workshop attempted to review existing legal and institutional mechanisms for implementation and monitoring of MCPAs, seeking coherence across agencies, discussing the impact of MCPAs from an environmental-justice and human-rights perspective, and making specific proposals for better conservation while securing the livelihoods of small-scale fishers. The Delhi workshop also served to underscore these issues in light of the upcoming Conference of Parties (COP) of the Convention on Biological Diversity (CBD), to be held at Hyderabad in October 2012.

Participants at the Delhi workshop comprised fishing-community representatives from five MCPAs—the Gulf of Mannar (Marine) National Park and Biosphere Reserve in Tamil Nadu, the Malvan (Marine) Wildlife Sanctuary in Maharashtra, the Gahirmatha (Marine) Wildlife Sanctuary in Odisha, the Sundarbans Tiger Reserve in West Bengal, and the Gulf of Kutch (Marine) National Park and Wildlife Sanctuary in Gujarat—several non-governmental organizations working on biodiversity conservation and on securing people’s customary rights to natural resources, as well as government officials from the Central government’s ministries of environment, forests, and agriculture, and from the five State governments’ departments of environment, forest and fisheries.

## Difficulties faced

The difficulties faced by fishers due to the implementation of MCPAs were briefly discussed. Fishworker unions had been requested to hold regional

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case studies, of marine and coastal protected areas (MCPAs) in India, from a fishing-community perspective and had looked at the extent to which fishers are involved in MCPA governance. Legal and institutional issues, the workshop had concluded, were some of the obstacles to effective governance of MCPAs. The workshop had also called for better MCPA implementation that recognized community rights to participation in management as well as rights to the sustainable use of resources. The 2009 workshop had asked the government to consider fishing communities as allies, and recognize and support community-led initiatives for management and conservation.

Keeping in mind the themes identified at the 2009 workshop, the

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meetings to agree upon not just what demands to present to the government, but also what measures the community feels it can take to contribute to better conservation and sustainable use of biodiversity.

Bharat Patel of Machimar Adhikar Sangharsh Sangathan (MASS) from Gujarat spoke of how the majority of violations in the Gulf of Kutch National Park and Wildlife Sanctuary are by industries but, at the end of the day, it is the fishing community which is affected by the pollution. He called for restriction and regulation of industries in the area and a study to analyze industries' impacts on the ecosystem. He also called for recognition of the traditional rights of fishers to fishing grounds, and urged a ban on trawlers and other destructive fishing methods. Patel hoped that fishers would be given the chance to actively participate in planning and implementation of protected areas.

Pradip Chatterjee from the National Fishworkers' Forum (NFF) spoke of the restrictions on fishing and the limited number of boat licence certificates (BLCs) issued for fishing in parts of the Sundarbans Tiger Reserve (STR). He spoke of the fact that innocent passage through the protected area is not recognized. He called for the implementation of the relevant provisions of the Forest Right Act and the 2006 amendment to the WLPA, to protect the rights of traditional fishing communities dependent on the forest areas for their livelihood needs. He also mentioned that community participation in protected area management is limited to eco-development committees (EDCs).

Speaking of the problems faced by thousands of fishers along the Odisha coast, Narayan Haldar of the Orissa Traditional Fish Worker's Union (OTFWU), said that though the turtle breeding season is only for a few months, fishing is banned in certain areas throughout the year. Haldar asked for the size of the Gahirmata (Marine) Wildlife Sanctuary to be reduced to facilitate access to fishing grounds.

From the Gulf of Mannar area, A. Palsamy of the Ramnad District

Fishworkers' Trade Union (RFTU) spoke of the restrictions on seaweed collection, a traditional livelihood activity for several thousand women. The impact of industries and burgeoning tourism was mentioned. Palsamy also highlighted community initiatives to conserve resources, such as the ban on coral collection from the islands, a two-month holiday on seaweed collection, a ban on capture of juvenile fish and juvenile sea cucumbers (before the listing of sea cucumbers in Schedule 1 of the Wild Life (Protection) Act of 1972, WLPA). He called for the restoration of the right of access to traditional fishing grounds, a recognition of the rights of fishing communities to manage resources, and the development of a sustainable harvest plan for sea cucumbers.

Dilip Hari Ghare of Sindhudurg Schrajeevi Rampan Machhimar Utapada Co-operative Society from Maharashtra spoke of how communities remain unaware about the declaration of the Malvan sanctuary and its associated regulations. Ghare expressed concern over the uncontrolled mechanized fishing, especially by purse-seiners. He said unless there is better sharing of information on the sanctuary and involvement of the community in all decision-making processes, there will be resistance to conservation efforts.

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Chandrika Sharma of ICSF, Tarun Shridhar of MoA, Y S Yadava of BOBP-IGO, Hem Pande of MoEF and V Vivekanandan of ICSF at the inaugural session of the Delhi MPA workshop

In their presentations, community representatives repeatedly spoke of being excluded from decision making by the government. In his inaugural address, Hem Pande, Joint Secretary in the Ministry of Environment and Forests (MoEF), said that sustainable development has three pillars—economic, social and environmental. However, a focus confined to the first two was inadequate. The challenge for a country of India's size—which accounts for 2.5 per cent of the world's land mass and 18 per cent of the world's population, leading to great pressure on biodiversity—is to balance the requirements of all three pillars. The answer lies in people's participation in the management of biodiversity (or fisheries, in this case). Such a model, he said, might be a better one, despite the conflicts that are likely to arise.

In his keynote address, Tarun Shridhar, Joint Secretary, Department of Animal Husbandry, Dairying and Fisheries (DADF), Ministry of Agriculture (MoA), pointed out that though India is amongst the largest producers of fish in the world, there

of the maximum sustainable yield (MSY) concept in a tropical-fisheries context.

Shridhar, noting that small-scale fishers are hard hit by conservation measures, underscored the need for dialogue between environment and fisheries policymakers. He also highlighted the need to strengthen laws governing fishing vessels in India's exclusive economic zone (EEZ).

The other focal point of the Delhi workshop was to explore spaces within the existing legislative framework to see how fishers' rights can be protected while promoting sustainable use of resources. Towards this end, several resource people spoke on different legislation, from the WLPA to the Panchayati Raj Act of 1992. With this in mind, ICSF had commissioned a legal analysis of the WLPA by two advocates, V Suresh and D Nagasaila, who have worked extensively on human-rights issues.

Nagasaila's presentation focused on the clauses in the WLPA that relate to fishing communities and their rights. She dwelt on how different clauses could possibly be used by a community to defend its rights to continue fishing within protected areas established under the WLPA. In the discussion that followed it was noted that restrictions on fishing in protected areas were not uniformly applied—while fishing was allowed in some of them, in others fishers faced severe restriction.

C R Bijoy of the Campaign for Survival and Dignity (CSD) wondered whether it was time to move from community participation to community control (of resources), and from management to governance.

Kanchi Kohli of Kalpavriksh spoke about the Environment (Protection) Act (EPA) of 1986. The coast is a fragile ecosystem supporting diverse livelihoods, yet it is seen as a wasteland, ideal for power plants and special economic zones (SEZs). Hence this is where there is maximum resistance from communities.

### **Ecologically sensitive areas**

The EPA, enacted after the Bhopal tragedy, seeks, among other things, to regulate industries by demarcating

## **The issue of who is responsible for depleting marine resources and how fish stocks are estimated came up.**

is not enough attention on fisheries; he called for all involved to work towards raising the profile of the sector, bringing fisheries to the attention of the political establishment.

Shridhar said that while, according to the Food and Agriculture Organization of the United Nations (FAO), 82 per cent of fisheries globally are fully exploited or depleting, recent stock assessments undertaken in India indicate that stocks here are not fished to potential.

This, he noted, provides the advantage of planning sustainable use of the resource instead of resorting to *post facto* measures. This led to some debate on the science behind fish-stock assessments, especially the suitability

ecologically sensitive areas (ESAs) and requiring environment impact assessments (EIA) for every infrastructure project, along with a social assessment. The EIA notification talks of public participation in the process and lays down a long list of requirements from the project proponents. More work is needed to ensure effective implementation, Kohli said.

She also spoke of the Biological Diversity Act (BDA) of 2002, which deals with conservation, sustainable use, and access and benefit sharing (ABS). The BDA regulates access to bioresources and traditional knowledge of communities. Some of the clauses in the act, such as the one restricting activities detrimental to biodiversity and the option to declare biodiversity heritage sites, must be harnessed, she felt.

Another new legal route, said Kohli, is the National Green Tribunal, which has replaced the National Environment Appellate Authority. Orders given under the EPA and the BDA can be challenged at the Tribunal, which also looks at compensation and damages. She concluded that when we talk of law and MCPAs, there is a disconnect between the intent of the law and its design. Conservation is retrofitted, while the main framework remains access.

An overview of the Coastal Regulation Zone (CRZ) Notification of 1991 was provided by Aarthi Sridhar of Dakshin Foundation. CRZ, under the EPA, is a zonation law, which has been poorly implemented. The MoEF reviewed the notification in 2008, but the resultant version was strongly opposed by fishing communities concerned about the rampant development of the coast and the shrinking spaces for their livelihood activities. After a protracted struggle, the government cleared the final 2011 version of the Notification, which mentions the customary rights of fishers. There is a provision for designation of critically vulnerable coastal areas (CVCAs). Whether this is positive for local communities will depend on its implementation.



69 participants at the workshop on "Fishery-dependent Livelihoods, Conservation and Sustainable Use of Biodiversity: The Case of Marine and Coastal Protected Areas in India"

Sebastian Mathew, Programme Adviser of ICSF, spoke of how all the State Marine Fishing Regulation Acts mention conserving resources, regulating fishing, and wildlife protection. Many of the State acts also prohibit certain fishing methods and gear deemed harmful to wildlife, such as the use of explosives and stake nets. He also highlighted how effective implementation of some of the existing provisions can contribute to conservation of fishery resources.

During the discussion sessions, K B Thampi, (Retired) Principal Chief Conservator of Forests (PCCF), Kerala, pointed out that several of the laws discussed do not have a clear institutional mechanism for their implementation. This hampers effective implementation, with departments working at cross purposes. He also pointed out that the progressive National Forest Policy was formulated in 1988 but was not followed by an act incorporating ideas expressed in the policy; instead, the Indian Forest Act of 1927 is still valid. J R Bhatt, director, MoEF, concurred that the acts are silent on forward-looking ideas introduced in policies.

#### **Political economy**

Shalini Bhutani, an independent researcher who works on agriculture and trade issues, stressed the need to locate all legislation in the context of

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Advocate Nagasaila, Deepak Apte of BNHS, V Vivekanandan of ICSF, B C Choudhury of WII, Ashish Kothari of Kalpavriksh and Shekhar Kumar Niraj of Govt. of Tamil Nadu at the close

the political economy. Implementation will be coloured by this political economy; we need to analyze, for example, how trade and trade policies are interacting with the environment laws.

J R Bhatt spoke of the difficulties faced by policymakers. He mentioned that there is a lot of pressure at the international stage to meet the obligations of multilateral agreements, which may be in contradiction with conservation or fishers' needs. He commented that conservation without sustainable use and equitable sharing will have no meaning.

Chandrika Sharma, Executive Secretary of ICSF, flagged the importance of having a co-ordination mechanism between government ministries and departments, particularly those dealing with fisheries and the environment. Y S Yadava of the Bay of Bengal Programme Inter-governmental Organization (BOBP-IGO) stressed that while such co-ordination is important at the central level, it is perhaps even more important at the state and local levels. Fisheries departments need to play a much greater role in fisheries management.

Sebastian Mathew of ICSF spoke of the need for fisheries departments to move towards greater conservation of marine-fishery resources, and protection of marine habitats. He also drew attention to the need to recognize

the rights to fish in marine internal waters consistent with such rights in territorial waters.

Ashish Kothari of Kalpavriksh stressed on the need for participatory and equitable governance of protected areas. He highlighted the role of local communities in governance, not only in management. The implementation of protected-areas worldwide has led to conflicts because the livelihood rights of communities have been ignored, rendering conservation itself unsustainable. Protected-area governance should be gauged by its quality—whether basic human rights have been respected, he said.

Speakers at the workshop also provided examples of community-managed conservation areas from across the world. Kothari spoke of the Programme of Work on Protected Areas (PoWPA) under the CBD, which emphasizes the importance of governance, participation, equity and benefit sharing. He drew attention to the many examples of community-led conservation that have been documented through the Indigenous and Community Conserved Areas (ICCA) network, such as the Annapurna Conserved Area, Nepal, French Region National Parks, Galapagos National Park in Ecuador and the Kaa-iyá del Gran Chaco National Park in Bolivia.

Ramya Rajagopalan, Consultant, ICSF, drew attention to successful community-led efforts for conservation of coastal and marine biodiversity from around the world. She spoke of traditional taboos on access, on irresponsible resource use, and spatio-temporal restrictions imposed by different communities.

Prakriti Srivastava, Deputy Inspector General (DIG), Wildlife, MoEF, spoke of the community-led turtle conservation that she had supported as the Divisional Forest Officer, Calicut (Kozhikode), Kerala.

### Turtle nesting

With forest-department support, turtle-nesting numbers went up over the years, a plan for a resort was successfully fought, and other problems such as water scarcity were addressed. She said that when the

forest department associates with the community, it can benefit the community and conservation, and that when groups work in isolation, there is no progress.

V Vivekanandan, Member, ICSF, spoke about the self-governance systems prevalent among fishing communities across the coast. He mentioned some of the self-imposed restrictions observed by the fishers to manage resources and resolve conflicts, such as local bans on ring-and-purse-seines. He emphasized that no management or conservation initiative can afford to ignore the self-governance institutions among fishing communities.

R K Patil of the NFF said that though as a fisherman he was a “killer of fish”, he understood the importance of conservation. The NFF has, over the years, undertaken several campaigns and struggles seeking conservation of marine and coastal biodiversity. He reiterated that fishers are ready to work with the government to manage resources, but that the government has to recognize the rights of communities. He added that if communities are not part of the decisionmaking, they will have no choice but to oppose MCPAs, as they have done in Malvan.

The Delhi workshop saw a consensus on the need for better co-ordination and understanding among stakeholders. Speakers spoke of how underutilized legal options, such as conservation and community reserves, biodiversity heritage sites, and ESAs, which provide greater opportunities for community participation in conservation and management, including opportunities that enable them to regulate developmental activities detrimental to the coastal and marine ecosystem, must be explored. Several speakers also named the commercial fishing interests as contributors to depleting fish stocks.

Vishnu Bhat, Fisheries Development Commissioner, DADF, reiterated the need to spotlight fisheries. He pointed to the need to augment capacity at various levels for

proper implementation of fisheries management.

J R Bhatt underscored the lack of capacity within the ministry when it came to the marine environment. He also concurred with Kothari that the protected-area system required a review. Tarun Shridhar, Joint Secretary, MoA, commented that whether fishing rights could be enshrined in separate legislation needs to be looked into. He also underscored the necessity for co-ordination between the MoA and MoEF through an appropriate institutional mechanism.

Commenting on the unimaginative alternative-livelihood programmes that often have no connection at all to traditional livelihoods pursued by the community, B C Choudhury of the Wildlife Institute of India (WII), said such programmes are about the three Ps—*papads*, *petticoats* and *pickles*! WII, he said, had identified 350 marine and coastal high-biodiversity areas, which would benefit from conservation; but, he felt, the catch is in the name—protected area. He suggested calling them instead conservation areas. WII had recommended that 102 sites of the 350 should be designated for conservation. Many of these have

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traditional resource-management practices that need to be documented. He also called for a network of community-managed areas. He reiterated the need to re-evaluate our terrestrial approach to marine conservation.

Deepak Apte, of the Bombay Natural History Society (BNHS), noted that in his experience small-scale fishing communities are supportive of conservation, if their access rights to sustainably use the resource are not jeopardized. The challenge is to

## Matanhy Saldanha (1948–2012)

**M**atanhy Saldanha, Chairperson, National Fishworkers' Forum (NFF), India, died of a heart attack early morning, Wednesday, 21 March 2012, in Panaji, Goa.

As the founding Chairperson of the NFF in the late 1970s, he led many struggles of non-trawl fishers against bottom trawling. These struggles eventually led to the demarcation of maritime zones where trawling was prohibited, and to the implementation of a uniform seasonal monsoon fishery ban in India.

Matanhy was re-elected for another term, as Chairperson of NFF, in 2009. During his second tenure, in the face



of indiscriminate industrialization of the coast, he fought tirelessly for the protection of India's coastal zone, and for the right of fishing communities to live peacefully along the coast and to fish

in its nearshore waters.

Matanhy's demise is a big loss to Goa and to the fishworker movement of India.

In the words of Pradip Chatterjee, Secretary, NFF: "A person of immaculate honesty and integrity, a great orator, a true friend and able leader of traditional fishing communities, a diehard fighter and a very sensitive and gentle person, Matanhy Saldanha will be remembered for years to come."

use provisions in environmental and fisheries legislation that allow for communities to participate equally in conservation and management. This will also go a long way in regulating the mad rush for 'development' along the coast.

Ashish Kothari, of Kalpavriksh, reiterating the need for legislation to protect the interests of the fishing community, along the lines of the Forest Rights Act of 2006, called on the MoEF to undertake a review of all MCPAs in India prior to COP11 of the CBD, especially to see if MCPA practices, including governance aspects, were consistent with CBD's PoWPA. Based on the review, the MoEF should take a series of steps to improve governance of MCPAs, he suggested. 3

### For more



[sites.google.com/  
site/2012mpaindiaworkshop](http://sites.google.com/site/2012mpaindiaworkshop)

**Delhi MPA Workshop Website**

[icsf.net/icsf2006/jspFiles/mpa/index.jsp](http://icsf.net/icsf2006/jspFiles/mpa/index.jsp)  
**MPAs: Local and Traditional Fishing-  
community Perspectives**

[www.cbd.int](http://www.cbd.int)

**Convention on Biological Diversity**