

International Jury Verdict:
Independent People's Tribunal on the Implications of
Blue Economy in East Coast of India

Date of Tribunal: 25th November 2020

Verdict signed by Members of the Jury:

- Jst (Rtd) K. Kannan, Former Judge at the High Court of Punjab & Haryana and Chairman of the Railways Claims Tribunal, Principal Bench, New Delhi, India
- Liziwe McDaid, Climate Justice Activist, Goldman Environment Awardee, South Africa
- Dr Paula Satizábal, Professor at the Melbourne University, Australia
- Prof. Saleemul Huq, Director, International Centre for Climate Change and Development, Bangladesh

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JURY STATEMENT OF INTENT

The Independent Peoples' Tribunal on the Impact of Blue Economy on the East Coast of India, is part of a series of tribunals being held across Bangladesh, India, Indonesia, Sri Lanka and Thailand. These tribunals are an outcome of two years of rigorous research and community participation by a consortium of civil society organisations across these 5 countries. The series of tribunals is being facilitated by SNEHA, a civic action group working on coastal and marine issues in India. Given the length of the Indian coastline and the variety of local languages spoken, two tribunals are being organised for the country - one for the East Coast and one for the West Coast of India. The Indian tribunals are being hosted by the National Fishworkers Forum, with the support of various allied organisations such as the Delhi Forum, Dakshin Foundation, Equitable Tourism Options- EQUATIONS, Law Trust, Environment Support Group, Centre for financial Accountability, The Research Collective-PSA, Public Finance Public Accountability Collective and other solidarity groups like the Coastal Action Network.

The Jury members express our gratitude to the organisers for inviting us to be part of this important international tribunal, as the jury. It was indeed a day of great exposure and learning, especially for those of us who come from other parts of the world. The jury is informed of the systematic dilution of environmental laws, mass diversion of commons for private profit and the land and ocean grabbing from coastal fisher communities in the name of the Blue Economy and national development. These actions have been adopted by the government to build a profitable ocean economy by privatising and commodifying ocean and coastal resources. Protests by the community against projects that are impacting their lives, are met with legal action or police oppression.

On behalf of the fishing community of the east coast of India, a collective of organisations from across several countries in South and South-East Asian, led by SNEHA, India, and National Fishworkers Forum, India approached the Jury members to hear the concerns of the community. The People's Tribunal will give these impacted communities a global platform to raise their issues and build international solidarity and awareness around the situation in India. The jury was informed that during this tribunal it will have the opportunity to hear testimonies and evidence from fisher community members, civil society organisations, and experts. Based on the evidence presented the jury would need to arrive at a verdict which could include recommendations of remedial actions or measures to be taken by the Indian government, the global inter-governmental agencies and concerned international organisations.

TRIBUNAL PROCESS

The Jury members are deeply impressed by the detailed presentations done as submissions during the Tribunal. The jury expresses its appreciation for the effort taken towards comprehensively presenting much important information before the Jury in the Tribunal, through presentations and testimonials by different people. In instances where direct corroboration of certain arguments were not possible, the Jury was provided historic, social, economic and cultural analyses. We would like to recognise the following:

1. **Jesurethinam, international coordinator of the Blue Economy Tribunal Research team**, presented the context, background and the dominant context of Blue Economy as -
 - Exploration based on scientific assessments
 - Exploitation of resources
 - Expansion of coastal and marine sectors

And that this is done through legal, liberal, global agreements and the influence of International Finance Institutions.

“The ocean is being shared and marine spatial planning is being done in India. But where is fisheries in the whole context.? The sharing is with investors (and) business people through different components of Blue Economy... This is a neoliberal growth model, market based growth, export oriented, favouring accumulation of profit, commodification of natural resources, change in policy and legislation to serve commercial interests, creation of institutional mechanisms at national and international levels to support this.”

2. Fishing community leaders from other regions and countries made important statements, particularly -
 - a. **Nadine Nembhard, Secretary General of World Forum for Fisher Peoples, (Belize)**- shared news from Belize that the Ministry of Fisheries has been replaced by the Ministry of Blue Economy and pointed out to the dire consequences that this change would have on small scale fishworkers. She lent a voice of support to the tribunal process - *“We appreciate the work you are doing to expose the truth about the Blue Economy. These tribunals are good examples of the type of actions that we should be supporting and recommending for all fisher peoples...You have the support of the entire world forum of fisher peoples..”*.
 - b. **Harman Kumara, National Convenor, NAFSO and Special Invitee, WFFP Srilanka**- described this new era of blue economy as one in which States are exploiting the common resources and made an appeal for international solidarity. *“Now, with the blue economy concept or practice, the corporates will run with*

the resources and capture everything....Though the pandemic clearly exposed the lacks of the neo-liberal economic policies, now we can see how the states are taking over the resources of the people and how they are using this (the pandemic) to take over the resources, displace the fishing communities and destroy the environment. The States are exploiting the common resources of the people. And we need international solidarity and we need to come together more.”

- c. **Narendra Patil, Chairperson National Fishworkers Forum, India** - Welcomed everyone to the tribunal to discuss the east coast of India, after the successful completion of tribunal across Indonesia, Srilanka and Thailand. He also drew attention to the projects such as the port development led Sagarmala project and Shipping corridor project, which are threatening the livelihoods of traditional fishworkers across India.
3. 4 state reports - '*Blue Economy - Exploring the Socio Economic Political and Ecological Implications on the Coastal Communities*' - from Odisha, West Bengal, Andhra Pradesh and Tamil Nadu, along with the Executive Summary presentation of the overall implications for the east coast was made during the tribunal. The jury is impressed upon by the submissions that adequate methodological due diligence has been applied by the Research team and representatives of the fishing community, in presenting the following facts before the jury. The methodology included: -
 - a. FGDs with the representatives of coastal communities, trade union leaders, Federation members, associations, and civil society organizations.
 - b. Interviews with traders and supply chain intermediaries in fisheries
 - c. Interfaces with national and local coastal authorities; interaction with government officials and ministerial interaction, including with port authorities
 - d. Interactions with experts and academicians
 - e. Doctrinal research on global, national and local policies, and institutional frameworks of each country

The Executive Summary was presented before the Jury in the Tribunal, and all the state reports were submitted to the Jury as well. Important parts of the reports have been captured in the following sections.

4. Presentations by three experts, Khushi Kabir, Coordinator, Nijera Kori, Bangladesh on '*Promotion of Culture Fisheries in the Context of Blue Economy*'; Usha Ramanathan, Social Activist, India on '*Coastal Commons, Community Rights and the Principle of Eminent Domain*' and Stella James, Researcher, EQUATIONS on '*Tourism Development in India in the Context of Blue Economy*'.

5. Video testimonials and live testimonials from community representatives from 4 states on the social and ecological implications of ports, intensive aquaculture, infrastructure projects, tourism and shift in governance of coastal commons.

PEOPLE'S CHARGESHEET ON THE BASIS OF INTERNATIONAL AND DOMESTIC LAWS

The Indian fishing community charged the Indian government with breach of obligations arising from international human rights law and international environment agreements and violations of the Indian constitution. Breach of the following international agreements are brought to the jury's notice:

1. International Covenant of Economic, Social and Cultural Rights

Article 1.2:

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

2. United Nations Declaration on the Rights of Peasants

Article 5.2

States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

(a) A duly conducted social and environmental impact assessment;

(b) Consultations in good faith, in accordance with article 2 (3) of the present Declaration;

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas

4. United Nations Declaration on the Rights of Indigenous Peoples

Article 19

States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and

informed consent before adopting and implementing legislative or administrative measures that may affect them.

5. The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement

Sec.I Para 6.

Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.

Sec. II B Para 16.

All persons, groups, and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education,

Sec. II C Para 25

In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.

Sec. II D Para 32

States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

Sec. III Para 38

States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities,

as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

Additionally, the people charged the Indian Government with violations of the following domestic laws and norms:

1. Indian Constitution

Article 21

No person shall be deprived of his life or personal liberty except according to a procedure established by law.

The Supreme Court over the years has passed judgements that clarify that the ‘right to life’ as enshrined in the Constitution also encompasses the right to live a life of dignity, right to livelihood, right to clean environment and all other fundamental needs such as health, nutrition, shelter etc that make life worth living and not a life of mere existence.

In addition in the case of ***Bandhua Mukti Morcha v. Union of India*** the Court observed that when Article 21 is read in combination with clauses (e) and (f) of Article 39 and Articles 41 and 42 of the Directive Principles of State Policy, the right to life must *“include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief.”*

2. Public Trust Doctrine

As accepted in **MC Mehta v. Kamal Nath [(1997) 1 SCC 388]**, the State is a Trustee of natural resources and must ensure that the public resources are protected for the benefit of the public. Destruction of these resources and enabling private profiting from these public resources violates the public trust doctrine that is now part of Indian jurisprudence.

The people also raised the issue of the government diluting the following environmental laws in order to facilitate the rampant destruction of the environment, the displacement of local communities and suppression of consultative processes in favour of corporate and commercial interests and to facilitate the implementation of the planned Blue Economy agenda.

1. **Coastal Regulation Zone notification** 1991 and 2011 was diluted by the Coastal Regulation Zone Notification 2019 (which in turn violates the umbrella legislation of Environment Protection Act)

2. **Environmental Impact Assessment** 2006 saw various diluting amendments culminating in the draft EIA 2020 (which in turn violates the umbrella legislation of Environment Protection Act, 1986)
3. **Coastal Aquaculture Authority Act** was created under the justification that it is mandated by the judgement of S Jagannathan vs. Union of India [(1997) 2 SCC 87]. This judgement banned the practice of aquaculture in the CRZ areas by interpreting the CRZ 1991 notification. However, the new Act goes against the spirit of the judgement and is a push towards regulating and intensifying aquaculture in water bodies.
4. **The Right to Fair Compensation and Transparency in Land Acquisition Act 2013** (LARR) was passed in 2013 which mandates community consent for Public Private Partnerships and Private Projects, mandatory Social Impact Assessment, 100% compensation where land is acquired, and Rehabilitation and Resettlement of those who are affected is also mandatory. In 2014 the government diluted the above LARR of 2014 through an ordinance overturning all the mandatory compliances.

EVIDENCE PRESENTED TO THE JURY

The jury heard findings, research study, testimonies from coastal people (mainly fishworkers and fishworkers union representatives) and expert presentations on the implication of the Blue Economy on coastal communities and small scale fishworkers in particular on the East coast of India. Reflecting on the evidence presented we asked ourselves the following questions, to arrive at this verdict:

1. What implications does the emergence of intensive aquaculture on the east coast hold for coastal communities and ecologies on the east coast?
 - Under the Blue Economy Framework, and its implementation in India, aquaculture is a major feature. This is reflected in legal, fiscal, and state level policy changes that have emerged in the last few years.
 - In this regard, evidence on the impacts of intensive aquaculture presented from all four coastal states on the East Coast shows that aquaculture has had a devastating impact on people and landscape in detrimental ways.
 - In West Bengal, Odisha, Andhra Pradesh and Tamil Nadu many of the issues reported are common. Effluent discharge from aquaculture farms are reported to be released into tidally influenced water bodies affecting not only the ecology of the

estuaries, preventing spawning of fish, but also the nearshore waters. This is evidenced by small scale fishworkers who attribute the decline in the catches to pollution runoff from farms.

- Privatisation of common property resources is yet another concern, in places like Lake Chilika. A 1990s policy that permitted the entry of private investment, to lease and enclose the lake has wreaked havoc. Not only are the small scale fishworkers seeing their livelihoods being threatened by issues of pollution, but the embankments built on the lake have disturbed the natural tidal ebb and flow, affecting the marine life that live here.
- Aquaculture at large, seems to favour private interests over public. The new policies, financial allocation of state investments all seem to be targeting enterprises rather than local communities. This is especially evident in allocation for hatcheries, technology, and agrofeed companies for aquaculture.
- Organisations like DMF further contest the legality of aquaculture operations. Their documentation of aquaculture operations indicate that the majority of them violate the norms of the Coastal Aquaculture Authority Act and land conversion laws.
- On the question of legality, the report from Tamil Nadu highlights the moves by the state to regularise aquaculture farms through legislation. Further, are the plans for ‘Aquaculture Zones’ and permissions being given to draw water from groundwater and other sources in these states that are already drought prone.
- Finally, in the face of increasing climate change related impacts, the destruction of mangroves and converting land into aquaculture was reported as a matter of great concern in locations like the Sundarbans, Odisha and Tamil Nadu whose coasts regularly face cyclones, floods and storm surges.

“Coastal aquaculture has been of a grave concern. With its intensive nature, fishers have been complaining against ill effects like coastal pollution, encroachment, loss of land use of habitat, salinity increase, loss of cultivable land”

- Pradip Chateerjee, Dakshinbanga Matsyajibi Forum, West Bengal

“Small scale fishers are struggling a lot with intensive shrimp aquaculture. We used to catch small foraging fish near the shoreline, now it is not possible. Lot of people who worked near shorelines have lost their livelihood. Intensive shrimp farms have no effluent control. They let it out untreated into coastal waters.”

- Debabrata Khutia, Kanthi Mahokuma Khoti Matsyajibi Union, West Bengal

“Promotion of culture fisheries created a huge displacement, areas where shrimp aquaculture was more practiced, poverty increased to the highest levels in the country as those who practiced aquaculture were making money by exploiting the local people whose traditional income sources were destroyed and grabbing their land”

- Kushi Kabir, Coordinator, Nijera Kori, Bangladesh

2. Port modification and expansion seems to be a significant thrust area of Blue Economy, what are the issues this present for coastal communities in the present and future?

- The research team presented to the jury the scope of the Sagarmala port-led development project. As the flagship sector of the Blue Economy in India, the vision is to transform India into a maritime economy, by establishing new ports and modernising old ports along the 7500 od km coastline of India.
- Beyond ports, the project envisages several ‘coastal economic zones’ for various industries as well as a multi-modal transformation of the road, river and railway networks to link the ports to the rest of the country.
- It was reported that currently Adani operates 10 ports and terminals, which is 24% of the country’s port capacity in India.
- The team presented the fiscal allocation for the various components under Sagarmala which itself is telling where the priorities lie -
 - Component wise Investments in Sagarmala
 - Total investment: 7,78,080 Cr
 - Port led industrialisation: 51%
 - Port Connectivity: 30%
 - Port modernisation: 18%
 - Coastal community development: 1%
- During the Tribunal the port development projects from several locations of the East coast were heard with testimonies and evidence of the distress this has caused the socio-ecology of the East coast.
- Key concerns reported start with the sheer scale and numbers. In states like Odisha whose coast is 480km, there are currently 13 ports that are being planned. Whereas in Tamil Nadu, the plans of 27 ports on a 1000 odd km coastlines renders a vision of 1 port for every 40km.
- One of the main concerns that was reported across port development projects is the high levels of coastal erosion and accretion effects it brings to the coastline. Being a

mineral rich state, the processing and loading of cargo is expected to also create tremendous pollution to air, water and soil in irreversible ways.

- Other concerns are linked to the access to the coast, which is heavily restricted in port clusters. With high security levels, fishworkers report harassment. Land grabbing is also being reported by coastal communities, who are being either forced to vacate, causing severe concerns regarding displacement.
- Ports and other big coastal infrastructure are also compounding the current existential threats in the form of climate change impacts. The east coast over the last decade and more has seen a spike in the frequency of cyclones. The construction of ports has made the coastline extremely vulnerable - exacerbating the impact of cyclones, storm surges, saline water intrusion to groundwater tables. This has reduced the capacity for climate change adaptation and mitigation and has put lives directly at risk.
- In all port projects presented, one of the main issues is the poor handling of cargo as well as deplorable standards of waste management during construction. This has caused decline in fish stocks, health and capacity of breeding in shallower waters.

“Kakinada port, harbour is there. They are still constructing Uppada harbour. 18 kms of coast has already been washed off, which cannot be reclaimed ever. If Uppada is constructed entire coast will be washed off ”

- Debashis Pal, Democratic Traditional Fishers Workers Forum, Andhra Pradesh

“Paradip port was being constructed, the fish started getting affected. In 1989 and 1999, two cyclones affected our fishing community. That time they told us you cannot go fishing near the port areas and they will set up separate fishing harbours for us. They discussed with us many times, the fishing harbour was to be set up near the 5th gate of the port, but they have never set up this harbour, not yet. They have made arrangements for trawlers to go out and fish, but no arrangements for traditional fishers. We informed our plight to the fishing director and other authorities but they haven't made any arrangements for us. We fish with a lot of difficulty, we have to walk 10kms after catching fish. ”

- Subba Rao, Sandhakuda Village, Odisha

3. In addition to port led development under Sagarmala, there are several other infrastructure based investments that are being planned and currently underway. What are the other areas of infrastructure developments and who benefits and who is disadvantaged by these?

- Other infrastructure projects include ‘Coastal Economic Zones’, Offshore Oil and Gas, Allied infrastructure of culture fisheries.
- CEZs are industrial parks in close proximity to ports which are situated a little inland. Under the Sagarmala plans these CEZ will host industrial manufacturing/processing facilities. Acting as a hub for factories of different goods. Coastal communities express concern about land acquisition, resulting displacement. Potential health hazards due to poor monitoring and management of pollution wrt industrial production systems. Testimony example was cited in Visakhapatnam, where Pharmaceutical companies have raised levels of pollution which has been directly attributed to a drop in fertility rates of women.
- Offshore Oil and Gas projects and their impacts were mentioned by several state representatives present at the meeting. The research team pointed out that in East Godavari, which was also reiterated by testimonials, *“Offshore exploration resulted in access to fishing grounds lost, loss of fish species, destruction of coastal and marine ecosystems, gas leakages and explosions leading to death, suppression of protests”*
- Under the new fisheries policies and fiscal allocation, there is major focus on the development of pre and post harvest technologies to support aquaculture. This is in the form of hatcheries, seafood processing plants, biochemical industries and other equipment manufacturing. Concerns from fishworkers include - the marginalisation of livelihoods as fisheries policies are reoriented to benefit private enterprises.

“They (the government) are not only taking agri land but also water and coastal areas. People will not be able to farm, fish.... They will set up thermal and power plants. This will make the entire delta area into a desert.”

- Sethuramalingam, Writer (on the Tamil Nadu hydrocarbon projects)

“Commons is not just a physical space, a pie that can be neatly cut up and shared between

different people. Commons is about community.”

- Stella James, EQUATIONS, Bangalore

4. The east coast of India has several stretches of long sandy beaches. What are the plans for Tourism under the Blue Economy and what are the socio-economic and ecological costs and benefits?

- As per the Swadesh Darshan Scheme, Integrated Development Theme Based Tourist Circuits by Ministry of Tourism was implemented in which Rs. 89,594 lakhs was passed.
- Several points from all the East coast states were developed to be tourist spots. ICZMP Phase I pilot project implementation in Gujarat, Odisha and West Bengal: contributed to boost tourism and investment promoted for tourist infrastructure development activities including cruises around the lake.
- Various states have passed policies and set aside large budgets to promote tourism
 - The West Bengal Tourism Policy of 2016 and 2019 proposed laying of essential infrastructure and private investment for resorts and other tourism facilities pushing for complete formalisation and corporatisation of tourism.
 - 12th Five Year Plan proposes to enhance the tourism sector with total outlay 364.00 crore in Tamil Nadu
 - The Tourism Policy 2015 of Andhra Pradesh aimed to generate Rs. 10,000 crore of private investment, targeting to make tourism account for 7% of the state's GDP creating additional 5 lakh jobs
- Thirteen beaches were selected for Blue Flag Beach Certification, an eco-label for high quality beach cleanliness, while the target is 200 beaches through ICZM-Phase 2 project. Such certification leads to various developmental activities such as landscaping, illumination, creation of public convenience, building wayside amenities, watch towers, development of walkways, upgradation of beaches, purchasing beach buggies, jetski, ampicraft, Wi-Fi, installation of CCTV Cameras etc.
- Additionally, as seen in Puri, beaches that get blue flag certification are privatised and fishers and the local informal vendors will not be permitted to engage in their pre and post fish landing activities. This kind of privatisation and restriction of access to

beaches pushed women to unsafe locations to do post fishing activities like drying and selling.

- Eco-tourism is promoted in ecologically sensitive areas, from which communities were earlier displaced in the name of conservation. Most of these projects were done by the state government and other departments like the Forest Department and resulted in displacement of communities from these places.
- While such community-based ecotourism centers promised employment for the fishers communities, the reality is that fishers were reduced to mere labour in the informal tourism economy
- All of these tourism development projects highlighted during the tribunal denied access of fishing grounds to the fisher communities which shows the serious socio-cultural impacts of tourism
- These tourist projects would also lead to increased focus on securitisation of tourist spots, and thus coastal areas.
- Many coastal ecotourism projects also impact the mangrove ecosystems which are breeding grounds for fish species including prawns and many migratory birds.

“Because of Blue flag beach the livelihood of the fisher folks are being affected, Only for some money govt is handing over beaches to private corporates instead of taking care of lives and livelihoods of fisherfolks... ..Two kms has been barricaded, only those who pay can enter, all fishworkers who were dependent on the ecosystem there have been displaced. Govt has not discussed with fisher folks before having the Blue flag beach....Beaches seem to be only for foreigners and tourists and not for people who have been living here for generations”

- A. Ganesh Rao, Odisha Traditional Fishworkers Union, (on Puri beach and its blue flag certification)

“Tourism sector is to be regulated by the CRZ land regulation zone but there are constant violations, violations of pollution restrictions. Just like when big infrastructure is placed on coastline, tourism sucks up groundwater... .. For fishworkers it is about land as much as water. Land is very important, the beach for drying, sorting and processing of fish, mending nets, boat building and tourism is reducing access to these spaces.”

- Debasis Shyamal, Dakshinbanga Matsyajibi Forum (on tourism in Digha beach, West Bengal)

“Under Blue Economy tourism is a capital intensive model. The plans are designed to exclude marginalised communities, by treating them as cheap labour for tourism.....They clubbed fishing activities and seaweed under littering in the government presentation (MoEFCC 2018 presentation), along with solid waste, industrial discharge.”

- Stella James, EQUATIONS, Bangalore

5. The management of coastline and waters in India largely comes under the common property regime. Under the Blue Economy regime there seems to be a shift in this respect. If so, how? What is the resulting impact?

- From the evidence presented on the wide ranging projects that come under the ambit of the Blue Economy it is clear that customary rights, traditional resource governance mechanisms, and the access, use and control of coastal land and water by local communities is under threat in various ways.
- In the case of aquaculture, the jury heard the case around Lake Chilika where leasing policies have essentially led to the privatisation of a common property resource and the slow erosion of rights through private capture.
- With respect to tourism, evidence was presented about how fishworkers were being cast out of their own resource base. The seafront is a place throughout the east coast of India, where fishers conduct a significant part of their fisheries related activities. From drying and mending nets; drying, sorting, processing fish; parking their boats etc. However, the approach to tourism under Blue Flag certification and other methods looks to sanitise the beach by removing the people who claim first rights.
- The notification and subsequent construction and operation of port projects essentially privatise the coastline. As they function as PPP projects, Usha Ramanathan reports of public money spent on security.
- At sea, Mariculture projects which are in the pipeline according to recent fisheries policies envisages the enclosure of nearshore waters for private leasing. Fishworkers expressed concerns about how this will affect their customary rights over their resource, the restrictions it will pose and the effect mariculture will have on the ecology.

“It's clear that the government helps private players. All we have is the Public Distribution System that gives us 5kg of rice but otherwise all other support is for private players.”

- T. Rahman, Traditional Fishworkers Union, Andhra Pradesh, India

“ People are not poor. Policies impoverish them time and again. We have seen that in land acquisition.induced vulnerability because of state policies, redundancy and displacability are in built into these systems.... By not taking people into processes they (the state) are creating systems of invisibilizing”

- Usha Ramanathan, Human Rights Activist, India

6. Sagarmala allots 1 percent of the budget for coastal community development. But the vast infrastructure development would in fact be detrimental to them than beneficial. What are the potential dangers that the fishing community foresee due to BE and the infrastructural developments it entails?

- Fishers are being seen as mere recipients of welfare, and not as right holders. Their capture-fisheries-based livelihoods as well as identity is severely under threat.
- The following impacts are already being seen and will only increase under BE
 - Fishers who, on their route to fishing grounds, enter protected areas which are under the jurisdiction of the Forest Department are registered with charges of being violators of National Park boundaries and there have been cases where criminal charges have been filed against them
 - Shrinking and loss of physical access to coastal and marine spaces due to the various ocean grabbing exercises
 - Systemic exclusion of the fishworker community from consultations pertaining to their native spaces.
 - Declaration of no fishing zones in tourist spots, security zones and conversation spaces hamper livelihoods of the fishers

- Due to space crunch at fishing harbours, the trawlers are given preference over boats of small scale fishers.
- The testimonials and research reports further highlight the following potential dangers from BE
 - Constant risk of oil spills and disasters which would ruin marine ecosystem and coastal community
 - Pollution and waste caused through these infrastructure and other activities that cause devastating environmental impacts on fragile seabed near coastal waters and deepsea waters, degrade marine ecology and lead to drop in fish resources.
 - Women fishworkers pushed to unsafe zones for post fishing activities like drying and selling fish and lose their domestic buyers
 - Militarisation of the coast and increase of coastal police lead to physical threat and harassment of fishers
 - Marginalisation of fishing communities in fisheries policy as the new categories of fish farmer and fish growers particularly with regard to aquaculture policies.
 - Take over of fishers sector by private investors who which would lead to displacement of fishers from their native coast and make them migrant labourers
 - Convert traditional fishworkers to labour in these coastal development projects

“Because of corona we couldn't sell our products and our incomes diminished, and now we have to face this. We do not want any of this Blue Economy plan. We want diesel subsidies none of this Blue Economy plan”

- K. Lakshmi, Traditional Fishworkers Union, Andhra Pradesh

“Seaweed grows on dead corals, but in the name of coral protection, they restrict us or blame us for destroying the live corals. Women dependent on the seaweeds for livelihood.....Livelihood of women are dependent on this 560 kms , the forest dwellers are given rights to take honey medicinal herbs. These women and fishworkers should be given same rights”

- Pal Samy, Ramanathapuram Traditional Fish Workers Union (impact of creating the Gulf of Mannar National Park)

“What we are learning to recognise by looking at the Blue Economy - the difference in meaning between terms like ‘use’ vs ‘exploitation’. Community ‘use’ is converted into something that has to produce trillions which then becomes about ‘exploitation’.

- Usha Ramanathan, Social Activist, India

“Barriers and entry fees on blue flag beaches is about the relationship they are defining. They are taking our beaches, our common areas. They are making it into a club, rather than these being commons and our right to access them”

- Stella James, EQUATIONS, Bangalore

JURY OBSERVATIONS

The jury thanks all those who testified. Storytelling is a political act. Although each testimony was unique and very painful, together they tell us a broader story of the precarity experienced by small-scale fishing communities in the context of expanding neoliberal policies and interventions, deregulation, marketisation, and privatisation of oceans. The jury notes that a central aspect of the current situation is the lack of recognition of coastal communities' use rights and tenure over their coastal marine territories and resources. This has enabled powerful economic and political actors to explore, exploit and expand coastal and marine development with the purpose of economic growth.

The jury understands that communities are being faced by a lack of political will by national and local government agencies to support the interests and rights of small-scale fishers. By a very terrestrial justice system, which only emphasises the relevance of social movements pushing for policy and regulatory reforms. A country develops by empowering people. The jury notes the need to redefine development, a need to move away from the current system where the State takes over everything and gives crumbs to people. Instead the State and our systems of development should empower people, like the coastal communities whose plight has been presented to the tribunal.

It is clear to the Jury that current models of tourism are evicting people and damaging ecosystems instead of rejuvenating them and providing local people with better opportunities. The jury can see that the current model of Blue Economy as seen in India is clearly a way to steal the rights of people to life, regardless of the generations who have lived along the coast, knowing how to manage these resources. What is missing and invisible to the blue economy is the many ways in which coastal communities use and engage with oceans that go beyond economic understandings. That is why sharing stories matters, we need these stories to show that these coastal marine spaces are not opened for the exploitation. They are indeed complex places full of history, culture, tradition, social relations, resource use. These struggles are shared, millions of coastal fishing communities are facing similar threats, in the context of harmful legal reforms and policies. Collective action emerges as a light of hope in this grim context of exploitation, exclusion and dispossession.

The stories we heard resemble the many stories and experiences of small-scale fishing communities in the Global South. These are stories about the destruction, dispossession, and marginalisation of coastal worlds. The impacts are on traditions and fishing ways of living, on displacement and in cases, have involved murdering of activists as well. The increasing danger and fear of destruction, in the context of climate change as well as militarisation that comes along with the expansion of these economies in particular large infrastructure projects. Yet, these are also stories about care and resistance, the signing of petitions, requests to government agencies, demands for participation, protests. There is a need to build global, national and local solidarity given that all oceans are connected. Those of us with privilege must stand by these affected communities and speak for the environment. The jury notes the need to raise international awareness of these issues and to advocate with investors and alert them to the fact that their investment is an investment in destruction.

JURY VERDICT

The Indian government's Blue Economy model seems to be oblivious to the climate crisis that is currently facing the world. Coastal communities will be the worst affected and based on the testimonies and evidence presented before the Jury it is clear that instead of building their resilience, the government's actions invisibilises them and further marginalises them.

There are different areas where action needs to be taken.

Strengthening the legal and policy framework:

1. In areas where laws and regulations recognise coastal rights and tenure, there is a need to return to rule of law.
2. Where laws have been softened or amended to allow destruction of the environment and community, these laws must be rolled back to return to their protective function.
3. Withdrawal of policies that would facilitate coastal plunder and lead to coastal erosion and climate crisis.

Building resilience:

1. Recognition of traditional knowledge and its ability to help build resilience in communities towards climate change.
2. Redistribution of resource rights to the community with legal backup. This should be written so as to allow communities to have the right to say no.
3. Meaningful representation in governance at all levels.
4. Recognition of fishworkers and workers of fishing allied activities as contributors to the growth of the nation and guardians of the coast.
5. Federalism in fisheries needs to be reinstated where regular and rigorous consultations are made with the affected fishing communities before implementation of a project in their areas. This requires foregrounding small-scale fisheries and their representatives as central to fisheries decision-making arenas, allocating funding and support to ensure that their participation is real and that their voices are heard.
6. Special dispensation must be put in place to ensure that the voices of women are heard in all decision-making consultations.

Restorative justice

1. A detailed assessment of the fisher people who have lost their habitat and livelihoods needs to be made and they should be compensated adequately. Such compensation must take into account the loss of sustainable livelihoods, the loss of access to resources held over generations and the displacement of people from their ancestral lands and coastal-marine territories.
2. Infrastructure like beach resorts that have displaced community and where it is not possible to remove, should be owned and managed in a way that compensates the affected communities. Communities should have representatives on boards and receive a share of the benefits as part of the compensation for lost future livelihoods for people and their children.
3. Damaged environments must be rehabilitated properly, ensuring the participation and inclusion of the ecological knowledge of fishing communities.
4. The rehabilitation process must be based on indigenous knowledge and such processes must be carried out consultatively and should aim to provide livelihoods to those affected.

5. Measures to protect women fishworkers who have been doubly disadvantaged as they have lost access to safe working places and their source of livelihood. This must include compensation and rehabilitative measures to protect women fishworkers and enable them to earn an alternative livelihood.