

Anhang I

Code of Conduct for Responsible Fisheries (CCRF) 1995

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ARTIKEL 9 - ENTWICKLUNG DER AQUAKULTUR

9.1 Verantwortungsvolle Entwicklung von Aquakultur, einschließlich der auf Aquakulturverfahren beruhenden Fischereien, in den Gebieten nationaler Hoheitsbefugnisse

9.1.1 Die Staaten sollen einen geeigneten gesetzlichen und administrativen Rahmen entwickeln, einrichten und erhalten, der die Entwicklung einer verantwortungsvollen Aquakultur erleichtert.

9.1.2 Die Staaten sollen die verantwortungsvolle Entwicklung und Bewirtschaftung der Aquakultur fördern einschließlich einer vorherigen Beurteilung der Auswirkungen der Aquakulturentwicklung auf die genetische Vielfalt und die Unversehrtheit des Ökosystems auf der Grundlage der besten zur Verfügung stehenden wissenschaftlichen Informationen.

9.1.3 Die Staaten sollen Strategien und Pläne zur Entwicklung der Aquakultur entwickeln und gegebenenfalls regelmäßig aktualisieren, um sicherzustellen, daß die Aquakulturentwicklung ökologisch nachhaltig ist und um eine rationelle Nutzung der Ressourcen zu ermöglichen, an denen die Aquakultur und sonstige Tätigkeiten teilhaben.

9.1.4 Die Staaten sollen sicherstellen, daß die Lebensgrundlage ortsansässiger Gemeinschaften und ihr Zugang zu Fanggründen durch Aquakulturentwicklungen nicht negativ beeinflusst wird.

9.1.5 Die Staaten sollen wirksame Aquakulturverfahren schaffen, um eine angemessene Umweltverträglichkeitsprüfung und -überwachung durchzuführen mit dem Ziel, nachteilige ökologische Veränderungen und damit zusammenhängende wirtschaftliche und soziale Auswirkungen aufgrund von Wasserentnahme, Bodennutzung, Einleitung von Abwässern, Einsatz von Arzneimitteln und Chemikalien und sonstigen Aquakulturtätigkeiten so gering wie möglich zu halten.

9.2 Verantwortungsvolle Entwicklung der Aquakultur, einschließlich der auf Aquakulturverfahren beruhenden Fischereien, in grenzüberschreitenden aquatischen Ökosystemen

9.2.1 Die Staaten sollen grenzüberschreitende aquatische Ökosysteme schützen, indem sie verantwortungsvolle Aquakulturverfahren innerhalb der Gebiete nationaler Hoheitsbefugnisse unterstützen und bei der Förderung nachhaltiger Aquakulturverfahren zusammenarbeiten.

9.2.2 Die Staaten sollen unter gebührender Achtung ihrer Nachbarstaaten und in Übereinstimmung mit dem Völkerrecht die verantwortungsvolle Auswahl der Arten, Standorte und Bewirtschaftung der Aquakulturtätigkeiten, die auf grenzüberschreitende aquatische Ökosysteme Auswirkungen haben könnten, sicherstellen.

9.2.3 Die Staaten sollen ihre Nachbarstaaten gegebenenfalls konsultieren, bevor sie nichteinheimische Arten in grenzüberschreitende aquatische Ökosysteme einführen.

9.2.4 Die Staaten sollen geeignete Mechanismen, wie zum Beispiel Datenbanken und Informationsnetze zur Sammlung, gemeinsamen Nutzung und Verbreitung von Daten über ihre Aquakulturtätigkeiten einrichten, um die Zusammenarbeit bei der Planung der Aquakulturentwicklung auf nationaler, subregionaler, regionaler und globaler Ebene zu erleichtern.

9.2.5 Die Staaten sollen gegebenenfalls bei der Entwicklung geeigneter Mechanismen zusammenarbeiten, um die Auswirkungen von bei der Aquakultur eingesetzten Betriebsmittel zu überwachen.

9.3 Nutzung aquatischer genetischer Ressourcen für Aquakulturzwecke, einschließlich der auf Aquakulturverfahren beruhenden Fischereien

9.3.1 Die Staaten sollen die genetische Vielfalt und die Unversehrtheit der aquatischen Gemeinschaften und Ökosysteme durch geeignete Bewirtschaftung erhalten. Insbesondere sollen Anstrengungen unternommen werden, um nachteilige Auswirkungen der Einführung nichteinheimischer Arten oder genetisch veränderter Bestände, die für die Aquakultur, einschließlich der auf Aquakulturverfahren beruhenden Fischereien, eingesetzt werden, in Gewässern so gering wie möglich zu halten, insbesondere, wo die Verbreitung dieser nichteinheimischen Arten oder genetisch veränderten Bestände in den Gewässern der Hoheitsbefugnisse anderer Staaten oder in Gewässern der Hoheitsbefugnisse des Herkunftsstaates wahrscheinlich ist. Die Staaten sollen, soweit möglich, Maßnahmen fördern, um nachteilige genetische, gesundheitliche oder sonstige Auswirkungen entkommener Zuchtfische auf Wildbestände so gering wie möglich zu halten.

9.3.2 Die Staaten sollen bei der Ausarbeitung, Amtsabtretung und Umsetzung internationaler Verhaltenskodices und Verfahren für die Einführung und den Transfer aquatischer Organismen zusammenarbeiten.

9.3.3 Die Staaten sollen den Einsatz geeigneter Verfahren bei der genetischen Verbesserung von Brutbeständen, der Einführung von nichteinheimischen Arten sowie bei der Produktion, dem Verkauf und dem Transport von Eiern, Larven oder Fischrogen, von Brutbestand oder sonstigem Lebendmaterial fördern, um die Risiken einer Krankheitsübertragung und sonstige nachteilige Auswirkungen auf wilde Bestände und Zuchtbestände so gering wie möglich zu halten. Die Staaten sollen zu diesem Zweck die Ausarbeitung und Umsetzung geeigneter nationaler Verhaltenskodices und Verfahren erleichtern.

9.3.4 Die Staaten sollen den Einsatz geeigneter Verfahren für die Auswahl von Brutbeständen und die Produktion von Eiern, Larven und Fischrogen fördern.

9.3.5 Die Staaten sollen, gegebenenfalls, die Erforschung und, soweit möglich, die Entwicklung von Aufzuchtverfahren für gefährdete Arten fördern, um ihre Bestände zu schützen, wiederaufzubauen und zu fördern, wobei zu berücksichtigen ist, daß die genetische Vielfalt der gefährdeten Arten unbedingt erhalten werden muß.

9.4 Verantwortungsvolle Aquakultur auf Produktionsebene

9.4.1 Die Staaten sollen verantwortungsvolle Aquakulturverfahren zur Unterstützung ländlicher Gemeinschaften, Erzeugerorganisationen und Fischzüchter fördern.

9.4.2 Die Staaten sollen eine aktive Beteiligung der Fischzüchter und ihrer Gemeinschaften an der Entwicklung verantwortungsvoller Aquakulturbewirtschaftungsverfahren fördern.

9.4.3 Die Staaten sollen Anstrengungen zur Verbesserung der Auswahl und des Einsatzes geeigneter Futtermittel, Futtermittelzusätze und Düngemittel, einschließlich Dünger, fördern.

9.4.4 Die Staaten sollen wirksame Bewirtschaftungsverfahren im Hinblick auf Zucht und Fischgesundheit fördern, wobei hygienische Maßnahmen und Impfstoffe im Vordergrund stehen sollen. Ein sicherer, wirksamer und geringstmöglicher Einsatz von Therapeutika, Hormonen und Arzneimitteln, Antibiotika und sonstigen Chemikalien zur Krankheitsbekämpfung soll sichergestellt sein.

9.4.5 Die Staaten sollen den Einsatz chemischer Betriebsmittel in der Aquakultur, die für die menschliche Gesundheit und die Umwelt schädlich sind, regeln.

9.4.6 Die Staaten sollen verlangen, daß die Entsorgung von Abfall wie zum Beispiel Schlachtabfälle, Schlamm, tote oder kranke Fische, überschüssige Tierarzneimittel und sonstige gefährliche chemische Betriebsmittel, keine Gefahr für die menschliche Gesundheit und die Umwelt darstellen.

9.4.7 Die Staaten sollen die Unbedenklichkeit von Aquakulturprodukten für den menschlichen Verzehr sicherstellen und Anstrengungen fördern, die die Produktqualität erhalten und ihren Wert durch besondere Sorgfalt vor und während des Fangs und bei der Verarbeitung vor Ort sowie bei der Lagerung und dem Transport der Produkte verbessern.

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Quelle: FAO 1995a

Anhang II

Urteil des *Supreme Court of India*, vom 11.12.1996

im Fall

S. Jagannath gegen *Union of India* (WP 561/1994, *Aquaculture case*)

“ ...

52. We, therefore, order and direct as under :

1. The Central Government shall constitute an authority under Section 8(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to protect the ecologically fragile coastal areas, seashore, waterfront and other coastal areas and specially to deal with the situation created by the shrimp culture industry in the coastal States/Union Territories. The authority shall be headed by a retired Judge of a High Court. Other members preferably with expertise in the field of aquaculture, pollution control and environment protection shall be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii), (ix), (x) and (xii) of sub-section (2) of Section 3. The Central Government shall constitute the authority before 15-1-1997.

2. The authority so constituted by the Central Government shall implement "the Precautionary Principle" and "the Polluter Pays Principle".

3. The shrimp culture industry/the shrimp ponds are covered by the prohibition contained in para 2(i) of the CRZ Notification. No shrimp culture pond can be constructed or set up within the coastal regulation zone as defined in the CRZ notification. This shall be applicable to all seas, bays, estuaries, creeks, rivers and backwaters. This direction shall not apply to traditional and improved traditional types of technologies (as defined in Alagarswami Report) which are practised in the coastal low-lying areas.

4. All aquaculture industries/shrimp culture industries/shrimp culture ponds operating/set up in the coastal regulation zone as defined under the CRZ Notification shall be demolished and removed from the said area before 31-3-1997. We direct the Superintendent of Police/Deputy Commissioner of Police and the District Magistrate/Collector of the area to enforce this direction and close/demolish all aquaculture industries/shrimp culture industries, shrimp culture ponds on or before 31-3-1997. A compliance report in this respect shall be filed in this Court by these authorities before 15-4-1997.

5. The farmers who are operating traditional and improved traditional systems of

aquaculture may adopt improved technology for increased production, productivity and return with prior approval of the "authority" constituted by this order.

6. The agricultural lands, salt pan lands, mangroves, wetlands, forest lands, land for village common purpose and the land meant for public purposes shall not be used/converted for construction of shrimp culture ponds.

7. No aquaculture industry/shrimp culture industry/shrimp culture ponds shall be constructed/set up within 1000 mts of Chilka Lake and Pulicat Lake (including Bird Sanctuaries namely Yedurapattu and Nelapattu).

8. Aquaculture industry/shrimp culture industry/shrimp culture ponds already operating and functioning in the said area of 1000 mts shall be closed and demolished before 31-3-1997. We direct the Superintendent of Police/Deputy Commissioner of Police and the District Magistrate/Collector of the area to enforce this direction and close/demolish all aquaculture industries/shrimp culture industries, shrimp culture ponds on or before 31-3-1997. A compliance report in this respect shall be filed in this Court by these authorities before 15-4-1997.

9. Aquaculture industry/shrimp culture industry/shrimp culture ponds other than traditional and improved traditional may be set up/constructed outside the coastal regulation zone as defined by the CRZ Notification and outside 1000 mts of Chilka and Pulicat Lakes with the prior approval of the "Authority" as constituted by this Court. Such industries which are already operating in the said areas shall obtain authorisation from the "Authority" before 30-4-1997 failing which the industry concerned shall stop functioning with effect from the said date. We further direct that any aquaculture activity including intensive and semi-intensive which has the effect of causing salinity of soil, or the drinking water or wells and/or by the use of chemical feeds increases shrimp or prawn production with consequent increase in sedimentation which, on putrefaction is a potential health hazard, apart from causing siltation, turbidity of water courses and estuaries with detrimental implication on local fauna and flora shall not be allowed by the aforesaid Authority.

10. Aquaculture industry/shrimp culture industry/shrimp culture ponds which have been functioning/operating within the coastal regulation zone as defined by the CRZ Notification and within 1000 mts from Chilka and Pulicat Lakes shall be liable to compensate the affected persons on the basis of the "Polluter Pays" principle.

11. The Authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The Authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

12. The Authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total

amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.

13. We further direct that any violation or non-compliance of the directions of this Court shall attract the provisions of the Contempt of Courts Act in addition.

14. The compensation amount recovered from the polluters shall be deposited under a separate head called "Environment Protection Fund" and shall be utilised for compensating the affected persons as identified by the Authority and also for restoring the damaged environment.

15. The authority, in consultation with expert bodies like NEERI, Central Pollution Control Board, respective State Pollution Control Boards shall frame scheme/schemes for reversing the damage caused to the ecology and environment by pollution in the coastal States/Union Territories. The scheme/schemes so framed shall be executed by the respective State Governments/Union Territory Governments under the supervision of the Central Government. The expenditure shall be met from the "Environment Protection Fund" and from other sources provided by the respective State Governments/Union Territory Governments and the Central Government.

16. The workmen employed in the shrimp culture industries which are to be closed in terms of this order, shall be deemed to have been retrenched with effect from 30-4-1997 provided they have been in continuous service (as defined in Section 25-B of the Industrial Disputes Act, 1947) for not less than one year in the industry concerned before the said date. They shall be paid compensation in terms of Section 25-F(b) of the Industrial Disputes Act, 1947. These workmen shall also be paid, in addition, six years' wages as additional compensation. The compensation shall be paid to the workmen before 31-5-1997. The gratuity amount payable to the workmen shall be paid in addition. "

Quelle: Supreme Court 1996: 103-109

Anhang III

Coastal Regulation Zone Notification 1991¹

“...the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes, etc. in the said Coastal Regulation Zone (CRZ).

...

2. Prohibited Activities:

The following activities are declared as prohibited within the Coastal Regulation Zone, namely:

(i) setting up of new industries and expansion of existing industries, except (a) those directly related to water front or directly needing foreshore facilities ; (b) Projects of Department of Atomic Energy and (c) non-polluting industries in the field of information technology and other service industries in the Coastal Regulation Zone of Special Economic Zones (SEZ).

(ii) manufacture or handling or storage or disposal of hazardous substances ... except transfer of hazardous substances from ships to ports, terminals and refineries and vice versa in the port areas.

...

(iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);

Provided that existing fish processing units for modernisation purposes may utilise twenty five per cent additional plinth area required for additional equipment and pollution control measures only subject to existing Floor Space index/ Floor Area Ratio norms and subject to the condition that the additional plinth area shall not be towards seaward side of existing unit and also subject to the approval of State Pollution Control Board or Pollution Control Committee.

...

¹ Einschließlich der Änderungen des Gesetzes bis Mai 2002. Die ursprüngliche Fassung der *Coastal Regulation Zone Notification* wurde am 19. 2. 1991 veröffentlicht und seitdem insgesamt neun Mal verändert.

(x) Harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200m to 500m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;

...

(xi) construction activities in CRZ-1 except as specified in Annexure-I of this Notification;

(xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and

(xiii) dressing or altering of sand dunes, hills, natural features including landscape changes for beautification, recreational and other such purpose, except as permissible under this Notification.

...

(3) (i) The Coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;

(ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

...

ANNEXURE - I

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone:

(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely:

Category I (CRZ-I):

(i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.

(ii) Area between Low Tide Line and the high Tide Line.

Category-II (CRZ-II):

The areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category-III (CRZ-III):

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities.

(2) The development or construction activities in different categories of CRZ area shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

No new construction shall be permitted in CRZ I except (a) Projects relating to Department of Atomic Energy and (b) Pipelines, conveying systems including transmission lines and (c) facilities that are essential for activities permissible under CRZ I, Between the LTL and HTL, activities are specified under paragraph 2 (xii) may be permitted. In addition, between LTL and HTL in areas, which are not ecologically sensitive and important, the following may be permitted; (a) Exploration and extraction of Natural Gas, (b) activities as specified under proviso of sub paragraph (ii) of paragraph 2; (c) Construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants of the Sunderbans Bio-sphere reserve area of West Bengal, on a case to case basis, by the West Bengal State Coastal Zone Management Authority and by the West Bengal State Coastal Zone Management Authority

CRZ-II

i. Buildings shall be permitted only on the landward side of the existing road (or roads approved in the Coastal Zone Management Plan of the area) or on the landward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of Floor Space Index/Floor Area Ratio:

CRZ-III

(i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'.

Provided that such area does not fall within any notified port limits or any notified Special Economic Zone.

...

However, the following uses/activities may be permissible in this zone – agriculture, horticulture, gardens, pastures, parks, play fields, forestry, mining of rare minerals and salt manufacture from sea water.

...

(ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.

...

(iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

(v) In notified SEZ, construction of non-polluting industries in the field of information technology and other service industries, desalination plants, beach resorts and related recreational facilities essential for promotion of SEZ as approved in its Master Plan by SEZ Authority may be permitted.

CRZ-IV

Andaman & Nicobar Islands:

(i) No new construction of buildings shall be permitted within 200 metres of the HTL;

...

(vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply."

Quelle: GoI/MEF 2002b