

COASTAL LAND RIGHTS OF FISHING COMMUNITIES CLAIMS FOR SURVIVAL A GENERAL STUDY

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ABSTRACT

Marine Coastal ecosystems and coastal communities are poorly repeated in the public debates on India's social and environmental problems Coastal and marine ecosystems are the backbone of a fisheries economy that supports livelihoods of million directly and several more indirectly According to the Marine Fisheries Census 2005, commissioned by the Department of Animal Husbandry Dairying and Fishers, Ministry of Agriculture, Government of India and conducted by the Central Marine Fisheries Research institute(CMERI, India's shores are home to 3202 marine fishing villages, 1332 landing centres and 7.36212 households This amounts to total of 3.52 million marine fisher folk in all maritime states and union territories of India, excluding the union territories of the Andaman and Nicobar Islands and the Lakshadweep Islands Despite 68 years of Independence, individual or community rights of fishing communities over coastal lands still do not exist In most cases, communities do not even have titles and deed for their houses and settlements. This poses a real and present danger to the very existence of fishing communities fighting with non-coastal commercial interests on their home land. With a aim of promoting and supporting sustainable livelihoods, social development of the fishing communities and to promote ecologically conservation and management in coastal and marine in India non-governmental worked on it.

Key Words : Marine, Coastal, Fisheries, Fishing communities.

INTRODUCTION

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TRADITIONAL FISHING COMMUNITIES AND FISHERIES

A large percentage of fishers are involved in artisanal, small-scale fishing operations in open bodies including the sea, rivers and creeks, as well as in fish trading processing and related activities. Fishing as an occupation is said to predate settled agriculture Marine fisheries have always been part of the market system as it was never only subsistence based. In the Indian context fisheries was also the entire occupation of a single caste, geographically located in a village, unlike agrarian multi-caste structures

Over time, there has been a cultural transformation in fisheries- a process consciously facilitated by the State. The current state of fisheries finds its genesis in the monetization programme introduced by the Government of India to develop the sector with the focus for development through the maximization of production. In the late 1970s, modern fishing methods threatened the livelihoods of these communities and coastal ecosystems. Mechanized craft and gear, principally trawlers with bottom trawling gear, severely impacted fishing stocks.

Unfortunately, these projects were carried out without much assessment of the impacts of such modernization and mechanization on the culture of fisheries and social arrangements within communities themselves. Fisher folk in India have struggled for greater control over the seas and resource management, struggles which have been directed both inward as well as against the State. As a result, development has been encouraged without sufficient emphasis on resource conservation and has also increased disparity in the social and economic status of various fishing groups with the non-mechanized sector, especially the traditional fisher folk (many of whom still use traditional fishing techniques - either in craft or gear) falling at the bottom of the spectrum. Fisher communities, particularly the artisanal communities, find themselves most impacted by this alienation, as the development drive has left them marginalized.

In the past, India's coastal areas and resources were managed within a framework of traditional knowledge accumulated over the centuries. Community groups such as fishers and other coastal populations enjoyed customary or traditional rights to exploit resources and to fish in adjacent coastal areas. The modern state impacted the customary practices of these communities and without communitarian controls.

The conflicts over fish resources have been mostly between sections or categories of fishers (Some fisheries were introduced through government programs and schemes like trawling) and the failure of the State to regulate or achieve consensus on sharing of

resources between these various categories. The conflict over the coastal space is mostly between fishing communities and other new users and interest groups. Access to coastal resources is now being thrown open to all, giving a new meaning to the idea of coastal commons. Conflicts are increasing with a number of communities being displaced from coastal areas or being threatened with displacement. It must be emphasized here that there are very clear linkages between the rights to the coast and the right to fish as without the former, the latter will be difficult to operationalise and eventually rendered meaningless.

Marine fishing in the Indian context, for most part, has been the entire occupation of a single caste dominating either villages or coastal stretches regions geographically. The single caste demography of these communities has meant considerable autonomy and self governance that is highly organized, more or less equitable and controlled internally. The traditional community governance institutions in fishing communities are responsible for several functions in the village management of livelihood relations, dispensing justice and conflict resolution, organizing or presiding over social and religious community events, managing community income and expenditure and serving as a bridge to the outside world. These community institutions resolve conflicts both within the village as well as between villages and are also instrumental in governing commons (social, cultural and economic). However, the constitutional governance systems and the State do not recognize these institutions and the lack of a formal recognition of rights in the coastal governance framework will only lead to conflict and undermining of fishing community livelihood and social needs by corporate and non-coastal interests".

Individual or collective rights of fishing communities over coastal lands still do not exist and in most cases, communities do not even have titles and deeds for their houses and settlements despite 60 years of Independence. In the past few decades, fisher folk have mobilized and organized to demand land rights from the State because of the rapid development in these areas. There have been many sectors, projects, and interest

groups who have been waiting to usurp the coastal land and its bountiful resources. The coastal communities' traditional claims over coastal lands have prevented the onslaught of privatization in the coastal areas. The Coastal Regulation Zone (CRZ) Notification, 1991 has been the only legislation with some mention and reference to customary rights of fishing communities on land in the coastal zone. However, it did not contain provisions and details to ascertain, or establish these rights. The CRZ also did severely restrict fishing communities through the "No Development Zone" and placed restrictions on housing within 200-500m in CRZ-III. Furthermore, in the CRZ-1 zones, no new development was possible. Despite this, fishing communities have seen the CRZ in its 1991 form as an instrument in their favor as it regulates all activities that can potentially impact the coast and community livelihoods.

At present there is a real threat to the very existence of coastal communities posed by a number of factors. An inequitable policy framework exists which is devoid of people's participation. There are uncounted violations of CRZ Notification in coastal areas and its repeated amendments. It has already been analyzed that the 21 odd amendments to the CRZ Notification were mostly in favour of development pressures and special interest lobbies (Menon & Sridhar, 2007). This backdrop forms the driving force behind this report which seeks to argue a case for according coastal land rights to fishing communities"

CONCLUSION

Given that fishing communities are integral to the coastal area of India which is illustrated in section II of this report, the State has to recognise the rights of the fishing community to access and use of beach space, as well as regulate the entry of external actors. There has been a consistent demand to recognise the rights of fishing communities to access and use the coastal space. There was also a very clear demand for the

unambiguous role and responsibility of fishing communities in the management and protection of the coasts.

The reports make a case for coastal land rights to be accorded to fishing communities. It gives an overview of land use through some illustrative case studies on beach and coastal land use by fishing communities in India and traces the demand for housing and land rights among fisher groups as well as the provision of the same in the coastal legislation framework. It also provides an overview of the coastal environmental legislative changes initiated by the Indian ministry of environment and forest. The analysis of the different reform committees' recommendations, consultations, campaigns and the engagement between communities and the state reveals the fragility of fisher folk livelihood security in the absence of coastal land rights. The key focus of the recommendations made here is to evolve and strengthen government policies - along with community-based governance structures, for the control, rights and access of coastal resources, particularly coastal lands. Only by ensuring coastal land rights of fishing communities as defined by socio-cultural traditional boundaries, can a balance between development planning, coastal management and fisher livelihoods be achieved.

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