

EQUATIONS comments on Draft Island Protection Zone Notification in the context of Tourism

EQUATIONS
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In the continuing saga on amendments to the Coastal Regulation Zone (CRZ) Notification, the Ministry of Environment and Forests (MoEF) made public the draft Islands Protection Zone (IPZ) Notification, applicable to the Andaman & Nicobar and Lakshadweep Islands. This paper contains our concerns related to this proposed Notification, highlights the need to make the CRZ Notification even stronger and ensure tourism is regulated in the fragile island ecosystems.

Our letter that was accompanied with this paper to Dr. Manmohan Singh, Chairman, Island Development Authority is also uploaded on our website.

The Ministry of Environment and Forests issued the draft Island Protection Zone (IPZ) Notification (25 February 2010) for comments. Of particular concern to us, has been the role of unregulated tourism development in contributing to the destruction of the fragile coastal ecology of the Andaman & Nicobar and the Lakshadweep Islands – the evidence for which unfortunately has only been growing. In this connection, two developments – this document which pertains to the Draft Island Protection Zone Notification 2010 and the Pre draft Coastal Regulation Zone Notification 2010 (comments enclosed in a separate document) are of concern to us because both of them seem to be attempts to dilute rather than strengthen regulation against the harmful impacts of tourism development.

We enumerate our key concerns in the context of tourism as follows:

A. Who wants a separate notification?

The decision to exclude the Andaman & Nicobar and Lakshadweep Islands from the ambit of CRZ Notification 1991, and to bring them under a separate Island Protection Zone Notification seems to be based almost solely on the recommendations of one committee viz. the Swaminathan Committee report Final Frontiers of July 2009. As far as we can see there is no evidence of any public demand for such separation. The MoEF website does not record any consultations held on the Islands and the consultations in other cities have no record of such a demand from civil society.

In order to strengthen coastal ecology in the Islands we believe that the CRZ-IV provisions of the CRZ Notification should, in fact, be strengthened. The classification of CRZ-IV in CRZ Notification 1991 is unique to the Islands and was specifically drafted keeping in consideration its fragile ecosystem.

The MoEF argues that separation of the Islands of Andaman & Nicobar and Lakshadweep from CRZ Notification will help reduce livelihood problems of island dwellers. Our interpretation of CRZ Notification 1991 is that the Notification is not an obstacle for communities to continue pursuing traditional livelihoods. However the CRZ Notification does ensure that the coast is protected through regulation of certain kinds of developments, tourism being one of them.

Thus, the need to move the Islands out of the CRZ Notification seems in no way justified. Any good provisions recommended in the IPZ could be included in provisions for CRZ-IV areas in the CRZ Notification including specific management plans. (Up to the year 2003, the CRZ-IV prohibited construction of tourism establishments within 200m from the High Tide Line. Under pressure from the tourism lobby this was later reduced to 50m. CRZ-IV requires construction and design of buildings to be consistent with the local architecture and surrounding landscape. Buildings constructed between 50m to 500m of HTL are not permitted to have more than two floors, total area covered on all floors should not exceed more than 50 percent of plot size and the total height of construction should not exceed 9 metres.)

B. No regulation of tourism development

What is extremely worrying is that the draft IPZ Notification contains no specific regulatory provisions for tourism at all. This is a serious flaw as tourism has been positioned as a significant economic activity in the Islands. This non-inclusion invites speculation that this is under pressure from the tourism lobby to further open up the coast for tourism.

EQUATIONS research "Rethink Tourism in the Andamans" undertaken in 2008, in the Andaman Islands, shows that tourism development on its coast is in near total contravention of the CRZ Notification 1991¹. One of the key findings of the research is that majority of the tourism establishments are found within the No Development Zone (NDZ). With very few exceptions, resorts in Havelock and Neil Island including the Dolphin Resort which is permanent structure owned by Information, Publicity and Tourism Department of Andaman and Nicobar Administration, violates the CRZ Notification 1991. The Peerless resort in Corbyn's Cove located south of Port Blair, has put up permanent structures like restaurants, changing rooms for tourists so close to the High Tide Line that the sand that is swept in from the ocean has to be cleared periodically from the road and inside the resort premises!

Even with the diluted provisions in the CRZ Notification, the violations by the tourism industry in the Islands are rife. We wonder what the case will be when tourism does not come stringently under the scanner. A consequence may be that current violations (for which no punitive action has been taken so far) may then be left off the hook completely!

More and more areas of the Andaman Islands are being opened up for infrastructure heavy tourism developments that involve permanent constructions that are not eco-friendly. In March 2010 the Tourism Department of Andaman & Nicobar Administration has invited tenders for development of recreational and entertainment activities on Viper Island with the aim that it be developed it as a high class tourist destination². The facilities planned include cable cars, sky bridge, entertainment hub, game parlours, clubs, resorts, golf course, hotels and restaurants, yacht marina etc. All of these are entirely unsuitable to the fragile island ecosystem, and result in greater water consumption in a water scarce situation. Tourism in the Islands need to significantly move away from the model of entertainment and infrastructure driven to nature based eco-sensitive models where tourists come to experience and enjoy its unique ecosystem and to treat it with respect. If they want games arcades or casinos or amusement parks they should be encouraged to find them elsewhere.

The recently approved tourism policy of the Andaman and Nicobar Islands (2009) in fact suggests that tourism development keeps in mind the extreme fragility of the islands – however its plans subsequently, as the Viper Island tender amply demonstrates, seem to be in contradiction with stated policy. The MoEF had issued "Environment Guidelines for Tourism Projects in the Andaman Islands" vide letter no 15-1/2006-IA-III dated 20th April 2006. These guidelines are extremely progressive, suggest that tourism projects be taken to task for negative impacts, but needless to say have remained in the files of government offices. The tourism industry has made no bones about its distaste for regulation of any kind. Thus mere policy declarations and the hope for enlightened industry behaviour cannot be relied upon and stringent regulation and the will to take action on violations is the only way the island ecology can be protected from further devastation.

C. The Integrated Islands Management Plan

The draft IPZ proposes to use the Integrated Islands Management Plan (IIMP) as the basis for permitting or prohibiting developmental activities. We are concerned firstly that a management plan alone is ineffective in regulating developmental activities and the past record of action against violations against the CRZ Notification serves to accentuate this concern. The IIMP should become a protocol to be followed as part of a legal instrument like the CRZ Notification.

The IIMP is the responsibility of the Islands Administration as per the draft IPZ. It would be critical to delineate the role of the local self governments (and not just consultations) in preparing these in the spirit of the 73rd and 74th Amendments of the Constitution of India.

Para 2 in the draft IPZ Notification requires that the IIMP is prepared with public participation and can be reviewed after five years or at anytime, as required by the Andaman and Nicobar Islands or Lakshadweep Administration. It is critical that the IIMP thus prepared be reviewed with public participation, instead of being reviewed at any time by the respective administration in the island states.

The draft IPZ in Section 4 points 1 and 2, refer to SO 2058(E) and SO 308 (E) as the basis for the constitution of the Islands Protection Authority. Firstly neither of these SO are listed under the Coastal Regulation section of the MoEF website. Secondly, SO 308 pertains to 2006 and subsequently SO 3251 (E) of 21st December 2009 reconstituted the Lakshadweep Coastal Zone Management Authority for a period of three years. Finally, these SO's are about constituting the Coastal Zone Management Authorities and NOT the Island Protection Zone Management Authority as claimed by the draft IPZ Notification. The draft IPZ Notification thus is making incorrect and misleading statements.

The draft IPZ Notification therefore also fails to elaborate the role and limits of the Island Zone Protection Authority. In the context of the trend of parastatal bodies sidelining powers of constitutional bodies, these powers and roles should be clearly and transparently delineated.

In preparation of IIMP given the rampant nature of current violations a time frame of one year is insufficient to record and decide on action on violations. If this is not done thoroughly, the possibility that current violations go scot free is extremely plausible. The IIMP should also be made available in a local language like Hindi in A&NI and Malayalam in Lakshadweep in order to facilitate wider participation.

Para 9 of the draft IPZ Notification requires all permissible activities under the Island Integrated Management Plan to be undertaken in accordance with Environment Impact Assessment Notification (2006). However EIA Notification 2006 is inherently problematic on several counts and in particular has diluted and even removed many provisions related to the regulation and accountability of tourism establishments.

D. Sand mining rears its head again

Para 12 (a) in Schedule – I, draft IPZ notification permits mining of construction material especially sand from deep sea bed (beyond 15 meters depth) based on scientific studies. EQUATIONS research in Andamans conducted in 2008 reveals that coral reefs of the islands are under threat from siltation, sand mining, agricultural runoff and damage due to fishing, tourism and construction activities.

Construction material should not be allowed to be extracted beyond 15m as it may affect corals and coral reefs. This is again going back to unsustainable building design and materials. It also leaves the door open for mining corals, a source of calcium carbonate, which is an important construction material.

Sand is extracted in the A&NI for construction purposes, and sand extraction has led to loss of marine turtle beaches and erosion by sea action. The Honourable Supreme Court in 2002 had drawn attention to the need to bring down and phase out sand mining in the Andaman Islands. However, no monitoring of sand mining and hence ensuring reduction of such activity has been implemented. The provision in the draft IPZ Notification for “allowing sand mining based on scientific studies”, is a cause for concern, as given the dismal record of reducing sand mining thus far, it could allow for extraction to continue unabated.

It is a welcome move that the draft IPZ notification suggest use of locally available alternative construction material like bamboo, local forest products. The use of locally available material for construction of tourism establishments is advantageous for the Islands as these are temporary or semi permanent constructions. The natural ventilation would help bring down costs on electricity usage. Electricity in the Islands is generated by burning diesel; reduced energy consumption would be a welcome outcome.

The islands being prone to natural phenomenon like storms, earthquakes or a tsunami, the semi-permanent or temporary structures would in certain cases pose lesser danger to human life in comparison with concrete structures.

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End Notes

1 EQUATIONS et.all (2008), "Rethink Tourism in the Andamans - Towards Building a Base for Sustainable Tourism",
<http://www.equitabletourism.org/stage/readfull.php?AID=647>

2 Andaman and Nicobar Administration, Directorate of Tourism, No.19-8/VIPER/TSM/2009
<http://as.and.nic.in/tenderonline/Tenderfeb.asp?paramI=5¶mE=0¶mD=0&%20&#a1>