

# Orissa Traditional Fish Workers' Union (OTFWU)

At: Sana Aryapali, PO: Bada Aryapali, Via: Ganjam, Orissa, India, Pin: 761 020  
Tele:91-6811-262286, Tele/Fax:91-6811- 254314, e-mail- [otfwu@hotmail.com](mailto:otfwu@hotmail.com)

---

The Orissa Traditional Fish Worker's Union (OTFWU) represents the interests of fishworkers of the traditional sector in all 6 coastal districts of Orissa. This union is keenly interested in matters related to the conservation of the Olive Ridley sea turtle along the Orissa coast and in the protection of the livelihoods of the traditional fisheries sector both of which are interlinked.

## **Interim Orders of CEC dated 7<sup>th</sup> March 2003**

The Central Empowered Committee (CEC) constituted by the Hon'ble Supreme Court has taken up the matter of turtle conservation along the Orissa coast, and interim directions dated 7<sup>th</sup> March 2003 have been issued after the site visit of Shri S.K.Chadha, Assisstant Inspector General of Forests, MoEF nominated by the Central Empowered Committee and that of Shri R.K Tuli between 31.01.2003 and 03.02.2003. The mandate of this team was to suggest immediate measure to provide favourable conditions for mass nesting during the **current season**, [which the OTFWU assumes is the year 2003] and also to suggest measures that should be taken to prevent their high mortality.

The OTFWU is the single largest union representing the interests of the traditional fishing communities in the state. But unfortunately we were not consulted with during the first CEC site visit.

The OTFWU has been extremely concerned about certain aspects of the interim directions dated 7<sup>th</sup> March 2003. Since then the Orissa State Government has taken several excessive and drastic measures, the most serious among which have been to issue a complete ban on all fishing operations in the Gahirmatha Marine Sanctuary, Dhamara fishing zone, the areas between the Jatadhari mouth and Devi river mouth and the area between the Chilka mouth and the Rushikulya river mouth. There has basically been a blanket ban on all fishing operations in these areas where all most all traditional fishing gear and craft are totally benign and do not harm the turtle or its habitat in any way. This ban is compounded with arrests, bribes, extortion and other forms of harassment, which in the long run is detrimental to any conservation effort. Ironically

this treatment has been meted out in areas where local people are actively engaged in turtle conservation efforts.

Therefore what has in actuality happened after the 7<sup>th</sup> March 2003 interim direction is that excesses of the Forest Department have increased in the coastal areas and the livelihoods of the traditional fisherfolk are in jeopardy.

#### **Recent CEC visit to Orissa February 2004**

The OTFWU has since engaged with the State Government on the above matter. The CEC made a visit to the Orissa coastal areas on 12<sup>th</sup> & 13<sup>th</sup> of February 2004. There was no intimation of the CEC's site visit to the OTFWU by any of the Government Departments. This is in spite of the fact that the OTFWU has been centrally involved with both the Forest and the Fisheries Department of the State in resolving livelihood and conservation issues since the month of October 2003. It has been at the behest of OTFWU that several meetings have taken place at the State level to arrive at a consensus on turtle conservation measures. Therefore OTFWU is shocked that it was not informed about the CEC's visit and was kept in the dark. It was only incidental that OTFWU came to know about the visit. In this context it is very unfortunate that the traditional fishing community being the major stakeholder were not given adequate opportunity to place its submissions to the members of the CEC during their visit. The forest department officials deliberately debarred fishermen in some places from meeting the members of CEC during their field visit. On our own efforts we could only meet you and other members of the team very briefly and informally in Bhubaneswar, where you were in a hurry on the concluding day of the trip. Thus **we were in fact deprived of a proper hearing on the issues pertaining to our very livelihood.**

In the above context, as per your suggestion, we are sending you the following **submission with an earnest request to kindly give the traditional fishing community a fair chance to present our case before your esteemed committee.**

#### **Contentions of the OTFWU:**

Specifically the OTFWU has been extremely concerned with order number (x) of the CEC, which states that:

*"In view of the excessive fishing being done in the area, for the next 3 months all gill net boats operating within 5 km of the three nesting sites should be banned"*

The OTFWU would like to make the following observations and clarifications:

### **1. Gear and Craft**

- About **100, 000** traditional fishworkers earn their livelihood from marine fishing in Orissa coast. Out of these 52,500 are active sea going fishermen and rest engage in shore based fishing activities. Throughout the coast the crafts used consist of shore-based traditional/ artisanal non-motorized and small-motorized crafts e.g. wooden boats and fibre reinforced beach landing crafts known variously as ‘tepa’, nauka/ nava, balal tepa, catamaran and the fibre BLCs etc. However in the coastal areas of Jagatsinghpur, Kendrapara and Bhadrakh there are mechanised boats using non-mechanised (manual) fishing methods. They all use various types of gill nets in their fishing operations.
- The main fishing gear in the Orissa coast consists of various types of gill nets, comprising both monofilament and multifilament nets of varying mesh sizes and thickness made both of plastic and nylon (nylon is predominantly used in multifilament nets) materials. These include the disco net (trammel net), ring seine and *bahal jaal* among a plethora of other net currently in use in addition to the hook and line. Many of these nets are selective and target only specific fish species.
- However it is important to state that there is a clear distinction in the term ***mechanised boat*** and ***mechanised fishing***. The Government of India in the Ministry of Agriculture through the Central Institute of Fisheries Nautical & Engineering Training (CIFNET) provides a clarification where it states that *the fishing vessels which are fitted with permanent in-board engine along with a gear box and propulsion system are known as **mechanised vessels***. The GOI also states that *the fishing operations done by such vessels **using winches and other mechanised system for fishing operations maybe stated as **mechanised fishing*****. The fishing operations on the Orissa coast by these above mechanised vessels using gill nets is carried out **without** the use of winches or any mechanised system, and is totally manual in nature. *Therefore it is only accurate to say that the mechanised vessels of these regions conduct non-mechanised fishing, which is not prohibited by the OMFRA (Annex- 1).*

In this connection we like to draw your kind attention to a very well known legislation in the United States of America where **Section 609 of Public Law 101-162 of the Endangered Species Act of 1973 (ESA) exempts fishing vessels whose nets are retrieved exclusively by manual means from the purview of turtle conservation measures.**

## **2. Fishing rights within the Gahirmatha Marine Sanctuary**

- In the year 1998 the High Power Committee of the State Government recommended that the Sanctuary be divided into a core and buffer zone where no fishing would be allowed in the core area but certain fishing practices would be allowed in the buffer area.
- At present the Gahirmatha Marine Sanctuary comprises of a core and a buffer zone. Most of the fishing areas [the waters lying between the Barunei river mouth and extending to the southern end of the Marine Sanctuary i.e the Kharnasi creek and the villages of Batighar, Kharnasi, Barkoli etc] on the Gahirmatha coast lie in the core area, which extends for 10 kms from the coastline into the waters. The buffer area of the Sanctuary where traditional boats are permitted to continue fishing comprises of waters lying between the 10 –20 km zone away from the coast.
- The OTFWU submits that the resultant effect of the present myopic style of conservation is that non-mechanised fishing is prohibited in the fishing grounds during an important fishing season in areas where turtle congregations DO NOT OCCUR.
- The whimsical restrictions imposed on fishing allow for a great deal of harassment of the fisherfolk in these areas. Primarily fishing is prohibited in the core area but in order to pass to the buffer zone one has to travel through the core area! This has resulted in considerable amount of harassment of fisherfolk and a great deal of violence by the Forest Department.
- The OTFWU contends that this demarcation of the core and buffer zone was not a studied one. The boundaries of the core and buffer areas were not arrived at with either the turtles or the livelihoods of fisherfolk in mind. While it is becoming evident that the turtle congregation zone lies in the Ekakula Nasi area, this zone lies only in the northern part of the Marine Sanctuary. Where as the fishermen of the southern part, particularly in Kharanasi, Ramnagar, Btighar, Jmbu etc are unnecessarily victimized.
- We recommend that the core area of the Gahirmatha Marine Sanctuary be restricted to the turtle congregation zone north of the Barunei mouth and the rest of the region be declared a buffer zone. Within this buffer zone non-mechanised fishing should be permitted. Ring seine or nylon multifilament with large mesh thickness and mesh size may be restricted.

We like to draw your kind attention to Article 6.18 of the 1995 **FAO Code of Conduct for Responsible Fisheries**, which is adopted by all its member countries, including India which reads as follows:

*"Recognizing the important contributions of artisanal and small- scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction."*

### **3. Devi and Rushikulya Marine Sanctuary**

- Several hasty and unthinking measures have been initiated by the Orissa State Government in relation to turtle conservation. The most recent of all such measures is initiating the process of declaring the Devi and Rushikulya areas as Marine Sanctuaries. It is a real apprehension of the local fisherfolk based on prior real incidents that the creation of these two new Marine Sanctuaries in Devi and Rushikulya mouths will only lead to more harassment from the field Forest Department. It must be stated that these two areas have a history of turtle protection and turtle field research. Alienating these communities will not serve the purpose of conservation ever.
- It should be remembered that the Government of India has also recognized the important role of the fishing communities in the conservation of marine areas and flora and fauna. It has recently made amendments in the Wild Life Protection Act to include the concept of a **Community Reserve**. By jeopardizing a meager livelihood source the fisherfolk cannot sustain as a community neither any conservation efforts will be viable.
- Efforts should be made to work on conservation practices along the lines of a Community Reserve in the Devi and Rushikulya areas but only after due study and participation of the fishing community representatives, concerned researchers, scientists and officials of the Fisheries and Forest Department etc.

**The following recommendation no. 22 on 'building a global system of marine and coastal protected area network' of the 2003 World Parks Congress in Durban needs to be kept in mind in this context:**

*"1. Establish by 2012 a global system of effectively managed, representative networks of marine and coastal protected areas, consistent with international law and based on scientific information, that:*

*Engages stakeholders including local and traditional communities through participatory processes in the design, planning and management and, sharing of benefits of marine protected areas”.*

- **Under Convention on Biological Diversity that India has ratified:** *"(10c) protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements; and "10(d) support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced."*

#### **4. The traditional fishing community in Orissa**

Marine fisherfolk in Orissa are one of the most backward communities. ‘Development’ has meant little for this community. Very few fishing villages have a good road, safe drinking water, electricity, school or any medical facility. Better-located fishing villages with good communication facilities have been ‘developed’ as tourist centers – virtually pushing the fisherfolk out of place of work. The rest remains remote and neglected. Most of them live in thatched or mud cottages and remain highly vulnerable to cyclone, flood and other natural calamities, which is frequent in this part of the country.

- Although this community lives under precarious conditions there was no dearth of fish, ensuring a livelihood. Unplanned coastal development and poor management policy has led to a sharp and continuous decline in fish catch year after year. OTFWU recognizes certain elements here such as the uncontrolled and indiscriminate trawling, industrial and civic pollution of the sea, development projects such as ports, military establishments and operations, oil and gas exploration, rare earth mining from the coastal areas etc intensive prawn culture, collection of prawn seeds by fine mesh (mosquito) nets, uncontrolled and irresponsible tourism etc. This has made the lives of the fisherfolk and their families miserable.

Many active fishermen have been rendered jobless in recent years. The major reasons are:

- Continuous decline in fish catch and shrinking of fishing space.
- Loosing access to fishing grounds due to various environmental restrictions including marine sanctuary.
- Lack of appropriate and adequate rehabilitation programme to restore fishing crafts and gears lost due to super cyclone in 1999, flood 2002 and 2003.

## **5. Reasons for mass nesting failure**

Fishers and turtle, shark etc. lived in harmony since ages without jeopardizing each ones survival. But due to various reasons beyond the reach of our coastal fishermen some aquatic species e.g. turtle, shark, crocodile etc. are under stress. Unfortunately the traditional fisher people are made to bear the brunt of restoration and conservation schemes/ programs – in many cases without the backing of proper scientific evidence.

It has always been contented that the fishing community and its activities have been responsible for the successive failure of the mass nestings on the Orissa coast during 1997 and 1998. The research report titled *Natural Causes Lead to Mass Exodus of Olive ridley Turtles from Ekakulanasi, Orissa, India: A Need Alternate Sites* by B.G. Prusty, R.K. Sahoo and S.D. Mehta states the following from its findings:

*“Frequent cyclones in the Bay of Bengal have destroyed several depositional landforms in the past and the Ekakulanasi sand bar in Gahirmatha, the site of the world's largest turtle mass nesting, may face a similar fate. Natural erosion and cyclonic events since 1996 have reduced the nesting area from 1 sq.km to 0.23 sq.km over a period of 2 years. In light of this, the lack of mass nesting events in 1997 and 1998 was believed to be a result of natural causes.”*

The above has been quoted to show that there still is considerable amount of research work that is required to be conducted to reach final conclusions on subjects such as mass nestings. This is important before arriving at any measures such as restricting fishing in such areas (Annex – 2).

## **6. Traditional fishers and Turtle conservation:**

1. For an effective and meaningful conservation of turtles. The Orissa Traditional Fishworkers' Union (OTFWU) suggests the following:
  - a) **Traditional fishermen must be made partners in conservation efforts at all levels.**
  - b) **No traditional fishing gear should be banned without adequate and scientific study and data.**
  - c) Fishworkers displaced due to ban on any particular gear should be provided with adequate financial assistance for shifting to any other allowable gear.
  - d) Incase of complete ban on any particular area for a particular period, all affected fishermen of that are must be compensated for the loss of income for the same period. Adequate financial allocations for this purpose must be a component of the conservation program.

- e) **Traditional fisher men using traditional gears should be differentiated from Mechanised gears like trawling.**

## **7. International precedents and India's obligations**

OTFWU would like to draw the attention of the Hon'ble Supreme Court and the Central Empowered Committee to some important international precedents, conventions and obligations.

→ Section 609 of Public Law 101-162 of the Endangered Species Act of 1973 (ESA) exempts fishing vessels whose nets are retrieved exclusively by manual means from the purview of turtle conservation measures.

→ Article 6.18 of the 1995 FAO Code of Conduct for Responsible Fisheries, which is adopted by all its member countries, including India states:

*"Recognizing the important contributions of the artisanal and small- scale fisheries to employment, income and food security, States should appropriately protect the rights of fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries, to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction."*

→ The World Parks Congress held in Durban in 2003 outlines in Recommendation 22 about 'building a global system of marine and coastal protected area network' and states the following as a goal:

*"Establish by 2012 a global system of effectively managed, representative networks of marine and coastal protected areas, consistent with international law and based on scientific information, that:*

*Engages stakeholders including local and traditional communities through participatory processes in the design, planning and management and, sharing of benefits of marine protected areas."*

→ Under the Convention on Biological Diversity that India has ratified there are clauses that protect the interests of the fishing communities. Particularly, India is obliged to:

(10c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements; and

10(d) support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced.

The OTFWU strongly believes and urges that the Orissa State Government must fulfill the above obligations and the spirit embodied in the above precedents must be central to any conservation effort.

### **8. OTFWU Recommendations**

For an effective and meaningful conservation of turtles, the Orissa Traditional Fishworkers' Union (OTFWU) suggests the following:

**a) Traditional fishermen must be made partners in conservation efforts at all levels.**

b) No traditional fishing gear should be banned without adequate and scientific study and data.

c) Traditional fishermen and non-mechanised fishing gears was never a serious threat to the turtles. But despite this there was a move in Nov 2003 to impose blanket ban on all traditional fishing along 170kms of coastline covering 4 segments namely, Rushikulya (Ganjam), Devi (Puri/ Jagatsingpur), Gahirmatha (Kendrapada) and Dhamara (Bhadrakh). In this context OTFWU conducted strict surveillance of the operation of all traditional nets during the whole fishing season. The observations and findings were shared with the Dept. of Fisheries and Forests. It has been unanimously agreed that out of the whole range of gill nets only 3 types namely *Sankucha jaal* (Ray net), Ring seine and *Bhekti/ Bahal jaal* result in some turtle mortality. OTFWU has decided to give up/ ban the use of these 3 types of nets during the turtle season. The union has also decided to work in tandem with the authorities to implement this decision.

d) The OTFWU has taken a voluntary measure from its end towards turtle conservation whereby it has issued orders to its members and has recommended to the Fisheries Department that three kinds of fishing gear should be banned (the ring seine, the multifilament nylon large mesh size net –*sankutch and bhekti.*)

e) At a later stage, in event of the fact that any other gear is found to be harmful to turtles after adequate study, then efforts must be made to provide adequate financial assistance as part of a rehabilitation package to the affected fishworkers to switch over to allowable gears.

f) In case of complete ban on any particular area for a particular period, all affected fishermen of that area must be compensated for the loss of income for the same period. Adequate financial allocations for this purpose must be a component of the conservation program.

g) Fisherfolk using *non-mechanised fishing gears* should be differentiated from *mechanised fishing gears* like the trawl net and purse seine.

h) For each of the turtle congregation areas joint management/ monitoring committees comprising of traditional fishermen, officials and scientists should be formed. This committee should decide upon the exact period, nature and extent of restriction on fishing activities depending upon field observations. Instead of issuing a blanket ban for 6 – 7 months the above method will be more acceptable and effective to minimize turtle mortality and also mitigate the sufferings of the fishing community and maximize the effectiveness of conservation.

i) The Forest Department should stop all measures initiated towards the formation of any more Marine Sanctuaries in the Orissa coast. It should create management strategy for **Community Reserves** instead of marine sanctuaries, no-fishing zone etc. However the OTFWU emphasizes that such a management strategy should only be used after proper study with the community's participation at the planning, study and implementation stage. Care should also be taken to ensure that such a management strategy is not reduced to being mere eyewash, but actually is planned and executed in the spirit of true community management & conservation.

j) The State Government of Orissa should bear in mind its international and national obligations as outlined earlier and protect the livelihood of traditional fishworkers while planning and implementing any conservation measure.

**Some other concurrent measures:**

Without a substantial income to make a living the fisherfolk cannot sustain as a community neither any conservation efforts will be viable. Replenishing the fisheries resources through proper management measures can ensure this. Some suggestions of OTFWU are as follows:

1. Stop collection of prawn seeds from sea and creeks.
2. **Stop intensive aquaculture in the coastal zone. As per the SC judgment by Justice Kuldip Singh, `1996.**
3. Strict implementation of monsoon ban on trawling from 15<sup>th</sup> June to 31<sup>st</sup> August.
4. Enact National Marine Fishing Regulation Act to cover entire EEZ.
5. Diversify the existing trawlers and mechanized fleet to harvest deep-sea resources and thereby reduce overcapacity in traditional water.
6. Stop water pollution from industrial establishments, sewerage, tourism, commercial ports and oil exploration etc.

- 7. Bring about aquatic reform conferring right to the traditional fishing community to own and manage water bodies, fishing crafts and gears and distribution/marketing of fish.**

**Prayer**

As we mentioned earlier, the February 2004 site visit of the CEC was absolutely inadequate and proper opportunity of hearing the fishing community was thwarted. We request you and the CEC to give us an opportunity to present our views and concerns through a proper hearing. The CEC may kindly indicate date(s) and place for such a hearing with adequate notice.

Thanking you

Yours sincerely

(Jogendra Mallik)  
President

(K. Allaya)  
General Secretary

Copy to:

Mr. Bittu Sahgal,