

Response to Draft Coastal Regulation Zone Notification, 2018

June 2018

Coastal tourism has been an important form of tourism in India. The beaches of Goa and Kerala have been seeing tourism since the 1960s. Since then, other coastal states, especially, Tamil Nadu and West Bengal has seen increasing tourism on the coasts. Central governments and state governments have also supported coastal tourism by creating a conducive policy environment. Following are some references of coastal tourism in the draft National Tourism Policy, 2015:

"India's share of cruise tourism has, however, been steadily slipping in the recent past. It is therefore necessary to explore the creation of dedicated cruise berthing/ facilitation services in important ports, ease visa and immigration processes, introduce time efficient operations, moderate port charges and incentivise cruise operators to call on India. Similarly, coastal cruises connecting various Indian ports and river cruises need to be incentivised in the short term to add experiential products to our portfolio...."

Beach

- *Encourage States to establish Beach Development Authorities for planned development and upkeep of beaches on a revenue-generating model.*
- *Review of legislations relating to Coastal Regulatory Zones (CRZ)"*

The Ministry of Tourism under its Swadesh Darshan scheme for integrated development under theme based circuits has announced 11 projects between 2015 – 2017 to the tune of Rs.crores. These projects are located in Andaman & Nicobar Islands (1), Andhra Pradesh (2), Goa (2), Karnataka (1), Maharashtra (1), Odisha (1), Puducherry (1), Tamil Nadu (1) and West Bengal (1).

Apart from this, coastal states support tourism development on coasts, through their own policies and schemes. Tourism is a private sector driven industry. Private resorts, theme parks and hotels are some of the ways that the tourism industry invests in coastal tourism. These central government policies and schemes therefore prove to support the massive private sector in coastal tourism. The draft National Tourism Policy (quoted above), unequivocally articulates its intent when it proposed Beach Development Authorities for planned development of coastal tourism, also going a step further to propose a 'review' of the CRZ notification, which most likely indicates at dilution of the Notification.

The first amendment to the CRZ Notification was because of pressure from the tourism lobby. The tourism industry argued that the prescribed 200 meters of "No Development Zone" restricted them from competing with beach hotels of countries where no such restrictions existed. They claimed the tourism industry would require only 25 to 30 kms of India's 7500 km coastline, and hence relaxing the NDZ from 200m to 50m in CRZ Notification would not harm India's coastal ecosystem! Under pressure, the Ministry of Environment and Forests (MoEF) amended the CRZ Notification in 1994 reducing the NDZ area all along tidal water bodies. On being challenged, the Supreme Court quashed the amendment terming the step taken by MoEF as ultra vires, and restored the NDZ. This was a short-lived victory as the CRZ has been amended 21 times between 1994 and 2005, each dilution weakening the regulatory regime, many of these at the behest of the tourism industry.

A long standing demand of the coastal states at various points in time has been for the relaxation of the CRZ norms. Last year, 4 out of the 8 coastal states (Andhra Pradesh, Karnataka, Maharashtra, and Goa) have asked for the reduction of the No Development Zone from 200 metres to 100 metres for construction of tourism infrastructure.

Cruise tourism also has been gaining momentum in India. While the draft National Tourism Policy, 2015 suggests that cruise tourism has potential waiting to be tapped, since 2017, the Ministry of Shipping has been taking necessary steps to augment this in the coasts of the country. Apart from proposal to develop a new cruise tourism policy, a committee to offer recommendations for the development of cruise tourism and tenders to create terminals for cruise tourism at existing ports is underway.

It is in this wider context that the following response of EQUATIONS has been written.

Overall response to the draft CRZ Notification, 2018

1. The notification mentions conservation and protection of coastal environment. However, the rest of the document is focused on how best the coasts can be opened up for development, therefore effectively compromising on conservation and protection
2. It also compromises the livelihoods of coastal communities. This is evidenced with the shift in centrality of livelihoods to the concerns of the regulation. For e.g. the opening paragraphs talk of protection besides livelihood security and not as ensuring livelihood security like the 2011 notification
3. Tourism has received a massive impetus in the draft CRZ Notification, 2018. Tourism activities in some form or the other are allowed / proposed in all CRZ Zones.
4. Given that almost all CRZ areas have been opened for development, this will surely a competition over the resources between coastal communities and the industry This will cause a conflict between rights of local communities vs. private profit. Historically and even our contemporary realities, not only does private profit win in this conflict, but local communities have to struggle so that their rights are not suppressed, sometimes at even the cost of their existence.
5. The NDZ has been reduced to 50 mts from 100 mts in CRZ 2011. This appears to be result of the tourism industry's constant lobbying with the government for CRZ relaxations to allow the industry to construct as close to the waters and beaches as possible
6. The Hazard Line is no more a criteria for development on the coasts. The tourism industry which has known to be unmindful of risks that it creates by encroaching on natural vegetation which serve as barriers from storms and the like, will increase making coastal communities vulnerable
7. There is no direction given to penalise violators of coastal regulation.

Classification of the CRZ

While the dilution of the NDZ is itself an issue, the draft Notification goes a step further in making it not applicable to port limits. This has implications since cruise tourism is simultaneously being promoted by the government. This complete relaxation in the port limits will allow for cruise tourism related infrastructure to come up unhindered. While ports are considered for public purpose, the same cannot be extended to tourism

Prohibited activity within CRZ

1. Ground water withdrawal was restricted in all areas of the CRZ in the 2011 notification. However, in the 2018 draft, this has been dealt with as regulated activity and that too only in CRZ III areas. Water consumption of the tourism industry is far higher than that of the domestic use. This lifting of regulation from CRZ I and II will prove to be detrimental since the notification does allow for some tourism activities especially in CRZ II
2. The phasing out of discharge of untreated effluents and solid waste was given a timeline in the 2011 notification. While in the 2018 notification, it merely mentions that this is

prohibited. There is no direction by the notification either to cease the activity or penalise continued activity. The 2011 notification even acknowledges that the tourism industry is a principle violator.

Regulation of permissible activities

CRZ I A

1. Though tourism is seen as non-extractive industry, this needs to be reviewed. Construction of stilted walkways over mangroves, tree huts and nature trails in ecological sensitive areas will work counter to the stated purpose of the notification
2. The concept of compensatory afforestation does not work for mangroves, since they play a protective function to the coasts and coastal communities and therefore planting mangroves elsewhere does not serve its function. Secondly, it has been proven that regeneration of planted mangroves is uncertain
3. While there is a mention of roads and roads on stilts to be built for public utility, our concern is that this is merely a front to build last mile connectivity for the tourism industry

CRZ I B

1. There is an allowance for foreshore facilities like ports and jetties but there is no mention whether it is for public purpose or commercial exploitation. Therefore, the long standing demand of the tourism industry to allow the building of private jetties for hotels, shall finally be met.
2. Land reclamation for any kind of activity will cause change in the tidal flows, affecting fish population and security of the coast from natural hazards. The tourism industry's demands to open up use of the ITZ will contribute to this.
3. Treatment facilities for waste and effluents in the intertidal zone will affect the marine life. Tourism industry is a significant generator of waste
4. Regulation of permissible activities

CRZ II

1. Development of vacant plots proposed for hotels and beach resorts in the notification without the mention of housing clears indicates the intention of the state to privilege industry interests rather than requirements of the people like housing, parks and playgrounds. While the notification mentions that construction for housing, schools, open playgrounds are permitted in CRZ II, it directs that the vacant land be used for tourism
2. There is no mention what the role of the Town Planning Authority which looks into issues of land use. Implications of change in land use patterns include re-organising of the local economy, causing people dependent on primary modes of income generation, like fishing and agriculture are almost forced to migrate. It also causes a change in power dynamics, governance etc.
3. Increased tourism in areas so close to the coast would put pressure on availability of potable water, solid waste management and creation of sanitation facilities. The primary beneficiaries of these facilities should be the coastal communities. However, there is a concern that it will be put to use much more for the tourism industry, as has been the case in several coastal tourism destinations
4. Though shacks, change rooms, seating arrangement and walk ways appear to have a lesser impact on the environment, this is not the case. Since the coastal landscape of

the country is itself diverse. For e.g. The implication of this in the Sundarbans would be very different from its implication in Vizag. From our experiences in Goa and elsewhere, shacks can become small restaurants, changing the nature of impact

CRZ III

1. Along with the dilution of NDZ, the clause that on both seaward and landward side of national and state highways allows for tourism infrastructure development, means that effectively it is no more an NDZ. All that the notification is probably doing is that it is privileging the tourism industry to set up in these areas rather than the other industries.
2. This allowance will also lead to in-migration causing further socio-economic conflict
3. Both in CRZ II and CRZ III tourism is allowed as per the plan in the CZMP. However, this raises a question of what is the role of the gram sabha and the gram panchayat in decision making if the plans are to be made by the CZMA? While there are mentions of public hearing, these cannot be taken to be the adherence of the 73rd amendment of the Constitution
4. There is also an issue of benefit sharing between the tourism industry and coastal communities

CRZ IV

1. Monuments in the sea are themselves questionable. The implication of large amounts of construction material, debris, drilling in the seabed etc are manifold. Monuments inherently attract tourists. This means developing additional facilities like viewing points, interpretation centres, and other amenities like restaurants and sanitation, which are lead to generation of solid waste. Handling of solid waste and sanitation facilities so close to the waters, is a matter of concern. On the other hand communities living in and around these sites are left literally with the dust and dirt of tourism!

CRZ Clearance

1. MOEF&CC deals with only permissions related to activities permissible and regulated in CRZ I and CRZ IV areas. For activities in CRZ II and CRZ III except traversing through CRZ I and CRZ IV will be cleared by state CZMA's. A 2-step process of the state CZMA clearing and forwarding a project to the Centre meant 2 rounds of scrutiny. It also meant that there was some semblance of check and balance vis-a-vis vested interests and nexus between the tourism industry and the state governments. Now, it is easy for a project proponent to get something passed at the state level, given that mechanisms for regulation for tourism development on the coast, are not stringent in their formation nor their implementation
2. EIA notification has already been diluted in the context of tourism. Often tourism industry projects do not attract EIA because they fall short of size or investment. The draft notification does nothing to change this.

Procedure for CRZ Clearance

1. The procedure mentions the requirement of Consent to Establish or NoC from the PCB only in the case of industrial effluents. This means that the tourism industry can continue to pollute with impunity since the clause does not mention sewage and solid waste. The 2011 notification recognised this and included it. However, this is yet another indication that the draft document of 2018 tacitly supports the tourism industry.