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COMMENT

## Turning turtle



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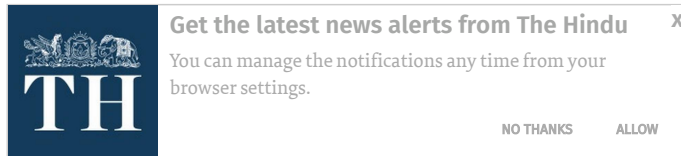
In September this year, the Tamil Nadu Fisheries Department issued an order that banned all forms of fishing within a radius of 5 nautical miles (9.3 km) at 90 sites along the State's coastline. It was passed to safeguard migrating olive ridley sea turtles. Extending from January to the end of April, the ban is applicable across eight coastal districts – from Chennai in the north to Kanyakumari in the south.

Is such an extreme measure necessary? Do such bans actually aid the **conservation of olive ridleys**?

### Alarmist accounts

The ban can be traced back to a Public Interest Litigation (PIL) filed in the Madras High Court, interrogating the State government's efforts on turtle conservation. It was filed by the judges themselves (*suo motu*) who were moved by a newspaper article (January 2015) on the nature of fisheries-induced mortality of sea turtles. But the fact is that when turtles drown in trawl nets, it is incidental and not intentional capture. Further, it is true that thousands of turtles nest between January and March only if one considers the entire coast of Tamil Nadu, not just Chennai. However, the olive ridley is the most common sea turtle species worldwide, so the State constitutes only a small part of their breeding habitat, even on India's east coast.

The High Court, advised by its *amicus curiae*, ordered the State government to furnish details on measures it had taken to protect the turtles in Tamil Nadu. Eventually a "standard operating procedure" (SOP) was submitted by the Fisheries Department. Next, the court appointed an independent expert to audit the government's report. His assessment pronounced



turtle populations have remained stable despite the high mortality. But the adversarial approach has only served to set back attempts to hold discussions between fishing communities and conservationists.

### Solutions sans imagination

In Tamil Nadu, following the standard, narrow script of wildlife-in-crisis, the audit report made a series of recommendations to severely restrict various fishing operations. However, it did note that the Fisheries Department's intention to ban all types of craft and gear during the turtle breeding season would "create unnecessary hardship to small-scale fishers". Instead, the report clearly stated that the ban should apply only to motorised vessels above 10 HP, and larger mechanised ones. But certain conservation groups in the State proposed changes to the SOP that were once again drastic in nature; these include intensive surveillance, patrolling and confiscation of certain gears. There was absolutely no mention of consultation with the affected parties and only a vague recommendation that compensation must be provided.

On the other hand, the regulation of marine fisheries does remain a key issue here. In the 1960s, the State's Fisheries Department began focussing on increasing production and offered extensive support for mechanised fishing. This created intense conflicts because small-scale fishers found themselves marginalised by the department's programmes on land and mechanised fishers at sea. It was to protest against such biased policies that the National Fishworkers' Forum was formed. One of its significant moves was to force the government to pass the Tamil Nadu Marine Fishing (Regulation) Act (TNMFRA) in 1983. The Act restricts the operation of mechanised vessels (over 15 HP) to areas beyond 3 nautical miles (5.5 km) but within the territorial limits, so that coastal waters are reserved for small-scale fishing.

However, in practice, the TNMFRA is poorly enforced and it is militant protests by small-scale fishers in the southern districts of the State that have led to some restrictions on trawling, at least in these areas.

So it seems entirely unjust that this Act is now being used to ostensibly protect turtles and altogether ban small-scale fishing in 90 locations. Again, this situation mirrors Odisha where laws originally created to protect small-scale fishermen were invoked to harass them under the pretext of turtle conservation. A decade of experience there shows that this helps neither fishers nor turtles. Finally, by suggesting that the responsibility of fixing a long-term, complex fisheries problem should be divided between multiple agencies under the umbrella of the Sea Turtle Task Force, conservationists in Tamil Nadu have actually helped to disperse accountability.

### Long-term perspective

Due to this narrow focus on a single species and its presumed decline, the Tamil Nadu turtle conservation campaign has missed the opportunity to tackle the underlying problem of faulty fisheries policies and their impact on both the marine environment and the people dependent on them. In addition, by not explicitly acknowledging the rights of small-scale fishers, their long-standing demand for better State regulation of the marine sector and their support for turtle conservation in the past, the campaign has further alienated this community. Even if the ban were to be repealed, the sense of injustice is sharp and will diminish support for turtle conservation. Extreme approaches to conservation have repeatedly proved counterproductive in India. Building community support and driving policy changes that ensure socioeconomic justice may seem like tedious alternatives but they are essential for long-term conservation and sustainability.

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