

Indian and Pakistani Fishermen: Bearing the Brunt of a Frigid Relationship

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On 23 September 2020, the last day of the Parliament's monsoon session that was curtailed drastically, ostensibly because of the Corona virus pandemic, Rajya Sabha MP, Kumar Ketkar of the Congress, managed to squeeze in a question on the plight of fishermen, who are missing and have failed to return from their fishing trips in the sea.

The request to place the question on the floor of the House had come from the National Fish-workers' Forum (NFF), the only national federation of state-level small and traditional fish workers' unions of India. For decades, NFF has been trying to urge the government to solve the problem of fishermen, who get picked up by Indian and Pakistan's coast guard authorities from the high seas for inadvertently crossing the international maritime boundary line (IMBL) between each country.

Minister for External Affairs, S. Jaishankar, was gracious enough to give a written reply to Mr Ketkar's question. The minister claimed that the government attaches high importance to the issue of safety, security and welfare of Indian fishermen and takes it up with the Government of Pakistan on a regular basis.

The minister wrote, "Since 2014, India has been able to secure the release and repatriation of 2,100 Indian fishermen along with 57 fishing boats from Pakistan's custody. This includes 20 Indian fishermen released and repatriated this year, so far."

The minister, however, admitted, "At present, there are 326 Indians in Pakistan's custody, who are believed to be fishermen by profession.

"In addition, Pakistan also has around 1,104 Indian boats in its custody. This includes 56 fishermen and 10 fishing boats recently captured by the Pakistan Maritime Security Authority," Mr. Jaishankar wrote.

However, despite the minister's written assurance on 25 September 2020, there has been no movement towards securing the release of these 326 Indian fishermen, some of whom have been in Pakistani jails for over a year.

According to NFF chairperson, Narendra R. Patil, the arrest of the fishermen and impounding of their boats is a perennial problem that needs to be resolved by both the governments by moving beyond their prejudices.

"Anyone can imagine their plight in this Corona pandemic period when they are being forced to live in overcrowded jails for want of basic facilities. The minimum the two countries could have done is to release them immediately on humanitarian ground because their families are living in perpetual fear," Patil said.

Jatin Desai, Mumbai based journalist and Convener of the Committee on Prisoners Concerns in Pakistan-India People's Forum for Peace and Democracy (PIPFPD), who has been waging an ongoing crusade for fishermen's rights over the past several years, said that the governments should find a permanent solution to this recurring problem.

“The fishermen do not venture outside the IMBL on their own volition. Sometimes, due to weather conditions, the GPS develops snags and, at times, the fishermen cannot change the course of their boats due to strong winds, tidal currents or engine snag. The governments must be more considerate and not treat them as if they are terrorists trying to sneak in,” said Desai.

The PIPFPD used to provide a platform to raise such issues but its work has slowed down drastically due to the continuing frigid relations between the Indian and the Pakistan governments.

According to Usmangani Sherasia, Gujarat secretary of NFF, fishermen along the coastline are forced to venture deep into the sea because the coastline is getting very polluted and the ambient temperatures for fish are changing.

“Fish are moving away from the coastline because of industrial pollution around the shore; for a catch, the fishermen of Gujarat, Daman and Diu, and Maharashtra have to go much deeper into the sea. Because there are no visible boundaries, like on land, they often end up entering Pakistan waters and are apprehended by the Pakistan Maritime Security Authority. The story is the same for Pakistani fishermen who stray into Indian waters; they too are apprehended and put in jail,” said Sherasia.

Senior BJP leader from Maharashtra, Ram Naik, who has been a vocal supporter of fishermen’s rights said that there is urgent need to solve this issue both with Pakistan and Sri Lanka because hundreds of Indian fishermen are jailed in Pakistan and Sri Lanka, as are Pakistani fishermen in Indian jails for this inadvertent error of straying away from their country’s waters.

“There is need to sensitise maritime agencies, especially the Coast Guard of both Pakistan and India, about fishermen and the problems they face in the sea. The two governments should also develop and establish protocols and SOPs so the fishermen, who stray in each other’s waters, can be immediately identified and returned at the earliest, along with their boats and catch,” Naik said.

Desai said the matter could be resolved to a great extent once Pakistan nominates four judges to the Joint Judicial Committee on Prisoners, which looks into the humanitarian issues of fishermen and prisoners in each other’s custody.

The joint committee, comprising four retired judges from each side was set up in January 2008 but it ceased working when Narendra Modi took over as Prime Minister of India in 2014. The jinx was broken in May 2018 when due to the efforts of former external affairs minister, Sushma Swaraj, India nominated four retired high court judges. However, despite assurances that it would do the same, Pakistan is yet to nominate judges to the committee.

Incidentally, the authorities of the two countries could have found an answer to this vexed issue had they seriously looked into the fact-finding report called ‘Fishermen as Prisoners of War’, prepared by the Centre for Communication and Education (CEC) in 1998 on the initiative of South Asian Labour Forum (SALF). One of the first major initiatives taken by SALF, after its formation in May 1996, was to find a lasting solution to the plight of fishermen, who end up languishing in jails for this unintended mistake.

Before preparing the report and giving recommendations, a team of senior trade union representatives, a senior Supreme Court lawyer and a senior journalist visited Porbandar and Diu and met the jailed Pakistani fishermen besides meeting Indian fishermen and a host of responsible officials in Coast Guard, Prisons and Police to get a true picture of the issue.

Besides demanding the immediate release of all imprisoned fishermen in both the countries, the report gave a set of recommendations to solve the issue. Some of the key recommendations of the fact-finding team were as follows:

1. A bi-lateral agreement should be reached between India and Pakistan and other South Asian countries, to work out a permanent solution.
2. The bilateral agreement should clearly define the demarcation line between Indian and Pakistani maritime boundaries. Both the governments should take practical measures such as, placing light-buoys that would demarcate and make visible the boundary to fishermen.
3. Considering the regional dimension of the issue, there must be a regional maritime agreement at the SAARC level.
4. Maritime Zones of India Act should be suitably amended to make it in consonance with the UN Convention on the Law of the Sea, of which India is a signatory.
5. The ridiculous practice of 'exchange protocol', to release the arrested fish workers as war prisoners should be done away with. Instead, a proper policy should be framed to release the arrested fish workers, if any.
6. Fish workers' organisations and trade unions should be represented and consulted on any bi-lateral or regional negotiation regarding this matter.

The government can earn goodwill by solving the vexed issue and providing succour to thousands of fishermen if it takes out CEC's fact finding report from the closet and implements its recommendations.