

IN ENEMY WATERS: INDIAN AND PAKISTANI FISHERMEN PAY THE PRICE

Indian and Pakistani fishermen are victims of the fluctuating relationship between the two neighbours with increasing numbers arrested while straying into enemy waters when tensions erupt



Fishermen are accused of crossing the imperceptible border along the disputed estuary in the Rann of Kutch marshlands, which separate the Indian state of Gujarat from Pakistan's Sindh province

(Photos by Zofeen Ebrahim)

With relations between South Asian nuclear-armed neighbours India and Pakistan at another low since skirmishes began early October in the disputed Himalayan region of Kashmir, the repercussions of the fighting are being felt down in the Indus delta.

In what Pakistani rights activist and retired judge Nasir Aslam Zahid terms “tit for tat”, Indian coast guards on October 5 arrested six fishermen on suspicion of spying. Three days earlier, Pakistan had arrested 55 Indian fishermen and impounded eight boats. Shortly before that, Pakistan had apprehended 56 Indian fishermen for trespassing. Five boats were also captured. None of this is new. Every year, hundreds of fishermen from either side who don't have any navigational equipment go out into the Arabian Sea and are arrested for trespassing. Activists say these numbers inflate when relations sour between the two countries.

“Their release depends on the political relationship at that point in time being enjoyed by either country. If there is resentment, like there is now with fighting along the Line of Control (which divides Kashmir between India and Pakistan), then neither side will release these fishermen even if they have completed their time,” Mohammad Ali Shah, head of the Pakistan Fisherfolk Forum (PFF), a non-governmental organisation working for the rights of the local fishing community, told thethirdpole.net.

But when relationships take an upward swing, things are different. Like in May, when Pakistan freed 151 Indian fishermen and returned 57 fishing boats ahead of Prime Minister Nawaz Sharif’s visit to New Delhi to attend the swearing-in ceremony of India’s new Prime Minister Narendra Modi, who had invited leaders of neighbouring countries for the occasion. India, for its part, freed 37 Pakistani fishermen too.

According to official sources, from 2008 to 2013, India has released 353 Pakistani fishermen, compared with 2,079 released by Pakistan in the same period.

Presently, there are 237 Indian fishermen in Pakistani jails and 151 Pakistanis in Indian prisons, according to PFF records. “The impounded boats either breathe their last, or the maritime agencies sell their equipment, nets etc; some are even auctioned off, lock stock and barrel. The same is the case for Pakistani boats in India,” said Shah.

These poor fishermen are accused of crossing the imperceptible border along the disputed 96-kilometre estuary in the Rann of Kutch marshlands, which separate the Indian state of Gujarat from Pakistan’s Sindh province.



Fishermen in Ibrahim Hyderi, a village on the edge of the southern port city of Karachi
The two countries tried to resolve the territory dispute (which erupted in the 1960s) through commissioned surveys and it was well on its way to being resolved by May 2009. However, the process was derailed after the Mumbai terrorist attack of November 2008 and fishermen on both sides continue to pay the price of the impasse.

“You will be moved to tears if you visit my village and see the plight of some of the families of the fishermen,” said Ghani Katiar, referring to the scores of people living in poverty after their breadwinners were put behind bars in India. In his coastal village of Yusuf Katiar in Thatta district of Sindh province, as many as 47 small fishermen are serving time for allegedly trespassing into Indian waters over two years ago.

Sahib Khatoon’s two sons went missing in 2011 and she thought she had lost them to the sea only to find out a year later that they were serving time in India.

“We are told they were arrested by the Indian maritime security agency for trespassing into enemy waters,” said Ghani Katiar.

“It’s a high price to pay for a small, unintended crime. They are thrown into further destitution as their means of livelihood — boats — are not released,” said Zahid, who has been working for the release and repatriation of fishermen for over a decade.

According to him, the fishermen are usually charged for trespassing under the 1946 Foreigners Act . The penalty is a maximum of seven years’ imprisonment. “However, most fishermen are

given a six-month sentence, although they are held in custody for years before the trial begins.” That is because it takes the officials so long to ascertain the identity of the prisoner.

To Zahid, it speaks volumes for the “apathetic” attitude of not just the bureaucracy and the government that lacks the political will, but also civil society and the media.

“So much misery could be alleviated if everyone worked together,” he said. “The identity of a person can be determined in a few hours and days, but the plight of the poor does not hold interest for anyone.”

Shah maintains these arrests are a violation of the United Nations Convention on the Law of the Sea (UNCLOS) signed by both countries; according to that law, the maximum penalty these trespassers should get is a six-month prison sentence.

But very rarely are they released within that period. The law states, “Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security. And, Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.”

While most are accused of spying, said Zahid, no fisherman has ever been convicted of it.

“You cannot call it trespassing, when there are no definite marks to show where Pakistani waters end and Indian waters begin,” pointed out Shah. “Often these fishermen drift into the Indian side of the Arabian Sea unknowingly; they do not have modern GPS devices to steer clear of the Indian maritime zone.” At times, the fishermen do “cross into enemy waters” as they follow the catch but it is wrong to consider that a crime, he said.

What’s even worse, the families of detained fishermen are never informed by either side that their men are in their custody. “We found out about our sons when some released fishermen returned home,” said Sahib Khatoon.

Her small fishing village of Yusuf Katiar, with a population of not more than 6,000, is at the edge of the Indus delta where the only means of livelihood is fishing. “There is always the risk that they may be caught, but then what to do — this is all we know,” said Usman Katiar, her husband, whose boat worth Rs.60 lakh (about £358,000 pounds) has been impounded along with his sons. “I had bought the boat with my lifesavings and also by selling my wife’s jewellery,” he said.

Capturing small fishing boats that may stray into the other’s territory is routine exercise for the maritime agencies of both India and Pakistan pointed out Shah.

“Until 2000, Indian fishermen as well as their captured boats were released after a firm warning. But those who were later released would return in their boats, by sea,” he said. Today, men who are released from prisons in Karachi have to travel 1,240 kilometres by road to Lahore, from where they enter India by the Wagah border. This is a long way off from their home in Gujarat. There have been several attempts to try and work out a solution, but not much has been achieved. Back in 2007, the governments of the two countries formed an Indo-Pak Joint Judicial Committee, comprising four judges from each country, to investigate the situation of civilians imprisoned in the jails of the other nation and to obtain and facilitate their release. Zahid is among the four from the Pakistan side.

Among the committee’s several recommendations were setting up a mechanism for the release of fishermen and their boats, repatriation of fishermen and their boats by sea lanes and the suggestion that boat owners visit within three months to inspect the boats impounded by either country and decide whether they are fit to be returned home or to be sold in the country where they had been kept. It also said that prisoners involved in minor offences like violating the Foreigners Act, visa violation and inadvertent border crossing needs to be handled with compassion by both sides.

“We have been making the same recommendations now for several years but these are just not taken up,” Zahid, said regretfully.

Source : <http://www.thethirdpole.net/in-enemy-waters-indian-and-pakistani-fishermen-pay-the-price/>